



OFFICIAL GAZETTE

**of the
COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA (COMESA)**

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LEGAL AND GENERAL NOTICES

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IT IS HEREBY NOTIFIED that the Council of COMESA Ministers at its Thirty First Meeting held on 20 November 2012 at Kampala, Uganda, issued the following Legal and General Notices:

GENDER AND WOMEN'S AFFAIRS

Contributions to and support of the Secretariat Gender and Social Affairs Division

Decisions

1. Council made the following decisions:

- (a) The Ministers agreed to retain the 1 percent allocation of the annual contribution towards the Secretariat Gender and Social Affairs Division budget, as recommended by the 8th Technical Committee on Gender; and urged the Secretariat to continue lobbying for additional funds;
- (b) Ministers of Gender should lobby Ministers of Finance and COMESA Coordinating Ministers to affirmatively provide a budget line for the Gender Division in the Secretariat's regular annual budget for programmes;
- (c) Gender Ministries should designate a COMESA focal point person to follow up on communication and implementation of decisions made from COMESA Gender Meetings;
- (d) The Secretariat should adopt an Affirmative Action policy in the recruitment of professional staff at the Secretariat;
- (e) The COMESA Gender Mainstreaming Manuals should be posted on the COMESA website for easy access by all Sectoral Ministries in the Member States;

- (f) Member States should develop a compendium of female experts to be submitted to the COMESA Secretariat for reference during future recruitment of professional staff;
- (g) The Secretariat should develop a database of women in decision making positions at the Secretariat and disseminate to Ministers of Gender and Women's Affairs in order to provide evidence – based argument for lobbying with regard to increasing women in decision-making;
- (h) The Bureau of Ministers Responsible for Gender and Women's Affairs should participate in the Council of Ministers' meeting in order to advocate for gender issues at Policy Organs' level;
- (i) The ministerial mission to the trading house in Mauritius should take place in 2013 as decided by previous Ministerial Meetings on Gender, and Council decisions; and the Ministers responsible for Trade, Commerce and Industry and SMEs to join the mission at the expense of their national budgets;
- (j) The staffing capacity of the COMESA Gender and Social Affairs Division at the Secretariat should be strengthened to enable it fully execute its mandate; and
- (k) The Secretariat should disseminate the information on advertised professional positions to all ministries, and not only the COMESA Coordinating Ministries and Ministry of Foreign Affairs.

Cluster Development Initiative Programme

Decisions

2. Council made the following decisions:

- (a) Member States were not homogeneous, and as such, each one of them should profile enterprises according to what is existing and encourage the formation of clusters;

- (b) The Secretariat should provide technical assistance to Member States in order to mobilize artisans into groups to tap into expertise in all Member States;
- (c) The Secretariat should provide financial and technical assistance to Member States in business management, processing and modalities for accessing loans; and
- (d) The Secretariat should provide support in capacity building for women entrepreneurs at Member States level.

- (d) The consultant working on the development of the WEEF should work out the 1 percent details in order to come up with empirical evidence to justify it.

COMESA Women Economic Empowerment Fund (WEEF)

Decisions

3. Council made the following decisions:

- (a) The Ministers responsible for Gender and Women's Affairs should hold bilateral meetings with Ministers of Commerce, Industry and Trade, COMESA Coordinating Ministries, and Ministers of Finance to advocate for funding the Women Economic Empowerment Fund (WEEF) which was directed by the 15th COMESA Summit which was held in Lilongwe, Malawi in October 2011 to be established;
- (b) The Base Fund of the WEEF could be realized through 1 percent of annual contributions that Member States already make to the COMESA regular budget. The other budgetary contributions should be mobilised from donors and private sector foundations;
- (c) The Secretariat should revisit the proposal of 1 percent and explore further strategies to establish the basis of this percentage and report the findings to the Ministers; and

SCIENCE AND TECHNOLOGY

Decisions

4. Council made the following decisions:

- (a) Member States domesticate the COMESA model policy, law and regulations on cyber security;
- (b) The Secretariat organizes capacity building workshops and conferences on the issues related to cyber security for the police, investigators, prosecutors, judges and technical expertise.
- (c) In addition to allocating not less than 1% of GDP to research and development, measures should be taken to prioritize the following:
 - i. Applied research;
 - ii. Scholarships for engineering and science education;
 - iii. Mobilization of the vast amount of already existing knowledge;
 - iv. Harnessing and absorption of existing innovations; and
 - v. Establishment of departments in Intellectual Property Offices and any relevant ministries, dedicated to monitoring of expiring patents so that the patents can be put to immediate use upon expiry.
- (d) An innovation Council should be established by the COMESA Member States consisting of eminent personalities drawn from academia, business and government that can use their stature, experience, knowledge, and their repertoire of contacts.
- (e) The Innovation Council should have, as its primary responsibility, the task of providing advice to Member States relating to existing and new knowledge and innovations, and

best ways of applying the knowledge and innovations in the Member States.

