

出國報告(出國類別：其他)

出席 WTO 技術性貿易障礙委員會
第 85 次例會及相關會議(視訊會議)

服務機關：經濟部標準檢驗局

姓名職稱：陳專員儀珍

出國地區：瑞士日內瓦

出國期間：110 年 11 月 8 日至 12 日

報告日期：111 年 1 月 5 日

摘 要

世界貿易組織（WTO）技術性貿易障礙（TBT）委員會於本（110）年 11 月 8 至 12 日舉行非正式會議及第 85 次正式會議。因 Covid-19 疫情，本次會議採實體及視訊方式並行，由 TBT 委員會新任主席 Mrs Elisa María Olmeda de Alejandro(墨西哥籍)主持。配合我國防疫政策，我國本次以視訊方式出席會議。

11 月 8 日上午及 11 月 9 日上午為非正式會議，討論第 9 次三年總檢討報告草案，由於 WTO 會員於前幾次非正式會議已熱烈討論各項提案，此次僅巴西提案表示意見，其餘會員並無相關意見提供。

11 月 10 至 12 日召開第 85 次正式會議，主要就特定貿易關切事項（STC）進行討論，並通過採行第 9 次三年總檢討報告。本次會議中，會員共提出新增及既有計 89 項 STC 案，我國計提出 5 項 STC，分別是「歐盟-化學物質及混合物之分類、標示及包裝(CLP)法規修訂」、「印度-化學及石化物質品質管理法令系列措施草案」、「印度-食品安全標準(進口)案」、「中國-進口食品境外生產企業註冊管理規定草案(第 248 號令)」及「印度-鋼鐵產品認證要求案」。

本報告提出 3 項建議：(1) 積極參與各項主題性研討會，掌握各國 TBT 重要議題之發展、(2) 持續推展精進我國 WTO/TBT 通知文件篩選機制，積極透過 TBT 多邊場域表達我國關切、(3) 研議如何提升 STC 討論效率。

目 錄

壹、前言.....	3
貳、TBT 委員會非正式會議紀要	3
參、第 85 次 TBT 委員會正式會議紀要	4
肆、檢討與建議.....	7

附件：

1. TBT 委員會第 85 次會議議程 (JOB/TBT/434)
2. 第 85 屆例會新增 STC 彙整表
3. 多國關切且涉我國重要出口國之 STC 討論情形彙整表
4. 我國 STC 發言資料
5. 第 9 次三年總檢討報告(G/TBT/46)

壹、前言

世界貿易組織（WTO）技術性貿易障礙委員會（簡稱 TBT 委員會）於每年定期召開 3 次例行會議，本（110）年 12 月 8 至 12 日召開第 85 次例會及相關會議（例會議程如附件 1），因 Covid-19 疫情，本次會議採實體及視訊方式並行，我國由經濟部標準檢驗局第五組陳專員儀珍代表以視訊方式出席會議並參與討論，另行政院經貿談判辦公室、中華民國常駐世界貿易代表團、經濟部國際貿易局、衛生福利部食品藥物管理署、行政院農業委員會動植物防疫檢疫局及本局均派員旁聽。會議皆由 TBT 委員會新任主席 Mrs Elisa María Olmeda de Alejandro(墨西哥籍)主持，相關會議如下：

- 110 年 12 月 8 日上午及 9 日上午(日內瓦時間)：非正式會議（討論第 9 次三年總檢討）。
- 110 年 12 月 10 至 12 日：「TBT 委員會」第 85 次正式會議。

貳、110 年 12 月 8 日上午及 9 日上午(日內瓦時間)TBT 委員會非正式會議紀要

WTO/TBT 委員會於今(110)年度依據 TBT 協定第 15.4 條規定，應完成第 9 次三年總檢討，總計舉辦 7 場次非正式會議，盤點 TBT 委員會在 2019 年至 2021 年間就良好作業法規、會員間法規合作、技術性法規、符合性評鑑程序、標準、透明化、技術協助、COVID-19 及委員會運作等議題進展，期間計有我國、美國、歐盟、加拿大、巴西、新加坡等國提案，各會員均踴躍討論並分享看法。

另根據提案建議及非正式會議討論結果，WTO 秘書處撰擬第 9 次三年總檢討報告，除盤點過去 3 年辦理情形及記錄今年度各項議題之討論外，並列出 TBT 委員會未來 3 年活動方針，大多是決定未來主題性研討會之議題、鼓勵會員履行通知義務及線上工具之改善等。我國於本年度第 9 次三年總檢討期間，提出「透明化」及「網購商品安全管理」2 則提案，建議就該 2 主題舉辦主題性研討會，均已納入該報告中。

11 月 8 日非正式會議，各會員依據 WTO 秘書處撰擬之第 9 次三年總檢討報告草案第 2 版進行討論，由於在前 5 次會議，各會員已就各提案進行熱烈的討論，僅巴西就「符合性評鑑程序-審視會員認證政策」和「透明化-通知文件提報時間」等議題提出評論意見，WTO 秘書處納入該國建議，並提出第 9 次 3 年總檢討報告草案第 3 版，交由會員檢視。

12月9日非正式會議逐一檢視第9次3年總檢討報告草案第3版之各章節內容，無會員表示意見，後經11月12日之TBT正式會議採認通過。

參、110年12月10日至12日TBT委員會正式會議紀要

本次正式會議議程(JOB/TBT/434，如附件1)，會議時間大多在處理特定貿易關切及通過採行第9次三年總檢討，以下分別說明之。

一、特定貿易關切

本次計有89件STC(原93案，撤銷4案)，被關切會員以歐盟、印度及中國大陸居前3名，涉及產品以電機電子類產品、化學品和食品等為主。本次會上新增25項特定貿易關切，考慮到對其他國家造成貿易障礙的法規也有可能對我國業者造成不利影響，爰整理上述25項新增之特定貿易關切如附件2。另有關延續案件中，屬多國(超過5個會員)關切、我國曾關切及被關切會員為我重要出口國者，篩選出4項STC，摘述討論情形如附件3。

我國於本次會議提出5項STC案件，茲將相關討論情形摘述如下(我國發言資料如附件4):

1.第2案「歐盟-化學物質及混合物之分類、標示及包裝(CLP)法規修訂」(新關切案):

僅我國關切，質疑歐盟將三羥甲基丙烷三丙烯酸酯(TMPTA)分類為第二級致癌物質之科學證據不充分。歐盟回復 TMPTA 之分類具充分科學證據，並接受各界意見。

2.第34案「印度-化學及石化物質品質管理法令系列措施草案」:計有我國、美國、

新加坡及歐盟關切，建議印度採取現場工廠檢查替代措施、釐清所有化學品品質管制令(QCO)之生效狀態並提供網站連結或相關文本；另美國及新加坡關切聚乙烯 QCO 標示相關規定。印度僅強調各項化學品 QCO 均符合國際標準，另無接受國外實驗室符合性評鑑之規定。

3.第40案「印度-食品安全標準(進口)案」:計有我國、美國、歐盟、墨西哥、澳

洲、加拿大、阿根廷及日本等8個會員關切，建議印度儘速釐清相關實施細節，包括食品範圍、風險分析方法、審查方式等，延長過渡期及辦理 SPS

通知。印度回復正在評估各方評論意見。經查該法案於 2021 年 11 月 10 日發布，將於 2022 年 6 月生效。

4.第 56 案「中國-進口食品境外生產企業註冊管理規定草案(第 248 號令)」:計有我國、美國、歐盟、巴西、澳洲、印尼、墨西哥、加拿大、韓國、瑞士、日本、土耳其及菲律賓等 13 會員提出關切，主要關切重點為法規透明化不足、釐清食品範圍、提供調適期等關切重點。中國大陸僅回復該法已於 2021 年 4 月 12 日發布，並於 2022 年 1 月 1 日生效，已給予調適期，且不影響中國與其他會員間已簽署之協定的執行。另將發布相關解釋和及實施指導文件，並將即時通知各方。該實施指南於 2021 年 12 月 13 日發布。

5.第 67 案「印度-鋼鐵產品認證要求案」:有我國、日本、韓國及歐盟提出關切，建議採取現場工廠檢查其他替代方案。另我國及韓國均建議推遲電鍍鋅熱軋和冷軋低碳鋼板和鋼帶 QCO (印度品質標準 IS 17404:2020)之生效。印度回復已開始對於在疫情發生前完成審查的製造商核發許可證；現正考量視訊/遠端檢驗之符合性評鑑之作法；另 IS 17404:2020 於 2021 年 6 月 22 日生效。

二、 第 9 次三年總檢討:

本次會議通過採納第 9 次 3 年總檢討報告(JOB/TBT/413/Rev.3)，WTO/TBT 委員會將依第 9 次 3 年總檢討報告所作之決議和建議事項推展未來三年相關活動，其中透明化議題是各會員討論最為熱烈的部分，首先，各會員都重視擴展線上工具功能，特別是 ePing，已成為獲取 TBT/SPS 通知文件之平台，應強化其功能，將分散在其他平台之 TBT/SPS 通知文件相關資料，總整至 ePing 上，或由會員上傳至 ePing 上，但應注意相關資安和機密保護問題。另有關通報各項資訊(如協議)、時間點的部分，如何在透明化及行政作業落實上取得平衡，亦引起會員的踴躍討論。依據第 9 次 3 年總檢討報告，透明化相關建議事項如下:

(一)線上工具:建議 WTO 秘書處提升 TBT 通知線上工具(如 ePing)的功能，成為綜合性的平台。

(二)評論意見之處理:鼓勵會員在 ePing 上公布評論意見和相關回復，及說明通過最終技

術性法規和符合性評鑑程序時，考量哪些評論意見。

- (三)通知時間:討論通知程序及通知實務，如國內公告和諮詢時間與 TBT 通報的時間，以確保會員意見獲得考量。
- (四)TBT 通知格式和提報指南:鼓勵會員在通知文件格式第 7 欄(立法目的)中提供更詳盡的資訊、修正 TBT 通知格式第 6 欄及相應指南，並使相關描述更為詳盡，特別是以 WTO 官方語言(英文、西班牙文和法文)發布通知措施、舉辦主題性研討會，討論如何提供產品範圍的特定資訊如 HS CODE。
- (五)翻譯:鼓勵會員提供部分或全部通知措施之 WTO 官方語言之譯本、請 WTO 秘書處探詢適用之翻譯軟體，以非正式方式將通知文件翻譯成 WTO 官方語言。
- (六)國內合作: 舉辦主題性研討會，討論國內合作，以及監管機關和國內私部門間之良好實務和挑戰，其中包含通知議題。
- (七)有關 TBT 協定第 10.7 條之通知:鼓勵會員通知雙邊相互承認協議、單邊承認協議、協調等資訊及提供相關文本之超連結。
- (八)有關 TBT 協定第 15.2 條之 TBT 協定之執行和行政:要求 WTO 秘書處製作通知格式、鼓勵會員通知國家品質基礎措施法規和相關法條的改變、通知相關評論意見。

除了透明化相關議題外，因應時勢和科技的發展，有一些新興議題被提出討論，如本次報告新增 COVID-19 章節。另外，各會員也提出「電子商務」、「環境和氣候變遷」、「數位產品」及「塑膠包裝汙染」等議題，我國將積極關注並參予討論。

三、透明化

WTO 秘書處報告 ePing 平台的最新進展，根據調查研究顯示 ePing 系統受到許多使用者肯定，並提出未來加強方向，如研發手機應用程式等，本年度整合其他 TBT/SPS 線上平台功能至 ePing 之工作已告一段落，目前正要進行測試，預計於 2022 年發布。

另報告 Covid-19 相關通知最新消息，主要包括自 2020 年疫情發生以來，計有 179 件 Covid-19 相關通知，約有 40%是經由 TBT 通報，目前新增 26 件通知，包括藥物、醫療設備、個人保護用品及一般產品，涉及符合性評鑑程序和貿易便捷化措施。

四、觀察員組織活動報告

本次會議有聯合國歐洲經濟委員會(UNECE)及國際度量衡局(BIPM)、報告近期活動；另土耳其再度發言支持伊斯蘭國家標準度量衡局(SMIIC)成為觀察員。

五、其他業務

WTO 秘書處報告準備籌組會議討論如何精進委員會工作，討論事項包括如何使 STC 的討論更加有效率、透明化議題如提升 ePing 之功能等，希望獲得會員的回饋及建議，會上獲得巴西、美國及歐盟的支持。

六、下次會議時間

下次 WTO/TBT 會議訂於本(111)年 3 月 9 日至 11 日舉辦，另 3 月 8 日舉行非正式會議進行符合性評鑑程序主題性研討會。

肆、檢討與建議

一、積極參與各項主題性研討會，掌握各國TBT重要議題之發展

TBT 委員會今年最重要之工作是完成第 9 次 3 年總檢討報告，我國提出「透明化」及「網購商品安全管理」2 項提案，建議就該 2 主題舉辦主題性研討會，均已納入該報告(G/TBT/46，如附件 5)。本次 3 年總檢討中，各國最關切的議題為透明化，特別是擴展線上工具的功能，另外亦關注到如何使通知文件的呈現更為親民，包括 HS Code、語言翻譯問題及如何更詳實的說明技術性法規的內容等。另外，順應時勢和科技的發展，各會員也提出「電子商務」、「環境和氣候變遷」、「數位產品」及「塑膠包裝汙染」等新興議題，顯現未來各國發展及關切的方向。

WTO 秘書處將參照第 9 次 3 年總檢討報告，推展各項主題性研討會，我國應積極關注並參予討論，與各國進行經驗交流與合作，以蒐集先進國家如美、歐各國對相關議題之看法及發展，並表達我國觀點。

二、持續推展精進我國WTO/TBT通知文件篩選機制，積極透過TBT多邊場域表達我國關切

我國自109年建置WTO/TBT通知文件篩選機制以來，已逐漸引起我國業者對技術性貿易

障礙的重視，並認知到可透過TBT平台蒐集資訊及提出關切，今年度我國於3次WTO TBT委員會會議中計提出15次特定貿易關切，計有印度化學品措施、中國大陸進口食品境外生產企業註冊管理規定、印度食品安全標準、印度鋼鐵產品認證要求、泰國工業產品標示、印尼清真食品保證法實施辦法及歐盟化學品措施等，較之往年，有大幅度成長，顯見業者對這些議題的關注，未來將持續推展並精進WTO/TBT通知文件篩選機制，並透過TBT多邊場域向其他會員表達我國關切事項及協商，以協助我業者解決技術性貿易障礙。

三、 研議如何提升STC討論效率

STC案件日漸增高，本屆例會已高達89件，考量STC案件除涉及各種產品之高度技術性、專業性議題，也涉及經濟貿易和政治等多元討論面向，各會員代表為準確表達其國內立場，均詳實依照國內關切內容發言，致使STC討論時間不斷延長，須加開會議以完成討論，同時亦排擠其他議題之討論，為避免會議流於形式及過於冗長，WTO秘書處提案籌辦會議討論如何提升STC討論效率，並獲各會員贊同，建議我方宜事前因應，思考如何精簡確實表達STC關切內容並參與討論。



Committee on Technical Barriers to Trade

10-12 NOVEMBER 2021 TBT COMMITTEE MEETING

ANNOTATED DRAFT AGENDA¹

The Committee on Technical Barriers to Trade (hereafter "the Committee") will hold its next regular meeting on 10-12 November 2021, starting at 10 a.m. on 10 November. The regular meeting will be preceded by an Informal Meeting dedicated to the Ninth Triennial Review on 8-9 November, starting at 10 a.m. on 8 November. Members can consult documents for the meeting, as they become available, under the "Documents" tab in the "Meetings" box on the [WTO Homepage](#) or through Documents Online. The minutes of the last meeting of the Committee are contained in [G/TBT/M/84](#). The following are the proposed items for the agenda:

1 ADOPTION OF THE AGENDA

The agenda is contained in [WTO/AIR/TBT/21](#) issued on 11 October 2021. Delegations are invited to indicate any items they may wish to raise under "Other Business" (Item 5).

2 IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

(A) Specific Trade Concerns (STCs)

Guidance to Members on the timeline for STCs and the use of eAgenda is provided in Annex 1 to this document. Annex 2 to this document contains a list of STCs which Members have communicated their intention to raise or support at the current meeting. In giving Members the floor, the Chair will follow the order set out in Annex 2 (first raising Members, followed by supporting Members). After all STCs have been discussed, Members will be given an opportunity to update the Committee on any progress made, including resolutions, of STCs raised at previous meetings. It is noted that the oral record of the meeting is the definitive reference for the preparation of the minutes.

(B) Adoption of the Ninth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade under Article 15.4

In light of the mandate in Article 15.4, the Committee is scheduled to complete its Ninth Triennial Review of the Operation and Implementation of the TBT Agreement at its 10-12 November 2021 meeting (timeline is contained in [G/TBT/W/735](#)). Under this item, Members will be invited to adopt the report of the Ninth Triennial Review ([JOB/TBT/413/Rev.1](#), revision forthcoming).

(C) Exchange of Experiences

(i) Transparency

Under this agenda sub-item, Members will be given the opportunity to provide updates with respect to new or revised Article 15.2 Statements. Information about Members' enquiry points is available on the [TBT Information Management System](#) (TBT IMS). Members will be given the opportunity to raise any other matter relevant to transparency. The Secretariat will provide an update on the integration and upgrade of online tools. The Secretariat will also provide an update on [COVID-19 related notifications](#) submitted to the TBT Committee, as well as on TBT-related information in the updated Secretariat note: [Indicative list](#)

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

[of trade-related bottlenecks and trade facilitating measures on critical products to combat COVID-19.](#)

(ii) Conformity Assessment Procedures

Under this agenda sub-item, Members will be given the opportunity to discuss the development of guidelines for conformity assessment procedures, including by introducing new proposals or commenting on existing ones. The most recent discussions on the development of guidelines are summarized in [G/TBT/M/84](#), paras. 4.474-4.486.

Eight submissions have been received to date: from the European Union in [JOB/TBT/322](#), the United States in [JOB/TBT/326](#), Australia in [JOB/TBT/347](#), Japan in [JOB/TBT/349](#), Canada in [JOB/TBT/358](#), China in [JOB/TBT/391](#), Colombia in [JOB/TBT/406](#), and South Africa in [JOB/TBT/407](#). The Secretariat has circulated a background note contained in [JOB/TBT/224/Rev.1](#).

This agenda sub-item may, as appropriate, be held in informal mode. Members wishing to raise any other matter relevant to conformity assessment procedures will be given the opportunity to do so.

(D) Other Matters

Delegations wishing to raise any other matter relevant to Implementation and Administration of the Agreement, including on follow-up to the Eighth Triennial Review ([G/TBT/41](#)), or any other previous Committee decisions and recommendations ([G/TBT/1/Rev.14](#)), will be invited to do so under this sub-item.

3 TECHNICAL COOPERATION ACTIVITIES

Under this agenda item, Members will be invited to provide any information on their technical assistance activities. The Secretariat will provide an update on its technical assistance activities.

4 OBSERVERS

Observers are invited to provide, in advance of the meeting, updates to the Committee on relevant work, including on technical cooperation. Under this agenda item, Observers will be given an opportunity to highlight any key issues with respect to these updates. The most recent information on organizations whose requests for observer status are pending is contained in [G/TBT/GEN/2/Rev.16](#); a room document listing the requests is contained in [RD/TBT/1/Rev.8](#). Two new requests have been received in February and March 2021, from the Arab Industrial Development, Standardization and Mining Organization (AIDSMO), and from the United Nations Institute for Training and Research (UNITAR), respectively.

5 OTHER BUSINESS

Any issues raised by Members under Item 1 will be addressed here.

6 DATE OF NEXT MEETING

The next regular meeting of the Committee is scheduled for 9-11 March 2022. This regular meeting will be preceded by an informal meeting on 8 March 2022. The latest schedule of 2022 meetings is contained in [JOB/TBT/408](#).

ANNEX 1**Guidance to Members on the timeline for specific trade concerns (STCs) and the use of eAgenda¹**

Date	Step
21 September	eAgenda opens for submission of STCs As of this date eAgenda is open: this means it is possible to raise and support STCs, and to upload written statements.
21 October	eAgenda closes for submission of STCs for inclusion in the AdA Following established procedure (G/TBT/43), submission of STCs closes 20 days before the meeting (eAgenda remains open for the uploading of statements).
26 October	AdA is circulated Following established procedure (G/TBT/43), the AdA is circulated 15 days prior to the meeting.
5 November	Uploading of statements: raising Members <u>raising</u> concerns are encouraged to upload their statements to eAgenda by this date.
9 November	Uploading of statements: responding Members <u>responding</u> to concerns are encouraged to upload their statements to eAgenda by this date.
10-12 November	TBT Committee meeting (in person and via Interpretive) Discussion of STCs, Agenda item 2(A). Members that are not listed in Annex 2 (Members(s) supporting) can raise their flag/hand during the discussion of a given STC, and will be recorded as supporting that STC.
15 November	Uploading of statements (all) eAgenda closes for the submission of statements which will be used in the compilation of the minutes. This includes any updated statements to incorporate new or additional points raised orally during the meeting.
Mid-January	Minutes circulated

¹ Members who have not yet requested TBT eAgenda credentials can do so by contacting the Secretariat (jane.greenleaves@wto.org or devin.mcdaniels@wto.org).

ANNEX 2

New Specific Trade Concerns

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting
1	Chile - Efficiency analysis and/or test protocol for electrical products	G/TBT/N/CHL/525		Proposed Measure	Republic of Korea	
2	European Union - Draft Commission Delegated Regulation amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures	G/TBT/N/EU/826		Proposed Measure	Chinese Taipei	
3	China - National Standard of the P.R.C., Lithium Ion Cells and Batteries Used in Portable Electronic Equipments - Safety Technical Specification	G/TBT/N/CHN/1576		Proposed Measure	Republic of Korea	
4	Viet Nam - Draft National Technical Regulation on the fifth level of gaseous pollutants emissions for new assembled, manufactured and imported automobiles	G/TBT/N/VNM/174		Proposed Measure	Thailand	
5	European Union - Draft Commission Regulation laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation(EC) No. 244/2009, (EC) No. 245/2009 and (EU) No. 1194/2012	G/TBT/N/EU/606		Proposed Measure	Republic of Korea	
6	United States - Energy Conservation Program: Test Procedures for Residential and Commercial Clothes Washers	G/TBT/N/USA/903; G/TBT/N/USA/903/Rev.1		Proposed Measure	China	

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting
7	India - Important Instruction regarding Voluntary Star Labelling Programme for UHD (4K, 8K) Televisions			Proposed Measure	Republic of Korea	
8	Dominican Republic – General standard on fiscal control and security mechanisms for manufacturers, producers and importers of finished alcohol and tobacco products	G/TBT/N/DOM/232		Proposed Measure	United States	European Union
9	Malaysia - Guideline for Approval of Electrical Equipment (Electricity Regulation 1994) Information Booklet 2018 Edition (GP/ST/No.14/2017)	G/TBT/N/MYS/90		Proposed Measure	Republic of Korea	
10	Sri Lanka - National Environmental (Plastic Material Identification Standards) Regulations No. 01 of 2021			Proposed Measure	United States	
11	Brazil - MAPA Ordinance No. 208, 26 February 2021 – revision of the Decree No. 6.87 of 4 June 2009 on the standardisation, classification, registration, inspection, production and supervision of alcoholic beverages	G/TBT/N/BRA/1145		Proposed Measure	European Union	
12	Belgium - Draft law introducing additional security measures for the provision of mobile 5G services	G/TBT/N/BEL/44		Proposed Measure	China	
13	United States - Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program and the Competitive Bidding Program	G/TBT/N/USA/1771		Proposed Measure	China	
14	Pakistan - Safety of amusement rides and amusement devices	G/TBT/N/PAK/164 ; G/TBT/N/PAK/165 ; G/TBT/N/PAK/166		Proposed Measure	United States	
15	United States - Energy Conservation Program: Test Procedure for Metal Halide Lamp Fixtures	G/TBT/N/USA/1748		Proposed Measure	China	

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting
16	India - Chemical Fibers and Yarns: PSY, IDY, FDY, POY, PSF, and SMF for use in Cement-Based Matrix (Quality Control) Orders, 2020	G/TBT/N/IND/185 ; G/TBT/N/IND/188 ; G/TBT/N/IND/189 ; G/TBT/N/IND/190 ; G/TBT/N/IND/192 ; G/TBT/N/IND/194		Proposed Measure	Republic of Korea	
17	Egypt – Halal Certification Measure, based on Egyptian Standard ES 4249/2014 General Requirements for Halal Food According to Islamic Sharia		Halal certification requirements Egypt recently introduced new requirements on Halal certification for the import of all food and beverages to Egypt. According to the available information, only one company would be authorized to certify compliance with the halal requirements in Egypt (ISEG Halal) and the procedures foreseen seem to be quite costly and burdensome. In addition, there is currently a discussion ongoing on whether all halal products would need to be certified by ISEG Halal, independently of whether they are labelled as "halal" or not. It seems that the process has started with dairy products already on 1 October 2021 and will be extended to all other food products and beverages as of January 2022.	Proposed Measure Final Measure Proposed Measure	United States European Union Canada	New Zealand
18	India - Plastic Waste Management (Amendment) Rules, 2021			Final Measure	Republic of Korea	

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting
19	Sri Lanka - Imports (Standardization and Quality Control) Regulations 2017	G/TBT/N/LKA/36		Final Measure	Indonesia	
20	Guatemala - Technical Standard 84-2021 for the Sanitary Registration of Repellent Products for External Use in Humans and Spatial Repellent Products			Final Measure	Mexico	
21	Canada – Regulatory requirements for the import and marketing of cannabis and cannabis-based products for medicinal use			Final Measure	Colombia	
22	France - LOI n° 2020-105: Anti-Waste Law for a Circular Economy (AGEC Law)			Final Measure	Republic of Korea	
23	Indonesia - Government Regulation 28 of 2021 – Implementing Regulation (for the Manufacturing/Industry Sector) to Law No. 11 of 2020 the "Job Creation Act"			Final Measure Not indicated	United States European Union	
24	Republic of Korea - Proposal for revision of the implementation rules and operation notification of the electrical appliances and consumer goods safety control act	G/TBT/N/KOR/950		Not indicated	China	
25	United States - Energy efficiency requirements for general service lamps (GSL)	G/TBT/N/USA/1734		Not indicated	China	
26	Spain – Amendment of Royal Decree 1521/1984 by the Secretariat for Fisheries of Spain			Not indicated	Chile	
27	Indonesia - Import quota and SNI certification requirements			Not indicated	China	

