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By Order of the Council and Authority

Sindiso N. Ngwenya
Secretary-General
COMESA

IT IS HEREBY NOTIFIED that the COMESA Council, at its Twenty-Sixth Meeting held from 2nd to 4th June, 2009 at Victoria Falls, Zimbabwe issued the following Legal Notice:

LEGAL NOTICE NUMBER 1 of 2009

The Council Regulations Governing the COMESA Customs Union

HAVING REGARD to Article 10 (1) of the Treaty establishing the Common Market for Eastern and Southern Africa, providing that Council may make regulations;

NOW THEREAFTER, the Council of Ministers hereby makes the following regulations:

Pursuant to the provisions of Article 45 of the Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA), the Regulations governing the Customs Union are hereby set forth :

PREAMBLE

WHEREAS, the High Contracting Parties signed the Treaty for the Establishment of Common Market for Eastern and Southern Africa on 5th November 1993;

WHEREAS

- a) under Article 45 of the Treaty, the Member States undertook to, *inter alia*, establish among themselves a Customs Union; and
- b) under Article 45 of the Treaty, the Member States determined that the establishment of a Customs Union shall be in the course of a transitional period of ten years from the entry into force of the Treaty;

WHEREAS Member States, while aware that they have reached different stages of development with each Member State having a comparative advantage on trade in some commodities, are resolved and determined to reduce existing imbalance and to foster and encourage the accelerated and sustained development of COMESA;

AND WHEREAS the Member States are desirous of deepening and strengthening trade among themselves and are resolved to abolish tariff and non-tariff barriers to create the most favourable environment for the development of regional trade;

RECOGNIZING that a Customs Union would enhance economic growth and the development of COMESA;

RECALLING the Decision of the 17th Council Meeting held in Kampala, Uganda in May 2004 deferring establishment of the Customs Union to 2008;

RECALLING the Decision of the 19th Council Meeting held in Kigali, Rwanda in May 2005 that Member States should work towards attaining a Customs Union by December 2008 but, in the event that some Member States are not ready to implement the Customs Union in December 2008, those that are ready should proceed with implementation;

UNDERLINING the need for full participation of all Member States in the Free Trade Area so as to ensure that they are all ready to be in the Customs Union;

RECALLING the Decision of the 23rd Council Meeting held in Nairobi, Kenya in May 2007 that:

(a) the structure of the Common External Tariff is as follows:

- (i) raw materials: 0%
- (ii) capital goods: 0%
- (iii) intermediate goods: 10%
- (iv) finished goods: 25%

- (b) The rates of the Common External Tariff be subject to periodic reviews over time frames to be determined by Council;
- (c) Member States be given the flexibility and policy space to enable them address national issues arising out of implementation of the Common External Tariff rates;
- (d) Member States be given space to maintain production incentive schemes such as industrial rebates on a time-bound basis; and
- (e) Market access acquired by Member States prior to implementation of the Customs Union should be preserved;

CONSCIOUS where applicable, of their obligations, as Contracting Parties to *inter alia* the Marrakesh Agreement Establishing the World Trade Organization 1994, and to the Convention Establishing a Customs Co-operation Council, 1950 to contribute, in the common interest, to the harmonious development of world trade;

CONSCIOUS of their other obligations and commitments under other international, regional, multilateral or bilateral economic and social arrangements;

Mindful of the need to expeditiously establish a free trade area with the ultimate goal of establishing a single customs union in accordance with the decision of the Tripartite Summit of COMESA, East African Community and Southern African Development Community of October, 2008 in Kampala, Uganda;

ACTING in accordance with the provisions of Article 10 of the Treaty, the Council makes the following Regulations to govern the operations of the Customs Union:

PART

INTERPRETATION

Article 1

Interpretation

1. In these Regulations, except where the context otherwise requires:
 - (a) “**anti-dumping measures**” means measures against products introduced into the commerce of the Common Market at an export price below their normal value if such dumped products cause injury or threaten to cause material injury to an industry in the Common Market;
 - (b) “**COMESA**” or “**Common Market**” means the Common Market for Eastern and Southern Africa established by Article 1 of the Treaty;
 - (c) “**Common External Tariff**” means an identical rate of tariff imposed on goods imported from third countries as prescribed by the Council;
 - (d) “**competent authority**” means a body or organization designated by a Member State to administer the customs law of COMESA in that Member State;
 - (e) “**co-operation**” includes any undertaking by the Member States, jointly, of activities undertaken in furtherance of the objectives of COMESA, as provided for under the Treaty or under any contract or agreement made under the Treaty or in relation to the objectives of COMESA;
 - (f) “**Council**” means the Council of Ministers of COMESA established by Article 7 of the Treaty;
 - (g) “**countervailing duty**” means a special duty levied for the purpose of offsetting any bounty or subsidy bestowed

directly or indirectly, upon the manufacture, production or export of any merchandise;

