



*“WTO Agreement on Technical Barriers to Trade (TBT) –
Roles and Responsibilities of the Enquiry Point and Notification Authority”
Seminar*

Under the
Support for Lebanon’s Accession to the World Trade Organization
Program

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Agenda

Morning

- ▶ Review of the WTO TBT requirements for transparency
- ▶ Role & Responsibilities of the Enquiry Point / Current status in Lebanon
- ▶ Role & Responsibilities of the Notification Authority / Current status in Lebanon
- ▶ Overview of the TBT Code of Good Practice for the Preparation, Adoption and Application of Standards
- ▶ Group discussion: *How can the TBT Enquiry Point/Notification Authority in Lebanon be of most benefit to the country?*

Afternoon

- ▶ Responsibilities of the regulatory authorities in Lebanon
- ▶ Group discussion: *What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?*
- ▶ Next steps
- ▶ Wrap-up and closing remarks



Review of the WTO TBT requirements for transparency

What is Transparency?

WTO definition:

“Degree to which trade policies and practices, and the process by which they are established, are **open and predictable**”

Transparency

Transparency is the process whereby the **creation, terms, and application** of technical regulations, standards and conformity assessment procedures **are made public**, and **opportunities** are provided for the public (including other Members) **to comment** on proposed technical regulations, standards and conformity assessment procedures.

- *The World Trade Organization: legal, economic and political analysis*, Volume 3 edited by Patrick F. J. Macrory, Arthur Edmond Appleton, Michael G. Plummer



“ . . . **transparency** is a fundamental pillar in the implementation of the TBT Agreement . . . ”

- Fifth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade Under Article 15.4; G/TBT/26, 13 November 2009

Transparency obligations are found throughout the TBT Agreement . . .



Requirements for transparency

TBT Article 2.9

“Whenever a relevant international standard does not exist or the technical content of a **proposed** technical regulation is not in accordance with the technical content of relevant international standards, and if the technical regulation may have a **significant effect on trade** of other Members, Members shall:”

Requirements for transparency

TBT Article 2.9.1

“**publish a notice** in a publication at an early appropriate stage, in such a manner as to enable interested parties in other Members to become acquainted with it, that they **propose to introduce** a particular technical regulation”

Requirements for transparency

TBT Article 2.9.2

“**notify** other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place **at an early** appropriate **stage**, when amendments can still be introduced and comments taken into account

Requirements for transparency

TBT Article 2.9.3

“upon request, **provide** to other Members particulars or **copies** of the proposed technical regulation and, whenever possible, identify the parts which in substance deviate from relevant international standards”

Requirements for transparency

TBT Article 2.9.4

“without discrimination, **allow** reasonable **time for** other Members to make **comments** in writing, discuss these comments upon request, **and take these** written **comments** and the results of these discussions **into account**”



Requirements for transparency

TBT Article 2.10

Concerns notification of the **adoption** of technical regulations **in urgent cases** related to

- safety
- health
- environmental protection
- national security

Requirements for transparency

TBT Article 5.6

Concerns the notification of **proposed conformity assessment procedures**, including

- testing
- inspection
- certification



Requirements for transparency

TBT Article 5.7

Concerns notification of the **adoption** of conformity assessment procedures **in urgent cases** related to

- safety
- health
- environmental protection
- national security

Requirements for transparency

TBT Article 10.7

“Whenever a Member has reached an **agreement with any other country or countries** on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall **notify other Members** through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement.”

Summary: How to meet the TBT transparency requirements?

- ▶ **Publish** notices of proposed technical regulations & conformity assessment procedures **at an early stage**
- ▶ **Notify** other WTO members of the proposals
- ▶ **Provide copies** of the proposals upon request
- ▶ **Allow for comments** & take them into account when finalizing the regulations or CA procedures
- ▶ **Notify** other WTO members about related bilateral & multilateral **agreements**



Role and Responsibilities of the Enquiry Point

To be able to sell their products in foreign markets, exporters must have:

- ▶ Up-to-date & complete information about the technical requirements their products must meet to be sold in the target markets
 - technical regulations
 - standards
 - testing
 - inspection
 - product certification
 - packaging & labeling requirements
 - etc. . . .



