

DRAFT WORK PROGRAMME

CEFTA Subcommittee on Technical Barriers to Trade and Non-Tariff Barriers to Trade

2015

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INTRODUCTION

The objective of this document is to present a one year Work Programme for 2015 under the Chairmanship of the Republic of Serbia.

CEFTA Structures have indentified trade facilitation and liberalisation of trade in services as two main priorities for the period of 2014-2020. Such bi-prioritisation of the upcoming period in the implementation of CEFTA has also been reflected in the actions underlined by the South East Europe 2020 Strategy.

In addition, Serbia is committed to continue with the work of its predecessors and the activities in this Work Programme are also based on the main mandate of this Subcommittee and priorities outlined in the three-year Strategic Work Programme of the Subcommittee on NTBs and TBT for the period 2013-2015.

In this framework, the CEFTA Parties have also agreed that CEFTA Subcommittees on Customs and Rules of Origin, Agriculture and SPS, and Technical Barriers to Trade and NTBs are to work under the objective of trade facilitation, and extend the scope of cooperation with each other while dealing with the different aspects of trade facilitation in relation to the areas under their mandates.

Furthermore, CEFTA Parties have agreed to establish Committee of Trade Facilitation which the three Subcommittees will report to on matters covered by the ToRs of the Committee of Trade Facilitation.

In addition, CEFTA Parties have agreed to launch negotiations for a framework agreement with the following scope:

- a. Simplification of inspections related to all clearance procedures, and reducing formalities to the possible maximum extent,
- b. Determining the means and obligations of exchange of data between customs authorities to the extent that each national legislation allows.
- c. Recognizing mutually national Authorized Economic Operators Programmes in each CEFTA Party provided that both legislation and implementation of each national programme is fully in line with the relevant EU acquis.
- d. Recognizing EU Authorized Economic Operators by each CEFTA Party

According to the work plan agreed in 2014, the negotiations of framework agreement are expected to start in January 2015 and to finish by the end of 2015.

Furthermore, there are two upcoming Technical Assistance Projects of which the CEFTA Structures are to be directly beneficiaries in the area of trade facilitation.

The first project is to be financed by the GIZ, and will be about “Addressing Market Access Barriers in Selected Supply Chains in CEFTA”. The project is to be implemented by UNCTAD and ITC. The main objectives of the project are to identify the main trade distorting market

access barriers in all stages (i.e. before the border, at the border and behind the border measures) and to provide recommendations for their eventual elimination. In the implementation of the project, the participation of private sector representatives is to be strongly encouraged, particularly in the stage of identification of market access barriers. Implementation of the Project is expected to start early 2015 and to last until mid 2016.

The second project is to be financed by the EU in the framework of IPA II Multi-beneficiary programmes. The EU-financed Trade Facilitation Project in CEFTA is to have three different components. The first component is to be about addressing and eliminating main trade distortive TBT and NTBs in CEFTA trade, with a particular focus on the behind-the-border measures in the EU non-regulated areas (e.g. distribution, advertisement or labelling requirements, or the requirements of warranty period). The second component is to provide technical assistance to CEFTA Parties in the implementation of Framework Agreement, if it is signed with the scope written above. In this regard, it is expected that the EU TF Project will provide technical assistance for strengthening the implementation of AEO Programmes, risk management systems of border agencies, and electronic exchange of data. The last component is to be about preparing documentary requirements maps to identify redundant and overlapping data submission requirements in CEFTA Parties.

Thus, it is of crucial importance that the three CEFTA Subcommittees work in close interaction with each other while taking actions under the areas of their mandate with an aim to contribute reaching the expected results of CEFTA-SEE 2020 Trade Facilitation related priorities.

Therefore, in 2015 the Working Programmes of three Subcommittees have a joint introduction and synchronised overall objectives in order to ensure a strong basis for coordinated actions by Chairmanships of three Subcommittees throughout 2015.

1. THE SUBCOMMITTEE AS A PART OF CEFTA STRUCTURES

1.1. Mandate and scope

The task of the CEFTA Subcommittee on Technical Barriers to Trade and Non-tariff Barriers to Trade, which was established by the Joint Committee Decision No. 5/2007, is to identify, review and propose measures for elimination of technical and non-tariff barriers to trade among the CEFTA Parties.

