



**DRAFT REGIONAL QUALITY POLICY FOR THE ADVANCEMENT OF QUALITY  
INFRASTRUCTURE WITHIN CARICOM and the DOMINICAN REPUBLIC**

Draft RQI Policy- Version 2

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## Acronyms and Abbreviations

ACP	African, Caribbean, and Pacific Group of States
AFT	Aid for Trade (CARICOM)
BIPM	International Bureau of Weights and Measures
CA	Conformity Assessment
CAB	Conformity Assessment Body
CAC	Codex Alimentarius Commission
CCA	Caribbean Cooperation for Accreditation Scheme
CAMET	Central American Metrology Co-operation
CANCAB	Caribbean Network of Conformity Assessment Bodies
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum of African, Caribbean and Pacific Group of States
CARIMET	Caribbean Metrology System
CaRLs	Caribbean Reference Laboratory Scheme
CARREX	CARICOM Rapid Alert System for Exchange of Information on Dangerous (non-food) Goods
CASCO	ISO Committee on Conformity Assessment
CMC	Calibration and Measurement Capability
CCMSC	Caribbean Common Market Standard's Council
COPANT	Pan American Standards Commission
COTED	Council for Trade and Economic Development
CQA	Caribbean Quality Awards
CRIP	Caribbean Regional Indicative Programme
CROSQ	CARICOM Regional Organisation for Standards and Quality
CROSQ-RTC	CARICOM Regional Organisation for Standards and Quality Regional Technical Committee
CRS	CARICOM Regional Standard
CSME	CARICOM Single Market and Economy
DI	Designated Institute
EDF	European Development Fund
EPA	CARIFORUM-European Union Economic Partnership Agreement
IAF	International Accreditation Forum
IEC	International Electro technical Commission
IGA	Inter- Governmental Agreement Establishing the CARICOM Regional Organisation for Standards and Quality
ILAC	International Laboratory Accreditation Cooperation
IPPC	International Plant Protection Commission
ISO	International Organisation for Standardisation
ITU	International Telecommunications Union
JANAAC	Jamaica National Agency for Accreditation
KCDB	Key Comparison Database
KMS	Knowledge Management System
MIKE	Marketing, Information, Knowledge and Education Committee
MOU	Memorandum of Understanding
MRA	Mutual Recognition Agreement
NABs	National Accreditation Bodies

NAFPs	National Accreditation Focal Points
NGOs	Non-Governmental Organisations
NMIs	National Metrology Institutes
NQI	National Quality Infrastructure
NSBs	National Standards Bodies
NTB	Non- Tariff Barrier
OIE	World Organisation for Animal Health
OIML	International Organisation of Legal Metrology
PTB	Physikalisch-Technische Bundesanstalt
RIA	Regulatory Impact Assessment
RQI	Regional Quality Infrastructure
RToC	Revised Treaty of Chaguaramas
SIM	Inter-American System of Metrology
SME	Small-Medium Enterprises
SPS	Sanitary and Phyto-Sanitary Measures
TBT	Technical Barriers to Trade
TC	Technical Committees
TFA	Trade Facilitation Agreement
TMC	Technical Management Committee
TPR	Trade Policy Review
TR	Technical Regulations
TTBS	Trinidad and Tobago Bureau of Standards
TTLABS	Trinidad and Tobago Laboratory Accreditation Service
WTO	World Trade Organisation

## Definitions

The following definitions explain the meaning of the terms in the context of the policy<sup>1</sup>:

**“accreditation”** third Party attestation related to Conformity Assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.

**“attestation”** the issue of a statement, based on a decision following review that fulfillment of specified requirements has been demonstrated.

**“border agency”** governmental agency which often physically is represented at the border that enforce compliance with national legislation in the areas of security, environment, immigration, consumer protection, commercial policy, customs duties and excise and taxes.

**“calibration”** operation that, under specified conditions, in a first step, establishes a relation between the quantity values with measurement uncertainties provided by measurement standards and corresponding indications with associated measurement uncertainties and, in a second step, uses this information to establish a relation for obtaining a measurement result from an indication.

**“CARIFORUM States”** the collective of States which comprise the political cooperation of the Caribbean Forum of States.

**“CARICOM member states”** the collective of States which are party to the Treaty of Chaguaramas (1973) and the Revised Treaty of Chaguaramas, (2002).

**“certification”** third party attestation related to products, processes, systems or persons.

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

**“conformity assessment body”** a body that performs conformity assessment services.

**“defective products”** any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force under any contract, express or implied or as is claimed by the supplier in any manner whatsoever in relation to any goods.

**“harmful products”** any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force under any contract, express or implied or as is claimed by the supplier in any manner whatsoever in relation to any goods which poses an imminent threat to human and animal health and safety and plant life.

**“harmonised standards”** standards on the same subject approved by different standardising bodies that establish interchangeability of products, processes and services, or mutual understanding of test results or information provided according to these standards.

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<sup>1</sup> The definitions in this section have been taken from the following sources WTO TBT Agreement Annex 3, ISO/IEC Guide 2:2004- Standardisation and related activities, ISO/IEC17000: 2004- Conformity Assessment- Vocabulary and general principles, International vocabulary of metrology- Basic and General concepts and associated terms (VIM) 2012 3<sup>rd</sup>, Edition.

**“inspection”** the examination of a product design, product, process, installation and determination of its conformity to specific requirements or, on the basis of professional judgement, to general requirements.

**“industrial Metrology”** is the proper maintenance and control of industrial measurement equipment including calibration instruments and working measurement standards.

**“international standard”** Standard that is adopted by an international Standardizing or standards organization and made available to the public.

**“legal metrology”** the practice and process of applying statutory and regulatory structure and enforcement to metrology.

**“market surveillance”** the state action through competent authority with regard to any product to: organise, even after its being placed on the market as being safe, appropriate checks on its safety properties, on an adequate scale, up to the final stage of use or consumption;

- b) require all necessary information from the parties concerned;
- c) take samples of products and subject them to safety checks and inspections.

**“metrological traceability”** the property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty.

**“measurement”** the process of experimentally obtaining one or more quantity values that can reasonably be attributed to a quantity. A measurement result is complete only if it contains both the measured value and the uncertainty of measurement associated with that value.

**“member”** a State which is party to the Marrakesh Agreement Establishing the World Trade Organisation, 1995.

**“members”** the collective of States which are party to the Marrakesh Agreement Establishing the World Trade Organisation, 1995

**“metrology”** the science of measurement and its application which includes all theoretical and practical aspects of measurement, whichever the measurement uncertainty and field of application.

**“mutual recognition agreements”** is a written agreement executed between two or more parties outlining the circumstances and conditions in which standards, technical regulations and conformity assessment procedures applied by Authorized Economic Operators are recognized and accepted between the signatory parties.

**“national quality infrastructure”** is internationally recognized national standards, technical regulations, metrology, accreditation and conformity assessment systems involved in strengthening the quality and competitiveness of the goods and services nationally produce or provided in the Caribbean Community for domestic or export trade.

**“national standard”** standard that is adopted by a national standards body and made available to the public.

**“procedure”** specified way to carry out an activity or a process.



**“publically available specification”** is a document which is published to respond to an urgent market need, representing either the consensus of the experts within a working group, or a consensus in an organization external to ISO.

**“quality”** is the degree to which a group of inherent characteristics meets requirements demonstrated by customer satisfaction.

**“quality culture”** is a set of group values that guide thinking processes, communication, action and decision-making in the effective and efficient production of goods and services in order to satisfy the market.

**“quality infrastructure”** is the public and private institutional framework required to establish and implement standardization, metrology( science of measurement), accreditation and conformity assessment services( inspection, testing and product and system certification necessary to provide acceptable evidence that products and services met defined requirements whether imposed by the authorities in technical regulations whether contractually or inferred.

**“reference”** a definition of a measurement unit through its practical realisation, or a measurement procedure including the measurement unit for a non- ordinal quantity, or a measurement standard.

**“regional quality infrastructure”** is internationally recognized regional standards, technical regulations, metrology, accreditation and conformity assessment systems involved in strengthening the quality and competitiveness of the goods and services produced or provided in the Caribbean Community for intra and extra regional trade.

**“regional standard”** standard that is adopted by a regional standardizing or standards organization and made available to the public.

**“regional standardization body”** an organization for which involvement in standardization is open to relevant bodies from countries of one geographical, political or economic area of the world.

**“regulatory impact assessment”** is a comparative process of systematically identifying regulatory objectives and assessing the expected effects of proposed regulatory intervention using a consistent analytical method.

**“scientific metrology”** the sub-field of Metrology that covers general theoretical and practical problems concerning the establishment of units of measurement including the realisation and dissemination through scientific methods the estimation of uncertainty in measurement.

**“scope of attestation”** range of characteristics of objects of conformity assessment covered by attestation.

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

**“supplier”** includes-

- a) a seller of goods or services; or

- b) a person providing a service; or
- c) any person responsible for the provision of goods or services including a manufacturer, producer or distributor or an agent.

**“technical regulation”** 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 labelling requirements as they apply to a product, process or production method.

**“technical report”** is a document which contains information which varies from that of previous publications on a subject matter contained in a standard.

**“testing”** a demonstration of one or more characteristics of an object of conformity assessment, according to a defined procedure.

**“verification”** provision of objective evidence that a given item fulfils specified requirements.

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## 0. Executive Summary

This Regional Quality Infrastructure Policy for the Caribbean Forum of States was commissioned by the Council for the CARICOM Regional Organisation for Standards and Quality (CROSQ). The purpose for this Policy is to advocate for the use of a common and collective approach to the resolution of many of the concerns at the regional and national level regarding current issues of Quality Infrastructure (QI) pertinent to trade, health and safety, economic and innovation development, environment and consumer protection. To further this purpose, this Policy identifies and proffers solutions to the challenges facing CARICOM Member States and the Dominican Republic in the advancement of national and regional QI systems. Some of the pressing concerns for QI within the region are: the need for a proper delineation between standards and technical regulations; the creation of an enabling environment for private and public Conformity Assessment Bodies (CABs) to become accredited, the provision of measurement traceability within the region; legislative reform and the financial sustainability of CROSQ. Fiscal constraints, experienced by the National Standards Bodies (NSBs) of CARICOM Member States and the Dominican Republic, have been identified as the primary challenge to support a sustainable and internationally recognised system for QI.

To address these shortfalls, the CROSQ Secretariat is spearheading the implementation of a number of regional initiatives which aim to assist in rectifying most of the limitations of the QI within CARICOM and the Dominican Republic. These include the Caribbean Cooperation for Accreditation (CCA) Scheme, Caribbean Reference Laboratories (CaRLs) Scheme and Caribbean Quality Awards (CQA). Furthermore this Policy calls for the amendment of legislation and regulatory practices; targets capital investment in areas of specialised capacity in order to support the successful operation of the CROSQ regional schemes; furthers the engagement of the CROSQ in the shaping of national and regional industrial, innovation and trade policies and strategies and seeks to obtain dedication from the private sector towards integrating quality into every facet of their production processes and services.

Moreover, this Policy recommends certain actions to address many of the concerns highlighted herein. They are primarily:

- a) Political and financial support from the Governments of the CARICOM Member States and the Dominican Republic to the QI institutions;
- b) Effective utilization of the regional schemes by the CARICOM Member States and the Dominican Republic;
- c) Promotion of a culture of quality amongst the society;
- d) Hastening the enactment of the necessary legislative reform for QI and other regional initiatives which would support the use and advancement of QI; and
- e) Enhancing the infrastructural and human capacity within the CARICOM and Dominican QI institutions.

This Policy is comprised of ten (10) Sections. In Section 1 sets out the context, rationale, background, vision and scope, guiding principles and general aims of the Policy. This Section introduces the reader to the tone for the document as it outlines the guiding principles and way forward for the enhancement of QI within the region. Section 2 of this Policy narrows the discussion towards the subject specific fields of QI as it addresses the

technical area of Standards and Technical Regulations. In this Section, the primary concerns regarding the national and regional Standards and Technical Regulations regimes are highlighted and corresponding solutions and objectives are detailed. Section 3 speaks specifically to Metrology and the need for further development in this field within CARICOM and the Dominican Republic. This Section proffers solutions and sets objectives to be undertaken by the CARICOM Member States and the Dominican Republic in order to bolster the national and regional Metrology system.

This Policy then moves to the field of quality assurance, within Sections 4, 5 and 6, whereby the inadequacies of the systems for Accreditation, Conformity Assessment and Market Surveillance are assessed against established international best practices with solutions and objectives being set for the CARICOM Member States and the Dominican Republic to undertake. Sections 7 and 8 of this Policy concerns the operations of the CROSQ whereby Information, Knowledge and Education, as well as, Institutional Strengthening initiatives are discussed in light of the need to build awareness and sustainability of the CROSQ. Section 9 seeks to highlight the significant matters which require legislative amendment to empower the NSBs' operations in order to enhance their relevance and modernisation. Lastly, Section 10 concludes this Policy by re-iterating the importance and significance of this document towards the strengthening of QI nationally and regionally as it pertains to fostering trade whilst balancing the protection of consumer health and safety and the environment.

