

# **SECRETARIAT BRIEFING SESSION FOR TBT COMMITTEE DELEGATES ON THE 10<sup>TH</sup> TRIENNIAL REVIEW**

6 November 2023

# OUTLINE



## 1. Background presentation by the Secretariat

- **What** is the Triennial Review?
- **When** does the Tenth Triennial Review take place, and what are the key dates to remember?
- **How** do I submit a proposal?
- **Where** do I find information about past Triennial Reviews?

## 2. Experience sharing by Members

- Jennifer Stradtman, Director, Technical Barriers to Trade, USTR
- Hélio Silva Filho, Counsellor, Mission of Brazil to the WTO

## 3. Q&A and Wrap Up

# 1. Background presentation on Triennial Reviews

# Mandate



The WTO TBT Agreement

- 15.4 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.

# Structure



G/TBT/46

17 November 2021

(21-8681)

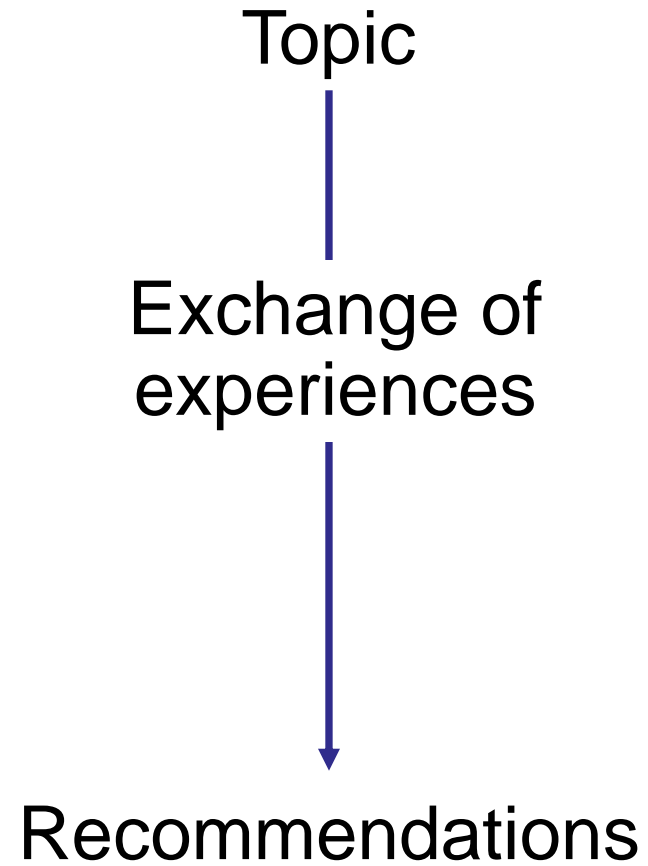
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Committee on Technical Barriers to Trade

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

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← what we have done (factual)

what we will do ... →

Topic  
(quick explanation in box)

#### 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

Factual  
(exchange of experiences)

##### 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 2019<sup>55</sup>, 12-13 November 2019<sup>56</sup> and 25 February 2020<sup>57</sup>, and an informal meeting was held on 8 December 2020.<sup>58</sup>

## Recommendations

(most 'negotiation' is on this!)

### 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 Review<sup>122</sup>, 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 guidelines<sup>123</sup> aimed at supporting regulators in the choice and design of appropriate and proportionate conformity assessment procedures<sup>124</sup>, 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.



There was significant engagement during  
the 9<sup>th</sup> Triennial Review.

