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MISSION REPORT

TRADE PROMOTION IN TAJIKISTAN - PHASE III

8 to 17 November 2010

Report by

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Management

and

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Issues

Project TAJ/61/123A - Funded by the Government of Switzerland

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1. INTRODUCTION

This report covers the mission to Tajikistan of the ITC Senior Adviser on Standards and Quality Management and the International Consultant on Sanitary and Phytosanitary Issues from 8 to 17 November 2010.

2. BACKGROUND

The following statement provides the overall basis for the project. The overall objective of this project is to contribute to the sustainable expansion and diversification of SMEs' exports in Tajikistan through increasing the competitiveness of the textile and clothing ("T&C") industry and improving the quality management infrastructure of the country.

The project builds on the results of two ITC recent needs assessment and programming missions, the previous ITC project in Tajikistan and the recommendations of their independent evaluation (conducted in 2008).

Consistent with its overall objective, the project will focus on four immediate objectives, one of which is detailed below:

Immediate Objective 4: To improve the capacity of SQAM and SPS bodies and the regulatory infrastructure

The project will complement ITC's earlier assistance in improving the quality management infrastructure of the country with further inputs e.g. assistance to two laboratories of Tajikstandart to enable them to be accredited by a full member of the International Laboratory Accreditation Centre (ILAC), the establishment of a National Notification Authority and a National Enquiry Point for TBT as well as SPS, and streamlining the SPS infrastructure.

3. TERMS OF REFERENCE OF THE MISSION

The objectives of the mission were the following:

- to follow-up on project activities with respect to the accreditation of two Tajik laboratories;
- to provide assistance for making the National Notification Authority (NNA) and National Enquiry Points (NEPs) for TBT and SPS operational;
- to do initial work with respect to streamlining the SPS infrastructure.

4. PROGRAMME DURING THE MISSION

The programme of the mission is given in Annex I. The first meeting of the Working Group on SPS and TBT was convened on 9 November. Meetings were organized with the Ministries of Economic Development and Trade, Health, Energy and Industry, and Agriculture, Entrepreneurs and Exporters Union of Tajikistan, Tajikstandart, UNDP, USAID-RTL, GTZ, the EU Delegation, and SECO.

5. TAJIKSTANDART LABORATORIES

The two laboratories of Tajikstandart which obtained technical assistance under the project have been accredited by DAkkS, the German national accreditation body. Tajikstandart raised an issue regarding the high costs for maintenance of accreditation and some issues regarding the proposed agreement with DAkkS. These issues were clarified during the mission.

The accreditation by DAkkS, a full member of the International Laboratory Accreditation Cooperation (ILAC), of two laboratories is the first time such internationally-recognized accreditation has been granted in Tajikistan and should be publicized. Tajikstandart should explore the possibility of later on shifting its accreditation from DAkkS to the National Centre for Accreditation in Kazakhstan, the first such body in Central Asia to become a full member of ILAC, or to the Kyrgyz Accreditation Centre (KAC) provided it becomes a full member of ILAC (ITC is providing assistance to KAC to become a full member of ILAC and this could happen in 2011 or 2012).

Tajikstandart should provide funds in its own budget for the maintenance of accreditation for the two laboratories which have been accredited under the ITC project.

6. WORKING GROUP ON THE TRANSPARENCY PROVISIONS OF THE WTO AGREEMENTS ON TBT AND SPS

The first meeting of the Working Group on the Transparency Provisions of the WTO Agreements on TBT and SPS was held on 9 November 2010. The agenda is at Annex II A and the list of participants is at Annex II B. The terms of reference of this working group are the following:

1. Prepare an action plan for implementing and benefitting from the transparency provisions of the WTO Agreements on TBT and SPS.
2. Monitor the implementation of the above action plan.

