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Committee on Technical Barriers to Trade

Original: English

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

COMMUNICATION FROM SWITZERLAND

Revision

The following communication under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from Switzerland.

1.1. In accordance with Article 15.2 of the Agreement on Technical Barriers to Trade, the Swiss delegation hereby submits to the Committee this statement on the implementation and administration of the Agreement in Switzerland.

1.2. As a signatory to the Tokyo Round Agreement on Technical Barriers to Trade, Switzerland provided a statement on the implementation of the Agreement, which was circulated as document TBT/1/Add.24 of 4 February 1981. The present statement describes the measures which are in force or which have been taken to ensure the implementation and administration of the WTO Agreement.

1.3. The State Secretariat for Economic Affairs (SECO) assumes responsibility, on behalf of the Swiss Government, for implementing the WTO Agreement on Technical Barriers to Trade. Any questions concerning Switzerland's implementation of the Agreement and requests for consultation should be addressed to the SECO.

1.4. The Federal Law on Technical Barriers to Trade (RS 946.51¹) entered into force on 1 July 1996. It strengthens implementation of the Agreement by incorporating the principles therein, giving them concrete form in terms of domestic legislation and ensuring their systematic application.

- a. The Federal Law on Technical Barriers to Trade applies to all federal and cantonal government services involved in the regulatory process. The SECO monitors implementation of the Law by the services responsible for drawing up and applying sectorial regulations.
- b. In general, Swiss technical regulations must be formulated so as not to create technical barriers to trade. To this end the Law specifies that they must be adapted to the legislation of Switzerland's main trading partners. Exceptions are allowed only for reasons of public order, such as the protection of health or the environment, in accordance with the Agreement.
- c. The conclusion of international agreements on the mutual recognition of tests, conformity assessment procedures or authorizations is facilitated by the delegation of authority to the federal government.

¹ <http://www.admin.ch/opc/fr/classified-compilation/19950286/index.html>

- d. In the absence of international agreements, the autonomous recognition by Switzerland of other countries' tests and conformity assessment procedures is based on a liberal approach. Switzerland generally recognises conformity assessments by means of suppliers' declaration of conformity. In cases where third party assessment is required, test results from accredited and recognised bodies are generally accepted if they are proven compliant with Swiss technical regulations.
- e. Swiss law requires that technical regulations be notified under the procedures laid down in the international agreements to which Switzerland is a party.

1.5. The SECO is responsible for administering the technical regulation notification procedure. It ensures that all Swiss regulations relating to the Agreement are notified. Comments on Swiss regulations should be addressed to:

State Secretariat for Economic Affairs (SECO)
Non-tariff measures
Holzikofenweg 36
3003 Berne
Tel.: + (41) 58 464 07 60
Fax: + (41) 58 464 09 58
Email: tbt@seco.admin.ch

1.6. Drafts of new legislation and significant changes in the existing regulation are subject to public consultation. Drafts and comments relating to the drafting of Swiss texts within the scope of the Agreement are published on the website of the federal authorities of the Swiss Confederation under the heading "Procédures de consultation et d'audition"² (procedures for consultation and hearings). Once adopted, the texts of Switzerland's technical regulations and conformity assessment procedures are published.³ They are made available in a consolidated manner in the *Recueil systématique du droit fédéral* (Systematic compendium of the Swiss Federal legislation).⁴

1.7. The SECO has assigned to the Swiss Information Center for Technical Rules (switec) the task of setting up and managing Switzerland's WTO enquiry point. The Swiss enquiry point provides information on all current and proposed technical regulations stemming from the Federal Government, local institutions, or non-governmental bodies. switec is also responsible for circulating notifications received under the Agreement to the interested parties for comments.

Swiss Information Center for Technical Rules (switec)
Bürglistrasse 29
8400 Winterthur
Tel.: + (41) 52 224 54 55
Fax: + (41) 52 224 54 75
Email: switec@snv.ch

1.8. In implementing the Agreement, Switzerland also attaches great importance to the Code of Good Practice for the Preparation, Adoption and Application of Standards. The sector specific Swiss standardization bodies under the umbrella of the Swiss Association for Standardization (SNV) are signatories to this Code.

Swiss Association for Standardization (SNV)
Bürglistrasse 29
8400 Winterthur
Tel. + (41) 52 224 54 54
Fax: + (41) 52 224 54 74
Email: info@snv.ch

² <http://www.admin.ch/ch/f/gg/pc/preview.html>

³ *Recueil Officiel suisse* (Official Compendium of Swiss Federal legislation)
<http://www.admin.ch/bundesrecht/00567/index.html?lang=fr>

⁴ <http://www.admin.ch/bundesrecht/00566/index.html?lang=fr>