

Transparency is essential to everything that we do at the WTO. It is vital to ensure the predictability and stability of the multilateral trading system.



Director-General Roberto Azevêdo

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Foreword

To be able to participate in international trade, individuals and companies have to know as much as possible about the conditions of trade. Getting relevant information on regulations and policies can, however, be very time-consuming and costly. For this reason, all WTO agreements have important transparency obligations aimed at facilitating access to information. The Technical Barriers to Trade (TBT) Agreement is no exception.

Ever since the TBT Agreement entered into force in 1995, transparency has been an important pillar in its implementation, and a successful one at that. In some senses, transparency has become the face of the TBT Agreement. There are two key ways by which the Agreement promotes transparency. The first is through the practice of regular notifications by members of technical regulations and conformity assessment procedures. The "notification", which follows a simple template, gives the other members a "heads-up" alert about regulations in the pipeline. It is a simple but highly effective practice, one which has driven more than two decades of exchanges in the TBT Committee, based on real and actual trade measures, and with significant engagement of the members, which send notifications to the Committee via their delegations. It is relevant because of the pre-emptive nature of this work. Only the TBT Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) require the notification of *draft* measures, i.e. measures that have not yet been adopted and entered into force. This allows members, often through the private sector, to engage early, before legislation becomes entrenched.

The second key promoter of transparency is the obligation for each member to establish an enquiry point capable of answering questions relating to its implementation of TBT transparency obligations. Enquiry points thus have a central role in facilitating access to information. For many members they have become not only a place to respond to questions but a focal point for the implementation of the TBT Agreement, a coordinating hub. In this sense, enquiry points are very much at the heart of the implementation of the TBT Agreement.

At the same time, it is recognized that establishing effective enquiry points can be a formidable challenge for some governments, in particular those of developing members. The TBT Agreement has both breadth and depth. The agreement covers trade in *all products*, both agricultural and industrial – medicines, nutritional labelling, mobile phones or encryption standards are only a few examples. It is also an area in which many entities within a country have a stake, including standards bodies, trade ministries, health

and environmental ministries, the private sector and consumers. Technical regulations, standards and conformity assessment procedures are complex, and the sheer volume of information involved can be difficult to manage.

For this reason, the Committee on Technical Barriers to Trade (the "TBT Committee") requested that the WTO Secretariat prepare a guide on best practices for enquiry points. In 2016, we therefore conducted the first ever WTO online survey of the experiences of TBT enquiry points. The information gathered has provided us with many new insights into how enquiry points have been performing. This guide integrates the information from the survey together with the existing body of TBT Committee decisions and recommendations, and the text of the Agreement itself, in a practical, structured and user-friendly way. The intention is to share this information widely and to use it for training and capacity-building purposes. The WTO Secretariat is committed to continuing to support members in their work in establishing enquiry points and we hope that this guide will provide an important reference for existing and future efforts.

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Disclaimer

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of members or to their rights and obligations under the WTO. The guide's sole purpose is to serve as a tool for training and capacity building.

Abbreviations

CRN	WTO Central Registry of Notifications
HS	Harmonized System
ICS	International Classification for Standards
IMS	Information Management System
ISO	International Organization for Standardization
ITC	International Trade Centre
NSS	Notification Submission System
RIA	Regulatory impact assessment
SME	Small and medium-sized enterprise
SPS	Sanitary and Phytosanitary Measures
STC	Specific trade concern
TBT	Technical Barriers to Trade
UNDESA	United Nations Department of Economic and Social Affairs

Introduction

This guide has been designed for training and capacity-building purposes and was developed in response to a request by the Committee on Technical Barriers to Trade (the “TBT Committee”), at the end of 2015, that the WTO Secretariat prepare a guide on best practices for enquiry points. In 2016, the Secretariat conducted an online survey for enquiry points, to provide information on members’ experiences, the results of which have largely formed the basis for this guide. The 66 members (and one acceding country) that responded to the survey are listed in [Annex A](#).

The readers of this guide are encouraged to consider three points when using it.

First, enquiry points function differently across the membership of the WTO; they undertake a wide range of tasks, ranging from basic functions to more than what was originally envisaged by the TBT Agreement and the Committee. This is normal, as it is the prerogative of each member to decide *who* operates their enquiry point, and *how* this is done. For example, the majority of members (80 per cent) responding to the WTO’s survey indicated that enquiry points are involved in the submission of TBT notifications to the WTO, while for 20 per cent they are not. So while members have an obligation to make TBT notifications under certain circumstances, and also an obligation to establish at least one enquiry point, there is flexibility in implementation: some use enquiry points to make notifications, others do not.

This guide is not intended, nor should it be read, as prescriptive of how things should be done, nor who should do them (i.e. an enquiry point or another party). Rather, its intention is to illustrate various practices that appear to be efficient and effective in implementing the TBT Agreement’s transparency provisions. For simplicity, we assume that most of the tasks related to the implementation of the transparency provisions of the TBT Agreement are undertaken by the enquiry point, but it is important to stress that this is not necessarily always the case, nor is it strictly required.

The **second** consideration is that while some 66 members (and one acceding country) responded to the survey, the WTO has 164 members (at the time of writing in the second quarter of 2018). So while the results of the survey are significant and probably give a fairly good indication of current practices, they are not necessarily representative of the WTO membership as a whole.

The **third** consideration is that the Secretariat itself does not operate an enquiry point. It therefore does not have the hands-on knowledge that members themselves have. This is why this guide attributes much importance to the responses received from the survey.

This guide is an attempt to organize a voluminous existing body of TBT Committee decisions and recommendations and the text of the Agreement itself, together with information on the practices of members (derived mainly from the survey) in a structured way that can be helpful when considering the tasks that an enquiry point or other governmental entity might normally undertake when implementing the TBT Agreement's transparency provisions.

The guide opens with the establishment of enquiry points, tasks that relate to notifications, responses to requests for information or comments, and the coordination of and reactions to members' notifications. It then goes on to discuss other activities undertaken by enquiry points. Finally, it outlines some of the challenges that have emerged with experience.

A note to the reader:

Some of the sections of this guide contain numbers that highlight important figures that occur in the text. For example,

136 and over **30,200**

would be followed by an explanation that 136 members have made at least 1 regular TBT notification to the WTO and that a total of over 30,200 notifications have been received since 1995. Unless otherwise stated, the numbers derive from information provided in the survey or from the WTO's own databases.

At the end of some sections there are "**References and Tools**" (example below) which may be used as shortcuts to sources, e.g. in the text of the WTO Agreement itself, within TBT Committee decisions and recommendations, online, or elsewhere. Essentially, this is a way for users of the guide to identify and access key and pertinent information quickly. They are organized as follows:

References and tools

- **Agreement:** This refers – not necessarily exhaustively – to relevant articles of the TBT Agreement.
- **Recommendations:** This refers, unless otherwise stated, to the English version of WTO Official Document G/TBT/1/Rev.13 (available from <https://docs.wto.org/>), which is the thirteenth (and latest, at time of writing, in June 2018) revision of the “Decisions and recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995”. In this guide, this official document is referred to as the “TBT Committee decisions and recommendations”.
- **Online resources:** Relevant hyperlinks.
- **Other:** Any other references, for example a Ministerial Declaration or other documentation.

The importance of the TBT Committee decisions and recommendations cannot be understated. The bulk of these decisions and recommendations deal with transparency. This guide neither replicates nor refers to *all* the decisions and recommendations on transparency; rather, it sets out those that appear to be the most relevant to the work of an enquiry point and organizes them in a logical flow. Not all decisions and recommendations are included for several reasons: some are repetitive, and in those cases we refer only once to the key decision or recommendation and usually the most recent iteration; some are outdated, or have been acted upon, for example in the case of the instructions to the Secretariat to develop the TBT Information Management System (IMS) and what later became the SPS and TBT notification alert system, ePing (see Chapter 4, Section C); and others are not directly relevant to this guide, for example in the case of recommendations to the TBT Committee to undertake specific events.



An enquiry point is, in essence, an institution established within each member of the WTO which serves to connect members, the private sector, trade officials, standards officials, regulators and any other domestic and international stakeholders, in all matters relating to the implementation of the transparency provisions of the TBT Agreement.

The obligation to establish an enquiry point is contained in Article 10 of the TBT Agreement and it states that each member shall ensure that *one or more* enquiry points exist and are able to answer all reasonable enquiries from other members and from interested parties in other members.

51 per cent are standards bodies

- 51 per cent of enquiry points which completed the survey indicated that they are located within the national standards body. Other common locations are ministries of trade, commerce, foreign affairs, economy or industry.

90 per cent have one to four part-time staff

- Most enquiry points operate with between one and four staff.

The establishment of an enquiry point need not be a very burdensome procedure. Most choose to designate a pre-existing department or agency dealing with areas covered by the TBT Agreement, for example the standards body (51 per cent) or a ministry dealing with trade (e.g. the ministry for trade, commerce, foreign affairs, economy or industry) (34 per cent), as their enquiry point. In a few cases, the ministries of agriculture or health have been designated as the TBT enquiry point. The vast majority of members only establish one enquiry point. The choice, as stated in the introduction to this guide, is up to each individual member. If more than one enquiry point is designated, complete and unambiguous information on the scope of responsibility of each of these enquiry points needs to be provided. In addition, members need to ensure that enquiries addressed to an *incorrect* enquiry point are conveyed to the correct one.

In terms of staffing, the vast majority of enquiry points operate with between one and four staff. In many cases this represents a part-time job, with assignments being split between enquiry point duties and those of, for example the standards body (if housed there). Over half of enquiry point officials surveyed have been working for at least five to ten years, and a quarter have worked between 11 to 20 years, which lends continuity. Staff do not necessarily have in-depth expertise of TBT matters, as their role is one of coordination and networking; therefore, knowing *whom* to reach out to in order to obtain expert responses is more important than knowing *what* to respond. Just under half (46 per cent) of surveyed enquiry points have staff that participate in TBT Committee meetings, although not necessarily in all of the Committee's three regular meetings (normally, the Committee has three formal meetings a year, see Chapter 7, Section C).

On the assumption that hardware such as phones, computers and printers may already belong to the agency housing the enquiry point, equipping a TBT enquiry point need not be a significant financial burden. Reliable and regular access to internet and email facilities is important. Among the WTO online tools which enquiry points report as the most frequently used are (for the hyperlinks, see "references and tools" below):

- WTO Documents Online;
- the TBT Information Management System (IMS);
- the TBT Notification Submission System (NSS); and
- ePing.

An enquiry point does not necessarily need to possess its own online tools for the dissemination of notifications (indeed 60 per cent of them do not) as it can rely on some of the services provided by the WTO ("references and tools", below), or even on other members.

The primary stakeholders of enquiry points are, generally, government officials (ministries, regulators), industry associations, standards bodies, and conformity assessment bodies. Some enquiry points also report the participation of representatives from other entities, such as small and medium-sized enterprises (SMEs), academia and multinational companies.

It is important that members regularly verify and confirm that all information included in the WTO TBT IMS (<http://tbtims.wto.org/>), such as email addresses and website URLs, regarding their own enquiry points is current and functions properly.

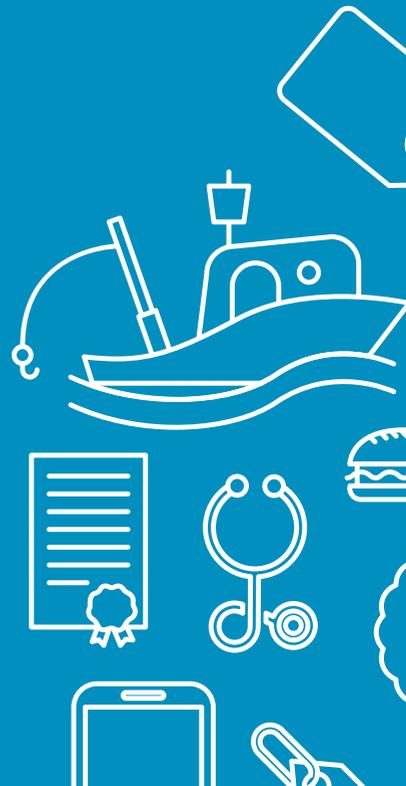
Any updates should be sent to tbt@wto.org.

References and tools

- **TBT Agreement:** for example Articles 10.1-10.3.
- **Recommendations:** Section 5.7 ("Enquiry Points") of the TBT Committee decisions and recommendations.
- **Cross-references** (in this guide) to 15.2 Statements, see Chapter 6, Section A and to ePing: Chapter 4, Section C.
- **Online resources:**
 - i. TBT IMS (<http://tbtims.wto.org/>)
 - ii. TBT NSS (<https://nss.wto.org/tbtmembers/>)
 - iii. ePing (<http://www.epingalert.org/en>)
 - iv. WTO Documents Online (<https://docs.wto.org/>)
 - v. List of members' enquiry points (<http://tbtims.wto.org/en/NationalEnquiryPoints/Search>).

Chapter 2

Notifying "own" measures





The notification provisions in the TBT Agreement, along with the relevant TBT Committee decisions and recommendations, form the backbone of the Agreement's disciplines on transparency. Members are required to designate a single, central government authority responsible for the implementation of provisions concerning notification procedures under the TBT Agreement (for technical regulations and conformity assessment procedures). As indicated above, most of these are the enquiry points. Information about this is normally provided in members' **15.2 Statements** (see Chapter 6, Section A).