The role of the working group was explained. There was a suggestion to expand the role of the working group to cover other issues such as food safety legislation but this was not retained. The working group was a temporary one which should work till Tajikistan's accession to WTO and then should be disbanded to make way for two national committees, one on TBT and the other on SPS. It had no formal authority to make any decisions. It should also be established formally.

It is suggested that the working group should consist of representatives from the Ministry of Economic Development and Trade, the Ministry of Agriculture, the Ministry of Health, Tajikstandart. USAID RTL, GTZ, Union of Entrepreneurs and Exporters, and ITC.

The mandatory functions of the National Notification Authority (NNA) and the National Enquiry Points (NEPs) are clearly spelt out in the WTO Agreements on TBT and SPS. However, it is up to the working group to suggest who should be responsible for the discretionary functions to take advantage of the transparency provisions i.e. processing of notifications by WTO Members and providing information to Tajik exporters.

7. NATIONAL NOTIFICATION AUTHORITY AND NATIONAL ENQUIRY POINTS FOR TBT AND SPS

The National Notification Authority (NNA) for TBT and SPS had not been established formally. At the round table on “Information Retrieval and Dissemination in the Framework of the WTO Agreements on TBT and SPS” In May 2010, consensus was reached to have it within the Ministry of Economic Development and Trade. The National Enquiry Point (NEP) for TBT had already been established as per a government resolution in February 2010 and two officers appointed to run the NEP for TBT by an order in Tajikstandart in August 2010. The NEP for SPS has been established in the Ministry of Agriculture through an order in October 2010 and two officers had been appointed to run it.

The NNA for TBT and SPS should be established formally and the NEPs for TBT and SPS notified to the WTO Secretariat so that they become known to WTO Members and start getting enquiries. Although two persons have been assigned to each NEP, only one name per NEP should be communicated to the WTO Secretariat.

The terms of reference of the NNA for TBT and SPS are at Annex III. However, it may have to be modified if it assigned some discretionary functions such as tracking of notifications from WTO members. The terms of reference of the NEPs for TBT and SPS are at Annex IV. They may have to be modified if the NEPs are assigned discretionary functions such as provision of information to Tajik exporters.

The persons designated to work in the NEP for SPS have limited knowledge of the English language and have no Internet access. This will pose a problem as knowledge of the English language and Internet access are essential for the operation of the national enquiry point. ITC could consider the provision of Internet access for a limited period till funds are provided in the budget of the Ministry of Agriculture. Other donors should be contacted for improving the English language skills of those working at the NEP for TBT. Fortunately, the situation is different for the NEP for TBT where the personnel have access to Internet and a reasonable knowledge of the English language.

8. STREAMLINING OF SPS INFRASTRUCTURE¹

Tajikistan has been energetically revising its SPS legislation in order to conform with WTO requirements. However the WTO obligations apply not merely to legislation but also to the manner in which laws are implemented.

For example, it is possible to have a body of food safety law that is fully consistent with the provisions of the SPS Agreement in respect of principles such as national treatment and non-discrimination, basing of standards on Codex norms, risk assessment as the basis of other requirements, and so forth, while at the same time the practice of implementation is not WTO-consistent because of duplicative and therefore unjustifiably strict inspection of imported foods.

It is commonly the case in developing countries that overlapping mandates between Ministries permit agencies to seek legitimate revenues from fees and charges to finance their activities as well as illegitimate revenues to supplement inadequate official salaries of staff, and this often results in unnecessary regulatory intervention.

8.1 Review of the food safety system

Prior to the mission basic information had been gathered by the National Consultant (SPS), Mr. Kosim Kurbanov. His performance during the mission was excellent.

Meetings were held with each of the key Ministries/agencies involved in the SPS (food safety and animal/plant health) field in Tajikistan. These discussions, and a visit to a border crossing point between Tajikistan and Uzbekistan, validated the need for a detailed review of SPS arrangements for food safety to

¹ The term “SPS infrastructure” can be used interchangeably with the term “SPS system” for the purposes of this project. It is not limited to hard infrastructure like buildings, laboratories and quarantine stations but includes all aspects of SPS control such as legislation, designated institutions, strategies and policies, programs and standard operating procedures, inspectors and inspections, risk assessment, and so forth.

identify areas of overlap and duplication between agencies' activities and areas that are not adequately covered under the present system.

