

CBC BUSINESS POSITION PAPER

HARMONIZATION OF FOOD STANDARDS AND REGULATIONS IN COMESA



INTRODUCTION

The COMESA Business Council (CBC) seeks to improve the competitiveness and deepen the participation of the private sector in regional and global trade. This includes prioritizing and taking specific advocacy strategies to address key business impediments and measures that affect our industries and have a direct bearing on the participation of our businesses in trading in the COMESA region. This includes presentation of policy positions to the COMESA Sanitary and Phytosanitary Committee, the Technical Committee and Council of Ministers of Agriculture that are scheduled to sit within the following months, providing an opportunity for the CBC to address some of the impediments related to the sector.

Agriculture and agro manufacturing present an opportunity for transformation and growth of manufacturing industries, particularly with the growing importance of regional and global supply chains. However, at the centre of this, there are issues of food safety and sanitary and phytosanitary standards that present both an opportunity and a threat if mismanaged for industry contributing to Non-Tariff Barriers (NTBs). In the past years, manufactures in the COMESA region have been facing challenges in accessing certain markets due barriers related to lack of harmonization of food standards and regulations. These barriers increase the cost of products and the cost of doing business in the region. Therefore, there is need for strengthening measures towards harmonization of food standards and regulations in the COMESA trading bloc.

STANDARDS REGULATION AND HARMONIZATION IN COMESA

Differences in food standards and regulations deter regional trade and hinder the development of regional markets. Some notable challenges include limited regional harmonization of food laws/ standards, inadequate institutional capacities for testing and regulation, limited SPS coordination efforts. All these translate to high costs of multiple regulations and compliance requirements for businesses. Harmonized regulations and testing will likely reduce the cost of compliance and diminish disputes and NTBs related to standards between countries (and minimize the destruction of food or products by authorities).

The COMESA SPS program has focused on creating a harmonized risk based regulatory environment through the SPS Regulations, Green pass, and the establishment of regional reference laboratories. Value chain approaches have been adopted to facilitate conformity assessments for selected value chains. However, there is still need for increased harmonization efforts, common approaches for risk assessments, conformity assessment across several products and other measures, as private sector still experience huge challenges in terms of standards and quality compliance. All the challenges make the response time lengthy with additional costs to the company and consequently impact on prices of finished products. Multiple and excessive market access requirements ultimately result in export diversion, as some companies

PRIVATE SECTOR CHALLENGES RELATED TO FOOD STANDARDS

Specific Issues Related to Standards Harmonization: Compliance, Testing or Equivalence

I. Non-alignment with CODEX standards:

Standards requirements are not aligned with Codex in some instance thereby creating an additional requirement for manufacturers.

- ⊕ An example is on date marking. Marking of “Manufacturing date” is optional in Codex, while in other COMESA countries it is mandatory, thereby, creating barrier for products that are labelled according to Codex, with only expiry date marking. Expiry or Sale-by date is the critical marking for quality and safety.
- ⊕ The East African Standards for export of pasta to Zimbabwe differs from the Codex standards, with additional requirements on nutritional and chemical tests not performed by most local and international laboratories.

II. No mutual recognition:

Local test certificates are not recognized through ought the region, with requirements for re-testing of products in receiving markets, for most of the COMESA countries. There is no mutual recognition of certification marks.

- ⊕ For instance, Kenya requires mandatory product certification by Kenya Bureau of Standards (KEBS) which includes GMP inspection of production facility required and annual certification. This also implies specific stock for Kenya, different from stocks of packaging materials for other clients within the COMESA region, with additional artwork and printing costs. All this, increasing the cost of certification and of the products.

Specific Issues Relating to Net Weight Regulations

Variations in net weight regulations:

Country-specific regulations are not aligned with regional and international standards or in line with the OIML which sets the international standards relating to net weight for pre-packaged goods.

- ⊕ For example, Zimbabwe has a net weight regulation (SI 56 of 1989) that has got a limited range of prescribed weights that cut across all prepacked categories (Grams allowed: 50,75,100,125,150, 200,250.,300,375 and 750; Kilograms allowed : 1,2,5,10,15,20,25 and 50).

The differences between countries have resulted in trade barriers for prepackaged goods that do not fall within the prescribed weights.

Variations Pertaining to Industrial Plastics Packaging Regulations

There is no harmonized regulation on labelling or environmental sustainability regulation of industrial packaging. There is need to adopt harmonized disposal or recycling marks or logos to reduce the cost of packaging which ultimately increases the cost of the products.