Enquiry points are heavily involved in the notification process. Over 80 per cent of enquiry points submit TBT notifications. Moreover, in terms of importance, the task is ranked as second only to the handling of requests for information.

80 per cent of enquiry points are involved in the notification process

Notifications reveal how members intend to regulate in order to achieve specific legitimate objectives and allow for an initial assessment of what the trade impact might be. They provide key points of information about a draft measure (technical regulations or conformity assessment procedures) prepared by various levels of government, to allow other members and interested parties to understand the scope and content quickly and easily. Receiving information about measures in the pipeline gives trading partners an opportunity to provide comments either bilaterally or in the TBT Committee, and to receive feedback from industry. Comments can assist in improving the quality of draft regulations and avoiding potential trade problems. Early notification also helps producers and exporters adapt to the changing requirements. The same applies in the case of urgent measures, which must be promptly notified upon their adoption.

Domestic coordination is particularly important with respect to notification procedures. Strengthening ties between governmental agencies and regulatory bodies can enable enquiry points to better assist stakeholders in the provision of relevant information and documentation. As we have seen, the majority of enquiry points are involved in submitting notifications to the WTO. Getting the *what*, *when* and *who* right with respect to notifications is not easy when so many potential sectors and areas of regulatory activity are covered by the scope of the TBT Agreement. While measures covered by the Agreement on the

Application of Sanitary and Phytosanitary Measures (SPS Agreement) affect a narrower range of mainly (but not exclusively) agricultural products, the TBT Agreement covers these and more, including textiles, airplanes and smartphones, to give some examples. Thus, the Committee has stressed the importance of establishing mechanisms to facilitate internal coordination for the effective implementation of the TBT Agreement's notification obligations.

We consider next *what* to notify, *when* and *how*.

References and tools

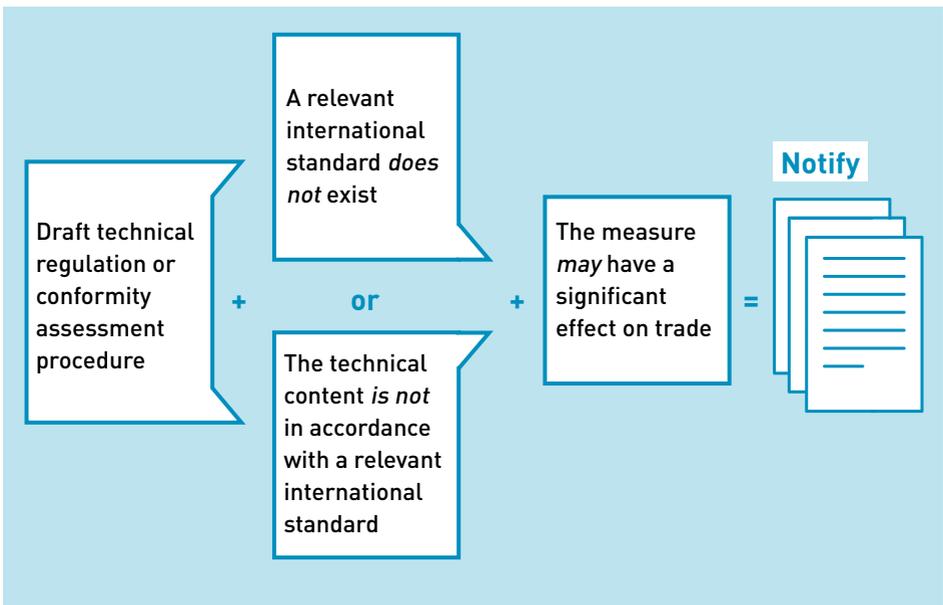
- **TBT Agreement:** for example Article 10.10 (on single central government authority).
- **Recommendations:** Section 5.3 ("Notifications of Technical Regulations and Conformity Assessment Procedures") of the TBT Committee decisions and recommendations.

Getting the *what, when and who* right with respect to notifications is not easy when so many potential sectors and areas of regulatory activity are covered by the scope of the TBT Agreement.

A. What to notify?

What should be notified? The notification process begins by identifying those measures that should be notified. Survey results show that one of the most frequent activities that enquiry points undertake is precisely the identification of those measures that need to be notified to the WTO. Figure 1 illustrates whether to notify technical regulations and conformity assessment procedures in line with Articles 2.9 and 5.6 of the TBT Agreement.

Figure 1: Deciding what to notify



Source: WTO Secretariat

136 and over 30,200

- To date 136 members have made at least one TBT notification; and
- A total of 30,200 TBT notifications have been made to the WTO since 1995; and
- Since the year 2000, the number of new TBT notifications submitted per year has more than tripled, largely due to an increase in notifications from developing members. In 2017, developing and least-developed members submitted 83 per cent of notifications.

The notification requirement described above could be said to be a minimum requirement. Members are not prevented from notifying more measures so as to promote *greater* transparency. There have been a number of recommendations developed by the Committee that are aimed at further enhancing transparency. These are listed below (in no particular order):

- **Significant effect on trade.** The Committee has established criteria for assessing whether a proposed measure may have a significant effect on trade of other members:
 - I. It may refer to the effect on trade of:
 - i. one technical regulation or procedure for assessment of conformity only, or various technical regulations or procedures for the assessment of conformity in combination;
 - ii. in a specific product, group of products or products in general;
 - iii. and between two or more members.
 - II. When assessing the significance of the effect on trade of technical regulations, the member concerned should take into consideration such elements as the following: the value or other importance of imports in respect of the importing and/or exporting members concerned, whether from other members individually or collectively;

the potential growth of such imports; and difficulties for producers in other members to comply with the proposed technical regulations.

III. The concept of a significant effect on trade of other members should include both import-enhancing and import-reducing effects on the trade of other members, as long as such effects are significant.

- **When in doubt, notify.** With a view to enhancing the practical application of the concept of "significant effect on trade", members are encouraged to notify measures even when it is *difficult to establish or foresee* whether a draft measure may have a "significant effect on trade". In other words, when there is doubt about whether a notification may affect trade or not, it is advisable to notify.
- **Access to regulatory impact assessments (RIAs).** With a view to increasing transparency across the regulatory lifecycle, and on methods members use to assess the potential impact on trade of draft measures, the Committee agreed to encourage members when notifying draft measures to provide access – on a voluntary basis and depending on their individual situations – to assessments such as RIAs, which they undertake on the potential effects of the draft measure, including likely impacts on consumers, industry and trade (e.g. a cost-benefit analysis or an analysis of alternative measures). This can be achieved, for instance, through a hyperlink to the assessment in **Box 8** of the notification template (see details on Box 8, page 44) or by including the assessment in the draft measure itself.
- **International standards.** The Committee has also noted that, in practice, and for the sake of greater transparency, some members choose to notify draft measures even when they are in accordance with relevant international standards, guides or recommendations.
- **Final texts.** With a view to facilitating the implementation of transparency procedures, the Committee has agreed to encourage members to notify the availability of the adopted final text of a notified measure as an addendum to the original notification, and to provide information on where the final text can be obtained, including a website address.

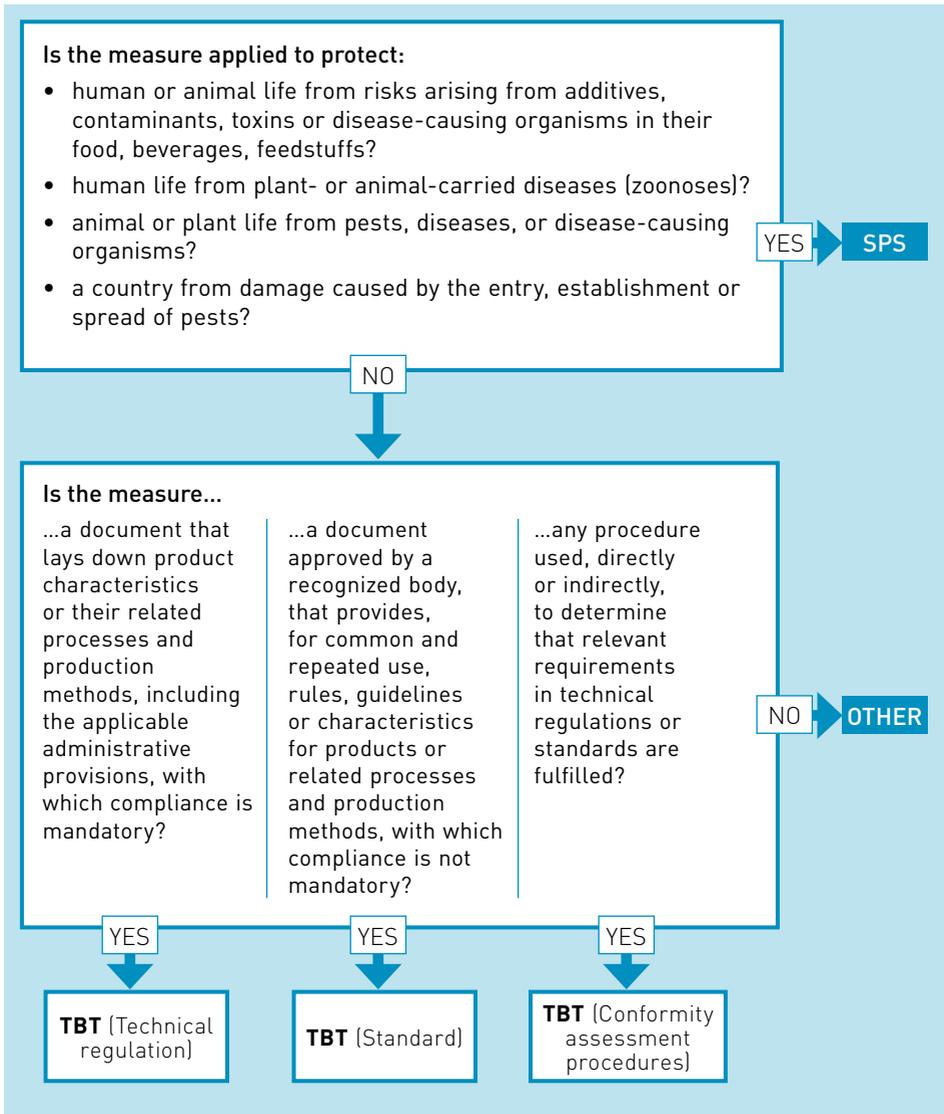
-
- **Tracking measures throughout the regulatory lifecycle.** The Committee recommends that members submit follow-up notifications (e.g. addenda, revisions, corrigenda or supplements) so that the progress of a notified measure can be tracked throughout the regulatory lifecycle. For instance, when the comment period on a notification has been extended, if a measure has been withdrawn or revoked, or if a measure has been substantially redrafted, members are encouraged to notify this to the Committee. Notifying the final text as an addendum (see the previous bullet) is another such example. A recommendation by the Committee, which provides guidance on when different types of notification formats should be used (e.g. when to notify a measure as "new", as an "addendum", as a "revision", as a "corrigendum" or as a "supplement"), is contained in **Annex B** of this guide.

References and tools

- **TBT Agreement:** for example Articles 2.9 and 5.6.
- **Recommendations:**
 - i. On the concept of "Significant effect on trade of other Members" and "international standards", see Section 5.3 of the TBT Committee decisions and recommendations.
 - ii. On "access to RIAs", see Section 5.6 ("Decisions and recommendations").
 - iii. On "final texts", see Section 5.3 ("Follow-up") and Section 5.6 ("Decisions and recommendations").
 - iv. On common procedures in the use of addenda, revisions, corrigenda and supplements, see Section 5.3 ("Follow-up").
 - v. On the "Coherent use of notification formats", see WTO Official Document G/TBT/35 (**Annex B**).
- **Online resources:**
 - i. All TBT notifications made since 1995 are available at <http://tbtime.wto.org/>.
 - ii. It is possible to register for notification "alerts" from ePing at <http://www.epingalert.org/en>.

Figure 2: Is the measure SPS or TBT?

Which agreement does a measure come under?



Source: WTO TBT and SPS Agreements

Is the measure SPS or TBT?

One challenge that arises when deciding what measures to notify is whether the measure falls under the scope of the TBT or SPS Agreement. The SPS Agreement contains parallel notification obligations to those of the TBT Agreement. Figure 2 provides one way of deciding the type of measure at hand, and therefore under which Agreement it should be notified. Sometimes a measure may need to be notified under both Agreements as certain aspects may fall under the SPS Agreement and others under the TBT Agreement.

Labelling

Labelling is a special case. For the purpose of clarifying the coverage of the TBT Agreement (under Article 2.9) with respect to labelling, the Committee decided that members are obliged to notify *all* mandatory labelling requirements, and that this obligation is not dependent upon the kind of information which is provided on the label. It is notable that a significant share of TBT notifications relates to labelling.

