

**DRAFT ADMINISTRATIVE REGULATION  
ESTABLISHING AN ENQUIRY AND NOTIFICATION POINT  
FOR TECHNICAL REGULATIONS**

**10 July 2015**

## **Article 1: General Rules**

WHEREAS, Part II, Executive Branch Generally; Chapter 10, General Provisions; Section 10.5 of Title 12 Liberia Code of Laws Revised (Executive Law); grants authority to the head of each ministry or independent agency in the Executive Branch, subject to the approval of the President, the power to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, the accomplishment of its lawful functions;

WHEREAS, Chapter 29, Section 29.2 (a) of the Executive Law mentioned supra, grant the Minister of Commerce and Industry the power to establish trade and commodity standards;

WHEREAS, Liberia is in the process of becoming a member of the World Trade Organization (WTO) and wishes to abide by all of the rules set by the WTO; and

WHEREAS, Article 10 of the WTO Agreement on Technical Barriers to Trade mandates each member to create enquiry points which is able to respond to all reasonable enquiries from other members and interested parties in other members and to provide the relevant documents regarding technical regulations, standards adopted, any conformity assessment procedures, etc.

NOW THEREFORE, issues the following Administrative Regulation

## **Article 2: Purpose and Scope**

1. This Regulation is designed to establish an Enquiry and Notification Authority in line with the obligations of the World Trade Organization Agreements, to allow for the mutual sharing of information between the Government of the Republic of Liberia and the Members of the World Trade Organization and other interested stakeholders.
2. All products shall be subject to the provisions of this Regulation concerning the provision of information on the nature, scope, and content of regulations covered by this Regulation except as explained in subparagraph 3 of this Article.
3. This Regulation covers all technical regulations and the conformity assessment procedures to ensure that these are met, except when such regulations and procedures are sanitary or phytosanitary measures as explained in Article 1.2 of the Draft Ministerial Regulation Establishing an Enquiry and Notification Authority for Sanitary and Phytosanitary Measures of the Republic of Liberia.

## **Article 3: Definitions**

1. The following definitions apply to this Regulation:
  - 1.1. Technical regulation: Document approved by a central or local Liberian governmental body which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. 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.

- 1.2. Conformity assessment procedures: Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations are fulfilled.
  - 1.3. Central government body: Central government, its ministries, or any body subject to the control of the central government in respect of the activity in question.
  - 1.4. Local government body: Government other than a central government (e.g. counties, districts, and clans), its ministries, or any body subject to the control of such a government in respect of the activity in question.
  - 1.5. Non-governmental body: Body other than a central government body or a local government body, including a non-governmental body which has or may be granted legal power to enforce a technical regulation.
  - 1.6. Recognized body: Any central or local body that has official status because of its position within the Government of Liberia, or any private, non-governmental body to which official duties have been delegated through an executive, legislative, or other act of the Government of Liberia.
2. To the extent that they are not incompatible with the definitions in this Regulation, general terms for standardization and procedures for assessment of conformity shall normally have the meaning given to them by definitions adopted by competent agencies within the United Nations system and by international standardizing bodies taking into account their context and objectives.
  3. To the extent that they are not incompatible with the definitions in this Regulation, the interpretation of terms in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and Their Definitions Concerning Standardization and Related Activities is incorporated into this Regulation.<sup>1</sup>

#### **Article 4: Establishment of the TBT Enquiry and Notification Authority**

1. The TBT Enquiry and Notification Authority (TBT ENA), located with the Ministry of Commerce and Industry, is hereby established. The officers will be appointed by order of the Minister of Commerce and Industry, including the Director General of the TBT ENA.
2. All central and local governmental or non-governmental bodies, or any other recognized bodies involved in the elaboration, adoption, or application of technical regulations, shall communicate to the TBT ENA the text of the draft technical regulations for publication and notification.
3. With respect to technical regulations elaborated, adopted, or applied by the Government of Liberia, the TBT ENA has the following duties:
  - 3.1. Coordination: The TBT ENA shall function as a centralized authority to coordinate the activities of elaborating, adopting, and applying technical regulations by relevant

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<sup>1</sup> This Guide is jointly promulgated by the International Organization for Standardization (ISO, <http://www.iso.org/>) and International Electrotechnical Commission (IEC, <http://www.iec.ch/>).

central or local governmental or non-governmental bodies or any other recognized bodies of the Government of Liberia to ensure that such actions are consistent with its international obligations.

