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**World Trade Organization**

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***HOW DOES THE REGULAR WORK OF WTO INFLUENCE REGIONAL  
TRADE AGREEMENTS?***

***The Case of International Standards and the TBT Committee***

Devin McDaniels, Ana Cristina Molina, Erik Wijkström

*Manuscript date: 23 March 2018*

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## HOW DOES THE REGULAR WORK OF WTO INFLUENCE REGIONAL TRADE AGREEMENTS?

### *The Case of International Standards and the TBT Committee*

Devin McDaniels, Ana Cristina Molina, Erik Wijkström<sup>1</sup>

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#### ABSTRACT

This paper illustrates how the work of the WTO's standing committees is fuelling regulatory cooperation between WTO members, and inspiring RTA negotiators. We explore, as a case study, how the WTO TBT Committee has shaped provisions on international standards in RTAs, and focus on the extent to which RTAs have assimilated the WTO TBT principles for development of international standards (the *Six Principles*), arguably the most important decision taken by the TBT Committee over last 20-plus years. Our analysis covers 260 RTAs, and shows that while most RTAs are silent on the matter, one quarter have provisions where the Parties commit to implement WTO TBT principles, and, among these, a few go further still – for example by naming specific international standardizing bodies which are relevant in certain sectors. In addition, the RTAs sharpen and harden the Six Principles by making them directly applicable to the parties.

**Keywords:** Regional Trade Agreements, international standards, international cooperation, coherence, non-tariff barriers, technical barriers to trade, regulation

**JEL Classifications:** F13, F15, F53, F55, K33, L15

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## 1 INTRODUCTION

The world's trade landscape has dramatically changed since the multilateral trading system (MTS) was created in 1947. Trade integration has deepened through unilateral and multilateral efforts but also with the proliferation of preferential trade agreements, known as regional trade agreements (RTAs) in WTO jargon.<sup>2</sup> Today, all 164 WTO members are party to at least one RTA, and about half of them have signed more than five. As their number increases, the content and scope of RTAs have also evolved to become more detailed. Technical barriers to trade (TBT) provisions under RTAs are no exception. They have been systematically included in RTAs since 2010 and their scope has evolved to cover *inter alia* standards, technical regulations, conformity assessment procedures, regulatory co-operation, and transparency. The recently approved RTA between EU-Canada (CETA)<sup>3</sup>, or EU-Republic of Korea, are two examples – of many.

The vast majority of studies on TBT measures focus either on their effects on trade<sup>4</sup>; or the relationship between the RTAs and MTS, in particular the extent to which TBT provisions included in RTAs go beyond the WTO TBT Agreement.<sup>5</sup> This second group of studies takes as a baseline the WTO Agreement on Technical Barriers to Trade (hereafter the TBT Agreement) to assess its influence over the content of RTAs provisions, but the studies do not specifically look at the work of the WTO TBT *Committee* ("TBT Committee"). WTO committees are the workhorses of the MTS, dealing with day to day implementation of the agreements. Using the TBT Committee as an example – and more specifically – its work on international standards, this paper focuses on the extent to which RTAs adopt the TBT *Committee Decision* on principles for the development of international standards<sup>6</sup> (hereafter the "Six Principles", see the Annex 1). This paper contributes to the literature on the interaction between RTAs and the MTS by focusing on *another* significant aspect of trade integration: the extent to which RTAs are using the work of a regular Committee to promote deeper integration.

International standards are of interest because they are an effective tool for international cooperation to enhance regulatory alignment across countries and reduce unnecessary trade costs. Firms willing to sell their goods abroad must meet the mandatory requirements (technical regulations) of the importing country, and demonstrate their compliance through the corresponding conformity assessment procedures. When these requirements and procedures vary, exporters must endure additional costs to adapt their goods to each market.

The TBT Agreement promotes harmonization by requiring that members<sup>7</sup> use relevant international standards, guides or recommendations as a basis for their standards, technical regulations, and conformity assessment procedures.<sup>8</sup> The basic underlying logic is that if countries use a common benchmark to frame their regulations – a "relevant international standard" in WTO speak – they are less likely to cause unnecessary trade frictions when they implement their regulations. However, by design the Agreement does not spell out *which* international standards are *relevant* in different situations. This leaves members with a certain degree of flexibility – but it

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<sup>2</sup> Various terms are used to describe trade agreements providing for reciprocal trade preferences between countries, including Free Trade Agreements or Preferential Trade Agreements. Here, we follow the WTO terminology, namely Regional Trade Agreements (RTAs), irrespective of whether the parties are located in the same region or not.

<sup>3</sup> CETA does not make reference to the six principles; however, it does include extensive provisions on regulatory cooperation, as well as a TBT annex on motor vehicles, and protocols on mutual acceptance of conformity assessment results and good manufacturing practices for pharmaceutical products.

<sup>4</sup> See for instance Disdier et al. (2008), and Cadot and Malouche (2012).

<sup>5</sup> See for instance Piermartini and Budetta (2009), and Molina and Khoroshavina, (2016).

<sup>6</sup> Full title: "Decision of the Committee on principles for the development of international standards, guides and recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement", G/TBT/1/Rev.13, Annex 2, 8 March 2017.

<sup>7</sup> The term "members" here denotes a WTO Members, the term "Party" refers to a party of an RTA.

<sup>8</sup> Except when such international standards are ineffective or inappropriate to achieve their legitimate goals (see Articles 2.4, 5.4 and Annex 3, paragraph F of the TBT Agreement).

also opens the door to some ambiguity. Partly in response, and so as to assist members in assessing the relevance of international standards to policies they seek to achieve in the context of the TBT Agreement, members in 2000 agreed on the Six Principles.

## 2 BACKGROUND

In the broadest sense, standards are aimed at increasing social welfare. They strive, by one definition<sup>9</sup>, to achieve an *optimum degree of order in a given context* based on the consolidated results of science, technology and experience. They have in many ways been successful. The order created is so pervasive that it is the absence thereof that is the best illustration of the benefits we tend to take for granted: e.g. plugs that don't fit sockets, nuts and bolts that aren't compatible, or speed limits expressed in miles per hour (or kilometres per hour).

How is it, then, that standards are often seen as a particularly malignant non-tariff barrier? Compared to tariffs they are often ambiguous, difficult to quantify and opaque. They may impose costs in a number of ways. Firms may need to comply with product requirements (set by governments or buyers) which can entail fixed and variable costs; second, they may need to demonstrate conformity; and, third, they need to cope with costs associated with gathering information (inter alia, about when and how to comply *and* demonstrate conformity). These different costs fall upon market players in an asymmetric way: small firms (SMEs) tend to be more affected than large ones.<sup>10</sup>

Meeting requirements set out in a standard, whether mandated by governments in regulations, or specifications set out by a buyer, can be costly. If each market sets its own standards, firms need to cover these costs all over again for each market they supply. Thus, it is differences in standards across countries that can lead to inefficiencies, and multiplies trade costs.

These differences in standards become troublesome from a trade perspective if governments use their own country-specific standards as a basis for their mandatory requirements. International standards, by providing a common benchmark for regulation, go some way to addressing these challenges. This is what lies behind the strong encouragement in WTO rules for using relevant *international* standards, such as those of the Codex Alimentarius Commission (for food safety)<sup>11</sup> as a basis for regulation. This also captures the underlying essence of WTO disciplines on non-tariff measures which are aimed at reducing or eliminating *unnecessary* costs without compromising the policy objectives sought.