Around **20** per cent of notifications and **30** per cent of specific trade concerns (STCs) are about labelling

- About 20 per cent of all TBT notifications to date relate to labelling
- A significantly higher proportion of all STCs – 30 per cent – are related to labelling

References and tools

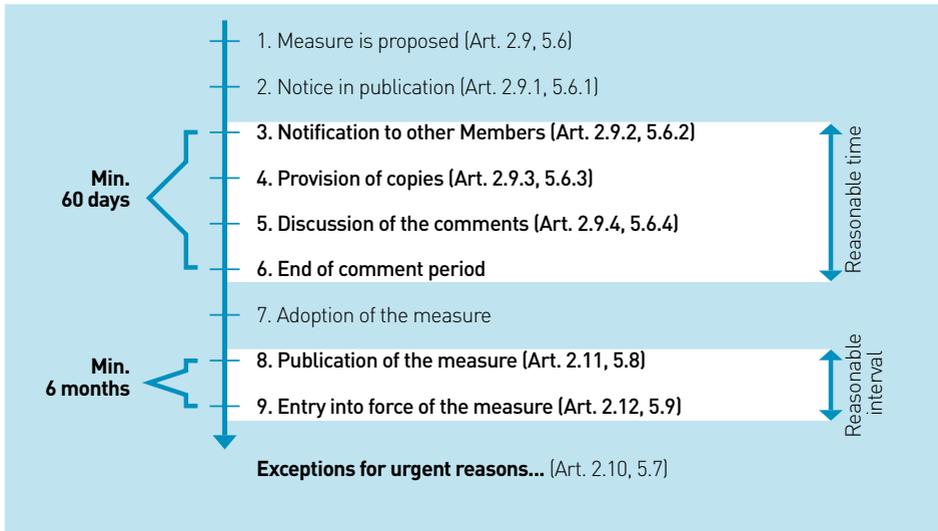
- **Recommendations:** Section 5.3 ("Notification of Labelling requirements") of TBT Committee decisions and recommendations.

B. When to notify?

(a) The lifecycle of a measure

Once the "what" question has been answered – the next question is: at what point should a notification be made? In other words, what is the *timing* of the notification? In this regard, the TBT Agreement is rather succinct: TBT measures should be notified at an early appropriate stage when amendments can still be introduced and comments taken into account. Allowing for comments is particularly important – this is what makes it possible for members to engage with each other *before* the measure goes into force, whether bilaterally or in the Committee at the WTO Secretariat. In Figure 3 below, somewhat counterintuitively we start our journey at Step 3: "Notification to other members" (we will refer to Steps 1 and 2 next).

Figure 3 The lifecycle of a measure



Source: WTO Secretariat

(b) Notification to other members

In practice, “an early appropriate stage” means that as soon as a draft text has been developed, a new notification should be issued to members. This is an indication to the rest of the WTO membership that the proposed measure has started its journey through the regulatory life cycle shown in Figure 3 and that the period of public consultation has been opened (Step 3).

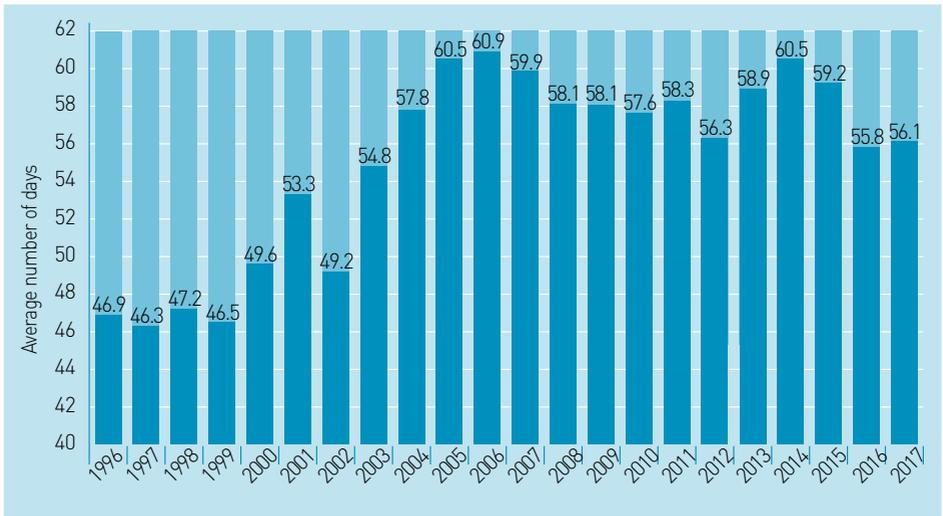
Through a decision in the Committee, members provided some more precision: it was agreed that when implementing the TBT Agreement’s provisions on notification (for both technical regulations and conformity assessment procedures), a notification should be made: (i) when a draft with the complete text of a proposed technical regulation or procedures for assessment of conformity is available and (ii) when amendments can still be introduced and taken into account.

A notification opens up a comment period, which is an opportunity for consultation and cooperation with other members. The recommended length of time for the comment period – as explained in the sub-section below concerning the final date for comments – is 60 days.

56 days

- In 2017, members provided on average 56 days for comment. The recommended comment period is 60 days.
- Figure 4 shows the number of days (on average) provided for comment by all WTO members since 1995.

Figure 4: Average number of days for comment (on notifications)



Source: WTO Secretariat

There are always exceptions, of course. In urgent circumstances members are not obliged to provide the recommended 60-day comment period (before adoption), but they do need to notify other members upon adoption and, upon request, provide copies and take comments into account.

References and tools

a. TBT Agreement: for example

- i. Regular notification: Articles 2.9.2, 5.6.2, 3.2 and 7.2.
- ii. Urgent circumstances: Articles 2.10 and 5.7.

b. Recommendations: Section 5.3 ("Timing of Notifications") of the TBT Committee decisions and recommendations.

(c) "Early Notice"

Regarding the timing of notifications, there are two further points in the life cycle of a measure that are worth considering. The first is "Early Notice" (Step 2 in Figure 3) and the second is "Adoption, Publication and Entry into Force" (Steps 7-9) which follows notification.

We start with early notice. Members have an obligation to "publish a notice in a publication" that they propose to introduce a technical regulation or conformity assessment procedure, and this is sometimes referred to as "early notice" (Step 2 in Figure 3). The publication where these early notices appear should be included in members' **15.2 Statements** (see Chapter 6, Section A) and may also be indicated in **Box 8** of the notification format (see details on Box 8, page 44). Early notice should be given at an "early appropriate stage" and in a manner that allows interested parties to become acquainted with it. In this way, they are made aware that a new technical regulation (or conformity assessment procedure) is under consideration and may be introduced. Early notices enhance transparency within the regulatory life cycle by flagging that work is going to start, or that it is planned. They provide an important tool for initiating regulatory cooperation between members.

Over 60 per cent of the members that responded to the survey indicated that they publish proposed work (a form of early notice) on technical regulations and conformity assessment procedures via a central registry (e.g. a gazette or digest).

References and tools

- **TBT Agreement:** for example Articles 2.9.1, 5.6.1 and 10.1.5.
- **Recommendations:** Section 5.6 ("Dissemination of Information") of the TBT Committee decisions and recommendations.
- **List of members' publications (gazette or digest):** A report can be generated directly from the TBT Information Management System (IMS) website under the drop-down list "Reports" at <http://tbtims.wto.org/>.

(d) Adoption and publication

After notification and subsequent to the recommended 60-day comment period (Step 6 in Figure 3), and the consideration of comments, the measure is adopted. In this case, there is an obligation to publish promptly, or to make otherwise available, all technical regulations and conformity assessment measures that have been adopted (Step 8 in Figure 3). Also in this case, **Box 8** of the notification format (see details on Box 8, page 44) can indicate where such publications are made available. Members normally publish their measures in their own national language.

At this point it is also worth recalling the recommendation that members, with a view to facilitating the implementation of transparency procedures, may also notify the availability of the adopted final text as an addendum to the original notification and provide information on where the final text can be obtained, including a website address. A good example of such a notification is contained in **Annex C** of this guide.

References and tools

- **TBT Agreement:** for example Articles 2.11 and 5.8.

(e) Entry into force

Ensuring a reasonable interval (except in urgent circumstances) prior to entry into force of a measure gives producers – both domestic and foreign, and particularly those in developing countries – time to adapt their products or methods of production to the new requirements (Step 9 in Figure 3). Specifically regarding the date of entry into force of technical regulations, in the 2001 Ministerial Decision on Implementation-related Issues and Concerns, ministers agreed “that the phrase ‘reasonable interval’ shall be understood to mean normally a period of time not less than 6 months”, except when this would be ineffective in fulfilling the legitimate objectives pursued. Following up on this decision, the Committee encouraged members to leave an interval of more than six months, wherever possible, between the publication of technical regulations and their entry into force.

References and tools

- **TBT Agreement:** for example Articles 2.12 and 5.9.
- **Recommendations:** Section 5.3 (“Timing of Entry into Force of Technical Regulations and Understanding of ‘Reasonable Interval’ under Article 2.12”) of the TBT Committee decisions and recommendations.
- **Other:** 2001 Ministerial Decision on Implementation-related Issues and Concerns (WTO Official Document WT/MIN(01)/17, 20 November 2001, para. 5.2.).

C. How to notify?

How are notifications made and to whom are they sent?

Notifications are submitted to the WTO Secretariat (the TBT Agreement refers to notifications being made "through the Secretariat"). The Secretariat, in turn, has an obligation to circulate copies of the notifications to all members. A typical notification is contained in **Annex D** of this guide. As early as 1995, the Committee stressed that information contained in the notification format should be as complete as possible, and that no section should be left blank.

Notifications should be sent through the WTO TBT Notification Submission System (NSS), a facility that has been developed by the WTO Secretariat for members. The system enables enquiry point staff (if they are responsible for the submission of a notification) to create an online draft notification which can be shared among and edited by all those involved prior to the submission of the notification to the WTO. The system allows those directly involved in drafting the measure to prepare the notification efficiently. While the enquiry point (in this example) can edit and submit notifications, the secondary account (on the NSS) can be used by other ministries or agencies to review and edit the notification prior to its submission to the WTO. Once ready, the NSS delivers the notification to the WTO Central Registry of Notifications (CRN) which then, within two days (on average), circulates the notification to all WTO members.

Alternatively, notifications can be sent by e-mail to the WTO CRN (the email address is provided below). However, the processing time for notifications submitted by email is significantly longer. The formats for the notifications can be found in the TBT Committee decisions and recommendations.

70 per cent of notifications were submitted through the NSS in 2017 and processed within two days

2 days

Notifications submitted through the NSS can be processed by the Secretariat and circulated within two days.

It may take up to five days to circulate notifications received by e-mail.

Notifications to the Secretariat should be in English, French or Spanish, the official languages of the WTO. All notifications received by the WTO Secretariat are translated so that they can be circulated in all three of the official languages.

References and tools

- **TBT Agreement:** for example
 - i. On members to submit "through the Secretariat": Articles 2.9.2 and 5.6.2, 2.10.1 (urgent), 5.7.1 (urgent) and 10.9 (language of notification).
 - ii. On the Secretariat "to circulate": Article 10.6.
- **Recommendations:** Section 5.6 ("Online Tools"), Section 5.3 ("Submission of Notifications (Format and Guidelines)") and Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.
- **Online resources (for submission of notifications to the WTO):**
 - i. TBT NSS: To obtain an "account" contact tbtnss@wto.org (shorter processing time).
 - ii. E-mail: crn@wto.org.
- The **formats** for the notifications can be found in the TBT Committee decisions and recommendations, Section 3.

Completing the notification template

In the following, this guide considers the various "boxes" contained in the notification format. We use, as an illustration, a notification from Uganda in Annex D.

Notifying member (Box 1)

This box should identify the government(s) making the notification.

Members are also required to ensure that technical regulations or conformity assessment procedures of local governments on the level directly below that of the central government are notified. This, if applicable, is the place to indicate the name of local government involved.

With respect to regional approaches, the current practice is that one member submits the notification on behalf of all in the regional group, listing all members in Box 1 of the notification format. The enquiry point or other entity responsible for accepting comments and following up on them should be indicated in Boxes 2 and 11. Once submitted to the WTO, the notification is circulated with a separate number (referred to as a symbol) for each member. Only WTO members can circulate notifications. The regional body cannot submit on behalf of its WTO members.



References and tools

- **TBT Agreement:** Articles 3.2 (for technical regulations) and 7.2 (for conformity assessment procedures).
- **Recommendations:** Section 5.3 ("Regional approaches to notification of technical regulations and conformity assessment procedures") and Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.

Agency responsible (Box 2)

This box should contain information about the body elaborating the proposal or promulgating a technical regulation or procedures for assessment of conformity. Moreover, the authority or agency designated to handle comments regarding the specific notification must be indicated if it is different from what is indicated in Box 1.

2



Agency responsible:

Uganda National Bureau
of Standards

**Name and address
(including telephone
and fax numbers, email
and website
addresses, if available)
of agency or authority
designated to handle
comments
regarding the
notification shall be
indicated if different
from above:**

References and tools

- **Recommendations:** Annex to Part 1, Section 3.2 "Format and Guidelines for New Notification (of draft technical regulations and conformity assessment procedures)" in the TBT Committee decisions and recommendations.

Notified under (Box 3)

In this box, the relevant provision of the Agreement under which the measure is being notified should be checked (see below).

