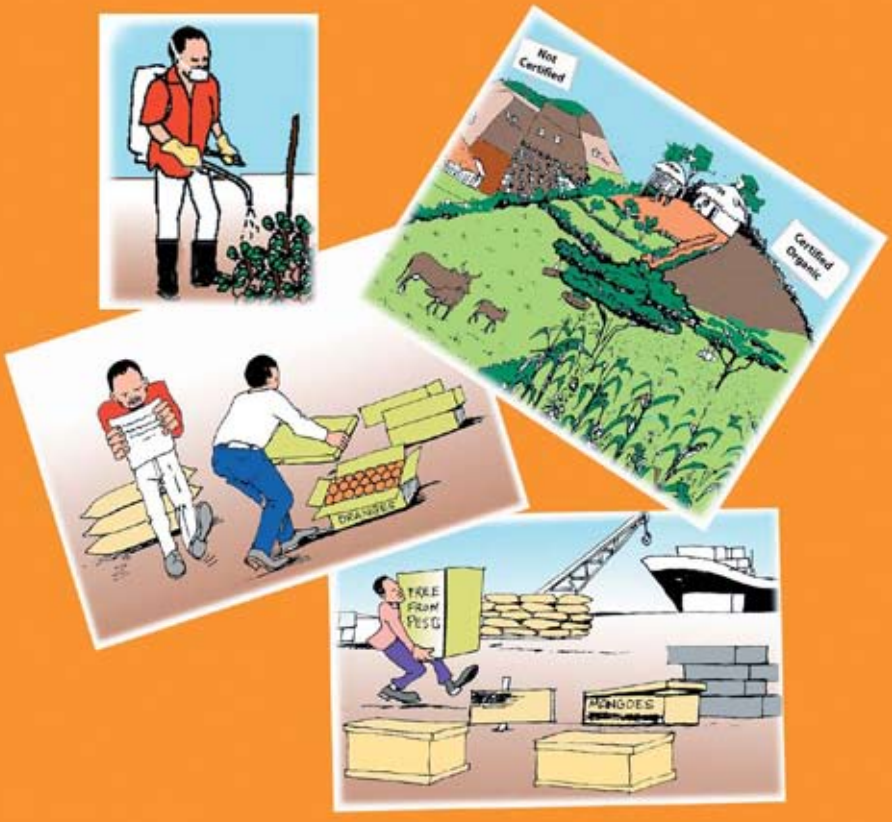
REGULATIONS, STANDARDS AND CERTIFICATION FOR AGRICULTURAL EXPORTS

A Practical Manual for Producers and Exporters in East Africa



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Why this manual?

The objective of this manual is to provide producers and exporters in East Africa with:

- information related to regulations of main import countries
- information on major certification programmes
- contacts where more information on import regulations and certification schemes can be found.

In East Africa, intensive farming with the use of agrochemicals is present, particularly for cash crops. However, concerns about this agricultural practice arise in view of environmental damages, workers' health and consumers concerns about food safety. Many private or regional East African initiatives are undertaken in order to facilitate the adoption of sustainable farming practices by producers. The certification of producers is also encouraged so that they can benefit from market opportunities. However many producers may feel that the market for certified products is very complex and that the opportunities and requirements associated with the certification programmes are not always clear. In addition, producers do not always know if the requirements are compulsory (created as an official law or regulation in the importing country) or voluntary (which means that producers/exporters choose to comply with the requirements or not). They also do not know the advantages and limitations for different types of certification. Furthermore, the large number of import requirements established by different countries makes it even more complicated for producers who want to export.

Contents of the manual

Part 1 - Governmental regulations in the major export markets

Any exporter and producer aiming to export their products must first comply with governmental regulations in operation on import markets, whether their products are certified or not.

Part 2 - Major voluntary certification schemes

A table summarizes the primary characteristics of the programmes at the end of the manual.

