



COMESA-EAC-SADC TRIPARTITE

**ELEVENTH MEETING OF THE TRIPARTITE TECHNICAL WORKING GROUP ON
CUSTOMS**

**COOPERATION, DOCUMENTATION, PROCEDURES AND TRANSIT
INSTRUMENTS**

16 - 21 SEPTEMBER 2019

HILTON HOTEL, NAIROBI, REPUBLIC OF KENYA

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INTRODUCTION

1. The Eleventh meeting of the Tripartite Technical Working Group on Customs Cooperation, Documentation, Procedures and Transit Instruments (TWG-CCDPTI) was held from 16th – 21st September 2019 in Nairobi, Republic of Kenya. The objectives of the Meeting were to consider and finalise the draft Tripartite General Guidelines on Customs Cooperation, to consider and finalise the draft Tripartite General Guidelines on Trade Facilitation (Annex VI), to consider and finalise the draft Tripartite General Guidelines on Transit (Annex VII) and to correct typographical and other errors observed in Annexes V, VI, and VII to the TFTA Agreement and in the TFTA Agreement and Declaration.
2. The Eleventh meeting of the TWG-CCDPTI was attended by delegates from the Member/Partner States of COMESA (Kenya), EAC (Burundi, and Uganda), SADC (Botswana) and officials from the Tripartite Task Force represented by COMESA Secretariat. The list of delegates is attached to this report as Annex I.
3. The meeting was chaired by Mr. Peter Ng'ang'a, Chief Manager, Policy Division, Customs and Border Control Department, Kenya Revenue Authority; Vice Chairperson was Mr. Andrew Okello, Customs Officer, International Affairs, Uganda Revenue Authority, Republic of Uganda, while the Rapporteur was Mr. Gofaone Gabositwe, Principal Customs Officer, International Relations, Botswana Unified Revenue Service, Republic of Botswana.

CONFIRMATION OF BUREAU (*Agenda Item 1*)

4. In accordance with the Rules of Procedure, the Bureau was constituted as follows:

Chairperson: Kenya, representing COMESA

Vice Chairperson: Uganda, representing EAC

Rapporteur: Botswana, representing SADC

OPENING AND WELCOME REMARKS (*Agenda Item 2*)

5. A plenary session for the five TWGs was jointly held for the opening. The Tripartite Capacity Building Programme (TCBP) Coordinator, Dr. Seth Gor, opened the meeting on behalf of the Tripartite Task Force. In opening the meeting, he welcomed delegates to the meeting and highlighted the importance of these particular meetings as they were meant to finalise all outstanding work for the TWGs to have deliverables to present to the TTNF that was scheduled to meet in October 2019. The TTNF was to feed into Senior Officials' meeting which was in turn to precede the Sectoral Ministers' meeting to take place before Council of Ministers' meeting to be held in preparation for the Summit, tentatively set for January 2020.

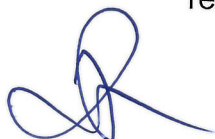
6. He said the meetings were to determine whether the Tripartite Summit scheduled for January 2020 was to take place because without deliverables to present to TTNF, Sectoral Ministers and Council, there would be no reason for holding the Summit.
7. He therefore implored delegates to fully apply themselves and conclude on all outstanding areas they have been working on.

ADOPTION OF AGENDA AND ORGANISATION OF WORK (*Agenda Item 3*)

8. The meeting adopted the following agenda:
 1. Constitution of the Bureau (*Agenda item 1*)
 2. Welcome and Opening Remarks (*Agenda item 2*)
 3. Adoption of the Agenda (*Agenda item 3*)
 4. Consideration of matters arising from the 10th Meeting of the TWG (*Agenda item 4*)
 5. Consideration and finalization of the draft Tripartite General Guidelines on Customs Cooperation (*Annex V*) (*Agenda item 5*)
 6. Consideration and finalization of the draft Tripartite General Guidelines on Implementation of Trade Facilitation (*Annex VI*) (*Agenda item 6*)
 7. Consideration and finalization of the draft Tripartite General Guidelines on Transit and Transit Trade (*Implementation of Annex VII*) (*Agenda item 7*)
 8. Identification of typographical and other errors observed in Annexes V, VI, and VII to the TFTA Agreement (*Agenda item 8*)
 9. Any other business (*Agenda item 9*)
 10. Date and venue of next Meeting (*Agenda item 10*)
 11. Adoption of Report and closure of the Meeting (*Agenda item 11*)

CONSIDERATION OF MATTERS ARISING FROM THE 10TH MEETING OF THE TWG (*Agenda item 4*)

9. The TWG-CCDPTI considered the report of its Tenth Meeting in relation to the recommendation that Member States should identify provisions in Annexes V, VI and VII that may require Regulations or Guidelines, and recalled its conclusion that since the Secretariat had not received any submissions, Member/Partner States should continue with identification of provisions in the Annexes that may require Regulations or Guidelines and submit to the Secretariat by 15th



September, 2019. The meeting noted that by the date of the 11th meeting the Secretariat had still not received any submission on provisions of Annexes V, VI and VII that required Regulations or Guidelines.

