



# EAST AFRICAN BUSINESS COUNCIL

*The Voice of the Private Sector in East Africa*

## PRINCIPLES AND PROCEDURES FOR THE DEVELOPMENT OF EAST AFRICAN STANDARDS

*Simplified Guide for Private Sector*



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## **INTRODUCTION**

These easy to read materials have been designed by the East African Business Council (EABC).

They are to be used as tools to guide the Private Sector within the EAC in the development of the East African Standards (EAS).

## 1.0 THE PRINCIPLES AND PROCEDURES:

These procedures are intended to be used as a reference tool and guide for the development of East African Standards.

### 1.1 Principles for Standards Development

The development of East African Standards shall be in accordance with the following principles as defined in Annex 3 of the World Trade Organisation / Technical Barriers to Trade (WTO/TBT) Agreement

#### 1.1.1 Openness

Participation in EAC Standards Development process is open on a non-discriminatory basis to all interested parties in the Partner States for example through:

- a) Representation at Technical Committees, subcommittees or working groups;
- b) Public enquiry process on Draft East African Standards (DEAS).

#### 1.1.2 Transparency

Implies that sufficient and regularly updated information is easily accessible in due time to allow all parties, to participate in the standardization process.

This may be achieved, inter alia, through:

- a) Announcement of approved new work items on the websites of the East African Community Secretariat (EAC Secretariat) and respective National Standards Bureaus (NSBs);
- b) Announcement of drafts for Public comment on the websites of the EAC Secretariat, NSB Websites and a notification to WTO Secretariat;
- c) Publication of Standards work programme bulletin on websites and notification of the same to WTO Secretariat;
- d) Official Notification of adopted/amended/withdrawn standards;
- e) Prompt Publication of adopted/amended/confirmed standards;

- f) Searchable and downloadable Catalogue of East African Standards (EAS) on the respective websites.

### **1.1.3 Impartiality**

The EAC standards development process shall not favour the interests of any particular party and shall grant equal rights and opportunities in the development and dissemination phases to all interested parties.

### **1.1.4 Consensus**

The decisions throughout the development process of EAC standards shall be reached through consensus among all interested parties.

### **1.1.5 Effectiveness and relevance**

In order to serve the (national, regional or international) interests of facilitating trade and preventing unnecessary trade barriers, East African standards need to be relevant and to effectively respond to regulatory and market needs, as well as scientific and technological developments.

### **1.1.6 Coherence**

To avoid duplication and conflict, cooperation and coordination with the work of Partner States, other regional and sub-regional standardizing bodies such as African Organisation for Standardisation (ARSO), Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC) and international standardizing bodies such as International Organization for Standardization (ISO), Food Code (CODEX), International Plant Protection Convention (IPPC), World Organisation for Animal Health (OIE), The International Telecommunication Union (ITU), International Electrotechnical Commission (IEC), etc, shall be undertaken.

### **1.1.7 Development Dimension**

Having mechanisms for facilitation of the participation of Micro, Small and Medium Enterprises (MSMEs) and Partner States agencies in order to ensure a real multi-stakeholder-process in the development of standards.

The East African Standards are developed through technical Committees

and approved by the Council Of Ministers. The Technical Committees are established by the Standards Management Committee (SMC) in accordance with the ISO/IEC Directives Part 1. The role of the Technical Committees is to develop and maintain East African Standards and other deliverables mainly Technical Specifications, Technical Reports and Public Available Specification.

The responsibilities of the Technical Committee include:

- a) Establishes and secures SMC approval for its programme of work with precise title, scope and scheduled target dates for the critical stages of each project based on agreed work plans;
- b) Follows up and ensures the achievement/delivery of the work programme as detailed in the work plan;
- c) Ensures the principles of standardization work outlined in Clause 4 are adhered to throughout the process;
- d) To ensure that the documents are adequately edited as outlined in the ISO/IEC Directive

## **Part 2;**

- e) Remains formally responsible should questions of amendment and interpretation arise pending the next periodic review of those standards it has produced;
- f) Develop and provide Working Drafts (WD), Committee Drafts (CD), Public Review Drafts (DEAS), and Final Draft Standards (FDEAS);
- g) Reviews all EAS within its responsibility at least every 5 years and other deliverables in accordance with the timeframes set out in these procedures.

