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COMMITTEE ON TECHNICAL BARRIERS TO TRADE
**THIRD ANNUAL REVIEW OF THE IMPLEMENTATION AND
OPERATION OF THE AGREEMENT BACKGROUND**

Document by the Secretariat
World Trade Organization

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Committee on Technical Barriers to Trade

THIRD ANNUAL REVIEW OF THE IMPLEMENTATION AND
OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will conduct its third annual review under Article 15.3 of the Agreement at its meeting on 27 March 1998. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 1997.

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I. COMMITTEE ON TECHNICAL BARRIERS TO TRADE	

1.1 Composition of the Committee

Chairperson: Timothy Tong (Hong Kong, China)

Members

Angola
Antigua and Barbuda
Argentina
Australia
Austria
Bahrain
Bangladesh
Barbados
Belgium
Belize
Benin
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi
Cameroon
Canada
Central African Republic
Chad
Chile
Colombia
Congo
Congo, Democratic Republic of the
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czech Republic
Denmark
Djibouti
Dominica
Dominican Republic
EC
Ecuador
Egypt
El Salvador
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea Bissau
Guinea, Rep.of
Guyana
Haiti
Honduras
Hong Kong, China
Hungary
Iceland
India
Indonesia
Ireland
Israel
Italy
Jamaica
Japan
Kenya

Korea
Kuwait
Lesotho
Liechtenstein
Luxembourg
Macau
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Romania
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent & Gren.
Senegal
Sierra Leone
Singapore
Slovak Republic
Slovenia
Solomon Islands
South Africa
Spain
Sri Lanka
Suriname
Swaziland
Sweden
Switzerland
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United Kingdom
United States
Uruguay
Venezuela
Zambia
Zimbabwe
Observer Governments1

Albania
Algeria
Andorra
Armenia
Azerbaijan
Belarus
Cambodia
China
Croatia
Estonia
Ethiopia
Former Yugoslav Rep.
of Macedonia
Georgia
Holy See
Jordan
Kazakhstan
Kyrgyz Rep.
Latvia
Lithuania
Moldova
Nepal
Oman
Russian Federation
Saudi Arabia
Seychelles
Sudan
Chinese Taipei
Tonga
Ukraine
Uzbekistan
Vanuatu
Viet Nam

Observer Organizations

ACP, ALADI2, EFTA2, FAO, IEC, IMF, ISO, ITC, OECD, OIE, OIML2, UNCTAD, UN/ECE, WHO, WHO/FAO Codex Alimentarius Commission and the World Bank.

1.2 Main Developments of the Committee during the Current Period

The Committee held its eighth, ninth, tenth and eleventh meetings on 14 February, 20 June, 3 October, 13 and 18 November 1997 (G/TBT/M/7-10) respectively. At those meetings, the Committee heard statements on the implementation and administration of the Agreement. A number of Members informed the Committee of measures taken to ensure the implementation and administration of the Agreement. Several measures were brought to the attention of the Committee by Members who raised concerns about the potential adverse trade effects or inconsistency with the Agreement of those measures.

A Technical Working Group was established by the Committee to study certain ISO/IEC Guides and how they might contribute to furthering the objectives of Articles 5 and 6 of the Agreement. The Working Group held meetings on 13 February, 18 June and 2 October (G/TBT/M/7-9). A Briefing Session was organized to help clarify some of the more technical issues relating to conformity assessment procedures. Background papers to describe the issues and the practical experience of individual governments and international organizations in using these guides are contained in documents G/TBT/W/38 and 43.

At its meeting in February, the Committee carried out its Second Annual Review of the Implementation and Operation of the Agreement under Article 15.3 (G/TBT/4) and of the Code of Good Practice for the Preparation, Adoption and Application of Standards, Annex 3 of the Agreement (G/TBT/CS/1/Add.1 and 2/Rev.1). It agreed to grant observer status to the World Bank and to those international intergovernmental organizations that had already been granted ad hoc observer status in the Committee. It heard a report on the first meeting of the Technical Working Group on ISO/IEC Guides and also statements on technical assistance. It started the preparation for the First Triennial Review of the Operation and Implementation of the Agreement under Article 15.4. It considered how to proceed the Review, the dates of meetings and identified the issues to be included. At the meeting, a delegation presented its submission and the Secretariat was requested to prepare background papers for the Review.

At its meeting in June, the Committee agreed to grant ad hoc observer status to the African, Caribbean and Pacific Group of States (ACP) and the European Free Trade

Association (EFTA). It heard report from the Chairman (Mr. J. McMillan) of the Technical Working Group on the Group's meeting held on 18 April. It agreed to invite representatives from the ISO, ILAC and IAF as observers at the following meeting of the Group. At the meeting, a number of delegations presented their papers and the Committee held discussions on the proposals put forward for the First Triennial Review of the Agreement.

At its meetings in October, the Committee agreed to grant observer status to the Latin American Integration Association (ALADI) on an ad hoc basis. It heard report from the Chairman of the Technical Working Group on the Group's meeting held on 2 October. It continued to prepare for the First Triennial Review and held discussions on the conduct of the Review process and the issues raised.

At its November meetings, the Committee agreed to grant observer status to the International Organization of Legal Metrology (OIML) on an ad hoc basis. It carried out the First Triennial Review of the Operation and Implementation of the Agreement. It adopted the Report of the Triennial Review (G/TBT/5). Relevant background papers and submissions from delegations are contained in documents G/TBT/W/36, 39-42, 44-45, 47-48, 50-51 and 53-56. The Committee also adopted its Report (1997) to the Council for Trade in Goods (G/L/207).

II. IMPLEMENTATION AND ADMINISTRATION

2.1 Statements on Implementation and Administration of the Agreement (Article 15.2)

Table 1 - Statements on Implementation and Administration of the Agreement received in 1997

Members	Date of entry into Force	Documents containing Members' Statements on Implementation
---------	--------------------------	--

and Administration of the Agreement

POLAND	1 July 1995	G/TBT/2/Add.31 and Rev.1
BULGARIA	1 December 1996	G/TBT/2/Add.32
TURKEY	26 March 1995	G/TBT/2/Add.33
EGYPT	30 June 1995	G/TBT/2/Add.34
SWAZILAND	1 January 1995	G/TBT/2/Add.35
LIECHTENSTEIN	1 September 1995	G/TBT/2/Add.36
SAINT LUCIA	1 January 1995	G/TBT/2/Add.37
THAILAND	1 January 1995	G/TBT/2/Add.38
MOROCCO	1 January 1995	G/TBT/2/Add.39
MAURITIUS	1 January 1995	G/TBT/2/Add.40
HUNGARY	1 January 1995	G/TBT/2/Add.41
NAMIBIA	1 January 1995	G/TBT/2/Add.42

III. NOTIFICATIONS

3.1 Notifications made in the current year and since entry into force of the Agreement by Members and by the relevant Articles of the Agreement

Since the entry into force of the Agreement on 1 January 1995 up to 31 December 1997, 1619 notifications have been made by 47 Members.

Table 2 - Notifications made in the current year and since entry into force of the Agreement by Members and by the relevant Articles of the Agreement

Members

Number of notifications made in

1997 Number of notifications made under the relevant Articles in 1997

Total number of notifications made since 1 January 1995

Total number of notifications made under the relevant Articles since 1 January 1995

2.9	2.10	3.2	5.6	5.7	7.2	not specify
2.9	2.10	3.2	5.6	5.7	7.2	not

agreed:

(a) To explore ways and means of improving the implementation of Articles 2.6, 5.5, 11.2, 12.5 and paragraph G of the Code with a view to enhancing Members' awareness of, and participation in, the work of international standardizing bodies. As appropriate, the Committee will consider the usefulness of communicating its views to the relevant international standardizing bodies for their consideration;

(b) to invite Members, on a voluntary basis, to submit specific examples to the Committee addressing the difficulties and problems they encounter in relation to international standards, including those mentioned in paragraph 18 above, taking into account Article 12.4. This information exchange process, as well as the indications obtained through the notifications of draft regulations and conformity assessment procedures, would provide relevant information on the national practices of Members, and on the manner in which international standardizing bodies developed standards. In the light of this experience sharing exercise, the Committee may consider the usefulness of communicating its views to relevant international standardizing bodies for their consideration;

(c) to consider the appropriate means for the Committee to express its views to relevant international standardizing bodies regarding the preparation of international standards, and to invite international standardizing bodies to follow the relevant principles of the Code of Good Practice; and

(d) in accordance with the rules of procedures of the Committee and on an ad hoc basis as agreed, relevant international standardizing bodies will be invited to meetings of the Committee to enable them to take into account the on-going discussions in the WTO, and to increase Members' awareness of the activities of these organizations. Relevant international standardizing bodies will be invited to provide prior information concerning their activities.