The term *unnecessary* is worth a few more words. Regulations and standards will inevitably involve costs to producers, but they also bring important benefits to society.<sup>12</sup> WTO disciplines are essentially about removing those costs that are *avoidable* without compromising the benefits of the policy objective they set out to achieve in the first place. It is the policy objective that is the expression of the ultimate benefit sought (e.g., protection of human health or safety, protection of the environment) and against which the costs have to be weighed. This weighing and balancing will be (or at least it should be) at the root of any decision a government takes when deciding to

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<sup>9</sup> International Organization for Standardization (ISO): <https://www.iso.org/deliverables-all.html>

<sup>10</sup> OECD (2017), International Regulatory Co-operation and Trade: Understanding the Trade Costs of Regulatory Divergence and the Remedies, OECD Publishing, Paris.  
<http://dx.doi.org/10.1787/9789264275942-en>

<sup>11</sup> The synergy between WTO disciplines and standards is clearly set out in a joint publication between the FAO and WTO, focusing on trade in food: FAO and WTO (2017), Trade and Food Standards, [https://www.wto.org/english/res\\_e/booksp\\_e/tradefoodfao17\\_e.pdf](https://www.wto.org/english/res_e/booksp_e/tradefoodfao17_e.pdf)

<sup>12</sup> For example, Members of the Codex Alimentarius Commission, or the IEC, may spend considerable time developing a standard that sets out agreed limits for pesticide residues in food – or the safety of audio or video equipment, respectively. So while these limits will effectively exclude from the market products which do not respect them, their implementation will have significant benefits to consumer safety, health or even life.

intervene – or not to intervene – and it is also another area where the TBT Committee works: good regulatory practices (GRP).<sup>13</sup>

In sum, and as described above, the rationale for encouraging the use of relevant international standards is essentially one of reducing transaction costs, it is expressed in terms of *gains from efficiency* and *facilitating trade*.<sup>14</sup> WTO rules requires *governments* to use relevant international standards as a basis for regulation,<sup>15</sup> and encourages them to participate in the development of international standards to the greatest extent possible within the limits of their resources.<sup>16</sup> The agreement also sets out disciplines on *standardizing bodies*<sup>17</sup>: international standards are to be used as a basis for national standards development. But one important question has been left open since the TBT Agreement entered into force (in 1995): which are the relevant international standards?

### 3 WTO PRINCIPLES FOR INTERNATIONAL STANDARDS

#### 3.1 Why six principles?

As indicated above, neither substantive articles of the TBT Agreement nor the Code of Good Practice identifies *which* international standards are the relevant ones. While this provides policy space for governments, it remains a source of tension in the practical implementation of the TBT Agreement: how to promote greater alignment of regulations while not imposing a common benchmark?

In part to bridge this gap, in 2000, the Committee decided to develop guidance in this area; this resulted in a decision on the Six Principles, which are: (i) transparency; (ii) openness; (iii) impartiality and consensus; (iv) effectiveness and relevance; (v) coherence; and, (vi) the development dimension (see the Annex 1 for the full text). The Decision states that these principles should be observed when international standards, guides and recommendations are elaborated. Remarkably, the Six Principles are directed specifically to international standardizing bodies themselves, not to WTO member governments.<sup>18</sup> They serve the purpose of identifying those international standards which may be relevant basis for members' regulation, and they have been used as a means of informing members' understanding of certain terms and concepts in the Agreement.<sup>19</sup>

#### 3.2 What do they say?

The first principle, on **transparency**, states that all essential information regarding standards development should be made easily accessible to interested parties – and that procedures should be established to operationalize transparency. It sets a minimum threshold for information requirements and procedures, including the possibility of using electronic means. This may involve, for example, the dissemination of information on publication of notices; the notification of

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<sup>13</sup> In 2012, during the Sixth Triennial Review, the TBT Committee agreed to identify a non-exhaustive list of voluntary mechanisms and related principles of Good Regulatory Practice (GRP) to guide Members in the efficient and effective implementation of the TBT Agreement across the regulatory lifecycle (G/TBT/32, para. 4). At the time of writing, this work is advanced but not yet completed.

<sup>14</sup> WTO TBT Agreement, second and third recitals of preamble

<sup>15</sup> Articles 2.4 and 5.4 of the TBT Agreement.

<sup>16</sup> Articles 2.6 and 5.5 of the TBT Agreement.

<sup>17</sup> The discipline on standardizing bodies are contained in a separate "Code of Good Practice for the Preparation, Adoption and Application of Standards (hereafter "the Code of Good Practice"). These provide, inter alia, for standardizing bodies to *use* international standards, to *participate* in standard-setting activities, to *be coherent* and not to duplicate.

<sup>18</sup> Indeed, bodies including ASME, ASTM International, IEC, IEEE and ISO unilaterally claim adherence to the Six Principles. It should be noted that the TBT Committee does not have a role in monitoring adherence of bodies to the Six Principles.

<sup>19</sup> United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Mexico), Appellate Body Report, WT/DS381/AB/R, paras. 370-372.

information on draft standards; opportunity for comment; and, prompt publication upon adoption and the publication of work programmes.

At the heart of the principle on **openness** is participation by all members, without discrimination, in the work of international standardizing bodies. This means participation at every stage, including at the policy development level. There are various models of membership and representation across international standardizing bodies, ranging from national delegations to membership open to all stakeholders. This principle emphasizes the importance of participation in the international standardizing body being truly representative of the full spectrum of standardization bodies at the *national* level.

For a standard to be international, it cannot give privilege – or favour – to a particular country, group of countries, supplier or group of suppliers. The third principle, on **impartiality and consensus** thus sets out the importance of equitable opportunity to contribute to the elaboration of the standard, including through: actual participation, fees, submissions, expression - and consideration of – views, decision-making, access to information, transposition and revision of standards.

The principle of **effectiveness and relevance** is essentially about standards being fit for purpose. For example, to avoid becoming unnecessary barriers to trade, a standard needs to be effective and needs to be relevant; it should reflect state of the art science, not be based on obsolete technology; be performance-based, not prescriptive; it needs to allow for innovation, not stifle it; and needs to be reviewed regularly for these purposes. Also, and perhaps somewhat counterintuitively, standards need to allow for the fact that countries and peoples are different with different needs and interests; they should not give preference to certain characteristics or requirements that exist in one country (or region) over others – thereby having adverse effects on fair competition and distorting global markets. So even while encouraging uniformity, standards allows scope for diversity.

The principle of **coherence** is perhaps the most straight-forward: it is designed to promote cooperation and coordination among international standardizing bodies so as to avoid duplication or overlap.

The last principle, the **development dimension**, recognizes that developing countries may face particular constraints when it comes to participation in setting international standards. It recognizes that this needs to be taken into account in the standards development process. Indeed, the *absence* of developing countries in standards development can affect the implementation of the principles themselves, for instance, with respect to the impartiality and openness – and can skew the effects on trade.<sup>20</sup> Technical assistance and capacity building between members may be needed (Article 11), and efforts by the international standardizing bodies themselves are important.

### 3.3 Brief revival

In the WTO, the Six Principles have not changed since 2000. They did, however, surface during the Doha Round of negotiations.

The 2001 Doha Ministerial Declaration instructed members to negotiate the reduction of both tariffs and non-tariff barriers (NTBs) in international trade of industrial products.<sup>21</sup> During the

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<sup>20</sup> A case in point is the case of “European Communities – Trade Description of Sardines”, for more detail see: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds231\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds231_e.htm).

<sup>21</sup> The Doha Ministerial Declaration (November 2001) includes a mandate to negotiations aimed to ‘reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs,

ensuing negotiations of non-tariff barriers under the Non-Agricultural Market Access (NAMA NTBs) discussions on international standards were raised. In the negotiations, one group of members argued that relevant international standardizing bodies should be explicitly named and encouraged and that this would promote greater inclusiveness and coherence at the international level and thereby reduce unnecessary regulatory heterogeneity and trade costs. Others, however, argued the exact opposite: *not* to name any particular body. This group of countries argued that the focus should be on the standard itself, not on the body that developed it and that designating a particular body as a 'relevant international standardizing body' would essentially be endorsing all standards that such bodies produce without reviewing their content let alone relevance to all members.<sup>22</sup> In this context, there was discussion of the Six Principles as a possible middle ground. As NAMA negotiations slowly wound down, this negotiation was not pursued and, currently, there is no ongoing discussion of this matter at the WTO.

