

**QUALITY POLICY**  
**FOR**  
**THE GAMBIA**

**Ministry of Trade, Industry, Regional Integration and Employment**

## CONTENTS

ABBREVIATIONS AND ACRONYMS .....	2
DEFINITIONS .....	3
1 INTRODUCTION .....	4
1.1 Objectives of the Quality Policy .....	5
1.2 The Rationale for the Quality Policy .....	5
2 THE CURRENT SITUATION IN THE GAMBIA .....	6
2.1 The Gambia Quality Infrastructure .....	6
2.2 The Gambia Regulatory Domain .....	7
3 THE DIRECTION OF THE QUALITY POLICY .....	8
3.1 The Vision .....	8
3.2 Quality Policy management and coordination .....	8
4 THE NQI - COMMITMENT OF GOVERNMENT .....	9
4.1 General approach .....	9
4.2 Metrology .....	10
4.3 Standards .....	10
4.4 Accreditation .....	11
4.5 Conformity assessment .....	11
4.6 Education and training .....	11
4.7 Information network .....	12
5 TECHNICAL REGULATIONS .....	12
5.1 General .....	12
5.2 Technical Regulation Framework .....	13
5.3 Regulatory Authorities .....	14
5.4 Technical Regulation Coordination.....	14
6 ROLE OF OTHER STAKEHOLDERS .....	15
6.1 Private sector.....	15
6.2 Non-State Actors (NSAs) .....	15
6.3 International Development Agencies .....	16
7 RELATIONSHIP WITH INTERNATIONAL ORGANIZATIONS .....	16
8 FINANCING THE NQI AND TECHNICAL REGULATION FRAMEWORK .....	17
9 LEGAL FRAMEWORK .....	18

## **ABBREVIATIONS AND ACRONYMS**

BIPM	- Bureau Internationale de Poids et Mésures
CAC	- Codex Alimentarius Commission
CMC	- Calibration and Measurement Capability
ECOWAS	- Economic Community of West African States
EU	- European Union
FSQA	- Food Safety and Quality Authority
GCCI	- Gambia Chamber of Commerce and Industry
GIEPA	- Gambia Investment and Export Promotion Agency
IAF	- International Accreditation Forum
IEC	- International Electrotechnical Commission
ILA	- International Laboratory Accreditation Cooperation
IPPC	- International Plant Protection Convention
ISO	- International Organization for Standardization
ITU	- International Telecommunications Union
MoA	- Ministry of Agriculture
MoFEA	- Ministry of Finance and Economic Affairs
MoTIE	- Ministry of Trade, Industry, Regional Integration and Employment
MPRA	- Medicines, Pharmaceuticals and Radiation Authority
NSA	- Non State Actors
NQI	- National Quality Infrastructure
OIE	- Office International des Epizooties (World Organization for Animal Health)
OIML	- Organisation Internationale de Métrologie Légale
PURA	- Public Utilities Regulatory Authority
PVoC	- Pre-shipment Verification of Compliance
SME	- Small and Medium Enterprise
SPS	- Sanitary and Phytosanitary (measures)
TBT	- Technical Barriers to Trade
TGSB	- The Gambia Standards Bureau
WTO	- World Trade Organization

## DEFINITIONS

**Accreditation** is the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks;

**Calibration** is the set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or a reference material and the corresponding values realized by standards;

**Certification** is the procedure by which a third party provides written attestation that a product, process or service meets specified requirements;

**Conformity assessment** means the demonstration that specified requirements relating to a product, process, system, person or body are fulfilled;

**Designation** means the governmental authorization of a conformity assessment body to perform specified conformity assessment activities;

**Inspection** means the examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgment with general requirements;

**Measurement standard** means a material measure, measuring instrument, reference material or measuring system intended to define, realize, conserve or reproduce a unit, or one or more values of a quantity, to serve as a reference;

**Quality Infrastructure** is the totality of the institutional framework (public or private) required to establish and implement standardization, metrology (scientific, industrial and legal), accreditation and conformity assessment services (inspection, testing and product- and system certification) necessary to provide acceptable evidence that products and services meet defined requirements, be it demanded by authorities (technical regulation) or the market place (contractually or inferred);

**Quality management** means the coordinated activities to direct and control an organization with regard to quality;

**Standard** is a document established by consensus and approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context;

**Sanitary or Phytosanitary (SPS)** measures include all relevant laws, decrees, regulations, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

**Technical regulation** is a document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method. NOTE: A mandatory or compulsory standard is also a technical regulation.

**Testing** means the determination of one or more characteristics of an object of conformity assessment according to a specified procedure.

## 1. INTRODUCTION

In the present environment of increased globalization, empirical evidence suggests that standardization and its conformity assessment companions have a very important role to play in technological progress, productivity, trade and industrial development. Increasingly, global purchasers demand products and services that meet rigorous and advanced standards of quality, not only to ensure that such products and services integrate flawlessly with others in the supply chain, but also to satisfy customer expectations and to comply with a maze of technical regulations in importing countries.

The Gambia has progressively established a more liberal trade regime since the middle 1980s, and continues to pursue policy objectives of improving trade-related services in order to enhance trade performance which ultimately may lead to poverty reduction. Therefore, the Government commits itself to re-engineer, strengthen, and maintain the national regulatory, standardization, metrology, accreditation and conformity assessment institutions that make up the National Quality Infrastructure (NQI) in order to facilitate compliance of Gambian exports with the requirements of the export markets, whilst at the same time ensuring that the safety and health of people, animals, plants and the environment in The Gambia are not neglected.