A lack of information can itself be a **barrier to trade**



Information is the key

- ▶ Often it is difficult for companies to obtain information about the technical requirements that their products must meet to be sold in other countries
- ▶ Recognizing this problem, the TBT Agreement requires the establishment and operation of an **Enquiry Point**



Requirement for Enquiry Point

TBT Article 10.1

“Each Member shall ensure that an **enquiry point** exists which is able to **answer all reasonable enquiries** from other Members and interested parties in other Members . . .”



Role of the TBT Enquiry Point

▶ Information

- assist users in identifying & obtaining relevant information
- disseminate information
- referral to other organizations as appropriate

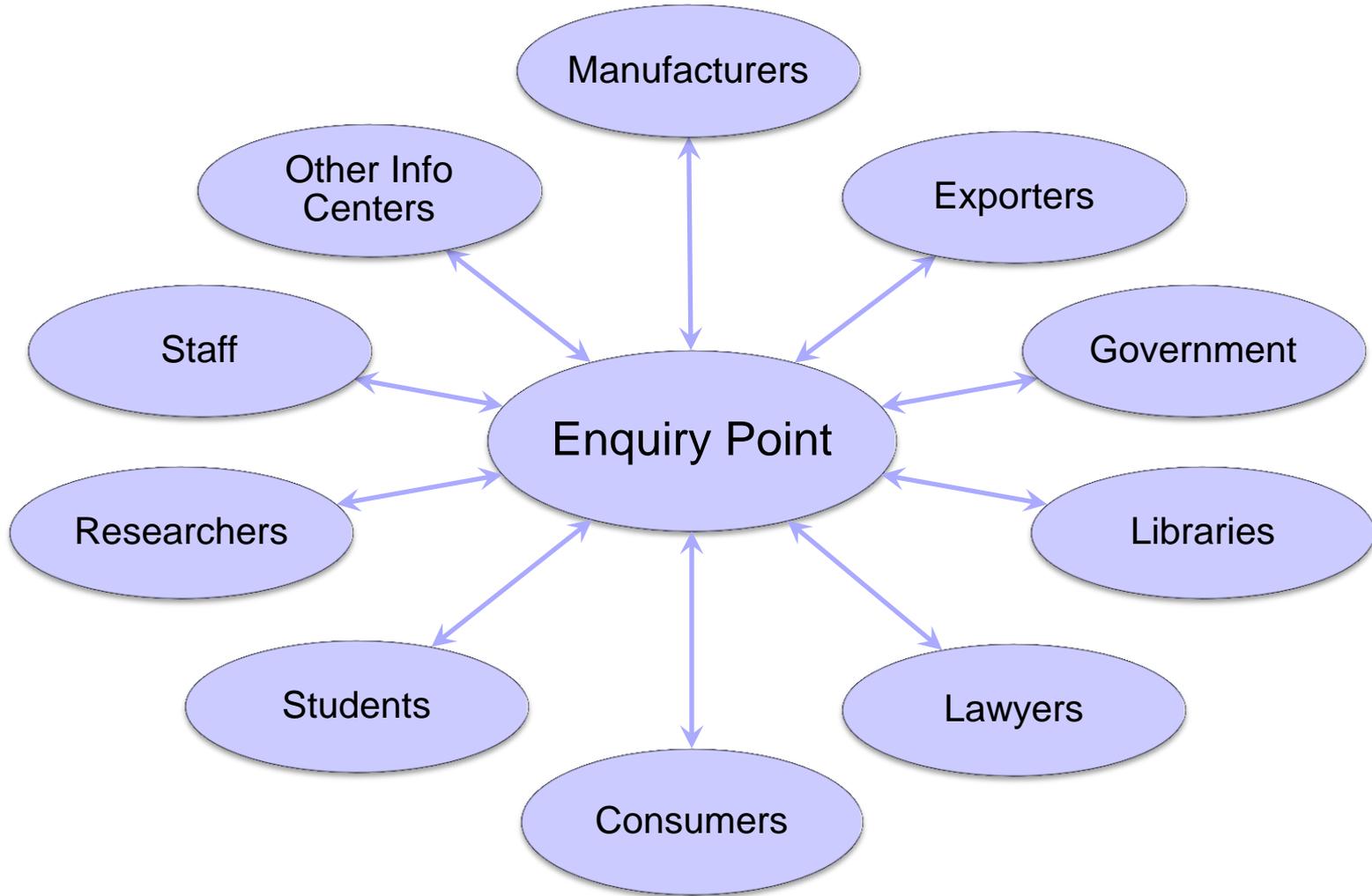
▶ Documentation

- provide copies of relevant documents
- provide access to documents for review (library)



Responsibilities of the TBT Enquiry Point

- ▶ Answer all reasonable questions related to technical requirements for products sold in the country
- ▶ Provide information about membership in international & regional standardizing bodies & conformity assessment systems
- ▶ Provide information about related bilateral & multilateral arrangements



Enquiry Point Users

Benefits of Having an Enquiry Point

- ▶ Enquiry Point responds to requests for information from other WTO members concerning technical regulations, standards & conformity assessment procedures in effect in their country
- ▶ In return, information from the other WTO members is provided to the Enquiry Point*
- ▶ This “one-stop” source of technical information is a significant advantage of membership in the WTO & an invaluable resource for all stakeholders

* There are 153 WTO members as of July 23, 2008

What do you need to function as an Enquiry Point?

