



Aligning Mozambique's National Quality Infrastructure with the WTO Technical Barriers to Trade Agreement [Draft]

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Acronyms

ANSI	American National Standards Institute
ASTM	American Society for Testing Materials international
EDM	Electricidade de Moçambique
EP	Enquiry Point
IAF	International Accreditation Forum
ILAC	International Laboratory Accreditation Cooperation
INNOQ	Instituto Nacional de Normalização e Qualidade
IPAC	Portuguese Institute for Accreditation
ISO	International Organization for Standardization
LNHAA	National Laboratory for Hygiene, Water and Food
MIC	Ministry of Industry and Trade
MoH	Ministry of Health
MRA	Mutual Recognition Arrangement
NCSL	National Conference of Standards Laboratories International
NM	Mozambican National Standard
NMI	National Metrology Institute
NMISA	National Metrology Institute of South Africa
NQI	National Quality Infrastructure
NQP	National Quality Policy
SADC	Southern African Development Community
SATH	USAID Southern Africa Trade Hub
SI	International System of Units
SOP	Standard Operating Procedure
TBT	Technical Barriers to Trade
WTO	World Trade Organization

Introduction

WHY DOES MOZAMBIQUE NEED A NATIONAL QUALITY INFRASTRUCTURE?

Quality is a pre-requisite for Mozambique's economic success; it is well-recognized that standards, technical regulations and over burdening testing and certification requirements (Technical Barriers to Trade) can be major impediments to domestic production, international trade, foreign investment, consumer protection and economic growth. Mozambique's domestic industry needs to demonstrate that they are capable of producing high quality, safe goods and services for domestic and foreign markets. This demonstration is carried out by implementing a National Quality Infrastructure (NQI) which is guided by the country's National Quality Policy.

For Mozambique to compete and succeed in today's regional and global market: traders, producers and suppliers must not only find a buyer, but they must also ensure that their products meet the importing country's safety requirements, as well as the customers' expectations. This includes providing credible proof of this.

To facilitate trade and industrial growth as well as protection of health and public safety for the Mozambique people, the government must develop and implement an effective strategic plan (National Quality Infrastructure) that is transparent, meets the needs of domestic industry and is fully compliant with the country's international and regional trade agreements, such as the WTO Agreement on Technical Barriers to Trade, the Sanitary Phytosanitary Agreement and the TBT provisions contained in the SADC Trade Protocol.

A National Quality Infrastructure is essential in breaking down technical barriers to trade. Building a NQI will enable Mozambican enterprises to meet the demands of a multilateral trading system and to provide credible proof that their products conform to international standards, technical regulations and conformity assessment requirements. This is extremely important for both business and regulatory authorities. This is a complex challenge that has to be met in several organizational dimensions including the public and private sectors, academia, trade associations, and other stakeholders. Private sector involvement is crucial to the overall success of a national quality program; they are the ultimate beneficiaries of such a program. A properly developed and implemented NQI will minimize the duplication of re-testing and re-certification requirements and eliminate non-tariff barriers to trade and market access delays. This would lead to a reduction in release time for merchandise at the borders, both at the import and export level as well as reducing transaction costs for trade.

WHAT IS A NATIONAL QUALITY INFRASTRUCTURE/NATIONAL QUALITY POLICY?

There are no single internationally agreed definitions of NQP and NQI or a single ready-made model. However, the following is considered appropriate:

The National Quality Policy (NQP) is **"the expression of the government's intentions, direction and aims regarding the quality of goods, services and processes in the country, together with the national framework to be established by the government to guide the design and building of the national quality infrastructure and the technical regulations regime, towards achieving the expressed aims."**

The National Quality Infrastructure (NQI) is **"the institutional framework that establishes and implements the practice of standardization, including conformity assessment services, metrology, and accreditation. Therefore, the NQI is the infrastructure through which goods and services produced in a country are declared fit for consumption/use in the marketplace."**

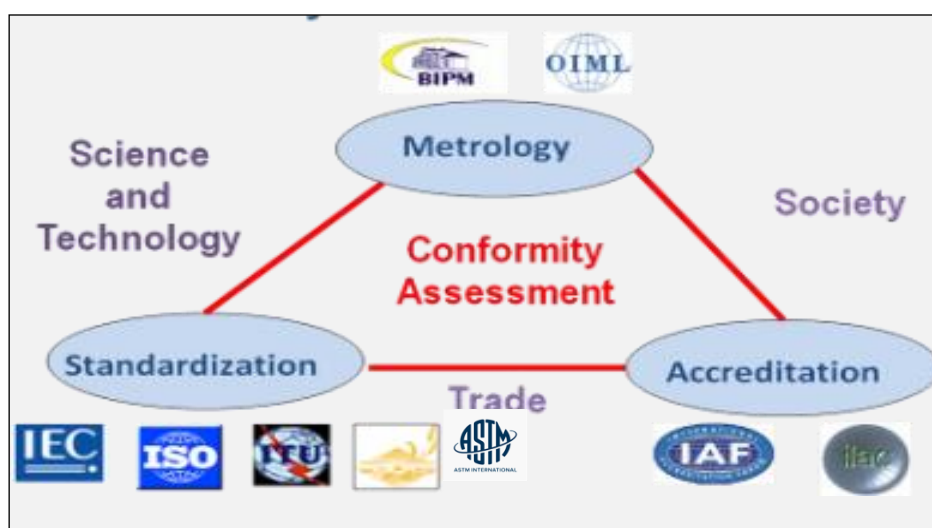
The development of a NQI should be based on a thorough needs assessment of all parts of the economy and as stated above, there is no ready-made model. The specific needs, once identified, must be considered carefully and the quality infrastructure planned and built in phases, with particular attention to ensuring that it is sustainable. This of course, requires a clear government commitment to provide the necessary resources and finance. In their function as protectors of consumers, the environment, national resources, regulatory bodies in Line Ministries must define technical regulations and supervise their enforcement

