TBT

Export promotion Seminar
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Lima, Peru

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EFTA and The Agreement on Technical Barriers to Trade (WTO TBT Agreement)

- All the EFTA States are Members of the WTO


WTO

WTO TBT Agreement (TBT)

- The TBT Agreement
- The sovereign rights of the Member States

TBT Agreement

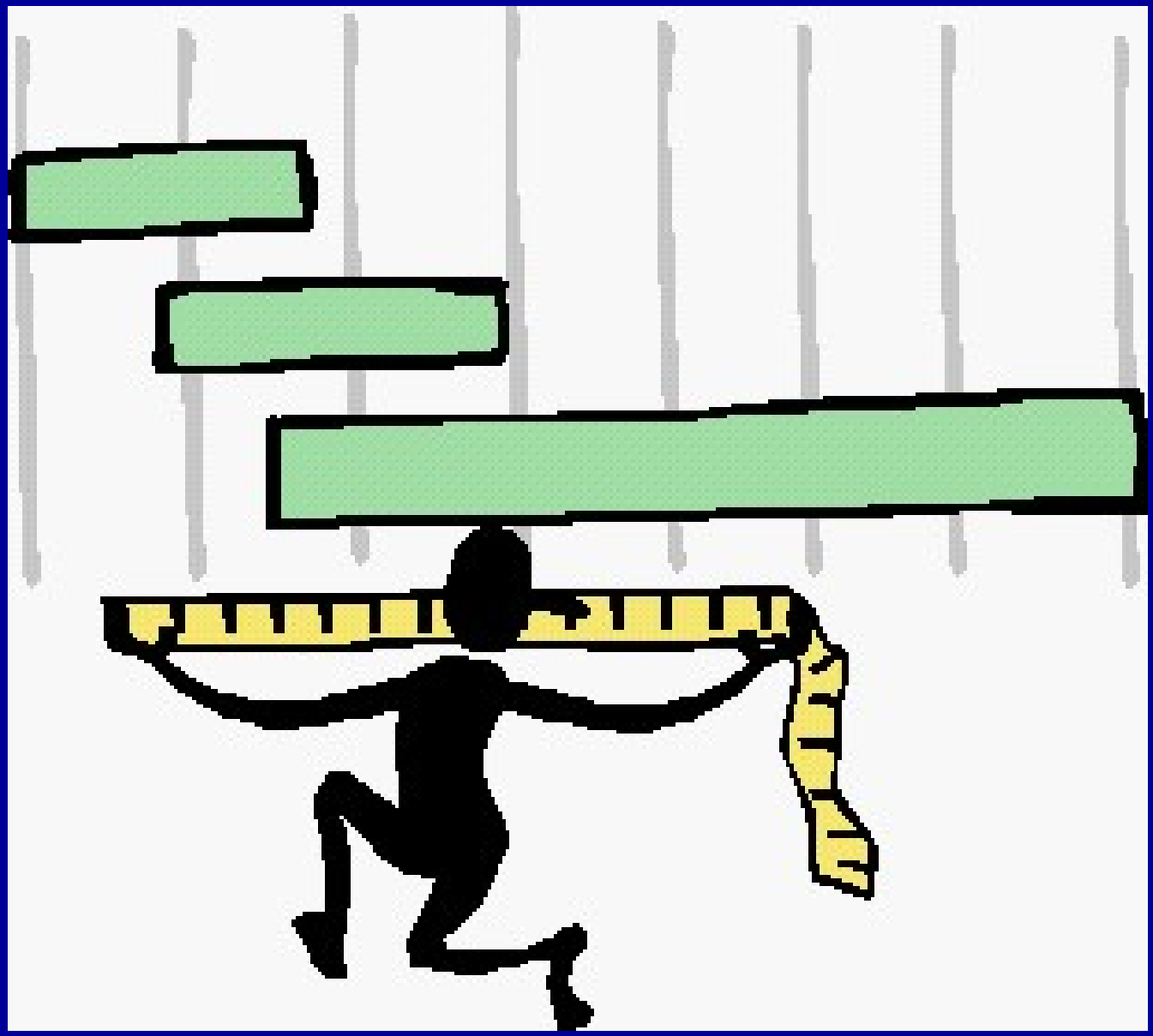
- Covers only specific measures...
- TBT Agreement is the main international instrument in the field of technical regulations

