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RULES OF PROCEDURE

SUB-COMMITTEE ON TRIPARTITE NON-TARIFF BARRIERS

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Preamble

Pursuant to Article 4 (1 & 2) of Annex III on Non-Tariff Barriers (NTBs), rules of procedure for the Tripartite Non -Tariff Barriers Sub-Committee are hereby made.

Rule 1 Citation

These Rules shall be cited as the Rules of Procedure for the Tripartite Non- Tariff Barriers Sub-Committee of experts which shall oversee the Implementation of Annex III on Non-Tariff Barriers.

Rule 2 Definitions

For the purpose of these rules of procedure, the following definitions shall apply

“Bureau/Troika” means the Chairperson, Vice Chairperson and Rapporteur of the Tripartite Non- Tariff Barriers Sub-Committee;

“Consensus” means if no Tripartite Member/Partner State present at the meeting of the Sub- Committee when a decision is taken, formally objects to the decision;

"Member" means an Official designated by a Member /Partner State/REC to the Sub-Committee;

"Member State or Partner State" means a State that is a Member of COMESA or SADC or a Partner State of EAC;

"Observer" means any person, partner, institution, organization or country which may be invited to observe the meetings of the Non-Tariff Barriers Sub-Committee;

"RECs" means Regional Economic Communities being COMESA, EAC and SADC;

“Non-Tariff Barrier Sub Committee” means Sub-Committee responsible for the implementation of Annex III on Non-Tariff Barriers which comprises nominated representatives from Tripartite Member/Partner States;

"Tripartite Task Force" means the Task Force of the Secretariats of COMESA, EAC and SADC under the Tripartite Coordination Mechanism established under Article 6 (1) (f) of the Memorandum of Understanding.

Rule 3 Composition

1. The members of the Non- Tariff Barriers Sub-Committee shall comprise such Members as may be designated by each Member/Partner State or REC;
2. A member may be accompanied to the meetings of the Sub-Committee by such number of experts and advisers as the Member /Partner State/REC may deem fit.

Rule 4 Appointment of members

1. The Member/Partner States shall nominate and communicate to the Secretariat the names of nominees to serve as members of the Non-Tariff Barriers Sub-Committee;
2. The Member/Partner States shall communicate to the Secretariat any changes of names and contact details for nominees to serve as members of the Non-Tariff Barriers Sub-Committee.

Rule 5 Attendance of Meetings

1. The meeting of the Tripartite Non -Tariff Barriers Sub Committee shall be attended by Members as may be designated by each Member/Partner State/REC;
2. Members/Partner States/RECs can agree to invite Observers as necessary;
3. The Sub-Committee shall determine items on the agenda which shall be open for attendance by Observers.

Rule 6 Composition of Bureau/Troika

The Bureau/Troika of the Non-tariff Barriers Sub-Committee shall correspond to the composition and term of office of the Bureau/Troika of the Tripartite Summit.



Rule 7
Frequency, Cost and Venue of
Meetings

1. The Non-Tariff Barriers Sub-Committee shall meet at least twice a year or as need may arise;
2. Meetings of the Non-Tariff Barriers Sub Committee shall be convened by the Chairperson in consultation with the Chairperson of the Tripartite Task Force;
3. The invitations to the meetings of the Non-Tariff Barriers Sub Committee shall be issued by the Chairperson of the Tripartite Task Force in consultation with Secretariats of the three RECs and the host Member/Partner State/REC;
4. The meetings of the Non-Tariff Barriers Sub Committee shall be held on a rotational basis among the RECs at a venue to be agreed to by the REC hosting the meeting in consultation with the Tripartite Task Force;
5. The Tripartite Task Force shall mobilise resources for hosting meetings of the Tripartite Sub-Committee;
6. Each Member/Partner State shall be responsible for the cost of participation of its delegates in the Non-Tariff Barriers Sub-Committee meetings.

Rule 8
Date of next meeting

The Non-Tariff Barriers Sub-Committee shall at its meeting decide on the date and venue of its next meeting.

