

A closer look at Good Regulatory Practices: What are they and why are they important for safe trade facilitation in Africa?

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Using Good Regulatory Practice to Facilitate Safe Trade in Africa
Accra, 21 September 2023

Overview of GRPs

Why do GRPs matter for safe trade?



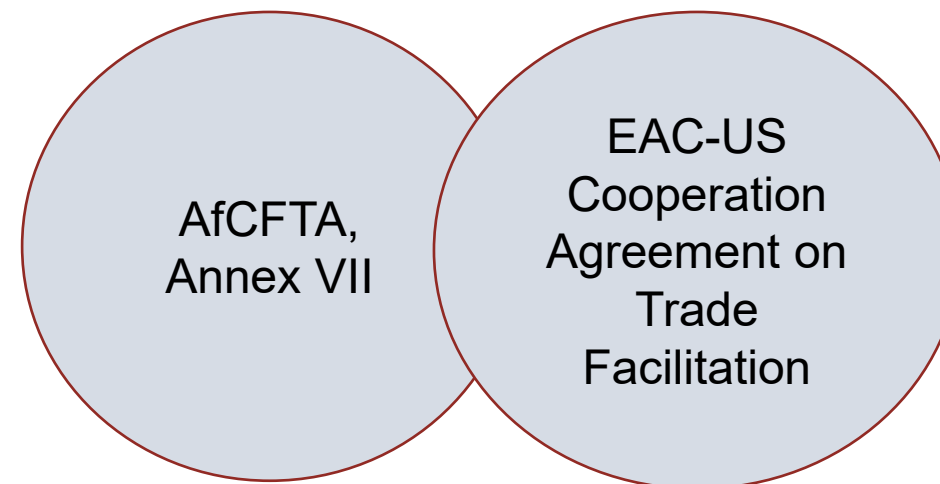
Inefficient and ineffective SPS measures may lead to:

- poor health protection
- unnecessary trade disruptions
- high costs and uncertainty for traders
- inefficiencies and costs for governments



GRPs: internationally recognized tools to improve SPS measures

- Better designed SPS measures: fit for purpose
- Compliance with WTO SPS Agreement
- SPS measures based on international standards
- Alignment with / benefiting from trade agreements requiring the use of or reflecting GRPs





And many more benefits ...

- Improve understanding and compliance with SPS measures
- Encourage inclusive SPS policies and inclusive trade
- Reduce cost and administrative burden of SPS measures
- Increase trust of the private sector and consumers in regulatory processes
- Enhance confidence of trading partners and investors

Why do operators not comply with certain SPS requirements?

Are there gaps in SPS requirements?

Are private sector actors aware of regulatory changes?

Are all existing SPS measures still needed?

Operators complain about lack of transparency. What should we do?

Is the draft SPS regulation based on international standards? Does it comply with the WTO SPS Agreement?

What is the best regulatory SPS option?

Which regulatory changes should have priority?

Are there overlaps between regulatory agencies?

Do we need to regulate at all?