TBT Agreement

- Legitimate objectives listed, not listed can be challenged
- Aims to ensure that regulations, standards and testing and certification procedures do not create unnecessary obstacles to international trade
- Notification procedure

A “technical regulation”

- Is a..
- It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method



Technical regulation

- Three elements that a document must meet in order to fall within the definition of “technical regulation” in the WTO Agreement:
  - Apply to an identifiable product or group of products
  - Lay down one or more characteristics of the product
  - Compliance with the product characteristics must be mandatory
- Technical regulations must be mandatory

Barriers to trade

- Are created when these requirements vary from country to country, and when conformity assessment must be repeated separately for each country

- Important to note that both mandatory as well as voluntary requirements may cause technical barriers to trade

Barriers to Trade

- Duties – technical barriers have the effect of totally excluding the product from the market-place if it does not meet the requirements

Technical regulations/standards

- The distinction is clear, in practise not the case.
  - Some standards can be by law voluntary but by practise mandatory.

TBT

- typically deals with:
  - Labelling
  - Quality requirements
  - Packaging requirements
  - Electrical appliances
  - Testing vechicles and accessories
  - Ship and ship equipment
  - Safety

QUALITY

PEOPLE, PRODUCTS, SERVICE

International standards bodies

- www.iso.org
- www.IEC.ch
- www.itu.int

Corresponding EU standards bodies

- www.cenorm.be
- www.cenelec.org
- www.etsi.org

EEA – EFTA countries

- Three of the four EFTA countries i.e. Iceland, Liechtenstein and Norway are Members of the European Economic Area (socalled EEA Agreement).

- The Agreement is between those three countries and the 27 EU countries.

EEA

- Free movement of goods in the internal market.

Within the EEA

- Harmonized e.g.:
  - Electrial products
  - Toys
- Non – harmonized

EEA

- Requires Norway´s and Iceland´s application of EU´s legislation on technical regulations, standards, testing and certification.
  - Can be found in Annex II to the EEA Agreement.
    - http://secretariat.efta.int/Web/EuropeanEconomicArea/EEAAgreement/annexes/annex2a.pdf

- Liechtenstein may apply Swiss technical regulations and standards deriving from its regional union with Switzerland.

EEA

- Harmonised product requirements; Two regulatory methods:
  - Assure protection of consumers, workers, environment.
  - For industry one market, one standard on test.
    - Old Approach – design
    - New Approach – design and production qualitiy requirements – CE marking


CE

EEA

- As Mutual Recognision Agreements (MRAs) extend the EU Internal Market the EEA/EFTA States may not conclude MRAs with countries outside the EU which do not already have an agreement with the EU

EEA - CAPs

- Conformity assessment bodies (labratories etc.) of the third country can test and certify products to EEA requirements in a specific product sector (and vice versa)


Choosing
your
CAB

EU - MRA

- EU- third country, Protocol 12 of the EEA Agreement ensures the smooth functioning and the homogeneity of the EEA market.