This Quality Policy is therefore set within the context of The Gambia's long-term strategic vision of achieving a middle income status by 2020. It complements The Gambia Trade Policy 2011, the objectives of which also serve admirably as the objectives of this Quality Policy, namely:

- a) Improvement of the competitiveness of The Gambia trading environment;
- b) Support production activities for the domestic and international markets;
- c) Establishment and strengthening of the quality infrastructure for enhanced market access;
- d) Ensuring a fair trading environment for producers and consumers alike;
- e) Establishment of an efficient trade information system; and
- f) Strengthening of bilateral, regional and multilateral trade cooperation.

Following on from the international and regional context, the policy articulates the role a National Quality Infrastructure (NQI) has in the trade and technical regulation related domain, the choices regarding the institutional framework of the NQI, especially the Government's short-term and long term commitments to establish and maintain standards, metrology and accreditation services as the fundamental building blocks of the NQI. The policy also provides the framework for the development of conformity assessment services by both public and private institutions that would be acceptable to the trading partners of The Gambia; conformity assessment services that will support industries in their efforts to access markets, and the regulatory authorities at home to ensure the safety and health of the people and the environment.

In pursuing these objectives the Government of The Gambia will remain committed to the Multilateral Trading System, in particular the WTO Agreement on Technical Barriers to Trade and the WTO Agreement on Sanitary and Phytosanitary Measures. In addition, the policy seeks to integrate seamlessly with the emerging regional obligations of The Gambia, such as the ECOWAS Quality Policy, with regard to standardization and technical regulation regimes to foster intra-regional trade, ultimately leading to a free trade area within ECOWAS.

The involvement of the private sector as well as the educational institutions is of paramount importance for the successful implementation of the Quality Policy, and hence the Government will strengthen its collaboration with these to ensure development of the same, at the same time maintain its focus on its quest for growth and poverty reduction.

The Ministry of Trade, Industry, Regional Integration and Employment (MoTIE) in addressing the Government's commitments in the Quality Policy, has included in the Medium Term Plan of the Ministry and the Programme for Accelerated Growth and Employment (PAGE), as the guiding frameworks to improve the business environment, and strengthen the trade, industrial and productive capacities for enhanced growth, employment and poverty reduction.

### 1.1. Objectives of the Quality Policy

The overall objective of the Quality Policy is to ensure that goods and services emanating from or traded in The Gambia are designed, manufactured and supplied in a manner that matches the needs, expectations and requirements of the purchasers and consumers as well as those of the regulatory authorities in the export as well as in the local markets. In addition, implementation of the Quality Policy will raise quality consciousness amongst the producers, suppliers and the consumers, and it is an undertaking to introduce and maintain a quality culture in public life and throughout society.

In particular, the specific objectives of the Quality Policy are to:

- a) Strengthen the national metrology system and in particular raise the profile of metrology as a significant component in the country's overall activities;
- b) Establish the appropriate framework for the development and publication of national standards, clearly defining the role of the national standards organization at the pinnacle of all standardization work, and the involvement of all stakeholders in the process;
- c) Include the use of accreditation in the national regulatory activities;
- d) Provide a framework for the establishment of conformity assessment service providers in both the public and private domain that are technically competent;
- e) Provide a mechanism for coordinating the development of technical regulation and SPS measures to ensure clear mandates and proper division of work;
- f) Provide a framework for quality promotion.

### 1.2. The Rationale for the Quality Policy

An effective and efficient quality policy will not only provide guidance for the development of the National Quality Infrastructure, but it should also be outcome based and have a positive impact on The Gambia's trade and industrial development and the competitiveness of The Gambia's exporters in regional and international markets. Hence, the rationale for the Quality Policy is to:

- a) Support the desire of the Government to efficiently and effectively manage its regulatory responsibilities in order to fulfill two of its primary mandates, namely the protection of society and the environment;
- b) Meet the needs of those that are being regulated by providing a transparent and stable regulatory system free from bureaucratic vagaries;
- c) Commit the Government to provide a conducive environment for the availability of affordable standards, metrology, accreditation and conformity assessment services that are accepted globally; and
- d) Fulfill the need of industry to have access to conformity assessment services that are affordable and accepted globally, so that their products can be marketed under the motto: "Tested once, certified once, and accepted everywhere".

## 2. THE CURRENT SITUATION IN THE GAMBIA

### 2.1. The Gambia Quality Infrastructure

#### 2.1.1. Standards

In 2010 The Gambia enacted The Gambia Standards Bureau Act which established the Bureau. The Bureau's mandate includes:

- establish and promulgate standards,
- define, prepare, publish, modify or amend Standard Specifications and
- to promote Standardization, Conformity Assessment and Metrology in Industry and Commerce,
- to be the custodian of national primary standards and be responsible for fundamental and industrial metrology, amongst others.

The Bureau is in charge of the WTO TBT Enquiry Point and is a Corresponding Member of the International Organization (ISO) for Standardization and an Affiliate Member of the International Electrotechnical Commission (IEC).

