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Page: 1/3

**General Council
Council for Trade in Goods**

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PROCEDURES TO ENHANCE TRANSPARENCY AND IMPROVE COMPLIANCE WITH NOTIFICATION REQUIREMENTS UNDER WTO AGREEMENTS

COMMUNICATION FROM ARGENTINA; AUSTRALIA; BRAZIL; CANADA; CHILE; COLOMBIA; COSTA RICA; THE EUROPEAN UNION; ICELAND; ISRAEL; JAPAN; REPUBLIC OF KOREA; LIECHTENSTEIN; MEXICO; REPUBLIC OF MOLDOVA; MONTENEGRO; NEW ZEALAND; NORTH MACEDONIA; NORWAY; PARAGUAY, PERU; THE PHILIPPINES; SINGAPORE; SWITZERLAND; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU; THAILAND; UNITED KINGDOM; THE UNITED STATES; AND URUGUAY

*Revision**

The following communication, dated 18 May 2022, is being circulated at the request of the Delegations of Argentina; Australia; Brazil; Canada; Chile; Colombia; Costa Rica; the European Union; Iceland; Israel; Japan; Republic of Korea; Liechtenstein; Mexico; Republic of Moldova; Montenegro; New Zealand; North Macedonia; Norway; Paraguay; Peru; the Philippines; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; United Kingdom; the United States; and Uruguay.

Draft General Council Decision

Procedures to Enhance Transparency and Improve Compliance with 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 and capacity building to those Members to address them;

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

* This revision is to add the delegations of Brazil; the Republic of Moldova; Montenegro; Peru and Thailand as co-sponsors to the communication

Recalling the previous efforts of the Working Group on Notification Obligations and Procedures;

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, Understandings, and Decisions:

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 and complete notifications.

Engagement in WTO bodies to facilitate compliance

3. The General Council instructs the Working Group on Notification Obligations and Procedures (Working Group), which is open to participation by all Members, 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 to identify both systemic and specific improvements, as appropriate, 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 enhancements to the report relating to the factual analysis of Members' notification compliance;
- (f) consult with the Secretariat on ways to enhance the WTO Notification Portal, including with regard to how it may be used to improve notification compliance;
- (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 before a notification is due;
- (i) report to the Council for Trade in Goods (CTG) on its findings and recommendations within two years of the adoption of this decision; and
- (j) report to the CTG on its continuing work annually or as appropriate thereafter.

Trade policy reviews

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.

Technical assistance and capacity building

5. Any Member may request that the Secretariat assist it in identifying and completing a notification. The Secretariat is instructed to provide such assistance in full consultation with that Member.

6. Any Member encountering difficulty in fulfilling its notification obligations is encouraged to make a written request to the Secretariat for the notification-related technical assistance or capacity building needed in order to submit the relevant notification, and to share this request with the Working Group and the relevant Committee in the interest of transparency.

7. The Secretariat should take into account the specific needs identified in requests for assistance and support to provide more targeted training related to notifications.

Explanation for delay

8. A Member that fails to submit a notification within the applicable notification deadline is encouraged to 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.

Review of progress and future work

9. Three years after adoption of this decision and as appropriate thereafter, the General Council shall review the progress made by Members in improving compliance with notification obligations.

10. The General Council may direct the Working Group to develop further recommendations.

11. The General Council may consider expanding the efforts of the Working Group to other WTO Agreements, Understandings, and Decisions.
