



Workshop on Establishing and Operating an Effective National TBT Committee

Diane C. Thompson
Principal Standards Advisor, Standards Alliance

March 13-14, 2017
Accra, Ghana

Program

- Participant introductions
- Workshop objectives
- TBT Agreement:
Obligations of WTO
Members
- Benefits of having an
effective National TBT
Committee
- National TBT Committee
 - Scope
 - Objectives
 - Functions
 - Membership
 - Operation
 - Terms of Reference
 - Legal framework
 - Funding
 - Sustainability,
Transparency, Outreach
- Next steps


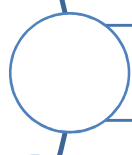



Participant Introductions

- Name
- Organization
- Interest in the WTO TBT Agreement



Workshop Objectives

-  Understand the obligations of WTO Members under the TBT Agreement
-  Recognize the benefits of having an effective National TBT Committee
-  Develop the Terms of Reference and discuss related elements for a National TBT Committee in Ghana

TBT Agreement: Obligations of WTO Members



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

4

WTO TBT Agreement

- World Trade Organization (WTO) *Agreement on Technical Barriers to Trade* (TBT Agreement)
- TBT-related work in the WTO takes place in the Committee on Technical Barriers to Trade (TBT Committee)
 - open to all members of the WTO



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

5

WTO TBT Committee

- TBT Committee work focuses on 2 main areas:
- Review of specific measures
 - WTO members/observers use the TBT Committee to discuss specific trade concerns (STCs) such as laws, regulations, or procedures that affect their trade, usually in response to notifications
- Strengthening implementation of the TBT Agreement
 - Members exchange experiences on the implementation of the Agreement with a view to making implementation more effective and efficient
 - Discussions concern generic, cross-cutting themes such as transparency, standards, conformity assessment, and good regulatory practice



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

6

WTO TBT Committee

- 2017 meetings
 - 26 January - Informal meetings
 - 28 March - Informal meetings
 - 29-30 March - TBT Committee meeting
 - 13 June - Informal meetings
 - 14-15 June - TBT Committee meeting
 - 7 November - Informal meetings
 - 8-9 November - TBT Committee meeting



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

7

WTO TBT Committee

- *Decisions and Recommendations Adopted by the WTO Committee on Technical Barriers to Trade Since 1 January 1995*
 - G/TBT/1/Rev.12, 21 January 2015
- TBT Committee reviews the operation and implementation of the TBT Agreement on an annual and triennial basis
 - 21st Annual Review is most recent
 - G/TBT/38, 17 February 2016
 - Seventh Triennial Review was completed in November 2015
 - G/TBT/37, 3 December 2015



WTO TBT IMS

WORLD TRADE ORGANIZATION

TBT Information Management System

TBT Gateway | Help | Contact Us | Sign out | English | Spanish | French

Home

Search

Regular TBT Notifications

Other TBT Notifications

National enquiry point(s)

Specific trade concerns

Data Reports

Custom reporting

Predefined reports

The Technical Barriers to Trade Information Management System (TBT IMS) is a publicly available database of transparency information provided by WTO Members in relation to technical regulations, conformity assessment procedures, and standards. The objective of the TBT IMS is to enhance implementation of the transparency provisions of the Technical Barriers to Trade Agreement. It provides access to: WTO Members' notifications of technical regulations and conformity assessment procedures (including subsequent revisions, addenda, corrigenda, and supplements); notifications of bilateral or plurilateral agreements between Members on TBT measures; notifications from standardizing bodies in relation to the Code of Good Practice; contact information for Members' TBT Enquiry Points and Notification Authorities; as well as information on specific trade concerns raised in the TBT Committee. This information is available in the three official languages of the WTO: English, Spanish and French (in order to change language, please use links above).

Please select a function in the menu on the left.

Transparency Counter	
Regular Notifications	22323
Addenda / Corrigenda	4994
Revision	315
Specific trade concerns	520

<http://tbtims.wto.org>

Standards Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

9

WTO Members have the right to issue technical regulations with acceptable rationale

TBT Article 2.2

“technical regulations shall not be more trade-restrictive than necessary to fulfil a **legitimate objective**”

- protection of national security
- prevention of deceptive practices
- protection of human health or safety
- protection of animal or plant life or health
- protection of the environment



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

10

What is a Notification?

“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”

- WTO Glossary



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

11

What is a Notification?

- 1 to 2 page summary
- provides WTO members with an opportunity to review and comment
 - [sample TBT notification](#)



Requirements 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.”



Requirements for an 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 . . .”



