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**COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

**Capacity Building of the National Monitoring Committee and Focal Points on
Non-Tariff Barriers**

Virtual meeting
3 – 4 August 2021

**REPORT OF THE
CAPACITY BUILDING OF THE NATIONAL MONITORING
COMMITTEE AND FOCAL POINTS ON NON-TARRIFF BARRIERS**

Theme: “COMESA Towards Digital Economic Integration”

2021/AT-rlk

INTRODUCTION

1. The COMESA Capacity Building Workshop for National Non-Tariff Barriers (NTBs) institutions namely National Focal Points (NFPs) and National Monitoring Committees (NMCs) was held from 3-4 August 2021 virtually.

Attendance

2. The workshop was attended by the following Member States: Burundi, Comoros, Democratic Republic of the Congo, Egypt, Eswatini, Kenya, Libya, Malawi, Mauritius, Madagascar, Rwanda, Seychelles, Sudan, Tunisia, Uganda, Zambia and Zimbabwe. The list of participants is attached as **Annex 1**.

Welcome and Opening Remarks (*Agenda item 1*)

3. The workshop was officially opened by Ambassador K. Cheluget, Assistant Secretary General (Programmes) at the COMESA Secretariat who, in his opening remarks welcomed the participants and highlighted that the objective of the Workshop was to build the capacity of national NTBs institutions, the National Focal Points and National Monitoring Committees on the implementation of COMESA Regulations on NTBs. He pointed out that this is important to ensure that NFPs and NMCs are well equipped with information and knowledge necessary to assist Member States manage and resolve NTBs whenever reported. Dr Cheluget reiterated that at the 41st Meeting held on 26 November 2020, Council had also adopted revised Regulations on Elimination of NTBs, the Working Procedures on implementation of the regulations and approved the establishment of a new structure, the COMESA Regional Forum on NTBs and that this training will provide their required capacity to understand the revised Regulations.

4. In addition, he noted that whilst the COMESA region, through a decision by the Council of Ministers, was the first to initiate and adopt COVID-19 Pandemic guidelines to ease restrictions on movement of people, goods and services across the borders and which have since been integrated into the Tripartite arrangement to include EAC and SADC (facilitating trade incorporating aspects of monitoring transit trucks and cargo and testing of truck drivers to effectively contain the spread of the CORONA virus), it was observed that new restrictive measures and existing ones that translate into NTBs continue to be impediments to regional trade not only increasing the cost of doing business but also negating the goal of increasing the standard of living of people across COMESA region. Thus, as government officials, regional bodies, private sector operators, business associations and experts in different areas of Trade and Trade Related issues, this was a challenge and a call to different stakeholders to come together, create close linkages and collaboration, networking and find solutions through the workshop.

5. Further, Ambassador K. Cheluget noted that as one of the key deliverables of the established NMCs and Focal Points in Member States is to advise the Member States on the policies and laws that contain measures that may lead to NTBs and find a balanced solutions, it is expected that participants will brainstorm and exchange experiences on development of national Strategies and implementation plans for elimination of NTBs, as having a National Strategy and implementation plan will speed up implementation of the NTBs regulations and provide clear policy interventions for Member States.

6. Ambassador K. Cheluget, also informed Member States that the Secretariat was ready to provide demand driven financial support for institutionalization of National Monitoring Committees, development of National Strategies and work programmes for elimination of NTBs and the building of capacity for NMCs and NFPs to resolve NTBs. He further urged Member States to take advantage of this support through formal requests to the Secretariat. In his conclusion, he called upon all participants not only to ensure they understand the legal and policy framework to manage NTBs but more importantly make clear recommendations that should be considered by COMESA policy organs and translate into transformation policy actions by Member States.

Presentation and Adoption of the Agenda and Organisation of Work (*Agenda Item 3*)

7. The Secretariat introduced the agenda items and outlined the objectives of the workshop which were to provide participants with a clear understanding of the following:

- a) COMESA NTBs regulations and its Working Procedures, NTBs reporting, monitoring and resolution mechanism/ tools.
- b) NTBs institutional arrangements in COMESA Member States for the implementation of NTB regulations.
- c) Identification of needs and resources required for establishment and strengthening of NTBs structures in COMESA Member States in a sustainable way.
- d) Importance of utilization of COMESA NTBs Elimination matrix in reporting and resolving NTBs.
- e) Progress report on implementation of the agreed regional work plan and potential technical and financial support that can be availed to member States to develop national Strategies and implementation plans for elimination of NTBs.
- f) Practical experience on the Online and SMS NTBs reporting tools and
- g) Resolution of pending and long outstanding NTBs.
- h) The need for COMESA Member States to have a National Strategy to eliminate NTBs and its implementation plan

8. Member States reached an understanding that as it is a capacity building workshop for capacity development and strengthening and sharing of information, the agenda items on consideration of COMESA Time Bound matrix and the NMC work programme would be presented for information only. However, Member States were free to provide updates on the issues for records.

