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FINAL REPORT

“ASSISTANCE TO THE IMPLEMENTATION OF WTO COMMITMENTS RELATING TO SPS AND TBT, AWARENESS-RAISING, AND CAPACITY- BUILDING AND ASSISTANCE TO VIETNAMESE EXPORTERS TO COMPLY WITH THE EU’S TBT AND SPS REQUIREMENTS”

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Part 2: TBT Requirements

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Copies of following workshop presentations are included in a separate annex (Annex 4) to this report:

- i. “Supporting Vietnamese enterprises to comply with foreign TBT requirements” by Ms. Pham Thi Kim Yen;
- ii. “Main concerns for agricultural and food production sector” by Ms. Tran Viet Nga;
- iii. “Compliance with EU TBT requirements: findings and recommendations”;
- iv. “Introduction to the REACH regulations”;
- v. “Introduction to the WEEE and RoHS Directives”; and
- vi. “Introduction to FLEGT Directives” by Mr. Colm Halloran

Abbreviations

APLAC	Asia Pacific Laboratory Accreditation Cooperation
CE	European Conformity Mark

CEN	European Committee for Standardization
CIS	Commonwealth of Independent States
EC	European Commission
EEE	Electrical and Electronic Equipment
EU	European Union
FTA	Free Trade Agreement
FLEGT	Forest Law Enforcement , Governance and Trade
GOV	Government of Viet Nam
HCMC	Ho Chi Minh City
IEC	International Electrotechnical Commission
ILAC	International Laboratory Accreditation Cooperation
ISO	International Standards Organization
IUU	Illegal, Unreported and Unregulated
LEFASO	Viet Nam Leather and Footwear Association
MoIT	Ministry of Industry and Trade
MoST	Ministry of Science and Technology
MRA	Mutually Recognized Arrangement
MUTRAP	Multilateral Trade Assistance Project
PCA	Partnership and Co-operation Agreement
RAPEX	EU Rapid Alert System for Non-food Products
REACH	Registration, Evaluation, Authorization and Restriction of Chemicals
RoHs	Restriction on the Use of Hazardous Substances
SPS	Sanitary and Phytosanitary
STAMEQ	Directorate for Standards and Quality of Viet Nam
TBT	Technical Barriers to Trade
VEIA	Association of Electronic Industries of Viet Nam
VIETFORES	Viet Nam Wood and Forestry Association
Viet Nam	the Socialist Republic of Viet Nam
VPA	Viet Nam Plastic Association
VITAS	Viet Nam Textile and Apparel Association
WEEE	Waste, Electrical and Electronic Equipment
WTO	World Trade Organization

1. Executive Summary

Vietnamese exporters must comply with EU TBT requirements allowable under WTO rules for access to EU markets. Exporters should therefore be fully cognisant with EU TBT requirements for their products if they intend to export to the EU. The Viet Nam TBT Office in co-operation with ministries at the central level and the local authorities within the TBT network are in a strong position to leverage their resources to assist exporters identify EU TBT requirements and develop the knowledge capacity for any product or process changes necessary for compliance. However at the moment these resources are underutilised.

Vietnamese exports to the EU combined in the garments and textile sectors, the leather and footwear sector, the electronics sector, the plastic sector and fisheries and agriculture sectors account for about 40% of their exports. Continued access to EU markets is essential to wellbeing and continued growth of the Vietnamese economy and, given the numbers employed in these sectors the continued reduction in poverty to maintaining the gains in poverty reduction achieved in Viet Nam in recent years

The objective of the activity which is the focus of this report is to identify ways in which the capacity of Viet Nam TBT Office can be strengthened and its resources utilized to support Vietnamese exporters develop necessary the competences to meet EU TBT requirements and at the same time make recommendations to strengthen the capability of the industry associations support their members manage the process of meeting changing EU TBT requirements in the future. .

A desk research survey of EU TBT requirements in key export sectors was carried out. This was followed by an assessment of the actual and potential difficulties of exporters, through a series of interviews with the relevant industry associations. The results were analysed and series of recommendations developed. The findings and recommendations were then presented, in co-operation with the Viet Nam TBT office, to the various stakeholders including the industry associations and private exporters in a series of workshops held in Ha Noi, Ho Chi Minh City (HCMC) and Hue. The final report and recommendations were modified and adjusted on the basis of stakeholder comments and discussions during the workshops.

The industry associations reported that their members did not have any major difficulties in meeting current EU TBT requirements. This is supported by the rapid growth in of exports of Vietnamese products to EU markets since 2002 and by the incidence of non compliance of Vietnamese reported to the EU rapid alert system for all non food consumer products (RAPEX).

The industry exporter associations did however express concerns in relation to the impact of future changes in EU TBT requirements that may be required under the REACH regulations, the recast WEE and RoHS Directives and the FLEGT Directive.

The industry associations were not fully aware of the role of the Viet Nam TBT office and the TBT network in distributing notifications from other WTO members including the EU. The industry associations were also not aware that comments and queries could be sent to EU Commission on existing EU TBT requirements or on proposed new TBT requirements via the Viet Nam TBTOffice. Nor were they aware that concerns in relation to the compliance of EU TBT requirements with the WTO TBT Agreement can be raised by the Viet Nam TBT Office with the EU and other WTO members in the WTO TBT Committee during its regular meetings in Geneva.

The recommendations made in this report were drawn up in consultation with the Viet Nam TBT Office. The recommendation focus on institutional and administrative changes to develop the Viet Nam TBT Office as a knowledge resource centre for exporters on EU and other WTO members TBT requirements in Viet Nam's key export markets and on building competence in the industry associations in understanding and assisting their members meet the TBT requirements in their sectors. It is expected that the implementation of these recommendations will contribute to creating an enabling environment for increased R&D and innovation in product and process design which will strengthen industry capacity in these sectors to meet future EU TBT requirements and compete more efficiently and effectively on global markets.

In addition to the recommendation the completion of this activity contributed to:

- Raising awareness among industry associations and exporters in the targeted export sectors of the role of the Viet Nam TBT Office and the TBT Enquiry point network in facilitating access to information on EU TBT requirements in accordance with WTO rules and Viet Nam's WTO commitments.
- Increasing awareness among industry associations and exporters in the targeted sectors that the EU TBT requirements set out the essential minimum health and safety requirements to protect persons, animals and the environment are introduced in compliance with WTO rules and that the industry associations should respond to new EU TBT requirements by assisting their members to seek cost competitive ways to comply with new EU TBT requirements and maintain their competitive position in EU markets.
- Raising awareness among industry associations and exporters in the targeted sectors of the need to strengthen their knowledge of EU TBT requirements in order to create an enabling environment for R&D and innovation in product and process design that will strengthen the industry sector structure and increase competitiveness on global markets.
- Strengthening the capacity among industry associations and exporters in the targeted sectors in relation to ways to access on line information sources on EU TBT requirements.

2. Introduction

Vietnamese exporters must comply with TBT and SPS requirements allowable under WTO rules and applicable their products in the EU and other global markets in order to gain access to these markets.

Raising awareness of the sophisticated requirements of the EU in the field of TBT and SPS requirements needs systematic engagement on the side of Viet Nam TBT Office and the Viet Nam SPS Office, other central and the local authorities in terms of disseminating information to business and building appropriate administrative and technical capacities. WTO-7's objective is to contribute to the fulfilment of these goals.

This activity consisted of a survey on EU's TBT and SPS requirements in the main sectors exporting to the EU concern, the identification of the difficulties of Vietnamese exporters face in complying with these requirements, the analysis the impacts of these measures on Viet Nam's affected export sectors, the examination the contacts between the SPS and TBT Offices and exporters and development of appropriate suggestions to assist the exporters comply with the relevant TBT and SPS requirements. An assessment of the

utility of bilateral agreements with the EU in facilitating Vietnamese exporters meet EU TBT requirements more efficiently was also made and included in the final report.

The activity was divided into two parts: the first addressed the EU SPS requirements and the second addressed EU TBT requirements. The first part was carried out by MUTRAP experts, namely Mr. Digby Gascoine in co-operation with Mr. Nguyen Tu Cuong, Director, Fisheries Technology Services Center of Viet Nam; Ms. Tran Viet Nga, Director, Legislation and Foreign Relation Division, Viet Nam Food Administration, Ministry of Health; and Mr. Le Thanh Hoa, Deputy Director, Viet Nam SPS Office, Ministry of Agriculture and Rural Development (MARD). The second part was carried out by Mr. Colm Halloran, in cooperation and Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Office, Directorate for Standards, Metrology and Quality of Viet Nam (STAMEQ), Ministry of Science and Technology (MoST).

All experts cooperated and contributed to a review of the activity and to the draft final reports.

2.1 Scope of EU TBT requirements

It is important at the outset to differentiate clearly between EU TBT requirements and technical standards in the context of the WTO TBT agreement, as well to differentiate clearly between EU TBT requirement and non TBT measures and standards which are outside the scope of the WTO TBT agreement.

a) EU TBT requirements and standards

EU TBT requirements set out the minimum essential requirements of products to protect human health or safety, animal or plant life or health, environment and the protection of the consumer from fraudulent practises; to comply with its national security requirements; and to prevent deceptive practices. EU TBT requirements are set out in EU technical regulations for which mandatory compliance is required. EU TBT requirements do not include:

- Technical standards, prepared by national standardizing bodies or international standardizing bodies such as the International Standards Organisation (ISO), the International Electrotechnical Commission (IEC) or European Committee for Standardization (CEN). These standards may only be applied on a voluntary basis in accordance with the WTO TBT agreement.
- Technical standards prepared by private enterprises which can only be applied on a voluntary basis in accordance with the WTO TBT agreement.

European Harmonised Standards commissioned prepared by CEN at the request of the EU Commission may be used to demonstrate compliance with EU TBT requirements but may be applied on a voluntary basis.

The regulatory authorities donot a role in monitoring compliance with voluntary standards except to protect the consumers from fraudulent claims in relation to a product except where claims of compliance with standards are clearly made to defraud the consumer. (In this scenario the issue is one of consumer fraud rather than compliance with an EU TBT requirement).

b) Non TBT EU regulatory requirements

EU TBT requirements do not include standards and legislation that is outside the scope of the WTO TBT agreement, for example:

- Labour standards;
- Trade measures such “Anti-dumping legislation” or “Generalised System of Preferences (GSP) rules”.

2.2 Methodology

The activity was carried out in a number of stages between April and July 2009. In the first stage the key industry sectors exporting to the EU were assessed and a survey of the EU TBT requirements for exports from these sectors was carried out. In the second stage discussions were held with the industry associations and the difficulties and issues faced by exporters in meeting the EU TBT requirements were assessed. Areas where the capacity of Viet Nam TBT Office could be strengthened to assist the exporters in meeting the EU TBT requirements were also explored at these meetings. In the next stage the findings of the first and second stages were analysed in consultation with the Viet Nam TBT Office. Recommendations were then prepared on the basis of these analysis ways for the Viet Nam TBT Office to improve its support to exporters to source information on EU TBT requirements and assist in creating an enabling environment for increased R&D and innovation in product and process design. The report also makes recommendations for the industry associations to assist their members in this regard.

In the next stage the findings and recommendations were presented, in cooperation with the Viet Nam TBT Office, for discussions at three workshops in Ha Noi, Ho Chi Minh City (HCMC) and Hue to representatives of concerned exporters and trade associations.

