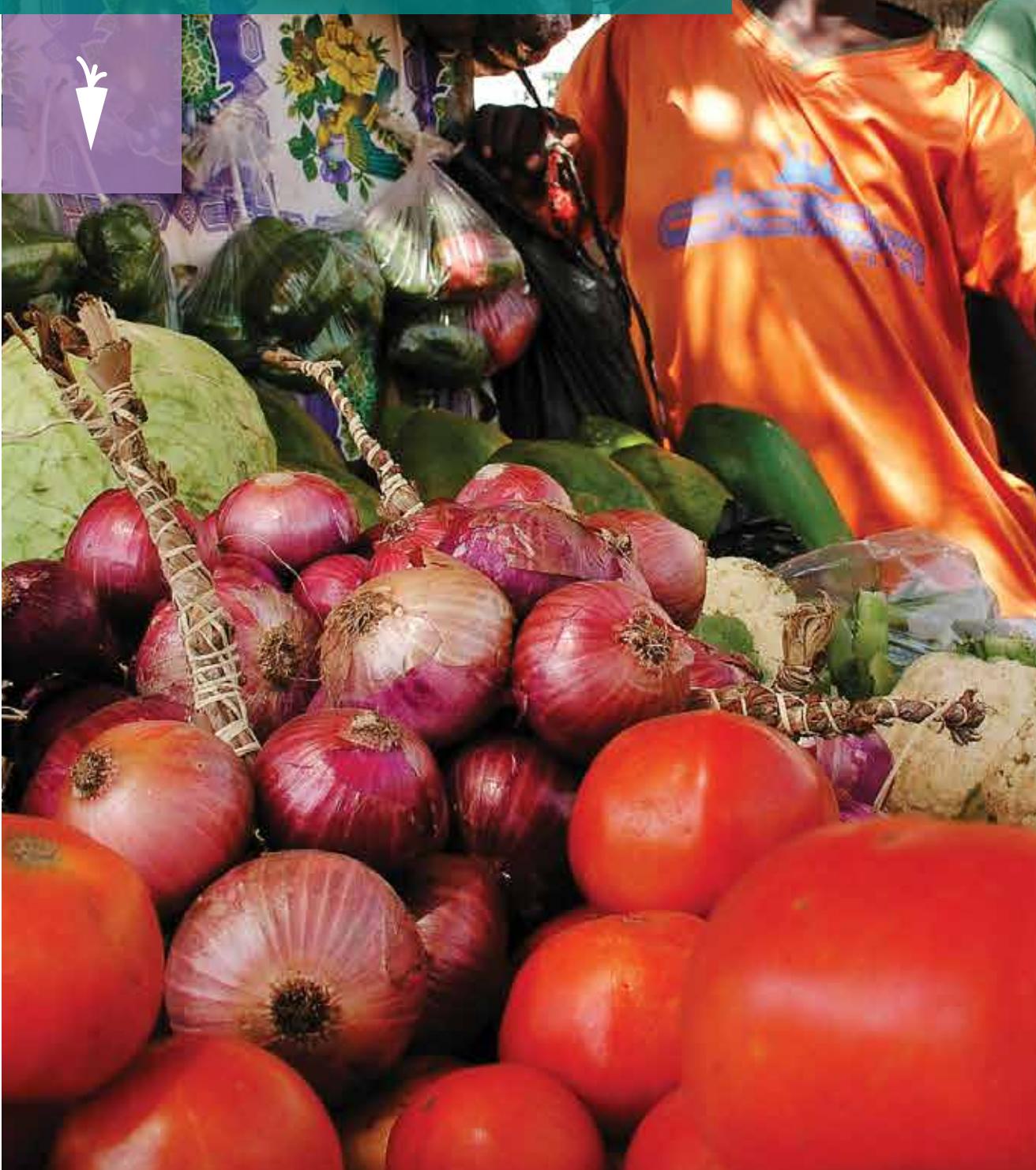
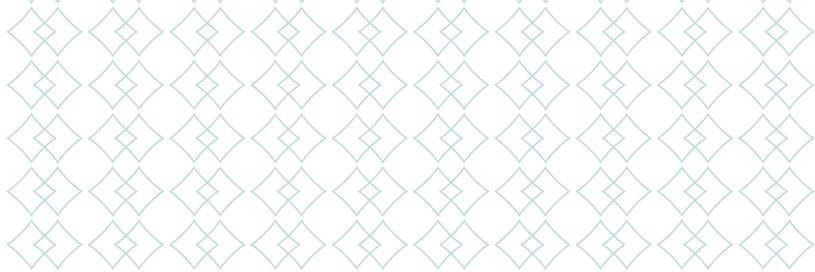