- ▶ Trained personnel
- ▶ Equipment
- ▶ Reference collection
- ▶ Good communication between the EP & other stakeholders in the country
- ▶ Promotion of your services
- ▶ Adequate financing

What do you have in Lebanon?



Enquiry Point: Current Status in Lebanon

- ▶ LIBNOR Information Center has been designated as the WTO TBT Enquiry Point for Lebanon
 - currently provides information about standards to users from within Lebanon & from other countries
 - sales center for standards & related publications from several international, European, and Arab standards developing organizations
 - e.g. ISO, AFNOR, BSI, SASO, etc.
- ▶ Staff is currently participating in training related to the establishment & operation of the TBT Enquiry Point
- ▶ Committee comprised of representatives from government ministries concerned with TBT issues

Examples of TBT Enquiry Points in the region

Country	TBT Enquiry Point
Cyprus	Cyprus Organization for the Promotion of Quality
Greece	Hellenic Organization for Standardization
Jordan	Jordan Institution for Standards and Metrology
Malta	Malta Standards Authority
Saudi Arabia	Saudi Arabian Standards Organization
Turkey	<ul style="list-style-type: none"> - Undersecretariat of the Prime Ministry for Foreign Trade / DG of Standardization for Foreign Trade - Turkish Standards Institution (related to Article 10.1.2)
United Arab Emirates	Emirates Authority for Standardization & Metrology



Break





Role and Responsibilities of the Notification Authority

Requirement for Notification Authority

TBT Article 10.10

“Members shall designate a **single central government authority** that is responsible for the implementation on the national level of the provisions concerning **notification procedures** under this Agreement except those included in Annex 3.”



