

**BOSNA I HERCEGOVINA
MINISTARSTVO VANJSKE TRGOVINE I
EKONOMSKIH ODNOSA**



**БОСНА И ХЕРЦЕГОВИНА
МИНИСТАРСТВО СПОЉНЕ ТРГОВИНЕ И
ЕКОНОМСКИХ ОДНОСА**

**BOSNIA AND HERZEGOVINA
MINISTRY OF FOREIGN TRADE AND
ECONOMIC RELATIONS**

**WORK PROGRAM
OF THE CEFTA SUB-COMMITTEE
ON TBT AND NTBs
IN 2011**

PROPOSED UNDER THE CHAIR OF BOSNIA AND HERZEGOVINA

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INTRODUCTION

Pursuant to the Ministerial Declaration of the Joint Committee, adopted at the third meeting held in Podgorica, 29 October 2009, the Republic of Albania as the Chair of the Sub-Committee on TBT and NTBs (hereinafter referred to as: "Sub-Committee") prepared a three-years Strategic Work Program in the area of TBT and NTBs. The Program was reviewed and adopted at the Sub-Committee meeting held in Durres (Albania) in April 2010.

The objective of this document is to outline the Work Program of the Sub-Committee in 2011 under the Chairmanship of Bosnia and Herzegovina based on three-years Strategic Work Program and specific activities for which the need was identified in application of the Agreement.

While the Program envisages the continuation of already launched activities, in particular those performed with support and assistance of the international donors such as the OECD project "*Implementing CEFTA: Overcoming Non-Tariff Barriers*" and GTZ project "*CEFTA 2006: Improving opportunities for Trade*" led by Albania, it also initiates some additional activities developed out of the strategic objectives and complementing the needs of business community at the same time.

Although the objectives and related activities were explained in separate sections of the document, the Chair intends to take care they are co-ordinated in a most effective manner avoiding duplication and overlapping wherever possible.

The activities of the Sub-Committee foreseen in this Program remain clustered around four main themes of the Strategic Work Program but slightly modified and adapted to development achieved in previous period:

1. Strengthen the structures and co-operation in the area of NTBs and TBT
2. Enhance transparency and improve information exchange and notification;
3. Eliminate barriers to trade; and
4. Promotional activities.

According to the Joint Committee decisions on the terms of references for each of the three sub-committees established, Bosnia and Herzegovina as the Chair will closely liaise with two other sub-committees, (i.e. the Chair of the Sub-Committee on Agriculture and SPS and the Chair of the Sub-Committee on Customs and Rules of Origin) aiming to avoid overlapping activities and ensuring as comprehensive coverage as possible.

Key features of this work program would be:

- a. Specificity with regard to priorities;
- b. Unified approach to tackle NTB/TBT in a continuous manner over the planned period;
- c. Agreed actions to be implemented and easily and periodically monitored.

This Work Program as a part of continued and structured course of action within CEFTA should further facilitate the monitoring of the elimination of unnecessary NTBs and TBT in the region as

well as increase the credibility and visibility in this specific area as set out in the Strategic Work Program.

The Work Program also includes:

1. ANNEX 1 – Action plan for 2011
2. ANNEX 2 – Tentative calendar of the Sub-Committee activities in 2011
3. ANNEX 3 – Framework Assessment Chart

1. STRENGTHEN THE STRUCTURES AND CO-OPERATION IN THE AREA OF NTBS AND TBT

1.1 Organisation of meetings of the Sub-Committee

The Chair will convene a meeting of the Sub-Committee, tentatively by June 2011 as already established in previous years of the Agreement implementation. The conclusions of this meeting and an interim report on progress made will be prepared and submitted for the meeting of Deputy Ministers responsible for Trade to be held in June 2011. The Interim report shall also be provided at the meetings of two other sub-committees.

Finally, the conclusions of the Sub-Committee meeting will be submitted to the Joint Committee meeting (October/November 2011) as part of the Sub-Committee's annual report as required under its terms of reference. If there is a need, another meeting of the Sub-Committee could be organised in autumn 2011.

