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## **1 ARTICLE 13**

### **1.1 Text of Article 13**

#### **Article 13**

##### *The Committee on Technical Barriers to Trade*

13.1 A Committee on Technical Barriers to Trade is hereby established, and shall be composed of representatives from each of the Members. The Committee shall elect its own Chairman and shall meet as necessary, but no less than once a year, for 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.

13.2 The Committee shall establish working parties or other bodies as may be appropriate, which shall carry out such responsibilities as may be assigned to them by the Committee in accordance with the relevant provisions of this Agreement.

13.3 It is understood that unnecessary duplication should be avoided between the work under this Agreement and that of governments in other technical bodies. The Committee shall examine this problem with a view to minimizing such duplication.

### **1.2 Related TBT Committee decisions and recommendations**

#### **1.2.1 Rules of procedure**

1. At its meeting on 1 January 1996, the Council for Trade in Goods approved the Rules of Procedure adopted by the TBT Committee on 21 April 1995.<sup>1</sup>

#### **1.2.2 Observer status**

2. Annexes 1 and 2 to the Rules of Procedure adopted by the TBT Committee contain Guidelines for Observer Status for Governments in the WTO (Annex A) and for International Intergovernmental Organizations in the WTO (Annex B).<sup>2</sup>

#### **1.2.3 Consideration of specific trade concerns**

3. 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

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<sup>1</sup> [G/C/M/7](#), para. 2.2. The text of the Rules of Procedures for the meetings of the TBT Committee is also contained in [G/TBT/1/Rev.14](#), pp. 83-87.

<sup>2</sup> The text of the guidelines is contained in [G/TBT/1/Rev.14](#), pp. 88-89.

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.<sup>3</sup>

4. In 2009, noting the accelerated growth in the number of specific trade concerns raised at Committee meetings, as well as in the number of WTO Members raising concerns or substantively supporting those of other Members, the Committee emphasized the importance of making the discussion more efficient in order to secure a more prompt response to concerns raised. In order to streamline the consideration of STCs, the TBT Committee agreed to apply the following procedures, to the extent practicable:

- (i) Members wishing to propose the inclusion of a specific trade concern in the annotated draft agenda should directly inform both the Secretariat and the Member(s) involved of their intention to do so no less than fourteen calendar days prior to the convening of the TBT Committee meeting;
- (ii) the annotated draft agenda issued by the Secretariat in advance of each Committee meeting will include all specific trade concerns communicated by Members to the Secretariat; it will indicate which concerns are being raised for the first time and which have been previously raised. It should be circulated as early as possible but no less than ten calendar days before the meeting;
- (iii) requests to include specific trade concerns on the agenda should be accompanied by a reference to the symbol of the notification. In cases where the measure has not been notified, the request should provide a brief description of the measure, including relevant references; and
- (iv) there may be instances where a Member wishes to bring a concern to the Committee's attention after the deadline has passed. In this case, additional specific trade concerns can still be included in the agenda of the TBT Committee meeting under "Specific Trade Concerns", provided that Members wishing to raise the relevant concerns have previously informed the Member(s) involved of their intention to do so. However, such concerns will only be addressed after all specific trade concerns contained in the annotated draft agenda have been discussed.<sup>4</sup>

5. In 2012, considering the substantive body of recommendations and decisions before the Committee, Members agreed on the need to focus and deepen their work. Noting that follow-up was a long-term endeavour, Members saw benefit to dedicating time to thematic topics in response to the specific decisions and recommendations of the Committee, in order to press for greater progress on these issues. To this end, the Committee agreed:

- (i) in order to ensure the efficiency of the discussion of STCs, to further reflect on ways to streamline the work of the Committee in the consideration of STCs; and
- (ii) to hold thematic sessions in conjunction with its regular meetings during 2013-2015.<sup>5</sup>

6. In 2015, building on the valuable experiences gained in the context of thematic sessions since 2012, and with a view to further deepening the Committee's exchange of experiences on specific topics, the Committee agreed:

- (i) to continue to hold thematic sessions in conjunction with its regular meetings.<sup>6</sup>

7. In 2018, building on this experience as well as on previous decisions and recommendations of the Committee, the Committee agreed:

- (i) with respect to thematic sessions, building on the valuable experiences gained in the context of thematic sessions since 2012:

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<sup>3</sup> [G/TBT/1/Rev.14](#), p. 55.

