Enhancing TBT Capacity through Development Cooperation and Technical Assistance

An evaluation by the National Board of Trade Sweden

Contents

Foreword

Executive Summary

1 Introduction ... 8

1.1 The National Board of Trade Sweden and Swedish development cooperation ... 8

1.2 Results framework developed by the National Board of Trade ... 9

1.3 The need to evaluate TBT-related technical assistance ... 10

1.4 Scope ... 11

1.5 Methodology ... 11

2 How to define TBT-related technical assistance? ... 13

2.1 What are the consequences of TBTs and how can they be addressed? ... 17

2.2 What are the consequences of deficient TBT implementation? ... 17

3 What are the forms for TBT-related development cooperation and technical assistance? ... 19

3.1 Time frame ... 19

3.1.1 Short-term cooperation ... 19

3.1.2 Medium- or long-term projects ... 20

3.2 Different project settings ... 20

3.2.1 Bilateral cooperation ... 20

3.2.2 Regional cooperation ... 21

3.2.3 Multiple Donors ... 21

3.3 Choosing activities ... 22

3.3.1 Different capacity-building activities ... 22

3.4 Sample TBT activities ... 22

4 Lessons learned – creating a benchmark incl. reflections from other organisations engaged in TBT-related development cooperation ... 24

4.1 The basis for the evaluation ... 24

4.1.1 Evaluated projects ... 24

4.2 Evaluating objectives, activities and results ... 25

4.2.1 Project objectives ... 25

4.2.2 Project activities ... 26

4.2.3 Results achieved 28
4.3 Non-exhaustive list of success factors and pitfalls in technical assistance 31
5 Conclusions..... 49

Annex 1 Short and medium-term projects

Foreword

Trade-related development cooperation is an integral part of the work carried out by the National Board of Trade Sweden. The Board has gradually taken a more active role in this domain, now covering a number of fields within its mandate of international trade and trade policy. The Board's development work is demand-driven and consists of individual and institutional development cooperation based on a well-defined results framework. The Board offers short-term projects for civil servants in developing countries as well as long-term, tailor-made projects with local presence.

It is of paramount importance that the Board's work within trade-related development cooperation and technical assistance responds to the needs of our Cooperation Partners and follows the best international practices. This is why we have chosen to evaluate one of the areas where the Board has been most active and where there is an increasing demand for technical assistance, namely Technical Barriers to Trade (TBT).

The findings presented in this report form part of a continuous process to ensure that the National Board of Trade delivers technical assistance that truly serves its purpose and helps our Cooperation Partners to fulfil their objective, to fully participate in international trade.

This report was written by Linda Bodén and Heidi Lund. Anna Hallam and Åsa Christiansson have also contributed to its contents.

We are most grateful for the valuable input received from the American National Standards Institute (ANSI), the National Metrology Institute of Germany (Physikalisch-Technische Bundesanstalt – PTB) and the Standards Council of Canada (SCC).

Stockholm, November 2017

Anna Stellinger
Director-General

Executive Summary

The global trade environment, including changing trading patterns and fast-moving technological development, results in new products and product features that create new regulatory challenges to be addressed by regulators. Technical Barriers to Trade therefore continues to be an important topic internationally and is of particular importance for developing countries.

In order to prepare product regulations that are effective and fit for purpose, countries benefit of having a National Quality Infrastructure (NQI) with regulators that cooperate with each other. This process requires that new draft regulations are properly assessed concerning their impact on trade and that there are functioning policies and bodies to address product safety and quality in a country (e.g. consumer policy, standards and conformity assessment bodies). In case such elements are not in place, a country might have difficulties in addressing consumer concerns of product safety nationally, as well as in levelling up the quality of industrial products for export. Consequently, the country's potential to reap the benefits from trade is affected.

Hence, development cooperation has an important role to play in providing guidance and technical assistance to developing country governments and administrations. This enables them to better take advantage of the international trade policy framework and to fulfil the WTO commitments that facilitate cross-border trade of goods and prevent unnecessary barriers to trade.

There is a large number of Donors engaged in TBT-related development cooperation worldwide. While the majority of these Donors base their cooperation measures on the WTO legal framework, methods of implementing their activities vary, depending on the Donor's organisational status and experience.

In this report, the National Board of Trade Sweden evaluates its TBT-related development cooperation activities for the last ten years and has also taken on board the experience of other prominent Donors within this field.

The National Board of Trade has found that for the last ten years, requests for TBT-related development cooperation and technical assistance have changed both in scope and shape. In the past, requests for support were focused on better implementation of the TBT Agreement; today, TBT-related requests cover a multitude of areas. For example, such inquiries can include support for more effective administrative and legal processes promoting trade policy, improving trade conditions or improving the transparency and effectiveness of product regulation. It is not uncommon that TBT-related technical assistance activities integrate aspects related to implementation of a free trade agreement (FTA), or information efforts to cover regulatory conditions in another market. The assistance requests can also comprise elements related to the global agenda for sustainable development (Agenda 2030) and digitization in relation to

regulation of goods. This broadens the spectrum of technical assistance components that the Board may offer based on its key competencies. At the same time, it also places more demands on the Board in terms of how to efficiently deliver these capacities to our Cooperation Partner[1].

The rationale of this report is to present key findings from the evaluation and to outline success factors and pitfalls in TBT-related development cooperation.

The Board hopes that the following outlined success factors and pitfalls for TBT-related technical assistance will be valuable both for other Donors and for Cooperation Partners:

- ✓ Fact finding, risk assessment and Donor coordination are essential to deliver results
- ✓ The level of ambition must be based on the factual outset and the Cooperation Partner's level of maturity, in order to formulate well-defined and measurable objectives
- ✓ Setting a horizontal legal basis is a decisive factor in achieving a functioning TBT administration in a country
- ✓ Many voluntary mechanisms and analytical tools such as GRP and RIA are key aspects in achieving effective implementation of TBT commitments
- ✓ Mentoring as a method for TBT-related technical assistance presents challenges in form of sustainability
- ✓ Addressing technical harmonisation in TBT-related technical assistance is a major step
- ✓ Efficient TBT-related development cooperation requires strong Cooperation Partner commitment
- ✓ Technical regulation is often the weakest link in developing a National Quality Infrastructure
- ✓ Cooperation with multiple Donors and Cooperation Partners can lead to challenges
- ✓ Responding to requests for TBT-related technical assistance and delivering key expertise requires consideration

[1] By Cooperation Partner we refer in this report to the country or the administration in a developing country receiving technical assistance from the Board or other Donors.

As the design of each development cooperation project depends on the local context, the methods to be used in an assistance effort[2] or a project cannot be standardised. However, the evaluation has made it possible to identify both benefits and drawbacks which can be used as help in the planning and implementation of future projects. The evaluation show that the results of development cooperation correlate with the experience of both the Donor and the Cooperation Partner. It has also been possible to see that when the Board introduced a results framework with explicit requirements on development cooperation, results improved. As the level of capacity of our Cooperation Partners increases and our trade reality changes, the Board has to continue to broaden the perspective of assistance. The Board also has to develop new skills to match the increasing demand for TBT related technical assistance. A crucial issue onwards will be to strengthen the Board's profile in development cooperation further, i.e. to increase visibility and highlight the competence the Board is able to provide. This in order to ensure that our Cooperation Partners know the mandate of the Board in relation to the assistance they are expecting.

[2] The development cooperation does not always imply a full scale project based on a contract - it may also concern single missions or short-term assignments. The latter we have chosen to call "assistance efforts" in this report.

1 Introduction

1.1 The National Board of Trade Sweden and Swedish development cooperation

The policy framework for Swedish development cooperation and humanitarian cooperation, incorporating the Agenda 2030, includes the importance of trade-related development cooperation and technical assistance for free and fair trade and sustainable investment[3].

In line with Swedish government policy, government agencies have an important role to play in Swedish development cooperation, focusing mainly on strengthening institutions. The National Board of Trade Sweden (hereafter: the Board) has been engaged in trade-related development cooperation in since 2007.

The long-term objective of the development cooperation is to strengthen the developing countries' possibilities to reap the benefits from international trade, actively engage in international trade, and integrate into the global trading system. The vision of the cooperation is to have a positive impact on people living in poverty and their ability to contribute to, and benefit from, economic growth.

In order to ensure that the Board's development cooperation activities and projects meet the objectives of the Swedish policy and the government's strategy for sustainable economic development[4], the Board has developed a results framework which embraces all the development cooperation activities.

What is the National Board of Trade?

The National Board of Trade is a Swedish governmental agency responsible for issues relating to foreign trade, the EU Internal Market and trade policy. The mission of the Board is to promote open and free trade with transparent rules. As an expert authority in foreign trade and trade policy in Sweden, the Board provides the Government with analyses and background material related to ongoing international trade negotiations, as well as more structural or long-term analyses of trade related issues. In addition, the Board provides assistance to developing countries through trade-related development cooperation.

Since 2015, the Board has received funding by a special grant, outlined in the letter of regulation placing appropriations for the Board. The grant for 2017 is 9 million SEK which is determined annually and shall be used according to

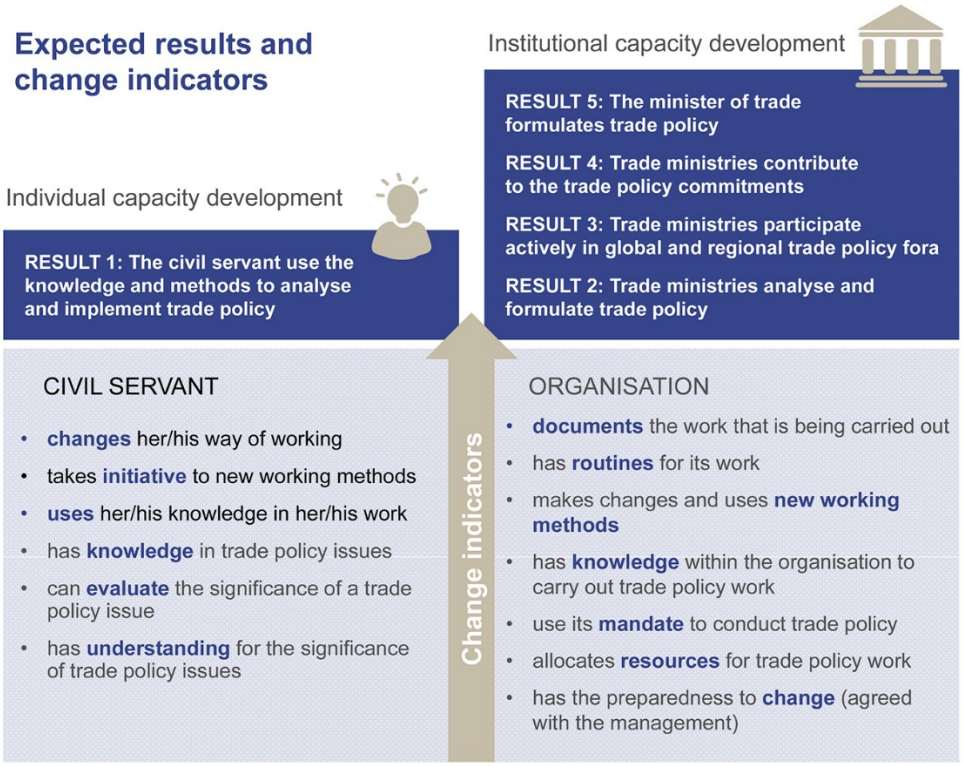
[3] The Swedish International Development Cooperation Agency (Sida) is a government agency working on behalf of the Swedish parliament and government, with the mission to reduce poverty in the world. Through its work and in cooperation with others, the organisation contributes to implementing Sweden's Policy for Global Development. Policy framework for Swedish development cooperation and humanitarian assistance. Government Communication 2016/17:60. This assistance mounted to 2.2 billion SEK within Aid for Trade/WTO/ via multilateral mechanism in 2017 which excluded additional funds within trade policy and regulations (and e.g. NBT funds).

