

**IMPLEMENTATION OF THE SPS AGREEMENT**

Information for the Workshop on 31 March 2006

Communication from Uganda

The following communication, received on 29 March 2006, is being circulated at the request of the Delegation of Uganda.

1. In preparation for the Workshop on the Implementation of the SPS Agreement, participants were invited to provide information relating to their experiences in relation to the issues to be discussed.

**Participation in meetings of the SPS Committee**

- (a) Attendance is irregular.
- (b) The meetings are mainly attended by Geneva-based trade representatives and usually without technical information and data from Uganda.
- (c) Information regarding the SPS Committee meetings is downloaded from WTO website and distributed to the members of the National TBT/SPS Committee by the Secretariat (UNBS).

**SPS National Committee**

- (a) There is a National TBT/SPS Committee composed of public sector agencies and private sector associations.
- (b) SPS notifications are distributed to stakeholders through the representatives of the National TBT/SPS Committee, i.e. the Committee provides a mechanism for distribution of notifications.
- (c) Effective dissemination of information about SPS requirements to all stakeholders and feedback remains a big challenge. This requires commitment at all levels to be achieved through sensitization, training and provision of adequate resources.
- (d) There has not been a national planning on implementation of SPS requirements.
- (e) Technical assistance needs are usually identified through public institutions. This is uncoordinated and not effectively matched to priorities. Duplication of donor efforts should be discouraged by coordinating donor efforts. A lead donor/implementing agency such as UNIDO and the European Communities can be selected to chair a committee to coordinate the donor support in the SPS area.

### **Terms of Reference for the National TBT/SPS Co-ordination Committee**

- (a) Identify the inter-institutional linkages concerned and national TBT and SPS notification points;
- (b) Identify any gaps, overlaps and duplications with a view to streamlining them to move the country forward;
- (c) Streamline preparation and participation in TBT & SPS Committees' meetings and make appropriate recommendations to relevant bodies for necessary action and support;
- (d) Follow recommendations with relevant bodies and stakeholders; and
- (e) Streamline the implementation of notification requirements of the TBT and SPS Agreements.

### **Membership of National TBT/SPS Coordination Committee**

- (a) Uganda National Bureau of Standards (Secretariat and Chair)
- (b) Ministry of Tourism, Trade and Industry
- (c) Ministry of Agriculture, Animal Industry and Fisheries
- (d) Horticulture Exporter Association
- (e) The Uganda National Apiculture Development Organisation
- (f) Uganda Coffee Development Authority
- (g) Uganda Coffee Trade Federation
- (h) National Environment Management Authority
- (i) Uganda Flower Exporters Association
- (j) Uganda National Farmers Federation
- (k) Uganda Export Promotion Board
- (l) Ministry of Health
- (m) Uganda Fish Processors and Exporters Association (Vice Chair)
- (n) Private Sector Foundation Uganda
- (o) Ministry of Foreign Affairs
- (p) Uganda Beef Producers Association
- (q) Ministry of Finance, Planning and Economic Development
- (r) Uganda National Chamber of Commerce and Industry
- (s) Uganda Manufacturers Association
- (t) Uganda Fisheries and Fish Conservation Association
- (u) Uganda Investment Authority

### **Proposed Way Forward**

2. Uganda, just like most African countries, is facing great challenges in order to develop and implement a SPS policy that will allow participation in international trade with agricultural and fishery products. This policy should define the goals and strategies of the national SPS system, including the ways in which the government intends to exercise authority and control over the private sector in the SPS area.

3. The SPS policy should be based on risk analysis and the food chain approach. These principles are now being implemented in industrial countries and will be a requirement for imports, but are still new to Uganda and other African countries. All three SPS sectors (food safety, animal and plant health) are integrated and measures are based on risk analysis.
4. A more effective enforcement system is needed, comprising one central SPS authority with the overall responsibility for all technical activities and with one coordinated set of local inspectorates, both of them with coordinated laboratory and scientific support. The inspectorates should be responsible for all enforcement activities related to production and distribution.
5. Three stakeholder groups are important in SPS issues. Politicians are responsible for establishing the SPS policy and developing efficient organisations. The private sector is responsible for establishing and maintaining internal control systems in line with the food chain approach, usually in the form of HACCP systems. Consumers have a right to know and should participate in the process of determining acceptable risk levels.
6. Uganda should strengthen the enquiry points in order to:
  - (1) notify WTO of new regulations and conformity assessment procedures, including drafts; and
  - (2) provide information to interested parties about all regulations, standards and conformity assessment procedures.

