DEFINITIONS FOR TERMS USED IN THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Note by the Secretariat

1. On standards-related terminology which is used in various provisions, Article 1, paragraphs 1 and 2 of the Agreement states:

"1.1 General terms for standardization and certification shall normally have the meaning given to them by definitions adopted within the United Nations system and by international standardizing bodies taking into account their context and in the light of the object and purpose of this Agreement.

1.2 However, for the purposes of this Agreement the meaning of the terms given in Annex 1 applies."

The Agreement was concluded in April 1979. At that time, the definitions referred to in Article 1.1 were contained in the second edition of the ISO Guide 2 "General terms and their definitions concerning standardization and certification". Since then, there have been a number of revisions of the Guide, the most recent of which is the fifth edition issued as ISO/IEC Guide 2 - 1986.

2. At its meeting on 12-14 October 1987 the Committee addressed a proposal by the Nordic countries for a study of the new and amended definitions in the fifth edition of the ISO/IEC Guide 2 for terms used in the Agreement in order to assess possible implications for the Agreement (TBT/M/26, paragraphs 7-11; TBT/W/103). In order to facilitate its study of the problem the Committee asked the secretariat to prepare a note comparing the definitions in the second and fifth editions of the ISO/IEC Guide 2 for terms that are important for the rights and obligations of Parties under the Agreement.

Revision of the ISO/IEC Guide 2

3. The fifth edition of the Guide was approved by ISO and IEC in 1986 and issued for the first time as a joint ISO/IEC publication. The UN/ECE Tenth Meeting of Government Officials Responsible for Standardization Policies is expected to endorse this Guide at its meeting on 30 May-3 June 1988 on the basis of a proposal to this effect by the Group of Experts which met in May 1987. It was also proposed by the Group of Experts that ISO and IEC should be invited to consider, when initiating the next revision of the ISO/IEC Guide 2, the addition of definitions for type approval; standards
adopted at the state, cantonal, länder or local level; and pre- or preliminary standards, as well as developing further the terminology on testing, inspection and conformity assessment. This latter proposal will be addressed by an ISO/STACO ad hoc group which will hold its first meeting on 10-11 March 1988.

4. Unlike the Agreement on Technical Barriers to Trade, the scope of the ISO/IEC Guide 2 relates not only to the standardization and related activities of products but also to those of processes and services. The notes appended to certain definitions in the Guide offer clarification, explanation and examples to facilitate the understanding of the concepts described. The present revision of ISO/IEC Guide 2 adopts a "building blocks" approach: terms expressing more specific concepts are constructed by combination of terms representing more general concepts. The latter terms would thus form "building blocks".

Amendments in the ISO/IEC Guide 2 to the definitions for terms used in the Agreement

5. A selection of terms considered to be important for the rights and obligations of Parties, excluding the terms referred to in Article 1.2 of the Agreement, is listed in the Annex, where the definitions in ISO/Guide 2 - 1978 and ISO/IEC Guide 2 - 1986 for each of the terms are also compared. Further terms may be added to this list if so decided in the Committee.

6. Examination of this comparison suggests that the amendment in the definitions has not brought about significant change in the meaning of the terms but that a number of improvements to previous definitions have been made in order to bring them into line with the objectives of the Agreement on Technical Barriers to Trade. Several definitions have been added to cover terms that were not defined in the second edition of the Guide and one term has been deleted. Details of the changes in the definitions in the second and fifth editions of ISO/IEC Guide 2 are given in the following paragraphs under four headings according to the nature of the changes.

7. Apart from certain editorial changes, the definitions for the following terms remain the same in the second and fifth editions of the ISO Guide 2:

7.1 Certification system
Definition is identical.

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1Terms and their definitions for the specific purposes of the Agreement referred to in Article 1.2 are set out in Annex 1 to the Agreement. A proposal by the Nordic countries for the amendment and updating of the explanatory notes to these definitions is contained in TBT/W/103 and Annex 2.
7.2 Conformity with technical regulations and standards

The word "fulfilment" replaces the term "conformity" in order to avoid the repetition of the term in the text of the definitions. Following the building blocks method used in the new guide the wording "requirements of specific standards or technical specifications" becomes "requirements specified".

7.3 Processes and production methods

The definitions of the term "code of practice" in the Guide remains the same except for minor drafting changes.