CONCLUSION

10. In recognition of the Annexes being living documents, the meeting recommended to lift deadlines for submissions and invited Member/Partner States to submit to the TTF provisions identified to require Guidelines or Regulations at whatever time such identification is made.

CONSIDERATION AND FINALIZATION OF THE DRAFT TRIPARTITE GENERAL GUIDELINES ON CUSTOMS COOPERATION (Annex V) (*Agenda item 5*)

11. The meeting noted that the TTF did not receive any comments on the Guidelines and delegates to the 11th meeting equally did not raise any comments on the floor.
12. The meeting therefore adopted the draft General Guidelines as were concluded by the 10th meeting of the TWG-CCDPTI. The Guidelines are annexed to this report as Annex II.

CONCLUSION

13. The meeting recommended that the TTNF should consider adopting the Guidelines as finalised by the TWG-CCDPTI.

CONSIDERATION AND FINALIZATION OF THE DRAFT TRIPARTITE GENERAL GUIDELINES ON IMPLEMENTATION OF TRADE FACILITATION (Annex VI) (*Agenda item 6*)

14. The meeting considered and finalized the draft General Guidelines on Trade Facilitation to operationalise Annex VI of the TFTA Agreement. The Guidelines are annexed to this report as Annex III.

CONCLUSION

15. The meeting recommended that the TTNF should consider adopting the General Guidelines for operationalization of Annex VI as finalised by the TWG - CCDPTI.

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CONSIDERATION AND FINALIZATION OF THE DRAFT TRIPARTITE GENERAL GUIDELINES ON TRANSIT AND TRANSIT TRADE (IMPLEMENTATION OF ANNEX VII) (Agenda item 7)

16. The meeting considered and finalized the draft Tripartite Guidelines for implementation of the Annex on Transit, Annex VII of the TFTA Agreement.
17. The meeting noted, however, that in view of ICT technical implications surrounding systems requirements and the legal determinations on identification and permissibility of data to be exchanged, there is need for ICT technical experts and Legal experts to consider the Guidelines on Information Exchange once they are developed.

CONCLUSION

18. **The meeting was satisfied with its work on the Tripartite General Guidelines on Transit and recommended that the TTNF should consider adopting them.**

IDENTIFICATION OF TYPOGRAPHICAL AND OTHER ERRORS OBSERVED IN ANNEXES V, VI, AND VII TO THE TFTA AGREEMENT (Agenda item 8)

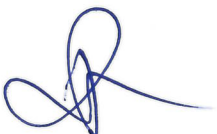
19. Although Annexes V, VI and VII to the TFTA Agreement and the TFTA Agreement itself were legally scrubbed and adopted, the meeting considered that correcting obvious typographical errors would not change the substance of provisions. The meeting therefore recalled the observations made at its Eighth and Ninth meetings that correction of typographical and other errors observed in Annexes V, VI, and VII to the TFTA Agreement ought to be made a substantive agenda of its meeting.
20. However, the 11th meeting of the TWG – CCDPTI could not undertake the exercise due to time limitation.

CONCLUSION

21. **The Eleventh meeting reiterated the conclusion of the Tenth meeting to recommend that the TTNF should consider approving the exercise of correcting typographical and other errors observed in Annexes V, VI and VII, and in the TFTA Agreement.**

ANY OTHER BUSINESS (Agenda Item 9)

22. The meeting noted the low attendance of meetings by Tripartite Member/Partner States and impressed on the TTF to find out if there is any reasons for that and to request Tripartite Member/Partner States to improve.
23. The meeting instructed the TTF to be sending meeting invitations and documents in good time to allow Member/Partner States prepare well.




24. The meeting ended at 11: 40 hrs.

DATE AND VENUE OF THE NEXT MEETING (Agenda Item 10)

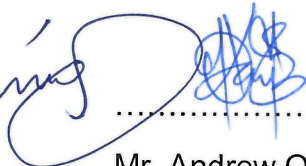
25. The meeting assigned the TTF to consult and determine the date and venue of the next meeting and to inform Member/Partner States in due course.

ADOPTION AND CLOSING OF THE MEETING (Agenda Item 11)

26. The report was adopted and signed by the Bureau.



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Mr. Peter Ng'ang'a
Chief Manager,
Policy Division,
Customs and Border
Control Department,
KRA
Republic of Kenya.



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Mr. Andrew Okello H.H,
Customs Officer,
International Affairs,
Uganda Revenue Authority, International Relations
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.....
Mr. Gofaone Gabositwe
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