## **FOOD SAFETY IN UGANDA**

### **Outline of the food control/food safety system in general**

7. At present, activities in food safety and control in the country are uncoordinated and scattered in different Government Ministries, and are being implemented by different agencies and authorities. The mandates for these agencies and Authorities are stipulated or provided for under different laws and regulations. For example, the Ministry of Health, which is the custodian of the main food legislation, has two agencies; namely Department of Environmental Health and National Drugs Authority (NDA). Department of Environmental Health co-ordinates food safety matters and supervises (on training and policy matters) the activities of semi autonomous local government units (Districts, Town Councils, Municipalities and a City) who employ Health and Food Inspectors. NDA controls the use and sale of drugs (medical and veterinary) and importation of food supplements. The Ministry of Agriculture, Animal Industry and Fisheries Resources has five departments and two authorities (UCDA & DDA) whose activities range from control of seeds, phytosanitary matters, agricultural chemicals, animal health, imports and exports of animal products, production and marketing of food products. The Department of Crop Protection is the National Enquiry Point of the SPS Agreement. Under the Ministry of Tourism, Trade and Industry there is one department and two Authorities, namely the Directorate of External Trade (DET), the Uganda National Bureau of Standards (UNBS) and the Uganda Export Promotion Board (UEPB), respectively. DET handles WTO matters such as notifications under the SPS and TBT Agreements.

8. On the other hand, UNBS is an apex body charged with standardization and implementation of standards in trade and industry, import food inspection, and is a national enquiry point under the TBT Agreement and a Codex Contact Point. UEPB promotes exportation of food and other products and issues certificates of origin where Uganda has preferential trade treatments, e.g. European Communities and COMESA regions. There are other Ministries whose agencies control among others, water, environment and radioactive contamination. The local government units, which include Districts, Town Councils and Municipalities, have public health departments which carry out food

inspections in food eating places, licensing food premises, meat inspections in abattoirs. This chain of inspectors is mainly diploma holders trained at the National School of Hygiene. The local government units also have production units, which carry out extension and food control services in agricultural food production and veterinary services. At this level degree holders such as Veterinary Surgeons and Agriculture Officers are employed up to the lowest unit of the District such as a sub-county.

### **Overview on Legislation**

9. The Food and Drug Act of 1964 is still in force. However the National Drugs Authority transformed the component on drugs into the Drugs Act, 1993. This left the food component hanging. This therefore calls for a national food safety law that is modern and unified.

10. The current Food Act does not address the new technological developments in the food industry, e.g. safety of genetically modified foods, international food regulations as required by the World Trade Organisation (WTO), or by the European Communities and other international food markets. For example, for food additives and contaminants, packaging and other sanitary and phytosanitary requirements are not covered in the current Food Act.

### **General constraints and gaps in food control systems**

11. The current food control and safety system is severely hampered by obsolete food laws and the lack of resources required for building a sound food safety control infrastructure, including an adequate force, laboratory facilities, and necessary scientific expertise and research.

12. In most cases, the above agencies have provisions under the legislation establishing them for creation of technical committees and working groups cutting across all concerned sectors for purposes of co-ordination and communication on matters of food control. This type of co-ordination is not effective due to lack of resources.

13. Food borne illness is recognised to be a significant public health problem in Uganda. Much of the burden of illness results from failures in basic food chain hygiene that occurs in food production, processing, storage, transportation, retailing, and handling in the home.

14. Achieving basic food hygiene is made difficult by the lack of necessary sanitation infrastructure in many areas of the country and segments of the food system.