<sup>4</sup> [G/TBT/1/Rev.14](#), p. 56.

<sup>5</sup> [G/TBT/1/Rev.14](#), p. 56.

<sup>6</sup> [G/TBT/1/Rev.14](#), p. 56.

- (i) to *continue* to hold thematic sessions in conjunction with its regular meetings during 2019 to 2021, with a view to further deepening the Committee's exchange of experiences on specific topics;
  - (ii) to *encourage* a more balanced representation of speakers in thematic sessions, from all regions in the world including developing and least developed Members (LDCs). In this respect, to *request* the Secretariat to explore the use of WTO technical assistance funding to support participation of speakers from LDCs, and to consider other ways of facilitating engagement (e.g. streaming);
  - (iii) for planning purposes, no later than the last meeting of the year, normally in November, the TBT Committee will *confirm* the specific topics to be discussed at the thematic sessions that would take place during the following year.
- (ii) with respect to specific trade concerns:
- (iv) to *adjust*, on a trial basis, the procedures for the inclusion of specific trade concerns in the annotated draft agenda of the Committee as follows:
    - Members wishing to propose the inclusion of a specific trade concern in the annotated draft agenda should directly inform both the Secretariat and the Member(s) involved of their intention to do so no less than twenty calendar days prior to the convening of the TBT Committee meeting;
    - the annotated draft agenda issued by the Secretariat in advance of each Committee meeting will include all specific trade concerns communicated by Members to the Secretariat; it will indicate (to the extent such information has been communicated to the Secretariat) which concerns are being raised for the first time and which have been previously raised, as well as which concerns relate to *proposed* technical regulations or conformity assessment procedures, and which concerns relate to *final* technical regulations or conformity assessment procedures. It should be circulated no less than fifteen calendar days before the meeting;
  - (v) to *continue discussions* with a view to improving the efficiency and effectiveness of the Committee's consideration of specific trade concerns;
- (iii) with respect to Observers:
- (vi) to *ensure* timely consideration of requests for observer status; and
  - (vii) to *discuss* best practices for observers' participation in meetings of the TBT Committee.<sup>7</sup>

8. In 2019, the Committee agreed to apply, on a permanent basis, those procedures that had been adjusted on a trial basis in 2018.<sup>8</sup>

9. In 2009, the Committee encouraged the Secretariat to continue to compile information about the status of specific trade concerns and to make this available to Members regularly with a view to providing a useful database for Members to track concerns of importance to them. The annual reviews of the implementation and operation of the TBT Agreement contain an overview of specific

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<sup>7</sup> [G/TBT/1/Rev.14](#), pp. 57-58.

<sup>8</sup> [G/TBT/1/Rev.14](#), p. 58.

trade concerns raised in the TBT Committee.<sup>9</sup> These annual reviews provide statistical information on the specific trade concerns raised in the TBT Committee and lists the specific trade concerns sorted by date, frequency and the number of Members that have expressed concern. This information is also now available on the TBT Information Management System.<sup>10</sup>

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Current as of: December 2020

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<sup>9</sup> Pursuant to Article 15.3, the Committee has reviewed annually the implementation and operation of the TBT Agreement. The related Notes by the Secretariat are found in the following documents: [G/TBT/3](#) for 1996; [G/TBT/4](#) for 1997; [G/TBT/6](#) for 1998; [G/TBT/7](#) for 1999; [G/TBT/8](#) for 2000; [G/TBT/10](#) for 2001; [G/TBT/11](#) for 2002; [G/TBT/12](#) for 2003; [G/TBT/14](#) for 2004; [G/TBT/15](#) for 2005; [G/TBT/18](#) for 2006; [G/TBT/21](#) for 2007; [G/TBT/23](#) for 2008; [G/TBT/25](#) for 2009; [G/TBT/28](#) for 2010; [G/TBT/29](#) for 2011; [G/TBT/31](#) for 2012; [G/TBT/33](#) for 2013; [G/TBT/34](#) for 2014; [G/TBT/36](#) for 2015; [G/TBT/38](#) for 2016; [G/TBT/39](#) for 2017; [G/TBT/40](#) for 2018; [G/TBT/42](#) for 2019; and [G/TBT/44](#) for 2020.

<sup>10</sup> See <http://tbtime.wto.org>.