

Trade of Agriculture Safely
and Efficiently in East Africa
(TRAASE)

Assessment of SPS Legal/ Regulatory Frameworks in the EAC Partner States

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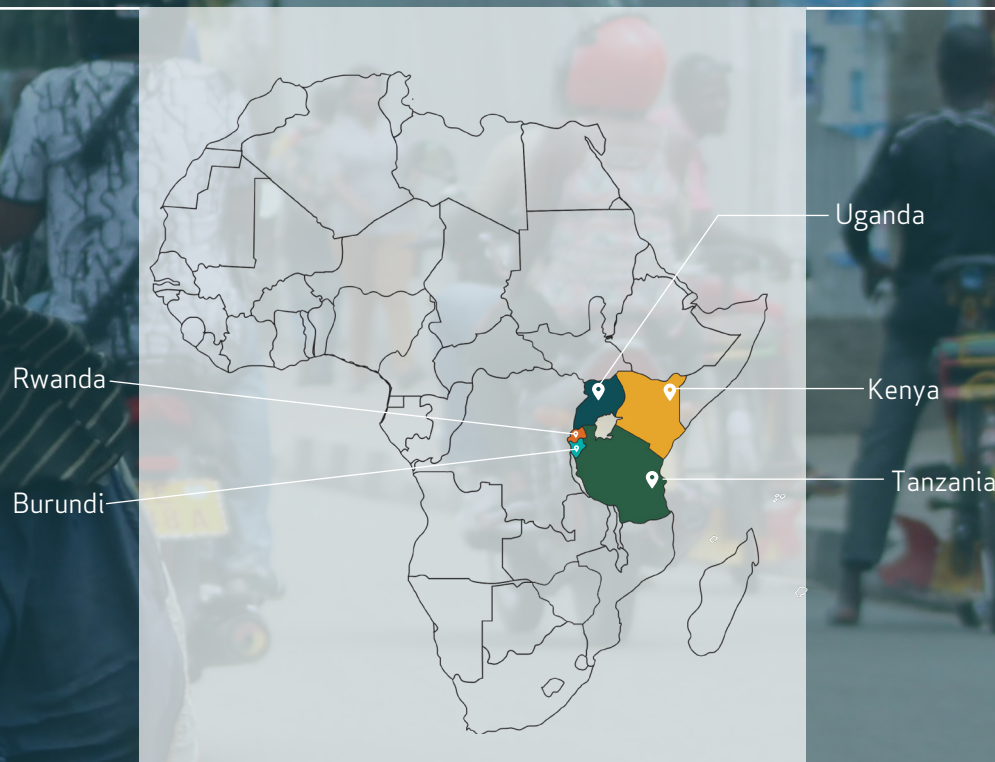
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Acronyms

AFA	Agriculture and Food Authority (Kenya)
AfCFTA	African Continental Free Trade Area
AFSTA	Africa Seed Traders Association
ARAP	Africa Rice Advisory Platform
ARSO	Africa Regional Standard Organization
AUC	African Union Commission
AU-FSA	African Union Food Safety Authority
AU-IBAR	African Union – Inter African Bureau of Animal Resources
AU-IAPSC	African Union Inter-African Phytosanitary Council
BBN	Burundi Bureau of Standards and Quality Control
CA	Competent Authority
CAADP	Comprehensive Africa Agriculture Development Programme
CABI	CAB International
CAC	Codex Alimentarius Commission
CEPAR	Coffee Exporters and Processors Association of Rwanda
CoC	Certificate of Conformity
COMESA	Common Market for East and Central Africa
COPE	Centre for Phytosanitary Excellence
CVL	Central Veterinary Laboratory
DAR	Directorate of Animal Resources (Uganda)
DEPP	Directorate of Water, Fishery and Fish Farming (Burundi)
DFR	Directorate of Fisheries Resources
DFZ	Disease Free Zone
DPPA	The Directorate for the Promotion of Animal Production
DREA	Department of Rural Economy and Agriculture (AUC) Directorate of Animal
DVS	Health (Burundi) Directorate Veterinary Services
EAC	East African Community
EU	European Union

FAO	Food and Agricultural Organisation	REC	Regional Economic Community
IGAD	Inter-governmental Authority on Development	RFDA	Rwanda Food and Drug Authority
IPPC	International Plant Protection Convention	RICA	Rwanda Inspectorate, Competition and Consumer Protection Authority
KCRI	Kilimanjaro Clinical Research Institute	RSB	Rwanda Standards Board
KEBS	Kenya Bureau of Standards	SADC	Southern African Development Community
KEPHIS	Kenya Plant Health Inspectorate Service	SME	Small and Medium-sized Enterprises
KOA	KO Associates LLP	SOP	Standard Operating Procedure
KVB	Kenya Veterinary Board	SPS	Sanitary and Phytosanitary
LOL V37	Land O'Lakes Venture37	TBS	Tanzania Bureau of Standards
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries (Uganda)	TDB	Tanzania Dairy Board
MALF	Ministry of Agriculture, Livestock and Fisheries (Tanzania)	TMB	Tanzania Meat Board
MINEAGRIE	Ministry of Environment Agriculture and Livestock (Burundi)	TMEA	Trademark East Africa
MOH	Ministry of Health	TMB	Tanzania Meat Board
MoU	Memorandum of Understanding	TPPHA	Tanzania Pesticides and Plant Health Authority
MRA	Mutual Recognition Agreement	TPRI	Tropical Pesticides Research Institute
NAEB	National Agriculture Export Board (Rwanda)	TRA	Tanzania Revenue Authority
NARO	National Agricultural Research Organization (Uganda)	TRASE	Trade of Agriculture Safely and Efficiently in East Africa
NCPB	Nationals Cereals and Produce Board (Kenya)	TVLA	Tanzania Veterinary Laboratory Agency
NFSS	National Food Safety Services	UFL	Uganda Fisheries Laboratory
NPPO	National Plant Protection Organization	UCTA	Uganda Coffee Development Authority
NSCS	National Seed Certification Service (Uganda)	UIRI	Uganda Industrial Research Institute
NTB	Non-Tariff Barriers to Trade	UNBS	Uganda National Bureau of Standards
NVS	National Veterinary Service	USA	United States of America
OIE	Office International des Epizooties (World Animal Health Organization)	USAID	US Agency for International Development
PHS	Port Health Services	USDA	United States Department of Agriculture
PS	Partner State	WHO	World Health Organization
PVoC	Pre-shipment Verification of Certification	WTO	World Trade Organization
RAB	Rwanda Agriculture and Animal Resources Development Board		
RARDA	Rwanda Agriculture and Animal Resources development Board		
RDA	Rwanda Development Authority		



Photo by Land O'Lakes

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About TRASE

The East African Community (EAC) represents one of the fastest growing regional economic communities in the world. And yet, trade of agricultural products from and within this region has been hindered by Sanitary and Phytosanitary (SPS) issues. The EAC Secretariat has recently taken important steps to create common SPS standards that are harmonized among Partner States. These harmonized standards are commonly referred to as the EAC SPS Legal Framework (ESLF). The USDA-supported Trade of Agriculture Safely and Efficiently in East Africa (TRASE) project will build from these successes and work at regional and national levels to:

- Expand trade of agricultural products domestically, regionally and internationally in the EAC by domesticating the EAC SPS Legal Framework (ESLF), a series of regulations, standard operating procedures and measures, at national levels.
- Drive best practices in SPS related testing and inspection. The TRASE project will establish a network of laboratories as regional models with improved competencies capable of establishing equivalence of analytical data. TRASE will also work with identified Competent Authorities to strengthen pest and disease surveillance, notification and overall transparency at the regional and domestic levels.
- Strengthen regional and national SPS committees to coordinate and communicate with the private sector and partner states to reduce trade barriers, increase transparency and raise SPS awareness.
- Increase producer and consumer awareness on the importance of safe food and the harmful effects of low quality and/or counterfeit inputs on public health and trade, which will drive demand for safer products and increase political will to support and enforce SPS standards.

Venture37 estimates that this work over a five-year period will result in an increase of \$250 million in regional and international agricultural sales and further drive regional integration of the EAC.

Executive Summary

This report highlights findings from the legal regulatory frameworks supporting SPS functions in five East Africa Community TRASE countries - Burundi, Kenya, Rwanda, Tanzania and Uganda

The East African Community (EAC) is one of Africa's most integrated regional blocs and represents one of the fastest growing regional economic communities in the world. And yet, trade of agricultural products from and within this region are limited by Sanitary and Phytosanitary (SPS) issues and weaknesses in the EAC's SPS Legal and Regulatory Frameworks.

National SPS Systems are organized into three distinct functions, Animal Health, Food Safety and Plant health as required under the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (WTO SPS Agreement). These functions are supported by a large body of national laws, regulations, and institutions in EAC Partner States.

A number of trade constraints arising from SPS controls in the EAC Partner States arose during the legal assessment, including:

- Duplication and overlaps in regulatory functions thus increasing the cost of trade.
- Poor notification by Partner States when they update laws or introduce new regulatory rules as is evident by the low utilisation of the tripartite web-based reporting mechanism.
- Unclear procedural rules and timelines for administrative resolution of trade complaints.
- Poor adoption of EAC Standards in domestic SPS controls.
- Poor use of Equivalence and Mutual Recognition Agreements/ Arrangements (MRAs).

The respective SPS legal systems were assessed in terms of existing laws, experiences, and practices of both public and private stakeholders in applying those laws in practice. Comments, shared experiences, and insights gathered during virtual interviews with private and public sector stakeholders in the three SPS functions were critical to assessing the performance of the current SPS legal systems, identifying challenges to trade and developing

recommendations to address the overlaps, gaps and constraints identified in the priority trade flows. Although capacities differ from country to country, certain SPS legal constraints were found to be more prevalent in specific trade flows.

Key cross cutting challenges in the 5 target partner states include:

- Coordination mechanisms and developing shared understanding of the mandates of the various SPS regulatory institutions to reduce duplication and overlaps in mandates.
- The adoption of EAC SPS measures and EAC standards as well as the mutual recognition of country standards by the region's Partner States.
- Enhancing national SPS notification systems and complaint redress mechanisms.
- Building emergency response capabilities of the national competent authorities (funding, authority, personnel, and strategies) to respond to outbreaks of pests and diseases.
- Updating food safety regulation powers of the various food safety institutions in target Partner States through the consolidation of laws and/or the enhancement of the mandate of the competent authorities in food safety regulation; and
- A lack of frameworks for public-private partnerships in SPS controls including conformity assessments, infrastructure, and programs.

The report below highlights findings from the legal and regulatory frameworks supporting SPS functions in the five East Africa Community TRASE countries, laws applicable to the priority trade flows identified in the partner states, the regional commitments applicable to the target partner states, the national legal and regulatory framework (including the gaps, overlaps and trade constraints) and the NTB Resolution mechanism in the EAC.



SECTION 1

Introduction and Background

Photo by Daniel Banda/COMESA

Global SPS Systems under the WTO

The 5 selected EAC Partner States are all member countries of the Office International des Epizooties (OIE) which was established in January 1924 to fight animal diseases at a global level with a more encompassing statement on the Global SPS system

EAC Partner States (PSs) within the TRASE Project are Members of the World Trade Organization (WTO), established on January 1st, 1995. The WTO Agreement on Application of Sanitary and Phytosanitary Measures (WTO SPS Agreement) is part of the WTO Agreement series and provides for the use of sanitary and phytosanitary measures to protect human, animal or plant life, or health from certain risks, provided that the measures are based in science. The standards approved within the framework of the three International Standard Setting Bodies (ISSBs) namely CODEX Alimentarius Commission (CAC), International Plant Protection Convention (IPPC), and the World Organization for Animal Health (OIE), are international reference standards for food safety, plant protection and animal protection, respectively.

SPS decisions regarding the level of protection are science-based by means of applying risk analysis. The WTO SPS Agreement further introduces obligations of notification and information sharing (transparency) to other member countries and to the WTO SPS Secretariat, including notification of phytosanitary requirements which may affect trade.

World Organization for Animal Health (OIE)

The 5 selected EAC Partner States are all member countries of the Office International des Epizooties (OIE) which was established in January 1924 to fight animal diseases at a global level. The OIE is the intergovernmental reference organization responsible for improving animal health worldwide.

Codex Alimentarius Commission (CAC)

The 5 selected EAC Partner States are all members of the Codex Alimentarius Commission (CAC), that was established in 1963 to develop food standards, guidelines and related texts such as codes of practice under the Joint Food and Agriculture Organization/ World Health Organization (FAO/WHO) Food Standards Programme. The main purposes of this Programme are protecting health of consumers, ensuring fair practices in food trade, and promoting the coordination of all food standards work undertaken by international governmental and non-governmental organizations. The FAO/WHO Codex Coordinating Committee for Africa (CCAFRICA) is currently housed in Kenya.

International Plant Protection Convention (IPPC)

The 5 selected EAC PSs are all Contracting Parties of the International Plant Protection Convention (IPPC). The IPPC is an international plant health agreement that aims to protect cultivated and wild plants by preventing the introduction and spread of pests. The IPPC provides a framework for the development and application of harmonized phytosanitary measures and the elaboration of international standards to that effect. Contracting parties are required to establish a National Plant Protection Organization (NPPO) with a legal mandate to undertake plant protection functions.



Photo by Daniel Banda/COMESA

EAC SPS Legal Systems

The EAC has developed an umbrella SPS protocol, which once ratified by all Partner States, is expected to provide all EAC partner states with a blue print on which national SPS legislation should be developed in order to implement SPS requirements at all levels of the production and distribution chains. The EAC SPS Protocol ('EAC SPS Protocol') has been developed in line with Article 108 of the EAC Treaty which requires the EAC Partner States to harmonize SPS Measures for pest and disease control. The objectives of the EAC SPS Protocol set out in Article 2 are as follows:

- promote trade in food and agricultural commodities within the EAC and between the EAC and other trading partners
- promote within the EAC, the implementation of the principles on harmonization, equivalence, regionalization, transparency and risk assessment in the WTO SPS Agreement
- strengthen cooperation and coordination of SPS Measures and activities at both the national and regional level, based on common understanding and application within the EAC; and
- enhance the SPS status through science-based approaches in the EAC.

The EAC SPS Protocol establishes elaborate rules for application, which relate to the use of SPS Measures, and recognizes the rights of importing countries to implement these measures. The EAC SPS Protocol, in

its provisions, is aligned with the WTO SPS Agreement principles of necessity, harmonization, equivalence, risk assessment and transparency. The WTO SPS Agreement mandates EAC Partner States to cooperate in the SPS Pillars by among other things:

- harmonizing inspection and certification procedures
- ensuring safe movement of plants, plant products, animals, animal products, and food
- ensuring prompt and transparent sharing of information
- harmonizing import and export documents and procedures
- harmonizing and strengthening traceability systems for plants, plant products, food, and animals; and
- standardizing sanitary documents including import permits, veterinary certificates, etc.

As a part of the SPS Protocol, the EAC has developed four volumes of SPS measures - Phytosanitary Measures (Volume I), Animal Health Measures for Mammals, Birds and Bees (Volume II), Animal Health Measures for Fish and Fishery Products (Volume III), and Food Safety Measures (Volume IV). To date, Tanzania is yet to ratify the EAC Protocol.

Other Regional Commitments

The EAC Partner States are members of the African Union Commission (AUC). The AUC has established a consultative process to develop

and adopt a draft legal SPS framework which arguably "should be general enough to allow RECs to develop detailed frameworks". The Department of Rural Economy and Agriculture (DREA) of the AUC is committed to promote agricultural development and contribute to economic development in Africa. Meeting SPS measures along agricultural value chains in Africa is at the heart of the second pillar of DREA's Comprehensive Africa Agriculture Development Programme (CAADP) which is to improve rural infrastructure and trade-related capacities for improved market access. Animal and plant health issues are the responsibility of AUC's technical offices, the African Union Inter-African Bureau for Animal Resources (AU-IBAR), based in Nairobi, Kenya, and the African Union Inter-African Phytosanitary Council (AU/IAPSC), based in Yaoundé, Cameroun, respectively. DREA encourages efforts to improve food safety in Africa through inspections of food production establishments using a harmonized approach. However, the AUC is still in the process of establishing another technical center, the African Union Food Safety Authority (AU-FSA).

Burundi, Kenya, Rwanda and Uganda are members of the Common Market for East and Southern Africa (COMESA), which was set up by the Preferential Trade Area (PTA) for Eastern and Southern Africa in 1993 and now has 19 members in Eastern and Southern Africa.



COMESA implements SPS regulations, which include hands-on provisions such as the “Green Pass”, regional accreditation bodies, and reference laboratories. COMESA has designated three regional laboratories as SPS Centres of Excellence. These include the Kenya Plant Health Inspection Services (KEPHIS) as Centre of Phytosanitary Excellence (COPE), the Food Technology Laboratory (FTL) in Mauritius for Food Safety and the Central Veterinary Research Institute (CVRI) in Zambia for Animal Health. COMESA is currently sharing and harmonizing its own activities with the EAC, Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) through the Interregional Coordinating Committee (IRCC).

The United Republic of Tanzania is a member state of SADC whose approach to SPS management is based on provisions of the WTO SPS Agreement which are mirrored in the SPS Annex to the SADC Protocol on Trade. Although the SPS Annex was adopted by SADC Ministers of Trade and Industry in 2008, its full implementation is only now being realized through the establishment and capacitation of the relevant regional committees.

IGAD Member States signed a Regional Policy Framework on Animal Health in the Context of Trade and Vulnerability in December 2009 to strengthen the respective roles of private and public sector actors in the supply of animal health and related services. Kenya and Uganda are IGAD member states. The IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) works with member states to address animal

health, production and marketing, access to external markets for livestock and livestock products, and develop Standard Operating Procedures (SOPs) and SMPs for quarantines and export slaughter facilities, among other issues. Between 2017 and 2020, ICPALD and member states developed and approved bilateral and multilateral Memoranda of Understanding (MOUs) on cross border animal health, production, and trade. Implementation of these MOUs is critical to safeguard local, regional, and international trade in live animals and livestock products.

ICPALD which is domiciled in Nairobi, worked with member states to undertake market studies to inform diversification of live animal and livestock product markets. The studies and missions led to Ethiopia Kenya and Sudan export slaughterhouses accessing new markets in Malaysia, Vietnam, and Hong Kong. Regional live animals and meat standards developed by IGAD have been adopted by the Africa Regional Standard Organization (ARSO) for use under the African Continental Free Trade Area (AfCFTA). ICPALD has supported member states to develop and validate regional and national SPS strategies and the establishment and operationalization of inclusive national SPS committees.

SECTION 2

National SPS Legal and Regulatory Frameworks Constraints

Photo by Land O'Lakes



Burundi's government continues to drive the adoption of SPS measures such as risk assessment by putting in place two quarantine facilities at the borders

The national legal and regulatory frameworks, institutional mandates, and trade constraints in the enforcement of SPS controls in the TRASE EAC Partner States, are described in detail in the Country Reports. Each country report provides detailed inventories of Laws and legal assessments. A summary of the key findings and recommendations from the legal assessment is provided in the subsections below.

Burundi

Burundi has taken deliberate actions in the recent past to ensure the implementation of an SPS system that is aligned to the WTO, the EAC SPS Protocol and other relevant bilateral trade agreements the EAC Partner States have concluded with other countries. Some of the initiatives that Burundi has taken include:

- Establishing national institutions to deal with matters related to the SPS Pillars. These national institutions are supported by research bodies, academia, codex bodies and consumer protection bodies.
- Enacting national laws to provide for implementation of SPS Measures within the SPS Pillars.
- Establishing NSPS Committees as the coordinating body for SPS Measures.

SPS matters in Burundi are addressed by the Ministry of Commerce Transport Industry and Tourism ('MCTIT') through the Burundi Bureau of Standards and Quality Control ('BBN'), the Ministry of Livestock and Agriculture through the Animal Health Department, and the private sector through various associations.

Animal Health

Burundi has enacted several laws that support animal health controls in the country. This include Act N° 1/28/

of 24 December 2009 relating to The Sanitary Policy of Domestic Animals, Wild Animals, Aquaculture Animals and Bees; Decree N° 100/177 of 9 July 2013 on Sanitary Inspection Measures for Animals and Foodstuffs of Animal Origin; Order N° 710/655 / of 08/05/2013 Determining The Zootechnical and Sanitary Standards for the Importation of Bovine Specimen Reproductive Animals; and Order N° 710/653 of 08/05/2013 Determining the Zootechnical Standards and the Sanitary Conditions for the Importation of Seeds and Frozen Embryos of Pure Breed Cattle.

The Directorate of Animal Health ('DSA') under the Ministry of Livestock and Agriculture is supported by the General Directorate of Livestock ('DGE') and its other two Directorates: The Directorate for the Promotion of Animal Production ('DPPA'), and the Directorate of Water, Fishery and Fish Farming ('DEPP') on SPS matters. DSA also works closely with the Directorate of Pharmacy, Medicine and Laboratories, and BBN to issue certification for animals and animal products moving in and out of the country. Burundi's government continues to drive the adoption of SPS measures such as risk assessment by putting in place two quarantine facilities at the borders.

Food Safety

The institutions in Burundi tasked with the regulation of food safety matters are the BBN and the public health department under the Ministry of Health. The BBN obtains its mandate from Act n°1/17 of May 7th, 1992 on the establishment of the standardization and quality control Bureau, and the Public Health Department obtains its mandate from Decree-Law No. 1/16 of 17 May 1982 on the Public Health Code.

The BBN and the Public Health Department are assisted in their food safety mandate by the Animal Health Department which is responsible for foods from animal products, the Plant Health Services Department for foods of plant origin, The Multisectoral Food Security and Nutrition Platform in Burundi, a National Food Security Stock Management Agency ('ANAGESSA'), and the Steering Committee of the Multisectoral Food Security and Nutrition Platform ('PMSAN') in Burundi. The National Committee for the Coordination and Monitoring of Sanitary and Phytosanitary Measures ('NSPS Committee') established under Decree No. 100/99 of 31 March 2013 reports to the national focal point for food safety (i.e. the CODEX (BBN), animal health (i.e. the OIE (Animal Health Department)) and for Plant Health (i.e. Plant Protection Department).

Plant Health

The main legal framework for Plant Health functions in Burundi is Decree No 100/55 of 23rd March 2016 on The Protection of New Varieties of Plants, Decree No. 100-251 of 24th September 2012 Establishing, Missions, Composition and Operation of The National Seed Commission and Law No 1/08 of 23/04/2012 on the Organization of the Seed. The law sets out the Ministry of Agriculture (more specifically the Directorate General of Agriculture) as the NPPO and provides for other institutions responsible for additional roles in plant health. The other institution in plant health is the National Seed Commission ('CNS').

The Plant Health Services Department in the Ministry of Environment Agriculture and Livestock ('MINEAGRIE') is the institutional body primarily in charge of plant health in Burundi. The Department works under the General Directorate of MINEAGRIE with support from the Directorate of Fertilization and Protection of Soils

('DFPS') and the Directorate for the Promotion of Seeds and Plants ('DPSP'). It also liaises with other organisation in EAC Partner States or abroad to support its functions, especially in carrying out tests for which Burundi lacks the technical capability. The institution works with other local bodies, the private sector and international organisations including Non-Governmental Organisation (NGOs) to ensure SPS matters on plant health are attended to. The department issues certification on plant health for plant health for imports, exports, and local propagators.

