



EAST AFRICAN COMMUNITY SECRETARIAT

**REGIONAL EAC WTO TBT MEETING ON NOTIFICATION AND
PUBLIC CONSULTATIONS**

6th to 8th AUGUST, 2014

MOUNT MERU HOTEL
ARUSHA, TANZANIA

REPORT OF THE MEETING

Ref. No. EAC/TF/46/2014

EAC SECRETARIAT
Arusha, Tanzania
AUGUST, 2014

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REPORT OF THE MEETING

1.0 OPENING OF THE MEETING

1.1 Introduction

The Regional EAC WTO TBT Meeting on Notification and Public consultations was organized by The EAC Secretariat in collaboration with East Africa Trade Hub (EATH) under the Standards Alliance project. The objective of the Meeting was for Partner States to share experiences and to enable National Enquiry Points (NEP) focal persons have an exposure to the Electronic Notification System and propose a regional program for roll out of the system to the EAC Partner States.

The meeting was attended by delegates from the four Partner States of Burundi, Kenya, Tanzania and Uganda and East African Community Secretariat. Other key stakeholder representatives from the public and private sectors including Representatives from; Standard Alliance, United States Trade Representative (USTR), U.S Office of Information and Regulatory Affairs (OIRA), International Association of Plumbing and Mechanical Officials (IAPMO), American National Standards Institute (ANSI) and ASTM International. The Republic of Rwanda sent an apology. The list of delegates is hereto attached as **Annex I**.

1.2 Constitution of the Bureau

Mr. Eliazar B. Muga, Senior Assistant Director Economic Affairs, from the Ministry of East African Affairs, Commerce and Tourism, Republic of Kenya chaired the meeting, while Mr. Octavian A. Kiviyiro, Trade Officer from Ministry of East African Cooperation, United Republic of Tanzania was the Rapporteur.

1.3 Remarks by EATH

Mr. Bernard Kagira, Trade Policy Advisor from EATH, welcomed delegates to the meeting. In his speech he highlighted that the meeting was more of experience sharing and taking stock of the status of NEP operations and public consultations on Regulatory processes and Standards Development.

1.4 Adoption of the Agenda

The Agenda and Programme of the meeting was adopted with amendments and is hereto attached as **Annex II**.

1.5. Introduction of USAID Standards Alliance Project

Ms. Madeleine McDougal Program Manager International Development with ANSI gave an introduction of the Standards Alliance. She highlighted that the ANSI provided an overview of the Standards Alliance, as a Public-Private Partnership between ANSI and USAID that supports compliance with WTO-



Technical Barriers to Trade Agreement in developing countries, including the EAC countries. She further noted that a year one work plan of activities for the EAC has been drafted and was circulated during the meeting. The Partner States, and where appropriate, the East African Standards Committee were asked to provide feedback on the work plan generally, as well as specific expressions of interest regarding the remaining activities (e.g, standards/conformity assessment exchange with reference to a specific sector or industry of interest) and the replication of Electronic Notification system to **standardsalliance@ansi.org** in timely manner. The Standards Alliance draft work plan for one year is hereto attached as Annex....

2.0 PRESENTATIONS

The following presentations were made:

2.1 National Enquiry Points Status and Capacity Issues

EAC Partner States presented and shared their National Enquiry Points' Status and capacity issues. The details of the presentations are attached hereto as Annex III.

The meeting observed following:

- i. inadequate staff dedicated to NEP,
- ii. low level of awareness regarding the importance of notification
- iii. Limited engagements with private sector
- iv. Limited Interagency coordination
- v. Inadequate Regulatory Framework

2.2 TBT Electronic Notification System

2.2.1 Notify Kenya TBT System

Kenya through the assistance from the USAID Standard Alliance Project has developed Electronic Notification system, referred to as Notify Kenya-TBT. The operational aspect of the system and strategy for replication of the system by other EAC partner states were presented and are hereto attached as Annex IV.

2. 2.2 The U.S Enquiry Point Experience

Mr. Kent Shigetomi from United State Trade Representative (USTR) presented the U.S Enquiry Point experience. In addition to providing an overview of Notify U.S, He also discussed the U.S system for Public Consultation in the context of standards-related measures in trade policy. On top of that He provided a case study on distilled spirits trade that demonstrated how the U.S system, including the WTO Notification System, was successfully employed



to address a Technical Barrier to Trade. The presentation is hereto attached as **annex v**.

