

TECHNICAL COOPERATION HANDBOOK ON NOTIFICATION REQUIREMENTS

Agreement on Technical Barriers to Trade

1. This section of the Handbook on Notification Requirements covers the notification obligations under the Agreement on Technical Barriers to Trade. It consists of the following five parts:

- Part I: Overview of notification requirements
- Part II: Listing of the notification obligations
- Part III: Document concerning guidelines and formats
- Part IV: "Mock" examples of notifications
- Part V: Text of the Agreement

2. For acceding countries, the deadlines for the submission of their notifications will be governed by their respective Protocols of Accession.

Note: The Handbook on Notification Requirements does not constitute a legal interpretation of the notification obligations under the respective Agreement(s). It has been prepared by the Secretariat to assist Members in complying with their notification obligations.

TBT-I

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

OVERVIEW OF NOTIFICATION REQUIREMENTS

THE WTO AGREEMENT ON TECHNICAL BARRIERS TO TRADE (TBT)

i. Introduction

1. The WTO Agreement on Technical Barriers to Trade seeks to ensure that technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to trade.
2. Transparency through specific notifications obligations is one of the principles under the Agreement to minimize trade barriers. WTO Members are subject to *four kinds of notifications requirements*.

I. STATEMENTS ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT (ARTICLE 15.2)

3 Under Article 15.2, "[e]ach Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the TBT Committee of measures in existence or taken to ensure the implementation and administration of the Agreement. Any changes to such measures thereafter shall also be notified to the Committee".

4. Following the Decisions adopted by the TBT Committee, such information should be submitted in the form of written statements indicating:

- all relevant laws, regulations and administrative orders, etc., to ensure that provisions of the Agreement are applied;
- if the Agreement has been incorporated into domestic law, the statement should indicate how this has been done;
- the names of the publications used to announce that work is proceeding on draft technical regulations or standards and conformity assessment procedures and those in which the texts of technical regulations and standards or conformity assessment procedures are published;
- the expected length of time for the presentation of written comments on technical regulations, standards or conformity assessment procedures;
- the name and address of the enquiry points under Article 10. If more than one enquiry point exist, the statement should indicate clearly the responsibilities of each of them;
- the name and address of any other agencies having specific functions under the Agreement; and
- measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Member in question to fulfil its obligations on notifications.

5. The above Decisions are contained in document G/TBT/1/Rev.3 (Decisions and Recommendations adopted by the Committee since January 1995).

6. Statements on Implementation and Administration of the Agreement submitted by Members are circulated under document symbol G/TBT/2 and addenda.

II. NOTIFICATIONS OF PROPOSED AND ADOPTED TECHNICAL REGULATIONS OR CONFORMITY ASSESSMENT PROCEDURES BY CENTRAL AND LOCAL GOVERNMENTS (ARTICLES 2.9.2, 5.6.2, 2.10.1, 5.7.1, 3.2 AND 7.2)

7. Under these Articles, Members must notify when the two following conditions apply:

- 1) whenever a relevant standard or guide or recommendation issued by an international standardizing body *does not exist or* the technical content of a proposed or adopted technical regulation or procedure is not in accordance with the technical content of relevant international standards or guides or recommendations;
- 2) and if the technical regulation or conformity assessment procedure may have a *significant effect on the trade of other Members*.

8. If that is the case, Members shall:

- publish a notice in a publication at an early appropriate stage to enable interested parties in other Members to become acquainted with it;
- notify through the WTO Secretariat of the products to be covered by the proposed or adopted technical regulation or conformity assessment procedure with an indication of its objective and rationale;
- upon request, provide copies of the regulation or procedure;
- allow reasonable time for other Members to make written comments; and
- upon request, discuss these comments and take them into account.

9. For **urgent problems** of safety, health, environmental protection or national security, Members must notify immediately of the adopted technical regulation or conformity assessment procedure with an indication of the products covered, its objective and rationale, including the nature of the urgent problems. However, Members should always provide a reasonable time for other Members to make comments in writing and take these comments into account (Articles 2.10 and 5.7).

10. If the above conditions under paragraph 9 apply, *local Governments* on the level directly below central government shall notify technical regulations and conformity assessment procedures of which the technical content is not substantially the same of technical regulations or conformity assessment procedures previously notified by the central government (Articles 3.2 and 7.2).

11. When notifying under the above Articles, Members are not required to send the text of their proposed or adopted regulations or conformity assessment procedures to the Secretariat. Decisions, recommendations, format and guidelines on the notification procedures are contained in document G/TBT/1/Rev.3.

III. NOTIFICATION OF BILATERAL OR PLURILATERAL AGREEMENTS (ARTICLE 10.7)

12. Under Article 10.7, a Member who has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, must notify other Members through the WTO Secretariat of the products to be covered by the agreement including a brief description of the agreement.

13. The format for notifications under Article 10.7 is contained in document G/TBT/W/25.

IV. NOTIFICATIONS UNDER PARAGRAPHS C AND J OF THE CODE OF GOOD PRACTICE ON THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS (ANNEX 3 TO THE AGREEMENT)

14. The Code of Good Practice for the Preparation, Adoption and Application of Standards provides disciplines to central government, local government, non-governmental and regional standardizing bodies developing voluntary standards. The Code is open for acceptance to any of the above standardizing bodies. However, central government standardizing bodies are obliged to accept and comply with the provisions of the Code.

15. Under **paragraph C** of the Code, a standardizing body shall notify its acceptance of the Code using **Form A** as contained in document G/TBT/W/4/Rev.1. The form shall include:

- *name and address* of the standardizing body (if there is an official translation of the name in English, French or Spanish it should be provided);
- *the type of standardizing body*, whether central governmental, local governmental or non-governmental; and
- *the scope* of its current and expected activities.

Withdrawal from the Code must be notified with notification **Form B** (G/TBT/W/4/Rev.1).

16. Notification of acceptance or withdrawal from the Code can be sent either directly to the ISO/IEC Information Centre in Geneva, or to the national member of ISO/IEC or, preferably, to the relevant national member or international affiliate of ISONET. The ISO/IEC Information Centre in Geneva will transmit the notification received to the WTO Secretariat and subsequently, the WTO Secretariat will circulate it to all WTO Members under document symbol G/TBT/CS/N/.

17. Under **paragraph J** of the Code, a standardizing body which has accepted the Code is required to notify the existence of its work programme at least once every 6 months. The notification shall be made using **Form C** (G/TBT/W/4/Rev.1) and shall include:

- the name and issue of the publication in which the work programme is published;
- the period to which the work programme applies;
- the price of the work programme, if any; and
- where and how it can be obtained.

The notifications must be signed by responsible persons of the notifying standardizing bodies.

18. The information received under paragraphs C and J of the Code of Good Practice is published annually by ISO/IEC. The first WTO TBT Standards Code Directory was published by ISO/IEC Information Centre in February 1996. A list of standardizing bodies which had accepted the Code in 1995 is contained in document G/TBT/CS/1/Rev.1.

TBT-II

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

NOTIFICATION OBLIGATIONS

AGREEMENT ON TECHNICAL BARRIERS TO TRADE
NOTIFICATION OBLIGATIONS

<u>Item</u>	<u>Notification requirement</u>	<u>Type of measure</u>	<u>Periodicity</u>	<u>Format</u>	<u>Members notifying</u>	<u>To Whom</u>
1.	Agreement on Technical Barriers to Trade, Art. 2.9	Technical regulations	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
2.	Agreement on Technical Barriers to Trade, Art. 2.10	Technical regulations (urgent)	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
3.	Agreement on Technical Barriers to Trade, Art. 3.2	Technical regulations (local government)	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
4.	Agreement on Technical Barriers to Trade, Art. 5.6	Conformity assessment procedures	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
5.	Agreement on Technical Barriers to Trade, Art. 5.7	Conformity assessment procedures (urgent)	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
6.	Agreement on Technical Barriers to Trade, Art. 7.2	Conformity assessment procedures (local government)	Ad hoc	G/TBT/1/Rev.3	WTO Members	WTO Secretariat
7.	Agreement on Technical Barriers to Trade, Art. 10.7	Bilateral agreements; technical regulations; conformity assessment procedures; standards	Ad hoc	G/TBT/W/25 (subject to approval)	WTO Members	WTO Secretariat

AGREEMENT ON TECHNICAL BARRIERS TO TRADE
NOTIFICATION OBLIGATIONS

<u>Item</u>	<u>Notification requirement</u>	<u>Type of measure</u>	<u>Periodicity</u>	<u>Format</u>	<u>Members notifying</u>	<u>To Whom</u>
8.	Agreement on Technical Barriers to Trade, Art. 15.2	Administrative arrangements; laws/regulations measures in existence or taken to ensure the implementation and administration of the TBT Agreement	Once, upon entry into force of the WTO Agreement	G/TBT/1/Rev.3	WTO Members	Committee on Technical Barriers to Trade
9.	Agreement on Technical Barriers to Trade, Annex 3 paragraph C	Acceptance of/withdrawal from a code (Code of Good Practice for the Preparation, Adoption and Application of Standards)	Once	G/TBT/W/4/ Rev.1 Forms A and B	Standardizing Bodies accepting the Code/ withdrawing from the code	Through ISO/IEC Information Centre
10.	Agreement on Technical Barriers to Trade, Annex 3 paragraph J	Work programmes on standardization activities	Biannual	G/TBT/W/4/ Rev.1 Form C	Standardizing Bodies accepting the Code	Through ISO/IEC Information Centre

TBT-III

THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

DOCUMENTS

G/TBT/1/REV.3
G/TBT/W/4/Rev.1
G/TBT/W/25

Committee on Technical Barriers to Trade

DECISIONS AND RECOMMENDATIONS ADOPTED
BY THE COMMITTEE SINCE 1 JANUARY 1995

Note by the Secretariat

Revision

The present document supersedes all previous G/TBT/1 documents. It reproduces the decisions and recommendations adopted by the Committee concerning its rules of procedure and the interpretation, implementation and administration of the Agreement.

