

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Multilateral Trade Negotiations

Sub-Group "Technical Barriers to Trade"

STANDARDS; PACKAGING AND LABELLING; MARKS OF ORIGIN

Background Note by the Secretariat

1. At its meeting on 4-7 March 1975, the Group agreed that the secretariat should distribute background papers relating to the work of each Sub-Group in advance of the meetings (MTN/NTM/1, paragraph 11).
2. This paper deals with:
 - A. Standards
 - B. Packaging and labelling, and
 - C. Marks of origin.

A. Standards

Documentation on existing measures

3. As far as industrial products are concerned, Part 3 of the Inventory of Non-Tariff Measures deals with industrial standards; health and safety standards; and other standards concerning product content (MTN/3B/3 and addenda).
4. As far as agricultural products are concerned, the inventory of sanitary and phytosanitary regulations notified is contained in MTN/3E/DOC/9 and addenda. Notifications in the field of marketing standards are contained in MTN/3E/DOC/12 and addenda.

Background papers

5. Background material will be found in the secretariat note "Non-Tariff Barriers Arising in the Field of Standards" (COM.TD/W/191) and in the note on "Non-Tariff Measures Affecting the Trade of Developing Countries" (MTN/3B/23, pages 5-10). These notes review the problems in this area, including the special problems faced by developing countries, and the various proposals for solutions, including those for extending differential and more favourable treatment to these countries.

6. Three secretariat notes were also prepared for Group 3(e). These are MTN/3E/W/2, MTN/3E/W/11 and MTN/3E/W/26. They review, inter alia, the relevant work already done in the GATT, the concepts on which this work was based and some aspects of the applicability of the work done on standards to agriculture.

Proposed solutions

7. During the preparatory phase of the negotiations, a large measure of agreement was reached, on an ad referendum basis, on the text of a proposed GATT Code of Conduct for Preventing Technical Barriers to Trade (often referred to as "the Standards Code"). The text of the proposed code and the report commenting on the text are reproduced in Appendix 1 to the present document.

Relevant work of other international organizations

8. It will be recalled that the Group which drew up the Standards Code agreed that "if and when widely accepted definitions were arrived at, their applicability for the purpose of the Code should be examined" (see Appendix 1, paragraph 15 of Report). The third meeting of Government Officials Responsible for Standardization Policies, held in June 1974 in the context of the Economic Commission for Europe (at which several non-European countries were also represented), adopted a list of definitions. These, and three additional definitions agreed by a group of experts in January 1975, are reproduced in Appendix 2 to the present paper. Work is continuing in close co-operation with the International Organization for Standardization (ISO) on further definitions especially in the field of certification.

Main issues

9. The previous discussions, including the discussion held at the meeting of the Group "Non-Tariff Measures" on 4-7 March 1975, related, inter alia, to the following main issues. It will be recalled that the Sub-Group "should draw up general rules in the area of standards and that the applicability of these rules to health and sanitary regulations concerning agriculture and tropical products should be examined by Groups 'Agriculture' and 'Tropical Products'" (MTN/NTM/1, paragraph 2).

- (a) Should the working hypothesis adopted during the preparatory phase that "the solution could take the form of a binding code" be maintained?
- (b) Should the text of "the Standards Code" contained in the Appendix be simplified? If so, how?
- (c) Should the definitions in the text be reviewed, inter alia, in the light of the ECE definitions?

- (d) Should the working hypothesis adopted during the preparatory phase be maintained that "benefits under the Code would accrue as of right solely to other adherents, without these benefits having to be extended to contracting parties which do not adhere to the Code". (See paragraph 8 of Report in Appendix 1).
- (e) Are the provisions in the text which are designed to meet the particular problems of developing countries (e.g. Sections 16 and 17) adequate?
- (f) How could developing countries undertake obligations in this area, it being understood that any obligations would have to be consistent with their individual development, financial and trade needs? (See paragraph 23 of MTN/3B/23).
- (g) What provisions should there be regarding the opening of:
 - (i) quality assurance systems and arrangements to suppliers from countries which are not members of the systems or arrangements (see Section 9(e) and (f), Section 13(f) and (1), and Section 20(d) of the text), and
 - (ii) in the case of regional quality assurance systems and arrangements, to governments which are not members of the systems and arrangements (see Section 13(h)(ii))?
- (h) How should standards not applied by central government bodies be dealt with in the text?
- (i) Should the Code apply to existing standards and quality assurance systems or not? If so, how should the relevant provisions be drafted? (See paragraph 14 of the Report and Section 20 of the Code).
- (j) What should be the powers of the proposed Committee for Preventing Technical Barriers to Trade, and what should be its relation to the GATT? (See paragraph 12 of the Report and Section 19 of the Code).
- (k) What provisions should be made regarding the settlement of disputes?
- (l) Should sanctions be provided for in the Code? If so, should it be possible for adherents to suspend obligations,
 - (i) under the Code, and
 - (ii) under the General Agreement?

- (m) What provisions should be included concerning participants in the negotiations which are not contracting parties to the GATT?
- (n) How should the Final Provisions contained in Section 22 of the text be drafted? In particular, what provisions should govern the entry into force of the text?

B. Packaging and labelling

Documentation on existing measures

10. Part 3, Section D of the Inventory of Non-Tariff Measures (MTN/3B/3 and addenda) contains a few notifications of problems created by packaging and labelling requirements which relate to industrial products.

11. Notifications relating to the packaging and labelling of agricultural products are contained in MTN/3E/DOC/12 and addenda.

Background notes

12. Background material will be found in a note by the secretariat on Packaging, Labelling and Marking (COM.IND/W/114) and a secretariat note on Non-Tariff Measures Affecting the Trade of Developing Countries (MTN/3B/23, pages 14 to 19).

Proposed solutions

13. During the preparatory phase, Group 3(b) clarified the problems in this area and discussed the approach to be adopted in the negotiations. The Group's report on this discussion is contained in MTN/3, paragraphs 44 to 56.

Relevant work of other international organizations

14. A note by the secretariat on the work of other organizations is contained in MTN/3B/17.

Main issues

15. The previous discussions, including the discussion held at the meeting of the Group "Non-Tariff Measures" on 4-7 March 1975, related, inter alia, to the following main issues:

- (a) What should be the basic objectives of the negotiations in this area? What approach should be used? Should the problems be dealt with via general rules or should they be dealt with product group by product group?

- (b) If the problems are to be dealt with via general rules, should these be:
- (i) the rules of the Standards Code, suitably modified if necessary, or
 - (ii) separate rules?
- (c) On what basis should developing countries participate in the negotiations, in terms of the advantages they might obtain and the contribution they might make?

C. Marks of origin

Documentation on existing measures

16. Part 3, Section D of the Inventory of Non-Tariff Measures relates, inter alia, to marks of origin on industrial products (MTN/3B/3, and addenda).

Background notes

17. Background material will be found in a note by the secretariat on Packaging, Labelling and Marking (COM.IND/W/114) and a secretariat note on Non-Tariff Measures Affecting the Trade of Developing Countries (MTN/3B/23, pages 14 to 19).

Proposed solutions

18. A number of suggestions were made during the preparatory phase (see L/3496, paragraphs 31 and 32 on page 61). It was suggested, inter alia, that a solution could be based on the 1958 GATT Recommendation (see Appendix 3).

Main issues

19. Previous discussions have related, inter alia, to the following main issues:
- (a) Should the approach be based on a further elaboration of the 1958 GATT Recommendation? If not, what alternative approach should be adopted?
 - (b) Should the solution take the form of a recommendation or a binding code?
 - (c) On what basis should developing countries participate in the negotiations, in terms of the advantages they might obtain and the contribution they might make?

