DRAFTING GROUP ON STANDARDS

Note on Meeting of January 1972

1. The Drafting Group met from 11 to 17 January under the Chairmanship of Mr. P.T. Eastham (Canada).

2. The Drafting Group had before it a draft of a Proposed GATT Code of Conduct for Preventing Technical Barriers to Trade (Spec(71)143) prepared by Mr. G.T. Rogers (United Kingdom) in his personal capacity following informal consultations which the chairman had held with interested delegations. The Drafting Group expressed its thanks to Mr. Rogers for undertaking this task.

3. The Drafting Group noted the conclusions reached in the Committee on Trade in Industrial Products that work on standards should be actively pursued to the stage of submitting ad referendum solutions to governments. Some members said that the Drafting Group might therefore be expected to draw up a range of possible solutions for consideration, but agreed to work on the draft of a contractual code which was before the Group 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. The Drafting Group agreed that it should draw up a text that was technically sound and convenient to read. Working on the basis of the draft before it, the Group drew up the annexed text for submission to Working Group 3. The fact that the text contains no square brackets or alternative versions 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. This note does not attempt to list all the points raised in the Drafting Group. The Drafting Group thought that the following points should be brought to the attention of Working Group 3:

   (a) the question of whether the text should take the form of a binding code, of a voluntary code or of a set of principles, etc.;

   (b) if it is to be a binding code, whether it is to be an interpretation or amplification of the existing provisions of the General Agreement or an independent instrument;

   (c) the obligations relating to the protective effect of standards in 1(a) of the operative provisions and elsewhere in the text;
(d) whether the commitment, (particularly in respect of "interesting countries"), in 11(f) can, or should be, included in its present form;

(e) the obligations in respect of regional standards organizations in 1(j), 3(k) and 5(j);

(f) the qualification in 11(h) to the provisions of 11(g)(iii) regarding the participation in systems for assuring conformity to mandatory standards formulated by regional groups;

(g) the establishment and powers of the proposed Committee for Preventing Technical Barriers to Trade, referred to in Chapter IV;

(h) the content of Chapter V relating to enforcement; and

(j) the consequences of a withdrawal from the Code under Section 6 of the Final Provisions.

6. The coverage of the text is not restricted to industrial products. The Drafting Group noted that the Agriculture Committee would wish to determine the applicability of the text to agricultural products.
Annex

PROPOSED GATT CODE OF CONDUCT FOR PREVENTING TECHNICAL BARRIERS TO TRADE

Chapter I. PREAMBLE

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

Chapter II. DEFINITIONS

Chapter III. OPERATIVE PROVISIONS

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

Section 2. Preparation and adoption of mandatory standards by local government bodies

Section 3. Preparation of voluntary standards by central government bodies

Section 4. Preparation of voluntary standards by local government bodies

Section 5. Preparation of standards by voluntary standards bodies

Section 6. Preparation and use of voluntary standards which have quasi-mandatory effect

Section 7. Existing standards and quality assurance systems

Section 8. Provision of information about standards and draft standards

Section 9. Methods of determining conformity with mandatory standards of central government bodies

Section 10. Delegation of testing by central government bodies to competent organizations in other adherents

Section 11. Multinational systems for assuring conformity to mandatory standards of which central government bodies are members

Section 12. Methods of determining conformity with mandatory standards of local government bodies

Section 13. Delegation of testing by local government bodies to competent organizations in other adherents
Section 14. Multinational systems for assuring conformity to mandatory standards of which local government bodies are members

Section 15. Methods of determining conformity with standards of quasi-regulatory bodies

Section 16. Delegation of testing by quasi-regulatory bodies to competent organizations in other adherents

Section 17. Multinational systems for assuring conformity to standards of which quasi-regulatory bodies are members

Section 18. Methods of determining conformity with standards of voluntary standards bodies

Section 19. Delegation of testing by voluntary standards bodies to competent organizations in other adherents

Section 20. Multinational systems for assuring conformity to standards of which voluntary standards bodies are members

Section 21. Assistance to other contracting parties

Chapter IV. THE COMMITTEE FOR PREVENTING TECHNICAL BARRIERS TO TRADE

Chapter V. ENFORCEMENT

Chapter VI. FINAL PROVISIONS
I. PREAMBLE

Note: No attempt has been made to draft a Preamble at this stage. The following points might be included:

1. The purpose of the Code.

2. A statement emphasizing 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 intergovernmental 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 applicability 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. (a) "Standard"

The term "standard" means any specification which lays down levels of performance, dimensions, or other characteristics of a product. It includes, where appropriate, testing, packaging, marking or labelling specifications, as well as codes of practice to the extent that they affect products rather than processes.