In light of these (past) discussions in the WTO, it is interesting to consider how this issue has been dealt with in RTAs.

## 4 REGIONAL TRADE AGREEMENTS AND INTERNATIONAL STANDARDS

### 4.1 To what extent do RTAs make reference to TBT?

RTAs increasingly contain provisions on TBT. All RTAs signed since 2010 and notified to the WTO systematically include TBT provisions (Chart 1).<sup>23</sup> The content of these provisions has evolved over the years and, as for other issues, the WTO (previously the GATT) has inspired much of their content. Some RTAs closely mirror WTO provisions, while others go beyond these provisions by clarifying or complementing them. In fact, most of the studies on the relationship between the WTO and RTAs have focused on that issue - the way in which WTO agreements have influenced RTAs provisions -, but they do not specifically look at the work of *committees*, which are one of the key features of the multilateral trading system - sometimes referred to as the "regular work" of the WTO, or the work of the "standing committees".

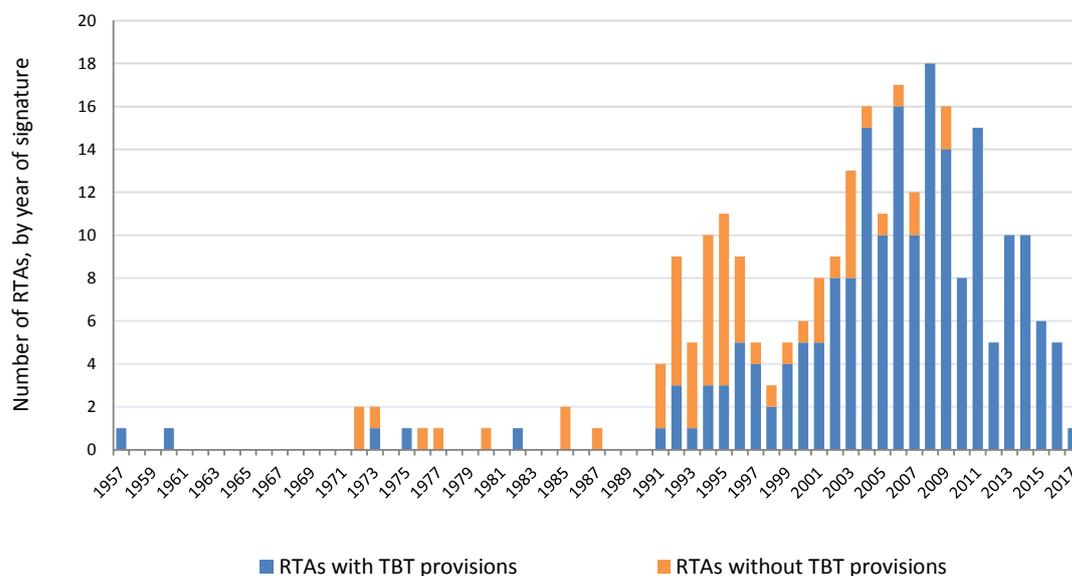
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and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. ...' (Para. 16 on Market access for non-agricultural products, emphasis added).

<sup>22</sup> Wijkström, Erik & McDaniels, Devin(2013).

<sup>23</sup> In order to identify any change in the way RTA negotiators have been drafting the text of an agreement (i.e. including TBT provisions), we focus on RTAs' year of signature, and not their year of entry into force. Using the year of entry into force of an RTA would be misleading in this case since very often, there is a period of time (months or even years) between the date an RTA is signed and the date it enters into force.

**Chart 1: Evolution of the content of RTAs over the years, 1957-2017**



Source: WTO RTAs Database as of 31 December 2017

This paper complements past studies by focusing on the extent to which RTAs used the work of the WTO TBT committee to shed some light on the choice of the relevant international standard in the TBT context. Our analysis covers all RTAs in force and notified to the WTO as of December 2017, with a few exceptions.<sup>24</sup> Out of the 260 RTAs covered, our analysis focuses only on the texts of those RTAs that have at least one provision on TBTs: that is about 77% of RTAs (200 RTAs). We found that in about 27% of RTAs with TBT provisions, the Parties commit to implement the TBT Committee decision on the Six Principles, while the rest are silent on this matter. In a very small number of RTAs, members go further by *naming* specific international standardizing bodies as relevant in certain sectors, but these provisions are the exception (see section 4.3).

#### 4.2 Do RTAs Refer to the Six Principles?

Before considering the question of whether and how the RTAs refer to the Six Principles, it is worth reverting briefly to the link between the Six Principles and the TBT Agreement itself. It is important to note that nowhere in the TBT Agreement – or in its decisions or obligations of the Committee, including the Six Principles themselves – is there a hard obligation on member *governments* to apply the Six Principles; there is, in other words, no obligation on governments to ensure their use. The decision states that the "principles and procedures should be observed, when international standards, guides and recommendations ... are **elaborated**". The closest members have come to promoting the use of the Six Principles is an encouragement for "the full application of the six principles"<sup>25</sup> and a reiteration on the "importance of ensuring the full application" of the principles.<sup>26</sup> This begs the question: application by whom? Who should ensure application? As we

<sup>24</sup> Annex 2 presents the list of all RTAs included in the study. In total there were 17 RTAs that were not included, because among other reasons, they have been superseded by subsequent RTAs, they have limited scope or because they involved a complex legal structure which could lead to misleading conclusions regarding the inclusion, scope and depth of TBT provisions. This group of RTAs include: the Global System of Trade Preferences among Developing Countries (GSTP), the Latin American Integration Association (LAIA), Protocol on Trade Negotiations (PTN), EU – Overseas Countries and Territories (OCT), European Economic Area (EEA), and the Dominican Republic - Central America Free Trade Agreement.

<sup>25</sup> G/TBT/13/Rev.13, para. 17 (in 2009).

<sup>26</sup> G/TBT/13/Rev.13, para. 17 (in 2012).

have seen above, the obligation on WTO members is to ensure that regulation is based on *relevant* international standards (Article 2.4 and 2.5), and this is generally reaffirmed in RTAs.<sup>27</sup> Quite separately, the Six Principles are directed squarely at international standardizing bodies themselves. Here, as we shall see below, is where the RTAs close the gap, and, in doing so, they both sharpen and harden the principles by making them directly applicable to the parties.

Our analysis finds that in 27% (or 55 RTAs) of the 200 RTAs that cover TBT issues, the Parties commit to implement the TBT Committee's Six Principles as a way to identify international standards.<sup>28</sup> These RTAs, which involve 27 WTO members (see Chart 2), were signed a few years after the TBT Committee decision on the Six Principles was adopted. The first RTA to cite the Committee decision was the agreement between the EU and Chile, which was signed in 2002.<sup>29</sup>

There are certain members that consistently reference the Six Principles in their RTAs, and therefore are most active in disseminating these principles. Chile has signed 13 different RTAs respectively that incorporate the Committee decision, corresponding 62% of the RTAs with TBT provisions to which Chile is party. Korea, Peru and the US have all signed 10 such RTAs, and the corresponding figures are 62%, 77% and 83%, respectively. On the other hand, some members very active in concluding RTAs with TBT provisions, such as the EU and Singapore, have signed 3 and 6 RTAs incorporating the Committee decision, representing only 10% and 30% of their respective agreements with TBT provisions.