3



**Notified under Article
2.9.2 [X], 2.10.1 [], 5.6.2
[X], 5.7.1 [], other:**

References and tools

- **TBT Agreement:** for example
 - on **Technical regulations**
 - i. Article 2.9.2: proposed technical regulation by central government body.
 - ii. Article 2.10.1: technical regulation adopted for urgent problems by central government body.
 - iii. Article 3.2: proposed technical regulation or technical regulation adopted for urgent problems by local government (on the level directly below that of the central government).
 - on **Conformity assessment procedures**
 - i. Article 5.6.2: proposed procedures for assessment of conformity by central government body.
 - ii. Article 5.7.1: conformity assessment procedure adopted for urgent problems by central government body.
 - iii. Article 7.2: proposed procedure for assessment of conformity or conformity assessment procedure adopted for urgent problems by local government (on the level directly below that of the central government).
- **Recommendations:** Annex to Part 1, Section 3.2 "Format and Guidelines for New Notification (of draft technical regulations and conformity assessment procedures)" in the TBT Committee decisions and recommendations.

Products covered (Box 4)

This box should contain information on the products covered, which is typically provided in free text form and/or using Harmonized System (HS) codes or International Classification for Standards (ICS) codes. A clear description of product coverage is essential for an understanding of the notification by delegations and translators, and abbreviations should be avoided. In practice, members normally either use HS codes (35 per cent) ICS codes (39 per cent) or free text (23 per cent). The remainder (3 per cent) do not provide any information at all.

4



Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):

Wheelbarrows.
Agricultural machines, implements and equipment (ICS 65.060).

References and tools

- **Recommendations:** Annex to Part 1, Section 3.2 "Format and Guidelines for New Notification (of draft technical regulations and conformity assessment procedures)" in the TBT Committee decisions and recommendations.
- **HS Codes** – these codes are prompted by the online application when using the TBT NSS and a searchable list of HS Codes is available on the TBT IMS: <http://tbtims.wto.org/en/Notifications/Search>.
- **ICS Codes** – these codes are prompted when using the TBT NSS and a searchable list of ICS Codes is available on the TBT IMS: <http://tbtims.wto.org/en/Notifications/Search>.

Title, translations (Box 5)

This box contains the title of the proposed or adopted technical regulation or procedure for the assessment of conformity that is notified, as well as the number of pages in the notified document. The language(s) in which notified documents are available should also be indicated – as well as if a translation of the document is planned, or a translated summary is available.

Specifically on translations, the TBT Agreement states that developed country members shall, if requested by other members, provide English, French or Spanish translations of the documents covered by a specific notification, or, in the case of voluminous documents, of summaries of such documents. In addition, in its recommendations, the Committee agreed that when a translation of a relevant document exists or is planned, this shall be indicated on the WTO TBT notification form next to the title of the document (in Box 5). If only a translated summary exists, this should similarly be indicated. Translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, should automatically be sent with the original of the documents requested. When a member seeks a copy of a document relating to a notification which does not exist in that member's WTO working language, it will be advised (on request) about other members that have already asked for a copy of the document. That member may then contact the other member to check if it is willing to share (on mutually agreed terms) any translation.

To facilitate the sharing of unofficial translations on a voluntary basis, the Committee has agreed on a specific procedure and format, referred to as "Supplements". An example is contained in **Annex E** of this guide. In addition, it is also possible to share unofficial translations through ePing's file sharing mechanism (see Chapter 4).

5



Title, number of pages and language(s) of the notified document: DUS 158: 2017, Wheelbarrows – Specifications. (18 page(s), in English)

References and tools

- **TBT Agreement:** for example Article 10.5.
- **Recommendations:** Section 5.6, Annex to Part 1, Sections 3.1 (“Recommendation of the Committee on Coherent Use of Notification Formats”) and 3.2 (“Format and Guidelines for New Notification”) of the TBT Committee decisions and recommendations.
- **Specifically on translations and the use of “Supplements”**
 - i. WTO Official Document G/TBT/35 (“Coherent use of notifications”).
 - ii. Format for supplements: Annex to Part 1, Section 3.6 of the TBT Committee decisions and recommendations.

Description of content (Box 6)

This box should contain an abstract of the proposed or adopted technical regulation or conformity assessment procedures. This should be a clear, comprehensible description (in particular when the notified document is not in a WTO official language) stating the main features of the proposed or adopted measure. This is important for an understanding of the notification by delegations and translators. Again, abbreviations should be avoided.

6



Description of content:

This Draft Uganda Standard specifies the requirements for five types of wheelbarrows of single wheel made suitable for domestic, industrial, agricultural and building-site conditions.

References and tools

- **Recommendations:** Section 5.6 (on "Dissemination of Information") and Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.

Objective and rationale (Box 7)

This box is about the objective and rationale for the draft TBT measure including the nature of urgent problems (where applicable). The recommendation is similar to that of Box 6. It may be particularly important that the objective and rationale of the measure is explained for a good understanding of the measure, and, also, members may be asked to explain the justification of the measure in certain cases (Article 2.5). By far the objective most commonly cited in notifications since 1995 is "protection of human health and safety" (see Figure 5). Many notified technical regulations and conformity assessment procedures have more than one legitimate objective; in this case, all relevant legitimate objectives should be indicated.

7

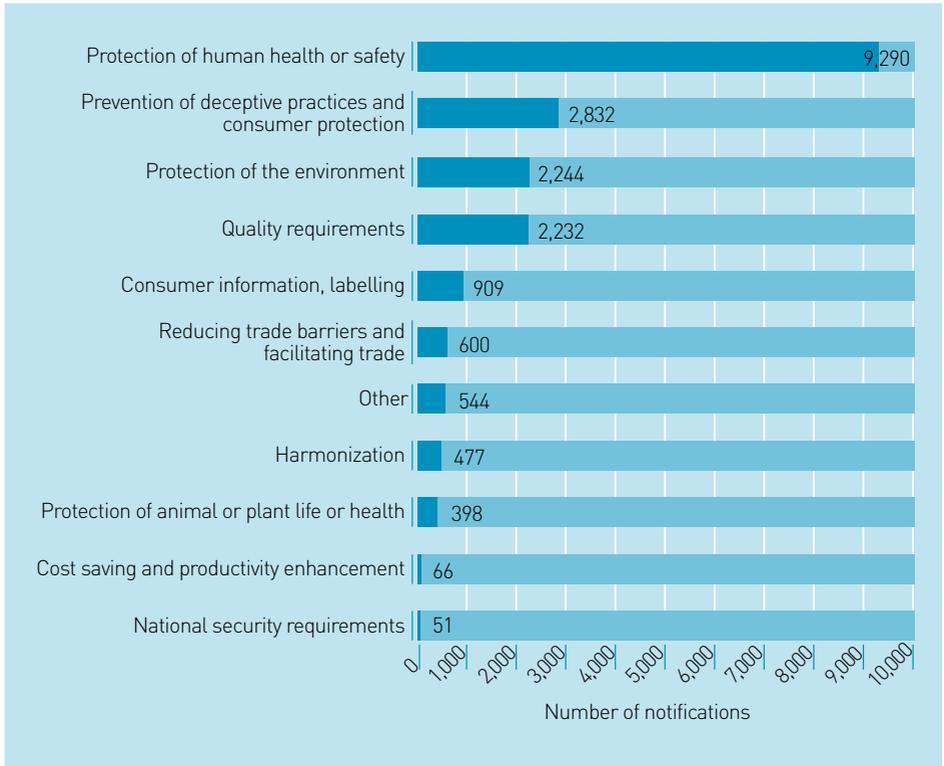


Objective and rationale, including the nature of urgent problems where applicable: Prevention of deceptive practices and consumer protection;
Protection of human health or safety;
Quality requirements

References and tools

- **Recommendations:** Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.
- **TBT Agreement:** for example Article 2.5, first sentence (explain justification for technical regulations).

Figure 5: Objective and rationale for measures notified to the TBT Committee



Source: WTO Secretariat

Relevant documents (Box 8)

This part of the format may contain information about: (i) the publication where notice appears (for instance an "early notice"), including the date and reference number; (ii) the proposal and basic document (with specific reference number or other identification) to which the proposal refers; (iii) the publication in which the proposal will appear when adopted (see also availability of "final texts"); and, (iv) whenever practicable, a reference to relevant international standards. In addition, if there is a charge for the documents supplied, this should be indicated.

With respect to international standards, the Committee's recommendations go further. Members are encouraged, whenever possible and on a voluntary basis to indicate (in Box 8 of the notification format) whether or not: they consider that a relevant international standard exists and, if appropriate, to provide information about deviations.

Members have also noted that Box 8 could be used to increase transparency with regard to the regulatory life-cycle of measures and the methods members use to assess the potential impact on trade of draft measures. Thus, the Committee has agreed to encourage members, when they are notifying draft measures, to provide access – on a voluntary basis and depending on their individual situations – to assessment such as **regulatory impact assessment** (RIA), which they may have undertaken on the potential effects of the draft measure, including likely impacts on consumers, industry and trade (e.g. a cost-benefit analysis or an analysis of alternative measures). This can be achieved, for instance, through a hyperlink to the assessment in Box 8 of the notification template, or by including the assessment in the draft measure itself.

8



Relevant documents:

1. US 158:2000, Specification for wheelbarrows
2. Agricultural hand tools in emergencies – Guidelines for technical and field officers
3. ISO 898-1, Mechanical properties of fasteners made of carbon steel and alloy steel – Part 1: Bolts, screws and studs with specified property classes – Coarse thread and fine pitch thread

References and tools

- **TBT Agreement:** for example Articles 2.9.3 and 5.6.3.
- **Recommendations:** Sections 5.3.1 (“Notifications of Technical Regulations and Conformity Assessment Procedures”) and Section 5.6.2 (“Texts of Notified Technical Regulations and Conformity Assessment Procedures” (on access to RIAs) and Annex to Part 1, Section 3.2 (“Format and Guidelines for New Notification”) of the TBT Committee decisions and recommendations.

Proposed dates of adoption and entry into force (Box 9)

This field should contain information on (i) the date when the technical regulation or procedures for assessment of conformity is expected to be adopted and (ii) the date from which it is proposed or decided that the requirements in the technical regulation or procedures for assessment of conformity will **enter into force**, taking into consideration the provisions of Article 2.12 and 5.9 of the TBT Agreement.

As explained in Section B(e) above regarding the date of entry into force of a technical regulation, in the 2001 Ministerial Decision on Implementation-related Issues and Concerns, ministers agreed "that the phrase 'reasonable interval' shall be understood to mean normally a period of time not less than 6 months", except when this would be ineffective in fulfilling the legitimate objectives pursued. Following up on this decision, the Committee encouraged members to leave an interval of more than six months, wherever possible, between the publication of technical regulations and their entry into force.

9



Proposed date of adoption: March 2018
Proposed date of entry into force:
Upon declaration as mandatory by the Minister for Trade, Industry and Cooperatives

References and tools

- **TBT Agreement:** for example Article 2.12 and 5.9.
- **Recommendations:** Section 5.3 ("Timing of Entry into Force of Technical Regulations and Understanding of 'Reasonable Interval' under Article 2.12"), Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.
- **Other:** 2001 Ministerial Declaration on Implementation-related Issues and Concerns (WT/MIN(01)/17, 20 November 2001, paragraph 5.2).

Final date for comments (Box 10)

This is the date by which members may submit comments in accordance with Articles 2.9.4, 2.10.3, 3.1 and 3.3 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3, 7.1 and 7.3 (in relation to 5.6.4 and 5.7.3) of the TBT Agreement. A specific date should be indicated. As introduced in Section B(b), the Committee has recommended a normal time limit for comments on notifications of **60 days**. Any member that is able to provide a time limit *beyond* 60 days is encouraged to do so. Members are also encouraged to advise of any extension to the final date for comments. Information about a change in the comment period (e.g. an extension or re-opening) is normally indicated through an **addendum** to the original notification.

10



Final date for comments: 60 days from notification

References and tools

- **Recommendations:** Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations; WTO Official Document G/TBT/35 (see **Annex B**).

Texts available from the national enquiry point (Box 11)

Members may indicate that the text is available from the national enquiry point by putting a cross in the box provided. If available from another body, contact details of that body should be provided (i.e. contact person, e-mail, telephone, postal address and website address). So as to further facilitate access to texts of notified technical regulations and conformity assessment procedures, the Committee agreed to encourage members to provide, in Box 11, a website address from which members can download the full text of the notified measure – or any other means to quickly and easily access the text.

11



**Texts available from:
National enquiry
point [X] or address,
telephone and fax
numbers and email and
website addresses, if
available, of other body:**

https://members.wto.org/crnattachments/2017/TBT/UGA/17_5283_00_e.pdf

In respect of full texts, members now have two options. They can themselves provide a hyperlink in the notification format that links directly to the full text of the notified draft measures hosted on members' own websites. Alternatively they may use a facility established by the WTO Secretariat whereby members may, on a voluntary basis, provide the Secretariat with an electronic version of the notified draft text together with the notification format itself. The text is stored on a WTO server and accessed through a hyperlink that the Secretariat enters into the notification format. Separate guidelines on how to use this facility are provided in the document referred to below.

71 per cent of new notifications in 2017 contained a link to the full text

References and tools

- **TBT Agreement:** for example Article 10.
- **Recommendations:** Section 5.6.2.1 (on full text downloading) and Annex to Part 1, Section 3.2 ("Format and Guidelines for New Notification") of the TBT Committee decisions and recommendations.
- **Other:** Guidelines on "Attachments to TBT Notifications" (G/TBT/GEN/65).