- (h) “**Court**” means the COMESA Court of Justice established by Article 7 of the Treaty;
- (i) “**customs duties**” means import or export duties and other charges of equivalent effect levied on goods by reason of their importation or exportation and includes suspended duties and fiscal duties or taxes where such duties or taxes affect the importation or exportation of goods but does not include internal duties and taxes such as sales, turnover or consumption taxes imposed otherwise than in respect of importation or exportation of goods;
- (j) “customs law” means all the statutory provisions applied by customs administration on the importation ,exportation , transit or movement of goods whether or not they involve the collection of duties or taxes(or security thereof), on the enforcement of prohibitions, restrictions or control or exchange control regulations or on any other customs regime;
- (k) “**customs law of COMESA**” means the Common Market Customs Management Regulations of COMESA as provided for under Article 16;
- (l) “**customs offence**” means any breach or attempted breach of customs law;
- (m)“**customs territory**” means the territory in which the customs law of COMESA applies and shall from time to time include such states as may become members of the Customs Union and excludes those which cease to be Members;
- (n) “**Customs Union**” means the Customs Union of COMESA established by Article 45 of the Treaty;
- (o) “**days**” means working days in any calendar month;
- (p) “**duty**” means any duty leviable under the Customs law of COMESA;
- (q) “**duty drawback**” means a refund of all or part of any excise or import duty paid in respect of goods confirmed to have been exported or used in a manner or for a purpose prescribed as a condition for granting duty drawback;

- (r) “**excise duty**” means a non-discriminative duty imposed by a Member State on locally produced or similar imported goods;
- (s) “**export**” with its grammatical variations and cognate expressions means to take or cause goods to be taken out of the customs territory;
- (t) “**export promotion**” means an undertaking in the facilitation of production or manufacturing for purposes of export;
- (u) “**goods**” means all tangible moveable property including, all wares, articles, merchandise, animals, matter, baggage, stores, materials, currency, electricity, gas and includes postal items other than personal correspondence;
- (v) “**import**” with its grammatical variations and cognate expressions means to bring or cause goods to be brought into the customs territory;
- (w) “**import duties**” means customs duties and other charges of equivalent effect levied on goods by reason of their importation;
- (x) “**non-tariff barriers**” means laws, regulations, administrative and technical requirements other than tariffs, imposed by a Member State whose effect is to impede trade;
- (y) “**other charges of equivalent effect**” means any tax, surtax, levy or charge imposed on imports and not on like locally produced products and does not include fees and similar charges commensurate with the cost of services rendered;
- (z) “**Member States**” means the Member States granted membership to COMESA under Article 1 of the Treaty;
- (aa) “**publications**” means printed material in hard or soft form;
- (bb) “**refund**” means the return or repayment of duties and taxes already collected;
- (cc) “**Regulations**” means these Regulations and any annexes to these Regulations;
- (dd) “**remission**” means the waiver of duty or refraining from exacting of duty;

(ee) “**safeguard measures**” means emergency actions with respect to increased imports of particular products, where such imports have caused or threaten to cause serious injury to an industry in the Common Market;

(ff) “**Secretary-General**” means the Secretary-General of COMESA appointed under Article 17 of the Treaty;

(gg) “**subsidy**” shall be deemed to exist if:

- (i) there is a specific financial contribution by a government or any public body within the territory of a Member State, where:
 - a. a government practice involves a direct transfer of funds (e.g. grants, loans and equity infusion), potential direct transfers of funds or liabilities (e.g. loan guarantees);
 - b. government revenue that is otherwise due is foregone or not collected (e.g. fiscal incentives such as tax credits);
 - c. a government provides goods or services other than general infrastructure or purchases goods;
 - d. a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in paragraphs a. to c., which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by governments; or
- (ii) there is any form of income or price support; and
- (iii) a benefit is thereby conferred;

(hh) “**tariff**” means any customs duty on imports or exports;

(ii) ‘**third country**’ means a country other than a Member State;

(jj) “**trade facilitation**” means the co-ordination and rationalization of trade procedures and documents relating to the movement of goods from their place of origin to their destination; and

(kk) “**Treaty**” means the Treaty Establishing the Common Market for Eastern and Southern Africa.