Previously raised Specific Trade Concerns

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
28	China - Requirements for information security products, including, inter alia, the Office of State Commercial Cryptography Administration (OSCCA) 1999 Regulation on commercial encryption products and its on-going revision and the Multi-Level Protection Scheme (MLPS) (ID 294)			Proposed Measure	Japan European Union		32
29	European Union - Hazard-based approach to plant protection products and setting of import tolerances (ID 393)			Proposed Measure	Costa Rica Australia	Colombia; Brazil; Paraguay; Canada; Ecuador	25
30	China - Cyberspace Administration of China - Draft implementing measures for the Cybersecurity Review of Network Products and Services (ID 533)			Proposed Measure	Japan European Union		13
31	India - Air Conditioner and its related Parts (Quality Control) Order, 2019 (ID 598)	G/TBT/N/IND/110; G/TBT/N/IND/74		Proposed Measure	Republic of Korea China		6
32	Colombia - Food Prioritized for its Sodium Content, Certification Requirements (ID 609)	G/TBT/N/COL/238; G/TBT/N/COL/238/Add.1		Proposed Measure	Costa Rica		5
33	European Union - Non-renewal of the approval of the active substance mancozeb (ID 627)			Proposed Measure	Costa Rica Colombia Brazil Australia Paraguay Ecuador		4

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
34	India - Quality Control Orders for Chemical and Petrochemical Substances (ID 630)	Various; G/TBT/N/IND/150; G/TBT/N/IND/151; G/TBT/N/IND/152; G/TBT/N/IND/153; G/TBT/N/IND/154; G/TBT/N/IND/116; G/TBT/N/IND/121; G/TBT/N/IND/122; G/TBT/N/IND/123; G/TBT/N/IND/124; G/TBT/N/IND/125; G/TBT/N/IND/126; G/TBT/N/IND/127; G/TBT/N/IND/128; G/TBT/N/IND/129; G/TBT/N/IND/130; G/TBT/N/IND/132; G/TBT/N/IND/133; G/TBT/N/IND/134; G/TBT/N/IND/135; G/TBT/N/IND/136; G/TBT/N/IND/137; G/TBT/N/IND/138; G/TBT/N/IND/139; G/TBT/N/IND/140; G/TBT/N/IND/141; G/TBT/N/IND/142; G/TBT/N/IND/144; G/TBT/N/IND/175; G/TBT/N/IND/176; G/TBT/N/IND/177; G/TBT/N/IND/186; G/TBT/N/IND/187; G/TBT/N/IND/191; G/TBT/N/IND/193; G/TBT/N/IND/199		Proposed Measure	Chinese Taipei United States European Union		4
35	Bangladesh - Hazardous Waste (E-waste) Management Rules, 2019 (ID 620)	G/TBT/N/BGD/3; G/TBT/N/BGD/3/Add.1		Proposed Measure	United States	Republic of Korea; Canada	4

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
36	India - Indian standards and import restrictions in the automotive sector (Quality Control Orders): wheel rims, safety glass, helmets (ID 649)	G/TBT/N/IND/118; G/TBT/N/IND/147; G/TBT/N/IND/167		Proposed Measure	European Union Indonesia		3
37	China - Commercial Cryptography Administrative Regulations (ID 644)			Proposed Measure	United States European Union	Canada	3
38	United Kingdom - Wine labelling and documentation requirements at the end of the Brexit transition period (ID 663)			Proposed Measure	Australia		3
39	European Union - Wine labelling requirements – listing of importers for multiple destinations (ID 659)			Proposed Measure	Australia		3
40	India – Draft Food Safety and Standards (Import) Amendment Regulation, 2020 (ID 667)	G/TBT/N/IND/180		Proposed Measure	Chinese Taipei United States European Union Mexico	Australia; Canada	2
41	Mexico - Conformity Assessment Procedure under Mexican Official Standard NOM-223-SCFI/SAGARPA-2018, "Cheese Names, Specifications, Commercial Information, and Test Methods," published on 31 January 2019 (ID 678)	G/TBT/N/MEX/465		Proposed Measure	United States	European Union; Australia	2
42	Thailand - Ministerial Regulation Prescribing Description, Production, and Method of Displaying of Standard Marks on the Industrial Products (ID 672)	G/TBT/N/THA/577		Proposed Measure	United States		2
43	India - Refrigerating Appliances (Quality Control) Order, 2020 (ID 671)	G/TBT/N/IND/173		Proposed Measure	Republic of Korea		2
44	European Union - Draft EU Batteries Regulation (implementation of the European Green Deal) (ID 685)	G/TBT/N/EU/775		Proposed Measure	Russian Federation China		1

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
45	EU - Phosmet (ID 703)	G/TBT/N/EU/790		Proposed Measure	Chile	Brazil	1
46	European Union - Withdrawal of the approval of the active substance alpha-cypermethrin (ID 694)	G/TBT/N/EU/770		Proposed Measure	Brazil	Paraguay	1
47	European Union - Chemical strategy for sustainability (implementation of the European Green Deal) (ID 690)			Proposed Measure	Russian Federation		1
48	Russian Federation - On Safety of Wheeled Vehicles (TR CU 018/2011) (ID 687)	G/TBT/N/RUS/100		Proposed Measure	Republic of Korea		1
49	Brazil - Draft Ordinance Act N°. 374, 27 November 2014 (Portaria SDA/MAPA 374/2014) Establishes quality requirements for wine and derivatives of grape and wine (ID 470)	G/TBT/N/BRA/613 ; G/TBT/N/BRA/613/Add.1 ; G/TBT/N/BRA/613/Rev.1 ; G/TBT/N/BRA/675 ; G/TBT/N/BRA/613/Add.2		Proposed Measure	European Union		9
50	Indonesia - Halal Product Assurance Law No. 33 of 2014 and its implementing regulations (ID 502)	G/TBT/N/IDN/123 ; G/TBT/N/IDN/131 ; G/TBT/N/IDN/131/Add.1 ; G/TBT/N/IDN/134		Proposed Measure Final Measure	United States European Union	Australia; New Zealand; Canada	17
51	European Union - Regulation (EC) No 1272/2008 (CLP Regulation) (ID 539)	G/TBT/N/EU/629	Cobalt classification as carcinogen 1 b for all routes of exposure	Final Measure Proposed Measure	Russian Federation Brazil		13
52	European Union - Transitional periods for MRLs and international consultations (ID 580)			Proposed Measure Proposed Measure Proposed Measure Not indicated	Costa Rica United States Colombia Guatemala	Brazil; Paraguay; Canada; Ecuador	8

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
53	China - Cosmetics Supervision and Administration Regulation and Regulation for Notification of Non-special Cosmetics (ID 576)	G/TBT/N/CHN/1310 ; G/TBT/N/CHN/1311 ; G/TBT/N/CHN/1331 ; G/TBT/N/CHN/1453 ; G/TBT/N/CHN/1454 ; G/TBT/N/CHN/1459 ; G/TBT/N/CHN/1460 ; G/TBT/N/CHN/1515 ; G/TBT/N/CHN/1524 ; G/TBT/N/CHN/1525 ; G/TBT/N/CHN/1526 ; G/TBT/N/CHN/1527 ; G/TBT/N/CHN/1539 ; G/TBT/N/CHN/1615		Proposed Measure Proposed Measure Final Measure Proposed Measure	United States Republic of Korea Japan Australia	New Zealand; European Union	8
54	European Union - Chlorothalonil (pesticide active substance) (ID 579)			Not indicated Final Measure	Costa Rica Colombia	Brazil; Paraguay; Ecuador	8
55	Republic of Korea - Amendments to the Act on the Promotion of Saving and Recycling of Resources (ID 588)	G/TBT/N/KOR/843 ; G/TBT/N/KOR/844 ; G/TBT/N/KOR/857 ; G/TBT/N/KOR/918 ; G/TBT/N/KOR/919 ; G/TBT/N/KOR/937		Not indicated Proposed Measure	European Union Australia		7
56	China - Draft Administrative Measures for Registration of Overseas Producers of Imported Foods (ID 611)	G/TBT/N/CHN/1522		Final Measure Final Measure Final Measure Final Measure Final Measure Final Measure Proposed Measure Proposed Measure	United States Chinese Taipei Republic of Korea European Union Brazil Australia Indonesia Mexico Canada	Switzerland	5

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
57	Peru - Supreme Decree No. 015-2019-SA, which amends the Manual of Advertising Warnings approved by Supreme Decree No. 012-2018-SA (ID 618)			Proposed Measure Proposed Measure Final Measure Final Measure	Costa Rica Colombia European Union Brazil		5
58	Kingdom of Saudi Arabia - Technical Regulation for limiting and restricting hazardous materials in electrical and electronic equipment (ID 666)	G/TBT/N/SAU/1166		Proposed Measure Final Measure Final Measure Final Measure Not indicated	Japan European Union United Kingdom United States China	Switzerland	2
59	India - Pneumatic tyres and tubes for automotive vehicles (ID 133)	G/TBT/N/IND/20; G/TBT/N/IND/20/Add.1; G/TBT/N/IND/40; G/TBT/N/IND/40/Rev.1		Final Measure	Indonesia		37
60	Russian Federation - Draft Technical Regulation on Alcohol Drinks Safety (published on 24 October 2011) (ID 332)	G/TBT/N/RUS/2		Final Measure	European Union		29
61	European Union - Draft Implementing Regulations amending Regulation (EC) No. 607/2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (ID 345)	G/TBT/N/EU/44; G/TBT/N/EEC/264; G/TBT/N/EEC/264/Add.1; G/TBT/N/EU/570; G/TBT/N/EU/571		Final Measure	United States	New Zealand	27
62	China - Regulations for the Supervision and Administration of Medical Devices (Order No. 650 of the State Council) (ID 428)	G/TBT/N/CHN/1313		Final Measure	Republic of Korea		22
63	China - Registration Fees for Drugs and Medical Device Products (ID 466)			Final Measure	Republic of Korea		19

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
64	Russian Federation - Rules of cement certification (ID 497)	G/TBT/N/RUS/48; G/TBT/N/RUS/49		Final Measure	European Union		17
65	India - Draft Food Safety and Standards (Alcoholic Beverages Standards) Regulations, 2015 (ID 494)	G/TBT/N/IND/51; G/TBT/N/IND/104		Final Measure	European Union		17
66	Egypt - Manufacturer Registration System (Decree No. 43/2016 and Decree No. 992/2015) (ID 505)	G/TBT/N/EGY/114; G/TBT/N/EGY/115		Final Measure	European Union	Turkey	16
67	India - Mandatory Certification for Steel Products (ID 224)	G/TBT/N/IND/32; G/TBT/N/IND/32/Add.1; G/TBT/N/IND/32/Add.2		Final Measure	Chinese Taipei Japan	Republic of Korea	15
68	China - Cybersecurity Law (ID 526)			Final Measure	Japan United States European Union	Canada; Australia	14
69	China - Encryption Law of the People's Republic of China by the Office of State Commercial Cryptography Administration (OSCCA) (ID 534)			Final Measure	United States Japan European Union		13
70	European Union - Organic production and labelling - Maté (erva-mate) (ID 524)	G/TBT/N/EU/738		Final Measure	Brazil		13
71	Russian Federation - Federal law No 487-FZ, providing a framework for comprehensive use of special labelling and traceability of goods and Decision No. 792-r specifying the goods to which labelling will apply and the dates of introduction of the mandatory labelling (ID 567)			Final Measure	European Union		9
72	European Union - Medical Device Regulation (MDR) and In Vitro Diagnostic Medical Devices Regulation (IVDR) (ID 594)	G/TBT/N/EU/71/Add.1; G/TBT/N/EU/72/Add.1		Final Measure	United States Japan China		7

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
73	Republic of Korea - Ballast Water Management Act (ID 606)			Final Measure	European Union		6
74	Qatar - Ministry of Public Health Circular regarding shelf life for cheese (ID 602)			Final Measure	European Union		6
75	Kingdom of Saudi Arabia - Saber Conformity Assessment Online Platform / Saleem Product Safety Program (ID 615)			Final Measure	European Union	Switzerland	5
76	Mexico - Draft Amendment to Mexican Official Standard NOM-051-SCFI/SSA1-2010: General specifications for the labelling of pre-packed food and non-alcoholic beverages (ID 608)			Final Measure	Costa Rica		5
77	India – Toys (Quality Control) Order, 2020 (IND/131); Amendment in Policy Condition No. 2(iii) to Chapter 95 of ITC (HS), 2017- Schedule-I (Import Policy) (IND/143) (ID 632)	G/TBT/N/IND/131 ; G/TBT/N/IND/143 ; G/TBT/N/IND/68		Final Measure	European Union United States China	Canada	4
78	Australia - Maturation requirements for imported alcohol (ID 636)			Final Measure	Brazil		4
79	India – FSSAI’s Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 and the new implementing veterinary certificate for dairy products (ID 633)			Final Measure	European Union		4
80	India - Order related to requirement of Non-GM cum GM free certificate accompanied with imported food consignment (ID 651)	G/TBT/N/IND/168		Final Measure	United States European Union	New Zealand; Colombia; Canada; Australia	3
81	Russian Federation - Federal Law n° 468 on wine making and wine growing in the Russian Federation (ID 650)			Final Measure	European Union Australia		3

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R ¹
82	Panama - Onions and Potatoes Harvest Life and Sprouting Requirements (ID 662)	G/TBT/N/PAN/86; G/TBT/N/PAN/102; G/TBT/N/PAN/102/Add.1		Final Measure	United States	European Union; Canada	3
83	Republic of Korea - Revision of Safety Conformation Criteria for Textile Products for Infants (ID 652)	G/TBT/N/KOR/678		Final Measure	European Union		3
84	India - Testing and Certification of telegraph (The Indian telegraph (Amendment) Rules, 2017) and Phase II of the Mandatory Testing and Certification of Telecommunications Equipment (MTCTE), implementing the Indian Telegraph Amendment (ID 646)	G/TBT/N/IND/66; G/TBT/N/IND/159; G/TBT/N/IND/160; G/TBT/N/IND/158		Final Measure	United States	Canada	3
85	India - Plain Copier Paper (Quality Order) 2020 (ID 681)	G/TBT/N/IND/140		Final Measure	Indonesia		2
86	United Arab Emirates - Requirement of G-mark for every toy (ID 702)			Final Measure	India		1
87	Kingdom of Saudi Arabia - Technical Regulation for Building Materials – Part 4: Bricks, Tiles, Ceramics, Sanitary Appliances, and related products (published on the official gazette on 22/03/2019) (ID 698)	G/TBT/N/SAU/993; G/TBT/N/SAU/993/Rev.1		Final Measure	European Union		1
88	Colombia – Good manufacturing practices of overseas production establishments (ID 697)	G/TBT/N/COL/242		Final Measure	European Union		1
89	Argentina - Requirement of affidavit along with the product certification from a certified body for export of boards derived from wood (ID 696)			Final Measure	India		1
90	China - National Standards on Limits of Volatile Organic Compounds for Furniture (ID 509)	G/TBT/N/CHN/1094; G/TBT/N/CHN/1095; G/TBT/N/CHN/1096		Final Measure	European Union		13
91	European Union - Testing methods for prohibited chemicals of regulation on cosmetic products (ID 680)	G/TBT/N/EU/752		Not indicated	China		2

	Specific Trade Concern	Notification symbol	Brief description of measure	Proposed/Final Measure	Member(s) raising	Member(s) supporting	P-R¹
92	United States - Appliance Efficiency for Sprinkler Bodies (ID 653)	G/TBT/N/USA/1489		Not indicated	China		2
93	European Union - Uniform procedures and technical specifications for the type-approval of motor vehicles with regard to their emergency lane keeping system (ELKS) (ID 700)	G/TBT/N/EU/767		Not indicated	China		1

¹ P-R stands for "previously-raised". This indicates the number of times an STC has been previously raised in the Committee

第 85 屆例會新增 STC 彙整表

案號	被關切會員措施說明及回應	關切會員及關切事項
1	<p>智利—電器產品能效分析和測試協定 (G/TBT/N/CHL/525)</p> <p><u>回應</u>： 已傳給主管機關，將回復韓國。</p>	<p>韓國</p> <p>建議將有關洗衣烘衣機能耗耐受性及水耗耐受性的能效標示訂為“低於10%”；另盼回復評論意見。</p>
2	<p>歐盟—化學物質和混合物分類、標示和包裝法規修正案(G/TBT/N/EU/826)</p> <p><u>回應</u>：</p> <ol style="list-style-type: none"> 1. 未來幾週內回復、具科學證據、利害關係人可提出評論意見、若未來有新科學證據可提交給歐盟會員國，以重新分類。 2. 重新分類雖會促發標示和包裝義務，但並未對該產品自動產生限制，未影響 TMPTA 之貿易。 3. 有關寬限期一節，該草案在生效後18個月適用。 	<p>我國</p> <p>有關歐盟修訂 CLP 法規，將三羥甲基丙烷三丙烯酸酯(TMPTA)分類為第二級致癌物質，建議歐盟延遲執行此項修正案；給予適當調適期；另盼回復評論意見。</p>
3	<p>中國大陸—可攜式電子產品用鋰離子電池和電池組國家標準-安全技術規範 (G/TBT/N/CHN/1576)</p> <p><u>回應</u>：電池標示係用來識別和追蹤，確保電池使用安全，故不考慮撤銷刪除例外規定之決定。</p>	<p>韓國</p> <p>建議保留電池豁免標示要求之規定(電池製造商和終端商品製造商達成協議，用來製造電池的組件電池可不需標示)，倘無法豁免標示，建議標示最少資訊如生產日期和指定型號，並修改標準與國際標準調和。</p>
4	<p>越南—新裝配、製造和進口汽車第5級氣體污染物排放(第49/2011/QD-TTg 號令) (G/TBT/N/VNM/174)</p> <p><u>回應</u>：第371/TTg-CN 號文件規定不追溯原則，不具歧視性，又僅為指導性文件，無須辦理 TBT 通知。</p>	<p>泰國</p> <ol style="list-style-type: none"> 1. 過渡條款僅適用越南國內廠商，建議越南依據 TBT 協定第2.1條規定，對外國廠商給予同等待遇。 2. 辦理 TBT 通知，將第371/TTg-CN 號文件(排放標準實施時程)通知 WTO 會員。
5	<p>歐盟—依據2009/125/EC 指令制定光源和獨立控制裝置生態設計要求，及廢除(EC) No. 244/2009、(EC) No. 245/2009 和 (EU) No. 1194/2012</p> <p>該規定2021年9月1日生效，要求製造商必</p>	<p>韓國</p> <p>建議對於在生效日期前進入市場之停產冰箱光源，豁免須提供備用品之規定。</p>

	<p>須要在指定的期限內(商品最後一個單元進入市場後),提供專業人員相關備用品。(G/TBT/N/EU/606)</p> <p><u>回應:</u>該規定沒有對停產家電備用品的特定豁免規定;該規定適用於生效後首次進入歐盟市場的光源和獨立控制裝置,生效前進入市場的商品,可永久在架上或倉庫中。</p>	
6	<p>美國—節能方案:家用和商用洗衣機的測試程序 (G/TBT/N/USA/903及903/Rev.1)</p> <p><u>回應:</u>考量所有在公開評論期收到的評論意見,並在下次法律制定文件中回復每個實質的評論意見。</p>	<p>中國大陸</p> <ol style="list-style-type: none"> 1. 澄清實施時間、附件 J 和附件 J2的關係、附件 J 文本內容不一致。 2. 針對該測試程序第2條、第9條、第15條、第17條、第20條至第21條及第59條測試方法提出建議。
7	<p>印度—超高畫質(4K、8K)電視自願星級標籤方案重要指令(簡稱 UHD TV regulation)</p> <p><u>回應:</u></p> <ol style="list-style-type: none"> 1. 超高畫質(4K、8K)電視自願星級標籤方案係基於 IEC 62087:2015的設備年消耗量度所制定,同時並審視超高畫質電視國際標示計畫,如歐盟、美國和中國等。 2. 此方案可節約能源,並減少碳排放;此計畫初始係採自願性推展,時間自2021年1月1日至2021年12月31日。 	<p>韓國</p> <ol style="list-style-type: none"> 1. 未通知 WTO、盼回復有關產品範圍的評論意見。 2. 據悉該指示將於2022年1月1日生效,倘若是強制性規定,請辦理 TBT 通知,提供60天的評論期及至少6個月的過渡期。 3. 修改法規中待機功耗規定以符國際實務。
10	<p>斯里蘭卡—2021年1號國家環境(塑膠材料認定)法規</p> <p><u>回應:</u>瞭解美國關切的訴求,將持續和美國進行雙邊溝通,處理相關關切事項,包括辦理 TBT 通知。</p>	<p>美國</p> <ol style="list-style-type: none"> 1. 澄清適用範圍是否包括所有塑膠投入商品和塑膠包裝、標示要求是否僅適用最終塑膠產品。 2. 建議採用國際標準,如 ASTM D7611/D7611M 和 DIN 6120。 3. 建議考量豁免小塑膠零件的標示規定、提供詳細的標示指南。 4. 澄清生效日期、提供合理的過渡期、辦理 TBT 通知,並提供至少60天的評論期。

11	<p>巴西-酒精飲料 (G/TBT/N/BRA/1145)</p> <p><u>回應：</u></p> <ol style="list-style-type: none"> 2月26日發布之第208號令係為修訂修訂2009年第6.871號令徵求意見，現尚無草案文本供各國評論，歡迎各界提供建議，以辦理後續起草及通知作業。 符合 TBT 協議第2.9.1條有關透明化和促進利害關係人參與之規定。 	<p>歐盟</p> <ol style="list-style-type: none"> 想瞭解巴西酒精飲料第6.87號法令的通報修訂情形，另盼收到書面回復。 關注蒸餾酒精飲料之酒精含量上限、威士忌定義、蘭姆酒熟成和甜化要求、伏特加和利口酒以及用於生產琴酒之成分的要求、及歐盟地理標誌“卡爾瓦多斯”和“干邑”一般用途等。
12	<p>比利時(歐盟)－行動 5G 服務引入新增安全措施之法律草案(G/TBT/N/BEL/44)</p> <p><u>回應：</u>該草案之風險評估標準係依據歐盟 5G 網路安全工具箱之第2.37點歐盟協調風險評估和建議之因子，詳細回復已於2021年11月8日提供，該草案預計會很快通過。</p>	<p>中國大陸</p> <ol style="list-style-type: none"> 採用客觀及以產品為基礎的技術標準進行風險評估，非地緣政治。 澄清供應商定義，說明適用之風險評估標準範圍。 說明撤銷高風險經銷商識別程序。 風險評估標準對非歐盟供應商歧視，且太過主觀如供應商干涉程度、和歐盟的數據保護協議及安全協議。 說明被認定為高風險經銷商的理由及提供合理的補救措施。
13	<p>美國-藉由設備授權計劃和競爭性招標計畫保護資訊供應鏈免受國家安全威脅 (G/TBT/N/USA/1771)</p> <p><u>回應：</u>美國收到之評論意見(含中國)，均可至美國聯邦通訊委員會網站上瀏覽；最終法案會將評論意見將納入考量，相關變動會辦理 TBT 通知。</p>	<p>中國大陸</p> <ol style="list-style-type: none"> 該草案僅列中國之5家企業，違反 TBT 協議第2.1條不歧視原則，建議撤銷該規定。 建議提供國家安全威脅技術標準，並提供 WTO 會員國評論之機會，以符透明化原則。 具體說明撤銷高風險銷售商識別的程序，因其已符合授權當時之規定。
14	<p>巴基斯坦－遊樂設施和遊樂設備之安全 (G/TBT/N/PAK/164、165及166)</p> <p><u>回應：</u>同時考量 ISO 和 ASTM 標準，但結論是 ISO 較適合，感謝美國建議在技術委員會持續考量 ASTM F24標準，一旦發現相關性，將會納入考量。</p>	<p>美國</p> <p>瞭解巴基斯坦將採用 ISO 標準，但強調美國及許多國家製造商都依據 ASTM F24 標準進行設計，建議巴基斯坦採用 ASTM F24 標準執行測試和檢查；提供6個月過渡期。</p>
15	<p>美國－節能方案:金屬鹵素燈具的測試程序(G/TBT/N/USA/1748)</p>	<p>中國大陸</p> <p>建議將金屬鹵素燈具待機模式功率量測</p>

	<p>回應：考量所有在公開評論期收到的評論意見，並在下次法律制定文件中回復每個實質的評論意見。</p>	<p>(standby mode power measurement)標準自 IEC 62301:2011改為 IEC 63103:2020。</p>
16	<p>印度—2020年使用在 Cement-Based Matrix 的化學纖維和紗線: PSY、IDY、FDY、POY、PSF 及 SMF(品質控制)令 (G/TBT/N/IND/185、188-190、192及194)</p> <p><u>回應</u>：新增之2020年使用在 Cement-Based Matrix 的 PSY、IDY、FDY、POY、PSF 及 SMF (品質控制)令已於2021年10月8日發布，公布日起6個月生效。</p>	<p>韓國</p> <ol style="list-style-type: none"> 1. 提供技術法規詳細資訊。 2. 產品需進行現場查核和指定實驗室測試，偏離國際標準，建議一致化 BIS 驗證機構之測試程序並豁免現場查核。 3. 考量 POY、FDY 及 IDY 具相同屬性及其材料組成，簡易將其整併為聚酯纖維之單一監管項目。 4. 用裝運單據聲明 BIS 驗證取代貼附 ISI 標示，減化行政程序。
17	<p>埃及—Halal 驗證措施，基於埃及標準 ES 4249/2014-依據伊斯蘭教法之清真食品一般規定</p> <p>僅接受 IS EG Halal 之清真驗證，且適用所有輸入至埃及的食品。</p> <p><u>回應</u>：已轉致首都，將會給予具體回復。</p>	<p>美國、歐盟、加拿大、紐西蘭、智利、澳洲、阿根廷及巴拉圭</p> <ol style="list-style-type: none"> 1. 重新考量僅接受 IS EG Halal 的清真驗證之決策，解釋不再接受埃及以外之清真驗證機構之驗證。 2. 暫停執行清真驗證相關規定，辦理 TBT 通知、提供60天評論期、提供至少6個月的調適期。 3. 提供詳細資訊，包括驗證程序、證書期限和成本、實施時程及產品範圍等。 4. 造成不必要的貿易限制、建議採自願性之清真驗證和標示、採取對貿易限制較小的替代方案。
18	<p>印度-2021年塑膠廢棄物管理法修正案</p> <p><u>回應</u>：</p> <ol style="list-style-type: none"> 1. 2016年制定之塑膠廢棄物管理法，第4條規定使用在包裝上之塑膠提袋和塑膠片最小厚度要求，第9條賦予製造商、進口商和品牌商有關伴隨商品引入市場之環境健全管理責任。 2. 2021年修正案不具歧視性，不會造成貿易障礙。歐盟亦提出有此類標示規定。 	<p>韓國</p> <ol style="list-style-type: none"> 1. 辦理 TBT 通知，提供60天評論期及提供過渡期。 2. 豁免進口塑膠包裝材料符合相關標示規定。