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B. STATEMENTS ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Background and purpose:

Article 15.2 of the Agreement provides that each Member shall inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement. In response to this provision of the Agreement Members shall submit the relevant information in the form of written statements. The Committee agreed on the following decision concerning the contents of these statements.

Decisions:

1. The statement should cover the legislative, regulatory and administrative action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied. If the Agreement itself has been incorporated into domestic law, the statement should indicate how this has been done. In other cases, the statement should describe the content of the relevant laws, regulations, administrative orders, etc. All necessary references should also be provided.
2. In addition, the statement should specify:
 - (a) the names of the publications used to announce that work is proceeding on draft technical regulations or standards and procedures for assessment of conformity and those in which the texts of technical regulations and standards or procedures for assessment of conformity are published under Articles 2.9.1, 2.11; 3.1 (in relation to 2.9.1 and 2.11); 5.6.1, 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); and paragraphs J, L and O of Annex 3 of the Agreement;
 - (b) the expected length of time allowed for presentation of comments in writing on technical regulations, standards or procedures for assessment of conformity under Articles 2.9.4 and 2.10.3; 3.1 (in relation to 2.9.4 and 2.10.3); 5.6.4 and 5.7.3; 7.1, 8.1 and 9.2 (in relation to 5.6.4 and 5.7.3); and paragraph L of Annex 3 of the Agreement;
 - (c) the name and address of the enquiry point(s) foreseen in Articles 10.1 and 10.3 of the Agreement with an indication as to whether it is/they are fully operational; if for legal or administrative reasons more than one enquiry point is established, complete and unambiguous information on the scope of responsibilities of each of them;
 - (d) the name and address of any other agencies that have specific functions under the Agreement, including those foreseen in Articles 10.10 and 10.11 of the Agreement; and
 - (e) measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Member in question to fulfil its obligations on notifications under Articles 2.9, 2.10, 3.2, 5.6, 5.7 and 7.2 of the Agreement.

C. NOTIFICATION PROCEDURES

1. Format and Guidelines:

Background and purpose:

The procedures for notification under the Agreement have been kept under constant review by the Committee. In order to ensure a uniform and efficient operation of these procedures the Committee agreed on the following format and guidelines.¹

Recommendation:

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.

Decisions:

Item	Description
(i) Member to Agreement notifying	Government, including the competent authorities of the European Communities, which has acceded to the Agreement and which is making the notification; if applicable, name of local government involved Articles 3.2 and 7.2)
(ii) Agency responsible	Body elaborating a proposal for or promulgating a technical regulation or procedures for assessment of conformity. The authority or agency designated to handle comments regarding the specific notification can be indicated if different from above.
(iii) Notified under	Relevant provision of the Agreement: Article 2.9.2: proposed technical regulation by central government body, Article 2.10.1: adopted technical regulation by central government body, Article 3.2: proposed or adopted technical regulation by local government (on the level directly below that of the central government, Article 5.6.2: proposed procedures for assessment of conformity by central government body,

¹Where boxes appear under items 3 and 11 of the format, notifiers are requested to check the relevant box or to indicate relevant information under "other".

Item	Description
(iii) Notified under (cont'd)	<p>Article 7.2: proposed or adopted procedures for assessment of conformity by local government (on the level directly below that of the central government),</p> <p>Other Articles under which notification can arise in cases of urgency set out in those Articles are:</p> <p>Article 8.1: adopted procedures for assessment of conformity by non-governmental body,</p> <p>Article 9.2: adopted procedures for assessment of conformity by international or regional organization</p>
(iv) Products covered	<p>HS or CCCN (chapter or heading and number) where applicable. National tariff heading if different from HS or CCCN. ICS numbers may be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.</p>
(v) Title and number of pages	<p>Title of the proposed or adopted of the notified document technical regulation or procedures for assessment of conformity. Number of pages in the notified document. The language(s) in which notified documents are available.</p>
(vi) Description of content	<p>An abstract of the proposed or adopted technical regulation or procedures for assessment of conformity clearly indicating its content. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.</p>
(vii) Objective and rationale	<p>For instance: health, safety, national security, ... etc.</p>
(viii) Relevant documents	<p>(1) Publication where notice appears, including date and reference number;</p> <p>(2) Proposal and basic document (with specific reference number or other identification) to which proposal refers;</p> <p>(3) Publication in which proposal will appear when adopted;</p> <p>(4) Whenever practicable, give reference to relevant international standard. If it is necessary to charge for documents supplied, this fact should be indicated.</p>
(ix) Proposed dates of adoption and entry into force	<p>The date when the technical regulation or procedures for assessment of conformity is expected to be adopted, and the date from which the requirements in the technical regulation or procedures for assessment of conformity are proposed or decided to enter into force, taking into consideration the provisions of Article 2.12.</p>

Item	Description
(x) Final date for comments	The date by which Members may submit comments in accordance with Articles 2.9.4, 2.10.3, 3.1 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement. A specific date should be indicated. The Committee has recommended a normal time limit for comments on notifications of 60 days. A Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so.
(xi) Texts available from	If available from national enquiry point, put a cross in the box provided. If available from another body, give its address, telex and telefax number. Such indications should not in any way discharge the relevant enquiry point of its responsibilities under the provisions of Article 10 of the Agreement.

WORLD TRADE ORGANIZATION

G/TBT/Notif.96.
1996

(96-0000)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Agency or authority designated to handle comments regarding the notification can be indicated if different from above:
3.	Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):
5.	Title, number of pages and language(s) of the notified document:
6.	Description of content:
7.	Objective and rationale:
8.	Relevant documents:
9.	Proposed date of adoption: Proposed date of entry into force:
10.	Final date for comments:
11.	Texts available from: National enquiry point [] or address and telefax number of other body:

2. Timing of notifications:

Background:

The Committee dealt with this aspect of notification procedures in the following way:

Recommendation:

When implementing the provisions of Articles 2.9.2, 3.2 (in relation to Article 2.9.2), 5.6.2 and 7.2 (in relation to Article 5.6.2), a notification should be made when a draft with the complete text of a proposed technical regulation or procedures for assessment of conformity is available and when amendments can still be introduced and taken into account.

3. Application of articles 2.9 And 5.6 (Preambular part):

Background and purpose:

With a view to ensuring a consistent approach to the selection of proposed technical regulations and procedures for assessment of conformity to be notified, the Committee established the following criteria.

Recommendation:

For the purposes of Articles 2.9 and 5.6, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one technical regulation or procedure for assessment of conformity only, or of various technical regulations or procedures for assessment of conformity in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

When assessing the significance of the effect on trade of technical regulations, the Member concerned should take into consideration such elements as the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively, the potential growth of such imports, and difficulties for producers in other Members to comply with the proposed technical regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

4. Translation of documents relating to notifications and address of body supplying the documents:

Background and purpose:

In order to avoid difficulties that can arise from the fact that the documentation relevant to technical regulations, standards and procedures for assessment of conformity is not available in

one of the WTO working languages and that a body other than the enquiry point may be responsible for such documentation, the Committee agreed on the following procedures:

Recommendation:

When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may then contact such other Members in order to determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).

Decisions:

- (a) When a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO TBT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;
- (b) Upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested;
- (c) Members shall indicate under point 11 of the WTO TBT notification form the exact address, telephone and fax numbers of the body responsible for supplying the relevant documents if that body is not the enquiry point.

5. Processing of requests for documentation:

Background:

The Committee addressed the problems of supplying and obtaining requested documentation on notified technical regulations and procedures for assessment of conformity as follows:

Recommendations:

- (a) requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO TBT notification number (G/TBT/Notif. ...) to which the requests refer. The same information should appear on the documents supplied in response to such requests;
- (b) any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requester.

6. Length of time allowed for comments

Background:

The Committee set the following time limits for presentation of comments on notified technical regulations and procedures for assessment of conformity.

Recommendation:

The normal time limit for comments on notifications should be sixty days. A Member may, if necessary, however, indicate in its notification that it will proceed to implement the proposed measure after forty-five days if no comments or requests for extension of the time limit have been received from other Members within that time. Any Member which is able to provide a time limit beyond sixty days is encouraged to do so.

7. Handling of comments on notifications:

Background and Purpose

In order to improve the handling of comments on proposed technical regulations and procedures for assessment of conformity submitted under Articles 2.9.4, 2.10.3, 3.1 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement, the Committee agreed on the following procedures.

Recommendations:

- (a) each Member should notify the WTO secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received; and
- (b) a Member receiving comments through the designated body should without further request
 - (1) acknowledge the receipt of such comments,
 - (2) explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed technical regulations or procedures for assessment of conformity concerned, and
 - (3) provide to any Member from which it has received comments, a copy of the corresponding technical regulations or procedures for assessment of conformity as adopted or information that no corresponding technical regulations or procedures for assessment of conformity will be adopted for the time being.

8. Decision Relating to Notifications:

Labelling Requirements

Background and purpose:

With the purpose of clarifying the coverage of the Agreement with respect to labelling requirements, the Committee on Technical Barriers to Trade took the following decision.

Decision:

In conformity with Article 2.9 of the Agreement, Members are obliged to notify all mandatory labelling requirements that are not based substantially on a relevant international standard and that may have a significant effect on the trade of other Members. That obligation is not dependent upon the kind of information which is provided on the label, whether it is in the nature of a technical specification or not.

