

The WTO SPS&TBT Transparency Framework

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Outline

1. What are key SPS/TBT Agr. transparency provisions?
2. What role do SPS/TBT Committees play?
3. How [ePing](#) supports implementation and engagement by diverse stakeholders?
4. How to further enhance stakeholder engagement?

focus on the actual operation of the regulatory transparency framework

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1. What are key SPS/TBT Agr. transparency provisions?
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SPS/TBT AGREEMENTS IN A NUTSHELL

allowing
regulatory
autonomy to fulfill
*legitimate
objectives*



avoiding
discriminatory/
unnecessary
barriers to
international
trade

Transparency
International standards...

Key SPS/TBT transparency provisions

Establishment of Enquiry Point

Notification of new/revised SPS/TBT measures

Publication of measures

Designation of National Notification Authority (NNA)

Statement of Implementation – TBT only

Agreements between Members – TBT only

Standards-related obligations – TBT only

Focus on provisions of direct interest to wider range of stakeholders

SPS/TBT Enquiry Points

- To answer all reasonable enquiries from other Members (and **interested parties in other Members**) and provide relevant documents regarding:
 - Adopted or proposed SPS/TBT measures
 - Membership in regional/international arrangements...

*stakeholders can seek information from the Enquiry Point,
contact details on ePing!*

Notification of measures - when?

- Regular measures



Regular notifications shall be made at an **early stage** when amendments can still be introduced and **comments taken into account before a regulation** is finalized.

