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**General Council
Council for Trade in Goods**

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**PROCEDURES TO ENHANCE TRANSPARENCY AND STRENGTHEN
NOTIFICATION REQUIREMENTS UNDER WTO AGREEMENTS**

COMMUNICATION FROM ARGENTINA, AUSTRALIA, CANADA, COSTA RICA, THE EUROPEAN UNION,
ISRAEL, JAPAN, NEW ZEALAND, THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU,
KINMEN AND MATSU, UNITED KINGDOM, AND THE UNITED STATES

Revision

The following communication, dated 25 June 2021, is being circulated at the request of the Delegations of Argentina, Australia, Canada, Costa Rica, the European Union, Israel, Japan, New Zealand, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, United Kingdom, and the United States.

Draft General Council Decision

**Procedures to Enhance Transparency and Strengthen Notification Requirements
Under WTO Agreements**

Decision of X Date

The General Council,

Recognizing that transparency and notification requirements constitute fundamental elements of many WTO agreements and a properly functioning WTO system, and thus of Members' obligations;

Acknowledging the chronic low level of compliance with existing notification requirements under many WTO agreements;

Recalling the difficulties that some Members are facing to comply fully with the notification requirements due to capacity limitations, and the necessity to give appropriate consideration to such difficulties and provide appropriate technical assistance to those Members to address them; and

Desiring to strengthen and enhance transparency and improve the operation and effectiveness of notification requirements;

Decides as follows:

Scope of Decision

1. For the purpose of this decision "notification" shall mean the notification obligations in relation to each of the following WTO Agreements and Understandings:

Agreement on Agriculture;
Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping);

Agreement on Subsidies and Countervailing Measures;
 Agreement on Safeguards;
 Understanding on the Interpretation of Article XVII of the GATT 1994 (State Trading);
 Agreement on Implementation of Article VII of the GATT 1994 (Customs Valuation);
 Agreement on Import Licensing Procedures;
 Agreement on Rules of Origin;
 Agreement on Preshipment Inspection;
 Decision on Notification Procedures for Quantitative Restrictions (G/L/59/Rev.1);
 Agreement on Trade Related Investment Measures;
 Agreement on the Application of Sanitary and Phytosanitary Measures;
 Agreement on Technical Barriers to Trade; and
 Agreement on Trade Facilitation, Section I.

Reaffirming existing commitments

2. The Members reaffirm existing notification obligations and recommit to submitting timely notifications.

Engagement in WTO bodies to facilitate compliance

3. The General Council instructs the Working Group on Notification Obligations and Procedures (Working Group) to:

- (a) meet initially within six months of this decision to develop recommendations on improving Member compliance with notification obligations;
- (b) consult with relevant committees and other working groups and bodies as appropriate and identify both systemic and specific improvements such as introducing simplified notification formats, updating reporting requirements, holding additional trainings and workshops at the committee level, and using new digital tools that can help Members improve compliance with notification obligations;
- (c) consult with the WTO Secretariat as appropriate, including the WTO Institute for Training and Technical Cooperation (ITTC), to assess the contribution of WTO trade-related technical assistance to improving notification compliance and submission of notifications to the Central Registry of Notifications;
- (d) work with the Secretariat to update the Technical Cooperation Handbook on Notification Requirements for each of the agreements and understandings listed in paragraph 1 and present it to the Council for Trade in Goods;
- (e) review G/L/223 and recommend revisions to the report to [streamline/standardize] the factual analysis of Members' notification compliance;
- (f) consult with the Secretariat on ways the WTO's internal record-keeping procedures as regards notifications compliance can be streamlined and improved;
- (g) work with the relevant committees and the Secretariat to create a dedicated page on the WTO website with resources, guidance, training videos, and other materials as relevant to aid Members in completing notifications;
- (h) work with the Secretariat to establish automatic reminder emails to Members, via the eRegistration system, [x] weeks before a notification is due; and
- (i) report to the Council for Trade in Goods on its findings and recommendations within two years of the adoption of this decision, and provide updates at each subsequent meeting.