- (f) Workshops should be organized for the Diaspora to support the COMESA STI parks and cluster programmes as a vast amount of knowledge exists among the Diaspora, who in many cases are assisting governments across the world;
- (g) Teaching in institutions of higher learning should be oriented towards producing job-creators rather than job-seekers, following the models of the entrepreneurial university; and in this regard, ministers responsible for education should be mobilized to the effort of accordingly reshaping teaching methods in institutions of higher learning in COMESA;
- (h) Ministries and public corporations dealing with activities related to the STI parks and cluster programmes should be encouraged to include training programmes in their priorities and make budgetary allocations, which should support the establishment of specialized institutions of higher learning to support the programmes in partnership with Government and Industry;
- (i) COMESA Secretariat should explore partnerships with institutions such as GlobalCures, Harvard Medical School and MIT in areas such as agriculture, health, energy and new materials, to provide vehicles for channeling into the COMESA region the knowledge these institutions may have to share;
- (j) The Member States were urged to establish: National Innovation Funds, if possible in the amount of not less than US \$1 million; and National Innovation Prizes; and
- (k) The Member States should establish offices of Chief Innovation Advisors as well as broad cross-sectoral national advisory committees to assist harness and provide advice on knowledge and innovations that could be diffused into the economies.

- (l) High priority should be given to the investment and implementation of projects in green technology and that a holistic programme be developed to enable Member States to collaborate in research, development and innovation in green technology.
- (m) NEPAD and COMESA should synergize STI activities and expand the scope of co-operation in programme implementation to avoid duplication.
- (n) The Secretariat and NEPAD Agency should identify programmes for joint implementation, develop an action plan and communicate to Member States.
- (o) Adopted the TOR for the COMESA innovation Council and Innovation Award. (Annex 1~~67~~)
- (p) Designated the following institutions as regional centers of excellence:
 - i. Kenya University of Nairobi Science and Technology Park and FabLab; and the Egerton University Agro Park;
 - ii. Malawi: the Lilongwe University of Agriculture and Natural Resources, and the Biwi Industrial Park;
 - iii. Swaziland: the Royal Science and Technology Park;
 - iv. Egypt: the Technology Innovation and Entrepreneurship Center (TIEC) and Information Technology Institute (ITI) under the Ministry of Communication Information Technology;

- v. Sudan: the National Renewable Energy Center, the National Research Center, and the Applied Science Academy in the Africa City of Technology;
- vi. Uganda; the e-Governance Academy; and
- vii. The meeting urged the Member States that have offered the regional centers of excellence to set aside seed funds to attract support from development partners to these institutions; and the Member States that had not offered centers of excellence to do so when they are ready.

(q) Appointed the following nominees to the Innovation Council:

- i. Prof. Meoli Kashorda (Kenya)
- ii. Prof. Venasius Baryamureeba (Uganda)
- iii. Prof. Marie Claire Yandju (DRC)
- iv. Dr Dhanjay Jhurry (Mauritius)
- v. Prof. Silas Lwakabamba (Rwanda)
- vi. Prof. Aggrey Ambali (Malawi)
- vii. Dr Jonathan M. Tambatamba (Zambia)
- viii. Prof. Lydia Makhubu (Swaziland)

(r) Gave the Bureau of the Council of STI Ministers the mandate to appoint the two extra nominees to the Innovation Council once selected.

IMMIGRATION

Implementation of Protocols and Council Decisions

Decisions

5. Council made the following decisions:

- (a) The Secretariat should work together with Member States and cooperating partners to mobilise resources for rolling out the OSBP;
- (b) Immigration authorities in all Member States should actively participate in the implementation of the OSBP;
- (c) Chiefs of Immigration in all Member States should provide guidance to officials operating at points of entry in terms of implementation of decisions in relation to the COMESA Protocol on Gradual Relaxation and Eventual Elimination of visa requirements;
- (d) Member States must undertake national stocktaking of implementation of the two Protocols and Model Law and come up with national plans for implementing them;
- (e) The Secretariat should play a proactive role in consultations with Member States towards the implementation of the Protocol that is in force, decisions of Council on free movement of persons and the acquisitions of signatures and ratification on the Protocol that is not yet in force;
- (f) The Secretariat should develop terms of reference for the National Monitoring Committee;
- (g) Resources should be mobilised so that the Task Forces can actively monitor implementation at the Member State level through a bilateral engagement with the Member State concerned;
- (h) Member States should emulate Kenya and Rwanda's experiences on information sharing;
- (i) Where there are common borders, Member States should endeavour to convene regular meetings and staff exchange programmes in order to accelerate the harmonization of migration policies and to improve border management;
- (j) Immigration authorities in each Member State should be involved in the implementation of the OSBP, which has to date been spearheaded by customs or revenue authorities;
- (k) COMESA should facilitate a review meeting between Zambia and Zimbabwe on operations of the Chirundu border post before replicating it at Kariba and Kasumbalesa border posts; and
- (l) Member States, with assistance from the COMESA Secretariat, need to develop an awareness campaign on the benefits and challenges of migration with an inbuilt focus on change of mindset of the immigration officials and other stakeholders from immigration control to immigration management.

