

# Support Quality Infrastructure in Agadir Countries

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*Recommendations for phase 2 in the Agadir project.*

**2014-02-11**

*The overall objective of phase 2 is to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade.*

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This document has been produced with the financial assistance of  
The Swedish International Development Cooperation Agency, Sida.  
The views herein shall not necessarily be taken to reflect the official opinion of Sida

## **Introduction**

This recommendation are for phase 2 in the Agadir project has the overall objective to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade. For more information about the analysis, the main findings and the background to this recommendations we referee to the report “*Support Quality Infrastructure in Agadir Countries, Phase 1, analysis of the present status in the member countries of the Agadir agreement, 2014-02-06*”

### **1. Background**

The Agadir process was initiated in Agadir in May 2001 by the four Arab – Mediterranean countries of Morocco, Egypt, Tunisia, and Jordan. Through the declaration, the four countries expressed their intention to establish a free trade area between them. This initiative was supported by the E.U. as it could be an important contribution in leading the objectives of the Barcelona process.

The key element in this strategic partnership between the E.U. and Arab Mediterranean region is to eliminate all barriers to trade and to facilitate investment which will enhance development and boost trade in the region. The agreement is also a step towards establishing the *Euro-Med Free Trade Area*

The Agreement itself was signed by the four Arab countries in Rabat, Morocco in 2004. The ratification was completed in June 2006. On July 6<sup>th</sup> of the same year the Agreement entered into force and all requirements for the implementation were therefore met, while the real implementation of the agreement was possible from March 27<sup>th</sup> 2007, after the publishing of customs circulars of the four member countries.

The aim of the Agadir agreement is to reach full attainment of intentions in the Agadir Agreement as a step toward South-South integration and integration with the European Union by:

- Boosting trade between the four member countries mainly between them and the E.U.
- Economic development and integration through the implementation of the Pan-Euro-Med rules of origin.
- Attraction of EU and international Foreign Direct Investment (FDI) as Agadir Agreement creates a free trade zone including more than 120 million consumers.

The Agadir agreement is based on the international rules and regulations that apply in the world today for international trade as embedded in the agreements on the World Trade Organisation (WTO) and is in harmony with the Arab league charter in supporting mutual Arab cooperation and moving in implementing Greater Arab Free Trade Area. (GAFTA). It further contributes to the objectives of the Barcelona Process concerning the establishment of the Euro-Mediterranean Free Trade Area.

The Agadir countries have through the Agadir Technical Unit (ATU) requested the Swedish International Co-operation Agency (Sida) for technical assistance in enhancing the implementation of the Agadir agreement by providing support in establishing systems and

structures to bring down technical barriers to trade (TBT). Sida has previously provided support to the Member countries and the ATU in addressing issues related to trade in services and Trade Defence Instruments TDI. The European Union supports the operations of the ATU and the implementation of the agreement in general, excluding actions related to bringing down technical barriers to trade.

Sida has approved to provide the requested technical assistance. The programme is implemented through two phases. The first phase focuses on analysing the present situation in the countries and at international and regional levels and the development of terms of reference for the second phase, Phase 2, which is the actual implementation phase. The Swedish Board of Accreditation and Conformity Assessment (Swedac) has been contracted to implement both phases.

## **2. Introduction to bringing down technical barriers to trade**

The way in which systems and structures are developed amongst the Agadir countries aiming at bringing down technical barriers to trade must first and foremost be based on the requirements in the Agadir agreement as far as possible but also on the WTO TBT agreement when further guidance is needed. Note must at the same time be taken of the European Union practices as well as international best practices. The two first mentioned agreements will be used as the main bases for the analyses process. In the following the main requirements in the agreements are highlighted to establish the references used when reaching conclusions and developing recommendations and proposals.

### **2.1 The Agadir Agreement**

The Agadir agreement, is a free trade agreement between four countries, Jordan, Egypt, Tunisia and Morocco. The European Union further plays a significant role within the agreement. The agreement addresses technical barriers to trade in the following way:

#### ***Article 8: Non-customs restrictions***

*The Member Countries engage themselves to remove immediately all non-customs restrictions, including arrangements and procedures which might be adopted by Member countries to control imports. Such restrictions may specifically include quantitative, currency, administrative and technical restrictions which might be imposed on importations. No new non-customs restrictions may be imposed this being in accordance with the specific rules of the World Trade Organisation, and the agreement for facilitation and development of commercial exchanges between the Arab states, and the arrangements of the Greater Arab Free Trade Area.*

#### ***Article 23: Standards and norms***

*Member countries will work to co-ordinate their technical legislation, norms and standards, in accordance with international practices.*

*In the case of any member country taking steps which would create, or might tend to create, technical barriers to trade, the Member Countries will immediately initiate consultations with a view to finding the appropriate solution.*

*All Member Countries will give priority to working on signature of agreements in the area of mutual recognition of conformity assessment.*

The agreement foresees that technical regulations be harmonised between the countries, that conformity assessment be harmonised and that voluntary standards are harmonised. To achieve this, harmonisation mechanisms between the Member Countries need to be established. In this respect reference is made to the systems and structures in the WTO agreements and the GAFTA agreement. The intention is not to establish new systems and structures specifically developed to fulfil the requirements of the Agadir agreement.

Based on the requirements in the Agadir agreement the countries have agreed upon a “Memorandum of Understanding on Mutual Recognition of Conformity Certificates between Member Countries of the AMFTA”. The MoU addresses issues related to mutual recognition of conformity certificates. The term “conformity certificates” is not defined in the MoU and can therefore be understood in different ways. In some countries the understanding is that this means that products that are moved between the countries will have to be certified by a certification body. In other countries the understanding is that the term means that authorities declare through a document (a certificate) that a product has been marketed lawfully in the exporting country, thus fulfilling all requirements and should therefore be allowed on the markets of the other countries. The understanding that the term means that a specific Agadir certification, issued by a certification body, is needed will in some cases have the effect that a new control structure would have to be established parallel to the existing new control systems thus burdening producers with extra burden increasing the cost of products that are to be exported to the other Agadir countries and reducing the competitiveness of the products.

In the agreement no guidance is given on how the harmonisation processes shall take place not is the role of the ATU defined in this respect.

## **2.2 The WTO-TBT Agreement**

The WTO agreements are based on principles that form the basis for the implementation of the agreement and therefore the foundations for the new world trade regime and to some extent the reorganisation or building up of the national quality infrastructures. The Agadir agreement refers directly to these principles.

The WTO agreements foresee a minimum principal order within the governmental administrations of the Members related to the management of the national markets through the setting of defined playing rules (defined as technical regulations in the agreement) using defined and transparent structures. In practise the rules deal with minimum requirements on health, safety and environment. The agreement does also foresee that the Governments are in fact responsible for the enforcement of the rules. Parallel to the requirements of governments the agreement foresees the use of standards as reference documents first and foremost to be used in national and international trade, developed under the responsibility of all interested parties through a process of consensus managed by standards institutions operating on the national, regional and international levels.

The WTO Agreements covers:

1. Goods, services and intellectual property.
2. It spells out the principles of liberalization, and the permitted exceptions.
3. It includes individual countries' commitments to lower customs tariffs and other trade barriers, and to open and keep open services markets.

4. It sets procedures for settling disputes.
5. It prescribes special treatment for developing countries.
6. It requires governments to make their trade policies transparent by notifying the WTO about laws in force and measures adopted, and through regular reports by the secretariat on countries' trade policies.

The WTO-TBT agreement can be divided into 5 technical parts and has 3 annexes besides the introductory parts covering objectives and scope.

**Part I TECHNICAL REGULATIONS AND STANDARDS**

Article 2  
Preparation, Adoption and Application of Technical Regulations  
By **Central Government Bodies**

Article 3  
Preparation, Adoption and Application of Technical Regulations  
By **Local Government Bodies and Non-Governmental Bodies**

Article 4  
Preparation, Adoption and Application of Standards

**Part II CONFORMITY WITH TECHNICAL REGULATIONS AND STANDARDS**

Article 5  
Procedures for Assessment of Conformity by **Central Government Bodies**

Article 6  
Recognition of Conformity Assessment by **Central Government Bodies**

Article 7  
Procedures for Assessment of Conformity by **Local Government Bodies**

Article 8  
Procedures for Assessment of Conformity by **Non-Governmental Bodies**

Article 9  
International and Regional Systems

**Part III INFORMATION AND ASSISTANCE**

Article 10  
Information about Technical Regulations, Standards and Conformity Assessment Procedures

Article 11  
Technical Assistance to Other Members

Article 12  
Special and Differential Treatment of Developing Country Members

**Part IV INSTITUTIONS, CONSULTATION AND DISPUTE SETTLEMENT**

Article 13  
The Committee on Technical Barriers to Trade

Article 14  
Consultation and Dispute Settlement

**Part V FINAL PROVISIONS**

Article 15  
Final Provisions

**ANNEX 1**  
TERMS AND THEIR DEFINITIONS FOR THE PURPOSE OF THIS AGREEMENT

**ANNEX 2**  
TECHNICAL EXPERT GROUPS

**ANNEX 3**  
CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS

## 2.3 Technical Regulations and Standards

The first part of the agreement deals with preparation, adoption and application of technical regulations and standards establishing the obligations the Members have taken on regarding the regulatory activities in their local markets. In this part description is given of the methodology used when harmonising technical regulations internationally (*Article 2.4 of the TBT agreement*):

*“Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems”.*

Harmonisation of the technical part of the technical regulations is therefore to take place indirectly by using international standards when available as references when this is an effective and appropriate way to solve the identified problems based on subjective judgement done by the relevant authorities. Administrative provisions will have to be based on the national needs and requirements in international systems and structures, e.g. regarding conformity assessment. It is, however, important to note that this does not mean that there is a direct requirement in the agreement to adapt the international standards as technical regulations in the countries, they are only to be used when effective and appropriate. The technical regulations shall be developed based on the needs of the country and the political policies but the subject technical content of the standard shall preferably be included as a whole or parts of the standard shall be included when appropriate and effective. If this is not done and if the technical regulations have impact on international trade the other Members shall be notified through the WTO secretariat and the legitimate objectives of the technical regulations shall be justified and the other Members shall be given the possibility of discussing the content of the technical regulation.

Preparation, adoption and application of voluntary standards is also described in the first part of the agreement (*Article 4.1*)

*“Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 to this Agreement (referred to in this Agreement as the "Code of Good Practice"). They shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with this Code of Good Practice. In addition, Members shall not take measures, which have the effect of, directly or indirectly, requiring or encouraging such standardizing bodies to act in a manner inconsistent with the Code of Good Practice. The obligations of Members with respect to compliance of standardizing bodies with the provisions of the Code of Good Practice shall apply irrespective of whether or not a standardizing body has accepted the Code of Good Practice”.*

Annex 3; paragraph F to the agreement states:

*“Where international standards exist or their completion is imminent, the standardizing body shall use them, or the relevant parts of them, as a basis for the standards it develops, except where such international standards or relevant parts would be ineffective or inappropriate, for instance, because of an insufficient level of protection or fundamental climatic or geographical factors or fundamental technological problems”.*

If national standards are developed these shall be notified to the WTO organisation through the ISO secretariat by submission of standards programme every 6 months.

In the agreement “technical regulations” are identified as the tools used by Governments when regulating the local markets. At the same time definition is given for the harmonised understanding of the term standard.

A technical regulation is, on the other hand, defined as:

*“Document which lays down product characteristics or their related processes and production methods, including their applicable administrative provisions, with which compliance **is mandatory**. It may also include or deal with exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method”.*

A standard is defined as:

*“Document approved by a recognised body, that provides, common and repeated use, rules, guidelines or a characteristic for products or related processes and production methods, with which compliance is **not mandatory**. It may also include or deal with exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method. “*

It is important to note that technical regulations are mandatory and must be followed and that standards are documents of a voluntary nature to be used by choice. However it is possible to refer to a standard in a technical regulation using parts of the standards or the standards as a whole e.g. as a technical reference or to identify a test method to be used as a part of conformity assessment procedures. This should be done carefully to avoid that the standards developers (interested parties on the market) do in fact become the regulators when developing and changing the standards.

These two definitions and the common use of them make it possible to establish the transparent international systems to bring down technical barriers to trade that are the philosophy of the WTO TBT agreement. Governments set the minimum rules and requirements through technical regulations and are responsible for their enforcement nationally. The Governments are also responsible towards the other members of the agreement regarding the application of the rules, securing that the national rules are enforced equally towards local and foreign producers. The economic operators can in addition use standards as references in their trading contracts. The distinction between the two types of documents and their use is of paramount importance when adapting the national quality infrastructures (e.g. regulatory activities, conformity assessment) to the new principles. Governments and authorities do the regulating of the markets but standards are used as reference documentation on a voluntary basis.



## 2.4 Conformity Assessment

The second part of the agreement deals with conformity to technical regulations and standards and the mechanisms that have to be in place to be able to fulfil the requirements of the agreement.

Conformity assessment procedures are defined in the following way:

“Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled”.

The major obligations of the Members with regard to conformity assessment are to be found in article 5.1:

*“Members shall ensure that, in cases where a positive assurance of conformity with technical regulations or standards is required, their central government bodies apply the following provisions to products originating in the territories of other Members:*

*conformity assessment procedures are prepared, adopted and applied so as to grant access for suppliers of like products originating in the territories of other Members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in a comparable situation; access entails suppliers' right to an assessment of conformity under the rules of the procedure, including, when foreseen by this procedure, the possibility to have conformity assessment activities undertaken at the site of facilities and to receive the mark of the system;*

*Conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. This means, inter alia, that conformity assessment procedures shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform with the applicable technical regulations or standards, taking account of the risks non-conformity would create.*

The Members of WTO do therefore have to have mechanisms in place that can be used to prove that products and services conform to the relevant technical regulations and standards. The mechanisms shall be competent to establish the necessary confidence in the activities performed as part of the conformity assessment procedures. The agreement refers to internationally recognised approaches as defined in international standards secured by accreditation, in addition to the “Code of Good Practices for the Preparation, Adoption and Application of Standards” found in Annex 3 of the agreement, as means to establish the right level of confidence.

Both the Agadir agreement and the WTO TBT agreement give guidance on how to bring down technical barriers to trade through harmonisation of technical regulations, voluntary standards and mechanisms used for enforcing the technical regulations.

## **Executive summary for Phase 2**

Sida has been running international training programmes on quality infrastructure and elimination of technical barriers to trade for over ten years. These projects have focused on the WTO TBT agreement, the required national quality infrastructure, technical regulations, standardization, accreditation, metrology and conformity assessment. The Swedish implementation of the agreement has been used as an example of how systems and structures can be put in place. Through these programmes skills and knowledge has been built among institutions, private organisations and authorities on these topics with the aim to enhance free trade and eliminate technical barriers to trade.

Phase 1 of this project has aimed at identifying and analysing the present status of affairs in the four Agadir countries on these topics of the quality infrastructure and elimination of technical barriers to trade with a view to enhance free trade and facilitate the setting up of a free trade zone. The results of Phase 1 are now used as the basis for a proposal for Phase 2.

The main aim of Phase 2 is to facilitate the implementation of the Agadir agreement so that the free trade zone can become a reality and so that trade between the four countries but also trade between Agadir countries and the EU is developed, facilitated and increased. In a longer perspective this will also increase the regions possibilities to trade with other parts of the world.

There are a number of factors to be considered when setting up the framework for Phase 2.

- The role of ATU has to be further defined and strengthened. ATU has an important role in coordinating the activities which will lead to a proper implementation of the Agadir agreement and in providing the institutional memory and sustainability that will provide long term success for the Agadir agreement.
- There has to be full commitment from the member states to fulfil the conditions of the Agadir agreement and commitment to the goals of the project.
- While aiming at achieving success during the lifetime of the project, the project also needs to ensure long term sustainability of the achievements in knowledge, organization and economy.

Phase 2 will use the skills and knowledge of all trained individuals and their organizations to develop systems and structures which will support elimination of technical barriers to trade and creation of a free trade zone by harmonizing selected laws, technical regulations, voluntary standards and conformity assessment.

The generic goals of the project are

- To strengthen the Agadir Technical Unit organizationally (outcome B)
- To increase the knowledge of both the member states and ATU in the areas relevant to the goals which are to be achieved

- To create sustainable systems and structures (outcome D, E, F) which will be tools for the long term implementation of the Agadir agreement and the creation of the free trade zone
- To make sure that the systems and structures created are not dependent on the individuals involved, that they have institutional memory and tools for existence beyond changes in the political systems
- To develop cooperation between other free trade organisations and the Agadir Technical Unit for bench-marking and to learn from best practices of others.
- To achieve organizational and economic sustainability for ATU and to create processes for institutional memory (Activity D6).

In a project of this complexity and length, it is also important to ensure long term sustainability of the developments and changes achieved during the project. To ensure that the changes will continue after the project is finalized we are planning to do the following.

1. We shall work to make sure that the changes which are dependent of governmental decision-making are clearly anchored in the legal framework of the individual countries.
2. We shall aim at teaching non-governmental organisations on how to become bearers of knowledge and guardians of the changes in the conformity assessment community in general and the private sector in particular.
3. We shall create possibilities for the different actors of the quality infrastructure to communicate with each other and to own up to the change process together.
4. The four countries of the Agadir agreement will contribute to the knowledge base of the ATU and its developed role by committing to it through economic contribution, regular auditing of results and requiring accountability from ATU on its tasks.
5. ATU will be supported to be organized so that it is not dependent of political changes in the individual countries and so that its bearers of knowledge are there in an expert capacity rather than a political capacity.
6. ATU will be supported to learn to stand up to requirements such as economic accountability, efficiency of processes, result based management of change projects.
7. By following the earlier work carried out by UNIDO related to Good Governance the project will raise awareness about Good Governance in the region.
8. By following the common standard created by ISO, the International Organization for Standardization, about anti-corruption the project will raise awareness related to this subject.

In order to achieve these results and solve problems along the way as efficiently as possible, we are going to have an organizational development expert and a controller among our core experts for the project. We shall also have a project steering committee within Swedac where these competences and also management competence will be represented.

Aspects of gender, good governance, anti-corruption and environmental protection will also be woven into the activities of the project as described in the chapters on these topics. Competence in issues of gender, good governance, anti-corruption and environmental protection will specifically be part of the transfer of knowledge to the ATU as well as being the guiding light in all of the activities.

There are some potential external<sup>1</sup> risks which can influence the degree of success of the programme. Some of these risks are:

- The security situation for countries in the region
- Negative changes in economic growth rates, and inflation.
- Political instability in the individual countries

External risks like these types are not described in the risk matrix. If any incident occurs to the external risks above, the programme will handle it strict to the contingency plan below.

1. If the conditions change in a negative way for the programme, Swedac programme manager (SPM) will consult the information with the Swedish Embassy in the country and / or the Ministry of foreign trade.
2. If the information is reliable, he/ she will assemble the Swedac Steering committee (SSC) and inform them about the situation. SSC is responsible for decision making. Depending on the outcome from the decision an action plan will be created.
3. Swedish International Development Cooperation Agency (Sida) and Agadir Technical Unit (ATU) will be informed about SSCs decision and action plan. SPM is responsible for communication with Sida and ATU.
4. Depending on the outcome of the decision a restoration plan will be created.

Programme risks concern the Outcome and Output. Failure to achieve these may stem from lack of engagement from the countries different ministries, national focal points, institutes and other stakeholders, the receiver capacity of the Agadir Technical Unit, coordination and operational failures. The Risk matrix in annex 2 shows programmatic risks for all activities.

The project will need to be assessed at regular intervals so that necessary changes to activities can be made based on the developments of the region, whether these are internal to the project or external and out of our control.

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<sup>1</sup> Overall Risk Assessment for the MENA-OECD Investment Programme (2012-2016)

### 3. Programme Content

#### Main Axes of Improvement

Based on what the expert have experienced during phase 1 and the findings and the problems encountered and the proposals from the countries the following are proposed to be the main axes of improvement:

- Establishment of full political commitment in the Member countries towards addressing the issues of bringing down technical barriers to trade between the Agadir countries
- Establish mechanisms between the Member countries to harmonize mandatory requirements based on the principles of equivalence and common regulatory objectives.
- Establish mechanisms between the Member countries particularly aiming at harmonizing voluntary standards in the relevant priority product areas.
- Establish mechanisms to establish trust between the Member countries in the different national enforcement mechanisms of mandatory requirements.
- Establish capacities in ATU and the Agadir focal points in the countries to manage the receiver capacity needed to implement the programme and to run the established systems and structures.

These main axes of improvement are all connected to the overall objective and outcome and the activities in phase 2, described below.

#### Impact and Objectives

The following shall be the impact and the overall objective and outcome of Phase 2 of the programme:

**Impact:** To reduce poverty through boosting trade, increased economic development, and attraction of Foreign Direct Investments.

