

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/Spec/6  
21 August 1980

Special Distribution

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Committee on Technical Barriers to Trade

## FIRST ANNUAL REVIEW OF THE OPERATION OF THE AGREEMENT

### Preliminary Draft of Basic Document

Article 15.8 of the Agreement on Technical Barriers to Trade provides inter alia, that "the Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof".

The Committee has agreed to conduct the first annual review at its meeting of 15-17 October 1980. It also agreed upon an outline for the annual review and instructed the secretariat to prepare a factual document on which the first review could be based. (TBT/M/3, paragraph 29 and Annex III; TBT/W/12, paragraph 18.) This document, which is set out in accordance with the agreed outline, has been prepared in response to this request.

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1. IMPLEMENTATION AND ADMINISTRATION

1.1 GENERAL

TBT/W/1  
para.3

Legislative, regulatory and administrative action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied. If the Agreement itself has been incorporated into domestic law, how this has been done. In other cases, content of the relevant laws, regulations, administrative orders, etc.

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Argentina

Austria

TBT/M/4  
para.10

The Agreement came into force on 27 June 1980.

Belgium

The procedure for Parliamentary approval of the Agreement on Technical Barriers to Trade was commenced as soon as the Agreement had been signed, but is not yet completed.

With respect to standards

TBT/1/  
Add.11

The Legislative Order of 20 September 1945 is the legal basis of standardization policy in Belgium; it defines the field of action of standardization and the competence in this respect of a national body, the "Institut Belge de Normalisation" (I.B.N.).

With respect to technical regulations and certification systems

Technical regulations and certification systems are at present under the responsibility of several administrations and bodies. A study has been undertaken with a view to harmonizing the procedure of publication and consultation with that established for standards.

Brazil

TBT/1

1. The Agreement on Technical Barriers to Trade signed by Brazil on 28 December 1979 entered into force for Brazil on 1 January 1980 in accordance with Article 15.6.
2. A major step as regards the development of industrial standardization and quality certification in Brazil has been the establishment of the National System of Metrology, Standardization and Industrial Quality - SINMETRO - by Law 5.966 of 11 December 1973. The System is composed of two branches, for normative and executive functions respectively.
3. Its main entity and normative branch is the National Council for Metrology, Standardization and Industrial Quality - CONMETRO - which operates through a Plenary and a number of Sectorial Chambers, besides its Secretariat. The Plenary includes representatives of sixteen Ministries, the National Confederation of Industry, the National Confederation of Trade, a National Institute of Standardization, a National Institute of Industrial Quality, and a representative of the consumers. As of date, CONMETRO has established five Sectorial Chambers: for Chemistry and Food Products, for Metal-Mechanics and Transportation, for Electro-Electronics and Energy, for Civil Engineering and Transportation, and for the Agro-industry.
4. The Council's responsibility includes, inter alia, (a) to formulate, co-ordinate and supervise policy on industrial standardization and certification of quality of industrial products; (b) to promote voluntary standardization activities; (c) to establish standards for industrial materials and products; (d) to establish criteria and procedures for certification of quality; and (e) to co-ordinate participation in international activities.

5. Executive functions within the System are the responsibility of the National Institute of Metrology, Standardization and Industrial Quality - INMETRO - which operates through a number of Committees in charge of co-ordination of standardization activities in specific product sectors. INMETRO may request, on a case-by-case basis, authorization from CONMETRO to accredit public or private entities for carrying out activities within its area of competence.
6. This System's activities in the field of industrial standardization were initiated officially in 1976 and are progressing steadily. Also, studies started in 1978 for ultimately establishing a certification of conformity with standards and technical specifications.
7. TBT Agreement related activities in the agricultural and livestock sectors are the responsibility of the National Secretariat for Agricultural and Livestock Protection - SNAD - which operates through two branches: the Secretariat for Inspection of Animal Products and the Secretariat for Inspection of Vegetable Products. SNAD's responsibilities include, inter alia, standardization and classification of agricultural and livestock products, including those destined for human consumption, as laid out in Decree 69.502 of 5 November 1971: standardization of beverages (Law 5.823 of 1972) and standardization of vegetable products and by-products (Decree 82.110 of 1978).
8. Standardization activities are carried out by SNAD through a number of Chambers, with active participation of the private sector concerned.

Canada

TBT/1/  
Add.3

1. The Canadian Government consulted extensively with the provincial governments and with the Standards Council of Canada and its accredited standards-writing organizations prior to signing the Agreement and received assurances

that they would endeavour to comply with the provisions of the Agreement that apply to their activities and to co-operate in the implementation of the Agreement.

2. No legislation is required for Canada to implement the Agreement. Federal Government departments and agencies have been provided with copies of the Agreement and have been informed of their obligations under it. A formal government administrative policy directive respecting the provisions of the Agreement is being prepared for issuance to all federal departments and agencies. An Interdepartmental Committee on Standards Policy comprising representatives of Federal Government departments and agencies engaged in activities to which the Agreement applies has been established to review the implementation and administration of the Agreement.

3. Responsibility for co-ordinating the implementation of the Agreement by Canada has been assigned to:

Technology Branch,  
Department of Industry, Trade and Commerce,  
235 Queen Street,  
Ottawa,  
Ontario K1A 0H5,  
Canada.

Chile

Denmark

TBT/1/  
Add.16

1. The Ministry of Industry has issued instructions for the implementation of the Agreement (Circular Letter from the Ministry of Industry dated 27 June 1980). The instructions have been discussed with all relevant ministries and will be published in the next edition of the Danish Ministerial Gazette (Ministerialtidende). They will apply to all central government

bodies. Copies will also be sent to local and regional authorities by the Ministry of the Interior. Agreements between the Ministry of Industry and the Danish standards associations on their implementation of the Agreement have been prepared for signature in the near future.

2. The instructions spell out the details of the Agreement and explain what tasks the agencies and organizations will have to perform.

EEC

TBT/1/  
Add.8

1. The Council decision of 10 December 1979 is the basic law in accordance with which the European Communities both approved and formally undertook the obligations of the Agreement. This decision is contained in Official Journal No. L 71 of 17 March 1980.

2. In addition to this basic law the Communities approved on 15 January 1980 a decision to establish certain principles for the administration of the Agreement and certain rules and procedures to regulate the resort to actions in the event of non-reciprocity should this arise in the course of application of the Agreement. This decision regulates the important internal question of the rôle of the individual member States, the Commission and the Council of the European Communities in taking such action. This Decision is contained in Official Journal No. L 14 of 19 January 1980.

3. Finally, there is, at the moment, a proposal before the Council of Ministers, for a directive to regulate, internally, the implementation of the provisions of the Agreement on access to Community certification systems. The purpose of this Directive is to establish a procedure for the granting of Community certification to third country products.