Upon the implementation of this Policy, QI within CARICOM and the Dominican Republic stand to benefit from international recognition and a modernisation of the national QI systems. Thereby, positioning regional QI to be compliant with international best practice and obligations as set out in various agreements such the WTO-TBT Agreement. The most significant impact of this modernisation process would be to increase the competitiveness of regional goods and services traded intra and extra-regionally thereby enhancing the economic viability and the sustainable development of the CARICOM Member States and the Dominican Republic.

## 1.0 Introduction

### 1.1 Context

CARICOM Member States, in order to improve regional growth and efficiency, have recognised the need to enhance and complete its Quality Infrastructure at the regional and national levels to ensure that it is internationally recognised whilst nurturing a quality culture. An internationally recognised Quality Infrastructure would aid CARICOM suppliers in satisfying international requirements and standards, thereby, facilitating improved access to international markets and enhanced competitiveness of regionally produced goods and services. CARICOM Member States therefore seek to strengthen sustainable economic trade for regionally produced goods and services within the international market by generating a framework for the increased use of internationally recognised Quality Infrastructure Institutions and their services within CARICOM.

In this context, CROSQ, as the regional organization for standards and quality, has the mandate to support the implementation of the CARICOM Single Market and Economy, in particular, the development of the regime for the free circulation of goods. In light of this mandate to support regional integration, The CROSQ is fostering a relationship with the Institutions for Quality for the Dominican Republic in keeping with the theme of 'widening and deepening' Caribbean integration.

At the State level, the CARICOM States and the Dominican Republic have undertaken obligations under the Technical Barriers to Trade (TBT) Agreement and the Chapter 6 of the CARIFORUM- European Union Economic Partnership Agreement (EPA), thus, adequate institutional and legislative frameworks have to be developed and implemented to satisfy these commitments and assist in the enhancement of Quality Infrastructure for sustainable trade and social development.

The CROSQ Secretariat, with the assistance of the European Union, developed this policy for the advancement of Quality Infrastructure within CARICOM and the Dominican Republic to be tabled for approval at the Fortieth (40<sup>th</sup>) COTED scheduled for April 20<sup>th</sup> -24<sup>th</sup>, 2015.

### 1.2 Rational

The *raison d'être* for this Policy is to advocate the use of a common and collective approach to the resolution of many of the concerns at the regional and national level regarding current issues of QI pertinent to trade, health and safety, economic and innovation development, environment and consumer protection.

This Policy, once implemented throughout the region, will enable CARICOM Member States to improve and consolidate a sustainable QI through a holistic and systematic approach. The primary output upon implementation of this Policy would be the creation of an enabling environment for the provision of QI services at a reduced cost for the collective grouping and the generation of a sustainable demand for QI services within CARICOM and the Dominican Republic which will enhance competitiveness, productivity and exports of goods and services produced within CARICOM and the Dominican Republic.

### 1.3 Background

Traditionally, the term 'quality', within CARICOM Member States and the Dominican Republic, was primarily the activities of standardization and, to some extent, conformity assessment procedures. QI, as a concept encompasses standards, technical regulations, quality assessment, certification, accreditation and metrology (See attached Appendix I). QI is the public and private institutional framework required to establish and implement standardization, metrology (science of measurement), accreditation and conformity assessment services (inspection, testing and product and system certification necessary to provide acceptable evidence that products and services met defined requirements whether imposed by the authorities in technical regulations whether they are contractual or inferred. With the advancements in industrialization, trade liberalization and globalization, the global dynamics have, regrettably, forged a fragmented system of global QI institutions. Developing States face an ever deepening challenge to keep pace with their Developed counterparts who have historically been more advanced in technology, science and innovation. Developing States, particularly CARIFORUM, are faced with fiscal, technological and institutional constraints which inhibit their capacity to adjust and become fully integrated within the QI multi-lateral system.

With the reduction in tariffs and quotas, States have been increasingly using technical requirements as NTBs which frustrate the ease of trade and inhibit market access. At the Uruguay Round of negotiations States, cognizant, of the use of NTBs agreed to the rules set out in the Agreement on Technical Barriers to Trade which has annexed to it the former agreement on the Code of Good Practice for the Preparation, Adoption and Application of Standards. These Agreements set out the framework for the use of QI as facilitators of free trade through the promotion of non-discrimination, liberalization, trade facilitation (harmonization), transparency and equivalence (mutual recognition).

It is imperative that QI within CARICOM and the Dominican Republic evolve to accommodate the dynamic institutional and infrastructural developments occurring at the global level whilst satisfying international trade commitments. In furtherance of the CARICOM Aid for Trade strategy<sup>2</sup>, CARICOM suppliers must be beneficiaries of a QI system which positions their products to become globally competitive. Hence, current inefficiencies and inadequacies in the development and implementation of standards and Technical Regulations and the calibration of equipment for the production of goods must be rectified. As a result of the aforesaid need, the CROSQ generated this Policy. This Policy, which has [the approval of the CROSQ Council, addresses several issues which negatively impact the operational and technical capacity of the QI Institutions (NSBs) within CARICOM and the Dominican Republic]. What this Policy does is to set objectives for a specific target group, namely, *CARICOM Governments; CROSQ Secretariat and NSBs* and highlights solutions being piloted by the CROSQ Secretariat to remedy many of the aforementioned concerns. Overall, the Policy intent is to encourage CARICOM Governments and the Government of the Dominican Republic to support their NSBs in using this Policy as a model for which the national policy would be premised.

Furthermore, this Policy will serve to provide objectives to the afore-mentioned target group on how to engage non-state actors namely the Private Sector (in particular SME's and private CABs); Non- Governmental Organisations and citizens of CARICOM and the Dominican Republic. These stakeholders are essential to the impact of this policy upon the societies of CARICOM and the Dominican Republic. In doing so, this Policy will support the framework for the advancement of Regional Quality Infrastructure (RQI) and National Quality Infrastructure (NQI) in standardisation, technical regulations, conformity assessment, market surveillance, accreditation and metrology.

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<sup>2</sup> Caribbean Community Regional Aid for Trade Strategy 2013-2015 (CARICOM Secretariat) February 2013.

## 1.4 Vision and Scope

The vision of this Policy is to have an internationally recognised Quality Infrastructure, [is cognizant of the realities of the CARIFORUM States yet satisfies international requirements], which supports the promotion of a quality culture, trade, research and development and innovation, competitiveness, health and safety, the environment and consumer protection by the year 2025.

The scope of this policy covers RQI and NQI which is primarily concerned with Standards, Metrology, Accreditation Conformity Assessment inclusive of Market Surveillance and Technical Regulations as it relates to consumer protection, labour, the environment, and health and safety.

## 1.5 Guiding Principles

This policy and corresponding implementation shall be guided by the following principles:

- *Cooperation: NSBs within CARICOM and the Dominican Republic shall work together and with other border agencies in the efficient and responsible use of QI services.*
- *Collaboration: NSBs and CROSQ Secretariat shall work with private sector QI institutions in CARICOM and the Dominican Republic, in order to ensure the consistency of the services vis-à-vis international standards for QI and to expand the network across the region.*
- *International Recognition: NSBs and CROSQ Secretariat shall implement this policy using applicable international standards for QI in order to achieve international recognition.*
- *National Implementation: NSBs shall implement this Policy to achieve the general and specific objectives indicated herein.*
- *Non-Discrimination: NSBs shall implement this Policy with the assurance that in respect of technical regulations, products imported from the territory of any Member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.*
- *Subsidiary Principle: CROSQ Secretariat will provide services to CARICOM Member States when the Member States cannot provide themselves or when collective regional action is required.*
- *Trade Facilitation: Without prejudice to the legitimate objectives as set out in the WTO-TBT Agreement, NSBs and CROSQ Secretariat shall implement this policy with consideration, at all times, of the facilitation of intra and extra-regional trade.*
- *Transparency: NSBs shall endeavour to be further transparent in their activities which include and does not limit the prompt declaration and publication of standards, technical regulations and conformity assessment procedures and the notification of the work programme to interested parties in particular ISO Net.*

## **1.6 General Aims of the Policy**

The Overall aims of this Policy are as follows:

- *To achieve greater alignment between QI and intra- extra regional trade.*
- *To be more responsive to the need for QI within CARICOM and the Dominican Republic.*
- *To enhance coordination and cooperation between CROSQ Secretariat and QI institutions.*
- *To develop the technical and institutional capacity of QI within CARICOM and the Dominican Republic in order to obtain international recognition.*

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## **2.0 Standards and Technical Regulations**

### **2.1 Purpose of Standards**

Standards are voluntary tools used to facilitate efficiency, innovation and competitiveness, access to international markets and consumer protection. Standards are not compulsory or mandatory tools used to direct a particular action or behaviour such as laws and regulations. Currently, NSBs within CARICOM and the Dominican Republic, with the exception of Barbados, play a voluntary and compulsory role as they develop standards and enforce them through regulation. This situation is not considered to be ideal and further clarity is required regarding the role of NSBs within the national context. NSBs must be recognised, via the National Standards Act, as the primary agency for the declaration, publication and implementation of National Standards which are primarily based on international standards. Ideally, the National Standards Act must delineate between Standards and Technical Regulations and vest the NSB with the responsibility for Standards development, declaration and publication. The development and publication of Technical Regulations must be the responsibility of the competent regulatory agency with oversight for the implementation of laws and regulations, for the compulsory protection of health, safety, environment and consumer protection.

### **2.2 Membership in International Standards Bodies**

Membership within international standards bodies foster and encourage participation of the members at the regional and international level. Active participation by members within the technical committees of international standards bodies aid members in having their interests addressed at the regional and international levels. Members can benefit by actively contributing to the regional and international process of standards development by influencing the development of a standard for which there is national relevance. NSBs within CARICOM Member States and the Dominican Republic must be empowered to represent their respective State within recognised international standards bodies such as ISO, Codex Alimentarius or regional standardisation bodies such as COPANT and CROSQ. Presently, four (4) CARICOM Member States are full members whilst two (2) are subscriber members and five (5) are correspondent members of the International Organisation for Standards (ISO) as well as the Dominican Republic. With regards to COPANT, all CARIFORUM States, with the exception of Montserrat, and the Dominican Republic are COPANT members.

Despite few States being full members to ISO, the majority of the CARIFORUM States utilise, to varying degrees, aspects of ISO Standards for the formulation of National Standards. Presently, only full members of ISO are permitted to adopt and adapt ISO Standards thus the pressing issue for CARIFORUM States is the ISO Copyright Policy. The current ISO policies, in practice, excludes twelve (12) of the CARIFORUM States from legitimate use the ISO Standards for the formulation of National Standards. Full membership in ISO will be required to access and use ISO's standards as a basis for the formulation of national standards however full membership is currently not a viable option for some CARICOM Member States and the Dominican Republic due to financial and human resource limitations. NSBs of CARICOM Member States and the Dominican Republic are encouraged to seek funding to support any efforts to become members of recognised international standards bodies.

## 2.3 Adoption of International Guides and Codes

As set out in Annex 3 to the WTO TBT Agreement, the adoption and adaption of international standards by members of International standards bodies are encouraged. The use of international standards as a basis for the formulation of national standards assists in the efforts to harmonise standards, eradicate inefficiencies and facilitate trade. Some CARICOM Member States have neither formally adopted the Code of Good Practice nor implemented the procedures within the said Code. International best practice dictates that national standards are formulated based upon international or regional standards<sup>3</sup> and it is imperative that such standards are adopted, adapted or prepared based upon international standards in order to enhance export competitiveness whilst protecting consumer health and safety as well as abate inconsistencies between the aforementioned and National Standards.

## 2.4 Harmonisation of Standards

Ideally, harmonization of standards should be limited to the essential requirements, functional and performance requirements, for products which are placed on the market, particularly, if they are to benefit from free movement within CARICOM and the Dominican Republic. This would aid in the application of harmonised national Technical Regulations since the regional (harmonized) standards, once adopted by CARICOM Member State, would assure that the essential requirements are harmonised amongst the CARICOM Member States. Presently, the adoption of harmonisation of standards across CARICOM and Dominican Republic is almost non-existent. Moreover, CARICOM and the Dominican Republic do not have any harmonised standards. The formulation and adoption of harmonised standards must be encouraged to facilitate the ease of trade and reduce the possibilities for TBTs within CARICOM and the Dominican Republic.

## 2.5 Policy Objectives and Solutions

Where feasible, CARICOM Member States and the Dominican Republic will:

### A) Position the NSB as the pinnacle of Standardisation work.

Specific Objective: Institute legislative reform where necessary.

As mentioned previously, the National Standards Acts of many of the CARICOM states do not expressly provide for an adequate delineation between the framework for standards and mandatory standards. Furthermore, the legislation does not expressly provide for Technical Regulations which is an internationally recognised system for the enactment of product safety legislation which forms part of the international obligations undertaken by the CARICOM Member States upon the ratification of the WTO-TBT Agreement. In order to transition from a '*mandatory standards*' regime to a Technical Regulations regime, the CROSQ Secretariat is assisting member states with the revision of the national Standards legislation via the development of Model legislation pertinent to QI and by providing legal and technical assistance.