Trade Constraints

During the Assessment, the main trade constraints that were noted in the enforcement of SPS controls in Burundi included lack of awareness among traders on SPS requirements, no mutual recognition agreements (MRAs) signed between Burundi and trader partners to facilitate trade, lack of adequate transparency and notification of measures and procedures, and an ineffective complaint redress system. For Burundi, the most significant barrier was the limited publicly available information on laws, regulations, and procedures to guide traders. The websites of most of the key institutions were not updated, and most of the laws, regulations, and procedures have not been published on them.

Recommendations

- Improve the dissemination of information on SPS legislation and regulations, processes, and procedures, particularly for small-scale traders and producers to address the significant information gaps in SPS matters in Burundi.
- Strengthen the SPS Notification Authority and Enquiry Points.
- SPS authorities are recommended to update and maintain their websites and make information on

SPS regulations available online. Further it would also be advisable in the short term to focus efforts (e.g. to strengthen the implementation of existing relevant laws and to improve transparency or streamline SPS procedures) on particular value chains of importance to trade or small and medium sized businesses.

- Establish an emergency funding mechanism to support all relevant bodies to carry out immediate investigations of outbreaks, including novel pests and zoonotic diseases. This is an urgent priority.

Animal Health

- Update the legal framework in Burundi to cater for the unsupported animal health SPS functions, as well as to provide for animal traceability, which will enhance the animal health standards in the country.
- Provide for transparency and notification procedures through SMS and Web platforms (the tripartite web-based platform).
- Enhance harmonization efforts in the region to eliminate non-tariff barriers arising from the lack of harmonization on animal health standards.

Food Safety

- Develop information sharing platforms.
- Enhance the enforcement powers of inspectors, as necessary.

Plant Health

- Improve the dissemination of information on SPS legislation and regulations, processes, and procedures, particularly for small-scale traders and producers.
- Address the following priority areas in the legal framework:
 - i. Setting out Regulations on Conformity Assessment



Photo by Daniel Banda/COMESA

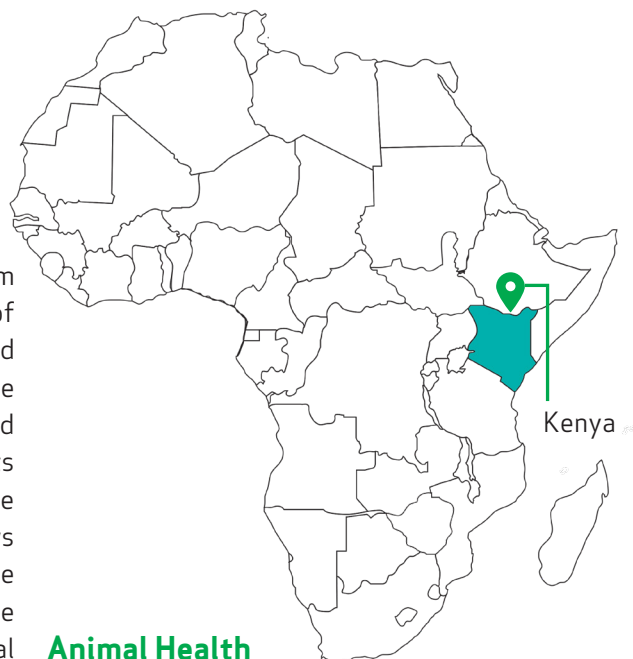
Procedures.

- ii. Providing for Risk Based Controls in the Regulations.
- iii. Establishing clear Trade Complaints and Dispute Resolution Mechanisms.
- iv. Adoption and harmonization of Burundi Standards with EAC Standards.

Kenya

The Sanitary and Phytosanitary (SPS) controls system in Kenya is organized into the three distinct functions of animal health, plant health, and food safety, as required under the WTO SPS Agreement. These functions are supported by a large body of laws, regulations, and institutions. Since 2010, when Kenya radically changed its Constitutional framework from a centralized governance system to a devolved governance system, several laws in each of the three SPS areas have been revised. The revision of laws since 2010 has been concentrated in the plant health area with very few changes to the animal health and food safety legal frameworks. There are however, new policy frameworks that have articulated the need for updating the animal health and food safety

laws to address gaps and constraints in the existing legal frameworks, provide for emerging issues and align with international obligations.



Animal Health

Animal Health oversight and regulation in Kenya is carried out by the Directorate of Veterinary Services ('DVS') under the Ministry of Agriculture, Livestock and

Fisheries ('MALF'). DVS derives its mandate from the Animal Diseases Act Cap 364, the Meat Control Act Cap 356, the Cattle Cleansing Act Cap 358, the Branding of Stock Act Cap 357, and the Rabies Act. Additional oversight and regulation in animal health functions are provided by the Kenya Dairy Board ('KDB') established under the Dairy Industry Act Cap 336 for milk and dairy products, the Kenya Veterinary Board established under the Veterinary Surgeons and Veterinary Para-professionals Act No. 29 of 2011 which registers and regulates the veterinary profession, the Kenya Fisheries Service established under the Fisheries Management and Development Act 2016 which regulates fisheries sector, the Kenya Leather Development Council which oversees the implementation of the Hides, Skin and Leather Trade Act Cap 359, and the Fertilizer and Animal Foodstuffs Board established under the Fertilizers and Animal Foodstuffs Act Cap 345 (as amended in 2015) which regulates the production, manufacture, packaging, importation and marketing of fertilizers and animal foodstuffs.



Photo by Daniel Banda/COMESA

Food Safety

The National Food Control System in Kenya is a multi-agency system coordinated by the Ministry of Health ('MOH'), Department of Public Health ('DPH') which derives its mandate from the Public Health Act Cap 242. Coordination of the agencies involved in food safety management is through the National Food Safety Coordination Committee ('NFSCC') established to enhance coordination and minimize overlaps in the enforcement of food safety laws by the various agencies. The Secretariat of the NFSCC is domiciled at the MOH. The agencies involved in food safety management and thus apply food safety registration procedures include:

- The DPH which operates under the Public Health Act Cap 242 and safeguards the health of consumers through food safety and quality control, surveillance, prevention and control of food borne diseases/illnesses.
- The Kenya Bureau of Standards ('KEBS') established under the Standards Act Cap 496 which sets out quality standards and carries out conformity inspections and enforcement.
- The Central Board of Health - MOH which derives its mandate under the Food, Drugs and Chemical Substances Act, Chapter 254.
- The Public Health Standards Board which derives its mandate from the Public Health Act, Chapter 242),
- The DVS - MALF which derives its mandate from the Meat Control Act Cap 356.
- Kenya Dairy Board established under the Dairy Industry Act Cap 336, g) the Kenya Plant Inspectorate Service ('KEPHIS') established under the KEPHIS Act 2012 and implements the Plant Protection Act Cap 324 and Seed and Plant Varieties Act Cap 326.
- The Agriculture and Food Authority ('AFA') under the Agriculture and Food Authority Act 2013.

Plant Health

KEPHIS, established under the Kenya Plant Health Inspectorate Service Act 2012, is the NPPO and has the mandate to inter alia: regulate matters relating to plant protection, seeds and plant varieties and administer and enforce sanitary and phytosanitary measures. KEPHIS implements and enforces a number of laws relevant to plant health matters including the Plant Protection Act (Cap. 324), the Seeds and Plant Varieties Act (Cap. 326), the Agricultural Produce (Export) Act (Cap. 319), and the Suppression of Noxious Weeds Act (Cap 325). Additional institutions involved in plant health matters include the Pest Control Products Board ('PCPB'), established under the Pest Control Products Act (Cap 346) as the regulatory authority on pest control products in the country through oversight of safe use. The AFA established under the Crops Act 2013 regulates all aspects of growing, production, storage, and marketing of scheduled crops under the Act. Scheduled crops are set out in the first schedule and include all major food and cash crops in Kenya.

Trade Constraints

During the Assessment, the main trade constraints that were noted include the enforcement of SPS controls in Kenya, the lack of mutual confidence between enforcement agencies in different countries (including EAC Partner states and major trading partners such as EU), very few mutual recognition agreements (MRAs) signed to facilitate trade, weak coordination mechanisms - meaning that the number of agencies, documents and procedures used to enforce SPS compliance, often times results in duplicated, overlapping, or redundant controls and mandates, there is a general lack of transparency. There is no notification of measures and procedures, and there is an ineffective complaint redress system. Further there is very little sharing of information between the

The failure of enforcement agencies to recognise foreign certification, from accredited laboratories, means that importers who have already submitted their goods for inspection, testing and certification at accredited foreign laboratories are obliged to do so again which adds costs and delays

various control agencies. Though the Kenya Trade portal <https://infotradekenya.go.ke> is being rolled out to provide online processing of documents, its reach is still limited and a number of agencies still require traders to bring them physical copies of the relevant documents. Private sector stakeholders indicated that several measures implemented by SPS controls at border points disrupts trade without achieving their original purpose, which is to prevent the entry of sub-standard goods into the country. The failure of enforcement agencies to recognise foreign certification, from accredited laboratories, means that importers who have already submitted their goods for inspection, testing and certification at accredited foreign laboratories are obliged to do so again which adds costs and delays.

Recommendations

- Strengthen existing institutions and fine tune the legal framework rather than completely overhaul.
 - i. In Animal Health and Food Safety there is an obvious need to update the legal framework to at least be at par with the legal framework in Plant Health.
 - ii. Focus efforts in the short term on improving information sharing (e.g. to improve transparency or streamline SPS procedures) for value chains of importance to trade or small and medium sized businesses.
- Improve the dissemination of information on SPS legislation and regulations, processes, and procedures, particularly for small-scale traders and producers.
- Strengthen the SPS Notification Authority and Enquiry Points.
- SPS authorities should update and maintain their websites and make information on SPS regulations available online.
- Empower the SPS Notification Authority to disseminate existing and new SPS requirements, costs related to each application, and the expected time to complete applications for export and import permits through well updated digital platforms and mobile short code

messaging boards

- Review and update the Legal framework in Kenya:
 - i. Establish clear procedural rules and timelines for administrative resolution of trade complaints.
 - ii. Require mandatory notification by CAs with specified timelines.
 - iii. Establish Specialized Dispute Resolution Tribunals to deal with trade issues within set timelines so that recourse to ordinary courts is minimized.
 - iv. Adopt a USSD/SMS notification system, like the one running in Uganda, for quick reporting and resolution of NTBs.

Animal Health

- Update the legal framework to:
 - i. Cater for the gaps in conformity assessment procedures highlighted in the country report and make provisions for the regulation of animal products not currently covered.
 - ii. Update the legal framework to recognize the devolved function of livestock and empower counties to undertake surveillance and report to the DVS as the oversight authority.
 - iii. Establish administrative mechanisms for the hearing and determination of appeals under the animal health legislation.
- Build the capacity of inspectors within the DVS and equip border points with adequate lab assistance to aid the DVS in the proper enforcement of its conformity assessment powers.
- Enact the animal traceability law that is currently in development. This will uphold animal health standards, as the records of the animal will be maintained from birth to slaughter.
- Improve the coordination of the various government agencies in animal health through the single window system to ease the approval process for traders and enhance trade.

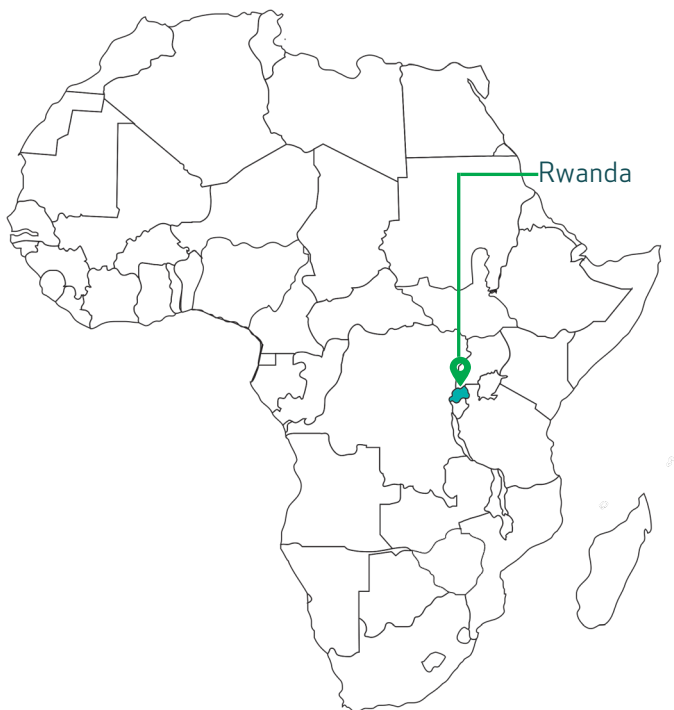
Food Safety

- Update the Legal Framework to provide a well-established and articulated coordination mechanism for a farm-to-fork approach to food safety issues in Kenya.
- Adopt and implement a risk-based inspection and certification mechanism by the NFSS and other food safety regulatory authorities.
- Make proper use of the single window system for the coordination and collaboration of the various regulators in food safety. This will bring about better regulation in food and ease the approval process for traders.
- Enact the food traceability legislation which is under development.
- Consolidate laws governing food safety to create a coordinated mechanism for overseeing food safety issues in the country and establish a National Food Safety Authority (in accordance with the National Food Safety Policy 2013) which will have overall responsibility for farm to fork food safety issues in the country.

Plant Health

- Extend the mandate of the Seed Tribunal to handle appeals under the Plant Protection Act.
- Enact the rules for the purpose of preventing and controlling attacks by or the spread of pests or diseases.
- Establish a proper coordination mechanism between the NPPO and other regulatory bodies in plant health, specifically the PCPB.
- Extend emergency response powers to the NPPO, rather than the Minister, or include the NPPO as an advisor to the Minister in respect of emergency response.

Rwanda



The Sanitary and Phytosanitary (SPS) controls system in Rwanda is organized into the three distinct functions of animal health, food safety, and plant health, as required under the WTO SPS Agreement. These functions are supported by a large body of laws, regulations, and institutions. The country has several policies that provide a support structure for the implementation of SPS measures. These policies include the National Food and Nutrition Policy, Health Sector Policy, National Agriculture Policy, Strategic Plan for Agriculture Transformation 2018-24, and the Master Plan for Milk Chain in Rwanda. The main bodies engaged in SPS controls in the country are The Rwanda Inspectorate, Competition and Consumer Protection Authority ('RICA')

which serves as the National Enquiry Point on Plant Health, The Rwanda Agriculture and Animal Resources Development Board ('RAB') which serves as the National Enquiry Point on Animal Health, The Rwanda Food and Drug Authority ('RFDA') which acts as the focal point for Codex Alimentarius as well as the National Enquiry Point on Food Safety, and the Rwanda Standards Board ('RSB') which serves as the SPS National Notification Authority.

Animal Health

Animal health controls in Rwanda are overseen by the RAB, which is headed by the Director General and implements animal safety regulations through its Animal Resources Research & Technology Transfer division. RAB deals with animal health ante-mortem, while RICA deals with animal health post-mortem and in relation to animal feed. RAB collaborates and coordinates with RICA to implement and enforce the following principal Acts: Law N° 25/2013 of 10/05/2013 Determining the Organization and Functioning of Beekeeping in Rwanda, Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda, and Law N° 58/2008 of 10/09/2008 Law determining the organization and management of aquaculture and fishing in Rwanda.

Food Safety

The National food control system in Rwanda is made up of several agencies with regulatory powers over different products and production points. Some of the institutions responsible for food safety issues include: the Rwanda FDA under the Law N° 003/2018 of 09/02/2018, RICA under Law N° 31/2017 of 25/07/2017 establishing Rwanda Inspectorate, the Competition and Consumer Protection Authority and Determining its Mission, Organization and Functioning, and RSB under Law No.



Photo by Daniel Banda/COMESA

50/2013 – Law Establishing the Rwanda Standards Board and determining its Mission, Organization and Functioning.

Plant Health

With respect to plant health, regulatory oversight is under the mandate of the RICA which took over from the Rwanda Agricultural and Livestock Inspection and Certification Service (RALIS). RICA's mandate is to provide phytosanitary regulatory services and plant protection through enforcement of the relevant laws in the areas of SPS regulation of exported and imported Agricultural commodities, compliance audits, surveillance, pest risk assessments and seed inspection and certification. RICA implements the following laws in Rwanda: Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda, Law N° 30/2012 of 01/08/23012 on Governing of Agrochemicals, Law N°005/2016 of 05/04/2016 Governing Seeds and Plant Varieties in Rwanda, Law N° 41/2009 Of 30/12/2009 Authorizing The Ratification of the International Treaty On Plant Genetic Resources For Food And Agriculture Signed In Rome On 3 November 2001 and Law No. 48 of 2006, Determining the responsibilities, organization and functioning of Rwanda Coffee Development Authority.

Trade Constraints

During the Assessment, the main trade constraints noted on the enforcement of SPS controls in Rwanda included a lack of awareness among traders on SPS requirements, nascent and/or struggling newly established organizations, overlapping mandates among the different authorities, an ineffective complaint redress system, and very few mutual recognition agreements (MRAs) signed to facilitate trade. Traders also expressed concerns on the high sums charged for fees by the RFDA for inspection and certifications.

Recommendations

- Prioritize capacity building of the newly established institutions.
- Focus short term efforts (e.g. to strengthen the implementation of existing relevant laws and to improve transparency or streamline SPS procedures) on value chains of importance to trade or small and medium sized businesses.
- Establish an emergency funding mechanism to support all relevant bodies to carry out immediate investigations of outbreaks, including novel pests and zoonotic diseases. This is an urgent priority.
- Improve the dissemination of information on SPS legislation and regulations, processes, and procedures, particularly for small-scale traders and producers.
- Strengthen the SPS Notification Authority and Enquiry Points.
- Ensure SPS authorities update and maintain their websites and make information on SPS regulations available online.
- Review and update the Legal framework to:
 - i. Establish clear procedural rules and timelines for administrative resolution of trade complaints.
 - ii. Require mandatory notification by competent authorities with specified timelines.
 - iii. Establish Specialized Dispute Resolution Tribunals to deal with trade issues within set timelines so that recourse to ordinary courts is minimized.
 - iv. Adopt a USSD/SMS notification system, like the one running in Uganda, for quick reporting and resolution of NTBs.

Animal Health

- Back up the establishment of the National SPS Committee and coordination mechanism in the legal framework.
- Establish a legal framework for animal traceability. This will enable proper tracing of infected animals, withdrawal, and treatment, thereby enhancing animal health standards in Rwanda.
- Establish a tribunal for the resolution of animal health complaints in Rwanda.

Food Safety

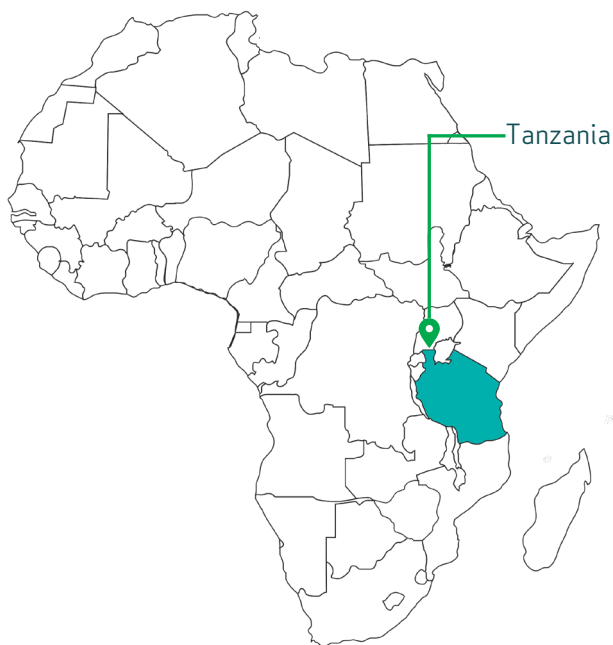
- Properly enforce the legal obligation on stakeholders to trace and withdraw any harmful food products from the market. This will not only enhance food safety standards within the country but will also boost consumer confidence, thereby enhancing trade.
- Amend the law to cater for the emergency response powers of the NFSS and the emerging issues in the food sector which the law may not have considered.
- Align the laws establishing RFDA and RICA to ensure that the mandates of the two organizations are not conflicting and/or overlapping.

Plant Health

- Rapidly upscale the Capacity of RICA: RICA being a newly established government entity needs to be properly constituted to enable it take up its statutory duties in relation to plant health in Rwanda. The mandate that was previously being undertaken by RALIS needs to be fully taken over by RICA for proper plant health management.

Tanzania

Tanzania's SPS regime consists of several legal frameworks and involves multiple institutions from the Ministries of Agriculture, Livestock and Fisheries ('MALF'), and Trade and Industry ('MTI'). The SPS Control system is well articulated and differentiated under the three SPS functions of animal health, food safety and plant health. Raising awareness on the importance of SPS issues, developing enforcement capacity, and improving coordination among the different regulators involved though remain significant challenges. The relevant SPS control institutions include the Tanzania Pesticides and Plant Health Authority ('TPPHA'), the Directorate of Veterinary Services ('DVS') in the MALF, and the Tanzania Bureau of Standards ('TBS').



Animal Health

The primary laws regulating the animal health sector in Tanzania are the 2003 Animal Disease Act and the 2003 Veterinary Act. The DVS MALF is the National Veterinary Service ('NVS') in Tanzania. The DVS is responsible for the implementation of effective national regulatory services and risk management systems, and for the establishment and maintenance of the effective early-warning and mitigation systems. The DVS administers the Animal Diseases, Meat Safety, and regulations that apply to the importation of meat.

Institutionally, the DVS has the legal authority to develop and maintain a list of all notifiable animal diseases, facilitate the appointment of inspectors for duties related to animal disease control, oversee the registration of abattoirs and slaughter houses, inspect meat products before export, and both inspect and certify hides and skins. The NVS works in collaboration with the following other government institutions for the purposes of animal health in Tanzania: Tanzania Veterinary Laboratory Agency ('TVLA'), Tanzania Meat Board ('TMB'), Tanzania Dairy Board ('TDB'), Veterinary Council of Tanzania ('VCT'), Fisheries Education Training Agency ('FETA'), Tanzania Fisheries Research Institute ('TAFIRI'), Deep Sea Fishing Authority, and the Animal Feeds Advisory Council. The WTO-TBT National Enquiry Point in Tanzania is the Tanzania Bureau of Standards ('TBS').

Food Safety

Tanzania's food control system is primarily under the mandate of the TBS. Prior to 1st July 2019, the Tanzania Food and Drug Authority (TFDA) was the National Food Safety Service ('NFSS') in Tanzania, however in June 2019, the Tanzania National Assembly passed the Finance Act 2019 which transferred the NFSS duties



Photo by Land O'Lakes

from TFDA to TBS. TBS is also the National Enquiry Point in Tanzania under the WTO-TBT Agreement. TBS has a double role as the regulatory body that develops Technical Regulations, otherwise known as mandatory standards, through its Standards Directorate, and as the agency responsible for conformity assessments (inspection and certification) through its Quality Management Directorate. The laws that govern food safety in Tanzania are the: Finance Act 2019, Standards Act 2009, Food Security Act, 1991 (Act No. 10 of 1991), Meat Industry Act, 2006 (No. 10 of 2006), Dairy Industry Act, 2004 (No. 8 of 2004), Tanzania Food and Nutrition Act, 1973 (No. 24 of 1973) and Cereals and Other Produce Act No. 19 of 2009.

