

③ Online publication of information



KEY INSIGHTS

- Transparency and the publication of measures (including laws, regulations, requirements, procedures, and beyond) represent a critical area of GRP – notably in trade in services, given its regulatory intensive nature.
- Building on the core objectives of the GATS, Article III requires the prompt publication of all generally applicable, relevant measures affecting trade in services – at the latest by their entry into force – as well as international agreements on services.
- For services authorizations, the SDR Disciplines require that all information needed by service suppliers, or persons seeking to supply a service, be made publicly available. This includes requirements and procedures (including time frames for decisions, fees, review procedures) – where possible consolidated through a single portal. Various services PTAs go further, for example, by requiring online publication, in English, as well as in plain language to support understanding and compliance.
- At the domestic level, the publication of laws and regulations is widespread across all income groups: 96.5 per cent of economies in the WTO–World Bank STPD make authorization requirements and procedures publicly available, and 77.5 per cent consolidate this information in a dedicated portal.

Key features

Access to clear, timely and reliable information on the regulatory environment is an essential aspect of GRP: it assists service suppliers in assessing market opportunities, navigating relevant rules and procedures for obtaining authorizations, and ensuring continuous compliance with applicable laws and regulations during business operations.

Transparency plays a critical role in trade facilitation. It fosters legal certainty and predictability, and it promotes the legitimacy and accountability of policy-making. Considering the highly regulated nature of services sectors, a lack of transparency can increase the complexity of trading services, especially across borders. The publication of regulatory measures is a key aspect of transparency: it reduces the costs of doing business and fosters equal access to market opportunities, especially for small businesses. Transparency is also beneficial for regulatory authorities as it can help reduce the volume of enquiries, prevent misunderstandings about requirements and procedures, and minimize errors in applications for authorizations.

Effective publication means providing businesses with all the information they need to secure authorization and operate within a given market. This typically includes various types of government measures, such as laws, implementing rules and regulations, guidelines, judicial decisions and other administrative acts. Information that should be available includes, for example, existing requirements and procedures, timelines for processing applications, applicable fees, redress mechanisms, contact details of competent authorities for enquiries, as well as any stakeholder engagement mechanisms.

Historically, publication took place via physical platforms, such as in an official journal or gazette. With technological advances, online publication (i.e. through official websites) has become the most common means of dissemination. Moreover, in recent years, a new GRP principle has emerged, which is the consolidation of information in one single location, notably online. A unified and centralized portal to access essential information significantly reduces the burden faced by market actors in searching for, navigating and understanding all the existing requirements and procedures, facilitating compliance. The accessibility of information through multiple channels, both physical locations and online portals, can help minimize information asymmetries and enhance market efficiency.

In this context, various additional GRP principles can play a pivotal role. Firstly, the information published requires regular updates (and ideally timestamps) to ensure maximum accuracy. Obsolete or expired information needs to be identified as such or removed. Effective transparency includes access to past versions of laws and regulations, including the amendment history, to determine which rules were in force at a given time and assess whether a supplier complied with the applicable rules at that moment. This is also necessary to identify liability or rights retroactively, for instance in the context of court disputes, audits, or appeals.

Archiving supports legal certainty, accountability and informed decision-making by ensuring that regulatory changes are publicly traceable over time. Various regulatory portals include version tracking¹, which aids compliance and reinforces trust in the regulatory system.² In digital environments, version control³ further enables integration with automated compliance tools and provides users with reliable alerts and notifications. At the same time, online interfaces sometimes include features to request email alerts for new or amended measures, as well as feeds for consultation openings or closings – a low-cost and high-impact GRP principle that also encourages stakeholder involvement.

In order to facilitate understanding and compliance, information should be provided in clear, plain language, avoiding technical jargon, to the extent possible.⁴ With this objective, some portals also contain “plain language” summaries or other documents to facilitate the understanding of legal texts. Additionally, information needs to be made available without cost, whilst the availability of information in accessible languages, notably in English, is a catalyst for attracting foreign service suppliers and foreign direct investment.

Finally, many modern regulatory portals increasingly use machine-readable formats (XML, JSON) to support third-party reuse (e.g. compliance tools that help businesses stay aligned with regulatory requirements by automating tasks like rule-change alerts, or deadline reminders) and enable searchability and accessibility for artificial intelligence (AI) applications.