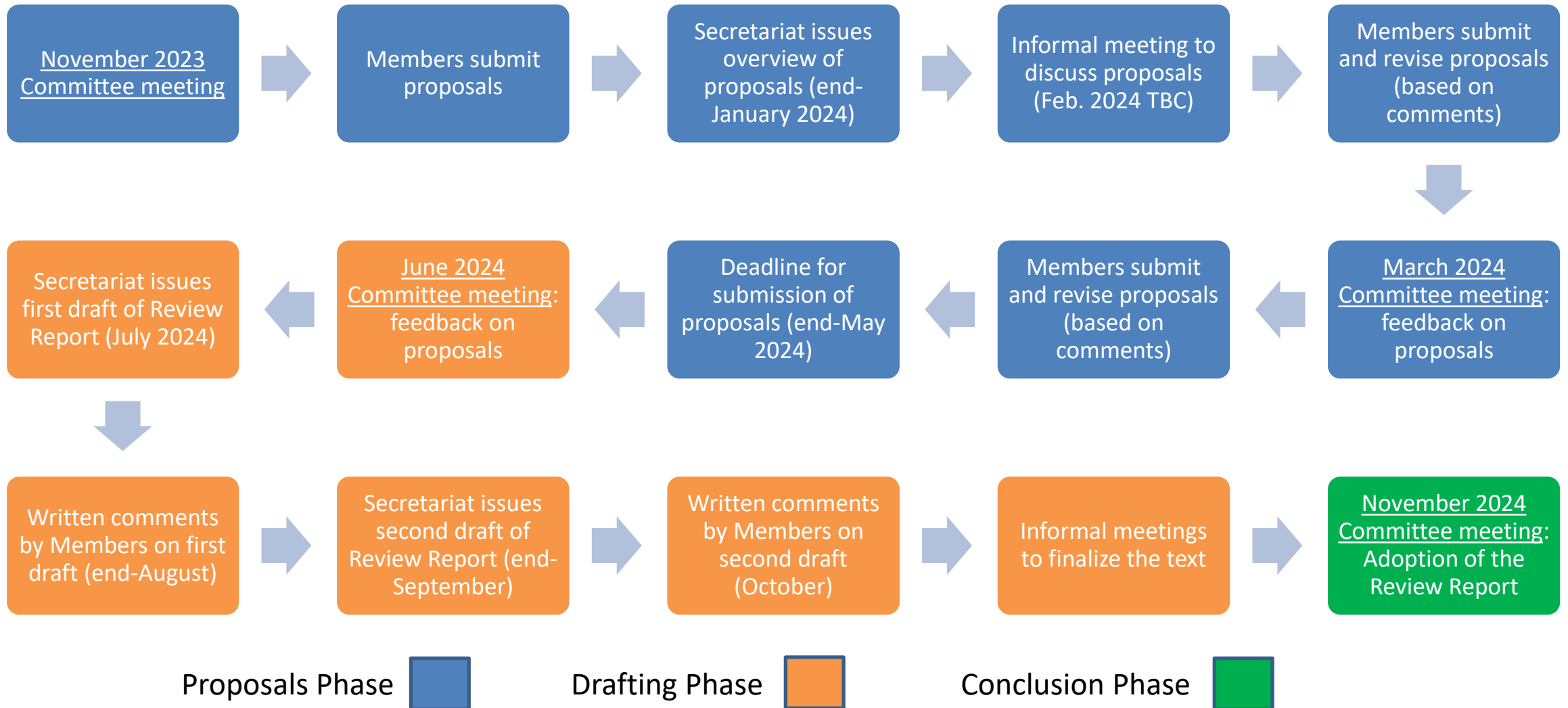
In 2021, 85 **submissions** and **specific  
comments** were received on the  
nine chapters of the report.

# The Tenth Triennial Review



- The Committee is scheduled to complete its Tenth Triennial Review of the Operation and Implementation of the TBT Agreement at its **last meeting in 2024**.
- As with previous Triennial Reviews, the review process will be **driven by substantive proposals from Members**.
- Members are invited to **begin submitting proposals** in advance of the November 2023 meeting. Proposals will be discussed on a rolling basis at the meetings subsequent to submission.
- Document [G/TBT/1/Rev.15](#) contains the **latest compilation** of the TBT Committee's Decisions and Recommendations.

# 10<sup>th</sup> Triennial Review Timeline



# How to submit a proposal?

- How would you like to contribute to improving operation/implementation?
- What is the theme of the proposal?
  - GRP; Regulatory Cooperation; Technical Regulations; Conformity Assessment Procedures; Standards; Transparency; Technical Assistance; etc.
  - Is there a more specific subtopic?
- How does this relate to past decisions/recommendations of the Committee and/or other proposals on the table?

# What does a typical proposal look like?

## PROPOSAL ON TRANSPARENCY

### NINTH TRIENNIAL REVIEW

*Submission from the Philippines*

The following submission, dated 7 May 2021, is being circulated at the request of the delegation of the Philippines.