For the NQI to be successful there is a requirement for cooperation and coordination between all stakeholders. The Instituto Nacional de Normalização e Qualidade (INNOQ) should coordinate and collaborate with relevant Line Ministries and the private sector who are the ultimate beneficiaries as well as partners in the implementation of the NQI. One of the primary roles of INNOQ is to be able to provide the necessary technical assistance and services to the line Ministries that are responsible for the testing, certification, accreditation and verification that imported and domestically produced products are safe and can be placed on the market in Mozambique.

Relevant Ministries should remain responsible for developing, implementing and maintaining technical regulations within their sphere of responsibility, and will have to demonstrate that technical regulations are only established based on legitimate objectives such as the protection of human health or safety, animal or plant life or health, or the environment, or the prevention of deceptive practices. Technical regulations should not result in unnecessary barriers to trade.

A major challenge for INNOQ will be in building capacity and a reputation of being the nation's technical authority for standards, metrology, certification and accreditation. INNOQ needs to create awareness of the importance and benefits of standards, metrology and conformity assessment as a tool to facilitate trade and their role in supporting industrial growth in the country as well as protecting domestic consumers. The National Quality Policy should support the activities of INNOQ and assign them to carry out functions that are normally the responsibility of a National Standards/Metrology organization. It should promote Mozambique's innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that will enhance the economic security and improve the quality of life of the citizens of Mozambique.

Figure 1: National Quality Infrastructure model Source: EN



Metrology, standards and conformity assessment are three separate but interdependent and interlinked “pillars” of knowledge and are essential to develop a quality infrastructure that enables sustainable development that can lead to full participation in international trade and to satisfy the technical requirements of the multilateral trading system. When considering the role, structure, and functions of INNOQ, it is essential to understand how these three pillars fit together.

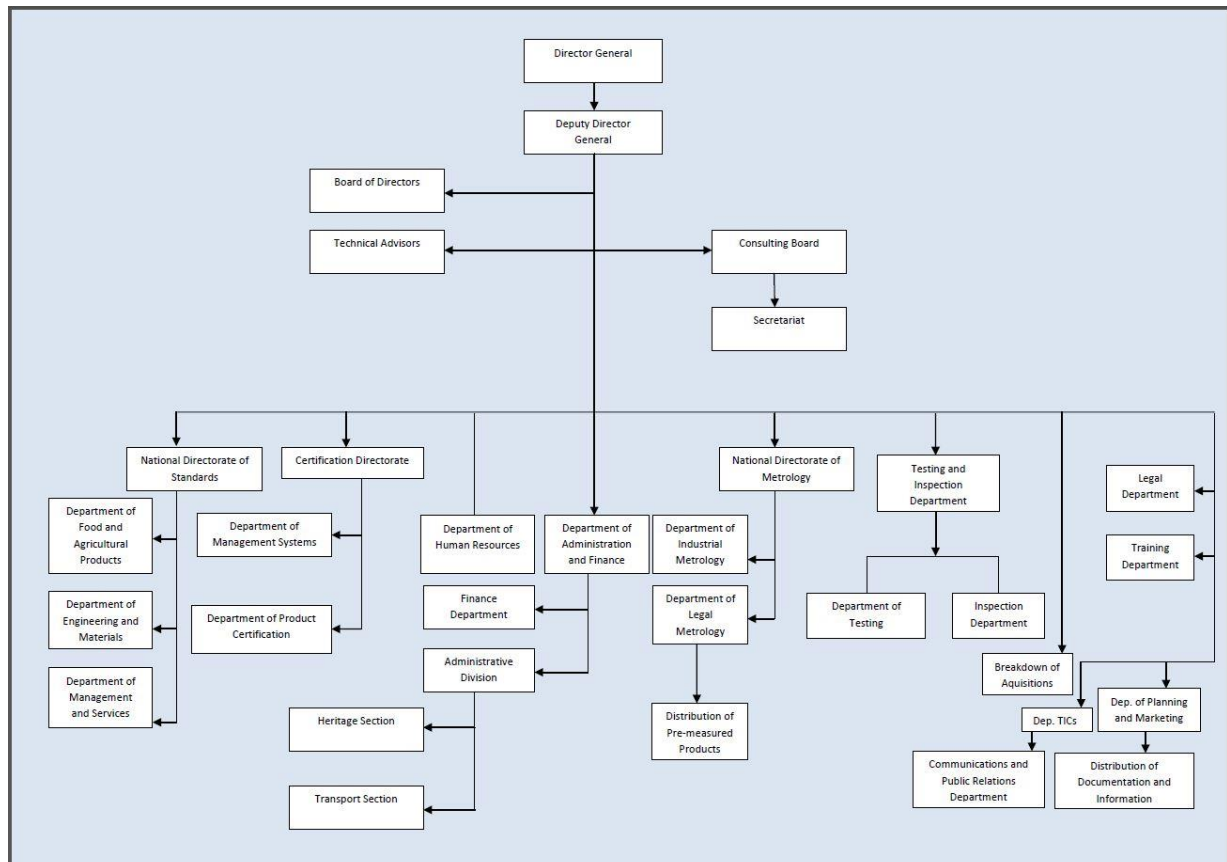
The first step toward establishing an internationally recognized successful NQI is ensuring good governance and creating institutions free from conflicts of interest. To achieve this, countries will need to either build or restructure their national quality infrastructure upon the principles of transparency, openness, consensus, impartiality, and technical credibility. No amount of staff training or technological investment can create a modern NQI if these principles are ignored.