4. The General Council instructs the Trade Policy Review Body to ensure that within one year of this decision all trade policy reviews include a specific, standardized focus on the Member's compliance with its notification obligations. The Secretariat shall include within country reports specific information on notification compliance by the Member. For preparing notifications, Members

are encouraged to make use, as appropriate, of the information on Members' trade policies and practices available under the Trade Policy Review Mechanism.

5. The General Council instructs the Committee on Agriculture to review and update G/AG/2 within two years of this decision, with a view to improving Members' compliance with notification obligations.

6. Members are encouraged to bring to the attention of the relevant Committees any notifications that a Member considers have not been made.

Explanation for delay

7. A Member that fails to submit a notification within the applicable notification deadline should submit to the relevant Committee within six months after the relevant notification deadline and every six months thereafter an explanation for the delay, the anticipated time-frame for its notification, and any elements of a partial notification that a Member can produce to limit any delay in transparency.

Technical assistance and capacity building

8. Any Member may request assistance from the Secretariat in compiling and completing a notification. The Secretariat is instructed to provide such assistance in full consultation with that Member.

9. A Member encountering difficulty in fulfilling its notification obligations shall not be subject to measures under paragraph 11(a) until two years after the notification deadline has passed provided it has:

- (a) requested assistance and support for notification-related capacity building from the Secretariat, whether in the form of WTO trade-related technical assistance, ad hoc assistance for a particular notification, or capacity building; and
- (b) submitted written information to the Secretariat, the Working Group, and the relevant Committee on the assistance and capacity building needed in order to submit the relevant notification.

10. A Least Developed Country Member encountering difficulty in fulfilling its notification obligations shall not be subject to any measures under paragraph 11 provided it has:

- (a) requested assistance and support for notifications-related capacity building from the Secretariat, whether in the form of WTO trade-related technical assistance, ad hoc assistance for a particular notification, or capacity building; and
- (b) submitted written information to the Secretariat, the Working Group, and the relevant Committee on the assistance and capacity building needed in order to submit the relevant notification.

Administrative measures

11. Beginning in [2025] [2026]¹, a Member that fails to submit a notification within the applicable notification deadline² shall be subject to the following measures:

¹ As regards notifications which are outstanding as of 1 January [2025] [2026], Members which have not submitted the relevant notification(s) shall be subject to administrative measures no sooner than 1 January [2026] [2027].

² For the purposes of this decision, the SPS Committee and TBT Committee, respectively, will develop guidelines on the conditions under which a Member shall be deemed to have failed to provide a required notification with respect to ad hoc notifications for the Agreement on the Application of Sanitary and Phytosanitary Measures and Agreement on Technical Barriers to Trade such that administrative measures shall be applied pursuant to paragraph 11 of this decision. This decision shall not apply to ad hoc notifications under the TBT or SPS Agreements until the relevant guidelines have been adopted.

- (a) Phase 1 Measures shall apply to a Member one year after the expiry of the notification deadline.

A Member subject to Phase 1 Measures:

- (i) shall be designated as a "WTO Member with notification delay", and shall be identified as such when offered the floor in the General Council;
- (ii) shall be called upon to speak in WTO formal meetings after all other WTO Members have taken the floor, but before any observers; and
- (iii) shall have its overall notification compliance reported upon annually by the Secretariat in the Council for Trade in Goods as part of the reporting for G/L/223.

- (b) Phase 2 Measures shall apply to a Member that has been subject to Phase 1 Measures for one year, and has nevertheless not submitted the relevant notification(s). Upon request of a Member subject to Phase 1 Measures that continues to encounter difficulty in fulfilling its notification obligations, the Committee to which the notification must be submitted may decide whether the Member with notification delay shall be exempted [for X amount of time] from the application of Phase 2 Measures.

In addition to the Phase 1 Measures which shall continue to apply, a Member subject to Phase 2 Measures:

- (i) shall have its notification performance reported upon by the Secretariat annually at General Council Meetings;
- (ii) may pose questions during Trade Policy Reviews, but Members shall not be obliged to respond; and
- (iii) shall not have its representatives be nominated to preside over WTO bodies.

12. Phase 1 and 2 Measures shall be immediately rescinded when the Member has submitted the relevant notification(s).

13. When measures are applied at Phases 1 and 2, the Director-General shall inform the relevant Minister representing that Member.
