



**Asia-Pacific
Economic Cooperation**

2022/SOM3/CTI/DIA/006

Session 3

Results of the Study on Transparency of Technical Barriers to Trade Notifications in the APEC region

Submitted by: Peru



**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**



RESULTS OF THE STUDY ON TRANSPARENCY OF TBT NOTIFICATIONS IN THE APEC REGION

Ms. Claudia ROSAS
Project Overseer
Ministry of Foreign Trade and Tourism
PERU

Transparency in APEC Region

1994 Bogor
Goals

1995 Osaka
Action Agenda

APEC Putrajaya Vision 2040:

- *To ensure that the Asia-Pacific remains the world's most dynamic and interconnected regional economy, we acknowledge the importance of, and will continue to work together to deliver, a free, open, fair, non-discriminatory, **transparent and predictable trade and investment environment**. We reaffirm our support for agreed upon rules of the WTO in delivering a well-functioning multilateral trading system and promoting the stability and predictability of international trade flows.*

Transparency in APEC Region

Aotearoa Plan of Action

- **Increase trade predictability** and openness by improving economies' transparency through trade measures and policies.
- Support progress of negotiations at the WTO to deliver a trade and investment environment that is **free, open, fair, non-discriminatory, transparent and predictable**
- **Advance capacity building programmes to support the implementation of and adherence to WTO rules**, including transparency and notification obligations.

**Self-Funded Initiative on Promoting Transparency of
Technical Barriers to Trade WTO Notifications:
Improving Completeness and Clearness of
Information (Endorsed Intersessionally on 10
September 2020)**

Purpose: Information
Submitted by: Peru

Peru's Proposal

Background

Objectives

Proposed
timeline



2021/SOM2/CTI/IS04

**Terms of Reference – Self-Funded Initiative on
Promoting Transparency of Technical Barriers to
Trade WTO Notifications: Improving Completeness
and Clearness of Information
(Endorsed Intersessionally on 1 April 2021)**

Purpose: Information
Submitted by: Peru



Second Committee on Trade and
Investment Meeting
25-27 May 2021

Terms of reference

Background

Objectives of the study

Methodology

Project Management

Tentative timeline

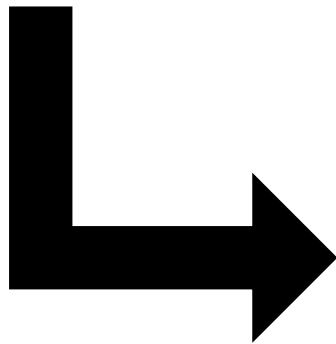
Objectives of the study

General objective

- Evaluate the completeness and clearness of information provided by APEC Members in accordance with the WTO TBT Committee Recommendations.

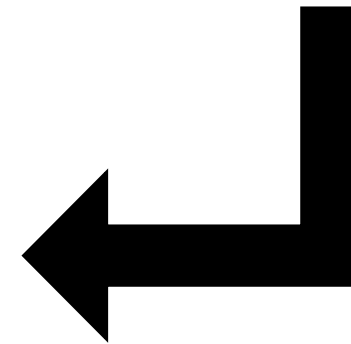
Specific objectives

- Identify key items from TBT notification that should be improved in terms of quality of information
- Increase understanding of private sector perceptions of TBT notifications and main challenges related to completeness and clearness of information