Ms. Pham Thi Kim Yen gave a presentation at the TBT workshops on:

- i. Supporting Vietnamese enterprises to comply with foreign TBT requirements

Ms. Tran Viet Nga gave a presentation on:

- ii. Main concerns for agricultural and food production sector,

Mr Colm Halloran gave presentations on:

- i. Compliance with EU TBT requirements: findings and recommendations
- ii. Introduction to the REACH regulations
- iii. Introduction to the WEEE and RoHS Directives
- iv. Introduction to FLEGT Directives
- v. Guidelines on how to access sources of information on TBT issues for targeted sectors

Copies of these presentations are included in a separate annex (Annex 4) to this report.

Additional presentation were given by Mr. Le Tien Truong, Deputy Director General, Viet Nam National Textile and Garment Corporation (Vinatex); Ms. Do Thi Hoi, Member of Executive Committee, Viet Nam Leather and Footwear Association (LEFASO); Mr. Nguyen Ton Quyen, Vice President & General Secretary, Viet Nam Timber & Forest Product Association (VIFORES), and Mr. Bui Trong Nguyen, General Secretary of HCMC Association of Garment Textile Embroidery-Knitting, on the main concerns in their sectors.

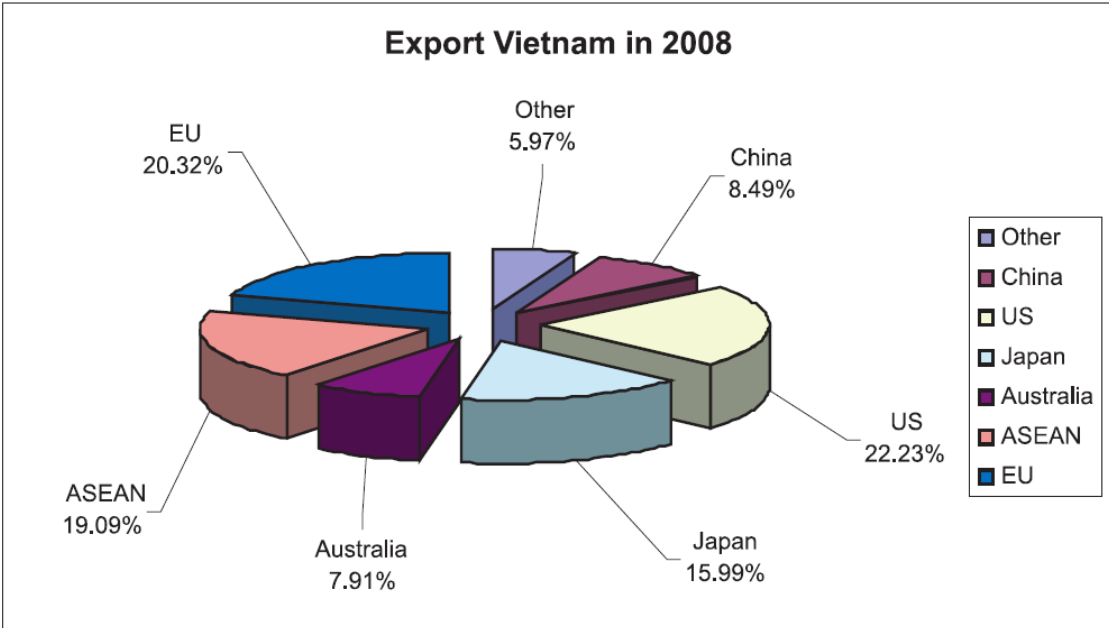
A copy of the agenda for the 3 workshops may be seen in Annex 3.

The participation in the workshops was high. 84 persons attended the workshop in Ha Noi, 119 in HCMC and 82 in Hue. Comments and discussion by the workshop participants were extensive particularly in relation to the potential impact of REACH, WEEE, RoHS and FLEGT Directives. There was also general agreement on the findings and on the recommendations proposed. This final version of the report has been to take account of the comments and discussions made at the workshops.

2.3 Exports to the EU

The EU is Viet Nam’s second largest export market for after the USA. In 2008 exports to the EU accounted for 20.32% of all Vietnamese exports. See figure 1.

Figure 1 Vietnamese Exports 2008



Source: Green Book 2009 Report on Viet Nam, European Union Delegation (ECD), Ha Noi, Viet Nam, 2009.

In value terms Vietnamese exports to the EU has grown from €2.3 billion in 2003 to about €7.7 billion in 2008. In 2007 exports of manufactured products including made up nearly 70% of total exports while exports of food products including fish account for about 23%. See Table 1 on the next page.

Table 1 EU Imports from Viet Nam 2007¹

HS Chapter	EU Imports from Viet Nam 2007	€Million	% of total
Total		7,852	100
64-67	Footwear, headgear, umbrellas, sun umbrellas, etc (Note: Eurostat adjusted the 2007 figure downwards to €2.0 billions. Exports for 2008 rose to €2.27)	2,127	27.1
50-63	Textiles and textile articles (NB: Eurostat adjusted the 2007 figures downwards to €1.23 billions. Exports for 2008 rose to €1.34 billions).	1,293	16.5
06-14	Vegetable products of which €792 million is coffee (NB: Eurostat adjusted the 2007 figures downwards to €769 millions. Exports for 2008 fell to €766 millions).	984	12.5
94-96	Miscellaneous manufactured articles of which €739 million is furniture	838	10.7
01-05	Animal products of which €574 is seafood (NB: Eurostat adjusted the 2007 figures downwards to €579 millions. Exports for 2008 rose to €682 millions).	588	7.5
84-85	Machinery and mechanical appliances, electrical equipment, parts	525	6.7
39-40	Plastics	310	3.9
41-43	Raw hides and skins, leather materials, basketware and wickerwork	256	3.3
72-83	Base metals and articles of base metal	227	2.9
68-70	Articles of stone, plaster, cement, asbestos, mica or similar	181	2.3
16-24	Prepared foodstuffs; beverages, spirits and vinegar, tobacco...	126	1.6
44-46	Wood and articles of wood; wood charcoal; cork and articles	122	1.6
71	Natural or cultured pearls, precious or semi-precious stones...	87	1.1
86-89	Vehicles, aircraft, vessels and associated transport equipment	58	0.7
25-27	Mineral products	51	0.7
90-92	Optical, photo, cinema, measuring, checking, precision instruments ...	29	0.4
28-38	Products of the chemical or allied industries	26	0.3
47-49	Pulp of wood or of other fibrous cellulosic material, paper or paperboard	10	0.1
97	Works of art, collectors' pieces and antiques excluding chapter 99 other products	1	

Source: EC Commission, Eurostat, Brussels, Belgium: 2009

¹ As of September 21st 2009 the full range of exports statistics for 2008 for all the HS chapters covered in this table was not available. Where possible 2008 export figures have been noted.

2.3.1 Key Export Sectors²

The key export sectors of non food products are as follows:

- Garments & textiles
- Leather & Footwear
- Wood products
- Electric and electronic products
- Plastic products

2.3.2 Garments and Textiles

According to Viet Nam Textile and Apparel Association (VITAS) the textile and garment sector is the largest exporter of manufactured goods to global markets. In 2007 total exports of textiles and garments amounted to €6 billion of which €1.23 billion was exported to the EU. Total exports increased in 2008 by over 17% in 2008 to about €7 billion with export to the EU rising marginally to €1.34 billion. The industry is heavily dependent on imports of raw material. Overall, 70-80 % of the raw materials used in the industry are imported. Most of the production is produced to overseas buyers' orders with, in some cases, the overseas buyers supplying the raw material. China is the main source of raw material imports accounts and accounts for about 50% of total imports.

The industry consists of around 2,200 enterprises of which 1,500 are wholly owned private enterprises. 25 companies are wholly owned by the state and 450 enterprises are foreign-owned. 55% of the enterprises are located in and around HCMC, 30% in and around Ha Noi, and 15% in and around Da Nang. There are about 2 million persons working in the industry of which about 80% are female.

Given the labour intensive nature of the industry and its scope for job creation the sector has been prioritised for development by the Government of Viet Nam (GOV) with the targeted export growth rate of 23-28% annually. However this is unlikely to be achieved in the current local economic environment.

The MOIT has also set a goal for the garment and textile sector to be supplied with 30% of locally-made materials by 2010, which is expected to increase to 39% and 40% respectively by 2015 and 2020. For fibre production, the ratio is set to be 50% by 2015.

2.3.3 Leather & Footwear

According to Viet Nam Leather and Footwear Association (LEFASO) the leather and footwear sector is the second largest exporter of manufactured goods to global markets after the textiles and garments sector. In 2007 it exported about €3 billion of which €2.1 billion went to EU markets. Total exports increased in 2008 by 22% in 2008 to €3.67

² The fishery and agricultural products sectors which are also key export sectors are addressed in Part 1 of this report.

billion with exports to the EU also rising to €2.27 billion. Like the garments and textiles sector the industry is heavily dependent on imports of raw materials. In 2008 over 80% of the material used in productions of footwear and leather was imported. Most of the production is produced to overseas buyers' orders.

There are over 400 enterprises exporting footwear and leather products employing over 550,000 of which 85% are female. The majority of companies are involved in footwear production. Only 3 companies are wholly state owned. 9 companies are wholly foreign owned. About 33% of the enterprises are located around HCMC and about 10 % are centered around Ha Noi.

The GOV has also prioritized this sector for development. According to LEFASO the industry has set itself a goal of generating \$11.4 billion from exports annual by 2015. In line with this goal the industry also expects employment in the industry to increase 820,000 persons by 2010, and up to 1,189,000 people by 2015. To achieve this LEFASO believes that the industry needs to shift away from processing products to simply meet overseas customers' orders to acting as commercial marketing companies who design and introduce their own products in co-operation with overseas buyers, and focus on fashionable and hi-quality leather-made products. LEFASO is also seeking investment in the production of raw materials so that the local content ratio reaches 65-70% by 2010.

The MOIT has set a target for the footwear industry to use 40% of local materials and accessories by 2010 and 70-80 % in 2020.

2.3.4 Wood products

Exports of wood product including furniture and handicrafts reached €1.85 billion in 2007 of which €739 million in furniture products were exported to the EU. Total exports increased by 25% in 2008 to €2.3 billion but are expected to decline in 2009 as a result of the global economic downturn. About 80% of the raw material used in the industry is imported and concern has been expressed by consumer associations that the industry uses some raw materials derived from illegal logging.

Viet Nam Wood and Forestry Association (VIETFORES), said the country had 2,000 enterprises and individual households involved in processing wood, employing 170,000 people. Of the figure, about 300 enterprises of which 250 are foreign owned are involved in the export sector. The industry is clustered in Binh Duong, Ho Chi Minh, Ha Noi, Dong Nai, and Hai Phong provinces.

2.3.5 Electric and electronic products

Exports of electric and electronic products to global markets in 2007 totalled €1.7 billion of which about €23 million went to EU markets. Total exports increased by 25% in 2008 to about € 2.1 billion. Foreign owned enterprise accounted for 95% of exports. The Association of Electronic Industries of Viet Nam (VEIA) predicts that exports will increase as in 2009 to €2.23 billion as current investment projects by foreign enterprises come on stream.

