



# OFFICIAL GAZETTE

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

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**THE COMESA AUTHORITY – HEADS OF STATE AND GOVERNMENT**

*As at 24 February 2014*

**BURUNDI**

His Excellency Pierre Nkurunziza,  
President of the Republic of Burundi

**COMORES**

His Excellency Dr Ikiliou Dhoinine,  
President of the Union of the Comoros;

**DJIBOUTI**

His Excellency Ismaïl Omar Guelleh,  
President of the Republic of Djibouti

**DEMOCRATIC REPUBLIC OF CONGO**

His Excellency Joseph Kabila Kabange,  
President of the Democratic Republic of Congo  
*(Chairman of the COMESA Authority)*

**EGYPT**

President of the Arab Republic of Egypt

**ERITREA**

His Excellency Isaias Afewerki  
President of the State of Eritrea

**ETHIOPIA**

His Excellency Hailemariam Desalegn,  
Prime Minister of the Federal Democratic Republic of Ethiopia

**KENYA**

His Excellency Uhuru Kenyatta  
President of the Republic of Kenya

**LIBYA**

His Excellency Mohammed Magariaf

President of the Republic of Libya

**MALAWI**

Her Excellency Mrs Joyce Banda,

President of the Republic of Malawi

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His Excellency Hery Rajaonarimampianina

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**SEYCHELLES**

His Excellency James Alix Michel

President of the Republic of Seychelles

**SUDAN**

His Excellency Omar Hassan Ahmed al-Bashir

President of the Republic of Sudan

**SWAZILAND**

His Majesty King Mswati III,

Ingwenyama of the Kingdom of Swaziland

**UGANDA**

His Excellency Yoweri Kaguta Museveni

President of the Republic of Uganda

*(Rapporteur of the COMESA Authority)*

**ZAMBIA**

His Excellency Michael Chilufya Sata

President of the Republic of Zambia,

**ZIMBABWE**

His Excellency Robert Gabriel Mugabe

President of the Republic of Zimbabwe

**COMESA SECRETARIAT MANAGEMENT COMMITTEE**

*(As at 24 February 2014)*

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Mr Eloi Kwete

**MONITORING AND EVALUATION EXPERT**

Ms Anne Ndirangu



IT IS HEREBY NOTIFIED that the COMESA Council of Ministers at its Thirty Second Meeting held from 22nd to 24th February 2014 at Kinshasa, Democratic Republic of Congo issued the following Legal and General Notices:

## **STATUS OF TRANSPOSITION BY MEMBER STATES**

### **Directive:**

1. Council directed the Secretariat to provide a compendium of all decisions, regulations and directives for implementation by Member States not later than 31 March 2014.

### **Decisions:**

2. Council urged Member States:
  - (a) To domesticate the COMESA Treaty and all Protocols and submit the instruments to the Secretary General not later than 31 December 2014;
  - (b) To domesticate all outstanding regulations by 31 December 2014; and
  - (c) That are not in a position to comply with these decisions on domestication of the COMESA Treaty, all Protocols and instruments and all outstanding Regulations to notify the Secretary General of their respective positions, with justifications explaining why they cannot do so.

### **Directives:**

3. Council directed the Secretariat to obtain from Member States copies:
  - (a) Of legal instruments that have not been deposited with the COMESA Official Depository;
  - (b) Of legal instruments that were previously submitted but destroyed or damaged as a result of the fire in 2011 upon request by Secretariat;
  - (c) Of Gazettes through which the domestication of legal instruments of COMESA were published; and
  - (d) Of other bilateral trade and investment agreements that Member States have notified to COMESA.

### **Decisions:**

4. Council urged Member States that are not able to domesticate the COMESA Treaty and all protocols, including regulations, to notify the Secretariat and state the reasons thereof.

## **TRADE AND CUSTOMS**

### **Directives:**

5. Council directed the Secretariat:
- (a) To prepare a paper on the common industrialization policy to advance the industrialization of the COMESA region by 30 June 2014;
  - (b) In collaboration with Member States, to ensure that COMESA trade statistics reflect the actual trade done under COMESA Trade Regime taking into consideration multiple memberships in different RECs; and
  - (c) To work with Member States to assess the constraints to increasing intra-COMESA and global trade and recommend appropriate solutions not later than 30 September 2014.

### **Participation in the FTA**

#### **Decisions:**

6. Council decided that:
- (a) The Republic of Uganda should deposit its instruments of accession to the FTA, with the Secretariat, by December 2014.
  - (b) The Democratic Republic of Congo should deposit its instruments of accession to the FTA, with the Secretariat, by December 2014; and
  - (c) The Federal Republic of Ethiopia should deposit its instruments of accession to the FTA, with the Secretariat, by September 2014.