[4] In the policy framework for Swedish development cooperation, trade is highlighted as a powerful tool for economic growth, sustainable development and poverty reduction. The role of trade in sustainable development and is further acknowledged in the trade policy driven in the EU and in the WTO as well as in the UN global development goals for 2030, which are interlinked with the work carried out by the National Board of Trade.

OECD/DAC[5] guidelines. The Board is also engaged in development cooperation activities based on Swedish government bilateral results strategies, which are fully funded by Sida[6]. In addition to this, the Board, through the Open Trade Gate Sweden[7], supports companies in developing countries with information about rules and requirements for exporting to Sweden and the EU.

1.2 Results framework developed by the National Board of Trade

To ensure that the Board remains a learning organisation, a results framework was developed in 2016. The framework integrates change theory in the Board's development cooperation and identifies individual and institutional capacity development as the means to reach the targeted long-term objectives. The results framework is an internal instrument which ensures Results-based management (RBM) and contains templates for risk assessment and evaluation. In addition to contributing to continuous improvements the results framework ensures that the Board defines targets, expected results and indicators for the program for development cooperation, as visualised below[8].



[5] The DAC Guidelines on Strategies for Sustainable Development aim to provide guidance for development cooperation agencies in their efforts to assist developing countries towards sustainable development. They should also be of value to policy-makers, planners and development practitioners, as well as to academics, students and development analysts in all countries. Please see http://www.oecd.org/dac/environment-development/strategiesforsustainabledevelopment.htm for more information.

[6] The bilateral cooperation between the Board and Liberia (ongoing) is one example.

[7] OTGS provide information on the official rules, procedures and technical requirements that apply to exports to Sweden to facilitate trade and increase exports from developing countries. The OTGS has separate funding amounting to 5.5 MSEK.

[8] The results framework of the National Board of Trade collaboration with developing countries 2015/01943.

The main target groups for development cooperation are ministries and public bodies in developing countries with a similar scope of work and tasks to the Board. Other target groups can be other ministries, organisations, the private sector and, in relevant cases, institutions for higher education and training.

The Board mainly contributes with its own experts but also involves other public bodies[9] and organisations. Partnering on equal terms in consortia is still limited but could possibly increase as requests to address more general challenges of public administration in developing countries initiate larger and more complex projects.

1.3 The need to evaluate TBT-related technical assistance

While the Board has been engaged in trade-related development cooperation for ten years, covering various topics within its mandate of international trade and trade policy, the Board notes a change in TBT-specific requests.

In the past, the requests for TBT-related technical assistance tended to be focused primarily on training to support the implementation of the TBT Agreement on national level. The Board has since noticed a development towards more requests in a multitude of TBT-related areas. Some of the current requests to the Board include organisational development, working processes within an administration, technical harmonisation efforts, and support in interpreting capacity needs to implement regulatory provisions in a free trade agreement. All in all, requests are more comprehensive today and the Board sees a need to integrate the aspects of good governance and sustainable development in TBT-specific activities in order to ensure successful outcomes.

Another challenge observed by the Board is that many TBT- related projects within development cooperation are to a larger extent comprehensive and regional projects, rather than bilateral. These types of projects create challenges to accommodate the needs of several

Technical Barriers to Trade (TBT)

Technical Barriers to Trade are technical requirements on products that in certain circumstances can result in unnecessary obstacles to international trade, such as requirements on labelling, certification, packaging, functionality and quality. The preparation, adoption and implementation of technical requirements are regulated by the WTO Agreement on Technical Barriers to Trade (TBT Agreement). The aim of the TBT Agreement is to ensure that product requirements and procedures used to assess compliance with those requirements do not create unnecessary obstacles to international trade. Three types of product requirements are relevant when analysing TBTs. These are also an integral part of the TBT Agreement.

[9] For example the National Board of Trade has co-operated with the Swedish Board for Accreditation and Conformity Assessment (Swedac), Ministry for Foreign Affairs and the Swedish Better Regulation Council.

countries simultaneously rather than the capacity needs of one single country and its administration, resulting in more advanced cooperation processes.

By outlining the changing nature of requests, as well as evaluating completed projects, the intention of this report is to contribute to the Board's ongoing efforts towards being a learning organisation. In doing so, the Board seeks to continuously enhance its capacity as a Donor to developing countries in need of improving their TBT infrastructure.

1.4 Scope

The aim of this report is to evaluate the Board's development cooperation projects and missions in the field of TBT. The evaluation covers both projects where the Board is the lead and activities where the Board is an implementing part with another Donor taking the lead. The evaluation will map both pitfalls and success factors in developing TBT capacity effectively and in a sustainable manner.

The evaluation consists of two parts. *The first*, theoretical part defines the objectives and premises for development cooperation and describes various scenarios for TBT-related capacity development and technical assistance.

The second, practical part presents the findings of the evaluation, composed of various projects and missions by the Board during 2007-2017, based on both final reports and evaluation reports.

1.5 Methodology

The main elements and characteristics of the National Board of Trade results framework have been used as a basis for the evaluation of past projects and missions in TBT-related technical assistance, although the framework was not implemented during the first years of the Board's development cooperation activities.

The evaluation is roughly based on a review of project objectives, activities and results achieved as described in final reports. The results are evaluated in terms of achieving expected change either at individual or institutional level, and in terms of whether the results follow international commitments.

Each development cooperation project and mission is unique as it is based on a specific request from an administration in a developing country. Comparison as such is not therefore fruitful in this context. As a result the objective of the evaluation has been to identify common denominators that have either contributed to good results or have resulted in typical problems. The main findings will be compiled in a non-exhaustive list of success factors and possible pitfalls. The list has been commented on by other Donors: the

American National Standards Institute (ANSI) in the U.S.[10], the Physikalisch-Technische Bundesanstalt **(**PTB) in Germany[11] and Standards Council of Canada (SCC) in Canada[12], being all prominent in their field. The Board has chosen to include their comments based on their extensive experience with the purpose of providing a benchmark for other organisations working in the same area.

The report is based on the Board's experiences from several regions and countries. The evaluation is limited to TBT-related development cooperation activities and will only focus on the substance in TBT projects and missions[13].

[10] The American National Standards Institute (ANSI) has served in its capacity as administrator and coordinator of the United States private sector voluntary standardization system for nearly 100 years. Founded in 1918 by five engineering societies and three government agencies, the Institute remains a private, nonprofit membership organization supported by a diverse constituency of private and public sector organizations.

ANSI promotes the use of U.S. standards internationally, advocates U.S. policy and technical positions in international and regional standards organizations, and encourages the adoption of international standards as national standards where they meet the needs of the user community.

The Institute is the sole U.S. representative and dues-paying member of the two major non-treaty international standards organizations, the International Organization for Standardization (ISO), and, via the U.S. National Committee (USNC), the International Electrotechnical Commission (IEC).

[11] For more than 50 years, the National Metrology Institute of Germany (the Physikalisch-Technische Bundesanstalt - PTB), Germany's national metrology institute, has shared its core competence in international development cooperation. It supports developing and emerging economies in the comprehensive field of Quality Infrastructure. PTB is committed to the development policy of the German government and acts according to international goals (Sustainable Development Goals, Paris Declaration).

[12] The Standards Council of Canada (SCC) is a Crown Corporation reporting to the Minister of Innovation, Science and Economic Development (ISED) and is the federal lead in shaping and managing the national standardisation network.
SCC was established in 1970 to improve coordination between business and government in developing efficient and effective standards, and to increase Canada's influence in international standard-setting forums. SCC's mandate is to promote voluntary standardisation, that is, activities not provided for by law. SCC encourages public and private sector participation, and oversees the work of technical experts and organisations in building Canada's standardisation network. SCC's overarching goals are to foster quality, performance and innovation in goods and services, and advance the economy, sustainable development, health and safety, consumer protection, trade and international cooperation.
SCC also represents Canada's interests on standards-related matters in foreign and international forums. As such, SCC is a member body of the ISO and oversees the Canadian national committee to the IEC.

[13] I.e. other supporting functions such as analytical methods to evaluate an outset of a project, or e.g. the economical or organisational premises of a donor to carry out capacity development, based e.g. on any specific theory, thesis or model will not be discussed.

2 How to define TBT-related technical assistance?

There is no need to look further than the TBT Agreement to find the basis for activities with the aim of providing, especially to developing WTO countries, technical assistance on Technical Barriers to Trade and how to prevent or abolish them[14].

In general, an overriding goal of TBT-related technical assistance is to give the Cooperation Partner the capacity to fully participate in international trade.

In more practical terms, it entails providing support to:

- organisations involved in regulating industrial products.
- organisations in preparing, adopting and implementing standards.
- organisations setting up requirements and procedures for conformity assessment in accordance with the TBT Agreement.

As a result, technical assistance covers more than just the TBT Agreement, such as elements in the National Quality Infrastructure of a country.

Removing Technical Barriers to Trade has become one of the most important challenges in trade policy, the reasons being more complex trade patterns and rapid technological development resulting in more complex products.

This in turn creates new regulatory challenges, e.g. sustainability and digitization (including cyber security). These challenges are especially apparent for developing countries with the aim of applying the international trade policy framework in order to benefit from international trade.

The work requires not only setting up ***required capacities***, i.e. mechanisms followed by the WTO/TBT legal framework itself, like providing for an operational and effective TBT-Enquiry Point and

Technical regulations

Technical regulations refer to mandatory legal documents drafted, adopted and applied by public authorities that define specific characteristics that a product should have, such as its size, shape, design, labelling, marking, packaging, functionality or performance.

Standards

Standards are documents approved by a recognised body that provides rules, guidelines or characteristics for products or related processes and production methods for common and repeated use. Compliance is not mandatory. Standards may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements, as they apply to a product, process or production method. Standards are developed in joint ventures by various stakeholders.

Conformity Assessment Procedures

Conformity assessment procedures (CAP) are specific procedures used to assess whether a product is in compliance with product requirements. These can, when hampering international trade, also be covered by the definition of TBTs. CAPs can include, for example, product testing, inspection and certification procedures.

[14] World Trade Organization (WTO) Agreement on Technical Barriers to Trade, Article 11.

National Notification Authority, but also ***important functions***, i.e. voluntary mechanisms that facilitate effective implementation of the TBT Agreement, for example:

- Establishment of a horizontal legal framework formalising national coordination and consultation mechanisms, as well as pointing out the responsibility for the TBT Enquiry Point and Notification Authority and procedures to be followed.
- Functions for trade analysis and trade statistics in order to evaluate which specific sectors, products and countries are of interest when analysing TBTs and which other factors affect the need to regulate industrial goods within the country (level of consumer protection, waste and environment etc.)
- Establishment of routines for ***Good Regulatory Practice (GRP)*** and ***Regulatory Impact Assessment (RIA).***
- Establishment of a ***National Quality Infrastructure*** with competent bodies for conformity assessment, standardisation, legal metrology and market surveillance.
- Capacities to analyse and provide input on regulatory matters in negotiations on free trade agreements with far-reaching commitments with respect to regulatory convergence.