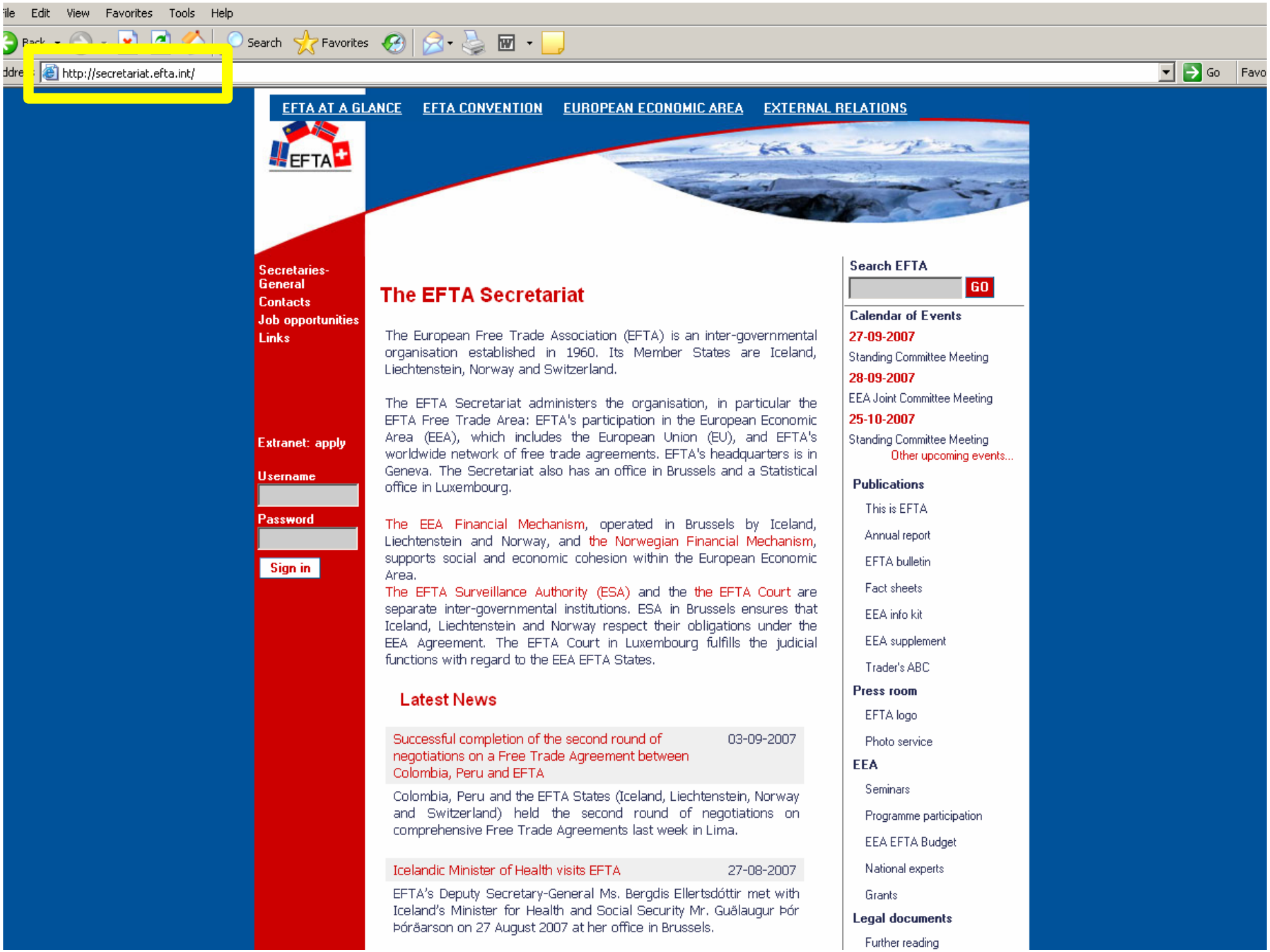

Açores (P)
Madeira (P)
Canarias (E)
Guadeloupe (F)
Martinique (F)
Guyane (F)
Suriname
Réunion (F)
Brasil
Ísland
Suomi Finland
Norge
Sverige
Eesti
Latvija
Lietuva
Rossija
Ireland
Eire
Danmark
United Kingdom
R.
Belarus'
Nederland
Polska
Belgïe
Belgique
Deutschland
Ukraïna
Luxembourg
Česká republika
Slovensko
Moldova
France
Liechtenstein
Suisse
Schweiz
Svizzera
Österreich
Magyarország
Slovenija
România
Hrvatska
Bosna i Hercegovina
Sakartvelo
Azərbaycan
Hayastan
Andorra
Monaco
San Marino
Srbija
Portugal
Italia
България
Bulgaria
España
Crna Gora
Città del Vaticano
F.Y.R.M.
Shqipëria
Türkiye
Ελλάδα
Ellada
Κύπρος
Kypros
Kıbrıs
Malta

EU and MRAs

- Such MRAs based on protocol 12 are the following: EEA EFTA–New Zealand MRA, EEA EFTA–Australia MRA, EEA EFTA–Canada MRA, EEA EFTA–Switzerland MRA, EEA EFTA–USA MRA.

