

CENTRAL CORRIDOR TRANSIT TRANSPORT  
FACILITATION AGENCY AGREEMENT (TTFA)



CENTRAL CORRIDOR  
TRANSIT TRANSPORT FACILITATION AGENCY

PROTOCOLS

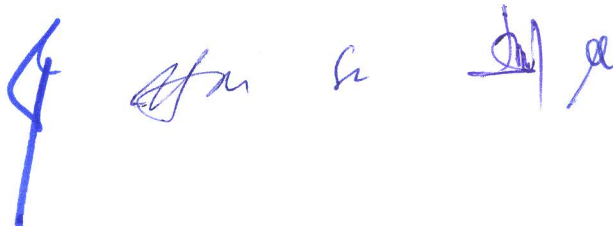
AUGUST, 2014

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(i)



## PREAMBLE

The Government of the Republic of Burundi,  
The Government of the Democratic Republic of Congo,  
The Government of the Republic of Rwanda,  
• The Government of the United Republic of Tanzania, and  
The Government of Republic of Uganda,  
Hereinafter referred to as the Member States:

NOTING that on 2<sup>nd</sup> day of September 2006 the Corridor Member States signed the Central Corridor Transit Transport Facilitation Agency Agreement setting up the Agency (TTFA);

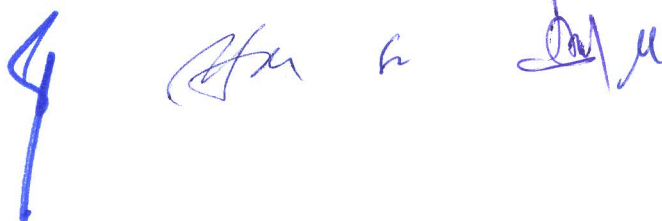
RECOGNISING that the Central Corridor Transit Transport Facilitation Agency was thereafter set up with its Permanent Secretariat in Dar es Salaam and immediately started on the task of putting in action a work program to implement the objectives of the Agency;

RECALLING that the Central Corridor Transit Transport Facilitation Agency Agreement provided for the enactment of Protocols for the enablement of effective implementation of the goals of the Agency;

AWARE that without the enactment of the Protocols, achievement of the objectives of the Agency shall be constrained;

NOW, THEREFORE, the Corridor Member States hereby agree to enact the following Protocols which shall, henceforth form an integral part of the Central Corridor Transit Transport Facilitation Agency, Agreement.

(ii)

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PROTOCOL NO. 1

MARITIME PORT FACILITIES

*Article 1: Application*

Pursuant to Article 5 of the Central Corridor Transit Transport Facilitation Agency Agreement, the Corridor Member States agree to apply the provisions of this Protocol, which shall hence forth form an integral part of the Agreement.

*Article 2: Content of Protocol*

This Protocol governs the use, under the rule of equal treatment, by the Corridor Member States, of maritime port facilities of the United Republic of Tanzania for the purpose of moving transit goods through those areas under the jurisdiction of the Tanzanian Ports Authority, or of any other port operator legally operating in Dar es Salaam.

*Article 3: Definitions*

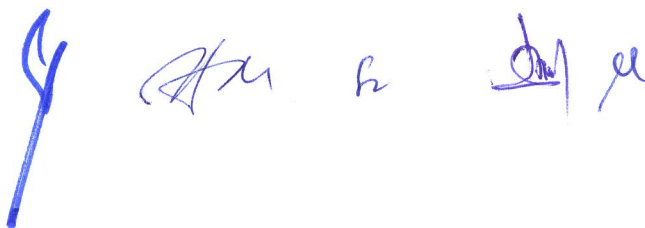
Definitions applicable to this Protocol are those formulated in Article 1 of the Central Corridor Transit Transport Facilitation Agency Agreement.