# 6

# Markets





**COEXPHAL**, founded by 17 agricultural cooperatives in 1977, is the Association of Fruit and Vegetable Producers of Almería in southeast Spain. Throughout the years, it has provided a wide range of services and helped its members implement innovative changes in production and processing activities. For example, to address food safety and plant health concerns, COEXPHAL established its own laboratory to perform quality testing and analysis for farmers and cooperatives, facilitating compliance with horticultural product standards in destination markets. It also led the implementation of integrated pest management strategies to encourage more sustainable production practices. As a result, COEXPHAL now has market access in 43 countries, represents 65% of exports and 70% of fruit and vegetable production in Almería, and can directly sell consumer-ready products to large buyers such as supermarket chains.<sup>1</sup>

Market accessibility is vital to the growth and prosperity of agribusiness, and the surrounding regulatory environment has a direct effect on the ability of farmers to bring their products to market and respond to growing global food demand. However, agricultural products, such as fruits and vegetables, cereals or commodities such as tea, coffee and cocoa beans, cannot be marketed until companies have satisfied relevant legal requirements, including registrations, licenses and memberships, and products have met safety and quality standards.<sup>2</sup>

Trade is facilitated where licensing requirements and export procedures are less burdensome, time-consuming and costly. Furthermore, commercially-oriented agricultural production requires strong plant protection regulations that ensure reliable pest management in the field and robust inspection and verification practices at the border.<sup>3</sup> Pest and disease outbreaks can lead to infested products, reduced yields or even crop failures, all of which compromise the ability of producers to achieve consistent production levels and meet phytosanitary standards in destination markets.<sup>4</sup> The 2015 outbreak of the bacterium *Xylella fastidiosa* in Italy's Salento region, for example, affected more than 1 of the 11 million olive trees there. Buffer and containment zones have been established to stop the bacteria from spreading, but Italian olive and olive oil production is projected to drop in the coming years.<sup>5</sup> Regulatory good practices include a clear mandate for national plant protection authorities to conduct pest surveillance and for farmers to report unusual pest occurrences, to promptly deal with any outbreaks and manage endemic pest populations.<sup>6</sup>





Market access can also be enhanced when farmers participate in producer organizations, such as cooperatives and other forms of associations, which can aggregate production and facilitate compliance with regulatory requirements. In addition, producer organizations enable farmer members to achieve economies of scale that can, in turn, result in more profitable and stable market participation.<sup>7</sup> In Europe, producer organizations process and market 60% of agricultural commodities and about 50% of input supply.<sup>8</sup> In Brazil, cooperatives are responsible for 37% of agricultural GDP, and in Egypt, 4 million farmers earn their income through cooperative membership.<sup>9</sup>

## What do the markets indicators measure?

EBA markets indicators measure laws and regulations that impact access to agricultural markets for producers and agribusinesses (table 6.1). The indicators are organized as follows:

**Agricultural trade:** Agricultural trade plays an important role in securing greater quantity, wider variety and better quality food at lower prices. Trade also creates economies of scale, establishes and strengthens product value chains, facilitates the transfer of technology and attracts foreign investment. This indicator measures regulatory requirements on trade in agricultural products, including price controls and auction requirements, mandatory trader-level licenses

and memberships to operate in the domestic and/or export market, phytosanitary certification procedures and the time and cost to obtain mandatory, agriculture-specific, per-shipment export documents.<sup>10</sup>

**Plant protection:** Strong plant protection frameworks protect crops from pests and diseases by regulating the processes and practices to which agricultural products may be subjected during production, processing and trade.<sup>11</sup> This indicator measures key aspects of phytosanitary legislation on the management and control of pests and diseases, including the existence and accessibility of pest lists and information, pest surveillance and reporting obligations, risk analysis and risk-based inspections on agricultural imports.

