

# Sanitary and Phytosanitary (SPS) Policy Framework for Africa

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## List of Abbreviations and Acronyms

AfCFTA	African Continental Free Trade Agreement
ARSO	African Regional Organization for Standardization
AU	African Union
AUC	African Union Commission
AU-IBAR	African Union Inter-African Bureau for Animal Resources
AU-IAPSC	African Union Inter-African Phytosanitary Council
CAADP	Comprehensive Africa Agriculture Development Programme
CAC	Codex Alimentarius Commission
CCAFRICA	FAO/WHO Regional Coordinating Committee on Africa
CEN-SAD	Community of Sahel-Saharan States
CFTA	Continental Free Trade Agreement
COMESA	Common Market for Eastern and Southern Africa
CODEX	Codex Alimentarius Commission
DALYs	Disability-Adjusted Life Years
EAC	East African Community
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EWARS	Early Warning And Response System
FAO	Food and Agriculture Organization of the United Nations
ISSBs	International Standard-Setting Bodies
ICPALD	IGAD Centre for Pastoral Area and Livestock Development
IGAD	Intergovernmental Authority on Development
IPPC	International Plant Protection Convention
KEPHIS	Kenya Plant Health Inspectorate Service
MS	Member States
NEPAD	New Partnership for Africa's Development
OIE	World Organization for Animal Health

PACA	Partnership for Aflatoxin Control in Africa
PAN-SPSO	Participation of African Nations in SPS Standard-setting Organizations
REC	Regional Economic Community
SADC	Southern African Development Community
SDGs	Sustainable Development Goals of the United Nations
SMEs	Small and Medium Enterprises
SPS	Agreement on the Application of Sanitary and Phytosanitary Measures (WTO)
STDF	Standards and Trade Development Facility
TFA	Trade Facilitation Agreement (WTO)
TFTA	Tripartite Free Trade Agreement
UMA	Arab Maghreb Union
UN	United Nations
USD	United States Dollar
USDA FAS	United States Department of Agriculture Foreign Agricultural Service
WAEMU	West African Economic and Monetary Union
WHO	World Health Organization of the United Nations
WTO	World Trade Organization

# Key Definitions<sup>1</sup>

**Appropriate level of sanitary or phytosanitary protection**— the level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory.

**Area of low pest or disease prevalence**— an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease occurs at low levels and which is subject to effective surveillance, control or eradication measures.

**Science-based**— In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest — or disease — free areas; relevant ecological and environmental conditions; and quarantine or other treatment.

**Harmonization**— the establishment, recognition and application of common sanitary and phytosanitary measures by different Members.

## **International standards, guidelines, and recommendations—**

- a. **for food safety**, the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice;
- b. **for animal health and zoonoses**, the standards, guidelines and recommendations developed under the auspices of the Organization for Animal Health;
- c. **for plant health**, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention; and
- d. **for matters not covered by the above organizations**, appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open for membership to all Members, as identified by the Committee.

**Pest- or disease-free area**— an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease does not occur.

**Risk assessment**—the evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of an importing Member according to the sanitary or phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs.

**Sanitary or phytosanitary measures**— any measures applied:

- ▶ to protect human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food;
- ▶ to protect human life from plant- or animal-carried diseases;
- ▶ to protect animal or plant life from pests, diseases, or disease-causing organisms; and
- ▶ to prevent or limit other damage to a country from the entry, establishment or spread of pests.

These include sanitary and phytosanitary measures taken to protect the health of fish and wild fauna, as well as forests and wild flora.



## Foreword

The African Union (AU) looks to agriculture as the engine for Africa's transformation and for strong support of the aspirations of Africa outlined in Agenda 2063. Agriculture is expected to realize the economic transformation agenda of Africa with the African Continental Free Trade Agreement (AfCFTA) whose objective is to facilitate trade between AU Member States and thereby "promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation of [African countries]."<sup>2</sup> Indeed, the production and flow of agricultural products is critical to economic development, prosperity and food security throughout the continent. This is formally

acknowledged through the AU's 2014 Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods and the landmark signing and coming into force of the AfCFTA in May 2019. The AfCFTA stresses the continuing expansion of Africa's agricultural growth and transformation and reiterates the need to further expand Africa's agricultural commodity trade. According to the United Nations Economic Commission for Africa, 75 percent of intra-African trade is in agricultural products. There is an urgent need to harness markets and trade opportunities on the continent and overseas.

Improved implementation and harmonization of Sanitary and Phytosanitary (SPS) systems is critical to ensuring that any agricultural trade protects human, animal and plant health. SPS laws and regulations within AU Member States must be updated and meet the WTO SPS Agreement commitments and be based on international standards that ensure the safe trade of agricultural products with minimal trade distortion. Thus, the AU SPS Policy Framework lays out a roadmap to maximize the efficiency and effectiveness of SPS systems on the continent to enhance protect human health and facilitate intra-African agricultural and food trade. Nevertheless, it will be the Member States of the AU that must take action at the national level to implement the Agreement, demonstrate commitment to strengthening their regulatory systems, and prioritize SPS funding streams. It will also be incumbent upon national governments to mobilize stakeholders— farmers and herders, traders, distributors, retailers, regulators, and consumers— to produce and demand safe agricultural products for the African continent.

I am therefore very pleased to introduce the AU SPS Policy Framework for the period 2019 to 2024. It was developed by the African Union Commission in collaboration with the African Union Member States, Regional Economic Communities (RECs), and technical and development partners. The Policy Framework is firmly aligned with the AU Business Plan (2017-2021) for implementing the Comprehensive Africa Agriculture Development Programme (CAADP) 2014 Malabo Declaration. Furthermore, the Policy Framework was formulated at a significant time when African Union (AU) entered into the practical phase of operationalizing AfCFTA to achieve overall

continental integration. Moreover, the AU has increasingly grown in stature, representing a major force in international affairs including trade. Worth noting too, is that the Policy Framework comes at a time when the AU's Department of Rural Economy and Agriculture (DREA) is presenting the 2nd Biennial Review Report. The Policy Framework will help to generate information for successive Biennial Review Reports.

The AU Commission recommits itself to enhancing collaboration with other Pan African Institutions, working with the RECs and promoting partnerships with regional and international agencies, in support of AU Member States in our key strategic areas contained in the AU SPS Policy Framework. By so doing we will contribute to the vision of an integrated and prosperous Africa.

**Amb. Josepha Sacko**

Commission for Rural Economy and Agriculture



## Acknowledgment and Note From the Director

The African Union Sanitary and Phytosanitary (SPS) Policy Framework was developed in response to a request made by the Specialized Technical Committee on Agriculture, Rural Development, Water and Environment during its 2nd Ordinary Session in October 2017. Thereafter, AU Department of Rural Economy and Agriculture (DREA) began to formulate an AU SPS Policy Framework. The AU DREA sincerely appreciates the active participation and collaboration of these institutions throughout the policy development. The Specialized Technical Committee, which is composed

of Ministers from AU Member States responsible for the Agriculture, Rural Development, Water and Environment sectors, wanted an instrument that would help Member States harmonize and strengthen their ability to trade within a continental free trade area. The AU SPS Policy Framework provides for its implementation through clearly defined actions; roles and responsibilities; financing and resource mobilization; and monitoring, evaluation and reporting supported by an action plan. The implementation outline provides depth and clarity to the contextual landscape of continental SPS and the opportunities for harmonized policies that enhance trade and rural development. The AU SPS Policy Framework outlines why a continental SPS policy harmonization instrument is necessary; further, the Framework provides a comprehensive background and the issues to be addressed and highlights its vision, mission, values, core principles, and policy arenas' objectives and strategies.

Wide consultation with various stakeholders on the current SPS policy status and emerging regional and global opportunities (such as the AfCFTA) signals the potential that the AU SPS Policy Framework offers in responding to the envisioned agricultural trade for promoting economic integration. The AU SPS Policy Framework and its Implementation Plan present an approach towards articulation of key result areas that are inter-dependent and mutually reinforcing. The strategic areas that will be addressed include: support for Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions; increased efficiencies and reduced trading costs by working towards a harmonized continental SPS system; maximized technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources; and enhanced opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

The AU SPS Policy Framework also provides an excellent working and collaborative opportunity with other AU departments, notably the department of Trade and Industry and relevant units, AU Member States, RECs, International Standard Setting Bodies, International Organizations and technical and development partners. The formulation process has benefited from the

leadership of H.E. Amb. Josefa Sacko, Commissioner for Rural Economy and Agriculture and from a very active engagement and valuable contribution of the Heads of Divisions and Directors and Officers from DREA Specialized Technical Offices notably – Prof. Ahmed El Sawalhy and Mr. John Opong-Otoo (AU-IBAR) and Prof. Abdelfattah Mabrouk Amer (AU-IAPSC). Dr. Oswald Chinyamakobvu (African Union Commission Department of Trade and Industry) and Dr. Amare Ayalew (Partnership for Aflatoxin Control in Africa) provided valuable context for the drafting team through discussions of relevant African Union initiatives. Dr. Simplicie Nouala, Head of the Agriculture and Food Security Division and Ms. Diana Akullo, Policy Officer in DREA, coordinated the development of the Policy Framework. They all deserve our utmost appreciation for being instrumental in refining the AU SPS Policy Framework.

The interest and contributions of various partners in supporting the AU Commission's initiatives on implementing various SPS programs in Africa has been tremendous and very encouraging. The consultations with all partners helped to enhance the quality of the initial draft and I wish to sincerely acknowledge their respective contributions. I wish to specifically thank the United States Agency for International Development (USAID) and the United States Department of Agriculture's (USDA) Foreign Agricultural Service, for supporting the Commission both technically and financially in developing an AU SPS Policy Framework. The Commission will count on, and welcomes all partners to contribute the best they can, for the successful implementation of this Policy Framework. Support will be a direct and clear contribution to the Department of Rural Economy and Agriculture (DREA) efforts in realizing the CAADP Malabo Declaration and the AfCFTA which present many trade-related opportunities for Africa and the rest of the world. Plant health, animal health and food safety remain key challenges to boosting and tripling intra-Africa trade by 2025. This is particularly the reason that the DREA and the entire Commission needs the support of all RECs, partners and the AU Member States in implementing the AU SPS Policy Framework.

We are also grateful to experts from various RECs, standards organizations, and international organizations who generously donated their time and expertise through phone consultations, online questionnaires, and in-person working sessions. In particular, the following members of the AU SPS Committee significantly informed the development of an SPS policy and strategy document: Mr. Sidi Mohammed Abdi (Arab Maghreb Union), Mr. Ernest Aubele, Mr. Alain Sy Traore (Economic Community of West African States), Mr. Cesarino Benjamin (Southern African Development Community), Mr. Yergalem Beraki (Food and Agriculture Organization of the United Nations), Dr. Roger Day (CAB International), Dr. Martin Epafra Kimanya (East African Community), Dr. Wafula Kinyanjui (Intergovernmental Authority on Development, Centre For Pastoral Areas and Livestock Development), Dr. Philip Njoroge (FAO/WHO Coordinating Committee for Africa), Dr. Hermogene Nsengimana (African Organisation for Standardisation), Dr. Washington Otieno (CAB International), Mr. Guy Ranaivomanana (United Nations Economic Commission for Africa), Dr. Boureima Hama Sambo (World Health Organization of the United Nations), Mr. David Wafula (East African Community), and Dr. Samuel Wakhusama (World Organisation for Animal Health).