Role of the Notification Authority

- ▶ Function as the central point for issuing notifications as required by the TBT Agreement

G/TB/INF/09
3 November 2010
Original: English
(16-5877)

WORLD TRADE ORGANIZATION
Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Member to Agreement notifying: <u>JORDAN</u> If applicable, name of local government involved (Article 3.2 and 7.2): Agency responsible: <u>Jordan Institution for Standards and Metrology (JISMD)</u> Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Jordan Standards and Metrology Organization (JISMD) Tel.: +962 6 5301225 Fax: +962 6 5301249 E-mail: jismd@jiso.gov.jo Website: http://www.jiso.gov.jo
2.	Notified under Article 2.92 [X], 2.101 [], 5.62 [X], 5.71 [], other: _____
3.	Products covered (HS or CCCN where applicable, otherwise national tariff heading ICS numbers may be provided in addition, where applicable): <u>Toys (HS: 97.20.30)</u>
4.	Title, number of pages and language(s) of the notified document: <u>Instructions for Toys Safety (10 pages in Arabic)</u>
5.	Description of content: <u>This Jordanian Instruction is amended where a new article (5) has been included related to the toys labelling requirements in Arabic and English languages to improve consumers protection.</u>
6.	<u>This Jordanian Instruction applies to toys, defined as "toy product or material designed or clearly intended for use in play by children of less than 14 years of age". It lists 2) exceptions for goods not designed for children (for example, detailed scale models for adult collectors, hobbies, dominoes) or goods that present a particular risk not covered by the instruction (for example, sports equipment).</u> <u>The instruction lays down the safety criteria or "essential requirements" which toys must meet to be placed on the market. The safety criteria cover general risks (protection against health hazards or physical injury) and particular risks (physical and mechanical, flammability, chemical properties, electrical properties, hygiene and radioactivity).</u> <u>The degree of risk has to take into account the ability of the user (children). If applicable, the toy must contain a labelling that specifies minimum age.</u>

Responsibilities of the Notification Authority

- ▶ Monitor proposed & adopted technical regulations & conformity assessment procedures in your country
 - ▶ Determine if significant effect on trade
 - ▶ Notify the WTO, identifying
 - products covered
 - objective
 - rationale
 - etc.
 - ▶ Provide copies of full text to WTO members on request
 - ▶ Handle comments
- } *may be done by the Enquiry Point*

What is a Notification?

WTO definition:

“A **transparency obligation** requiring member governments to report trade measures to the relevant WTO body if the measures might have an effect on other members”

What is a TBT Notification?

- ▶ 1 to 2 page summary
- ▶ provides WTO members with an opportunity to review & comment on proposed measures
- ▶ [notification form](#)
- ▶ [sample notification](#)

When to notify?