Its main mandate is to:

- exchange information on a regular basis to identify and review complaints in each Party concerning NTBs and propose appropriate procedures to eliminate barriers to trade;
- propose timetables for elimination of NTBs;

- exchange views, on a systematic basis, on appropriate domestic institutional arrangements to eliminate NTBs in each Party in order to ensure the adoption of best practices;
- identify and oversee the elimination of unnecessary technical barriers to trade in accordance with Article 13.2 of the Agreement;
- encourage harmonisation, where appropriate, of technical regulations, standards and procedures for assessment of conformity with those of the European Union;
- encourage recognition of conformity assessment documents made by the accredited Conformity Assessment Bodies;
- prepare and present an annual report on identifying, reviewing and proposing measures for eliminating TBTs and NTBs, based on the individual reports prepared by the Parties in accordance with a common structure/template.

The Working Group on TBT is functioning under the framework of the Subcommittee. Its mandate is, among others, to:

- (i) keep under review the achieved harmonization of technical regulations, standards and procedures for assessment of conformity with those of the EU, in accordance with the Article 13:3.b;
- (ii) encourage the negotiations to conclude the plurilateral agreements among the Parties in the area of mutual recognition of the conformity assessment,
- (iii) timely inform the Joint Committee on any notification received by the CEFTA Party on new technical regulation or standard prior to its adoption in accordance with the Article 13:3.b;
- (iv) improve the technical cooperation and networking in all quality infrastructure disciplines (metrology, standardization, conformity assessment, accreditation and market surveillance).

1.2. CEFTA Ministerial Conclusions of 2014 in relation to trade facilitation and Subcommittee on TBT and NTBs

In its latest meeting of November 2014, the CEFTA Ministers declared that that CEFTA Parties agree to launch negotiations with an aim to conclude a framework agreement between Customs Administrations of CEFTA Parties for simplification of inspections, exchange of data, and cooperation of trade partnership programmes by the end of 2015. Though, the framework agreement is stated to be signed between Customs Administrations of CEFTA Parties, the scope of negotiations, in particular the one related to simplification of inspections related to all clearance procedures, will require the participation of agencies involved in clearance stages.

To conclude the negotiations of framework agreement by the end of 2015 is an important milestone in the trade facilitation related priorities of CEFTA/SEE 2020. Given the overall importance of ensuring effective TBT related inspections at the borders, the active

involvement of Technical Agencies of CEFTA Parties through Subcommittee on TBT and NTBs in the negotiation process of framework agreement will be crucial to reach the expected results of trade facilitation.

The Ministers reiterated that the positive role which trade facilitation is to play in promoting regional trade by decreasing cost and time to trade in the Region. They have emphasised that trade facilitation requires a high level of policy coordination between different Ministries in the national level and thus it requires Ministries for Trade/Economy to lead such policy coordination process with an aim to facilitating trade while Customs Authorities are better placed to deal with technicalities thereof.

In the context of trade facilitation, CEFTA Ministers have confirmed that risk management is to be at the centre of trade facilitation efforts in CEFTA, and all trade facilitating and simplification measures including exchange of data.

Such conclusions have basically drawn the main framework of trade facilitation related priorities and actions of the Serbian Chairmanship of Subcommittee on TBT and NTBs in 2015.

2. OBJECTIVES OF THE CHAIRMANSHIP

The Republic of Serbia has identified **the objectives** of its Chairmanship of CEFTA Subcommittee on TBT and NTBs as follows:

- 1) To participate in the negotiations of Framework Agreement on simplifications of clearance procedures and electronic exchange of data, and to steer all the actions for enhancing transparency in CEFTA under the objective of trade facilitation,
- 2) To promote trade through identifying the regional instruments for better preferential access of products originated from CEFTA.

3. PRIORITIES OF THE CHAIRMANSHIP

The Chairmanship of Serbia has identified two priorities in relation to trade facilitation, and one priority under the objective of trade promotion.

