

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

TBT/W/116

6 September 1988

Special Distribution

Committee on Technical Barriers to Trade

Original: English

TRANSPARENCY IN THE DRAFTING PROCESS OF TECHNICAL REGULATIONS, STANDARDS AND CERTIFICATION SYSTEMS BY CENTRAL GOVERNMENT BODIES

Proposal by Japan

Japan proposes the following elements to be added, for example, after Article 2, paragraph 5, sub-paragraph 1, and Article 7, paragraph 3, sub-paragraph 1. Necessary adjustment to the existing provisions shall be made upon introduction of the above proposals.

2.5* in the drafting process of technical regulations and standards, recognize the desirability to allow, without discrimination, interested parties in other Parties to make comments on the draft presented before drawing up the proposed technical regulations or standards stipulated in Article 2, paragraph 5, sub-paragraph 3.

7.3* in the drafting process of a certification system, recognize the desirability to allow, without discrimination, interested parties in other Parties to make comments on the draft presented before drawing up the proposed rules of the systems stipulated in Article 7, paragraph 3, sub-paragraph 3.

As for Article 3, paragraph 1, insert [Article 2, paragraph 5, sub-paragraph *] following [Article 2, paragraph 3].

As for Article 8, paragraph 1, insert [Article 7, paragraph 3, sub-paragraph *] before [Article 7, paragraph 3, sub-paragraph 2].

Background

The existing Code stipulates that the proposed technical regulations, and standards and certification systems be notified to the GATT secretariat when they are drawn up and that reasonable time be allowed for other Parties to make comments.

./.

However, it would be difficult to take such comments fully into account if comments are communicated just before finalizing the drafts.

However, improved transparency in the policy-making and implementing process may be obtained for technical regulations, standards or certification systems that have significant effect on international trade, by having central government bodies present their draft to interested parties in other Parties at their preliminary drafting stage and by allowing them to state their comments.

In view of the above, the Government of Japan considers it necessary to improve the transparency of technical regulations, standards and certification systems at the drafting process by introducing the proposed provisions.

The following is the outline of the procedure:

- (a) The following information is to be published in the designated publication except for emergency cases:
 - (1) appellation or outline of technical regulations, standards, or certification systems;
 - (2) method of presenting the drafts;
 - (3) arrangements for hearing comments;
 - (4) future schedule for deliberations;
 - (5) contact point in the government bodies concerned.
- (b) The name of the designated publications are to be notified to other Parties in advance through the GATT secretariat.