**Producer organizations:** Not only can producer organizations enable members to access inputs at lower costs, but they can also facilitate sales, negotiate long-term agricultural contracts and enter high-value, reliable value chains for the benefit of their members.<sup>12</sup> This indicator measures key issues relating to the establishment and operation of producer organizations, including capital and membership requirements, profit distribution, government involvement, nondiscrimination, measures to promote female participation and procedures to establish a producer organization.

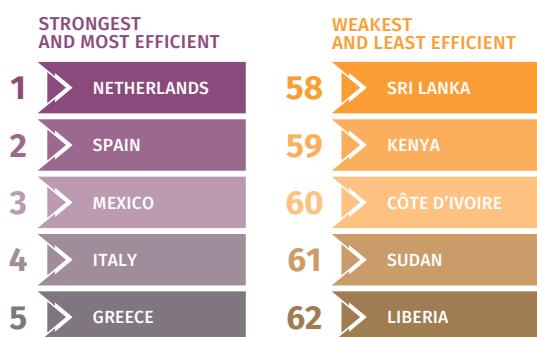
Additional data on contract farming were collected but not scored and are presented in appendix D.

**Table 6.1 | What do the markets indicators measure?**

<b>AGRICULTURAL TRADE</b>	<ul style="list-style-type: none"> <li>• Domestic price controls</li> <li>• Auctions and/or fixed market places</li> <li>• Licenses, memberships or registration requirements to trade in the domestic market and export</li> <li>• Per-shipment export documents (number, time and cost)</li> </ul>
<b>PLANT PROTECTION</b>	<ul style="list-style-type: none"> <li>• Existence of a designated agency to conduct pest surveillance on plants</li> <li>• List of regulated quarantine pests and pest databases</li> <li>• Legal obligation and penalties on land owners/users to report pest outbreaks</li> <li>• Existence of designated agency to conduct pest risk analysis (PRA)</li> <li>• Publicly available PRA reports (online) and risk-based phytosanitary import inspections</li> </ul>
<b>PRODUCER ORGANIZATIONS</b>	<ul style="list-style-type: none"> <li>• Registration process (statutory time for registration; reasons for rejection)</li> <li>• Minimum capital requirements to establish a producer organization</li> <li>• Rules on membership (legal and natural persons, nationality, government and nonmember participation)</li> <li>• Nondiscrimination requirements and gender-equality promotion</li> <li>• Distribution of profits and dividends</li> </ul>

Source: EBA database.

**Table 6.2 | Where are markets regulations strongest and most efficient?**



Source: EBA database.

## How do countries perform on the markets indicators?

Countries do not perform uniformly across the markets indicators (table 6.2). For example, the 2013 Cooperative Societies Act of Tanzania sets out a number of regulatory good practices that can facilitate the capitalization and growth of producer organizations, such as the provision of nonmember shares and dividends that can be freely established, which place the country's performance on the producer organizations indicator above the global average. However, to obtain the four documents required to export agricultural products from Tanzania, it takes 16 days and costs 4.3% income per capita, which is more cumbersome and costly than other Sub-Saharan African countries.

For OECD high-income countries such as Chile, even if they are among the top performers on average, there is potential for improvement in their rules governing producer organizations, such as the adoption of time-frames for the review of applications to establish a producer organization and potential for nonmembers to invest in producer groups.

Among the three indicators under the markets topic, country performance with respect to plant protection regulations varies the most. The phytosanitary legislation of the Netherlands, Poland and Spain showcases almost all the good practices covered by this indicator, whereas the laws of Haiti, Liberia and Myanmar do not include any. In Sub-Saharan Africa, the region that performs the worst on this indicator, 7 of the 21 countries do not have a clearly designated government agency to conduct pest surveillance and only Senegal and Tanzania have a publicly available database with information on plant pests and diseases. Nevertheless, last year more countries in Sub-Saharan Africa adopted regulatory reforms in the area of plant protection than countries in other regions. The Government of Rwanda introduced a new plant protection law, which creates obligations on citizens to report pest outbreaks. In

Uganda, the new 2015 Plant Protection and Health Act provides that phytosanitary import inspections can now be carried out on a risk-management basis. Finally, the list of regulated quarantine pests for the Government of Sudan is now available on the International Plant Protection Convention (IPPC) website, as is the case for Nicaragua, which is the only country outside of Sub-Saharan Africa that improved on the plant protection indicator this year.