#### 2.1.2. Metrology

As regards Metrology, The Gambia has decided to keep the provision of fundamental (scientific) and industrial metrology separate from legal metrology (of which Weights and Measures are a subset). Whilst some would argue that this will lead to an expensive duplication of activities, one should not forget that at the international level these two domains are separated, i.e. the relevant international organizations are the BIPM and the OIML respectively. The former is a technical/scientific service, whereas the latter is a regulatory activity, having a different mandate and therefore requiring different skill sets.

In pursuant to the above separation of mandates, The Government of The Gambia upgraded the national metrology system, by establishing a National Metrology Laboratory, the equivalent of National Metrology Institutes in other countries, under The Gambia Standards Bureau. This Laboratory maintains the national primary measurement standards capable of providing a reliable and accurate calibration services and traceability requirements. Thus, the NML ensures that a national calibration service is established, maintained and continuously improved to diffuse the national measurement standards into industry, regulatory authorities and society in order to ensure that all measurements in trade, law enforcement, environmental controls and health services emanating from The Gambia are acceptable.

The Weights and Measures Bureau (WMB) regulates Legal Metrology issues. A legal metrology Act, updating the country's weights and measures legislation and extending its scope to cover measuring equipment used in the health services, environmental controls and law enforcement is expected to be enacted in 2014.

#### 2.1.3 Accreditation

The technical competency of laboratories, inspection agencies and certification bodies is of paramount importance if inspection and test reports and certificates from The Gambia are to be recognized in the export markets as well as by regulatory agencies here in The Gambia. The Gambia does not have a national accreditation body. Establishing one is an expensive business and it would probably be more pragmatic to utilise the services of a regional accreditation body or one from a neighbouring country that has established one.

Accreditation by foreign accreditation bodies is very expensive. Hence accreditation remains one of the most serious challenges for The Gambia to get its inspection, testing and certification accepted internationally.

#### 2.1.4. Testing

A number of public laboratories have been established over the years in The Gambia in various Ministries. None of the public laboratories however, have been accredited to ISO/IEC 17025, the international benchmark for technical competency. Hence, none of the services of these laboratories are generally acceptable to the export markets, even within ECOWAS. This is a major impediment to gain approval for the main food exports of The Gambia, namely fish, fish products and groundnuts to lucrative export markets such as the European Union.

There are ongoing efforts to upgrade some public laboratories to address the serious challenges faced by The Gambia with respect to internationally-acceptable inspection, testing and certification for the targeted export markets. Given the enormity of these challenges, their structural nature and the system of payments and disbursements, it is unlikely that they can achieve the required future sustainability. Government shall take the necessary measures to ensure that these labs are placed under the enabling institutional framework which permits them to be commercially viable and sustainable.

#### 2.2. The Gambia Regulatory Domain

The regulatory domain impacting on trade, health, safety of the people in The Gambia and the environment comprises mainly the following:

##### 2.2.1. Food safety

The Gambia Food Safety and Quality Act 2011 created a single integrated Food Safety and Quality Authority under the Office of the Vice President. The Authority is responsible for official controls of the safety and quality of all food and feed.

##### 2.2.2. Public Utilities Regulatory Authority (PURA)

The Public Utilities Regulatory Authority (PURA) was established in 2001.

- a) The mandate of PURA is in the area of public utilities, the service delivery of which has an influence on the ultimate consumer. Hence, PURA regulates a vast array of utilities, i.e. water (potable water) and electricity supply, telecommunications, They are yet to deal with transport and postal services – but they are developing capacity in these areas.
- b) PURA has slowly but inextricably been drawn into regulating products which if unregulated, pose a safety hazard to the public. Hence, PURA has started regulating electrical cable that has been shown to have been the cause of some serious electrical incidents in homes, and radio telephones that have interfered with regular radio broadcasts due to frequency instability.
- c) PURA works closely with Customs regarding imported products within their mandated responsibilities, and with relevant line Ministries that are responsible for developing the regulations.
- d) Questions still unanswered are whether they should get involved in the construction industry and other industrial materials such as building materials, plant and equipment.

The Ministry of Regional Administration, Lands and Traditional Rulers approves building plans. However, nobody controls the quality of building materials and the quality of building operations on building sites which is supposed to be checked is not as effective as required. This relates to the electrical installation and water reticulation systems as well as building construction contractors, architects, plumbers, electricians etc.



### 2.2.3. Others

A number of active regulatory agencies in respect of products not listed above exist in various Ministries, such as:

- a) Department of Physical Planning approves building plans. It does not regulate the quality of building materials that could have a meaningful influence on the quality of buildings, i.e. ensure that buildings are built in accordance with specification of the approved building plans.
- b) The Medicines Regulatory Authority (MRA) approves medicines including veterinary medicines, pharmaceutical products and cosmetics.
- c) The National Environment Agency is responsible for the control and management of the environment and liaises with other relevant regulatory authorities.

There are also other regulatory agencies on the statute books, but they do not materially impact trade, or the health and safety of the people of The Gambia or the protection of the environment for the moment.

## 3. THE DIRECTION OF THE QUALITY POLICY

This chapter identifies key institutional and policy bottle-necks and proposes key reforms for the institutional buildup of the national quality infrastructure and technical regulation framework, the aim of which is to promote economic development using trade as a stimulus to foster export growth, whilst at the same time ensure the protection of the people and environment of the country. It is therefore important to mainstream trade, the national quality infrastructure and the regulatory framework in the Programme for Accelerated Growth and Employment (PAGE).