## 2.0 STAGES IN THE DEVELOPMENT OF THE EAST AFRICAN STANDARDS

### Time Periods Allowed for Commenting / Voting

| Project Stage  | Associated Document         | Abbreviation | Timeframes     |
|--|-----------------------------|--------------|----------------|
| 1: Preliminary Stage   | Preliminary work item       | PWI          | Not applicable |
| 2: Proposal Stage  | New Work Item Proposal      | NWIP         | 3 or 5 months  |
| 3: Preparatory Stage   | Working Draft               | WD           | 2 months       |
| 4: Committee Stage   | Committee Draft(s)          | CD           | 6 months       |
| 5: Enquiry Stage   | Draft East African Standard | DEAS         | 2 months       |
| 6: Ballot Stage  | Final Draft East African    | FDEAS        | 1 Month        |
| 7: Approval and Declaration Stage  | East African Standard       | EAS          | Not applicable |
| 8: Publication Stage   | East African Standard       | EAS          | Not applicable |
| <b>NOTE:</b> These abbreviations are to be prefaced by the designation “EAC” on the headings of documents, to distinguish them from the corresponding national or ISO/IEC working documents. |                             |              |                |

### 2.1 Preliminary Stage (Stage 1)

The preliminary stage is the stage at which the NSB receives an idea or a preliminary work item (PWI) for a new harmonized standard. At this stage the NSB receives ideas, suggestions or directives expressing the need to have harmonised standard in place. The NSB shall evaluate the PWI for its relevance, necessity and possibility of achieving the harmonised standard or other deliverable and make a decision on whether to progress this PWI into the harmonisation process. The preliminary stage ends when the PWI has been accepted by the NSB to advance to the proposal stage.

## 2.2 Proposal Stage (Stage 2)

At this stage the NSB prepares a NWIP indicating the suggested title(s), scope(s) and the justification for the item to be included in the EAC standards harmonization programme.

The proposal stage ends when a NWIP has been accepted by at least 2 NSBs to advance it into the standards programme.

## 2.3 Preparatory Stage (Stage 3)

This is the stage at which the Technical Committee / Standards Committee (TC/SC) Secretary develops a working draft (WD).

The WD will only be developed by the TC Secretariat taking into consideration the available international, regional or national standard which may be adopted or adapted as a CD.

The preparatory stage ends when WD has been accepted to advance to first CD.  
**NOTE:** At all stages, the draft documents shall, as much as possible, comply with the approved EAS template.

## 2.4 Committee Stage (Stage 4)

The committee stage is the stage at which the TC/SC members receive a CD and the TC members provides comments on the draft. Consensus is built on received comments for progression of the CD to the enquiry stage.

The committee stage ends when all technical issues have been resolved and a CD is accepted to advance to the enquiry stage as a DEAS.

## 2.5 Enquiry Stage (Stage 5)

The enquiry stage is the stage at which the DEAS is made available for public comments for a period of 60 days and received comments reviewed by the TC Secretariat in order to deal with unresolved harmonization issues and to advance the document for acceptance by the Partner States at the balloting stage.



In cases where an existing International or Regional Standard (e.g. ISO, IEC or ARSO, etc) is proposed for harmonization as an EAS, the process may commence from Stage 5, i.e. the standard proposed for adoption (NWIP) may be circulated to the NSBs directly as a DEAS.

The Enquiry stage ends when all received comments have been resolved and a DEAS is accepted to advance to the balloting stage as an FDEAS. At this stage the DEAS are also notified to WTO.

## **2.6 Ballot Stage (Stage 6)**

The ballot stage is the stage at which the Partner State's NSB formally accept FDEAS to advance the document for approval by SMC. The ballot stage ends when acceptance by all Partner States has been adopted by SMC and an FDEAS is accepted to advance to the approval stage East African Standard Committee (EASC).

## **2.7 Approval and Declaration Stage (Stage 7)**

This is the stage at which the EASC Approves FDEAS on the basis of the due process and recommends to the Council of Ministers for Declaration as East African Standards. This stage ends when the EAS is approved and Declared by Council of Ministers.

