

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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Committee on Technical Barriers to Trade

Communication from the ISO/IEC

The final version of *ISO/IEC Guide 59: Code of good practice for standardization* and, attached to it, a letter dated 13 December 1993, has been received from the ISO Secretary General and the IEC General Secretary, indicating that the *ISO/IEC Guide 59* had been approved by the ISO and IEC Councils at their respective meetings in November 1993.

They submitted this document to the GATT secretariat in response to the request of the GATT Committee on Technical Barriers to Trade at its meeting on 11 May 1993 that the GATT secretariat should prepare a factual comparison of the texts of the ISO/IEC Code and Annex 3 of the draft 1991 Agreement on Technical Barriers to Trade, as soon as the final version of the ISO/IEC Code is available.

It was also indicated that, in order not to present a confusing situation to standards bodies which may choose to make statements of adherence to Annex 3 of the current draft TBT Agreement, neither ISO nor IEC will seek statements of adherence to the ISO/IEC Code at the present time.

ISO/IEC GUIDE 59: CODE OF GOOD PRACTICE FOR STANDARDIZATION

1. Introductory commentary

1.1 Standards play an important role in trade and commerce within and between all countries of the world. These standards are developed by many bodies, at sub-national, national, regional and international levels, a significant number of which prepare their documents by consensus processes. Alongside the growth of international trade and technological cooperation, standardizing bodies have developed procedures and modes of cooperation which are commonly considered to constitute good practices for standards development at all levels. These practices are set out here in the form of a code, applicable to governmental and non-governmental consensus bodies.

1.2 At international level, the voluntary standardization process is essentially coordinated under the auspices of the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), and the International Telecommunications Union (ITU). These bodies are apex organizations for an extensive infrastructure which has its foundations at national level, and extends into regional activities whenever necessary. This global system (i.e. standardization at national, regional and international level) is linked together via collaboration agreements between ISO, IEC and ITU at international level; by similar agreements between standardization organizations at regional level, such as CEN, CENELEC and ETSI in Europe; and at the base, through an extensive array of collaboration agreements between the national members of the three apex organizations.

1.3 Within the global standardization system, the national members of the three apex organizations assume the major responsibility for ensuring coherency and coordination. For this reason a distinction is made, in the definitions and under clauses 6 and 7 of this code, between a **standardizing body** (of which there may be many in the same country) and a national **standards body** which in addition is the national member of one or more of the international apex bodies, and of the corresponding regional organizations where relevant.

1.4 Adoption of this code is voluntary and intended to ensure openness and transparency, together with an optimum degree of order, coherence and effectiveness in worldwide standardization processes. Provisions which should be of a binding nature are given in the form of requirements, using the modal auxiliary "shall".

2. Definitions

For the purposes of this code, the definitions of ISO/IEC Guide 2: 1991 shall apply to any body which approves standards using procedures based on the principles of consensus. Such bodies form a subset of the bodies covered by Annex 3 of the GATT 1991 Agreement on Technical Barriers to Trade, as explained in annex A to this code.

3. General provisions

3.1 This code is intended for use by any standardizing body, whether governmental or non-governmental, at international, regional, national or sub-national level. Standardizing bodies that have adopted this code may notify this fact to the ISO or IEC member in their country, which will forward the notification to the ISO/IEC Information Centre in Geneva. The

notifications should include the name and address of the body concerned and the scope of its current and expected standardization activities. Regional or international standardizing bodies, and standardizing bodies in countries without ISO or IEC members, may notify their adoption of this code directly to the ISO/IEC Information Centre.

3.2 Members of ISO shall make every effort to become members 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 ISONET (see annex B for description of the ISONET system).

3.3 The standardizing body shall afford sympathetic consideration to, and adequate opportunity for, consultation regarding representations made, with respect to the operation of this code, by other standardizing bodies that have accepted it. The standardizing body shall make an objective effort to resolve any complaints.

