

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

TBT/W/143

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Special Distribution

Committee on Technical Barriers to Trade

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DIFFERENT TYPES OF TECHNICAL REGULATIONS

Note by the Nordic delegations

Introduction

When discussing the possible inclusion of PPMs to the scope of the Agreement one of the problems to be solved is that of hierarchy between technical regulations based on product specifications and those based on PPMs. In the proposal by New Zealand (TBT/W/132) Article 2.4 is proposed to be amended to read:

Wherever appropriate, Parties shall specify technical regulations and standards in terms of performance rather than design or descriptive characteristics, or processes and production methods.

It has been noted, however, that in several cases regulations based on PPMs are to preferred as less trade restrictive.

The Nordic delegations have therefore tried to draft a provision that would be flexible enough, but nevertheless give sufficient guidance.

Proposal Article 2, paragraph 4

Parties shall ensure that in preparing technical regulations in the choice between different ways to present the necessary requirements (on performance, marking or design of the products, or on processes and production methods) they use those which are least trade restrictive except in cases when this for technical or economic reasons is not feasible.