### **Non-Tariff Barriers (NTBs)**

#### **Directives:**

7. Council directed that:
- (a) The draft NTB regulations should be adopted by the Trade and Customs Committee before being submitted to the Legal Drafting Sub-committee;
  - (b) The Secretariat should carry out an audit and impact assessment of existing NTBs by 31 August 2014 and prepare a schedule for immediate removal;
  - (c) Kenya and Egypt should agree on mutually acceptable dates for another verification mission to ascertain the originating status of white milled sugar and LG products by 31 October 2014;
  - (d) The Secretariat should facilitate a bilateral meeting between Swaziland and Zimbabwe on the

exportation of fridges by 30 April 2014;

- (e) The Secretariat should lead all future NTB verification missions to the Member States and submit the reports; and
- (f) Burundi should deposit the instruments rescinding import duties and taxes on doors and window frames to the Secretary by 31 March 2014.

### **Electronic Certificate of Origin (e-COs)**

#### **Decisions:**

- 8. Council urged:
  - (a) Member States that are ready to accept and use the electronic certificate of origin by 31 July 2014; and
  - (b) Member States whose legal systems do not provide for e-COs to enact enabling laws as soon as possible.

#### **Directive:**

- 9. Council directed the Secretariat to ensure that an additional section for payment through REPSS is inserted in the COMESA e-Certificate of Origin by 30 May 2014.

### **Simplified Trade Regime (STR)**

#### **Directives:**

- 10. Council directed:
  - (a) Member States to apply a processing fee of a maximum of US \$1 for all STR transactions, by 31 December 2014;
  - (b) The Secretariat to prepare an expanded list of commonly traded products by 30 June 2014.
  - (c) Member States to implement the newly introduced Passenger and Cargo Manifest System (PCMS) by 30 October 2014;
  - (d) The Secretariat should facilitate the meeting between Kenya and Ethiopia to conclude the STR between them; and
  - (e) Member States to conduct awareness meetings for traders and refresher training workshops for staff on matters relating to STR and PCMS in order to ensure smooth operations at border stations.

**Decision:**

11. Council Urged Member States to raise the STR threshold to a minimum of US \$2,000 by 31 December 2014.

**The Customs Union**

**12. Decision:**

- (a) Council adopted the revised draft COMESA Common Tariff Nomenclature/Common External Tariff Harmonised System (CTN/CET HS) 2012 and the draft regional specific and general exemptions.
- (b) Council urged Member States to domesticate the COMESA Customs Management Regulations and the CTN that were approved by the COMESA Summit in June 2009.

**Directive:**

13. Council directed that industrial exemptions should be discussed separately.

**Relations with Third Parties**

**Africa Growth and Opportunity Act (AGOA):**

**Decisions:**

14. Council urged:
  - (a) Member States to devise and implement a lobbying strategy for the seamless extension of AGOA beyond 2015 on a predictable basis targeting United States Trade Representatives and key congressmen/women and in this regard the Member States should work with the Secretariat to proactively engage the US Government;
  - (b) AGOA eligible countries to lobby for the expansion of the scope of AGOA by including products of export interest to them and improving the rules of origin; and

**Directives:**

15. Council directed the Secretariat:
  - (a) To engage the United States of America for it to enhance the capacity of AGOA eligible countries to comply with the Sanitary and Phytosanitary Standards (SPS), Technical Barriers to Trade (TBT) and other standards so as to be able to access the United States (US) market; and for
  - (b) To engage the United States of America for it to consider the preference erosion to AGOA eligible countries before extending similar preferences to Least Developing Countries (LDCs) in other regions.

## **COMESA –India Relations**

### **Directive:**

16. Council directed the Secretariat to conduct and complete the study on the impact of either a comprehensive Economic Partnership Agreement (EPA) or a Free Trade Area (FTA) with India, including issues such as trade diversion, by 30 June 2014.

### **World Trade Organisation (WTO):**

#### **Decisions:**

17. Council urged:
- (a) The LDC Member States of COMESA to carry out the analytical work that would enable them to benefit from the LDC waiver on services during the period for which the waiver subsists by identifying the services sectors of export interest to them; and
  - (b) The LDC Member States of COMESA that are in the process of acceding to the WTO to take advantage of the streamlined procedures and benchmarks that were agreed to by the WTO General Council in July 2012 with regard to their offers on goods and services schedules.

### **Trade in Services**

#### **Decisions:**

18. Council decided that:
- (a) Wherever Economic Needs Tests are required, Member States should clearly specify the institution that would be administering them and the criteria and timeframe for the results of the ENT to be conveyed to the applicant service suppliers;
  - (b) Member States should submit reviewed schedules to the Secretariat by 30 July 2014;
  - (c) Member States should by 30 July 2014 provide Central Product Classification codes in their schedules of specific commitments, including the Annex on Financial Services in the banking services, and also provide the accepted General Agreement on Trade in Service (GATS) language where that has not been done to consistently maintain uniformity in all Member States schedules of specific commitments; and
  - (d) Member States that have commitments in the telecommunication sector should adopt the WTO Reference Paper as an Annex attached to the schedules of specific commitments for all COMESA Member States.

