



EAST AFRICAN COMMUNITY  
LAKE VICTORIA FISHERIES ORGANIZATION



## HARMONIZED EAC GUIDELINES FOR TRADERS IN FISH, FISHERY AND AQUACULTURE PRODUCTS AND INPUTS IN REGIONAL AND INTERNATIONAL TRADE



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## FOREWORD

Fish, fishery and aquaculture products and inputs are traded among the East African Community (EAC) countries but some are exported while some are imported. Fish and fishery products from EAC are exported to more than 50 Countries with about 70% exported to the European Union (EU). The fish and fishery products exported include; whole fish, skinless and skin-on fillets, headless and gutted, steaks, portions, loins, cubblings, trimmings which are either chilled, frozen, canned, salted, sundried, deep fried, smoked or powdered. Others include fish sausages, cowries shells, fish oil, fish meal. Exported by-products include; skins and scales (Germany), fish frames and heads (Democratic Republic of Congo (DRC), Thailand and Vietnam), offals (China, DRC). The imported fish and fishery products into the EAC region include: frozen whole gutted and ungutted tilapia, mackerel, rabbit fish, reef cod; canned (tunas, sardines, mackerel, anchovy); frozen (prawns, crams, crabs, lobsters, oysters, squids, mussels, smoked salmon, Pangasius fillets and steak) among others and these are imported from China, India, Vietnam, Yemen, Japan, Mauritius, Norway, Israel, Namibia, Taiwan, South Korea, Spain, Oman among others.

Aquaculture inputs imported from countries outside the EAC include fish eggs, fry, fingerlings and brood stocks (parent stock) and these are imported from Netherlands, Israel, China, Indonesia among others. Fish feeds are imported from Netherlands, Mauritius, Israel, Zambia, Egypt and Brazil. Aquaculture drugs, cage materials, hatchery materials, floaters, seine nets, graders, happa nets, pond liners, feeds binder and water quality monitoring equipment and hormones are imported from China, India, Netherlands, Thailand, Vietnam among others. Fishing gears and accessories such as gillnets, hooks, twine, seine nets (lampara), floaters, sinkers, baits are manufactured and traded within the EAC countries and others are imported from China, Mauritius, United States of America (USA), Thailand among others.

Trade in fish, fishery and aquaculture products and inputs provide an opportunity to make a living and contribute to food and nutritional security, income, forex and employment. Although the EAC Customs

Union Protocol provide for streamlining of trade including trade in fish, traders still face challenges with like delays in clearance. Furthermore, this trade needs to be regulated and controlled to avoid decline in fish stocks, loss of revenue notwithstanding unguaranteed quality and safety, spread of fish diseases, genetic contamination and introduction of unwanted exotic species, control importation and use of hormones for sex reversal and growth promotion in aquaculture as well as importation and use of aquaculture drugs to avoid their adverse effects of drug resistance and carcinogenicity in human.

Therefore, these guidelines facilitate regional and international trade by adopting common systems, requirements, documentations and procedures at all border posts in the EAC and contribute to the implementation of the Common Market Protocol. They provide requirements to trade, clearance procedures, different institutions and offices which handle imports and exports of fish, fishery and aquaculture products and inputs in regional and international trade. The guidelines are intended for traders and clearing agents in fish, fishery and aquaculture products and inputs. The Partner States are requested to incorporate provisions of these guidelines in their national laws, regulations and guidelines for implementation to facilitate trade across borders.

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# 1. BACKGROUND

The African Union (AU) Policy Framework and Reform Strategy on Fisheries and Aquaculture adopted in Malabo, Equatorial Guinea in 2014 recognized the importance of intra-regional trade in fish and fishery products. The East African Community (EAC) countries as members of AU committed themselves to “accelerate trade by developing fish value chains, promoting responsible and equitable fish trade and marketing in order to significantly harness the benefits of Africa’s fisheries and aquaculture endowments. Fish is an important source of nutritious food in the EAC and promotion of trade in fish and fishery products contributes to food security in the region and hence addresses the EAC Treaty Article 105 (1b), which provides for the community to have sufficient food.

Fish and fishery products have strict quality and safety requirements which need to be followed to access the regional and international markets. In recognition of these, in 2012, The EAC adopted harmonized Sanitary and Phyto-Sanitary (SPS) measures Volume III (Sanitary Measure for Fish and Fishery Products) as a way to ensure the quality and safety of fish and fishery products and facilitate access to international and regional markets. In addition, the EAC has developed a number of standards including dry and salted fish, as well as fresh and frozen whole fin fish.