E. Preparation, Adoption and Application of Technical Regulations

23. The Committee recognized that while no country should be prevented from taking measures necessary to fulfil a legitimate objective as prescribed in Article 2.2, technical regulations, because of their mandatory nature, might create trade barriers.

The Committee reiterated that good regulatory practice for the preparation, adoption and application of technical regulations was a priority for Members to facilitate trade. In this regard, the Committee noted the importance of avoiding the promulgation of national technical regulations where they were not necessary, limiting them to their specific requirements and, in accordance with the relevant provisions of the Agreement, aligning them with international standards.

24. In order to assist the implementation of the relevant provisions of the Agreement, the Committee agreed to the following:

(a) When considering the preparation of a technical regulation, it is important for Members first to identify the related problem, including its magnitude and the legitimate objective; and then consider all options available consistent with the Agreement, bearing in mind that in accordance with Articles 2.2 and 2.3 a technical regulation shall not be more trade restrictive than necessary to fulfil a legitimate objective, and shall not be maintained if the circumstances or objectives giving rise to its adoption no longer exist or if the changed circumstances or objectives can be addressed in a less trade-restrictive manner. If a technical regulation is required, it shall comply with the relevant provisions of the Agreement, including Articles 12.3 and 12.7;

(b) to avoid duplication of work and to ensure effective implementation of the Agreement, coordination between governmental regulatory authorities, trade officials and national standardizing bodies is essential; and

(c) for information exchange, Members are invited, on a voluntary basis, to submit descriptions of their approach to technical regulations. The Committee will examine the various approaches to the preparation, adoption and application of technical regulations and their consequences for market access, with a view to assisting regulatory authorities through promoting awareness of their rights and obligations under the Agreement.

F. Conformity Assessment Procedures

25. The Committee reiterated the importance of the provisions of Articles 5 and 6 for the preparation, adoption and application of conformity assessment procedures to avoid

Canada	5	7	5	-	-	17	
Chile	1	-	-	-	-	1	
Colombia	30	-	-	2	1	32	
Costa Rica	-	-	8	-	-	8	
Cyprus	1	-	-	-	-	1	
Czech Republic	1	-	-	-	-	-	1
Denmark	10	2	7	4	-	23	
Egypt	1	-	-	-	-	1	
El Salvador	8	-	-	14	-	22	
European Communities							
	4	8	8	-	-	20	
Fiji	-	-	-	1	1	1	
Finland	2	-	2	-	-	4	
France	3	7	5	-	-	15	
Germany	1	-	-	-	-	1	
Hong Kong, China							
	3	1	1	2	-	7	
Israel	-	10	-	-	-	10	
Jamaica	-	6	1	1	-	8	
Japan	4	13	14	1	1	32	
Korea, Rep. of	8	2	4	-	-	-	14
Malaysia	8	4	-	-	-	12	
Mexico	7	7	11	4	1	29	
Netherlands	215	44	13	13	10	285	
New Zealand	-	3	1	-	-	4	
Norway	-	2	5	-	-	7	
Philippines	-	8	3	-	-	11	
Senegal	-	-	1	-	-	1	
Singapore	1	-	2	-	-	3	
Slovak Rep.	-	3	5	-	-	8	
South Africa	-	-	-	1	7	-	8
Spain	4	1	-	-	-	5	
Sri Lanka	1	-	-	-	-	1	
Sweden	1	7	12	-	-	20	
Switzerland	1	16	3	-	-	20	
Thailand	4	5	-	13	4	22	
Trinidad & Tobago							
	2	-	-	-	-	2	
United Kingdom	1	2	-	-	-	3	
United States	10	8	8	-	-	26	
TOTAL	372	184	125	113	20	794	

3.2 Notifications under Article 10.7 - Bilateral or Multilateral Agreements reached by Members on issues related to Technical Regulations, Standards or Conformity Assessment Procedures

In 1997, 18 notifications were made under Article 10.7 (G/TBT/10.7/1-18), notified by the Czech Republic, Poland, Australia, the Republic of Slovenia and Mongolia.

IV. PUBLICATIONS AND ENQUIRY POINTS

4.1. Publications used to announce that work is proceeding on draft technical regulations and conformity assessment procedures under Articles 2.9.1 and 5.6.1 of the Agreement

Relevant information is contained in documents G/TBT/2 and addenda.

4.2. Publications in which the final texts of technical regulations and conformity assessment procedures are published under Articles 2.11 and 5.8 of the Agreement

Relevant information is contained in documents G/TBT/2 and addenda.

4.3. Enquiry points under Article 10 of the Agreement

Updated lists of WTO TBT Enquiry Points under Articles 10.1 and 10.2 of the Agreement are contained in documents G/TBT/ENQ/1-10.

V. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 1997, the Secretariat held TBT Seminars jointly with the ISO, ITC and FTAA in

the sub-regions of Eastern Europe, South Asia and the Caribbean. Resources to pay for participants attending the Seminars were obtained from the WTO Netherlands Funds, the German Standardizing Body (DIN) and the FTAA.

Relevant information regarding the current technical assistance programmes of the European Communities is contained in Annex of document G/TBT/W/36.

VI. DISPUTE SETTLEMENT UNDER ARTICLE 14

Dispute Request for
Consultations Request to Join Consultations
Mutually Agreed Solution
Panel Established
Panel Report Circulated
Notice of Appeal
Appellate Report Circulated

European Communities - Measures Concerning Meat and Meat Products (Hormones)

31 January 1996

United States

(WT/DS26/1)

(G/TBT/D/5) 8 February 1996

New Zealand

(WT/DS26/2)

9 February 1996

Australia

(WT/DS26/3)

13 February 1996

Canada

(WT/DS26/4)

20 May 1996

18 August 1997

24 September

1997

(WT/DS26/9) 16 January 1998

European Communities - Measures Affecting Livestock and Meat (Hormones)

8 July 1996

Canada

(WT/DS48/1)

(G/TBT/D/7) 22 July 1996

Australia

(WT/DS48/2)

23 July 1996

United States

(WT/DS48/3)

23 July 1996

New Zealand

(WT/DS48/4)

16 October 1996

18 August 1997 24 September

1997

(WT/DS48/7)

16 January 1998

Argentina - Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items

15 October 1996

United States

(WT/DS56/1)

(G/TBT/D/10) 29 October 1996

Hungary

(WT/DS56/2)

4 November 1996
EC
(WT/DS56/3)
25 February 1997
25 November
1997 21 January 1998

Argentina - Measures Affecting Textiles, Clothing and Footwear

28 April 1997
European Communities
(WT/DS77/1)

14 May 1997
United States
(WT/DS77/2)
16 October 1997

European Communities - Measures Affecting Butter Products

3 April 1997
New Zealand
(WT/DS72/1)
(G/TBT/D/12) 18 November 1997

United States - Measures Affecting Textiles and Apparel Products

3 June 1997
European Communities
(WT/DS85/1)
(G/TBT/D/13) 11 June 1997
Switzerland
(WT/DS85/2)

18 June 1997
Honduras
(WT/DS85/3)

17 June 1997
Hong Kong, China
(WT/DS85/4)

18 June 1997
Pakistan
(WT/DS85/5)

18 June 1997
India
(WT/DS85/6)

19 June 1997
Japan
(WT/DS85/7)

25 June 1997
Dominican Republic
(WT/DS85/8)
United States -
Measures Affecting Imports of Poultry Products
25 August 1997
European Communities
(WT/DS100/1)
(G/TBT/D/14)

VII. CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS

Overall, since the entry into force of the Agreement, 91 standardizing bodies from 68 Members have adhered to the Code of Good Practice. Notifications of acceptance of the Code by standardizing bodies are contained in documents G/TBT/CS/N/1-91. Document G/TBT/CS/2/Rev.4 contains the complete list by Member of standardizing bodies that have accepted the Code since 1 January 1995.