## **COMESA -EAC-SADC Tripartite Programme**

### **Progress on the Market Integration Pillar**

19. Directives:

- (a) Council directed the Secretariat to prepare a paper on the economic implications of export taxes on the Tripartite FTA, by 30 June 2014; and
- (b) Council directed the Secretariat to develop simplified mechanisms for Trade Remedies that are WTO compliant and also reflective of regional realities.

### **20. Decisions:**

- (a) Council decided that the Tripartite Free Trade Area (TFTA) should be a fully functional TFTA, which contains ambitious tariff offers and business friendly Rules of Origin reflecting the best practices in COMESA; and
- (b) Council urged COMESA Member States to use the principles of *acquis* and reciprocity in making offers to the other Tripartite Member/Partner States.

### **Progress on the Industrial Development Pillar**

#### **Decision:**

21. Council decided that the elaboration of the programme on Industrial Development, led by the EAC under the Tripartite, should be expedited.

### **Infrastructure Development Pillar**

#### **Decision:**

22. Council decided that infrastructure development, led by SADC under the Tripartite, should be appropriately prioritised in the Tripartite Arrangement.

## **THE COMESA MICRO, SMALL AND MEDIUM ENTERPRISES (MSME) STRATEGY**

#### **Decision:**

23. Council adopted the COMESA MSME Strategy, attached hereto as Annex I.

### **Support Mechanisms for MSMEs in Nine COMESA Member States**

#### **Directives:**

24. Council directed the Secretariat to:

- (a) Complete the survey in the remaining Member States by 30 August, 2014; and
- (b) Submit the report to the Joint Committee of Ministers of Finance and Central Bank Governors for their action and decision in 2014.

### **Guidelines for Operation of the Micro, Small and Medium Enterprises Fund for COMESA**

#### **Directive:**

25. Council directed that the proposed COMESA MSME Fund be submitted to the Committee on Monetary and Fiscal Affairs in 2014, and thereafter to the Joint Meeting of Ministers of Finance and Central Bank Governors to examine and finalise the structure of the Fund.

### **AGRICULTURE**

#### **Directives:**

26. Council directed the Secretariat to:
- (a) Harmonize agricultural livestock and fisheries country data collection, dissemination by 30 September 2014;
  - (b) Produce a report quantifying the impact of post-harvest losses on nutrition and food security, as well as the impact of food imports on local production;
  - (c) Mobilise additional funds for the coordination of regional CAADP partners' platforms;
  - (d) Submit to the next meeting of Minister of Agriculture the Strategy for the mainstreaming of fisheries development in the region;
  - (e) Facilitate capacity building on mainstreaming gender equality and women empowerment in agriculture and climate change; and
  - (f) Provide technical support to the African Group of Negotiators on Climate Change negotiations.

#### **Decisions:**

27. Council urged Member States to:
- (a) Provide inputs and participate in the activities of Regional Food Balance Sheet (RFBS) annual reports;
  - (b) Provide budgetary support to facilitate knowledge and technology innovation in the cassava sector;
  - (c) Work with regional and international organisations to improve and harmonise livestock policies in

their National Agricultural Food Security Implementation Plans (NAFSIPs);

- (d) Designate national focal points for climate smart agriculture and allocate additional resources for up-scaling climate smart agriculture and notify the Secretariat by 30 August 2014; and
- (e) Develop national climate change policies, strategies, and action plans;

**Regulations:**

28. Council adopted:

- (a) The Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA) Charter, attached hereto as Annex II; and
- (b) The COMESA Policy on Bio-Technology and Bio-safety attached hereto as Annex III.

**INFRASTRUCTURE**

**Civil Aviation**

Implementation of the COMESA Legal Notice No 2 on Air Transport Liberalisation

**Decisions:**

29. Council decided that COMESA Member States should:

- (a) Implement the COMESA single air transport services market under the Tripartite framework based on full implementation of the Yamassoukou Decision (YD).
- (b) Strengthen the air transport statistics database/observatory at the COMESA Secretariat;
- (c) Review the principles and thresholds on ownership, effective control and the right of establishment regimes in Africa and COMESA in the context of implementing the Yamassoukou Decision (YD), and COMESA Legal Notice 2.
- (d) Formulate a policy document on the establishment of a single African air transport services market to conform to the African Civil Aviation Policy (AFCAP), in harmonisation with Tripartite partners, and the African Union (AU).