Enquiry Point

- The obligation for each WTO Member to have an Enquiry Point allows Members to easily obtain information about product requirements without having to identify and directly contact the agency responsible in another country
- Enquiry Point is responsible for obtaining the answers from the relevant national bodies and replying to the WTO Member making the enquiry



How to meet the transparency requirements of the TBT Agreement?

- **Publish notices** of proposed technical regulations **at an early stage**
- Establish a **Notification Authority**
- **Notify** other WTO Members of new or revised technical regulations
- **Provide copies** of the proposed regulations
- **Allow for comments** from other WTO Members and take them into account when finalizing proposed regulations



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

16

Benefits of Having an Effective National TBT Committee



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

17

Stakeholder Communications

Good communication between industry, the TBT Enquiry Point, Notification Authority, and government ministries in Ghana that are responsible for technical regulations, standards, and conformity assessment activities is essential for the successful implementation of the TBT Agreement in Ghana



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

18

Stakeholder Communications

The WTO TBT Committee “notes the usefulness of a Member establishing administrative mechanisms for coordination between competent authorities. It notes that a number of Members have set up TBT coordinating committees to facilitate communication and cooperation between relevant government authorities. The Committee also emphasizes the importance of including local governments as well as non-governmental parties in the domestic consultation activities.”

- G/TBT/19, 14 November 2006, *Fourth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade Under Article 15.4*



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

19

Role of the Private Sector in Enquiry Point and Notification Authority Operations

- Trade associations, Chambers of Commerce, consumer groups, NGOs, etc.
 - promote the services of the Enquiry Point to their members
 - review notifications from WTO members
 - provide comments on notifications relevant to their members
- Individuals
 - review and comment on notifications



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

20

Discussion

What are the benefits of an effective National TBT Committee in Ghana?

- For the government?
- For businesses?
- For other stakeholders?



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

21

Benefits of a National TBT Committee

A National TBT Committee can play an integral role in helping the government of Ghana meet its obligations under the WTO TBT Agreement

- Provide a mechanism for ongoing input to the implementation of the TBT Agreement
- Provide a formal link to the business sector to facilitate consultation with the government on TBT issues
- Facilitate distribution and discussion of TBT notifications that may have an effect on exports from Ghana
- Coordinate the development of Ghana's position on trade issues for discussion by the WTO TBT Committee
- Provide a point-of-contact at each regulatory authority
 - useful contacts for the Notification Authority and Enquiry Point



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

22

Ghana National TBT Committee



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

23

Scope

- Identifies
 - the broad range of activities of the committee
 - types of organizations to be included in the membership of the committee



Scope

EXAMPLE:

The Ghana TBT Committee is established to deal with all trade issues related to technical regulations, standards, and conformity assessment procedures aimed at eliminating or reducing trade barriers. Membership is comprised of regulators, standards bodies, conformity assessment bodies, industry, and consumers.



Objectives

EXAMPLE:

The objective of the Ghana TBT National Committee is to provide a national level consultation between all stakeholders on matters arising from the obligations and rights of the TBT Agreement. This is accomplished by:



Objectives

- *Providing a national forum for dialogue and coherence on TBT matters*
- *Providing a forum for resolving TBT issues affecting regional and/or international trade*
- *Coordinating implementation of the WTO TBT Agreement in Ghana*
- *Enhancing participation by Ghana in the WTO TBT Committee*



Primary Function

EXAMPLE:

The primary function of the Ghana National TBT Committee is the sharing and exchange of TBT-related information among a wide range of public and private sector stakeholders.



Specific Functions

EXAMPLE:

- *Advise the government of Ghana on issues related to technical barriers to trade*
- *Provide information to the Notification Authority to enable them to submit notifications of proposed technical regulations and conformity assessment procedures to the WTO*
- *Review the operation and administration of the TBT Agreement with regard to Enquiry Point and Notification Authority obligations*



Specific Functions

EXAMPLE (cont'd):

- *Review notifications of regulatory measures from other WTO members that may have an impact on Ghana exporters*
 - *coordinate strategies for responding to those measures*
- *Exchange information and assist in the coordination among ministries and agencies on responses from other WTO members to TBT notifications from Ghana*



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

30

Specific Functions

EXAMPLE (cont'd):

- Review developments in the WTO TBT Committee
- Provide input for the triennial reviews of the WTO TBT Committee
- Consider trade issues that cannot be settled through bilateral discussions and provide advice to the Government of Ghana regarding formal consultation in the WTO TBT Committee (dispute settlement)



Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

31

Membership

EXAMPLE:

Representatives of all relevant government ministries and departments, as well as other stakeholders (such as the private sector, academia, consumers associations, etc.) that have a particular involvement or interest in TBT issues



Membership - Discussion

- Which ministries in Ghana develop technical regulations and related legal instruments that are subject to the notification requirements of the TBT Agreement?
- Which private sector organizations in Ghana have an interest in TBT issues?
- Which ministries and private sector organizations should be members of the Ghana National TBT Committee?



