



**REPUBLIC OF ALBANIA
MINISTRY OF ECONOMY, TRADE AND ENERGY**

OUTLINE

STRATEGIC WORK PROGRAM OF THE CEFTA SUB-COMMITTEE ON TBTs AND NTBs

2010-2012

*PROPOSED UNDER THE ALBANIAN CHAIR OF THE SUBCOMMITTEE ON
NTB AND TBTs*

January 2010

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Introduction

Compliant with the Ministerial Declaration of the Joint Committee, the Albanian Chair is proposing this Outline Strategic Work Program in the area of NTB and TBT.

The objective of this document is to outline 3 years Work Programme of CEFTA proposed by Albanian Chair of Sub-Committee on TBTs and NTBs (“the Sub-Committee”) for 2010. This work program is prepared with the support of OECD project “Implementing CEFTA: Overcoming Non-Tariff Barriers” and GTZ project “CEFTA 2006: Improving opportunities for Trade” led by Albania.

The activities to be implemented under this work programme are based on the outcomes of discussions among government officials from the Parties, private sector representatives and international experts at meetings organised during 2009 under both above-mentioned projects. The conclusions and recommendations emerging from several of these meetings were submitted to the Joint Committee for consideration.

The main goal of this work program is setting the basis for a consistent effort over a period of three years that can be continued by future chairs of the Sub-Committee as appropriate. In addition this work programme would ensure a more solid and sustainable continuity of the yearly action plans from one chair to another in the years to come without changing very much the approach.

The activities of the Sub-Committee will be clustered around four main themes:

1. Strengthen the structures and co-operation in the area of NTBs and TBTs
2. Enhance transparency and improve information exchange;
3. TBTs and SPSs issues; and
4. Administrative barriers to trade

The chair of the Sub-Committee on NTBs and TBTs will liaise with other sub-committees, (e.g. the Sub-Committee on Agriculture and SPS and the member of the Sub-Committee on Customs and Rules of Origin) specifically in the area of SPS and customs and trading procedures which may result to be NTBs in each specific area.

Key features of this work program would be:

- a. Specificity with regard to priorities;
- b. Unified approach to tackle NTB/TBT for some years;
- c. Agreed actions to be easily and periodically monitored.

This work program will facilitate the monitoring of the elimination of NTB/TBT in the region and would help to increase the credibility and visibility in this specific area showing as such concrete efforts and tangible results.

This Work program includes also:

1. ANNEX 1 – Action plan for 2010
2. ANNEX 2 – Tentative calendar of sub-committee activities in 2010

1. Strengthen the structures and co-operation in the area of NTBs and TBTs

1.1 Organisation of the meetings of the Sub-Committee

The Chair will convene a meeting of the Sub-Committee, tentatively by April 2010. The conclusions of this meeting and an interim report on progress made will be given to the meeting of Deputy Ministers responsible for Trade at their June 2010 meeting.

In addition, the Chair proposes that, if deemed appropriate, a second meeting of the Sub-Committee could be held in the autumn of 2010. This meeting could take place in Budapest in conjunction with the Third Roundtable on NTBs, which will be organised by the OECD and hosted by the Government of Hungary. Representatives of CEFTA Chambers of Commerce in charge of NTBs will be invited to participate in the Roundtable and exchange views on progress made and areas for further work in the elimination of NTBs. The conclusions of this Sub-Committee meeting will be submitted to the Joint Committee meeting of October 2010 as part of the Sub-Committee's annual report to the Joint Committee as required under its terms of reference.

Actions required:

Chair will finalise the tentative timetable of events related to the Sub-Committee for 2010 and circulate it among the members. For more details, please see Annex II

1.2 Creation of a working group for TBTs under the Sub-Committee on TBTs and NTBs

During 2010 the Sub-Committee will review its operating procedures, with the objective of making them more efficient. The experience of the various roundtables to date has demonstrated that tackling them requires very different kinds of expertise and approaches. Therefore, a working group could be created under the auspices of the Sub-Committee on TBTs and NTBs as follows:

A Working Group on Technical Barriers to Trade (TBTs). This working group will address issues related to standards, technical regulations and conformity assessment procedures (including certification, inspection, testing, calibration and accreditation). The main tasks of the working group will be to identify areas for co-operation among the Parties in these issues, as well as in facilitating the resolution of issues arising over time. Membership of this working group should be made up of experts from the relevant ministries and agencies in charge of standards and conformity assessment. Ideally, national standardisation bodies and national accreditation¹ bodies of the CEFTA Parties should be represented at the meetings of the working group.