D. PROCEDURES FOR INFORMATION EXCHANGE

1. Regular Meetings:

Background and purpose:

In order to give Members the opportunity to discuss the activities and problems relating to information exchange the Committee took the following action.

Decision:

Regular meetings of persons responsible for information exchange including persons responsible for enquiry points will be held on a biennial basis. Representatives of interested observers will be invited to participate in such meetings. The meetings will deal only with technical issues, leaving any policy matters for consideration by the Committee itself.

2. Booklets on Enquiry Points:

Background and purpose:

In order to improve publicity concerning the role of enquiry points in answering queries from Members as provided in Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendations:

- (a) The issuing of brochures on enquiry points would be of value.
- (b) All booklets issued by Members should contain the elements and, as far as possible, follow the layout below:
 - (i) Objective, name and address of WTO TBT enquiry point(s).

Objective:

Refer to the provisions of Articles 10.1, 10.2 and 10.3 of the Agreement on Technical Barriers to Trade.

Date established, and name of responsible officer.

Who can use the enquiry point(s):

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1 and 9.2 (in relation to 5.6.3 and 5.7.2); 10.1 and 10.3; paragraphs M and P of Annex 3 of the Agreement.

(ii) *Information available from enquiry point(s).*

Documentation:

Refer to the provisions of Articles 2.9.3 and 2.10.2; 3.1 (in relation to 2.9.3 and 2.10.2); 5.6.3 and 5.7.2; 7.1, 8.1 and 9.2 (in relation to 5.6.3 and 5.7.2); 10.4, 10.8.1 and 10.8.2; paragraphs M and P of Annex 3 of the Agreement

Documentation that can be obtained from the enquiry point(s).

Procedures for handling documentation on proposed or adopted domestic regulations and standards and procedures for assessment of conformity

Notifications: content, format, comment period:

Refer to the provisions of Articles 2.9.2, 2.10.1, 3.2, 5.6.2, 5.7.1, 7.2, 8.1, 9.2 and paragraphs C and J of Annex 3 of the Agreement, and to the decisions of the Committee on Technical Barriers to Trade regarding format and comment period.

Procedures for handling notifications issued by other Members of the Agreement, for issuing notifications from domestic sources, and for handling comments on notifications received or issued.

Publication:

Refer to the provisions of Articles 2.9.1 and 2.11; 3.1(in relation to 2.9.1 and 2.11); 5.6.1 and 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); 10.1.5; and paragraphs J, L and O of Annex 3 of the Agreement

Procedures for ensuring compliance with these provisions of the Agreement, including any publications by the enquiry point(s).

(iii) *Facilities offered (including charges, if any).*

Data bank (content and form of documents, e.g. paper, microfilm, computer, etc.).

Access to data (retrieval system: manual, tape, on-line; software used).

Languages used.

Translation, if any.

Annex

Brief description of the Agreement: objectives, date of entry into force, date joined, status in domestic law.

List of Members of the Agreement.

List of enquiry points of other Members.

3. Enquiries which the Enquiry Points should be Prepared to Answer:

Background and purpose:

With a view to encouraging a uniform application of Articles 10.1 and 10.3 of the Agreement the Committee took the following action.

Recommendation:

- (a) (i) An enquiry should be considered "reasonable" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity.
- (ii) When an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field.
- (b) The Enquiry Point(s) of a Member should be prepared to answer enquiries regarding the membership and participation of that Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provisions of such systems and arrangement.

4. Handling of Requests:

Background and purpose:

The purpose is to improve the handling of requests from other Members received under Article 10.1 and 10.3.

Recommendation:

An enquiry point should, without further request, acknowledge the receipt of the enquiry.

Committee on Technical Barriers to Trade

NOTIFICATION PROCEDURES RELATED TO THE CODE OF GOOD PRACTICE
FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS
CONTAINED IN ANNEX 3 OF THE WTO AGREEMENT
ON TECHNICAL BARRIERS TO TRADE

Note by the Secretariat

Subsequent to the Ministerial Decision taken in Marrakesh on 15 April 1994 on "Proposed Understanding on WTO-ISO Standards Information System", an agreement was reached between the Secretary-General of the ISO Central Secretariat and the Director-General of the WTO to establish a WTO Standards Information Service operated by ISO regarding information on standardizing bodies under Paragraphs C and J of the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 of the WTO Agreement on Technical Barriers to Trade. The Memorandum of Understanding agreed upon has been circulated in document G/L/1.

Pursuant to Paragraph 2 of the Memorandum of Understanding, and in order to ensure the uniform and efficient operation of the procedures for notifications, the ISO Central Secretariat and the WTO Secretariat have developed notification formats and related guidelines that are to be used by standardizing bodies which accept the Code of Good Practice for the Preparation, Adoption and Application of Standards.

Attached for the information of WTO Members are the guidelines and formats for notifications by standardizing bodies under Paragraphs C and J of the Code of Good Practice. These are also being circulated to the members of ISO and ISONET.

NOTIFICATION PROCEDURES RELATED TO THE CODE OF GOOD PRACTICE
FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS
CONTAINED IN ANNEX 3 OF THE WTO AGREEMENT
ON TECHNICAL BARRIERS TO TRADE

Background

The *Code of Good Practice for the Preparation, Adoption and Application of Standards* presented in Annex 3 to the *WTO Agreement on Technical Barriers to Trade* (referred to as WTO TBT* Code of Good Practice) contains the following paragraphs with regard to information on standardizing bodies that have accepted the above Code and on their standards work programmes:

"C. Standardizing bodies that have accepted or withdrawn from this Code shall notify this fact to the ISO/IEC Information Centre in Geneva. The notification shall include the name and address of the body concerned and the scope of its current and expected standardization activities. The notification may be sent either directly to the ISO/IEC Information Centre, or through the national member body of ISO/IEC or, preferably, through the relevant national member or international affiliate of ISONET, as appropriate.

J. At least once every six months, the standardizing body shall publish a work programme containing its name and address, the standards it is currently preparing and the standards which it has adopted in the preceding period. A standard is under preparation from the moment a decision has been taken to develop a standard until that standard has been adopted. The titles of specific draft standards shall, upon request, be provided in English, French or Spanish. A notice of the existence of the work programme shall be published in a national or, as the case may be, regional publication of standardization activities.

The work programme shall for each standard indicate, in accordance with any ISONET rules, the classification relevant to the subject matter, the stage attained in the standard's development, and the references of any international standards taken as a basis. No later than at the time of publication of its work programme, the standardizing body shall notify the existence thereof to the ISO/IEC Information Centre in Geneva.

The notification shall contain the name and address of the standardizing body, the name and issue of the publication in which the work programme is published, the period to which the work programme applies, its price (if any), and how and where it can be obtained. The notification may be sent directly to the ISO/IEC Information Centre, or, preferably, through the relevant national member or international affiliate of ISONET, as appropriate."

Guidelines

The following procedures for notifying acceptance of and withdrawal from the WTO TBT Code of Good Practice and the existence of the standards work programmes are recommended:

3. Standardizing bodies that have accepted the WTO TBT Code of Good Practice should notify this fact to the ISO/IEC Information Centre in Geneva by completing form A annexed to this document.

*WTO - World Trade Organization

TBT - Agreement on Technical Barriers to Trade

4. Standardizing bodies that have decided to withdraw from the WTO TBT Code of Good Practice should notify this fact to the ISO/IEC Information Centre by completing form B annexed to this document.
5. Standardizing bodies that have accepted the WTO TBT Code of Good Practice should regularly notify the existence of their standards work programmes to the ISO/IEC Information Centre by completing form C annexed to this document.
6. The notification forms completed in English, French or Spanish may be sent directly to the ISO/IEC Information Centre in Geneva (the forms contain the postal address), or through the national member body of ISO/IEC or through the relevant national member or international affiliate of ISONET. If notifications are sent directly to the ISO/IEC Information Centre in Geneva, copies of the forms should also be sent to the relevant ISO or IEC member body and the respective national ISONET member of the country concerned.
7. When completing form A, the official English, French and/or Spanish translation(s) of the name of a standardizing body should also be provided, if these exist.
8. If a work programme is available in electronic form, the relevant information should be indicated accordingly under items 1-4 of form C.
9. The notifications forms A, B and C should be signed by responsible persons of standardizing bodies and their titles indicated.
10. The ISO/IEC Information Centre shall promptly transmit to the WTO Secretariat a copy of any notification received.
11. Under paragraph J of the WTO TBT Code of Good Practice, the standards work programme of a standardizing body "shall for each standard indicate, in accordance with any ISONET rules, the classification relevant to the subject matter, the stage attained in the standard's development, and the references of any international standards taken as a basis." The corresponding ISONET rules are as follows:
 - (a) Regarding the classification relevant to the subject matter, the *International Classification for Standards (ICS)* should be used;
 - (b) Regarding the stage attained in the standard's development, the *International harmonized stage code system for the development of standards* should be used;
 - (c) Regarding the reference to any international standards taken as a basis, ISO/IEC Guide 3: 1981 *Identification of national standards that are equivalent to International Standards* and ISO/IEC Guide 21: 1981 *Adoption of International Standards in national standards* and its Addendum 1: 1983 *Indication of the degree of equivalence between national standards and International Standards* are recommended.
12. Information on standardizing bodies that have accepted or withdrawn from the WTO TBT Code of Good Practice and on the work programmes of standardizing bodies shall be published annually in an ISO/IEC Information Centre periodical publication and may be updated monthly in the ISO *Bulletin*. This publication, for which a reasonable fee will be charged, shall be available to ISONET members and through the WTO Secretariat to WTO members.