An important part of the mandate of the Commodities and Trade Division (ESC) of FAO is to identify the problems affecting commodity trade and propose solutions to address them, preferably through international action. ESCR (the Raw Materials, Tropical and Horticultural Products Service) became involved in issues regarding social and environmental certification as these continued to arise in the analytical work on trade and economic problems related to bananas and other commodities for which it is responsible.

FAO-ESCR has produced several technical studies and information publications on social and environmental certification. These include: a small brochure targeted at wholesale and retail buyers of bananas, explaining the differences between various certification schemes; an extension manual aimed at producer associations and exporters in Central America on voluntary certification programmes and describing the import regulations of main export markets; cost-benefit analyses on certified citrus in Spain and in Costa Rica; and recently, a technical paper on environmental and social standards, certification and labelling for cash crops. FAO has established an Internet portal where relevant studies and links to organizations working to improve social and environmental conditions in agricultural production and trade can be found:
http://www.fao.org/es/ESC/en/20953/22218/highlight_44152en.html

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The Technical Centre for Agricultural and Rural Cooperation (CTA) was established in 1983 under the Lomé Convention between the ACP (African, Caribbean and Pacific) Group of States and the European Union Member States. Since 2000, it has operated within the framework of the ACP-EC Cotonou Agreement.
CTA's tasks are to develop and provide services that improve access to information for agricultural and rural development, and to strengthen the capacity of ACP countries to produce, acquire, exchange and utilise information in this area.
CTA's programmes are designed to: provide a wide range of information products and services and enhance awareness of relevant information sources; promote the integrated use of appropriate communication channels and intensify contacts and information exchange (particularly intra-ACP); and develop ACP capacity to generate and manage agricultural information and to formulate ICM strategies, including those relevant to science and technology.
CTA's work incorporates new developments in methodologies and cross-cutting issues such as gender and social capital.
CTA, Postbus 380 - 6700 AJ Wageningen - Netherlands-Website: www.cta.int

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PART 1

Import Regulations

What you need to know about technical regulations and controls in major export markets

These regulations are different depending on the product and the country of export and import. Some regulations are based on international food standards, while others are developed by individual countries. It is important that the producer and the exporter are aware of these regulations because the importing country can quarantine the produce or refuse to receive it at the port of import if it does not meet all the requirements.

This part describes important technical norms and import requirements for the United States, the European Union and Japan namely quality and label standards, food safety controls, environmental protection and phytosanitary regulations and customs procedures. At the end, contact information is given for a number of organizations in East Africa that help producers and exporters meet requirements for export markets.

1. Commercial Quality and Labelling Regulations

For agricultural products, there are a number of commercial quality and labelling regulations established by the importing country. Basic regulations focus on grade, size, weight, and package labelling. In general, labelling requirements include: country of origin, product name, variety, and quantity. In addition, the produce must comply with a number of quality standards that describe different physical characteristics such as colour, maturity, external damage and shape. Before allowing the entry of a product into a country, the importer requires that the produce satisfies minimum requirements and conditions which may differ from one country to another.

United States of America

The United States requires that agricultural imports be graded according to the standards of the American Marketing Service of the United States Department of Agriculture (USDA). For more information on product grading and quality requirements established by the USDA:

- USDA: www.ams.usda.gov/standards/stanfrfv.htm
- USDA: www.ams.usda.gov/fv/moab-8e.html
- FDA: www.cfsan.fda.gov/~dms/lab-ind.html

One of the components of the 2002 Farm Bill (the Farm Security and Rural Investment Act of 2002) is the implementation of mandatory country of origin labeling (COOL).