### 3.1. The Vision

In the short term, The Gambia is seeking to establish an effective and efficient National Quality Infrastructure (NQI) that would meet international standards, and to implement a complementary technical regulation regime. Here, the Government of The Gambia will focus on quality and technical competency to ensure that the proper environment exists for national goods and services to gain a competitive edge in international markets, thereby leading to expanded exports and hence sustainable growth of The Gambia's society. At the same time, the Government will ensure that the safety and health of the people of The Gambia and the environment are not compromised by unsafe products, but without establishing unnecessary and costly trade barriers.

Long term, the Government plans to ensure the establishment of an environment that would help The Gambia's society prosper in different economic, social and technological areas, taking into account the opportunities, potential and changes that are anticipated at the regional and international levels in the upcoming era.

### 3.2. Quality Policy Management and Coordination

The Quality Policy transcends Ministerial boundaries, as it supports the growth induced trade policy for poverty reduction, addresses the supporting role the NQI plays in the implementation of technical regulations as well as facilitates technological and quality developments in private industry. Hence, a holistic approach and effective coordination across a wide spectrum of stakeholders are essential for its successful implementation. In this regard, the need for its seamless integration and coordination with The Gambia Trade Policy 2011 and the upcoming Gambia Industrial Policy needs to be highlighted.

The Ministry of Trade, Industry, Regional Integration and Employment (MoTIE) will be the institution responsible for formulating and coordinating the country's Quality Policy.

MoTIE, in cooperation with the Ministry of Finance and Economic Affairs (MoFEA) are key in determining the continued financial support of the Government with regard to the “good for country” activities of the NQI, as well as providing short term funding to develop capacity until such “commercial” activities of the NQI can become self-sufficient. Other regulators play a crucial role in the implementation of the technical regulation regimes for imported products and in export development, especially those dealing with food, tourism and infrastructure development. High level dialogue between MoTIE, these regulators and the private sector is of paramount importance and will be fostered in a NQI forum set up for this purpose.

Until a Gambian Embassy is established in Geneva, the Brussels Embassy serves as the link to the WTO, with specific consideration of the two main WTO Agreements covering the NQI and technical regulation domain, namely the WTO TBT Agreement and the WTO SPS Agreement. This Embassy is also the point of contact for the EU as regards the impact of the Quality Policy implementation. Linkages to the ECOWAS Secretariat and the evolving regional quality infrastructure at the policy level will be provided through MoTIE, whereas designated NQI institutions will be responsible for coordination and linkages at the technical level.

The Gambia Chamber of Commerce and Industry (GCCCI) represents the private sector in nearly all forums and serves as the conduit between the Private Sector and the Government. Government will continue to work closely with the GCCCI, will increasingly involve its representatives in the governance structures of the NQI and will continuously seek its views on measures that will support the technological and quality development of the private sector in order to enhance its competitiveness in the intra-regional and export markets for overall economic growth, employment creation and poverty reduction.

The quality and availability of trade related information and market preferences as regards standards and technical regulation is of vital importance to the export industry of The Gambia. Hence the Government is committed to foster the development of key information focal points, i.e. the national TBT Enquiry Point in The Gambia Standards Bureau, the national SPS Enquiry Point in the Secretariat of the National Codex, Sanitary and Phytosanitary Committee. These two enquiry points are linked to the WTO Notification Authority in MOTIE. Government will furthermore ensure that the information services of these institutions are appropriately linked to provide a complete and comprehensive information service to private industry and authorities alike, whether resident in The Gambia or abroad.

#### **4. THE NQI - COMMITMENT OF GOVERNMENT**

##### **4.1. General approach**

The Government, through its various institutions, has an enabling, coordination and educational role in the implementation of the Quality Policy. Its task is to outline the vision and the policy, and manage the general framework that will govern the place and activities of the concerned parties. It is furthermore responsible to establish and maintain the basic elements of the National Quality Infrastructure and for the creation of mechanisms to allow for the protection of the consumer on the one hand, and for full private sector participation on the other. In fulfillment of its role, the Government will act in the best interest of the country and see to it that actions are jointly governed with transparency, coordination and cooperation amongst the various sectors and stakeholders.

In order to create an environment that would be conducive for the establishment and proper functioning of an effective and efficient National Quality Infrastructure and Technical Regulation Framework, the Government is committed to carry out a profound restructuring of both the technical regulation regime and the quality infrastructure, and where necessary create new structures, as well as a full review of concomitant legislation in order to align them with international obligations and regional requirements.

To minimise market failures, the Government will review and consolidate legislation that defines the responsibilities of producers and suppliers to ensure that goods and services meet contractual and legal provisions so as to encourage fair and effective competition in order to provide consumers with the greatest range of products and services at appropriate prices; and ensure that both the public and private sectors have an equal chance with regard to providing conformity assessment services.

To create a quality culture in The Gambia in the public and private domains, the Government will promote quality awareness campaigns, provide for the integrated approach to quality management in the public sector and promote and support the creation of mechanisms or institutions that contribute to awareness raising and knowledge dissemination regarding quality to all the segments of society.

#### **4.2. Metrology**

To increase the awareness of metrology and to establish a common metrological framework as one of the fundamental building blocks of the quality infrastructure, the Government enhanced and upgraded the national metrology system through the establishment of a National Metrology Laboratory under The Gambia Standards Bureau. The Bureau's mandate includes the keeping and maintenance of national primary standards. The role of the NML is to provide a reliable and accurate measurement and calibration service within the country, whilst at the same time linking up internationally with the Calibration and Measurement Capability (CMC) recognition system administered by the Bureau Internationale de Poids et Mésures (BIPM).