Regarding the total time and cost to obtain per-shipment documents to export agricultural products, OECD high-income countries have the most streamlined process—on average, it costs 0.0% income per capita and takes 0.4 days (figure 6.1). For example, due to regional integration in the European Union (EU), companies do not have to obtain any additional agriculture-specific documents when trading products between EU member states. In East Asia and Pacific, South Asia and Sub-Saharan Africa, however, at least two documents are required for each shipment. It is most time-consuming to complete the process in Sub-Saharan African countries, taking 6.0 days on average, and the documents are most expensive in South Asia and Sub-Saharan Africa, costing 2.5% income per capita on average. That said, the Government of Kenya has taken steps to reform and improve the export process. Not only did the Government of Kenya reduce the official fees for the phytosanitary certificate, but it also abolished the requirement to obtain an export release order and pay a special tea levy to the Tea Directorate, which was previously imposed on a per-shipment basis.

At the commodity level, the process to obtain the mandatory documents to export perishable products (for example, fruits and vegetables) is on average more efficient and less costly than that for exports of cereals and cash crop products such as coffee, cocoa and tea, which are more often subject to specific export permits and additional safety and quality control procedures.

## What are the regulatory good practices?

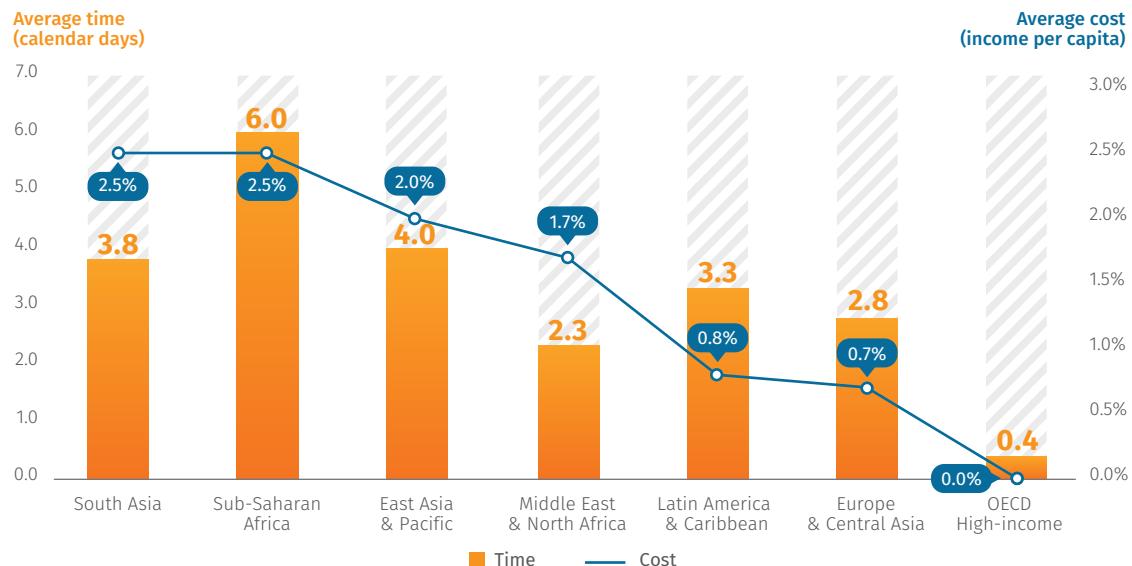
Box 6.1 highlights regulatory good practices for markets and some countries that implement such practices.

### Streamlining phytosanitary certification procedures

The sanitary and phytosanitary rules, technical standards and product regulations that importing countries apply to agricultural products often lead to lengthy and costly export processes, including complex phytosanitary inspection and certification procedures in the exporting country.<sup>13</sup> Improving the efficiency of these processes can reduce the burden on the export businesses and potentially encourage larger volumes of trade.



**Figure 6.1 | The cost to obtain per-shipment export documents for agricultural products is highest in South Asia and Sub-Saharan Africa**



Source: EBA database.

Note: Data on time to obtain per-shipment export documents are not available for Ghana, Haiti, Malaysia and Zimbabwe. Data on cost to obtain per-shipment export documents are not available for Liberia. These cases were excluded from the calculation of the averages by region.

