POSSIBLE ELEMENTS
FOR A SET OF PRINCIPLES ON STANDARDIZATION
(Meeting of 9-12 March 1971)

Draft No.1

A. Development and harmonization of standards and regulations

General principles

18(1) 1. In order to develop truly international standards:
   (a) contracting parties undertake to make an effective contribution to the
       work of international standards organizations in which they participate
       directly or through delegated power;
   (b) contracting parties will use their best endeavours to ensure that an
       effective contribution is made to the work of international standards
       organizations in which they do not participate.

[Secretariat Note: See paragraph 9 (ex 19(i)(a)) for possible inclusion in or
after paragraph 17.]

18(11) 2. In order to ensure wide implementation of international standards:
   (a) Regulatory area: Contracting parties will take all appropriate measures
       to implement, adopt, where applicable, the standards and recommendations
       developed by international standards organizations in which they participate
       directly or through delegated power;
(a)bis **Regulatory area:** Contracting parties will take all appropriate measures to implement/adopt the standards and recommendations developed by international standards organizations in which they participate directly or through delegated power;

(b) **Voluntary area:** Contracting parties will use their best endeavours to ensure the implementation of standards and recommendations developed by international standards organizations in which they do not participate.

3. **Voluntary area:** Contracting parties will use their best endeavours to ensure, through the appropriate national bodies participating in the work of international organizations concerned with standardization, that due account is taken of the need to avoid the creation of trade barriers and to eliminate existing barriers.

*Secretariat Note: A comparable text could be drafted to cover the Regulatory area.*

4. (a) **Regulatory area:** Contracting parties will ensure that regulations are not formulated or implemented in such a manner as to afford protection to domestic production. Where applicable, regulations shall be based on performance rather than design.

(b) **Voluntary area:** Contracting parties should seek to ensure that standards are not formulated or implemented with a view to afford protection to domestic production. Where applicable, standards should be based on performance rather than design.

5. (a) **Regulatory area only?**: All international schemes to harmonize standards should be open to all contracting parties, at the stage of formulation. If for practical reasons the formulation of such schemes start out with limited participation, it is important that universal participation remain possible, and that third parties not originally participating be invited to do so.
(a)bis /Regulatory area only?/ All international schemes to harmonize standards should be open to all contracting parties, at the stage of formulation. If for practical reasons the formulation of such schemes start out with limited participation, third parties [with a substantial or potentially substantial trading interest] not originally participating should be able to do so.

5.bis /Regulatory area only?/ Contracting parties which are not members of existing multilateral harmonization systems should be able to accede thereto to the extent that they so desire and to the extent that they are in a position to fulfill all the conditions in an appropriate manner.

6. (a) Regulatory area: Contracting parties shall make use of the possibilities at their disposal to prompt /local authorities/ /public authorities other than at the national governmental level/ to apply international standards and recommendations. In cases where trade difficulties resulting from discrepancies in the regulations issued by such authorities cannot be resolved otherwise, contracting parties shall take such reasonable measures as are constitutionally available to them to deal with such problems.

(b) Voluntary area: Contracting parties should make use of the possibilities at their disposal for action to prompt private standardization bodies to apply international standards and recommendations. In cases where trade difficulties resulting from discrepancies in standards adopted by private standardization bodies cannot be resolved otherwise, contracting parties should take /the necessary/ /reasonable/ measures to deal with such problems.
7. Consistent with the principle of Article XXIV:12 contracting parties should take such reasonable measures as may be available to them, on the one hand to prompt local authorities and private standards organizations to apply international standards and regulations, and on the other hand, to resolve trade difficulties resulting from disparities in standards and regulations.

8. (a) Regulatory area: Contracting parties will take all reasonable action to ensure that any proposed regulation, whether new or revised, receives sufficient publicity well in advance of its implementation so that all interested parties have an opportunity to take cognizance thereof and comment thereon.

(b) Voluntary area: Contracting parties should take all reasonable action to ensure that any proposed standard, whether new or revised, receives sufficient publicity well in advance of its implementation so that all interested parties have an opportunity to take cognizance thereof and comment thereon.

9. Regulatory area: Contracting parties shall further efforts to develop uniform regulations.

[Secretariat note: General principle rather than practical method]
10. In the case of technical regulations contracting parties could employ in the regulatory area, and encourage in the voluntary area, inter alia, the following methods:

(a) the "optional" solution

(b) the "reference to standards" solution

11. Contracting parties shall maintain a central liaison point which shall supply information or sources thereof on existing regulations as well as standards developed by nationally recognized private organizations.

