



**Asia-Pacific
Economic Cooperation**

2022/SOM3/CTI/DIA/004

Session 2

Transparency Under the Technical Barriers to Trade Agreement

Submitted by: WTO



**Public-Private Dialogue on Promoting
Transparency of Technical Barriers to Trade
WTO Notifications: Improving Completeness
and Clearness of Information
Chiang Mai, Thailand
21-22 August 2022**

TRANSPARENCY UNDER THE TECHNICAL BARRIERS TO TRADE AGREEMENT

Chiang Mai, August 2022

Daniel Ramos, PhD
Legal Officer - Trade & Environment Division
World Trade Organization (WTO)

Objectives of the TBT Agreement

Avoid discriminatory and unnecessary obstacles to international trade

Allow autonomy in setting regulations to protect legitimate objectives

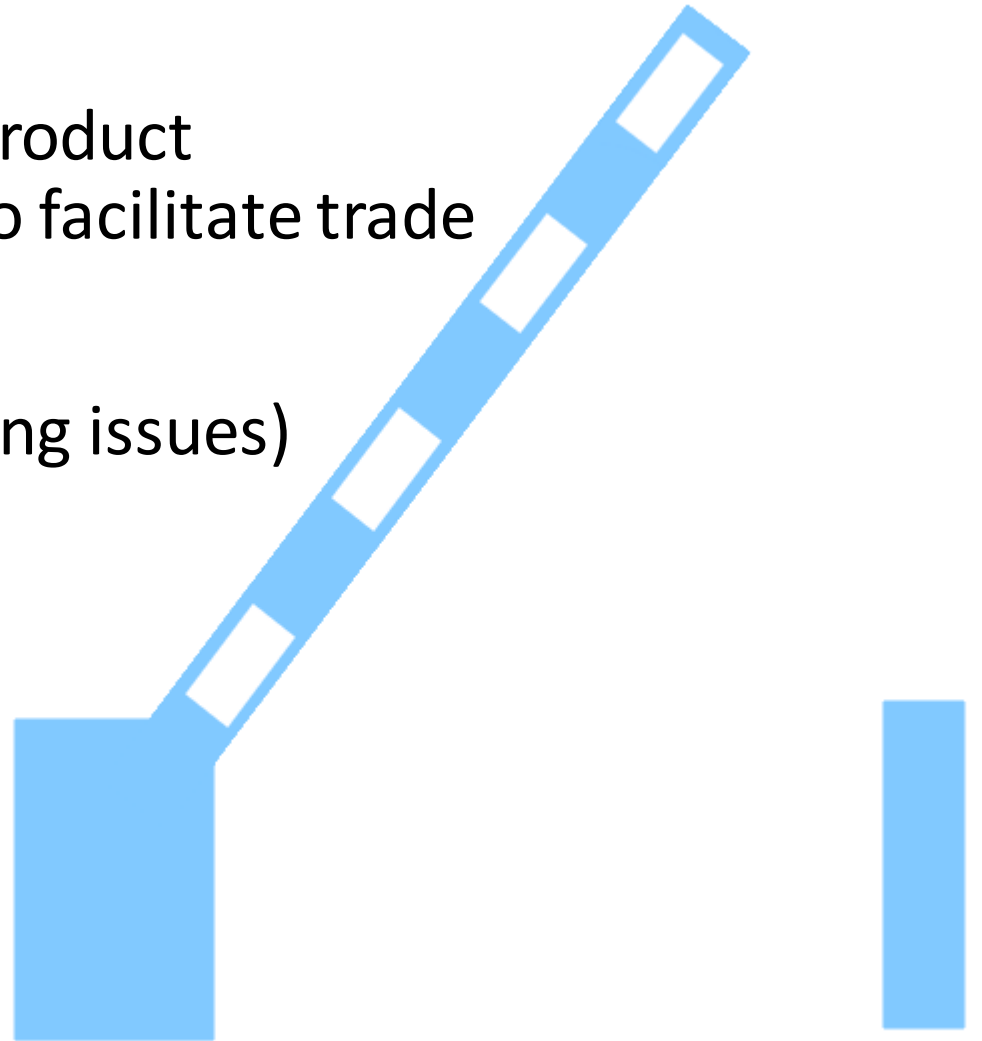


- ≡ Maintain and promote international trade
- ≡ Eliminate protectionist and / or inefficient measures
- ≡ Harmonize measures and limit their negative trade impact
- ≡ **Ensure transparency**
- ≡ Prevent and resolve trade disputes

WHY TRANSPARENCY?

