

WORKSHOP ON THE IMPLEMENTATION OF WTO-SPS

Information for the Workshop on 31 March 2006

Communication from South Africa

The following communication, received on 31 March 2006, is being circulated at the request of the Delegation of South Africa.

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.

I. WHAT TOOLS CURRENTLY EXIST AND HOW BEST CAN THEY BE USED TO ENSURE THE EFFECTIVE IMPLEMENTATION OF THE SPS AGREEMENT AT THE NATIONAL LEVEL? IS THERE A NEED FOR THE DEVELOPMENT OF ADDITIONAL TOOLS?

2. Many changes happened in South Africa in the area of the WTO-SPS Agreement over the past few years and which are ongoing. One of the overarching challenges lies in that South Africa as a developing country needs to conform to SPS requirements and to be successful in international agricultural trade to sustain job creation and economic growth. Resources capacity (human, financial, infrastructure) remains one of the biggest challenges, however, we believe that much had been done or had been put into place and we will continue to strengthen these systems.

3. As in many other countries there are various departments and levels of government departments involved and systems had been, and are being created to ensure cooperation and coordination to be more effective. There is a good legislative basis with various acts of parliament applicable and efforts are ongoing to review and to focus these within and between departments (ministries).

4. Within the Department of Agriculture, which exists on a national level as well as in nine provinces, institutional arrangements had been established to coordinate activities. Recent restructuring on the national level will now further strengthen the implementation of the SPS Agreement (agriculture) in South Africa. With the SPS and TBT activities as a specific strategy a branch/program had been structured to focus on food safety and bio-security (Annexes 1-4). It will be further refined and resourced. There is a need for the development of additional tools in this regard for additional surveillance and monitoring of pests and diseases, early warning systems, etc. The intent is to also use assessment tools which are available.

II. MATTERS RELATED TO A NATIONAL SPS COMMITTEE

5. There are well established forums, work groups and committees on operational level with industries in South Africa which have been in existence for many years. Government Departments, including the Department of Agriculture, participate actively in the work of international standards setting bodies (CODEX, IPPC, OIE) and the information and requirements stemming from these sources are well covered in South African legislation and subordinate regulations where necessary. Work programs and protocols are also established on a bilateral basis with many of our trading partners. (In these fields resources need to be strengthened taking the ever-increasing demand into consideration.)

6. A need which has been identified and currently/recently attended to was the placement of a South African Agricultural Representative in Geneva. On a higher level than the operational level, a SPS Committee (consisting of official/government representation) had been established. In future, this committee will feed information, advice and guidance into the various mentioned agricultural operational structures as well as into an established Agricultural Trade Forum that consists of industry, government (national and provincial), labour and consumer organisations where information on all trade issues is exchanged.

7. It is envisaged that this committee will act on the SPS level (as a link to Geneva) and that there will be a need to develop an office/tools to deal more systematically with information dissemination and the other generic issues.

III. MATTERS RELATING TO TECHNICAL ASSISTANCE

8. Active participation in SPS matters in Geneva had been identified as necessary to deal effectively also with issues regarding technical assistance. The placement of a permanent agricultural representative and regular attendance of meetings and interaction in Geneva has been instituted.

9. There are current technical assistance programs and projects running in South Africa. The need exists to investigate/look at more sustainable measures to be implemented to support legislative and control (law enforcement) systems that are currently in place. It is evident that one needs to move away from the ad hoc solutions with regard to problems experienced towards more specific programs and protocols and identify the underlying reasons for these and address them through technical assistance where needed.

SANITARY AND PHYTOSANITARY AND TECHNICAL BARRIERS TO TRADE AGREEMENTS

- Science based systems and requirements
- Systems/requirements - Risk management basis
- Requirements to deal similarly with all countries
- Insist on equivalency
- Unallowable to institute different systems and requirements on imported goods than what is applicable on your own.