2. In these Regulations, a reference to a law or regulations shall be construed as reference to the law or regulations as from time to time amended.

PART II

THE COMESA CUSTOMS UNION

Article 2

Establishment of the Customs Union

1. The customs union established in accordance with Articles 4 and 45 of the Treaty, shall be called the Customs Union of the Common Market for Eastern and Southern Africa.
2. Within the Customs Union:
 - (a) there shall be a common external tariff in respect of all goods imported into the Customs Union from third countries; and
 - (b) tariff and non-tariff barriers to trade among the Member States shall be eliminated.

Article 3

Objectives of the Customs Union

The objectives of the Customs Union shall be to:

- (a) further liberalize intra-regional trade in goods;
- (b) promote efficiency in production within COMESA;
- (c) enhance domestic, cross border and foreign investment in COMESA; and
- (d) promote economic development and diversification in industrialization in COMESA.

Article 4

Scope of Co-operation in the Customs Union

1. The provisions of Part II shall apply to any activity undertaken by Member States in co-operation in the field of customs management and trade and shall include:
 - (a) matters concerning trade liberalization;
 - (b) trade related aspects including the simplification and harmonization of trade documentation, customs regulations and procedures with particular reference to such matters as valuation of goods, tariff classification, collection of customs duties, temporary admission, warehousing, cross-border trade and export drawbacks;
 - (c) trade remedies and the prevention, investigation and suppression of customs offences;
 - (d) rational and joint institutional arrangements;
 - (e) training facilities and programmes on customs and trade;
 - (f) production and exchange of customs and trade statistics and information; and
 - (g) the promotion of exports.
2. For purposes of paragraph (1) (a) , Member States shall co-operate in:
 - (a) adopting uniform, comprehensive and systematic tariff classification of goods with a specific description and interpretation in accordance with the Harmonized Commodity Description and Coding System of the World Customs Organization;
 - (b) adopting a standard system of valuation of goods based on principles of equity, uniformity and simplicity of application in accordance with Article VII of the General Agreement on Tariffs and Trade (GATT) of 1994 and Agreement on the Implementation of Article VII of the GATT of 1994;
 - (c) establishing common terms and conditions governing temporary importation procedures including the list or range of goods to be covered and the nature of manufacturing or processing to be authorized;
 - (d) implementing the customs requirements for re-exportation of goods;

- (e) implementing the customs requirements for the transit of goods;
- (f) harmonizing and simplifying customs and trade formalities and documentation and dissemination of information;
- (g) harmonizing the customs requirements for the control of warehoused goods;
- (h) adopting common procedures for the establishment and operation of export promotion schemes and free zones; and
- (i) Implementing harmonized standards and Sanitary and Phytosanitary Measures.

3. The Customs Union shall be governed in accordance with:

- (a) relevant provisions of the Treaty;
- (b) these Regulations;
- (c) regulations and directives made and issued by Council;
- (d) applicable judgments made by the Court; and
- (e) relevant principles of international law.

Article 5

Application Clause

- 4. The application of these Regulations in relation to participation of Member States in the Customs Union shall be based on the principle of variable geometry.
- 5. Existing preferential market access and conditions pertaining to such preferential treatment available to a Member State not participating in the Customs Union shall be preserved.

PART III

TRADE LIBERALIZATION IN THE CUSTOMS UNION

Article 6

National Treatment

1. In accordance with Article 57 of the Treaty, Member States shall not:
 - (a) enact legislation or apply administrative measures which directly or indirectly discriminate against the same or like products of other Member States; or
 - (b) impose any internal taxes on products originating from other Member States to afford indirect protection to their own like products.
2. No Member State shall in accordance with Article 57 of the Treaty impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed, directly or indirectly, on like products.
3. Where products are exported to the territory of any Member State, any repayment of internal taxation shall not exceed the internal taxation imposed on them, whether directly or indirectly.

