



# TBT PROGRAMME

OVERCOMING TECHNICAL BARRIERS TO TRADE



## CASE STUDY



## STANDARDISATION



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## What is a standard?

The WTO Agreement on Technical Barriers to Trade (TBT) defines a standard as a: *“Document approved by a recognised body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.”*<sup>1</sup> By definition, standards are *voluntary*.

Standards falling within the WTO TBT Agreement can be developed at the international, regional, national or sub-national levels. If effective and appropriate, WTO Members are required to use international standards “as a basis” for the development of their own technical regulations (mandatory) and standards (voluntary). International standards are developed by recognised standardisation bodies such as the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC). In practice the technical regulations and standards of developed country WTO Members are often more stringent than the norms set forth in international standards. Regardless, TBT disciplines apply.

WTO decisions have clarified that private standards (those not developed by recognised standardising bodies such as ISO and IEC) fall outside the WTO Agreement. These means that standards developed by private bodies, such as companies (including supermarkets) and NGOs are not subject to TBT disciplines.

## Why are standards important to the ACP?

Standards play an increasingly important role in international trade. The requirement that international standards be used as a basis for technical regulations means that market access for ACP products is at a minimum, dependent on meeting international norms. In addition, ACP countries frequently rely directly, or indirectly, on international standards for the development of their own technical regulations and standards. Depending on the international standard that it relies upon, when an ACP member uses international standards as a basis for its technical regulations or standards, it may be helping to protect its own consumers, environment, and human, animal and plant life or health. Meeting and applying international standards also serves to enhance the credibility and marketability of ACP products at home and abroad. In addition, when an ACP product meets the standards of an importing country, it may be able to command a higher price.

International standards may also serve as a basis for barriers to ACP exports. This is particularly true when an ACP producer lacks the capacity to meet foreign technical regulations or standards. As ACP countries frequently lack the financial and technical capability to participate in the formulation of international standards, they may find that not only are the products subject to standardisation of less relevance to them, but also that they are less able to participate effectively in the international standardisation process.

## How were Good Practices related to standardisation identified?

<sup>1</sup> See Annex 1:2 of the TBT Agreement. An explanatory note to Annex 1:2 specifies that “The terms as defined in ISO/IEC Guide 2 cover products, processes and services. This Agreement deals only with technical regulations, standards and conformity assessment procedures related to products or processes and production methods. Standards as defined by ISO/IEC Guide 2 may be mandatory or voluntary. For the purpose of this Agreement standards are defined as voluntary and technical regulations as mandatory documents. Standards prepared by the international standardisation community are based on consensus. This Agreement covers also documents that are not based on consensus.”



Good practices were identified by reviewing ACP-EU TBT Programme projects involving standardisation. 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 TORs, initial findings were presented to the PMU, which provided detailed feedback.

This note focuses primarily on the following projects:

#### ARSO - Harmonisation of African Standards - Traditional Medicine (09-13)

Project 09-13 sought to support the harmonisation process of African Standards within the scope of the Technical Harmonisation Committees (THC 13) on African Traditional Medicine.

#### Scientific and Legal Assistance for the Development of a Quality and a Safety Standard for Kava Production and Trade in the Pacific Region (42-14)

Project 42-14 was designed to address the technical barriers faced by Kava producers, process and exporters in order to improve the quality and safety of Kava-based products. This project sought to: (1) Complete the scientific sampling of relevant Kava cultivars and ensure that Kava is produced and processed according to agricultural practices and recognised FAO-Codex regional and international standards; (2) define and prepare draft Kava regional/international standard to be put forward in FAO-Codex regional process (Codex Coordination Committee North America South West Pacific).







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**Development and implementation of technical regulations and methods of referencing standards in Barbados, Jamaica and Trinidad and Tobago (81-16)**

Project 81-16 is the result of a joint request from the Bureaus of Standards of Barbados, Jamaica, and Trinidad and Tobago. Its purpose is to strengthen the capacities of these agencies in the development and harmonisation of technical regulations and methods of referencing standards. The expected results are: (1) selected staff from the benefitting agencies are trained on the establishment of procedures for the development and implementation of technical regulations and methods of referencing standards, (2) at least one draft technical regulation is developed in each country, and (3) a regional workshop is organised to raise awareness on the use of Good Regulatory Practice in the development of effective technical regulations.