Cooperation on Immigration Matters among Member States

Decisions

6. Council made the following decisions:

- (a) Member States should consider replicating the OSBP model implemented at the Zambia-Zimbabwe border, throughout the region in order to facilitate trade by reducing processing times at border posts;
- (b) Member States should establish common contact offices and appoint Immigration Liaison Officers in order to improve information sharing amongst officials;
- (c) Member States should implement Regional Visa Free Travel;
- (d) Member States should develop targeted actions which would assist them to meet some of the objectives of the COMESA Model Law on Immigration and the Protocols;
- (e) Member States should develop formal Inter-Agency Co-ordination Structures which will act as a single unit to analyze shared migration data;
- (f) Member States should establish a central research and analysis unit for the region as a way of improving the co-operation on immigration; and

- (g) The Secretariat should address the issue of the signatures, ratification and domestication of the Protocols to the Parliaments of the Member States and follow up on the same.

Information Sharing and Development of a Regional Database

Decisions

7. Council made the following decisions:

- (a) Member States need to review legislation in line with the COMESA Model Law on Immigration and share it via a common database;
- (b) Member States, with the assistance of the Secretariat and development partners, should develop a database which shall be built on the example of the Interactive Map for Migration (I-MAP);
- (c) Member States should agree on the information that can be shared and uploaded onto the common database;
- (d) When organizing meetings of Chief Immigration Officers, Member States should invite officers from key ministries such as Ministry of Trade, Industry and Commerce and Finance, as information sharing works more effectively with a multi-agency approach;
- (e) Member States should appoint common contact offices/immigration liaison officers as focal points following a multi-agency approach; and provide the

Secretariat and the Task Forces on progress on the free movement agenda; and

- (f) Member States should prioritize the various stages of the implementation of the immigration agenda beginning with the signature and ratification of the two Protocols.

Trafficking in Human Beings as a Key Component of Migration Management

Decisions

8. Council made the following decisions:

- (a) Member States should implement national and regional anti-trafficking in persons awareness raising campaigns;
- (b) Member States should strengthen data collection, analysis and sharing of information;
- (c) Member States should use data to develop targeted policies and programmes at national and regional level;
- (d) Member States should harmonize national immigration and anti-trafficking in persons legislation with particular emphasis on countries sharing a common border; and
- (e) Member States should develop an anti-trafficking in persons' action plan at national and regional level under the coordination of the Secretariat.

Free Movement of Business Persons in the COMESA Region

Decisions

9. Council made the following decisions:

- (a) The discussion on business passports/visas should be carefully re-examined especially that a business visa could suffice;
- (b) Further analysis and study should be done among the Member States by the Task Force before implementation in order to consider options and concerns raised by Council;
- (c) The recommendations made by Member States in conjunction with the private sector should be taken into account during the upcoming Tripartite Negotiations on the Protocol on the Gradual Relaxation and Eventual Elimination of Visa requirements;
- (d) Member States should have a dedicated meeting at the Tripartite level which should be held as a public-private dialogue between the dedicated government offices of immigration and other stakeholders, to establish a model of cooperation and commitment to various issues incumbent on the elimination of visa requirements, ratification and implementation of the Protocols on free movement of persons and services in the region;
- (f) Member States should strive to gradually remove visa controls within a short period of time; and
- (g) Member States should engage the private sector through the COMESA Business Council and other stakeholders in order to move forward with the free movement agenda.

Status of Implementation of Protocols and Council Decisions

Decisions

10. Council made the following decisions:

- (a) Member States should put more effort into implementing the Protocol on the Gradual Relaxation of Visa Requirements;
- (b) Member States should implement fully the Agreement on Immunities and Privileges regarding visa free travel of COMESA Laissez Passer Holders;
- (c) The timetable for the free movement of persons leading to the right of establishment and residence which is incorporated in the Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence, should be revised in order to take account of the fact that the Protocol has not entered into force and some Member States have not complied with the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements;
- (d) Kenya, Burundi, Rwanda, Zambia and Zimbabwe be commended for attaining high levels of compliance and implementation of the Protocol and decisions of Council on the free movement of persons;
- (e) Burundi, Kenya, Rwanda and Zimbabwe be commended for signing the Protocol on the free movement of persons; and urged to ratify the Protocol;

(f) Member States that have not yet signed or ratified the Protocol were urged to do so; and

(g) The Protocol on the Free Movement of Business Persons should be discussed with various sectoral committees before it is implemented.

