
Committee on Technical Barriers to Trade

Original: English

COMMUNICATION FROM THE NORDIC DELEGATIONS

UPDATING THE DEFINITIONS FOR TERMS
USED IN THE TBT AGREEMENT

The Nordic delegations have suggested the above subject be included in the agenda for the next meeting of the Committee. In this connection, they have requested that the following communication be circulated to members of the Committee.

1. Introduction

The aim of this note is to initiate a discussion by the Committee on the updating of the definitions for terms used in the TBT-Agreement in such a way that the substance of the Agreement remains untouched. Any amendments to the definitions that affect the substance of the Agreement could more properly be discussed within the negotiations under the Uruguay round.

2. Provisions of the Agreement concerning definitions

Article 1, paragraphs 1 and 2, give general provisions concerning definitions as follows:

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.

Annex 1 of the Agreement is presented as Annex 1 to this note.

In Annex 1 references to the definitions of international standardizing bodies in the explanatory notes are made as they stood in March 1979.

3. New edition of ISO/IEC Guide 2

International Organization for Standardization (ISO) has in cooperation with International Electrotechnical Commission (IEC) prepared and adopted a completely revised fifth edition of Guide 2, General terms and their definitions concerning standardization and related activities. The main reason for this activity was a request from the United Nations Economic Commission for Europe, Government Officials Responsible for Standardization Policies.

At its session in May 1987 the ECE Group of Experts on Standardization Policies agreed to propose to the Government Officials to endorse the fifth edition of the ISO/IEC Guide 2.

The ISO/IEC Guide 2 could be obtained from the ISO and IEC Central Secretariats or through national standards bodies, members of ISO or IEC.

4. Implications to the TBT-Agreement

According to Article 1, paragraphs 1 and 2, for terms that are not given in Annex 1 the definitions in Guide 2 are more or less directly applicable. Guide 2 includes a number of new or amended definitions for such terms, e.g.

- harmonized standards/technical regulations
- conformity
- certification of conformity
- certification system
- certificate of conformity
- mark of conformity
- access to a certification system
- participant in a certification system
- member of a certification system

The opinion of the Nordic delegations is that the new amended definitions are clear improvements, less ambiguous and easier to understand than the older versions. Fortunately the amendments don't seem to affect the substance of the Agreement.

In this connection it could also be considered to include in the Annex 1 of the Agreement some of the most crucial terms for the Agreement, even if their definitions at present would be identical with those of ISO/IEC Guide 2. This would prevent that any future amendments of the Guide 2 could change the substance of the Agreement.

One term used in Article 5, paragraph 2, namely "self-certification" has been deprecated and replaced by "declaration of conformity".

For terms and definitions contained in Annex 1 the only necessary implication is to update the explanatory notes. The wording of definitions could, of course, also be amended in the light of the new Guide 2. In Annex 2 is presented a draft for such an updating and amendment.

The proposed definitions for the terms 9. Standardizing body and 10. International standard are identical with the corresponding definitions of Guide 2. The substance of these definitions would not be changed.

5. Proposed action

It is proposed that the Committee might

1. study 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,
2. agree to replace in Article 5, paragraph 2, the term "self-certification" by the term "declaration of conformity" at the next revision of the Agreement,

3. consider the updating of the definitions and explanatory notes in Annex 1 of the Agreement, and
4. consider the inclusion of additional terms and their definitions in Annex 1 of the Agreement.

ANNEX 1

TERMS AND THEIR DEFINITIONS FOR THE
SPECIFIC PURPOSES OF THIS AGREEMENT

Note: References to the definitions of international standardizing bodies in the explanatory notes are made as they stood in March 1979.

1. *Technical specification*

A specification contained in a document which lays down characteristics of a product such as levels of quality, performance, safety or dimensions. It may include, or deal exclusively with terminology, symbols, testing and test methods, packaging, marking or labelling requirements as they apply to a product.

Explanatory note:

This Agreement deals only with technical specifications relating to products. Thus the wording of the corresponding Economic Commission for Europe/International Organization for Standardization definition is amended in order to exclude services and codes of practice.

2. *Technical regulation*

A technical specification, including the applicable administrative provisions, with which compliance is mandatory.