### **Codex participation**

15. UNBS participates in the Codex Coordinating Committee for the African Region and is a National Codex Contact Point. UNBS would like to participate in all committees of the Codex Alimentarius Commission (CAC).

### **National Codex Committee**

16. The National Codex Committee (NCC) for Uganda was inaugurated in June 2002 during a FAO Workshop on responsibilities and functions of a NCC. The objective of setting this committee was to create an effective mechanism for considering the government's national food control requirements in relation to the work of Codex Alimentarius Commission (CAC) Food Standards Program.

17. The function of the NCC is to consider and discuss technical issues on the food standard program such as product specifications, safety issues, etc. NCC therefore advises the central government on the application of various food standardization and food safety matters arising out of the work of the Codex Alimentarius Commission.

**The Terms of Reference for National Codex Committee are as follows:**

- (i) Shall be the organ to advise government on all matters of the Codex Alimentarius Commission.
- (ii) In order to discharge its duties efficiently, the Committee shall appoint Sub- Committees to assist in deliberating on technical and related issues arising from the activities of Codex.
- (iii) Contribute when necessary to the development of the provisional agenda for holding Codex sessions as provided by Rule V.3 of the Codex Alimentarius Procedural Manual.
- (iv) Recommends to Government the delegates to represent Uganda at Codex sessions.
- (v) Advises Government Ministries, the food industry, consumer groups, importers/exporters, scientific bodies, non-governmental organisations and individuals having interest in Codex work, on the activities of Codex and related issues, which are of interest to these bodies.
- (vi) Monitors and co-ordinates the activities of Codex in the country.
- (vii) Arranges for funding of Codex work by the Government and other donors.
- (viii) Represents the views of Government on all aspects of the work of the Commission e.g. responds to Codex Circular Letters and requests for information, considers draft Codex standards and provides comments, advises on the form of acceptance of Codex standards etc.
- (ix) Sensitize consumers on the work of Codex Alimentarius Commission.
- (x) Collects information and may initiate research work to provide information for the elaboration of Codex standards.
- (xi) Defines problems and needs of Uganda concerning food standards and food control.
- (xii) Promotes contacts within the Regional Codex Committee and the Commission for mutual exchange of information on proposed regulatory initiatives and problems arising from food control and stimulates the strengthening of the food control infrastructure.
- (xiii) Proposes work projects to the National Technical Committee on Food and Agriculture for elaboration of national and regional standards for products/commodities moving exclusively in the international trade.
- (xiv) Draws attention of the Commission to any aspects of its work that is of particular significance to Uganda.
- (xv) Promotes co-ordination of national, regional and international food standards work undertaken by international, Governmental and non-governmental organizations within Uganda.
- (xvi) Promotes acceptance of Codex final texts in Uganda.
- (xvii) Monitors the National Food Control System.

18. The composition of NCC is multsectoral in nature and is composed of the following representations:

- (1) Director Health Services Ministry of Health (Chairman)
- (2) Representative of Director of Animal Resources, MAAIF
- (3) Representative of Director of Crop Resources
- (4) Department of Food Science and Technology, Makerere University Kampala (MUK)

- (5) Department of Veterinary Public Health and Preventive Medicine, MUK
- (6) Institute of Public Health, MUK
- (7) Ministry of Tourism, Trade and Industry
- (8) Ministry of Internal Affairs (Government Chemist)
- (9) Uganda National Council for Science and Technology
- (10) National Agricultural Research Organization (NARO) (Vice Chairman)
- (11) Uganda Manufactures Association (UMA)
- (12) Uganda Consumers Association (UCPA)
- (13) Uganda Consumer Education Trust (CONSENT)
- (14) Uganda National Bureau of Standards (Secretariat)

## **PLANT HEALTH IN UGANDA**

### **Outline of Plant Health/Plant Protection**

19. The Department of Crop Protection has a mission of supporting the country's efforts to transform subsistence agriculture to commercial agriculture by ensuring that pests and diseases of plants are controlled in a sustainable manner while conserving the environment. The Department is in the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) and is headed by a Commissioner.