9. The meeting therefore adopted the following Agenda:

1. Welcome and Opening Remarks (*Agenda item 1*)
2. Presentation and Adoption of the Agenda/ Organization of Work (*Agenda item 2*)
3. Presentation of the COMESA NTBs Regulations/Working Procedures (*Agenda item 3*)
4. Presentation on the regional Work plan for the implementation of COMESA regulations as approved by the 1st meeting of COMESA Regional Forum (Secretariat and Member States to provide updates on what is being done at national level) (*Agenda item 4*)

5. Presentation on the established and formal notification of National Monitoring Committees and National Focal Points (*Agenda item 5*)
6. Presentation on development of National Strategies to elimination NTBs and receive update/progress from Member States (*Agenda item 6*)
7. Presentation on the online and SMS tool NTBs Reporting Mechanisms and their synergies with AfCFTA online reporting, monitoring, and eliminating mechanism (*Agenda item 7*)
8. Practical exercise for Online and SMS Processing of Reported NTBs. Update and registration of Focal Points names and passwords, clean and update data in the system. (*Agenda item 8*)
9. Presentation on COMESA Time Bound Matrix (*Agenda item 9*)
10. Needs assessment and action plan for capacity building of NMCs and NFPs to manage and eliminate NTBs, feedback and evaluation of the training by participants (*Agenda item 10*)
11. Recommendations and Way forward (*Agenda item 11*)
12. Any Other Business (*Agenda item 12*)
13. Closure of the Workshop (*Agenda item 13*)

Presentations on COMESA NTBs Regulations and Working Procedures (*Agenda Item 4*)

10. The Secretariat made a presentation on the Regulations and corresponding guidelines in the Working Procedures that requires implementation by Member States highlighting the following guidelines:

- a) Trade activities and situations with potential to cause new NTBs which Member States should guard against to avoid creating new NBTs;
- b) Establishment, composition and specific functions of the COMESA Non- Tariff Barriers institutions namely, National Monitoring Committees, National Focal Points as stipulated in the working procedures;
- c) Procedure for the notification of Focal Points and NMCs to the Secretariat; and
- d) the establishment of the NTB Monitoring Unit at the Secretariat and its functions.

11. On Institutional Arrangements, the presentation highlighted the structure and composition of NMCs representing public, private sector and trade and industry associations their role in the monitoring, reporting, resolution of NTBs at national level and the regional forum.

12. The Guideline on Focal Points provides guidance on the intuitions to be appointed as National Focal Point which in the case for COMESA are the Ministries responsible for trade and appointed private sector institution that represent private sector.

13. The Regulations provides a harmonised NTBs online reporting, monitoring and elimination Mechanism for COMESA, EAC and SADC Member/Partner States. Thirteen COMESA Member States are currently utilizing the Online System.

14. In addition, some Member States such as Malawi, Zambia and Zimbabwe are piloting the SMS tool while Comoros implemented the SMS Tool in 2017.

15. Eight COMESA Member States were part of the AfDB funded pilot programme for the development of NTMs databases which is now extended to include 8 additional countries of which four are COMESA members. Additional funding had been sought from the EDF-11 funded Trade Facilitation programme to complete the databases for the remaining COMESA Member States so that regional databases are published by the end of 2022. The databases will be published for transparency and to support initiatives to improve the COMESA trading environment through identification of trade restrictive measures.