In 1997, 28 standardizing bodies from 22 Members accepted the Code. A list by

Member of all standardizing bodies that have adhered to the Code in 1997 is in document G/TBT/CS/1/Add.2.

The third WTO TBT Standards Code Directory has been published by ISO/IEC Information Centre in February 1998 .

VIII. WORKING AND SPECIAL DOCUMENTS ISSUED DURING THE CURRENT PERIOD

Document reference	Date of issue	Title and content of documents
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Document reference	Date of issue	Title and content of documents
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G/TBT/W/35	15 January 1997	Request for Observer Status in the Committee by International Organizations
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1	G/TBT/W/36	25 March 1997	First Three-Year Review of the Operation and Implementation of the Agreement - Note from the European Community
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12	G/TBT/W/37	11 March 1997	Draft Minutes of the Meeting held on 14 February 1997
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12	G/TBT/W/38	9 April 1997	The Relationship between the Agreement and Relevant ISO/IEC Guides - Secretariat
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background paper

8	G/TBT/W/39	15 April 1997	Triennial Review of the Agreement - Note from the Government of Japan
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3	G/TBT/W/40	25 April 1997	U.S. Paper on the First Triennial Review
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4	G/TBT/W/41	25 April 1997	TBT Triennial Review - Note from the Government of Canada
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5	G/TBT/W/42	28 April 1997	Restrictive Trade Effects of Standards, Technical Regulations and Conformity Assessment Procedures - Background Paper by the Secretariat
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11	G/TBT/W/43, Add.1	Add.2, and	Add.3	13 June,	9 July,	19 September, and	21 October 1997	Practical Experience of Individual Governments and International Organizations in Using International Guides on Conformity Assessment - Note by the Secretariat
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10

2

3

1

G/TBT/W/44	13 June 1997	Requirements of the Agreement Concerning the Preparation, Adoption and Review of Technical Regulations - Communication from New Zealand
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12	G/TBT/W/45	13 June 1997	First Triennial Review of the Operation and Implementation of the Agreement - Submission by Switzerland
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4	G/TBT/W/46	18 June 1997	Request for Observer Status by the Latin American Integration Association (ALADI)
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1	G/TBT/W/47, and Add.1	25 June, and	17 September 1997
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Singapore Paper on the First Triennial Review

2

1

G/TBT/W/48 3 July 1997 First Triennial Review of the Operation and Implementation of the Agreement - Communication from Brazil

3

G/TBT/W/49 4 July 1997 Communication from Mexico on the Publication of its 1997 National Standardization Programme

1

G/TBT/W/50 5 August 1997 First Triennial Review of the Operation and Implementation of the Agreement - Communication by Mexico

7

G/TBT/W/51 30 July 1997 Indian Paper on the First Triennial Review

3

G/TBT/W/52 28 July 1997 Draft Minutes of the Meeting of 20 June 1997

29

G/TBT/W/53 18 September 1997 Working Paper on the First Triennial Review of the Operation and Implementation of the Agreement - Communication from the European Communities

7

G/TBT/W/54 30 September 1997 Philippine Paper on the First Triennial Review

3

G/TBT/W/55 9 October 1997 Australian Paper on the First Triennial Review of the Operation and Implementation of the Agreement

3

G/TBT/W/56 9 October 1997 First Three-Year Review of the Operation and Implementation of the Agreement - Communication from Egypt

2

G/TBT/W/57 16 October 1997 Request for Observer Status by the International Organization of Legal Metrology (OIML)

1

G/TBT/W/58 26 November 1997 Draft Minutes of the Meeting held on 3 October 1997

7

G/TBT/W/59 26 November 1997 Draft Minutes of the Meetings held on 13 and 18 November 1997

2

G/TBT/Spec/5 October 1997 Draft Report (1997) of the Committee

1

Committee on Technical Barriers to Trade

DECISIONS AND RECOMMENDATIONS ADOPTED
BY THE COMMITTEE SINCE 1 JANUARY 1995

Note by the Secretariat

Revision

The present document supersedes all previous G/TBT/1 documents. It reproduces the decisions and recommendations adopted by the Committee concerning its rules of procedure and the interpretation, implementation and administration of the Agreement.

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I. RULES OF PROCEDURE FOR THE MEETINGS OF THE WTO COMMITTEE ON TECHNICAL BARRIERS TO
TRADE

At its first meeting on 21 April 1995, the Committee adopted the following Rules of Procedure. In accordance with Article IV: 6 of the WTO Agreement, these Rules are being submitted to the Council for Trade in Goods for approval.

CHAPTER I - Meetings
Rule1

The Committee on Technical Barriers to Trade (hereinafter the Committee) shall meet as necessary, but not less than once a year.

Rule2

Meetings of the Committee shall be convened by the Director-General by a notice issued, preferably three weeks, and in any event not less than ten calendar days, prior to the date set for the meeting. In the event that the tenth day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day. Meetings may be convened with shorter notice for matters of significant importance or urgency at the request of a Member concurred in by the majority of the Members.

CHAPTER II - Agenda

Rule3

A list of the items proposed for the agenda of the meeting shall be communicated to Members together with the convening notice for the meeting. It shall be open to any Member to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued.

Rule4

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Secretariat in writing, together with the accompanying documentation to be issued in connection with that item. Documentation for consideration at a meeting shall be circulated not later than the day on which the notice of the meeting is to be issued.

Rule5

(Will not apply)

Rule6

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives may suggest amendments to the proposed agenda, or additions to the agenda under 'Other Business'. Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under 'Other Business'.

Rule7

The Committee may amend the agenda or give priority to certain items at any time in the course of the meeting.

CHAPTER III - Representation

Rule8

Each Member shall be represented by an accredited representative.

Rule9

Each representative may be accompanied by such alternates and advisers as the representative may require.

CHAPTER IV - Observers

Rule10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the Committee in accordance with the guidelines in Annex1 to these Rules.

Rule 11

Representatives of international intergovernmental organizations may attend the meetings as observers on the invitation of the Committee in accordance with the guidelines in Annex2 to these Rules.

CHAPTER V - Officers

Rule 12

The Committee shall elect a Chairperson and may elect a Vice-Chairperson from

among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson and Vice-Chairperson shall hold office until the end of the first meeting of the following year.

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Vice-Chairperson shall perform the functions of the Chairperson. If no Vice-Chairperson was elected or if the Vice-Chairperson is not present, the Committee shall elect an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Committee shall designate the Vice-Chairperson referred to in Rule 12 or, if no Vice-Chairperson was elected it shall elect an interim Chairperson to perform those functions pending the election of a new Chairperson.

Rule 15

The Chairperson shall normally participate in the proceedings as such and not as the representative of a Member. The Chairperson may, however, at any time request permission to act in either capacity.

CHAPTER VI - Conduct of Business

Rule 16

The Chairperson may consider postponing a meeting in the event that he or she feels that doing so may result in a more representative level of participation by WTO Members.

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Rule 18

During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately.

Rule 20

A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately.

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker.

Rule23

Representatives shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members, the summary of which, at the representative's request, may be reflected in the records of the Committee.

Rule24

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the Committee as supporting statements; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

Rule25

Representatives should avoid unduly long debates under 'Other Business'. Discussions on substantive issues under 'Other Business' shall be avoided, and the Committee shall limit itself to taking note of the announcement by the sponsoring delegation, as well as any reactions to such an announcement by other delegations directly concerned.

Rule26

While the Committee is not expected to take action in respect of an item introduced as 'Other Business', nothing shall prevent the Committee, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance.