- ▶ If a relevant international standard does not exist

OR

- ▶ If the technical content is not in accordance with international standards

AND

- ▶ If the measure may have significant effect on international trade

- ▶ At an early stage

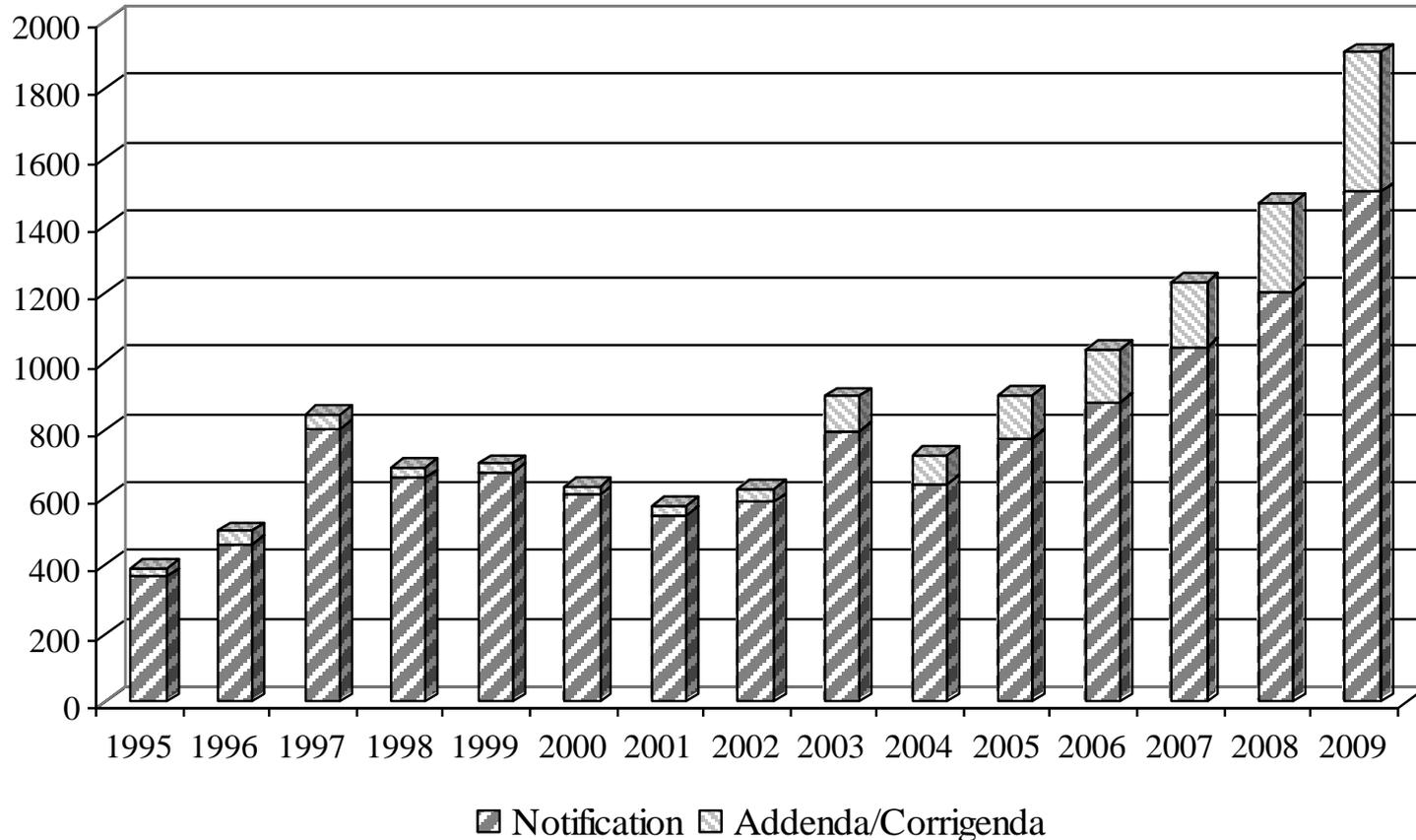
- when a draft of the full text is available
- when comments can be taken into account
- when amendments can still be made

- ▶ In urgent cases

- as soon as possible



TBT Notifications Issued Since 1995



- Fifteenth Annual Review of the Implementation and Operation of the TBT Agreement
 G/TBT/28, 5 February 2010



Notification Authority: Current Status in Lebanon

- ▶ Ministry of Economy and Trade has identified staff that will function as the Notification Authority for Lebanon
- ▶ Meetings to discuss procedures for coordinating activities between the Notification Authority and the TBT and SPS Enquiry Points



Overview of the TBT Code of Good Practice for the Preparation, Adoption and Application of Standards



TBT Agreement – Annex 3

- ▶ *Code of Good Practice for the Preparation, Adoption and Application of Standards*
 - applies to
 - central and local governments
 - non-governmental bodies
 - regional standardizing bodies