DISCUSSION:

16. During the discussions the following issues were addressed:

- a) it was explained that the Regulations makes provision on how to deal with an instance where a member State persistently maintains an NTB: Stage 1 (consultation), Stage 2 (Facilitation), and Stage 3 (decision by Policy Organs).
- b) It was clarified that all member States except Tunisia, Libya, Eritrea and Somalia had notified their focal points. In this regard Member States were requested to update their information in the home page of the website www.tradebarriers.org.
- c) Regarding a proposal that the databases should be designed with blockchain for tracking purposes for recurrent NTBs (RoO, Product Classification, Standards) it was clarified that in the current system once the Data Collector updates the system is automatically updated in the public platform of the TFTA online system. Data collection and updates will be done by trained NTMs data collectors from the national trade portals.
- d) A clarification on how Member States could be part of the NTMs Database process establishment was provided and indicated that Member State will be assisted with regards to the establishment of its NTMs database and that regarding its participation in the piloting phase for the SMS tool the member State should formally send a letter to the Secretariat requesting to be part of the Pilot phase.
- e) The Secretariat clarified that the existing databases for the pilot countries are being updated because they are based on the previous UNCTAD classification of Non- tariff Measures which has since been revised by UNCTAD raising a need to revise and update them to bring them to the new (2019) UNCTAD classification.
- f) Comoros indicated that its SMS system is no longer operational because new focal points were appointed. Comoros was advised to send the new focal points/contacts to Secretariat so that the system could be reconfigured.
- g) Since Comoros' NTMs database was updated for the AfCFTA that information will be used to update its COMESA Database.
- h) It was also clarified that the National Focal Points (NFPs) are designated from the COMESA ministries affairs while members of National Monitoring Committees (NMCs)

are designated from different public and private sector stakeholders who have a key role to play in facilitating trade at national and cross border trade.

- i) It was also clarified that there was no limitation on the numbers on the composition of NMC and that the NMCs comprises of the various government institutions and private sector institutions dealing with exports and imports in the country concerned.
- j) The Secretariat explained that the NTMs Administrators are trained on how to classify, upload, maintain or update measures in the online system.
- k) It was clarified that currently the national SMS and Online systems are built on different softwares and that the new SMS tool should be linked to the online system facilitating reporting for both trade obstacles within the country and cross border NTBs. SMS tool Focal Points will be trained on how to use the new tool.
- l) It was noted that NTBs take long to resolve because NTB Institutions are not active on the ground hence the efforts to operationalise the NMC.

Presentation on the regional Work Plan for the implementation of COMESA regulations as approved by the 1st meeting of COMESA Regional Forum (*Agenda Item 5*)

17. The Secretariat made a presentation on the regional plan of action highlighting the following:

- a) on institutional arrangements, that 8 formal notifications of NMCs and Focal Points have been made and that this information will be circulated to all member States.
- b) emphasized that member States are required to submit all contacts for the NMCs and focal points: nominating institutions, names, telephone numbers/email addresses contacts address of members.
- c) the NTB Unit at the Secretariat has been established.
- d) capacity building/awareness is a continuous activity both at national and regional level on a need basis.
- e) development of National strategy to eliminate NTBs and implementation plan to guide key policy interventions towards a free market access,
- f) domestication of regional policy and legal framework to align them to national policies and strategies.
- g) activities of the NTB Regional Forum to oversee the implementation of the Regulations and plan of action.

DISCUSSION

18. During the discussions it was proposed that as a way forward on the institutional arrangements, for purpose of transparency the 8 notified NMCs/Focal Points should be circulated to all Member States to encourage others to notify and allow communication between NMCs.

19. It was also recommended that COMESA should operationalise use of Social Media Platforms.

20. Rwanda and Zambia shared their experience regarding their National Strategies and work plans, operationalization of their NMC, participation in regional NTB Forums like in EAC and AfCFTA, NTBs Monitoring systems and participation in the pilot UNCTAD databases.

Presentation on the established and formal notification of National Monitoring Committees and National Focal points (*Agenda Item 6*)

21. The Secretariat made a presentation reminding the participants that all member States are supposed to constitute and notify their focal points to the Secretariat. The presentation also included a template which was sent together with the invitations which aims to standardise the submissions highlighting those 8 notifications were submitted so far from Burundi, Egypt, Eswatini (partial), Madagascar, Malawi, Mauritius, Rwanda, Zambia, and Zimbabwe.

