

4 February 2021

# **How the USA WTO TBT Enquiry Point Facilitates the Sharing of Comments from US Industry and Government on WTO Member Notifications and WTO Member Comments on US Notifications**

# Today's Discussion

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1. What are the transparency obligations of the TBT Agreement?
2. What are the overall roles of the USA TBT Enquiry Point?
3. How does the USA TBT Enquiry Point support US stakeholders in commenting on notifications to the TBT Committee and commenting on TBT matters?
4. How does the USA TBT Enquiry Point support WTO Members in commenting on US notifications?
5. What are the benefits of using the National TBT Enquiry Points to comment on notifications to the TBT Committee?
6. What are some considerations when engaging with stakeholders on commenting?

# #1 Transparency Obligations

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Transparency is a cornerstone of the TBT Agreement and consists of three core elements: notifications; establishment of enquiry points; and publication requirements (texts).

*Each member must put in place an Enquiry Point that is able to answer reasonable enquiries from other members, including on any adopted or proposed technical regulations, standards, conformity assessment procedures ([Art.10](#)).*

Source, further details: WTO's Transparency toolkit:

[https://www.wto.org/english/tratop\\_e/tbt\\_e/tbt\\_transparency\\_toolkit\\_e.htm](https://www.wto.org/english/tratop_e/tbt_e/tbt_transparency_toolkit_e.htm)

## #2 USA TBT Enquiry Point Roles:

### The USA TBT Enquiry Point and Notification Authority

- **Monitors U.S. Federal and State regulations and notifies the WTO of potential TBTs**  
(2019: 121 Regular notifications, 149 Addenda, Corrigenda and Revisions)  
(2020: 126 Regular notifications, 244 Addenda, Corrigenda and Revisions)
- **Makes WTO TBT notification details and full-texts available** via Notify U.S. (3,000+ subscribers) and relies on ePing to reach WTO Members and some U.S. stakeholders (490 U.S. ePing subscribers)
- **Distributes comments, correspondence from U.S. stakeholders** to WTO Members and keeps USG trade agencies informed  
(2019: Recorded 200 US comment submissions (industry and government combined))  
(2020: Recorded 223 US comment submissions (industry and government combined))
- **Distributes comments, responds to correspondence from WTO Members** and keeps Members and USG trade agencies informed  
(2019: Received 29 WTO Member comment submissions)  
(2020: Received 32 WTO Member comment submissions)  
(2021: Received 3 WTO Member comment submissions as of 3 February 2021)
- **Provides information & guidance** to U.S. industry and WTO Members on comment submissions



## #3 Support and Information for U.S. Stakeholders

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- Enquiry Point provides guidance for US commenters on the Notify U.S. website at <https://tsapps.nist.gov/notifyus/data/guidance/guidance.cfm>
- U.S. entities submit comments, procedural questions, other information requests to the USA TBT Inquiry Point
  - Enquiry Point distributes comments/messages to:
    - appropriate WTO member national enquiry point
    - U.S. government trade/export agencies
- WTO members submit comments on USA notifications to USA Enquiry Point
  - Enquiry Point distributes comments/ to:
    - U.S. government regulators and trade agencies





## #4 Support and Information for WTO Members

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### WTO Members Submit Comments (Questions, Extension Requests) on USA Notifications to USA Enquiry Point

Enquiry Point maintains an interagency contact list, and

--distributes WTO Member comments to appropriate U.S. government regulators and to trade agencies

