

New Zealand's Domestic Coordination Mechanisms for Technical Barriers to Trade



New Zealand Government

Te Kāwanatanga o Aotearoa

Outline

- New Zealand context
- TBT Strategy
- A User Guide for Regulators
- Promotional workshops

New Zealand Context

Population: 4.9 million

Core public service employees: 50,000

Public service policy employees: 2,700

New Zealand's regulatory system

- meeting regulatory objectives in a least cost way
- focus on performance-based regulation and recognition of global standards and certification systems
- a small country with small-sized regulatory agencies.

New Zealand Context - TBT

- it is a challenge to keep TBT obligations front of mind, especially for small regulators
- most regulators only develop regulations or standards within scope of the TBT Agreement every few years
- we do not have a formal coordination structure for TBT, such as a national committee
- we rely on our WTO TBT Enquiry Point to lead stakeholder outreach
- our Ministry for Primary Industries is our most active regulator on TBT issues

TBT User Guide

- targeted at regulatory agencies
- designed to assist regulatory agencies in New Zealand with meeting international TBT obligations (including WTO and FTA obligations)
- an educational tool for regulators to help if they are not developing regulations frequently
- circulated to agencies and published online

**A REGULATOR'S GUIDE
to New Zealand's technical
barriers to trade (TBT)
obligations**

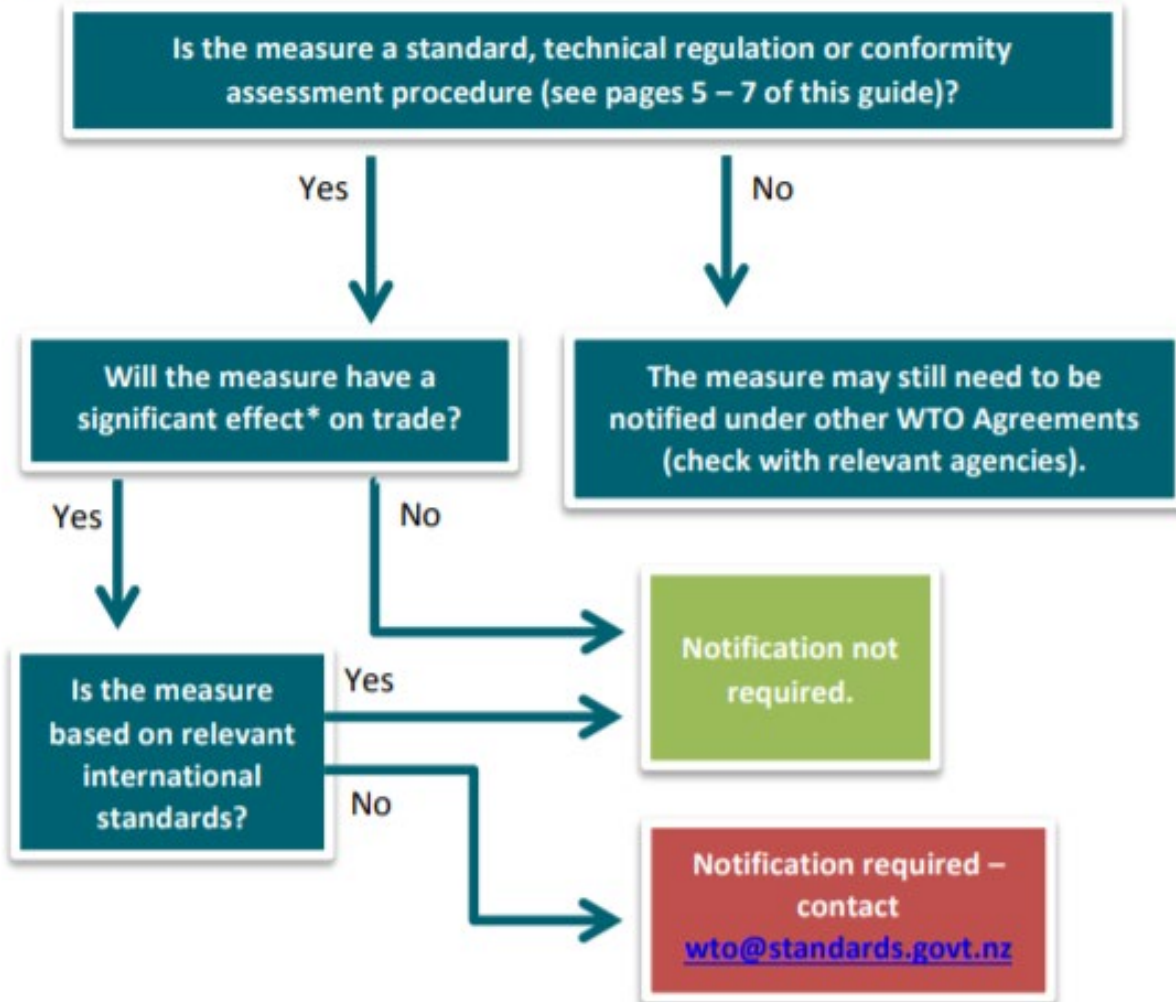


TBT User Guide - content

- introduction to technical regulations, standards and conformity assessment procedures
- background information on the WTO Agreement on TBT (based on WTO materials)
- outline of WTO TBT obligations
- outline of New Zealand's TBT obligations in our regional trade agreements
- a step-by-step guide for incorporating WTO obligations into a regulatory development process.

TBT User Guide - notifications

When does a TBT measure need to be notified to the WTO Secretariat?



TBT User Guide – step-by-step

A step-by-step guide to incorporating TBT notifications into the regulatory process

1 Policy development

Regulators should consider whether there are:

- equivalent or similar regulations or standards in other countries (particularly other WTO members and/or New Zealand's FTA partners)
- relevant international standards.

Regulators should consider adopting those measures in New Zealand.

Regulators must be able to explain to other WTO members and FTA partners why equivalent, or international, measures have not been adopted.

2 Consultation

Regulators have an obligation to notify WTO members if the proposal is inconsistent with relevant international standards and could have a significant effect on trade.

Regulators should email details of the proposal to: wto@standards.govt.nz.

The details should include:

- brief description of the proposed regulation
- department responsible
- goods that the proposal could affect (including HS codes if known)