19	<p>斯里蘭卡-食品:2017年進口(標準化和品質控制)法規-禁止進口棕櫚油至斯里蘭卡(G/TBT/N/LKA/36)</p> <p><u>回應:</u></p> <ol style="list-style-type: none"> 1. 2017年進口標準化和品質控制法於2018年3月29日公布,規定進口商不得進口122項指定商品(包括棕櫚油),除非符合相關斯里蘭卡標準。 2. 棕櫚油相關最新標準(2016-2017)有洽詢相關國際機構(如 Codex、ISO 等),並參照歐盟標準。 3. 獲得進口許可之棕櫚油產品可輸入斯里蘭卡,可與印尼討論相關關切事項。 	<p>印尼</p> <ol style="list-style-type: none"> 1. 此一禁令具歧視性、不符 TBT 協定,造成不必要的貿易障礙。 2. 盼儘速回復評論意見,倘有相關更新,請再辦理 TBT 通知,請說明該政策之合理性、行政目標、政策執行期間和科學證據基礎。 3. 採取其他替代措施如執行技術標準/法規。
20	<p>瓜地馬拉-人體外驅蟲產品和空間驅蟲產品衛生登記84-2021技術標準</p> <p><u>回應:</u>已關注此議題並轉致首都,將儘速回復。</p>	<p>墨西哥</p> <ol style="list-style-type: none"> 1. 提供該規定最終版的科學證據。 2. 沒有辦理 TBT 通知。 3. 已提供2次評論意見,但未被納入該規定之最終版本。建議暫停此標準之實施,進行公共諮商。
21	<p>加拿大-進口和銷售醫療用大麻和大麻基產品之監管要求</p> <p><u>回應:</u>大麻二酚(CBD)是1961年麻醉品單一公約之管制藥物,與國際管制情形一致,CBD 是加拿大大麻法管制之商品,僅取得加拿大衛生部核發之許可證且出於醫療或科學目的之業者才可進出口大麻。詳細規定可至加拿大衛生部網站查詢。</p>	<p>哥倫比亞</p> <ol style="list-style-type: none"> 1. 澄清依據何種程序可取得良好生產規範之驗證。 2. 加拿大是否會接受哥倫比亞或其他國家(如歐盟)主管機關核發之良好生產規範驗證證書。
22	<p>法國(歐盟)-LOI n° 2020-105:循環經濟反廢棄物法(AGEC 法)</p> <p><u>回應:</u>2020-105法案是框架法及數個施行令之基礎,已辦理 TBT 通知。韓國的關切涉及一項執行令,該令尚在草案階段,法國將辦理 TBT 通知,以有充分的時間討論韓國關切事項。</p>	<p>韓國</p> <ol style="list-style-type: none"> 1. 列出受管制物質清單(包括化學品名稱和 CAS*號碼)、受管制包裝材料詳細範圍,如油墨、盒、塑膠袋等。 2. 提供1年或更長的寬限期。
23	<p>印尼-2021年第28政府法規-2020年第11號</p>	<p>美國及歐盟</p>

	<p>工作創造法(適用製造業/工業部門)施行細則</p> <p>要求產品驗證機構必須是印尼公司，雇用印尼公民或居民執行評鑑，包括批次測試和裝船前檢驗、工廠驗證。</p> <p><u>回應</u>：不會造成貿易障礙；依據 SNI 強制性法規，透過雙邊相互承認協議，以便於國外符合性評鑑機構取得 SNI 驗證；對外國製造商而言，只要邊境開放，就可執行現場工廠檢查；多年來均向 TBT 委員會通報強制性規定。</p>	<ol style="list-style-type: none"> 1. 停止實施此規定、辦理 TBT 通知，提供評論期，並考量所有建議。 2. 說明將人員國籍和住所作為符合性測試要求的理由。 3. 有關須由僱印尼公民/居民之驗證機構進行抽樣，在疫情期間，因邊境管制而難以執行，就算是非疫情期間，也會造成極大的成本負擔。另工廠檢查亦被停止，致使外國商品無法獲得驗證證書。 4. 該規定要求符合性評鑑機構須經營所有須取 SNI 驗證產品之測試實驗室，於實務上不可行。 5. 印尼對車輛備用品(原裝和非原裝)如輪胎、安全玻璃、輪圈等實施強制性驗證，請印尼澄清相關規定、接受附有 UN 標誌或 UN 證書的歐盟車輛備用品、延長證書效期等。
24	<p>韓國-修訂電器及消費品安全管理法的施行細則和實施公告 (G/TBT/N/KOR/950)</p> <p><u>回應</u>：此修正納入燈具電源追蹤系統進行安全管理，為保護消費者安全，指定該產品屬安全驗證商品，依 KC 60570驗證其安全性，符合 IEC 60570規定；計畫於2022年完成修訂，並給予6個月寬限期。</p>	<p>中國大陸</p> <ol style="list-style-type: none"> 1. 說明安全標準 KC 60570 與 IEC 60570間之不同。 2. 建議刪除電器及消費品安全管理法施行細則中燈具電源追蹤系統之分類，避免造成不必要的貿易障礙。
25	<p>美國-一般照明燈具 (GSL) 能效要求 (G/TBT/N/USA/1734)</p> <p><u>回應</u>：考量所有在公開評論期收到的評論意見，並在下次法律制定文件中回復每個實質的評論意見。</p>	<p>中國大陸</p> <ol style="list-style-type: none"> 1. 給予三年過渡期，俾使符合最低能效45 lm/W 之要求。 2. 允許對演色性指數 (RA \geq90 and R9\geq60~80)有較高要求之博物館、畫廊和美術教室等使用鹵素燈。 3. 建議在該規定明確列出管制範圍中之新產品類別，並給予新產品類別三年過渡期。
26	<p>西班牙(歐盟)-西班牙漁業之第1521/1984皇家法令修正案</p> <p><u>回應</u>：改擬議修正尚在起草階段，將辦理</p>	<p>智利</p> <p>貝類物種分類的適宜性，西班牙未回復智利的評論意見。</p>

	TBT 通知，有充分時間討論智利提出之事項。	
27	<p>印尼-進口配額和印尼國家標準(SNI)驗證要求</p> <p><u>回應</u>: 印尼強制性產品的 SNI 驗證要求接通報 TBT 並給予評論期。可進一步進行雙邊聯繫，審慎處理中國對 SNI 驗證之關注項目。</p>	<p>中國大陸</p> <p>建議應認可設在印尼境外之認證機構和測試實驗室，以及驗證計畫和第三方測試數據。</p>

多國關切且涉我國重要出口國之 STC 討論情形彙整表

案號	被關切會員措施說明及回應	關切會員及關切事項
50	<p>印尼-2014年第33號清真產品保證法及其執行規則 G/TBT/N/IDN/123、131、131/Add.1及134</p> <p><u>回應：</u></p> <ol style="list-style-type: none"> 1. 遵守 TBT 協定之透明化義務，發布相關之 TBT 通知，包括 G/TBT/N/IDN/131、134及138。 2. 分階段實施強制性清真驗證，如食品和飲料於 2024 年 10 月 17 日生效，非食品和飲料於 2026 年 10 月 17 日生效。 3. 提供過渡性條款，包括與其他國家清真驗證機構和認證機構的各種形式之合作(如印尼 MUI(Majelis Ulama Indonesia)核發之外國清真證書)仍然有效，直到合作期限結束為止，及取得印尼政府核發之清真證書，直至證書失效後。 4. 對清真保證體系的國際合作持開放態度。 	<p>美國、歐盟、澳洲、紐西蘭、加拿大及智利</p> <ol style="list-style-type: none"> 1. 非清真產品須標示非清真資訊太過繁瑣、建議此規定僅適用在食品飲料之產品、訂定合理的規費。 2. 須簽訂政府間相互承認協議後，印尼才承認外國之清真證書，對業者而言是較沉重的負擔，建議採取較彈性的作法。 3. 要求現行之清真認證在2024年寬限期結束後仍然有效。 4. 澄清海外清真組織之情況如 MUI，其核發之證書到期後有無相關過渡性作法? 5. 澄清將產品列入須獲得清真認證之程序。
53	<p>中國-化妝品監督管理條例(CSAR)和非特殊化妝通知程序 G/TBT/N/CHN/1310、1311、1331、1453、1454、1459、1460、1515、1524-1527、1539、1615</p> <p><u>回應：</u></p> <ol style="list-style-type: none"> 1. 安全資訊要求是世界各地對健康相關產品安全審查的普遍要求，產品製程和產品製造原料不屬政府可公開的範圍，商業機密和智財權不會受到損害。化妝品監督管理條例及化妝品註冊和備案管理辦法規定當事人商業秘密應予保密。 	<p>美國、韓國、日本、澳洲、紐西蘭、歐盟及巴西</p> <ol style="list-style-type: none"> 1. 要求提供成份來源及品質數據等涉及商業機密資訊及智慧財產權，說明管制理由及相關保障機制。 2. 要求承認未獲得中國計量認證(CMA)之符合國際標準外國實驗室出具的測試報告。 3. 化妝品新原料註冊和備案資料規範要求未獲得良好製造規範(GMP)驗證之產品，必須進行動物試驗的替代方案，請說明要求取得 GMP 的理由及建議採取其他不強加動物測試的作法。

	<ol style="list-style-type: none"> 2. 在中國的許多外國檢測機構都獲得 CMA 的認可。 3. 化妝品註冊資料備案管理規定對進口和國產化妝品均提出動物試驗替代方案要求，符合非歧視原則。 4. 原料安全與產品安全相關，故備案時需澄清原料相關資訊。 5. 只要求中文標示中的產品安全性和功效聲明須和原標示相對應。 6. 產品功效與成分添加量有正向關係，為預防"概念性添加"，配方含量不超過0.1%(w/w)的原料，應標註其他微量成分的指導性文字。 7. 功效評估資訊僅要求摘要，而非全文;新原料要公開的資料僅基本資訊。 8. 商品標示沒有要求標示原產國資訊；製造商變更生產設施，與製造商標示資訊相關性不大，只要滿足品質要求，不涉及資訊變更。 9. 2020年6月29日發布新修訂之化妝品監督管理條例，於2021年1月1日生效。其他化妝品相關法規已給予合理之過渡期。 	<ol style="list-style-type: none"> 4. 化妝品標籤管理辦法要求中文標示應與生產國一致增加負荷，另就建議與國際標準一致，允許含量低於1%之成分不依特定程序列出。 5. 標示多個公司名稱易造成消費者誤解，建議標示一個負責人即可，標示生產商沒有必要性。 6. 將化妝品功效聲明上傳至藥品監督管理局指定網站，恐有侵害商業機密之虞，建議刪除，另美國請陸方說明相關執行方式。 7. 化妝品境外檢查暫行管理規定，範圍涵蓋產品研究及開發階段，對廠商造成不必要的負擔，且涉及企業機密，建議排除公司研發部門，另建議中國對於境內境外之檢查有公平待遇。 8. 給予寬限期等。
68	<p>中國-網路安全法</p> <p>2021年7月10日發布網路安全審查辦法。</p> <p>2021年8月17日發布關鍵資訊基礎設施保護安全保護條例。</p> <p><u>回應：</u></p> <p>網路安全法已於 2017 年 6 月 1 日開始實施，是保障國家網路安全基礎框架性法律，規範各級政府機關、網路供應商及用戶之責任和義務。</p>	<p>日本、美國、歐盟、加拿大及澳洲</p> <ol style="list-style-type: none"> 1. 對相關實施條例辦理 TBT 通知、提供調適期，並確保智財權的保護。 2. 缺乏國民待遇、最惠國待遇及相關國際標準。 3. 網路安全審查辦法及關鍵資訊基礎設施保護安全保護條例廣泛擴大管制的範圍，涵蓋許多商業活動且與國家安全無關的部門，請中國釐清相關風險基礎為何。 4. 關鍵資訊基礎設施清單之範圍係開放性，無法讓相關產業評估何種設施屬於關鍵資訊基礎設施。

80	<p>印度-進口食品隨附非基改源和非基改驗證要求令 G/TBT/N/IND/168</p> <p><u>回應：</u></p> <ol style="list-style-type: none"> 1. 已辦理 TBT 通知、適用所有國家。 2. 印度對於出口外國之產品亦發出非基改證書，此規定並未對貿易造成限制。 	<p>美國、歐盟、紐西蘭、哥倫比亞、加拿大、澳洲、阿根廷、巴拉圭、烏拉圭和日本</p> <ol style="list-style-type: none"> 1. 沒科學證據，亦沒參照國際標準、澄清選擇24項農產品列入管制之理由。 2. 要求每批貨物提供非基改驗證，造成不必要的負擔，建議針對未授權某些農產品基因改造之國家，採取全國範圍保證的最低貿易限制替代方案。 3. 辦理 SPS 通知。
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STC Statements in November 2021 TBT Committee meeting

1.1 New Specific Trade Concerns

1.1.1 European Union - Draft Commission Delegated Regulation amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (ID 705)

The Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu (TPKM) would like to express concerns about G/TBT/N/EU/826 regarding Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regulation) of the European Union. We acknowledge the intention of the EU to protect public health and the environment by modifying the classification of toxic substances and mixtures under the CLP regulation.

The proposed measure reclassifies the trimethylolpropane triacrylate (TMPTA, CAS No. 15625-89-5) as Category 2 of Carcinogen. It causes widespread concerns among our industries.

Firstly, TMPTA has a wide range of uses in various products, such as coating materials, ink, and adhesives. Once the regulation is amended, manufacturers must relabel and reconfigure their products, which will have a significant impact on the trade of TMPTA and TMPTA-containing products. Even worse, there is no alternative to TMPTA, and the search for the substitute will take a long time and huge cost, resulting in significant damage to global trade. In our views, this proposed measure is inconsistent with Article 2.2 of the TBT Agreement as it creates unnecessary obstacles to international trade.

Secondly, we would like to urge the EU to observe the requirements of scientific justification stated in Article 2.2 of TBT Agreement. The decision made by the Risk Assessment Committee (RAC) of the European Chemical Agency (ECHA) was based on the studies of the U.S. National Toxicology Program (NTP) in 2012. Although animal tumors were observed in those studies, there is a widely shared view that those studies lack reliability and have major technical discrepancies. Experts further raised challenges against the NTP study, which used acetone as a carrier for dermal absorption, and did not reflect “normal” exposure. Therefore, the decision to adopt the proposed measure with limited scientific evidences may be too hasty and cause unnecessary trade barriers to TMPTA or TMPTA-containing products.

Furthermore, there are still ongoing studies aiming to demonstrate that acetone used in the NTP studies as the vehicle is not appropriate for comparative absorption studies and efforts have been devoted in obtaining better insights into the metabolism of TMPTA in the mammalian body by conducting toxicokinetic studies. We believe that these analyses will offer the EU more detailed information to decide whether the proposed measures are legitimate and appropriate.

Given the inadequacy of the scientific basis and the possibility of the decision being reversed by the ongoing research, we would like to suggest that the EU consider suspending

the proposed measure, respond to the question raised, and wait until more research results becomes available.

Thirdly, according to this notification, the amendment will be adopted in the fourth quarter of 2021. It will enter into force 20 days after its publication in the official journal of the EU, which will be about two months after adoption. Given that the proposed measure is not due to urgent needs and industries need more time to prepare, even relabeling or developing new alternative substitutes. We would like to call on the EU to extend transition period to ensure consistency with Article 2.12 of the TBT Agreement.

We submitted our comments to the EU on 30 September 2021 and would be grateful if the above-mentioned comments could be taken into account and look forward to a written response.

1.2 Previously raised concerns

1.2.1 India - Quality Control Orders for Chemical and Petrochemical Substances(ID 630)

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu would like to express its concerns about the Order issued by India's Ministry of Chemicals and Fertilizers on phthalic anhydride, n-butyl acrylate and terephthalic acid, which were notified by G/TBT/N/IND/116, G/TBT/N/IND/123 and G/TBT/N/IND/124.

We would like to thank India for postponing the enforcement date on the products concerned until December 20, 2021.

However, since the pandemic will not likely end in the short term, we understand the difficulty of conducting regular conformity assessment procedures under the current situation, especially "on-site" factory inspection. Nevertheless, we still suggest that India implement alternative measures during the pandemic regarding all products concerned, such as allowing testing laboratories and inspection bodies from other WTO Members to participate in the conformity activities procedures and accepting their reports or remote factory inspection, to address the difficulties of physical inspection resulted from international travel restrictions.

1.2.2 India – Draft Food Safety and Standards (Import) Amendment Regulation, 2020, [G/TBT/N/IND/180](#) (ID 667)

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu respects India's effort to ensure imported food safety through this draft measure. As the proposed measure provides limited information on its implementation details, we submitted our comments on 30 December 2020 and raised STC twice to seek clarification from India. However, we have not received any response from India up to this date.

We urge India to observe the principle of transparency in relevant implementing measures of this regulation and would like to request India to provide clarifications on the followings:

1. The specific categories of food products subject to compulsory registration mentioned in this draft.
2. Information on the inspection items covered by Article 18(3)(b) of the draft.
3. Format for the license/registration specified in the Article 18(1)(c) of the draft.
4. Samples of documents listed in Annexure-I.
5. Fees involved in the whole registration process.
6. Guidance documents for manufacturers outside India to complete the required registration procedures.

Our manufacturers will be positioned in a disadvantaged situation without knowing how to prepare themselves to meet the requirements. We would be grateful if our concerns could be taken into account and look forward to a written response.

1.2.3 China - Draft Administrative Measures for Registration of Overseas Producers of Imported Foods (ID 611)

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has been closely following the development of the measure ever since China notified its draft (G/TBT/N/CHN/1522 on November 16, 2020). Given that the measure will affect a wide range of our food-related industries and that the measure involves a high extent of uncertainties as mentioned below, we have expressed our concerns several times before. We have also sent detailed comments to seek confirmation and clarification. However, we have yet to receive a sufficient and detailed response from China.

China published the measure in April. However, even up to the present stage when China has started its registration requirements, many uncertainties about the interpretation and implementation of the measure still remain, including the scope of products and facilities that are subject to this measure, registration requirements and guidelines on how to fill out application documents (especially for food producers that need to file the application by themselves), procedures and timelines for audits, re-evaluation and renewal of registration. An even more essential question is how the categories of risks of products are established in this measure, not to mention our concerns about its inconsistency with the TBT Agreement.

According to the measure, a food producer is required to obtain registration with the GACC and to mark the registration number on both the inner and outer package of its product. However, while the GACC has the right to review registration application, and the timeline of its review is unspecified, our businesses are worried about whether they can obtain the approval in time and if there is sufficient time for them to follow the labeling requirement. Besides, China did not provide enough explanation regarding the justification of the measures, nor did they offer sufficient transitional period and detailed guidance on implementation. These elements will increase risk of trade disruption, we, therefore, urge China to offer sufficient transitional period. And, in order to get the needed clear understanding of the measure and to facilitate registration application, we also urge China

to give sufficient information and a comprehensive briefing in the Committee or provide us with a more detailed responses to our comments.

1.2.4 India - Mandatory Certification for Steel Products (ID 224)

The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu would like to express its concerns about Steel and Steel Products (Quality Control) Order, 2020 issued by India's Ministry of Steel on stainless steel bars and flats (IS 6603:2001) and electrogalvanized hot rolled and cold reduced carbon steel sheets and strips (IS 17404:2020).

Firstly, we would like to express our appreciation to the Bureau of Indian Standards for granting the approval to our enterprise's application for ISI Mark license on Stainless Steel Bars and Flats in early October. It facilitates bilateral trade on Steel and Steel Products.

Secondly, we would like to thank India for postponing the enforcement date for electrogalvanized hot rolled and cold reduced carbon steel sheets and strips (IS 17404:2020) until September 21, 2021. However, due to the persistent impact of COVID-19, most countries still impose international travel restrictions and national quarantine policies. This situation continues to make on site factory inspection difficult to conduct in practice. As a result, we would like to urge India to postpone the implementation of IS 17404:2020 once again. In addition, we strongly suggest that India consider other facilitative measures, such as allowing virtual inspections as a part of the certification process, or accepting conformity assessment results from testing laboratories and inspection bodies outside India, as alternatives.

Committee on Technical Barriers to Trade

**NINTH TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE
AGREEMENT ON TECHNICAL BARRIERS TO TRADE UNDER ARTICLE 15.4**

TABLE OF CONTENTS

INTRODUCTION	2
1 GOOD REGULATORY PRACTICE.....	2
2 REGULATORY COOPERATION BETWEEN MEMBERS	4
3 TECHNICAL REGULATIONS	7
4 CONFORMITY ASSESSMENT PROCEDURES.....	8
5 STANDARDS	15
6 TRANSPARENCY	18
7 TECHNICAL ASSISTANCE.....	28
8 COVID-19	31
9 OPERATION OF THE COMMITTEE	33
ANNEX: SUBMISSIONS FROM MEMBERS BY TOPIC (NOV. 2018 – NOV. 2021)	36

INTRODUCTION

The Ninth Triennial Review is being carried out in 2021 in accordance with the mandate under Article 15.4 of the Agreement on Technical Barriers to Trade (TBT Agreement).¹ It was concluded on 12 November 2021.² The Committee's previous eight triennial reviews were completed in 1997, 2000, 2003, 2006, 2009, 2012, 2015 and 2018.³ During the review period (November 2018 – November 2021), the Committee has undertaken work to follow up on specific decisions and recommendations agreed in previous reviews.⁴

Members recognize that the full implementation of the Committee's existing decisions and recommendations is a process that may span over several reviews. In this regard, Members reiterate the importance of following up on previously agreed decisions and recommendations as contained in [G/TBT/1/Rev.14](#).

1 GOOD REGULATORY PRACTICE

Good Regulatory Practice (GRP) can contribute to the improved and effective implementation of the substantive obligations under the TBT Agreement. Effective implementation through best practices is seen as an important means of avoiding unnecessary obstacles to trade. Institutionalizing the various mechanisms, processes and procedures of GRP through laws, regulations and guidance, as well as through the creation and designation of institutions within Member governments to oversee regulatory processes, is seen as a means of giving effect to GRP. Effective internal policy coordination, including among regulators, standardizing bodies and trade officials implementing the TBT Agreement, is stressed. Additionally, regulatory cooperation between Members is an effective means of disseminating GRP.

[G/TBT/1/Rev.14](#), p.6

1.1 Exchange of experiences

1.1. During the review period, most of the Committee's exchange of experiences took place in the context of thematic sessions on Good Regulatory Practice (GRP), held on 5 March 2019⁵ and 25 February 2020.⁶

1.2. Members discussed the topic of **domestic committees, and other administrative mechanisms, to facilitate internal coordination on TBT**. [Kenya](#) explained how the Kenyan TBT National Consultative Committee consults with a wide range of stakeholders on all matters related to the implementation of the TBT Agreement, including assisting in coordination among ministries, transparency and notifications, reviewing trade barriers, and preparing national positions for engagement in the work of the WTO TBT Committee. The agenda and timing of meetings are aligned with the WTO TBT Committee.⁷ [Indonesia](#) described the workings of the National Committee on Internal Coordination on Technical Barriers to Trade, which brings together a broad range of stakeholders to make recommendations related to the implementation of the TBT Agreement and relevant TBT issues. It enables, *inter alia*, coordination, provides scientific data and

¹ Article 15.4 of the TBT Agreement states: "Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of this Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. Having regard, *inter alia*, to the experience gained in the implementation of the Agreement, the Committee shall, where appropriate, submit proposals for amendments to the text of this Agreement to the Council for Trade in Goods".

² A list of submissions circulated in the TBT Committee relevant to the topics under review is contained in the Annex to this document (p. 26).

³ Reports of these triennial reviews are contained in: [G/TBT/5](#); [G/TBT/9](#); [G/TBT/13](#); [G/TBT/19](#); [G/TBT/26](#); [G/TBT/32](#); [G/TBT/37](#); and [G/TBT/41](#).

⁴ A compilation of the TBT Committee's Decisions and Recommendations adopted since January 1995 is contained in document [G/TBT/1/Rev.14](#). This document also contains the Committee's Rules of Procedure, including Guidelines for Observer Status for Governments and International Intergovernmental Organizations.

⁵ [G/TBT/GEN/256](#).

⁶ [G/TBT/GEN/287](#).