“Reasonable” comment period: 60-days

- Emergency measures

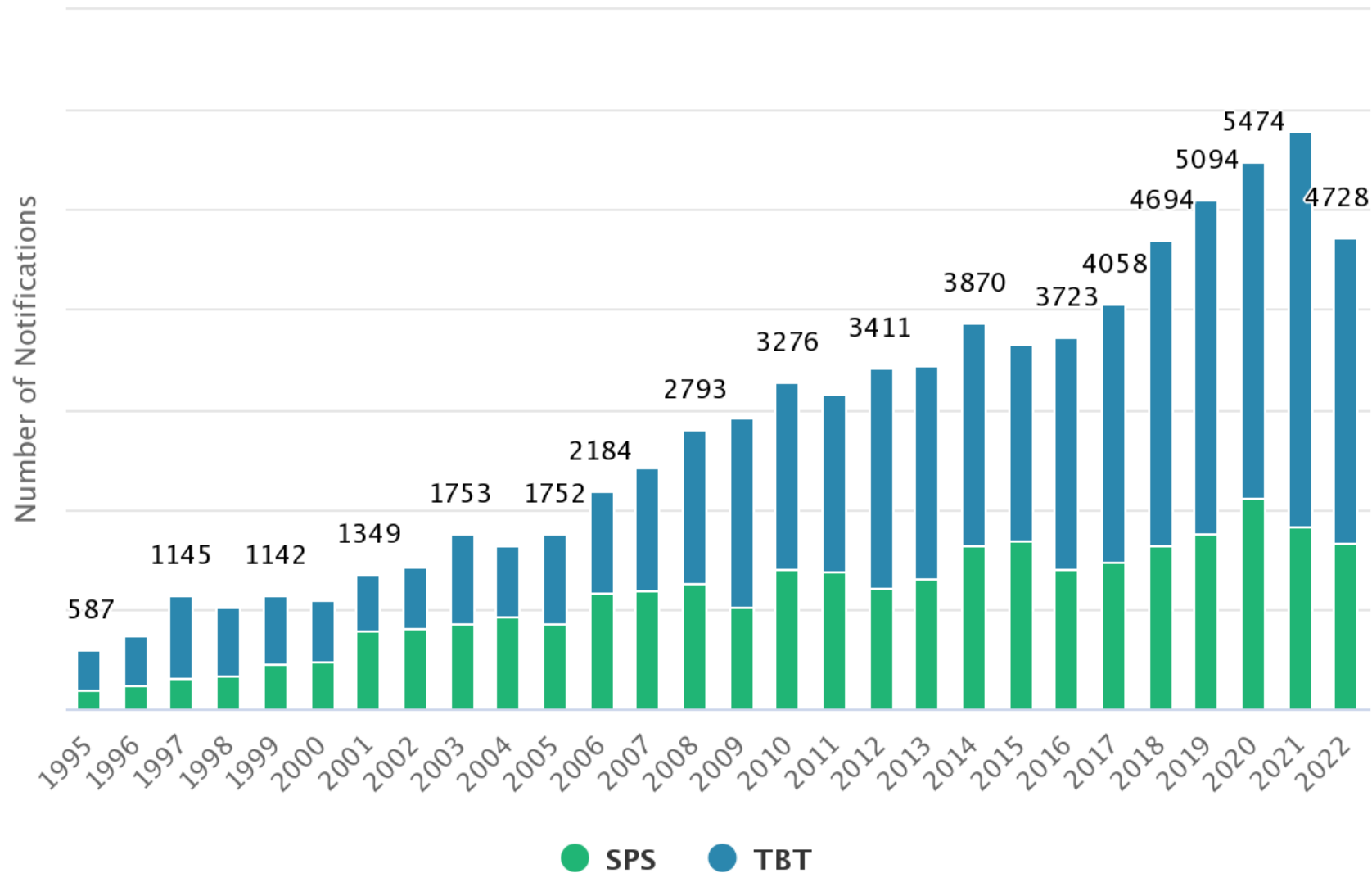


Notify immediately!

Still, allow for comments and take these into account

*Opportunity for all stakeholders to provide inputs, ideally through their government focal points
Timely information can be vital for producers to adapt to new requirements, e.g. new label, new certificate,
product reformulation...*

Notifications – upward trend



Notifications publicly available;
still, challenge to keep track
and react in a timely manner,
use rights



Publication of measures

- Members to publish all adopted measures promptly
- Except in urgent circumstances, allow reasonable interval between publication and entry into force
 - Normally **six months**
 - If trade facilitating, do not delay

*Further Committee guidance to share websites
Opportunity for all stakeholders to access final measures*

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SPS and TBT Committees

1

Information exchange on cross-cutting issues leading to decisions and recommendations, including on transparency

2

Review of measures
“specific trade concerns” (STCs)
mostly based on notifications

*Committee guidance evolving based on feedback from users of transparency framework
Latest TBT Triennial Review (2021) – 19 transparency recommendations –
new Transparency Working group (2022)*