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<sup>3</sup> Generally, standards development, at the State level within CARIFORUM, adheres to the obligations set out under the Annex 3 of the WTO/TBT Agreement: The Code of Good Practice for the Preparation, Adoption and Application of Standards.

In order to position NSBs as the pinnacle of Standardisation work, CARICOM Member States, through their NSBs are urged to:

- a) Use the model legislation, as it pertains to Standardisation, developed by the CROSQ Secretariat as the basis for amendment or repeal of the national legislation pertinent to Quality infrastructure.

As far as possible, the CROSQ Secretariat shall:

- a) Develop model legislation pertinent to Quality Infrastructure for adoption by CARICOM Member States.

## **B) Enhance participation in international standards development.**

### Specific objective: Establish Coordination Mechanism

To satisfy the obligations set out under *provision F of Annex 3 to the WTO – TBT Agreement*, the CROSQ Secretariat is proposing that a coordination mechanism be developed in order to assist CARICOM Member States which are unable to become full members or participate within international organisations. Membership and participation to these international organisations is critical as it aids CARICOM Member States in influencing the content of any international standard of interest such that national and regional circumstances can be considered, as far as possible, within the development of such international standards.

In order to enhance participation within international standards development, Member States, through their NSBs are urged to:

- a) Represent the regional perspective at the international standards development fora; and
- b) To be the focal and coordination points for subject specific areas within their expertise.

The CROSQ Secretariat shall endeavour to:

- a) Establish MOUs with the various international standards setting organisations such as ISO, IEC and CODEX.
- b) Develop coordinating mechanisms for effective participation in the international standards development process.
- c) Prioritise participation, based on economic and social priorities, in international standards development activities and expertise availability.

**C) Enhance the current framework for the development and adoption of national standards in accordance with established international principles.**

Specific objective: Promote the adoption of established international principles

The CROSQ Secretariat is proposing that the national and regional standards development process be strengthened through the adoption of the established international principles for standards development. Therefore, this Policy calls for the adoption and the implementation of established international principles that will ensure the national process is robust and consistent with international best practice.

In order to enhance the current framework, Member States, through their NSBs are urged to:

- a) Use the following basic standardisation principles in the standards development process:
  - **Transparency**
  - **Openness**
  - **Consensus and impartiality**
  - **Market relevance and effectiveness**
  - **Coherence**
  - **Development dimension**
  - **Stakeholder engagement**
  - **Due process**
  - **National implementation or adoption**
- b) Adopt Annex 3 “Code of Good Practice for the Preparation, Adoption and Application of Standards”; and
- c) Keep under constant review the national standards development procedures.

As far as possible, the CROSQ Secretariat shall endeavour to:

- a) Continue to provide training in standards development based on international best practice.

**D) Enhance the implementation of the framework for the development and publication of CROSQ Standards.**

In order to enhance the framework for Regional Standards Development, CARICOM Member States, through their NSBs are urged to:

- a) Where possible, align national standards development work programme with the regional standards development work programme.
- b) Establish mirror committees to participate in the regional standards development activities.
- c) Utilise the CROSQ Directive part 1-Regional standards development or harmonisation procedure.
- d) Adopt the CROSQ Directive part 2 -Adoption of CARICOM Regional Standards as national standards.

- e) Develop national standards development work programme on the basis of economic and social priorities.
- f) Adopt all CRS as national standards, and withdraw any similar national standard, within a reasonable time after declaration as a CRS.

As far as possible, the CROSQ Secretariat shall:

- a) Develop the regional standards work programme on the basis of regional economic and social priorities.
- b) Continually review the regional standards development procedures in keeping with the relevant changes at the international level.
- c) Continue to provide training to NSBs in the regional standards development process and; international best practice for standards development.
- d) Amend the TMC's statutes to provide for the inclusion of all CROSQ Member States.
- e) Include, as part of the standards development deliverables, the following:
  - Technical specification (TS)
  - Publically available specification (PAS)
  - Technical report (TR)
  - CARICOM Regional Workshop Agreement (CRWA)

#### **E) Implement an efficient Technical Regulations regime.**

Specific Objective: Institute legislative reform where necessary

Within CARICOM, many standards are made compulsory as *de facto* Technical Regulations i.e. transposed into laws or decrees. An efficient Technical Regulations system which delineates between Technical Regulations and Standards is non-existent. Only four CARIFORUM States are exploring the establishment of such a system *ie* Antigua and Barbuda, Dominican Republic, Jamaica and St. Christopher and Nevis. The current '*mandatory standards*' system generates a number of serious regional problems, primarily:

- i. *When directly made mandatory, standards make poor laws, as they may be unnecessarily burdensome or overreaching, making it hard to comply by industry and controlled by the authorities.*
- ii. *Procedures and penalties for lack of compliance are not well defined resulting in patchwork legislation and inefficient markets.*
- iii. *Compulsory standards are mostly standards in the fields of characteristics or testing of products, which represent the 'state of the art'. Such standards can be outdated rapidly and once enshrined in legislation can become, in most instances, unnecessary technical barriers to trade and a barrier to innovation.*

- iv. *Technical legislation (including compulsory standards) requires effective and efficient market surveillance based on specific knowledge for which the CARICOM Member States and the Dominican Republic are at times deficient.*

The enactment of Technical Regulations will aid in alleviating many of these concerns as it provides for a consistent and coherent system premised on the use of *'good regulatory practice'* which includes stakeholder consultations, the conduct of regulatory impact assessments and risk analysis and the subsequent review of the necessity for any regulatory intervention.

*Specific Objective: Adopt flexible drafting form for Technical Regulations*

In the drafting of Technical Regulations, the CARICOM Member States and the Dominican Republic, use flexible modes for the transposition of the technical specifications into regulation such as the referencing of the pertinent parts of the technical specification. Conversely, CARICOM Member States and the Dominican Republic, the codification of technical specifications should only state the essential performance requirements within a standard which can be referenced within the Technical Regulation.

This concern with respect to the form of the Technical Regulation is further compounded by the fact that CARICOM Member States which still use the *'mandatory standards'* regime do not frequently review said standards, thereby, instances arise where circumstances and objectives giving rise to the enactment of the *'mandatory standards'* are no longer relevant yet the entire technical specification set out in the *'mandatory standard'* is still codified and in some instances enforced. Once the CARICOM Member States transition to a Technical Regulations regime, the States should pay attention to the form of drafting and engage in frequent review of the Technical Regulation's. The form and review will aid in the efforts of the Member States to be relevant and not restrictive to trade.

Where feasible, CARICOM Member States and the Dominican Republic will:

**F) Define clearly the roles and responsibilities of the competent authorities for the adoption of Standards and enactment of Technical Regulations.**

*Specific Objectives: Institute legislative reform where necessary.*

This Policy calls for the institution of reforms which will vest other competent authorities with the responsibility for the development and declaration of Technical Regulations. In this light, the competent authorities with the responsibility for legislation should seek to make amendments, where necessary, to their governing legislation to empower them to declare pertinent technical regulations whereas the NSB would be as the sole competent authority for the declaration of national standards as enacted by law.

Specific Objectives: Implement the Technical Guide for the implementation of a National Technical Regulations Framework

The CROSQ Secretariat is working towards the production of a Good Regulatory Practice Guide for the implementation of a National Technical Regulations Framework. The Guide will assist CARICOM Member States and the Dominican Republic in their transition to a Technical Regulations regime.

**G) Draft Technical Regulations in a flexible manner and keep under frequent review.**

Specific Objective: Institute legislative reform where necessary.

This Policy calls for an innovation in the manner of drafting Regulations which are pertinent to QI. Greater flexibility, through the use of referencing a standard, is required for drafting national Technical Regulations. CARICOM Member States and the Dominican Republic are encouraged to be guided by the recognised guidance documents on good regulatory practice.

Specific Objective: Implement the Technical Guide for the implementation of a National Technical Regulations Framework

The CROSQ Secretariat is working towards the production of a Good Regulatory Practice Guide for the implementation of a National Technical Regulations Framework. The Guide will assist CARICOM Member States and the Dominican Republic in their transition to a Technical Regulations regime.

**H) Develop Technical Regulations, in a transparent manner that satisfies a legitimate objective in the least trade restrictive manner.**

Specific Objective: Integrate the conduct of Regulatory Impact Assessment into national regulation development

This Policy calls for the conduct of impact assessments in the process for the determination of regulatory intervention by the CARICOM Member States and the Dominican Republic.

In order to implement a proper technical regulations regime CARICOM Member States, through their NSBs are urged to:

- a) Amend legislation where considered necessary.
- b) Adopt and implement the guidance document developed by the CROSQ Secretariat for the development and implementation of technical regulations.
- c) Provide the necessary human resource for the implementation of this Technical Regulations Guide.
- d) Constantly review the guide in keeping with established international best practice.

In an effort to realise the above stated objective, the CROSQ Secretariat shall:

- a) Provide technical and legal assistance to CARICOM Member States in the process of revising national legislation.
- b) Develop a guidance document for an international best practice framework for the development and implementation of Technical regulations.
- c) Provide training to NSBs in the use of this Technical Regulations Guide.
- d) Provide the necessary technical assistance in establishing the framework at the national level.

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## **3.0 Metrology**

### **3.1 Metrology Research**

Metrology is a highly specialised scientific field that neither enjoys the same prominence as other scientific disciplines nor does it receive the national importance within the CARICOM Member States and the Dominican Republic as found within developed nations such as Germany, Canada and the United States of America. Metrology is a fundamental building block for the world as we know it, particularly, global trade for which the science of measurement is critical for manufacturing, processing and packaging of goods trade. Currently, the Universities within CARICOM and the Dominican Republic do not engage in metrology research with the exception of the discipline for chemistry. Research in metrology is not a priority for Small Island Developing States since the heavy financial investment required and lack of expertise as well as low demand for these services from the local industry can neither sustain research nor innovation. Therefore, National Metrology Institutes (NMIs) within CARICOM and the Dominican Republic must rely on the research done by leading NMIs which hampers their capacity to be truly engaged in the global knowledge economy. Furthermore, in the instance of industry, lack of research prevents competitiveness and innovation in the production and distribution of goods and services within CARICOM and the Dominican Republic.

### **3.2 Participation in International Metrology Bodies**

Despite the infrastructure for metrology not currently available within the Caribbean, it is important that the region actively participates in all aspects of international metrology development through the Inter-American Metrology System (SIM) which is the Regional Metrology Organisation (RMO) which is recognised by the International Bureau of Weights and Measures (BIPM). This is to ensure that CARICOM and the Dominican Republic remain current with any developments in new methods of realizing measurement quantities, participate in all necessary inter-laboratory comparisons and provide input to the development of international recommendations, guides and standards. At present, the Caribbean participates in international metrology development as the Caribbean sub-region of SIM (CARIMET). Regrettably, CARIMET has a history of poor utilisation of all the benefits available through SIM. The benefit which that is most utilised by CARICOM NMIs is the training workshops. Training alone can neither improve the capability of CARICOM NMIs nor demonstrate the NMI's proficiency to offer the metrology services. Participation in SIM is also important to the NMIs in CARICOM Member States and the Dominican Republic through the technical work being undertaken by the SIM Metrology Working Groups (MWG). In this area, CARICOM Member States and the Dominican Republic are rather beneficiaries of the work of the SIM MWGs and Committees than contributors. Increasing the active participation in the SIM MWGs and Committees the NMIs within CARICOM Member States and the Dominican Republic will lift their profile as well as gain access to technical assistance and significant research currently being conducted on the international level that may not be accessible at a national level.

### **3.3 International Recognition and Traceability**

Ultimately, the goal for the region's NMIs is to become internationally recognised for the calibrations that they offer. Calibration services are increasingly important to the region's manufacturers who choose to implement quality management systems to enhance their production processes and products which allow them to trade globally. Importantly, these same manufacturers must rely on service providers who have implemented quality management systems. Regrettably, this requirement excludes most of the region's NMIs from being able to

offer calibrations to these manufacturers as they have neither implemented a quality management system nor has the traceability of their measurements been satisfactorily maintained. In addition to the popular route of seeking accreditation to ISO 17025 which is open to all calibration service providers, NMIs can utilise the unique mode of obtaining international recognition for calibration services which is the publication of their Calibration and Measurement Capabilities (CMCs) on the BIPM Key Comparison Database (KCDB).

### **3.4 Development of CARIMET**

In addition to developing technical competence, CARICOM and the Dominican Republic hold a strategic advantage within SIM due to its large numbers. Of the five (5) sub-regions in SIM, CARIMET has the largest number of NMIs with fourteen (14) members and with Belize<sup>4</sup>, the Caribbean has the largest representation in the Americas holding fifteen (15) of the thirty-four (34) seats. This gives the Caribbean significant power to shape the development of metrology in the Americas which has never been exploited by the region in the past. CARICOM Member States, through the NSBs, need to place strategic focus on the advancement of CARIMET.

