



Improving the WTO SPS and TBT Enquiry Points and Notification Authority in Ghana

Diane C. Thompson
Principal Standards Advisor, Standards Alliance

January 13, 16-17, 2017
Accra, Ghana

Schedule - January 13

- Introduction
- Overview of the action plans
- Task 1: Improving the SPS and TBT Enquiry Points and Notification Authority
 - Review staffing
 - Discussion of capacity building
 - Reference materials
 - Operating procedures
 - Electronic notification systems
- Task 2: Communication with Stakeholders
 - National Consultative Committees
- Task 3: Promotion of the Enquiry Points
- Discussion of training needs for days 2 and 3



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Schedule - January 16-17

- On-site training
- Other business and wrap-up



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- U.S. facility to support developing countries implement commitments under the WTO TBT Agreement
- Partnership between the American National Standards Institute (ANSI) and the U.S. Agency for International Development (USAID)
- Public-private model, leveraging access to expertise in the U.S. private sector and government agencies
- Demand-based and results-oriented, focusing on strategic multi-year engagement
 - 2013-2018



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WTO SPS and TBT Agreements

SPS Agreement

- World Trade Organization (WTO) *Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS Agreement)
- SPS-related work in the WTO takes place in the Committee on Sanitary and Phytosanitary Measures (SPS Committee)
 - open to all members of the 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



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WTO SPS Agreement

The SPS Agreement sets out the basic rules for food safety and animal and plant health requirements



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WTO SPS Agreement

The basic aim of the SPS Agreement is to maintain the sovereign right of any government to provide the level of health protection it deems appropriate

but

to ensure that these rights are not misused for protectionist purposes and do not result in unnecessary barriers to international trade



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Sanitary or phytosanitary measures include:

- Laws, decrees, regulations, requirements and procedures including end product criteria
- Processes and production methods
- Testing, inspection, certification and approval procedures
- Quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport
- Provisions on relevant statistical methods, sampling procedures and methods of risk assessment
- Packaging and labelling requirements directly related to food safety

- SPS Agreement, Annex A



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WTO TBT Agreement



The basic objective of the TBT Agreement is to ensure that these do not create unnecessary obstacles to trade



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Technical Regulation

“Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which **compliance is mandatory**. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.”

- WTO definition from TBT Agreement Annex 1



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Standard

“Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which **compliance is not mandatory**. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.”

- WTO definition from TBT Agreement Annex 1



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Conformity Assessment Procedure

“Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled”

- WTO definition from TBT Agreement Annex 1



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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



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SPS Agreement: Legitimate objectives for technical regulations

- to protect human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food
- to protect human life from plant- or animal-carried diseases
- to protect animal or plant life from pests, diseases, or disease-causing organisms
- to prevent or limit other damage to a country from the entry, establishment or spread of pests



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What is Transparency?

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

- WTO Glossary



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“... **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*



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How to meet the transparency requirements of the SPS and TBT agreements?

- **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

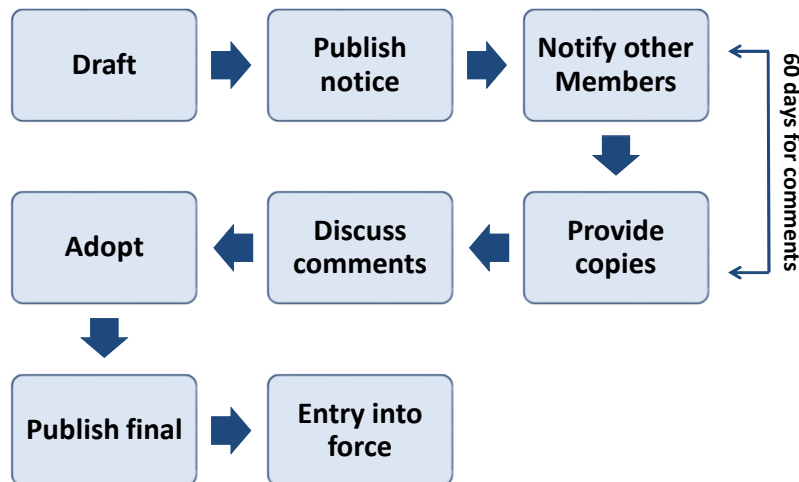


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Timeline



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minimum 6 months

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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.”

SPS Annex B Article 10

“Members shall designate a **single central government authority** as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.”



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Responsibilities of the Notification Authority

- Monitor proposed and adopted technical regulations and conformity assessment requirements
- Determine if significant effect on trade
- Notify, identifying
 - products covered
 - objective
 - rationale
 - etc.



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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



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What is a Notification?

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



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Global Trade



More than 80% of global product trade is affected by standards and technical regulations that incorporate standards

Source: Organization for Economic Cooperation and Development (OECD), *Regulatory Reform and International Standardization*, TD/TC/WP (98) 36, January 1999



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

Up-to-date and complete information about the requirements their products must meet, including:

- standards
 - e.g. quality, compatibility, processes, performance, test methods
- technical regulations
 - e.g. safety, health, environmental protection, packaging and labeling
- testing
- inspection
- certification
 - e.g. products, systems



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A lack of information can itself be a
barrier to trade



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The Problem

Often it is difficult for companies to obtain up-to-date and complete information about the requirements their products must meet

The Solution

Recognizing this problem, the SPS and TBT agreements requires the establishment and operation of an
Enquiry Point



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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 . . .”

SPS Annex B Article 3

“Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members . . .”