Membership

- Who should be the:
 - Chair?
 - Secretariat?
- Should there be a Vice-Chair?



Membership

- Other issues to consider regarding membership:
 - Term limits?
 - Alternates?
 - Grounds for removal?



Operation

EXAMPLE:

- *Meetings are convened by the Secretariat with the consent of the Chair*
- *Decisions of the Committee are arrived at by consensus*
 - *Definition of consensus?*
- *Quorum?*
- *Secretariat prepares for meetings in advance by drafting and circulating an agenda, as well as any other documents to be discussed*
- *Secretariat prepares and distributes draft minutes, which should include reports submitted to the committee, and decisions*



Operation

- **Sample agenda for meetings of the committee:**
 - Review of report of Enquiry Point and Notification Authority operations (enquiries received, notifications made)
 - Review of notifications made by other WTO members and comments submitted
 - Developments in the WTO TBT Committee, including triennial reviews
 - Developments related to technical regulations, standards, and conformity assessment in Ghana
 - Developments in trade and regulatory policy in Ghana



Operation

- How often should the National TBT Committee meet?

Terms of Reference

- Draft Terms of Reference for the Ghana National TBT Committee

Legal Framework

- Should the Ghana National TBT Committee be established by a . . .
 - Ministerial decision or decree (Statutory Instrument)?
 - Memorandum of Agreement?
 - Something else?
- Reporting to _____?
 - Accountability



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

40

Funding

- Government budget vs. external funds
 - Budget need not be large
 - Include provision for all necessary expenses (e.g. meetings, travel of committee members, communications, etc.)
 - While funding may be provided by donors (e.g. to help establish the committee), in the long-term funding to cover operational expenses on an ongoing basis should be included in government budgets



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

41

Sustainability

- Standards and Trade Development Facility (STDF)
 - www.standardsfacility.org
- Global program in capacity building and technical cooperation, established by
 - Food and Agriculture Organization of the United Nations (FAO)
 - World Organisation for Animal Health (OIE)
 - World Bank
 - World Health Organization (WHO)
 - World Trade Organization (WTO)



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

42

EXAMPLE – STDF Survey

- 2011 survey of 23 countries in Africa
- 17 had some type of SPS coordination committee
- Identified problem areas:
 - unclear organizational mandates
 - out-dated legislation
 - limited SPS awareness at all levels
 - inadequate resources
 - lack of trust, transparency
 - difficulties in involving private sector (and academia, consumer organizations, etc.)



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

43

Sustainability

- Challenge: Ensuring sustainability of the committee over the medium to long-term
- How to overcome this challenge?



Sustainability

- Ownership and commitment
 - Experience shows that committees are most effective when they include a critical number of members who are committed to actively share information and engage in dialogue
 - Members should see their participation as an integral part of their regular work, rather than as an additional or voluntary task
 - Identify a “champion” to lead the establishment of the committee



Sustainability

- Formalize the committee
 - Formal institutional arrangements for the committee will enhance its long-term success and sustainability
 - Terms of Reference
 - Accountability



Sustainability

- Practical and workable design and structure
 - Design and structure of the committee does not need to be complex
 - Periodic reviews are recommended to assess how the committee is functioning, and to adapt its structure and operations as needed



Sustainability

- Capacity building for members of the Committee
 - Gain an understanding of Ghana's obligations as a WTO Member regarding transparency under the TBT Agreement
 - Recognize the benefits of the Enquiry Points and Notification Authority for stakeholders in Ghana
 - Learn about the objectives and functions of the committee
 - How to maximize participation in the committee
 - Other . . .



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

48

Transparency

- The activities of the Ghana National TBT Committee should be open and transparent
- Publish on website of the Secretariat
 - Terms of Reference
 - list of members
 - how to contact the committee



Standards
Alliance

Workshop on Establishing and Operating an Effective National TBT Committee - March 13-14, 2017

49

Outreach

- Develop a communication strategy to create awareness about the committee and the WTO TBT Agreement to all stakeholders in Ghana
 - traditional media
 - social media
- Consider creation of web-based information network/portal to connect stakeholders



Next Steps?

- What needs to be done now to establish the Ghana National TBT Committee?
- Who will be the “champion” to take the lead?