We are also grateful for the contributions of Dr. Isaac Macharia (Kenya Plant Health Inspectorate Service), who served as a content expert and workshop facilitator. Particular mention goes to the Texas A&M University Borlaug Institute for Agriculture and Development for their coordinating role and to USDA, the United States Mission to the African Union (USAU) and Dr. Corey Watts for providing valuable technical support throughout the process. We note with thanks Melvin Spreij and Marlynne Hopper from the Standards and Trade Development Facility (STDF), Dr. Benoit Gnonlonfin from ECOWAS, and Gib Brown from USAID for their final review of the draft document. Last but not least, I wish to thank the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment for its guidance and support to the Department of Rural Economy and Agriculture.

**Godfrey Bahiigwa**

Director, Department of Rural Economy and Agriculture



## Executive Summary

The continent of Africa is currently experiencing a rapid growth of the intra-African agrifood market fueled by high population growth, rapid urbanization and income growth. Intra-African food demand is projected to increase by 178% by 2050. Africa's net food import bill is currently over USD 40 billion a year and is projected to reach USD 400 billion by 2030. In addition, Africa has the world's highest per capita incidences of foodborne illness, claiming 137,000 lives a year and causing 91 million cases of sickness, according to the World Health Organization. The risks include bacteria such as *Salmonella*, as well as parasites like tapeworm, and naturally occurring toxins such as aflatoxin. The heaviest burden falls on children under the age of five. Therefore, there is a need for African agriculture to undergo a structural transformation to meet rising food demands, while at the same time addressing the public health burden of foodborne illness among the most vulnerable populations.

Africa's development priorities are spelled out in Agenda 2063 - the blueprint for the African Union's economic development in the coming decades. Specifically, Agenda 2063 identifies agricultural development as a high priority, as detailed in the Comprehensive Africa Agriculture Development Program (CAADP); this is further elaborated in Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods. The Malabo Declaration (June 2014) specifies seven key commitments, including one on Boosting Intra-African Trade in Agricultural Commodities and Services. Further advanced by the launch of the African Continental Free Trade Area (AfCFTA) in March 2018, these commitments seek to harness market and trade opportunities locally, regionally, and internationally.

While there is demonstrated political will to expand intra-regional trade, African countries face several challenges to achieving this objective. Significant progress is ongoing towards reaching regional integration, which has contributed to reductions in tariffs. However, the application of non-tariff measures (NTMs), such as Sanitary and Phytosanitary (SPS) measures, remains a major impediment to effective trade. SPS measures are the foundation for domestic consumer health and safe trade, as they have the critical function of protecting countries from risks to public health and to animal and plant life and health. Weak capacities to enforce SPS measures can result in increased illness from foodborne disease as well as a country's exclusion from key markets, and poorly applied procedures can result in unnecessary costs, creating inefficiencies in the trading system.

To address some of the health and trade challenges faced by Africa, the African Union Commission (AUC) made a presentation to AU Member States' Ministers during their Second Ordinary Session of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment of October 2017. The presentation underscored the negative effects that mycotoxins, metals and other contaminants pose on human and animal health and constituted a proposal to establish a Continental Food Safety Reference Laboratory. The Ministers endorsed the proposal and requested the AUC to develop a continental Sanitary and Phytosanitary (SPS) Policy Framework to facilitate harmonization of AU Member States' SPS policy in general and to inform the establishment of the Pan African Food Safety Laboratory in particular.

In response, the African Union's Department of Rural Economy and Agriculture (DREA) convened a team of local and international partners to:

- ▶ Develop a science-based AU continental SPS Policy Framework that would support AU Member States and Regional Economic Communities (RECs) in achieving their trade goals in the context of protecting plant, animal health and food safety and contribute to the Malabo goal of boosting intra-Africa and global trade; and
- ▶ Provide recommendations detailing necessary actions to implement the Framework.

The research, review, and consultation process undertaken by the team was anchored in a comprehensive review of literature dealing with African SPS policy, including RECs' SPS strategies, policies and plans of action. An online survey was sent to representatives from the AU's Continental SPS Committee, including RECs, International Standard Setting Bodies (ISSBs), multi-lateral institutions, and inter-governmental organizations and civil society, to share their successes and challenges, as well as to explore possible strategies for the SPS Policy Framework. Consultations were also held with Committee members to discuss these issues in more depth. Following this consultation period, a draft SPS Policy Framework was prepared and a consultative workshop organized with the SPS Committee in Addis Ababa, Ethiopia. At the workshop, participants engaged in discussions to refine the objectives, strategies and actions necessary for the development of an effective AU SPS Policy Framework, including the division of roles and responsibilities between the AUC, RECs, and Member States.

Outlined in **Section 4**, the challenges to implementation of SPS measures identified include: a lack of a clear continental institutional framework; limited scientific data sharing that is used to create policy; lack of awareness of SPS issues by all stakeholders (governments and private sector); low priority among decision makers; and inadequate financial resources devoted to SPS issues. In addition, the slow pace in ratification of regional SPS protocols, duplicated mandates among agencies at the national level, weak public sector enforcement of SPS compliance measures, inadequate or non-existent infrastructure, capacity, and laboratories, and weak national and regional coordination mechanisms were also noted.

*(continued on next page)*

The AU SPS Policy Framework's four objectives address the diverse and intersecting needs and priorities of SPS systems in Africa, as follows:



**Objective 1. ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS**

- ▶ Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.



**Objective 2. STRENGTHEN COLLABORATION AND TRADE FACILITATION**

- ▶ Increase efficiencies and reduce trading costs by working towards a cohesive continental SPS system.



**Objective 3. BUILD TECHNICAL CAPACITY**

- ▶ Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.



**Objective 4. INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS**

- ▶ Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising, and resource mobilization.

**Section 6** of this document, **IMPLEMENTATION OF THE AU SPS POLICY FRAMEWORK**, provides detailed explanations of each objective, including the strategies and actions needed to accomplish them. Further, it proposes potential roles and priority-setting for the responsible institutions and other stakeholders. Transparency within the AU, harmonization among the Member States and RECs, science-based SPS international standards, private sector compliance with SPS measures, information sharing, demand-driven capacity building, proactive measures, and resource mobilization are just a few of the themes highlighted within these objectives. Finally, possibilities for financing mechanisms, monitoring, evaluation and reporting are briefly mentioned.

The full adoption and efficient implementation of this Framework and Implementation Plan will lay the foundation for increased agricultural development and trade of safe food products within Africa and beyond the continent.



# 1. Background

On 21 March 2018, the African Union (AU) leaders signed the landmark agreement to establish the African Continental Free Trade Area (AfCFTA), which brings together more than 1.2 billion people with a combined gross domestic product of USD 3.4 trillion, making it the world's largest free trade agreement.<sup>3</sup> The AfCFTA came into force in May 2019 and is now signed by 54 of the 55 countries on the continent. In order to eliminate agricultural and food non-tariff barriers, AfCFTA contains specific provisions for Sanitary and Phytosanitary (SPS) measures in Annex 7 of the Agreement. Annex 7 specifies the provisions necessary to be guided by the World Trade Organization SPS Agreement and based on international standards developed by the Codex Alimentarius Commission (Codex), the International Plant Protection Convention (IPPC), and the World Organization for Animal Health (OIE). The African Union Department of Rural Development and Agriculture (AU DREA), in partnership with Regional Economic Communities (RECs) and their Member States, has an important role to play in strengthening the overall function and integrity of SPS systems on the continent. As the cornerstones of these systems, RECs serve as key sources of SPS guidance and coordination in order to further harmonize standards, and aid in their implementation at the regional level. There are currently eight RECs recognized by the AU: the Arab Maghreb Union (UMA), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).<sup>4</sup>

In consultation with the AU, RECs and Member States have been engaged in assessing public and private sector capacity needs to reach compliance with international SPS standards. Through the leadership of the AU DREA and its Specialized Technical Offices AU-Inter-African Bureau for Animal Resources (AU-IBAR) and the Inter-African Phytosanitary Council (IAPSC), much progress has been achieved in African engagement with and participation in International Standards Setting Bodies (ISSBs), as well as in regional harmonization of SPS standards. In addition, there have been significant harmonization efforts across several RECs, such as the Tripartite Free Trade Area of Africa (TFTA), which aims to promote harmonization of SPS standards across SADC, EAC, and COMESA. However, much work remains to be done to increase capacity for risk assessment on the continent and to adopt equivalence measures that meet international standards.

In its pursuit of improved SPS compliance, AU DREA is joined by its Specialized Technical Offices, AU-IBAR and AU-IAPSC, the Department of Trade and Industry, and by SPS leadership from the RECs, ISSBs and international organizations. Together, this expert coalition has developed an AU SPS Policy Framework and accompanying Implementation Plan.

## 2. Introduction

### 2.1. Highlights of the Acceleration of Agricultural Development in Africa

**2.1.1. Africa is now entering a period of societal transformation on a vast, almost unimaginable, scale.** It is clear that agricultural development, in particular, has great potential to touch every corner of the continent, from rural parts of the Sahel and Sudanian savannas to the busy urban markets of Cairo, Lagos and Addis Ababa. It also affects most aspects of African life, from health, nutrition, and dietary preferences to urbanization, technological innovation, and economic livelihoods.

**2.1.2. The AU Department of Rural Economy and Agriculture (DREA) is leading the Comprehensive Africa Agriculture Development Programme (CAADP),** an ambitious Africa-wide blueprint for accelerated agricultural growth which includes individual government commitments and investment targets and is essential to the Africa Agenda 2063. The original 2003 CAADP framework was reaffirmed by Heads of States and the AUC in 2014, with the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods. Such policy initiatives, as implemented at the country level through National Agricultural Investment Plan (NAIP) strategies, have catalyzed public sector reforms, as well as sparked new opportunities in private farming and food production, civil society, and the African agricultural research community.

**2.1.3. Despite these efforts, the pace of agricultural transformation in Africa remains inconstant and unevenly distributed within and across countries** (see **Section 4, Context**, for a review of recent challenges in strengthening SPS systems). In order to better approach Malabo goals “to harness markets and trade opportunities, locally, regionally and internationally, and to triple, by the year 2025, intra-African trade in agricultural commodities and services; to create and enhance policies and institutional conditions and support systems: to simplify and formalize the current trade practices [...],” DREA has developed an African Union SPS Policy Framework.<sup>5</sup>

### 2.2. Rationale for the Policy Framework— The Importance of SPS in Africa

**2.2.1. This document provides a roadmap for all major stakeholders—** namely AU institutions, RECs, Member States, and the private sector— to work together in order to connect and strengthen sanitary and phytosanitary systems on the continent.

**2.2.2. Moreover, the Framework represents a guide to operationalizing Annex 7 of the African Continental Free Trade Agreement (AfCFTA),** which calls for the implementation of the “provisions of the Protocol on Trade in Goods concerning Sanitary and Phytosanitary measures” that affect trade between Member States (see Annex 1 of this document). Entered into force on 30 May 2019, the AfCFTA aims to create a unified continental goods and services market composed of approximately 1.3 billion African consumers, with a combined GDP of over USD 3 trillion.<sup>6</sup> Ratification of the AfCFTA is expected to significantly impact agricultural markets, which currently account for an estimated 75% of intra-African trade.<sup>7</sup> Thus, the Framework seeks to bolster the AfCFTA by creating an enabling environment for smaller-scale commercial farms and agribusinesses to reach compliance with international SPS standards.