What is Good Regulatory Practice (GRP)?

GRP refers to internationally recognised processes and procedures that can be used to improve the quality and cost-effectiveness of domestic regulations.

In the context of TBT, Good Regulatory Practice is the practical implementation of the TBT Agreement. The emphasis is on how to best implement the provisions in the Agreement in order to achieve a particular policy objective, i.e. taking into account legitimate objectives (health, safety, national security, deceptive practices etc.) while avoiding unnecessary barriers to trade.

What is a National Quality Infrastructure?

The structures and mechanisms which provide the basis for confirming the safety and quality of products and services in an economy are referred to as the "Quality Infrastructure" of that economy.

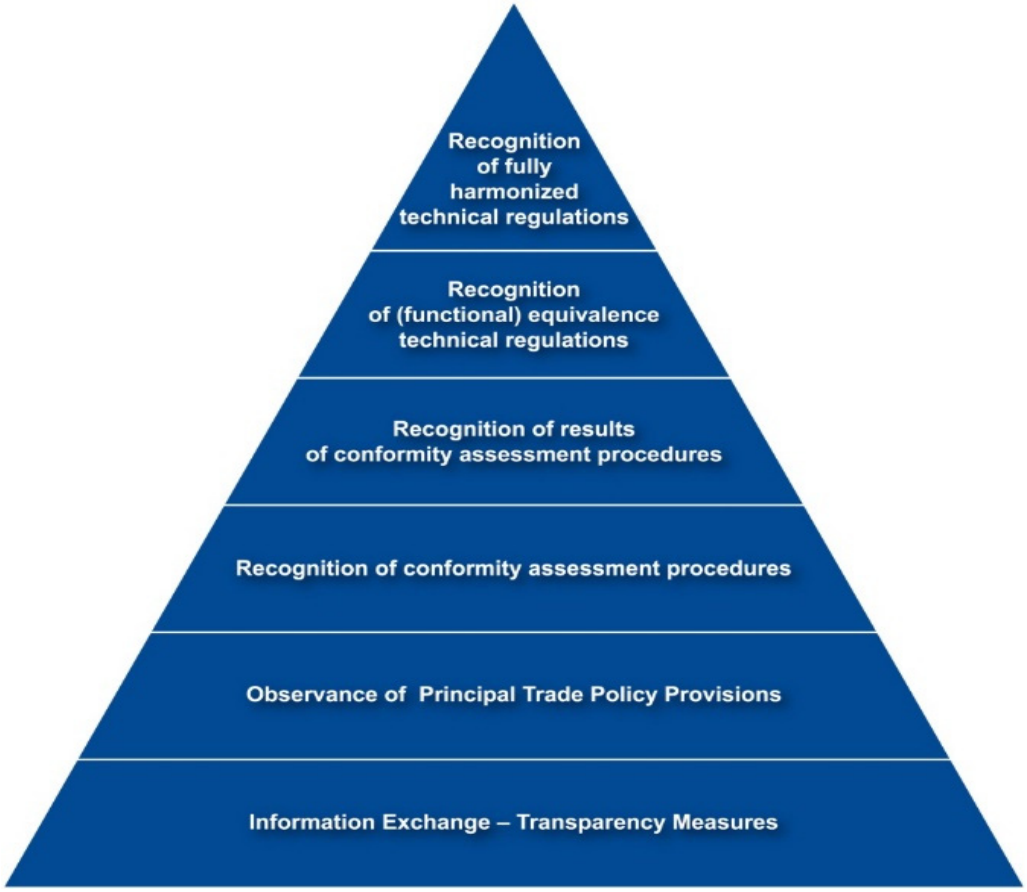
The main elements of a Quality Infrastructure are:

- the legal framework defining the rights and obligations of the institutions and the economic operators involved in quality and safety
- the legal framework for law enforcement on safety of products and services, regulators which issue technical regulations on safety of products
- metrology institutions providing primary measurement standards and traceability
- standards institutes which develop and issue voluntary standards
- accreditation bodies for third party attestation of the competence of conformity assessment bodies
- conformity assessment bodies providing services for conformity assessment on the market and
- market surveillance authorities which will make sure that the economic operators market products and services which are safe and do not endanger human and animal life and contribute to a sustainable environment.

TBT-related technical assistance may involve numerous scenarios. Often, implementation of the TBT Agreement is in focus. However, many times the TBT assistance efforts are connected to larger projects with a focus on improving the National Quality Infrastructure, or for example targeting a country's efforts to move closer to another market/region, bilaterally or regionally. In the latter scenario, the focus is often on *technical harmonisation*. Technical harmonisation implies enhancing regulatory coherence between two or more differing regulatory systems for industrial products. The tools and methods used to achieve this depend highly on the level of ambition, as visualised below in the *regulatory hierarchy pyramid*[15].

[15] See e.g. National Board of Trade, *How TTIP can Address Technical Barriers to Trade- An Introduction, May 2015, p.6)*

Regulatory hierarchy pyramid



When it comes to technical harmonisation efforts, the TBT Agreement can be regarded more as a starting point to respect international trade policy commitments. In order to actually generate higher regulatory convergence with a market that has a different regulatory system (with differing technical regulations, standards and conformity assessment procedures), additional measures are often required. These are commonly called *TBT+ measures*. TBT+ implies finding ways for either mutual recognition or some level of harmonisation between the parties, for example for specific product sectors. This is done mainly in the area of free trade agreements where both parties reach consensus on the extent of their cooperation.

What is TBT+?

When negotiating a Free Trade Agreement (FTA) it is common to include a chapter where the parties reaffirm their commitment to the TBT Agreement.

FTAs have over the years become more ambitious and the same goes for the TBT chapters which in some FTAs include aspects that can be linked to the TBT Agreement but go beyond the commitments in the agreement. E.g. exchanging information earlier in the regulatory process, such as regulatory impact assessments for proposals or exploring mutual recognition or technical harmonisation for specific product sectors. This type of additional commitment is commonly known as TBT+.

2.1 What are the consequences of TBTs and how can they be addressed?

Having differing technical requirements on products in various countries will increase the cost of trade for those products. This is because different technical regulations may impose e.g. different labelling or testing requirements, or possibly the need for manufacturers to produce a modified product model in order to place the product on the market. Differing technical regulations can also cause businesses to refrain from placing their product on the market in the first place.

Since many of these technical requirements are necessary and serve important and legitimate policy objectives – such as human health, environmental protection or national security – they cannot simply be abolished.

To be able to efficiently address TBTs, a country need therefore to set national priorities and procedures as well as develop institutional capacities. By using the most suitable regulatory technique, observing international trade policy commitments, and analysing carefully the potential impacts of draft regulations, it is possible for countries to reduce the impact of TBTs resulting from different regulations.

2.2 What are the consequences of deficient TBT implementation?

The main consequence of deficient TBT implementation at national level is the difficulty to draw benefit from the rights of the TBT Agreement as a WTO member, i.e. actively participating in international trade.

From the perspective of *import*, the lack of institutional and administrative infrastructure may result in unnecessary barriers to trade. This implies that if a country does not have technical regulations, this may result in a market that is open for products of poor quality and safety, which in turn could be dangerous for consumers. It can also lead to the country “losing out” on products, as foreign businesses will refrain from placing products on the market if regulations are too difficult to find or adapt to. The reasons for this type of scenario is that the impacts of technical regulations are not being sufficiently analyzed beforehand and a lack of transparency makes regulations difficult to find and adapt to. These are, in fact, two of the cornerstones of Good Regulatory Practice.

From the perspective of *export*, if other WTO members fulfil the obligations of transparency, a country may easily acquire information on existing product regulations, although compliance may be a challenge. A business in a country may therefore experience great difficulties in placing their products on other markets, due to the lack of institutional structure in its domestic market. An example of this is not being able to take advantage of free trade agreements

(FTAs) with possible joint conformity assessment procedures and mutual recognition clauses.

A common example of deficient TBT implementation is where a country simply adopts international standards as national, but there is no horizontal consumer legislation with basic safety requirements for goods.

Another scenario is where regulatory authorities have vague mandates and lack requirements for cooperation and consultation on technical regulations. This could result in regulatory proposals not being sufficiently analyzed with regards to impact on stakeholders, resulting in unnecessary barriers to trade.

These are challenges facing many developing countries which prevent them from taking full advantage of international trade.

TBT-related development cooperation and technical assistance aim to address these challenges. The Board has built its capacities to try to match these needs with a toolbox for development cooperation.

3 What are the forms for TBT-related development cooperation and technical assistance?

Working with TBT-related development cooperation is complex, and choosing the forms and methodology for a project is not an easy task. When formulating and designing a project, it is very important to initially map out needs, preconditions and risks. One has to weigh the different options and take many factors into account. It is important to be aware that some factors are easy to control and some are completely beyond Donor influence - for example, the political situation in a country. The Cooperation Partner's management commitment and willingness to allocate necessary resources for the project is also crucial and difficult to influence. Therefore, commitment must be verified prior to the start of a project.

Having a flexible approach to project management is also crucial. It is impossible to know the exact outcomes of activities beforehand, and external issues can change during the project's timeframe. Even if thorough pre-studies are done, the scope and/ or project activities may need to be adjusted along the way.

The aspect of sustainability in terms of continuity after the project has ended is also a major challenge to be taken into account from the start, with regards to both project planning and activities chosen.

When the needs and objectives for a TBT-related development cooperation have been defined, the next step is to decide on the time frame, set the type of cooperation project, and choose which activities are suitable to fulfil the objectives.

The purpose of this chapter is to outline the forms for TBT-related development cooperation.

3.1 Time frame

3.1.1 Short-term cooperation

The aim of short-term development cooperation is often to increase understanding and knowledge of the TBT Agreement and the capacities and processes needed for implementation at national level.

The Board has chosen to call this *"required capacities for implementation",* as they are connected to institutions and working processes that need to be in place in a country to comply with the TBT Agreement, e.g. having an operational and well-functioning National Notification Authority and Enquiry Point.

The short-term cooperation activities may also cover related subject matters, which the Board has chosen to define as *"important functions"*. Such functions create a basis for enhanced international regulatory cooperation and/or regulatory coherence with other markets. These can include voluntary mechanisms which facilitate effective implementation of the TBT Agreement, e.g. Good Regulatory Practice, technical harmonisation, standardisation and standardisation policy or conformity assessment.

3.1.2 Medium- or long-term projects

The medium- or long-term projects carried out by the Board have had the aim to provide capacities for national systems, structures and practices, i.e. institutional capacity development.

The Cooperation Partner should, after completion of the project, be equipped with self-sufficient practices that allow them to carry out and develop their work without external involvement.

Examples of expected results after a long term project are:

- an operative TBT Notification Authority and TBT-Enquiry Point;
- functioning coordination mechanism between the regulators and regulators and other stakeholders;
- a strategy for evaluating the effects of regulatory initiatives as well as how regulatory initiatives of other WTO members affect them.