The methodology for this detailed review will involve, in the first phase, the drawing up of a matrix showing which agencies engage in each of the very extensive range of individual SPS-related activities that comprise the national food safety system. The matrix will not show the legal mandates of the regulatory agencies, but rather the things that they actually do since it is the activities – not the mandates – that employ scarce resources and that may be in violation of WTO rules.

The matrix, which may have some hundreds of cells, will then be analysed to identify gaps and duplication of activities. On the basis of this analysis, consideration will be given to options for revising the distribution of roles and responsibilities between agencies taking into account appropriate principles for efficient and effective administration. The options will then be put before the Tajikistan authorities at a workshop to be convened most probably in the fourth quarter of 2011. Conceivably the preferred option could be expressed in the form of a draft schedule for incorporation into an order of the Government, showing the list of activities that each Ministry should engage in with respect to food safety. It would also be desirable to conduct a legal analysis to identify any parts of the existing legislation that mandates regulatory activity by a particular Ministry or agency contrary to the proposal set out in the schedule.

The matrix of current activities will be drawn up by Kosim Kurbanov working closely with the Tajikistan Government Ministries and Tajikstandart.

The workshop will need to be very carefully prepared if it is not to result in blunt opposition by one or more of the local agencies to the suggested reform options. The topics to be covered include:

- the existing situation;
- principles for administrative organisation of roles and responsibilities²;
- options for reform;
- preferred situation;
- pathways for implementation of a new approach;
- timetable;
- consequences in terms of legislation, laboratories, etc.;
- possible donor support for change.

The private sector has a clear interest in the streamlining of food safety regulation as a means of reducing business costs. We met with representatives of the Union of Businessmen and Exporters of Tajikistan to emphasise this point and to seek their cooperation in the validation of the matrix of SPS activities through consultation with individual enterprises about their actual experience of food safety regulation by government agencies.

The programme of further work on this topic is attached in Annex V. The template for construction of the matrix of food safety activities can be found under Annex VI.

8.2 Development of food law

During the mission we attempted to clarify the situation with respect to the development of a food safety law in Tajikistan.

We had noted that earlier in 2010 Tajikistan had informed the WTO Working Party on Accession that it was the intention of FAO to conduct a detailed review of food law, but we were unable to obtain confirmation of this from the local FAO representative, Mr Nassim Jawad.

We were informed by various interlocutors that amendments to the 2002 Law on the Quality and Safety of Food had been developed by an inter-Ministry process and would be considered by the Government on 27/28 November. It was not possible to obtain a copy of the draft amendments, and it was difficult even to establish whether they would be wide-ranging or more limited in scope. Mr. Kurbanov will follow up on this issue.

² These principles are included in Annex II.

The representative of USAID-RTLTC informed us that his project intended to write a new draft food law for Tajikistan that would incorporate provisions appropriate for conformity with the WTO SPS Agreement, including on risk assessment, transparency and the use of international standards. Drafting would be done in the Russian language. If possible the new law would not provide for the registration of foods as presently occurs. Because the RTLTC project is due to finish in September 2011, some way would have to be found to carry on the work from that point. We clarified that USAID-RTLTC believes that the ITC-sponsored work on roles and responsibilities of agencies would be complementary and should proceed in parallel with development of the new law.

8.3 Streamlining in relation to bio-security

During conversations with officials in the animal and plant health areas of the Ministry of Agriculture no information was received that indicated overlap or duplication of functions in these fields. It is possible that there are some, even significant gaps in the bio-security systems in place in Tajikistan, but there was not sufficient time to explore this aspect.