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#### 1 BACKGROUND

- 1.1. Transparency is a basic foundation for the proper and effective implementation of the TBT Agreement.
- 1.2. The notification to the WTO of technical regulations and standards, and conformity assessment procedures, in the three official WTO languages do not extend to cover the full texts of these measures.
- 1.3. When the full texts of measures are not in any of the WTO languages (e.g. English), consultations on such measures by a Member's authorities with stakeholders (e.g. exporters, importers, manufacturers) are not facilitated.
- 1.4. And when Members do not favorably respond to requests from other Members to provide the full text of their notified measures, or even just their summaries, in the official WTO languages, consultations with stakeholders become difficult, and most of the time, not possible.

#### 2 PROPOSAL

- 2.1. Where a Member has translated into any of the official WTO languages the full text of another Member's notified measure/s, that Member shall promptly announce the availability of the translation through ePing.

Source:  
[G/TBT/W/746](https://www.wto.org/Trade-Disputes/Trade-Disputes-Details.aspx?lang=en&dispute=US-Philippines)

## INTERNATIONAL STANDARDS - CODEX ALIMENTARIUS

### NINTH TRIENNIAL REVIEW

*Communication from Colombia*

The following communication, dated 25 May 2021, is being circulated at the request of the delegation of Colombia.

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#### 1 CONTEXT – TBT AGREEMENT

- 1.1. The provisions governing the preparation, adoption and application of standards are contained in Article 4 of the TBT Agreement and the Code of Good Practice for the Preparation, Adoption and Application of Standards (the Code of Good Practice).
- 1.2. 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.
- 1.3. 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

#### 2 PROPOSAL

- 2.1. Colombia proposes that the TBT Committee conduct a thematic session in 2022 during which Codex Alimentarius will present an update on its standardization activities, the most recent standards and those to be issued. We suggest that, at this session, a discussion be held on national experiences regarding the manner in which Members incorporate Codex Alimentarius international standards into their regulatory processes. We also propose sharing experiences and best practices on how WTO Members, particularly developing country Members, can participate actively in the preparation of standards within Codex Alimentarius.

Source:  
[G/TBT/W/752](https://www.wto.org/Trade-Disputes/Trade-Disputes-Details.aspx?lang=en&dispute=US-Colombia)

# What does a typical proposal look like?

- Background section
  - explaining the context and problem to be solved, situating within past work of the Committee
- Proposal section
  - proposed **recommendations**, covering e.g. thematic sessions, launch of new work on guidelines, improving procedures
- Steps to issue:
  - Submitted to Secretariat ([edith.rambla@wto.org](mailto:edith.rambla@wto.org))
  - Circulated as W document
  - Comments from other Members circulated as JOB documents

[TECHNICAL BARRIERS TO TRADE](#)

## TBT Committee Tenth Triennial Review

The TBT Committee is mandated to review the operation and implementation of the TBT Agreement on a triennial basis giving Members the opportunity to submit ideas on new work for the Committee. The 10th Triennial Review process has started and is scheduled to be completed in November 2024.

Want to find out more?

### Previous Triennial Review reports

- 9th Triennial Review (2021)  
[G/TBT/46](#)
- 8th Triennial Review (2018)  
[G/TBT/41](#)
- 7th Triennial Review (2015)  
[G/TBT/37](#)
- 6th Triennial Review (2012)  
[G/TBT/32](#)
- 5th Triennial Review (2009)  
[G/TBT/26](#)
- 4th Triennial Review (2006)  
[G/TBT/19](#)
- 3rd Triennial Review (2003)  
[G/TBT/13](#)
- 2nd Triennial Review (2000)  
[G/TBT/9](#)
- 1st Triennial Review (1997)  
[G/TBT/5](#)

### Relevant documents

- [G/TBT/W/775](#) – 10th Triennial Review Timeline
- [G/TBT/1/Rev.15](#) – Decisions and Recommendations

### NEWS

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← Prev      Next →

#### Members discuss cybersecurity, intangible digital products, raise over 60 trade concerns

23 JUNE 2023

At meetings of the Committee on Technical Barriers to Trade (TBT) on 19 to 23 June, WTO members disc...



[More news on technical barriers to trade](#)

### Tenth Triennial Review Proposals

Members' proposals will be added here once circulated.