The chair of the Sub-Committee on TBTs and NTBs will prepare draft ToRs for the Working Group proposed and circulate these for comment among the members ahead of the spring 2010 Sub-Committee meeting.

Given the horizontal nature of NTBs it is important that the CEFTA Contact Points be the formal representative in the Sub-Committee on TBTs and NTBs.

Actions required:

- Appoint a representative(s) to the Sub-Committee on TBTs and NTBs and communicate the name(s) and contact details to the Chair of the Sub-Committee and the Secretariat

¹ There is a regional project financed by the German government which is working with the accreditations bodies and the metrology institutes of SEE. It could be involved as a platform to integrate this group and come to a structures exchange on these topics.

(deadline: 19 February 2010). As suggested the CEFTA Contact Point should be a member of the Sub-Committee on TBTs and NTBs.

- Appoint a representative to the Working Group on TBTs and communicate the name and contact details to the Chair of the Sub-Committee and the Secretariat (Deadline: 19 February 2010)

1.3 Co-ordination with other CEFTA structures

In addition to the more streamlined approach to the functioning of the Sub-Committee outlined in paragraph 1.2, better co-operation and communication between all of the CEFTA sub-committees should facilitate the alignment of work plans and agreement on topics of common interest and subsequent action.

Furthermore, the chairs could consider a series of options to improve information flows among the three sub-committees. A representative of the Sub-Committee on TBTs and NTBs could be invited to participate in the meetings of the Sub-Committee on Agriculture and SPS and of the Sub-Committee on Customs and Rules of Origin. Likewise, members of these sub-committees could be invited to attend the meetings of the Sub-Committee on TBTs and NTBs. This would ensure that permanent information flows exist among the three sub-committees in the area of NTBs and reduce the risk of duplication of efforts. In addition, the chairs of the three sub-committees could consider including a standing item on NTBs in the agendas of their respective meetings.

In the course of 2010, the chairs could also explore with the members of the three sub-committees if there is an interest in organising joint meetings on specific topics. Where urgent issues arise, the Chair of the Sub-Committee on TBTs and NTBs will consult with the Chairs of the other sub-committees on the need to convene *ad hoc* meetings.

Actions required:

- Each Sub-Committee member to liaise on NTBs in the area of SPS and customs and trading procedures with the relevant member of the Sub-Committee on Agriculture and SPS and the member of the Sub-Committee on Customs and Rules of Origin in her/his national administration (Deadline: ahead of each Sub-Committee meeting)

2. Enhance transparency and improve information exchange

2.1 CEFTA Scoreboard

The Sub-Committee will create a system to monitor progress. Based on the conclusions of the Budapest Roundtable on Non-Tariff Barriers and with the assistance of OECD, the Chair of the Sub-Committee will table a proposal for a monitoring tool, the “CEFTA Scoreboard”. The Sub-Committee will discuss and adopt the overall structure of the tool and the timing of the monitoring at its meeting in the first quarter of 2010. Following this the content of the Scoreboard and the specific criteria used to measure progress will be developed.

The first step in determining the content of the Scoreboard will be to identify what specific priority NTBs should be included in order to monitor their elimination. To facilitate preparation, the Chair of the Sub-Committee will ask each Party to present its priorities at the first meeting of the Sub-Committee in Spring 2010. The Sub-Committee will then agree on what actions should be taken at the regional level and what actions should be taken at the national level. This agreement will form the basis of the measures that will be included in the Scoreboard.

The proposed monitoring system will then be developed and presented for approval at the Joint Committee meeting in October 2010.

Starting in 2011 and at the end of each year, the Sub-Committee will, as part of its annual report to the Joint Committee, include the results of the monitoring exercise and the progress made in eliminating NTBs. The monitoring tool will be adapted as necessary to take account of new actions planned by the Parties.