Finland

TBT/1/  
Add.6

1. The Agreement itself has been incorporated into Finnish law by a law adopted by the Parliament on 22 February 1980. It shall come into force retroactively from 1 January 1980 by a presidential decree, which shall be given around 20 April.
2. A decision by the Council of State (Government) concerning information, notification and enquiry points has been prepared and is to be issued in May at the latest.
3. Control of the implementation of the Agreement in Finland:

Ministry of Trade and Industry,  
Aleksanterinkatu 10,  
00170 Helsinki 17.

France

TBT/M/3

It has not been necessary to take special legislative action to apply the Agreement in this country. While the French Foreign Trade Ministry would be responsible for co-ordinating the implementation of the various MTN Agreements, the technical administration of this Agreement would be carried out by the Interministerial Standards Office (Commissariat à la normalisation).

Federal Republic of Germany

TBT/1/  
Add.14

The Agreement on Technical Barriers to Trade was signed by the Federal Republic of Germany on 17 December 1979, and entered into force in the Federal Republic of Germany on 1 January 1980; special legislative measures were not required. Please cf. notification (TBT/1/Add.8) of 16 June 1980, for the measures implemented by the European Communities.

Hungary

TBT/M/4

The Agreement came into force on 24 May 1980 for Hungary. Some measures are still needed to ensure the technical co-ordination of different agencies responsible for standards.



Ireland

TBT/1/  
Add.12

1. Signature of the Agreement on behalf of Ireland was authorized by Government decision on 12 December 1979, following a decision of 10 December 1979 by the Council of Ministers of the European Communities which approved and formally undertook the obligations of the Agreement. This decision is contained in Official Journal No. L 71 of 17 March 1980. In addition, the European Communities approved on 15 January 1980 a decision (Official Journal No. L 14, of 19 January 1980) to establish certain principles for the administration of the Agreement and certain rules and procedures to regulate the resort to actions in the event of non-reciprocity, should this arise in the course of application of the Agreement. This decision regulates the internal question of the rôle of the individual member States, the Commission and the Council in taking such action.
2. As a consequence of signature on behalf of Ireland and as a result of the decisions by the Council of Ministers referred to above, the provisions and obligations of the Agreement came into effect for Ireland from 1 January 1980.

Italy

TBT/1/  
Add.15

1. Italy has accepted the Agreement without reservation. Accordingly no parliamentary approval is required.
2. As regards the necessary legislative texts for implementation of the Agreement, reference should be made to the measures taken by the European Communities (document TBT/1/Add.8). Practical and administrative measures have been taken by the Italian authorities in order to integrate those texts at national level and ensure their implementation.

Japan

TBT/1/  
Add.7

1. The measures taken by Japan in this context took, most importantly, the form of a set of amendments to the Industrial Standardization Law. The amendments were promulgated on 25 April 1980, and their foremost purpose is to give foreign manufacturers access to the Japanese Industrial Standards (hereinafter called "JIS") marking system.\*

\*The JIS marking system has been established by the Industrial Standardization Law, whereby manufacturers who are specifically permitted by the competent minister are authorized to stamp a JIS mark on products which meet the JIS. The system is applied to products, of which the dissemination of standards is deemed particularly necessary.

2. A summary of the main points of the amendments is as follows:

2.1 The JIS marking system is now applicable to foreign manufacturers and processors under the same procedures and conditions as indicated below:

2.1.1 A JIS mark may be stamped on a product produced in a foreign factory specifically approved by the minister concerned having competence on that particular product.

2.1.2 In granting such approval, the competent minister shall treat the foreign factory concerned on exactly the same basis as in the case of a domestic factory producing the same product. The minister conducts examination of the foreign factory and may take necessary steps for supervision of its factory approved by him, including on-the-spot inspections if required.

2.1.3 Importers are allowed to sell in the domestic market products bearing JIS marks produced only in factories approved by the respective competent ministers.

2.2 Inspection of approved factories and products may be conducted by the agencies authorized to do so as follows:

2.2.1 The competent minister will officially announce his intention to carry out inspection of a factory producing a product bearing a JIS mark, when he considers it necessary to ensure the conformity with the JIS prescribed in respect of the product concerned because of a revision of the JIS concerned or in the light of the situation of the quality maintenance of the product. When such an announcement is made, the factory concerned shall be subject to an inspection by an agency authorized by the competent minister, which must be carried out within a prescribed period.

2.2.2 The competent minister may order the carrying out of an on-the-spot investigation of a factory which has refused to receive an inspection, or which is deemed, as a result of an inspection, to be producing the product concerned not in conformity with the JIS required of the product. When, as a result of an investigation, the minister finds it necessary, he may order the factory not to sell the product with the JIS mark during a specified period, forty days at the longest, within which an appropriate administrative action is to be taken.

2.2.3 The competence of the minister, described in 2.2.1 and 2.2.2 above, is also applicable to any approved foreign factory, except that the limit of a specific period referred to in 2.2.2 above is eighty days.

2.3 JIS marks, or any other markings which are liable to be mistaken for a JIS mark, shall not be affixed on the products other than the designated products. This shall be also applicable with regard to products to be imported.

2.4 With regard to the frequency of the competent minister referring JIS to the Japanese Industrial Standards Committee for the review of their appropriateness, it is now to be once in every five years, instead of once in every three years as had been the case previously, in line with the corresponding rule of the ISO. This measure has been taken with a view to ensuring a better co-ordination between JIS and international standards.

2.5 The steps under 2.1 and 2.4 above were put into effect on 25 April 1980 and those under 2.2 and 2.3 above will be put into effect on 25 October 1980.

TBT/1/Add.7/ 3. The regulation on the stability test for new drugs, which is required in  
Suppl.1  
making application for approval of their manufacture or importation has been amended with a view to simplifying the administrative procedures for the examination of new pharmaceutical products for which approval is sought, the relevant provisions of the Agreement being those of Article 5.2 and 5.3. Under the amendment, which was put into effect on 1 April 1980, results of a stability test conducted by a relevant body of the foreign country concerned may be accepted by the Japanese Government as data in conducting the examination.

