
Committee on Technical Barriers to Trade

QUESTIONNAIRE FOR A SURVEY TO ASSIST DEVELOPING COUNTRY MEMBERS TO IDENTIFY AND PRIORITISE THEIR SPECIFIC NEEDS IN THE TBT-FIELD

Note by the Secretariat

This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO

1. At the Second Triennial Review of the Agreement on Technical Barriers to Trade, the TBT Committee agreed to develop a demand driven technical cooperation programme related to the Agreement. The Committee recognized the importance of ensuring that solutions were targeted at the specific priorities and needs identified by developing country Members that would allow them to effectively implement as well as benefit from the Agreement. This calls for an assessment with effective coordination between authorities, agencies and interested parties at the national level to identify and prioritise relevant infrastructure requirements and needs, taking into account the specific situation of each Member. The Committee agreed that the technical cooperation programme would need to evolve on the basis of a number of elements, and as a first step, to design a survey questionnaire to assist developing countries in needs identification. This questionnaire has been prepared for this purpose.

2. The questionnaire provides a list of points in relation to the implementation of and benefiting from the Agreement. It aims at assisting developing country Members to reflect on the current status regarding these elements, to assess whether specific problems, difficulties and/or interests exist, and to identify and prioritise the technical assistance/cooperation activities and/or capacity building needs required¹. The points listed have been developed based on the provisions of the Agreement, the Decisions and Recommendations of the Committee (G/TBT/1/Rev.7), as well as the results of the First and Second Triennial Reviews of the Agreement (G/TBT/5 and 9). Certain points concern obligations and requirements under the Agreement, whereas some reflect the observations of or views expressed in the Committee².

¹ At the Second Triennial Review, the Committee noted that "technical assistance and cooperation could be delivered in different forms, including through internships, technical missions and consultancies, training of in-house experts, and "twinning arrangements" between institutions. Workshops and seminars were acknowledged as of ongoing importance to raise awareness of the benefits and obligations of the Agreement and to assist coordination among relevant agencies at the national level for the implementation of the Agreement. The Committee also noted the value of direct dialogue and contact between developing countries on national solutions to certain implementation problems, and that regional and international organizations could play a role in this regard."

² Other papers concerning technical assistance and cooperation activities are contained in documents G/TBT/M/20 (*Report by the Chairman on the Workshop on technical assistance held on 19-20 July 2000*), G/TBT/M/23-25 (*Updating by observers*), G/TBT/W/156 (*Technical assistance and technical cooperation programme – proposal from Brazil*), G/TBT/W/160 (*Japan's experience on technical assistance in the area of TBT*), G/TBT/W/163 (*Technical assistance and capacity building in the field of TBT – submission by the EC*), G/TBT/W/164 (*Technical assistance and technical cooperation programme – submission from Indonesia*), G/TBT/W/166 (*Philippines experience in the implementation of the TBT Agreement*) and JOB (01)128 and Add.1-2 (*Compilation of submissions by Members on technical assistance needs and activities*).

3. This non-exhaustive list does not pretend to capture all the existing situations in different developing countries. Members may wish to provide additional information, or choose not to reply to the points they deem irrelevant. The responses to be provided are intended to assist the Committee to further develop its technical cooperation programme. These responses shall bear no legal implication on the status of implementation by Members, nor imply that Members have to undertake further commitments, nor do they prejudice Members' positions with respect to the Agreement or rights and obligations thereunder.

4. Developing country Members are invited to reply to the questionnaire, and forward the responses to the Secretariat no later than 31 July 2002.

