

V. TECHNICAL ASSISTANCE

11. Provisions on technical assistance are contained in Article 11 of the TBT Agreement. Technical assistance has been considered an area of priority work for the Committee since its establishment; it figures on the agenda of the Committee on a permanent basis. Members have regularly, on a voluntary basis, exchanged experiences and information on technical assistance in order to enhance the implementation of the Article 11 of the TBT Agreement.

A. GENERAL

Decisions

- (a) In 1995, in considering the ways in which the provisions of Article 11 could be given operational significance, the Committee agreed to exchange information on technical assistance as follows:⁷⁹
 - (i) technical assistance would remain as an item of the agenda of the Committee on a permanent basis and would be included on the agenda of a regular meeting of the Committee when so requested by a Member in accordance with the agreed procedures.
- (b) In 2005, with a view to increasing transparency in the identification and prioritization of technical assistance needs, the Committee:⁸⁰
 - (i) adopted, for use on a trial basis for two years, a Format for the Voluntary Notification of Specific Technical Assistance Needs and Responses;
 - (ii) the Format is contained in Annex G (on page 46 of this document).

Recommendations

- (a) In 2000, in considering technical assistance, the Committee agreed to develop a demand driven technical cooperation programme related to the Agreement, taking into account existing and proposed technical assistance activities, as well as seeking ways to achieve more effective cooperation and coordination among donors to better target the needs identified by developing country Members. The Committee agreed that the programme would need to evolve on the basis of the following elements:⁸¹
 - (i) design of a survey with the assistance of relevant international, regional and bilateral organisations to assist developing countries in needs identification;
 - (ii) identification and prioritization by developing and least developed country Members of their specific needs in the TBT field;
 - (iii) consideration of existing technical assistance activities by multilateral, regional and bilateral organizations with a view to the effective and efficient development of technical assistance programmes;

⁷⁹ G/TBT/W/14, 29 September 1995, p. 3; G/TBT/M/3, 5 January 1996, paras 14-15; G/TBT/1/Rev.8, 23 May 2002 p. 22.

⁸⁰ G/TBT/16, 8 November 2005; G/TBT/M/37, 22 December 2005, para. 82.

⁸¹ G/TBT/9, 13 November 2000, paras 45 and 46.

- (iv) enhancement of co-operation between donors; reassessment of needs in light of agreed priorities, identification of technical assistance partners and financial considerations.
- (b) In 2003, in light of the work programme⁸² on TBT-related technical assistance and in order to assist Members in implementing and operationalizing Article 11, the Committee agreed as follows:⁸³
- (i) The Committee notes the importance of transparency in the provision of technical assistance and the need for coordination at the national, regional and international levels. Recognizing that improvements are needed to facilitate the meeting of demand and supply of technical assistance, and with a view to building on the information received, the Committee agrees:
 - To consider the creation of an information coordination mechanism including through the possible development of voluntary notification procedures for donors, and recipient Members to communicate information on current and future activities. To this end, and considering proposals made by Members, the Chair is requested to hold consultations with interested Members to:
 1. Examine what extent an Internet facility could serve this purpose;
 2. examine what an appropriate management approach might be; and
 3. report to the Committee by mid-2004;
 - that the survey questionnaire could be a dynamic tool to maintain information on developing country Members' needs and encourages Members, on a voluntary basis, to update responses to the survey questionnaire; and
 - to invite Members to communicate to the Committee pertinent information regarding technical assistance activities of relevant regional and international bodies.
 - (ii) With regard to technical assistance provided by the Secretariat, the Committee agrees to:
 - Explore how the results of the Committee's discussions (e.g., on needs identified, lessons learned, gaps in technical assistance activities) could be reflected in the WTO's Technical Assistance and Training Plan; and
 - request the Secretariat, as part of the Committee's standing agenda item on technical assistance, to regularly deliver information on its recently concluded programmes and future plans on TBT-related technical assistance, and reflect this in the Committee's annual reviews. This should include information on modality, content, participation and any feedback from recipient Members.

⁸² In respect of the "work programme", it is noted that in 2001, Ministers confirmed the approach to technical assistance being developed by the Committee on Technical Barriers to Trade, reflecting the results of the Triennial Review work in this area, and mandated this work to continue (WT/MIN(01)/17, 20 November 2001, para. 5.1).

⁸³ G/TBT/13, 11 November 2003, paras 54-56.