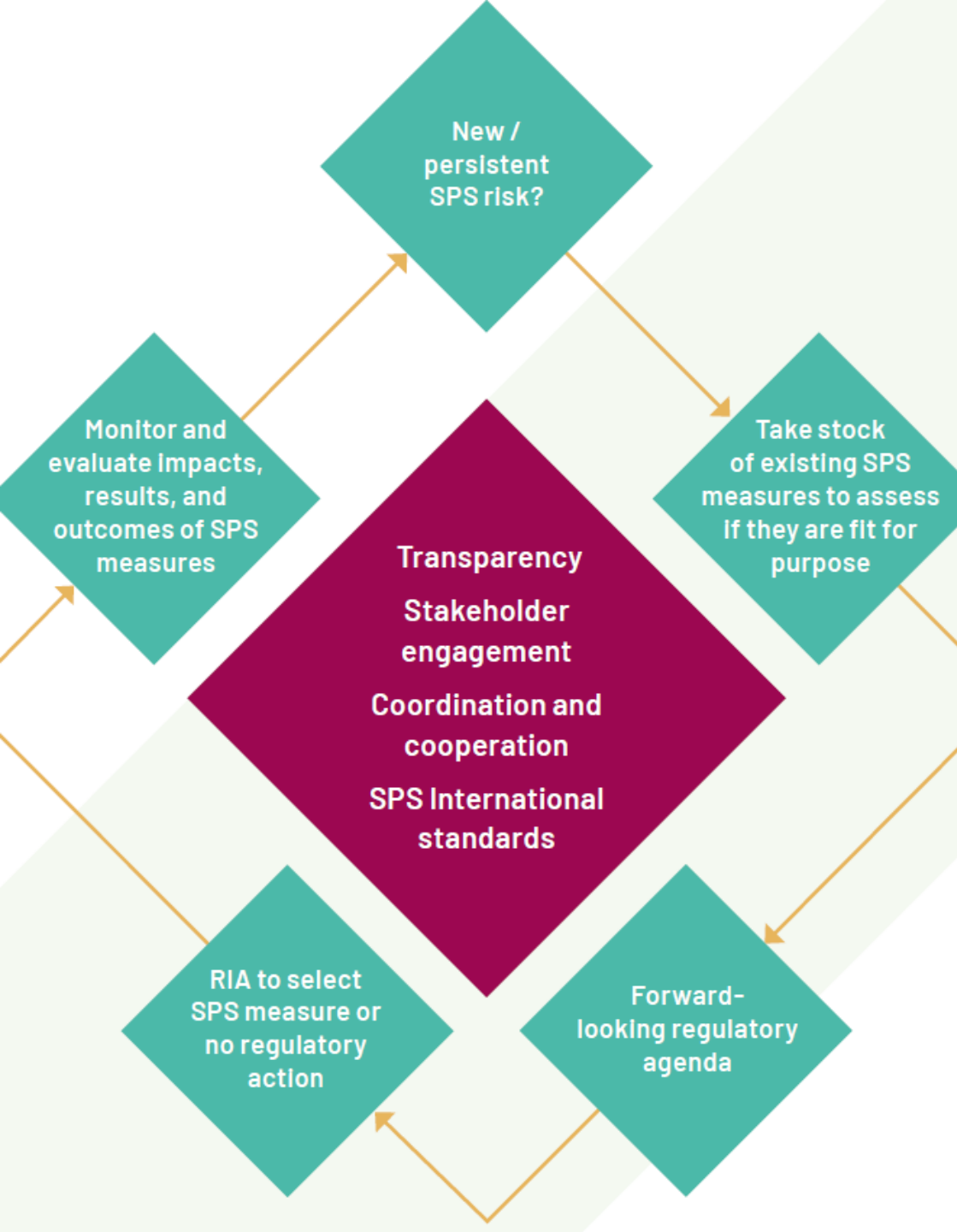
STDF GRP guide

- Show how GRPs can be used
 - step-by-step guidance
 - GRP flexibilities
- Share experiences
- Link to key resources