## **2.8 Publication Stage (Stage 8)**

At this stage the number, title and scope of the newly declared EAS is published in the EAC Gazette and posted on EAC Web-Portal and copies of the EAS are available to the public from the NSBs on demand.

## 3.0 PROCEDURES

### 3.1 Development of East African Standards

#### 3.1.1 Proposal stage (Stage 2)

**3.1.1.1** A new work item proposal (NWIP) is a proposal for a:

- a) new EAS;
- b) new part of an existing EAS;
- c) revision of an existing EAS or part;
- d) amendment to an existing EAS or part;
- e) Technical Specification (TS) or a Publicly Available Specification (PAS).

#### 3.1.1.2

Upon receipt of a proposal/ need for a new work item, the TC Secretariat shall circulate it using Form A to all Partner States NSBs and posting it in the EAC Web-Portal.

#### 3.1.1.3

The Partner States NSBs upon receipt of Form A and B will then circulate the same to its National Members giving them two months to seek national position and compile for submission to the TC Secretariat.

#### 3.1.1.4

The TC Secretariat upon receipt of the National positions on the proposals from the Partner States NSBs will within 14 days compile the positions using form C for consideration by the SMC for approval.

#### 3.1.1.5

The SMC will approve the titles, scopes for the NWIP before its acceptance into the programmes of work and priorities within work programmes.

The criteria for acceptance of the NWIP shall be based on the following considerations:

- a) Trade and market requirements within the EAC;
- b) Scientific and technological development;
- c) Common Regional Regulatory objectives (e.g. Security, safety, health and environment considerations);

- d) EAC Council of Ministers priorities;
- e) Common imports into the region with a view to reduce substandard imports and dumping into the region.

### **3.1.1.6**

Upon receipt of the approved work program containing the NWIP items, the Partner State NSB shall first have the work program approved as per its national procedures for purposes of aligning the regional work program with the National work program. The NWIP may be accompanied by WD.

### **3.1.1.7**

The TC Secretariat will then prepare WDs in the style and format in accordance with ISO/IEC Directive 2 and EAS template given in Annex C.

## **3.1.2 Preparatory Stage (Stage 3)**

### **3.1.2.1**

Upon approval of the NWIP by the SMC, the TC Secretary develops the WD. The WD may be received from proposing NSB or the TC may form a WG for the purpose of producing a WD. While developing the WD, considerations shall be given to available IS, Regional and National Standards.

### **3.1.2.2**

The preparatory stage ends when WD has been accepted to advance to either first CD or DEAS stage.

### **3.1.1.3**

In cases where an existing International or Regional Standard (e.g. ISO, IEC or ARSO.) is proposed for harmonization as an EAS, the process may commence with Stage 4, i.e. the TC Secretariat circulates the standard proposed for adoption to the NSBs directly as a DEAS.

## **3.1.3 Committee Stage (4)**

### **3.1.3.1**

After the WD has been accepted, it shall be elevated to a CD and assigned a first draft number CD by the TC Secretariat. The CD shall indicate the country of origin/unique identification number/year of drafting in the form CD/C/

XXX/YYYY, where C is the Partner State initial (B = Burundi; K = Kenya; R = Rwanda; T = Tanzania and U = Uganda), XXX is the serial number allocated by the Partner State and YYYY is the year of circulation.

### 3.1.3.2

As soon as it is available, a CD shall be circulated by the TC Secretariat to all NSBs for consideration together with Form D for comments.

### 3.1.3.3

The Partner States will comment on the draft and compile the National positions for submission to the TC Secretary within a period of 3 months.

After receiving the comments, the TC Secretary shall compile, collate and circulate comments to all Partner States for consensus building using Form E.

### 3.1.3.4

Consensus is built on received comments for progression of the CD to the enquiry stage. Consensus building may be by correspondence or by a Regional TC meeting. Where there is no consensus through correspondence, a regional meeting is convened to resolve the outstanding issues.

It is the responsibility of the Chairperson in collaboration with the TC Secretary to judge whether there is sufficient support bearing in mind the definitions for consensus and the procedures for holding meetings as elaborated in the Principles and Procedures for the development of East African Standards.

### 3.1.3.5

If the CD draft is considered at a meeting and consensus is not reached on that occasion, a further CD incorporating decisions taken at the meeting is produced and distributed within 1 month for consideration.