### 2.2.3. Sustainable Development Goals and SPS

The strategies and actions detailed by the Framework not only support Africa's trade objectives but are integral to achieving the Sustainable Development Goals (SDGs) as set forth by the United Nations General Assembly in 2015. Central to the SDGs are its first few goals, which address 1) ending poverty in all forms everywhere; 2) ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture; and 3) ensuring healthy lives and promoting well-being for all at all ages.<sup>8</sup> In Africa, sanitary and phytosanitary capacity and compliance are interwoven through all three goals. SPS measures are essential to the continent's agriculture-led poverty reduction strategies, such as CAADP, in that more advanced SPS systems expand market access, increase business and work opportunities, and have the potential to lift the economic burden of illness from the most vulnerable populations. Strong and compliant SPS systems can contribute to zero hunger as well, through improved access to nutritious and safe foods that meet international standards. And human health and well-being are inextricably linked to the health of the plants and animals sharing our environment. For example, Africa faces a multitude of diseases that have the potential to pass from animals to humans. Chronic exposure to unsafe food, much of which is sourced from animals, and associated diarrheal foodborne illness can lead directly to undernourishment and even failure-to-thrive among young children. In addition, SPS measures are also impacted by, and can impact SDG 6, clean water and sanitation, given that many infectious diseases can be transmitted via water and people and animals infected with disease agents such as *Cryptosporidium* can contaminate water. Moreover, a lack of clean water for food production, processing, and for food handler hygiene increases the risk to food safety.

To a lesser extent, the Framework has the potential to contribute to SDG 10 (to reduce inequality within and among countries) and SDG 17 (to strengthen the means of implementation and revitalize the global partnership for sustainable development). Through its support of the AfCFTA's Annex 7, the Framework will help to facilitate zero-tariff access for exports from and between least developed countries. The establishment of more collaborative, coherent, and facilitative SPS systems on the continent will bolster intra-African trade of goods, including plants, animals, and food, and reduce inequities in market access. It will also address many of the key components of SDG 17—information and communications technology; capacity-building; trade; systemic issues of multi-stakeholder and public-private partnerships; and data, monitoring and accountability. It also has the potential to strengthen SDG 9 (industry, innovation, and infrastructure). According to a recent report by the Global Food Safety Partnership, a public-private partnership hosted at the World Bank, a lack of adequate physical infrastructure such as access to clean water, safe storage, cold chain, sanitary facilities, effective processing equipment, laboratory capacity, and food service facilities all contribute to ensuring the safety of the food supply.<sup>9</sup> Certainly, a strong SPS Framework will also ultimately contribute to several other SDGs, given that safe foods are a key to cognitive development in children (SDG 4, Quality Education), and that many foodborne diseases are climate-sensitive and will increase in response to climate change (SDG 13, Climate Action).

### 2.2.4. Impact of SPS on Public Health

As referenced in SDGs 2, 3, and 6 above, strong SPS systems on the continent will bring about not only more efficient trade but also public health improvements. While tackling serious infectious diseases, such as HIV, malaria and TB, remains a significant priority for many Member

States, ensuring food safety for Africans is also increasingly recognized by Ministries of Health, Agriculture, and Trade – as well as by development partners – as an ongoing challenge worthy of greater investment and long-term programming. According to the WHO FERG group, food safety hazards are responsible for an estimated 137,000 deaths annually in Africa, the highest of all the regions.<sup>10</sup> Moreover, the continent witnesses around 91 million cases of acute foodborne illness every year.<sup>11</sup> Altogether, food hazards account for 1,300 DALYs in WHO's AFR E region and 1,200 DALYs in AFR D region.<sup>12</sup> Many of the riskiest foods are also the most nutrient-dense – namely, animal source foods like meat, milk, and fish, fresh fruits, and fresh vegetables.<sup>13</sup> In addition to microbiological food hazards, Africans are far too often exposed to unsafe levels of pesticides and other agricultural chemicals in food and the environment. These can cause acute illness or build up as carcinogens with prolonged exposure. Science-based plant health systems that use safe and sustainable methods to reduce the spread of pests, such as Integrated Production and Pest Management, are beneficial to food security, food safety, and environmental health. Foodborne parasites in Africa such as *Taenia solium*, but also airborne pathogens such as Rift Valley Fever and *Brucella*, may spread from animals to humans and cause significant disease, disability or even death. Strong animal health systems that include, for example, systems of surveillance, sound animal husbandry practices, and hygienic slaughter facilities, can greatly reduce the risks posed to Africans from these zoonoses.

### 2.3. Summary

Through the Framework, the AU will continue to engage in strategic partnerships to support Member States in establishing and sustaining functional and effective SPS structures, provide policy guidance, and create an enabling environment for agribusiness on the continent.



## 3. Document Overview

### 3.1. Scope

The geographic scope of this Framework covers all AU Member States. The strategy focuses on all matters related to sanitary and phytosanitary measures, including animal and plant health and food safety. It recognizes that SPS systems are a necessary and integral part of any agricultural development strategy. Both the vision and goals are in line with CAADP and strategies that have been adopted by many governments to stimulate economic growth and modernize development in their respective countries. *This AU strategy seeks to complement and enhance, not duplicate, existing SPS strategies under implementation by RECs and Member States* by promoting a strong national, regional, and continental approach to SPS systems.

### 3.2. Justification

In fulfillment of the AU-DREA mandates to: 1) promote agricultural and rural development; 2) promote policies and develop strategies and programs to ensure food security and nutrition; and 3) support the harmonization of policies and strategies among the RECs.

### 3.3. Intended Use

This document constitutes a science-based African Union Sanitary and Phytosanitary (SPS) Policy Framework that will support AU Member States and regions in achieving their agricultural development and trade goals in the context of protecting human, animal and plant health and contribute to the Malabo goal of boosting intra-African (and global) trade. The document will provide strategies as well as recommendations detailing necessary actions to implement such a Framework and describe the roles and responsibilities of different stakeholders. Furthermore, it aims to:

- ▶ Define Policy Framework structure for participation of AU Member States in ISSB;
- ▶ Provide a management mechanism to coordinate, monitor, and report on SPS implementation efforts across the continent with clear delineations of various stakeholder responsibilities, including, but not limited to, AU DREA and its technical offices, RECs, and Member States;
- ▶ Integrate Continental SPS processes that track trade and SPS-related indicators and seek alignment with National Agriculture Investment Plans (NAIPs) and Regional Agricultural Investment Plan (RAIP) mechanisms; and
- ▶ Emphasize cross-border regulatory systems that support continental, regional, and bilateral level SPS processes and activities.

## 4. Context of the AU SPS Policy Framework

### 4.1. Request for SPS Policy Framework

The SPS Policy Framework was requested by the AU's Second Ordinary Session of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment (ARDWE) in October 2017. It is intended to provide guidance and support to Member States as they strive to implement the Malabo goal of boosting intra-African (and global) trade, AfCFTA Annex 7 on SPS, promote consistency with the WTO obligations and implement meet standards endorsed by ISSBs. This continent-wide effort follows long-term regional work by AU institutions, individual RECs, Member States, and ISSB's to strengthen SPS systems and harmonize standards.

### 4.2. SPS Challenges in Africa

Africa faces a host of SPS challenges, including: the inadequate implementation of a uniform set of standards for animal and plant disease control, or food safety; low level of compliance with international animal and plant health and food safety standards; lack of sufficient incentives for the private sector to engage in formal regulated trade; the limited capacity and capability of government officials to carry out proper monitoring and enforcement of SPS standards; the difficulty in implementing SPS policies and procedures and in a consistent manner; the lack of transparency of SPS standards and regulations; inadequate science-based systems to gather, analyze and disseminate information on the presence and prevalence of high-risk diseases, pests, or food safety hazards in the region; the difficulty in retaining SPS personnel once trained; and the lack of capacity within the private sector to comply with SPS measures or to participate in the development of new regulations.

### 4.3. Obstacles in Past Efforts to Strengthen and Harmonize SPS Systems

Regional efforts to address SPS have also brought some improvements and efficiencies, however the multitude of SPS frameworks and action plans has resulted in duplicative, or even contradictory, requirements among RECs, with some trade restrictive effects. Some regional SPS policy documents have not been popular due to inherent inconsistencies, lack of important risk assessment obligations, lack of non-discrimination, and lack of equivalence, among others. Regional SPS instruments have led to varying results due to: the differences in the formulation of aims and objectives for each region; differences in levels of implementation of the WTO SPS Agreement, leading to unintended undermining of the SPS provisions and principles; limited common understanding of the term "regional harmonization" and differences in prioritization and actions needed to achieve it; differences in levels of responsibilities of the SPS implementing institutions; inconsistencies in handling dispute settlement; lack of harmonization and use of regional instruments by sectoral bodies despite the progress being made in REC instruments.<sup>14</sup>

### 4.4. Illustrative Examples of Regional SPS Initiatives

Past and existing efforts to strengthen and harmonize SPS systems among RECs and Member States include the following:

- ▶ The establishment of the AU Continental SPS Committee in 2014 to guide the coordination and implementation of SPS matters at the continental level by promoting mainstreaming of

SPS issues—food safety, plant and animal health—into CAADP implementation and other agriculture, trade-related, health and environmental initiatives and Frameworks;

- ▶ The establishment of Standards and Trade Secretariat for Animal Health and Food Safety in 2012 at AU-IBAR to handle SPS and trade issues in a more sustainable manner including coordinating Africa’s participation in the work of OIE, CAC, the WTO SPS Committee and promoting compliance with animal health and food safety standards in AU Member States;
- ▶ The EU-funded Veterinary Governance (VET-GoV) project [2012-2016] which aimed at improving the institutional environment at national and regional levels to provide effective and efficient animal health services in Africa. The strategic focus was to strengthen veterinary services towards the establishment of adequate and affordable veterinary services on the national level; strengthen regional institutions to play their coordinating, harmonising and integration roles between their MS in line with the OH concept;
- ▶ The regional projects SMP-AH (USAID) and STSD (EU-funded), in the greater horn of Africa, supported regional trade from the animal health perspective, and supported animal health systems including certification systems, in the perspective of improved compliance with international standards and better trade;
- ▶ The Surveillance of Trade Sensitive Diseases (STSD) which focused on reducing the impact of TADs and zoonoses on trade in livestock and livestock products as well as increase resilience of vulnerable livestock-dependent communities through improved surveillance, animal identification, traceability and health certification systems;
- ▶ Integrated Regional Coordination Mechanism for the control of TADs and Zoonoses in Africa (IRCM) [2011-2014] which focused on strengthening the capacity of RECs and their member states to effectively coordinate, harmonize and execute interventions in the prevention and control of TADs and zoonoses, including of emerging and re-emerging diseases with the participation of all stakeholders;
- ▶ The Live2Africa programme, housed in AU-IBAR and funded by EU under the pan African instrument, has two focus areas on SPS namely building capacity to improve compliance with and harmonisation of animal health policies, strategies, standards, methods and regulation, supporting participation of AU Member States in the sanitary standard setting processes and to strengthen mechanisms engendering compliance with those standards;
- ▶ Regional development of SPS frameworks and strategies beginning in 2007, with the goal to improve SPS management, accelerate regional integration, and boost trade. The sub-regional West African Economic and Monetary Union (WAEMU) was the first entity to embark on a harmonization process of SPS measures, with a 2007 SPS regulation which laid the groundwork of an SPS policy framework in the Union for other RECs to follow. As of 2019, four of the eight RECs had operating regional SPS Committees/working groups; four had existing SPS policy frameworks for the region; six had WTO ad-hoc observer status on a meeting-by-meeting basis; and six had Codex observer status;