Wherever the term "standard" is used it shall be construed to include additions or amendments to existing standards.

(b) "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 regulation".

(c) "Voluntary standard"

This is a standard with which there is no obligation to comply, either legal or de facto.
(a) **Voluntary standard which has quasi-mandatory effect**

This is a voluntary standard with which there is no legal obligation to comply but which is mandatory in practice.

**Note:** For example, because compliance with such a standard 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"**

This is a standard prepared by an international standards organization (whether governmental or non-governmental) as defined in 3(a) below. The term includes documents described as "recommendations".

**Note:** A standard prepared by intergovernmental organizations is not by itself mandatory. It may, however, become mandatory or have quasi-mandatory effect depending on the action taken on them within each country.

An international voluntary standard may therefore be simultaneously a national voluntary standard in one country, a national voluntary standard with quasi-mandatory effect in a second country, and a national mandatory standard in a third country.
(f) "Regional standard"

These are standards prepared by a regional standards organization (whether governmental or non-governmental) as defined in 3(b) below. The term includes documents described as "recommendations", or "unification documents".

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

2. National bodies which prepare standards

(a) "Central government body"

This term means government ministries or departments, or other bodies subject to the control of the central government in respect of the preparation of standards.

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

(b) "Local government body"

This term means government bodies which are not subject to the control of the central government in respect of the preparation of standards, 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.

Note: The footnote to 2(a) applies here, also.
(c) "Voluntary standards body"

This term means any non-governmental organization which prepares standards. Some of these are national standards bodies as defined in 2(d) 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"

The nationally recognized standards bodies which are, or are eligible to become, members of non-governmental international 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 by Drafting Group:

Examples are the Food and Agriculture Organization (FAO), the International Organization of Legal Metrology (OIML), the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the Universal Postal Union (UPU) and the International Gas Union (IGU).

(b) "Regional standards organization"

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

Note by Drafting Group:

Examples are the European Economic Community (EEC), the European Committee for Co-ordination of Standards (CEN), the Pan-American Standards Commission (COPANT) and the Organization for Economic Co-operation and Development (OECD)
4. Regulatory bodies

(a) "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 the standard.

(b) "Quasi-regulatory body"

This term means any body which has no legal authority to enforce a standard, but which is able to give it quasi-mandatory effect.

Notes: This may be done, for example, through 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).

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) "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.

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 make the tests specified by different countries or organizations technically equivalent although the equipment used and the instructions may differ.
III. OPERATIVE PROVISIONS

1. Preparation and adoption of mandatory standards by central government bodies
   
   (a) Adherents shall ensure that mandatory standards are not such as to afford protection to domestic production.

   (b) Where mandatory standards are required and appropriate international or national voluntary 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) With a view to harmonizing their mandatory standards on as wide a basis as possible, adherents shall play a full part within the appropriate international standards organizations in preparing standards for products of which they are significant producers or consumers and which are, or are likely to become, the subject of mandatory standards.

   (d) Where practicable and appropriate, adherents shall specify mandatory standards in terms of performance rather than design.

   (e) Where mandatory standards are not based upon international standards, adherents shall, except where there are urgent problems of safety, health or national security:

      (i) give notice by publishing the mandatory standards they propose to adopt;

      (ii) allow reasonable time for comment and

      (iii) take full account of any reasonable comments they may receive from interested parties in other adherents to the Code.
(f) Adherents shall publish all mandatory standards, which have been adopted by their central government bodies.

(g) Except where there are urgent problems of public safety, health or national security, adherents 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.

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

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

   (ii) having been offered such an opportunity, expressed an opinion against its acceptance.