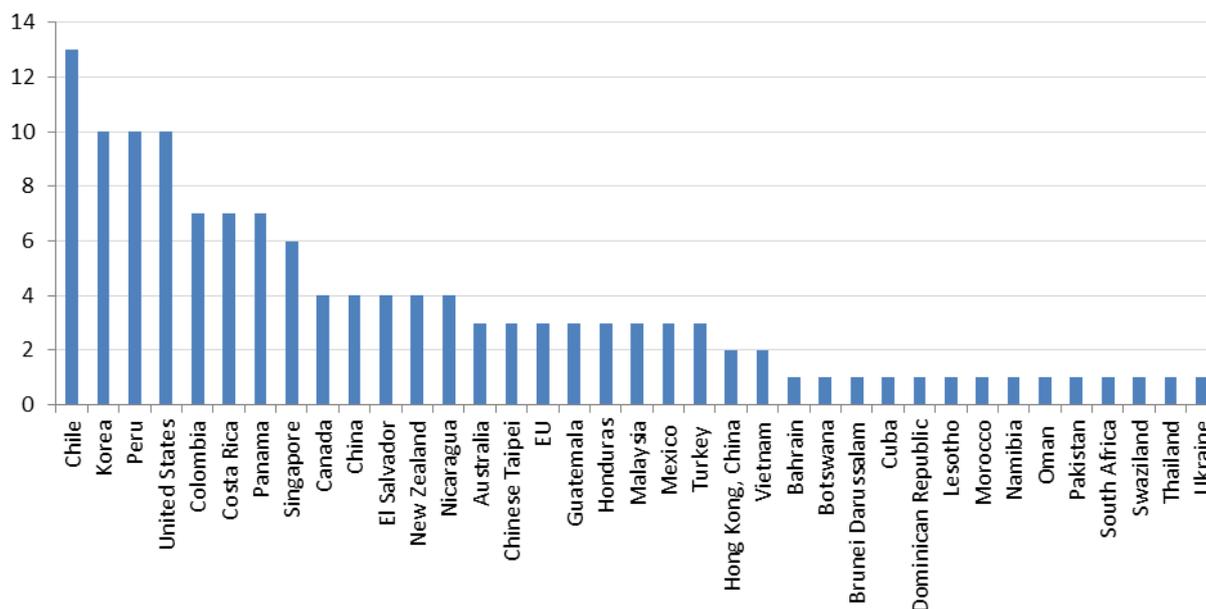
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<sup>27</sup> Of the 200 RTAs with TBT provisions, almost all (172 RTAs) reaffirm in various ways the Parties' existing obligations under the TBT Agreement. While there are different formulations in the RTAs about the type of reference made to the TBT Agreement – including terms such as "affirm", "applies", "governs", or "not affect existing rights and obligations", the references are typically general, and do not refer to specific Articles of the TBT Agreement. Nevertheless, to the extent that these RTAs make general affirmations of the entire TBT Agreement, and cover technical regulations and conformity assessment procedures, it follows that they equally reaffirm the general harmonization obligations on the use of international standards in Articles 2.4 and 5.4.

<sup>28</sup> We note that the TBT chapter of one RTA notified to the WTO in 2017, MERCOSUR-SACU, broadly incorporates the decisions of the TBT Committee: "For the purposes of this chapter, definitions as per Annex 1 of the WTO TBT Agreement and the decisions of the WTO TBT Committee established pursuant to Article 13 of the WTO TBT Agreement shall apply" (Article 18). For the purposes of our analysis, we include this RTA within the 55 RTAs that apply the Six Principles.

<sup>29</sup> The language used in this RTA was: "For the purpose of this section, the definitions of Annex I of the TBT Agreement shall apply. In this respect, the Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement, of the WTO Committee on Technical Barriers to Trade, shall also apply."

**Chart 2: Number of RTAs referencing TBT Committee Decision, by member<sup>30</sup>**



Source: Authors' calculations based on the WTO RTAs Database

The language used in the 55 RTAs follows similar patterns. 74% (41/55) of these RTAs state that the Committee decision should be used to "determine" whether an international standard exists within the meaning of Articles 2, 5 and Annex 3 of the TBT Agreement. Put another way, under these RTAs, the Six Principles are to be used to determine whether a particular standard qualifies, and is for relevant for use, as an international standard for the purposes of the TBT Agreement. By placing the emphasis on the member using the Six Principles as a tool to identify international standards, this language arguably represents a subtle departure from the approach of the Six Principles, which, as discussed above, are aimed at disciplining the international standardizing bodies themselves.

For the rest of the RTAs in this group (26%), the parties commit to apply the principles of the Committee decision, or "have regard" to these principles.<sup>31</sup> This is a similar commitment, but the term "apply" arguably emphasizes more the standards setting process within the international standardizing body, albeit to the same ends of ensuring that the result of the process – an international standard – is relevant for the purposes of the TBT Agreement. None of the RTAs analyzed specify how a party should evaluate an international standard for relevance against the Six Principles, or how a party should apply the Six Principles. Presumably, it is left at discretion of each party to decide whether a given international standard, and the procedures used to develop it in a specific standardizing body, sufficiently meets the Six Principles in order for that standard to be considered a relevant international standard.

Chile, the member that has most often cited the Committee decision, uses different language in different RTAs: in 7 agreements the term "determine" ("determinar") is used, while 6 other agreements parties commit to apply the decision with respect to specific provisions of the agreement dealing with international standards, or in terms of the definition of international standards. In all 10 of the RTAs signed by the US, the same language is used:

<sup>30</sup> Plurilateral agreements are included for each party to the relevant plurilateral.

<sup>31</sup> This group includes MERCOSUR-SACU, see note 29 above.

"In determining whether an international standard, guide, or recommendation within the meaning of Articles 2 and 5 and Annex 3 of the TBT Agreement exists, each Party shall apply the principles set out in Decisions and Recommendations adopted by the Committee".

Korea uses the same wording as the US in the majority of its 10 RTAs, while in two cases (Korea-Turkey and Korea-EU), different language is used, that parties "have regard to the principles" of the Committee decision. Likewise, 9 of the 10 RTAs to which Peru is a party use the same language followed by the US and Korea, while in one agreement (EU - Colombia and Peru) the parties "commit to apply the principles" of the Committee decision.

Embedding the Six Principles in RTAs, and making them applicable to the Parties, delivers benefits towards regulatory cooperation and alignment, which go further than the TBT Agreement. With respect to trade between the two parties, the Six Principles provide a reference point or framework for cooperation through which regulators of the parties can identify and agree on the international standards to use when regulating for a given policy challenge. Embedding and disseminating the Six Principles through an RTA also has signaling effects for other trading partners, and international standardizing bodies, about what parties expect from international standards which are apt to contribute to a higher degree of regulatory alignment, by facilitating trade and promoting gains of efficiency.<sup>32</sup>

#### 4.3 Do RTAs Name Specific Bodies or Standards?

As indicated above, in a small group of RTAs, namely 5% of RTAs with TBT provisions, members go further than the Six Principles by defining the relevant international standards. These RTAs *name* specific international standardizing bodies which are relevant in certain sectors, or certain aspects of the RTA. Only 3% of RTAs<sup>33</sup> with TBT provisions identify international standardizing bodies on a cross-cutting basis, by specifying that the standards produced by those bodies are relevant for parties (and thus the basis for their TBT measures). The bodies mentioned in these agreements include: ISO, IEC, ITU, Codex, OIML, WHO and FAO, and in some agreements the parties have the possibility to designate additional bodies. For instance, Switzerland-China states:

"For the purpose of applying this Chapter, standards issued, in particular, by the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and Codex Alimentarius Commission (CAC) shall be considered relevant international standards in the sense of article 2.4 of the TBT Agreement."<sup>34</sup>

In addition to these, five<sup>35</sup> other RTAs – 2% of RTAs with TBT provisions – identify international standardizing bodies for specific sectors, mainly with respect to electrical and electronic products. For example, EU-Korea includes a sectoral Annex 2B on Electronics with the following provisions:

"1. The Parties recognise that the International Organisation for Standards (hereinafter referred to as the "ISO"), the International Electrotechnical Commission (hereinafter referred to as the "IEC") and the International Telecommunication Union (hereinafter referred to as the "ITU") are the relevant international standard-setting bodies for EMC [*electromagnetic compatibility*] and safety of covered products [<sup>1</sup>].

