PROPOSED GATT CODE OF CONDUCT FOR
PREVENTING TECHNICAL BARRIERS TO TRADE

Contents of Revised Draft Prepared for Consideration
by the Drafting Group on 11 January 1972

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Not yet drafted. Points for incorporation, only, suggested.

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Note: No attempt has been made to draft a Preamble at this stage. But if the Drafting Group considers that a Preamble is desirable, the following points might be included:

1. The purpose of the Code.

2. A statement emphasising that the Code in no way interferes with the responsibility of governments for the safety, health and welfare of their people or for the protection of the environment in which they live. It merely seeks to minimize the effect of such actions on international trade. Refer to Articles XX and XXI of the General Agreement.

3. The adherents to the Code acknowledge the important contribution made by international standards-formulating bodies. They will therefore:

   (a) play a full part in the inter-governmental bodies;

   (b) assist the "voluntary" organizations in their territories to play a full part in the international "voluntary" bodies;

   (c) use international standards, wherever appropriate, to meet their requirements in the "mandatory" field;

   (d) encourage the adoption of international "voluntary" standards within their territories, so far as possible.

4. The application of the Code is not restricted to industrial products.
II. DEFINITIONS

For the purposes of this document, the following terms have the meanings given below.

1. Standards
   (a) "Standard"

   The term "standard" means any specification which lays down levels of performance, dimensions, or other characteristics of a product, for general adoption. It includes, where appropriate, testing, packaging, marking or labelling requirements, as well as codes of practice to the extent that they affect products rather than processes. The term is not confined to industrial products.

   (b) "Mandatory standards"

   These are standards with which it is obligatory to comply, as a result of regulations or administrative rules issued by an authority legally endowed with the necessary power. The term includes "technical regulations".

   (c) "Voluntary standards"

   These are standards with which there is no obligation to comply, either legal or de facto.

   (d) "Quasi-mandatory standards"

   These are standards with which there is no legal obligation to comply but which, for some reason, are mandatory in practice. (For example, because compliance with such standards is a condition for the issue of insurance policies; or because of market domination by sellers (either manufacturers or distributors) or buyers (e.g. public purchasing agencies); or because power supply organizations will not permit equipment which does not comply to be connected to their network).

   (e) "International standard"

   These are standards prepared by an international organization (whether governmental or non-governmental) as defined below. The term includes documents described as "standards", "recommendations" or "unification documents".

Note: Even if it has been prepared by an inter-governmental organization, an international standard is not automatically mandatory or quasi-mandatory. It may, however, become mandatory or quasi-mandatory if it is subsequently enforced by the appropriate bodies in one or more countries. An international standard may therefore be simultaneously a voluntary standard in one country, quasi-mandatory in a second country, and mandatory in a third country.
(f) "Regional standard"

These are standards prepared by a regional organization (whether governmental or non-governmental) as defined below. The term includes documents described as "standards", "recommendations", or "unification documents".

Note: The footnote to 1(e) above applies here, also.

2. National organizations which prepare standards

(a) "Central government organizations"

This term comprises government ministries or departments, or other bodies subject to the control of the central government.

Note: Standards issued by central government organizations may be mandatory, quasi-mandatory or voluntary.

(b) "State government organizations"

These are the authorities of States, Provinces, Lander, Cantons etc. in the case of a federal government and other local government bodies which are not subject to the direct control of the central government in respect of the preparation of standards.

Note: The footnote to 2(a) applies here, also.

(c) "Voluntary standards bodies"

This term means any non-governmental organization which prepares standards. It includes national standards bodies as defined below:

Note: Standards issued by voluntary standards bodies may be made mandatory by a government organization or may become quasi-mandatory in practice.

(d) "National standards bodies"

Any nationally recognized standards bodies which are, or are eligible to become, members of world-wide non-governmental standards organizations such as ISO and IEC.

3. International organizations which prepare standards

(a) "International standards organization"

This term means any international organization, whether governmental or non-governmental, which prepares standards, and the membership of which is open to the relevant bodies in all adherents to this Code.

