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**Committee on Technical Barriers to Trade**

**NON-PRESCRIPTIVE PRACTICAL GUIDELINES TO SUPPORT REGULATORS IN THE CHOICE  
AND DESIGN OF CONFORMITY ASSESSMENT PROCEDURES (CAP)**

**REPORT<sup>1</sup> BY MR. ANWAR HUSSAIN SHAIK (INDIA) TO THE TBT COMMITTEE**

This Report was delivered by the former Chairman of the WTO TBT Committee at the meeting of 21-23 June 2023.

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1. As the former Chair, I would now like to report on the Committee's work during my chairmanship to advance our mandate to develop guidelines for conformity assessment procedures. Thank you, Anna, for this opportunity.

2. By way of background, you may recall that the Committee agreed at the Eighth Triennial Review of the TBT Agreement to develop guidelines to support regulators in the choice and design of conformity assessment procedures. Subsequently, in the Ninth Triennial Review, the Committee noted progress to date and agreed to finalize this work.

3. I was appointed Chair of the Committee on 30 May 2022. At that point in time, the Secretariat had circulated to Members earlier in the year an Elements Paper in document [JOB/TBT/438](#) to inform Members' discussions on the topic. Several Members provided comments on this original Elements Paper during the first semester of 2022. These comments led to the circulation of a revised elements paper in document [JOB/TBT/438/Rev.1](#) on 14 June 2022. As Chair, my work on the development of the CAP Guidelines started on the basis of this revised Elements Paper. I invited Members to provide written comments on document [JOB/TBT/438/Rev.1](#) by mid-August 2022. The comments that several Members provided were captured in an Aide-Memoire document, which was circulated to Members on 14 September as [JOB/TBT/484](#).

4. Following Members' comments on the revised Elements Paper, I began consultations with Members on this important workstream of the Committee. This process was an open one in which participation by all Members was always welcome. To facilitate Members' work on the Guidelines, I asked the Secretariat to create a webpage for Members on the TBT Gateway to provide access to the latest version of the working text of the CAP guidelines, and other documents. Between the Autumn of 2022 and May 2023, I held 11 informal meetings and consultations with Members to advance the Committee's work on developing the CAP Guidelines.

5. Thanks to Members' efforts and to the good progress made in this format, the Secretariat circulated on 9 February 2023 a second revision of the Elements Paper in document [JOB/TBT/438/Rev.2](#), which has served as the basis of Members' discussions since.

6. When we began work, the number of issues where Members diverged was considerable. There were more than 27 issues on which Members had divergent views, including a number of key issues, including the topics of "risk" and "first-party and second-party conformity assessment". Thanks to Members' hard work and constructive engagement we have managed to reduce the number of outstanding issues to just a handful.

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<sup>1</sup> This report was delivered by the Outgoing Chairman of the TBT Committee (2022-23) under agenda item 3.(B)(ii).

7. Following the last round of consultations held on 5 May, we posted the latest version of the text, which captures exactly where things stand today. This is available on the dedicated CAP webpage that I mentioned earlier. This is still a draft and there are only a few square brackets left in the text where Members have discussed alternative textual drafting. Work remains outstanding on the following issues:

- discussing with Members the new language at paragraph 1.3 in relation to the terms "appropriate and proportionate", as well as the related paragraphs (Title, and paragraphs 2.1, 3.1, 3.2, and 3.12);
- discussing with Members the Section 3.4 on "Confidence", which is still in brackets;
- discussing with Members other key paragraphs, such as the language and placement of paragraph 3.4 dealing with "product"; the language of paragraph 3.5 dealing with "evidence"; the language of paragraph 3.6 dealing with "level of confidence"; the language of paragraph 3.7 (and its title) dealing with "traceability and transparency"; a proposed new paragraph on "local needs and circumstances"; and the language in paragraph 3.13 on "strategic planning".

8. As you see, there are still a few issues where Members still need to continue working to find common ground. However, I have no doubt that, under the leadership of the new Chairperson, Ms. Anna Vitie, Members will continue to advance and hopefully soon finalize this important work for the Committee. To conclude, I would like to thank Members once again for their trust and support during my chairmanship and for their hard work on the CAP Guidelines; Members' strong commitment to developing the Guidelines was the foundation of all the good progress we made in the last year. I wish Members and the new Chair much success in concluding this important work for the Committee.

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