3 to 30 Countries

- The extension of the EU MRAs to the three EEA/EFTA States often means easy undertaking for the third country concerned, immediately increasing the size of the potential market from EU 27 to EEA 30.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The EFTA Secretariat
The European Free Trade Association (EFTA) is an inter-governmental organisation established in 1960. Its Member States are Iceland, Liechtenstein, Norway and Switzerland.
The EFTA Secretariat administers the organisation, in particular the EFTA Free Trade Area: EFTA's participation in the European Economic Area (EEA), which includes the European Union (EU), and EFTA's worldwide network of free trade agreements. EFTA's headquarters is in Geneva. The Secretariat also has an office in Brussels and a Statistical office in Luxembourg.
The EEA Financial Mechanism, operated in Brussels by Iceland, Liechtenstein and Norway, and the Norwegian Financial Mechanism, supports social and economic cohesion within the European Economic Area.
The EFTA Surveillance Authority (ESA) and the the EFTA Court are separate inter-governmental institutions. ESA in Brussels ensures that Iceland, Liechtenstein and Norway respect their obligations under the EEA Agreement. The EFTA Court in Luxembourg fulfills the judicial functions with regard to the EEA EFTA States.
Latest News
Successful completion of the second round of negotiations on a Free Trade Agreement between Colombia, Peru and EFTA
03-09-2007
Colombia, Peru and the EFTA States (Iceland, Liechtenstein, Norway and Switzerland) held the second round of negotiations on comprehensive Free Trade Agreements last week in Lima.
Icelandic Minister of Health visits EFTA
27-08-2007
EFTA's Deputy Secretary-General Ms. Bergdis Ellertsdóttir met with Iceland's Minister for Health and Social Security Mr. Guðlaugur Þór Þórðarson on 27 August 2007 at her office in Brussels.
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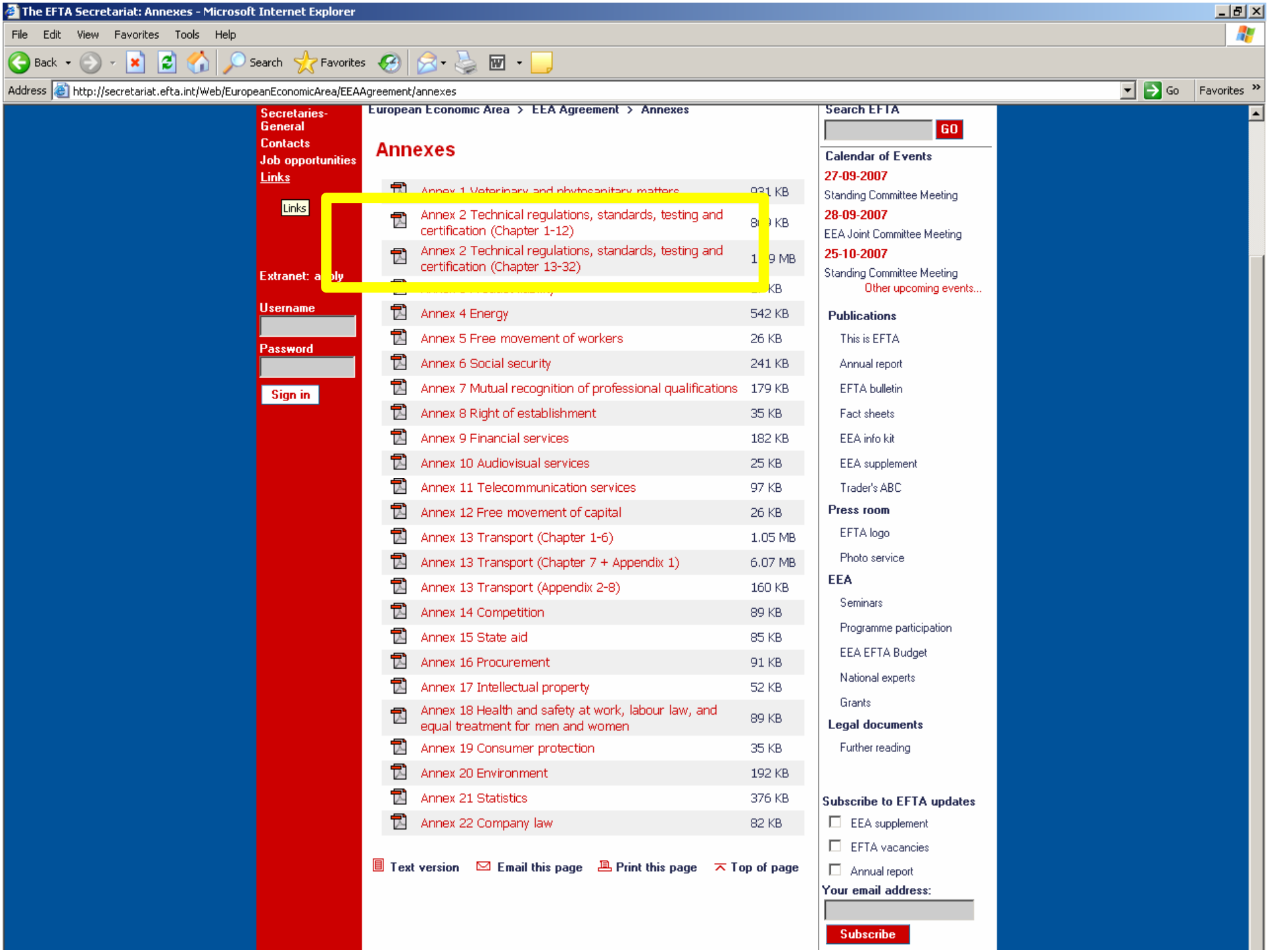
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Switzerland