### **3.5 Metrology Legislation**

In most CARICOM Member States, the dated weights and measures legislation is the primary mechanism for the application of measurements to goods, agriculture, health and safety within CARICOM societies. The legislation is primarily focused on regulation of the old trade weights and measures system. The adoption and movement towards the institution of a National Measurement System is slow<sup>5</sup>. NMIs require financial and technical assistance to develop of the institutional capacity of the NMI as well as corresponding legislative amendments to give legal effect to any such institutional changes and the international system of units (SI) such that industry and consumers could be beneficiaries of a reliable and traceable national measurement system that supports mechanical production, international and domestic trade and safe consumption.

### **3.6 Capacity of NMIs**

In comparison to the other scientific disciplines, metrology has a small number of practitioners and a limited number of suppliers of metrology equipment. This challenge then means that the establishment and maintenance of metrology infrastructure and capability is a costly endeavor. In 2012, the Belize Bureau of Standards spent approximately EUR 250,000 on equipment for the establishment of their mass metrology laboratory. This cost could have been significantly higher had a higher class of calibration been developed. Once purchased the two (2) national references mass sets will have to be maintained and will require yearly calibrations which could cost up to USD 10,000 per set. The CROSQ Secretariat, along with several international development partners and SIM, assist CARICOM Member States in accessing the use of measurement artefacts to assure the traceability of their national measurements, as well as, share in contribution to the international development of metrology. This assistance from the CROSQ Secretariat to the NMIs helps them to provide calibration and verification services to the State and industry.

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<sup>4</sup> Belize is geographically grouped by SIM in CAMET which is the Central American sub-region of SIM.

<sup>5</sup> The enforcement of compulsory technical requirements prescribed at the national level which includes legislation, international best practice, verification of standards and instruments enforcement and traceability of standards and measurements.

The support from Government and development partners has aided most of the CARICOM NMIs to own a large number of 20kg and higher weights. In 2012, twenty (20) 20kg weights along with two (2) 50kg weight baskets totalling 500kg were delivered to the CARICOM NSBs through support from the German Government funded project entitled “Establishment of a demand-oriented and regionally harmonized quality infrastructure in the Caribbean” which was being implemented by the German National Metrology Institute, PTB. In addition to these 20kg and 50kg weights, most NMIs already own a large number of metric and, in some cases, imperial weights. These weights all require yearly calibrations in order to maintain their traceability to the International System of Units. Without this traceability the use of these weights is almost pointless as there is no documented means of proving the acceptability of the values. In many cases these weights go un-calibrated due to the weak national mass metrology service and the economic infeasibility of shipping a large number of 20kg weights to Jamaica, Trinidad or elsewhere for calibration.

In order to obtain new measurement artefacts within CARICOM and the Dominican Republic, or obtain calibrations for national reference standards these artefacts have to be transported via commercial airlines and countries. The safe movement of measurement artefacts through the Caribbean region is a challenge with three (3) reported cases of major damage to regional or national measurement artefacts within the last five (5) years. These issues have been attributed to unacceptable packaging of the artefacts, poor handling by the couriers/ airlines and destructive inspection methods by Customs Officials. Poor communication, insufficient information, lack of established procedures for inspection of measurement artefacts and inefficient technology within CARICOM to inspect cargo without physical intervention all increase the risk of damage to measurement artefacts.

### **3.7 Policy Objectives and Solutions**

Where feasible, CARICOM Member States and the Dominican Republic will:

#### **A) Enhance the Technical Capabilities of the NMIs within CARICOM Member States and the Dominican Republic.**

##### Specific Objective: Enhance Participation

CARICOM and Dominica Republic NMIs have long underutilized the opportunities available through participation in SIM. This policy calls for the continued promotion of the increased strategic participation in regional and hemispheric metrology development activities.

In order to enhance technical capabilities, CARICOM Member States, through their NSBs are urged to:

- a. Authorise metrologists to serve as CARIMET’s Representative to the SIM Council, Committees or Metrology Working Groups.
- b. Actively participate in discussions on all documents circulated by SIM and CARIMET.
- c. Assign a representative to the CARIMET Committee and ensure that person’s participation in all CARIMET meetings and SIM General Assemblies.
- d. Participate in inter-laboratory comparisons where the competence exists locally.

- e. Actively pursue international recognition of the calibration services preferably through publishing CMCs on the BIPM KCDB.

**B) Harmonise National Metrology Legislation and Infrastructure with International Best Practice.**

Specific Objective: Define the institutional framework of the National Measurement System, including responsibilities for legal, scientific and industrial metrology.

The small size of CARICOM Member States means that the NMIs serve a number of functions including being the custodians of the national measurement standards, providing the industry with traceability to the SI through their scientific/industrial metrology service and ensuring the accuracy of measurements used in trade through their legal metrology service. In order to ensure transparency within the national measurement infrastructure it is important that regulatory functions are insulated from trade facilitation functions.

Member States, through their NSBs are urged to:

- a) Determine the best model for the redress of any conflicts of interests pertinent to the facilitator and regulatory functions of the NSB. The CROSQ Secretariat proposes the following models:
  - i. Divest the functions of the NMI from the NSB thereby positioning the NSB as the regulatory agency for the enforcement of the legal metrology.
  - ii. Divest the regulatory functions from the NSB thereby making it an NMI. Empower or establish another regulatory authority to enforce legal metrology.
  - iii. Create a firewall between departments with a clear delineation between the functions of the scientific metrology, industrial metrology department and the legal metrology department. This would include separate staff, equipment and technical documentation.

Specific Objective: Implement the International System of Units (SI) as the official units of measurement.

Most CARICOM Member States have concluded the process of implementing the SI as the official units of measurements however there are some CARICOM Member States who have not yet made this transition. Harmonisation of the region's metrology infrastructure and the utilisation of regional schemes of work sharing such as the Caribbean Reference Laboratory Scheme (CaRLs) scheme will be more economically viable when all Member States utilise the SI.

Where feasible, CARICOM Member States that currently do not use the SI as the official units of measurement are urged to:

- a) Promote the use of SI.
- b) Conduct an impact assessment of implementing the SI.
- c) Implement the SI.

Specific Objective: Use official definitions for words, terms and measurement quantities published by international metrology organisations.

In order to ensure the harmonisation of national metrology infrastructure with the rest of the world it is important that at the core the Caribbean has similar legislation is utilizing the same definitions and scientific methods. This Policy is cognizant that at a national or even regional level there would be peculiarities that may create deviations from international recommendations and best practice.

As far as possible, CARICOM Member States and the Dominican Republic are urged to:

- a) To adopt the definitions for metrology words and terms as published by the BIPM in the International Vocabulary of Metrology (VIM) and by the International Organization of Legal Metrology (OIML) in the International Vocabulary of terms in Legal Metrology (VIML).
- b) Reference methods of realizing units for measurement in the national Regulations:
  - i. the scientific methods of realizing measurement quantities;
  - ii. mathematical relationships;
  - iii. formulae; and
  - iv. conversion factors between units of measurement.
- c) Reference the most recent standards and documents accepted by the BIPM as the basis for scientific method of realizing a measurement quantity, mathematical relationships, formulae and conversion factors between units for technical regulations.

**C) Ensure that all stakeholders have access to cost-effective internationally recognised calibration services traceable to the International System of Units (SI).**

Specific Objective: Effectively utilise the services provided by the Caribbean Reference Laboratory (CaRL) Scheme

The CROSQ Secretariat has designed a Scheme in response to the high costs associated with the maintenance of traceability of measurement artefacts. The purpose of the CaRLs Scheme, support and designate a laboratory within a CARICOM NMI or Designated Institute (DI) as a Caribbean Reference Laboratory (CaRL) for a defined measurement quantity and scope. This laboratory will serve as the “entry point” of the highest measurement capability within the region characterised by having an international recognised quality management system and the smallest measurement uncertainty available in the region<sup>6</sup>. The Scheme is designed primarily to benefit the NMIs of the region but can also be used as needed to service other clients. This Policy calls for the recognition of the competence of the CaRL to provide mass calibration services to encourage the use of the services provided by the CARICOM Member States and the Dominican Republic.

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<sup>6</sup> International recognition will be achieved through either accreditation to ISO 17025 or by the declaration of the relevant Calibration and Measurement Capability (CMC) on the BIPM Key Comparison Database (KCDB). Presently, the mass metrology laboratory at the Bureau of Standards Jamaica is the only CaRL and it offers the calibration of masses up to OIML Class F1 for the range 1 mg to 20 kg. This CaRL for Mass Metrology in Jamaica is currently experiencing technical problems associated with maintaining the appropriate environmental conditions for achieving the desired class of calibration (OIML Class E2). Notwithstanding the issues, this CaRL is accredited by the German Accreditation Service, DAkkS and has the capability to support 90% of the NMIs within CARICOM. Financial and technical assistance is required from the Government of Jamaica and development partners to aid the CaRL in its ability to rectify these limitations achieve the desire calibration capability and build on the existing framework such that the CaRLs system would thrive successfully with the CARICOM.

Specific objective: Effectively utilise the services provides by the CARICOM Mobile Calibration Service

It is not always possible nor financially feasible to ship every measurement artefact and device out of country for calibration. This could be due to a number of reasons such as the item's size, weight, fragility, complexity of disassembly, permanence of the installation or the requirements for calibration. The CROSQ Secretariat proposes to develop a scheme to provide mobile calibrations for these artefacts or devices that cannot be moved. These mobile calibration service providers must attain international recognition through either accreditation to ISO 17025 or by the declaration of the relevant Calibration and Measurement Capability (CMC) on the BIPM Key Comparison Database (KCDB).

Specific Objectives: Continuously conduct Demand or Supply Assessment in order to meet the needs of the consumer

In order to effectively play a supporting role to regulators, testing laboratories and industry clients, Caribbean NMIs must continuously be informed of the measurement needs within their country. This policy seeks to ensure that financially sustainable calibration services are established in each country and that the services that cannot be fulfilled locally are served by other NMIS within CARIMET and SIM.

In order to ensure the sustained availability of low cost traceable calibrations, whenever possible CARICOM Member States, through their NMIs are urged to:

- a) Use the CaRLs to calibrate National Reference Standards.
- b) Use the services, and promote the use of the Mobile Calibration Services.
- c) Continuously analyse the national demand and supply for calibrations.
- d) Establish only the calibration services that are financially sustainable.
- e) Collaborate and coordinate with other regional NMIs, particularly the CaRLs, to provide the services that are not feasible to establish locally.
- f) Facilitate training for industry and other national stakeholders.

As far as possible, the CROSQ Secretariat shall continue to:

- a) Continuously evaluate the demand for new CaRLs and mobile calibrations and identify suitable candidates for development.
- b) Provide complementary support for the development of new CaRLs and Mobile Calibration Services.
- c) Promote the use of all CaRLs and Mobile Calibrations Services.
- d) Manage the process for recognition of CaRLs and Mobile Calibration Service Providers.

- e) Support the development of new metrology quantities based on substantiated national demand.
- f) Develop any necessary regional models to support the development of metrology.

**D) Ensure the safe transportation of Measurement Artefacts and Devices.**

This policy requests that Member States, through their NMIs, work towards minimising the risk of damage to measurement artefacts as it moves through the Caribbean Community.

NMIs within CARICOM and the Dominican Republic are urged to:

- a) Strengthen the relationship with the national Customs Department and sensitise them about the delicate nature of measurement artefacts and devices.
- b) Forge a relationship with the cargo airlines and sensitise them about the importance of the protection of the artefacts.
- c) Use only competent couriers when shipping measurement artefacts outside of the region and ensure that all handling requirements are clearly outlined in the contract.
- d) Insure all measurement artefacts against loss or damage during transport.
- e) Package the measurement artefacts and/or devices in secure and protective shipping containers with appropriate packing materials.

As far as is possible, the CROSQ Secretariat shall:

- a) Identify funding to implement measures to minimise the risk of damage to measurement artefacts.
- b) Utilise its position as a regional organisation to assist in the safe transportation of national measurement artefacts.

**E) Encourage a culture of research and development as well as documentation of the CARICOM Metrology experience.**

The establishment of one metrology system to support the needs of sovereign, small islands developing states presents unique challenges as well as opportunities for innovation. In addition to being able to make a valuable contribution to the scientific community due to our unique needs, there could also be revenue to be earned either at an institutional or individual level to assist in the development of other regions such as Oceania.

Where feasible, CARICOM Member States and the Dominican Republic, through the NMIs are urged to:

- a) Validate all international recommendations to ensure their suitability for the Caribbean.

- b) Document and publish any unique procedures, problems encountered and the steps taken to resolve them.
- c) Foster an environment where metrologists feel comfortable to research new technologies based on local demand, contribute to research being done at a regional or international level or adapt current research and equipment to the local situation.
- d) Promote cooperation in research with other institutions and academia.
- e) Encourage staff to publish academic papers in international metrology journals and present these at regional and international conferences.

Where feasible, the CROSQ Secretariat shall:

- a) Document and support the documentation of key research, experiences, recommendations and guides.
- b) Actively grow its network of contacts at key development partners, international organisations and NMIs.
- c) Facilitate the relationship building between CARICOM NMIs and other institutions.
- d) Represent or support CARICOM representatives to international metrology fora and conferences.