According to VEIA, the foreign companies have invested a total of €2.0 billion in Viet Nam's electronics sector since the country officially obtained the WTO membership, said Viet Nam Electronic Enterprises Association. The U.S.'s Intel Group decided to raise its investments to €700 million from €400 million in Ho Chi Minh City, Japan's Nidec invested €700 million in a project in southern Binh Duong province and Taiwan's Foxconn

also invested about €710 million into producing electronic parts and components. Japan's Meikom invested €200 million in making electronic components. Samsung is to invest €420 million in producing electronic components northern Ha Tay province. Japan's Renesas, the world's third biggest semi-conductor and chip producers, has built a chip research and design center in Ho Chi Minh City. The two world leading computer makers Hewlett Packard and NEC have decided to assemble computers bearing their trademark in Viet Nam. Acer is also taking preparations to assemble computers in the country. U.K. Vodafone is also planning to invest in a mobile service providing company in Viet Nam.

Many local companies, which produce electronic items under outsourcing contracts with foreign firms, are trying to raise the added value in their products by designing their own models and intensifying the production of components and spare parts for export.

The GOV has prioritized this sector as a key driver of the economic growth and has prepared a master plan for its development which envisages growth in industry turnover to €4 to €6 billion by 2010. Exports are expected to increase to €3.0 to €5.0 billion by 2010. Employment is project to increase from 250,000 at present to 300,000 in 2010.

The MOIT has also set a target for of 22-25% for use of domestically-made parts in completed electronic and computer products by 2010. (Currently at least 95% of the raw materials used in the industry is imported).

2.3.6 Plastic products

In 2007 the plastic industry exported about €500 million of goods worldwide of which €310 million of this were exported to the EU. This increased in 2008 by over 40% to €730 million. Packaging products account for the bulk of exports. The plastics industry is expected to grow by up to 18% per annum to 2010 although the current global economic environment may slow this growth. About 70% of the raw material used in the industry is imported.

According to the Viet Nam Plastics Association (VPA) there are about 2700 plastic enterprises in Viet Nam employing over 100,000 persons. About of 80% of the enterprise are privately owned and 35% of the industry is foreign owned. Only 6% are state-owned, but they represent about 20% of the total capital invested in the industry. The rest are foreign invested enterprises, with about 35% in terms of overall capital investment.

The plastic industry in Viet Nam is centered around Ho Chi Minh City and the surrounding provinces and cities such as Binh Duong, Dong Nai, Long An, and Ba Ria Vung Tau attract 80% of total investment in the plastic industry of Viet Nam, accounting for 80% of total plastic products. HCMC is also the center for supply production, supply chain support, technical development, distribution and international transaction of the industry in Viet Nam. However the GOV has prioritized the plastic industry has been targeted as a priority growth sector and has targeted the north of Viet Nam for this development and there are several major projects underway that are expected to increase production capacity of Viet Nam's northern region from 26% to 31% of total output.

3. EU TBT Requirements applicable to Key Export sectors

EU technical regulations covered by the WTO TBT Agreement set out the essential minimum safety requirements or TBT requirements for placing products on the market. TBT measures may be legitimately introduced in accordance with the WTO TBT agreement for the following objectives:

- National security requirements

- Prevention of deceptive practices
- Protection of human health or safety (not already covered by the SPS Agreement), animal or plant life or health
- Protection of the environment

Other undefined objectives: such as quality standards, production process measures, technical standards and conformity assessment requirements.

While the bulk of TBT requirements applies to non food products TBT measures can also apply to food products where the TBT requirements are not covered by the WTO SPS agreement. See figure 2 for an example of the difference between SPS measures and TBT measures applicable to food products.

Figure 2 Difference between SPS and TBT measures

SPS Measures	TBT measures: Food
Protect human or animal health from food-borne risks; Protect human health from animal or plant-carried diseases; Protect animals from pest or diseases. Examples: <ul style="list-style-type: none"> ➤ Microbiological contamination of food; ➤ Pesticide or veterinary drug residues; ➤ Food additives, etc 	Protection of human health or safety: <ul style="list-style-type: none"> • Human disease control measures; • Nutritional claims; • Food packaging; • Quality standards. Examples: <ul style="list-style-type: none"> ➤ Pharmaceuticals; ➤ Labelling (unless SPS food safety measure); ➤ Pesticide handling; ➤ Quality standards, etc

This following section identifies, by product sector, new and existing new TBT requirements that products must meet before they may be placed on the EU market. Vietnamese exporters must meet the TBT requirements in order to access EU markets.

3.1 Garments & Textiles

The key TBT issues regulated by EU legislation in this sector are:

- a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products
- b) Use of textile names and labelling of fibre composition and
- c) Packaging

d) Conformity Assessment and CE marking³

a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products

The REACH Regulation: Regulation (EC) No 1907/2006 of the European Parliament of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.

The primary objective of REACH is to:

- to ensure all chemical substances used in the EU, whether imported or manufactured meet health and safety requirements
- to make manufacturers and importers of chemicals assume the responsibility for the safe use and handling of their substance:
- to replace, where possible, the most hazardous with less hazardous substances
- to set up the European Chemicals Agency to register, evaluate and authorise the use of all chemicals

The regulation is therefore primarily directed at setting out restrictions on the manufacture and use of chemical in the EU and is not directly applicable to the use of chemicals by Vietnamese manufacturers with the exception of certain prohibitions and restrictions set out in Annex XVII which were previously set out in Council Directive of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member states relating to restrictions on the marketing and use of certain dangerous substances and preparations as amended. Annex XVII places prohibitions on the placing of garments & textiles products, leather and footwear products, electronic products, and wood products on the market where these products have been manufactured using certain chemicals or have certain chemicals in their product composition. It also set out maximum residue limits for certain chemicals on finished products on the market in the EU. However given that these prohibitions and restrictions were in place before REACH came into force their incorporation into REACH will have no additional impact on Vietnamese exporters who are already in compliance.

However, in addition to the direct application of Annex XVII REACH is likely to an indirect impact on Vietnamese exporters in relation to the use of chemicals not registered under REACH. Consumers may not wish to buy imported products placed on the market which utilize chemicals in their production processes or product composition that are not allowed for use by EU manufacturers under REACH. This is likely to result in EU importers requiring their suppliers in third countries including Viet Nam to only use chemicals in the manufacture of products that registered under the REACH. Furthermore given the chemicals that are prohibited under REACH will be prohibited on public health

³ The **CE marking** (also known as **CE mark**) is a mandatory **conformity mark** on many products placed on the single market in the [European Economic Area](#) (EEA). The **CE marking** certifies that a product has met EU consumer safety, health or environmental requirements.

grounds it is likely that regulatory authorities in other countries including Viet Nam will follow suit and prohibit use of chemical by Vietnamese manufacturers.

The exact listed of chemicals allowed under REACH will not be known until the process of registration and authorization of chemicals required under REACH is completed. This is likely to take at least 10 years. Exporters are advised to monitor the registration and authorisation of chemicals with the European Chemicals Agency.

b) Textile names and labelling of fibre composition

The following legislation sets out the requirements for use of textile names and labeling required:

- Directive 96/74/EC on textile names requires the labeling of the fiber composition of textile products
- Directives 96/73/EC and 73/44/EEC specifying the methods of analysis to be used to check whether the composition of textile products is in conformity with the information supplied in the label
- Directive 2008/121/EC of the European Parliament and of the Council of 14 January 2009 on textile names (recast)

The EU is also proposing new legislation to introduce new fiber names in the field of textile names and labeling and streamlines the implementation procedures for the above directives.

c) Packaging: marking and identification requirements, restriction on use of heavy metals

European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste requires EU member states to apply restriction on the use of heavy metals and ensure packaging is properly marked and identified to facilitates waste collection.

d) Conformity Assessment and CE marking

Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the member states concerning the safety of toys sets out the essential safety requirements for toys include toys made from garments and textiles and also provides for CE marking.

Note: In general CE marking is not required for garments and textiles products.

3.2 Footwear

The key TBT issues regulated by EU legislation in this sector are:

- a) Use of chemicals in the manufacturing process
- b) Use of textile names and labelling of fibre composition and
- c) Packaging

a) Chemicals in the manufacturing process

The REACH regulation applies to the leather and footwear in a similar manner as it applies to the garments and textile sector. See 3.2.1 (a).

b) Materials used: Labeling requirements

Directive 94/11/EC of the European Parliament and Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the member states relating to labeling of the materials used in the main components of footwear for sale to the consumer as amended to date

c) Packaging

See 3.2.1 (c): The same situation applicable to the garments and textile sector applies in this sector.

3.3 Plastic products

The key TBT issues regulated by EU legislation in this sector are:

- a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products
- b) Plastic material in contact with food stuffs and
- c) Packaging

a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products

The REACH Regulation may apply indirectly to plastics where monomers are used in the production of polymers. See 3.2.1 (a) for title and date of regulation.

b) Plastic material in contact with food stuffs

Commission directive of 23 February 1990 relating to plastics materials and articles intended to come into contact with foodstuffs as amended to date. This regulation sets out maximum allowable limits for the transfer of the constituents of plastics materials to food stuffs in order to protect human health and safety.

c) Packaging

See 3.2.1 (c): The same situation applicable to the garments and textiles sector applies in this sector.

3.4 Wood products

The key TBT issues regulated by EU legislation in this sector are

- a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products
- b) Conformity Assessment and CE marking
- c) Packaging
- d) Environmental conservation

a) Prohibition on use of certain chemicals in the manufacturing process and maximum chemical residue limits on finished products

The REACH Regulation applies to wood products where chemical preservatives are used. See 3.2.1 (a).

Directive 98/8/EC of the European Parliament and of the council of 16th February 1998 concerning the placing of biocidal products on the market lays own restrictions on the use of biocidals (non-agricultural pesticides) as wood preservatives.

b) Conformity Assessment and CE marking

Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the member states concerning the safety of toys sets out the essential safety requirements for toys. This includes toys made from garments and textiles and also provides for CE marking.

c) Packaging

See 3.2.1 (c): The same situation applicable to the garments and textiles sector applies in this sector

d) Environmental conservation

The following regulations and proposal for new regulations set out requirements to prevent imports of wood products into the EU produced from illegal logging and to support conservation measures in third countries.

- The 2006 International Tropical Timber Agreement - European Community Declaration in accordance with Article 36(3) of the Agreement – Declaration of EC – Implementation in EU
- Proposal for a Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market {SEC(2008) 2615} {SEC(2008) 2616}
- **The FLEGT Directive:** Proposal for an EU Action Plan on Forest Law Enforcement, Governance and Trade

There is some disagreement among WTO members on whether environmental measures are TBT issues that covered by the WTO TBT agreement and thus requiring notification as TBT technical regulations. Some members suggest that these measures should be addressed within the WTO Trade and Environment Committee. The EU does not include the following directive in its TBT notifications. However we are noting them in this report as Vietnamese exports of wood products must comply with them in a similar manner to compliance with TBT requirements.

3.5 Electric and electronic products

The key TBT issues regulated by EU legislation in this sector are:

- a) Prohibition on use of certain chemicals in the manufacturing process and in product composition
- b) Environmental protection
- c) Eco-design labelling
- d) Conformity Assessment and CE marking
- e) Packaging

a) Prohibition on use of certain chemicals in the manufacturing process and in product composition

As many component parts of electric and electronic products are composed of chemicals the REACH Regulation applies indirectly to these products. See 3.2.1 (a).

b) Environmental protection

The WEEE Directive: Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) as amended aims to reduce the amount of electrical and electronic products being produced and to encourage reuse, recycle and recovery of the component parts when the products are replaced or becomes obsolete. This directive also provides for use of the WEEE logo.