Rule27

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

Rule28

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule29

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule30

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule31

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule32

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided.

CHAPTER VII - Decision-Making
Rule 33

Where a decision cannot be arrived at by consensus, the matter at issue shall be referred to the Council for Trade in Goods.

Rule 34

(Will not apply)

CHAPTER VIII - Languages
Rule 35

English, French and Spanish shall be the working languages.

CHAPTER IX - Records
Rule 36

Records of the discussions of the Committee shall be in the form of minutes.

CHAPTER X - Publicity of Meetings
Rule 37

The meetings of the Committee shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public.

Rule 38

After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

CHAPTER XI - Revision
Rule 39

The Committee may decide at any time to revise these rules or any part of them.

ANNEX 1

Guidelines for Observer Status for Governments in the WTO

1. The purpose of observer status in the General Council and its subsidiary bodies is to allow a government to better acquaint itself with the WTO and its activities, and to prepare and initiate negotiations for accession to the WTO Agreement.
2. Observer governments shall have access to the main WTO document series. They may also request technical assistance from the Secretariat in relation to the operation of the WTO system in general, as well as to negotiations on accession to the WTO Agreement.
3. Representatives of governments accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to make proposals, unless a government is specifically invited to do so, nor to participate in decision-making.

ANNEX 2

Guidelines for Observer Status for International
Intergovernmental Organizations in the WTO

1. The purpose of observer status for international intergovernmental organizations (hereinafter referred to as "organizations") in the WTO is to enable these organizations to follow discussions therein on matters of direct interest to them.
2. Requests for observer status shall accordingly be considered from organizations which have competence and a direct interest in trade policy matters, or which, pursuant to paragraph V:1 of the WTO Agreement, have responsibilities related to those of the WTO.

3. Requests for observer status shall be made in writing to the WTO body in which such status is sought, and shall indicate the nature of the work of the organization and the reasons for its interest in being accorded such status.

4. Requests for observer status shall be considered on a case-by-case basis by each WTO body to which such a request is addressed, taking into account such factors as the nature of work of the organization concerned, the nature of its membership, the number of WTO Members in the organization, reciprocity with respect to access to proceedings, documents and other aspects of observership, and whether the organization has been associated in the past with the work of the CONTRACTING PARTIES to GATT 1947.

5. In addition to organizations that request, and are granted, observer status, other organizations may attend meetings of the Ministerial Conference, the General Council or subsidiary bodies on the specific invitation of the Ministerial Conference, the General Council or the subsidiary body concerned, as the case may be. Invitations may also be extended, as appropriate and on a case-by-case basis, to specific organizations to follow particular issues within a body in an observer capacity.

6. Organizations with which the WTO has entered into a formal arrangement for cooperation and consultation shall be accorded observer status in such bodies as may be determined by that arrangement.

7. Organizations accorded observer status in a particular WTO body shall not automatically be accorded such status in other WTO bodies.

8. Representatives of organizations accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to circulate papers or to make proposals, unless an organization is specifically invited to do so, nor to participate in decision-making.

9. Observer organizations shall receive copies of the main WTO documents series and of other documents series relating to the work of the subsidiary bodies which they attend as observers. They may receive such additional documents as may be specified by the terms of any formal arrangements for cooperation between them and the WTO.

10. If for any one-year period after the date of the grant of observer status, there has been no attendance by the observer organization, such status shall cease. II. STATEMENTS ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Background and purpose

Article 15.2 of the Agreement provides that each Member shall inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement. In response to this provision of the Agreement Members shall submit the relevant information in the form of written statements. The Committee agreed on the following decision concerning the contents of these statements.

Decisions

1. The statement should cover the legislative, regulatory and administrative action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied. If the Agreement itself has been incorporated into domestic law, the statement should indicate how this has been done. In other cases, the statement should describe the content of the relevant laws, regulations, administrative orders, etc. All necessary references should also be provided.

2. In addition, the statement should specify

(a) The names of the publications used to announce that work is proceeding on draft technical regulations or standards and procedures for assessment of conformity and those in which the texts of technical regulations and standards or procedures for assessment of conformity are published under Articles 3.1 ; 2.11 , 2.9.1 (in relation to 2.9.1 and 2.11); 5.6.1, 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); and paragraphs J, L and O of Annex 3 of the Agreement;

(b) the expected length of time allowed for presentation of comments in writing on technical regulations, standards or procedures for assessment of conformity under Articles 2.9.4 and 2.10.3; 3.1 (in relation to 2.9.4 and 2.10.3); 5.6.4 and 5.7.3; 7.1, 8.1 and 9.2 (in relation to 5.6.4 and 5.7.3); and paragraph L of Annex 3 of the Agreement;

(c) the name and address of the enquiry point(s) foreseen in Articles 10.1 and 10.3 of the Agreement with an indication as to whether it is/they are fully operational; if for legal or administrative reasons more than one enquiry point is established, complete and unambiguous information on the scope of responsibilities of each of them;

(d) the name and address of any other agencies that have specific functions under the Agreement, including those foreseen in Articles 10.10 and 10.11 of the Agreement; and

(e) measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Member in question to fulfil its obligations on notifications under Articles 5.7, 5.6, 3.2, 2.10, 2.9 and 7.2 of the Agreement.

III. NOTIFICATION PROCEDURES

1. Format and Guidelines

Background and purpose

The procedures for notification under the Agreement have been kept under constant review by the Committee. In order to ensure a uniform and efficient operation of these procedures the Committee agreed on the following format and guidelines.

Recommendation

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, 'not known' or 'not stated' should be indicated.

Decisions

Item	Description
------	-------------

(i)	Member to Agreement notifying Government, including the competent
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authorities of the European Communities, which has acceded to the Agreement and which is making the notification;

if applicable, name of local government involved (Articles 3.2 and 7.2).

(ii)	Agency responsible	Body elaborating a proposal for or promulgating a technical regulation or procedures for assessment of conformity. The authority or agency designated to handle comments regarding the specific notification shall be indicated if different from above.
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(iii)	Notified under	Relevant provision of the Agreement:
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	Article 2.9.2 :	proposed technical regulation by central government body,
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	Article 2.10.1 :	adopted technical regulation by central government body,
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	Article 3.2:	proposed or adopted technical regulation by local government (on the level directly below that of the central government, Article 5.6.2 : proposed procedures for assessment of conformity by central government body,
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	Article 5.7.1:	adopted procedures for assessment of conformity by central government body,
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(iii)	Notified under (cont'd)	Article 7.2: proposed or adopted procedures for assessment of conformity by local government (on the level directly below that of the central government),
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Other Articles under which notification can arise in cases of urgency set out in those Articles are: Article 8.1: adopted procedures for assessment of conformity by non-governmental body,

Article 9.2: adopted procedures for assessment of conformity by international or regional organization.

(iv) Products covered HS or CCCN (chapter or heading and

number) where applicable. National tariff heading if different from HS or CCCN. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.

(v) Title and number of pages Title of the proposed or adopted of the notified document technical regulation or procedures for assessment of conformity. Number of pages in the notified document. The language(s) in which notified documents are available.

(vi) Description of content An abstract of the proposed or adopted technical regulation or procedures for assessment of conformity clearly indicating its content. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.

(vii) Objective and rationale, including the nature of urgent problems where applicable

For instance: health, safety, national security, ... etc.

(viii) Relevant documents (1) Publication where notice appears,

including date and reference number; (2) Proposal and basic document (with specific reference number or other identification) to which proposal refers;

(3) Publication in which proposal will appear when adopted;

(4) Whenever practicable, give reference to relevant international standard.

If it is necessary to charge for documents supplied, this fact should be indicated.

(ix) Proposed dates of adoption and entry into force The date when the technical regulation

or procedures for assessment of conformity is expected to be adopted, and the date from which the requirements in the technical regulation or procedures for assessment of conformity are proposed or decided to enter into force, taking into consideration the provisions of Article 2.12 .

(x) Final date for comments The date by which Members may submit comments in accordance with Articles 3.1 , 2.10.3 , 2.9.4 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement. A specific date should be indicated. The Committee has recommended a normal time limit for comments on notifications of 60 days. A Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so.

