



TBT PROGRAMME
OVERCOMING TECHNICAL BARRIERS TO TRADE



ACP-EU TBT Programme

“Promotion of Quality Standards and Certification for Handicrafts from Ghana and Sierra Leone”

“International and EU Rules on TBT”

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*Accra, Ghana
October 20, 2016*

International and EU Rules on TBT

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International and EU Rules on TBT

1. What's TBT?

□ Technical Barriers to Trade (TBT)

- A category of non-tariff barrier to trade.
- Technical barriers to trade result from the preparation, adoption and application of different standards, technical regulations and conformity assessment procedures.

If a producer in country A wants to export to country B, he will be obliged to satisfy the technical requirements and specifications that apply in country B, with all the financial consequences this entails.



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2. International Rules

❑ What is the difference between TBT and SPS measures?

TBT Measures	SPS Measures
Human disease control (unless it's food safety)	Protect human or animal health from food-borne risks
Nutritional claims	Protect human health from animal- or plant-carried diseases
Food packaging	Protect animals and plants from pests or diseases
Examples: <ul style="list-style-type: none">➤ pharmaceuticals➤ labelling (unless related to food safety)➤ pesticide handling or quality➤ seat belts	Examples: <ul style="list-style-type: none">➤ microbiological contamination of food➤ pesticide or veterinary drug residues➤ food additives

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2. International Rules

□ The WTO Agreement on Technical Barriers to Trade (TBT Agreement)

- Since the establishment of the World Trade Organization (WTO) in 1995 and the entry into force of the TBT Agreement, WTO member countries are required to ensure that national technical regulations, standards, and conformity assessment procedures do not create unnecessary obstacles to trade.
- The Agreement calls for:
 - the use of international standards as basic prerequisites for market access.
 - The application of the non-discrimination rules: Most favored Nation treatment or MFN (treating various products alike) and national treatment (treating domestic and foreign products alike).
 - Avoidance of unnecessary obstacles to trade
 - ✓ Members of the WTO may take measures necessary to ensure the quality of its exports, or for the protection of human, animal, and plant life or health, of the environment, or for the prevention of deceptive practices, at the levels it considers appropriate".
 - ✓ WTO Members have to ensure that those measures are not applied for protection or discrimination purposes.



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2. International Rules

□ The WTO Agreement on Technical Barriers to Trade (cont'd)

- Transparency: Members have to notify these measures to the WTO through their enquiry point.
 - ✓ Manufacturers and exporters need to know what the latest standards are in their prospective markets.
 - ✓ To help ensure that this information is made available conveniently, all WTO member governments are required to establish national enquiry points and to keep each other informed through the WTO.
- The procedures used to decide whether a product conforms with relevant standards have to be fair and equitable.
- The agreement also sets out a code of good practice for both governments and non-governmental or industry bodies to prepare, adopt and apply voluntary standards.
- The agreement encourages countries to recognize each other's procedures for assessing whether a product conforms.
- Developing countries needs should be taken into account.



As members of the WTO, Ghana and Sierra Leone are bound by the TBT rules, the violation of which is subject to the WTO Dispute Settlement Body.



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2. International Rules

□ Standards

- Standards are voluntary guidelines or rules (WTO)
- A standard is a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose (International Organization for Standardization)
- Standards may simply set out the size, functions, performance and other characteristics of the product as well as how it is labelled or packaged before it enters the marketplace.
- The standards are costly, may vary from country to country and may affect international trade.
- A standard is a **voluntary** specification or measure applied on foreign trade. That means that it is not mandatory to apply it, it has an optional aspect.
- Certain standards are made compulsory by laws and regulations that make compliance with them mandatory.

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2. International Rules

□ Technical regulation

- A technical regulation is a mandatory requirement laying down product characteristics or their related processes and production methods (WTO).
- It is a **mandatory measure** or specification and if the exporter or the importer doesn't abide by it, he will not be able to access markets.
- Technical regulations may be developed for legitimate objectives, such as:
 - ✓ National security requirements
 - ✓ Prevention of deceptive practices
 - ✓ Protection of human health or safety, animal or plant life or health
 - ✓ Protection of the environment
- **Technical regulations** and **standards** may govern size, shape, design, function and performance. They can concern packaging, marketing and labelling requirements, procedures for testing and certifying compliance with these regulations and standards.

