

Working towards Guidelines on Implementation of Special and Differential Treatment Provisions of the WTO TBT Agreement

WTO Committee on Technical Barriers to Trade

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Importance of S & DT Guidelines

-Secretariat notes:

Totally, 19 S & DT provisions in the TBT Agreement, ranking first among all specialized WTO Agreements.

(Source: “Table on Special and Differential Treatment provisions by type and agreement”,
“Special and Differential Treatment Provisions in the WTO Agreements and Decisions”,
WT/COMTD/W/196);

Importance of S & DT Guidelines

However, “despite successive mandates for information exchange, there has been limited dedicated discussion and only a few submissions have been tabled ” .

(**Source:** para. 1.1.2 “Special and Differential Treatment and Technical Assistance in the TBT Context”, JOB/TBT/65).

Importance of S & DT Guidelines

- Concrete actions need to be carried out in order for developing Members to substantively benefit from the S & DT provisions of the TBT Agreement.
- Guidelines can be a good and workable approach to this end.

Preliminary Ideas on S & DT Guidelines

- Discussions in the WTO/TBT Committee under "good regulatory practice (GRP)" ;
- Article 12.3 of the TBT Agreement.

Preliminary Ideas on S & DT Guidelines

(A) Notifications and comments

- Developed Members should notify the relevant developing Members in a timely manner of their legislative work plans in the TBT field, and share their draft regulations well in advance, with a view to fully soliciting comments and suggestions from developing Members.
- Upon request of developing Members, developed Members should allow a longer timeframe for developing Members to provide comments.

Preliminary Ideas on S & DT Guidelines

(B) Specific trade concerns

- Developed Members shall take into serious consideration the specific trade concerns raised by developing Members at the meetings of the WTO/TBT Committee.
- Upon request, developed Members should enter into constructive consultations with the developing Members concerned, seriously consider their special concerns and appeals, and actively seek mutually satisfactory solutions. These may include, *inter alia*, providing longer comment and/or adaptation periods, and conducting technical cooperation with a view to enhancing developing Members' capacity to comply with the relevant requirements.

Preliminary Ideas on S & DT Guidelines

(C) Equivalence recognition

- Developed Members shall give positive consideration to accepting as equivalent export quality assurance systems of developing Members, and make best endeavors to reduce and eliminate all unnecessary inspection, testing and certifications on exports from developing Members.
- Upon request, developed Members shall be willing to enter into constructive consultations with developing Members for the conclusion of a bilateral agreement on equivalence recognition.

Preliminary Ideas on S & DT Guidelines

(D) Assistance for effective participation in international standardization work

- Developed Members shall give positive consideration to the special needs of developing Members for effective participation in international standardization work, and to this end provide all the necessary technical and financial assistance within limits of their capacity.
- Developed Members shall take active and concrete measures to ensure the relevant international standards developed by international standardization bodies meet the special needs of developing Members.

Suggestions

- Establishment of an electronic Working Group for the purpose of developing S & DT guidelines, drawing on the experience of the SPS Committee.
- SPS Committee:
 - e-WG on Ad hoc consultations
 - e-WG on SPS-related private standards