Actions required:

The Chair will finalise the tentative timetable of events related to the Sub-Committee for 2011 and circulate it among the members (*deadline*: the Joint Committee meeting, November 2010). For more details, please see Annex 2.

1.2 CEFTA Working group on Technical Barriers to Trade

Following the Sub-Committee meeting held in Durrës (Albania), in April 2010, the Working Group on Technical Barriers to Trade (TBT Working Group) was established and terms of reference agreed. The Parties appointed one permanent member to act as a coordinator of activities related to the TBT matters while the case by case experts for specific topics related to the TBT will be invited to participate in the working sessions.

The function of the TBT Working Group is to identify and oversee the elimination of the unnecessary technical barriers to trade in accordance with Article 13.2 of the Agreement. Among the specific functions of the TBT Working Group, the Chair identified the following as the priority ones:

- Keeping 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.
- Working further on finding ways in overcoming differences in the area of quality infrastructure and conclusions of agreement on mutual recognition of conformity assessment procedures, where appropriate, pursuant to Article 13.4 of the Agreement and Ministerial Conclusions of the third Joint Committee meeting
- To encourage the negotiations to conclude the plurilateral agreements among the Parties in the area of mutual recognition of the conformity assessment
- To initiate the conduct of studies and analyses in regard to this terms of reference keeping in mind the interests and demands from the Working Group members.
- To support the work of the newly established Enquiry Points network.

With the objective to ensure efficient information flow the Parties appointed, as their permanent members of the TBT Working Group, the same persons representing them in the Steering Committee of the Quality Infrastructure Regional project - IPA 2008. Based on its work, the TBT Working Group should benefit from analytical inputs and technical expertise provided by the ongoing Project but also the forthcoming Free Movement of Goods: Quality Infrastructure Project – IPA 2011.

Actions required:

- Organise TBT Working Group meeting ahead to the Sub-Committee meeting (*deadline:* April 2011).
- Review report of the TBT Working Group and monitor the implementation of the agreed actions (*deadline:* on a regular basis).
- Liaise, via TBT Working Group, with Quality Infrastructure Regional Project funded by IPA (*deadline:* on a regular basis)
- Exchange the experiences and knowledge on the TBT notification procedures (*deadline:* on a regular basis)

1.3 Co-ordination with other CEFTA structures

In addition to the more streamlined approach to the functioning of the Sub-Committee, 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.

One of the effective ways to improve flow of information among the three sub-committees is to have Chair of the Sub-Committee on TBT and NTBs (or his/her representative) reporting at the meetings of two other sub-committees. Following the same approach, the Chairs (or his/her representative) should be invited to the Sub-Committee on TBT and NTBs meeting to report on their work. Consequently, standing item on NTBs in the agendas of their meetings should be included.

If and where necessary, the three committees could agree on joint meetings on specific topics. Where urgent issues arise, the Chair of the Sub-Committee on TBT and NTBs will consult with the Chairs of the other sub-committees on the need to convene *ad hoc* meetings.

Actions required:

- Chair (or his/her representative) to attend meetings of the Sub-Committee for Customs and Rules of Origin and the Sub-Committee on Agriculture and SPS and report to both sub-committees (*deadline*: according to their schedule)
- Maintain close contact with chairs of the two other sub-committees and exchange of information (*deadline*: as required).

1.4 Co-ordination with CEFTA Forum of Chambers of Commerce

Communication and co-ordination with representatives of the business community remains of high importance, in particular in regular exchange of information in the field of NTBs and coordinated activities where necessary.

Actions required:

- Chair to invite the Chair of the CEFTA Forum Working Group on NTBs/TBT to attend the Sub-Committee meeting and report on their activities (*deadline*: June 2011)
- Exchange of relevant information where and when necessary in order to have co-ordinated approach in different activities (*deadline*: as required).

