

## **COMMENTS FROM THE REPUBLIC OF TRINIDAD AND TOBAGO ON THE PROPOSALS FOR THE 8<sup>TH</sup> TRIENNIAL REVIEW OF THE TBT AGREEMENT**

Submitted at the Thematic Session for the 8<sup>th</sup> Triennial held on 19<sup>th</sup> June 2018

The delegation of the Republic of Trinidad and Tobago welcomes the opportunity to participate in the 8<sup>th</sup> Triennial Review of the TBT agreement and offers the following comments based on the proposals submitted.

### **TRANSPARENCY**

#### **United States on Enquiry Point contact details (G/TBT/W/451).**

Firstly, Trinidad and Tobago supports the proposal however, while a member driven process is favourable, drawing on our own experience no response from an Enquiry Point is sometimes as a result of a member not being aware that the contact details for their Enquiry Point is not accurate. In some developing countries this review of contact details is not conducted unless it is a direct request because of limited or shared human resources.

Trinidad and Tobago is suggesting a twofold process being both member and secretariat driven. Once there is no response from an Enquiry Point, the member affected could inform the secretariat who might be able to relay this to the member state through a member's WTO contact point if it is different from their TBT Enquiry Point.

Secondly Trinidad and Tobago is recommending that members be requested to review the TBT Enquiry Point contact details contained in their Implementation Statements.

#### **Brazil on notification procedures under the TBT Committee (TBT and SPS) (G/TBT/W/460/Rev.1)**

Related to Brazil's proposal on notification procedures, Trinidad and Tobago supports the suggestion for a joint workshop or information session on TBT and SPS. A suggested objective for the workshop could be clarifying where measures should fall which would facilitate members with self-determination on a case by case basis as suggested by the US.

Trinidad and Tobago does not support the sending of **all** notifications to both the TBT and SPS committees as a recommendation for the **TBT Enquiry Point**. But instead after self-determination the proposed measure could be sent to the relevant SPS Enquiry Point for notifying when required. In developing countries the resources for operating the Enquiry Points are sometimes limited, shared or under different authority and responsibility. As such, having to notify to both the TBT and SPS committees may be burdensome on any one resource and it may infringe on the responsibility of other agencies/ministries and Enquiry Points where this mandate is enshrined in their governing legislation.

#### **United States on improving information in notifications (G/TBT/W/464)**

Trinidad and Tobago supports the US' proposal concerning entry into force and notification of final measures (paragraph 3.2). Trinidad and Tobago also supports the US proposal to separate the STC item on the Committee's meeting agenda into proposed and final measures, to better understand the nature of the measure under discussion.

### **OPERATION OF THE COMMITTEE**

#### **Brazil on thematic sessions (G/TBT/W/461/Rev.1, Section 1.1)**

Trinidad and Tobago supports Brazil's proposal for improved planning of thematic sessions. This would allow for developing and least developed countries who cannot attend all sessions to

prioritize and make provisions in their budgets in a timely manner to facilitate attending sessions of interest to them.

### **South Africa on thematic sessions (G/TBT/W/452, Section 1.3)**

Trinidad and Tobago supports South Africa's proposal (G/TBT/W/452, Section 1.3) for a more balanced representation among the speakers in thematic sessions. From our own experience sometimes the perspectives shared are way ahead of the current level of implementation of the agreement currently being undertaken by some developing and least developed countries and as such the exchanges do not provide the value that they should.

As highlighted by the US, Trinidad and Tobago has benefitted from this approach to ensuring a better balance through the choice of moderators. However the problem remains an economic one especially for speakers from developing and least-developed countries whose direct involvement can bring perspectives and experiences closer to home for many.

### **Philippines, Mauritius, and Uganda Technical Assistance (G/TBT/W/538/Rev.1)**

Trinidad and Tobago supports the proposal of the Philippines, Mauritius, and Uganda to have a similar mechanism as the STDF for technical assistance in the TBT committee. Both options which include expanding the present STDF to encompass measures covered by the TBT Agreement, or setting up a separate development facility dedicated to TBT are supported depending on the feasibility of each.

### **United States Best Practices for Observers (G/TBT/W/539)**

Trinidad and Tobago supports the US proposal for discussions on best practices for international intergovernmental organizations with observer status. However it must be noted that in addition to international organizations there are also regional standards bodies such as CROSQ with observer status.

