



Department
for Business
Innovation & Skills

UK TBT ENQUIRY POINT

Operation and Management of the UK TBT Enquiry Point - Set Up and Challenges

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Overview

- Organisational set up of UK TBT Enquiry Point
- Core Activities
- Key Challenges for the UK
- The WTO TBT Agreement
- Notification Procedure/Notification Obligations
- Conclusions
- Questions



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Trade Policy Unit (TPU)

- TPU located in the Europe, Trade and International Directorate (ETID) of BIS
- Joint Unit between BIS and the Department for International Development (DfID)
- UK TBT Enquiry Point is part of the International Market Access Team of the TPU



UK TBT Enquiry Point – Core Activities

- Fulfil the notification requirements of the WTO TBT Agreement
- Respond to technical enquiries
- Distribute WTO TBT notifications to business, trade associations and other Government Departments





UK TBT Enquiry Point

- 1 Senior Policy Advisor:
 - Policy lead TBT
 - International market access lead for CIS countries and Eastern Europe (non- EU Member States), USA and Canada
 - Market access lead official for the drinks industry for all international markets
- Admin support from team Administration Officer



UK TBT Enquiry Point

- Advice on draft technical regulations and notifications to TBT Committee
- Enquiries from third countries
- Consult business and circulate TBT notifications to interested parties
- Case work
- Provide advice on all TBT issues



UK TBT Enquiry Point

- Engage with EU Commission colleagues in DG TRADE and DG ENTERPRISE
- Work closely with Market Access Advisory Committee (MAAC) Colleagues
- TBT Committee Meetings Geneva
- EU Member State TBT Enquiry Point meetings Brussels

Key Challenges for the UK

- Maintain an effective, active TBT Enquiry Point with limited resources
- Balance TBT priorities with demands arising from wider market access responsibilities – without detrimental effect on either area of work. Not easy!





EU Competence

- EU Member States are WTO Members in their own right, but the EU has competence and the EU Commission “speaks” on behalf of all EU Member States
- Consequently, the UK TBT Enquiry Point operates differently to the way in which Enquiry Points outside of the EU operate, as all our dialogue with other WTO Members regarding the notification procedure has to be done via the EU

Consulting Business

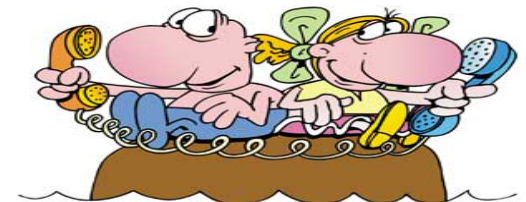
- Circulate to businesses and policy leads in other Government Departments details of TBT notifications for products and sectors in which they have expressed an interest
- Take proactive role in contacting new trade associations and adding to our database of contacts
- Feed comments and concerns to EU Commission so that the EU may question or challenge a proposed measure



Consulting Business

- Build a constructive relationship with your industry contacts – keep them informed of progress regarding issues you pursue on their behalf
- Do the same for your policy lead contacts in your Ministries
- In doing so you will build on the reputation of your Enquiry Point

Keep In Touch!





Consulting Business

- *“Many thanks for circulating this helpful note. This is another illustration of the value of the TBT mechanism in putting pressure on trading partners to justify their measures”* – Scotch Whisky Association (SWA), Deputy Director Asia Pacific & WTO International Affairs
- *“Very helpful indeed, many thanks for keeping us posted. It’s increasingly clear that the TBT Committee is an excellent forum for getting some of these tricky technical issues raised and discussed”* – SWA, Director of International Affairs
- *“Many thanks for the update. I am pleased that the issue is being kept on the table in Geneva”* – Manager International Affairs, Tata Steel

Handling Technical Enquiries

- Acknowledge receipt of technical enquiries within 2 business days of receipt and advise that enquiries are being made
- Identify nature of enquiry
- Conduct research and issue requests for information as appropriate
- Set reminder to check if response has been received – chase if necessary
- Upon receipt of information issue response to enquirer
- Record details of enquiry and file





