



ENCOURAGING REGULATORY COMPATIBILITY AND COOPERATION

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Submission from the United States

The following communication, dated 8 November 2019, is being circulated at the request of the delegation of the United States.

1 BACKGROUND

1.1. Regulatory cooperation refers to bilateral, regional, or multilateral processes in which national governments engage in various forms of collaboration and communication with respect to regulation. Cooperative processes can be voluntary or informal arrangements or formalized in binding commitments.

1.2. The WTO TBT Committee has carried out work on regulatory cooperation since 2006. The most recent activity occurred in 2016 when workshops were held on energy efficiency and food labelling, and regulatory cooperation has been addressed in some form in the 4th, 5th, 6th and 7th Triennial Reviews.

1.3. The Committee has noted that regulatory cooperation between members is an effective way to disseminate GRPs ([G/TBT/1/Rev.14](#), page 10) and that regulatory cooperation may contribute to avoidance of unnecessary regulatory divergence ([G/TBT/19](#).) In the 8th Triennial Review, Members recommended to continue its information exchange in the area of regulatory cooperation between Members, based on topics identified by them.¹

1.4. Further, recent work by the OECD showed how the WTO Agreement on Technical Barriers to Trade (TBT) and the Agreement on Application of Sanitary and Phytosanitary Measures (SPS) and the work of their respective committees promote opportunities for regulatory cooperation.² There is current discussion on specific regulatory collaboration measures in the SPS Committee ([G/SPS/W/305](#) and [G/SPS/W/317](#)).

2 VALUE OF COOPERATION

2.1. Regulatory cooperation can lead to greater regulatory compatibility by preventing, reducing, or eliminating unnecessary regulatory differences. Such cooperation can produce tangible outcomes with respect to economic gains from increased trade flows and/or reduced costs, burdens, and delays to market without diminishing protections for health and safety, the environment, and national security.

2.2. Cooperation activities are very often sector-specific. Since Members regulate similar sectors or technologies to ensure the health and safety and protection of the environment, collaboration can

¹ 8th Triennial Review Recommendation on Regulatory Cooperation, ([G/TBT/41](#)).

² Facilitating Trade Through Regulatory Cooperation, the Case of the WTO's TBT/SPS Agreements and Committees, OECD, July 2019.

prove beneficial in sharing experiences, avoiding duplication of efforts and achieving effective regulatory outcomes.

2.3. Cooperation can also support the development of good regulatory practices in emerging technology areas.

3 APPROACHES TO COOPERATION

3.1. Regulators may use a number of collaborative approaches to advance regulatory compatibility. Some examples are information exchange, co-funding of research in support of regulation, using international standards, relying upon relevant scientific and technical guidance documents developed through international collaborative initiatives, developing common platforms for industry submission of information for regulatory reviews, and sharing data and compliance information. These activities can build confidence between regulatory authorities, reduce burdens on both regulators and the industry they are regulating and yield welfare gains that may include minimizing regulatory divergences.

4 PROPOSAL FROM THE UNITED STATES

4.1. With a view to further deepening the Committee's exchange of experiences in this area and increasing Members' awareness of cooperation opportunities, it is proposed that, for the Committee's 2020 GRP thematic session, Members share examples of regulatory compatibility and cooperation mechanisms they have used or are using in sectors such as medical devices.

4.2. Early cooperation in emerging technology areas can be very constructive, so examples of cooperation activities in an area like new vehicle technologies (electric and autonomous vehicles, etc.) would also be informative for Members and would be welcome as part of the thematic session.

4.3. Examples of regulatory cooperation mechanisms have been included in recent trade agreements.³ A cataloguing of regulatory cooperation mechanisms by the Committee could inform Members as they consider cooperation options.

³ The Pacific Alliance, United States Mexico Canada Agreement, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and the Canada-EU Comprehensive Economic and Trade Agreement all identify cooperation mechanisms that can further regulatory compatibility.