Note: Examples are FAO, OIML, ISO, IEC, IPU and IGU.
(b) "Regional standards organization"

This term means any international organization, whether governmental or non-governmental, which prepares standards, and membership of which is not open to the relevant bodies in all adherents to this Code.

Note: Examples are EEC, CEN, COPANT

(c) "International governmental standards organization"

This term means any international standards organization as defined in 3(a) above, the members of which are governments.

(d) "Regional governmental standards organization"

This term means any regional standards organization as defined in 3(b) above, the members of which are governments.

(e) "International voluntary standards bodies"

This term means any international standards organization as defined in 3(a) above except international governmental standards organizations as defined in 3(c).

(f) "Regional voluntary standards bodies"

This term means any regional standards organization as defined in 3(b) above except regional governmental standards organizations as defined in 3(d).

4. Regulatory bodies

(a) "Regulatory body"

This term means any government department or ministry which has legal power to enforce a mandatory standard or any other body to which such power has been expressly conveyed by law.

(b) "Quasi-regulatory body"

This term means any body which has no legal authority to enforce a standard, but which is able to enforce a quasi-mandatory standard in practice through, for example, the refusal of insurance cover unless certain requirements are met or through the exercise of monopoly power (e.g. gas or electricity supply undertakings which may refuse to connect consumers unless their installations or appliances conform to the standard).

Note: A government department may, in some cases, act as a quasi-regulatory body.
5. Determination of conformity with standards

(a) "Conformity with a standard" means the agreement between the actual quality or properties of a product and the quality or properties which are specified in the relevant standard.

(b) Test methods

This term means the technical procedures and actions which are required to determine whether or not a particular product conforms to the relevant standard.

Note: Test methods are usually an integral part of the standard to which they relate; and they may even constitute the most important part of the standard (for example, performance standards).

(c) "Inspection procedures"

This term means the overall administrative procedures required to ascertain whether or not products conform to a standard. It may include administrative arrangements for controlling the frequency and location of tests and for carrying out tests.

6. Harmonization

(a) To "harmonize standards" means to make the standards of different countries or organizations the same as regards their content although their layout and format may differ.

(b) To "harmonize test methods" means to ensure that the tests specified by different countries or organizations are technically identical although the equipment used and the instructions may differ.

(c) To "harmonize inspection procedures" means aligning the inspection procedures of different countries or organizations so as to ensure that they provide a similar assurance that the products conform to the relevant standards.
III. OPERATIVE PROVISIONS

1. Preparation of mandatory standards by central government organizations

(a) Contracting parties shall ensure that mandatory standards are not such as to afford protection to domestic production.

(b) Where mandatory standards are required and appropriate voluntary standards exist, or can be formulated without undue delay, contracting parties shall use them, or the relevant parts of them, as a basis for the mandatory standards (whether by "reference to standards" or by other means).

(c) Contracting parties shall strive to ensure that their mandatory standards and those of other contracting parties are harmonized and shall co-operate to that end in the formulation of international standards.

(d) Where practicable and appropriate, contracting parties should ensure that mandatory standards are specified in terms of performance rather than design.

(e) Where mandatory standards are not based upon international standards, contracting parties shall (except where urgent problems of safety or health render it impracticable) give adequate notice by publishing the mandatory standards they propose to adopt and shall allow reasonable time for comment. They shall also take full account of any reasonable comments they may receive from other adherents to the Code.

(f) Except where urgent problems of public safety or health render it impracticable, contracting parties shall allow a reasonable interval to elapse before bringing new mandatory standards, or revisions of existing mandatory standards, into force, in order to allow time for producers in exporting countries to adapt their products or methods of production to the requirements of the importing country.

(g) Contracting parties shall use their best endeavours to ensure that where standards are formulated by regional groups of which they are members:

(i) Such regional standards are, wherever practicable, based on international standards;

(ii) where it is proposed to prepare regional standards which are not based on international standards, adequate notice is given and reasonable time allowed for comment;

(iii) full account is taken of any reasonable representations regarding the content of such proposed standard as may be made by any other adherent to the Code;
(iv) any resulting standard is forthwith made available to the appropriate international organization, so that that organization may take it into account in preparing an international standard if it wishes.

