



# TBT PROGRAMME

OVERCOMING TECHNICAL BARRIERS TO TRADE



## CASE STUDY



## QUALITY INFRASTRUCTURE



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### What is a quality infrastructure?

**Quality infrastructure (QI)** refers to the public and private institutional framework needed to implement standardisation, accreditation and conformity assessment services including inspection, testing, laboratory and product certification.

Governments often play an important role in QI. Governments also delegate QI responsibilities to the private sector, such as laboratory work and other testing and inspection procedures.

The good practices in QI described are derived from successful ACP-EU PMU projects related to quality infrastructure. These projects were designed to improve the regional and national policy framework required for ACP members to demonstrate that goods meet technical regulations and standards.



### Why is Quality Infrastructure important to the ACP?

An effective **quality infrastructure** is required in order to develop, implement, and verify compliance with technical regulations and standards. By strengthening their quality infrastructure, ACP countries are better able to meet foreign technical regulations and standards and are thus in a better position to maintain and potentially increase their exports. Improving QI also means that ACP members are in a better position to guarantee domestic product safety and the efficient delivery of goods and services.

Developing an effective quality infrastructure poses many challenges for ACP countries. QI facilities, such as laboratories, are expensive to develop and operate. Not only is the equipment costly, specialised technicians are needed to undertake QI work. Yet without an adequate quality infrastructure, ACP countries will have enormous difficulties maintaining and increasing market access for their exports – particularly exports to developed countries. They will also have tremendous difficulty ensuring that the goods sold on their market are safe and meet domestic and international standards. QI is therefore important, not only as a means to maintain and increase market share, but also as a means to maintain and develop consumer confidence.



## How were Good Practices related to quality infrastructure identified?

Good practices were identified by reviewing ACP-EU TBT Programme projects involving quality infrastructure. TORs and Final Reports were reviewed to assist in the identification of successful elements of TBT donor-funded programmes and projects, and to articulate how those elements can be replicated in other ACP contexts. Interviews were conducted with PMU representatives, beneficiaries, stakeholders, contractors and experts also as a means of identifying successful elements of ACP-EU TBT Programme projects. Pursuant to the ToR, Initial findings were presented to the PMU, which provided detailed feedback. This note focuses primarily on the following projects:

### TBT Support to the ACP Geneva Office (26-14)

This project was designed to enhance the effectiveness of ACP delegates representing their countries on TBT-related issues at the WTO. It sought to enhance the common understanding of and the dialogue on pertinent issues between the WTO and ACP Members and between delegations and capital-based staff. It sought to synchronise prospective negotiating commitments with a view to preserving development prospects, as well as to compile a sample registration system of national and regional TBT experts to encourage dissemination of capabilities at the intra-ACP level. Related projects enabled participation of ACP delegates in WTO TBT Committee meetings. This project strengthened the ability of ACP Members to participate in the multilateral trading system, including drafting and WTO negotiations, by improving their ability to understand, influence and comply with TBT requirements and standards including private standards affecting the trade of ACP countries. It also supported intra-ACP cooperation and sharing of good QI practices.

### NIGER – Capacity building of Quality Infrastructure towards a better integration into global trade (38-15)

This project supported the Directorate of Standardisation, Quality Promotion and Metrology. Its goals were: improvement of the legal framework; strengthening the capacity of laboratories; and supplying support to producers and exporters to apply management and quality control mechanisms for food safety.



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### Capacity Building for Quality Infrastructure Institutions of Kenya (54-15)

This project (1) identified major challenges and constraints and TBT and TFA capacity building needs, (2) strengthened the existing capacity of the Kenya Bureau of Standards (KEBS) and the Kenya Accreditation Service (KENAS), (3) and enhanced the institutional capacity in KEBS and KENAS to provide technical assistance to SMEs.

### Support for the formation of a new CARICOM Regional Organisation for Standards and Quality (CROSQ) Special Committee (93-16)

Project 93-16 sought to establish a special committee for CROSQ on Technical Barriers to Trade (TBT), Information Management Systems and Enquiry Point (TIE); to design ToRs for the TIE, to provide support for the selection of members, and to design of a one-year Work Plan for the TIE.

## What good practices were identified?

Pursuant to the PMU's "project description", good practices are organised based on project design, management, effectiveness, sustainability and results dissemination.

## PROJECT DESIGN

The Support to the ACP Geneva Office project (26-14) exemplifies the importance of flexibility in the design and implementation of a project. By spreading the project over 18 as opposed to 12 months, and by financing attendance of capital-based ACP delegates to TBT Committee meetings, the beneficiaries gained considerably more from this project than may have originally been foreseen.

The Geneva project illustrates another good practice to consider in the design phase – the PMU's recognition of the fact that technical expertise is often found in capital as opposed to Geneva-based trade negotiations. By bringing capital-based TBT experts to Geneva, the ACP through the work of the PMU, was able to bring additional technical expertise to Geneva, build the capacity of ACP capital-based officials while in Geneva, and to participate more effectively in TBT





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Committee work. ACP delegations benefitted from the cross-fertilisation that occurred as a result of interaction with ACP experts.