Actions required:

- Prepare a list of priority measures and related actions that should be taken to tackle them and share this list with the Chair, the Sub-Committee members and the Secretariat ahead of the Sub-Committee meeting to take place in the first quarter of 2010. (deadline: 26 February)
- With the support of OECD prepare the draft of “CEFTA Scoreboard” for review and comments by CEFTA members; (deadline: 16 march).
- Review the structure of the CEFTA Scoreboard and prepare comments and suggestions on how to improve it ahead of the Sub-Committee meeting to take place in the first quarter of 2010 (deadline: Ahead of the Sub-Committee meeting)

2.2 Establish/reactivate National Contact Points in private sector organisations

The members of the Sub-Committee on TBTs and NTBs will maintain close relations with the official NTBs contact points established within Chambers of Commerce or Economy. This co-operation should enhance the ability of the Chambers to review complaints from clients,

The Sub-Committee will work with the CEFTA Forum of Chambers of Commerce to ensure that the personnel of the Chambers selected to deal with NTBs has the necessary support. It will also co-operate with the chambers to ensure that this service is publicised to the private sector. Finally, the sub-committee and the CEFTA Forum should agree on a mechanism for communication including regular meetings and the procedure for formal notification of NTBs to relevant ministries.

The Sub-Committee on TBTs and NTBs will consider inviting representatives of CEFTA Chambers of Commerce to participate in their Sub-Committee meeting or perhaps the meeting of the Working Group on NTBs. In addition, the Third Roundtable on NTBs, to be held in autumn 2010 will provide an opportunity for the representatives of the CEFTA Parties and of the Chambers of Commerce to take stock of the progress made during 2010, and identify areas where more efforts should be put in order to improve information flows between the government and the private sector.

Actions required:

Each Sub-Committee member to liaise with the Chamber of Commerce in her/his country and communicate the name and contact details of the NTBs contact person in the Chamber to the chair of the Sub-Committee (Deadline: 26 February 2010)

2.3 Develop a web-portal to provide information on relevant legislation and procedures in CEFTA Parties

The Sub-Committee on TBTs and NTBs will contribute to efforts aimed at providing greater informing and additional education to the business community about CEFTA. Lack of timely and comprehensive information on CEFTA-related legislation and implementing provisions, as well as information on customs and other trading procedures is perceived by companies as a major constraint when trying to trade within CEFTA.

GTZ has offered technical assistance in establishing a web portal that would facilitate better provision of information on CEFTA-related legal provisions, mechanisms, facilities and requirements to the

business community. The Sub-Committee will co-operate with GTZ in establishing the web portal by providing the relevant information for each Party and by ensuring that the information is accurate and up-to-date.

Actions required:

- Send comments on the proposed structure of the web portal to GTZ. Sub-committee members should provide GTZ by 20th of December 2009 with their comments on the suggested web structure. (already accomplished)
- Agree on responsibilities for supply of information, updating and maintenance. Sub-Committee members should draft by the end of April 2010 a Memorandum of Understanding either with GTZ which lays down the responsibilities and tasks for future maintenance and updating of the portal.
- Sub-committee members should provide accurate and up-to-date information on legislation, customs and other trade procedures to be included in the web portal. Information on the establishment of the portal should be given by end of February/March. GTZ will hire a local consultant in each party to support the Focal Points in the collection of the required information and documents which will be uploaded on the portal.
- Regularly provide timely updates on changes in the legislation, procedures and other information included in the web portal
- Monitor usage
- Inform stakeholders (business and others) about the existence of the web portal and ensure that a link to the portal is contained on relevant ministry and agency websites.
- Define responsibilities for the further development of the portal, e.g. if further services should be added to the platform (e.g. contact points, one representative per SC, or CEFTA secretariat?)
- Decide on the financing of the web-portal after the GTZ assistance for it will be ending (this and the point before should be agreed on and defined in an MoU of GTZ with CEFTA by end of May 2010)

2.4 Increase knowledge and awareness to identify and document TBTs and NTBs

The research undertaken in the framework of OECD and GTZ projects indicates substantial weaknesses in the ability of both officials and representatives of the private sector to correctly identify and subsequently document different types of TBTs and NTBs. Therefore the members of the Sub-Committee could seek technical assistance to provide training for officials from the Parties and industry associations to improve awareness and understanding of TBT-related matters and increase the capacity to assess the costs and benefits of different policy options to reduce TBTs.

