

Conformity Assessment in the WTO TBT Agreement

Workshop on NTBs Affecting Trade in ICT Products
WTO Committee of Participants on the Expansion of Trade in IT Products

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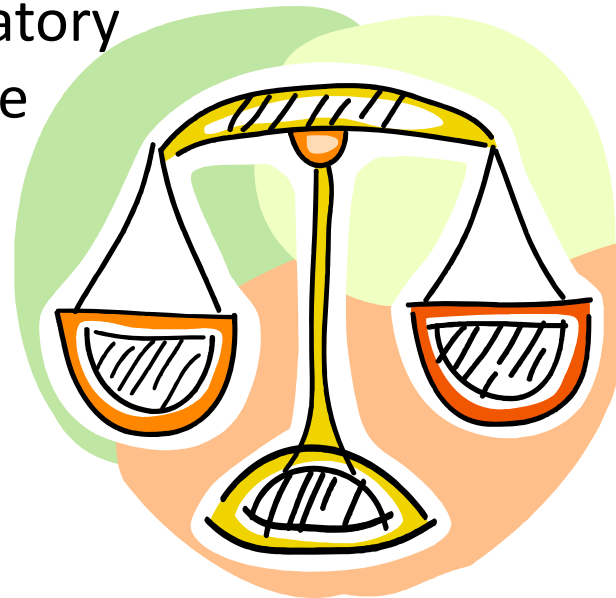
TBT Agreement

Pursuit of trade liberalization...

avoiding
unnecessary/discriminatory
barriers to int'l trade

Right of Members' to regulate...

allowing Members to
pursue legitimate
objectives at levels
they consider
appropriate



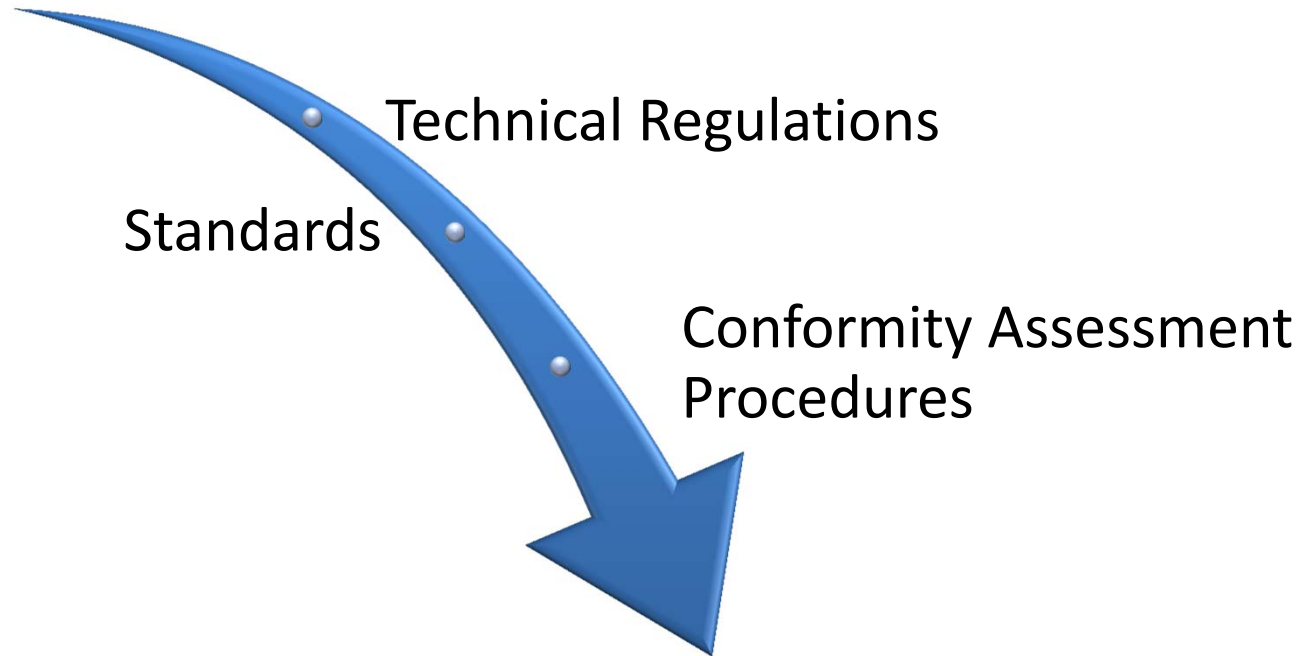
use of international standards
...as a basis for regulation