In view of the substantial amount of work that is clearly needed to rationalise activities in the field of food safety, it is recommended that priority be given to that topic. It may be appropriate to return to the streamlining of SPS infrastructure for animal and plant health at a later date, if funds are available.

9. RECOMMENDATIONS

Tajikstandart should provide funds in its own budget for the maintenance of accreditation for the two laboratories which have been accredited under the ITC project. It should consider shifting its accreditation from DAKKS to another accreditation body in the region in view of the high cost.

The Working Group on the Transparency Provisions of the WTO Agreements on TBT and SPS should be established formally.

The NNA for TBT and SPS should be established formally.

The NEPs for TBT and SPS should be notified to the WTO Secretariat.

It is most strongly recommended that the services of Mr. Kosim Kurbanov be retained for the continuation of work in 2011, since during the present mission he has acquired the knowledge and understanding necessary for the compilation of the matrix of food safety regulatory activities. The loss of his services would cause a severe set-back to the progress of the work on streamlining SPS infrastructure.

10. ACKNOWLEDGEMENTS

The authors would like to express their appreciation to the ITC staff, both in Geneva and Dushanbe, and in particular to A. Zargaryan, Regional Trade Promotion Adviser; Saidmumin Kamolov, National Project Manager; Nargiza Abjumajidova, National Programme Assistant; Kosim Kurbanov, National Consultant on SPS; and Farzona Tilavova, National Consultant on TBT.

Annex I – Programme of the mission

Monday 8 November 2010

Time	Person(s)	Place	Notes
14:00 – 16:30	Meeting with NPM, NCs on SPS and TBT	ITC office	

Tuesday 09 November 2010

Time	Person(s)	Place	Notes
9:00– 09:40	Ministry of Economic Development & Trade (MEDT) Meeting with Mr. Saidrahmon Nazriev, Deputy Minister of Economic Development & Trade (MEDT)	MEDT	Gujadhur, Digby, Kosim Farzona, Saidmumin
10:00– 12:30	Participation in the 1 st meeting of the Working Group on SPS and TBT	MEDT	
14:30-15:30	USAID Regional Trade Liberalization and Customs Project (RTLCL) Mr. Parviz Kamoliddinov, Project Manager Mr. Jovan N. Jekic, Senior WTO Advisor Mr. Mansur Sattorov, WTO Attorney	RTLCL office	Gujadhur, Digby, Kosim Farzona, Saidmumin
16:00-17:00	GTZ - Support to Regional Economic Cooperation in Central Asia Ms. Zarina Nigmatova, National Coordinator for TBT GTZ-Support to SME in Tajikistan Ms. Zarina Kosymova, Deputy Team Leader	GTZ office	Gujadhur, Digby, Kosim Farzona, Saidmumin

Wednesday 10 November 2010

Time	Person	Place	Notes
9:00– 10:00	Ministry of Agriculture Mr. Mizrobkhon Dehkonov, Chief Specialist Mr. Muhammadiev S., Head of Department of Economic Policy and Forecast	MOA	Gujadhur, Digby, Kosim Farzona, Saidmumin

10:00– 12:00	Ministry of Agriculture Meeting with EP SPS staff- Mr. Saidnuriddin Bahriddinov, Chief Specialist, Mr. Ikhtiyor Jalolov, Leading Specialist	MOA	Gujadhur, Kosim, Farzona,
13:30-15:00	Ministry of Agriculture Meeting with Mr. Amirbekov M, Head of State Sanitary and Veterinary Service , Mr. Sherali Vazirov, Head of Sanitary and Veterinary Surveillance Department	SSVS	Gujadhur, Digby, Kosim Farzona
15:30 – 17:00	Ministry of Agriculture Meeting with Dr. Madaminov V.S, Head of State Service on Phytosanitary and Plant Quarantine (SSPPQ)	SSPPQ	Gujadhur, Digby, Kosim Farzona

