



REGIONAL GUIDELINES FOR THE MANAGEMENT OF SPS MATTERS IN SADC MEMBER STATES

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TERMS AND DEFINITIONS

For the purposes of these guidelines, the following have the meanings hereby assigned to them.

Codex: Codex Alimentarius Commission

IPPC: International Plant Protection Convention

NCC: National Coordinating Committees on SPS matters

OIE: World Organisation for Animal Health

Sanitary measures: any measure meant to ensure compliance with the SPS Agreement, i.e. laws, regulations, preventive and control measures, testing and analysis, quarantine, etc...

SPS: Sanitary and Phytosanitary measures

Stakeholders: Government regulatory agencies; private sector, farmer's association, consumers' association, academia and research institutions, third party certification bodies, NGOs, International Standards Setting Bodies: (Codex, OIE, IPPC),

PREFACE

The development of these guidelines has involved extensive consultations processes which included Member States and relevant stakeholders. These have been recommended for use by Member States in developing their specific regulations by Ministers responsible for Agriculture and Food Security.

The implementation of these regional guidelines will help to harmonise the management of SPS matters across the region. This will contribute to increased regional food security and trade opportunities.

I, therefore, urge all relevant stakeholders to embrace the implementation of these guidelines, in order to fully realise the benefits of greater trade in food and agricultural products in the region.

Tomaz Augusto Salomão
Executive Secretary
SADC Secretariat

EXECUTIVE SUMMARY

The *Guidelines for Managing SPS matters* in SADC Member States were developed as part of the process to promote better coordination and management of SPS activities in the region. The Guidelines serve to minimise overlapping, duplication, conflicting interests and to ensure efficiency in the use of limited available resources, in the implementation of the SADC SPS Annex to the Protocol on Trade adopted in July 2008.

In order to achieve this there is need to harmonise SPS related control measures, regulations, guidelines and procedures. This is done through institutional strengthening in the SADC region, in conformity with international requirements. Such developments will result in increased compliance with international requirements and probably increase in exports. SADC *Regional Guidelines for the Management of SPS matters* were therefore developed through a participative approach with a wide range of stakeholders. The guidelines will assist Member States to strengthen the SPS regulatory framework at national and at regional level.

The guidelines outline the basic technical requirements for Member States with regard to the organisation of the National Coordinating Committees (NCCs) on SPS matters. They provide clear delineation of responsibilities among key players and bring confidence to the respective *Member State SPS Control Management Systems* and promote regional collaboration and cooperation between sister technical committees dealing with similar SPS issues.

It is imperative that Member States adapt their organisations for the purposes of food security and safety, human and animal health, and protection of the environment. Currently, in most SADC *Member States, the approach to SPS Management* is characterised by a number of ministries and institutions performing activities without horizontal coordination. Although vertical coordination does exist to some extent, there is still need to make better use of expertise and resources available along the whole food chain, based on the farm to table approach. It is in this respect that the SADC Secretariat has embarked on an exercise to formulate *Guidelines for the Management of SPS Matters at Member State level* which is based on key technical activities or functions that need to be performed along the food continuum. The promotion of harmonisation of the guidelines at regional level will be addressed by the Regional SPS Committee as envisaged in the SPS Annex to the SADC Protocol on Trade.

The *Guidelines for the Management of SPS Matters at Member State level* recommend an approach based on technical multidisciplinary committees working together in different areas: policy and legislation; testing and analysis; pest, disease, control and prevention; inspection, monitoring and conformity assessment; safety and quality assurance systems and best practices {i.e. Good Agricultural Practices (GAP), Good Manufacturing Practices, (GMP) and Hazard Analysis Critical Control Points (HACCP)}, epidemiological surveillance and data collection; risk analysis, SPS information, education and communication (IEC) and capacity building. Member States together with all stakeholders should ensure that the necessary technical committees and functions are implemented according to their specific SPS issues.

1 INTRODUCTION

These guidelines outline a model that takes into account the diversity, the different levels of development and the wide range of SPS issues to be dealt with in the SADC Region. They also serve as a guide and can be adapted to suit particular needs of Member States.

SADC SPS management systems at national level are characterised by a multitude of Ministries and institutions performing SPS related activities without proper horizontal coordination and efficiency. It is therefore necessary to define a sound scientific and technical framework that will improve the management of SPS matters at Member State and regional levels.