www.standardsfacility.org/sites/default/files/STDF_GRP_Guide_EN.pdf

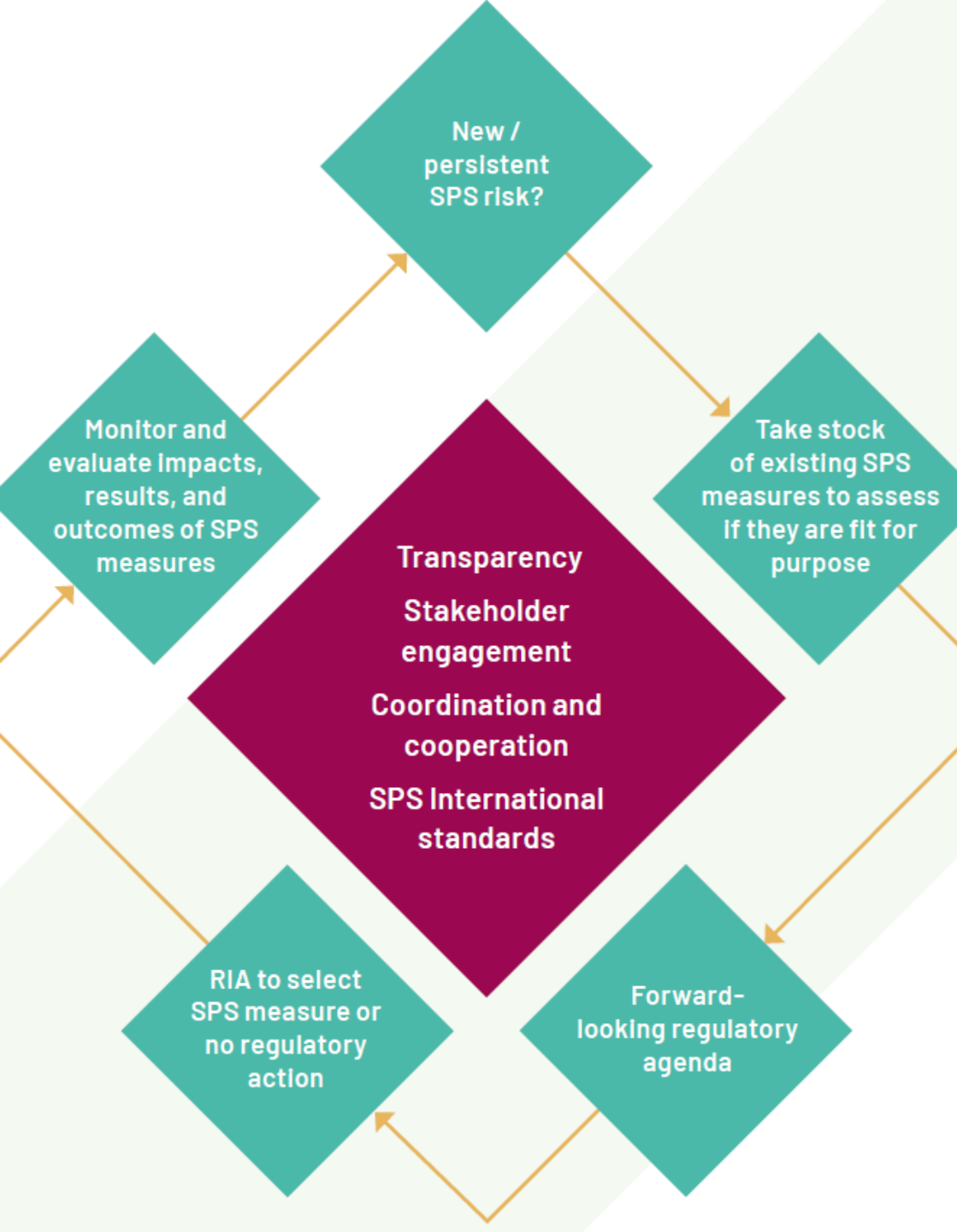
Good regulatory practices to improve SPS measures: A practical guide





Which GRP for what purpose?

- **Stocktaking** to reduce inconsistencies, gaps, and overlaps, streamline existing SPS measures
- **Forward-looking regulatory agenda** to plan regulatory changes ahead
- **Regulatory Impact Assessment** to assess effects of SPS regulations and non-regulatory alternatives and select the “best” SPS option
- **Monitoring and evaluation** to review and assess the performance of SPS measures



Which GRP for what purpose?

