

# Coordinating inter-agency review of measures on agricultural products

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# Transparency in TBT and U.S. Agricultural Sector

- ▶ USDA active involvement in notification-comment process under the TBT Agreement
- ▶ Core principle and obligation
- ▶ Fundamental market access component
- ▶ Domestic Coordination mechanisms administered by USDA ensure compliance with and benefit from transparency provisions of the TBT Agreement



# *Sharing USDA experience with Domestic Coordination*

- ▶ Inter-agency coordination for commenting on foreign TBT measures:
  - Evaluation of newly emerging foreign TBT measures for adverse market impact
  - Drafting of comments
  - Follow up engagement
- ▶ Key ingredients for effectiveness:
  - Institutional structure
  - Timelines
  - Procedural terms of reference - criteria, document management, weekly and ad-hoc meetings
  - Guidance for drafting comments
  - Leadership

# *Institutional framework*

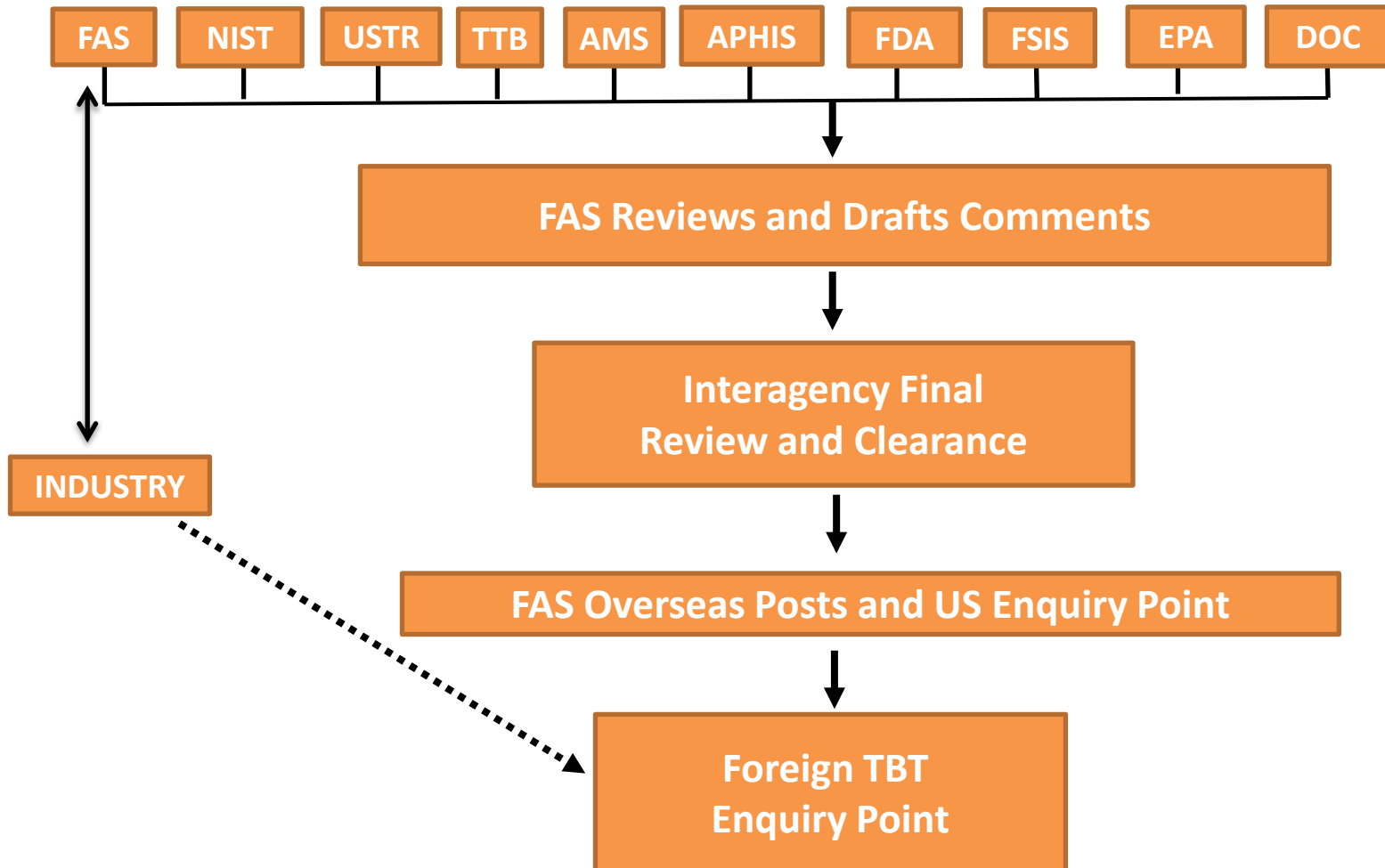
**Coordinator:** USDA FAS Multilateral Affairs Office