2. Where relevant international standards established by the ISO, IEC and ITU exist, the Parties shall use these international standards or the relevant parts of them as a basis for any standard, technical regulation or conformity assessment procedure [<sup>2</sup>].

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<sup>32</sup> Preamble of WTO TBT Agreement (second and third recitals).

<sup>33</sup> These RTAs are: Switzerland-China, Peru-Mexico, Panama-Central America (Costa Rica, Guatemala, El Salvador, Honduras y Nicaragua), Mexico-Uruguay, North American Free Trade Agreement (NAFTA), China-Korea.

<sup>34</sup> Switzerland-China, Article 6.4 "International Standards".

<sup>35</sup> These RTAs are: EU-Korea (electronics), Japan-Thailand (electrical products, New Zealand-Singapore (electrical products), Canada-Korea (low voltage devices), and EU-SADC (wine).

3. The Parties shall ensure that their standard-setting bodies participate in the development of international standards in the ISO, IEC and ITU, and commit to consult with a view to establishing common approaches."<sup>36</sup>

Quite separately, around 30 RTAs refer in general terms to the work of international standardizing bodies. For instance, some RTAs mention that accreditation of conformity assessment bodies should be based on ISO and IEC standards and guides, or to the terms and definitions for standards and conformity assessment procedures established by ISO/IEC.

When an RTA refers to a specific standard or international standardizing body, in general or in the context of a certain sector, this implies a deeper degree of integration between the parties. This also confers a certain status to the international standardizing body, signifying trust in the standards produced by that body. Reference to specific standards or bodies reduces regulatory uncertainty for the market, by anchoring the regulation of that sector in the parties to a specific standards body or standard. These types of references, arguably to a greater extent than mandating use of the Six Principles, provide a foundation for regulatory co-operation between the parties. Such cooperation can take place through the work of the designated international standardizing body, or bilaterally to more deeply align specific regulations of the parties on the basis of specific benchmarks.

#### **4.4 Have RTAs been influenced by areas of Committee work (other than on international standards)?**

We note that the TBT Committee is influencing also other areas of work in RTAs. In particular, a number of RTAs include provisions in the area of transparency that draw on its recommendations without explicitly acknowledging the source.

For example, RTAs use TBT Committee recommendations to clarify time periods of the transparency procedures that Parties must follow before implementing a technical regulation or a conformity assessment procedure. Under the TBT Agreement, members must notify certain draft technical regulations and conformity assessment procedures, allow "reasonable time" for comments on the notified drafts<sup>37</sup> (Article 2.9.4 and 5.6.4), publish their TBT measures and allow for a "reasonable interval" between their publication and their entry into force (Articles 2.12 and 5.9). The TBT Agreement does not spell out what is "reasonable time" for comments or a "reasonable interval". However, the TBT Committee has provided guidance in this respect, recommending that WTO members provide (at least) 60 days for other members to submit comments on the draft measure. The TBT Committee, implementing a Doha Ministerial Decision<sup>38</sup>, also decided that the "reasonable interval" between the publication and the entry into force of a technical regulation should be not less than 6 months, except in urgent circumstances, when this would be ineffective in fulfilling the legitimate objectives pursued. The TBT Committee further recommended that members should provide, when possible, a transition period of more than six months.<sup>39</sup>

In 35 per cent (70 RTAs) of the RTAs with TBT provisions, the Parties agree that the time to submit comments must be at least 60 days, which reinforces the recommendation made by the TBT Committee. The majority of these RTAs specify that the period for comments starts from the

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<sup>36</sup> EU-Korea, Annex 2B "Electronics". Note 1 states: The Parties may agree in the future by decision of the Trade Committee on any new international standard-setting bodies which they deem relevant for the purpose of implementing this Article

<sup>37</sup> Standards are also subject to transparency obligations under the Code of Good Practice. In particular, the standardizing body shall allow a period of at least 60 days for the submission of comments on the draft standard by interested parties before its adoption (Paragraph L of the Code of Good Practice).

<sup>38</sup> "Ministerial Decision on Implementation-related Issues and Concerns", WT/MIN(01)/17, 20 November 2001, para. 5.2.

<sup>39</sup> Decisions and recommendations adopted by the Committee on Technical Barriers to Trade, WTO Document G/TBT/1/Rev.13, Section 5.3.1.10, of 8 March 2017.

date of the notification of the measure, with some exceptions. A few do not specify the beginning or end of the period for comments<sup>40</sup>, while others indicate that the period for comments must be at least 60 days before the adoption of the measure or its entry into force. This is the case for example of NAFTA<sup>41</sup> and the Chile-Mexico RTA.

Only nine RTAs<sup>42</sup> specify that the transition period between publication and implementation must be at least 6 months, thus mirroring the Ministerial Decision and TBT Committee recommendation. In general, this commitment applies to both technical regulations and conformity assessment procedures.

In addition to these specific transparency provisions, other RTA provisions building on TBT Committee work exist. For example, provisions on publication of replies to comments, extending the 6 month transition period, or link the revision of the TBT chapter to WTO work. The most recent RTA notified to the WTO (as of December 2017), CETA, shows that this trend continues and that the work of the TBT Committee remains a source of ideas for RTA provisions. For instance, CETA includes the *obligation* to publish replies to comments on TBT notifications, following other RTAs, which builds on a recommendation from the TBT Committee that goes in the same direction. In addition, CETA (like other RTAs) requires parties to give positive consideration to the other Parties' request to extend the period of time between adoption of the technical regulation and the day in which it is applicable. This reflects the TBT Committee's *encouragement* to provide an interval greater than six months between the publication of the technical regulation and its entry into force. Moreover, in some RTAs, including CETA, parties agree to review, and if necessary amend, the TBT chapter in light of developments in the WTO TBT Committee – thus making a dynamic link to future outcomes of regular work at the WTO.

## 5 DISCUSSION

We argue in this paper that the regular work of the WTO not only offers fodder for RTAs, but also serves as a platform for improving implementation of existing disciplines through cooperation between members. The reference to the TBT Committee's Six Principles in RTAs is an example of how this work contributes, perhaps even inspires, deeper integration among groups of members. This example illustrates the significance of the regular work undertaken by the WTO in parallel to dispute settlement and negotiations.

The Six Principles did not arise out of thin air. They were, for all intents and purposes, negotiated. However, the term "negotiations" at the WTO tends to have a specific connotation associated with the development of treaty texts in negotiating "rounds" (e.g. the Uruguay Round); the recent Trade Facilitation Agreement is an example of such a result. We argue here that also softer rules are "negotiated" at the WTO, and adopted in some cases by RTAs, which make them binding on RTA parties. In other words, there is ongoing normative work that is text-based which serves to guide members in their *implementation* of the TBT Agreement – and the Six Principles is an example. Similar guidance has been developed by the SPS Committee, including decisions on issues such as equivalence<sup>43</sup> and consistency.<sup>44</sup> This type of work, which, like everything else at

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<sup>40</sup> For example: Mexico - Central America, China - Costa Rica, and China - Singapore.

<sup>41</sup> The NAFTA indicates that "each Party proposing to adopt or modify a technical regulation shall at least 60 days prior to the adoption or modification of the measure, other than a law, publish a notice and notify in writing the other Parties of the proposed measure in such a manner as to enable interested persons to become acquainted with the proposed measure". In the case of perishable goods, it is 30 days (Article 909).