- Federal Law on Technical Barriers to Trade
- Its article 4 states that technical legislation has to be drafted in such a way that it does not create trade barriers
- However, exceptions…

EU/Switzerland

- In the meantime the Swiss legislation in most product areas has been harmonised with the respective EC legislation. See website:
  - http://europa.eu.int/comm/enterprise/international/indexb1.htm
- Mutual Recognision Agreement between EU and Switzerland

Switzerland

- This covers almost all the products included in the EEA Agreement
- In the harmonised areas, Switzerland also accepts products for which compliance with the EC legislation can be demonstrated

MRA between EU/Switzerland

- **Machinery**
- **Personal Protective Equipment**
- **Toys**
- **Medical Devices**
- **Gas appliances and boilers (Hot water boilers)**
- **Pressure vessels**
- **Equipment and protective systems intended for use in potentially explosive atmospheres**
- **Electrical equipment**
- **Measuring instruments and pre-packages**
- **Motor Vehicles**
- **Agricultural and forestry tractors**
- **Good Laboratory Practice - GLP**
- **Medicinal products, Good Manufacturing Practice (GMP), inspection batch and certification**

Switzerland

- For all other areas, products have to comply with the national Swiss requirements.
- Product areas for which harmonization with the EU is not yet completed:
  - Building products – new legislation which establishes equivalence with the EU directive on building products (89/106/EEC)
  - Chemicals

Norway

- Most of Norwegian technical regulations and standards are the same as the EU
- There are only a few remaining substances where Norway has stricter provisions than the EU
- http://www.standard.no/

ICELAND

- Most of Icelandic technical regulations and standards are the same as the EU.
- Icelandic Standards online information:
  - http://www.stadlar.is

Liechtenstein

- Liechtenstein may apply Swiss technical regulations and standards deriving from its regional union with Switzerland.