(xi) Texts available from If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, e-mail, telex and telefax number. Such indications should not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Article 10 of the Agreement.

World Trade Organization
G/TBT/Notif.97.
1997
(97-0000)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying:
If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible:
Agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):
5. Title, number of pages and language(s) of the notified document:
6. Description of content:
7. Objective and rationale, including the nature of urgent problems where applicable:
8. Relevant documents:
9. Proposed date of adoption:
Proposed date of entry into force:
10. Final date for comments:
11. Texts available from: National enquiry point [] or address, e-mail and telefax number of other body:
2. Timing of notifications

Background

The Committee dealt with this aspect of notification procedures in the following way:

Recommendation

When implementing the provisions of Articles 2.9.2, 3.2 (in relation to Article 2.9.2), 5.6.2 and 7.2 (in relation to Article 5.6.2), a notification should be made when a draft with the complete text of a proposed technical regulation or procedures for assessment of conformity is available and when amendments can still be introduced and taken into account.

3. Application of articles 2.9 And 5.6 (Preamble part)

Background and purpose

With a view to ensuring a consistent approach to the selection of proposed technical regulations and procedures for assessment of conformity to be notified, the Committee established the following criteria.

Recommendation

For the purposes of Articles 2.9 and 5.6, the concept of 'significant effect on trade of other Members' may refer to the effect on trade:

- (a) Of one technical regulation or procedure for assessment of conformity only, or of various technical regulations or procedures for assessment of conformity in combination;
- (b) in a specific product, group of products or products in general; and
- (c) between two or more Members.

When assessing the significance of the effect on trade of technical regulations, the Member concerned should take into consideration such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential

growth of such imports, and difficulties for producers in other Members to comply with the proposed technical regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

4. Translation of documents relating to notifications and address of body supplying the documents

Background and purpose

In order to avoid difficulties that can arise from the fact that the documentation relevant to technical regulations, standards and procedures for assessment of conformity is not available in one of the WTO working languages and that a body other than the enquiry point may be responsible for such documentation, the Committee agreed on the following procedures:

Recommendation

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may then contact such other Members in order to determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).

Decisions:

(a) When a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO TBT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;

(b) upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested; and

(c) Members shall indicate under point 11 of the WTO TBT notification form the exact address, telephone and fax numbers of the body responsible for supplying the relevant documents if that body is not the enquiry point.

5. Processing of requests for documentation

Background

The Committee addressed the problems of supplying and obtaining requested documentation on notified technical regulations and procedures for assessment of conformity as follows:

Recommendations:

(a) Requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO TBT notification number (G/TBT/Notif. ...) to which the requests refer. The same information should appear on the documents supplied in response to such requests; and

(b) any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requester.

6. Length of time allowed for comments

Background

The Committee set the following time limits for presentation of comments on notified technical regulations and procedures for assessment of conformity.

Recommendation

The normal time limit for comments on notifications should be sixty days. A

Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after forty-five days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so.

7. Handling of comments on notifications

Background and Purpose

In order to improve the handling of comments on proposed technical regulations and procedures for assessment of conformity submitted under Articles 3.1, 2.10.3, 2.9.4 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement, the Committee agreed on the following procedures.

Recommendations:

(a) Each Member should notify the WTO secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received; and

(b) a Member receiving comments through the designated body should without further request

(i) acknowledge the receipt of such comments,

(ii) explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed technical regulations or procedures for assessment of conformity concerned, and

(iii) provide to any Member from which it has received comments, a copy of the corresponding technical regulations or procedures for assessment of conformity as adopted or information that no corresponding technical regulations or procedures for assessment of conformity will be adopted for the time being.

8. Decision Relating to Notifications

Labelling Requirements

Background and purpose

With the purpose of clarifying the coverage of the Agreement with respect to labelling requirements, the Committee on Technical Barriers to Trade took the following decision.

Decision

In conformity with Article 2.9 of the Agreement, Members are obliged to notify all mandatory labelling requirements that are not based substantially on a relevant international standard and that may have a significant effect on the trade of other Members. That obligation is not dependent upon the kind of information which is provided on the label, whether it is in the nature of a technical specification or not.

IV. PROCEDURES FOR INFORMATION EXCHANGE

1. Regular Meetings

Background and purpose

In order to give Members the opportunity to discuss the activities and problems relating to information exchange the Committee took the following action.

Decision

Regular meetings of persons responsible for information exchange including persons responsible for enquiry points will be held on a biennial basis. Representatives of interested observers will be invited to participate in such meetings. The meetings will deal only with technical issues, leaving any policy matters for consideration by the Committee itself.

2. Booklets on Enquiry Points

Background and purpose

In order to improve publicity concerning the role of enquiry points in answering queries from Members as provided in Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendations:

(a) The issuing of brochures on enquiry points would be of value.

(b) all booklets issued by Members should contain the elements and, as far as possible, follow the layout below:

(i) Objective, name and address of WTO TBT enquiry point(s).

Objective:

Refer to the provisions of Articles 10.2, 10.1 and 10.3 of the Agreement on Technical Barriers to Trade.

Date established, and name of responsible officer.

Who can use the enquiry point(s):

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1 and 9.2 (in relation to 5.6.3 and 5.7.2); 10.1 and 10.3; paragraphs M and P of Annex 3 of the Agreement.

(ii) Information available from enquiry point(s).

Documentation:

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1 and 9.2 (in relation to 5.6.3 and 5.7.2); 10.4, 10.8.1 and 10.8.2; paragraphs M and P of Annex 3 of the Agreement

Documentation that can be obtained from the enquiry point(s).

Procedures for handling documentation on proposed or adopted domestic regulations and standards and procedures for assessment of conformity

Notifications: content, format, comment period:

Refer to the provisions of Articles 5.7.1, 5.6.2, 3.2, 2.10.1, 2.9.2, 7.2, 8.1, 9.2 and paragraphs C and J of Annex 3 of the Agreement, and to the decisions of the Committee on Technical Barriers to Trade regarding format and comment period.

Procedures for handling notifications issued by other Members of the Agreement, for issuing notifications from domestic sources, and for handling comments on notifications received or issued.

Publication:

Refer to the provisions of Articles 2.9.1 and 2.11; 3.1 (in relation to 2.9.1 and 2.11); 5.6.1 and 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); 10.1.5; and paragraphs J, L and O of Annex 3 of the Agreement

Procedures for ensuring compliance with these provisions of the Agreement, including any publications by the enquiry point(s).

(iii) Facilities offered (including charges, if any).

Data bank (content and form of documents, e.g. paper, microfilm, computer, etc.).

Access to data (retrieval system: manual, tape, on-line; software used).

Languages used.

Translation, if any.

ANNEX

Brief description of the Agreement: objectives, date of entry into force, date joined, status in domestic law.

List of Members of the Agreement.

List of enquiry points of other Members.

3. Enquiries which the Enquiry Points should be Prepared to Answer

Background and purpose

With a view to encouraging a uniform application of Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendation:

(a) (i) An enquiry should be considered 'reasonable' when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity; and

(ii) when an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field.

(b) The Enquiry Point(s) of a Member should be prepared to answer enquiries regarding the membership and participation of that Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provisions of such systems and arrangement.

4. Handling of Requests

Background and purpose

The purpose is to improve the handling of requests from other Members received under Article 10.1 and 10.3.

Recommendation

An enquiry point should, without further request, acknowledge the receipt of the enquiry. V. TECHNICAL ASSISTANCE

Procedures for exchange of information

Background and purpose

In considering the ways in which the provisions of Article 11 could be given operational significance, the Committee agreed to exchange information on technical assistance as follows:

Decision

Specific needs for technical assistance as well as information that may be provided by potential donor Members on their technical assistance programmes may be communicated to Members through the Secretariat. Members will take into account the provisions of Article 11.8 of the TBT Agreement when considering requests for technical assistance from the least-developed country Members. In agreement with requesting Members or potential donor Members, as the case may be, the information concerning specific needs and technical assistance programmes would be circulated by the Secretariat to all Members on an informal basis. Whilst information would be multilateralized in this manner, technical assistance would continue to be provided on a bilateral basis. The Secretariat would reflect the information circulated under this procedure in the documentation prepared for annual reviews of the implementation and operation of the Agreement if the Members concerned so agree.