4. Procedures for the development of standards

4.1. Written procedures based on the consensus principle should govern the methods used for standards development. Copies of the procedures of the standardizing body shall be available to interested parties in a reasonable and timely manner upon request.

4.2 Such written procedures should contain an identifiable, realistic and readily available appeals mechanism for the impartial handling of any substantive and procedural complaints.

4.3 Notification of standardization activity shall be made in suitable media as appropriate to afford interested persons or organizations an opportunity for meaningful contributions. This entails timely notification in appropriate media of new, current and completed standards development activities, and reporting on status changes as appropriate.

4.4 On the request of any interested party, 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 domestic and foreign parties. Interested parties, wherever located, shall be provided with reasonable opportunity to review and comment on draft standards. Prompt consideration and response, if so requested, shall be given to all views and comments received, including, for instance, explanation why a deviation from relevant international standards is necessary.

4.5 Formal approval of standards should be based on evidence of consensus.

4.6 All standards should be reviewed on a periodic basis and revised in a timely manner. Proposals for the development of new or revised standards, when submitted according to appropriate procedures by any materially and directly interested person or organization, wherever located, should be given prompt consideration.

4.7 All approved standards shall be published promptly. Copies shall be made available under reasonable terms and conditions to any person, wherever located.

4.8 Proper records of standards development activity shall be prepared and maintained.

5. Advancement of international trade

5.1 Standards should be written to meet the needs of the market place and should contribute to advancing free trade in the broadest possible geographic and economic contexts. Standards shall not be written so as to impede or inhibit international trade.

5.2 Standards shall not be written as a means to fix prices, nor to exclude competition or otherwise inhibit commerce beyond that necessary to meet requirements of relevant technical regulations or other legitimate sectorial or local requirements for compatibility, environmental protection, health and safety.

5.3 When international standards exist or their completion is imminent, they, or their relevant parts, shall be used as the basis for corresponding national or regional standards, 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.

5.4 Standards should not be written so as to allow them to be used to mislead consumers and other users of a product, process or service addressed by the standard.

5.5 Standards shall neither be written nor adopted so as to discriminate among products on the basis of the place of origin.

5.6 Whenever possible, in order to leave maximum freedom for technical development, the requirements of standards shall be expressed in terms of performance rather than design or descriptive characteristics.

5.7 Administrative requirements relating to conformity assessment and marks of conformity or other, non-technical issues should be presented separately from technical and/or performance requirements.

5.8 Standards should not be drafted in terms that include the use of a patented item unless the use of such an item is justifiable for technical reasons, and the rights holder agrees to negotiate licences with interested applicants, wherever located, on reasonable terms and conditions.

6. Participation in the standards development process

6.1 Participation in standardization processes at all levels shall be accessible to materially and directly interested persons and organizations within a coherent process as described in this article.

6.2 With a view to harmonizing standards on as wide a basis as possible, the standardizing body shall, in an appropriate way, give priority to playing 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 developed or adopted, or expects to develop or adopt standards.

6.3 At international level, national participation in the standardization process is organized under the auspices of the appropriate national standards body which is the member of the relevant international standards organization. National members shall ensure that their

participation reflects a balance of national interests in the subject matter to which the international standardization activity relates.

6.4 At regional level, participation in the consensus standardization process, which is organized to suit the particular needs of the technology and the region, should always reflect a balance of national and regional interests in regional standardizing work. Opportunities for effective and meaningful contributions from countries not within the region should be organized under the auspices of the national standards bodies of those countries and should be done in cooperation with the international standards organizations in which membership is common.

6.5 At national level, participation should be organized by standardizing bodies and national standards bodies according to their respective consensus building procedures which should provide for balanced representation of interest categories such as producers, buyers, consumers, etc. Opportunities for effective and meaningful contributions from other countries should be organized under the auspices of the national standards bodies of those countries and should be done in cooperation with the international and regional standards organizations in which membership is common.