Luxembourg

Netherlands

TBT/1/  
Add.13

1. The ratification procedure as required by the Netherlands constitution is well under way, but no precise indication can be given at this stage as to the date of its completion. As indicated at the time of signing the Agreement on 17 December 1979, the Agreement is applied provisionally as from the date it entered into force. To ensure this de facto application the necessary practical and administrative measures have been taken. Reference may also be made to action taken by the European Communities (document TBT/1/Add.8).
2. The Netherlands legislation is consistent with the principles of the Agreement: technical regulations, standards and certification systems comply with the general provisions of Articles 2, 5 and 7; consequently no changes of a legislative nature had to be introduced. Provisions of a procedural character are implemented as follows:
3. It is unlikely that local government bodies in the Netherlands will issue technical regulations which may have a significant effect on trade. Nevertheless local government bodies will be informed of the Agreement and requested to comply with the relevant provisions in appropriate cases.
4. Non-governmental bodies in the field of standardization in the Netherlands are the "Nederlands Normalisatie Instituut" (N.N.I.) and the "Nederlands Electrotechnisch Comité (N.E.C.). They have been requested to apply the relevant provisions of the Agreement. Any standards adopted by them will be published in the "Normalisatie Magazine" edited by the N.N.I.

The private institute which will co-ordinate activities in the field of certification, the establishment of which is under way, will be the "Raad voor de Certificatie" (Council for Certification). This body will have authority to recognize private certification systems on the basis of fixed criteria. In the elaboration of these criteria due account will be taken of the obligations contained in Article 8 of the Agreement.

New Zealand

TBT/1/  
Add.5

1. Measures taken to ensure the Agreement's implementation include: the circulation of the text of the Agreement in the White Paper published by the New Zealand Government on the outcome of the MTN; all government departments and other bodies associated with standards have been informed of New Zealand's accession to the Agreement and of the need to comply with its provisions.
2. Apart from the Department of Trade and Industry, other agencies having functions under the Agreement are:

The Standards Association of (Industrial Standards)  
New Zealand,  
World Trade Centre,  
15/23 Sturdee Street,  
Wellington 1,  
New Zealand.

Telarc, (Testing Laboratories)  
272 Parnell Road,  
Parnell,  
Auckland 1,  
New Zealand.

Ministry of Agriculture and (Technical regulations for animals  
Fisheries, and animal remedies, agricultural  
Private Bag, chemicals and plants)  
Wellington,  
New Zealand.

Department of Health, (Standards for labelling,  
Private Bag, packaging and composition of food)  
Wellington,  
New Zealand.

Norway

TBT/1/  
Add.2

1. The Ministry of Commerce and Shipping has issued preliminary instructions for the implementation of the Agreement. The instructions have been submitted to all ministries. Local governments and non-governmental bodies and organizations are also being informed about the implementation.
2. The instructions spell out the national responsibilities under the Agreement and the tasks which have to be performed by agencies and organizations issuing regulations or standards.

Singapore

Spain

TBT/M/4

The Agreement is currently being examined at the legislative and executive levels in Spain. The text of the Agreement is now before parliament for ratification. A working group has recently been set up to analyse and co-ordinate the activities of all the administrative and other agencies responsible in the field of standards.

Sweden

TBT/1/  
Add.4

1. The Agreement on Technical Barriers to Trade was ratified by the Swedish Parliament on 19 December 1979 (Government Bill 1979/80:24). The Agreement entered into force on 1 January 1980, in relation to Sweden.
2. In order to ensure the proper implementation of the Agreement the following actions have been undertaken in Sweden:
  - 2.1 An amendment to the ordinance regarding the obligation of authorities to inform the Board of Commerce of certain regulations etc. (SFS 1973:233, amendment SFS 1979:1209) has been issued. The

amended ordinance states that an authority intending to issue regulations or guidelines regarding the technical construction, quality, marking, testing or approval of goods subject to international trade, should inform the Board of Commerce about the matter well in advance before the authority concerned makes a decision on the matter. In urgent cases the information may be given at the latest when the authority has decided on the matter. If it can be expected that such regulations or guidelines are of considerable importance for the trade between Sweden and other countries, the authority concerned should consult with the Board of Commerce before making any decision, unless there are particular reasons not to apply such a procedure.

- 2.2 The Board of Commerce has been instructed to, after consultations with the authority concerned, publish a notice in a publication, notify other Parties of the Agreement through the GATT secretariat and fulfil the obligations as enquiry point (SFS 1973:610, amendment SFS 1980:56).

Switzerland

TBT/M/2

1. The constitutional and administrative procedures for acceptance of the Agreement were completed on \_\_\_\_\_, and it now has legal force.

TBT/M/3

2. On a provisional basis the administration of the Agreement has been entrusted to the Federal Office of Economic Affairs which has circulated the relevant documentation to the agencies concerned and hopes to be able to report shortly on standardization activities in Switzerland. A special working party has been established to work out a notification system. It has come to the conclusion that a new ordinance of the Federal Council is



necessary to put the scheme into operation: such an ordinance is expected to be ready by early fall. It is hoped that by that time all institutions and bodies necessary for the administration of the Agreement will be in place. In the meantime the competent body is the Federal Office of Economic Affairs.

United Kingdom

TBT/1/  
Add.10

1. The European Communities approved and formally undertook the obligations of the Agreement through the Council Decision (EEC) No. 80/271 of 10 December 1979 (Official Journal L71 page 1 of 17 March 1980). In addition Council Decision (EEC) No. 80/45 of 15 January 1980 (Official Journal L14 page 36 of 19 January 1980) lays down provisions on the introduction and implementation of technical regulations and standards. Finally, there is a proposal before the Council of Ministers for a Directive to regulate internally access to Community certification systems under the provisions of the Agreement.

2. The Agreement has full effect in United Kingdom law by virtue of an Order (SI 1980/191) made under Section 1(3) of the European Communities Act, 1972.

Hong Kong

TBT/1/  
Add.9

1. No legislation is required for Hong Kong to implement the Agreement. All government departments responsible for the operation of technical regulations or standards and certification systems have been provided with copies of the Agreement and have been informed of the need to comply with its provisions. Hong Kong does not have, nor is it contemplating the introduction of a national system of technical regulations or standards and certification requirements for products that would significantly affect the trade of other parties. Hong Kong's existing technical regulations and standards and certification requirements relate mostly to food hygiene, dangerous drugs and

goods, alcohol and hydrocarbons, pharmaceutical products and poisons and telecommunication apparatus. The application of these regulations, standards and certification requirements is non-discriminatory and in accordance with the provisions of the Agreement. The adoption of technical regulations, standards and certification requirements is currently the responsibility of the Hong Kong Government and no non-government bodies have been given such powers.

