



EAST AFRICAN COMMUNITY

**EAST AFRICAN COMMUNITY PROTOCOL
ON SANITARY AND PHYTOSANITARY (SPS)
MEASURES**

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PURSUANT TO THE PROVISIONS OF CHAPTER XVIII OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY, THE PROVISIONS OF THE PROTOCOL ON SANITARY AND PHYTOSANITARY MEASURES ARE HEREBY SET FORTH:

PREAMBLE

WHEREAS the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, The United Republic of Tanzania and the Republic of Uganda are parties to the Treaty for the Establishment of the East African Community (hereinafter referred to as "the Partner States");

RECOGNIZING that under the provisions of Article 151 of the Treaty, the Partner States undertook to conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration;

RECALLING that Articles 105 to 110 of Chapter 18 of the Treaty provide for Partner States to cooperate in agriculture and food security;

CONSCIOUS that Article 108 of the Treaty provides for cooperation in the control of plant and animal diseases and Article 38 of the Protocol on the Establishment of the East African Community Customs Union requires the Partner States to take cognisance of cooperation in sanitary and phytosanitary measures in order to facilitate trade within the community and other trading partners;

NOTING that the harmonisation of sanitary and phytosanitary measures will improve the human, animal and plant life or health situation in all the Partner States and will ensure the rational development of the agricultural sector, and increase quality production to ensure food security and safety and free trade in agricultural products within the Community and other trading partners;

ACKNOWLEDGING the important contribution of international standards, guidelines and recommendations as well as harmonisation of sanitary and phytosanitary measures in the Community;

HEREBY AGREE AS FOLLOWS:

Article 1

Interpretation

In this Protocol, except where the context otherwise requires,

“animal” includes mammals, birds, bees, aquatic animals and wild fauna;

“area of low pest prevalence” means an area, as identified by the competent authority, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

“biological control agent” means a natural enemy, antagonist or competitor, or other organism, used for pest control;

“border post” means any official point of entry or exit, and includes an airport, or any port, railway station or road check-point open to regional and international trade of commodities, where import food and agricultural commodities inspections can be performed;

“Community” means the East African Community established by Article 2 of the Treaty;

“competent authority” means a government institution with the mandate to regulate and enforce sanitary and phytosanitary measures;

“contaminant” means any biological or chemical agent, foreign matter or other substance not intentionally added to food, which may compromise food safety;

“Council” means the Council of Ministers established by Article 9 of the Treaty;

“infected zone” means a zone in which the absence of the disease under consideration has not been demonstrated by the requirements specified in international standards;

“international standards, guidelines and recommendations” means-

- (a) for food safety, the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to biological, chemical or physical hazards including food additives, veterinary drug and pesticide residues, heavy metals, methods of analysis and sampling, and codes and guidelines of hygienic practice;
- (b) for animal health and zoonoses, the standards, guidelines and recommendations developed under the auspices of the World Organisation for Animal Health;
- (c) for plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in



cooperation with regional organizations operating within the framework of the International Plant Protection Convention; and

- (d) for other matters not covered under paragraphs (a) to (c), appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open for membership to all the Partner States, as may be identified by the Committee;

“establishment” means the premises where animals are kept;

“food” means any substance whether processed, semi processed or raw, which is intended for human consumption and includes drinks, chewing gum and any substance which has been used in manufacture, preparation or treatment of food but does not include cosmetics or tobacco or substances used only as drugs;

“food safety” means assurance that food will not cause harm to the consumer when prepared and eaten according to its intended use;

“living modified organisms” means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology;

“modern biotechnology” means the application of-

(a) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or

(b) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;

“pest” means any specie, strain or biotype of plants, animals or pathogenic agents injurious to plants, or plant products, animal or animal products;

“pest free area means” an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;

“plant” means living plants and parts thereof including seeds and germplasm;

“plant product” means un-manufactured material of plant origin including grain, and those manufactured products that by their nature or that of their processing, may create a risk for the introduction and spread of pests;

“plant quarantine facility” means an official station for holding plants or plant products in quarantine;





“risk assessment” means the evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of an importing Partner State according to the sanitary or phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs;

“sanitary and phytosanitary measure” means any measure applied-

- (a) to protect animal or plant life or health within the territory of a Partner State from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- (b) to protect human or animal life or health within the territory of a Partner State from risks arising from biological, chemical and physical substances including additives, contaminants, toxins or disease-causing organisms;
- (c) to protect human life or health within the territory of a Partner State from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- (d) to prevent or limit other damage within the territory of a Partner State from the entry, establishment or spread of pests;

“Secretariat” means the Secretariat of the East African Community established by Article 9 of the Treaty;

“Secretary General” means the Secretary General of the Community provided for under Article 67 of the Treaty;

“surveillance” means an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures;

“quarantine station” means a facility under the control of a veterinary authority, where an animal or group of animals is maintained in isolation, with no direct or indirect contact with other animals, in order to undergo observation for a specified length of time and, if appropriate, testing and treatment

“technical assistance” means provision of technologies, research and infrastructure, advice, credits, donations and grants, training and equipment;

“traceability of animals” means the ability to follow an animal or a group of animals during all stages of its life; and

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“Treaty” means the Treaty for the establishment of the East African Community.

Article 2

Objectives

The objectives of this Protocol are to-

- (a) promote trade in food and agricultural commodities within the Community and between the Community and other trading partners ;
- (b) promote within the Community, the implementation of the principles on harmonisation, equivalence, regionalisation, transparency and risk assessment in the Agreement on the Application of Sanitary and Phytosanitary Measures;
- (c) strengthen cooperation and coordination of sanitary and phytosanitary measures and activities at national and regional level, based on common understanding and application within the Community; and
- (d) enhance the sanitary and phytosanitary status through science based approach in the Community.