The First Fisheries and Aquaculture Sectoral Council of Ministers approved the Harmonized Fisheries and Aquaculture Border Inspection Manual in March 2018. The Manual provides for guidance to Fisheries Inspectors to facilitate cross border trade by ensuring compliance with regulatory requirements and making sure that fisheries and aquaculture inputs and products that cross borders are of required standard, quality and safety. However, there are a number of challenges which cross-border fish traders are facing including; delays in clearance, inadequate knowledge of procedures, requirements, and documentations.

These guidelines complement Harmonized Fisheries and Aquaculture Border Inspection Manual for EAC by informing traders what they

are expected to have when trading in fish and what to expect at the border points to quicken the clearance process and thus reducing the time spent at the border. These guidelines are also intended to promote trade to other economic blocs like Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC) among others, and the international market.

## **2. INTRODUCTION**

Fishery and aquaculture products are the most traded food commodities worldwide with international trade worth over US\$146 billion per annum (SOFIA, 2016). In the EAC region, fish trade has tremendously increased to cover countries within and outside the region. In the EAC, fish and fishery products are the most traded commodities and are exported to more than 50 Countries with about 70% exported to the European Union (EU). The countries in the EU include; Belgium, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Iceland, Ireland Republic, Italy, Netherlands, Portugal, Poland, Romania, Spain, United Kingdom. African countries include; Angola, Botswana, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Ghana, Malawi, Nigeria, Sierra Leone, South Africa, Zambia and Zimbabwe among others. Other countries include; Australia, Cambodia, Canada, China, Colombia, Dominican Republic, Hong Kong, India, Israel, Japan, Jordan, Lebanon, Malaysia, Mexico, Qatar, Saudi Arabia, Singapore, South Korea, Thailand, Turkey, United Arab Emirates, United States of America and Vietnam, among others.

The lucrative trade in Nile perch maws is of much interest. The maws are exported to China, Hongkong, Taiwan and Vietnam. The fish, fishery and aquaculture products exported include; whole fish, skinless and skin-on fillets, headless and gutted, loins, Steak, Portions, cubblings, trimmings which are chilled, frozen, canned, salted, sundried, smoked or powdered. Others include fish sausages, cowry shells, fish oil and fish meal. The by-products include; skins and scales (exported to Germany), fish frames and heads (DRC, Thailand and



Vietnam) and fish offals (China, DRC).

Aquaculture inputs including fish eggs, fry, fingerlings and brood stock (parent stock) are traded across EAC countries. Some of these inputs are imported from countries outside the EAC such as The Netherlands, Israel, China, Indonesia among others. Fish feeds are also traded across EAC and some are imported from Zambia, The Netherlands, Mauritius, Israel, Egypt and Brazil. Other aquaculture inputs including drugs, cage materials, hatchery materials, floaters, seine nets, graders, happa nets, pond liners, feeds binder and water quality monitoring equipment, drugs and hormones are imported from China, India, The Netherlands, Thailand and Vietnam, among others.

Fish, fishery and aquaculture products that are traded among the EAC countries and some imported into the EAC region include: frozen whole gutted tilapia, mackerel, rabbit fish, reef cod; canned fish (tunas, sardines, mackerel, anchovy); frozen fish (prawns, crams, crabs, lobsters, oysters, squids, mussels, smoked salmon, Pangasius fillets and steak), among others. These are imported from China, India, Vietnam, Yemen, Japan, Mauritius, Norway, Israel, Namibia, Taiwan, South Korea, Spain and Oman, among others.

Ornamental fish such as gold fish, Koi fish, Guppy fish, Asian Arowana are imported from Asian countries including China, Indonesia, Japan, Malaysia, Singapore and Thailand, among others. In addition, doctor fish (*Garra rufa*) mainly used in spa treatment are imported from Turkey.

Fishing gears and accessories include gillnets, hooks, twine, seine nets (lampara), floaters, sinkers, baits are manufactured and traded within the EAC countries and others are imported from China, Mauritius, USA, Thailand among others. EAC has harmonized on the sizes of gillnets and sizes of hooks to be used in Lake Victoria. In other water bodies, there are also regulations governing what is used. Importation of fishing gears is guided by national regulations and therefore needs to be controlled.

The market outlets have also grown from the solitary fish monger to specialized agents, retail stores, supermarkets, restaurants and hotels. Fish and fishery products are transported across borders through various means such as roads (refrigerated containers and trucks, pickups, buses, cars, hand carts, motorcycles, bicycles and pedestrians), air and sea (Marine vessels and boats). However, the information regarding the Country of origin, who is involved, quantity and value is scanty especially for small consignments commonly traded within the region.

