



# EAST AFRICAN COMMUNITY GAZETTE

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● Instrument of approval of the Summit for the review of the duty rates under the Harmonised Commodity Description and Coding System (Annex I to the Protocol on the establishment of the East African Community Customs Union)	No. 17	1
(Under Articles 12(3) and 42(2) of the Protocol on the Establishment of the East African Community Customs Union)		

### LEGAL NOTICE No. 17

WHEREAS following the East African Court of Justice's grant of an injunction against the swearing in of some new members of the East African Legislative Assembly the East African Community Customs Management (Amendment Bill), 2006 (whose purpose is to enable the continuation of granting preferential tariff treatment to goods originating from COMESA and SADC Member States) cannot be considered by the Legislative Assembly before 31st December 2006;

WHEREAS in view of the urgency to having in place a provision to enable EAC Partner States continue applying tariff preferences under the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC), the Council has decided to invoke Articles 12(3) of the Protocol on the Establishment of the East African Community Customs Union (read together with Articles 14(1), 14(3), 14(3)(d), 14(5) and 16 of the Treaty for the Establishment of the East African Community and Article 42(2) of the Protocol on the Establishment of the East African Community Customs Union);

AND WHEREAS the Council of Ministers has decided to:

- (a) stay the application of the East African Community Common External Tariff on goods originating from COMESA and SADC Member States after 31st December, 2006;


- (b) allow the Partner States to continue to apply preferential tariff treatment to goods originating from COMESA Member States in respect of Kenya and Uganda, and goods originating from SADC Member States in respect of Tanzania until such a time when the East African Community Customs Management Act, 2004 is amended;

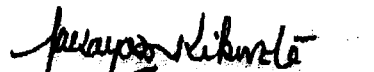
WE, the undersigned, constituting the Summit of Heads of State and pursuant to Article 42(2) of the Protocol on the Establishment of the East African Community Customs Union do hereby approve a decision of the Council of Ministers to:


- (a) stay the application of East African Community Common External Tariff on goods originating from COMESA and SADC Member States after 31st December, 2006;
- (b) allow the Partner States to continue to apply Preferential Tariff treatment to goods originating from COMESA Member States in respect of Kenya and Uganda; and goods originating from SADC Member States in respect of Tanzania until such a time when the East African Community Customs Management Act is amended.

DONE at ARUSHA, Tanzania, this 30th day of November the Year Two Thousand and Six in four originals, all in the English language, all of them being equally authentic.

IN WITNESS WHEREOF we have hereto appended our signatures

  
H.E. MWAI KIBAKI  
President  
Republic of Kenya

  
H. E. JAKAYA MRISHO KIKWETE  
President  
The United Republic of Tanzania

  
H.E. YOWERI KAGUTA MUSEVENI  
President  
Republic of Uganda