Chart 19a: STCs raised 1995-2021

TBT STCs

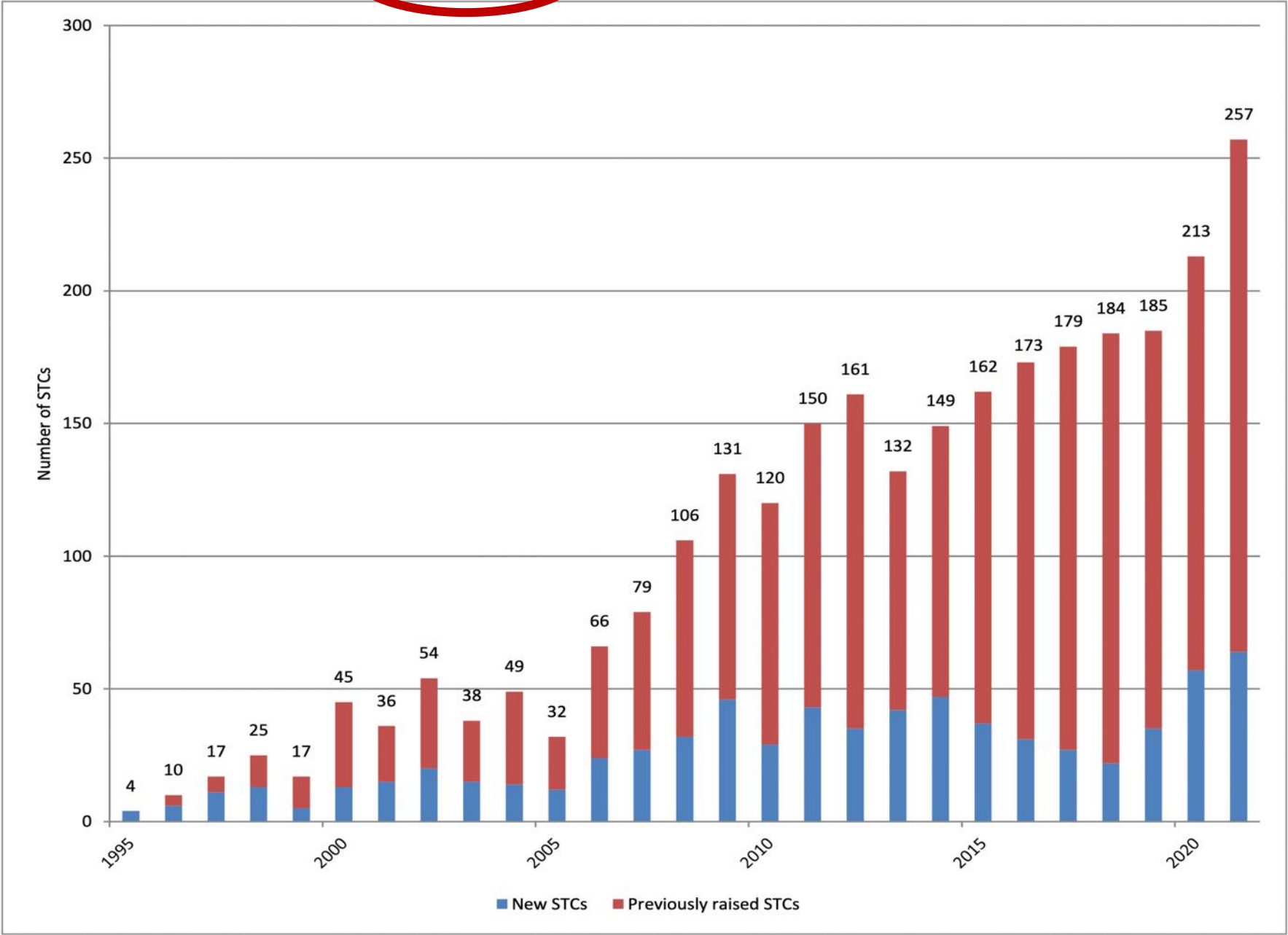