Migration EU Expertise (MIEUX) Project

Decisions

11. Council made the following decisions:

- (a) The MIEUX project in collaboration with the COMESA Secretariat should consider the development of a handbook to assist Member States in the implementation of the COMESA Immigration programme; and
- (b) Member States are encouraged to continue to engage the MIEUX project and tap into the technical expertise that the project can provide in light of the broadened scope of the project.

Information Sharing and Interagency Cooperation

Decisions

12. Council made the following decisions:

- (a) Member States should begin the process of documenting existing migration data for use at the national and regional levels for policy making on migration issues; and
- (b) Member States should encourage inter-agency cooperation in order to gather more reliable and accurate data on

migration mainly through cooperation between the various national authorities involved in migration management and national statistical offices.

Data Collection and Information Sharing Systems

Decisions

13. Council made the following decisions:

- (a) Member States should consider the content of the questionnaire and communicate to the Secretariat, whether the topics covered are sufficient in order for the Secretariat to adapt it to the needs of the COMESA region;
- (b) Member States were invited to review the proposed questionnaire and propose the adequate adaptation; and
- (c) The Secretariat should formally submit the proposed questionnaire to Member States and Member States should submit their comments to the Secretariat before the next meeting of the Task Force.

COMESA Regional Consultative Process (RCP)

Decisions

14. Council made the following decisions:

- (a) Member States should be encouraged to endorse the concept of establishing a COMESA RCP and grant authority to proceed with the launch of the COMESA RCP in June 2013.

TRANSPORT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND ENERGY

Cyber Security Programme

Decisions

15. Council made the following decisions:

- (a) Member States be urged to fast track the implementation of the policy and the model law on cyber security;
- (b) Member States to establish national Computer Incident Response Teams (CIRTs); and
- (c) Regulators should cooperate with the judiciary and assist in implementation of policy and laws, raise awareness and build their capacity.

ARICEA Hosting Agreement

Decisions

16. Council made the following decisions:

- (a) Adopted the host agreement ~~attached hereto as Annex 1.~~

Liberalisation of Air Transport

Decisions

17. Council made the following decisions:

- (a) Member States should cooperate with the consultant and provide the necessary information for the study;
- (b) Member States should exercise caution when considering to grant fifth freedom traffic rights to non-African air carriers;

- (c) Member States - in line with Legal Notice No. 2 - should continue to extend the fifth freedom rights to COMESA operators; and
- (d) The Secretariat should convene a joint meeting of the Directors of Civil Aviations and Chief Executive Officers of airlines and other stakeholders to consider the study report on the status of the air transport liberalization.

Railways Operations and Management

Decisions

18. Council made the following decisions:

- (a) That the following instruments be developed with the RRI:
 - i. Model concession agreements where applicable;
 - ii. Model open access agreement that provide for separation in the ownership and management of infrastructure and operation; and
 - iii. Model inter-railway working agreements to enable single invoicing and locomotive and rolling stock interchange.

Digital Broadcasting Migration

Decisions

19. Council made the following decisions:

- (a) The digital migration completion date should be December 2013 and the analogue switch off date for the COMESA region should be April 2014;
- (b) Member States should integrate the implementation of the roadmap into their respective national digital migration plans in order to ensure effective implementation and harmonization at regional levels;

- (c) The digital migration process should be coordinated at the COMESA-EAC-SADC Tripartite level to harmonize the process and maximize the economic value;
- (d) Member States choose the DVB-T2 standard for signal distribution to avoid dumping of equipment of old standards in the region;
- (e) The Secretariat should develop a multilateral spectrum coordination framework by June 2013 so as to address cross borders issues; and
- (f) Capacity building programmes should be developed and implemented for policy makers; regulators and services providers.

IT Master Plan

Decisions

20. Council made the following decisions:

- (a) The Secretariat should fast-track the realization of the two regional systems;
- (b) Member States should provide the required data for the regional information systems once they become operational; and
- (c) The Secretariat should develop a draft five-year regional IT Strategy within six months.

Geographical Information Systems (GIS)

Decisions

21. Council made the following decisions:

- (a) The Secretariat should continue with its efforts to have more layers added onto the COMESA GIS System;

- (b) Member States should ensure that they upload the relevant information onto the COMESA GIS System; and
- (c) The Secretariat should integrate the GIS system with other relevant COMESA information systems in order to fully utilize the system.

Sustainability of Information Systems

Decisions

22. Council made the following decisions:

- (a) Member States should within twelve months:
 - i. Appoint focal points, to update COMESA web based information system that is: GIS, Cross Border Traders Information systems and the COMESA Portal, and
 - ii. Provide content for the information systems in accordance with the guidelines provided by the Secretariat in order to ensure sustainability of the systems.