Appendix 1

GROUP 3 ON STANDARDS

Report¹

1. The Working Group was instructed to elaborate, on an ad referendum basis, concrete solutions to problems within the area of product standards and quality assurance systems.
2. The Working Group accordingly held an extensive series of meetings under the chairmanship of Mr. P.T. Eastham (Canada) during which it drew up the text annexed to this report.
3. The Working Group reached a large measure of agreement on the text but differences of view still existed in some areas, Sections 9 and 13 having proved to be the most difficult in the operative provisions. The Working Group could have continued to refine the text but it regretfully came to the conclusion that it had taken its work as far as it usefully could at the present stage. Where differences of view remained it limited itself to setting out as clearly as possible what the alternatives were.
4. The Working Group recommended that administrations should examine (a) the outstanding issues with a view to finding mutually acceptable solutions to them at the appropriate time, and (b) the implications arising from the acceptance of the instrument.
5. Some delegations from developing countries stated that their main objective was to draw up a clear, non-discriminatory code for preventing technical barriers to trade and underlined the interest of developing countries in the code both as exporters and as importers.
6. In drawing up the text of the instrument, the Group has adopted a number of working hypotheses. The first is that the solution could take the form of a contractual code. Some delegations stated that it was not within the province of the Working Group to determine the precise character of the obligations envisaged in the text and they had agreed to work on the draft of a contractual code, both for reasons of convenience and because the draft could also serve as a basis for other types of approach, such as a voluntary code, a set of principles, etc., if one of these solutions were preferred.
7. The text annexed takes the form of a separate instrument, a number of provisions of which are inevitably related to the General Agreement. It was the opinion of one delegation that the need for provisions respecting amendments and withdrawals and

¹Originally issued as COM.IND/W/108 and Corr.1.

texts of such provisions if required could not be determined until the relationship between the Code and the General Agreement had been established. Accordingly, this delegation reserves its position with respect to Section 22(d) and (e).

8. The Group has also worked on the hypothesis that benefits under the Code would accrue as of right solely to other adherents, without these benefits having to be extended to contracting parties which did not adhere to the Code.

9. Some delegations stated that the text took the form of a draft of a binding code which could, if the case arose, impose different levels of obligations for the preparation and application of mandatory standards, voluntary standards and quality assurance systems; they noted that, in particular, this resulted in substantial inequality as between countries with a federal structure and countries with a unitary structure, because of the fact that in the former many of these regulatory provisions are within the competence of the constituent States, while in the latter most of them are within the exclusive competence of the central Government. These delegations said that these disparities of situation were likely to have important consequences.

10. One delegation stated that the present text of the Code imposed different levels of obligations for the preparation and application of mandatory standards, voluntary standards and quality assurance systems, which might have important consequences in the future. This imbalance in obligations was especially acute for this country where all standards were mandatory. This delegation considered that the levels of obligations for adherents should be the same in mandatory and voluntary standard areas and therefore found it necessary to maintain its general reservation in this respect.

11. Other delegations pointed out that the balance of obligations as between different adherents depended on a number of factors, including the number of standards affected, whether they are mandatory or voluntary, and the size of the adherent's market. They said that assessments of balance could not be made until the text of a code was finally agreed. However, it appeared to them that, unlike some other non-tariff areas, product standards might be one where there was a possibility for sufficient balance to enable implementation of a code prior to the conclusion of the broader trade negotiations.

12. The Working Group could not agree on the institutional provisions contained in Sections 19 and 21 of the attached text. For instance some delegations said the Group could not usefully deal with the question of the powers of the Committee provided for in Section 19 since this was a problem of a much wider scope. The Working Group noted furthermore that the relationship between the Committee and the General Agreement was one matter that remained to be decided. In this regard some delegations suggested that the CONTRACTING PARTIES be requested to establish the Committee, if only to provide for the expenses of the Committee to be financed by the GATT. Some delegations said that, if the CONTRACTING PARTIES established the Committee, this could imply that disagreements

which persisted in the Committee would be referred to the CONTRACTING PARTIES. Some delegations said that, as Section 19 was worded in the attached text, either the Committee would not be empowered to take decisions, or any decisions by the Committee would be taken unanimously. Other members said that their interpretation of the present text was that decisions would be taken by consensus rather than unanimity.

13. Some delegations said that a decision regarding Sections 21(c)(iii) and (d) dealing with sanctions went beyond the competence of the Working Group. Other delegations considered that such provisions should be included in the text. One delegation said that the question of sanctions was directly related to the problem of devising equitable procedures for administering such sanctions. This delegation suggested that the establishment of a board of arbitration with the power of taking decisions was one possible solution, rather than the procedures set out in Sections 21(c)(iii) and (d). This delegation thought that, if no equitable procedure could be agreed, there should be no sanctions. Another delegation suggested that provision be made for a panel with the power of making recommendations and an alternative text to this effect is set out under Section 21. Some delegations underlined the importance of devising procedures for the settlement of disputes; they envisaged that such procedures would not necessarily have to involve sanctions.

14. Some delegations said that drafting retroactive provisions such as contained in Section 20 would, inter alia, go further than the Protocol of Provisional Application went with regard to the General Agreement itself. Furthermore, the problem of retroactivity stretched considerably beyond the standards field itself. In addition, retroactivity would have different consequences depending upon whether changes in laws or changes in executive provisions were involved.

15. The Group agreed that if and when widely accepted definitions were arrived at, their applicability for the purpose of the Code should be examined.

16. The Group noted that the coverage of the text was not restricted to industrial products and that the Agriculture Committee had expressed the wish to review the applicability of the text to agricultural products.

ANNEX

Proposed GATT Code of Conduct for Preventing Technical
Barriers To Trade

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PREAMBLE¹

The adherents to this Code,

Desiring to further the objectives of the General Agreement on Tariffs and Trade;

Recognizing the important contribution that international standards and quality assurance systems and arrangements 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 quality assurance systems and arrangements;

Desiring however to ensure that standards and methods for assuring conformity with standards do not create obstacles to international trade;

Recognizing that no country should be prevented from taking measures necessary for the protection of human, animal or plant life or health, environment and national security, or for the prevention of deceptive practices;

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 standards and methods for assuring conformity with standards, and desiring to assist them in their endeavours in this regard;

Hereby agree as follows:

I. DEFINITIONS

1. The terms defined in Annex 1 shall, for the purposes of this Code, have the meanings ascribed to them there.

¹This text is of an indicative nature only since the preamble in its definitive form would need to reflect the final juridical status and content of the instrument.

II. OPERATIVE PROVISIONS

A. STANDARDS

2. Preparation, adoption and use of mandatory standards by central government bodies

(a) Adherents shall ensure that mandatory standards are not prepared, adopted or applied with a view to creating obstacles to international trade. They shall likewise ensure that neither mandatory standards themselves nor their application have the effect of creating an unjustifiable obstacle to international trade.

(b) Where mandatory standards are required and relevant international standards exist or their completion is imminent, adherents shall use them, or the relevant parts of them, as a basis for the mandatory standards, except where such international standards or relevant parts are inappropriate for the adherents concerned.

(c) With a view to harmonizing their mandatory standards on as wide a basis as possible, adherents shall play a full part within the limits of their resources in the preparation by appropriate international standards bodies of international standards for products for which they either have adopted, or expect to adopt, mandatory standards.

(d) Where appropriate, adherents shall specify mandatory standards in terms of performance rather than detailed design.

(e) Except where the technical content of the proposed mandatory standard is substantially the same as the technical content of an international standard, adherents shall:

- (i) publish a notice at an appropriate stage that they are working on a particular mandatory standard;
- (ii) notify the GATT secretariat of the products to be covered, including a brief indication of the objective of the proposed mandatory standard;
- (iii) provide particulars or copies of draft mandatory standards, on request, to other adherents;
- (iv) allow reasonable time for comment;
- (v) take account of comments they may receive from other adherents.

(f) However, where urgent problems of safety, health, environmental protection or national security exist, adherents may omit such of the steps in paragraph (e) of this section as they find necessary. In that event, they shall take account of comments they may subsequently receive from other adherents in considering whether to initiate amendments.