Draft best practices

Explore capacity building opportunities



Scope

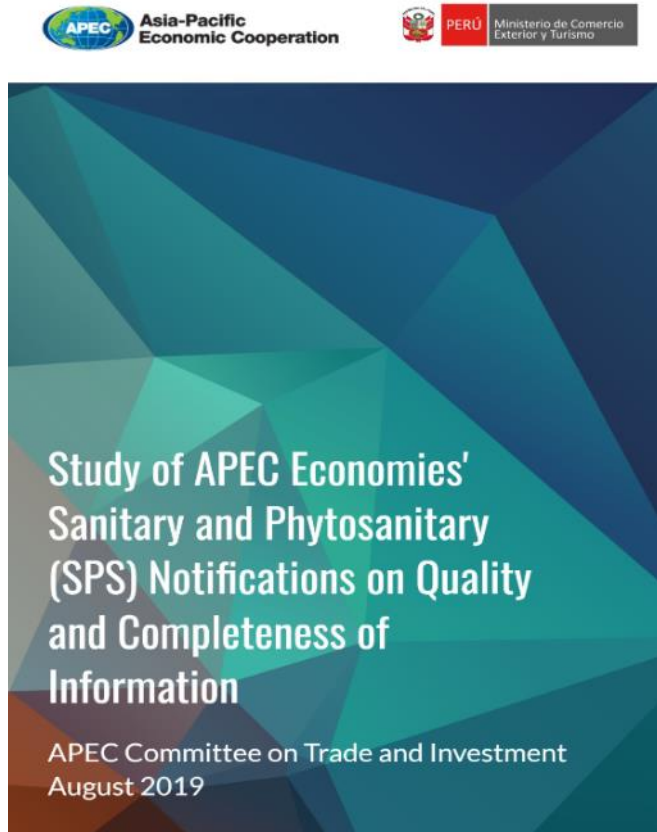
Regular TBT notifications (including urgent notifications) – addenda and corrigenda

- Notifications submitted by APEC economies between 2015 – 2019
- Random sample - Total of 355 notifications
- 121 addenda
- 12 corrigenda

Privates sector survey

- 74 businesses
- 12 economies
- 56 importers and exporters
- 12 exporters
- 6 importers

Research methodology



Set of questionnaires

To evaluate the quality of information in APEC economies' TBT notifications

- Regular notifications
- Addenda
- Corrigenda

To assess private sector perceptions on the quality of information in TBT notifications



REGULAR NOTIFICATIONS RESULTS

General evaluation

- 79.88% of sampled notifications provide an acceptable level of compatibility with WTO recommendation
- Always completed: items 1, 2, 3 and 7
- Without these items: 68.39%

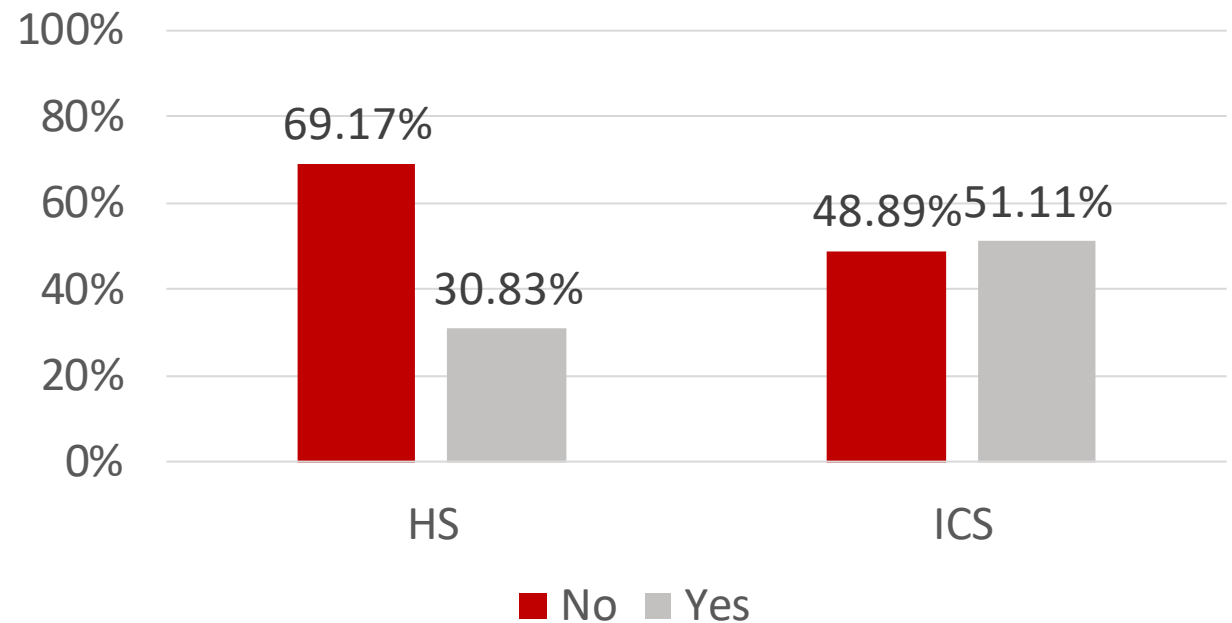
ITEM	DESCRIPTION	COMPATIBILITY
1	Notifying member	100.00%
2	Agency responsible	100.00%
3	Notified under	100.00%
4	Products covered	57.06%
5	Title and translations	72.64%
6	Description of content	84.81%
7	Objective and rationale	100.00%
8	Relevant documents	32.33%
9	Proposed dates of adoption and entry into force	43.61%
10	Final date for comments	92.50%
11	Text available from the national enquiry point	95.78%