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**GHANA - SIERRA LEONE: Enhancing EU Market Access for Handicrafts from Ghana, Sierra Leone (67-15)**

The purpose of the project is two-fold: (1) to enhance knowledge amongst key Government Ministries and Agencies, standards bodies, private sector, and other stakeholders on quality schemes and applicable international and EU standards for the handicraft market in order to facilitate access for West African Handicraft to the EU and global markets through improved regulation of quality certification schemes, and (2) to promote socio-economic growth and rural poverty reduction through technical assistance on (i) drafting specifications and (ii) training craftsmen with a view to creating a regional system for the protection of traditional knowledge and geographical traditional names for handicraft products.



## What good practices were identified?

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

### PROJECT DESIGN

Project design in the Traditional Medicine project (09-13) was successful due to a particularly important good practice – assuring that the beneficiary has a clear vision of the standards it wants drafted. It is important in the design phase to work closely with the beneficiary to understand its needs and this was done in 09-13.

The Kava project (42-14) is significant as it is based on the recognition of the economic importance of a particular product to a specific region (Kava is an important cash crop in several Pacific nations). Designing projects that address products of economic importance, such as Kava, is in the obvious interest of ACP countries.

The ACP effort to further trade in Kava has been ongoing for many years, demonstrating the importance in the design phase of appreciating the timeframe it takes to advance ACP goals. The PMU, beneficiaries and experts correctly appreciated that the Kava standardisation process is long-term, and successfully moved the development of a Kava standard one step closer.

The Kava project also demonstrates the importance of reviewing and building on the work of earlier projects. For example, the Kava project was able to continue and build successfully on work done by the ACP-EU MTS PMU. This means that the final reports of earlier projects are important and if well-done can provide guidance for future projects. The experts in the Kava project took care to craft a detailed final report that should help with the design of future Kava-related projects. It contains numerous recommendations that will no-doubt aid future project design.

In the Kava project, the PMU appreciated that good practice in a standardisation project not only requires experts that are knowledgeable in the area where a standard is sought, it requires allocating the financial resources for validation of the experts' work, and participation by the experts to the extent feasible in the international standardisation process.

Timing considerations also enter into other aspects of project design. The Kava project illustrates that it is good practice to factor travel logistics carefully into the design phase



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of a project, particularly in the Pacific region where it may take considerable time to travel to certain locations. Likewise this project demonstrates that it is good practice in the design phase to find the right balance between time spent by experts in the region and time spent doing deskwork or working with technical experts on standardisation issues.

Beyond economic importance, the political weight of a sector also needs to be taken into account. Project 81-16 focused on a selection of national priority sectors in Barbados, Jamaica, and Trinidad and Tobago. Changes and improvements in these sectors (i.e. telecommunication, energy and transport) matter more to the national agenda than ACP-EU trade relations. This strategic choice contributed to a good buy-in from the part of the beneficiaries and led to the active participation in the project by key stakeholders. As a result, beneficiaries received training on Good Regulatory Practices, designed new technical regulations in selected sectors and are now able to apply their knowledge to other sectors. This outcome should help support economic growth and trade in the region.

International standards do not always exist as a means to provide suitable guidance to countries and producers. This is the case for the handicraft sector. As a result, producers in ACP countries need to better understand how their products can enter foreign markets by assessing technical regulations applied on the various components and inputs (e.g.

chemical composition of paint, wood origin, etc). The handicraft project (67-15) took this into account by helping ACP artisans to cope with multiple regulations and internalise these regulations in their production processes. Specifically, the PMU recommended identifying technical specifications for wooden decor and baskets, as well as conducting a market needs analysis for craft products originating from Ghana & Sierra Leone so that they would more easily enter the EU market.