The producers and importers are obliged to finance the cost of waste disposal, recycling or recovering of the types of the products they place on the market.

While the WEEE Directive applies directly to EU producers and importers Vietnamese exporters of electrical and electronic products must also comply with in order access the EU market.

The RoHs Directive: Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The RoHs Directive is closely linked with the WEEE Directive and designed to promote waste prevention through product design and at the same time facilitate reuse, recycling and recovery of component parts of electric and electronic equipment placed on the market. The RoHs Directive bans the use of lead, mercury, cadmium, hexavalent chromium, poly-brominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE), in quantities exceeding maximum concentration value in electrical and electronic products placed on the market.

There are currently proposals by the EU Commission to recast the WEEE and RoHs Directives in order to increase the efficiency and effectiveness of their implementation by all stakeholders.

Directive 2006/66/EC of the European Parliament and the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC. This directive applies to the type of batteries that can be used in electric and electronic goods and is also designed to environmental protection objectives in relation to the prevention, reuse, recycling and recovery of electric and electronic products.

c) Eco-design requirements and labelling

Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council.

There is some disagreement among WTO members on whether environmental measures are TBT issues that covered by the WTO TBT agreement and thus requiring notification as a TBT technical regulations. Some members suggest that these measures should be addressed within the WTO Trade and Environment Committee. The EU did not include Directive 2005/32/EC in its TBT notifications. However the EU TBT Office is issuing TBT notifications regarding to the introduction of implementing measures for this directive.

d) Conformity Assessment & CE marking

The following new approach directives set out the minimum essential safety requirements that electrical and electronic products must meet before being placed on the EU market. They also set out where relevant procedures for CE marking.

- Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of member states relating to electrical equipment designed for use within certain voltage limits (also provides for CE marking)
- Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the member states concerning the safety of toys (also provides for CE marking)
- Council Directive 89/336/EEC of 3 May 1989 on the approximation of the laws of the member states relating to electromagnetic compatibility (also provides for CE marking)
- Directive 2004/108/EC of the European Parliament and of the Council, of 15 December 2004, on the approximation of the Laws of member states relating to electromagnetic compatibility (also provides for CE marking)
- Commission communication in the framework of the implementation of Directive 2004/108/EC of the European Parliament and of the Council of 15 December 2004 on the approximation of the laws of the member states relating to electromagnetic compatibility and repealing Directive 89/336/EEC
- Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the member states relating to machinery 98/37/EC
- Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (also provides for CE marking)
- Directive 1996/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof 1996/57/EC

e) **Packaging**

See 3.2.1 (c): The same situation applicable to the garments and textile sector applies in this sector.

3.6 Fish and fishery products

The key TBT issues regulated by EU legislation in this sector are:

- a) Health and identification marking and labeling
- b) Plastic materials in contact with food stuffs and
- c) Packaging
- d) Environmental protection
- e) Environmental conservation

a) **Health and identification marking and labeling**

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene requirements for food of animal origin. This includes requirements for identification marking and labeling of products.

b) Plastic materials in contact with food stuffs

See 3.2.3 (b).

c) Packaging

See 3.2.1 (c): The same situation applicable to the garments and textile sector applies in this sector.

d) Environmental protection

Directive 98/8/EC of the European Parliament and of the Council of 16th February 1998 concerning the placing of biocidal products on the market also lays own restrictions on the use of biocidals (non-agricultural pesticides) in cleaning food production units.

e) Environmental conservation

The IUU Directive: Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999. This regulation required certification as to the legality of the fish caught that are to be placed as fish or fish products on the EU market.

There is some disagreement among WTO members on whether environmental measures are TBT issues that covered by the WTO TBT agreement and thus requiring notification as TBT technical regulations. Some members suggest that these measures should be addressed within the WTO Trade and Environment Committee. The EU did not include Council regulation (EC) No 1005/2008 its TBT notifications. Instead it notified the WTO Trade and Environment Committee on the introduction and adoption of this regulation.

3.7 Agricultural and food products

The key TBT issues regulated by EU legislation in this sector are:

- a) Marketing and quality standards
- b) Plastic materials in contact with food stuffs and
- c) Packaging
- d) Environmental protection

a) Marketing and quality standards

Commission Regulation (EC) No 1221/2008 of 5 December 2008 amending Regulation (EC) No 1580/2007 laying down implementing requirements of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector as regards marketing standards. This covers the size, and labeling of products.

b) Plastic materials in contact with food stuffs

See 3.2.3 (b).

c) Packaging

See 3.2.1 (c): The same situation applicable to the garments and textile sector applies in this sector.

d) Environmental protection

Council Directive of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances as amended to date. This

directive seeks to ensure that only permitted active substances are used in plant protection products used in the EU. While it is directly applicable to producers and importers of plant protection products it has an indirect application to food exporters as EU buyers are likely to require that only plant protection products permitted under this directive have been used to protect plant and plant products bought by them for placing on the EU market.

Directive 98/8/EC also applies. See 3.2.6. (d).

4. Difficulties of exporters meeting EU TBT requirements

The rapid growth in Vietnamese exports to the EU in recent years from all the sectors examined in this report suggests that Vietnamese exporters in these sectors are meeting EU TBT without major difficulty. This view is also supported by the reports from RAPE, the EU rapid alert system for notification of non food products which are non complaint with EU TBT requirements. Since 2005 there have been only 13 notifications in relation to Vietnamese exports and 3 of these relate to exports of cigarette lighters. See Annex 1.

The industry associations did not identify any particular TBT issue that was currently creating significant difficulties for exporters. In general exporters do not appear to be experiencing exceptional difficulties in meeting EU TBT requirements. This is partly because compliance with EU TBT requirements is mediated by the EU buyers who set the product specifications, packaging requirement, and conformity assessment and certification procedures. In many cases the EU buyers also supply or nominate suppliers to supply the raw materials and require conformity assessment and certification by specific laboratories and certification companies. The Vietnamese exporter thus produces under contract to clearly defined parameters and specifications which the buyer determines will meet EU TBT requirements.

However while the industry associations were sanguine enough about meeting current EU TBT requirements they are concerned at the potential impact of proposed revisions to EU legislation which could impose new TBT requirements on imports and possibly restrict exports from their members. The potential difficulties can be categorised into 3 areas:

- i. Uncertainty regarding future changes to EU TBT requirements
- ii. Potential increase in cost of conformity assessment and certification
- iii. Potential requirement for new investment in production technology and operational training.

i. Uncertainty regarding EU TBT requirements

VITAS, LEFASO and VPA are concerned about the potential impact of the REACH regulation on their sectors. To date they have received very little information on this the TBT requirements in this regulation in relation to their sector. Although their members rely on the buyers for information on change in EU TBT requirements for their products the industry associations would like to increase their knowledge of potential future TBT requirements under REACH Directive This is of particular concern as REACH may require more certification in the supply chain and as over 80 percent of the raw materials was imported in all sectors covered in this reports this would require detailed planning of the logistics on the supply side. There are also cost implications in finding substitute chemicals which may be banned under the REACH Directive. The industry associations would like to see more seminars and workshops on the implications of the REACH regulation in particular.

The VEIA has concerns about the REACH regulation as well as the WEEE and RoHS Directives. VIETFORES has similar concerns about the FLEGT Directive.

The fishery sector was anxious about how the certification requirements of the IUU Directive would operate as it could restrict and exports to EU markets

The industry associations did not appear to be fully aware of the role of the Viet Nam TBT office in providing an early warning system of future changes in EU TBT requirement through the distribution of EU TBT notifications. They were also not aware that they could comments on proposed EU TBT measures via the TBT office and that the EC Commission were obliged to take the comments into account provided they comments were sent within the 60 days period normally allowed for comments to be made before the proposed TBT measure was adopted and brought into force.

ii. Potential increase in cost of conformity assessment and certification

The industry associations were also concerned that new TBT measures would include new increased certification requirements which would additional costs on the exporters. It was not clear that there was sufficient laboratory testing facilities for conformity assessment and certification of chemical use that may be required under the REACH regulation. If this case it would require use of overseas testing laboratories which would increase costs and reduce the competitiveness of Vietnamese exporters. The potential increase in certification required in the supply chain under the REACH Directive is also likely to increase certifications costs.

iii. Potential requirement for new investment in production technology and operational training to meets costs of compliance

The industry associations are also concerned that new TBT measures could require signification investment in new production and distribution technologies in order to meet the compliance requirements. This could require signification personnel training on the operation of new equipment. This could also increase operating costs and adversely affect competitiveness of Vietnamese exports in EU markets.

It should be noted that issue of the product recall from EU markets in the event of non-compliance with EU TBT requirements was not issue as far as the industry associations were concerned. This appears to be because particularly all exports in these sectors were produced to order with agreed specifications and certification before productions and shipment.

5. Impact of EU TBT requirements on the export sectors

Total exports from the garments and textiles sector, the leather and footwear sector, the wood products sector, the plastics sector and the electric and electronic sector reached €5.1 billion in 2007. This accounted for about 43% of the total exports of €15.8 billion from these sectors in 2007. These sectors employ about 3.7 million people in over 5,500 companies throughout Viet Nam. About 50% of the companies are foreign owned and have been established to supply export markets. Between 80% and 85% of persons employed in these sectors are female. If these sectors were unable to meet EU TBT requirements then the impact of the sectors would clearly be catastrophic in terms of loss of export earning, loss of foreign direct investment, reduction in employment and corresponding increases in poverty. See also section 3.1.

It is therefore of significant concern to the GOV of Viet Nam that Vietnamese exporters continue to meet EU TBT requirements. The Viet Nam TBT office can assist the exporters meet the TBT requirements and recommendation in this regard are set out in section 7.

6. Viet Nam TBT Office

The Viet Nam WTO TBT Office is responsible for meeting Viet Nam's transparency obligations under the WTO TBT Agreement. The TBT Office has a Director, Deputy Director, and 9 staffs. It is divided into four sections: Notification and Enquiry Point Section, TBT Section, Administration Section, and Information and Training Section.

The WTO TBT office carries out its function and tasks in accordance with WTO rules. The functions and tasks include:

- Notifying the WTO Secretariat new technical regulations, conformity assessment procedures or amendments to existing technical regulations, conformity assessment procedures, which may create the unnecessary technical barriers to trade between Viet Nam and other WTO Members, as they are proposed and adopted in Viet Nam. The WTO Secretariat forwards the notification to other WTO members
- Receiving the notifications from the WTO Secretariat forwarded on behalf on other WTO Members and in turn forwards them to the relevant interested stakeholders through its TBT network
- Receiving and answering enquiries from other WTO Members on TBT issues and providing relevant documentation on request
- Sending enquiries received from Vietnamese exporters stakeholders on TBT issues to other WTO Members

The TBT Network

The TBT Office has a network of sub-offices in 10 central government ministries and 63 provincial offices for managing and distributing of notifications received from WTO members and for managing and distributing notifications and queries sent to the WTO. The government ministries in this network are as follows:

- Ministry of Industry and Trade,
- Ministry of Construction,
- Ministry of Transport,
- Ministry of Health,
- Ministry of Labour, War Invalids and Social Affairs,
- Ministry of Agriculture and Rural Development,
- Ministry of Natural Resources and Environment,
- Ministry of Information, and Telecommunications,
- Ministry of Sport Culture and Tourism, and
- Ministry of Science and Technology.