⁷ [G/TBT/GEN/256](#), paras. 1-3; and [RD/TBT/267](#).

regulatory impact assessment on draft regulations, and analyses potential technical barriers to trade faced by Indonesian industry.⁸ Chile explained that the National Commission on Technical Barriers to Trade brings together representatives of the ministries and agencies that develop, adapt, and apply technical regulations and conformity assessment procedures for fulfilment of transparency obligations and identification of trade concerns.⁹ Guatemala mentioned the public and private stakeholders participating in its National TBT Committee, which meets around the timeline of the WTO TBT Committee. Its committee defines a unified national position ahead of WTO TBT Committee meetings, discusses specific trade concern (STCs), and the business community shares its export interests, expansion plans, and perception of potential threats.¹⁰

1.3. The United States highlighted five internal coordination mechanisms it uses to implement the TBT Agreement. The Office of Management and Budget, Office of Information and Regulatory Affairs (OIRA) coordinates a pre-publication comment period for US agencies on draft technical regulations and conformity assessment procedures. The National Institute of Standards and Technology (NIST), as the US notification authority, reviews the Federal Register daily to determine which US measures to notify to the WTO TBT Committee. The United States Department of Agriculture (USDA) coordinates US Government comments on WTO TBT Notifications related to agricultural products. The USTR coordinates the engagement of the US States in their regulatory activities with relevance for the WTO. The USTR also coordinates participation and positions to the three annual WTO TBT Committee meetings through the Trade Policy Staff Committee, Subcommittee on Technical Barriers to Trade.¹¹ New Zealand, as a small Member, does not have a formal coordination structure, such as a national TBT committee, and instead relies on the national TBT Enquiry Point to provide stakeholder outreach and manage the notification process and related enquiries. One of the biggest challenges is ensuring that regulators are aware of their notification obligations, and in this regard New Zealand developed a Regulator's User Guide which includes a flow chart to help regulators make this determination.¹² Similarly, the Dominican Republic notes that they, too, face similar challenges as those expressed by New Zealand. A platform to consolidate information about existing regulations and those in development could be useful.

1.4. China outlined how it applies good regulatory practices at the border, by unifying implementation of the TBT, SPS and the Trade Facilitation Agreements. Good regulatory practices are an important tool to avoid unnecessary trade barriers, and China will continue to improve its regulatory structure, but the pace of implementing good regulatory practices is different among Members and could adapt to local legislative traditions and the status of economic and social development.¹³ Australia outlined the role of Australia's national quality infrastructure (NQI) in respect to Australia's TBT processes and implementation of the TBT Agreement. Australia does not have a formal national TBT committee. Rather, officials from the Department of Industry, Science, Energy and Resources (DISER) manage the government relationship with the NQI and facilitate an exchange of information between the NQI and a diverse range of Australian government agencies on developments within the NQI, mainly focused on trade-related issues. The NQI is an important resource to regulators when developing policy or conformity assessment procedures, and early engagement with NQI ensures effective regulatory processes.¹⁴ The United States suggested to encourage Members to develop written procedures and maintain a process whereby all regulatory authorities take TBT obligations into account when developing technical regulations. This practice and commitment would be in line with continuing efforts by the TBT Committee to ensure that Members fully implement the TBT Agreement, to emphasize internal coordination as a core Good Regulatory Practice, and as an initiative to increase regulatory transparency and efficiency by WTO Members.¹⁵

1.5. Members discussed **encouraging regulatory compatibility and cooperation**, with a specific focus on two sectors: medical devices, and new vehicle technologies.¹⁶

⁸ [G/TBT/GEN/256](#), paras. 4-6; and [RD/TBT/257](#).

⁹ [G/TBT/GEN/256](#), paras. 9-12; and [RD/TBT/261](#).

¹⁰ [G/TBT/GEN/256](#), paras. 16-17; and [RD/TBT/269](#).

¹¹ [G/TBT/GEN/256](#), paras. 18-21; and [RD/TBT/270](#).

¹² [G/TBT/GEN/256](#), paras. 7-8; and [RD/TBT/258](#).

¹³ [G/TBT/GEN/256](#), paras. 13-15; and [RD/TBT/268](#).

¹⁴ [G/TBT/GEN/256](#), paras. 22-24; and [RD/TBT/271](#).

¹⁵ [G/TBT/W/751/Rev.1](#).

¹⁶ See: Sections 2.1.1 and 2.1.2.

1.1.1 Other information

1.6. Observers also provided relevant information. Updates were provided by [ARSO](#)¹⁷, [CROSO](#)¹⁸, [OECD](#)¹⁹ and [UNECE](#).²⁰

1.2 Recommendations

1.7. Building on this exchange as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work in the area of GRP, the [Committee](#) agrees:

- a. to *discuss* Members' existing procedures and processes to ensure that regulatory authorities take TBT obligations into account when developing technical regulations and, on the basis of these discussions, *consider* the need for further work in the Committee on this topic; and,
- b. to *hold* an annual thematic session on Good Regulatory Practices as recommended in the 8th Triennial Review.²¹

2 REGULATORY COOPERATION BETWEEN MEMBERS

"The Committee notes that regulatory cooperation between Members is an effective means of disseminating GRP. It can also build confidence between trading partners through enhancing mutual understanding of regulatory systems, thereby supporting efforts that aim at removing unnecessary barriers to trade. A fundamental component to regulatory cooperation is the promotion of dialogue between Members, including at senior level. A wide variety of approaches can be employed by regulators to collaborate with each other – from information sharing to negotiating specific agreements."

[G/TBT/1/Rev.14](#), p.10

2.1 Exchange of experiences

2.1. During the review period, most of the Committee's exchange of experiences took place in the context of a thematic session on Good Regulatory Practice (GRP), held on 25 February 2020.²² This thematic session, on encouraging regulatory compatibility and cooperation focused on two sectors: medical devices, and new vehicle technologies.

2.1.1 Medical devices

2.2. Members discussed **encouraging regulatory compatibility and cooperation** in the medical devices sector. The [United States](#) outlined the contribution of the International Medical Device Regulators Forum (IMDRF) and the Medical Device Single Audit Program (MDSAP) to regulatory convergence, while addressing common public health regulatory challenges and supporting innovation. The MDSAP minimizes the regulatory burden on industry, promotes more efficient and effective use of regulator resources, enhances global alignment of regulatory approaches and technical requirements, and ensures consistency, predictability and transparency for manufacturers.²³ [Canada](#) stated that regulatory cooperation in the medical devices sector takes place in the context of fast-paced technological development, very rapid regulatory reviews for market approval, and a wide diversity and complexity of technologies which pose challenges for regulators. Like other regulators, Canada was increasing its alignment with IMDRF guidance (e.g. IMDRF Adverse Event Terminology, IMDRF Common Table of Contents for Medical Device

¹⁷ African Organization for Standardisation [G/TBT/GEN/289](#).

¹⁸ CARICOM Regional Organization for Standards and Quality [RD/TBT/331](#).

¹⁹ Organisation for Economic Co-operation and Development [G/TBT/GEN/313](#).

²⁰ United Nations Economic Commission for Europe [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); and [G/TBT/GEN/290](#).

²¹ [G/TBT/41](#), para. 1.7.a.i.

²² [G/TBT/GEN/287](#).

²³ [G/TBT/GEN/287](#), para. 1.1.; and

https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1a_usa_torres_grp_25022_020_e.pdf.

Regulatory Submissions), which facilitates regulator-to-regulator discussion. The MDSAP took several years to develop and was built from an initial pilot between the US FDA and Health Canada, which proved that a single audit could work and satisfy requirements of both countries.²⁴ The European Union outlined the three main stages of medical device regulation: the pre-market stage; the on-market stage (labelling); and the post market phase (ensuring the continued safety and effectiveness of device). The work of IMDRF – which is informal, non-binding, flexible, quick, and involves the establishment of best practices – plays an important role in convergence, and several new EU regulations are based on IMDRF principles.²⁵ The United States provided additional details on the MDSAP, and the role of recognized Auditing Organizations (AOs) to conduct a single audit of a medical device manufacturer that will satisfy the relevant requirements of the five participating regulatory authorities.^{26,27}

2.3. The United States introduced the Inter-American Coalition for Regulatory Convergence, which brings together public and private stakeholders with the aim of promoting regulatory cooperation and convergence across the Western Hemisphere to achieve internationally aligned medical technology regulations, standards and conformity assessment requirements.²⁸ Some of the key challenges facing the medical devices sector, and that cause impact to international trade in many cases, include the enormous diversity of products and their related standards and regulations, the multiple sites involved in the manufacturing of a single medical device and the need for multilingual/multi-country labels, the complex and lengthy registration processes which vary between countries, the improper regulation of medical devices as medicines, and the lack of TBT implementation within the regulatory processes of many medical device regulatory authorities.²⁹ Japan noted that regulatory authorities worldwide have developed different regulations, including different definitions, categorizations, quality, non-clinical and clinical requirements, and this could result in overlap and deviation. Regulatory authorities around the world need to promote harmonization and reliance on common international standards, and WHO work on the regulatory system strengthening for medical products was mentioned in this regard. Japan highlighted the benefits of MDSAP from the view of both importing and exporting manufacturers.³⁰ The Dominican Republic expressed interest in these cooperation arrangements in light of the regulatory challenges facing the sector.

2.1.2 New vehicle technologies

2.4. Members discussed **encouraging regulatory compatibility and cooperation** in new vehicle technologies. The European Union described how the guidance of the UNECE World Forum for the harmonization of vehicle regulations (UNECE WP.29) is incorporated in EU legislation. Automated and connected vehicles are not yet fully regulated globally, and several issues would need to be considered in emerging regulations, including how to assess new technologies such as automation, software updates, cybersecurity, event data recorders (accidents), awareness of "vulnerable road users' proximity", and measuring emissions.³¹ Japan outlined its government strategy to increase automated driving towards 2025 in order to, *inter alia*, reduce accidents, encourage innovation and enable societal goals (free movement of elderly). To realize these goals, Japan is developing national laws compatible with automated driving, including an amendment to

²⁴ [G/TBT/GEN/287](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1b_canada_shadeed_grp_25022020_e.pdf), para. 1.2.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1b_canada_shadeed_grp_25022020_e.pdf.

²⁵ [G/TBT/GEN/287](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1d_eu_hansson_grp_25022020_e.pdf), para. 1.4.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1d_eu_hansson_grp_25022020_e.pdf.

²⁶ Australia, Brazil, Canada, Japan, and the United States.

²⁷ [G/TBT/GEN/288](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1d_eu_hansson_grp_25022020_e.pdf), para. 1.7.

²⁸ The United States notes that the training materials developed by the Inter-American Coalition are available at <https://www.interamericancoalition-medtech.org/regulatory-convergence/training-and-capacity-building-resources/>.

²⁹ [G/TBT/GEN/287](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1c_usa_amaral_grp_25022020_e.pdf), para. 1.3.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1c_usa_amaral_grp_25022020_e.pdf.

³⁰ [G/TBT/GEN/287](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1e_japan_regulatory_cooperation_on_medical_devices_japan.pdf), para. 1.5.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p1e_japan_regulatory_cooperation_on_medical_devices_japan.pdf.

³¹ [G/TBT/GEN/287](https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p2a_eu_grp_25022020_e.pdf), para. 1.6.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p2a_eu_grp_25022020_e.pdf.

the Road Vehicle Law (passed and enacted in May 2019), and the domestic adoption and implementation of specific technical requirements set out in UNECE WP.29.³²

2.1.3 Environment and climate change

2.5. Canada suggested the Committee hold a thematic session to share information, best practices and innovative ideas related to technical regulations, standards and conformity assessment procedures that support the attainment of environmental goals and contribute to addressing climate change, thereby contributing to achieving the goals of the Paris Agreement, while being the least trade restrictive possible.³³

2.1.4 Plastic packaging pollution

2.6. The United States suggested the Committee hold a thematic session that would explore the current landscape of Member and stakeholder views and actions with regard to plastic packaging with a view to: understanding domestic authorities efforts to regulate plastic as a consumer use product or as non-hazardous plastic waste and scrap; and promoting the application of regulatory approaches in accordance with core TBT principles and good regulatory practice to minimize waste leakage and pollution, while encouraging trade and innovation.³⁴

2.1.5 Digital products

2.7. Canada suggested the Committee hold a thematic session which could focus on the impacts that technical barriers to trade can have on the trade in intangible digital products and how they can be minimized.³⁵

2.1.6 Cybersecurity of software-enabled and/or network connected goods

2.8. The United States suggested the Committee hold a thematic discussion that would explore the current landscape of Member and stakeholder views on cybersecurity regulation with a view to: identifying relevant nexuses for the TBT Committee; and promoting the application of regulatory approaches in accordance with core TBT principles to maximize security, trade, and innovation outcomes.³⁶

2.1.7 Micro, Small and Medium-Sized Enterprises (MSMEs)

2.9. Canada suggested the Committee hold a thematic session exchanging national experiences and perspectives on working with MSMEs to ensure that they are aware and have access to the relevant technical information necessary to export their goods to foreign markets.³⁷ The Dominican Republic notes that it is especially important for producers in developing Members to be aware and have easy access to the full technical information needed to enhance participation in international trade.

2.1.8 Other information

2.10. Observers also provided relevant information. Updates were provided by ARSO³⁸, CROSO³⁹, OECD⁴⁰, and UNECE.⁴¹

³² [G/TBT/GEN/287](#), para. 1.7.; and https://www.wto.org/english/tratop_e/tbt_e/thematic_sessions_e/presentations_e/p2b_japanese_policy_and_contribution_to_the_international_activities_on_automated_driving_japan.pdf.

³³ [G/TBT/W/745](#), para. 2.3.

³⁴ [G/TBT/W/756](#).

³⁵ [G/TBT/W/745](#), para. 4.5.

³⁶ [G/TBT/W/747](#).

³⁷ [G/TBT/W/745](#), para. 5.4.

³⁸ [G/TBT/GEN/289](#).

³⁹ [RD/TBT/331](#).

⁴⁰ [G/TBT/GEN/313](#).

⁴¹ [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); and [G/TBT/GEN/290](#).

2.2 Recommendations

2.11. Building on these exchanges as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work and raising awareness of the importance of regulatory cooperation between Members, the Committee agrees to *hold* thematic sessions, with the purposes of sharing information⁴² on:

- a. best practices related to technical regulations and standards, based on available scientific and technical information, and conformity assessment procedures that support the attainment of environmental goals and contribute to addressing **climate change**, thereby contributing to achieving the goals and principles of the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, while adhering to the disciplines of the TBT Agreement;
- b. Member and stakeholder views on **plastic regulation** and policy with a view to promoting the application of regulatory approaches in accordance with core TBT principles and good regulatory practice to minimize waste leakage and pollution caused by plastic waste, while encouraging trade and innovation;
- c. the impacts that technical barriers to trade may have on trade in intangible **digital products** (e.g. Artificial Intelligence (AI), enterprise applications, cybersecurity, financial technology, health IT, telecommunications, digital media software, and software as medical devices), and how to minimize those impacts;
- d. Member and stakeholder views on **cybersecurity** regulation with a view to promoting the application of regulatory approaches in accordance with core TBT principles to maximize security, trade, and innovation outcomes while minimizing unnecessary barriers to trade in goods; and,
- e. Member experiences and perspectives on working with **MSMEs** – especially in developing Members - to ensure that they are aware and have access to the relevant technical information necessary to enhance their participation in international trade and overcome obstacles posed by conformity assessment procedures.

3 TECHNICAL REGULATIONS

3.1 Exchange of Experiences

3.1.1 Mandatory marking and labelling

3.1. During the review period, most of the Committee's exchange of experiences on technical regulations took place in the context of a thematic session on mandatory marking and labelling held on 27 October 2020.⁴³

3.2. Members discussed the topic of how to facilitate compliance with mandatory marking and labelling requirements on products. The European Union provided information on the important role of the CE Marking as a way of providing information to national authorities on the compliance of a product with the relevant requirements and of guaranteeing its free movement within the European Union and the European Economic Area.⁴⁴ The European Union also addressed the practical compliance issues related to mandatory marking and labelling requirements on imported products and suggested that the Committee develop recommendations or other guidance documents to support Members in the area of marking and labelling.⁴⁵ The United States provided

⁴² In the context of these thematic sessions, the Secretariat will ensure coordination with other relevant bodies of the WTO.

⁴³ [G/TBT/GEN/307](https://www.wto.org/english/press/p/20201027_tbt_session.htm).

⁴⁴ [G/TBT/GEN/307](https://www.wto.org/english/press/p/20201027_tbt_session.htm), paras. 1.1-1.2; and [https://www.wto.org/english/press/p/20201027_tbt_session.pdf](https://www.wto.org/english/press/p/20201027_tbt_session.htm).

⁴⁵ [G/TBT/GEN/307](https://www.wto.org/english/press/p/20201027_tbt_session.htm), paras. 1.3-1.6; and [https://www.wto.org/english/press/p/20201027_tbt_session.pdf](https://www.wto.org/english/press/p/20201027_tbt_session.htm).

some considerations about labelling and the important role it plays in a variety of areas, such as consumers, marketing, and public health.⁴⁶

3.1.2 Other information

3.3. Mexico and the United States drew the Committee's attention to the work conducted by the Codex Alimentarius Commission on certain labelling requirements to applicable formula food.⁴⁷

3.4. Observers also provided relevant information. Updates were provided by ARSO⁴⁸, CODEX⁴⁹, IEC⁵⁰, OECD⁵¹, OIML⁵², UNECE⁵³ and UNIDO.⁵⁴

4 CONFORMITY ASSESSMENT PROCEDURES

"Five articles of the TBT Agreement address conformity assessment procedures, and establish obligations of a substantive and procedural nature. Articles 5 and 6 contain disciplines applying to central government bodies. Articles 7, 8 and 9 relate to conformity assessment procedures of local government bodies, non-governmental bodies and international and regional systems. The definition of a conformity assessment procedure is contained in Annex 1, Paragraph 3 of the Agreement."

[G/TBT/1/Rev.14](#), p.11

4.1 Exchange of experiences

4.1. During the review period, most of the Committee's exchange of experiences took place in the context of thematic sessions and an informal meeting held on the topics of conformity assessment procedures and quality infrastructure. Thematic sessions were held on 5 March 2019⁵⁵, 12-13 November 2019⁵⁶ and 25 February 2020⁵⁷, and an informal meeting was held on 8 December 2020.⁵⁸

4.1.1 Approaches to conformity assessment

4.2. Members discussed **post-market controls (e.g. market surveillance) and other pre-market controls**. The United States mentioned the various enforcement activities undertaken by the Consumer Product Safety Commission (CPSC), including: surveillance in retail stores to ensure that banned or recalled products are not on shelves; inspection of companies as part of regulatory enforcement programs; inspection as a follow up to a complaint or surveillance; inspection of companies destroying recalled products; and investigations based on consumer complaints involving products. CPSC also conducts market surveillance in respect of voluntary standards.⁵⁹ The European Union explained that Regulation EC No 765/2008 provides a common framework and set of obligations to ensure effective market surveillance across the EU⁶⁰, and stipulated that EU member States are responsible for enforcement of EU product legislation, through member State Market Surveillance Authorities (MSAs), of which there are more than 500. There are several tools at the EU level to exchange information and promote cooperation between

⁴⁶ [G/TBT/GEN/307](#), paras. 1.7-1.8; and https://www.wto.org/english/tratop_e/tbt_e/3_-_us_pm_sessio.pdf.

⁴⁷ [G/TBT/M/78](#), paras. 5.1-5.3.

⁴⁸ [G/TBT/GEN/289](#).

⁴⁹ Codex Alimentarius Commission [G/TBT/GEN/258](#); [G/TBT/GEN/282](#); [G/TBT/GEN/291](#); and [RD/TBT/328](#).

⁵⁰ International Electrotechnical Commission [RD/TBT/280](#).

⁵¹ [RD/TBT/340](#).

⁵² International Organization of Legal Metrology [G/TBT/GEN/283](#).

⁵³ [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); and [G/TBT/GEN/290](#).

⁵⁴ United Nations Industrial Development Organization [RD/TBT/311](#); and [RD/TBT/332](#).

⁵⁵ [G/TBT/GEN/257](#).

⁵⁶ [G/TBT/GEN/278](#). A revised Secretariat note on the TBT Committee's work on conformity assessment procedures was circulated on 16 July 2020 ([JOB/TBT/224/Rev.1](#)).

⁵⁷ [G/TBT/GEN/288](#).

⁵⁸ [JOB/TBT/395](#).

⁵⁹ [G/TBT/GEN/257](#), para. 1.

⁶⁰ Chapter III of Regulation EC No 765/2008 on market surveillance was replaced by Regulation 2019/1020 as of 16 July 2021.

MSAs, such as RAPEX (Rapid Alert System for Products Presenting a Serious Risk) or ICSMS (Technical Database for Exchange of Information on Controls, Tests and Results).⁶¹ The European Union provided an example of how market surveillance is undertaken in France through cooperation between 20 French MSAs (including Customs). Responsibility for market surveillance is shared between economic operators, importers and distributors, and MSAs.⁶²

4.3. Japan outlined the post-market measures applying to consumer products that are likely to endanger life or health (including electrical appliances and materials, town gas equipment, liquefied petroleum gas equipment, and general consumer products): a sampling test; on-site inspection; the Serious Product Accident Reporting and Disclosure Scheme; and, if necessary, orders for product recalls and withdrawals from the market. The number of serious product accidents declined from around 1,400 in 2008, to 900 in 2017. Products purchased through online markets, however, pose new policy challenges.⁶³ The United States said the private sector can and should be an important partner in aspects of market surveillance, and the choice of conformity assessment procedure has implications for how the burden of market surveillance will fall on different stakeholders (e.g. supplier's declaration of conformity places burden on government, third party on the certification body). Underwriters Laboratories (UL) partners with the US Government on conformity assessment schemes and marks, including market surveillance, under the Environmental Protection Agency (EPA) Energy Star program, and the Occupational Safety and Health Administration (OSHA) Nationally Recognized Testing Laboratory (NRTL) program.⁶⁴ Australia explained how modern supply chains, which are transnational, dynamic and complex, require changes in conformity assessment infrastructure. It may be difficult to trace the source of fault behind non-conforming goods, and there also may be a corresponding lack of accountability, citing the example of non-conforming construction materials in Australia which raised concerns about fraudulent test reports and certifications.⁶⁵

4.4. On **risk assessment**, China described 2017 reforms of the China Compulsory Certification (CCC) system. A reduction of the product scope was undertaken based on risk assessment, which cut 31 low-risk products from the catalogue. Other reforms included implementation of science-based classification, simplification of processes and procedures, and promotion of fair competition.⁶⁶ The United States presented a real-time risk analytic tool used by US Food and Drug Administration (FDA) to assess imports entering the US. This tool, called PREDICT, electronically screens and assigns scores to consignments of regulated products bound for the US; consignments with low scores automatically enter the US, while those with higher scores are subject to further examination and testing by border inspectors. This allows FDA to focus its limited resources on higher-risk consignments and facilitates trade for low-risk consignments.⁶⁷ Chinese Taipei explained how risk assessment was conducted throughout the lifecycle of medicinal products. Based on guidance of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), there are several steps in the regulatory management process, including pre-market approvals, from discovery to marketing. In this context, application of the Pharmaceutical Inspection Co-operation Scheme (PIC/S) on good manufacturing practices (GMP) helps to reduce trade barriers.⁶⁸

4.5. On **accreditation**, Indonesia stressed that accreditation under the framework of IAF ILAC MRA/MLA plays an important role in trade facilitation, and it is important that WTO Members consider the use of this MRA/MLA for the acceptance of product conformity. In this respect, there are a number of challenges, including the lack of acceptance of some conformity assessment results under the IAF ILAC framework, and the fact that some private standards do not recognize accreditation thereunder.⁶⁹ The European Union said the European Accreditation (EA) System, based on Regulation (EC) No 765/2008 on Accreditation, is premised – among other things – on the principle of one national accreditation body per member state and non-competition between national accreditation bodies. In the case of the EU, regulators accept conformity assessment results from bodies accredited by an ILAC or IAF MRA/MLA signatory if there is a government-to-

⁶¹ [G/TBT/GEN/257](#), para. 3.

⁶² [G/TBT/GEN/257](#), para. 5.

⁶³ [G/TBT/GEN/257](#), para. 8.

⁶⁴ [G/TBT/GEN/257](#), para. 10.

⁶⁵ [G/TBT/GEN/257](#), para. 9.

⁶⁶ [G/TBT/GEN/257](#), para. 2.

⁶⁷ [G/TBT/GEN/257](#), para. 7.

⁶⁸ [G/TBT/GEN/257](#), para. 6.

⁶⁹ [G/TBT/GEN/278](#), para. 1.1.

government MRA or trade agreement in place which would take recourse to the ILAC and IAF agreements and provide for enhanced cooperation between the accreditors of the parties.⁷⁰ Egypt explained that the Egyptian Accreditation Council (EGAC) is the sole accreditation body of Egypt and that international recognition by ILAC and IAF had been achieved, *inter alia*, for testing and calibration as well as medical laboratories, inspection bodies, certification bodies for management systems, product and personnel besides proficiency testing providers.⁷¹ The United States suggested that, as part of the Ninth Triennial Review the TBT Committee consider how accreditation and related policies can be advanced to further reduce barriers to trade in goods. In particular, the United States suggested an examination of Member accreditation policies, including regional and international systems for conformity assessment. Further, as part of the TBT Committee's ongoing Eighth Triennial Review effort to develop guidelines for conformity assessment, the United States suggested the Committee initiate work to develop guidance for Members with respect to accreditation policies as they relate to Mutual Recognition Agreements (MRAs), the recognition of accreditation results in the territories of other Members, and the national treatment of accreditation bodies.⁷² The United Kingdom stressed the important role that IAF and ILAC guidance plays in encouraging cooperation between accreditation bodies. This cooperation is critical to ensuring consistency and harmonization of accreditation, which in turn facilitates mutual recognition. The United Kingdom underscored that an examination of accreditation and related policies should reflect the valuable role guidance plays, and reflect that there are multiple approaches to support a trusted accreditation regime. South Africa supported the UK view that IAF and ILAC play a crucial role in encouraging cooperation between accreditation systems. The examination of WTO Members' accreditation policies has the potential of undermining the sovereignty of National Accreditation Bodies including the associated legislative framework, and examination should rather seek an understanding of the accreditation system MRAs in the spirit of Article 9 of the TBT Agreement. South Africa suggested that the proposal be undertaken by the ILAC/IAF platform as they deal with cross-frontier accreditation cooperation in a transparent and inclusive manner.

