



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO



**Secretariat Briefing Session for New Delegates on the
TBT Triennial Review Process**

1

The **mandate**?

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The WTO TBT Agreement

Article 15
Final Provisions

Reservations

15.1 Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

Review

15.2 Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee.

15.3 The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof.

Technical Barriers to Trade

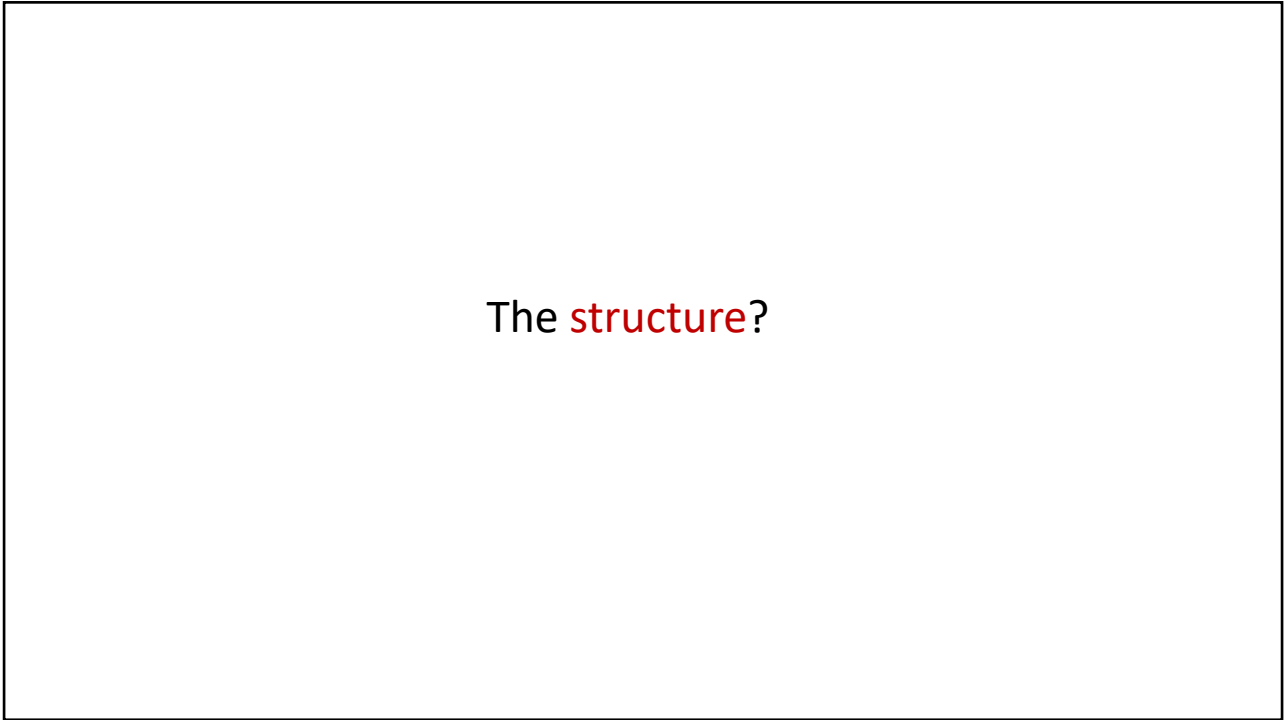
15.4 Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending 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.

