

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

Communication from Kuwait

Addendum

The following communication, dated 16 March 2011, has been received from the delegation of Kuwait

1. The State of Kuwait is a Member of the WTO and signatory to its Agreements. This document represents an official Statement of Implementation of the TBT Agreement in accordance with Article 15.2. thereof.

I. TRANSPARENCY

A. GOVERNMENT AUTHORITY

2. Ministry of Commerce's Law No. 128 /1977 - *Standards Unification Law* covers the adoption of standards, technical regulations and conformity assessment procedures and establishes the *Public Authority for Industry* (PAI) as the Government agency responsible for enforcement of the Law. Provisions of the law are compatible with the TBT Agreement.

B. ENQUIRY POINT AND NOTIFICATION POINT

3. The Enquiry point for the State of Kuwait was notified on 29 October 2002 as the Public Authority for Industry

4. The Public Authority for Industry is responsible for making notifications to the WTO in accordance with form G/TBT/N contained in G/TBT/1/Rev.9.

5. The State of Kuwait notified its acceptance of the Code of Good Practice (CGP) for the Preparation, adoption and Application of Standards on 29 October 2002. This is confirmed by the TBT Committee in document G/TBT/CS/2/Rev.17, page 7.

C. PUBLICATIONS

6. Article 11 of the Standards Unification Law designated the Official Gazette as the official publication for announcing the adoption of standards. Announcements that work is proceeding on draft technical regulations is announced in The Consumer Magazine. Proposed drafts are available upon request.

D. ADOPTION OF A MEASURE

7. Except for conditions of compelling urgency, six months are normally allowed between the final publication of a technical regulation and its entry into force. Conformity Assessment procedures are normally implemented within 60 – 90 days of their final announcement and publication.

II. DEVELOPMENT AND APPLICATION OF TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES

8. Article 13 (and its explanatory notes) of the Standards Unification Law requires that all Kuwaiti Standards be voluntary. However, for considerations of general health, safety or national security the Minister of Commerce has the right to make any Kuwaiti or other standard mandatory. All technical regulations are adopted as a ministerial decision.

A. NON-DISCRIMINATION WITH RESPECT TO THE TREATMENT OF PRODUCTS (ARTICLES 2.1, 3.1, 5.1, 5.2, 7.1)

9. Kuwait is a net importing and free trade country. Technical regulations are applied on imported and domestic products alike.

B. THE PROHIBITION OF UNNECESSARY OBSTACLES TO INTERNATIONAL TRADE AND THE CONSIDERATION OF LESS TRADE-RESTRICTIVE ALTERNATIVES TO FULFILLING LEGITIMATE OBJECTIVES (ARTICLES 2.2, 3.1, 5.1, 5.2, 7.1)

10. This is the general policy practiced by the Public Authority for Industry (PAI).

C. THE ON-GOING REVIEW OF TECHNICAL REGULATIONS TO ENSURE THEY ARE APPROPRIATE TO ACHIEVE THE DESIRED OBJECTIVES (ARTICLE 2.3, 3.1, 7.1)

11. Review of current technical regulations is an on-going task by PAI. In addition, a decision was taken by all Gulf Countries through the Gulf Standardization Organization to develop common unified technical regulations which will eventually replace and nullify the TRs of each individual country.

D. THE CONSIDERATION OF APPROPRIATE INTERNATIONAL STANDARDS, GUIDES AND RECOMMENDATIONS AS A BASIS FOR TECHNICAL REGULATIONS AND CONFORMITY ASSESSMENT PROCEDURES; ARTICLES 2.4, 3.1, 5.4, 7.1

12. Decision taken by GSO to base all international standards, technical regulations and conformity assessment procedures on international references wherever possible e.g. ISO/IEC standards and guides. Deviations are kept to absolute minimum for compelling legitimate justifications (climatic, geographic, infrastructural, moral).

E. THE CONSIDERATION OF EQUIVALENT TECHNICAL REGULATIONS OF OTHER MEMBERS (ARTICLES 2.7, 3.1, 7.1)

13. The consideration of equivalent technical regulations of other Members (Articles 2.7, 3.1, 7.1) is practiced. e.g. acceptance of UL standards. for electrical appliances as equivalent to IEC/EN.

F. THE ACCEPTANCE OF THE RESULTS OF CONFORMITY ASSESSMENT PROCEDURES CONDUCTED BY BODIES IN AN EXPORTING MEMBER COUNTRY (ARTICLES 6, 7.1)

14. The acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country are practiced and formalized in Kuwait's Conformity Assurance Scheme (KUCAS) Procedures and Guidelines

G. NON-DISCRIMINATION AND COST-BASED FEE STRUCTURE (ARTICLES 5.2, 7.1, 10.4)

15. The non-discrimination and cost-based fee structure are practiced and formalized in Kuwait's Conformity Assurance Scheme (KUCAS) Procedures and Guideline

H. PREPARATION, ADOPTION AND APPLICATION OF TECHNICAL REGULATIONS BY LOCAL GOVERNMENT BODIES AND NON-GOVERNMENT BODIES

16. The preparation, adoption and application of technical regulations by local government bodies and non-government bodies is not applicable to the State of Kuwait where PAI is the exclusive Kuwaiti body responsible for standards and technical regulations..