**Overall objective** is to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade.

**Overall outcome:** Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade.

## Outcomes and Outputs

The Program will seek to achieve the following outcomes and outputs:

### Outcome A

An agreed common approach amongst the Agadir agreement regarding the content of phase 2 of the programme regarding harmonisation of mandatory requirements between the countries on the national markets, harmonisation of relevant voluntary standards and harmonisation of the national enforcement mechanisms to reach equivalence between the national systems, through:

1. Information strategy (including establishment of homepage) aiming at increased awareness among Agadir member country officials concerning the need to enhance efforts to remove technical barriers to trade according to the Agadir agreement.

### Outcome BA

Establishment of function at ATU to support the signatory countries to fulfil the overall outcome to establish Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade.

1. Support function established at ATU
2. Established the necessary preparedness for ATU to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level.

### Outcome BB

Managerial structures between the countries and ATU are fully implemented.

1. Established the necessary preparedness for the National Focal Points to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level.

### Outcome C

Identify actual details of existing technical barriers to trade in the selected product areas to support the harmonisation processes, through:

1. Detailed study at the outset of the programme on how technical barriers to trade materialise in the different product areas in the countries.
2. Detailed study at the end of the programme on the changes/reductions of technical barriers to trade that has taken place during the programme.

### Outcome D

Harmonized mandatory requirements on selected products areas based on the priority product list developed and operational in the countries, through:

1. Systems and structures developed to be used when harmonising the sectorial mandatory requirements by giving examples and proposal for the systems and structures to be used when harmonising horizontal and sectorial mandatory requirements.
2. Prepared and adopted national mandatory requirements harmonised by responsible relevant functions, through regional meetings.
3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of mandatory requirements.

4. Negotiation skills and technics enhanced to establish a commonly agreed practical communication culture when discussing and agreeing on the equivalence of the mandatory requirements in the different countries.
5. Expert advice provided on, and subject knowledge of, acceptable levels of protection and safety to be used as the bases for the harmonisation processes and to provide comments on the differences of the mandatory requirements in the different countries and proposals for solutions in the selected product areas.
6. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation processes in a sustainable way.

#### Outcome E

Harmonised voluntary standards in the selected product areas.

1. Systems and structures developed to be used when harmonising the sectorial voluntary standards.
2. Regional meetings organised and implemented for the relevant standards experts to meet with the purpose of harmonising voluntary standards.
3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of voluntary standards.
4. Expert advice and subject knowledge provided on the background and content of the voluntary standards based on European Union standards and international standards and to provide comments on the differences in the national standards in the selected product areas.
5. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation of voluntary standards in a sustainable way.

#### Outcome F

Harmonized enforcement of national mandatory requirements based on internationally accepted best practices.

1. Relevant national regulatory authorities responsible for enforcing the national mandatory requirements listed in the priority list provided with knowledge and skills on international best practices for conformity assessment procedures (administrative procedures, pre and post marketing controls, WTO TBT requirements, border controls, accreditation, testing, certification and inspection).
2. Harmonized enforcement mechanisms on selected product areas based on the priority product list developed by the countries.
3. Conformity assessment procedures applied for each of the products on the priority list, in a transparent way, by developing a databases and communication facilities to allow a smooth and effective co-operation between the countries to establish transparency on conformity assessment in the different countries.
4. Regional meetings organised and implemented for the relevant national regulatory authorities to work at establishing the necessary trust and transparency on the national enforcement systems.
5. Accreditation bodies provided with the necessary knowledge and skills to enhance the national enforcement mechanisms by supporting them in qualifying for signing MLA/MRAs in the relevant areas where they have not signed such agreements previously.

6. Memorandum of understanding between the Agadir countries on conformity assessment developed and adapted to international best practice.
7. Necessary methods and procedures established to the ATU for managing and operating the systems for making the enforcement mechanisms in the countries transparent.



## **Monitoring and evaluation**

The monitoring and evaluation in the project aims to provide information that can help inform decisions, improve performance and achieve planned results.

Good planning, combined with effective monitoring and evaluation, play a major role in enhancing the effectiveness of the programme. Good planning help to focus on the results that matter, while monitoring and evaluation help is a learning process about past successes and challenges and inform decision-making so that current and future initiatives improve the implementation in the project. Monitoring and evaluation enhance the contribution of the project by establishing clear links between past, present and future initiatives and results.

The monitoring in the project is focused on reviewing progress against the programme outcomes and outputs and is an ongoing process by which stakeholders obtain regular feedback on the progress being made towards achieving results. This involves tracking strategies and actions being taken, and figuring out what new strategies and actions need to be taken to ensure progress towards the most important results. The Evaluation is an assessment of either completed or ongoing activities to determine the extent to which they are achieving stated objectives and contributing to decision-making.

During the project implementation phase surveys will be conducted after every seminar, workshop and training in order to collect data for evaluation. Quarterly progress reviews and follow-ups of outputs, particularly in connection to the data collected in the data base, will provide the project management and staff the necessary tools to monitor the project with good results.

All planned monitoring and evaluation events, how data is collected, planned time schedule and responsibilities for the events are identified in the result matrix, annex 1.

## Poverty

Data show a definite statistical link between free trade and economic growth. Economic theory points to strong reasons for the link. All countries, including the poorest, have assets — human, industrial, natural, financial — which they can employ to produce goods and services for their domestic markets or to compete internationally. Economics tells us that countries can benefit when these goods and services are traded. Simply put, the principle of “comparative advantage” says that countries prosper first by taking advantage of their assets in order to concentrate on what they can produce best, and then by trading these products for products that other countries produce best. In other words, liberal trade policies — policies that allow the unrestricted flow of goods and services — sharpen competition, motivate innovation and breed success. They multiply the rewards that result from producing the best products, with the best design, at the best price.

But success in trade is not static. The ability to compete well in particular products can shift from company to company when the market changes or new technologies make cheaper and better products possible. Producers are encouraged to adapt gradually and in a relatively painless way. They can focus on new products, find a new “niche” in their current area or expand into new areas.

Experience show that competitiveness can also shift between countries. A country that may have enjoyed an advantage because of lower labour costs or because it had good supplies of some natural resources, could also become uncompetitive in some goods or services as its economy develops. However, with the stimulus of freer flow of product across borders, the country can move on to become competitive in some other goods or services. This is normally a gradual process.

The temptation to ward off the challenge of competitive imports is in many cases present and governments of richer countries are more likely to yield to the siren call of protectionism, for short term political gain — through subsidies, complicated red tape, and hiding behind legitimate policy objectives such as environmental preservation or consumer protection as an excuse to protect producers. Protection ultimately leads to bloated, inefficient producers supplying consumers with outdated, unattractive products. In the end, factories close and jobs are lost despite the protection and subsidies. If other governments around the world pursue the same policies, markets contract and world economic activity is reduced. One of the objectives that governments bring to WTO and free trade associations such as the Agadir is to prevent such a self-defeating and destructive drift into protectionism.

Enhancing the operation of Agadir agreement by bringing down technical barriers to trade will facilitate trade between the member countries. Studies show that there is a direct relation between increase in trade across borders and enhanced economy of countries. The fulfilment of the Agadir agreement is one of the preconditions for being able to continue and increase exports. By increasing exports jobs are created and poverty reduced.

## Gender

Increased trade across borders will, to differing degrees, affect the situation for producers, employees, and consumers in different ways, and there is consequently a gender related dimension concerning this. Research suggests that the globalisation indeed favours the population as a whole. However, men normally profit more from globalisation than women. This is mainly due to the different roles and responsibilities of men and women in developing countries. For instance, exportable products are often owned or controlled by men, while the work of women in the household normally does not provide the same possibilities of proceeds, which implies that the gap between men and women could increase as international trade becomes more important. Specific activities will be carried out in order to raise the awareness of the participants on how gender equality can and should permeate an operation. Subjects for discussion can include:

- Selection of industrial area/legislation to be harmonised in comparison to gender
- The importance of clear and measurable goals concerning gender equality in an organisation
- The need for gender analysis at an early stage
- Identification and use of gender specific data
- The allocation of financial and staff resources
- Commitment, roles and responsibilities of the management

Including gender perspectives in trade policy and related agreements<sup>2</sup> is an essential element of an integrated development policy framework which combines social and economic measures to ensure fairer and beneficial outcomes for all. Trade can have strong and varying effects on the overall wellbeing of different groups of economic actors, including women, which require adequate and specific policy responses.

While trade policies need to become gender-responsive, other measures not directly related to trade are also necessary if both women and men—and the economy as a whole—are to reap the full benefits of trade expansion. These include education, employment, fiscal and social policies, and, above all, policies that enhance productive capacities. Women's education and continuing skills acquisition are likely to be the most important factors determining the impact of trade on women's economic opportunities and on reducing the gender wage gap. As long as women remain less qualified than men, they are likely to remain in lower paying, less secure jobs, even if better-paying jobs become available through trade expansion. Improving women's access to education, technology and skills, on the other hand, implies a change in attitudes and in socio-cultural norms, as well as a more equitable distribution of household chores between men and women; moreover, it cannot happen without addressing the "time poverty" issue.

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<sup>2</sup> <http://www.un.org/womenwatch/feature/trade/Implementing-Gender-Responsive-Trade-Policies-Obstacles-and-Good-Practices.html>

Actions to be considered in the project and under each action B, C, D, E and F:

- Balanced participation of women and men as far as possible in the training programmes which take place (to be achieved by the participating countries through the nomination and appointment processes)
- Support broad-based effective participation of women and women's groups in trade consultations and negotiations as well as in trade policy-making and related implementation.
- Facilitate contacts, coaching and sharing of experiences among women.
- Use of available statistics to canvas whether a balanced participation has been reached (to be performed by the participating countries)
- Analysis of the gender dimensions of choice of areas for harmonization technical legislation
- Analysis of the gender dimensions of trade agreements that are signed through the lifetime of the project and trade policies that are approved
- Analysis of gender balance and equality in the private sector organisations which are allowed to benefit from the project, if any.
- Analysis of gender balance and equality in the NGOs which are allowed to benefit from the project, if any.

We also propose that the ATU personnel is trained in making gender analysis in trade related areas. Finally we would like to have a special chapter in each awareness seminar where gender aspects of that particular topic are highlighted by a local expert.

## **Good Governance**

The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: **the process of decision-making and the process by which decisions are implemented (or not implemented)**<sup>3</sup>. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex.

At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision-making or in influencing the decision-making process. All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level. Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

## **Participation**

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

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<sup>3</sup> United Nations Economic and Social Commission for Asia and the Pacific  
What is Good Governance?

**Rule of law**

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

**Transparency**

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

**Responsiveness**

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

**Consensus oriented**

There are several actors and as many viewpoints in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

**Equity and inclusiveness**

A society's wellbeing depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their wellbeing.

**Effectiveness and efficiency**

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

**Accountability**

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

## Conclusion

From the above discussion it should be clear that good governance is an ideal which is difficult to achieve in its totality. Very few countries and societies have come close to achieving good governance in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality.

Actions to be considered in the project and in the planned activities pertaining to good governance:

- **Participation:** We need to ensure that all interested parties are involved in the various activities and in the processes that the activities build up. The gender aspect is also dealt with under the chapter on gender.
- **Rule of law:** We need to ensure that the legislations produced under the project take into consideration aspects such as fairness and human rights. It is also important that there is an impartial law enforcement system for the legislation that is drafted under the project
- **Transparency:** It is also important that the process of nominating candidates to various activities is available on a broad basis so that the selection process is not biased. There needs to be well defined requirements on the competence required for participating in an activity and a transparent selection process. We also need to ensure that knowledge on the systems and structures which are developed during the project is properly disseminated to all interested parties.
- **Responsiveness:** We need to make sure that the institutions which benefit from the project have systems which allow for responsiveness to requests from the broader society and from the direct stakeholders.
- **Consensus:** When discussing different topics there needs to be a process for mediation between the different actors involved so that all views are voiced and considered properly before decisions are taken.
- **Equity and inclusiveness:** There needs to be processes in the selection of cooperation partners, in the harmonization processes and in all groups that are formed including the ATU in its future structure which allow for representation from the various groups of the society when relevant.
- **Effectiveness and efficiency:** We need to ensure that efforts are not duplicated, the activities are not redundant and that resources are used in an efficient manner. This also requires sustainability of the institutions covered through the project, processes for building up institutional memory, environmental protection and an overall goal to create sustainability.
- **Accountability:** We need to ensure that all institutions which are built or are supported during the project have given routes concerning whom they are accountable to and how they are monitored or audited.

## **Sustainable capacity building**

The Agadir agreement is a trade agreement between the four countries Morocco, Tunisia, Egypt and Jordan. Its primary aim is to create a free trade zone between these four countries and its secondary aim is to increase trade between these countries and the European Union. The agreement is partly the result of an increase in knowhow that the institutions in these countries have achieved through various development projects and international training programmes (ITP). The countries are quite aware of the problems that they have to solve in order to achieve their ultimate aim. Some of these problems are (i) the geographical situation where some of these countries do not have direct borders with each other and this puts a special pressure on the type of customs agreements and market surveillance that needs to be in place; (ii) technical regulations between the countries need to be harmonized which requires that they go from a regime with mandatory standards to a regime with sectorial regulations and voluntary standards; (iii) the procedures for conformity assessment and market control/surveillance need to be harmonized in order to build confidence.

In order to overcome some of the difficulties and to make sure that the Agadir agreement can continue to run as independent as possible of what is happening in the individual countries, the four countries have built a secretariat in Amman, ATU. ATU (Agadir Technical Unit) has the responsibility to make sure that the activities necessary for the efficient implementation of the agreement are performed and that proper coordination between the countries is achieved. By signing the Agadir agreement the four countries have committed to finance ATU and to monitor its work through their ministers who make up the steering committee for ATU.

The Overall objective is to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade. Some of the changes that need to be put in place include establishing systems for harmonisation of technical regulations, building up structures which will ensure harmonised procedures for standardisation, conformity assessment and market control/surveillance. These will in turn prepare the platform for elimination of technical barriers to trade and ensure sustainability of the system.

There are a number of key success parameters which need to be addressed in such a project.

## **Institutional capacity building**

Institutional capacity building as opposed to training of individuals ensures that knowledge remains in the key institutions even if persons move around. This project aims at achieving this by helping the key institutions to build up systems and structures for continuity of competencies, develop procedures for communication with other similar institutions in the region but also outside the region, build national monitoring processes for the key institutions and make sure that the institutions retain ownership of the changes and the knowhow which they attain.



## **Organisational sustainability**

The organisational sustainability of the changes achieved during the project will depend on the commitment of the individual countries to maintaining the changes. If organisations or institutions are to be sustainable in the long term, they need to have a reason for existence which is independent of the changes in the political and legal system in which they exist. The change processes will require legal commitment through regulations and laws and will thus set the framework for the long term sustainability of the organisational structures. This is particularly true for national organisations and institutions.

One of the key organisations in the Agadir agreement which needs to have long term sustainability is the ATU and ATU is not a national but a regional organisation. The factors which will affect whether such long term sustainability can be achieved for ATU are the following:

- (i) the long term commitment of the individual countries which have signed the agreement to implement the decisions of change that are taken, to give ATU the economic support that has been agreed and to provide guidance and expertise when necessary;
- (ii) the organisational capability of the ATU to ensure that the appropriate managerial skills, administrative infrastructure and in-house expertise on free trade topics is maintained in the long term.

## **Economic sustainability**

The economic sustainability of the changes which take place depends on whether we are looking at national institutions or regional institutions. On the national level, the economic sustainability can be achieved if the status of the key institutions, key structures and key procedures is guaranteed through legal commitment, i.e. laws and regulations. The project will aim at achieving this. However, ATU falls outside this description and its existence and sustainability will depend on the continued commitment of the four countries to support it as a tool for the implementation of the free trade agreement. The project will need to make sure that the results provided by ATU are of a quality that makes ATU unique in its role in the region and an important support institution for the four countries. This can be achieved by ensuring that the appropriate managerial skills, administrative infrastructure and in-house expertise on free trade topics are maintained in the long term within the ATU.

These three topics will be dealt with in the project both through the assimilation of knowhow and skills in the ATU and in the institutions and with the specific support of the development of ATU through experts in the area of organisational and economic development and sustainability. With the help of these experts, check points will be developed so that qualitative indications of success can be detected.

## Transparency and Anti-corruption

Corruption <sup>4</sup>is now recognized to be one of the world's greatest challenges. It is a major hindrance to sustainable development, with a disproportionate impact on poor communities and is corrosive on the very fabric of society. The impact on the private sector is also considerable - it impedes economic growth, distorts competition and represents serious legal and reputational risks. Corruption is also very costly for business, with the extra financial burden estimated to add 10% or more to the costs of doing business in many parts of the world. The World Bank has stated that "bribery has become a \$1 trillion industry."

The rapid development of rules of corporate governance around the world is also prompting companies to focus on anti-corruption measures as part of their mechanisms to protect their reputations and the interests of their shareholders. Their internal controls are increasingly being extended to a range of ethics and integrity issues and a growing number of investment managers are looking to these controls as evidence that the companies undertake good business practice and are well managed.

The international legal fight against corruption has gained momentum in more recent times through the Organization for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and through the entering into force of the first globally agreed instrument, the United Nations Convention against Corruption (UNCAC) in December 2005.

There are a number of very different reasons for why businesses should combat corruption in all its forms.

Before going into the details of the different aspects of corruption we would like to look at the system of an open and transparent quality infrastructure built on independent institutions and internationally harmonised standards. In any such system there are three basic roles which need to be separated: (i) setting up requirements; (ii) implementing requirements; (iii) enforcement of requirements including sanctions. An open and transparent system eliminates many of the traditional factors which can lead to corruption, such as the following:

- The market and the economic operators are not given the full scope of the requirements and therefore do not know what is expected of them.
- The requirements are implemented in a subjective manner and are not competence based but based on relationships and informal structures.
- The enforcement of the requirements is not consistent and also builds on relationships and informal structures.

With this in mind, one may think that such a system would be free of corruption. This, however, is not necessarily the case unless independent controls are built into the system. Experience has shown that it is still possible to give advantages to some economic operators before others and covering up evidence which could point at it. This is particularly true before

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<sup>4</sup> <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>

<http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/anti-corruption.html>

the local market has been through a process of change in attitudes and values. It is due to this reason that we think anti-corruption needs to be considered and regular controls built into the project while the system is given time to mature and settle.

### **The ethical case**

Corruption is inherently wrong. It is a misuse of power and position and has a disproportionate impact on the poor and disadvantaged. It undermines the integrity of all involved and damages the fabric of the organizations to which they belong. The reality that laws making corrupt practices criminal may not always be enforced is no justification for accepting corrupt practices. To fight corruption in all its forms is simply the right thing to do.

### **The business case**

There are many reasons why it is in any company's business interest to ensure that it does not engage in corrupt practices. All companies, large and small, are vulnerable and the potential for damage to them is considerable. The following are some of the key reasons for avoiding involvement in corrupt practices:

#### **Legal risks**

Regardless of what form a corrupt transaction may take, there are obvious legal risks involved. Not only are most forms of corruption illegal where it occurs, but also it is increasingly becoming illegal in a company's home country to engage in corrupt practices in another country. The principle that it is illegal to bribe foreign officials was first established in the US Foreign and Corrupt Practices Act of 1977 and since then, this principle has gained legal standing within the whole of the OECD and in a number of other countries. It is a principle that was universally recognized in 2003, through the adoption of the UN Convention against Corruption.

The enforcement of anti-corruption legislation internationally has hitherto been relatively poor, but this is slowly changing. In developing countries and emerging markets, where the opportunity for corruption has been rife because of weak law and regulation, corruption has become an issue of significant political importance and there is growing determination to act and to take those accused of corrupt practices to court. There are also a growing number of examples where developing countries with limited capacity to handle such cases have obtained outside legal assistance. To this end the OECD is playing a critical role in ensuring that its member states are developing judicial capacity to enforce the prohibition against any involvement in bribing foreign officials.

This changing environment of law, regulation and enforcement makes it harder for business managers to assess and quantify the legal risks to which corruption exposes their operations. Change brings uncertainty. Of particular significance for many large companies is the degree to which they may be responsible for agents acting on its behalf in other countries. What may yesterday have been considered an independent agent - for whom the principal company carried no responsibilities - may today be someone whose actions the principal company indeed can be legally accountable for.

## **Reputational risks**

Based on the experience of recent years, companies whose policies and practices fail to meet high ethical standards, or that take a relaxed attitude to compliance with laws, are exposed to serious reputational risks. Often it is enough to be accused of malpractice for a reputation to be damaged even if a court subsequently determines that they have not been involved in corrupt practices. It is of critical importance for a company to be able to quickly quash any unfounded allegations by demonstrating that it acts in a transparent manner and has in place policies and procedures designed to prevent corruption. The argument that although what they may have done may have been against the law or international standards, it was simply the way business was done in a particular country is not an acceptable excuse. Nor is it good enough to claim that other companies and competitors have engaged in similar practices.