GATS, SDR Disciplines and other relevant trade agreements

Across the WTO covered agreements, transparency is a key pillar. GATT Article X establishes a foundational

transparency obligation – requiring prompt publication of laws, regulations, judicial decisions and administrative rulings of general application – which other WTO agreements also specify for their respective areas. For services trade, the GATS Preamble recognizes that the objective of establishing a multilateral framework is to support the expansion of trade in services under conditions of transparency.⁵ Furthermore, GATS Article III:1 requires WTO members to “publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Agreement”.⁶ The publication of international agreements covering trade in services also falls within the scope of this provision.⁷

Article III:1 suggests a broadly applicable publication requirement, covering measures that directly or indirectly impact the functioning or implementation of the GATS. The term “pertain to” suggests a relevance of the measures to the operation of the Agreement. WTO panels found that the use of the term “affecting” reflects the drafters’ intent to give the GATS a broad scope of application. It refers to measures which have “an effect on” trade in services and the operation of the Agreement, not only those that directly “regulate” or “govern” services.⁸

In other words, in accordance with GATS Article III:1, different types of measures, including those that may not be addressing a particular service, would be subject to the publication requirement. With respect to the term “measures of general application”, this has been interpreted in WTO dispute settlement to cover measures that “apply to a range of situations”⁹ and affect “an unidentified number of economic operators”.¹⁰ Hence, measures that address specific situations would not fall within the scope of GATS Article III:1.

While the term “promptly” is not defined, Article III:1 requires that publication occurs under normal circumstances prior to the application or enforcement of the relevant measures. Exceptionally, in case of emergency, publication may occur even after entry into force. An emergency that justifies *ex post* publication would be an unexpected and unforeseeable event which impedes, in practical terms, the WTO member from publishing a measure (e.g. measures linked with a sudden financial crisis).¹¹

It should be noted that GATS Article III:2 acknowledges that, in contexts where “publication is not practicable”,

information shall be “made otherwise publicly available”. Typically, publication would include both publication in an official journal or gazette as well as on a government website. Publication has been interpreted as not being practicable in cases of administrative burden, lack of human resources, or the costs involved. However, given the relative ease with which information can be made available online, few situations may justify recourse to GATS Article III:2, which in any case requires the public availability of information. When publication proves impracticable, public access can be provided through enquiry points or by making information available upon specific request.

The SDR Disciplines build on the transparency obligations in GATS Article III and provide that:

If a Member requires authorization for the supply of a service, further to Article III of the Agreement, the Member shall promptly publish,^{FN} or otherwise make publicly available in writing, the information necessary for service suppliers or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing such authorization. Such information shall include, *inter alia*, where it exists:

- a. the requirements and procedures;
- b. contact information of relevant competent authorities;
- c. fees;
- d. technical standards;
- e. procedures for appeal or review of decisions concerning applications;
- f. procedures for monitoring or enforcing compliance with the terms and conditions of licenses or qualifications;
- g. opportunities for public involvement, such as through hearings or comments; and
- h. indicative timeframes for processing of an application.¹²

^{FN}: For purposes of these disciplines, “publish” means to include in an official publication, such as an official journal, or on an official website. Members are encouraged to consolidate electronic publications into a single portal.

The SDR Disciplines have a more limited scope than GATS Article III:1, as they only cover information with respect to “authorization”, not with respect to compliance with any type of measures. However, they are overall broader in scope, as rather than addressing “measures”, they address “the public availability of information necessary for service suppliers, or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing the required authorization”. Taking this into account, the SDR Disciplines include an illustrative list of information to be made available, where it exists.

The SDR Disciplines combine the terms “publish” and “making publicly available” and clarify that “publish” means, for example, in an official publication, such as an official journal, or on an official website”.¹³ In the case of electronic means, the SDR Disciplines contain a best endeavor commitment to encourage the consolidation of relevant information for service suppliers into a “single online portal”.¹⁴

Like GATS Article III, the SDR Disciplines require “prompt” publication of information. They further contain a flexible obligation to allow reasonable time between publication of the text of a law or regulation (related to authorization) and the date on which service suppliers must comply with it.¹⁵ Figure 1 provides a comparison

of publication-related GRPs covered by the GATS and the SDR Disciplines.

It is worth highlighting that, like the GATS, the SDR Disciplines do not contain an obligation with respect to the language of publication. In this light, it is worth noting that the TFA specifies that “whenever practicable” the information “shall be made available in one of the official languages of the WTO”.¹⁶ In addition, the increasingly important GRP related to the use of plain language, to ensure that the information made available is clear and easy to understand for the public, is not reflected in the SDR Disciplines (nor in the TFA).

PTA practice

Requirements related to transparency and publication are a standard feature of PTAs. Typically, these provisions mirror GATS Article III:1 and 2 (e.g. 2005 Singapore–Jordan FTA¹⁷). More recent agreements add best endeavor commitments to require the publication of such measures on the internet, and in the English language (e.g. 2022 RCEP¹⁸; 2021 ATISA¹⁹; 2022 India–Australia ECTA²⁰).