DISCUSSION

22. On institutional arrangements, it was noted that Burundi, Egypt, Eswatini (partial), Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Zambia, and Zimbabwe had made formal notifications of NMCs and Focal Points. It was agreed that this information will be circulated to all member States to encourage others to notify and allow communication between NMCs. It was further agreed that Member States should submit all contacts for the NMCs and focal points: nominating institutions, names, telephone numbers/email addresses contacts address of members using the standard template provided by the Secretariat. Egypt, Zambia, Burundi, and Uganda undertook to submit updated information. Egypt, Zambia, Burundi, and Uganda undertook to submit any missing information after the meeting while Seychelles submitted their notification the same day of the workshop.

Presentation on development of National Strategies to elimination NTBs and receive update/progress from Member States (*Agenda Item 7*)

23. The Secretariat made a presentation emphasizing the need for and importance of the development of national strategies which guides the Member States on what they aim to achieve in terms of eliminating NTBs and the approach for engaging other regional trading partners. The Secretariat also highlighted on its role in facilitating and coordinating the support in the elimination of NTBS through the provision of technical and financial support.

DISCUSSION

24. During the discussion Rwanda indicated that its current strategy is for 2020-25, and Zambia indicated that its Strategy developed with technical and financial assistance from the Secretariat is for 2021-23.

25. The Secretariat indicated that it had funding available from 11th EDF to support member States for prioritized capacity building and awareness activities, development of National Strategies to eliminate NTBs and establishment of SMS tools. For the Member States to be assisted, they are required to submit formal request, through a letter to the Secretariat. Details on the 11th EDF support can be found at: <https://eustradesupport.comesa.int/>.

Presentation on the Online and SMS Reporting, Monitoring, Resolution, and elimination Mechanisms (COMESA /Tripartite); Institutional arrangements, and their synergies with AfCFTA (*Agenda Item 8*)

26. The Secretariat made a presentation on the Tripartite Online and SMS Mechanisms highlighting the synergies with the AfCFTA mechanism. The presentation elaborated on technical aspects and key features of the systems, institutional arrangements, management of the systems and demonstrated the role of Focal Points and NMCs in the reporting and resolution of NTBs through the mechanism. Following the presentation, COMOROS reported that they had appointed new Focal Points and that that its SMS tool needs to be re-activated.

Comoros was advised to submit the details of the new Focal Points and organise a virtual meeting for the re- installation of the system and training of the Focal Points.

DISCUSSION

27. Discussions focused on the following:

- a) Composition, appointment, and functions of the Focal Points and NMCs as it relates to management of the mechanisms at COMESA, Tripartite and AfCFTA levels.
- b) COMESA institutional arrangements, status, and way forward regarding updating the national registers for appointed 5 Focal Points for each Member State including contact details.
- c) Reporting relationship between the Tripartite online and the AfCFTA. The COMESA Members continue to use the Online system to report Intra COMESA NTBs and use the AfCFTA mechanism to report NTBs experienced with countries in regions outside the Tripartite.
- d) High turnover of Focal Points in Member States. There is need to undertake regular capacity building activities aimed at improving efficiency in the management of the online system. Consideration could be given to investigate national systems that can assist the Focal Points NTBs monitoring activities. Zambia informed the workshop that, it has developed a prototype system that could be considered ad a NTBs monitoring tool for Focal points.

Practical exercise for Online and SMS Processing of Reported NTBs. Update and registration of Focal Points names and passwords, clean and update data in the system (Agenda Item 9)

28. The Secretariat made a presentation practically demonstrating to the participants on how to utilise the TFTA and AfCFTA Online Systems highlighting that the systems were available in English, French and Portuguese, in addition to having a google translator provision. The practical demonstration focusing on:

- a) creating an account, registering, and logging in to the system.
- b) processing NTBs in the system.
- c) accessing progress reports on status of reported complaints.

29. Further, the Secretariat illustrated how the REC units manage the resolution of NTBs as focal points, the analysis undertaken and interaction amongst each other using the Platform.

DISCUSSION

30. During the discussion there following issues were raised and discussed:

- a) Member States were encouraged to utilise the online system for resolving NTBs in particular the AfCFTA system for complaints on NTBs against non-Tripartite countries noting that utilizing the Online system allows harmonized coordination of the same and also for record keeping;
- b) it was observed that there is a need for COMESA to support the development of national strategies, and operationalisation of NMCs for resource mobilization to support programmes for sensitization activities;
- c) it was clarified that there are no set timeframes for resolution of complaints.