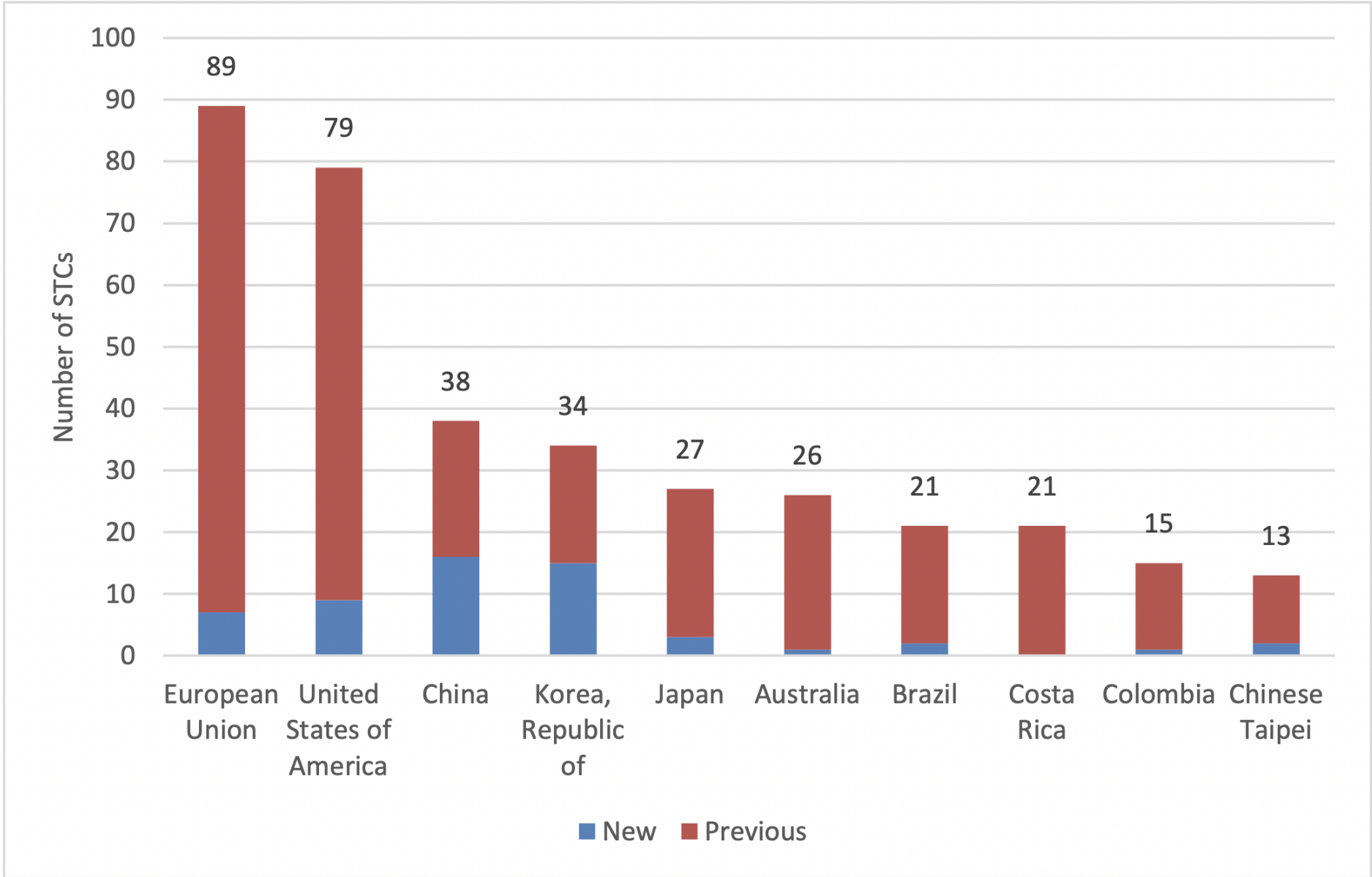
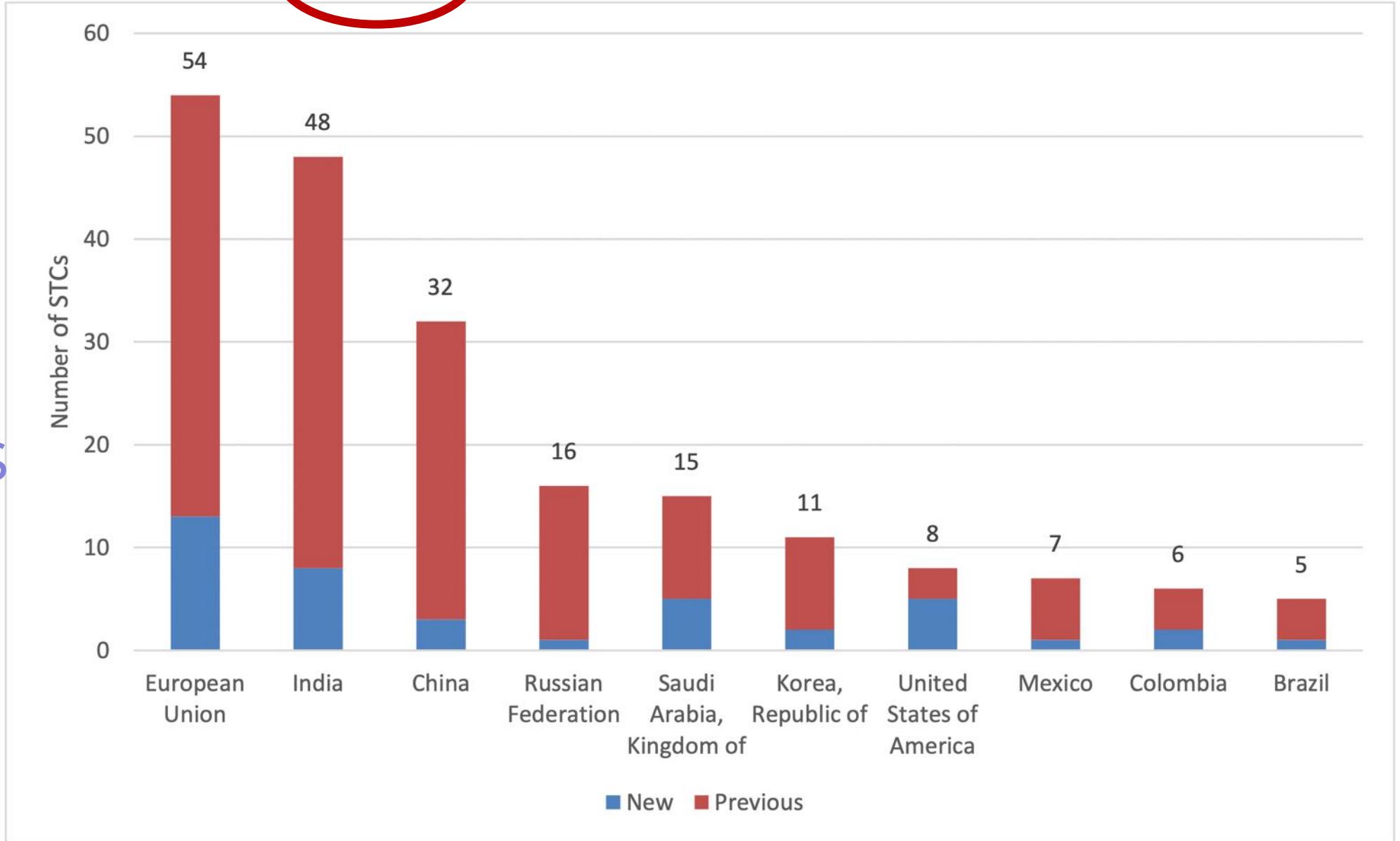


