

GENERAL AGREEMENT ON

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TARIFFS AND TRADE

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Committee on Technical Barriers to Trade

GATT SECRETARIAT PARTICIPATION IN AN AD HOC ISO/IEC MEETING
ON THE ISO/IEC CODE OF GOOD PRACTICE FOR STANDARDIZATION
GENEVA, 22 MAY 1992

Note by the Secretariat

1. The GATT Secretariat participated in the above meeting on its own responsibility and at the invitation of the ISO Secretary-General. The meeting was held to examine and discuss the comments that had been received from national ISO/IEC members on the 15 October 1991 draft of the ISO/IEC Code of Good Practice for Standardization.

2. A copy of the statement made by the representative of the GATT Secretariat is attached. A summary is provided below of the comments made at the meeting by representatives of national ISO/IEC members on the relationship between the GATT Code of Good Practice for the Preparation, Adoption and Application of Standards which is annexed to the Agreement (1991) on Technical Barriers to Trade in the Draft Final Act (MTN.TNC/W/FA pages G.22-25) and the draft ISO/IEC Code. It should be noted that the ISO/IEC intend to invite the GATT TBT Committee to designate a representative to take part in the preparation of the final draft of the ISO/IEC Code.

Summary of comments made on the relationship between the GATT Code and the draft ISO/IEC Code

Level of obligation

3. The meeting agreed that since the draft ISO/IEC Code is intended to be a set of recommendations only, the term "should" would most properly indicate the level of obligation involved; this term will therefore be used in the next draft that is prepared. However, it was agreed also that ISO/IEC participants could be guided further by the GATT Code language on this issue.

Paragraph by paragraph comparison of the two texts

4. The meeting reviewed those paragraphs of the GATT Code which it was felt might either not be covered, or only be partially covered, in the draft ISO/IEC Code. Its principal conclusions were:

- (i) GATT Code, paragraph B - open to acceptance

ISO/IEC consider this paragraph is adequately covered since the draft ISO/IEC Code is open to acceptance by any standardizing body,

albeit within the context of the preferred overall institutional structure of standardizing bodies envisaged.

(ii) GATT Code, paragraph C - notification of adherence

ISO/IEC do not want notification of adherence to their draft Code to be done through the ISO/IEC Information Centre; they want it done directly through the national members of ISO, IEC and ITU in order to respect the preferred overall institutional structure. It was noted that in any event the necessary information on notification of adherence would be provided to GATT.

(iii) GATT Code, paragraph D - national treatment

It was felt that the reference in paragraph 2E of the draft ISO/IEC Code was sufficient, since national treatment was not considered to be a necessary concept in the context of voluntary standard setting.

(iv) GATT Code, paragraph F - use of existing or imminent International Standards

It was agreed that this paragraph was better than the corresponding paragraph 2C in the draft ISO/IEC Code, and that this would be reflected in the next draft.

(v) GATT Code, paragraph G - participation in international work

It was agreed that the draft ISO/IEC Code should cover the substance of this paragraph.

(vi) GATT Code, paragraph H - avoid duplication

It was felt that the corresponding paragraph 4D of the ISO/IEC Code was adequate, particularly in view of the difference between voluntary standards and technical regulations.

(vii) GATT Code, paragraph I - performance rather than design characteristics

It was agreed to include this principle in the draft ISO/IEC Code.

(viii) GATT Code, paragraph K - ISONET

This point was considered obvious and it was agreed to include it in the ISO/IEC Code.

It was also agreed that GATT should be required to pay all additional financial costs incurred through implementing the GATT Code in ISONET.

(ix) GATT Code, paragraph M - supply copies of drafts

It was agreed to distinguish in the draft ISO/IEC Code between a first stage in consensus standards development, involving the definition of the intended content of the draft standard, and the second stage when a draft would be made available for comment.

(x) GATT Code, paragraph Q - sympathetic consideration

It was agreed that, to the extent this was a general transparency requirement, it was not needed in the draft ISO/IEC Code. It was felt that it appeared too closely linked to dispute settlement proceedings to warrant inclusion.

Paragraph J of the GATT Code

5. One ISO/IEC participant urged strongly that this paragraph be changed in the GATT Code since it was based upon an old European Communities directive which had since been revised. Failure to change the paragraph would prevent his Institute from signing the GATT Code.

Further work

6. A task force will be appointed by the Presidents of ISO and IEC to work on a final draft of the Code. It is envisaged that a GATT representative would participate in that task force.

7. In his summing up of the meeting, the Chairman (ISO Secretary-General, Dr. L.D. Eicher) noted that when receiving the draft final ISO/IEC Code for action, the ISO and IEC Councils could decide not to proceed with it until further work with the GATT TBT Committee had fully explored the possibility that the GATT Code could be revised and merged with the ISO/IEC Code.

ISO/IEC Code of Good Practice for Standardization

Ad Hoc Meeting, 22 May 1992

Intervention by the GATT Secretariat

1. As members are probably aware, the Uruguay Round negotiations on the GATT Agreement on Technical Barriers to Trade were concluded at the end of last year. Although we are still awaiting acceptance of the complete package of Uruguay Round results, the new text of the TBT Agreement was fully negotiated among participating governments, including an annexed Code of Good Practice for the Preparation, Adoption and Application of Standards.

2. We were most grateful that a representative of the ISO/IEC secretariat was present at those negotiations, and was able both to observe the proceedings and to provide GATT negotiators with up-to-date information on the status of the ISO/IEC Code of Good Practice for Standardization. We in the GATT Secretariat, as well as members of the GATT TBT Committee, shall need to rely heavily upon the close co-operation we have enjoyed in the past with ISO and IEC in order to ensure that the new GATT Code of Good Practice is implemented effectively when it comes into force. That fact is reflected in an appendix to the new text of the TBT Agreement, which contains a TBT Committee draft recommendation and a draft decision relating to implementation of the GATT Code of Good Practice.

3. In view of the fact that the conclusion of the GATT negotiations coincided with the decision of the ISO and IEC Councils last October to begin a consensus-building process for an ISO/IEC Code of Good Practice for Standardization, the GATT Committee on Technical Barriers to Trade took the following decision at its meeting on 1 November of last year:

"The Committee takes note of the decisions in October 1991 of the ISO and IEC Councils to begin the consensus-building process for an ISO/IEC Code of Good Practice for Standardization. The Committee recognizes the valuable contributions ISO/IEC has made in achieving the objectives of the Agreement on Technical Barriers to Trade and the importance of the co-operation of the private sector standards community worldwide to the success of this Agreement. The Committee emphasizes the importance it attaches to a continuous dialogue taking place between GATT and the ISO/IEC on this matter, as took place in connection with the adoption of mutually consistent Definitions for use in the TBT Agreement and the ISO/IEC. The Committee notes that ensuring the two Codes in question are mutually supportive would contribute considerably to furthering the objectives of the Agreement (1991) on Technical Barriers to Trade. The Committee decides that it will, upon completion of the ISO/IEC Code, evaluate its implications for the operation of the Agreement (1991) on Technical Barriers to Trade and take whatever further action it may consider appropriate at that time."

4. As Members will see from that decision, the TBT Committee attaches considerable importance to ensuring that the two Codes are mutually supportive, and that there should not be any conflicting obligations which could place a standardizing body in a position of being unable to sign both Codes.

5. My own view is that ensuring the ISO/IEC Code is no less strict in its obligations than the GATT TBT Code would go a considerable way towards persuading members of the GATT TBT Committee that the ISO/IEC Code could be endorsed as being equivalent, should that be the wish of all parties concerned.