



**STATUS OF ELIMINATION OF
NON TARIFF BARRIERS
IN THE EAST AFRICAN COMMUNITY**

Volume 2 - March 2012



One People . One Destiny

FOREWORD

I take this opportunity to present to the readers and especially the policy makers of EAC Partner States the 2nd publication on the Status of Elimination of Non-Tariff Barriers (NTBs) within EAC region as of March 2012.

The publication highlights what EAC has achieved in redressing NTBs on a quarterly basis and is aimed at galvanizing even more support for the removal of unnecessary NTBs to Intra-EAC Trade. As you are aware, NTBs continue to be the biggest impediment to full achievement of the objectives of the EAC Customs Union and the Common Market Protocols. The publication shows that 27 non tariff barriers had been resolved while decisions had been reached on how to address 12 of them in the EAC Time Bound Programme on the elimination of NTBs at the time of publication of the report.

The elimination of non tariff barriers is to be carried out in accordance with Treaty for Establishment of East African Community which outlaws the imposition of NTBs to Intra-EAC trade unless permitted in the Treaty. The EAC Customs Union Protocol which was signed on 2nd March 2004 and became operational in 2005 also outlaws imposition of NTBs to Intra-EAC trade in Article 13 and provides for the development of an EAC Mechanism to identify, monitor and remove NTBs.

I note with appreciation that the Study on the development of a legally binding mechanism on the elimination of identified NTBs has commenced and the inception report of the study was approved by the EAC dedicated Ministerial meeting on NTBs during their meeting on 14th March, 2012 in Mombasa, Kenya.

The ultimate goal of the study is to prepare a draft Bill on a legally binding enforcement mechanism. When the Bill is enacted into law, it is expected to strengthen the EAC Mechanism on elimination of non-tariff barriers in the region.

I commend the efforts by the National Monitoring Committees on NTBs and the EAC Regional Forum on NTBs on their uphill task of redressing the NTBs affecting Intra-EAC Trade. The challenge to EAC Partner States is to eliminate the non-tariff barriers in accordance with the EAC Time Bound Programme.

I also commend the Development Partners especially Regional Integration Support Programme of the European Union, Partnership Fund, GIZ Regional Office, TradeMark Southern Africa and TradeMark East Africa for their continued support in this area. It is my hope that this partnership will continue to grow stronger in future.



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SECRETARY GENERAL

GLOSSARY

COMESA	Common Market for Eastern and South African
EAC	East African Community
EU	European Union
FTA	Free Trade Area
GVW	Gross Vehicle Weight
KEPHIS	Kenya Plant Health Inspectorate Services
KPA	Kenya Ports Authority
KRA	Kenya Revenue Authority
NTBs	Non-Tariff Barriers
NMCs	National Monitoring Committees
SADC	South African Development Community
TCM	Transport, Communications and Metrology
TRA	Tanzania Revenue Authority
TANROADS	Tanzania Roads Authority
ToR	Terms of Reference
TPA	Tanzania Ports Authority
RRA	Rwanda Revenue Authority

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SLOW DOWN
WEIGH BRIDGE
← AHEAD



1.0 PURPOSE OF THE PUBLICATION

This 2nd quarterly Report gives the status of elimination of Non-Tariff barriers after the 6th meeting of the EAC Regional Forum on non tariff barriers held on 12 - 13 March 2011, and the EAC dedicated Ministerial meeting on non tariff barriers held on 13 - 14 March 2012 respectively in Mombasa, Kenya. The publication informs the general public and particularly the business community the efforts being made by EAC to eliminate non tariff barriers to intra-EAC trade.



2.1 INTRODUCTION

A high level visit by EAC Ministers responsible for EAC Affairs, Trade, Transport/Infrastructure, Legal and Judicial Affairs to the Ports of Dar es Salaam and Mombasa was organized by the EAC Secretariat pursuant to the decisions of the Sectoral Council of EAC Affairs and Planning at its meeting held in January 2012 in Kampala, Uganda.

These visits formed part of the overall programme culminating into an EAC dedicated Multi Sectoral Ministerial meeting that took place at Nyali International Beach Hotel, Mombasa on the 14 March 2012.

The main purpose of the visits was for the Ministers to appreciate firsthand the existing Ports operations, constraints at the Ports, ongoing operational reforms and the projects being undertaken.

All the five EAC Partner States were represented at Ministerial level, Permanent Secretaries and senior officials' levels. Stakeholder Associations were also represented by the East African Business Council.

2.2 PORT OF DAR ES SALAAM ON 12 MARCH 2012

2.2.1 Introduction

Hon. Minister Omar Nundu, Minister for Transport of the United Republic of Tanzania, hosted the visit. The Minister welcomed the other Ministers and their delegations to the Port of Dar es Salaam. During the visit presentations were made on the general operations by the Tanzania Port Authority (TPA) and on container handling by the Tanzania International Container Terminal Services (TICTS)

2.2.2 Presentation on TPA operations

The EAC Ministers were taken through the performance of the Port, including the recent developments, reforms, the Government backed policy and strategy on performance and operational improvements to make the Port competitive in the region.

The Ministers were informed that the annual capacity of the Port of Dar es Salaam for general cargo was currently 3.1 million tons while in 2011 the Port output was 2.1 million tons. It was also noted that the oil terminal had a capacity of 6.0 million metric tons against 3.2 million tons handled in 2011.

The Ministers were further informed that the Port had become more efficient and that goods cleared through it had increased over time as the comparative figures between 2010 and 2011 showed. For instance bulk cargo handled increased from 5.1 million tons in 2010 to 5.8 million tons. Containers handling increased from 412,410 twenty-foot equivalents (TEUs) to 476,728 TEUs.