3.2 Different project settings

In addition to the size and time frame of a project, there are different types of cooperation to engage in. They all have different starting points in terms of the number of Cooperation Partners involved. Possible settings for TBT-related technical assistance are bilateral, regional and multiple Donor cooperation.

3.2.1 Bilateral cooperation

In many cases, TBT-related technical assistance is a bilateral effort, i.e. working with one Cooperation Partner at a time. This way of working involves both benefits and challenges. An advantage is that the Donor has a high degree of control with respect to planning and project activities and does not need to compromise in its approach, but instead has full freedom to tailor activities within the project. Having only one party to deal with provides a certain amount of stability for the Cooperation Partner, as well as being the only Cooperation Partner, which means having the Donor's undivided attention.

A bilateral effort may also strengthen the bonds between Donor and the Cooperation Partner when working directly "administration to administration".

An additional consideration when planning a bilateral project is observing the Cooperation Partner's regional commitments, e.g. FTAs. This gives an opportunity to strengthen regional cooperation and implementation of a possible FTA.

3.2.2 Regional cooperation

As TBT-related technical assistance is often relevant in a larger context - for example, in creating technical harmonisation in a region - larger regional technical assistance projects with multiple Cooperation Partners are becoming more common.

Such projects have the benefit of creating better conditions for international trade based on similarities both with respect to trade priorities and what concerns institutional and cultural approaches to technical regulation.

The main challenge to regional cooperation is formulating project objectives and activities to suit *all* Cooperation Partners. One has to find the approach needed to get all Cooperation Partners to the finish line. Multiple Cooperation Partners results naturally in multiple outsets and maturity levels, which are other aspects to take into consideration.

The amount of challenges will also increase with the number of Cooperation Partners - for example, unforeseen events such as political instability or changes in resources.

At the same time, a larger regional project provides greater opportunities to achieve a major change in a region, for example in the field of technical harmonisation. It will also create transparency and increase the exchange of best practices among Cooperation Partners in a region.

3.2.3 Multiple Donors

If a regional project combines the expertise of several Donors with extensive experience, this will most likely increase effectiveness in both running a project and finding suitable solutions to be implemented.

A prerequisite is that the project activities are balanced and that all relevant areas receive the required attention, irrespective of which Donor has the lead in the project. Having multiple Donors also means more experts available to the Cooperation Partner, hopefully decreasing the risk of inadequate resources, in terms of experts, for each participating Cooperation Partner. Effective Donor co-ordination is naturally a necessity for a project with multiple Donors.

3.3 Choosing activities

There are a multitude of options available when choosing which activities to include in a TBT-related assistance effort[16] or a full scale technical assistance project - there is no one-size-fits-all solution. The question is how to achieve the expected results and objectives of the project. The TBT-related projects managed by the Board have mainly used training and mentoring in order to achieve individual and institutional capacity development.

3.3.1 Different capacity-building activities

- Training
  In the evaluated projects, the aim of training has been to provide enhanced knowledge about the TBT Agreement and its implementation at national level as well as in related areas (standards, conformity assessment, referencing to standards in technical regulations, developing the National Quality Infrastructure). Training on Good Regulatory Practice (GRP) and Regulatory Impact Assessment (RIA) are often included where the maturity level of the Cooperation Partner is adequate to implement those types of procedures.

- Mentoring
  Mentoring implies experts from the Board sharing trade policy-specific expertise with trade policy officers in an administration in a developing country. The aim of such an activity is to create a basis for the recipient officers to take the lead and disseminate the new knowledge throughout the Cooperation Partner administration and organisations, commonly called *train-the-trainer*. A strict mentorship approach has been used by the Board, in the TBT Mentorship Program[17], and for one component in Trade Academy[18].

3.4 Sample TBT activities

When engaging in TBT-related technical assistance, the Board offers a wide spectrum of support. Activities are often based on an objective to support legal, administrative and organisational reform. This can be achieved through:

- Building up *required* TBT capacities, e.g. the establishment of an operational and effective national TBT Notification Authority and

[16] TBT-related development cooperation and technical assistance does not always imply a full scale project. As a result we use the term "assistance effort" to characterise missions not necessarily based on a formal contract.

[17] Burundi, Kenya, Rwanda, Uganda, Tanzania and Zambia participated in the TBT Mentorship Program 2008-2012.

[18] Trade Academy, organized by the National Board of Trade Sweden, is an advanced course providing comprehensive knowledge of modern trade and trade regulations, as well as expertise in analyzing, formulating and implementing trade policy, primarily for those working in the public sector in developing countries. In 2016 the Trade Academy hosted participants from Bangladesh, Bolivia, Ecuador, Kenya, Seychelles, Zambia, Georgia, Lebanon and Ukraine (Dnr 2016/01627). In 2017 Trade Academy had participants from Bangladesh, Bolivia, Ecuador, Kenya, Tanzania, Rwanda, Zambia, Georgia, Lebanon and Jordan (Dnr 17-2).

Enquiry Point. These activities can include workshops related to notification and enquiry point functions; support in participation in the WTO/TBT-committee including preparation of meetings, comments, collaboration with countries and their Geneva representations, support for a 15.2 notification, i.e. notification of measures in existence or taken to ensure the implementation and administration of the TBT Agreement for a new WTO Member.

- Setting up and implementing the *important* functions, e.g. the development and implementation of a horizontal legal framework for TBT at national level. Such support is often preceded by legal and organisational country evaluations with the purpose of identifying the maturity level and main challenges to address.
- Creating TBT structures which are *valuable* in implementing the TBT Agreement, such as Good Regulatory Practice, by establishing national coordination between regulators and national stakeholders; for example, through business round tables or establishing national coordination and working groups through twinning Swedish mechanisms such as the Forum for Technical Rules[19] where regulators, standardisation bodies, accreditation bodies and businesses meet and exchange experiences and information. This support could be complemented with workshops on technical and non-tariff barriers to trade with business round tables identifying burdensome product areas and markets for regulation of goods.
- Providing practical working tools, e.g. supporting the Cooperation Partner to develop guidelines for Good Regulatory Practice or checklists for Regulatory Impact Assessment.
- If there is a strong commitment to implement national structures for RIA, the assistance can involve support for national administrative reform to strengthen regulatory processes and to prevent technical barriers to trade, at an early stage.
- Support for an increased understanding of trade policy mechanisms in a region to boost exports. A country outside the European Union with the ambition to negotiate a free trade agreement with the EU needs to understand the EU system for technical harmonisation.
- For regional projects or projects with several Cooperation Partners, support can involve regional workshops and discussions for the establishment of regional coordination mechanisms (if applicable, based on ToR[20]).

[19] https://www.kommers.se/In-English/Areas-of-Expertise/eu-internal-market/Technical-Rules/Information-exchange-group/

[20] Terms of Reference.

4 Lessons learned – creating a benchmark incl. reflections from other organisations engaged in TBT-related development cooperation

4.1 The basis for the evaluation

In order to evaluate the activities in the field of TBT-related development cooperation, the Board has reviewed projects, both long-term and short-term, from 2007 to 2017, based on final reports[21]. The evaluation is based on ***project objectives, project activities and the results achieved***. The projects evaluated had different starting points, focus and objectives, and comparability between them is therefore low. As a result, the Board has studied project objectives, activities and results in order to identify success factors and pitfalls applicable in general to the TBT-related development cooperation.

The aim of the analysis is to highlight typical challenges and possibilities in order to create a benchmark for effective and sustainable TBT-related technical assistance.

4.1.1 Evaluated projects

Although the evaluation embraces short- or medium-term[22] and long term projects, it is the long-term projects that provide the most comprehensive picture of the Board's development cooperation.

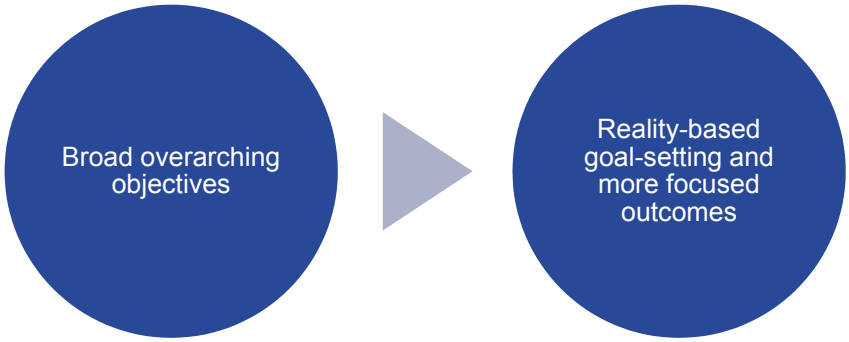
The Board has been involved in several long-term projects in the field of TBT. The projects have included: the TBT Mentorship Program, assisting Liberia in becoming a member of the WTO and providing, as a subcontractor, expertise to set up systems and structures for the harmonisation of mandatory technical regulations in Jordan, Egypt, Morocco and Tunisia and increasing transparency of trade policy relating to the WTO and the EU in Ukraine.

[21] TBT Mentorship Program (Dnr 2006/01419/ 2012/00073), Institutional cooperation between the Department for WTO and the Trade Defence at the Ministry of Economic Development and Trade of Ukraine and the National Board of Trade (Dnr 2016/00163, 2016/01546, 2011/01442), Liberia WTO Accession (Dnr 2013/01820), Support Quality Infrastructure in Agadir Countries (Dnr 2013/00080, 2015/00223, 2016/ 00083), Institutional cooperation between the National Board of Trade and the Ministry of Economic Development and Trade of Ukraine to increase institutional capacity and enhance transparency in the field of technical barriers to trade (2016/00731). The TBT-related technical assistance of the National Board of Trade Sweden also includes study visits by developing countries (including participants attending the International Training Program financed by Sida), collaboration with universities (Zambia) and technical support in specific trade policy issues for Sida; however, these activities are not included in the analysis.

[22] The countries involved in short- and medium-term collaboration are Mongolia, Macedonia, India, Moldova, Burundi, Mozambique, Ecuador and Zambia.

4.2 Evaluating objectives, activities and results

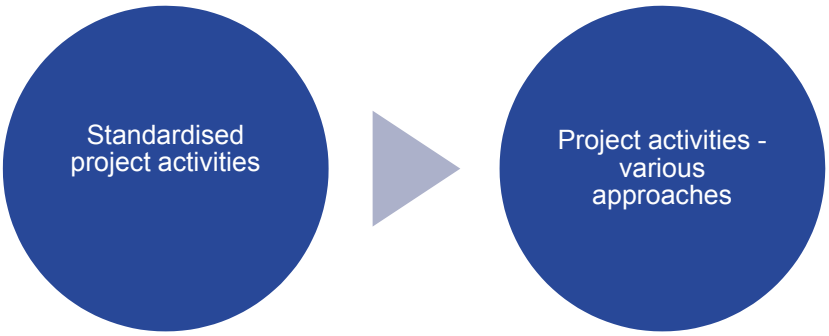
4.2.1 Project objectives



The evaluation show that the Board's initial assistance efforts were often characterized by very broad project objectives. For example, the first project in Ukraine included objectives such as "*increased transparency of trade policy with respect to the WTO and the EU"* and "*improved conditions for businesses to export and import goods and services, as well as improved knowledge of trade policy compliant with WTO and EU rules"*. The same goes for Liberia's WTO accession, which includes the following objective formulation: "*Developing the national TBT infrastructure* and *establishing TBT Enquiry Point"* and the TBT Mentorship Program; "Increased Capacity within national organizations responsible for the implementation and application of the TBT Agreement"/ "*Improved Quality Infrastructure in the field of technical regulation."* Based on the evaluation, it is possible to notice a shift towards a more structured and specific project objectives. In other words the Board has improved in defining more precise objectives, consequently leading to better results[23]. This can be seen, for example, in the project with Ukraine where the formulation of objectives was more results-based and divided into different outcomes, each identifying core issues. The same goes for the Board's engagement in the project to Support Quality Infrastructure in Agadir Countries – here the Board committed to "*provide support in the process of achieving technical harmonisation in the region based on priorities identified by Cooperation Partners. This is to be achieved by developing systems and structures to be used when harmonizing the sectorial mandatory requirements by giving examples and proposals for the systems and structures to be used when harmonizing horizontal and sectorial mandatory requirements*".