The Gambia Standards Bureau National Metrology Laboratory will ensure that a national calibration service is established, maintained and continuously improved to diffuse the national measurement standards into industry, authorities and society in order to ensure that all measurements emanating from The Gambia are acceptable in trade and law enforcement. Calibration services will be provided by The National Metrology Laboratory who may delegate such service where applicable to private calibration laboratories provided that their calibration equipment is traceably calibrated to the national measurement standards kept by the NML. In addition, all calibration laboratories shall be appropriately accredited against the relevant international standards.

To ensure the equitable utilization of measurements not only in trade, but also in law enforcement, health services and environmental management, the Government will in the long term broaden the scope of legal metrology to cover the aforementioned areas. As such an appropriate institutional structure will be established within MOTIE, whose mandate and functions will be defined by the upcoming legal metrology legislation.

#### **4.3. Standards**

With regard to national standards as the initial building block for most quality related activities, the Government will see to it that the standards development process is a voluntary activity that depends on achieving consensus amongst stakeholders, and which is implemented by or on behalf of The Gambia Standards Bureau within a participatory and transparent environment. It will encourage the adoption of relevant international and regional standards based on demonstrated needs of The Gambia's authorities, industry and society, and ensure that all standards are periodically reviewed to ensure continuous conformity with technological developments, market trends and international requirements.

The Gambia Standards Bureau will provide the framework required to develop and publish national standards and other normative documents and to regularly review and update the same, all in accordance with international best practices and requirements as defined in the WTO TBT Agreement and ISO/IEC Directives. Moreover, The Gambia Standards Bureau will participate in the process of developing regional and international standards where this is of relevance for The Gambia, and will coordinate these activities with the relevant local bodies.

Ministries, academic and scientific institutions commit themselves to participate in all such committees, along with individuals, organized industry, traders and suppliers and civil society (NGOs, agriculture and tourism, and other specialized associations).

The Government will encourage the use of national and international standards for goods and services where needed as well as the independent proof of compliance through an appropriate mix of inspection, testing and certification.

#### 4.4. Accreditation

As the third fundamental building block of the quality infrastructure, namely to facilitate independent attestation of the technical capabilities of the conformity assessment service providers to the satisfaction of the local and foreign markets and authorities, as a stop gap measure, the Government will establish an “Accreditation Focal Point” to manage this area until such time when an accreditation body is established in The Gambia. The Focal Point will be a specialized function with the appropriate competency and profile within MoTIE. The Accreditation Focal Point will be responsible to:

- a) Facilitate access to the services of internationally recognized bodies for the accreditation of conformity assessment service providers such as inspection bodies, testing laboratories, calibration laboratories and certification bodies;
- b) Facilitate the identification, training and registration of local auditors to be utilized by the accreditation bodies in order to bring down the costs of accreditation; and
- c) Promote the use of accreditation as the preferred means to independently demonstrate the technical competency of conformity assessment service providers amongst authorities and private industry.

The Accreditation Focal Point in MoTIE will be the sole national entity dealing with accreditation in The Gambia, and no Ministry, authority or their agencies will establish a similar structure. Entities may seek accreditation on their own volition without the involvement of the Accreditation Focal Point, but such accreditation should be provided by an internationally recognized accreditation body in order to ensure international recognition of the entity’s competency.

#### 4.5. Conformity assessment

The overall objective of conformity assessment services is to demonstrate the quality of products and services independently from the manufacturer or the supplier. Hence, conformity assessment service providers (i.e. inspection bodies, test laboratories and certification bodies) will pay attention to national needs, be transparent, be non-discriminatory and avoid unnecessary barriers to trade. Their activities shall be based on the relevant national, regional and international standards and guidelines. They will favour mutual recognition arrangements that would minimize re-testing or re-certification, thereby helping to reduce conformity assessment costs.

The Government will create a policy environment that will not hinder, but facilitate the development of private conformity assessment service providers. Hence, testing and inspection services, as well as certification of product and management systems for technical regulations or the market place may be provided by organizations in both the private and public domain that demonstrably fulfill the requirements of the relevant national, regional or international standards and are accredited by an internationally-recognized accreditation body.

Conformity assessment services being provided by government should be run and managed to ensure sustainability in an environment of fair competition with private service providers.

#### 4.6. Education and training

Government and private academic institutions will take the necessary steps to ensure that various stakeholders have the opportunity to obtain the knowledge and the skills they need to

cope with the economy triggered by globalization challenges. Moreover, they should establish appropriate programmes on different education levels including specialised adult training programmes, with the aim to improve the quality culture, and to develop the specialized knowledge and expertise required for implementing the Quality Policy. They will also take measures to develop and implement training and registration programmes for auditors and consultants in quality and environmental management systems, health and safety in the workplace, and other relevant certification activities as defined in international requirements.

#### 4.7. Information network

The creation of an information network to serve all stakeholders, especially the SME sector, and which involves all the various quality infrastructure institutions, is decisive in guaranteeing the success of quality related activities. The Government will therefore establish a public information network that can serve authorities and private industry locally as well as abroad. This information network will be spearheaded by TGSB as the appointed TBT Enquiry Point, and the Secretariat of the National Codex, Sanitary and Phytosanitary Committee as the appointed SPS Enquiry Point. Trade information will be provided by the MOTIE and investment and export information will be provided by the Gambia Investment and Export Promotion Agency (GIEPA). These public information service providers will appropriately link their systems (through internet websites or otherwise) so as to ensure seamless information provision to stakeholders.