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2. International Rules

□ Conformity Assessment Procedures

- Conformity assessment procedures are technical procedures applied to ascertain whether standards and technical regulations are met.
- They include testing, certification, sampling, inspection evaluation, registration, accreditation and approval.
- Where possible, conformity assessment should take place at the place of the facilities.
- Procedures should be completed as quickly as possible.
- Where possible, WTO Members may accept results of conformity assessments of other Members, even if procedures differ, provided they offer an equivalent assurance of conformity.

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3. EU Rules

□ Standards

- European Standards (ENs) are documents that have been ratified by one of the three European Standardization Organizations (ESOs) recognized by EU regulations as competent in the area of voluntary technical standardization
 - ✓ The European Committee for Standardization (CEN),
 - ✓ The European Committee for Electrotechnical Standardization (CENELEC)
 - ✓ The European Telecommunications Standards Institute (ETSI)

- ❖ The Ghana standards authority (GSA) is a certification and inspection body that works as the secretariat to facilitate the issuance of national standards and the adoption of international standards.
- ❖ In Ghana, there is no standards for handicrafts.
- ❖ GSA export certification is mandatory even for handicrafts.



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3. EU Rules

□ Technical regulations

- All draft technical regulations are subject to the EU Directive 2015/1535
- Technical regulations include:
 - ✓ technical specifications;
 - ✓ other requirements;
 - ✓ rules on services; and
 - ✓ regulations prohibiting the manufacture, importation, marketing or use of a product or prohibiting the provision or use of a service, or establishment as a service provider.
- 'product' means any industrially manufactured product and any agricultural product, including fish products.
- 'technical specification' is a specification contained in a document which lays down the characteristics of a product such as dimension, labelling, packaging, level of quality, conformity assessment procedures etc. This term also covers production methods and processes.
- 'Other requirements' means requirements imposed on a product for the purpose of protecting for instance consumers or the environment and which affects its life cycle once placed on the market, such as conditions of use, reuse or recycling. These conditions have however to influence significantly the composition or nature of the product or its marketing.

International and EU Rules on TBT

3. EU Rules

□ Conformity Assessment Procedures

- A manufacturer can only place a product on the EU market when it meets all the applicable requirements.
- Therefore, a conformity assessment procedure is carried out before the product can be sold (EC). It consist of the following:
 - The conformity of a product is assessed before it is placed on the market.
 - It needs to demonstrate that all legislative requirements are met.
 - It includes testing, inspection and certification.
 - The procedure for each product is specified in the applicable product legislation.

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3. EU Rules

□ Conformity Assessment Procedures (cont'd)

- As part of conformity assessment, the manufacturer or the authorized representative must draw up a Declaration of Conformity (DoC). The declaration should contain all information to identify:
 - ✓ The product
 - ✓ The legislation according to which it is issued
 - ✓ The manufacturer or the authorized representative
 - ✓ The notified body if applicable
 - ✓ A reference to harmonized standards or other normative documents, where appropriate.
- The European Commission's main objective is to help ensure that unsafe or otherwise non-compliant products do not find their way to the EU market.
- Objectives of the conformity assessment procedure
 - ✓ To demonstrate that a product being placed on the market complies with all legislative requirements.
 - ✓ The procedure should ensure confidence of consumers, public authorities and manufacturers regarding the conformity of products.

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4. Sources

- ❑ <https://standards.cen.eu/dyn/www/f?p=CENWEB:105::RESET>
- ❑ http://ec.europa.eu/consumers/consumers_safety/product_safety_legislation/general_product_safety_directive/index_en.htm
- ❑ <http://wfto.com>
- ❑ <http://www.oecd.org/tad/ntm/technicalbarrierstotrade.htm>
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- ❑ <http://www.iso.org/iso/home/standards.htm>
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- ❑ https://ec.europa.eu/growth/single-market/goods/building-blocks/conformity-assessment_en



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THANK YOU

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Project funded by the EU at the request of the ACP Group