TBT/M/4

2. All technical regulations, standards and certification systems applicable in Hong Kong are in conformity with the requirements of the Agreement. Hong Kong does not have a national system of regulations, standards or certification requirements. There are nevertheless certain indigenous measures which have been taken for the purposes mentioned in the latter part of Article 2.2 of the Agreement and which are embodied in the various chapters of the law of Hong Kong. There are nine relevant ordinances concerning building, dangerous drugs, dangerous goods, radiation, pharmaceuticals and poisons, road traffic, telecommunications, food hygiene, alcohol and hydrocarbons. Responsibility for the operation of regulations and standards lay fully in the hands of the government. There is only one government body responsible for such action and no non-governmental bodies are involved in the elaboration of standards. As a result, the provisions of Articles 3, 4, 6 and 8 are not pertinent to the Hong Kong situation. Internal measures taken within government departments are sufficient to ensure adequate implementation of the Agreement. All the necessary measures for this purpose have already been taken. As to the future, authority to adopt new standards will continue to lie solely in the hands of the government, which will remain in a position to ensure continuous implementation of the Agreement without any need for changes in existing legislation.

United States

TBT/1/  
Add.1

1. The legal basis on which the Agreement is being implemented in the United States is Title IV of the Trade Agreements Act of 1979 (Public Law 96-39). I am forwarding to you for the information of the Committee on Technical Barriers to Trade a copy of Title IV, as well as a copy of the United States Administration's Statement of Administrative Action, which sets forth a detailed plan by the United States Executive Branch for implementing Title IV.

2. No additional laws or regulations have been issued with respect to the Agreement at this time. However, the Departments of Commerce and Agriculture may issue, in the future, regulations regarding their responsibilities under Title IV of the Trade Agreements Act. In addition, the Office of the United States Trade Representative may issue an executive order regarding federal agencies' standards-related activities. Other agencies that have functions pursuant to the Agreement are:

Office of Product Standards,  
Office of the Assistant Secretary for Science and Technology,  
Room 3876,  
United States Department of Commerce,  
Washington, D.C. 20230.

Trade Negotiations Division,  
Office of Trade Agreements Policy,  
Room 3031,  
United States Department of Commerce,  
Washington, D.C. 20230.

Technical Office,  
International Trade Policy,  
Foreign Agricultural Service,  
Department of Agriculture,  
Washington, D.C. 20250.

1.2 CONSULTATION POINTS

TBT/W/1  
para. 4(d)

Name and address of the agency with which to get in touch if consultations are to be requested under Article 14.

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Argentina

Austria

Belgium

TBT/1/  
Add.11

Ministère des Affaires Etrangères,  
Rue Quatre Bras 2,  
1000 Bruxelles.

Brazil

TBT/1

Signatories wishing to consult should communicate in writing with:

Divisão de Política Comercial,  
Sala 536 - (TBT Enquiry Point),  
Ministério das Relações Exteriores,  
Brasilia.

or:

Permanent Delegation of Brazil,  
33, rue Antoine Carteret,  
1202 Geneva.

Canada

TBT/1/  
Add.3

Commercial and General Economic Policy Division,  
Department of External Affairs,  
Lester B. Pearson Building,  
Ottawa,  
Ontario K1A 0G2,  
Canada.

Chile

Denmark

TBT/1/  
Add.16 Udenrigsministeriet,  
(Ministry of Foreign Affairs),  
Asiatisk Plads 2,  
DK-1448 Copenhagen K,  
Denmark.

EEC

TBT/1/  
Add.8 Delegation of the Commission of the European Communities,  
37-39, rue de Vermont,  
Geneva,  
Switzerland.

Finland

TBT/1/  
Add.6 Ministry for Foreign Affairs,  
Department of Foreign Trade,  
Hallituskatu 3 B,  
00170 Helsinki 17.

France

Federal Republic of Germany

TBT/1/  
Add.14 Bundesministerium für Wirtschaft,  
Villemombler Str. 76,  
D 5300 Bonn 1.

Hungary

Ireland

TBT/1/  
Add.12

EEC Division,  
Department of Industry, Commerce and Tourism,  
Kildare Street,  
Dublin 2.

Requests for consultations may be channelled through:

La Mission permanente de l'Irlande,  
17-19 chemin du Champ D'Anier,  
Case postale 144,  
1211 Genève 19.

Italy

TBT/1/  
Add.15

Ministero dell'Industria Commercio e Artigianato  
Direzione Generale Produzione Industriale,  
Ispettorato Tecnico dell'Industria,  
Via Molise, 2 - 00100 Roma.  
Telex 610154

Copy to:

Permanent Mission of Italy,  
10, chemin de l'Impératrice,  
CH-1292 Chambésy,  
Genève.

Japan

TBT/M/4

First International Organization Division,  
Economic Affairs Bureau,  
Ministry of Foreign Affairs,  
Chiyoda Ku,  
Kasumijaseki 221,  
Tokyo.

Luxembourg

Netherlands

TBT/1/  
Add.13                      Permanent Mission of the Kingdom of the Netherlands,  
56,rue de Moillebeau,  
1211 Geneva, 19.

New Zealand

TBT/1/  
Add.5                      The Department of Trade and Industry,  
Private Bag,  
Wellington,  
New Zealand.

or:

Permanent Delegation of New Zealand,  
28A, chemin du Petit-Saconnex,  
1209 Genève.

Norway

TBT/1/  
Add.2                      Ministry of Commerce and Shipping,  
P.O. Box 8113 Dep.,  
Fr. Nansens plass 4,  
Oslo 1.

Singapore

Spain

Sweden

TBT/1/  
Add.4                      Ministries for Foreign Affairs and Commerce (Utrikes och  
Handelsdepartementen), S-103 33 Stockholm, preferably through the Swedish  
Permanent Delegation in Geneva: 9-11, rue de Varembé, 1202 Genève.





1.3 PANELISTS

TBT/W/1  
para.5

Name(s) of one or two governmental experts whom Parties would be willing to make available for work on panels set up under the Agreement (Annex 3, paragraph 1).

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Argentina

Austria

TBT/M/3

In view of the variety of problems that might be involved in dispute settlement, the Austrian authorities are prepared to make persons available on an ad hoc basis, upon request.