**Physical Infrastructure**

**Decision:**

30. Council urged Member States to make effective use of the policy component of the Transport and Communication Strategy and Priority Investment Plan; including updating the status of priority projects.



## **Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems Project**

### **Decision:**

31. Council urged Member States to support the implementation of the CNS/ATM Systems Project in full collaboration with all stakeholders including security and military authorities at national and regional levels

**13**

## **The River Nile Corridor Development**

### **Decision:**

32. Council decided that Egypt should make a formal proposal on the use of River Nile inland water transport to the Secretariat.

### **Directive:**

33. Council directed that a Steering Committee be constituted comprising representatives from the seven riparian states to oversee the development of the Waterway.

## **The Great Lakes Railway Project**

### **Decision:**

34. Council urged the concerned Member States to continue coordinating in planning for new railway projects so as to interface with the Great Lakes Railway and maximize on regional railway network integration.

## **New Railway Projects**

### **Commendations:**

35. Council commended:
- (a) Djibouti and Ethiopia for adopting innovative financing mechanisms for implementing the modern standard railway gauge, including capacity building for railway networks whose construction has already commenced; and
  - (b) Kenya, Uganda and Rwanda for their decision to develop a modern standard gauge network, including the innovative ways of financing and capacity building.

### **Decisions:**

36. Council urged:
- (a) All Member States to share the best practices that had been developed;
  - (b) Member States that are developing interconnected networks to ensure appropriate coordination in design, construction and operation in order to maximize on the provision of seamless services;

- (c) Member States to ensure effective coordination as they develop and upgrade railway networks; and
- (d) Member States to apply innovative means for resource mobilization to fund the construction of the networks.

### **Civil Aviation**

#### **Directives:**

37. Council directed the Secretariat to:
- (a) Enhance coordination in order to come up with one safety oversight programme for the COMESA Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP) Project; and
  - (b) Prepare a regional programme on Aviation Security by 31 October 2014.

### **The COMESA Carrier License**

#### **Decision:**

38. Council urged Member States to implement the COMESA Carrier License.

### **Axle Loads Limits and Vehicle Overload Control**

#### **Directives:**

39. Council directed the Secretariat to:
- (a) Finalise the module for overload control to be integrated in the COMESA Virtual Trade Facilitation System (CVTFS) by 30 June 2014; and
  - (b) Present the COMESA Virtual Trade Facilitation Facility (CVTFS), which includes the overload module, to a workshop of officials from the ministries responsible for Infrastructure, Transporters and Regional and National Transport Operators, Freight Forwarders and Revenue authorities, by 31 October 2014.

### **Management and Maintenance of Road Infrastructure**

#### **Directives:**

40. Council directed the Secretariat to:
- (a) Carry out a review of existing national road funds and produce a report on how at the national and COMESA level the monies collected by the Road Funds could be securitized and leveraged to enable a significant funding for the maintenance of existing infrastructure by 30 June 2014;

- (b) In collaboration with the PTA Bank and other partners, convene a joint meeting of officers from National Roads Authorities and Ministries of Finance to consider the study findings and make recommendations on how Road Funds could be transformed into innovative means of infrastructure financing by 30 September 2014; and
- (c) Submit the report of the workshop to appropriate COMESA Technical and Ministerial Committees for decision, by 31 October 2014.

### **Railways Operations and Management**

#### **Decision:**

41. Council urged Member States to take appropriate measures to revamp the operations of railways.

### **Corridor Development and Management**

#### **Directive:**

42. Council directed the Secretariat to prepare and submit Corridor briefs to Member States, Development Banks and cooperating Partners, by 30 June 2014.

### **Project on One-Stop Border Posts (OSBP)**

#### **Decision:**

43. Council urged Member States to adopt and speed up the application of One Stop Border Posts (OSBPs) at their border posts.

### **Regional Co-operation in Shipping**

#### **Directive:**

44. Council directed the Secretariat to mobilize resources to undertake the development of the common standards and regulations for inland water transport.

### **The COMESA Strategic Meteorological Programme**

#### **Directive:**

45. Council directed the Secretariat to allocate financial resources to the Secretariat to implement the COMESA Comprehensive Meteorological Programme.

## **INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)**

### **Policy and Regulatory Harmonisation**

#### **Decisions:**

46. Council urged Member States to:
- (a) Submit their needs for enhancing the postal, telecommunications and broadcasting sectors reform process before or by 15 December 2014; and
  - (b) Allocate the budget for participating in the activities.

### **Development of Physical Infrastructure**

#### **Decision:**

47. Council noted the progress made in the implementation of the COMTEL project and decided that the Secretariat convene a workshop on COMTEL.

### **Very Small Aperture Terminal (VSAT) Closed User Group Communications Network**

#### **Directive:**

48. Council directed the Secretariat to convene a meeting for Member States to discuss the sustainability and usefulness of the system and synchronize the network with other similar initiatives on the continent.