## **Financial costs**

There is now clear evidence that in many countries corruption adds upwards of 10 per cent to the cost of doing business and that corruption adds as much as 25 per cent to the cost of public procurement. This undermines business performance and diverts public resources from legitimate sustainable development.

## **'Known as clean' and repeat demands**

There is growing evidence that a company is less likely to be under pressure to pay bribes if it has not done so in the past. Once a bribe is paid, repeat demands are possible and the amounts demanded are likely to rise. Conversely a company which takes a firm and principled stand against all forms of corruption will become known for this and the risk of its employees being exposed to demands will lessen. For example, a business manager representing a large international company in China recently confirmed that despite pressures to do otherwise, his company did not accept any kinds of corruption: 'Zero tolerance is the only practical solution'.

## **Blackmail, no recourse and security risks**

By engaging in corrupt practices, company managers expose themselves to blackmail. Consequently the security of staff, plant and other assets are put at risk.

## **'The one who cheats will be cheated against'**

If a company engages in or tolerates corrupt practice, it will soon be widely known, both internally and externally. Unethical behaviour erodes staff loyalty to the company and it can be difficult for staff to see why high standards should be applied within a company when it does not apply in the company's external relations. Internal trust and confidence is then eroded.

## **Companies have a vested interest in sustainable social, economic and environmental development**

It is now clear that corruption has played a major part in undermining the world's social, economic and environmental development. Resources have been diverted to improper use and the quality of services and materials used for development seriously compromised. The impact on poorer communities struggling to improve their lives has been devastating, in many cases undermining the very fabric of society. It has led to environmental mismanagement, undermining labour standards and has restricted access to basic human rights. Business has a vested interest in social stability and in the economic growth of local communities. It has therefore suffered, albeit indirectly, from the impact of lost opportunities to extend markets and supply chains. The business community can and should play its part in making corruption unacceptable. It is important to recognize that corruption diverts resources from their proper use. Financial resources that were intended for local development may, as a result of corruption, end up in foreign bank accounts instead of being used for local purchasing and the stimulation of local economies. At the same time it distorts competition and creates gross inefficiencies in both the public and private sectors. In most cases when corruption occurs, the services or products being purchased are inferior to what had been expected or contracted for. The long-term sustainability of business depends on free and fair competition. Corrupt practices also accompany and facilitate drug dealing and organized crime. Money laundering and illicit international money transfers are used as support mechanisms for international terrorism. Global businesses have to be constantly vigilant to avoid being associated with these major international challenges.

### **How to define corruption?**

Corruption can take many forms that vary in degree from the minor use of influence to institutionalized bribery. Transparency International's definition of corruption is "the abuse of entrusted power for private gain". This can mean not only financial gain but also non-financial advantages.

### **What is meant by extortion?**

The OECD Guidelines for Multinational Enterprises define extortion in the following way: "The solicitation of bribes is the act of asking or enticing another to commit bribery. It becomes extortion when this demand is accompanied by threats that endanger the personal integrity or the life of the private actors involved."

### **... and what about bribery?**

Transparency International's Business Principles for Countering Bribery define "bribery" in the following way: "Bribery: An offer or receipt of any gift, loan, fee, reward or other advantage to or from any person as an inducement to do something which is dishonest, illegal or a breach of trust, in the conduct of the enterprise's business."

## **Practical steps to fight corruption**

The UN Global Compact <sup>5</sup>suggests to participants to consider the following three elements when fighting corruption.

- i. Internal: As a first and basic step, introduce anti-corruption policies and programs within their organizations and their business operations;
- ii. External: Report on the work against corruption in the annual Communication on Progress; and share experiences and best practices through the submission of examples and case stories;
- iii. Collective: Join forces with industry peers and with other stakeholders

## **Prevention**

Corruption can be prosecuted after the fact, but first and foremost, it requires prevention. An entire chapter of the UN Convention on Anti-corruption, hereafter called the Convention, is dedicated to prevention, with measures directed at both the public and private sectors. These include model preventive policies, such as the establishment of anticorruption bodies and enhanced transparency in the financing of election campaigns and political parties. States must endeavour to ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. Once recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures. Transparency and accountability in matters of public finance must also be promoted, and specific requirements are established for the prevention of corruption, in the particularly critical areas of the public sector, such as the judiciary and public procurement. Those who use public services must expect a high standard of conduct from their public servants. Preventing public corruption also requires an effort from all members of society at large. For these reasons, the Convention calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it. Article 5 of the Convention enjoins each State Party to establish and promote effective practices aimed at the prevention of corruption.

## **Criminalization**

The Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, States are legally obliged to establish offences; in other cases, in order to take into account differences in domestic law, they are required to consider doing so. The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with. Convention offences also deal with the problematic areas of private-sector corruption.

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<sup>5</sup> <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/principle10.html>

## **International cooperation**

Countries agreed to cooperate with one another in every aspect of the fight against corruption, including prevention, investigation, and the prosecution of offenders. Countries are bound by the Convention to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court, to extradite offenders. Countries are also required to undertake measures which will support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

## **Asset recovery**

In a major breakthrough, countries agreed on asset-recovery, which is stated explicitly as a fundamental principle of the Convention. This is a particularly important issue for many developing countries where high-level corruption has plundered the national wealth, and where resources are badly needed for reconstruction and the rehabilitation of societies under new governments. Reaching agreement on this chapter has involved intensive negotiations, as the needs of countries seeking the illicit assets had to be reconciled with the legal and procedural safeguards of the countries whose assistance is sought.

Several provisions specify how cooperation and assistance will be rendered. In particular, in the case of embezzlement of public funds, the confiscated property would be returned to the state requesting it; in the case of proceeds of any other offence covered by the Convention, the property would be returned providing the proof of ownership or recognition of the damage caused to a requesting state; in all other cases, priority consideration would be given to the return of confiscated property to the requesting state, to the return of such property to the prior legitimate owners or to compensation of the victims.

Effective asset-recovery provisions will support the efforts of countries to redress the worst effects of corruption while sending at the same time, a message to corrupt officials that there will be no place to hide their illicit assets. Accordingly, article 51 provides for the return of assets to countries of origin as a fundamental principle of this Convention. Article 43 obliges state parties to extend the widest possible cooperation to each other in the investigation and prosecution of offences defined in the Convention. With regard to asset recovery in particular, the article provides inter alia that "In matters of international cooperation, whenever dual criminality is considered a requirement, it shall be deemed fulfilled irrespective of whether the laws of the requested State Party place the offence within the same category of offence or denominate the offence by the same terminology as the requesting State Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both States Parties".

## **Swedacs anti-corruption policy and anti-corruption in the project**

Swedac is an independent government agency and is as such covered by the Swedish regulations of good governance. Based on the Swedish regulations Swedac has issued a code of conduct which applies to all of Swedacs activities. Apart from this Swedac has also a document for risk analysis for international development cooperation.

Concerning the project, Swedac would like to draft a code of conduct which would apply during the life time of the project and hopefully would set an example for the participants in the project in their continued professional life. This in turn would create a domino effect in their respective organisations.

Swedacs code of conduct <sup>6</sup>covers the following topics:

## **1. Objectivity and impartiality and its impact on the project**

Objectivity and impartiality are the basis for performing work in a professional manner. This includes behaviour, speech and documents produced in all fora both when on duty and off duty. Swedacs personnel always represent Swedac and must act according to the Swedish and Swedacs regulations at all times. Swedacs personnel shall behave responsibly and treat everyone with respect.

Within the scope of the project this will be shared with and implemented at the ATU but also in relation to all participants in the project. We shall make sure that all participants, whether they are Swedacs experts or delegates from the participating countries understand the basis of objectivity and impartiality. We shall also explain the importance of their values for the whole project and for the development of their country.

Actions to be taken to secure objectivity and impartiality in the project:

- Request signed statement of objectivity and impartiality from ATU personnel in their activities.
- Make sure that the choice of delegates is only based on the criteria defined in the project and not on private relationships or informal networks.

## **2. Corruption**

Corruption here refers to the abuse of a person's position in order to obtain benefits through bribery. This includes influencing the outcome of a decision in your own favour through offers, services, money, threat or extortion. Swedacs personnel including consultants shall be very restrictive in accepting gifts or other benefits. A special document in the Swedac management system (See attached document) describes the acceptable levels for gifts and what should be done to avoid compromising situations.

This particular topic will require special attention within the scope of the project because Swedac may not be aware of all the relationships and networks which make create a basis for corruption. It is imperative that the personnel in ATU are made aware of the consequences of corruption for the project. Swedac is going to draft an anti-corruption policy for the project and implement it on all activities by requesting commitment from all involved through signed statements.

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<sup>6</sup> Annex 7 Swedacs code of conduct



Actions to be taken to secure anti-corruption in the project:

- Signed statement on agreement to the anti-corruption policy will be requested of the ATU and the participants.
- We are going to require transparency, verifications and accountability in all financial transactions.
- We are going to have an independent auditor who audits the finances and accounts. This does not refer to the audit requested by Sida, but an audit which will be performed up to 4 times a year to make sure that handling of finances, especially concerning the initial stage where investments are involved, is done on sound economic basis and according to the principles of good governance.
- The choice of participants and delegates will be based on competence, function in the institutions and not on relationships and informal networks.
- We have decided not to be a part of the building up of private resources, such as conformity assessment bodies for two reasons: (i) it would endanger our impartiality and the impartiality of the local accreditation body; (ii) it would give financial and market benefits to some of the private sector actors before others. Direct support to individual private actors could be apprehended as corrupt unless it is based on a process similar to public procurement. Even so, it would mean that all that private companies which meet the requirements of the procurement would be eligible and the budget of the project may not be sufficient for that.
- If corruption is detected then the project will be halted while an investigation is performed and action taken in cooperation with Sida.

### **3. Discrimination and harassment**

Gender discrimination is dealt with under another topic. All types of discrimination are forbidden in Swedacs activities, whether the basis is nationality, language, colour, social background, ethnicity, age, status, religion, political preference, sexual preference or functional disability. Swedac does not accept patronising or dismissive behaviour towards a person or group of persons. Harassment of any sort such as arrogant comments, jokes, sexual comments and unwelcome physical contact is strictly forbidden, independent of whether the receiving person is comfortable with it or not. Swedac does not allow pornography of any sort and it is strictly prohibited to use Swedacs resources for watching or spreading pornography. Also all transactions related to sexual services are forbidden at all times and in all countries.

It is difficult for Swedac to monitor the behaviour of others than its own personnel and its own contracted experts. However, for the sake of transparency it is going to be made clear for ATU that Swedac does have this policy.

Actions to be taken to eliminate discrimination and harassment in the project:

- See chapter on gender discrimination
- ATU shall be made aware of the Swedac policy on this topic and they shall be asked to analyse how this is dealt with in the ATU.
- The participants will be made aware of the policy and asked to commit to it.

#### **4. Alcohol and narcotics**

Swedacs employees are not allowed to consume alcohol, use narcotics or take other stimulating drugs while on duty. Very restrictive consumption of alcohol can be allowed for representation purposes, dinners or other events arranged by Swedac. When off duty during a business trip Swedacs personnel shall be very restrictive with the use of alcohol. If there are medical reasons for using narcotics which can influence the clarity of judgement of a person, this shall be reported to Swedac. Evidence provided by a certified medical doctor is required.

It is difficult for Swedac to monitor the use of alcohol or drugs among participants of the project. However, it is important that key persons in the ATU are made aware that such rules exist and need to be followed in order for the project to be implemented in a prudent and professional manner.

Actions to be taken to secure objectivity and impartiality in the project:

- Information will be given to ATU on Swedacs alcohol and drug policy. We do believe however, that the cultural pressure may be more restrictive than the pressure through Swedacs code of conduct.

#### **5. Sanctions if the code is not followed**

In case this code is not followed by Swedacs personnel or experts, disciplinary action is taken. Concerning the participants in the project any breach of this code of conduct shall be considered and if necessary action taken to either halt the project and investigate or eliminate the person involved.

## **Environmental impact**

Swedac as an organisation has formulated policies for; communication, security, quality, personnel and environment. All these policies regulate how the organisation carries out their services, this includes all programmes/projects.

To raise the awareness about Swedacs environmental policy outside the organisation, and especially contracted experts within phase 2 of this programme, the policy are going to be attached to Swedacs contract together with the code of conduct.

Swedacs environmental policy:

“Swedac works for a better environment and an ecologically sustainable development. Our aim is to reduce our impact on the environment. Consideration of/for our environment shall therefore permeate our work.

Communication regarding our environmental management activities contributes to make all employees involved.

To make the environmental activities successful we follow some fundamental guidelines:

Consideration to the environment will always be taken regarding transportation, usage of premises and equipment and when purchasing materials and products

Swedac do not use more resources than needed for the task

All staff gets a basic environmental education and employees with positions with specific environmental focus get a relevant additional training

When/If reasonable and relevant, we set out environmental requirements when procuring goods and services

Swedac has an indirect impact on the protection of air, land and water together with efficient use of energy and ecologically sustainable development. Swedac shall spread the knowledge of our activities within these areas.

Swedac shall comply with applicable law and social requirements in general regarding environmental issues. Swedacs environmental management system meets the requirements in SS-EN ISO 14001.”

Activities and work around harmonisation of regulations can be prioritized related to the environmental impact.

#### **4. Programme activities**

The nature of the programme is to transfer know-how and experience to promote system, structure and institutional development through training of people and institutions that do play a role in the harmonisation processes under the framework of the Agadir Agreement. The programme focuses in particular on harmonisation processes of selected laws and regulations, voluntary standards and conformity assessment. The approach is therefore that the local work is done by relevant local national staff members of the relevant institutions. The methodology is based on an approach where the expert's provide their expertise and experience to the local experts responsible for the different fields. It is therefore necessary that the local responsible national implementing agencies from the outset nominate relevant institutions and persons that are to be responsible for the different activities. The support will be based on a defined input on behalf of the expert's, e.g. through visits to the country and a consequent working period where the local counterparts perform planned activities (such as working on drafting of laws, polices or work related to institutional building) that are to be concluded before the next input by the expert's. The expert's will be available through e-mail, fax and phone during the working periods. The actual work is therefore done by the local counterparts but the expert's will act as advisors and supporters in the process. This approach is used to secure sustainability of the activities. The programme description includes estimated input on behalf of the expert's and support to the managerial. The calculation of costs is however only done for the part of the programme which will be covered by Sida. Costs of resources that will have to be provided by local counterparts to establish the necessary structures and systems and other related costs will have to be covered by the countries.

The programme activities will be based on the outputs given here above. Before starting the implementation of the program, ATU will seek and ensure the political approval from the Member countries of Agadir agreement on the project components and the harmonization approach. This is seen of specific importance since the actual implementation is based on a regional approach that in turn is based on national approaches in each of the Member countries. It is therefore necessary to start the programme by establishing a consensus between the Member countries on a common approach to the processes of bringing down technical barriers to trade.

The programme is planned as a four year programme as defined in outputs A, B, C, D, E and F. The following description of the programme activities is given in order to achieve the desired outcome of the project.

## **Action A.**

**Ensuring, by agreeing on the content of Phase 2, of the programme of common approaches amongst the member countries of the Agadir Agreement regarding harmonisation of mandatory requirements between the countries on the national markets, harmonisation of relevant voluntary standards and harmonisation of the national enforcement mechanisms to reach equivalence between the national systems**

### **Activity A.1**

#### **Approval of programme**

The first phase has focused on analysing the present situation in the Member countries with respect to bringing down technical barriers to trade. This has included studying the relevant systems and structures in the Member countries and the actual reality of technical barriers to trade as they appear at national levels. The objective of the study is to establish the facts and identify related problems and to propose method in enhancing the situation based on the Agadir agreement.

The process has inter alia included a meeting of the programme steering committee, dialogue between the programme experts and representatives from the countries and the ATU with the purpose of establishing a common view on how to address to issues of bringing down technical barriers to trade between the countries. Common consensus about the programme content and its implementation is of the utmost importance when implementing programmes of this nature where many high level political decisions will have to be taken. The first precondition for a successful implementation of the programme is therefore that the programme and its content and mode of working will be approved by the highest authorities related to the implementation of the Agadir agreement.

This action focuses on acquiring the necessary approval of the relevant decision-makers both at national and agreement levels. This shall be achieved by establishing a common approval of the programme content from the ATU, the programme steering committee, the relevant national authorities and finally by the Committee of Foreign Trade Ministers. Once these approvals have been reached the programme implementation can be started.

#### Support provided by the programme

This part of the programme has been defined as Phase 1 of the programme. The programme has funded meetings and the analyses process and the development of the support programme. The actual consensus development is to be done by the ATU and the Member countries

#### Indicators of achievement

assessment study/report from phase 1 presented to members of the Steering Committee, recommendations provided

#### Risks

The process of reaching consensus about a programme of this type where different decision-makers need to be involved can be difficult and time consuming. It is at the same time of paramount importance that the decision-makers do realise that the programme will have an effect on operations of different authorities and institutions and that additional resources will have to be allocated to allow a successful implementation of the programme and to secure a

sustainable continuation of the activities of bringing down technical barriers to trade. The programme will in principle only fund transfer of knowledge but the funding and management of the receiver capacities in the countries and at ATU will have to be funded by Member countries. Resources will therefore have to be allocated to make it possible for the relevant institutions and ministries to do the actual work of harmonising mandatory requirements, voluntary standards and enforcement mechanisms.

The major risks are therefore, that reaching a consensus will take too long time and that the necessary resources will not be allocated.

## **Activity A.2**

### **Programme homepage**

The awareness of the Agadir agreement is at different levels in the four countries. There is a need to increase the awareness about the agreements and its benefits to the different stakeholders. The programme will support in developing a simple programme homepage where the Agadir agreement is explained and in particular issues related to technical barriers to trade in the four countries. The progress of the programme shall on the other hand be the main subject addressed. The information shall include but not be limited to the following:

- General information regarding the Agadir agreement
- General information on trade statistics for the Member countries
- General information regarding the managerial structures of the Agadir agreement
- General information regarding the operations of the ATU
- Information regarding technical barriers to trade (TBT)
- General information regarding the content of the programme
- Information regarding the progress of the programme
- Information regarding events etc.

The awareness raising shall first and foremost be based on establishing a list of relevant stakeholders that do need to have knowledge about the Agadir agreement and the implementation of the programme and targeted dissemination of information through regular e-mail distribution, at least once a month.

The homepage shall be operated by the ATU but the programme experts shall support in providing the subject information.

#### Support provided by the programme

The programme will support in the development of a need analyses for the designing of the homepage, the actual design of the homepage and the set-up of the homepage. A local homepage designer shall be hired to develop and set the homepage up on the computer system of ATU. The programme will further fund the housing of the homepage at the same service provider the ATU is using. The day-by-day operation of the homepage shall be a part of the responsibilities of local programme manager.

The programme will provide with a programme expert to support in the development of the need analyses in co-operation with the local programme manager. The programme will fund the design and set-up of the homepage and a yearly sum for the housing of the page.

#### Indicators of achievements

information strategy formulated by ATU/Swedac, Homepage activated, regular information update on homepage, number of hits on homepage, enhanced knowledge on Agadir agreement and its implementation with regards to removal of TBT among relevant officials

## Risks

The need analyses not sufficiently well established before the designing of the homepage is stated.

The operation of the homepage is slow because new material is not provided, poor updating.

The list of stakeholders not sufficiently well established leaving stakeholders out.



## **Action BA**

### **Ensuring that the necessary managerial structures and methodologies are established and operated both during the implementing of the programme, and for future needs.**

The outcome for this activity is to strengthening the ATU with a function to support the signatory countries with establishing necessary system and structure for harmonising mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, both national and regional, in order to bring down technical barriers to trade.

The programme will support ATU to develop this function in a sustainable way by cooperating with other free trade organisations, and by training of individuals to ensure that knowledge remains in the key institutions even if persons move around. The programme supports ATU by developing the appropriate managerial skills, administrative infrastructure and in-house expertise on free trade topics to ensure sustainability in the organisation.

The developed system and structure will be the platform for elimination of technical barriers to trade and ensure sustainability of the system.

The programme supports ATU to create a budget proposal for the current costs necessary for adjusted organisation of ATU beyond the end of the programme.