20. The Commissioner, Crop Protection, has a mandate of carrying out regulatory measures in the crop sector and to control a number of notifiable crop epidemics. The functions of controlling pests and diseases are a central function since pest and disease outbreaks respect no known geographical boundaries.

21. The Commissioner, Crop Protection, leads a team of highly specialised scientists with a vast of experience in pest and disease management. Pest and disease surveillance, pest and disease identification and management are carried out in one division while, regulation of plant imports and exports, control of seed quality and agricultural chemicals is in the other division.

22. In the Ugandan subsistence agriculture, no mechanisation is used to put more land into cultivation, farm saved seed is planted, and post harvest handling is poor. Therefore, pests and diseases are not effectively managed, the extension services are minimal and therefore Uganda needs heavy investment in terms of time and finance to modernize its agriculture. Uganda, being a land-locked country, the borders are porous to any pest or disease from the neighbouring countries of Sudan, Congo, Rwanda, Tanzania and Kenya. However, the climate is very conducive for agriculture and Uganda enjoys a two-season rainfall pattern per year and the majority of tropical and subtropical crops can do well in the country.

23. Uganda enjoys a subsistence economy and is putting in place a mechanism to transform that type of economy to a commercial one.

### **Legislation**

24. The Crop Protection Department implements three legislations:

- (a) The Plant Protection and Health Act (2003)

- (b) The Seed and Plant Statute (2003)
- (c) The Control of Agricultural Chemicals Statute (2003).

25. The Plant Protection and Health Act has just been reviewed and harmonized with IPPC standards. The Seed and Plant Statute was reviewed to take into account the OECD and ISTA standard procedures and the control of agricultural chemicals was reviewed to include standard procedures for safe use and testing for efficacy. Markets also require that pesticide residues be monitored in fruits and vegetables brought to the markets.

## **ANIMAL HEALTH AND ZONOSSES IN UGANDA**

### **Department of Livestock Health and Entomology**

26. This Central Government Department is responsible for Animal Health Services, which also include the control of zoonoses (public health related diseases and food safety) in Uganda. Its aims are to:

- (a) Investigate and control animal diseases, zoonoses (disease communicable from animals and animal products to man, i.e. of public health importance);
- (b) Control vectors and pests of animal concern;
- (c) Promote animal health and animal welfare; and
- (d) Promote apiculture and sericulture development.

27. The Department is mandated to perform the following functions in livestock health and entomology:

- (a) Makes national policies, plans and budgets;
- (b) Formulate, review and enforce the standards;
- (c) Formulate laws, regulations and enforce them;
- (d) Control epidemic animal diseases; and
- (e) Give technical back-stopping, support, supervise, co-ordinate and train the local government veterinary personnel in the relevant animal health and food safety fields.

28. The Department in food safety deals with the inspection and certification of meat, animal products for local, export and import purposes.

29. **The Department of Animal Production and Marketing** deals with the policies, planning, budgeting, regulations and standards in animal production and marketing. The Department deals with infrastructure related to food safety. This function is expected to be transferred soon to the Department of Livestock Health and Entomology in an expected restructuring. This will help to avoid duplication/overlaps.

30. The following animal-related functions have been divested to the National Agricultural Research Organisation (NARO) under the Ministry of Agriculture Animal Industry and Fisheries (MAAIF): the research identification, research development / generation and dissemination of technologies in animal health and animal production.

31. The local governments under the decentralisation policy and the Local Government Statute 1997 are mandated to implement the following functions in the animal sub-sector:

- (a) Animal husbandry / extension services. These are advisory services that are co-ordinated by MAAIF's National Agricultural Advisory Services (NAADS);
- (b) Entomological services and vermin control;
- (c) Designing of development plans; and
- (d) Licensing of produce buying (including animals and animal products trading).

32. The central government veterinary services based in MAAIF is making arrangements to formally delegate some aspects of animal disease control, regulatory and standards enforcement in animal health and food safety. There will be need to build the technical capacity of the local governments in this respect.

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