

# JITAP II

## Standard structure of the Module concept papers

### Concept paper for Module 2: **Strengthening MTS Reference Centres and National Enquiry Points** Proposal for detailed scope, structure and contents of the module and the related toolkit **12/05/2004 13:17:30**

## 1. Background

JITAP II was launched in February 2003, following a positive evaluation of JITAP I. The programme has three components pertaining to the development of modules and related toolkits:

- Design and development of toolkits for the five substantive programme modules;
- Implementation of the Advanced Track of the modules<sup>1</sup>;
- Implementation of the Foundation Track of the modules.

As was the case under JITAP I, the programme aims to build capacity for effective integration of partner countries into the Multilateral Trading System (MTS).<sup>2</sup>

Like its predecessor, JITAP II will be implemented jointly by ITC, UNCTAD and WTO in an integrated manner, in co-operation with the partner countries and with support from the donor community.

This concept paper aims to provide for the terms of reference including scope, structure and contents of Module II "Strengthening MTS Reference Centers, and National Enquiry Points". The concept paper lays out the modalities for the design, implementation and monitoring of activities and the toolkit under this module, taking into account the roles and comparative advantages of the three JITAP agencies with a view to creating synergies among them.

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<sup>1</sup> As per the Programme Document, the advanced track of JITAP's capacity building modules applies to the countries that participated in the first phase of the programme while the foundation track is meant for the countries that joined the second phase.

<sup>2</sup> As per the distribution of module responsibilities at the meeting of JITAP Steering mechanism of 17 February 2003:

<i>Modules</i>	<i>Lead responsibility for the module</i>
- MTS Institutional support, Compliance, Policies, and Negotiations.	UNCTAD
- Strengthening MTS Reference Centers, and NEPs on TBT and SPS	WTO
- Enhancing MTS Knowledge and Networks	Joint leadership (Programme Coordinator)
- Product and Services Sector Strategies	ITC
- Networking and Programme Synergy	Joint leadership (Programme Coordinator)

The leadership concept was defined as relating to the responsibility of:

- Proposing the complete contents and structure of the module and the related implementation instruments, including the toolkits;
- Taking the appropriate initiatives for the definition and the implementation of tasks;
- Defining the processes for the implementations of such tasks;
- Ensuring the quality control of the outputs.

## **2. Features and objectives of Module II: Strengthening MTS Reference Centers, and National Enquiry Points**

### **a. Purpose and scope of this module**

The Doha Ministerial Declaration states that "the delivery of technical assistance shall be designed to assist developing and least developed countries and low-income countries in transition to adjust to WTO rules and disciplines, implement obligations and exercise the rights of membership, including drawing on the benefits of an open, rules-based multilateral trading system". The capacity being built under this module with respect to Reference Centers and Enquiry Points (EPs) corresponds to the spirit of the Doha Ministerial Declaration. Reference Centers would serve as an important conduit for MTS information to the relevant stakeholders. Enquiry Points could raise the awareness of relevant public sectors and the business community of the requirements and standards, as well as all trade related rules and regulations, required by their trading partners.

The scope of module II pertains to the establishment and operation of reference centers and enquiry points. Whereas reference centers and enquiry points are similar with regard to the provision of information and transparency, reference centers are not required under any WTO Agreement, as opposed to enquiry points which are mandatory under several WTO rules and obligations.

With regard to reference centers, three are planned per JITAP country. The three comprise a government, private (business) and academic reference centers; each draws on the complementary strengths, respective expertise and comparative advantages of the three JITAP implementing agencies.

With respect to enquiry points, this module will focus on four enquiry points, each one pertaining to a WTO Agreement. The WTO Agreements that are covered under this module are: the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS); the Agreement on Technical Barriers to Trade (TBT); the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); and the General Agreement on Trade in Services (GATS).

It is important to clarify that each of the four agreements are quite different in scope, features and have diverse implications on trade and domestic policy for WTO Member countries (Members). The main common denominator of the agreements is the 'transparency' obligation that must be fulfilled by all Members in order to comply with international trade rules governing the multilateral trading system.

