Baseline Assessment of Mozambique’s Sanitary and Phytosanitary (SPS) Measures and Road Map for Reform (Draft)

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Supporting the Policy Environment for Economic Development (SPEED+)

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# Acronyms and abreviations

AECOM Albert Einstein College of Medicine of Yeshiva University

AU-IBAR African Union Inter-African Bureau for Animal Resources

CALR Centre for Applied Legal Research

CODEX Codex Alimentarius Commission

CTA Confederação das Associações Económicas de Moçambique

CTF Codex Trust Fund

DAI International Development Agency

DNV Direcção Nacional de Veterinária

EWS Early Warning System

FAQs Frequently Asked Questions

FAO Food and Agriculture Organization

GAIN Global Alliance for Improved Nutrition

GATT General Agreement on Tariffs and Trade

GMOS Genetically Modified Organism

HACCP Hazard Analysis Critical Point

HASSP Harmonized Seed Security Project

IMS Information Managemet System

INE Instituto Nacional de Estatística

INIP Instituto Nacional de Inspecção do Pescado

IICA Inter-American Institute for Cooperation on Agriculture

INNOQ Instituto Nacional de Acreditação

IPAC Instituto Português de Acreditação

IPPC International Plant Protection Convention

ISO International Standardization Organization

LEM Laboratório de Engenharia de Moçambique

LNHAA Laboratório Nacional de Higiene das Águas e Alimentos

MASA Ministério da Agricultura e Segurança Alimentar

MCDA Multi Criteria Decision Analysis

MIC Ministério da Indústria e do Comércio

MOU Memorandum of Understanding

NNA National Notification Authority

NEP National Enquiry Point

NPPO National Plant Protec tion Organization

OIE World Animal Health Organization

PCE Phytosanitary Capacity Evaluation

PEDSA Strategic Plan for Agricultural Development

PRA Pest Risk Analysis

PVS Performance of Veterinary Services

SADC Southern African Development Community

SeW Single Electronic Window

SIP Sociedade Industria de Pescas

SPEED Supporting the Policy Environment for Economic Development

SPS Sanitary and Phytosanitary

STDF Standards and Trade Development Facility

TBT Technical Barriers to Trade

TFA Trade Facilitation Agreement

TPR Trade Policy Review

USA United States of America

USAID United States Agency for International Development

VA Veterinary Authority

VAT Value Added Tax

VLSP Veterinary Legislation Support Programme

WTO World Trade Organization

# Executive summary

1. Mozambique is a Member of WTO since 26 August 1995 and a member of GATT since 27 July 1992. In general Mozambique is not meeting, or is insufficiently meeting, its WTO and/or SADC SPS commitments. This is particularly notorious about Transparency provisions, but is only the tip of the iceberg. Problems run from technical capacity to institutional capacity, two very different but interdependent and similarly important aspects of SPS capacity.
2. Technical capacity shortfalls are notorious in all three SPS components, food safety, animal health and plant protection. Transparency mechanisms, the WTO National Notification Authority (NNA) and the National Enquiry Point (NEP), do not function due to obsolete office equipment and deficient internet connection, but also because of other institutional capacity-related weaknesses including inexistent or poor coordination and communication between the different concerned Ministries and Agencies aggravated by a lack of trust and limited dialogue with the private sector.
3. Mozambique’s participation in the WTO SPS Committee meetings is occasional and very irregular. The country therefore misses the opportunity to share information, hold bilateral talks and eventually seek support from trade partners, explore market access opportunities, learn from the experiences of other countries with similar profiles, and excludes itself from the development of natural alliances and groups of interests of countries with similar SPS concerns and profiles. Mozambique isn’t either an active SADC Member State regarding SPS issues.
4. There is a generalized lack of or limited access to adequate training; absence of modern technology and control capacity capable of responding to the entrance and rapid spread of new pests/diseases (recently illustrated in the Panama disease crisis in bananas, Fruit Fly; Corn Armyworm, Aflatoxin, etc.), outdated legislation, standards and regulations, often not harmonized with international standards.
5. Several laboratories lack well qualified and trained staff, often dispose of only the basic material requirements and existing equipment is in many cases obsolete or stalled due to malfunctions and frequently lack the necessary modern technology.
6. SPS is not seen by high-level deciders as a priority area, and there is no National SPS Strategy, which makes it difficult to build a dedicated National SPS Agenda. But serious financial, technical and human shortages, cross-cutting plant protection, animal health and food safety, need to be urgently addressed.

# Introduction

7. To meet his Terms of Reference, the consultant built, as requested, on preliminary work undertaken in this area by SPEED and worked with SPEED+ to complete a baseline analysis of the current SPS environment in Mozambique, including the regulatory framework, with special reference to the report published by Frederico Sarguene and Jennifer Rathebe, (Sarguene & Rathebe) in April 2016[[1]](#footnote-1). The consultant read and consulted numerous other publications, reports, studies and articles which all contributed to his better understanding of the SPS situation in Mozambique and thus attempt to meet SPEED+ requested activities and deliverables.

8. An incremental steps questionnaire (the “SPS Questionnaire”) was developed in Portuguese and distributed during meetings with representatives of the Ministry of Agriculture and Food Safety (MASA), Ministry of Health, and National Institute of Fish Inspection (INIP). The SPS Questionnaire addressed the three components considered essential for a good application of SPS measures: (1) Human and Technical Capital; (2) Public and private sector interaction; and (3) Ability to access markets[[2]](#footnote-2).

9. The consultant led his desk research and the numerous interviews and contacts during his 16 days in Maputo, bearing in mind SPEED+ overall objective “to build government and private sector capacity to enable Mozambican firms to make the most of opportunities provided by international and regional trade”. In doing so, and in addressing the assigned SPEED+ activities and deliverables, the consultant tried to avoid duplication with findings and recommendations of other publications and reports, and instead help build on those findings and recommendations, when appropriate, with the hope that some of them are followed by action(s) with sustainable effect over time.

10. To the extent possible, the consultant followed the framework of the several activities and deliverables requested in his Terms of Reference.