Considerations for other successive drafts will continue until consensus is reached or the decision to abandon or defer the work has been made by the TC for consideration by the SMC and considering the time limits allowed for each stage as in Annex B-Monitoring timelines in the development of EAS Standards.

### 3.1.3.6

The committee stage ends when all technical issues have been resolved and a CD is accepted to advance to the enquiry stage as a DEAS.

### 3.1.4 Enquiry Stage (Stage 5)

#### 3.1.4.1

Within 5 days of completion of the CD stage, the TC Secretariat shall acquire the DEAS number from the EAC Secretariat through the SMC Secretariat for advancing the document to the enquiry stage.

#### 3.1.4.2

At the enquiry stage, the enquiry draft (public review draft) (DEAS) together with Form D Comment Template shall be circulated by the TC Secretariat to all national bodies for public comment for a period of 60 days. At this stage the DEAS is also notified to WTO in accordance to the Procedures for notifications.

The TC Secretary reviews, compile, collate and circulate comments using form E to all Partner States in order to deal with unresolved harmonization issues and to advance the document for balloting by the Partner States.

Comments received after the closing date shall be submitted to the TC or SC Secretariat for consideration at the time of the next review of the East African Standard.

#### 3.1.4.4

On receipt of any comments, the chairman of the TC or SC, in cooperation with its Secretary and the project leader, shall take one of the following courses of action:

- a) when the approval criteria of **3.1.4.5** are met, to register the enquiry draft, as modified, as a final draft East African Standard, or
- b) in the case of an enquiry draft where the comments are only editorial in nature or no comments are received, to proceed to the final draft East African Standard, or
- c) when the approval criteria of **3.1.4.5** are not met to discuss the enquiry draft and comments at the next meeting, and
  - i) advance the enquiry draft to the next stage;
  - ii) to re-circulate a revised enquiry draft for another period of 60 days or
  - iii) issue another deliverable.

### 3.1.4.5

The acceptance criteria of the DEAS shall be when all comments have been resolved. Failure to submit comments within the prescribed timelines shall be deemed to be an acceptance of the DEAS.

The Enquiry stage ends when all received comments have been resolved and a DEAS is accepted to advance to the balloting stage as an FDEAS. At this stage the TC Secretariat ensures that the DEAS has been edited.

## 3.1.5 Ballot Stage (Stage 6)

### 3.1.5.1

At the ballot stage, the Final Draft East African Standard (FDEAS) shall be distributed by the TC Secretariat together with the Ballot Form F within one month to all Partner States for a one month vote.

### 3.1.5.2

The position submitted through the Partner State NSB shall be explicit: positive or negative.

If an FDEAS is acceptable to a Partner State, no comments shall be submitted. If a Partner State finds an FDEAS unacceptable, it shall state the technical reasons and no conditional acceptance shall be submitted.

### 3.1.5.3

The acceptance criteria of the FDEAS shall be a positive acceptance on the FDEAS by all NSB Partner States. Failure to submit position within the prescribed timelines shall be deemed to be an acceptance of the FDEAS.

### 3.1.5.4

The Secretariat of the TC has the responsibility of bringing any errors that may have been introduced in the preparation of the draft to the attention of SMC by the end of the Balloting period; further editorial or technical amendments are not acceptable at this stage.

### 3.1.5.5

Within two (2) weeks after the end of the Balloting period, the TC Secretariat shall circulate to SMC, EAC Secretariat and NSBs a report using the summary

of National position Form G showing the result of positions and indicating either the formal approval by Partner States to issue the EAS or formal rejection of the FDEAS.

### **3.1.5.6**

The ballot stage ends when acceptance by all Partner States has been adopted by SMC and an FDEAS is accepted to advance to the approval stage. The TC Secretariat submit the report of the TC work accomplished to the SMC before the SMC meeting in accordance to the procedures for meetings as given in 3.3.

### **3.1.5.7**

If the FDEAS is not approved in accordance with the conditions in 3.1.5.3, the document shall be referred back to the TC concerned for reconsideration in the light of the technical reasons submitted in support of the non acceptance.

The committee may decide to:

- a) produce a revised draft as a committee draft, enquiry draft or, FDEAS;
- b) recommend to the SMC to consider the publication of the FDEAS as a TS, PAS, TR or cancel the project.