[23] This development is supported by the Board's increased skills in implementing the Logical Framework Approach (LFA) and Results-based management (RBM).

4.2.2 Project activities



At the time when the Board started working with development cooperation the TBT-related technical assistance activities were more standardised, offering general support to implement the TBT Agreement; for example, preparation and active participation in the WTO TBT Committee (e.g. in the TBT Mentorship Program and the first project with Ukraine). Such activities are based on supporting a Partner country's participation in the meetings by financing the travel of delegates to Geneva and mentoring to facilitate an active participation in the TBT Committee. The activities should also help the Cooperation Partner to make trade policy priorities in the long run. The intention is to give the Cooperation Partner the tools needed to prepare and participate in the meetings without external help and to achieve an effective TBT-agenda at national level.

Although these types of activities are time-consuming and require a lot of communication between the Donor and the Cooperation Partner, they often produce a good result.

A major challenge, as identified earlier, is achieving a long-term sustainable change after the project has come to an end. This was the case concerning continued participation in the TBT Committee with some countries part of the TBT Mentorship Program as well as in Ukraine. In the case of Ukraine, attending the TBT Committee was not prioritised nor financed when the Board's support to send delegates to Geneva ended.

A mentorship approach has been successfully used by the Board in the TBT Mentorship Program. It should be recognized that TBT mentorship is primarily a means to develop individual capacities and empowering mentees to act as change agents in their national administrations. A mentorship approach can, however, also provide challenges related to sustainable results, if only a few mentees are involved. For the approach to be successful, the skills acquired need to be distributed further by the mentee to the Cooperation Partner administration. Mechanisms to ensure this should be included in the project.

All of the evaluated long-term cooperation projects include training on Technical Barriers to Trade. Such activities are an essential part of all projects with the aim of improving knowledge of regulatory approaches to avoid

unnecessary Technical Barriers to Trade. In long-term projects, this activity is not limited to one or two sets of training. The projects include a number of courses and workshops with the aim to enhance understanding of elements related to technical regulation. A good understanding of the current trade reality and new regulatory challenges is important in order to be able to create a basis for effective national TBT administration.

Partners in a "TBT crash course" are often ministries (to be) responsible for the national TBT Enquiry Point and Notification Authority. In general, the area of TBT is not easily understood and successful training requires the participation of stakeholders representing both legal and technical professional backgrounds as well as the business side. Business round tables can be included when an administration has good knowledge of its roles and responsibilities in TBT coordination. Discussing these issues early, preferably during project planning, is essential.

Training is an integral part of the activities carried out by the Board and evaluations show that it is valuable, especially on an individual level. Strengthened routines concerning feedback have further made it possible to monitor more closely whether training has been successful and adapted to the audience.

Having in place a horizontal legal framework[24] for TBT is vital for a functioning national TBT administration. The creation of a horizontal legal basis is, however, a burdensome process due to the amount of stakeholders involved. Also, it should be noted that the legislative process is beyond Donor control, and heavily dependent on political agendas. The evaluation confirms these points. As an example, although all countries in the TBT Mentorship Program showed progress in introducing technical regulation acts, none of the countries had a formal horizontal legal framework in place at the end of the project. It is difficult to find a simple solution to the challenges in creating legislative structures; however, it is important highlight these risks in the beginning of a project. As a result, a risk analysis is today required for all projects.

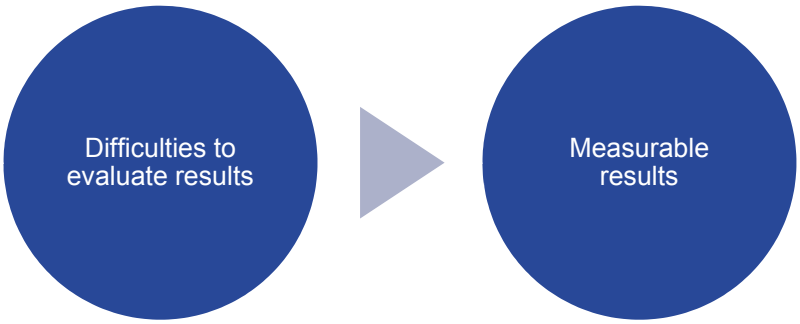
Including activities focusing on analytical tools such as GRP and RIA is valuable, as they highlight the consequences of regulatory proposals, the need for national coordination and the implications of bad regulation. They can therefore help to motivate the process for a horizontal legal framework. If a project tends to go a step further and work towards regional technical harmonisation, the need for a horizontal legal framework is even more crucial. Coordination between countries is not possible if there are no formal national frameworks.

The TBT-specific projects manged by the Board include, as mentioned earlier, a number of activities; only a few scenarios are highlighted and evaluated above.

[24] I.e. a framework pointing out powers, responsibilities and sanctions for regulatory authorities.

The evaluation show that project activities used to be quite standardised, with an approach to match the need to comply with the TBT Agreement. Today, the activities are more designed to directly address issues which go beyond the scope of the TBT Agreement. Good examples of these types of activities are the development of GRP and TBT guidelines for Ukraine and organising a workshop to address specific information needs on MRAs[25] and market surveillance in Ecuador. The Board is also increasingly encouraging participants to take an active role in project activities. Interactive workshops with more extensive problem-solving exercises, such as carried out in RIA training in Ecuador, India and Agadir by the Board, are good examples to that end.

4.2.3 Results achieved



When the Board started engaging in development cooperation, the projects were difficult to evaluate. At a glance, it might look like the initial project objectives were not achieved. However, several factors contribute to the situation. Project objectives might have been too broadly formulated or project activities too generic. As an example, the project evaluation for the TBT Mentorship Program indicated that even though National Quality Infrastructure was mentioned as a focus area, the project activities and results indicate that the project did not systematically address all the components of National Quality Infrastructure. As stated above, a mentorship approach tends to create change on individual level. However, the Board has continued following the progress in the countries that took part in the TBT Mentorship Program. Now, five years after the project has ended the Board has been able to see progress on institutional level in some of the participating countries, much due to the active work carried out by mentees. It appears therefore that the mentorship approach can be very effective, however it takes longer for institutional change to be visible.

Multi-Donor cooperation further complicates evaluation; for example, if the Board is responsible for only one component in a larger project, as in the Agadir project. In practice, this means that experts do not have the same opportunity to affect the overall decision making processes as if the own organization would

[25] Mutual Recognition Agreements (MRAs) promote trade in goods between the European Union and third countries and facilitate market access. They are bilateral agreements, and aim to benefit industry by providing easier access to conformity assessment.

be in the lead of a project. It is also the Board's experience that accreditation and standardisation often gain more attention than other components in large Quality Infrastructure projects with several Cooperation Partners. Even though the Board provides expertise on technical harmonisation, it is very difficult to achieve results if the Partner countries are not being sufficiently coordinated, not sharing the same views on technical harmonisation or have main focus on e.g. the development of the national standardisation or accreditation functions.

Over the years, the Board has successively developed its capacities and started implementing the results framework. This has contributed to a more systematic approach. A good example is the second project with Ukraine, which has fulfilled all the expected outcomes. This serves as a good example of results-based project management.

There is also a difference between the two Ukraine projects in terms of achieving change at individual and institutional level, where the second project had a more explicit objective of achieving change on institutional level. As the first project suffered from problems with changes in staff and knowledge being lost, the importance of introducing activities ensuring sustainable results became clearer. The following cooperation project has therefore been more focused on establishing guidelines and mechanisms for improved processes.

For the short- and medium-term projects, the Board has noted positive changes regarding capacity developed in an administration. For example, the short-term cooperation with India indicates that change has been created at individual level as well as at institutional level, to some extent: the Board may note that civil servants have introduced more systematic working processes as a result of the Board's workshops and trainings, hence creating sustainable results.

The Development Cooperation Matrix illustrates how the Board's work in the field of TBT-related technical assistance has developed over time in terms of objectives, activities, results and future visions.


Development Cooperation Matrix
National Board of Trade Sweden
Resources needed for project administration underestimated
More systematic assessment throughout the projects
Objectives
Project fact-finding weaknesses
Systematic project fact finding resulting in specific objectives and measurable targets
Broad objectives, very few specific sub objectives defined
Requests and activities focusing on soft policy tools such as GRP/RIA
Tailor-made activities to address specific information needs and challenges
Activities focusing on TBT administration, internal work processes and routines
Requests and activities directly related to the implementation of the TBT Agreement
Activities
Multi-donor cooperation introduced
Difficulties in evaluating results
More systematic discussion on eventual competencies not directly in the Board's mandate and how to handle them
Results
Increased conditioning of assistance requiring reforms on the part of the Cooperation Partner at national level before entering into complex projects requiring broad commitment
Improved implementation of development cooperation aspects complementing pure trade policy expertise when applicable (e.g. sustainability, good governance) as well as new regulatory challenges related to digitalization
Visions
Strengthening the Board's profile for development cooperation and establishing a vision to respond to future capacity building needs
2007
PROJECT START
2017
CURRENT TIME
2025
FUTURE

4.3 Non-exhaustive list of success factors and pitfalls in technical assistance

Based on the assessment of our long- and short-term development cooperation efforts, the Board has identified ten success factors and potential pitfalls for TBT-related technical assistance. The factors represent a non-exhaustive list based on the Board's evaluation of its technical assistance activities. Each factor is followed by a short motivation, recommendations by the Board (if applicable) and comments by other Donors. The Board has deliberately chosen not to refer to specific projects and assistance efforts because the projects included in the evaluation are not comparable.

1. Fact finding, risk assessment and Donor coordination are essential to deliver results

Requests for TBT-related technical assistance are often initially broadly formulated. For example, the Board has received requests *"to support an effective TBT implementation in Country X*". The process of initiating a project requires thorough fact finding as well as an open dialogue between the Donor and the Cooperation Partner before objectives are set.

Although project fact finding cannot cover all uncertainties, comprehensive fact finding and risk evaluation are decisive factors in optimising resources and to reach expected results.

The less knowledge a Donor has about the Partner country, the more time should be given to mapping out the local context. By doing extensive fact finding it will be possible, to at an early stage, to include the expertise of other Donors; for example, standardisation and accreditation bodies or other regulators in a specific product sector.

Another essential aspect of fact finding is Donor coordination. It is important to have a clear picture of what has been done before and what other projects are ongoing. Coordinating with other Donors is something that should be done for the duration of the project, not only in the initial mapping stage.