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
I.	IN RELATION TO THE IMPLEMENTATION OF THE TBT AGREEMENT			
A.	General Implementation and Administration Issues			
1.	<i>Submission of the statements on the implementation and administration of the Agreement under Article 15.2</i> - To submit the statement following the guidelines contained in document G/TBT/1/Rev.7 to provide the information covered and specified ³			
2.	<i>Measures and arrangements which could assist the implementation and administration of the Agreement by relevant authorities and non-governmental bodies⁴, e.g.:</i> (a) To put in place Arrangements (e.g. legislative, regulatory and administrative action) to achieve an effective implementation and administration of the provisions of the Agreement ⁵ (b) To cooperate and coordinate at the domestic level, and <i>inter alia</i> for the achievement of increased awareness of the TBT requirements at the national level ⁶ (c) To involve all interested parties, including government agencies, authorities, voluntary standards bodies, the private sector and other interested parties to support implementation by national authorities ⁷			
3.	<i>Participation in TBT Committee activities</i> (a) To participate in Committee meetings and other activities, e.g. triennial reviews of the Agreement ⁸ (b) The possibility of using regional representation for participation			
4.	<i>Others</i>			

³ Article 15.2, G/TBT/1/Rev.7 (page 10)

⁴ G/TBT/5 (paragraph 6)

⁵ G/TBT/1/Rev.7 (page 10)

⁶ G/TBT/9 (paragraph 7)

⁷ G/TBT/9 (paragraph 7)

⁸ Articles 13.1 and 15.4

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
B.	Transparency, Consultation and Notification Issues			
1.	Enquiry point (a) To establish an enquiry point(s) as a contact point for information ⁹ (b) To handle requests and cooperate with relevant authorities so as to answer enquiries within an adequate period of time ¹⁰ (c) Possible means to facilitate the functioning of enquiry points (e.g. access to telecommunication network and equipment to enhance electronic transmission of information ¹¹ or regional cooperation ¹²)			
2.	Notifications ¹³ (a) The designation of a single central government authority responsible for the implementation of notification procedures under the Agreement ¹⁴ (b) To put in place measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, provide early information in order to enable to fulfil the notifications obligations ¹⁵ (c) The preparation of notifications (e.g. to determine if a measure needs to be notified and to fill in notifications in the right formats) ¹⁶ (d) To provide opportunities for and consideration of comments from other Members on notifications of drafts technical regulations and conformity assessment procedures (e.g. to provide 60-90 day comment period, to reply to requests for documents or information in a timely manner, to handle and consider comments before adoption of drafts) ¹⁷			

⁹ Articles 10.1 - 10.5, G/TBT/1/Rev.7 (pages 19-21), G/TBT/9 (paragraphs 14-15)

¹⁰ G/TBT/1/Rev.7 (page 21), G/TBT/9 (paragraph 15)

¹¹ G/TBT/1/Rev.7 (page 18), G/TBT/9 (paragraphs 15-16)

¹² G/TBT/9 (paragraph 15)

¹³ Articles 2.9, 2.10, 3.2, 3.3, 5.6, 5.7, 7.2 and 7.3, G/TBT/1/Rev.7 (pages 11-18)

¹⁴ Articles 10.10 and 10.11

¹⁵ G/TBT/1/Rev.7 (page 10, paragraph 2 (e))

¹⁶ G/TBT/1/Rev.7 (pages 11-14)

¹⁷ G/TBT/1/Rev.7 (pages 17)

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
3.	<i>Publications</i> (a) To publish a notice in a publication at an early appropriate stage, to enable interested parties in other Members to become acquainted with draft technical regulations, standards and conformity assessment procedures ¹⁸ (b) To promptly publish adopted technical regulations, standards and conformity assessment procedures ¹⁹			
4.	<i>Others</i>			
C.	Preparation, Adoption and Application of Technical Regulations			
1.	<i>To put in place as well as to maintain a mechanism and/or legal infrastructure (e.g. legislative, regulatory and administrative action) to ensure that Article 2 of the Agreement are applied</i> - such as to ensure that regulatory authorities in your territory are aware of and comply with the disciplines as stated in provisions of Article 2 related to (e.g. non-discrimination, avoidance of unnecessary obstacles to trade, ongoing review of technical regulations and the use of appropriate international standards as a basis for technical regulations) ²⁰			
2.	<i>The awareness of Good regulatory practice</i> - such as to avoid the promulgation of national technical regulations where they are not necessary, limit them to their specific requirements, minimizing the use of mandatory technical regulations and utilizing voluntary international standards, where appropriate, and in accordance the relevant provisions of the Agreement ²¹			
3.	<i>To coordinate between governmental regulatory authorities, trade officials and national standardizing bodies to ensure effective implementation of the provisions of Article 2²²</i>			