Belgium

TBT/W/7/  
Rev.1

Mr. H. van Houtte

Brazil

TBT/1

Canada

TBT/1/  
Add.3

Mr. H. Douglas

Mr. M. Gifford

Chile

Denmark

TBT/W/7/  
Rev.1                    Mr. A. Anderson

EEC

See member States

Finland

TBT/W/7/  
Rev.1                    Mr. Bergholm  
                              Mr. Kuosmanen

France

TBT/W/7/  
Rev.1                    Mr. E. Robin

Federal Republic of Germany

TBT/W/7/  
Rev.1                    Mr. H. von Massow

Hungary

Ireland

Italy

TBT/W/7/  
Rev.1                    Mr. P. Cavanna

Japan

TBT/W/7/  
Rev.1                    Mr. T. Kawamura  
                              Mr. K. Shinzeki

Luxembourg

Netherlands

TBT/W/7/  
Rev.1                    Mr. A. Oosterhoff

New Zealand

TBT/W/7/  
Rev.1                    Mr. T.C. O'Brien  
                              Dr. J. Yeabsley

Norway

TBT/W/7/  
Rev.1                    Mr. E. Selmer  
                              Mr. H. Boyum  
                              Mr. K. Berger

Singapore

Spain

Sweden

TBT/W/7/  
Rev.1                    Mr. B. Agild

Switzerland

United Kingdom

TBT/W/7/  
Rev.1

Mr. J.S. Linton

Mr. R.J. Meadway

Hong Kong

United States

TBT/W/7/  
Rev.1

Mr. D. Abelson

Mr. B. Wilson

## 2. NOTIFICATION

### 2.1 GENERAL

TBT/M/3,  
Annex III  
para.1(b)

1. Notifications under the relevant provisions of the Agreement (Articles 2.5, 2.6, 3, 4, 7.3, 7.4, 8) have been made by eight signatories to date /11 August 1980/. The total number of notifications made by each is as follows:

Canada	9
European Economic Community	9
Ireland	2
Japan	6
Norway	1
Sweden	7
United Kingdom	1
United States	22

2. Out of the total 57 notifications, 51 were made under Article 2.5.2 of the Agreement, two under 2.6.1 and four under 7.3.2.

The fields covered by the notifications to date are mainly:

- (1) Dangerous substances, protection of human health (21 notifications);
- (2) Motor vehicle safety (11 notifications);
- (3) Agricultural products (6 notifications);
- (4) Packaging and labelling regulations (3 notifications);
- (5) Miscellaneous, i.e. environment protection; radiation; furniture; (16 notifications).

3. At its second and third meetings, the Committee discussed the format for notifications. It agreed at its third meeting to recommend a format which was subsequently translated into a notification form by the secretariat. To the

fullest extent possible, delegations now submit notifications on the secretariat form. Blank forms are available on request from the secretariat.

4. The format recommended by the Committee covered, inter alia, the name of the party or agency proposing to adopt or which has adopted a regulation or a certification system; the products covered, with their tariff heading; the comment period or final date for submission of comments.

5. Except in the initial running-in period, all signatories which have circulated notifications have given indications as to the agency responsible for draft regulations or certification systems.

6. Since the adoption of the recommended format by the Committee, Parties which do not use the Customs Cooperation Council Nomenclature have indicated the national tariff number of the products covered in their notifications.

2.2 COMMENT PERIOD

TBT/W/1  
Para.4(b)

2.2.1 Expected length of time to be allowed for presentation of comments in writing on technical regulations, standards or rules of certification systems (Articles 2.5.4, 2.5.5, 2.6.3, 7.3.4 and 7.4.3);

TBT/M/3,  
Annex I

The Committee recommended six weeks as a suggested minimum length of time.

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Argentina

Austria

Belgium

TBT/1/  
Add.11

Comments on draft standards can generally be presented within a period of three months.

Brazil

TBT/1

The length of time normally allowed for receiving comments on draft national standards prepared by ABNT is approximately eight weeks.

Canada

Chile

Denmark

TBT/1/  
Add.16

No time-limit can be set for the presentation of comments. Any comments presented within a reasonable time will be taken into account to the maximum extent possible.

EEC

TBT/1/  
Add.8

Generally speaking the time we expect to allow for making comments on Community regulations will be two to four months depending on the Community procedures invoked.

Finland

TBT/1/  
Add.6

At least six weeks.

France

Federal Republic of Germany

TBT/1/  
Add.14

Owing to the differences in character of the respective technical regulations, standards or certification systems and in the practice of various authorities there is no uniform time frame on the submission of written comments. As a rule, two months are likely to be available for commenting regulations of Federal departments and authorities and up to four months for DIN standards, for instance.



Hungary

Ireland

TBT/1/  
Add.12

Generally speaking two months will be allowed for presentation of comments.

Italy

TBT/1/  
Add.15

The length of time allowed for presentation of comments in writing on technical regulations, standards or rules of certification systems can vary from two to three months, according to the case.

Japan

TBT/M/4

Regarding the comment period, the Japanese Government would follow the recommendation of the Committee as far as possible.

Luxembourg

Netherlands

TBT/1/  
Add.13

Notifications through the GATT secretariat will be made in conformity with the format recommended by the Committee. The delay for comments to be made will be adapted to whatever consensus may emerge in the Committee, but should in the Netherlands view be in general not less than six weeks.

New Zealand

TBT/1/  
Add.5

A minimum period of three weeks (more usually at least one month) is allowed for the receipt of comments. The time available for comments from overseas is the same as that available to parties commenting in New Zealand.

Norway

TBT/1/  
Add.2

No firm period has so far been fixed. The Norwegian authorities will as far as possible take into consideration any comments made within reasonable time.

Singapore

Spain

Sweden

TBT/1/  
Add.4

No specific length of time for presentation of comments in writing on technical regulations etc. has been established.

Switzerland

United Kingdom

TBT/1/  
Add.10

Generally speaking two or three months.

Hong Kong

TBT/1/  
Add.9

The time allowed for presentation of comments in writing on technical regulations or standards and rules of certification systems varies from one month to twelve months.

United States

TBT/1/  
Add.1

The Federal Government allows the public at least sixty days to comment on proposed regulations (Articles 2.5.4, 2.5.5, 2.6.3, 7.3.4 and 7.4.3).

State Governments typically provide for public comment periods of ten to thirty days (Article 3.1). For example:

California - approximately thirty days (depends upon the issue)

New York - thirty days

Texas - thirty days

Pennsylvania - approximately thirty days (depends upon the issue)

Illinois - fourteen days

Florida - fourteen days

Wisconsin - ten days before an automatic public hearing

The United States Private Sector National Standards Organization, ANSI, normally allows sixty days for comments on their proposed standards (Article 4.1).

2.2.2 Length of time actually allowed for presentation of comments.

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1. An analysis of notifications received to date [11 August 1980] shows that the comment period has varied from country to country, from a minimum of less than one week after the date of issue of the notification by the secretariat to a maximum of five and one half months. Most signatories have allowed a month or longer for comments. In a few cases, no comment period was indicated.

2. The breakdown is as follows (numbers of notifications in parentheses):

Canada	no indication (7); 6 weeks (2).
European Economic Community	1 month (1); 1½ months (1); 2 months (1); 2½ months (2); 3 months (1); 3½ months (3).
Ireland	2 months (2).
Japan	1 week (1); 1 month (2); 1½ months (1); 2 months (1).
Norway	1 month (1).
Sweden	1 month (1); 1½ months (2); 2 months (2); 2½ months (1).
United Kingdom	no indication (1).
United States	1 week or less (3); 2 weeks (1); 3 weeks (4); 1 month (7); 1½ months (3); 2 months (1); 5 months (1); 5½ months (1).