### **3. RATIONALE**

Trade in fish, fishery and aquaculture products and inputs provide an opportunity to make a living and contribute to food and nutritional security, income, forex and employment. Fish, fishery and aquaculture products and inputs can pass through unofficial cross border routes to avoid customs controls, and also through official borders but concealed or declared wrongly. Increased Illegal, Unreported and Unregulated cross-border fish trade affects the sustainability of fish stocks. The unrecorded trade results into loss of revenue notwithstanding unguaranteed quality and safety. Trade in live fish if not regulated, can result into spread of fish diseases, genetic contamination and introduction of unwanted exotic species. The importation and use of hormones for sex reversal and growth promotion in aquaculture needs to be controlled to avoid escalation into the food chain which may lead to hormonal imbalance in humans and animals. Similarly, the importation and use of aquaculture drugs need to be regulated to avoid their adverse effects of drug resistance and carcinogenicity in human.

The EAC Protocol for the establishment of the Customs Union in 2004 provided for streamlining of trade including trade in fish, fishery and aquaculture products and inputs. Despite the important role played by the provisions of the Partner States laws and EAC Common Market Protocol, traders face a number of challenges which include delayed clearance of consignments, different policies and regulations for cross border trade among Partner States, inadequate awareness

of procedures, requirements, documentations and inadequate infrastructure to facilitate free movement of goods. The Partner States laws and regulations provide for requirements to ensure quality and safety of fish and fishery products. However, they do not have specific guidelines to facilitate traders engaged in cross border trade in fish, fishery and aquaculture products and inputs.

Therefore, these guidelines facilitate regional and international trade by adopting common systems, requirements, documentations and procedures at all border posts in the EAC and contribute to the implementation of the Common Market Protocol. Further, the EAC Partner States are moving away from paper to e-certification and e-licensing and the use of the Electronic Single-window system. Therefore, these guidelines provide a basis from which such e-systems will be used to facilitate trade.

#### **4. AIM AND SCOPE**

These guidelines provide requirements for trade and clearance procedures to relevant individuals, institutions and authorities which handle imports and exports of fish, fishery and aquaculture products and inputs in regional and international trade. They also provide collaborative mechanisms for partnerships between different stakeholders involved in clearance of fish, fishery and aquaculture products and inputs. The guidelines are intended for traders and clearing agents and other regulatory authorities involved in the trade of fish, fishery and aquaculture products and inputs.

#### **5. PRE-INSPECTION AND CLEARANCE**

For goods entering in the EAC Partner States, Custom documents are prepared online by the Clearing Agent and custom procedures including tax computation, exemption, payment is done where applicable.

In the case of Single Custom Territory regime in the EAC, a seal of the Competent Authority should be placed on each consignment and

the seal number indicated on the certificate to ensure integrity and traceability. This enables the Border Fisheries Inspectors to conduct clearance electronically at the border point prior to arrival of the consignment. The Clearing Agent files export documentation online in the exporting country. Custom procedures such as tax computation, exemption and payment is done where applicable. Online clearance by the regulatory authority (Fisheries Inspection Services) and generation of exit note and cargo manifest (C2) is done before the goods reach the border points (Annex 1). Border Fisheries Inspector verifies documents and seal number and stamps for release.

## **6. CONSIGNEMENTS OF FISH, FISHERY AND AQUACULTURE PRODUCTS AND INPUTS WITH A VALUE LESS THAN USD 2000**

For consignments of fish, fishery and aquaculture products and inputs originating (produced/manufactured) from the EAC, with value less than USD 2000, traders are provided with a simplified certificate of origin by the Trade Information Desk Officers (TIDO) found at the Border Point. This applies to both imports and exports originating (produced/manufactured) within the EAC region. The trader provides the invoice, packing list for the simplified certificate of origin to be issued. This kind of clearance exempts traders from payment of import duty to customs however, the trader pays the fish levy/cess. In case a trader doesn't obtain this simplified certificate of origin, they are liable to payment of all import duty.

The consignment with a value less than USD 2000 still goes through the normal clearance procedure as outlined in section 9 and 12.

## **7. AUTHORIZED ECONOMIC OPERATORS**

Authorized Economic Operators (AEOs) are traders/agents who over a period of time have proven to be reliable and compliant partners of the Customs and Border Control. Traders/agents enlisted as AEOs in the

fisheries and aquaculture sector should have complied with regulations and standard operating procedures of the Competent Authority for a period of time. Such traders who have been compliant may apply to the Customs authority and be issued with a license to become AEOs. These AEOs are routinely assessed by joint teams from Customs and other relevant regulatory authorities that enlist them for conformity checks. Those who do not comply are removed from the list.

AEOs are given preferential treatment to operate/transact without following the usual clearance procedures at the border points. Verification by respective Competent Authority(ies) on such consignments can be done at the traders' premise.