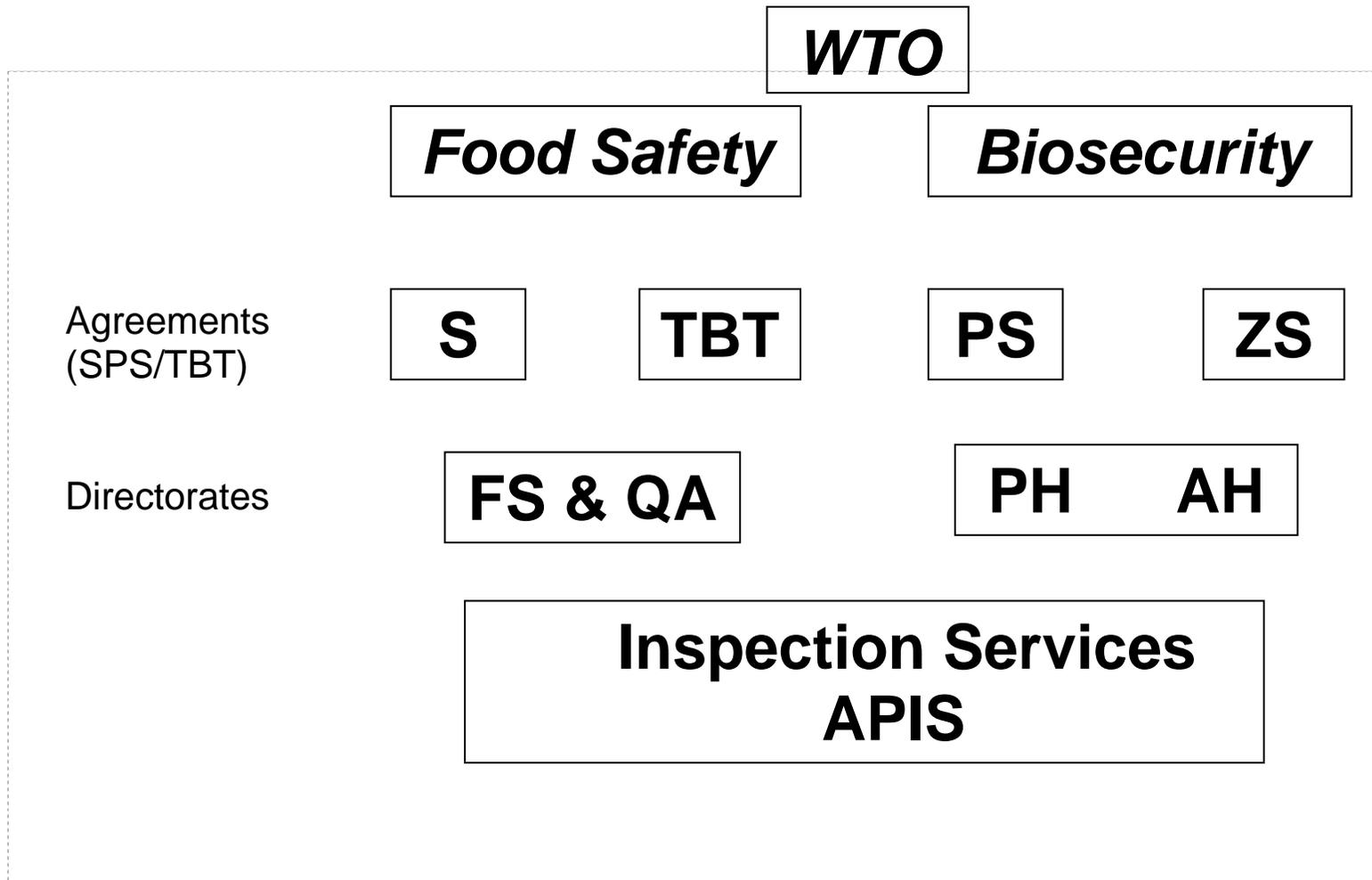
PRACTICAL CONSEQUENCE

Globally it is required that countries -

- Guarantee feed and food comply to laws and/ or equivalent laws/systems (WTO-SPS/ TBT)

- Systems that will focus on Legislation in country
 - Organization of Competent Authority
 - Control Services
 - Training of Staff
 - Resources and Diagnostic Facilities
 - Situation regarding Animal Health, Zoonoses, Plant Health and any other relevant information

PROGRAM 3 BIOSECURITY / NRS



ANNEX 4

