



Government of the Republic of Trinidad and Tobago

Ministry of the Attorney General and Legal Affairs

OFFICE OF THE PERMANENT SECRETARY

Ref: AGLA /PS 1/10/11 Vol. I

January 14, 2019

Mr. Brian Caesar

Clerk of the House

Parliament of the Republic of Trinidad and Tobago

Levels G-9, Tower D

The Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Mr. Caesar,

Re: Seventeenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the Financial Years 2009 to 2013

Reference is made to the matter at caption.

The Ministry acknowledges receipt of your correspondence dated July 09, 2018, in which you requested a response to the recommendations/comments contained in the Seventeenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Bureau of Standards (TTBS) for the financial years 2009 to 2013.

I am to advise that we have taken the opportunity to review the said Report and liaise with the TTBS, as such our responses are as follows:-

(i) **Page 16: (4) The Need for a Single Standards Coordinating Agency**

“Recommendation:

- *The TTBS, MTI and MOH in collaboration with the Ministry of the Attorney General and Legal Affairs should take the requisite steps to determine the best*

possible option available for assignment of food and drug standards responsibility given international best practice and our local circumstances. ”

The TTBS has initiated discussions internally to derive a position with regards to the capability and capacity of the TTBS to service the needs of Trinidad and Tobago prior to start of discussions with the Ministry of Trade and Industry (MTI) and the Ministry of Health.

(ii) **Page 18: (6) The Level of Autonomy granted to the TTBS**

“Recommendation:

- ***TTBS and the Ministry of Trade and Industry should engage in discussion with the Ministry of the Attorney General and Legal Affairs with respect to the proposed amendment of the Standards Act to grant the TTBS greater jurisdictional responsibility over its own business.”***

TTBS, in addition to the mandate stated in the Standards Act Chap. 82:03 (hereinafter referred to as “**the Act**”), is charged with the responsibility for the implementation and administration of the World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT) which includes the operation of the related WTO national Enquiry Point. This mandate is governed by Cabinet Minute No. 553 of March 7, 1996. The TBT agreement sets out several responsibilities of for the Central government body (National Standards body) and the implementing agency both of which are under the remit of TTBS.

The Act in its present form does not comply with the TBT agreement and does not allow for the governance of TBT activities under the purview of other agencies/ministries. In addition, the trade policy measures related to TBT are very dynamic and require greater autonomy of TTBS in order to stay relevant and to honour its commitments especially as it relates to trade facilitation and commitments in Trade Agreements of which Trinidad and Tobago is a signatory. The revision of the prevailing legislation relating to national standards by several other CARICOM members is also an activity being coordinated by the CARICOM Regional Organisation for Standards and Quality

A policy document or Regulatory Impact Assessment is required by the Ministry of the Attorney General and Legal Affairs (AGLA) with respect to any proposed amendment in order to inform the drafting process, to state the intent, to identify the effect on the other legislation/agencies/ministries and to state plans for the effective implementation of the end document. As such, TTBS has conducted internal consultations with the various disciplines under its purview and drafted a policy document that was submitted to its Board of Directors in April 2018 for approval before forwarding to MTI.

Upon the receipt of comments and subsequent approval from MTI on the need to revise the Act, TTBS will then draft a proposal for the accompanying Regulations to the Act. MTI will be responsible for forwarding all relevant documents to AGLA with respect to any proposed amendments.

I thank you for your kind consideration and cooperation and please do not hesitate to contact the undersigned should you have any queries or require any further information in relation to same.

Respectfully,


Permanent Secretary (Ag.)

Ministry of the Attorney General and Legal Affairs