1. The Drafting Group met from 26 September to 6 October under the chairmanship of Mr. P.T. Eastham (Canada).

2. The Drafting Group noted the general agreement in Working Group 3 that the text set out in Spec(72)18 should be amended to take into account the discussions in the Working Group and simplified without affecting matters of real substance.

3. Some delegations reiterated that the Drafting Group might be expected to draw up a range of possible solutions for consideration and that they had agreed to work on the draft of a contractual code, both for reasons of convenience and because the draft could serve as a basis for other types of approach, such as a voluntary code, a set of principles, etc., if one of these solutions were preferred.

4. Working on the basis of a draft prepared by Mr. G.T. Rogers (United Kingdom) in his personal capacity, the Drafting Group drew up the text annexed to this note for submission to the Working Group. In doing so it adopted the same approach as at its previous meeting - that of drawing up a text that contains no square brackets or alternative texts. This does not imply that members of the Drafting Group necessarily agree with the particular way in which it deals with the various substantive issues or the precise form of words it employs.
5. The principal changes as compared with the text annexed to Spec(72)18 are as follows:

(a) A first draft of the Preamble has been substituted for the previous series of notes.¹

(b) In the Operative Provisions there are now only two levels of obligations instead of three ("shall ensure that" and "shall use all reasonable means to ensure that").

(c) The obligations relating to the preparation, adoption and use of voluntary standards have all been put on the same footing, irrespective of the bodies that produce those standards.²

(d) So far as practicable, where there are similar provisions but the level of obligation is different, repetition has been avoided by referring back from one to the other (e.g. Sections 2 and 3 of the Operative Provisions).

(e) The definitions have been transferred from the beginning of the document to the end and the explanatory notes on the definitions have been deleted.

(f) In order to make them easier to comprehend, the Operative Provisions have been broken down into four blocks dealing, respectively, with standards, conformity with standards, quality assurance systems, and information and assistance.

(g) Several amendments have been inserted which are designed to assist developing countries which adhere to the Code.

¹See also paragraph 6(a) of this note.
²See also paragraph 6(v) of this note.
6. This note does not list all the points raised in the Drafting Group. The Group wishes, however, to bring the following points to the attention of Working Group 3:

(a) Some members said that it was premature to draft a precise preamble and confined themselves to taking note of the formulation contained in the text.

(b) The text of 1(a) and similar provisions throughout the text constitutes an attempt to draw up a compromise between various points of view as to how this commitment should be drafted. It is possible that in similar provisions elsewhere in the text the final qualifying phrase might need to be modified.

(c) Some members doubted whether the amount of work involved in making and processing the notifications referred to in Section 1(g)(ii) and similar provisions elsewhere in the text and Section 16(d) would be justified by the benefits which might be expected.

(d) Some members said that the escape clause contained in Section 1(c) should be deleted and pointed out that the obligations of Section 1(b) were already qualified by the word "appropriate". Other members were troubled at the vagueness of Section 1(b), particularly in view of the differing interpretations of the word "appropriate". This also applies to Section 3(c) and (d).

(e) It was agreed that the implications of the words "and except as otherwise required by national law" in Section 5(e)(vi) should be further studied.
(f) Some members suggested that the words "without prejudice to the provisions of Sections 4 and 5" should be added at the beginning of the text of Section 8(f). They asked what the treatment of foreign suppliers would be if a system was not open to them.

(g) The text of 8(f)(i) is a compromise between different formulations. Some members said that the words "if the Committee for Preventing Technical Barriers to Trade so agrees" should be deleted. Other members said that the whole text of Section 8(f)(i) should be deleted. This also applies to Section 12(h).

(h) Some members said that the provisions of Section 8(f)(ii) and 12(d) were inconsistent and that Section 8(f)(ii) should be deleted. Other members said that the two provisions were complementary and felt that this was the only way to deal with "interesting" countries.

(i) Some members said that, in Section 9 "all reasonable means" should be substituted for "shall ensure" in line with earlier parts of the text.

(j) The text of Section 12 is drafted on the assumption that it covers all types of international and regional quality assurance system. Some members said that it should be drafted to cover only those systems which are based on harmonized standards. Other members said that Section 12(d) should apply to all types of system and that the introductory words to that section ("when such a system is based on harmonized standards") should be deleted.

(k) There was a spectrum of views regarding the drafting of Sections 8(e) and 12(f)(iii) varying from support for the annexed text, which uses the term "operational" and defines it, to support for using "fully operational"
and not defining it. Some members said that a compromise would be to use the term "operational" but not to define it.

(1) Some members said that Section 12(d) and the related note in Annex 2 should be deleted. Other members said that Section 12(d) and the note on it raised separate issues.

(m) Suggestions were made that in some paragraphs "should" should be inserted in place of "shall" and "assist" in place of "advise".

