



Committee on Technical Barriers to Trade

TENTH SPECIAL MEETING ON PROCEDURES FOR INFORMATION EXCHANGE

19 JUNE 2023, 10:00-18:00

Chair's Report¹

Pursuant to its decision to hold regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications², the TBT Committee held its Tenth Special Meeting on Procedures for Information Exchange on 19 June 2023. The Special Meetings provide an opportunity for Members to discuss issues relating to information exchange and review periodically the functioning of notification procedures and the operation of enquiry points. They also facilitate follow up on specific transparency-related recommendations agreed by the TBT Committee during its triennial reviews.³ The Tenth Special Meeting was organized in three panel sessions focusing on (i) the ePing SPS & TBT platform; (ii) operation of enquiry points (responding to queries and preparing comments); and (iii) the Harmonized System (HS). This document provides a summary of the meeting while further information regarding the programme and presentations as well as the recording are available through the dedicated [webpage](#) on the WTO website.

SESSION 1: USE OF EPING FOR IMPLEMENTATION AND OUTREACH

1.1. One of the recommendations from the Ninth Triennial Review was for the Secretariat to improve and streamline online tools and work towards a comprehensive centralized platform.⁴ The Secretariat followed up on this recommendation with the [launch of the new ePing SPS&TBT Platform](#) in July 2022, integrating and improving the services offered previously through five separate online tools.⁵ During this session, the Secretariat presented key features of [ePing](#) and Members shared their experiences in using ePing to implement and benefit from the TBT transparency mechanisms.

1.2. **The Secretariat** presented ePing's suite of services and main functions: (i) submitting notifications, (ii) tracking Committee work (notifications, specific trade concerns and other documents) and (iii) communication. Through specific examples, the Secretariat demonstrated how these functions could be of benefit for various types of users. Some of the recent ePing developments included: i) the possibility to search Committee documents other than notifications based on metadata; ii) the possibility for notification admins to update contact information for their Enquiry Points directly on the platform; iii) the availability of nine new video tutorials explaining different functions of the platform; iv) the incorporation of the latest versions of HS and ICS codes; and (v) the single sign-on system, which allows delegates with access credentials to navigate easily between ePing and eAgenda. For capacity building options, delegates were invited to contact the Secretariat.

¹ Ms Anna Vitie (Finland). This report is provided on the Chair's own responsibility.

² [G/TBT/1/Rev.15](#), para. 6.8.1.a.

³ For example, see further information on the [Ninth Special Meeting](#) held on 18-19 June 2019, which focused on topics identified during the Eighth Triennial Review concluded in November 2018 ([G/TBT/41](#)).

⁴ [G/TBT/46](#), para. 6.29.a.i.

⁵ The SPS Information Management System (SPS IMS), the TBT Information Management System (TBT IMS), the SPS Notification Submission System (SPS NSS), the TBT Notification Submission System (TBT NSS) and the SPS/TBT notification alert system ePing.

1.3. Following the presentation, the Secretariat was requested to prepare an explanatory document outlining the access rights and functions available for the different types of users, namely notifications admins, outreach admins and regular users.

1.4. **Ms Lahya Hambinga** (Namibia)⁶ gave an overview of the main functions and initiatives undertaken by the TBT Notification and Enquiry Point, which is housed in the Namibian Standards Institution (NSI). She then focused on Namibia's participation in the WTO's TBT Transparency Champions Programme.⁷ This programme has directly impacted the NSI's uptake and efforts to promote the use of ePing. There have been (i) improvements in domestic coordination and capacity building for regulatory authorities and business stakeholders and (ii) dedicated efforts to register more ePing users during training events. One novel innovation for Namibia has been the creation of an ePing form, which is used to gather information on interested stakeholders and to register them on the platform. Since the launch of the Champions programme in October 2022, Namibia has significantly increased its number of national ePing users, submitted new notifications through the ePing platform, increased awareness via its continued outreach efforts and established a national TBT committee.