Item 4: Products covered

WTO's recommendation:

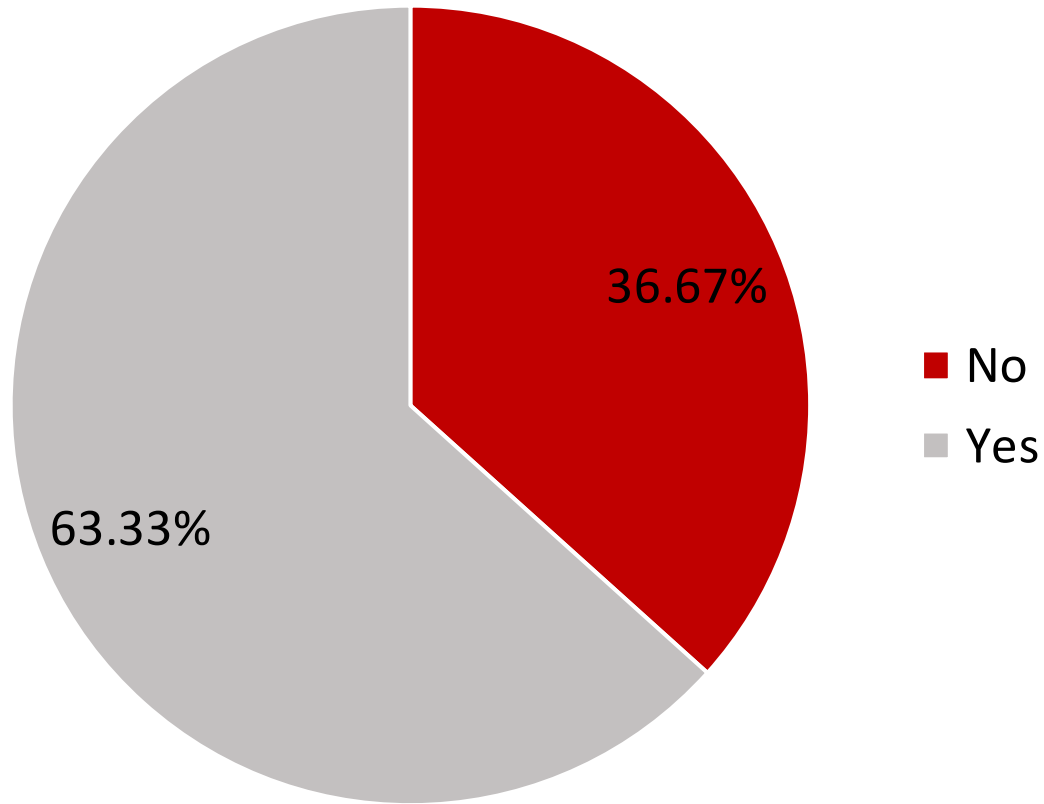
“HS or CCCN (chapter or heading and number) where applicable. National tariff heading if different from HS or CCCN. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided”.

Comparative between the inclusion of HS and ICS in Sampled APEC TBT Notifications.