The TBT sub offices in these ministries manage the flow of information on notifications and queries to the sub offices. Both the ministries and the sub offices are responsible for

forwarding relevant notifications to exporter associations and other interested stakeholders outside this network as well handling queries from these stakeholders on TBT issues.

The TBT Portal

The TBT Office maintains an interactive internet Portal where exporters can find information on TBT issues including copies of notifications received from other WTO members and copies of Vietnamese notifications sent by the TBT office to other WTO members. The TBT Portal, which was established with the financial support by the MUTRAP II, assists Viet Nam in complying with its transparency obligations under the WTO/TBT Agreements by maintaining a permanent and effective channel of communication and information-exchange between Government agencies and business community on TBT.

WTO TBT Committee

Viet Nam is represented on the WTO TBT Committee by the Ministry of Science and Technology. The Representatives of Viet Nam TBT Office attends the regular meetings of the TBT Committee in Geneva, Switzerland. This provides a forum to the Viet Nam TBT Office to raise TBT issues of concern to Vietnamese exporters with other WTO members.

Inter-Branch TBT Committee

The Director of the Viet Nam WTO/TBT Office serves as secretary to the Inter-branch TBT Committee. The committee is composed of representatives at the departmental leadership level or equivalent of the ministries involved in the TBT network.

Operating procedures for distribution of TBT notifications to exporters

Currently the TBT Office on receipt of notification form other WTO members via the WTO Secretariat translates the notifications into Vietnamese and forwards the translated version to the Ministries in the TBT network. The TBT Office then places a copy of translated notification on its portal.

The ministries forward the notifications to the relevant stakeholders including industry associations and exporters either directly or via the sub offices in the TBT network.

The TBT Office does not have direct contact with industry associations or exporters in relation to the distribution of the notifications or in relation to the relevance of the TBT issues notified. The TBT Office does not have procedures for prioritizing notifications for translation or distribution. This is a weakness in the operating procedures as not all notifications received from WTO members are relevant to Vietnamese exporters or policy makers.

7. Benefits of bilateral agreements with the EU

The EU has in the past concluded a series bilateral Partnership and Cooperation Agreements (PCA) with Russia and the Commonwealth of Independent States (CIS). The EU is seeking to negotiate similar agreement with ASEAN countries. The PAC agreements generally commit the EU partner country to harmonise of its system of technical regulations and standards to the EU *Aquis*. Harmonization of the regulatory framework can facilitate Vietnamese exporters to reduce costs from economies of scale as products produced for the Vietnamese market will meet the minimum safety requirements of EU technical regulations applicable to the same products. However access to the EU markets will be dependent on certification to the relevant conformity assessment procedures for the products which in turn is dependent on the availability of internationally

recognised conformity assessment bodies and certification bodies in the exporting country who can offer services at competitive prices. International recognition of conformity assessment bodies is achieved through accreditation by an accreditation body who is a member of International Laboratory Accreditation Cooperation (ILAC) or Asia Pacific Laboratory Accreditation Cooperation (APLAC) and a signatory to the ILAC or APLAC Mutual Recognition Arrangement (MRA). Bilateral agreements even where they incorporate a free trade agreement (FTA) as the EU envisages with ASEAN do not have mechanism for MRAs in relation to conformity assessment and certification procedures. Therefore the benefits of an EU bilateral agreement to Vietnamese exporters in relation to demonstrating compliance with TBT requirements are negligible.

In any event the Board of Accreditation (BOA), established in 1995, formed under STAMEQ is a member of APLAC and ILAC and is a signatory to both MRA's. To 2007 the BOA had accredited about 300 Laboratories, Inspections and Certification bodies.

8. Conclusions and recommendations

The exporters do have any major apparent difficulty in complying with current EU TBT requirements in the key priority sectors. The industry associations did not identify any major difficulties of Vietnamese exporters in meeting current EU TBT requirements. This is supported by the rapid growth in recent years of exports of goods from these sectors to EU markets. The EU now imports over 40% of Vietnamese exports from these sectors. Since 2005 there have only been 13 reports to RAPEX of non compliance with EU TBT requirements by Vietnamese exports. However the industry associations expressed concern in relation to future changes in EU TBT requirements that may be required under the REACH regulation or the recast WEEE Directive and related legislation.

However most exporters meet the specifications required their customers without reference to the underlying EU TBT regulatory requirements and precise knowledge of the EU TBT requirements was weak. While this is a contributing factor to the success of Vietnamese companies in meeting EU TBT requirements it is a potential weakness as it appears the industry associations and their members have not developed a core competence in understanding or identifying EU TBT requirements in their sector. This creates an over reliance on the EU buyers for information critical to the success of the exporters' operations. It also suggests a low propensity for R&D and innovation in product and process design.

The industry associations were not fully aware of the role of the Viet Nam TBT office in distribution notifications from others WTO members including the EU. Nor were they aware that comments and questions could be sent to the EU on existing TBT requirements or on new TBT requirements in legislation notified under the WTO TBT agreement.

The industry associations and their members are concerned about the possible impact of future TBT requirements that may be introduced under the REACH regulation or as amendments to the WEEE, RoHS and FLEGT Directives. Considerable confusion exists in on the extent to the application of these technical regulations to Vietnamese exports.

Continued access to EU markets in essential to the survival and growth of these sectors. Given the numbers employed in these sectors it is also essential in these difficult times to maintaining the gains in poverty reduction in Viet Nam in recent years. Increased understanding of future EU TBT requirements in these sectors is essential to ensuring that exporters continued to meet EU TBT requirement. The development of competence in this area by the industry associations can assist their members comply with the relevant EU

TBT requirements and at the same use their position to lobby the EU against changes in EU TBT requirements might adversely affect exports of their members. The Viet Nam TBT Office can leverage its resources to support the industry associations and their members develop competence in this area and thus assist exporter comply with EU TBT requirements. The recommendations in section 8.1 are made with this objective in mind.

8.1 Recommendations

A. Build capacity in the Viet Nam TBT Office to support key export sectors

1. The Viet Nam TBT Office should develop specialisation in TBT areas of concern to exporters in the key export sectors

Currently the TBT Office does not seek to develop specialised expertise in TBT areas of concern to exporters. This limits the effectiveness of its operations as some expertise is required to prioritise how it handles the operations in relation to the distribution of TBT notifications and the develop of its database on TBT issues. Specialisation by the Director and Deputy Director on TBT issues in key export sectors would allow the TBT office to improve the efficiency of its operations and at the same time increase the efficacy of dialogue with and support to the industry associations in the relevant export sectors.

2. The Viet Nam TBT Office should prioritise distribution of TBT notifications received from WTO members in terms of importance to the key export sectors

At the moment the TBT Office translates and forwards all TBT notifications it received through the TBT network on an ad hoc basis without consideration of the relevance of the TBT notifications to Vietnamese exporters. This an inefficient use of resources as TBT notifications from countries with trade is negligible or where the product addressed by the TBT notifications is not exported by Viet Nam should be translated into Vietnamese or notified to exports. For example the TBT notifications issued by Uganda in December 2008 have little relevance to Vietnamese exporters. See Annex 2 for details.

3. The Viet Nam TBT Office should monitor notifications to the WTO Trade and Environment Committee in areas of concern to the key export sectors

There is a significant increase in the introduction and adoption of environmental measures which set out labelling and certification requires for imports of products, particularly wood products, fish products and energy using products. However many WTO members do not consider these measures to be TBT requirements falling under the WTO TBT agreement and therefore do not notify them to the WTO TBT Committee. In the case of the EU these may be notified to the WTO Trade and Environment Committee. It is therefore recommended that the Viet Nam TBT Office monitors notifications in this area in order to leverage the WTO network to advise exporters of the compliance requirements. There is a natural synergy with their role into notifying exporters of new TBT requirements.

4. The Viet Nam TBT Office should develop a TBT database of requirements in key exports markets as a resource for exporters and other interested stakeholders to support exporters R&D in and innovation in new products and process design

The TBT Office should develop the TBT database as an R&D resource for exporters and academic research in export markets. This will assist exporters identify TBT requirements and assist exporters in innovation and in R&D of new products and production processes.

5. The Viet Nam TBT Office should develop the competences to assist exporters resolve disagreements with regulatory authorities on compliance with TBT requirements when they arise and offer exporters a consultancy service in this area

The UK TBT Enquiry Point has developed a service for exporters to assist them in resolving disputes on TBT requirements with the regulatory authorities in their export markets. The Viet Nam TBT Office could offer a similar service tailored to Vietnamese exporters' needs.

B. Raise awareness of EU TBT requirements

6. The Viet Nam TBT Office should improve its cooperation and communication with the industry associations in the key export sectors

Currently the Viet Nam TBT Office does not communicate directly with the industry exporter associations. The industry exporter associations receive the TBT notifications via the TBT network either from the ministries. The TBT Office should commence a dialogue with the industry associations to determine their information needs in relation to EC legislation setting out TBT requirements in their sector. The TBT Office should also develop a database of legislation categorized by sector and country.

7. The Viet Nam TBT Office should organize a series of awareness workshops in cooperation with industry exporter associations

The TBT Office can assist the industry associations reduce their level of uncertainty in regard to future EU TBT requirements by organising workshops and seminars for exporters on the implications of proposed new legislation and recent new legislation and on where to source guidelines and technical information on specific TBT requirements.

The TBT Office and or industry associations may be able to seek funding for this activity from international donors.

C. Build capacity in industry associations to support their members

8. The industry associations should develop core competences in the TBT requirements for their sectors in the key export markets in order to advise their members and to make representations to the EU on proposed legislation (via the Viet Nam TBT Office)

The industry associations have limited knowledge of the TBT requirements of exports markets. The development of core competences in this area would greatly assist the members in identifying and meeting future TBT requirements in the EU and other key export markets. It would also enable the industry associations to lobby the EC Commission and the regulatory authorities elsewhere when a proposal is made to introduce legislation which would set out TBT requirements that could restrict exports from Viet Nam. This would be of significant value to Vietnamese exporters.