(g) Adherents shall publish all mandatory standards which have been adopted by their central government bodies.

(h) Except where there are urgent problems of public safety, health, environmental protection or national security, adherents shall allow a reasonable interval between the publication of the mandatory standard and its entry into force in order to allow time for producers in exporting countries to adapt their products or methods of production to the requirements of the importing country.

(j) Adherents shall use all reasonable means within their power to ensure that regional standards bodies in which they are members comply with the provisions of paragraphs (a) to (h) inclusive of this section so far as they are applicable.

(k) Adherents which are members of regional standards bodies shall fulfil the obligations of paragraphs (a) to (h) inclusive of this section, except to the extent that the regional standards bodies have fulfilled these obligations.

3. Preparation, adoption and use of mandatory standards by local government bodies and regulatory bodies other than central government bodies

Adherents shall use all reasonable means within their power to ensure that local government bodies and regulatory bodies other than central government bodies within their territories comply with the provisions of Section 2 with the exception of 2(e)(ii).

4. Preparation, adoption and use of voluntary standards

(a) Adherents shall use all reasonable means within their power to ensure that voluntary standards are not prepared, adopted or applied with a view to creating obstacles to international trade. They shall likewise use all reasonable means within their power to ensure that neither the voluntary standards themselves, nor their application have the effect of creating an unjustifiable obstacle to international trade.

(b) With a view to harmonizing voluntary standards on as wide a basis as possible, adherents shall co-operate, within the limits of their resources, in the preparation by appropriate international standards bodies of international standards, and shall encourage the local government bodies, regulatory bodies other than central government bodies, and voluntary standards bodies within their territories to do likewise.

(c) Where voluntary standards are required and relevant international standards exist or their completion is imminent, adherents shall use all reasonable means within their power to ensure that, these international standards, or the relevant parts of them, are used as a basis for the voluntary standards, except where such international standards or relevant parts are inappropriate for the adherents concerned.

(d) Adherents shall use all reasonable means within their power to ensure that where aspects of a product are, or are likely to be, subject to a mandatory standard by a central government body, any voluntary standard which is to cover those aspects is suitable in form and content for use in whole or in part for the purpose of that mandatory standard.

(e) Adherents shall use all reasonable means within their power to ensure that, where appropriate, voluntary standards are specified in terms of performance rather than detailed design requirements.

(f) Adherents shall use all reasonable means within their power to ensure that, except where the technical content of the proposed voluntary standard is substantially the same as the technical content of an international standard, the bodies preparing voluntary standards within their territories:

- (i) publish a notice at an appropriate stage that they are working on a particular voluntary standard;
- (ii) provide particulars or copies of draft standards, on request, to interested parties in other adherents;
- (iii) allow reasonable time for comment; and
- (iv) take account of comments they may receive from interested parties in other adherents.

(g) However, where a voluntary standard is prepared for the purpose of meeting an urgent problem of safety, health or environmental protection any of the steps in paragraph (f) of this section may be omitted, if necessary. In that event, adherents shall use all reasonable means within their power to ensure that the body preparing the voluntary standard takes account of comments it may subsequently receive from interested parties in other adherents.

(h) Adherents shall use all reasonable means within their power to ensure that all voluntary standards adopted by bodies within their territories are published.

(j) Adherents shall use all reasonable means within their power to ensure that regional standards bodies of which either they or bodies within their territories are members comply with the provisions of (a) to (h) inclusive of this section so far as they are applicable.

(k) Adherents, or bodies within their territories which are members of regional standards bodies, shall fulfil the provisions of paragraphs (a) to (h) inclusive of this section, except to the extent that the regional standards bodies have fulfilled these obligations.

B. CONFORMITY WITH STANDARDS

5. Test methods and administrative procedures for determining conformity with mandatory standards of central government bodies

(a) Adherents shall ensure that test methods and administrative procedures for determining conformity with mandatory standards of central government bodies are not prepared, adopted or applied with a view to creating obstacles to international trade. They shall likewise ensure that neither the test methods and administrative procedures themselves nor their application have the effect of creating an unjustifiable obstacle to international trade.

(b) Adherents shall ensure that, where test methods are to be used by a central government body for the purpose of determining conformity with mandatory standards, the test methods are either:

- (i) defined in the mandatory standards; or
- (ii) defined in some other published document which is indicated in the relevant standard.

The provisions of Section 2 shall apply to test methods in the same way as to the mandatory standards themselves.

(c) Adherents shall ensure that the administrative procedures to be used by a central government body for determining conformity with mandatory standards are published.

(d) Adherents shall ensure that their test methods and administrative procedures are such as to permit so far as practicable the tests to be carried out in the territories of other adherents.

(e) In determining conformity with mandatory standards, adherents should permit the use of test methods which differ from their own, provided the importing adherent is satisfied that the exporting adherent's methods provide an equivalent means of determining whether the products tested conform to the relevant mandatory standard.

6. Assurance of conformity with mandatory standards of central government bodies

(a) In cases where a positive assurance is required that imported products conform with a mandatory standard, adherents shall, whenever possible,

- (i) rely upon declarations by suppliers in the territories of other adherents that their products conform to the relevant mandatory standard, or
- (ii) accept assurances of conformity with the relevant mandatory standard provided by quality assurance bodies in the territories of other adherents, or

- (iii) allow tests to be carried out in the territories of other adherents, or
- (iv) use any combination of the above.

(b) To the extent that one or other of the methods provided for in paragraph (a) of this section has not been implemented and tests are carried out in the territory of the importing adherent, adherents shall apply the following provisions:

- (i) imported products shall be accepted for testing under conditions no less favourable than those accorded to similar domestic products;
- (ii) the test methods and administrative procedures for imported products shall be no more complex and no less expeditious than the corresponding methods and procedures for similar domestic products in a comparable situation;
- (iii) any fees imposed for testing products of other adherents shall be equitable in relation to any fees chargeable for testing similar domestic products;
- (iv) the results of tests shall be made available to the exporter or importer or their agents, if requested, so that corrective action may be taken if necessary;
- (v) the siting of testing facilities and the selection of samples for testing shall not be such as to cause unjustifiable inconvenience for importers;
- (vi) the confidentiality of information about imported products arising from or supplied in connexion with such tests shall be respected in the same way as for domestic products.¹

(c) Nothing in this section shall prevent adherents from carrying out reasonable spot checks within their territories.

7. Conformity with mandatory standards of local government bodies and regulatory bodies other than central government bodies

Adherents shall use all reasonable means within their power to ensure that local government bodies, and regulatory bodies other than central government bodies, within their territories comply with the provisions of Sections 5 and 6 as regards:

- (i) their test methods and administrative procedures for determining conformity with their mandatory standards, and

¹Some delegations proposed the following text for (b)(vi) "if so requested, the confidentiality of information about imported products arising from or supplied in connexion with such tests shall be respected except where problems of safety or health arise". Other delegations pointed out that this proposed text might require that better treatment be given to foreign suppliers than to domestic suppliers.

- (ii) the provision of assurances of conformity with their mandatory standards.

8. Conformity with voluntary standards

Adherents shall use all reasonable means within their power to ensure that quality assurance bodies within their territories, whether governmental or non-governmental, comply with the provisions of Sections 5 and 6 as regards:

- (i) their test methods and administrative procedures for determining conformity with voluntary standards, and
- (ii) the provision of assurances of conformity with voluntary standards, substituting the word "voluntary" for "mandatory" throughout and substituting "Section 4" for "Section 2" in Section 5(b).

C. QUALITY ASSURANCE SYSTEMS

9. Quality assurance systems for assuring conformity with mandatory standards of central government bodies

(a) Adherents shall ensure that quality assurance systems operated by their central government bodies, or quality assurance systems on which they rely for assuring conformity with their mandatory standards, are not formulated or applied with a view to creating obstacles to international trade. They shall likewise ensure that neither such quality assurance systems themselves nor their application have the effect of creating an unjustifiable obstacle to international trade.