- ⊕ For example, Kenya’s National Environment Management Authority (NEMA), requires that all plastic materials used for packaging should have a statement “Take Me Back to the Store for Recycling”.
- ⊕ Rwanda and some other countries do not allow polythene packaging.

Countries can agree on environmental sustainability marks and packaging to ensure a more harmonized approach.

Issues Pertaining to Laboratory Testing

- I. Cost of certification: The cost of certification is very high for Small and Medium Enterprises (SMEs), in-fact for most businesses. The dual certification requirements make it even more costly for SMEs who wish to supply or trade across their borders.
- II. Accreditation of local laboratories: Most COMESA laboratories have limited accredited testing parameters, e.g. specific tests for nutritional parameters cannot be performed locally.
- III. Some local laboratories sub-contract other international laboratories in the EU or Dubai, which leads to increased time and cost for the businesses.

Challenges Relating to Market Access Regulations Measures Such as Approval Processes, Net Weight Requirements, Labelling and Others

Companies have cited the lengthy, complex, expensive end- product registration requirements and numerous document requirements when exporting their products into the COMESA markets, even where the products have CODEX certification.

- ⊕ For example, Ethiopia has 15 requirements which includes a free sale certificate certified by the Ethiopian embassy- which is not available in all countries.
- ⊕ Rwanda regulations on Food Registration Requirements/Guidelines include GMP inspection of production facility, GMP inspection plus fees for product registration per product, annual retention fee per product.
- ⊕ Kenya, Uganda, Burundi have a mandatory Pre-Export Verification of Conformity for imported products which includes GMP inspection of production facility and payment of certification fees. For Kenya, through the KEBS mark referred to earlier.

RECOMMENDATIONS

- I. COMESA region should adopt or align key trade-facilitation standards and regulations with international standards and harmonize across the region to facilitate movement of the related products within the trading bloc. These include standards regulations on labelling, net weight, food hygiene, and plastic packaging.
- II. On addressing lack of harmonization, non-equivalence:
 - ⊕ Member States are urged to develop and adopt harmonized COMESA food standards. Focus should be on the horizontal regulations rather than vertical standards to foster innovation.
 - ⊕ COMESA region should adopt a system of Mutual Recognition of their Quality Assurance and Certification systems amongst the Member States.
 - ⊕ The regional standards should be aligned to the CODEX standards and should be accepted by all members without any additional legislations.
 - ⊕ The region should build its regulations based on international standards and best practices from other regional harmonized standards. In 2019-2020, a draft harmonized East African standard for Instant coffee has been developed to deal with moisture requirements that were previously an issue between Kenya and Uganda. This could be adopted as a COMESA standard to ensure seamless application across the region.
- III. On labelling standards:

Members States are urged to align labelling standards with CODEX Internal standards. Specifically, this covers issue of date marking, where requirements should be aligned with Codex Stan section 4.7.1 (viii) where the marking of “Date of Manufacture” is optional as it has no food safety and quality implications.
- IV. On net weight regulations:

Member States are urged to adopt OMIL standard on net weight regulations.
- V. On environmental packaging regulations:

Member States are urged to harmonize standards and labelling regulations on industrial packaging. Specifically, harmonize messages, markings or labelling of the packing materials to address issues cost of developing packaging for each market.
- VI. Market access requirements. Member States are urged to consider facilitatory market access requirements for instance through the following measures:
 - ⊕ Facilitate market access via evaluation and approval of food operators, not through end- product testing and registration. The operator should be registered based on evaluation of their food safety and quality management systems, including ISO 22,000, FSSC 22000, HACCP, GMP, QMS 9001. A harmonized, risk-based Process Registration standard, regulation or guideline should be developed and adopted by Member States to ensure: (i) effective consumer protection, and (ii) trade facilitation.

- ⊕ Market surveillance and, sampling and testing can be used to monitor and ensure safety and quality is sustained as per set standards.
- ⊕ Imported products, should be evaluated and approved based on credible food safety and quality management systems certifications. Compliance of their production facilities should be the basis of their approval or registration as a market supplier.

VII. On cost of certifications:

Member States are urged to work with the Bureaus of Standards to support SME's compliance with minimum standards of food safety and quality management systems by providing customised and affordable certifications.

VIII. On strengthening laboratory capacity:

- ⊕ Member States are urged to invest in building capacity and centers of excellence for reference labs and adopt latest international test methods based on AOAC and ISO standards.
 - ⊕ Member States are urged to increase utilization of regional reference laboratories with branches in different countries to avoid double test of product and increase the utilization of laboratories that have been set up.
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