2. ENHANCE TRANSPARENCY AND IMPROVE INFORMATION EXCHANGE AND NOTIFICATION

2.1 Monitoring Instrument

Following the need to have more comprehensive and systemic approach in identification and elimination of the NTBs and upon invitation of the Parties the OECD Private Sector Department gave presentation on the CEFTA Monitoring Instrument at the Sub-Committee meeting held in Durres (Albania) in April 2010. The Monitoring instrument is being designed under the framework of the Project “Aid for Trade” financed by the Hungarian Government.

The methodology of the Instrument is based on positive experiences of Investment Reform Index (IRI) with a much higher level of details expected. The overall objective is to derive the full benefits from the implementation of the Agreement through elimination of NTBs. The specific objectives are to:

- Ensure independent monitoring of the elimination of NTBs among the CEFTA Parties;
- Effectively communicate and promote the findings of the monitoring to the relevant CEFTA structures and other stake holders;

- Involve governments, the business community and other relevant stakeholders in a permanent and sustainable process for elimination of NTBs;
- Provide input to the CEFTA Sub-Committee on TBT and NTBs for the preparation of its annual report to the Joint Committee.

The use of Monitoring Instruments has at least dual purpose:

1. It will be used to produce annual diagnosis of where each of the CEFTA Parties stands in the process of elimination of NTBs (e.g. areas where Party/ies should focus their efforts in the NTBs area, both at the regional and bilateral level)
2. The results will be used to produce annual diagnosis of where each of the CEFTA Parties stand in the process of elimination of NTBs and selected NTBs as a basis for negotiating and implementing further commitments.

The assessment framework would cover a full range of institutional and policy settings upon which the governments of the CEFTA Parties can act in order to reduce NTBs among themselves and with other trading partners (See ANNEX 3).

As agreed among CEFTA Parties, the Matrix on Issues Raised among Parties will be kept as a monitoring instrument for immediate action in ad hoc situations and shall be regularly up-dated.

Actions required:

- Monitor and support, where appropriate, the collection of necessary information in close co-operation with OECD experts (*deadline*: during the process of collection, i.e. mid February to mid May 2011)
- Prepare annual report to the Joint Committee with assistance of OECD and CEFTA Secretariat (*deadline*: September/October 2011).

2.2 Monitor the system of information – sharing on TBT under Article 13, para 3.b

The Sub-Committee on TBT and NTBs should monitor the functioning of the system of information – sharing on TBT foreseen in article 13, paragraph 3.b of the CEFTA Agreement in line with approach agreed at the meeting held in Durres (Albania) in April 2010.

2.3 Up-date and maintenance of the CEFTA Trade Portal

The Sub-Committee on TBT and NTBs will continue contributing efforts aimed at providing business community with CEFTA related information and additional education. This in particular due to the fact that lack of timely and comprehensive information (e.g. legislation and implementing provisions, information on customs and other trading procedures) is perceived by companies as a major constraint when trying to trade within CEFTA.

The CEFTA Trade Portal established with GTZ technical assistance needs to be maintained and regularly up-dated. Based on information gathered from the business community and other

stakeholders in the first year of operation, the Sub-Committee shall consider need for improvements of the portal content.

The GTZ/GIZ follow-up project should ensure smooth functioning of the Portal in the first two years of operation, while creating conditions for a takeover by the CEFTA Parties and a long-term sustainable functioning after its completion.

Actions required:

- Regularly provide timely updates on changes in the legislation, procedures and other information included in the portal (*deadline: as changes occur*)
- Collect feedback information from stakeholders and initiate discussion on the need for further improvement of the portal content (*deadline: in course of the first year of operation*)
- Finalise and sign the multilateral Memorandum of Understanding CEFTA Parties taking ownership over the Portal after the GTZ/GIZ follow-up project is completed. (*deadline: October 2011*)

2.4 Co-operation with contact persons in private sector organisations

The members of the Sub-Committee on TBT and NTBs will maintain close relations with contact persons in private sector organisations. This primarily relates to contact with NTBs contact persons within the chambers of commerce/economy following the fact they have already established a structure corresponding CEFTA one. This co-operation should enhance the ability of the chambers to collect and adequately review complaints from clients. However, if there is a need, representatives of business associations, NGOs and the like could be engaged as well.