Both the SPS and TBT Agreements govern the international rules on the application of standards and regulations to goods. The basic aim of the detailed rules and guidelines of both agreements is to ensure that technical regulations (TBT) and sanitary and phytosanitary measures (SPS) are not formulated and applied by countries so as to create unnecessary obstacles to trade.

The GATS Agreement contains a set of rules and procedures, which govern the regulatory framework for trade in services. With over 155 services subsectors covered by the agreement, in addition to the backward and forward linkages services have in an economy,

clearly the Services Agreement has broader implications on overall national policies and domestic regulations.

The TRIPS Agreement lays down minimum standards for the protection of intellectual property rights as well as the procedures and remedies for their enforcement. Covering about seven different intellectual property rights, the agreement establishes a mechanism for consultations and surveillance at the international level to ensure compliance with these standards by Members at the national level, a role that impacts national legal policies.

Although enquiry points, or contact points in the case of the TRIPS Agreement, are required under each of the four WTO Agreements, each one is tailor-specific to the transparency requirements of the particular agreement. It is important to note that some of the articles relating to enquiry points also allude to Members' notification requirements, which are in some instances interlinked to enquiry points.

This concept paper will only depict those notification requirements to the extent that they relate to enquiry points. This *modus operandi* should not undermine the importance of the other articles stipulated in the four agreements which pertain to notification requirements.

Under this module, JITAP will provide the partner countries with tools, training programmes and materials to help build their institutional and human capacity on the multilateral trading system.

**b. Main definitions, key concepts and terminology:**

MTS Capacity Building:

Actions aimed at supporting both the human and institutional levels to understand, better manage and ensure full participation in the Multilateral Trading System.

National Steering Committee (NSC):

A committee which coordinates at the national level the implementation of JITAP projects among participating institutions. These institutions include the Directorate for International Trade in the Ministry of Commerce, trade promotion organizations, chambers of commerce and industry and local academic institutions.

Inter-Institutional Committee (IIC):

A national consultative mechanism which identifies trade negotiation objectives, proposes trade policy options, promotes a dialogue between government and key stakeholders, and lays down a path for implementing WTO rules and disciplines, including the establishment of enquiry points.

Needs Assessment Programming Exercise (NAPE):

Based on JITAP II project document, the needs of partner countries are assessed by the National Steering Committee (NSC), in collaboration with consultants in each country. The NAPE is presented in a country project document.

### Reference Centre (RC):

A reference centre is a physical location opened to government officials, business representatives, university professors, students and/or the general public where information resources from the WTO, UNCTAD and ITC can be easily obtained on their internet sites, in electronic versions on CD-ROMs, information and data in print versions, as well as documents. The users can obtain information about the MTS and their country's commitments relating to the multilateral trade negotiations from the reference centre.

### Enquiry Point (EP):

An enquiry point is an information point required by several WTO Agreements under the provision of information and transparency. Members are required to establish one or more enquiry points to provide specific information to other Members, upon request. The four main agreements with this requirement and that are covered under this module are: the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS); the Agreement on Technical Barriers to Trade (TBT); the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); the General Agreement on Trade in Services (GATS). In the case of the TRIPS Agreement, this requirement is referred to as contact points.

### Agreement on the Application of Sanitary and Phytosanitary Measures (SPS):

The Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. It concerns the application of food safety and animal and plant health regulations. Under Article 7 of the SPS Agreement<sup>3</sup>, Members are required to notify changes in their SPS measures and to provide information on their sanitary or phytosanitary measures. Annex B of the SPS Agreement is dedicated to the transparency obligations and are outlined in three areas: publication of regulations; enquiry points and notification procedures.

Regarding enquiry points, Members are obliged to set up enquiry points to respond to all reasonable questions from interested members; to provide for the texts of the new or modified regulations that were notified to the WTO; as well as other relevant documents.