Thursday 11 November 2010

Time	Person	Place	Notes
09:00 – 13:00	Visiting the Sanitary Control Point, Tursunzoda district (next to Dushanbe)	MEDT	Gujadhur, Digby, Kosim, Saidmumin
14:00 – 17:00	Ministry of Health (MOH) Meeting with Mr. Aliev S., Head of Sanitary and Epidemiology Service (SES) Mr. Ilhom S. Bandaev, Head of Department of Reform and International Relations	SES	Gujadhur, Digby, Kosim

Friday 12 November 2010

Time	Person(s)	Place	Notes
9:00– 10:00	Tajikstandart Meeting with Mr. Davlatali Hotamov, Director Ms. Natalya Kurova, Head of Food Testing Lab	Tajikstandart	Gujadhur, Digby, Kosim Farzona, Saidmumin
10:00 – 12:00	Tajikstandart Meeting with EP TBT staff- Mr. Firdaws Karimov and Mr. Bahrom Jumaev	Tajikstandart	Gujadhur, Farzona
10:00 – 11:00	Tajikstandart Mr. Bakhtiyor Shukurov, Deputy Director	Tajikstandart	Digby, Kosim
11:00 – 12:00	Tajikstandart Meeting with Mr. Suhrob Valimadov, Head of Trade Inspection Department	Tajikstandart	Digby, Kosim
14:30 – 15:30	Swiss Cooperation Office in Tajikistan Debriefing meeting: Ms. Anna Schwarz, National Program Officer, SECO	SDC office	Gujadhur, Digby, Kosim, Saidmumin

16:00 – 17:00	Delegation of the European Union to the Republic of Tajikistan Mr. Boris FILIPOV, Project Manager PSD	ITC office	Gujadhur, Digby, Kosim, Saidmumin
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Saturday 13 November 2010

Time	Person(s)	Place	Notes
09:30 – 11:00	Additional meeting with Mr. Mizrobkhon Dehkonov, Chief Specialist	ITC office	Gujadhur, Digby, Kosim, Saidmumin
11:00 – 13:00	Meeting with NCs on SPS and TBT	ITC office	Gujadhur, Digby, Kosim, Farzona, Saidmumin

Monday 15 November 2010

Time	Person(s)	Place	Notes
09:45 – 10:15	UNDP Mr. Zafar Yuldoshev, Head of Procurement Unit	UNDP	Gujadhur, Saidmumin, Nargiza
11:00 – 12:30	Ministry of Economic Development & Trade (MEDT) Mr. Dodarjon Zohirov, Head of Department of Foreign Economic Relations Meeting with the proposed NNA staff: Mr. Parviz Emomov, Head of WTO affairs Division Mr. Murodbek Laljebaev, Chief Specialist, Division of translations and mass media affairs	MEDT	Gujadhur, Digby, Kosim, Farzona
13:00 – 13:45	Ministry of Energy & Industry Mr. Ruziev Akram, Head of Department of Food Industry	ITC office	Gujadhur, Digby, Kosim, Farzona, Saidmumin
14:00 – 15:30	Entrepreneurs and Exporters Union of Tajikistan Mr. Nekroy Zabiroy, Chairman	Association office	Gujadhur, Digby, Kosim, Farzona

16:20 – 17:00	Meeting with NC on SPS	ITC office	Digby, Kosim, Saidmumin
16:40 – 17:40	Meeting with Ms. Natalya Kurova, Head of Tajikstandart's Food Testing Lab regarding signing a contract on accreditation of laboratories	ITC office	Gujadhur, Farzona, Saidmumin
17:45 – 18:20	Meeting with NCs on SPS and TBT	ITC office	Gujadhur, Kosim, Farzona, Saidmumin

