

# Technical Regulatory Infrastructure

**Trade and Industry Strategic  
Session**

**Nedlac**

**2016**

# Overarching business view

- Efficient and effective regulatory infrastructure essential for an industrial economy
- Business supported the comprehensive review and legislation which resulted in the current landscape
- Many of the anticipated benefits from the new landscape have unfortunately not been realised
- Numerous challenges have been identified particularly in relation to SABS and NRCS

# National Regulator for Compulsory Specifications

- Need to protect consumers from unsafe products well understood
- Functions: develop and administer compulsory specifications
- Enforce compliance without impeding legitimate trade
- Increased scope of work recognised
- Service level standards

# Service level standards

- Increased number of applications:
  - 2008: abt 400/ month
  - 2015: abt 1 200/ month
- Turnaround time:
  - 2008: 10-12 days
  - 2015: 120 days; often exceeded
- Risk based approach to surveillance supported
- Shorter turnaround times for lower risk

# Relationship with SARS

- Many restricted products regulated by different departments linked to SARS risk engine facilitates legitimate trade
- NRCS not linked; understood to be due to non alignment with tariff codes
- Understood that a project has been initiated to address this

# Surveillance

- Challenges have been experienced with the use of SAPS as inspectors in terms of the NRCS Act
- Not trained as required by Act
- Standard operating procedures not in place
- Affected parties often not aware of a change in procedure

# SABS

Mandate: promote access to markets through development of appropriate standards; conformity assessment services and administration of SABS mark schemes

# Standards development

- Development of standards in line with the WTO TBT agreement: use of international standards as far as possible
- This should reduce the timeframe required to develop standards
- Challenges are being experienced with the long timeframes required to develop standards



# Conformity assessment

- Unilateral suspension of testing for months
- Ongoing dispute about partial and testing remains unresolved
- Court order in this regard ignored

# Administration of mark schemes

- Mark scheme an essential market access tool in a number of sectors
- Challenges:
  - Long turnaround times for test results
  - Inaccuracies in test reports
  - Long turnaround times for consideration of applications for new products
  - Issuing letters to extend permits in stead of new permits
  - Poor communication with mark holder
  - Unilateral suspension of mark schemes due to lack of testing capacity



# Way forward

- Establish Nedlac Task Team with mandate to find solutions to identified challenges
  - Improved communication with customers
  - Mechanisms to reduce turnaround times
  - Increase testing capacity
  - Concerns on using SAPS for surveillance in terms of NRCS Act
  - Eliminate unilateral suspension of services
  - Introduce standard operating procedures