INTRODUCTION TO INNOQ



The Instituto Nacional de Normalização e Qualidade (INNOQ) was established on 24 March 1993 by Law Decree 02/93 of the Council of Ministers, under the Ministry of Industry and Energy. INNOQ is judicially and administratively an autonomous body that has been operating under the Ministry of Industry and Trade (MIC) since 2000, and acts as the recognized central body responsible for defining and implementing quality policy and for coordinating all standardization and quality activities at national level.

Figure II: INNOQ Organization Chart



The main functions of INNOQ include the development of national documentary standards, maintaining the country's national measurement (metrology) system and provide traceability of

measure to the international system of units and disseminate this to the private sector and other government organizations via calibration services. INNOQ conducts Certification, Inspection and Legal Metrology activities which includes the validation of petrol pumps and weigh bridges. INNOQ's mission includes the aim to improve the conditions of industry, protect consumers and the environment, increase and facilitate domestic and international trade in order to improve the standard of living and strengthen the overall economy of the country.

INNOQ currently employs 86 staff members who fulfill technical and administrative functions. INNOQ provides a series of fee-based services to industry and other Government agencies, including calibration, product certification, selling standards and training courses. The income received from these services is sent to Ministry of Economy and finance, and 40% is returned back to INNOQ to become part of their operating budget. INNOQ must request the 40% portion of its revenue from the Government and there is an annual cap on these funds which is based on INNOQ's approved plan and budget. If INNOQ's services revenue exceeds their projected income, 100% of the additional income goes to the government's central budget. INNOQ can the following year request additional funds, but to date INNOQ has not been successful in receiving any increase based on the previous year's income performance.

In Mozambique, the Ministry of Industry and Trade (MIC) is responsible for implementation of the WTO TBT Agreement, and has the overall responsibility of ensuring that the obligations under the Agreement are fulfilled. INNOQ has been appointed as the WTO TBT Notification Authority and National Enquiry Point. The main responsibilities of the National Enquiry Point and Notification Authority for Mozambique include: responding to technical enquiries from other WTO Members regarding Mozambican domestic regulations, standards and conformity assessment procedures in force; and fulfilment of the notifications obligations under the TBT Agreement. The Enquiry Point serves as the focal point for disseminating information on Mozambique's obligations under the Agreement.

INTRODUCTION TO THE TBT AGREEMENT

The TBT Agreement is one of the 29 individual legal texts of the WTO Agreement which obliges Members to ensure that technical regulations, voluntary standards and conformity assessment procedures do not create unnecessary obstacles to trade. It should be noted that Members must accept all of the terms and conditions of the TBT Agreement – there are no exceptions, and no optional provisions.

The Agreement is made up of four sections. The main section contains 15 separate articles relating to:

- ▶ General Provisions
- ▶ Preparation, Adoption and Application of Technical Regulations
- ▶ Preparation, Adoption and Application of Standards
- ▶ Procedures for Assessment of Conformity
- ▶ Recognition of Conformity Assessment
- ▶ International and Regional Conformity Assessment Systems
- ▶ Information and assistance
- ▶ Special and Differential Treatment of Developing Country Members

This is followed by 3 Annexes:

- ▶ Annex 1: Terms and Their Definitions for the Purpose of this Agreement
- ▶ Annex 2: Technical Expert Groups
- ▶ Annex 3: The Code of Good Practice for the Preparation, Adoption and Application of Standards

The major principles of the TBT Agreement are:

- ▶ Non-discrimination - Members agree to apply technical regulations equally to domestic and imported products without any differentiation between the two.
- ▶ Harmonization - Members agree to use relevant international standards as a basis for preparing and harmonizing technical regulations and standards.
- ▶ Equivalence - A complementary approach to technical harmonization. Members agree to recognize technical regulations different from their own if they fulfill the same policy objectives.
- ▶ Mutual Recognition - Members agree to enter into negotiations with other members for the mutual recognition of conformity assessment procedures including accreditation, testing, inspection, calibration, and certification.
- ▶ Transparency - Members agree to send draft technical regulations and conformity assessment procedures to the TBT Committee and take account of subsequent 3rd country comments.
- ▶ Proportionality - Members agree that technical regulations measures should not be more trade restrictive than necessary to achieve the legitimate objectives. It should be noted “quality” is not considered a legitimate objective.

