

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

Spec(75)27  
25 September 1975

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Multilateral Trade Negotiations

Group "Non-Tariff Measures"

Sub-Group "Technical Barriers to Trade"

## DEFINITIONS

### Note by the Secretariat

1. The Sub-Group "Technical Barriers to Trade" meeting at technical level discussed the question of the definitions to be used in the Draft Standards Code. It decided to work on the hypothesis suggested by some delegations that the ECE/ISO definitions would be used without any modifications of these as such and that any qualification of these definitions which was required for the purpose of the Code should be achieved through separate notes to this effect.
2. This Note has been drawn up on the responsibility of the secretariat. It sets out the main suggestions made in the discussions on 23 and 24 September. No conclusions have been reached by the Sub-Group. This Note is designed to facilitate an examination by the Group meeting at technical level of the hypothesis on which it has been working.

ECE definition/Corresponding GATT definition

1. Regulation (GATT - 2)
  - It was suggested that the intent of the Code was to ensure that all technical regulations were published and that "for the purposes of this Code the question of the authority that publishes is irrelevant, as long as it is mandatory to comply with the provisions of the regulation."
  - Mr. Bergholm should be invited to draw the attention of the ECE to the suggestion that the word "binding" should come before "legislative" and not before "document"
2. Technical specification (GATT - 1)
  - One delegation reserved its position on the use of the term "technical specification".
  - Retain with the following notes:
    - (1) "For purposes of this Code "technical specification" includes processes, conditions of growth, and production methods, which must be met to ensure health and safety."
    - (2) "A technical specification may also deal exclusively with terminology, symbols, testing, testing methods, packaging, marking or labelling requirements."
    - (3) "For the purpose of this Code such technical specifications are excluded which deal with services, have the form of a code of practice or are proposed for use by a single enterprise, whether governmental, semi-governmental or non-governmental either for its own production or purchasing purpose."
  - there is a proposal to revert to the question of exclusion of services.

ECE definition/Corresponding GATT definition

(4) "Only those parts of a document which lay down characteristics of a product or refer to terminology, symbols, testing and test methods, packaging or labelling requirements come under the scope of this Code."

- there was a proposal to insert the following note:

"This Code covers those technical specifications which are drawn up for continuous and general use." An alternative would be to use the term "Voluntary standard" in section 4 rather than the term "voluntary technical specification."

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| 3. Standard<br>(GATT - 1)   | - Add a note "For the purpose of this Code the words "or other document" shall be deleted.   |
| 4. Technical regulation<br>(GATT - 2)                                     | - Retain: with note -<br>"Only those parts of a regulation which are standards or technical specifications are within the scope of this Code." |
| 5. Harmonized standards<br>(GATT - 14)                                    | - May be relevant to Code e.g. Section 4(b)  |
| 6. Mandatory standard<br>(GATT - 2)                                       | - Not relevant to Code   |
| 7. Reference to standards<br>(GATT - none)                                | - Not relevant to Code   |
| 8. Reference to standards -<br>by exact identification<br>(GATT - none)   | - Not relevant to Code   |
| 9. Reference to standards -<br>by undated identification<br>(GATT - none) | - Not relevant to Code   |

ECE definition and corresponding  
GATT definitionStatus of discussion on 24.9.75

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| 10. General reference to standards<br>(GATT - none)        | - Not relevant to Code   |
| 11. National standards body<br>(GATT - 9)                  | - Not relevant to Code   |
| 12. International standards<br>organization<br>(GATT - 10) | - Retain: with note - "For the purpose of<br>this Code it is sufficient that membership<br>of the /standardizing body/ is open to<br>relevant bodies of all adherents".  |
| 13. Regional standards organization<br>(GATT - 11)         | - Not relevant to Code   |
| 14. Standardizing body<br>(GATT - 10)                      | - Retain: with note - "This includes a<br>national standards body, the principal<br>function of which is the preparation and/<br>or publication of national standards and/or<br>approval of standards prepared by other<br>bodies".  |
| 15. International standardizing body<br>(GATT - 10)        | - Retain: with note - "For the purposes of<br>this Code such technical specifications<br>are excluded which deal with services,<br>have the form of a code of practice, or<br>are proposed for use by a single enterprise,<br>whether governmental, semi-governmental or<br>non-governmental, either for its own<br>production or purchasing purpose". |