Such training could be undertaken at regional and national level and in some cases joint training programmes, i.e. where both government officials and private sector representatives participate should be followed. This would, amongst other benefits, allow the different actors to determine the most appropriate communication mechanisms.

Special sessions of the Sub-committee on TBTs and NTBs could be used to invite experts on the subject and provide training on how to assess the impacts of TBTs, notify their presence and devise mechanisms to remove it.

Both the OECD and the GTZ projects offered to provide some assistance in designing and implementing trainings for both officials and private sector representative. The chair will explore possible options and report to Sub-Committee members for their consideration at the meeting to be held in the first quarter of 2010.

Given the horizontal nature of the training, invitations to participate could also be extended to members of the Sub-Committee on Agriculture and SPS and members of the Sub-Committee on Customs and Rules of Origin.

Actions required:

- Identify areas where training would be needed and communicate to the chair
- Determine national and regional elements of the training programmes
- Determine where joint training for officials and private sector would be appropriate
- Examine the different training options and decide on which would be the most useful

3. TBTs and SPS issues

3.1 Expedite adoption of EU/international standards, based on prioritised sectors/product groups

Given the substantial efforts being made by all CEFTA Parties to approximate their legislation with the *acquis communautaire* and the resource constraints in all administrations, the Sub-Committee on TBTs and NTBs could examine the possibility of identifying the main product categories for which standards and SPS measures should be adopted by all CEFTA Parties as a priority.

The Sub-Committee on TBTs and NTBs will review product categories of common interest where old non-harmonised standards are still in force, and prioritise their withdrawal. This procedure is in line with Article 13, paragraph 3.a of the agreement.

The members of the Sub-Committee on TBTs and NTBs will exchange their experience in the adoption of EU and international standards.

Finally, the members of the Sub-Committee on TBTs and NTBs could share the individual schedules for the adoption of EU standards prepared each year by the CEFTA Parties as part of their accession process to the EU.

Actions required:

- Provide a list of strategic products and sectors of interest ideally as they emerge from national strategies to promote export competitiveness. (ahead of the Sub-Committee meeting)
- Share with other Sub-Committee members a list of products for which old non-harmonised standards are still in force (ahead of the Sub-Committee meeting)
- Propose best practices on adoption of standards that could be shared with other Sub-Committee members
- Share with other Sub-Committee members the schedule for the adoption of EU standards (ahead of the Sub-Committee meeting)

3.2 Activate national enquiry points and co-ordinate with WTO enquiry points

The Sub-Committee on TBTs and NTBs should take the necessary steps to ensure that the system of information –sharing on TBTs foreseen in article 13, paragraph 3.b of the CEFTA agreement is active. The Sub-Committee will examine different approaches to implementing the system of notification and information-sharing: (i) Establish a separate regional system for the exchange of information (with TBT contacts or enquiry point in each Party); or (ii) Rely on National TBT Enquiry Points created through the WTO Agreements (for the Parties that are already members). Those Parties that are not yet WTO members and have not yet established such an enquiry point will be encouraged to consider doing so. Each Party should then notify the decision on the CEFTA enquiry point to the Secretariat and the chairs of the sub-committees. In order not to duplicate existing efforts, it is recommended that the CEFTA enquiry point should be the same as the WTO enquiry point.

The Sub-Committee on TBTs and NTBs will examine options for systems of gathering relevant information from the national contact points (e.g. on the introduction of new technical regulations and standards) and ensuring that information is duly transmitted to all other Parties. A proposal on this system should be developed, discussed and adopted by the sub-committee in advance of the joint committee meeting.

Actions required:

- Decide if WTO and CEFTA TBT enquiry points should be the same (for WTO members or Parties that have already established an enquiry point even if they are not yet members) or take steps to create an enquiry point (for those Parties that are not yet WTO members and have not yet established an enquiry point)
- Notify Chairs of Sub-committees and Secretariat of the decisions taken
- Agree on information exchange mechanisms based on the proposal from the Chair of the Sub-Committee on TBTs and NTBs

4. Administrative barriers to trade

Among the CEFTA Structures, the best forum to discuss issues of trade facilitation is the Sub-Committee on Customs and Rules of Origin. The Sub-Committee on TBTs and NTBs will work in close co-operation with the Sub-Committee on Customs and Rules of Origin to ensure that customs and other trading procedures do not constitute unnecessary barriers to trade among the Parties. The Sub-Committee on Agriculture and SPS will also be involved in ensuring that licensing, customs and other trading procedures for agro-food products do not represent an NTB.