Establishing a Special Committee on TBT, Information Management Systems and Enquiry Points (TIE) for CROSQ (93-16) offered the Caribbean region the opportunity to work together to improve their policies at the national, regional, extra-regional and multilateral levels. This strengthened the link between agencies and relevant stakeholders while contributing to the harmonisation of approaches. The PMU's project design was both demand driven and forward looking. On the one hand, the project considered the region's decision to strengthen standards development, conformity assessment services and ensure compliance with the WTO TBT Agreement. On the other hand, the project laid the ground for an effective and sustainable regional cooperation through a single Committee to manage both TBT, SPS and Trade Facilitation issues. The project design helped to further advance the work of CROSQ, which was granted Observer Status in the WTO TBT Committee at its June 2016 meeting.

Another good practice in terms of project design that was used by the PMU in Project 93-16 is to harness the pro-active attitude of leading Member States in a region (in this case Trinidad and Tobago, Barbados and Jamaica) to advance a regional agenda. Specific ToRs and a work plan for the

operations of the TIE were designed by this group of countries, with support from the PMU through the provision of a legal expert, and were afterwards approved by the CROSQ Council.

Project 93-16 benefited from the achievements of a former project (ACP Geneva project, 26-14) that facilitated interactions between regional actors in the Caribbean. When the TIE project request was formulated, the PMU could easily assess the long-term potential for the beneficiary (CROSQ) as well as the rationale and the feasibility of the project. Promoting partnerships between the PMU and a beneficiary, or a group of beneficiaries, can be considered as a good practice to achieve significant results.

Capacity Building for Quality Infrastructure Institutions of Kenya (54-15) also demonstrated the need for PMU flexibility – a good practice highlighted in other case studies and the ACP Geneva project (discussed above). KEBS and KENAS were formerly part of one entity. In line with a more general TBT good practice (separating standardisation from certification) the entities were separated after the request for the PMU's assistance had been made. This resulted in design challenges, and project ownership challenges that had to be overcome given that the original needs assessment was made before the separation of the entities. The split between KEBS and



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KENAS meant that the PMU had to obtain beneficiary buy-in from both KEBS and KENAS; and to structure the project to avoid training redundancies. Flexibility was important to accomplish these objectives.

standardising bodies. It also helped to clarify reporting lines on TBT issues, and demonstrated the importance in working with national-based committees.

### MANAGEMENT

The ACP Geneva project (26-14) demonstrated the benefit of an important good practice – overcoming resource gaps through intelligent management and intelligent use of human resources. Through this project, the PMU was able to plant the seeds for a TBT network in the ACP – linking the PMU, national stakeholders, national TBT committees, QI institutions and capital-to-capital institutions. When resources are lacking, it is good practice to seek representatives who can communicate information on behalf of, and to all ACP members.

The strict selection criteria for participation of capital-based delegates in TBT Committee meetings was another good PMU management practice as it ensured that the right officials participated on behalf of ACP delegations in TBT Committee meetings and in the 7<sup>th</sup> Triennial Review of the TBT Agreement. As a result, this project helped to establish an ACP TBT community (which did not exist outside of SADC). It helped foster links between ACP members and





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### EFFECTIVENESS

The effectiveness of ACP-based QI institutions was increased as a result of the ACP Geneva project (26-14) due to the successful effort to support ARSO and CROSQ for WTO Observer status. The PMU recognised and capitalised on the fact that it is good practice to support the development of regional standardisation entities that can interact at the international, regional and local levels, particularly at the WTO, as well as in international standardisation organisations such as the ISO and the IEC. This action provides impetus for the consideration of ACP concerns and ACP initiatives at all levels.

The ACP Geneva project (26-14) also increased the effectiveness of the ACP both in the WTO and in capital by offering training, exposure and experience to capital-based representatives who already had some degree of technical knowledge (usually more than Geneva-based officials). This good practice (reaching out to already skilled representatives and offering them a chance further hone their skills) allowed capital-based representatives to use their skills in TBT Committee meetings and to provide support for national TBT committees.

PMU representatives identified several factors evidencing the previously identified good practices in the ACP Geneva project. They found evidence of effectiveness in the

fact that the ACP Ambassador intervened at the TBT Committee producing better visibility. The PMU representative drew from this an important conclusion – that there are TBT issues on which the ACP can speak with a common voice.

An ACP Official also viewed the PMU's good practices (identified above in conjunction with the ACP Geneva project) as effective as they produced coordinated interventions, uplifted ACP participants at the TBT Committee meetings, and helped to establish an informal network of ACP TBT experts.

One consultancy interviewed noted that effectiveness of EU TRTA might be further enhanced by having a specialised PMU with a broader remit, i.e., to deal with WTO issues related to non-tariff barriers (NTB issues involving both SPS and TBT questions). This may indeed be good practice, as demonstrated by the fact that the PMU's Kava project (42-14), which also has a QI component, is primarily an SPS project.

One cross-cutting PMU good practices designed to improve efficiency emerged in almost all interviews: (i) pairing international with local experts and attaching international experts to local QI bodies. This allows for the transfer of knowledge and provides a good environment for cross-fertilisation of ideas.