Plant Health

The Plant Health Act, 2020 was enacted into law in May 2020. This is now the principle law governing plant health and phytosanitary issues in Tanzania. The Plant Health Act repealed the Plant Protection Act of 1997 which was the principle law on phytosanitary measures in Tanzania. The Plant Health Act establishes the Tanzania Pesticides and Plant Health Authority ('TPPHA') whose powers include, but are not

limited to:

- The issuance of certificates relating to the phytosanitary certificate.
- Surveillance of growing plants, including both areas under cultivation and wild flora, and of plants and plant products in storage or in transportation, particularly with the object of reporting the occurrence, outbreak and spread of pests, and of controlling such pests.
- Disinfestation or disinfection of consignments of plants, plant products and other regulated articles moving in international traffic to meet phytosanitary requirements.
- Designating, maintaining, surveilling, and declaring pest free areas and areas of low pest prevalence, conduct of pest risk analysis.
- Ensuring through appropriate procedures that the phytosanitary security of consignments after certification regarding composition, substitution and re-infestation is maintained prior to export.
- Maintaining a list of quarantine pests, regulated articles, and pests of national concern, approving and implementing phytosanitary actions and measures.

- Regulating the movement of biological control agents within, from or into the country.
- Developing a mechanism for coordination and collaboration with relevant bodies to ensure effective compliance to the regional and international obligations on plant health.
- Establishing procedures for accreditation of any post entry quarantine station, official analyst, official laboratory, or any other person or institution among other SPS functions granted to it.

The TPPHA, once properly constituted, will take over from the Plant health Services as the National Plant Protection Contact Point in line with the IPPC. TPPHA shall be the main regulatory body for pesticides and plant health in Tanzania. Other agencies in Tanzania that are involved in SPS issues are the Plant Breeders Registrar ('PBR'), which regulates breeding activities and oversees application of the Convention on the Protection of New Plant Varieties ('UPOV'), and the Tanzania Official Seed Certification Institute, which offers seeds testing and sampling services. Imports (and exports) of plants and plant products are subject to a number of fees related to the issuance of permits



Photo by Land O'Lakes

and certificates, and other services such as inspection, treatment supervision, quarantine, field inspections, and extension services, all of which considerably increase importation costs.

Trade Constraints

During the Assessment, the main trade constraints that were noted as arising from the legal frameworks in Tanzania were: lack of transparency, duplication of regulatory functions, and poor coordination among the various SPS control agencies. There is also a clear lack of mutual confidence between enforcement agencies in different countries and no equivalence arrangements and mutual recognition agreements (MRAs) signed to facilitate trade.

The private sector indicated that there are multiple agencies numerous documents and procedures involved in enforcing SPS compliance, which results in duplicated, overlapping or redundant controls and overlapping mandates among the different authorities. Border Operations Assessments shows that sometimes up to 14 different government agencies are present at border posts in Tanzania. Many of the procedures carried out by agencies at and/or behind the border are functionally similar, including document checks and sampling. There is very little sharing of information between the Tanzania Revenue Authority ('TRA'), TBS, the MOH, and the MALF, all of whom depend on the manual intervention of clearing agents to bring them physical copies of the

relevant documents. The failure of TBS to recognize foreign certification from accredited laboratories, means that importers who have already submitted their goods for inspection, testing, and certification at accredited foreign laboratories are obliged to do so again. Lastly, traders stated that there is a lack of transparency regarding the cost and the amount of time needed to assess compliance with Tanzanian standards. Complaints including unpredictable behavior by TBS officers, a delay or failure in providing test results, lack of clarity regarding border procedures, and arbitrary setting of fees.

Recommendations

- Improve notifications through the use of the Tripartite web-based system and revive the SMS system for small-scale traders to register trade complaints.
- Put in place an enabling legal framework to create effective and expeditious administrative mechanisms for handling trade complaints. The framework should provide for coordination of the various SPS control agencies at Border points and provide clear administrative redress mechanisms for handling trade complaints and disputes.
- Review and clarify roles in the implementation of SPS controls at the border. An enabling legal framework would be helpful but not absolutely necessary as a re-invigorated National SPS Committee can bring together the various agencies in order to discuss

and agree on each agency's objectives at the ports of entry, delineate their tasks and responsibilities, and identify areas of overlap and how to address them.

- Streamline and document SPS procedures. Procedures, fees, and waiting times related to implementation of SPS regulations should be clearly documented and communicated to all SPS authorities working at the border, other border agencies such as customs and the revenue authority, and traders. Wherever possible, efforts should be made to identify and remove overlapping SPS procedures and requirements.
- Develop and implement a risk-based system for all SPS inspections. High risk products should be subjected to more frequent and stringent inspections than low - risk products. This system could be further enhanced by categorizing traders based on their history of compliance with SPS requirements or third-party certifications.
- Promote greater use of equivalence and accept test results performed by accredited laboratories (both public and private) outside Tanzania. It is essential to ensure that conformity assessment tests are carried out according to international best practices to build trust.
- Deepen the roll-out of the electronic single window for SPS controls through which traders can submit all documentation. This would require better collaboration among the food safety, animal health and plant health units within Food safety agencies,

During the Assessment, the main trade constraints that were noted as arising from the legal frameworks in Tanzania were: lack of transparency, duplication of regulatory functions, and poor coordination among the various SPS control agencies

the Department of Health's Port Health Authority and the National Regulator for Compulsory specification.

- Empower the National SPS Committee to address and resolve technical SPS issues faced by traders and increase transparency on SPS requirements. The focus of Committee meetings should be on the resolution of technical SPS issues faced by importers and exporters. The SPS Committee should also be the main source of information on new SPS regulations, including measures introduced by trading partners.
- Include all agricultural trade information in the trade portal planned by the Ministry of Commerce, Trade, and Industry. In addition, SPS authorities are recommended to update and maintain their websites and make information on SPS regulations available online.
- Identify options to further strengthen SPS controls at the Border. The One Stop Border Post (OSBP) should be taken a step further, for instance, by streamlining SPS inspection activities to reduce overlap among the multiple agencies. There is also a need to ensure that SPS authorities involved in controls at the border are fully linked to and able to benefit from efforts and IT solutions to improve border management.
- Ensure Ratification of the EAC SPS Protocol by Tanzania. This will provide a legal anchor for a coordinated SPS approach in the region, and further facilitate trade through harmonization of standards. Thereby reducing NTBs resulting from non-harmonization of the standards in the region.

Animal Health

- Update the legal framework either through regulations or ministry policies to cater for unsupported areas under animal health. This will enable proper regulation of the unsupported areas to enhance safe trade of animals and animal products.
- Create tribunals for the speedy determination of any appeals against the decision of the inspectors under

the regulatory bodies in animal health, rather than having the appeals heard by the Minister.

- Provide sustainable funding mechanisms and build the capacity of the NVS in relation to contingency planning for emergency response and early warning.
- Increase the number of inspectors and border control officials who can be stationed at the unofficial borders to help with the practical issue of illegal entry of animals and animal products, therefore enhancing SPS standards.
- Ratify the EAC SPS Protocol. This will enhance the harmonization efforts put in place within the EAC.

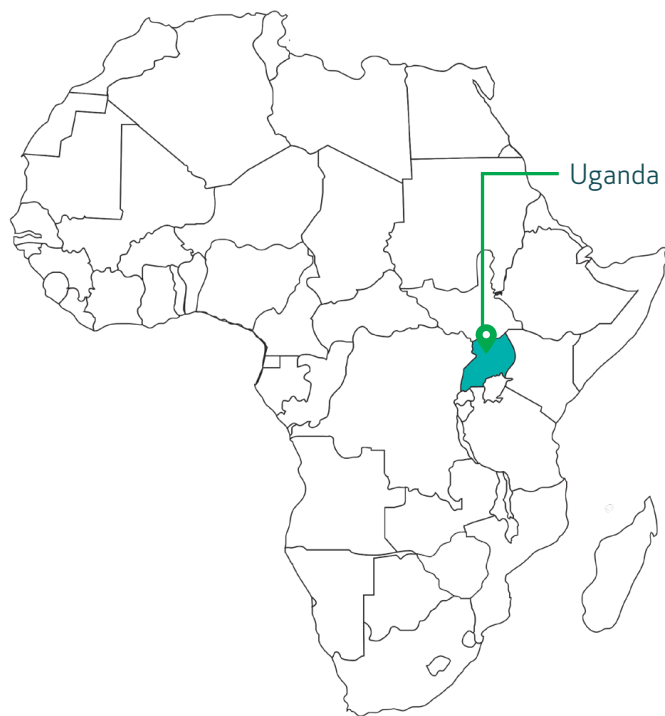
Food Safety

- Develop regulations for the registration of food exporters, importers and other regulations provided for under the Finance Act, 2019.
- Establish a Food Safety Coordination Mechanism.
- Set up administrative mechanisms for handling trade complaints and disputes.
- Further develop the legal framework to provide for effective coordination and cooperation amongst various agencies involved in food safety issues.

Plant Health

- Enforce the new Plant Health Act, 2020 which has consolidated the law on plant protection and pesticide regulation in the country. Enforcement should begin with the proper constitution of the TPPHA to enable it to undertake its robust role as the NPPO in Tanzania and ensure proper plant health.
- Establish a tribunal to handle appeals against the decision of the TPPHA. The mandate and procedure of the tribunal should be clearly outlined.
- Provide in law, administrative mechanisms for addressing trade complaints and disputes to support to traders in relation to their applications for registration, licensing, and certification.

Uganda



The SPS controls system in Uganda is organized into the three distinct functions of animal health, food safety, and plant health as required under the WTO SPS Agreement. These functions are supported by a large body of laws, regulations, and institutions. The country has several policies that provide a support structure for the implementation of the SPS Measures. These policies include the Food and Nutrition Policy of 2003, the Animal Feeds Policy of 2005, the National Meat Policy of 2003, the National Trade Policy of 2008, the National Industrial Policy 2008, the National Health Policy of 2009, the National Drug Policy and Act 1993, Uganda's

National Development Plan 2010/11 – 2014/15, and the Agriculture sector Development and Investment Plan. A draft National SPS Policy for Uganda has been under consideration since 2011.

The main bodies engaged in SPS controls in the country include the Phytosanitary and Inspection Service under the Crop Protection Department in the Ministry of Agriculture Animal Industry and Fisheries which serves as the National Enquiry Point on Plant Health, the Department of Animal Health in the Ministry of Agriculture Animal Industry and Fisheries as the National Enquiry Point on Animal Health, the Ministry of Health which act as the Codex Alimentarius focal point as well as the National Enquiry Point on Food Safety, and, the Uganda National Bureau of Standards as the SPS National Notification Authority.

Animal Health

Animal health controls in Uganda are overseen by the Commissioner of Animal Health - the Head of the Directorate of Animal Resources of the Ministry of Agriculture, Animal Industry and Fisheries ('MAAIF'). The Directorate has three departments, including: a) the Department of Animal Health, b) the Department Animal Production, and c) the Department of Entomology. The Directorate's mandate is to provide technical guidance for the formulation, review, and implementation of policies, legislation, standards, plans and strategies in the areas of animal production, animal health, veterinary regulation, inspection, and enforcement. The Directorate implements and enforces the following principal Acts: The Animal Diseases Act 2000, the Veterinary Surgeons Act 1958, the National Drug Policy and Authority 1993, the Animal Breeding Act 2001, the Dairy Industry Act 1998, the Fish Act Cap 197, the Fish (Aquaculture) Rules No. 81 of 2003, and the Cattle Traders Act 1945.

Food Safety

The national food control system in Uganda is made up of several agencies with regulatory powers over different products and production points. They include: the Ministry of Health ('MoH') under the Public Health Act 1935 and Food and Drugs Act 1959, the Uganda National Bureau of Standards ('UNBS') under the Uganda National Bureau of Standards Act, the Uganda Dairy Development Authority in-charge of dairy standards under the Dairy Industry Act 2000 (CAP. 85), the Department of Fisheries in MAAIF that deals with quality of fish under the Fish (Quality Assurance) Rules, 2008 (S.I. No. 12 of 2008), the Department of Animal Resources that deals with meat, honey and poultry products, and the Uganda Coffee Development Authority that deals with coffee standards. Uganda established a multi-sectoral National Codex Committee in June 2000 to coordinate the various agencies involved in food safety controls.

This Committee is chaired by the Director of Health Services, with membership from the National Agricultural Research Organization ('NARO'), UNBS, and the Ministry of Agriculture Directorates. There has been effort to establish a National Food Safety Policy to harmonize and coordinate the roles of different mandated MDAs in food safety control. The Bill to establish a National Food and Drugs Authority ('NFDA') has also been drafted is currently undergoing debate within government. The NFDA Bill is expected to regulate mainly locally manufactured and imported manufactured food stuffs that are currently being regulated under the UNBS Act as a stop-gap measure. However, even with the enactment of NFDA Bill, the law in its current form would still leave out the control of food safety for food produce traded on local markets (since MAAIF using the available laws only controls exported produce) which poses a greater risk to consumers.



Photo by Land O'Lakes

Plant Health

Plant health matters are under the mandate of the Phytosanitary and Inspection Service under Crop Protection Department of the MAAIF. The Directorate's mandate is to support sustainable and market-oriented crop production, pest and disease control, and the quality and safety of plants/plant products. It also has the overall mandate of providing phytosanitary regulatory services and plant protection through enforcement of the relevant laws in these areas. For trade matters, the Uganda Export Promotion Board acts as the focal point of promotion of Uganda exports including agricultural exports. The Phytosanitary and Inspection Service under the Crop Protection Department implements the following Acts of Parliament and the regulations thereunder: The Plant Protection and Health Act 2015, the

Plant Variety Protection Act 2014, the Agricultural Chemicals (Control) Act, 2006 (No. 1 of 2007), the Seeds and Plant Variety Act, 2006 (No. 3 of 2007), and the Produce Protection Act (Cap. 32).

Trade Constraints

During the Assessment, the main trade constraints noted in the enforcement of SPS controls in Uganda included a lack of awareness among traders on SPS requirements, lack of mutual confidence between enforcement agencies in different countries, very few mutual recognition agreements (MRAs) signed to facilitate trade, weak coordination mechanisms meaning that there are a number of agencies and a number of documents and procedures involved in enforcing SPS compliance which result in duplicated, overlapping or redundant controls and overlapping

mandates among the different authorities, lack of adequate transparency, poor notification of measures and procedures, and an ineffective complaint redress system. The failure of enforcement agencies to recognize foreign certifications means that importers who have already submitted their goods for inspection, testing, and certification at accredited foreign laboratories are obliged to do so again, which adds costs and delays.

Recommendations

Animal Health

- Review and update the legal framework to provide for the coordination of various competent authorities across the entire animal production chain. The most feasible option in this regard is to enhance the powers and mandate of the Commissioner of Livestock to have coordinating and supervisory powers over the other agencies involved in Animal health matters.
- Update laws to adequately support key SPS functions which are currently unsupported especially as regards animal identification, traceability and surveillance, export certification and emergency response.
- Create a centralized system for the processing of permits and applications submitted by traders, giving feedback to traders on their applications in real time.
- Create a legally backed coordination mechanism for the various government institutions tasked with animal health matters in Uganda.
- Build the capacity of the NVS and the other government institutions' surveillance and emergency response capabilities with legal backing in statute.
- Expand the mandate of the NVS in relation to negotiation and implementation of equivalence and mutual recognition agreements.
- Update the legal framework to provide for export control procedures to cover all significant trade food items including poultry products, meat, milk, and honey.

Food Safety

- Fast-track the enactment of the Food Safety Bill (with additions in respect of emerging food safety issues) into law. This will help Uganda in the much-needed legislative reforms in the Food Safety sector.
- Provide legal backing for the coordination of the various agencies responsible for food safety matters


into one government institution, which will be responsible for the processing of applications by the traders in the food sector.

- Enhance the legislative requirement for traceability of food products by traders. This will especially aid the regulators and traders to control and withdraw harmful food within the market.
- Harmonize food import procedures with the standards and procedures for food provided by the Uganda National Bureau of Standards.

Plant Health

Enact additional rules to provide for bio-security measures and strengthen movement control measures to contain and eradicate important plant pests. Further, the legal framework needs to provide for joint programs involving the NPPO, the Private Sector and other enforcement organs.

- Establish a tribunal under the Plant Protection and Health Act or extend the mandate of the Seeds Tribunal to hear appeals arising from the Plant Protection and Health Act.
- Expand the pests and disease surveillance capabilities of the NPPO not only in statute but also through capacity building of NPPO inspectors.
- Better align the conformity assessment procedures for the Phytosanitary and Inspection Service with the documented procedures for plant conformity assessment provided by the Uganda National Bureau of Standards.
- Update the legal framework to outline the criteria/conditions to be met by traders prior to the issuance of a phytosanitary certificate.
- Enhance the mandate of the NPPO to include the accreditation of other actors in plant health.

A man in a blue shirt is shown from the chest up, looking down at a plant in a field. He is holding a large green leaf. The background is a dense field of similar plants. The image has a green tint and a semi-transparent dark blue overlay on the right side where the text is located.

During the Assessment, the main trade constraints noted in the enforcement of SPS controls in Uganda included a lack of awareness among traders on SPS requirements, lack of mutual confidence between enforcement agencies in different countries, very few Mutual Recognition Agreements (MRAs) signed to facilitate trade, weak coordination mechanisms meaning that there are a number of agencies and a number of documents and procedures involved in enforcing SPS compliance which result in duplicated, overlapping or redundant controls and overlapping mandates among the different authorities, lack of adequate transparency, poor notification of measures and procedures, and an ineffective complaint redress system

A wide-angle, high-angle photograph of a busy trucking yard or port. Numerous trucks of various colors (white, blue, red, yellow) are parked in rows, many with large cargo loads covered in dark tarps. In the background, there are stacks of colorful shipping containers and a clear blue sky with some light clouds. The scene is brightly lit, suggesting daytime.

SECTION 3

Priority Trade Flows SPS Legal and Regulatory Frameworks Coordination

Photo by Daniel Banda/COMESA



Agricultural products in international trade are sensitive to certain SPS issues based on the nature of the product and the health risks that it may pose. It was, therefore, important to determine the priority trade-flows for the selected EAC partner states to be able to identify the priority SPS legal and regulatory challenges and develop recommendations for TRASE interventions to improve EAC intra- and inter-regional trade.

Below is a brief description of the legal and regulatory framework under each of the identified trade flows in each targeted partner state. Attached as annexures are inventories of the laws and regulations with legal gaps and constraints as they relate to the specific priority trade flow for each targeted EAC partner state under the TRASE project.

A. Horticulture

Trade in horticulture was identified as a priority trade flow for all five (5) TRASE EAC Partner countries.

In Burundi, trade in horticulture is regulated by the Directorate General of Agriculture within the Ministry of Agriculture operating under the Decree N° 1001 S5 Du.Z3 March 2016 Covering Plant Variety Protection, Legislative Decree no. 1.033 on protection of plants in Burundi and Order No. C) 42/1 3, IMAEP / Cab / SG. / Organizing the Ministry of Agriculture, Livestock and Fisheries. The Directorate General of Agriculture regulates imports and export of seeds, plants, and plant materials, issues phytosanitary certificates, inspects and grades plants and plant produce at the ports of entry and exit, and issues restrictions in relation to the importation of plants and plant products.

In Kenya, trade in horticulture is regulated by KEPHIS operating under the KEPHIS Act 2012 under the Crops Act 2013, Agricultural Produce (Export) (Horticultural Produce Inspection) Rules, 1961 and the Agricultural produce (Grading of Fruits and Vegetables for Export) Rules, 1969, The Plant Protection Act, (Cap. 324), Regulatory mandate of AFA through HCD on horticulture in Kenya and the Plant Protection (Importation of Plants, Plant Products and Regulated Articles) Rules, 2009. KEPHIS inspects and grades plants and plant produce at the ports of entry and exit, and issues phytosanitary certificates.

Trade in horticulture in Rwanda is regulated by RICA operating under Law N° 31/2017 of 25/07/2017 establishing RICA, Law No 13/2017 of 14/04/2017 establishing the National Agricultural Export Development Board ('NAEB'), Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda and Law N°005/2016 of 05/04/2016 Governing Seeds and Plant Varieties in Rwanda. RICA carries out inspection as well as quality and standard conformity of plants and plant products, ensures that the production of plant products meant for public use or consumption is conducted in accordance with regulations in force, ensures compliance of any imports or exports with the prescribed standards and considers, inspects, registers, and issues licenses related to imports, exports of plant products.

Trade in horticulture in Tanzania is regulated by the Tanzania Pesticides and Plant Health Authority (TPPHA), a new institution established under the newly enacted Plant Health Act, 2020.



Photo by Land O'Lakes

The following laws are applicable to horticulture regulation in Tanzania: Plant Health Act, 2020 (Sections 34, 35, 38, 39), Plant Breeders' Rights Act, 2012 (No. 29 of 2012) and Plant Protection Regulations 1998 (Sections 58, 63, 64). Once operational, the TPPHA will issue phytosanitary certificates to carry out pest and disease surveillance and regulates the movement of biological control agents within, from, or into the country among other functions. The Tanzania Bureau of Standards (TBS) is responsible for standards, labelling, testing, and certification. Horticultural trade in Uganda is regulated by the Phytosanitary and Inspection Service in the Department of Crop Protection, Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) that implements the Plant Protection and Health Act 2015. The Phytosanitary and Inspection Service is responsible for the protection of the agricultural resources of Uganda from harmful organisms that exist in the country or could be introduced in the country.

B. Live Cattle and Beef

Trade in live cattle and beef has been identified as priority trade flow in all five (5) TRASE EAC partner countries.

In Burundi, the Directorate of Animal Health under the Ministry of Agriculture and Livestock regulates the import and export of live cattle. The law is quite robust on inspection measures, especially during importation and exportation.

The procedure for registration is however, not adequately covered. Import and export of meat and meat products is regulated by the Directorate of Animal Health, BBN, and Public Health. All meat and meat products must be inspected immediately after slaughter and bear a stamp as prescribed in the law.

Trade in live Cattle and Beef in Kenya is regulated by the DVS of the Ministry of Agriculture. The Director of Veterinary Services may, by notice in the gazette, prohibit the importation or exportation of specified animals, feed, or vaccine for a specified period in order to control the spread of diseases. Export animals are examined and issued with an International Health Certificate (IHC) by a veterinary doctor certified by the Kenya Veterinary Board (KVB). The export trader then presents the IHC, import permit (prior issued by the importing country) and the laboratory test results to the DVS or an export/import documentation service provider approved by the Director of Veterinary Services to apply for an International Veterinary Certificate (IVC) which serves as the import permit for the livestock consignment. The IVC is issued online using the Government of Kenya Single Window System managed by the Kenya Trade Network Agency (KenTrade).