- ▶ 2008-2016 PAN-SPS project—financed by the EU and housed at AU-IBAR—to facilitate the effective participation of African countries in the activities of OIE, IPPC, and Codex during the formulation of international standards. The project ended in 2016, but reflected the intention of the AU to improve the SPS capacity of the AU Member States;
- ▶ Ongoing representation in international standard-setting bodies facilitated by multiple partners, including the AU efforts to facilitate African participation in Codex, OIE and IPPC;
- ▶ Legislative and institutional modernization initiatives by Member States— for example, efforts by Egypt, Gambia and other Member States to develop a central food safety authority;
- ▶ Tripartite Free Trade Area signed by Member States of EAC, COMESA, and SADC, a total of 27 Member States, under which Annex 9 seeks to integrate the implementation of SPS measures among the three regional communities;
- ▶ The African Union-led Partnership for Aflatoxin Control in Africa (PACA), which provides a model for developing science-based, integrated strategies for addressing high priority food safety challenges;
- ▶ Better Training for Safer Foods (BTSF) program launched by the EC in 2006 to support food safety capacity building through technical expertise and policy advice in areas of food safety and quality across Africa;
- ▶ In February 2019, the AU hosted the First FAO/WHO/AU International Conference on Food Safety at its headquarters in Addis Ababa, bringing together food safety experts, policymakers, NGOs, researchers, consumer representatives, the private sector, and donors;
- ▶ Regional coordination to prioritize SPS issues, such as COMESA’s use of the STDF “P-IMA” tool, and the ECOWAS development of a Phytosanitary Task Force and Action Plan; and
- ▶ Regional coordination around specific SPS issues— for example: COMESA’s “Green Pass” Certification system (CGP); AU-IBAR and ICPALD’s Standards, Methods and Procedures Program for priority transboundary animal diseases; Regional Steering Committee on Transboundary Animal Diseases; ECOWAS-CILSS pesticide registration harmonization initiative; EAC pesticide registration harmonization; and bilateral and regional FMD control efforts.

## 5. African Union SPS Policy Framework

### 5.1. Vision

Lead the implementation of modern SPS systems that are guided by the WTO SPS Agreement across RECs and Member States as necessary and integral to agricultural development and transformation, improved food security, public health, and intra-African and world trade.

### 5.2. Mission

Promote public health, food security and market access through efficient and value-additive contributions to developing harmonized SPS systems across the continent, in close collaboration with Member States and the RECs.

### 5.3. Goals

Contribute to achieving the CAADP Malabo goal of tripling intra-African (and global) trade and support the AfCFTA's Annex 7 objectives to "a) facilitate trade while safeguarding human, animal or plant life in the territory of the Member States; b) enhance cooperation and transparency in the development and implementation of SPS measures to ensure that they do not become unjustifiable barriers to trade; and c) enhance technical capacity of Member States for the implementation and monitoring of SPS measures while encouraging the use of international standards in the elimination of barriers to trade."

### 5.4. Core Principles

Science- and risk-based decision-making, based on international standards, guided by the WTO SPS Agreement; shared responsibility; continuous improvement; harmonization; consistency; proportionality; adaptation to regional conditions; transparency; protection of consumers, animals, and plants; trade facilitation; preventive measures, equivalence and recognition of trading partner's systems.

### 5.5. Framework Principles

Adherence to science-based standards, acknowledging and adhering to existing processes for harmonization, collaboration and coordination, the safe trade of animals, plants, and food products with minimal trade distortions.

### 5.6. Main Policy Arenas: Objectives and Strategies

The **Overall Objective** of the Framework is to coordinate Member States to work together towards a modern, coherent, and integrated SPS system supportive of food security, shared prosperity, and health for all Africans. The Framework acknowledges the complex nature of SPS and limitations of governance. The four specific objectives — **1) Establish Harmonized Science-based SPS Systems; 2) Strengthen Collaboration and Trade Facilitation; 3) Build Technical Capacity; and 4) Increase Political Support and Public and Private Sector Investment in SPS Systems** — are given below, along with strategies to meet these objectives. In the Implementation Plan (Section 6), individual actions are recommended for each of these strategies.





## **Objective 1. Establish Harmonized Science-Based SPS Systems**

**Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.**

Existing national level SPS systems for many AU Member States have regulations that are not very responsive to antiquated or do not adhere to international science-based standards. An ISSB-led review of these systems illustrates the need for updates to technical capacity and infrastructure for national-level plant and animal health and food safety conditions. Over the years, there has been some improvement in risk management, however disease, pest, and food safety hazard surveillance are limited and must be improved to support evidence-based risk management interventions across the continent. Many Member States that are party to RECs have been delayed in harmonizing SPS measures, which in turn has hindered State Parties' objective of a coordinated risk management approach to addressing priority SPS issues.

Objective 1 permits an AU-guided legislative and regulation review of individual Member States' existing SPS systems. Following a comprehensive analysis and determining regulatory deficits, the AU can direct Member States to the respective RECs for science-based systems. REC approaches to trade require harmonization of disease surveillance and control systems and models such as the Standard Methods and Procedures (SPS-Animal Health) program coordinated by AU-IBAR and IGAD and implemented by Chief Veterinary Officers of countries in the Horn of Africa. The internationally recognized concepts of Pest- and Disease-Free Areas can be designed and implemented from a national, regional, and eventually continental level.

An overarching purpose of Annex 7 is to “enhance technical capacity of State Parties for the implementation and monitoring of SPS measures while encouraging the use of international standards in the elimination of barriers to trade.” Following successful implementation of Objective 1's action plan, standards harmonized at a REC and continental level will meet current needs for safe domestic and international trade that are science-based and respect current international guidelines for plant, animal and food products. AU support for Member States must be strategically targeted in order to assure the safe trade in plant, animal and food commodities. As stated in Objective 1's strategies, national level science-based systems harmonized with existing RECs standards will ensure the least trade-restrictive trade possible.

## Objective 1. ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS

**Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.**

Strategy 1.1	Support Member States' legislative/regulatory review, harmonization, and modernization of SPS legal/regulatory frameworks based on international standards.
Strategy 1.2	Encourage Member States to establish and comply with science-based SPS measures to safeguard human, animal, and plant life and health.
Strategy 1.3	Promote the use of risk assessment to ensure the least restriction trade whenever possible while minimizing risk to public health.
Strategy 1.4	Establish and promote systems of surveillance for priority pathogens, pests and food and feed safety hazards of highest concern in plants, animals, and food.
Strategy 1.5	Advocate for the use of the concepts of regionalization/zoning and compartmentalization (recognizing Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence throughout the continent) to facilitate safe trade.





## **Objective 2. Strengthen Collaboration and Trade Facilitation**

**Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.**

Post-harvest agricultural losses hinder achievement of sustainable food security. Approximately 40% of the food produced in Africa is lost during the post-harvest and processing stages of the value chain which includes transportation and border crossing delays. With eight RECs, 55 Member States and various SPS systems, audit and certification mechanisms, and import/export verification structures, it is difficult to see a cohesive continental foundation for Africa. Limited information sharing processes also inhibit cooperation between the AU, RECs and Member States entities. These challenges serve as barriers to the greater intra-African trade and economic development.

Objective 2 focuses on strengthening collaboration and trade facilitation to increase efficiencies and reduce trading costs by working towards a cohesive continental SPS system. The free flow of trade among the 55 African countries will result in markets with more food and less loss during transport. A continental SPS system needs a collaborative exchange between the AU, RECs, and Member States and can be developed and harmonized from existing regional- and national-level structures. The AU is responsible for supporting its Member States in developing or adhering to existing SPS systems firmly rooted in international science-based standards. Raising smallholder income, lowering consumer food prices, alleviating hunger, and mitigating environmental stress are the results of a more efficient SPS continental system.

The seven strategies developed during the AU SPS workshop address and support Annex 7, “to implement the provisions of the Protocol on Trade in Goods concerning Sanitary and Phytosanitary measures” that “directly or indirectly affect trade between the State Parties.” These strategies embrace harmonization, transparency, science-based SPS standards, and streamlining border crossings. Supporting the AfCFTA goal of a single continental agricultural market is reflected in Strategy 2.7. It states, “Enhance capacity of AfCFTA Secretariat to coordinate the collaboration of Member States and RECs in SPS matters, including information exchange and sharing.” Effective cooperation and information-sharing between the AU, RECs, and Member States is vital for a cohesive continental system to succeed both within and outside of Africa. Following its assistance, the AU can coordinate Member States and RECs in effective participation in fora and activities to create a single SPS voice for Africa.

## Objective 2. STRENGTHEN COLLABORATION AND TRADE FACILITATION

**Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.**

Strategy 2.1	Assist Member States in leveraging existing REC SPS harmonization efforts as work continues towards unified continental SPS standards that are based on international standards.
Strategy 2.2	Support Member States and REC efforts to determine science-based equivalence and commit to mutual recognition.
Strategy 2.3	Engage Member States and RECs to effectively participate in CAC, OIE, IPPC, and WTO SPS activities.
Strategy 2.4	Encourage Member States to adopt, adapt, and implement harmonized SPS audit and verification systems.
Strategy 2.5	Support Member States to implement transparent import and export inspections and certification systems.
Strategy 2.6	Streamline border crossing soft and hard infrastructures, procedures, and processes.
Strategy 2.7	Enhance capacity of AfCFTA Secretariat and relevant AU technical offices to coordinate the collaboration of Member States and RECs in SPS matters, including information exchange and sharing.





### Objective 3. Build Technical Capacity

**Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.**

The effectiveness of an SPS system is largely dependent upon the technical expertise of its human resources and the adequacy of its physical infrastructure.

In order to better control sanitary and phytosanitary risks and meet international food safety, animal and plant health standards, it is essential that Member States have knowledgeable and well-trained inspectors, researchers/analysts, and laboratory personnel, among others. However, the government does not always have the resources required to identify and retain skilled staff. Too often, staff members are trained, but the training sessions are not followed up by assessments to ensure that knowledge is retained over time, or there is high staff turnover. While donor-supported SPS capacity building helps to fill in the gaps, it is not always linked to overarching strategies, or based on African-identified and prioritized needs. AU Member States also share in a scarcity of physical infrastructure essential for SPS, such as specialized laboratory facilities, equipment, reagents and other sampling and testing supplies. Cooperation among Member States is required to build and maintain reference laboratories on the continent. Due to weak inspection systems, the porous nature of the borders, and the fact that pests move on their own accord without respect for national boundaries, Africa has encountered several pest outbreaks (such as *Spodoptera frugiperda*, fall armyworm, in 2016), negatively impacting the environment, agricultural production, food security, and trade. Africa currently lacks a central depository of information on SPS, which hinders efforts by Member States to align their policy interventions or address shared threats.

Implementation of the AU SPS Policy Framework will maximize technical capacity and strengthen overall SPS compliance. Regional “centers of excellence,” specialized centers which provide advanced SPS training and diagnostic capabilities to Member States, can be further expanded and strengthened to address priorities. Given that Member States and RECs are at a different level in infrastructure required for SPS work, the creation and/or strengthening of regional reference laboratories will be valuable. Establishment of a continental early warning and response systems (EWARS) will assist in the prevention of harmful pest introduction as well as pest identification and management. Finally, WTO notification on new/revised SPS measures and information sharing is needed within the continent to facilitate transparency, constitute training, and make systems more efficient, as through the sharing of PRA information; test results; pest databases; and information on existing facilities, among others. Establishment of the ICT infrastructure and databases and offering necessary training in these systems will facilitate greater compliance, enhancing trade opportunities on the continent and protecting Africans’ public health.