4.6. On **National Quality Infrastructure (NQI) systems**, Trinidad and Tobago outlined the work underway to strengthen its NQI. A National Quality Policy (NQP) was being implemented through various initiatives to develop governance bodies, review legislation and define roles, strengthen institutions, and build a quality-conscious society. These efforts benefit from the work of the CARICOM Regional Organization for Standards and Quality (CROSQ) which coordinates regional approaches to QI development.⁷³ China presented the recent reforms of its QI and regulatory frameworks, which streamline and simplify procedures, improve operational efficiency, reduce enterprise burdens, improve the business environment, support trade development, promote industrial upgrading, and protect the public interest. China suggested that the WTO work on: (i) adopting relevant guidelines to clarify the concepts, components, basic principles, policy framework, status and role of QI; (ii) more active participation in international exchanges and cooperation in the field of QI; and (iii) conducting in-depth discussions on various TBT-related law enforcement measures to promote information exchanges and cooperation in the field of market surveillance.⁷⁴ Turkey outlined the many changes and improvements between Turkey's 1995 NQI framework and the current one (2019), in terms of how they regulate accreditation, standardization, CAPs and metrology, in line with WTO Agreements and the Customs Union (CU) between the EU and Turkey. A functional quality infrastructure at the international level is crucial for the elimination of technical barriers to trade.⁷⁵ Argentina provided an overview of its new National Quality System, which also created the Technical Regulators Commission (CRT) as an inter-ministerial body for cooperation between the various domestic regulators.⁷⁶

4.7. The United States explained that its NQI follows a market-based approach, and in that respect, the private sector plays a key role in standardization, conformity assessment and accreditation. One key challenge is communication and awareness on QI throughout government, and engagement with the actual regulatory decision makers. A second challenge is ensuring that appropriate competence on QI is available and engaged by regulators in the development of

⁷⁰ [G/TBT/GEN/278](#), para. 1.2.

⁷¹ [G/TBT/GEN/278](#), para. 1.3.

⁷² [G/TBT/W/748](#).

⁷³ [G/TBT/GEN/278](#), para. 1.11.

⁷⁴ [G/TBT/GEN/278](#), para. 1.12.

⁷⁵ [G/TBT/GEN/278](#), para. 1.13.

⁷⁶ [G/TBT/GEN/278](#), para. 1.14; [G/TBT/GEN/270](#).

technical regulations.⁷⁷ Mozambique outlined technical assistance needs around quality infrastructure, to effectively implement the National Quality System Act (2018) and meet market demands for QI services delivered by the *Instituto Nacional de Normalização e Qualidade* (INNOQ). Specific training, equipment and standards development needs were identified in the areas of certification, testing and inspection, and accreditation.⁷⁸ Brazil outlined the organization of its NQI. Brazil's current product safety regulatory system is quite heavy and prescriptive, hindering innovation and competitiveness, and is not entirely aligned with international best practices, leading to low performance. A new regulatory model, currently under discussion, for products under the scope of INMETRO, aims at increasing product safety performance, with reduced bureaucracy, greater resource efficiency, simplification and flexibility.⁷⁹ South Africa presented the organization of its NQI, and outlined the respective mandates of the four main public entities: South African Bureau of Standards (SABS), the National Regulator for Compulsory Specifications (NRCS), the South African National Accreditation System (SANAS), and the National Metrology Institute of South Africa (NMISA).⁸⁰

4.8. On **regional approaches to NQI**, South Africa described the SADC Technical Regulations Liaison Committee (SADCTRLC) approach to approximation of technical regulations to determine equivalence and hence acceptance of each other's conformity assessment results. This involves technical comparison of SADC members' national legislation in a specific sector to determine convergences and divergences. Aspects for comparison during approximation include features of the legislation (name, type, enforcer, and responsible institutions), administrative provisions, legal or provisional requirements, conformity assessments procedures, and technical requirements.⁸¹ Vanuatu, on behalf of the Pacific Islands Forum, highlighted the low to non-existent level of QI development among Pacific Island Countries (PICs) (notably only Fiji and Papua New Guinea have QI institutions and systems in place). In order to improve this situation and enhance international competitiveness, the promotion of a culture of quality through QI systems was deemed a priority, based on the nature of trade of each PIC, and via the incremental establishment of pathways for those lacking physical infrastructure. A Pacific Regional QI Workshop was held in September 2019 to advance these efforts.⁸² Australia noted that the Pacific Quality Infrastructure (PQI) Project to increase the capacity of Pacific region standards and conformance infrastructure is underway, with Standards Australia and the National Measurement Institute of Australia supporting needs assessment and capacity building. The United States highlighted the role of the Quality Infrastructure Council of the Americas (QICA) in strengthening the NQI of each Member in the Americas, promotion of the importance of QI services, collaboration and information sharing among peers at the national level, organization of regional and national activities, and cross-functional training.⁸³

4.9. On **approaches to conformity assessment procedures** in general, New Zealand summarized the use of the "regulatory stewardship approach" for managing and developing its National Quality Infrastructure (NQI) and its regulatory systems. This approach emphasizes good regulatory practices (GRP) like internal coordination, regulatory impact assessment (RIA), and public consultation. It was used to develop New Zealand's "Conformance System Strategy"⁸⁴ and has contributed to reducing unnecessary barriers to trade.⁸⁵ Australia gave an example of how its NQI had to develop new measurement capabilities to meet energy efficiency policy objectives set by the Australian government. Early and ongoing policy coordination with NQI bodies can avoid a mismatch between the regulatory objective and conformity assessment capabilities. The NQI is an invaluable resource: consult early, consult often, and consult collaboratively.⁸⁶ Brazil explained the 2019 transition of its conformity assessment (CA) framework for telecommunications products away from type approval/certification (with priority for accredited third-party laboratories), towards a more flexible system allowing the technical area to define which CA model was appropriate for each product type, a decision also based on a risk analysis. Furthermore, fees were

⁷⁷ [G/TBT/GEN/278](#), para. 1.15.

⁷⁸ [G/TBT/GEN/278](#), para. 1.21.

⁷⁹ [G/TBT/GEN/278](#), para. 1.22.

⁸⁰ [G/TBT/W/757](#).

⁸¹ [G/TBT/GEN/278](#), para. 1.23.

⁸² [G/TBT/GEN/278](#), para. 1.24.

⁸³ [G/TBT/GEN/278](#), para. 1.25.

⁸⁴ The New Zealand "Conformance System Strategy" and more information are available at:

www.mbie.govt.nz/conformance.

⁸⁵ [G/TBT/GEN/278](#), para. 1.8.

⁸⁶ [G/TBT/GEN/278](#), para. 1.9.

reduced, and a new model of market surveillance was implemented. This change responds to important developments in the ICT environment, such as high demand for connected devices, fast growth in equipment approvals and new connectivity methods such as 5G and IoT.⁸⁷ Australia described some evolving influences on conformity assessment, and the shift from on-site to remote office assessment and review of certification documents, brought on in part by the COVID-19 pandemic.⁸⁸ The European Union provided an overview of its approach to conformity assessment procedures, which follows a risk-based approach for the choice of CAP. Thus, the selected procedure must be proportionate to the level of risk involved in relation to the intended use of the product and the level of safety required.⁸⁹

4.1.1.1 Guidelines on conformity assessment procedures

4.10. Pursuant to the Eighth Triennial Review mandate for the Committee "to *initiate work* on developing non-prescriptive practical guidelines to support regulators in the choice and design of appropriate and proportionate conformity assessment procedures"⁹⁰, submissions were received from Australia⁹¹, Canada⁹², China⁹³, Colombia⁹⁴, the European Union⁹⁵, Japan⁹⁶, South Africa⁹⁷, and the United States⁹⁸. Members discussed submissions at various meetings during the Review period.⁹⁹

4.1.2 Use of relevant international standards, guides or recommendations

4.11. Members and Observers discussed the **use of relevant international standards, guides and recommendations**. The United States presented the work of the ISO Committee on Conformity Assessment (CASCO) to develop jointly with International Electrotechnical Commission (IEC) the ISO/IEC 17000 series of standards (also referred to as the CASCO Toolbox). ISO/IEC Guide 60 Conformity assessment — Code of good practice was under revision and would become ISO/IEC 17060 Conformity assessment — Code of good practice.¹⁰⁰

4.1.3 Facilitating the recognition of conformity assessment results

4.12. Members discussed how to **facilitate the recognition of conformity assessment results**. The United States described how the Consumer Product Safety Commission (CPSC) utilizes a combination of approaches contained in the TBT Committee's "Indicative List" to facilitate acceptance of conformity assessment results for children's products.¹⁰¹ This approach contributes to a wide range of participating conformity assessment bodies (as of late 2019, 580 laboratories have been accepted from 47 economies) and the effectiveness of the regulatory actions taken (the overall number of toy recalls has dropped from 178 in 2008 to 33 in 2014, and to 12 in 2019).¹⁰² Brazil accepts foreign test results for a number of products (children's products, domestic appliances (electrical safety), and photovoltaic panels) provided that the testing laboratory is accredited by an ILAC member and that tests are conducted according to requirements established in the regulation. With respect to certification schemes, Brazil accepts foreign results provided: (i) the foreign certification body is accredited by an IAF member and has a memorandum of understanding (MoU) with a national certification body; (ii) the MoU covers acceptance of

⁸⁷ [G/TBT/GEN/278](#), para. 1.10.

⁸⁸ [JOB/TBT/395](#), para. 1.1.; and [RD/TBT/333](#).

⁸⁹ [JOB/TBT/395](#), para. 1.2.; and [RD/TBT/334](#).

⁹⁰ [G/TBT/41](#), para. 4.17.b.

⁹¹ [JOB/TBT/347](#).

⁹² [JOB/TBT/358](#).

⁹³ [JOB/TBT/391](#).

⁹⁴ [JOB/TBT/406](#).

⁹⁵ [JOB/TBT/322](#).

⁹⁶ [JOB/TBT/349](#).

⁹⁷ [JOB/TBT/407](#).

⁹⁸ [JOB/TBT/326](#); [G/TBT/GEN/280](#).

⁹⁹ [JOB/TBT/273/Rev.8](#), Section 2.

¹⁰⁰ [JOB/TBT/395](#), para. 1.3.; and [RD/TBT/335](#).

¹⁰¹ Using the terminology from the Indicative List, the programme requires a *Supplier's Declaration of Conformity (SDoC)*, *Use of Accreditation to Qualify Conformity Assessment Bodies* providing data supporting that declaration, and achieving global scale by leveraging *Cooperative (Voluntary) Arrangements between Domestic and Foreign Conformity Assessment Bodies* (ILAC MRA).

¹⁰² [G/TBT/GEN/288](#), para. 1.2.

assessments and testing; and (iii) the national certification body issues the certificate, assuming full responsibility for the certification process.¹⁰³

4.13. The European Union presented examples of the acceptance of self-declaration of conformity (SDoC) in the European Union in the fields of machinery, electrical and radio equipment. Manufacturers need to ensure that products are compliant with the applicable requirements, and on this basis, they establish the technical documentation, establish and sign the declaration of conformity, and affix the CE marking. Involvement of notified bodies is required only in exceptional cases under the Radio Equipment Directive 2014/53/EU (RED) and the Machinery Directive 2006/42/EC (MD), only if harmonized standards have not been applied or do not exist, or in the case of high-risk products.¹⁰⁴ The United States highlighted the example of the MDSAP, which allows recognized Auditing Organizations (AOs) to conduct a single audit of a medical device manufacturer that will satisfy the relevant requirements of the five participating regulatory authorities.¹⁰⁵ The regulatory authorities perform assessments of the AOs, which involve a formal recognition and monitoring process (using IMDRF Criteria and ISO/IEC 17021), as well as training and competency requirements for auditors. The MDSAP audit model includes 90 audit tasks covering all ISO 13485:2016 and regulatory requirements, as well as annexes specifying the audit of technical documentations and considerations relative to the audit of the controls of the sterility.¹⁰⁶ The International Electrotechnical Commission (IEC) described how several African countries¹⁰⁷ have nationally adopted IEC international standards and thereby leverage the IECEE CB Scheme¹⁰⁸ to accept certificates from foreign laboratories. Goods arriving at the border are accompanied by an IECEE CB Scheme certificate or test report, which can be authenticated by the relevant national certification bodies as legitimate on the IECEE online certificate system.¹⁰⁹

4.14. South Africa outlined the challenges created by Certificates of Free Sale (CoFS) for exporters and regulators. In this respect, South Africa mentioned various issues, including: possible inconsistency with WTO provisions on non-discrimination as contained in the TBT Agreement and GATT; that CoFS are not based on relevant international guides and recommendations for conformity assessment procedures; that they create a *de facto* ban on products manufactured for the export market only due to the impossibility to obtain a CoFS; the difficulty to obtain CoFS for products comprised of multiple components produced in global value chains; Members requiring CoFS do not provide information on the legitimate objective pursued; and, that CoFS improperly place product liability on the exporting Member government. South Africa recommended that Members requiring CoFS replace them with appropriate technical regulations and conformity assessment procedures as a matter of urgency and seek technical assistance in this respect as needed.¹¹⁰

4.1.4 Digital solutions and e-commerce

4.15. The European Union suggested the Committee hold a thematic session that would explore the current landscape of Member and stakeholder views and actions with regard to digital solutions for conformity certificates with a view to: understanding current Member attempts to promote the digitalisation of trade processes in general, and notably of conformity certificates; and promoting the application of digital regulatory approaches in accordance with core TBT principles and good regulatory practice to minimize trade costs while achieving the legitimate policy objectives.¹¹¹ Canada suggested the Committee hold a thematic session focusing on current issues and best practices for addressing and mitigating issues related to the conformity assessment of goods and services obtained through e-commerce.¹¹² Chinese Taipei suggested the Committee hold a

¹⁰³ [G/TBT/GEN/288](#), para. 1.4.

¹⁰⁴ [G/TBT/GEN/288](#), para. 1.5.

¹⁰⁵ Australia, Brazil, Canada, Japan, and the United States.

¹⁰⁶ [G/TBT/GEN/288](#), para. 1.7.

¹⁰⁷ Côte d'Ivoire (342 IEC standards adopted), Ethiopia (251 IEC standards adopted), Senegal (67 IEC standards adopted), and Togo (568 IEC standards adopted).

¹⁰⁸ IEC System for Conformity Assessment Schemes for Electrotechnical Equipment and Components (IECEE) Certification Body (CB) Scheme.

¹⁰⁹ [G/TBT/GEN/288](#), para. 1.8.

¹¹⁰ [G/TBT/GEN/288](#), para. 1.1.

¹¹¹ [G/TBT/W/758](#).

¹¹² [G/TBT/W/745](#), para. 1.4.

thematic session that would allow Members to share experiences and best practices in enhancing online shopping product safety to protect the health and safety of online consumers.¹¹³

4.1.5 Other information

4.16. On **metrology**, the International Bureau of Weights and Measures (BIPM) explained that metrology is essential for supporting innovation, conformity assessment activities and consumer protection, as well as the work of regulators. Sound measurements are achieved by ensuring metrological traceability to internationally agreed standards with the appropriate measurement uncertainty.¹¹⁴

4.17. Observers also provided relevant information. Updates were provided by ARSO¹¹⁵, BIPM¹¹⁶, CROSO¹¹⁷, IEC¹¹⁸, OIML¹¹⁹, UNECE¹²⁰ and UNIDO.¹²¹

4.2 Recommendations

4.18. Building on this exchange as well as on previous decisions and recommendations of the Committee, in particular the mandate from the Fifth Triennial Review¹²², and with a view to furthering its work in the area of conformity assessment procedures, the Committee agrees:

- a. to *note* progress made in its work to *develop* non-prescriptive practical guidelines¹²³ aimed at supporting regulators in the choice and design of appropriate and proportionate conformity assessment procedures¹²⁴, and to *finalize* this work;
- b. to *hold* thematic sessions on:
 - i. the topic of Member **accreditation** and related policies, and how these policies can be advanced to further reduce technical barriers to trade in goods, including those on the use of regional and international systems for conformity assessment;
 - ii. Member and stakeholder views on the use of **digital solutions** for conformity certificates and quality infrastructure activities as a whole, with a view to: understanding Member efforts to promote the digitalisation of trade processes, and notably of conformity certificates; and discuss digital regulatory approaches in accordance with core TBT principles and good regulatory practice to minimize trade costs while achieving the legitimate policy objectives;
 - iii. current challenges and best practices for addressing issues related to the conformity assessment of goods obtained through **e-commerce**. This session will consider, *inter alia*, how Members can work to enhance safety of products purchased online in order to protect consumer health and safety; and
 - iv. the key **role of the NQI** in Members' regulatory systems and for implementing the TBT Agreement.

¹¹³ [G/TBT/W/753](#).

¹¹⁴ [G/TBT/GEN/278](#), para. 1.4.

¹¹⁵ [G/TBT/GEN/289](#).

¹¹⁶ [G/TBT/GEN/266](#); [RD/TBT/274](#); [RD/TBT/279](#); [RD/TBT/310](#); [RD/TBT/327](#); [RD/TBT/343](#); and [RD/TBT/346](#).

¹¹⁷ [RD/TBT/331](#).

¹¹⁸ [RD/TBT/275](#); [RD/TBT/280](#); [RD/TBT/313](#); [RD/TBT/329](#); and [RD/TBT/341](#).

¹¹⁹ [G/TBT/GEN/260](#); [G/TBT/GEN/268](#); and [G/TBT/GEN/283](#).

¹²⁰ [G/TBT/GEN/255](#); [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); [G/TBT/GEN/290](#); and [RD/TBT/315](#).

¹²¹ [G/TBT/GEN/254](#); [G/TBT/GEN/261](#); [RD/TBT/276](#); [RD/TBT/311](#); [RD/TBT/332](#); and [RD/TBT/348](#).

¹²² [G/TBT/26](#), para. 19(c).

¹²³ The guidelines would need to remain neutral in respect of the range of approaches that exist.

¹²⁴ [G/TBT/41](#), para. 4.17.b.

5 STANDARDS

The provisions concerning the preparation, adoption and application of **standards** are contained in Article 4 of the TBT Agreement and in the Code of Good Practice for the Preparation, Adoption and Application of Standards (the "Code of Good Practice"). In addition, Articles 2.4, 2.5, 5.4, and Paragraph F of Annex 3 of the Agreement promote the use of relevant international standards, guides and recommendations as a basis for standards, technical regulations and conformity assessment procedures. Articles 2.6, 5.5 and Paragraph G of Annex 3 emphasize the importance of Members' participation in international standardization activities related to products for which they have either adopted, or expect to adopt, technical regulations.

[G/TBT/1/Rev.14](#), p.18

5.1 Exchange of experiences

5.1. During the review period, most of the Committee's exchange of experiences on standards took place in the context of a thematic session held on 12 November 2019¹²⁵ and a workshop on the role of gender in the development of standards held on 8 December 2020.¹²⁶

5.1.1 Use of standards in regulation

5.2. Members discussed the **use of standards in regulation**. Canada explained how incorporation of standards by reference takes place in Canada and outlined the benefits to using standards as a regulatory tool. Incorporation by reference gives binding effect to the incorporated standard, and can be done by "static reference" (as of a specific date and meaning that the subsequent revisions to the standards are *not* automatically incorporated into the regulation); or by "ambulatory reference" (no mention of a date of issue or specific version).¹²⁷ Canada also noted certain advantages of incorporation by reference, including relying on the expertise of other bodies, regulatory agility and enhanced regulatory cooperation.¹²⁸ China outlined its standardization reform efforts, noting that most mandatory sector and local standards were abolished or converted into voluntary standards, reducing the number of mandatory national standards from 3,600 to 2,111. However, mandatory standards represent an important part of China's technical laws and regulations and the State Administration for Market Regulation (SAMR) will continue to promote their reform.¹²⁹ The European Union explained how to reference standards in EU legislation and noted that standardization in the EU supports the single market by eliminating unnecessary technical barriers to trade and facilitating the free movement of goods and services. Under the "New Approach" to technical harmonization and standards, legislative harmonization is limited to essential requirements, technical specifications are laid down in harmonized European standards, and products manufactured in compliance with these standards benefit from a presumption of conformity.¹³⁰

5.3. The United States provided an overview of certain US laws and policies related to incorporation by reference, noting that the US National Technology Transfer and Advancement Act (NTTAA) requires US federal agencies to use "voluntary consensus standards" as a means to carry out policy objectives, except where they are inconsistent with applicable law or otherwise impracticable. The United States also said that many US-domiciled organizations, including ASTM International complies with the WTO's Six Principles for international standards development.¹³² ASTM International has Memoranda of Understanding with 113 partners around the world, providing access to its full collection of standards as well as membership in its technical committees at no charge. There are references to ASTM International's standards in US federal

¹²⁵ [G/TBT/GEN/277](#)

¹²⁶ [G/TBT/GEN/309](#).

¹²⁷ [G/TBT/GEN/277](#), para. 1.1.; and https://www.wto.org/english/tratop_e/tbt_e/01_a_p1a_canada.pdf.

¹²⁸ [G/TBT/GEN/277](#), para. 1.6.; and

https://www.wto.org/english/tratop_e/tbt_e/02_b_p2b_canada_pledge_e.pdf.

¹²⁹ [G/TBT/GEN/277](#), para. 1.2.; and https://www.wto.org/english/tratop_e/tbt_e/01_b_p1b_china.pdf.

¹³⁰ [G/TBT/GEN/277](#), para. 1.3.; and

https://www.wto.org/english/tratop_e/tbt_e/01_c_p1c_eu_vaccaro.pdf.

¹³² [G/TBT/GEN/277](#), para. 1.4.; and

https://www.wto.org/english/tratop_e/tbt_e/01_d_p1d_us_astm.pdf and para. 1.5.; and

https://www.wto.org/english/tratop_e/tbt_e/02_a_p2a_us_owen.pdf.

regulations, and these are made available at no charge in ASTM International's online reading room, in line with the federal government's reasonable access policy. Australia shared its perspective on the use of standards and risk assessments in policy and regulation, noting that the entire technical infrastructure should be taken into account when embarking on a regulatory process. Australia's "Best Practice Guide to Using Standards and Risk Assessment in Policy and Regulation" supports harmonisation across levels of government and addresses issues such as which standards to use (preferably relevant international standards), where to source an appropriate standard and how to reference it in regulation (direct or indirect, dated or undated).¹³¹ Invited speakers also addressed the use of standards in regulation. UNECE provided an overview of its work on best practices for standards-based and risk-based rule making focusing on the work conducted by UNECE's Working party on Regulatory Cooperation and Standardization Policies and its Recommendation D on Reference to Standards.¹³²

5.1.2 Approaches to standardization

5.4. On **approaches to standardization**, Japan outlined its standardization programme for new market creation, designed by the Ministry of Economy, Trade and Industry to give companies – including SMEs – alternative paths to develop standards to promote innovative products or technologies.¹³³ The United States explained that the US standardization system is "bottom up" – standards *users* drive standardization activities. She said that there are different tools for the development of globally relevant standards, ranging from "one-country-one-vote" based on national participation (e.g. ISO, IEC); direct participation (e.g. ASTM, ASME); and consortia-driven standards. All these types of standards are applied in the US market, with users selecting the tool that best fits their needs. The US system endorses the six principles developed by the TBT Committee on international standards, and ANSI accreditation of standards developers reflects these principles.¹³⁴ The European Union explained that standards developed by CEN and CENELEC: (i) are based on the national delegation principle; (ii) represent a consensus among all interested parties, including industry, SMEs and societal stakeholders; (iii) are voluntary; (iv) are developed by independent organizations clearly distinct from authorities; and (v) are in compliance with the TBT Agreement. The European standardization model means that standards are identical across member States, and there is an obligation to withdraw conflicting national standards.¹³⁵ Turkey said the Turkish Standards Institute became a full member of CEN/CENELEC in 2012 and 98% of its standards are harmonized with EU standards.¹³⁶

5.1.3 The role of gender in the development of standards

5.5. Members discussed **perspectives, experiences and best practices on including gender considerations in standards development**. Canada presented several initiatives that have been undertaken in Canada to improve gender equality in the development of standards. At the Standards Council of Canada, an action plan has been developed to address the fact that standards are not gender responsive and are not having equitable outcomes for men and women. As evidence of the disparity, Canada highlighted research demonstrating that currently standards are more effective at protecting the health and safety of men than women.¹³⁷ South Africa presented the gender aspect of its national development plan, which seeks to advance women's socio-economic empowerment and promote gender equality. It was noted that the action plan on gender equality of the South African Bureau of Standards, which builds on the UNECE declaration on Gender Responsive Standards, focuses on three key areas of work: gender representation, gender responsiveness, and outreach and advocacy.¹³⁸ The European Union explained that, while the European Commission does not develop standards, the Commission does have a strong commitment towards gender equality, including by following the activities of the UNECE WP6

¹³¹ [G/TBT/GEN/277](https://www.wto.org/english/tratop_e/tbt_e/02_c_p2c_australia.pdf), para. 1.7.; and https://www.wto.org/english/tratop_e/tbt_e/02_c_p2c_australia.pdf.

¹³² [G/TBT/GEN/277](https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf), para. 1.7.; and https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf.

¹³³ [G/TBT/GEN/278](https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf), para. 1.5.

¹³⁴ [G/TBT/GEN/278](https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf), para. 1.6.

¹³⁵ [G/TBT/GEN/278](https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf), para. 1.7.

¹³⁶ [G/TBT/GEN/278](https://www.wto.org/english/tratop_e/tbt_e/02_d_p2d_canada_lorenza.pdf), para. 1.13.

¹³⁷ [G/TBT/GEN/309](https://www.wto.org/english/tratop_e/tbt_e/white_parkouda_e.pdf), paras. 1.1-1.2; and https://www.wto.org/english/tratop_e/tbt_e/white_parkouda_e.pdf.

¹³⁸ [G/TBT/GEN/309](https://www.wto.org/english/tratop_e/tbt_e/scholtz_e.pdf), paras. 1.4-1.5; and https://www.wto.org/english/tratop_e/tbt_e/scholtz_e.pdf.