The TBT Agreement and Transparency

The word transparency in the context of the WTO is used to signify one of the fundamental principles of its agreements. The aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. The TBT Agreement requires that WTO Members notify the WTO Secretariat when technical regulations, standards, certification procedures are being developed that differ from international norms and could have a significant effect on trade. As a complement to the obligation to notify, each Member establish and operate a national Enquiry Point to answer all reasonable inquiries from other WTO Member countries as well as from interested parties from the domestic market.

Assessment Objectives and Methodology

In April and May 2017, a two-person team from the SPEED+ project conducted an initial assessment to baselines analysis of the current standards and technical regulations environment in Mozambique, including the regulatory framework, and include recommendations for future USAID-funded support to INNOQ. The assessment was conducted by SPEED + Consultants Ed Nemeroff an expert on NQI/TBT and Thomas Leonard from Nathan Associates Inc. with support from SPEED+ project staff.

The assessment included a series of meetings with INNOQ management, as well as with staff members in each of the institute's directorates and departments. INNOQ served as the primary contact for the assessment, but the assessment team also met with several other public sector agencies, private sector organizations and international donors in order to establish a comprehensive understanding of current environment and practices.

During each of the meetings with various public sector and private sector groups, the assessment team presented the background and objectives of the SPEED+ project and this assessment, and provided an opportunity for the domestic counterpart to share their perspective on relevant processes, practices and needs. At the close of the assignment, a meeting was held with the INNOQ Director General and senior staff to relate and validate initial findings of the assessment and discuss the proposed assistance program.

This assessment was undertaken within the context of a number of existing efforts that have provided technical assistance for INNOQ, including assistance programs implemented by, the EU, UNIDO, SATH, GIZ,PTB, and the ANSI/USAID Standards Alliance. The findings and recommendations in this assessment were compiled with careful consideration for the support that has already been provided to INNOQ and it is the intention of the SPEED+ project to maintain close collaboration and cooperation with donor partners to maximize resources and effectiveness.

MEETINGS AND INTERVIEWS

Meetings with INNOQ general management included the following Directorates and Departments:

- ▶ Metrology Directorate
- ▶ Certification Directorate
- ▶ Standardization Directorate
- ▶ Inspecting and Testing Directorate
- ▶ Legal Department – TBT Enquiry Point
- ▶ Training Department
- ▶ Marketing Department
- ▶ Communications (IT) Department
- ▶ Human Resources Department

- ▶ Department of Administration and Finance

Note: Each organization was requested to provide a written list requesting their requirements for support from SPEED +.

Meetings with donor organizations that have provided technical assistance to INNOQ included the following:

- ▶ ANSI/USAID Standards Alliance (via a series of telephone conversations)
- ▶ European Union
- ▶ UNIDO
- ▶ GIZ
- ▶ PTB

Meetings with other organizations included the following:

- ▶ USAID
- ▶ Shell
- ▶ National Laboratory for Hygiene, Water and Food (LNHAA)
- ▶ Southern Africa Trade and Investment Hub Grants workshop
- ▶ Electricidade de Moçambique

The consultants reviewed numerous reports written by donor organizations, SADC agreements on Standards, Conformity Assessment and Metrology, the United States Trade and Investment Framework Agreement, and Mozambique's Draft Second National Export Strategy. Other resources included the following:

- ▶ INNOQ documents, brochures, training material, web-site
- ▶ INNOQ National Quality Systems Objectives
- ▶ INNOQ proposed revision of the Quality Policy and Implementation Strategy
- ▶ ISO information about INNOQ
- ▶ Portuguese Institute of Accreditation (website, specifically the INNOQ accreditations)

Assessment Findings

INNOQ has the fundamental foundation to becoming an effective organization that can provide metrology, standards, and conformity assessment services, which are essential tools for promoting economic growth. If implemented properly, INNOQ's National Quality Infrastructure services can become regionally and internationally recognized and comply with the WTO and SADC Agreements.

The INNOQ facility is modern and clean; the offices as well organized and extremely functional, and the laboratories facilities are well designed and are environmentally controlled. Metrology instrumentation is basic, but four of the laboratories are accredited to the international standard ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories.