Cargo clearance had reduced the average dwelling times from over 20 days in 2008 to 10 days currently and more efforts were being put in place to reduce this further to 5 days.

Concerted efforts by Stakeholders under Government Supervision led to a number of actions to improve cargo clearance from the Port and reduce dwell time; use of Inland Container Depots (ICDs) for containers from December 2007; 24/7 Port operations through -gate 5 since 2008; provision of Offices for all cargo interveners (Other Government Departments-OGDs) since 2008 and the establishment of "One Stop Centre" in the Port in February 2012; use of CFS for Motor Vehicles since May 2010. These efforts have contributed in the reduction of the Port dwell times.

2.2.2.1 Efforts to improve clearance performance

The following had been initiated by TPA to improve clearance of cargo:

- (i) Process towards establishment of "Port Community System" (Electronic Single Window System, eSWS);
- (ii) Introduction of Computerized Cargo Clearance since September 2011;
- (iii) Facilitation of "Direct Delivery" of cargo;
- (iv) Bulk/bagged cargo, steel products and project cargo;
- (v) Dwell time awareness campaign; and
- (vi) Harmonization of working hours with other stakeholders.

Achievements:

- (i) Reduced cargo dwell time to 10 days and efforts are under way to reduce this further to 5 days for containerized cargo;
- (ii) Bulk/bagged and steel products 1 day (Direct Delivery);
- (iii) More space available to handle additional traffic;
- (iv) Provision of reasonable storage Free Time; 7 days for Local & 15 days for transit.

In terms of capacity building, the Ministers were informed that to increase capacity to serve the East African region's growing economies, TPA was pursuing the following projects during the period 2011/12 to 2015/16:

- (i) Construction of two container berths (13 and 14);
- (ii) Development of Kisarawe Cargo Freight Station;
- (iii) Deepening and strengthening of Berths 1-7
- (iv) Construction of Conveyor System for handling bulk cargo;
- (v) Construction of Fertilizer Terminal;
- (vi) Development of RO/RO Terminal at Gerezani Creek;

- (vii) Replacement and improvement of SPM;
- (viii) Construction of Bulk Liquid Storage;
- (ix) Procurement of Equipment; and
- (x) Night navigation

An additional presentation was made by TICTS, a private sector firm running the container terminal at the Port. The firm explained that it was using modern equipment, computerization and scanners in order to improve its services efficiency.

2.2.2.2 Challenges faced by the Port of Dar es Salaam

- (i) Delays in handling goods due to lack of equipment and at times too many ships docking at the Port unscheduled;
- (ii) Lack of infrastructure to move containers and other goods from the Port to the hinterland;
- (iii) Cargo manifest not arriving in time and even at times ships arriving without manifests;
- (iv) Inadequate space;
- (v) Inadequate information flow between Port Authority and other stakeholders and operators including consumers;
- (vi) Congestion around the Port; and
- (vii) Unreliable railways operations.

2.3 VISIT TO MOMBASA PORT ON 13 MARCH 2012

2.3.1 Introduction

Hon. Minister Musa Sirma, Minister for EAC Affairs, Kenya, led the Ministerial visit to the Port of Mombasa. The Managing Director of the Port, Mr. Gichiri Ndua welcomed the Ministers to the Headquarters of Kenya Ports Authority (KPA) and made a detailed presentation on the Port operations.

2.3.2 Presentation on the Port Operations

The Managing Director informed the Ministerial delegation that the vision of the Kenya Ports Authority was to operate world-class seaports of choice.

The Ministerial delegation was informed that over the years imports had increased exponentially and currently accounts for over 80% of the Port operations signifying that the countries being served had a higher propensity to import than to export. This situation had caused problems to transporters in terms of directional traffic resulting in high levels of empty containers at the Port.

The Ministers learnt that the average container dwelling time had gone down from 12.6 days in 2007 to 5.6 days in 2010 but then again increased to 7.2 in 2011 on average.

The road traffic currently accounts for more than 95.1 percent of goods as compared to about 4.9 percent carried by rail. This was an unhealthy transportation situation as it puts a lot of pressure on the regional roads and causes congestion challenges within the network.

The Port Authority has been consistently implementing reforms, projects and working with other stakeholders to enhance efficiency. Under the implementation of the automated Single Window platform for example KPA was an anchor participating organization. The Port has also adopted the 24/7 working modalities and also other schemes and incentives to clear cargo faster.

2.3.2.1 Challenges faced by the Port:

- (i) lack of facilities as against increase in demand;
- (ii) productivity which is still low;
- (iii) infrastructure constraints;
- (iv) slowness in adapting new technology;
- (v) poor cargo off take by road and rail;
- (vi) long cargo dwell times; power outages; and
- (vii) Unstable supply of power from KPLC.

2.3.2.2 Work in progress

On measures taken to address the constraints include;

- (i) investment in new equipment;
- (ii) increased yard capacity;
- (iii) modernization of port power supply;
- (iv) Implementation of 24/7 operations.

2.3.2.3 Counsel by the Ministers

The Ministerial delegation advised that;

- (i) while there were operations geared towards expanding capacities for storage of containers, care should be taken so that space availability should not encourage customers to use the port facilities for storage; and
- (ii) there was need to improve the efficiency for off take of transit goods, reduction of cargo dwelling times, free cargo storage grace period time and resolution of the charges by the Container Freight Stations.

The Ministerial delegation were informed that the two Ports of Mombasa and Dar es Salaam were

collaborating well and share good operational relationship.