- potential impact on the trade of those goods
- type of proposed regulation (technical regulation, standard or conformity assessment procedure)
- contact person and contact details
- electronic copy of the public consultation material.

Following notification to the WTO, regulators should allow a minimum of 60 days before the end of the comment period.

3 Cabinet and LEG consideration

No specific TBT action required.

4 Parliamentary process (primary legislation)

No specific TBT action required.

6 Final publication

Following adoption of the measure, the instrument must be published on a publicly available forum. Primary and secondary legislation is published on the New Zealand Legislation website (www.legislation.govt.nz). This is sufficient to meet the TBT publication obligations.

Tertiary instruments and standards are generally published on relevant regulators' websites or on the Standards New Zealand website (www.standards.govt.nz). These methods of publication are also sufficient to meet the TBT obligations. It is important that regulators ensure publication of tertiary and other instruments that have TBT implications occurs as soon as practical following entry into force.

In addition to publication on relevant websites, an update should also be lodged with the WTO to inform members that the measure has been adopted and to provide the final text. This should be emailed to wto@standards.govt.nz, and will be included as an addendum to the original notification.

5 Notification and Entry into Force

In New Zealand, legislative instruments must not come into force until at least 28 days after they have been notified in the *New Zealand Gazette*. If the instrument is a TBT that could have a significant effect on trade, the regulator should extend this timeframe to 6 months if possible.

The TBT Agreement requires WTO members to allow 6 months to ensure suppliers have sufficient time to adjust their operations to meet the new requirements.

Workshops for regulators

- Workshops for regulatory agencies run by Standards New Zealand and TBT policy officials
- Workshops provide guidance on:
 - WTO TBT Agreement and scope
 - international obligations
 - avoiding unnecessary obstacles to trade
 - the notification process
 - transparency best practice
 - content of the User Guide



The New Zealand Gazette - a backstop

- The New Zealand Gazette is the official newspaper of the New Zealand government
 - contains official commercial and government notifications
 - notices are published online continuously and are freely available to the public
- Our National Enquiry Point monitors the New Zealand Gazette to ensure that all technical regulations and conformity assessment procedures are notified to WTO members.

Thank you



- Website: www.standards.govt.nz/international-engagement/technical-barriers-to-trade/
- For more information, please contact:

Trade and International Team

Ministry of Business, Innovation and Employment

email: tradebarriers@mbie.govt.nz