Trade in live Cattle and Beef in Rwanda is regulated under the Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda, Law establishing Rwanda

Council of Veterinary Doctors and determining its mission, organization and functioning, Law N° 31/2017 of 25/07/2017 Establishing RICA, Ministerial Order n° 012//11.30 of 18/11/2010 on animal slaughtering and meat inspection, and Ministerial Order n° 013/11.30 of 18/11/2010 on the transport and trade of meat.

Traders in Tanzania are required to obtain an animal health certificate for the export or import of live cattle from the DVS and a clearance certificate for meat and meat product imports. The TMB is the regulatory body under the MLFD that promotes the functioning of the value chain and ensures its actors comply with rules and quality standards. Meat inspectors from the MLFD would appoint certified inspectors to inspect and regulate the slaughtering processes at slaughter facilities and issue certificates required for the sale of meat and export of live animals and meat products.

Trade in live cattle and beef is regulated in Uganda by the Commissioner of Animal Health under the Animal Diseases Act, Cap 38, Animal Diseases (Amendment) Act 2006, Animal Breeding Act 2001, Veterinary Surgeons Act 1958, Animal Diseases (Quarantine) Rules (S.I. 38—8), Animal Diseases (Declaration of Disease) Instrument, 2007 (S.I. 46 of 2007) and Animal Diseases (Control of Bee Diseases) Rules, 2004 (S.I. No. 73 of 2004).

Currently there is no regulatory framework for animal feeds in Uganda as the Animal Feeds Bill 2018 is still pending approval by Parliament

An importer or any person wishing to import live animals/ products into the Republic of Uganda will apply for an Import Permit from the Commissioner for Animal Health (CAH) prior to importation, by submitting a written application requesting to import live animals and/ or products into the country to the Commissioner for Animal Health at least 7 days prior to an importation. The application must state the source (country) and supplier as well as type of animal, breed, sex, and quantity. The Commissioner for Animal Health then conducts a search on the animal disease status of the country of origin and the processes to which the product is subjected during manufacture to determine appropriate animal health requirements to be set in the Import Permit, managing the risk of transmitting disease during importation.

C. Animal Feed

Trade in animal feed was identified during the assessment as a priority trade flow for Kenya and Uganda:

The importation of animal feeds in Kenya is regulated by the Directorate of Veterinary Services (DVS) and Port Health Service (PHS), who issue an import permit and Port health clearance certificate per consignment for the import of animal feeds. In addition, each consignment is required to have an Import Standardization Mark (ISM), which is a mandatory requirement for all imported products intended for sale in the local market. The Kenya Bureau of Standards is the competent authority that regulates the issuance of ISM stickers.

Currently there is no regulatory framework for animal feeds in Uganda as the Animal Feeds Bill 2018 is still pending approval by Parliament. The UNBS regulates the food safety aspects of animal feed whilst the NPPO of Uganda regulates the phytosanitary issues pertaining to animal feed, such as plant fodder materials.

D. Grains, Cereals and Nuts

Trade in grains, cereals and nuts was identified during the assessment as being a priority trade flow for all five (5) TRASE EAC Partner countries.

Trade in grains and cereals in Burundi is regulated by the Directorate General of Agriculture under Decree n° 100/154 on the organization of the Ministry of Agriculture and Livestock, Decree No. 100-115 of April 30, 2013 reorganizing the Ministry of Agriculture and Livestock, Decree No. 100-251 of 24 September 2012 Establishing, Missions, Composition and Operation of The National Seed Commission. Traders are required to request for the Directorate's inspection and issuance of phytosanitary certification after successful inspection.

Trade in grains, cereals and nuts in Kenya is regulated by the Agriculture and Food Authority (AFA), KEPHIS, the Ministry of Health (Public Health Services and Port Health Services), KEBS, and the Nationals Cereals and Produce Board (NCPB) under the following laws: The Crops Act 2013, The Agriculture and Food Authority Act 2013, KEPHIS Act No. 54 of 2012 (Sections 5, 7 (2)), The Seeds and Plant Varieties Act, (Cap. 326), the Seeds and Plant Varieties (Plant Breeder's Rights) (Fruit, Nut and Tree Crops Scheme) Regulations, 2001. Traders are required to request for KEPHIS inspection, obtain phytosanitary certification from KEPHIS, and obtain import/export health certificate from Port Health services.

In Rwanda, trade in grains, cereals and nuts are regulated by RICA, the Rwanda Food and Drugs Authority (RFDA), the Rwanda Bureau of Standards (RSB), the and Rwanda Grain and Cereal Corporation (RGCC) (a joint venture between the Rwanda Development Board and private sector stakeholders).

The newly established RICA is still in its formative period, and there is currently no coordination framework in place for the regulation for cereals, grains and nuts, as the regulatory mandate of RICA and the Rwanda FDA overlaps.

The Tanzania Bureau of Standards (TBS) is responsible for all matters concerning the importation and inspection of imported food products. To obtain a Food Importer Registration Certificate (FIRC), imported products must satisfy the Tanzanian import requirements as evaluated by TBS. Prior to the applicant seeking permission to import non-registered products, pre-shipment samples must be analyzed with the cost being incurred by the importer as prescribed in the Fees and Charges Regulations.

The Uganda National Bureau of Standards (UNBS) has the mandate to formulate and enforce national standard specifications for commodities and codes of practice, promote standardisation in commerce, industry, health, safety and social welfare, and provide testing and calibration services to facilitate both regulatory and promotional roles. UNBS regulations on imports inspection and certification (in combination with the food standards) are used to regulate the quality of foods manufactured locally as well as those imported into the country.

E. Seed (Maize, Soy Etc)

Trade in seeds was identified during the assessment as being a priority trade flow for all five (5) TRASE EAC Partner countries.

Trade in Seed (maize, soy etc.) in Burundi is regulated by the Directorate for the Promotion of Seed and Plants and the National Seed Commission (CNS). The National

Seed inspection and Certification Office is required to have a national seed quality analysis laboratory from which results are shared with the Burundi Bureau of Standardization for confirmation. Law No 1/08 of 23/04/2012 on the Organization of the Seed Sector provides for the production of a certificate of origin for any imported seeds and the inspection of the seeds being imported.

In Kenya traders involved in the import and export of seed must register with the KEPHIS Directorate of Seed Certification and Plant Variety as seed merchants. A seed Import Permit and Plant Import Permit must be obtained before any importation of seed is undertaken. All imported seed must be accompanied by a phytosanitary certificate and test results from an accredited international ISTA accredited laboratory. Seeds of all crops are subjected to laboratory quality tests upon arrival and must meet the gazetted minimum standards before being offered for sale. Similarly, all seed for export must meet the gazetted minimum standards and be accompanied by Kenya's phytosanitary certificate and an export permit. Trade in seeds in Rwanda is regulated by the RICA, which undertakes the inspection, issuance of licenses related to imports, exports and goods related to seeds, seedlings and cuttings, and the registration of seed growers, producers, dealers, and traders.

Trade in seeds in Tanzania is regulated by the Tanzania Official Seed Certification Institute (TOSCI) and Tanzania Pesticides and Plant Health Authority (TPPHA). TOSCI is a government Institute under the Ministry of Agriculture (MoA) established under the Seeds Act No. 18, 2003. TOSCI is responsible for the certification and promotion of quality agricultural seeds produced or imported into

the country for sale to safeguarding farming community from poor or fake seeds from vendors of farm inputs. TOSCI carries out the verification of new seed varieties and seed certification. Traders that intend to import or export seed are required to apply to TOSCI Seed Certification Directorate for import or export permits under the Seeds Regulations 2007.

In Uganda, the National Seed Certification Service (NSCS) is the regulatory unit in charge of seeds in the Department of Crop Protection of MAAIF and the official focal point mandated to regulate the seed industry, with the NSCS responsible for seed certification. The Seeds and Plant Act is the principal legislation for the seed industry. The government regulates the official release of new varieties, licensing and oversight of seed merchant activities, especially regulating importing/exporting seeds, quality assurance in seed production, seed conditioning and local seed trade, and overall regulatory framework implementation.

F. Poultry and Poultry Products

Trade in poultry and poultry products was identified during the assessment as being a priority trade flow for four (4) TRASE EAC Partner countries i.e. Kenya, Rwanda, Tanzania, and Uganda.

In Kenya, the DVS under the Ministry of Agriculture should, under the Animal Diseases Act and Meat Control Act and regulations, regulate the import and export of poultry and poultry products. The Director of Veterinary Services may, by notice in the gazette, prohibit the importation or exportation of specified animals, feed, or vaccine for a specified period to control spread of diseases. In practice, there is little regulatory focus on the control of trade in poultry and poultry products in Kenya. The regulatory framework on poultry is not



Photo by Daniel Banda/COMESA

adequate, as there are no provisions for eggs and other poultry products except poultry meat.

In Rwanda, poultry and poultry products are regulated by RAB and RICA, but the regulatory framework for poultry and poultry products is underdeveloped. There are no specific regulations/guidelines on import and export inspections and certifications of poultry and products apart from general commodity inspections. Coordination between the various regulatory agencies (RAB, RICA, RBS and RFDA) in regulation of poultry and poultry products is also lacking.

In Tanzania, trade in live poultry is regulated by the DVS and poultry as meat and other poultry products are regulated by the Tanzania Meat Board (TMB) and the TBS. Tanzania lacks mutual recognition and equivalence agreements in relation to trade in poultry and poultry products with other EAC Partner states and other trading partners. In addition, adoption of EAC standards on poultry is poor. Tanzania imports poultry, day old chicks, and eggs from Uganda and Kenya. Trade in animals and animal products is regulated by the National Veterinary Services Department and several

other competent authorities. These include TBS, the Tanzania Atomic Energy Commission Agency (TAECA), the Tanzania Dairy Board (TDB), TMB, the Tanzania Fisheries Department, and the TRA.

The MAAIF, the Ugandan Department of Public Health, and UNBS undertake the inspection of and control the import and export of poultry and poultry products. The key target of the regulations is to ensure that eggs produced are healthy and of good quality. Domestication of EAC standards on poultry and poultry products is poor which means there are continuing incidences of trade bottlenecks which have escalated to disputes between EAC Partner states due to differing standards.

G. Fish and Fish Products

Trade in fish and fish products was identified as a priority trade flow for Tanzania and Uganda.

In Tanzania, fish and fish products are regulated by the Fisheries and Aquaculture Development Divisions of the Ministry of Livestock and Fisheries. The Fisheries

and Aquaculture Development Divisions also undertake standard conformity assessments and inspect both imports and exports of fish and fish products in conjunction with the TBS. Coordination between TBS and the Fisheries Development Division is not adequate, and in many instances, their roles overlap. The inspection of fish for export is guided by border inspection procedures for both imports and exports of fish and aquaculture products which are aligned with the EAC Harmonized Sanitary and Phytosanitary Measures.

In Uganda, fish and fish products are regulated by the Directorate of Fisheries Resources (DFR) under the following departments: the Department of Aquaculture Management and Development, and the Department of Fisheries, Control, Regulation and Quality Assurance. These departments prescribe the standards to be maintained at fisheries and the quality of fish and fish products. They also undertake the inspection of fish and fish products intended for import, export, and local consumption.

A photograph of a busy outdoor market. In the foreground, several women are walking towards the camera. One woman on the left is carrying a large white sack of produce. Another woman in the center is carrying a green bowl filled with chickens on her head. To her right, another woman is carrying a blue bowl filled with yellow corn cobs on her head. They are all wearing colorful, patterned traditional clothing. In the background, other people and market stalls are visible, along with a multi-story building with many windows.

SECTION 4

SPS Trade Constraints and NTB Resolution Mechanisms in EAC

Photo by Daniel Banda/COMESA

The restrictions imposed by the law, should not be too stringent that they act as a trade barrier, and not too lenient that they do not conform to internationally accepted standards on animal health, plant health, and food safety

Introduction

The law on sanitary and phytosanitary measures may, and for purposes of enforcement of SPS controls, create trade constraints. Therefore, there is the need to balance regulatory practices in SPS controls and trade. The restrictions imposed by the law, should not be too stringent that they act as a trade barrier, and not too lenient that they do not conform to internationally accepted standards on animal health, plant health, and food safety.

Domestic Mechanisms

SPS complaints may be resolved domestically using the following means:

- 1.1.1. Administrative appeals to the next higher office.
- 1.1.2. Resort to court where the dispute is between traders and the enforcement authority and where the law provides for a resort to court against any action or inaction by an inspector.
- 1.1.3. Administrative tribunals and specialised judicial organs, where the law has provided for the same. The laws in Burundi, Kenya, Rwanda, Tanzania, and Uganda in relation to animal health, plant health, and food safety however, need to be expanded to establish tribunals and/or extend the mandate of existing tribunals.

EAC Mechanisms

National Monitoring Committees

Under the EAC, SPS issues which are deemed Non-Tariff Barriers (NTBs) are addressed under the framework of the EAC Elimination of Non-Tariff Barriers Act 2017 (the “EAC ENTB Act”). The Act mandates each

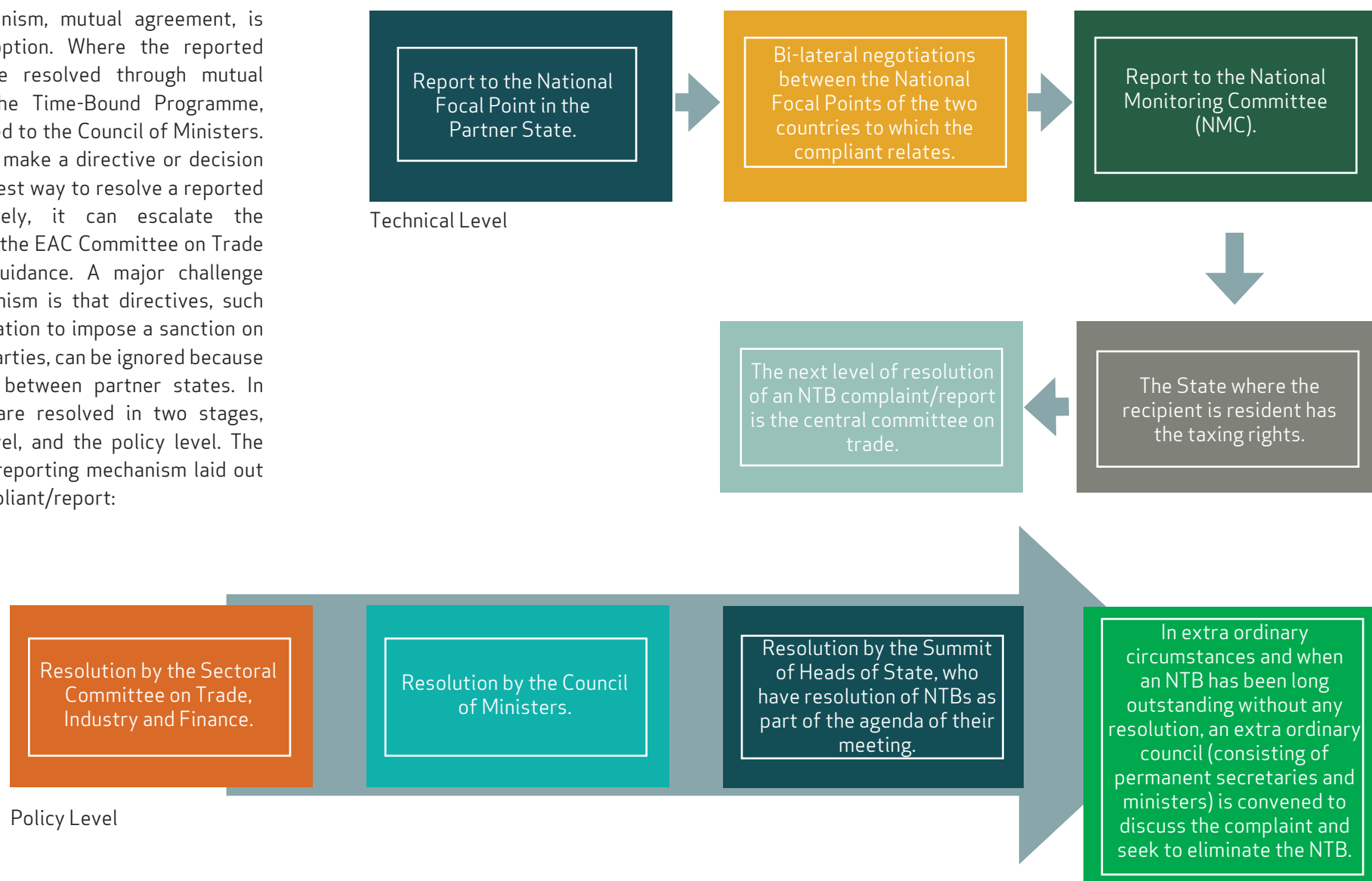
EAC member state to establish a National Monitoring Committee consisting of representatives of the relevant Government institutions and the private sector as may be deemed necessary, for the purposes of eliminating NTBs within EAC. The functions of these National Monitoring Committees include but are not limited to:


- Monitoring the process of elimination of the non-tariff barriers in the EAC member state.
- Receiving reports and complaints from affected parties, on the existence of non-tariff barriers in the EAC member state.
- Advise member states on the policies and laws that promote non-tariff barriers.
- Making recommendations to the relevant institutions and public authorities of the EAC member state on the removal of a non-tariff barrier.
- Coordinating with the National Focal Points of partner states to facilitate the implementation of the EAC Time Bound Programme for Elimination of Identified Non-Tariff Barriers.
- Tracking and monitoring any new non-tariff barriers within the EAC and notifying the regional committee.

EAC Processes

The EAC ENTB Act details three mechanisms for resolving reported NTBs. The first mechanism relies on mutual agreements among concerned partner states to eliminate reported NTBs. The second mechanism involves the implementation of the EAC Time-Bound Programme for the Elimination of Identified/Reported NTBs. The third mechanism utilises regulations, directives, decisions, or recommendations made by the EAC Council of Ministers.

The first mechanism, mutual agreement, is the preferred option. Where the reported NTBs cannot be resolved through mutual agreement or the Time-Bound Programme, they are escalated to the Council of Ministers. The Council may make a directive or decision concerning the best way to resolve a reported NTB. Alternatively, it can escalate the reported NTB to the EAC Committee on Trade Remedies for guidance. A major challenge with this mechanism is that directives, such as a recommendation to impose a sanction on non-complying parties, can be ignored because of political will between partner states. In practise, NTBs are resolved in two stages, the technical level, and the policy level. The following is the reporting mechanism laid out for any NTB complaint/report:



A woman with dark braided hair and glasses is looking through a black microscope. She is wearing a white shirt. The background is a plain, light-colored wall. The image has a semi-transparent teal overlay.

The law on sanitary and phytosanitary measures may, and for purposes of enforcement of SPS controls for health protection create trade constraints. Therefore, there is the need to balance regulatory practices for health protection with trade facilitation

Photo by Daniel Banda/COMESA

A photograph of a food processing facility, likely a canning or bottling plant. Three workers in blue uniforms and hairnets are visible, working on a conveyor belt system. They are handling green jars. The background shows industrial equipment and other workers in white uniforms. The image has a blue tint.

SECTION 5

Conclusion and Recommendations

Photo by Land O'Lakes

A key concern especially for private sector was the duplication and overlaps in SPS controls between many regulatory bodies which caused serious delays and increase in compliance costs for traders

In all EAC Partner states included in the TRASE program, there are legal, regulatory and institutional frameworks that support the three SPS functions of animal health, food safety, and plant health. These legal and regulatory frameworks vary in level of detail and adequacy between the countries and with regard to the different SPS functions. Overall, the main message from stakeholders during interviews and engagements was that the laws are not the main problem, rather it is their application which remains a challenge. A key concern especially for private sector was the duplication and overlaps in SPS controls between many regulatory bodies which caused serious delays and increase in compliance costs for traders. Additionally, the poor adoption of already approved EAC SPS measures and respective commodity standards is hampering trade, as traders must comply with national standards and measures that they do not fully understand.

A summary of constraints arising from this legal assessment are as follows:

- Lack of effective coordination mechanisms and developing shared understanding of the mandates of the various SPS regulatory institutions to reduce duplication and overlaps in mandates.
- Lack of mutual recognition and equivalence arrangements: the adoption in practice of the EAC SPS measures and EAC standards and the mutual recognition of country standards by the Partner States is a challenge.
- Poor national SPS notification systems and complaint redress mechanism.
- Emergency response capabilities of the national competent authorities (funding, authority, personnel, and strategies) to respond to outbreaks of pests and diseases are inadequate.
- Food safety regulation powers of the various food

safety institutions in TRASE partner countries could be enhanced through the consolidation of laws and/or the enhancement of the mandate of the competent authorities in food safety regulation.

- Frameworks for public-private partnerships in SPS controls including conformity assessments, infrastructure, and programs are not in place.
- There is a lack of clear procedural rules and timelines for filing and resolving administrative appeals by traders. There is also a failure on behalf of the government to act on and provide feedback to traders with complaints.
- Resolving complaints through the National NTB Committees and EAC structures takes too long. In some cases, NTBS that have supposedly been resolved are reintroduced by national authorities in other forms following the resolution.
- Partner states are not providing proper notification to the EAC Secretariat or trading partners when updating laws or introducing new regulatory rules. This is evidenced by the low utilization of the tripartite web-based (EAC-COMESA-SADC) NTB reporting/monitoring mechanism, especially by small scale traders in informal trade, and lack of expeditious resolution when notifications are made.

From the gaps and constraints noted in the legal framework, several identified interventions can be prioritized based upon their ability to open up trade and the ease of implementation given numerous resource constraints. Recommendations are as follows:

- Identify opportunities to strengthen coordination mechanisms and mandate alignment between the various SPS control institutions. This can take the form of inter-agency MOUs and agreements, legal amendments, and administrative directives by each partner states executive authorities.

- Streamlining SPS inspection activities to reduce overlap among the multiple agencies for instance at border posts is particularly urgent. There is also a need to ensure that SPS authorities involved in controls at the border are fully linked to, and able to benefit from, efforts and IT solutions to improve border management.
- There is a need to improve the dissemination of information on SPS legislation and regulations, processes, and procedures, particularly for small-scale traders and producers. In this context, the SPS notification authority and enquiry points should be strengthened. The emphasis should be on ensuring that the competent authorities understand that while they have the important role of ensuring compliance with SPS measures by trading partners, it is the private sector that needs the information if the country is to achieve the objective of safe trade. SPS authorities are recommended to update

and maintain their websites and make information on SPS regulations available online. In view of the limited financial resources available for these tasks at present, the priorities should be to empower the SPS Notification Authority to disseminate existing and new SPS requirements, costs related to each application, and the expected time to complete applications for export and import permits through well updated digital platforms and mobile short code message boards.

- Provide clear administrative redress mechanisms for handling trade complaints and disputes.
- Establish emergency funding mechanisms to support all relevant bodies to carry out immediate investigations of outbreaks, including novel pests and zoonotic diseases. This is an urgent priority.
- The legal frameworks should promote greater use of equivalence and accept test results performed by accredited laboratories (both public and private)

outside of the partner state country. It is essential to ensure that conformity assessment tests are carried out according to international best practice to build trust.