Main Priorities:

Trade Facilitation

Priority 1: Ensuring the participation of TBT Authorities of CEFTA Parties in negotiations of the framework agreement through the Subcommittee to reach a jointly agreed text of Framework Agreement in the following:

- Scope, and legal conditions and administrative formalities for simplifications which operators may benefit in pre-clearance stages for TBT related inspections.
- Scope, and legal conditions and administrative formalities which (pre-arrival) data are to be exchanged electronically at the national level between TBT Authorities and customs authorities which can then be partially or fully exchanged bi-laterally with a view to ensuring simplifications in clearance, and strengthening deterrence of security and safety controls done of border agencies
- Scope and content of regional electronic databases which can be part of the Framework Agreement and which TBT authorities may benefit
- Scope and content of a list of inspections which TBT authorities undertake in line with their mandate which can be recognized by the Customs Authorities in validation of AEOs at the national level.

Priority 2: Addressing the main trade distortive non-tariff measures and Enhancing Transparency

In this regard, the Chairmanship of Serbia considers the Subcommittee on TBT and NTBs as the focal CEFTA Structure for the GIZ financed project “Addressing Market Access Barriers in Selected Supply Chains”. Thus, the Serbian Chairmanship sees the Subcommittee’s role to play in steering the GIZ project which is to be implemented by UNCTAD and ITC very critical for the success of the project.

The Subcommittee will therefore not only provide a discussion platform for identifying and analyzing most trade distortive market access barriers in relation to TBT in CEFTA trade but also will be the main CEFTA Structure to coordinate the contribution of other CEFTA Subcommittees to the project.

In this framework, the Chair of Subcommittee will coordinate actively the implementation of the Project with Chairs of Subcommittees Agriculture and SPS, and Customs and Rules of Origin, and ensure substantiated contributions and feedback from CEFTA Parties during the project implementation.

With regard to the previous activities undertaken on quality infrastructure, the Working Group on TBT will continue to be a platform for network between Technical Agencies. In this framework, the continuation of Quality Infrastructure Project to be financed by SIDA will be the main facilitator.

In order to enhance transparency the Working Group on TBT will continue its efforts on electronic notification of draft technical regulation using newly developed TBT Platform. Sustainable Mechanisms for administration of TBT Platform should be ensured.

Promotion of Trade in Industrial Sectors

Priority 3: Advocating the Pan-Europe Mediterranean Convention and its opportunities for diagonal cumulation as a tool for promotion of trade in industrial sectors

The Chairmanship of Serbia considers the PEM Convention and the integration of CEFTA diagonal cumulation zone with the EU, Turkey and EFTA States under the PEM Cumulation Zone as an important opportunity of trade in industrial products. In this regard, the introduction of the PEM Convention and diagonal cumulation from trade promotion point of view is an important step not only to increase awareness of the economic operators in the Region with regard to the PEM Convention but also will increase the chance of elaborating “policy positions” in the relevant sectors for the Region in the ongoing negotiations for the revision of the PEM Convention.

4. ACTIVITIES OF THE CHAIRMANSHIP

Objective 1: Trade Facilitation:

Priority 1: Participation of TBT Authorities of CEFTA Parties in negotiations of the framework agreement

Activity 1: Advocating Coordination between TBT Authorities and Customs Authorities at the national level in each CEFTA Party for negotiations of the Framework Agreement

The Chairmanship of Serbia considers the coordination between customs authorities and TBT Authorities as decisive for the success of negotiation process. In particular, the TBT Authorities in each CEFTA Party should be able to produce their national negotiation positions for scope, and legal conditions and administrative formalities for simplifications which operators may benefit in pre-clearance stages for TBT related inspections. Furthermore, TBT Authorities should establish its national negotiation positions regarding scope, and legal conditions and administrative formalities which (pre-arrival) data are to be exchanged electronically at the national level between TBT Authorities and customs authorities which can then be partially or fully be exchanged bi-laterally with a view to ensuring simplifications in clearance, and strengthening deterrence of security and safety controls done of border agencies. Thirdly, TBT Authorities are expected to agree on the scope and content of regional electronic databases which can be part of the Framework Agreement and which TBT authorities may benefit.

And lastly, scope and content of a list of inspections which TBT authorities undertake in line with their mandate which can be recognized by the Customs Authorities in validation of AEOs at the national level is expected to be developed collectively by the TBT Authorities and Customs Authorities during the implementation of the Framework Agreement provided that its negotiations are concluded successfully and the Agreement is signed.

In order to start the negotiations in January 2015, the Chairmanship will send a letter to each CEFTA Party and invite them to organize their national coordination meetings with the Customs Authorities for the negotiations.