(n) An alternative formulation to replace the second sentence of Section 1 of Chapter IV (including 1(a) and (b)) and Annex 3 would be:

"It shall enter into force on a date to be specified for each party which has accepted it by that date. For each party accepting the Code after that date, it shall enter into force upon acceptance."

(o) It was felt that either Article IV or Article VI should contain a provision regarding the application of the Code to dependent territories of adherents but no language has been drafted for this purpose as yet.

(p) Some members said that Sections 3, 4, 5 and 7 of Chapter IV should be deleted and that the substance of Section 6 should be included elsewhere in the text. Among those members in favour of retaining Sections 3 to 7, some considered that the time-limits were too short.

(q) In general, the Drafting Group worked on the assumption that benefits under the Code would accrue as of right only to other adherents. It was recognized that the formulation of Section 3(c) of Chapter V was only feasible in the context of a Code under which advantages would accrue
as of right to other adherents. In this case, a procedure by which the Committee established under the provisions of Chapter III would arrive as its decisions would be required.

(r) Some members said that Section 4 of Chapter V was unrealistic.

(s) Some members suggested that Sections 3(c) and 4 of Chapter V be deleted and the following text inserted:

"4. If, after the completion of the procedures set forth in Section 3, no mutually satisfactory solution is reached between the adherents concerned, the matter may be referred to a Board of Arbitration to be established as set forth in Section 5. After consideration of all the facts as presented by the adherents concerned, the Board may:

(a) authorize one or more adherents to this to suspend some or all of their obligations under this Code in respect of one or more adherents; or

(b) authorize one or more adherents to this Code to suspend some or all of their obligations under the General Agreement on Tariffs and Trade in respect of one or more adherents.

5. The Board of Arbitration is to be composed of one member appointed by each of the two adherents which are parties to the dispute and a third member mutually agreeable to both parties. Members appointed to a Board of Arbitration may be from any country which is a contracting party to the General Agreement on Tariffs and Trade except a country which is a party to the dispute. The parties to the dispute will be responsible for the expense of the Board. If more than two adherents to the Code are involved in a dispute such additional adherents may
officially join with one of the parties to the dispute, or, if preferred, may seek resolution of the dispute through establishment of a separate Board of Arbitration."

(t) The Drafting Group did not discuss the consequences of withdrawals from the Code provided for in Section 3 of Chapter VI or draft a text relating to this matter.

(u) The Drafting Group felt they did not have time to give adequate consideration to the following proposal for an addition to Annex 2:

"3. Adherents in whose Territories all Standards are Mandatory for the purposes of the Code in the case of those adherents where all standards are mandatory,

(a) The standards adopted by Ministries and Departments in the fields of safety, health, consumer protection and environment protection shall be treated as 'mandatory standards';

(b) The standards adopted by the national standards body shall be treated as 'voluntary standards';

(c) The standards adopted by factories and by Ministries and Departments responsible for production or for trading, except those covered in (b) above, shall be treated as 'voluntary standards' but shall be excluded from the provisions of paragraphs 4(g) and 4(h) of the Operative Provisions."

(v) It was noted that all references to the quasi-mandatory area had been deleted and that standards which were mandatory in practice were covered by the sections dealing with voluntary standards. Some members suggested that this should be made clear in the definitions.
(w) It was noted that there was probably a difference in the coverage of the definitions of "mandatory standard" and "quality assurance system" in the English and French texts.

(x) Some members said that, as presently drafted, definitions 4 and 10 were insufficient since a group could fit the present definition of an international standards organization (and thus promulgate "international standards") without necessarily having a standards-making expertise or even being known to adherents to the Code.
ANNEX

PROPOSED GATT CODE OF CONDUCT FOR PREVENTING TECHNICAL BARRIERS TO TRADE

PREAMBLE

The adherents to this Code,

Desiring to further the objectives of the General Agreement on Tariffs and Trade;

Recognizing that nothing in this Code shall be construed to prevent the adoption or enforcement by any adherent, in accordance with the provisions of the General Agreement, of measures necessary for the protection of the health and safety of its population, its environment, or its national security.

Desiring none the less to ensure that, in implementing those responsibilities, they do not create barriers to international trade;

Desiring to encourage governments to develop international standards particularly in the fields of safety, health and environmental protection;

Recognizing the important contribution to efficiency in production and distribution that is made by voluntary standards;

Desiring to ensure that voluntary standards do not act as barriers to international trade;

Desiring therefore to promote the harmonization of voluntary standards on as widespread a basis as possible;

Recognizing that lack of technical and other resources prevents the developing countries from participating effectively in the harmonization of standards and in quality assurance systems;
Desiring therefore to assist them to play a fuller part in these activities;

Desiring to reinforce the important contribution to the harmonization of standards which is made by international bodies, both governmental and non-governmental;