Annex 1: Workshop agendas

WORKSHOP AGENDA IN HA NOI
SUPPORT VIETNAMESE EXPORTERS
TO COMPLY WITH EU TBT REQUIREMENTS
Van Mieu Ballroom, Horizon Hotel, 40 Cat Linh, Ha Noi
Thursday, 18th June 2009

08:15 - 08:30	Registration
08:30 - 08:40	Opening remarks <i>Mr. Antonio Berenguer, Trade Counsellor, EC Delegation to Viet Nam</i> <i>Mr. Claudio Dordi, MUTRAP III's Team Leader</i>
08:40 - 09:00	Supporting Vietnamese enterprises to comply with foreign TBT requirements <i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i>
09:00 - 09:20	Compliance with EU TBT requirements: findings and recommendations <i>Mr. Colm Halloran, MUTRAP III Expert</i>
09:20 - 09:40	Q&A session
09:40 - 10:00	Compliance with EU TBT requirements: Main concerns for the Footwear sector <i>Ms. Do Thi Hoi, Member of Executive Committee of Viet Nam Leather - Footwear Association (LEFASO)</i>
10:00 - 10:20	Main concerns for the Garment and Textile sector <i>Mr. Le Tien Truong, Deputy Director General, Viet Nam Garment and Textile Corporation (Vinatex)</i>
10:20 – 10:30	Q&A session
10:30 - 10:50	Tea break
10:50 - 11:10	Main concerns for the Wood and Forestry sector <i>Mr. Nguyen Ton Quyen, Vice President General Secretary, Viet Nam Association of Wood and Forestry Products (VIFORES)</i>

11:10 - 11:50	REACH, WEEE, RoHS and FLEGT Directives (This will include guidelines on how to access sources of information on TBT issues for this sector) <i>Mr. Colm Halloran , MUTRAP III International Expert</i>
11:50 – 12:00	Q&A session
12:00 - 14:00	Lunch
14:00 - 14:20	Main concerns for agricultural and food production sector <i>Ms. Tran Viet Nga, Director, Legislation and International Relations Division, Viet Nam Food Administration, Ministry of Health; MUTRAP III expert</i>
14:20 - 14:40	Summary of TBT issues raised <i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i>
14:40 - 15:00	Q&A session
15:00 – 15:20	Conclusions and closing remarks <i>MUTRAP representative</i>

WORKSHOP AGENDA IN HO CHI MINH CITY

SUPPORT VIETNAMESE EXPORTERS

TO COMPLY WITH EU TBT REQUIREMENTS

Ballroom 2, Floor 3, Sheraton Hotel, 88 Dong Khoi, District 1, Ho Chi Minh City

Wednesday, July 1 2009

07:45 - 08:00	Registration
08:00 - 08:10	Opening remarks <i>Mr. Claudio Dordi, MUTRAP III's Team Leader</i>
08:10 - 08:50	Supporting Vietnamese enterprises to comply with foreign TBT requirements <i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i>
08:50 - 09:30	Compliance with EU TBT requirements: key findings and recommendations <i>Mr. Colm Halloran , MUTRAP III International Expert</i>
09:30 - 09:50	Q&A session
09:50 - 10:10	Tea break
10:10 - 10:40	REACH Directive (This will include guidelines on how to access sources of information on TBT issues for this sector) <i>Mr. Colm Halloran , MUTRAP III Expert</i>
10:40 - 11:00	Q&A session
11:00 - 11:30	WEEE and RoHS Directives (This will include guidelines on how to access sources of information on TBT issues for this sector) <i>Mr. Colm Halloran , MUTRAP III Expert</i>
11:30 - 11:50	Q&A session
11:50 - 13:30	Lunch at the Hotel
13.30 – 13.50	Main concerns in the Embroidery-Knitting garment and textile sector <i>Mr. Bui Trong Nguyen, General Secretary of HCMC Association of Garment Textile Embroidery-Knitting</i>
13:50 - 14:20	FLEGT Directive (This will include guidelines on how to access sources of information on TBT issues for this sector)

14:20 - 14:40	<p>Main concerns for agricultural and food production sector</p> <p><i>Ms. Tran Viet Nga, Director, Legislation and International Relations Division, Viet Nam Food Administration, Ministry of Health; MUTRAP III expert</i></p>
14:40 - 15:00	<p>Summary of TBT issues raised</p> <p><i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i></p>
15:00 - 15:20	<p>Tea break</p>
15:20 – 15:40	<p>Q&A session</p>
15:40 – 16:00	<p>Conclusions and closing remarks</p> <p><i>MUTRAP representative</i></p>

WORKSHOP AGENDA IN HUE
SUPPORT VIETNAMESE EXPORTERS
TO COMPLY WITH EU TBT REQUIREMENTS

Huong Giang Hotel, 51 Le Loi, Hue City



Friday, July 3 2009


07:45 - 08:00	Registration
08:00 - 08:10	Opening remarks <i>Ms. Nguyen Thi Hoang Thuy, MUTRAP III Project Director</i> <i>Mr. Nguyen Huu Tran, Deputy Director of Hue City Industry and Trade Department</i>
08:10 - 08:40	Supporting Vietnamese enterprises to comply with foreign TBT requirements <i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i>
08:40 - 09:10	Compliance with EU TBT requirements: key findings and recommendations <i>Mr. Colm Halloran , MUTRAP III Expert</i>
09:10 - 09:50	REACH Directive (This will include guidelines on how to access sources of information on TBT issues for this sector) <i>Mr. Colm Halloran , MUTRAP III Expert</i>
09:50 - 10:10	Q&A session
10:10 - 10:30	Tea Break
10:30 - 10:50	WEEE, RoHS and FLEGT Directives (This will include guidelines on how to access sources of information on TBT issues for this sector) <i>Mr. Colm Halloran , MUTRAP III Expert</i>
10:50 - 11:10	Q&A session
11:10 - 11:30	Summary of TBT issues raised <i>Ms. Pham Thi Kim Yen, Deputy Director, Viet Nam TBT Notification Authority and Enquiry Point, (Viet Nam TBT Office – STAMEQ); MUTRAP III expert</i>
11:30 - 13:30	Lunch at the Hotel

Annex 2 RAPEX notifications 2005 to June 2009


The Rapid Alert System for Non-Food Products (RAPEX)




http://ec.europa.eu/consumers/safety/rapex/index_en.htm




Year - Week	No. Ref.	Notifying country	Product	Danger	Measures adopted by notifying country	Reacting countries
1. 2009 - 20	4 0684/09	Netherlands	<p>Category: Gas appliances Product: Portable gas stove - Fivestar</p> <p>Brand: Gelert Type/number of model: MS-1000V, Gelert BUR011.</p> <p>Description: Portable vapour pressure liquefied petroleum gas appliance.</p> <p>Country of origin: Viet Nam</p> 	<p>Burns</p> <p>The product poses a risk of burns because of discharge of unburnt gas caused by flame lift at maximum pressure.</p> <p>The product does not comply with the Gas Appliances Directive and the relevant European standard EN 521.</p>	Sales ban and withdrawal from the market ordered by the authorities.	
2. 2009 - 18	21 0633/09	France	<p>Category: Furniture Product: Deckchair</p> <p>Brand: Soltera Type/number of model: SOLTERA KENT: REFERENCE 54 97 81, SOLTERA HARMONY: REFERENCE 54 97 80.</p> <p>Description: Deckchair.</p> <p>Country of origin: Viet Nam</p> 	<p>Injuries</p> <p>The product poses a risk of injuries because the locking mechanisms, which should hold the legs of the chair in place, are assembled the wrong way round and do not work as intended.</p> <p>Several incidents reported.</p>	Voluntary withdrawal from the market and recall from consumers by the importer.	
3. 2009 - 7	24 0280/09	United Kingdom	<p>Category: Motor vehicles Product: All terrain vehicles (ATV) - Can-Am DS90X - tether engine shutoff</p>	<p>Injuries</p> <p>The product poses</p>	Voluntary corrective actions	


				<p>switch</p> <p>Brand: Can-Am Type/number of model: Model name: DS90X Model year: 2008-2009 Model number: 3L8A, 3L9A and 3L9B Recall concerns models built from August 2007-July 2008 (list attached ).</p> <p>Description: Black body with x-package graphics, four wheeled ATV.</p> <p>Country of origin: Viet Nam</p> <p>No picture available</p>	<p>a risk of injuries because the engine may fail to switch off when pulling the cord from the accessory tether engine shutoff switch post installed on these race-ready vehicles. If this occurs in situations where the rider is ejected, the vehicle may run away uncontrolled until the engine returns to idle. This may lead to the vehicle to collide with bystanders, a fixed object or other vehicles resulting in injuries.</p>	<p>taken by the importer.</p>	
4.	2008-31	100831/08	Poland	<p>Category: Lighters Product: Lighters</p> <p>Brand: Ronson Type/number of model: Model Shark, RXL 12070P, code affixed on the lighter: 5011435623721; code on the collective packaging: 5011435623738</p> <p>Description: The lighter is made of semi-transparent plastic, coloured blue, red, green or yellow. It is a disposable, adjustable lighter with postmixing burner. On the button of the ignition mechanism there is a logo "RONSON". On the lighter there is a sticker with warnings in Polish: "WARNING! Contains flammable gas under pressure. KEEP AWAY FROM CHILDREN. Use with care. Ignite lighter away from face and clothing. Never expose to heat above 50°C or to prolonged sunlight. Do not puncture, put in fire or inhale. Do not keep lit continuously for more than 30 seconds. Be sure flame is completely out after use." There is also a users' manual in English and an EAN code. The collective packaging carries the information: "country of origin: Viet Nam", name and address of importer, an EAN code and warnings, as well as pictograms written in Polish.</p> <p>Country of origin: Viet Nam</p>	<p>Burns</p> <p>The product poses a risk of burns because:</p> <ul style="list-style-type: none"> - flame is excessively high: over 120 mm; - five of the lighters tested were not resistant to flaring and three out of them were not resistant to spitting; burning gas spilled out of those three; - in six lighters, flame extinction was impossible due to the blocked ignition mechanism; in two cases burning gas spilled over the lighters. <p>The product does not comply with requirements of essential safety</p>	<p>Withdrawal from the market ordered by the authorities.</p>	

					standard EN ISO 9994.		
5.	2008 - 20	13 0558/0 8	Austria	<p>Category: Clothing and fashion items Product: Children's ski suit</p> <p>Brand: STRYKE BY SPYDER Type/number of model: Style 9320, Stryke, Ridge, EAN 0681138125263</p> <p>Description: Blue/green children's ski suit/out-door clothing for winter. Sizes: 110, 128.</p> <p>Country of origin: Viet Nam</p>	<p>Suffocation</p> <p>The product poses a risk of suffocation by strangulation because it contains drawstrings around the neck, which are not permitted in articles of clothing for children aged 7 and under (body height up to 134 cm).</p>	Voluntary withdrawal from the market.	