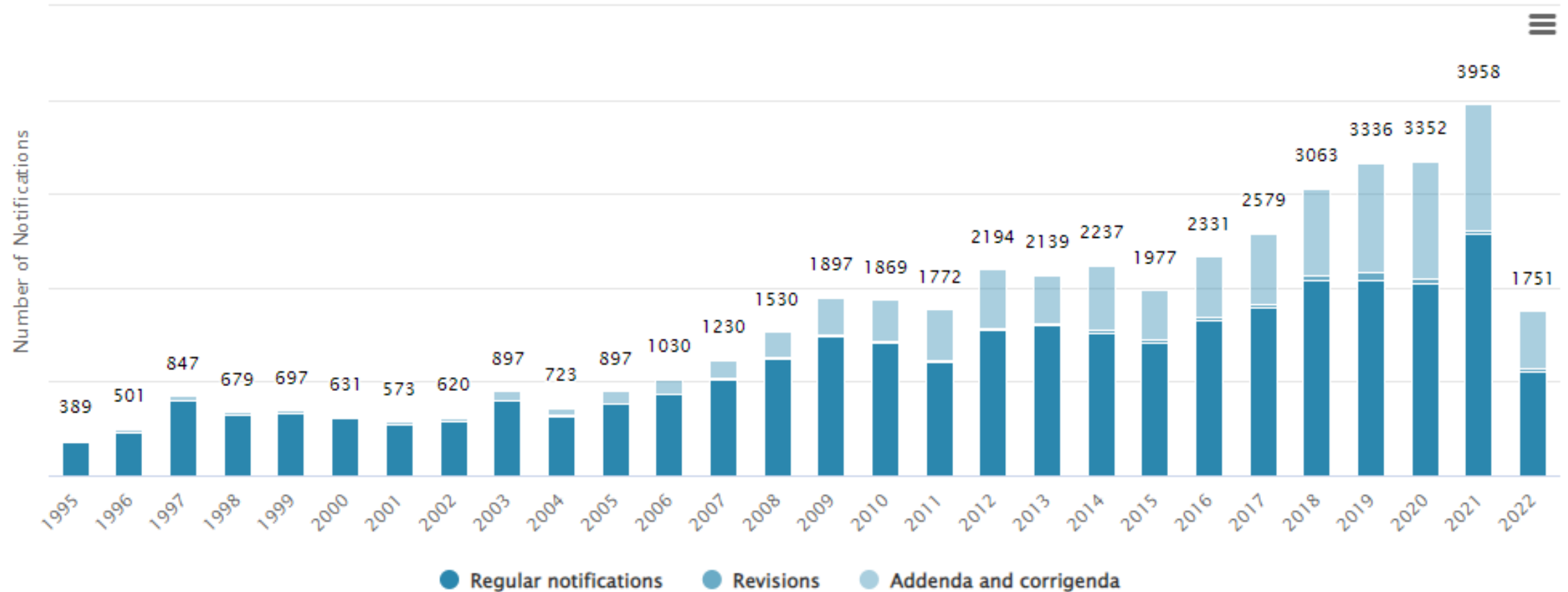
Make information on safety and other product requirements in your market available to facilitate trade

- market access (compliance and resolving issues)
- regulatory cooperation
- building trust