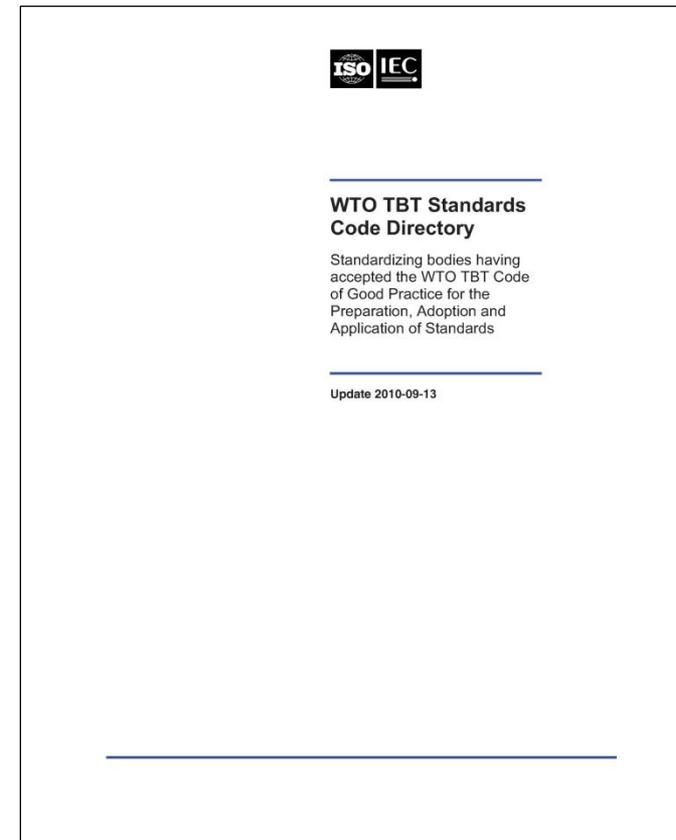
TBT Code of Good Practice

- ▶ Non-discrimination towards imported products
- ▶ Standards do not create unnecessary barriers to international trade
- ▶ Use international standards as a basis for own whenever possible
- ▶ Participate in international standards development whenever possible
- ▶ Avoid duplication when developing standards
- ▶ Strive for national consensus when developing standards
- ▶ Specify standards in terms of performance rather than design or descriptive characteristics
- ▶ Allow for submission of comments on draft standards and take those comments into account

TBT Code of Good Practice

- ▶ Standardizing bodies that have accepted the Code notify this fact to the ISO/IEC Information Centre
 - publish work programs every 6 months
 - notify existence of work program to ISO/IEC Information Centre

- ▶ This information is published in a directory
 - eg. LIBNOR has notified of its acceptance of the Code for the Lebanon





Group Discussion



Benefits

- ▶ Network of Enquiry Points around the world provides information about (and access to) technical requirements for exporters
 - increases the competitiveness of Lebanon's products in overseas markets
- ▶ Provides information to companies selling in Lebanon (domestic & foreign)
- ▶ Consumers benefit from increased availability of products
- ▶ Notification process provides early notice of proposed changes to technical requirements
 - benefits Lebanese exporters
 - benefits companies selling in Lebanon
 - benefits consumers in Lebanon

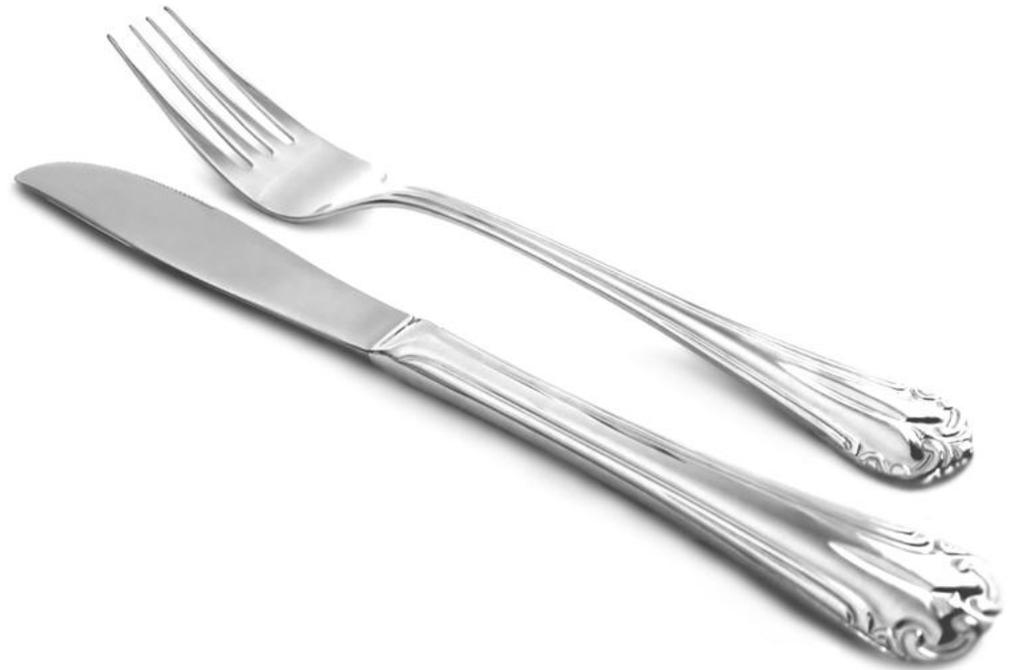
How can the TBT Enquiry Point and the Notification Authority in Lebanon be of most benefit to the country?