### **ICT Facilitation**

Association of Regulators for Information and Communications in Eastern and Southern Africa (ARICEA) 9th Annual General Meeting Report

#### **Directive:**

49. Council directed the Secretariat to develop a proposal to merge ARICEA and East Africa Communication Organisation (EACO), in consultation with the two institutions.

### **Hosting of ARICEA Secretariat**

#### **Decision:**

50. Council urged Member States interested in hosting the ARICEA Secretariat to write to the Secretary General expressing their interest, by 30 June 2014.

#### **Directives:**

51. Council directed:

- (a) The Secretariat to issue a request for proposal for hosting of ARICEA to Member States by 30 April 2014;
- (b) The Secretariat to set up an evaluation committee constituted of Member States that have not submitted offers to conduct the evaluation under the supervision of the ARICEA Executive Committee; and
- (c) That the report of the evaluation to be submitted to the next Annual General Meeting.

### **Consumer Protection Policy Guidelines**

#### **Directive:**

52. Council directed ARICEA to convert the consumer protection guidelines into regulations to pave way for implementation.

### **Standards and Type Approval**

#### **Directives:**

53. Council directed the Secretariat to:
- (a) Mobilize funding for the cyber security programme; and
  - (b) Convene a workshop under the tripartite arrangement to agree on a common position for the African Union's next Summit in June 2014.

#### **Decision:**

54. Council urged Member States to allocate funding for implementation of the cyber security programme.

### **Information Society Measurement Programme**

#### **Decision:**

55. Council urged Member States to produce statistical reports and submit a copy to COMESA Secretariat.

#### **Directive:**

56. Council directed COMESA Secretariat to circulate a questionnaire by 31 March 2014 for completion by Member States.

### **Quality of Postal Services**

#### **Decision:**

57. Council urged Member States to submit projects to Universal Postal Union to benefit from the Quality of

### **IT Master Plan**

#### **Directive:**

58. Council directed the Secretariat to develop a regional five year IT Strategy, which takes in account global development in the field of ICT, by June 2014.

### **Geographical Information Systems (GIS)**

#### **Directive:**

59. Council directed the Secretariat to structure the GIS System and provide access to focal points in Member States for updating Infrastructure Project Information.

### **Free and Open Source Software (FOSS)**

#### **Directive:**

60. Council directed the Secretariat to develop regional FOSS Guidelines to assist Member States to effectively utilise Open Source Software for the advancement of ICT, by 30 June 2014.

### **e-Government Programme**

#### **Directive:**

61. Council directed the Secretariat to consult with the Government of the Republic of Uganda in order to finalise the Memorandum of Understanding as soon as possible to facilitate implementation of the e-Governance Academy.

### **e-Legislation and e-Learning**

#### **Directive:**

62. Council directed the Secretariat to fast track the development of the business model, which would ensure a responsive and active e-Learning programme.

### **ICT Trade Facilitation**

#### **The COMESA Virtual Trade Facilitation System (CVTFS)**

#### **Directives:**

63. Council directed the Secretariat:
- (a) To roll out the CVTFS in the entire COMESA region and produce periodic reports which should quantify the

economic benefits of the system to trade facilitation and economic competitiveness.

- (b) To fast track the building and setting up of the new data center and a disaster recovery site, by 30 June 2014.

### **Country Energy Profiles**

#### **Decision:**

- 64. Council urged Member States that had not submitted their energy profiles to the Secretariat to do so by 30 June 2014.

### **Preparation and Financing of Infrastructure Projects**

#### **Decision:**

- 65. Council urged Member States to utilize innovative financing instruments (such as infrastructure bonds, preference shares, guarantees) mechanisms (such as project and structured finance techniques) and wide resource mobilization from non-traditional partners such as private investors, equity funds, carbon funds, and leveraging and blending with grants from the traditional donors, with emphasis on regional infrastructure development.

#### **Directives:**

- 66. Council directed:
  - (a) The Secretariat to coordinate the processes among Member States, domestic and international investors, donor agencies including the European Union (EU), and other stakeholders for establishing infrastructure projects' financing vehicles such as Special Purpose Vehicle (SPV) in order to fast-track infrastructure development to realize the Trans African Highways;
  - (b) The Secretariat to build the capacity of the key stakeholders in Member States, Secretariat, Inter-Regional Coordination Committee and regional organizations with domestic and international funds and mobilize resources so as to sustainably underpin the new approach; and
  - (c) The PTA Bank and Secretariat to work with the African Development Bank (AfDB) on the operationalisation of the Africa 50 Fund.

### **COMESA High Level Infrastructure Investment Conference**

#### **Decision:**

- 67. Council urged Member States to participate in the COMESA High Level Infrastructure Investment Conference.