With respect to notification procedures, Members are required to designate a single government authority to be responsible for the implementation, at the national level, of provisions concerning notification procedures. While the notification authority may handle questions on notified draft measures, the enquiry point is responsible for answering questions on all existing SPS measures (even those that existed before the WTO and the SPS Agreement came into force). As a result of this close relationship between EPs and notification authorities, some Members have found it advantageous to have the same body operating as both the notification authority and enquiry point. However, as stated earlier, the mandate of this module only covers enquiry points.

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<sup>3</sup> Refer to Annex 1 for the provisions of Article 7 and Annex B of the "SPS Agreement"

#### Agreement on Technical Barriers to Trade (TBT):

The Agreement on Technical Barriers to Trade (the "TBT Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. Under Article 10 of the TBT Agreement<sup>4</sup>, Members are required to set up an enquiry point which is able to answer all reasonable enquiries from other Members and interested parties as well as to provide the relevant documents regarding technical regulations, standards and conformity assessment procedures.

Enquiry points can also act as a focal point where other Members can request and obtain information and documentation on a Member's technical regulations, standards and test procedures, whether impending or adopted, as well as on participation in bilateral or plurilateral arrangements, international and regional standardizing bodies and conformity assessment systems.

#### Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS):

The Agreement on Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. Under Article 69 of the TRIPS Agreement<sup>5</sup>, Members are required to establish and notify contact points in their administrations for the purposes of co-operation with each other aimed at the elimination of trade in infringing goods. They should, in particular, promote the exchange of information and co-operation with regard to trade in counterfeit trademark goods and pirated copyright goods. Each Member must notify to the TRIPS Council, through the WTO Secretariat, its laws and regulations pertaining to the subject matter of the TRIPS Agreement (the availability, scope, acquisition, enforcement and prevention of the abuse of intellectual property rights).

#### The General Agreement on Trade in Services (GATS):

The General Agreement on Trade in Services (the "GATS Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. GATS Article III<sup>6</sup> focuses on the transparency provisions of the GATS Agreement. More specifically, Article III.4 requires each Member to : (i) respond promptly to all requests by other Members regarding specific information on any of its measures of general application or international agreements as stated in Article III.1; (ii) establish one or more enquiry points from which other Members can obtain information on laws and regulations affecting trade in the service sectors of interest to their industries; (iii) inform the Council for Trade in Services through the enquiry point about any laws, regulations or administrative guidelines which significantly affect trade in services covered by a Member's specific commitments under the GATS Agreement as stipulated under Article III.3.

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<sup>4</sup> Refer to Annex 2 for the provisions of Article 10 of the "TBT Agreement"

<sup>5</sup> Refer to Annex 3 for the provisions of Article 69 of the "TRIPS Agreement"

<sup>6</sup> Refer to Annex 4 for the provisions of Article III of the "GATS Agreement"

**c. Module objectives and related components**

**i- Objectives**

- Through the use of reference centers, the capacity of partner countries to integrate into the MTS will be enhanced at both the institutional and human levels. Reference centers aim to:
  1. Build national capacity to better understand multilateral trade rules;
  2. Establish a "one-stop shop" for trade-related information within a country;
  3. Disseminate useful trade-related information to government officials, businessmen and the academic community.
- Through the proper operation of enquiry points, partner countries will be able to implement their commitments in each of the WTO Agreements. Enquiry points aim to:
  1. Improve on the country's transparency obligations by publishing all measures that are in force;
  2. Ensure that proposed regulations are published early, to allow for comments;
  3. Notify new measures/regulations to other Members through the WTO Secretariat;
  4. Provide copies of proposed regulations on request to other Members.

**ii- Components**

The module will have the following components:

- Assessment of the needs of each partner country by referring to the country project documents, resulting from the NAPE. The old countries do not necessarily have the same needs as the new ones.
- Establishment of reference centres and enquiry points where they do not exist. This should be given a higher priority.
- Development of a toolkit for "Establishment and/or Strengthening of Reference Centers and National Enquiry Points".
- Setting a timetable for the different phases necessary for the establishment of viable references centers, or strengthening of enquiry points.
- Allocation of the right bureau to host the reference centers and enquiry points, in collaboration with the NSCs.
- Updating existing reference centres and enquiry points with all relevant documentation and information.