### **Part two, Organisation during the lifetime of the programme** **Programme management**

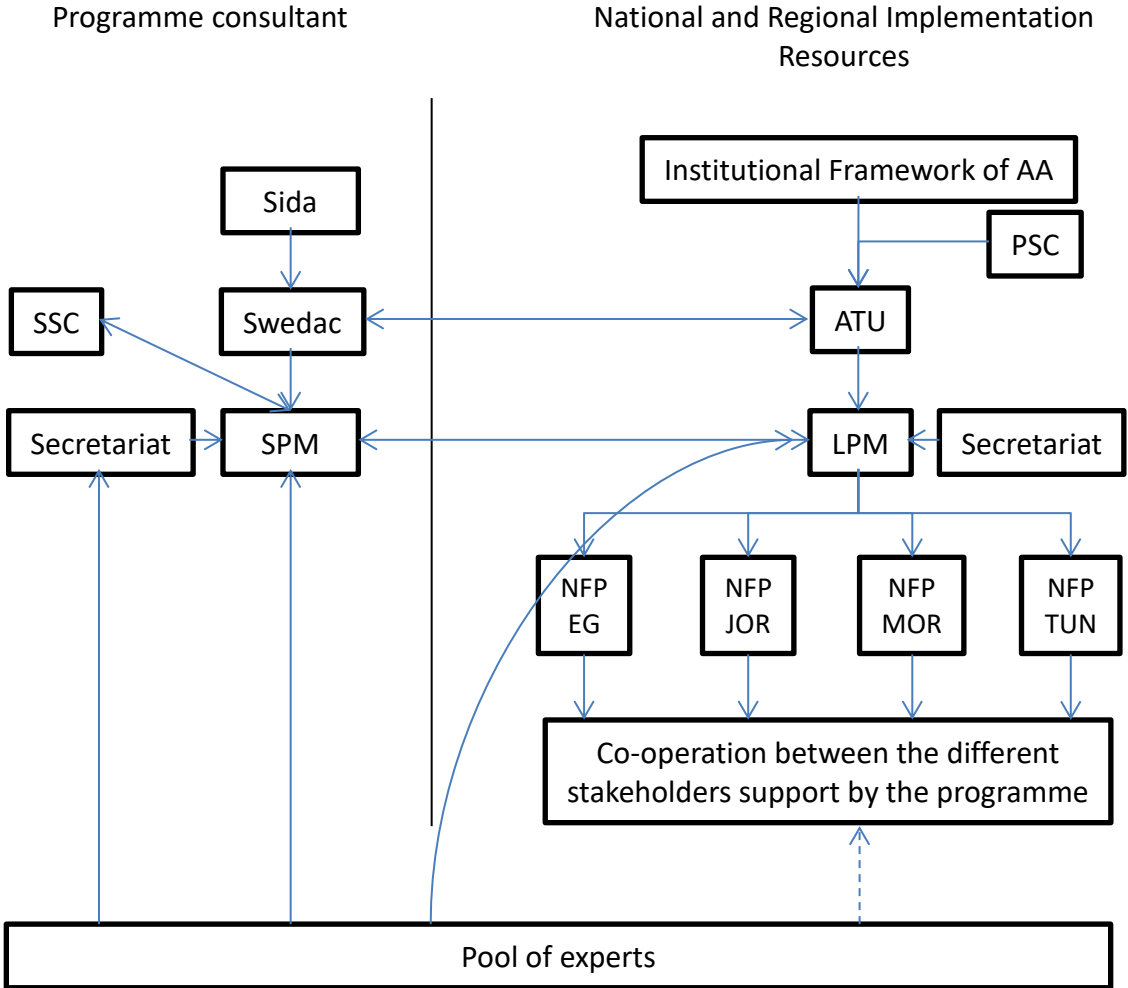
The programme is composed of a number of complicated actions and activities and covers four countries and a regional co-operation body the Agadir Technical Unit (ATU) that functions as the secretariat for the implementation of the agreement. The programme is complex and requires well established managerial structures that are capable of managing the implementation of the programme. The management structure can therefore be seen as two parallel but interrelated management activities. One is the management on behalf of the expert and the other is the management of the receiver capacity at different countries and at ATU. In both cases it is one of the main prerequisites for a successful implementation of the programme that the needed resources be allocated.

The identification and definition of the roles and responsibilities of the different stakeholders that form the receiver capacity under the umbrella of the programme is of fundamental importance. The nature of the programme calls for the participation of a large number of different stakeholders at the national levels such as governmental institutions, the national standardisation bodies, the national accreditation bodies, conformity assessment bodies and economic operators. The programme further requires close co-operation between these bodies across borders and with the ATU and the Agadir national focal points. Well established managerial systems need therefore to be established from the outset of the programme.

The managerial organisation will at the same time have to take note of the contractual relations between the three parties, Sida, Swedac and the Member countries represented by

ATU. The Member countries through ATU will contract Swedac to implement the programme, Sida and Swedac will have financial agreement between the two governmental organisations. Swedac will be responsible for finances in the programme.

It is proposed that the managerial structures be organised according to the following organisational chart



- Sida: Swedish International Development Agency
- Swedac: The Swedish Board for Accreditation and Conformity Assessment
- SPM: Swedac Programme Manager
- SSC: Swedac Steering Committee
- Secretariat: Backstopping function for the management of the programme
- Pool of Experts: Swedac will establish a pool of experts
- PSC: Programme Steering Committee
- ATU: Agadir Technical Unit
- LPM: Local Programme Manager, situated in ATU
- NFP: National Focal Points

In the following the roles and responsibilities of each of the involved organisations will be described.

## **Sida**

Sida is the funding agency of the programme and will contract Swedac; Swedac will follow rules and regulations described in the contract between the authorities.

However, Sida as the funding agency has no direct responsibility for the actual implementation of the programme at national or regional levels.

Sida shall through Swedac have access to all reporting that is done under the umbrella of programme, progress reports shall be provided jointly by the two programme managers. Sida and Swedac should meet annually and follow up progress- and financial reports.

## **Management of the project by Swedac**

### **Swedac**

Swedac is contracted to be responsible for implementing the programme from the Swedish site. This will include but not be limited to:

1. Development of yearly work plans in co-operation with the ATU
2. Financial management of the programme
3. Responsible for communication and reporting to Sida, inception-, progress-, financial-, final report etc.
4. Provision of all programme experts, long term, medium term and short term.
5. Organisation of all interventions of the programme experts based on the work plans and request from the different Member countries, working groups and ATU, including scope of work, timing, travel, lodging and international and local transportation.
6. Cooperation with ATU in preparing the inception report
7. Cooperation with ATU in preparing progress reports
8. Organisation of the financial audits in line with Sida rules and regulations
9. Manage the Topic Specific Technical Assistance facility in co-operation with ATU

Swedac is responsible for providing expertise and consultancy services according to the requirements established in these terms of references, as well as the overall management of the programme from the Swedish side and will secure that sufficient competence in the different fields is available. Swedac shall establish a programme management secretariat headed by the SPM and organise the management of the Swedish site of the programme in general including securing the programme follow-up and financial monitoring. As a strategic function for the SPM, Swedac shall arrange with a Steering Committee, SSC, for the Swedish site of the programme, SSC shall meet four times a year.

The programme requires a wide range of expertise in the different product areas. Swedac will establish co-operation with the relevant expert organisation as needed, both in Sweden and in other countries including in the region

## **SPM**

Swedac shall nominate a Swedac Programme Manager (SPM) that shall be responsible for the day-by-day operation of the programme from the Swedish side performing the tasks Swedac is responsible for. This includes overseeing the timely implementation of the programme and being the Swedish contact point for the local counterparts. The SPM will be provided with the necessary backstopping services to allow him to fulfil his duties during the implementation of the programme. The SPM shall be responsible for programme and financial follow-ups from the Swedish site.

The SPM will be responsible for the day-by-day running of the programme from the Swedish site and shall assist the LPM in preparing the requested reports to be submitted to Sida, Swedac and the local counterparts, according to the following:

- At the outset of the programme an inception report shall be developed in cooperation with LPM. The inception report shall include information on the start-up of the programme and a detailed implementation planning of the programme as a whole. This planning shall be done in close co-operation with all participating stakeholders including the Programme Steering Committee, the national focal points and ATU. The inception report shall be submitted no later than 6 months after the start-up of the programme
- The Local Programme Manager shall develop progress reports describing the implementation of the programme every six months. The SPM shall support the LPM in preparing these reports. The progress reports shall be submitted to Swedac and the relevant local counterparts.
- At the end of the programme a final report shall be developed. The final report shall be developed by the Local Programme Manager in co-operation with SPM

The nature of this programme calls for close co-operation between the different institutions across the borders. It is envisaged that a certain amount of informal backstopping will be needed from the SPM during the programme implementation. The SPM will therefore be available to participate in information meetings, seminars locally etc. on request.

## **Secretariat for the SPM**

Swedac intends to use a support function in the form of backstopping activities to support the SPM and the programme experts.

The secretariat will be responsible for administration of the programme. This will include but not be limited to:

- the daily administration of the programme, like preparing contracts with the expert, preparing reports, preparing financial reports,
- supporting the programme with logistic solutions, like travel, lodging, international and local transportation,
- collecting survey data, collecting documentation from negotiations, seminars, workshops and trainings, collecting mission reports from experts,
- handling DSA for the participants in negotiations, seminars, workshops and trainings.

More services will be drawn upon based on needs in the programme. The secretariats are contracted on existing framework contracts.

### **Swedac Steering Committee**

The Committee is composed of five persons with complementary areas of competence: the Manager of the International Secretariat, an external organisational consultant, a Swedac financial controller and a lawyer from the Swedac legal department with expertise in harmonisation of technical regulations and market surveillance, as well as the SPM. The Manager of the International Secretariat is the chairperson of the committee. The steering committee together with the SPM are overall responsible for the project and its development objectives.

The project management (steering committee and the SPM) are responsible for the following:

- The day-to-day operation of the project;
- The management of the project;
- Coordination of the different activities of the project and prioritising when necessary;
- Supporting the experts of the project;
- Managing conflicts, motivating and stimulating;
- The timely implementation of the project;
- Financial and results monitoring and project follow-up;
- Effective communication with Sida and the ATU;
- To be the Swedish contact point for the local counterparts in the Agadir countries;
- All reporting to Sida;
- A very good command of English for the narrative result reports;
- Supporting the local project manager (LPM) in the development of progress reports;
- Producing and delivering the final report in the end of the project in cooperation with the LPM;
- Participation in key project information meetings, and selected seminars and workshops;
- Decision-making concerning expert support, based on applications from the four countries;
- Formulating and regularly updating a contingency plan in case of a deterioration of the security situation in the region, as well as ensuring its implementation if necessary;
- To stay informed about and when necessary coordinate with EU and its support to ATU and relevant quality infrastructure development in the region;
- The development of an anti-corruption policy for the project in cooperation with ATU;

The steering committee shall also support the programme manager and discuss problems that may arise and suggest possible solutions. The steering committee is also responsible for decision making in the contingency plan.

SSC shall meet at least four times a year.

### **Pool of experts**

Swedac will from the outset of the programme establish a list of programme experts that will have a key role in the implementation of the programme, long term, medium term and short term experts. The list of experts shall be established in co-operation with ATU. The initial

pool of experts will not include experts that will participate based on requests under the Topic Specific Technical Assistance facility. Experts in this case will be selected based on selection procedures to be established and agreed between the partners at the outset of the programme. A preliminary list of experts is attached, see annex 5.

### **Programme Management by ATU and the Member Countries**

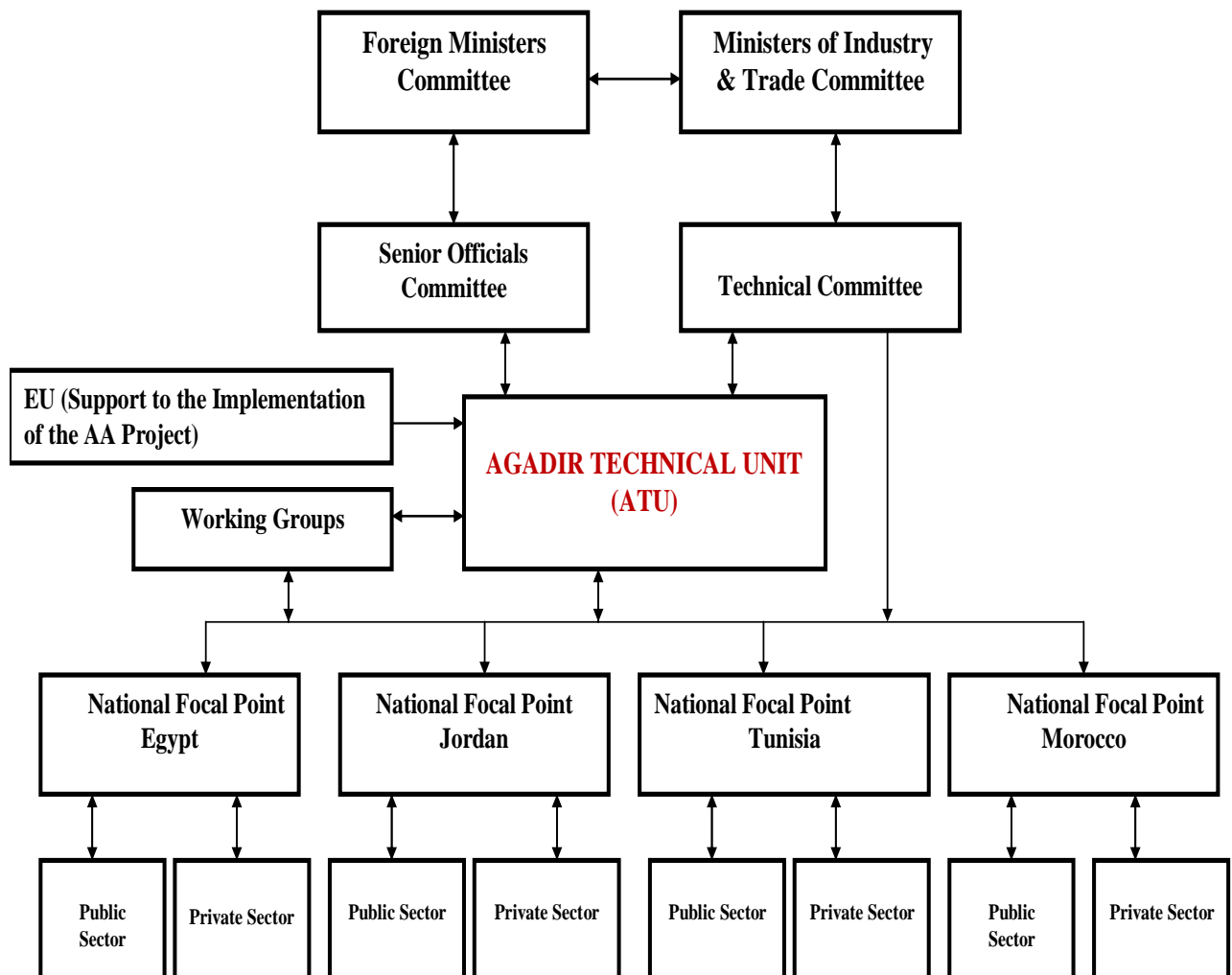
The main objective of the programme management to be done by ATU is to organise the receiver capacities both at ATU level and at national levels in the countries besides being the day-by-day manager of the programme from the Member countries site. The managerial structures, systems and methods shall fall in line with the established organisation of the Agadir agreement. The institutional framework of the agreement will be the bases of the managerial work and the decision making processes.

#### **The Institutional framework of AA:**

According to the Agadir Agreement, the institutional framework and the decision making of the agreement composed of four main committees:

- The Foreign Trade Ministers Committee: which gives the approval for the annual work plans of the ATU and takes the decisions in all trade related issues covered by the agreement
- The Technical committee: the members are the senior officials from trade ministries (the heads of national focal points) in the four member states and mandated from the ministers committee to discuss all trade issues covered by the agreement and sending its recommendations to the ministers committee to take decisions. Also the Technical Committee is mandated to approve the annual work plans of the ATU and to recommend activities in case the ministers committee was not conducted.
- The foreign Ministers committee: the mandate of this committee is to discuss and take decisions on certain political areas of the agreement such as: appointing the executive director of the ATU and enlarging the Agreement by joining new member countries.
- Senior Officials Committee: The members of this committee are the senior officials from Foreign Ministries and its mandate to discuss and make recommendations to the Foreign Ministers Committee.
- The ATU has established different working groups to discuss the trade related issues covered by the agreement. The joint committee is one of the working groups which is responsible for the conformity assessment sector and established according to the MoU signed between the four member states to enhance the cooperation in the field of conformity assessment and will participate in the process of ensuring the right implementation of this project.

## AGADIR AGREEMENT INSTITUTIONAL STRUCTURE & POLICY MAKING PROCESSES



\* The institutional structure of Agadir Agreement

### Programme Steering Committee (PSC)

Programme Steering Committee (PSC): A Programme Steering Committee will be formed to provide strategic and policy guidance to the programme. This high-level oversight body will be guided by the countries' commitment to implement the programme and will ensure that the programme is responsive to the interests of all member states, as well as to its objective. The Steering Committee will be a high-level body, the main role of the Steering Committee is to oversee that the project remains on track vis-à-vis approved work plans and to provide strategic guidance to the implementation of the programme.

While the Programme Steering Committee has an important quality assurance and strategic guidance function, it is not aimed to ensure accountability of the programme other functions will represent these mechanisms.

### **Responsibilities**

The Programme Steering Committee will:

- Provide high-level, strategic oversight to the programme;
- Monitor the progressive achievement of programme objectives;
- Provide high-level quality assurance for programme results;
- Approve work plans and progress reports submitted by the Local Programme Manager,
- Approve the results of the activities;
- Provide guidance on long term sustainability of the programme's achievements;
- Make recommendations to amend some activities of the programme.

### **Decision Making**

The Steering Committee will make decisions on the basis of (non -voting) consensus.

### **Membership**

The Membership of the Steering Committee includes:

- The heads of the Agadir Focal Points from Ministries of Trade
- The Heads of bodies and institutions responsible for conformity Assessment in the member states.
- The Agadir Technical Unit.
- Sida.
- Swedac.

The committee may invite any other persons, institutions or experts (with Max. 3 total participants from each country including the above mentioned members).

### **Steering Committee Meetings**

The Steering Committee will meet twice a year in one of the member states (rotating) through the life time of the programme and may meet more often as required.



### **Secretariat function – PSC**

The local programme manager and his/her team will provide secretariat services for the Steering Committee meetings by coordinating meetings, producing documentation and meeting minutes, managing correspondence, information management/ dissemination and related tasks.

### **ATU**

The Agadir Technical Unit has the overall responsibility for the day-by-day running of the programme from the Member countries site supported by the Agadir National Focal Points, this include but is not limited to:

- Develop the yearly work plan in co-operation with Swedac.
- Managing the legal aspects of the agreements between the ATU and Sida and Swedac
- All necessary reporting to Swedac and the institutional structures of the Agadir Agreement
- Initiation and co-ordination of the harmonisation processes related to the harmonisation of Technical Regulations, voluntary standards and enforcement of laws.
- Establishment and operation of all necessary databases related to the harmonisation processes
- Overseeing and negotiating that the necessary national resources be allocated to allow the correct implementation of the programme.
- Overseeing and negotiating that the necessary national resources be allocated to establish the systems and structures in the countries to do the harmonisation processes
- Overseeing and furthering the harmonisation processes through direct communication with the relevant national institutions and ministries
- Establish workable network with Agadir public and private sector relevant institution.
- Co-ordinating the inputs on behalf of the National Focal Points
- Participating in the managing the Topic Specific Facility according to agreed procedures
- Development of work plans in co-operation with Swedac
- Development of the inception report in co-operation with Swedac
- Development of the progress reports in co-operation with Swedac
- Offering technical advice on various questions and aspects concerning the programme
- Carrying out other tasks and functions necessary to realizing the objectives and the aims of the programme.
- Making the necessary internal evaluation of the activities for the use of the Agadir institutional structures.
- Working as a secretariat for the PSC meetings including, preparing the documents, presenting the work plans and activities, writing the minutes for the meetings and implement the recommendations of the Committee.

## **LPM**

The ATU and the PSC shall nominate a Local Programme Manager (LPM), funded by the programme that shall be responsible for the day-by-day operation of the programme from the Member countries site performing and managing the tasks ATU is responsible for. This includes overseeing the timely implementation of the programme and being the main contact point for the expert. The LPM will be provided with the necessary backstopping services to allow him/her to fulfil the duties during the implementation of the programme.

The LPM will be responsible for the preparing the requested reports to be submitted to Swedac, and institutional structures of Agadir Agreement, according to the following:

- At the outset of the programme an inception report shall be developed in cooperation with SPM. The inception report shall include information on the start-up of the programme and a detailed implementation planning of the programme as a whole. This planning shall be done in close co-operation with all participating stakeholders including the Programme Steering Committee, the national focal points and ATU. The inception report shall be submitted no later than 6 months after the start-up of the programme
- The Local Programme Manager shall develop progress reports describing the implementation of the programme every six months. The SPM shall support the LPM in preparing these reports. The progress reports shall be submitted to Swedac, and the relevant local counterparts.
- At the end of the programme a final report shall be developed. The final report shall be developed by the Local Programme Manager in co-operation with SPM

## **Secretariat for the LPM**

The Local Programme Manager needs to use a secretariat to support the LPM so he/she can fulfil the duties during the implementation of the programme. The secretariat will organise and manage meetings between representatives from the countries. The secretariat will further function as the co-ordinator and monitor for all local activities in the region that will take place within the programme.