Phytosanitary certification procedures, in particular, are subject to duplicative, costly and inefficient processes due to the need for product inspection and, at times, sampling and laboratory testing. To increase efficiency in a phytosanitary certification system, having an electronic means to initiate the phytosanitary certification process and allowing for on-site inspection and issuance of the certificate, would allow products to be packed and sealed in the same place as the inspection and certificate issuance are carried out. This process would reduce associated transport and logistics costs, and allow for immediate shipment for export. In countries that have electronic systems and allow on-site inspection and issuance of phytosanitary certificates, the time and cost to obtain a phytosanitary certificate are lower than in those that still only allow for paper-based applications and offsite inspection and certificate issuance (figure 6.2).

Of the 62 countries studied, 19 provide for an electronic means to initiate the phytosanitary certification process, which includes either email or the use of an online portal. In 33 countries, applications continue to be submitted in hard copy form to the nearest plant protection office or electronic systems are not currently working.<sup>14</sup> The ability of plant protection officers to conduct inspections and issue phytosanitary certificates on-site where products are produced, processed, packaged and/or stored is possible in only 19 countries.

Chile, Kenya, Korea, and the Netherlands also have the capacity to generate, issue and send phytosanitary certificates in electronic form (ePhyto); these certificates can be sent electronically to destination countries that have ePhyto systems in place. The ePhyto mechanism allows for the exchange of phytosanitary certificates between governments based on bilateral agreements; it can increase the security and efficiency of government certification processes and, in turn, facilitate trade. In Chile, for example, electronic phytosanitary certificates are used for agricultural exports to China. The system was initially tested with grapes and, due to its success, was later rolled out to all fruit and vegetable products. However, this was only made possible through sustained bilateral efforts to standardize the electronic exchange of information and ensure that software interfaces could communicate directly with one another in a secure and timely manner.<sup>15</sup> In an effort to facilitate the expansion of ePhyto globally, the IPPC Secretariat recently launched the Global ePhyto Solution project to develop a standardized approach to the security and method of exchange of certificates, to ensure that all of their contracting parties are able to easily use ePhyto processes.<sup>16</sup>

### Open agricultural markets

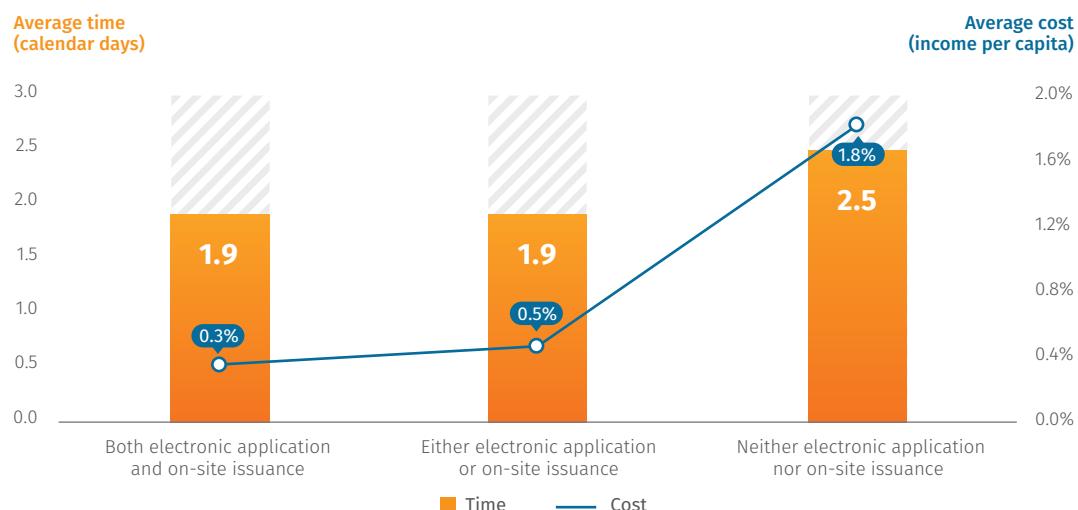
Government regulation on a tradeable commodity is likely to have some impact on trade and particularly on costs, risk and barriers to competition.<sup>17</sup> Policy and regulatory factors that are important to agricultural trade