- Training of personnel/managers for each reference center or enquiry point. These persons would be responsible for their proper running and functioning.

**d. Main activities, outputs and results under Module II**

i. Main activities under Module II

- Developing a tool kit on the setting-up and proper functioning of reference centers and enquiry points.
- Holding national and regional workshops on toolkit dissemination.
- Training and orientation of managers and personnel of reference centers and enquiry points.
- Providing basic documentation for all three reference centers: government, business and academia.
- Procuring and supplying basic selected MTS technical relevant documentation for the enquiry points.
- Providing computer equipment for reference centers and enquiry points.

ii. Expected outcomes of Module II

The outcomes expected from the implementation of Module II by partner-countries will comprise:

- Establishment/proper operation of three reference centers on the multilateral trading system per partner-country to cater for the public (government), private (business) and academic communities.
- Establishment/proper operation of four enquiry points per partner-country on the Agreement on Sanitary and Phytosanitary Measures (SPS); the Agreement on Technical Barriers to Trade (TBT); the Agreement on Trade-Related Intellectual Property Rights (TRIPS); and the General Agreement on Trade in Services (GATS) as follows:

1. SPS Enquiry Point:

The enquiry point on SPS will:

- provide trading partners with any information on the application of food safety and animal and plant health regulations, the existence of equivalence agreements, or information on risk assessment procedures and decisions.
  - answer any reasonable questions regarding SPS measures,

- provide relevant documents regarding:
  - any SPS regulations adopted or proposed within its territory.
  - any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within the country's territory.
  - risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate levels of SPS protection.
  - the membership and participation of the Member, or of relevant bodies within its territory, in international and regional SPS organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.

2. TBT Enquiry Point:

The enquiry point on TBT will:

- answer all reasonable enquiries from other Members and interested parties as well as to provide the relevant documents regarding:
  - any technical regulations, standards, and conformity assessment procedures adopted or proposed within its territory;
  - the membership and participation of the Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.

3. TRIPS Contact Point:

The contact point on TRIPS will:

- notify information related to the establishment of the contact point to the Council for TRIPS at the WTO.
- exchange information and cooperate with Members' customs authorities regarding trade in counterfeit trademark goods and pirated copyright goods.

4. GATS Enquiry Point:

The enquiry point on GATS will:

- respond promptly to all requests by other Members regarding specific information on any of its measures of general application or international agreements;
- establish one or more enquiry points from which other Members can obtain information on laws and regulations affecting trade in the service sectors of interest to their industries;
- inform the Council for Trade in Services through the enquiry point about any laws, regulations or administrative guidelines which significantly affect trade in services covered by a Member's specific commitments under the GATS Agreement.

#### Other Outcomes under Module II:

- Build national capacity on the multilateral trading system, including WTO, ITC and UNCTAD trade-related matters.
- Build national capacity on standard bodies and technical regulations.
- Strengthen partner-countries' ability to comply with their WTO obligations.

### **3. JITAP strategy relevant to the implementation of Module II**

#### **a. Target audience of JITAP II capacity building activities under Module II**

##### i. Potential beneficiaries

- Trade-related ministries where a reference center for the government is established.
- Various private sector associations, i.e. chambers of commerce, and export-oriented enterprises where a reference center for the business community is established.
- Trade-related academic institutions where a reference center for the academic community is established.
- Bureaus related to sanitary and phytosanitary measures for the enquiry point on SPS.
- Government authorities dealing with technical barriers to trade for the enquiry point on TBT such as the Standard Bureaus.
- Government authorities dealing with trade-related intellectual property rights for the contact point on TRIPS.