7. Coordination and information

7.1 In order for standards to be mutually consistent and free from contradiction for the largest possible user communities, standardization activities should be actively, but voluntarily, coordinated at and between international and regional levels, and within each country.

7.2 Coordination responsibility at international level should rest with each international standards organization.

7.3 Coordination responsibility at regional level should rest with each regional standards organization.

7.4 Coordination responsibility at national level should rest with the national standards body.

7.5 Coordination responsibility between regional and international standardization activities should rest with the bodies concerned. In particular, regional standardizing bodies shall make every effort to avoid duplication of, or overlap with, the work of relevant international standardizing bodies.

7.6 Coordination of standardization activity between regional standards organizations and national standards bodies outside the region in question should be organized under the responsibility of these bodies in consultation with the international standards organization in which membership is common.

7.7 All information referred to in clause 4 above should be made accessible through ISONET. The ISO member body in any country, or an international or regional standardizing body, should define its appropriate focal point and referral agent for standards related enquiries.

ANNEX A **(Informative)**

TERMS AND DEFINITIONS IN RELATION TO GATT TBT AGREEMENT

In respect to the GATT 1991 Agreement on Technical Barriers to Trade (Uruguay round of multilateral trade negotiations) the terminology given in ISO/IEC Guide 2:1991 is used with certain modifications. These are explained in Annex 1 of the GATT TBT document which is reproduced below for information and with a view to possible endorsement of the ISO/IEC code by GATT TBT for bodies which approve standards under consensus-based procedures.

Annex 1: TBT Definitions (1991)

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

For the term "standard" the following definition shall apply:

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 related 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 Parties to this Agreement.

5. Regional body or system

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

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 Economic Community the provisions governing central government bodies apply. However, regional bodies or conformity assessment systems may be established within the European Economic Community, 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 B (Informative)

STANDARDS AND STANDARDS RELATED INFORMATION SYSTEMS AND SERVICES IN ISONET

ISONET is a network of reference points (currently established in 61 countries and with 5 international affiliates) disseminating information on standards, technical regulations, and related matters, including certification, in their own territory. The ISO/IEC Information Centre in Geneva acts as a reference point for information on standards and standards related matters of an international nature and to enquirers from countries without national ISONET reference points.

Each reference point of ISONET may refer enquirers to any other reference point when such enquiries fall within the territorial or functional competence of the latter, which is committed to take all reasonable steps to answer such enquires.

The network system is organized in accordance with guidelines for its operations that are adopted by ISONET as a whole. In this context, relevant guidelines exist for various documentation functions, (for example, indexing of standards, the use of multilingual thesauri, etc.) and these are in turn related to the recent development of the ISONET International Classification for Standards (ICS).

The International Classification for Standards (ICS)

The International Classification for Standards (ICS) provides, through the use of numeric codes, the facility for language independent communication between standards users and developers throughout the world. The ICS also provides a model structure for standards catalogues and standing order systems. Many ISO members have already committed themselves to implement the ICS at the national level, and it is anticipated that others will follow. The ICS will also be useful as the basis for a more structured system of accessing information on standards development activities.

Access to information on standards development activities

A development stage code, based on the ISO/IEC stage identification system is currently being broadly used by ISONET. These stages are: **1)** the stage at which the decision to develop or revise a standard has been taken; **2)** the stage at which development work has begun, but the period for submissions of comments has not yet started; **3)** the stage at which the period for submission of comments has started, but not yet been completed; **4)** the stage at which the submission of comments has been completed, but the standard has not yet been formally approved; and **5)** the stage at which the standard has been formally approved.

The use of this stage code system, together with the ICS to specify subjects of interest, by ISONET members will increase the efficiency of their operations, and in particular with respect to enquiries to and from others in ISONET which use the same or similar systems.

Further information on the above subject is available from the ISONET Secretariat located at the ISO Central Secretariat in Geneva.