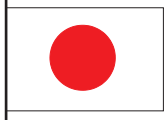
- For information on this program: http://www.ams.usda.gov/cool/

European Union

The European Union requires that imported fresh fruits and vegetables follow the European Community marketing standards for quality and labelling. The control is done by an inspection body at the point of import or in the case of some approved "third countries", at the point of export. For more information on the marketing standards of the EU, see the website of the United Kingdom Department of Environment, Food and Rural Affairs:

- DEFRA EU Marketing Standards: www.defra.gov.uk/hort/hmi.htm

Japan



Japan requires that imported products comply with regulations in the Food Sanitation Law, the Japan Agricultural Standards (JAS) Law and the Measurement Law. For additional information on standards and import procedures for specific products:

- Japan External Trade Organization: http://www.jetro.go.jp/en/market/regulations/
- Ministry of Agriculture, Forestry and Fisheries: http://www.maff.go.jp/soshiki/syokuhin/hinshitu/e_label/index.htm

2. Food Safety Regulations

In light of the growing concern about food safety such as the risk and spread of food-borne illnesses worldwide, more regulations are being used to guarantee food safety. These regulations relate to the maximum levels of pesticide residues that are permitted in food, biological contamination and the traceability of the product.

The following links contain comprehensive information on food safety regulations both at international level (e.g. Codex Standards) and/or national level:

- http://www.ipfsaph.org/En/default.jsp
- http://www.fao.org/ag/agn/food/food_fruits_en.stm

Maximum residue levels of Pesticides

All major importing countries have regulations on the maximum residue levels (MRLs) of pesticides (herbicides, insecticides, fungicides etc.) that can remain in different agricultural food products. These regulations may differ from those in the exporting country (when the latter has a regulation on maximum residue levels of pesticides). Therefore, it is important for producers to comply with both regulations. Producers may only use those chemicals that are registered for use on a particular crop and must strictly follow the directions on their package.

United States of America

In the United States, the maximum residue levels for pesticides are established by the Environmental Protection Agency (EPA) and controlled by the Food and Drug Administration (FDA) at the point of import for all agricultural products. More information on the requirements and the maximum residue levels established by the EPA at:

- US Environmental Protection Agency:
  www.access.gpo.gov/nara/cfr/waisidx_04/40cfr180_04.html
  www.epa.gov/pesticides/food/viewtols.htm
- www.epa.gov/fedrgstr/EPA-PEST/index.html

The following website provides information about maximum residue levels according to crop, pesticide active ingredient or pesticide type and country..

- www.fas.usda.gov/htp/MRL.htm

European Union

The EU continues to lower the maximum levels of pesticide residues permitted in products. For many pesticides there are now common limits that apply to the entire EU. However, some limits need yet to be harmonized. Each country verifies that regulations are met (usually through the Ministry of Agriculture) at its own border point of entry.
When European Union countries have not set up maximum levels, exporters are required to obtain an import tolerance.
Information on limits of pesticide residue levels in the EU member countries can be found at:

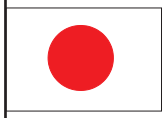
- http://europa.eu.int/comm/food/plant/protection/pesticides/index_en.htm
- http://europa.eu.int/comm/food/plant/protection/index_en.htm
- http://europa.eu.int/scadplus/leg/en/lvb/l21289.htm

For appropriate contact points in the member states:

- http://europa.eu.int/comm/food/plant/protection/evaluation/contact_dec.xls

For information about application procedure of an import tolerance:
http://www.pesticides.gov.uk/applicant_guide.asp?id=1239

Japan



In Japan, the Ministry of Health, Labour and Welfare and the Environmental Department are responsible for establishing and testing residue limits. These limits are based on regulations that make up the Food Sanitation Law. For more information about limits for pesticide residue levels:

- Japan Food Chemical Research Agency: www.ffcr.or.jp/zaidan/FFCRHOME.nsf/pages/e-lists

Biological Contamination and Product Traceability

In response to recent problems about food safety and global terrorism, many governments are increasing control over all stages of food production, processing and distribution to protect consumers against the risks of biological contamination of food.

To increase consumer safety, producers are advised to use a management system like Hazard Analysis and Critical Control Point (HACCP) system. This is a systematic manner to reduce the risk of contamination, food-borne disease and other hazards.

A growing number of governments and retailers are now requiring that the HACCP principles together with the application of Good Hygienic Practices (GHPs) and Good Agricultural Practices (GAPs) be used in crop production.