Despite numerous attempts and support by many international donors to enhance the National Quality Infrastructure in Mozambique, a unified NQI is by and large still to be developed, including building standard-setting systems, accreditation, conformity assessment, product certification and testing capability, technical know-how and, finally, full WTO TBT compliance. While advances in these areas may be made independently, it is only through synergetic interaction that a truly modern infrastructure can be created and leveraged to support export competitiveness. Without a clear, result-oriented, and measurable set of activities it will be difficult for Mozambique to realize the holistic transformation that is needed to stimulate a dynamic and modern export infrastructure.

INNOQ today has many of the NQI required capabilities in place, but not all; there are challenges to be overcome and building blocks to be established.

INNOQ'S ACTIVITIES IN STANDARDIZATION AND THE TBT AGREEMENT

In general, the Standards Directorate is in compliance with the Preparation requirements as stated in Article 4 of the TBT Agreement, "the Preparation, Adoption and Application of Standards." INNOQ has formally notified the WTO of their acceptance of the Code of Good Practice (Annex 3 of the TBT Agreement) for the Preparation, Adoption and Application of Standards. With this stated, we were not able to confirm INNOQ's full compliance with the code, specifically in the area of notification and consultation. INNOQ has also not been submitting their standards work plan to the WTO as required by the Code.

A major issue is the availability of Mozambique's National Standards to the public and other Governments organizations. Available on the INNOQ website is the 2014 Standards Catalog which list 632 Mozambique National Standards (NM). This is an excellent document and provides the reader with a detailed summary of Mozambique National Standards (NM). The 632 voluntary National Standards include a large amount (over 70%) of ISO adopted standards. Today Mozambique has over 1000 National Standards. A major challenge is that INNOQ's Documentation Center is responsible for dissemination and making available to the public and other government organizations copies of Mozambique Standards. There is some indication that INNOQ has modified some of the international standards, this needs future review.

The INNOQ website states the following: (machine translated) "INNOQ publishes about 100 Mozambique Standards each year which can be found and purchased through the INNOQ Library or online store." However, there is no online store – standards cannot be purchased via

the website. Standards can only be purchased directly by visiting INNOQ, which is not practical for potential customers residing in other cities or regions. In addition, INNOQ only sells printed copies; electronic (soft) copies of standards are not available.

It is normal practice that national standards bodies sell copies of standards via their website. It is important to note as a correspondent member of the International Organization for Standardization (ISO) and the member of the ASTM International Global Alliance program, INNOQ can download standards directly from these organizations free of charge; INNOQ is obligated to disseminate ISO and ASTM standards in Mozambique, selling them to customers directly. This procedure must be in accordance with the obligations of ISO's copyright and commercial policy: ISO POCOSA 2012. At present INNOQ does not have any standard operating procedure for selling ISO standards, ASTM standards and publications and Mozambique National Standards. It should also be noted that Mozambique is required to pay ISO a 30% royalty on all ISO standards sold by INNOQ – including those that INNOQ provides to participants as part of fee paid training courses.

TECHNICAL REGULATIONS

Mozambique Decree 59, October 26, 2009¹ establishes the process for the development of technical regulations and that INNOQ as the National Notification Authority is the organization that sends notifications to the WTO. The Decree also mandates that the technical regulations must be based on international standards. One of the primary challenges faced by INNOQ in the notification process is a lack of communication from other government agencies regarding new technical regulations that are developed. This contravenes the WTO notification obligation and prevents review to ensure that the regulation complies with the TBT agreement.

To date, we have not been able to confirm the actual number of technical regulations that are in effect in Mozambique and there is no central database of technical regulations. Such a database should be established and it should be maintained by the TBT EP. There was no evidence that INNOQ ever attempted to develop such a data base. It would not be a major effort to develop such a data base, it would require coordination with relevant Ministries

Mozambique's Technical Regulation Compliance with the TBT Agreement

The official definition of a technical regulation according to the WTO is as follows:

“Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is 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.”

Article 2 of the TBT Agreement establishes the rules for the Preparation, Adoption and Application of Technical Regulations by Central Government Bodies:

Article 2.2 Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international

¹ SPEED+ is in process of obtaining a copy of this Decree to determine TBT compliance

trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate objectives are, inter alia: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are, inter alia: available scientific and technical information related processing technology or intended end-uses of products.

It should be noted that quality is not considered a legitimate objective.

Article 5 of the TBT Agreement addresses conformity with technical regulations and standards:
Article 5.1 Members shall ensure that, in cases where a positive assurance of conformity with technical regulations or standards is required, their central government bodies apply the following provisions to products originating in the territories of other Members.

At this time, Mozambique is not in compliance with these Articles.

INNOQ's role in Technical Regulations

The functions of INNOQ in preparing, adopting and applying technical regulations should include:

1. Coordinate the development of technical regulations with relevant Line Ministries;
2. Provide technical assistance to the relevant Ministry or Government agency at the central and local levels;
3. Determine and provide the international standard(s) and conformity assessment procedures that are relevant to the proposed technical regulation; and
4. Ensure compliance with requirements in this Law and international treaties and agreements upon which Mozambique is a member. INNOQ should conduct a series of workshops for relevant government agencies informing them of the rules for the creation, publication and enforcement of technical regulations.