Only a few agreements contain more detailed provisions corresponding to the SDR Disciplines. For example, paragraph 8.6 of Chapter 15 of the 2020 USMCA²¹ reflects them, albeit without requiring consolidation

Figure 1: Publication-related GRPs in the GATS and the SDR Disciplines

GRPs	GATS	SDR disciplines
SCOPE OF THE PUBLICATION REQUIREMENT		
Publication of measures of general application pertaining to or affecting the operation of the GATS		
Publication of information necessary for service suppliers or persons seeking to supply a service to comply with the requirements and procedures for obtaining, maintaining, amending and renewing the required authorization		
TIME FRAME FOR PUBLICATION		
Prompt publication of measures at the latest by the time of entry into force		
Publication prior to the application or enforcement of measures (except in emergency situations)		
Provision of reasonable time between publication and the date on which compliance by service suppliers is required		
MEANS OF PUBLICATION		
Publication through physical means		
Publication through online means		
Consolidation of information in a single online portal		

Covered

Source: WTO/World Bank.

of the information in a single online portal. The 2011 Hong Kong, China–New Zealand CEPA²² contains a detailed Annex on domestic regulation disciplines. Similar to the SDR Disciplines, this agreement requires (albeit as a mandatory obligation) the publication of relevant measures of general application through printed or electronic means. It contains an illustrative list of information that covers the elements of SDR Disciplines. It goes further insofar as it requires that the relevant information in the illustrative list must be produced, whereas the SDR Disciplines only require that such information be made available where it exists.

Furthermore, the illustrative list in the 2011 Hong Kong, China–New Zealand CEPA appears to be even more comprehensive, requiring also that information on criteria, terms and conditions of licences is made available, and criteria and procedures for verification and assessment of qualifications, as well as information on exceptions and derogations changes to relevant measures.²³ Another notable example is the 2021 United States–Ecuador Protocol on Trade Rules and Transparency which contains a commitment on the use of plain language to ensure that regulations are clear, concise and easy for the public to understand.²⁴ Figure 2 provides an overview of emerging GRPs aspects in the area of publication of information.

Implementation at the domestic level

At the domestic level, it appears that the publication of laws and regulations is a common practice across the world and all income groups.²⁵ The WTO–World Bank STPD shows that, among the economies studied, 96.5 per cent make requirements and procedures related to authorization publicly available; 82.7 per cent provide information about fees; 73.7 per cent publicly set out time frames for decisions on authorization; 92.5 per cent publish appeal procedures; 88.1 per cent provide information about procedures for monitoring and enforcing compliance; and 86.9 per cent make contact information of enquiry points publicly available.

Overall, 77.5 per cent of the economies studied consolidate all information related to licensing and authorizations in a single online portal. Some jurisdictions formally mandate competent authorities to do so.²⁶ But even in the absence of a legal requirement, the publication of measures is nowadays an established practice – including through the internet – which reflects the importance attached to transparency of regulatory frameworks as a key GRP pillar.²⁷

Figure 2: Emerging GRPs aspects in the area of publication

Consolidation of information in one single online portal	Regular updating of information, with identification or removal of obsolete or expired information	Accessibility of past versions of information, including amendment history and version tracking
Option for alerts and notifications based on users' interests	Publication of information prior to publication or enforcement	Use of plain language to facilitate understanding
Availability of summaries or other documents to facilitate understanding of information	Availability of information in multiple languages, notably in English	Availability of information at no cost

Source: WTO/World Bank.

Typically, public notice includes a wide range of information on the measure. One notable example is the EU Services Directive which addresses the issue of publication and accessibility of information. Article 7 of the Directive requires that EU member states make information available through a single contact point, including with respect to (i) requirements concerning the procedures and formalities to be completed in order to access and exercise service activities; (ii) contact details of the competent authorities; (iii) the means of, and conditions for, accessing public registers and databases on providers and services; (iv) the means of redress which are generally available in the event of dispute between the competent authorities and the provider or the recipient, or between a provider and a recipient or between providers; (v) as well as the contact details of the associations or organizations, from which providers or recipients may obtain practical assistance.²⁸

At the EU member state level, Estonia, for example, provides a short summary of the proposed regulation, information on why the regulation is needed and what it intends to change, as well as when it is expected to enter into force.²⁹ In Lithuania, the information also includes an explanation of the expected positive and negative effects of the regulatory change.³⁰ In addition to all of these details, Moldova also provides the contact details of civil servants responsible for the measure.³¹

