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Committee on Technical Barriers to Trade

Original: English

**IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT
ON TECHNICAL BARRIERS TO TRADE**

COMMUNICATION FROM ZAMBIA¹

The following communication under Article 15.2 of the Agreement on Technical Barriers to Trade, dated 24 November 2023, has been received from the delegation of Zambia.

1.1. In accordance with Article 15.2 of the WTO Agreement on Technical Barriers to Trade (TBT) and considering the decision of the TBT Committee of 14 July 1995, concerning Statements on Implementation and Administration of the Agreement as contained in document G/TBT/1/Rev.10 of 9 June 2011, the Zambian Government submits to the Committee this statement on the implementation and administration of the Agreement in Zambia.

1.2. The Government of the Republic of Zambia accepted with effect from 1 January 1995 the Agreement establishing the WTO, as well as Agreements and associated Legal Instruments included in the Annexes.

1.3. The Ministry of Commerce, Trade and Industry (MCTI) is the contact point on all matters relating to the implementation of the WTO TBT Agreement and has the overall responsibility of ensuring that the obligation under the Agreement is fulfilled.

1.4. The institutional framework comprises several regulators within Government Ministries, and Departments as well as parastatal organizations whose mandates include the development of technical regulations, inspection and conformity assessment services in different sectors. These include among others, the Zambia Bureau of Standards, Zambia Metrology Agency, Zambia Compulsory Statutory Bodies, and private and public accredited laboratories in the medical and mining sector. Other institutions that support the Ministry in the implementation of the WTO TBT Agreement listed at 1.10.

1.5. In strengthening the legal and institutional framework that supports the implementation of the agreement, the Government of the Republic of Zambia reengineered the National Quality Infrastructure in Zambia and established an integrated Technical Regulations Framework as espoused in the 2011 National Quality Policy. This was done through the enactment of the Standards Act No. 4 of 2017; Compulsory Standards Act No. 3 of 2017; Technical Regulations Act No. 5 of 2017 and National Metrology Act No. 6 to 2017.

1.6. These Acts have led to the restructuring of both the Technical Regulations regime and the current quality infrastructure by merging quality institutions or creating new ones as outlined below:

- a. The National Technical Regulations Act No. 5 of 2017 established the Department of Technical Regulations in the Ministry of Commerce, Trade and Industry. The Department spearheads the development and implementation of the technical regulation framework and provides technical guidance to regulatory agencies in preparing, adopting and applying non-discriminatory technical regulations and conformity assessment procedures with

¹ This document replaces Zambia's original notification under Article.15.2 of the TBT Agreement contained in [G/TBT/2/Add.106](#).

respect to products, processes, or production methods. This is aimed at ensuring the effective implementation of the provisions of the TBT Agreement.

- b. In accordance with the requirements of the WTO TBT Agreement and as espoused in the Technical Regulations Act No. 5 of 2017, the Government of the Republic of Zambia, has designated the Department of Technical Regulations in the Ministry of Commerce, Trade and Industry, as the WTO TBT Agreement Notification Authority for Zambia. This function was previously managed by the Department of Foreign Trade which is also under the Ministry of Commerce, Trade and Industry.
- c. The implementation and administration of the WTO TBT Agreement is supported by the Standards Act No. 5 of 2017. This act continued the existence of the Zambia Bureau of Standards (ZABS), as the National Standards Body that develops, promotes and publishes voluntary Zambian National Standards. In accordance with the requirements of the Agreement, the Government of the Republic of Zambia has designated ZABS as the National Enquiry Point.
- d. ZABS provides a selected number of standardizations, certification and conformity assessment services to industries. Aside from ZABS, some conformity assessment services, mainly testing, are also provided by a number of medical laboratories and private sector entities serving the mining industry. These laboratories are accredited by SADCAS to the ISO/IEC 17025:2017 standard.
- e. Zambia accesses the accreditation services from the Southern African Development Community Accreditation Services (SADCAS) a multi-economy accreditation body established in terms of Article 15 B of the Technical Barriers to Trade (TBT) Annex to the SADC Protocol on Trade with the primary purpose of ensuring that conformity assessment service providers (calibration/testing/medical laboratories, certification and inspection bodies) operating in those SADC Member States which do not have national accreditation bodies are subject to an oversight by an authoritative body.
- f. The Compulsory Standards Act No. 3 of 2017 established the Zambia Compulsory Standards Agency by transforming the Inspections Department of the Zambia Bureau of Standards into an independent statutory body under the MCTI. The establishment of the Agency was necessitated by the need to separate the administration of compulsory standards which are regulatory in nature from voluntary standards development and remove any possible conflict of interest and align it to international best practices as enshrined in the WTO TBT Agreement.
- g. ZCSA administers, maintains, and ensures compliance of compulsory standards in Zambia. It ensures pre-market approval of high-risk products falling within the scope of compulsory standards and conducts market surveillance on such products.
- h. The Metrology Act No. 6 of 2017 established the Zambia Metrology Agency by merging the Zambia Weights and Measures Agency and the Metrology Department at the Zambia Bureau of Standards. ZMA maintains national measurement standards, traces measurement standards to the International System of Units and registers the calibration and measurement capabilities in the International Bureau of Weights and Measures.
- i. The Agency further provides calibration and legal metrology services by regulating all weighing and measuring instruments used in commercial transactions, law enforcement, safety, health and environmental management. The calibration services offered by the Zambia Metrology Agency are accredited to the International Standard ISO/IEC 17025.
- j. Other legislation that supports the application of technical regulations and implementation of the WTO/TBT Agreement which falls under different Ministries, include the Food Safety Act No. 7 of 2019, Environment Management Act of 2011 and the Public Health Act.
- k. The "Food Safety Act No. 7 of 2019" is administered by the Ministry of Health and it provide for food safety and human health. The Act regulates any food harmful to human health; the sale of poisonous or unwholesome food; deception of character, nature, composition

