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Page: 1/2

Committee on Technical Barriers to Trade

Original: English

**PROPOSAL ON IMPROVING MEMBER ADHERENCE TO TBT OBLIGATIONS THROUGH
DOMESTIC PROCESS IMPROVEMENTS**

NINTH TRIENNIAL REVIEW

Submission from the United States

Revision

The following submission, dated 1 July 2021, is being circulated at the request of the delegation of the United States.

1 BACKGROUND

1.1. Since its inception the Agreement on Technical Barriers to Trade (TBT Agreement) has proven effective at addressing and resolving technical barriers to trade when they have been identified. However, there remain challenges with Member central government bodies' and authorities' awareness, understanding, and adherence to WTO TBT obligations as they develop technical regulations. This may result from poor understanding and cognizance of TBT obligations due to the lack of uniform, documented institutional guidance within a Member's central government. The result can be uneven development and notification of technical regulations by authorities within a government that present challenges to other Members.

1.2. Article 2.2 of the Agreement commits Members to ensuring that technical regulations are not prepared that have the effect of creating unnecessary obstacles to trade. Members, in developing technical regulations to pursue public policy objectives, must comply with TBT Agreement obligations.

1.3. Noting the Committee's 1997 recommendation "to avoid duplication of work and to ensure effective implementation of the Agreement, coordination between governmental regulatory authorities, trade officials and national standardizing bodies is essential;¹" and the 2009 decision "to reaffirm the importance of establishing mechanisms to facilitate internal coordination for the effective implementation of the TBT Agreement's notifications obligations."²

1.4. Acknowledging Members' interest in this subject as evidenced by thematic sessions in 2009, 2019 where Members shared experiences about internal co-ordination mechanisms to facilitate implementation of the TBT Agreement.³

2 PROPOSAL

2.1. Members are encouraged to develop written procedures and maintain a process whereby all regulatory authorities take TBT obligations into account when developing technical regulations.

¹ [G/TBT/5](#).

² [G/TBT/26](#).

³ [G/TBT/19](#) and [G/TBT/41](#).

2.2. This practice and commitment would be in line with continuing efforts by the TBT Committee to ensure that Members fully implement the TBT Agreement, to emphasize internal coordination as a core Good Regulatory Practice, and as an initiative to increase regulatory transparency and efficiency by WTO Members.

2.3. This work could be advanced by Members as they implement the recommendation by using a staged approach, first piloting it with one or a few regulatory agencies. Members can share their experiences in piloting written procedures and processes and shared examples of compliance checklists in use during a future GRP thematic session.