## **The COMESA-EAC-SADC Tripartite Infrastructure Programmes**

### **Decision:**

68. Council decided that the Tripartite Infrastructure Sub-Committee should include ICT in the Tripartite programme.

## **LEGAL AFFAIRS**

### **Tenure of Judges**

#### **Decisions:**

69. Council decided that:
- (a) Article 21 of the COMESA Treaty, which provides that the tenure of office of the President and Judges of the Court shall be five years and shall be eligible for a further term of five years, should be adhered to strictly and any other tenure less than the ones prescribed under Article 21 is ultra vires;
  - (b) The tenure of office of the Honourable Justice Mr Kheshoe P. Matadeen (Mauritius), the Honourable Justice Mr Duncan G. Tambala (Malawi), the Honourable Justice Mr James M. Ogoola (Uganda) and Honourable Justice Mr Luke Malaba (Zimbabwe) should be extended by a period of two years so that there is conformity with Article 21(1) of the COMESA Treaty in that the Judges serve for the mandatory two five-year terms;
  - (c) The Chairperson of the COMESA Authority should issue letters of appointment to the four Judges regularizing their tenure in accordance with Article 21 of the COMESA Treaty;
  - (d) In order to ensure continuity of the Court, in the event that all the judges have served the mandatory ten years and hence not eligible for re-appointment, the procedure for appointment of new Judges of the COMESA Court of Justice should commence at least six to twelve months prior to the expiry of the term of outgoing judges to ensure continuity; and
  - (e) The tenure of office of Honourable Justice Madame Hortense Rabenjariveto nee Rakotomenabe be regularized through the issuance of a letter extending her tenure of office to 03 June 2015.

### **Depository Management**

#### **Directives:**

70. Council directed the Secretariat to:
- (a) Develop a virtual or electronic depository of all COMESA Legal Instruments for easy access by Member States;



- (b) Mobilise financial resources for a capacity building programme on domestication and mangement of legal instruments;
- (c) Engage with parliamentarians on the importance of the domestication of legal instruments; and
- (d) Include parliamentarians in the capacity building programmes on domestication of legal instruments.

### **Legal Instruments**

71. Council adopted the following Legal Instruments:

- (a) The Draft COMESA Social Charter, attached hereto as Annex IV;
- (b) The Draft Rules of Procedure for the COMESA Committee of Elders (CCOE), attached hereto as Annex V; and
- (c) The Draft COMESA Seed Trade Harmonisation Regulations, attached hereto as Annex VI.

### **STATISTICAL DEVELOPMENT**

#### **Decisions:**

72. Council:

- (a) Approved the work on the development of the following clusters; Foreign Direct Investment statistics, the harmonized consumer price indices, international merchandise trade statistics, infrastructure statistics, and the national accounts in the new 2014-2017 annual work plans; and
- (b) Adopted the COMESA Statistics Strategy, attached hereto as Annex VII.

#### **Directives:**

73. Council directed:

- (a) The Secretariat to work with Member States to define a roadmap on the migration process from the 5th balance of payments (BPM5) framework to the 6th balance of payments (BPM6) framework;
- (b) Member States to immediately commence the dissemination of Statistics of International Trade in Services (SITS) data based on a minimum core dataset of:
  - i) Bilateral SITS by extended balance of payments with main partners and for main sectors;
  - ii) FDI Statistics flows, income and period end positions; and
  - iii) Foreign Affiliates Statistics (such as employment, turnover, output, value added, exports and

imports and number of enterprises) broken down by activity according to ISIC Categories for Foreign Affiliates in services (IFCA).

- (c) The Secretariat to work with EAC and SADC to synchronize data requests from Member States taking cognizance of the AfDB's project on data sharing as a way of addressing the problem of data remittance from Member States.

## **COMESA MONETARY CO-OPERATION PROGRAMME**

### **Decision:**

74. Council urged Member States:

- (a) To undertake a review of their Public Financial Management (PFM) Systems based on Public Expenditure and Financial Accountability (PEFA) assessment and formulate PFM reform programmes. Member States that do not have previous PEFA assessment should undertake that exercise with outside assistance. If this is not possible they may make a self-assessment on PEFA model that will form the basis for their PFM reforms;
- (b) That do not have Fiscal Responsibility Laws (FRL) to enact them;
- (c) That already have FRL or related Acts to review them in order to make them consistent with the proposed COMESA FRL Guidelines; and
- (d) To formulate revolving Medium Fiscal Framework (MTFF); Medium Term Budget Framework (MTBF); Medium term Expenditure Frame work MTEF) and Medium Term Country Convergence Programme (MTCCP).