Considering the roles & responsibilities of the Enquiry Point and the Notification Authority

- What can the EP and NA do to maximize their effectiveness?
- What can stakeholders do to benefit from the TBT Agreement?



Lunch





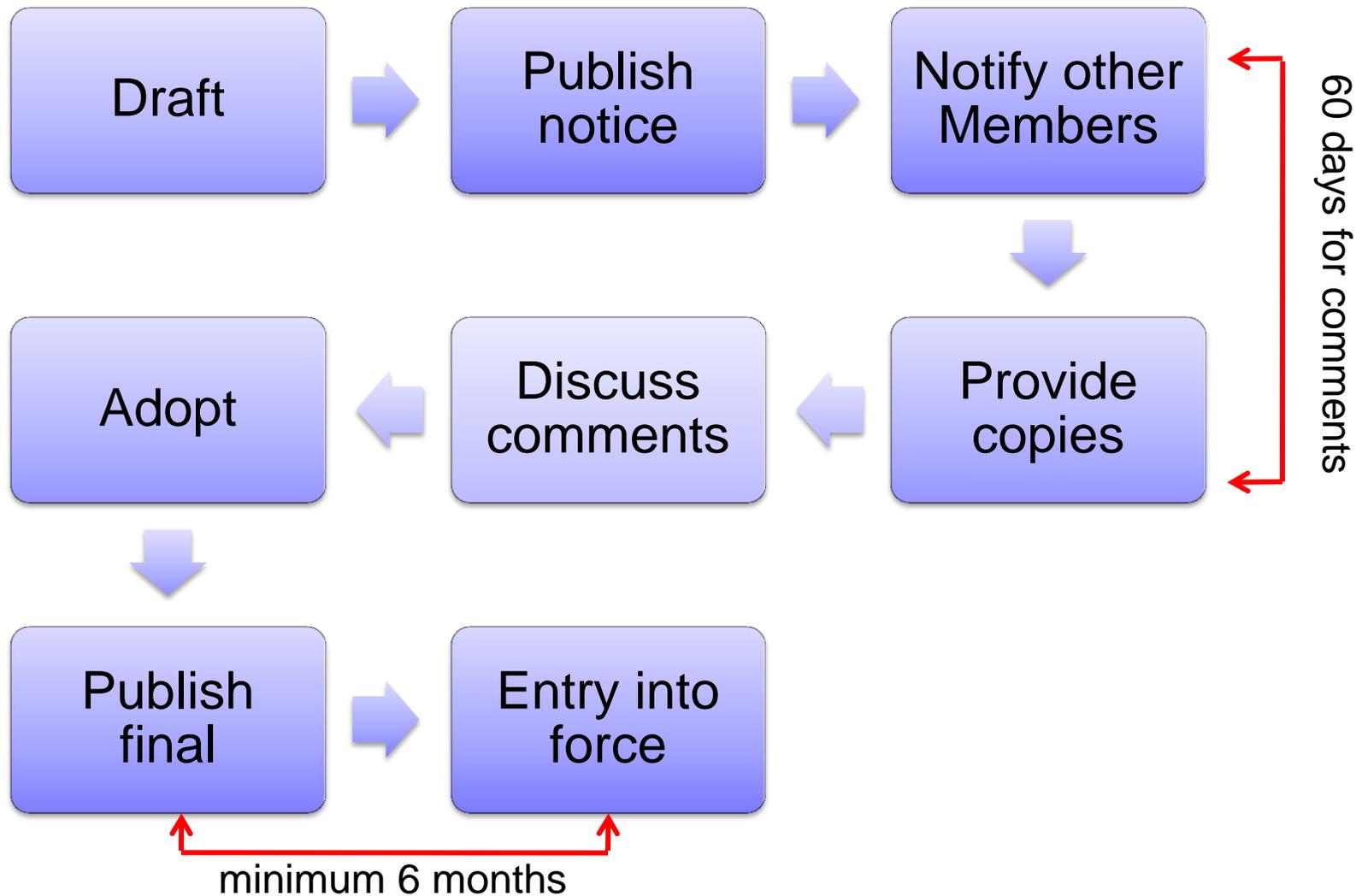
Responsibilities of the regulatory authorities in Lebanon