It is also interesting to observe that many jurisdictions have been introducing requirements to ensure that laws

and regulations are drafted in clear language.³² One case in point is Norway which has introduced two main instruments addressing the need for plain language, namely (i) the 2022 Language Act which contains a requirement for all public bodies to communicate in a clear and correct manner adapted to the target group, as well as (ii) a government's communication policy which sets out objectives for people to receive correct and clear information about their rights, duties, opportunities and the state's activities.³³

In conclusion, transparency is broadly recognized as a key GRP feature of well-functioning regulatory frameworks – leading to productivity growth and higher income levels. For this reason, transparency obligations find an anchor already in the GATS. More recent international trade instruments, such as the SDR Disciplines and services PTAs, contain more advanced commitments in this area. For example, they specify what type of information (e.g. authorization requirements and procedures) must be made publicly available, through what means (e.g. online), and in what format (e.g. using plain language and with supporting documents to facilitate understanding). At the domestic level, the importance of transparency is not underestimated; even when a legal requirement does not exist to publish laws and regulations (including in advanced draft forms), governments tend to do so voluntarily. This is key not just to promote the legitimacy of the institutional framework, but also to enable public engagement in the policy-making process and thereby achieving better regulatory outcomes.

ENDNOTES

1 Version tracking refers to a visible history of changes (with dates, who and which authority changed what, and redlines or change logs) so users can easily understand how a text evolved.

2 See, for example, EUR-Lex, the regulatory portal of the European Union (EU), <https://eur-lex.europa.eu>; Justice Laws Website (Canada), <https://laws-lois.justice.gc.ca>; Singapore Statutes Online, <https://sso.agc.gov.sg>.

3 Version control means that each iteration of a document receives a unique, time-stamped ID and is stored immutably, allowing users and automated tools to compare versions and roll back if needed.

4 OECD (2025).

5 GATS, Preamble.

6 GATS, Article III:1.

7 GATS, Article III:1.

8 WTO (2009), para. 7.971.

9 WTO (2006), para. 7.116.

10 See WTO (1997a), para 7.65; WTO (1997b), p. 21.

11 Delimatsis (2008), p. 99.

12 SDR Disciplines (WTO, 2021), para. 13.

13 SDR Disciplines (WTO, 2021), fn 12 to para. 13.

14 SDR Disciplines (WTO, 2021), fn 12 to para. 13.

15 SDR Disciplines (WTO, 2021), para. 19. For more information, please see also subsection 2.7 on “Stakeholder Engagement”.

16 TFA, Article 1.2.2.

17 Singapore–Jordan FTA (2005), Article 4.14.

18 RCEP (2022), Article 8.14.3.

19 ATISA (2021), Article 14.3.

20 India–Australia ECTA (2022), Article 8.13.3.

21 USMCA (2020).

22 Hong Kong, China–New Zealand CEPA (2011).

23 Hong Kong, China–New Zealand CEPA (2011), Chapter 13: Trade in Services, Article 9: Domestic Regulation; Annex III to Chapter 13: Disciplines on Domestic Regulation, paras. 9(c), (d), and (i).

24 United States–Ecuador Protocol on Trade Rules and Transparency (2021), Annex II: Good Regulatory Practices, Article 8: Use of Plain Language.

25 Johns and Saltane (2016).

26 See, for instance, Government of Ukraine, Law of Ukraine on Principles of State Regulatory Policy in the Sphere of Economic Activity, No. 1160-IV, adopted 11 September 2003, as amended, Articles 4, 5; European Union, Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (EU Services Directive), OJ L 376, 27 December 2006, Articles 7, 13; US Government, Administrative Procedure Act (APA), 5 U.S.C. §§ 552, 553; Government of New Zealand, Official Information Act 1982, as at 5 April 2025, Sections 4(a), 5; Government of Canada, Access to Information Act, R.S.C. 1985, c. A-1, current to 1 September 2025, last amended 1 June 2025, Section 2(1).

27 Johns and Saltane (2016).

28 European Union, Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (EU Services Directive), OJ L 376, 27 December 2006.

29 European Union, Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (EU Services Directive), OJ L 376, 27 December 2006.

30 European Union, Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (EU Services Directive), OJ L 376, 27 December 2006.

31 European Union, Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (EU Services Directive), OJ L 376, 27 December 2006.

32 European Union, Directive 2006/123/EC of the European Parliament and of the Council on Services in the Internal Market (EU Services Directive), OJ L 376, 27 December 2006.

33 For more information, see Government of Norway, Act Relating to Language, LOV-2021-05-21-42, last consolidated LOV-2022-12-20-115, available at <https://lovdata.no/dokument/NLE/lov/2021-05-21-42>; Government of Norway, Ministry of Government Administration and Reform, “Central Government Communication Policy”, 16 October 2009, <https://www.regjeringen.no/en/dokumenter/central-government-communication-policy/id582088>.



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