The *Guidelines for the Management of SPS matters in SADC Member States* outline the principles of coordinating related activities with the participation of all involved ministries, institutions and stakeholders. The document provides advice to government on what steps to implement, in order to streamline SPS activities and coordinate the decision making process at national level.

One important way of ensuring the coordination of SPS activities with the participation of stakeholders is the establishment of *ad - hoc* or permanent specific technical committees. The delineation of activities at national level is a key element; as is the designation of a lead Ministry to spearhead the process. These technical committees are **multi-sectoral** and **multidisciplinary** in nature.

2 OBJECTIVES OF THE SPS MANAGEMENT GUIDELINES

The *Guidelines for the Management of SPS matters* are based on the formalisation of multidisciplinary and multi-sectoral technical and regulatory teams composed of relevant stakeholders who deal with SPS matters in SADC Member States. The objectives of the guidelines are to:

- Upgrade and harmonise legislation, regulations and standards efficiently
- Coordinate and integrate SPS activities and reporting
- Foster the uniform application of protection measures along the farm-to-table continuum
- Improve efficiency and better allocation of resources
- Conduct inspection, monitoring, certification and auditing activities efficiently
- Improve the capacity to respond to international and regional market trends and emerging challenges
- Improve the ability of the region and its Member States to react quickly to protect consumers when emergencies arise
- Provide an easy flow of SPS information to all stakeholders
- Enhance the capacity to implement an early alert system
- Provide better coordination of Risk Analysis (Risk Assessment, Risk Communication and Risk Management) nationally and regionally.

The guidelines have been prepared taking into consideration provisions of the SPS Annex to the SADC Protocol on Trade, as well as new worldwide trends in managing SPS matters.

3 CONTEXT FOR THE DESIGN OF GUIDELINES FOR THE MANAGEMENT OF SPS MATTERS IN THE SADC REGION

Providing nutritious, abundant and safer food requires the coordinated efforts of many stakeholders that make up today's complex and evolving system. In order to assess the management capabilities of SADC Member States, a SWOT analysis was conducted from January to May 2009. It revealed overlaps, duplication, conflicting interest, inefficient use of resources (i.e. human, financial, infrastructure) in managing SPS activities. The SWOT analysis revealed however that only informal coordination mechanisms exist in the form of loose Codex or SPS Committees without clear recognition, mandate or responsibilities.

Thus, it was vital to develop a policy guide that complies with the criteria of a modern approach in the effective management of SPS matters in line with the SPS Annex to the SADC Protocol on Trade. The policy will ensure that the management of SPS matters is:

- Systematic (i.e., from farm-to-table),
- Risk-based (i.e., established priorities and risk management alternatives),
- Transparent and participatory,
- Cost-effective, and
- Trade enabling,

The proposed generic model to be adapted to country particular situations meets:

- The need for more transparent and effective communication between stakeholders,
- The need for all farm-to-table stakeholders to participate in the management of SPS matters with clearly well defined roles and responsibilities and not relying only on audits and testing which are just means of verification and not preventive measures,
- The need to consider the global scope of the farm-to-table food production process,
- The need for science and data based decision-making when attempting to improve Food Safety, Animal and Plant Health and to lower the risks to humans, production and environment.

The process of harmonizing SPS related policies within the SADC region is of paramount importance as it contributes to the building up of efficient SPS related control management system. The guidelines on the management of SPS matters provide a coherent framework on which national governments can effectively and efficiently manage their sanitary measures without disrupting their existing administrative structures. The generic model provides an opportunity to increase confidence among Member States' SPS related management systems as it improves symmetric relations between corresponding technical committees, making it easier to address particular SPS matters of concern.

As part of the process of implementation of the guidelines, the existing situation must adapt to:

- Provide a clear delineation of responsibilities and roles of all stakeholders, particularly among different governmental levels
- Build the capacity of institutions and stakeholders to meet their responsibilities
- Break down barriers to information-sharing among institutions and stakeholders
- Create new mechanisms of collaboration both between government, industry, farmers' associations and other stakeholders'

4 CONTEXT FOR THE DESIGN OF THE GUIDELINES FOR THE MANAGEMENT OF SPS MATTERS IN SADC MEMBER STATES

The SPS Annex to the SADC Protocol on Trade was adopted by SADC Ministers of Trade and Industry at their meeting held in Lusaka, Zambia in July 2008. The Annex lays down the framework for regional integration and harmonisation of SPS matters. It also makes provision for the creation of National SPS Committees that are the backbone for the management and harmonization of SPS matters within the SADC Region.