Article 7

Common External Tariff

1. Pursuant to the provisions of Article 47 of the Treaty, Member States have adopted a Common External Tariff in respect of all goods imported into the Customs Union.
2. The Structure of the Common External Tariff shall be:
 - (a) raw materials: 0%
 - (b) capital goods: 0%
 - (c) intermediate goods: 10%
 - (d) finished goods: 25%
3. The Council may review the Common External Tariff structure and approve measures designed to remedy any adverse effects which any of the Member States may experience by reason of the implementation of Part III or, in exceptional circumstances, to safeguard COMESA interests.
4. The Member States shall have flexibility necessary to enable them address domestic issues arising out of the implementation of the Common

External Tariff, subject to such directives as may be issued by the Council from time to time..

Article 8

Non - Tariff Barriers

Except as may be provided for or permitted by these Regulations and in accordance with Article 49 of the Treaty, each of the Member States agrees to remove, with immediate effect, all the existing non-tariff barriers to the importation into their respective territories of goods originating in the other Member States and, thereafter, not to impose any new non-tariff barriers.

Article 9

Sensitive Products

The adjustment of tariffs on sensitive products in relation to trade between the Common Market and third countries shall be over a period prescribed by Council.

Article 10

Safeguard Measures

1. After the coming into force of these Regulations, where a Member State demonstrates that its economy will suffer serious injury as a result of the application of the Common External Tariff, the Member State concerned shall, inform Council and the other Member States, through the Secretary-General on the measures it proposes to take.
2. Council shall examine the merits of the case and the proposed measures and take appropriate decisions.

Article 11

Competition

1. In accordance with the provisions of Article 55 of the Treaty Member States shall prohibit any practice that adversely affects free trade within the Common Market including any agreement, undertaking or concerted practice which has as its objective or effect the prevention, restriction or distortion of competition.
2. The implementation of this Article shall be in accordance with the COMESA Competition Regulations.

PART IV

EXPORT PROMOTION SCHEMES

Article 12

Principles of Export Promotion Schemes

1. In accordance with the provisions of Article 62 of the Treaty Member States agree to support trade promotion schemes in COMESA for the purposes of accelerating development, promoting and facilitating export oriented investments, producing export competitive goods, developing an enabling environment for export promotion schemes and attracting foreign direct investment.
2. Member States agree that goods benefiting from export promotion schemes shall primarily be for export.
3. In the event that such goods are sold in the customs territory such goods shall attract full duties, levies and other charges provided in the Common External Tariff.
4. The sale of goods benefiting from export promotion schemes in the customs territory shall be subject to authorization by a competent authority and such sale shall be limited to a percentage of the annual production of a company as provided for under the Customs law of COMESA.

Article 13

Duty Drawback Schemes

1. Member States agree that, upon exportation to a third country, drawback of import duties may be allowed in such amounts and on such conditions as may be prescribed by a competent authority.
2. Duty drawback shall be paid:
 - (a) upon submission of an application to a competent authority within such a period from the date of exportation or performance of the conditions on which drawback may be allowed as the competent authority may prescribe; and
 - (b) on goods or any material used in the manufacture or processing of such goods in accordance with and subject to such limitations and conditions as may be prescribed by the competent authority.
3. The implementation of this Article shall be in accordance with the principles of duty drawback schemes specified in the customs law of COMESA.

Article 14

Duty Remission Schemes

1. Member States agree to support export promotion by facilitating duty remission schemes.
2. For purposes of this Article, Member States may establish duty remission schemes.
3. The implementation of this Article shall be in accordance with the principles of duty and value added tax remission schemes specified in the customs law of COMESA.

Article 15

Other Export Promotion Schemes

Council may, from time to time, approve the establishment of such other export promotion schemes, as may be deemed necessary.

PART V

CUSTOMS ADMINISTRATION

Article 16

Common Market Customs Management Regulations

1. The administration of the Customs Union, including legal, administrative and institutional matters, shall be governed by the Common Market Customs Management Regulations.
2. The Common Market Customs Management Regulations shall apply uniformly in all Member States except as otherwise provided for in these Regulations.

Article 17

Communication of Customs and Trade Information

Member States shall exchange information on matters relating to customs and trade and in particular:

- (a) the prevention, investigation and suppression of customs offences; and
- (b) the operation of a harmonized information system to facilitate the sharing of customs and trade information.