In particular, the Sub-Committee on TBTs and NTBs could offer assistance to the Sub-Committee on Customs and Rules of Origin in implementing the following activities to enhance the transparency of the overall trade facilitation framework. The Sub-Committee on TBTs and NTBs, in agreement with the Sub-Committee on Agriculture and SPS, could agree with the Sub-Committee on Customs and Rules of Origin on information requirements and give support in identifying information gaps.

The three Sub-Committees could also agree on communications mechanisms to circulate the relevant information among the Parties. The web portal sponsored by GTZ could be used a mechanism to facilitate the transmission and circulation of the information.

ANNEX 1: ACTION PLAN FOR 2010

Objectives	Proposed measure	Actions Required	Deadline	Comments
1. Strengthen the structures and co-operation in the area of NTBs and TBTs	1.2 Creation of the working group for TBTs, under the Sub-Committee on TBTs and NTBs ²	Appoint a representative to the Working Group on TBTs and communicate the name and contact details to the Chair of the Sub-Committee and the Secretariat.	19 February 2010	National standardisation bodies and national accreditation bodies of the CEFTA Parties should be represented at the meetings of the working group
		The chair of the Sub-Committee on TBTs and NTBs will prepare draft ToRs for the Working Group on TBTs and circulate these for comment among the members.	Ahead of the Sub-committee meeting	
2. Enhance transparency and improve information exchange	2.1 Establish CEFTA Scoreboard	1. Prepare a list of priority measures and related actions that should be taken to tackle them and share this list with the Chair	26 February 2010	The list of priorities is a prerequisite for OECD to prepare the draft “CEFTA Scoreboard”
		2. With the support of OECD prepare the draft of “CEFTA Scoreboard” for review and comments by CEFTA members	16 march 2010	

² The CEFTA Contact Point should be a member of the Sub-Committee on TBTs and NTBs

		3. Review the structure of the CEFTA Scoreboard and prepare comments and suggestions on how to improve it	By the Sub-committee meeting	
	2.2 Establish/reactivate National Contact Points in private sector organisations	Each Sub-Committee member to liaise with the Chamber of Commerce in her/his country and communicate the name and contact details of the NTBs contact person in the Chamber to the chair of the Sub-Committee	26 February 2010	
	2.3 Develop a web-portal to provide information on relevant legislation and procedures in CEFTA Parties	<ol style="list-style-type: none"> 1. Agree on a mechanism to ensure uploading and update of the portal 2. Provide accurate and up-to-date information on legislation, customs and other trade procedures to be included in the web portal. 3. First launching of the portal 4. Define responsibilities and discuss on financing for the further development of the portal after the GTZ assistance is over 	<p>End of February 2010</p> <p>February/March 2010</p> <p>By the spring sub-committee meeting</p> <p>By the sub-committee meeting</p>	GTZ to provide the Chair and CEFTA Secretariat with the list of experts hired to ensure the preparation of the information for the portal uploading
3. TBTs and SPSs issues	3.2 Activate national enquiry points and coordinate with WTO enquiry points	<ol style="list-style-type: none"> 1. WTO members to inform other CEFTA members on their national WTO Enquiry Point 2. Non WTO members to appoint an contact point to serve as CEFTA National Enquiry Point 	10 February 2010	

		3. Agree on information exchange mechanisms based on the proposal from the Chair of the Sub-Committee on TBTs and NTBs	16 March 2010	WTO formats will be the basis for this mechanism
4. Administrative barriers to trade		Follow up with the IFC/FIAS Trade and Logistics project		Although this is not mentioned in the work program it's Albanian intention to work closely with the IFC/FIAS in this regard

ANNEX 2 – TENTATIVE CALENDAR OF SUB-COMMITTEE ACTIVITIES IN 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1 st Sub-Committee meeting												
2 nd Sub-Committee meeting (if so agreed)												
Submission to the Joint Committee												
Meeting of the working group on TBTs												
Adoption of the CEFTA Scoreboard												