Gender-Responsive Standards Initiative.¹³⁹ The European Union also noted that CEN-CENELEC and many EU national standardization bodies have signed the UNECE declaration on Gender responsive standards. CEN-CENELEC has developed an action plan with a focus on sharing information and collaboration, which led to the setting up of an informal Gender Coordination Group open to all CEN-CENELEC members.¹⁴⁰

5.6. Members also shared **real-world examples of how gender considerations have been taken into account in standards development**. The European Union discussed the importance of gender considerations in the development of standards in relation to car safety. It was noted that women are more at risk of serious injuries and fatalities in traffic accidents compared to men because the standards of protection performances conducted for vehicles are not assessed for females to the same extent as they are for males.¹⁴¹

5.7. Invited speakers shared their relevant work and activities. The International Trade Centre (ITC) presented insights on standards and gender drawn from ITC's SheTrades Initiative, which aims to connect 3 million women entrepreneurs and women-owned businesses to international markets by 2021. The ITC highlighted three main areas of work in the initiative in relation to standards and gender: supporting compliance of women-owned businesses' to standards, supporting the participation of women in trade policy design and implementation, and developing an ISO international workshop agreement for women in trade.¹⁴² UNECE provided an overview of its work on gender responsiveness in standards and standardization, focusing on its Gender Responsive Standards Initiative (GRSI), which aims to strengthen the use of standards and technical regulations as powerful tools to attain SDG 5¹⁴³, integrate a gender lens in the development of both standards and technical regulations, and elaborate gender indicators and criteria that could be used in standards development.¹⁴⁴

5.1.4 The Activities of the Codex Alimentarius Commission (Codex)

5.8. Colombia suggested a thematic session in which Members could be informed about the activities of standards development in the Codex – including, for example, recent standards and those currently under development. Colombia suggested this dialogue could include sharing experiences among Members on how they take part in these discussions, good practices that could lead to a greater involvement by developing countries in these activities, as well as how Members incorporate international standards in their regulatory processes, including with respect to conformity assessment.¹⁴⁵

5.1.5 Other information

5.9. The United States provided an updated on the work of the Standards Alliance.¹⁴⁶

5.10. Mexico and the United States drew the Committee's attention to the work conducted by the Codex Alimentarius Commission on certain labelling requirements to applicable formula food.¹⁴⁷

5.11. Observers also provided relevant information. Updates were provided by ARSO¹⁴⁸, BIPM¹⁴⁹, CODEX¹⁵⁰, CROSO¹⁵¹, IEC¹⁵², ISO¹⁵³, OIML¹⁵⁴, UNECE¹⁵⁵ and UNIDO.¹⁵⁶

¹³⁹ [G/TBT/GEN/309](#), para. 1.6; and https://www.wto.org/english/tratop_e/tbt_e/vaccaro_e.pdf.

¹⁴⁰ [G/TBT/GEN/309](#), paras. 1.7.-1.8.; and https://www.wto.org/english/tratop_e/tbt_e/wautier_e.pdf.

¹⁴¹ [G/TBT/GEN/309](#), paras. 3.1.-3.2.; and https://www.wto.org/english/tratop_e/tbt_e/linder_e.pdf.

¹⁴² [G/TBT/GEN/309](#), paras. 2.1.-2.2.; and https://www.wto.org/english/tratop_e/tbt_e/fessehaie_e.pdf.

¹⁴³ SDG 5: "Achieve Gender Equality and Empower all Women and Girls".

¹⁴⁴ [G/TBT/GEN/309](#), paras. 2.3.-2.4.; and

https://www.wto.org/english/tratop_e/tbt_e/vepsalainen_e.pdf.

¹⁴⁵ [G/TBT/W/752](#).

¹⁴⁶ [G/TBT/W/597](#).

¹⁴⁷ [G/TBT/M/78](#), paras. 5.1.-5.3.

¹⁴⁸ [G/TBT/GEN/289](#).

¹⁴⁹ [RD/TBT/251](#); [RD/TBT/274](#); [RD/TBT/279](#); [G/TBT/GEN/266](#); [RD/TBT/310](#); [RD/TBT/327](#); and [RD/TBT/343](#).

¹⁵⁰ [G/TBT/GEN/258](#); [G/TBT/GEN/282](#); [G/TBT/GEN/291](#); and [RD/TBT/328](#).

¹⁵¹ [RD/TBT/331](#).

¹⁵² [RD/TBT/275](#); [RD/TBT/280](#); [RD/TBT/313](#); [G/TBT/GEN/299](#); [RD/TBT/329](#); and [RD/TBT/341](#).

5.2 Recommendations

5.12. Building on this exchange as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work in the area of standards, the Committee agrees:

- a. to *hold* a thematic session to: inform Members about the activities of **standards development in the Codex**, including recent TBT-relevant standards and those currently under development; share experiences and good practices on how Members take part in these discussions with a view to increase participation by developing Members; and,
- b. to *hold* a thematic session on how Members incorporate international standards in their regulatory processes, including with respect to conformity assessment.

6 TRANSPARENCY

"The TBT Agreement contains **transparency** provisions in: Articles 2 and 3 (technical regulations); Articles 5, 7, 8 and 9 (conformity assessment procedures); Annex 3, paragraphs J, L, M, N, O & P (standards); and Articles 10 (general transparency provisions) and 15 (final provisions). A number of decisions and recommendations have been made with a view to facilitating access to information and further improving the implementation of transparency procedures under the Agreement."

[G/TBT/1/Rev.14](#), p. 23 (emphasis added)

6.1 Exchange of experiences

6.1. During the review period, most of the Committee's exchange of experiences took place in the context of a thematic session on transparency, including the Ninth Special Meeting on Procedures for Information Exchange, held on 18-19 June 2019¹⁵⁷, and a thematic session on transparency held on 4 February 2021.¹⁵⁸ A background note was provided by the Secretariat to assist delegations in deliberations on the topic of transparency.¹⁵⁹ The Secretariat provided updates on transparency related activities and online tools.¹⁶⁰ A TBT technical assistance Transparency Workshop took place in parallel to the TBT Committee meeting held in June 2019.¹⁶¹

6.2. Members continued to submit an increasing number of TBT notifications during the review period (Chart 1). During the review period, 4 Members submitted their first Statement on Implementation and Administration of the TBT Agreement under Article 15.2 of the TBT Agreement (15.2 Statement) and 4 Members submitted revisions to their statements; further, 3 Members submitted supplements thereto.¹⁶²

¹⁵³ International Organization for Standardization [G/TBT/M/76](#), para. 6.1.; [G/TBT/M/77](#), para. 6.2.; [G/TBT/GEN/269](#); [G/TBT/GEN/284](#); [G/TBT/GEN/292](#); and [RD/TBT/342](#).

¹⁵⁴ [G/TBT/GEN/283](#).

¹⁵⁵ [G/TBT/GEN/255](#); [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); and [G/TBT/GEN/290](#).

¹⁵⁶ [G/TBT/GEN/254](#); [G/TBT/GEN/261](#); [RD/TBT/311](#); and [RD/TBT/332](#).

¹⁵⁷ [G/TBT/GEN/265](#).

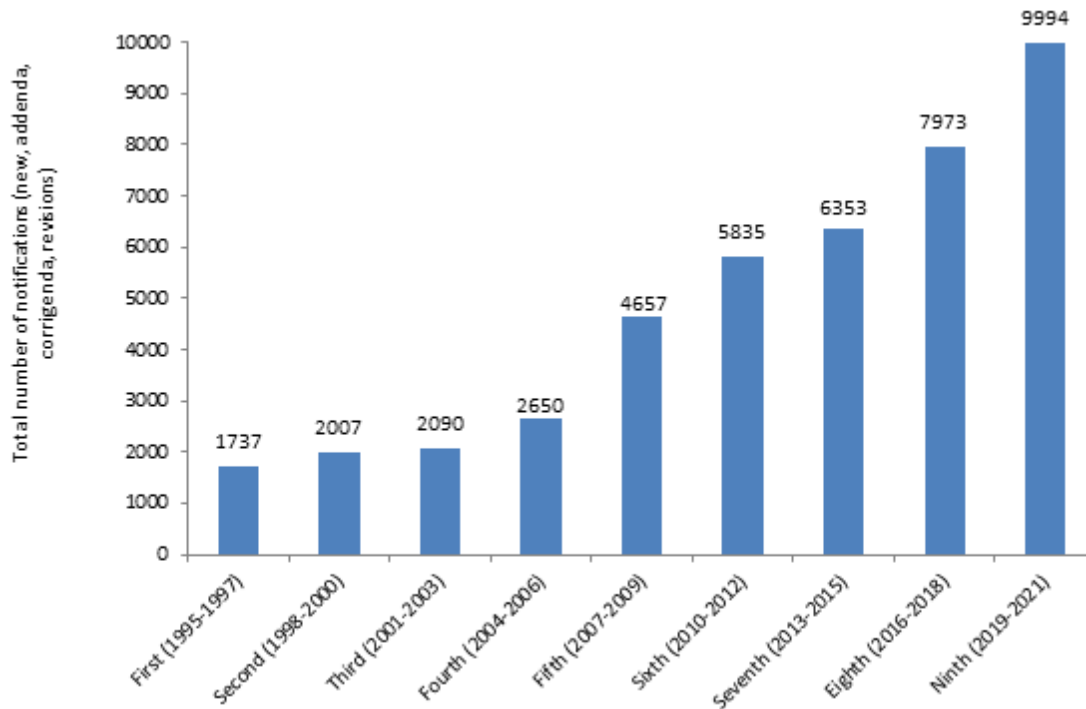
¹⁵⁸ [G/TBT/GEN/312](#); [G/TBT/M/78](#), para. 3.324.

¹⁵⁹ [JOB/TBT/320](#) and [JOB/TBT/320/Corr.1](#).

¹⁶⁰ [G/TBT/GEN/265](#), para. 2.1; [G/TBT/GEN/274](#); [G/TBT/GEN/276](#); [G/TBT/M/79](#), para. 2.319.; [G/TBT/M/80](#), paras. 2.379. and 2.396.; and [G/TBT/GEN/312](#), para. 1.2.

¹⁶¹ [G/TBT/M/78](#), para. 4.2.

¹⁶² Figures as of 1 November 2021.

Chart 1: Total TBT notifications per Triennial Review period¹⁶³

6.1.1 Online tools: Tracking and reacting to Members' measures and notifications

6.3. Members discussed their **experiences about the process of gathering, disseminating, tracking and responding to TBT notifications, including by utilising ePing and other online tools and technology.**¹⁶⁴ Australia shared experiences on how it addresses Non-Tariff Barriers (NTBs), noting that it developed a Non-Tariff Barriers Action Plan, which is a whole-of-government strategy to increase efforts to improve market access through enhancing understanding of barriers that are legitimate and addressing barriers that are inconsistent with international trade rules. A gateway website was created to facilitate raising concerns for all businesses.¹⁶⁵ Viet Nam explained that its TBT National Enquiry Point, situated in the Directorate for Standards, Quality and Metrology (STAMEQ) in the Ministry of Science and Technology, is responsible for notifying and responding to all enquiries related to TBT issues; managing and operating the TBT Viet Nam portal; and providing and disseminating TBT information to stakeholders. The TBT Viet Nam Office also provides training on ePing.¹⁶⁶

6.4. The United States described the role of the USA TBT Enquiry Point in making notifications available through NotifyUS; distributing comments to agencies of the US Government and to the appropriate Enquiry Points of WTO Members; responding to correspondence from WTO Members; providing information and guidance to US industries; and monitoring US Federal and State regulations to notify the WTO of potential TBTs.¹⁶⁷ Moreover, using the toy industry as an example for successful stakeholder engagement, the United States described how the US engaged stakeholders to reduce STCs.¹⁶⁸ The United States also underscored that the TBT process at the WTO is critical to the ability of the global cosmetic and personal care products industry to be informed about proposed regulations in a wide range of countries. By providing comments, the proposed regulations can be improved to avoid them becoming a trade barrier.¹⁶⁹

¹⁶³ Figures as of 1 November 2021.

¹⁶⁴ [G/TBT/GEN/265](#); [G/TBT/M/79](#); [G/TBT/M/80](#); [G/TBT/M/82](#); [G/TBT/GEN/312](#).

¹⁶⁵ [G/TBT/GEN/265](#), para. 2.4.

¹⁶⁶ [G/TBT/GEN/265](#), para. 2.6.

¹⁶⁷ [G/TBT/GEN/265](#), para. 2.7.

¹⁶⁸ [G/TBT/GEN/265](#), para. 2.8.

¹⁶⁹ [G/TBT/GEN/265](#), para. 2.9.

6.5. Uganda shared its experience with the ePing platform, which is extensively used by the private sector and by central and local government officials to download notifications of draft measures. Uganda also uses the National Discussion Forum function to facilitate discussion of notifications and has created sector groups for discussion of notifications that may affect a particular sector.¹⁷⁰ Trinidad and Tobago laid out the challenges faced by the Trinidad and Tobago Bureau of Standards in its role as focal point, which include properly identifying who might be affected by a notification. At the regional level, CARICOM has established a regional committee to handle matters on Technical Barriers to Trade, Information Management and Enquiry Points, which will use ePing as a forum for regional discussions amongst enquiry point officers and to facilitate sectorial discussions on proposed notifications, among other things.¹⁷¹ Egypt explained the work it has undertaken in fulfilling its TBT Agreement transparency obligations, noting that mechanisms are in place for both outgoing and incoming notifications, with public and private sector involvement throughout. It was noted that using ePing allows stakeholders to receive email alerts of notifications of interest to them and facilitates the provision of comments within the timeframe.¹⁷²

6.6. On the **use and enhancement of ePing**, Switzerland noted that ePing facilitated, for example, information-sharing with respect to comments on notifications and replies to such comments. Switzerland observed that ePing could be a valuable tool to implement some of the Eighth Triennial Review recommendations, such as the recommendation encouraging Members to publish their comments and replies thereto.¹⁷³ Switzerland encouraged Members to use ePing for this purpose.¹⁷⁴ Moreover, Switzerland suggested that the Secretariat prepare a draft document further clarifying the purpose and the practical steps for sharing comments and replies via ePing, underlining its voluntary nature as well as the benefits.¹⁷⁵ Australia encouraged other Members to make use of the ePing features highlighted by Switzerland.¹⁷⁶ The United States was supportive of all the enhancements that had been made to ePing and strongly encouraged the WTO to continue enhancing that system and its integration with other TBT online systems, such as the TBT IMS. The United States appreciated the work of the ITC, WTO and UNDESA to make the system as useful as it is. ePing, it was emphasized, was a powerful tool that could strongly enhance transparency and facilitate information sharing – and could thus contribute to resolving STCs.¹⁷⁷ The European Union saw value in efforts to extend the functionalities of ePing and indicated that ePing should provide a comprehensive support to all TBT notifications, throughout their life-cycle and allow for the complete treatment of and follow-up to TBT notifications. The European Union encouraged the Secretariat to pursue these efforts and remained available for any support that may be needed in the development and testing phases of an updated ePing tool.¹⁷⁸

6.7. The European Union noted ePing's potential as a vehicle to facilitate the implementation of the TBT Agreement and help the work of the TBT Committee. In particular, the European Union noted that, with further development, ePing could be used as a single notification platform to include all Members' notifications, from the initial notification drafts to the notification of final texts. ePing could have a public face allowing the public to see how TBT works and where comments on notifications can be published. In addition, ePing could have a restricted access area to be used by officials to communicate comments and replies, to request clarification on a measure and facilitate exchanges in general between Members. Another use for ePing could be as a repository for each notification, where drafts, addenda, stakeholders' contributions, comments and replies and the final texts could be contained in a single file. Any STC information might also be included there. The European Union also noted that these possible new features would pose challenges, such as deciding how much information should be shared just with WTO Members and how much with the general public, and the treatment of delicate information and personal data.¹⁷⁹ Switzerland supported the EU's suggestions to centralize the Committee's work in one platform, which would help better implement the transparency provisions.¹⁸⁰ The European Union suggested to expand

¹⁷⁰ [G/TBT/GEN/265](#), para. 2.10.

¹⁷¹ [G/TBT/GEN/265](#), para. 2.11.

¹⁷² [G/TBT/GEN/265](#), para. 2.12.

¹⁷³ [G/TBT/M/79](#), para. 2.320.

¹⁷⁴ [G/TBT/M/80](#), para. 2.393.

¹⁷⁵ [G/TBT/M/82](#), para. 2.504.

¹⁷⁶ [G/TBT/M/80](#), para. 2.394.

¹⁷⁷ [G/TBT/M/80](#), para. 2.395.

¹⁷⁸ [G/TBT/M/82](#), para. 2.505.

¹⁷⁹ [G/TBT/GEN/312](#), para. 1.3.

¹⁸⁰ [G/TBT/GEN/312](#), para. 1.4.

the scope and functionalities of ePing.¹⁸¹ Brazil suggested some enhancements to ePing, the TBT IMS, the Trade Concerns Database, and future eTools.¹⁸²

6.8. Invited speakers also addressed developments in online tools. UNCTAD presented its Non-tariff Measures (NTM) programme, which covers a broad spectrum of measures including, but not limited to TBT and SPS measures.¹⁸³ The ITC introduced the Global Trade Helpdesk, a single-entry point for trade-related information that aims to integrate dispersed and complex information on trade.¹⁸⁴ ISO provided information on its MENA STAR project, which seeks to strengthen the institutional infrastructure on standards and regulations to support business and industry in the Middle East and North Africa, and provides hands on training on ePing.¹⁸⁵

6.1.2 Handling of comments – disseminating comments and replies on a voluntary basis

6.9. The European Union described the process and tools used to manage and disseminate the increasing number of TBT notifications and related documents with their stakeholders. This process begins with the comment procedure, whereby the enquiry point distributes notifications received from the WTO database to EU Commission departments and to stakeholders. The relevant departments then provide technical input and assess stakeholder comments. Finally, the enquiry point prepares comments on behalf of the EU in cooperation with the Commission departments.¹⁸⁶ The United States described FDA's process for developing and implementing new regulations to meet US public health objectives, whilst respecting established laws, policies, and trade obligations. The FDA's goal in the rulemaking process is to engage all stakeholders (e.g. consumers/patients, domestic or foreign industry, foreign or US state governments, academics/researchers) to maximize substantive comments that may improve the proposed rule. It was noted that once a draft regulation is published in the Federal Register it is notified to the WTO, and set up for public comments by means of a docket on the www.regulations.gov website. FDA reviews comments received through the enquiry point with USTR and works to address trading partners' concerns.¹⁸⁷ Brazil suggested that, whenever a Member submits a TBT notification with indication of a final date for comments, the notification include a website link in which all comments received by the enquiry point will be available.¹⁸⁸

6.10. With respect to the **use of ePing to disseminate comments and replies on notifications**, the Secretariat introduced the first draft of a practical document¹⁸⁹ on the potential benefits of sharing comments and replies related to notifications on a voluntary basis, as well as subsequent discussions in the TBT Committee meetings. The Secretariat also introduced how ePing can be used for this purpose by means of a short tutorial video.¹⁹⁰ Switzerland observed that the centralization of this task on ePing led to increased transparency in the handling of comments, the early disclosure of problems or their solutions, and allowed for more discussion and solution of STCs and better coordination between interested Members. Switzerland added that it was already using ePing to inform Members that comments had been submitted and that, to date, no issues had been encountered when using the platform for this purpose. The United States and Canada stated that, while the function of posting comments to notifications on ePing would certainly facilitate Members' ability to comment, certain outstanding issues should be further discussed by the Committee, such as how comments would be treated and the privacy of those comments.¹⁹¹ The United States indicated that, although there were some privacy concerns to be worked out, the developments in ePing were positive. Trinidad and Tobago shared the US' concerns on privacy and suggested that the new ePing chat feature could be used to share more sensitive information on a one-to-one basis. Australia saw considerable value in efforts to promote the practice of sharing comments on notifications and replies to comments via ePing. Australia also noted that the flexibility provided in the system was useful in managing privacy concerns expressed, because the document made clear that the comment and reply sharing practice would be voluntary and

¹⁸¹ [G/TBT/W/736](#), para. 2.2.

¹⁸² [G/TBT/W/741/Rev.1](#), paras. 2.1.-2.2.; and [G/TBT/W/744](#), para. 2.1.

¹⁸³ [G/TBT/GEN/265](#), para. 2.2.

¹⁸⁴ [G/TBT/GEN/265](#), para. 2.3.

¹⁸⁵ [G/TBT/GEN/265](#), para. 2.13.

¹⁸⁶ [G/TBT/GEN/265](#), para. 3.1.

¹⁸⁷ [G/TBT/GEN/265](#), para. 3.2.

¹⁸⁸ [G/TBT/W/743](#), para. 2.1.

¹⁸⁹ [JOB/TBT/396](#).

¹⁹⁰ [G/TBT/GEN/312](#), para. 3.1.

¹⁹¹ [G/TBT/M/82](#), paras. 2.506.-2.507.

Members would determine whether comments could be shared in whole, in part, or Members could simply indicate that comments were made without disclosing the detail.¹⁹²

6.11. Members also exchanged **experiences regarding the commenting process**. The European Union explained its process of preparing comments on TBT notifications submitted by other WTO Members, noting that the EU's approach is to submit, for each TBT notification, a single comment on behalf of the EU. The EU's Enquiry Point coordinates the preparation of EU comments so that it is based on different views expressed by various EU stakeholders (member States, European industries, individual stakeholders) against the background of general EU interests and policies. The European Union also shared the three major challenges faced when preparing comments on TBT notifications by other WTO Members: (i) the lack of translation of notified measures into one of the official/working WTO languages; (ii) late notifications and insufficient time for comments; and (iii) situations when measures are notified to both the TBT and SPS Committees, but this is not indicated by the notifying Member.¹⁹³ The United States presented how the US WTO Enquiry Point facilitates the sharing of comments from US industry and government on WTO Members' TBT notifications and of WTO Members' comments on US notifications. In essence, US entities submit comments, procedural questions, other information requests to the US Enquiry Point, which then distributes them to appropriate WTO Members' national Enquiry Points and also to the US government trade/export agencies. When WTO Members submit comments on US TBT notifications, the US Enquiry Point distributes these comments to the appropriate US regulators and trade agencies (e.g. USTR, Department of Agriculture, Environmental Protection Agency, etc.). The United States listed the key benefits of commenting through its Enquiry Point and certain challenges, such as the lack of responses to requests for extensions to the comment period.¹⁹⁴

6.12. China shared its experience in how comments on TBT notifications are prepared. The TBT Enquiry Point receives and translates TBT notifications and selects those notifications that may have an impact on Chinese exports. These notifications are then emailed to the regulatory authority for further study and comment. Stakeholders are encouraged to use ePing to track notifications. Stakeholders also make comments on the selected notifications and submit them to the competent authority, which will send those approved to the Enquiry Point. The Enquiry Point translates the comments into English and submits them to the notifying Member. For China, the challenges include the financial costs and time required for translating the increasing number of notifications and full texts, as well as not receiving a response to requests to extend the comment period, especially when less than 60 days had been provided.¹⁹⁵ Russia queried what percentage of comments had been taken into account, and which type of stakeholders were providing the most comments (industry associations, individual exporters, research institutions, government experts, etc.). China, the United States, and the European Union shared their relevant experiences in this regard.¹⁹⁶ Brazil suggested that, whenever another Member that presented comments so requires, the notifying Member explain which proposals or contributions were taken into account and incorporated into the final technical regulation or conformity assessment procedure.¹⁹⁷

6.13. Moreover, following up on the recommendation in the Eighth Triennial Review to develop a **good practice guide on how to prepare a comment on a WTO notified technical regulation or conformity assessment procedure**, Members shared views on the preparation of this good practice guide. Canada noted that the main challenges that it faced include the lack of availability of the notified regulations in one of the three official languages of the WTO, email addresses of Enquiry Points no longer being valid, and difficulties related to engaging stakeholders to provide inputs on notified measures.¹⁹⁸ Peru stated that the drafting of a good practice guide should consider challenges related to reaching out to stakeholders in a timely manner and the inclusion of the technical justification in the comments to ensure that the concerns raised are addressed in the most satisfactory manner.¹⁹⁹ The European Union suggested that the Committee

¹⁹² [G/TBT/GEN/312](#), para. 3.2.

¹⁹³ [G/TBT/GEN/312](#), paras. 3.3.-3.4.

¹⁹⁴ [G/TBT/GEN/312](#), paras. 3.5-3.6.

¹⁹⁵ [G/TBT/GEN/312](#), para. 3.7.

¹⁹⁶ [G/TBT/GEN/312](#), paras. 3.8-3.9

¹⁹⁷ [G/TBT/W/737](#), paras. 2.1-2.2.

¹⁹⁸ [G/TBT/GEN/312](#), para. 3.11.

¹⁹⁹ [G/TBT/GEN/312](#), para. 3.12.

set key elements for a good practice guide on how to improve product coverage in notifications and how to prepare a comment.²⁰⁰

6.1.3 Functioning of enquiry points

6.14. Members shared experiences on the role of enquiry points in facilitating internal coordination and the handling, accepting, and transmitting of comments, and explored ways to improve their functioning. The Secretariat presented updates in respect of the validation of Enquiry Point information at the 6-7 March 2019 Committee meeting²⁰¹, at the thematic session on transparency²⁰², and at the Committee's regular meeting held on 26-27 February 2020.²⁰³

6.15. China described the mechanisms for implementing the transparency provisions of the TBT Agreement in China and the process by which comments are collected from stakeholders, including through sector-specific research and comment centres. China also noted several challenges for the Chinese Enquiry Point.²⁰⁴ Jamaica said that the Bureau of Standards Jamaica (BSJ), which is the designated TBT National Enquiry Point, responds to enquiries and informs local stakeholders about export requirements in international markets, including using ePing.²⁰⁵ Chinese Taipei provided some insights on its process to respond to enquiries on TBT matters and noted the increasing use of the Enquiry Point. Chinese Taipei also indicated that the most frequent difficulties that it faces in sending enquiries to other Members include lack of acknowledgement, lengthy response time, and responses sometimes being incomplete.²⁰⁶

6.16. The United States indicated that increased communication between Enquiry Points could help to avoid, address and resolve STCs by exchanging information and questions on notified measures in between TBT Committee meetings. The United States observed that a possibility to enhance bilateral engagement is to look into whether ePing could be further used to facilitate such communications as it already includes a discussion forum for Enquiry Points.²⁰⁷ Kenya presented its experience in managing notifications and comments. Kenya explained that the TBT National Enquiry Point covers a broad set of functions, such as the drafting and uploading of TBT notifications, responding to incoming comments on notifications and sending regular reports to the TBT National Committee, which is a key institution in TBT transparency matters.²⁰⁸ The European Union described the procedure for TBT notifications in the EU, whereby EU draft measures are notified by the EU TBT Notification and Enquiry Point. EU member States also have individual TBT Notification and Enquiry Points, responsible for notifying national draft measures.²⁰⁹

6.1.4 Timing of notifications

6.17. Brazil suggested to discuss what is an early appropriate stage to present notifications to the TBT Committee. Brazil also suggested that Members evaluate whether their notifications are being made at an early appropriate stage, when amendments can still be introduced and taken into account and, if not, to adjust their notifications processes.²¹⁰ The United States suggested that Members notify draft technical regulations at the same time that domestic consultations occur.²¹¹ The United Kingdom encouraged further discussion on the timing and substance of notifications. The European Union recalled the need to engage in additional exchanges on both timing and substance of notifications. South Africa indicated that Members' experiences on the timing of domestic consultations and notification of draft technical regulation differ and that it might not be possible for some Members to notify draft technical regulations at the same time that domestic consultations occur. Further discussions on the applicability of this proposal are needed.