# Activities and Deliverables

## Provide an update on SPS issues in Mozambique wage

*including background and details of any donor funded projects working in the area, how the SPS enquiry point is functioning, and how Mozambique is meeting its WTO SPS commitments, implementation of the SPS Annex of the SADC Trade Protocol and implementation of SADC seed protocol.*

11. Analysis of available information, underscored by discussions with different stakeholders shows that, in general, Mozambique is not meeting or is insufficiently meeting its WTO and/or SADC SPS commitments. This is particularly notorious concerning Transparency provisions.

12. Although Mozambique has appointed both a National Notification Authority and an Enquiry Point, two basic transparency requirements of the Agreement on the Application of SPS Measures (“the SPS Agreement”), the WTO’s Sanitary and Phytosanitary Management Information System ([http://spsims.wto.org/)](http://spsims.wto.org/%29), shows that, in 22 years of WTO membership, Mozambique notified only 3 SPS measures, 2 in 2012 and 1 in 2017. And yet, the Trade Policy Review Report by the WTO Secretariat[[3]](#footnote-3), indicates that “*Over the review period, there have been several changes to SPS-related laws and regulations, namely in the areas of: animal health; plant health; GMOs; seeds; pesticides; and food of aquatic origin”*. Likely, some of these, if not all, have an impact on trade.

13. The WTO report goes on noting that *“…[i]n the context of this Review, the authorities indicated that all SPS measures are based on international standards*”, in which case Mozambique wouldn’t necessarily have to notify the WTO. The caveat is that several interviews and meetings held by the consultant indicate that this is hardly verifiable and probably inaccurate. Changes and revisions of several laws and regulations occurred or are ongoing, precisely because by and large they are outdated and not aligned with international standards. A recent example is the new draft Veterinary Law, and several regulations, aimed at addressing the numerous shortcomings found in the OIE Identification Mission that took place in Maputo in October 2015, under the Veterinary Legislation Support Programme (VLSP)[[4]](#footnote-4).

14. An assessment of the phytosanitary system in Mozambique issued in March 2016[[5]](#footnote-5), describes significantly outdated or absent plant regulations, often not aligned with international standards.

15. Mozambique’s participation in the WTO SPS Committee meetings is occasional and very irregular. To date, no specific SPS trade concerns were raised and in those rare occasions, its representatives never participated actively in the discussions of the Committee (which meets 3 times/year). Mozambique therefore jeopardizes the opportunity to inform other WTO Members of SPS developments in the country, hold bilateral talks with trade partners, explore market access opportunities, learn from the experiences of other countries with similar profiles, and excludes itself from the development of natural alliances and groups of interests of countries with similar SPS concerns and profiles. Moreover, the country misses the opportunity to discuss its weaknesses and eventually find support from other WTO Members to address SPS difficulties and shortages.

16. According to the limited information available, although Mozambique is an active SADC Member State in some areas, this doesn’t seem to be the case about SPS issues. It looks like SADC has not even received copies of the 3 SPS notifications to the WTO as required by the Sanitary and Phytosanitary (SPS) Annex VIII to the SADC Protocol on Trade.

17. A quick search on the Internet shows that Mozambique has benefited from significant SPS-related donor funded projects, several of them described by Sarguene & Rathebe[[6]](#footnote-6). The authors also note that “*Mozambique has participated in several SADC Secretariat-led SPS capacity building activities*”. Among these, it is worth mentioning the four-year “Food Safety-Capacity Building on Residue Control Project” funded by the European Union. The purpose of this important project was to harmonize food safety control regulations, guidelines and procedures through strengthening conformity with international requirements of the relevant SPS authorities in the SADC region. A set of three important guidelines were developed: (1) Regional Guidelines for the Management of SPS Matters in SADC; (2) Regional Guidelines for the Registration of Crop Protection Products, and (3) SADC Regional Guidelines for the Regulation of Food Safety.

18. SADC Member States were expected to domesticate these guidelines. According to Sarguene & Rathebe, there is no evidence that any of the SADC Member states has domesticated the guidelines yet, an information confirmed by the SADC Secretariat.

19. It was challenging to find information regarding the implementation of SADC Harmonized Seed Regulatory System (SADC Seeds Protocol) in such short time. It seems that, so far, few countries signed the protocol, and none domesticated it.

20. This is not surprising. A study published by the Centre for Applied Legal Research (CALR)[[7]](#footnote-7), notes that *“(…) The process of aligning national seed regulations to the SADC Harmonized Seed Regulatory System for purposes of achieving “harmonization” is inherently complex, multi-directional, fragmented and unpredictable. (…) A process that is influenced by many factors of an economic, political, social and legal nature. (…)”*.

21. According to this study, Mozambique’s initial revision phase of its existing legislation was a relatively expeditious process because the country follows the monist approach, which means that it accepts international or regional instruments to be self-executing at national level, subject to constitutionally mandated confirmations. An approach it uses regarding the adoption of international standards as well.

22. However, even if the alignment of legislation with the SADC Seeds Protocol has made progress, the process may be faced with insufficient support from policy makers. The SADC Secretariat emphasizes the need for policy makers to understand the legal implications of “domestication”. It may well be that the absence of the required political support necessary to advance the implementation of the Seeds Protocol through its different policy reform steps is just another reflection of the nonexistent national SPS priority in Mozambique. Like in other SPS issues, political awareness and commitment seem to be absent from this process.

## Assess Mozambique’s current SPS-related capacity

*This assessment will examine the following sub components: food safety, animal health, plant health, cross-cutting for general institutional framework and conformity assessments. The consultant should use the PCE or PVS reports to the maximum extent possible.*

23. Replies to the “SPS Questionnaire” and comments made by most both public and private sector stakeholders, including officials with senior management responsibilities, complain of serious financial, technical and human shortages, cross-cutting plant protection, animal health and food safety.

24. Other significant burdens include the lack or limited access to adequate training; lack of modern technology capable of responding to the entrance and rapid spread of new pests/diseases (recently illustrated in the Panama disease crisis in bananas, Fruit Fly affecting mango and other fruits; Corn Armyworm, Aflatoxin, etc.); outdated legislation, standards and regulations, often not harmonized with international standards.