ISO/IEC Information Centre
International Organization for Standardization
Case postale 56
CH-1211 GENEVA 20
Switzerland

NOTIFICATION
UNDER PARAGRAPH C OF THE WTO TBT* CODE OF GOOD PRACTICE
(Notification of acceptance of the WTO TBT Code of Good Practice)

Country/Customs Territory/Regional Arrangement:

.....

Name of standardizing body:

.....
.....
.....

Address of standardizing body:

.....
.....
.....

Telephone: **Telefax:** **Telex:**

E-mail:

Type of standardizing body:

[] central governmental [] local governmental [] non-governmental

Scope of current and expected standardization activities:

.....
.....
.....
.....

The above indicated standardizing body hereby notifies its acceptance of the *Code of Good Practice for the Preparation, Adoption and Application of Standards* presented in Annex 3 to the *WTO Agreement on Technical Barriers to Trade*.

..... (Name) (Signature) (Date)

.....
(Title)

*WTO - World Trade Organization
TBT - Agreement on Technical Barriers to Trade

ISO/IEC Information Centre
International Organization for Standardization
Case postale 56
CH-1211 GENEVA 20
Switzerland

NOTIFICATION
UNDER PARAGRAPH C OF THE WTO TBT* CODE OF GOOD PRACTICE
(Notification of withdrawal from the WTO TBT Code of Good Practice)

Country/Customs Territory/Regional Arrangement:
.....

Name of standardizing body:
.....
.....
.....

The above indicated standardizing body hereby notifies its withdrawal from the *Code of Good Practice for the Preparation, Adoption and Application of Standards* presented in Annex 3 to the *WTO Agreement on Technical Barriers to Trade*.

..... (Name) (Signature) (Date)
..... (Title)		

*WTO - World Trade Organization
TBT - Agreement on Technical Barriers to Trade

ISO/IEC Information Centre
International Organization for Standardization
Case postale 56
CH-1211 GENEVA 20
Switzerland

NOTIFICATION
UNDER PARAGRAPH J OF THE WTO TBT* CODE OF GOOD PRACTICE
(Notification of existence of work programme)

Country/Customs Territory/Regional Arrangement:

.....

Name of standardizing body:

.....
.....
.....

Address of standardizing body:

.....
.....
.....

Telephone: **Telefax:** **Telex:**

E-mail:

<p>1. <i>Name and issue of the publication in which the work programme is published:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>2. <i>The period to which the work programme applies:</i></p> <p>3. <i>The price of the work programme (if any):</i></p> <p>4. <i>How and where the work programme can be obtained:</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

.....
(Name) (Signature) (Date)

.....
(Title)

*WTO - World Trade Organization
TBT - Agreement on Technical Barriers to Trade

WORLD TRADE
ORGANIZATION

RESTRICTED

G/TBT/W/25

3 May 1996

(96-1725)

Committee on Technical Barriers to Trade

Original: English

DRAFT NOTIFICATION FORMAT UNDER ARTICLE 10.7 OF THE AGREEMENT

At its meeting of 1 March, the TBT Committee requested the Secretariat to prepare a draft notification format under Article 10.7 of the Agreement for consideration at the next Committee meeting.

Attached is the draft notification format prepared by the Secretariat.

AGREEMENT REACHED BY A MEMBER WITH ANOTHER COUNTRY OR COUNTRIES
ON ISSUES RELATED TO TECHNICAL REGULATIONS, STANDARDS
OR CONFORMITY ASSESSMENT PROCEDURES

NOTIFICATION

Under Article 10.7 of the Agreement "Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement." The following notification under Article 10.7 has been received.

1.	Member notifying:
2.	Title of the bilateral or plurilateral Agreement:
3.	Parties to the Agreement:
4.	Date of entry into force of the Agreement:
5.	Products covered (HS or CCCN where applicable, otherwise national tariff heading):
6.	Subject matter covered by the Agreement (technical regulations, standards or conformity assessment procedures):
7.	Brief description of the Agreement:
8.	Further information available from:

TBT-IV

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

EXAMPLES

RESTRICTED

G/TBT/Notif.95...

26 June 1995

WORLD TRADE ORGANIZATION

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>.....</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Department of National Health and Welfare
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Packaging (55.020)
5.	Title and number of pages of the notified document: Proposed Amendment to the Food and Drug Regulations (pages 1,913-1,915)
6.	<p>Description of content: The definition of "child-resistant package" in the Food and Drug Regulations contains references to certain standards to which a child-resistant package must comply.</p> <p>These standards are revised as required, by the sponsoring organizations to keep them up to date with new advances in packaging and scientific technology. This regulatory amendment changes the references to the following child-resistant package standards to continually reflect the most recent edition, as amended from time to time.</p> <p>(1) <u>.....</u>, Recloseable Child-Resistant Packages, published January 1990.</p> <p>(2) <u>.....</u>1992, Child-resistant packaging - requirements and testing procedures for recloseable packages, as adopted by the <u>.....</u> for Standardization on 30 October 1992, and recognized by the <u>.....</u>, and effective 15 February 1993.</p> <p>(3) <u>.....</u>, Poison prevention packaging standards.</p>
7.	Objective and rationale: Prevention of deceptive practices
8.	Relevant documents: <u>.....</u>

9.	Proposed date of adoption and entry into force: The amendments to the standards from time to time become effective one year from the date of their adoption by the competent authority.
10.	Final date for comments: 10 July 1995
11.	Texts available from: National enquiry point [X] or address and telefax number of other body:

Committee on Technical Barriers to Trade
NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying:
	If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Electrical and Mechanical Services Department
3.	Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Room coolers (HS 8415 1000, 8415 8100, 8415 8200)
5.	Title and number of pages of the notified document: "The Voluntary Energy Efficiency Labelling Scheme for Room Coolers" (available in draft, 60 pages including annexes)
6.	Description of content: will introduce a voluntary energy efficiency labelling scheme for room coolers. Under the scheme, the participating manufacturers or agents or retailers will affix an energy label in specified format onto their products giving information on energy consumption and energy efficiency grading, which are to be calculated in accordance with the document "The Voluntary Energy Efficiency Labelling Scheme for Room Coolers". The testing methodology specified in the document follows the ISO 5151 Standard.
7.	Objective and rationale: To promote the awareness of energy efficiency among consumers.
8.	Relevant documents: -
9.	Proposed date of adoption and entry into force: 1 June 1996
10.	Final date for comments: 15 May 1996
11.	Texts available from: National enquiry point [] or address and telefax number of other body: Electrical and Mechanical Services Department Fax

Committee on Technical Barriers to Trade
NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>.....</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Housing, Spatial Planning and the Environment Agency or authority designated to handle comments regarding the notification can be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Wood-burning stoves
5.	Title, number of pages and language(s) of the notified document: Type Approval Regulation on Wood-Burning Stoves Causing Air Pollution in the Form of Carbon Monoxide
6.	Description of content: In view of the emission of polycyclical aromatic hydrocarbons (PAC), the Order on type approval of wood-burning stoves causing air pollution in the form of carbon monoxide stipulates that, following the entry into force of the Order, wood-burning stoves shall no longer be manufactured or imported in the <u>.....</u> if these are not of an approved type. During the approval procedure, it will be assessed whether a wood-burning stove meets the limit values in terms of carbon monoxide emission. The relevant standards have been included in the Order; these are based on DIN Standards 18891 and 18895. With regard to measuring procedures, this Regulation makes reference to the said DIN Standards.
7.	Objective and rationale: It has proved necessary from an environmental health point of view to subject the emission of carbon monoxide (CO) from wood-burning stoves to requirements, since high emission levels of CO are accompanied by the emission of considerable amounts of PAC. The emission of PAC by households is to be halved, also within the framework of <u>.....</u> . Wood-burning stoves are the main source within households.

8.	Relevant documents: (a) Order on the type approval of wood-burning stoves causing air pollution in the form of carbon monoxide. <u>Note:</u> The explanatory note to the notified version of this Order specifies DIN Standard 18890 instead of DIN Standard 18895. This mistake has since been corrected. (b) Air Pollution Act. (c) DIN Standards 18891 and 18895.
9.	Proposed date of adoption: 1 September 1996 Proposed date of entry into force:
10.	Final date for comments: 29 May 1996
11.	Texts available from: National enquiry point [X] or address and telefax number of other body:

Committee on Technical Barriers to TradeNOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>.....</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of the Environment Agency or authority designated to handle comments regarding the notification can be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Marine engines
5.	Title, number of pages and language(s) of the notified document: Law on Noise and Exhaust Gas Requirements on Marine Engines. Regulation on Noise and Exhaust Gas Requirements on Marine Engines
6.	Description of content: The Law and Regulation stipulate noise and exhaust gas requirements on marine engines for ships with a hull length not exceeding 24 metres. The requirements are limit values not to be exceeded when the engines are placed on the market. The manufacturer or his representative in <u>.....</u> is liable for conformity to the requirements. Marine engines are not subject to prior approval by an authority. Nor do they have to be tested at special Notified Bodies. At an inspection the manufacturer must instead be prepared to prove that his engines meet the requirements. If the engines do not meet the requirements the supervisory authority can instruct the manufacturer or his representative to adopt the measures necessary for remedying the shortcomings or prohibit further sales. Every engine that meets the requirements shall be marked. The Law and the Regulation will enter into force in two steps, 1 January 1998 and 1 January 1999.
7.	Objective and rationale: The purpose of the Law and the Regulation is to decrease the emissions of carbon monoxide, hydrocarbons and nitrogen oxides from marine engines and to reduce noise from the engines.
8.	Relevant documents: -
9.	Proposed date of adoption: 1 January 1998 Proposed date of entry into force: 1 January 1999
10.	Final date for comments: 17 June 1996
11.	Texts available from: National enquiry point [X] or address and telefax number of other body:

RESTRICTED

WORLD TRADE

G/TBT/CS/N/

*day month year*ORGANIZATION

Committee on Technical Barriers to Trade

Original: English

Under paragraph C of the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 to the WTO Agreement on Technical Barriers to Trade, "Standardizing bodies that have accepted or withdrawn from this Code shall notify this fact to the ISO/IEC Information Centre in Geneva." The following notification conveyed to the Secretariat from the ISO/IEC Information Centre is being circulated for the information of Members.