### **Directive:**

75. Council directed the Secretariat that the proposed two templates: one on enumerating, prioritizing and sequencing reforms of PEFA indicators, and the other enumerating components of enabling environment to be addressed, can be used by Member States to formulate and monitor their respective PFM reform programmes and action plans; and formulate and begin implementation of PFM reform programme to reach at least an average score level of "B".

## **GENDER AND SOCIAL AFFAIRS**

### **Decisions:**

76. Council:

- (a) Referred the establishment of Women Economic Empowerment Fund to the Committee of Central Bank Governors and Ministers of Finance; and

- (b) Approved the implementation of a COMESA Youth Programme in partnership with the private sector.

## COMESA INNOVATIONS AWARDS

### Decisions:

77. Council:
- (a) Approved that the COMESA Innovations Awards be presented to the following nominees and that the awards be handed out during the Heads of State 17th Summit meeting on 26 February 2014:

| Name of Award Winner   | Project Name  | Country                 | Category    |
|--|---|-------------------------|-------------|
| Mr Joshua Mwangemi   | The Remote Weighing System- for safety of cargo and track that can save transit time and road maintenance cost  | Kenya                   | Youth       |
| Anthony Mutua  | Mobile phone shoe charger- uses the body weight exerted on shoes to tackle cell phone battery charging challenge that   | Kenya                   | Youth       |
| Wilson Musonda   | Fuel less domestic Electricity Generator –to provide off grid electricity to rural communities  | Zambia                  | Youth       |
| International Trade and Marketing Ltd- Dr Amr Mohamed Helal                          | Rice Bran Utilization – from waste material to marketable nutraceuticals and functional food  | Egypt                   | SME         |
| Nuru Energy Ltd - Sameer Hajee   | NURU Energy- Simple pedal generator for charging ultra-portable light that can satisfy over 90% of a rural household's lighting needs.  | Kenya , Uganda , Rwanda | SME         |
| Ahmed Hassan and Mohammed Gouda  | Sub-surface Landmine Detection Air Vehicle- to solve the landmine detection and removal problem which has a large impact on human life  | Egypt                   | Group       |
| Prof. Moustafa Alzantot and Moustafa Youssef   | Automatic Mobile-based indoor GIS Automatic construction of Indoor Floor plans to leverage standard cell phones and their built-in sensors to automatically and transparently construct the indoor floor plans and collect the semantic information automatically | Egypt                   | Group       |
| Kenya Medical Research Institute (Dr James Kimotho)                                  | Elisa Kits (Hepatitis B & C) affordable kits for screening and diagnosis both of Hepatitis B and Hepatitis C Viruses  | Kenya                   | Institution |
| Kenyatta University Chandaria Business Innovation and Incubation Centre (Alex Kibet) | Korio Energy - Chicken droppings-a Solid Battery Powered by Chicken Droppings to provide off grid energy for rural Africa   | Kenya                   | Institution |
| Mrs Indira Boodhram  | Breadfruit Tree (in vitro propagation) Breadfruit in Vitro propagation for Food security  | Mauritius               | Women       |

- (b) Council urged Member States to share experiences and benchmark the innovations submitted to

the Innovations Council.

**Directive:**

78. Council directed the Innovation Council to intensify sensitization about the Innovation Awards in order to increase the number of submissions from all Member States.

**Cooperation with the European Union - Debriefing on the Regional Programming under the 11th European Development Fund (EDF)**

**Directives:**

79. Council directed:
- (a) Member States to maintain solidarity as they negotiate with the EU;
  - (b) The Secretariat to collaborate with Member States to finalise the 11th EDF regional programming by 30 June 2014;

**Decisions:**

80. Council urged the EU to postpone the elimination of the quotas to September 2020, and put at the disposal of the sugar exporting countries additional resources to pursue the modernisation of the sugar sector towards becoming globally competitive.

**COMESA-EAC-SADC Tripartite Programme**

**Directives:**

81. Council directed:
- (a) The Secretariat to prepare a detailed report on the contribution to the Tripartite from Department for International Development (UK) (DfID) through TradeMark Southern Africa (TMSA) for submission by the Chairperson of the Council to the appropriate authorities in the United Kingdom; and
  - (b) The Secretary General to take up with DfID the issue of contingent liabilities of all DfID funded programmes managed by the COMESA Secretariat on behalf of the COMESA-EAC-SADC Tripartite.

## **REPORTS OF COMESA INSTITUTIONS ON THEIR OPERATIONS**

### **The COMESA Adjustment Facility (CAF) and the Regional Integration Support Mechanism (RISM)**

#### **Directives:**

**25**

82. Council directed National Inter-ministerial Coordinating Committees (NIMCCs) or their equivalent to:
- (a) Designate Focal points to coordinate the implementation of COMESA programmes including the achievement of RISM targets and provision of sources of verification; and
  - (b) Assume full responsibility for the development of annual work programmes to plan and monitor domestication and implementation of regional commitments; and

#### **Decision:**

83. Council urged Member States to ensure that sufficient resources are allocated to the implementation of COMESA programmes as RISM only complements available funding.