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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 the central contact point for handling requests for information
- Enquiry Point is responsible for obtaining the answers from the relevant national bodies and replying to the WTO Member making the enquiry



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SPS Enquiry Point Responsibilities

- Answer all reasonable questions related to SPS requirements for products sold in Ghana
- Provide relevant documents regarding:
 - sanitary or phytosanitary regulations
 - control and inspection procedures, production and quarantine treatment, pesticide tolerance, and food additive approval procedures
 - risk assessment procedures, including determination of the appropriate level of sanitary or phytosanitary protection
 - membership in international and regional sanitary and phytosanitary organizations and systems
 - membership and participation in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement



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TBT Enquiry Point Responsibilities

Respond to enquiries relating to standards, technical regulations, and conformity assessment procedures

Provide documents referenced in notifications

Provide information about membership in international and regional standards and conformity assessment bodies

Provide information about bilateral and multilateral agreements



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The Notification Authority or Enquiry Point also should:

- Collect notifications received from other WTO members and disseminate to:
 - exporters
 - government agencies
 - other stakeholders
- Coordinate comments on notifications from stakeholders
- Submit comments



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Coordinating Activities Between the EPs and NA

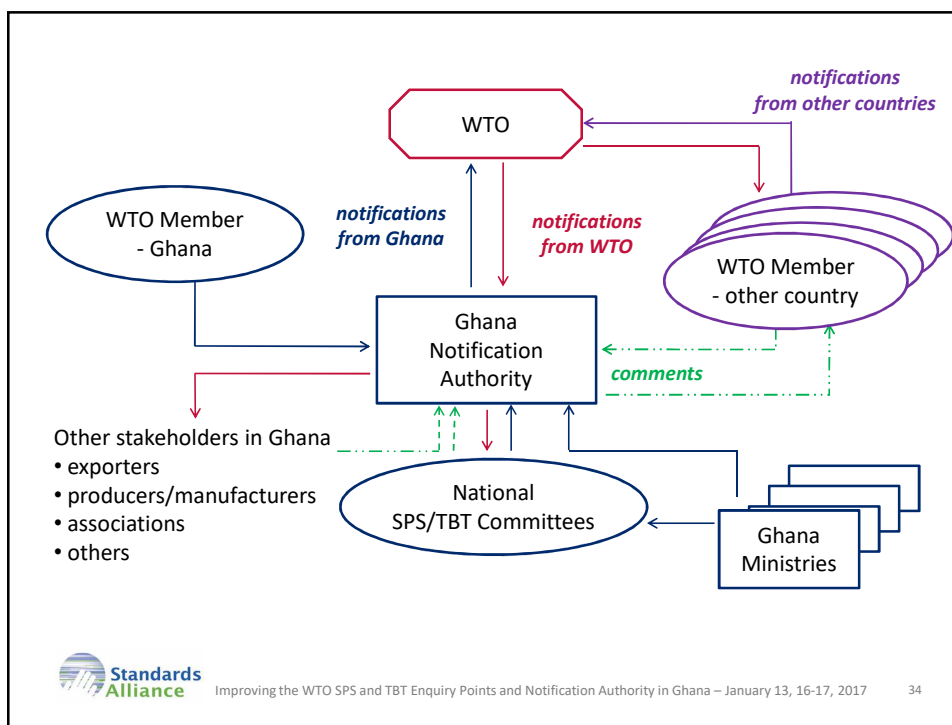
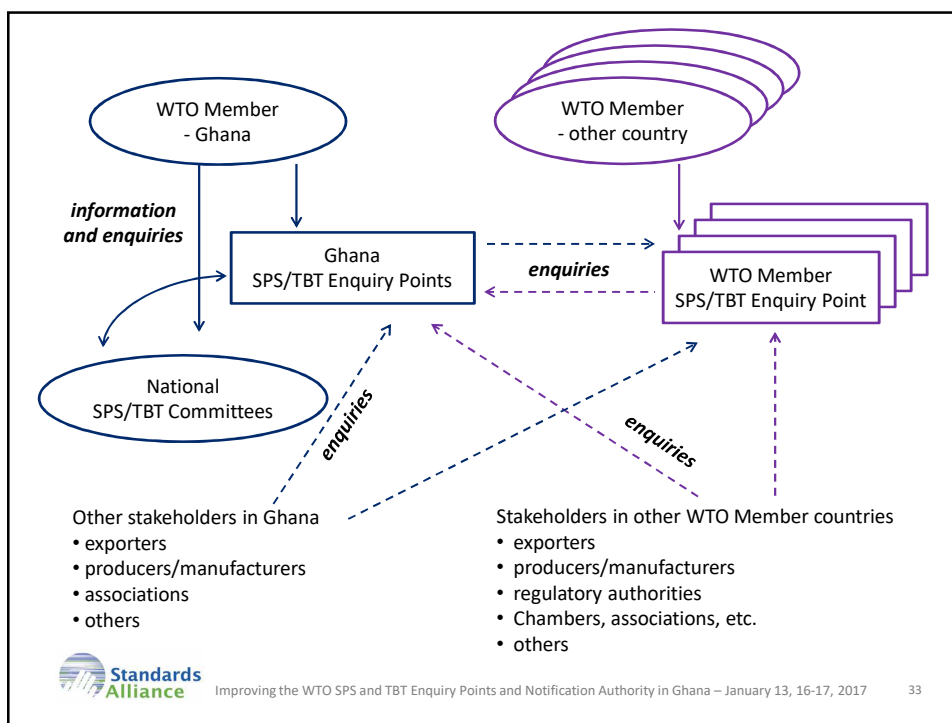
- Establish written procedures to coordinate activities between the SPS and TBT Enquiry Points and the Notification Authority
 - Enquiry Points are aware of notifications issued by Ghana
 - copies of full texts of documents relevant to notifications are available to the Enquiry Points



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Action Plans to Improve the WTO SPS and TBT Enquiry Points and Notification Authority in Ghana

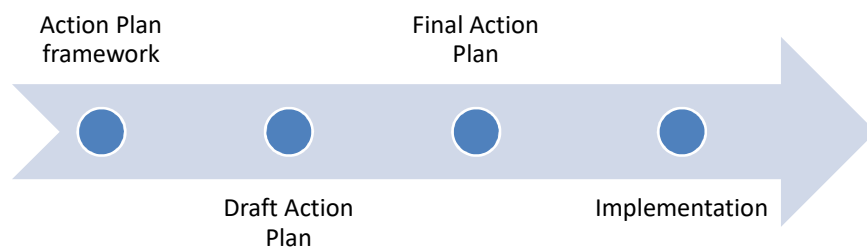


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Overview of the Action Plan - Process



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Overview of the Action Plan

- 3 main tasks + subtasks
- Objective: to improve the effectiveness of the Enquiry Point and Notification Authority



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Task 1: Improving the Enquiry Point and Notification Authority



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Staffing and Capacity Building

- Review staffing
- Discussion of capacity building
 - What training has EP and NA staff had?
 - workshops, seminars, etc.
 - WTO online training
 - participation in WTO SPS / TBT meetings
 - What training is required?



