

# Transparency Obligations Under Wto Law And Uzbekistan's Accession Commitments

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**Received:** 20 December 2025; **Accepted:** 18 January 2026; **Published:** 31 January 2026

**Abstract:** This article evaluates the fundamental transparency obligations established within the WTO agreements governing both trade in goods and services. It explores how transparency serves as a critical catalyst for global trade expansion, while detailing the national and multilateral mechanisms designed to maintain regulatory clarity. A central focus is placed on the Republic of Uzbekistan's specific transparency commitments as it navigates the WTO accession process. The study further examines the practical challenges and strategies involved in integrating WTO transparency standards and notification protocols into Uzbekistan's domestic legislative framework.

**Keywords:** Transparency, trade in goods, trade in services, World Trade Organization, notification procedures, TRIPS, GATS, TBT, SPS.

**Introduction:** Today, the World Trade Organization is the only global institution that regulates the rules of interstate commerce. This organization strives to create a common, transparent and stable legal space for international trade relations and to ensure equal opportunities for producers, exporters and importers. WTO membership requires States to pursue their trade policies based on agreed rules, which strengthens fair competition in the global market. Currently, more than 164 countries are members of the World Trade Organization, accounting for almost 98 percent of world trade and gross domestic product. This fact in itself clearly demonstrates the role and importance of the WTO in the global economy.

Joining the World Trade Organization is inextricably linked, first of all, with economic interests. Reducing trade barriers promotes the free exchange of goods, the introduction of new technologies, and increased production efficiency. This will improve the standard of living of the population, expand access to high-quality and affordable products. An increase in exports leads to a reduction in the cost of national products, an expansion of production and an increase in revenues to the state budget. Trade liberalization will have a positive impact on the growth of household incomes and, most importantly, on the improvement of employment. WTO Director General Ngozi Okonjo-

Iweala noted that the process of Uzbekistan's accession to the organization is at an active stage, and said that the country's WTO membership could be officially announced in March 2026. She emphasized that while the global economy is growing by an average of 3 percent, Uzbekistan's economy is growing by 6 percent, and assessed this as an indicator of positive and sustainable development.

By the end of 2025, Uzbekistan has successfully completed bilateral negotiations with 33 of the 34 countries within the framework of joining the World Trade Organization. So far, only a final agreement remains with Taiwan (which participates in international organizations under the name "Chinese Taipei"). The agreements reached during the negotiations with such major trading partners as China, Russia, the United States, Great Britain, the European Union, Canada, Switzerland and Australia testify to the international recognition of economic reforms in Uzbekistan. On December 21, in St. Petersburg, Uzbekistan and Russia signed a protocol on the completion of bilateral negotiations within the WTO.

## METHOD

Transparency has long been one of the fundamental principles of the functioning of the multilateral international trading system, as this principle is one of the key factors preventing States from pursuing a policy

of “protectionism”. However, there is no clear and uniform definition of this principle in the WTO agreements. If we turn to the origin of the meaning of the word “transparency” in the context of international trade, it comes from the English word “transparency”. In our opinion, the meaning of this word in international trade can be interpreted as openness to the public, transparency of all conditions and rules for the participants of the system. In a general sense, the concept of transparency in the WTO implies ensuring the “openness” of regulation of the foreign trade system. In a broader sense, this means the availability of information about regulatory measures, their clarity and unambiguity. This applies not only to the rules themselves, but also to the order in which they are applied.

The principle of transparency and openness can be considered the basis for the formation of the system of international law. Realizing that openness ensures uniform decision-making, a number of UN documents have been adopted on transparency in matters related to international trade. These include the “Rules on Transparency in the Process of Arbitration between Investors and States based on International Treaties” of the UN Commission on International Trade Law, as well as the “Arbitration Rules” of the UN Commission on International Trade Law.

The UN norms are considered legally superior to international treaties, and at the same time, the norms of the main WTO agreements on various aspects of regulating international trade are no exception to this rule. The principle of transparency was first enshrined in Article X of the 1947 GATT Agreement, which deals with the publication and application of trade rules. Already at the early stages of the formation of the WTO system, member States included in the text of GATT 1947 a minimum set of rules concerning the publication of regulatory legal acts and notices related to trade. Even then, it was obvious that the stability of the entire multilateral trading system could not be ensured without guaranteed access to legislation in an unfamiliar jurisdiction where international trade entities operate, as well as without ensuring sufficient transparency and openness of the legislation of such a foreign jurisdiction and its changes. In practice, international trade is regulated precisely through national legislation.

The WTO Glossary defines transparency as “the degree of openness and predictability of trade policies and practices, as well as the process of their formation” .