(b) Mandatory standards and test methods employed in connexion with any quality assurance system shall be prepared and adopted in accordance with the relevant provisions of Sections 2 and 5. The system shall conform to the requirements of Section 6.

(c) Adherents shall ensure that such systems are formulated from the outset with a view to their application not only to domestic products but also to similar products produced in the territories of other adherents.

(d) Adherents shall:

- (i) publish a notice at an appropriate stage that they propose to introduce a quality assurance system;
- (ii) notify the GATT secretariat of the products to be covered, including a brief indication of the objective of the proposed system;
- (iii) provide particulars or copies of the proposed rules of the system, on request, to other adherents;

- (iv) allow reasonable time for comment,
- (v) take account of comments they may receive from other adherents, both regarding the formulation of the system and, subsequently, regarding its application; and
- (vi) publish all rules of such system.

(e) Adherents shall ensure that such systems are open to suppliers of similar products produced in the territories of other adherents at the same time as they are opened to domestic suppliers, and under conditions no less favourable than those accorded to domestic suppliers.⁷

Adherents shall ensure that, as soon as such systems are operational they are open to suppliers of similar products produced in the territories of other adherents on the same basis as to domestic suppliers when it has been established that such suppliers are able and willing to fulfil the corresponding obligations.⁷

(f) The provisions of paragraph (e) of this Section are subject to the qualifications that if for particular reasons it is considered inadvisable or impractical to open such a system to suppliers in the territories of all other adherents from the outset, its application may be limited in the initial stages.¹

10. Quality assurance systems of central government bodies for assuring conformity with voluntary standards

Adherents shall ensure that quality assurance systems of their central government bodies for assuring conformity to voluntary standards comply with the provisions of Section 9 substituting "voluntary" for "mandatory" throughout and "Sections 4 and 8" for "Sections 2 and 5" and "Section 8" for "Section 6" in Section 9(b)²

11. Quality assurance systems for assuring conformity with mandatory standards of local government bodies and regulatory bodies other than central government bodies

Adherents shall use all reasonable means within their power to ensure that any quality assurance systems operated by local government bodies, or by regulatory bodies other than central government quality assurance bodies within their

¹Some delegations proposed the deletion of Section 9(f).

²One delegation proposed that Section 10 be merged with Section 12 and that the level of obligation used in Section 12 apply. Some other delegations could accept this or the existing text.

territories, comply with the provisions of Section 9 above, substituting "Sections 3 and 7" for "Sections 2 and 5" and "Section 7" for "Section 6" in Section 9(b).

12. Systems operated by quality assurance bodies other than central government bodies for assuring conformity with voluntary standards

Adherents shall use all reasonable means within their power to ensure that systems operated by governmental or non-governmental quality assurance bodies other than central government bodies within their territories, for assuring conformity with voluntary standards, comply with the provisions of Section 9 above, substituting "voluntary standards" for "mandatory standards" throughout and "Sections 4 and 8" for "Sections 2 and 5" and "Section 8" for "Section 6" in Section 9(b).

13. International and regional quality assurance systems and arrangements for assuring conformity with mandatory standards of which central government bodies are members or participants

(a) Where positive assurances, other than by the supplier, of conformity with mandatory standards are required, adherents shall wherever practicable, formulate and become members of, or participate in international quality assurance systems or arrangements.

(b) Adherents shall use all reasonable means within their power to ensure that international quality assurance systems or arrangements in which their central government bodies are members or participants comply with the requirements of paragraphs (c) to (g) inclusive of this Section.

(c) International quality assurance systems or arrangements shall not be formulated or applied with a view to creating obstacles to international trade; and neither the systems or arrangements themselves nor their application shall have the effect of creating unjustifiable obstacles to international trade.

(d) International quality assurance systems or arrangements shall be formulated from the outset with a view to affording an equal opportunity for membership or participation to all adherents. With this in mind:

(i) the sole criterion for membership or participation in such systems or arrangements shall be that the appropriate regulatory body of the adherent concerned is able and willing to fulfil the obligations of membership or participation; and

(ii) the sole criterion for the acceptability of assurances from members or participants of conformity with mandatory standards under such systems or arrangements shall be the technical competence and reliability of the quality assurance body, which may be situated in the territory of any member or participant and may assure the quality of the products of any other adherent.

(e) Mandatory standards and test methods employed in connexion with international quality assurance systems or arrangements shall be prepared and adopted in accordance with the relevant provisions of Sections 2 and 5. The systems or arrangements shall conform with the requirements of Section 6.

(f) International quality assurance systems or arrangements shall be open to suppliers of similar products produced in the territories of other adherents which are not members of, or participants in, the systems or arrangements at the same time as they are opened to suppliers in the territories of members of the systems or arrangements, and under conditions no less favourable than those accorded to suppliers in the territories of members of the systems or arrangements.¹

(g) In formulating and implementing international quality assurance systems or arrangements:

- (i) a notice shall be published at an appropriate stage of the intention to introduce a system or arrangement;
- (ii) the GATT secretariat shall be notified of the products to be covered, including a brief indication of the objective of the proposed system or arrangement;
- (iii) an equal opportunity shall be given to all adherents to take part in the formulation of the proposed system or arrangement;
- (iv) particulars or copies of the proposed rules of the system or arrangement shall be provided on request to other adherents;
- (v) reasonable time shall be allowed for comment;
- (vi) account shall be taken of comments received from any adherents, both regarding the formulation of the system or arrangement and, subsequently, regarding its application; and
- (vii) all rules of the system or arrangement shall be published.

(h) Adherents shall use all reasonable means within their power to ensure that regional quality assurance systems or arrangements of which their central government bodies are members,

¹Some delegations proposed that this paragraph and paragraph (1) of this section be deleted.

- (i) comply with the provisions of paragraph (c) to (g) inclusive of this Section, with the exception of paragraph (g) (iii); and
- (ii) are open to participation by all adherents at the same time as, and under conditions no less favourable than those accorded to members of the systems or arrangements.

are open to participation by all adherents as soon as the systems or arrangements become operational, on the same basis as to members of the systems or arrangements when it has been established that such adherents are able and willing to fulfil the corresponding obligations. This is subject to the qualification that if for particular reasons it is considered inadvisable or impracticable to open such systems or arrangements to participation by all adherents from the outset, participation may be limited in the initial stages.

(j) A regional quality assurance system or arrangement can be transformed into an international quality assurance system or arrangement if the procedures set forth in paragraph (g) of this section are followed.

(k) An adherent which is a member or participant in an international or regional quality assurance system or arrangement shall take the actions prescribed in paragraphs (g) (i), (ii), (iv) and (vii) of this section to the extent that these have not been taken in the context of the system or arrangement.

(l) An adherent which is a member or participant in an international or regional quality assurance system or arrangement which does not comply with paragraph (f) of this section; shall ensure that products produced in the territories of other adherents receive treatment no less favourable than that accorded to the products of domestic suppliers.

14. International and regional quality assurance systems or arrangements, of which local government bodies and regulatory bodies other than central government bodies are members or participants, for assuring conformity with mandatory standards

Adherents shall use all reasonable means within their power to ensure that international or regional quality assurance systems or arrangements for assuring conformity with mandatory standards, and of which their local government bodies or regulatory bodies other than central government bodies are members or participants, conform to the provisions of Section 13, substituting "Sections 3 and 7" for "Sections 2 and 5" and "Section 7" for "Section 6" in Section 13(e).

¹Some delegations proposed that this paragraph and paragraph (f) of this section be deleted.

15. International and regional quality assurance systems or arrangements for assuring conformity with voluntary standards

Adherents shall use all reasonable means within their power to ensure that international or regional quality assurance systems or arrangements for assuring conformity with voluntary standards, and of which governmental or non-governmental quality assurance bodies within their territories are members or participants, conform to the provisions of Section 13, substituting "voluntary standards" for "mandatory standards" throughout and "Sections 4 and 8" for "Sections 2 and 5" and "Section 8" for "Section 6" in Section 13(e).