## **National Focal Points (NFP)**

The National Focal Points shall function as the extended arm of ATU in managing the receiver capacities for the programme. This will include, but is not limited to:

- Supporting the ATU in implementing and coordinating the programme.

## Support provided by the programme

The programme will support in the following managerial structures and operations:

1. The programme will cover all costs related to the management of the expert's and the costs of conducting the annual review meeting, including travel and all logistical costs. Including participation on regional and national meetings directly related to the management of the programme and visits to the countries as a part of the backstopping that will be needed.
2. The programme will fund a fixed amount each year for the costs of the Local Programme Manager to be established within ATU. The LPM shall be project-hired by ATU according to terms and conditions applying within ATU. The funding will include fees and

all social costs, and a lump sum for travelling costs to travel (flight, DSA) to and from the member countries and to and from European Union countries. The LPM will be under the management of the head of the ATU. The LPM shall be a national of one of the member countries. He/ she shall have relevant academic educational background and have knowledge and experiences related to implementation of trade agreements, in particular harmonisation processes related to technical barriers to trade.

3. The programme will cover the costs of necessary computers and office equipment necessary for the successful implementation of the programme for ATU.

4. The programme will fund the cost of implementing two Programme Steering Committee each year and one extra meeting at the conclusion of the programme for a review meeting. This will include travel costs, meeting facilities and DSA according to Swedish rules for travel of officials, for two members from each country, two representing ATU and SPM.

#### Indicators of achievements

proposed organisational and managerial structures and methodologies accepted by the countries, and implemented,

allocated resources to the operations of the new ATU support function,

databases is fully operational and integrated into the structures of ATU,

organisational unit at ATU established for the support function,

ATU fully employed to manage the new ATU unit,

Job description for the required staff developed,

The programming of activities are conducted,

a budget proposal developed for the current costs necessary for the adjusted ATU organisation beyond the end of the programme, well organised managerial structures and

processes/instructions/routines developed,

# of staff with raised knowledge and skills concerning new managerial structure for the relevant persons of ATU

#### Risks

It is of paramount importance that the roles and responsibilities of the expert on one site and the receiver institutions on the other site are well understood and that the national managerial structures established full political and operational commitment towards the process. It is at the same time that it will be well established that the harmonisation work that is to take place under the umbrella takes place between the responsible national organisations and that the necessary resources be allocated at national levels to carry out the work.

## **Activity BB**

### **National Focal Points**

The programme will support in developing managerial structures between the countries and ATU, procedures and methods for the operations of the National Focal Points to secure that the harmonisation processes progress well and that the operation of the NFP is performed in an effective and efficient way for further the processes. This includes but is not limited to:

- Procedures to initiate that the responsibilities of harmonising the different sectorial laws are allocated and transmitted to the other Members.
- Procedures to initiate that the responsible organisations participate in the harmonisation work.
- Operating the national parts of the databases to be established to support the harmonisation work.
- Being the extended arm of the managerial structures of ATU
- Coordinate feedback within timeline of an activity
- proposed organisational and managerial structures and methodologies
- a budget proposal developed for the current costs necessary for the adjusted organisation beyond the end of the programme

#### Support provided by the programme

1. The programme will provide an expert that will support the NFP in developing these procedures and methods based on the need analyses developed for the establishment of the databases and the needs established through the designing and programming the databases. The methods and procedures shall be the same for all the NFP to secure the full transparency in the processes. This will weeks work of the programme expert including the participation in the working meeting of the NFP, travels to the region, local travel, communication etc.

2. The programme will fund the cost of implementing work meetings where work of the programme experts, ATU and representatives from all the NFP meet to discuss the methods and procedures and the co-operation of the NFP related to the harmonisation processes. This will include travel costs, meeting facilities and DSA according to Swedish rules for travel of officials, for two members from each country and the LPM representing ATU.

#### Indicators of achievement

proposed organisational and managerial structures and methodologies accepted by the countries, and implemented,  
allocated resources to the operations of the NFPs in each of the country,  
well organised managerial structures developed for NFPs,  
correct entries into developed data bases/use of developed data bases,  
indication of better established co-operation between the NFPs,  
a budget proposal developed for the current costs necessary for the adjusted organisation beyond the end of the programme,  
# of NFPs with raised knowledge and skills concerning new managerial structure for the NFPs

## Risks

It is of paramount importance that the NFPs are well established in the Member countries given the necessary resources and that there is a well-established co-operation between them. At present this is not the case. The main risk is therefore that there is not sufficient commitments at national levels to the operations of the NFPs with the effect that there will not be sufficient resources allocated such as human resources. An additional risk is that the operations of the NFP is not sufficiently well established within the governmental structures in the countries limiting the possibilities of the NFPs to conduct their work of initiating and overseeing the commitment and participation in the harmonisation work.

## **Action C**

### **Identifying the actual details of existing technical barriers to trade in the selected product areas to support the harmonisation processes**

#### **Activity C.1 & C.2**

##### **Study on technical barriers to trade/base line (C2=End line study/report)**

Technical barriers to trade have participated in making regional trade difficult with the effects that the regional trade is somewhat limited. There is an urgent need to identify the actual detailed technical barriers that are established de facto or by effects of national mandatory requirements both at the technical and administrative levels. This is in particular important in relation to the priority list of products that is to be developed under that umbrella of the Agadir agreement. Detailed analyses of technical barriers to trade shall be done at the outset of the programme based on specific parameters that are to be established by the local programme management in cooperation with the expert. In principle that analyses shall follow the rules and regulations (national mandatory requirements, enforcement of laws, standardisation, accreditation, inspection, certification and testing) and the administrative provisions that apply for marketing of the different product areas from production to the marketing in the country of originating and on the markets of the other Member countries. The objective is to analyse if the relevant laws and compliance procedures do compose technical barriers to trade and in which way.

The study shall be used to support in identifying the main technical barriers to trade for products on the priority list and therefore the need for harmonisation and shall be used as a baseline study for the programme activities. This work shall be done at the outset of the programme and shall be concluded at the same time as the systems and structures for harmonisation under the Agadir agreement have been established.

The study shall at the same time be used as a tool for the overall follow-up of the achievements of the programme at the end of the programme. The programme expert shall perform a follow-up study to identify the reduction/ change of technical barriers to trade of products on the priority list. It is an integral part of the initial study to establish methodologies for identifying the reduction/ changes of technical barriers to trade.

##### Support provided by the programme

The programme will cover the cost of two experts to perform the study. They shall be knowledgeable in issues related to preparing, adopting and applying technical regulations and shall have experiences in working on bringing down technical barriers to trade. They shall have thorough knowledge in the principles and practices of WTO and rules and regulations governing the new international trade regime, the Barcelona process, the EU systems and structure and the principles of the GAFTA agreement. One of the experts shall have defined regional knowledge and amongst them they shall have good knowledge about the national situations. At least one of the experts shall speak and write Arabic. The programme will cover the expert's work, travel cost to each of the country, and travels for both experts to participate in Steering Committee meetings.

### Indicators of achievement

final baseline report, main technical barriers to trade for product areas are identified and prioritised, final end line report reduction/changes of technical barriers to trade for products on the priority list are identified

### Risks

The main risk related to this activity is that the study will not be sufficiently well defined from the beginning with the effect that the study will be too comprehensive and not providing the practical knowledge needed. It is at the same time a risk that the experts will not be able to get access to the needed information. In this respect the NFPs will have to provide comprehensive support in opening doors and managing the study at national levels. Here again the NFPs will have to have the necessary resources to be able to provide the necessary support in performing the study.

## **Action D**

### **Harmonized mandatory requirements on selected products sectors based on the priority product list developed by the countries**

#### **Activity D.1**

##### **Methodology for harmonising mandatory requirements**

Technical barriers to trade are established through having different mandatory requirements for marketing products on the national markets. These can be different technical requirements or different administrative requirements. The way to bring down technical barriers to trade between countries is therefore to harmonise the technical regulations, voluntary standards and conformity assessment procedures and other administrative requirements. This can be based on different approaches such as using common international references like international standards and guidelines as the bases of the technical regulations, assessing the equivalence between the different national legislation and the administrative provisions, by using common regulatory models or finally by implementing the same laws or the same legitimate regulatory objectives. The infrastructures in the countries for preparing, adopting and applying technical regulations are different having the effect that there is no one obvious way of harmonising the technical regulations, voluntary standards and conformity assessment procedures between the countries. The programme will therefore support the Member countries in establishing needed methodologies for performing the necessary harmonisation processes in a simple and effective ways.

The approach to be used is to initiate a dialogue between the countries where the different possibilities will be tabled and a final methodology agreed upon. The objective is to find a methodology that will fit all in spite of the different national systems. The methodology must at the same time include methodologies in mobilising the needed national resources including the different stakeholders. It is not the intention to request the countries to adapt their national systems to one common model but to find a way for harmonisation that can use by all the member countries. The programme expert's will provide knowledge about methodologies used for harmonisation when implementing other free trade areas and shall present models and examples. They shall further support in developing the models and participate in the negotiations that will be needed to reach a consensus. The agenda and final approaches shall be agreed upon between the Member countries, ATU and the expert at the start of the activity. The ATU will play a central role in developing the model and in operating and initiating the harmonisation processes.

This activity shall be started by a common initial work shop to be held in one of the Member countries, appropriate representatives from each of the countries including representative from the NFP when needed also the LPM representing ATU. The work shop shall focus on providing information about the different experiences in the world and the different models for harmonisation. The objective is to inform the representatives from the Member countries and provide them with necessary tools to allow them to initiate discussion at national levels to discuss the different possibilities for doing harmonisation. The participants are expected to conduct necessary activities at national level to establish the national position regarding the



methodologies. The programme expert shall visit each of the countries to participate in a workshop to support in developing the final national positions. These visits shall take place after the national stakeholders have formed their first position. To establish the final consensus between the countries two regional workshops are foreseen with the participation of the programme expert. The LPM from the ATU shall participate in necessary meeting together with the programme expert.

It is noted that Sida has funded a regional training programme for representatives from the Member countries where the issues of harmonisation were at focus. The results of the training programme are proposal for harmonisation methodologies in all relevant areas including harmonisation of technical regulations. These proposals and the pilot projects run under that umbrella of the programme shall be taken in to consideration with developing the new methodologies, for more information about the proposal see annex 4 in the report from analysis of the present status in the member countries of the Agadir agreement.

#### Support provided by the programme

The programme will cover the cost of an expert to support in developing the methodologies. He/ she shall be knowledgeable in issues related to preparing, adopting and applying technical regulations and shall have experiences in working on bringing down technical barriers to trade in particular in developing and operating methodologies for harmonisation. He/ she shall have thorough knowledge in the principles and practices for harmonisation embedded in the WTO agreements and rules and regulations governing the new international trade regime, the Barcelona process, the EU systems and structure for harmonisation and the principles of the GAFTA agreement. The expert shall participate in the negotiations that will be needed to reach a consensus regarding the methodology. He/she shall speak and write English well. The programme will cover the cost of the expert, travel costs for both for the expert and the LPM.

The programme will further cover all cost for traveling of the country representatives for the regional meetings and meeting facilities.

#### Indicators of achievement

established system and structure for harmonising technical regulations, # staff with increased knowledge on systems and structure, gender-ratio in the negotiations

#### Risks

The main risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate.

## **Activity D.2**

### **Facilitating technical requirements**

Harmonisation of mandatory requirements on the national markets shall be done through direct co-operation between the relevant legislative institutions in the Member countries independent of which national systems are used for preparing and adopting these requirements. The Member countries will therefore have to identify the ministries or institutions that are accountable for the mandatory requirements for each of the products and product areas on the priority list that will be used as the bases for the harmonisation work.

The accountable institutions in the countries will be provided with training/ information on how to use the developed methodologies that will be developed under Activity D.1. However the basic task when harmonising mandatory requirements is to have access to all the relevant mandatory requirements in all the countries in the product area in question. ATU will have the responsibility of acquiring all the necessary mandatory requirements and these will be inserted to a database that is to be developed under the umbrella of the programme. The database is at the same time supposed to include the results of the harmonisation process. In many cases the harmonisation can take place through the co-operation that will be established between the countries through the use of the methodology and the database but in some cases negotiations will be necessary where all the countries meet to discuss and agree on a common understanding of the equivalence.

### Support provided by the programme

The programme will support by providing support to organise meetings between the accountable institutions to negotiate and agree on the equivalence of mandatory requirements that apply on the national markets when needed. The support will only include funds for traveling, cost of hotel and DSA according to the Swedish rules and regulations for travel of officials. Facilities to meet in and other local costs shall be covered by the member states.

The ATU and the expert will establish a Technical requirement facility that will provide the support based on applications from the countries on need bases. The countries shall apply to ATU for support and shall provide a justification defining the need. A specific application format shall be developed and used for applications. ATU and the SPM will then jointly assess the application based on pre-determined parameters which the parties shall agree upon at the outset of the programme. One of the main parameters to be used is that the member countries have tried to reach a consensus through the use of the developed methodology and the database. The parameters shall be approved by Swedac.

### Indicators of achievement

# mandatory requirements inserted in the database, prepared applications from the countries to ATU, adopted applications, gender-ratio in meetings

### Risks

The main risk is that the facility will be misused where the travels are in fact meant for something else. It is therefore of paramount importance that the parameters used justification are well developed and that the approval process be done in a transparent way.

### **Activity D.3**

#### **Database**

The process of harmonising mandatory requirements between a number of countries as in this case, requires strong and well developed tools that can support in the process. The programme will therefore support in developing the necessary databases and the setting up of the database to make it operational. The database shall be developed to support the operation of the methodology that will be developed according to activity D.1. Based on that a need analyses a database shall be developed using existing software as the bases for the work. The database shall provide transparency on the national mandatory requirements and the enforcement mechanisms used at present in the Member countries and information regarding the harmonised references that will be the result of the harmonisation processes. The database shall be accessible to all governmental institutions that are accountable for preparing and adopting mandatory requirements, the ATU, SPM and the NFPs. The database shall at the same time be a tool for the economic operation to have access to the requirement that apply in the markets of the Agadir countries. The database can be developed as a part of the internal system at ATU or as a separate facility.

#### Support provided by the programme

The programme will support by funding of two experts that will work on developing the need analyses based on the methodology for harmonisation of mandatory requirements. The programme expert shall have thorough knowledge on different models for harmonising mandatory requirements and shall preferably have experiences in operating processes of that type. He/ she shall speak and write English well and shall preferably be acquainted with the governmental governance in the region. The other expert shall be a local expert in programming and development of databases based on existing software. The two experts shall develop the need analyses in co-operation with the responsible with ATU that in turn shall seek information and co-operation with the Member countries as needed. The programme will further fund time for the programme expert and time for the local computer expert. The programme will further fund travels for the programme expert including, local travel etc.

The programme will fund the purchase of the needed basic software, including licensing for 4 years.

The programme will further fund the programming of the databases based on the purchased software. This shall be done by a local programming company that has specific knowledge regarding the purchased software. The programme will fund time for this purpose. Included in the work of the programming company shall be installation of the software in the offices of ATU and the NFP and training in the use of the software. For this purpose the programme fund travels for the staff of the programming company to the Member countries including, local travel etc.

The programme will fund the purchase of 3 computers out of which one shall be used as the server for the database and the related material. The other two shall be operational computer at the offices of ATU.

### Indicators of achievement

developed and approved need analysis, corresponding software purchased/ database set up, user satisfaction

### Risks

The development of the need analyses shall be done at the correct level of aspiration. The needs identified must be based on actual need as defined in the methodology but not on eventual facilities. The selection of the programming company is critical and the training of the users of the software has to be sufficiently well done.

## **Activity D.4**

### **Negotiation skills training**

The process of harmonising mandatory requirements in the four Member countries will in some cases require that the countries will have to negotiate amongst themselves in a formal way to reach a consensus regarding the acceptable levels of protection in the different product areas. This is a new approach for most of the accountable institutions responsible for preparing and adopting mandatory requirements in the countries. The institutions have mostly focused on the national needs and possibilities and not on the need to prepare and adopt mandatory requirements that are harmonised with the requirements in the other Agadir countries. The programme will therefore provide training for key negotiators to improve their skill and methodologies in reaching a well formulate consensus regarding the requirements in the national mandatory requirements with the aim of facilitating trade between the countries.

The training will be in the form of a two weeks training seminars to provide information and training to the relevant governmental officials regarding the principles and requirements of WTO and its agreements as well as trends and core issues of bilateral and regional free trade agreements in the new international trading system. The training will further provide the participants with basic training and tools to handle negotiation processes, in particular when negotiating harmonisation of mandatory requirements under the umbrella of the Agadir agreement.

The training therefore aims to provide participants with a more in-depth understanding of;

- The WTO and its Agreements, their principles for harmonisation, requirements and implementation practices, as well as of the fundamental difference between the multilateral trading system operated by the WTO and of an international trade based on regional and bilateral free trade agreements
- Negotiation techniques and practices
- Negotiation skills
- Case studies
- Negotiation simulations

The training will be designed to cover all major issues related to techniques and practises related to negotiations of trade agreements. The programme further includes information and training on regulatory and quality infrastructure development to secure that persons participating in trade negotiations do have an overview of the practical aspects of implementing trade agreements at national level and the impact the harmonisation will have. This includes structures and systems established for preparation, adoption and application of technical regulations, national legislation enforcement mechanisms and needed support to the private sectors.

The training will target representatives from the relevant institutions and ministries that do in fact have the responsibility of preparing and adopting mandatory requirements on the national markets.

### Support provided by the programme

The programme will support the implementation of negotiation programmes in each of the countries with relevant participants from each of the countries. This will include all costs of the trainers including fees, material, travel, local travel etc. This will further include cost of training venue including lecturing room and 4 group rooms, lunches etc.

Indicators of achievement

seminars implemented, assessment of # of staff/officials/stakeholders/participants with negotiations skills after completed seminars, gender-ratio in seminars.

Risks

The selection of participants is of crucial importance.

## **Activity D.5**

### **Topic specific technical assistance for mandatory requirements**

The programme shall provide the Member countries with facilities to receive short term expert advice under the harmonisation processes according to Activity D.2 where subject knowledge is needed regarding identified topics concerning acceptable levels of protection and administrative provisions in mandatory requirements in particular product areas listed in the priority list.

The topics shall be of short term nature where immediate solutions are needed and where the programme experts have the needed know-how and experience to support in reaching a consensus regarding the requirements in the national mandatory requirements.

The request for support shall be submitted to ATU accompanied by a letter of justification according to a specific format where the immediate need is explained. ATU will give a recommendation to the SPM, which will make the final decision and organise a competent expert to undertake the assignment. The support will then be provided by a selected expert that shall visit the country and provide the support through a dialogue and provision of existing materials etc. The decision for approval for a request shall be based on a pre-determined parameter which shall be agreed upon between the expert and ATU and approved by Swedac.

### Support provided by the programme

The programme will fund ad hoc technical assistance. The programme covers fees for the expert, accommodation, travel, and preparation and backstopping. The local counterparts shall cover all costs related to the local implementation of this part of the programme. This includes all costs incurred within the participating institutions and ministries including personnel, local experts, logistics, venue and other resources for conducting meetings, etc.

### Indicators of achievement

# requests for expert advice, # short-term expert advice missions carried out, receiver satisfaction with short-term expert advice missions

### Risks

Misuse of the facility where requests are approved without being necessary. Not sufficiently well developed parameters for approval and not sufficient follow-up.

## **Activity D.6**

### **In-house- consultancy to ATU**

The programme will provide ATU with expert advice regarding the reduction of technical barriers to trade. This will be done by engaging experts that will co-operate with the staff of ATU throughout the duration of the programme in managing the new activities to be established at ATU regarding the harmonisation processes of mandatory requirements, voluntary standards and enforcement of laws. The experts shall, at the same time, support ATU in providing technical and subject advice the Member countries regarding the new activities related to reducing technical barriers to trade. In principle, this support will be provided by three subject experts one for mandatory requirements, one for voluntary standards and one for enforcement of mandatory requirements, including conformity assessment. The three experts will in co-operation with ATU divide the work between them as the need arises and according to work plans. The experts shall support ATU in initiating, participating in and operating the new systems and structures and in providing advice to the Member countries on issues related to the harmonisation processes including the development of the methodology for harmonisation. They shall at the same time be available to support ATU in promoting the processes.