2.4 MAIN OBSERVATIONS AFTER THE VISITS TO THE TWO PORTS

The Ministerial delegation observed the following:

- (i) Congestion problem at both Ports was being addressed through various measures and generally it had eased considerably;
- (ii) Efficiency of the Ports was a function of many players including the Revenue Authorities, Customs Officers, Clearing Agencies; Financial Institutions, Security Agencies, Standard Authorities, and Customers who needed to work together to enhance the level and quality of operations;
- (iii) Reforms being undertaken were bearing fruits in improved services at the Ports and that there was room for further improvement including engagement of the private sector and automation;
- (iv) Availability of efficient railways services was key to efficiency of the Ports operations. The region needs to improve the operations of railways as a matter of strategic priority; and
- (v) There was need to implement other trade transport facilitation measures including One Stop Border Posts, harmonized axle load control, mutual recognition of standards among others to speed up the whole chain of transit cargo movement.

3.0

STATUS OF ELIMINATION OF NON TARIFF BARRIERS IN THE EAC REGION

The EAC dedicated Ministerial meeting on Non Tariff barriers was held on 13 - 14 March 2012 in Mombasa. The meeting was preceded by the 6th EAC Regional Forum on NTBs held on 12th - 13th March 2012 at the same venue. The 6th EAC Regional Forum on NTBs updated the EAC Time Bound programme on non tariff barriers as reflected in the matrix 3.1 below:

3.1 EAC TIME BOUND PROGRAMME ON NON TARIFF BARRIERS

NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
1. Non- implementation of EAC harmonized documents.	All Partner States.	Revenue Authorities	Delays in using the harmonized documents	Implement the EAC harmonized documents	Resistance from Revenue Authorities and Business Community in the Partner States.	Secretariat to cross check and report whether the Partner States are implementing EAC harmonized documents. Burundi, Kenya and Rwanda have submitted documents used by Revenue Authorities. The Ministers decided that other Partner States submit by the set time frame	By end of March 2012.
2. Lack of harmonized procedures manual.	All Partner States	EAC Secretariat Partner States Revenue Authorities	Delays in clearing imports Varied application of tariff duties	Harmonize export/import documentation.	Revenue authorities may feel the procedures are sufficient. Success Factor Political goodwill at Council of Ministers level to apply harmonized procedures.	The EAC Directorate of Customs is in process of finalizing the EAC Procedures manual; the document will be forwarded to the SCTIFI. The private sector should be involved during the adoption process of the procedures manual.	April 2012.

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
3.	Delays in transit bonds cancellation	EAC Partner States	EAC Secretariat to coordinate.	Added costs for transit traffic incl. customs bonds.	Prompt cancellation of transit bonds.	Likelihood of increase of dumping of goods in transit. Goodwill from Partner States Revenue Authorities	The Ministers decided that the Partner States implement the electronic cancellation of bonds within 24 hours	Immediate
4.	Numerous institutions involved in testing goods.	All EAC Partner States	Statutory agencies.	Time wasted.	Need to invest in One-Stop-Centres and electronic single window systems at border stations.	Insufficient financial resources for investment in buildings, facilities and IT system/equipment. Success Factor Collaboration of all institutions into fast-tracking the procedures under the same roof.	Regulations were adopted by the Council and referred to SCLJA for legal input following which will come into force The Ministers decided that: (i) collaboration among the regulatory agencies be enhanced; (ii) agencies operate under one stop centres as is currently being done between Kenya and Uganda; (iii) agencies collaborate at the national borders with a view to fast tracking clearance of goods at border entry points; and (iv) Mutual recognition of certificates issued by agencies be implemented	By end of March 2012

NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
5. Existence of several weighbridge stations in the Central and Northern Corridors.	Rwanda Uganda and Burundi	Kenya - Ministry of Transport Tanzania - TANROADS	Time lost at the weigh-bridges leads to loss of business as goods do not reach their destination in time	Reduction of weighbridges to two, one at the port of entry and the other at the port of exit	Political goodwill from the Partner States	EAC Secretariat informed the meeting that Draft EAC Vehicle Load Control Bill, 2012 was adopted by a Multi-Sectoral Council in February 2012. The number of weigh bridges should reduce to three in Tanzania and Kenya. In case of Uganda, Burundi and Rwanda to be two. The Ministers decided: i) to reduce the weighing requirement for transit traffic to two, one each at the entry and exit points; ii) Tanzania to await the outcomes of the studies on the optimal number of weigh-bridges in the region's trunk road network.	Burundi, Kenya, Uganda and Rwanda by June 2012, December 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
6.	Ugandan ban on beef & beef products from Kenya	Kenya	Uganda Departments of Veterinary Services; Ministries of livestock development and Agriculture	Ban on market entry and loss of potential markets.	Political goodwill to mutually recognise inspection procedures, inspection reports and certificates	Pressure from businesses not to recognize products from within EAC due to fear of loss of markets Success Factor Political goodwill to recognize EAC as a single market area	The EAC Secretariat has set bilateral meeting to consider the issue scheduled for April 2012. The Ministers decided that Kenya and Uganda hold a bilateral meeting to discuss the issue.	April 2012
7.	Several Police roadblocks along Northern and Central Corridors, estimated at 36 between Mombasa-Kigali and 30 between Dar Es Salaam to Rusumo border	All EAC Partner States Rwanda Uganda Burundi	EAC Partner States Police Departments.	Delays in transport. Bribes, estimated at US\$ 0.55 per roadblock per truck on Ugandan side and US\$ 1.3 Kenyan side, or USD 25.70 on the Northern Corridor per truck. USD 7.5 per roadblock per truck	Issue clear guidelines on reasons for stopping commercial vehicles, a daily record of vehicles stopped, reasons and measures taken.	Resistance to remove roadblocks on argument they are mounted for security reasons. Success Factor Follow-up on political decision to remove roadblocks	Kenya reported that she has reduced the road blocks from 36 to 9. Rwanda removed all road blocks in November 2008. Uganda has 9 roadblocks between Malaba and Gattuna/Katuna. Burundi has removed all road blocks. Tanzania has reduced roadblocks from Dar es Salaam to Rusumo from 30 to 15.	December 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
							<p>Tanzania has advertised tender for introduction of electronic cargo tracking.</p> <p>Also Tanzania has introduced:</p> <p>(i) Fleet management system where transporters are required to stop/report at the identified centers.</p> <p>This done between Tanzania police force and investment climate facilities project that started last year.</p> <p>(ii) Identify check points along Dar es Salaam to Rusumo with all necessary communication facilities to ease the movement of goods.</p> <p>The Ministers decided that:</p> <p>i) EAC Partner States undertake to explore measures to exempt transit traffic from inspection at the police road blocks; and</p> <p>ii) harmonized electronic cargo tracking system should be adopted.</p>	

NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
8. Lengthy procedures for issuing work permits vary among EAC Partner States	All EAC Partner States	Uganda, Tanzania and Kenya Immigration departments	<p>Lost business time while waiting for processing of work permits.</p> <p>As per BCI 2008 business take between 1-5 months to acquire work permits for workers sourced from another EAC country.</p> <p>Immediate Businesses are forced to employ locals who may lack required skills.</p>	Political goodwill to facilitate cross-border movement of people while waiting for finalization of relevant Protocol.	<p>Political resistance on need to safeguard national security</p> <p>Success Factor Political goodwill to accept EAC as a single market area</p>	<p>The procedure for issuing work permit has been simplified in Rwanda, Burundi, Kenya and Uganda.</p> <p>Tanzania is in the process of revising issuance of work permit to abide with common market protocol.</p>	December 2012.

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
9.	Charges a plant import permit (PIP) at Malaba on Ugandan tea destined for auction at Mombasa.	Uganda, Burundi	Kenya Plant Health Services (KEPHIS)	Adds to cost of doing business.	Abolish charges.	Resistance from issuing authority	<p>Kenya informed the meeting that the charge is a legal requirement for tea destined for Mombasa Auction.</p> <p>The issue will be addressed once EAC SPS protocol is concluded and ratified by Partner States. The draft protocol will be considered by the Sectoral Council on Legal and Judicial Affairs in March, 2012.</p> <p>The Ministers decided that Partner States should recognize certificates issued by accredited institutions of other Partner States</p>	December, 2012.

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
10.	Non recognition by Kenya for SPS certificates issued by Uganda for tea destined for Mom-basa action.	Uganda	Ministry of Agriculture Kenya	Uganda to identify	Mutual recognition of SPS certificates	Resistance from issuing authority.	The meeting noted that the issue will be resolved once EAC protocol on SPS is in place.	December, 2012.
11.	Lack of interface within the customs' systems in the Revenue Authorities in Partner States.	Partner States	Burundi	Partner States to identify impact When customs systems are not interfaced, it delays clearance of goods under customs control hence increases cost of doing business and loss of market	Interfacing of the systems	RADDEX system has interfaced Rwanda, Uganda and Kenya. Rwanda is using ASYCUDA++ and is interfacing with systems in Kenya, Uganda and Burundi, except Tanzania	The system has been rolled out in Burundi and staff is undergoing training. Tanzania reported that she already operates on RADDEX system with Kenya and Uganda She is updating its system from version 1.1 to 2.0. The Ministers noted the ongoing work on interfacing of computer systems.	June 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
12.	Lack of harmonized port procedures manual.	Partner States	TPA and KPA	Varying grace periods makes the importers to pay demurrage charges which increases cost of doing business in the region	TPA and KPA to harmonize port procedures manual grace periods.	Investments by port authorities	The Ministers decided that port procedures manuals should be harmonization	June 2012
13.	Border management institutions' working hours are not harmonized.	Tanzania, Uganda, Rwanda and Burundi	Revenue Authorities	Business community to identify impact Delays and extra cost to doing business	Harmonization of working hours	Security issues and awareness by Business community	The Ministers decided that: (i) border entry points along the main transport corridors should operate 24 hrs for purposes of clearance of goods; and (ii) Partner States submit the names of the border entry points to start with by end of March 2012	By December 2012.

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
14.	Inadequate Police Escort mechanism.	Partner States	Police Departments and Customs	Loss of business	Provide escorts for trucks	Lack of adequate infrastructure for Police escort	<p>The Ministers decided that Partner States should:</p> <ul style="list-style-type: none"> (i) expedite the implementation of cargo tracking system; and (ii) increase the road patrols along the highways. 	<p>December 2012.</p> <p>Immediately</p>
15.	Inadequate quality of infrastructural services.	Partner States	Governments	Loss of business and increased cost of doing business.	Fix the infrastructure	<p>Inadequate financial resources</p> <p>Inefficient railway system</p>	<p>The Ministers decided that:</p> <ul style="list-style-type: none"> (i) Partner States should continue jointly mobilizing resources for development of regional infrastructure; (ii) Sectoral Council on TCM develop a policy paper on areas to fast track in the development of railways network in EAC (iii) the Council to request the Summit to consider holding an Extra-Ordinary meeting dedicated to infrastructure development 	Long-term