There are cases where the Board has learnt about other Donors with active cooperation with the same Cooperation Partner in the same area, at a later stage. Due to communication issues, this information has not been disclosed by the Cooperation Partner.

Recommendations by the National Board of Trade Sweden

Liaising with other Donors creates a good basis to reach results. Further Donor coordination provides the opportunity to share experiences and find possible synergies that could greatly benefit the Cooperation Partner.

A good starting point for any long-term TBT-related development cooperation project is a fact-finding exercise, preferably on site in order to assess the existing capacities and resources available. This contributes to higher accuracy in levelling project objectives and activities to the needs of the Cooperation Partner.

An additional issue to keep in mind is that countries requesting technical assistance might not be fully familiar with the scope of the Donor, and might also request support in areas not covered by the Donor's expertise. To clarify the Donor's mandate and framework for the cooperation is therefore essential.

Comments by other Donors

American National Standards Institute (ANSI), USA

A thorough fact-finding exercise and needs assessment is absolutely necessary, not only for assessing the current landscape, but for establishing a meaningful baseline against which project activities can be evaluated. The first year of ANSI's Standards Alliance project was dedicated to conducting these needs assessments in 10 countries that would participate in the project. A key element of each fact-finding visit was attempting to ascertain other Donor activity and establish coordination, but more work to coordinate can always be done.

Physikalisch-Technische Bundesanstalt (PTB), Germany

Fact-finding exercises are necessary, but it should be taken into account that the Cooperation Partners themselves have scarce resources. The fact finding should therefore be as specific and efficient as possible, making use of all relevant information that is already available. If a fact-finding exercise shows a possible duplication of projects of other Donors, this may set a negative tone that will work against the project as a whole.

Standards Council of Canada (SCC), Canada

It's important to understand the operating environment, including the resources that can be counted on. It will highlight opportunities and challenges and set the project on the right course.

A thorough fact-finding exercise is necessary. In providing technical assistance to the Mongolian National Standards Body (MASM), we unexpectedly found out that DIN (Germany) was also involved in Mongolia and doing activities at the same time as SCC. If SCC had known, perhaps there would have been an opportunity to share resources or project plans to provide the most value to MASM, rather than duplicate training efforts.

The fact finding depends on the type of capacity building. A short-term project, such as a meeting or presentation, may not require significant fact finding. SCC's current focus is on short- to medium-term projects, for example with Indonesia (short-term) and Costa Rica (medium-term).

SCC agrees that requests for technical assistance are often initially vague. It is important, even for short-term projects, to ensure both the Donor and the Cooperation Partner have the same expectations.

2. The level of ambition must be based on the factual outset and the Cooperation Partner's level of maturity, in order to formulate well-defined and measurable objectives

In order to target capacity needs in a TBT-related development cooperation project, existing competence, maturity and commitment level are of great importance. This can be achieved by well-defined and measurable objectives and outputs, by designing project activities based on the results to be achieved and by defining relevant quality indicators. An important question to answer before starting a new project is whether the Partner country is actively working towards change and building structures to ensure regulatory quality.

When a solid relationship has been built between the Donor and the Cooperation Partner, setting a reasonable level of ambition together will be easier, and in the long run, will make the project more likely to deliver sustainable and effective results.

The Board has found that in earlier TBT projects, there was a strong will by both Cooperation Partner and Donor to achieve change which sometimes led to too-ambitious objectives. This in turn led to difficulties in achieving results.

In several of the evaluated projects, it is clear that the more precise the objectives are, and jointly defined by the cooperating partners, the more likely the objectives are to be fulfilled.

For example, if the overarching objective for TBT-related technical assistance is an effective implementation of the TBT Agreement, indicators used to measure change could be "a higher number of TBT notifications done by the

Cooperation Partner" or "creating national coordination mechanisms for TBT". The question is whether these types of objectives could be considered as effective indicators for achieving effective TBT implementation.

In comparison, if project objectives were to be defined more in terms of "functioning and effective routines for handling TBT comments and enquiries" or "establishment of a national working group with active participation of stakeholders (including the industry) meeting 3-4 times a year, with a clear mandate and working routines", the objectives are likely to provide for more tangible, aspired results.

It is evident that the Board's more recent cooperation activities have benefited from the lessons learnt over the years, moving from a general Logical Framework Approach to developing our theory of change and establishing a results framework, where the Board has improved the specification of outcomes and outputs and design of activities, which also provides a better basis for evaluation.

Recommendations by the National Board of Trade Sweden

Project objectives for TBT-related technical assistance should preferably be formulated in as much detail as possible, including measurable indicators clearly connected to project activities. This can be achieved through comprehensive fact finding, and establishing a solid relationship with the Cooperation Partner and taking actual capacities and maturity level into account. This process should not be rushed.

An essential part of the process is that the plan is well-routed with the Cooperation Partner and there is a consensus as to the delimitations of the TBT components to be included.

Comments by other Donors

American National Standards Institute (ANSI), USA

Many Donors that ANSI works with require specific objectives and indicators to be identified in the project plan. ANSI agrees that this is necessary from a programmatic perspective, and works with Cooperation Partners to agree on reasonable expected outcomes and measurable indicators.

It has been ANSI's experience that qualitative metrics may be difficult to identify for TBT-related projects, especially in the short term, but establishing these objectives at the outset and combining the metrics with quantitative reporting helps to accurately track the success of activities.

Physikalisch-Technische Bundesanstalt (PTB), Germany

Program and project objectives, specific objectives, outputs, key performance indicators and milestones for their achievement should all be clearly linked and part of the same logical system or framework. All elements mentioned above should meet certain basic criteria: they should be relevant, realistically achievable and sustainable from the Cooperation Partners' perspective and in the broader context of the Cooperation Partners' overall "reality".

Standards Council of Canada (SCC), Canada

The SCC agrees that outlining specific objectives and activities is necessary, both for long- and short-term projects, and that these can impact outcomes.

SCC utilises a tailored memorandum of understanding (MOU) between the National Standards Bodies (NSBs) that outlines high-level cooperation objectives. This is supplemented by a project-specific agreement that outlines in more detail the project objectives and expected outcomes. For example, for Costa Rica, the high-level objective was to assist the organisation to show their government that they were a competent organisation and should therefore continue to be designated as their country's NSB. At the project level, this was done through conducting a pilot attestation of compliance against SCC-tailored development requirements. It can also be beneficial to meet in advance of the formal capacity-building activities, which is why a representative from Costa Rica visited Canada to better understand the process and prepare for the visit beforehand.

The SCC also agrees, and did a full assessment with its pre-assessments related to the organisations' ability to meet Canadian procedural requirements for accreditation programmes. This assessment will ensure that the objectives or objectives of the capacity building can be fulfilled rather than underachieved, based on a belief that the capacity of the organisation to absorb and implement the training was higher than thought.

In addition, SCC and the Mongolian National Standards Body (MASM) worked out detailed project plans prior to the workshops held in Mongolia, and all Canada-Americas Trade-Related Assistance Programme (CATRTA)-based projects were also thoroughly planned beforehand, based on consultations with the participating countries.

Outlining specific objectives and activities is also beneficial in case the capacity building continues at a later date or in another form with the Cooperation Partner. The measure of outputs can also be used to compare capacity-building efforts with different Cooperation Partners to determine what was successful.

3. Setting a horizontal legal basis is a decisive factor in achieving a functioning TBT administration in a country

The evaluation made by the Board shows that when a development cooperation project has not targeted the national horizontal legal framework for TBT, Cooperation Partners are likely to face challenges in organising coordination and consultation functions. Clearly defined binding rights and responsibilities contribute to sustainable systems and structures. Lack of such provisions might create uncertainties for all regulators involved. In many TBT development cooperation projects, the main Cooperation Partner is the ministry responsible for trade, as it is responsible for the TBT Notification Authority and Enquiry Point. However, other regulators are also an integral part of a national TBT and Quality Infrastructure, and therefore important to involve in order to achieve a functioning regulatory coordination. If the responsibility areas and mandate of regulators are not pointed out in a horizontal legal framework, there is a risk that important TBT functions are not included in the development cooperation project.

Recommendations by the National Board of Trade Sweden

Apart from the lead Ministry of the Cooperation Partner, it is important to map all TBT-relevant regulators in a country and, if possible, include these in the project. Making a systematic legislative review in the beginning of a project is a valuable tool to map regulators and to evaluate the status of technical regulations in a Cooperation Partner country. As the evaluation show, this is not always straightforward and requires extremely high commitment from the Cooperation Partner, good national coordination mechanisms and information sharing.

Comments by other Donors

American National Standards Institute (ANSI), USA

Education for regulators is key, but also coordination with other facilities dedicated to legal reform or government structure is needed. ANSI agrees that including all relevant stakeholders in project activities contributes to greater success, but realistic objectives based on national circumstances should also be set.

Physikalisch-Technische Bundesanstalt (PTB), Germany

Often, there is a tendency on the part of regulators who do have a relevant mandate in the area of TBT, but who are not the main contact point, to leave all "TBT matters" to the Ministry "in charge", typically the Ministry of Trade and Industry. To counter this, all relevant regulators should be educated about their respective roles, and ideally the coordinating Ministry should be given more leverage vis-à-vis the other regulators.

Standards Council of Canada (SCC), Canada

Setting out a horizontal legal basis for national TBT functions collaboration and coordination are important.

The standards developed under the SCC oversight are voluntary. They are made mandatory by either regulations or by industry through contract.

The SCC agrees that the Donor's understanding of the stakeholders involved in the Partner country will support positive outcomes of TBT-related capacity building. It is extremely important, as the lack of such coordination was one of the main gaps identified in several of the CATRTA[26] countries.

4. Many voluntary mechanisms and analytical tools such as GRP and RIA are key aspects in achieving effective implementation of TBT commitments

Technical regulation is a complex area. In many developing countries, regulation of goods is to a large extent based on the adoption and implementation of international standards. As soon as the need for mandatory technical regulation arises, there will also be a need to evaluate the effects of new draft regulations. This means that only observing the obligations of the TBT Agreement is seldom sufficient. In order to understand the possible effects of new legislative proposals, methods and tools need to be developed on a national level. Introducing GRP and RIA as integrated parts of TBT-related technical assistance provides tangible benefits, both from a pedagogic and a practical point of view.

The Board has observed that when GRP and RIA are being introduced as means to avoid and abolish technical barriers to trade, this has provided an eye-opener to many Cooperation Partners. The Board has accomplished good results in improving TBT capacities by GRP and RIA, for example in Ecuador, India and Ukraine. Being forced to analyse the effects of a draft technical regulation,

[26] Canada-Americas Trade Related Technical assistance.

international standard or a requirement on conformity assessment gives the Cooperation Partner a more holistic view on regulation and affected stakeholders.

Recommendations by the National Board of Trade Sweden

Including GRP and RIA in TBT-related technical assistance provides a great benefit for creating sustainable national strategies, even though GRP and RIA are not required as such by the TBT Agreement.

In many cases, full implementation of GRP and RIA nationally requires a regulatory reform, implying that all regulators agree on certain systems and practices. Even if this cannot be achieved within a specific project, the introduction of GRP and RIA will improve regulatory quality.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI agrees with the importance of GRP tools, and RIA in particular, in TBT-related capacity building. These subjects have appeared in several Standards Alliance[27] activities in Colombia, Peru, Southern Africa Development Community (SADC), Indonesia and the Middle East. ANSI shared information about the US system by engaging government experts and private sector stakeholders.