²⁰⁰ [G/TBT/W/736](#), para. 2.2.

²⁰¹ [G/TBT/M/77](#), para. 3.278; [G/TBT/GEN/262](#), paras. 1.1-1.4.

²⁰² [G/TBT/GEN/265](#), para. 1.1.

²⁰³ [G/TBT/M/80](#), para. 2.396.

²⁰⁴ [G/TBT/GEN/265](#), para. 1.2.

²⁰⁵ [G/TBT/GEN/265](#), para. 1.3.

²⁰⁶ [G/TBT/GEN/265](#), para. 1.4.

²⁰⁷ [G/TBT/GEN/265](#), para. 1.5.

²⁰⁸ [G/TBT/GEN/265](#), para. 1.6.

²⁰⁹ [G/TBT/GEN/265](#), para. 2.5.

²¹⁰ [G/TBT/W/742](#), paras. 2.1-2.2

²¹¹ [G/TBT/W/749](#).

6.1.5 Submission of notifications (Format and Guidelines)

6.18. With respect to the **product coverage specified in notifications**, the Secretariat provided an overview of key issues about the operation of the Harmonized System and the Convention on the Harmonized Commodity Description and Coding System established under the auspices of the World Customs Organization (WCO).²¹² An invited speaker, ISO, explained key aspects of the International Classification of Standards (ICS), which provides a structure for catalogues of international, regional and national standards and other normative documents and is used by the ISO as well as other standardizing bodies.²¹³ In response to questions regarding the lack of HS Codes in notifications and the possible availability of a concordance table between HS and ICS Codes, the Secretariat recalled that only about one third of notifications had included HS Codes in the past year while it was more common to see ICS Codes. To facilitate the identification of HS Codes and ICS Codes in notifications, the online Notification Submission System included drop-down options where Members could search for specific codes based on product names. In cases where the submitted notification did not include any HS or ICS Code, the Secretariat, more specifically the Central Registry of Notifications, assigned these Codes where possible. The additional codes did not appear in the official notification but were used to facilitate database searches and alerts, for example in the TBT IMS and ePing.²¹⁴ The European Union suggested that the Committee set key elements for a good practice guide on how to improve product coverage in notifications and how to prepare a comment.²¹⁵ The United States suggested that the WTO Secretariat build awareness and capacity by organizing a training on HS and ICS codes in notifications, with a focus on medical technology as a case study.²¹⁶ Ecuador supported training on HS and ICS codes, and suggested an additional case study focusing on processed foods. Chinese Taipei suggested to discuss, among other things, experiences and challenges in encouraging private sector engagement in TBT notifications and reasons/difficulties for Members in providing specific information on the products potentially impacted by notified measures, with special emphasis on the challenges of providing HS codes.²¹⁷ The Dominican Republic called for enhancing the use of HS and ICS codes in TBT notifications.

6.19. On **other information contained in the notification format**, Brazil suggested that Members provide more details of legitimate objectives pursued in notified measures.²¹⁸ Canada suggested that the Committee set additional specific parameters and elements to be included in the field "Description of content" for notification of measures which are published originally in a language other than English, French or Spanish.²¹⁹

6.20. On **establishing whether a measure should be notified under the SPS Agreement and/or TBT Agreement**, the Secretariat presented its Background Note relevant to the discussion of whether a measure should be notified under the SPS Agreement and/or the TBT Agreement.²²⁰ Brazil explained certain aspects of Brazil's regulatory framework that foster regular dialogue among its main regulators, international trade authorities and the TBT National Notification Authority, which help with the task of clarifying under which agreement a notification should be presented. Brazil also noted its enhanced transparency policy of going beyond the Agreements' minimum obligations and notifying all regulations that have impact on trade, as well as its increasing number of "double" TBT-SPS notifications. Brazil stressed that uncertainties regarding under which agreement a measure should be notified can have negative consequences for Members, including losing time to communicate drafts to interested stakeholders.²²¹ Brazil concluded with a proposal for the TBT Committee to "encourage[] Members to reflect on the benefits of notifying simultaneously to both [TBT and SPS] Committees".²²² Canada described its experience with notifications of regulations containing SPS and TBT elements. In Canada, the submission and receipt of notifications is performed by a single body that performs the tasks of Notification Authority and Enquiry Point for both TBT and SPS measures. Canada's Notification

²¹² [G/TBT/GEN/312](#), para. 2.1.

²¹³ [G/TBT/GEN/312](#), para. 2.2.

²¹⁴ [G/TBT/GEN/312](#), para. 2.3.

²¹⁵ [G/TBT/W/736](#), para. 2.2.

²¹⁶ See Section 7.1.2; [G/TBT/W/750](#)

²¹⁷ [G/TBT/W/753](#), Part 2.

²¹⁸ [G/TBT/W/738](#), paras. 2.1-2.2.

²¹⁹ [G/TBT/W/745](#), para. 3.4.

²²⁰ [JOB/TBT/320](#), Section 3.2 and Annex II.

²²¹ [G/TBT/GEN/265](#), paras. 4.2-4.3.

²²² [G/TBT/GEN/265](#), para. 4.3. (emphasis omitted).

Authority and Enquiry Point and Canadian regulators work together to identify issues requiring notification and to prepare such notifications, including by assessing whether elements in the regulation fall under the SPS or TBT Agreement. Canada concluded by making a "best practice" suggestion for Members to indicate in their notification if the regulation has been notified to another WTO Committee.²²³ The European Union stressed the importance of indicating whether a notified measure falls under *both* the TBT and SPS Agreements. Non-simultaneous SPS and TBT notifications could prevent Members from submitting identical comments in such cases.

6.21. At the Committee meeting held on 28-29 October 2020, the Secretariat noted that the **online TBT Notification Submission System**, through which 88% of TBT notifications had been submitted in 2019, had undergone a series of enhancements. One of the most significant changes related to the incorporation of more recent versions of HS Codes into the system, making it easier for Members to find the specific codes for the products they intend to regulate.²²⁴

6.1.6 Texts of notified technical regulations and conformity assessment procedures

6.22. The Secretariat drew delegations' attention to certain recommendations dealing with final texts.²²⁵ Members were invited to consider the revised formats²²⁶ and provide any comments in writing and to provide information to the Secretariat about where (e.g. website addresses) Members maintain up-to-date information regarding adopted final texts of technical regulations and applicable conformity assessment procedures.²²⁷ The Secretariat updated Members on the availability of final texts of notified technical regulations, noting that the annual review report for 2019 contained a list of the websites from Members that had come forward with information regarding where they stored adopted final texts at the national level.²²⁸

6.23. The Committee adopted a revised Recommendation on the "Coherent use of notification formats", at its 13-15 November 2019 meeting.²²⁹ At the Committee meeting held on 28-29 October 2020, the Secretariat confirmed that the revised Addendum format became operational on 16 July 2020 following the completion of adjustments to various online systems. The main difference with the earlier version of the format was that when providing updates on notified measures, Members could now indicate the reason for the Addendum, making it easier to track the evolution of notified measures.²³⁰

6.1.7 Provision of translations

6.24. The Philippines suggested that where a Member has translated into any of the official WTO languages the full text of another Member's notified measure/s, that Member is encouraged to announce the availability of the translation through ePing.²³¹ Singapore suggested that the Secretariat explore the use of available IT tools such as translation software to enable the provision of translations for all notified documents in the WTO's three official languages.²³² The European Union stressed that in many cases inaccessibility of texts in the languages enumerated in Article 10.5 of the TBT Agreement leads to the impossibility of providing comments within the set deadline. Machine translations may contain important errors that can lead to misinterpretations as regards the notified draft measures. The European Union advocated for better cooperation on sharing the translations between the TBT Committee Members.

6.1.8 Members' experience with domestic coordination

6.25. The United Kingdom explained how awareness of TBT obligations was raised through the United Kingdom's Regulatory Impact Assessment process in which the UK's Department for International Trade engaged stakeholders across Government, raising awareness of WTO

²²³ [G/TBT/GEN/265](#), para. 4.4.

²²⁴ [G/TBT/M/82](#), para. 2.504.

²²⁵ [JOB/TBT/320](#), paras. 2.34–2.38.

²²⁶ [JOB/TBT/320](#), Annexes III and IV.

²²⁷ [G/TBT/GEN/265](#), para. 6.1.

²²⁸ [G/TBT/M/80](#), para. 2.396.

²²⁹ [G/TBT/M/79](#), para. 2.318.

²³⁰ [G/TBT/35/Rev.1](#); [G/TBT/M/82](#), para. 2.501.

²³¹ [G/TBT/W/746/Rev.1](#).

²³² [G/TBT/W/755](#), Section 1.

obligations and providing training to other Departments and Regulators.²³³ Ecuador presented its experience with respect to TBT notifications, the functioning of their national Enquiry Point, internal coordination among regulatory agencies, private sector participation, and the use of good practices.²³⁴ In addressing regulatory issues in the context of emerging technologies, the United States spoke about the importance of transparency, coordination, and engagement at all stages of the regulatory process in order to ensure that regulations effectively address legitimate policy objectives and do so in a technologically neutral manner.²³⁵ The European Union suggested to exchange experiences on good practices for domestic coordination and engagement with regulators and the private sector.²³⁶ Chinese Taipei shared experiences on enhancing private sector engagement in the TBT notification process, which included introducing an information filtering and interpretation system to facilitate private sector participation, as well as outreach activities to industry associations and firms.²³⁷

6.1.9 Notification under Article 10.7 of the TBT Agreement

6.26. Brazil suggested that notifications under Article 10.7 of the TBT Agreement include information on mutual or unilateral recognition or harmonization foreseen in preferential trade agreements or their annexes and/or in thematic, sectorial or product-specific arrangements to which that Member is a part. In this respect, Brazil suggested the format for notification under Article 10.7 of the TBT Agreement be amended to include a "Text of the agreement/arrangement/annex" field.²³⁸

6.1.10 Statement on Implementation and Administration of the TBT Agreement (Article 15.2)

6.27. The United States suggested that Members notify their National Quality Infrastructure laws as a good practice – and that this be done in accordance with the Article 15.2 notification (distinct from proposed technical regulations and conformity assessment procedures). The United States also suggested, in respect of online consultation platforms used to facilitate transparency, that Members notify or update the information in their Article 15.2 notification on where Members' comments on draft technical regulations could be submitted. The United States suggested that the Secretariat propose a format for notification of updated national measures that underpin or assist Members in meeting their TBT obligations in Article 15.2.²³⁹

6.1.11 Technical Assistance and Cooperation

6.28. The United States described the TBT transparency-related aspects of US-Brazil and US-Argentina Commercial Dialogues, which promote industry-specific cooperation to address issues in each partner Member, and highlighted technical assistance provided by the Standards Alliance for TBT Enquiry Points of African Members.²⁴⁰ A TBT technical assistance Transparency Workshop took place in parallel to the TBT Committee meeting held in June 2019.²⁴¹ Saint Kitts and Nevis said that the Transparency Workshop had been a very useful opportunity to share ideas and discuss challenges.²⁴²

²³³ [G/TBT/GEN/312](#), para. 4.2.

²³⁴ [G/TBT/GEN/312](#), para. 4.3.

²³⁵ [G/TBT/GEN/312](#), para. 4.4.

²³⁶ [G/TBT/W/736](#), para. 2.2.

²³⁷ [G/TBT/GEN/312](#), para. 4.1.

²³⁸ [G/TBT/W/740](#), paras. 2.1-2.2.

²³⁹ [G/TBT/W/749/Rev.1](#).

²⁴⁰ [G/TBT/GEN/265](#), paras. 5.1-5.2.

²⁴¹ [G/TBT/M/78](#), para. 4.2.

²⁴² [G/TBT/M/78](#), para. 4.3.

6.2 Recommendations

6.29. Building on this exchange as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work in the area of transparency, the Committee agrees:

- a. with respect to **online tools**:
 - i. to *request* the Secretariat to improve and streamline current online TBT tools, including ePing, and work towards integrating these tools into a more comprehensive centralized platform;
 - ii. to *request* the Secretariat to explore ways of improving alerts on notifications and STCs;
- b. with respect to **handling of comments**:
 - i. to *encourage* Members, taking into account their individual situations and practices, to provide more transparency on submitted comments and replies, including through a website or a common platform such as ePing;
 - ii. to *encourage* Members, taking into account their individual situations and practices, and upon the request of another Member, to explain which comments were taken into account in the final technical regulation or conformity assessment procedure;
- c. with respect to **timing of notifications**:
 - i. to *discuss* the processes that Members follow in order to submit notifications "at an early appropriate stage", and, in light of this discussion, to *consider* the need to provide further guidance in this regard;
 - ii. to *discuss* Member practices to the sequencing of domestic consultations and the notification of draft technical regulations and conformity assessment procedures, to ensure that comments from WTO Members are duly taken into account;
- d. with respect to **submission of notifications (format and guidelines)**:
 - i. to *encourage* Members, taking into account their individual situations, to provide additional details in Item 7 of the notification format²⁴³ on the legitimate objectives pursued by the notified measures, building on the recommendation of the Committee from the Eighth Triennial Review²⁴⁴;
 - ii. to *amend* the notification format and associated guidelines to enable a more fulsome description of content under Item 6²⁴⁵, in particular when notified measures are published in a language other than English, French or Spanish;
 - iii. to *hold* a thematic session on challenges that Members face in providing specific information on the product coverage of notified measures, with special emphasis on HS codes;

²⁴³ [G/TBT/1/Rev.14](#), Annex 3.2.

²⁴⁴ [G/TBT/41](#), para. 1.7. b.

²⁴⁵ [G/TBT/1/Rev.14](#), Annex 3.2.

- e. with respect to **provision of translations**:
- i. to *encourage* Members 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;
 - ii. to *request* the Secretariat to explore 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;
- f. with respect to **domestic coordination**:
- i. to *hold* a thematic session on good practices and challenges for domestic coordination and engagement with regulators and the private sector, including with respect to notifications;
- g. with respect to **Article 10.7 notifications**:
- i. to *encourage* Members to notify information on mutual recognition, unilateral recognition or harmonization in preferential trade agreements or their annexes, and/or in thematic, sectorial or product-specific arrangements to which that Member is a part; and
 - ii. to *encourage* Members to provide a hyperlink to the full text of the corresponding agreement, arrangement or annex, and, for this purpose, to *amend* the notification format²⁴⁶ to include a "Text of the agreement/arrangement/annex" field;
- h. with respect to **statements on implementation and administration of the TBT Agreement (Article 15.2)**:
- i. to *request* the Secretariat to develop a notification format under Article 15.2 that allows Members to notify information that underpins or assists in the implementation of the TBT Agreement;
 - ii. to *encourage* Members to notify, under Article 15.2, their National Quality Infrastructure laws and any subsequent changes to such laws; and,
 - iii. to also *encourage* Members to notify, under Article 15.2, information on where Members' comments on draft technical regulations can be submitted, such as online consultation platforms.

7 TECHNICAL ASSISTANCE

Provisions on technical assistance are contained in Article 11 of the TBT Agreement. Technical assistance has been considered an area of priority work for the Committee since its establishment; it figures on the agenda of the Committee on a permanent basis. Members have regularly, on a voluntary basis, exchanged experiences and information on technical assistance in order to enhance the implementation of Article 11 of the TBT Agreement.

[G/TBT/1/Rev.14](#), p. 49

7.1 Exchange of experiences

7.1. During the review period, most of the Committee's exchange of experiences took place in the context of a thematic session on technical assistance, held on 27 October 2020²⁴⁷, and in the

²⁴⁶ [G/TBT/1/Rev.14](#), Annex 4.

²⁴⁷ [G/TBT/GEN/306](#).

context of the Ninth Special Meeting on Procedures for Information Exchange, held on 18-19 June 2019.²⁴⁸

7.2. Australia presented the Australian perspective on capacity building in metrology to support participation in global frameworks for the reduction of technical barriers to trade and highlighted the important role of metrology and quality infrastructure. Australia referred to technical assistance programmes being conducted under the two inter-governmental treaties in metrology to foster participation in these frameworks by Countries and Economies with Emerging Metrology Systems and related programmes being undertaken at the regional level, for example in the Asia Pacific.²⁴⁹

7.3. The United States presented its ongoing efforts to support understanding and implementation of the TBT Agreement under several capacity building mechanisms, and highlighted examples of work by the American National Standards Institute (ANSI) with African countries to promote international standards and good regulatory practices to support clean energy and ICT technologies. The United States also presented the technical assistance provided through the Standards Alliance to build capacity on TBT Matters. In particular, it was noted that Phase 2 of the Standards Alliance was launched with a view to supporting the capacity of developing countries in the areas of legal and regulatory framework, standards development, conformity assessment procedures, and private sector engagement.²⁵⁰ The United States also presented an overview of the technical assistance programmes provided by ASTM International, which aims to promote communication between ASTM International and national standards bodies worldwide.²⁵¹

7.4. The European Union provided an overview of the EU's support through technical assistance in the field of TBT and noted that its technical assistance activities in this area can take different forms: (i) it can be embedded in a broader trade-related programme; (ii) it can be part of a sector support programme; or (iii) it can target specific components of QI.²⁵² The European Union also presented the experience of the National Board of Trade Sweden with respect to TBT technical assistance coordination and how their capacity building has changed as a result of the pandemic.²⁵³ Moreover, the European Union presented an overview of efforts in Germany to harmonize and build capacities with other countries with regards to QI and highlighted that working towards a global QI is key to eliminating technical barriers to trade.²⁵⁴

7.5. Mozambique outlined technical assistance needs around quality infrastructure, to effectively implement the National Quality System Act (2018) and meet market demands for QI services delivered by the *Instituto Nacional de Normalização e Qualidade* (INNOQ). Specific training, equipment and standards development needs were identified in the areas of certification, testing and inspection, and accreditation.²⁵⁵ Vanuatu, on behalf of the Pacific Islands Forum, highlighted the low to non-existent level of QI development among Pacific Island Countries (PICs) (notably only Fiji and Papua New Guinea have QI institutions and systems in place). In order to improve this situation and enhance international competitiveness, the promotion of a culture of quality through QI systems was deemed a priority, based on the nature of trade of each PIC, and via the incremental establishment of pathways for those lacking physical infrastructure. A Pacific Regional QI Workshop was held in September 2019 to advance these efforts.²⁵⁶ Australia noted that the Pacific Quality Infrastructure (PQI) Project to increase the capacity of Pacific region standards and conformance infrastructure is underway, with Standards Australia and the National Measurement Institute of Australia supporting needs assessment and capacity building.

7.6. Chile²⁵⁷, China²⁵⁸, Colombia²⁵⁹ and Guatemala²⁶⁰ highlighted national workshops on TBT matters organized by the WTO Secretariat. Trinidad and Tobago, speaking for the CARICOM region,

²⁴⁸ [G/TBT/GEN/265](#).

²⁴⁹ [G/TBT/GEN/306](#), para. 1.1.

²⁵⁰ [G/TBT/M/77](#), para. 5.1.; [G/TBT/W/597](#); [G/TBT/M/79](#), para. 3.1.; [G/TBT/GEN/279](#); [G/TBT/GEN/306](#) para. 1.7.; [G/TBT/GEN/311](#); [G/TBT/M/83](#), para. 5.1.; and [G/TBT/GEN/316](#).

²⁵¹ [G/TBT/GEN/306](#), paras. 1.8-1.9.

²⁵² [G/TBT/GEN/306](#), paras. 1.2-1.3.

²⁵³ [G/TBT/M/78](#), para. 4.1; and [G/TBT/GEN/306](#), paras. 1.4-1.5.

²⁵⁴ [G/TBT/GEN/306](#), para. 1.6.

²⁵⁵ [G/TBT/GEN/278](#), para.1.21.

²⁵⁶ [G/TBT/GEN/278](#), para.1.24.

²⁵⁷ [G/TBT/M/77](#), para. 5.1.

²⁵⁸ [G/TBT/M/79](#), para. 3.2.

welcomed quality infrastructure strengthening and said that many of the members of CARICOM were currently undertaking work in this respect.²⁶¹ Mozambique commended the Secretariat for the TBT Advanced Course and requested further support to address gaps in the area of quality infrastructure.²⁶²

7.1.1 Technical assistance on transparency

7.7. The United States described the TBT transparency-related aspects of US-Brazil and US-Argentina Commercial Dialogues, which promote industry-specific cooperation and good regulatory practices (GRP) to address issues in each partner Member. The United States also highlighted technical assistance provided by the Standards Alliance for TBT Enquiry Points of African Members focusing on capacity building and the development of action plans to improve the effectiveness of the Enquiry Points and Notification Authorities in line with the needs of each Member assisted.²⁶³

7.8. Following up on the recommendation in the Eighth Triennial Review to develop a **good practice guide on how to prepare a comment on a WTO notified technical regulation or conformity assessment procedure**²⁶⁴, Members shared views on the preparation of this good practice guide. Canada noted that the main challenges that it faced include the lack of availability of the notified regulations in one of the three official languages of the WTO, email addresses of Enquiry Points no longer being valid, and difficulties related to engaging stakeholders to provide inputs on notified measures.²⁶⁵ Peru stated that the drafting of a good practice guide should consider challenges related to reaching out to stakeholders in a timely manner and the inclusion of the technical justification in the comments to ensure that the concerns raised are addressed in the most satisfactory manner.²⁶⁶ The European Union suggested that the Committee set key elements for a good practice guide on how to improve product coverage in notifications and how to prepare a comment.²⁶⁷

7.9. The United States suggested the WTO Secretariat build awareness and capacity by organizing a training on HS and ICS codes in notifications, with a focus on medical technology as a case study. Following the trainings, an update should be provided to the Committee on suggestions for increasing the uniformity in the use of ICS and/or HS codes and/or product names used in notifications.²⁶⁸ Ecuador supported training on HS and ICS codes, and suggested an additional case study focusing on processed foods. The Dominican Republic emphasized the importance of providing HS and ICS codes in notifications in order to allow timely and coordinated provision of comments.

7.10. The Secretariat informed the Committee that a TBT Transparency Workshop had taken place in parallel to the TBT Committee meetings held on 20-21 June 2019. It was noted that the participants attended parts of the Committee, including the transparency thematic session and also participated in other training sessions, including on the use of online tools and on experience-sharing among themselves.²⁶⁹ Saint Kitts and Nevis said that the Transparency Workshop had been a very useful opportunity to share ideas and discuss challenges. For example, experiences showed that it paid off to submit notifications using the NSS, and that ePing was a useful tool for enquiry points as well as industry. At the national level, working on guidelines helped Enquiry Points stay up to date, respond to notifications, and focus on quality rather than quantity of notifications.²⁷⁰

²⁵⁹ [G/TBT/M/79](#), para. 3.2.

²⁶⁰ [G/TBT/M/77](#), para. 5.1.

²⁶¹ [G/TBT/M/79](#), para. 3.4.

²⁶² [G/TBT/M/79](#), para. 3.5.

²⁶³ [G/TBT/GEN/265](#), paras. 5.1-5.2.

²⁶⁴ [G/TBT/41](#), para. 7.12. c.

²⁶⁵ [G/TBT/GEN/312](#), para. 3.11.

²⁶⁶ [G/TBT/GEN/312](#), para. 3.12.

²⁶⁷ [G/TBT/W/736](#), para. 2.2.

²⁶⁸ [G/TBT/W/750](#).

²⁶⁹ [G/TBT/M/78](#), para. 4.2.

²⁷⁰ [G/TBT/M/78](#), para. 4.3.

7.1.2 Other information

7.11. The Secretariat provided information on its TBT technical assistance activities.²⁷¹ The Secretariat updated the Committee on technical assistance related to quality infrastructure, and the mandate from the Eighth Triennial Review.²⁷² In addition, the Secretariat introduced the Third Edition of the WTO Agreements Series Technical Barriers to Trade Handbook.²⁷³

7.12. Observers also provided relevant information. Updates were provided by ARSO²⁷⁴, BIPM²⁷⁵, CROSO²⁷⁶, IEC²⁷⁷, ISO²⁷⁸, OECD²⁷⁹, OIML²⁸⁰, UNECE²⁸¹ and UNIDO.²⁸²

7.2 Recommendations

7.13. Building on this exchange as well as on previous decisions and recommendations of the Committee, and with a view to furthering its work in the area of technical assistance, the Committee agrees:

- a. to *request* the Secretariat to organize trainings on HS and ICS codes in notifications, starting with a focus on medical technology as a case study; and, in light of these discussions, to *request* the Secretariat to provide an update to the Committee on suggestions for increasing the uniformity in the use of ICS and/or HS codes and/or product names used in notifications; and
- b. to *develop* a good practice guide on how to improve product coverage in notifications, and how to prepare a comment on notifications, building on the recommendation of the Committee from the Eighth Triennial Review.²⁸³

8 COVID-19

8.1 Exchange of experiences

8.1. During the review period, most of the Committee's exchange of experiences took place in the context of an informal meeting held on 8 December 2020.²⁸⁴ The Secretariat issued two TBT-related COVID-19 information notes.²⁸⁵ Members submitted a total of 179 COVID-19-related TBT notifications.²⁸⁶ These notifications covered, *inter alia*, streamlining conformity assessment procedures for essential medical goods; ensuring that medical goods are safe; making food available by relaxing technical regulations; and announcing implementation delays due to the COVID-19 pandemic.²⁸⁷

²⁷¹ [G/TBT/M/77](#), para. 5.2.; [G/TBT/GEN/262](#); [G/TBT/M/78](#), para. 4.2.; [G/TBT/M/79](#), para. 3.3.; [G/TBT/M/80](#), paras. 4.1.-4.2.; [G/TBT/M/82](#), para. 4.1.; and [G/TBT/GEN/305](#).

