ELEMENTS OF GATT CODE ON STANDARDS

United States Proposal

The following elements of a GATT code on standards is being distributed at the request of the United States delegation. This proposal draws upon the report of Working Group 3 and introduces some new elements that were not considered by that Group. It is being tabled by the United States delegation as a suggested basis for discussion pursuant to the request of the secretariat that, to the extent possible, delegations should present in writing any further elaboration or refinement of proposals made at earlier meetings of the Working Groups.

I. Development and harmonization of standards and regulations

A. General principles

1. In order to develop truly international standards, contracting parties should seek to insure that an effective contribution is made to the work of international standards organizations.

2. To the maximum extent feasible, contracting parties should take into account, and seek to insure that local authorities and private organizations take into account, the recommendations of international organizations such as the ISO, IEC, WHO, ILO, and Codex Alimentarius in developing or revising standards.

3. Contracting parties should seek to insure that standards and regulations are not formulated so as to afford protection to domestic production.

4. In so far as possible, all standards including health and safety standards should be based on performance rather than on the physical description of the product.

B. Practical methods

1. Proposed regulations embodying standards should be published and sufficiently well in advance so that producers in other countries have an effective opportunity to learn about the proposals and to submit comments thereon.
2. Consideration should be given to the comments of foreign producers in promulgating standards. Opportunities for consultation should be afforded upon request.

3. Each contracting party should establish a central point to maintain complete information on existing governmental standards and related regulations as well as those developed by nationally recognized private organizations and to answer reasonable inquiries concerning such standards or otherwise make information available to interested parties.

II. Enforcement of standards or regulations

A. General principles

1. Product inspection and testing requirements should be formulated in such a way that imported products have effective access to the domestic market.

2. Contracting parties should seek the establishment of reciprocal arrangements in inspection and certification of manufacturing facilities based on equivalence of standards.

3. Multilateral inspection, quality assurance, and certification schemes should be open to foreign participation where the participants are willing and able to meet the obligations of the schemes. Such participation should begin with the stage of formulating the rules for the scheme.

B. Practical methods

1. The contracting parties shall exchange such information as is necessary for the mutual recognition of inspection, testing and certification relating to products manufactured within their territories and intended for exportation to other contracting parties.

2. The testing procedures for imported products should be as expeditious as possible. The results of such testing should be made available in writing to the exporter so that corrective action may be taken as necessary.

3. In order to provide effective access for imported products, contracting parties could, inter alia employ the following:

   (a) make facilities available to test products manufactured abroad to determine their equivalence to domestic standards and where necessary to inspect foreign manufacturing facilities; or

   (b) accept the results of independent laboratory product testing done in another country where such testing has been demonstrated to be equivalent to that required in the importing country; or
(c) accept the foreign producer's certification that the product meets the requirements of the importing country.

4. Multilateral inspection, quality assurance, and certification schemes should make provisions for the testing and acceptance of products from countries that are not technically qualified or otherwise unable to participate in the scheme. Contracting parties could accomplish this by such alternative methods as:

(a) testing and certifying products from non-participants;
(b) accepting certifications granted by other participants to products from non-participants; or
(c) accepting the certification of competent organizations in non-participating countries where this can be demonstrated to be equivalent to the certification requirements of the scheme.

III. Complaints and consultation machinery

1. A GATT Committee on Industrial, Health and Safety Standards will be established to consult with contracting parties concerning the trade effects of:

(a) proposed or existing standards and regulations;
(b) the implementation of standards and regulations;
(c) testing and certification requirements as to compliance with standards and regulations;
(d) multilateral harmonization programmes for standards and regulations;
(e) multilateral quality assurance and certification programmes.

2. The Committee will examine the trade effects of the measures against which a complaint has been made and recommend appropriate action including measures provided under the relevant provisions of the GATT.

3. The Committee will meet on an ad hoc basis as determined by the Chairman in consultation with interested contracting parties.

4. Where necessary in its work the Committee could call on the representatives of other international organizations for technical advice.