Robert Wolf believes that “without transparency, trade agreements and rules will be just empty words written on paper”. He notes that transparency works in two

directions: first, disclosure of information allows economic entities to see how rules are applied in practice, and secondly, transparency of the decision-making process ensures fairness. and mutual (cooperation) control.

Marianne B. Kartunen argues that transparency in the regulation of trade by all WTO members is a prerequisite for open, fair and predictable trade relations. In addition, the “Agreement on Sanitary and Phytosanitary Measures” and the “Agreement on Technical Barriers to Trade” provide a wide range of key mechanisms to ensure transparency and cooperation.

One example of the implementation of the provisions of Article X of GATT 1994 is Article 12 of the agreement known as the “Agreement on Customs Valuation” (on the application of Article VII of GATT 1994). For example, according to this article, “laws, regulations, court decisions and generally applicable administrative documents ensuring the application of this Agreement must be published by the importing country concerned”. In addition, the WTO “Agreement on Safeguards” stipulates that “laws, regulations, court decisions and generally applicable administrative rules that have entered into force in accordance with this Agreement must be published by the importing country”.

In the field of trade in services, the “Agreement on Trade in Services” The World Trade Organization contains provisions similar to Article X of the GATT. At the same time, some aspects similar to the provisions of Article X of the GATT are provided for not in one, but in several articles. The main provisions concerning transparency in the field of trade in services are set out in Article III of the GATS Agreement, according to which each WTO Member is obliged to announce immediately and at least at the time of entry into force all generally applicable measures related to and affecting the activities of the GATS. However, this requirement does not apply to “emergency” situations. Also (unlike the GATT), the GATS contains a definition of the concept of “event”, which more precisely defines the scope of the obligation. The term “measure” means “a law, regulation, rule, order, administrative action, or any other form of member’s measure”.

Similarly to paragraph 1 of Article X of the GATT, WTO members also undertake to publish their international treaties that affect or are related to trade in services. Publishing is a passive way of presenting information. However, the WTO also uses mechanisms for actively informing about the measures taken. The active informing of WTO members about the trade regulation measures provided for by GATT is a requirement of Articles of GATT XVI and XXIV. These include, for

example, notification of subsidizing programs aimed at directly or indirectly increasing exports, and notification to other parties if one of them intends to conclude a customs union agreement, a free trade area agreement, or an agreement that will lead to the formation of such agreements in the future.

Under the GATS, each WTO Member is required to inform the WTO Council on Trade in Services immediately and at least once a year of the adoption of new or amendments to existing laws, regulations or administrative procedures that have a significant impact on trade in services in those areas in which it has special obligations. This obligation to inform must be fulfilled both when adopting new laws and when changing existing laws.

Another new element aimed at increasing transparency is the mechanism for responding to requests from members of the organization for generally applicable measures and international agreements of other WTO members. Such a mechanism is considered natural - states must respond to each other's requests. However, raising this particular rule to the level of an international obligation gives more guarantees to the member countries of the organization, since now any violation of this rule can be raised in the "Dispute Settlement Body".

WTO members are required to establish at least one liaison office in their territories. The task of such a liaison body is to provide accurate information on any issue at the request of other WTO Members, as part of the Members' responsibilities to provide notifications. This is provided for in paragraph 3 of Article III of the GATS. At the same time, the GATS does not establish any special requirements for the activities of these points of contact, they can be public or private, operate only on the Internet or have a special office on the territory of a WTO member. There are also no deadlines for responding to requests. This differs from the first sentence of paragraph 4 of Article III of the GATS, as it requires responses to be provided "immediately".

Other WTO agreements also include specific transparency requirements. Some of them, for example, expand the range of issues to which the rules for publishing documents apply. In particular, the Agreement on Technical Barriers to Trade and the "Agreement on Sanitary and Phytosanitary Measures" require the publication of draft regulatory documents and the creation of a special body. Some agreements provide special provisions for notification of special measures (for example, the "Agreement on Subsidies and Countervailing Measures").

Therefore, special mention should be made of the TBT

and SPS agreements, as they provide the highest level of transparency. Such agreements require not only information about the adopted and current regulatory measures, but also transparency at the stage of developing such measures and relevant regulatory legal acts. They provide, firstly, for the publication of plans for the development of new regulatory documents containing product requirements, and secondly, for providing an opportunity to familiarize oneself with the drafts of such documents and explanations to them. In addition, as an indirect element of transparency, there is a requirement to use international standards (or relevant documents from international organizations, such as FAO) when developing mandatory product requirements.