(j) Adherents shall use their best efforts to ensure that where standards are prepared by regional standards organizations of which they are members,

   (i) the standards are such as to expedite progress toward the preparation of international standards, and

   (ii) the regional standards organizations comply, mutatis mutandis, with the relevant provisions of paragraphs (a) to (g) inclusive of this section.

(k) Adherents which are members of regional standards organizations shall be subject to the provisions of paragraphs (a) to (h) inclusive of this section, except to the extent that those provisions are satisfied by the regional standards organizations.
2. Preparation and adoption of mandatory standards by local government bodies

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

3. Preparation of voluntary standards by central government bodies

(a) Adherents shall ensure that voluntary standards prepared by central government bodies are not such as to afford protection to domestic production.

(b) With a view to harmonizing their voluntary standards on as wide a basis as possible, adherents shall play a full part within the appropriate international standards organizations in preparing standards for products of which they are significant producers or consumers.

(c) Adherents shall use their best efforts to ensure that where aspects of a product are, or are likely to be, subject to a mandatory standard, the 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) Adherents shall use their best efforts to ensure that where an international voluntary standard is prepared for a product, the corresponding national voluntary standard for that product is harmonized with the international standard.
(e) Adherents shall 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.

(f) Where practicable and appropriate, adherents shall ensure that voluntary standards are specified in terms of performance rather than design.

(g) Where voluntary standards are not based upon international standards, adherents shall:

(i) give notice by publishing the voluntary standards they propose to adopt;

(ii) allow reasonable time for comment; and

(iii) take full account of any reasonable comments they may receive from interested parties in other adherents to the Code.

(h) Adherents shall publish all voluntary standards prepared by their central government bodies.

(j) The provisions of Section 3(d) shall not apply if, at the time when the relevant voluntary standard was prepared, the central government body concerned either:

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

(ii) having been offered such an opportunity, expressed an opinion against its acceptance.
(k) Adherents shall use their best efforts to ensure that where voluntary standards are prepared by regional standards organizations of which they are members, the standards are such as to expedite progress toward the preparation of international standards, and the regional standards organizations comply, mutatis mutandis, with the relevant provisions of paragraphs (a) to (h) inclusive of this section.

(l) Adherents which are members of regional standards organizations shall be subject to the provisions of paragraphs (a) to (j) inclusive of this section, except to the extent that those provisions are satisfied by the regional standards organizations.

4. Preparation of voluntary standards by local government bodies

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

5. Preparation of standards by voluntary standards bodies

(a) Adherents shall use their best efforts to ensure that standards prepared by voluntary standards bodies within their territories are not such as to afford protection to domestic production.
(b) With a view to harmonizing their voluntary standards on as wide a basis as possible, adherents shall assist their voluntary standards bodies to play a full part within the appropriate international standards organizations in preparing standards for products of which they are significant producers or consumers.

(c) Where aspects of a product are, or are likely to be, subject to a mandatory standard, adherents should assist the voluntary standards 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.

(d) Adherents 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.

(e) Adherents shall use their best efforts to ensure that where an international voluntary standard is prepared for a product, the national voluntary standard for that product is harmonized with the international standard.

(f) Adherents should encourage the voluntary standards bodies within their territories where practicable and appropriate to specify standards in terms of performance rather than design.
Adherents should use their best efforts to ensure that voluntary standards bodies within their territories:

(i) Make information available about all proposed standards at such time and in such manner as will enable interested parties in other adherents to offer relevant comments in due time;
(ii) take full account of any reasonable comments they receive; and
(iii) publish all standards they prepare.

The provisions of Section 5(e) shall not apply if, at the time when the relevant voluntary standard was prepared, the central government body concerned either:

(i) was not offered an opportunity to express an opinion for or against its acceptance; or
(ii) having been offered such an opportunity, expressed an opinion against its acceptance.

Adherents shall use their best efforts to ensure that where standards are prepared by regional standards organizations of which voluntary standards bodies within their territories are members, the standards are such as to expedite progress toward the preparation of international standards, and the regional standards organizations comply, mutatis mutandis, with the relevant provisions of paragraphs (a) to (g) of this section.
(k) Where voluntary standards bodies within the territories of the adherents are members of regional standards organizations, the provisions of (a) to (g) inclusive of this section shall apply, except to the extent that those provisions are satisfied by the regional standards organizations.