Advice on the TBT Notification Procedure

- Review draft technical regulations and advise if notification should be made to the WTO
- If notification necessary inform regulator of necessary procedures – notification form completion, comment period, obligation to respond to all written comments received, provision of electronic version of draft regulation to accompany notification, need to notify final text as an addendum to original notification



Bilateral approach working with UK Trade and Investment (UKTI), UK Embassies and the EU Market Access Advisory Committee (MAAC)

- UKTI – UK government department supporting UK firms to do business internationally and overseas enterprises seeking to set up or expand in the UK
- BIS and UKTI have a number of services to help tackle and remove barriers to trade being faced by UK exporters in non-EU countries

UK
TRADE &
INVESTMENT





Bilateral approach working with UK Trade and Investment (UKTI), UK Embassies and the EU Market Access Advisory Committee (MAAC)

- Using the Embassy network and contacts in national governments we explore solutions to barriers to trading in overseas markets
- MAAC – relationship between EU Commission/Member States/industry
- The partnership in action – working together





The WTO Technical Barriers to Trade (TBT) Agreement

- One of the family of WTO Agreements that emerged from the 1994 Uruguay Round of trade talks. Came into force on 1st January 1995
- All WTO Members are parties to the TBT Agreement
- EU Member States are WTO Members in their own right, but the EU has competence. EU Commission “speaks” on behalf of all EU Member States
- EU notifies EU measures when the measures concerned are being made at EU level
- EU Member States responsible for making their own national TBT notifications



The TBT Agreement

- The TBT Agreement is intended to ensure that technical regulations, standards and conformity assessment procedures (for agricultural as well as industrial goods) do not constitute unnecessary or disproportionate barriers to international trade
- Technical regulations and standards may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements





The TBT Agreement - Definitions

- Technical regulations, standards and conformity assessment procedures are all defined terms under the Agreement:
 - **Technical regulations** are measures with which compliance is *mandatory*
 - **Standards** are measures with which compliance is *voluntary*
 - **Conformity assessment procedures** are procedures used to determine that relevant requirements in technical regulations or standards are fulfilled



Notification Obligations Under the TBT Agreement

Technical regulations and conformity assessment procedures must be notified to the WTO TBT Committee if:

- A relevant international standard does not exist or the measure is not in accordance with the relevant international standard;
- and**
- The measure may have a significant impact on international trade



Notification Obligations Under the TBT Agreement

WTO Members must allow:

- Reasonable time for other WTO Members to make comments in writing (minimum 60 days)
- Upon request discussion of comments
- Take written comments and result of discussion into account



Significant Impact on International Trade?

Import-enhancing *or* import reducing effects:

- Value or importance of import
- Potential growth of imports
- Difficulties to comply with the requirements
- The impact can be positive or negative – the important point is the effect must be ***significant***

Timing of Notifications

- Proposed measure is still in draft format
- At an early appropriate stage
- When amendments can still be introduced and comments taken into account
- Exception to the above: adoption of measure for **urgent** reasons





TBT Obligations

- Those making regulations must ensure that they consult the Enquiry Point in good time – bearing in mind that:
 - it may be necessary for the Enquiry Point to seek legal advice
 - should the measure require notification to the WTO the regulator will need to go through the notification completion process and allow a comment period of at least 60 days



Decision to Notify

- The Enquiry Point will advise those responsible for making regulations whether or not the draft regulation falls within the ambit of the TBT Agreement and if notification to the WTO is necessary.
- The Enquiry Point can only *advise*. Ultimately, the decision of whether or not to notify rests with those responsible for making the regulations – and they must be prepared to live with the consequences of their decisions!

Conclusions

- The key to managing a successful enquiry point hinges on the way in which you manage your time and resources
- Raise awareness of the TBT Enquiry Point – work in partnership with your Ministries
- Build a network of contacts with all your stakeholders
- Consult your industry and policy leads – circulate TBT notifications to ensure you can best represent Serbia's interests in the WTO
- Keep your industry and policy contacts informed of developments on the issues you are pursuing on their behalf





Useful Links

- WTO website: <http://www.wto.org>
- EU Commission website:
<http://ec.europa.eu/enterprise/tbt>





Thank you for your attention!