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Operating Procedures

Develop operating procedures for the Enquiry Points and Notification Authority



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Operating Procedures

- Responding to enquiries
- Acquisition of reference materials
- Storage of reference materials
- Record-keeping
- Reporting
- Database maintenance
- Website maintenance
- Issuing notifications
- Processing notifications from WTO members
- Handling comments
- Coordination between the Enquiry Points and Notification Authority



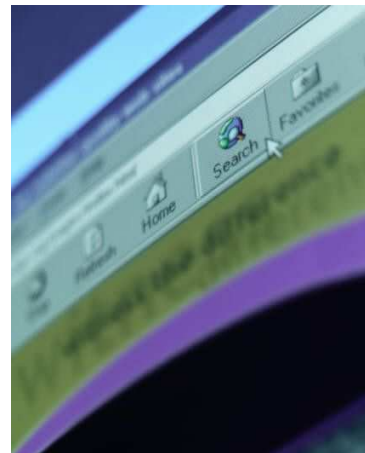
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Reference Materials

- Review the reference materials used by the SPS and TBT Enquiry Points and Notification Authority
- Identify sources for procurement or acquisition of reference materials



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Electronic Notification System

- The SPS and TBT notifications issued by WTO Members contain useful and time-sensitive information that should be distributed as widely as possible to stakeholders in an efficient manner
- Electronic Notification System (ENS) is a web-based electronic service for disseminating this information



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ENS

- Provides subscribers with the opportunity to access, review, and comment on draft regulatory measures proposed by WTO Members before they are finalized
- Helps exporters to be informed about changing technical requirements that could affect their products
- Provides information to regulatory authorities about the technical measures proposed by their counterparts in other countries



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Examples of ENS

- Several WTO Members have developed such services, including
 - Brazil
 - European Union
 - Kenya
 - United States



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Notify US

- Free web-based e-mail service for U.S. stakeholders
- Opportunity to review and comment on proposed foreign technical regulations that can affect U.S. businesses and their access to international markets
- Subscribers receive e-mail of notifications of drafts or changes to domestic and foreign technical regulations
 - included in the e-mail is a link to the Notify U.S. website for more information and to order complete texts of the regulations for review and comment
- Operated by the TBT Enquiry Point at the National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce



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System for Tracking Agricultural Regulations (STAR)

- Allows users to monitor and evaluate SPS and TBT notifications
- Provide input that can be incorporated into official U.S. government comments
- Helps U.S. businesses be informed about global regulatory developments that may affect their exports
- Operated by the Foreign Agricultural Service of the U.S. Department of Agriculture



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NotifyKenya TBT

- Electronic notification system of the Kenya Bureau of Standards (KEBS)
- Launched in July 2014
- Developed with assistance from USAID East Africa Trade Hub and support of the Standards Alliance



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ENS Developments from the WTO

- In recent years, other countries have expressed interest in developing their own ENS
- Discussions at the TBT Committee to consider a universal system for use by all WTO Members
- In its report of the Seventh Triennial Review, the WTO Secretariat noted the request that it “explore the development of an export alert system for TBT notifications, in cooperation with other organizations” and to report back to the TBT Committee at the Eighth Special Meeting on Procedures for Information Exchange (November 2016)



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ePing

- Launched November 8, 2016
 - United Nations Department of Economic and Social Affairs (DESA)
 - World Trade Organization (WTO)
 - International Trade Centre (ITC)
- New system allows access to SPS and TBT notifications
- www.epingalert.org



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Features of ePing

- User-friendly tool
- Both SPS and TBT notifications
- Global reach
- Daily/weekly email alerts
- Specify areas of interest (products and destination markets)
- Fast and easy-to-use search table
- Create search filters
- Export search results
- Add/read related information
- Define and categorize favourites and receive reminder emails
- Discuss/ask questions



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Task 2: Communication with Stakeholders



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National Consultative Committees

- Review membership
 - Ghana National SPS Committee
 - Ghana National TBT Committee
- Terms of reference?
- Formally established?
- Capacity building needs



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Task 3: Promotion



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Promotion

- Website
- Social media
- Brochure
- Events
- Advertising
- Other promotions
- Partners



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Website

- Website is an essential resource to promote the products and services of the Enquiry Point
- Keep it current
 - add new items often to encourage repeat “visits”
- Enquiry Point websites should include
 - description of the WTO and the SPS / TBT agreements
 - Enquiry Point responsibilities
 - products and services of the Enquiry Point
 - notification requirements of SPS / TBT agreements
 - database of notifications
 - text of the SPS / TBT agreements






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Social Media

- LinkedIn 
- Twitter 
- Facebook 
- YouTube 
- Other?



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Brochures and Leaflets

- Basic promotion tool
- General vs. specific message
- Essential elements
 - Who?
 - What?
 - When?
 - Where?
 - How?
- Distribution
 - at events
 - insert in mailings
- Keep it up-to-date!
- For recommended content for Enquiry Point brochure, see Annex 5, G/TBT/1/Rev.12, 8 January 2015



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Events

- Conferences, trade shows, exhibitions, seminars, etc.
- To determine if participation in a certain event is worthwhile, consider
 - expected audience
 - types of attendees
 - involvement/knowledge/use of standards
 - location
 - duration
 - cost to participate



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Advertising

- General advertisement or direct advertising to specific audience
- Must relay message clearly
- Can be very effective, but expensive
- Signs, posters
- Newspaper, magazine ads
- Television, radio ads
- In your own publications
 - catalogues
 - journals
 - etc.



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Other Promotion Initiatives

- Press releases
- Articles
- Speaker
 - presentations at conferences, meetings, etc.
- Event to promote the Enquiry Point



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Partners

- Partner with other organizations for specific marketing initiatives, e.g.
 - Chamber of Commerce
 - Trade associations
 - Exporters association
 - Government agencies



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What must be done in Ghana to meet the transparency requirements of the SPS and TBT Agreements?

For example:

- Awareness of obligations
- Buy-in from all stakeholders at all levels
- Assess the way technical regulations are developed in Ghana; change the process as required
- Good communications between the regulatory authorities and the Enquiry Points and Notification Authority
- Other?