### 🔒 Secretariat Briefing for new Delegates on the Triennial Review Process

- [Secretariat briefing for TBT delegates 19 September](#)

ANNEX: SUBMISSIONS FROM MEMBERS BY TOPIC (NOV. 2018 – NOV. 2021)<sup>1</sup>

Member	Symbol	Date	Title
<b>Good Regulatory Practice</b>			
Mexico	<a href="#">JOB/TBT/425</a>	27 September 2021	Comments from Mexico on <a href="#">JOB/TBT/413</a>
Australia	<a href="#">JOB/TBT/420</a>	16 September 2021	Comments from Australia on <a href="#">JOB/TBT/413</a>
United States	<a href="#">JOB/TBT/418</a>	15 September 2021	Comments from the United States on <a href="#">JOB/TBT/413</a>
Dominican Republic	<a href="#">JOB/TBT/417</a>	15 September 2021	Comments from the Dominican Republic on <a href="#">JOB/TBT/413</a>
New Zealand	<a href="#">JOB/TBT/414</a>	7 September 2021	Comments from New Zealand on <a href="#">JOB/TBT/413</a>
Malaysia	<a href="#">JOB/TBT/412</a>	19 July 2021	Comments on Proposals
United States	<a href="#">G/TBT/W/751/Rev.1</a>	2 July 2021	Proposal on Improving Member Adherence to TBT Obligations through Domestic Process Improvements - Revision
Australia	<a href="#">JOB/TBT/411</a>	18 June 2021	Comments on Proposals
United States	<a href="#">G/TBT/W/751</a>	21 May 2021	Proposal on Improving Member Adherence to TBT Obligations through Domestic Process Improvements
<b>Regulatory Cooperation Between Members</b>			
Paraguay	<a href="#">JOB/TBT/433</a>	15 October 2021	Comments from Paraguay on <a href="#">JOB/TBT/413/Rev.1</a>
China	<a href="#">JOB/TBT/421</a>	16 September 2021	Comments from China on <a href="#">JOB/TBT/413</a>
Australia	<a href="#">JOB/TBT/420</a>	16 September 2021	Comments from Australia on <a href="#">JOB/TBT/413</a>
Japan	<a href="#">JOB/TBT/419</a>	16 September 2021	Comments from Japan on <a href="#">JOB/TBT/413</a>
United States	<a href="#">JOB/TBT/418</a>	15 September 2021	Comments from the United States on <a href="#">JOB/TBT/413</a>
Dominican Republic	<a href="#">JOB/TBT/417</a>	15 September 2021	Comments from the Dominican Republic on <a href="#">JOB/TBT/413</a>
Canada	<a href="#">JOB/TBT/416</a>	15 September 2021	Comments from Canada on <a href="#">JOB/TBT/413</a>
Malaysia	<a href="#">JOB/TBT/412</a>	19 July 2021	Comments on Proposals


For the rest see the Annex in G/TBT/46





# Reference materials

- Decisions and Recommendations


**WORLD TRADE ORGANIZATION**  
**G/TBT/1/Rev.15**  
 15 November 2022  
 (22-8507) Page: 1/95  
**Committee on Technical Barriers to Trade**


**DECISIONS AND RECOMMENDATIONS ADOPTED BY THE WTO COMMITTEE ON TECHNICAL BARRIERS TO TRADE SINCE 1 JANUARY 1995**

NOTE BY THE SECRETARIAT<sup>1</sup>

*Revision*

The present document contains the fifteenth revision of the compilation of the TBT Committee's Decisions and Recommendations. This revision, which supersedes all previous G/TBT/1 documents, is in two parts. Part 1 contains the Committee's decisions and recommendations adopted since 1 January 1995. Part 2 contains the Committee's Rules of Procedure including Guidelines for Observer Status for Governments and International Intergovernmental Organizations.

- Annual Review of the implementation of the Agreement


**WORLD TRADE ORGANIZATION**  
**G/TBT/50**  
 6 March 2023  
 (23-1546) Page: 1/75  
**Committee on Technical Barriers to Trade**

**TWENTY-EIGHTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE TBT AGREEMENT**

NOTE BY THE SECRETARIAT<sup>1</sup>

The WTO Committee on Technical Barriers to Trade (the Committee) will conduct its twenty-eighth Annual Review of the implementation and operation of the WTO Agreement on Technical Barriers to Trade (the TBT Agreement) under Article 15.3 at its next meeting on 8-10 March 2023. This document contains information on developments in the Committee relating to the implementation and operation of the TBT Agreement from 1 January to 31 December 2022.



Technical Barriers to Trade Agreement

## 10 key results from 2022



The WTO Agreements Series  
 Technical Barriers to Trade  
 Third Edition



Trade and Environment Division

## **2. Experience sharing by Members**

Questions

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Answers

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