1.5. **Mr. Alex Chaparro** (Chile)⁸ provided an overview of the role and responsibilities of the Chilean Enquiry Point, which is managed by the Sub-secretariat of Economic Relations (SUBREI) in the Ministry of Foreign Affairs. He explained the interaction between their office and stakeholders, which include regulators, public and private sector as well as other Members' Enquiry Points. Regarding their current operation and diffusion of ePing, every two weeks, the Enquiry Point sends a file to both public and private sectors with the latest information relevant to Chile. The Enquiry Point also manages the flow of comments and requests from different stakeholders. They have been using ePing for submitting and tracking TBT notifications and for outreach to stakeholders. To encourage further diffusion and use of ePing, the Enquiry Point is planning training sessions with the Civil Society Council (COSOC) and the Agricultural and Livestock Service (SAG). In addition, a new ePing signature has been added to the Enquiry Points' email account to raise awareness and encourage stakeholders to register on ePing.

1.6. **Ms MaryAnn Hogan** (United States)⁹ shared the US Enquiry Point's ePing experience as managed under the National Institute of Standards and Technology (NIST). She began by providing background on the original national notification alert system (Notify US) which was widely used before it was retired in January 2023 when the NIST moved fully to ePing, following a nine-month transition period for their 3,000 subscribers. To assist stakeholders with the transition, NIST offered several ePing training sessions. Their outreach has been tailored to specific sectors, covering amongst others, beverages, waste and scrap, medical technology, cosmetics and food. Ongoing contacts and engagement with different stakeholders regarding ePing has also allowed to better understand their unique ePing uses and needs. Ms Hogan emphasized the enhanced transparency in their work and access to information for stakeholders, especially the private sector. She also underlined the usefulness of ongoing communication with the WTO Secretariat regarding the platform and welcomed the announcement of the new video tutorials.

1.7. In response to a query, there was discussion on delegations' experiences in using ePing to disseminate comments on notifications. It was noted that ePing's international forum was a good option to update other Members on any comments provided. In doing so, Members could either include the full content of the comments on ePing or simply announce that they have submitted comments and provide further information upon request.

1.8. Delegates also exchanged experiences and views on how certain administrative and non-substantive changes with regards to technical regulations, such as consolidation of existing texts, could best be brought to the attention of other Members (without necessarily starting a comment period). Various options were suggested, including the use of Addenda or the indication of

⁶ Manager, WTO/TBT Notification and Enquiry Point, Namibian Standards Institution.

⁷ [Transparency Champions Programme](#) is a WTO capacity building initiative, which was piloted in the Africa region to enhance the application and benefits of TBT transparency mechanisms.

⁸ Adviser at the Regulatory Affairs Division, Undersecretary of International Economic Affairs, Ministry of Foreign Affairs, Chile.

⁹ Team Leader, USA TBT Enquiry Point, Standards Coordination Office, National Institute of Standards and Technology (NIST).

"other" in the regular notification format. More generally, the usefulness and value of facilitating access to regulatory information was underlined.

1.9. **Mr. Lucian Cernat** (European Union)¹⁰ made a presentation on the value of WTO transparency and the use of ePing to address complex trade requirements, based on a recent [policy brief](#). Currently, it is estimated that these complex trade requirements affect 15 trillion dollars of global merchandise trade. He stated that the TBT Committee is one of the best forums for transparency by providing business-friendly information online via the ePing platform. Despite the valuable features offered and its use by the business community, he asserted that the ePing system is far from reaching its true potential. He contended that the current user base was too small to make a systemic difference and the number of business users in particular was too small. In closing, he suggested to further improve ePing services by drawing on AI technologies and creating a "chatTBT tool".

1.10. There was discussion on inclusion of and attracting MSMEs to ePing. It was noted that trade or industry associations can be a useful bridge between MSMEs and the government to disseminate information on the platform. The Secretariat explained that in addition to the video tutorials, a general ePing video targeting the private sector would be prepared to assist in awareness-raising.

SESSION 2(A): OPERATION OF ENQUIRY POINTS: RESPONDING TO QUERIES

2.1. The second session focused on the operation of Enquiry Points, beginning with good practices and challenges in responding to queries/requests from Members and other interested parties regarding notified measures.

2.2. **Ms MaryAnn Hogan** (United States) shared the US Enquiry Point's practices in responding to queries/requests. She provided an overview of the types of queries received from other WTO Members on a range of goods such as cosmetics, food products, consumer goods, energy requirements, etc. She outlined the US' response time which is within three to five days in keeping with the TBT Committee recommendation. She underlined two key practices: (i) close collaboration between Enquiry Points and relevant agencies, including becoming familiar with their websites and (ii) acknowledging receipt of incoming requests/comments and providing an indicative timeline for any follow up.