Chapter 3

Responding to requests for information and handling comments





This section considers other key functions of the enquiry points (other than the submission of notifications); namely, handling comments and responding to requests for information, which may come from domestic and/or international stakeholders (including enquiry points in other members).

Deciding on the right course of action in response to requests for information or comments entails significant coordination. The enquiry point's role is important – it acts as a coordinator between regulators and stakeholders, both domestic and international. The coordination function helps to keep communication channels between members and interested parties open, thereby reducing the number of requests at TBT Committee meetings for further information and clarification.

A. Requests for information

The TBT Agreement states that enquiry points should be able to answer all reasonable enquiries (see bullets below) from other members and interested parties in other members. For example, requests may be about specific (adopted or proposed) technical regulations, standards, conformity assessment procedures, about membership and participation in various international or regional bodies and the like (e.g. international standardizing bodies, conformity assessment systems, certain international arrangements, etc.), or about location of notices and publications. As per the TBT Committee's recommendations, requests should be processed if possible within five working days, and if a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requester, along with an estimate of when the documents can be provided.

5 working days

- Requests should be processed if possible within five working days.

The number of requests for information received by members varies greatly – it may depend on a particular member's share of international trade, but also on the number of notifications they make. Almost three-quarters of members are contacted by other WTO members on at least a monthly basis, and several on a weekly basis. Requests, whether from domestic or international stakeholders, are often about documentation;

typically, they may be requests for electronic versions of the documents, for references, or simply for information about measures, including, for instance, about the existence of translations.

(a) What is reasonable to answer?

What types of enquiries should be responded to? The Committee has developed some guidance:

- First, an enquiry should be considered "**reasonable**" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity.
- Second, when an enquiry refers to a composite **product**, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product, it is desirable that the use is related to a specific field.
- Third, an enquiry point should be prepared to answer enquiries regarding the **membership and participation** of that member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provision of such systems and arrangements.

B. Requests/comments about "own" measures

A significant number of requests/comments are about a member's own (your) notifications. Indeed, responding to comments on own notifications has been indicated to be one of the most frequent activities of the enquiry points. To begin with, each member needs to have notified the WTO Secretariat of the authority or agency (often the enquiry point) that has been designated to be in charge of handling any comments received. This is normally done through the **Statement of Implementation** (Article 15.2 Statement). Further details on the Article 15.2 Statement are contained in Chapter 6 of this guide.

Considering the above, when a comment is received a member should:

- without further delay, **acknowledge** receipt;
- provide a **copy** of the corresponding technical regulations or procedures for assessment of conformity as adopted, or information that no corresponding technical regulations or procedures for assessment of conformity will be adopted for the time being (electronic delivery is encouraged);
- **explain** within a reasonable amount of time how it will proceed in order to take the comment(s) into account and, where appropriate, provide additional relevant information on the proposed technical regulations or procedures for assessment of conformity concerned.

At least **60** days for comments – if possible more

As discussed above, the notification of the measure triggers a 60-day comment period. This is considered the *normal* time limit for the presentation of comments. Members have, nevertheless, been encouraged to provide, whenever possible, a period of *more than 60 days*, such as 90 days, as giving more time can increase the ability of developing country members to make comments on notifications, consistent with the principle of special and differential treatment. Conversely, an insufficient period of time may prevent members from adequately exercising their right to submit comments. The expected length of time allowed for presentation of comments in writing should be specified in the Article 15.2 statement.

During the comment period, members may make several requests to the enquiry point. This is a key element of the regulatory lifecycle of a TBT measure because it gives domestic and international stakeholders, including trading partners, the opportunity to provide comments *before* adoption. Thus, the notification of a draft measure effectively opens a period of public consultation during which time the adoption process is frozen. By taking comments into account, members can use this window of time to engage in

discussions on the design of a measure. This is a form of regulatory cooperation that promotes learning and information-sharing, and ultimately greater regulatory alignment between members. It also avoids unnecessary trade friction further down the road when the measure is adopted and enters into force.

The TBT Agreement places an obligation on members to discuss comments upon request, and to take written comments, and the results of these discussions, into account. In addition, the Committee itself has stressed the importance of an efficient and effective handling of comments on notified measures. It has noted, in this respect, the need for domestic coordination to ensure that comments received are followed up and taken into account when finalizing the draft measure. And it has also recommended that members share, on a voluntary basis, comments on notified draft measures and replies thereto, including through the use of websites; one option is through the use of ePing's enquiry point discussion forum.

If responses are not provided to comments, or if responses do not provide adequate clarity to interested members, this may result in an issue being raised as a specific trade concern in the TBT Committee.

References and tools

- **TBT Agreement:** for example Article 10.1 (requests for information), Articles 2.9.4 and 5.6.4 (taking comments into account), Article 2.5, first sentence (explain justification for technical regulations) and Article 12 (on special and differential treatment).
- **Recommendations:** Section 5.3 ("Handling of comments") and Section 5.7.2.1.1 ("Handling and Processing of Requests") of the TBT Committee decisions and recommendations.

Chapter 4

Domestic coordination: inward and outward





A key function of an enquiry point is domestic coordination amongst trade officials, regulators, standardizing bodies, industry associations, and other stakeholders – both **outward** coordination, in terms of tracking and reacting to *other* members' notifications, and **inward** coordination, that is responding to requests and comments coming from other members on own measures. Survey participants overwhelmingly stressed the importance of enquiry points in internal coordination. Indeed, enquiry points identified the development of mechanisms for internal coordination on transparency as the main priority area for technical assistance, in order to enhance the functioning of enquiry points.

Both the inward and outward aspects of coordination can efficiently be accomplished through the same internal coordination mechanisms. However, some members may use specific mechanisms and tools to address different aspects of coordination. The TBT Committee, in its recommendations, has also stressed the importance of establishing mechanisms to facilitate internal coordination for the effective implementation of the TBT Agreement's notifications obligations.

A. Responding to comments on "own" measures

We focus first on the **inward** component of coordination. Through a range of internal coordination mechanisms (including a "National TBT Committee", or "mirror committee") the enquiry point can facilitate inter-agency coordination and ensure that any measure with a TBT component is "caught in the spider's web", meaning that it would not slip through without notification to the WTO membership. Indeed, the TBT Notification Submission System (NSS) allows the coordination function during the preparation of notifications. While the entity responsible for submitting notifications (often the enquiry point) has the account that can edit and submit notifications, secondary accounts can be used by other entities, such as regulators, to review and edit the notification prior to its submission to the WTO Central Registry of Notifications (CRN). Keeping track of the activities of regulatory bodies and checking information through the media can also help enquiry points to be aware of potential TBT measures that may have to be notified. By building up this network within ministries – as well as regulatory agencies and other relevant domestic bodies – comments from trading partners and domestic stakeholders on notified measures can be efficiently dealt with by the appropriate authority. At times, it might also be necessary to reach out to enquiry points designated under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Trade Facilitation Agreement, since the coverage of certain measures may include aspects from these Agreements.

B. Reacting to other members' measures

Turning to the **outward** component of coordination, a key task of enquiry points is to disseminate information about trading partners' measures. Providing information about what other members are notifying (or even what they may *not* have notified) is a form of outreach to domestic stakeholders, especially the private sector. If there is no outreach, there will, logically, be little reaction to other members' measures because stakeholders will not be aware of them – or they may find out when it is too late. For instance, if the 60-day comment period is over, or, worse, if six months have passed and the draft measure is no longer a draft and has entered into force, there may be nothing left to do but to adapt to the regulation that is currently in force.

So how good are enquiry points at disseminating information and seeking comments from stakeholders? Most enquiry points regularly disseminate information, either on a daily (17 per cent), weekly (34 per cent), or monthly (26 per cent) basis. Some, however, only disseminate information on a yearly basis (10 per cent), and others report that they never disseminate TBT notifications to private and public stakeholders (12 per cent).

The following are some examples of what enquiry points may undertake on behalf of their stakeholders:

- They may request **copies** of proposed regulations from other members:
 - i. Requests for documentation should contain all the elements allowing for the identification of the documents and, in particular, the WTO TBT notification symbol to which the requests refer.
 - ii. Requests for documentation should include the name of contact at the enquiry point, the name of the organization, an address, an e-mail address, and telephone and fax numbers.
 - iii. Requests should indicate whether an electronic version or a hard copy is required.
- They may ask trading partners for an **explanation/justification** of the reasons for the measure. For instance, they could ask them:

-
- i. to explain the legitimate objective(s) of the measure and how, and under what basis, the risks of non-fulfilment of such objective(s) were assessed;
 - ii. to identify the part(s) of the measure which in substance deviate(s) from existing relevant international standards;
 - iii. to explain the specific reasons for considering an international standard as ineffective or inappropriate means for the fulfilment of the measure's legitimate objectives and thus not using it as basis for a measure.
- They may ask for an **extension**:
 - i. of the comment period or
 - ii. of the period between the publication of the measure and its entry into force (the "reasonable interval").
 - They may ask for **translations** of the documents covered by a specific notification (indeed, about 10 per cent of enquiry points surveyed translate the full text of notified regulations).
 - They may coordinate the gathering of **comments** on other members' measures, and submit these (see Chapter 3, section B).

How satisfied are members with responses from their trading partners? Most enquiry points (over 60 per cent) report in the survey that they contact their trading partners on a monthly basis or more – some even weekly, and a few on a daily basis. However, members report that they are only moderately satisfied with the responses they receive from other WTO members to comments made on notifications, or requests for information, and the survey would seem to indicate that the response rate could be better, and that the time required to respond could be shortened. It is recalled that requests for information should be processed if possible within five working days (see Chapter 3, Section A on page 52).

The process of dissemination usually begins with tracking, filtering and forwarding notifications to stakeholders (chambers of commerce, associations, businesses, industry, regulatory agencies, standards development organizations, etc.) to keep them abreast of regulatory changes in global markets before they become law. It can also involve tracking the status of notified regulations by checking whether an addendum to the original notification has been issued to announce the adoption or entry into force of the regulation.

National TBT coordination mechanisms (e.g. national TBT committees), if they do exist, can provide the necessary fora to discuss and share further information on notifications of particular interest or concern. Based on domestic consultations, a variety of actions can then be taken, e.g. the member concerned can seek further information/provide comments on the measure to the enquiry point of the notifying member, seek technical assistance or raise specific trade concerns bilaterally or in the TBT Committee, while producers/traders/sector associations can prepare to adapt their products or paperwork as necessary. However, given the high volume and diversity of notifications circulated, totalling more than 2,000 new or changed regulations per year, it can be a challenge for enquiry points and public and private stakeholders to track and react to evolving product requirements in a timely and effective manner. This is where ePing enters the picture.

C. ePing

In 2015, recognizing the challenges of managing the flow of notifications, the TBT Committee requested that the Secretariat develop an online alert system for TBT notifications, in cooperation with other organizations. In response, the WTO Secretariat joined forces with the United Nations Department of Economic and Social Affairs (UNDESA) and the International Trade Centre (ITC) and launched **ePing**, the publicly available SPS/TBT notification alert system, in November 2016.

By registering on ePing, users can receive daily or weekly email alerts containing SPS/TBT notifications covering products/markets of interest to them. In addition, ePing's web-based platform allows users to search for specific SPS/TBT notifications of the previous three years based on criteria such as notifying member, products covered, and objectives of the measure (notification data in ePing is fed automatically from the SPS and TBT Information Management Systems, which contain all notifications as well as other TBT-related information dating back to 1995). ePing can also serve to keep abreast of a member's own notifications. Furthermore, awareness of regulatory trends in other markets can assist regulators as they in turn develop measures to address similar policy objectives.

Through its Enquiry Point Management tool, ePing provides additional functionalities for officially designated enquiry points to manage and communicate with domestic stakeholders. For example, enquiry points can view who has registered from their country, with which filter criteria, create sectoral groupings, and send messages to a

selected group of users. They can also activate the national discussion forum and file sharing functions to exchange comments and share complementary information regarding specific notifications (such as translations into local language) with domestic stakeholders only.

Moreover, enquiry points can reach out directly to each other through the international enquiry point discussion forum and file sharing functions. For example, an enquiry point may wish to use ePing to ask for or share the full text or unofficial translation of a notified regulation. Only enquiry points which have been granted administrator rights can make contributions at the international level yet all users can view and receive alerts regarding the information posted.