*Article 4: Use of port facilities*

The Government of the United Republic of Tanzania agrees to the use of her maritime port facilities by Corridor Member States for the movement of goods in interstate trade or transit to and from the Corridor Member States, and to make available or facilitate the duly authorized operators to make available to them warehouses, sheds, open space or other appropriate facilities, to the extent possible, and under the terms and conditions noted in this Protocol.

*Article 5: Equal treatment of ships*

The Government of the United Republic of Tanzania guarantees that ships registered in, or chartered by, or carrying goods for Corridor Member States, and the crew of such ships, shall enjoy treatment equal to that accorded to Tanzanian vessels and crew as regards access to and use of the maritime port facilities.

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*Article 6: Jurisdiction over port facilities and services*

Overall responsibility for the administration, operation and maintenance of facilities made available to the Corridor Member States shall remain with the Tanzanian Ports Authority or with any other operator legally appointed for that purpose and for specific facilities under the laws of the United Republic of Tanzania.

*Article 7: Fees and charges*

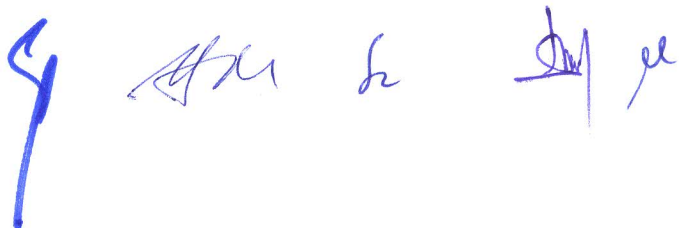
- a. The published and actual fees and charges to be paid in relation to interstate trade and transit traffic to the Corridor Member States for use of the maritime port facilities, either operated by the Tanzanian Ports Authority or by any other operator, shall not exceed those to be paid by other users of the port facilities under similar circumstances.
- b. Any special preferential treatment or reduced rate or other benefit granted to a stakeholder of one of the Corridor Member States or person or entity acting in the interests of the trade of one of the Corridor Member States or granted to its goods, or to its vehicles, for commercial or other services, shall, be granted to any other stakeholder from the Corridor Member States or person or entity acting in the interests of the trade of one of the Corridor Member States, or shall be granted to goods or means of transport, satisfying conditions similar to those which justified the grant of a preferential treatment, reduced rate or other benefit.

*Article 8: Procedures*

The Government of the United Republic of Tanzania confirms that the provisions of Article 9 of the Central Corridor Transit Transport Facilitation Agency Agreement regarding streamlining of procedures shall apply in Dar es Salaam Port and in any other maritime ports of the United Republic of Tanzania, according to the Schedule Number 1 to the Agreement with a view to expedite transit and interstate traffic.

*Article 9: Settlement of disputes*

Any dispute between the Corridor Member States concerning the interpretation of this Protocol shall be settled in accordance with the provisions of Article 29 of the Central Corridor Transit Transport Facilitation Agency Agreement.

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PROTOCOL NO. 2

ROUTES AND FACILITIES

*Article 1: Application*

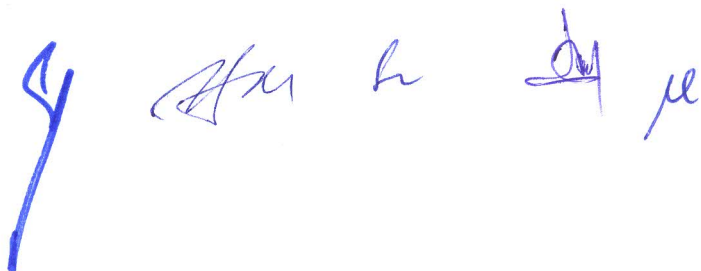
Pursuant to Article 6 of the Central Corridor Transit Transport Facilitation Agency Agreement, the Corridor Member States agree to apply the provisions of this Protocol on Routes and Facilities.