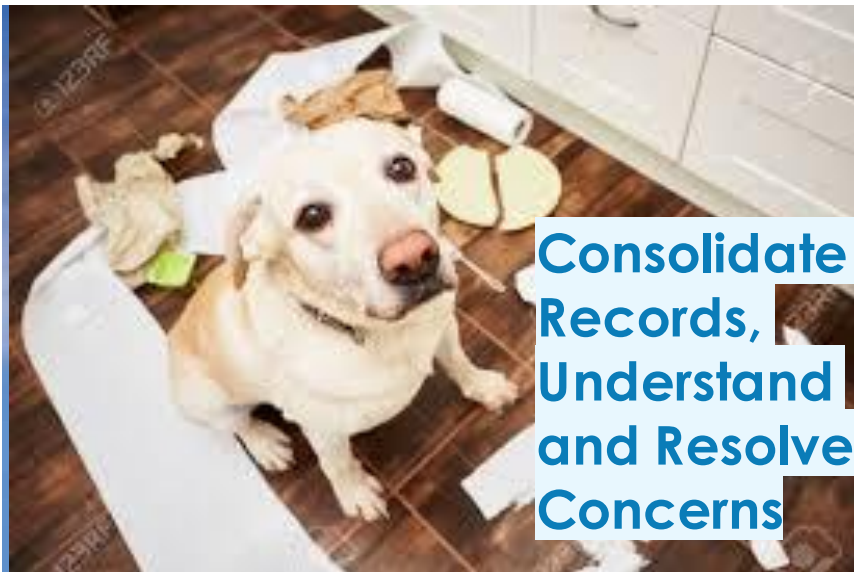
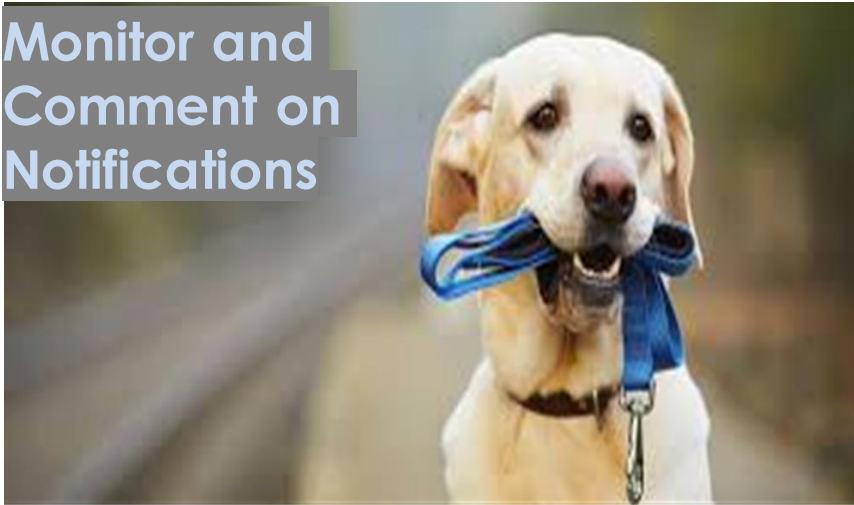
U.S. notifications include link to the associated text and information about the Docket Folder on regulations.gov, the system for collecting and viewing comments on U.S. proposed rules / technical regulations and notices (actions notified under Other)

**Example:** This final rule (notified as [USA/1170/Add.1](#)) and the notice of proposed rulemaking notified as [G/TBT/N/USA/1170](#) are identified by Docket Number PHMSA-2011-0140. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket?D=PHMSA-2011-0140> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. **WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the Docket on Regulations.gov if received within the comment period.**



## #4 Benefits of Commenting through the Enquiry Point

Monitor and  
Comment on  
Notifications



Consolidate  
Records,  
Understand  
and Resolve  
Concerns

- Allows for interagency coordination, awareness of unintended consequences of regulation / possible defensive concerns
- Gain understanding of TBT and carrying out obligations
- Connect to trade agencies, Maintain Repository of Comments



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## #5 Challenges and Opportunities

- Does your Enquiry Point already receive comments on notifications from stakeholders? If so, do you have best practices or ideas about what works and doesn't in terms of circulating to regulators or facilitating communications? What improvements, if any, would you like to make in your commenting procedures (either incoming from other Members or outgoing from your stakeholders)?
- What challenges do you face in commenting on notifications?
- Using ePing to facilitate commenting or awareness of comments – organized, robust, and allows for different comment sharing scenarios



# Questions or Thoughts



**MaryAnn Hogan**  
**USA WTO TBT Enquiry Point**  
**National Institute of Standards**  
**and Technology (NIST)**  
**Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov)**  
**[www.nist.gov/notifyus](http://www.nist.gov/notifyus)**

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