- Bureaus dealing with trade in services for the enquiry point on GATS such as the ministries of finance, telecommunications, tourism, construction, transportation etc.
- ii. Thematic priorities [Based on JITAP baseline and major needs identified]  
 JITAP's NAPE depicted in country project documents, which is conducted on all partner countries will act as the main source of information regarding partner countries for technical assistance. Moreover, the need for technical assistance to strengthen JITAP country enquiry points has been underlined by:
  - (a) Responses from Cameroon, Kenya, Senegal and Uganda to a questionnaire on technical assistance circulated to the SPS Committee in February 2002;
  - (b) Replies from Benin, Kenya, Mozambique, Senegal, Tanzania and Zambia to a questionnaire on the operation of enquiry points circulated as part of a special meeting on enquiry points held on 31 October 2003; and
  - (c) Specific requests for funding to upgrade the functions of enquiry points made by Uganda and Malawi.

#### **b. Implementation strategy of Module II**

JITAP II aims at this stage to help partner countries have a sense of ownership and self-implementation. The WTO will be responsible for the successful implementation of Module II, with joint involvement of ITC, UNCTAD and JITAP Coordination Unit. Each of the two agencies (ITC and UNCTAD) will provide their respective trade-related documents and material for the reference centers. Material from ITC will be made available for the business reference center, while UNCTAD will provide material for the academic reference center.

The implementation strategy of Module II will be based on the following elements:

- Assessment of the needs of each partner country by referring to the country project documents, resulting from the NAPE. The old countries do not necessarily have the same needs as the new ones.
- Establishment of reference centres and enquiry points where they do not exist. This should be given a higher priority.
- Development of a toolkit for "Establishment and/or Strengthening of Reference Centres and National Enquiry Points".
- Setting a timetable for the different phases necessary for the establishment of viable references centers, or strengthening of enquiry points.
- Allocation of the right agency to host the reference centers and enquiry points, in collaboration with the NSCs.

- Updating the existing reference centres and enquiry points, with all relevant information.
- Training of at least two to three persons for each reference center and enquiry point established under this programme. These persons would be responsible for the proper running and functioning of the enquiry points and the reference centers.
- Development of a toolkit for Module II.
- Dissemination of the toolkit for Module II by means of two regional workshops and technical missions to partner countries.

### c. National implementation of module activities

The JITAP National Steering Committee (NSC) and/or the Inter-Institutional Committee (IIC), together with all the relevant ministries, business associations and academic institutions, will be responsible for the national implementation of Module II activities. Depending on whether a reference center or enquiry point is being established or made fully operational, there are many different stakeholders involved. As a result, implementation will require a lot of coordination between institutions. In the case of enquiry points, it is recommended to set up a national coordinating committee chaired by the authority which hosts the enquiry point.

### d. Performance indicators for activities under Module II

The performance indicators for this module –including the standard output and result indicators of the toolkit utilization - are the following (to be completed and incorporated in JITAP Performance Measurement Matrix, PMM):

Performance framework	Performance indicators	Data sources
<u>Impact</u>		
Building national trade-related capacity on the multilateral trading system.	Well-functioning and fully operational national reference centers.	Three national reference centers: Government; Business; Academic.  More perceived usage from government, business and academic fora, which would raise their human capacity of the MTS.
Strengthening partner-countries' capacity to comply with WTO obligations	Well-functioning and fully operational enquiry points	Four enquiry points per partner country: SPS; TBT; TRIPS; GATS
<u>Expected Outputs and Results</u>		

Performance framework	Performance indicators	Data sources
Three fully operational reference centers: Government, Business, and Academic	All stakeholders have more access to trade-related information. - Increase number of users - Volume and relevance of MTS information material in each facility - Proven network linkages, including the CDF	Evidence of implementation of the delivery strategy for the reference centers through the number of clients served and its usefulness assessed by users
Four fully operational enquiry points per partner country on SPS; TBT; GATS; and TRIPS.	Partner countries are complying with their transparency and notification requirements under each of the four agreements.	Partner countries are able to publish all their measures and regulations required under the WTO Agreements.  Partner countries are able to respond to any enquiries regarding their measures and regulations, which are posed by other Members  Partner countries can acquire information from other Members' enquiry points on foreign regulations and standards affecting products in which they have a trade interest.