...Harmonization

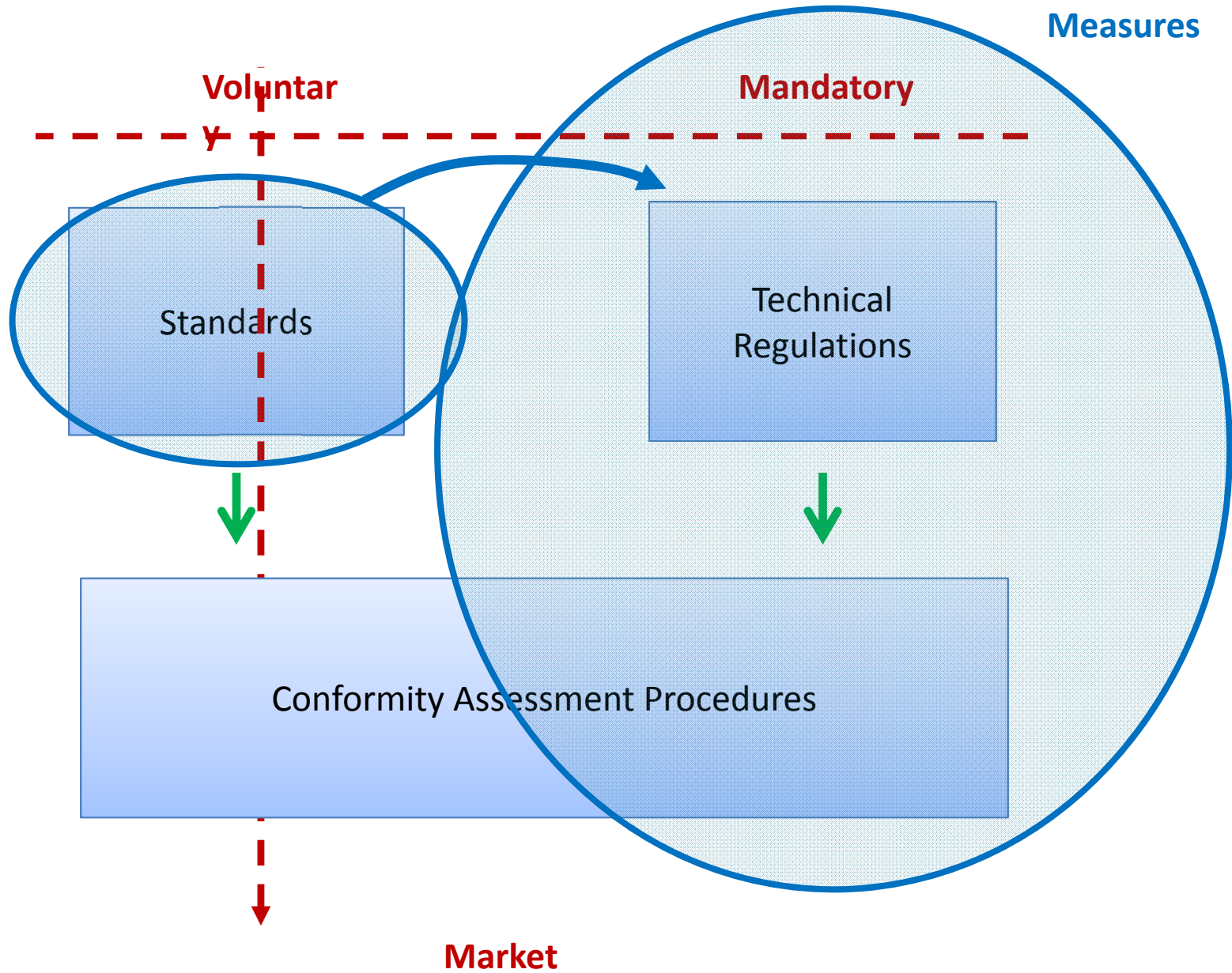


Scope of the TBT Agreement

TBT Measures...



