



Workshop on the Statement on Implementation and Administration of the TBT Agreement

8 November 2007

15h00 - 17h00

Stefania Bernabè
Trade and Environment Division



Programme

1. Overview

Presentation on Article 15.2 of the TBT Agreement and relevant Committee decisions and recommendations (WTO Secretariat).

2. Members' experiences

- (a) Niger (G/TBT/2/Add.95)
- (b) Paraguay (G/TBT/2/Add.91)
- (c) Botswana (G/TBT/2/Add.97)

3. Discussion

Interested Members are invited to share their experiences with respect to the development and subsequent revisions of their Article 15.2 Statements.

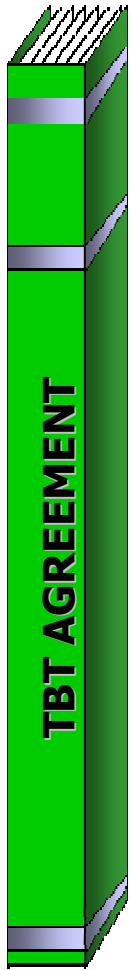


Three points

- What is the obligation under Art. 15.2
- The relevant decision of the TBT Committee
- The importance of the Statement



The obligation: Art. 15.2



"Each Member shall promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee"



The obligation: Art. 15.2 (cont'd)



When?

Promptly after the date on which the WTO Agreement enters into force
- It is a "one time" notification

What?

Measures in existence or taken to ensure the implementation of the Agreement
- TBT Committee decision



Decision of the TBT Committee

In 1995, the TBT Committee decided that the Statements should include

Relevant laws and regulations

Publications

Time allowed for comments

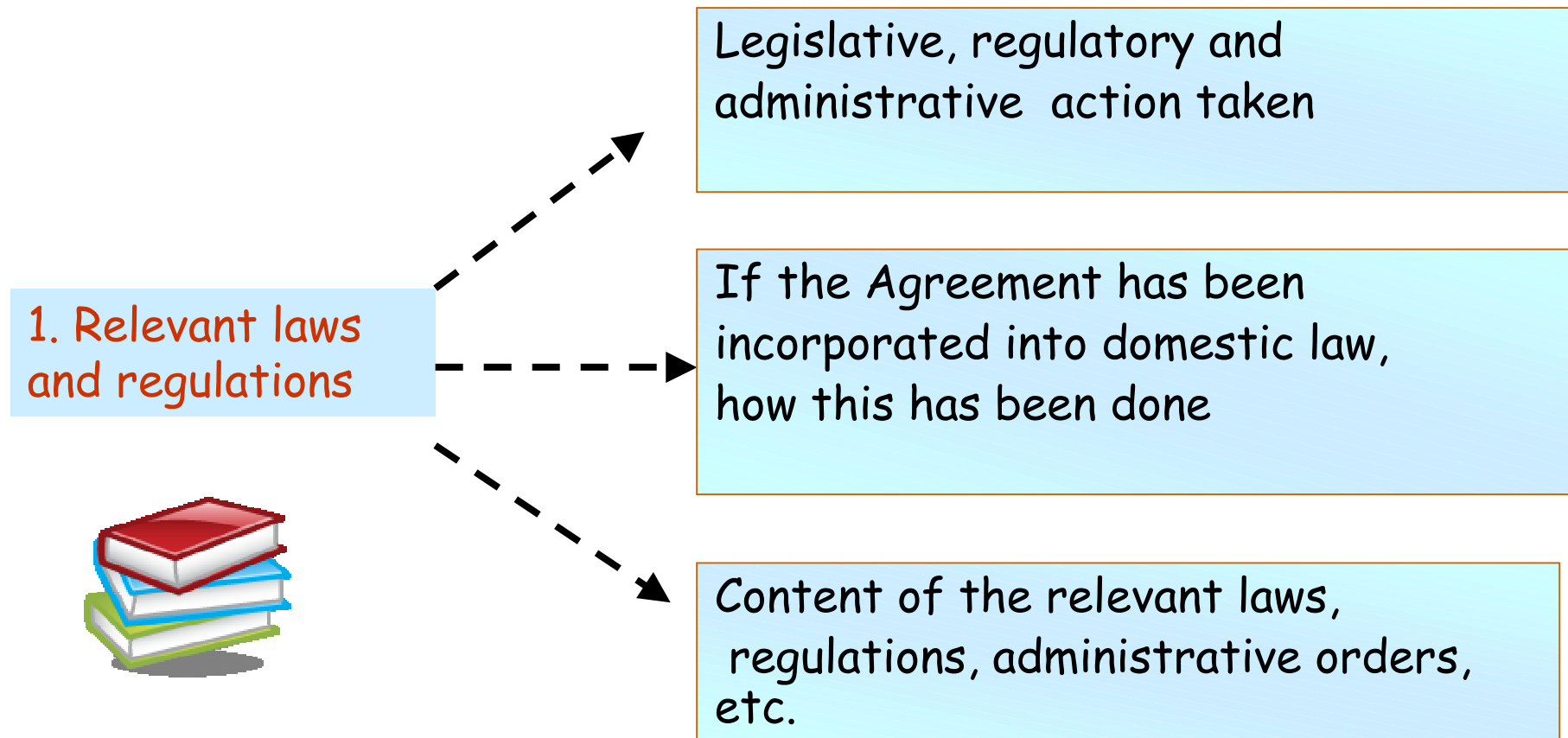
Name & address of enquiry point(s)