- **Transparency** to ensure clarity on SPS measures, make them accessible to end users
- **Stakeholder engagement** to understand the views of stakeholders
- **Coordination** to promote coherence on SPS measures and harmonization based on **SPS international standards** or regional standards

Zooming-in on selected GRPs

Transparency

Transparency – a multi-faceted and cross-cutting GRP



- Sharing/disseminating information: increased use of online tools
- Engaging stakeholders
- Considering inputs
- Cooperation and coordination at international, regional, national level
- Key element of RIA, stocktaking, monitoring and evaluation



Transparency – a key WTO principle

Notification of draft SPS regulations

- Allow for comments from trading partners

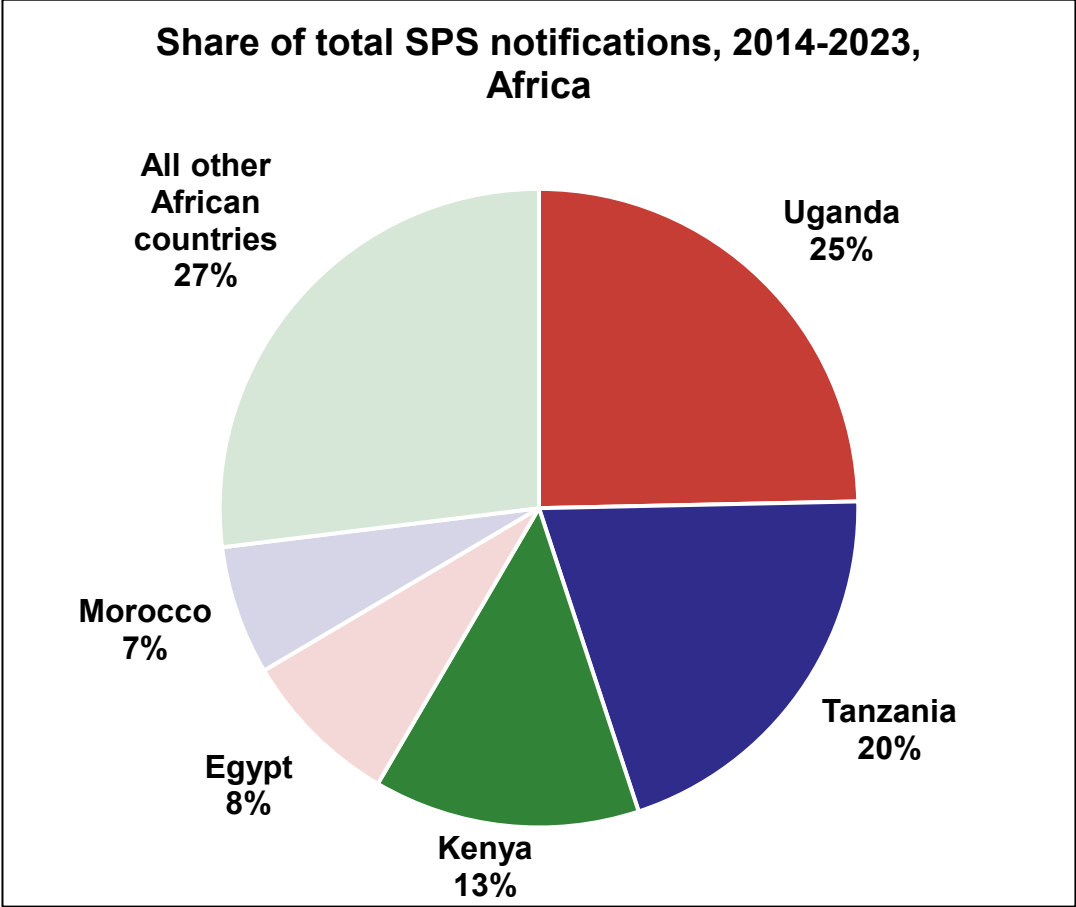
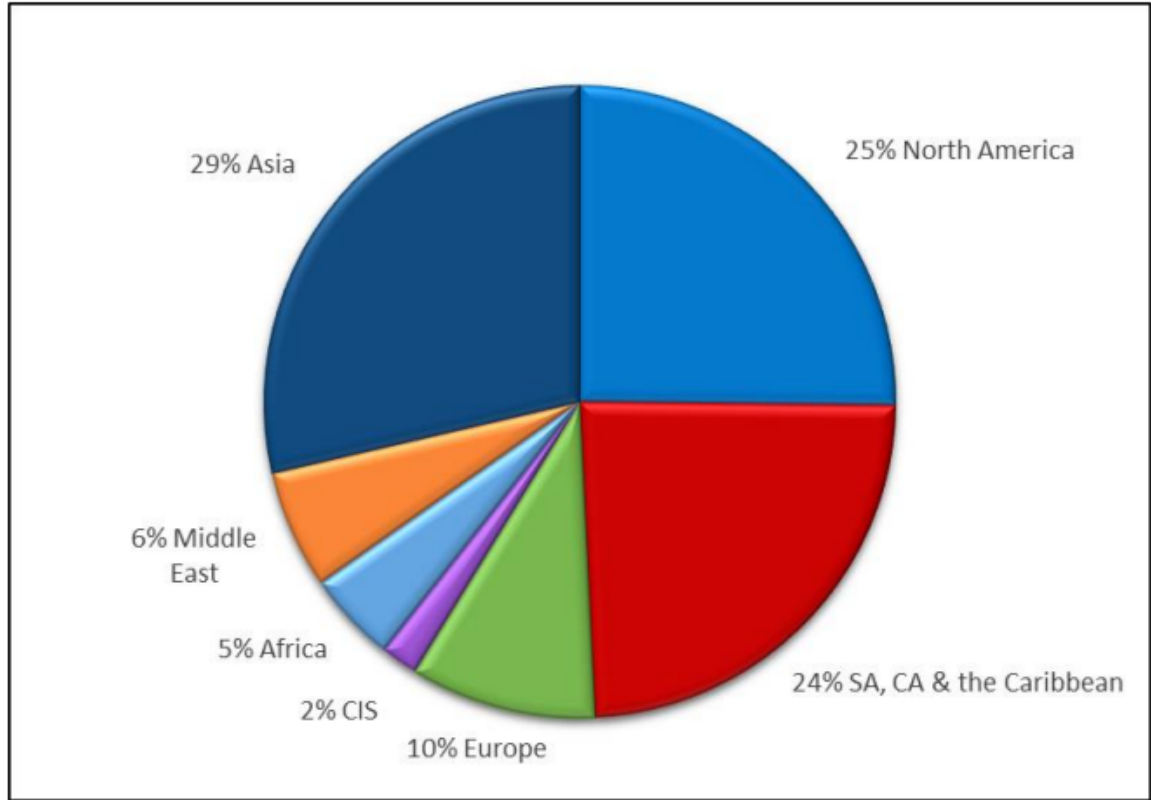
Publication of SPS regulation