<sup>42</sup> These RTAs are: Eurasian Economic Union - Viet Nam, the Pacific Alliance, Costa Rica- Colombia, Colombia - Rep. of Korea, Costa Rica - Peru, EU - Colombia, Peru and Ecuador, Panama - Peru, Peru - Singapore and ASEAN FTA. In the case of the ASEAN FTA and the Pacific Alliance, the length of the transition period between publication and entry into force is specified only for technical regulations.

<sup>43</sup> Decision on the Implementation of Article 4 of the Agreement on the Application of SPS Measures (G/SPS/19/Rev.2).

<sup>44</sup> Guidelines to Further the Practical Implementation of Article 5.5 (Consistency) (G/SPS/15); Guidelines to Further the Practical Implementation of Article 6 (Consistency) (G/SPS/48).

the WTO, advances in small steps, slowly and by consensus, is an important complement to treaty text negotiation and – at least to some extent – may help serve to pre-empt disputes. This trilogy: treaty negotiation, implementation and monitoring and the development of soft guidance, as well as dispute settlement *together* fuel the WTO.

This paper has narrowly examined the Six Principles as an example of *one* outcome of regular work. In this case, the guidance developed provides a beacon that *standardizing bodies* in whatever shape or form can set their course to. They have an interest in doing so because adhering to these principles contributes to "relevance". But the work has not ended there; the principles cannot be seen as set in stone, indeed the normative process in and outside the WTO is a continuous one. The work in the WTO should be seen as a framework for multilateral cooperation and a basis for further improvement within the WTO and elsewhere. The specific case of the Six Principles is an example of "soft" rules developed in the WTO and that have been "hardened" in the RTA context as well as "sharpened" because they have been made directly applicable to Parties in RTAs which are also WTO members. This can be a cyclical process. It is not inconceivable that by disseminating these principles through RTAs, countries will bring them back to the WTO, in an improved form, thus completing the full circle. As one trade negotiator put it making a parallel to the negotiation of the WTO Trade Facilitation Agreement: "the [TFA] contained a lot of work that had been done in RTAs. Ignoring RTAs negotiated at that time meant ignoring what would be in WTO agreements in ten years' time".<sup>45</sup>

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<sup>45</sup> Ambassador Daniel Blockert (Sweden), Note on the meeting of the 84<sup>th</sup> Session of the WTO Committee on Regional Trade Agreements (CRTA), 3-4 April 2017, WT/REG/M/84, para. 1.73.

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## ANNEX 1: THE "SIX PRINCIPLES"

The following principles and procedures should be observed, when international standards, guides and recommendations (as mentioned under Articles 2, 5 and Annex 3 of the TBT Agreement for the preparation of mandatory technical regulations, conformity assessment procedures and voluntary standards) are elaborated, to ensure transparency, openness, impartiality and consensus, effectiveness and relevance, coherence, and to address the concerns of developing countries.

The same principles should also be observed when technical work or a part of the international standard development is delegated under agreements or contracts by international standardizing bodies to other relevant organizations, including regional bodies.

### 1. Transparency

All essential information regarding current work programmes, as well as on proposals for standards, guides and recommendations under consideration and on the final results should be made easily accessible to at least all interested parties in the territories of at least all WTO Members. **Procedures** should be established so that adequate time and opportunities are provided for written comments. The information on these procedures should be effectively disseminated.

In providing the essential information, the transparency procedures should, **at a minimum**, include:

- a. the publication of a notice at an early appropriate stage, in such a manner as to enable interested parties to become acquainted with it, that the international standardizing body proposes to develop a particular standard;
- b. the notification or other communication through established mechanisms to members of the international standardizing body, providing a brief description of the scope of the draft standard, including its objective and rationale. Such communications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;
- c. upon request, the prompt provision to members of the international standardizing body of the text of the draft standard;
- d. the provision of an adequate period of time for interested parties in the territory of at least all members of the international standardizing body to make comments in writing and take these written comments into account in the further consideration of the standard;
- e. the prompt publication of a standard upon adoption; and
- f. to publish periodically a work programme containing information on the standards currently being prepared and adopted.

It is recognized that the publication and communication of notices, notifications, draft standards, comments, adopted standards or work programmes electronically, **via the Internet**, where feasible, can provide a useful means of ensuring the timely provision of information. At the same time, it is also recognized that the requisite technical means may not be available in some cases, particularly with regard to developing countries. Accordingly, it is important that procedures are in place to enable hard copies of such documents to be made available upon request.

### 2. Openness

Membership of an international standardizing body should be open on a non-discriminatory basis to relevant bodies of at least all WTO Members. This would include **openness without discrimination** with respect to the participation at the policy development level and at every stage of standards development, such as the:

- a. proposal and acceptance of new work items;
- b. technical discussion on proposals;
- c. submission of comments on drafts in order that they can be taken into account;
- d. reviewing existing standards;
- e. voting and adoption of standards; and
- f. dissemination of the adopted standards.

Any interested member of the international standardizing body, including especially developing country Members, with an interest in a specific standardization activity should be provided with **meaningful opportunities** to participate at all stages of standard development. It is noted that with respect to standardizing bodies within the territory of a WTO Member that have accepted the Code of Good Practice for the Preparation, Adoption and Application of Standards by Standardizing Bodies (Annex 3 of the TBT Agreement) participation in a particular international standardization activity takes place, wherever possible, through one delegation representing all standardizing bodies in the territory that have adopted, or expected to adopt, standards for the subject-matter to which the international standardization activity relates. This is illustrative of the importance of participation in the international standardizing process accommodating all relevant interests.

### **3. Impartiality and Consensus**

All relevant bodies of WTO Members should be provided with meaningful opportunities to contribute to the elaboration of an international standard so that the standard development process will **not give privilege to, or favour** the interests of, a particular supplier/s, country/ies or region/s. Consensus procedures should be established that seek to take into account the views of all parties concerned and to reconcile any conflicting arguments.

Impartiality should be accorded throughout all the standards development process with respect to, among other things:

- a. access to participation in work;
- b. submission of comments on drafts;
- c. consideration of views expressed and comments made;
- d. decision-making through consensus;
- e. obtaining of information and documents;
- f. dissemination of the international standard;
- g. fees charged for documents;
- h. right to transpose the international standard into a regional or national standard; and
- i. revision of the international standard.

### **4. Effectiveness and Relevance**

In order to serve the interests of the WTO membership in facilitating international trade and preventing unnecessary trade barriers, international standards need to be relevant and to effectively respond to regulatory and market needs, as well as scientific and technological developments in various countries. They should not distort the global market, have adverse effects on fair competition, or stifle innovation and technological development. In addition, they should not give preference to the characteristics or requirements of specific countries or regions when different needs or interests exist in other countries or regions. Whenever possible, international standards should be performance based rather than based on design or descriptive characteristics.

Accordingly, it is important that international standardizing bodies:

- a. take account of relevant regulatory or market needs, as feasible and appropriate, as well as scientific and technological developments in the elaboration of standards;
- b. put in place procedures aimed at identifying and reviewing standards that have become obsolete, inappropriate or ineffective for various reasons; and
- c. put in place procedures aimed at improving communication with the World Trade Organization.

### **5. Coherence**

In order to avoid the development of conflicting international standards, it is important that international standardizing bodies avoid duplication of, or overlap with, the work of other international standardizing bodies. In this respect, cooperation and coordination with other relevant international bodies is essential.