Free and Open Source Software (FOSS)

Decision

23. Council made the following decision:

- (a) The Secretariat should, within six months, draft regional FOSS guidelines and circulate them to Member States.

E-Government Programme

Decisions

24. Council made the following decisions:

- (a) The Secretariat together with the Government of Uganda finalise the MoU providing for the establishment of the Regional e-Governance Academy; and
- (b) The Secretariat together with the Government of Uganda prepares a business plan and programme for the establishment of the Regional e-Governance Academy.

E-Legislation

Decisions

25. Council made the following decisions:

- (a) A workshop be held to sensitize Member States on the adopted Electronic Transaction Model Bill;
- (b) The Secretariat conducts a study to draw up a Regional Model Policy on e-Waste, as part of a wider study on municipal waste;
- (c) That the MoU with the StEP initiative be concluded and signed; and
- (d) The development of a regional e-waste management system be finalised.

E-Learning

Council decided that the Secretariat:

- (a.) Should work with the Government of Kenya to develop a business model for the successful implementation of the COMESA Regional e-Learning Strategy within twelve months; and

- (b.) Together with Member States work out a strategy, within twelve months, to monitor and oversee the implementation of the strategy.

ICT Trade Facilitation

Decisions

26. Council made the following decisions:

- (a) The Secretariat should continue to sensitise the remaining Member States to migrate to the latest version of ASYCUDA (ASYCUDA World) and secure funding for their implementation projects;
- (b) The mobilisation of funding for establishment of the support centre should be stepped up;
- (c) The Secretariat should continue its support to Member States in all ICT trade facilitation areas and deliver more training, capacity building activities, workshops and technical assistance in those areas; and
- (d) Member States should share with the Secretariat the progress on the implementation of ICT Trade Facilitation initiatives such as customs modernization.

COMESA Common Market Information Systems

Decisions

27. Council made the following decisions:

- (a) The Secretariat should speedily implement the CVFTS and CEMES systems;
- (b) The Secretariat should provide capacity building to Member States to facilitate the speedy implementation of the system when it is fully rolled out;

- (c) The Secretariat should invite the private sector, through Expressions of Interest, to bid for the development of the software for the second phase. The Expressions of Interest should also include a request for the Co-Management of the CVFTS with the Secretariat; and

- (d) The Secretariat should coordinate with Member States to ensure that there is no duplication of resources due to similar initiatives being undertaken at Member State level.

COMESA-EAC-SADC Tripartite Infrastructure Programme

Decision

28. Council made the following decision:

- (a) There should be speedy integration of EAPP and SAPP under the COMESA-EAC-SADC Tripartite Framework.

COMESA Strategic Meteorological Programme

Decision

29. Council made the following decision:

- (a) The Secretariat should formally request the Member States to second a Meteorology Expert to the Secretariat to coordinate the implementation of the Meteorological programme.

COMESA CNS/ATM Systems Project

Decisions

30. Council made the following decisions:

- (a) The Secretariat should arrange for a site visit by the consultant to Ethiopia;

- (b) The consultant should complete the study review and the revised final report should be circulated to all Member States;
- (c) The report should be considered by the CNS/ATM Working Group; and
- (d) The report should be submitted to the next meeting of the Directors of Civil Aviation.

COMESA-EAC-SADC Tripartite CNS/ATM Systems Project

Decisions

31. Council made the following decisions:

- (a) The COMESA CNS/ATM Steering Committee should be expanded to include members from EAC and SADC CNS/ATM Steering Committees to oversee the development of the Tripartite CNS/ATM Project; and
- (b) All stakeholders should be included in those steering committees as members.

Great Lakes Railway Project

Decisions

32. Council made the following decisions:

- (a) Further project preparatory work should be carried out taking into account the larger area in order to enhance interfacing;
- (b) Coordination should be undertaken with other railway projects in order to ensure effective connectivity and inter-operability;

- (c) Capacity should be developed for expertise to manage the railways; and
- (d) Railways should be developed through collective ownership by Member States and other partners in order to achieve trans-country networks with joint ownership.

New Railway Developments

Decisions

33. Council made the following decisions:

- (a) Council decided that new railway projects should be planned in Member States; and
- (b) The Tripartite should be urged to co-ordinate the development of the various sections (between Lamu and Douala) to ensure that the Tripartite Summit decision of 2008 is fully implemented.

COMTEL Project

Decisions

34. Council made the following decisions:

- (a) The Cross-connect Technologies Company and Huawei be appointed to implement the project; and
- (b) Member States should be requested to provide the necessary information and participate actively in the project.

Power Generation Projects

Decisions

35. Council made the following decisions:

- (a) The Secretariat should prepare a dossier of all energy projects showing their status including time lines for implementation within six months; and
- (b) An Energy Investment Conference should be convened within twelve months.