## **8. LABELLING, PACKAGING AND TRACEABILITY**

All packaging materials for fish, fishery and/or aquaculture products should be of food grade materials. In addition, all packaged fishery and aquaculture products or inputs should have clear label in a language permissible by the destined country indicating the following where applicable:

- i. Brand/Common/Local fish name;
- ii. Product type such as “dried, smoked, salted, marinated, chilled, frozen and salt-dried fish” with the scientific name of the fish in close proximity;
- iii. Establishment/factory approval or identity number where applicable;
- iv. Net weight in metric units; size (grade);
- v. Name and physical address of the manufacturer/packer/distributor of the product;
- vi. Date of manufacture;
- vii. Expiry date;
- viii. List of ingredients and nutritional composition;

- ix. Complete list of ingredients should be declared on the label in descending order of proportion;
- x. Lot identification/Batch number;
- xi. Country of origin;
- xii. Storage instructions;
- xiii. Instructions on disposal of used package;
- xiv. Intended use;
- xv. Conditions for handling.

Farmed fish MUST be accompanied by a traceability document and health certificates issued at the point of harvest by the designated officer at the Local/County level for the Border Fisheries Inspector to verify. Traceability document should indicate name and location of the farm/market, name of trader, quantity (kg), fish species, date of harvest, destination, name, signature, stamp and telephone contact of the fisheries inspector/officer.

## **9. GENERAL REQUIREMENTS FOR IMPORTATION OF FISH, FISHERY AND AQUACULTURE PRODUCTS AND INPUTS**

The trader should make application for an import permit to the office of the Director General/Director for Fisheries and attach the following details;

- i. Name of importer, telephone number and copy of the identity card;
- ii. Physical address, location and contacts of applicant;
- iii. Type of products imported and their form/quantities;
- iv. Certificate of Incorporation where applicable;
- v. Trade license where applicable;
- vi. Proof of registration from the fisheries office at the Local/County

government;

- vii. Returns of previous import if any;
- viii. A copy of a previous import permit;
- ix. Other supporting document like proforma invoices as proof of intended importation.

The imported fish, fishery and aquaculture products and inputs must meet all import requirements of the country and should be accompanied by all the relevant documents including certificate of origin/health certificate. The imported products should be subjected to inspection and verification by Border Fisheries Inspector at the entry point or bonded warehouses/Inland Container Depots upon arrival in the country.

In addition to the general requirements stipulated above, a trader importing fish, fishery and aquaculture products and inputs is expected to meet the specifics as detailed below.

### **9.1. Fish, Fishery and Aquaculture Products**

All consignment (regardless of invoice value) should be accompanied by traceability documents such as sanitary health certificate, bill of lading, in-transit certificates, import/export permits and certificates of origin. In addition;

- i. Cured products (salted, dried and smoked products should not have moulds, maggots/insects, Foreign materials. Offensive smell and dust;
- ii. Fresh fish should be held in ice or refrigerated means of transport. The fish should have a firm texture, with scales well attached, gills should have a bright red colour and eyes should be clear;
- iii. Chilled fish should be at a temperature approaching that of melting ice;
- iv. Frozen fish should be kept at a core temperature below  $-18^{\circ}\text{C}$ .;

- v. Canned products Seal is not broken, Swelling “in” and swelling “out” of the can;
- vi. For the allowable sizes of fish to be traded in, these should be according to national laws and regulations (Nile perch 50-85 cm Total length and Nile tilapia 11 inches/25 cm total length for wild catch as harmonized at EAC level);
- vii. Farmed fish has no size limit and therefore documents should indicate that it is farmed fish;
- viii. For non-compliant, the Fisheries Inspector may apply for court order for disposal of the fish/fishery product.

The fish and fishery products should not be from endangered species as defined in the Convention on International Trade in Endangered Species of Wild fauna and flora (CITES).

It is the responsibility of the Competent Authority of the importing country to verify quality and safety of the imported fish, fishery or aquaculture products.

## **9.2. Fish Maws**

In addition to the general requirements above, the fish maws should have been obtained from Nile Perch of sizes between 50 and 85cm as per Harmonized EAC slot sizes for Nile Perch.

Sources of the fish maw should be from establishments approved by the Competent Authority of the country of origin.

## **9.3 Live Fish**

Obtain permission to import from the relevant authority detailing fish species, origin and intended purpose for importation. Live fish include ornamental fish, doctor fish (fish for cosmetic purposes), fish fry, fingerlings or brood stock and require the following:

- i. The water temperature should be maintained as per fish species



- requirements;
- ii. There should be provision for ensuring adequate oxygen;
  - iii. There should be no clinical signs and symptoms of diseases;
  - iv. For fish imported from outside EAC Partner States, it should be put under quarantine for at least two weeks
  - v. Fish imported from outside the EAC Partner States should first be put under quarantine;
  - vi. The consignment should be accompanied by a health certificate and importation permit;
  - vii. Containers used should be easy to clean and disinfect;
  - viii. Inner surfaces of a container should not injure or cause damage to the fish; and
  - ix. The container should not be made of material that offer any undesirable attributes to or change the wholesomeness of the contents.