Recognizing the important contribution to international trade that is made by arrangements and systems for providing assurance that products conform to the relevant standards;

Desiring to ensure that such quality assurance arrangements and systems, do not act as barriers to trade;

Desiring therefore to encourage the development of quality assurance arrangements and systems of such a nature that they provide an equal opportunity to suppliers in all countries;

Desiring to assist producing countries (especially the developing countries) to provide acceptable assurances that products conform to the standards, which apply in consuming countries;

Hereby agree as follows:

I. DEFINITIONS AND EXPLANATORY NOTES

1. The terms defined in Annex 1 shall, for the purposes of this Code, have the meanings ascribed to them there.

II. OPERATIVE PROVISIONS

A. STANDARDS

1. Preparation, adoption and use of mandatory standards by central government bodies

(a) Adherents shall ensure that mandatory standards are not prepared or applied with a view to affording protection to domestic production and that neither the standards themselves, nor the way in which they are applied, constitute an obstacle to international trade which is not an inevitable result of basic ecological, technological or other conditions.

(b) Where mandatory standards are required and appropriate international standards exist or can be prepared without undue delay, adherents shall use them, or the relevant parts of them, as a basis for the mandatory standards.

(c) The provisions of paragraph 1(b) shall not apply if, at the time when the relevant international standard was circulated for approval, the central government body having the jurisdiction to impose mandatory standards in the area of concern:

   (i) was not offered a reasonable opportunity to express an opinion for or against its acceptance; or

   (ii) was offered such an opportunity and expressed a reasoned opinion that it was unsatisfactory in whole or in part as a basis for its mandatory standard.
If an opinion is expressed as in (ii) above, adherents shall inform their national representative in the international standards organization concerned, and shall use their best efforts to ensure that such representative informs the international standards organization.

(d) Where mandatory standards are required and appropriate international standards do not exist, adherents shall use all reasonable means to ensure that the mandatory standards which they adopt are not such as to impede progress towards the preparation of international standards.

(e) With a view to harmonizing their mandatory standards on as wide a basis as possible, adherents shall play a full part in the preparation by appropriate international standards organizations of international standards for products for which they either have adopted, or are likely to adopt, mandatory standards.

(f) Where appropriate, adherents shall specify mandatory standards in terms of performance rather than detailed design requirements.

(g) Except where the technical content of the proposed mandatory standard is substantially the same as the technical content of an international standard, adherents shall:

1. publish a notice at an appropriate stage that they are working on a particular mandatory standard;

2. notify the GATT secretariat of the products to which the proposed mandatory standard relates;
(iii) provide particulars or copies of draft mandatory standards, on request, to other adherents;

(iv) allow reasonable time for comment;

(v) take full account of any reasonable comments they may receive from other adherents.

(h) However, where urgent problems of safety, health, environmental protection or national security exist, adherents may omit such of the steps in paragraph 1(g) as they find necessary. In that event, they shall take full account of any reasonable comments they may subsequently receive from other adherents in considering whether to initiate amendments.

(j) Adherents shall publish all mandatory standards which have been adopted by their central government bodies.

(k) Except where there are urgent problems of public safety, health, environmental protection or national security, adherents shall allow a reasonable interval to elapse before bringing 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.

(l) Adherents shall use all reasonable means to ensure that regional standards organizations of which they are members comply with the provisions of paragraphs (a) to (k) inclusive of this section so far as they are applicable.

(m) Adherents which are members of regional organizations shall remain subject to the provisions of paragraphs (a) to (k) inclusive of this section, except to the extent that the regional standards organizations comply with these provisions.
2. **Preparation, adoption and use of mandatory standards by local government bodies and regulatory bodies other than central government bodies**

Adherents shall use all reasonable means to ensure that local government bodies and regulatory bodies other than central government bodies within their territories comply with the provisions of Section 1 with the exception of l(g)(ii).

3. **Preparation, adoption and use of voluntary standards**

   (a) Adherents shall use all reasonable means to ensure that voluntary standards are not prepared or applied with a view to affording protection to domestic production and that neither the standards themselves, nor the way in which they are applied, constitute an obstacle to international trade which is not an inevitable result of basic ecological, technological or other conditions.

   (b) With a view to harmonizing voluntary standards on as wide a basis as possible, adherents shall co-operate, within the limits of their resources, in the preparation of international standards, and shall encourage the local government bodies and voluntary standards bodies within their territories to do likewise.

   (c) Adherents shall use all reasonable means to ensure that where there is an appropriate international standard for a product, the technical content of the voluntary standard prepared or adopted within their territories for that product is substantially the same as that of the international standard.
(d) The provisions of paragraph 3(e) shall not apply if, at the time when the relevant international standard was prepared, either the central government body, or the local government body, or the voluntary standards body concerned:

   (i) was not offered an opportunity to express an opinion for or against its acceptance; or

   (ii) having been offered such an opportunity, expressed a reasoned opinion that it was unsatisfactory in whole or in part; or

   (iii) was unable to express a reasoned opinion due to lack of resources.

