



**REPORT ON SADC TBTSC AND TRLC STAKEHOLDER AWARENESS WORKSHOP
GABORONE, BOTSWANA
25-26 AUGUST 2010**

**REPORT ON SADC TBTSC AND TRLC STAKEHOLDER AWARENESS WORKSHOP
GABORONE, BOTSWANA
25-26 AUGUST 2010**

The SADC TBTSC and TRLC Stakeholder Awareness Workshop was held on 25/26 August 2010 at the Cresta Lodge, Gaborone. Twenty-four delegates from nine SADC countries participated (see annexed attendance list). The workshop was arranged by the SADC Secretariat and facilitated by Clif Johnston.

During day one, introductory presentations were given by Clif Johnston and Elsabe Steyn, followed by individual country presentations on progress to date in developing national supporting structures. During all presentations there were good participatory interventions from the group. Issues raised included the following:

- There is a perception among regulators in SADC countries that all standards are compulsory.
- There is a need for a greater understanding of
 - the process of how a standard is developed,
 - who can initiate the development of a Technical Regulation, and
 - how to implement and enforce a Technical Regulation
- There is a concern regarding the cost of regulation and its sustainability. A suggestion was made to introduce a central levy collection system on regulated products, with funds distributed among regulatory agencies.
- There is a need to understand the laws in the different SADC countries covering the withdrawal of nonconforming products.
- In order for the SADC-level structures to work properly, there is a need to focus on national structures and awareness programmes among national stakeholders, particularly industry, to overcome apathy among participants at national level.
- There is a need for a driver for the harmonization process (a function of the TRLC?).
- There is a perception that SADC intends implementing European Union structures, rules and systems for Technical Regulations, whereas the need is to facilitate regional market access by measures tailored to suit SADC.
- The bigger picture (e.g. negotiations with EAC and COMESA) needs to be overlaid on to SADC deliberations, to avoid divergence.
- Priority areas need to be identified.
- A model for the structure of national mirror committees needs to be developed, as well as guidelines for the identification and selection of suitable proposals for harmonization projects.
- It may be worthwhile reviewing existing technical regulations at national level for need and effectiveness. Seychelles has current experience in this regard as part of its negotiations to enter the WTO.
- There is a wide variation in the degree of implementation of TBTSC and TRLC structures at national level
 - none can be regarded as complete
 - most have identified the regulators in their countries
 - some are proposing forums that combine all regulators
 - others are proposing to limit membership to regulators affecting TBT
 - there is more progress towards the establishment of national TRLC structures than national TBTSC (and a tendency to focus on SQAM agencies, rather than business, as members of the latter)
- Scarcity of accredited laboratories is a problem in many countries
 - some use whatever is available to monitor the market, but send samples to accredited laboratories in other countries where action is contemplated
 - SADCAS is a major asset in the region, as it removes the need for each country to develop and accreditation system
 - centres of excellence in specific technologies could be established in different member countries, accessible to (and accepted by) all members

- Codex/SPS committees are already established in some countries and can serve as models for TBT structures and activities.
- There is an issue regarding the procurement of second-hand goods, such as motor vehicles, especially those initially sourced from countries external to SADC.
 - In the case of second-hand motor vehicles procured abroad there was a suggestion to introduce defined corridors through which they can be driven in transit to the destination country, to avoid the cost of transporting them on other vehicles through countries where they are not approved.

During day two, the delegates split up into two groups dealing with TBTSC and TRLC issues respectively. Each group was requested to come up with recommendations regarding the following for its area of operation:

- Recommendations regarding supporting national structures:
- Recommendations regarding the operations of TRLC and TBTSC themselves
- Possible future projects for funding at SADC level.

The outcomes of these groups were discussed and amended in the final plenary session. These form the recommendations of the workshop, given overleaf.

WORKSHOP RECOMMENDATIONS

1. **TBTSC**

1.1 National level:

1.1.1 All SADC member states should establish national SQAM committees consisting of all participants in all the structures and private sector, regulators, legislators, etc. The stakeholders include

- All national quality infrastructure participants
- Laboratory associations
- Conformity Assessment Bodies
- Exporters/importers associations
- Chambers of Commerce
- Civil society structures
- Consumer protection associations

1.1.2 Each national TBTSC should conduct a national outreach/awareness programme in order to attract participation at the right level (it was noted that SADC might be able to assist with the development of appropriate material for such programmes, and possibly with funding of activities involving two or more countries)

1.1.3 National TBTSCs should have a two-pronged approach on communication and interaction with other committees in order to influence their programmes of action

- National level:
 - with the national TRLC
 - with the national SADCSTAN representatives
 - with other national SQAM structures
- Regional level:
 - with SADC TRLC

1.1.4 Ministries of Trade and Industry (however named) should be given the responsibility for the TBTSC activities at national level, but care must be taken to ensure that these activities are seen to be independent of the activities of the national TRLCs (see 2.1.3)

1.1.5 National TBTSC committees should develop work programmes with measurable outputs so that they can report on their performance to the SADC TBTSC.