							
6.	2008 - 14	16 0410/0 8	Greece	<p>Category: Lighters</p> <p>Product: Lighter</p> <p>Brand: UNILITE</p> <p>Type/number of model: Art Nr: 21000 CR - ML3 - TS - 01 HC WHITE, barcode: 8 716509 210001</p> <p>Art Nr: 21001 CR - ML3 - TS - 01 HC BLACK, barcode: 8 716509 210018</p> <p>Art Nr: 21002 CR - ML3 - TS - 01 HC YELLOW, barcode: 8 716509 210025</p> <p>Art Nr: 21003 CR - ML3 - TS - 01 HC ORANGE, barcode: 8 716509 210032</p> <p>Art Nr: 21004 CR - ML3 - TS - 01 HC GREEN, barcode: 8 716509 210049</p> <p>Art Nr: 21005 CR - ML3 - TS - 01 HC RED, barcode: 8 716509 210056</p> <p>Art Nr: 21006 CR - ML3 - TS - 01 HC BLUE, barcode: 8 716509 210063</p> <p>Description: Disposable opaque lighters in various colours (orange, green, blue, yellow, black, white and red). The lighters are packed in a cardboard box (50 items), marked "It's my light UNILITE - Disposable Lighter - A Quality Product - Conforms to ISO 9994:2005-; and displaying a safety symbol with the indication -Child- Resistant-. On one side of the metallic part (head) of the lighter is the name - UNILITE- and on the other side the symbol -TÜV SÜD- and the indication GF.</p> <p>Country of origin: Viet Nam</p>	<p>Fire and burns</p> <p>The product poses a risk of fire and burns because the lighter does not comply with the requirements for resistance to elevated temperatures.</p>	<p>Voluntary withdrawal from the market by the importer.</p>	

							
7.	2008 - 6	2 0176/0 8	Finland	<p>Category: Furniture Product: Relax chair - Wooden 2-position relax chair</p> <p>Brand: Ellen Type/number of model: EAN 6405422521791 Product number: 300096358, Supplier's product number: OF210.</p> <p>Description: White or unpainted relax chair.</p> <p>Country of origin: Viet Nam</p> 	<p>Injuries</p> <p>The product poses a risk of injuries because:</p> <ul style="list-style-type: none"> - the backrest and side stretchers have sharp edges, - when lifted from the armrests, the backrest can come out of its stop locations, - the body of chair breaks during the arm impact test. <p>One incident reported.</p> <p>The product does not comply with the relevant European standard EN 581.</p>	Voluntary recall from consumers by the importer.	
	2008 - 4	31 0110/0 8	Germany	<p>Category: Decorative articles</p> <p>Product: Terracotta oil lamp</p> <p>Brand: Chielang Viet Nam Art & Crafts</p> <p>Type/number of model: 850614</p> <p>Description: Spherical terracotta oil lamp. Tin housing for oil lamp is loosely inserted.</p> <p>Country of origin: Viet Nam</p> 	<p>Fire and chemical</p> <p>The product poses a risk of fire because:</p> <ul style="list-style-type: none"> - there is no wick protection and no leak protection, - seals do not require two independent movements to open them; <p>and a chemical risk because it poses a risk of lung damage for children in case lamp oil is swallowed and ingested.</p>	Voluntary withdrawal from the market.	

8.	2007 - 51	3 1340/0 7	Czech Republic	<p>Category: Lighters Product: Rechargeable gas lighters</p> <p>Brand: Velta Type/number of model: bar code on lighter - 4035687005617</p> <p>Description: Rechargeable lighter from transparent plastic</p> <p>Country of origin: Viet Nam</p> 	<p>Burns</p> <p>The product poses a serious risk of burns because it does not comply with requirements of essential safety standard EN ISO 9994.</p>	<p>Sales ban and withdrawal from the market ordered by the authorities.</p>
9.	2007 - 30	1 0737/0 7	Poland	<p>Category: Children's equipment Product: Baby carrier</p> <p>Brand: Decathlon Type/number of model: Quechua, 658810, Forclaz 300</p> <p>Description: Unknown</p> <p>Country of origin: Viet Nam</p> 	<p>Injuries</p> <p>This product poses a risk of injuries because the carrier strings may break and a child can fall off the carrier.</p>	<p>Voluntary withdrawal from the market, recall from consumers and information to consumers by the importer.</p>
10.	2006 - 37	8 0598/0 6	United Kingdom	<p>Organic oil lamp "Mondian" (hand made)</p> <p>Type/model: No. 53288 (color: cream/red)</p> <p>Country of origin: Viet Nam</p> 	<p>Chemical risk</p> <p>The product poses a risk of lung damage for children in case lamp oil is swallowed and ingested.</p> <p>Contrary to the requirements of the relevant European standard EN 14059: - the product</p>	<p>Voluntary withdrawal from the market by the importer.</p>

					<p>overturns when both empty and full although decorative oil lamps should not overturn when placed on a platform inclined at 20°;</p> <p>- the product is not fitted with a wick guard or cover although decorative oil lamps should be fitted with a wick guard that does not become detached, break or crack during testing to prevent access to the wick by small children;</p> <p>- in addition, the design of the lamp does not prevent the wick being contacted by the test probe.</p>		
11.	2006 - 14	10 0212/0 6	Sweden	<p>Wooden toy "Hammer game" (Nam Hoa) containing a hammer and balls.</p> <p>Type/number of model: c 90102, 44002, EAN 7350018360027. Description: Unknown.</p> <p>Country of origin: Viet Nam</p> 	<p>Risk of choking. This toy contains small balls with a diameter less than 44.5 mm which present risk of choking. The toy is intended for children younger than 3 years old. This product does not comply with the relevant Toys Standard.</p>	Withdrawal from the Swedish market.	
12.	2005 - 13	3 0157/0 5	France	<p>Child safety wooden barrier "Indowoods" (BSN 500; Indowoods 510; Jéwé 49260).</p> <p>Country of origin: Viet Nam</p> <p>* No picture available "Please note that the product notified under the reported references is only the Clic-clac swing white deal safety gate. Other similar products have not been subject to notification".</p>	<p>Risk of suffocation and injury. Given the spaces between the barrier elements a child can stick its head or thorax in between. The barrier does not comply with the relevant European</p>	Voluntary recall from consumers.	

					standards.		
13.	2005 - 12	1 0136/0 5	France	Foldable wooden garden chair and armchair made of eucalyptus wood (Hélians-DTC-0418A and DTC-0418B) Country of origin: Viet Nam. ** No picture available	Risk of injury. The foldable mechanism presents a risk of finger entrapment and cut.	Voluntary withdrawal from distribution.	

Annex 3 WTO TBT Notifications December 2008

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
Brazil	G/TBT/N/BRA/315 8 December 2008	2.9.2	Food for athletes	Human Health Protection
Canada	G/TBT/N/CAN/255 24 December 2008	2.9.2	Pesticides (ICS : 65.100)	Protection of human health and the environment
Chile	G/TBT/N/CHL/84 4 December 2008	5.6.2	Gas-fired water heaters	Safety
China	G/TBT/N/CHN/498 22 December 2008	2.9.2	Dairy equipment (ICS: 67.260)	To protect human health and safety
	G/TBT/N/CHN/499 22 December 2008	2.9.2	Sports beverage (ICS: 67.160.20; HS: 2202900090)	To protect consumers' benefit, prevent cheating and maintain fair trade
	G/TBT/N/CHN/500 22 December 2008	2.9.2	Shot (air) blast equipment (ICS: 25.120.30; HS: 8454)	To protect human safety
	G/TBT/N/CHN/501 22 December 2008	2.9.2	Low pressure die casting machine (ICS: 25.120.30; HS: 8454)	To protect human safety
	G/TBT/N/CHN/502 22 December 2008	2.9.2	Press brake and flanging machine (ICS: 25.120.10; HS: 8462)	To protect human safety

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/CHN/503 22 December 2008	2.9.2	Shearing machinery (ICS: 25.120.10; HS: 8462)	To protect human safety
	G/TBT/N/CHN/504 22 December 2008	2.9.2	small gasoline engines with rated power \leq 30 kW, it also applies to alternative fuel spark-ignition engines with rated power \leq 30 kW (ICS: 27.020 ; HS: 8407)	To protect human safety
	G/TBT/N/CHN/505 22 December 2008	2.9.2	Fire-resistant glass (ICS: 81.040.20, 13.220.50)	Regulating the market, protecting the safety of personal and construction
	G/TBT/N/CHN/506 22 December 2008	2.9.2	Laminated glass (ICS: 81.040)	Regulating the market, protecting the safety of personal and construction
China (cont'd)	G/TBT/N/CHN/507 22 December 2008	2.9.2	Heat soaked thermally tempered glass (ICS: 81.040.20)	Regulating the market, Protection of human safety and construction
	G/TBT/N/CHN/508 22 December 2008	2.9.2	Abio-non-metal building materials (ICS: 13.030.01)	Regulating the market and improving habitation by controlling the content of radioactivity in building materials
	G/TBT/N/CHN/509 22 December 2008	2.9.2	Flat glass (ICS: 81.040.20)	Regulating the market, protecting the safety of personal and construction
	G/TBT/N/CHN/510 22 December 2008	2.9.2	Displacement air compressors (ICS: 27.010; HS: 8414)	To eliminate the displacement air compressors with low energy efficiency from the market; energy efficiency
	G/TBT/N/CHN/511 22 December 2008	2.9.2	Inland ships (ICS: 17.140.20, 47.020; HS: 8901, 8904, 8905)	To protect human safety
	G/TBT/N/CHN/512 22 December 2008	2.9.2	Safety nets (ICS:13.340.99)	Ensuring the safety of personnel and production
	G/TBT/N/CHN/513 22 December 2008	2.9.2	Static protective clothing (ICS: 13.340.10)	Ensuring the safety of personnel and production
Colombia	G/TBT/N/COL/122 8 December 2008	2.9.2	Materials, objects, packaging and equipment that come into direct or indirect contact with food, alcoholic beverages and the basic raw materials found in food and alcoholic beverages	To protect human health, preserve the sanitary, nutritional and sensory characteristics of foods and prevent practices liable to mislead consumers

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/COL/123 18 December 2008	2.9.2	Meat of animals of the Crocodylia order (crocodiles, caymans)	To protect life and health and prevent practices liable to mislead consumers
	G/TBT/N/COL/124 24 December 2008	2.9.2	Petroleum-based liquid fuels, biofuels, gasoline	To prevent potential risks to safety, life, health and the environment.
Costa Rica	G/TBT/N/CRI/84 15 December 2008	2.9.2	International Classification for Standards (ICS: 65.020.30)	Protection of human and animal health and the environment
European Communities	G/TBT/N/EEC/236 15 December 2008	2.9.2	Triflumuron (pesticide active substance)	Protection of human health and the environment
European Communities (cont'd)	G/TBT/N/EEC/237 16 December 2008	2.9.2	Non-directional household lamps.	Fight against climate change, increase of energy efficiency in the EU
	G/TBT/N/EEC/238 24 December 2008	2.9.2	Electric and electronic equipment as defined under Article 3(a) of Directive 2002/95/EC.	Technical and scientific progress
	G/TBT/N/EEC/239 24 December 2008	2.9.2	Electric and electronic equipment as defined under Article 3(a) of Directive 2002/95/EC.	Technical and scientific progress
	G/TBT/N/EEC/240 24 December 2008	2.9.2	fenpropimorph, sulfuryl fluoride, boric oxide, boric acid, disodium tetraborate and disodium octaborate tetrahydrate	Protection of public health and the environment. Harmonisation of the EU market on biocidal products.
France	G/TBT/N/FRA/92 16 December 2008	2.9.2	Raw materials and semi-manufactured or manufactured products made entirely or partly of leather or of materials with the appearance of leather, excluding footwear and personal protective equipment	Consumer information.