#### 4. The toolkit for Module II

Given the linkages that the toolkit is expected to have *among components of other modules*, its preparation and delivery processes deserve a clearly defined structure/framework to ensure consistency and harmonization of contents and approach. For this purpose, this section sets the baseline for the preparation and delivery of the toolkit.

The toolkit for Module II should assist administrators/managers in developing countries to take the necessary steps to establish and operate reference centers and enquiry points. The main aims of the toolkit are to:

- Facilitate coordination between national institutions to integrate their activities in meeting transparency obligations of the various WTO Agreements.
- Provide the tools to set up and operate reference centers and enquiry points.
- Outline the steps to respond to information enquiries from other WTO Members, civil society and the private sector.

### **a. Contents of the toolkit**

The toolkit is divided into nine sections:

- The role and purpose of the enquiry points that are key to delivering the transparency obligations of the WTO Agreements.
- The role and purpose of the reference centers as a conduit for MTS information.
- Appropriate training material and related didactical tools and pedagogical approaches.
- A step-by-step guide on how to establish and operate reference centers and the resources that are necessary for their successful functioning.
- A step-by-step guide on how to establish and operate enquiry points and the resources that are necessary for their successful functioning.
- A description of each of the four WTO Agreements and the steps to follow for a proper functioning of enquiry points.
- Supporting background documents, case studies and easy-to-use illustrations.

### **b. Structure of the Toolkit for Module II**

The toolkit for Module II covers all elements that are prerequisite for establishing and operating a reference center and/or enquiry point. The various tools included in the toolkit can be categorized as:

#### **1. Tools related to Reference Centers:**

- List of useful publications, CD-Roms, & MTS-related material for government, business and academic use.
- Computer equipment
- Internet access

#### **2. Tools related to Enquiry Points:**

- List of procedures needed for enquiry points to reply to other Members' requests regarding regulations.
- List of procedures needed for enquiry points to notify new measures, etc. to the WTO Secretariat.

### **c. Adaptation to local needs and target groups**

Individual country priorities for developing skills in different areas of the MTS, as well as the potential target groups for training and dissemination activities vary. This has an immediate implication for the resource and reference material to be included in the Toolkit--- the said material will necessarily be generic enough to suit the request of a diversified clientele. JITAP will, to the extent practicable during its implementation, provide limited resources for the adaptation of generic material to the situation of the respective countries.

### **d. Preparation and delivery of the Toolkit:**

Based on previous experience for setting up reference centres and national enquiry points under JITAP I, the WTO in collaboration with a consultant, prepared a toolkit for the

establishment of reference centres and enquiry points which will be ready for dissemination in sub-regional workshops to be held in June and August 2004.

The delivery of the toolkit will be realized through regional workshops and technical missions. The regional workshops will include one for English-speaking and another for French-speaking JITAP partner countries. The workshops will be the venue for presenting the toolkit, explaining the methodology and tools and disseminating the toolkit to all partner countries. Technical missions to partner countries will be undertaken to install the computer equipment and train personnel/managers on the spot depending on the specific needs of partner countries as envisaged in the country project documents (NAPE).

## 5. Recapitulation of module activities constituting the basis for JITAP implementation plans

### a. Countries in first phase of JITAP:

Partner countries which benefited under JITAP I from the establishment of reference centers and enquiry points will have them assessed and strengthened. Most of these countries will benefit from an update of computer equipment and/or MTS-related documentation according to their specific needs. Moreover, partner countries under JITAP I will be introduced to the toolkit which will provide them with hands-on practical tools to establish and/or strengthen a reference center and an enquiry point.

### b. Countries involved in second phase of JITAP:

New partner countries will require more comprehensive work due to the need to set up a basic infrastructure for reference centers and enquiry points. The toolkit will be especially useful for those countries which have not yet established reference centres or enquiry points. The toolkit will be a useful manual to follow in the initial stages of implementation and can act as a functional guide throughout the operational process.