Tuesday 16 November 2010 Eid Al-Adha Holiday

Wednesday 17 November 2010 Flight to Bishkek at 10:00am

Annex II- First meeting of the Working Group on SPS and TBT

A. AGENDA



TRADE PROMOTION PROGRAMME IN TAJIKISTAN

1st Meeting of the Working Group on SPS and TBT

Venue: Conference Hall of the Ministry of Economic Development and Trade

Date: 09 November 2010

Objective: *Development of Action Plan for Working Group on the Transparency Provisions in the WTO Agreements on TBT and SPS*

10:00 – 10:15 Opening remarks by Mr. Saidrahmon Nazriev, Deputy Minister of Economic Development and Trade

10:15 – 11:00 Presentation on "*Information Retrieval and Dissemination in the framework of the WTO Agreements on TBT and SPS*", by Mr. S. K. Gujadhur, ITC Senior Adviser on Standards and Quality Management

11:00 – 11:10 Remarks on "Streamlining the SPS infrastructure" by Mr. Digby Gascoine, ITC International Consultant on SPS

11:10 – 11:30 Terms of reference of the Working Group and modalities for its functioning by Ms. Farzona Tilavova and Mr. Kosim Kurbonov, ITC National Consultants

11:30 – 12:40 Discussion on outline of action plans for TBT and SPS and clarifications on content of action plans

12:40 – 13:00 Way forward and concluding remarks

B. LIST OF PARTICIPANTS**1ST MEETING OF WORKING GROUP ON TBT AND SPS****Venue:** Conference Hall, Ministry of Economic Development and Trade**Date:** 09 November 2010

#	Name/Position	Institution	Position	Telephone	E-mail
1	Mr. Nazriev S.R.	Ministry of Economic Development and Trade of RT	Deputy Minister	221 38 54	
2	Mr. Khudoyorov A.	Ministry of Economic Development & Trade	Leading specialist, WTO affairs division	227 88 57	khudoyorov_a@yahoo.com
3	Mr. Asludinov M.	Ministry of Economic Development & Trade	Deputy head of department	223 03 68	asludinovm@mail.ru
4	Mr. Emomov P.	Ministry of Economic Development & Trade	Head of WTO division	905 05 01 64 (mob)	parvizsaidovich@yahoo.com
5	Mr. Mizrobkhon Dehkonov	Ministry of Agriculture	Chief specialist MoA	907 36 00 55 (mob)	mdehkonov@mail.ru
6	Mr. Sherali Vazirov	Ministry of Agriculture	Head of department on veterinary-sanitation service	238 05 44	
7	Mr. Saidahmad Shohzoda	Ministry of Agriculture State Service on Phytosanitary and Plant quarantine	Head of department, state phytosanitary supervision	90 500 43 03 (mob) 224 04 16	
8	Mr. Jalolov I.	Ministry of Agriculture, Economic Policy and Forecasting Department	Leading specialist/contact person on NIC on SPS		
9	Mr. Nazarov Kh. K.	State Sanitary and Epidemiological Service, Ministry of Health RT		227 35 13 93 512 99 55 (mob)	
10	Mr. Shodmonov S.	State Sanitary and Epidemiological Service, Ministry of Health RT	Head of sanitary department	227 80 73 918 82 54 43 (mob)	
11	Mr. Shukurov B.	Tajikstandart	Deputy director	234 75 06	42/2, N. Karabaev Str, Dushanbe
12	Mr. Firdavs Karimov	Tajikstandart	Leading specialist	918 78 65 12 (mob)	42/2, N. Karabaev Str, Dushanbe karimov_st@mail.ru
13	Mr. Jumaev B.	Tajikstandart	Leading specialist of computerization department		
14	Mr. Parviz Kamoliddinov	USAID Regional Trade Liberalization and	Country Manager	701 05 55	pkamoliddinov@rtlc.tj