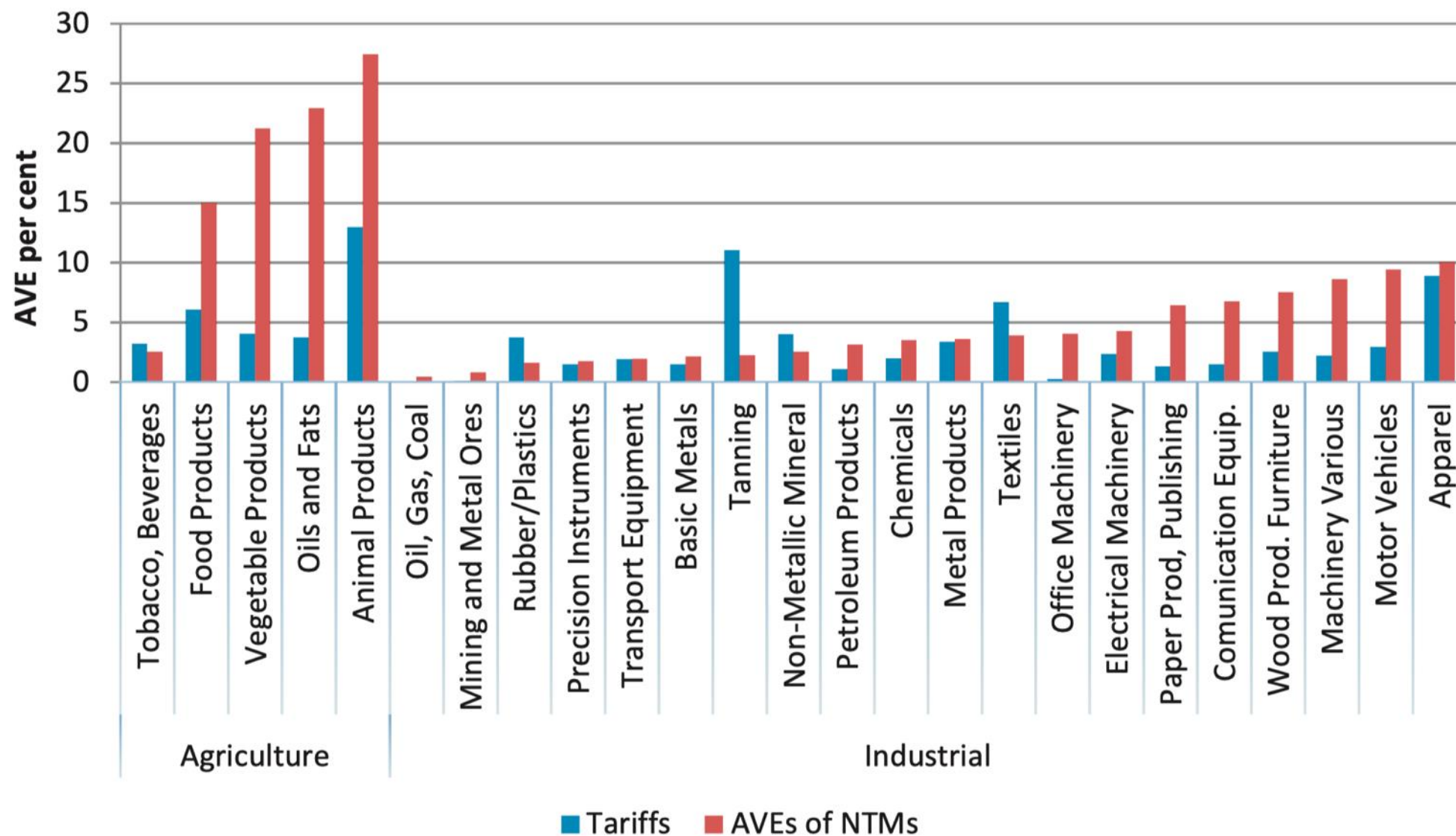


WHY TRANSPARENCY?

NUMBER OF TBT NOTIFICATIONS PER YEAR



WHY TRANSPARENCY?