## **3.1.6 Approval and Declaration Stage (Stage 7)**

### **3.1.6.1**

Each TC Chairman presents to the SMC a report of the TC indicating the FDEAS which are due for approval following a due process.

### **3.1.6.2**

The SMC considers all the reports presented by the various TC Chairpersons and verifies that the due process has been followed. The SMC will also verify that the final text of the FDEAS is available with EAC Secretariat.

### **3.1.6.3**

The SMC compiles a report indicating the list and titles of the FDEAS or other deliverables that are ready for approval. This report is then circulated to the NSBs and the EAC Secretariat.

### **3.1.6.4**

The Chairperson of the SMC presents the report to the EASC for consideration and approval of the FDEAS by EASC.

### 3.1.6.5

The EASC compiles a report indicating a list and titles of FDEAS that are due for approval and declaration as East African Standards and submit it to the EAC Secretariat.

### 3.1.6.6

The EAC Secretariat presents the report of the EASC to the Council of Ministers for Declaration of the FDEAS as EAS.

### 3.1.6.7

The Council of Ministers Declares the EAS on the basis of the EASC report.

Upon the Declaration, the EAC Secretariat shall keep the hard copies of the approved text as signed by the Chairperson of the EASC and circulate to all Partner States NSBs for adoption.

### 3.1.6.8

Adoption of the EAS shall be in accordance to the provisions of *article 15(1)* of the EAC(S) SQMT Act, 2006 provides that “Within six months of the declaration of an East African Standard, the Partner States shall adopt, without deviation from the approved text of the standard, the East African Standard as a national standard and withdraw any existing national standard with similar scope and purpose”.

### 3.1.6.9

If the Council for some reason does not declare any FDEAS to become EAS, the EAC Secretariat shall refer back the FDEAS to the EASC for further action as indicated in the Council decision.

## 3.1.7 Publication Stage (Stage 8)

### 3.1.7.1

Within 1 month after declaration of the EAS Standards, EAC Secretariat publishes the number, title and scope of the newly declared EAS in the EAC Gazette and posted on EAC Web- Portal. In order to ensure compliance with the EAC Standardisation, Quality Assurance, Metrology and Testing (SQMT) ACT



2006, the EAC Gazette Notice shall fix the following dates for any declared EAS:

- a) latest date by which the EAS has to be implemented at national level by publication of an identical national standard or by endorsement;
- b) latest date by which the national standards conflicting with the EAS have to be withdrawn.

### 3.1.7.2

At this stage the EAC Secretariat also updates and publishes the updated EAC Standards catalogue.

### 3.1.7.3

The NSBs will make these EAS available to the public and provide them on demand as provide for in the National procedures.

## 3.2 Procedure for adoption of International/Regional standards

### 3.2.1

The EASC may through the National Standards Body, adopt International or Regional Standards for use in the EAC.

### 3.2.2

Only standards identified to be suitable for use without any modification may be adopted and such International or Regional Standards shall enter the procedure at the enquiry stage (**Stage 4**) for consideration for the suitability for application without modification.

In the case of those International or Regional Standards identified to be suitable for use as normative references in the product Standards their adoption will be done during the discussion of the product Standard.

### 3.2.3

The acceptance criteria shall be when all Partner States accept to use the International Standards (IS) or Regional standard without modification. Failure to submit a position within the prescribed timelines shall be deemed to be an acceptance of the IS or Regional standard.

If the standard is found to be acceptable by all the Partner States, it is advanced to approval and declaration stages for endorsement for adoption.

#### **3.2.4**

If the IS or Regional standard is not approved in accordance with the conditions in 3.2.3, the document shall be referred back to the TC or SC concerned for reconsideration in the light of the technical reasons submitted in support of the non acceptance.

The TC /SC may decide to submit a fresh NWIP with the IS or Regional Standards being used as reference information at Stage 1 (*see 3.1.1*).

#### **3.2.5**

Upon acceptance of adoption proposal the TC Chairperson shall prepare and present to the SMC a report of the TC indicating the list and titles of the IS/Regional Standards which are suitable for use in the community.

#### **3.2.6**

The SMC considers all the reports presented by the various TC Chairpersons and verifies that the due process has been followed.

