



INFORMAL WORKING GROUP ON MSMEs

**DRAFT MINISTERIAL RECOMMENDATION ON PROMOTING MSMEs INCLUSION
IN RULEMAKING IN THE AREA OF TRADE**

Communication from the Russian Federation and Uruguay

The following communication, dated 26 November 2019, is being circulated at the request of the delegations of the Russian Federation and Uruguay.

Recalling the Declaration on the Establishment of the WTO Informal Work Programme for MSMEs (WT/MIN(17)/58/Rev.1);

Recognizing that regulatory changes may be particularly burdensome for MSMEs and that the WTO Members could minimize potential challenges by providing adequate opportunities for MSMEs to discuss and adapt to the new regulatory requirements and assessing the impact of new rules on MSMEs;

Noting the discussions by the MSME Informal Working Group of horizontal and non-discriminatory solutions in the area of regulatory practices, which are likely to yield benefits for the participation of MSMEs in international trade;

Noting that principles of MSME inclusion in rulemaking have been established in a number of national jurisdictions and included in a number of regional trade agreements;

Noting that WTO agreements include rules on consultations with stakeholders in the process of rulemaking but do not explicitly refer to MSMEs;

Building on the implementation of Articles 1 and 2 of the Agreement on Trade Facilitation and Article X of the General Agreement on Tariffs and Trade;

We recommend that WTO Members enhance MSMEs inclusion in domestic rulemaking in the area of trade by paying special attention to the needs of MSMEs. For this purpose, WTO Members within their respective jurisdictions establish regulatory procedures in consistency with their implementation capacities that would include:

- a) Consultation with MSMEs in the process of developing new regulations related to issues covered by the WTO agreements;
- b) Publication of drafts of such regulations before their adoption, or of consultation documents that provide sufficient details about a possible new regulatory measure related to issues covered by the WTO agreements, preferably at an early stage of their development;
- c) Provision of a reasonable period of time for all the interested parties to comment on such drafts;
- d) Assessment of impact of such drafts on MSMEs;

- e) Publication of such adopted regulations not later than their entry into force, so as to allow economic operators to adapt to the new regulatory requirements;
- f) Publication of the documents referred to in subparagraphs a) through e) in electronic form and provision of a charge-free access to them.