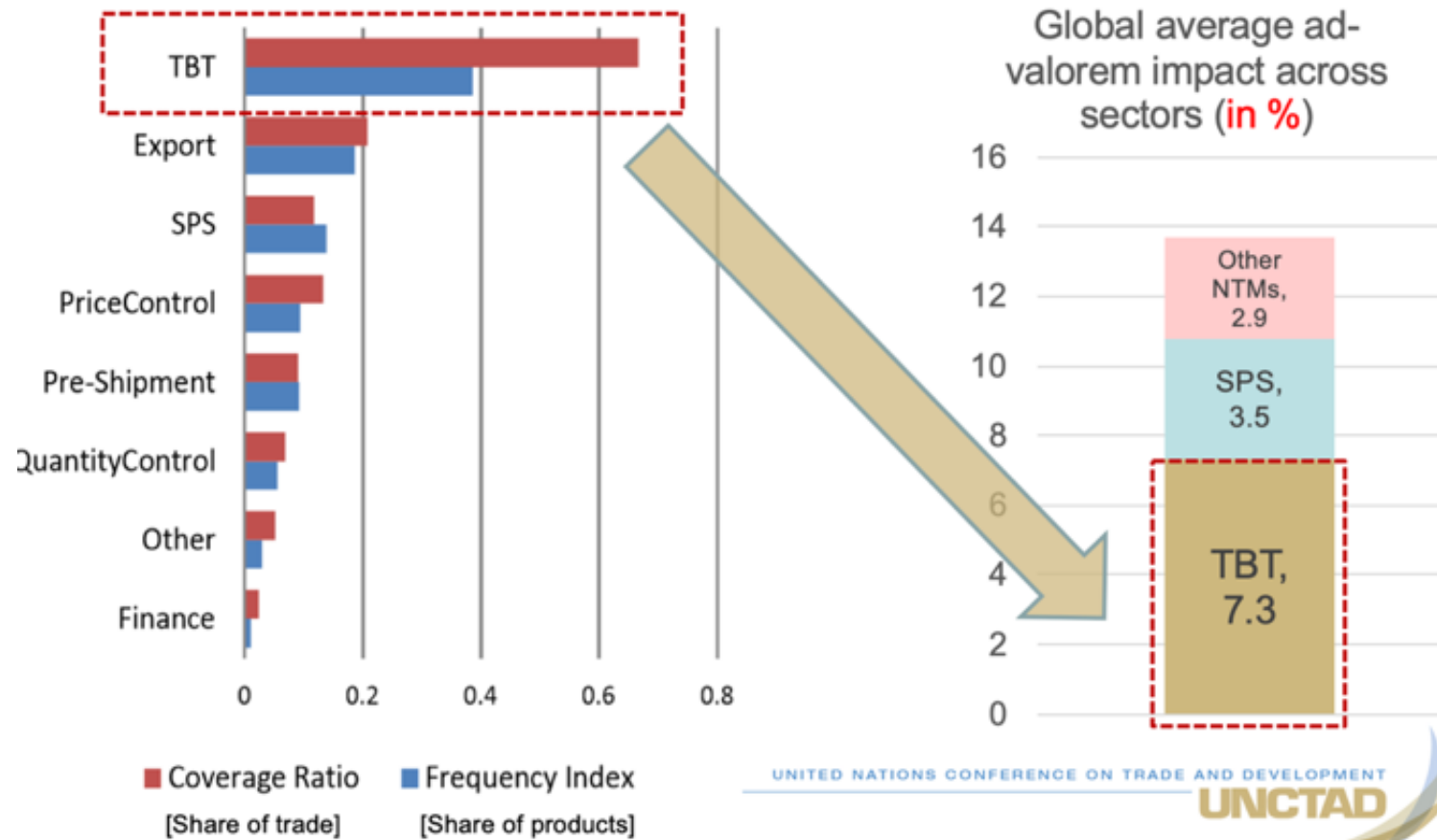


Source:
*The Unseen
Impact of Non-
Tariff Measures:
Insights from a
new database*

*UNCTAD and
World Bank
2018*

WHY TRANSPARENCY?