3. TECHNICAL ASSISTANCE AND SPECIAL AND  
DIFFERENTIAL TREATMENT

[Delegations are requested to supply information on any requests that they have made or received, if any, and on action taken in respect of these.]

4. DISPUTE SETTLEMENT

1. One Party has requested consultations under Articles 14.1 and 14.2 of the Agreement: the request was not accepted by the Party to whom it had been addressed (TBT/M/3, TBT/M/4, TBT/Spec/4 and 5).
2. The Committee was not requested to investigate any matter under Article 14.4 of the Agreement.

## 5. ACCESSION AND RESERVATIONS

### 5.1 Accession

1. At its meeting of June 1980, the Committee adopted procedures for the accession on non-contracting parties (TBT/M/3, paragraphs 26-28 and Annex II).

2. On 10 July 1980, the delegation of Bulgaria informed the Chairman that Bulgaria wished to start negotiations for accession to the Agreement on Technical Barriers to Trade under Article 15.3 of the Agreement.

3. [Action by the Committee on this request.]

### 5.2 Reservations

No signatory has requested a reservation under Article 15.5 of the Agreement.

6. THE USE OF INTERNATIONAL STANDARDS; PARTICIPATION IN  
REGIONAL STANDARDIZING BODIES OR INTERNATIONAL  
AND REGIONAL CERTIFICATION SYSTEMS

France

TBT/M/3  
para.10

France has participated actively in international standardization efforts.

New Zealand

TBT/1/  
Add.5

New Zealand is an active member of the Codex Alimentarius Commission, and the Food Standards Committee (a committee set up to advise the Minister of Health on New Zealand food law) is currently reviewing Codex standards with a view to incorporating them into New Zealand legislation as far as is appropriate. New Zealand has recently accepted Codex limits for pesticide residues in food (the Food and Drug Regulations 1973, Amendment No. 4). New Zealand belongs to the International Plant Protection Convention administered by FAO and the International Organisation for Epizootics which attempt to prevent the spread of animal and plant diseases with an agreed framework for international trade in plants and animals and in the field of industrial standards New Zealand actively participates in the ISO, IEC, ISONET and is also a member of ILAC.



7. TRANSPARENCY

7.1 PUBLICATION

TBT/W/1  
para.4(a)

Names of the publications used to announce that work is proceeding on draft technical regulations or standards and rules of certification systems and those in which the texts of technical regulations and standards or rules of certification systems are published (Articles 2.5.1, 2.7, 3.1, 4.1, 7.3.1, 7.5, 8.1 and 9.2);

Argentina

Austria

Belgium

TBT/1/  
Add.11,  
para.1

1. Publication of a Belgian standard which is to be established is to be preceded by a public enquiry procedure on a draft standard. The enquiry is announced in the Moniteur Belge, the I.B.N. Revue and the technical press; establishment of standards is announced in the same publication.

The I.B.N. also publishes Belgian standards which include the texts of international and foreign standards. The texts of draft standards and standards can be obtained from the I.B.N.

2. Technical regulations and certification systems are published in full in the Moniteur Belge.

Brazil

TBT/1

1. The Brazilian Association for Standardization - ABNT -, a private entity, is required to publish all national standards in force, and since last November is starting to publish proposed national standards under study for certain industrial products. It is expected that in the near future this new activity will reach a stage where it covers the whole spectrum of national standards. As of now, only the Electric and Electronics Sector Committee of ABNT already publishes notices of standards under study. No notices of draft standards prepared by SNAD are published, as previous knowledge by the private entities concerned is always assured.

2. Notices published by ABNT appear in the "Diario Oficial". Those published by the Electric and Electronics Sector Committee appear in "Boletim Informativo C.B.-3-Cobei". Resulting national standards are published in "Diario Oficial".

Canada

TBT/1/  
Add.3

1. Notices of proposed federal technical regulations and certification systems are published in the Canada Gazette - Part I. The time allowed for comments currently varies from thirty to ninety days. The texts of new federal statutes are published in the Canada Gazette - Part III. The texts of new federal technical regulations and certification systems are published in the Canada Gazette - Part II.

2. Each provincial government publishes the texts of new statutes and regulations in its Provincial Gazette.

3. Notices of standards and certification systems proposed by non-governmental bodies are published in the following publications:

- 3.1 CSA Information Update, issued by the Canadian Standards Association;
- 3.2 Quarterly Journal of the Canadian Government Specifications Board;
- 3.3 Summary of Standards Activities of the Canadian Gas Association;
- 3.4 ULC News, to be issued by Underwriters Laboratories of Canada commencing July 1980.

Chile

Denmark

TBT/1/  
Add.16

Notices on draft technical regulations or standards and certification arrangements will be published in "Standard Nyt" which is a publication issued regularly by the Danish Standards Association.

EEC

TBT/1/  
Add.8,  
para.(b)

Notices of preparation of Community Standards or technical regulations in accordance with Articles 2.5.1 and 7.3.1 shall be published in the Official Journal of the European Communities. The texts of those Standards or technical regulations when adopted will also be published in the Official Journal in accordance with Articles 2.7 and 7.5.

Finland

TBT/1/  
Add.6  
para(a)

The publication for advance information shall be Virallinen Lehti (The Official Gazette of Finland). The texts for technical regulations, governmental standards and rules for governmental certification systems are published in the Finnish Code of Statutes or in the Code of Statutes of the relevant governmental body. Non-governmental standards and rules for non-governmental certification systems are published in the publications of the relevant standardizing and certification bodies. Detailed information about these publications shall be provided by the national enquiry point.

France

Federal Republic of Germany

TBT/1/  
Add.14

1. Depending on their legal character and importance, technical regulations, standards of certification systems adopted by Federal Authorities are promulgated by:
  - The Bundesgesetzblatt (Federal gazette)
  - The Bundesanzeiger (Federal information bulletin) or the various information bulletins published by Federal departments.
2. Technical regulations, standards or certification systems in the stage of preparation are, in general, published by the prints of the Deutsche Bundestag and the Deutsche Bundesrat; these prints are easily obtainable for everyone. Inasmuch as participation by the legislative bodies is not required, a pertinent reference is to be made in the information bulletins of the Federal departments.

3. All standards in the field of voluntary standardization, either adopted or in preparation, are published by "DIN-Mitteilungen plus Elektronorm, Zentralorgan der deutschen Normung" including the supplement "DIN-Normenanzeiger".

