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1 ARTICLE 15

1.1 Text of Article 15

Article 15

Final Provisions

Reservations

15.1 Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

Review

15.2 Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee.

15.3 The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof.

15.4 Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of this Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. Having regard, *inter alia*, to the experience gained in the implementation of the Agreement, the Committee shall, where appropriate, submit proposals for amendments to the text of this Agreement to the Council for Trade in Goods.

1.2 Related TBT Committee decisions and recommendations

1.2.1 Article 15.2

1. In 1995, the TBT Committee agreed that, with respect to the contents of written statements to be made by members in response to Article 15.2 of the TBT Agreement:

(i) the statement should cover the 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, the statement should indicate how this has been done. In other cases, the statement should describe the content of the relevant laws, regulations, administrative orders, etc. All necessary references should also be provided.

(ii) in addition, the statement should specify:

- the names of the publications used to announce that work is proceeding on draft technical regulations or standards and procedures for assessment of

conformity and those in which the texts of technical regulations and standards or procedures for assessment of conformity are published under Articles 2.9.1, 2.11; 3.1 (in relation to 2.9.1 and 2.11); 5.6.1, 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); and paragraphs J, L and O of Annex 3 of the Agreement;

- the expected length of time allowed for presentation of comments in writing on technical regulations, standards or procedures for assessment of conformity under Articles 2.9.4 and 2.10.3; 3.1 (in relation to 2.9.4 and 2.10.3); 5.6.4 and 5.7.3; 7.1, 8.1 and 9.2 (in relation to 5.6.4 and 5.7.3); and paragraph L of Annex 3 of the Agreement;
- the name and address of the enquiry point(s) foreseen in Articles 10.1 and 10.3 of the Agreement with an indication as to whether it is/they are fully operational; if for legal or administrative reasons more than one enquiry point is established, complete and unambiguous information on the scope of responsibilities of each of them;
- the name and address of any other agencies that have specific functions under the Agreement, including those foreseen in Articles 10.10 and 10.11 of the Agreement; and
- measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Member in question to fulfil its obligations on notifications under Articles 2.9, 2.10, 3.2, 5.6, 5.7 and 7.2 of the Agreement.¹

1.2.2 Article 15.3

2. Pursuant to Article 15.3, the Committee has reviewed annually the implementation and operation of the TBT Agreement. The related Notes by the Secretariat are found in the following documents: G/TBT/3 for 1996; G/TBT/4 for 1997; G/TBT/6 for 1998; G/TBT/7 for 1999; G/TBT/8 for 2000; G/TBT/10 for 2001; G/TBT/11 for 2002; G/TBT/12 for 2003; G/TBT/14 for 2004; G/TBT/15 for 2005; G/TBT/18 for 2006; G/TBT/21 for 2007; G/TBT/23 for 2008; G/TBT/25 for 2009; G/TBT/28 for 2010; and G/TBT/29 for 2011.

1.2.3 Article 15.4

3. Pursuant to Article 15.4, the Committee has reviewed triennially the operation and implementation of the TBT Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of this Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. The Committee concluded the First², Second³, Third⁴, Fourth⁵, and Fifth⁶ Triennial Reviews of the Operation and Implementation of the Agreement on Technical Barriers to Trade on 13 November 1997, 10 November 2000, 7 November 2003, 9 November 2006 and 6 November 2009 respectively.

¹ G/TBT/1/Rev.10, pp. 17. Additional actions taken by the TBT Committee to improve the implementation of Article 15.2 are discussed at G/TBT/1/Rev.10, pp. 17-18.

² First Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade, G/TBT/5.

³ Second Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade, G/TBT/9.

⁴ Third Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade, G/TBT/13.

⁵ Fourth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade, G/TBT/19.

⁶ Fifth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade, G/TBT/26.

Current as of: September 2011