Chart 22: Top ten raising Members, 2021



TBT STCs

Chart 24: Top ten responding Members, 2021



TBT STCs

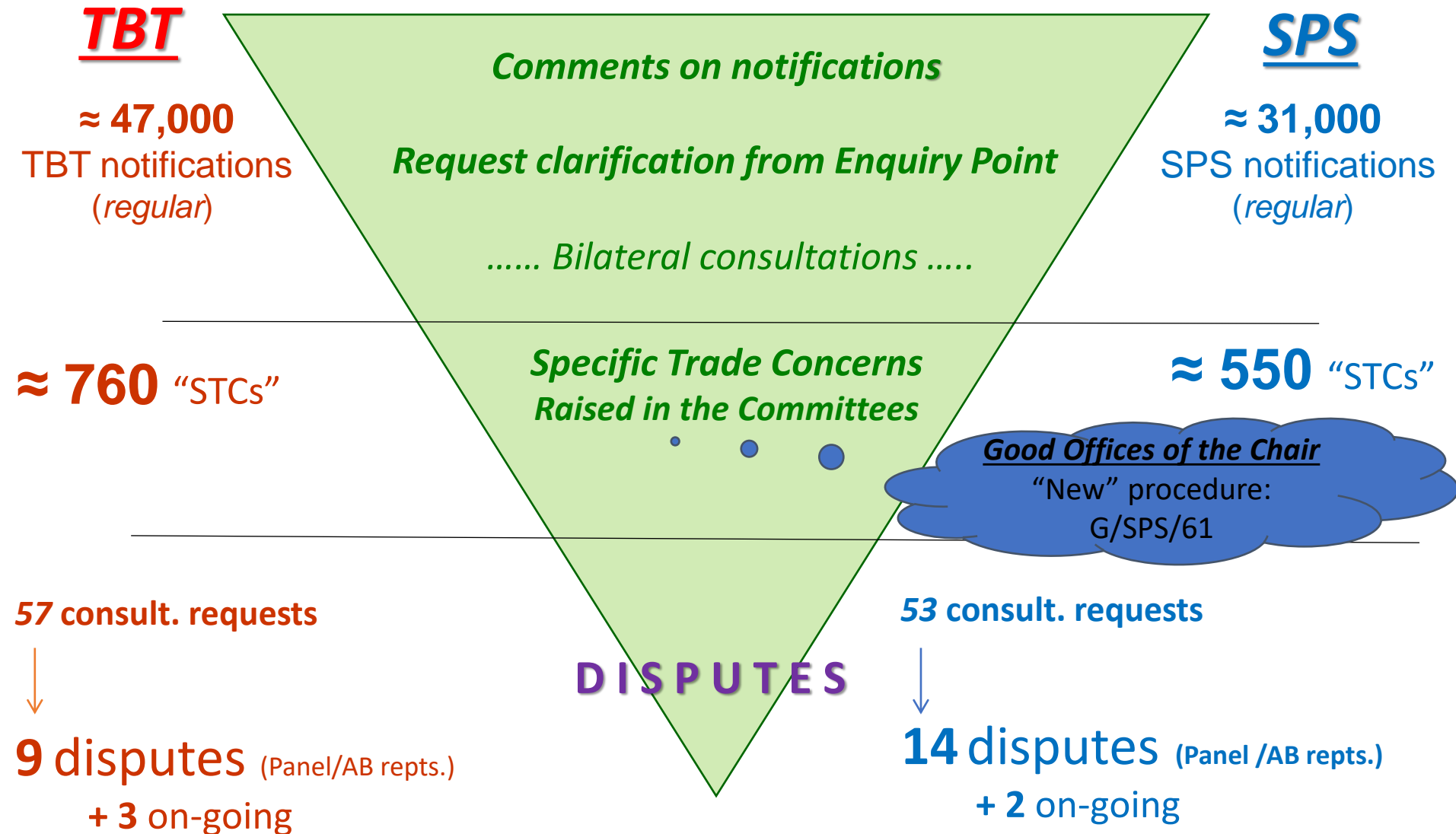
What incentives for Members to raise specific trade concerns?