### Objective 3. BUILD TECHNICAL CAPACITY

**Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.**

Strategy 3.1	Promote demand-driven capacity building through utilization of inclusive prioritization processes and formal needs assessments.
Strategy 3.2	Support creation/strengthening of regional centers of excellence to provide SPS technical assistance and expand human resources at national and regional levels.
Strategy 3.3	Help to develop needed physical infrastructure such as regional reference testing laboratories.
Strategy 3.4	Increase technical capacity for early warning and response systems (EWARS) at national, regional, and continental levels.
Strategy 3.5	Foster information sharing, such as through digital platforms, web-based networks, and tools (e.g., test results, action plans, etc.).





#### **Objective 4. Increase Political Support and Public and Private Sector Investment in SPS Systems**

**Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising, and resource mobilization.**

The 2015 WHO report on the global burden of foodborne diseases places Africa as the continent with the greatest impact, with foodborne disability calculated at 1,179-1,276 DALYs. The greatest burden was due to ineffective control of infectious biological hazards, indicating an urgent need for improved systems. According to the provisions of Annex 7, effective SPS measures are to be established to ensure food quality and safety in order to protect public health during food trade within the AU as well as overseas. The international implications of food safety often involve trade restrictions to countries or regions that are identified as a source of the contaminated food that was involved with a food safety incident. Strengthening normative and control activities in food safety, animal and plant health will be needed to further implement effective SPS measures at the production and processing level. These control activities fall in the hands of the productive sector, usually private small- or medium-sized enterprises (SMEs) that in turn will need technological and scientific support for their activities along the entire agricultural value chain (production, processing, distribution and consumption).

The private sector is paramount in expanding exports and domestic trade, and the industry is the motor of value-addition in agricultural products to ensure sustainability of markets within African and overseas markets. Effective collaboration and transparency between public and private sectors will promote SPS compliance and continued trade. In addition, the mobilization of financial and technical resources to support the effective implementation of this Framework is essential, requiring political will and commitments at the highest-political levels among the AU, RECs and Member States as well as from international donors and development partners. A renewed focus on public-private partnerships will be essential to leveraging the resources each of these groups brings to the table. The AU has an important convening, mobilization and advocacy role to play in the development, support, and enhancement of these partnerships to deliver on trade, public health and agricultural development outcomes.

**Objective 4. INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS**

**Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising, and resource mobilization.**

Strategy 4.1	Support Member States' commitment to transparency with all stakeholders in SPS systems.
Strategy 4.2	Provide technical capacities for developing and supporting public-private partnerships to achieve mutual SPS goals (e.g., engage existing farmer/producer organizations, trader groups, SMEs, miller associations, retailers).
Strategy 4.3	Enhance public-private partnerships to improve SPS compliance, formulate and institute mechanisms to gradually transition informal trade to more formal channels (e.g., stepwise certification schemes).
Strategy 4.4	Advocate and raise awareness with Member States and RECs on SPS issues at high levels of government and among the private sector and public to create the demand for strong SPS systems.
Strategy 4.5	Use AUC's global platform for financial resource mobilization to solicit for financial and technical resources to implement SPS measures in Member States.



## 6. Implementation of the AU SPS Policy Framework

### 6.1. Roles, Responsibilities, and Expected Timeframe to Initiation of Key Actions

The Framework will be implemented at various levels, with key institutions having specific and complementary roles to play in developing critical institutional infrastructure. This section outlines the roles of these institutions as well as the actions associated with implementation of the Framework.

#### **African Union Commission (AUC)**

The African Union's Department of Rural Economy and Agriculture (DREA) has three divisions and five specialized technical offices (e.g., AU-IBAR and AU-IAPSC) which will play a central role in the coordination, implementation and monitoring of the Framework at the continental level in collaboration with RECs, Member States and other key stakeholders at regional and national levels. The AUC will also ensure alignment of the Framework and its actions with the objectives of CAADP and the operationalization of the African Agenda 2063 as well as with Annex 7 of the AfCFTA. The AUC will enhance the existing capacity of its relevant departments to coordinate the implementation of the strategy. Specifically:

- ▶ promote cooperation between the State Parties on SPS issues under discussion in multilateral fora, including the WTO SPS Committee, the CAC, the OIE and the IPPC, as appropriate;
- ▶ identify and discuss, at an early stage, initiatives that have an SPS component, and that would benefit from cooperation;
- ▶ identify opportunities for greater bilateral engagement, and enhanced relationships between Member States;
- ▶ provide a regular forum to exchange information on regulation, including the scientific and risk assessment basis for SPS measures;
- ▶ identify, establish, and monitor the implementation of a capacity-building program;
- ▶ assist in seeking funding from development partners and agencies to implement priority reforms and development action identified in the Framework;
- ▶ develop a communications strategy to keep all national, regional and international partners up-to-date with progress and support knowledge management through its website;
- ▶ identify and promote opportunities through which regional organizations and Member States can exchange their experiences and know-how; and
- ▶ engage with and mobilize high-level political leaders in support of the Framework's objectives.

*AfCFTA Sub-Committee for Sanitary and Phytosanitary Measures* will work with DREA to take an overarching perspective and generally monitor and periodically review the Framework's implementation as it relates to Member States' commitment to Annex 7. The Committee will

further support by offering a forum to facilitate improved understanding and collaboration between Member States.

### **Regional Economic Communities (RECs)**

The SPS Policy Framework implementation strategy is an Africa-wide instrument and Regional Economic Communities (RECs) will be called upon to integrate it into their regional development plans. The strategy recognizes that sub-regions of Africa have their own specific challenges and SPS strategies as well as regulatory oversight. Therefore, sub-regions may also develop strategies and other instruments while taking into account and building on the African Framework. However, such strategies must be driven by a commitment to implement measures that will result in harmonization of SPS measures across the continent.

As previously stated, great efforts were made to ensure that this Framework builds from, and does not duplicate, these regional SPS strategies. It is intended that the AUC will work closely with RECs to mobilize the resources needed to help Member States fulfill their commitments, especially as it relates to addressing transboundary SPS issues. These might include:

- ▶ strengthening cooperation and human capacity related to SPS systems in Member States;
- ▶ assisting in the development of plans for peer-to-peer learning where policy makers, private sector and technical experts can share best practices and/or visit countries/centres of innovation; and
- ▶ assisting in mobilizing and securing resources to support the scaling up of process.

### **Member States (MS)**

At the national level, Member States will coordinate interrelated activities that improve and/or establish effective plant and animal health and food safety systems. Member States will draw from this strategy the necessary elements that will allow them to develop or update their own national strategy. Governments will be called upon to regularly participate in regional, continental and international SPS meetings. Governments will also be called upon to develop policies that ensure the provision of adequate financial and human resources necessary for the implementation of the national strategy. Governments will further be called upon to ensure establishment of frameworks for the participation of civil society, major groups and other stakeholders. As such, Member States will:

- ▶ provide policy advice related to SPS measures and oversee national-level policy implementation;
- ▶ build and/or increase awareness on SPS by facilitating information sharing to (and among) stakeholder groups;
- ▶ prepare country positions on SPS issues with regards to international fora;

- ▶ coordinate capacity building programs for regulatory bodies and the private sector entities;
- ▶ serve as a national focal point with donor partners investing in SPS;
- ▶ create internal conditions in which the sector is valued, and implementation of the reforms is encouraged and supported at the most senior levels of government;
- ▶ seek external funds from donors and other development partners to support implementation of the provisions of the Framework and effect appropriate reforms;
- ▶ invest in institutional and human capacity building to the maximum extent possible using internal funds;
- ▶ promote both vertical and horizontal partnerships for implementing reforms;
- ▶ ensure national priorities are continually reviewed against current and emerging issues and are taken into consideration in applying strategies suggested in the Framework; and
- ▶ report national progress against this Framework as well as regional SPS implementation strategies to AUC.

#### **International Standard Setting Bodies (ISSB) (IPPC, OIE, Codex)**

The three inter-governmental standard-setting bodies to protect animal health (World Organisation for Animal Health, **OIE**), plant health (International Plant Protection Convention, **IPPC**), and food safety (**Codex Alimentarius**) have an important role and serve as reference points for Member States in the development of their national standards. ISSBs have established rigorous and in-depth assessment tools such as OIE's Evaluation of Performance of Veterinary Services (PVS), IPPC's Phytosanitary Capacity Evaluation (PCE), and WHO's in-progress Food Control System Assessment Tool that are available for Member States, RECs, and the AU to implement. In addition, active participation in the ISSBs is paramount to ensure that the African perspective is taken into consideration in the development of new or revision of existing standards. The SPS Agreement encourages WTO member countries to use international standards, guidelines and recommendations as they exist. In turn, Member State engagement in these fora will help contribute to African standards that are science-based while also adapted to regional conditions.

#### **The United Nations System and International Organizations (UN and IO)**

The United Nations, including the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), will be approached to provide technical support for implementation of the Framework components and integrate its objectives into their programs and report on the impact of these actions. The UN and the global conventions will also provide regional and global assessments of and trends in food security and foodborne illness. In addition, international organizations such as the World Trade Organization's Standards and Trade Development Facility (STDF) may address specific implementation gaps.

### **Development Partners (DP)**

Development partners such as the African Development Bank, regional development banks and any other relevant financing institutions, will be approached to focus on providing technical and financial resources for addressing SPS technical barriers in Africa. The assistance will be targeted mainly towards supporting implementation of the strategy, its components and existing Action Plans. Furthermore, international development partners will be approached to provide assistance and resources for implementation of the strategy, sub-regional and national strategies. Institutions such as the Standards and Trade Development Facility (a multi-country donor initiative) are supporting SPS-related capacity building across Africa as well as the European Investment Fund, U.S. Agency for International Development, UK's Department for International Development, and the Bill and Melinda Gates Foundation, among others.

### **Civil Society, Non-Governmental Organizations and the Private Sector (CSO, NGO, PS)**

Civil society organizations, the private sector and the public are encouraged to collaborate with national authorities by participating in the development and implementation of the national strategies as well as with RECs and the AU at regional and continental activities. Civil society groups have an important role to provide information, develop and implement public awareness and advocacy campaigns, facilitate multi-stakeholder events such as dialogues, capacity building and to ensure government accountability to commitments. The role of consumer awareness cannot be understated in terms of the drive to demand safer food in Africa over the coming decades. Research and technical institutions, including universities will also play a role to ensure that advocacy, capacity building and policy-making is informed by data and science-based. The private sector has a large role to play to strengthen SPS systems, as discussed in Objective 4 on public-private partnerships. The private sector must work with Member State governments through consultative processes that secure the political will and investments that are needed in infrastructure, shape international science-based standards to regional conditions, and ensure that SPS systems are strengthened in a way that is conducive to business not prohibitive.

## 6.2. Actions to Implement the SPS Policy Framework

The tables which follow offer a logical framework for organizing the actions that are needed to accomplish the overarching strategies and objectives outlined in the Framework (Section 5). Individual actions are assigned responsible institutions who will play a role in facilitating and/or participating in the described action over the timeframe of the Framework. Levels of priority are assigned to each action according to potential for implementation (including degree of coordination, planning and resource mobilization required) and timeframe.