Facilitation of Regional Integration and Trade through Infrastructure Development; and the Preparation of Spatial Infrastructure Maps

Decisions

36. Council made the following decisions:

- (a) The Secretariat should within a period of six months:
 - i. Prepare appropriate spatial maps containing an inventory of infrastructure facilities, to identify gaps and to develop plans to address them;
 - ii. Put in place regional, special purpose vehicles for the implementation of regional projects on the basis of Public Private Sector Partnerships;
 - iii. As part of COMESA Infrastructure Fund, explore the possibility of floating regional Infrastructure bonds;
 - iv. Within the framework of the COMESA-EAC-SADC Tripartite scale up resource mobilization from within the region and our development partners for the COMESA-EAC-SADC Tripartite Project Implementation Unit (PPIU); and
 - v. Coordinate the implementation of the programmes by Member States and convene meetings of Member States to evaluate progress in their implementation.

MINISTERS OF JUSTICE AND ATTORNEYS-GENERAL

Decisions

37. Council made the following decisions:

- (a) Adopted the following Rules and Regulations:
 - i. Draft Regulations on the Treatment of Products in the Education Sector of the Harmonised Consumer Price Indices (HCPIs) in COMESA Member States;
 - ii. Draft Regulations concerning the Treatment of Temporary Price Reductions in the Harmonized Consumer Price Indices (HCPI);
 - iii. Draft Regulations on the Treatment of Products in the Healthcare Sector of the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
 - iv. Draft Regulations on Statistics Derived from the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
 - v. Draft Regulations on Sampling for the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
 - vi. Draft Regulations on Procedures for Quality Adjustment in the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
 - vii. Draft Regulations on Extended Product Coverage in the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;

- viii. Draft Regulations on the Harmonized Treatment of Certain Products in the harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
- ix. Draft Regulations on the Treatment of Tariff Prices in the Harmonized Consumer Price Indices (HCPIs) in COMESA Member States;
- x. Draft Regulations on Price Data Validation and Editing HCPIs in COMESA Member States;
- xi. Draft Regulations on Price Collection Procedures in the HCPIs in COMESA Member States;
- xii. Draft Rules on COMESA Revenue Sharing of Merger Filing Fees;
- xiii. Draft Amendments to the COMESA Competition Rules, 2004;
- xiv. Draft Rules on the Determination of Merger Notification Threshold.

COMESA Court of Justice

Decisions

38. Council made the following decisions:

- (a) Member States should facilitate the Court, as soon as possible to redouble its efforts to publicize itself and sensitize its users in all Member States; and
- (b) Seminars should be organized in conjunction with the national judiciaries, law societies, Chambers of Commerce and similar court users.

Enhancing Procurement Reform and Capacity Project (EPRCP)

Enhancing the utilization of PROMIS in the development and integration of the regional procurement market

Decisions

39. Council made the following decisions:

- (a) Member States should publish tenders on PROMIS without further delay in line with the recommended thresholds;
- (b) The regulatory institutions and central procurement monitoring agencies in their respective countries should assume leadership and mobilize their procuring entities to publish tenders on PROMIS;
- (c) Suppliers should be sensitized about PROMIS in order to access procurement opportunities in the region; and
- (d) The Secretariat should immediately embark on the advertisement of PROMIS among the countries as a free medium for advertising tenders.

EPRCP Capacity Building Programme

Decisions

40. Council made the following decisions:

- (a) National training institutions should adopt the COMESA Public Procurement Training manual and integrate it in their training programmes;
- (b) COMESA should pay special attention to capacity and skills challenges affecting effective performance of Member States' procurement systems by taking measures to address this incapacitating hindrance;

- (c) COMESA should facilitate mutual coaching and mentorship programmes between the institutions in different Member States as a short term strategy to mitigate professional skills deficiency among the Member States' institutions; and
- (d) COMESA should continue its collaboration with the training institutions and urge the ones which are not offering short term courses to develop them.

Enhancing support for Micro, Small and Medium Enterprises (MSMEs) through public procurement

Decisions

41. Council made the following decisions:

- (a) MSMEs should be encouraged and supported to access procurement markets by providing information on markets and standards, advice on strategies, and access to technology and innovation coupled with appropriate financing packages; and
- (b) The relevant authorities should be urged to formulate policy mechanisms that promote tools, such as value chain analysis, which enable entrepreneurs to see what problems and challenges they need to address and the kind of partners they need to help them access opportunities for growth.