- http://www.fao.org/ag/agn/food/quality_haccp_en.stm
- http://www.fao.org/ag/agn/food/food_fruits_en.stm

Another important purpose of the new laws is to make sure that all producers and exporters are identified and their products can be traced back to the farm. Traceability is a major part of HACCP.

United States of America

The US government has adopted the Bioterrorism Act, which requires that all exporters register with the Food and Drug Administration (FDA) and give notice prior to product arrival in the US. For more information about the US Bioterrorism Act see websites of FDA:

- http://www.cfsan.fda.gov/~dms/fsbtact5.html
- http://www.fda.gov/oc/bioterrorism/bioact.html

USA COOL program will have impacts on traceability requirement of the United States towards its import countries. General information on this program can be found at:

- USDA: http://www.ams.usda.gov/cool/

European Union

The European Union regulation on traceability entered into force in January 2005. In order to comply with these rules, it is important for the EU importers to identify the origin of products. As a consequence, the importers could require exporters to comply with traceability requirements even if "Exporters in trading partner countries are not legally required to fulfill the traceability requirement imposed within the EU".

General information on traceability can be found at the following addresses:

- http://europa.eu.int/comm/food/food/foodlaw/guidance/guidance_rev_7_en.pdf
- http://europa.eu.int/comm/food/food/foodlaw/traceability/index_en.htm
- http://europa.eu.int/scadplus/leg/en/lvb/l32041.htm

For detailed explanations on this regulation you can consult the Pesticides Initiatives Programme of COLEACP:

- http://www.coleacp.org/, email: pip@coleacp.org

For explanation on the foodstuff hygiene requirements, please consult: http://europa.eu.int/comm/food/food/biosafety/hygienelegislation/guidance_doc_852-2004_en.pdf

Japan

At the time of preparing the manual, no general traceability requirements for exporters existed in Japan

3. Phytosanitary and Environmental Safety Regulations

Producers must comply with phytosanitary regulations to prevent the entry and spread of plant diseases and pests. The major importing countries around the world implement pest risk analysis systems in order to determine the risk level of an imported product and inspect products on arrival to ensure that the level of risk is not exceeded.

In many cases, import permits and/or phytosanitary (plant health) certificates are needed. The government of the producing country issues phytosanitary certificates, which are required for regulated products such as plants, seeds, fruits and vegetables, and cut flowers.

United States of America

In the United States, inspectors from the Animal and Plant Health Inspection Service (an agency of United States Department of Agriculture) must examine and approve all shipments before they can be cleared for customs. If signs of pests or disease are found, the produce may be either fumigated (or treated in another manner), returned to the country of origin or destroyed. For further information on the plant quarantine system of the United States:

- USDA: http://www.aphis.usda.gov/ppq/permits

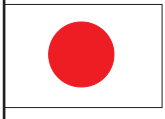
European Union

To export to the European Union, producers and exporters must comply with the plant health regulations of the European Union. Regulations are enforced at the point of entry.

For more information on the plant health regulations in Europe, contact the International Phytosanitary Portal at:

- https://www.ippc.int/IPP/En/nppo.jsp
  or for the consolidated text on the phytosanitary requirements of the EC (Council Directive 2000/29/EC plus amendments) go to:
- http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000L0029_do_001.pdf

Japan



The Japanese quarantine system requires exporters to comply with the Plant Protection Law, the Plant Health Law and the Food Sanitation Law. These regulations are enforced by the Plant Protection Division of the Ministry of Agriculture, Forestry and Fisheries (MAFF). If you want to know more information about the Japanese phytosanitary regulations or the Japanese quarantine system, consult the following websites:

- Plant Protection Station: http://www.pps.go.jp/english/
- Japan External Trade Organization:
  http://www.jetro.go.jp/en/market/regulations/pdf/plant2003apr-e.pdf

4. Customs Clearance

Final authorization for product entry depends on the customs officials in the country of import. To clear customs, the exporter must fill out the necessary forms (commercial, shipping) and pay all fees (duties, taxes). Since it requires a long time to process these forms, some countries now offer pre-clearance programmes to save time. This means that products can be cleared for customs in the country of origin by officials who can guarantee that product regulations were followed.