25. Last, but not least, most stakeholders, from the public and private sector, complain of a generalized lack or deficient public transparency, emphasized by poor information sharing and an excessive bureaucracy, a heavy lack of national coordination within the public sector and between the public and private sector. Lack of transparency and coordination also affects significantly regional and international matters, reflected in scanty notifications, limited involvement in the work of regional and international organizations, especially the standard-setting organizations and WTO, leading to continued erosion of rights and obligations and jeopardizing opportunities. Part of this problem reflects lack of awareness of "decision-makers", lack of leadership especially at the political level and ultimately a deficient institutional capacity and inexistent National Agenda, with the correlative incapacity to establish priorities.

## plant protection

26. In response to the questionnaire, the MASA Department of Plant Health (DSV) indicate that there is a training plan which involves different stakeholders (technicians, producers, etc.) to guarantee phytosanitary protection. However, the training program is limited in scope. Phytosanitary inspectors carry out their jobs at the border based on the implementation of the Plant Health Inspection and Plant Quarantine Regulation (Decree 05/2009). They have no basic knowledge of other SPS issues, especially import requirements from other countries, a prerequisite to guarantee access to the various export markets.

27. Discussions involving the Head of Department, the Head of Plant Inspection and Quarantine Services and several technicians, confirm this assessment and emphasize severe lacuna at the technical capacity level, with low levels of specialization, handicapped by the inexistence of a system of staff evaluation. Laboratories lack trained technicians capable to deal with emergency situations and, when the technicians participate in training activities, as reported recently in a FAO event, they do not dispose of the adequate material to apply newly acquired skills. The investment in training is lost. The laboratories dispose only of the basic material requirements and are not equipped with the necessary modern technology. A technical report submitted in May 2015 to USAID/Southern Africa, confirms this assessment[[8]](#footnote-8).

28. To a question regarding technical independence, DSV noted that there was no political interference in technical matters. However, it is necessary to ensure that information on SPS issues is transmitted consistently, clearly and sustainably to policy makers for their awareness and sensitization. Lack of political awareness is reflected in the absence of a National SPS Agenda and the inexistence of SPS strategies and priorities. There is no National Strategy for pest and disease control; no National strategy on prevention/containment/emerging pests, etc. This lack of awareness and strategies, affects severely the swift functioning of the system. Simple acts, such as notifications to the IPPC (i.e. changes to pest status, phytosanitary measures, regulations, etc.), may wait 2-3 months before Ministerial authorization.

29. A Phytosanitary Capacity Evaluation (PCE) was carried out in Mozambique in 2011[[9]](#footnote-9), with a methodological approach based on the application of the IPPC PCE Tool. The PCE concluded, inter alia, that “(…) The current legislation complies with the model phytosanitary and re-exports certificates as described in the annex of the revised text of the IPPC (1997) although lacking in some aspects that need improvements. The following phytosanitary issues require improvement: (1) The inspection and certification facilities (infrastructure, equipment, laboratories) at entry and exit points; (2) Communications system (equipment, infrastructure) within the NPPO and between the NPPO and national stakeholders and with the NPPO of other countries; (3) Transport at all levels to improve emergency response, pest surveillance and control; (4) The capacity and facilities of laboratories for basic pest diagnostic; (5) Establish permanent offices and facilities at the international airports and Customs areas for phytosanitary issues (…)”.

30. The PCE stresses the importance of the NPPO – “(…) the only authority by legislative or administrative means responsible for control and issuance of phytosanitary certificates (…) – and identifies several other system weaknesses, including a generally inadequate infrastructure in terms of laboratory, equipment, materials and qualified personnel.

31. Four years later, in March 2016, Professor Domingos Cugala, author of the 2011 PCE Report, issued a new report assessing the status of national phytosanitary system in Mozambique[[10]](#footnote-10). The 2016 Report does not identify improvements in the plant protection area, on the contrary. Among other weaknesses, it points out: “(…) (1) outdated or lack of a National Plant Protection Legislation; (2) lack of surveillance and diagnostic specialized units (groups); (3) inadequate capacity to conduct surveillance and monitor the spreading and eradication of pests; (4) lack of Pest Risk Assessment/Analysis (PRA) and Early Warning System (EWS) unit (group); inadequate capacity to carry out inspection and certification - weak control of borders; (6) lack of a consultation mechanism and strong linkage between government agencies and private sector (…)”.

32. Not surprisingly, corroborating the 2011 PCE findings and the 2016 Report, several of the above-mentioned system flaws were equally identified in the replies to the SPS Questionnaire.

## animal health

33. There was no reply to the SPS Questionnaire from the MASA’s National Directorate of Veterinary (DNV). In 2008, the OIE conducted an evaluation of Mozambique’s Performance of Veterinary Services (PVS). The report is unavailable on the OIE Website and, at the time of drafting this report, the consultant had not received a copy from the DNV.

34. In 2012, the OIE conducted a Veterinary Legislation Support Programme in Mozambique. The report is available in the OIE Website[[11]](#footnote-11). The OIE Team found that there was “(…) virtually no legislation on some key elements of the veterinary domain, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals. Of the elements that are addressed, there are numerous gaps, overlaps and contradictions among the provisions, and much of the material is outdated. (…) Most of the enabling provisions are inadequate, leaving the authorities without an explicit legal mandate to discharge their responsibilities. (…) A lack of complementarity and harmonization among related instruments further limits their effectiveness. A serious concern is the absence of a formal chain of command, which weakens the VA’s capacity for animal disease detection and control, particularly in the case of transboundary animal disease outbreaks where rapid and effective response at every administrative level is critical. Compounding the problem, there is no formal disease surveillance system or communication protocol to enable early detection and control and reporting of animal disease occurrences (…)”.

35. The report identifies several other shortcomings, but acknowledges some “notable strengths” related to the import and export of animals and animal products, as well as certain animal disease control measures and stresses the “excellent understanding of veterinary and administrative matters”.

36. In June 2017, a new set of legal instruments on animal health, considering the recommendations of the 2012 OIE VLSP results, were submitted for validation during a June 2017 meeting organized by DNV (copies were made available to the consultant when he was finalizing this report). Discussions held with DNV’s National Director and the Head of the Epidemiology Department, confirm this information. A significant effort would have been put on the harmonization of legal texts, and new legislation on veterinary laboratories, animal welfare, and veterinary medicines and biologicals would have been developed. However, a relatively uninterested private sector in the development of new legislation, seems to render the validation of new legal texts problematic. Limited production capacity of animal products, despite a growing demand, is perceived as one factor explaining the private sector relative apathy.