TBT: the most common and costly NTMs



Source:

Presentation by
UNCTAD at TBT
Committee in June
2019

See also:
*The Unseen
Impact of Non-
Tariff Measures:
Insights from a
new database*
UNCTAD 2018

KEY TRANSPARENCY PROVISIONS

- **Statement of implementation** – *how obligations will be carried out (15.2)*
- **Notification of (draft) regulations in one of the three official languages** – *share info on product requirements with Members (2.9-2.10; 5.6-5.7;10)*
- **Publication of regulations** – *on product requirements domestically (e.g. Gazette) (2.11; 5.8)*
- **Notifications related to standards** – *acceptance of Code of Good Practice by standardizing bodies (Annex C, paras. J-O)*
- **Establishment of enquiry point** – *central office on Technical Barriers to Trade matters connecting private sector, government officials, WTO etc. (10)*
- **Agreements between Members (10.7)**

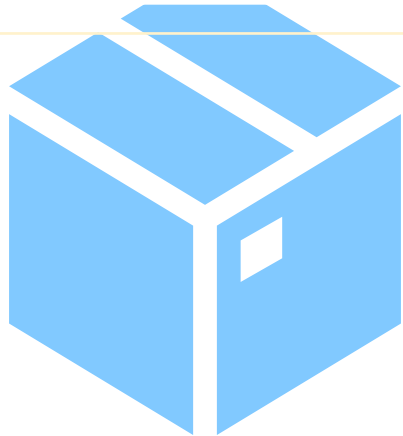
WHAT TO NOTIFY?



New or modified



Not in accordance with
international standard



Significant trade impact

NOTIFY

In doubt? Notify

Regulatory Timeline

Except in URGENT Situations

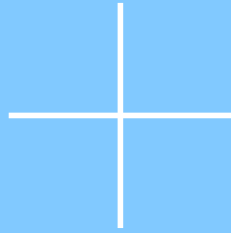


WHICH FORMAT?



Regular Format:

new
notification



Addendum:

provide
additional
information or
changes to
notification
(now menu
reasons)



Corrigendum:

correct an
administrative
of clerical error



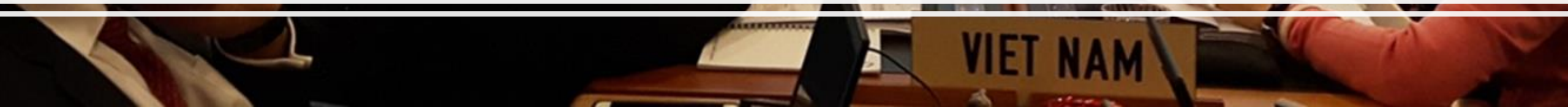
Revision:

replace existing
notification

(G/TBT/35Rev.1 for info on coherent use of notification formats and Addendum format)



What is happening in the committee?



TBT TRIENNIAL REVIEW

- Every **3 years**
- adopt recommendations; establish work programme
- **8th** Review concluded in 2018 (G/TBT/41)
 - 16 transparency-related recommendations
 - See JOB/TBT/273/Rev.8 on follow up actions
- **9th** Review concluded end-2021 (G/TBT/46)
 - 19 transparency-related recommendations



9th Triennial review: Snapshot of discussions on transparency and quality of notifications and comments

- Challenges included: (i) the lack of translation of notified measures and the financial costs and time required for translating them (increasing number); (ii) late notifications and insufficient time for comments (avg 57 days in 2021) and, lack of (positive) response to extend comment period; (iii) measures notified to both the TBT and SPS Committees, but this is not indicated; (iv) challenges related to reaching out to stakeholders in a timely manner and the inclusion of the technical justification in the comments to ensure that the concerns raised are addressed ...
- increased communication between Enquiry Points could help to avoid, address and resolve STCs by exchanging information and questions on notified measures in between TBT Committee meetings / chat function?
- lack of HS Codes in notifications and the possible availability of a concordance table between HS and ICS Codes (33-50% of notifications included HS Codes, while most referred to ICS Codes + more recent versions of HS Codes into the system)

9th Triennial review: Snapshot recommendations (I)

- **Formats and guidelines**

- Improve **product coverage info, description of content (in particular when not in E, S or F)**, reference to **legitimate objectives** in regular notifications; new format for Article 15.2 notifications (updates? Quality infrastructure? Platform for comments?)....