### **6. Development Dimension**

Constraints on developing countries, in particular, to effectively participate in standards development, should be taken into consideration in the standards development process. Tangible ways of facilitating developing countries' participation in international standards development should be sought. The impartiality and openness of any international standardization process requires that developing countries are not excluded de facto from the process. With respect to improving participation by developing countries, it may be appropriate to use technical assistance, in line with Article 11 of the TBT Agreement. Provisions for capacity building and technical assistance within international standardizing bodies are important in this context.

(emphasis added)

## ANNEX 2: LIST OF RTAS COVERED (NOTIFIED AS OF DECEMBER 2017)

N°	RTA Name	year of signature*	year of entry into force*	Provisions on TBT
1	Hong Kong, China - Macao, China	2017	2017	yes
2	EU - Canada	2016	2017	yes
3	Canada - Ukraine	2016	2017	yes
4	Chile - Thailand	2013	2015	yes
5	EFTA - Georgia	2016	2017	yes
6	MERCOSUR - SACU	2008	2016	yes
7	India - Thailand	2003	2004	no
8	Eurasian Economic Union (EAEU) - Viet Nam	2015	2016	yes
9	EU - SADC	2016	2016	yes
10	EU - Ghana	2016	2016	yes
11	Guam (Azerbaijan; Georgia; Moldova, Republic of; Ukraine)	2002	2003	yes
12	Turkey - Malaysia	2014	2015	yes
13	Turkey - Republic of Moldova	2014	2016	yes
14	Pacific Alliance	2014	2016	yes
15	Costa Rica - Colombia	2013	2016	yes
16	Republic of Korea - Colombia	2013	2016	yes
17	Mexico - Panama	2014	2015	yes
18	Japan - Mongolia	2015	2016	yes
19	Panama - Dominican Republic	1985	1987	no
20	Republic of Korea - Viet Nam	2015	2015	yes
21	China - Republic of Korea	2015	2015	yes
22	Agadir Agreement	2004	2007	yes
23	Australia - China	2015	2015	yes
24	Republic of Korea - New Zealand	2015	2015	yes
25	Mauritius - Pakistan	2007	2007	yes
26	Gulf Cooperation Council (GCC) - Singapore	2008	2013	yes
27	Chile - Viet Nam	2011	2014	yes
28	Canada - Honduras	2013	2014	yes
29	Canada - Republic of Korea	2014	2015	yes
30	Japan - Australia	2014	2015	yes
31	EFTA - Bosnia and Herzegovina	2013	2015	yes
32	EFTA - Central America (Costa Rica and Panama)	2013	2014	yes
33	Switzerland - China	2013	2014	yes
34	Iceland - China	2013	2014	yes
35	Hong Kong, China - Chile	2012	2014	yes
36	EU - Eastern and Southern Africa States Interim EPA <sup>46</sup>	2009	2012	no
37	Singapore - Chinese Taipei	2013	2014	yes
38	EU - Georgia	2014	2014	yes
39	EU - Republic of Moldova	2014	2014	yes
40	EU - Ukraine	2014	n.a.	yes
41	Republic of Korea - Australia	2014	2014	yes
42	New Zealand - Chinese Taipei	2013	2013	yes
43	Costa Rica - Singapore	2010	2013	yes
44	Costa Rica - Peru	2011	2013	yes
45	Turkey - Mauritius	2011	2013	yes
46	Malaysia - Australia	2012	2013	yes
47	Republic of Korea - Turkey	2012	2013	yes
48	Ukraine - Montenegro	2011	2013	yes
49	Canada - Panama	2010	2013	yes
50	EU - Central America	2012	2013	yes
51	EU - Colombia and Peru	2012	2013	yes
52	Mexico - Central America	2011	2012	yes
53	El Salvador - Cuba	2011	2012	yes
54	Chile - Central America	1999	2012	yes
55	Treaty on a Free Trade Area between members of the Commonwealth of Independent States (CIS)	2011	2012	yes
56	Canada - Jordan	2009	2012	yes
57	Chile - Malaysia	2010	2012	yes
58	US - Panama	2007	2012	yes
59	EFTA - Montenegro	2011	2012	yes
60	EFTA - Hong Kong, China	2011	2012	yes
61	EFTA - Ukraine	2010	2012	yes
62	US - Colombia	2006	2012	yes
63	Panama - Peru	2011	2012	yes
64	Republic of Korea - US	2007	2012	yes
65	Japan - Peru	2011	2012	yes
66	Peru - Mexico	2011	2012	yes

<sup>46</sup> This RTA does not contain TBT provisions, but provides for future negotiations on TBT measures under a rendez-vous clause.

67	China - Costa Rica	2010	2011	yes
68	Canada - Colombia	2008	2011	yes
69	India - Japan	2011	2011	yes
70	EFTA - Colombia	2008	2011	yes
71	India - Malaysia	2011	2011	yes
72	Peru - Republic of Korea	2011	2011	yes
73	EU - Republic of Korea	2010	2011	yes
74	EFTA - Peru	2010	2011	yes
75	Turkey - Jordan	2009	2011	yes
76	Turkey - Chile	2009	2011	yes
77	Hong Kong, China - New Zealand	2010	2011	yes
78	EU - Serbia	2008	2010	yes
79	EFTA - Albania	2009	2010	yes
80	EFTA - Serbia	2009	2010	yes
81	ASEAN - India	2009	2010	yes
82	Turkey - Serbia	2009	2010	yes
83	ASEAN - Australia - New Zealand	2009	2010	yes
84	Turkey - Montenegro	2008	2010	yes
85	Peru - China	2009	2010	yes
86	ASEAN - Republic of Korea	2006	2010	yes
87	Republic of Korea - India	2009	2010	yes
88	New Zealand - Malaysia	2009	2010	yes
89	Panama - Central America (Costa Rica, Guatemala, El Salvador, Honduras y Nicaragua)	2008	2009	yes
90	Colombia - Northern Triangle (El Salvador, Guatemala, Honduras)	1994	1995	yes
91	Chile - Peru	2006	2009	yes
92	EU - Papua New Guinea / Fiji	2009	2009	yes
93	India - Nepal	2009	2009	no
94	MERCOSUR - India	2004	2009	yes
95	Japan - Viet Nam	2008	2009	yes
96	EU - Cameroon	2009	2014	yes
97	Japan - Switzerland	2009	2009	yes
98	Chile - Colombia	2006	2009	yes
99	EFTA - Canada	2008	2009	yes
100	Canada - Peru	2008	2009	yes
101	Peru - Singapore	2008	2009	yes
102	Australia - Chile	2008	2009	yes
103	China - Singapore	2008	2009	yes
104	US - Peru	2006	2009	yes
105	US - Oman	2006	2009	yes
106	EU - Côte d'Ivoire	2008	2009	yes
107	Honduras - El Salvador - Chinese Taipei	2007	2008	yes
108	ASEAN - Japan	2008	2008	yes
109	Nicaragua - Chinese Taipei	2006	2008	yes
110	China - New Zealand	2008	2008	yes
111	Turkey - Georgia	2007	2008	yes
112	Japan - Philippines	2006	2008	yes
113	EFTA - SACU	2006	2008	yes
114	EU - CARIFORUM States EPA	2008	2008	yes
115	Brunei Darussalam - Japan	2007	2008	no
116	EU - Bosnia and Herzegovina	2008	2008	yes
117	Japan - Indonesia	2007	2008	no
118	Turkey - Albania	2006	2008	yes
119	Panama - Chile	2006	2008	yes
120	Pakistan - Malaysia	2007	2008	yes
121	EU - Montenegro	2007	2008	yes
122	Chile - India	2006	2007	yes
123	Pakistan - China	2006	2007	yes
124	Japan - Thailand	2007	2007	yes
125	Egypt - Turkey	2005	2007	yes
126	Chile - Japan	2007	2007	yes
127	Central European Free Trade Agreement (CEFTA) 2006	2006	2007	yes
128	EFTA - Egypt	2007	2007	yes
129	Turkey - Syria	2004	2007	yes
130	EFTA - Lebanon	2004	2007	yes
131	Russian Federation - Serbia	2000	2006	yes
132	Guatemala - Chinese Taipei	2005	2006	yes
133	Ukraine - Belarus	1992	2006	no
134	Iceland - Faroe Islands	2005	2006	no
135	India - Bhutan	2006	2006	no
136	South Asian Free Trade Agreement (SAFTA)	2004	2006	yes
137	Chile - China	2005	2006	yes
138	Trans-Pacific Strategic Economic Partnership	2005	2006	yes
139	Panama - Singapore	2006	2006	yes
140	EU - Albania	2006	2006	yes
141	US - Bahrain	2005	2006	yes
142	EFTA - Republic of Korea	2005	2006	yes
143	Japan - Malaysia	2005	2006	yes
144	Dominican Republic - Central America - United States Free Trade Agreement (CAFTA-DR)	2004	2006	yes
145	Republic of Korea - Singapore	2005	2006	yes