²⁷² [G/TBT/GEN/275](#); [G/TBT/41](#), para. 7.12. b.

²⁷³ [G/TBT/M/83](#), para. 5.2.

²⁷⁴ [G/TBT/GEN/289](#).

²⁷⁵ [G/TBT/GEN/266](#); [RD/TBT/310](#); [RD/TBT/327](#); and [RD/TBT/343](#).

²⁷⁶ [RD/TBT/331](#).

²⁷⁷ [RD/TBT/313](#); [RD/TBT/329](#); and [RD/TBT/341](#).

²⁷⁸ [G/TBT/GEN/269](#); [G/TBT/GEN/284](#); [G/TBT/GEN/292](#); and [G/TBT/GEN/314](#).

²⁷⁹ [G/TBT/GEN/313](#).

²⁸⁰ [G/TBT/GEN/260](#); and [G/TBT/GEN/283](#).

²⁸¹ [G/TBT/GEN/259](#); [G/TBT/GEN/267](#); [G/TBT/GEN/281](#); [G/TBT/GEN/290](#); and [RD/TBT/315](#).

²⁸² [G/TBT/GEN/261](#); [RD/TBT/276](#); [RD/TBT/311](#); [RD/TBT/332](#); and [RD/TBT/348](#).

²⁸³ [G/TBT/41](#), para. 7.12. c.

²⁸⁴ [JOB/TBT/395](#).

²⁸⁵ [JOB/TBT/395](#), paras. 2.1-2.2. "Standards, Regulations and COVID-19 - what actions taken by WTO Members" and "Developing & delivering COVID-19 vaccines around the world". Available on the WTO webpage dedicated to the topic of "COVID-19 and world trade". (https://www.wto.org/english/tratop_e/covid19_e/covid19_e.htm).

²⁸⁶ Figures as of 1 November 2021. The first COVID-19 related TBT notification was submitted on 16 March 2020. For the full list of COVID-19 related notifications, see: https://www.wto.org/english/tratop_e/covid19_e/notifications_e.htm.

²⁸⁷ See "Standards, Regulations and COVID-19 - what actions taken by WTO Members" available on the WTO webpage dedicated to the topic of "COVID-19 and world trade". (https://www.wto.org/english/tratop_e/covid19_e/covid19_e.htm). See also [G/TBT/M/84](#), para. 4.473.

8.2. The United States outlined the partnerships supported by the US Medical Technology Sector to assist the global COVID-19 response through regulatory convergence and implementation of the TBT Agreement.²⁸⁸ China described measures it took to help manufacturers of protective clothing, masks and other epidemic prevention products for export, while, at the same time, strictly guaranteeing the quality of export products by strengthening supervision. The market regulation department investigated promptly and strictly any cases of illegality so as to safeguard the quality of such products.²⁸⁹ The European Union highlighted the joint communication by the Ottawa Group – "COVID-19 and Beyond: Trade and Health"²⁹⁰ – and the importance of enhancing regulatory alignment with the aim of facilitating trade and reducing adaptation costs for manufacturers of essential medical goods, including through work in the TBT Committee.²⁹¹ The European Union described measures taken in the context of the COVID-19 pandemic for medical devices.²⁹² The European Union also explained its conformity assessment requirements for personal protective equipment (PPE), and adjustments made in the COVID-19 context.²⁹³ Brazil outlined some of the temporary measures it had taken in the context of the pandemic to improve access to medical goods, such as the simplification of documentation and registration procedures (e.g. for certificates), or the acquisition of pulmonary ventilators and in vitro diagnostic tests without registration as long as these products were regulated and marketed in one of the members of the International Medical Device Regulators Forum.²⁹⁴ Australia described some evolving influences on conformity assessment, and the shift from on-site to remote office assessment and review of certification documents, brought on in part by the COVID-19 pandemic.²⁹⁵ Regarding lessons learnt during the COVID-19 crisis, the European Union suggested that the Committee set best practices on key aspects of streamlining conformity assessment procedures to facilitate trade in essential products, and international regulatory cooperation.²⁹⁶

8.1.1 Other information

8.3. Observers also provided relevant information. Updates were provided by BIPM²⁹⁷, CODEX²⁹⁸, CROSO²⁹⁹ and UNIDO.³⁰⁰

8.2 Recommendations

8.4. Building on this experience as well as on previous decisions and recommendations of the Committee, the Committee agrees:

- a. with a view to improving future pandemic preparedness, to *examine and compile* best practices for: understanding international standards; streamlining conformity assessment procedures (including temporary or emergency alternatives) to facilitate trade in select essential medical goods, including vaccines, during pandemics; and, enhancing international regulatory cooperation.

²⁸⁸ [JOB/TBT/395](#), para. 2.3.; [RD/TBT/336](#).

²⁸⁹ [JOB/TBT/395](#), para. 2.4.; [RD/TBT/337](#).

²⁹⁰ [WT/GC/223](#)

²⁹¹ [JOB/TBT/395](#), para. 2.5.

²⁹² [JOB/TBT/395](#), para. 2.6.; [RD/TBT/338](#).

²⁹³ [JOB/TBT/395](#), para. 2.7.; [RD/TBT/339](#).

²⁹⁴ [JOB/TBT/395](#), para. 2.8.

²⁹⁵ [JOB/TBT/395](#), para. 1.1.; and [RD/TBT/333](#).

²⁹⁶ [G/TBT/W/736](#), para. 3.3.

²⁹⁷ [RD/TBT/327](#).

²⁹⁸ [RD/TBT/298](#) and [RD/TBT/328](#).

²⁹⁹ [RD/TBT/331](#).

³⁰⁰ [RD/TBT/332](#) and [RD/TBT/348](#).

9 OPERATION OF THE COMMITTEE

Operation of the Committee. Pursuant to Article 13 of the TBT Agreement, the TBT Committee was established with the purpose of: "affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives, and shall carry out such responsibilities as assigned to it under this Agreement or by the Members". Since its first meeting, Members have used the TBT Committee as a forum to discuss issues related to specific measures (technical regulations, standards or conformity assessment procedures) maintained by other Members. These are referred to as "specific trade concerns" (STCs) and relate normally to proposed draft measures notified to the TBT Committee or to the implementation of existing measures. The Committee also holds thematic sessions that address cross-cutting issues related to the implementation and operation of the TBT Agreement.

[G/TBT/1/Rev.14](#), p. 55.

9.1 Exchange of experiences

9.1. During the review period the Committee held nine regular meetings, from March 2019 to November 2021.³⁰¹ A total of 131 new specific trade concerns (STCs) were raised in the review period, whilst over the same period, 435 previously raised STCs were also discussed (Chart 2).³⁰² Back to back with the regular meetings, the Committee also held thematic sessions and informal meetings that addressed the following cross-cutting issues related to the operation and implementation of the TBT Agreement: good regulatory practice³⁰³; regulatory cooperation between Members³⁰⁴; technical regulations³⁰⁵; conformity assessment procedures³⁰⁶; standards³⁰⁷; transparency (the Committee's Ninth Special Meeting on Procedures for Information Exchange)³⁰⁸, technical assistance³⁰⁹; COVID-19 information sharing³¹⁰; and the operation of the Committee.

9.2. The Committee adopted a Decision on "Procedures for the inclusion of specific trade concerns in the annotated draft agenda of the TBT Committee", at its 20-21 June 2019 meeting.³¹¹ These procedures were initially applied on a provision basis during the March and June 2019 meetings, following the recommendation from the Eighth Triennial Review.³¹²

9.3. Brazil suggested that the Committee monitor the status of implementation of all recommendations from triennial reviews³¹³, especially past recommendations that have not been fully implemented.³¹⁴

³⁰¹ [G/TBT/M/77](#), [G/TBT/M/78](#), [G/TBT/M/79](#), [G/TBT/M/80](#), [G/TBT/M/81](#), [G/TBT/M/82](#), [G/TBT/M/83](#), [G/TBT/M/84](#), and [G/TBT/M/85](#).

³⁰² Figures as of 1 November 2021. Detailed information on STCs are available in the Trade Concerns Database (<https://tradeconcerns.wto.org/>).

³⁰³ [G/TBT/GEN/256](#); and [G/TBT/GEN/287](#).

³⁰⁴ [G/TBT/GEN/287](#).

³⁰⁵ [G/TBT/GEN/307](#).

³⁰⁶ [G/TBT/GEN/257](#); [G/TBT/GEN/278](#); [G/TBT/GEN/288](#); and [JOB/TBT/395](#).

³⁰⁷ [G/TBT/GEN/277](#); and [G/TBT/GEN/309](#).

³⁰⁸ [G/TBT/GEN/265](#); and [G/TBT/GEN/312](#); [G/TBT/M/78](#), para. 3.324.

³⁰⁹ [G/TBT/GEN/306](#).

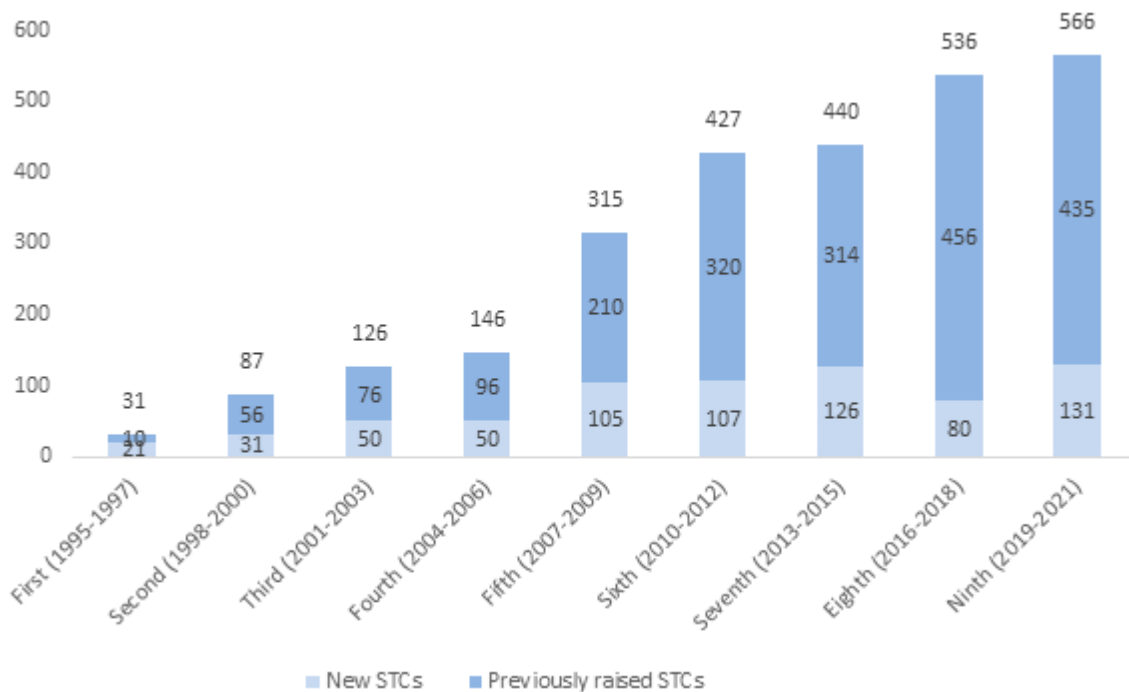
³¹⁰ [JOB/TBT/395](#).

³¹¹ [G/TBT/43](#); [G/TBT/M/78](#), para. 3.322.

³¹² [G/TBT/41](#), para. 8.2.b.i., and footnote 305.

³¹³ As compiled in the latest revision of document G/TBT/1.

³¹⁴ [G/TBT/W/739](#).

Chart 2: STCs per triennial review period³¹⁵

9.4. During the review period, the Committee piloted and launched eAgenda, a collaborative online platform aimed at improving the efficiency and effectiveness of discussions on STCs. The platform simplifies Members' submission of STCs to the agenda, increases transparency and early notice of STCs giving Members more time to prepare ahead of meetings, and allows Members to share statements more easily with each other. The use of eAgenda allowed the Committee to continue its work on STCs during the COVID-19 pandemic. On 13 June 2020, the Committee held an informal meeting to gather feedback from Members on the use of eAgenda.³¹⁶ The Secretariat updated the Committee on developments in eAgenda.³¹⁷ Members provided additional feedback on and discussed their use of eAgenda.³¹⁸ Singapore suggested that Members use eAgenda to share information on their engagements that relate to discussions on STCs, which are held outside of the Committee's regular meetings, and provide links to access the information, where available. Clarifications that Members received bilaterally could be useful to other Members and could pre-empt similar issues from returning to the agenda of the TBT Committee, thereby improving the efficiency of discussions on STCs.³¹⁹

9.2 Recommendations

9.5. Building on this experience as well as on previous decisions and recommendations of the Committee, the Committee agrees:

- a. to *request* the Secretariat to monitor the status of implementation of Committee recommendations from triennial reviews compiled in the document series G/TBT/1/*;
- b. to *discuss* enhancing and optimizing the use of eAgenda, including by exploring means to facilitate progress towards resolving STCs; and
- c. with respect to thematic sessions, building on the valuable experiences gained in the context of thematic sessions since 2012, to *continue* to hold thematic sessions in

³¹⁵ Figures as of 1 November 2021.

³¹⁶ [JOB/TBT/367](#).

³¹⁷ [G/TBT/M/79](#), para. 2.139 and [G/TBT/GEN/276](#); [G/TBT/M/80](#), para. 2.379; [G/TBT/M/82](#), para. 2.485; [JOB/TBT/368](#).

³¹⁸ [G/TBT/M/80](#), paras. 2.380-2.381; and [G/TBT/M/82](#), para. 2.485.

³¹⁹ [G/TBT/W/755](#).

conjunction with its regular meetings during 2022 to 2024, with a view to further deepening the Committee's exchange of experiences on the following topics:

i. to *hold* the following thematic sessions:³²⁰

- March 2022: conformity assessment procedures (accreditation)³²¹ and conformity assessment procedures (digital solutions)³²²;
 - June 2022: transparency³²³, and regulatory cooperation between Members (MSMEs)³²⁴;
 - November 2022: good regulatory practice³²⁵ and standards (standards development in Codex)³²⁶;
 - March 2023: regulatory cooperation between Members (plastic regulation)³²⁷ and regulatory cooperation between Members (climate change)³²⁸;
 - June 2023: regulatory cooperation between Members (digital products and cybersecurity)³²⁹ and one additional topic to be defined in November 2022;
 - November 2023: good regulatory practice³³⁰ and one additional topic to be defined in November 2022; and
 - in 2024, Members will continue to hold thematic sessions on topics to be defined in November 2023.
-

³²⁰ This listing provided below is flexible. Members may agree to include other matters for discussion, or they may agree to otherwise adapt this work programme to reflect unforeseen developments and additional priorities. The Committee will organize these thematic sessions based on proposals from Members.

³²¹ See para. 4.18.b.i.

³²² See para. 4.18.b.ii.

³²³ See para. 6.29.

³²⁴ See para. 2.11.e.

³²⁵ See para. 1.7.

³²⁶ See para. 5.12.a.

³²⁷ See para. 2.11.b.

³²⁸ See para. 2.11.a.

³²⁹ See para. 2.11.c. and 2.11.d.

³³⁰ See para. 1.7.

ANNEX: SUBMISSIONS FROM MEMBERS BY TOPIC (NOV. 2018 – NOV. 2021)¹

Member	Symbol	Date	Title
Good Regulatory Practice			
Mexico	JOB/TBT/425	27 September 2021	Comments from Mexico on JOB/TBT/413
Australia	JOB/TBT/420	16 September 2021	Comments from Australia on JOB/TBT/413
United States	JOB/TBT/418	15 September 2021	Comments from the United States on JOB/TBT/413
Dominican Republic	JOB/TBT/417	15 September 2021	Comments from the Dominican Republic on JOB/TBT/413
New Zealand	JOB/TBT/414	7 September 2021	Comments from New Zealand on JOB/TBT/413
Malaysia	JOB/TBT/412	19 July 2021	Comments on Proposals
United States	G/TBT/W/751/Rev.1	2 July 2021	Proposal on Improving Member Adherence to TBT Obligations through Domestic Process Improvements - Revision
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
United States	G/TBT/W/751	21 May 2021	Proposal on Improving Member Adherence to TBT Obligations through Domestic Process Improvements
Regulatory Cooperation Between Members			
Paraguay	JOB/TBT/433	15 October 2021	Comments from Paraguay on JOB/TBT/413/Rev.1
China	JOB/TBT/421	16 September 2021	Comments from China on JOB/TBT/413
Australia	JOB/TBT/420	16 September 2021	Comments from Australia on JOB/TBT/413
Japan	JOB/TBT/419	16 September 2021	Comments from Japan on JOB/TBT/413
United States	JOB/TBT/418	15 September 2021	Comments from the United States on JOB/TBT/413
Dominican Republic	JOB/TBT/417	15 September 2021	Comments from the Dominican Republic on JOB/TBT/413
Canada	JOB/TBT/416	15 September 2021	Comments from Canada on JOB/TBT/413
Malaysia	JOB/TBT/412	19 July 2021	Comments on Proposals
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
United States	G/TBT/W/756	28 May 2021	Proposal for Cooperation on Measures to address Plastic Packaging Pollution
United States	G/TBT/W/747	17 May 2021	Proposal on Regulatory Cooperation Cybersecurity of Software-Enabled and/or Network Connected Goods

¹ Submissions are arranged by subject, in reverse chronological order. Should a submission be relevant to more than one topic it will appear more than once. More general information, such as the reports provided by the Chairperson on thematic sessions or information provided by Observers, is not included in this list.

Member	Symbol	Date	Title
Canada	G/TBT/W/745	28 April 2021	Proposals on Conformity Assessment, Environment and Climate Change, Transparency, Digital Products, and Micro, Small and Medium-Sized Enterprises (MSME)
Technical Regulations			
Conformity Assessment Procedures			
South Africa	JOB/TBT/436	5 November 2021	South Africa's response to the United States proposal on Conformity Assessment Procedures (G/TBT/W/748) requesting examination of Members accreditation policies
South Africa	JOB/TBT/435	4 November 2021	Comments from South Africa on JOB/TBT/413/Rev.2
European Union	JOB/TBT/426	29 September 2021	Comments from the European Union on JOB/TBT/413
Brazil	JOB/TBT/424	27 September 2021	Comments from Brazil on JOB/TBT/413
United Kingdom	JOB/TBT/422	16 September 2021	Comments from the United Kingdom on JOB/TBT/413
China	JOB/TBT/421	16 September 2021	Comments from China on JOB/TBT/413
Australia	JOB/TBT/420	16 September 2021	Comments from Australia on JOB/TBT/413
Malaysia	JOB/TBT/412	19 July 2021	Comments on Proposals
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
Brazil	JOB/TBT/409	16 June 2021	Comments from Brazil on the Chinese Taipei Proposals on Enhancing Product Safety in Online Shopping Environment, and Transparency (G/TBT/W/753)
European Union	G/TBT/W/758	15 June 2021	Proposal on Digitalisation of Product Information
Chinese Taipei	G/TBT/W/753	27 May 2021	Proposals on Enhancing Product Safety in Online Shopping Environment, and Transparency
United States	G/TBT/W/748	21 May 2021	Proposal on Conformity Assessment Procedures
Canada	G/TBT/W/745	28 April 2021	Proposals on Conformity Assessment, Environment and Climate Change, Transparency, Digital Products, and Micro, Small and Medium-Sized Enterprises (MSME)
European Union	G/TBT/W/736	1 February 2021	Proposals on Conformity Assessment Procedures, Transparency, and COVID-19

Member	Symbol	Date	Title
Standards			
Australia	JOB/TBT/420	16 September 2021	Comments from Australia on JOB/TBT/413
Japan	JOB/TBT/419	16 September 2021	Comments from Japan on JOB/TBT/413
United States	JOB/TBT/418	15 September 2021	Comments from the United States on JOB/TBT/413
Canada	JOB/TBT/416	15 September 2021	Comments from Canada on JOB/TBT/413
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
Colombia	G/TBT/W/752	26 May 2021	International Standards - Codex Alimentarius
Transparency			
South Africa	JOB/TBT/437	5 November 2021	South Africa's response to the United States proposal (G/TBT/W/749) on Transparency Practices
South Africa	JOB/TBT/435	4 November 2021	Comments from South Africa on JOB/TBT/413/Rev.2
Paraguay	JOB/TBT/433	15 October 2021	Comments from Paraguay on JOB/TBT/413/Rev.1
United States	JOB/TBT/431	15 October 2021	Comments from the United States on JOB/TBT/413/Rev.1
Mexico	JOB/TBT/430	15 October 2021	Comments from Mexico on JOB/TBT/413/Rev.1
Canada	JOB/TBT/429	13 October 2021	Comments from Canada on JOB/TBT/413/Rev.1
United States	JOB/TBT/428	1 October 2021	Comments from the United States on JOB/TBT/419
United States	JOB/TBT/427	1 October 2021	Comments from the United States on JOB/TBT/422
European Union	JOB/TBT/426	29 September 2021	Comments from the European Union on JOB/TBT/413
United Kingdom	JOB/TBT/422/Add.1	27 September 2021	Comments from the United Kingdom on JOB/TBT/413
Mexico	JOB/TBT/425	27 September 2021	Comments from Mexico on JOB/TBT/413
United Kingdom	JOB/TBT/422	16 September 2021	Comments from the United Kingdom on JOB/TBT/413
Japan	JOB/TBT/419	16 September 2021	Comments from Japan on JOB/TBT/413
United States	JOB/TBT/418	15 September 2021	Comments from the United States on JOB/TBT/413
Dominican Republic	JOB/TBT/417	15 September 2021	Comments from the Dominican Republic on JOB/TBT/413
Switzerland	JOB/TBT/415	15 September 2021	Comments from Switzerland on JOB/TBT/413
Malaysia	JOB/TBT/412	19 July 2021	Comments on Proposals
Brazil	G/TBT/W/741/Rev.1	19 July 2021	Proposal on Transparency: Introduction of "Follow this Notification" and "Follow this STC" Tools - Revision

Member	Symbol	Date	Title
United States	G/TBT/W/749/Rev.1	2 July 2021	Proposal on Transparency Practices - Revision
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
Philippines	G/TBT/W/746/Rev.1	17 June 2021	Proposal on Transparency - Revision
Brazil	JOB/TBT/410	16 June 2021	Comments from Brazil on the Singapore Proposals on Transparency, and the Sharing of Written Questions and Responses from Members on Specific Trade Concerns (G/TBT/W/755)
Singapore	G/TBT/W/755	28 May 2021	Proposals on Transparency, and the Sharing of Written Questions and Responses from Members on Specific Trade Concerns
Chinese Taipei	G/TBT/W/753	27 May 2021	Proposals on Enhancing Product Safety in Online Shopping Environment, and Transparency
United States	G/TBT/W/750	21 May 2021	Proposal on Enhancing the Quality and Uniformity of TBT Notifications
United States	G/TBT/W/749	21 May 2021	Proposal on Transparency Practices
Philippines	G/TBT/W/746	7 May 2021	Proposal on Transparency
Canada	G/TBT/W/745	28 April 2021	Proposals on Conformity Assessment, Environment and Climate Change, Transparency, Digital Products, and Micro, Small and Medium-Sized Enterprises (MSME)
Brazil	G/TBT/W/744	16 February 2021	Proposal on Transparency: Improvement of the TBT Information Management System (IMS)
Brazil	G/TBT/W/743	16 February 2021	Proposal on Transparency: Transparency on Comments to TBT Notifications received by National Governments
Brazil	G/TBT/W/742	16 February 2021	Proposal on Transparency: Notifying at an early appropriate stage
Brazil	G/TBT/W/741	16 February 2021	Proposal on Transparency: Introduction of "Follow this Notification" and "Follow this STC" Tools
Brazil	G/TBT/W/740	16 February 2021	Proposal on Transparency: Notification of Relevant TBT Provisions in Preferential Trade Agreements under Article 10.7
Brazil	G/TBT/W/738	16 February 2021	Proposal on Transparency: Details of Legitimate Objectives Pursued in Notified Measure
Brazil	G/TBT/W/737	16 February 2021	Proposal on Transparency: Taking Comments from All Members into account
European Union	G/TBT/W/736	1 February 2021	Proposals on Conformity Assessment Procedures, Transparency, and COVID-19

Member	Symbol	Date	Title
Technical Assistance			
Australia	JOB/TBT/420	16 September 2021	Comments from Australia on JOB/TBT/413
Dominican Republic	JOB/TBT/417	15 September 2021	Comments from the Dominican Republic on JOB/TBT/413
Malaysia	JOB/TBT/412	19 July 2021	Comments on Proposals
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
United States	G/TBT/W/750	21 May 2021	Proposal on Enhancing the Quality and Uniformity of TBT Notifications
European Union	G/TBT/W/736	1 February 2021	Proposals on Conformity Assessment Procedures, Transparency, and COVID-19
COVID-19			
Paraguay	JOB/TBT/433	15 October 2021	Comments from Paraguay on JOB/TBT/413/Rev.1
European Union	JOB/TBT/426	29 September 2021	Comments from the European Union on JOB/TBT/413
United States	JOB/TBT/418	15 September 2021	Comments from the United States on JOB/TBT/413
Dominican Republic	JOB/TBT/417	15 September 2021	Comments from the Dominican Republic on JOB/TBT/413
Australia	JOB/TBT/411	18 June 2021	Comments on Proposals
European Union	G/TBT/W/736	1 February 2021	Proposals on Conformity Assessment Procedures, Transparency, and COVID-19
Operation of the Committee			
Japan	JOB/TBT/432	15 October 2021	Comments from Japan on JOB/TBT/413/Rev.1
United States	JOB/TBT/431	15 October 2021	Comments from the United States on JOB/TBT/413/Rev.1
Mexico	JOB/TBT/425	27 September 2021	Comments from Mexico on JOB/TBT/413
Japan	JOB/TBT/419	16 September 2021	Comments from Japan on JOB/TBT/413
Singapore	G/TBT/W/755	28 May 2021	Proposals on Transparency, and the Sharing of Written Questions and Responses from Members on Specific Trade Concerns
Brazil	G/TBT/W/739	16 February 2021	Proposal on the Operation of the Committee: Reporting of Pending Recommendations from Triennial Reviews