CUSTOMS UNION

Decisions

42. Council made the following decisions:

- (a) The transition period for the Customs Union be extended for a further two years to June 2014;
- (b) Member States use the two year extension period to notify the Secretary General of their decision to implement the COMESA Customs Union in accordance with Regulation 33 of the Council Regulations Governing the COMESA Customs Union, Vol. 15, No. 1;
- (c) Member States that submitted their provisional lists of sensitive products should confirm that these are their final lists within the two year period;
- (d) Member States that have not submitted their lists of sensitive products do so within the two year extension period;
- (e) Member States that have not submitted their tariff alignment schedules do so within the two year extension period;
- (f) Member States submit their lists of excluded products where applicable by the end of the two year transition period beyond which it will be concluded that the countries have no such lists;
- (g) Member States indicate their plans for domestication of the CTN, CET, and CMRs instruments within the two year transition period and ensure that these instruments are Gazetted and implemented before the end of the two year extension;
- (h) Member States take advantage of the Tripartite negotiations to review and internalize all Council

Decisions on the Customs Union and ensure that they are domesticated given that the Tripartite FTA and the COMESA Customs Union are complementary;

- (i) The Secretariat continues to work closely with Member States to provide technical assistance in implementing the Council Decisions on the Customs Union;
- (j) The Secretariat works with Member States to address the following concerns raised by Member States before the full implementation of the Customs Union:
 - i. Fear for loss of revenue on imported goods;
 - ii. The feeling that bBenefits from the FTA can suffice;
 - iii. Fear of closure of indigenous industries due to competition from imported goods;
 - iv. Fear of loss of sovereignty with regard to decision making on national trade and tax ~~ertain~~-policies;
 - v. The need to create a 5% tariff band in the CET to cater for national interests;
 - vi. Some countries have more than 50% of their national tariff lines at 0% rate and are finding it very difficult to move them upwards;
 - vii. Some countries have had very bad economic and industrial break down that they need some considerable space to allow their economies and industries to recover;
 - viii. Some Member States seem to be of the view that since the Tripartite Agenda is now in progress, there is no need to pursue the CU agenda at this point in time;
 - ix. The question of the four COMESA Member States being already in the EAC CU; and

x. There is lack of capacity, information and co-ordination on the ground despite the existence of national working committees.

- (k) Council undertakes a mid-term review after one year to assess progress and a final review to make recommendations on the readiness of Member States to implement the Customs Union;
- (l) The Secretariat prepares a paper on similarities and differences between COMESA and EAC Customs Unions covering the CTN/CET and CMRs.
- (m) The Secretariat continues working closely with both the EAC Secretariat and the four COMESA/EAC Member States to expedite the ongoing consultations on the harmonization of the two trade regimes (especially the harmonization of the two CETs and the two Customs laws) and that the exercise be completed by the end of 2013;
- (n) The Secretariat urgently convenes a meeting of customs, Ministries of finance and trade officials by the first quarter of 2013 to review the HS 2012 COMESA CET before submission for Council approval;
- (o) The Secretariat organizes national stakeholder consultative meetings/workshops along the same lines as those organized in the DR Congo and Zambia;
- (p) The Secretariat expeditiously convenes meetings to negotiate and finalise the harmonization of exemption regimes and industrial rebates in the COMESA region; and
- (q) The Secretariat develops draft Terms of Reference for the Ministerial Task Force for consideration at its next meeting.

Negotiation of the COMESA, EAC and SADC Tripartite Free Trade Area (FTA)

Decisions

43. Council made the following decisions:

- (a) The Chairperson of the Council should consult with his counterparts the Chairpersons of EAC and SADC ministerial councils to arrange for a COMESA-EAC-SADC Tripartite Ministerial Council to map a way forward for the Tripartite process which was progressing slowly;
- (b) The Secretary-General of COMESA should liaise with his counterparts at the EAC and SADC secretariats to facilitate the holding of the said Tripartite Council of Ministers' Meeting before 31 March 2013;
- (c) COMESA should organize preparatory meetings for the Member States before the Tripartite FTA Negotiations;
- (d) The principles, including consensus, single undertaking and variable geometry, should be reconsidered after further consultations;
- (e) There should be more frequent meetings to catch up on the road map;
- (f) The Secretariat should prepare a paper on the state of play on all the pillars to be presented to the next Policy Organs' meetings;

- (g) COMESA should undertake a regular monitoring and evaluation exercise of the Tripartite FTA negotiations, to feed into the overall Tripartite Monitoring and Evaluation Mechanism provided for in the instruments launching the Tripartite FTA Negotiations.

The ESA/EPA Negotiations

Decisions

44. Council made the following decisions:

- (a) The Secretariat should convene a meeting of the COMESA Member States to deliberate and agree on the Administrative Cooperation Procedures, among other issues, in the first quarter of 2013 to facilitate cumulation under the interim EPA; and
- (b) Negotiations on the full EPA be pursued and completed by 2016.