### **THE COMESA Court of Justice**

#### **Directives:**

84. Council directed:
- (a) The Registrar of the COMESA Court of Justice to design and implement an outreach programme to publicise the services provided by the Court; and
  - (b) That seminars be organized in conjunction with the national judiciaries, national law offices, law societies, Chambers of Commerce, and similar court users.

### **Leather and Leather Products Institute (LLPI)**

#### **Directive:**

85. Council directed that the LLPI Charter and Mid-Term strategy be reviewed and validated by the LLPI Board of Directors and implemented to ensure optimum development of the region's leather sector.

### **PTA RE-Insurance Company (ZEP-RE)**

#### **Decisions:**

86. Council urged Member States:
- a. That are not full participants in the activities of ZEP-RE to consider doing so in line with past

decisions of the Council of Ministers and the COMESA Authority; and

- b. Those already participating in the activities of ZEP-RE to take up more shares in the company.

## **PTA Bank**

### **Decisions:**

87. Council:

- (a) Urged Member States to continue investing in their regional Bank; and
- (b) Burundi, Comoros, the Democratic Republic of Congo, Eritrea, Somalia, Tanzania and Uganda to settle their capital arrears during the 2014 fiscal year.

### **Commendations:**

88. Council commended:

- (a) Djibouti and Sudan for the full settlement of their accumulated capital arrears during 2013; and
- (b) The Democratic Republic of Congo, Tanzania and Uganda for the substantial progress in clearing their arrears in the past year (2012).

## **COMESA Clearing House**

### **Commendations:**

89. Council commended:

- (a) The Central Banks of Malawi, Mauritius, Rwanda and Swaziland for being live and transacting on REPPS;
- (b) The Bank of Uganda for completing its preparations for live operations and scheduling to start transacting on the system by 28 February 2014;
- (c) The Central Banks of Kenya and Sudan for completing preparations for live operations and scheduling to start transacting on the system by March 2014; and
- (d) The Central Banks of Burundi, the Democratic Republic of Congo, Egypt and Zambia for scheduling to start live operations by June 2014.

### **Decisions:**

90. Council urged:

- (a) The Central Banks that have not yet met the prerequisites for joining REPSS to do so by June 2014

at the latest; and

- (b) All Central Banks, with assistance from COMESA Clearing House, to sensitise their stakeholders on the utilisation of the Regional Payment and Settlement System for the benefit of the entire region.

**Directives:**

91. Council directed:
- (a) Member States, pursuant to Article 73 of the Treaty, to settle all payments in respect of all transactions in goods and services, conducted within COMESA, through the Clearing House Regional Payment and Settlement System (REPSS); and
  - (b) The COMESA Clearing House to aggressively market the use of the REPSS among the Member States.

**Africa Trade Insurance Agency (ATI)**

**Commendations:**

92. Council commended:
- (a) The Republic of Benin and the African Development Bank for fulfilling all membership requirements and becoming fully-fledged members of the ATI; and
  - (b) The Economic Community Of West African States (ECOWAS) Council of Ministers for requesting all ECOWAS Member States to become members of ATI.

**Directive:**

93. Council directed that all COMESA Member States that are not yet members of ATI should join the institution.

**COMESA Business Council (CBC)**

**Decision:**

94. Council urged the CBC to consider reducing the participation and exhibition fees for the MSMEs.

**Federation of National Associations of Women in Business in Eastern and Southern Africa (FEMCOM)**

**Decision:**

95. Council urged Member States to encourage MSME to increase the percentage of representation of women on the boards, especially in the predominant sectors of agriculture and the hospitality industry.

## **COMESA Competition Commission (CCC)**

### **Decisions:**

96. Council urged Member States to:
- (a) Give the Treaty and regulations the force of law in their respective jurisdictions; and
  - (b) Comply with the provisions of Articles 5(2) and 10 (2) of the Treaty by enacting appropriate legislation at national level to give effect to the COMESA Treaty and confer upon the COMESA Competition Regulations the force of law and the necessary legal effect in their territories by the end of 2014.

### **Directive:**

97. Council directed the Commission to intensify sensitization and advocacy work in Member States to enhance the enforcement of the COMESA Competition regulations.

## **The Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA)**

### **Directive:**

98. Council directed ACTESA to support the Member States to implement the bio-technology and bio-safety policy through communications and outreach, development of operational guidelines and establishment of regional bio-safety risk assessment structures.

## **COMESA Monetary Institute (CMI)**

### **Decision:**

99. Council urged the Central Banks that are yet to join the CMI to do so by June 2014.

**Sindiso N. Ngwenya**  
**SECRETARY GENERAL**