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
16.	Corruption along the Northern and Central Corridors (police roadblocks, weighbridge and border gates).	Partner States	Police, Customs, Anti-corruption agencies and Private Sector.	Increased cost of doing business	Reduction of corruption.	Lack of goodwill from all parties	The Ministers decided that Partner States should: (i) Sensitize their stakeholders; (ii) Enforce sanctions for offenders; (iii) Expedite the introduction of electronic tracking of cargo; and (iv) Increase highway patrols as preference over road blocks	Ongoing
17.	Lack of Verification sheds and parking yards at border posts	Partner States	Partner States Revenue Authorities and Ministries of Works	Loss of business and spillages of cargo	Provision of sheds and parking yards	Inadequate financial resources	The Ministers urged Partner States to hasten construction of one border stop posts.	24 months
18.	Charges by Container Freight Stations vary from port charges	All Partner States	Kenya Ports Authority	Increased cost of doing business	Kenya reported that the port charges by ICDs and CFS should be the one approved by port authorities		The Ministers decided that port charges should include the charges of the CFS so that the one charge fee cuts across all aspects.	Immediately

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
19.	Exports of plastic products from Kenya are subjected to 10% and 25% CET rate.	Kenya	Tanzania Revenue Authority.	Increased cost of doing business	The exports to be charged 0% as per the EAC schedule on the elimination of internal tariffs.		The Ministers recommended that EAC fast track the verification mission of plastic products in the region.	By end of May 2012
20.	Visa charges of US\$ 250 for businessmen.	Uganda, Kenya, Rwanda, and Burundi	TRA	Cost to business	Abolition of the Visa.		The Ministers took note of the explanation of the steps Tanzania has taken to effect the implementation of the agreement to remove the fee	Immediately
21.	No movements of Cargo Trucks beyond 6:00 pm within Tanzania	Rwanda, Burundi & Uganda	Ministry of Infrastructure, Tanzania	Time lost	Removal of the requirement		The Ministers decided that Partner States should: (i) Expedite implementation of cargo tracking system; (ii) Invest more in railway network; and (iii) Increase high-way patrols	December 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
22.	TRA has introduced check points in the Central Corridor with timeframes and imposed charges for the delays to reach the destinations	Rwanda, Burundi, Uganda.	Ministry of infrastructure, Tanzania and TRA	Time lost	Removal of check points	Delays goods for the market.	Removal of the check points. The Ministers took note of the Tanzania report that she had reduced most of the check points and no fee is charged for the existing ones. The NMCs to continue engaging each other in pursuit of solving the NTBs.	April 2012
23.	Kenya Import levy of Kshs 2 per Kg on Agricultural Products from Tanzania	Tanzania	Kenya	Loss of business.	Abolition of the import levy.		The Ministers decided that a bilateral meeting between Kenya and Tanzania to deliberate on the issue be scheduled for April 2012.	April 2012



NEW NON-TARIFF BARRIERS

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
1.	Requirement for OTS (Open Tender System) for bulk Fuel Procurement System	Burundi	Bulk Fuel Procurement System	Stock out of Fuel	Abolition of the requirement		Republic of Burundi to provide more information	Immediately
2.	Reduction of grace period for transit cargo at Dar es Salaam Port from 30 to 14 days	All Partner States	TRA	More cost			Republic of Burundi to provide more information	End of March 2012
3.	Congestion in the Ports	Rwanda	KPA and TPA	Delays in cargo clearance	Increase the capacity of ports	Lack of financial resources	The ports to acquire in the short run new equipment to offload and load goods Decongestion of KPA will be end of June and Tanzania by end of 2012	June and December 2012
4.	Non-harmonized road user charges / road tolls	All Partner States	Ministries of Transport and Infrastructure	Additional cost to doing business	Harmonize the road user charges / road toll		Harmonize the road user charges / road toll EAC Secretariat to follow up on the issue of harmonizing the user charges / road toll rates	Immediately

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
5.	Weighing of empty trucks in Tanzania	Rwanda and Burundi	TANROADS	Unnecessary delays for trucks going to load in ports	Reverse the weighing of empty trucks	Resistance of TANROADS to amend the Road on Safety regulations	Consider reversing the process of weighing of empty trucks Tanzania will report during the next EAC Regional Forum on NTBs EAC Partner States are urged to procure scanners to mitigate on the case of weighing empty trucks	May 2012
6.	Delays in issuing bonds at Kenya border with Uganda for tea meant for auction in Mombasa	Rwanda	KRA	Increase in the cost of doing business	To allow more companies to issue the bonds	Fear of loss of revenue	Kenya reported that she will register more companies to issue the bonds Kenya to consult and report during the next Regional meeting on NTBs	May 2012
7.	Delays at Malaba border for trucks driving to Uganda	Rwanda	KRA	Delays in clearance of goods	Decongest the border	Lack of facilities at the border	Expedite implementation of one stop border post at Malaba	Immediately