The Sub-Committee will work with the CEFTA Forum of Chambers of Commerce to ensure that the staff of the chambers responsible for 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, in particular the system for identification and reporting on NTBs to relevant ministries. A single “check-list”¹ used by all chambers would greatly facilitate this process.

The Sub-Committee on TBT and NTBs will consider inviting representative(s) of CEFTA Forum of Chambers of Commerce to participate in the Sub-Committee meeting.

Actions required:

- Creation of a single check-list which will be used in identification of NTBs (*deadline: June 2011 – Sub-Committee meeting*)
- Design the system for reporting NTBs: from the chambers of commerce/economy to the competent governmental bodies (*deadline: end of 2011*)

¹ List of „conditions“ that perceived barriers have to fulfill in order to qualify for recognised NTBs.

2.5 Increase awareness and develop specific knowledge on NTBs

Continuous increase of awareness as well as developing specific knowledge in identifying TBT and NTBs remain of vital importance, in particular in the private sector. Therefore, regardless of the regional efforts made in this area, the Parties could seek technical assistance to provide training for their officials 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 TBT.

The DIHK – CEFTA Chamber Partnership Project on Implementation of CEFTA having objectives to strengthen intra-regional trade, trade with EU, competitiveness of SMEs and making SEE region more attractive for FDI could contribute the process through its activities in the region.

Actions required:

- Explore needs and seek corresponding technical assistance on a regional level (*deadline: continuously*)
- Liaise with all complementary initiatives and international projects which could contribute the process of further education in this area and improve awareness (*deadline: continuously*)

3. ELIMINATE BARRIERS TO TRADE

In view of the CEFTA Agreement objective (Article 1, paragraph 2 d.) to “*Eliminate barriers to and distortions of trade and facilitate the movement of goods in transit and the cross-border movement of goods and services between the territories of the Parties*” as well as the fact that barriers to trade were identified among major impediments to undisturbed flow of goods among Parties and thus increase of intra-regional trade, Parties should primarily address most affected sectors.

Efforts of Parties to approximate their legislation with the *acquis communautaire* in a more structured and coordinated manner would enable facilitated movement of goods, at least in certain sectors.

3.1 Technical Barriers to Trade

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 TBT and NTBs, in line with Article 13, paragraph 3.a of the Agreement, should work on identifying the main product categories for which relevant standards and technical regulations should be adopted by all CEFTA Parties as a priority.

The Sub-Committee on TBT and NTBs would then review product categories of common interest where old non-harmonized national standards are still in force, and prepare draft recommendation to the Joint Committee for adoption. The recommendation should include the list of regulations necessary for undisturbed flow of goods concerned including their priority.

The TBT Working Group could contribute the process within the scope of its responsibility, involving the Quality Infrastructure Regional project - IPA 2008, continuation project – IPA 2011 and OECD Monitoring Instrument.

Parties could start with one or two pilot sectors and consequently expand them as appropriate.

Actions required:

- Provide a list of strategic products and sectors of interest, ideally as they emerge from national strategies to promote export competitiveness or according to trade data in each Party (*deadline:* ahead of the Sub-Committee meeting)
- Identify and provide the Sub-Committee with a list of sectors or list of products for which old non-harmonised national standards are still in force, in those areas which are important for the mutual trade (*deadline:* ahead of the Sub-Committee meeting)
- Develop an Action Plan for adoption of relevant MRAs, in those areas of importance for the Parties and prepare a Draft Recommendation for the Joint Committee (*deadline:* ahead of the Sub-Committee meeting)
- Prepare a Draft Recommendation for the Joint Committee on priority legislation to be harmonized for undisturbed flow of products in selected sector(s) (*deadline:* ahead of the Joint Committee meeting)

3.2 Sanitary and Phytosanitary Measures

In a close coordination with the Sub-Committee on Agriculture and SPS a similar approach as under 3.1 Technical Barriers to Trade, in the area of SPS measures could be adopted by the Parties.