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### SUSTAINABILITY

As with project effectiveness (above), the sustainability of ACP QI institutions was increased as a result of the ACP Geneva project (26-14) due to the PMU's decision to support the application of ARSO and CROSQ for WTO Observer status. By becoming WTO observers, ARSO and CROSQ are now an established part of the international standardisation machinery, and each now have a greater incentive to act on the international level, and to make regional ACP views better known at the international level.

From the sustainability perspective, tougher questions arise with respect to the support offered by the PMU to capital-based experts for participation in WTO Committee meetings. While it is beyond doubt that supporting such participation is a good practice and that the knowledge transfer will make ACP representatives more effective both at the TBT and in capital, ensuring the overall sustainability of this effort will be difficult unless a stable source of funding emerges. An evaluation conducted by the PMU found that the sustainability of this project was not high (rating of "C"), due to the fact that with the exception of South Africa, funds are not generally available to bring capital-based officials to TBT Committee meetings in Geneva. South Africa, has however "on a voluntary basis proposed to continue the work done so far by the project",

demonstrating some beneficiary buy-in and a movement in the direction of sustainability. It is too early to know whether this will allow for the emergence of an ACP focal point, and the development, to the extent of feasible, of common strategies, and in some cases common WTO negotiating positions. An ACP representative noted the importance of establishing focal points that would interact between capital-based and Geneva-based ACP representatives. Such a move would contribute to sustainability.

A PMU representative noted that the establishment of regional TBT Committees constituted evidence of sustainability, as is the fact that some delegates received sponsorship from their countries. An ACP Official noted the importance of finding a means to continue the ACP Geneva project and to continue to support ACP participation in TBT Committee meetings.

Another good PMU practice for improving the sustainability of a QI policy framework can be drawn from the support provided by the PMU to Niger's Directorate of Standardisation, Quality Promotion and Metrology (38-15). The good practice consisted of conducting a thorough legal, regulatory and institutional framework review to ensure sustainability. In general, findings from such studies may unearth shortcomings that need to be addressed through consultations to provide for sustainability. The Niger project provides a good example of this approach. The PMU





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organised several workshops involving private sector operators, technical Ministries and service providers. Dialogue among stakeholders was essential to take stock of problems and to find suitable remedies. By the end of this process, experts working on the project had designed a strategic work plan for the three following years that prioritised programmes and reforms as part of the national QI policy. Sequencing the activities of the project through a close dialogue with the beneficiary, but also involving other key stakeholders, is very important to ensure the sustainability of the intervention.

Niger also received support from UNIDO to draft its NQI consistent with the ECOWAS framework and the PMU activity was complementary to UNIDO's work. A PMU representative noted that it was a good PMU practice to facilitate inter-donor cooperation.

Synergies between the CROSQ project (93-16) and the 10<sup>th</sup> and 11<sup>th</sup> EDF regional programme to support TBT activities in the Caribbean are also expected to contribute to the sustainability of the intervention. Activities laid out in the TIE work plan will necessitate funding during a first phase of operations until regional and national resources can be allocated to cover costs. Implementing PMU projects where regional and national additional resources are available is favourable for the sustainability of a project.

### RESULTS DISSEMINATION

An important good practice from the ACP Geneva project (26-14) was the preparation of briefing notes by the experts for dissemination among ACP delegations, in capital as well as in Geneva. These notes provided insights into the work of the TBT Committee and ongoing WTO negotiations, and allowed ACP delegates to make more and better interventions in the WTO TBT Committee. These notes also allowed for the dissemination of knowledge and facilitated the strengthening of capital-based and Geneva-based negotiators. Detailed summaries of important TBT Committee agenda items, and items arising in conjunction with the Seventh Triennial Review of the TBT Agreement also allowed ACP delegates to actively participate in TBT Committee meetings. An ACP representative noted that circulation of these technical papers and notes among ACP countries was an important practice and contributed to the dissemination of results.

Dissemination of knowledge through meetings, workshops and briefings organised by well-known WTO experts, was another good practice and further demonstrated the value of “stand-by” support. Knowledge dissemination was furthered by assembling a database of people and initiatives.

Results dissemination was successful for



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another reason in the ACP Geneva project – the fact that technically-oriented capital-based officials were brought from capital to Geneva and allowed to interface with other capital-based and Geneva-based diplomats greatly increased knowledge dissemination, both between capital-based representatives (who were able to create a network with other capital-based representatives) and between Geneva-based and capital-based representatives.

An important good practice that emerged from the PMU's CROSQ project (93-16) is that the TIE Special Committee will make use of online meetings (an e-Group) for regional dialogue. This will facilitate regular working sessions and efficient collaboration. E-groups and other online activities are cost-saving means of building efficient networks that can help disseminate knowledge without major expense.

As noted in other case studies, but worthy of repetition, Capacity Building for Quality Infrastructure Institutions of Kenya (54-15) demonstrated the importance of developing a local communications strategy and SME outreach. It also demonstrated the utility of holding workshops outside the work venue so that participants will not slip-out to attend to urgent work matters.