The letter of Chairmanship will include a list of concrete actions which need to be taken by each CEFTA Party with specific deadlines for feedback which is to be reported to the Subcommittee.

The Chairmanship of Serbia is committed to undertake an active follow-up of the letter to be sent, and will be ready to contact the high management of TBT Authorities in each CEFTA Party to facilitate the process, if necessary.

Activity 2: Technical Assistance on electronic exchange of data to support CEFTA Parties in their negotiation process of signing a Framework Agreement

Technical assistance regarding IT specific issues on electronic exchange of data, coand regional databases is to be provided to the CEFTA Parties Customs authorities and technical agencies including SPS and TBT in order to support their national preparations for the negotiations. In this regard, there will be a kick-off meeting in Podgorica on 3 February 2015. Although, this meeting is to be summoned by the CEFTA Subcommittee on Customs and Rules of Origin, a representative from TBT Authorities of each CEFTA Party is to be invited to give a start to the preparations of scope, types and formalities of data exchange and electronic databases. The Subcommittee on TBT and NTBs will give a full support to the kick-off and facilitate the participation of TBT authorities to the kick-off meeting.

Activity 3: Negotiations of Framework Agreement in relation to TBT related to procedures

The Serbian Chairmanship considers Subcommittee meetings as the main platform to hold negotiations between TBT Authorities regarding simplifications, data exchange, and regional databases.

The Chairmanship will therefore pay utmost attention that each CEFTA Party is to elaborate its national negotiation position before the Subcommittee meetings which are planned to be held in May and October 2015. It is planned that Subcommittee on TBT and NTBs will have two meetings prior to the joint session of three Subcommittees in May and October 2015, which will serve as the negotiation rounds.

Priority 2: Addressing the main trade distortive non-tariff measures in selected supply chains and Enhancing Transparency

Activity 4: Coordinating CEFTA Subcommittees for the Implementation of GIZ financed project on “Addressing main trade distortive non-tariff measures in selected supply chains”

The Chairmanship of Subcommittee on TBT and NTBs will coordinate the relevant CEFTA structures contributions to the implementation of the project “Addressing Market Access Barriers in Selected Supply Chains” with an aim to benefit from the project at maximum. In this regard, the Chairmanship of Serbia will also liaise with the GIZ and Project Implementation Team from UNCTAD and ITC in order to ensure the active participation of CEFTA Structures in each meeting to be organised thereunder. In particular, the Chairmanship of Serbia considers beneficial to organise private sector advisory groups under the implementation of project where the dialogue with private sector on identifying NTBs could be developed and enhanced.

Activity 5: Sustaining Networking between TBT Authorities in the Framework of Quality Infrastructure Project:

The Chairmanship of Serbia will closely follow the state of play regarding the continuation of “Quality Infrastructure Project in Western Balkans and Turkey” to be financed by SIDA. Once the implementation of the project starts, the Chairmanship will continue to organise back-to-back meetings of Working Group on TBT to discuss CEFTA related matters in the framework of the said project, if it is still feasible.

Activity 6: Enhancing Transparency

The Chairmanship of Serbia will do its best efforts to utilise the market access barriers recorded in the CEFTA Market Access Barriers Database as one of the main sources of information for the Project. In this regard, the Chairmanship will take an active role in encouraging the Parties to keep the recorded cases in the database updated, and to file all the bi-lateral issues in the database exhaustively.

Together with the CEFTA Secretariat, effort shall also be made toward the improvement of technical characteristics of the CEFTA Market Access Barriers Database e.g. cross-referencing generated reports/charts (cases by Party applying measures/cases by status, cases by reporting Party/cases by sector/cases by problem category etc.). In addition, training of relevant TBT authorities on implementation of notification procedures and raising awareness on importance of notification should be developed.

The Sub Committee on TBT and NTBs will also maintain regular contact with CEFTA Forum of Chambers of Commerce.

Objective 2: Promotion of Trade

Priority 3: Advocating the Pan-Europe Mediterranean Convention and its opportunities for diagonal cumulation as a tool for promotion of trade in industrial sectors

Activity 7: Organising CEFTA Conference on Promoting Trade through PEM Convention in Textile and Clothing:

The Chairmanship of Serbia will organize a CEFTA Conference to introduce all the opportunities offered by the PEM Convention and diagonal cumulation thereunder for the purpose of promote trade in textile and clothing manufacturing. The Conference is also expected to provide a discussion platform between Ministries for Economy, Trade, and Customs, and the relevant private sector with regard to the revision process of PEM Convention and its list rules.