- Leave time for traders to adjust to SPS requirements

Enquiry points + National notification authority

- Notify SPS documents and respond to enquiries from trading partners
- Track SPS documents and alert stakeholders of important changes
- Coordinate/submit comments on notifications
- Follow-up on comments received

Who notifies SPS draft regulations to the WTO?



Improving transparency: ePing SPS&TBT platform



- Browse WTO SPS notifications
- Receive email alerts on WTO SPS notifications for products and/or markets of interest
- Find info on trade concerns discussed in WTO SPS Committee
- Find info on enquiry points + notification authorities

EAC submits SPS notifications via ePing

Uganda and Tanzania among top 10 SPS notifiers in 2022!

Engaging stakeholders: why is it important?

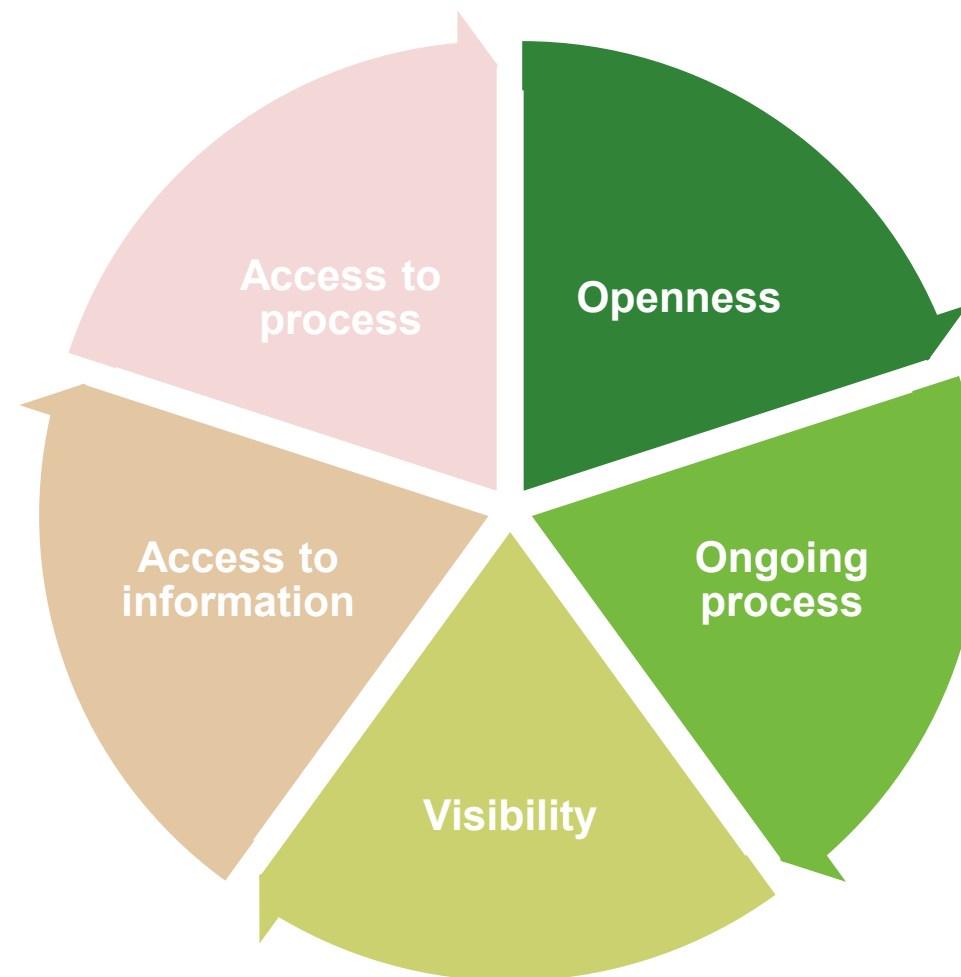


- Look at needs and challenges of operators and regulators
- Identify unintended impacts
- Consider diverse perspectives and foster inclusive SPS regulations: MSMEs, lower income farmers, women...
- Foster better understanding of SPS measures
- Garner support of stakeholders
- Build confidence

Tailored SPS measures and increased compliance!