Actions required:

- Provide a list of strategic products and sectors of interest, ideally as they emerge from national strategies to promote export competitiveness or according to trade data in each Party (*deadline:* ahead of the Sub-Committee meeting)
- In cooperation with the Sub-Committee on Agriculture and SPS, identify a list of most trade disturbing SPS measures (*deadline:* ahead of the Sub-Committee meeting)
- Develop an Action Plan for reducing the trade disturbing SPS measures (*deadline:* ahead of the Sub-Committee meeting)
- Based on the Action Plan prepare Draft Recommendation for the Joint Committee (*deadline:* ahead of the Joint Committee meeting)

3.3 Administrative Barriers to Trade

As identified in the three-year strategic Work Program, the Sub-Committee on Customs and Rules of Origin was identified the best forum to discuss issues of trade facilitation. The Sub-Committee on TBT 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 barriers to trade among

the Parties. Furthermore, 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 TBT and NTBs will closely liaise with two other Sub-Committees in exchange of relevant information and identification of information gaps.

Actions required:

- Attend the meetings of two other sub-committees and report on the Sub-Committee for TBT and NTBs work (*deadline*: according to their schedule)
- Gather information from two other sub-committees, in particular one relating to NTBs and incorporating it into relevant activities (*deadline*: on a regular basis)

4. PROMOTIONAL ACTIVITIES

An important segment of work of all CEFTA structures are promotional activities aimed at achieving at least two effects: timely communication of relevant information to the stakeholders, and increase of visibility and corporate image.

The Chair and the Parties should use all available national and regional events (e.g. meetings, seminars, forums, etc.) including other means of communication and promotion such as web portals and media to promote activities and results of work in implementing the Agreement. The priority promotional activities should be focused around CEFTA Trade Portal, Monitoring Instrument and CEFTA Week. Furthermore, these three could also be used as the tools for overall promotion of the Agreement and activities taken in its implementation.

Actions required:

- Actively promote CEFTA Trade Portal, Monitoring Instrument and CEFTA Week (*deadline*: prior to launch and during operation)
- Use the three for promotion of the Agreement (*deadline*: on a regular basis)

ANNEXES

ANNEX 1: ACTION PLAN FOR 2011

<i>Objective</i>	<i>Proposed measure</i>	<i>Actions required</i>	<i>Deadline</i>
1. Strengthen the structures and co-operation in the area of NTBs and TBT	1.1 Organisation of meetings of the Sub-Committee	→ Prepare and distribute tentative calendar of events	November 2010
	1.2 CEFTA Working Group on TBT	→ Organise TBT Working Group meeting ahead to the Sub-Committee meeting	April 2011
		→ Review report of the TBT Working Group and monitor the implementation of the agreed actions	on a regular basis
		→ Liaise, via TBT Working Group, with Quality Infrastructure Regional Project funded by IPA	on a regular basis
		→ Exchange the experiences and knowledge on the TBT notification procedures	on a regular basis
	1.3 Co-ordination with other CEFTA structures	→ Chair (or his/her representative) to attend meetings of the Sub-Committee for Customs and Rules of Origin and the Sub-Committee on Agriculture and SPS and report to both sub-committees	according to sub-committees schedule
		→ Maintain close contact with chairs of the two other sub-committees and exchange of information	as required
	1.4 Co-ordination with CEFTA Forum of Chambers of Commerce	→ Chair to invite the Chair of the CEFTA Forum Working Group on NTBs/TBT to attend the Sub-Committee meeting and report on their activities	June 2011
→ Exchange of relevant information where and when necessary in order to have co-ordinated approach in different activities		as required	
2. Enhance transparency and improve information exchange and notification	2.1 Monitoring instrument	→ Monitor and support, where appropriate, the collection of necessary information in close co-operation with OECD experts	mid February to mid May 2011
		→ Prepare annual report to the Joint Committee with assistance of OECD and CEFTA Secretariat	September/October 2011
	2.2 Monitor the system of information – sharing on TBT under Article 13, para 3.b		