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On-site Training

- Focus to be determined based on discussion of needs on previous day
- May include
 - responding to enquiries
 - tools and resources
 - locating information on the WTO website and other online resources
 - management of the Enquiry Point
 - notifications
 - Other?



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On-site Training



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On-site Training Needs Identified on Day 1

- Notifications
- National consultative committees – examples
- Good Regulatory Practice (GRP)
- Responding to enquiries
- Tools and resources
- Management of the Enquiry Point and Notification Authority
- Promotion - examples



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Amélioration des Points d'information SPS et OTC de l'OMC et l'Autorité de notification en Côte d'Ivoire
– du 9 au 11 janvier 2017

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Notification Procedures

- What to notify?
- When to notify?
- How to notify?



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What to Notify?

- If a relevant international standard does not exist
OR
- If the technical content of a proposed technical regulation (TBT) / sanitary or phytosanitary regulation (SPS) is not in accordance with international standards
AND
- If the measure may have significant effect on international trade

TBT Article 2.9 / SPS Annex B, Article 5



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SPS Agreement

– What is an International Standard?

- For food safety
 - Codex Alimentarius Commission
- For animal health and zoonoses
 - Office International des Epizooties (OIE)
- For plant health
 - International Plant Protection Convention (IPPC)

- SPS Agreement, Annex A



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TBT Agreement

– What is an International Standard?

- Not defined in the TBT Agreement
- TBT Committee *Decision on Principles for the Development of International Standards, Guides and Recommendations with Relation to Articles 2, 5 and Annex 3 of the TBT Agreement* (G/TBT/9, Annex 4)
 - 6 principles for development of international standards
 - transparency
 - openness
 - impartiality and consensus
 - effectiveness and relevance
 - coherence
 - development dimension



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Significant Effect on Trade?

- Determine whether the proposed regulation is "trade significant" taking into consideration
 - value of imports
 - potential growth of imports
 - difficulty for exporters in other countries to comply with the proposed requirements
- Includes both import-enhancing and import-reducing effects
- If it is not known whether a proposed measure will affect international trade
 - notification is recommended in the spirit of transparency



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SPS Agreement - What to Notify?

SPS measures - defined as any measure applied to:

protect animal or plant life or health from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms

protect human or animal life or health from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs

protect human life or health from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests

prevent or limit other damage from the entry, establishment or spread of pests

- WTO definition from SPS Agreement Annex A



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SPS measures include all relevant laws, decrees, regulations, requirements, and procedures including:

- end product criteria
- processes and production methods
- testing, inspection, certification, and approval procedures
- quarantine treatments
- relevant statistical methods, sampling procedures, and methods of risk assessment
- packaging and labelling requirements directly related to food safety



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TBT Agreement - What to Notify?

4 types of TBT notifications:

1. Statement of the implementation and administration of the TBT Agreement (Article 15.2) – one time
2. **Technical regulations and conformity assessment procedures**
3. Bilateral and multilateral agreements (Article 10.7)
4. Adherence to, or withdrawal from, the Code of Good Practice and the existence of work programs (Annex 3)



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When to Notify?

“... notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account”

TBT Article 2.9.2 / SPS Annex B, Article 5(b)



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Urgent Notification

- When safety, health, environmental protection, or national security problems arise or threaten to arise
- Upon adoption
 - notify the measure immediately
 - specify the products covered, the objective and rationale, and nature of urgent problem



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How to Notify?

- Review appropriate legislative publication(s)
- Determine if proposed or adopted regulations or conformity assessment requirements should be notified
- Submit notification to WTO Secretariat using one of the following methods:
 - online using the TBT Notification Submission System (TBT NSS) or SPS Notification Submission System (SPS NSS)
 - by email to the WTO using the appropriate form



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Notification Formats

- TBT
 - Forms
 - www.wto.org/english/tratop_e/tbt_e/tbt_notifications_e.htm
 - G/TBT/W/153, *Notification Procedures*, 29 January 2001
 - G/TBT/35, *Coherent Use of Notification Formats*, 24 June 2014
- SPS
 - Transparency toolkit
 - www.wto.org/english/tratop_e/sps_e/transparency_toolkit_e.htm



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How to Notify?

- Information should be as complete as possible
- No section should be left blank
 - indicate "not known" or "not stated" if necessary
- Notify in at least one of the WTO official languages (English, French, or Spanish)
- Keep copies of everything!



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Referenced Documents

- Best to include supporting document in the transmission to the WTO
 - WTO will upload the document and include a link to it
 - alleviates the need to send documents after notifications are issued
 - WTO Members can download the full text for those notifications of interest to their stakeholders



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Submitting Notifications Online

- Only the Notification Authority may submit notifications using the online WTO notification submission systems
 - access may be given to regulatory authorities to fill out the notifications
- Request access by sending an email to:
 - tbtnss@wto.org / spscommittee@wto.org



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Supplementary Notifications

- **Addendum** provides additional information or changes to an original notification
 - good to indicate on the addendum if the final regulation has been substantially modified from the notified proposal
- **Corrigendum** corrects an error in an original notification
- **Revision** replaces an existing notification
- Addendum or corrigendum should be read in conjunction with the original notification
- Addenda, corrigenda, and revisions to notifications carry the same document symbol and number as the original, followed by Add., Corr., or Rev.



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TBT and SPS?

“When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).”



- G/SPS/7/Rev/3, 20 June 2008, *Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) as of 1 December 2008*



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Example: Fruit



Regulation on the treatment of imported fruit to prevent the spreading of pests → SPS

Regulation related to the quality, grading, and labeling of fruit → TBT



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Example: Bottles for Water



Requirement that the materials that can be used for the bottles is safe for human health

→ SPS

Permitted sizes of the bottles to ensure standard volumes

→ TBT



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Notifications

How to measure the success of the WTO TBT and SPS notification process?