## Box 6.1 | Regulatory good practices for markets

	REGULATORY GOOD PRACTICES FOR MARKETS	SOME COUNTRIES WHICH IMPLEMENT THE PRACTICE
AGRICULTURAL TRADE	Price controls are not imposed on agricultural products and agricultural products do not have to be sold at an auction or in a specific marketplace.	BANGLADESH, PHILIPPINES
	Applications for phytosanitary certificates may be submitted electronically or an ePhyto system is in place.	CHILE, KENYA
	The official fee schedule for the phytosanitary certificate is published online or in the law.	COLOMBIA, KAZAKHSTAN
	It is efficient and affordable to obtain the mandatory pre-shipment documents to export agricultural products.	GUATEMALA, JORDAN
PLANT PROTECTION	The list of regulated quarantine pests and information on pests and disease are available online.	MEXICO, TURKEY
	Owners and occupiers of land and/or crop owners are required to report any pests occurring on their land.	KYRGYZ REPUBLIC, MOZAMBIQUE
	A specific government agency or unit is designated to conduct pest surveillance.	BOLIVIA, ROMANIA
	A specific government agency or unit is designated to conduct pest risk analysis and the results are made available online.	KOREA, REP., VIETNAM
PRODUCER ORGANIZATIONS	Phytosanitary import inspections may be conducted on a risk-management basis.	MOROCCO, NICARAGUA
	Minimum capital requirements, if any, are low relative to a country's income per capita.	CAMEROON, MALAWI
	Decisions to register producer organizations must be issued within a timeframe specified in the law and rejections are explained to the applicants.	CAMBODIA, COLOMBIA
	The rate of dividends that can be paid to member or nonmember shares is not capped, and profits or surpluses may be distributed to members in the form of shares.	URUGUAY, ZAMBIA
MARKETS	Membership is available to both domestic and foreign, natural and legal persons, although government membership is prohibited.	ARMENIA, KAZAKHSTAN
	Limitations on membership that disparately impact women do not exist and measures are in place to promote women's participation.	GREECE, KENYA
	The principles of open membership and nondiscrimination apply.	BURKINA FASO, MALI

Source: EBA database.

**Figure 6.2 | It is cheaper and faster to obtain a phytosanitary certificate in countries that have electronic processes in place and that can conduct inspections and issue certificates on-site**



Notes: Data on electronic application of phytosanitary certificates are not available for Egypt, Arab Rep., Senegal, Serbia, Spain, Sudan, Tajikistan, Turkey, Uganda, Ukraine and Uruguay. Data on on-site issuance of phytosanitary certificates are not available for Ghana and Sudan. These cases were excluded from the calculation of the averages.

include unpredictable and/or discretionary policies, price controls, and non-tariff barriers such as complex licensing systems.<sup>18</sup>

Price volatility, particularly in essential commodities such as grains or high-value exports such as cocoa, coffee or tea, is a traditional driving force behind government regulation, particularly price controls, with the ultimate goal being to keep food prices low or to ensure farmers receive a minimum guaranteed price for their outputs. Price controls have been a common policy choice due to the social stigma surrounding other assistance mechanisms, such as direct payments. However, a broad evidence base now exists to show that price controls can artificially increase production, distort the land market, raise prices for consumers and disrupt international trade. Indeed, both mandatory and recommended prices are considered to have market distorting effects.<sup>19</sup> Although the majority of countries do not have any explicit price controls in place, 14 operate some form of mandatory price control mechanism on fruits, cereals or other traditional cash-crop commodities such as cocoa, coffee and tea, and 9 of those countries are located in Sub-Saharan Africa (figure 6.3).