## **RESULTS AND DISCUSSIONS**

Thus, by introducing the provisions of international documents into national legislation and establishing principles of transparency in its legislation, the country makes its regulatory system open, understandable and predictable. It should be noted that in the process of bringing Uzbekistan's legislation and regulatory practice in line with WTO rules, the above-mentioned maximum transparency requirements in this area were first introduced into local legislation and regulatory practice. In particular, the decree of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to implement procedures for notifying the member States of the World Trade Organization on sanitary and Phytosanitary measures" on the implementation of the WTO Agreement "SPS". Based on this decree of the Cabinet of Ministers of the Republic, the Republic of Uzbekistan has introduced procedures for informing the member States of the World Trade Organization about sanitary and phytosanitary measures and responding to their reasonable requests. In addition, a decree of the Cabinet of Ministers of the Republic of Uzbekistan was adopted "On approval of the procedure for submitting notifications to the World Trade Organization under the agricultural agreement", on the basis of which the Regulation "On the procedure for submitting notifications by the Republic of Uzbekistan to the World Trade Organization under the agricultural agreement". This Regulation reflects the provisions on the procedure for submitting notifications to the World Trade Organization on measures to enter the market, support production and ensure export competitiveness, the procedure for exchanging additional information with the World Trade Organization on measures in the field of agriculture, the procedure for creating and publishing a database on measures related to the agricultural agreement. The decree of CM "On Approval of the Regulation on the Procedure for Sending Notifications to the Import

Licensing Committee of the World Trade Organization” was also adopted, on the basis of which the Regulation “On the Procedure for sending Notifications to the Import Licensing Committee of the World Trade Organization” was approved.

Nevertheless, at the stage of membership in the organization, Uzbekistan should introduce into its national legislation a number of WTO rules related to transparency, which will serve to ensure the republic's openness to the international community. In particular, as a new WTO member, it should ensure transparency in the area of the Agreement on Technical Barriers to Trade (TBT). For example, it is necessary to create a national inquiry center, which should provide information on technical regulations, standards and conformity assessment procedures, as well as respond to requests from other WTO members and interested parties. Specify the sources of publication of regulations and ensure access to documents on a fair and non-discriminatory basis. The appointment of a single central body to send a notification to the WTO, and in the case of a distribution of functions, the powers of each body must be officially announced. Notifications of draft regulations, conformity assessment procedures, and international agreements affecting trade must be submitted in English, French, or Spanish.

In addition, in accordance with article 63.2 of the TRIPS Agreement, Uzbekistan is obliged to ensure transparency in the field of intellectual property regulation. To do this, it is necessary to inform the TRIPS Council about the national laws and regulations of the state in the field of intellectual property. It is also necessary to identify a body that performs the function of a point of inquiry where other WTO members can receive accurate and understandable information about laws, regulations and administrative practices in the field of intellectual property.

According to the Agreement on Subsidies and Countervailing Measures (SCM), Uzbekistan is obliged to inform the Committee on Subsidies and Countervailing Measures about the subsidies provided. This information includes information about the recipients of subsidies, the amount of subsidies and their potential impact on trade. All data must be accurate, timely and publicly available so that WTO members can assess the impact of domestic subsidies on trade.

Uzbekistan, as a new WTO member, is obliged to ensure transparency in the application of protective measures. In this process, Uzbekistan must notify the WTO “Committee on Safeguards” of the introduction or cancellation of such measures, as well as indicate the

products, countries, duration and reasons for application. In addition, these measures should be published in order to make them accessible to participants in domestic and foreign trade. In case of a request from other WTO members, Uzbekistan is obliged to provide the necessary information and hold consultations.

## **CONCLUSION**

The process of Uzbekistan's accession to the World Trade Organization shows that the principle of transparency plays a special role in harmonizing the country's trade policy with international standards. The introduction of transparency obligations under the WTO agreements into national legislation will serve not only to meet the requirements of the organization, but also to strengthen the republic's openness and reliability in international economic relations.

In particular, the creation of a National Inquiry Center within the framework of the Agreement on Technical Barriers to Trade, the establishment of information exchange mechanisms on technical regulations and standards, as well as a clear definition of the central notification authority will make Uzbekistan's trade procedures transparent and predictable. In addition, informing WTO members about legislation and administrative practices in the field of intellectual property under the TRIPS Agreement, as well as identifying the point of special requests, will help improve legal clarity and the investment climate.

In addition, ensuring transparency in the application of protective measures, notifying relevant WTO committees of their introduction or cancellation, as well as holding consultations with interested parties demonstrates Uzbekistan's commitment to its obligations under the WTO. In general, consistent implementation of transparency requirements is an important factor in Uzbekistan's successful integration into the WTO, protection of national interests and the formation of a sustainable foreign trade policy.

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