

**THE VARIOUS ASPECTS of ASSISTANCE TO HELP ACP COUNTRY MEMBERS IDENTIFY AND PRIORITISE THEIR SPECIFIC NEEDS IN WTO TBT FIELD**

(Questionnaire adapted by the EU-ACP TBT Programme)

TECHNICAL ASSISTANCE FOR SPECIFIC NEEDS IN THE TBT FIELD	SITUATION ANALYSIS	SPECIFIC PROBLEMS, CONSTRAINTS AND CHALLENGES	TECHNICAL ASSISTANCE AND/OR COOPERATION ACTIVITIES REQUIRED
<b>I. IN RELATION TO IMPLEMENTATION OF THE TBT AGREEMENT</b>			
<b>A. General Implementation and Administration, Transparency, Consultation, Notification, Publication and Negotiation Issues<sup>1</sup></b>			
1.	<p><b>Measure and arrangements which could assist the implementation and administration of the agreement by relevant authorities and non-governmental bodies, e.g.:</b></p> <p>1.1. To put in place arrangements (e.g. legislative, regulatory and administrative actions) to achieve an effective implementation and administration of the provisions of the Agreement</p> <p>1.2. To cooperate and coordinate at the domestic level, and inter alia for the achievement of increased awareness of TBT requirements at the national level</p> <p>1.3. To involve all interested stakeholders (including government agencies, authorities, voluntary standards bodies, the private sector and other interested parties) to support implementation by national authorities.</p>		
2.	<p><b>Participation in TBT Committee activities:</b></p> <p>2.1. To participate in Committee meetings and other activities;</p> <p>2.2. The possibility of using regional representation for participation;</p>		
3.	<p><b>Enquiry point</b></p> <p>3.1. To establish an enquiry point as a contact point for information;</p>		

<sup>1</sup> Documents G/TBT/5, G/TBT/W/197, G/TBT/32

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<p>3.2. Possible means to facilitate the functioning of enquiry points (e.g., access to communication network and equipment to enhance electronic transmission or regional cooperation)</p> <p>3.3. To handle requests and cooperate with relevant authorities so as to answer enquires within adequate period of time</p>			
<p><b>Notifications:</b></p> <p>4.1. The designation of a single central government authority responsible for the implementation of notification procedures under the Agreement</p> <p>4.2. To put in place measures and arrangement to ensure that national and sub-national authorities preparing new technical regulation or procedures for conformity assessment, provide early information in order to enable to fulfil the notifications' obligations</p> <p>4.3. The preparation of notifications (e.g. to determine if a measure needs to be fulfilled and to fill in notifications in the right formats</p> <p>4.4. To provide opportunities for and consideration of comments from other Members on notifications of draft technical regulation and conformity assessment procedures (e.g. to provide 40-60 day comment period, to reply to requests for documents of information in a timely manner, to handle and consider comments before adoption of drafts)</p>			
<p><b>Publications</b></p> <p>5.1 To publish a notice in a publication at early appropriate stage, to enable interested parties in other Members to become acquainted with draft standards, technical</p>			

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<p>regulations and conformity assessment procedures</p> <p>5.2 To promptly publish adopted standards, technical regulations and conformity assessment procedures</p>			
<p>5. <b>Negotiation</b></p>			
<b>B. Preparation, Adoption and Application of Standards</b>			
<p><b>1. Standardising bodies</b></p> <p>1.1. The establishment of national standardising body (s)</p> <p>1.2. The awareness and acceptance of the Code of Good Practice (<b>Annex 3</b> of the Agreement) by standardising body (s)</p>			
<p><b>2. To put in place as well as to maintain a mechanism and/or legal infrastructure to ensure that Annex 3 of the Agreement is applied</b></p> <p>- Such as to ensure that standardizing body(s) in your territory are aware of and comply with the disciplines as stated in provisions of <b>Annex 3</b> 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)</p>			
<p><b>3 Participation in International Standardization</b></p> <p>3.1. 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),</p> <p>3.2. Possible means to facilitate participation (e.g. to participate in e-format, to raise awareness of and coordinate with relevant domestic bodies, regional</p>			

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cooperation and coordination, or to put in place a national or regional standards strategy)			
<b>C. Preparation, Adoption and Application of Technical Regulations</b>			
<b>1. To Implement 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</b> - 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, on-going review of technical regulations and the use of appropriate international standards as a basis for technical regulations) <sup>2</sup>			
<b>2. The Awareness of Good Regulatory Practice</b> - 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 <sup>3</sup>			
<b>3. To Coordinate Between Governmental Regulatory Authorities, Trade Officials and National Standardizing Bodies to Ensure Effective Implementation of the Provisions Of Article 2</b>			
<b>4. To Establish Appropriate Regulatory Bodies or Bodies for the Assessment of Conformity with Technical Regulations (taking into account domestic state of development)</b>			

<sup>2</sup> 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)

<sup>3</sup> G/TBT/5 (paragraph 23), G/TBT/9 (paragraph 38)

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<b>D. Preparation, Adoption and Application of Conformity Assessment Procedures</b>			
1.	<p><b>Infrastructure for Conformity Assessment</b></p> <p>1.1. 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 sectorial needs</p> <p>1.2. 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</p>		
2.	<p><b>To put in place a mechanism and/or legal infrastructure</b></p> <p>2.1 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)</p>		
3.	<p><b>Recognition of Conformity Assessment</b></p> <p>3.1 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)</p> <p>3.2 To permit the participation of bodies located in the territories of other Members in your conformity</p>		

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assessment procedures			
<b>4. Participation in international and regional systems</b> 4.1 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 4.2 To meet the requirements in confidence building or proficiency testing programmes in such systems 4.3 To address common concerns at the regional level			
<b>II. IN RELATION TO BENEFITING FROM THE TBT AGREEMENT AND CAPACITY BUILDING</b>			
<b>A. Benefiting from the Agreements</b>			
<b>1. Raising awareness</b> - 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'			
<b>2. Dissemination of Information</b> 2.1 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 and to enhance market access possibilities 2.2 On notifications to interested parties to obtain their comments 2.3 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)			

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<p><b>Cooperation and coordination with the private sector</b></p> <ul style="list-style-type: none"> <li>- Such as to on the mutual recognition of agreements – 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 territories</li> </ul>			
<b>B. Market Access and Capacity Building Issues</b>			
<p><b>1. Market access issues</b></p> <p>1.1. 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)</p> <p>1.2. 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)</p>			
<p><b>2. Development of a National Strategy</b></p> <ul style="list-style-type: none"> <li>- 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</li> </ul>			
<p><b>3. Others</b></p>			