**Reviewers:**

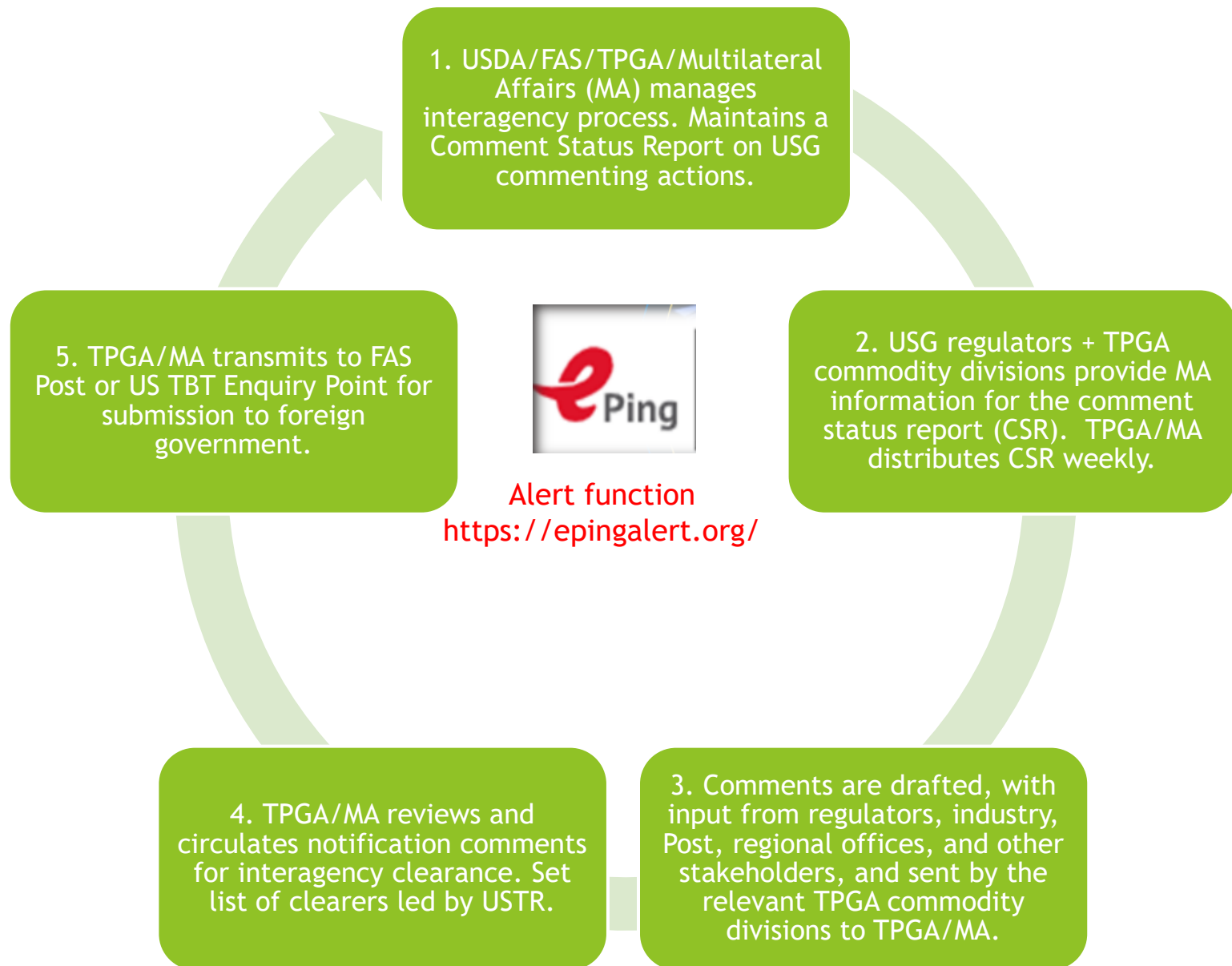
- USDA FAS Commodity Divisions - Industry
- Regulators
- Other USDA offices and trade agencies
- U.S. Embassies - Agricultural Affairs Officers

