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Committee on Technical Barriers to Trade

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**PROPOSAL ON TRANSPARENCY: NOTIFICATION OF RELEVANT TBT PROVISIONS
IN PREFERENTIAL TRADE AGREEMENTS UNDER ARTICLE 10.7**

NINTH TRIENNIAL REVIEW

Submission from Brazil

The following submission, dated 15 February 2021, is being circulated at the request of the delegation of Brazil.

1 BACKGROUND

1.1. According to article 10.7, whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement.

1.2. The proliferation of preferential trade agreements – some of them with WTO-plus obligations – makes it harder for governments and the private sector in general to keep track of relevant TBT provisions on mutual or unilateral recognition/equivalence or harmonization encouraged or mandated by such trade agreements. To the extent that these provisions may have a significant effect on trade, they should be deemed "agreements reached with any other country on issues related to technical regulations, standards or conformity assessment procedures" and, therefore, be notified under article 10.7 of the TBT Agreement. Furthermore, regulators have been negotiating thematic, sector or product-specific arrangements, which are also expected to be notified under article 10.7 if related to these matters. Aligned with items 6.1.1 and 6.5 of the Decisions and Recommendations Adopted by the TBT Committee ([G/TBT/1/Rev.14](#)) in which the Committee reiterated the importance of Members fully complying with their transparency obligations and improved the tools for the implementation of the notification procedures under article 10.7 of the TBT Agreement, and taking into account the low rate of notifications and the short number of notifying Members, it seems pertinent that improvements continue to be made in order to foster Members to fully and properly comply with this valuable transparency provision.

2 PROPOSAL

2.1. Brazil proposes that Members be encouraged to notify under article 10.7 TBT provisions regarding mutual or unilateral recognition or harmonization foreseen in preferential trade agreements or their annexes and/or in thematic, sectorial or product-specific arrangements to which that Member is a part.

2.2. Besides, Brazil proposes that Members provide a hyperlink to the full text of the corresponding agreement, arrangement or annex in the pertinent notification to the TBT Committee. In order to make this feasible, Brazil proposes that the notification form be amended to include a "Text of the agreement/arrangement/annex" field, where it should be accessible.