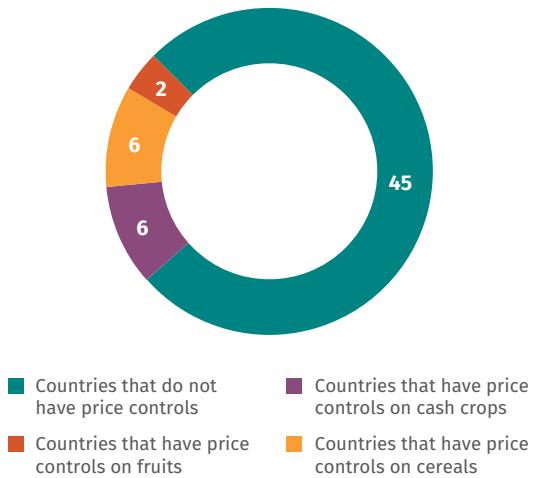
In some cases, regulations prescribe the mode and location for agricultural trade, for example, via auction and/or at a fixed physical marketplace. Auction requirements apply in 6 of the 62 countries. In addition, in India, the majority of state governments operate a strict “mandi” system, which involves mandatory, fixed physical markets where farmers are required to sell

their products often via auction and/or using commission agents. Around 7,500 mandis currently exist, each being regulated by different state-level laws and covering various agricultural products.<sup>20</sup> Although licenses do not apply to farmers or other sellers of agricultural products, buyers have to obtain various licenses depending on their particular activity, and traditionally each license is attached to a physical unit or space in the market. Thus, when all units are occupied, no new licenses can be issued. Of the four Indian states studied in EBA 2017, only Bihar has abolished the mandi system (in 2006) in an effort to open up the market and reduce the role of middlemen. In Maharashtra, although the mandi system is still in place, a 2006 legal reform allowed for direct marketing contracts between agribusinesses and farmers, as well as for new private market areas to be established by individual businesses.

### Facilitating the establishment of producer organizations

Producer organizations can be a useful vehicle to achieve market integration for their members. At the outset, ease of establishment can be a major obstacle to the development of producer organizations in the rural economy. Governments may establish minimum capital requirements to address undercapitalization issues, which are especially prevalent among agricultural cooperatives. However, minimum capital requirements directly hinder entrepreneurship and business growth, and capital formation is a major challenge for smallholder farmers. Where a minimum amount of

**Figure 6.3 | Almost one-quarter of the countries studied impose agriculture-specific price controls, primarily on cereals and cash crops**



Source: EBA database.

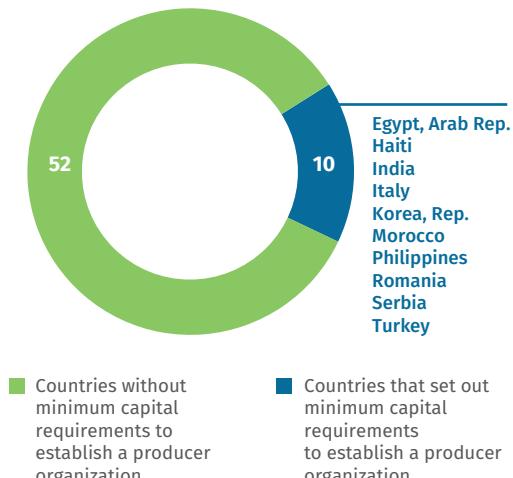
Notes: Data on price controls are not available for Haiti, Malaysia and Zimbabwe.

capital is required, it should be relatively low so that farmers can still afford to consolidate.<sup>21</sup> Within the sample of 62 countries, 10 impose minimum capital requirements on producer organizations, ranging from 0.1% income per capita in Egypt, to 1,616.9% income per capita in Korea (figure 6.4). Only two of these countries are OECD high-income countries, and there is no regional or income-based trend among the others (Egypt, Haiti, India, Italy, Korea, Morocco, Philippines, Romania, Serbia and Turkey). In 2016, Greece abolished the previous minimum capital requirement of 10,000 Euros.

In Korea the minimum capital requirement to establish a producer organization is significantly higher than in other countries, which operates as a severe barrier to the establishment of new agricultural cooperatives. Historically, the Korean agricultural cooperative sector developed largely under government guidance and direction, and through the network of the National Agricultural Cooperative Federation.<sup>22</sup> More than 2 million farmers are currently members of the 1,134 cooperatives in Korea, comprising the majority of the country's farming population.<sup>23</sup>

In Denmark, no minimum capital requirements apply. No specific legislation on cooperatives or other producer groups exists, and such entities are subject to the same laws as other commercial entities. As a result, the regulatory framework leaves producer organizations to adopt statutes that best fit their activity and establish their own principles of cooperative governance.<sup>24</sup> Notwithstanding the absence of a

**Figure 6.4 | The majority of countries do not impose minimum capital requirements**



Source: EBA database.

special legal framework, however, cooperatives and other types of agricultural entities are thriving, with a high market share of around 65% in the agricultural sector, and cooperatives are altogether responsible for around 10% of GDP.<sup>25</sup> A similar situation exists in the Netherlands, where the regulation of cooperatives is also minimal.