Under the South African Trade Hub (SATH), a national committee for technical regulations was established in Mozambique, chaired by INNOQ. However, the INNOQ facility is located far geographically from the center of Maputo so attendance for committee meetings is very low – there are 20 members but the last meeting had only 5 attendees.

Technical Regulation on Bottled Water

The consultants were able to confirm that there is a technical regulation for bottled drinking water. Conformity assessment of drinking water in Mozambique is the responsibility of INNOQ, but they do not have the technical capabilities to perform the compliance testing/certification. INNOQ contracts (a fee is paid) the Ministry of Health to perform the testing, which is performed by the National Laboratory for Hygiene, Water and Food (LNHAA). While one water testing laboratory is accredited to perform microbiology testing, another laboratory performs chemical analysis, but is not accredited and does not have the required instrumentation to perform required testing. The MoH provides a memo to INNOQ stating compliance with the technical regulation, and INNOQ issues a "product certification certificate." It is questionable if this certificate is being accepted outside of Mozambique. It is important to note that bottled water is generally only tested in Mozambique when a water bottling company or importer of bottled

water request certification, and pays for the service. A more detailed study of this process is needed to confirm compliance.

Technical Regulation on Pre-Packaged Labelling and Cement

The WTO TBT agreement (Art. 4.3.1.4 Notification of Labelling Requirements) requires notification for technical regulations (such as the labelling requirements). Mozambique notified the WTO in 2013 about the Mozambique Decree-Law 2/2010, which specifies that the label of any pre-measured product sold in the country must be, among other languages, in Portuguese (Article 18.5 of the Law). Mozambique gave notice to companies operating in Mozambique in March 2017 that it will enforce the law in July 2017. Similarly, Mozambique notified the WTO on technical regulation on cement in 2013. In both instances, while the regulations were notified to the WTO and implemented according to timelines set by the WTO, the extent to which public consultation was done on the technical regulations is not known as the regulations were developed many years prior to this consultancy. Implementing regulations for the technical regulations will be important aspects to creating clear rules and guidelines as to how the regulations will be implemented. That being said, as these are two upcoming and important issues with regards to implementation of these technical regulations, INNOQ can take the lead in organizing public awareness workshops on the regulations and developing clear implementing regulations, with SPEED+ support, to ensure trade is not unnecessarily hampered.

MARKETING INNOQ'S SERVICES

Mozambique is generally not a quality-conscious market. There is also low awareness about INNOQ and about the services that INNOQ provides, which results in a large, untapped market. During interviews with the staff of INNOQ's Directorates and Departments, there was a consensus that INNOQ's marketing activities need to be upgraded. The Marketing Department has produced some excellent brochures with the assistance of GIZ, but more are needed. The TBT Enquiry Point Office, for example, does not have a marketing brochure that promotes its services.

The website needs a major redesign and in-house capabilities to update the site should be developed so that current news and announcements of INNOQ services can be added at any time. The INNOQ website is only available in Portuguese. We reviewed the websites of national standards organizations of South Africa, Zambia, Mauritius, Seychelles, Botswana and the SADC South African Cooperation on Standardization and Mozambique's is the only website without an English language capability. This is a major issue and contributes to the low number of enquires that are received by TBT Enquiry Point and INNOQ in general, considering there are few WTO Member countries that speak Portuguese.

METROLOGY

The Laboratory facilities are more than adequate and have excellent basic instrumentation needed to provide basic calibration services that are being requested by the private sector. The mass, (weight) temperature, pressure and volume laboratories have been accredited to the international standard ISO/IEC 17025 by the Portuguese Institute of Accreditation (IPAC), which is a signature to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement. This is a major achievement.

Although metrology is not considered a conformity assessment activity, without metrology we would not have certification of products, testing, or calibration.

There are questions concerning the routine maintenance, re-calibration and the traceability of measurement of the many instruments being used in the INNOQ laboratories. One of the primary functions of a National Metrology Institute (NMI) is to be responsible for maintaining the country's measurement standards to the International system of Units (SI) and to maintain and develop primary scientific standards of physical quantities for Mozambique and compare those standards with other national metrology organizations to ensure global measurement equivalence. It must also provide reference analysis in the case of a measurement dispute and maintain and develop primary methods for chemical analysis to certify reference materials for the country and the region.

Most of the equipment, in INNOQ' laboratories have been donated; INNOQ does not have funds for routine maintenance, service and re-calibration of their instruments.

INNOQ does not have any primary/reference standards, thus they have no in-house capability to establish traceability of measurement to the international System of Units (SI). INNOQ presently obtains traceability through the National Metrology Institute of South Africa (NMISA). INNOQ presently sends their instruments to NMISA or NMISA metrologists performs on-site calibration of INNOQ instruments, this is expensive and can results in instruments being out of service for an extended period of time.

THE TBT ENQUIRY POINT

The Enquiry Point is staffed by 2 knowledgeable individuals, they understand the functions and duties of the EP, but due to a series of issues many of the functions and duties are not performed.