15.5 The annexes to this Agreement constitute an integral part thereof.

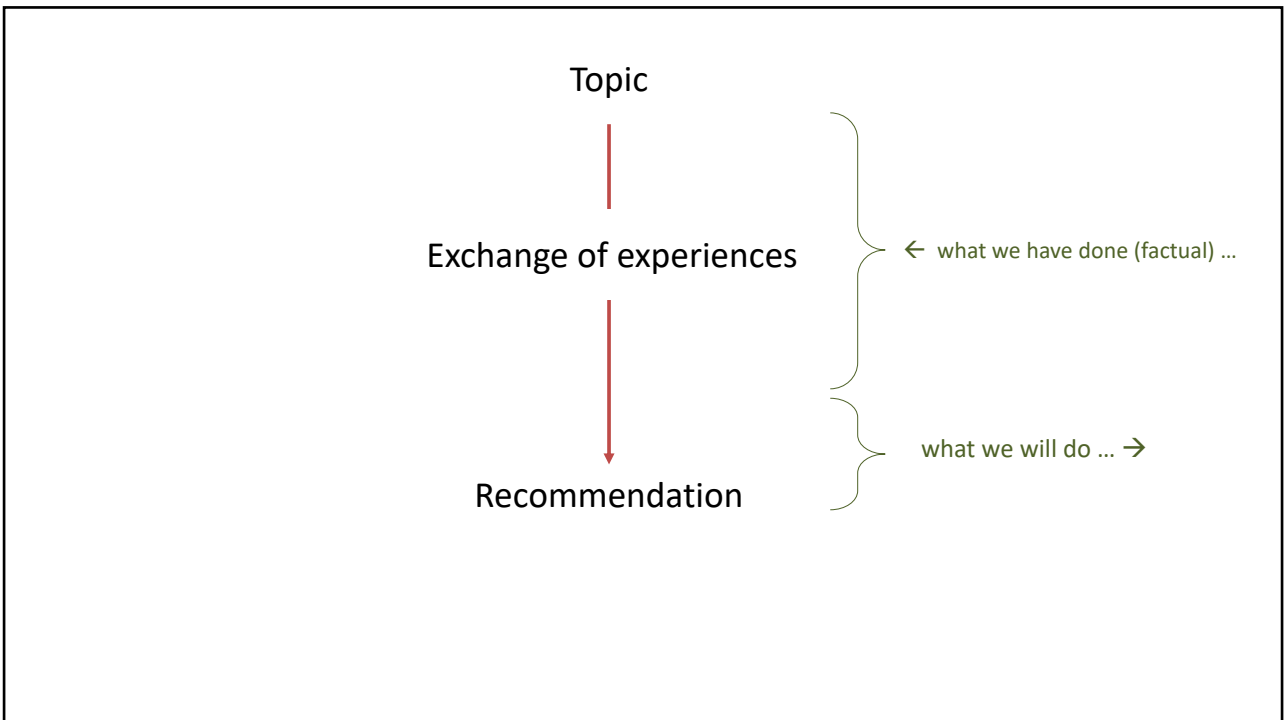
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EIGHTH TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE UNDER ARTICLE 15.4

