

Non-tariff measures in African export trade

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What are we talking about?

- Standards
- Technical regulations
- SPS measures

Standards

- Document approved by a **recognized body**
- Rules, guidelines or characteristics for products or related processes and production methods
- For **common and repeated use**
- Compliance is **not mandatory**
- May **also** include or deal exclusively with
 - terminology
 - symbols
 - packaging
 - marking
 - labelling requirements as they apply to a product, process or production method
- Also includes “voluntary sustainability standards”

Technical Regulations

- Product characteristics or their related processes and production methods, including the applicable administrative provisions
- **Mandatory** compliance
- May **also** include or deal exclusively with
 - terminology
 - symbols
 - packaging
 - Marking,
 - labelling requirements as they apply to a product, process or production method.

TBTs in the AfCFTA

- Annex 6 to the Protocol on Trade in Goods of the AfCFTA Agreement (TBT Annex)
 - Key issues: the rules, but also **conformity assessment**
- Aims to **facilitate trade** through:
 - eliminating unnecessary and unjustifiable technical barriers
 - strengthening cooperation and identifying priority areas
 - developing and implementing capacity building programmes
 - enhancing transparency in the development of TBT measures
 - Promoting **African** development and implementation of standards
 - promoting mutual recognition of results of conformity assessment

SPS measures

- Any measure applied:
 - to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
 - to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
 - to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
 - to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.

SPS measures in the AfCFTA

- Annex 7 to the Protocol on Trade in Goods of the AfCFTA Agreement (SPS Annex).
 - Parties are to be guided by the provisions of the SPS Agreement in the preparation, adoption and application of SPS measures.
 - Aims to further recognize regional conditions, with a view to **boosting intra-African trade** in animals, animal by-products, plants, plant products and plant by-products.
 - Recognition of regional conditions and “compartmentalization” allow for the further development of **regional value chains** by aligning SPS standards in regions with **similar pest or disease profiles**.
 - Audit or verification

What are the benefits of non-tariff measures?

- Bulk of NTMs are aimed at protecting consumers, business interests, or the environment
- Standards and technical regulations could help integrate and improve industrial quality
- Properly conceived, SPS measures help increase the quality of food and feedstuff, improve health and environmental protection, and make for competitive exports

What are the drawbacks of non-tariff measures?

- Any measures aimed at protecting consumers or other interests can also be used for **protectionist** reasons
- Misconceived NTMs can be deeply harmful to international trade
- SPS measures constitute one of the key barriers to global trade

How do we reduce trade friction in NTMs?

- Supranational rule-making
- Bilateral harmonization/"convergence"
- Mutual recognition of the rules
- Mutual recognition of authorities/conformity assessment
- "Equivalence"
 - See AfCFTA SPS "audit or verification" provisions

Extra-structural context

- Political sensitivity
 - NTMs and especially SPS measures are extremely sensitive – don't expect any exemptions
- Systemic considerations
 - A pan-African approach to standards, regulations, or SPS measures?
- Policy complexity
 - Setting up the systems is outside the capacity of most African states

Path forward

- National capacity building
- Continent-wide cooperation in institutional and substantive terms
- Closer attention to structural issues

Thank you

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