Other national authorities & agencies

Measures to ensure that national & sub-national authorities provide early information on their proposals



Decision of the TBT Committee (cont'd)



Provide all the necessary references!



Lithuania's 15.2 Statement (G/TBT/2/Add.64)

I. RELEVANT LAWS AND REGULATIONS

1. The fundamental law under which the Republic of Lithuania has formally undertaken the obligations of the Agreement on Technical Barriers to Trade is the *Law on Ratification of Lithuania's World Trade Organization Accession Package* No IX-292, adopted on 24 April 2001, published in Official Gazette ("Valstybes Zinios") No. 46, entered into force 31 May 2001.

2. The implementation and administration of TBT Agreement is based on the following legislation:

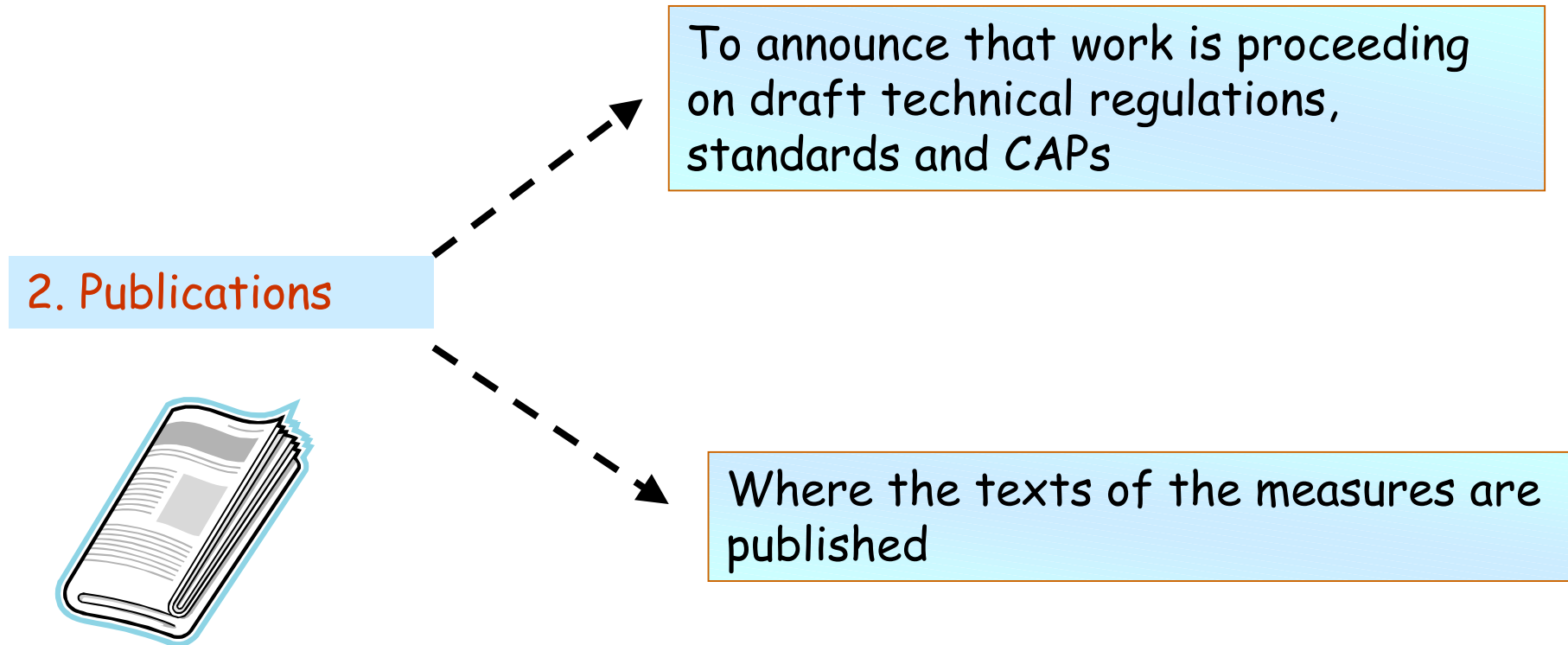
A. LAW ON STANDARDIZATION (11 APRIL 2000 No.VIII-1618)