(e) Where appropriate international standards do not exist, adherents shall use all reasonable means to ensure that voluntary standards adopted by bodies within their territories are not such as to impede progress towards the preparation of international standards.

(f) Adherents shall use all reasonable means to ensure that where aspects of a product are, or are likely to be, subject to a mandatory standard, the voluntary standard covering those aspects is suitable in form and content for adoption in whole or in part as that mandatory standard.

(g) Adherents shall use all reasonable means to ensure that, where appropriate, voluntary standards are specified in terms of performance rather than detailed design requirements.

(h) Adherents shall use all reasonable means to ensure that, except where the technical content of the proposed voluntary standard is substantially the same as the technical content of an international standard, the bodies
preparing voluntary standards within their territories:

(i) publish a notice at an appropriate stage that they are working on a particular voluntary standard;

(ii) provide particulars or copies of draft standards, on request, to interested parties in other adherents;

(iii) allow reasonable time for comment; and

(iv) take full account of any reasonable comments they may receive from interested parties in other adherents.

(j) Adherents shall use all reasonable means to ensure that all voluntary standards adopted by bodies within their territories are published.

(k) Adherents shall use all reasonable means to ensure that regional organizations of which either they or bodies within their territories are members comply with the provisions of (a) to (j) inclusive of this section so far as they are applicable.

(l) Where adherents, or bodies within their territories, are members of regional organizations, the provisions of paragraphs (a) to (j) inclusive of this section shall apply except to the extent that the regional organizations comply with those provisions.
B. CONFORMITY WITH STANDARDS

4. Methods of determining conformity with mandatory standards of control government bodies

(a) Adherents shall ensure that methods of determining conformity with mandatory standards of central government bodies are not formulated with a view to affording protection to domestic production and that neither the methods themselves, nor the way in which they are applied, constitute an obstacle to international trade which is not an inevitable result of basic ecological, technological or other conditions.

(b) Adherents shall ensure that, where test methods are to be used by a central government body for the purpose of determining conformity with mandatory standards, the test methods are either:

   (i) defined in the mandatory standards; or

   (ii) defined in some other published document.

The provisions of Section 1 shall apply to test methods in the same way as to the mandatory standards themselves.

(c) Adherents shall ensure that the administrative procedures to be used by a central government body for determining conformity with mandatory standards are published.

(d) Adherents shall ensure that their test methods and administrative procedures are such as to permit so far as practicable the tests to be carried out in the territories of other adherents.

(e) In determining conformity with mandatory standards, adherents should permit the use of test methods which differ from their own, provided the importing adherent is satisfied that the exporting adherent's methods
provide an equivalent means of determining whether the products tested 
conform to the relevant mandatory standard.

5. Assurance of conformity with mandatory standards of central 
government bodies

(a) In cases where a positive assurance is required that imported products 
conform with a mandatory standard, adherents shall comply with the provisions 
of paragraphs (b), (c), (d) or (e) of this Section or any combination thereof.

(b) Whenever possible, adherents should rely upon declarations by suppliers 
in the territories of other adherents that their products conform to the 
relevant mandatory standard.

(c) Whenever possible, adherents should accept assurances of conformity 
with the relevant mandatory standard provided by quality assurance bodies in 
the territories of other adherents.

(d) Whenever possible, adherents should arrange for tests to be carried out 
in the territories of other adherents.

(e) To the extent that one or other of the methods provided for in 
paragraphs (b), (c) and (d) of this Section has not been implemented and 
tests are carried out in the territory of the importing adherent, the 
following provisions shall apply:

(i) imported products shall be accepted for testing under conditions 
no less favourable than those accorded to similar domestic 
products;
(ii) the test methods and administrative procedures for imported products shall be no more complex and no less expeditious than the corresponding methods and procedures for similar domestic products in a comparable situation;

(iii) any fees imposed for testing products of other adherents should be equitable in relation to any fees charged for testing similar domestic products;

(iv) the results of tests shall be made available to the exporter or importer or their agents, if requested, so that corrective action may be taken if necessary;

(v) the siting of testing facilities and the selection of samples for testing shall not be such as to cause unnecessary inconvenience for importers;

(vi) if so requested, the confidentiality of information about imported products arising from or supplied in connexion with such tests shall be respected except where serious problems of safety or health arise and except as otherwise required by national law.

(f) Nothing in this Section shall prevent the carrying out of reasonable spot checks.

6. **Conformity with mandatory standards of local government bodies and regulatory bodies other than central government bodies**

Adherents shall use all reasonable means to ensure that local government bodies, and regulatory bodies other than central government bodies, within their territories comply with the provisions of Sections 4 and 5 as regards:
(i) their methods of determining conformity with their mandatory standards,
and
(ii) the provision of assurances of conformity with their mandatory standards.