ECE definition and  
corresponding GATT definition

Status of discussion on 24 September 1975

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| 16. Regional standardizing body<br>(GATT - 11)                             | - Retain: with note -<br>"For the purposes for this Code it is<br>sufficient that the regional standardizing<br>body is not open to the relevant bodies<br>in all adherents".  |
| 17. National standard<br>(GATT - none)                                     | - Not relevant. There is one proposal to<br>retain for purposes of clarity.  |
| 18. International standard<br>(GATT - 4)                                   | - Retain: with note -<br>"For the purposes of this Code an<br>international standard is a technical<br>specification adopted by an international<br>standardizing body or an international<br>standards organization". |
| 19. Regional standard<br>(GATT - none)                                     | - Not relevant   |
| 20. Conformity with standards or<br>technical specification<br>(GATT - 12) | - Retain: with note -<br>"For the purposes of this Code services<br>are excluded". There is one proposal to<br>revert to the exclusion of services.  |
| 21. Administration procedures for<br>determining conformity<br>(GATT - 13) | - Retain: with note -<br>"For the purposes of this Code services<br>are excluded". There is one proposal to<br>revert to the exclusion of services.  |
| 22. Certificate of conformity<br>(GATT - none)                             | - Retain: with note -<br>"For the purposes of this Code services<br>are excluded". There is one proposal to<br>revert to the exclusion of services.  |
| 23. Mark of conformity<br>(GATT - none)                                    | - Retain: with note -<br>"For the purposes of the Code services<br>are excluded". There is one proposal to<br>revert to the exclusion of services.   |

ECE definition and corresponding GATT definition

24. Conformity certification - Retain: with Note - "For the purposes of this Code services are excluded". There is a proposal to revert to the question of exclusion of services.  
There is a proposal for a second Note:  
"Including the action of providing information on which a decision as to conformity with the standard can be taken".
25. Certification system - Retain.  
(GATT - 16)
26. National certification system - Not relevant. There is a proposal to retain.  
(GATT - none)
27. International certification system - Retain: with Note - "For the purposes of this Code it is sufficient that the membership of the /standardizing body/ is open to relevant bodies of all adherents".  
(GATT - 17)
28. Regional certification system - Retain with Note - "For the purposes of this Code it is sufficient that the regional certification system is not open to the relevant bodies in all other adherents".  
(GATT - 19)
- Certification body  
(GATT - 15)
- The definition to read:  
"An impartial body, governmental or non-governmental, possessing the necessary competence and reliability to operate a certification system".  
"See second note to ECE definition 24".
  - Bear in mind question of insuring "competence and reliability" when substantive provisions of Code are examined.

ECE definition and corresponding GATT definition

Third-party certification - Not relevant  
(GATT - none)

Self certification -- Not relevant  
(GATT - none)

Additional definitions in MTN/NTM/W/19. p.2.

Central government body - Definition to read:  
(GATT - 5)  
Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question. In the case of the European Economic Community the provisions governing central government bodies would apply. Note: If the EEC were to sign the Code, the word "would" and the square brackets would disappear.

Local government body - Government body which is not subject to the control  
(GATT - 6)  
of the central government in respect of the activity in question, such as:  
(i) the authorities of States, Provinces, Lander, Cantons, etc. in the case of a federal or decentralized system, and  
(ii) local government authorities.

Regulatory body - Central or local government body or any other body  
(GATT - 7)  
which has legal power to enforce a technical regulation. This may or may not be the same body which prepared or adopted the technical regulation.

ECE definition and corresponding GATT definition

Membership in a certification system - An adherent or a regulatory body or a  
(GATT - 21)

certification body in the territory of an adherent has the same right and obligations as any of the other adherents, or regulatory bodies or certification bodies under the rules of the system, including the rights of participation in, and management of the system, and of formulating or amending its rules.

An adherent or a regulatory body or certification body in the territory of an adherent has:

- (i) the same rights to furnish evidence of conformity of products with particular standards or technical specifications and have it accepted, as members of the system, and
- (ii) the same obligations to accept such evidence itself as members of the system.