

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

RESTRICTED

TBT/W/115/Rev.1

26 March 1990

Special Distribution

Committee on Technical Barriers to Trade

### TRANSPARENCY AND ACCELERATION OF THE OPERATION OF CERTIFICATION SYSTEMS BY CENTRAL GOVERNMENT BODIES

#### Proposal by Japan

Japan presented its proposal on transparency of the operation of certification systems at the meeting of September 1988. In consideration of the comments made by other countries on the proposal, Japan hereby puts forth its revised submission as follows.

Japan proposes the following elements to be added:

#### after Article 7, paragraph 2

7.\* Parties shall ensure that certification systems are initiated and implemented without undue delay.

#### after Article 7, paragraph 5

7.\* Parties shall ensure that the standard processing period of each certification system is published or, that, when it is impossible to publish the standard processing period the anticipated processing period is notified to an applicant upon request. In case the application cannot be processed within the standard or anticipated period of time, the reason for delay is notified by the central government bodies to the applicant upon request.

#### Background

The existing Code requires the Parties concerned to make prior notice of their intention to introduce a certification system, and to notify the GATT secretariat of the products to be covered under the system and the objective of the proposed system for the purpose of ensuring transparency in the formulation of the certification system.

However, the current provisions do not stipulate any specific requirement with respect to the operation of the systems.

If the standard or anticipated processing period for approval under a certification system is not made known, it might create difficulties in drawing up export programme (production programme) or engender anxiety as well as misunderstanding among the interested parties of other Parties, resulting from the ambiguity in the processing situation.

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Further, even if the standard or anticipated processing period is notified, a similar problem may arise in cases where an actual issuance of certificate is unduly delayed until the very end of that prescribed period.

In view of the above, the Government of Japan considers it appropriate to improve the transparency and acceleration of the operation of certification systems by introducing the above proposed provisions so as to prevent unnecessary obstacles to international trade from occurring.

We consider that the following elements should not be counted within the meaning of the standard or anticipated processing period:

- (a) time required for correction of incomplete applications;
- (b) time required by the applicants in order to prepare themselves for the test;
- (c) time needed by the applicants in order to answer enquiries.