#### **3.2.7**

The SMC compiles a list and titles of IS/Regional Standards that are ready for endorsement. This list and titles is then circulated to the NSBs and the EAC Secretariat. The Chairperson of the SMC presents to the EASC, the list of IS/Regional Standards recommended for endorsement for adoption at National level.

#### **3.2.8**

The EAC Secretariat then circulates the list and titles of endorsed IS/Regional Standards to the Partners States NSBs for adoption.

#### **3.2.9**

The EAC secretariat shall upon endorsement publish in EAC Gazette notice the titles and standard numbers of the endorsed standards as published by the publisher. The notice shall be titled thus: 'List of Endorsed international/regional standards for adoption by EAC Partner States'.

### **3.2.10**

Upon publication Gazette notice of the endorsed standards, the EAC secretariat shall document the list in EAC standards catalogue.

### **3.2.11**

The Adoption ends when the list of the newly Endorsed IS/ Regional Standards is published in the EAC Gazette with information as in **3.1.7.2** and posted on EAC Web-Portal and copies of the adopted IS/ Regional Standards are available to the public from the NSBs on demand in accordance to their National procedures.

## **3.3 Review of East African Standards**

### **3.3.1**

EAC Standards are reviewed at regular intervals not exceeding 5 years or whenever need arises. The review of each EAC Standard may result into an amendment, reconfirmation, revision or withdrawal. The review shall be conducted by the responsible TC.

### **3.3.2**

In the case of endorsed IS/Regional Standards, the timing of the review shall be such as to follow closely after the international/regional review of the source standard (i.e. when the future of the source standard is known).

### **3.3.3**

The regular reviews of the EAS shall be initiated by the TC Secretary at the latest 4 years after its declaration. In addition, the EAC Secretariat shall list once a year all the EAS that have reached four years after declaration date, and informs the concerned TC of the need for a review of an EAS, using Form H 'Review of EAS'. The TC shall send the questionnaire form to all Partner State NSBs giving them a period of 1 month to respond.

### **3.3.4**

The TC, being responsible for the maintenance of the EAS, is required to review the EAS. The review of an EAS is to be concluded before the end of the five-year-deadline in order to avoid any confusion about the validity of the EAS.

### 3.3.5

Upon review of an EAS, the TC decides and takes a resolution by consensus, on one of the following options:

- the confirmation of the EAS for a further 5 years;
- the withdrawal of the EAS and release of standstill;
- the revision of the EAS; or
- the drafting of an amendment (only valid for EAS that are less than 4 years old).

### 3.3.6

When the decision, following a review, is to undertake a revision, a new project (NWIP) shall be initiated as defined in 3.1.1

**3.3.7** When the decision is to have an amendment, the process shall be undertaken as defined in 3.4

### 3.3.8

When the decision is to withdraw the EAS, the decision shall be confirmed by the SMC.

### 3.3.9

The need for review may also arise from any stake holders and such needs and the justification shall be channelled through the NSB to the TC Secretariat; or Where a need arises from the EASC, Council or the EAC Secretariat such needs and the justification shall be channelled through the SMC to the TC Secretariat and such reviews will be undertaken as a new project (NWIP) as defined in **3.1.1**.

## 3.4 Amendments

An amendment alters and/or adds to the previously agreed technical provision in an existing EastAfrican Standard.

An amendment to an EAC Standard shall be circulated by the TC Secretariat in exactly the same way as a new project (NWIP) as defined in **3.1.1**.

## 3.5 Appeals

### 3.5.1

Partner States NSBs have the right of appeal. A National Member of a TC or SC may appeal against any action, or inaction, on the part of the TC or SC, when the a Partners States NSB or National Member considers that such action or inaction is:

- a) not in accordance with the due process;
- b) not in the best interests of trade and commerce, or such public factors as safety, health or environment.

### 3.5.2

Matters under appeal may be either technical or administrative in nature.

Appeals on decisions concerning NWIP, CDs, DEAS and FDEAS are only eligible for consideration if;

- questions of principle are involved, or
- the contents of a draft may be detrimental to the reputation of EAC Partner States.

### 3.5.3

All appeals shall be fully documented to support the concerns.

