KENYA'S EXPERIENCE IN MANAGING NOTIFICATIONS AND COMMENTS

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WTO TBT COMMITTEE MEETING
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Outline of Presentation

❖ TBT National Committee
❖ Domestic Notifications
❖ Handling of Comments
❖ Handling of Specific Trade Concerns
❖ Challenges
Consultations in Kenya are carried out through the TBT National Consultative Committee.

The TBT National Notification Authority (NNA) is based at the State Department for Trade, under the Ministry of Trade, Industry & Cooperatives.

The TBT National Enquiry Point (NEP) is based at the Kenya Bureau of Standards.
Institutional Framework

- Ministry of Industry, Trade and Cooperatives
- State Department for Trade
- National Trade Negotiations Council
- WTO/TBT National Committee
- TBT National Enquiry Point
- MTS Reference Centers
- Other NEPS
TBT National Committee - 3

Membership: 18

- State Department responsible for Trade
- Representatives of relevant technical regulatory agencies
- Officials responsible for economic policy
- Representatives of major industry groups
- Officials of major trade associations
- Officials of relevant ministries
- Representatives of national standardization and conformity assessment organizations
- Consumer Bodies
- Institutions of higher learning
Typical Agenda

- Review of the report of operations of the NEP, notifications made, enquiries received
- Review of the notifications made by other members and comments submitted
- Developments in the TBT Committee, including triennial reviews and decisions taken
- Developments on technical regulations, standards and conformity assessment at national level.
- Domestic developments in trade and regulatory policy.
- National Position paper covering ongoing discussions including STCs raised at TBT meetings
- Follow up on resolution of STCs raised through bilateral means
- Discussions on implementation of EAC Regional TBT Workplan
- Confirmation of minutes of the previous meeting and matters arising
Domestic Notifications

NEP:

- Obtains the summarized version and full text of the proposed technical regulation from the regulator/relevant officer.
- Drafts the notification using the standard WTO format for notification as defined in the WTO TBT Agreement.
- Sends the draft form for review to relevant officers (source).
- Upload the approved notifications to the WTO Notification Submission System.
- Alerts the relevant officer at the NNA to submit to the WTO Secretariat.
- Alerts the officer (source) once the notification is circulated by WTO.
Handling of Comments

❖ NEP coordinates responses to comments on notifications.
❖ If in relation to full texts, NEP forwards the documents.
❖ If further information is required, the NEP communicates with the agency/technical officers.
❖ NEP assists to formulate replies in consultation with responsible parties.
❖ The comments are discussed by the National Committee then forwarded to the NEP where the enquiry came from.
Handling of Specific Trade Concerns

- Handled by the National Committee.
- If technical in nature they are forwarded to the Technical Committee responsible for the text.
- If it is related to a regional text, consultations are done within the region.
- A response is drafted and agreed on by the National Committee.
- The same is forwarded to the NEP of the enquiring country.
- Bilateral discussions can be held through the diplomatic channels (embassies and Geneva Missions).
TOP TEN WTO MEMBERS WHO PRODUCED MOST NOTIFICATIONS IN 2018

- Uganda: 413 notifications, 16 new and revisions
- United States of America: 182 notifications, 22 new and revisions
- Kenya: 173 notifications, 1 new
- Brazil: 156 notifications, 5 new and revisions
- Mexico: 153 notifications, 2 new and revisions
- Rwanda: 137 notifications
- European Union: 115 notifications, 4 new and revisions
- Tanzania: 110 notifications
- Chinese Taipei: 83 notifications, 3 new and revisions
- Egypt: 80 notifications, 1 new and revisions

Legend:
- Orange: New notifications and Revisions
- Blue: Addenda
- Red: Corrigenda
Challenges

❖ There is limited feedback from the business community on foreign notifications

❖ Delayed communication from regulatory authorities concerning proposed/revised technical regulations

❖ Inadequate resources both human and capital
THANK YOU

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