United States of America

Customs officials can only authorize the entrance of products into the United States after inspections by APHIS and the FDA at the point of entry. Exporters must also pay the necessary duties there, as determined by quantity, value, description and country of origin. To speed up the processing time at the border, exporters can complete certain customs procedures before departure. For example, through APHIS International Services it is now possible for some countries to get pre-clearance on import documents like phytosanitary certificates.

For more details about the available pre-clearance arrangements in the US:

- http://www.aphis.usda.gov/ppq/preclearance/

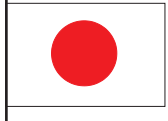
  Also, exporters can use an Automated Commercial System developed by Customs to process documents electronically. Additional information can be found at:
- http://www.cbp.gov/xp/cgov/import/operations_support/automated_systems/ams/

European Union

Procedures for customs clearance in the EU vary according to countries. However, many of these countries have electronic customs systems and other programmes that speed up clearance time. For specific information about customs procedures and tariff rates (by country):

- The Expanding Exports Helpdesk provided by the European Commission: http://export-help.cec.eu.int
- Centre for the promotion of imports from developing countries (CBI): www.cbi.nl

Japan



Prior to arrival of the products, exporters must notify the quarantine station at the point of entry through an electronic system operated by the Ministry of Health and Welfare.

To further reduce the time spent at customs, a sample of the product can be brought to an official lab in Japan or in the exporting country and the results submitted for pre-clearance. Consumption tax and duties are paid before final clearance is given.

For further information about import procedures:

- http://www.mhlw.go.jp/english/topics/importedfoods/index.html

5. Organizations supporting exports from East Africa

Producers and exporters need to familiarize themselves with a large variety of technical norms and import regulations which can at first seem complicated. However, there are a number of international and national organizations located in each of the East African countries that work to help producers comply with these regulations. It is always a good idea to contact these organizations to see how they can help you or provide further information and training.

At International Level

- The International Trade Centre UNCTAD/WTO (ITC): http://www.intracen.org/menus/itc.htm
- COLEACP, Pesticides Initiative Programme (PIP) et Harmonized framework for Codes of Practice: http://www.coleacp.org
- EU on-line Export Helpdesk for developing countries: http://export-help.cec.eu.int
- Guidelines to facilitate trade: http://europa.eu.int/comm/food/fvo/pdf/guide_thirdcountries_en.pdf

National Organizations

Eritrea

- Eritrean National Chamber of Commerce (ENCC); Tel.: (291)1 121589; E-mail: encc@gemel.com.er
- Ministry of Trade and Industry; Tel.: (291)1 115188; E-mail: deptrade@gemel.com.er

Ethiopia

- Addis-Ababa Chamber of Commerce ; Tel.: (251)1 518055; E-mail: aachamb1@telecom.net.et ; Web: http://www.addischamber.com/
- Dire Dawa Chamber of Commerce; Tel.: (251)5 113082; E-mail: luigi@Tel.ecom.net.et
- Mekelle Chamber of Commerce; Tel.: (251)4 402529; E-mail: mekchamber@telecom.net.et
- Nazareth Chamber of Commerce; Tel.: (251)2 112083; Address: P.O. Box 36, Nazareth-Ethiopia
- Ethiopian Export Promotion Agency (EEPA); Tel.: (251)1 504479; Web: http://www.ethioexport.org/ , E-mail: tpaddis@telecom.net.et

Kenya

- African Regional Organization for Standardization (ARSO), Tél: (254)20 224561; E-mail: arso@bidii.com; Web: http://www.arso-oran.org/home.english.asp
- Eastern and Southern Africa Business Organization (ESABO), Tel.: (254)20 340190; Address: P.O. Box 47024 Nairobi-44940
- Eastern and Southern Africa Trade Prom. and Training Centre (ESATPTC), Tel.: (254)20 716234, Address: Ngong Road P.O. Box 30462, Nairobi
- National Association of Kenya Women in Business (NAK-WIB); Tel.: (254)20 334413; Address: P.O. Box 30289 Nairobi
- Export Promotion Council (EPC), Tel.: (254)20 228534; E-mail: manager@cbik.or.ke; Web: http://www.cbik.or.ke
- The Kenya National Chamber of Commerce and Industry, Tel.: (254)20 220867; E-mail: kncci@swiftkenya.com