Rule 9
Provisional Agenda

1. The Chairperson of the Non-Tariff Barriers Sub-Committee, in consultation with the Chairperson of the Tripartite Task Force shall prepare and circulate to the Member/Partner States/RECs, provisional agenda and working documents for a meeting of the Non-Tariff Barriers Sub-Committee at least fourteen (14) working days prior to the meeting;
2. Additional items may be placed on the provisional agenda of a meeting of the Non-Tariff Barriers Sub-Committee by a Member/Partner State/REC giving notice and working documents to the Tripartite Task Force which shall immediately inform the Chairperson of the Non-Tariff Barriers Sub-Committee who shall inform members of the Non-Tariff Barriers Sub-Committee at least fourteen (14) working days before the Meeting;
3. The Chairperson may in consultation with the other members of the Bureau/Troika, add items to the provisional agenda of the Non-Tariff Barriers

Sub-Committee Meeting. Provided that, other Members of the Non-Tariff Barriers Sub-Committee shall be given notice of at least fourteen (14) working days before a meeting of the Non-Tariff Barriers Sub-Committee.

Rule 10 Quorum

1. The quorum for a meeting of the Non-Tariff Barriers Sub-Committee shall be two thirds majority of the Member /Partner States Provided that each REC is represented;
2. Where the quorum for a meeting of the Sub-Committee is not reached, the meeting shall be constituted into a consultative forum;
3. The outcomes made by a Meeting in terms of sub rule 2 shall be presented to the next meeting of the duly constituted Sub-Committee for consideration.

Rule 11 Decisions

1. The decisions of the Non-Tariff Barriers Sub- Committee shall be by consensus;
2. In the case of failure to reach consensus, the matter shall be referred to the next meeting of the Non-Tariff Barriers Sub-Committee;
3. If consensus is not reached at the next meeting of the Sub-committee the matter shall be referred to the Customs and Trade Committee of Experts for consideration.

Rule12 Conduct of Business

1. At the beginning of every meeting, the Non-Tariff Barriers Sub-Committee shall adopt its agenda and work programme;
2. The Chairperson shall open and close the meetings, direct discussions, give speakers the floor in the order in which it is requested, submit matters under discussion for decision and announce the decision and rule on questions of procedure in accordance with these Rules;



3. The Chairperson shall act in an impartial manner, divesting himself/herself from the national point of view and does not serve as a delegate in his or her own meeting;
4. Proposals or draft resolutions for consideration at a meeting of the Non-Tariff Barriers Sub-Committee shall be submitted in writing and circulated by the Tripartite Task Force to the members 14 working days prior to the meeting;
5. The Non-Tariff Barriers Sub-Committee if it deems desirable, may consider at a meeting a proposal or draft resolution in respect of which no text has been circulated in advance of a meeting;
6. Any request to amend a proposal or draft resolution may be submitted without notice:

Provided that a copy shall be submitted to the Chairperson prior to its introduction and a decision thereon shall immediately be made by the Non-Tariff Barriers Sub Committee;

7. If there is more than one request for amendment of a proposal or a resolution, the Chairperson shall determine the order in which they shall be considered:

Provided that each request for amendment shall be put to a decision of the meeting and where the proposal for draft resolution is amended following a decision of the meeting on any proposed amendment, that proposal or draft resolution shall be considered adopted;

8. A proposal or draft resolution may be withdrawn by the member sponsoring it at any time before the adoption of the proposal by the meeting;
9. During the deliberations at a meeting of the Non-Tariff Barriers Sub-Committee, any member may raise a point of order and the Chairperson in consultation with the bureau, shall make his or her ruling immediately upon the point of order raised;
10. During the consideration of any matter at a meeting of the Non-Tariff Barriers Sub-Committee, the Chairperson may read out a list of speakers and with the consent of the meeting, declare the list closed. The Chairperson shall grant any member the right of reply if a speech made after the list of speakers is closed justifies it;
11. During the consideration of any matter, a member may move a motion that the consideration of the matter be postponed. One member may speak in support of the proposals and another against it whereupon the meeting shall immediately take a decision on the motion;
13. When a matter has been adequately considered, any member may move a motion that the consideration of the matter be closed whereupon the meeting shall immediately take a decision on the motion;