### 5. TECHNICAL REGULATIONS

Technical regulations (which include mandatory standards) cover all primary and manufactured products which if they should fail, could have a deleterious effect on the safety and health of the population, or the health of plants and animals. They are also implemented for the protection of the consumer against deceptive practices, and the protection of the environment. SPS measures are specific measures taken to protect the health of humans, wild fauna and flora such as food safety standards and the bio-security controls enforced at international borders to keep out exotic pests and diseases of animals and plants. Generally, a number of Ministries are responsible for the development of technical regulations. Hence, it is necessary from a trade perspective and the effective implementation of such measures that an agreed overall coordinating framework is established.

#### 5.1. General

Technical regulations and SPS measures are developed and administered by competent authorities such as the ministries responsible for agriculture, construction, electricity, environment, health, industry and trade, telecommunication, tourism, transport, petroleum and mineral resources, and others. Because technical regulations and SPS measures should be based on the relevant international, regional and national standards, coordination with The Gambia Standards Bureau and other NQI institutions is of paramount importance.

Even though technical regulations and SPS measures should take national realities into account, they must comply jointly with the requirements of the WTO TBT and SPS Agreements and the ECOWAS Treaty and its Protocols. Hence, technical regulations and SPS measures will be developed only for legitimate reasons, will ensure that products imported from any trading partner are accorded treatment no less favourable than products of national origin, and that products from all trading partners will be dealt with in equal manner. Care will be taken that technical regulations do not constitute unnecessary barriers to trade.

Products manufactured in ECOWAS Member States that fall within the scope of technical regulations and for which demonstrable conformity assessment procedures have been followed in the other Member State that may differ from those in The Gambia, but which have a similar outcome, namely safe products, will be granted free cross-border movement without further testing and certification in accordance with the ECOWAS Treaty requirements.



However, regulatory authorities, retain the right to investigate any such products where non-compliance is suspected, and should they not meet requirements, deal appropriately with the products and the suppliers.

## 5.2. Technical Regulation Framework

In order to limit unnecessary barriers to trade without compromising the safety and health of society and the environment, the Government will develop and implement a common Technical Regulation Framework to be followed by all relevant Ministries, authorities and agencies. This framework will define a number of building blocks taking into consideration international best practices, regional obligations, and local realities and practices. The building blocks of the Technical Regulation Framework will be properly defined in legislation for greater legal certainty and to ensure transparency and consistency in developing and implementing technical regulation (including mandatory standards) and SPS measures in The Gambia.

In developing the technical regulation framework, the Government will consult with stakeholders over a wide spectrum, to ensure that the framework will result in appropriate levels of safety and health of the people, animals, plants and the environment, and that its implementation is affordable.

The building blocks of the Technical Regulation Framework shall consist of at least:

- a) An Impact Assessment through which authorities will determine whether the proposed technical regulation or SPS measures will adequately deal with the market failure or safety and health risks, whether all of society will benefit if implemented, whether the technical requirements can be managed in the country and what the total costs and benefits will be. It should also consider the possibility of dealing with the market failure in ways other than technical regulation. Conducting the Impact Assessment would be the responsibility of the responsible party for the preparation of the technical regulations or SPS measures.
- b) The Technical Requirements should be based on international, regional or national standards, and should not become unnecessary barriers to trade.
- c) The Conformity Assessment service providers which provide independent evidence to the Regulators that products and services meet technical regulation requirements should be accredited as a measure of their competency and or designated by the regulatory authority. The “user pays” principle will be followed throughout.
- d) The Regulatory Authority that should be responsible for any market approvals if necessary, conduct market surveillance to ensure that suppliers meet the technical requirements, and implement sanctions in the event of product failures.
- e) Sanctions, both administrative and judicial, to be administered by the regulatory authorities or the courts, that are essential to ensure that all the suppliers meet requirements all the time.

Once the Technical Regulation Framework has been legislated and implemented, Ministries, Departments and Agencies will ensure that all their technical regulation (including mandatory standards) implemented before the framework’s promulgation will be identified and reviewed for compliance with the Technical Regulation Framework. Such technical regulations shall be confirmed, amended or withdrawn depending on the outcome of the review. All Technical regulations must be reviewed within a period of five years from the promulgation of the Technical Regulation Framework.

### 5.3. Regulatory Authorities

#### 5.3.1. Organizational structure

Due to the relatively small size of the economy, and the need to optimize the use of scarce financial and human resources in the public domain, the Government will continue to consolidate institutional framework to minimize fragmentation. Considering the wide scope of technical regulation and SPS measures, and the need for coherence in their applications, Government would continue, where necessary, with the establishment of multi-sectoral regulatory bodies (e.g., PURA, Food Safety and Quality Authority). Ministries, however, retain the responsibility for promulgating the relevant technical regulations and SPS measures.

The activities of the Regulatory Authorities will be funded through a mixture of state funding and fees. Suppliers will be responsible to obtain the relevant conformity assessment services as defined in the technical regulation and SPS measures from accredited and designated service providers, locally or abroad. The conformity assessment services will be for the account of the suppliers. Testing of products sampled during market surveillance activities of regulatory authorities, will be funded by the state if products meet requirements, but will be for the account of the supplier should they fail.