The INNOQ website contains basic information about the Enquiry Point functions, but the site does not contain the ability for WTO Members, domestic producers or exporters to request information or submit an enquiry. In 2016, the Enquiry Point received two (2) enquires, they were from a local exporter. The TBT Agreement Article 10.1.2 states that *"any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants"*. There have not been any notifications issued for these standards. The WTO issued its annual report of notifications received by country in March 2016. The statistics for Mozambique are as follows:

Figure III: Mozambique Notifications to the WTO

Member	Number of Notification Made in 2015	Total Number of Notifications Since 1995
Mozambique	0	9

The following 9 regulations are listed on the INNOQ web site as notifications:

Pre-measured products regulation
Regulation of metrological control of material measures in mass-191/2013 Ministerial Diploma, 21 November
Regulation of standardization and conformity assessment-Decree n° 59/2009, of 8 October

Decree-Law 2/2010, of 31 December, which establishes the rules governing the activity of metrology in the country
Regulation of compulsory integration of iodized salt of potassium in food salt-Ministerial Diploma No. 7/2000, of 5 January
Regulation of production, marketing and quality assurance of cement
Regulation of scales
Regulation on the control of production, marketing and consumption of alcoholic beverages-Decree n° 54/2013, of 7 October
Regulation of international bank account number

Note: These 9 notifications have been submitted over 22 years, well short of the number of notifications that should have been submitted over this time period.

INNOQ with support from SATH and the ANSI/USAID Standards Alliance conducted a series of workshops for other government agencies to explain the requirements under the TBT Agreement regarding the preparation, adoption, implementation and notification for technical regulations. Unfortunately, coordination between INNOQ and other Government agencies has not improved. INNOQ has also held seminars to build awareness of the TBT Enquiry Point among the private sector, but this has not led to an increase in inquiries from the private sector. There is a need to build further awareness in the private sector so that they will understand the benefits of the services that can be provided by the Enquiry Point.

The EP should have a standard operating procedure (SOP) for processing enquires notifications and record keeping. The EP does not have any marketing tools, i.e.: brochures, catalog of services, etc. In addition, the effectiveness of the EP is hampered by a weak and inconsistent Internet connection at INNOQ.

Mozambique is currently not in compliance with ANNEX 3 of the TBT Agreement:

Article J. At least once every six months, the standardizing body shall publish a work programme containing its name and address, the standards it is currently preparing and the standards which it has adopted in the preceding period. A standard is under preparation from the moment a decision has been taken to develop a standard until that standard has been adopted. The titles of specific draft standards shall, upon request, be provided in English, French or Spanish. A notice of the existence of the work programme shall be published in a national or, as the case may be, regional publication of standardization activities.

A recommendation for INNOQ: The Enquiry Point currently under the Legal Department should be relocated under the Standards Directorate – this would facilitate better compliance to the Agreement. It should be noted: the vast majority of WTO members maintain their Enquiry Point within their Standards Organization. It should also be noted that the TBT Enquiry Point is not shown on INNOQ’s organizational chart.

The consultants observed that currently, the WTO Master list of all Member Enquiry Points has the incorrect address information for INNOQ:

Normalização e Qualidade - INNOQ
National Institute of Standardization and Quality
Av. 25 de Setembro, 1179 – andar, Maputo

The correct address is:

Normalização e Qualidade - INNOQ
National Institute of Standardization and Quality
Av. Mocambique I Parcela 7168/D1/7
Bairro do Zimpeto/CP:2983
Maputo - Mocambique

The Enquiry Point staff is aware of this inaccuracy and the staff should inform the WTO to correct the address.

INNOQ CONFORMITY ASSESSMENT ACTIVITIES AND THE TBT AGREEMENT

The most common conformity assessment activity performed by INNOQ is the certification of Quality Management Systems Requirements, ISO 9001. INNOQ is accredited by the Portuguese Institute of Accreditation (IPAC), to perform 9001 certification and, therefore, ISO 9001 certifications performed by INNOQ are regionally and internationally recognized. To date, INNOQ has certified 33 organizations in ISO 9001.

INNOQ has a National Program for product certification, but it is not accredited to perform product certification, thus certifications are not recognized regionally or internationally. Currently the only product certification conducted by INNOQ is for bottled water, and the consultants understand that there is some demand for INNOQ to expand its services to agricultural goods. Importantly, INNOQ product certification services will only become a valuable resource for domestic exporters once it is accredited to the international standard, ISO/IEC 17065 Conformity Assessment -- Requirements for bodies certifying products, processes and services.

Mozambique does not have a National Accreditation program, which is a major shortcoming of its NQI. Accreditation is the internationally accepted procedure that recognizes the competence of testing and calibration laboratories, product certification bodies, quality system certification bodies and inspection bodies. Accreditation schemes minimize the duplication of re-testing and re-certification reduces cost and eliminates non-tariff barriers to trade and market access delays.