## 4.0 Accreditation

### 4.1 Capacity of Accreditation Institutions

Within CARICOM's regional accreditation system, the scope of attestation is limited and there are a few accreditation services and bodies<sup>7</sup>. The Jamaica National Agency for Accreditation (JANAAC)<sup>8</sup> is the only internationally recognised Accreditation Body within CARIFORUM. While JANAAC's current recognition is for the scope of testing according to the ISO/IEC 17025 standard, it is anticipated that it will shortly gain recognition for the scope of medical testing according to the ISO 15189 standard as it has already undergone the peer evaluation for the expansion of its scope into this area.

Conversely, the other accreditation body within CARICOM is Trinidad and Tobago Laboratory Accreditation Service (TTLABS) which undertakes accreditations for testing laboratories (inclusive of medical laboratories) and calibration laboratories. TTLABS do not have international recognition but it is in the process of seeking such international recognition with International Laboratory Accreditation Cooperation (ILAC). In the Dominican Republic, ODAC which was recently established has begun investing in capacity development such as training in the relevant international standards in order to facilitate international recognition. The two accreditation bodies need to be internationally recognised and be given the financial, political, technical and administrative support to increase the scope of accredited services provided to conformity assessment bodies to build a stronger regional accreditation framework and to support intra and extra regional trade.

Within CARICOM Member States and the Dominican Republic products for export are often retested upon entry into another CARICOM Member States and the Dominican Republic because of lack of confidence in the national CAB which certified the product. Re-testing is uneconomical and inhibits trade. At present, many CARICOM Member States and the Dominican Republic do not have the capacity to establish a national accreditation body which would satisfy international requirements. Cost, time, political-will, market demand and technical capacity are some of the key hindrances to the establishment of an internationally recognised accreditation body within many of the CARICOM Member States and the Dominican Republic. Generally, regional laboratories are accredited extra-regionally<sup>9</sup>. CARICOM Member States and the Dominican Republic need to support the regional mechanism to build capacity of the regional NABs and foster CAB demand for accreditation services to be provided at favourable cost.

### 4.2 Cost of Accreditation Services

Private laboratories have to bear all financial costs for the preparation and assessment of an accreditation. In most instances, preparation for accreditation is very expensive as the body seeking accreditation generally has to purchase the requisite standard, obtain the requisite equipment, adopt new measures and procedures, implement a proper documentation and record keeping system and employ qualified staff in order to meet the requirements. Additional expenses include the conduct of the assessment since all costs for the conduct of such has to be borne by the interested CAB. An estimation of the valuation would be fees: \$USD 5,000.00; rate of the lead assessor: USD 325.00 (per day); Technical expert: USD 275.00 (per day) and the cost of airfare and

<sup>7</sup> The only two accreditation bodies in CARIFORUM are The Jamaica National Agency for Accreditation (JANAAC), Organismo Dominicano de Acreditación (ODAC and The Trinidad and Tobago Laboratory Accreditation Services (TTLABS).

<sup>8</sup> The Jamaica National Agency for Accreditation (JANAAC) is an independent National Accreditation Body which signed the Mutual Recognition Arrangement (MRA) with the International Laboratory Accreditation Cooperation (ILAC) in October 2013.

<sup>9</sup> The statement excludes management system standards ISO 9001 (quality) for which the management systems certification bodies exist in Jamaica (ANAB Accredited National Certification Body of Jamaica) and Trinidad and Tobago (TTBS certification division).

accommodation which is determinant on the distance from which the assessors must travel and the season in which hotel accommodation is sought. Thus, private laboratories require assistance in order to become prepared and to attain accreditation. Government and Donor agencies are essential to sourcing financial and technical assistance for private CABs to become internationally recognised through accreditation. CARICOM Member States and the Dominican Republic and NSBs are called upon to render assistance to driving the accreditation agenda within each of the CARICOM Member States and the Dominican Republic. In seeking accreditation, CARICOM Member States and the Dominican Republic should be cognisant of the conformity assessment services that are required to facilitate trade, social development and safety and prioritise the CABs for accreditation in light of the costs involved.

### 4.3 Policy Objectives and Solutions

Where feasible, CARICOM Member States and the Dominican Republic will:

#### **A) Position the Caribbean Cooperation for Accreditation (CCA) Scheme as the primary arrangement for accreditation and related services.**

Specific Objective: Utilise effectively the services provided by the Caribbean Cooperation for Accreditation Scheme

This Policy calls for utilisation of the Caribbean Cooperation for Accreditation (CCA) Scheme as the premiere system for the provision of accreditation and accreditation-related services within CARICOM Member States. The aforementioned States are presently in the process of establishing internationally recognised accreditation bodies, within the region, to offset the high cost of available international accreditation services. The CCA Scheme provides for an independently operated internationally recognised accreditation services situated in Jamaica for testing facilities within CARICOM. JANAAC and TTLABS, as the two service providers, agreed to meet the need for accreditation services within the region<sup>10</sup>.

The CCA Scheme sees the two NABs being supported by the NAFPs which are housed within the NSBs<sup>11</sup>. The NABs provide the accreditation services for public and private CABs whilst the NAFPs provide information and aid in the preparation of any CAB seeking accreditation from the NABs. The CROSQ Secretariat coordinates and provides information relevant to the operation of the scheme. The CROSQ wants to extend the reach of the CCA Scheme by offering said accreditation and accreditation related services to non-CROSQ Member States, in particular, the Dominican Republic Associate Member States of CROSQ and other territories which can be considered within the scope of the Caribbean Region. The cost for accreditation will be more economical with the availability of the NABs within the region in addition to the support provided by the CROSQ Secretariat towards the NABs development.

In order to position to the CCA Scheme as the primary arrangement for accreditation and related services, Member States, through their NSBs are urged to:

- a) Promote the CCA Scheme to all relevant stakeholders such as CABs, government, manufacturers, service providers, consumers and policy makers;

<sup>10</sup> A Technical Cooperation Agreement between JANAAC and TTLABS was signed, in May 2012.

<sup>11</sup> A Memorandum of Understanding for the cooperation and establishment of the CCA Scheme was signed by the NABs, NAFPs and the CROSQ Secretariat in April 2013.

- b) Utilise the CCA Scheme to meet their accreditation and accreditation-related services; and
- c) Support the development of the Parties of the CCA Scheme – NABs, NAFPs and CROSQ Secretariat.

In an effort to realise this specific objective, the CROSQ Secretariat shall:

- a) Provide coordinating support to facilitate the functioning of the CCA Scheme.

**B) Support the development of the regional NABs capacity to increase their scope of accreditation services.**

As far as possible, Member States are urged to:

- a) Provide political, financial, technical and administrative support to the NABs in order to achieve international recognition; and
- b) Facilitate the availability of personnel, from sectors with demand within economies, to be trained and serve as Assessors.

In an effort to realise the above stated objective, the CROSQ Secretariat shall continue to:

- a) Provide technical and financial support to enable NABs to achieve international recognition.

**C) Position the NAFP as the primary mechanism for CAB preparation.**

In an effort to ensure CABs are prepared for accreditation, Member States, through the NSBs will:

- a) Establish the NAFP as a committee to address the national accreditation needs;
- b) Support the work of the NAFP in promoting accreditation and developing CABs towards achieving accreditation; and
- c) Provide political, administrative, technical, financial and external relations support to advance the work of the NAFP.

In an effort to realise the above stated objective, the CROSQ Secretariat shall continue to:

- a) Provide coordinating, technical and financial support to develop the capacity of the NAFP to carry out its functions.

## **5.0 Conformity Assessment**

### **5.1 Enabling Environment for Private CABs**

CABs have several requirements of which accreditation to the ISO/IEC 17000 series of standards is paramount. Liability insurance, technical competence and systems for impartiality and confidentiality are often included as requirements in these international standards. Many of the private CABs struggle to satisfy these international requirements as the operational and technical costs of doing business exceeds their income thereby eroding profit margins and thwarting the ability of the private CABs to invest and grow their business. Conversely, public CABs are obtaining financial support as the Government is the primary investor in the maintenance of the CAB. This scenario is not ideal as the Government has to continuously invest resources, for which there is a constraint, into public CABs thereby involuntarily creating public monopolies. Hence, this Policy calls for Government to generate an enabling environment for private CABs to thrive by limiting Government intervention into the market. By enabling private CABs to service the market, Governments would foster a mutually beneficial arrangement for both Government and the private sector.

### **5.2 Capacity of CABs**

The demand for testing, inspection and certification services is placing stress on the limited number of CABs within CARICOM and the Dominican Republic. Laboratory facilities, in particular, within the region are not adequately efficient to undertake apposite services. A host of infrastructural and institutional limitations hamper the capacity of CARIFORUM laboratories to meet international standards. Some challenges encountered are limited human resources, dated documented test methods and procedures; lack of documented procedures for the maintenance and repair of equipment, as well as, the ambiguity of delineation between tasks and responsibilities.

Allocation of resources, whether human or financial, to develop the CA infrastructure is one of the major difficulties hindering development. Considerable resources have been invested in the certification capacity of NSBs within CARICOM and the Dominican Republic. Amongst the various forms of CA, Certification can be considered the most advanced in light of the number of product certification programmes offered by NSBs and management system certified organisations within CARIFORUM. Further work is required in the areas of inspection and testing in order to assure a robust Conformity Assessment mechanism.

### **5.3 Mutual Recognition and Equivalence**

Mechanisms for recognition of equivalence to technical regulations and acceptance of conformity assessment procedures between CARICOM and the Dominican Republic needs to be enhanced in order to enhance intra- regional trade. At present, a few CARICOM Member States have entered into MRAs with third states. CARICOM Member States and the Dominican Republic are encouraged to engage in MRAs so as to facilitate the recognition of corresponding national standards, technical regulations, conformity assessment procedures and certification marks. Additionally, CARICOM Member States and the Dominican Republic should engage in activities to stream-line the various national product certification schemes in order to simplify the process for recognition of compliant goods.

## 5.4 Policy Objectives and Solutions

Where feasible, CARICOM Member States and the Dominican Republic will:

### A) Promote the use of regional Certification Bodies which are internationally accredited.

Specific Objective: Participate effectively in the Regional Certification Scheme

This Policy calls for the utilization and participation of the NSBs within the Regional Certification Scheme which will provide for third party attestation of products, services, systems and personnel to applicable regional and international standards. In the first instance, the Scheme will be developed to cater for products meeting regional standards. Through third party testing and certification, a Regional Certification Mark will be given to products meeting the stipulated requirements. The Mark will be recognized in CARICOM and the Dominican Republic. The Scheme therefore requires the harmonization of conformity assessment procedures as well as the recognition and acceptance of the conformity assessment bodies that will perform the third party attestation. This will aid trade facilitation as it demonstrates compliance with the applicable standards thus reducing the need for additional conformity assessment procedures as products enter or leave a market.

In order to advance the Regional Certification Scheme, CARICOM Member States, though the NSBs are urged to:

- a) Designate recognised CABs to support the Regional Certification Scheme.
- b) Provide political, financial and technical support to facilitate the accreditation of the recognized CABs.
- c) Recognise and accept the results of CABs under the Scheme.
- d) Utilise, register and monitor the Regional Certification Mark.
- e) Establish Mutual Recognition Arrangements to facilitate the acceptance of conformity assessment procedures and facilitate trade.

The CROSQ Secretariat shall continue to:

- a) Develop the framework for the Regional Certification Scheme.
- b) Provide coordinating support to facilitate the functioning of the Regional Certification Scheme.

### B) Create an enabling environment for the growth of private CABs.

Specific Objective: Divest the public CABs of non-essential services for which private CABs can adequately satisfy the market requirements and demands.

This Policy calls for the Governments of the CARICOM Member States and the Dominican Republic to foster the numeric increase of private CABs, promote the use of Quality Management Systems and the adoption of the

ISO/ IEC 17000 harmonised series of standards amongst private CABs, as well as, encourage private CABs to seek international accreditation primarily through the CCA Scheme.

In order to achieve this specific objective, Member States and the Dominican Republic, through the NSBs, will:

- a) Identify non-essential services through conducting cost-benefit analyses.
- b) Ensure the competence of the private CABs to perform the divested services.
- c) Provide an enabling environment to support the CABs in the provision of the services.

As far as is practicable, The CROSQ Secretariat will:

- a) Support any initiative of the Governments.

**C) Encourage conformity assessment schemes which will balance the interests of facilitation of trade, innovation and protect public interest.**

This Policy calls for the implementation of **Article 8 of the WTO-TFA** as implementation would assist in the observance of the cooperation principle, set out above, and facilitate in the enhanced inter-agency coordination of national border agencies. Additionally, this Policy calls for the implementation of **Article 11 (8) of the WTO- TFA** in accordance with the Special and Differential Treatment Provisions for Developing Country Members and Least Developed Country Members as provided in **Section II (2) of the WTO- TFA** for the easing of any requirements pertinent to QI which are to be applied to in-transit goods.

Subject to the Special and Differential Treatment Provisions for Developing Country Members and Least Developed Country Members, CARICOM Member States and the Dominican Republic are requested to:

- a) Ratify and implement the Agreement on Trade Facilitation.