*Article 2: Content of the Protocol*

In this Protocol, the Corridor Member States agree to designate the routes specified in Annexes I, II and III to Protocol 2 for use by the other Corridor Member States for their traffic in transit and for traffic used in inter-state trade on their respective territories, to make available the facilities specified in Section I of this Protocol for use in connection with such traffic, and to ensure the distribution of the costs for construction, maintenance and repair of the routes as set out in Article 11 of this Protocol .

*Article 3: Definitions*

Definitions applicable to the present Protocol are as provided for in Article 1 of the Central Corridor Transit Transport Facilitation Agency Agreement.

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## SECTION I. DESIGNATION OF ROUTES

### *Article 4: Routes for road traffic*

For the passage of traffic in transit by roads through the Member States as presently designated by the said Member States and as attached as *Annex I to Protocol 2*, or as may be amended from time to time by Competent Authorities.

### *Article 5: Routes by rail*

For the passage of traffic in transit by rail through the Member States as presently designated by the said Member States and as attached as *Annex II to Protocol 2* or as may be amended from time to time by Competent Authorities.

### *Article 6: Transit routes through the inland waterways*

For the passage of traffic in transit through the inland waterways by the Member States as presently designated by the said Member States are as in the attached *Annex III to Protocol 2*, or as amended from time to time by Competent Authorities.

### *Article 7: Routes using the pipeline*

The Governments of the Corridor Member States interested in developing Pipeline Transport System will indicate the routes of the said pipeline architecture which form part to this protocol.

### *Article 8: Customs authorized routes and border crossing points*

Routes authorized by Customs for the passage of traffic in transit and for the passage of interstate traffic, and Customs offices designated for clearance of such traffic as presently specified in the Protocol No. 3 on Customs control to the Agreement, or as may be amended from time to time by Competent Authorities.



### SECTION III MAINTENANCE AND DISTRIBUTION OF COSTS

#### *Article 11: Maintenance of routes*

The Corridor Member States shall adopt requisite policies for infrastructure financing, maintenance and management, including policies encouraging the involvement of private entrepreneurs, to ensure that the routes within their territories designated in this Protocol for the passage of interstate traffic and traffic in transit are safe, secure and in working condition.

#### *Article 12: Road tolls*

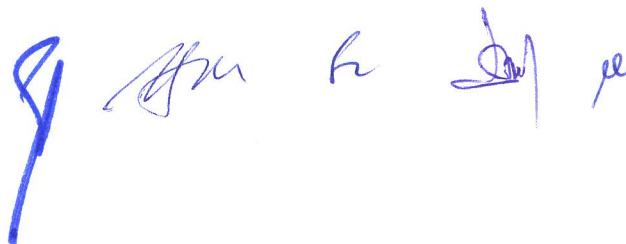
Subject to the provisions of Article 7 b, of Protocol No. 1, each Member State may where necessary, through a designated competent authority, levy route tolls to defray the costs for maintenance of sections of their roads for interstate traffic and traffic in transit, in coherent with other Corridor Member States.

#### *Article 13: Construction of New Routes and Facilities*

Where a Contracting Party desires the construction of a new route or routes or any facility thereon in the territory of another Member State, it shall conclude an agreement for this purpose with the Contracting Party on whose territory the route or facility is to be constructed. The construction of such new routes and facilities shall be on such terms as shall be agreed between the Corridor Member States concerned.

#### *Article 14: Protection of the interests of Transit States*

The Corridor Member States may restrict or prohibit traffic in transit or interstate traffic on certain routes, for the duration of repair work or for the duration of removal of a danger to public safety, or public emergency. Before traffic in transit or interstate traffic is restricted or prohibited for reasons other than emergencies, Corridor Member State imposing restrictions or prohibitions shall give prior notice of not less than 30 days to the Competent Authorities of the other Corridor Member States.