### c. Consolidated schedule of activities

Activity	Expected results and outputs	Main country counterparts
Completion of Module II toolkit	Toolkit ready for dissemination	
Sub-regional workshop (English) to train reference center and enquiry points managers on the application of the toolkit for Module II	Capacity built to use the toolkit	National Focal Points; stakeholders and managers of RCs and EPs.
Sub-regional workshop (French) to train reference center and enquiry points managers on the application of the toolkit for Module II	Capacity built to use the toolkit	National Focal Points; stakeholders and managers of RCs and EPs.
Technical mission to establish/upgrade reference centers/enquiry points and conduct training. This entails procurement of computer equipment and provision of documentation for 3 reference centres and 4 EPs.	Building capacity on the operation of RCs and EPs. leading to raising awareness of MTS	National Focal Points; stakeholders and managers of RCs and EPs.

**d. Sequencing of module activities**

In May 2004, the toolkit for the establishment of reference centers and enquiry points will be finalized and ready for dissemination. The regional workshops for the dissemination of the toolkit will take place in June and in August 2004 for all partner countries. In June 2004, a regional workshop for English-speaking JITAP partner countries will be held. For French-speaking JITAP partner countries, a regional workshop to disseminate the toolkit will take place in August 2004.

Technical missions will be undertaken for the actual (physical) establishment of reference centers and enquiry points and the conduct of associated training. This will entail the procurement of computer equipment, provision of documentation and training. A country specific adaptation to these activities, shaping the conduct of these technical missions, will be covered by each country project document.

**e. Special considerations: Gender and Poverty related activities**

The gender and poverty alleviation dimensions are integrated in the module's formulation and preparation. For each JITAP activity, equal representation of women, especially in managing reference centers and national enquiry points will be considered. For poverty alleviation, the link between trade and development needs to be reinforced and further clarified to depict the positive benefits of trade liberalization for poverty alleviation and human development. Since reference centres and enquiry points are means of integrating member countries into the MTS and further liberalizing their trade, there is an indirect link of how this module can help alleviate poverty.

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**Annex 1:**  
**SPS Articles related to Enquiry Points**

*Article 7*

*Transparency*

Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.

ANNEX B

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS

Publication of regulations

1. Members shall ensure that all sanitary and phytosanitary regulations<sup>7</sup> which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.
2. Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

*Enquiry points*

3. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:
  - (a) any sanitary or phytosanitary regulations adopted or proposed within its territory;
  - (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
  - (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
  - (d) the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.
4. Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals<sup>8</sup> of the Member concerned.

*Notification procedures*

5. Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:
  - (a) publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
  - (b) notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation.

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<sup>7</sup> Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.

<sup>8</sup> When "nationals" are referred to in this Agreement, the term shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;

(c) provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;

(d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.

6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:

(a) immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);

(b) provides, upon request, copies of the regulation to other Members;

(c) allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.

7. Notifications to the Secretariat shall be in English, French or Spanish.

8. Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.

9. The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.

10. Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.

#### General reservations

11. Nothing in this Agreement shall be construed as requiring:

(a) the provision of particulars or copies of drafts or the publication of texts other than in the language of the Member except as stated in paragraph 8 of this Annex; or

(b) Members to disclose confidential information which would impede enforcement of sanitary or phytosanitary legislation or which would prejudice the legitimate commercial interests of particular enterprises.

**Annex 2**  
**TBT Articles related to Enquiry Points**

INFORMATION AND ASSISTANCE

*Article 10*

*Information About Technical Regulations, Standards and  
Conformity Assessment Procedures*

10.1 Each Member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents regarding:

10.1.1 any technical regulations adopted or proposed within its territory by central or local government bodies, by non-governmental bodies which have legal power to enforce a technical regulation, or by regional standardizing bodies of which such bodies are members or participants;

10.1.2 any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants;

10.1.3 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by central or local government bodies, or by non-governmental bodies which have legal power to enforce a technical regulation, or by regional bodies of which such bodies are members or participants;

10.1.4 the membership and participation of the Member, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; it shall also be able to provide reasonable information on the provisions of such systems and arrangements;

10.1.5 the location of notices published pursuant to this Agreement, or the provision of information as to where such information can be obtained; and

10.1.6 the location of the enquiry points mentioned in paragraph 3.