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
8.	Kenya has introduced Cash Bond on used clothes and shoes / other items considered of high value	Uganda	KRA	Restricts business transaction	Abolish the cash bonds	Fear of loss of revenue	Abolish the cash bonds on used clothes and shoes Kenya to consult and report back during next Regional meeting on NTBs	May 2012
9.	Kenya has introduced Customs warehouse rent that starts after the release of cargo manifest	Uganda	KRA	Increases cost of doing business			Abolish the procedure	May 2012
10.	Requirement by KRA for transporters to have introductory letters from URA on certain products / consignments, e.g. tyres and spirits	Uganda	KRA		Abolish the requirements	Fear of dumping	Abolish the requirement	Immediately
11.	Cut-flower from Tanzania for re-exports to Europe and Russia blocked by Kenya	Tanzania	KEPHIS	Loss of market to Europe and Russia	To harmonize the protocol on SPS	Delays by Partner States to harmonize SPS protocol	KEPHIS to have mutual recognition with her counterpart in Tanzania Kenya to consult and report back during next Regional meeting on NTBs	May 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
12.	Lack of recognition of CTH criteria in the EAC ROO for motor vehicles	Kenya	Tanzania, Uganda and Rwanda	Loss of business	Recognition of CTH Criteria in the EAC Rules of Origin	TRA, URA and RRA requested to recognize the CTH criteria and allow vehicles manufactured in Kenya to their market	Tanzania, Uganda and Rwanda to consult and report back during next Regional meeting on NTBs	May 2012
13.	Kenyan Trucks entering into Tanzania are charged a levy of US\$ 200 each	Kenya	Tanzania Border Authorities	Loss of business	Removal of the levy	United Republic of Tanzania to remove the USD 200 levy on Kenya trucks	Tanzania to consult and report back during next Regional meeting on NTBs	May 2012

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
14.	Lack of availability of simplified certificate of origin issued by Tanzania	Kenya	Tanzania Border Authorities	Loss of business	Avail simplified certificates of origin.	Implementation of EAC customs union.	URT requested to avail the simplified certificate of origin at the border points.	Immediately
15.	Cigarettes manufactured in Kenya exported to Tanzania required to have a local 75% tobacco content	Kenya	Tanzania	Loss of business	Abolition of the requirement	Resistance from the private sector.	United Republic of Tanzania requested to remove the requirement. Tanzania to consult and report back during next Regional meeting on NTBs	May 2012
16.	Kenya tourist vans are not allowed to enter Tanzania. They are required to off load tourists to Tanzania registered vans.	Kenya and Uganda	Tanzania	Loss of business	Allow Kenyan tourist vehicles to enter Tanzania	Abolition of the requirement	Tanzania to abolish the requirement Tanzania to consult and report back during next Regional meeting on NTBs	May 2012