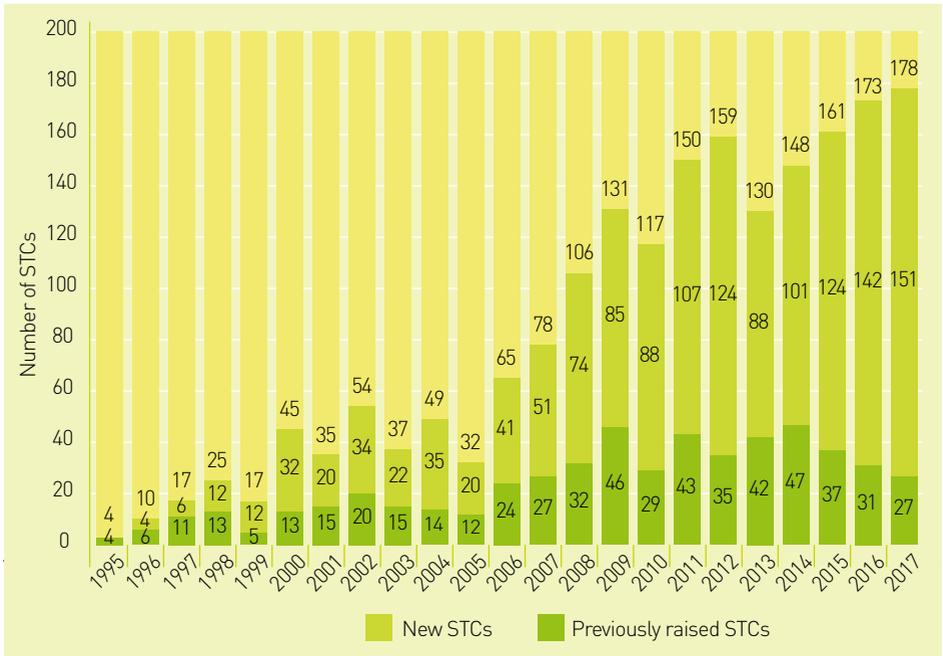
Ultimately, ePing aims to assist public and private sector stakeholders, including SMEs, in benefitting from the SPS/TBT transparency framework of the WTO. Currently, about half of all registered users are from the public sector and the other half are from the private sector. Enquiry points which have already been involved in piloting ePing and promoting it among their domestic constituencies have reported significant efficiency gains. Interested SPS and TBT enquiry points/notification authorities can request administrator rights to access the Enquiry Point Management tool by sending an email to spstbalerts@wto.org. A detailed user guide as well as news items and presentations regarding ePing can be accessed through the ePing website. Those interested in receiving further information/capacity building or in providing feedback are invited to send an email to spstbalerts@wto.org.

D. The link with the TBT Committee

Finally, and more generally, an effective and operational enquiry point is also key to active and informed participation in the TBT Committee, which normally meets three times per year (see also Chapter 7, Section C). A significant part of the TBT Committee's agenda is dedicated to specific trade concerns (STCs), which often relate to notifications submitted by members. Figures 1 and 2 show the number of STCs raised since 1995, as well as the percentage of STCs directly related to notifications. The enquiry points are often the first points of contact in the process leading to the discussion of STCs in the TBT Committee. In

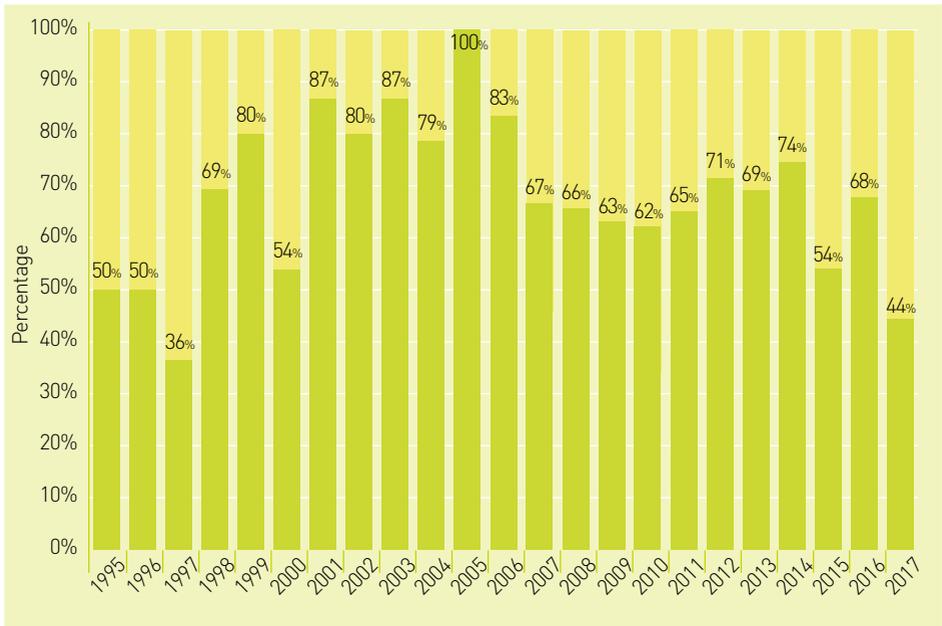
addition, over the years, the TBT Committee has adopted decisions and recommendations regarding transparency provisions and procedures based on inputs from members. These inputs have often been informed by the experience of enquiry points.

Figure 1: STCs raised in the TBT Committee



Source: WTO Secretariat

Figure 2: Percentage of new STCs related to Notifications



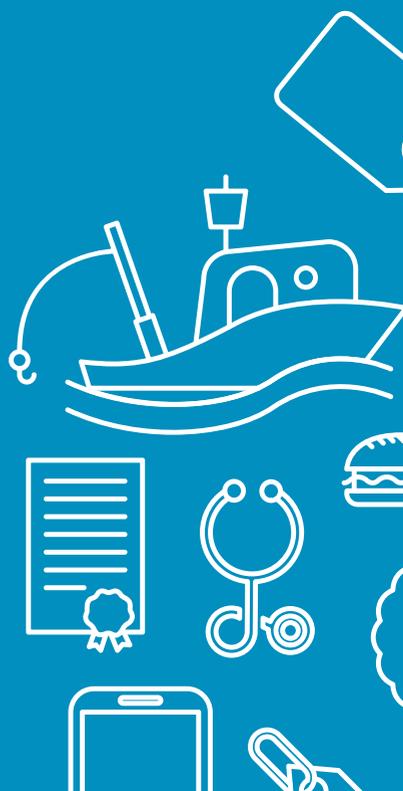
Source: WTO Secretariat

References and tools

- **TBT Agreement:** for example Articles 2.5, first sentence and Article 10.
- **Recommendations:** Section 5.3 (on importance of coordinating role for enquiry points) and Section 5.6 of the TBT Committee decisions and recommendations and WTO Official Document G/TBT/37, paragraph 5.12.d (on "online tools" and "alert system").
- **Online resources:** www.epingalert.org.

Chapter 5

Providing information on standards





A. The Code of Good Practice – notification obligations

Enquiry points may also be involved in fulfilling TBT Agreement transparency provisions related to standards. Amongst WTO members, 51 per cent of designated enquiry points are also the national standardizing bodies and most have submitted their acceptance of the TBT Agreement's "Code of Good Practice for the Preparation, Adoption and Application of Standards" (the "Code", contained in Annex 3 of the Agreement). Hence transparency obligations regarding "standards" also fall within their responsibilities.

The TBT Agreement's "Code", provides, among others (and through Article 4 of the Agreement), that members shall *ensure* that their central government standardizing bodies accept and comply with the Code. Also, members need to take *such reasonable measures as may be available to them* to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies, of which they or one or more bodies within their territories are members, accept and comply with the Code.

The Code is open for acceptance to any of the bodies mentioned above. Standardizing bodies that have accepted or withdrawn from the Code must notify this fact to the ISO, the International Organization of Standardization, via email tbcode@iso.org. Those bodies that have accepted the Code are required to publish a work programme every six months, and its existence must also be notified through the same email address.

The WTO - ISO Standards Information Gateway (<https://tbcode.iso.org/sites/wto-tbt/home.html>) contains the full list of standardizing bodies that have accepted the Code as well as information on their work programmes. The notification formats for acceptance (Form A), withdrawal (Form B) and work programmes (Form C) can also be downloaded through the Gateway. Acceptance and withdrawal notifications are subsequently circulated by the WTO Secretariat. These notifications can be consulted on the TBT IMS under the heading '**Standards related notifications**'. An example of such a notification is included in [Annex F](#).

Through the Committee's work, members have noted the importance of taking appropriate action to inform standardizing bodies of the provisions of the Code, and the benefits they can gain from accepting and complying with it. Regional standardizing bodies, as well as non-governmental standardizing bodies, have also been encouraged to accept the Code

and to notify their acceptance. Likewise, standardizing bodies have been encouraged to share information about the publication of a notice announcing the period for commenting on a draft standard (e.g. the title and volume of publication and the website address).

185 acceptances and 62 work programmes notified

- 185 standardizing bodies have accepted the Code
- 62 have posted work programmes

B. Responsibilities of enquiry points regarding standards

So what, precisely, is the role of enquiry points with respect to standards? The TBT Agreement is quite specific about this:

- Regarding **standards**, members must ensure that the enquiry point is able to answer all reasonable enquiries from other members, as well as from interested parties within other members. Also, enquiry points must be able to provide the relevant documents relative to standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants.
- Similarly, members need to take such reasonable measures as may be available to ensure that the enquiry point is able to answer all reasonable enquiries from other members and from interested parties in other members, as well as to provide the relevant documents – or information as to where they can be obtained – regarding any **standards** adopted by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants.

-
- Regarding information about **membership and participation in standardizing bodies**, members shall ensure that the enquiry point is able to provide information about membership and participation of the member, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of the TBT Agreement. It needs to be able to provide reasonable information on the provisions of such systems and arrangements.
 - Similarly, members need to take such reasonable measures as may be available to ensure that the enquiry point is able to provide information about the **membership and participation of relevant non-governmental bodies within its territory** in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement. It also needs to be able to provide reasonable information as to the provisions of such systems and arrangements, or information as to where they can be obtained.

References and tools

- **TBT Agreement:** for example Article 4 (acceptance of the Code); Articles 10.1.2 and 10.1.4 (central, local); Articles 10.3.1 and 10.3.3 (non-governmental); and the Code (Annex 3), paras B, C, J and L in particular.
- **Recommendations:** Section 5.4 of the TBT Committee decisions and recommendations.
- **Other:** Document series: G/TBT/CS/N/[Number]
- **Online resources:** WTO ISO Standards Information Gateway 
- The list of members having submitted acceptance notifications can be found at <http://tbtims.wto.org/en/CodeOfGoodPracticeNotifications/Search>.



Members shall ensure that their central government standardizing bodies accept and comply with the Code.

Chapter 6

Other types of notifications





While the vast majority of notifications submitted by enquiry points are related to technical regulations and conformity assessment procedures, there are two further notifications for which the enquiry point may be responsible.

A. Statement of implementation (sometimes referred to as the "Article 15.2 notification")

Article 15.2 of the TBT Agreement commits members to submit a Statement of Implementation (hereafter "Statement") on the measures *in existence or taken* to ensure the implementation and administration of the Agreement, including the provisions on transparency. This one-time notification requirement should include information covering legislative, regulatory and administrative action taken so as to ensure that the provisions of the Agreement are applied. If the Agreement itself has been incorporated into domestic law, the statement should indicate how this has been done.

142 members have submitted statements

- 142 members have made at least one 15.2 notification to the TBT Committee.

A significant amount of guidance has been developed by the Committee on what the Statement should include. It should describe the content of the relevant laws, regulations, administrative orders, etc. (including necessary references), and it should specify the names of the publications (government gazette, national newspaper, etc.) used to announce that work is proceeding. It should also provide information on the expected length of time allowed for presentation of comments in writing, the name and address of the enquiry point, and other agencies that have specific functions under the Agreement. Also, it should indicate what arrangements are in place to provide *early notices* informing about new measures (or changes to old ones) being prepared by national (and sub-national) authorities. The statement can also include information on positive measures and mechanisms to ensure that local government and non-governmental bodies comply with the Agreement when preparing, applying and adopting technical regulations and conformity assessment procedures.

It is important to note that although Article 15.2 statements are a so-called "one-time" notification, they should be updated if necessary. For instance, if, six months after a statement has been submitted to the WTO, it is decided that the enquiry point will be housed in another ministry or agency of government – for instance, because of a change of government, or reshuffling of internal portfolios – a revised statement should be notified to the WTO.

All Article 15.2 statements (new and updates) should be submitted to the WTO Central Registry of Notifications (crn@wto.org). Existing statements can be consulted on the TBT Information Management System (IMS) under the heading **Article 15.2**. Examples of a "new" Article 15.2 statement and a "revised" one are included in **Annex G.1** and **G.2**.

References and tools

- **TBT Agreement:** for example Articles 15.2 and 3.5 and 7.5 (on positive measures and mechanisms).
- **Recommendations:** Section 5.2 of the TBT Committee decisions and recommendations.
- **Other:** Document series: G/TBT/2/Add.[Number].
- **Online resources:** The list of members that have submitted statements of implementation can be found at <http://tbtime.wto.org/en/Article152Notifications/Search>.

B. Agreements with other members (Article 10.7)

Members may reach agreement with other countries on issues related to technical regulations, standards or conformity assessment procedures. These can include mutual recognition agreements, equivalence agreements and other types of regulatory co-operation mechanisms. These agreements, if they may have a significant effect on trade, should be notified, through the Secretariat, by one of the members party to the agreement, indicating the products to be covered and a brief description of the agreement. An example is contained in **Annex H** of this guide.

153 Agreements between members notified since 1995

- Since 1995, 153 notifications have been made under Article 10.7.

References and tools

- **TBT Agreement:** for example Article 10.7.
- **Recommendations:** Section 5.5 of the TBT Committee decisions and recommendations.
- **Other:** Notification Symbol: G/TBT/10.7/N/[Number].
- **Online resource:** An updated list can be consulted on the TBT IMS under "Search" and "Agreements between members" (<http://tbtime.wto.org/>).