14. During the consideration of any matter at a meeting of the Non-Tariff Barriers Sub-Committee, any member of the Non-Tariff Barriers Sub Committee may move a motion that the meeting be suspended or adjourned whereupon the meeting of the Non-Tariff Barriers Sub Committee shall immediately take a decision on the motion;
15. During the consideration of any matter, a member or REC may request for an adjournment for consultation in which case the Chairperson of the Non-Tariff Barriers Sub Committee shall adjourn the meeting for the consultations to take place;
16. The motions indicated below shall have precedence in the following order over all other motions or proposals before a meeting of the Sub Committee:
 - (a) to suspend the meeting;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate on any item under consideration; or
 - (d) to close the debate on the item under consideration.
17. During the meetings of the Sub-Committee, the TTF shall provide interpretation services as per rule 16.

Rule 13

Seating Arrangements

1. The order and format of seating at meetings of the Non-Tariff Barriers Sub-Committee shall be in ascending alphabetical order;
2. Any Member or Partner States wishing to sit as RECs or customs territories may do so.

Rule 14

Expert Working Groups

1. The Non-Tariff Barriers Sub-Committee may set up one or more ad hoc Expert Working Groups (EWGs) to work on specific issues as it deems necessary for the accomplishment of its work;
2. Membership of the Expert Working Groups shall consist of selected Member /Partner States or of selected Members designated by the Non-Tariff Barriers Sub-Committee;



3. The terms of reference, of Expert Working Groups shall be determined by the Non-Tariff Barriers Sub-Committee.

Rule 15

Secretarial Services

The secretarial services for meetings of the Sub-Committee shall be provided by the Tripartite Task Force.

Rule 16

Languages

1. The working languages of the meetings of the Non-Tariff Barriers Sub-Committee shall be Arabic, English, French and Portuguese;
2. The necessary translation services shall be provided by the RECs.

Rule 17

Reports

1. Reports adopted by the Non-Tariff Barriers Sub-Committee shall be signed by the members of the Bureau/Troika at the end of the meeting;
2. Within a period of fourteen (14) working days after the end of a meeting, reports adopted by the Non-Tariff Barriers Sub-Committee shall be transmitted by the Chairperson of the Sub-Committee to the Chairperson of the Tripartite Task Force for onward transmission to the Tripartite Customs and Trade Committee of Experts for consideration;
3. Reports of the meetings of the Sub- Committee shall be transmitted by the Chairperson of the Tripartite Task Force to the Member States/Partner States /RECs within a period of fourteen (14) working days.

Rule 18

Work Programme

1. The Sub- Committee shall develop work programmes and associated budgets for the elimination of NTBs;
2. The work programmes and budgets shall be submitted to the Tripartite Customs and Trade Committee of Experts for approval;
3. The Sub-Committee shall undertake periodic review develop where



necessary, tools for monitoring, resolution and elimination of identified NTBs at the Tripartite level, including the Tripartite NTB elimination plans.

Rule 19 Quarterly Reports

The Non-Tariff Barriers Sub- Committee shall prepare quarterly progress reports which shall include findings and outcomes of monitoring and evaluation reviews for submission to the Tripartite Customs and Trade Committee of Experts for consideration.

Rule 20 Amendment

1. These Rules may be amended at any time by consensus upon entry into force by the Non-Tariff Barriers Sub-Committee;
2. A Member/Partner State/REC proposing any amendment shall give the other Members three months prior notice in writing of the proposal to amend.

Rule 21 Entry into Force

These Rules shall enter into force upon adoption by the Non-Tariff Barriers Sub-Committee and approval by the Tripartite Trade Negotiating Forum.

COMESA-EAC-SADC
21 SEPTEMBER 2019

