



## PROPOSAL TO IMPROVE THE PROCESS OF VOLUNTARY NOTIFICATIONS

### TENTH TRIENNIAL REVIEW

#### *Proposal from the United Kingdom*

The following submission, dated 22 February 2024, is being circulated at the request of the delegation of the United Kingdom.

## 1 BACKGROUND

1.1. In recent TBT Transparency Working Groups the use of voluntary "transparency notifications" by Members has been noted. These notifications are intended to, for example, draw Member attention to ongoing Member consultations on emerging policy proposals, increasing awareness of these consultations and allowing Members to engage with the development of measures.

1.2. These "transparency notifications" are voluntary, and do not fulfill the mandatory notification obligations as laid out in the TBT Agreement. Rather they encourage transparency and engage Members prior to policies being developed enough to require notification to the TBT Committee under Art 2.9.2 or Art. 5.6.2<sup>1</sup>.

1.3. These notifications are made on the ePing platform, using the same notification format as regular notifications made to fulfil obligations under the TBT Agreement. However, typically, these notifications do not have all the same features as a measure notified under Art 2.9.2 or Art 5.6.2; therefore, given their stage of development, they do not feature a comment period or a draft text for Member consideration. This is because such voluntary notifications are distinct from notifications under the TBT Agreement and are not intended to fulfil the same requirements.

1.4. This can cause confusion as, on receipt of such a transparency notification, Members look for additional information or expect to be able to submit comments through Enquiry Points. This may then subsequently be clarified through the Enquiry Point but it takes time and resource from Members who may then miss the opportunity to engage with the notified consultation process.

## 2 PROPOSAL

2.1. The United Kingdom proposes an additional notification function on ePing, allowing members to clearly identify notifications which are relevant to the TBT Committee but made outside of the scope of TBT notification obligations. This could be in the form of a separate and distinct "Transparency" tick box in the "Notified Under" portion of the form, negating the need to provide draft text or dates for comment. Members could then tick that box for notifications which:

- a. Draw Member attention to ongoing Government consultations, which are not yet at the stage of development where notification to the TBT Committee under Article 2.9.2 or Article 5.6.2 is required, but which may be of interest to Members.

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<sup>1</sup> It should be noted that not all measures which are voluntarily notified will ultimately develop into measures that meet the conditions for mandatory notification under Article 2.9.

- b. Publicise resources such as registers, which do not in themselves warrant full notification, but which may be of benefit to Members and businesses.

2.2. Alongside other existing proposals for improvements to notification procedures and guidance, this function would facilitate additional transparency from Members and increase the clarity of notifications made through the ePing platform. It would also enable increased and early engagement of international partners in policy development, facilitating the development of measures that are the least trade restrictive.

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