In cases where there are clinical signs, suspicious signs or notification where the consignment is on transit, quarantine procedures should be instituted.

If live fish has been treated, it should be indicated in the relevant document accompanying the consignment

#### **9.4. Fish Feeds**

Fish feeds include processed feeds, Artemia and other raw materials used in fish feed production such as feed binders, fish meal, feed additives, premix and protein concentrates. For importation of any of the above, one should have;

- i. Permit/Clearance letter from the Competent Authority allowing importation;
- ii. Health certificate;

- iii. Fumigation certificate from certified company;
- iv. Bill of lading;
- v. A letter of tax exemption where applicable.

In cases where there are notifications and alerts when the consignment is on transit to destination, it can be released under seal pending analysis report from accredited/approved laboratory.

### **9.5. Fishing gears**

Importation of fishing gears should be as per national laws and regulations.

### **9.6. Other Aquaculture inputs**

Other aquaculture inputs include cage materials, floaters, seine nets, graders, happa nets, pond liners, automatic feeders, aerators, and water quality monitoring kits, among others. For importation of any of the above, one should have;

- i. Permit/Clearance letter from the Competent Authority allowing importation;
- ii. Bill of lading;
- iii. A letter of tax exemption where applicable.

### **9.7. Aquaculture hormones and drugs**

The importation of drugs and hormones in aquaculture are restricted and require Permit/Clearance letter from the Competent Authority before importation. This is done to ensure that the imported drugs or hormones are not sub-standard and are those permitted into the country. In addition, this clearance ensures that the hormones are only used for the intended purposes.

Only approved and valid veterinary, and therapeutic products and

medicinal premixes should be allowed.

The drug or hormone should be from a certified source and traders to ensure that they maintain homogeneity of the drug or hormones during transit.

## **10. REQUIREMENTS FOR EXPORTATION OF FISH, FISHERY AND AQUACULTURE PRODUCTS AND INPUTS**

Products for export should be from facilities approved by a Competent Authority. Traders should obtain an annual license from appropriate Fisheries Office. The exported consignment should meet requirements of the importing country. This is the responsibility of the trader.

For every consignment, traders should fill an application form for intention to export and submit to the office of the Director General/Director for Fisheries/Aquaculture. The exported products should be subjected to inspection and verification by Fisheries Inspectors at the premises or establishment and on this ground, issued with the health certificate. Inspected consignments should be sealed and the seal number indicated on the health certificate to ensure their integrity.

The consignment should therefore be accompanied by all the relevant documents including certificate of origin/health certificate, export invoice, export permit, and packing list. The exported products should be subjected to verification of documents by Border Fisheries Inspector at the point of exit.

In addition to the general requirements stipulated above, a trader exporting fish, fishery and aquaculture products and inputs is expected to meet the specifics as detailed below.

### **10.1. Fish, Fishery and Aquaculture Products**

Each consignment of fish, fishery and aquaculture products

(regardless of invoice value) for export should be accompanied by a health certificate issued by fisheries inspector from Central/National government. For traceability and integrity, consignment from fish landing site/fish farm/market should be accompanied by a local health certificate/movement permit/catch certificate issued by a Local/County fish inspector, indicating the following;

- i. Details of the location (Name of fish landing site/fish farm/market, water body/ district/county);
- ii. Time and date of landing/harvest;
- iii. Fish species (common/scientific name);
- iv. Form of fish (fresh, frozen, smoked, sun-dried);
- v. Source (wild or farmed);
- vi. Destination;
- vii. Quantity (kg);
- viii. Temperature of the fish;
- ix. Name of supplier;
- x. Contact details;
- xi. Means of transportation;
- xii. Health attestation-which shows fish has been inspected and found fit for human consumption;
- xiii. Name, signature and stamp of the fish inspector.

## **10.2. Fish Maws**

In addition to the general requirements stated above, fish maws for exportation should be processed in establishments approved by the Competent Authority in the country of origin.

### **10.3. Live Fish**

For traceability, live fish (ornamental fish, fish fry, fingerlings or brood stock) should be from facilities certified by a Competent Authority. Each consignment of live fish for export should be accompanied by a health certificate issued by the Competent Authority responsible for fish health in the respective Partner State. Health certificate/movement permit should indicate the following; fish species (common and scientific name), destination, number, intended purpose for exportation, health attestation, and source (wild or farmed).