#### 5.3.2. Regulatory authorities and conformity assessment

International best practices favour a clear separation of regulatory authorities from the provision of testing and certification of products to demonstrate compliance with technical regulations because it can be seen as a conflict of interests. In the first place it creates a perception that the regulatory authority assumes responsibility for the compliance of products with technical regulations whereas there should be no doubt that the supplier remains responsible. Secondly, such practices have allowed regulatory authorities to extract rent from suppliers, thereby increasing transactions costs for trade unnecessarily.

The Government is therefore committed to pursue such separation in the long term. Hence, regulatory authorities who currently are involved in extensive testing activities in order to determine compliance of products with technical regulations, will be required to develop and implement plans to shift this responsibility to suppliers and technically competent third-party testing service providers within a given timeframe. The regulatory authorities, during their market surveillance activities, retain the mandate to inspect whenever deemed relevant or when there is suspicion that products do not comply.

#### 5.3.3. Market surveillance

Market surveillance is an expensive activity and every effort should be made to optimise its effectiveness in identifying and dealing with non-compliant products, whilst at the same time rendering it as cost-effective as possible. For market surveillance to become more effective and efficient, the Government is therefore committed to concentrate resources where risks are higher or non-compliance more frequent. This will entail the establishment of appropriate statistical data bases and risk assessment procedures in order to better monitor products placed on the market on a targeted audit basis, rather than try and inspect everything.

### 5.4. Technical Regulation Coordination

Coordination between the Regulatory Authorities and the NQI is required regarding a proper division of responsibilities and labour and to ensure that there are no unnecessary overlaps or gaps regarding products or regulatory activities. A Technical Regulation Coordinating Committee was established in 2009 at MoTIE to provide a platform for such coordination activities. MOTIE serves as the Secretariat of the committee and is responsible for organizing and facilitating meetings. The National Quality Policy would provide the policy framework for the Committee.

The functions of the Committee are as follows:

- a) Coordinate technical regulation development activities related to the NQI to avoid overlaps and conflicts and identify gaps;
- b) Ensure that the development of technical regulations follows the defined Technical Regulation Framework;
- c) Ensure that all the technical regulations developed consistently meet the requirements of the WTO TBT Agreement, the WTO SPS Agreement and the ECOWAS trade-related Treaties and Protocols; and
- d) Oversee the review of technical regulation already on the statute books, and make recommendations to revise, confirm or withdraw such regulation and to make sure that they comply with the Technical Regulation Framework.

## 6. ROLE OF OTHER STAKEHOLDERS

It is not only the Government that has a prominent role to play in the NQI and the Technical Regulation Framework. The private sector, professional associations, consumer associations, and other non-state actors, as well as the development partners have to be actively involved.

### 6.1. Private Sector

Given the private sector's predominant role to play in the implementation of the Quality Policy, the development of the national quality infrastructure should be private sector led and driven. Within the context of this policy, Government will create the enabling business and investment environment that will encourage the private sector to take the lead in the provision of the following services:

- industrial metrology
- manufacturing, fabrication of measuring instruments, tools and spare parts and their maintenance and repairs
- conformity assessment (testing, inspection, auditing and certification)
- accreditation
- education, training and advisory.

In order to achieve the maximum benefit from the Quality Infrastructure, other stakeholders will collaborate with the private sector:

- a) To improve the quality of its products and services and inculcate international best practices in the field of quality and so contribute to the competitiveness of Gambian products and services;
- b) In representative structures and technical committees dealing with standardization, accreditation, metrology or related activities;
- c) Promote national quality events, including national quality awards and the like;
- d) Promote quality dissemination activities, such as congresses, seminars and publication of information in journals, magazines and other suitable means for communication;
- e) Participate in financing activities that support quality.

### 6.2. Non-State Actors (NSAs)

The successful implementation of the Quality Policy will require the active involvement of all of society, in particular associations for the protection of consumers and the promotion of quality and excellence, chambers of industry, trade and commerce, and the media in order to realize the proclaimed objectives.



Therefore, within the implementation process of the Quality Policy, NSAs are encouraged to take the following initiatives in coordination with relevant partners:

- a) Promote and participate in the quality education and training activities;
- b) Participate in the dissemination of quality related information;
- c) Implement activities that promote the improvement of quality and the environment;
- d) Promote the representation of relevant bodies in the technical committees in the field of standardization, metrology, accreditation and quality; and
- e) Propose suggestions on quality policy improvement and better ways to implement the Quality Policy and Regulatory Framework.

The media and consumer associations, in particular are encouraged to become actively involved in the dissemination of information related to standardization, metrology, accreditation and quality and the improvement of productivity, thereby contributing to the multiplier effect and national impact. The same applies to the implementation of appropriate technical regulations and SPS measures.

### 6.3. International Development Agencies

A number of international development and donor agencies are active in The Gambia and therefore the Government of will ensure that development and capacity building programmes related to the NQI, technical regulation and SPS Measures are incorporated in the respective development corporation frameworks. In this regard the development partners are encouraged to:

- a). Support the implementation of the Quality Policy and Regulatory Framework;
- b). Mobilize financial and technical assistance support;
- c) Coordinate support of other partners for the execution of priority programmes;
- d) Support the transfer of quality related technology to the country;
- e) Support the transfer of knowledge and information which allow for the development of adequate quality and technology infrastructure;
- f) Support The Gambia's participation in the activities of relevant international and regional organizations; and
- g) Provide training for national scientists, specialists and technicians to facilitate the implementation of the Quality Policy.