The guidelines are being proposed to complement the process of building up the structure at country and regional levels as described in the Annex.

At present most of SADC Member States either have no committee, or where they have one, the Committees are not formalised nor were they established in accordance with requirements of the SPS Annex to the Protocol on Trade. The guidelines proposed here are meant to remedy to this situation.

4.1 Organisation of the National Coordinating Committee on SPS issues at the National level

The design of the generic model for SPS is based on the concept of the management functions that are required to ensure safety and quality along the entire farm-to-table continuum, including game and forest products. The model intends also to improve both vertical and horizontal coordination among all the SPS players: ministries, institutions, academia and research, private sectors, consumers', NGO's and famers associations. The proposed structure presented in Figure 1 is generic; therefore each Member State can adopt it as a whole or adapt it as necessary to strengthen the robustness, sustainability and effectiveness of an existing or future National Coordination Committee (NCC) on SPS matters. It gives the possibility to establish permanent or ad-hoc technical committees.

The structure is composed of a Policy Steering Committee, formed by Permanent Secretaries of relevant ministries involved in the management of SPS matters; Agriculture, Health and Trade (i.e. Food Safety, Plant Health, Animal Health, Standards) and other relevant specialised institutions. One Permanent Secretary of a key Ministry should take the lead in the national Policy Steering Committee.

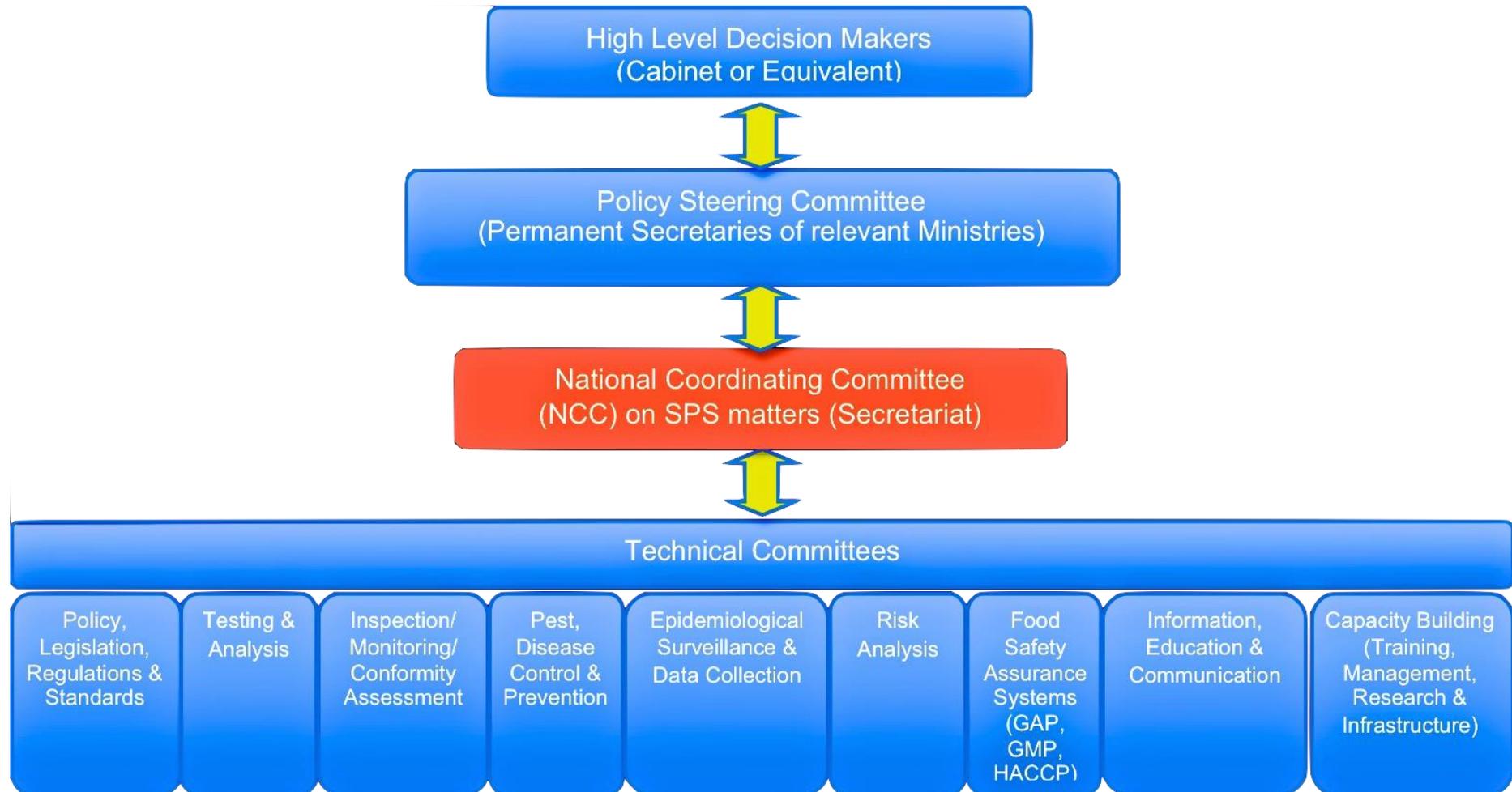
The Policy Steering Committee should report to High Level decision makers, i.e. the Cabinet or equivalent entity. The Secretariat of the National Coordinating Committee on SPS matters conveys recommendations to the Policy Steering Committee. The SPS specific matters under the National Coordinating Committee