## **GOOD REGULATORY PRACTICE (GRP)**

### **South Africa on internal coordination (G/TBT/W/452, Section 2)**

Trinidad and Tobago wishes to support the holding of a thematic session on the role and function of a domestic TBT committee. Many Developing and least developed countries which were formally members of the GATT and automatically signed on as members of the WTO neither had the competence to implement the provisions of the TBT agreement at that time, nor did they have the benefit of a mandatory national committee as required under the new Trade Facilitation Agreement. As such the level of implementation of the TBT agreement and GRP are below that of many.

Trinidad and Tobago is at present finalizing its proposal for a national committee for TBT to further implementation of the TBT agreement, GRP and other activities and would welcome the benefit of member's experiences and the input of best practices for inclusion into its committee's terms of reference. Domestic committees will not only plan for furthering national compliance with the TBT agreement but it will also assist with domestic coordination of information relevant to notifications as raised by New Zealand in its proposal (G/TBT/W/463) under the topic of transparency.

### **Canada Incorporation of Standards by Reference (G/TBT/W/529)**

Trinidad and Tobago supports Canada's proposal for a workshop on incorporating standards by reference in regulation. A discussion on policy considerations and best practices could contribute to the drafting of more effective regulations. Many developing countries particularly those who have or previously had a regime of mandatory standards can benefit from this as they move to the process of developing regulations. This forum can also facilitate wide stakeholder engagement for potential ideas for international guidelines should members agree to this.

## **CONFORMITY ASSESSMENT**

### **European Union on approaches to conformity assessment (G/TBT/W/462)**

Trinidad and Tobago is in general support of the EU proposal on approaches to Conformity Assessment. Of particular interest are recommendations for the choice and design of appropriate Conformity Procedures (CAP), exchanges related to market surveillance, third party certification accreditation and metrology.

However a supplier's declaration of conformity (SDoC) is not appropriate for some members. In CARICOM countries of which Trinidad and Tobago is a member not only is the required market surveillance not in place but the current regional legislative framework does not facilitate the use of (SDoCs) this at this time.

Trinidad and Tobago welcomes Uganda's suggestion that the TBT Committee consider putting a mechanism in place for building the capacity of developing countries in the area of conformity assessment.

### **United States Approaches to Conformity Assessment (G/TBT/W/531)**

Trinidad and Tobago supports the US proposal which broadens the scope of approaches for discussion or development of guidelines for Conformity Assessment. It considers the implementation of National Quality Infrastructure and the use of regional and international systems in the development or design of a conformity assessment program.

The development of the Quality Infrastructure (QI) in Trinidad and Tobago, as in Small Vulnerable Economies, LDCs and other developing countries in CARICOM is dependent on the use of regional/international systems related to Certification, Accreditation and Metrology. Membership and use of regional/international systems can also be used to negotiate Mutual Recognition Arrangements (MRAs) between conformity assessment bodies (CABs) which is also beneficial especially to small economies.

## **STANDARDS AND TECHNICAL REGULATIONS**

### **Canada A Gender-Based Discussion (G/TBT/W/532)**

Trinidad and Tobago wishes to support Canada's proposal (G/TBT/W/532) for a workshop or thematic session on the role of gender in the development of standards and technical regulations. Trinidad and Tobago has recently been appointed to the United Nations committee on Gender Discrimination and sees the exchange of experiences by governments and standards development organizations as one way of harmonising where applicable goals, best practices and ongoing work in this area.

### **EU Mandatory Marking and Labelling Requirements On Imported Products: Practical Compliance Issues (G/TBT/W/534)**

Trinidad and Tobago supports in principle the EUs objective to promote measures and practices related to mandatory marking and labelling requirements which are least costly and facilitate trade contained in (G/TBT/W/534).

However related to the practical methods of label application highlighted in 2.5a please note that in some countries including Trinidad and Tobago supplementary labelling and/or modifications take place under the supervision of the responsible regulatory authority as legislated and **not** customs. The specification of the place where labelling modification should be carried out also limits the possibility of modification to take place at distributor or other premises.

In relation to 2.5b reference is made to the acceptance of non-permanent or detachable labels, however if the labels to be attached are not permanent at least for some minimum period of time it will not support the policy objective of being available to provide consumers with information to make informed decisions. The type of label to be affixed is dependent on the "Risk" and should allow flexibility to be determined on a case by case basis.

As such Trinidad and Tobago proposes that the identification of the supervisory body, the type of warehouse and the type of label to be affixed **not** be specified.