D. INFORMATION AND ASSISTANCE

16. Information about mandatory and voluntary standards and quality assurance system or arrangements

- (a) Each adherent shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from interested parties in other adherents regarding
- (i) any mandatory or voluntary standards adopted or proposed by central or local government bodies within its territory or by regional organizations of which such bodies are members, or participants, together with the associated test methods and administrative procedures,
 - (ii) any quality assurance system, or proposed quality assurance system, which is operated by central or local government bodies or by regulatory bodies other than central government bodies within its territory or of which such bodies are members or participants,
 - (iii) the location of notices published pursuant to this Code, or to provide information as to where such details can be obtained, and
 - (iv) the location of the enquiry points mentioned in Section 16(b).
- (b) Each adherent shall use all reasonable means within its power to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from interested parties in other adherents regarding:
- (i) the standards and test methods adopted or proposed by voluntary standards bodies within its territory or by regional organizations of which such bodies are members or participants, and
 - (ii) any quality assurance systems operated by non-governmental quality assurance bodies within its territory or of which such bodies are members or participants,

(c) Adherents shall use all reasonable means within their power to ensure that where copies of documents are requested by other adherents, or by interested parties in other adherents, in accordance with the provisions of this Code, they are supplied at the same price (if any) as to the nationals of the adherents concerned.

(d) The GATT secretariat will, when it receives notifications in accordance with the provisions of this Code, circulate a list of the products and countries concerned to all adherents and interested international standards bodies and draw the attention of developing adherents to any notifications relating to products of particular interest to them.

(e) Nothing in this Code shall be construed as requiring:

(i) the publication of texts other than through the recognized channels of the organizations concerned or other than in the language of the country of origin,

(ii) the provision of particulars or copies of drafts other than in the language of the country of origin, or

(iii) adherents to furnish any information the disclosure of which they consider contrary to their essential security interests,

(f) Notifications to the GATT secretariat shall be in English or French.

17. Technical assistance to other adherents

(a) Adherents shall, if requested, advise other adherents, especially the developing countries, on the preparation of mandatory standards.

(b) Adherents shall, if requested, advise other adherents, especially the developing countries, and should consider requests for technical assistance from them regarding the establishment of national standards bodies and participation in the international standards bodies, and shall encourage their national standards bodies to do likewise.

(c) Adherents shall, if requested, use all reasonable means within their power to arrange for the regulatory bodies within their territories to advise other adherents especially the developing countries and should consider requests for technical assistance from them regarding:

(i) the establishment of regulatory bodies, quality assurance bodies or other arrangements for providing an assurance of conformity with mandatory standards, and

(ii) the methods by which their mandatory standards can best be met.

(d) Adherents shall, if requested, use all reasonable means within their power to arrange for advice to be given to other adherents, especially the developing countries, and should consider requests for technical assistance from them regarding the establishment of quality assurance bodies or other arrangements for providing an assurance of conformity with voluntary standards adopted within the territories of the requesting adherent.

(e) Adherents shall, if requested, advise other adherents, especially the developing countries, and should consider requests for technical assistance from them regarding the steps that should be taken by their producers, if they wish to take part in quality assurance systems operated by governmental or non-governmental bodies within the territories of the adherent receiving the request.

(f) Adherents which are members or participants of international or regional quality assurance systems or arrangements shall, if requested, advise other adherents, especially the developing countries, and should consider requests for technical assistance from them regarding the establishment of the institutions and legal framework which would enable them to fulfil the obligations of membership or participation in such systems or arrangements.

(g) Adherents shall, if so requested encourage quality assurance bodies within their territories, if such bodies are members or participants of international or regional quality assurance systems or arrangements to advise other adherents, especially the developing countries, 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.

E. AMENDMENTS TO MANDATORY OR VOLUNTARY STANDARDS AND
QUALITY ASSURANCE SYSTEMS OR ARRANGEMENTS

18. Amendments to mandatory or voluntary standards and quality assurance systems or arrangements

All references in this Code to mandatory or voluntary standards, test methods and quality assurance systems or arrangements shall be construed to include any amendments thereto including any additions to the rules of, or products covered by, such systems or arrangements - other than amendments of an insignificant nature.

III. OTHER PROVISIONS

19. The Committee for Preventing Technical Barriers to Trade

(a) The adherents to this Code shall establish a Committee for Preventing Technical Barriers to Trade composed of representatives of the adherents to this Code. The Committee shall normally meet once each year for the purpose of affording adherents to this Code the opportunity of consulting on matters relating to the implementation of the Code.

20. Application

(a) This Code shall apply to all mandatory standards, voluntary standards and quality assurance systems prepared or adopted by any governmental or non-governmental body within the territories of each adherent after the date upon which the Code becomes effective for the adherent concerned.

(b) To the extent that existing mandatory standards or quality assurance systems of central government bodies create an unjustifiable obstacle to international trade, adherents shall bring them into conformity with the operative provisions of this Code as soon as possible after the date upon which the Code becomes effective for the adherent concerned.

(c) To the extent that any existing mandatory and voluntary standards or quality assurance systems (other than those already provided for in paragraph (b) of this Section) create an unjustifiable obstacle to international trade, adherents shall use all reasonable means within their power to ensure that they are brought into conformity with the operative provisions of this Code as soon as possible after the date upon which the Code becomes effective for the adherent concerned.

(d) If adherents, or bodies within their territories, operate or are members of existing international or regional quality assurance systems or arrangements (other than those already provided for in paragraph (b) of this Section), they shall use all reasonable means within their power to ensure that such systems or arrangements are opened to other adherents /, or to bodies or suppliers within the territories of other adherents, / in accordance with the operative provisions of this Code as soon as possible after the Code becomes effective for the adherent concerned.

21. Enforcement

(a) If any adherent considers that any benefit accruing to it from the implementation of this Code is being nullified or impaired by any other adherent, or if any adherent wishes to raise any other matter affecting the implementation of this Code with any other adherent, other adherents shall accord sympathetic consideration to, and afford adequate opportunity for consultation regarding such representations as may be made by that adherent.

(b) If no mutually satisfactory solution is reached between the adherents concerned within a reasonable time, the matter may be referred to the Committee for Preventing Technical Barriers to Trade set up under Section 19.

(c) The Committee for Preventing Technical Barriers to Trade shall promptly investigate any matter referred to it under paragraph (b) of this Section and may, as part of the investigation, consult with any contracting party or with any competent body. After the investigation is complete the Committee may:

(i) make a statement concerning the facts of the matter, or

(ii) make recommendations to one or more adherents to this Code, or

(iii) authorize one or more adherents to this Code to suspend obligations under this Code in respect of one or more adherents.¹

(d) For the purposes of action under paragraph 2 of Article XXIII, adherents agree that adherents may invoke obligations under this Code.²

22. Final provisions

(a) (i) This Code shall be open for adherence to all contracting parties to the General Agreement, and to the European Economic Community. It shall enter into force on the thirtieth day following the day on which of the above-mentioned parties, including those listed in Annex 2, shall have adhered to it.

(ii) Contracting parties may adhere in respect of those territories for which they have international responsibility in accordance with the provisions of Article XXVI:5(a) and (b) of GATT, provided that GATT is being applied in respect of such territories.³

(b) This Code shall become effective for each adherent on the day it enters into force in accordance with Section 22(a), or on the thirtieth day after the adherent concerned has adhered to it, whichever is the later.

¹One delegation proposed that the whole of Section 21(c) be replaced by the following text:

"The Chairman of the Committee for Preventing Technical Barriers to Trade shall appoint in consultations with the adherents concerned a Panel which shall promptly investigate any matter referred to the Committee under Section 21(b) above and may as part of the investigation, consult with any contracting party or with any competent body. After the investigation is complete, the Panel may:

- (i) make a statement concerning the facts of the matter, or
- (ii) make recommendations to the adherents concerned.