SOLVED NON-TARIFF BARRIERS

NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
1. Tanzania requires cash bonds for transportation of sugar to Rwanda.	Rwanda	TRA	Adds to cost of doing business	Abolition of the requirement	Resistance from TRA because of possible dumping of sugar.	Tanzania reported that she is now using bonds rather than normal bonds.	<i>Resolved</i>
2. Burundi charges entry fee for vehicles from other Partner States	Kenya, Uganda, Tanzania & Rwanda	Burundi Customs	Adds to cost of doing business	Abolition of the charge		Burundi reported she had abolished the charge.	<i>Resolved</i>
3. Varying application of axle load specifications	All Partner States	Kenya Ministry of transport TANROADS Uganda Ministry of transport	Unnecessary time loss at the weigh-bridges Corruption	Introduce weigh-in motion systems and harmonization of axle load limits and gross vehicle mass (GVM) in the region	Insufficient financial resources Political disagreements on whether to adopt COMESA or SADC specifications	The meeting of the permanent secretaries of the sectoral council of transport, communications and metrology was held on 16th – 19th August 2011 in Nairobi to consider the matter. The session recommended that a meeting technical expert be convened by EAC Secretariat to develop supportive legal, Institutional and operative framework for approval by the Council by April 2012.	April 2012 <i>Resolved</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
4.	Imposition Visa to Burundians entering Tanzania	Burundi	Immigration Department of Tanzania	Restriction of entering.	Removal of visa		Tanzania reported that the issue was handled by the relevant Government body (Issue has been Resolved)	<i>Resolved.</i>
5.	Delays at the Ports of Mombasa & Dar Es Salaam, which affect imports and exports through the ports.	All EAC countries through use of Northern & Central corridors	Kenya Ports Authority, Tanzania Ports Authority, Kenya Revenue Authority, Tanzania Revenue Authority, Kenya Railway Corporation, Tanzania Railways Corporation and Uganda Railways Corporation	3-4 days lost at Dar Es Salaam port, 7-10 days at Mombasa port. Surcharge by shipping lines of USD 12.5 per day after 4 days of ship arrival. KPA charge of USD 20 for 20ft and USD 40 and 40ft containers after 15 days. KPA stripping levy of USD 75 per container.	Implement Community based systems (CBS) to ensure information. Flow between ports and customs along corridors. Implement one-stop documentation centers to speed up clearance of containerized cargo. Continue ports modernization including computerization of procedures to ensure faster clearance.	Insufficient financial resources for investment in modern cargo handling equipment at the ports, rail wagons and communication technology. Success Factor Sufficient budgetary Allocation.	The ports of Mombasa and Dar es Salaam are implementing National single window system to redress delays at the ports	1 – 3 Years <i>Resolved</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
6.	Restriction of Konyagi exports into Kenya Market	Tanzania	Kenya Revenue Authority/Kenya Bureau of Standards	Loss of business	Removal of the restriction		Kenya informed the meeting that KRA has issued an import license and stamp duty and konyagi products are now imported into Kenya.	<i>Resolved</i>
7.	Lack of preferential treatment on galvanized sheets	Tanzania, Uganda and Kenya	Burundi and Rwanda Bureaux of Standards	An extra cost of doing business	Mutual recognition of quality marks issued by Partner States National Standard Bureaux	Resistance from Rwanda Bureau of Standards	The issue is resolved	<i>Resolved</i>
8.	Requirement for certificates of analysis for goods destined for export to Rwanda and Burundi	Tanzania, Uganda and Kenya	Burundi and Rwanda Bureaux of Standards	An extra cost of doing business	Mutual recognition of quality marks issued by Partner States National Standard Bureaux	Resistance from Rwanda Bureau of Standards	The issue is resolved	<i>Resolved</i>
9.	Levying of extra charges on Kenya pharmaceutical firms exporting to Tanzania	Kenya	Tanzania Revenue Authority	Tanzania charges on sales vans-US\$20 for each entry and charges on sales persons-US\$200 per each entry.	Abolition of extra charges	Resistance from TRA	The levied have been abolished.	<i>Resolved</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
10.	Requirement of TISCAN inspection procedure that requires documents to be transmitted to SA and cleared there for each lot.	Kenya	Tanzania Revenue Authority	Loss of business	Abolition of the requirement	Resistance from TRA	Tanzania has abolished the procedure except for the traders who do not avail the bill of landing.	<i>Resolved.</i>
11.	Requirement of road consignment note from transporters even before the goods have been packed.	Kenya	Tanzania Revenue Authority	An extra cost of doing business	Abolition of requirement of road consignment noted	Resistance from TRA	Requirement of road consignment has been abolished.	<i>Resolved.</i>
12.	Requirement for executing a bond for import taxes before being issued with stamps for excise duty purposes in Tanzania.	Kenya	Tanzania Revenue Authority	An extra cost to doing business	Abolition of the requirement	Resistance from the Revenue Authority	Tanzania no longer demands execution of bonds.	<i>Resolved.</i>
13.	Requirement for executing a bond for import taxes before being issued with stamps for excise duty purposes in Tanzania.	Kenya	Tanzania Revenue Authority	An extra cost to doing business	Abolition of the requirement	Resistance from the Revenue Authority	Tanzania no longer demands execution of bonds.	<i>Resolved.</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
14.	Requirement by Tanzania that BAT cigarettes should have 75% local tobacco content.	Kenya	Tanzania Revenue Authority	Loss of Business	Application of non-discriminatory excise duty regime	Resistance from TRA	The issues of 75% local content for BAT cigarettes have been removed.	<i>Resolved.</i>
15.	Holding, retesting milk and milk products bearing Uganda National Bureau of Standards quality marks and imposition of import quotas.	Uganda and Tanzania	Kenya's Ministry of Fisheries and Livestock Development, Kenya Dairy Board and Kenya Bureau of Standards.	Denial of market entry and loss of potential markets.	Political goodwill to mutually recognise inspection procedures, inspection reports and certificates	Pressure from businesses not to recognize products from within EAC due to fear of loss of markets Success Factor Political goodwill to recognize EAC as a single market area	The issue has been resolved	<i>Resolved.</i>
16.	Kenyan ban on Ugandan day old chicks	Uganda	Ministries of Livestock Development and Agriculture	Ban on market entry and loss of potential markets.	Political goodwill to mutually recognise inspection procedures, inspection reports and certificates	Pressure from businesses not to recognize products from within EAC due to fear of loss of markets Success Factor Political goodwill to recognize EAC as a single market area	The issue has been resolved.	<i>Resolved.</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
17.	Cumbersome testing procedures for food exports and imports into Tanzania	Kenya	Tanzania Food and Drug Authority (TFDA)	Cost & time incurred in testing & certification procedures	Need to harmonize national export/ import procedures under one technical body	Resistance from authorities currently in charge of exports/imports inspection (TFDA)	The issue has been resolved. TBS is the sole body for quality assurance and standards	<i>Resolved.</i>
18.	Verification & classification goods (green, yellow, red)	EAC Partner States	Partner States Revenue Authorities	Corruption during verification. Credible importers of goods classified under red channel have to undergo physical verification on each consignment	Joint verification of goods at border posts.	Lack of verification sheds. Goodwill from Partner States Revenue Authorities.	Partner States Revenue Authorities are implementing Risk Management Systems.	<i>Partner States are in the process of implementing Risk management System.</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
19.	EAC Standards Bureaus have varying procedures for issuance of certification marks, inspection and testing.	All EAC Partner States	National Bureaux of Standards EAC Ministries of industry.	Time and cost of complying with testing and certification procedures in the target export country	SQMT Protocol demonstrates political goodwill within EAC. Domestication of the protocol. Mutual recognition of standards marks. Continued harmonization of EAC standards	Lack of financial resources to set up facilities for certification Success Factor Sufficient funding to develop capacity in testing and certification at national and regional level	Mutual recognition of quality marks issued by Bureaux of Standards in accordance with the decision of the Council at its 7th meeting (EAC/CM7/2004) EAC Secretariat is in the process of finalizing procedures and regulations of testing in order to speed up implementation of SQMT Act 2006	<i>Harmonization of EAC standard is still on-going.</i>
20.	Non-recognition of EAC Rules & Certificates of Origin	Kenya Uganda Tanzania	Partner States Revenue Authorities	Cost of organizing verification missions. Delays in processing mission reports of between 1-2 months. Lost of business opportunities	Adherence to EAC Rules of Origin Criteria of 30% local value added	Pressure from domestic businesses due to fear they will lose domestic markets. Success Factor Goodwill to treat EAC as a single market area.	Partner States are now recognizing certificate of origins and verification missions under-taken where origin criteria is doubted.	<i>Resolved.</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
21.	Charging 6% withholding tax by URA	Kenya	Uganda Dairy Board	Increased cost of doing business	Harmonization of internal withholding tax in the regional		Uganda informed the meeting this was a domestic tax. Resolved	<i>Resolved.</i>
22.	Charge of 1.5% dairy levy	Kenya	Uganda Dairy Board	Increased cost of doing business	Abolition of the levy	Resistance from Uganda dairy board.	Uganda informed the meeting this was a domestic tax. Resolved	<i>Resolved.</i>
23.	The Ministries of Roads collect toll at the entry and exit points.	Uganda, Kenya, Tanzania, Burundi and Rwanda	Ministries responsible for Roads	An extra cost to doing business	Harmonization of transit charges		There is need to harmonization of toll charges in the region. Has been resolved	<i>Partner States are in process of harmonization of toll charges.</i>
24.	Uganda's certification procedures on exports of milk from Kenya		Uganda dairy board	Denial of market entry and loss of potential markets. Loss of potential market valued at USD 1 million for one Kenyan milk processor.	Political goodwill to mutually recognise inspection procedures, reports and certificates.	Pressure from businesses not to recognize products from within EAC due to fear of loss of markets	The milk is allowed as long as it has certification.	<i>Resolved.</i>