Article 18

Trade Facilitation

Member States shall initiate trade facilitation by:

- (a) reducing the number and volume of documentation required in respect of trade in the Common Market;
- (b) adopting common standards of trade documentation and procedures within the Common Market where international requirements do not suit the conditions prevailing among the Member States;
- (c) ensuring adequate co-ordination and facilitation of trade and transport activities within COMESA;
- (d) regularly reviewing the procedures adopted in international trade and transport facilitation with a view to simplifying and adopting them for use by the Member States;
- (e) collecting and disseminating information on trade and trade documentation;
- (f) promoting the development and adoption of common solutions to problems in trade facilitation among the Member States;
- (g) establishing joint training programmes on trade; and
- (h) establishing one stop border posts.

Article 19

Commodity Description and Coding System

1. Member States agree to harmonize their customs nomenclature and standardize their international trade statistics to ensure comparability and reliability of the relevant information.
2. Member States adopt the Harmonized Commodity Description and Coding System of the World Customs Organization.

Article 20

Prevention, Investigation and Suppression of Customs Offences

1. Member States agree to co-operate in the prevention, investigation and suppression of customs offences within their territories.
2. For purposes of paragraph 1, Member States shall:
 - (a) afford each other mutual assistance with a view to preventing, repressing and investigating customs offences;
 - (b) exchange information on goods and publications known to be the subject of illicit traffic and maintain special surveillance over the movement of such goods and publications; and
 - (c) consult each other on the establishment of common border posts and take steps as may be deemed appropriate to ensure that goods exported or imported through common frontiers pass through the competent and recognized customs offices and along approved routes.
3. The implementation of Part V shall be in accordance with the provisions of the customs law of COMESA.

PART VI

TRADE RELATED ASPECTS

Article 21

Anti-dumping Measures

For purposes of invoking of anti-dumping measures, the term “regional industry” shall be interpreted as referring to the regional producers as a whole of like products or to those of them whose collective output of the products constitutes a major proportion of the total regional production of those products, except that:

- (a) when producers are related to the exporters or importers or are themselves importers of the allegedly dumped product, the term “regional industry” may be interpreted as referring to the rest of the producers;
- (b) in exceptional circumstances the territory of the Member States may, for the production in question, be divided into two or more competitive markets and the producers within each market may be regarded as a separate industry where:
 - (i) the producers within that market sell all or most of their production of the product in question in that market; and
 - (ii) the demand in that market is not to any substantial degree supplied by producers of the product in question located elsewhere in the territory.
- (c) in the circumstances referred to in paragraph (b), an industry is not injured, except where there is concentration of dumped imports into such an isolated market and provided the dumped imports are causing injury to the producers of all or most of the production within such market.

Article 22

Subsidies

1. Pursuant to the provisions of Article 52 of the Treaty, if a Member State grants or maintains any subsidy, including any form of income or price support which operates directly or indirectly to distort competition by favouring certain undertakings or the production of certain goods in a Member State, it shall notify the other Member States in writing.
2. The notification in paragraph 1 shall contain the extent and nature of the subsidization, the estimated effect of the subsidization, the quantity of the

affected product or products exported to Member States and the circumstances making the subsidy necessary.

Article 23

Countervailing Measures

1. COMESA may, for the purposes of offsetting the effects of subsidies and subject to regulations made under this Article, levy a countervailing duty on any product of any third country imported into the Common Market.
2. The countervailing duty shall be equal to the amount of the estimated subsidy determined to have been granted directly or indirectly, on the manufacture, production or export of that product in the country of origin or exportation.

Article 24

Restrictions and Prohibitions to Trade

1. In accordance with Article 50 of the COMESA Treaty, a Member State may, after giving notice to the Secretary-General of her intention to do so, introduce or continue to execute restrictions or prohibitions affecting:
 - (a) the application of security laws and regulations;
 - (b) the control of arms, ammunition and other military equipment or items;
 - (c) the protection of human, animal or plant , or the protection of public morality;
 - (d) the transfer of gold, silver and precious and semi-precious stones;
 - (e) the protection of any item deemed to be of national importance provided that the Member State concerned shall furnish proof to the Council that the item is of national importance; and
 - (f) the maintenance of food security in the event of war and famine.
2. A Member State shall not exercise the right to introduce or continue to execute the restrictions or prohibitions conferred by this Article in order to restrict the free movement of goods within COMESA.
3. Member States agree to specify in the customs law of COMESA goods to be restricted and prohibited from trade.
4. Restrictions and prohibitions imposed in accordance with paragraph1 shall not extend for more than is necessary to achieve security aims and other

risks intended to be eliminated and shall be applied on the basis of non-discrimination.

Article 25

Trade Remedy Regulations

The Council shall, for the effective implementation of Part VI and Article 10, adopt trade remedy regulations.