NOTIFICATIONUNDER PARAGRAPH C OF THE WTO TBT CODE OF GOOD PRACTICE

(Notification of acceptance of the WTO TBT Code of Good Practice)

Country/Customs Territory/Regional Arrangement: <i>X-LAND</i>		
Name of standardizing body: i.e. Standards Association of X-land <i>or</i> National Institute for Standardization of X-land ...		
Address of standardizing body: 20, Main Street 5th floor X-town		
Telephone: + (575) 1234	Telefax: + (575) 5678	Telex: ABCD 3
E-mail: <i>xland.st@inst</i>		
Type of standardizing body: <input checked="" type="checkbox"/> central governmental <input type="checkbox"/> local governmental <input type="checkbox"/> non-governmental		
Scope of current and expected standardization activities: All fields of standardization <i>or</i> Electrics and electronics ...		
Date: <i>day month year</i>		

Standardization

ISO/IEC Information Centre
International Organization for

Case postale 56
CH-1211 GENEVA 20
Switzerland

NOTIFICATION
UNDER PARAGRAPH J OF THE WTO TBT* CODE OF GOOD PRACTICE
(Notification of existence of work programme)

Country/Customs Territory/Regional Arrangement: *X-LAND*

Name of standardizing body: i.e. Standards Association of X-land
or
National Institute for Standardization of X-land

Address of standardizing body: 20, Main Street
5th floor
X-town

Telephone: + (575) 1234 **Telefax:** + (575) 5678 **Telex:** ABCD 3

E-mail: *xland.st@inst*

<p>1. <i>Name and issue of the publication in which the work programme is published:</i> NATIONAL GAZETTE OF X-LAND.....</p> <p>2. <i>The period to which the work programme applies:</i> day month year - day month year.....</p> <p>3. <i>The price of the work programme (if any):</i> 10 X-land \$. <i>or</i> free.....</p> <p>4. <i>How and where the work programme can be obtained:</i> Standards Association of X-land <i>or</i>National Institute for Standardization of X-land.....</p>

John Xman..... *day month year*
(Name) (Signature) (Date)

Director *or* Acting Head *etc.*

*WTO - World Trade Organization
TBT - Agreement on Technical Barriers to Trade

WORLD TRADE ORGANIZATION

RESTRICTED

G/TBT/10.7/N/

day month year

Committee on Technical Barriers to Trade

Original: English

AGREEMENT REACHED BY A MEMBER WITH ANOTHER COUNTRY OR COUNTRIES
ON ISSUES RELATED TO TECHNICAL REGULATIONS, STANDARDS
OR CONFORMITY ASSESSMENT PROCEDURES

NOTIFICATION

Under Article 10.7 of the Agreement "Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement." The following notification under Article 10.7 has been received.

1.	Member notifying: <i>X-LAND</i>
2.	Title of the bilateral or plurilateral Agreement: <i>X-Town Agreement</i>
3.	Parties to the Agreement: <i>Y-LAND and Z-LAND</i>
4.	Date of entry into force of the Agreement: <i>day month year</i>
5.	Products covered (HS or CCCN where applicable, otherwise national tariff heading): i.e. Electrical equipment <i>or</i> Terminal Equipment
6.	Subject matter covered by the Agreement (technical regulations, standards or conformity assessment)
7.	Brief description of the Agreement: Plurilateral Agreement for the Mutual Recognition of Conformity Assessment Procedures
8.	Further information available from: Ministry of Industry and Trade of X-land <i>Y-land or Z-land</i>

TBT-V

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

TEXT OF THE AGREEMENT

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Members,

Having regard to the Uruguay Round of Multilateral Trade Negotiations;

Desiring to further the objectives of GATT 1994;

Recognizing the important contribution that international standards and conformity assessment systems can make in this regard by improving efficiency of production and facilitating the conduct of international trade;

Desiring therefore to encourage the development of such international standards and conformity assessment systems;

Desiring however to ensure that technical regulations and standards, including packaging, marking and labelling requirements, and procedures for assessment of conformity with technical regulations and standards do not create unnecessary obstacles to international trade;

Recognizing that no country should be prevented from taking measures necessary to ensure the quality of its exports, or for the protection of human, animal or plant life or health, of the environment, or for the prevention of deceptive practices, at the levels it considers appropriate, subject to the requirement that they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, and are otherwise in accordance with the provisions of this Agreement;

Recognizing that no country should be prevented from taking measures necessary for the protection of its essential security interest;

Recognizing the contribution which international standardization can make to the transfer of technology from developed to developing countries;

Recognizing that developing countries may encounter special difficulties in the formulation and application of technical regulations and standards and procedures for assessment of conformity with technical regulations and standards, and desiring to assist them in their endeavours in this regard;

Hereby *agree* as follows:

Article 1

General Provisions

1.1 General terms for standardization and procedures for assessment of conformity shall normally have the meaning given to them by definitions adopted within the United Nations system and by international standardizing bodies taking into account their context and in the light of the object and purpose of this Agreement.

1.2 However, for the purposes of this Agreement the meaning of the terms given in Annex 1 applies.

1.3 All products, including industrial and agricultural products, shall be subject to the provisions of this Agreement.

1.4 Purchasing specifications prepared by governmental bodies for production or consumption requirements of governmental bodies are not subject to the provisions of this Agreement but are addressed in the Agreement on Government Procurement, according to its coverage.

1.5 The provisions of this Agreement do not apply to sanitary and phytosanitary measures as defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures.

1.6 All references in this Agreement to technical regulations, standards and conformity assessment procedures shall be construed to include any amendments thereto and any additions to the rules or the product coverage thereof, except amendments and additions of an insignificant nature.

TECHNICAL REGULATIONS AND STANDARDS

Article 2

Preparation, Adoption and Application of Technical Regulations by Central Government Bodies

With respect to their central government bodies:

2.1 Members shall ensure that in respect of technical regulations, products imported from the territory of any Member shall be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

2.2 Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate objectives are, *inter alia*: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are, *inter alia*: available scientific and technical information, related processing technology or intended end-uses of products.

2.3 Technical regulations shall not be maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a less trade-restrictive manner.

2.4 Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems.

2.5 A Member preparing, adopting or applying a technical regulation which may have a significant effect on trade of other Members shall, upon the request of another Member, explain the justification for that technical regulation in terms of the provisions of paragraphs 2 to 4. Whenever a technical regulation is prepared, adopted or applied for one of the legitimate objectives explicitly mentioned in paragraph 2, and is in accordance with relevant international standards, it shall be rebuttably presumed not to create an unnecessary obstacle to international trade.

2.6 With a view to harmonizing technical regulations on as wide a basis as possible, Members shall play a full part, within the limits of their resources, in the preparation by appropriate international standardizing bodies of international standards for products for which they either have adopted, or expect to adopt, technical regulations.

2.7 Members shall give positive consideration to accepting as equivalent technical regulations of other Members, even if these regulations differ from their own, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations.

2.8 Wherever appropriate, Members shall specify technical regulations based on product requirements in terms of performance rather than design or descriptive characteristics.

2.9 Whenever a relevant international standard does not exist or the technical content of a proposed technical regulation is not in accordance with the technical content of relevant international standards, and if the technical regulation may have a significant effect on trade of other Members, Members shall:

- 2.9.1 publish a notice in a publication at an early appropriate stage, in such a manner as to enable interested parties in other Members to become acquainted with it, that they propose to introduce a particular technical regulation;
- 2.9.2 notify other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;
- 2.9.3 upon request, provide to other Members particulars or copies of the proposed technical regulation and, whenever possible, identify the parts which in substance deviate from relevant international standards;
- 2.9.4 without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.

2.10 Subject to the provisions in the lead-in to paragraph 9, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 9 as it finds necessary, provided that the Member, upon adoption of a technical regulation, shall:

- 2.10.1 notify immediately other Members through the Secretariat of the particular technical regulation and the products covered, with a brief indication of the objective and the rationale of the technical regulation, including the nature of the urgent problems;
- 2.10.2 upon request, provide other Members with copies of the technical regulation;
- 2.10.3 without discrimination, allow other Members to present their comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.

2.11 Members shall ensure that all technical regulations which have been adopted are published promptly or otherwise made available in such a manner as to enable interested parties in other Members to become acquainted with them.

2.12 Except in those urgent circumstances referred to in paragraph 10, Members shall allow a reasonable interval between the publication of technical regulations and their entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products or methods of production to the requirements of the importing Member.

Article 3

Preparation, Adoption and Application of Technical Regulations by Local Government Bodies and Non-Governmental Bodies

With respect to their local government and non-governmental bodies within their territories:

3.1 Members shall take such reasonable measures as may be available to them to ensure compliance by such bodies with the provisions of Article 2, with the exception of the obligation to notify as referred to in paragraphs 9.2 and 10.1 of Article 2.