	NTB summary Description	Affected Countries	NTB source & Ministry/Department/ Agency for Action	Impact to Businesses	Prioritized Action	Bottlenecks or Success Factor	Bottlenecks or Success Factor	Time-Frame
25.	Release of cargo manifest	All Partner States	Shipping lines	Increased cost of doing business	To release the manifest 72 hours before the ships dock.	Resistance from the shipping lines	CMA 2004 has been amended to allow submission of cargo manifest electronically by shipping lines within 72 hours.	<i>Resolved.</i>
26.	Requirement that to export Herbal products to Tanzania you either be a member of Tanzania herbalists or to declare their formulas.	Uganda	Tanzania Herbalists organization	Ban of products	Abolition of the requirement		Tanzania has already passed some regulations to be adhered to all Tanzanians Herbalists organization. Tanzania to avail the regulations to Uganda to ease trade in herbal medicine.	<i>Resolved.</i>



4.0

STUDY ON DEVELOPMENT OF A LEGALLY BINDING ENFORCEMENT MECHANISM ON ELIMINATION OF NON-TARIFF BARRIERS

The dedicated Ministerial meeting noted the 6th Regional Forum on non tariff barriers had considered 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 inception report addressed the Terms of Reference.

The dedicated Ministerial meeting directed the Consultant to undertake and finalize the study by May 2012.

MINISTERIAL BRIEFING TO THE CHAIRPERSON OF THE SUMMIT ON THE STATUS OF ELIMINATION OF NON-TARIFF BARRIERS IN THE EAC REGION

A multi-sectoral Ministerial delegation led by the Chairperson of the EAC Council of Ministers, Hon. Musa Sirma met and briefed His Excellency President Mwai Kibaki of the Republic of Kenya and the current Chair of the EAC Heads of State Summit on 16 March 2012 in Nairobi, Kenya on the status of elimination of NTBs in the region.

The Chair of the Summit commended Partner States' Ministers of EAC Affairs for spearheading and fast tracking removal of the identified non tariff barriers (NTBs) that were impacting intra-regional trade, investment and free movement of people.

President Kibaki reiterated the importance the EAC Heads of State attach to the promotion and sustenance of a vibrant regional market that was free from any impediments that may obstruct the free movement of goods and people among the Partner States.

The Chairperson of the Summit urged the Ministers of EAC Affairs to bring to the attention of all stakeholders the decisions that were being taken to remove the NTBs. He said each Minister had a duty and responsibility to inform and follow up with the other stakeholders on what had been agreed upon.

The Chair of the Summit urged the Ministers to keep him posted and engaged, as well as other Heads of State, on any challenges that they may encounter while implementing the decisions taken on the removal of the NTBs in the regional bloc.

The Chairperson of the Council of Ministers, Hon. Musa Sirma briefed the Head of State on some of the decisions taken at the dedicated Ministerial meeting held on 14th March 2012 in Mombasa, Kenya.

Among the key decisions taken at the dedicated session were:

- (i) Transit vehicles will be weighed twice from the Port of entry and Port of exit for Kenya, Rwanda, Uganda and Burundi while the United Republic of Tanzania awaits a study on the establishment of the weighbridges.
- (ii) Partner States to identify Borders and Ports that will be put on 24hrs operation and report to the EAC Secretariat within two weeks.
- (iii) Mutual recognition of Standards of each Partner States Testing Authorities/ Agencies.
- (iv) Recognize Certificates of Rules of Origin by the other Partner States.

- (v) Container Frieght Services (CFS) companies to charge the same rates for services as the Ports Authorities do in the respective countries (Kenya and Tanzania).
- (vi) Trucks entering the United Republic of Tanzania will not be charged US\$200 as well as the visa charges on businessmen entering the Unted Republic of Tanzania to be eliminated.
- (vii) Roadblocks in the Northern and Central Corridors to reduce from 36 to 5 in Kenya, 30 to 15 in the United Republic of Tanzania, while Uganda, Rwanda and Burundi to abolish completely the roadblocks.
- (viii) To remove roadblocks and replace them with electronic cargo tracking systems and police patrols by December 2012.



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A prosperous, competitive, secure, stable and politically united East Africa

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To widen and deepen Economic, Political, Social and Culture integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments

Kupanua na kuimarisha uchumi, siasa, huduma za jamii na utamaduni wa kubadilishana ili kuboresha hali za maisha ya watu wa Afrika Mashariki kupitia ushindani endelevu, uzalishaji wa hali ya juu, biashara na uwekezeji

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