8. While the meaning of the following terms have not changed, amendments to the definitions in the new guide have improved the understanding of the concepts underlying the terms in the Agreement:

8.1 Harmonized standards

The wording "technically identical or recognized as technically equivalent" in the previous definition is deleted. The new definition describes the purpose and use of harmonized standards.

8.2 Certificate of conformity; mark of conformity; certification of conformity

The amendment to the definitions for these terms have not changed their meaning. However, important improvements have been made in the text in the light of certification practice. In the revised definitions for these terms, confidence applies to the conformity of the product as a whole and not to a single product. In the case of certification, a further precision is made to explain that the action is by a third-party thus excluding self-certification by the manufacturer.

9. ISO/IEC Guide 2 - 1986 introduces the following terms and their definitions in order to take into account the terms used in the Agreement on Technical Barriers to Trade and which were not covered by the definitions in ISO Guide 2 - 1978. The new definitions are helpful for a correct understanding of the provisions of the Agreement:

9.1 Harmonized technical regulations

In ISO Guide 2, only the term "harmonized standards" was covered. It is stated in ISO Guide 2 - 1986 that technical regulations can be harmonized like standards.

9.2 Internationally harmonized standards and technical regulations

These terms and their definitions are introduced in ISO/IEC Guide 2 - 1986 in the light of the provisions of Articles 2.2 and 2.3 of the Agreement.
9.3 **Performance characteristics; design characteristics**

The definitions for these terms are introduced in the ISO/IEC Guide 2 - 1986. They bring clarity to the meaning of the terms in Article 2.4 of the Agreement.

9.4 **Testing; test methods; test results**

Definitions for these terms were introduced in order to cover the terms in the Article 5 of the Agreement.

9.5 **Access to certification system**

Definition introduced in ISO/IEC Guide 2 - 1986 is identical to the definition of the same term in Articles 7.2 and 9.3 of the Agreement.

9.6 **Member of a certification system; participant in a certification system**

These terms have been introduced in ISO/IEC Guide 2 - 1986 for a correct understanding of the terms in the Agreement. The meaning of the definitions are in line with the intentions of the Agreement in this respect.

10. **The scope of the definition for one term is broader:**

10.1 **Self-certification**

The term and its definition have changed. In the new definition for the "declaration of conformity" the supplier could be an entity including the manufacturer. The Committee has addressed a proposal by the Nordic countries which suggests replacing the term "self-certification" by the new term "declaration of conformity" at the next revision of the Agreement (TBT/W/103).

11. **One term and its definition is deleted:**

11.1 **Administrative procedures for determining conformity**

The term is self-explanatory. The wording of the definition in ISO Guide 2 - 1978 merely describes the relevant procedures.
ANNEX

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Terms

HARMONIZED STANDARDS (Articles 2.2 and 2.3)

HARMONIZED STANDARDS: Standards of the same scope that have been approved by different standardizing bodies and which are either technically identical or recognized as technically equivalent in practice (definition 2.8).

Note: Harmonization of standards is generally carried out in order to prevent or eliminate technical barriers to trade in the region of the world in which they are applied.

HARMONIZED TECHNICAL REGULATIONS (Articles 2.2 and 2.3)

HARMONIZED TECHNICAL REGULATIONS: Technical regulations can be harmonized like standards. Corresponding definition is obtained by replacing "standards" by "technical regulations" and "standardizing bodies" by "authorities" in definition 6.1 (Note under heading 6).

INTERNATIONALLY HARMONIZED STANDARDS: Standards that are harmonized with an international standard (definition 6.4).

INTERNATIONALLY HARMONIZED TECHNICAL REGULATIONS: Corresponding definition is obtained by replacing "standards" by "technical regulations" in definition 6.4 (Note under heading 6).