3.2 Members shall ensure that the technical regulations of local governments on the level directly below that of the central government in Members are notified in accordance with the provisions of

paragraphs 9.2 and 10.1 of Article 2, noting that notification shall not be required for technical regulations the technical content of which is substantially the same as that of previously notified technical regulations of central government bodies of the Member concerned.

3.3 Members may require contact with other Members, including the notifications, provision of information, comments and discussions referred to in paragraphs 9 and 10 of Article 2, to take place through the central government.

3.4 Members shall not take measures which require or encourage local government bodies or non-governmental bodies within their territories to act in a manner inconsistent with the provisions of Article 2.

3.5 Members are fully responsible under this Agreement for the observance of all provisions of Article 2. Members shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of Article 2 by other than central government bodies.

Article 4

Preparation, Adoption and Application of Standards

4.1 Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 to this Agreement (referred to in this Agreement as the "Code of Good Practice"). They shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with this Code of Good Practice. In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such standardizing bodies to act in a manner inconsistent with the Code of Good Practice. The obligations of Members with respect to compliance of standardizing bodies with the provisions of the Code of Good Practice shall apply irrespective of whether or not a standardizing body has accepted the Code of Good Practice.

4.2 Standardizing bodies that have accepted and are complying with the Code of Good Practice shall be acknowledged by the Members as complying with the principles of this Agreement.

CONFORMITY WITH TECHNICAL REGULATIONS AND STANDARDS

Article 5

Procedures for Assessment of Conformity by Central Government Bodies

5.1 Members shall ensure that, in cases where a positive assurance of conformity with technical regulations or standards is required, their central government bodies apply the following provisions to products originating in the territories of other Members:

5.1.1 conformity assessment procedures are prepared, adopted and applied so as to grant access for suppliers of like products originating in the territories of other Members under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country, in a comparable situation; access entails suppliers' right to an assessment of conformity under the rules of the procedure, including, when foreseen by this procedure, the possibility to have conformity assessment activities undertaken at the site of facilities and to receive the mark of the system;

5.1.2 conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. This means, *inter alia*, that

conformity assessment procedures shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform with the applicable technical regulations or standards, taking account of the risks non-conformity would create.

- 5.2 When implementing the provisions of paragraph 1, Members shall ensure that:
- 5.2.1 conformity assessment procedures are undertaken and completed as expeditiously as possible and in a no less favourable order for products originating in the territories of other Members than for like domestic products;
 - 5.2.2 the standard processing period of each conformity assessment procedure is published or that the anticipated processing period is communicated to the applicant upon request; when receiving an application, the competent body promptly examines the completeness of the documentation and informs the applicant in a precise and complete manner of all deficiencies; the competent body transmits as soon as possible the results of the assessment in a precise and complete manner to the applicant so that corrective action may be taken if necessary; even when the application has deficiencies, the competent body proceeds as far as practicable with the conformity assessment if the applicant so requests; and that, upon request, the applicant is informed of the stage of the procedure, with any delay being explained;
 - 5.2.3 information requirements are limited to what is necessary to assess conformity and determine fees;
 - 5.2.4 the confidentiality of information about products originating in the territories of other Members arising from or supplied in connection with such conformity assessment procedures is respected in the same way as for domestic products and in such a manner that legitimate commercial interests are protected;
 - 5.2.5 any fees imposed for assessing the conformity of products originating in the territories of other Members are equitable in relation to any fees chargeable for assessing the conformity of like products of national origin or originating in any other country, taking into account communication, transportation and other costs arising from differences between location of facilities of the applicant and the conformity assessment body;
 - 5.2.6 the siting of facilities used in conformity assessment procedures and the selection of samples are not such as to cause unnecessary inconvenience to applicants or their agents;
 - 5.2.7 whenever specifications of a product are changed subsequent to the determination of its conformity to the applicable technical regulations or standards, the conformity assessment procedure for the modified product is limited to what is necessary to determine whether adequate confidence exists that the product still meets the technical regulations or standards concerned;
 - 5.2.8 a procedure exists to review complaints concerning the operation of a conformity assessment procedure and to take corrective action when a complaint is justified.
- 5.3 Nothing in paragraphs 1 and 2 shall prevent Members from carrying out reasonable spot checks within their territories.
- 5.4 In cases where a positive assurance is required that products conform with technical regulations or standards, and relevant guides or recommendations issued by international standardizing bodies exist or their completion is imminent, Members shall ensure that central government bodies use them, or the relevant parts of them, as a basis for their conformity assessment procedures, except where, as duly explained upon request, such guides or recommendations or relevant parts are inappropriate for the Members concerned, for, *inter alia*, such reasons as: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment; fundamental climatic or other geographical factors; fundamental technological or infrastructural problems.

5.5 With a view to harmonizing conformity assessment procedures on as wide a basis as possible, Members shall play a full part, within the limits of their resources, in the preparation by appropriate international standardizing bodies of guides and recommendations for conformity assessment procedures.

5.6 Whenever a relevant guide or recommendation issued by an international standardizing body does not exist or the technical content of a proposed conformity assessment procedure is not in accordance with relevant guides and recommendations issued by international standardizing bodies, and if the conformity assessment procedure may have a significant effect on trade of other Members, Members shall:

5.6.1 publish a notice in a publication at an early appropriate stage, in such a manner as to enable interested parties in other Members to become acquainted with it, that they propose to introduce a particular conformity assessment procedure;

5.6.2 notify other Members through the Secretariat of the products to be covered by the proposed conformity assessment procedure, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account;

5.6.3 upon request, provide to other Members particulars or copies of the proposed procedure and, whenever possible, identify the parts which in substance deviate from relevant guides or recommendations issued by international standardizing bodies;

5.6.4 without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.

5.7 Subject to the provisions in the lead-in to paragraph 6, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 6 as it finds necessary, provided that the Member, upon adoption of the procedure, shall:

5.7.1 notify immediately other Members through the Secretariat of the particular procedure and the products covered, with a brief indication of the objective and the rationale of the procedure, including the nature of the urgent problems;

5.7.2 upon request, provide other Members with copies of the rules of the procedure;

5.7.3 without discrimination, allow other Members to present their comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.

5.8 Members shall ensure that all conformity assessment procedures which have been adopted are published promptly or otherwise made available in such a manner as to enable interested parties in other Members to become acquainted with them.

5.9 Except in those urgent circumstances referred to in paragraph 7, Members shall allow a reasonable interval between the publication of requirements concerning conformity assessment procedures and their entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products or methods of production to the requirements of the importing Member.

Article 6

Recognition of Conformity Assessment by Central Government Bodies

With respect to their central government bodies:

6.1 Without prejudice to the provisions of paragraphs 3 and 4, Members shall ensure, whenever possible, that results of conformity assessment procedures in other Members are accepted, even when those procedures differ from their own, provided they are satisfied that those procedures offer an assurance of conformity with applicable technical regulations or standards equivalent to their own procedures. It is recognized that prior consultations may be necessary in order to arrive at a mutually satisfactory understanding regarding, in particular:

6.1.1 adequate and enduring technical competence of the relevant conformity assessment bodies in the exporting Member, so that confidence in the continued reliability of their conformity assessment results can exist; in this regard, verified compliance, for instance through accreditation, with relevant guides or recommendations issued by international standardizing bodies shall be taken into account as an indication of adequate technical competence;

6.1.2 limitation of the acceptance of conformity assessment results to those produced by designated bodies in the exporting Member.

6.2 Members shall ensure that their conformity assessment procedures permit, as far as practicable, the implementation of the provisions in paragraph 1.

6.3 Members are encouraged, at the request of other Members, to be willing to enter into negotiations for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures. Members may require that such agreements fulfil the criteria of paragraph 1 and give mutual satisfaction regarding their potential for facilitating trade in the products concerned.

6.4 Members are encouraged to permit participation of conformity assessment bodies located in the territories of other Members in their conformity assessment procedures under conditions no less favourable than those accorded to bodies located within their territory or the territory of any other country.

Article 7

Procedures for Assessment of Conformity by Local Government Bodies

With respect to their local government bodies within their territories:

7.1 Members shall take such reasonable measures as may be available to them to ensure compliance by such bodies with the provisions of Articles 5 and 6, with the exception of the obligation to notify as referred to in paragraphs 6.2 and 7.1 of Article 5.

7.2 Members shall ensure that the conformity assessment procedures of local governments on the level directly below that of the central government in Members are notified in accordance with the provisions of paragraphs 6.2 and 7.1 of Article 5, noting that notifications shall not be required for conformity assessment procedures the technical content of which is substantially the same as that of previously notified conformity assessment procedures of central government bodies of the Members concerned.

7.3 Members may require contact with other Members, including the notifications, provision of information, comments and discussions referred to in paragraphs 6 and 7 of Article 5, to take place through the central government.

7.4 Members shall not take measures which require or encourage local government bodies within their territories to act in a manner inconsistent with the provisions of Articles 5 and 6.

7.5 Members are fully responsible under this Agreement for the observance of all provisions of Articles 5 and 6. Members shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of Articles 5 and 6 by other than central government bodies.

*Article 8**Procedures for Assessment of Conformity by Non-Governmental Bodies*

8.1 Members shall take such reasonable measures as may be available to them to ensure that non-governmental bodies within their territories which operate conformity assessment procedures comply with the provisions of Articles 5 and 6, with the exception of the obligation to notify proposed conformity assessment procedures. In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such bodies to act in a manner inconsistent with the provisions of Articles 5 and 6.

8.2 Members shall ensure that their central government bodies rely on conformity assessment procedures operated by non-governmental bodies only if these latter bodies comply with the provisions of Articles 5 and 6, with the exception of the obligation to notify proposed conformity assessment procedures.