The expert on mandatory requirements shall have thorough knowledge in regulatory activities and shall have participated in preparing and adopting primary and secondary laws. He/ she shall have worked within the framework of a secretariat supporting in implementing a free trade agreement and shall be well acquainted with the different mechanisms needed. He/ she shall have the relevant academic education and shall speak and write English. Knowledge in Arabic is of advantage.

The expert for voluntary standards shall have worked in a national standards body and shall have participated in the work of preparing and adopting international standards. He/ she shall have long term experience in working on establishing consensus at the drafting level and at the approval level. The expert shall be well acquainted with the operational mechanisms of ISO or other international standardising organisations and preferably have used ISO Guide 21 in his/ her work. The expert shall speak and write English. Knowledge in Arabic is of advantage.

The expert for mandatory requirements shall have long term experience in working in regulatory authorities. He/ she shall have good knowledge and experiences regarding accreditation processes and shall know well the roles and responsibilities regarding inspection, certification, testing and metrology and the way enforcement of national mandatory requirements are performed. He/ she shall have thorough knowledge about the international standards that apply to conformity assessment. The expert shall speak and write English. Knowledge in Arabic is of advantage.

For the gender training of the ATU personnel there will be one more expert with experience from gender analysis in trade related areas.

### Support provided by the programme

The programme will fund the operation of the three experts, including fees, accommodations, travels etc. but ATU will provide the necessary office facility including all running costs, such as office room, furniture, internet access, cleaning, heat and electricity. The experts shall divide the funded time between them throughout the duration of the programme.



The programme will also fund visits for ATU to other organisations responsible for free trade agreements, the purpose of this activity is to develop cooperation and a financial and organisational sustainability plan for the time after the programme is ended.

Indicators of achievement

methods and procedures at ATU developed and operational, established knowledge within # of the ATU-staff and well organised support to the member countries, member countries' satisfaction with ATU technical and subject advice, # ATU-staff with increased knowledge about gender analysis in trade related areas

Risks

The main risk related to this activity is that the ATU will not have the necessary receiver capacity to receive the information and training provided.

## **Action E**

### **Harmonised voluntary standards in the selected product areas**

#### **Activity E.1**

##### **Methodology for harmonising voluntary standards**

The use of standards, in particular international standards is very different in the countries, ranging from being used directly as technical regulations to being used as voluntary standards, as is defined in the WTO TBT agreement. This fact presents a certain complication in harmonising standards in the region and even the mandatory requirements that apply on the national markets. Voluntary standards play an important role in reducing technical barriers to trade by making it necessary to harmonise these between the countries to facilitate trade. The national standards bodies will therefore have to work at harmonising all relevant standards based on the priority list of products. To this end, the programme will support in establishing the necessary methodologies and mechanisms to allow an effective way of harmonising the standards. The methodology shall take note of ISO Guide 21. The methodology shall include notification procedures for new and amended standards.

The approach to be used when developing the methodology is to initiate a dialogue between the national standards bodies where the different possibilities will be tabled and a final methodology agreed upon. The objective is to find a methodology that will fit all, in spite of the different uses of standards. The methodology must, at the same time, include methodologies to mobilise the needed national resources, including the different stakeholders. It is not the intention to request the countries to adapt their national systems to one common model but to find a way for harmonisation that can be used by all the member countries. The programme expert's will provide knowledge about methodologies used for harmonisation of voluntary standards. They shall further support in developing the models and participate in the negotiations that will be needed to reach a consensus. The agenda and final approaches shall be agreed upon between the Member countries, ATU and the expert at the start of the activity. The ATU will play a central role in developing the model and in operating and initiating the harmonisation processes.

This activity shall be started by a joint initial workshop to be held in one of the Member countries, representatives from each of the countries including a representative from the NFP when needed and the LPM representing ATU. The work shop shall focus on providing information about the different experiences in the world and the different models for harmonisation. The objective is to inform the representatives from the Member countries and provide them with necessary tools to allow them to initiate discussion at national level to discuss the different possibilities for facilitating harmonisation. The participants are expected to conduct necessary activities at national level to establish the national position regarding the methodologies. The programme expert shall visit each of the countries to participate in a workshop to support in developing the final national positions. These visits shall take place after the national stakeholders have formed their first position. To establish the final consensus

between the countries regional workshop is foreseen with the participation of the programme expert. The LPM shall participate in all meetings with the programme expert.

It is noted that Sida has funded a regional training programme for representatives from the Member countries where the issues of harmonisation were in focus. The results of the training programme are proposals for harmonisation methodologies in all relevant areas including harmonisation standards. These proposals and the pilot projects, run under the umbrella of the programme, shall be taken into consideration when developing the new methodologies, for more information about the proposal see annex 4 in the report from analysis of the present status in the member countries of the Agadir agreement.

#### Support provided by the programme

The programme will cover the cost of one expert to support in developing the methodologies. He/ she shall be knowledgeable in issues related to preparing, adopting and applying standards and shall have experience in work related to the reduction of technical barriers to trade, in particular in developing and operating methodologies for harmonisation. He/ she shall have thorough knowledge in the principles and practices for harmonisation embedded in the WTO agreements and rules and regulations governing the new international trade regime, the Barcelona process, the EU systems and structure for harmonisation and the principles of the GAFTA agreement. The expert shall participate in the negotiations that will be needed to reach a consensus regarding the methodology. He/she shall speak and write English well. The programme will cover the cost of the expert, travel costs for both for the expert and the LPM.

The programme will further cover all cost for travelling of the country representatives to the regional meetings, travels, and all costs for local travel and meeting facilities.

#### Indicators of achievement

established system and structure for harmonising the sectorial voluntary standards, # staff with increased knowledge on systems and structure, gender-ratio in the workshops

#### Risks

The main risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate.

## **Activity E.2**

### **Facilitating harmonising of voluntary standards**

Harmonisation of standards between the Member countries shall be done through direct co-operation between the national standards bodies based on the methodology established during activity E.1. It is envisaged that much of the harmonisation work can be done through the mechanisms embedded in the developed methodology, due to the fact that the countries have, in many cases, based their national standards on the same international standards with national interpretations. However, the basic task when harmonising standards is to have access to all relevant present standards in all the countries in the product area in question. ATU will have the responsibility of acquiring all necessary standards based on the priority list of products. These will be inserted to a database that is to be developed under the umbrella of the programme. The database is at the same time supposed to include the results of the harmonisation process defining the harmonised standards. In many cases the harmonisation can take place through the co-operation that will be established between the countries through the use of the methodology and the database but in some cases negotiations will be necessary where all the countries meet to discuss and agree on standards.

#### Support provided by the programme

The programme will contribute by providing support to organise meetings between the national standards bodies to negotiate and agree on harmonised standards that apply on the national markets when needed. The support will only include funds for travelling, cost of hotel and DSA according to the Swedish rules and regulations for travel of officials. Meeting facilities and other local costs shall be covered by the member states.

The ATU and the expert will establish a Standards Facility that will provide the support based on applications from the countries on need basis. The countries shall apply to ATU for support and shall provide a justification defining the need. A specific application format shall be developed and used for applications. ATU and the SPM will then jointly assess the application based on pre-determined parameters which the parties shall agree upon at the outset of the programme. One of the main parameters to be used is that the member countries have tried to reach a consensus through the use of the developed methodology and the database. The parameters shall be approved by Swedac.

#### Indicators of achievement

# harmonised voluntary standards inserted in the database, prepared applications from the countries to ATU, adopted applications, gender-ratio in meetings

#### Risks

The main risk is that the facility will be misused where the travels are in fact meant for something else. It is therefore of paramount importance that the parameters used for justification are well developed and that the approval process be done in a transparent way.

### **Activity E.3**

#### **Database for voluntary standards**

The process of harmonising national standards between a number of countries, as in this case, requires strong and well developed tools that can support in the process. The programme will therefore support in developing the necessary databases and the setting up of the database to make it operational. The database shall be developed to support the operation of the methodology that will be developed according to activity E.1. Based on that a need analysis shall be developed using existing software as the basis for the work. The database shall provide transparency on the national standards used at present in the Member countries and information regarding the harmonised references that will be the result of the harmonisation processes. The database shall be accessible to all national standard bodies, the ATU and the NFPs. The database shall at the same time be a tool for the economic operation to have access to the standards that apply on the markets of the Agadir countries. The database can be developed as a part of the internal system at ATU, the database developed under Activity D.3 or as a separate facility.

#### Support provided by the programme

The programme will support by funding two experts, who will work on developing the need analysis based on the methodology for harmonisation of mandatory requirements. The programme expert shall have thorough knowledge on different models for harmonising mandatory requirements and shall preferably have experiences in operating processes of that type. He/ she shall speak and write English well and shall preferably be acquainted with the governmental governance in the region. The other expert shall be a local expert in programming and development of databases based on existing software. The two experts shall develop the need analyses in co-operation with the responsible with ATU that in turn shall seek information and co-operation with the Member countries as needed. The programme will further fund time for the programme expert and time for the local computer expert. The programme will further fund travels for the programme expert including, local travel etc.

The programme will fund the purchase of the needed basic software, including licensing for 4 years.

The programme will further fund the programming of the databases based on the purchased software. This shall be done by a local programming company that has specific knowledge regarding the purchased software. The programme will fund time for this purpose. Included in the work of the programming company shall be installation of the software in the offices of ATU and the NFP and training in the use of the software. For this purpose the programme fund travels for the staff of the programming company to the Member countries including, local travel etc.

The programme will fund the purchase of 3 computers out of which one shall be used as the server for the database and the related material. The other two shall be operational computer at the offices of ATU.

### Indicators of achievement

developed and approved need analysis, corresponding software suitable for harmonising of voluntary standards, user satisfaction

### Risks

The development of the need analysis shall be done at the correct level of aspiration. The needs identified must be based on actual need as defined in the methodology but not on eventual facilities. The selection of the programming company is critical and the training of the users of the software has to be sufficiently well done.

## **Activity E.4**

### **Topic specific technical assistance for harmonising voluntary standards**

The programme shall provide the Member countries with facilities to receive short term expert advice under the harmonisation processes where subject knowledge is needed regarding identified content of standards related to particular product areas listed in the priority list.

The topics shall be of short term nature where immediate solutions are needed and where the programme experts have the needed know-how and experience to support in reaching a consensus regarding the harmonisation of the standards.

The request for support shall be submitted to ATU accompanied by a letter of justification according to a specific format where the immediate need is explained. ATU will give a recommendation to the SPM, which will make the final decision and organise a competent expert to undertake the assignment. The support will then be provided by a selected expert that shall visit the country and provide the support through a dialogue and provision of existing materials etc. The decision for approval for a request shall be based on pre-determined parameters, which shall be agreed upon between the expert and ATU and approved by Swedac.

#### Support provided by the programme

The programme will fund ad hoc technical assistance. The programme covers fees for the expert, accommodation, travel, and preparation and backstopping. The local counterparts shall cover all costs related to the local implementation of this part of the programme. This includes all costs incurred within the participating institutions and ministries including personnel, local experts, logistics, venue and other resources for conducting meetings, etc.

#### Indicators of achievement

# requests for expert advice, # short-term expert advice missions carried out, receiver satisfaction with short-term expert advice missions

#### Risks

Misuse of the facility where requests are approved without being necessary. Not sufficiently well developed parameters for approval and not sufficient follow-up.

## **Activity E.5**

### **In-house-consultancy to ATU**

This activity is linked to activity D.6, for more information see page 133.

## **Action F**

### **Harmonized enforcement of national mandatory requirements based on internationally accepted best practices**

#### **Activity F.1**

##### **Training of regulatory authorities**

The implementation of the Agadir agreement shall be based on internationally accepted rules and regulations embedded in the agreement itself and the WTO agreements and internationally agreed best practises. It is therefore of great importance that the relevant authorities and decision makers in the Member countries are well acquainted with these rules and practices. Reducing technical barriers to trade requires that certain infrastructures exist and that these are operated in a transparent, predictable and accountable way. The fact that these infrastructures are different in the Member countries calls for establishing common understanding between the countries on which are, in fact, the acceptable international principles and practices with respect to enforcing mandatory requirements, voluntary standards and conformity assessment. To this end the programme will support in organising one week seminars in each of the countries where the international principles and practices are addressed. The seminars will cover the following topics:

- The principles of international trade, with specific emphasis on the principles and practices embedded in the WTO TBT Agreement (rights and obligations, effect on participating countries, harmonisation and notification procedures, etc.) and bilateral and multilateral trade agreements
- Preparation, adoption and application of technical regulatory activities and related conformity assessment procedures concerned with national and international trade, safety, health and environmental requirements
- The Agadir Agreement, principles and practices and relations to the WTO agreements
- The concept of quality (quality system development [ISO 9000], TQM, quality awards etc.)
- The role and use of accreditation, certification, standardisation, metrology, testing and inspection in national and international trade and as a tool for enforcement of national legislation
- Development of National Quality Infrastructures (institutional infrastructures for standardisation, accreditation, certification, inspection, testing, metrology and quality assurance)

The target group for the seminar is high level members of the staff of the relevant ministries and institutions and representatives from economic operators such as chambers of industry and commerce. The seminar shall be implemented during the first 6 months of the programme implementation.



#### Support provided by the programme

The planning of the implementation of the seminars shall be coordinated by ATU and the expert. The programme will fund the implementation of the seminars. This will include costs for lecturers, both international and regional, travel, etc.

The programme will further fund local travels for relevant representatives from each of the countries to be nominated by the countries and approved by ATU and in cooperation with SPM, including travel, accommodations and DSA according to Swedish rules and regulations for travel of officials, local travel and cost of venue.

#### Indicators of achievement

participants and their levels in the organisation they represent, # of participants with increased knowledge about the international principles and practices.

#### Risks

Lack of commitment from the different institutions. Wrong persons participating, lacking the needed understanding and overview.

## Activity F.2

### **Methodology for harmonisation of ~~mandatory requirements~~ enforcement mechanisms on selected products are based on the priority product list developed by the countries**

The first and most important step in bringing down technical barriers to trade is to harmonise the mandatory requirements in the different countries. The mandatory requirements include requirements on product characteristics and requirements on administrative provisions. The most important part of the administration provisions is conformity assessment procedures. Differences in conformity assessment are in many cases the main source of technical barriers to trade. The programme will therefore support the Member countries in establishing needed methodologies for performing the necessary harmonisation processes for enforcing mandatory requirements in a simple and effective way focusing on establishing the necessary trust in the mechanisms used in the different countries.

The approach to be used is to initiate a dialogue between the countries where the different possibilities will be tabled and a final methodology agreed upon. The objective is to find a methodology that will fit all in spite of the different national enforcement systems. The methodology must at the same time include methodologies in mobilising the needed national resources including the different stakeholders. It is not the intention to request the countries to adapt their national systems to one common model but to find a way for harmonisation that can be used by all the member countries referring to international systems and best practices. To this end the use of accreditation as a means to establish the needed trust is of paramount importance. The programme expert's will provide knowledge about methodologies used for harmonisation when implementing other free trade areas and shall present models and examples. They shall further support in developing the models and participate in the negotiations that will be needed to reach a consensus. The agenda and final approaches shall be agreed upon between the Member countries, ATU, SPM and the expert at the start of the activity. The ATU will play a central role in developing the model and in operating and initiating the harmonisation processes.

This activity shall be started by a joint initial work shop to be held in one of the Member countries, representatives from each of the countries including a representative from the NFP when needed and the LPM representing ATU. The work shop shall focus on providing information about the different experiences in the world and the different models for harmonisation. The objective is to inform representatives from the Member countries and provide them with the necessary tools to allow them to initiate a discussion at national level to discuss the different possibilities for facilitating harmonisation. The participants are expected to conduct necessary activities at national level to establish the national position regarding the methodologies. The programme expert shall visit each of the countries to participate in a workshop to support in developing the final national positions. These visits shall take place after the national stakeholders have formed their first position. To establish the final consensus between the countries, regional workshops are foreseen with the participation of the programme expert. The LPM shall participate in all meetings with the programme expert.

It is noted that Sida has funded a regional training programme for representatives from the Member countries where the issues of harmonisation were in focus. The results of the training

programme are proposals for harmonisation methodologies in all relevant areas, including harmonisation of technical regulations. These proposals and the pilot projects, run under the umbrella of the programme, shall be taken into consideration when developing the new methodologies, for more information about the proposal see annex 4 in the report from analysis of the present status in the member countries of the Agadir agreement.

#### Support provided by the programme

The programme will cover the cost of one expert to support in developing the methodologies. He/she shall be knowledgeable in issues related to preparing, adopting and applying technical regulations and shall have experience in work on reducing technical barriers to trade, in particular in developing and operating methodologies for harmonisation of conformity assessment procedures. He/ she shall have thorough knowledge in the principles and practices for harmonisation embedded in the WTO agreements, and rules and regulations governing the new international trade regime, the Barcelona process, the EU systems and structure for harmonisation and the principles of the GAFTA agreement. The expert shall participate in the negotiations that will be needed to reach a consensus regarding the methodology. He/she shall speak and write English well. The programme will cover the cost of the expert, travel costs for both for the expert and the LPM.

The programme will further cover all cost for travelling of the country representatives to the regional meetings, travels, and all costs for local travel and meeting facilities.

#### Indicators of achievement

established methodology for harmonising conformity assessment procedures

#### Risks

The main risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate. General reluctance to change.

### **Activity F.3**

#### **Database for enforcement of mandatory requirements**

The process of harmonising enforcement of mandatory requirements between a number of countries, as in this case, requires strong and well developed tools that can support in the process. The programme will therefore support in developing the necessary databases and the setting up of the database to make it operational. The database shall be developed to support the operation of the methodology that will be developed according to activity F.2. Based on that, a need analysis shall be developed using existing software as the basis for the work. The database shall provide transparency on the conformity assessment procedures used in the Member countries at present and information regarding the harmonised references that will be the result of the harmonisation processes. The database shall be accessible to all national regulatory authorities, the ATU and the NFPs. The database shall, at the same time, be a tool for the economic operators to have access to the conformity assessment that applies in the different Member countries. The database can be developed as a part of the internal system at ATU, the database developed under Activity D.3 or as a separate facility.

#### Support provided by the programme

The programme will support by funding two experts, who will work on developing the need analysis based on the methodology for harmonisation of mandatory requirements. The programme expert shall have thorough knowledge on different models for harmonising mandatory requirements and shall preferably have experiences in operating processes of that type. He/ she shall speak and write English well and shall preferably be acquainted with the governmental governance in the region. The other expert shall be a local expert in programming and development of databases based on existing software. The two experts shall develop the need analyses in co-operation with the responsible with ATU that in turn shall seek information and co-operation with the Member countries as needed. The programme will further fund time for the programme expert and time for the local computer expert. The programme will further fund travels for the programme expert including, local travel etc.

The programme will fund the purchase of the needed basic software, including licensing for 4 years.

The programme will further fund the programming of the databases based on the purchased software. This shall be done by a local programming company that has specific knowledge regarding the purchased software. The programme will fund time for this purpose. Included in the work of the programming company shall be installation of the software in the offices of ATU and the NFP and training in the use of the software. For this purpose the programme fund travels for the staff of the programming company to the Member countries including, local travel etc.

The programme will fund the purchase of 3 computers out of which one shall be used as the server for the database and the related material. The other two shall be operational computer at the offices of ATU.

#### Indicators of achievement

developed and approved need analysis, corresponding software suitable for harmonising of voluntary standards, user satisfaction

### Risks

The development of the need analysis shall be done at the correct level of aspiration. The needs identified must be based on actual need as defined in the methodology but not on eventual facilities. The selection of the programming company is critical and the training of the users of the software has to be sufficiently well done.

## **Activity F.4**

### **Regional meetings of regulatory authorities**

The harmonisation process will be based on using the priority list of products. ATU, in co-operation with the Member countries, shall identify the products and product areas to be harmonised each of the four years the programme will be running. Based on this, the authorities responsible for enforcing the mandatory requirements in each of the countries can be identified. These authorities will then have the responsibility of harmonising their ways of enforcing the mandatory requirements and in making the processes in the Member countries transparent with the aim of establishing trust between them. The main precondition for being able to establish sufficient trust, is that the relevant authorities in the countries have good knowledge and understanding of the operation of each other, and how the enforcement systems are organised and operated. This includes administrative provisions and conformity assessment procedures.

To establish the understanding of the operation of the relevant authorities in the countries the programme will organise annual regional seminars each year, where the relevant authorities meet to get acquainted with the enforcement of mandatory requirements in the countries. The seminar shall be of 4 days duration. The topic to be addressed shall be, but not be limited to, the following.

- Presentation of the programme and the mechanisms the programme is run on.
- Each of the countries present the systems and structures for preparing and adopting mandatory requirements in the country
- Each country presents its standardisation activities
- Each country present the enforcement mechanisms used in the identified product areas
- Discussion groups to identify differences and common approaches
- Establishment of direct contacts between the individual authorities responsible for the different product areas.