Product labelling and packaging

- http://europa.eu/scadplus/leg/en/s16600.htm

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PRODUCT LABELLING AND PACKAGING

LABELLING OF FOOD PRODUCTS

General arrangements

- Labelling, presentation and advertising of foodstuffs
- Prepacked products (in weight and volume)
- "Active" and "intelligent" packaging
- Deregulation of pack sizes
- Prices of products offered to consumers
- Identification of foodstuffs by lot
- Foodstuffs treated with ionising radiation
- Frozen food

Quality associated with origin, processing or production method

- Agricultural products and foodstuffs as traditional specialities guaranteed
- Protected geographical indications and designations of origin
- Organically grown agricultural products and foodstuffs

Genetically modified organisms (GMOs)

- Introduction: genetically modified organisms (GMOs)
- Genetically modified food and feed (GMOs)
- Traceability and labelling of genetically modified organisms (GMOs)
- Unique identifiers for GMOs

Novel foods

- Novel foods and novel food ingredients

Nutrition and allergens

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PRODUCT LABELLING AND PACKAGING >

Labelling, presentation and advertising of foodstuffs

Pre-packaged foodstuffs must comply with compulsory harmonised standards on labelling and advertising. The details that must appear on packaging include the name under which the product is sold, a list of ingredients and quantities, potential allergens (products which may cause allergies), the minimum durability date and conditions for keeping.

ACT

Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [See amending acts].

SUMMARY

The Directive applies to pre-packaged foodstuffs to be delivered to the final consumer or to restaurants, hospitals, canteens and other similar mass caterers.
It does not apply to products intended for export outside the Community.

The labelling, presentation and advertising of foodstuffs must not:

- mislead the consumer as to the foodstuff's characteristics or effects;
- attribute to a foodstuff (except for natural mineral waters and foodstuffs intended for special diets, which are covered by specific Community provisions) properties for the prevention, treatment or cure of a human illness.

COMPULSORY LABELLING PARTICULARS

The labelling of foodstuffs must include the following:

Name under which the product is sold

This name is constituted by the name laid down for the product by any relevant Community provisions or, in the absence of such provisions, in the legislative provisions of, or as generally used in, the Member State where the product is sold.
The name under which the product is sold in the producing Member State may also be used, except where, despite the other compulsory particulars and the addition of other descriptive information, it could create confusion in the Member State in which it is sold.
The name under which the product is sold must also include particulars as to the physical condition of the foodstuff or the specific treatment that it has undergone (powdered, freeze-dried, deep-frozen, concentrated, smoked, etc.) in all cases where omission of such information could lead to confusion. Ionising treatment must always be mentioned.

List of ingredients

Import documents

The obligation to submit to customs documents covering imported goods
An importer shall submit to customs authorities import documents before imported goods are removed from storage at the transporter, placed in a bonded warehouse or removed from a bonded warehouse or a free zone for disposal domestically; the documents shall be submitted to customs no later than 3 months from the date of arrival of the vessel which transported the goods to the country.

Import documents shall be submitted to the director of customs in the customs district where the goods are unloaded from the vessel, unless the goods are transported undeclared to another customs district and arrangements are made for customs treatment there.

Documents that shall be submitted
The following documents shall be submitted with an import declaration, as far as applicable:

- an invoice
- a bill of lading or a transport document issued in connectiond with the transport of the goods; however when there is submitted a bill covering freight charges or a notice from the transporter to the consignee concerning a consignment of goods, and these documents contain the same information as specified in regular bills of lading, a bill of lading need not be sumbitted unless specially requested,
- a bill covering freight charges,
- a certificate of origin when preferential customs treatment is requested in accord-ance with international agreements to which Iceland is a party, unless a declaration of origin has been entered on the invoice,
- other documents concerning the imported goods which are of relevance to their customs treatment, e.g. an import licence when required, a confirmation of an authorization for special customs treatment when such is the case, or other certificates required in special circumstances.