Item 4: Products covered

Inclusion of a description of the products covered in Sampled APEC TBT Notifications



94.44% Title

96.11% Number of pages

100% Language

7.50% Inclusion of a link for translation

Item 5: Translations

WTO's recommendation:

"Title of the proposed or adopted technical regulation or procedure for the assessment of conformity that is notified. Number of pages in the notified document. The language(s) in which notified documents are available. If a translation of the document is planned, this should be indicated. If a translated summary is available, this too should be indicated."

Item 6: Description of content

Description: 98.89%

Clearness: 93.33%

Avoid Abbreviations: 62.22%

WTO's recommendation:

"An abstract of the proposed or adopted technical regulation or procedures for assessment of conformity clearly indicating its content. A clear comprehensible description stating the main features of the proposed or adopted technical regulation or procedures for assessment of conformity is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided."

Item 8: Relevant documents

WTO's recommendation:

“(1) Publication where notice appears, including date and reference number; (2) Proposal and basic document (with specific reference number or other identification) to which proposal refers; (3) Publication in which proposal will appear when adopted; (4) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, this fact should be indicated.”

Inclusion of a reference to relevant international standards

• No: 84.17%

The proposed regulation conforms to the relevant international standard

• No: 90.56%

Additional information regarding how and why the proposed regulation deviates from the international standard

• No: 98.47%

Access to assessment such as regulatory impact assessment (RIA)

• No: 96.11%

20.83%

- Date when the technical regulation or conformity assessment procedure is expected to be adopted

66.39%

- Date from which it is proposed that the requirements will enter into force

Item 9: Proposed dates of adoption and entry into force

WTO's recommendation:

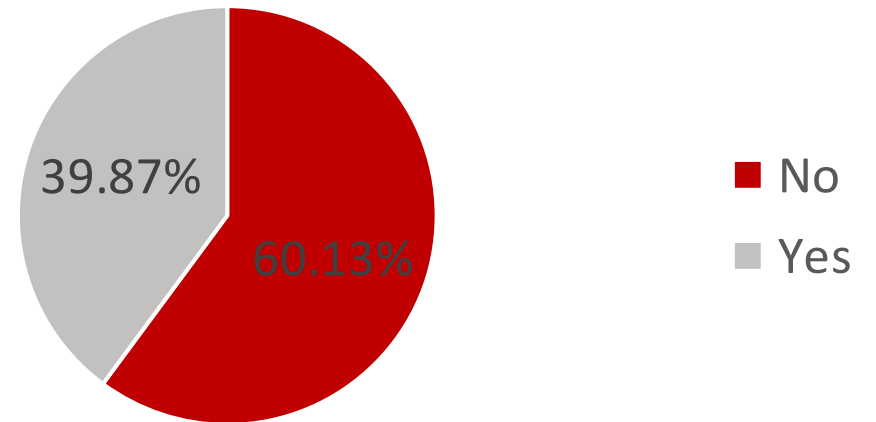
“The date when the technical regulation or procedures for assessment of conformity is expected to be adopted, and the date from which the requirements in the technical regulation or procedures for assessment of conformity are proposed or decided to enter into force, taking into consideration the provisions of Article 2.12.”

Item 10: Final date for comments

WTO's recommendation:

"The Committee has recommended a normal time limit for comments on notifications of 60 days. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so. Members are encouraged to advise of any extension to the final date for comments."