37. The weakness of the chain of command identified by the OIE Team in 2012 remains problematic. It hinders the Veterinary authorities’ ability to control animal disease, early detection and rapid response, and has significant impact on border controls. Veterinary inspection at the border is also affected by the limited number of veterinary inspectors, deficient diagnosis capacity (not to mention laboratories shortfalls) and the physical separation of the sitting of fiscal and veterinary facilities in several border checkpoints, often resulting in the importation of animals and animal products with no veterinary health certificates. Veterinary services need to be fully incorporated in the border facilities and this approach should be initiated in the main borders first.

38. It is felt that the utilization/strengthening of new technological and digital equipment and especially improved internet access allowing proper use of e-certification and the single window, would contribute significantly to address part of these difficulties, even if the functional structure of borders also needs careful consideration. However, significant improvements seem severely constrained by a halved budget of veterinary services in the last three years.

39. The situation is different in the fisheries sector where export capacity underscores more awareness regarding SPS issues. Discussions with officials from the “Instituto Nacional de Inspecção do Pescado” (INIP) and (succinct) replies to the SPS Questionnaire indicate that major shortfalls relate to staff training and the upgrading of laboratory facilities, especially to allow for the analysis of aquaculture products. A visit to the laboratory in Maputo - accredited under ISO 17025 - was planned but had to be cancelled because an audit was under way. Nonetheless, discussions and available data and information all confirm the comparative advantage of the fisheries sector, including regarding laboratory facilities (which also exist in Beira and Quelimane). Close cooperation with AU-IBAR, apparently absent regarding other animal resources, is another differentiating aspect.

40. Discussions with the private sector also confirm the relative advance of the fisheries sector. In the opinion of those interviewed (Pescas do Sul, Sociedade Industrial de Pescas (SIP)), the main problems affecting the fisheries’ sector are not SPS and run from a generally depressed economic environment to a relatively disorganized sector, affected by illegal competition from artisanal fishing, high freight and inspection costs, transportation limitations (for example, the inexistence of certified trucks demands the use of South African trucks for exports to this country), VAT not charged by Finances, etc. Here too, the single-window approach is welcome, and e-certification seen as the way forward, but not yet there.

## food safty

41. Finding and collecting information about food safety in Mozambique proved to be the most challenging exercise. And yet, Mozambique’s Codex Committee exists and, according to several opinions, functions, or at least used to function, comparatively well, including participation of representatives of both the public and private sectors. Public sector food safety representatives participated actively in the work of Codex Alimentarius until the end of 2015, benefitting from the Codex Trust Fund (CTF1) which concentrated on supporting participants to attend Codex meetings. The Fund was replaced by a successor initiative (CTF2) which will run until 2027 and “(…) concentrates on helping countries address the barriers to effective engagement in Codex at national level. CTF2 will do this by supporting activities in countries to, for example, strengthen national Codex structure, raise awareness on the importance of Codex among policy and decision-makers, build capacity for effective participation in Codex (…)”[[12]](#footnote-12). Mozambique, an eligible country for CTF2, has so far not applied for support from the Fund.

42. The food safety sector is affected by dramatic basic shortages in laboratories. Funding, materials, servicing, water and electricity were already identified by the 2015 USAID/Southern Africa technical report mentioned above6. A non-programmed visit to the Food and Water Hygiene Laboratory (LNHAA) in Maputo, on 14 June 2017, and discussions with Dr. Nivalda Bomba, not only confirmed some of these shortages, but suggested that the situation may have deteriorated since 2015. A recent audit by IPAC, the Portuguese Accreditation Institute would have identified 20 non-conformity issues. The Laboratory is accredited ISO 17025 for certain tests and, whereas currently microbiologic analysis is performed regularly, chemical analyses are seriously handicapped by the lack of equipment, while part of the existing equipment is either obsolete or needs repair. There is also a lack of reagents and other consumables. The LNHAA has no capacity to implement surveillance systems.

43. The absence of qualified and well trained staff is also notorious. Although not a negative sign, a large part of the technicians present during this visit were students performing in some cases their own analyses, but also carrying on official tests. Over the years, the laboratory has benefitted from financial and technical support from UNIDO (which led to accreditation) and GAIN, but currently the LNHAA depends solely on State budget. It cooperates with the INIP and the Laboratory of Engineering of Mozambique (LEM).

44. According to discussions with both Dr. Nivalda Bomba and Dr. Ana Paula Cardoso, Head of the Department of Environmental Health, Ministry of Health, Food Safety legislation is outdated, with some texts pre-dating 1975. Although a compilation and review effort is underway also involving the Ministry of Industry and Trade, it is felt that this an area where technical assistance is required. Such as in the animal sector, in the food safety sector the development of new legislation is constrained by the lack of awareness of the private sector.

## Provide support on the WTO Enquiry Point and Notification Authority

*The Enquiry Point and Notification Authority, while established, are not operating effectively. The consultant should meet with officials assigned to these functions and build capacity to meet WTO notification obligations.*

45. A quick search on the WTOSPS Information system (http://spsims.wto.org/), shows that since it joined the WTO, in August 1995, Mozambique’s SPS National Notification Authority (NNA) only submitted three notifications to the World Trade Organization, the last one in April 2017: an emergency notification suspending imports of meat from Brazil, and the two other regular notifications on plant protection, in April 2012. Unsurprisingly, the SPS National Enquiry Point (NEP) never received requests or questions from other WTO Members.

46. Several meetings with some members of the self-entitled, informal, “SPS Group”, composed of officials from Plant Protection, Directorate of Veterinary and Ministry of Health, including both recently-appointed officials in charge of the operation of the NNA and the NEP were helpful in identifying/confirming the difficulties. At the root of the problem lies the general question of the disorganization and lack of awareness of SPS issues, including among many of the stakeholders (most officials appear to be knowledgeable in their areas of competence, but know little about SPS and its implications). Add to this the lack of human capacity. Acting as NNA and/or NEP is only a small part of the workload and responsibilities of the officials in charge.

