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Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA

Division: EIDD

WTO TBT Workshop on Good Regulatory Practice
18-19 March 2008
Focus on Transparency and Consultation



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Purpose of the SA National Technical Regulatory Framework (NTRF)

- **To improve and establish a common South African approach in terms of its technical regulatory responsibilities.**
- **This strategy provides guidance to all departments responsible for the development, maintenance and review of technical regulations.**
- **South Africa's rights and obligations as a Member of the World Trade Organisation Agreement on Technical Barriers to Trade underlie this strategy and our commitments remain within the bounds of this agreement..**



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Reasons for the Framework

- **A well-structured and harmonised NTRF is an important condition for sustaining and expanding any economy as a competitive player in the world trading system.**
- **The government regards an efficient national technical regulatory framework to be of crucial importance to socio-economic development. Establishment of such a national framework would impact positively on competitive trade, small enterprise development, broad based black economic empowerment (BB BEE) and job creation, and attract investment.**
- **The challenge for South Africa is to develop a system that takes account of its legislative and political system and reflects its economic, social and political environment and values. The system should respect the discretion of policy makers in balancing the complexities and trade-offs between market competitiveness and legitimate measures.**



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Core principles for the Framework

- **Transparency;**
- **The use of the least trade restrictive measures;**
- **Internationally harmonised measures;**
- **Necessity;**
- **Proportionality;**
- **Non- discrimination; and**
- **Special and differential treatment.**



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Linking the Framework with SA Technical Infrastructure

- **The South African Bureau of Standards (SABS);**
- **The South African National Accreditation System (SANAS);**
- **The National Metrology Institute of South Africa (NMISA);**
- **The wide range of accredited bodies including laboratories, verification, laboratories, certification and inspection bodies;**
- **Regulators (including government departments that are regulators); and**
- **Legislators.**



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Features of the NTRF as it relates to the theme of transparency and consultative mechanisms

- **Consultation and participation**
- **Exchange of information**
- **Co-ordination amongst various institutions that are part of the technical regulatory infrastructure.**



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Why transparency?

- **Transparency is considered to be one of the most important building blocks of a good technical regulatory system.**
- **A transparent system also facilitates effective and appropriative participation by and consultation with stakeholders. The benefit of a transparent system is that it makes the technical regulatory system predictable and clear, thus providing for certainty.**



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Transparency and consultation

- **South Africa promotes a stakeholder interaction approach to technical regulations.**
- **This approach will increase the transparency of the process and ensure that all perspectives on the issues have been considered.**
- **It is a useful means of evaluating the accuracy of assessment of the costs and benefits enhancing awareness and thus encouraging compliance.**



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Membership of the Consultative Committees

- **Membership to the Committees are inclusive provided that you have an interest in the work and that you represent a valid group be it workers, industry associations, national, provincial or local government, academics, civil society, etc**



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Consultative Forums at Department level

- **Some examples are the**
 - **Food Legislative Advisory Group the Department of Health**
 - **National Health Consultative Forum the Department of Health**
 - **SA Codex Committee the Department of Health**
 - **Advisory Council of Occupational Health and Safety the Department of Labour**
 - **Mine Regulation Advisory Committee the Department of Minerals and Energy**
 - **National Energy Response Committee and the WG on Regulations the Department of Minerals and Energy**
 - **Inter departmental and Stakeholder Committee for the Sound Management of Chemicals – Department of Environmental Affairs and Tourism**



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Other Consultative Forums

- **Department of Trade and Industry legislated or is in the process to legislate the establishment of the**
 - **Advisory Committee on Accreditation for Conformity Assessment Calibration and Good Laboratory Practice by the South African National Accreditation System (SANAS)**
 - **Advisory Committee for Measurement Standards and Units by the National Metrology Institute of South Africa**
 - **Advisory Committee on South African National Standards by the South African Bureau of Standards (SABS)**
 - **Government Consultative Forum by the South African Bureau of Standards (SABS)**



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The SABS Forums – with a view to improve transparency and consultation

- **The new Standards Bill requires that the SABS Board establish an Advisory Forum with a balance of interest consisting of representatives of organisations who have an interest in the Standards matters.**
- **The Bill also requires the establishment of Government Consultative Forum for consultation between the South African Bureau of Standards and relevant government departments who have an interest in including the use of South African National Standards in law.**
- **This is considered to be very important because the Technical Regulatory Framework promotes the use of South African National Standards or the relevant parts of them in technical regulations.**



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The establishment of a National Regulator for Compulsory Specifications

- **SA Government is also busy with legislation that will separate the standards development and conformity assessment services from the administration of compulsory specifications covering the automotive, electro-technical, mechanical, health related, building and construction materials, food and associated as well as the environmental protection sectors.**
- **This split will improve the efficiency and effectiveness of the regulator and the quality of technical regulations that the regulator administer also as it relates to transparency and consultation.**



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Consultative Forums of the National Regulator for Compulsory Specifications

- **The National Regulator for Compulsory Specifications (NRCS) will be required to establish an Advisory Council on Compulsory Specification**
- **The Regulator will also establish specialist consultative committees to provide input into the process to interpret and implement compulsory specifications.**



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Conclusion

- **The South African approach to transparency and consultation is intended to promote innovation and competition amongst businesses and thereby ensure benefits to consumers and society in general.**
- **Gains to South Africa includes an increasingly open, transparent and predictable economic system where environmental and social interests are supported without excessive technical regulations being imposed on business.**



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THANK YOU