7. Conformity with voluntary standards

Adherents shall use all reasonable means to ensure that quality assurance bodies within their territories, whether governmental or non-governmental, comply with the provisions of Sections 4 and 5 as regards:

(i) their methods of determining conformity with voluntary standards, and
(ii) the provision of assurances of conformity with voluntary standards,
substituting the word "voluntary" for "mandatory" throughout and substituting "Section 3" for "Section 1" in paragraph 4(b).

8. Quality assurance systems for assuring conformity with mandatory standards of central government bodies

(a) Adherents shall ensure that quality assurance systems operated by their central government bodies, or quality assurance systems on which they rely for assuring conformity to their mandatory standards, are not formulated with a view to affording protection to domestic production, and that neither the systems themselves, nor the way in which they are applied, constitute an obstacle to international trade which is not an inevitable result of basic ecological, technological or other conditions.

(b) The provisions of Sections 1, 4 and 5 shall apply to such quality assurance systems.
(c) Adherents shall ensure that such systems are formulated from the outset with a view to their eventual application to similar products produced in the territories of other adherents.

(d) Adherents shall:

(i) publish a notice at an appropriate stage that they propose to introduce a quality assurance system;

(ii) notify the GATT secretariat of the products which the proposed system will cover;

(iii) provide particulars or copies of the proposed rules of the system, on request, to other adherents;

(iv) allow reasonable time for comment;

(v) take full account of any reasonable comments they may receive from other adherents, both regarding the formulation of such systems and, subsequently, regarding their implementation; and

(vi) publish all rules of such systems.

(e) Adherents shall ensure that as soon as such systems become operational they are open to suppliers of similar products produced in the territories of other adherents, provided that such suppliers are able and willing to fulfil the relevant obligations, on the same basis as to domestic suppliers.
(f) The provisions of paragraph (e) of this Section are subject to the qualifications that:

(i) if for particular reasons it is considered inadvisable or impractical to open such a system to suppliers in the territories of all other adherents from the outset, its application may be limited in the initial stages if the Committee for Preventing Technical Barriers to Trade so agrees;

(ii) if an adherent is taking part in an international quality assurance system for a product, the said adherent shall be under no obligation to include in its national system the products of other adherents which are able to take part in the international system.

9. **Quality assurance systems of central government bodies for assuring conformity with voluntary standards**

Adherents shall ensure that quality assurance systems of their central government bodies for assuring conformity to voluntary standards comply with the provisions of Section 8.

10. **Quality assurance systems for assuring conformity with mandatory standards of local government bodies and regulatory bodies other than central government bodies**

Adherents shall use all reasonable means to ensure that any quality assurance systems operated by local government bodies, or by regulatory bodies other than central government quality assurance bodies within
11. **Systems operated by quality assurance bodies other than central government bodies for assuring conformity with voluntary standards**

Adherents shall use all reasonable means to ensure that systems operated by governmental or non-governmental quality assurance bodies other than central government bodies within their territories, for assuring conformity with voluntary standards, comply with the provisions of Section 8 above, substituting "Sections 3 and 7" for "Sections 1, 4 and 5" in paragraph 8(b).

12. **International and regional quality assurance systems of which central government bodies are members**

(a) Adherents shall, wherever practicable, formulate and become members of international systems whereby the appropriate bodies of the countries concerned, having first satisfied themselves as to the competence and reliability of the appropriate quality assurance bodies in other participating countries, accept assurances from those bodies that products conform to the relevant mandatory standards.

(b) Such systems shall be formulated from the outset with a view to affording an equal opportunity for membership to all adherents. With this in mind:

(i) the sole criterion for membership in such systems shall be that the appropriate regulatory body of the adherent concerned is able and willing to fulfil the obligations of membership;
(ii) the sole criterion for accepting assurances of conformity with
mandatory standards under such systems shall be the technical
competence and reliability of the quality assurance body. Such
a quality assurance body may be situated in the territory of any
participant and may assure the quality of the products of any
other adherent.

(c) The provisions of Sections 1, 4 and 5 shall apply to such quality
assurance systems.

(d) Where such a system is based upon harmonized standards, the system shall
be open to suppliers of similar products in the territories of other
adherents which are not members of, or participants in, the system, provided
such suppliers are able and willing to fulfil the relevant obligations, on the
same basis as to suppliers in the territories of members of the system.

(e) In formulating and implementing such systems:

(i) a notice shall be published at an early stage of the intention
to formulate a system;

(ii) the GATT secretariat shall be notified of the products which the
proposed system will cover;

(iii) an equal opportunity shall be given to all adherents to take part
in the formulation of such a system;

(iv) particulars or copies of the proposed rules of the system shall
be provided on request to other adherents;
reasonable time shall be allowed for comment;

full account shall be taken of any reasonable comments received from any adherents, both regardi_ the formulation of the system and, subsequently, regarding its implementation; and

(vii) all rules shall be published.

