



**Committee on Trade and Development
Committee on Technical Barriers to Trade
Committee on Sanitary and Phytosanitary Measures
Committee on Trade and Development Special Session**

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**HIGHLIGHTS OF ACTIVITIES ON BETTER INTEGRATION OF DEVELOPING COUNTRIES
IN THE AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY
MEASURES AND THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE**

COMMUNICATION FROM THE UNITED STATES*

The following communication, dated 1 November 2023, is being circulated at the request of the delegation of the United States.

Introduction

1. In collaboration with the Committee on Trade and Development (CTD), the United States shared its experiences and observations in the field of Technical Barriers to Trade (TBT) during a thematic event on the Application of the SPS and TBT Agreements during a Special Session of the CTD Committee on 4 October 2023.

Enquiry Points: Collaborative Problem Solving

2. In the Special Session, Mrs. MaryAnn Hogan who manages the TBT Enquiry Point of the United States, presented on the transparency provisions of the TBT Agreement and shared examples of leadership from Members that are utilizing the worldwide network of national TBT Enquiry Point offices. Many national TBT Enquiry Points routinely, even daily, communicate with one another, as well as internally with their own government and private sector stakeholders. They can collaborate, problem solve, share important communications such as comments on notifications as well as responses to comments, respond to internal and external questions, and learn from one another. The staff of these Enquiry Points are only a few mouse clicks and an e-mail message away from government and stakeholders who have questions on technical regulations and standards.

Notifying and Commenting: Experience Sharing to Improve the Progress

3. The US presenter acknowledged that many Members face challenges in notifying their own measures and commenting on foreign measures within the recommended 60-day comment period. However, flexibilities can exist and should be explored with the notifying Member on a case-by-case basis as needed.

4. Experience sharing by WTO Members is a pragmatic way to understand various approaches and methods that are used to carry out the transparency obligations under the TBT Agreement and enable access to notifications all over the world.

5. As an example – the United States recently requested a comment extension from another Member, and because of close collaboration over time, the Member's Enquiry Point was very candidly

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and helpfully able to share why the extension could not be granted. The US TBT Enquiry Point was in turn able to share this information with the stakeholder, and then that stakeholder was able to expedite their comments for submission to the other Member's TBT Enquiry Point for an on-time arrival.

6. Another challenging matter for all Members is ensuring public awareness of and easy access to notifications which the ePing Platform has made much easier. The details of the global regulatory system can now be found through simple internet searches that bring the researcher to a trusted source of information at the WTO. The implementation of this system is a milestone to be celebrated.

7. ePing has been extremely helpful in making unofficial translations available to all. The United States posts unofficial translations to ePing when possible, and occasionally, Members request translations via ePing. During the April 2023 TBT transparency workshop in Nairobi, Kenya, for example, some of the TBT Enquiry Point staff mentioned the need for text translations. The United States shared its experience with creating unofficial translations using Adobe professional software and Microsoft Word. These translations are not perfect, but they do provide a sense of the notified document.

Highlighting Competencies

8. The United States sees, on a regular basis, that developing countries are already leading the way, in many respects, in the WTO TBT and SPS Committee activities. Further, we see developing countries taking steps to comply with the Agreements. In the Committees, we see the progress of developing countries taking steps toward a "building block" approach to compliance, where countries progress to becoming TBT and SPS leaders in the activities and discussions of the Committee. A few examples of areas in which developing countries have been taking the lead in the TBT Committee include:

- a. WTO TBT Notifications: The East African Community Members continuously serve as an example of WTO TBT notification leaders. The majority of top notifiers in the TBT Committee are developing countries.¹
- b. Development of Comments: In addition to notifications, many developing countries actively comment on TBT notifications. During the 10th Special Meeting on Procedures Information Exchange², Kenya and Namibia shared their experiences on general questions enquiry points can ask when preparing or replying to a comment for TBT notifications. A project by WTO Members to develop a model comment began.³
- c. Use of ePing: ePing offers developing country members opportunities to communicate their interest on particular notifications. We have recently seen the Caribbean countries communicating their interests and comments on specific notifications in the international forum of ePing. We welcome further activity in that regard.
- d. Transparency Champions⁴: The WTO Secretariat just completed a meaningful six-month training for African enquiry points that inspires countries to develop national transparency champions and encourages countries to serve as mentors for this program. The United States participated in the mentorship of the African nations that participated and has recommended to the Secretariat that the program be replicated in other parts of the world. This training is key to the success of developing countries in the TBT and SPS Committees. WTO Director General said to the General Council in June 2023 that, ..." these efforts from Members and the Secretariat are geared towards strengthening the deliberative function and

¹ Top 10 WTO TBT notifying Members 2022 can be found here: <https://www.epingalert.org/en/FactsAndFigures/Notifications>.