are dealt with by Technical Committees. The Technical Committees are composed of relevant expertise depending on the SPS matter in question drawn from all stakeholders operating along the food chain, ministries, institutions, academia and research, private sectors, consumers', NGO's, famers. **The committees may be ad-hoc or with a specified duration of tenure.** Similarly the nomenclature of the structures is not fixed and can vary between Member States. Member States should avoid establishing too many Technical Committees, some of which may not be relevant or operate on a regular basis, but the setting should ensure that all key SPS matters relevant to the country and the region are being discussed and addressed.

Solutions to particular problems taken by Technical Committees are conveyed to the NCC Secretariat, which directs them to the Policy Steering Committee for deliberation and the High Level Decision Makers for decision.

The organisation model for **NCC** is presented Figure 1 below.

Figure 1. Proposal of a generic SPS management structure at national level



The National Coordinating Committee on SPS Issues should develop guidelines on the membership of the Technical Committees. When developing the selection criteria for representation in the Technical Committees, provision should be made to include all required expertise along the food chain continuum.

4.2 Role of the Proposed National SPS coordination Structure

Some of the issues that the Committee could deal with under its mandate include but are not limited to:

- Spearhead policy and legislation on SPS matters
- Advisory role on SPS matters to decision makers
- To identify, articulate and advocate international SPS issues of importance to the country
- Coordinate activities between governmental institutions, industry and consumer organisations and other stakeholders
- Advocate for setting of regulations, standards and codes of practices and promote their implementation
- Promote performance of timely and comprehensive data collection and analysis of pre-surveillance and post surveillance, including pest and disease control
- Promote communication and dissemination of information to all stakeholders
- Evaluate effectiveness of SPS control programs and intervention strategies (Management System Evaluation)
- Promote research and risk analysis
- Promote capacity building for a compliant SPS control management system
- Seek avenues for financial sustainability of the National SPS coordination structure
- The activities mentioned above serve as a guide and Member States can amend them in accordance with their specific situation and needs.

4.3 Operationalisation of the National SPS Structure

The operationalisation of the proposed structure in order to deliver its mandate will depend on the following aspects being in place:

- Political will; where top political leadership prioritizes SPS in national policy, after becoming aware of the vital importance and benefits of SPS control management to the nation's agricultural exports' trade and in ensuring improvement of food safety for human health.
- Budget allocation especially for the coordination of national SPS functions and the key players including travel to relevant meetings.
- Legal framework, which is formalized to enable recognition of SPS endeavours and allocation of specific budget for coordination of SPS matters.
- Advocacy and consultation with stakeholders, including international partners, in order to raise the priority level for SPS coordination and visibility on the national agenda as well as to seek financial support.

5 CONCLUSION

SPS matters management requires a strong impetus to enable SADC Member States to address efficiently the issues raised. Therefore efforts are needed to define clear and complementary responsibilities and roles among all stakeholders operating along the farm-to-table continuum. The recognition of the role played by stakeholders and the coordination approach in decision-making constitute the cornerstone of a modern system of managing SPS issues to which SADC Member States have to abide with in the spirit of the SPS Annex to the SADC Protocol on Trade. The establishment of the National Coordinating Committees is an important step in the right direction, as it addresses the need for regional harmonisation and integration.