1 The so-called "optional" solution gives the producer the choice of complying either with the national regulations of the importing country, or with regulations agreed upon between a certain number of countries including that importing country; the term "optional" solution or harmonization has been used with reference to this "option" open to the producer in an importing country that participates in the arrangement.

2 The so-called "reference to standards" solution applied in the Community consists in defining basic requirements accompanied by decisions that compliance with such requirements shall be ensured through equivalence to private standards that have already been established and harmonized at Community level. Such standards could be international standards (ISO, IEC), national standards or even standards in force in third countries (American Petroleum Institute standards for pipelines). In such case, the producer would remain free to adopt some other manufacturing criterion but would then have to show evidence that his product complied with the established basic requirements.
B. Methods of determining conformity with standards and regulations (through control, inspection, testing, certification, etc.)

General principles

1. (a) Regulatory area: Contracting parties should further efforts to harmonize testing methods and quality assurance procedures on a multilateral basis. Contracting parties recognize that it is desirable that the solution to these problems should be sought on an international basis except where technical problems require solutions which could operate only on a bilateral or limited basis.

(b) Voluntary area: Contracting parties should endeavour to further efforts to harmonize testing methods and quality assurance procedures on a multilateral basis. Contracting parties recognize that it is desirable that the solution to these problems should be sought on an international basis except where technical problems require solutions which could operate only on a bilateral or limited basis.

2. (a) Regulatory area: Contracting parties shall ensure that testing procedures for imported products be no less expeditious than those for domestic goods. The results of such testings will be made available, in writing upon request, to the exporter or his representative.

(b) Voluntary area: Contracting parties shall endeavour to ensure that testing procedures for imported products be no less expeditious than those for domestic goods. The results of such testings should be made available, in writing upon request, to the exporter or his representative.

3. (a) Regulatory area: Contracting parties shall ensure that product inspection and testing requirements are not formulated and implemented with a view to afford protection to domestic products.
(b) **Voluntary area:** Contracting parties shall endeavour to ensure that product inspection and testing requirements are not formulated \(\text{and implemented}\) with a view to afford protection to domestic products.

**Regulatory area:**

4. Multilateral quality assurance and certification schemes should be open to contracting parties \(\text{signatories}\), 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.

4.bis \(\text{Multilateral quality assurance and certification schemes}\) \(\text{Bilateral or multilateral arrangements}\) should be open to foreign participation where the participants are willing and able to meet in an adequate manner the obligations of the schemes.

5. Contracting parties should give special consideration to various measures adopted by developing countries to ensure adequate quality standards for their exports. The rigours of testing and inspection procedures which work in some cases as a barrier, could be greatly reduced if the authorities responsible for administration of health and sanitary regulations relied on the measures adopted by the exporting countries for ensuring minimum quality standards, through such means as standardization, quality control, pre-shipment inspection of export products, etc.

**Practical methods**

6. (a) **Regulatory area:** Contracting parties should define testing requirements clearly and publicize them so as to enable foreign suppliers to ascertain whether their own testing requirements and products meet the importing country's testing requirements.
(b) **Voluntary area:** Contracting parties should use their best endeavours to encourage testing requirements to be clearly defined and publicized so as to enable foreign suppliers to ascertain whether their own testing requirements and products meet foreign testing requirements.

7. In order to provide effective access for imported products, contracting parties could employ in the regulatory area, and encourage in the voluntary area, the following methods:

(a) Accept another country's method of testing or controlling even if it is not identical to the national method, provided the other country's methods provide equivalent reliability guarantees.

(b) Delegate testing operations in exporting countries to recognized laboratories which would perform their task on the basis of the regulations or standards required by the importing country.

(c) Make facilities available at designated points of importation to test products manufactured abroad to determine their equivalence to domestic standards.

(d) Accept certificates of governmental and non-governmental foreign institutions recognized by importing countries that products meet some or all of the requirements of the importing country.

(e) Be disposed to inspect at the request of the exporting country, foreign manufacturing facilities.

8. Multilateral quality assurance and certification schemes could make provision for the testing and acceptance of products from countries which, for lack of technical capacity or on financial grounds, cannot participate in the schemes.
This could be accomplished by:

(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.

8. bis Multilateral quality assurance and certification schemes could make provision for the testing and acceptance of products from countries which for one reason or another are not participating in the schemes.

This could be accomplished by:

(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.