### MANAGEMENT

In the Ghana Sierra Leone handicraft project (67-15), combining a team of experts with “hands-on” knowledge of the handicraft market (Team Leader) and a Legal Expert was a very appropriate good practice. The beneficiary benefited from practical





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suggestions beyond standardisation issues (how to promote a collection of products, quality control, do's and don'ts) while the legal expert sensitised the beneficiary and workshop participants to intellectual property issues (quite often, Asian countries are considered to be direct competitors to Ghana with respect to traditional products).

The Barbados, Jamaica and Trinidad and Tobago project (81-16) arose from requests by the National Bureaus of Standards (NBS) of three Caribbean States. It was a good practice from both the project design and project management perspective to group the requests together. The beneficiaries had similar interest in terms of standards development. Grouping the projects allowed for the more efficient use of financial and management resources, in particular with respect to resources expended for a regional workshop.

The Kava project illustrates the need to secure beneficiary “buy-in” during the management phase. Due to the importance of Kava to certain Pacific islands, it was much easier to secure beneficiary buy-in for this project.

**PACIFIC** – Eco-labelling Schemes for Enhancing Market Access for Pacific Fish Products in the EU (21-14) demonstrates that from a PMU and consultancy perspective, it is good practice to select experts that are knowledgeable about a region and accustomed to working with local experts from that region.

### EFFECTIVENESS

The agenda of international standardisation organisations is an important driver in project effectiveness. The effectiveness of the Kava project, was enhanced as the experts paid attention to the ongoing work of Codex Alimentarius in the kava field.

An excellent example of effectiveness, well-illustrating a good practice is to be found in Uganda – Capacity Building to UNBS – WTO Notifications and Information Systems (06-13) in which the Ugandan delegation to the WTO used a project recommendation on establishment of a global TBT notification export alert system as the basis for Uganda to participate in WTO TBT Committee discussions on the establishment of a global TBT notifications export alert system. This project illustrates (i) the benefit of including well-conceived project recommendations capable of implementation, (ii) the desire of ACP countries to receive timely TBT export notifications, and (iii) the ability of adequately briefed ACP delegations to help steer TBT Committee negotiations.

Associating beneficiaries from different countries (Ghana and Sierra Leone in project 67-15) and operating at different levels of the value chain had a positive impact on the outcome of the project. Participants in the project learned from one another, and sought to adopt quick win strategies (sourcing of



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inputs to fulfil technical regulations of export markets), to become better acquainted with internal rules and costs before confronting non-tariff barriers (e.g. custom procedures, freight forwarders operations), and to set up new networks (optimal division of labour and exchange of information about buyers).

While project 67-15 aimed at supporting Ghana and Sierra Leone exports to the EU market, as a result of the project local exporters now contemplate business opportunities in both the EU and US markets. Project effectiveness could be further enhanced by continuing efforts to match beneficiary needs, in this case continuing to look for business opportunities on both the EU and other foreign markets.

Experience from the Barbados, Jamaica and Trinidad and Tobago project (81-16) suggests that it is best to adopt a “light” Good Regulatory Practices (GRP) model across Government bodies. Indeed, stricter guidelines risk being incompatible with current practices. Ministries would have to recommence the standards development process which may not be necessary for ensuring compliance with WTO requirements.

Training in legal drafting is highly beneficial as there is often a lack of expertise among ACP countries in this area. In order to increase the effectiveness of the Barbados, Jamaica and Trinidad and Tobago project (81-16), the parties agreed that the Expert would draft technical regulations in collaboration with a focal point from each

country. This served as a starting point and should increase interest in other sectors for the development and roll-out of other technical regulations.



## SUSTAINABILITY

The Traditional Medicine project (09-13) demonstrates two good practices related to sustainability and project success: (i) choosing projects of obvious economic importance; and (ii) focusing on a comparative advantage of Africa (medicinal plants).

The ongoing work on development of a Kava standard demonstrates how new projects can build on the success of previous projects. Good practice requires ensuring that the Final Report contributes to the sustainability of the project. Ideally, it should be (i) disseminated, and (ii) set forth next steps for a future project (if necessary).