*Article 9**International and Regional Systems*

9.1 Where a positive assurance of conformity with a technical regulation or standard is required, Members shall, wherever practicable, formulate and adopt international systems for conformity assessment and become members thereof or participate therein.

9.2 Members shall take such reasonable measures as may be available to them to ensure that international and regional systems for conformity assessment in which relevant bodies within their territories are members or participants comply with the provisions of Articles 5 and 6. In addition, Members shall not take any measures which have the effect of, directly or indirectly, requiring or encouraging such systems to act in a manner inconsistent with any of the provisions of Articles 5 and 6.

9.3 Members shall ensure that their central government bodies rely on international or regional conformity assessment systems only to the extent that these systems comply with the provisions of Articles 5 and 6, as applicable.

INFORMATION AND ASSISTANCE

*Article 10**Information About Technical Regulations, Standards and Conformity Assessment Procedures*

10.1 Each Member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents regarding:

- 10.1.1 any technical regulations adopted or proposed within its territory by central or local government bodies, by non-governmental bodies which have legal power to enforce a technical regulation, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.2 any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.3 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by central or local government bodies, or by

non-governmental bodies which have legal power to enforce a technical regulation, or by regional bodies of which such bodies are members or participants;

10.1.4 the membership and participation of the Member, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; it shall also be able to provide reasonable information on the provisions of such systems and arrangements;

10.1.5 the location of notices published pursuant to this Agreement, or the provision of information as to where such information can be obtained; and

10.1.6 the location of the enquiry points mentioned in paragraph 3.

10.2 If, however, for legal or administrative reasons more than one enquiry point is established by a Member, that Member shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these enquiry points. In addition, that Member shall ensure that any enquiries addressed to an incorrect enquiry point shall promptly be conveyed to the correct enquiry point.

10.3 Each Member shall take such reasonable measures as may be available to it to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents or information as to where they can be obtained regarding:

10.3.1 any standards adopted or proposed within its territory by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants; and

10.3.2 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by non-governmental bodies, or by regional bodies of which such bodies are members or participants;

10.3.3 the membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; they shall also be able to provide reasonable information on the provisions of such systems and arrangements.

10.4 Members shall take such reasonable measures as may be available to them to ensure that where copies of documents are requested by other Members or by interested parties in other Members, in accordance with the provisions of this Agreement, they are supplied at an equitable price (if any) which shall, apart from the real cost of delivery, be the same for the nationals¹ of the Member concerned or of any other Member.

10.5 Developed country Members shall, if requested by other Members, provide, in English, French or Spanish, translations of the documents covered by a specific notification or, in case of voluminous documents, of summaries of such documents.

10.6 The Secretariat shall, when it receives notifications in accordance with the provisions of this Agreement, circulate copies of the notifications to all Members and interested international standardizing and conformity assessment bodies, and draw the attention of developing country Members to any notifications relating to products of particular interest to them.

¹"Nationals" here shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

10.7 Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.

10.8 Nothing in this Agreement shall be construed as requiring:

10.8.1 the publication of texts other than in the language of the Member;

10.8.2 the provision of particulars or copies of drafts other than in the language of the Member except as stated in paragraph 5; or

10.8.3 Members to furnish any information, the disclosure of which they consider contrary to their essential security interests.

10.9 Notifications to the Secretariat shall be in English, French or Spanish.

10.10 Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures under this Agreement except those included in Annex 3.

10.11 If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Member concerned shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these authorities.

Article 11

Technical Assistance to Other Members

11.1 Members shall, if requested, advise other Members, especially the developing country Members, on the preparation of technical regulations.

11.2 Members shall, if requested, advise other Members, especially the developing country Members, and shall grant them technical assistance on mutually agreed terms and conditions regarding the establishment of national standardizing bodies, and participation in the international standardizing bodies, and shall encourage their national standardizing bodies to do likewise.

11.3 Members shall, if requested, take such reasonable measures as may be available to them to arrange for the regulatory bodies within their territories to advise other Members, especially the developing country Members, and shall grant them technical assistance on mutually agreed terms and conditions regarding:

11.3.1 the establishment of regulatory bodies, or bodies for the assessment of conformity with technical regulations; and

11.3.2 the methods by which their technical regulations can best be met.

11.4 Members shall, if requested, take such reasonable measures as may be available to them to arrange for advice to be given to other Members, especially the developing country Members, and shall grant them technical assistance on mutually agreed terms and conditions regarding the establishment of bodies for the assessment of conformity with standards adopted within the territory of the requesting Member.

11.5 Members shall, if requested, advise other Members, especially the developing country Members, and shall grant them technical assistance on mutually agreed terms and conditions regarding the steps that should be taken by their producers if they wish to have access to systems for conformity assessment operated by governmental or non-governmental bodies within the territory of the Member receiving the request.

11.6 Members which are members or participants of international or regional systems for conformity assessment shall, if requested, advise other Members, especially the developing country Members, and shall grant them technical assistance on mutually agreed terms and conditions regarding the establishment of the institutions and legal framework which would enable them to fulfil the obligations of membership or participation in such systems.

11.7 Members shall, if so requested, encourage bodies within their territories which are members or participants of international or regional systems for conformity assessment to advise other Members, especially the developing country Members, and should consider requests for technical assistance from them regarding the establishment of the institutions which would enable the relevant bodies within their territories to fulfil the obligations of membership or participation.

11.8 In providing advice and technical assistance to other Members in terms of paragraphs 1 to 7, Members shall give priority to the needs of the least-developed country Members.

Article 12

Special and Differential Treatment of Developing Country Members

12.1 Members shall provide differential and more favourable treatment to developing country Members to this Agreement, through the following provisions as well as through the relevant provisions of other Articles of this Agreement.

12.2 Members shall give particular attention to the provisions of this Agreement concerning developing country Members' rights and obligations and shall take into account the special development, financial and trade needs of developing country Members in the implementation of this Agreement, both nationally and in the operation of this Agreement's institutional arrangements.

12.3 Members shall, in the preparation and application of technical regulations, standards and conformity assessment procedures, take account of the special development, financial and trade needs of developing country Members, with a view to ensuring that such technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports from developing country Members.

12.4 Members recognize that, although international standards, guides or recommendations may exist, in their particular technological and socio-economic conditions, developing country Members adopt certain technical regulations, standards or conformity assessment procedures aimed at preserving indigenous technology and production methods and processes compatible with their development needs. Members therefore recognize that developing country Members should not be expected to use international standards as a basis for their technical regulations or standards, including test methods, which are not appropriate to their development, financial and trade needs.

12.5 Members shall take such reasonable measures as may be available to them to ensure that international standardizing bodies and international systems for conformity assessment are organized and operated in a way which facilitates active and representative participation of relevant bodies in all Members, taking into account the special problems of developing country Members.

12.6 Members shall take such reasonable measures as may be available to them to ensure that international standardizing bodies, upon request of developing country Members, examine the possibility of, and, if practicable, prepare international standards concerning products of special interest to developing country Members.

12.7 Members shall, in accordance with the provisions of Article 11, provide technical assistance to developing country Members to ensure that the preparation and application of technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to the expansion and diversification of exports from developing country Members. In determining the terms and conditions of the technical assistance, account shall be taken of the stage of development of the requesting Members and in particular of the least-developed country Members.

12.8 It is recognized that developing country Members may face special problems, including institutional and infrastructural problems, in the field of preparation and application of technical regulations, standards and conformity assessment procedures. It is further recognized that the special development and trade needs of developing country Members, as well as their stage of technological development, may hinder their ability to discharge fully their obligations under this Agreement. Members, therefore, shall take this fact fully into account. Accordingly, with a view to ensuring that developing country Members are able to comply with this Agreement, the Committee on Technical Barriers to Trade provided for in Article 13 (referred to in this Agreement as the "Committee") is enabled to grant, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement. When considering such requests the Committee shall take into account the special problems, in the field of preparation and application of technical regulations, standards and conformity assessment procedures, and the special development and trade needs of the developing country Member, as well as its stage of technological development, which may hinder its ability to discharge fully its obligations under this Agreement. The Committee shall, in particular, take into account the special problems of the least-developed country Members.

12.9 During consultations, developed country Members shall bear in mind the special difficulties experienced by developing country Members in formulating and implementing standards and technical regulations and conformity assessment procedures, and in their desire to assist developing country Members with their efforts in this direction, developed country Members shall take account of the special needs of the former in regard to financing, trade and development.

12.10 The Committee shall examine periodically the special and differential treatment, as laid down in this Agreement, granted to developing country Members on national and international levels.

INSTITUTIONS, CONSULTATION AND DISPUTE SETTLEMENT

Article 13

The Committee on Technical Barriers to Trade

13.1 A Committee on Technical Barriers to Trade is hereby established, and shall be composed of representatives from each of the Members. The Committee shall elect its own Chairman and shall meet as necessary, but no less than once a year, for the purpose of affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives, and shall carry out such responsibilities as assigned to it under this Agreement or by the Members.

13.2 The Committee shall establish working parties or other bodies as may be appropriate, which shall carry out such responsibilities as may be assigned to them by the Committee in accordance with the relevant provisions of this Agreement.

13.3 It is understood that unnecessary duplication should be avoided between the work under this Agreement and that of governments in other technical bodies. The Committee shall examine this problem with a view to minimizing such duplication.

Article 14

Consultation and Dispute Settlement

14.1 Consultations and the settlement of disputes with respect to any matter affecting the operation of this Agreement shall take place under the auspices of the Dispute Settlement Body and shall follow, *mutatis mutandis*, the provisions of Articles XXII and XXIII of GATT 1994, as elaborated and applied by the Dispute Settlement Understanding.

