Enhancing Private Sector Engagement in TBT Notifications: Experiences from Chinese Taipei

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The objectives of the TBT notification obligation

• To offer Members ex-ante knowledge of technical regulations or conformity assessment procedures other Members are planning to introduce/amend.

• To reduce potential technical barriers to trade by providing the opportunity for other Members to assess the impact and identify possible WTO in-consistency issues.

• To allow manufactures and exporters prepare their products and services for new technical requirements in advance.
The reality: private sector participation is limited
(An average of 2 comments received in the last 5 years)

- Information overload issue renders domestic stakeholders unable to apprehend: a total of **3,090 notifications from all Members in 2020 (until Nov.), 281 per month.**
- Information illiteracy*: The WTO formality difficult for private sector to understand the scope and implications of the potential issues to be considered, especially for MSMEs

*The requirement for information remediation to best understand resources

Introduction of the Information filtering and ‘interpretation’ system to facilitate private sector participation in Chinese Taipei

- Receiving of notification
  - TBT Inquiry point (BSMI)
- Three-step filtering
  - WTO Center
- Dissemination of notifications and invitation to comment
  - BSMI
- Submission of comments and/or STC
  - BSMI-WTO
The 3 steps of the system

Step 1 Members
- Notification from top 13 trading partner
- 76% of export

Step 2 Products
- Top 10 export categories (HS 2 digit), or global export share ≥ 30% (HS 6 digit)
- Products larger than 5% of TPKM’s export to the notifying Member or globally

No. of comments after filtering
- 3,090 → 1,053
- 1,053 → 279

Frequency: every fortnight

Summary of the 2020 result: Members

- A total of 279 notification from 11 Members
- Notifications from two members (Malaysia and Indonesia) did not pass the filter.
Summary of the 2020 result: Products

- Machinery and Electrical machinery and equipment account for almost 60% of the notification
- Notification involving chemical products mainly by US, India and EU (over 60%)

Step 3: Dissemination and Invitation to comment

- A total of over 600 invitation to comment were sent to relevant industrial associations or individual firms.
- 392 responses were received, an increase of 200%.
- Only 1 response indicated the notified regulation has unjustified major impact on export
  - Comments and subsequently STC were delivered at the TBT Committee
Summary of experiences

• The filtering system proves to be effective in elevating the interest for private sector to review and provide comments: especially for MSMEs.

• The key to success is the **refinement in ascertaining appropriate private stakeholders** (e.g. corresponding sub-sectors and relevant associations) by way of **identifying products** potentially impacted by notified measures.

• Challenges:
  1. Lack of corresponding HS codes restricts the identification of appropriate private stakeholders.
  2. Description of content is too abstract and lack of clarity

Recommendations:

1. Provide maximum specific information on the products potentially impacted (8th Triennial Review, G/TBT/41): Preferably, to provide **corresponding HS codes** in the “Products covered” column, at least as a supplementary reference to ICS or other classification system.

2. Members should endeavor to provide the **legal implication and changes** associated with the notified draft regulation, not just the title of the new regulation.

Thank you!