To meet the requirements of the WTO TBT Agreement, regulatory authorities must . . .

- ▶ Base technical regulations & conformity assessment procedures on relevant international standards
- ▶ Publish notices of proposed technical regulations & conformity assessment procedures at an early stage
- ▶ Provide copies of proposals
- ▶ Allow time for comments
- ▶ Take comments into account when finalizing requirements

Timeline





Group Discussion

What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?

- Awareness of obligations
- Importance of internal coordination
- Procedures for communicating proposed & final regulatory measures
- Other?

Break



Next Steps

- ▶ Develop operating procedures for the Enquiry Point and Notification Authority
- ▶ Acquire documents to ensure that the Enquiry Point has a complete collection of Lebanese technical regulations, standards, and information about conformity assessment programs
- ▶ Develop procedures for maintaining the database of technical regulations of Lebanon
- ▶ Strengthen communications and coordination between regulatory authorities and EP and NA
- ▶ Develop promotional campaign to create awareness of the Enquiry Point
- ▶ Develop a service to disseminate TBT notifications electronically to interested parties in Lebanon
- ▶ Continue training of relevant staff

Resources: Documents

- ▶ WTO TBT Agreement
- ▶ *Decisions and Recommendations Adopted by the Committee Since 1 January 1995* (G/TBT/1/Rev.9, 8 September 2008)
- ▶ *Transparency Requirements and Procedures* (G/TBT/W/250, 16 February 2005)
- ▶ *Notification Procedures* (G/TBT/W/153, 29 January 2001)
- ▶ *Fifteenth Annual Review of the Implementation and Operation of the TBT Agreement* (G/TBT/28, 5 February 2010)
- ▶ *Notification Procedures Related to the Code of Good Practice for the Preparation, Adoption and Application of Standards Contained in Annex 3 of the WTO Agreement on Technical Barriers to Trade* (G/TBT/W/4/Rev.1, 15 May 1995)



Resources: Websites

- ▶ WTO
 - www.wto.org

- ▶ TBT Information Management System (TBT IMS)
 - <http://tbtims.wto.org>

- ▶ WTO TBT Standards Code Directory
 - www.standardsinfo.net

Wrap-up

- ▶ Today, we
 - reviewed the transparency obligations of the WTO TBT Agreement
 - examined the roles & responsibilities of the Enquiry Point & Notification Authority
 - looked at the requirements of the TBT Code of Good Practice
 - Group discussion: *How can the TBT Enquiry Point/Notification Authority in Lebanon be of most benefit to the country?*
 - considered the responsibilities of the regulatory authorities in Lebanon
 - Group discussion: *What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?*
 - highlighted the next steps

- ▶ There is more to be done, but we are well on the way to launching the TBT Enquiry Point and Notification Authority!



*Thank you for your time, attention,
and participation!*