Annex 1: Overlaps and Gaps in Legal Framework

Burundi

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
A. Inspection of food of animal origin	<ul style="list-style-type: none"> Control and inspect products of animal origin by the Directorate of Animal Health within the Ministry of Agriculture and Livestock in accordance with Article 29: Decree No. 100/115 of 30 April 2013 Reorganizing the Ministry of Agriculture and Livestock. Inspection of foodstuffs of animal origin by a veterinary officer under Article 18 (d): Act No. 1 / 06 of 21 March 2011 Regulating the Practice of the Veterinary Profession. 	Alignment of the legal framework to clarify which institution will take up a particular role and removal of the same power from all other existing government institutions.
B. General Conformity Assessment powers in food inspection	<ul style="list-style-type: none"> The conformity assessment powers of inspection of food by Burundi Bureau of Standards (BBN) as shown in the BBN website overlaps with that role given to the Directorate of Animal Health under Article 29: Decree No. 100/115 of 30 April 2013. Reorganizing the Ministry of Agriculture and Livestock of inspection of food of animal origin. 	Rationalization of the legal framework on inspection of food. Establishing a food safety authority in Burundi.
C. Legislative Framework (Preparation and implementation of seed legislation)	<ul style="list-style-type: none"> The Directorate for the Promotion of Seed and Plants is mandated under Article 26: Decree No. 100/115 of 30 April 2013. Reorganizing the Ministry of Agriculture and Livestock to: promote the production and marketing of seeds and seedlings; and participate in the preparation of seed legislation and its implementation National Seed Commission (CNS) is mandated under Article 3, Decree No. 100-251 of 24 September 2012 Establishing, Missions, Composition and Operation of the National Seed Commission to: assist in the development and implementation of legislation on seed; and assist in the marketing of certified seeds. <p>Gap: Absence of legal framework for the withdrawal of harmful food and tracing of the same.</p>	Proper coordination of the two government institutions in the seed sector in Burundi i.e. Directorate for the Promotion of Seed and Plants, National Seed Commission and National Seed inspection and Certification Office is lacking in legal framework.

Kenya

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
A. Ante and post-mortem inspections of animals and animal products	<ul style="list-style-type: none"> The DVS Inspectors are under regulation 6 and the schedule on ante and post-mortem inspection of Meat Control (Slaughterhouse) Regulations, 1973 and section 14 of the Animal Diseases Act to undertake ante and post mortem inspections of animals and meat or meat products. The Public Health Inspectors are also mandated under section 163 of the Public Health Act to undertake inspection of meat. <p>This overlap leads to an increase in regulatory compliance cost and increases the cost of trade for traders.</p>	Rationalization of the law to ensure that the roles of the DVS and Public Health are clear cut and independent of each other. Implementation of the National Food Safety Policy which requires comprehensive food safety law and farm-to-fork approach in food safety matters.
B. Food Safety Inspection of milk and milk products	<ul style="list-style-type: none"> Under the Dairy Industry (Inspectors) Regulations, the inspectors of the Kenya Dairy Board ('KDB') undertake the examination, inspection, analysis and testing of dairy produce or any article used in connection with dairy produce to ensure quality assurance. Inspectors from the Kenya Bureau of Standards ('KEBS') are mandated under section 4 (c) of the Standards Act, to inspect and take samples of any commodity or any material or substance used, or likely to be, or capable of being used in the manufacture, production, processing or treatment thereof. The Public Health Department under the Public Health (Milk and Dairies) Rules has regulatory powers in respect of milk and other dairy products including dairy establishments. <p>From the foregoing, we note that there is an overlap in the roles of KDB, MOH and KEBS in relation to the inspection of dairy produce for quality assurance purposes.</p>	Rationalization of the legal framework on inspection of food. Establishing a food safety authority in Kenya.
C. Inspection and registration of premises where meat is prepared/processed	<ul style="list-style-type: none"> Under Rule 3 of the Public Health (Meat Inspection) Rules the Minister of Health is required to designate areas to be abattoir/slaughterhouses. Under rule 3 of the Meat Control (Local Slaughterhouses) Regulations, 1973, the Minister in charge of veterinary services is empowered to declare areas as abattoir/slaughterhouses. Inspectors under the Meat Control Act and the Public Health Act have the power to conduct inspection of the slaughterhouse. 	Alignment of the law to ensure that only one government entity undertakes designation and inspection of slaughterhouses.

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
D. Inspection of milk handling premises	<ul style="list-style-type: none"> KDB also undertakes quarterly inspections of milk handling premises in accordance with the Dairy Industry (Inspectors) Regulations to monitor compliance with the requirements of the Dairy Industry Act Cap 336 and other public health regulations. KEBS also has a legal mandate to undertake inspection of any process or other operation which is or appears likely to be carried out in those premises in connexion with the manufacture, production, processing or treatment of any commodity in relation to which a standard specification or a standardization mark exists. 	Alignment of the law to ensure that only one government entity undertakes the inspection of milk handling premises.
E. Regulation of Animal Feed	<ul style="list-style-type: none"> Under section 2B of the Fertilizers and Animal Foodstuff Act, the Fertilizer and Animal Foodstuff Board has the power to: <ul style="list-style-type: none"> - Regulate the animal foodstuffs industry in Kenya including the production, manufacture, packaging, importation and marketing of the same; and - Undertake inspection and testing of animal food stuff to ensure their quality and safety. The DVS is also mandated under the Animal Diseases Act to undertake inspection and testing of animal feed. This role is also taken up by KEBS who test and inspect animal foodstuff prior to issuance of certification. <p>These roles are duplicated and often cause gaps in quality control of animal foodstuff in Kenya.</p>	<p>Rationalization of legal frameworks to minimize overlaps and duplication in the inspection and testing of animal foodstuff for quality and safety assurance.</p> <p>Proper enforcement and utilization of the single window system for the regulation of animal foodstuff in Kenya.</p>

Rwanda

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
A. Animal products, semen, fertilised eggs and animal food	<p>The Rwanda Inspectorate Competition and Consumer Protection Authority ('RICA'), has powers to consider, inspect, register and issue licenses related to imports, animal products, semen, fertilised eggs and animal food, in accordance with Article 6 (6), Law N° 31/2017 of 25/07/2017 Establishing Rwanda Inspectorate, Competition and Consumer Protection Authority and Determining its Mission, Organisation and Functioning.</p> <p>According to the Rwanda Agriculture and Animal Resources Development Board ('RAB') website (http://rab.gov.rw/index.php?id=114), RAB is mandated to examine, verify and issue certificates authorizing imports of domestic animals, semen, fertilized eggs and animal husbandry products.</p>	Review of the legal frameworks to address overlaps and duplication in legal mandates between RICA, RAB and RFDA.
B. Veterinary Drugs and Products)	<p>RAB, as shown on its website (http://rab.gov.rw/index.php?id=114), is tasked to ensure:</p> <ul style="list-style-type: none"> The preparation, conservation, issuance and use of veterinary products; Import and export and issue licenses and control the trade of veterinary products. <p>This role is also been undertaken by the Rwanda Food and Drug Authority ('Rwanda FDA') under Article 8 of Law N° 003/2018 of 09/02/2018 Establishing Rwanda Food and Drugs Authority and Determining its Mission, Organisation and Functioning.</p> <p>Article 3 of the laws establishing Rwanda FDA also states the regulation of veterinary drugs as part of its purposes.</p>	Alignment of the legal framework on inspection and regulation of veterinary drugs in Rwanda.
C. Regulation of imports of animal products)	<ul style="list-style-type: none"> Under Rule 3 of the Public Health (Meat Inspection) Rules the Minister of Health is required to designate areas to be abattoir/slaughterhouses. Under rule 3 of the Meat Control (Local Slaughterhouses) Regulations, 1973, the Minister in charge of veterinary services is empowered to declare areas as abattoir/slaughterhouses. Article 6 (6) of the law establishing RICA, mandates RICA to consider, inspect, register and issue licenses related to imports, exports and goods related to food products, plants and animal products. Article 9, Ministerial Order N° 012//11.30 of 18/11/2010 on Animal Slaughtering, Meat Inspection an importer of meat is to obtain an import permit from national level veterinary authorities. The role RICA and the Directorate of Animal Resources overlap as shown above in relation to the regulation of imports of animal products, thereby increasing the regulatory costs in trade. 	Alignment of the law to ensure that only one government entity undertakes designation and inspection of slaughterhouses.

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
D. Food Safety Inspections	<p>RICA and Rwanda FDA also have an overlap in their role in relation to food safety i.e. Under Article 6 (1) of the law establishing RICA, RICA carries out inspection of quality and standards conformity for food products while under Article 8 (1) of the law establishing the Rwanda FDA, Rwanda FDA regulates food supplements, food fortificants, fortified foods and manages unfit food products.</p> <p>RICA seems to have a general regulatory power over food products which is duplicated by the Rwanda FDA in respect of specific food products</p>	<p>Review of the legal frameworks to address overlaps and duplication in legal mandates between RICA, RAB and RFDA.</p> <ul style="list-style-type: none"> Review of the legal frameworks to address overlaps and duplication in legal mandates between RICA, RBS and RFDA Establishment of a legally backed coordination framework amongst the various regulatory agencies
E. Food of animal origin	<p>Article 6 (1) of the law establishing RICA, mandates RICA to carry out inspection of quality and standards conformity for animal products.</p> <p>Article 20, Ministerial Order N°001/11.30 of 10/02/2016 Regulating the Collection, Transportation and Selling of Milk grants the powers of inspection of milk to an inspector of milk quality under the Ministry of Agriculture and Animal Resources.</p> <p>Article 9, Ministerial Order N° 012//11.30 of 18/11/2010 on Animal Slaughtering, Meat Inspection states that the sanitary inspection of fresh or canned meat shall be carried out by veterinary surgeons.</p> <p>The role of inspection of food and food products is duplicated between RICA and the Directorate of Animal Resources.</p>	<p>There is no legislation requiring collaboration with other SPS institutions other than under the law establishing RICA.</p>
F. Plant Health conformity assessment procedures	<p>One of the functions of RICA under Article 6 (1) (c), Article 6 (6) and 6 (17) of the law establishing RICA, is to prevent the introduction and spreading of pests on plants and plant products, carry out inspection of quality and standards conformity for plants and plant products.</p> <p>This role is also taken up by the Rwanda Agricultural and Livestock Inspection and Certification Services, a department under the Ministry of Agriculture and Animal Resources, which is supposed to implement phytosanitary measures in the law necessary for trade, plant pest/disease monitoring, surveillance and diagnosis, conducting pest risk analysis, and conduct inspection and certification (https://www.minagri.gov.rw/index.php?id=613).</p>	<p>Rationalisation of the mandate of RICA and RALIS and development of guiding Standard Operational Procedures.</p>

Tanzania

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
A. Food Safety inspections	<p>There are overlaps in the role of Tanzania Bureau of Standards ('TBS') as the National Food Safety Service as stated in the Finance Act 2019 and other government commodities boards such as:</p> <ul style="list-style-type: none"> • Tanzania Dairy Board under section 10 of the Dairy Industry Act, 2004 – inspection and surveillance of milk and milk products; • Tanzania Cashewnut Board under section 5 Cashewnut Industry Act, 2009 – regulation of cashew nuts; • Tanzania Meat Board under section 10, Meat Industry Act, 2006 – regulation of the quality of Meat and Meat Products and inspection of the same; • Fish Inspectors under the Fisheries Development Division under Reg. 4: Fish (Quality Control and Standards) Regulation, 2000 – regulation of the quality of fish and aquatic products. <p>However, the laws establishing the various boards makes provision for the collaboration of the various boards with other institutions undertaking similar functions.</p>	<p>Proper enforcement of the statutory obligation for collaboration between the various government entities.</p> <p>Rationalization of the laws establishing the various boards for the alignment of roles.</p>
B. Plant Health conformity assessments	<p>There is currently an overlap in the roles of the Plant Health Services Section within the Crop Development Division in the Ministry of Agriculture under the Plant Protection Act (now repealed) and the statutory duties given to the Tanzania Pesticides and Plant Health Authority ('TPPHA') under the Plant Health Act, 2020.</p>	<p>The TPPHA is yet to be fully constituted and hence has not yet taken up its statutory mandate. Full establishment of TPPHA should reduce some of the overlaps in the former institutions in plant health.</p>



Uganda

Overlap Area	Overlapping Mandates/Gaps in the Legal frameworks	Recommendations
A. Animal Health, Control of Trypanosomiasis	<p>The commissioner of livestock and entomology under Animal Diseases Act, has an overlapping role with the Uganda Trypanosomiasis Control Council under the Uganda Trypanosomiasis Control Council Act 1992 in relation to the control of Trypanosomiasis.</p> <p>Trypanosomiasis is a communicable disease under the Act and the control of the Commissioner under the Animal Diseases Act.</p>	Rationalization of the Animal Diseases Act and the Uganda Trypanosomiasis Control Council Act 1992 in relation to the control of Trypanisomiasis.
B. Food Safety inspections	<p>The Public Health Inspectors under the Public Health Department within the Ministry of Health have overlapping roles under the Food and Drugs Act, 1959 and PART XII of the Public Health Act, 1935 with the following institutions:</p> <ul style="list-style-type: none"> • The Uganda National Bureau of Standards ('UNBS') in quality control of food in accordance with the local and harmonized EAC standards • Uganda Dairy Development Authority under the Dairy Industry Act – in respect of dairy and dairy and dairy products • Fish Inspectors in the Department of Fisheries in MAAIF under section 5 of the Fish (Quality Assurance) Rules 2008, that regulate quality of fish and fish products. • Department of Animal Resources that deals with meat, honey and poultry products. • Uganda Coffee Development Authority under section 4 of the Uganda Coffee Development Authority Act, 1994 - on the regulation of the quality of coffee and the setting of the quality control standards for the sale of coffee. 	<p>Rationalization of the food safety laws in Uganda and establishment of a central food safety authority which will take up the regulation of the various commodities in food.</p> <p>Establishment of a coordination mechanism in the interim for the government institutions in food safety.</p>

Annex 2: Prioritized Trade Flows SPS Legal Frameworks - Burundi

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Horticulture	<ul style="list-style-type: none"> Regulated by the Directorate General of Agriculture within the Ministry of Agriculture operating under the Decree N° 1001 S5 Du.23 March 2016 Covering Plant Variety Protection, Legislative Decree no. 1.033 on protection of plants in Burundi and Order No. C) 42/1 3, IMAEP / Cab / SG. / Organizing the Ministry of Agriculture, Livestock and Fisheries. Directorate General of Agriculture regulates imports and export of seeds, plants and plant materials and issues phytosanitary certificates; undertakes inspection and grading of plants and plant produce at the ports of entry and exit; and issues restrictions in relation to the importation of plants and plant products. 	<p>Due to lack of equivalence agreements and mutual recognition agreements, the Directorate General of Agriculture does not automatically accept laboratory test results from other countries nor do major trading partners automatically accept the Directorate General of Agriculture certifications which lead to increased regulatory costs of testing.</p> <p>Directorate General of Agriculture capacity to deal with disease and pest outbreaks is hindered because:</p> <ul style="list-style-type: none"> The law does not adequately provide for the pest risk analysis role of the NPPO. Inadequate provision for pest occurrence reporting and absence of enforcement powers of the NPPO in the law. Obligation to institute pest specific early warning and rapid response program is not provided for in the legal frameworks. <p>Lack of formal backing for coordination with other important Plant health agencies in the country, the region and internationally.</p>
Live Cattle and Beef	<p>Trade in live Cattle and Beef is regulated under:</p> <ul style="list-style-type: none"> Law No 1/06 of 21 March 2011 Regulating the Exercise of the Veterinary Profession Decree No 100/177 Of 9 July 2013 on Sanitary Inspection Measures for Animals and Foodstuffs of Animal Origin Law No 1/17 of 30 November 2016 Draft law on the organization of fisheries and aquaculture Decree No. 100-115 of April 30, 2013 reorganizing the Ministry of Agriculture and Livestock Decree n° 100/154 on the organization of the Ministry of Agriculture and Livestock Order No. 710/655 / of 08/05/2013 Determining the Zootechnical and Sanitary Standards for the Importation of Bovine Specimen Reproductive Animals Decree-Law No. 1/16 of 17 May 1982 on the Public Health Code Law N° 1/28/ of 24 December 2009 Relating to The Sanitary Policy of Domestic Animals, Wild Animals, Aquaculture Animals and Bees. 	<ul style="list-style-type: none"> Lack of Legal Framework for effective animal traceability which is important for trade facilitation. Lack of effective legal framework for emergency response when dealing with disease outbreaks.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Live Cattle and Beef	<ul style="list-style-type: none"> • The Directorate of Animal Health under the Ministry of Agriculture and Livestock regulates import and export of live cattle under Title II Decree No 100/177 Of 9 July 2013 on Sanitary Inspection Measures for Animals and Foodstuffs of Animal Origin and Title V: Order No. 710/655 / of 08/05/2013 Determining the Zootechnical and Sanitary Standards for the Importation of Bovine Specimen Reproductive Animals. The law is quite robust on inspection measures especially during importation and exportation. The procedure for registration is, however, not adequately covered. • Import and export of meat and meat products is regulated by the Directorate of Animal Health, Burundi Bureau of Standards and Public Health. It is a requirement under Title III: Decree No 100/177 Of 9 July 2013 on Sanitary Inspection Measures for Animals and Foodstuffs of Animal Origin and Article 92 and 105: Law N° 1/28/ of 24 December 2009 Relating to The Sanitary Policy of Domestic Animals, Wild Animals, Aquaculture Animals and Bees, for all meat and meat products to be inspected immediately after slaughter and to bear a stamp as prescribed in the law. • Standards on live cattle and meat products in EAC include: a) EAS 84-1: 2000, Meat grades and meat cuts — Specification — Part 1: Beef grades and cuts, veal grades. 	
Animal Feed	<ul style="list-style-type: none"> • Regulated under Article 18 Decree n° 100/154 on the organization of the Ministry of Agriculture and Livestock by the Animal Health Department within the Ministry of Agriculture and Livestock. • The regulation of animal feed is inadequately provided for in legal framework of Burundi. • Standard published on animal feeds in EAC include: a) EAS 75: 2000, Dairy cattle feed supplements — Specification, b) EAS 88:2000, Animal feedstuffs — Methods of sampling, c) EAS 90: 2000, Compounded poultry feeds — Specification, d) EAS 230: 2001, Maize bran as animal feed — Specification, e) EAS 231: 2001, Bone meal for compounding animal feeds— Specification, f) EAS 232: 2001, Maize gluten feed — Specification g) EAS 287: 2002, Oil seed cakes for compounding livestock feeds — Specification. 	<ul style="list-style-type: none"> • Inadequate provision for the regulation of animal feed in the legal framework. • Inadequate adoption of the EAC standards on animal feed.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Grains, Cereals and Nuts	<p>Trade in Grains, Cereals and Nuts is regulated by the Directorate General of Agriculture.</p> <p>Regulated under:</p> <ul style="list-style-type: none"> Decree n° 100/154 on the organization of the Ministry of Agriculture and Livestock. Decree No. 100-115 of April 30, 2013 reorganizing the Ministry of Agriculture and Livestock. Decree No. 100-251 of 24 September 2012 Establishing, Missions, Composition and Operation of The National Seed Commission. Law No 1/08 of 23/04/2012 on the Organization of the Seed Sector. Decree No 100/55 of 23 March 2016 on The Protection of New Varieties of Plants. <p>Various standards have been developed in East Africa on grains, cereals and nuts including:</p> <ul style="list-style-type: none"> a) EAS 900: 2017- Cereals and pulses — Sampling, b) EAS 901: 2017- Cereals and pulses — Test methods, c) EAS 757: 2013, Sorghum grains — Specification, d) EAS 51: 2017, Wheat grains — Specification (3rd edition), e) EAS 2: 2017, Maize grains — Specification (4th edition). <p>Traders are required to request for the Directorate's inspection and obtain phytosanitary certification after successful inspection.</p>	<ul style="list-style-type: none"> Adoption of international and Regional (EAC) standards on product quality is not update or adequate. Lack of Equivalence Agreements and Mutual Recognition Agreements with regulatory agencies in other countries.
Seed (Maize, Soya e.t.c)	<p>1. Regulated under:</p> <ul style="list-style-type: none"> Decree n° 100/154 on the organization of the Ministry of Agriculture and Livestock. Decree No. 100-115 of April 30, 2013 reorganizing the Ministry of Agriculture and Livestock. Decree No. 100-251 of 24 September 2012 Establishing, Missions, Composition and Operation of The National Seed Commission. Law No 1/08 of 23/04/2012 on the Organization of the Seed Sector. Decree No 100/55 of 23 March 2016 on The Protection of New Varieties of Plants <p>2. Regulated by the Directorate for the Promotion of Seed and Plants and the National Seed Commission (CNS).</p> <ul style="list-style-type: none"> The National Seed inspection and Certification Office is required to have a national seed quality analysis laboratory with all the results shared with the Burundi Bureau of standardization for confirmation. Law No 1/08 of 23/04/2012 on the Organization of the Seed Sector provides for the production of a certificate of origin for any imported seeds and the inspection of the seeds being imported. 	<p>Overlapping mandate of the Directorate for the Promotion of Seed and Plants and the National Seed Commission in respect of:</p> <ul style="list-style-type: none"> Promote the production and marketing of seeds and seedlings; and Participate in the preparation of seed legislation and its implementation. <p>This causes duplication of efforts in regulation of the seed sector.</p>

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Coffee and Tea	<ul style="list-style-type: none"> Regulated by the Directorate General of Agriculture within the Ministry of Agriculture operating under the Decree N° 1001 S5 Du.23 March 2016 Covering Plant Variety Protection, Legislative Decree no. 1.033 on protection of plants in Burundi and Order No. C) 42/1 3, IMAEP / Cab / SG., .. / Organizing the Ministry of Agriculture, Livestock and Fisheries. The Burundi Coffee Company (BCC) and Office du Café du Burundi; Burundi Coffee Board (OCIBU) which is a mixed private-public company are companies which regulate the export and import of coffee in Burundi. OCIBU coordinates and regulates the coffee industry, organize sales of coffee for export and undertakes quality controls. Various EAC standards have adopted on coffee and tea including: EAS 105: 2008, Roasted coffee beans and roasted ground coffee — Specification, EAS 130: 1999, Green coffee beans — Specification, EAS 45: 2000, Tea trade — Glossary of terms — Specification, EAS 28: 2000, Black tea — Specification. The Directorate General of Agriculture regulates imports and export of plants and plant materials through the inspection and issuance of phytosanitary certificates and conducts inspections at the ports of entry and exit and enforces any restrictions in relation to the plants and plant products. 	<ul style="list-style-type: none"> The multiplicity of agencies in coffee trade including Burundi Coffee Company (BCC) and Office du Café du Burundi; Burundi Coffee Board (OCIBU) which is a mixed private-public company has created regulatory uncertainty. Tea as a commodity has not received attention in the legal frameworks in the way coffee has. The Legal frameworks have not provided clear procedural rules on application for certification, permits and Phytosanitary certificates. There are no effective trade complaint redress mechanism in the legal framework.
Honey and Honey Products	<ul style="list-style-type: none"> Regulated by the Directorate of Animal Health and BBN under Decree No 100/177 Of 9 July 2013 on Sanitary Inspection Measures for Animals and Foodstuffs of Animal Origin and Law N° 1/28/ of 24 December 2009 Relating to The Sanitary Policy of Domestic Animals, Wild Animals, Aquaculture Animals and Bees. The Directorate of Animal Health controls diseases in bees and enforces provisions in relation to beekeeping in Burundi. The following East African Standards is in place in relation to honey: EAS 36: 2000, Honey — Specification. 	<ul style="list-style-type: none"> Inadequate enforcement applicable standards.