47. A visit to the NEP office was also sufficient to verify that, while the general conditions of work seem correct (offices, meeting rooms, and other facilities) the office material, especially the computer and printer, apparently well taken care off, are obsolete, a situation said to replicate the NNA office conditions (the consultant only had the chance to meet the NNA briefly once). Moreover, access to internet is hazardous. Considering developments in WTO notification practices, now operating directly online, it is hopeless to expect that Mozambique’s notification mechanisms can meet minimum requirements for a smooth operation.

48. The new official in charge of the Enquiry Point, a former participant in the WTO SPS Advanced Course, is aware of the WTO requirements regarding transparency and the operation of the NEP. I had discussions with him and realized he is aware of the most recent developments in this regard (the new TBT/SPS ePing system - http://www.epingalert.org/ - and its utilities), but it would be illusory to think that he could do his work properly under the current conditions. While the consultant was in Mozambique, he was informed through the ePing system on is mobile phone, of at least two situations that should have normally triggered some reaction from the NEP and NNA. He discussed those issues with the NEP, but no action had been taken because neither the NEP, nor the NNA had seen the notifications.

49. Another key element fundamental for the good functioning of both the NNA and the NEP is a good network with private sector stakeholders. The lack or limited awareness or interest of the private sector for SPS matters makes this task particularly difficult, but it is also part of the job of the officials in charge to develop the network. As discussed elsewhere in this report, meetings with the private sector representatives, as well as the encouraging response to the workshop organized by USAID, suggest that the time is ripe to launch some relatively simple initiatives that may help improving things.

## Identify SPS-related issues that affect Feed the Future value chains

*Groundnuts, sesame, soybeans, pulses (beans, cowpeas, pigeon peas), cashews, fruit (banana, mango, pineapple), including assessment of laboratory needs and capacity for SPS-related testing; assessment of grain standards; existing strategies for the mitigation of aflatoxin, and provide recommendations for reform.*

50. There was no time to do much work relating specifically to the Feed the Future value chains. However, discussions with MASA officials, University and some private sector representatives, as well as available material, underscore the fact that SPS-related difficulties generally affecting the plant protection sector, described and explained in other sections of this report, may have an aggravated effect in value chains and can rapidly destroy efforts to develop such chains. In an environment with limited capacity to prevent the development of new pests and diseases, reduced or inexistent surveillance and control capacity, and limited diagnostic aptitude, Feed the Future efforts towards the use of new and more resistant crop varieties and establishing adequate food safety management techniques to address food safety and nutrition, may be rapidly put at risk.

51. The outbreak of the Panama disease (a plant disease caused by a fungus that enters the plant’s roots and spreads through it with the potential of destroying entire plantations), in the Province of Nampula as from2013, which is causing serious damage in the region, is one example of such situations. Public and private efforts were developed since then to control the disease, with teams of national and foreign specialists and researchers including, inter alia, FAO and SADC. Despite these efforts, the number of cases of infected plants at Matanuska, the largest plant in Nampula, are reported to have reached 15,000 per week at the beginning of 2017, whereas exports fell from 19 containers/week to 5 to 6 containers. Of the 2,500 workers, employed until last year by the company, 500 would have already been lost their jobs[[13]](#footnote-13).

52. Also challenging to the Feed the Future initiative (as illustrated by the research of the Feed the Future Innovation Lab on Peanut Productivity and Mycotoxin Control, University of Georgia) are the high levels of aflatoxin detected since the 1970’s in Mozambique, followed by the rejection of groundnut and groundnut products by the EU for exceeding aflatoxin maximum levels in the 1990’s, which led to several initiatives to support aflatoxin mitigation[[14]](#footnote-14). Mozambique, along Malawi and Zambia, benefits from several assistance projects, most of them still ongoing, under the umbrella of the Partnership for Aflatoxin Control in Africa (PACA)[[15]](#footnote-15). These involve several partners and Funders, including the World Bank, USDA and USAID, the Swiss Agency for Development and Cooperation and the Office of the Texas State Chemist - Texas A&M AgriLife Research.

53. As described above, laboratory facilities and capacity for SPS-related testing are limited and seriously affected by often outdated and/or inoperative equipment, lack of certification and trained staff. The situation does not seem to have improved significantly since the 2015 Final Technical Report Wiana Louw, referred in footnote.

Provide recommendations to improve transparency on SPS requirements in Mozambique - including with Mozambique’s Single Window Customs System (Janela Única), and to ensure Mozambican firms know how and where to find SPS requirements for export markets. Identify resources and actions necessary to fold in SPS requirements from various SPS regulators, such as Health, Fisheries and Agriculture into the Janela Única.

54. The question of the lack of transparency on SPS issues in Mozambique was a concern raised by many of the public and private sector stakeholders during meetings and interviews and came up as a strong subject during the workshop discussions. Moreover, the country doesn’t meet the WTO or SADC transparency requirements. Undoubtedly, the use of the Single Window Customs System, Janela Única (which at present is said to comprehend only about 40% of total goods trade) is a welcome development and an unavoidable one, considering the WTO Trade Facilitation Agreement and ongoing (and accelerating) transition from paper-based to automated SPS-systems in the international trade system.

55. A private sector frequent complaint relates to the perceived lack of trust in the relations between the public and private sectors, especially in trade-related activities. Lack of transparency and coordination in the operation of border controls, distrust in the accuracy of certificates and accreditation, duplication of procedures (certification and inspection), unclear responsibilities, redundant information requirements, frequently changing and uncommunicated rules and procedures, all resulting in undue delays and increased import/export costs. With pre-shipment inspection heading to an end, there is a need for increased transparency and coordination.

56. However, the inexistence of a SPS Portal included or separated from the MASA Webpage suggests that there is a long way to go until minimum requirements are set for an electronic system to be operational. The effective use of the Single Electronic Window (SeW) for SPS purposes in Mozambique seems to be only at its infant steps. Aside the functionalities of the system, said to be technically ready for SPS e-certification by the Mozambique Community Network (MCNet) - the Public Private Partnership which designed, implemented and operates the SeW - preparations for its full use need a significant effort of coordination and collaboration between public and private stakeholders.