Physikalisch-Technische Bundesanstalt (PTB), Germany

RIA is indeed a very helpful and even essential tool to improve regulatory management, including the introduction of relevant QI best practice. For many developing countries with (very) weak administrative and regulatory capacities, the introduction of full-fledged RIA is not a realistic objective. The tool should be presented and explained, however, and where possible basic RIA pilot exercises should be carried out, keeping in mind that "RIA's most important contribution to the quality of decisions is not the precision of the calculations used, but the action of analyzing – questioning, understanding real-world impacts and exploring assumptions" (OECD Regulatory Policy Outlook 2015).

[27] http://standardsalliance.ansi.org

Standards Council of Canada (SCC), Canada

The SCC agrees that GRP and RIA should be included in TBT-related capacity building, as appropriate. When information sharing, SCC discusses the role of Canada's regulatory system, for example with Trinidad and Tobago.

The need for RIA was a consistent recommendation in SCC's CATRTA work, and many different facets of GRP were part of the recommendations in both SCC's CATRTA work and work with MASM.

5. Mentoring as a method for TBT-related technical assistance presents challenges in form of sustainability

Although a mentoring approach may provide a powerful setup for sharing information and knowledge on TBT-related issues, it may also present drawbacks. Unless the trained mentees stay in their administration and communicate their knowledge forward, there is a great risk that the efforts are nullified quickly. A key issue in creating effective and sustainable results by mentoring is creating continuity.

Recommendations by the National Board of Trade Sweden

To succeed with a mentorship approach, continuous follow-up, monitoring, and assessing capacities for implementation are vital. This to ensure that capacities are not developed only on paper, but will also be used in practical processes. It is further important that more people than the mentee acquire competence so that the mentoring will benefit the Partner organisation as a whole. It is beneficial if several mentors can be included in mentorship.

Special attention should be given to selecting candidates with the right professional background, motivation, and time available. The mentees should also have the mandate to act and achieve change in their country.

Based on the Board's previous experience with a project with an exclusive TBT mentorship, the recommendation is to consider using TBT mentoring more as a complementary approach.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI agrees with no specific comments.

Physikalisch-Technische Bundesanstalt (PTB), Germany

The PTB fully agrees and has no specific comments.

Standards Council of Canada (SCC), Canada

The SCC agrees that mentoring can pose challenges and largely agrees with recommendations. Both Cooperation Partner and Donor need to fully understand their roles and responsibilities in a mentor-mentee relationship. SCC is not currently a mentor. Including multiple mentors at the benefactor level if going to provide mentor/mentee training.

Continuous mentor follow-up, monitoring, and checking may not be possible but if requested by the mentee, should be built into a project plan.

The importance of institutional continuity should be stressed at the outset of a project in order to ensure that there can be follow-up on outcomes. The lack of such follow-up is one of the biggest challenges with many capacity-building projects.

If you look at the situation with Mongolia, there were several changes in the top-level leadership, and with each change SCC had to re-engage with a new individual and go over ground already covered. It is important to pick the right candidates with the appropriate background, motivation, and time available to complete and fulfil the objectives of the training.

6. Addressing technical harmonisation in TBT-related technical assistance is a major step

Moving from a strict TBT capacity-building approach towards helping a Cooperation Partner achieving technical harmonisation is a large undertaking.

Many harmonisation efforts are initially based on regional trade agreements. The rationale is to improve the conditions for trade by creating enhanced market access by various degrees of regulatory cooperation. Technical harmonisation is a burdensome process, which is why the rationale must be evaluated carefully. It requires similar trade policy objectives, similar Quality Infrastructure, and a common, shared view on consumer and environmental safety regulations. As a result a project focusing on technical harmonization should not be started based on existing trade barriers only, as they themselves might not motivate a long-term harmonisation process.

Recommendations by the National Board of Trade Sweden

Based on the evaluation, a more systematic analysis is needed before starting a regional cooperation on technical harmonisation. There is a need to confirm whether the involved regions share the same trade policy and export objectives, whether the Cooperation Partners have similar Quality Infrastructures and a shared view on regulation of industrial products. Unless there is confirmation on these aspects, there is a great risk that harmonisation efforts will fall short.

Technical harmonisation involves a large number of stakeholders in each country. A good idea is to start small and prioritise the harmonisation interest based on common denominators, for example product groups or sectors.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI agrees that common trade policy objectives and a similar Quality Infrastructure can support greater alignment, but would caution against focusing solely on harmonisation in capacity-building activities. We agree with the approach to prioritise areas of interest, as much of the technical harmonisation must be driven by those sectors or stakeholders.

ANSI has seen some success in addressing individual trade barriers through capacity building, as recommended by the WTO TBT Committee. Often, these activities provide an opportunity for increased education and exchange which can support broader reform.

Physikalisch-Technische Bundesanstalt (PTB), Germany

The PTB fully agrees and has no specific comments to add.

Standards Council of Canada (SCC), Canada

There is a need for a systematic analysis to confirm whether the involved markets/regions share the same trade policy and export objectives. This seems like a good approach to take to ensure that the policy objectives are in alignment. Often, these things are initiated due to regional trade initiatives that have already taken place.

It requires the commitment and leadership of top national policy makers, as well as key organisational leaders to have the foresight to take advantage of these short windows in time where all required players may be thinking along the same lines, to be able to achieve meaningful progress.

The level of ambition in harmonisation initiatives is definitely linked to how similar/mature the regulatory systems of each participating country/region are. In Canada's case, our TBT obligations in the free trade agreements (FTAs) are much more ambitious with trading partners that have similar regulatory systems (e.g., the US and EU).

The rationale for the CATRTA project was precisely to address this gap, i.e. to help CATRTA countries to improve the maturity of their regulatory systems so as to enable more ambitious TBT progress in Canada's FTAs with Peru, Colombia, Honduras and the Caribbean Community (CARICOM).

7. Efficient TBT-related development cooperation requires strong Cooperation Partner commitment

Successful TBT development cooperation is based on a clearly defined problem and on a Cooperation Partner (organisation and personnel) that is committed. Many of the challenges resulting in disturbances or failures are related to lack of commitment.

The commitment of the partner organisation should already be assured in the fact finding and project planning stages. The Cooperation Partner should confirm that needed resources and key personnel will be made available throughout the project. It can be strengthened through a contract between the two parties. For example, in order to avoid disturbances and/or a need to condition further support, efforts should be made in the beginning of the project to agree on and set forms for an approach. If this is not clear and formalised, there is a risk that the project will be mostly Donor-driven, which might result in delayed, diluted deliveries and sustainability.

Recommendations by the National Board of Trade Sweden

When formulating an agreement for technical assistance, the inclusion of a paragraph opening for conditioning further assistance activities could be considered. This provides an opening to pause or suspend activities if serious commitment issues arise that could otherwise jeopardise the outcome of the entire project.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI implements a demand-driven approach when it comes to capacity building, and supports fully the notion that both Donors and Cooperation Partners must be committed to success. A formal commitment at the outset of the project seems like a good practice, so long as clear expectations and consequences are also outlined.

Physikalisch-Technische Bundesanstalt (PTB), Germany

This recommendation is a standard procedure in German development cooperation and fully supported.

Standards Council of Canada (SCC), Canada

SCC supports the demand-driven approach, ensuring that the Cooperation Partner is committed to implementation and change. The suggestion that this be formalised from the outset is a very good suggestion to implement.

Especially for medium- to long-term projects, a project agreement with clear expectations, roles, and responsibilities is beneficial.

It is also important for both the Donor and Cooperation Partner to understand why they are entering into the capacity building to begin with. This can especially be important for Donors that have multiple requests from Cooperation Partners. Donors must have a means by which to assess and prioritise capacity-building requests.

Connected to the importance of the initial fact-finding mission, expectations should be clear from the outset so as not to duplicate assistance that the Cooperation Partner may be receiving from other sources.

8. Technical regulation is often the weakest link in developing a National Quality Infrastructure

Many technical assistance efforts where TBT-issues are involved are concerned with building up a National Quality Infrastructure. Very often, such projects are led in private/public partnership where market-driven standardisation and conformity assessment activities are in focus. Contrary to industrial countries, many developing countries do not have national consumer legislation or technical regulations for product safety. This implies that the domestic market is

open for unsafe products and could also lead to the export of unsafe and low-quality products. Targeting mandatory technical regulation is therefore essential. Compared to the field of standards and conformity assessment, where each country often has one organisation, technical regulation may cover as much as 10-20 bodies.

Recommendations by the National Board of Trade Sweden

The effort needed in addressing the whole TBT administration should not be underestimated, but well-planned in a Quality Infrastructure project where technical harmonisation is to be addressed. This means that careful evaluation should be carried out with respect to the need for mandatory technical regulations. The Cooperation Partner also has to identify industrial priorities and relevant export interest in order to prioritise the work with technical regulations.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI agrees with SCC's comments and we also stress the importance of both regulation and voluntary standards to an effective consumer protection system. The US system relies on both, and ANSI's capacity-building activities often include information sharing about these topics, as well as other relevant good regulatory practices such as risk-based conformity assessment and incorporation of standards in regulation.

Physikalisch-Technische Bundesanstalt (PTB), Germany

According to our experience, consumers and users in developing countries are indeed insufficiently protected against unsafe products, and the reasons for this are various and complex: no framework legislation on product safety or product liability, lack of understanding of basic principles of technical regulation, random use of mandatory standards, or dramatic lack of enforcement of existing legislation, mostly due to a lack of conformity assessment capacity (including metrological traceability).

Standards Council of Canada (SCC), Canada

The SCC agrees but, as mentioned, this can be difficult to achieve due to the number of actors. An important aspect of capacity building, if all actors cannot

participate directly, is to ensure that the Cooperation Partner understands the link to regulation and its importance.

In addition, the link between standards and regulations is often different between countries. A best practice that the SCC has stressed with developing countries is the importance of having a clear distinction between technical regulations and voluntary standardisation, and understanding how standards can effectively complement regulation.

9. Cooperation with multiple Donors and Cooperation Partners can lead to challenges

As already mentioned, TBT-related development cooperation is moving towards larger, regional projects. The aim is to create better conditions for regional integration and trade by including a larger number of countries. To respond to this demand, large resources and capacity are required, which rarely can be delivered by one organisation alone. Working together with several organisations provides flexibility, pooling of resources and sharing of expertise. It can also bring challenges depending on who will take the lead, causing issues on prioritisation and the formulation of objectives and designing activities. Activities and objectives need to be well-coordinated among the Donors.

Recommendations by the National Board of Trade Sweden

In order to deliver well-balanced technical assistance together with other Donors, substantial effort should be made in the initial stage, especially when it comes to agreeing on project objectives, results to be strived for and ensuring that all Donors are working towards the same outcome. This should be done preferably through meetings at Donor level, on a regular basis, addressing the Cooperation Partner's needs and discussing how the different project components are integrated in an efficient, relevant and seamless manner. Ideally, this results in project activities complementing each other in a systematically and effectively.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI fully supports this recommendation, and has also supported efforts by US Donors in target countries to coordinate with other Donors at national level.

Physikalisch-Technische Bundesanstalt (PTB), Germany

PTB fully supports the recommendation. Indeed, in German Developing Cooperation it is now mandatory to list all other Donor efforts (if the information is available) in the relevant sector in the project proposal and to outline how the different Donor inventions are coordinated to avoid duplication.