Conditions for transportation include;

- i. The water temperature should be maintained as per fish species requirements;
- ii. There should be provision for ensuring adequate oxygen;
- iii. There should be no clinical signs and symptoms of diseases;
- iv. Containers used should be easy to clean and disinfect;
- v. Inner surfaces of a container should not injure or cause damage to the fish; and
- vi. The container should not be made of material that offer any undesirable attributes to or change the wholesomeness of the contents.

If live fish has been treated, it should be indicated in the relevant document accompanying the consignment

### **10.3. Fish Feeds**

Fish feeds include processed feeds, Artemia and other raw materials used in fish feed production such as feed binders, fish meal, feed additives, premix and protein concentrates. For traceability, fish feeds and fish meal should be from facilities certified by a Competent Authority. Every consignment of fish feeds for export should have the

following:

- i. Permit/Clearance letter from the Competent Authority allowing exportation;
- ii. Fumigation certificate from certified company;
- iii. Labelling: Ingredients, expiry/shelf life, manufacturer address, date of manufacture;
- iv. Storage measures
- v. Handling Precautionary measures.

#### **10.4. Fishing gears**

For each consignment of fishing gears, traders should get clearance from the importing country. Document verification should be done at the point of exit by a Border Fisheries Inspector.

### **11. REQUIREMENTS FOR FISH, FISHERY PRODUCTS AND INPUTS IN FISHERIES AND AQUACULTURE IN TRANSIT**

Large consignment in transit should be transported on a sealable truck/container and bonded to avoid dumping in the country through which the truck/container is passing through. Regional Electronic Cargo Tracking System (RECTS) is used within the EAC as an initiative to increase efficiency. Regional Electronic cargo seal placed at port of loading throughout to port of final exit without changing it to ensure integrity of the consignment which is paid for by the trader should be installed at the entry point and removed at the port of exit.

Small consignment in transit should be transported in a sealable container. Traders should provide relevant document to Border Fisheries Inspector for verification and stamping “TRANSIT”.

Removal or tampering with a seal placed by the Competent Authority or Customs is an offence. In case the seal is broken accidentally, this

should be reported to the nearest customs office, for investigation, verification and replacement of another one.

## **12. PROCEDURES FOR CLEARANCE AT BORDER POINTS**

### **12.1. For Imported Good**

For goods imported from EAC, the trader should obtain an East African Certificate of origin issued by customs in the originating Partner State. Traders with this certificate will be exempted from some of the customs duties but the fish levy is paid.

For goods from outside EAC and destined for Partner States, custom document are prepared online by the Clearing Agent and custom procedures including tax computation, exemption and payment done where applicable. The system sends the information to the respective regulatory authority include Fisheries Inspection, Bureau of Standards, Crop Inspection, Veterinary Inspection, Port Health, for subsequent actions. The actions include joint inspection and document verification. After verification, the relevant regulatory authorities can clear, query or denied entry online. After clearance, custom generate an exit note and cargo manifest (C2) online, exit note is printed and stamped and presented at the exit gate to enter the destined country.

### **12.2. For Exported Goods**

For export of fish, fishery and aquaculture products or inputs, consignment should be accompanied by health certificates, export permit, invoices, cargo manifest/packing list and authorization from importing country (where applicable). The Clearing Agent files export document online and custom procedures including tax computation, exemption and payment done where applicable. The system sends the information to Border Fisheries Inspector at exit point. At the border, physical verification and document check is done and consignment is electronically released.

### **13. FISH LEVY/EXPORT FEE**

Status of fish and fishery products levy/export fee in EAC Partner States as of March 2019. Source: Republic of Kenya - Fisheries Management and Development Act No. 35 of 2016; Republic of Uganda-Finance Bill 2003; United Republic of Tanzania- The Fisheries Regulations 2009.



Categories	Charges						
	Burundi	Kenya (Percent of Invoice value)	Rwanda	South Sudan	Tanzania (USD/ kg)	Uganda (USD/ kg)	
Fish maws (Dry)	n/a	0.5	n/a	n/a	0.45	0.20	
Fish maws (Fresh & Frozen)	n/a	0.5	n/a	n/a	0.90	0.20	
Filletts (Fresh/chilled/frozen)	n/a	0.5	n/a	n/a	0.12	0.05	
Headless and Gutted (Fresh/ chilled/frozen)	n/a	0.5	n/a	n/a	0.132	0.05	
Nile Perch (Sun-Dried)	n/a	0.5	n/a	n/a	0.18	0.05	
Belly flaps (Fresh/chilled)	n/a	0.5	n/a	n/a	0.075	0.05	
Off cuts (Fresh/chilled)	n/a	0.5	n/a	n/a	0.050	0.05	
Fish meal (Dry)	n/a	0.5	n/a	n/a	0.012	n/a	
Fish frames (Dry)	n/a	0.5	n/a	n/a	0.009	0.02	
Fish heads (Dry)	n/a	0.5	n/a	n/a	0.024	0.02	
Furu	n/a	0.5	n/a	n/a	0.064	0.02	
Fresh/salted/smoked fish	n/a	0.5	n/a	n/a	0.18	0.05	
Dry Mukene/dagaa/omena, Muziri, Ragoge, Nkejje	None	0.5	n/a	n/a	0.084	0.02	
Fish frames, fat, skin, fish off cuts, fish oil	n/a	0.5	n/a	n/a	0.009- 0.075	0.02	

