

WORLD TRADE ORGANIZATION

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Committee on Technical Barriers to Trade

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INFORMATION EXCHANGE IN RELATION TO THE ACCEPTANCE, IMPLEMENTATION AND OPERATION OF THE CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS BY STANDARDIZING BODIES

Contribution from Thailand

1. This document is being submitted to the Committee on Technical Barriers to Trade in light of paragraph 12 of the First Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade (G/TBT/5) with a view to sharing the experiences of Thailand with other Members regarding the implementation of the provisions of the Code of Good Practice (Annex 3) of the Agreement.

2. In Thailand, standards development activity is carried out by the Thai Industrial Standards Institute (TISI), a central government organization, under the Ministry of Industry, which is a national standards body and represents Thailand in the international forums of standardization such as the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the Codex Alimentarius Commission (CAC). TISI has made every effort to fully participate, within limits of its resources, in the work of those international organizations. Up to present, Thailand has become a P-member in 51 Technical Committees/Sub-Committees (TCs/SCs) and an O-member in 158 TCs/SCs of ISO including the ISO Information Network (ISONET); and a P-member in 10 TCs/SCs and an O-member in 52 TCs/SCs of IEC.

3. In considering the potentiality of TISI to comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards which is an obligation under Article 4 of the TBT Agreement, TISI came to realize that the disciplines of the Code, e.g. harmonization of international standards, transparency, avoidance of unnecessary obstacles to trade and non-discrimination would be beneficial to Thailand as well as to other developing countries in the sense that they can contribute an efficient and effective standards preparation process as well as facilitate the conduct of international trade. On 31 October 1995, TISI directly notified its acceptance of the Code to the ISO/IEC Information Centre in Geneva. This is a commitment by Thailand to act in a manner consistent with Article 4 of the TBT Agreement, particularly in the preparation, adoption and application of standards.

I. STEPS TAKEN TO FULFIL THE OBLIGATIONS UNDER ARTICLE 4

A. ALIGNMENT OF WORKING PROCEDURES WITH THE ISO/IEC SYSTEM

4. Thailand is of the opinion that alignment of TISI's working procedures with the ISO/IEC system helps ease the implementation of the provisions of the Code. Certain ISO Manuals and ISO/IEC Guides, for example:

- ISO Development Manual on Development on Establishment and Management of a National Standards Body;
- ISO/IEC Guide 21:1981 - Adoption of International Standards in National Standards;
- ISO/IEC Guide 26:1981 - Justification of Proposals for the Establishment of Standards;

etc. have been used as guidelines in standards development process bearing in mind the principles of consensus, non-discrimination and transparency.

5. Two types of standards, the Thai Industrial Standards or TISs, are carried out by TISI, i.e. voluntary and mandatory standards. For the purpose of this Code, voluntary standards are applied, whereas mandatory standards are subject to technical regulations. Proposals for establishing TISs may be initiated from either interested parties or government authorities concerned, with such common justifications as promoting and ensuring good quality of products, preventing deceptive practices or protecting human health. All standards are prepared by technical committees, each of which consists of a balanced representation of manufacturers, consumers and experts/academics with TISI Staff as a secretariat. Elaboration of standards is a consensus process, and circulation of draft standards for public comment is a practice. Due to the obligation under the Code, the comment period for draft standards has been extended from 30 days to 60 days. Finalized standards are scrutinized by specific technical committees and are subject to the approval of the Industrial Product Standards Council before adoption. Approved standards are published in the Government Gazette and periodically undergo revision, i.e. every five years.

B. ADOPTION OF INTERNATIONAL STANDARDS

6. Since 1974, an attempt has been made by TISI to adopt, as far as practicable, international standards as Thai Industrial Standards. The first step to this approach was quite time-consuming and there was a need for consultation between the government and industrial sectors to provide a better understanding of the importance and usefulness of this approach as consensus has to be reached. Then it was incorporated into the national standardization policy.

7. It is worth pointing out that the period of standards preparation process can be shortened as a result of adoption of international standards. Up to present, more than 960 international standards including those for electronic and electrical products, paints and varnishes, food products, testing methods, etc. have been adopted by TISI.

C. PUBLICATION OF WORK PROGRAMME

8. Two volumes of TISI standards work programme have been published by TISI to provide information on a list of draft Thai Industrial Standards under preparation at different stages. In addition to hard copies, the most recent work programme is now presented through TISI homepage which is located at http://www.tisi.go.th/work_prg/work_prg.html.

II. SPECIFIC DIFFICULTIES AND PROBLEMS CONCERNING THE IMPLEMENTATION AND OPERATION OF THE CODE OF GOOD PRACTICE

9. Regarding harmonization of international standards, Thailand is of the opinion that in certain cases, the process for development of international standards is dominated by developed countries, while input from developing countries, such as proposals for establishing particular standards of interest, or comments for draft standards, or voting process are not properly taken into account. As a result, it always happens that published international standards are ineffective or inappropriate to be adopted by developing countries.

10. Paragraph J of the Code provides that the work programme shall be published at least once every six months. This is considered to be quite a burden, especially to developing countries. Moreover, according to paragraph L which provides that:

" ... No later than at the start of the comment period , the standardizing body shall publish a notice announcing the period for commenting in the publication referred to in paragraph J ..."

11. Thailand views that the work programme (or "the publication referred to in paragraph J") may not be an appropriate means for such a notice, as in the case of Thailand, the period for publication of the work programme does not usually correspond to the comment period for those particular draft standards.

III. PROPOSALS OR SUGGESTIONS CONCERNING IMPLEMENTATION AND OPERATION OF THE CODE OF GOOD PRACTICE

- For those standardizing bodies that are still not able to accept and comply with the Code, it may be worth considering and following the experience of Thailand regarding the alignment of their working procedures with the ISO/IEC system.
 - WTO Members, especially developed ones, should be encouraged to afford sympathetic consideration to developing country Members in the preparation of international standards, so that the standards would also be effective and appropriate for developing countries.
 - As the Code is aimed to provide transparency within the territory of WTO Members, the comment period for a draft standard may not be as long as 60 days, as it retards the normal standards preparation process. The Committee may consider the period of 30 days as an alternative.
 - Regarding publication of the work programme, limitation should not be made to hard copies. Members should also have an option of making available their standards work programme via the Internet.
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