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Notifications

23,404

=

the number of WTO TBT notifications
issued in the first 20 years



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Example - Requirements Changed

- G/TBT/N/BRA/339
 - Brazil notification concerning conformity assessment procedures for toys
 - imported toys would be subject to 2 sets of tests, while domestic toys would only be tested 1 time
 - China, EU, Thailand, and USA raised concerns
 - Brazil amended the requirements to allow 1 test for imported toys



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Example - Proposed Measure Withdrawn

- G/TBT/N/COL/120
 - Colombia notification of a draft regulation on alcoholic beverages
 - labelling requirements that were too strict and would have entailed significant costs for exporters
 - concerns from the EU and USA
 - Colombia withdrew the proposal (G/TBT/N/COL/120/Add.1)



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Coordination Between Enquiry Points and the Notification Authority

- It is important that procedures be established to coordinate activities between the SPS and TBT Enquiry Points and the Notification Authority to:
 - ensure that requests for information are handled completely if they pertain to both SPS and TBT issues
 - Enquiry Points are aware of notifications issued by Ghana
 - copies of full texts of documents relevant to notifications are available to the Enquiry Points



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Coordination - Regulatory Authorities

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*



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National Consultative Committee(s)

- To help Ghana meet its obligations under the WTO SPS and TBT Agreements by:
 - providing a mechanism for ongoing input to the implementation of the SPS and TBT Agreements
 - facilitating discussion of SPS and TBT notifications that may have an effect on exports from Ghana
 - coordinating the development of Ghana’s position on trade issues for discussion by the SPS/TBT Committee
 - providing a point-of-contact at each regulatory authority
 - useful contacts for the Notification Authority and the Enquiry Points



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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 Points to their members
 - review notifications from WTO members
 - provide comments on notifications relevant to their members
- Individuals
 - review and comment on notifications



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Stakeholders

- Who are the stakeholders of the Enquiry Points and Notification Authority in Ghana?
 - internal
 - external
- Are they different for SPS and TBT?
- What is their role in the successful implementation of the SPS and TBT Agreements in Ghana?
- What social media are best to use to communicate? Does it differ for the type of stakeholder?



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National SPS/TBT Consultative Committees - Examples



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Kenya

- TBT National Consultative Committee
- Meets 3/year before each WTO TBT Committee meeting
- Ministry of Foreign Affairs and International Trade is the Chair
- Kenya Bureau of Standards is the Secretariat



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Kenya

- Functions of the TBT National CC:
 - Review all issues pertaining to TBTs
 - Review the operation and administration of the TBT Agreement with regard to Enquiry Point and Notification Authority obligations
 - Review notifications made by other WTO members
 - Exchange information and assist in the coordination among ministries and agencies on responses to foreign notifications
 - Review responses and enquiries to notifications from Kenya



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Kenya

- Functions of the TBT National CC (cont'd):
 - Review developments in technical regulations, standards, and conformity assessment procedures that are barriers to trade (nationally and with trading partners)
 - Review developments in trade and regulatory practices
 - Review developments in the WTO TBT Committee
 - Provide inputs for the triennial reviews of the WTO TBT Committee
 - Develop national positions with regard to WTO TBT issues for transmission to the Geneva-based negotiators
 - Review technical assistance needs through the ministry responsible for trade matters



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Kenya - Challenges

- In June 2014, it was reported that the main challenges for the TBT National Committee included:
 - limited feedback from the business community on foreign notifications
 - inadequate policies and legislation to guide regulatory authorities concerning notification procedures (draft legislation was being developed to address this problem)
 - lack of synergy between various regulatory authorities in Kenya, in particular the autonomous ones



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Philippines

- National Technical Barriers to Trade Coordinating Committee
- Established by a Memorandum of Agreement (MoA)
- Executive Committee
 - policy
- Technical Committee
 - input and recommendations to the Executive Committee regarding elimination of TBTs
- Bureau of Product Standards is the Secretariat



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Philippines

- Memorandum of Agreement signed by:
 - Department of Trade and Industry (for the Bureau of Product Standards, Bureau of Export Trade Promotions, Bureau of Import Services, Bureau of International Trade Relations, and Foreign Trade Service Corps)
 - Department of Agriculture (for the Bureau of Agriculture and Fisheries Standards)
 - Department of Health (for Bureau of Food and Drugs and Bureau of Health Devices and Technology)
 - Department of Transportation Commission (for the National Telecommunication Commission)
 - Department of Science and Technology (for the Industrial Technology Development Institute)



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Philippines

- Memorandum of Agreement signed by (cont'd):
 - Philippine Chamber of Commerce and Industry
 - Philippine Exporters Confederation, Inc.
 - Chamber of Automotive Manufacturers of the Philippines
 - Packaging Institute of the Philippines
 - Nationwide Associations of Consumers Inc.
 - De La Salle University
 - Philippine Product Safety & Quality Foundation, Inc.
 - Federation of Philippine Industries



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Philippines

- Objectives of the TBT Coordinating Committee:
 - Examine the effective implementation of the Philippine's rights and obligations under the WTO TBT Agreement
 - Coordinate implementation issues related to TBTs with regulatory authorities, industry, consumer organizations, and academia
 - Provide input related to standards, technical regulations, and conformity assessment procedures for international, regional, and bilateral negotiations between the Philippines and other WTO member countries



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Uganda

- Uganda National TBT/SPS Committee was established in 2004 to provide a coordination mechanism on TBT and SPS matters at the national level
- Meets 3/year
- Executive Director of the Uganda National Bureau of Standards (UNBS) is the chair of the National TBT/SPS Committee
- Private Sector Foundation Uganda is the Vice Chair
- UNBS is the Secretariat



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Uganda - Objectives of the National TBT/SPS Committee

- Provide a forum for consulting and obtaining views of stakeholders in the public and private sectors on TBT and SPS issues
- Developing country positions for meetings of the TBT and SPS Committees
- Dissemination and obtaining feedback on proposed technical regulations, conformity assessment procedures, and SPS measures notified to the WTO



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Uganda National TBT/SPS Committee - Public Sector Membership

- Ministry of Trade, Industry and Cooperative
- Ministry of Agriculture, Animal Industry and Fisheries
- Ministry of Foreign Affairs
- Uganda National Bureau of Standards
- Uganda Coffee Development Authority
- Dairy Development Authority
- Uganda Export Promotion Board
- Uganda Investment Authority

cont'd . . .