Technical assistance would remain as an Item of the agenda of the Committee on a permanent basis and would be included on the agenda of a regular meeting of the Committee when so requested by a Member in accordance with the agreed procedures.

VI. REGIONAL STANDARDS-RELATED ACTIVITIES

Address by representatives

Background and purpose

The Agreement contains a number of provisions on regional standardizing bodies and systems for conformity assessment. In order to keep abreast of the activities of such bodies and systems, the Committee decided as follows.

Decision

Representatives of regional standardizing bodies and systems for conformity assessment may be invited to address the Committee on their procedures and how they relate to those embodied in the Agreement, on the basis of agreed lists of questions.

VII. NOTIFICATION FORMAT UNDER ARTICLE 10.7

AGREEMENT REACHED BY A MEMBER WITH ANOTHER COUNTRY OR COUNTRIES
ON ISSUES RELATED TO TECHNICAL REGULATIONS, STANDARDS
OR CONFORMITY ASSESSMENT PROCEDURES

NOTIFICATION

Under Article 10.7 of the Agreement "Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement." The following notification under Article 10.7 has been received.

1. Member notifying:
2. Title of the bilateral or plurilateral Agreement:
3. Parties to the Agreement:
4. Date of entry into force of the Agreement:
5. Products covered (HS or CCCN where applicable, otherwise national tariff heading):
6. Subject matter covered by the Agreement (technical regulations, standards or conformity assessment procedures):
7. Brief description of the Agreement:
8. Further information available from:

Committee on Technical Barriers to Trade

FIRST TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF
THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

I. INTRODUCTION

1. Article 15.4 of the Agreement on Technical Barriers to Trade provides that 'Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of the Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. Having regard, inter alia, to the experience gained in the implementation of the Agreement, the Committee shall, where appropriate, submit proposals for amendments to the text of this Agreement to the Council for Trade in Goods.'

2. The Committee on Technical Barriers to Trade conducted its First Triennial Review of the Agreement at its eighth, ninth, tenth and eleventh meetings held on 14 February, 20 June, 3 October and 13 November 1997 (G/TBT/M/7-10). Submissions by delegations for the purpose of the Review are contained in documents G/TBT/W/36, 39, 40, 41, 44, 45, 47 and Add.55, 54, 53, 51, 50, 48, 1 and 56.

3. The Committee reiterated the importance of the prevention and elimination of technical barriers to trade and the essential role of the Agreement in furthering these objectives. The Committee attached special importance to this First Triennial Review. Priority was given to the operation and implementation of the Agreement, including the provisions relating to transparency, Article 11 'Technical Assistance to Other Members' and Article 12 'Special and Differential Treatment of Developing Country Members'. Bearing in mind the High-Level Meeting on Integrated Initiatives for Least-Developed Countries' Trade Development, the Committee noted that technical assistance activities of the WTO should be coordinated with other international intergovernmental organizations. In this respect, special attention should also be given to the development of human and institutional resources, in particular, with respect to conformity assessment procedures.

4. The Committee examined the status of implementation by Members and assessed the extent to which the operation of the Agreement facilitated trade in all Members, including the trade of small and medium size enterprises (SMEs). The overall view was that the operation of the Agreement during the first three years of its existence revealed the capacity and potential of the Agreement to advance the objectives of GATT 1994, by ensuring that technical regulations, standards and procedures for assessment of conformity do not create unnecessary obstacles to international trade. The Committee considered that adjustment of the rights and obligations of the Agreement and amendments to its text were not necessary. The Committee noted however, that certain difficulties or problems existed in a number of areas regarding the operation and implementation of the Agreement. Accordingly, the Committee adopted a number of decisions, recommendations and arrangements aimed at better operation and implementation of the Agreement. In addition, the Committee reiterated that in accordance with Article 13.1, each Member had the opportunity of consulting in the Committee on any matters relating to the operation of the Agreement or the furtherance of its objectives.

II. ELEMENTS CONSIDERED UNDER THE REVIEW

A. Implementation and Administration of the Agreement by Members under Article 15.2

5. Article 15.2 provides that 'Each Member shall, promptly after the date on which the Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement'. Relevant decisions taken by the Committee concerning the contents of these written statements as provided for in document G/TBT/1/Rev.4 cover, inter alia, the legislative, regulatory and administrative action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied, and information on measures and arrangements for the purpose of transparency.

The Committee noted that the Singapore Ministerial Declaration attached high priority to full and effective implementation of the WTO Agreement, and stated that those Members 'which have not submitted notifications in a timely manner or whose notifications are not complete, should renew their efforts'. The Committee reiterated the importance of Members fulfilling their obligations for the implementation and administration of the Agreement, and urged them to submit their statements under Article 15.2 in accordance with the requirements contained in the relevant decisions.

6. At the conclusion of the First Triennial Review, 58 Members have submitted their statements. The Committee considered that the status of implementation was not satisfactory. The Committee noted that the issue involved two elements, namely the submission of the statements, and the arrangements for the implementation and administration of the Agreement. Certain Members might face difficulties in providing the information and need clarification of the notification requirements. Certain Members might also encounter difficulties and problems regarding the measures and arrangements to ensure the implementation and administration of the Agreement by relevant authorities and non-governmental standardizing bodies. The Committee agreed that an exchange of information and experience among Members would help to identify such problems and difficulties, and provide assistance to those Members seeking it.

7. In order to ensure the submission of statements under Article 15.2, and to improve the implementation and administration of the Agreement, the Committee agreed to the following:

(a) With due consideration to the obligations under Article 15.2 to inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement, Members who have not submitted such information are expected to do so without further delay. They are invited to indicate any difficulties and needs in this respect, so that technical assistance may be provided as appropriate; and

(b) for the purpose of information exchange, Members are invited, on a voluntary basis, to make oral presentations to further elaborate on the arrangements they have in place to achieve an effective implementation and administration of the provisions of the Agreement, including those under Article 12. This exercise would be a useful means of sharing information with respect to good practices and in meeting the needs of those Members that may be seeking assistance.

B. Operation and Implementation of Notification Procedures under Articles 2, 3, 5 and 7

8. Under Articles 2.9.2, 2.10.1, 3.2 (in relation to Articles 2.9.2 and 2.10.1), 5.6.2, 5.7.1 and 7.2 (in relation to Articles 5.6.2 and 5.7.1), notifications should be made with respect to draft technical regulations and procedures for assessment of conformity prepared by central government bodies and local government bodies directly below the central government level. In order to ensure a uniform and efficient operation of these provisions, the procedures for notification are kept under review by the Committee. The Committee recalled that the relevant recommendations and decisions, including the information contained in the notification form, timing of notifications, and handling of comments on notifications were contained in document G/TBT/1/Rev.4. It reiterated the importance of compliance with the relevant provisions of the Agreement, including Article 10.5, the agreed format and guidelines, and stressed that timely notification at the drafting stage was essential to ensure transparency. The Committee stressed the importance of the provisions of Article 2.9.4 which provide that 'Members shall without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account'.

9. With a view to ensuring the efficient and effective functioning of these transparency provisions, the Committee agreed to the revised notification format attached. The Committee reiterated the importance of clearly indicating the content of the proposed or adopted technical regulation or procedures for assessment of conformity in accordance with the decision on notification procedures (G/TBT/1/Rev.4).

The Committee stressed the importance of complying with the recommendation contained in G/TBT/1/Rev.4 that the normal time limit for comments on notifications should be 60 days. Any Member able to provide a time-limit beyond 60 days is encouraged to do so. Based on information provided by Members, a list will be prepared by the Secretariat to indicate those Members whose local government bodies, directly below the central government level, are authorized to adopt technical regulations or conformity assessment procedures. The Secretariat shall draw the attention of developing country Members to any notifications relating to products of particular interest to them. The Committee will examine any problems faced by developing country Members in the implementation of the provisions regarding notification obligations so that technical assistance may be provided as appropriate.