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PROTOCOL NO. 3

CUSTOMS CONTROLS AND OPERATIONS

*Article 1: Application*

- a. Pursuant to Article 8 of the Central Corridor Transit Transport Facilitation Agency Agreement, the Corridor Member States agree to apply the provisions of this Protocol related to Customs control and in conformity with the relevant customs laws and regulations.
- b. The provisions of this Protocol shall not preclude the application of the provisions of Protocol or Protocols for transit trade and transit facilities agreed by any Member States to any regional and sub-regional grouping to which a Corridor Member State has ratified.

*Article 2: Content of the Protocol*

The Protocol covers the use of customs documentation affecting the efficiency and transit or operations.

*Article 3: Definitions*

For the purpose of this Protocol and in addition to the definitions included in Article 1 of the Central Corridor Transit Transport Facilitation Agency Agreement, the following expressions shall have the meanings hereby assigned to them:

“Customs Transit Document”: Means the customs document for transit declaration in a format approved by the Corridor Member States and in conformity with any similar document approved by any regional or sub regional common market to which the Corridor Member States have ratified;

“Customs security”: Means an undertaking given to the Customs in cash, bond or as a written guarantee as a case may be to ensure that an obligation to the Customs authorities will be fulfilled;

“Customs transit”: Means a Customs procedure under which goods are transported under Customs control from one Customs office to another;

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**"Customs transit operation":** Means the transport of goods from an office of departure to an office of destination under Customs transit;

**"Declarant":** Means a person licensed by the Commissioner of Customs and authorized by the owner of the goods to deal with customs documents and who signs a Corridor Member State Transit or Transfer Document for customs transit or transfer or in whose name it is signed;

**"Import or export duties and taxes:"** Means, Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation or exportation of goods but not including fees and charges which are limited in amount to the approximate cost of services rendered;

**"Means of transport":** Means a particular vehicle, railway wagon, sea-going or river vessel or other device used for the transportation of goods or persons.

**"Office en route":** Means, any Customs office through which goods in transit or transfer pass in the course of a Customs transit or transfer operation;

**"Office of departure":** Means any Customs office at which a Customs transit or transfer operation commences;

**"Office of destination":** Means, any Customs office at which a Customs transit or transfer operation is terminated;

**"Temporary admission":** Means a Customs procedure under which certain goods can be brought into a Member State territory conditionally, relieved from payment of import duties and taxes; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of the goods;

**"Transfer":** Means the movement of goods from one EAC Partner State directly or indirectly to another EAC Partner State, but shall not include goods in transit, goods for transshipment or goods for warehousing in bonded warehouse.

***Transport-unit: see Means of transport***

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SECTION I: GENERAL PROVISIONS

*Article 4: Coverage of the Protocol*

The provisions of this Protocol shall cover the transport, either in transport-units which can be effectively sealed by the Customs or in non-sealable transport equipment, under Customs transit or transfer of goods:

- (a) Consigned from the territory of one Corridor Member State and destined to a place in the territory of a third country through the territory of one or more other Corridor Member States;
- (b) Consigned from the territory of a third country and destined to a place in the territory of one Corridor Member State through the territory of one or more other Corridor Member States; and
- (c) Consigned from the territory of one Corridor Member State and destined to a place in the territory of another Corridor Member State through the territory of a third party State.

*Article 5: Duties and taxes, temporary admission*

- a. The Corridor Member States agree not to subject goods which are destined to or consigned from the territory of other Corridor Member States and which are carried through their territories under Customs transit or transfer, to the payment or deposit of import or export duties and taxes, provided that the conditions laid down in this Protocol are complied with;
- b. The Corridor Member States agree to grant temporary admission for any means of transport, which are used, or intended to be used, for the carriage of goods under Customs transit or transfer through their territories. No security or temporary admission document shall be required for such means of transport;
- c. The Corridor Member States agree to exempt from payment of import duties and taxes on the following: fuel and lubrication oils contained in the normal tanks of means of transport upon arrival, spare parts, accessories and equipment, including special equipment for the loading, unloading, handling and protection of cargo, which are imported with the means of transport and are intended to be re-exported therewith;