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Uganda National TBT/SPS Committee - Public Sector Membership (cont'd)

- Ministry of Finance, Planning and Economic Development
- Ministry of Health
- National Water and Sewerage Corporation
- National Environment Management Authority
- Uganda Communications Commission
- National Forestry Authority
- National Information Technology Authority - Uganda
- Ministry of East African Community Affairs



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Uganda National TBT/SPS Committee - Private Sector Membership

- Uganda Manufacturers Association
- Private Sector Foundation Uganda
- Uganda Coffee Trade Federation
- Uganda Beef Producers Association
- Uganda Flower Exporters Association
- Uganda National Apiculture Development Organization
- Uganda National Farmers Federation
- Uganda Fish Processors and Exporters Association
- Uganda Fisheries and Fish Conservation Association
- Uganda National Chamber of Commerce and Industry
- Horticulture Exporters Association



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Uganda - Challenges

- In an October 2014 report, challenges of the TBT Enquiry Point, Notification Authority, and Uganda National TBT/SPS Committee included:
 - Inadequate financial and technical resources, impacting the operations of the National TBT/SPS Committee
 - Lack of legal status of the National TBT/SPS Committee
 - Insufficient awareness and preparedness by various stakeholders, especially private sector, to effectively tackle TBT challenges
 - Poor coordination between the focal points in the relevant ministries, departments, and agencies, affecting TBT EP operations
 - Weak coordination between the NA and EP
 - No effective mechanism for disseminating TBT-related information to stakeholders



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Good Regulatory Practice (GRP)



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Good Regulatory Practice

“1.1 . . . Effective implementation through best practices is seen as an important means of avoiding unnecessary obstacles to trade. Institutionalizing the various mechanisms, processes and procedures of GRP through laws, regulations and guidance, as well as through the creation and designation of institutions within Member governments to oversee regulatory processes, is seen as a means of giving effect to GRP. Effective internal policy coordination, including among regulators, standardizing bodies and trade officials implementing the TBT Agreement, is stressed.”

- G/TBT/1/Rev.12



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What is Good Regulatory Practice (GRP)?

- Internationally recognized processes and procedures that can be used to improve the quality and cost-effectiveness of domestic regulations
- GRPs include administrative procedures that govern intragovernmental coordination of:
 - regulatory activity
 - impact assessment
 - regulatory transparency
 - participation
 - accountability



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2012 Recommendation of the Council of the OECD on Regulatory Policy and Governance

- Sets out 12 recommendations
- Examples:
 - Whole of government approach (#1)
 - Open government, including transparency and public participation (#2)
 - Integrate regulatory impact analysis as early as possible (#4)
- See OECD [website](#)



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Elements of GRP

3 elements are the basis of the “better regulation” agenda successfully applied in countries with different economic strategies, legal systems, and administrative cultures

1) Internal
coordination of
regulatory
activity

2) Regulatory
impact
assessment
(RIA)

3) Public
consultation
mechanisms



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Internal Coordination of Regulatory Activity

- Government bodies engaged in regulation are diverse: health, economic, public services, etc.
- Internal coordination across agencies is critical
- OECD recommends a whole of government approach to ensure that the economic, social, and environmental benefits justify the costs



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Regulatory Impact Assessment

- To ensure that better policy options are chosen by establishing a systematic and consistent framework for assessing the potential impacts of government action, including impacts on trade
- Contributes to more informed policy decisions and promotes economic efficiency by calculating costs and benefits and regulating only where necessary
 - comprehensive approach
 - rigor of analysis
 - accountability



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Public Consultation and Transparency

- Allows wide access to improve transparency
- Includes the quality of consultation mechanisms
- Transparency and accountability help address concerns about undue influence and allows all interested parties to be heard
 - accountability
 - engagement and buy-in
 - efficiency



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Responding to Enquiries



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TBT Enquiry Point Responsibilities

- The primary function of the TBT Enquiry Point is to respond to requests from other WTO members about:
 - standards
 - technical regulations
 - conformity assessment requirements
 - membership in international and regional organizations
 - bilateral and multilateral agreements in which your country participates
- Also, respond to enquiries from your own stakeholders



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SPS Enquiry Point Responsibilities

- Answer all reasonable questions related to SPS requirements for products sold in Ghana
- Provide relevant documents regarding:
 - sanitary or phytosanitary regulations
 - control and inspection procedures, production and quarantine treatment, pesticide tolerance, and food additive approval procedures
 - risk assessment procedures, including determination of the appropriate level of sanitary or phytosanitary protection
 - membership in international and regional sanitary and phytosanitary organizations and systems
 - membership and participation in bilateral and multilateral agreements and arrangements within the scope of the SPS Agreement



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Resources for Responding to Requests for Information

- Standards, catalogs, and databases
- Standards developing organizations
- Regulations
- Government agencies
- WTO TBT Enquiry Points
- Industry
- Professional and trade associations
- Engineering, manufacturing, and research organizations
- Staff expertise



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Online Resources for the Enquiry Point

- There are a variety of online resources and databases available, many at no cost
- Recommend using more than one resource to verify information, especially when looking for lists of standards, as none of the resources has everything
- See examples . . .



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Standards Databases

- Standards developers' websites
- American National Standards Institute (ANSI)
 - [Webstore](#)
- Commercial distributors, such as
 - Document Center – www.document-center.com
 - IHS Markit Standards Store – www.global.ihs.com
 - SAI Global - www.ili-info.com
 - Techstreet - www.techstreet.com
- NIST [links to resources](#)

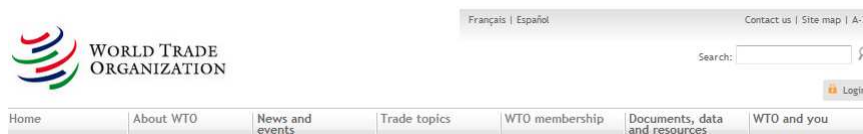


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Resources on the WTO Website



- Links from the home page
- Online document search
 - link from www.wto.org/english/docs_e/docs_e.htm



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WTO SPS IMS



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SPS Information Management System

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Welcome

The SPS Information Management System (SPS IMS) provides access to documents and records relevant under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). For more information on the SPS Agreement, please [click here](#).