Standards Council of Canada (SCC), Canada

SCC agrees that having multiple Donors and multiple Cooperation Partners can be challenging. Situations with one Donor and multiple Cooperation Partners can maximise the efficiency of capacity building, especially for broad topics. For example, SCC held a workshop entitled “Innovating through Standardization” with participants from Latin America and the Caribbean.

Similarly, making one Donor the lead on a specific subject area in a larger programme is beneficial, as it lays out clear responsibilities and prevents duplication. This worked well for SCC in capacity building related to CATRTA.

SCC has benefited from some of the work that has taken place in COPANT related to capacity building. This is taking a regional approach to capacity building, to share resources to assist in helping build capacity in the region on a specific topic. If other partners can be identified early in the project planning, this should greatly assist all parties including both Cooperation Partners and Donors.

10. Responding to requests for TBT-related technical assistance and delivering key expertise requires consideration

An important issue related to development cooperation is delivering key expertise - in the case of the Board, expertise on foreign trade and trade policy. The external reviews made of the Board’s development cooperation projects show that the specific expertise provided by the Board within the field of trade policy is unique. Within the field of TBT, the Board is not only nationally responsible for the TBT Enquiry Point, having the role as Notification Authority and representing Sweden in the TBT Committee, i.e. strictly implementing the TBT Agreement; the Board is also an expert agency with key expertise in trade policy, especially in the field of international regulatory cooperation. This clearly distinguish the Board from private consultancies. This means that the Board may offer a broad spectra of technical assistance in the field of TBT. In practice, this also means demands on the Board to make sure

that the assistance is delivered in line with the overarching objectives set by the Government and to ensure that no conflict of interest is being created.

Even if project planning aims to clarify which specific trade policy issues are to be targeted by the project, it is not uncommon for Cooperation Partners to request support in other subject matters and areas not directly related to the original plan. In some cases, these types of requests can be dealt with by engaging other agencies or in-house experts.

The outset for development cooperation and capacity-building activities do not, however, imply that the assistance efforts by the Board need to be strictly limited. On the contrary, there are several trade policy areas that have the potential to be developed further.

When it comes to the overall Swedish development cooperation, of which trade related development cooperation is one part, it can be noted that more general aspects relating to international development, such as good governance, gender, sustainability and poverty reduction in general could be integrated in the Board's development cooperation activities. In these cases, there will be a need to evaluate in more detail which specific competence is needed and prioritise how best to balance trade policy with development-related topics.

Recommendations by the National Board of Trade Sweden

The main reason for a possible Cooperation Partner to contact the Board is to receive support in the areas of foreign trade and trade policy.

The TBT-related technical assistance requests are extended to areas not directly linked to the main subject areas of TBT. The recommendation from the Board is to make a comprehensive evaluation as to whether new expertise needs to be developed by in-house training or complemented by external expertise for a project to better suit the needs of the prospective Cooperation Partner.

It is important to ensure that the Cooperation Partner has a solid understanding of the Board's role and responsibilities so that unrealistic expectations can be prevented.

Comments by other Donors

American National Standards Institute (ANSI), USA

ANSI fully agrees that access to the best subject matter experts is key to the success of capacity-building projects. As PTB states, connections to and membership of the relevant regional and international organisations also provides great value. ANSI believes that a key attribute of its programmes such

as the Standards Alliance is that programme trainers and participants come directly from ANSI's network of public and private sector experts.

Physikalisch-Technische Bundesanstalt (PTB), Germany

In addition to the delivery of the key expertise (all aspects of Quality Infrastructure in the case of PTB), the Donor organisation’s ability to provide access to existing regional and international organisations, networks and platforms and exposure to international practice has also proven to be of great interest and practical value.

Standards Council of Canada (SCC), Canada

Having experts available on specific subject matter to best address the issue. SCC used this approach in its road safety work with Mongolia. To ensure relevant expertise for the situation to deliver the best expertise possible.

5 Conclusions

Based on the evaluation it is clear that the Board has come a long way in the field of TBT-related development cooperation since 2007. At the same time there is still room for improvement. The evaluation show that requests for TBT-related technical assistance are no longer limited to support for implementation of the TBT Agreement. Further, the Board recognizes that "soft policy work" related to *important functions* such as regulatory processes and Quality Infrastructure have become a crucial part of TBT-related technical assistance, especially for countries in development.

There is also a clear progress when it comes to handling of assistance requests, project planning and formulating project objectives. The Board has moved from having rather broad objectives towards a more strategic approach in TBT-related technical assistance. In practice, this means more thorough fact finding, including risk assessment and more specific process for setting objectives according to the actual needs of the Cooperation Partner and other national stakeholders.

Furthermore, the Board's results framework for development cooperation requires careful evaluation of results observed in terms of change at individual and institutional level, which is reflected in improved Results-based management, implying more careful planning and execution of activities and missions by experts and project managers. The more systematic approach, implementing the results framework, also generates more measurable and sustainable results.

Until now, the Board has mainly managed TBT-related cooperation projects without external partners, based on its key competences related to trade policy processes. Along with the fact that the trade reality is becoming more complex and that regulatory challenges are expected to increase, a more holistic approach might be needed. TBT-related technical assistance activities are therefore already now to a higher degree integrated in projects focusing on the whole Quality Infrastructure, SPS[28] and environmental, social and economic sustainability (Agenda 2030). There is also potential for progress in taking into account overall development cooperation perspectives in order to address weaknesses and challenges in delivering assistance, e.g. in the form of good governance. This naturally implies a need for further training and development of new competences for analysts and experts working with technical assistance in the field of TBT.

It could be expected that more focus will be needed on specific sectors creating regulatory challenges for developing countries, and for example policy areas not within the main scope of the Board, like consumer safety, enforcement and

[28] Sanitary and Phytosanitary Measures.

digitization. In order to meet the changing needs of developing countries, this could imply a need for the Board to cooperate with other public bodies and expert organisations.

An element that has been taken into account in the evaluation is whether the source of financing for the projects carried out by the Board has had implications for the projects and the evaluation of the results. What can be noted is that while the technical assistance before 2016/17 was mainly financed by the Swedish International Development Cooperation Agency (Sida), the results of this assistance were more strongly assessed based on Sida's guidelines, highlighting an enhanced development perspective[29]. In conclusion, it is the Board's opinion that the demand and requests for TBT-related technical assistance should always be evaluated in light of the specific competence the Board represents, i.e. foreign trade and trade policy, not in terms of possible other policy objectives.

Another essential part of a future strategy is to create a vision that embraces TBT-related proficiencies more clearly and tailor a matrix with new TBT components, in some cases with other organisations for the increased benefit of future Cooperation Partners.

[29] An example of where the financing institution, in the final reporting, expressed some concerns about the lack of incorporation of aspects concerning gender, environment and HIV/AIDS in the Program was the TBT Mentorship Program 2008-2012 (Dnr 2006/01419 and 2012/00073). This could have been avoided by more systematic discussion of the expertise to be delivered in the beginning of the project.

Annex 1

Short- and medium-term projects

The topics of the evaluated short-term projects and missions[30] vary but can be divided roughly into:

- Implementing the TBT Agreement
- Principles for GRP and RIA
- Technical harmonisation within the EU
- Regional technical harmonisation (in general or for specific product sectors)
- Regulatory aspects in EU free trade agreements
- Enforcement of product safety/market surveillance
- Quality Infrastructure
- Standardisation and standardisation policy

The countries involved in short- and medium-term collaboration are: Mongolia, Macedonia, India, Moldova, Burundi, Mozambique, Ecuador and Zambia.

Long-term projects

Liberia WTO Accession (2013 – ongoing until 2018)

- WTO Accession, including:
    - Developing the national TBT infrastructure
    - Establishing TBT Enquiry Point
    - Enhancing capacity
    - Providing support in preparation of legislative framework(s)
    - Identifying regulatory authorities
    - Cooperation and coordination
    - Evaluating trade priorities

Institutional cooperation between the Department for WTO and Trade Defence at the Ministry of Economic Development and Trade of Ukraine and Swedish National Board of Trade (October 2011 – December 2015)

Outcome:

- Increased transparency of trade policy in respect to the WTO and the EU

[30] Mongolia (2013/02085, 2015/01233), Macedonia (Dnr 2015/00784, 2016/01081), India (2015/00145, 2016/01554), Moldova (2013/00891), Burundi 2013/00281, Mozambique 2014/00263, Ecuador (2016/ Zambia (2016/01634) and Trade Academy- Program by the National Board of Trade

- Improved conditions for businesses to export and import goods and services, as well as improved knowledge of trade policy compliant with WTO and EU rules

Objectives:

- Enhanced conditions to put a legal basis in place to receive relevant information from ministries to the Enquiry Point & Notification Authority (EP&NA)
- Enhanced cooperation on TBT issues between EP&NA and other departments/ministries
- Strengthened capacity of staff at the EP&NA regarding active participation in WTO/TBT committee meetings and improving trade policy analysis with respect to TBT issues under the WTO and the DCFTA
- Improved cooperation between the business sector and the EP&NA

Institutional cooperation between the National Board of Trade and the Ministry of Economic Development and Trade of Ukraine to increase organisational capacity and enhance transparency in the field of technical barriers to trade (2016 – 2017)

- Efficient participation in the TBT Committee based on Ukraine's interests:
    - Continued participation by the Ukrainian EP in the work of the TBT Committee
    - Preparation of guidelines or checklist on the procedure of preparation for the TBT Committee meetings
    - Increased awareness of the TBT Agreement and the guidelines among stakeholders in relevant ministries
    - Coordination within MEDT and if needed with other ministries in the preparation of committee meetings
- Increased capacity to apply Good Regulatory Practice (GRP), in particular Regulatory Impact Assessment (RIA) in the field of technical regulations:
    - Awareness of GRP and RIA method among relevant stakeholders
    - Analysis of RIA in a Ukrainian context
    - GRP guideline document for Ukraine, with particular focus on RIA
- Improved conditions for stakeholder consultation in the area of technical regulations:
    - Awareness of methods for consultation used by NBT

- An analysis of consultation methods in place (e.g. Scientific & Technical Council)
- Suitable methods developed for stakeholder consultation

TBT Mentorship Program 2008-2011 with phasing out 2012 (Burundi, Kenya, Rwanda, Tanzania, Uganda and Zambia[31])

- Improved implementation of the WTO/TBT Agreement through national and regional capacity building, including:
  - Establishment of a forum for national cooperation
  - Active participation in the WTO/TBT Committee
  - Focus on increased number of TBT notifications and the capacities of National Enquiry Points
  - Focus on establishing horizontal legal framework / improved Quality Infrastructure in the field of technical regulation
  - Increased knowledge of regional cooperation fora and establishment of a regional TBT forum

Support Quality Infrastructure in Agadir Countries (2015 –, ongoing)

In this case, the National Board of Trade is subcontractor in a large project with several components and organisations involved.

- Support in the process of achieving technical harmonisation in the region based on priorities identified by Cooperation Partners. This involves developing systems and structures to be used when harmonising the sectoral mandatory requirements by giving examples and proposals for the systems and structures to be used when harmonising horizontal and sectorial mandatory requirements prioritised by the countries.

[31] Ethiopia was originally approached but did not follow the Program.