C. Acceptance, Implementation and Operation of the Code of Good Practice for the Preparation, Adoption and Application of Standards by Standardizing Bodies

10. Under Article 4 of the Agreement, 'Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice ... They shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with the Code of Good Practice'.

11. At the conclusion of the First Triennial Review, 84 standardizing bodies have notified their acceptance of the Code. The Code provides disciplines such as, non-discrimination, transparency, harmonization and avoidance of unnecessary obstacles to trade. The Committee considered that the status of implementation was not satisfactory. It noted that the proliferation of standards prepared, adopted and applied by standardizing bodies which did not follow the disciplines of the Code could have a potentially adverse impact on trade, even if they were voluntary. The failure of standardizing bodies of some Members to accept and comply with the Code undermined the effectiveness of the Agreement and the balance of rights and obligations between Members. The Committee reiterated the importance of enhancing the maximum acceptance of, and compliance with the Code by all standardizing bodies.

12. In order to improve the transparency, acceptance of, and compliance with the Code, the Committee agreed to the following:

(a) Members are invited to share their experience with respect to the steps taken to fulfil their obligations under Article 4 and to exchange information on the reasons why certain standardizing bodies as identified in Article 4.1 have not yet accepted the Code;

(b) Members should take appropriate action to inform standardizing bodies of the provisions of the Code and the benefits they would gain from accepting it;

(c) the Committee will examine any problems faced by Members in the implementation of the provisions of the Code, for example, problems encountered in publishing work programs every six months as required under paragraph J, so that appropriate technical assistance can be provided, if necessary;

(d) the Secretariat will draw up a list of standardizing bodies on the basis of information provided by Members for this purpose; and

(e) without prejudice to the views of Members concerning the coverage and application of the Agreement, the obligation to publish notices of draft standards containing voluntary labelling requirements under paragraph L of the Code is not dependent upon the kind of information provided on the label.

13. In accordance with paragraph G of the Code, with a view to harmonizing standards on as wide a basis as possible, the Committee stressed in particular the need for standardizing bodies to play a full part, within the limits of their resources, in the work of international standardizing bodies. In accordance with paragraphs F and H, the Committee also stressed the importance of national standardizing bodies making every effort to achieve national consensus on the standards they develop and avoid duplication or overlap of work with other standardizing bodies in their national territory, or relevant international or regional standardizing bodies. Furthermore, the Committee stressed the importance of regional standardizing bodies making every effort to avoid duplication of, or overlap with the work of relevant international standardizing bodies. In this regard, the Committee noted the preference for international standardizing activities. The Committee agreed to seek information from international standardizing bodies regarding their procedures to ensure cooperation with their national members and regional standardizing bodies and to consider the

usefulness of communicating the Committee's views to the relevant international standardizing bodies.

14. The Committee recognized that divergent national standards existed in different Members to achieve similar objectives, in particular, in instances where international standards did not exist. Members are invited to exchange views on the reasons why no international standards exist and on whether and on how the concept of equivalency might apply in relation to voluntary standards. In this respect, Members are invited, on a voluntary basis, to exchange information on their experience in the implementation of Article 2.7 relating to equivalency of technical regulations.

15. Bearing in mind the more detailed provisions of the Agreement relating to 'unnecessary obstacles to international trade' in the context of technical regulations, the Committee agreed to exchange views on the concept of 'unnecessary obstacles to international trade' as given in paragraph E of the Code.

16. Members are also invited to share experiences on difficulties associated with voluntary standards, and on the nature and reasons for deviations from relevant international standards when standards are drafted.

D. International Standards, Guides and Recommendations

17. The Committee reiterated the important contribution that international standards can make to improve efficiency of production, to facilitate the conduct of international trade, and to the transfer of technology from developed to developing countries. The Committee noted the rights and obligations under Articles 2.4, 5.4 and paragraph F of Annex 3 regarding the use of relevant international standards or relevant parts thereof as a basis for technical regulations, standards and conformity assessment procedures. The Committee stressed the importance of compliance with these provisions. The Committee also noted that in accordance with Article 2.5 whenever a technical regulation 'is in accordance with relevant international standards, it shall be rebuttably presumed not to create an unnecessary obstacle to international trade'.

18. However, the Committee noted that difficulties might be encountered in relation to the use of certain international standards and that trade problems could arise through, inter alia, the absence of international standards, or their non-use due to possible out-dated content. There was a need to examine these difficulties as well as the potential trade effects arising from international standards. An examination of these issues would also need to take into account the extent to which the special development, financial and trade needs of developing countries Members had been taken into account, and the kind of technical assistance that might be needed in this respect.

19. The Committee emphasised the importance of Members playing a full part, within the limit of their resources, in the preparation by appropriate international standardizing bodies of international standards, as provided for in Article 2.6. This was important to ensure that the international standardization process was representative of the interests and concerns of all parties concerned. Annex 1 of the Agreement defines an international body as a body whose membership is open to the relevant bodies of at least all Members. The Committee noted however that concerns had been expressed by certain Members, in particular developing country Members, on the difficulties they encountered in this respect. In order for international standards to make a maximum contribution to the achievement of the trade facilitating objectives of the Agreement, it was important that all Members have the opportunity to participate in the discussions, elaboration and adoption of international standards.

20. The Committee also reiterated that in the preparation of international standards, it was important, inter alia, that trade needs were taken into account along with technical progress, and Article 12.6 concerning products of special interest to developing country Members.

21. In order to ensure that international standardizing bodies were aware of the concerns of Members and conducted their activities in accordance with the objectives of the Agreement, and in order to ensure that relevant information was communicated in a timely manner, closer cooperation between the WTO and relevant international standardizing bodies, as well as among officials and experts in non-governmental standardizing bodies at the national level were essential.

22. Taking account of the considerations outlined above, and with a view to developing a better understanding of international standards within the Agreement, the Committee

Argentina	-	-	-	-	-	-	1	-	1	-	-	-	-	-		
Australia	22	19	6	-	3	3	-	-	59	56	6	-	3	3	-	-
Austria	2	2	-	-	-	-	-	-	2	2	-	-	-	-	-	-
Belgium	47	47	-	-	-	-	-	-	77	77	-	-	-	-	-	-
Benin	2	1	1	-	-	-	-	-	-	-	2	1	1	-	-	-
Bolivia	1	-	1	-	-	-	-	-	1	-	1	-	-	-	-	-
Botswana	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Brazil	35	35	-	-	-	-	-	-	44	38	4	-	-	-	-	2
Canada	17	17	-	-	-	-	-	-	66	63	-	3	-	-	-	-
Chile	1	1	-	-	-	-	-	-	-	-	1	1	-	-	-	-
Colombia	32	31	1	-	-	1	-	-	34	31	3	-	-	3	-	-
Costa Rica	8	8	-	-	-	-	-	-	8	8	-	-	-	-	-	-
Cyprus	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Czech Republic	1	-	-	1	-	-	-	-	27	26	-	-	1	-	-	-
Denmark	23	20	-	-	-	-	-	3	64	46	10	-	7	6	-	10
El Salvador	22	22	-	-	-	-	-	-	30	29	1	-	-	-	-	-
Egypt	1	1	-	-	-	-	-	-	-	-	1	1	-	-	-	-
European Communities	20	20	-	-	2	-	-	-	99	98	-	-	11	-	-	1
Fiji	1	-	1	-	-	-	-	-	-	-	1	-	1	-	-	-
Finland	4	4	-	-	-	-	-	-	13	13	-	-	-	-	-	-
France	15	15	1	-	1	-	-	-	18	18	1	-	1	-	-	-
Germany	1	1	-	-	-	-	-	-	5	4	-	-	-	-	-	1
Hong Kong, China	7	5	-	-	2	-	-	-	17	13	-	-	4	-	-	-
India	-	-	-	-	-	-	-	-	-	-	44	43	-	-	-	-
Israel	10	9	-	-	4	-	-	-	10	9	-	-	4	-	-	-
Jamaica	8	8	-	-	-	-	-	-	9	9	-	-	-	-	-	-
Japan	32	26	-	-	5	1	-	-	120	103	2	-	17	1	-	-
Korea, Rep. of	14	14	-	-	-	-	-	-	36	31	1	-	2	-	-	4
Macau	-	-	-	-	-	-	-	-	-	-	4	-	4	-	-	-
Malaysia	12	6	-	-	-	-	-	6	32	11	-	-	-	-	-	21
Mexico	29	27	1	-	-	-	-	1	85	82	2	-	-	-	-	1
Netherlands	285	275	10	-	-	-	-	-	348	338	10	-	-	-	-	-
New Zealand	4	4	-	-	-	-	-	-	6	6	-	-	-	-	-	-
Norway	7	6	1	-	-	-	-	-	38	37	1	-	-	-	-	-
Philippines	11	8	-	-	3	-	-	-	22	19	1	-	3	1	-	-
Senegal	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Singapore	3	3	-	-	-	-	-	-	11	11	-	-	-	-	-	-