The SPS IMS allows users to track information on SPS measures that Member governments have notified to the WTO, specific trade concerns raised in the SPS Committee, SPS-related documents circulated at the WTO, Member governments' SPS Enquiry Points and Notification Authorities, and the membership of the WTO, Codex, IPPC, and the OIE.

The system's structure for searching notifications follows very closely the actual notification types and their formats. For further information on notification procedures and formats agreed upon by the SPS Committee, please [click here](#).

Please click on the desired function from the menu bar on the left. You may wish to undertake a "search", prepare a "custom report", or view one of the "predefined reports". The difference between a search and a custom report is that with a custom report you can decide which fields you wish to see in your search results. You can enter one or more criteria to refine your search. Alternatively, you can browse all records by not specifying any criteria before clicking on the Search button. For free text searches, for example under the "description of content" field of notifications, use quotation marks to find exact matches. For example, entering "avian influenza" will find only those records which contain both terms. You can export all search and custom report results to Excel. Predefined reports provide reference lists regularly circulated by the WTO SPS Secretariat and are available in Word format.

According to the Verbal Note contained in document WT/L/779, by virtue of the Treaty of Lisbon, as of 1 December 2009 the European Union replaces and succeeds the European Community. Pre-December 2009 records pertaining to the European Communities are available by clicking on the "European Union" option in the dropdown lists.

For further information on how to use the system, please click on [help](#).


<http://spsims.wto.org>



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WTO TBT IMS



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TBT Information Management System

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Specific trade concerns

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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	22322
Addenda / Corrigenda	4994
Revision	315
Specific trade concerns	520

<http://tbttims.wto.org>



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SPS Committee

- *Overview Regarding the Level of Implementation of the Transparency Provisions of the SPS Agreement*
 - [G/SPS/GEN/804/Rev.9](#), 10 October 2016
- *Report (2016) on the Activities of the Committee on Sanitary and Phytosanitary Measures*
 - [G/L/1164](#), 7 November 2016



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TBT Committee

- *Decisions and Recommendations Adopted by the WTO Committee on Technical Barriers to Trade Since 1 January 1995*
 - see [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
 - see report - [G/TBT/38](#), 17 February 2016
 - Seventh Triennial Review was completed in November 2015
 - see report - [G/TBT/37](#), 3 December 2015



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Management of the Enquiry Point and Notification Authority



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Management Responsibilities

- Planning
- Budgeting
- **Record-keeping**
- **Reporting**
- Developing marketing materials
- Establishing and maintaining communication with other organizations
- **Staffing**
- **Procedures**



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Record-Keeping

- Important to develop a system to record enquiries received by the Enquiry Point
- facilitates reporting to management
- justify additional resources, staff, equipment
- identify trends
 - types (related to standards/technical regulations/conformity assessment procedures; international standards; foreign technical requirements)
 - source (country; business/government)
 - record of clients and contact information
 - can be used for promotion, news, events, etc.



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Record-Keeping

- Monitor the type and volume of requests
- Enables you to establish who your users are and what they need



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Enquiry Point Record-Keeping / Database Elements

- Name of enquirer
- Contact information
- Summary of request
- How the request was handled
- Who handled the request
- Type of enquirer
 - company
 - government
 - academia (researcher, student)
 - other (consumer, NGO)
- Type of request
 - standard
 - technical regulation
 - conformity assessment
 - other (referral not related to Enquiry Point information)
- Country of enquirer
- Country of information requested



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Example of Enquiry Point Records

Date Received	Information Requested	Date Acknowledged	Response Handled By	Status	Notes
7 Jan 2017	Ghana standard - cement	n/a	NK	completed 7 Jan 2017	advised standard no. and price
14 Dec 2016	exporting garments to Australia	16 Dec 2016	LS	completed 16 Dec 2016	waiting for response from TBT EP in Australia; response received
7 Dec 2016	Ghana requirements for safety of fresh fruits	11 Dec 2016	BP	completed 7 Dec 2016	referred to SPS EP
3 Dec 2016	certification of electrical products in USA	3 Dec 2016	NK	completed 6 Dec 2016	waiting for response from USA TBT EP; response received



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Example (cont'd)



Client Name	Client Contact	Type of Client	Type of Enquiry	Country of Client	Enquiry is About
Mr. Jones	123 Main Street Accra tel: 233 301 234 567 rjones@firm.com	company	standards	Ghana	Ghana
Ms. Green	99 First Avenue Kumasi tel: 233 1 246 888 green@ent.com	company	standards regulations conformity assessment	Ghana	Australia
Mrs. Wong	246 Long Road Beijing, China tel: 555 1212 twong@bus.cn	company	regulation	China	Ghana
Mr. Smith	MTC tel: 233 302 123 456 dsmith@mtc.gov.gh	government	conformity assessment	Ghana	USA



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Record-Keeping Elements Related to Notifications

NA

- Notifications sent to the WTO by Ghana
- Text of regulations and conformity assessment procedures that are the subject of notifications from Ghana

NA or EP

- Notifications from other WTO members distributed to interested parties in Ghana
- Comments made on notifications from Ghana
- Comments made on notifications from other WTO members
- Communications related to notifications from Ghana and from other WTO members
- Name and contact information - requests for copies of notifications and full texts related to notifications



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Reporting Enquiry Point Activities

- Use the information from the records of enquiries to produce monthly and annual reports of the activities of the Enquiry Point
 - Type of enquiry (e.g. standards, regulations, conformity assessment, general information)
 - Enquiry is about (Ghana requirements, foreign, international, regional)
 - Type of organization (company, government, academia, other Enquiry Point, other)
 - Origin (Ghana, other countries)
 - Method of contact (email, telephone, fax, visit, letter)



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NA Reporting

- Keep track of all notifications submitted to the WTO and a copy of all the full text for each notification
- Monthly and annual reports of notifications issued by Ghana
- May also compare to notification activity by all WTO members
 - see SPS IMS and TBT IMS and SPS/TBT Committee annual reviews



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Reporting

- Facilitates planning of
 - staff resources
 - acquisition of reference materials
 - equipment requirements
- Used to justify budget/staff increases

[report example](#)



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Staffing

- Number of staff required is a function of the expected workload and the desired response time (5 working days recommended)
- Minimum is 1 staff member but more than 1 is preferable as a backup
 - may only devote part of their time to Enquiry Point work
 - specialize in certain activities
 - overlap to accommodate absences of staff



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Staffing

- Knowledge and experience
- It is almost impossible to hire someone with experience in Enquiry Point/Notification Authority operations!
- Look for people with skills needed
 - they can learn the specifics on the job



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Staffing - Skills

- Analytical
- Ability to interact with people
- Good communication
 - in person
 - on the telephone
 - in writing
- Organized
- Computer literate
- Language capabilities (if required)



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Staffing - Training



- On the job
- Courses
 - Microsoft Office
 - language
 - other?
- Seminars, workshops, conferences, etc.