		Customs Project (RTL)			
15	Mr. Jovan Jekic	USAID Regional Trade Liberalization and Customs Project (RTL)	Senior WTO Adviser	701 05 55	
16	Mr. Mansur Sattorov	USAID Regional Trade Liberalization and Customs Project (RTL)			mansur.sattorov@yahoo.com
17	Ms. Irina Sharipova	GTZ	Food chemistry and consumer protection Specialist	+44 600 68 37	irina.sharipova@gtz-psd.de
18	Mr. Nekrui Zabirov	Association of Entrepreneurs and Exporters of Tajikistan	Chairman	918 61 85 05 (mob)	nekrui@mail.ru
19	Ms. Anna Schwarz	Swiss Cooperation Office Tajikistan	National Program Officer for Economic Affairs	224 73 16 224 38 97 224 19 50	Anna.Schwarz@sdc.net
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23	Ms. Nargiza Abdumajidova	ITC Trade Promotion Program in Tajikistan	National Program Assistant	223 20 57	nargiza_itc@tajnet.com
24	Ms. Farzona Tilavova	ITC Trade Promotion Program in Tajikistan	National Consultant on TBT	907 98 24 74	ftilavova@gmail.com
25	Mr. Kosim Kurbonov	ITC Trade Promotion Program in Tajikistan/ State Sanitary and Epidemiological Service, Ministry of Health RT	NC on SPS/Chief specialist	918 50 32 74 (mob)	kosim.kurbonov@gmail.com
26	Mr. Abdulfattoh Shafiev	ITC Trade Promotion Program in Tajikistan	NC on PR	988 088811 (mob)	abdufattoh@inbox.ru
27	Ms. Karina Davydova		Freelance Translator	918 62 32 35 (mob)	capntaj@gmail.com

Annex III – Terms of reference for NNA for TBT and SPS

The National Notification Authority is responsible for:

1. Ensuring that proposed SPS regulations which are not based on International Standards and which may have a significant effect on trade of other WTO Members are published early to allow for comments.
2. Notifying other WTO Members through the Secretariat of proposed SPS regulations, using the appropriate notification forms.
3. Providing copies of proposed SPS regulations on request.
4. Ensuring that comments on proposed SPS regulations from other WTO Members are handled correctly.
5. Ensuring that proposed technical regulations and conformity assessment systems which are not based on international standards and which may have a significant effect on trade of other WTO Members are published early to allow for comments.
6. Notifying other WTO Members through the Secretariat of proposed technical regulations and conformity assessment procedures, using the appropriate notification forms.
7. Providing copies of proposed technical regulations and conformity assessment procedures on request.
8. Ensuring that comments on proposed technical regulations and conformity assessment procedures from other WTO Members are handled correctly.
9. Ensuring that when an agreement has been reached with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, other WTO Members have been notified through the Secretariat.

Annex IV – Terms of reference for NEPs for TBT and SPS

A. Terms of reference for NEP for TBT

The National Enquiry Point is responsible for answering all reasonable questions and providing relevant information or documents, as appropriate, regarding:

1. Any technical regulations, standards and conformity assessment procedures adopted or proposed within the country.
2. The membership and participation of the country, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems.
3. The membership and participation of the country in bilateral and multilateral arrangements within the scope of the TBT Agreement.
4. The location of notices published pursuant to the TBT Agreement or where such information can be obtained.

B. Terms of reference for NEP for SPS

The National Enquiry Point is responsible for answering all reasonable questions and providing relevant documents regarding:

1. Any sanitary or phytosanitary regulations adopted or proposed within the country.
2. Any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the country.
3. Risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary and phytosanitary protection.
4. The membership and participation of the country, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems.
5. The membership and participation of the country in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement.
6. The texts of any agreements and arrangements mentioned in point 5 above.

Annex V - Programme of work on analysis of food safety regulatory activities

PHASE 1: Inception

The first phase comprises:

- preliminary data collection by the National Consultant;
- initial consultations with relevant Government of Tajikistan Ministries and agencies in the fields of food safety and animal/plant health, as well as private sector representatives and interested donors;
- decision on the scope of further work.

Timing: Completed during first mission, November 2010.