**Short:** An action that is to be implemented in the term of 1-2 years. The action might also be described as a “low-hanging fruit” for quick implementation by the responsible parties with resources readily available.

**Medium:** An action that is to be implemented in the term of 2-4 years. The action would require more planning and coordination and resource mobilization resulting in a longer implementation timeframe by the responsible institutions.

**Long:** An action that is to be implemented in the term of 3-5 years. The action would require significant planning, coordination and resource mobilization to be fully realized by the responsible institutions.

Key - Responsible Institutions	
African Union Commission	AUC
Regional Economic Communities	REC
Member States	MS
International Standard Setting Bodies	ISSB
The United Nations System and International Organizations	UN, IO
Development Partners	DP
Civil Society, including Non-Governmental Organization and Private Sector	CSO, NGO, PS

**OBJECTIVE 1****ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS**

Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.

**Strategy 1.1. Support Member States' legislative/regulatory review, harmonization, and modernization of SPS legal/regulatory frameworks based on international standards.**

	Responsible Institutions	Priority Level
<b>Action 1.1.1:</b> Identify countries that require legislative review of their laws/regulations to facilitate modernization of legal frameworks on SPS.	AUC, REC, MS, ISSB, DP	short
<b>Action 1.1.2:</b> Support countries to use tools of ISSBs for legislative review.	AUC, REC, MS, DP, ISSB	short
<b>Action 1.1.3:</b> Encourage MS to facilitate compliance with SPS measures through legal enforcement and self-regulation.	AUC, REC, MS	short

**OBJECTIVE 1****ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS**

Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.

**Strategy 1.2. Encourage Member States to establish and comply with science-based SPS measures to safeguard human, animal and plant life and health.**

	Responsible Institutions	Priority Level
<b>Action 1.2.1:</b> Undertake country needs assessment and gap analysis of their compliance with science-based SPS measures.	AUC, REC, ISSB, DP, MS, CSO, NGO	short
<b>Action 1.2.2:</b> Articulate and advocate for political buy-in to address the identified weaknesses in the SPS systems.	AUC, REC, DP, MS, CSO, NGO, PS	medium
<b>Action 1.2.3:</b> Support MS to address the gaps identified in needs assessment reports.	REC, DP, MS, CSO, NGO	long
<b>Action 1.2.4:</b> Review the progress in implementation of science-based SPS measures at MS, RECs and continental levels.	AUC, REC, MS, ISSB	medium

**OBJECTIVE 1****ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS**

Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.

**Strategy 1.3. Promote the use of risk assessment to ensure the least restriction trade whenever possible while minimizing risk to public health.**

	Responsible Institutions	Priority Level
<b>Action 1.3.1:</b> Undertake sensitization of key institutions, and technical personnel about risk assessment, its value and use.	AUC, REC, MS	short
<b>Action 1.3.2:</b> Undertake introductory and advanced training in risk assessment of core personnel involved in risk assessment at AU, RECs, and MS.	AUC, REC, ISSB, DP, MS, CSO, NGO	short
<b>Action 1.3.3:</b> Establish a core unit of risk assessment personnel at MS level.	MS	short

**OBJECTIVE 1****ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS**

Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.

**Strategy 1.4. Establish and promote systems of surveillance for priority pathogens, pests and food and feed safety hazards of highest concern in plants, animals, and food.**

	Responsible Institutions	Priority Level
<b>Action 1.4.1:</b> Identify/update priority pathogens, pests and food and feed safety hazards at REC levels.	RECs, MS	medium
<b>Action 1.4.2:</b> Review and harmonize the available surveillance systems and tools at MS levels to ensure compliance with international standards.	AUC, REC, MS, ISSB	short
<b>Action 1.4.3:</b> Promote the harmonized use of available surveillance systems and tools from ISSBs.	AUC, REC, ISSB, DP, MS, CSO, NGO, PS	short
<b>Action 1.4.4:</b> Promote and strengthen national diagnostic and reference laboratories and collaborating centers as well as laboratory networking.	AUC, REC, ISSB, DP, MS, CSO, NGO, PS	long

## OBJECTIVE 1

### ESTABLISH HARMONIZED SCIENCE-BASED SPS SYSTEMS

Support Member State efforts to establish harmonized science-based SPS systems, taking into account both the international standards and regional conditions.

**Strategy 1.5. Advocate for the use of the concepts of regionalization/ zoning and compartmentalization (recognizing Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence throughout the continent) to facilitate safe trade.**

	Responsible Institutions	Priority Level
<b>Action 1.5.1:</b> Support MS to work towards official disease-free status for priority diseases.	AUC, MS, RECs, ISSB	long
<b>Action 1.5.2:</b> Promote the concept of twinning.	AUC, REC, MS, ISSB	long
<b>Action 1.5.3:</b> Facilitate benchmarking to learn best practices.	AUC, REC, MS, ISSB	medium

## OBJECTIVE 2

### STRENGTHEN COLLABORATION AND TRADE FACILITATION

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.1. Assist Member States in leveraging existing REC SPS harmonization efforts as work continues towards unified continental SPS standards that are based on international standards.**

	Responsible Institutions	Priority Level
<b>Action 2.1.1:</b> Encourage MS and REC to prioritize commodities and value chains for targeted SPS system enhancements.	AUC, MS, REC, DP, CSO, NGO	short
<b>Action 2.1.2:</b> Map and compare existing national practices and regulatory instruments against regionally-harmonized measures.	AUC, REC, MS, DP	short
<b>Action 2.1.3:</b> Establish and/or strengthen national SPS committees.	AUC, REC, DP, MS, IO	short
<b>Action 2.1.4:</b> Facilitate ratification and domestication of harmonized measures.	AUC, REC, MS	medium
<b>Action 2.1.5:</b> Map and compare existing REC practices and regulatory instruments against international standards.	AUC, REC, DP, MS	medium
<b>Action 2.1.6:</b> Establish and/or strengthen regional SPS committees.	AUC, REC, DP, MS,	medium
<b>Action 2.1.7:</b> Facilitate harmonization of SPS measures	AUC, REC, DP, MS	long
<b>Action 2.1.8:</b> Conduct gap analysis for harmonization of SPS measures at the continental level.	AUC, DP	medium
<b>Action 2.1.9:</b> Strengthen continental SPS committee(s).	AUC, DP	medium
<b>Action 2.1.10:</b> Ensure development of harmonized continental SPS measures.	AUC, DP	medium

**OBJECTIVE 2****STRENGTHEN  
COLLABORATION  
AND TRADE  
FACILITATION**

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.2. Support Member States and REC efforts to determine science-based equivalence and commit to mutual recognition.**

	Responsible Institutions	Priority Level
<b>Action 2.2.1:</b> Review existing national SPS laws, regulations, and measures to provide benchmarks for mutual recognition as equivalence of SPS measures is achieved.	AUC, REC, CSO, NGO	medium
<b>Action 2.2.2:</b> Compare national existing SPS practices and regulatory instruments from exporting countries against the latest harmonized continental SPS measures.	AUC, REC, DP	medium
<b>Action 2.2.3:</b> Clarify the terms of equivalence in a written contract between concerned MS.	MS, REC	short

**OBJECTIVE 2****STRENGTHEN  
COLLABORATION  
AND TRADE  
FACILITATION**

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.3. Engage Member States and RECs to effectively participate in CAC, OIE, IPPC, and WTO SPS activities.**

	Responsible Institutions	Priority Level
<b>Action 2.3.1:</b> Develop criteria to guide MS in selection of representatives to specific SPS meetings of CAC, OIE, and IPPC.	AUC, REC, ISSB, MS	short
<b>Action 2.3.3:</b> Reinforce efforts of Member States and RECs to improve the quality of participation in the ISSBs and WTO and develop common positions on SPS matters of interest.	AUC, REC, MS, DP	short
<b>Action 2.3.3:</b> Develop harmonized positions (African Voice) to represent AU at international fora.	AUC, REC, MS	short

**OBJECTIVE 2****STRENGTHEN COLLABORATION AND TRADE FACILITATION**

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.4. Encourage Member States to adopt, adapt, and implement harmonized SPS audit and verification systems.**

	Responsible Institutions	Priority Level
<b>Action 2.4.1:</b> Adopt and adapt harmonized tools for auditing and verification of SPS Systems.	AUC, REC, DP	medium
<b>Action 2.4.2:</b> Assist MS and RECs to domesticate the harmonized SPS auditing and verification tools.	AUC, MS, REC	long
<b>Action 2.4.3:</b> Audit and verify SPS systems.	AUC, REC, MS	long
<b>Action 2.4.4:</b> Facilitate deployment of technical expertise to Member States to address non-compliance issues.	AUC, MS, REC	medium

**OBJECTIVE 2****STRENGTHEN COLLABORATION AND TRADE FACILITATION**

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.5. Support Member States to implement transparent import and export inspections and certification systems.**

	Responsible Institutions	Priority Level
<b>Action 2.5.1:</b> Assess the performance of national import and export inspections and certification systems and identify areas of divergence and convergence.	MS, CSO, NGO, PS	short
<b>Action 2.5.2:</b> Harmonize national SPS import and export inspection and certification systems between MS.	REC, MS	medium
<b>Action 2.5.3:</b> Facilitate domestication of the harmonized SPS import and export inspection and certification systems.	MS, CSO, NGO, PS, REC	long

## OBJECTIVE 2

### STRENGTHEN COLLABORATION AND TRADE FACILITATION

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.6. Streamline border crossing soft and hard infrastructures, procedures, and processes.**

	Responsible Institutions	Priority Level
<b>Action 2.6.1:</b> Assess SPS control practices at border points to identify needs for improvement.	REC, MS	medium
<b>Action 2.6.2:</b> Sensitize lead border agencies on the importance of SPS measures and functions by border control officers.	MS	medium
<b>Action 2.6.3:</b> Integrate SPS control activities and deliver other identified needs to MS in national customs clearance processes.	REC, MS	medium
<b>Action 2.6.4:</b> Establish and/or strengthen intercountry stop center/ system for clearance of goods at border crossings.	REC, MS	long

## OBJECTIVE 2

### STRENGTHEN COLLABORATION AND TRADE FACILITATION

Increase efficiencies and reduce trading costs by working towards a harmonized continental SPS system.

**Strategy 2.7. Enhance capacity of AfCFTA Secretariat and relevant AU technical offices to coordinate the collaboration of Member States and RECs in SPS matters, including information exchange and sharing.**

	Responsible Institutions	Priority Level
<b>Action 2.7.1:</b> Determine capacity development needs for coordination of SPS matters at AUC.	AUC	short
<b>Action 2.7.2:</b> Establish a mechanism for coordination of continental SPS matters.	AUC	short
<b>Action 2.7.3:</b> Strengthen the continental SPS coordination mechanism by providing organizational and technical expertise.	AUC, DP, IO	short
<b>Action 2.7.4:</b> Upgrade and maintain a continental SPS information sharing portal.	AUC, REC, DP, IO	medium
<b>Action 2.7.5:</b> Collect and analyze data on performance of SPS systems in Africa and disseminate results.	AUC, REC, DP, IO	medium

### OBJECTIVE 3

#### BUILD TECHNICAL CAPACITY

Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.