(h) Contracting parties which are members of regional groups shall be subject to the provisions of paragraphs (a) to (f) inclusive of this section, except to the extent that those provisions are satisfied by the regional group.

(j) The provisions of Section 1(b) shall not apply if, at the time when the relevant voluntary standard was prepared, the regulatory body concerned either

(i) was not offered an opportunity to vote for or against its adoption; or

(ii) having been offered such an opportunity, voted against.

(k) The provisions of Section 1(g)(i) shall not apply if the organization representing the contracting party in the international standards organization either

(i) was not offered an opportunity to vote for or against the relevant international standard, or

(ii) having been offered such an opportunity, voted against.

2. Preparation of mandatory standards by State government organizations

Note: This section will be identical to Section 1 above, except that contracting parties will undertake to "use all appropriate means open to them" to ensure compliance with the Code.

3. Preparation of voluntary standards by central government organizations

(a) Contracting parties shall ensure that voluntary standards formulated by central government organizations are not such as to afford protection to domestic production.

(b) Contracting parties which have a significant interest either as producers or consumers of a product shall make a full contribution towards the formulation of a voluntary standard for that product by any appropriate international organization.
(c) Contracting parties shall use their best efforts to ensure that where aspects of a product are, or are likely to be, subject to a mandatory standard, any voluntary standard, whether national or international, covering those aspects is suitable in form and content for adoption in whole or in part as that mandatory standard.

(d) Contracting parties should use their best efforts to ensure that any voluntary standard, whether national or international, for a product which is, or is likely to be, the subject of substantial purchases by public bodies is such as to be suitable to serve as a basis for such purchases.

(e) Where practicable and appropriate, contracting parties should ensure that voluntary standards are specified in terms of performance rather than design.

(f) Contracting parties shall use their best endeavours to ensure that where standards are formulated by regional groups of which they are members:

   (i) Such regional standards are, wherever practicable, based on international standards;

   (ii) where it is proposed to prepare regional standards which are not based on international standards, adequate notice is given and reasonable time allowed for comment;

   (iii) full account is taken of any reasonable representations regarding the content of such proposed standard as may be made by any other adherent to the Code;

   (iv) any resulting standard is forthwith made available to the appropriate international organization, so that that organization may take it into account in preparing an international standard if it wishes.

(g) Contracting parties which are members of regional groups shall be subject to the provisions of paragraphs (a) to (e) inclusive of this section, except to the extent that those provisions are satisfied by the regional group.

(h) The provisions of Section 3(f)(i) shall not apply if the central government organization concerned either

   (i) was not offered an opportunity to vote for or against the relevant international standard; or

   (ii) having been offered such an opportunity, voted against.
4. Preparation of voluntary standards by State government organizations

Note: This Section will be identical to Section 3 above, except that contracting parties will undertake to "use all appropriate means open to them" to ensure compliance with the Code.

5. Preparation of standards by voluntary standards bodies

(a) Contracting parties shall use their best endeavours to ensure that standards formulated by voluntary standards bodies within their territories are not such as to afford protection to domestic production.

(b) Where aspects of a product are, or are likely to be, subject to a mandatory standard, contracting parties should assist the voluntary bodies within their territories to ensure that any voluntary standard, whether national or international, which covers those aspects is suitable in form and content for adoption in whole or in part as that mandatory standard.

(c) Contracting parties should assist the voluntary standards bodies within their territories to ensure that any voluntary standard, whether national or international, for a product which is, or is likely to be, the subject of substantial purchases by public bodies is such as to be suitable to serve as a basis for such purchases.

(d) Contracting parties should encourage the voluntary standards bodies within their territories where practicable and appropriate to specify standards in terms of performance rather than design.

(e) Contracting parties should use their best endeavours to ensure that where standards are formulated by regional groups of which voluntary standards bodies within their territories are members:

(i) the standards prepared by such groups are, wherever practicable, based on international standards;

(ii) where it is proposed to prepare regional standards which are not based on international standards, full account is taken of any reasonable representations regarding the content of such proposed standard as may be made by any other adherent to the Code.

