EAST AFRICAN COMMUNITY

Regulation

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THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (WORKING ARRANGEMENTS BETWEEN THE DIRECTORATE AND THE CUSTOMS) REGULATIONS, 2009

IN EXERCISE of the powers conferred by sections 4(3) and 251(1) of the East African Community Customs Management Act, 2004, the Council of Ministers makes these Regulations this 27th day of February, 2009.

PART I
Preliminary

1. (1) These Regulations may be cited as the East African Community Customs Management (Working Arrangements between the Directorate and the Customs) Regulations, 2009.

   (2) These Regulations shall commence on a date to be appointed by the Council.

2. In these Regulations, unless the context otherwise requires—

   “Act” means the East African Community Customs Management Act 2004;

   “Commissioner” means Commissioner of Customs appointed under section 5 of the Act;

   “Committee” means a committee established under section 4 (4) of the Act;

   “Customs” or "the Customs" means the Customs departments of the Partner States;

   “Customs law of the Community” means the customs law of the Community as provided under Article 39 of the Protocol.
"Directorate" means the Directorate of Customs established by the Council under Article 75(3) of the Treaty for the Establishment of the East African Community;

"Protocol" means the Protocol establishing the East African Community Customs Union and any Annexes to the Protocol;


"Tariff ruling" means the ruling made by the World Customs Organisation, the Directorate, or the Commissioner with regard to classification of goods in the nomenclature.

PART II
INITIATION AND IMPLEMENTATION OF THE CUSTOMS POLICY

3. (1) In exercise of its power under section 3 of the Act, the Directorate shall initiate policies in liaison with the Customs.

(2) For purposes of subregulation(1), the Directorate shall—

(a) compile relevant information from the Partner States;

(b) develop a framework for the East African Community customs policy and strategy;

(c) arrange meetings to consider, review and adopt customs policy and strategies;

(d) sensitise stakeholders on the East African Community customs policy and strategy; and
East African Community Customs Management (Working Arrangements between the Directorate and the Customs) Regulations, 2009.

(e) monitor the implementation of the East African Community customs policy and strategy.

(3) For purposes of subregulation (2), the Customs shall—

(a) provide proposals and customs information to the Directorate for consideration in the development of the East African Community customs policy and strategy; and

(b) provide facilities to the Directorate as may be required.

4. (1) The Directorate shall, in coordinating and monitoring the administration of the Common External Tariff under section 4(1) (a) of the Act—

(a) coordinate the updating of the East African Community Common External Tariff in accordance with the revisions of the Harmonized Commodity Description and Coding System and decisions of the Council;

(b) coordinate the review and amendment of the East African Community Common External Tariff structure as may be decided by the Council from time to time;

(c) disseminate and distribute all information relating to updating and review of the East African Community Common External Tariff to Partner States;

(d) compile and disseminate information on tariff rulings and opinions made by World Customs Organization;

(e) compile, analyse, harmonise and circulate tariff rulings and opinions made by Customs; and

Administrators of the Common External Tariff.
(f) provide technical and administrative interpretation on the East African Community Common External Tariff.

(2) For purposes of subregulation (1), the Customs shall—

(a) submit to the Directorate proposals on the review and amendment of the East African Community Common External Tariff;

(b) ensure competent representation in all meetings coordinated by the Directorate for the updating and review of the East African Community Common External Tariff;

(c) submit to the Directorate classification rulings and opinions made by Customs; and

(d) furnish information requested by the Directorate while monitoring the implementation of the East African Community Common External Tariff in the Partner States.

5. (1) In coordinating and monitoring the administration of internal tariff elimination, the Directorate shall—

(a) update the internal tariff elimination programme in line with the revised East African Community Common External Tariff and any other adjustment as decided by the Council;

(b) notify customs to re-adjust the internal tariff in accordance with the elimination programme; and

(c) monitor and guide the application of the tariff elimination programme.

(2) For purposes of subregulation (1), the Customs shall—
(a) provide the Directorate with such information necessary, while undertaking research and monitoring the application of the internal tariff elimination programme; and
(b) submit proposals on issues for review on the internal tariff elimination programme in accordance with the Protocol.

PART III
ENFORCEMENT OF CUSTOMS LAW AND TRADE FACILITATION

6. (1) In coordinating and monitoring the enforcement of Customs law of the community, the Directorate shall—

(a) provide technical and administrative interpretation of the Customs law of the Community;
(b) initiate, compile and analyse proposals on amendments to the Customs law for consideration by the Council;
(c) identify hindrances encountered in the enforcement of the Customs law of the Community and report to the Committee and the Council for consideration;
(d) publish and circulate customs legal instruments to Partner States for implementation;
(e) collaborate with the Customs to develop and undertake sensitisation programmes for stakeholders on Customs law and procedures; and
(f) provide guidance on the implementation of the various schemes under the Customs law.

(2) For purposes of subregulation (1), the Customs shall—
(a) submit to the Directorate proposals relating to amendment of the customs law of the Community;

(b) provide the Directorate with necessary information in monitoring the enforcement of the Customs law of the Community;

(c) report to the Directorate hindrances encountered in the application of the customs law of the Community; and

(d) provide information to the Directorate for publication in the Gazette by Council, as provided in the Act.