### 3.5.4

Levels of appeal

Partner States NSBs have the right of appeal within 2 months of the decision in question

- a) to the parent TC on a decision of a SC;
- b) to the SMC on a decision of a TC;
- c) to the EASC on a decision of the SMC;
- d) to the Council on the decision of the EASC;
- e) Where the Council fails to resolve a matter referred to it, the matter shall be referred to the East African Court of Justice. The decision of the Court on any case of appeal is final.

### 3.5.5 Appeal against a SC decision

#### 3.5.5.1

The documented appeal shall be submitted by the Partner States NSB to the TC Secretariat, with a copy to the EAC Secretariat and the SMC.

#### 3.5.5.2.

Upon receipt, the TC Secretariat shall advise all Partner States through NSBs of the appeal and take immediate action, by correspondence or at a meeting, to consider and decide on the appeal in consultation with the SMC.

#### 3.5.5.3.

If the TC supports its SC, then the initiator of the appeal may either

- accept the TC decision, or
- appeal against it.

### 3.5.6. Appeal against a TC decision

#### 3.5.6.1 Appeals against a TC decision may be of two types:

- an appeal arising out of 3.5.5.3 above, or
- an appeal against an original decision of a TC.

#### 3.5.6.2

The documented appeal shall, in all cases, be submitted to the SMC, with a copy to the Chairperson and TC Secretariat.

#### 3.5.6.3

The SMC shall, following whatever consultations deemed appropriate, hear the appeal within one month after receipt of the appeal.

3.5.6.4. The SMC shall decide whether an appeal shall be further processed or not. If the decision is in favour of proceeding, the Chairperson of the SMC shall form a conciliation panel. The conciliation panel shall hear the appeal within *3 months* and attempt to resolve the difference of opinion as soon as practicable. The conciliation panel shall give a final report within 3 month. If the conciliation panel is unsuccessful in resolving the difference of opinion, this shall be reported to the Chairperson of the SMC, together with recommendations

on how the matter should be settled. The Chairperson of the SMC, on receipt of the report of the conciliation panel, shall inform the SMC, which will make its decision.

### 3.5.7 Appeal against an SMC decision

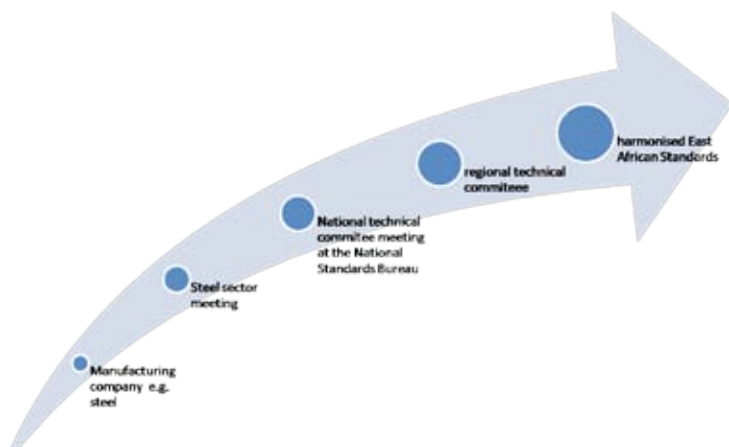
An appeal against a decision of the SMC shall be submitted to the EAC Secretariat with full documentation on all stages of the case.

The EAC Secretariat shall refer the appeal together with comments to the members of the EASC within one month after receipt of the appeal. The EASC shall make its decision within 3 months. If the appeal is not resolved by the EASC, the appellant may proceed in accordance with the SQMT Act 2006.

### 3.5.8 Progress of work during an appeal process

When an appeal is against a decision respecting work in progress, the work shall be continued, up to and including the approval stage by the EASC.

## How Can Private Sector Improve its Participation in The Development of East African Standards?



**SUPPORTED BY:**



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## **CONTACTS**

### **East African Business Council**

**Location: Olorien House, Perfect Printers Street**

**P.O Box 2617 Arusha, Tanzania**

**Tel: +255 (27)2543047 Fax: +255 (27)2509997**

**Email: [info@eabc-online.com](mailto:info@eabc-online.com)**

**Website: [www.eabc.info](http://www.eabc.info)**