



**SUGGESTIONS FROM THE UNITED STATES ON HOW THE TBT COMMITTEE CAN
MOST EFFECTIVELY ADDRESS THE NUMEROUS OUTSTANDING
RECOMMENDATIONS ON TRANSPARENCY**

STATEMENT BY THE UNITED STATES AT THE INFORMAL COMMITTEE
ON TECHNICAL BARRIERS TO TRADE ON 10 FEBRUARY 2022

The following communication, dated 10 February 2022, is being circulated at the request of the delegation of the United States.

1.1. The United States notes that there are indeed a number of areas where the TBT Committee must pursue work on transparency following the 9th Triennial Review and in continuing to advance transparency items from the 8th Triennial Review. Given the technical nature of several transparency items, it may be more constructive and a more efficient use of the Committee's time to start work in smaller group settings and through preparatory work by the Secretariat before these items are brought to the full Committee.

1.2. The United States also sees value in using the standing item on transparency in the *Implementation and Administration of the Agreement* portion of the agenda to advance work on the recommendations and to allow Members to share their experiences and best practices on the various topics. We note that there was enthusiastic engagement on transparency with a number of Members contributing proposals during the recent review process.

1.3. To that point, continued reliance on virtual engagement, where appropriate, can encourage participation in the work on transparency, including from technical and policy experts who might not be able to attend in-person only meetings. The TBT Committee is one of the most active WTO committees with a robust work program that necessitates flexibility and creativity to make progress.

**1 SPECIFIC SUGGESTIONS FOR FOLLOW UP ON RECOMMENDATIONS IN THE 9TH
TRIENNIAL REVIEW REPORT ([G/TBT/46](#)) UNDER HEADING 6.29**

1.1 6.29 (b), handling of comments:

1.4. An idea is for Members to use ePing to work on both recommendations i and ii. The chat feature and the link to the international discussion forum for the notification in question can be used; the United States intends to begin by posting to ePing's international discussion forum notice when we have submitted comments on a WTO Member notification, but we will not initially post the comments to ePing. In addition, the United States will use the chat and international discussion forum to pose questions of clarification and scope of a notification as needed to seek clarifications and promote information exchange among Members. To date there has been limited use of ePing functionalities, including for communications between and among enquiry points. We would invite Members to volunteer to work with the Secretariat to trial exchanges of information about comments on notifications.

1.2 6.29 (c) i and ii relating to timing of notifications:

1.5. An option could be a two-step process. First, the Secretariat could collect information from Members to provide context before any discussion in a thematic session or as a Committee agenda item. For example, it might be possible to develop a short questionnaire, with the responses used to inform any subsequent discussion.

1.6. Second, the United States sees benefit for all Members in improving transparency about the timing of Member notifications and understanding Member practices. This topic could be covered as part of the transparency element of the Committee's agenda. Members could provide short presentations on their processes and practices. An added benefit is that it could allow enquiry point and GRP experts to engage more in the Committee's work, particularly if they can participate remotely.

1.3 6.29 (d) submission of notifications:

1.7. The two proposals, 6.29 (d) i and ii, could be combined for follow up with work proceeding in small group format, supported by Secretariat staff, and examining how the guidelines and template can be amended to include more detail in notifications. The work of the small group could take place virtually, or on the margins of TBT Committee meetings. Any recommendations could then be shared with the full Committee for review and consideration. Once agreed, regular training sessions can help Members understand how to complete the notification template.

1.4 6.29 (d) iii on product coverage of notified measures and HS codes:

1.8. For a thematic session to be effective, it should include experts able to respond to Members' concerns. Given the technical nature of the topic and specific Member challenges, the session could be held virtually to maximize participation of experts. In addition, since one session is unlikely to solve all of the challenges associated with product coverage in notifications, this should be a standing item for the Committee to discuss and for Members to share best practices.

1.9. The United States notes as well that some of the recommendations from the 8th Triennial Review Report have not been acted upon, and some are closely related to recommendations adopted in the most recent review. We are referring specifically to handling of comments ([G/TBT/41](#), items 6.1 (f) i and iii) and work on HS codes (item 6.1 (d) ii,) that could be addressed together with the latest recommendations on these topics.

1.10. In addition, the 8th Triennial Review outcomes on validation of enquiry point contact information and submitting up to date lists of where texts of final technical regulations can be found could both be refreshed if the Secretariat put out an annual reminder notice to all Members. We would ask the Secretariat to look at what other updates would have transparency benefits and ensure the effective operation of the TBT Agreement.

1.11. The United States welcomes the Chair's views on the best path forward.