**Strategy 3.1. Promote demand-driven capacity building through utilization of inclusive prioritization processes and formal needs assessments.**

	Responsible Institutions	Priority Level
<b>Action 3.1.1:</b> Assess capacity building priorities in plant health, animal health and food safety at the regional and continental levels.	AUC, REC	short
<b>Action 3.1.2:</b> Develop and utilize common tools for need assessments.	AUC, REC, MS, DP, IO, ISSB, NGO	medium
<b>Action 3.1.3:</b> Collect data on capacity building activities from MS, RECs and AU institutions, and analyse and share the findings.	AUC, REC, MS, DP, IO, NGO	short
<b>Action 3.1.4:</b> Develop training curriculum and support capacity development for MS, RECs and AU institutions.	AUC, REC, MS, DP	short

### OBJECTIVE 3

#### BUILD TECHNICAL CAPACITY

Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.

**Strategy 3.2. Support creation/strengthening of regional centers of excellence to provide SPS technical assistance and expand human resources at national and regional levels.**

	Responsible Institutions	Priority Level
<b>Action 3.2.1:</b> Identify and map existing centers of excellence and their mandates, and assess gaps by mandate and geographic coverage.	AUC, REC, DP, IO	short
<b>Action 3.2.2:</b> Support the designation of new centers of excellence and develop institutional framework for their sustainability.	AUC, REC, DP	long
<b>Action 3.2.3:</b> Support ongoing accreditation of centers of excellence.	AUC, REC, ISSB, DP, IO	long
<b>Action 3.2.4:</b> Provide training at regional and national levels in order to achieve technical capacity.	AUC, REC, MS, DP, IO	short

### OBJECTIVE 3

#### BUILD TECHNICAL CAPACITY

Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.

**Strategy 3.3. Help to develop needed physical infrastructure such as regional reference testing laboratories.**

	Responsible Institutions	Priority Level
<b>Action 3.3.1:</b> Identify and map existing public and private laboratories and their scope.	AUC, REC, MS, CSO, NGO, PS	short
<b>Action 3.3.2:</b> Assess existing gaps within the scope and geographical coverage of existing laboratories.	AUC, REC, MS, NGO, PS	short
<b>Action 3.3.3:</b> Designate reference laboratories and develop institutional frameworks for them.	AUC, REC, DP, MS, ISSB, NGO, PS	long
<b>Action 3.3.4:</b> Support reference laboratories to play their role.	AUC, ISSB, IO, DP	long
<b>Action 3.3.5:</b> Provide training at regional and national levels in order to achieve strategic actions above.	AUC, REC, MS, NGO, CSO, DP	short

### OBJECTIVE 3

#### BUILD TECHNICAL CAPACITY

Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.

**Strategy 3.4. Increase technical capacity for early warning and response systems (EWARS) at national, regional, and continental levels.**

	Responsible Institutions	Priority Level
<b>Action 3.4.1:</b> Establish continental early warning and rapid response/ action system for plant health and strengthen existing systems for animal and food safety.	AUC, ISSB, DP, IO	medium
<b>Action 3.4.2:</b> Train Member States and RECs to achieve human capacity required to run the systems.	AUC, REC, MS, DP, IO, ISSB	medium
<b>Action 3.4.3:</b> Create linkage between the continental EWARS to existing worldwide EWARS.	AUC, UN, IO	long
<b>Action 3.4.4:</b> Monitor effectiveness of early action undertaken at national, regional and continental levels.	AUC, REC, MS, NGO	medium

### OBJECTIVE 3

#### BUILD TECHNICAL CAPACITY

Maximize technical capacity in RECs, Member States, and stakeholders through cooperation and sharing of resources.

**Strategy 3.5. Foster information sharing, such as through digital platforms, web-based networks, and tools (e.g., test results, action plans, etc.).**

	Responsible Institutions	Priority Level
<b>Action 3.5.1:</b> Identify existing ICT capacity, facilities, infrastructure and providers at regional and continental levels.	AUC, REC, PS	short
<b>Action 3.5.2:</b> Strengthen and create physical ICT physical infrastructure at national, regional and continental levels.	AUC, REC, MS, PS,	medium
<b>Action 3.5.3:</b> Provide training to ICT personnel, technical staff and stakeholders.	AUC, REC, MS, DP, PS	short
<b>Action 3.5.4:</b> Mobilize and create awareness among different SPS stakeholders on the availability and use of SPS information.	AUC, REC, MS, CSO, IO	short

## OBJECTIVE 4

### INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS

Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

#### Strategy 4.1. Support Member States' commitment to transparency with all stakeholders in SPS systems.

	Responsible Institutions	Priority Level
<b>Action 4.1.1:</b> Facilitate the exchange of information on SPS issues (e.g., regular meetings, online platforms).	AUC	short
<b>Action 4.1.2:</b> Provide training on WTO, IPPC, OIE and Codex transparency commitments and processes (including online tools) to strengthen Notification and Enquiry points as per Chapter 11 of Annex 7 of AfCFTA.	AUC, REC, DP, IO, ISSB, CSO, NGO	medium
<b>Action 4.1.3:</b> Advocate with MS political leadership on the importance of transparency to invest in the human capacities that are needed.	AUC, REC, IO, NGO, PS	long
<b>Action 4.1.4:</b> Monitor the WTO, IPPC, OIE, notification systems and report on AU Member State compliance with SPS and TFA.	MS, AUC, PS, ISSB, IO	short

## OBJECTIVE 4

### INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS

Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

**Strategy 4.2. Provide technical capacities for developing and supporting public-private partnerships to achieve mutual SPS goals (e.g., engage existing farmer/producer organizations, trader groups, SMEs, miller associations, retailers).**

	Responsible Institutions	Priority Level
<b>Action 4.2.1:</b> Support national-level dialogues between public and private sector on regulatory environment and the technical support that is needed for compliance.	AUC, REC, MS, PS, CSO, NGO, IO	short
<b>Action 4.2.2:</b> Develop and disseminate technical guidance and case studies on how to facilitate effective public-private sector partnerships for SPS.	AUC, REC, MS, CSO, NGO, IO	medium

## OBJECTIVE 4

### INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS

Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

**Strategy 4.3. Enhance public-private partnerships to improve SPS compliance, formulate and institute mechanisms to gradually transition informal trade to more formal channels (e.g., stepwise certification schemes).**

	Responsible Institutions	Priority Level
<b>Action 4.3.1:</b> With RECs, commission bi-annual assessments of the status of informal/formal trade.	AUC, REC, IO	short
<b>Action 4.3.2:</b> Develop and disseminate simplified SPS procedures to facilitate SMEs regulatory compliance.	AUC, REC, MS, NGO, PS	medium
<b>Action 4.3.3:</b> Look at how SPS issues can be incorporated into mechanisms that are designed to bring informal trade into formal trade such as Simplified Trade Regimes.	AUC, REC, MS, PS, IO	long

## OBJECTIVE 4

### INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS

Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

**Strategy 4.4. Advocate and raise awareness with Member States and RECs on SPS issues at high levels of government and among the private sector and public to create the demand for strong SPS systems.**

	Responsible Institutions	Priority Level
<b>Action 4.4.1:</b> Develop advocacy materials (online, radio and print) for different stakeholder groups (public, private, civil society) on the importance of SPS issues.	AUC, REC, MS, NGO, PS	short
<b>Action 4.4.2:</b> Use convening power to engage high-level political leaders (e.g., heads of state) in SPS-related events.	AUC, REC, MS, NGO, PS	medium
<b>Action 4.4.3:</b> Develop country-specific information, education and communication strategies.	AUC, REC, MS, NGO, PS	long

## OBJECTIVE 4

### INCREASE POLITICAL SUPPORT AND PUBLIC AND PRIVATE SECTOR INVESTMENT IN SPS SYSTEMS

Enhance opportunities to expand intra-African trade of plants, animals, and food through strengthened public-private cooperation, awareness raising and resource mobilization.

**Strategy 4.5. Use AUC's global platform for financial resource mobilization to solicit for financial and technical resources to implement SPS measures in Member States.**

	Responsible Institutions	Priority Level
<b>Action 4.5.1:</b> Organize periodic meetings or calls with RECs, MS, PS to discuss resource mobilization (e.g., SPS committee).	AUC, REC, MS, DP, PS	short
<b>Action 4.5.2:</b> Develop evidence-based resource mobilization strategies (utilize, PVS, PCE, JEE, PIMA and other tools).	AUC, ISSB, REC, DP, IO	medium
<b>Action 4.5.3:</b> Commission, facilitate and develop national level SPS action plans with MS.	AUC, REC, MS, IO, NGO, PS	long

### 6.3. Financing and Resource Mobilization

The AU, RECs and Member States are responsible for mobilizing financial and technical resources to support the effective implementation of this strategy. In this regard, the establishment of strategic partnerships with international financing institutions and International Cooperating Partners (ICPs) is key. Member States are called upon to commit financial resources and work with development partners and other bodies on raising resources for the implementation of the strategy. The African Development Bank is called upon to mobilize, under the coordination of the African Union, and in collaboration with the World Bank and other donors.

### 6.4. Monitoring, Evaluation and Reporting

A monitoring, evaluation and reporting framework tool should be developed in consultation with the countries RECs for tracking the performance and impact of implementation of the specific objectives, strategic components and actions presented in the strategy. Output indicators would be developed at the action level, outcome at the strategy level and impact at the objective level. However, in order to mainstream the collection of data existing resources will be utilized including but not limited to:

- ▶ CAADP indicators (e.g., number of public-private partnerships, evidence-informed policies and corresponding human resources);
- ▶ Alignment with NAIP and RAIP reporting mechanisms;
- ▶ AU Food Safety Index (AFSI); and
- ▶ Establishing/strengthening information and reporting systems.

## 7. Conclusions

The Framework is not intended to complicate existing regulatory processes, but rather constitutes a working, actionable document that will guide collaborative efforts among the AUC institutions, RECs, and Member States. As the central convener on the continent, AU-DREA and its designated institutions are tasked with bringing together regional actors in SPS systems, raising private and public sector awareness, mobilizing resources, providing central platforms for sharing expertise and data among other activities to help realize this Framework. The RECs also have their own contributions and SPS strategies to coordinate at regional level with Member States, while successfully leveraging the resources and activities of the AUC. Finally, Member States have arguably the most essential role to ensure that national SPS policies are not only established according to international science-based standards but enforced for the benefits to be realized.

Although the implementation of Framework presents a formidable challenge, there is equally great potential for boosted intra-African trade of plants, animals, and food. A coordinated and sustained effort on SPS among Member States, RECs, and other stakeholders is ultimately essential to achieve the economic and agricultural transformation goals Africa has set for itself in the years ahead.



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# Annex 1. The AFCFTA-Annex 7

## Sanitary and Phytosanitary Measures

### Article 1

#### Definitions

1. The definitions set out in the following instruments shall apply to this Annex:

(a) the Agreement;

(b) Annex A of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures; and

(c) international standards.

2. For purposes of this Annex, the abbreviations set out below shall have the following meaning:

(a) "CAC" means Codex Alimentarius Commission;

(b) "IPPC" means the International Plant Protection Convention; and

(c) "OIE" means the World Organization for Animal Health.

### Article 2

#### Purpose and Scope

1. The purpose of this Annex is to implement the provisions of the Protocol on Trade in Goods concerning Sanitary and Phytosanitary measures (hereinafter referred to as the "SPS" measures).

2. This Annex shall apply to SPS measures that directly or indirectly affect trade between the State Parties.

### Article 3

#### Guiding Principle

In the preparation, adoption, and application of SPS measures, State Parties shall be guided by the provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

### Article 4

#### Objectives

The objectives of this Annex are to:

(a) facilitate trade while safeguarding human, animal or plant life or health in the territory of State Parties;

(b) enhance cooperation and transparency in the development and implementation of SPS measures to ensure that they do not become unjustifiable barriers to trade; and

(c) enhance technical capacity of State Parties for the implementation and monitoring of SPS measures while encouraging the use of international standards in the elimination of barriers to trade.