14.2 At the request of a party to a dispute, or at its own initiative, a panel may establish a technical expert group to assist in questions of a technical nature, requiring detailed consideration by experts.

14.3 Technical expert groups shall be governed by the procedures of Annex 2.

14.4 The dispute settlement provisions set out above can be invoked in cases where a Member considers that another Member has not achieved satisfactory results under Articles 3, 4, 7, 8 and 9 and its trade interests are significantly affected. In this respect, such results shall be equivalent to those as if the body in question were a Member.

FINAL PROVISIONS

Article 15

Final Provisions

Reservations

15.1 Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

Review

15.2 Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee.

15.3 The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof.

15.4 Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of this Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. Having regard, *inter alia*, to the experience gained in the implementation of the Agreement, the Committee shall, where appropriate, submit proposals for amendments to the text of this Agreement to the Council for Trade in Goods.

Annexes

15.5 The annexes to this Agreement constitute an integral part thereof.

ANNEX 1

TERMS AND THEIR DEFINITIONS FOR THE
PURPOSE OF THIS AGREEMENT

The terms presented in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and Their Definitions Concerning Standardization and Related Activities, shall, when used in this Agreement, have the same meaning as given in the definitions in the said Guide taking into account that services are excluded from the coverage of this Agreement.

For the purpose of this Agreement, however, the following definitions shall apply:

1. *Technical regulation*

Document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

Explanatory note

The definition in ISO/IEC Guide 2 is not self-contained, but based on the so-called "building block" system.

2. *Standard*

Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

Explanatory note

The terms as defined in ISO/IEC Guide 2 cover products, processes and services. This Agreement deals only with technical regulations, standards and conformity assessment procedures related to products or processes and production methods. Standards as defined by ISO/IEC Guide 2 may be mandatory or voluntary. For the purpose of this Agreement standards are defined as voluntary and technical regulations as mandatory documents. Standards prepared by the international standardization community are based on consensus. This Agreement covers also documents that are not based on consensus.

3. *Conformity assessment procedures*

Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled.

Explanatory note

Conformity assessment procedures include, *inter alia*, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combinations.

4. *International body or system*

Body or system whose membership is open to the relevant bodies of at least all Members.

5. *Regional body or system*

Body or system whose membership is open to the relevant bodies of only some of the Members.

6. *Central government body*

Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question.

Explanatory note:

In the case of the European Communities the provisions governing central government bodies apply. However, regional bodies or conformity assessment systems may be established within the European Communities, and in such cases would be subject to the provisions of this Agreement on regional bodies or conformity assessment systems.

7. *Local government body*

Government other than a central government (e.g. states, provinces, Länder, cantons, municipalities, etc.), its ministries or departments or any body subject to the control of such a government in respect of the activity in question.

8. *Non-governmental body*

Body other than a central government body or a local government body, including a non-governmental body which has legal power to enforce a technical regulation.

ANNEX 2

TECHNICAL EXPERT GROUPS

The following procedures shall apply to technical expert groups established in accordance with the provisions of Article 14.

1. Technical expert groups are under the panel's authority. Their terms of reference and detailed working procedures shall be decided by the panel, and they shall report to the panel.
2. Participation in technical expert groups shall be restricted to persons of professional standing and experience in the field in question.
3. Citizens of parties to the dispute shall not serve on a technical expert group without the joint agreement of the parties to the dispute, except in exceptional circumstances when the panel considers that the need for specialized scientific expertise cannot be fulfilled otherwise. Government officials of parties to the dispute shall not serve on a technical expert group. Members of technical expert groups shall serve in their individual capacities and not as government representatives, nor as representatives of any organization. Governments or organizations shall therefore not give them instructions with regard to matters before a technical expert group.
4. Technical expert groups may consult and seek information and technical advice from any source they deem appropriate. Before a technical expert group seeks such information or advice from a source within the jurisdiction of a Member, it shall inform the government of that Member. Any Member shall respond promptly and fully to any request by a technical expert group for such information as the technical expert group considers necessary and appropriate.
5. The parties to a dispute shall have access to all relevant information provided to a technical expert group, unless it is of a confidential nature. Confidential information provided to the technical expert group shall not be released without formal authorization from the government, organization or person providing the information. Where such information is requested from the technical expert group but release of such information by the technical expert group is not authorized, a non-confidential summary of the information will be provided by the government, organization or person supplying the information.
6. The technical expert group shall submit a draft report to the Members concerned with a view to obtaining their comments, and taking them into account, as appropriate, in the final report, which shall also be circulated to the Members concerned when it is submitted to the panel.

ANNEX 3

CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND
APPLICATION OF STANDARDS*General Provisions*

- A. For the purposes of this Code the definitions in Annex 1 of this Agreement shall apply.
- B. This Code is open to acceptance by any standardizing body within the territory of a Member of the WTO, whether a central government body, a local government body, or a non-governmental body; to any governmental regional standardizing body one or more members of which are Members of the WTO; and to any non-governmental regional standardizing body one or more members of which are situated within the territory of a Member of the WTO (referred to in this Code collectively as "standardizing bodies" and individually as "the standardizing body").
- C. Standardizing bodies that have accepted or withdrawn from this Code shall notify this fact to the ISO/IEC Information Centre in Geneva. The notification shall include the name and address of the body concerned and the scope of its current and expected standardization activities. The notification may be sent either directly to the ISO/IEC Information Centre, or through the national member body of ISO/IEC or, preferably, through the relevant national member or international affiliate of ISONET, as appropriate.

SUBSTANTIVE PROVISIONS

- D. In respect of standards, the standardizing body shall accord treatment to products originating in the territory of any other Member of the WTO no less favourable than that accorded to like products of national origin and to like products originating in any other country.
- E. The standardizing body shall ensure that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade.
- F. Where international standards exist or their completion is imminent, the standardizing body shall use them, or the relevant parts of them, as a basis for the standards it develops, except where such international standards or relevant parts would be ineffective or inappropriate, for instance, because of an insufficient level of protection or fundamental climatic or geographical factors or fundamental technological problems.
- G. With a view to harmonizing standards on as wide a basis as possible, the standardizing body shall, in an appropriate way, play a full part, within the limits of its resources, in the preparation by relevant international standardizing bodies of international standards regarding subject matter for which it either has adopted, or expects to adopt, standards. For standardizing bodies within the territory of a Member, participation in a particular international standardization activity shall, whenever possible, take place through one delegation representing all standardizing bodies in the territory that have adopted, or expect to adopt, standards for the subject matter to which the international standardization activity relates.
- H. The standardizing body within the territory of a Member shall make every effort to avoid duplication of, or overlap with, the work of other standardizing bodies in the national territory or with the work of relevant international or regional standardizing bodies. They shall also make every effort to achieve a national consensus on the standards they develop. Likewise the regional standardizing body shall make every effort to avoid duplication of, or overlap with, the work of relevant international standardizing bodies.
- I. Wherever appropriate, the standardizing body shall specify standards based on product requirements in terms of performance rather than design or descriptive characteristics.

J. At least once every six months, the standardizing body shall publish a work programme containing its name and address, the standards it is currently preparing and the standards which it has adopted in the preceding period. A standard is under preparation from the moment a decision has been taken to develop a standard until that standard has been adopted. The titles of specific draft standards shall, upon request, be provided in English, French or Spanish. A notice of the existence of the work programme shall be published in a national or, as the case may be, regional publication of standardization activities.

The work programme shall for each standard indicate, in accordance with any ISONET rules, the classification relevant to the subject matter, the stage attained in the standard's development, and the references of any international standards taken as a basis. No later than at the time of publication of its work programme, the standardizing body shall notify the existence thereof to the ISO/IEC Information Centre in Geneva.

The notification shall contain the name and address of the standardizing body, the name and issue of the publication in which the work programme is published, the period to which the work programme applies, its price (if any), and how and where it can be obtained. The notification may be sent directly to the ISO/IEC Information Centre, or, preferably, through the relevant national member or international affiliate of ISONET, as appropriate.

K. The national member of ISO/IEC shall make every effort to become a member of ISONET or to appoint another body to become a member as well as to acquire the most advanced membership type possible for the ISONET member. Other standardizing bodies shall make every effort to associate themselves with the ISONET member.

L. Before adopting a standard, the standardizing body shall allow a period of at least 60 days for the submission of comments on the draft standard by interested parties within the territory of a Member of the WTO. This period may, however, be shortened in cases where urgent problems of safety, health or environment arise or threaten to arise. 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. Such notification shall include, as far as practicable, whether the draft standard deviates from relevant international standards.

M. On the request of any interested party within the territory of a Member of the WTO, the standardizing body shall promptly provide, or arrange to provide, a copy of a draft standard which it has submitted for comments. Any fees charged for this service shall, apart from the real cost of delivery, be the same for foreign and domestic parties.

N. The standardizing body shall take into account, in the further processing of the standard, the comments received during the period for commenting. Comments received through standardizing bodies that have accepted this Code of Good Practice shall, if so requested, be replied to as promptly as possible. The reply shall include an explanation why a deviation from relevant international standards is necessary.

O. Once the standard has been adopted, it shall be promptly published.

P. On the request of any interested party within the territory of a Member of the WTO, the standardizing body shall promptly provide, or arrange to provide, a copy of its most recent work programme or of a standard which it produced. Any fees charged for this service shall, apart from the real cost of delivery, be the same for foreign and domestic parties.

Q. The standardizing body shall afford sympathetic consideration to, and adequate opportunity for, consultation regarding representations with respect to the operation of this Code presented by standardizing bodies that have accepted this Code of Good Practice. It shall make an objective effort to solve any complaints.