5. EXPECTED RESULTS

The results of the Serbian Chairmanship are expected to lead to the following outcomes corresponding to the two objectives mentioned above:

1) Trade Facilitation

- Text of Framework Agreement is agreed by the CEFTA Parties which provides provisions for simplification of TBT related clearance procedures, and electronic exchange of data on TBT
- Exploratory Discussions initiated to prepare a list of TBT related inspections which would be part of the AEO verification inspections by Customs Authorities
- Main Trade Distortive Market Access Barriers are indentified and analysed
- CEFTA Transparency Pack, in particular CEFTA Market Access Barriers Database and TBT Platform are kept updated.

2) Promotion of Trade:

- Economic operators in Textile and Clothing Manufacturing in CEFTA Parties are fully aware of the PEM Convention, and opportunities which the PEM Convention may offer in trade.
- CEFTA Parties have a better opportunity to substantiate regional positions on Textile and Clothing Manufacturing in the negotiations of the revision of PEM Convention.

6. RISKS AND ASSUMPTIONS

The Chair foresees that the following issues are out of its control but assumes that any

negative development thereon which may endanger the smooth functioning of the Agreement will be prevented by the joint effort of each CEFTA Party.

- Each CEFTA Party remains committed to the CEFTA process and its provisions.
- Coordination meetings between Customs Authorities and Technical Agencies including SPS and other technical authorities at the pre-clearance stages are held on time in each CEFTA Party
- Governmental agencies whose contribution is necessary to the work of the Subcommittee will have the sufficient level of resources (human resources and time) available for the Subcommittee.
- International donors remain committed to support financially the CEFTA.

7. CALENDAR OF EVENTS

The tentative calendar for the year 2015 is as follows:

MEETING/EVENT	DATE	PLACE
Kick-off meeting of Technical Assistance to CEFTA Structures on Negotiations of Framework Agreement in Customs	3 February 2015	Podgorica
Meeting of the WG on TBT	May	To be determined later
Meetings of Subcommittees on Customs and Rules of Origin, Agriculture and SPS, and TBT and NTBs	26 May 2015	Podgorica
1 st Round of Negotiations of Framework Agreement	27 May 2015	Podgorica
Meeting of the WG on TBT	September	To be determined later
Promotion of Trade Conferences on Textile and Clothing	3 rd Week September	Belgrade
Meetings of Subcommittees on Customs and Rules of Origin, Agriculture and SPS, and TBT and NTBs	22 or 29 October 2015	Podgorica
2nd Round of Negotiations of Framework Agreement	27 October 2015	Podgorica
Meeting of the WG on TBT	December	Belgrade
CEFTA-GIZ meetings on "Addressing Main Trade Distortive Market Access Barriers in Selected Supply Chains"	To be determined later	CEFTA Parties
CEFTA-SIDA "Quality Infrastructure Project"	To be determined later	To be determined later