(iii) any resulting standard is forthwith made available to the appropriate international organization, so that that organization may take it into account in preparing an international standard if it wishes.
(f) Where voluntary standards bodies within the territories of the contracting party are members of regional groups, the provisions of (a) to (d) inclusive of this Section shall apply, except to the extent that those provisions are satisfied by the regional group.

(g) The provisions of Section 5 (e) shall not apply if the voluntary standards body concerned either

(i) was not offered an opportunity to vote for or against the relevant international standard; or

(ii) having been offered such an opportunity voted against.

6. Preparation of standards by quasi-regulatory bodies

(a) Contracting parties shall use their best efforts to ensure that standards prepared by quasi-regulatory bodies are not such as to afford protection to domestic production.

(b) Contracting parties which have a significant interest either as producers or consumers of a product should encourage the quasi-regulatory bodies within their territories to make a full contribution towards the formulation of a standard for that product by any appropriate international standards organization.

(c) Contracting parties should use their best endeavours to ensure that where practicable and appropriate, quasi-mandatory standards are specified in terms of performance rather than design.

(e) Contracting parties should use their best endeavours to ensure that where standards are formulated by regional groups of which quasi-regulatory bodies within their territories are members:

(i) the standards prepared by such groups are, wherever practicable, based on international standards;

(ii) where it is proposed to prepare regional standards which are not based on international standards, adequate notice is given and reasonable time allowed for comment;

(iii) full account is taken of any reasonable representations regarding the content of such proposed standard as may be made by any other adherent to the Code;

(iv) any resulting standard is forthwith made available to the appropriate international organization so that that organization may take it into account in preparing an international standard if it wishes;
(f) Where the quasi-regulatory bodies within the territories of contracting parties are members of regional groups, the provisions of (a) to (c) inclusive of this section shall apply, except to the extent that those provisions are satisfied by the regional group.

(g) The provisions of Section 6(e)(i) shall not apply if the quasi-regulatory body concerned either:

(i) was not offered an opportunity to vote for or against the relevant international standard; or

(ii) having been offered such an opportunity, voted against.

(h) The provisions of this section shall apply where standards which are prepared by voluntary standards bodies are expected to have quasi-mandatory effect.

7. Adoption and use of international standards

(a) Where mandatory standards are required by the regulatory bodies of central government organizations and appropriate international standards exist or can be formulated without undue delay, contracting parties shall use them, or the relevant parts of them, as a basis for the mandatory standards (whether by "reference to standards" or by other means).

(b) Where mandatory standards are required by the regulatory bodies of State government organizations and appropriate international standards exist or can be formulated without undue delay, contracting parties should use all appropriate means open to them to ensure that they are used as a basis for the mandatory standards (whether by "reference to standards" or by other means).

(c) Contracting parties should use their best endeavours to ensure that, where relevant international standards exist or where they can be formulated without undue delay, they are used as a basis for any quasi-mandatory standards which may be adopted within their territories.

(d) Contracting parties should use their best endeavours to ensure that where an international voluntary standard is formulated for a product, (whether by a governmental or non-governmental international standards body), the national voluntary standard for that product is harmonized with the international standard.

(e) Where the existing mandatory standards of central government organizations differ from the corresponding international standards, contracting parties should harmonize their national standards with the international standards as quickly as may be reasonably practicable.
(f) Where the existing mandatory standards of State government organizations differ from the corresponding international standards, contracting parties should use all appropriate means open to them to ensure that the national standards are harmonized with the international standards as quickly as may be reasonably practicable.

(g) Where existing voluntary or quasi-mandatory standards differ from the corresponding international standards, contracting parties should use their best endeavours to ensure that the national standards are harmonized with the international standards as quickly as may be reasonably practicable.

(h) The provisions of Section 7(a)(b)(e) and (f) shall not apply if, at the time when the relevant international standard was prepared, the regulatory body concerned either:

(i) was not offered an opportunity to vote for or against its adoption; or

(ii) having been offered such an opportunity, voted against.