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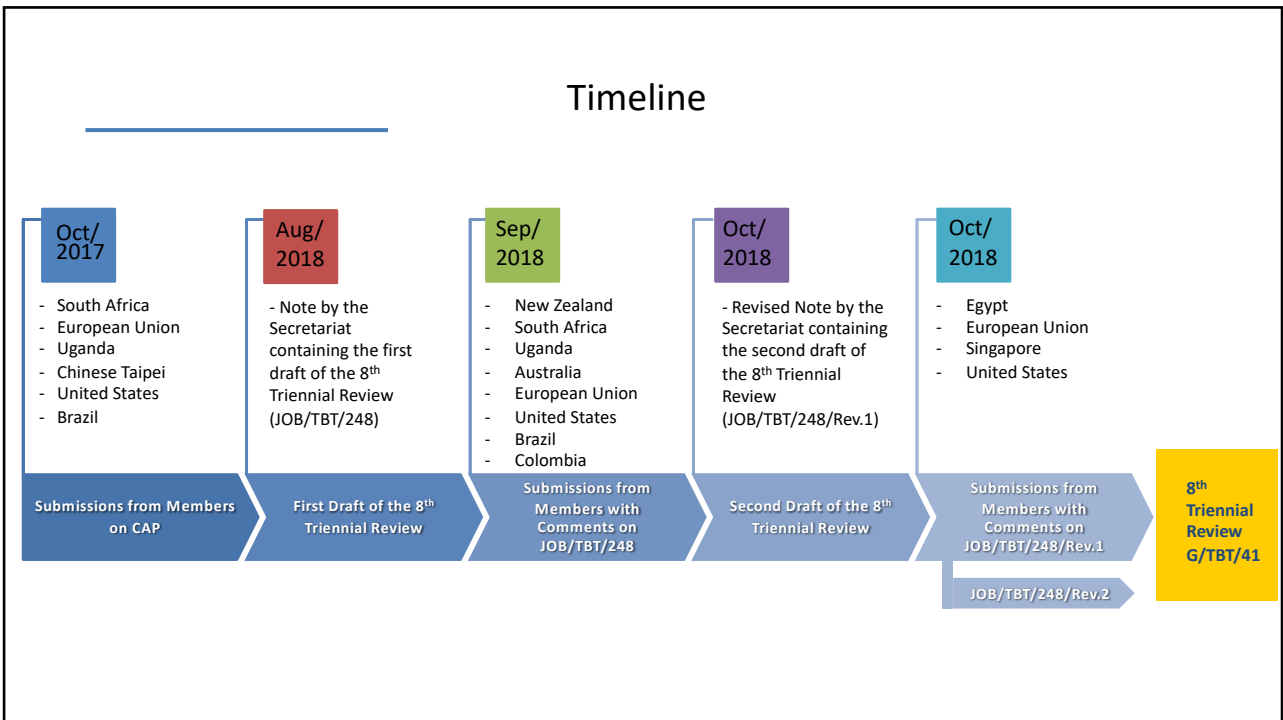
<p>Topic (quick explanation in box)</p>	<p>4 CONFORMITY ASSESSMENT PROCEDURES</p> <div style="border: 1px solid gray; padding: 5px; margin: 5px 0;"> <p>"Five articles of the TBT Agreement address conformity assessment <u>procedures</u>, and establish obligations of a substantive and procedural nature. 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."</p> <p style="text-align: right; font-size: small;">G/TBT/1/Rev.13, Section 3, para. 3.1</p> </div>
<p>Factual (exchange of experiences)</p>	<p>4.1 Exchange of experiences</p> <p>4.1. During the review period, most of the Committee's exchange of experiences took place in the context of three thematic sessions held on the topics of conformity assessment procedures and risk assessment. These sessions were held on 10 March 2016⁸⁵, 28 March 2017⁸⁶ and 13 June 2017.⁸⁷ The topic of conformity assessment procedures was also discussed in the context of regulatory cooperation between Members (Section 2).</p>

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What issues did the Members discuss?

- 4.1.1 Approaches to conformity assessment
- 4.1.2 Use of relevant international standards, guides or recommendations
- 4.1.3 Facilitating the recognition of conformity assessment results
- 4.1.4 Risk assessment
- 4.1.5 Other information

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Recommendation

(most 'negotiation' is on this!)

4.2 Recommendations

4.17. Building on this exchange as well as on previous decisions and recommendations of the Committee, in particular the mandate from the Fifth Triennial Review¹⁶⁰, and with a view to furthering its work in the area of conformity assessment procedures, the Committee agrees:

- a. to *continue to exchange information* in respect of the three areas of work identified in previous reviews (namely: Approaches to conformity assessment; Use of relevant international standards, guides or recommendations; and Facilitating the recognition of conformity assessment results)¹⁶¹;
- b. with respect to "Approaches to conformity assessment" to *initiate work* on developing non-prescriptive practical guidelines¹⁶² to support regulators in the choice and design of appropriate and proportionate conformity assessment procedures, including, but not limited to, the following areas:
 - i. criteria related to risk assessment and other relevant factors, including for identification of lower and higher risk products;
 - ii. the range of approaches to conformity assessment available to regulators within different regulatory frameworks;
 - iii. elements of conformity assessment that regulators can use in designing appropriate procedures;
 - iv. legal and administrative frameworks that enable regulators to confidently rely on a particular conformity assessment regime (for example, SDoC may need to be supported by appropriate product recall, product liability laws and consumer protection legislation);

Source: G/TBT/41, p.13

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Recommendation

(most 'negotiation' is on this!)