¹⁸ Articles 2.9, 5.6, 10.1.5 and paragraph L of Annex 3 of the Agreement

¹⁹ Articles 2.11, 5.8, 10.1.5 and paragraph O of Annex 3 of the Agreement

²⁰ Articles 2.1-2.5, 2.7-2.8, 11.1 and 15.2, G/TBT/1/Rev.7, G/TBT/5 (paragraphs 23-24) and G/TBT/9 (paragraphs 37-38)

²¹ G/TBT/5 (paragraph 23), G/TBT/9 (paragraph 38)

²² G/TBT/5 (paragraph 24 (b))

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
4.	<i>To establish appropriate regulatory bodies or bodies for the assessment of conformity with technical regulations</i> ²³ (taking into account domestic state of development)			
5.	<i>Others</i>			
D.	Preparation, Adoption and Application of Standards			
1.	<i>Standardizing bodies</i> (a) The establishment of national standardizing body(s) ²⁴ (b) The awareness and acceptance of the Code of Good Practice (Annex 3 of the Agreement) by standardizing body(s) ²⁵			
2.	<i>To put in place as well as to maintain a mechanism and/or legal infrastructure to ensure that Annex 3 of the Agreement are applied</i> - Such as to ensure that standardizing body(s) in your territory are aware of and comply with the disciplines as stated in provisions of Annex 3 related to (e.g. non-discrimination, avoidance of unnecessary obstacles to trade, the use of appropriate international standards as a basis for the standards they develop, the preparation of work programmes, the provision of information and opportunities for comments on drafts) ²⁶			
3.	<i>Participation in international standardization</i> ²⁷ (a) To participate in international standardizing activities in areas of particular domestic interest (e.g. to participate in technical committees or working groups or to serve as chairs or secretariats) ²⁸ (b) Possible means to facilitate participation (e.g. to participate in e-format, to raise awareness of and coordinate with relevant domestic bodies, regional cooperation and coordination, or to put in place a national or regional standards strategy) ²⁹			
4.	<i>Others</i>			

²³ Article 11.3.1

²⁴ Article 11.2

²⁵ Article 4

²⁶ Articles 2.1-2.5, 2.7-2.8, 11.1 and 15.2, G/TBT/1/Rev.7, G/TBT/5 (paragraphs 23-24) and G/TBT/9 (paragraphs 37-38)

²⁷ Articles 2.6, 5.5, 11.2, 12.5 and 12.6, Annex 3 of the Agreement, G/TBT/9 (paragraphs 17-25 and Annex 4)

²⁸ G/TBT/9 (paragraph 24)

²⁹ G/TBT/9 (paragraph 25)

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
E.	Preparation, Adoption and Application of Conformity Assessment Procedures			
1.	<i>Infrastructure for conformity assessment</i> (a) To establish appropriate bodies for the assessment of conformity with technical regulations and standards (e.g. testing laboratories, inspection, certification and accreditation bodies), taking into account domestic state of development and sectoral needs ³⁰ (b) To strengthen the technical competence of these bodies so as to enable the acceptance of their conformity assessment results and to participate in international or regional systems for conformity assessment ³¹			
2.	<i>To put in place a mechanism and/or legal infrastructure</i> - To ensure that conformity assessment procedures are prepared, adopted and applied by relevant government and non-governmental bodies in such a way that they comply with the disciplines of the Agreement (e.g. non-discrimination, avoidance of unnecessary trade barriers, the use of relevant international standards, guides and recommendations as well as transparency) ³²			
3.	<i>Recognition of Conformity Assessment</i> (a) To adopt appropriate approaches to facilitate acceptance of the results of conformity assessment (e.g. unilateral recognition of results of conformity assessment procedures conducted by bodies in other Members, the negotiation, conclusion and implementation of mutual recognition agreement, the use of accreditation, government designation and suppliers' declaration) ³³ (b) To permit the participation of bodies located in the territories of other Members in your conformity assessment procedures ³⁴			