- (iii) With regard to the appropriate role of the Committee in relation to technical assistance, the Committee:
 - Agrees on the need for Members and the Secretariat to raise the profile of TBT issues at the international and national levels;
 - reaffirms the need for its future work to contribute to enhanced cooperation and coordination between those involved in technical assistance;
 - reaffirms the need to continue facilitating the exchange of national experiences;
 - should provide a forum for feedback and assessment of the outcomes and effectiveness of technical assistance; and
 - considers, based on Members' experience of technical assistance received and provided, developing further elements of good practice in technical assistance in the TBT field.
- (c) In 2006, with a view to facilitating the implementation of the TBT Agreement's provisions on technical assistance, the Committee agreed:⁸⁴
 - (i) to encourage Members to make use of the Format for the Voluntary Notification of Specific Technical Assistance Needs and Responses contained in G/TBT/16 (contained in Annex G on page 46 of this document);
 - (ii) to review, in 2007, the use of the Format for the Voluntary Notification of Specific Technical Assistance Needs and Responses, including the possible further development of the demand-driven technical cooperation mechanism.

B. INFORMATION EXCHANGE

Decisions

- (a) In 1995, in considering the ways in which the provisions of Article 11 could be given operational significance, the Committee agreed to exchange information on technical assistance as follows:⁸⁵
 - (i) specific needs for technical assistance, as well as information that may be provided by potential donor Members on their technical assistance programmes, may be communicated to Members through the Secretariat. Members will take into account the provisions of Article 11.8 of the TBT Agreement when considering requests for technical assistance from the least-developed country Members. In agreement with requesting Members or potential donor Members, as the case may be, the information concerning specific needs and technical assistance programmes would be circulated by the Secretariat to all Members on an informal basis. Whilst information would be multilateralized in this manner, technical assistance would continue to be provided on a bilateral basis. The Secretariat would reflect the information circulated under this procedure in the documentation prepared for annual reviews of the implementation and operation of the Agreement if the Members concerned so agree;

⁸⁴ G/TBT/19, 14 November 2006, para. 78(a)-(b).

⁸⁵ G/TBT/W/14, 29 September 1995, p. 3; G/TBT/M/3, 5 January 1996, paras 14-15; G/TBT/1/Rev.8, 23 May 2002 p. 22.

Recommendation

- (a) In 2006, with a view to facilitating the implementation of the TBT Agreement's provisions on technical assistance, the Committee agreed:⁸⁶
- (i) to exchange experiences in respect of the delivery and receipt of technical assistance with a view to identifying good practices in this regard.

Documents

- (a) Notifications Specific Technical Assistance Needs and Responses are contained in the following document series: G/TBT/TA-[number]/[Member].

Action on Information Exchange

- (a) On 19-20 July 2000, the Committee held a Workshop on Technical Assistance and Differential Treatment in the context of the TBT Agreement.⁸⁷
- (b) On 18 March 2003, with the objectives of further developing the technical cooperation programme and providing an opportunity for further information exchange on technical assistance, on both the demand and supply sides, a special workshop on TBT-related technical assistance was held.⁸⁸

VI. SPECIAL AND DIFFERENTIAL TREATMENT

12. Article 12 of the TBT Agreement deals with Special and Differential Treatment of Developing Country Members. Members have, on various occasions, exchanged information and views on the operation and implementation of this Article, including in the context of other items on the TBT Committee's agenda.

A. GENERAL

Recommendations

- (a) In 1997, with a view to operationalize and implement the provisions of Article 12, the Committee agreed to the following:⁸⁹
- (i) the Committee will consider including the following matters in its future programme of work, which could be taken up during the next three years and reviewed during the Second Triennial Review of the Agreement:
- The use of measures to engender capacity building in developing country Members, including the consideration of measures relevant to transfer of technology to these countries, for the purpose of preparation and adoption of technical regulations, standards or conformity assessment procedures, taking into account their special development, financial and trade needs;
 - the preparation of a study by the Secretariat to establish the state of knowledge concerning the technical barriers to the market access of developing country suppliers, especially small and medium sized enterprises (SMEs), as a result of standards, technical regulations and conformity assessment procedures;

⁸⁶ G/TBT/19, 14 November 2006, para. 78(c).

⁸⁷ G/TBT/9, 13 November 2000, Annex 1.

⁸⁸ A Summary Report by the Chairperson is contained in Annex A of G/TBT/M/29, 19 May 2003.

⁸⁹ G/TBT/5, 19 November 1997, para. 33.