(f) Where regional quality assurance systems are formulated by organizations of which central government bodies are members:

(i) the provisions of paragraphs (b) to (e) inclusive of this Section, with the exception of paragraph 12(e)(iii), shall apply;

(ii) the systems shall not be formulated with a view to affording protection to domestic production and neither the systems themselves, nor the way in which they are applied, constitute an obstacle to international trade which is not an inevitable result of basic ecological, technological or other conditions;

(iii) as soon as the system becomes operational, it shall be open to participation by all adherents to the Code which are able and willing to fulfil the obligations of membership.

(g) A regional quality assurance system can become an international quality assurance system if the procedures set forth in paragraph (e) of this section are followed.

(h) The provisions of paragraph (f)(iii) of this Section are subject to the qualification that if for particular reasons it is considered inadvisable or impracticable to open such a system to participation by all adherents from the outset, participation may be limited in the initial stages if the Committee for Preventing Technical Barriers to Trade so agrees.
13. **International and regional quality assurance systems, of which central government bodies are members, for assuring conformity with voluntary standards**

Adherents shall use all reasonable means to ensure that international or regional quality assurance systems for assuring conformity to voluntary standards, and of which their central government bodies are members, comply with the provisions of Section 12.

14. **International and regional quality assurance systems, of which local government bodies and regulatory bodies other than central government bodies are members, for assuring conformity with mandatory standards**

Adherents shall use all reasonable means to ensure that international or regional quality assurance systems for assuring conformity with mandatory standards, and of which their local government bodies or regulatory bodies other than central government bodies are members, conform to the provisions of Section 12, substituting "Sections 2 and 6" for "Sections 1, 4 and 5" in paragraph 12(c).

15. **International and regional quality assurance systems, of which quality assurance bodies other than central government bodies are members, for assuring conformity with voluntary standards**

Adherents shall use all reasonable means to ensure that international or regional quality assurance systems for assuring conformity with voluntary standards, and of which governmental or non-governmental quality assurance bodies other than central government bodies are members, conform to the provisions of Section 12, substituting "Sections 3 and 7" for "Sections 1, 4 and 5" in paragraph 12(c).
D. INFORMATION AND ASSISTANCE

16. Information about mandatory and voluntary standards and quality assurance systems

(a) Each adherent shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from interested parties in other adherents regarding

(i) any mandatory or voluntary standards adopted or proposed by central or local government bodies within its territory or by regional organizations of which such bodies are members, together with the associated test methods and administrative procedures, and

(ii) any quality assurance system, or proposed quality assurance system, which is operated by central or local government bodies or by regulatory bodies other than central government bodies within its territory or of which such bodies are members, or to provide information as to where such details can be obtained.

(b) Each adherent shall use all reasonable means to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from interested parties in other adherents regarding

(i) the standards and test methods adopted or proposed by voluntary standards bodies within its territory or by regional organizations of which such bodies are members, and
(ii) any quality assurance systems operated by non-governmental quality assurance bodies within its territory or of which such bodies are members.

(c) Adherents shall use all reasonable means to ensure that where copies of documents are requested by other adherents, or by interested parties in other adherents, in accordance with the provisions of this Code, they are supplied at the same price (if any) as to the nationals of the adherent concerned.

(d) The GATT secretariat is requested, when it receives notifications of proposed mandatory and voluntary standards and quality assurance systems in accordance with the provisions of this Code, to circulate a list of the products and countries concerned to all adherents and to draw the attention of developing adherents to any notifications relating to products of particular interest to them.

(e) Nothing in this Code shall be construed as requiring

(i) the publication of texts other than through the recognized channels of the organizations concerned or other than in the language of the country of origin,

(ii) the provision of particulars or copies of drafts other than in the language of the country of origin.

However, notifications to the GATT secretariat shall be in English or French.

17. Assistance to other adherents

(a) Adherents shall, if requested, advise other adherents (especially the developing countries) on the preparation of mandatory standards.

(b) Adherents shall, if requested, advise - and shall encourage their national standards bodies to advise - other adherents (especially the developing countries) regarding the establishment of national standards bodies and participation in the international standards organizations.
(c) Adherents shall, if requested, arrange for the regulatory bodies within their territories to advise other adherents (especially the developing countries) regarding

(i) the establishment of regulatory bodies, quality assurance bodies or other arrangements for providing an assurance of conformity with the mandatory standards

(ii) the methods by which their mandatory standards can best be met

(d) Adherents shall, if requested, arrange for advice to be given to other adherents, (especially the developing countries) regarding the establishment of quality assurance bodies or other arrangements for providing an assurance of conformity with voluntary standards adopted within their territories.