³⁰ Articles 11.3.1 and 11.4

³¹ G/TBT/9 (paragraphs 35-36), Articles 11.6-11.7

³² Articles 5, 7 and 8, G/TBT/1/Rev.7, G/TBT/5 (paragraphs 25-29), G/TBT/9 (paragraphs 26-36 and Annex 5)

³³ Articles 6.1-6.3, G/TBT/9 (paragraph 27 and Annex 5)

³⁴ Article 6.4

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
4.	<i>Participation in international and regional systems</i> ³⁵ (a) To establish the institutions/legal framework to enable domestic conformity assessment bodies (governmental or non-governmental) to fulfil the obligations of membership or participation in such systems (b) To meet the requirements in confidence building or proficiency testing programmes in such systems (c) To address common concerns at the regional level ³⁶			
5.	<i>Others</i>			
II.	IN RELATION TO BENEFITING FROM THE TBT AGREEMENT AND CAPACITY BUILDING			
A	Benefiting from the Agreements			
1	<i>Raising awareness</i> ³⁷ - Such as by the private sector, about the rights and benefits of the Agreement, including those relating to the adoption of international standards and the use of enquiry points'			
2.	<i>Dissemination of Information</i> ³⁸ (a) On draft and adopted domestic, foreign, regional and international standards, technical regulations or conformity assessment procedures to assist producers to adapt products and production methods to new requirements ³⁹ and to enhance market access possibilities (b) On notifications to interested parties to obtain their comments (c) Possible means to enhance dissemination of information (e.g. to establish chambers of commerce or other industry associations to act as conduit for information or using electronic transmission of information)			

³⁵ Articles 9, 11.6 and 12.5, G/TBT/9 (paragraphs 35-36)

³⁶ G/TBT/9 (paragraph 35)

³⁷ Preamble of the Agreement, G/TBT/9 (paragraphs 7, 25 and 40)

³⁸ G/TBT/9 (paragraph 16)

³⁹ Article 2.12

	Points for Consideration to Assist the Identification and Prioritisation of Specific Needs in the TBT Field	Current Situation	Specific Problems, Difficulties and/or Interests	Technical Assistance and/or Cooperation Activities Required
3.	<i>Cooperation and coordination with the private sector</i> <ul style="list-style-type: none"> Such as to on the MRAs, equivalence and harmonization arrangements with trading partners, or to assist on the step to be taken if they wish to have access to conformity assessment systems operated by bodies in other Members territories⁴⁰ 			
4.	<i>Others</i>			
B.	Market Access and Capacity Building			
1.	<i>Market access issues</i> <ul style="list-style-type: none"> (a) Specific experience in exports being denied access for reasons relating to standards, technical regulations and conformity assessment requirements of markets (e.g. marking, labelling, sampling, certificates or testing requirements) (b) Specific experience in products having difficulties in meeting foreign requirements (e.g. due to the lack of domestic technical resources and infrastructure such as metrology, calibration or accredited laboratories) 			
2.	<i>Development of a National Strategy</i> <ul style="list-style-type: none"> Such as a national strategy to promote awareness of quality and metrology among stakeholders (e.g. policy makers, conformity assessment practitioners and industry), as well as market surveillance and product liability requirements 			
3.	<i>Others</i>			

⁴⁰ Article 11.5

PRIORITISATION OF NEEDS

A. *What are your top prioritised TBT-related technical assistance, technical cooperation or capacity building needs? (Please also provide explanation or justification for such needs.)*

1. _____
2. _____
3. _____
4. _____
5. _____

B. *Where do these needs fit in terms of your overall trade related technical assistance and capacity building needs (i.e. are any of these needs considered to be a priority at the national level, by relevant domestic authorities, agencies and interested parties)?*

C. *Have you received assistance in these prioritised areas in the past? If yes, when and by whom?*

D. *Are you currently receiving any assistance in these prioritised areas? If yes, by whom?*

E. *Have you approached any donors to assist you in meeting these needs? If yes, when and to whom?*

F. *Can you identify, in your opinion, the donors which would be well suited to assist you with these specific needs? or if you consider technical cooperation or regional arrangement possible solution?*

G. *Any other issues to be addressed.*