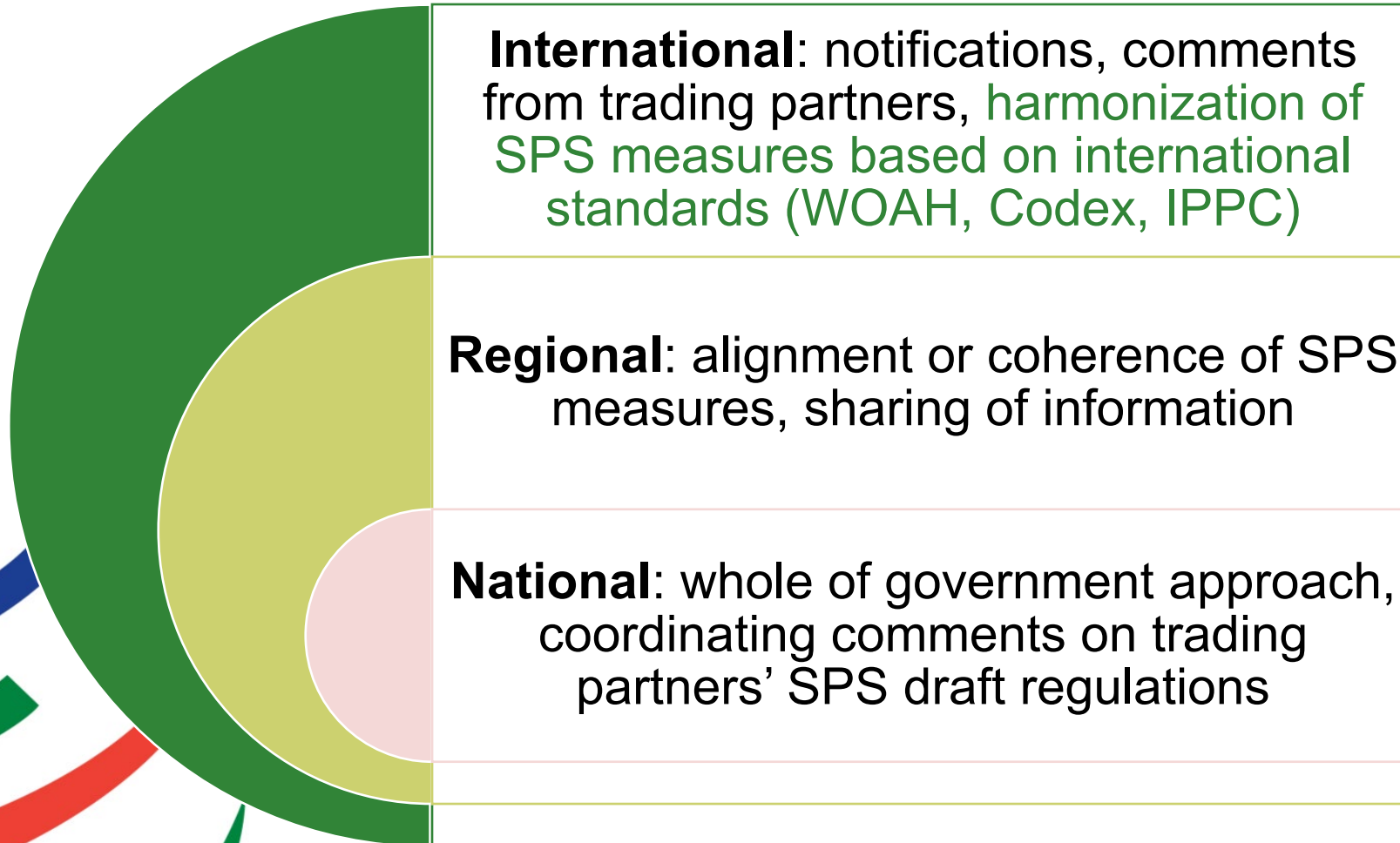
Public consultations in Morocco

- Information on draft regulations available online
- Stakeholder mapping / grouping
- Consultation meetings
- Written submissions
- Clear consultation periods



Coordination and cooperation

Coordination and cooperation – overview



Regional coordination and harmonization

- Regional SPS committees
- Technical working groups or networks
- Harmonization of SPS requirements