Hungary

Ireland

TBT/1/  
Add.12

Notice of proposed technical regulations will be published in the national daily papers (i.e. the Irish Press, Irish Independent, Irish Times and Cork Examiner) and/or Iris Cifigiuil, which is the official gazette. Notice of proposed standards will be published in "Technology Ireland".

Italy

TBT/1/  
Add.15

Technical regulations and standards (which are in course of definition or which may be adopted) will be announced in the Gazzetta Ufficiale della Repubblica Italiana (Part I or II) (Official Gazette). The Ministry of Industry, Trade and Crafts - Directorate General for Industrial Production - Office of the Technical Inspector for Industry (Ministero Industria Commercio e Artigianato - Direzione Generale della Produzione Industriale - Ufficio dell'Ispettorato Tecnico dell'Industria - Via Molise, 2 - ROMA) will have particular responsibility for such a publication.

Japan

TBT/M/4

Draft technical regulations are as a rule published in the official government publication Kampo.

Luxembourg

Netherlands

TBT/1/  
Add.13

Notice of proposed governmental standards, technical regulations and certification systems will be given in the "Nederlandse Staatscourant". Once they have been adopted the texts are published in the "Staatsblad Van het Koninkrijk der Nederlanden".

New Zealand

TBT/1/  
Add.5

The "New Zealand Gazette" is the main source of information for standards in the health, agriculture and industrial fields. Thus on proposed new industrial standards drafts for comment are notified in the Gazette.

Norway

TBT/1/  
Add.2

1. Notice regarding draft governmental technical regulations or standards will be published in "Standardisering" which is the publication of the Norwegian Standards Association. A more elaborate note will be submitted to GATT under the notification procedure.
2. When the regulations have been finalized and accepted, they are published in the Norwegian Law Gazette in their entirety. A short notice will also be published in "Standardisering".
3. Technical regulations and standards issued by local and regional authorities, will be dealt with in the same manner as far as the Agreement is applicable.

4. Notice regarding standards issued by non-governmental organizations will be published in "Standardisering", both at the draft stage and as accepted.

Singapore

Spain

Sweden

TBT/1/  
Add.4

1. Notices concerning proposed technical regulations or standards which may have a significant effect on trade and proposals to introduce certification systems will be published in the periodical "Standard", issued by the Swedish Standards Institution.

2. Once adopted technical regulations and certification systems are published in the code of regulations issued by the relevant body. Standards are published by the Swedish Standards Institution or associated bodies.

Switzerland

United Kingdom

TBT/1/  
Add.10

Governmental Standards and Certification Systems

It is expected that British Business will be the only publication used (British Business, Millbank Tower, Millbank, London SW1P 4QU).

Non-Governmental Standards

BSI News, Newton House, 101 Pentonville Road, London N1 9ND.

Hong Kong

TBT/1/  
Add.9

Notices of proposed technical regulations or standards and rules of certification systems and texts of technical regulations or standards and rules of certification systems are published in the weekly Hong Kong Government Gazette.

United States

TBT/1/  
Add.1

1. Notices of proposed United States Federal Government technical regulations, standards or rules of certification systems (Articles 2.5.1 and 7.3.1) are published in the Federal Register under the heading - Notices of Proposed Regulations. Texts of technical regulations and standards or rules of certification systems (Articles 2.7 and 7.5) are also published in the Federal Register under the heading - Final Rules and Regulations.
2. Notices of proposed State government technical regulations, standards or rules of certification systems (Article 3.1 and 8.1) and texts of final standards or rules of certification systems (Articles 3.1 and 8.1) are typically published in state registers or state administrative codes.

For example: California - Administrative Code

New York - Codes, Rules and Regulations of New York State

Texas - Texas Register or Texas Administrative Code



Pennsylvania - Pennsylvania Bulletin

Illinois - Illinois Register

Florida - Florida Administrative Weekly

Wisconsin - Wisconsin Administrative Register

3. The vast majority of notices of United States non-governmental (Private sector) proposed technical regulations and standards (Article 4.1) appear in two publications:

Standards Action, published by the American National Standards Institute (ANSI), and Standardization News, published by the American Society for Testing and Materials (ASTM). Notifications of the publication of final texts of private sector standards (Article 4.1) also appear in these two journals. Final texts of standards are available from these organizations. At present, proposed changes in rules of United States non-governmental certification systems (Article 8.1) or texts of final rules of private certification systems (Article 8.1) are not published in any one particular source and release of information is dependent upon the specific certifying organization.

7.2 INFORMATION

TBT/W/1  
para.4(c)

Name and address of the enquiry point(s) foreseen in Article 10 of the Agreement with an indication as to whether it is/they are fully operational.

Argentina

Austria

Belgium

TBT/1/Add.11  
para.1(3)

For standards:

Ministère des Affaires Economiques,  
Administration du Commerce,  
Rue J.A. De Mot 24-46,  
1040 Bruxelles.

Institut Belge de Normalisation,  
Avenue de la Brabançonne 29,  
1040 Bruxelles.

These points have been designated on a provisional basis with respect to technical regulations and certification systems.

Brazil

TBT/1  
para.12

Divisão de Política Comercial,  
Sala 536 - (TBT Enquiry Point),  
Ministério das Relações Exteriores,  
Brasilia.

Canada

TBT/1/Add.3           Standards Information Service,  
Standards Council of Canada,  
350 Sparks Street,  
Ottawa,  
Ontario K1R 7S8

Telephone (613) 238-3222  
Telex 053-4403

Chile

Denmark

TBT/1/Add.16        Dansk Standardiseringsrod,  
(Danish Standards Association,  
Aurehøjvej 12, DK-2900 Hellerup,  
Denmark.

Telephone: (01) 62 93 15  
Telex: 15615 Dansta DK

The enquiry point is not yet operational, but will be so as soon as  
the necessary appropriations for its financing are available.

EEC

TBT/1/Add.8        (Provisional):  
para.(d)           for industrial products

Division F 1,  
Directorate-General for Industrial Affairs,  
Commission of the European Communities,  
Fifth Floor, Room 23,  
Rond-Point Schuman 6,  
Brussels 1040

for agricultural products

Directorate H,  
Directorate-General for Agriculture,  
Commission of the European Communities,  
Bâtiment Berlaymont,  
10th Floor, Room 44,  
200, rue de la Loi,  
Brussels 1040.

Finland

TBT/1/Add.6 Suomen Standardisoimisliitto (Finnish Standards Organization), PL 205, 00121 HELSINKI 12. At present the enquiry point is operational only concerning national standards. It is expected to be fully operational at the beginning of 1981.

France

TBT/M/2 The central enquiry point on technical regulations and standards will be established within AFNOR, the French Standardization Association. AFNOR is already in a position to provide information on French standards and on a large number of technical regulations.

