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23rd March 2015




EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY



**REPORT OF THE COMMITTEE ON
COMMUNICATION, TRADE AND INVESTMENTS ON THE EAST
AFRICAN COMMUNITY ELIMINATION OF NON-TARIFF
BARRIERS BILL, 2015**

(18TH MARCH 2015, Parliament of Burundi)

**Clerk's Chambers
3rd Floor, EALA Wing
EAC Headquarters' Building
Arusha, TANZANIA**

March 2015

1.0 INTRODUCTION

In January 2015, the EAC Council of Ministers introduced to the Assembly the East African Community Elimination of Non- Tariff Barriers Bill, 2015 for consideration and ultimately passing. The object of the Bill is to provide a legal mechanism for the elimination of identified non-tariff barriers in the Partner States.

The Bill seeks to give effect to Article 13 of the Protocol on the Establishment of the East African Community Customs Union in which Partner States agreed to remove with immediate effect, all the existing non-tariff barriers to the importation into their respective territories, of goods originating in the other Partner States, and thereafter, not to impose any new non-tariff barriers. The Partner States undertook to formulate a mechanism for identifying and monitoring the removal of non-tariff barriers in their respective territories.

The Bill also seeks to establish a mechanism for identifying and monitoring the removal of non-tariff barriers within the Partner States.

The Rt. Hon. Speaker of the Assembly referred the Bill to the relevant Committee which the Communication, Trade and Investment Committee for consideration and report back to the House. To discharge its mandate therefore, the Committee convened a meeting on March 18th 2015 to consider the Bill together with the Council of Ministers.

2.0 METHODOLOGY

The Committee met the EAC Council of Ministers together with experts from the EAC Directorate of Customs and Trade and those from the Office of the Counsel to the Community (CTC) to provide explanations and rationale for which the Bill was introduced.

The committee discussed the provisions of bill with experts and Council of Ministers and made the following amendments and recommendations.

3.0 PROPOSED AMENDMENTS

The Committee recommends the following amendments to the Bill: -

1. Clause 8:

Clause 8 (1) is replaced with the following new clause-

"(1) The Ministry responsible for East African Community Affairs in every Partner State shall be the National Focal Point for matters relating to non-tariff barriers in the Partner State."

JUSTIFICATION:

The Ministries responsible for EAC Affairs were established primarily for coordination of all matters relating to the implementation of the Treaty. This extends to all protocols annexed to the Treaty, and laws of the Community enacted to implement the programmes of the Community.

2. Clause 12

Clause 12 is amended by inserting the following sub-clause immediately after sub-clause (3)-

"(4) Any person aggrieved by a directive, decision or recommendation of the Council under subsection (2), or a decision of the East African Community Committee on Trade Remedies under subsection (3), shall refer such matter to the East African Court of Justice."

JUSTIFICATION

The law should with certainty, provide for a dispute resolution mechanism.






4.0 RECOMMENDATION

The Committee recommended that a specific provision should be put in the Bill catering for social aspects such as gender and people with special needs.

5.0 ACKNOWLEDGMENT

The Committee appreciates the efforts made by the experts from the EAC Secretariat and the Council of Ministers for coming up with this important Bill of the Community.

Members of the Committee on Communication, Trade and Investment
Report on the EAC Elimination of NTBs Bill, 2015: 18th March 2015, Parliament of Burundi)

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