Annex 3: Prioritized Trade Flows SPS Legal Frameworks and Constraints - Kenya

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Horticulture	<ul style="list-style-type: none"> Regulated by KEPHIS operating under the KEPHIS Act 2012, the Crops Act 2013, Agricultural Produce (Export) (Horticultural Produce Inspection) Rules, 1961 and the Agricultural produce (Grading of Fruits and Vegetables for Export) Rules, 1969; The Plant Protection Act, (Cap. 324) and the Plant Protection (Importation of Plants, Plant Products and Regulated Articles) Rules, 2009. KEPHIS regulates import and export of plants and plant materials; undertakes inspection and grading of plants and plant produce at the ports of entry and exit; and issues phytosanitary certificates. KEPHIS has established electronic Export Certification System (ECS) and Import Certification System (ICS) for this purpose. Under the Agricultural Produce (Export) (Horticultural Produce Inspection) Rules, 1960 [L.N. 595/1960, L.N. 5/2001.] Rule 8 provides that any scheduled produce intended for export shall be delivered to the place of inspection or such other place as an inspector may consider convenient not later than three hours before the time such produce is due to be dispatched. The Plant Protection (Importation of Plants, Plant products and Regulated articles) Rules 2009 provides that the National Plant Protection Organization i.e. KEPHIS shall provide information for the purposes of application for phytosanitary certificate and import permit; and on the official designated points of entry for the importation of plant, plant product or regulated article. 	<ul style="list-style-type: none"> Due to lack of equivalence agreements and mutual recognition agreements, KEPHIS does not automatically accept laboratory test results from other countries nor do major trading partners automatically accept KEPHIS certifications which lead to increased regulatory costs of testing. KEPHIS capacity to deal with disease and pest outbreaks is hindered because: <ul style="list-style-type: none"> a) KEPHIS Act does not provide for emergency funding mechanisms to deal with pest and disease outbreaks in a timely manner. b) Due to lack of Rules on reporting under Section 3 (f) of the Plant Protection Act, the NPPO is not able to ensure pest reporting requirements are complied with by growers c) Obligation to institute pest specific early warning and rapid response program is not provided for in the legal frameworks. d) Lack of enabling legal provisions for bio-security measures and strengthening the movement control measures so as to contain and eradicate important plant pests. Further the legal framework needs to provide for joint programs involving the NPPO, the Agriculture and Food Authority, County Governments, Private Sector and other enforcement organs. Lack of formal backing for coordination with other important Plant health agencies including Agriculture and Food Authority (AFA), Pest control products board and Animal Feeds and Fertilizer Board in the legal frameworks.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Live Cattle and Beef	<ul style="list-style-type: none"> Trade in live Cattle and Beef is regulated under the Animal Diseases Act Cap 364, Meat Control Act Cap 356, the Branding of Stock Act Cap 357 and the Cattle Cleansing Act Cap 358. Supporting regulations to the legislation include L.N. 124/2004 Meat Control (Slaughterhouses (Licensing) Regulations)1996; Meat Control (Inspection Fees) Regulations 1974; Meat Control (Transport of Meat) Regulations 1976. The Directorate of Veterinary Services (DVS) under the Ministry of Agriculture, regulates import and export of live cattle under the Animal Diseases Act Cap 364. Section 8 of the Act provides that the Director of Veterinary Services may by notice in the gazette prohibit the importation or exportation of specified animals, feed or vaccine for a specified period in order to control spread of diseases. Export animals are examined and issued with an International Health Certificate (IHC) by a veterinary doctor certified by the Kenya Veterinary Board (KVB). The export trader then presents the IHC, import permit (prior issued by the importing country) and the laboratory test results to DVS or an export/import documentation service provider approved by the Director of Veterinary Services to apply for an International Veterinary Certificate (IVC) which serves as the import permit for the livestock consignment. The IVC is issued online using the Government of Kenya Single Window System managed by the Kenya Trade Network Agency (KenTrade). The IVC, import permit, IHC, laboratory results and the import permit must accompany the animals until cleared to enter their destination country. All the five documents must also be endorsed by the state veterinary officer at the port of departure of the animals. Trade in meat on the other hand is regulated under the Meat Control Act Cap 356, Meat Control (Slaughterhouses (Licensing) Regulations)1996;The Food, Drugs and Chemical Substances (Food Hygiene) Regulations, 1978 Sections 8, 10, 11, 12, 13), Public Health Act CAP 242 Section 135 and Public Health Act CAP 242 Public Health (Fees) Rules 1st Schedule. Import and export of meat and meat products is regulated by the Directorate of Veterinary Services (DVS) who issues an import permit for each consignment. Prior to the application and issuance of an import permit, a risk assessment questionnaire is sent by the Directorate of Veterinary Services (DVS) to the competent authority in the exporting country, for evaluation to ensure the consignment meets the requirements outlined by Directorate of Veterinary Services (DVS). The import permit is processed through the Kenya National TradeNet System (KESWS). An import health certificate is required for the import of all commodities that are for human consumption. Issuance of the certificate is regulated by Port Health Services (PHS) of the Ministry of Health and is required for each consignment. Standards on live cattle and meat products have been adopted from ASO standards by the Kenya Bureau of Standards including: a) KS 2774-1:2018 - Grading live animal for meat trade-Specification-Part 1: Cattle; b) KS 2774-2:2018 - Grading live animal for meat trade-Specification-Part 2: Goat; c) KS 2774-3:2018 - Grading live animal for meat trade-Specification-Part 3: Sheep; and d) KS 2774-4:2018 - Grading live animal for meat trade-Specification-Part 4: Camel. 	<ul style="list-style-type: none"> Lack of Legal Framework for effective animal traceability which is important for trade because: <ul style="list-style-type: none"> a) Livestock is a devolved function of counties under the Constitution of Kenya 2010. b) DVS as a national institution therefore faces challenges in coordinating and accessing information from farmers to enable traceability. c) The Branding of Stock Act and the Animal Diseases Act are outdated and require update to be aligned with current administrative realities (e.g. Counties instead of Districts) to facilitate better traceability. Lack of effective legal framework for dealing with disease outbreaks. Lack of export quarantine Facilities means quality of Kenyan livestock is compromised and value is greatly diminished in international markets.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Animal Feed	<ul style="list-style-type: none"> Regulated under Section 2B of the Fertilizers and Animal Foodstuffs Act Cap 345 (s. 2B), The Animal Disease Act Cap 364 (s. 8); The Standards Act (Sections 4, 14); Legal Notice 183 of 2019 - Verification of Conformity to Kenya Standards of Imports Order (Sections 3, 5, 6, 7); Public Health Act Cap 242 (Section 135). Import of animal feeds is regulated by the Directorate of Veterinary Services (DVS) and Port Health Service (PHS), who issue an import permit and Port health clearance certificate per consignment for the import of animal feeds In addition each consignment is required to have an ISM. The Import Standardization Mark (ISM) is a mandatory requirement for all imported products intended for sale in the local market. The Kenya Bureau of Standards is the competent authority that regulates issuance of the ISM stickers. Standard published on animal feeds include; a) KS 62:2009 - Dairy cattle feed supplements - Specification (Third Edition); b) KS ISO 6490-2:1983 - Analysis of animal feeding stuffs - Determination of calcium content; c) KS ISO 14181:2000 - Animal feeding stuffs - Determination of residues of organochlorine pesticides - Gas chromatographic method; d) KS CONSTAN193:2015 - Codex general standard for contaminants and toxins in food and feed; e) KS 2832-1:2019 - Fodder hay Specification-Part 1: Grass hay; f) KS 2832-2:2019 - Fodder hay-Specification-Part 1: Legume hay. 	<ul style="list-style-type: none"> There are multiple agencies involved in regulation of animal feed in Kenya including the Directorate of Veterinary Services, the yet to be established Fertilizer and Animal Foodstuffs Board, Port Health Services, Kenya Revenue Authority and Kenya Bureau of Standards. While these agencies may appear necessary, without proper coordination and streamlining of roles, they appear to traders as duplication and increase cost of trade.
Grains, Cereals and Nuts	<ul style="list-style-type: none"> Trade in Grains, Cereals and Nuts is regulated by ; a) Agriculture and Food Authority (AFA); b) Kenya Plant Health Inspectorate Services (KEPHIS); c) Ministry of Health (Public Health Services and Port Health Services); d) Kenya Bureau of Standards (KEBS); and e) the Nationals Cereals and Produce Board (NCPB) <p>Regulation under:</p> <ul style="list-style-type: none"> The Agriculture and Food Authority Act 2013. Kenya Plant Health Inspectorate Service Act No. 54 of 2012 (Sections 5, 7 (2)). The Seeds and Plant Varieties Act, (Cap. 326). The Seeds and Plant Varieties (Plant Breeder's Rights) (Fruit, Nut and Tree Crops Scheme) Regulations, 2001. Legal Notice 48 (The Plant Protection Fees & Charges) Rules (2009). The Food, Drugs and Chemical Substances (Food Hygiene) Regulations, 1978 (Section 10). Food, Drugs and Chemical Substances (Food Hygiene) Regulations, 1978. The Agricultural Produce (Export) (Horticultural Produce) (General) Rules Section 16. The National Cereals and Produce Board Cap 338. The National Cereals Produce Board (Movement of Maize, Wheat and Scheduled Agricultural Produce) Regulations, 1987. The National Cereals and Produce Board (Exportation of Maize Products) Regulations, 2008. <p>Various standards have been developed including a) KS 43-3:2008 - Cereals and pulses - Methods of test - Part 3: Determination of insect infestation in pulses (Second Edition; b) KS 43-1:2009 - Cereals and pulses - Test methods - Part 1: Determination of moisture content of cereals and cereal products (Basic Reference Method) (Second Edition); c) KS CAC/RCP 51: 2016 - Code of practice for the prevention and reduction of mycotoxin contamination in cereals; e) KS EAS 767:2019 - Fortified wheat flour - Specification.</p> <p>Traders are required to request for KEPHIS inspection, obtain phytosanitary certification from KEPHIS and obtain import/export health certificate from Port Health services.</p>	<ul style="list-style-type: none"> Lack of coordination between KEPHIS, AFA and KEBS – each operate as a silo and there are no provisions in the legal frameworks that require them to coordinate. Adoption of international and Regional (EAC) standards on product quality is not update or adequate. Lack of Equivalence Agreements and Mutual Recognition Agreements with regulatory agencies in other countries. Because of devolution, effective SPS controls through the entire production chain is a big challenge. Agriculture is a devolved function yet counties lack the capacity and revenue motivation to support SPS controls at farm level and local markets or establish extension services.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Seed (Maize, Soya e.t.c)	<p>Regulated under:</p> <ul style="list-style-type: none"> Kenya Plant Health Inspectorate Service Act (No. 54 of 2012). The Seeds and Plant Varieties Act, (Cap. 326). The Plant Protection Act (Cap 324). Seeds and Plant Varieties (Variety Evaluation and Release) Regulations, 2016. Seeds and Plant Varieties (Seeds) Regulations, 2016. <p>Regulated by the KEPHIS - Directorate of Seed Certification and Plant Variety:</p> <ul style="list-style-type: none"> Traders in import/export of seed must register with KEPHIS as seed merchants. A seed Import Permit and Plant Import Permit must be obtained before any importation of seed is undertaken. All imported seed must be accompanied by a phytosanitary certificate and an international Seed Testing Association (ISTA) certificate. Seeds of all crops are subjected to laboratory quality tests upon arrival and must meet the gazetted minimum standards before being offered for sale. Similarly, all seed for export must meet the gazetted minimum standards and be accompanied by Kenya's phytosanitary certificate and an export permit. The process of seed certification is divided into three parts- variety description which results in development of the variety descriptors, field inspections which ascertains the trueness to type of the crop variety, and Seed testing which guarantees the seed purity and germination that it has to meet for it to be released to the market. <p>KEPHIS has announced plans for digitalisation of Seed Certification process from 2020. From May 2020 to April 2021, growers and seed crops are being registered online, inspections of seed too will be requested digitally and data captured in real time to be processed automatically through the system that will be accessible to merchants online.</p>	<ul style="list-style-type: none"> Duplication of Inspection and Certification by KEPHIS and KEBS – Requirements of PVOC under the Standards Act. Lengthy and costly seed certification process. Long process of Variety release process. Low fines meted out to offenders which are not deterrent and effective. Requirement for Physical inspections in all cases. Excessive documentation - Same information required by multiple agencies and issues of additional declaration. Poor adoption of EAC standards in SPS controls within EAC Partner states. Lack of cross- border co-ordination or regulatory agencies on Seed Certification Services. Multiple imposition of produce cess by County Governments.
Poultry and poultry products	<ul style="list-style-type: none"> Trade in live poultry and poultry products is in theory regulated under the Animal Diseases Act Cap 364, Animal Diseases (Hatcheries) Rules, 1985, Meat Control Act Cap 356, Meat Control (Poultry Meat Inspection) Regulations 1975; and the Ministry of Health (Public Health) under the Food, Drugs and Chemical Substances (Food Hygiene) Regulations, 1978, Public Health Act CAP 242 Section 135 and Public Health Act CAP 242 Public Health (Fees) Rules 1st Schedule. The Directorate of Veterinary Services (DVS) under the Ministry of Agriculture should under the Animal Diseases Act and Meat Control Act and regulations regulate import and export of poultry and poultry products as Director of Veterinary Services may by notice in the gazette prohibit the importation or exportation of specified animals, feed or vaccine for a specified period in order to control spread of diseases. In practice there is minimum regulatory focus on control of trade in poultry and poultry products. Standards on poultry and poultry products by the Kenya Bureau of Standards including: KS 1398:2017 Dressed poultry - Specification, KS 61:2009, Compounded poultry feeds - Specification (Third Edition). 	<ul style="list-style-type: none"> The regulatory framework on poultry is not adequate as there are no provisions for eggs and other poultry products except poultry meat. Poultry products are regulated under the food safety legal frameworks which have multiple agencies including Ministry of Health, Directorate of Veterinary Services (DVS) and Kenya Bureau of Standards (KEBS) which do not have an effective coordinated approach. In practice the regulatory approach is fragmented and non-effective. It is common to hear of buck-passing whenever there is a crisis.

Annex 4: Prioritized Trade Flows SPS Legal Frameworks and Constraints - Rwanda

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Horticulture	<ul style="list-style-type: none"> Regulated by Rwanda Inspectorate, Competition and Consumer Protection Authority ('RICA') operating under Law N° 31/2017 of 25/07/2017 establishing RICA, Law No 13/2017 of 14/04/2017 establishing the National Agricultural Export Development Board ('NAEB'), Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda and Law N°005/2016 of 05/04/2016 Governing Seeds and Plant Varieties in Rwanda. RICA carries out inspection and quality and standard conformity of plants and plant products, ensures that the production of plant products meant for public use or consumption is conducted in accordance with regulations in force, ensures compliance of any imports or exports with the prescribed standards and considers, inspects, registers and issues licenses related to imports, exports of plant products. NAEB participates in the setting and checking of quality standards for agriculture and livestock export commodities in collaboration with other relevant institutions and issues certificates of authenticity and origin of agricultural and livestock export commodities (including horticultural products). RICA also enforces the regulations under Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda in respect of the issuance of phytosanitary certificates in respect of horticultural produce. 	<ul style="list-style-type: none"> Due to lack of equivalence agreements and mutual recognition agreements, RICA would not automatically accept laboratory test results from other countries nor do major trading partners automatically accept RICA/NAEB certifications which lead to increased regulatory costs of testing. Newness of RICA: RICA is a fairly new institution in Rwanda and is not fully constituted to undertake its statutory duties.
Live Cattle and Beef	<ul style="list-style-type: none"> Trade in live Cattle and Beef is regulated under the Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda; Law establishing Rwanda Council of Veterinary Doctors and determining its mission, organization and functioning, Law N° 31/2017 of 25/07/2017 Establishing RICA; Ministerial Order n° 012//11.30 of 18/11/2010 on animal slaughtering, meat inspection and Ministerial Order n°013/11.30 of 18/11/2010 on transport and trade of meat. Rwanda lacks an overarching and unified livestock production law that deals with compliance issues throughout the production chain. However, Rwanda Agriculture and Animal Resources Board ('RAB') in respect of live animals and Rwanda Inspectorate, Competition and Consumer Protection Authority ('RICA') in respect of animal products. Trade in meat on the other hand is regulated under the Law N° 31/2017 of 25/07/2017 Establishing RICA; Ministerial Order n° 012//11.30 of 18/11/2010 on animal slaughtering, meat inspection and Ministerial Order n°013/11.30 of 18/11/2010 on transport and trade of meat. Import and export of meat and meat products is regulated by the RICA who issue an import permit for each consignment. Regulations on meat inspection by RICA are yet to be developed. Rwanda Standards Bureau (RSB) also assist with inspection of meat and meat products. Standards on live cattle and meat products have been developed by RSB: a) Code of Hygienic practice for meat RS 185: 2013 b) Abattoir — Basic requirements RS 201: 2013 c) Meat and Meat Products — Determination of Total Ash RS ISO 936: 1998 d) Code of hygienic practice for processed meat products RS 81: 2018 e) Code of Hygienic Practice for meat RS 185: 2019. 	<ul style="list-style-type: none"> Lack of Legal Framework for effective animal traceability which is important for trade. Absence of an overarching and unified livestock production law that deals with compliance issues throughout the production chain. Newness of RICA and absence of regulations under the law establishing RICA on regulation of animal products.
Animal Feed	<ul style="list-style-type: none"> Regulated under Legislation N° 50/2013 of 28/06/2013 determining the mission, organization and functioning of the Rwanda Standards Board and Law N° 31/2017 of 25/07/2017 establishing RICA. The law in Rwanda does not adequately regulate animal feed. However, the RICA is empowered to consider, inspect, register and issue licenses related to imports, exports of animal food. Standards published on animal feeds include: a) RS 99: Specification for compounded poultry feeds, b) RS 100: Specification for cattle feeds.; c) Animal feeding stuffs — Determination of trypsin inhibitor activity of soya products RS ISO 14902: 2001; d) Animal feed production, processing, storage and distribution — Code of practice RS 98:2015 21; e) Compounded pig feeds — Specification RS EAS 55:2019 f) Compounded cattle feed - Specification RS EAS 75:2019; g) Compounded poultry feeds — Specification RS EAS 90:2019; h) Compounded fish feeds — Specification RS EAS 973:2019; i) Compounded dairy goat feeds — Specification RS EAS 974:2018. 	<ul style="list-style-type: none"> Inadequate provision for the regulation of animal feed other than through the development of standards. Newly established RICA is still institutionalizing and absence of regulations under the law establishing RICA in relation to the regulation of animal feed.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Grains, Cereals and Nuts	<p>Trade in Grains, Cereals and Nuts are regulated by:</p> <ul style="list-style-type: none"> • RICA; • Rwanda Food and Drugs Authority ('Rwanda FDA'); • Rwanda Bureau of Standards ('RSB'); and • Rwanda Grain and Cereal Corporation (a JV company between Rwanda Development Board and private sector stakeholders). <p>Regulated under:</p> <ul style="list-style-type: none"> • Law N° 31/2017 of 25/07/2017 establishing RICA • Law N° 003/2018 of 09/02/2018 Establishing Rwanda Food and Drugs Authority • Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda • Law N°005/2016 of 05/04/2016 Governing Seeds and Plant Varieties in Rwanda • Ministerial Order N° 002/11.30 of 18/08/2010 Determining Regulations on Quality Seeds Production and Control of Seeds Produced and Marketed. • Ministerial Order N°003/11.30 of 18/08/2010 Setting Forth Conditions Required for Marketing Quality Seeds <p>Various standards have been developed including a) Cereals, pulses and milled products — Sampling of static batches RS ISO 13690: 1999; b) Determination of aflatoxin B1, and the total content of aflatoxin B1, B2, G1 and G2 in cereals, nuts and derived products — High performance liquid chromatographic method11. RS ISO 16050: 2003; c) Prevention and reduction of mycotoxin contamination in cereals — Code of practice RS 287:2015; d) Wheat flour and durum wheat semolina — Determination of impurities of animal origin RS ISO 11050: 1993, e) Hygienic practices for handling, transportation and storage for ground nuts — Code of practice RS 285:2015 f) Prevention and reduction of aflatoxin contamination in peanuts — Code of practice RS 286:2015.</p>	<ul style="list-style-type: none"> • Newly established RICA is still institutionalizing. • Lack of coordination framework in regulation for cereals, grains and nuts in Rwanda as the regulatory mandate of RICA and Rwanda FDA overlaps as regards grains, cereals and other food products. • Adoption of international and Regional (EAC) standards on product quality is not update or adequate.
Seed (Maize, Soya e.t.c)	<p>Regulated under:</p> <ul style="list-style-type: none"> • Law N° 31/2017 of 25/07/2017 Establishing Rwanda Inspectorate, Competition and Consumer Protection Authority and Determining its Mission, Organisation and Functioning. • Law N°16/2016 of 10/05/2016 on Plant Health Protection in Rwanda. • Law N°005/2016 of 05/04/2016 Governing Seeds and Plant Varieties in Rwanda. • Ministerial Order N° 002/11.30 of 18/08/2010 Determining Regulations on Quality Seeds Production and Control of Seeds Produced and Marketed. • Ministerial Order N°003/11.30 of 18/08/2010 Setting Forth Conditions Required for Marketing Quality Seeds. • Ministerial Order No 008/11.30 Of 11/04/2017 Determining the Information that a Quality Seed Label and Container has to bear and the criteria for putting seed varieties in categories and the colours of labels for each category.. <p>Regulated by the RICA, by the:</p> <ul style="list-style-type: none"> • Consideration, inspection, registration and issuance of licenses related to imports, exports and goods related to seeds, seedlings and cuttings. • Registration of seed growers, producers, dealers and traders. 	<ul style="list-style-type: none"> • Duplication of Inspection and Certification by RICA and Rwanda Standards Bureau • Lengthy and costly seed certification process • Long process of Variety registration • Poor adoption of EAC standards in SPS controls within EAC Partner states • Lack of cross- border co-ordination or regulatory agencies on Seed Certification Service • Newness of RICA therefore unable to take up its statutory role