4.2 Recommendations

4.17. Building on this exchange as well as on previous decisions and recommendations of the Committee, in particular the mandate from the Fifth Triennial Review¹⁶⁰, and with a view to furthering its work in the area of conformity assessment procedures, the Committee agrees:

- c. in parallel to the above work, to *hold thematic sessions* on:
 - i. risk assessment, including: categorization of risks, and methods of risk assessment;
 - ii. post market controls (e.g. market surveillance) and other pre-market controls;
 - iii. "Certificates of Free Sale", without prejudice to their use by Members, including on: the range of appropriate and less trade restrictive available alternatives; related challenges faced by regulators and exporters, including with respect to producing certificates when they are not in use in the exporting market; and how these apply to re-exports;
 - iv. the development of National Quality Infrastructure (NQI), including metrology, standardization, conformity assessment, and accreditation, and its use by regulators;
 - v. the use of international and/or regional systems for conformity assessment by regulators in both national and regional regulatory regimes; and,
 - vi. case studies of practical examples of how Members arrive at the acceptance of conformity assessment results (including by using the approaches mentioned in the Committee's "Indicative List"¹⁶³).

Source: G/TBT/41, pp.13-14

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Last time there was significant engagement.

In 2018, **93 submissions** and **specific comments** were received on the eight chapters of the report

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G/TBT/41
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ANNEX: SUBMISSIONS FROM MEMBERS BY TOPIC (NOV. 2015 – NOV. 2018)¹

Member	Symbol	Date	Title
Good Regulatory Practice			
United States	JOB/TBT/269	22 October 2018	Comments from the United States on JOB/TBT/248/Rev.1
European Union	JOB/TBT/266	22 October 2018	Comments from the European Union on JOB/TBT/248/Rev.1
South Africa	JOB/TBT/265	22 October 2018	Comments from South Africa on JOB/TBT/248/Rev.1
Mexico	JOB/TBT/259	19 September 2018	Comments from Mexico on JOB/TBT/248
Colombia	JOB/TBT/258	18 September 2018	Comments from Colombia on JOB/TBT/248
Brazil	JOB/TBT/257	18 September 2018	Comments from Brazil on JOB/TBT/248
Korea	JOB/TBT/256	18 September 2018	Comments from Korea on JOB/TBT/248
United States	JOB/TBT/255	17 September 2018	Comments from United States on JOB/TBT/248
European Union	JOB/TBT/254	17 September 2018	Comments from European Union on JOB/TBT/248
Uganda	JOB/TBT/251/Rev.1	14 September 2018	Comments from Uganda on JOB/TBT/248
South Africa	JOB/TBT/250	12 September 2018	Comments from South Africa on JOB/TBT/248
New Zealand	JOB/TBT/249	3 September 2018	Comments from New Zealand on JOB/TBT/248
Brazil	G/TBT/W/461/Rev.1	5 June 2018	Operation of the Committee – Good Regulatory Practices – Conformity Assessment Procedures – Transparency – Eighth Triennial Review
New Zealand	G/TBT/W/463	13 March 2018	Domestic coordination of information relevant to Notifications – Eighth Triennial Review
South Africa	G/TBT/W/452	24 October 2017	Operation of the Committee – Good Regulatory Practice – Transparency – Eighth Triennial Review
Regulatory Cooperation Between Members			
Singapore	JOB/TBT/268	22 October 2018	Comments from Singapore on JOB/TBT/248/Rev.1
European Union	JOB/TBT/266	22 October 2018	Comments from the European Union on JOB/TBT/248/Rev.1
Costa Rica	JOB/TBT/260	10 September 2018	Comments from Costa Rica on JOB/TBT/248/Rev.1

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For the rest see the Annex in G/TBT/41.

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WORLD TRADE ORGANIZATION

(20-7733)

Committee on Technical Barriers to Trade

G/TBT/W/735

2 November 2020

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NINTH TRIENNIAL REVIEW TIMELINE¹

NINTH TRIENNIAL REVIEW

In light of the mandate in Article 15.4², the Committee is scheduled to complete its Ninth Triennial Review of the Operation and Implementation of the TBT Agreement at its last meeting in 2021. As with previous Triennial Reviews³, the review process will be driven by substantive proposals from Members. Members are invited to begin submitting proposals in advance of the October 2020 meeting. Proposals will be discussed on a rolling basis at the meetings subsequent to submission.