and quality of food (including clear labelling, packaging or advertisements); sanitation in premises where food was being prepared (including restaurants, slaughterhouses). The Act also regulates the importation of foods, with a focus on labelling.

- l. The "Environment Management Act of 2011" provides for the protection, preservation and improvement of the environment, and the control of hazards to humans and Zambia's biodiversity. The Act also provides for the coordination, implementation and enforcement of policies, pursuant to the national objectives on environment protection.
- m. The "Public Health Act" provides for general sanitation and hygiene matters, with the aim of controlling epidemic diseases and preventing or suppressing the spread of infectious diseases. The Act also provides for the protection and examination of water (including bottled water) and water supplies to protect human health.

1.7. Additionally, Zambia Metrology Agency regulates both locally produced and imported pre-packaged commodities in relation to net content and labelling to protect the public from risks associated with false measurements and promote fair trade.

TBT-Relevant Legislation:

- National Technical Regulations Act No. 5 of 2017
- Standards Act No. 4 of 2017
- Compulsory Standards Act. No. 3 of 2017
- Metrology Act No. 6 of 2017
- Food Safety No. 7 of 2019
- Public Health Act, 1960
- The Medicines and Allied Substances Act No. 3 of 2023
- Competition and Consumer Protection Act No. 24 of 2010
- Road Traffic Act No. 11 of 2002
- Plant Pests and Diseases Act Chapter 233 of 1996
- Information and Communications Technologies No. 15 of 2009
- The Customs and Excise Act Chapter 322 of the Laws of Zambia
- Town and Country Planning Act Chapter 283 of 1961
- Energy Regulation Act 12 of 2019
- The Animal Health No. 27 of 2010
- Animal Health (Import and Export of Animal, Animal Product, Animal By-Product or Article) Regulation 93 of 2020
- Control of Goods Act Regulations

Relevant Regulatory Agencies

- Energy Regulation Board
- Food and Drugs Control Laboratory
- National Water Supply and Sanitation Council
- Road Transport and Safety Agency
- Tropical Disease Control Research Centre
- Zambia Environmental Management Agency
- Zambia Information and Communication Technology Authority
- Zambia Medicines Regulatory Authority
- Plant Quarantine and Phytosanitary Service

- Business Regulatory and Review Agency

1.8. Section 17(5) of the "National Technical Regulations Act No. 5 of 2017" provides for early notice of the draft technical regulations or conformity assessment procedures being proposed for adoption, so as to allow written comments within a period of not less than 60 days to be submitted by interested parties. Before adopting a standard, Zambia Bureau of Standards accords interested parties at least 60 days for the submission of any comments, in accordance with the Code of Good Practice for the preparation, adoption and application of Standards contained in Annex 3 of the TBT Agreement. Technical regulations are published in the Government gazette once approved.

1.9. Notices of technical regulations, standards and conformity assessment procedures are published in the official Government gazette once approved.

1.10. The Department of Technical Regulations at the Ministry of Commerce, Trade and Industry is the WTO/TBT National Notification Authority and Zambia Bureau of Standards is the Enquiry Point of the Republic of Zambia. All enquiries concerning Zambia's domestic regulations, standards and conformity assessment procedures in force should be addressed to the following:

National Notification Authority

The Permanent Secretary
Att: Department for Technical Regulations
Ministry of Commerce, Trade and Industry
8th, 9th and 10th Floors
New Government Complex
Nasser Road
P.O Box 31968
LUSAKA
Tel: (+260) (211) 223617 / (+260) (211) 228301/9 Email: info@mcti.gov.zm

Enquiry point of the Republic of Zambia

Zambia Bureau of Standards (ZABS)
P.O. Box: 50259
Plot No. 4526, Lechwe House
Freedom Way - South-end
Lusaka
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