Specification of the date in Sampled APEC TBT Notifications



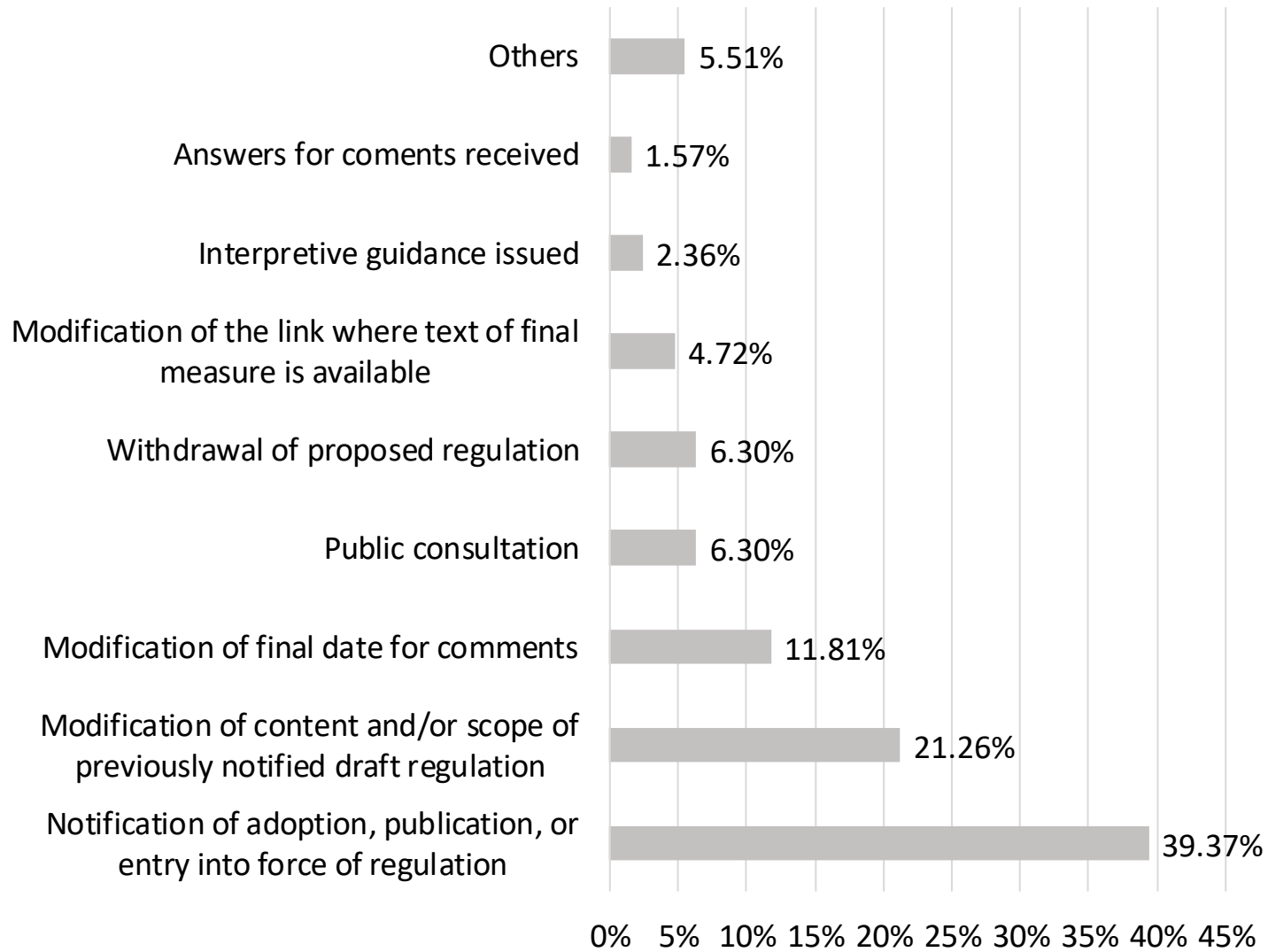
Text available
form: 93.89%

Web link:
97.67%

Item 11: Texts available from

WTO's recommendation:

"If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, e-mail, telex and telefax number. If available in a web-site, provide the web-site address. Such indications should not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Article 10 of the Agreement."