- Improved **transparency and information exchange** (e.g. status of implementation, product coverage)
- Applying **multilateral peer pressure** – forum to elevate concerns without resorting to WTO dispute settlement
- Awareness-raising about the **use and non-use of international standards**
- **Resolution of trade concerns** (including through bilateral meetings on margins of Committee)
- **Technical assistance**

New WTO study: between 2002 and 2020 specific trade concerns covered on average USD 2,419 billion of imports per year, representing on average 16.7% of global imports (see [Symposium](#) held October 2022)

Dispute avoidance & resolution in the TBT and SPS Committees/Agreements

as of 31 Aug 2022



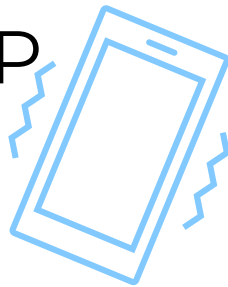
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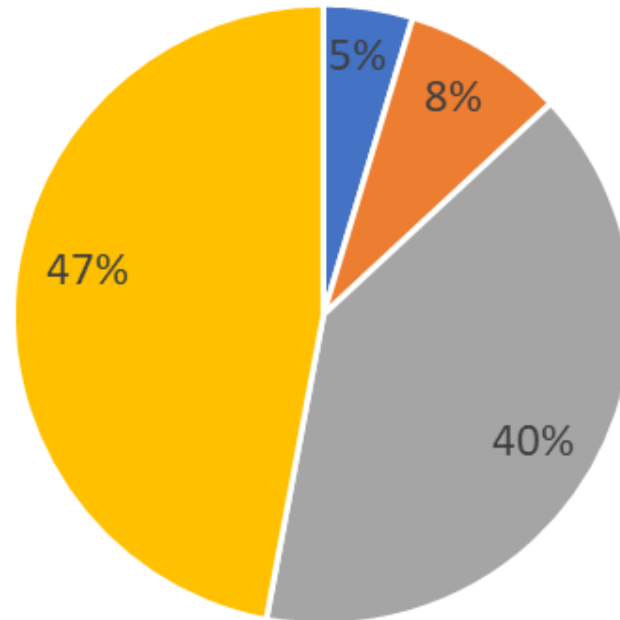
Main ePing functions

- Submission of notifications by Members – promotes **domestic coordination** among government officials, especially between regulators and trade officials
- All stakeholders can subscribe to receive customized email **alerts**, search notifications/STCs, now also an APP
- Discussion fora at national and international level promote further **information exchange, coordination, dialogue** (e.g. sharing of comments)