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Coffee and tea	<ul style="list-style-type: none"> Regulated under Law No. 48 of 2006, Determining the responsibilities, organization and functioning of Rwanda Coffee Development Authority, Law No 13/2017 of 14/04/2017 establishing the National Agricultural Export Development Board, Law N° 003/2018 of 09/02/2018 Establishing Rwanda Food and Drugs Authority and Law N° 31/2017 of 25/07/2017 Establishing RICA. RICA, NAEB and Rwanda FDA control the export and import of coffee and tea in Rwanda. RICA controls coffee and tea in its unprocessed form and NEAB and Rwanda FDA control the trade in coffee and tea in their processed forms. Various standards have been developed for coffee and tea including: Green Tea - specification RS 118, Tea — Sampling RS ISO 1839: 1980, Tea — Preparation of liquor for use in sensory tests RS ISO 3103: 1980, Tea and instant tea in solid form — Determination of caffeine content — Method using high-performance liquid chromatography, Green coffee - Specification RS 97, Green coffee — Size analysis-Manual Sieving RS ISO 4150: 2011 - Ed.2, Green coffee — Determination of water content — Basic reference method. RS ISO 1446: 2001 - Ed.2, Green coffee — Olfactory and visual examination and determination of foreign matter and defects RS ISO 4149: 2005 - Ed.2 	<ul style="list-style-type: none"> Duplication of Inspection and Certification by RICA, Rwanda Coffee Development Authority, Rwanda Agricultural Export Board, Rwanda Standards Bureau and Rwanda FDA. Poor adoption of EAC standards in SPS controls within EAC Partner states RICA and RFDA are newly established organizations which are still finding their feet and have not fully established procedural rules and practices to guide traders. The legal frameworks do not provide effective trade issues, complaints and dispute redress system through time bound administrative mechanisms and specified tribunals. There is lack of awareness of SPS requirements due to poor notification and transparency by the competent authorities.
Honey and honey products	<p>Regulated by the RAB in respect of bees and RICA for harvested honey before processing and processed honey is regulated Rwanda FDA.</p> <p>The applicable laws for honey and honey products are:</p> <ul style="list-style-type: none"> Law N° 25/2013 of 10/05/2013 Determining the Organization and Functioning of Beekeeping in Rwanda. Ministerial Order 001/Minagri/014 of 10/12/2014 relating to hygiene in beekeeping and modalities. Ministerial Instructions N°001/Minagri/014 of 10/12/2014 Relating to Positioning of Beehives, Honey Harvesting Equipment and Issuance of Beekeeping Certificate. Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda. <p>The law stipulates the measures to be undertaken by a beekeeper in the event of a suspected disease in bees, hygienic measures for beekeeping and the process of harvesting of honey.</p> <p>The standards that have been developed for honey and honey products in Rwanda include: a) Code of Hygienic Practice for meat RS 185: 2019, Apiary management handling and processing of bee products — Code of practice RS 153: 2019 b) Comb foundation mill — Specification RS 156: 2019 c) Comb foundation sheets — Specification RS 157: 2019 d) Conservation and maintenance of honey bees — Code of Practice RS 158: 2019 e) Packaged bee box — Specification RS 159: 2019 f) Beehives — Specification RS ARS 1402: 2018 g) Conservation and maintenance of honey bees — Code of Practice RS 158: 2019, h) Radial-type-honey-extractor — Specification RS ARS 1411: 2018, i) Honey-processing-unit — Technical requirements RS ARS 1418: 2018</p>	<ul style="list-style-type: none"> There are significant overlaps and duplication in legal mandates between RICA, RAB and RFDA in SPS controls which is confusing to traders and increases regulatory costs. RICA and RFDA are newly established organizations which are still finding their feet and have not fully established procedural rules and practices to guide traders.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints
Milk and dairy products	<ul style="list-style-type: none"> Regulated by RAB under Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda, Ministerial Order N° 001/11.30 Of 10/02/2016 Regulating the Collection, Transportation and Selling of Milk. RAB controls and regulates the dairy cattle from disease control and monitoring, prescribes the vaccination that will be given to the dairy animals and regulates the quality of milk and dairy products in Rwanda. RICA also has a legal mandate to carry out inspection and quality and standard conformity of animal products including milk and dairy products and ensures that the production of animal products meant for public use or consumption is conducted in accordance with regulations in force. The standards that have been developed for milk and dairy products in Rwanda include RS. 35: Unprocessed Whole Milk - Specification, RS. 36: Pasteurized Liquid Milk Specification, Milk products and milk-based foods — Determination of fat content by the WeibullBerntrop RS ISO 8262-1: 2005. 	<ul style="list-style-type: none"> The coordination between RAB, RSB and RICA on the regulation of milk and dairy products is not adequate and therefore increases regulatory costs in trade. RICA and RFDA are newly established organizations which are still finding their feet and have not fully established procedural rules and practices to guide traders.
Poultry and poultry products	<ul style="list-style-type: none"> Poultry and poultry products are regulated by RAB and RICA under the following laws: Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight Against Contagious Diseases for Domestic Animals in Rwanda, Law N° 31/2017 of 25/07/2017 Establishing Rwanda Inspectorate, Competition and Consumer Protection Authority and Determining its Mission, Organisation and Functioning, Ministerial Order n° 012//11.30 of 18/11/2010 on animal slaughtering, meat inspection, Ministerial Order n°013/11.30 of 18/11/2010 on transport and trade of meat. The standards that have been developed for poultry and poultry products in Rwanda include Handling, processing and storage of poultry — Code of practice RS 289:2015 Export of Poultry require a veterinary health certificate which confirms, after inspection by Rwanda Agriculture Board (RAB) that the products are compliant with standards defined in applicable laws concerning production hygiene, microbiological standards for foodstuffs and the health condition of animals. Import of poultry requires an import permit for poultry issued by RAB, per consignment. The consignment must be accompanied by an international health certificate from the country of export. 	<ul style="list-style-type: none"> The regulatory framework as regards poultry and poultry products is underdeveloped. There are no specific Regulations/guidelines on import and export inspections and certifications of poultry and products apart from general commodity inspections. Coordination between the various regulatory agencies (RAB, RICA, RBS and RFDA) in regulation of poultry and poultry products is lacking.

Annex 5: Prioritized Trade Flows SPS Legal Frameworks and Constraints – Tanzania

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Horticulture	<ul style="list-style-type: none"> Trade in horticulture in Tanzania is regulated by Tanzania Pesticides and Plant Health Authority ('TPPHA') is a new institution established under the newly enacted Plant Health Act, 2020. The applicable legal and regulatory frameworks include: <ul style="list-style-type: none"> a) The Plant Health Act, 2020 (Sections 34, 35, 38, 39). b) Plant Breeders' Rights Act, 2012 (No. 29 of 2012). c) Plant Protection Regulations 1998 (Sections 58, 63, 64) Under the Plant Protection Regulations 1998 TPPHA will carry out the following conformity assessment procedures: <ul style="list-style-type: none"> a) Inspection and permits for importation of pesticides (Rule 18). b) Inspection and permits for importation of biological control agents (Rule 42). c) Inspection and permits for importation of plant and plant products (Rule 48). d) Plant Quarantine Procedures (Part IV of the Regulations). The TPPHA under the Plant Health Act, 2020 issues phytosanitary certificates, carry out pest and disease surveillance and regulating the movement of biological control agents within, from or into the country among other functions. The Tanzania Bureau of standards (TBS) is responsible for standards, labeling, testing and certification under the Standards Act No. 2 of 2009 	<ul style="list-style-type: none"> Duplication and overlaps in regulations. There are many regulating entities including: TBS, the TPPHA, Tanzania Fertilizer Regulatory Authority ('TFRA') and the various crops Boards, which results in uncertainty on the part of farmers and traders in which standard and regulation to adopt and fosters corruption as well as the imposition of false fees. There is very little sharing of information between the Tanzania Revenue Authority ('TRA'), TBS, the MOH and the MALF, all of whom depend on the manual intervention of clearing agents to bring them physical copies of the relevant documents. Lack of transparency regarding the cost and the amount of time needed to assess compliance with Tanzanian standards. Lack of equivalence and mutual agreement arrangements with other countries means non-acceptance of test results and increase compliance costs.
Live Cattle and Beef	<ul style="list-style-type: none"> Relevant applicable laws include: <ul style="list-style-type: none"> a) Animal Resource Management Act 1999 (No. 11 of 1999). b) Livestock Identification, Registration and Traceability Act, 2010 (No. 12 of 2010). c) Animal disease (Animal and animal product movement control) Amendments 2018. d) Public Health Act, 2009 (No. 1 of 2010). e) The Meat Industry Act, 2006 (Sections 17, 20, 26) f) Tanzania Meat and Meat Products Industry Regulations, 2014 First schedule (Sections 4, 7, 8) Traders are required to obtain an animal health certificate for export or import of live cattle from the Directorate of Veterinary Services (DVS) and a clearance certificate for meat and meat product imports The Tanzania Meat Board (TMB) is the regulatory body under the Ministry of Livestock Development and Fisheries (MLFD) that promotes the functioning of the value chain and ensures its actors comply with rules and quality standards. According to the Animal Disease Act No. 17 of 2003, meat inspectors from the MLFD would appoint certified inspectors to inspect and regulate the slaughtering processes at slaughter facilities and issue certificates required for sales of meat and export of live animals and meat products. Among other activities, the certified inspectors would stamp the carcasses using special ink. Tanzania Bureau of Standards (TBS) is responsible for regulating the quality and safety of food and other products under the Finance Act 2019. TBS inspects the handling of meat at slaughter facilities, butcheries, and vending points. 	<ul style="list-style-type: none"> Weak and in some cases contradictory regulatory framework for setting standards and grades (e.g. the Finance Act 2019 (expanding the mandate of TBS).The Tanzania Meat Board and the Animal Diseases Act regarding Slaughter facilities and meat inspection); Weak mechanisms for enforcement of laws and regulation at the National and Local government level. Inadequate capacity of regulatory institutions. Lack of coordination framework in live cattle and beef trade bringing together TBS, TMD, DVS and Tanzania Veterinary Laboratory Agency (TVLA)

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Animal Feed	<ul style="list-style-type: none"> Regulated under: <ol style="list-style-type: none"> Grazing-land and Animal Feed Resources Act, 2010 (No. 13 of 2010). Grazing Land and Animal Feed Resources (Storage Equipment of Animal Feeds) Regulations (G.N No. 54 of 2013). Grazing Land and Animal Feed Resources (Registration of Premises) Regulations (G.N No. 56 of 2013). Grazing Land and Animal Feed Resources (Standards) Regulations (G.N No. 58 of 2013). Grazing Land and Animal Feed Resources (Safeguarding Development and Sustainable Use of Grazing Land) Regulations (G.N No. 55 of 2013). There are restrictions on the Manufacture, Importation or sale of animal feed resources unless authorised by competent authority. A person shall not manufacture, sell, export or import into Mainland Tanzania any animal feed resources that may adversely affect animal, human health and the environment or which contain substances such as poisonous substances, Sand, siliceous matter or other insoluble mineral matter not naturally associated with ingredients of the feed resources, and any other ingredient unsuitable for inclusion in compounded animal feed resources; The Director of Grazing land and animal feed resources liaises with Tanzania Bureau of Standards in setting standards on animal feed resources; The Director also issues operational guidelines and standard operating procedures for the manufacture and composition of animal feed resources, container packaging and labelling of animal feed resources; Applicable standards include; TZS 397: 1990 (E) Cattle feeds – Specification ; TZS 735: 2002 (E) Maize bran for livestock feeds – Specification ; TZS 738: 2002 (E) Maize gluten – Specification; TZS 820: 2016 (E); Wheat bran for livestock feeds – Specification; Calf Milk replacer feed (milk substitute meal): Metabolizable energy, protein, calcium and phosphorous respectively; Calf meal (Calf starter feed): Metabolizable energy, protein, fibre, calcium and phosphorous respectively; Heifer grower feed Dairy meal (lactating cow feed) Metabolizable energy, protein, fibre, calcium Metabolizable energy, protein, fibre, calcium and phosphorous respectively. 	<ul style="list-style-type: none"> Animal feeds industry regulation and development in Tanzania involves multiple stakeholders including (Tanzania Animal Feed Manufacturers Association) TAFMA, TBS, Sokoine University of Agriculture (SUA), Tanzania Bureau of Standards (TBS) and MALF. It is important to engage every stakeholder in quality control, industry regulation and research development. Currently, research in animal feeds is done by the MALF and SUA and regulation is mainly done by MALF and TBS. Lack of clear legal framework on application procedures for importation of animal feed. The stated object of Grazing-land and Animal Feed Resources Act, 2010 (No. 13 of 2010) is to promote farming of various crops for use as raw materials for compounding feedstuffs and to support the establishment of animal feedstuffs associations and assure quality of locally-produced and imported animal feeds. Importation of animal feed is therefore not a high priority.
Grains, Cereals and Nuts	<ul style="list-style-type: none"> TBS is responsible for all matters concerning the importation and inspection of imported food products. To obtain a Food Importer Registration Certificate (FIRC), imported products must satisfy the Tanzanian import requirements as evaluated by TBS. Prior to the application seeking permission to import non-registered products, pre-shipment samples must be analyzed with the cost being incurred by the importer as prescribed in the Fees and Charges Regulations Applicants are granted import permits after complying with the following requirements: (a) registration of the importer and food products to be imported (This is done by filling the online forms available on TBS website; (b) application for importation by completing the online forms on the TBS imports and exports portal; (c) i Inspection and approval of foods by the inspector at the point of entry prior to distribution onto the market; (d) laboratory analysis of foods to check for compliance - samples from suspect foods can be taken for laboratory analysis; (e) shelf life of non-perishable foods should be more than six months at the time it arrives at the official point of entry; and. Products determined to be noncompliant at the point of entry are returned to the country of origin at the expense of the importer or can be destroyed at the expense of the importer Exports require an Export Permit issued by the Minister of Agriculture Livestock and Fisheries under the Food Security Act 1991. 	<ul style="list-style-type: none"> Procedures and timelines for processing of applications for import and export permits from the Ministry of Agriculture not set out in the legal frameworks. This is therefore left to discretionary powers of the Minister which causes uncertainty in regulatory practice and hinders trade. No clear and effective redress mechanism in the law for traders. EAC standards on grains and cereals have not been adopted by TBS in inspection and certification.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Seed (Maize, Soya e.t.c)	<ul style="list-style-type: none"> Regulated by the Tanzania Official Seed Certification Institute (TOSCI) and Tanzania Pesticides and Plant Health Authority ('TPPHA') Applicable laws include <ol style="list-style-type: none"> Seeds Act, 2003 (No. 18 of 2003). Plant Breeders' Rights Act, 2012 (No. 29 of 2012). Fertilizers Act, 2009 (No. 9 of 2009). Plant Health Act, 2020. Seeds Regulations, 2007 (G.N. No. 37 of 2007). Seeds (Detention and Stop Sale) Order, 1976 (G.N. No. 30 of 1976). Applicable standards include; TZS 1763: 2016(E) Maize seed — Requirements for certification; TZS 1764: 2016(E) Sorghum seed — Requirements for certification; TZS 1766: 2016(E) Soybean seed — Requirements for certification; TZS 1767: 2016(E) Groundnut seed — Requirements for certification; TZS 1931:2016 Cotton seeds for oil extraction - Specification. Tanzania Official Seed Certification Institute (TOSCI) is a government Institute under the Ministry of Agriculture (MoA) established under the Seeds Act No. 18, 2003. TOSCI is responsible for Certification and promotion of quality agricultural seeds produced or imported into the country for sale to safeguarding farming community from poor quality (fake) seeds from vendors of farm inputs. TOSCI carries out verification of new seed varieties and Seed certification. Traders that intend to import or export seed are required to apply to TOSCI Seed Certification Directorate for import or export permits under the Seeds Regulations 2007. 	<ul style="list-style-type: none"> The Legal framework currently does not provide clear timelines and period for processing of applications. TOSCI has not harmonized Seeds Standards with EAC Standards. The obligation to share information with the public, other NPPOs and regional organs is not always complied with in a timely manner. There is need for the Minister to enact regulations on information sharing procedures with regional organs and other NPPOs so as to domesticate WTO SPS transparency agreements. Coordination framework between TOSCI, TPPHA and other Crops Boards need to be established.
Coffee and tea	<ul style="list-style-type: none"> Coffee in Tanzania is regulated under: Coffee Industry Act, 2001 (Act No. 23 of 2001), Tanzania Coffee Industry Regulations, 2013 (G. N. No. 385 of 2013), Plant Protection (Coffee) Rules and Plant Health Act, 2020. Tea in Tanzania is regulated under: Tea Act, 1997 (No. 3 of 1997), Tea Regulations (S.I. No. 92 of 1999) and the Plant Health Act, 2020. Coffee is regulated by the TPPHA and the Tanzania Coffee Board. The TPPHA under the Plant Health Act, 2020 issues phytosanitary certificates, carries out pest and disease surveillance and regulates the movement of biological control agents within, from or into the country among other functions. The Tanzania Coffee Board regulates the coffee industry in Tanzania and advises the Government of the United Republic of Tanzania on all matters related to the growing, processing and marketing of coffee within and outside the country. Tea is regulated by the TPPHA and Tanzania Tea Board. The Tanzania Tea Board has the following functions: <ol style="list-style-type: none"> Regulating the tea industry in terms of control and improvement of the cultivation and processing of tea, Licensing of tea blenders and packers, Collecting, keeping and maintaining statistics related to tea industry, Control of pests and diseases, Assisting in the investigation of research relating to all matters of the tea industry, Representing the Government at International fora relating to or dealing with the Tea, and Performing any functions as the Minister may consider necessary. The following standards have been developed in Tanzania for coffee and tea: TZS 352: 2015(E) Black tea - Specification, TZS 728: 2015(E) Black tea - Blended - Specification, TZS839:2015 Green Tea - Specification, TZS 414: 2009(E) Instant (soluble) coffee powder - Specification, TZS 417: 2009(E) Roasted and ground coffee - Specification, EAS 105: 2008, Roasted coffee beans and roasted ground coffee — Specification, EAS 130: 1999, Green coffee beans — Specification. 	<ul style="list-style-type: none"> Overlaps between the role of the TPPHA, the Tanzania Coffee Board, Tanzania Tea Board and TBS in the regulation of the quality of coffee and tea in the country. Non-adoption of the harmonized EAC standards on coffee and tea b TBS.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Honey and honey products	<ul style="list-style-type: none"> Regulated under: <ul style="list-style-type: none"> a) Animal Resource Management Act 1999 (No. 11 of 1999), b) Animal Diseases Act, 2003 (No. 17 of 2003) c) Tanzania Livestock Research Institute Act, 2012 (No. 4 of 2012) and d) Beekeeping Act, 2002 (Act No. 15 of 2002). The Director of Beekeeping is the person charged with the regulation of the beekeeping sector in Tanzania under the Beekeeping Act. The control of diseases in bees, imports and exports of honey and honey products. Standards developed in relation to honey and honey products: a) TZS 851:2006(E) Honey – Specification, b) TZS 2264:2018 Specification for honey extractor type. 	<ul style="list-style-type: none"> The EAC harmonized standards on honey and honey products has not been adopted in domestic SPS controls. Lack of coordination framework between the office of the director of beekeeping and TBS.
Poultry and poultry products	<ul style="list-style-type: none"> Regulation of poultry and poultry products in Tanzania is provided for in the following laws: <ul style="list-style-type: none"> a) Public Health Act, 2009 (No. 1 of 2010). b. Animal Welfare Act, 2008 (No. 19 of 2008). c. Animal Resource Management Act 1999 (No. 11 of 1999). d. Animal Diseases Act, 2003 (No. 17 of 2003). e. Livestock Identification, Registration and Traceability Act, 2010 (No. 12 of 2010). f. Meat Industry Act, 2006 (No. 10 of 2006). Poultry and Poultry in Tanzania are regulated by the Veterinary Services in Tanzania (live poultry) and the Tanzania Meat Board and the TBS (poultry as meat and other poultry products). Some standards developed for poultry in Tanzania include: TZS 2188:2018 Dressed poultry – Specification and TZS 28: 2017(E) Compounded poultry feeds – Specification. 	<ul style="list-style-type: none"> Adoption of EAC standards on poultry is poor. Lack of mutual recognition and equivalence agreements in relation to trade in poultry and poultry products with other EAC Partner states and other trading partners.
Fish and fish products	<ul style="list-style-type: none"> Regulated by the Fisheries and Aquaculture Development Division in the Ministry of Livestock and Fisheries under: <ul style="list-style-type: none"> a) Fisheries Act 2003 (No.22 of 2003); b) Fisheries Regulations 2018 The Fisheries and Aquaculture Development Divisions regulate the quality of fish and fisheries, undertake standard conformity assessment in conjunction with the TBS and inspect imports and export in fish and fish products. The following standards have been developed: <ul style="list-style-type: none"> a) TZS 402: 1988 (E) Microbiological specification for fish and fish products b) TZS 446: 2015(E) Smoked fish – Specification c) TZS 537: 2015(E) Fish and fish products – Quick frozen prawns or shrimps – Specification d) TZS 547: 1995(E) Fish Meal – Specification e) TZS 1807:2016/EAS 828:2016 Dried and salted dried fish – Specification f) TZS 1808:2016/EAS 827:2016 Fresh and frozen whole fin fish – Specification g) TZS 1810:2016/EAS 830:2016 Frozen fish sticks (fish fingers), fish portions and fish fillets - breaded or in batter – Specification. h) TZS 1811:2016/EAS 831:2016 Frozen fish fillets – Specification 	<ul style="list-style-type: none"> Coordination between TBS and the Fisheries Development Division is not adequate, and the roles overlap. Adoption of the EAC standards on fish and fish products is inadequate.