SESSION 2(B): OPERATION OF ENQUIRY POINTS: PREPARING COMMENTS AND REPLIES

3.1. One of the Committee recommendations from the Ninth Triennial Review was to develop a good practice guide on how to comment on a notification.¹¹ A group of seven Enquiry Points¹² have volunteered to contribute to the drafting of the guide and developed a set of [guiding questions](#) to assist with this work. This session was organized to compile inputs towards the preparation of the guide. Members were invited to share their inputs in light of the aforementioned guiding questions.

3.2. **Ms Bexci Sanchez** (United States)¹³ shared the guidance they provide to US stakeholders on commenting activity. This guidance is divided into several sections which include overview, preparing and submitting comments, comment deadlines, procedure after submitting comments, other considerations and additional information. Regarding preparing comments, she explained that this is divided into two areas: formal and substantive aspects. The formal aspects include the operational framework such as the dedicated inbox, timeline for submission (typically two days before the deadline), information such as the notification symbol, etc. Substantive aspects in the preparation of inputs for a comment include: a rationale statement, estimated trade value and potential trade impact, potential unintended consequences, suggestions of less trade restrictive options or edits to avoid unnecessary barriers while legitimate objectives are met, references to international standards context, requesting clarification of text, consideration of transition timelines, reference to TBT Committee decisions and recommendations. She briefly explained the economic criteria which is used to prioritise comments. For the Department of Agriculture, for example, the measure or regulation in question must have an impact of above \$1 million USD to be considered for commenting activity. Other aspects such as systemic impact, industry interests, future interests in future markets

¹⁰ Head of Global Regulatory Cooperation and International Procurement Negotiations, European Commission.

¹¹ [G/TBT/46](#), para. 7.13.b.

¹² Australia, Kenya, Namibia, Peru, Philippines, South Africa, and the United States.

¹³ International Trade Specialist, USDA Foreign Agriculture Service (FAS).

are also considered. She also shared the positive responses received from other Members to sending comments such as clarifications, withdrawal of measures, alignment with international standards, delay in implementation, etc.

3.3. **Ms Eleanor Sanderson** (Australia)¹⁴ shared Australia's approach to preparing and submitting comments. Australia's TBT Enquiry Point is located within the Department of Foreign Affairs and Trade (DFAT), Office of Global Trade Negotiations. Australia views comments as an important tool to seek clarification, better understand notified measures, possibly influence final outcomes and inform STC decision making. Preparation of comments is divided into two main areas: (i) identifying notifications of interest and (ii) assessing and drafting. Australia focuses their review of notifications on their key trade interests in terms of goods and markets. In this process, they maintain communication with their stakeholders: policy makers, industries, DFAT trade law team and country posts. The Australian approach to both sending and responding to comments is centralised around the Enquiry Point, but given its small size, the Enquiry Point draws on the expertise of subject specialists, regulators and industry and strives continuously for efficiency gains. Regulators or policy areas with relevant or corresponding responsibility will draft comments on other Members' notifications and the regulator responsible for a notification drafts their response to any comment received on an Australian notification. The Enquiry Point reviews for suitability, including ensuring all questions are answered in responses, and is responsible for sending comments and responses. An acknowledgement of receipt is also sent in response to any comments received, and the commenting Member's Enquiry Point is always copied in correspondence.

3.4. There was some discussion regarding coordination of comments and possibility of direct contact between stakeholders in an exporting country with regulators and other entities in the notifying Member. While practices may vary, it was noted that the Enquiry Point remains the consistent point of contact and funnel for information. Delegations also noted the importance of clear timelines for responding to comments and of acknowledgement of receipt, including an expected response time, to enhance predictability.

SESSION 3: WORKSHOP ON THE HARMONIZED SYSTEM (HS)

4.1. One of the recommendations from the Ninth Triennial Review was for the Secretariat to organize trainings on HS and ICS Codes and provide an update to the Committee on suggestions for increasing uniformity in the use of ICS/HS Codes and product names in notifications.¹⁵ In response, the Secretariat organized a workshop on HS Codes, drawing on the work and expertise of staff in the Market Access Division and the Central Registry of Notifications (CRN).