1.2 Regional level:

1.2.1 SADC TBTSC should attempt to source funding for national TBTSC activities, and to support the meeting of the SADC TBTSC ExCo twice annually.

1.2.2 SADC TBTSC should develop annual programmes for national TBTSCs, and arrange monitoring visits to assist with the harmonization of programmes.

1.2.3 SADC TBTSC should identify deliverables and measurements for its work.

1.2.4 SADC TBTSC should explore possibilities with regard to funding of its key activities.

1.3 Possible SADC Projects:

1.3.1 Regional awareness campaign for TBTSC activities

1.3.2 Development of promotional material and advertisements for the whole region

- 1.3.3 Setting up of physical (national) offices equipped and manned by SADC for TBTSC. (It was pointed out that national structures might work better if there were stakeholder ownership (independence) of the committee. Regional funding of national activities might be problematic, but national structures are free to apply themselves for funding from donors, and the SADC Secretariat would be able to administer any such funding).

2. **TRLC**

2.1 National Level:

2.1.1 Identify relevant regulatory departments, such as:

- Health
- Agriculture
- Environment/Energy
- Water affairs
- National Standards Bodies
- Trade and Industry
- Regional integration and international cooperation
- Transport/Labour
- Communications

Identify regulatory agencies, such as:

- National Standards Bodies
- Aviation
- Municipalities

Identify stakeholders, such as

- Organized Industry
- Organized labour
- NGOs
- Chambers of Commerce
- Tertiary institutions

2.1.2 Consultation and cooperation with stakeholders. Why consult?

- To identify needs for Technical Regulations that should be harmonized in SADC
- To identify import and export challenges
- To identify best practices
- To achieve practical implementation of the Technical Regulations; buy-in and ownership of the Technical Regulations; Transparency.
- To come up with predictability, and for certainty and fairness
- To ensure that real problems are identified and addressed – need to consider impact, risk and benefits

2.1.3 How to organize the regulators:

- Ministers of Trade and Industries should be responsible for coordination nationally
- Develop a roadmap for sensitisation of regulators to guide national implementation of the Technical Regulations within two years.
- Develop the Terms of Reference of the national forums
- Appoint an interim committee
- Create a national regulatory forum
- Disseminate the TRLC Rules of Procedure, TBT Annex, 2010 TRLC Resolutions and other related material, especially to newcomers (it was suggested that a standard docpack be developed for this purpose)
- Develop a template for national reports to the TRLC
- Secure SADC support for the establishment of national committees

- Prepare a list of all harmonized SADC Standards, and indicate the national adoptions
 - Take stock of all national Technical Regulations.
- 2.1.4 Take note of the drivers:
- Regional (SADC) integration
 - Harmonize regulations
 - Consumer safety
 - Support industrial development
 - Reduce TBTs
 - Facilitate trade within SADC.
- 2.1.5 Propose Technical Regulations to be harmonized by the SADC TRLC.
- 2.2 Regional Level:
- 2.2.1 There should be a minimum of four meetings of the TRLC ExCo before the AGM
- 2.2.2 Ensure two-way communication between ExCo and TRLC (before and after each ExCo meeting)
- 2.2.3 Establish a standing agenda embracing common issues at national level, including
- report-back from national TRLCs
 - report-back from ExCo
 - report-back on AGM Resolutions
- 2.2.4 There is a need for support of national TRLCs by SADC
- 2.2.5 Plan, organize and run at least five workshops with a national or regional flair per year – countries to indicate when
- 2.2.6 ExCo to be proactive in the initiation of TRLC activities at national level
- 2.2.7 Develop guidelines for the identification of needs for harmonized Technical Regulations
- 2.2.8 Develop guidelines for proposals for SADC TRLC harmonized Technical Regulations
- 2.2.9 Develop guidelines for determining priorities for the harmonization of Technical Regulations in SADC
- 2.2.10 Align TRLC work with that of other SQAM structures
- 2.2.11 TRLC to understand SADCSTAN processes
- arrange a workshop between regulators and standards developers
- 2.2.12 Develop guidelines for consultation, Impact Assessment and Risk Assessment.
- 2.3 Possible SADC projects:
- 2.3.1 Support of national workshop with a regional flair on national TRLC committees, combining subjects such as Standards, Technical Regulations, Metrology, etc (SQAM)
- 2.3.2 Assist in developing guidelines and training on how to use Standards in Technical Regulations
- 2.3.3 Support for TRLC/ExCo meetings

- 2.3.4 Proposal for measuring and monitoring the progress of TRLC activities at national level
- 2.3.5 Brochures
- 2.3.6 Newsletters
- 2.3.7 Banners
- 2.3.8 Business Cards (for ExCo members)
- 2.3.9 Letterheads
- 2.3.10 Dedicated (part of SADC) web site

NEXT STEPS

The workshop agreed that the next step will be for the two ExCos to examine these recommendations, and to develop work programmes and management structures.

Clif Johnston
2010-09-01

ANNEXURE (NEXT PAGE)
ATTENDANCE REGISTER OF PARTICIPANTS