PART VII

EXEMPTION REGIMES

Article 26

Exemption Regimes

1. Member States agree to harmonize their exemption regimes in respect of goods that are excluded from payment of import duties.
2. Member States hereby agree to adopt a harmonized list on exemption regimes.

PART VIII

GENERAL PROVISIONS

Article 27

Measures to Address Imbalances Arising from the Establishment of the Customs Union

The Fund established under Article 150 of the Treaty, shall be used to address imbalances that may arise from the establishment of the Customs Union.

Article 28

Safeguard Clause

1. In the event of serious injury or threat of serious injury occurring to the economy of the Common Market following the application of the provisions of these Regulations, Member States affected shall, after informing the Council through the Secretary-General and the other Member States, take necessary safeguard measures.
2. The Council shall examine the method and effect of the application of existing safeguard measures and take appropriate decisions.

Article 29

Trade Arrangements with Third Countries and Organizations Outside the Customs Territory

1. These Regulations shall not prejudice the commitments of Member States under other international treaties and conventions.
2. COMESA shall co-ordinate its trade relations with third countries so as to facilitate the implementation of a common policy in the field of external trade.
3. Member States shall identify issues arising out of their current relations with third countries and other regional and international organizations in order to establish convergence for the purposes of the Customs Union.
4. For purposes of paragraph 3, COMESA shall, upon entry into force of these Regulations, formulate a mechanism to guide its relations with other regional and international organizations.
5. A Member State may separately conclude or amend a trade agreement with a third country provided that the terms of such an agreement or amendments are not in conflict with the provisions of these Regulations.
6. Where a Member State intends to conclude or amend an agreement, as provided in paragraph 5, with a third country the Member State shall send its proposed agreement or amendment to the Secretary-General, who shall communicate the proposed agreement to the other Member States within a period of thirty days, for their consideration.
7. The other Member States shall make comments and proposals as they may deem appropriate, within ninety days from the receipt of the Secretary-General's notification, before the conclusion or amendment of the agreement.
8. Following the receipt of the comments and proposals as specified in paragraph (7), the Secretary-General shall convene a meeting of the

Council within a period of sixty days to consider the comments and proposals.

9. Where Member States do not submit comments and proposals within the period specified under paragraph (7), the concerned Member State may conclude or amend the said agreement.

Article 30

Inter-linkages with Other Areas of Harmonization

The application of these Regulations shall take cognizance of the provisions of the Treaty on other areas of harmonization in:

- (a) environment and natural resources management;
- (b) standardization, quality assurance, metrology and testing;
- (c) sanitary and phytosanitary measures;
- (d) intellectual property rights; and
- (e) standards and technical regulations on trade.

Article 31

Dispute Settlement

Each Member State affirms her adherence to the principles for the administration and management of disputes and shall in particular:

- (a) accord due consideration to the other Member States' representation or complaints;
- (b) accord adequate opportunity for consultation on representations made by other Member States; and
- (c) implement in good faith any decisions made pursuant to COMESA's dispute settlement mechanisms under Chapter 5 of the Treaty.

Article 32

Amendment

1. These Regulations may be amended by Council.
2. Any Member State may submit proposals for the amendment of these Regulations.

3. Any proposal for the amendment of these Regulations shall be submitted to the Secretary-General in writing, who shall within thirty days of its receipt, communicate it to Member States.
4. Member States wishing to comment on the proposal shall do so within ninety days from the date of dispatch of the proposal by the Secretary-General.
5. After the expiration of the period prescribed under Regulation 65, the Secretary-General shall submit the proposal and comments thereon received from Member States to Council through the Committee of Legal Affairs.
6. Any Amendment of these Regulations shall be published in the Gazette of the Common Market and shall enter into force on the date of publication or such later date as may be specified in the Regulations.

Article 33

Miscellaneous

1. Member States participating in the Customs Union shall deposit their instruments of notification of participation in the Customs Union with the Secretary-General.
2. On receipt of an instrument of notification, the Secretary-General shall notify all other Member States of such deposit.
3. Member States, when they defer their participation in the Customs Union, shall provide a timetable of their participation in the Customs Union to Council.
4. Council shall take note of the time-table submitted by a Member State.

Article 34

Entry into Force

These Regulations shall enter force in accordance with Article 12 of the Treaty.

**Sindiso Ngwenya
SECRETARY GENERAL**