



**EAST AFRICAN COMMUNITY
SECRETARIAT**

6TH EAC REGIONAL FORUM ON NON-TARIFF BARRIERS

12TH – 13TH MARCH, 2012

NYALI INTERNATIONAL BEACH HOTEL

MOMBASA, KENYA

**REPORT OF THE MEETING
(REF: EAC/ / /2012)**

**EAC SECRETARIAT
ARUSHA, TANZANIA
MARCH, 2012**

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12th – 13th March, 2012

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1.0 OPENING OF THE MEETING

1.1 Introduction

The EAC meeting of the 6th Regional Forum on Non-Tariff Barriers (NTBs) was held from 12th – 13th March, 2012 at Nyali International Beach Hotel, Mombasa, Kenya in accordance with EAC Calendar of Activities for January –June, 2012.

The meeting was attended by the Members of the National Monitoring Committees (NMCs) from the EAC Partner States, TradeMark East Africa, EAC Secretariat and the Chairperson of Federation of East Africa Freight Forwarders. The list of participants is attached hereto as **Annex I**.

1.2 Constitution of the Bureau

Mr. Eliazar B. Muga, Senior Assistant Director, Ministry of East African Community, Republic of Kenya chaired the meeting while Mr. Nathan Gashayija, Director of Economic & Financial Sectors, Ministry of East African Community Affairs, Republic of Rwanda was the Rapporteur.

1.3 Adoption of the Agenda

The agenda was adopted with minor amendments and is hereto attached as **Annex II**.

1.4 Statement by EAC Secretariat

The Director General (Customs and Trade), Mr. Peter Kiguta, on behalf of the Secretary General welcomed the delegates to Mombasa, and thanked the Republic of Kenya for accepting to host the meeting.

He informed the meeting that the EAC Dedicated Ministerial Meeting on NTBs is being held in accordance with the decision of the Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) held on 3rd November 2011 which among others directed the EAC to convene the meeting to work on modalities of eliminating identified NTBs.

The report of the 6th EAC Regional Forum on NTBs will form the main reference material for the Ministerial session and therefore called the meeting to deliberate on the agenda exhaustively.

He further informed the meeting that after the Ministerial meeting, the Ministers will proceed to Nairobi on 15th March 2012 to brief the Chairperson of the Summit on the way forward on eliminating NTBs in the EAC Time Bound Programme on NTBs.

The DG (C&T) wished the meeting fruitful deliberations and officially declared the meeting opened.


2.0 UPDATING OF EAC TIME BOUND PROGRAMME ON ELIMINATION OF IDENTIFIED NON-TARIFF BARRIERS

The meeting took note of the quarterly reports of NMCs and updated the EAC Time Bound Programme on elimination of identified NTBs. The updated programme is hereto attached as **Annex III**.

The meeting recommends to the EAC Dedicated Ministerial meeting on Non-Tariff Barriers to:

- (a) take note of the resolved NTBs;
- (b) to take note of the status/recommendations of each unresolved NTBs and give a way forward; and
- (c) urge the Partner States' NMCs to address the new NTBs prior to the next EAC Regional Forum meeting.

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3.0 CONSIDERATION OF THE INCEPTION REPORT OF THE STUDY ON DEVELOPMENT OF A LEGALLY BINDING ENFORCEMENT MECHANISM ON THE ELIMINATION OF IDENTIFIED NON-TARIFF BARRIERS

The Agri Europe S.A. Consultant presented the Inception Report on the study on development of the legally binding enforcement mechanism on the elimination of identified non-tariff barriers. The objective of the report was to gauge the understanding of the terms of reference of the study. The report is hereto attached as **Annex IV**.

After the presentation, the meeting made the following comments:

- (a) the ultimate goal of the study is to propose a Draft Bill on Legally Binding Enforcement Mechanism;
- (b) arbitration process to be considered alongside the legal process;
- (c) took note that EAC Treaty is intergovernmental and the legal mechanism should hold institutions imposing NTBs responsible; and
- (d) commended the Consultant for a well prepared Inception Report which addressed the Terms of Reference.

The meeting recommends to the EAC Dedicated Ministerial meeting on Non-Tariff Barriers to:

- (a) commend the Consultant for a well prepared Inception Report; and
- (b) direct the Consultant to undertake and finalize the study by May 2012.

4.0 ANY OTHER BUSINESS

There being no other business, the meeting ended at 1:30 pm.

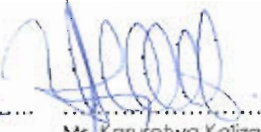


Signed this 13th day of March, 2012 by the Heads of Delegation as hereunder:



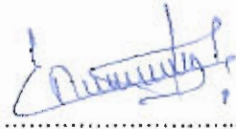
Mr. Samuel Magere
Chief Trade
Development Officer
Ministry of Trade

THE REPUBLIC OF
KENYA



Ms. Karurehwa Kaliza
Director General
Ministry of Trade and
Industry

THE REPUBLIC OF
RWANDA



Ms. Marie-Therese
Muyuku
Principal Advisor in
Economic Affairs
Second Vice Presidency
THE REPUBLIC OF
BURUNDI



Mr. Bernard Damas
Haule
Assistant Director
Ministry of East African
Cooperation
THE UNITED REPUBLIC OF
TANZANIA



Mr. Atwine Erimmanuel
Commercial Officer
Ministry of Trade, Industry
and Cooperatives

THE REPUBLIC OF
UGANDA