146	Turkey - Morocco	2004	2006	yes
147	US - Morocco	2004	2006	yes
148	Ukraine - Republic of Moldova	2003	2005	yes
149	Pakistan - Sri Lanka	2002	2005	no
150	India - Singapore	2005	2005	yes
151	EU - Algeria	2002	2005	yes
152	Jordan - Singapore	2004	2005	no
153	Thailand - New Zealand	2005	2005	yes
154	ASEAN - China	2004	2005	yes
155	Turkey - Palestinian Authority	2004	2005	yes
156	Turkey - Tunisia	2004	2005	yes
157	EFTA - Tunisia	2004	2005	yes
158	Japan - Mexico	2004	2005	yes
159	Thailand - Australia	2004	2005	yes
160	US - Australia	2004	2005	yes
161	Mexico - Uruguay	2003	2004	yes
162	Panama - Chinese Taipei	2003	2004	yes
163	Common Economic Zone (CEZ)	2003	2004	no
164	Southern African Customs Union (SACU)	2002	2004	yes
165	EFTA - Chile	2003	2004	yes
166	EU - Egypt	2001	2004	yes
167	Republic of Korea - Chile	2003	2004	yes
168	China - Macao, China	2003	2003	no
169	China - Hong Kong, China	2003	2003	no
170	US - Singapore	2003	2004	yes
171	US - Chile	2003	2004	yes
172	India - Afghanistan	2003	2003	no
173	Pacific Island Countries Trade Agreement (PICTA)	2001	2003	no
174	EU - Chile	2002	2003	yes
175	Singapore - Australia	2003	2003	yes
176	Turkey - Bosnia and Herzegovina	2002	2003	yes
177	EU - Lebanon	2002	2003	yes
178	EFTA - Singapore	2002	2003	yes
179	Gulf Cooperation Council (GCC)	2001	2003	no
180	EU - San Marino	1991	2002	no
181	Ukraine - Tajikistan	2001	2002	no
182	Canada - Costa Rica	2001	2002	yes
183	EU - Jordan	1997	2002	yes
184	Japan - Singapore	2002	2002	yes
185	EFTA - Jordan	2001	2002	yes
186	EFTA - The former Yugoslav Republic of Macedonia	2000	2002	yes
187	Ukraine - The former Yugoslav Republic of Macedonia	2001	2001	yes
188	Armenia - Kazakhstan	1999	2001	no
189	India - Sri Lanka	1998	2001	no
190	US - Jordan	2000	2001	no
191	EU - The former Yugoslav Republic of Macedonia	2001	2001	yes
192	New Zealand - Singapore	2000	2001	yes
193	EFTA - Mexico	2000	2001	yes
194	Southern African Development Community (SADC)	1996	2000	yes
195	Israel - Mexico	2000	2000	yes
196	Georgia - Turkmenistan	1996	2000	no
197	Turkey - The former Yugoslav Republic of Macedonia	1999	2000	yes
198	EU - South Africa	1999	2000	yes
199	EU - Morocco	1996	2000	yes
200	East African Community (EAC)	1999	2000	yes
201	EU - Israel	1995	2000	yes
202	EU - Mexico	1997	2000	yes
203	Chile - Mexico	1998	1999	yes
204	Georgia - Kazakhstan	1997	1999	no
205	EFTA - Morocco	1997	1999	yes
206	EFTA - Palestinian Authority	1998	1999	yes
207	Ukraine - Kazakhstan	1994	1998	no
208	Georgia - Armenia	1995	1998	no
209	Kyrgyz Republic - Ukraine	1995	1998	no
210	Kyrgyz Republic - Uzbekistan	1996	1998	no
211	EU - Tunisia	1995	1998	yes
212	Russian Federation - Belarus - Kazakhstan	1995	1997	no
213	Turkey - Israel	1996	1997	yes
214	Canada - Chile	1996	1997	yes
215	EU - Palestinian Authority	1997	1997	yes
216	EU - Faroe Islands	1996	1997	no
217	Canada - Israel	1996	1997	yes
218	Ukraine - Azerbaijan	1995	1996	no
219	Ukraine - Uzbekistan	1994	1996	no
220	Armenia - Turkmenistan	1995	1996	no
221	Armenia - Ukraine	1994	1996	no
222	Georgia - Azerbaijan	1996	1996	no
223	Georgia - Ukraine	1995	1996	no
224	Kyrgyz Republic - Republic of Moldova	1995	1996	no
225	EU - Turkey	1995	1996	yes

226	Colombia - Mexico	1994	1995	yes
227	Ukraine -Turkmenistan	1994	1995	no
228	Armenia – Republic of Moldova	1993	1995	no
229	Kyrgyz Republic - Armenia	1994	1995	no
230	Kyrgyz Republic - Kazakhstan	1995	1995	no
231	South Asian Preferential Trade Arrangement (SAPTA)	1993	1995	no
232	Faroe Islands - Switzerland	1994	1995	no
233	Georgia - Russian Federation	1994	1994	no
234	Melanesian Spearhead Group (MSG)	1993	1994	no
235	Commonwealth of Independent States (CIS) Free Trade Area of 1994	1994	1994	yes
236	Common Market for Eastern and Southern Africa (COMESA)	1993	1994	yes
237	North American Free Trade Agreement (NAFTA)	1992	1994	yes
238	Russian Federation - Turkmenistan	1992	1993	no
239	Russian Federation - Uzbekistan	1992	1993	no
240	Russian Federation - Azerbaijan	1992	1993	no
241	Economic Community of West African States (ECOWAS)	1993	1993	no
242	Faroe Islands - Norway	1992	1993	no
243	EFTA - Israel	1992	1993	yes
244	ASEAN Free Trade Area (AFTA)	1992	1992	yes
245	Economic Cooperation Organization (ECO)	1992	1992	no
246	EFTA - Turkey	1991	1992	yes
247	EU - Andorra	1991	1991	no
248	Lao People's Democratic Republic - Thailand	1991	1991	no
249	US - Israel	1985	1985	no
250	Australia - New Zealand (ANZCERTA)	1982	1983	yes
251	South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)	1980	1981	no
252	EU - Syria	1977	1977	no
253	Australia - Papua New Guinea (PATCRA)	1976	1977	no
254	Asia Pacific Trade Agreement (APTA)	1975	1976	yes
255	Caribbean Community and Common Market (CARICOM)	1973	1973	yes
256	EU - Norway	1973	1973	no
257	EU - Iceland	1972	1973	no
258	EU - Switzerland - Liechtenstein	1972	1973	no
259	European Free Trade Association (EFTA)	1960	1960	yes
260	EC Treaty	1957	1958	yes

\* For the agreements that also cover services in some cases the signature and entry into force of the services section took place subsequently.

Source: WTO RTA Database