ANNEX 1: Logical Framework Matrix

LOG FRAME PLANNING MATRIX FOR PRIORITIES OF THE SUBCOMMITTEE ON Agriculture and SPS		Period: 2015	
Overall objective	Indicators of Achievement	Sources of verification	
<p>To participate in the negotiations of Framework Agreement on simplifications of clearance procedures and electronic exchange of data, and to steer all the actions for enhancing transparency in CEFTA under the objective of trade facilitation,</p> <p>To promote trade through identifying the regional instruments for better preferential access of products originated from CEFTA.</p>	<p>TBT related border procedures are simplified Data on TBT started to be exchanged electronically TBT related regional databases are established. Main Trade Distortive Market Access Barriers are eliminated.</p> <p>The T&C manufacturers in CEFTA increased the volume of trade by benefiting more from diagonal cumulation opportunities under the PEM Convention</p>	<p>CEFTA Ministerial Conclusions</p> <p>CEFTA Statistics</p> <p>Report of CEFTA Subcommittee on TBT and NTBs,</p> <p>WB Doing Business</p> <p>EU Regular Reports</p> <p>CEFTA Trade Statistics</p>	
Priorities	Indicators of Achievement	Sources of Verification	Assumptions
<p>Priority 1: Participation of TBT Authorities of CEFTA Parties in negotiations of the framework agreement</p> <p>Priority 2: Addressing the main trade distortive non-tariff measures in selected supply chains and Enhancing Transparency</p> <p>Priority 3: Advocating the Pan-Europe Mediterranean Convention and its opportunities for diagonal cumulation as a tool for promotion of trade in industrial sectors</p>	<p>Text of Framework Agreement is agreed by the CEFTA Parties which provides provisions for simplification of TBT related clearance procedures, and electronic exchange of data on TBT</p> <p>Exploratory Discussions initiated to prepare a list of TBT related inspections which would be part of the AEO verification inspections by Customs Authorities</p> <p>Main Trade Distortive Market Access Barriers are identified</p> <p>CEFTA Transparency Pact, in particular CEFTA Market Access Barriers Database is kept updated</p> <p>Economic operators in T&C of CEFTA Parties become fully aware of the PEM Convention, and opportunities which the PEM Convention may offer in trade</p> <p>CEFTA Parties have a better opportunity to substantiate regional positions on T&C in the negotiations of the revision of PEM Convention</p>	<p>CEFTA Ministerial Conclusions</p> <p>CEFTA Statistics</p> <p>Report of CEFTA Subcommittee on TBT and NTBs</p>	<p>Each CEFTA Party remains committed to the CEFTA process and its provisions.</p> <p>Coordination meetings between Customs Authorities and Technical Agencies including SPS and other technical authorities at the pre-clearance stages are held on time in each CEFTA Party</p> <p>Governmental agencies whose contribution is necessary to the work of the Subcommittee will have the sufficient level of resources (human resources and time) available for the Subcommittee.</p> <p>International donors remain committed to support financially the CEFTA</p>

Activities	Results	Means	Assumptions
<p><i>Activity 1: Advocating Coordination between TBT Authorities and Customs Authorities at the national level in each CEFTA Party for negotiations of the Framework Agreement</i></p> <p><i>Activity 2: Technical Assistance on electronic exchange of data to support CEFTA Parties in their negotiation process of signing a Framework Agreement</i></p> <p>Activity 3: Negotiations of Framework Agreement in relation to TBT related to procedures</p> <p><i>Activity 4: Coordinating CEFTA Subcommittees for the Implementation of GIZ financed project on "Addressing main trade distortive non-tariff measures in selected supply chains"</i></p>	<p>A letter by the Chairmanship of Serbia is sent to TBT Authorities of each CEFTA Party to initiate national coordination</p> <p>Kick-off meeting of TA on electronic exchange of data with the participation of TBT Authorities</p> <p>National coordination meetings are held between Customs and TBT Authorities, with the participation of consultants hired by CEFTA Structures, if necessary</p> <p>Relevant national negotiation positions are elaborated on time</p> <p>GIZ Project meetings are held on time</p> <p>Participation to the GIZ and SIDA Project meetings and Representing CEFTA Subcommittee therein</p> <p>Networking between TBT authorities of CEFTA Parties continues</p>	<ul style="list-style-type: none"> - CEFTA Project Facility - GIZ financed project on Addressing Market Access Barriers - SIDA financed project on Quality Infrastructure - Consultants hired by the CEFTA Secretariat - Experts appointed by UNCTAD and ITC - TAIEX Seminars and Workshops - EU and other donors financial 	<p>Each CEFTA Party remains committed to the CEFTA process and its provisions.</p> <p>Coordination meetings between Customs Authorities and Technical Agencies including SPS and other technical authorities at the pre-clearance stages are held on time in each CEFTA Party</p> <p>Governmental agencies whose contribution is necessary to the work of the Subcommittee will have the sufficient level of resources (human resources and time) available for the Subcommittee.</p> <p>International donors remain committed to support financially the CEFTA</p>

<p>Activity 5: Sustaining Networking Between TBT Authorities in the Framework of Quality Infrastructure Project.</p> <p>Activity 6: Enhancing Transparency</p> <p><i>Activity 7: Organising CEFTA Conference on Promoting Trade through PEM Convention in Textile and Clothing;</i></p>	<p>All CEFTA Databases are kept updated</p> <p>CEFTA Conference on T&C are held with the participation of private sector</p>	<p>assistance</p>	
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