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Procedures

- Helps to ensure the Enquiry Point/Notification Authority functions in an organized and uniform manner
- Makes it easier to train new staff
- Documenting your procedures helps identify areas for improvement
- Keep procedures up-to-date



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Procedures - Structure

1. Purpose

Explain the objective the procedure is intended to achieve

2. Scope

Identify the range of activities applicable to the procedure

3. Responsibility

Identify the personnel, departments, etc. responsible for performing the procedure

4. References

List other related procedures, supporting documentation, and applicable requirements



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Procedures – Structure (cont'd)

5. Definitions

Define any words and acronyms used in the document

6. Procedure

*Explain the procedure with clear unambiguous steps.
Identify who performs each step and any technologies or systems that are required to perform these steps.*

7. Attachments

Attach any documents referred to in the procedure, e.g. flowcharts, work instructions, other procedures



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Enquiry Point Procedures

- Responding to enquiries
- Acquisition of reference materials
- Storage of reference materials
- Notifications from WTO Members
- Record-keeping
- Reporting
- Website maintenance



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Procedure - Responding to Enquiries

- Describe the steps to be taken by the staff of the TBT Enquiry Point when answering enquiries
- Include format for
 - acknowledgement email
 - email to accompany information requested
 - email to accompany a request for information to a WTO member Enquiry Point
 - referral email



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Procedure - Acquisition of Reference Materials

- Describe how to obtain reference materials used by Enquiry Point staff, including:
 - national standards of Ghana
 - other standards (international, regional, other countries)
 - regulatory measures in effect in Ghana (e.g. laws, regulations, decrees, and decisions)
 - other reference materials used by the staff of the of the Enquiry Point (e.g. standards catalogs, bulletins, directories, handbooks)



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Procedure - Acquisition of Reference Materials (cont'd)

- information about memberships in international and regional standards and conformity assessment bodies
- information about bilateral and multilateral agreements that are within the scope of the TBT Agreement



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Procedure - Storage of Reference Materials

- Describe how to store the reference materials used by the staff of the Enquiry Point to respond to enquiries
 - filing reference materials in paper format
 - electronic materials



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Procedure - Record-Keeping

- Describe the process for recording the enquiries received by the staff of the Enquiry Point
- include the form to be used for recording enquiries



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Procedure - Reporting

- Describe the reports to be compiled by the management of the Enquiry Point
 - monthly
 - annual
- Include information about who receives the report



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Procedure - Website

- Describe the process for maintaining the content of the Enquiry Point website
 - development of new content
 - updating of existing content



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Notification Authority Procedures

- Monitoring regulations
- Issuing notifications
- Handling comments about notifications from other WTO Members
- Handling comments about notifications from Ghana
- Record-keeping



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Procedure – Monitoring Regulations

- Describe how the Notification Authority monitors proposed and final technical regulations and related legal instruments
 - resources used
 - contacts in ministries/departments



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Procedure - Issuing Notifications

- Describe the process to be used by the Notification Authority when issuing notifications under the TBT Agreement
- Determining what to notify
- Timing of notifications
- Preparing notifications
- Submitting notifications
 - Making an addendum, corrigendum or revision to a notification



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Procedure - Handling Comments

... about notifications from other WTO Members

- Describe how comments from Ghana about TBT notifications issued by other WTO Members are handled by the Notification Authority



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Procedure - Handling Comments

. .. about notifications from Ghana

- Describe how comments from other WTO Members about notifications issued by Ghana are handled by the Notification Authority
- Requests for extension of the comment period for notifications



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Procedure - Record-Keeping

- Describe the process for recording activities of the Notification Authority, such as:
 - SPS and TBT notifications sent to the WTO by Ghana
 - comments related to notifications from Ghana
 - comments related to notifications from other WTO members



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Procedure - Reporting

- Describe the reports to be compiled by the Notification Authority
 - monthly/quarterly
 - annual
- Include information about who receives the report



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Procedures - Resources

- [*Manual of Model Procedures and Guidance Notes for the Implementation of the WTO Agreement on Technical Barriers to Trade*](#) (International Trade Centre UNCTAD/WTO, Export Quality Bulletin No.82, April 2007)
- [*2002 APEC Handbook on Notification Authorities and National Enquiry Points under the Technical Barriers to Trade and Sanitary and Phytosanitary Agreements of the World Trade Organization*](#)
- [*Procedural Step-By-Step Manual for SPS National Notification Authorities & SPS National Enquiry Points*](#) (February 2011)
 - NOTE: Although this relates to SPS, there is good information that can be used by a TBT Notification Authority and Enquiry Point



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Promotion - Examples



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Example - Websites

- Australia [SPS Enquiry Point](#)
- Bangladesh [Trade Portal](#)
- EU – WTO TBT [notification process](#)
- New Zealand [TBT Enquiry Point](#)
- South Africa [SPS Enquiry Point/Notification Authority](#)
- Tanzania [TBT Enquiry Point](#)
- Trinidad and Tobago [TBT Enquiry Point](#)
- United States [TBT Enquiry Point](#)



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Example – Social Media

- WTO ECampus on [YouTube](#)
- WTO on [LinkedIn](#)
- South Africa TBT Enquiry Point on [Twitter](#)
- Swaziland Standards Authority on [LinkedIn](#)



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Example – Enquiry Point Brochure

- [Azerbaijan](#)
- [EU](#)
- [Tanzania](#)



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Example – Enquiry Point Launch Event

- Lebanon TBT Enquiry Point launch
 - [invitation](#)
 - [handout](#)
 - [press](#)



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