Invoices
Invoices shall contain the following information:

- name and address of the seller (consignor),
- name and address of the buyer (consignee),
- place and date of issue,
- when the sale took place,
- number of pieces, type of packing, weight, marks and numbers,
- the goods contained in a consignment, type, make and quantity (number, weight or measurements, as the case may be),
- the selling price of individual articles and the currency in which the price is speci-fied,
- terms of payment, payment conditions and delivery conditions, discounts and other deductions and the reasons for granting such discounts or making such deductions.

Originals or copies; edi
An original or a copy of the documents listed above may be submitted to customs, provided that international agreements to which Iceland is a party do not stipulate otherwise.

An importer may submit such import documents which he has received in other forms than in writing, for example by computer media or telecommunications.

General description of customs procedures

On importation and exportation of goods there are following requirements regarding customs procedures.

1. On arrival or departure a cargo manifest stating the same information as on the bill of loading or Airway bill has to be delivered to customs. The manifest is then used for customs clearance control. This clearance control has for some years been computerised and the main cargo/forwarding firms supply the manifest information with EDI covering ca. 97% of the consignments. Every import consignment has a unique reference number given by the freight forwarder according to regulation. No clearance is allowed unless the manifest information has been delivered to customs. In some cases of urgency special clearance permit is allowed although complete information is not available.

2. The manifested cargo is not to be removed from the premises of the forwarding firm unless the goods have been cleared through customs. The forwarder is liable for customs duties if the goods are removed from his premises without permit. The accommodations for keeping goods have to be accepted by the customs authorities.

3. Customs officers can inspect goods at any step of the importation procedure.

4. Consignments can be stowed in bonded warehouses or a tax-free zone. Special regulations cover those procedures but the main purpose is to split up consignments to the convenience of the user. In the case of tax-free zone some processing is allowed.

5. To be able to clear goods for free circulation an entry form has to be filled out, signed and handed over to customs with following supplementary documents:
   - Bill of loading/Seaway bill/Airway bill.
   - Commercial invoice, or similar information if invoice is not available.
   - Bills/invoices covering cost of delivery other than stated on the commercial invoice (freight, packing, insurance and forwarding charges and fees) in accordance with the customs value (cif on import, fob on export).
   - Other documentation if necessary to determine the goods.
   - Permits and certificates if necessary according to the legislation covering the respective commodities.

6. Clearance by customs authorities was computerised in 1988 and covers all importation aspects, f. ex. calculation of duties, manifest/inventory control, statistics, accounting and other fact-finding and control mechanics.

7. Electronic data interchange, EDI, in customs clearance has been introduced and covers about 98% of the decalations of import and export firms.
8. Clearance can be made through customs in some minuets if EDI is used but may take longer time if manually processed and then usually few hours.

9. Declarants can appeal against customs decisions to the local customs director if they believe that customs value, tariff heading or duties are wrongly levied by customs officers. They can reappeal to a special customs procedures committee which gives the final verdict.

10. Customs valuation procedures is based on WTO rules of valuation. Tariffs are applied to the c.i.f. value in imports and f.o.b. value in exports. The method of pre-shipment inspection is not practised in Iceland. In cases of fraude, valuation is somtimes optained with the

Import into the EFTA States

- Find an importer in the relevant country.
- Good contact points:
  - The relevant embassies in your country
  - SIPPO for Switzerland www.sippo.ch
  - HSH for Norway www.hsh.no

Import into the EFTA States

- The Ministries of Foreign Affairs
  - Switzerland
    http://www.eda.admin.ch/eda/en/home.html
  - Iceland
    http://www.utn.stjr.is/
  - Norway
    http://www.regjeringen.no/en/dep/ud.html?id=833
  - Liechtenstein
    http://www.liechtenstein.li/en/eliechtenstein_main_sites/portal_fuerstentum_liechtenstein/home.htm

Conclusions

- A consumer's perspective
  - quality and safety
- Knowledge and science
- Influence and development through international cooperation

Conclusions

- Export products
  - Aim for products that are missing on the market
- Find an importer
  - Get the relevant information regarding the requirements concerning your product/products

Questions ?

- Questions related to SPS in the EFTA States:

- Ingibjörg Ólöf Vilhjálmsdóttir, The EFTA Secretariat iov@efta.int

THANK YOU