## **Article 5**

### **Assessment of Risk to Determine Appropriate Level of Sanitary or Phytosanitary Protection**

1. State Parties shall, in responding to market access requests, ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate, of the circumstances of the risks to human, animal or plant life or health taking into account risk assessment techniques developed by the relevant international organisations.
2. State Parties shall, in assessing risk and determining the sanitary or phytosanitary measures to be applied to achieve the appropriate level of protection, take into account available scientific evidence, relevant processes and production methods, relevant inspection, sampling and testing methods, prevalence of specific diseases or pests, existence of disease or pest free areas, relevant ecological and environmental conditions and quarantine, or other treatments.
3. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risks, the State Parties shall take into account as relevant economic factors; the potential damage in terms of loss of production or sales in the event of entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing State Party; and the relative cost effectiveness of alternative approaches to limiting risks.
4. In cases where relevant scientific evidence is insufficient, a State Party may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information including that from relevant international organisations as well as from sanitary or phytosanitary measures applied by other State Parties. In such circumstances, the State Parties shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly, within reasonable time frames agreed by the concerned State Parties.
5. When a State Party has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by other State Parties is constraining, or has the potential to constrain its exports, and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the State Party maintaining the measure and if the aggrieved State Party is not satisfied, request for the review of the measure in accordance with the provisions of this Annex.

## **Article 6**

### **Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence**

With a view to boosting intra-Africa trade in animals, animal products, animal by-products, plants, plant products and plant by-products:

- (a) State Parties undertake to recognise the concept, principles and guidelines of regionalization and zoning as outlined in the Terrestrial and Aquatic Animal Health Codes of the OIE, and agree to apply this concept to prescribed diseases to be determined by consensus;

(b) State Parties shall, in implementing sub-paragraph a of this Article, base their respective sanitary measures applicable to the exporting State Party whose territory is affected by a disease on the zoning decision made by the exporting State Party, provided that the importing State Party is satisfied that the exporting State Party's zoning decision is in accordance with the principles and guidelines that the State Parties have agreed upon, and is based on relevant international standards, guidelines, and recommendations. The importing State Party may apply any additional measure supported by science-based evidence to achieve its appropriate level of sanitary protection;

(c) State Parties may request recognition of a special status with respect to a disease not subject to zoning under sub-paragraph a of this Article. The importing State Party may request additional guarantees for imports of live animals, animal products, and animal by-products appropriate to the agreed status recognised by the importing State Party, including conditions deemed necessary by the importing State Party to achieve an appropriate level of sanitary protection;

(d) State Parties recognise the concept of compartmentalisation and agree to cooperate on this matter;

(e) State Parties shall endeavour to recognise regional conditions;

(f) when establishing or maintaining its phytosanitary measures, the importing State Party shall take into account, among other things, the pest status of an area, such as a pest-free area, pest-free place of production, pest-free production site, an area of low pest prevalence and a protected zone that the exporting State Party has established; and

(g) the exporting State Party claiming that areas within its territory are pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary scientific evidence in order to demonstrate that such areas are, and are likely to remain pest- or disease-free areas or areas of low pest and or disease prevalence. For this purpose, each exporting State Party shall provide reasonable access to its territory to the importing State Party for inspection, testing and other relevant procedures.

## **Article 7**

### **Equivalence**

1. The importing State Party shall accept the sanitary or phytosanitary measures of the exporting State Party as equivalent to its own if the exporting State Party objectively demonstrates, through science based and technical information including inter alia, reference to relevant international standards, or relevant risk assessment, that the measure would achieve the importing State Party's appropriate level of sanitary or phytosanitary protection;

2. State Parties shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.

3. State Parties shall follow the procedures for determining the equivalence of sanitary or phytosanitary measures developed by the WTO SPS Committee, the CAC, the OIE and the IPPC.

## **Article 8**

### **Harmonisation**

1. State Parties shall cooperate in the development and harmonisation of sanitary or phytosanitary measures based on international standards, guidelines and recommendations taking into account the harmonisation of sanitary or phytosanitary measures at the regional level.

2. State Parties may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a State Party determines to be appropriate, in accordance with the relevant provisions of Article 5 of this Annex.

3. State Parties shall fully participate in the relevant international organisations and their subsidiary bodies, in particular the CAC, the OIE and the IPPC to promote within these organisations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of SPS measures.

4. If State Parties jointly identify a commodity as a priority, they shall establish harmonised sanitary or phytosanitary import requirements for that commodity.

## **Article 9**

### **Audit and Verification**

1. For purposes of maintaining confidence in the implementation of this Annex, an importing State Party may carry out an audit or verification, or both, of all or part of the control programme of the competent authority of the exporting State Party. An importing State Party shall bear its own costs associated with the audit or verification.

2. For purposes of paragraph 1 of this Article, the State Parties shall abide by principles and guidelines established by international standards bodies in conducting audits or verifications as agreed between the State Parties.

## **Article 10**

### **Import or Export Inspections and Fees**

1. State Parties reaffirm their rights and obligations to undertake import or export inspections while abiding by principles and guidelines established by international standard bodies in conducting inspections.

2. The importing or exporting State Party may collect fees for inspections, which shall not exceed the recovery of the costs reasonably incurred in the conduct of the inspection.

3. When import inspections reveal non-compliance with the relevant import requirements, the action taken by the importing State Party shall be based on relevant international standards or an assessment of the risk involved and not be more trade-restrictive than required to achieve the State Party's appropriate level of sanitary or phytosanitary protection.

4. The importing State Party shall notify the importer and the Competent Authority of the exporting State Party of a non-compliant consignment and the reason for non-compliance and action to be taken. The importing State Party may provide the exporter with an opportunity for a review of the decision. The importing State Party shall consider any relevant information submitted to assist in the review.

## **Article 11**

### **Transparency**

1. State Parties, recognising that transparency is essential in ensuring clarity, predictability and trust in order to foster intra Africa-trade shall:

(a) comply with transparency obligations in accordance with the procedures developed by the SPS Sub-Committee;

(b) designate a National Focal Point for fulfilling the notification obligations established under this Article; and

(c) notify the Secretariat of any draft, revised or adopted SPS measures for further distribution to State Parties.

2. State Parties shall endeavour to exchange information on other SPS issues including:

(a) any significant change to the structure or organisation of a State Party's Competent Authority;

(b) upon request, the results of a State Party's official controls and a report on the implementation of the controls carried out with respect to the provisions of this Annex;

(c) the results of an import inspection provided for in Article 10 of this Annex in case of a rejected or a non-compliant consignment;

(d) upon request, a risk analysis or scientific opinion that a State Party has produced in accordance with Article 5 of this Annex;

(e) pest or disease status, including the evolution of a new disease or new pest;

(f) any food safety issue related to a product traded between the State Parties, that poses a food safety risk; and

(g) import requirements such as quarantine restrictions.

## **Article 12**

### **Technical Consultations**

1. Where a State Party has a significant concern with respect to food safety, plant health or animal health, or any other SPS measure that another State Party has proposed or implemented, the concerned State Party may request technical consultations with the other State Party.

2. The State Party so requested shall respond to the request within thirty (30) days of receipt of the request.

3. Each State Party shall provide the information necessary to avoid a disruption to trade and, as the case may be, to reach a mutually acceptable solution.

4. Where State Parties fail to reach a mutually acceptable solution, the matter may be referred to the SPS Sub-committee for consideration.

## **Article 13**

### **Emergency SPS Measures**

1. State Parties shall notify emergency SPS measures within forty-eight (48) hours of the decision to implement the measure. Where a State Party requests technical consultations to address the emergency SPS measure, the technical consultations shall be held within ten (10) working days of the notification of the emergency SPS measure. The State Parties shall consider any information provided through the technical consultations.

2. The importing State Party shall consider the information, that was provided in a timely manner by the exporting State Party, when making a decision with respect to a consignment that at the time of adoption and implementation of the emergency SPS measure is in transit between the State Parties. State Parties shall base their decision on the principles of risk assessment in accordance with the provisions of Article 5 of this Annex.

## **Article 14**

### **Cooperation and Technical Assistance**

1. State Parties agree to cooperate in the implementation of obligations arising out of this Annex including on technical assistance, in particular in the following areas:

- (a) exchange of information and sharing of expertise and experience among State Parties;
- (b) adopting harmonised common positions while participating in international SPS fora relevant to the AfCFTA;
- (c) development and harmonisation of SPS measures at regional and continental levels, on the basis of established scientific data or relevant international standards;
- (d) development of infrastructure such as testing laboratories;
- (e) capacity building for public and private sector stakeholders, including through information sharing and training; and
- (f) identification or establishment of SPS centres of excellence.

2. State Parties may collaborate with regional and international SPS bodies.

## **Article 15**

### **Establishment and Functions of the Sub-Committee for Sanitary and Phytosanitary Measures**

1. The Committee for Trade in Goods shall, in accordance with Article 31 of the Protocol on Trade in Goods, establish a Sub-Committee on Sanitary and Phytosanitary Measures.

2. The Sub-Committee shall be composed of duly designated representatives from State Parties and shall carry out the responsibilities assigned to it under this Annex or by the Committee on Trade in Goods.

3. The functions of the SPS Sub-Committee shall be to:

- (a) monitor and review the implementation of this Annex;

- (b) provide direction for the identification, prioritisation, management and resolution of SPS issues that may arise;
- (c) provide a regular forum to exchange information relating to each State Party's regulatory system, including the scientific and risk assessment basis for SPS measures;
- (d) prepare and maintain a document detailing the state of discussions between State Parties on their work on the recognition of equivalence of specific SPS measures;
- (e) develop procedures for the implementation of provisions of this Annex;
- (f) identify, establish, and monitor the implementation of a capacity building programme to support implementation of the provisions of this Annex, in conjunction with the Secretariat;
- (g) identify opportunities for greater bilateral engagement, and enhanced relationships, which may include an exchange of officials between State Parties;
- (h) consider SPS issues referred to it by State Parties, as expeditiously as possible;
- (i) facilitate improved understanding between the State Parties on the implementation of the SPS provisions of this Annex, and promote cooperation between the State Parties on SPS issues under discussion in multilateral fora, including the WTO SPS Committee, the CAC, the OIE and the IPPC, as appropriate;
- (j) identify and discuss, at an early stage, initiatives that have an SPS component, and that would benefit from cooperation;
- (k) collaborate with other Sub-Committees with a view to facilitating intra-Africa trade; and
- (l) undertake any other tasks as may be assigned by the Committee on Trade in Goods.

4. For purposes of paragraph 2 of this Article, State Parties shall regularly provide relevant information as may be required.

5. A State Party may refer any SPS issue to the SPS Sub-Committee:

- (a) where the SPS Sub-Committee is unable to resolve an issue, the matter shall be referred to the Committee on Trade in Goods for consideration.
- (b) where a State Party is not satisfied with the decision of the Sub-Committee, the State Party shall refer the matter to the Committee on Trade in Goods.

## **Article 16**

### **Dispute Settlement**

Any dispute between the State Parties arising out of or relating to the interpretation or application of any provision of this Annex shall be settled in accordance with the Protocol on Rules and Procedures on the Settlement of Disputes.

## Annex 2: SPS Resources for Member States

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## Endnotes

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