Work Program of the CEFTA Sub-Committee on TBT and NTBs in 2011

<i>Objective</i>	<i>Proposed measure</i>	<i>Actions required</i>	<i>Deadline</i>
	2.3 Up-date and maintenance of the CEFTA Trade Portal	→ Regularly provide timely updates on changes in the legislation, procedures and other information included in the portal	as changes occur
		→ Collect feedback information from stakeholders and initiate discussion on the need for further improvement of the portal content	in course of the first year of operation
		→ Finalise and sign the multilateral Memorandum of Understanding CEFTA Parties taking ownership over the Portal after the GTZ/GIZ follow-up project is completed	October 2011
	2.4 Co-operation with contact persons in private sector organisations	→ Creation of a single check-list which will be used in identification of NTBs	June 2011 – Sub-Committee meeting
		→ Design the system for reporting NTBs: from chambers of commerce/economy to the competent governmental bodies	end of 2011
	2.5 Increase awareness and develop specific knowledge on NTBs	→ Explore needs and seek corresponding technical assistance on a regional level	continuously
		→ Liaise with all complementary initiatives and international projects which could contribute the process of further education in this area and improve awareness	continuously
3. Eliminate Barriers to trade	3.1 Technical barriers to trade	→ Provide a list of strategic products and sectors of interest	ahead of the Sub-Committee meeting
		→ Identify and provide Sub-Committee with a list of sectors or list of products for which old non-harmonised national standards are still in force, in those areas which are important for mutual trade	ahead of the Sub-Committee meeting
		→ Develop an Action Plan for adoption of relevant MRAs, in those areas of importance for the Parties and prepare a Draft Recommendation for the Joint Committee	ahead of the Joint Committee meeting
		→ Prepare a Draft Recommendation for the Joint Committee on priority legislation to be harmonized for undisturbed flow of goods in selected sector(s)	ahead of the Joint Committee meeting
	3.2 Sanitary and phytosanitary measures	→ Provide a list of strategic products and sectors of interest	ahead of the Sub-Committee meeting

Work Program of the CEFTA Sub-Committee on TBT and NTBs in 2011

<i>Objective</i>	<i>Proposed measure</i>	<i>Actions required</i>	<i>Deadline</i>
		→ In co-operation with the Sub-Committee on Agriculture and SPS, identify a list of most trade disturbing SPS measures	ahead of the Sub-Committee meeting
		→ Develop an Action Plan for reducing the trade disturbing SPS measures	ahead of the Sub-Committee meeting
		→ Based on Action Plan prepare a Draft Recommendation for the Joint Committee	ahead of the Joint Committee meeting
	3.3 Administrative barriers to trade	→ Attend the meetings of two other sub-committees and report on the Sub-Committee for TBT and NTBs work	according to their schedule
		→ Gather information from two other sub-committees, in particular one relating to NTBs and incorporating it into relevant activities	on a regular basis
4. Promotional activities		→ Actively promote CEFTA Trade Portal, Monitoring Instrument and CEFTA Week	prior to launch and during operation
		→ Use the three for promotion of the Agreement	on a regular basis

ANNEX 2 – TENTATIVE CALENDAR OF SUB-COMMITTEE ACTIVITIES IN 2011

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1 st Sub-Committee meeting												
Submission of Reports and Recommendations to the Joint Committee												
Meeting of the Working Group on TBT												
Adoption of the Monitoring Instrument												

ANNEX 3 – FRAMEWORK ASSESMENT CHART

