

**IMPLEMENTATION OF ARTICLE 66.2: INFORMATION FROM
DEVELOPED COUNTRY MEMBERS**

Supplement

BELGIUM

This document contains information on the implementation of Article 66.2 of the TRIPS Agreement by Belgium.

Following interdepartmental consultations among the various federal and regional bodies that could possibly provide relevant information in this area, various items of information under Article 66.2 of the TRIPS Agreement are provided below.

Belgium, whose economy is largely based on international trade, is particularly interested in development cooperation in favour of the developing countries and the least-developed countries to enable them to become true partner countries with the ability to manage their social and economic development efficiently. The transfer of technologies and know-how forms a natural part of this effort.

Official Development Assistance (ODA) includes all contributions by any Belgian governmental bodies to international cooperation. Expenditures recorded as ODA come not only from the Directorate-General for International Cooperation (DGCI) set up within the Ministry of Foreign Affairs, Foreign Trade and Development Cooperation, but from other sources as well, such as the Ministry of Finance, the *Office National du Ducroire* (National Guarantee Bureau) and the Belgian contribution to European cooperation. They also include development assistance expenditures by the federated entities, i.e. the Regions or Communities, and by the subordinate authorities (the provinces and communes).

In 1998, Belgium spent 31,309 billion francs on international cooperation, of which a significant share went to the LDCs. This represents approximately 0.36 per cent of the country's gross national product (GNP), and surpasses the 1977 OECD average of 0.22 per cent. The DGCI (successor to the *Administration Générale de la Coopération au Développement*) is responsible for close to two thirds of Belgium's total ODA expenditure. The DGCI's responsibilities in the direct bilateral cooperation area include the preparation of general policy, the drafting of strategy papers for the sectors and subject areas in which future involvement is planned, the coordination of the various instruments, and information, awareness and education campaigns in the area of international cooperation. A law dated 11 March 1999 defines Belgium's international cooperation objectives and the criteria for assessing the relevance of new activities. It also sets forth the priority sectors and the subject areas in which direct cooperation is to take place. Five sectors have been designated: healthcare (with a particular focus on family planning), education and training, agriculture and food

safety, basic infrastructure and the building of society. The three subject areas covering these sectors are: equality between men and women, environment, and finally, social economy.

The implementation of the development activities, the monitoring of their progress and their evaluation is the responsibility of the *Cooperation Technique Belge* (Belgian Technical Cooperation) (CTB), a new and specialized institution established by a law of 28 December 1998 with the legal status of a limited liability company under public law, having a social character and in which the Belgian State is the only shareholder. The CTB is also responsible for financial cooperation (including debt relief), bilateral study courses, the support programme for small and medium enterprises, etc.

The *Office National du Ductroire* also has a role to play in building up international cooperation: its main mission is to foster international economic relations. Its contribution consists in a credit insurance issued subject to the payment of a fee in proportion to the risks involved, i.e. essentially political and commercial risks, *force majeure*, or default by a debtor or partner. This insurance can clearly constitute an incentive for technology transfer in that it provides a certain amount of security for commercial operations abroad, in particular when it covers the non-payment of royalties due for the transfer of a licence or know-how or when it covers the risk of nationalization/confiscation of investments involving technology transfer.

The Belgian Foreign Trade Office (OBCE) is in charge of promoting the export of industrial goods, technology and services from Belgium and Luxembourg. It is responsible for disseminating economic and commercial information, organizing promotion campaigns abroad (seminars, official thematic and sectoral missions, etc.) in cooperation with the Regions, and for coordinating the promotion of trade with the federal, regional and private-sector bodies.

The federated entities have also set up mechanisms to encourage and stimulate exports of goods and services manufactured or offered by enterprises in their territory. These services are:

- For the Brussels-Capital region: *Bruxelles Technopole* – Brussel Technopool;
- for the Walloon region: l'Agence Wallonne à l'Exportation;
- for the Flemish Community: Export Vlaanderen.

These bodies seek out and identify trading partners for enterprises, provide assistance in preparing technological analyses and in negotiating in the framework of the technology transfer process, organize or participate in transnational technology rights banks, and identify the technology transfer needs of enterprises both from the point of view of promotion (technology offer) and acquisition (technology demand). There are also possibilities for financing industrial cooperation projects or the creation of agencies abroad, including, where appropriate, technology transfer. These activities are conducted at the national and international levels. The various instruments and options offered in this framework are available not only to member States of the European Union, but also to the non-European countries, *inter alia* the least developed countries.