4.2. **The Secretariat** led an interactive workshop on the Harmonized System (HS) managed by the World Customs Organization (WCO). First, he explained the basics of tariff classification and gave an overview of the HS including the Convention; the Nomenclature; the Notes for Sections, Chapters, Headings and Subheadings; General Interpretation Rules (GIRs); the classification opinions; and the explanatory notes (HSEN). He underlined that GIRs are an integral part of the nomenclature and set out the principles for classification in the HS. He explained how HS works in practice drawing on specific examples such as different types of chocolates and products with multiple components/functions. He also pointed out the evolution of HS Codes over the years and the adoption of updated versions by the WCO, reflecting developments such as the designation of new product categories (e.g. electronic textiles and drones). He referred to an online WTO-WCO system called [HS Tracker](#) (beta version), which assists users in tracking changes across different HS versions.

4.3. The Secretariat also provided an overview of the functions of the Central Registry of Notifications (CRN) and introduced the Secretariat's product dictionary initiative. She referred to the [Decision on Notification Procedures](#) which mandates the CRN to act as the official repository of notifications and to inform Members of their notification obligations. Specific to the TBT Committee, she also described what happens in the background when a TBT notification is submitted to the WTO. Currently, the information on product coverage of a regulation is provided by the notifying Member, using the HS codes, the ICS codes or free text. Where possible, the CRN also adds HS or ICS Codes to notifications to facilitate searches in databases, but this additional information does

¹⁴ Assistant Director, Non-Tariff Barriers Strategies Section, Office of Global Trade Negotiations, Australian Department of Foreign Affairs and Trade (Australian TBT Enquiry Point).

¹⁵ [G/TBT/46](#), para. 7.13.a

not appear in the official notification. She then explained that the CRN, in collaboration with other Secretariat teams, has been working on a product dictionary initiative since 2021. The purpose of the dictionary is to facilitate searches and to assist Members in the preparation of their notifications. The CRN is currently attempting to develop a comprehensive collection of terms (product names) with corresponding HS code(s) via a mapping exercise. The tool is intended to be flexible and cover overlapping terms as well as synonyms. Once a first version of the product dictionary has been validated, it could be integrated into ePing to assist Members in identifying HS Codes when preparing notifications, and all ePing users in tracking and receiving customized alerts on notifications covering products of interest to them.

COMMENTS BY THE CHAIR

5.1. I noted several takeaways from the special meeting.

During the first session on ePing, the Secretariat demonstrated how ePing can be a powerful tool for delegates. It helps with both tracking Committee work and for reaching out to domestic stakeholders. I also note that the further use of ePing's communication functions for clarifications on notifications could help reduce the number of STCs that are brought to the Committee. Enquiry Points have a key role to play in ensuring that their public and private stakeholders draw maximum benefits from ePing. In this regard, the exchange of experiences among Enquiry Points was very beneficial, and I believe that this exchange should continue at future occasions. We also heard suggestions for ePing to evolve further taking advantage of recent digital innovations and reference was even made to a possible ChatTBT. One follow-up action from this session will be for the Secretariat to prepare an explanatory note on the different user profiles and the admin rights that they can have.

During the second session on the operation of Enquiry Points, we heard how Members respond to queries and prepare comments and replies. The deliberations from this session will serve as useful input towards the preparation of the good practice guide on how to comment. This work will respond to a mandate of the Committee from the Ninth Triennial Review. As announced during the meeting, seven Enquiry Points have volunteered to work on this guide. I would like to thank this group of seven and would invite them to provide an update at the next meeting of the Transparency Working Group.

The third session provided an overview of HS codes. Delegates had the opportunity to practice their skills in assigning HS Codes to several selected products. The Secretariat colleagues from the Market Access Division did an excellent job in making this technical topic understandable to all. The session also demonstrated the challenges Enquiry Points and Notification Authorities may have in assigning HS codes to notifications. In this regard, the Secretariat also presented a new "product dictionary" initiative, which could eventually assist delegations in both identifying and searching by HS Codes/product groupings. I suggest that we also continue discussing the topic of product coverage in the Transparency Working Group.

Overall, I believe that this interactive Special Meeting provided very valuable insights as well as tips and tricks for improving our regulatory transparency efforts. I would like to thank all speakers for their presentations and Members for their active engagement in the meeting.