57. Although the concept of the single window is not new, the introduction of the electronic window brings accrued difficulties for countries which did not use the “physical” single window. Countries in this situation often paved the way towards the SeW by creating, as a first step, logistic unities where public and private agencies involved in trade activities were assembled in a same physical space. In a second phase, procedures were progressively digitalized by designated public agencies first, gradually expanding to other agencies. Finally, these logistic unities were connected to an electronic single window which centralizes trade activities.

58. The general lack of awareness about SPS issues in the country complicates things further. Increased overall SPS transparency requires good management of existing public resources, including the various SPS regulators, such as the Ministries of Health, Fisheries, Agriculture (animal health and plant protection), Trade, Environment and possibly other agencies (e.g. Instituto Nacional de Estatísticas (INE), Ministry of Economy and Finances). To achieve such good management implies the elaboration of a SPS strategy to ensure compliance in meeting international and regional SPS obligations and responsibilities if Mozambique wants to promote trade. To fold in SPS requirements into the SeW without first determining a sound SPS strategy is putting the cart before the horse[[16]](#footnote-16).

59. All stakeholders, public and private, call vehemently for the urgent creation of a good coordination mechanism, eventually a National SPS Committee, discussed below. This could be a first step towards the elaboration of an appropriate SPS strategy.

## **Provide recommendations for streamlining documentary requirements and control procedures**

*Consider options to cancel outdated regulations, remove duplication in documents, and/or reduce the number of documents required for each consignment by enabling traders to provide some documents on an annual or periodic basis*.

60. As documented above about plant protection, animal health and food safety, there are numerous obsolete regulations, many non-harmonized standards, guidelines and/or recommendations, several outdated and inexistent legal frameworks, which add-up to significantly weak technical and institutional capacity. Undoubtedly, the remedy requires the careful analysis of existing texts possibly with the support of more than one external legal expert (in food safety; animal health; plant protection). This analysis should be done in close cooperation with all national stakeholders, including University and International Organizations.

61. In some cases, this work already begun, as illustrated by the recent elaboration of a series of drafts for a new Animal Health Law, and respective application regulation[[17]](#footnote-17) as well as several related regulations, addressing the findings of the OIE VLSP 2015 Report referred to in. 13. In the plant protection area, the assessment reported by Professor Domingos Cugala (see footnote 10), may serve as a first step for a review of the plant legislation. A similar exercise must be carried on in the food safety area, where officials signaled the urgent need for the revision of several texts (see para. 38).

## Provide recommendations for risk-based approaches for SPS

62. Provide recommendations for risk-based approaches for SPS – analyze the political economy and feasibility of focusing inspection on high- and medium-risk commodities and foods, with reduced controls on low-risk products.

63. The WTO SPS Agreement requires that measures be based on risk assessment and recognizes proportionality. Simply put, considering that low-risk products do not normally require recourse to refrigerators or heating devices and are not dangerous when consumed under normal circumstances, reduced controls on such products seem to make sense, and hence focusing inspection on high- and medium-risk, a possibility.

64. The consultant did not have time to address the implications of the “political economy and feasibility of focusing inspection on high and medium-risk commodities and foods, with reduced control and low-risk products”. However, it should be noted that even low-risk products need to be subject to a food safety system, even if simplified, if possible based on HACCP principles. Considering the shortfalls in the SPS sectors identified in this report, including about inspection controls, due precaution should be recommended and it could be questioned if this is a priority.

Provide recommendations to strengthen inter-ministerial coordination

65. Provide recommendations to strengthen inter-ministerial coordination - *Including between SPS and other border management agencies, within and across borders.*

66. All the contacted stakeholders, public and private, call vehemently for the urgent creation of a good coordination mechanism, eventually a National SPS Committee. Despite the meritorious efforts of the informal "SPS Group" (see para. 46) - the hard core of an Informal SPS Committee whose existence is ignored even by some key officials - coordination and information of public bodies among themselves and with the private sector is almost non-existent. Devoid of institutional support, it holds ad hoc meetings, with uncertain membership, lacks organization, and has no capacity to operate and assemble stakeholders.

67. As noted by Ulrich Kleih[[18]](#footnote-18), *“(…)Effective coordination among relevant government institutions, as well as improved interaction between public and private sector stakeholders with an interest in SPS issues, is critical to reduce information gaps, minimize the overlap of activities undertaken by various agencies, address SPS issues in a cost-effective manner and, ultimately, improve the implementation by countries of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and their participation in international standard-setting bodies, i.e. the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (OIE) and the International Plant Protection Convention (IPPC)”.*

68. The need for the development of national SPS coordination mechanisms, such as a National SPS Committee, is not a new issue, but the entry into force of the SPS Agreement – and the consequent creation of the WTO SPS Committee – and its synergies with the standard-setting organizations, created new challenges. Twenty-two years after, there are several models and success stories regarding improved national coordination approaches, and new e-tools facilitate coordination. Additionally, movements towards increased regional integration and the growing role of regional economic communities, including in capacity building and sustainability, should also be considered. In this regard, it is useful to recall that SADC requires the establishment of a National SPS Committee.

69. The success of an institutionalized and efficient SPS Committee requires high levels of commitment, the mutual recognition among key stakeholders of the importance and inter-disciplinary nature of SPS, the need for public and private sector to collaborate effectively and well-defined composition, scope, functions and responsibilities. But improved organization and cooperation efforts per se will not succeed if there is no sufficient SPS awareness of "decision-makers" including at the political level, to provide and support leadership and the establishment of a SPS strategy and National Agenda. As just one instrument of institutional capacity, the successful establishment of a national SPS coordination mechanism depends also on information sharing and transparency, both areas suffering from severe drawbacks. In sum, actions undertaken to create a National SPS Committee will have to pair with actions addressing other structural weaknesses.

70. Last, but not least, the MIC is creating a Committee to address the challenges of implementation of the WTO Trade Facilitation Agreement. It has been suggested that, if a SPS coordination mechanism is to be established, it could be a sub-committee of the TFA Committee. This (understandable) suggestion should be analyzed carefully to avoid further delays in the implementation of the SPS Committee, or Sub-Committee and, to the extent possible, guarantee a functional independence of this body.