**Communication Exchange Channels:** National Enquiry Point and U.S. Embassies - Agricultural Affairs Officers

# *USG Review of TBT Measures related to agriculture – institutional interactions*



# Inter-agency coordination for commenting on foreign TBT measures related to agriculture



# USG notification and comment activity

	FY 2019		FY 2020		FY 2021		FY 2022	
	TBT	SPS	TBT	SPS	TBT	SPS	TBT	SPS
U.S. Notifications to the WTO	32	98	34	116	46	91	22	61
Foreign WTO Notifications Reviewed	725	1,498	921	1,887	1,034	1,996	812	1182
USG Comments Submitted on Notified Foreign Measures	72	64	110	88	90	110	38	72
USG Comments as a Share of Total Foreign WTO Measures	10%	4%	11%	4%	8%	5%	4%	6%

# Positive Developments following USG TBT Comment activity

- ▶ Main areas covered in TBT comments in recent years: labeling, fortification, nutrient limits, chemicals registration, certification, inspection, halal, technical requirements, packaging, among others.
  
- ▶ **Examples** of positive feedback and productive engagement in recent years based on replies received:
  - Clarifications were provided, interpretation of terms, exclusions.
  - Trade facilitating options were made available.
  - Delay in regulatory process to proceed with further evaluations after comments received.
  - Comments taken into account by confirming changes to the text.
  - Greater alignment with International Standards through modifications to the text.
  - U.S. comments to be taken into account in future revisions of regulation.
  - Direct quotes to “comments partially taken into account”.
  - Withdrawal of notification after receiving comments from Members.



# *Case Study*

G/TBT/N/SAU/1108

Added Sugars

Upper Limits in Some  
Food Products

## *Timeline and outcomes*

- ▶ April 16, 2019: Country notifies the measure in draft form providing a 60-day comment period.
- ▶ May 1, 2019: Country notifies additional specifications to the draft technical requirements.
- ▶ June 12, 2019: Country notifies decision to postpone entry into force of the measure and further evaluation of regulatory approach after receiving WTO Members comments.
- ▶ June 14, 2019: United States submits comments.
- ▶ December 4, 2019: Country notifies decision to withdraw the proposed regulation after reviewing WTO Members comments.

# USDA experience with TBT transparency

## *Highlights*

- ▶ Domestic coordination enables an effective implementation of transparency provisions.
- ▶ Importance of setting mechanisms for communication exchange internally, designation of points of contact, and following timelines.
- ▶ Active involvement in comment process helps identify unnecessary and significant potential barriers to trade.
- ▶ Members take advantage of the official opportunity for influencing foreign measures, before they become final.
- ▶ Proposed regulations are improved through transparency mechanism avoiding potential trade irritants.
- ▶ Key component in trade policy development.

# Digital Tools and Domestic Coordination

The screenshot shows the SPS&TBT Platform website. At the top, there is a navigation bar with 'Open Trade Data', language options (English, Français, Español), and user information (Contact us, Welcome Becri Sanchez, Logout). Below this is the 'ePing | SPS&TBT Platform' logo and logos for the International Trade Centre, United Nations, and World Trade Organization. A secondary navigation bar includes 'Home', 'Search', 'Enquiry points/Notification authorities', 'Facts & figures', 'More info', and 'Admin panel'. The main content area features a world map with a central 'WTO' icon and arrows pointing to various regions, accompanied by icons for a document with a warning sign, a tractor, a factory, and a fish. A text box on the map reads 'Track and manage information on product requirements'. At the bottom, there are three buttons: 'Search notifications' (purple), 'Search trade concerns' (blue), and 'Receive alerts' (green).

**STAR:** Internal organization, repository of USG comment activity, outreach.  
**[FAS/SPS/TBT System \(usda.gov\)](https://www.usda.gov)**

**NotifyUS:** Enquiry Point engagement, outreach, delivery of USG comments.  
**<https://tsapps.nist.gov/notifyus/data/index/index.cfm>**



THANK YOU!

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