## 14. FISH IMPORT ROYALTY

Status of import royalty on Fish and fishery products imported for food in EAC as of March 2019.

S/N	Country	Charges
1	Burundi	None
2	Kenya	5% of Free on Board (FoB) value
3	Rwanda	26 USD per consignment
4	South Sudan	None
5	Tanzania	0.25 (USD per kg)
6	Uganda	None

## 15. RESPONSIBILITIES AND OBLIGATIONS

Cost effective and efficient trade in fish, fishery and aquaculture products and inputs require participation and collaboration of various institutions and stakeholders at different levels. Their responsibilities and obligations are given below:

### 15.1. Lake Victoria Fisheries Organization Secretariat

- i. Coordinate the development/review of regional guidelines for traders in fish, fishery and aquaculture products and inputs in the Regional and International market;
- ii. Coordinate synthesis of national reports on trade in fish, fishery and aquaculture products and inputs;
- iii. Provide regional fora for networking and information sharing;
- iv. Report to Sectoral Council whenever there is a need for policy guidance in regard to implementation of these guidelines.

## **15.2. Fisheries and Aquaculture Competent Authority**

- i. Ensure development of national guidelines for traders in fish, fishery and aquaculture products and inputs;
- ii. Conduct awareness creation on the importance of conducting formal trade in fish, fishery and aquaculture products and inputs;
- iii. Provide technical guidance to Local/County Governments on the need for formal trade regarding fish, fishery and aquaculture products and inputs;
- iv. Provide information regarding disease outbreaks;
- v. Develop regulations for implementation of national guidelines;
- vi. Monitor and enforce compliance to fish trade requirements;
- vii. Collect and maintain a database of data and information about trade in fish, fishery and aquaculture products and inputs;
- viii. Share information on the trade in fish, fishery and aquaculture products and inputs
- ix. Issue licenses /permits or certificates for export and import of fish, fishery and aquaculture products and inputs

## **15.3. Fisheries Research**

- i. In collaboration with fisheries management, monitor changes in the trade of fish, fishery and aquaculture products and inputs;
- ii. Package and share research findings with the respective Director/ Director General of Fisheries Management/Aquaculture and relevant stakeholders;
- iii. Conduct demand driven research to inform policy related to trade in fish, fishery and aquaculture products and inputs;
- iv. Source for requisite funds to facilitate implementation of the above activities.

## **15.4. Local/County Government**

- i. Conduct awareness creation on the importance of formal trade regarding fish, fishery and aquaculture products and inputs;
- ii. Collaborate with National government and other relevant stakeholders facilitating formal trade in fish, fishery and aquaculture products and inputs;
- iii. Develop ordinances/by-laws to facilitate formal trade in fish, fishery and aquaculture products and inputs;
- iv. Maintain and implement by-laws related to trade in fish, fishery or aquaculture products and / inputs ;
- v. Monitor and enforce compliance to fish trade requirements;
- vi. Maintain a register of traders involved in fish, fishery and aquaculture products and inputs;
- vii. Inspect facilities for fish handling at place of first landing and fish markets;
- viii. Issue of fish movement permits/Local health certificates;
- ix. Collect data on trade of fish, fishery and aquaculture products and inputs and share data and reports;
- x. Provide/source funds for awareness creation, technical support and compliance checks regarding compliance to trade in fish, fishery and aquaculture products and inputs.

## **15.5. BMU/BMU network**

- i. Issue fish movement permits;
- ii. Maintain sanitation records at the beach;
- iii. Conduct awareness creation on the importance of formal trade regarding fish, fishery and aquaculture products and inputs;
- iv. Develop and implement by-laws to facilitate formal trade in fish,

- fishery and aquaculture products and inputs;
- v. Collect and share data regarding trade in fish, fishery and aquaculture products and inputs
  - vi. Monitor compliance with their respective by-laws;
  - vii. Disseminate information on trade in fish, fishery and aquaculture products and or inputs within their localities.