Where are we?

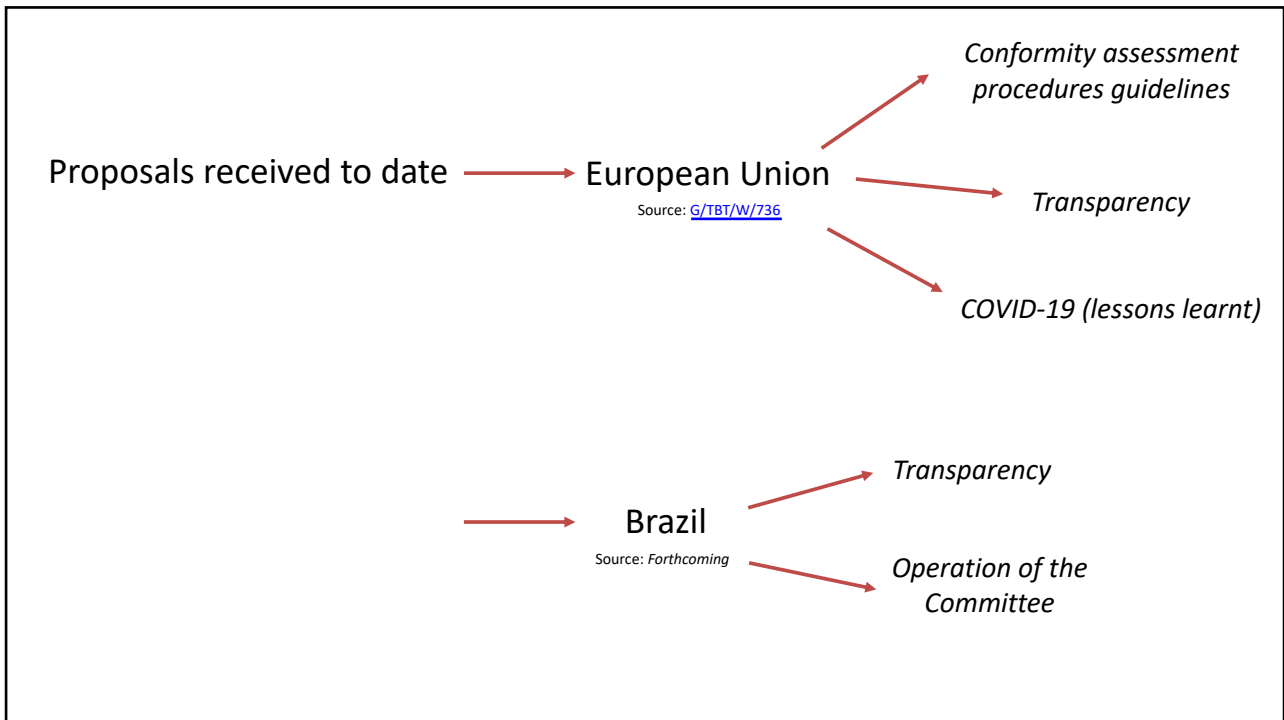
- a. **27-29 October 2020:** TBT Committee formal and informal meetings (discussion of substantive proposals)
- b. End-January 2021: circulation by Secretariat of overview of proposals received
- c. **23-25 February 2021:** TBT Committee formal and informal meetings (discussion of substantive proposals)
- d. 28 May 2021: deadline for the submission of substantive proposals by Members
- e. **1-3 June 2021:** TBT Committee formal and informal meetings (discussion of substantive proposals)
- f. July 2021: circulation by Secretariat of first draft report of the Review
- g. End-August 2021: submission of written comments from Members on the first draft
- h. End-September 2021: circulation of second draft report of the Triennial Review
- i. **8-11 November 2021:** TBT Committee formal and informal meetings (adoption of the Ninth Triennial Review)

Proposals

Draft and comments

Source: [G/TBT/W/735](https://www.wto.org/trade-issues/technical-barriers-to-trade/2020-11-02-gtbtw735.htm)

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Want to find out more?

[WTO | TBT Committee Ninth Triennial Review](#)