### Support provided by the programme

The planning of the implementation of the seminars shall be coordinated by the ATU and the expert, jointly. The programme will fund the implementation of the four seminars. This will include costs of the participation of one programme expert that will function as a moderator during the seminars, including fees, travel, etc. The programme will further fund travel for the representatives from each of the countries to be nominated by the countries and approved by ATU and SPM, including travel, accommodations and DSA according to Swedish rules and regulations for travel of officials, local travel and cost of venue.

### Indicators of achievement

seminars implemented, # of participants with increased knowledge about each overs national enforcement systems, gender-ratio in seminars

### Risks

Lack of commitment from the different institutions. Wrong persons participating lacking the needed understanding and overview.

## **Activity F.5**

### **Support to national accreditation bodies**

The basic requirement for being able to reduce the technical barriers to trade, that are directly due to differences in conformity assessment procedures, is to establish trust between the relevant governmental authorities in each of the countries, in the systems and structures in the other countries. The philosophy of accreditation is the only worldwide accepted way of establishing this trust by using international standards as the basis for the work, providing transparency and independent assessment of the competences of the different conformity assessment bodies. Accreditation is a well-accepted procedure in all Member countries. However, the use of accreditation is not common within governmental organisations, responsible for enforcing the national mandatory requirements. Accreditation of the enforcement activities in the countries will, in the future, be one of the main cornerstones in establishing trust in the enforcement mechanisms between the countries.

It is of fundamental importance that the national accreditation bodies fulfil the existing international requirements, defining the roles and operations of national accreditation bodies, in particular when accreditation is used to directly support trade facilitation under the umbrella of trade agreements. Regional and international recognition of the competences of national accreditation bodies is done through evaluations of their performances according to the relevant international standards. National accreditation bodies that fulfil the requirements are qualified to become signatories to multi-lateral agreements (MLAs), obliging them to continuously fulfil the requirements of the standards, thus receiving international recognition.

The national accreditation bodies in the member countries are all technically well established and three of them have already signed MLAs. However, the list of priority products will require that all the accreditation bodies have signed relevant MLAs in order to establish their competence to accredit needed conformity assessment bodies. The programme will support the accreditation bodies in finalising their methods and procedures in the areas where they have not received international recognitions. The programme will, at the same, time support by providing facilities for the four national accreditation bodies to establish closer co-operation, focusing on needs that apply only to the Agadir agreement, if needed.

The programme will support the accreditation bodies in participating in developing the guidelines for the implementation of the standard ISO/ IEC 17 020 into the national enforcement institutions. The guidelines shall be developed together with the relevant authorities in the member countries. The national accreditation bodies shall participate in the work at national level and shall share information between them and the issues shall be a topic at the yearly meetings.

The national accreditation bodies are engaged in the development of regional co-operation for Arab countries on one hand, and in establishing regional co-operation on accreditation within all African countries on the other. The programme will support the national accreditation bodies in deepening their co-operation with the aim of strengthening, in particular the implementation of the Agadir Agreement. This will include support in developing harmonised methods and procedures as needed based on the list of priority products.

This part of the programme will be need based. The national accreditation bodies shall identify their needs based on the priorities set in the list of priority products. The support will include but not be limited to:

- Organisation of joint meetings of all the accreditation bodies to discuss and work on the harmonisation processes, one meeting per year.
- Support in developing necessary methods and procedures
- Joint assessments (shadowing to observe assessment of conformity assessment bodies) in the Member countries
- Pre peer evaluation for Agadir signatories members of ARAC MLA or EA MLA due to the fact that at least two of the Agadir countries are not signatory to an MLA agreement and they need to manage this evaluation to apply for MLA. Technical assistance to prepare the applicant for MLA application

The programme will directly fund the regional meetings. For other assistance a request for support shall be submitted to ATU, accompanied by a letter of justification according to a specific format where the immediate need is explained. ATU will give a recommendation to the SPM, which will make the final decision and organise a competent expert to undertake the assignment. The support will then be provided by a selected expert that shall visit the country and provide the support through a dialogue and provision of existing materials etc. The decision for approval for a request shall be based on pre-determined parameters, which shall be agreed upon between the expert and ATU and approved by Swedac.

#### Support provided by the programme

The planning of the implementation of the regional meetings shall be coordinated by ATU and the expert. The programme will fund the implementation of the four meetings. This will include cost of the participation of one programme expert that will function as a moderator during the seminars, including fees, travel, etc. The programme will further fund travel of relevant representatives from each of the countries to be nominated by the national accreditation bodies and approved by ATU in cooperation with SPM, including travel, accommodations and DSA according to Swedish rules and regulations for travel of officials, local travel and cost of venue.

The programme will fund ad hoc technical assistance to the national accreditation bodies. This includes work on methods and procedures, joint assessments and pre peer evaluation and support related to the development of guidelines for the national enforcement authorities. The programme covers fees for the expert, accommodation, travel, and preparation and backstopping. The local counterparts shall cover all costs related to the local implementation of this part of the programme. This includes all costs incurred within the participating institutions and ministries, including personnel, local experts, logistics, venue and other resources for conducting meetings, etc.

#### Indicators of achievement

enhanced co-operation between the national accreditation bodies, established methods for co-operation between ABs, pre peer evaluations carried out to prepare ABs for MLA/MRA, ABs prepared for signing MLA/MRAs in new areas, # of participants with increased knowledge and skills for qualifying for signing MLA/MRA

#### Risks

Lack of commitment by the national accreditation bodies.



## **Activity F.6**

### **Adoption of the Memorandum of Understanding on Mutual Recognition of Conformity Certificates**

In response to Article 23 of the agreement, the Agadir countries signed a memorandum of understanding on mutual recognition of conformity certificates on December 2009. The MoU also encourages co-operation between the member countries in the area of conformity assessment. In order to implement the memorandum effectively, a joint committee has been established comprising relevant institutions, agencies and authorities in the member countries which have the decision power to follow up the implementation and to harmonize the procedures and solving the problems. The committee held its first meeting in Amman in February 2010 to design the programme for implementing the MoU.

One of the most important tasks of the joint committee is to achieve the co-operation between the relevant sectorial and compliance authorities in the member countries regarding the harmonization of technical regulations and conformity assessment procedures. The role of the joint committee is therefore directly related to the issues addressed in the programme. The nature of the programme might have the effect that the MoU will have to be adapted somewhat in order to fulfil the international requirements and best practices, in particular based on the methodologies for harmonisation of mandatory requirements, voluntary standards and enforcement of mandatory requirements.

The programme will support the joint committee in adapting the MoU to the methodologies established under the umbrella of the programme.

#### Support provided by the programme

The programme will cover the cost of an expert that will support the members of the committee in making the necessary changes.

#### Indicators of achievement

MoU adapted to international best practices.

#### Risks

Lack of commitment on behalf of the relevant authorities. Reluctance to abolishing mandatory certification.

## **Activity F.7**

### **In-house consultancy to ATU**

This activity is linked to activity D.6, for more information see page 133.

**Result matrix for phase 2 in the Agadir project**

Annex 1, Version 4.0, 2014-02-07

<b>Impact</b>
To reduce poverty through boosting trade, increased economic development, and attraction of Foreign Direct Investments.
<b>Overall objective</b>
Is to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade
<b>Overall outcome</b>
Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade.

Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome A. An agreed common approach amongst signatory countries of the Agadir agreement regarding the content of phase 2 of the programme regarding harmonisation of mandatory requirements between the countries on the national markets, harmonisation of relevant voluntary standards and harmonisation of the national enforcement mechanisms to reach equivalence between the national systems.	approval of approach by the ATU,	0	1	minutes of meetings
	approval of approach by the programme steering committee,	0	1	
	approval of approach by the Foreign Ministers' Committee and the Committee of Foreign Trade Ministers.	0	1	
Output A1. Information strategy (including establishment of homepage) aiming at increased awareness among Agadir member country officials concerning the need to enhance efforts to remove technical barriers to trade according to the Agadir agreement.	information strategy formulated by ATU/Swedac	0	1	list of relevant stakeholders
	Homepage activated	0	?	
	regular information update on homepage	0	?/month	homepage statistics
	number of hits on homepage	0	1	web based surveys for the officials from Agadir countries
enhanced knowledge on Agadir agreement and its implementation with regards to removal of TBT among relevant officials	0	?		



## Result matrix for phase 2 in the Agadir project

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Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome BA. Establishment of function at ATU to support the signatory countries to fulfil the overall outcome to establish Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade.	proposed organisational and managerial structures and methodologies accepted by the countries, and implemented	0	1	Resources allocated by the countries
	allocated resources to the operations of the new ATU support function	0	1	
	Databases is fully operational and integrated into the structures of ATU	0	1	
Output BA1. Support function established at ATU	Organisational unit at ATU established for the support function	0		New organigramme for ATU accepted and published  staff contracted
	ATU fully employed to manage the new ATU unit	0		
	Job description for the required staff developed	0		
	The programming of activities are conducted	0		
Output BA2. Established the necessary preparedness for ATU to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level.	a budget proposal developed for the current costs necessary for the adjusted ATU organisation beyond the end of the programme	0	?	web based surveys for ATU
	well organised managerial structures and processes/instructions/routines developed	0	1	
	# of staff with raised knowledge and skills concerning new managerial structure for the relevant persons of ATU	0	?	

**Result matrix for phase 2 in the Agadir project**

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Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome BB. Managerial structures between the countries and ATU are fully implemented.	proposed organisational and managerial structures and methodologies accepted by the countries, and implemented			Resources allocated by the countries
	allocated resources to the operations of the NFPs in each of the country			
Output BB1. Established the necessary preparedness for the National Focal Points to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level.	well organised managerial structures developed for NFPs	0	0	statistics from database web based surveys for NFP
	correct entries into developed data bases/use of developed data bases	0	?/time	
	indication of better established co-operation between the NFPs	0	?/quarter	
	a budget proposal developed for the current costs necessary for the adjusted organisation beyond the end of the programme	0	1/country	
	# of NFPs with raised knowledge and skills concerning new managerial structure for the NFPs	0	?	



## Result matrix for phase 2 in the Agadir project

Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome C. Identify actual details of existing technical barriers to trade in the selected product areas to support the harmonisation processes.	selected product areas are identified, prioritised and approved.	0	1	
	recommended product areas are analysed in from a gender <sup>7</sup> perspective	0	1	
	recommended product areas are analysed in from an environmental perspective	0	1	
Output C1. Detailed study at the outset of the programme on how technical barriers to trade materialise in the different product areas in the countries.	final baseline report main technical barriers to trade for product areas are identified and prioritised	0	1	final baseline report
Output C2. Detailed study at the end of the programme on the changes/reductions of technical barriers to trade that has taken place during the programme.	final end line report reduction/changes of technical barriers to trade for products on the priority list are identified	0	1	final end line report

<sup>7</sup> The benefit of analysing the product area list from a gender and environmental perspective at this level is that it has direct (but implicit) effects on the corresponding outcomes D, E and F.

**Result matrix for phase 2 in the Agadir project**

Annex 1, Version 4.0, 2014-02-07

Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome D. Harmonized mandatory requirements on selected products areas based on the priority product list developed and operational in the countries.	# product areas where the harmonisation has taken place per year	0	?	developed database
Output D 1. Systems and structures developed to be used when harmonising the sectorial mandatory requirements by giving examples and proposal for the systems and structures to be used when harmonising horizontal and sectorial mandatory requirements.	established system and structure for harmonising technical regulations.	0	?	documentation over the established systems and structures
	# staff with increased knowledge on systems and structure	0	?	reports from negotiations
	gender-ratio in the negotiations	0	?	
Output D 2. Prepared and adopted national mandatory requirements harmonised by responsible relevant functions, through regional meetings.	# mandatory requirements inserted in the database	0	?	entries in the database
	prepared applications from the countries to ATU	0	?	specific application developed
	adopted applications	0	?	reports from the regional meetings
	gender-ratio in meetings	0	?	
Output D 3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of mandatory requirements.	developed and approved need analysis	0	1	need analyses
	corresponding software purchased/database set up	0	1	purchasing order with specific requirements
	user satisfaction.	0	?	web based surveys of satisfaction
Output D 4. Negotiation skills and technics enhanced to establish a commonly agreed practical communication culture when discussing and agreeing on the equivalence of the mandatory requirements in the different countries.	seminars implemented	0	?	minutes of meetings from seminars
	assessment of # of staff/officials/stakeholders/participants with negotiations skills after completed seminars	0	?	
	gender-ratio in seminars	0	?	web based surveys of skills before and after seminar
Output D 5. Expert advice provided on, and subject knowledge of, acceptable levels of protection and safety to be used as the bases for the harmonisation processes and to provide comments on the differences of the mandatory requirements in the different countries and proposals for solutions in the selected product areas.	# requests for expert advice	0	?	web based surveys on satisfaction
	# short-term expert advice missions carried out	0	?	
	receiver satisfaction with short-term expert advice missions	0	?	



**Result matrix for phase 2 in the Agadir project**

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Result Level	Indicators	Baselines	Targets	Means of Verification
Output D 6. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation processes in a sustainable way.	methods and procedures at ATU developed and operational	0	?	web based surveys of knowledge
	established knowledge within # of the ATU-staff and well organised support to the member countries	0	?	
	member countries' satisfaction with ATU technical and subject advice	0	?	web based surveys on satisfaction
	# ATU-staff with increased knowledge about gender analysis in trade related areas	0	?	

**Result matrix for phase 2 in the Agadir project**

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Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome E. Harmonised voluntary standards in the selected product areas.	# product areas where the harmonisation has taken place per year.	0	?	developed database
Output E 1. Systems and structures developed to be used when harmonising the sectorial voluntary standards.	established system and structure for harmonising the sectorial voluntary standards	0	?	minutes from the workshop
	# staff with increased knowledge on systems and structure	0	?	web based surveys of knowledge
	gender-ratio in the workshops	0	?	
Output E 2. Regional meetings organised and implemented for the relevant standards experts to meet with the purpose of harmonising voluntary standards.	# harmonised voluntary standards inserted in the database	0	?	entries in the database
	prepared applications from the countries to ATU	0	?	specific application developed
	adopted applications	0	?	reports from the regional meetings
	gender-ratio in meetings	0	?	
Output E 3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of voluntary standards.	developed and approved need analysis	0	1	need analyses
	corresponding software suitable for harmonising of voluntary standards	0	1	purchasing order with specific requirements
	user satisfaction	0	?	web based surveys of satisfaction
Output E 4. Expert advice and subject knowledge provided on the background and content of the voluntary standards based on European Union standards and international standards and to provide comments on the differences in the national standards in the selected product areas.	# requests for expert advice	0	?	web based surveys on satisfaction
	# short-term expert advice missions carried out	0	?	
	receiver satisfaction with short-term expert advice missions	0	?	
Output E 5. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation of voluntary standards in a sustainable way.	methods and procedures at ATU developed and operational	0	?	web based surveys of knowledge web based surveys on satisfaction
	established knowledge within # of the ATU-staff and well organised support to the member countries	0	?	
	member countries' satisfaction with ATU technical and subject advice	0	?	
	# ATU-staff with increased knowledge about gender analysis in trade related areas	0	?	



## Result matrix for phase 2 in the Agadir project

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Result Level	Indicators	Baselines	Targets	Means of Verification
Outcome F. Harmonized enforcement of national mandatory requirements based on internationally accepted best practices.	# product areas where the harmonisation has taken place.	0	?	developed database
	MoU signed and adapted to international best practices	0	1	web based survey of trust in the harmonized enforcement systems among key stakeholders
	perception of trust in the harmonized enforcement systems among key stakeholders	0	?	
Output F 1. Relevant national regulatory authorities responsible for enforcing the national mandatory requirements listed in the priority list provided with knowledge and skills on international best practices for conformity assessment procedures (administrative procedures, pre and post marketing controls, WTO TBT requirements, border controls, accreditation, testing, certification and inspection).	participants and their levels in the organisation they represent.	0	?	web based surveys of knowledge
	# of participants with increased knowledge about the international principles and practices.	0	?	
Output F 2. Harmonized enforcement mechanisms on selected product areas based on the priority product list developed by the countries.	established methodology for harmonising conformity assessment procedures	0	?	developed database
Output F 3. Conformity assessment procedures applied for each of the products on the priority list, in a transparent way, by developing a databases and communication facilities to allow a smooth and effective co-operation between the countries to establish transparency on conformity assessment in the different countries.	developed and approved need analysis	0	1	need analyses
	corresponding software suitable for harmonising of voluntary standards	0	1	purchasing order with specific requirements
	user satisfaction	0	?	web based surveys of satisfaction
Output F 4. Regional meetings organised and implemented for the relevant national regulatory authorities to work at establishing the necessary trust and transparency on the national enforcement systems.	seminars implemented	0	?	reports from the seminars explaining the differences and common approaches.
	methodology/approach for establishing trust developed	0	1	
	# of participants with increased knowledge about each overs national enforcement systems.	0	?	web based surveys of knowledge
	gender-ratio in seminars	0	?	
Output F 5. Accreditation bodies provided with the necessary knowledge and skills to enhance the national enforcement mechanisms by supporting them in qualifying for signing MLA/MRAs in the relevant areas where they have not signed such agreements previously.	enhanced co-operation between the national accreditation bodies	0	1	assessment reports from pre-peer evaluations.
	established methods for co-operation between ABs	0	?	
	pre peer evaluations carried out to prepare ABs for MLA/MRA	0	?	
	ABs prepared for signing MLA/MRAs in new areas	0	4	web based surveys of knowledge
	# of participants with increased knowledge and skills for qualifying for signing MLA/MRA	0	?	



### Result matrix for phase 2 in the Agadir project

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Result Level	Indicators	Baselines	Targets	Means of Verification
Output F 6. Memorandum of understanding between the Agadir countries on conformity assessment developed and adapted to international best practice.	MoU adapted to international best practices	0	1	
Output F 7. Necessary methods and procedures established to the ATU for managing and operating the systems for making the enforcement mechanisms in the countries transparent.	methods and procedures at ATU developed and operational	0	?	web based surveys of knowledge
	established knowledge within # of the ATU-staff and well organised support to the member countries	0	?	
	member countries' satisfaction with ATU technical and subject advice	0	?	web based surveys on satisfaction
	# ATU-staff with increased knowledge about gender analysis in trade related areas	0	?	



**Risk matrix for phase 2 in the Agadir project**

Annex 2, Version 4.0, 2014-02-07

Impact
To reduce poverty through boosting trade, increased economic development, and attraction of Foreign Direct Investments.
Overall objective
Is to support the Member countries of the Agadir agreement in enhancing the implementation of the agreement through establishing necessary systems and structures to bring down technical barriers to trade
Overall outcome
Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade.

Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
<p>Outcome A. An agreed common approach amongst signatory countries of the Agadir agreement regarding the content of phase 2 of the programme regarding harmonisation of mandatory requirements between the countries on the national markets, harmonisation of relevant voluntary standards and harmonisation of the national enforcement mechanisms to reach equivalence between the national systems.</p> <p>Output A1. Information strategy (including establishment of homepage) aiming at increased awareness among Agadir member country officials concerning the need to enhance efforts to remove technical barriers to trade according to the Agadir agreement.</p>	<p>The process of reaching consensus about a programme of this type where different decision-makers need to be involved can be difficult and time consuming. It is at the same time of paramount importance that the decision-makers do realise that the programme will have an effect on operations of different authorities and institutions and that additional resources will have to be allocated to allow a successful implementation of the programme and to secure a sustainable continuation of the activities of bringing down technical barriers to trade. The programme will in principle only fund transfer of knowledge but the funding and management of the receiver capacities in the countries and at ATU will have to be funded by Member countries and the ATU. Resources will therefore have to be allocated to make it possible for the relevant institutions and ministries to do the actual work of harmonising mandatory requirements, voluntary standards and enforcement mechanisms.</p> <p>The major risks are therefore, that reaching a consensus will take too long time and that the necessary resources will not be allocated.</p> <p>The need analyses not sufficiently well established before the designing of the homepage is stated. The operation of the homepage is slow because new material is not provided, poor updating. The list of stakeholders not sufficiently well established leaving stakeholders out.</p>	1	3	3	<p>The programme documentation provides good justification for the need for the programme and the activities defined. The management and reporting structures of the programme involve all relevant stakeholders in the countries providing transparency over the design and implementation of the programme Full commitment by the Member countries through the ATU will be established before the starting of the programme.</p>



**Risk matrix for phase 2 in the Agadir project**

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Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
<p>Outcome BA. Establishment of function at ATU to support the signatory countries to fulfil the overall outcome to establish Systems and structures are nationally and regionally implemented to use for harmonise mandatory requirements (technical regulations), voluntary standards and enforcement of national mandatory requirements, in order to bring down technical barriers to trade</p> <p>Output BA1. Support function established at ATU</p> <p>Output BA2. Established the necessary preparedness for ATU to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level.</p> <p>Outcome BB. Managerial structures between the countries and ATU are fully implemented.</p> <p>Output BB1. Established the necessary preparedness for the National Focal Points to be able to manage the receiver capacity for reducing technical barriers to trade at regional and agreement level</p>	<p>It is of paramount importance that the roles and responsibilities of the consultant on one site and roles and responsibilities of the receiver capacities, including ATU, NFP and the responsible national ministries and institutions on the other site are well established, understood and accepted. It is at the same time important that it is well understood and accepted that managerial work of the programme includes that the harmonisation work that is to take place under the umbrella of the programme takes place directly between the responsible national organisations and that the necessary resources be allocated at national levels to carry out the work.</p> <p>It is important that the role and responsibilities of ATU be well defined and accepted by the Member countries and that the functions of the ATU be transparent with respect to the implementation of this programme. It is equally important that the support functions of the NFPs are well established in the Member countries given the necessary resources and that there is a well-established co-operation between them.</p> <p>The main risk is therefore that there is not sufficient commitments at national levels to the operations of the ATU and the NFPs related to the programme and its implementation with the effect that there will not be sufficient power in the management of the programme and that insufficient resources will be allocated. An additional risk is that the operations of the NFP is not sufficiently well established within the governmental structures in the countries limiting the possibilities of the NFPs to conduct their work of initiating and overseeing the commitment and participation in the harmonisation work.</p>	1	3	3	<p>The programme will provide direct support to the ATU in managing the programme and will support in developing the necessary procedures and methodologies. The programme will at the same time provide support to the NFP in enhancing their operation to allow them to support the management of the ATO to manage the receiver capacities at the agreement level.</p> <p>The programme will require that the managerial structures both at agreement level and at national levels will be agreed on at ministerial levels before the start of the programme.</p>



**Risk matrix for phase 2 in the Agadir project**

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Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
<p>Outcome C. Identify actual details of existing technical barriers to trade in the selected product areas to support the harmonisation processes.</p> <p>Output C1. Detailed study at the outset of the programme on how technical barriers to trade materialise in the different product areas in the countries.</p> <p>Output C2. Detailed study at the end of the programme on the changes/reductions of technical barriers to trade that has taken place during the programme.</p>	<p>The main risk related to this activity is that the study will not be sufficiently well defined from the beginning with the effect that the study will be too comprehensive and not providing the practical knowledge needed. It is at the same time a risk that the experts will not be able to get access to the needed information.</p>	1	3	3	<p>A well-defined need analyses will be developed before the study is started. The consultants will be selected based on well-defined job descriptions. The NFPs will have to provide comprehensive support in opening doors and managing the study at national levels. Here again the NFPs will have to have the necessary resources to be able to provide the necessary support in performing the study.</p>



**Risk matrix for phase 2 in the Agadir project**

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Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
<p>Outcome D. Harmonized mandatory requirements on selected products areas based on the priority product list developed and operational in the countries.</p> <p>Output D 1. Systems and structures developed to be used when harmonising the sectorial mandatory requirements by giving examples and proposal for the systems and structures to be used when harmonising horizontal and sectorial mandatory requirements.</p> <p>Output D 2. Prepared and adopted national mandatory requirements harmonised by responsible relevant functions, through regional meetings.</p> <p>Output D 3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of mandatory requirements.</p> <p>Output D 4. Negotiation skills and technics enhanced to establish a commonly agreed practical communication culture when discussing and agreeing on the equivalence of the mandatory requirements in the different countries.</p>	<p>The main risk is that the list of priority products will not be developed in time or that insufficient consensus will be established about the included products and product areas</p>	1	3	3	<p>The priority list is to be developed by the countries according to a ministerial decision taken by the ministerial council for the Agadir agreement. The programme can provide expert advice in developing the list.</p>
	<p>A major risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate.</p>	1	3	3	<p>The programme design includes definition of managerial structures that will address the problem of local management. Full commitment by all stakeholders will be required in advance</p>
	<p>An important risk is that the process of developing a consensus about a common methodology to be used when harmonising mandatory requirements between the countries will be difficult and that it will take long time.</p>	1	3	3	<p>The programme will provide expert advice with the aim of establishing the harmonisation methodologies.</p>



**Risk matrix for phase 2 in the Agadir project**

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<p>Output D 5. Expert advice provided on, and subject knowledge of, acceptable levels of protection and safety to be used as the bases for the harmonisation processes and to provide comments on the differences of the mandatory requirements in the different countries and proposals for solutions in the selected product areas.</p>	<p>Risk is related to the planning and use of the support functions defined for this activity including selection of programme consultants, development of need analyses for the database, selection of programming support and use of travel facilities.</p>	<p>1</p>	<p>3</p>	<p>3</p>	<p>The programme will provide expert advice and monitoring of the use of the facilities, such as developing selection criteria, need analyses, methods and procedures.</p>
<p>Output D 6. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation processes in a sustainable way.</p>	<p>Risk related to this activity is that the ATU will not have the necessary receiver capacity to receive the information and training provided.</p>	<p>1</p>	<p>3</p>	<p>3</p>	<p>The programme cannot be started until the receiver capacities at ATU have been established. ATU will have to hire the necessary staff. This could on the other hand be done through the programme.</p>



**Risk matrix for phase 2 in the Agadir project**

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Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
Outcome E. Harmonised voluntary standards in the selected product areas.	The main risk is that the list of priority products will not be developed in time or that insufficient consensus will be established about the included products and product areas	1	3	3	The priority list is to be developed by the countries according to a ministerial decision taken by the ministerial council for the Agadir agreement. The programme can provide expert advice in developing the list
Output E 1. Systems and structures developed to be used when harmonising the sectorial voluntary standards.	A major risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate.	1	3	3	The programme design includes definition of managerial structures that will address the problem of local management. Full commitment by all stakeholders will be required in advance
Output E 2. Regional meetings organised and implemented for the relevant standards experts to meet with the purpose of harmonising voluntary standards.	An important risk is that the process of developing a consensus about a common methodology to be used when harmonising mandatory requirements between the countries will be difficult and that it will take long time.	1	3	3	The programme will provide expert advice with the aim of establishing the harmonisation methodologies.
Output E 3. Necessary databases and communication facilities developed to allow a smooth and effective co-operation between the countries to perform the harmonisation of voluntary standards.	Risk is related to the planning and use of the support functions defined for this activity including selection of programme consultants, development of need analyses for the database, selection of programming support and use of travel facilities.	1	2	2	The programme will provide expert advice and monitoring of the use of the facilities, such as developing selection criteria, need analyses, methods and procedures.
Output E 4. Expert advice and subject knowledge provided on the background and content of the voluntary standards based on European Union standards and international standards and to provide comments on the differences in the national standards in the selected product areas.	Risk related to this activity is that the ATU will not have the necessary receiver capacity to receive the information and training provided.	2	3	6	The programme cannot be started until the receiver capacities at ATU have been established. ATU will have to hire the necessary staff. This could on the other hand be done through the programme.
Output E 5. Necessary methods and procedures established at the ATU for managing and operating the systems and structures to be used for the harmonisation of voluntary standards in a sustainable way.					





**Risk matrix for phase 2 in the Agadir project**

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Result level	Risks and assumptions	Probability 1-3	Consequences 1-3	Risk Value LxI 1-9	Countermeasures
<p>Outcome F. Harmonized enforcement of national mandatory requirements based on internationally accepted best practices.</p> <p>Output F 1. Relevant national regulatory authorities responsible for enforcing the national mandatory requirements listed in the priority list provided with knowledge and skills on international best practices for conformity assessment procedures (administrative procedures, pre and post marketing controls, WTO TBT requirements, border controls, accreditation, testing, certification and inspection).</p> <p>Output F 2. Harmonized enforcement mechanisms on selected product areas based on the priority product list developed by the countries.</p> <p>Output F 3. Conformity assessment procedures applied for each of the products on the priority list, in a transparent way, by developing a databases and communication facilities to allow a smooth and effective co-operation between the countries to establish transparency on conformity assessment in the different countries.</p>	<p>The main risk is that the list of priority products will not be developed in time or that insufficient consensus will be established about the included products and product areas</p>	1	3	3	<p>The priority list is to be developed by the countries according to a ministerial decision taken by the ministerial council for the Agadir agreement. The programme can provide expert advice in developing the list.</p>
	<p>A major risk related to this activity is that the national stakeholders do not participate in the activity at the needed level and that it will be difficult to motivate the relevant ministries and institutions to participate. Wrong persons participating, lacking the needed understanding and overview. General reluctance to change.</p>	1	3	3	<p>The programme design includes definition of managerial structures that will address the problem of local management. Full commitment by all stakeholders will be required in advance.</p>
	<p>An important risk is that the process of developing a consensus about a common methodology to be used when harmonising mandatory requirements between the countries will be difficult and that it will take long time.</p>	1	2	2	<p>The programme will provide expert advice with the aim of establishing the harmonisation methodologies.</p>



**Risk matrix for phase 2 in the Agadir project**

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<p>Output F 4. Regional meetings organised and implemented for the relevant national regulatory authorities to work at establishing the necessary trust and transparency on the national enforcement systems.</p>	<p>Risk is related to the planning and use of the support functions defined for this activity including selection of programme consultants, development of need analyses for the database, selection of programming support and use of travel facilities.</p>	1	2	2	<p>The programme will provide expert advice and monitoring of the use of the facilities, such as developing selection criteria, need analyses, methods and procedures</p>
<p>Output F 5. Accreditation bodies provided with the necessary knowledge and skills to enhance the national enforcement mechanisms by supporting them in qualifying for signing MLA/MRAs in the relevant areas where they have not signed such agreements previously.</p>	<p>Lack of commitment by the national accreditation bodies.</p>	1	2	2	<p>The programme will provide training and in-house consultancies to conformity assessment bodies to adapt their work to the needs related to bringing down TBTs under the Agadir agreement</p>
<p>Output F 6. Memorandum of understanding between the Agadir countries on conformity assessment developed and adapted to international best practice..</p>	<p>Reluctance to abolishing mandatory certification.</p>	2	1	2	
<p>Output F 7. Necessary methods and procedures established to the ATU for managing and operating the systems for making the enforcement mechanisms in the countries transparent.</p>	<p>Risk related to this activity is that the ATU will not have the necessary receiver capacity to receive the information and training provided.</p>	2	3	6	<p>The programme cannot be started until the receiver capacities at ATU have been established. ATU will have to hire the necessary staff. This could on the other hand be done through the programme.</p>

**RECOMMENDED  
CODE OF CONDUCT  
  
FOR  
  
SWEDISH PERSONNEL ON  
INTERNATIONAL  
ASSIGNMENTS**

**Developed by  
The Network for Ethical Rules and Codes of  
Conduct  
15 January 2004**

*Translated by Swedac 2012*

## Introduction

Swedish personnel on international assignments have a good reputation within the international community and are known for conducting good work of high quality. It is important that you continue to maintain this good reputation through your conduct, both whilst on duty and in your free time; in front of other international personnel as well as local employees and the country's population. As a Swedish citizen participating in an international assignment, not only do you represent your own organisation<sup>1</sup>, you are also considered a representative of Sweden and the international community in this environment.

The international assignment in which you are participating is also part of an aim to restore an often damaged trust for laws and rights. Therefore it is obvious that your actions and attitudes clearly show that you are in no way taking advantage of your position; instead you behave correctly to all persons, regardless of gender, age or ethnic background.

You are in the district of service as a guest in another country and therefore you must respect the country, cultures, environment and people. Regardless of your personal beliefs, you should aim to maintain a neutral relationship and not show that you take sides in conflicts. Neither should you display favoritism for any group, person or party in such a conflict. You should also avoid such political, religious, economic or other activities that are not in accordance with the neutral, peace keeping or humanitarian nature of the overseas assignment.

Throughout your service abroad, you must follow international conventions and, if applicable, the regulatory framework of the responsible international principal of the assignment. Swedish law should be used as a guideline, even when you are abroad. You should also be aware of local laws and ordinances and follow these as long as they are not in conflict with international conventions<sup>2</sup>.

Inappropriate conduct during your service abroad can mean that you violate other people and their rights. You risk damaging both your personal credibility and that of your organisation towards the population, local authorities and other international personnel and/or organisations. Finally, safety for both you and those around you is of high priority in all types of assignments abroad. Through inappropriate conduct you risk compromising your own safety and that of others.

As support for correct conduct for your service abroad, it is important that you follow the basic rules to always "think ahead" and reflect upon how your attitude and actions can be interpreted and the consequences of this. Furthermore, whilst on an international assignment you are 'always visible', regardless of whether you are on or off duty. You should always be familiar with, respect and follow these guidelines during your service abroad. If you still neglect to follow them, the organisation with which you have signed an agreement have the possibility to invoke contractual or employment legislative measures. If your failure to adhere by the rules constitutes a crime in Swedish law, you may also be prosecuted.

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<sup>1</sup> The Network directs these guidelines at personnel within departments, authorities of both Government bodies and boards as well as within individual organisations. In the text these are all referred to as 'organisations'.

<sup>2</sup> For some of the Swedish organisations who dispatch personnel on international investments, the personnel is governed by Swedish law, even during their period of services abroad and may also be in receipt of certain immunity from the laws of the host country.

## Guidelines

### ❖ **Inappropriate misuse of power**

As part of your service abroad, you will come into contact with many people who are, or experience themselves to be, dependant on you.

Regardless of whether the persons in question are dependent on you or *experience* themselves to be, you must never misuse your position of power as international personnel in an inappropriate manner. You must never misuse your position of power to provide other advantages they would not be entitled to in normal circumstances. Your conduct and your interaction with others should be such that it can never be interpreted that you require or expect different services or benefits, such as sexual favours, 'subsidised' rent etc.

Sexual relations with persons who are, or can be viewed as being, dependent upon you are inappropriate and should be avoided; since you as a result of such a relationship risk placing the other party in a situation with negative consequences, both during the current relation and in the future<sup>3</sup>.

### ❖ **Discrimination**

You must not discriminate against any individual person or group, regardless of sex, age, ethnic background, religion, sexual orientation, political opinion or disability; neither amongst other international personnel, local employees nor the regional population. Neither must you discriminate anyone based on their social status or national origin.

**Discrimination is regulated in accordance with Swedish legislation**

### ❖ **Corruption**

You must not contribute to corruption through giving or receiving bribes, in the form of money or other benefits for the purpose of you gaining advantage over others.

In many countries, bribes are common for activities such as clearing baggage through customs or finding an apartment.

**Bribery and corruption are regulated in accordance with Swedish legislation**

### ❖ **Organised crime**

You should avoid all forms of contact with organised crime.

This can mean anything from purchasing low-cost items on the black market to the indirect support of human trafficking. This means that awareness of organised crime and its ramifications when exchanging money, choosing accommodation, choosing restaurants to visit, in addition to a number of other daily situations.

Regarding human trafficking, you should be aware that trafficking of humans does not only involve sexual exploitation but also occurs in cases of household and gardening services and other areas.

**The receipt of stolen goods often occurs upon purchasing from the black market, is regulated in accordance with Swedish legislation.**

### ❖ **Sex trade**

Purchase of sexual services is not permitted during service abroad.

Purchase of sexual services does not just mean 'cash transactions' for sexual services from prostitutes, brothel visits etc., it also includes 'private contributions' in the form of payment of bills, rent, school fees etc., in exchange for sexual services.

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<sup>3</sup> A precise definition of what is considered 'dependant' is not possible. The decisive factor is that it is not you who may choose how to interpret this, rather the person(s) you are relating to. Be aware that your behaviour can be misinterpreted. For example, inviting a local employee out who may not dare to say no through fear of losing their job can, in their eyes, be viewed as a misuse of your position and may place the employee in a negative situation. The local employee, as well as the persons around you, may even view the situation to be that you are expecting something in return, which in the long term could be of great consequence for the person in question.

Visits to porn clubs, striptease clubs or similar are not permitted as this could involve support for crimes such as sex trafficking and other criminal activities.

**Buying sex is regulated in accordance with Swedish legislation**

#### ❖ **Sexual assault**

All forms of sexual assault are forbidden, as well as all forms of sexual contact with children<sup>4</sup>.

In accordance with the UN Convention on the Rights of the Child, a child is defined as any person under 18 years of age.

**Sexual assault of children is regulated in accordance with Swedish legislation**

#### ❖ **Sexual harassment**

No employee should be subject to sexual harassment. Sexual harassment is defined as unwelcome conduct based upon sex or unwelcome conduct of a sexual nature that violates someone's dignity in the workplace (Section 6 Equal Opportunities Act).

**Sexual harassment regulated in accordance with Swedish legislation**

#### ❖ **Pornography**

You shall keep your workplace free of all pornographic material.

Neither shall you use the technological equipment, computers etc. managed by your organisation to watch or distribute pornographic material. All types of child pornography are totally forbidden, even outside of the workplace.

**Child pornography, both possession and distribution, is regulated in accordance with Swedish legislation**

#### ❖ **Alcohol**

You should take a restricted approach to alcohol and its consumption. Whilst on duty, alcohol consumption may only be acceptable in certain situations; public dinners and similar events. On these occasions it is especially important that consumption is limited<sup>5</sup>. Even in your free time you should be restrictive with your alcohol consumption. In conjunction with driving, the consumption of alcohol is completely forbidden.

**Alcohol and driving are regulated in accordance with Swedish legislation.**

#### ❖ **Narcotics**

All forms of dealings with and possession of narcotics are forbidden, unless they are within the framework of the activity and therefore are part of the service, e.g., healthcare and narcotic prevention, or are prescribed for personal use.

**Dealings with narcotic substances are regulated in accordance with Swedish legislation**

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<sup>4</sup> see UN Security Council Resolution 1460 (2003), on children in armed conflict, Article 10, where the Security Council notes with concern all the cases of sexual exploitation and abuse of women and children and challenge the relevant ethical rules/codes of conduct to develop appropriate disciplinary and accountability mechanisms.

<sup>5</sup> If your assignment entails that you yourself may be responsible for such events, your organisation's rules for representation shall be adhered to.

## **Conclusion**

Finding yourself taking part in an international assignment means that you are in a country or area in need of support from the international community to build up a society where human rights are respected and the population can live in safety. Regardless of whether the reason for the need is war, natural disaster or poverty; it is not just the country and its infrastructure that is damaged, but the population is also affected as they have to live in an unsafe environment for a short or long term period. Often, faith and respect for the structure of society, authorities, laws and regulations is damaged. By always behaving correctly towards those people you meet in your service abroad, you contribute to recreating this faith and respect. This also includes you clearly distancing yourself from negative conditions such as misuse of power, bribery and corruption, especially when you see this from other international personnel.

These guidelines have been created from a network of representatives from the Ministry for Foreign Affairs, Rescue Services Agency, Swedish National Courts Administration, the Swedish Police, Sida, the Swedish Armed Forces, Kvinna till Kvinna Foundation, Forum Syd, Save the Children and the Swedish Red Cross as a support for ethically correct conduct when you are on an international assignment.

The intentions behind the work of the Network have also shown to be in line with the suggestion to better integrate equality in the EU Cooperation in Crisis Management, presented by Sweden and Greece, October 2003. It was suggested, as a starting point, to develop a complete plan for how work can be presented with the starting point in the UN Security Council Resolution 1325 (2000). In the suggestion, the specific need to develop codes of conduct for contact with civilians in crisis management, which both supports and provides an international framework to work on a Swedish basis of a code of conduct that shall be a guiding principle for Swedish personnel on international assignments.

## Preliminary list of experts

<b>Name</b>	<b>Expert field</b>	
Viktoria Lindberg Martinell	Management and financial	Swedac
Ulrika Lyckman-Alnered	Trade	External
Richard Eriksson	IT-Technology	Swedac
Per Lundmark	Management, Technology and financial	Swedac
Merih Malmqvist Nilsson	Management, Technology and financial	Swedac
Maria Oldegård	Marketing	Swedac
Magnus Pedersen	Technology	Swedac
Magnus Liedberg	Technology	Swedac
Liselotte Larsson	Technology	Swedac
Krister Arveus	Trade	External
Henrik Carlborg	Legal	Swedac
Helén Dahl	Technology	Swedac
Göran Lundmark	Legal	Swedac
Graham Talbot	Organizational	External
Else-Hanna Elgåsen	Technology	Swedac
Elsbeth Johansson	Technology	Swedac
Elisabeth Leu	Technology	Swedac
Dick Nummelin	Technology	Swedac
Curt-Peter Askolin	Technology	Swedac
Carina Larsson	Financial controller	Swedac
Arne Lund	Technology	Swedac
Anna Linse Löfgren	Technology	Swedac
Anna Edberg Antonsson	Legal	Swedac
Agust Jonsson	Trade	External