Federal Republic of Germany

TBT/1/  
Add.14

1. Deutsches Informationszentrum für technische Regeln (DITR) Postfach 1101, D 1000 Berlin 30.
2. The preparatory phase will presumably be completed in 1984; at present information may, however, be obtained on all DIN standards and DIN drafts as well as on a large number of technical regulations and certification systems.

Hungary

Ireland

TBT/1/  
Add.12

1. For technical regulations and certification systems:  
EEC Division,  
Department of Industry, Commerce and Tourism,  
Kildare Street,  
Dublin 2,  
Ireland.

This enquiry point is fully operational.

2. For standards:

The Institute for Industrial Research and Standards,  
Ballymun,  
Dublin 9,  
Ireland.

Italy

TBT/1/  
Add.15

Consiglio Nazionale delle Ricerche,  
Servizio Trasferimento Innovazione - Norme tecniche,  
Via Nizza, 128 - 00100 ROMA.

Telex: 612322

Japan

TBT/M/4

There are still some internal problems to be solved before the enquiry point can be designated, but the relevant information will be supplied as soon as possible.

Luxembourg

Netherlands

TBT/1/  
Add.13

1. The Service for Economic Information and Export-Promotion (Government Regulations Division) will serve as the enquiry point foreseen in Article 10 paragraph 1. The address is:

Dienst voor Economische Voorlichting en Exportbevordering,  
(Afdeling Overheidsmaatregelen)  
Bezuidenhoutseweg 151,  
2594 AG THE HAGUE

Telephone: (070) 81 41 11  
Telex: 31099

2. Subject to its formal agreement, the "Nederlands Normalisatie Instituut" (N.N.I.) will act as the enquiry point mentioned in Article 10, paragraph 2, at the following address:

N.N.I.,  
Postbus 5810  
2280 HV RIJSWIJK  
Polakweg 5

Telephone: (070) 90 68 00  
Telex: 32123

New Zealand

TBT/1/Add.5      The Department of Trade and Industry,  
Private Bag,  
Wellington,  
New Zealand

Norway

TBT/1/Add.2      Norges Standardiseringsforbund,  
(Norwegian Standards Association),  
Haakon VII's Gate 2,  
N-Oslo 1.

Telephone: National      (02) 41 68 20  
International +47 2 41 68 20  
Telex: 19050 nsf n

The enquiry point is operational and the information is also available on line Monday to Friday 9 a.m. to 3 p.m.

Singapore

Spain

Sweden

TBT/1/Add.4        The Board of Commerce (Kommerskollegium), Box 1209, S-111 82 STOCKHOLM, will carry out the task as enquiry point with regard to Article 10.1 of the Agreement. In co-operation with the Board, the Swedish Standards Institution (Standardiseringskommissionen i Sverige), Box 3295, S-103 66 STOCKHOLM, will carry out the task as enquiry point with regard to Article 10.2 of the Agreement. Both enquiry points are in full operation.

Switzerland

United Kingdom

TBT/1/  
Add.10

The following enquiry points are both operative:

Certification Systems and Governmental Standards:  
Metrology, Quality Assurance, Safety and Standards Division,  
Branch 1 (A) Dept. of Trade,  
Millbank Tower,  
Millbank,  
London, SW1P 4Q4

Telephone: 01-211 3460  
Telex: 918829 (MBTWR G)

Non-Governmental Standards:  
British Standards Institution,  
Mrs. M.A.L. Brown,  
Central Enquiries Section,  
2 Park Street,  
London, W1A 2BS

Telephone: 01-629 9000  
Telex: 266933 (BSILON G)

Hong Kong

TBT/1/Add.9      Trade Industry and Customs Department,  
                    Ocean Centre,  
                    Canton Road,  
                    Kowloon,  
                    Hong Kong.

Telex: HK 75126

United States

TBT/1/Add.1      Standards Information Center,  
                    Office of Engineering Standards,  
                    National Bureau of Standards,  
                    Washington, D.C. 20234

The enquiry point is in the process of preparing for full operations.



8. TESTING PROCEDURES AND ACCEPTANCE OF  
TEST RESULTS

France

TBT/M/3  
para.10

France has recently taken initiatives in the field of mutual recognition of tests. The French mark of conformity with French standards, i.e. the mark "NF", covering more than sixty categories of industrial products has been open to foreign producers for several years.

Japan and United States

TBT/Spec/1

The "Joint Statement on Standards, Testing and Certification Activities" (7 December 1979) by the Government of Japan and the Government of the United States states, inter alia:

"1. It is important for the two countries to agree on mutually acceptable arrangements for the acceptance of test data from the exporting country in selected product sectors, with the objective of achieving reciprocity in this area between Japan and the United States. To that end, the Governments of Japan and the United States will begin, as soon as possible, consultations to implement this principle.

"The 'acceptance of test data' is to include the acceptance of test results, certificates or marks of conformity issued by relevant bodies in the territory of either country, or the reliance upon self-certification by producers in the territory of either country, with the proviso that the practices employed in the territory of the exporting country are considered in the importing country to provide a sufficient means of determining conformity with relevant standards.

....

"3. The administrative procedures and test methods for products submitted by suppliers from the exporting country to approval agencies for determination of conformity with standards are to be no less favourable than corresponding procedures and methods for like products in a comparable situation submitted by domestic suppliers. Direct access, including the right of direct application, to approval agencies should be granted to suppliers from the exporting country, as well as to domestic suppliers. It is recognized that for reasons of accountability, the importing country may require that in place of a supplier in the exporting country, a representative in the importing country file the formal application.

"4. All product testing organizations within Japan and the United States should, upon request from the producer or his representative, provide:

- (a) Information regarding specific test procedures followed;
- (b) The standards against which the products are tested; and
- (c) In instances in which the submitted products have been found unacceptable, wherever appropriate and possible, a clear indication of the requirements of the applicable standards that the product failed to meet and of the parameters of the product that failed to meet the applicable standards. In instances where test results are in dispute, any producer or his representative submitting a product to a testing organization for certification should be permitted to observe retesting of his product, whenever possible.

"5. Readily accessible and expeditious appeals procedures within testing organizations, approval agencies, or other agencies as appropriate should be available to suppliers in the exporting country or their representatives as well as to domestic suppliers, who wish to appeal the decisions of these bodies.

"6. Once a product has been approved to a basic set of specifications, the approval process for that product with minor changes in its specifications, should be more expeditious than the approval process for a new product with the same set of specifications. Additional testing, required on a product for minor specification changes, should be limited to that necessary to assure that the product, as changed, also meets appropriate standards. ...."