unnecessary obstacles to international trade in cases where a positive assurance of conformity with a technical regulation or standard is required. In particular, the Committee emphasized Article 5.1.2, requiring that 'conformity assessment procedures shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform with the applicable technical regulations or standards, taking account of the risks non-conformity would create'. The Committee also reiterated Members' rights and obligations under Article 6.1 for the acceptance of the results of conformity assessment procedures in other Members, and Members' obligations under Article 9 to formulate and adopt international systems for conformity assessment, wherever practicable. The Committee also recalled that under Article 6.4, Members are encouraged to permit participation of conformity assessment bodies located in the territories of other Members in their conformity assessment procedures on a non-discriminatory basis.

26. The Committee noted the growing concern with respect to the restrictive effect on trade of multiple testing and conformity assessment procedures, and that the principle of 'one standard, one test' and if required 'one certification, one time' should be pursued to facilitate trade and reduce costs. The Committee noted that the supplier's declaration of conformity was recognized as saving costs. At the same time the Committee acknowledged this procedure was not appropriate in all cases, particularly where technical infrastructure was lacking. The principle relating to recognition of results of conformity assessment implied complex conditions concerning confidence in technical competence which, in most cases, demanded an objective bench mark. The Committee noted that accreditation was more widely used as a tool to demonstrate the technical competence of conformity assessment bodies. Recognition of results of conformity assessment could be achieved through different procedures and approaches which might have different trade impacts.

27. The Committee noted that there was an emerging interest in concluding mutual recognition agreements (MRAs) at the regulatory level by Members on a bilateral basis. Concerns had been expressed on possible difficulties and problems associated with MRAs, in particular for developing country Members. They included those relating to cost, transparency, non-MFN nature, opportunity to enter into negotiations for the conclusion of MRAs, the need to take into account the quality of the conformity assessment procedures rather than the origin of the product, and efficiency and effectiveness of MRAs to solve problems of multiple testing and conformity assessment procedures.

28. The Committee reiterated the provisions under Articles 5.4, 6.1.1 and 7 regarding the use of relevant guides or recommendations issued by international standardizing bodies. The use of common procedures, such as international guides, recommendations or standards in relation to the operation of accreditation, testing, inspection and certification bodies would be necessary to achieve the required confidence among Members in the field of conformity assessment. The Committee noted that relevant ISO/IEC Guides are useful in contributing to improving efficiency and facilitating the conduct of international trade. It also noted however that difficulties are still faced by certain countries concerning the practical implementation of a number of Guides. The Committee established a Technical Working Group to examine certain ISO/IEC Guides on conformity assessment procedures and how they might contribute to furthering the objectives of Articles 5 and 6 of the Agreement in order to assist the Committee to consider if it wished to adopt decisions and recommendations regarding these Guides. (G/TBT/M/6). The discussions of the Technical Working Group are reflected in documents (G/TBT/M/7-9).

29. In order to further the objectives of Articles 5 and 6, including in particular the need to avoid the creation of unnecessary obstacles to international trade due to conformity assessment procedures, and with a view to making recommendations to remove any unnecessary duplication of conformity assessment, the Committee agreed to the following:

(a) The Committee will pursue further discussions on ISO/IEC Guides. Members are invited, on a voluntary basis, to continue providing information on their experience in using relevant international guides and recommendations on conformity assessment, and the extent to which these guides and recommendations have served as a basis for the recognition of conformity assessment procedures adopted by bodies in their territories and in regional and international conformity assessment systems, or as a harmonized approach to conformity assessment. In the light of this exercise, the Committee will consider ways and means for better implementation of Articles 5 and 6;

(b) for transparency purposes and to support the work of the Committee, a list of relevant international guides and recommendations related to conformity assessment procedures will be consolidated, circulated and updated regularly by the Secretariat

for the information of Members;

(c) Members are invited, on a voluntary basis, to exchange information on their experience in the various types of conformity assessment procedures and their conditions of application. In the light of this exercise, the Committee will consider making recommendations aimed at ensuring that procedures for the assessment of conformity avoid the creation of unnecessary obstacles to international trade;

(d) the Committee will review the role of regional and international systems for conformity assessment as covered by Article 9 and how these systems could contribute to solving the problems of multiple testing and certification/registration for traders and industries, including in particular small and medium size enterprises. This exercise will also address the extent to which international guides and recommendations contribute to the establishment of these systems, and the possible technical assistance needed for developing countries to develop operational conformity assessment procedures within the context of Articles 11.6, 11.7 and 12.5; and

(e) the Committee will review the operation of Articles 6, 10.7 and other relevant provisions which contain disciplines with respect to recognition of the results of conformity assessment procedures. In this regard, Members are invited, on a voluntary basis, to exchange information. The review will also address the possible difficulties and problems associated with MRAs. In the light of this exercise, the Committee may consider the usefulness of drafting guidelines, inter alia for MRAs.

G. Technical Assistance under Article 11

30. The Committee noted that certain Members, especially developing country Members, encountered difficulties in the implementation and operation of the Agreement. Technical assistance should be provided to requesting Members, particularly least developed country Members, on the preparation of technical regulations, the establishment of national standardizing bodies, regulatory bodies, or bodies for the assessment of conformity, the methods by which technical regulations of other Members could best be met, the participation in the international standardizing bodies, and the access to systems for conformity assessment, with a view to increasing the effectiveness of the Agreement.

31. In order to enhance the implementation of Article 11, the Committee recalled its decisions made on technical assistance (G/TBT/1/Rev.4), and agreed to the following:

(a) Members are invited, on a voluntary basis, to exchange information regarding the implementation of Article 11, including to communicate to the Committee annually any information concerning their national and regional technical assistance programmes; and

(b) Members that require technical assistance are invited to inform the Committee of any difficulties they encounter in the implementation and operation of the Agreement, and the kind of technical assistance they may need. Other Members are invited to contribute to the technical assistance process by sharing their experience in the implementation and operation of the Agreement.

H. Special and Differential Treatment under Article 12

32. The Committee noted that the primary objective of the Review was to determine how the Agreement had operated and how it had been implemented; this was particularly the case with respect to the special development, financial and trade needs of developing country Members in order to ensure that Members could honour their commitments and thereby facilitate the implementation of the Agreement.

33. With the view to operationalize and implement the provisions of Article 12, the Committee agreed to the following:

(a) Members are invited, on a voluntary basis, to exchange information on the implementation of Article 12, including information related to Articles 12.2, 12.3, 12.5, 12.6, 12.7 and 12.9. Members are invited, on a voluntary basis, to exchange information on any specific problems they face in relation to the operation of Article 12; and

(b) the Committee will consider including the following matters in its future programme of work, which could be taken up during the next three years and reviewed during the Second Triennial Review of the Agreement:

7. Objective and rationale, including the nature of urgent problems where applicable:

8. Relevant documents:

9. Proposed date of adoption:
Proposed date of entry into force:

10. Final date for comments:

11. Texts available from: National enquiry point [] or address, e-mail and telefax number of other body:

