



## **Standards, Technical Regulations and SPS Measures in the African RECs**

**Which way forward for the CFTA?**

Abrie du Plessis

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# Contents

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Comparison of Standards, Technical Regulations and Sanitary and Phytosanitary (SPS) Measures

Overall objectives of the WTO TBT and SPS Agreements

The earlier scenario: African trade to EU or US

The current scenario: Trade within Africa

Which RECs to look at

Studies on the treatment of TBT and SPS matters by the RECs

The CFTA as an opportunity to improve the TBT/SPS approach

Standard	Technical Regulation	SPS Measure
<p><b>Document approved by a recognised body with rules, guidelines or characteristics for common and repeated use for products or production methods</b></p> <p><b>Result of standardization</b></p> <p><b>Compliance is not mandatory</b></p> <p><b>Can complicate efficiency of production and conduct of trade</b></p> <p><b>WTO TBT Code of Good Practice</b></p> <p><b>National standards to be based on international standards</b></p> <p><b>Improving efficiency of production and facilitating the conduct of international trade</b></p> <p><b>Members play a full part in their preparation by international standardising bodies</b></p>	<p>Document laying down characteristics for products or production methods (Includes marking and labelling requirements)</p> <p>Result of legislative action</p> <p>Compliance is Mandatory</p> <p>Can create an unnecessary obstacle to international trade</p> <p>WTO TBT Agreement</p> <p><u>International standards to be used as a basis for technical regulations</u></p> <p>Elimination of unnecessary obstacles to international trade</p> <p>Pursues a legitimate objective and is in accordance with an international standard</p>	<p>Measure which protects human, animal or plant life from diseases carried by animals or plants, or human or animal life from food-borne risks</p> <p>Result of legislative action</p> <p>Compliance is mandatory</p> <p>Can be a disguised restriction on international trade</p> <p>WTO SPS Agreement</p> <p><u>SPS measures to be harmonised to international recommendations</u></p> <p>Elimination of disguised restrictions on international trade</p> <p>Conforms to international recommendations</p>

# Overall Objectives of the TBT and SPS Agreements

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International standards must be used as the basis for standardisation whenever possible

Technical regulations must not be more trade-restrictive than necessary to fulfil a legitimate objective

SPS measures should be based on international recommendations and must be applied only to the extent necessary to protect human, animal or plant life

# The earlier scenario: African trade to EU or US

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EU technical regulations are based on selected EU (CEN) standards

US technical regulations are based on selected ANSI standards.

Products from Africa have to comply

Producer in Africa has to provide assurance of conformity

Failing this, the alternatives are inspection/testing on arrival, or pre-shipment inspection/testing

Standards and Technical Regulations, Conformity Assessment and Quality Infrastructure

# The current scenario: Trade within Africa

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Eliminate unnecessarily trade-restrictive TBTs

Eliminate unnecessary SPS measures

Pre-empt protectionist agendas

Promote exports from the RECs

Boost intra-REC and wider intra-African trade

Support Regional integration

# Which RECs to look at?

COMESA  
EAC  
SADC  
(ECOWAS)

# And what to look at?

Treaty design  
Dealing with the WTO texts  
Harmonisation (regional context)  
Regional standardisation activity  
Technical regulations  
Other improvements  
Coordination  
Cooperation  
Structures and infrastructure

TFTA

# **Studies on the treatment of TBT and SPS matters by the RECs**

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To see whether the RECs:

- Have either confirmed or undermined the WTO TBT/SPS provisions;
- Have added improvements to existing WTO TBT/SPS mechanisms;
- Have added additional mechanisms in order to deepen Regional Integration or boost Intra-African trade, and;
- Have in fact succeeded in boosting Intra-African trade.

# Challenges identified in the treatment by the RECs

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Duplication, overlap and Contradiction with the WTO TBT/SPS Agreements

Duplication, overlap and contradiction among different TBT/SPS frameworks

Trade-restrictive effects

Limited financial and human resources

Limited infrastructure

# The CFTA: an opportunity to improve rules based TBT/SPS approaches

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Treaty design

Treaty objectives

The RECs will remain

Structures have been created at the African and RECs level

Africa remains part of the wider world

So where to for the CFTA?

# A few ideas

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- Accept that the RECs will remain
- Be very clear on the CFTA objectives
- Try not to “renegotiate” the WTO texts
- Add clearly defined improvements on WTO/TBT/SPS
- Revisit the concept of regional harmonisation
- Add best practices conceived by the RECs
- Consider the outputs of the WTO TBT and SPS Committees
- Avoid duplication



# Discussion