6. Preparation and use of voluntary standards with quasi-mandatory effect

(a) Where central government bodies are preparing or adopting voluntary standards which are expected to have quasi-mandatory effect, adherents shall have the same obligations as in paragraphs (a) to ( ) inclusive of Section 1 of the operative provisions.

(b) Where local government bodies, quasi-regulatory bodies or voluntary standards bodies are preparing or adopting voluntary standards which are expected to have quasi-mandatory effect, adherents shall have the same obligations as in paragraphs (a) to (h) inclusive of Section 2 of the operative provisions.

(c) Where a standard which was originally voluntary is subsequently given quasi-mandatory effect, adherents shall use all reasonable means open to them to ensure that it is not such as to afford protection to domestic production.
7. **Existing standards and quality assurance systems**

(a) To the extent that the existing standards or quality assurance systems of central government bodies afford protection to domestic production, adherents shall bring them into conformity with Sections 1, 3, 6, 9 and 10 of the Operative Provisions of this Code within a period of two years.

(b) To the extent that the existing standards or quality assurance systems of local government bodies afford protection to domestic production, adherents shall use all reasonable means open to them to bring them into conformity with Sections 2, 4, 6, 12 and 13 of the Operative Provisions of this Code within a period of two years.

(c) Where the existing standards or quality assurance systems prepared by voluntary standards bodies within their territories afford protection to domestic production, adherents shall use their best efforts to ensure that they are brought into conformity with Sections 5, 6 and 16 of the Operative Provisions of this Code within a period of two years.

(d) Where the existing standards or quality assurance systems prepared by voluntary standards bodies within their territories have quasi-mandatory effects and afford protection to domestic production,
adherents shall use all reasonable means open to them to bring them into conformity with Sections 5, 6 and 15 of the Operative Provisions of this Code within a period of two years.

8. Provision of information about standards and draft standards

(a) Each adherent shall establish an enquiry point, from which interested parties in other adherents may obtain information regarding all mandatory or voluntary standards adopted or proposed by central or local government bodies or by regional standards organizations of which they are members and all such standards of other regulatory or quasi-regulatory bodies within their territories or information as to where such details can be obtained in respect of specific standards.

(b) Adherents should use their best efforts to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from interested parties in other adherents regarding the standards that have been prepared by voluntary standards bodies within their territories or by regional standards organizations of which they are members.

(c) Nothing in this Code shall be construed as requiring publication other than through the recognized channels of the organizations concerned or other than in the language of the country concerned.
(d) Where copies of standards or draft standards are requested from central government bodies by interested parties in other adherents in accordance with the provisions of this Code, they shall be supplied at the same price (if any) as to the nationals of the adherent in which the standard or draft standard was prepared.

(e) Where copies of standards or draft standards are requested from voluntary standards bodies by interested parties in other adherents in accordance with the provisions of this Code, adherents shall use their best efforts to ensure that these copies are supplied at the same price (if any) as to the nationals of the adherent in which the standard or draft standard was prepared.

9. Methods of determining conformity with mandatory standards of central government bodies

(a) Regulatory bodies shall rely upon declarations by manufacturers or suppliers in other adherents that products conform to mandatory standards, provided

(i) they are satisfied as to the technical competence and reliability of the manufacturers or

(ii) suppliers or the suppliers can arrange suitable guarantees.

The provisions of paragraphs (c) to (f) of this section and all the provisions of Sections 10 and 11 shall apply only when this method is not adopted.
(b) Adherents 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 some other published document.

Whichever of these alternatives is adopted, the provisions of this Code will apply to the preparation and publication of the test methods in the same way as to the standard itself.

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

(d) Adherents shall harmonize their test methods and administrative procedures with those of other adherents so far as practicable.

(e) 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.

(f) Adherents shall ensure that where their regulatory bodies test goods imported from other adherents:
(i) Imported products are accepted for testing on the same basis as similar domestic products;
(ii) the test methods and administrative 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 for carrying out tests 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.