Addenda

Circumstances under the Sampled APEC TBT Addendum is notified

Relevant
documents

Texts available
form

Corrigenda

Items corrected in Sampled APEC TBT
notifications

Description of
content



PRIVATE SECTOR PERCEPTION RESULTS

Knowledge and use of WTO TBT Notification System

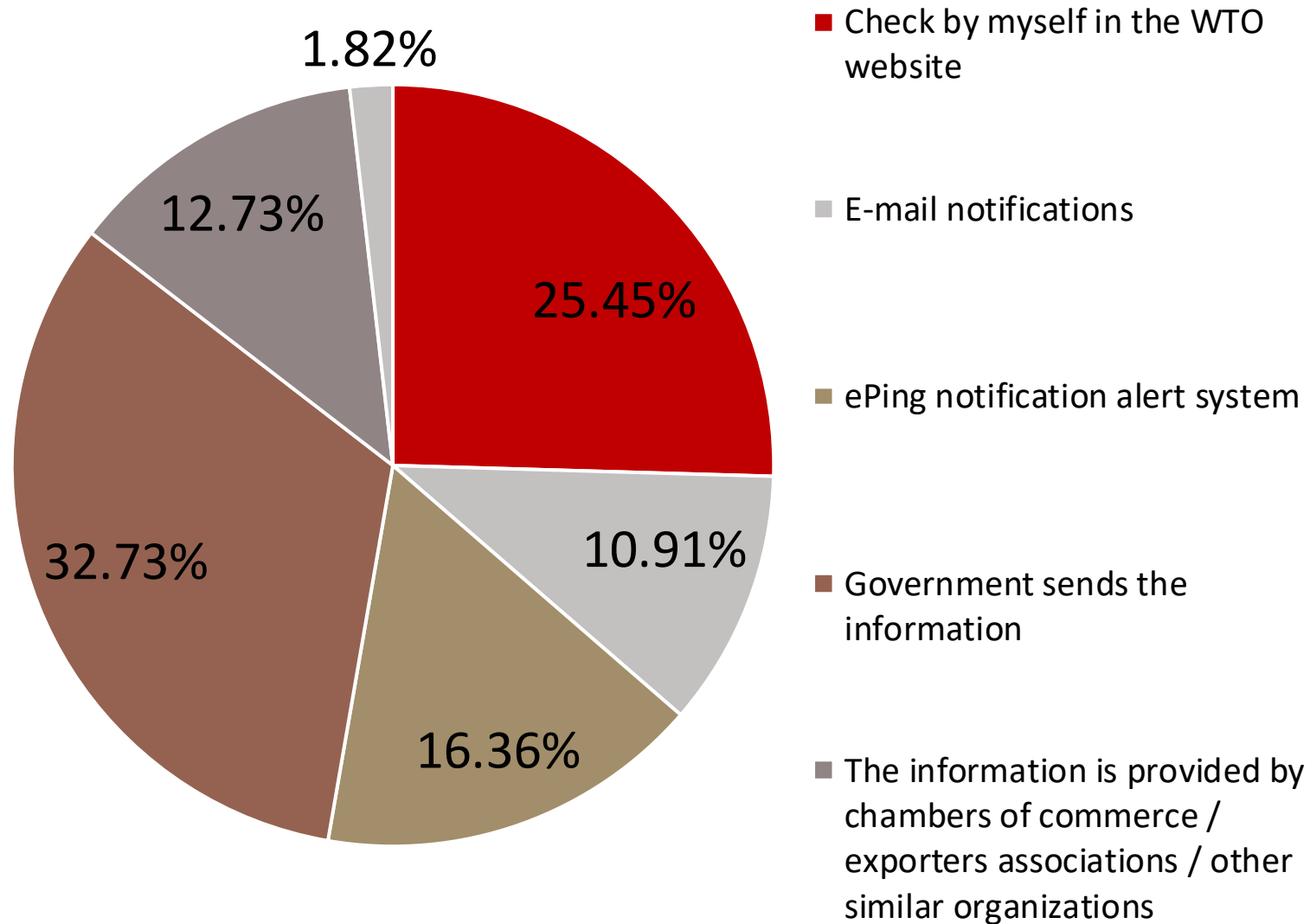
Percentage of Private Sector Respondents Aware of WTO TBT Notification System - No: 54.05%