Article 3

Scope of Cooperation

1. This Protocol shall apply in the Partner States cooperation in the adoption of sanitary and phytosanitary measures.
2. For the purposes of paragraph 1, the Partner States shall cooperate in the harmonisation of plant health, animal health and food safety measures.

Article 4

Plant Health

1. The Partner States undertake to cooperate in matters of plant health.
2. For purposes of paragraph 1, the Partner States shall -
 - (a) harmonise the inspection and certification procedures of plant and plant products;
 - (b) regulate the importation, research, development and use of living modified organisms and products of modern biotechnology and biological control agents;



- (c) provide a framework for the management of pests;
- (d) ensure the safe movement of plants and plant products;
- (e) build systems for surveillance, pest listing, pest risk analysis, pest reporting, and designation of pest free areas and areas of low pest prevalence;
- (f) provide appropriate facilities and strengthening capacity for undertaking phytosanitary measures;
- (g) harmonise import and export documents and procedures;
- (h) harmonise and enforce plant quarantine measures;
- (i) develop a framework for the design and management of plant quarantine facilities; and
- (j) harmonise the registration, identification and traceability of plants and plant products and agro-inputs.

Article 5

Animal Health

1. The Partner States undertake to cooperate in matters of animal health.
2. For purposes of paragraph 1, the Partner States shall -
 - (a) provide notification of the existence of animal diseases through prompt and transparent sharing of information on trade-sensitive diseases as well as identification of infected zones;
 - (b) harmonise the inspection, certification and approval of establishments, hatcheries, breeding centres, abattoirs, dairies, animal products, and feedstuff;
 - (c) develop a framework for the design and management of animal quarantine stations;
 - (d) standardize sanitary documents including import permits and veterinary certificates;
 - (e) harmonise systems for registration, identification and traceability of animals and animal products;
 - (f) harmonise control of veterinary drugs; and
 - (g) harmonise animal welfare measures.

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Article 6

Food Safety

1. The Partner States undertake to cooperate in matters of food safety.
2. For purposes of paragraph 1, the Partner States shall -
 - (a) harmonise food inspection, certification and approval procedures;
 - (b) harmonise safety requirements for food derived from genetically modified organisms;
 - (c) provide guidelines for the safe movement of food;
 - (d) harmonise surveillance systems for food-borne hazards in the Community;
 - (e) harmonise the import requirements for food ;
 - (f) notify food-borne hazards through prompt and transparent sharing of information;
 - (g) harmonise and strengthen food traceability systems; and
 - (h) determine the tolerance levels for additives, contaminants, toxins and disease causing organisms in food.

Article 7

Competent Authorities

The Partner States shall designate competent authorities for the purpose of this Protocol.

Article 8

Border Posts Control

The Partner States undertake to facilitate the smooth movement of food and agricultural commodities by-

- (a) identifying and declaring the border posts that permit movement of food and agricultural commodities across the region;
- (b) conducting joint inspection and clearance of food and agricultural commodities; and
- (c) developing the infrastructure and building capacity in border posts.

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Article 9

Sharing of Information and Expertise

The Partner States undertake to cooperate in the sharing of information and expertise related to sanitary and phytosanitary measures through the establishment and maintenance of a regional information management system including-

- (a) a list of contact points for plant health, animal health and food safety;
- (b) a portal on sanitary and phytosanitary measures; and
- (c) any other relevant information.

Article 10

Technical Assistance

The Partner States undertake to jointly seek technical assistance to build capacity for compliance with sanitary and phytosanitary measures.

Article 11

Harmonization of Policies, Laws and Regulations

1. The Partner States undertake to harmonise their policies, laws and programmes to facilitate the achievement of the objectives of this Protocol.
2. The Council shall issue directives for purposes of implementing this Article.

Article 12

Institutional Arrangements

The Council shall establish and confer powers and authority upon such institutions as the Council may deem necessary to implement the provisions of this Protocol.

Article 13

Regulations, Directives and Decisions

The Council shall from time to time make regulations, issue directives and make decisions as may be necessary for the effective implementation of this Protocol.



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Article 14
Dispute Settlement

Any dispute between two or more Partner States arising from interpretation or application of this Protocol shall be settled in accordance with the provisions of the Treaty.

Article 15
Amendment of the Protocol

This Protocol may be amended by the Partner States in accordance with the provisions of Article 150 of the Treaty.

Article 16
Entry into Force

This Protocol shall enter into force upon ratification and deposit of instruments of ratification with the Secretary General by all the Partner States.


Article 17
Depository and Ratification

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States.
2. The Secretary General shall register this Protocol with all regional and international organizations responsible for the implementation of sanitary and phytosanitary measures.

IN WITNESS WHEREOF, WE, the undersigned have appended our signatures hereto

DONE AT ADUSHA.....this 12th day of July..... in the year 2013.

For and on behalf of the
Republic of Kenya

Felix Koskei


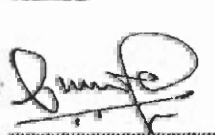
For and on behalf of the
Republic of Burundi




For and on behalf of the
Republic of Burundi


Cecilia Kayiras

For and on behalf of the
United Republic of
Tanzania


C.K. CHAZA

For and on behalf of the
Republic of Uganda


12 07 2013
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