7. (1) In coordinating and monitoring the enforcement of Customs laws of the Community, the Directorate shall—

(a) coordinate the development and monitor the implementation of regulations on compliance and enforcement;

(b) compile and disseminate information on offences under Customs laws of the Community including drug trafficking, trade in counterfeits and pirated goods, and control of prohibited and restricted goods in liaison with the Partner States and other relevant international bodies;

(c) facilitate the exchange of information and publications on illicit traffic of goods;

(d) coordinate sensitisation programmes for stakeholders on customs offences and compliance; and

(e) coordinate administrative assistance between Customs.

(2) For purposes of subregulation (1) the Customs shall—
8. (1) In coordinating and monitoring trade facilitation provided for under Article 6 of the Protocol and section 4(1) (c) of the Act, the Directorate shall:

(a) undertake research and studies on customs procedures to identify areas in the customs processes for review and improvement;

(b) initiate and coordinate the development and review of harmonized and simplified customs procedures and guidelines;

(c) compile and disseminate information on customs procedures based on international best practices;

(d) provide guidance and advice to customs on the implementation of harmonized and simplified customs procedures; and

(e) inform and consult with the Commissioners on customs issues raised by stakeholders for action.

(2) For purposes of subregulation (1), the Customs shall:

(a) share information on the customs modernisation programmes and inform the Directorate which will identify areas for harmonization and rationalization at regional level; and
(b) share information with the Directorate on actions taken in relation to subregulation (1) (e).

9. (1) In coordinating and monitoring the administration of the Rules of Origin under Article 14 of the Protocol and section 4(1)(d) of the Act, the Directorate shall—

(a) monitor and assess the implementation of the Rules of Origin in the Partner States to identify areas for review;

(b) provide technical advice and co-ordinate investigations relating to the Rules of Origin;

(c) collect and disseminate to the Partner States, lists of specimen signatures and stamp impressions of authorized signatories to the EAC Certificate of Origin;

(d) publish and distribute the Rules of Origin and the manual on application of East African Community Rules of Origin;

(e) advise on the interpretation of the Rules of Origin; and

(f) facilitate exchange of information among Partner States on queries and verification findings pertaining to the implementation of the Rules of Origin.

(2) For purposes of subregulation (1), the Customs shall—

(a) submit to the Directorate lists of signatories to the EAC Certificates of origin and stamp impressions for circulation to Partner States;

(b) forward queries on origin of goods to the Directorate for follow-up and arrangement of joint verification missions.
(c) provide to the Directorate information relating to the Rules of Origin for use in case of dispute settlement;

(d) regularly update and exchange among Customs, lists of originating goods that are commonly traded across borders by small scale traders; and

(e) submit the lists of originating goods referred to in paragraph (d) to the Directorate for circulation.

10. (1) Subject to Article 7 of the Protocol and section 4 (1) (f) of the Act, the Directorate shall—

(a) establish a Customs data bank for depository, analysis, and dissemination of customs information in relation to—

(i) imports, exports, re-exports, transit, exemptions, temporary imports, transshipments;

(ii) classification and valuation rulings;

(iii) customs valuation;

(iv) customs offences and information on illicit trade; and

(v) such other information relating to Customs as the Directorate may request from a Partner State; and

(b) coordinate the development of regional interconnectivity of customs systems.

(2) For purposes of subregulation (1), the Customs shall—

(a) avail customs data to the Directorate; and

(b) allow the interface of customs systems to enhance exchange of information between Customs.
PART IV

MISCELLANEOUS PROVISIONS

11. (1) The Directorate shall undertake and coordinate research and studies on Customs for the purpose of identifying areas for review and customs policy formulation.

(2) The studies and research findings shall be published and disseminated to such stakeholders as the Directorate and Customs may identify.

(3) The Customs shall furnish the Directorate with the necessary information while undertaking research and studies.

12. The Directorate shall coordinate Customs related negotiations and take necessary steps to enable the Partner States to accede to international conventions that are necessary for the modernization of Customs, and co-ordinate the implementation of such conventions.

13. The Directorate shall coordinate the development and monitor implementation of joint border control programmes.

14. The Directorate shall initiate and undertake studies and programmes aimed at enhancing quality assurance and integrity, and shall collaborate with the Customs or any other relevant organisation that undertakes similar programmes.

15. The Directorate shall arrange and coordinate meetings of the committee and any other meetings for the purpose of addressing matters that may arise in relation to the implementation of the Customs Union.
16. The Customs shall inform the Directorate of the
hindrances to customs operations that may need to be addressed
within the East African Community institutional framework.

17. (1) The Directorate shall initiate, develop and undertake
training in the following customs areas——

(a) rules of origin;

(b) tariff and classification;

(c) customs valuation;

(d) Common External Tariff;

(e) customs law;

(f) enforcement, prevention, investigation, and
suppression of customs offences; and

(g) any other relevant area.

(2) The Customs shall avail training facilities and allow
the customs officers to participate in the training exercises.