Enquiry points may engage in a range of other activities related to the implementation of the TBT Agreement's transparency provisions.

A. Promotional activities

The survey results indicate that finding better ways to engage stakeholders affected by TBT notifications seems to be a key challenge for enquiry points; indeed, most enquiry points rated themselves as being only low to moderately effective (i.e., on a scale of 1 to 5, most were at 3 or below) in this regard. As mentioned in Chapter 4, ePing can serve as a tool for enhancing dialogue among public and private sector stakeholders.

Promotional activities give TBT enquiry points an opportunity to increase visibility with potential and existing stakeholders by improving awareness of the services offered. One common promotional activity, for example, is a training workshop for stakeholders. Another frequent undertaking involves the use of internet, social media and databases, or combinations thereof, to disseminate information; less common is the use of brochures and pamphlets or even videos. Most enquiry points indicated that they undertook a minimum of between 1 and 5 such activities in a given year. Other members undertook significantly more activities, with some even undertaking over 30. The Committee has recommended that enquiry points issue brochures and booklets containing information on objectives, contact details, information provided and facilities offered.

References and tools

- **Recommendations:** Section 5.7 ("Booklets on enquiry points") of the TBT Committee decisions and recommendations.

B. Technical assistance and capacity-building

Technical assistance is a key principle of the TBT Agreement. Members have stressed the importance of reinforcing the operation of enquiry points through technical assistance. Indeed, enquiry points themselves have identified the promotion of cooperation and dialogue between enquiry points as an important form of technical assistance. The

Committee has underlined the role of enquiry points in implementing the TBT Agreement by stressing the importance of their operational capacity.

Assistance to enquiry points can take a number of forms covering various aspects of the enquiry points' functions as described in this guide. For example, it can consist of:

- training on how to improve analysis of, and commenting on, other members' notifications;
- promoting and strengthening the competitiveness of a specific exporter or sector, e.g., small and medium-sized enterprises (SMEs);
- specific training on the TBT Agreement, and in particular on its transparency provisions;
- the establishment of a coordinating role, for example through a national "TBT committee", or "mirror committee".

In order to improve the implementation of provisions related to the work of enquiry points, the Committee has recommended that developing country members identify challenges that they face with respect to the establishment and operation of their enquiry points and indicate the nature of the technical assistance needed to overcome these difficulties. Technical assistance can help to overcome challenges encountered by enquiry points such as the following (in no particular order):

- ineffective functioning;
- difficulties in participating in international fora (e.g. TBT Committee meetings);
- lack of human resources;
- difficulties in developing mechanisms for internal coordination on TBT transparency; and
- difficulties in developing online tools.

Looking at one year in particular (2015), most enquiry points surveyed (68 per cent) indicated that they had not received any technical assistance; the remainder received one or more days of assistance during that year.

Since 1995, in order to give members the opportunity to discuss the activities and problems relating to information exchange and to review periodically how well notification procedures work, the Committee has held regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications. These meetings – which have dealt only with technical issues – have been an important source of information on the functioning of enquiry points. This type of information-sharing may be particularly beneficial for those members that have smaller enquiry point teams. A list of these meetings with references to the various reports is contained in **Annex I** to this guide.

The WTO Secretariat offers a range of technical assistance (TA) activities in the TBT area, some of which include a transparency component, including on how to use the various online tools, including ePing. Specific TA requests can be submitted by members through the WTO Institute for Training and Technical Cooperation (ITTC). Useful information on TA activities can be found on the ITTC pages of the WTO website, including specific instructions on how to submit TA requests to the Secretariat online (for the hyperlinks, see box below).

References and tools

- **TBT Agreement:** for example Article 11.
- **Recommendations:** Section 6.1 (on technical assistance and transparency), Section 5.7 and Section 5.8 of the TBT Committee decisions and recommendations.
- **Online resources:**
 - i. ITTC webpages (https://www.wto.org/english/tratop_e/devel_e/train_e/nat_techassistance_e.htm).
 - ii. Online submission of TA requests to Secretariat (https://wto.formstack.com/forms/national_ta_requests).

C. The TBT Committee

The TBT Committee holds three regular meetings each year (usually in March, June and November). The agenda of these meetings is circulated 10 days in advance and includes a list of specific trade concerns (STCs) that members wish to raise. Much of the meeting time is spent discussing these concerns; often, when raising an STC against a trading partner's regulation, reference will be made to the notification submitted on this measure.

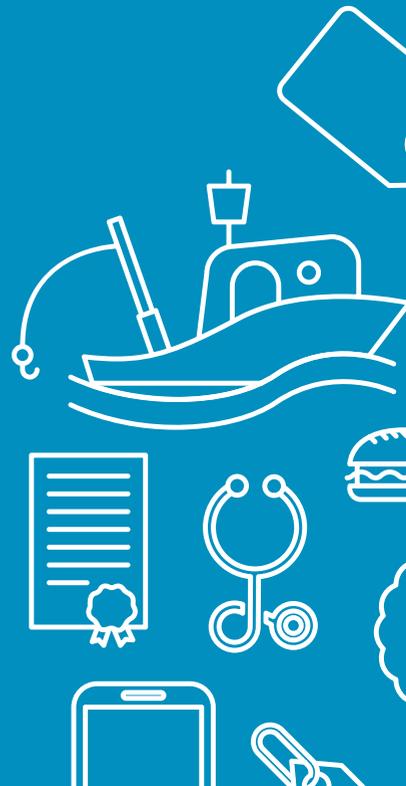
Enquiry points are sometimes involved in the preparation for TBT Committee meetings and, indeed, enquiry point staff sometimes attend these meetings. Background information, including official documents relevant to each meeting, can be found on the **TBT pages** of the WTO website (https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm). The summary reports (Minutes) that are circulated following meetings can be found in the WTO Official Document series G/TBT/M/[Number], which can be found at WTO Documents Online (<https://docs.wto.org/>).

As set out in the previous section, the Committee also holds regular meetings of persons responsible for information exchange (**Annex I** to this guide).

The TBT Committee is also mandated to hold triennial reviews of the implementation and operation of the Committee. The reports of these triennial reviews form the basis for the Committee's work programme over the following three years. The compilation of the TBT Committee's decisions and recommendations is reflected in the WTO Official Document series G/TBT/1/Rev[number]. At the time of writing, the latest version was G/TBT/1/Rev.13. Above, in this guide, the compilation is referred to as the "TBT Committee decisions and recommendations".

Chapter 8

Challenges



When establishing and managing their enquiry points, members encounter different and varied challenges. The 2016 WTO online survey of the experiences of TBT enquiry points revealed four recurrent challenges:

- **Coordination.** Lack of **internal coordination (see also Chapter 4)** can, for example, result in a regulator not being alerted to the fact that a proposed regulation needs to be notified to the WTO. A lack of coordination can also make it more difficult for regulators to respond effectively to comments and request information from trading partners about own domestic measures. Enquiry points play an essential role with respect to coordination, both inward (responding to comments on their own measures) and outward (reacting to other members' measures that affect trade). Moreover, enquiry points themselves identified in the survey the need to develop mechanisms for internal coordination on transparency as a main priority area for technical assistance.
- **Awareness and know-how.** Insufficient awareness and knowledge of the TBT transparency obligations may lead to gaps in the functioning of enquiry points and the effective implementation of the TBT Agreement's transparency provisions. Sometimes this may be linked to a lack of higher-level political understanding and buy-in to the work of enquiry points which, while essential, is sometimes not seen as a priority. Turnover in personnel and budgetary constraints may exacerbate these challenges. It is important to increase awareness of the contribution that enquiry points can make to shedding light on TBT measures and how these affect industry and trade.
- **Private sector engagement.** Finding ways to engage the private sector is a crucial aspect of the work of enquiry points. When they function well, enquiry points should be seen as an effective tool that can be used by the private sector to help identify the actual or potential effect of other members' measures on their access to global markets. The lack of private sector engagement may hamper the effectiveness of enquiry points in channelling matters of interest to trade officials that come to meetings of the TBT Committee in Geneva.

-
- **Continuity / sustainability.** Over time, key staff from the enquiry point will change. Similarly, many members have established TBT coordination committees or task forces but they risk becoming dormant or inactive if key people move on. Developing internal procedural guidelines might help to ensure the efficiency and sustainability of enquiry point functions and services. Well-defined terms of reference, functions and procedures; proactive chairs/secretaries who track domestic and international developments, can help to make these committees operational over time.

Technical assistance and experience-sharing to promote the application of best practices, as well as online tools and platforms (such as ePing), can contribute to addressing some of these challenges.

Chapter 9

Annexes





Annex A

List of members that participated in the Survey

At the Seventh Triennial Review, members requested that:

“the Secretariat, based on experiences shared by Members and for the purposes of training and capacity building, to prepare a guide on best practices for enquiry points ...” (Section 5.7.3.1 of TBT Committee decisions and recommendations.)

At the informal TBT Committee meeting in September 2016, members (and one acceding country) were informed about the availability of an online survey for the enquiry points, to which the following 66 members, and one acceding country, responded:

Antigua and Barbuda, Argentina, Australia, Kingdom of Bahrain, Barbados, Belize, Botswana, Brazil, Burundi, Canada, Chile, China, Colombia, Cuba, Czech Republic, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, European Union, Finland, Ghana, Grenada, Guyana, India, Indonesia, Israel, Jamaica, Japan, Kazakhstan, Kenya, Lesotho, Malawi, Malaysia, Mauritius, Mexico, Mongolia, Namibia, New Zealand, Oman, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Kingdom of Saudi Arabia, Singapore, South Africa, Sri Lanka, Suriname, Chinese Taipei, Thailand, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay and Zimbabwe.

Recommendation on the coherent use of notification formats



WORLD TRADE ORGANIZATION

G/TBT/35

24 June 2014

(14-3649)

Page: 1/2

Committee on Technical Barriers to Trade

COHERENT USE OF NOTIFICATION FORMATS

RECOMMENDATION

Adopted at the meeting of 18-19 June 2014

The Committee on Technical Barriers to Trade makes the following recommendation to enhance the coherent use of the notification formats:

Type	Description
New Notification	Members should use a new notification ¹ to notify the draft text of a proposed technical regulation or conformity assessment procedure (hereafter referred to as the "notified measure"). If the notified measure is associated with a previously notified measure (e.g. amending or supplementing an adopted measure, or replacing a withdrawn or revoked measure) ² , the symbol(s) of the associated notified measure(s) should be indicated in Box 8 of the new notification.
Addenda ³	Members should use an addendum to notify additional information related to a notification or the text of a notified measure, including if: <ul style="list-style-type: none"> • The comment period has been changed (e.g. extended or re-opened); • The notified measure is adopted, published, or enters into force, especially in cases where relevant dates have not been provided in the original notification or have been changed. Members are encouraged to indicate how the final text of the measure can be obtained, including website address; • The notified measure is withdrawn or revoked. If replaced with a new measure, where possible, the symbol of the corresponding new notification should be indicated; • The content or scope of a notified measure is partially changed or amended. In this case, Members should consider opening a new comment period; • Interpretive guidance is issued; and • Any other useful and relevant additional information directly related to a notification or notified measure has been made available that does not qualify as a corrigenda, revision or supplement.

¹ A "notification" refers to the official WTO document which is part of document series "G/TBT/N/[three digit country code]/#".

² Note: The WTO Secretariat is exploring the feasibility of an IT solution whereby searches on relevant WTO databases (e.g. TBT IMS, I-TIP) would automatically retrieve associated notifications (so as not to lose the thread through the life-cycle of the measure).

³ Note: The option of a new addenda format with a list of tick boxes could be annexed to this recommendation.

Recommendation on the coherent use of notification formats *(continued)*

G/TBT/35

- 2 -

Type	Description
Corrigenda	Members should use a corrigendum to correct minor administrative or clerical errors (which do not entail any changes to the meaning of the content) in: <ul style="list-style-type: none">a notification or subsequent related addendum or revision; andthe text of the notified measure.
Revision	Members should use a revision to indicate that the notified measure has been substantially re-drafted prior to adoption or entry into force. A revision replaces the original notification. A revision should normally open a new comment period.
Supplement	Members should use a supplement to notify the availability of unofficial translations of notified measures. ⁴

⁴ In 2007 the TBT Committee agreed (G/TBT/M/43, Section II.C.3, 21 January 2008) that Members should use the formats for unofficial translations contained in G/TBT/1/Rev.11, Annex 5 – Unofficial Translations. Further information is contained in G/TBT/GEN/66.

Notification on "final text"



WORLD TRADE
ORGANIZATION

G/TBT/N/CAN/502/Add.1

18 December 2017

(17-7043)

Page: 1/1

Committee on Technical Barriers to Trade

Original: English/French

NOTIFICATION

Addendum

The following communication, dated 18 December 2017, is being circulated at the request of the delegation of Canada.

Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012

The proposed Regulations notified in G/TBT/N/CAN/502 (dated 5 November 2016) were adopted and published on 13 December 2017, with significant modifications following public consultations, as the *Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012*.

These Regulations came into force on the day on which they were registered, 24 November 2017.