(j) The provisions of Section (c)(d) and (g) shall not apply if, at the time when the relevant international standard was prepared, the organization representing the contracting party in the international standards organization either:

(i) was not offered an opportunity to vote for or against its adoption; or

(ii) having been offered such an opportunity, voted against.

8. Information about standards and draft standards

(a) Contracting parties shall publish details of all standards, whether mandatory or voluntary, which have been formulated by central government organizations.

(b) Contracting parties shall use all appropriate means open to them to ensure that details are published of all standards, whether mandatory or voluntary, which have been formulated by State government organizations.

(c) Contracting parties shall use their best endeavours to ensure that details are published of all quasi-mandatory standards within their territories.

(d) As regards standards to be formulated by central government organizations, contracting parties shall publish:

(i) information on all proposed voluntary standards at such time and in such manner as will enable interested parties in other signatory countries to offer relevant comments in due time;

(ii) details of all proposed mandatory standards in accordance with the provisions of Section 1(e).
(e) As regards standards to be formulated by State government organizations, contracting parties shall use all appropriate means open to them to ensure the publication of:

(i) Information on all proposed voluntary standards at such time and in such manner as will enable interested parties in other signatory countries to offer relevant comments in due time;

(ii) details of all proposed mandatory standards in accordance with the provisions of Section 2(e).

(f) Each contracting party shall establish an enquiry point, from which other signatories may obtain information regarding all mandatory or voluntary standards formulated by central or State government organizations and all standards formulated by other regulatory or quasi-regulatory bodies within their territories or information as to where such details can be obtained in respect of specific standards.

(g) Contracting parties should use their best endeavours to ensure that voluntary standards bodies within their territories:

(i) Publish all standards they formulate;

(ii) publish advance information about all proposed standards at such time and in such manner as will enable interested parties in other signatory countries to offer relevant comments in due time; and take full account of any reasonable comments they receive; and

(iii) maintain an enquiry point which is able to answer all reasonable enquiries regarding the standards they have formulated (including, so far as is known, their status, whether voluntary, mandatory or quasi-mandatory).

(h) In this section, references to standards include additions or amendments to existing standards.

(j) Where a standard or draft standard is based upon an international standard, the provisions of Section 8(d), (e) and (g)(ii) shall not apply.

(k) Nothing in this section shall be construed as requiring publication other than in the recognized journals of the organizations concerned or in the language of that country.

(l) Where copies of standards or draft standards are requested by other adherents to the Code in accordance with the provisions of this section, they shall be supplied at the same price (if any) as to the nationals of the contracting party in which the standard or draft standard was prepared.
9. Methods of determining conformity with mandatory standards issued by central government organizations

(a) Regulatory bodies shall rely upon certificates by manufacturers or suppliers in exporting countries that products conform to mandatory standards, provided they are satisfied as to the technical competence and reliability of the manufacturers or suppliers or the suppliers can arrange suitable guarantees. The provisions of paragraphs (c) to (f) of this section and of Sections 10 and 11 shall apply only when this method is not adopted.

(b) Contracting parties shall ensure that, if a special test method is to be used in determining whether or not a product complies with a particular mandatory standard, the test method is either

(i) defined in the standard; or

(ii) defined in a document which is referred to in the standard; or

(iii) defined in some other published document.

Whichever of these alternatives is adopted, the same provisions will apply mutatis mutandis to the formulation and publication of the test methods as to the standard itself.

(c) Contracting parties shall ensure that, if a special inspection procedure is to be used by a regulatory body of the central government organization in determining whether or not a product complies with a particular mandatory standard, the details of such inspection procedure are either defined in the standard or otherwise available in some public document.

(d) Contracting parties shall harmonize the test methods and inspection procedures of central government organizations with those of other signatories so far as practicable.

(e) Contracting parties shall ensure that test methods and inspection procedures used by regulatory bodies of the central government organizations are such as to permit the test to be carried out in the exporting country, except in those cases (such as perishable foodstuffs) where the condition of the goods as imported may differ in an important respect from their condition when consigned by the producer, or where the tests cannot effectively be carried out in the country of origin.