ePing subscribers by sector

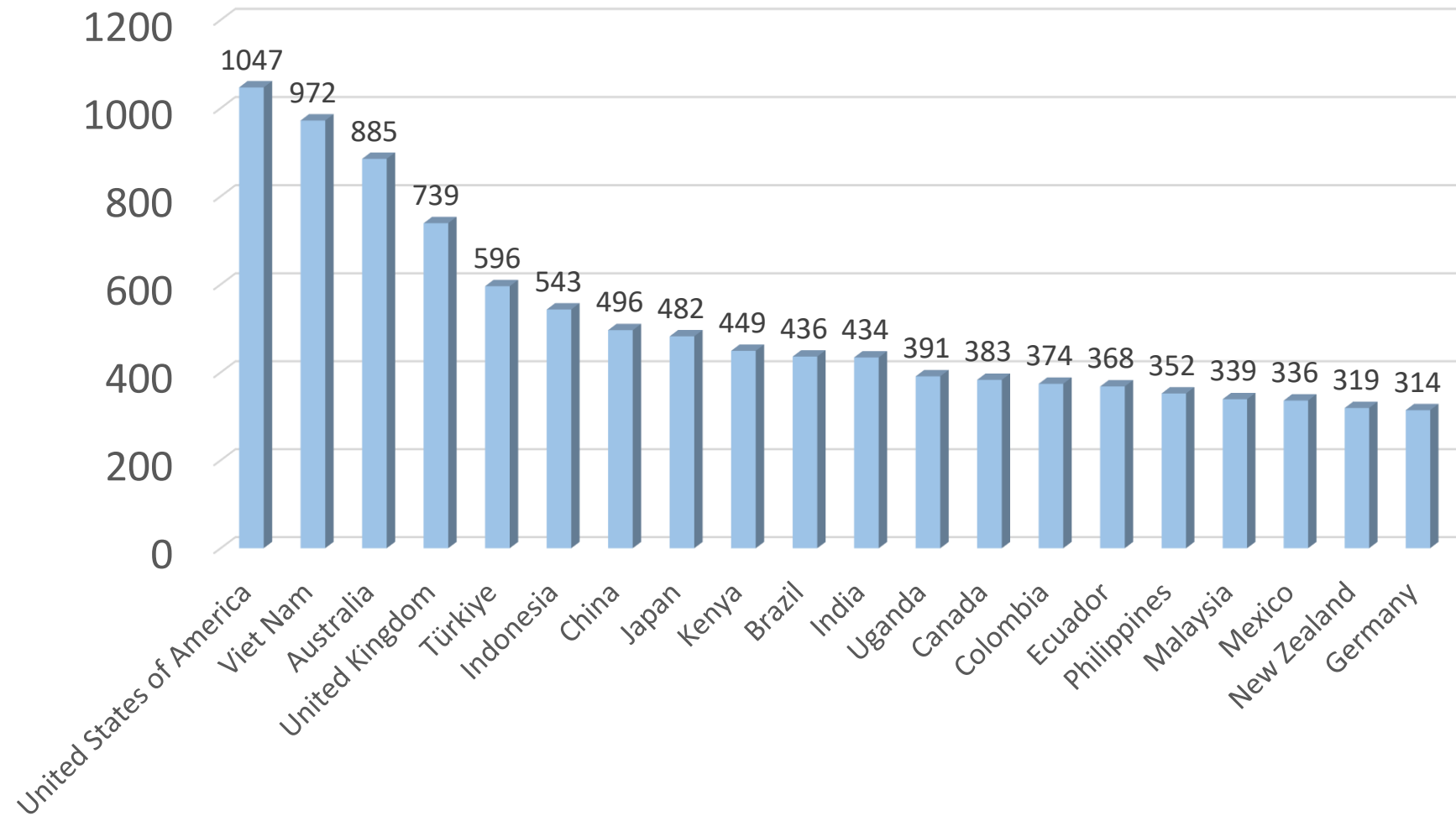
More than 18,600 subscribers



■ Mixed ■ Other ■ Private ■ Public

ePing brings together all stakeholders under one roof

ePing subscribers – top 20



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Example of ITC pilot project

Business survey on regulatory and procedural trade obstacles

Experience of a Vietnamese trader – Example of a problem that ePing could have prevented from occurring



100630 Exports of japonica rice to Italy



We exported our rice to the EU market, the exporting process at the end of 2017 has been in trouble. Because at this time, the EU market applied a regulation for a standard level of MRL for the Tricyclazole substance to not exceed 0.01 mg/kg. This substance is contained in the plant protection products to eliminate the rice blast disease. **We got this information too late.** The rice production season lasts from 3-6 months, thus the previous rice production season (before the end of 2017) has not been able to ensure the allowed level of substances according to this standard.

Etc.

Example of notification - SPS



G/SPS/N/EU/173

Maximum residue levels for tricyclazole in or on certain products



100630
Japonica Rice

Symbol, title and description of content

Annexes to "Draft Commission Regulation amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for tricyclazole in or on certain products (Text with EEA relevance)" G/SPS/N/EU/173 These notified annexes to the draft Regulation set proposed maximum residue levels for tricyclazole in or on certain products in Annex V to Regulation (EC) No 396/2005. In view of the non-approval of the active substance tricyclazole in the European Union, the MRLs for this substance are lowered to the limit of determination.

- Product(s) covered : Cereals (HS Codes: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008), foodstuffs of animal origin (HS Codes: 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210) and certain products of plant origin, including fruit and vegetables
- Objective(s) : Food safety, Human health, Maximum residue limits (MRLs), Pesticides
- Issued on: 16 Nov 2016

NOTIFICATION

1.	Notifying Member: EUROPEAN UNION If applicable, name of local government involved:
2.	Agency responsible: European Commission, Health and Consumers Directorate-General
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Cereals (HS Codes: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008), foodstuffs of animal origin (HS Codes: 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210) and certain products of plant origin, including fruit and vegetables
4.	Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5.	Title of the notified document: Annexes to "Draft Commission Regulation amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for tricyclazole in or on certain products (Text with EEA relevance)". Language(s): English. Number of pages: 7 http://members.wto.org/cnattachments/2016/SPS/EEC/16_4739_00_e.pdf
6.	Description of content: These notified annexes to the draft Regulation set proposed maximum residue levels for tricyclazole in or on certain products in Annex V to Regulation (EC) No 396/2005. In view of the non-approval of the active substance tricyclazole in the European Union, the MRLs for this substance are lowered to the limit of determination.
7.	Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.
8.	Is there a relevant international standard? If so, identify the standard: <input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): <input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): <input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number): <input checked="" type="checkbox"/> None Does this proposed regulation conform to the relevant international standard? <input type="checkbox"/> Yes <input type="checkbox"/> No