## 7. RELATIONSHIP WITH INTERNATIONAL ORGANIZATIONS

Technology develops at a rapid pace at the international level, so also do standards, metrology, accreditation and conformity assessment. It is therefore especially important that the NQI institutions of The Gambia are actively involved in the appropriate international and regional forums, so that The Gambia's authorities and industry remain firmly in touch with developments at the regional and international level.

Therefore, all stakeholders have to cooperate to create conditions favourable for active participation in international organizations related to the various functions of the NQI institutions. The Gambia is a member of ISO, IEC, OIML, CAC, ITU, OIE but not yet a member of PPC, IAF and ILAC. The Gambia's membership to these Organizations should be broadened to include IPPC, IAF and ILAC and further strengthen Government support in the participation of representatives of The Gambia's public and private sectors in the relevant general assemblies and technical committee meetings and trainings where it is of significance to the country.

Likewise, the Government, together with the NQI institutions and all relevant stakeholders from organized business , industry and non-state actors, will remain actively involved in the standardization, metrology, accreditation and quality related structures of the ECOWAS at all levels, so as to ensure that The Gambia's interests are properly catered for at the sub-regional and regional levels.

All stakeholders shall cooperate to create conditions conducive for an effective understanding and participation in the implementation of the WTO TBT and SPS Agreement requirements, as well as the AU and ECOWAS Treaties and Protocols related to trade, thereby collectively and individually fulfill The Gambia's obligations in sub-regional, regional and international matters related to the Quality Infrastructure, technical regulations and SPS measures.

## 8. FINANCING THE NQI AND TECHNICAL REGULATION FRAMEWORK

The NQI comprises both "good for country" as well as "commercial" activities. "Good for country" activities are those for which no specific single beneficiary can be identified, but where the whole country or society or parts of society benefits. Government will fund such activities as part of their good governance responsibilities. However, where a single beneficiary of a service (private good) can be identified, it is incumbent on that beneficiary to pay in full for the services rendered.

The Government will be mainly responsible for financing the development, upgrading and restructuring of the NQI institutions within the public sector, even though the private sector may be called upon to co-fund such activities from time to time in a public/private partnership. The financing of private sector institutions and organizations will remain the responsibility of the private sector.

In particular, the Government will retain the responsibility for the funding of (but not excluding contributions by the private sector in specific cases):

- a) The development and publication of national standards by The Gambia Standards Bureau as well as the maintenance of its Standards Information Centre and the national TBT Enquiry Point;
- b) The continuous upgrading and maintenance of the existing national measurement standards and human resource capacity National Metrology Laboratory;
- c) The legal metrology services in so far as they cannot be funded through the fees and levies paid by the users of measuring equipment falling within the scope of legal metrology legislation;
- d) The establishment and operational expenses of the Accreditation Focal Point in MoTIE;
- e) Establishing and maintaining membership and participation in international organizations such as ISO, IEC, BIPM, OIML, CAC, IAF, ILAC, IPPC, OIE, ITU etc. as well as the relevant ECOWAS NQI structures appropriate for the proper functioning of the NQI activities;
- f) The establishment and maintenance of testing and certification capacity in support of the Quality Policy, with the proviso that these services are commercialized as soon as possible in order not to compete with the private industry on an unequal basis. Strategically important testing capacity that can never be successfully commercialised will continue to receive the appropriate funding until such time as it is no longer a strategic necessity;
- g) The establishment of proper market surveillance operations to ensure that technical regulations are complied with. The funding for the testing and certification of products falling within the scope of technical regulations remains the responsibility of the suppliers;
- h) The establishment and operations of the structures responsible for the implementation of SPS measures;
- i) The activities of the National Technical Regulations Coordinating Committee.

In order not to distort the market, and to provide for a steady self-earned income of the NQI institutions in the public domain, the private industry, and also government institutions that make use of the conformity assessment services of the NQI, have the responsibility to pay for such services. The pricing levels shall be set by the NQI institutions to cover costs, taking into consideration the capacity of especially the SME sector to pay for such services. The Government may provide financial support for the SME sector but not through concessionary pricing imposed on the NQI institutions for their services.

## 9. LEGAL FRAMEWORK

Society and the business environment are affected amongst others by the legal framework related to the quality infrastructure and technical regulation. Similarly, the quality infrastructure institutions, especially in the public domain, are bound by legislation that governs their objectives, mandates, governance, finances, processes and operations. Therefore, to facilitate the implementation of the Quality Policy, the Government should be committed to periodically review the existing legal framework as a priority measure, to expand it if required, to benchmark it against international best practices, and to ensure that it complies with the international and regional obligations of The Gambia.

Legislation that will be reviewed or developed shall include, but not limited to, the following:

- a) Amendment of The Gambia Standards Bureau Act (2010) to address the identified gaps and weaknesses;
- b) Definition of a National Technical Regulation Framework and the necessary framework for the National Technical Coordinating Committee; and
- c) Amend the Acts of relevant Regulatory Authorities in order to provide them with the mandates to cover the products and services not currently regulated as identified in the Quality Policy.