Identify ways to promote greater use of equivalence and unilateral/ mutual recognition

71. Mozambique has not notified SPS equivalence agreements to the WTO, nor does it seem to have entered in any such agreements. However, in the fisheries sector, as noted by Sarguene & Rathebe, INIP has demonstrated authority and capability to negotiate these agreements (although the agreements signed with South Africa and Namibia referred to by Sarguene & Rathebe do not seem to fit the definition of Equivalence agreements).

72. Equivalence is a concept of relatively difficult application, which led the WTO SPS Committee to develop a Decision[[19]](#footnote-19), to facilitate the implementation of the concept. According to this Decision, equivalence *“(…) can be accepted for a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis (…). This formulation and the fact that “(…) equivalence can be applied between all Members, irrespective of their level of development (…)”,* meets the concerns of developing and least-developed countries.

73. However, the Decision also states that considering “that transparency, exchange of information and confidence-building by both the importing and exporting Member are essential to achieving an agreement on equivalence”, these are elements that render the use of equivalence (and unilateral/mutual recognition) particularly difficult for Mozambique, if identified SPS shortfalls are not adequately addressed. At best, a case-by-case and initial product-by-product approach might be considered.

# Conclusions

74. To meet its international commitments and its WTO and/or SADC SPS obligations, Mozambique needs external support. It needs significant reinforcement of its technical and institutional capacity. Limitations in technical, human and financial resources severely affect the public-sector capacity to often meet even basic SPS national regular necessities, not to mention emergency situations.

75. Transparency mechanisms, the WTO NNA and NEP, do not function due to obsolete office equipment and deficient internet connection, but also because of several other aspects related to poor coordination and communication between the different concerned Ministries and Agencies, aggravated by the inexistence of an SPS-dedicated Webpage.

76. Lack of transparency also affects prospects for the effective use of the Single Electronic Window for SPS purposes. Even if the system is technically ready for SPS e-certification, its operation needs a significant effort of coordination and collaboration between public and private stakeholders. But the relationship and information-sharing between government officials and the private sector is severely hurt by this lack of transparency, resulting in unaware and uninterested stakeholders and accrued difficulties to address SPS challenges.

77. The official sector has very limited training capacity to keep its staff abreast of relevant information and knowledge. Although there seem to be sufficient financial and technical resources to carry out routine work, when an emergency is declared, resources are insufficient. Laboratories lack well qualified and trained staff, often dispose of only the basic material requirements and existing equipment is in many cases obsolete or stalled due to malfunctions and frequently lack the necessary modern technology.

78. Apart from the fisheries sector, the ability to access markets and control imports is frequently limited by outdated laws and regulations, and the difficulty of the public sector to ensure conformity with updated texts. Whereas in the animal health sector the ongoing review of legal texts seems to approach its final stages, external consultant(s) expertise may be necessary to help revising obsolete and non-harmonized legal texts in the plant protection and food safety areas.

79. Finally, a visit to street markets in Maputo highlights the seriousness of SPS problems affecting the country. There is a heavy load of problems and challenges for Mozambique to meet acceptable SPS requirements both in the domestic and international markets. But it is necessary to ensure that information on SPS issues is transmitted consistently, clearly and sustainably to policy makers for their awareness and sensitization. This goal will only be fully achieved when policy makers will understand the need for the establishment of SPS strategies and priorities, and the need for the establishment of a National SPS Agenda. The recommendations below are an attempt to help achieving this goal.

# Recommendations

80. The following recommendations are, in most cases, of relatively simple implementation, and the majority require low investment. Many of them address training and awareness raising of SPS Themes. The consultant believes that lack of awareness, transparency, information-sharing and coordination/collaboration, often leading to and coupled with lack of personal commitment are the weakest links of the SPS chain.

81. To ensure the sustainability of proposed recommendations, USAID should monitor their implementation, holding Mozambican technicians accountable, especially regarding improvements in transparency, information-sharing and coordination.

## Short Term – 2017/2018

1. Equip the NNA and the NEP with adequate office equipment, including a new PC, a new multifunction printer and an adequate internet connection.
2. Translate into Portuguese the WTO Procedural Step-by-step Manual for SPS National Notification Authorities & SPS National Enquiry Points[[20]](#footnote-20).
3. Create a SPS dedicated Webpage, if possible bilingual (Portuguese/English), contemplating the possibility of submitting enquiries to the NEP (if necessary create a separate Webpage for this purpose). The Webpage should include news about agriculture-related fairs and shows in the country.
4. Develop, print and disseminate simple information leaflets and support information booklets in Portuguese (and English, if/when possible) for distribution during workshops, fairs, shows, meetings and similar events. This information should also be available on the Webpage.
5. Consider financing a TV spot campaign supporting SPS-raising awareness to be programmed before the national news.
6. Support the creation of a National SPS Committee. The existing “SPS Group” (or informal SPS Committee) prepared a draft framework for the Committee that can be used as a starting point, but capacity building is required to improve and finalize the draft and especially help establishing and operationalizing the Committee.
7. Finance the participation of [3] SPS officials in the WTO SPS Committee meetings, and to the extent possible in the SADC SPS Committee Regional meetings. USAID would cover up to [two-thirds] of the costs involved and the Government of Mozambique [one-third] in the first year. (Consider contacting AU-IBAR in this respect).
8. Organize a [1-2 days] Transparency Workshop for SPS and Trade officials, opened to private sector representatives.
9. Organize an additional hands-on training session [1-2 days] for officials in charge of the NNA and NEP and close collaborators, including practical exercises utilizing the different available e-tools. The participation of private sector may be considered.
10. Organize a [1/2 day] SPS Awareness Workshop, in Maputo, for high level policy makers, including Ministers.
11. Organize [2 days] National SPS Workshops in Maputo, Beira and Nampula aimed at raising SPS awareness, opened to active participation of private sector. The programme of these workshops shall include sessions on electronic SPS certification.
12. Organize the First Module of an Advanced Course on SPS Leadership [1 week]. The Course, composed of three modules, of an interactive and participatory nature, is intended for SPS and Trade (MIC and Customs) officials with actual/potential leadership responsibilities, and private sector representatives, including academia and civil society. Special training sessions should be conducted by the private sector, e.g. on Single Electronic Window, role and functioning of the CTA. The programme should include one or two visits to technical facilities, such as laboratories and fishery facilities, or others.
13. Assist the development of a National SPS Strategy in line with the Mozambique Strategic Plan for Agricultural Development (PEDSA 2010-2019) and SADC Regional SPS Strategies for Food Safety, Plant and Animal Health.