² Consulted at: [10th Special Meeting on Procedures Information Exchange](#).

³ Consulted at: [Guiding Questions on Responding to a WTO TBT Notification](#).

⁴ WTO Director General Ngozi said this of the program: I thank the delegations from Australia, Sweden, Uganda, and the United States that have offered to be mentors for this project. These efforts from Members and the Secretariat are geared towards strengthening the deliberative function and improving institutional functioning. This is part of better harnessing the potential of all WTO Bodies to address pressing global trade matters and concerns and deliver meaningful results for the benefit of people around the world. Quote from WTO Director General, Ngozi Okonjo-Iweala, to the WTO General Council, June 2023.

improving institutional functioning. This is part of better harnessing the potential of all WTO Bodies to address pressing global trade matters and concerns and deliver meaningful results for the benefit of people around the world".

- e. Secretariat-led in country trainings: The WTO Secretariat staff regularly delivers TBT and SPS Agreement training to developing country Members that request it. The WTO's Technical Assistance Dashboard lists these programs.⁵ This improves their ability to notify and for other Members to become aware of new technical regulations.
 - f. Specific Trade Concerns: The developing countries of the Western Hemisphere, led by Colombia, have been coordinating on specific trade concerns for years, particularly with regard to use of pesticides in the TBT and SPS Committees. Their organization around STCs could be a model for other countries to use when coming together on a complaint against another country. We have seen countries like Kenya, launch their first trade concern in the TBT Committee in the last year, and we encourage others to do so.
 - g. Triennial Review Proposals: South Africa and Brazil have long been leaders in Triennial Review proposals, launching several proposals per three-year cycle. The Secretariat has launched an online training on the Triennial Review process in the TBT and SPS Committees, and taking the course helps future developing country representatives to become leaders in the Committee.
 - h. Thematic discussions: The TBT Committee has thematic discussions and developing countries like China, Indonesia and Brazil, and South Africa continuously provide perspectives on these panels, developing countries should be encouraged to nominate speakers into the discussions, which are now webcast, so that all stakeholders can hear the National Quality Infrastructure: The TBT Committee has had active discussions on national quality infrastructure that have involved active participation from developing countries like Brazil, Indonesia and Trinidad and Tobago. For developing countries to grow in the TBT Committee activities, following and engaging in these discussions is an important activity.
 - i. Policy Discussions: The TBT Committee has on-going policy discussions regarding conformity assessment procedures and transparency. China, Kenya and South Africa are leaders in these discussions and other developing countries should look to their example of engagement. The meetings are hybrid so as to maximize participation of capitol-based experts.
 - j. Good Regulatory Practice: The TBT Committee is engaged in conversation about Good Regulatory Practices. Countries like Paraguay and Indonesia have engaged in these discussions. For developing countries to grow in the TBT Committee activities, following and engaging in these discussions is an important activity.
 - k. Standards and Trade Development Facility (STDF): The STDF provides resources to Members that have identified a concrete need that can be addressed through collaboration between national competent authorities and international technical experts. Project development and execution requires vision and commitment, and the STDF's history of success is a testament to the ability of Members to improve the function of their national SPS services.
9. The TBT and SPS Committee are more open to participants than ever before, with new tools, like ePing, Interpretfy, eAgenda, Zoom, webcasts, almost anyone in the world can participate in the TBT and SPS Committees. The TBT and SPS leadership within the G90 can serve as examples, and along with developed countries can encourage and help other G90 Members to participate in assistance structures that already exist in the Committees.

⁵ Consulted at: <https://tams.wto.org/dashboards>.

What's Next?

10. The use of thematic review sessions to view WTO Agreements through the lens of practical case studies is promising. These case studies offer developing countries an opportunity to speak to their progress in becoming leaders in their respective technical Committees.

11. The United States will continue to work with WTO Members to bring diverse and insightful perspectives to the WTO. We are open to build on the work started at the CTD SS thematic session earlier this month and work towards a collection of best practices including how the availability and use of digital tools like the ePing SPS&TBT platform can help address the challenges we face today, and better operationalize the existing flexibilities that do not appear to be fully utilized.