(f) Contracting parties shall ensure that, where tests are carried out in the importing country by a regulatory body of the central government organization:
(i) Imported products are accepted for testing on the same basis as similar domestic products;

(ii) the test methods and inspection procedures for imported products are no more onerous and no less expeditious than the corresponding methods and procedures for similar domestic products;

(iii) where a charge is made it is no higher than the corresponding charge for similar domestic products;

(iv) the results of such tests are made available forthwith to the exporter or his agent if requested, so that corrective action may be taken if necessary;

(v) due regard is paid to the convenience of importers in siting the testing facilities or in selecting samples for testing;

(vi) the confidentiality of information arising from such tests is respected in the same way for imported products as for domestic products.

(g) The provisions of this section shall apply only where the exporting country adheres to the Code.

10. Delegation of testing by central government organizations to competent organizations in exporting countries

(a) Subject to the provisions of Section 9(d) and provided the regulatory body is satisfied as to the technical competence and integrity of the proposed testing organization, contracting parties shall arrange for tests to be carried out in the country of origin or in a third country, if the exporter so desires.

(b) Contracting parties should accept test methods used in the country of export even if they are not identical with the test methods used in the importing country, provided the exporting country's methods provide an equivalent assurance to the satisfaction of the importing country that the products tested conform to the relevant standard.

(c) The provisions of this section shall apply only where the exporting country adheres to the Code.

11. Multinational systems for assuring conformity to mandatory standards

(a) Contracting parties shall, wherever practicable, formulate and enter into systems whereby the regulatory bodies of the countries concerned, having first satisfied themselves as to the competence and integrity of the appropriate testing organizations in other participating countries, accept assurances from those organizations that products conform to the relevant mandatory standards.
(b) Such systems shall be formulated from the outset with a view to eventual participation by all adherents to the Code which are able and willing to fulfill the obligations of membership. With this in mind:

(i) The sole criterion for membership of such systems should be that the participating regulatory body is able and willing to fulfill the obligations of membership;

(ii) The sole criterion for accepting assurances of conformity to standards under such systems should be the technical competence and reliability of the certifying body.

(c) Where such systems are based on conformity to harmonized standards, existing international standards shall be used wherever they are suitable;

(d) Where standards are specially formulated to serve as a basis for such systems, the provisions of Section 1 shall apply;

(e) Wherever practicable such systems shall include provision for certifying the products of members which do not possess recognized certifying bodies.

(f) Where such systems are formulated by regional groups:

(i) the provisions of paragraphs (b) to (e) inclusive of this section shall apply;

(ii) full account shall be taken of any reasonable representations regarding the rules of membership of such systems which may be made by any contracting party which adheres to the Code.

(g) The provisions of Section 11(f)(iii) are subject to the qualification that if a system is of such a nature that world-wide participation from the outset might endanger its success (e.g. if it contains novel features which can only be tried out among a small number of countries), participation may be limited in the initial stages. In this event, participation shall not necessarily be limited to those countries which formulated the rules.
12. Methods of determining conformity with mandatory standards issued by State
government organizations

Note: It is necessary to cover, in respect of "State Government Organizations",
the same ground as Sections 9, 10 and 11 in respect of "Central Government
Organizations". But it may not be necessary to spell this out in detail.
It would probably suffice to say that contracting parties will "use all
appropriate means open-to them" to ensure that State government organiza­
tions comply with the provisions of those sections of the Code.

13. Methods of determining conformity with quasi-mandatory standards

Note: The remarks under Section 12 above apply - except that "best endeavours"
would probably be the best formula.

14. Methods of determining conformity with voluntary standards

Note: It may be possible to adopt the same approach as for quasi-mandatory stan­
dards - see the note in Section 13 above.

15. Assistance to other contracting parties

(a) Contracting parties should be prepared to advise and assist each other
in the formulation of mandatory standards.

