

Committee on Technical Barriers to Trade

Original: English

### INSPECTION PROCEDURES

#### Draft Proposal by the Nordic Countries

#### Introduction

Testing, inspection, certification and product approval are the four elements in the process of assuring that a given product is in conformity with technical regulations or standards. Two of them, namely testing and certification, are presently covered by the TBT Agreement. However, the same does not apply for inspection and product approval. The Nordic delegations consider it important to cover also these two activities under the Agreement. A proposal concerning procedures for issuing product approval has been presented by the United States. The Nordic delegations hereby present the following proposal on "inspection procedures".

The definition of "Inspection" in this proposal is preliminary and has been drafted for the proper understanding of this proposal. The ISO is preparing a definition of "Inspection" which should apply when elaborated.

#### Definitions and scope

A. For the purposes of this text, the following definitions apply:

A.1. "Inspection" - investigation with a view to ascertaining the characteristics or condition of a given product according to a specified procedure, excluding tests;

A.2. "Inspection body" - body that performs inspection services on behalf of a certification body or an approval body;

A.3. "Inspection method" - specified technical procedure for performing an inspection.

#### Establishment of procedures

B. Parties shall ensure that inspection procedures are not prepared, adopted or applied with a view to creating obstacles to international trade. Parties shall likewise ensure that inspection procedures themselves or their application do not have the effect of creating unnecessary obstacles to international trade.

C. Parties shall ensure that products from any other Party are inspected under procedures that are not more complex and no less expeditious than those used for like products of national origin or for products originating in any other country.

- D. Parties shall base their inspection procedures on relevant international standards or guidelines, except where, as duly explained by request, such international standards or guidelines are inappropriate for the Parties concerned.

Access

- E. Parties shall ensure that products from any other Party are accorded access to inspection procedures under conditions no less favourable than those accorded to like domestic or imported products, whichever conditions are better, in a comparable situation.

Transparency

- F. Parties shall ensure that all requirements concerning inspection procedures are published or otherwise made available in such a manner as to enable interested parties to become acquainted with them.
- G. Parties shall notify any proposals for new or amended mandatory inspection procedures, except amendments of an insignificant nature, to other Parties through the GATT secretariat, provide a reasonable time for interested parties in other Parties to make comments in writing and discuss these comments upon request and take them into account.
- H. Enquiry points shall provide, upon request, copies of the information and requirements referred to in paragraphs F and G.
- I. In instances in which a given product has been found unacceptable the inspection body shall, upon request, provide a clear indication of the requirements in applicable technical regulations that the product failed to meet.

Administrative mechanisms

- J. Parties shall ensure that inspections are undertaken and completed without undue delay by the inspection bodies in a no less favourable order for imported products as for like domestic products.
- K. Parties shall ensure that any requirement for inspection of individual products shall be limited to what is reasonable and necessary.
- L. Parties shall ensure that any fees imposed for inspecting products from any other Party shall be equitable in relation to any fees chargeable for inspecting like products of national origin or originating in any other country.
- M. Parties shall ensure that the siting of inspecting facilities and the selection of samples for inspecting shall not cause unnecessary inconvenience for importers and exporters of products from any other Party.

- N. Parties shall ensure that confidentiality of information about imported products arising from or supplied in connection with inspection shall be respected in the same way as for domestic products.

Reciprocal recognition of inspection results

- O. Parties shall ensure, whenever possible, that their central government bodies accept inspection results issued by relevant bodies in the territories of other Parties, even when the inspection methods differ from their own, provided they are satisfied that the methods employed in the territory of the exporting Party provide a sufficient means of determining conformity with the relevant requirements. It is recognized that prior consultations may be necessary in order to arrive at a mutually satisfactory understanding regarding inspection methods and results employed in the territory of the exporting Party, in particular in the case of perishable products or of other products which are liable to deteriorate in transit.
- P. Parties shall ensure that their legislation, regulations and administrative procedures are such as to permit, as far as practicable, the implementation of the provisions in paragraph O.
- Q. Nothing in this Article shall prevent Parties from carrying out reasonable spot checks within their territories.

Inspection services performed by local government and non-governmental bodies

- R. Parties shall take such reasonable measures as may be available to them to ensure that local government bodies and non-governmental bodies within their territories comply with the above provisions concerning inspection procedures. In addition, Parties shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such bodies to act in a manner inconsistent with any of the above provisions concerning inspection procedures.