10.2 If, however, for legal or administrative reasons more than one enquiry point is established by a Member, that Member shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these enquiry points. In addition, that Member shall ensure that any enquiries addressed to an incorrect enquiry point shall promptly be conveyed to the correct enquiry point.

10.3 Each Member shall take such reasonable measures as may be available to it to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents or information as to where they can be obtained regarding:

10.3.1 any standards adopted or proposed within its territory by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants; and

10.3.2 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by non-governmental bodies, or by regional bodies of which such bodies are members or participants;

10.3.3 the membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; they shall also be able to provide reasonable information on the provisions of such systems and arrangements.

10.4 Members shall take such reasonable measures as may be available to them to ensure that where copies of documents are requested by other Members or by interested parties in other Members, in accordance with the provisions of this Agreement, they are supplied at an equitable

price (if any) which shall, apart from the real cost of delivery, be the same for the nationals<sup>9</sup> of the Member concerned or of any other Member.

10.5 Developed country Members shall, if requested by other Members, provide, in English, French or Spanish, translations of the documents covered by a specific notification or, in case of voluminous documents, of summaries of such documents.

10.6 The Secretariat shall, when it receives notifications in accordance with the provisions of this Agreement, circulate copies of the notifications to all Members and interested international standardizing and conformity assessment bodies, and draw the attention of developing country Members to any notifications relating to products of particular interest to them.

10.7 Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.

10.8 Nothing in this Agreement shall be construed as requiring:

10.8.1 the publication of texts other than in the language of the Member;

10.8.2 the provision of particulars or copies of drafts other than in the language of the Member except as stated in paragraph 5; or

10.8.3 Members to furnish any information, the disclosure of which they consider contrary to their essential security interests.

10.9 Notifications to the Secretariat shall be in English, French or Spanish.

10.10 Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures under this Agreement except those included in Annex 3.

10.11 If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Member concerned shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these authorities.

### **Annex 3** **TRIPS Articles related to Enquiry (Contact) Points**

#### *Article 69*

#### *International Cooperation*

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<sup>9</sup> "Nationals" here shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

Members agree to cooperate with each other with a view to eliminating international trade in goods infringing intellectual property rights. For this purpose, they shall establish and notify contact points in their administrations and be ready to exchange information on trade in infringing goods. They shall, in particular, promote the exchange of information and cooperation between customs authorities with regard to trade in counterfeit trademark goods and pirated copyright goods.

**Annex 4**  
**GATS Articles related to Enquiry Points**

Article III

Transparency

1. Each Member shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Agreement. International agreements pertaining to or affecting trade in services to which a Member is a signatory shall also be published.
2. Where publication as referred to in paragraph 1 is not practicable, such information shall be made otherwise publicly available.
3. Each Member shall promptly and at least annually inform the Council for Trade in Services of the introduction of any new, or any changes to existing, laws, regulations or administrative guidelines which significantly affect trade in services covered by its specific commitments under this Agreement.
4. Each Member shall respond promptly to all requests by any other Member for specific information on any of its measures of general application or international agreements within the meaning of paragraph 1. Each Member shall also establish one or more enquiry points to provide specific information to other Members, upon request, on all such matters as well as those subject to the notification requirement in paragraph 3. Such enquiry points shall be established within two years from the date of entry into force of the Agreement Establishing the WTO (referred to in this Agreement as the "WTO Agreement"). Appropriate flexibility with respect to the time-limit within which such enquiry points are to be established may be agreed upon for individual developing country Members. Enquiry points need not be depositories of laws and regulations.
5. Any Member may notify to the Council for Trade in Services any measure, taken by any other Member, which it considers affects the operation of this Agreement.

#### Article III bis

##### Disclosure of Confidential Information

Nothing in this Agreement shall require any Member to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

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