### **15.6. Fish Traders and Processors' Associations in fish, fishery and aquaculture products and inputs**

- i. Create awareness on the importance of formal trade in fish, fishery and aquaculture products and inputs;
- ii. Form associations and develop mechanisms for self-regulation such as development of code of conduct among others;
- iii. Advocate for members to comply with the provisions in the guidelines, regulations and by-laws regarding trade in fish, fishery and aquaculture products and inputs;
- iv. Report any illegal activities regarding the trade in fish, fishery and aquaculture products and inputs;
- v. Provide data and information on the volume, type and value of the traded fish, fishery and aquaculture products and inputs.

### **15.7. Clearing Agents**

Clearing agents are licensed persons or entities registered by Revenue Authorities (Customs) to interface between customs and traders. They are the only ones allowed to clear goods on behalf of traders. Lists of licensed Clearing agents can be obtained from the Customs offices at the border points. Their roles include:

- i. Guide traders on the clearance procedures and documents required;

- ii. Determine the correct harmonized tariffs for customs and duties applicable;
- iii. Clear consignments of fish, fishery and aquaculture products and inputs on behalf of the traders;
- iv. Ensure that information received from the owner of the goods is accurately captured in the customs system to avoid penalties.

## **15.8. Civil Society Organizations**

- i. Lobbying and advocacy for implementation of these guidelines by respective stakeholders;
- ii. Create awareness on the importance of formal trade in fish, fishery and aquaculture products and inputs;
- iii. Support activities that facilitate formal trade in fish, fishery and aquaculture products and inputs;
- iv. Monitor the impact of formal trade in fish, fishery and aquaculture products and inputs;
- vi. Facilitate target groups to take part in cross-border trade in fish, fishery and aquaculture products and inputs.

## **15.9. Other relevant Stakeholders**

These guidelines recognize the roles and responsibilities of relevant Ministries, Departments and Agencies (MDAs) whose functions recognize and support formal trade in fish, fishery and aquaculture products and inputs. Interventions by these institutions will contribute to the implementation of these guidelines. Details of their responsibilities and obligations are given below:

S/N	Name of Stakeholder	Responsibilities and Obligations
1.	Revenue Authority	Manage One Stop Border Post, assess and collect revenue and taxes, handle anti-smuggling, monitor and control imports and export
2.	Police	Enforcement
3.	Immigration Department	Issuance of visitors' pass, visa and travel documents
4.	Bureau of Standards	Set, manage and monitor standards
5.	Port Health	Vaccination and medical examination of personnel, Inspection of fish to ensure its fit for human consumption, physical inspection of transport vessels and carriers
6.	Ministries in charge of Trade	Implementation of Electronic Single Window system
		Electronic trade portals by different agencies in the Partner States to ease access to information
7.	Veterinary Services	Fish disease surveillance and live fish inspection (especially on imports)
8.	Crop Department	Certify chemicals for fumigation
9.	National Food and Drug Authority	Control importation, exportation and disposal of drugs, medicines and hormones
10	Trade Information Desk	Issue simplified certificate of origin A network to forward information between traders and Customs and other authorities Provide information to traders
11	National Atomic Energy Authority	Issues radioactive analysis certificate for regulating radiation in all imported and exported fish, fishery or aquaculture products and feeds

## **16. PENALTIES**

Penalties related to non-compliance of requirements regarding trade in fish, fishery and aquaculture products and inputs should be as specified in national laws and regulations of the Partner States. The following areas should be considered for penalization among others;

- i. Fish, fishery and aquaculture products not accompanied with a health certificate/fish movement permit, or radioactive certificate (where applicable);
- ii. Importation and exportation without permits;
- iii. Tempering with the seal or any mark put by a custom officer;
- iv. Falsification of documents;
- v. Engaging in fish trade for scientific research, educational purposes, supply of food in case of emergency, collection of brood stock without a valid Special license;
- vi. Trading in Fish unfit for human consumption;
- vii. Trading in prohibited fishing gears;
- viii. Failure to produce license on demand to an authorized officer;
- ix. Refusing to stop or allow a vehicle to be searched by a customs officer.

## **17. OPERATIONALIZATION OF THESE GUIDELINES**

Partner States should endeavor to incorporate provisions of these guidelines in the national laws, regulations, guidelines and work plans for implementation. The Local/County Governments should equally cascade the same from their respective national laws, regulations and guidelines.



# Annex 1: BORDER POINTS ON THE EAC REGION



HARMONISED EAC GUIDELINES FOR TRADERS IN FISH, FISHERY AND AGRICULTURE PRODUCTS AND INPUTS IN REGIONAL AND INTERNATIONAL TRADE

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