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1 ARTICLE 10

1.1 Text of Article 10

Article 10

*Information About Technical Regulations, Standards and
Conformity Assessment Procedures*

10.1 Each Member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents regarding:

- 10.1.1 any technical regulations adopted or proposed within its territory by central or local government bodies, by non-governmental bodies which have legal power to enforce a technical regulation, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.2 any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.3 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by central or local government bodies, or by non-governmental bodies which have legal power to enforce a technical regulation, or by regional bodies of which such bodies are members or participants;
- 10.1.4 the membership and participation of the Member, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; it shall also be able to provide reasonable information on the provisions of such systems and arrangements;
- 10.1.5 the location of notices published pursuant to this Agreement, or the provision of information as to where such information can be obtained; and
- 10.1.6 the location of the enquiry points mentioned in paragraph 3.

10.2 If, however, for legal or administrative reasons more than one enquiry point is established by a Member, that Member shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these enquiry points. In addition, that Member shall ensure that any enquiries addressed to an incorrect enquiry point shall promptly be conveyed to the correct enquiry point.

10.3 Each Member shall take such reasonable measures as may be available to it to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents or information as to where they can be obtained regarding:

- 10.3.1 any standards adopted or proposed within its territory by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants; and
- 10.3.2 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by non-governmental bodies, or by regional bodies of which such bodies are members or participants;
- 10.3.3 the membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and conformity assessment systems, as well as in bilateral and multilateral arrangements within the scope of this Agreement; they shall also be able to provide reasonable information on the provisions of such systems and arrangements.

10.4 Members shall take such reasonable measures as may be available to them to ensure that where copies of documents are requested by other Members or by interested parties in other Members, in accordance with the provisions of this Agreement, they are supplied at an equitable price (if any) which shall, apart from the real cost of delivery, be the same for the nationals¹ of the Member concerned or of any other Member.

(footnote original) ¹ "Nationals" here shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

10.5 Developed country Members shall, if requested by other Members, provide, in English, French or Spanish, translations of the documents covered by a specific notification or, in case of voluminous documents, of summaries of such documents.

10.6 The Secretariat shall, when it receives notifications in accordance with the provisions of this Agreement, circulate copies of the notifications to all Members and interested international standardizing and conformity assessment bodies, and draw the attention of developing country Members to any notifications relating to products of particular interest to them.

10.7 Whenever a Member has reached an agreement with any other country or countries on issues related to technical regulations, standards or conformity assessment procedures which may have a significant effect on trade, at least one Member party to the agreement shall notify other Members through the Secretariat of the products to be covered by the agreement and include a brief description of the agreement. Members concerned are encouraged to enter, upon request, into consultations with other Members for the purposes of concluding similar agreements or of arranging for their participation in such agreements.

10.8 Nothing in this Agreement shall be construed as requiring:

- 10.8.1 the publication of texts other than in the language of the Member;
- 10.8.2 the provision of particulars or copies of drafts other than in the language of the Member except as stated in paragraph 5; or
- 10.8.3 Members to furnish any information, the disclosure of which they consider contrary to their essential security interests.

10.9 Notifications to the Secretariat shall be in English, French or Spanish.

10.10 Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures under this Agreement except those included in Annex 3.

10.11 If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Member concerned shall provide to the other Members complete and unambiguous information on the scope of responsibility of each of these authorities.

1.2 Related TBT Committee decisions and recommendations

1.2.1 General

1. At its meeting of 21 April 1995, the TBT Committee decided on the modalities for regular meetings of persons responsible for information exchange.¹

1.2.2 Article 10.1 and 10.3

2. At its meeting of 14 July 1995, with respect to the handling of requests received under Article 10.1 and 10.3, the TBT Committee adopted the recommendation that an enquiry point should, without further request, acknowledge the receipt of the enquiry.²

3. At its meeting of 14 July 1995, and with a view to encouraging the uniform application of Articles 10.1 and 10.3, the TBT Committee also adopted the following recommendations:

- (i) an enquiry should be considered "reasonable" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity;
- (ii) when an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field;
- (iii) the Enquiry Point(s) of a Member should be prepared to answer enquiries regarding the membership and participation of that Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provisions of such systems and arrangement.³

4. See also the recommendations of the TBT Committee concerning booklets on enquiry points and the List of Enquiry Points prepared by the Secretariat.⁴

1.2.3 Article 10.5

5. See the recommendation and decisions of the TBT Committee concerning translation of documents relating to notifications, referenced in the section Article 2.9 and translations of documents relating to notifications and address of body supplying the documents in the document on Article 2 of the TBT Agreement (Practice).

1.2.4 Article 10.7

6. In 1996, the TBT Committee agreed on a notification format concerning agreements reached by a member with another country or countries on issues related to technical regulations, standards or conformity assessment procedures.⁵

7. Notifications under Article 10.7 are circulated under document symbol G/TBT/10.7/N/*.

¹ G/TBT/1/Rev.10, p. 35.

² G/TBT/1/Rev.10, p. 34.

³ G/TBT/1/Rev.10, pp. 34-35.

⁴ G/TBT/1/Rev.10, p. 35. The layout of the booklet and the elements to be contained therein are to be found at G/TBT/1/Rev.10, Annex F, pp. 55-56.

⁵ G/TBT/1/Rev.10, Annex D, p. 53.

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