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<table>
<thead>
<tr>
<th>Term</th>
<th>ISO GUIDE 2 - 1978 Definitions</th>
<th>ISO/IEC GUIDE 2 - 1986 Definitions</th>
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<tr>
<td>PERFORMANCE CHARACTERISTICS</td>
<td></td>
<td>PERFORMANCE PROVISION: Provision for fitness for purpose that concerns the behaviour of a product, process or service in or related to use (definition 7.8).</td>
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<tr>
<td><strong>(Article 2.4)</strong></td>
<td></td>
<td>DESCRITIVE PROVISION: Provision for fitness for purpose that concerns the characteristics of a product, process or service (definition 7.7).</td>
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<td><strong>Note:</strong> A descriptive provision usually conveys design, constructional details, etc. with dimensions and material composition.</td>
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<td><strong>Note:</strong> A code of practice may be a standard, a part of a standard or independent of a standard.</td>
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<tr>
<td>DESIGN OR DESCRIPTIVE CHARACTERISTICS</td>
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<td><strong>(Article 2.4)</strong></td>
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<td>PROCESSES AND PRODUCTION METHOD</td>
<td>CODE OF PRACTICE: A document describing recommended practices for the design, manufacturing, setting-up, maintenance or utilization of equipment, installations, structures or products (definition 2.5).</td>
<td>CODE OF PRACTICE: Document that recommends practices or procedures for the design, manufacture, installation, maintenance or utilization of equipment, structures or products (definition 3.4).</td>
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<td><strong>Note:</strong> The term &quot;specification&quot; is currently used in many national standards bodies with the same meaning as the term &quot;technical specification&quot; save that it does not include codes of practice.</td>
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<td><strong>Note:</strong> A code of practice may be a standard, a part of a standard or independent of a standard.</td>
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<tr>
<td>CONFORMITY WITH TECHNICAL REGULATIONS AND STANDARDS</td>
<td>CONFORMITY WITH STANDARDS OR TECHNICAL SPECIFICATIONS: The conformity of a product or a service with all the requirements of specific standards or technical specifications (definition 2.23).</td>
<td>CONFORMITY: Fulfilment by a product, process or service of all requirements specified (definition 13.1).</td>
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<td><strong>(Articles 5.1 and 5.2)</strong></td>
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TESTING
(Article 5.1.1)

TEST METHODS
(Articles 5.1.2, 5.2 and 5.3)

ADMINISTRATIVE PROCEDURES
(Articles 5.1.2 and 5.3)

TEST RESULTS
(Articles 5.1.4 and 5.2)

CERTIFICATE OF CONFORMANCE
(Article 5.2)
<table>
<thead>
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<tbody>
<tr>
<td>MARK OF CONFORMITY</td>
<td>MARK OF CONFORMITY: A mark attesting that a product or a service is in conformity with specific standards or technical specifications (definition 2.26).</td>
<td>MARK OF CONFORMITY (for certification): Protected mark, applied or issued under the rules of a certification system, indicating that adequate confidence is provided that the relevant product, process or service is in conformity with a specific standard or other normative document (definition 14.9).</td>
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<tr>
<td>SELF-CERTIFICATION</td>
<td>SELF-CERTIFICATION: A form of conformity certification in which one or more manufacturers are responsible for conformity certification of their products with no surveillance from any certification body (definition 2.34).</td>
<td>DECLARATION OF CONFORMITY (deprecated: self-certification): Statement by a supplier, claiming under his sole responsibility that a product, process or service is in conformity with a specific standard or other normative document (definition 13.3). Note: The term &quot;self-certification&quot; should no longer by used, in order to avoid any confusion with the concept of certification, which should imply the involvement of a third party.</td>
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<td>CERTIFICATION</td>
<td>CONFORMITY CERTIFICATION: The action of certifying by means of a certificate of conformity or mark of conformity that a product or service is in conformity with specific standards or technical specifications (definition 2.27).</td>
<td>CERTIFICATION OF CONFORMITY: Action by a third party, demonstrating that adequate confidence is provided that a duly identified product, process or service is in conformity with a specific standard or other normative document (definition 13.5).</td>
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CERTIFICATION SYSTEM
(Article 7)

CERTIFICATION SYSTEM: A system having its own rules of procedure and management, for carrying out conformity certification (definition 2.28).

ACCESS TO A CERTIFICATION SYSTEM
(Articles 7.2 and 9.3)

ACCESS TO A CERTIFICATION SYSTEM: Opportunity for an applicant to obtain certification under the rules of the system (definition 14.10).

MEMBER OF A CERTIFICATION SYSTEM
(Article 9)

MEMBER OF A CERTIFICATION SYSTEM: Certification body that operates under the rules of the system and has the opportunity to take part in the management of the system (definition 14.12).

PARTICIPANT IN A CERTIFICATION SYSTEM
(Article 9)

PARTICIPANT IN A CERTIFICATION SYSTEM: Certification body that operates under the rules of the system without having the opportunity to take part in the management of the system (definition 14.11).