The Panel shall report the results of its action to the Committee for Preventing Technical Barriers to Trade."

Some delegations said that it was premature to include Section 21(c)(iii) in the text.

²Some delegations proposed that Section 21(d) be deleted.

³Some delegations reserved their position on the proviso in Section 22(a)(ii).

(c) The text of this Code shall be deposited with the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade, who will promptly furnish a certified copy thereof to all contracting parties and adherents, and will also inform all contracting parties of the date when the Code enters into force, and of the names of all adherents. The English and French texts of the Code shall be of equal validity.

(d) Amendments to this Code and Annexes thereto may be proposed by any adherent to this Code. Amendments shall become effective in respect of adherents accepting them upon acceptance by at least two thirds of all adherents and thereafter for other adherents upon acceptance.

(e) Any adherent may withdraw from this Code. The withdrawal shall take effect upon the expiration of six months from the day on which written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade.¹

(f) Nothing in this Code shall be construed as detracting from the rights and obligations of adherents under the General Agreement.

¹The Working Group did not examine the consequences of a withdrawal for the rights of remaining adherents.

ANNEX 1

Definitions

The terms regarding standards and quality assurance are used in a variety of senses in different contexts and by different organizations. For the purpose of this instrument, the following terms have the meanings given below.

1. "Standard"

The term "standard" means any specification which lays down some or all of the properties of a product in terms of quality, purity, nutritional value, performance, dimensions, or other characteristics. It includes, where applicable, test methods, and specifications concerning testing, packaging, marking or labelling to the extent that they affect products rather than processes. It excludes standards which are prepared for use by a single enterprise, whether governmental, semi-governmental or non-governmental, either for its own production or purchasing purposes.¹

2. "Mandatory standard"

This is a standard with which it is obligatory to comply by virtue of an action by an authority endowed with the necessary legal power. The term includes the associated administrative provisions.²

3. "Voluntary standard"

This is a standard with which there is no legal obligation to comply.

4. "International standard"

This is a standard adopted by an international standards body as defined below. The term is not limited to documents described as "standards".

5. "Central government body"

This term means the central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question. In the case of the European Economic Community the provisions governing central government bodies ~~would~~ apply.

¹The term "standard" as used in this Code has a wider meaning than in customary usage.

²The term "mandatory standard" is used to embrace what would normally be described as technical regulation.

6. "Local government body"

This term means a government body which is not subject to the control of the central government in respect of the activity in question, such as

- (i) the authorities of States, Provinces, Lander, Cantons, etc. in the case of a federal or decentralized system, and
- (ii) local government authorities.

7. "Regulatory body"

This term means any central or local government body or any other body which has legal power to enforce a mandatory standard. This may or may not be the same body which prepared or adopted the standard.

8. "Voluntary standards body"

This term means any non-governmental organization which prepares voluntary standards for public use. Some of these are national standards bodies as defined below.

9. "National standards body"

This term means a nationally recognized standards body which is, or is eligible to become, a member of non-governmental international standards bodies.

10. "International standards body"

This term means any international organization of recognized standing, whether governmental or non-governmental, which prepares standards, and which admits the relevant bodies in all adherents to participate in the preparation of such standards.

11. "Regional standards body"

This term means any international organization, whether governmental or non-governmental, which prepares standards, and which does not admit the relevant bodies in all adherents to participate in the preparation of such standards.

12. "Determination of 'conformity with standards'"

"Conformity with a standard" means that the actual performance or properties of a product satisfy the performance or properties which are specified in the relevant standard.

13. "Administrative procedures"

This term means the overall administrative procedures required to ascertain whether or not products conform to a standard. It may include administrative arrangements for controlling the frequency and location of tests, for carrying out tests and for supervising the control of quality by producers.

14. "Harmonized standards"

This term means standard of different countries or organizations the technical content of which is substantially the same.

15. "Quality assurance body"

An organization or person, governmental or non-governmental, independent of the producer or supplier, which provides assurances that products conform to the standard in question or information on which a decision as to conformity with the standard can be taken.

16. "Quality assurance system"

A formal arrangement having its own rules of procedure and management under which one or more quality assurance bodies provide an assurance that products approved or certified under the system conform to the requirements of the standard in question.

17. "International quality assurance system"

A quality assurance system, whether governmental or non-governmental, under which two or more quality assurance bodies in different countries provide an assurance of conformity with harmonized standards and the membership of which is open to the relevant bodies in all adherents.

18. "International quality assurance arrangement"

This term has the same meaning as "international quality assurance system" except that an arrangement is not based on harmonized standards.

19. "Regional quality assurance system"

A quality assurance system, whether governmental or non-governmental, under which two or more quality assurance bodies in different countries provide an assurance of conformity with harmonized standards and the membership of which is not open to the relevant bodies in all adherents.

20. "Regional quality assurance arrangement"

This term has the same meaning as "regional quality assurance system" except that an arrangement is not based on harmonized standards.

21. "Membership in a quality assurance system or arrangement"

This term means that an adherent or a regulatory body or a quality assurance body in the territory of an adherent has the same rights and obligations as any of the other adherents, regulatory bodies or quality assurance bodies under the rules of the system or arrangement, including the rights of participation in, and management of the system or arrangement, and of formulating or amending its rules.

22. "Participation in a quality assurance system or arrangement"

This term means that an adherent or a regulatory body or quality assurance body in the territory of an adherent has:

- (i) the same rights to furnish evidence of conformity of products with particular mandatory or voluntary standards and have it accepted, as members of the system or arrangement and
- (ii) the same obligations to accept such evidence itself, as members of the system or arrangement.

ANNEX 2

List of Contracting Parties Referred to in Section 22(a)

/To be added/

Appendix 2¹/Appendice 2¹

DEFINITIONS

adopted by the Third Meeting of Government Officials Responsible for
Standardization Policies (10-14 June 1974)

DEFINITIONS

adoptées à la troisième Réunion des fonctionnaires gouvernementaux
chargés des politiques de normalisation (10-14 juin 1974)

The definitions given below are intended primarily to facilitate the work of the Economic Commission for Europe for the removal of barriers to international trade arising from lack of harmonization of standards and international application of standards. The Third Meeting of Government Officials agreed at the same time that it is of considerable importance that harmonization of definitions is achieved at the international level; the hope was expressed therefore that the relevant international organizations - in their activities regarding definitions - would take into account the definitions adopted.

Agreement was also reached at the Third Meeting of Government Officials in connexion with the formulation of the definition [25] "Certification system", that governments should be recommended to take appropriate measures so that the rules of procedure and of management of such systems be available to the public.

Les définitions reproduites ci-après visent essentiellement à faciliter les travaux de la Commission économique pour l'Europe en ce qui concerne l'élimination des obstacles au commerce international dus à un manque d'harmonisation des normes et de leur application internationale. La troisième Réunion de fonctionnaires internationaux a considéré, par ailleurs, qu'il était de la plus haute importance d'harmoniser les définitions au niveau international; elle a donc exprimé l'espoir que les organisations internationales pertinentes - dans leurs travaux de mise au point des définitions - tiendraient compte des définitions adoptées.

Il a également été convenu à la troisième Réunion de fonctionnaires gouvernementaux, à propos de la formulation de la définition [25] "Système de certification", qu'il serait recommandé aux gouvernements de prendre des mesures appropriées afin que les règles de procédure et de gestion des systèmes en question soient mises à la disposition du public.

¹Originally issued as ECE/STAD/14, Annex 1/Diffusé à l'origine sous la cote ECE/STAD/14, annexe 1.

[1] Regulation

A binding document which contains legislative, regulatory or administrative rules and which is adopted and published by an authority legally empowered with the necessary power.