Annex 6: Prioritized Trade Flows SPS Legal Frameworks and Constraints – Uganda

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Honey and honey products	<ul style="list-style-type: none"> Regulated by the Phytosanitary and Inspection Service in the Department of Crop Protection, Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) that implements the Plant Protection and Health Act 2015. The Phytosanitary and Inspection Service is responsible for the protection of the agricultural resources of Uganda from harmful organisms that exist in the country or could be introduced in the country. Applicable laws include <ol style="list-style-type: none"> Plant Protection and Health Act 2015. Plant Variety Protection Act 2014. Agricultural Chemicals (Control) Act, 2006 (No. 1 of 2007). Seeds and Plant Act, 2006 (No. 3 of 2007). Produce Protection Act (Cap. 32). Regulation of Importation of Plants (L.N. No. 162 of 1949). Plant Protection (Pests) Rules (S.I. 31-2). Plant Protection (Importation of Plants) Order (S.I. 31-3). Produce Protection (Dealers) Rules (S.I. 32-1). The Uganda National Bureau of Standards (Inspection and Clearance of Imports) Regulations Section 22 (1) of the Plant Protection and Health Act 2015 refers to pre-export examination which requires such plants or plant products to be accompanied by a phytosanitary certificate on importation and submission of such consignment to an inspector for examination The Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) requires all exporters and importers of plant products to undergo electronic registration and certification of their consignments via the MAAIF portal. Section 5 of the UNBS (Inspection and Clearance of Imports) Regulations 2018 requires chemical products (includes fertilisers, herbicides and pesticides) to be subjected to Pre-Export Verification of Conformity to Standards (PVoC) in the country of origin and to be accompanied by a certificate of conformity or a certificate of road worthiness. 	<ul style="list-style-type: none"> The Legal framework currently does not provide clear timelines and period for processing of applications by traders for Phytosanitary certificates and consignment certification. Lack of Equivalence and Mutual Recognition Agreements means that tests have to be repeated causing delay and additional costs. The Legal framework does not provide effective measures for dealing with pest outbreaks and emergency response because; a) the Rules on mandatory pest notifications have not been established; b) no funding mechanism for emergency response.
Live Cattle and Beef	<ul style="list-style-type: none"> Applicable Legal Frameworks: <ol style="list-style-type: none"> Animal Diseases Act, Cap 38 Animal Diseases (Amendment) Act 2006 Animal Breeding Act 2001 Veterinary Surgeons Act 1958 Animal Diseases (Quarantine) Rules (S.I. 38—8). Animal Diseases (Declaration of Disease) Instrument, 2007 (S.I. 46 of 2007) Animal Diseases (Control of Bee Diseases) Rules, 2004 (S.I. No. 73 of 2004). Animal Diseases (Selective Importation of Livestock, Livestock Products, Co-Products and By-Products) Regulations, 2003 (S.I. 15 of 2003). Cattle Traders Rules (S.I. 43—2). Animal Diseases (Restriction of Movement of Cattle) Rules (S.I. 38—7). 	<ul style="list-style-type: none"> The Legal framework currently does not provide clear timelines and period for processing of applications by the Commissioner of Livestock leading to delays. Lack of Equivalence and Mutual Recognition Agreements means that the process of verification by the Commissioner is manual and laborious and takes a long time thus hindering trade. There is no effective redress mechanism for appeals against the decision of the Commissioner.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Live Cattle and Beef	<p>With respect to imports of live animals, the procedure is that</p> <ul style="list-style-type: none"> An importer or any person wishing to import live animals/products into the Republic of Uganda shall apply for an Import Permit from the Commissioner Animal Health (CAH) prior to importation by submitting a written application requesting to import live animals and /or products into the country to the Commissioner for Animal Health, at least 7 days prior to an importation. The application shall state the source (country) and supplier as well as type of animal, breed, sex and quantity. The Commissioner for Animal Health then conducts a search on animal disease status of the country of origin and the processes to which the product is subjected during manufacture to determine appropriate animal health requirements to be set in the Import Permit to manage the risk of transmitting disease by this importation. If the animal health requirements will mitigate the risk of transmitting disease, the Commissioner for Animal Health shall issue an Import Permit stating the animal health requirements and port of entry to be used for this particular importation. The animals/products must be accompanied by an official Veterinary Health Certificate, in English or with English translation, issued by the veterinary authority of the country of origin, attesting that the animals/products satisfactorily meet animal health requirements set in the Import Permit. <p>With respect to exports</p> <ul style="list-style-type: none"> Any person wishing to export live animals must acquire a cattle traders' license from Commissioner Animal Production and/or an export license from Commissioner Animal Health. The exporter shall obtain an import Permit, written in English or with an English translation, from the veterinary authority of the destination country. The exporter shall make a written application to the Commissioner for Animal Health and attach the Import Permit or animal health requirements from the destination country <p>Standards that have been developed include:</p> <ul style="list-style-type: none"> US 733:2019, Handling and transportation of slaughter animals — Requirements (2nd Edition) - This Uganda Standard specifies the requirements for handling and transportation of live animals for slaughter. (This standard cancels and replaces US 733:2007, Requirements for handling and transportation of slaughter animals (1st Edition), that has been technically revised). US 734:2019, Design and operation of abattoirs and slaughterhouses — Requirements (2nd Edition) - This Uganda Standard specifies the requirements applying to domestic animals commonly slaughtered in slaughterhouses, that is, cattle, buffalo, sheep, goats, deer, horses, pigs, ratites, camelids and poultry. (This standard cancels and replaces US 734:2007, Requirements for the design and operation of abattoirs and slaughterhouses (1st Edition), that has been technically revised). US 736:2019, Hygienic requirements for butcheries (2nd Edition) - This Uganda Standard specifies hygienic requirements that apply to butcheries as minimum standards required of them to satisfy the consumers need for safe, healthy and hygienic meat and meat products. (This standard cancels and replaces US 736:2007, Hygienic requirements for butcheries (1st Edition) that has been technically revised). 	<ul style="list-style-type: none"> The Legal framework currently does not provide clear timelines and period for processing of applications by the Commissioner of Livestock leading to delays. Lack of Equivalence and Mutual Recognition Agreements means that the process of verification by the Commissioner is manual and laborious and takes a long time thus hindering trade. There is no effective redress mechanism for appeals against the decision of the Commissioner.
Animal Feed	<p>Applicable laws include:</p> <ol style="list-style-type: none"> Animal Feeds Bill 2018 Animal Breeding Act 2001 Cattle Traders Act Cap 43 Veterinary Surgeons Act 1958 Cattle Grazing Act 1945 Cap 42 Dairy Industry Act 2000 Cap 85 Animals (Straying) Act Cap 40 	<ul style="list-style-type: none"> Currently there is no unified regulatory framework for Animal Feeds as the Animal Feeds Bill 2018 is pending approval by Parliament. The existing legal framework is fragmented and scattered in various laws as far animal feeds are concerned.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Animal Feed	<p>Standards that have been developed by UNBS include</p> <ul style="list-style-type: none"> US EAS 230:2001, Maize bran as livestock feed — Specification - This Uganda Standard prescribes the requirements for maize bran as a livestock feed. US EAS 231:2001, Bone meal for compounding animal feeds— Specification - This Uganda Standard prescribes the requirements for bone meal used as a mineral supplement in animal feeds. US 1677:2017, Poultry feed premix — Specification - This Uganda Standard specifies requirements, sampling and test methods for compounded poultry feed premixes used as a sole source of vitamins and trace elements for poultry. US 1678:2017, Dairy cattle feed premix — Specification - This Uganda Standard specifies requirements and sampling for compounded dairy cattle feed premixes used in animal feeds as a sole source of vitamins and trace elements for dairy cattle. 	
Grains, Cereals and Nuts	<p>Applicable Laws include</p> <ul style="list-style-type: none"> US 28 EAS 39:2002 Code of practice for hygiene in the food and drink manufacturing industry - This Uganda Standard specifies the minimum requirements for factories and employees engaged in the manufacture, processing, packaging, storage, handling, treatment and delivery of foods intended for human consumption. US CAC/RCP 75-2015, Code of practice for low moisture foods - This Uganda Standard covers good manufacturing practices (GMPs) and good hygiene practices (GHPs) for the manufacturing of low-moisture foods for human consumption. This Code applies to, dried fruits and vegetables (e.g. desiccated coconut), cereal-based products (e.g. breakfast cereals), peanut and other nut butters, dry protein products (e.g. dried dairy products and soy protein), confections (e.g. chocolate and cocoa), snacks (e.g. spice-seasoned chips/crisps), tree nuts, seeds for consumption (e.g. sesame seeds and sesame seed paste), spices and dried aromatic herbs, and specialized lipid based nutritional products for the treatment of moderate and severely acute malnutrition. US 130: 2017, Hazard Analysis Critical Control Point (HACCP) based Food Safety Systems — Requirements (2nd Edition) - This Uganda Standard specifies the requirements for operational Hazard Analysis Critical Control Point (HACCP) based food safety systems which ensure the safety of foodstuffs during production, preparation, processing, manufacturing, packaging, storage, transportation, distribution and handling, or facilities offering food for sale and/or supply. The standard lays down the requirements for food business companies, processes, and their resultant products to be HACCP certified. [This Uganda Standard cancels and replaces US 130: 1999, General requirements for establishing a Hazard Analysis Critical Control Points — (HACCP) Programme for Food Processing Establishments, which has been technically revised]. <p>The main law that governs food safety is the Food and Drug Act (1964). In 1993 the drug element was transformed into the Drug Act under the National Drug Authority Act (NDA). This left the food element of the Food and Drug Act hanging. No amendment has been made to this date on what is now referred to as the Food Act. The current Food Act does not address technological developments in the food industry such as food additives and contaminants and packaging. With the existence of an obsolete food law, Uganda relies heavily on other laws, which include the Uganda National Bureau of Standards (UNBS) Act (1983). Under this Act UNBS has the mandate to formulate and enforce national standard specifications for commodities and codes of practice; promote standardisation in commerce, industry, health, safety and social welfare and provide testing and calibration services to facilitate both regulatory and promotional roles. UNBS regulations on Imports Inspection and Certification (in combination with the food standards) are used to regulate the quality of foods manufactured locally as well as those imported into the country.</p>	<ul style="list-style-type: none"> The Food and Drugs Act is quite old as it was enacted in 1959 with substantive revisions in 1964 and 1993. It needs to be amended to take into account developments that have taken place over the years. Inadequate coordination in the enforcement of various Acts of Parliament that cover the entire food chain. Overlapping roles and responsibilities in the food control system resulting in weakness and ambiguities in registration, inspection and analysis. Though the Ministry of Health has since early 2000s stated that it is developing a modern and unified food safety law, the Food Safety Bill is yet to be approved by Parliament.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/Gaps
Seed (Maize, Soya e.t.c.)	<p>The Seeds and Plant Act 2006 provides for the establishment of the National Seed Certification Service (NSCS) as a regulatory unit in charge of Seeds within the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF). In MAAIF, NSCS is in the Department of Crop Protection.</p> <p>Applicable Laws include:</p> <ul style="list-style-type: none"> a) Seeds and Plant Act, 2006 (No. 3 of 2007). b) Plant Protection and Health Act (Cap. 31). c) Plant Variety Protection Act. d) Agricultural Chemicals (Control) Act, 2006 (No. 1 of 2007). <p>Standards include:</p> <ul style="list-style-type: none"> • US EAS 821:2014, Maize seed – Requirements for certification - This Uganda Standard specifies the certification requirements for the production of pre-basic, basic and certified seed of maize (<i>Zea mays</i> L.). It includes requirements for eligible varieties, field standards, field inspections, seed sampling, laboratory standards, certificates, packaging and labelling and post-control tests. • US EAS 824:2014, Soybean seed — Requirements for certification - This Uganda Standard specifies the certification requirements for the production of pre-basic, basic and certified seed of soybean (<i>Glycine max</i> (L.) Merrill). It includes requirements for eligible varieties, field standards, field inspections, seed sampling, laboratory standards, certificates, packaging and labelling, and post-control tests. • US EAS 822:2014, Sorghum seed – Requirements for certification - This Uganda Standard specifies the certification requirements for the production of pre-basic, basic and certified seed of sorghum (<i>Sorghum bicolor</i> (L.) Moench). It includes requirements for eligible varieties, field standards, field inspections, seed sampling, laboratory standards, certificates, packaging and labeling, and post control tests. • US EAS 823:2014, Sunflower seed – Requirements for certification -This Uganda Standard specifies the certification requirements for the production of pre-basic, basic and certified seed of sunflower (<i>Helianthus annuus</i> L.). It includes requirements for eligible varieties, field standards, field inspections, seed sampling, laboratory standards, certificates, packaging and labelling, and post-control tests. • The Seeds and Plant Act is the principal legislation for the seed industry. The government regulates the official release of new varieties, licensing and oversight of seed merchant activities, especially regulating importing/exporting seeds, quality assurance in seed production, seed conditioning and local seed trade, and overall regulatory framework implementation. • Local seed companies have basic and certified seed production activities on-farm or with seed growers. Major seed selling outlets are facilitated by the government, agro-dealer distribution networks and non-governmental organizations operating in the region. • To deal in seed in Uganda, a person must first apply for registration to the NSCS. Any successful applicant is then registered with NSCS as a seed merchant and must be in possession of a valid registration certificate <p>In Uganda, no person is allowed to import seed unless he is a licensed seed merchant. The variety to be imported should comply with the minimum field and laboratory standards and should be included on the National Variety List or the East African Common Catalogue. All imported seed is accompanied by an ISTA Orange International Certificate and a Phytosanitary Certificate. The seed is imported in a form that allows easy sampling. Seed for experimental purposes requires only needs a Phytosanitary certificate. An application for a seed import permit is made to NSCS. The application specifies the details of the commodity to be imported and country of origin. An inspector in the Phytosanitary Inspection Unit (PIU) conducts a Pest Risk Analysis (PRA) for the seed intended for importation and upon being satisfied that the importation of the consignment poses no or low risk to Ugandan agriculture, the Inspector issues an Import Permit.</p>	<ul style="list-style-type: none"> • Lack of mutual confidence between enforcement agencies in different countries in EAC due in part to non-domestication of EAC standards. • Lack of adequate transparency and notification of measures and procedures. • Ineffective complaint redress system. • Seed certification process take a long time.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/ Gaps
Seed (Maize, Soya e.t.c.)	Similarly, no person is allowed to export seed unless he is a licensed seed merchant. The procedures for seed export are as follows: i. Prior to seed exportation, the exporter obtains an Import Permit from the National Plant Protection Organization (NPPO) of the importing country when so required and presents it to NSCS. ii. Upon the receipt of the Import Permit, the exporter prepares the commodity for inspection prior to export. The exporter furnishes the Inspector with all relevant documents, including documents issued by Inspectors during inspection of the crop during active growth, water and pesticide residue analysis reports and import permit. iii. The Inspector conducts an inspection of the documents and the seed through visual, sampling and other means depending on the nature of the commodity and the contents of the import permit and if satisfied issues a Phytosanitary certificate	
Coffee and Tea	<p>Tea and coffee in Uganda are regulated by the Directorate of Crop Resources in Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) under the following laws: a) Plant Protection and Health Act (Cap. 31), b) Plant Variety Protection Act, c) Agricultural Chemicals (Control) Act, 2006 (No. 1 of 2007), d) Seeds and Plant Act, 2006 (No. 3 of 2007), e) Uganda Tea Growers Corporation (Repeal) Act, 2006, f) Uganda Tea Authority (Repeal) Act, 2006, g) Control of Agricultural Chemicals Act (Cap. 29) and h) Produce Protection Act (Cap. 32).</p> <p>Specifically, for Coffee the sector is governed by the National Coffee Policy 2013 and the Coffee Regulations 1994 and overseen by the Uganda Coffee Development Authority (UCDA). The UCDA undertakes the following functions:</p> <ul style="list-style-type: none"> • issues certificates in respect of grade and quantity of coffee. • certifying all coffee exports. • liaising with the International Coffee Organization (ICO) and be responsible for the administration of stamps of the organization. • liaising with other international organizations and promote Uganda coffee on the world market. • To be responsible for the overall supervision of the coffee sub-sector including related industries and advise Government on coffee sub-sector policies. <p>Tea on the other hand is overseen by the Phytosanitary and Inspection Service in the Department of Crop Protection, Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) as is the practice with horticultural crops.</p>	<ul style="list-style-type: none"> • The Food and Drugs Act is quite old as it was enacted in 1959 with substantive revisions in 1964 and 1993. It needs to be amended to take into account developments that have taken place over the years. • Inadequate coordination in the enforcement of various Acts of Parliament that cover the entire food chain. • Overlapping roles and responsibilities in the food control system resulting in weakness and ambiguities in registration, inspection and analysis. • Though the Ministry of Health has since early 2000s stated that it is developing a modern and unified food safety law, the Food Safety Bill is yet to be approved by Parliament .
Poultry and poultry products	<p>Poultry and Poultry products are regulated under the Animal Diseases Act, Cap 38, Animal Diseases (Amendment) Act 2006, Veterinary Surgeons Act 1958, Animal Diseases (Quarantine) Rules (S.I. 38—8), Animal Diseases (Declaration of Disease) Instrument, 2007 (S.I. 46 of 2007), Animal Diseases (Importation of Poultry) Rules (S.I. 38—12)</p> <p>The MAAIF, the department of public health and UBS undertake inspection of poultry and poultry products and control imports and exports of poultry and poultry products. The regulatory framework is designed to prevent the proliferation of poultry diseases such as the Avian Influenza. The key target of the regulations is to ensure that eggs produced are healthy and of good quality.</p> <p>The following standards apply to poultry and poultry products in Uganda:</p> <ul style="list-style-type: none"> • US 1677:2017, Poultry feed premix — Specification. • US 734:2019, Design and operation of abattoirs and slaughterhouses — Requirements (2nd Edition). • US 1683:2017, Egg powder — Specification. 	<ul style="list-style-type: none"> • Low adoption of the EAC standards on poultry and poultry products means there is continuing incidences of trade bottlenecks which have escalated to disputes between EAC Partner states due to differing standards.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/Gaps
Poultry and poultry products	<p>Poultry and Poultry products are regulated under the Animal Diseases Act, Cap 38, Animal Diseases (Amendment) Act 2006, Veterinary Surgeons Act 1958, Animal Diseases (Quarantine) Rules (S.I. 38—8), Animal Diseases (Declaration of Disease) Instrument, 2007 (S.I. 46 of 2007), Animal Diseases (Importation of Poultry) Rules (S.I. 38—12).</p> <p>The MAAIF, the department of public health and UBS undertake inspection of poultry and poultry products and control imports and exports of poultry and poultry products. The regulatory framework is designed to prevent the proliferation of poultry diseases such as the Avian Influenza. The key target of the regulations is to ensure that eggs produced are healthy and of good quality.</p> <p>The following standards apply to poultry and poultry products in Uganda:</p> <ul style="list-style-type: none"> • US 1677:2017, Poultry feed premix — Specification. • US 734:2019, Design and operation of abattoirs and slaughterhouses — Requirements (2nd Edition). • US 1683:2017, Egg powder — Specification. 	<ul style="list-style-type: none"> • Low adoption of the EAC standards on poultry and poultry products means there is continuing incidences of trade bottlenecks which have escalated to disputes between EAC Partner states due to differing standards.
Fish and fish products	<p>The following policies and laws apply to fish and fish products: National Fisheries and Aquaculture Policy 2004, Fish Act Cap 197, Animal Diseases Act, Cap 38, Animal Diseases (Amendment) Act 2006, Animal Breeding Act 2001, Fish (Aquaculture) Rules (No. 81 of 2003), Animal Diseases (Quarantine) Rules (S.I. 38—8), Animal Diseases (Declaration of Disease) Instrument, 2007 (S.I. 46 of 2007), and Animal Diseases (Quarantine) (Amendment) Rules, 2005 (S.I. No. 38 of 2005).</p> <p>Regulated by the Directorate of Fisheries Resources under the following departments: a) Department of Aquaculture Management and Development b) Department of Fisheries, Control, Regulation and Quality Assurance. These departments prescribe the standards to be maintained at fisheries and the quality of fish and fish products. They also undertake inspection of fish and fish products intended for import and export and local consumption.</p> <p>The following standards have been developed for fish and fish products:</p> <ul style="list-style-type: none"> • a) US CAC/RCP 52:2003, Code of practice for fish and fishery products • b) US EAS 62-1:2017, Fish handling and processing — Code of practice — Part 1: Fresh fish • c) US EAS 97:1999, Fishmeal — Specification 	<ul style="list-style-type: none"> • EAC Standards on Fish and Fish products have not been domesticated in domestic controls in Uganda. Additionally coordination between the Directorate of Fisheries Resources (responsible for fisheries conformity assessments) and Uganda National Bureau of Standards (UNBS) (responsible for quality certification) has not been provided for in the legal frameworks leading to duplication and overlaps in import and export inspection procedures.
Milk and Dairy Products	<p>Regulatory Oversight:</p> <ul style="list-style-type: none"> • Milk and Dairy products are regulated by the Dairy Development Authority (DDA). The Dairy Development Authority is a statutory body under the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) established under the Dairy Industry Act 1998 with a mandate to develop and regulate the dairy industry in a sustainable manner. • The Regulatory Services Department of the DDA is responsible for registering and licensing milk processors and traders; advising Government on milk standards in liaison with the Uganda National Bureau of Standards (UNBS); and, controlling and regulating dairy and dairy related import and export activities in conformity with the External Trade Act but without violating the Animal Disease Act. It inspects raw-milk traders, transporters, processors, importers and exporters of milk and milk products, input suppliers and equipment, issues certificates to ensure compliance, sets and monitors quality standards. 	<ul style="list-style-type: none"> • Although there are EAC harmonized SPS standards for milk and milk products, however their implementation has not been fully cascaded to the border operations. • Because of absence of mutual recognition agreements between Uganda and other EAC Partner states and other trading partners, inspections, tests and other forms of verifications are usually duplicated leading to delays and increase in regulatory costs. • The Legal framework currently does not provide clear timelines and period for processing of applications for import/export permits and certifications including quality marks by UNBS. • There is no clear redress mechanism for addressing complaints in the legal frameworks.

Commodity	Applicable Laws and Standards	SPS Legal and Regulatory Constraints/Gaps
Milk and Dairy Products	<p>1. Trade in milk and dairy products is governed by:</p> <ul style="list-style-type: none"> • Dairy Industry Act. • The Animal diseases Act chapter 38, • The Dairy (Marketing and Processing of milk and milk products) Regulations, 2003, S.I. No. 23 of 2003 as further amended in 2006 regulations. • Uganda National Bureau of Standards Act (Sections 4, 13, 14, 20, 21). • Uganda National Bureau of Standards distinctive mark regulations 2018 (Article Schedule 4 Sections 5, 6 Chapter Schedule 4) • UNBS Certification regulations 1995 Section 4 • UNBS use of distinctive Mark regulations 2018 Article Rule 3 Chapter Rule 3 <p>2. Trade in Milk and Dairy products in Uganda (import and export) requires a trader to be registered by the Dairy Development Authority (DDA), to obtain an authenticated Certificate of Analysis after sample testing by Uganda National Bureau of standards and a quality mark confirming conformity with applicable Uganda Standards. Only when one is in compliance with the above can a trader obtain an export of import permit .</p> <p>3. Dairy standards that have been published include:</p> <ul style="list-style-type: none"> • US 163: 2000. Code of Hygiene Practices for Milk & Milk products. • Inspection Manual for Milk & Milk products Handling premises/equipment. • Code of practices for the Batch Milk Boiling centers. • Raw cow milk: US EAS 67:2006. • Butter: US EAS 22:2006. • Cheese: US CODEX Standard A 6:20. • Evaporated Milk: US CODEX STANDARD A 3:1999. • Fermented Milk: US CODEX STANDARD 243:2003 • Flavored yoghurt & Products heat treated after fermentation US 22 CS 11:1993 • Infant Formula: US CODEX STANDARD 72:1981 • Infant formula US 4 CS 72: 1993 • Sweetened condensed milk US EAS 87:2006 • Whole milk powder, partly skimmed milk powder US 8 CS 5:1993 	

Note on Uganda Ban on Livestock from Kenya

Uganda banned importation of beef from Kenya on fears that imported cattle feeds could be contaminated with the mad cow disease. Uganda claimed that it was not sure that Kenyan beef met the required standards to be exported to Kampala. Kenya disputed the claims saying that its biggest trade partner is engaging in unfair protectionist practices, including the use of non-tariff barriers.

The EAC Sectoral Council on Trade, Industry, Finance and Investment raised the concern early in 2018 that the Ugandan ban on beef from Kenya negated the free trade principles of the EAC treaty. It appointed a task force from the two countries to help resolve the dispute. The task force held a bilateral meeting that resolved to inspect all the animal feeds coming into the country through the Port of Mombasa.

The experts who were drawn from the ministries of Livestock of the two countries, after inspection, concluded that the feeds were safe and Kenya could resume its beef exports to Uganda,” The EAC sectoral council has however indicated that the dispute may require political goodwill to be resolved. Past attempts to solve the problem through bilateral talks have failed.

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