## Conclusion

Open markets that are unencumbered by unnecessary, overly complex or costly regulatory requirements are an important component of a dynamic agricultural sector. Government policies and regulations that impose burdensome marketing requirements on traders or exporters, as seen in India, or compromise pest management and control, can reduce farmers' income. Furthermore, they inhibit agribusinesses from developing efficient value chains that can meet the food demands of large, urbanizing populations, both domestically and overseas. Producer organizations can help farmers to consolidate and play a more powerful role in the marketplace; where such organizations are underdeveloped, governments may wish to consider adopting or amending relevant laws to enable their establishment and operation as commercial entities protected from government involvement.





## NOTES

- 1 <http://ica.coop/en/media/co-operative-stories/coexphal-uniting-farmers-moving-forward>.
- 2 In the context of the markets indicator, membership requirements refer to the obligation, for exporters, to be members of a specific association or organization to obtain the right to export the selected product or agricultural products more generally.
- 3 International Plant Protection Convention (IPPC) 2012; World Bank 2012.
- 4 Murina and Nicita 2014.
- 5 The bacterium slowly kills trees by restricting the supply of water from the roots of a tree to its branches and leaves. <http://www.nytimes.com/2015/05/12/world/europe/fear-of-ruin-as-disease-takes-hold-of-italys-olive-trees.html>.
- 6 International Plant Protection Convention (IPPC) 2012.
- 7 IFAD 2012.
- 8 Cogeca 2010.
- 9 Aal 2008; <http://www.fao.org/news/story/en/item/93816/icode/>.
- 10 Brookings 2012. Agricultural products are defined and grouped as cash crops, cereals, fruits and vegetables according to the Harmonized Commodity Description and Coding System 1996 version (HS 96). All data are sourced from the UN Comtrade Database, using the export data from 2009–13. For each country, the combination of the product and the partner country which represents the highest five-year average export value (in U.S. dollars) is selected. In addition, for countries where cash crops are selected as the export product, the HS 4-digit product within the category that is exported the most to the partner country is used for studying the legal and regulatory requirements. For example, coffee exports to the United States is selected for Colombia since coffee is the top product in the cash crop category and the USA is Colombia's main trading partner.
- 11 Prévost 2010.
- 12 Moisé et al. 2013; Arias et al. 2013.
- 13 ITC 2015.
- 14 No data were received for 10 countries (Egypt, Senegal, Serbia, Spain, Sudan, Tajikistan, Turkey, Uganda, Ukraine and Uruguay).
- 15 Since 2005, the year before the Chile-China FTA entered into force, exports of agricultural goods recorded an average annual growth of 73% from 2005 to 2014, reaching a record US\$739 million in 2014 (Ministerio de Relaciones Exteriores de Chile 2015).
- 16 The IPPC will develop both a Global ePhyto Hub that receives and transfers certificates from National Plant Protection Organizations and a generic web-based ePhyto system that will allow countries with limited IT capacity to access the Hub and participate in ePhyto exchanges. The initial pilot phase to test the Hub and generic web-based system involves 15 countries and will be carried out in 2017 (IPPC 2016).
- 17 Tothova 2009; Divanbaegi and Saliola (forthcoming).
- 18 Chapoto and Jayne 2009.
- 19 World Bank 2007; <http://www.econlib.org/library/Enc1/AgriculturalPriceSupports.html#>; OECD 2015.
- 20 Kapur and Krishnamurthy 2014.
- 21 Dreher and Gassebner 2013; Van Stel, Storey and Thurik 2007.
- 22 Kim 2013.
- 23 National Agricultural Cooperative Federation Annual Report 2015.
- 24 Pyykkönen, Bäckman and Kauriinoja 2012.
- 25 Groeneveld 2016; <http://www.agricultureandfood.dk/~media/lf/tal-og-analyser/aarsstatistikker/facts-and-figures/facts-and-figures-2016/facts-and-figures-rev2.pdf>.

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