Uganda

- Federation of Uganda Women Business Organizations, Ind. and Agriculture; Tel.: (256)41 235585; E-mail: fuwoboia@yahoo.com
- Ministry of Tourism,Trade and Industry; Tel.: (256)41 230916; E-mail: ps@mintrade.org
- Uganda Export Promotion Board (UEPB); Tel.: (256)41 230250; E-mail: info@ugandaexportsonline.com; Web: http://www.ugandaexportsonline.com
- Uganda Export Promotion Council; Tel.: (256)41 236107; E-mail: uepc@starcom.co.ug
- Uganda Importers, Exporters and Traders Association (UGIETA); Tel.: (256)77 481478; Address: Plot 20, Namirembe Road P.O. Box 23579 Kampala
- Uganda Manufacturers Association (UMA); Tel.: (256)41 221034; E-mail: information@uma.co.ug; Web: http://www.uma.co.ug
- Uganda National Chamber of Commerce and Industry (UNCCI); Tel.: (256)41 258791/2; E-mail: mosa@infocom.co.ug;
- Uganda Women Entrepreneurs Association; Tel.: (0025641) 343952; E-mail: uweal@enterprise.co.ug

Somalia

- Ministry of Commerce and Industry; Tel.: (252)1 21453; Address: P.O. Box 928 Mogadishu
- Somalia Chamber of Commerce, Industry, Agriculture and Fisheries; Tel.: (002521) 80726; Address: P.O. Box 27 Mogadishu

United Republic of Tanzania

- Board of External Trade (BET); Tel.: (255) 741268541; E-mail: betis@intafrica.com; Web: http://www.bet.co.tz
- Confederation of Tanzania Industries (CTI); Tel. : (255)22 2114954; E-mail: cti@cats-net.com
- Ministry of Industry, Trade and Marketing; Tel.: (255)22 2180075/9; E-mail: ps@mit.go.tz
- Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA); Tel.: (255)22 2121421; E-mail: tccia.hq@cats-net.com; Web: http://www.tccia.co.tz
- Tanzania Exporters Association (TANEXA); Mobile: (255) 741623598; E-mail: smutabuz@hotmail.com

Zanzibar

- Zanzibar Ministry of Trade, Industry and Marketing (ZMTIM); Tel.: (255)24 2232305; E-mail: tradeinfo@zanlink.com
- Zanzibar Chamber of Commerce, Industry and Agriculture; Tel.: (255)24 2233083; Address: Darajani Street P.O. Box 1407 Zanzibar
- Zanzibar Trade Centre; Tel.: (255)24 2231114; Address: Darajani Street, P.O. Box 601 Zanzibar

Zambia

- Export Board of Zambia (EBZ)
  Tel : (002601) 228106-7
  Fax : (002601) 222509
  Email : ebzint@zamnet.zm /ebztid@zamnet.zm
  Web : http://www.ebz.co.zm
- Zambia Export Growers Association (ZEGA)
  Tel : (002601) 271166; Fax : (002601) 271167/(002601) 271080
  Email : zega@zegaltd.co.zm / zega@zamnet.zm
  Web: http://www.zambiz.co.zm/zega
- Zambia National Farmers' Union
  Tel : (002601) 252649/(002601) 233309; Fax : (002601) 252648
  Email : znfu@zamnet.zm; Web: http://www.znfu.com.zm
- Trade Point Lusaka
  Tel : (002601) 228106/(002601) 228107; Fax : (002601) 222509
  Email : ebzint@zamnet.zm; Web : http://www.ebz.co.zm/trade_lusaka