Extension of Africa Growth and Opportunity Act (AGOA) and Third Country Fabric Provision

Decisions

45. Council made the following decisions:

- (a) The US be commended for enacting the extension of the third country fabric provision to synchronize it with AGOA to 30 September 2015;
- (b) The US be urged to avail AGOA and the third country fabric on a long-term and sustainable basis beyond 2015;
- (c) In extending the AGOA, the US be requested to consider addressing the issues of enhancing US investments in Africa, supporting regional integration in Africa, and

increasing AGOA eligible products to include more products of export interest to Africa;

- (d) The US be urged to enhance the capacity of AGOA eligible countries to comply with the SPS, TBT and other standards so as to better utilize the AGOA market access opportunities;
- (e) The US be urged to duly take into account the preference erosion to Africa-AGOA eligible countries before extending similar preferences to LDCs in other regions;
- (f) All AGOA eligible countries prepare to attend the forthcoming AGOA Forum to be held in Addis Ababa 2013 and prepare to engage the US on the extension of AGOA and the third country fabric on a long-term and sustainable basis beyond 2015; and
- (g) The Trade and Customs Committee be mandated to deliberate on strategies to be pursued for the post 2015 AGOA, including the examination of all possible options.

COMESA INSTITUTIONS

PTA Bank

Decisions

46. Council made the following decisions:

- (a) All Member States that have not joined the PTA Bank should join the Bank and effectively participate in its activities; and
- (b) The Member States that have not yet fully settled their contributions to the Bank should do so.

COMESA Clearing House

Decisions

47. Council made the following decisions:

- (a) Commended the Central Banks of Mauritius and Rwanda for going into live operations on 03 October 2012;
- (b) Urged the Central Banks of Kenya, Egypt, Sudan, Swaziland and Uganda to go live on REPSS expeditiously;
- (c) Urged the Central Banks of Malawi and Zambia to get into live operations by December 2012 at latest;
- (d) Urged those Central Banks that have not yet signed the various agreements pertaining to REPSS and its operations to do so at the earliest;
- (e) Urged the other Central Banks to prefund their USD and EUR accounts to the tune of USD 100,000 and EUR 100,000 respectively at the Settlement Bank;

- (f) Urged all Central Banks and Stakeholders in the COMESA Region, as directed by the Fifteenth Summit of the COMESA Authority of Heads of State and Government, held in Lilongwe, Malawi on 14-15 October 2011, to aggressively market and use the Regional Payment and Settlement System (REPSS) in order to enhance intra-regional trade; and
- (g) Requested the Secretariat, through the CBC to look at revival of the COMESA Bankers' Association for the effective utilisation of REPPS.

African Trade Insurance

Decisions

48. Council made the following decisions:

- (a) Commended the Republic of South Sudan and the African Development Bank for taking up membership in ATI, and;
- (b) Urged COMESA Member States which are not yet members of the ATI to consider joining the Agency.

COMESA Business Council

Decisions

49. Council made the following decisions

- (a) Member States should support the formation of national industrial clusters under the recognised sectoral and multi-sectoral apex bodies; and
- (b) Member States should support the organisation of the COMESA international trade fair and the COMESA Business Forum with the hosting Member State for a period of nine months before the next event.

FEMCOM

Decisions

50. Council made the following decisions:

- (a) FEMCOM Secretariat be facilitated with at least two additional permanent, professional staff;
- (b) The roles, responsibilities and lines of authority of FEMCOM Secretariat be clearly articulated to promote harmony and avoid future misconceptions for sustainability;
- (c) The FEMCOM Charter should be urgently reviewed to incorporate global emerging issues; and
- (d) Commended the Government of Malawi for allocating land for the construction of the FEMCOM Complex.

COMESA Competition Commission

Decision

51. Council made the following decision:

- (a) That the Competition Rules and Regulations should be gazetted.

ACTESA

Decisions

52. Council made the following decisions:

- (a) Member States actively participate in the implementation of the ACTESA five-year operational plan;

- (b) Member States continue to support the implementation of ACTESA's new activities namely the Regional Food Balance Sheet and the ACTESA Knowledge Portal; and
- (c) ACTESA presents the Draft Regional Policy on Bio-Technology and Bio-Safety; and the Draft COMESA Seed Trade Harmonization Regulations to the next meeting of Ministers of Agriculture, Environment and Natural Resources.

COMESA Monetary Institute

Decision

53. Council made the following decision:

- (a) Member States who have not signed the CMI Charter should do so in line with the decisions of the Council of Ministers and the COMESA Authority.

COMESA Infrastructure Fund

Decisions

54. Council made the following decisions:

- (a) A manager should be recruited for the COMESA Infrastructure Fund; and
- (b) A seed investor should be identified for the fund.

INTER-COUNTRY MARKETS

Decision

55. Council made the following decision:

- (a) The Secretariat should develop a model that will among other things look at the establishment and operationalization of the Inter Country markets to enable Member States set up these markets in their countries.