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/FRA/93 16 December 2008	2.9.2	Raw materials and semi-manufactured or manufactured products made entirely or partly of leather or of materials with the appearance of leather, excluding footwear and personal protective equipment	The proposed revised text ensures the reliability of the information given to consumers, while providing operators with more flexibility
Honduras	G/TBT/N/HND/56 15 December 2008	2.9.2	International Classification for Standards (ICS) code 65.020.30	Protection of human and animal health and the environment
India	G/TBT/N/IND/36 16 December 2008	2.9.2	Frost Free Refrigerators	Objective: Energy Efficiency and Conservation , Energy Security
	G/TBT/N/IND/37 16 December 2008	2.9.2	Tubular Fluorescent Lamps	Energy Efficiency and Conservation, Energy Security
Japan	G/TBT/N/JPN/281 1 December 2008	2.9.2	Motor vehicles (HS: 87.01-08, 87.11, 87.13 and 87.14)	The objective of amending the regulations is to improve safety of vehicles and to harmonize with relevant international standards
	G/TBT/N/JPN/285 4 December 2008	2.9.2	Drugs	Public health and sanitation (Biological products)
Japan (cont'd)	G/TBT/N/JPN/286 8 December 2008	2.9.2	Drugs	Public health and sanitation (Biological products)
	G/TBT/N/JPN/287 8 December 2008	2.9.2	Plumbing fixtures and piping connected to domestic water supply system; materials used for the construction of water supply facilities and as filter media	Protection of human health
	G/TBT/N/JPN/288 15 December 2008	2.9.2	Fire Alarm System's Detectors (HS: 8531.90), Fire Alarm System's Transmitters (HS: 8531.90), Fire Alarm System's Control and Indicating Equipments (HS: 8531.10)	Spread promotion of fire alarm systems
	G/TBT/N/JPN/289 22 December 2008	2.9.2	Rice, rice products and products which contain rice as a ingredient characterizing the products	Securing prompt recall and trace-back of products, proper and smooth distribution of covered products; Consumer information

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
Korea, Republic of	G/TBT/N/KOR/197 16 December 2008	2.9.2	Medicines, herb medicines, etc	This proposed regulation is to prevent herbal medicines containing benzopyrene from being circulated in the market.
	G/TBT/N/KOR/198 17 December 2008	2.9.2	Prohibition of Sales and Restriction of Advertisements on Children Preference Food	To protect children from obesity and unbalanced nutrition
	G/TBT/N/KOR/199 23 December 2008	2.9.2	Medicines, herb medicines, etc.	This proposed regulation is to prevent herbal medicines containing mycotoxin from being circulated in the market
Kuwait	G/TBT/N/KWT/17 22 December 2008	2.9.2	Any product placed on the Gulf Cooperation Council Countries (GCC) market whether manufactured in or imported into GCC	Implementation of the objectives of the "Economic Agreement" establishing a single Market for Gulf Cooperation Council countries (GCC) (United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait)
Lithuania	G/TBT/N/LTU/12 15 December 2008	2.9.2	Fire safety equipment	Safety requirements for fire safety equipment and materials
Paraguay	G/TBT/N/PRY/21 17 December 2008	2.9.2	Switches for fixed electrical installations.	Consumer safety
Slovenia	G/TBT/N/SVN/80 23 December 2008	2.9.2	Steel construction, Construction, technical aspects (ICS: 91.080.10, 91.010.30)	Safety, consumer protection
	G/TBT/N/SVN/81 22 December 2008	2.9.2	ICS 91.080.40	Safety, consumer protection
South Africa	G/TBT/N/ZAF/91 17 December 2008	2.9.2	Vehicles (HS: 8704, ICS: 43.080.01) Motor vehicles for the transport of goods	Consumer safety
	G/TBT/N/ZAF/92 17 December 2008	2.9.2	Passenger cars (HS: 87.03, ICS : 43.100) National Tariff Heading: Motor cars and other motor vehicles principally designed for the transport of persons, including station wagons and racing cars	Consumer safety
Switzerland	G/TBT/N/CHE/105 15 December 2008	2.9.2	active substances: - Tebuconazol (CAS No 107534-96-3) - Thiabendazol (CAS No 148-79-8)	Protection of public health and of the environment; Harmonisation.
	G/TBT/N/CHE/106 15 December 2008	2.9.2	Food	Health and consumer protection.

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/CHE/107 15 December 2008	2.9.2	Food	Health and consumer protection.
	G/TBT/N/CHE/108 17 December 2008	2.9.2	Electrical equipment.	Protection of human health and safety; Quality requirements
Chinese Taipei	G/TBT/N/TPKM/66 8 December 2008	2.9.2	Light duty vehicles and motorcycles	Environmental protection
Thailand	G/TBT/N/THA/285 4 December 2008	2.9.2	Lighters (HS: 9613, ICS: 97.180)	Safety and consumer protection
	G/TBT/N/THA/286 8 December 2008	2.9.2	Hazardous substance (HS: 3824, ICS: 13.030.30)	Safety and consumer protection
Uganda	G/TBT/N/UGA/26 8 December 2008	2.9.2	Milk fat product standard, 67.100	To support the value addition in the dairy sector, Consumer safety
	G/TBT/N/UGA/27 8 December 2008	2.9.2	Water standard, 13.060	To promote the health and safety of consumers
	G/TBT/N/UGA/28 8 December 2008	2.9.2	Water standard, 13.060	To promote the health and safety of consumers
	G/TBT/N/UGA/29 8 December 2008	2.9.2	Water standard, 13.060	To promote the health and safety of consumers
	G/TBT/N/UGA/30 8 December 2008	2.9.2	Protective helmets, 13.340.20	Safety of consumers
	G/TBT/N/UGA/31 8 December 2008	2.9.2	Plastic products, 13.020.99	Protection of the environment
	G/TBT/N/UGA/32 8 December 2008	2.9.2	Paper based stationery standard (HS: 85.080)	To guide both the local manufacturers and the traders who import a lot of these products onto the Ugandan market
	G/TBT/N/UGA/33 8 December 2008	2.9.2	Paper based stationery standard, (HS: 85.080)	To guide both the local manufacturers and the traders who import a lot of these products onto the Ugandan market
	G/TBT/N/UGA/34 8 December 2008	2.9.2	Registration plates, 43	Quality requirements
	G/TBT/N/UGA/35 8 December 2008	2.9.2	Registration plates, 43	Quality requirements
	G/TBT/N/UGA/36 8 December 2008	2.9.2	Liquid fuels, 75.160.20	To guide traders who import these products onto the Ugandan market; consumer protection
Uganda (cont'd)	G/TBT/N/UGA/37 8 December 2008	2.9.2	Used vehicles, 43	To provide guidance for the inspection of used vehicles before their importation into the country

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
Ukraine	G/TBT/N/UKR/4 17 December 2008	2.9.2	Detergents: - detergents intended for washing or cleaning and put into circulation in the territory of Ukraine for use by consumers; - auxiliary detergents intended for presoaking, rinsing or bleaching articles of fabric; - fabric softeners used in processes that are auxiliary to washing; - substances for cleaning materials, articles, mechanisms, mechanical devices, vehicles and auxiliary equipment, tools, apparatus, etc. intended for household use; - other preparations intended for use in the course of washing and cleaning	Harmonization
	G/TBT/N/UKR/5 17 December 2008	2.9.2	Hot-water boilers fired with liquid or gaseous fuels with output capacity from 4 to 400 KWatts	Harmonization

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/UKR/6 17 December 2008	2.9.2	A conglomerate of several types of devices or equipment intended to ensure user's protection against one or several potential (simultaneous) risks; Protective devices or equipment intended for wearing by the user or ensuring their protection that is a part or is used together with other equipment; Replaceable parts of protective equipment that are necessary for its normal functioning and are used only for such equipment	Protection of human safety; Harmonization
Ukraine	G/TBT/N/UKR/7 17 December 2008	2.9.2	Wall-plugged household electric refrigerators, freezers and freezers and combinations thereof	Harmonization

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/UKR/8 17 December 2008	2.9.2	Appliances burning gaseous fuels: - appliances used for cooking, lighting, cooling, washing, heating and obtaining hot water (the temperature of the heating element or hot water must not exceed 105 °C); burners with forced draft and burning or heating appliances equipped with such burners; - safety devices, control or regulating devices and units (in particular, those using power) intended for use in appliances during their assembly that are sold at retail outlets	Protection of human safety; Harmonization
	G/TBT/N/UKR/9 17 December 2008	2.9.2	Equipment and protective systems intended for use in potentially explosive atmospheres: - equipment and protective systems; Protective, control and steering devices that are intended for use outside potentially explosive atmospheres and are necessary to ensure safe functioning of equipment and protective systems; Vehicles intended for use in potentially explosive atmospheres of mines and production workshops	Protection of human safety; Harmonization

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/UKR/10 17 December 2008	2.9.2	Toys – products (toy materials) intended for playing by children up to 14 years of age	Protection of human safety; Harmonization
Ukraine (cont'd)	G/TBT/N/UKR/11 17 December 2008	2.9.2	Transportable equipment used for transporting hazardous substances by highways and railroads, namely: vessels (cylinders, cylinder bundles, chambers, pressure reservoirs and cryogenic vessels); Tanks including demountable tanks, container tanks (transportable tanks), portable tanks, tanks that are elements of vehicles-boilers of tank cars, tanks or vessels that are part of lorry and trailer or railroad trains, vehicle tanks including valves and other auxiliary equipment of tanks that are used to transport class 2 gases, stabilized class 6,1 hydrogen cyanide, dehydrated hydrogen fluoride and class 8 fluorohydrogen acid	Protection of human safety; Harmonization

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/UKR/12 17 December 2008	2.9.2	Containers for storing and/or burying radioactive waste generated as a result of civil activities, namely: containers for hard and liquid radioactive waste for storage (in packages of radioactive waste) in appropriate repositories; collector containers for radioactive substances; containers for hard radioactive waste that are subject to burying (in packages of radioactive waste) in surface, near-surface or geological repositories in accordance with criteria of permissibility (non-permissibility) of their burying in repositories of different types pursuant to the Requiements of Nuclear Safety of Ukraine	Harmonization
	G/TBT/N/UKR/13 17 December 2008	2.9.2	Sealed sources of ionizing radiation	Harmonization
	G/TBT/N/UKR/14 17 December 2008	2.9.2	Cable and conductor products, industrial pipeline fittings	To create uniform competitive conditions for domestic and foreign manufacturers
Ukraine (cont'd)	G/TBT/N/UKR/15 17 December 2008	2.9.2	Gambling machines with monetary winnings	Consumer protection
	G/TBT/N/UKR/16 17 December 2008	2.9.2	Construction products, buildings and structures	Harmonization

Notifying Member	Notification/ Date of Circulation	Articles	Product/Measure	Objective
	G/TBT/N/UKR/17 17 December 2008	2.9.2	Nautical equipment intended for placement on the board of vessels sailing under Ukraine's national flag	Harmonization
United States	G/TBT/N/USA/432 16 December 2008	2.9.2	Wood products (HS 44, 4408, 4410, 4411, 4412; (ICS: 790.060, 79.080, 79.040, 79.020, 13.020, 91)	Protection of human health and the environment
	G/TBT/N/USA/433 16 December 2008	2.9.2	Food products (ICS: 67.04)	Consumer protection
	G/TBT/N/USA/434 16 December 2008	2.9.2	Gasoline and diesel fuel (HS: 2710; ICS: 13, 75.160)	Protection of the environment
	G/TBT/N/USA/435 17 December 2008	2.9.2	Respirators (HS: 9020; ICS: 13.340.30)	Protection of human health
	G/TBT/N/USA/436 17 December 2008	2.9.2	Toys, childrens products (HS: 9503; ICS: CA.001, 97.200, 97.190)	Consumer safety
	G/TBT/N/USA/437 17 December 2008	3.2	Oysters (HS: 0307.10; ICS: 67.120)	Consumer protection
	G/TBT/N/USA/438 18 December 2008	2.9.2	Respirators (HS: 9020; ICS: 13.340.30)	Protection of human health