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The Kava project (42-14) demonstrates that the selection of experts can have an important impact on the sustainability of a project. The experts selected for the Kava project are among the leading specialists with respect to Kava safety, Kava standards, and the economic importance of Kava, and remain very committed to the long-term development of a Kava standard and Kava marketing. Using experts with this kind of knowledge and long-term commitment means that time is not lost “bringing experts up to speed” and that the beneficiary will buy-in more easily to the project and the work of the PMU

Most participants in the workshop organised as part of project 67-15 suggested that Ghanaian and Sierra Leonean artisans have the skills but lack the knowledge to produce what is currently selling on the international handicraft market. Indeed, traditional handicrafts do not sell anymore. Opportunities are better directed towards higher value-added products *made in Africa*. Marketing plays a very important role in this sector. As a result, beyond TBT issues, discussions focused on a forward-looking strategy, which in itself is a good practice, that considered technical regulations and market opportunities that would strengthen the sustainability of this sector. Additionally, it was agreed that the further exchange of knowledge between buyers in the EU/US and ACP producers would better connect the market in the long run.

ACP members can strengthen sustainability

by promoting *regional* approaches to Good Regulatory Practices (GRP). By supporting a request from three Caribbean beneficiaries, as part of project 81-16, the PMU provided regional momentum. Indeed, following the three one-week training sessions organised as part of project 81-16, CROSQ would like to develop and adopt regional guidelines on GRP (improve regional QI policies). This strategy requires a follow-up and discussion among National Bureaus of Standards to clarify concerns and facilitate the buy-in process.

### RESULTS DISSEMINATION

Good practices relating to results dissemination are evidenced by the Traditional Medicine project (09-13). This project demonstrated the importance of translating results into French and using an expert's contacts to assure that local newspapers covered the project workshop.

It is important from the outset to consider the most cost effective ways to disseminate information. The Kava project (42-14) was able to disseminate some information economically by working with local newspapers.

If a workshop is to be held, PACIFIC – Fish Products (21-14) demonstrates that dissemination will be enhanced through careful speaker selection.



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Halfway through the Ghana-Sierra Leone handicraft project (67-15), a workshop was organised to disseminate project findings among various stakeholders (artisans, representatives from the handicraft sectors, custom agents, freight forwarders, packaging companies, and officials from the Ghana Standards Institute). This proved very useful as a means to address various challenges artisans face when exporting their products to foreign markets, beyond the fulfilment of technical regulations. The workshop enabled clarifications about administrative requirements, legal issues in Ghana and abroad, and the importance of quality control.

Based on the findings of project 67-15 implemented in Ghana and Sierra Leone, an online Network Platform for the West African Handicraft value chain is being created. This will allow regional artisans, companies and handicraft professionals to access technical information necessary to expand their exports to foreign markets.

As part of the Barbados, Jamaica and Trinidad and Tobago project (81-16), participants in a one-week national training on GRP were also sensitised about the WTO agreement on TBT and the use of online notifications. Transferring knowledge about publically available resources is a valuable good practice.

PMU representatives offered thoughts on the knowledge dissemination portion of the Kava project (42-14). The representative stressed the importance of a validation workshop as a means of obtaining beneficiary buy-in, disseminating information, obtaining targeted feedback, and bringing a project to a formal conclusion – thus setting the stage for subsequent projects (if required).

In the Kava project (42-14) obstacles to marketing Kava in the EU were in part due to German regulatory practices. While not specifically part of the remit of the ACP-EU TBT programme, one of the interviewees suggested the value of acquainting beneficiaries with EU regulatory practice, and the interface between EU and Member State regulatory practice, since understanding such practices can play a role in maintaining beneficiary buy-in during the dissemination phase of a product.

In a meeting with ARSO, its representatives noted that with respect to ARSO - Dissemination of information and Creation of Awareness on African Agricultural Standards (70-15), the PMU followed a good practice at the dissemination phase by describing standards in simple language and encouraging the use of simple outreach materials.