[2] Technical specification

A document which lays down characteristics of a product or a service such as levels of quality, performance, safety, dimensions. It may include terminology, symbols, testing and test methods, packaging, marking or labelling requirements. A technical specification may also take the form of a code of practice.

[3] Standard

A technical specification or other document available to the public, drawn up with the co-operation and consensus or general approval of all interests affected by it based on the consolidated results of science, technology and experience, aimed at the promotion of optimum community benefits and approved by a body recognized on the national, regional or international level.

Note 1: A technical specification which does not satisfy all the conditions given in the definition may sometimes be called by other names, for example: "recommendation".

Note 2: In some languages the word "standard" is often used with another meaning than in this definition, and in such cases it may refer to a technical specification which does not satisfy all the conditions given in the definition, for example: "company standard".

[4] Technical regulation

A regulation containing or referring to a standard or a technical specification.

Note: A technical regulation may be supplemented by technical guidance which outlines some way(s) to fulfil the regulation.

[1] Règlement

Document de caractère obligatoire qui contient des dispositions législatives, réglementaires ou administratives et qui a été adopté et publié par un organe légal détenteur des pouvoirs nécessaires à cet effet.

[2] Spécification technique

Document définissant les caractéristiques requises d'un produit ou d'un service telles que les niveaux de qualité ou de performance, la sécurité, les dimensions. Le document peut comprendre des prescriptions concernant la terminologie, les symboles, les essais et méthodes d'essai, l'emballage, le marquage ou l'étiquetage. Une spécification technique peut aussi prendre la forme d'un code de bonne pratique.

[3] Norme

Spécification technique ou autre document accessible au public, établi avec la coopération et par le consensus ou l'approbation générale de toutes les parties intéressées, fondé sur les résultats conjugués de la science, de la technologie et de l'expérience, visant à l'avantage optimal de la communauté dans son ensemble et approuvé par un organisme qualifié sur le plan national, régional ou international.

Note 1 : Une spécification technique correspondant à toutes les conditions de la définition peut parfois être désignée par d'autres termes, par exemple : "recommandation".

Note 2 : Dans certaines langues le mot "norme" est souvent utilisé dans un sens qui diffère de celui donné dans cette définition et peut viser, dans ce cas, une spécification technique ne répondant pas à toutes les conditions de cette définition, par exemple : "norme d'entreprise".

[4] Règlement technique

Règlement contenant une norme ou une spécification technique ou se référant à une norme ou à une spécification technique.

Note : Un règlement technique peut être complété par une indication technique concernant la ou les façons de remplir les conditions d'un règlement.

[4] Harmonized standards

Standards of the same scope that have been approved by different standardizing bodies and which are either technically identical or recognized as technically equivalent in practice.

Note: Harmonization of standards is generally carried out in order to prevent or eliminate technical barriers to trade in the region of the world in which they are applied.

[5] Mandatory standard

A standard of which the application has been made mandatory by a regulation.

[6] Reference to standards

A method of drafting a regulation in such a way that a detailed statement of technical specifications is replaced in the text by referring to one or more standards.

[7] Reference to standards by exact identification

A method of reference to standards by designating one or more specific standards in such a way that later revisions of the standard or standards will not be applied unless the regulation is modified.

Note: The standard is usually designated by its title, number and edition or date.

[8] Reference to standards by undated identification

A method of reference to standards by designating one or more specific standards in such a way that later revisions of the standard or standards will be applied without the necessity of modifying the regulation.

Note: The standard is usually designated only by its title and number.

[5] Normes harmonisées

Normes ayant le même objet, qui ont été approuvées par différents organismes à activités normatives et qui sont techniquement identiques ou reconnues comme techniquement équivalentes dans la pratique.

Note : L'harmonisation des normes est généralement établie pour prévenir ou éliminer les obstacles techniques aux échanges dans la région du monde où elles sont applicables.

[6] Norme obligatoire

Norme dont l'application a été rendue obligatoire par un règlement.

[7] Référence aux normes

Mode de rédaction d'un règlement consistant à remplacer dans le texte l'énoncé détaillé de spécifications techniques par une référence à une ou plusieurs normes.

[8] Référence aux normes avec identification rigide

Mode de référence aux normes désignant une ou plusieurs normes déterminées, dans des conditions telles que les révisions ultérieures de la ou des normes ne sont applicables que si le règlement est modifié.

Note : La norme est généralement désignée par son titre, son numéro et sa date ou édition.

[9] Référence aux normes avec identification glissante

Mode de référence aux normes désignant une ou plusieurs normes déterminées, dans des conditions telles que les révisions ultérieures de la ou des normes sont applicables de droit dans le règlement.

Note : La norme n'est généralement désignée que par son titre et son numéro.

[4] Harmonized standards

Standards of the same scope that have been approved by different standardizing bodies and which are either technically identical or recognized as technically equivalent in practice.

Note: Harmonization of standards is generally carried out in order to prevent or eliminate technical barriers to trade in the region of the world in which they are applied.

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Note : L'harmonisation des normes est généralement établie pour prévenir ou éliminer les obstacles techniques aux échanges dans la région du monde où elles sont applicables.

[6] Mandatory standard

A standard of which the application has been made mandatory by a regulation.

[6] Norme obligatoire

Norme dont l'application a été rendue obligatoire par un règlement.

[7] Reference to standards

A method of drafting a regulation in such a way that a detailed statement of technical specifications is replaced in the text by referring to one or more standards.

[7] Référence aux normes

Mode de rédaction d'un règlement consistant à remplacer dans le texte l'énoncé détaillé de spécifications techniques par une référence à une ou plusieurs normes.

[8] Reference to standards by exact identification

A method of reference to standards by designating one or more specific standards in such a way that later revisions of the standard or standards will not be applied unless the regulation is modified.

[8] Référence aux normes avec identification rigide

Mode de référence aux normes désignant une ou plusieurs normes déterminées, dans des conditions telles que les révisions ultérieures de la ou des normes ne sont applicables que si le règlement est modifié.

Note: The standard is usually designated by its title, number and edition or date.

Note : La norme est généralement désignée par son titre, son numéro et sa date ou édition.

[9] Reference to standards by undated identification

A method of reference to standards by designating one or more specific standards in such a way that later revisions of the standard or standards will be applied without the necessity of modifying the regulation.

[9] Référence aux normes avec identification glissante

Mode de référence aux normes désignant une ou plusieurs normes déterminées, dans des conditions telles que les révisions ultérieures de la ou des normes sont applicables de droit dans le règlement.

Note: The standard is usually designated only by its title and number.

Note : La norme n'est généralement désignée que par son titre et son numéro.

[16] Regional standardizing body

A standardizing body whose membership is usually limited to certain countries from a given region of the world.

[17] National standard

A standard adopted by a national standards body.

[18] International standard

A standard adopted by an international standards organization or in certain cases a technical specification adopted by an international standardizing body.

[19] Regional standard

A standard adopted by a regional standards organization or in certain cases a technical specification adopted by a regional standardizing body.

[20] Conformity with standards or technical specifications

The conformity of a product or a service with all the requirements of specific standards or technical specifications.

[21] Administrative procedures for determining conformity

The administrative measures needed to determine whether or not a product or a service is in conformity with specific standards or technical specifications. It may include administrative arrangements for controlling the frequency and location of testing for carrying out tests and for supervising the control of quality by producers.

[22] Certificate of conformity

A document attesting that a product or a service is in conformity with specific standards or technical specifications.

[16] Organisme régional à activités normatives

Organisme à activités normatives réservé en général à certains pays appartenant à une région déterminée du monde.

[17] Norme nationale

Norme adoptée par un organisme national de normalisation.

[18] Norme internationale

Norme adoptée par une organisation internationale de normalisation ou, dans certains cas, spécification technique adoptée par un organisme international à activités normatives.

[19] Norme régionale

Norme adoptée par une organisation régionale de normalisation ou, dans certains cas, spécification technique adoptée par un organisme régional à activités normatives.