(e) Adherents shall, if requested, advise other adherents (especially the developing countries) regarding the steps that should be taken by their producers if they wish to take part in quality assurance systems operated by governmental or non-governmental bodies within their territories.

(f) Adherents which are members of international or regional quality assurance systems shall, if requested, advise other adherents (especially the developing countries) regarding the establishment of the institutions and legal framework which would enable them to fulfil the obligations of membership or participation in such systems.

(g) If so requested, adherents shall encourage the quality assurance bodies within their territories, if such bodies are members of international or regional quality assurance systems, to advise other adherents, (especially the developing countries) regarding the establishment of the institutions which would enable the relevant bodies within their territories to fulfil the obligations of membership or participation.
III. THE COMMITTEE FOR PREVENTING TECHNICAL BARRIERS TO TRADE

1. The adherents to this Code shall form a Committee for Preventing Technical Barriers to Trade composed of the adherents to this Code, for the purpose of considering matters relating to the implementation of this Code. The Committee shall also conduct periodical reviews of the operation of the Code including the extent to which it has assisted developing adherents to overcome technical barriers to their exports.

2. The Committee shall normally meet once in each calendar year. Additional meetings may be called if the circumstances warrant it. All recommendations and decisions of the Committee shall be by ....

IV. ENTRY INTO FORCE

1. This Code shall be open for adherence to all contracting parties to the General Agreement, and to the European Economic Community. It shall enter into force on the thirtieth day following the day on which \( \frac{\pi}{2} \) of the parties to which the Code is opened, including those listed in annex 3, shall have adhered to it.

2. This Code shall become effective for each adherent on the day it enters into force in accordance with Section 1 of this Chapter, or on the thirtieth day after the adherent concerned has adhered to it, whichever is the later, and shall apply to all mandatory standards, voluntary standards, quality assurance arrangements and quality assurance systems subsequently prepared or adopted by any governmental or non-governmental body within the territories of each adherent.

3. Each adherent to this Code shall use all reasonable means to ensure that its laws conform to the requirements of this Code within two years of the date upon which the Code becomes effective for the adherent concerned.
4. To the extent that existing mandatory standards, quality assurance arrangements or quality assurance systems of central government bodies afford protection to domestic production, adherents shall bring them into conformity with the operative Provisions of this Code by not later than one year from the date upon which the Code becomes effective for the adherent concerned.

5. To the extent that any existing mandatory and voluntary standards, quality assurance arrangements or quality assurance systems (other than those already provided for in Section 4 of this Chapter) afford protection to domestic production, adherents shall use all reasonable means to ensure that they are brought into conformity with the Operative Provisions of this Code by not later than one year from the date upon which the Code becomes effective for the adherent concerned.

6. If adherents, or bodies within their territories, operate or are members of existing national or regional quality assurance systems, (other than those already provided for in Section 4 of this Chapter), they shall use all reasonable means to ensure that such systems are opened to other adherents, or to bodies or suppliers within the territories of other adherents, in accordance with the Operative Provisions of this Code by not later than two years from the date upon which the Code becomes effective for the adherent concerned.

7. The time-limits specified in Sections 3 to 6 inclusive of this Chapter may be extended for an adherent if, for particular reasons, the Committee for Preventing Technical Barriers to Trade so agrees.

V. ENFORCEMENT

1. If any adherent considers that any benefit accruing to it from the implementation of this Code is being nullified or impaired by any other adherent, or if any adherent wishes to raise any other matter affecting the implementation
of this Code with any other adherent, other adherents shall accord sympathetic consideration to, and afford adequate opportunity for consultation regarding, such representations as may be made by that adherent.

2. If no mutually satisfactory solution is reached between the adherents concerned within a reasonable time, the matter may be referred to the Committee for Preventing Technical Barriers to Trade set up under Chapter III.

3. The Committee for Preventing Technical Barriers to Trade shall promptly investigate any matter referred to it under Section 2 above and may, as part of the investigation, consult with any contracting party or with any competent body. 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 Code, or
   (c) authorize one or more adherents to this Code to suspend obligations under this Code in respect of one or more adherents.

4. For the purposes of action under paragraph 2 of article XXIII, adherents agree that adherents may invoke obligations under this Code.

VI. OTHER PROVISIONS

1. The text of this Code shall be deposited with the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade, who will promptly furnish a certified copy thereof to all contracting parties and adherents, and will also inform all contracting parties of the date when the Code enters into force, and of the names of all adherents. The English and French texts of the Code shall be of equal validity.

2. Amendments to this Code may be proposed by any adherent to this Code and shall be considered by the Committee for Preventing Technical Barriers to Trade. Amendments shall be adopted in respect of those adherents which accept them, 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.

3. Any adherent may withdraw from this Code. The withdrawal shall take effect upon the expiration of six months from the day on which written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade.

