

# DECISION ON NOTIFICATION PROCEDURES

Ministers recommend approval by the Ministerial Conference of the improvement and review of notification procedures as set out below.

Members,

Desiring to improve the operation of notification procedures under the MTO, and thereby to contribute to the transparency of Members' trade policies and to the effectiveness of surveillance arrangements established to that end,

Recalling obligations under the MTO to publish and notify, including obligations assumed under the terms of specific Protocols of Accession, waivers, and other agreements entered into by Members,

Agree as follows:

## I. General obligation to notify

Members affirm their commitment to obligations under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, regarding publication and notification.

Members recall their undertakings set out in the Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance adopted by the CONTRACTING PARTIES to the GATT 1947 on 28 November 1979. With regard to their undertaking therein to notify, to the maximum extent possible, their adoption of trade measures affecting the operation of the GATT 1994, such notification itself being without prejudice to views on the consistency of measures with or their relevance to rights and obligations under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, Members agree to be guided, as appropriate, by the annexed list of measures. Members therefore agree that the introduction or modification of such measures is subject to the notification requirements of the 1979 Understanding.

## II. Central registry of notifications

A central registry of notifications shall be established under the responsibility of the MTO Secretariat. While Members will continue to follow existing notification procedures, the Secretariat shall ensure that

the registry records such elements of the information provided on the measure by the Member as its purpose, its trade coverage, and the requirement under which it has been notified. The registry shall cross-reference its records of notifications by Member and obligation.

The central registry shall inform each Member annually of the regular notification obligations to which that Member will be expected to respond in the course of the following year.

The central registry shall draw the attention of individual Members to regular notification requirements which remain unfulfilled.

Information in the central registry regarding individual notifications shall be made available on request to any Member entitled to receive the notification concerned.

### III. Review of notification obligations and procedures

The Council for Trade in Goods will undertake a review of notification obligations and procedures under the Agreements in Annex 1A. The review will be carried out by a working group, membership in which will be open to all Members. The group will be established immediately after the entry into force of the Agreement Establishing the MTO.

The terms of reference of the working group will be:

- to undertake a thorough review of all existing notification obligations of Members established under the Agreements in Annex 1A, with a view to simplifying, standardizing and consolidating these obligations to the greatest extent practicable, as well as to improving compliance with these obligations, bearing in mind the overall objective of improving the transparency of the trade policies of Members and the effectiveness of surveillance arrangements established to this end, and also bearing in mind the possible need of some developing Members for assistance in meeting their notification obligations;
- to make recommendations to the Council for Trade in Goods not later than two years after the entry into force of the Agreement Establishing the MTO.

ANNEX

INDICATIVE LIST[1] OF NOTIFIABLE MEASURES

Tariffs (including range and scope of bindings, GSP provisions, rates applied to members of free-trade areas/customs unions, other preferences)

Tariff quotas and surcharges

Quantitative restrictions, including voluntary export restraints and orderly marketing arrangements affecting imports

Other non-tariff measures such as licensing and mixing requirements; variable levies

Customs valuation

Rules of origin

Government Procurement

Technical barriers

Safeguard actions

Anti-dumping actions

Countervailing actions

Export taxes

Export subsidies, tax exemptions and concessionary export financing

Free-trade zones, including in-bond manufacturing

Export restrictions, including voluntary export restraints and orderly marketing arrangements

Other government assistance, including subsidies, tax exemptions

Role of State-trading enterprises

Foreign exchange controls related to imports and exports

Government-mandated countertrade

Any other measure covered by the Multilateral Trade Agreements in Annex 1A to the Agreement Establishing the MTO

1. This list does not alter existing notification requirements in the Multilateral Trade Agreements in Annex 1A to the Agreement Establishing the MTO.