In an effort to realise the above stated objective, the NSBs will endeavour to:

- a) Provide support to implementation of the Agreement on Trade Facilitation, where required.

**D) Institute a proper regulatory framework to regulate the activities and conditions of operation for private CABs.**

Specific Objectives: Institute legislative reform where necessary.

This Policy calls for the regulation of private CABs (designated CABs) under the remit of the Standard Act. Regulation would in particular establish the criteria and conditions for designation and maintenance of such, set out the basic procedures for the conduct of conformity assessment and market surveillance, inclusive of sampling and testing methods to be used by private CABs (designated CABs) and other pertinent legislative requirements.

In order to achieve this specific objective, Member States and the Dominican Republic, through the NSBs, will:

- a) Establish criteria and conditions for the designation of private CABs to conduct conformity assessment procedures.
- b) Establish, publish and maintain a registry of the private CABs that have been designated as such.

The CROSQ Secretariat will:

- a) Provide relevant guidelines to assist CABs in the conduct of the CA procedures.

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## **6.0 Market Surveillance**

### **6.1 Regulatory Intervention**

Generally, products traded within CARICOM can be subject to repeat inspection, testing and examination which are burdensome for border agencies, frustrating to traders and costly for consumers. CARICOM Member States and the Dominican Republic are called upon to enable national border agencies to be reasonable in the application of mandatory border measures for goods subject to technical regulations. National border agencies should encourage self-regulation by the market whereby First Party and Third Party attestation is sufficient to facilitate access into domestic markets once the First Party has displayed repeat competence and the Third Party is designated as a recognised conformity assessment body by governments. Relevant international standards, guides or recommendations bolster the transparency of First Party attestation. Further, considerations should be given to effective product liability laws, penalties for false or misleading First Party declarations, incentives to encourage suppliers' compliance, and systems for customer recompense.

### **6.2 Consumer Protection**

Within CARICOM Member States and the Dominican Republic, regulatory intervention for the control of *defective products* requires further flexibility. Measures, implored by the border agencies, such as detention, forfeiture and the destruction of examined products which are deemed defective yet not harmful are considered to be unnecessary and onerous to the facilitation of trade. Border agencies, which include NSBs, are encouraged to consider the use other measures such as re-consignment, corrective action or compulsory withdrawal of the product by the supplier thereby placing the responsibility for any remedial action on the supplier. Where the product is deemed harmful, border agencies, are recognized to be empowered to undertake immediate and necessary action such as detention, forfeiture and the destruction.

Further, the movement of harmful products through the region is a pressing concern for the free circulation of goods within CARICOM. Consumer agencies have long lobbied for an efficient regional market surveillance mechanism to address the concerns of vulnerability to the importation of unsafe consumer products within CARICOM. The CARICOM Rapid Alert System for Exchange of Information on Dangerous (non-food) Goods (CARREX) was developed to assist in the detection and dissemination of information pertaining to harmful and dangerous (non- food) goods. Once fully implemented and operational this system would assist the regional market surveillance for (non-food) goods. At present, CROSQ through functional cooperation is assisting in the development and use of the CARREX system and will continue to support the system as its operationalization is essential to the work of the CROSQ.

### **6.3 Market Surveillance Coordination**

The Market Surveillance system within the CARICOM Member States and the Dominican Republic requires further coordination. Several government agencies have the authority to regulate the domestic market with regards to product safety for consumption. This Policy calls for national market surveillance agencies need to work together in a coordinated manner that is formalised and entrenched so as to eradicate competing or overlapping jurisdictions. Furthermore, Market Surveillance agencies are encouraged to develop transparent system for intervention which would require the conduct of risk assessments and consideration of readily



available test results for consumer products whereby there is sufficient reason to believe a credible risk to consumer health and safety is either placed or made available on the market.

## 6.4 Policy Objectives and Solutions

Where feasible, CARICOM Member States and the Dominican Republic will:

### E) Minimise regulatory intervention in the market.

Specific Objective: Implement a reliable system for the self-declaration of suppliers and recognition of third party conformity assessment.

In order to achieve these objectives, Member States will, as far as, possible:

- a) Provide or foster market- based incentives to encourage the use of self-declaration by suppliers.
- b) Enact the CARICOM Model Consumer Protection Bill 2011.

The NSBs will:

- a) Provide relevant international standards, guides or recommendations for use by suppliers as well as third party conformity assessment providers.

Specific Objective: Assist in the implementation of the system for the treatment of defective goods

In addition, this Policy calls for CARICOM Member States and the Dominican Republic to implement **Article 10 (8.1) of the WTO-TFA** such that defective products are re-consigned or returned to the exporter or his designate. Further, this Policy acknowledges and affirms the treatment of defective goods, as set out in, the CARICOM Model Consumer Protection Bill.

In order to achieve this specific objective, CARICOM Member States and the Dominican Republic are urged to:

- a) Ratify the Agreement on Trade Facilitation.

CARICOM Member States are urged to:

- b) Enact the CARICOM Model Consumer Protection Bill 2011.

In an effort to realise the above stated objective, the NSBs will endeavour to:

- c) Provide support to implementation of the Agreement on Trade Facilitation, where required.

**F) Strengthen national and regional market surveillance coordination.**

Specific Objective: Participate effectively in the CARICOM's Rapid Alert System for Exchange of Information on Dangerous (non-food) Goods (CARREX).

This Policy calls for the CROSQ to support the operationalization of the CARREX which is intended to function as an alert and surveillance system. It seeks to facilitate the rapid exchange of information among CARICOM Member States and the CARICOM Secretariat when a dangerous good has been detected on the market of a Member State. Such information will assist national authorities to take appropriate action when required such as the recall of such goods. This will aid the facilitation of consumer protection as consumers will be safeguarded against the availability of dangerous goods on the market. While the CARICOM Secretariat, through the CSME Unit, is spearheading the development of the CARREX, the CROSQ has been engaging with the CSME Unit to support the development of the CARREX through capacity development of national authorities such as the NSBs. Currently, the focus for the system's development is the sharing of information for efficient market surveillance.

In order to support the functioning of the CARREX, CARICOM Member States will, as far as practicable:

- a) Designate the agencies responsible for conducting market surveillance.
- b) Ensure coordination among market surveillance agencies.
- c) Share information relating to the detection of dangerous goods on its market.
- d) Adopt the CARICOM Model Consumer Protection Bill 2011.
- e) Ensure inspection activities adhere to the relevant international standards and guides for the conduct of such activities.

The CROSQ Secretariat will:

- a) Support the development of the CARREX through the CARICOM Secretariat.
- b) Develop best practices for the conduct of market surveillance

## **7.0 Information, Knowledge and Education**

### **7.1 Publication and Notification**

Publication, Notification and Enquiries on TBT measures is mostly a paper based and request driven process within CARICOM and the Dominican Republic. With respect to the Commonwealth jurisdictions within CARICOM, Technical Regulations are generally national laws which are formally published for domestic and external parties via the national *Gazette* which is a paper document disseminated by the Government Printer. A similar process occurs for the declaration of national standards. With the advancements in technology and communication, this system tends to be dated for the demands for speedy information on Technical Regulations and Standards for suppliers and consumer. Some CARICOM Member States have a dedicated website or web portal for the notification of some Technical Regulations and all National Standards. Whereas, this Policy acknowledges that the national *Gazette* is the official form for the publication of national laws this Policy calls for the recognition of the use various ICT forms, within the Nation Standards Legislation of the CARICOM Member States, for the publication of national standards such that publication of National Standards are not limited to the process required for Technical Regulations. Information on National Standards can now be easily accessible and provided on a timely basis by facilitating the declaration and publication via the NSB website.

### **7.2 Enquiry and Focal Points**

The NSBs within CARICOM and the Dominican Republic are the designated national enquiry points for TBTs. Mandatory and voluntary technical specifications and conformity procedures required for products and services are usually reflected within national laws/ statutory instruments. Within CARICOM, a number of the Member States have varying Government Ministries responsible for enactment and notification of laws, regulations or statutory instruments, at the national level, pertinent to trade and trade-related matters. At the international level, such notification is within the purview of the Ministry of Foreign (International) Affairs. What exists is a fragmented system for information regarding enactment of Technical Regulations and the declaration of National Standards. Interested parties are therefore forced to seek information from varying sources which makes it cumbersome and frustrating. In order to simplify information collection, CARICOM NSBs need to be recognised as the sole authority for national enquiries for all national Technical Regulations, Standards and Conformity Assessment Procedures. The CROSQ Secretariat proposes that it be positioned as the regional Contact Point for TBTs enquiries, in order to assist CARICOM NSBs, in providing information to persons external to the particular Member State and to give life to the commitments made under the CARIFORUM-EU EPA<sup>12</sup>.

### **7.3 Awareness**

In order to create a quality culture in the region national quality awareness schemes should be encouraged at the national and regional level. Campaigns of this nature will assist in acting as a catalyst for the purchase of products and services which satisfy national and international standards. Such campaigns can improve public awareness of the value of quality. Currently, the CROSQ Secretariat is conceptualising a quality awards scheme which has the aim to promote quality awareness at both the national and regional levels. The primary objective for the Caribbean Quality Awards is to provide organisations, institutions, users and service

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<sup>12</sup> Article 49 of the CARIFORUM- EU EPA sets out the obligations for the exchange of information and consultation and reads that "The Parties agree, upon the provisional application of this Agreement, to designate contact points for the purposes of exchange of information as specified under this Chapter. The Parties agree to channel their exchange of information through regional contact points to the maximum extent possible".

providers of QI, with public recognition for their efforts at adhering to and providing such quality systems and services to the advancement of their organisation, their goods and products. It will be administered by the CROSQ Secretariat under the advice of a specially appointed and convene Quality Awards Team. Applications for national components will be provided. Other objectives for the scheme will be to promote a culture of quality in the Caribbean region; to promote business efficiency and effectiveness; to strengthen stakeholder engagement in QI and to bring public awareness to the importance of quality in the institutions, goods and services.

## **7.4 Demand for QI services**

Private sector involvement is critical to QI and the relevance of the NSBs and CROSQ Secretariat. The private sector is the primary consumer for standards and quality services which include inspection, testing, certification, accreditation and calibration services. The NSBs are not benefiting significantly from the private sector participation in their activities such as standards development for key sectors and industries. A lack of involvement by the private sector in standards development tends to stymie demand for standards development and sales which are two key functions of the NSBs. Private sector's demand for calibration and re-calibration services for measurement and process equipment, laboratory inspection services, metrology consulting, verification of instruments and traceability services to certified reference material is insufficient to sustain CARIFORUM NMIs and aid in the investment of new measurement equipment and artefacts. Private inspection, testing and certification bodies are not leading the demand for accreditation within the sector thus only thirty-nine (39)<sup>13</sup> CARIFORUM conformity assessment bodies have been accredited as at 2015.

## **7.5 Education on QI**

One limitation of the development of QI within CARICOM Member States and the Dominican Republic has been the lack of education and promotion on the subject. Civil society must aid in addressing this information deficit as it is well positioned to be a conduit between the State and public in generating national dialogue on issues pertinent for the sustainable development of CARICOM Member States and the Dominican Republic societies. Consumer protection associations, Manufacturers Associations, Chambers of Industry, Trade and Commerce and the media are all essential to trade and QI and their involvement in the implementation of this Policy will be critical.

## **7.6 Communication**

The sharing of information between CARICOM NSBs and the CROSQ Secretariat has been a challenge over the years. Many NSBs do not possess adequate technology and communication systems which has hampered their ability to communicate with external parties which include the CROSQ Secretariat. Despite the close geographical proximity of the NSBs to each other travel was consistently required for activities such as training and workshops which strained the financial resources of the NSB. Currently, library resources are available within certain CARICOM Member States which are inaccessible to other Member States thereby restricting knowledge and information sharing.

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<sup>13</sup> CARIFORUM has thirty-five (35) accredited laboratories and four (4) accredited certification bodies. In terms of Laboratories the Bahamas has three (3); Barbados has three (3); the Dominican Republic has eight (8); Saint Lucia has two (2); Trinidad and Tobago has seven (7); Jamaica has ten (10) . Certification Bodies are found in Dominican Republic which has three (3) and Jamaica has one (1).

## 7.7 Policy Objectives and Solutions

Where feasible, CARICOM Member States will:

### A) Position the CROSQ Secretariat as the CARICOM Contact Point for TBT issues.

Through the implementation of this Policy, the CROSQ Secretariat aims to position itself as the Regional Contact Point for CARICOM through the activities of the CROSQ MIKE Committee. The MIKE is currently assisting CARICOM Member States to be online by the end of 2015. Websites are being generated for the NSBs so that they would be able to closely interface with public and private stakeholders. The MIKE will coordinate with national agencies to create an Information Technology portal and interactive database which will enable automatic updates from the NSB to the CROSQ Secretariat database. This system will assist NSBs with the provision of information on a timely and consistent basis especially those NSBs with a dedicated electronic system and communication constraints. The database will be a tool to coordinate national and regional information sharing as well it will act as single portal for international exporters, organisations and consumers.