[20] Conformité aux normes ou aux spécifications techniques

Conformité d'un produit ou d'un service à toutes les exigences de normes ou de spécifications techniques déterminées.

[21] Procédures administratives de reconnaissance de conformité

Mesures administratives nécessaires pour établir si un produit ou service est conforme ou non à des normes ou spécifications techniques déterminées. Elles peuvent comprendre les dispositions administratives relatives à la fréquence, le lieu et l'exécution des essais et le contrôle de qualité effectué par les producteurs.

[22] Certificat de conformité

Document attestant qu'un produit ou un service est conforme à des normes ou à des spécifications techniques déterminées.

[23] Mark of conformity

A mark attesting that a product or a service is in conformity with specific standards or technical specifications.

[23] Marque de conformité

Marque attestant qu'un produit ou un service est conforme à des normes ou à des spécifications techniques déterminées.

[24] Conformity certification

The action of certifying by means of a certificate of conformity or mark of conformity that a product or service is in conformity with specific standards or technical specifications.

[24] Certification de conformité

Action ayant pour objet de certifier au moyen d'un certificat de conformité ou d'une marque de conformité qu'un produit ou un service est conforme à des normes ou à des spécifications techniques déterminées.

[25] Certification system

A system having its own rules of procedure and management, for carrying out conformity certification.

[25] Système de certification

Système ayant ses propres règles de procédure et de gestion, destiné à opérer la certification de conformité.

[26] National certification system

Certification system organized and managed by a governmental or non-governmental body on a national level.

[26] Système national de certification

Système de certification organisé et géré par un organisme gouvernemental ou non gouvernemental au niveau national.

[27] International certification system

Certification system organized and managed by a governmental or non-governmental international organization whose membership is open to all countries of the world.

[27] Système international de certification

Système de certification organisé et géré par une organisation internationale, gouvernementale ou non gouvernementale, ouverte à tous les pays du monde.

[28] Regional certification system

Certification system organized and managed by a governmental or non-governmental regional organization whose membership is usually limited to certain countries from a given region of the world.

[28] Système régional de certification

Système de certification organisé et géré par une organisation régionale, gouvernementale ou non gouvernementale, réservé en général à certains pays appartenant à une région déterminée du monde.

Agreed by the Group of Experts
on Standardization Policies
(27-29 January 1975)¹

Certification body. A governmental body, or other independent and impartial body meeting the needs of all parties interested in the functioning of the certification system, possessing the necessary competence and reliability to operate a certification system.

Third-party certification system. A certification system managed by a certification body or under its surveillance.

Self-certification. A form of conformity certification in which one or more manufacturer are responsible for conformity certification of their products with no surveillance from any certification body.

Définitions adoptées par le Groupe
d'experts des politiques de normalisation
(27-29 Janvier 1975)¹

Organisme de certification. Organisme gouvernemental, ou organisme indépendant et impartial répondant aux besoins de toutes les parties intéressées au fonctionnement du système de certification, qui possède la compétence et la fiabilité nécessaires pour gérer un système de certification.

Système de certification par une tierce partie. Système de certification géré par un organisme de certification ou sous sa surveillance.

Autocertification. Forme de certification de conformité d'après laquelle un ou plusieurs fabricants sont responsables de la certification de conformité de leurs produits sans surveillance de la part d'un organisme quelconque de certification.

¹ ECE document STAND/GE.1/5, paragraph 32.

¹ Document de la CEE STAND/GE.1/5, paragraphe 32.

Appendix 3¹

TRADE AND CUSTOMS REGULATIONS

MARKS OF ORIGIN

Recommendation of 21 November 1958

Considering that in Article IX of the General Agreement the contracting parties recognize that, in adopting and enforcing laws and regulations relating to marks of origin, the difficulties and inconveniences which such measures may cause to the commerce and industry of exporting countries should be reduced to a minimum and that they have agreed on certain basic principles for the carrying out of this idea;

¹Reproduced from BISD - Seventh Supplement pages 30-33.

Considering that it would facilitate the attainment of the objectives of the General Agreement if the CONTRACTING PARTIES were to agree on certain rules which would further reduce the difficulties and inconveniences which marking regulations may cause to the commerce and industry of the exporting country; and

Considering that nothing in this recommendation should be understood to prevent a country

- (a) from applying more liberal provisions, or
- (b) from accepting, but not requiring, other types of marking than that contained in the recommendation,

The CONTRACTING PARTIES

Recommend the adoption of the following rules on marks or origin :

1. Countries should scrutinize carefully their existing laws and regulations with a view to reducing as far as they possibly can the number of cases in which marks of origin are required, and to limit the requirement of marks of origin to cases where such marks are indispensable for the information of the ultimate purchaser.
2. The requirement of marks of origin should not be applied in a way which leads to a general application to all imported goods, but should be limited to cases where such a marking is considered necessary.
3. If marks of origin are required, any method of legible and conspicuous marking should be accepted which will remain on the article until it reaches the ultimate purchaser.
4. The national provisions concerning marks of origin should not contain any other obligation than the obligation to indicate the origin of the imported product.
5. Countries should accept as a satisfactory marking the indication of the name of the country of origin in the English language introduced by the words " made in ".
6. Commonly-used abbreviations, which unmistakably indicate the country of origin, such as " UK " and " USA ", should be considered a satisfactory replacement for the full name of the country concerned.

7. Marking should not be required on containers of articles properly marked if they are not designed to be sold with the product, or are used for transport purposes only.
8. Marking on the container should be accepted in lieu of the marking of the product in the following cases :
 - (a) if this type of marking is customarily considered satisfactory;
 - (b) if the type of packing makes it impossible for the ultimate purchaser to open it without damaging the goods;
 - (c) in the case of goods which, because of their nature, are normally sold in sealed containers;
 - (d) in cases where a marking of the goods shipped in a container is impossible, such as in the case of liquids and gas, or other products that cannot be marked.
9. Imports for non-commercial personal use should be exempted from the marking requirement, including imports which are enumerated in the national customs laws in that context, such as imports of goods in consequence of inheritances, trousseaux, etc. and which are freed from duties in many countries.
10. Original *objets d'art* should be free from the marking requirement.
11. Goods in transit and goods while in bond or otherwise under customs control, for the purposes of temporary duty-free admission, should be free from the marking requirement.
12. Countries should make provisions that in exceptional cases the application of a mark of origin should be permitted under customs supervision in the importing country.
13. The re-exportation of products which cannot be marked under customs supervision should be permitted without penalty.
14. Penalties should not be imposed in contradiction to paragraph 5 of Article IX of the General Agreement, i.e. for failure to comply with marking requirements prior to the importation unless corrective marking is unreasonably delayed or deceptive marks have been affixed or the required marking has been intentionally omitted.
15. When a government introduces a system of marking, or makes it compulsory for a new product, reasonable notice should be given before the new provisions enter into force, and there should be adequate publicity for the new regulations, in conformity with the provisions of Article X of the General Agreement.

16. The exporting countries which encounter difficulties due to the fact that an importing country is not in a position to comply with any one of the above recommendations may request consultation with the importing country in the sense of the provisions of Article XXII of the General Agreement with a view to the possible removal of the difficulties encountered and importing countries should accept any such request.

The CONTRACTING PARTIES finally

Understand that no country shall be obliged to alter :

(a) any provision protecting the "truth" of marks, including trade marks and trade descriptions, aiming to ensure that the content of such marks is in conformity with the real situation;

(b) any provision which requires the addition of a mark of origin in cases where the imported products bear a trade mark being or purporting to be a name or trade mark of any manufacturer, dealer or trader of the importing country; and

Invite all countries to report to the GATT secretariat all changes in their legislation, rules and regulations concerning marks of origin in order to be permanently available for consultation. These reports, including the original texts, should be transmitted as early as possible and at any rate before 1 September each year.