Created by "Pesticides - Web Version"
SANTE-2016-11704 Rev0

code	Commodities	Current	New
1	0100000	0.05%	0.01%
2	0110000	0.05%	0.01%
4	0110010	0.05%	0.01%
4	0110020	0.05%	0.01%
4	0110030	0.05%	0.01%
4	0110040	0.05%	0.01%
4	0110050	0.05%	0.01%
5	0110990	0.05%	0.01%
2	0120000	0.05%	0.01%
4	0120010	0.05%	0.01%
4	0120020	0.05%	0.01%
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4	0120060	0.05%	0.01%
4	0120070	0.05%	0.01%
4	0120080	0.05%	0.01%
4	0120090	0.05%	0.01%
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4	0120110	0.05%	0.01%
5	0120990	0.05%	0.01%
2	0130000	0.05%	0.01%
4	0130010	0.05%	0.01%
4	0130020	0.05%	0.01%
4	0130030	0.05%	0.01%
4	0130040	0.05%	0.01%
4	0130050	0.05%	0.01%
5	0130990	0.05%	0.01%
2	0140000	0.05%	0.01%
4	0140010	0.05%	0.01%
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4	0140030	0.05%	0.01%
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2	0150000	0.05%	0.01%
3	0151000	0.05%	0.01%
4	0151010	0.05%	0.01%
4	0151020	0.05%	0.01%
3	0152000	0.05%	0.01%
3	0153000	0.05%	0.01%
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4	0153020	0.05%	0.01%
4	0153030	0.05%	0.01%

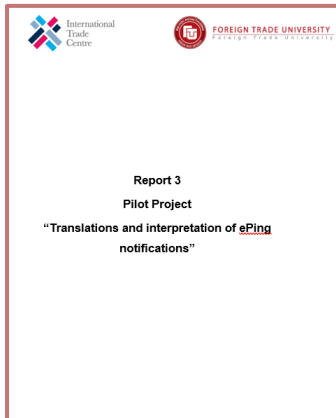
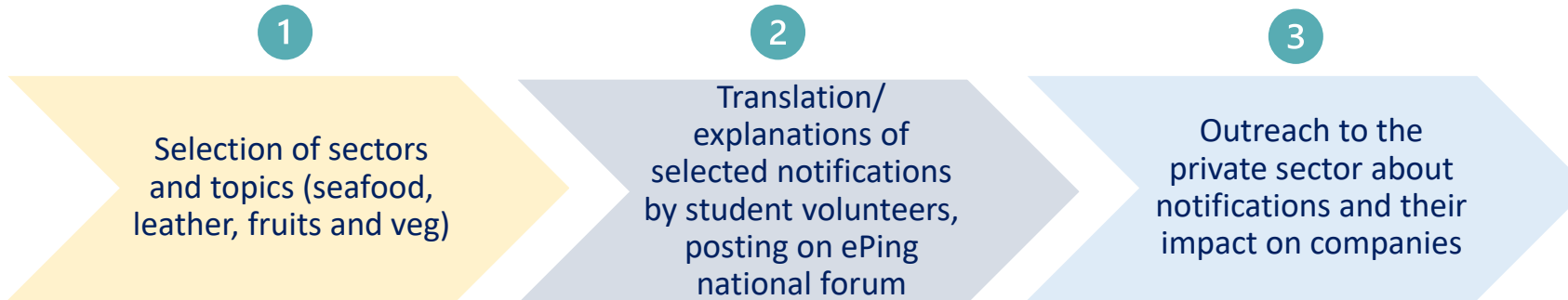
NEU173

"Full text"

Reaching out to the private sector: Focusing on selected sectors and notifications makes a difference



The 2021 ePing pilot project in Viet Nam: a public-private-academia joint effort



Partners

- Foreign Trade University
- SPS / TBT Enquiry points
- Sector Associations

96% of companies would like the initiative to continue

Ongoing outreach/capacity building by ePing partners WTO, ITC, UNDESA to scale up application and benefits of regulatory transparency



TECHNICAL BARRIERS TO TRADE

14 OCTOBER 2022

Standards transparency champions programme kicks off in Geneva

The Technical Barriers to Trade (TBT) Agreement Transparency Champions Programme was formally launched on 10-14 October with an in-person course in Geneva. This pilot initiative aims to scale up the application of, and benefits from, transparency in regulation, and foster champions for transparency. The first cohort includes 26 officials from African countries with responsibilities for TBT transparency procedures.

Some reflections

- SPS/TBT transparency framework facilitates timely access to information on regulatory developments, allows stakeholder engagement, promotes regulatory cooperation, reduces trade conflicts
- Transparency framework evolving in light of feedback, digital opportunities – incorporated through Committee decisions
- Digital tools such as ePing can support implementation and wider stakeholder engagement by regulators, traders, producers, consumer groups, etc within and across countries. Need to increase its uptake.



Thank you!