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Committee on Technical Barriers to Trade

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PROPOSAL ON PROVISION OF TRANSLATION INTO WTO'S OFFICIAL LANGUAGES

TENTH TRIENNIAL REVIEW

Proposal from the European Union

The following submission, dated 11 March 2024, is being circulated at the request of the delegation of the European Union.

1 BACKGROUND

1.1. Transparency obligations remain at the core of the TBT Agreement. Their fulfilment is necessary for the attainment of the objectives of the Agreement. One of key transparency obligations is embedded in the obligation to notify measures at the draft stage, when making comments is possible.

1.2. The Members can comment effectively only if they are able to understand the notified measure and to correctly assess its potential impact. This cannot be achieved without access to a reliable translation of the draft measure. Article 10.5 of the TBT Agreement facilitates this objective when it provides that "developed country Members shall, if requested by other Members, provide, in English, French or Spanish, translations of the documents covered by a specific notification or, in case of voluminous documents, of summaries of such documents". However, this is not the case for measures adopted and notified by developing country Members thus making it difficult to submit comments within the 60 days commenting period.

1.3. During the Ninth Triennial Review the lack of translations of notified measures into one of the official WTO languages was named as one of the main challenges in the process of preparing comments on notifications by several Members.

1.4. Available statistical information demonstrates that during the period covered by the present Triennial Review numerous notifications submitted by developing country Members were not made available in any of the official languages of the WTO.¹

1.5. Most of WTO Members, including developing country Members do not have the capacity to translate all incoming notified measures so that their officials and domestic stakeholders can easily assess the content of the draft measures.

¹ During the period of 2021-2023, China notified 263 measures (including 248 new notifications), Indonesia notified 60 measures (including 37 new notifications), the Kingdom of Saudi Arabia notified 180 measures (including 140 new notifications). This gives a total of 503 measures (including 425 new notifications) from these three Members, none of which could have been assessed without a reliable translation. These three Members were selected as example only, based on the number of notifications they submit and on the frequency of requests from EU stakeholders for translations of the measures notified by them.

1.6. Even when some Members translate the full text of another Member's notified measure(s) into any of the official WTO languages, there is no widely used mechanism to either share or to inform other Members of the availability of such translation.²

1.7. Given that machine translations may contain important errors which could lead to misinterpretations of the notified measures, it is important to enhance cooperation between Members through sharing reliable translations of measures into the official WTO languages between the Members.

1.8. Technical regulations and conformity assessment procedures are complex and often cover technical issues. Correct translation is key in allowing the Members to assess the measure properly.

1.9. In the Ninth Triennial Review the Secretariat was asked to explore the use of available AI tools such as translation software to enable the provision of unofficial translations for all notified measures in the WTO's three official languages.

1.10. Additionally, the Members were encouraged to announce, through ePing, the availability of the translation of either partial or the full text of another Member's notified measure into any of the official WTO languages.

2 PROPOSAL

2.1. Taking into account the fact that:

- There are no tangible results of the exploration of the use of available IT tools, such as translation software, in order to provide unofficial translations of notified documents into the three official WTO languages through TBT online tools;
- the use of AI technology for translation of notified measures cannot be accepted by all Members;
- the use of AI technology for translations would generate substantial additional costs to be covered by already stretched ePing budget;
- the ePing is not widely used by the Members as a platform to share available translations, and when shared through ePing "outreach" functionality, these translations are not labelled as "translator" or "machine" which does not allow for quick reliability check of these translations for the preparation of official comments by the Members.

2.2. The European Union would like to propose the following steps to increase the transparency and to reinforce the cooperation on sharing of verified translations:

- a. to ask the Secretariat to develop in ePing an easily accessible functionality of "verified translation"³, to be made available for the Enquiry Points;
- b. to encourage all Members to strive towards providing translations of the measures they notify into one of the WTO's official languages, upon request, within the limits of their capacities;
- c. to encourage the Enquiry Points of interested Members to establish a "translations cooperation network" to share best practices, seek ways for burden sharing in translating the notified measures of common interest by pooling resources and avoiding the duplication of work.

² Although ePing "outreach" module is used by some Members to upload translations, it is not always clear what kind of translations they are (machine, translator). It is therefore not always a fully reliable source for the assessment of notified measures for the preparation of official comments.

³ "verified translation" meaning:

- Translation prepared by a professional translator or
- Translation prepared by a government official who understands the original language of the measure or
- Machine translation, reviewed by a professional translator or a qualified government official.