3. The law establishes the basic objectives and principles of national standardization, the procedure for creation and application of standards, the relationship between the standards and technical regulations. The basic principles of national standardization correspond with internationally recognized requirements. The process of standardization is based on following principles of participation of all interested parties, drafting and adoption of standards by consensus, voluntary application of standards, transparency, public availability, coherence, etc.

4. Although application of standards is voluntary, technical regulations are mandatory and the authority to issue them lies with the ministries and other governmental bodies. Technical regulations are legitimised by provisions of laws, Government Resolutions, decrees, ordinances, etc., which are published in the Official Gazette. The Law on Standardization provides that technical



Decision of the TBT Committee (cont'd)



Official Journal?

Standardization bulletin?

Other relevant Publications?



Moldova's 15.2 Statement (G/TBT/2/Add.68)

II. TRANSPARENCY

A. PUBLICATIONS

7. (i) "Buletinul de Standardizare" (Standardization Bulletin) provides information and gives instructions about documents, plans of development of national standards (every three months). It is the publication where notices on draft standards of international standardization organizations for public enquiry are placed, as well as the work proceeding on the notified draft technical regulations and conformity assessment procedures are announced.

(ii) "Monitorul Oficial (Official Gazette) of the Republic of Moldova" publishes legal acts on standardization, technical regulations and procedures of conformity assessment. The texts of approved technical regulations and conformity assessment procedures are published in the Official Gazette and copies of these documents can be obtained from the Enquiry Point.

B. TIME ALLOWED FOR COMMENTS

8. Except for cases of emergency, a 60 days period is provided for submission of written comments of the WTO members on draft standards, technical regulations and conformity assessment procedures.

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Decision of the TBT Committee (cont'd)

3. Time allowed for comments



Expected length of time allowed for the presentation of comments in writing - recommendation: 60 days

4. Name and Address of Enquiry Point



Full details of the Enquiry Point(s), indication on whether it is operational



Moldova's 15.2 Statement (G/TBT/2/Add.68)

B. TIME ALLOWED FOR COMMENTS

8. Except for cases of emergency, a 60 days period is provided for submission of written comments of the WTO members on draft standards, technical regulations and conformity assessment procedures.

C. ENQUIRY POINT

9. The particulars of the TBT Enquiry Point set up in compliance with Articles 10.1 and Article 10.3 of the WTO Agreement on Technical Barriers to Trade are as follows:

Information Center of Standardization and Certification
Department of Standards and Metrology is named
28, E. Coca St.
Chisinau, MD-2039
Telephone: (373-2) 75 09 81, ext. 116
Telefax: 373-2) 75 05 81
E-mail: standart@standart.mldnet.com
<<mailto:standart@standart.mldnet.com>>

Contact person: Mr. [Vasile Lupashcu](#)



Decision of the TBT Committee (cont'd)

5. Other national authorities and agencies



Name and address of any authority having specific functions under the Agreement, including notification authority (Art. 10.10)

6. Information on national and sub- national authorities



Measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide **early information** on their proposals



