

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Technical Barriers  
to Trade

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## COMMUNICATION FROM THE DELEGATIONS OF JAPAN AND THE UNITED STATES

The following communication has been received from the delegations of Japan and the United States. It is being circulated for the information of the members of the Committee.

### Joint Statement on Standards, Testing and Certification Activities

(7 December 1979)

The Government of Japan and the Government of the United States, taking into account national differences and pursuant to the standards part of the 2 June 1979 Joint Statement, have considered the following principles relating to Standards, Testing and Certification activities<sup>1</sup>, and agree, with the objectives of the MTN Agreement on Technical Barriers to Trade in mind, that these principles should be observed when Standards, Testing and Certification activities are engaged in within their territories, so that trade relations on an open and reciprocal basis between the two countries, with regard to Standards, Testing and Certification activities, can be realized.

1. It is important for the two countries to agree on mutually acceptable arrangements for the acceptance of test data from the exporting country in selected product sectors, with the objective of achieving reciprocity in this area between Japan and the United States. To that end, the Governments of Japan and the United States will begin, as soon as possible, consultations to implement this principle.

The "acceptance of test data" is to include the acceptance of test results, certificates or marks of conformity issued by relevant bodies in the territory of either country, or the reliance upon self-certification by producers in the territory of either country, with the proviso that the practices employed in the territory of the exporting country are considered in the importing country to provide a sufficient means of determining conformity with relevant standards.

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<sup>1</sup>Standards, testing and certification activities are those described in the MTN agreement on technical barriers to trade, and the term "standards" includes technical regulations.

2. Public notice of any proposed new or revised domestic standards activity which may have a significant effect on trade or certification activity should be made sufficiently in advance to allow interested persons an opportunity to make substantive comments on the proposed activity, except where urgent problems of safety, health, environment protection and national security may arise, and to have those comments discussed upon request, and duly taken into account. It is recognized that it is desirable that views of parties in the exporting country, including those of producers or their representatives, as well as domestic interests, be represented during appropriate phases of the development of domestic standards, or certification activities.

3. The administrative procedures and test methods for products submitted by suppliers from the exporting country to approval agencies for determination of conformity with standards are to be no less favourable than corresponding procedures and methods for like products in a comparable situation submitted by domestic suppliers. Direct access, including the right of direct application, to approval agencies should be granted to suppliers from the exporting country, as well as to domestic suppliers. It is recognized that for reasons of accountability, the importing country may require that in place of a supplier in the exporting country, a representative in the importing country file the formal application.

4. All product testing organizations within Japan and the United States should, upon request from the producer or his representative, provide:

- (a) Information regarding specific test procedures followed;
- (b) The standards against which the products are tested; and
- (c) In instances in which the submitted products have been found unacceptable, wherever appropriate and possible, a clear indication of the requirements of the applicable standards that the product failed to meet and of the parameters of the product that failed to meet the applicable standards. In instances where test results are in dispute, any producer or his representative submitting a product to a testing organization for certification should be permitted to observe retesting of his product, whenever possible.

5. Readily accessible and expeditious appeals procedures within testing organizations, approval agencies, or other agencies as appropriate should be available to suppliers in the exporting country or their representatives as well as to domestic suppliers, who wish to appeal the decisions of these bodies.

6. Once a product has been approved to a basic set of specifications, the approval process for that product with minor changes in its specifications, should be more expeditious than the approval process for a new product with

the same set of specifications. Additional testing, required on a product for minor specification changes, should be limited to that necessary to assure that the product, as changed, also meets appropriate standards.

7. Whenever appropriate, standards are to be specified in terms of performance criteria rather than design criteria. In this regard, products from the exporting country that conform with standards written in terms of performance criteria should be accepted in the importing country whenever, through consultations held upon request from the exporting country, sufficient evidence is supplied that would enable the determination to be made in the importing country that such products are acceptable and conform with the objectives of domestic standards written in terms of design criteria.

8. It is recognized that where maximum allowable limits are set and listed for substances contained in various products for health or safety reasons, consideration should be given to allowable limits recommended in relevant international standards. Where maximum allowable limits are set and listed for substances contained in various products for health or safety reasons, the two governments agree to consult whenever a question is raised by the exporting country concerning the acceptance of products from the exporting country containing negligible amounts of substances not on such a list, recognizing that the right to make the final determination regarding protection of human health or safety, animal or plant life or health, or the environment rests in the importing country.

The two governments also agree to discuss specific product issues concerning standards and certification activities, and to endeavour to achieve prompt and effective resolution of these issues by 1 January 1981.

In addition, the two governments agree to hold consultations on this document, at the request of either government.