- 3.2. Publication of technical regulations: As soon as the text of technical regulations is received, the TBT ENA shall publish draft technical regulations to allow domestic and international public and private interested stakeholders to review and comment on the draft regulations. This publication shall be made in the Liberia Official Gazette as well as on the webpage of the TBT ENA, without prejudice to other means of publication such as newspapers or webpages of the other relevant central and local governmental or non-governmental bodies, or other recognized bodies.
- 3.3. Together with the publication, the TBT ENA shall notify the draft technical regulations to WTO Secretariat for its circulation to WTO members.
- 3.4. Comment Period: The TBT ENA shall allow for comments by interested stakeholders during a period not less than 60 calendar days from the date of publication or circulation to WTO Members, whichever is later.
- 3.5. Comments: The TBT ENA shall establish the format for comments by interested stakeholders and publish the same in accordance with paragraph 3.2 of this Article.
  - 3.5.1. The TBT ENA shall communicate any timely and responsive comments received from interested stakeholders to the relevant central and local governmental or non-governmental body, or other recognized body, so that it shall take them into account in the adoption of technical regulations.
  - 3.5.2. Comments shall be published on the webpage of the TBT ENA, unless such comments contain confidential information. In the case that comments contain confidential information, a non-confidential summary, to be provided by the interested stakeholder, shall be published.
  - 3.5.3. Upon request by an interested stakeholder to the TBT ENA, the competent body shall provide reasons for its decision with respect to the comments received from that stakeholder.
4. In exceptional circumstances, where urgent and serious problems of safety, health, environmental protection, or national security arise or threaten to arise, the following procedures apply:
  - 4.1. A body of the Government of Liberia may approve technical regulations without following the procedures set out in this Article, provided that an official act or decree is published in the Liberian Official Gazette detailing the content of the technical regulation along with a full explanation of the nature of the emergency and risks involved.
  - 4.2. The TBT ENA shall immediately notify the WTO Secretariat and publish a notification of the opening of a comment period according to the procedures in paragraph 3 of this Article.

- 4.3. The relevant central and local governmental or non-governmental body, or other recognized body shall take into account the comments and review the technical regulation as appropriate.
5. In discharging its duties, the TBT ENA shall also examine the drafts of technical regulations in order to ensure that the following principles are abided by, consistent with Liberia's international legal obligations:
- 5.1. Technical regulations shall be developed when necessary to fulfil an identified and legitimate objective. Such legitimate objectives are, *inter alia*, national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment.
- 5.2. To the extent feasible and in accordance with the public policy interests of the Republic of Liberia, technical regulations shall be based on relevant international standards.
- 5.3. Technical regulations shall not be prepared, adopted, or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create.
- 5.4. Products imported into the Republic of Liberia shall be accorded treatment no less favorable than that accorded to like products of Liberian origin and to like products originating in any other country.
- 5.5. In order to achieve the maximum possible level of transparency and accountability, all central and local governmental or non-governmental bodies, or any other recognized bodies, shall follow the procedural requirements of due process as outlined in this Article.
6. Notwithstanding paragraph 4 of this Article, no technical regulation can be approved and applied unless the procedures described in this Regulation are followed.
7. The procedures and requirements provided by this Article shall apply *mutatis mutandis* to conformity assessment procedures promulgated by the Government of the Republic of Liberia.

#### **Article 5: Contact Person for Enquiry Point**

Mr. Lasana M. Donzo

Tel: +231 886524311

Email: [info.nep@staff.moci.gov.lr](mailto:info.nep@staff.moci.gov.lr)

Website: [www.moci.gov.lr](http://www.moci.gov.lr)

#### **Article 6: Effective Date**

This Regulation shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2015.

SIGNED: \_\_\_\_\_

CYRIL A. ALLEN, III  
DEPUTY MINISTER COMMERCE AND TRADE

APPROVED: \_\_\_\_\_  
AXEL M. ADDY  
MINISTER OF COMMERCE