Costa Rica's 15.2 Statement (G/TBT/2/Add.51 and Suppl.1)

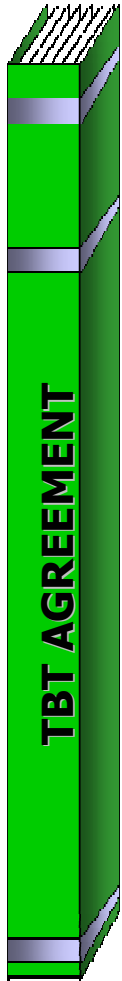
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4.6 → Measures and provisions to guarantee that the national authorities at a lower level which prepare new technical regulations or conformity assessment procedures or substantive amendments to those already existing provide information on their proposals in advance to allow the Member in question to meet its notification obligations in paragraphs 9 and 10 of Article 2, paragraph² of Article³, paragraphs 6 and 7 of Article 5 and paragraph 2 of Article 7 of the Agreement. • Decree No. 24662 • MEIC-S-MAG-MIRENEM-MOPT-PLAN, which creates the National Quality System, contains special provisions to meet these obligations. • The Decree clearly sets out the procedure to be followed by any public body for the approval and publication of technical regulations in Costa Rica. ¶

¶
4.7 → The Costa Rican Technical Standards Institute (INTECO) approved the Code of Good Practice for the Preparation, Adoption and Application of Standards (Annex 3) to the WTO Agreement on Technical Barriers to Trade on 19 December 1997 (G/TBT/CS/N/88). • ¶

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The obligation: Art. 15.2 (cont'd)



*"Each Member shall promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any **changes** of such measures thereafter shall also be notified to the Committee"*



Revision of 15.2 Statement: Singapore

IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Communication from Singapore

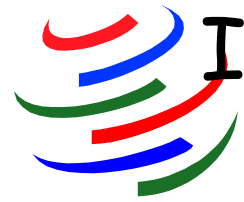
Revision

The following communication under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from the delegation of Singapore.

1. No special legislation is required in Singapore to implement the Agreement. All relevant government departments and regulatory authorities responsible for the implementation and administration of technical regulations, standards and conformity assessment procedures have been provided with copies of the Agreement and have been informed accordingly of their obligations under it.

2. The Ministry of Trade and Industry serves as the focal point for disseminating information to concerned departments and authorities on Singapore's obligations under the Agreement. Its address is as follows:

Ministry of Trade and Industry
100 High Street
#09-01 The Treasury
Singapore 179434



Importance of the statement under Art. 15.2

- Useful picture of how different Members implement the Agreement
- Assist Members in meeting the obligations of the Agreement
- Take stock of existing legislation and institutional structure



Third Triennial Review

(November 2003, G/TBT/13)

II. ELEMENTS OF THE THIRD TRIENNIAL REVIEW

A. IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

5. The TBT Agreement provides that: "Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement" (Article 15.2). It also provides that: "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" (Article 10.1).

6. Since the Second Triennial Review, 15 Members have submitted their statements of implementation under Article 15.2⁴, and several have updated their original statements.⁵ Two Members submitted information on their experience in the implementation and administration of the Agreement.⁶

7. In total, 92 Members have submitted their statements under Article 15.2⁷, and 121 Members have submitted information on their national enquiry points⁸ (see Annex 2). The Committee reiterates the importance of Members fulfilling their obligations under Articles 15.2 and 10.1.

Recommendation

- In order to assist Members in meeting their obligations under Articles 15.2 and 10.1, the Committee invites Members to seek assistance from other Members that have done so to share their knowledge and experience in this regard.



Fourth Triennial Review

(November 2006, G/TBT/19)

G/TBT/19
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5. Since the Third Triennial Review, 16 Members have submitted their statements of implementation and administration of the Agreement under Article 15.2 and 10 Members have updated their original statements.⁷ In total, 108 Members have submitted their statements of implementation and administration of the Agreement.

6. The Committee reiterates the importance of Members fulfilling their obligations under Article 15.2.



To sum up

- No one single model that all countries should follow
- Cooperation and coordination at domestic level - important to develop the statement and revise future ones
- Most Members have submitted their statements (115 at 5 November 2007)



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