10. Delegation of testing by central government bodies to competent organizations in other adherents

(a) Subject to the provisions of Section 9(e) and provided the regulatory body is satisfied as to the technical competence and integrity of the proposed testing organization, adherents shall arrange for tests to be carried out in the territories of other adherents, if the exporter so desires.
(b) Adherents should accept test methods used by other adherents even if they are not identical with their own, provided the exporting adherent's methods provide an equivalent assurance to the satisfaction of the importing adherent that the products tested conform to the relevant standard.

11. **Multinational systems for assuring conformity to mandatory standards of which central government bodies are members**

(a) Adherents shall, wherever practicable, formulate and participate in 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 fulfil the relevant obligations of membership. With this in mind:

(i) The sole criterion for participation in such systems should be that the participating regulatory body is able and willing to fulfil the relevant obligations;
(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 prepared 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) Such systems shall not include provisions which prevent participants from accepting assurances of conformity to standards given by other participants in respect of the products of non-participating adherents.

(g) Where such systems are formulated by regional standards organisations:

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

   (ii) full account shall be taken of any reasonable representations regarding the rules for participation in such systems which may be made by any adherent to the Code.
(iii) As soon as the system becomes operational, it shall be open to participation by all adherents to the Code.

(h) The provisions of Section 11(g)(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 of local government bodies

13. Delegation of testing by local government bodies to competent organizations in other adherents

14. Multinational systems for ensuring conformity to mandatory standards of which local government bodies are members.

Note to Sections 12, 13 and 14:

These sections would cover, in respect of "local government bodies", the same ground as Sections 9, 10 and 11 in respect of "central government bodies." Adherents would "use all reasonable means open to them" to ensure that local government bodies comply with the provisions of these Sections of the Code.

15. Methods of determining conformity with standards of quasi-regulatory bodies

16. Delegation of testing by quasi-regulatory bodies to competent organizations in other adherents
17. **Multinational systems for assuring conformity to standards of which quasi-regulatory bodies are members**

Note to Sections 15, 16 and 17:

These sections would cover, in respect of "standards of quasi-regulatory bodies", the same ground as covered in Sections 9, 10 and 11 in respect of "mandatory standards of central government bodies", except the formula "use all reasonable means open to them" would be used.

18. **Methods of determining conformity with standards of voluntary standards bodies**

19. **Delegation of testing by voluntary standards bodies to competent organizations in other adherents**

20. **Multinational systems for assuring conformity to standards of which voluntary standards bodies are members**

Note to Sections 18, 19 and 20:

These sections would cover, in respect of "voluntary standards bodies", the same ground as covered in Sections 9, 10 and 11 in respect of "mandatory standards of central government bodies", except that the formula "use their best efforts" would be used.

21. **Assistance to other contracting parties**

   (a) Adherents should be prepared to advise and assist each other in the preparation of mandatory standards.

   (b) Adherents 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 non-governmental standards organizations.
(c) Adherents 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) Adherents which are members of 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 in these systems.

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

IV. THE COMMITTEE FOR PREVENTING TECHNICAL BARRIERS TO TRADE

1. The adherents to this Code shall request the CONTRACTING PARTIES to the General Agreement to form a Committee for Preventing Technical Barriers to Trade composed of representatives of the adherents to this Code for the purpose of consulting on matters relating to the implementation of this Code or on other related matters. 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 Code.

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 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 IV.

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 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 Code, or
(c) authorize one or more adherents to this Code to suspend some or
all of their obligations under this Code in respect of one or more adherents,
or
(d) if the matter is considered to be sufficiently serious, refer the matter
to the CONTRACTING PARTIES for appropriate action, including recommendations
for action under paragraph 2 of Article XXIII of the General Agreement. For the
purposes of such an action under paragraph 2 of Article XXIII, adherents
agree that obligations under the General Agreement could be withdrawn not
only if benefits under the General Agreement are nullified or impaired
but also if benefits under the Code are nullified or impaired.

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

VI. FINAL PROVISIONS

1. This Code 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 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 text of this Code shall be deposited with the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade 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 Code to all contracting parties, and will also inform all contracting parties of all adherents to the Code.

4. 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 formed in accordance with Article IV of this Code. 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 Code 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 Code within two years of the date of entry into force of this Code, or within two years of the date of its adherence to this Code if this is later.

6. 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.

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1This Annex will list countries and provide for a minimum number of adherents.