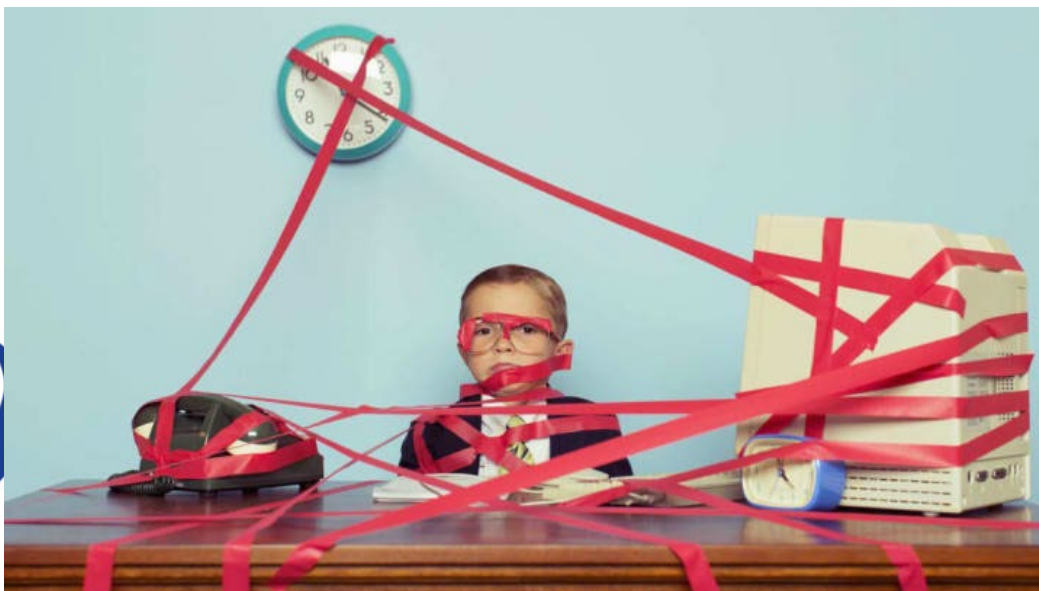
A few examples

- ECOWAS committee for regulatory convergence on food safety
- COMESA Green Pass for certification and Simplified Trade Regime for small-scale traders
- EAC SPS Information Sharing Platform (to be launched)



Regulatory stocktaking

Regulatory stocktaking: are existing SPS measures fit for purpose?



What is it?

- Inventory of regulations and agencies
- Dialogue with stakeholders
- Assessment of necessity, relevance, effectiveness of regulatory requirements

Why does it matter?

- Identify outdated/ineffective SPS measures
- Ensure SPS measures are consistent with international standards, WTO SPS Agreement...
- Modernize and simplify SPS regulations
- Get rid of overlaps/gaps in SPS requirements

Stocktaking / simplification efforts

- Electronic submission of SPS certificates (e.g. Côte d'Ivoire, Morocco, Rwanda)
- Simplified seed registration processes upon testing in pre-approved countries (e.g. Kenya, Tanzania)
- Legal review of biopesticide legislation in Southern Africa



Legal review of the biopesticide regulatory frameworks in selected countries in Southern Africa

Produced under the framework of the project:
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Regulatory Impact Assessment



Regulatory Impact Assessment – what is it?

- Systematic approach to measure negative and positive impacts of SPS options
- Robust quantitative and/or qualitative analysis
- Consider diverse factors: SPS protection, feasibility, implementation challenges, costs, economic, environmental, social, gender-related aspects...
- Assess compliance with WTO SPS Agreement and international standards

Regulatory Impact Assessments – key aspects



RIA to select the “best” SPS option

Avoid over-regulating: the “best” option might be not to regulate

Stakeholder engagement to ensure most relevant, effective, tailored SPS option is selected

Flexibilities depending on country context: simplified RIA or strategic use

Key takeaways

One size does *not* fit all

Build awareness and learn from others

Use existing tools

ePing, STDF GRP guide, WOHAI, IPPC, FAO/WHO performance and capacity evaluation tools, WBG and OECD guidance ...

www.standardsfacility.org/sites/default/files/STDF_GRP_Guide_EN.pdf

Thank you!

Consult the STDF guide on GRPs

www.standardsfacility.org/sites/default/files/STDF_GRP_Guide_EN.pdf

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