4. Nothing in this Code shall be construed as detracting from the rights and obligations of adherents under the General Agreement.
Annex 1

DEFINITIONS

The terms regarding standards and quality assurance are used in a variety of senses in different contexts and by different organizations. For the purpose of this instrument, the following terms have the meanings given below.

1. "Standard"

   The term "standard" means any specification which lays down some or all of the properties of a product in terms of quality, purity, performance, dimensions, or other characteristics. It includes, where applicable, test methods, and specifications concerning testing, packaging, marking or labelling to the extent that they affect products rather than processes.

2. "Mandatory standard"

   This is a standard with which it is obligatory to comply by virtue of an action by an authority endowed with the necessary legal power. The term includes, but is not limited to, "technical regulations".

3. "Voluntary standard"

   This is a standard with which there is no legal obligation to comply.

4. "International standard"

   This is a standard adopted by a recognized international standards organization whether governmental or non-governmental as defined below. The term is not limited to documents described as "standards".

5. "Central government body"

   This term means the central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question.
6. "Local government body"

This term means a government body which is not subject to the control of the central government in respect of the activity in question, such as

(i) the authorities of States, Provinces, Länder, Cantons, etc., in the case of a federal or decentralized system, and
(ii) local government authorities.

7. "Regulatory body"

This term means any central or local government body or any other body which has legal power to enforce a mandatory standard. This may or may not be the same body which prepared or adopted the standard.

8. "Voluntary standards body"

This term means any non-governmental organization which prepares voluntary standards for public use. Some of these are national standards bodies as defined below.

9. "National standards body"

This term means a nationally recognized standards body which is, or is eligible to become, a member of non-governmental international standards organizations such as ISO and IEC.

10. "International standards organization"

This term means any international organization, whether governmental or non-governmental, which prepares standards, and which admits the relevant bodies in all adherents to participate in the preparation of such standards.

11. "Regional standards organization"

This term means any international organization, whether governmental or non-governmental, which prepares standards, and which does not admit the relevant bodies in all adherents to participate in the preparation of such standards.
12. "**Determination of 'conformity with standards'"**

"Conformity with a standard" means that the actual performance or properties which are specified in the relevant standard.

13. "**Administrative 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.

14. "**Harmonized standards"**

This term means standards of different countries or organizations the technical content of which is substantially the same.

15. "**Quality assurance body"**

An organization or person, governmental or non-governmental, independent of the producer, which provides acceptable assurances that products conform to the relevant standard or acceptable information on which a decision as to conformity with the standard can be taken. The term includes, but is not limited to, certifying bodies.

16. "**Quality assurance system"**

A formal arrangement having its own rules of procedure and management under which one or more quality assurance bodies provide an acceptable assurance that products approved or certified under the system conform to the requirements of the relevant standard. The term includes, but is not limited to, certification systems.

17. "**International quality assurance system"**

A formal arrangement, whether governmental or non-governmental, under which either:
(i) two or more regulatory bodies in different countries accept assurances of conformity with standards provided by the quality assurance bodies in one or more of the countries concerned; or
(ii) two or more quality assurance bodies in different countries provide a uniform assurance of conformity with standards;
and the membership of which is open to the relevant bodies in all adherents.

18. "Regional quality assurance system"
A formal arrangement, whether governmental or non-governmental, under which either:

(i) two or more regulatory bodies in different countries accept assurances of conformity with standards provided by the quality assurance bodies in one or more of the countries concerned; or
(ii) two or more quality assurance bodies in different countries provide a uniform assurance of conformity with standards;
and the membership of which is not open to the relevant bodies in all adherents.

19. "Quality assurance arrangement"
This term means any method of determining conformity with any standard, or any method other than a formal quality assurance system for providing an assurance to regulatory bodies, or purchasers that particular products conform with a standard. It includes, but is not limited to, test methods and administrative procedures.

20. "Membership in a quality assurance system"
This term means that an adherent or a regulatory body or a quality assurance body in the territory of an adherent has the same rights and obligations as any of the other adherents, regulatory bodies or quality assurance bodies under the rules of the system, including the rights of participation in, and management of the system, and of formulating or amending its rules.
21. "Participation in a quality assurance system"

This term means that an adherent or a regulatory body or quality assurance body in the territory of an adherent has

(i) the same rights to furnish evidence of conformity of products with particular mandatory or voluntary standards and have it accepted, as members of the system, and

(ii) the same obligations to accept such evidence itself, as members of the system.

22. "Operational"

This term, with reference to a quality assurance system, means when the system comes into force or effect but no later than when the first certificate, declaration or other confirmation that a product conforms or does not conform to a particular mandatory or voluntary standard, has been provided.
Annex 3

LIST OF CONTRACTING PARTIES REFERRED TO IN SECTION 1 OF CHAPTER IV

[To be added]