CARICOM Member States, through their NSBs, are urged to:

- a) Support the CROSQ Secretariat in engaging the relevant national Ministries with the responsibility for notification to the WTO Secretariat.
- b) Identify a national contact point which will manage relations with the CROSQ Secretariat for the provision of data for the data base.
- c) Adopt and implement, where relevant, the guidance document developed by the CROSQ Secretariat for the development and implementation of technical regulations.

As far as possible, the CROSQ Secretariat shall:

- a) Seek to obtain observer status within the WTO TBT committee.
- b) Develop a position paper outlining the benefits of establishing and designating CROSQ Secretariat as the Regional Contact Point for TBT issues.
- c) Engage the various Ministries with the responsibility for notification to the WTO Secretariat, within the CARICOM Member States, and lobby support from them on the basis of the position paper.
- d) Develop and maintain a data base of regional and national standards, technical regulations (mandatory standards) and conformity assessment procedures.
- e) Provide training to the NSBs in the use and maintenance of this data base.
- f) Provide the NSBs access to the data base.

**B) Place CROSQ Secretariat at the helm of promoting a quality culture amongst suppliers, consumers and regulators.**

Specific Objective: Support and actively participate within the MIKE

The CROSQ Secretariat, through this Policy, is requesting that NSBs create national quality awards schemes that will begin the process of building support and awareness at the local level ahead of the full implementation of a regional programme. National schemes will help to create the necessary structure that will enable the successful hosting of a regional component to the scheme.

In an effort to realise the above stated objective, CARICOM Member States and Dominican Republic, through the NSBs are urged to:

- a) Create national quality awards schemes
- b) Promote the Caribbean Quality Awards.
- c) Strengthen public-private partnerships for the operation of the CQA
- d) Institutionalize the CQA Scheme.

The CROSQ Secretariat will endeavor to:

- a) Launch and promote the CQA.
- b) Encourage the private sector to participate in the CQA.

**C) Engage the private sector and civil society in national quality events.**

The CROSQ Secretariat and NSBs will be required to embrace the involvement of the private sector in national events, such as World Metrology Day, World Accreditation Day, World Standards Day, as well as developments in QI at the national level. Launches of new products, the construction of new QI-related facilities like laboratories or new bureaus are occasions that will call for the active participation of the private sector, so their immersion in the quality culture can be realised.

In an effort to realise the above stated objective, CARICOM Member States and the Dominican Republic, through the NSBs are urged to:

- a) Recognise the established QI related observance days.
- b) Develop promotional scheme for these QI related observance days.
- c) Encourage the participation of the private sector in these promotional schemes.

As far as practicable, the CROSQ Secretariat will:

- a) Provide technical and financial support to the national initiatives.
- b) Highlight the significance of these national observances by hosting events to discuss issues related to QI.

**D) Educate the private sector and civil society of the QI services available nationally and regionally.**

In an effort to realise the above stated objective, CARICOM Member States and the Dominican Republic, through the NSBs are urged to:

- a) Produce and disseminate information on the benefits of the QI services available.
- b) Utilise various forms of media and communication, inclusive of new media, to educate the public.
- c) Frequently host national dialogues and consultations on quality related matters affecting society.

**F) Encourage the creation of QI-related education across the Caribbean.**

In an effort to realise the above stated objective, CARICOM and the Dominican Republic NSBs are urged to:

- a) Engage government in discussions aimed at creating QI-related curriculum for schools.
- b) Identify qualified staff that can serve as tutors or resource persons within such curricula.
- c) Promote the NSB as an authority on QI matters in the education sector.

As far as practicable, the CROSQ Secretariat will:

- a) Commit to the development of curricula that can be used at the national level in secondary and tertiary institutions.
- b) Engage tertiary institutions in dialogue to create related programmes at the graduate level.
- c) Engage the private sector and tertiary institutions in partnerships to create academic papers on joint QI-related topics.
- d) Become an authority and resource on QI-related areas in academia.

**G) Facilitate the active participation of the private sector and civil society in technical committees for standardisation, accreditation, conformity assessment, metrology and related activities.**

The CROSQ Secretariat is in the process of implementing a Knowledge Management System (KMS) system to enhance communication between the participants of the regional technical committees such that persons can edit documents in real time and express ideas, develop process and contribute to the overall regional agenda through the use of advanced technology. The KMS is a comprehensive communication system which includes video conferencing, library systems and document management mechanisms. The CROSQ Secretariat will serve as the main hub for the system.

In an effort to realise the above stated objective, NSBs within CARICOM and the Dominican Republic are urged to:

- a) Implement video conferencing, library and document management systems.
- b) Commit to training of staff in the use of said systems.
- c) Utilise the systems to encourage interaction within the CROSQ networks and with the private sector and civil society.
- d) Focus on building out the resources of the system to encourage learning and sharing of information with the private sector and civil society.

As far as practicable, the CROSQ Secretariat will:

- a) Act as the hub for the KMS, ensuring that all related networks in CARICOM Member States are connected.
- b) Ensure that NSBs within CARICOM and the Dominican Republic are exposed to training in the use of the system.
- c) Ensure that CARICOM NSBs and the Dominican Republic have or are sourcing the resources to ensure the physical infrastructure is in place to host their aspects of the KMS.
- d) Spearhead the use of the KMS.



## 8.0 Institutional Strengthening

### 8.1 Position of CROSQ Secretariat

QI is considered to be critical to intra and extra regional trade, health and safety of human and animal life and the protection of the environment. Lamentably, the Caribbean region is slow to recognise the significance of QI and by extension the work of the CROSQ Secretariat. CROSQ Secretariat remains an obscure entity amongst the other regional institutions, particularly, in gaining the political and financial support necessary from regional governments to promote its role in the CSME and within CARICOM Member States. To fulfil its role within the CSME, as highlighted in the CARICOM Aft, the CROSQ Secretariat primarily needs political and financial support from the CARICOM directorate to build both technical capacity and RQI<sup>14</sup>.

### 8.2 Participation in the work of the CROSQ Secretariat

CROSQ Secretariat's growth is largely dependent on the participation of the NSBs within the organisation. For the most part, CARIFORUM NSBs are very engaged in the activities and work of the organisation. Yet, due to fiscal restraints, participation by some has been periodic. NSBs infrequent participation, at the regional and international level, hampers their ability to become stronger players within the multi-lateral process. NSBs find it financially uneconomical to maintain subscriptions and participation to CROSQ and other international standards bodies such as ISO, COPANT and OIML. CARIMET, a sub-entity of SIM, is the only vehicle by which CROSQ Secretariat plays an integral role in accessing membership for NSBs to an International Body<sup>15</sup>. Otherwise, the competition between regional and international membership places CROSQ in a precarious position. NSBs have to substantiate the value of participation to their Governments participation within so many different international organisations when they are frequently questioned as to the importance of being a member of both the regional and international mechanism.

Generally, the activities for CROSQ Secretariat tend to be given a secondary priority. NSB staff is not assessed on the basis of the regional work programme. Hence, project implementation led by the CROSQ Secretariat tends to be difficult and, at times, not progressive. So much so, activities at the national and regional level tend to be duplicated as the NSBs and the CROSQ Secretariat tend to undertake similar activities. Enhanced coordination and cooperation is required between the NSBs and the CROSQ Secretariat.

Article 8 of the IGA provides for the establishment of CROSQ Special Committees. These Committees are to be constituted with public and private sector representation from across the CROSQ Member States. Their role is to be the driving force for the harmonisation of standards and standards- related matters inclusive of the harmonisation of procedures in relation to standards-related matters; the provision of technical assistance to educational institutions in order to promote the awareness of standards and standards-related matters and to aid in the provision of technical equipment and human capacity development for the needs of the community. To date the CROSQ has established five technical committees<sup>16</sup> of which one has significant and direct private

<sup>14</sup> The RQI in this instance speaks to the regional mechanisms which are being conceptualised and currently implemented to assist in the strengthening of the NQI. Highly skilled technical staff are required to aid in design and implementation of these regional frameworks and solutions.

<sup>15</sup> Membership, for CARIFORUM states, to the International Bureau for Weights and Measures (BIPM) is not direct. CARIFORUM is part of the system through the sub-regional group of the Inter-American System for Metrology (SIM).

<sup>16</sup> These are the Caribbean Cooperation for Accreditation Scheme; Caribbean Network of Conformity Assessment Bodies; Caribbean Metrology System; Marketing, Information, Knowledge and Education Committee and the Technical Management Committee.

sector involvement<sup>17</sup>. The CROSQ Secretariat needs to engage with the private sector in a more meaningful manner in order to champion the interests of the private sector, in particular the SMEs, such that the private sector becomes ever more pivotal to the activities of the CROSQ Secretariat and the NSBs.

### **8.3 Membership within the CROSQ**

Membership of CROSQ is restricted to the membership and associate membership of CARICOM as set out in the Inter-Governmental Agreement Establishing the CARICOM Regional Organisation for Standards and Quality (IGA)<sup>18</sup>. With the current fiscal constraints of the CARICOM governments, the timely and consistent payment of subscriptions is becoming a challenge for a number of CROSQ Member States. The survival of the CROSQ Secretariat and the work undertaken by CROSQ Secretariat initiatives may be in jeopardy if the membership of CROSQ is not widened and increased.

### **8.4 Sustainability of the CROSQ Secretariat**

Moreover, CROSQ Secretariat sustainability is largely dependent upon donor funding through time specific projects. Aid to the Caribbean has been declining as many of the countries have graduated in status. The global socio-political economy is undergoing a change. Donor countries and development partners have either reduced their contributions or shifted focus to provide aid to other regions. This trend is a significant threat the sustainability of the CROSQ Secretariat and the projects within the region. The CROSQ Secretariat has to diversify its income stream in order to be self-sufficient as well as to provide assistance to its members.

### **8.5 Composition of the NSB's Council**

Governments are the primary facilitators of QI development within the CARICOM and the Dominican Republic. Governments of CARICOM and the Dominica Republic are called to be transparent, coordinated and cooperative in an effort to balance the interests of the society which are primarily to balance societal interests whilst generating an enabling environment for the private sector. Ideally, the Governments of CARICOM and the Dominican Republic should not be the sole entity responsible for QI. The private sector, NGOs and consumers must own a larger role in the development and implementation of QI.

One such way to achieve the aforementioned would be for governments to encourage more diverse Standards or Quality Councils within their respective States. The Council is a board comprised of representation from a cross-section of public and private sector that sits as the policy and decisions- making arm of the NSB. Presently, CARICOM States possess Standards Councils that are generally composed of a restricted selection of expertise which has implications for an integrated approach to management of the NSB.

In practice, governments, through the Minister, select persons primarily from the public sector with an interest in standards, commerce (trade), and agriculture and consumer protection to sit on these Councils. With the proposal for a more diverse Council, the expertise sitting on the Standards or Quality Council would be

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<sup>17</sup> The Caribbean Network of Conformity Assessment Bodies is in the initial stage of roll out and it is envisioned to seat representatives from both the public and private CABs on the Committee.

<sup>18</sup> Articles 3 and Article 21 of the Agreement Establishing the CARICOM Regional Organisation for Standards and Quality (CROSQ).

widened as persons with public sector interests in competition policy, tourism, health, labour, environment and infrastructural work and the private sector and civil society would be represented. A Standards or Quality Council, with a diverse representation, can eradicate concerns that decisions on Standards and Technical Regulations would be solely influenced by one particular interest. An equitable number of representatives from the public and private sector would build market confidence that a balanced, transparent, coordinated and cooperative approach to decision making and policy directives will be made.

## **8.6 Retention of Staff within the NSBs**

Staff attrition is high within CARICOM NSBs, so much so, that within the last five years some NSBs have lost 10% to 100% of their technical competence in metrology. This high rate of attrition has crippled many departments and NMIs by effectively curtailing productivity. Significant financial resources have been invested in training technical staff, lamentably, working conditions, salaries and overall job satisfaction is not adequate to retain staff for an extended time. NSBs of CARICOM Member States and the Dominican Republic are being urged to review the terms and conditions of employment of NSB staff to provide for the retention of institutional knowledge and the provision of adequate succession planning.

## **8.7 Conflicts of Interests**

Conflicts of interest occur when the standard setting body is involved in both the innovation and regulatory functions. CARICOM NSBs (NMI) are called upon to divest itself of certain functions such as legal metrology and accreditation to ensure impartiality and transparency. Presently, each NMI within CARIFORUM houses a legal metrology department which is actively functioning and is significant to the work and financing of the NMI. Since both entities are housed in one organization, the activities of the NMI, which includes legal metrology, increases the responsibility of the NMI as a regulator and hampers the NMI's ability to give much priority to research and innovation. Regrettably, CARICOM States are not in a position to fully implement international best practices, in the short to medium term, due to fiscal and infrastructural constraints thus alternative measures such as firewalling or the creation of statutory authority should be encouraged as a short term solution<sup>19</sup>.