Proposed Assistance Program

The proposed assistance program is based on:

- ▶ A review of INNOQ's proposed revision of the Quality Policy and Implementation Strategy
- ▶ Information provided by INNOQ's Directorates and Departments
- ▶ The consultants' experience in developing assistance plans in other countries

A major area of focus moving forward should be the increased involvement of the private sector – it is critical to obtain their input and their understanding of INNOQ and TBT.

TECHNICAL ASSISTANCE

We are proposing to begin with simple projects that require low investment to gauge INNOQ's level of commitment. If INNOQ responds positively and contributes to progress, the SPEED+ project can continue the assistance program.

Short Term – 2017

- Develop a program to raise awareness of INNOQ within the private sector and strengthen ties.
- Increase the number of ISO 9001 certifications in the country – have those organizations that have been certified participate as speakers in a series of seminars showing the benefits of certification, i.e.: open new markets, producing a higher quality product, improving their financial position, increased employment.
- Develop a Mozambique version of the interactive handbook on “Standards, Technical Regulations and Conformity Assessment Tools to Facilitate Trade and Market Access.”
- Work with INNOQ and Line Ministries for the preparation, adoption and application of technical regulations by Central Government Bodies.
- Develop a plan to disseminate and sell published standards in accordance with ISO/ASTM rules.
- Target potential customers and expand services market – develop a customer mailing list.
- Review with INNOQ the marketing reports developed by UNIDO and the ANSI/USAID Standards Alliance – select those recommendations that will support this activity.
- Provide Marketing Department with published product marketing books.
- Provide INNOQ with better access to the Internet.
- Examine the possibility of a donation from WorkPlace Training Inc., a US-based company that designs interactive e-learning metrology training courses. These training courses have an estimated value of \$25,000 and would help to meet some of the needs of the Metrology Department.
- Arrange for INNOQ's membership in NCSL International, the world's largest trade association dedicated to the field of measurement science. INNOQ will have access to many guides and recommended practices for metrology laboratories.
- Develop train the trainer programs to promote INNOQ certification activities through advertising, workshop, seminars and visiting companies in the northern and central provinces.

- Develop a sales plan to promote the use of international standards and make them available to industry and other government agencies.
- Organize public awareness workshops and develop clear, concise implementing regulations for technical regulations on pre-packaged goods labeling requirements and on cement.

Support to the TBT Enquiry Point:

- Develop marketing tools promoting the services of the Enquiry Point.
- Develop a Code of Practice for the preparation, adoption and application of technical regulations.
- Conduct a train the trainer workshop on standards, technical regulations and the TBT Agreement.
- Create a user-friendly page on INNOQ's website for the TBT Enquiry Point with capability to accept enquiries.
- Develop a Procedural Manual for the operation of the TBT Enquiry Point.

Medium Term – 2018

- Develop database of technical regulations in effect in Mozambique. Work with relevant ministries to collect technical regulations and enter them into a database and put online. Ensure conformity of technical regulations with regional and international guidelines.
- Draft a plan to develop the Mozambique National Accreditation Body.
- Upgrade the INNOQ website to make it an effective marketing tool to promote the services of INNOQ.
- Implement a bilingual option for the website for Portuguese and English.
- Implement the capability to purchase standards directly from the INNOQ website.

Long-Term – 2019 and Beyond

Long term activities will be determined based on the success of programs implemented in 2017 and 2018.

SUSTAINABILITY AND CONCERNS

- The solution to long term sustainability is to create a demand-driven approach that involves the private sector. The National Quality Infrastructure must focus on raising awareness and engaging private sector in the implementation of the NQI. This could raise the demand for quality services that will be sustainable and closely linked to the growth and success of the private sector. The private sector is the ultimate beneficiary of a properly developed and implemented NQI.
- International donor organizations have been supplying INNOQ with technical assistance, extensive training, numerous workshops, equipment, etc. for over 10 years. Yet, there have been only limited success stories and no significant improvement in complying with the TBT Agreement.

- Last year UNIDO and the ANSI/USAID Standards Alliance projects provided the EP with basic marketing plans that would promote their services to the private sector. To date, the EP has not implemented any of the recommendations.
- The current technical regulation process lacks consistency and coordination, which prevents Mozambique from complying with the WTO requirements for technical regulations.
- The long-term sustainability and progress of INNOQ depends on continued donor support. However, there must also be governmental financial support that will permit INNOQ to provide the present and future needed technical services that are and will be required to support the country's economic growth and protection of its citizens.
- Mozambique has been a Member of the World Trade Organization since 1995, and is still not in compliance with the TBT Agreement.
- INNOQ has a complex organizational structure for its size and mission. Management should consider a restructure of the organization. For example, by dividing technical and admin Departments and Directorates under two Deputy Directors, each having the necessary experience and knowledge to provide leadership and management to their respective areas of responsibility. In addition, management should consider relocating the TBT Enquiry Point Office from under the Legal Department to the Standards Directorate, since TBT and standards activities are directly related.
- INNOQ Management needs work to create an internal culture that encourages providing quality services.

Appendix A

LIST OF CONTACTS

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	Gilberto Mabjaia, Standards Officer – Construction Materials	
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Organization	Name and Title	Contact Information
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