31. The workshop was informed that SMS pilot is currently being implemented in Comoros, Malawi, Zambia, and Zimbabwe. Some Member States such as Rwanda, Uganda, Kenya are already implementing national SMS reporting tools. The tool has also been adopted by the AfCFTA where a number of COMESA Member States have registered to participate in the continental pilot programme for the tool. Observations were that there is need to harmonise existing national SMS tools to allow reporting of intra COMESA NTBs. Member States were encouraged to consider implementation of the SMS reporting tool. Comoros indicated that its SMS system is no longer operational because new focal points were appointed. Comoros was advised to send the new focal points/contacts to Secretariat so that the system could be reconfigured. Rwanda indicated that they already have an SMS tool for resolving NTBs.

Presentation of COMESA Time Bound Matrix, Recommendations, and resolutions of pending and long outstanding NTBs (*Agenda Item 10*)

32. The Secretariat provided an update on the COMESA NTBs Time Bound Elimination Matrix highlighting the following:

- a) long standing NTBs.
- b) the timeframes and the different stages for resolving NTBs as per COMESA Regulations on Elimination on NTBs.
- c) the role of the Secretariat NTB Unit in the implementation of the NTB Regulations.

DISCUSSION

33. In the discussion the workshop made observations of the longstanding NTBs and that the Member States could consider exploring alternative enforcement tools that expedite processing of outstanding NTBs thereby reducing the delays.

Needs assessment and action plan for capacity building of NMCs and NFPs to manage and eliminate NTBs, feedback and evaluation of the training by participants (*Agenda Item 11*)

34. In discussing this agenda item, some Member States provided indicative broad lists of priority activities for support by the Secretariat and indicated a need for them to consult internally and submit comprehensive costed activities for consideration. It was therefore agreed that the Secretariat should circulate a template to guide Member States to formally submit elaborate needs requests based on priority activities and indicative costs. The Secretariat will consider the submitted needs, including the indicative list presented to the workshop (*Annex 2*)

Any Other Business (*Agenda Item 12*)

35. There was no other business discussed.

Recommendations and Way forward (*Agenda Item 13*)

The workshop made the following recommendation and way forward:

- i. Secretariat to conduct regular capacity building workshops for Focal Points and NMCs to enhance implementation of the Regulations by Member States.
- ii. Member State not covered under the TCBP NTMs database development programme namely Djibouti, Eritrea, Ethiopia, Libya, Somalia, Sudan and Tunisia will be assisted with regards to the establishment of their NTMs database.

- iii. The National Focal Points and NMCs to continuously acquaint themselves with the COMESA regulations on elimination of NTBs and Working Procedures.
- iv. NMCs to develop their work programmes and national NTBs elimination plans that include regular meetings.
- v. NMC and NFPs to put in place communication channels among themselves and their counterpart NMCs in other Member States for example social media, what's app groups to facilitate expedited reporting and resolution of NTBs. The Secretariat to facilitate creation of a WhatsApp group of the established members of NMCs and NFPs for effective communication in reporting, monitoring and resolution of NTBs.
- vi. All the Member States that have not notified their NFPs and NMCs to Secretariat as provided for in the Regulations to do so as soon as possible.
- vii. The Secretariat to circulate to all Member States the notified Members of NMCs to allow easy and effective communication between NMCs.
- viii. The Secretariat will provide technical support and funding for the following capacity building activities in all Member States.
 - ix. Sensitization and awareness activities on reporting and identification of NTB's to create visibility on the Online and SMS reporting tools.
 - x. development of National Strategy on elimination of NTBs.
 - xi. Activities for the resolution of long standing NTB's including technical studies, verification missions and bilateral engagement of Member States; and
 - xii. Implementation of the SMS reporting tool for NTB's.
- xiii. Secretariat to facilitate re-installation of COMOROS SMS tool and training for the Focal Points and NMC
- xiv. Member States to submit formal requests, for technical and funding for the above activities to the Secretariat.
- xv. Secretariat to circulate a template to guide Member States to formally submit elaborate needs requests based on priority activities and indicative costs.

Closure of the workshop

36. In closing the workshop, the Secretariat thanked all the participants for their attendance and active participation. The attendance and active participation give a sense of confidence to the commitment of Member States on the implementation of NTB Regulations to increase trade within COMESA. The Secretariat also stated that the workshop achieved the expected results, and its recommendations on capacity building activities will be implemented in accordance to availability of resources.