## **8.8 Financing of the NSBs**

The NSBs within CARICOM, with the exception of Barbados, are statutory bodies for which a significant contributor to the source of income is the Government. The NSBs are effectively quite dependent upon the State subsidies and grants which in light of the current financial constraints leaves many NSBs in an unpredictable and insecure financial position. Other sources of funding for NSBs are fees charged for services which include examinations, testing, certification, calibrations and consultancies that are either minimum sums prescribed by law or there is insufficient demand for the services to ensure that income from these sources would aid in the sustainability of the NSBs. The sale of national standards does generate some income for most NSBs however the demand is still insufficient to satisfy the financial demands of the NSBs<sup>20</sup>. NSBs of the CARICOM Member States and the Dominican Republic require additional sources of funding in order to invest in

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<sup>19</sup> In the case of accreditation, Jamaica has been able to separate the national accreditation body from the NSB however, the second regional accreditation body in Trinidad and Tobago, is still housed within the NSB. TTLABS is actively in the process of becoming independent but greater political support is required to fulfill the complete separation of the institutions.

infrastructural upgrades, payment of salaries, acquisition of equipment for laboratories, finances for training and development of staff and payment of subscription fees for membership to international bodies.

## **8.9 Policy Objectives and Solutions**

Where feasible, CARICOM Member States will:

### **A) Enhance participation in CROSQ Secretariat work.**

In an effort to enhance participation within CROSQ, this Policy calls for CARICOM Member States to:

- a) Institutionalise a dedicated implementation department or officer to the work of CROSQ Secretariat.
- b) Enhance the human resource capacity within the NSB.
- c) Ensure the proper functioning of the system for free movement of skilled labour within the Single Market and Economy to address the human resource constraints in Quality Infrastructure.
- d) Enhance participation in CROSQ Special Committees and Schemes in order to build and sustain the RQI.

### **B) Maintain financial support to the CROSQ Secretariat.**

In order to maintain the sustainability of the CROSQ Secretariat, CARICOM Member States, are encouraged to:

- a) Pay subscriptions on a timely basis
- b) Support the establishment of new classes of membership (Corporate Membership) within the Inter-Governmental Agreement Establishment the CROSQ Secretariat

### **C) Diversify the scope of projects for the development of the RQI.**

The International Development Agencies and regional organisations play an essential role in the socio-economic development of the CARICOM Member States and the Dominican Republic. Several international development and donor agencies are very active within the region. A number of projects funded by development agencies and partners are currently being implemented throughout CARICOM and the Dominica Republic by regional and sub-regional organisations. Thus, this Policy calls on all international development agencies, regional and sub-regional organisations pertinent to the socio-economic development of the region to assist the CROSQ Secretariat in its development and capacity building programs for QI.

**D) Identify the critical areas in need of technical assistance.**

In an effort to realise the above stated objective, the CARICOM Member States and the Dominican Republic are urged to:

- a) Approach the IDA for financial and logistical assistance to secure the transfer of quality-related technology to the NSBs.
- b) Approach Facilitate the funding for training of QI specialists at the regional level and technicians at the national level.
- c) Engage the IDA for continued support to the region's participation in relevant international organisations.

**E) Establish a Council with an equitable balance of representatives from pertinent public and private sector interests.**

Where necessary, CARICOM Member States are encouraged to:

- a) Review the composition of the National Standards Council.
- b) Make legislative amendments to the composition of the Standards Council within the National Standards Acts.

**F) Empower the NSBs to diversify their revenue generating capacity.**

Specific Objective: Initiate legislative reform where feasible.

NSBs require greater autonomy from the State in terms of their financing and operations. NSBs need to diversify their revenue streams and become ever more relevant to the private sector. The scope of the sources of income needs to move from the traditional sources which include prescribed fees for the use of the national Certification Mark and the provision of QI services, grants, subsidies, gifts and sums borrowed must be widened to include new niche markets such as consultancy services in quality management services, renting of NSB facilities for private activities and the provision of training in QI to the public and private sector at cost. Currently, many CARICOM governments bear the financial burden of the operational and administrative costs of the NSBs. CARICOM governments and NSBs would be the primary beneficiaries from any increased financial and operational autonomy delegated to the NSBs.

Thus legislative amendments are required to empower the NSBs to form companies which can render advisory or consultancy services for various quality related activities such as the implementation of Quality Management Systems by private companies such as CABs and calibration service providers. Another emerging area for which NSBs can offer advisory services would be in the implementation of the quality in national value chains. Of most importance to the NSBs would be amendment of the current fee structure charged for services provided by the NSBs.

In an effort to realise the above stated objective, the CARICOM Member States are urged to:

- a) Amend the National Standards Acts to empower the NSB to form private entities and technical committees.
- b) Amend the National Standards Acts to revise the prescribed fees.
- c) Promote within the market place the importance of quality to suppliers and consumers in order to generate awareness and possible demand for the advisory or consultancy services of the NSBs.

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## **9.0 Legislation**

### **9.1 Technical Regulations Framework**

The QI legislation, National Standards Act and Weights and Measures Act, within CARIFORUM and relevant subsidiary legislation for many of the CARIFORUM states are dated. The central issue with the existing national standards legislation for the NSBs of CARIFORUM is the delineation between Standards and Technical Regulations. The delineation between Standards and Technical Regulations is essential to assuring that a good regulatory regime is in place. The basis for the enactment of a Technical Regulation is to enshrine good regulatory practice through risk analysis and assessment to support regulatory intervention. Thus, technical regulations should only be enacted when there is a legitimate threat to the health and safety of humans, animals, plants and the environment.

As mentioned previously, the National Standards Acts of many of the CARIFORUM states do not expressly provide for a technical regulations framework. The system of '*mandatory standards*' is still reflected in within the legislation. The '*mandatory standards*' system leads to concerns that arbitrary application of standard specifications to trade which result in barriers to trade. In many instances, the '*mandatory standards*' are either infrequently reviewed for relevance or applicability. In addition, the prescriptive nature of the '*mandatory standard*' does not provide for a minimalist application of specifications for regulatory intervention.

### **9.2 Subsidiary Legislation**

Many of the CARICOM states have not enacted subsidiary legislation for the National Standards and Weights and Measures Acts. Hence, the regulations which would empower the NSBs to declare standards, technical regulations, implement transparent processes for the treatment of products upon entry, distribution and exist of the domestic market or prescribe fees for services are left without legislative effect.

Generally, market surveillance measures of product safety are given legislative effect under of the Consumer Protection Legislation, the Food and Drugs Legislation and to some extent the National Standards Acts of the CARICOM Member States. Clarity is required between the varying legislation for the removal of overlapping jurisdictions and responsibilities between these agencies for the enforcement of Technical Regulations (Mandatory standards) with respect to consumer product safety. Regulations are required to provide further clarity and transparency with regards to the basic procedures for the conduct of market surveillance which includes sampling and testing methods for regulatory intervention by the NSBs. Such information should be expressed within the regulations in order to give suppliers a sense of certainty and predictability regarding the treatment of their products upon entry into the CARICOM market and the Dominican Republic.

### **9.3 Complaints and Redress**

A proper administrative mechanism for complaints and redress, based on NSB decisions, must be made available to aggrieved parties. A transparent, predictable and certain form of administrative redress is required to assist in strengthening intra and extra regional trade. A few of the CARICOM Member States have administrative processes whereby complaints from consumers and suppliers can be addressed outside of the remit of the Court. Each NSB should work towards developing such a mechanism to ensure that suppliers and consumers have an opportunity to raise any concerns with respect to the activities of the NSB. In order to achieve this

administrative process for redress, CARICOM NSBs must be empowered, via legislation, to hear complaints, conduct investigations and undertake some form of remedial action. Instances will arise where jurisdictions may overlap between the consumer protection agency and the NSB with regards to consumer complaints over products within the market. In such instances, the relevant agencies should work together under a Memorandum of Understanding or Agreement to clarify the responsibilities and jurisdiction over consumer complaints.

## 9.5 Conflict of Interest

Admittedly, many NSBs gain much revenue from their compliance departments however the role of regulator and facilitator often conflict or result in confusion within the market place as to the role and function of the NSB. NSBs are encouraged to evolve into standards-setting organisations rather than regulatory enforcement agencies. Yet, the fiscal reality for CARIFORUM NSBs makes it very difficult for them to fully divest themselves of their current regulatory function. In that light, NSBs are urged to make a decision on which model best meets the needs of the public sector, private sector and consumers within their respective State. The CROSQ Secretariat is proposing three models:

Model 1: retain the regulatory function and assist in the development of QI private service providers who will undertake the facilitator role *ie* standards development, NMI activities, conformity assessment procedures for non- regulated goods and accreditation;

Model 2: Divest all regulatory functions from the NSB and empower an existing competent authority /establish a competent regulatory authority to undertake all regulatory functions.

Model 3: Retain both the facilitator role and regulatory responsibility within the NSB but create a Chinese wall between the various limbs. This could possibly fall under the following three forms:

- Institutionalise a firewall mechanism;
- form of a subsidiary body or
- incorporate a separate statutory company to undertake non- regulatory functions.

## 9.6 Enquiry and Focal Points

In light of the foregoing discussion on Enquiry and Focal points, national QI legislation must expressly designate the NSB as the sole TBT Enquiry Point. The legislation must give legal effect to the creation, purpose and function of such a competent person or department within the NSB to execute this responsibility. Notwithstanding, the legislative importance of the Gazette within the Commonwealth jurisdiction, other forms of publication and notification of standards should be considered within the legislation thereby giving legal effect to national publication of Standards via new modes of technology and communication( websites) of NSBs or CROSQ Secretariat.



## 9.7 Policy Objectives and Solutions

Where feasible, CARICOM Member States will:

### A) Institute policy and legislative reform where necessary.

#### Specific Objectives: Ratification of the Model Legislation

This Policy urges that where necessary legislative reform be undertaken to give legal effect to this Policy and any national policy which ensues from this document. The CROSQ Secretariat through, the TBT Project, has been rendering technical and legal support to CARIFORUM States for the amendment of the National Standards Acts and Regulations and ii) The Weights and Measures Legislation and Regulations. This technical assistance given by the CROSQ Secretariat compliments the activities which are ongoing, at the national level, for the revision of the national legislation in some of the CARICOM Member states<sup>21</sup>. Once the pertinent issues are addressed in the national policy and legislation, the NSBs would benefit from a framework which will facilitate greater flexibility, transparency, legitimacy and relevance for the operations of the CARIFORUM NSBs.

CARICOM Member States, through their NSBs, are urged to:

- a) Implement an efficient framework for the frequent review of pertinent Technical Regulations ('mandatory standards') enacted under the Standards and Weights and Measures Acts.
- b) Implement, where necessary, a framework for the use of regulatory impact assessments and risk assessment.
- c) Implement a framework for the transparent use of market surveillance procedures.
- d) Encourage NSBs to undertake remedial action in instances within the jurisdiction of the NSB.
- e) Determine an adequate mechanism for the rectification of any conflicts of interest.
- f) Support the CROSQ Secretariat's proposal for a regional Contact Point on TBT Issues.

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<sup>21</sup> Antigua and Barbuda, the Commonwealth of the Bahamas, Belize, the Republic of Guyana, Jamaica, St. Christopher and Nevis and Suriname.

## 10.0 Conclusion

CARICOM Member States and the Dominican Republic are cognisant of the need for the enhancement and international recognition of QI within the Caribbean which is critical for external trade, particularly, traditional trade partners such as the European Union, United States and Canada which have, in recent years, implemented new requirements and measures for the regulation of consumer products. In light of these changing legal and technical requirements for consumer products in international trade, CARICOM Member States and the Dominican Republic are undergoing national reforms to adopt and implement international obligations and best practices for the modernisation of the national QI systems. A modern and internationally recognised QI system will position the region to benefit from any national strategies for export led growth and development.

Moreover, QI is pivotal to national and regional competition policy and consumer protection thus fiscal, technical and infrastructural investments are required to be provided by either the State or the private sector. This Policy contemplates greater private sector involvement in shaping and using QI as the private sector has to be a primary and influential stakeholder in the advancement of any efforts for QI sustainability within the region.

QI not only supports domestic and external trade but supports the protection of the health and safety of the society and environment. In furtherance of the Governments responsibility to society, national agencies have to work in a coordinated and strategic manner to fulfil the mandate and responsibility of the State to its citizens. In this stead, the NSB has to be given greater importance in the national and regional context.

Cognizant of the need for both the supplier and consumer to benefit from the welfare gains from the liberalisation of trade, CARICOM Member States and Dominican Republic, upon the adoption of this Policy, are required to collectively work on further collaborative and regional initiatives to harmonise policies, procedures and laws related to QI to further advance the objectives of the CROSQ and CSME. Despite the varying degrees of national development, this Policy articulates common objectives and implementation strategies which NSBs could endeavour to undertake during a ten year period to advance and enhance its capacity such that the variances can be minimised.

Thus, in general this Policy calls for the following:

- a) Amendment of legislation and regulatory practices.
- b) Targeted capital investment in areas of specialised capacity in order to support the successful operation of the CROSQ regional schemes.
- c) Further the engagement of the CROSQ in the shaping of national and regional industrial, innovation and trade policies and strategies.
- d) Dedication from the private sector towards integrating quality into every facet of their production processes and services.

*END*