PHASE 2: Compilation of matrix

The second phase comprises:

- adoption of a design for the matrix to be compiled by the National Consultant;
Timing: Cleared with International Consultant by 23 November 2010.
- filling of the matrix in consultation with Ministries/agencies; (National Consultant)
- verification of the draft matrix by consultation with a range of private enterprises that are subject to food safety regulation; (National Consultant)
- ***copy draft to International Consultant;***
- investigation and repair of identified discrepancies between government and private sector advice; (National Consultant)
- identification of areas of duplication of regulatory activities, with short descriptions of the issues arising; (National Consultant)
- ***copy completed material to International Consultant;***
- identify areas not adequately covered by regulatory intervention; (National Consultant)
- ***copy completed material to International Consultant.***

PHASE 3: Validation of matrix

The third phase requires initial validation of the matrix by the National Consultant who will circulate the completed document to all parties consulted with a request that they advise of any mistakes. Parties will be informed that failure to reply will be interpreted as approval of the draft as circulated. Final validation will be done jointly by the National Consultant and the International Consultant during the next mission scheduled for the second quarter of 2011.

PHASE 4: Identification of options for reform

The fourth phase requires analysis of the matrix and the formulation of options for the re-organisation of regulatory activities among agencies to provide a more streamlined, coherent and non-duplicative approach to control of food safety in Tajikistan. (National Consultant and International Consultant)

Among the principles to be followed in the development of possible alternative approaches are:

- regulatory activities should be components of a comprehensive, coherent and non-duplicative regulatory scheme;
- in general, there should be one leading agency for regulation of each stage of the progression from farm (or import) to table (or export); the involvement of secondary agencies may be justified by their specialist expertise (e.g. veterinarians) or similar considerations;
- in general, regulatory activities at one site (e.g. a food factory) should be carried out by the minimum practicable number of agencies;
- legal mandates of agencies should reflect a rational, cost-efficient allocation of responsibilities; existing legal mandates of agencies need not be the final determinants of how responsibilities are ultimately assigned;
- laboratory capability should not be a primary determinant of the assignment of responsibilities to agencies;
- assignment of roles and responsibilities should facilitate the modernisation of Tajikistan's food regulatory system.

Annex VI – Matrix outline:current activities of the ministries/agencies in food safety control in Tajikistan

	MoA	MoH	Tajik-standart	MoEI
Production				
Official requirements (agricultural chemical residue limits)				
Codes of practice				
Agricultural inputs - fertilizer /vet. drugs standards/ feed/ seeds				
Chemical controls (registration, quality monitoring import)				
On farm control				
Zoonosis, disease and pest surveillance				
Traceback, emergency response				
LMOs, GMOs				
Export Inspection				
Food import				
Official requirements (national food standards)				
Pre Border Inspection				
At border inspection (doc Check, food insp. & testing)				
Post-border registration of importers, traceability				
Post-border certification				
Emergency response				
Registration of food/first time clearance				
Primary processing				
Official requirements				
Codes of practice				
Licensing of premises				
Inspection of premises/export inspection				
Licensing of Business				
Traceability				
Secondary processing				
Official requirements				
Codes of Practice				
Licensing of premises				
Inspection of Premises				
Sampling/testing of ingredients and/or products				
Licensing of Business				
Traceability				
Transport and storage				
Official requirements				
Codes of Practice				
Licensing of premises				
Inspection of Premises				

Licensing of Business				
Traceability				
Marketing				
Official requirements				
Codes of Practice				
Licensing of establishments				
Licensing of Business (small, large)				
Inspection of Markets (formal, informal) shops				
Sampling/testing of foods				
Food export				
Official requirements of importing Countries				
Competent Authority Export certification				
Licensing/certification of premises				
Traceability				
Consumer sector				
Labelling Rules				
Codes of Practice				
Official Requirements				
Inspection				
Testing				
Traceability				
Emergency response				
Education				
Monitoring food-borne disease				
Tourist food/restaurants				