

FIFTH TRIENNIAL REVIEW OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE: MUTUAL RECOGNITION, REGULATORY COOPERATION AND OTHER TRADE FACILITATION ARRANGEMENTS

Communication from New Zealand

The following communication, dated 13 March 2009, is being circulated at the request of the delegation of New Zealand.

I. INTRODUCTION

1. At the November 2008 meeting of the Committee on Technical Barriers to Trade (the TBT Committee), New Zealand presented a paper outlining a range of mechanisms to facilitate trade by: reducing transaction costs for businesses operating in different regulatory regimes; and achieving better levels of regulatory cooperation to support regulatory effectiveness (G/TBT/W/295).
2. The paper draws on New Zealand's experience and reflects an evolution of policy approaches to addressing trade barriers arising from international regulatory interface issues in the context of increasing globalisation. The mechanisms presented, therefore, should not be seen as a comprehensive or exhaustive list but as the starting point for the Committee's future work.
3. New Zealand's objective in tabling the paper mentioned above is to stimulate discussion on this important issue going into the Fifth Triennial Review of the TBT Agreement. To this end, the paper puts forward two proposals for the Committee's consideration.

II. PROPOSALS

4. New Zealand would like to reiterate and provide some additional context to support its earlier proposals to:
 - (a) Continue to exchange information on mutual recognition arrangements (MRAs), regulatory cooperation arrangements (RCAs) and other arrangements that aim to facilitate trade, with a view to building a better understanding of the issues that need to be considered in the choice of effective trade facilitation arrangements; and
 - (b) Develop practical guidelines on how to design efficient and effective trade facilitation arrangements within the context of risk management approaches.¹

¹ G/TBT/W/295, page 6, paragraph 27.

5. The proposals are designed to build on each other in the interest of delivering maximum value to the work of the Committee.

6. New Zealand recalls that the Second Triennial Review produced an indicative list of approaches to facilitating acceptance of the results of conformity assessment² procedures in different jurisdictions. The objective of this indicative list was to improve Members' understanding and implementation of Articles 5-9 of the TBT Agreement.

7. As the list was developed nearly 10 years ago, it is timely to revisit this work to ensure it continues to reflect good practice and relevancy in the face of the changing global trade environment. New Zealand believes the Fifth Triennial Review provides the opportunity to update and expand the collective knowledge in this area to better reflect more recent experiences and approaches.

8. The first of New Zealand's two proposals is for the Committee to continue to exchange information on mutual recognition arrangements (MRAs), regulatory cooperation arrangements (RCAs) and other arrangements that aim to facilitate trade. The objective of exchanging this information is to extend the facilitation framework beyond the indicative list discussed above to include a wider range of mechanisms. Regulatory cooperation is an important step to achieving better understanding of, and confidence in, different regulatory approaches. This, in turn, can support efforts to minimise the impact regulatory differences can have on trade. Regulatory cooperation therefore is an essential element in any strategy to facilitate trade by identifying new ways to remove or reduce technical barriers to trade.

9. As the Committee continues to share information and experience on various arrangements to facilitate trade, New Zealand believes a clearer picture will emerge of the key issues that need to be considered when choosing or designing trade facilitation arrangements.

10. The aim of New Zealand's second proposal is to draw on Members' experiences with negotiating and implementing various arrangements and to capture this knowledge in user-friendly and practical guidelines. These guidelines can assist Members to design efficient and effective trade facilitation arrangements and to give effect to key TBT Agreement objectives.

11. As this is likely to be a more substantive piece of work, it is envisaged that it will be carried out over the next three years (before the next triennial review). Once completed, the guidelines would need to be revisited on a regular basis as the Committee's collective knowledge and experience grows, and as new types of arrangements reflecting global trends and needs are developed.

III. CONCLUSION

12. New Zealand welcomes Members' consideration of and response to these proposals in the context of the Committee's discussion of substantive proposals for the Fifth Triennial Review.

² G/TBT/1/Rev.9, page 7 and Annex A.