Explanatory note:

The wording differs from the corresponding Economic Commission for Europe/International Organization for Standardization definition because the latter is based on the definition of regulation which is not defined in this Agreement. Furthermore the Economic Commission for Europe/International Organization for Standardization definition contains a normative element which is included in the operative provisions of this Agreement. For the purposes of this Agreement, this definition covers also a standard of which the application has been made mandatory not by separate regulation but by virtue of a general law.

3. *Standard*

A technical specification approved by a recognized standardizing body for repeated or continuous application, with which compliance is not mandatory.

Explanatory note:

The corresponding Economic Commission for Europe/International Organization for Standardization definition contains several normative elements which are not included in the above definition. Accordingly, technical specifications which are not based on consensus are covered by this Agreement. This definition does not cover technical specifications prepared by an individual company for its own production or consumption requirements. The word "body" covers also a national standardizing system.

4. *International body or system*

A body or system whose membership is open to the relevant bodies of at least all Parties to this Agreement.

5. *Regional body or system*

A body or system whose membership is open to the relevant bodies of only some of the Parties.

6. *Central government body*

Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question.

Explanatory note :

In the case of the European Economic Community the provisions governing central government bodies apply. However, regional bodies or certification systems may be established within the European Economic Community, and in such cases would be subject to the provisions of this Agreement on regional bodies or certification systems.

7. *Local government body*

A government other than a central government (e.g. states, provinces, Länder, cantons, municipalities, etc.), its ministries or departments or any body subject to the control of such a government in respect of the activity in question.

8. *Non-governmental body*

A body other than a central government body or a local government body, including a non-governmental body which has legal power to enforce a technical regulation.

9. *Standardizing body*

A governmental or non-governmental body, one of whose recognized activities is in the field of standardization.

10. *International standard*

A standard adopted by an international standardizing body.

Explanatory note :

The wording differs from the corresponding Economic Commission for Europe/ International Organization for Standardization definition in order to make it consistent with other definitions of this Agreement.

ANNEX II

TERMS AND THEIR DEFINITIONS FOR THE
SPECIFIC PURPOSES OF THIS AGREEMENT

Note: References to the definitions of international standardizing bodies in the explanatory notes are made as they stood in August 1987.

1. *Technical specification*

A specification contained in a document which lays down characteristics of a product such as levels of quality, performance, safety or dimensions. It may include, or deal exclusively with terminology, symbols, testing and test methods, packaging, marking or labelling requirements as they apply to a product.

Explanatory note:

This Agreement deals only with technical specifications relating to products. Thus the wording of the corresponding Economic Commission for Europe/International Organization for Standardization definition is amended in order to exclude PROCESSES and SERVICES.

2. *Technical regulation*

A technical specification, including the applicable administrative provisions, with which compliance is mandatory.

Explanatory note:

The wording differs from the corresponding Economic Commission for Europe International Organization for Standardization definition because the latter is based on the definition of regulation which is not defined in this Agreement. For the purposes of this Agreement, this definition covers also a Standard of which the application has been made mandatory not by separate regulation but by virtue of a general law.

3. *Standard*

A technical specification approved by a recognized standardizing body for repeated or continuous application, with which compliance is not mandatory.

Explanatory note:

The corresponding Economic Commission for Europe/International Organization for Standardization definition contains elements which are not included in the above definition. Accordingly, technical specifications which are not based on consensus are covered by this Agreement. This definition does not cover technical specifications prepared by an individual company for its own production or consumption requirements. The word "body" covers also a national standardizing system.

4. *International body or system*

A body or system whose membership is open to the relevant bodies of at least all Parties to this Agreement.

5. *Regional body or system*

A body or system whose membership is open to the relevant bodies of only some of the Parties.

6. *Central government body*

Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question.

Explanatory note :

In the case of the European Economic Community the provisions governing central government bodies apply. However, regional bodies or certification systems may be established within the European Economic Community, and in such cases would be subject to the provisions of this Agreement on regional bodies or certification systems.

7. *Local government body*

A government other than a central government (e.g. states, provinces, Länder, cantons, municipalities, etc.), its ministries or departments or any body subject to the control of such a government in respect of the activity in question.

8. *Non-governmental body*

A body other than a central government body or a local government body, including a non-governmental body which has legal power to enforce a technical regulation.

9. *Standardizing body*

Body that has recognized activities in standardization.

10. *International standard*

Standard that is adopted by an international standardizing organization and made available to the public.