(b) Contracting parties should be prepared to advise and assist (and should
encourage their voluntary standards bodies to advise and assist) developing
countries toward establishing national voluntary standards bodies and taking
part in the international voluntary standards bodies.

(c) Contracting parties should arrange for their regulatory bodies to advise
and assist other adherents to the Code to establish arrangements for assuring
conformity to the mandatory or quasi-mandatory standards of importing
countries.

(d) Contracting parties which are members of multinational systems for
assuring conformity to mandatory standards should advise and assist other
adherents to the Code to establish the institutions and legal framework which
would enable them to fulfil the obligations of membership.

(e) Contracting parties should encourage their national voluntary standards
bodies and other bodies within their territories, if they are members of
multinational systems for assuring conformity to voluntary standards, to
advise and assist other adherents to the Code toward establishing the insti­
tutions which would enable the relevant bodies within their territories to
fulfil the obligations of membership.
IV. **ENFORCEMENT**

1. If any adherent to this Agreement considers that any benefit which should have accrued to it from the implementation of this Agreement is being impaired, action may be taken in accordance with Article XXIII of the General Agreement.

2. If action is taken in accordance with Clause 1 of that Article but a satisfactory solution cannot be reached within a reasonable time, or if any other difficulty arises concerning the implementation of this Agreement, then an adherent to the Agreement may refer the matter to the Committee on Technical Barriers formed under Clause 6 of Article V.

3. The Committee on Technical Barriers shall promptly investigate any matter referred to it under Clause 2 and may, as part of the investigation, consult with any contracting party or with any standards organization. After the investigation is complete, the Committee may:

   (a) make a statement concerning the facts of the matter, or

   (b) make recommendations to one or more adherents to this Agreement, or

   (c) authorize one or more adherents to this Agreement to suspend some or all of their obligations under this Agreement in respect of another adherent, or

   (d) if the matter is considered to be sufficiently serious, refer the matter to the contracting parties for action in accordance with Clause 2 of Article XXIII of the General Agreement. In this case, the Committee may also recommend that the contracting parties should suspend the application of such concessions or obligations under the General Agreement as they consider appropriate.
V. FINAL PROVISIONS

1. This Agreement shall be open for adherence, by signature or otherwise, to all contracting parties to the General Agreement and to the European Economic Community. It shall enter into force, for each contracting party which has accepted it, on the thirtieth day following the day on which it shall have been accepted by that contracting party or on the thirtieth day following the day on which it shall have been accepted by the governments listed in Annex A, whichever is the later.

2. The test of this Agreement shall be deposited with the Director-General of the General Agreement in both English and French. The English and French texts shall be of equal validity.

3. The Director-General will provide a certified copy of this Agreement to all contracting parties, and will also inform all contracting parties of all adherents to the Agreement. A copy of the text of the Agreement shall also be made available, either free or on repayment, to any other government, organization, or individual who requests it.

4. Amendments to this Agreement may be proposed by any adherent to this Agreement and shall be considered by the Committee on Technical Barriers to Trade formed in accordance with Clause 6 of this Article. Amendments shall be accepted if at least two thirds of all adherents give a positive vote in favour. Each such amendment shall prescribe the date and procedures by which it shall enter into force.

5. Each adherent to this Agreement shall take all necessary steps, of a general or particular character, to ensure that its laws, regulations and administrative procedures conform to the requirements of this Agreement within two years of the date of entry into force of this Agreement, or within two years of the date of its adherence to this Agreement if this is later.

6. The adherents to this Agreement shall request the contracting parties to the General Agreement to form a Committee on Technical Barriers to Trade composed of representatives of the adherents to this Agreement for the purpose of consulting on matters relating to the implementation of this Agreement or on any other barriers to trade arising from standards or methods of demonstrating conformity to standards. The Committee shall normally meet once in each calendar year. Additional meetings may be called if the circumstances warrant it. All decisions of the Committee shall be taken by a majority of votes cast, except where otherwise prescribed in this Agreement.

7. Such consultations as may take place within the Committee on Technical Barriers to Trade shall be without prejudice to Article XXII of the General Agreement.