The meeting observed that

- i. The two systems as presented by Kenya and U.S representatives were quite useful in assisting the NEP activities and are open to all users at no cost.
- ii. Sustainability of the system has been taken into account by KEBS

2.3 Public Consultations in the Regulatory Process

The participants had an opportunity to hear the experience from the presentations made by Partner States and United States of America as follows

- I. Regulatory processes in the EAC Partner States presented by Kenya, Uganda, United Republic of Tanzania and Burundi.
- II. ENS, Public consultation and International Trade commitments
- III. Public Consultation and Transparency in the U.S regulatory process.
- IV. Preparation of an effective comment on a proposed technical regulation and submission of public comments on domestic regulations
- V. Case study for an effective comment on domestic regulation
- VI. Guidelines for comments on TBT notifications
- VII. Case study for an effective comment on a TBT notification

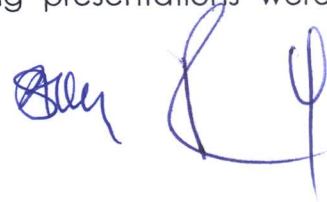
Presentations made are hereto attached as **Annex VI**

The meeting observed the following:

- i. Lack of central Authority for coordinating Regulatory processes
- ii. Processes differ in Partner States
- iii. Inadequate Internet connectivity
- iv. The Importance of Private Sector engagement
- v. The need for guidance in how to formulate effective public comments.

2.5 Public Consultation and Consensus Process in Standards Development

The EAC Partner States of Kenya, Uganda, Burundi and United Republic of Tanzania made presentations on Public Consultation and consensus process in Standards Development. In addition, the following presentations were made.



- i. The U.S standards system and ANSI Essential Requirements.
- ii. Implementation of stakeholders outreach and public consultation:
 - IAPMO's lessons in water or Sanitation development from Asia.
 - ASTM MoUs with EAC Nations and benefits /Value to signatories.
- iii. Potential outcome of public participation in standards development.
- iv. The overview of the ASTM International and IAPMO
 - ASTM Training programs and electronic tools as a resource
 - IAPMO's professional development and product testing/certification.

The presentations are hereto **attached as Annex VI**

The meeting observed the following:

- i. U.S uses bottom up approach for standards development compared to top down approach used by EC Partner States.
- ii. Not all Standards developed by U.S Standards developing Organizations (SDOs) are American National Standards.
- iii. ANSI Serves as the coordinator for U.S Standards System accredits U.S SDOs and approves American National standards.
- iv. The resource available from ASTM in the form of ASTM Standards and free membership.
- v. The role of the Private Sector associations in formulating and implementing standards and codes.
- vi. Availability of opportunities to engage local institutions in offering standards related Training.
- vii. Availability of opportunities for training offered only to ASTM MoU partners in the region.

4.0 RECOMMENDATIONS

Following the above observations, the Regional EAC WTO TBT meeting on notification and public consultations requests the Secretariat to recommend to the East African Standards Committee to:



- i. Encourage Partner States to consider developing National Electronic Notification System (ENS) to enhance efficiency of NEP.
- ii. Encourage and advise National Standard Bodies to follow up with USAID-Standard Alliance regarding support for the development of the ENS project.
- iii. Encourage Partner States to pursue partnering with counterpart Institutions in U.S. through the USAID-Standard Alliance.
- iv. Encourage Partner States to pursue collaborations with ASTM International and IAPMO.
- v. Widen engagement of all Regulatory agencies to enhance compliance with obligations under TBT-Agreement, at National, Regional, and international level.
- vi. Encourage Partner States to enhance private sector involvement in matters related to the implementation of WTO-TBT Agreement.

Furthermore, following the recommendations by the 17th EASC meeting of July 2013, the meeting requests the Secretariat to:

- i. Circulate the Terms of Reference and procedures for the establishment of the Regional TBT Forum to EAC Partner States for comments; and
- ii. Apply for the Observer Status in the WTO-TBT Committee.

Signed on 8th day of August, 2014 by the respective Heads of Delegations as below:



Mr. Gashamura Jean De Dieu
Deputy Head of Technical Services
Burundi Bureau of Standards
REPUBLIC OF BURUNDI



Ms. Lucy Ikonya
Manager Trade Affairs
Kenya Bureau of Standards
REPUBLIC OF KENYA



Mr. Okot Okello Richard
Principal Commercial Officer
Ministry of Trade, Industry and Cooperatives
REPUBLIC OF UGANDA



Ms. Sikudhani A. Kisamvu
Trade Officer
Ministry of Industry and Trade
UNITED REPUBLIC OF TANZANIA