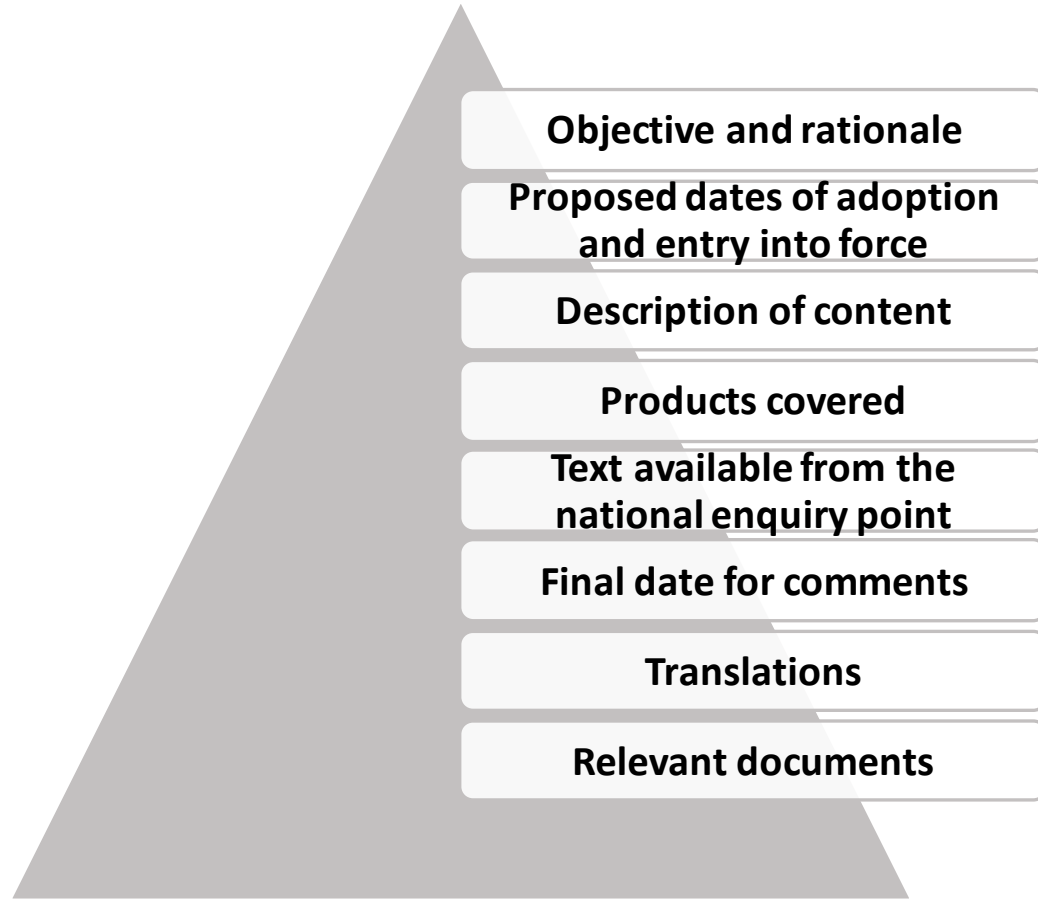
Frequency of Consultation of the TBT Notifications from Sources Provided by WTO

- Monthly: 44.12%
- Weekly: 32.35%
- Daily: 11.76%

Source of information to obtain WTO TBT notifications

APEC Private sector sources of information to obtain WTO TBT notifications





Perception of importance of items

Major challenges

**Lack of
information of the
draft measure**

**Different
languages used in
the linked
documents**

**International
standard is not
provided**

**No enough time
to comment**

**Difficult to
determine which
products are
involved**

Alignment between TBT notifications analysis and private sector perception

an acceptable level of compatibility with WTO recommendations by APEC economies

room for improvement

Products covered: Use HS codes. Clearer descriptions

Proposed dates: adapt products to new requirements. Avoid uncertainty.

Translations: No obligation under TBT Agreement

Relevant documents – international standards: No obligation under TBT Agreement

Conclusions

Improve completeness and clearness on

- products covered
- translations
- international standards
- proposed dates of adoption.

Recommendations

- Fully implement WTO TBT guidelines and recommendations
- Support initiatives and proposals in the WTO TBT Committee
- Standardization of information
- Explore capacity building initiatives on transparency



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Ms. Claudia ROSAS
crosas@mincetur.gob.pe
Project Overseer
Ministry of Foreign Trade and Tourism
PERU