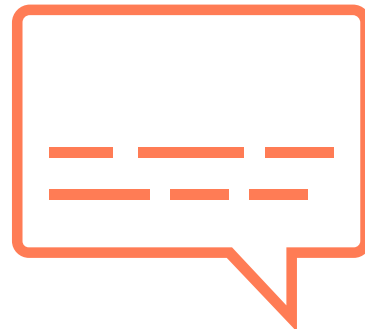
- **Commenting**

- **disseminate** on voluntary basis **comments** and replies, including through a website or a common platform such as **ePing**
- develop **good practice guide** on how to prepare a comment on notifications (under TA)

9th Triennial review: snapshot recommendations (II)

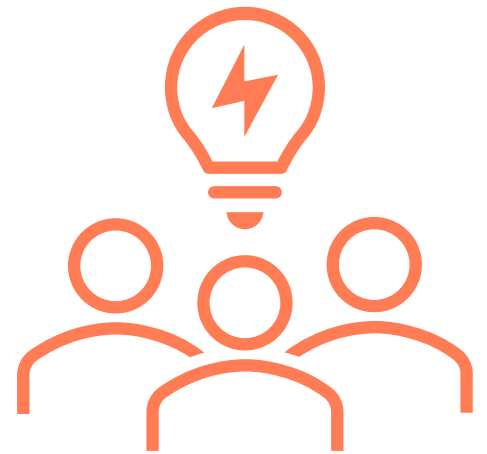
- **Translations:**

- announce, through **ePing**, the **availability of translations** of notified measure into any of the official WTO languages
- explore the use of IT tools, such as **translation software** to provide unofficial translations of notified documents



Transparency working group + thematic sessions

- TBT Committee established new working group at March 2022 meeting to advance with transparency-related recommendations
 - Open to all Members
 - Hybrid
 - Report back to TBT Committee
- First meeting held in April 2022
- Current topics:
 - Notification formats
 - Product coverage in notifications (HS/ICS)
- **Thematic sessions** on transparency (latest 12 July)
- opportunities to share APEC study/experience?



9th Triennial review: snapshot recommendations (III)

- **Online tools**
- improve and **streamline current online TBT tools**, including ePing
 - *Building on 2015 recommendation to build alert service*
 - *Feedback from “Friends of Online Tools” (3 meetings in 2021)*
- **New “unified” ePing website launched – IMS, NSS and ePing integrated**



ITC, WTO and UNDESA

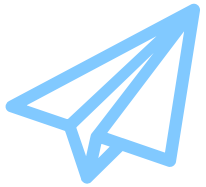
MAIN FUNCTIONS

Submit your notifications



Submit TBT notifications online:

- Including art. 10.7 and 15.2
- Reduction of errors, fast processing
- Ease of use (templates – work together...)



Update enquiry point contact details *new



In 2021, **88 % of notifications were submitted online**



Notification admin

- Update enquiry point info
- Draft and submit notifications
- **Give:**

Notification **drafting** rights

Notification **submission** rights

MAIN FUNCTIONS

Stay informed 



Receive email alerts on relevant notifications based on products/markets preferences

Private sector!

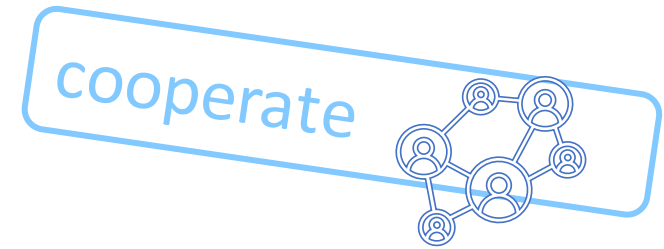


Search notifications, trade concerns



Member profiles/ Enquiry points

MAIN FUNCTIONS



- Contact the enquiry points
- Discuss notifications and reach out at the individual economy level
- Discuss notifications and reach out at the global level



Thank you