

# WORLD TRADE ORGANIZATION

G/TBT/2/Add.101

22 June 2009

(09-3045)

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Committee on Technical Barriers to Trade

Original: Spanish

## IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

### Communication by Ecuador

#### Addendum

The following statement, submitted under Article 15.2 of the Agreement on Technical Barriers to Trade, has been received from the delegation of Ecuador.

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1. This notification is made in accordance with Article 15.2 of the Agreement on Technical Barriers to Trade and with the decision adopted by the Committee on Technical Barriers to Trade, contained in document G/TBT/1/Rev.9 of 8 September 2008.
  2. The Agreement Establishing the World Trade Organization and the Agreement on Technical Barriers to Trade (TBT Agreement), which is an integral part thereof, came into force as law of the Republic after Ecuador's Protocol of Accession to the Agreement Establishing the World Trade Organization had been ratified by the National Congress and published in the Supplement to Official Journal No. 853 on 2 January 1996.
  3. Law No. 2007-76, published in the Supplement to Official Journal No. 26 on 22 February 2007, establishes the Ecuadorian Quality System. The Law on the Ecuadorian Quality System establishes the requirements and procedures for the preparation, adoption and implementation of standards, technical regulations and conformity assessment procedures and ensures that they are adapted to the international conventions and treaties to which the country is a signatory. In addition, the Law is the framework for organizing and defining the institutional responsibilities that are consistent with the proper and timely provision of notification and information internally and externally.
  4. The Ecuadorian Quality System consists of:
    - (a) The National Quality Council (CONCAL);
    - (b) the Ecuadorian Institute of Standardization (INEN);
    - (c) the Ecuadorian Accreditation Agency (OAE); and
    - (d) the public entities and institutions which, depending on their authority, have the ability to issue standards, technical regulations and conformity assessment procedures.

5. The National Quality Council (CONCAL) is the highest body of the Ecuadorian quality system. The Ecuadorian Institute of Standardization (INEN) serves as the national technical body with authority in the areas of regulation, standardization and metrology, as established by the laws of the Republic and by international treaties, agreements and conventions. The Ecuadorian Accreditation Agency (OAE) is the official body responsible for accreditation. The OAE is responsible for certifying, in accordance with international guidelines, the technical competence of the bodies operating in the area of conformity assessment.

6. The Ecuadorian regulatory framework is supplemented by the following decisions adopted by the Andean Community of Nations (CAN): Decision No. 376 of 4 June 1995 of the Commission of the Andean Community, which created the Andean System of Standardization, Accreditation, Testing, Certification, Technical Regulations and Metrology, as amended by Decision No. 419 of 31 July 1997. Furthermore, Decision No. 562 of 25 June 2003 of the Commission of the Andean Community established the guidelines for the preparation, adoption and implementation of technical regulations in the member countries of the Andean Community and at Community level.

7. The Ministry of Industry and Productivity, through the Council of the Ecuadorian Metrology, Standardization, Accreditation and Certification System (MNAC), establishes the procedures for the preparation, adoption and implementation of Ecuadorian technical regulations pursuant to Resolution MNAC-0003 of 10 December 2002, published in Official Journal No. 739 on 7 January 2003.

8. The preparation of technical regulations and their related conformity assessment procedures is entrusted to the INEN, ministries and other government agencies related to the specific area to be regulated. Once adopted, the regulations and conformity assessment procedures are published in the Official Journal.

9. The definition of the mechanism for compliance with the notification procedures for technical regulations and conformity assessment procedures set out in Articles 2.9, 2.10, 3.2, 3.3, 5.6, 5.7, 7.2 and 7.3 of the TBT Agreement is contained in Article 34 of the Law on the Ecuadorian Quality System, whereby the CONCAL is responsible for organizing the national service providing notification and information on standards, technical regulations and conformity assessment procedures with the support of other related government agencies that issue technical regulations. These agencies disseminate the technical regulations that have been adopted through reasonable means of information available to them, in order to ensure that the draft technical regulations and conformity assessment procedures are made known to interested parties and forwarded to the national notification and enquiry point for publication.

10. Decision No. 562, Chapter VI, of 25 June 2003 of the Commission of the Andean Community establishes the procedures for compliance with the notification, issuing, registration and review requirements of the technical regulations. The draft technical regulations are notified 90 calendar days before their official publication. During this period, any comments which other Members may have are received. These comments, having been duly substantiated, will be incorporated into the final version of the technical regulations.

11. With regard to the services provided for in Articles 10.1 and 10.3 of the Agreement, the notification point and/or information centre is the Ministry of Industry and Productivity (MIPRO). The enquiry point is in charge of the further processing required by the notification procedure; that is, it receives comments on notified draft regulations and channels replies to these comments. Contact information for the notification point and/or information centre is as follows:

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