



2<sup>nd</sup> REGIONAL SENSITISATION  
WORKSHOP  
ON THE EAC-EU EPA

“Improving EAC Private Sector Awareness on the EPA and Involvement  
in Trade Policy”

*Sanitary and Phyto sanitary Measures (SPS) & Technical  
Barriers to Trade (TBT)*

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# Sanitary & Phyto-Sanitary Measures (SPS) & Technical Barriers to Trade (TBT)

## Outline

1. Recapitulate the Key Concepts of SPS & TBT as discussed during the 1<sup>st</sup> Workshop
2. Give an overview of the issues and concerns in the EPA negotiations – based on research of issues
  3. Review SPS & TBT provisions in:
4. CARIFORUM, SADC-EC and other Interim EPAs
5. Propose Draft Elements for an EABC Common Position

# SPS & TBT

- Why do we have to consider SPS & TBT as an issue under EPA negotiations?
- Response:
  - 5 Partner States of the EAC are members of the WTO and have signed the SPS and TBT Agreements which are part of the WTO Agreement
  - 5 Partner States have committed themselves under Cotonou Partnership Agreement to negotiate an EPA which is WTO compatible.
  - Article 37 of the FEPA has listed SPS & TBT for negotiation under the comprehensive EPA.

# Recapitulation of Basic Concepts from 1<sup>st</sup> Workshop

What is SPS & TBT?

## 1. SPS Agreement

- a set of rules, principles and benchmarks for WTO members to ensure, among other things, that Sanitary and Phytosanitary Measures are justified and do not constitute disguised restrictions on international trade.

# Definition of SPS

**SPS Measures are any Cross-Border RULES applied by countries:**

- (i) To protect human, animal and plant life from risk arising from additives, toxins or disease-causing organism in foods, beverages or foodstuffs;
- (ii) To protect human life or health from risks arising from diseases carried by animals, plants or products thereof, or from entry, establishment of pests;
- (iii) To protect animal/plant life or health from risks arising from the entry, establishment or spreads of pests, diseases, disease-carrying organisms or disease causing organisms;
- (iv) To prevent or limit other damage from the entry, establishment or spread of pests;

# Highlights of the SPS Agreement

- The Agreement encourages the use of such standards as:
  - Codex Alimentarius : **for Food**
  - International Animal Health Organization (Office International des Epizooties): **for Animals**
  - FAO secretariat for the International Plant Protection Convention (IPPC) **for plant health.**
- Agreement: - **flexible** - allows countries to **use different standards** and **methods of inspecting products**, as long as the regulations are based on **analysis** and **assessment** of objective and accurate **scientific data.**

# Private Sector Concerns

What are the major concerns for the private sector on TBT and SPS measures?

- impede (instead of facilitating) entry into the EU market after the EU
  - offered duty-free and quota free market access are used
  - A well known example of abuse of SPS rules by the EU was the ban of Lake Victoria's fish exports to the EU under the excuse that the outbreak of cholera in the region could be introduced to the EU by importing fish from Lake Victoria.
  - EAC Lack of Capacity

# Private Sector Concerns

- Private sector's lack of capacity to conform with the EU's TBT and SPS Measures
  - Limited understanding and interpretation of TBT and SPS measures
  - technical cooperation between EAC Partner States and the EU exist but
  - new developments are always occurring - authorities lagging behind
- EU Retailers –EUREP-GAP
- Retailers in the EU impose their own sets of standards e.g.
  - Euro-Retailer Produce Working Group (EUREP)
  - Good Agricultural Practices (GAP) (EUREP-GAP) Protocols on:
    - Fruits and vegetable,
    - Flower and ornaments

# Draft Proposals for a Common Position

- Set a comprehensive inventory of SPS measures & TBT measures that EAC exporters face on the EU and on other markets;
- Enhancement of the technical capacities and business contacts of East African producers, so as to keep up with the evolution of TBT and SPS measures;
- EAC Partner States should achieve a common regional standards for goods;
- The EU should provide technical assistance to EAC Partner States in areas relating to
- TBT and SPS measures -especially capacity building in the fields of-
  - ❖ standardisation,
  - metrology,
  - accreditation,
  - conformity assessment,
  - upgrading and setting of laboratories and of other relevant institutions;
  - The EU and EAC Partner States should encourage the participation of the private
  - sector in international standard setting bodies;

# Proposals for Private Sector Position

- upgrading and setting of laboratories and of other relevant institutions;
- The EU and EAC Partner States should encourage the participation of the private sector in international standard setting bodies;

# Proposals for Private Sector Position

- EAC may call on the EU to cooperate in the various areas of standards, technical
- regulations and conformity assessment such as :
  - Promoting greater use of international standards in technical regulations and
  - conformity assessment, including sector-specific measures, in the Parties' territories;
  - Supporting EAC's capacity building initiatives in the fields of standardisation, conformity assessment and metrology;
  - Quality management and assurance in selected sectors
  - Promoting and enabling full participation in international standards setting bodies of EAC standards and other technical regulatory bodies. Reinforcing the role of international standards as a basis for technical regulations;
  - Promoting efforts by EAC conformity assessment bodies to obtain international Accreditation;

# Proposals for Private Sector Common Position

- EAC should call for define technical assistance for SPS capacity Building with
  - Financing and
  - Implementation Timelines
- EAC should call for Structural or institutional Agreements to facilitate the use of existing WTO SPS instruments

# Proposals for Private Sector Position

## ■ Equivalence

- EAC call for Technical Assistance for upgrading technical, institutional and competence upgrading according to international standards in order to achieve mutual recognition
- EAC Call for Technical Assistance to assess and make use of updated SPS changes in a proactive manner – request twinning programmes that could provide useful support – putting more emphasis on coordination

# Proposals for Private Sector Position

- Regional and Sectoral Priorities should be defined
  - Call for support for Pest-free area – Agreement on Procedural Issues of Regionalisation such as timeframes and consultation mechanisms to be negotiated, EU-Chile Association Agreement.

# Proposals for Private Sector Position

- Consultation Structure
  - EAC call for mechanism to facilitate early private sector input into new EU proposed SPS & TBT measures likely to affect them
  - The TOR of such a measure should clarify that both EAC and EU intend that SPS measures should be formulated, introduced and implemented in ways that are least harmful to the EAC Partner States, while not detracting from the “proven need for the desired level of protection of the EU consumer”.

# Proposals for Private Sector Position

- Compensation for Trade/Revenue Loss
  - EAC call for a mechanism to claim for compensation due to trade/revenue loss arising from new EU SPS measures or from EU precautionary measures, accordingly
  - EAC propose scenario as follows:
    - EU should guarantee today's effective market access to EAC Partner States – this implies that whenever EU implements new SPS measures, it has to ensure that EAC countries are able to comply – failing which EU would have to compensate the EAC partners state(s) disadvantaged for the related losses.

# Proposals for Private Sector Position

- Dispute Settlement
  - EAC call for technical assistance to develop a Mechanisms to assess the potential impact of proposed SPS measures on their industries.

# Conclusion

*Thank you for your Attention*