The full text of the adopted measure can be downloaded from the Internet addresses below:
<http://www.gazette.gc.ca/rp-pr/p2/2017/2017-12-13/html/sor-dors247-eng.html> (English)
<http://www.gazette.gc.ca/rp-pr/p2/2017/2017-12-13/html/sor-dors247-fra.html> (French)
<http://www.gazette.gc.ca/rp-pr/p2/2017/2017-12-13/pdf/g2-15125.pdf> (PDF bilingual)

or requested from:
Canada's SPS & TBT Notification Authority and Enquiry Point
Technical Barriers and Regulations Division
Global Affairs Canada
111 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada
Telephone: +(343) 203-4273
Fax: +(613) 943-0346
E-mail: enquirypoint@international.gc.ca

Example of a regular notification (Uganda)



WORLD TRADE ORGANIZATION

G/TBT/N/UGA/788

28 November 2017

(17-6505)

Page: 1/1

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UGANDA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Uganda National Bureau of Standards Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Wheelbarrows. Agricultural machines, implements and equipment (ICS 65.060).
5. Title, number of pages and language(s) of the notified document: DUS 158: 2017, Wheelbarrows – Specifications. (18 page(s), in English)
6. Description of content: This Draft Uganda Standard specifies the requirements for five types of wheelbarrows of single wheel make suitable for domestic, industrial, agricultural and building-site conditions.
7. Objective and rationale, including the nature of urgent problems where applicable: Prevention of deceptive practices and consumer protection; Protection of human health or safety; Quality requirements
8. Relevant documents: <ol style="list-style-type: none"> 1. US 158:2000, Specification for wheelbarrows 2. Agricultural hand tools in emergencies – Guidelines for technical and field officers 3. ISO 898-1, Mechanical properties of fasteners made of carbon steel and alloy steel – Part 1: Bolts, screws and studs with specified property classes – Coarse thread and fine pitch thread
9. Proposed date of adoption: March 2018 Proposed date of entry into force: Upon declaration as mandatory by the Minister for Trade, Industry and Cooperatives
10. Final date for comments: 60 days from notification
11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body: https://members.wto.org/crnattachments/2017/TBT/UGA/17_5283_00_e.pdf

Example of a supplemental notification *(regarding the availability of translations)*



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

G/TBT/N/TPKM/225/Suppl.1

2 February 2016

(16-0693)

Page: 1/1

Committee on Technical Barriers to Trade

AVAILABILITY OF TRANSLATIONS

NOTE BY THE SECRETARIAT¹

Supplement

The delegation of the European Union has provided the Secretariat with an unofficial translation into English of the document referenced in this notification. The document is available for consultation at: http://members.wto.org/crnattachments/2016/TBT/TPKM/16_0153_00_et.pdf

Comité des obstacles techniques au commerce

TRADUCTIONS DISPONIBLES

NOTE DU SECRÉTARIAT¹

Supplément

La délégation de l'Union européenne a communiqué au Secrétariat une traduction non officielle en anglais du document auquel renvoie la présente notification. Cette traduction peut être consultée à: http://members.wto.org/crnattachments/2016/TBT/TPKM/16_0153_00_et.pdf

Comité de Obstáculos Técnicos al Comercio

ACCESO A TRADUCCIONES

NOTA DE LA SECRETARÍA¹

Suplemento

La delegación de la Union Europea ha remitido a la Secretaría una traducción no oficial al inglés del documento a que se hace referencia en la presente notificación. La traducción se puede consultar en: http://members.wto.org/crnattachments/2016/TBT/TPKM/16_0153_00_et.pdf

Notification on acceptance of Code of Good Practice



WORLD TRADE
ORGANIZATION

G/TBT/CS/N/195

21 November 2017

(17-6356)

Page: 1/1

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION UNDER PARAGRAPH C OF THE WTO TBT CODE OF GOOD PRACTICE

NOTIFICATION OF ACCEPTANCE

Under paragraph C of the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 to the WTO Agreement on Technical Barriers to Trade, "Standardizing bodies that have accepted or withdrawn from this Code shall notify this fact to the ISO/IEC Information Centre in Geneva." The following notification conveyed to the Secretariat from the ISO/IEC Information Centre is being circulated for the information of Members.

Country/Customs Territory/Regional Arrangement: <u>JAPAN</u>	
Name of standardizing body: Japanese Standards Association (JSA)	
Address of standardizing body: Mita MT Bldg, 8-13-12, Mita, Minato-ku, JP-TOKYO 108-0073	
Telephone: +81-3-4231-8590	Fax: +81-3-4231-8662
Email: jsastandard@jsa.or.jp	Internet:
Type of standardizing body:	<input type="checkbox"/> central governmental <input type="checkbox"/> local governmental <input checked="" type="checkbox"/> non-governmental
Scope of current and expected standardization activities: Establishment and maintenance of Japanese Standards Association Standards and Specifications (JSAS).	
Date: 20 October 2017	

Example of Article 15.2 statements (new): Senegal



WORLD TRADE
ORGANIZATION

G/TBT/2/Add.115

9 October 2015

(15-5295)

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Committee on Technical Barriers to Trade

Original: French

IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

COMMUNICATION FROM SENEGAL

Addendum

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from Senegal.

1. In accordance with notification obligations under Article 15.2 of the Agreement on Technical Barriers to Trade (TBT), Senegal recalls that it has accepted the Agreement establishing the WTO and the associated legal instruments contained in Annexes 1, 2 and 3 (including the TBT Agreement). The Ministry of Trade is responsible for ensuring that obligations under these Agreements are fulfilled.

2. As a reminder, the Foreign Trade Directorate is the body responsible for implementing provisions concerning notification procedures under the TBT Agreement.

3. In accordance with the requirements of the TBT Agreement, Senegal hereby notifies that national standards are prepared and adopted by the Senegalese Standardization Association (ASN) within the Ministry of Industry and Mining. This body has accordingly become the National Enquiry Point (NEP) for TBT notifications. The NEP/TBT administration contact details are as follows:

Association Sénégalaise de Normalisation
21, Lotissement front de Terre X Bourguiba
BP: 4037 – Dakar
Tel: + 221 33 827 64 01
Fax: + 221 33 827 64 12
Email: jsn@orange.sn
Web: <http://www.asn.sn>

4. Under the TBT Agreement, stakeholders have at least 60 days to submit comments before technical regulations are adopted. This period may, however, be shortened in cases where urgent problems of safety, health or environment arise or threaten to arise.

Example of Article 15.2 statements (revision, only first page): Philippines



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ORGANIZATION

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6 November 2017

(17-6021)

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Committee on Technical Barriers to Trade

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IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

COMMUNICATION FROM THE PHILIPPINES

Revision

The following communication under Article 15.2 of the Agreement on Technical Barriers to Trade, dated 6 November 2017, has been received from the delegation of the Philippines.

Pursuant to Article 15.2 of the Agreement on Technical Barriers to Trade, the Government of the Philippines would like to inform the Committee of the measures taken to ensure the implementation and administration of the Agreement as follows:

1 DEVELOPMENT AND APPLICATIONS OF TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES

1.1. There are several agencies that are mandated to regulate specific products. Among these are the Food and Drug Administration (FDA) of the Department of Health (DOH) for processed food products, drugs, cosmetics, devices, toys and substances; the Department of Agriculture (DA) for agricultural products; and the Bureau of Philippine Standards (BPS) of the Department of Trade and Industry (DTI) for some products not covered by the FDA and DA such as electrical and electronic products, building and construction materials, and consumer and chemical products.

1.2. Other product sectors such as radio equipment, radio and telecommunication are regulated by the National Telecommunication Commission (NTC); energy efficiency and conservation by the Energy Utilization Management Bureau of the Department of Energy (DOE-EUMB); air pollution by the Environmental Management Bureau of Department of Environment and Natural Resources (DENR-EMB), among others.

2 STANDARDIZATION

2.1. Based on the Republic Act No. 7394 or the Consumer Act of the Philippines, the development and implementation of standards are being primarily performed by three (3) government agencies: Department of Health (drugs, cosmetics, devices, and substances); Department of Agriculture (agricultural products); and the Department of Trade and Industry (other products not covered by DOH and DA). There are also other laws that provide mandates for agencies to develop standards such as the R.A. 10611 Food Safety Act of the Philippines; R.A. 3846 an act providing for the regulation of public and radio communication in the Philippines and for other purposes.

2.2. The DTI's Bureau of Philippine Standards (BPS) as established by Republic Act No. 4109 and Executive Order No. 133 is the designated National Standards Body, and as such, acts as the national repository of promulgated Philippine National Standards (PNS).

2.3. The BPS as the National Standards Body is a member to the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC). The BPS conforms to ISO and IEC processes in formulating, revising and promulgating the PNS. The BPS Directives

Example of an Article 10.7 notification



WORLD TRADE
ORGANIZATION

G/TBT/10.7/N/145

8 August 2017

(17-4280)

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**AGREEMENT REACHED BY A MEMBER WITH ANOTHER COUNTRY OR COUNTRIES
ON ISSUES RELATED TO TECHNICAL REGULATIONS, STANDARDS
OR CONFORMITY ASSESSMENT PROCEDURES**

NOTIFICATION

Under Article 10.7 of the Agreement "Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement." The following notification under Article 10.7 has been received.

1. Notifying Member: <u>EUROPEAN UNION</u>
2. Title of the bilateral or plurilateral Agreement: Agreement between the European Union and the Republic of Chile on trade in organic products
3. Parties to the Agreement: Chile; European Union
4. Date of entry into force of Agreement: The proposed date of adoption is end of 2017. This Agreement shall enter into force on the first day of the third month following the final notification of the completion of the necessary internal procedures by each Party.
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading): Organic agriculture
6. Subject matter covered by the Agreement (technical regulations, standards or conformity assessment procedures): Agreement between the European Union and the Republic of Chile on trade in organic products. The objective is that the EU and Chile mutually recognise the equivalence of their organic production rules and control systems while ensuring a high level of respect of the principle of organic production rules between the EU and Chile.
7. Brief description of the Agreement: This bilateral agreement recognises as equivalent the production and control rules of each of the parties.
8. Further information available from: European Commission, EU-TBT Enquiry Point, Fax: + (32) 2 299 80 43, E-mail: grow-eu-tbt@ec.europa.eu http://data.consilium.europa.eu/doc/document/ST-5551-2017-INIT/en/pdf http://data.consilium.europa.eu/doc/document/ST-5529-2017-INIT/en/pdf http://data.consilium.europa.eu/doc/document/ST-5530-2017-INIT/en/pdf http://members.wto.org/crnattachments/2017/TBT/EEC/17_3532_00_e.pdf (33 pages, in English)

Annex I

Reports from meetings on information exchange

The following special meetings on procedures for information exchange of the TBT Committee have been held to date:

- 6-7 November 1995 (see WTO Official Document G/TBT/W/16)
- 14 September 1998 (see WTO Official Document G/TBT/9 (Annex 1))
- 28 June 2001 (see WTO Official Document G/TBT/M/24 (Annex 1))
- 2-3 November 2004 (see WTO Official Document G/TBT/M/34 (Annex 2))
- 7-8 November 2007 (see WTO Official Document G/TBT/M/43 (Annexes 1 and 2))
- 22 June 2010 (see WTO Official Document G/TBT/M/51 (Annexes 1 and 2))
- 18 June 2013 (see WTO Official Document G/TBT/M/60 (Annex))
- 8 November 2016 (see WTO Official Document G/TBT/M/70 (Annex)).

Annex J

Online resources

Technical barriers to trade (TBT) Notification Submission System (NSS)

<https://nss.wto.org/tbtmembers/>

This is an online platform which enables members to prepare and submit TBT notifications to the WTO. The benefit of the system is two-fold: for members using the system, it helps to organize and track submitted notifications and facilitates coordination between ministries, and for the WTO Secretariat, the NSS facilitates the processing of notifications, in terms of speed and accuracy. Enquiry points can contact the WTO Secretariat to receive their own account details (tbtnss@wto.org).

ePing



The SPS/TBT export alert system allows stakeholders to keep track of product requirements in foreign markets. This includes a specific feature which enables enquiry points to manage national subscribers, send emails and activate a discussion forum on notifications within their country.

WTO Documents Online

<https://docs.wto.org/>

Documents Online provides access to the official documentation of the World Trade Organization in the three official working languages, via browsing and search functions. It is possible to consult these documents online or to download selected documents from the site.

Annex J

TBT Information Management System (IMS)

<http://tbtims.wto.org/>

The TBT IMS is a comprehensive database allowing users to search all TBT notifications submitted by members and all specific trade concerns (STCs) raised in the TBT Committee. Users can also browse information on TBT enquiry points, statements on implementation, agreements between members and other TBT-related documents.

WTO-International Organization for Standardization (ISO) Standards Information Gateway

<https://tbtcode.iso.org/sites/wto-tbt/home.html>

The WTO-ISO Standards Gateway contains information on the standardizing bodies that have accepted the WTO TBT Code and their work programmes.

The WTO Agreements Series: Technical Barriers to Trade

https://www.wto.org/english/res_e/publications_e/tbttotrade_e.pdf

This handy reference booklet provides an overview of the TBT Agreement. It also contains the text of the agreement itself as well as the full set of the Committee's decisions and recommendations, including on transparency. It contains information on formal disputes brought under the TBT Agreement and has a brief section with "Frequently asked questions".

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