## Medium - to longer term 2018/2019

1. A new assessment of testing facilities at least in Maputo, Beira and Nampula, including training needs, is required. The assessment should be followed by actions to help address existing flaws.
2. USAID should assist the national authorities in setting-up up the SPS-related aspects of the Single Electronic Window.
3. USAID should assist Mozambique to revisit the MCDA document developed in 2012 with the assistance of the STDF to ensure that new priorities are considered and appropriate SPS capacity building interventions identified[[21]](#footnote-21).
4. Organize the Second and Third Modules of an Advanced Course on SPS Leadership [1 week each].
5. Evidence shows that Mozambique benefitted from numerous SPS international and regional technical assistance and capacity building programs and activities, by the hand of donor countries, regional and international organizations. However, as noted by Sarguene and Rathebe, such activities are not coordinated by a central entity, nor are they conveniently planned by a coordination mechanism, and no record of such activities seems to exist. To avoid the continuation of ad-hoc activities (except if they respond to emergency situations), this should be one of the tasks of the National SPS Committee.

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

www.usaid.gov

1. “Sanitary and Phytosanitary Measures – Assessment of the Status of Implementation of the WTO Agreement in Mozambique”, a publication produced for review by the United States Agency for International Development, prepared by DAI and Nathan Associates, in April 2016. [↑](#footnote-ref-1)
2. The SPS Questionnaire is based on a tool used by the WTO SPS Advanced Courses, developed by the consultant and Kevin Walker, Michigan State University (USA). Both the consultant and Kevin Walker are regular coaches of the WTO Courses. [↑](#footnote-ref-2)
3. WTO Document WT/TPR/S/354, 29 March 2017). [↑](#footnote-ref-3)
4. For instance, in page V: “(…) with reference to the relevant international standards and obligations, the Team finds there are several areas for improvement in Mozambique’s legislative framework for the veterinary domain. First, there is virtually no legislation on some key elements, including veterinary laboratories, animal welfare, and veterinary medicines and biologicals (legislation on the latter is jointly being developed by the National Veterinary Directorate (DINAV) and counterparts at the Ministry of Health) (…)”. [↑](#footnote-ref-4)
5. See “Assessment of current status of national Phytosanitary (plant health) system in Mozambique”, Baseline studies in Phytosanitary (Plant Health) at National level. Report Prepared by: Domingos Cugala, National Consultant, FAO, Maputo, Mozambique, Maputo, March 2016. [↑](#footnote-ref-5)
6. Annex 3 of Sarguene & Rathebe report. [↑](#footnote-ref-6)
7. The SADC Harmonized Seed Regulatory System: A Review of National Seed Policy Alignment Processes in HASSP Project Countries, August 2012, Centre for Applied Legal Research (CALR) 12 Ashton Road, Alexander Park, Harare, Zimbabwe. <http://www.ca-lr.org/>. [↑](#footnote-ref-7)
8. Final Technical Report Wiana Louw Independent Consultant, Submitted by: AECOM International Development, Submitted to: USAID/Southern Africa, Assessment of testing facilities in Mozambique, Zambia and Malawi April – May 2015, USAID Contract No. 1001272-IC-15-24232-00 [↑](#footnote-ref-8)
9. Phytosanitary Capacity Evaluation in Mozambique (PCE) – Enhancing Phytosanitary Services Capacities in Mozambique, Maputo, March 2012. Prepared by: Domingos Cugala National Consultant, FAO, Maputo, Mozambique. [↑](#footnote-ref-9)
10. Assessment of current status of national Phytosanitary (plant health) system in Mozambique, Baseline studies in Phytosanitary (Plant Health) at National level, Report Prepared by: Domingos Cugala, National Consultant, FAO, Maputo, Mozambique, Maputo, March, 2016 [↑](#footnote-ref-10)
11. Veterinary Legislation Support Programme, Report of the Veterinary Legislation Identification Mission, Republic of Mozambique 5-9 October 2015, Dr. Victor Gongora, Team Leader Ms Julia Rogers, Legal Expert - World Organisation for Animal Health 12, rue de Prony F-75017 Paris, France. [↑](#footnote-ref-11)
12. FAO/WHO Codex Trust Fund (CTF2) Frequently Asked Questions (FAQs) [↑](#footnote-ref-12)
13. Source: MASA, Plant Protection Department (DSV) [↑](#footnote-ref-13)
14. It is worth noting that Codex Alimentarius has not yet established an international standard regarding ready-to-eat peanuts, currently at step 3 of the Codex process for the development of international standards. [↑](#footnote-ref-14)
15. <http://aflatoxinpartnership.org/>. See also Sarguene & Rathebe, USAID publication. [↑](#footnote-ref-15)
16. In other words, in terms of the WTO Trade Facilitation Agreement, the establishment of the single [↑](#footnote-ref-16)
17. New Health Regulation for Aquatic Animals; new Regulation of Drugs, Medicines and Veterinary Products; new Regulation for Meat Inspection; new regulation on Slaughterhouses, new Regulation for Poultry Slaughterhouses. [↑](#footnote-ref-17)
18. National SPS Coordination Mechanisms: An African perspective a paper by Ulrich Kleih, Natural Resources Institute University of Greenwich (UK) - STDF, January 2012 (pg.1). [↑](#footnote-ref-18)
19. WTO document G/SPS/19, Decision [by the SPS Committee] on the Implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures. [↑](#footnote-ref-19)
20. The possible existence of a Portuguese version should first be verified (Brazil). Translation into Portuguese of other existing tools may also be considered (e.g. IICA’s “Audit Procedures for Notification of Sanitary and Phytosanitary Measures”). [↑](#footnote-ref-20)
21. The consultant endorses Recommendations 12 and 15 proposed by Sarguene & Rathebe in their report. [↑](#footnote-ref-21)