...related to **all products (industrial and agricultural)** (Art. 1.3)



Conformity Assessment Procedures (CAP)

“Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled.

Conformity assessment procedures include, inter alia, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combinations.” (TBT, Annex 1.3)

TBT Agreement principles for CAP

(mandatory, mandated by government bodies)

- **Non-discrimination**

- *Access for (foreign) suppliers under conditions no less favourable than accorded to suppliers of like products in a comparable situation*

- **Avoid unnecessary barriers to trade**

- *CAP shall not be more strict than necessary to give importing Member adequate confidence of conformity*

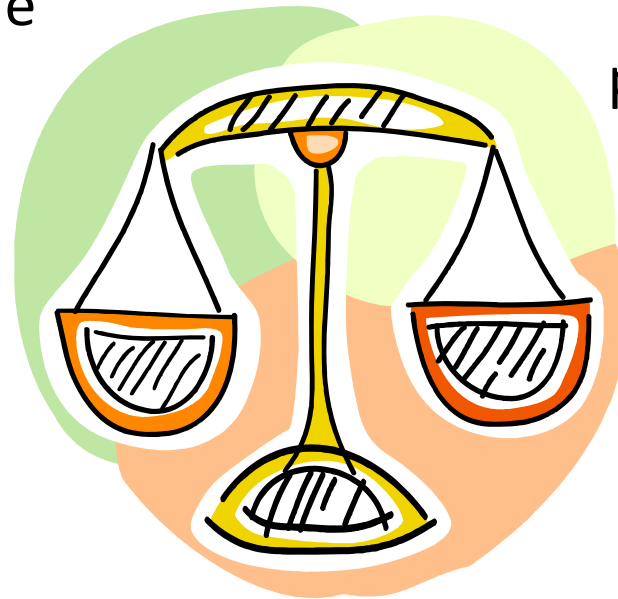
TBT Agreement's "balance" with respect to CAP

Pursuit of trade liberalization by...

avoiding that the choice of
CAP creates
unnecessary/discriminatory
barriers to int'l trade

Right of Members to ...

impose procedures
that give confidence
that risks associated
with products,
processes and systems
are addressed



use of international standards
...as a basis for regulation

***... Regulatory
Convergence***



TBT Agreement's “balance” with respect to CAP

- The choice and design of CAP should be ***calibrated*** to the relevant requirements laid down in technical regulations or standards, such that the ***nature of risks*** embodied in the products, processes or systems in question are effectively addressed.
- Example of “calibration”:
 - products that pose only ***minor risks*** which could be effectively mitigated through ***first-party testing*** and ***supplier's declaration of conformity schemes***.
 - products which pose ***sufficiently high risks*** of a specific nature that may necessitate ***inspection*** and ***certification of production facilities and processes***.

Arrangements to facilitate CAP

(encouraged in TBT Agreement)

- International or regional systems for conformity assessment
 - “Members shall, wherever practicable, formulate and adopt international systems for conformity assessment”
 - Systems such as ILAC/IAF, IECEE CB are increasingly prominent in TBT Committee discussions
- Recognition of foreign conformity assessment results
 - “verified compliance, for instance through ***accreditation***, with relevant guides or recommendations issued by international standardizing bodies shall be taken into account as an indication of adequate technical competence”

TBT Agreement: use of international standards

Members **shall** use...



"relevant" international standards



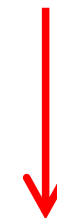
(mandatory)

technical regulations
(Art. 2.4)

conformity assessment procedures
(Art. 5.4)



... as a *basis* for



except!

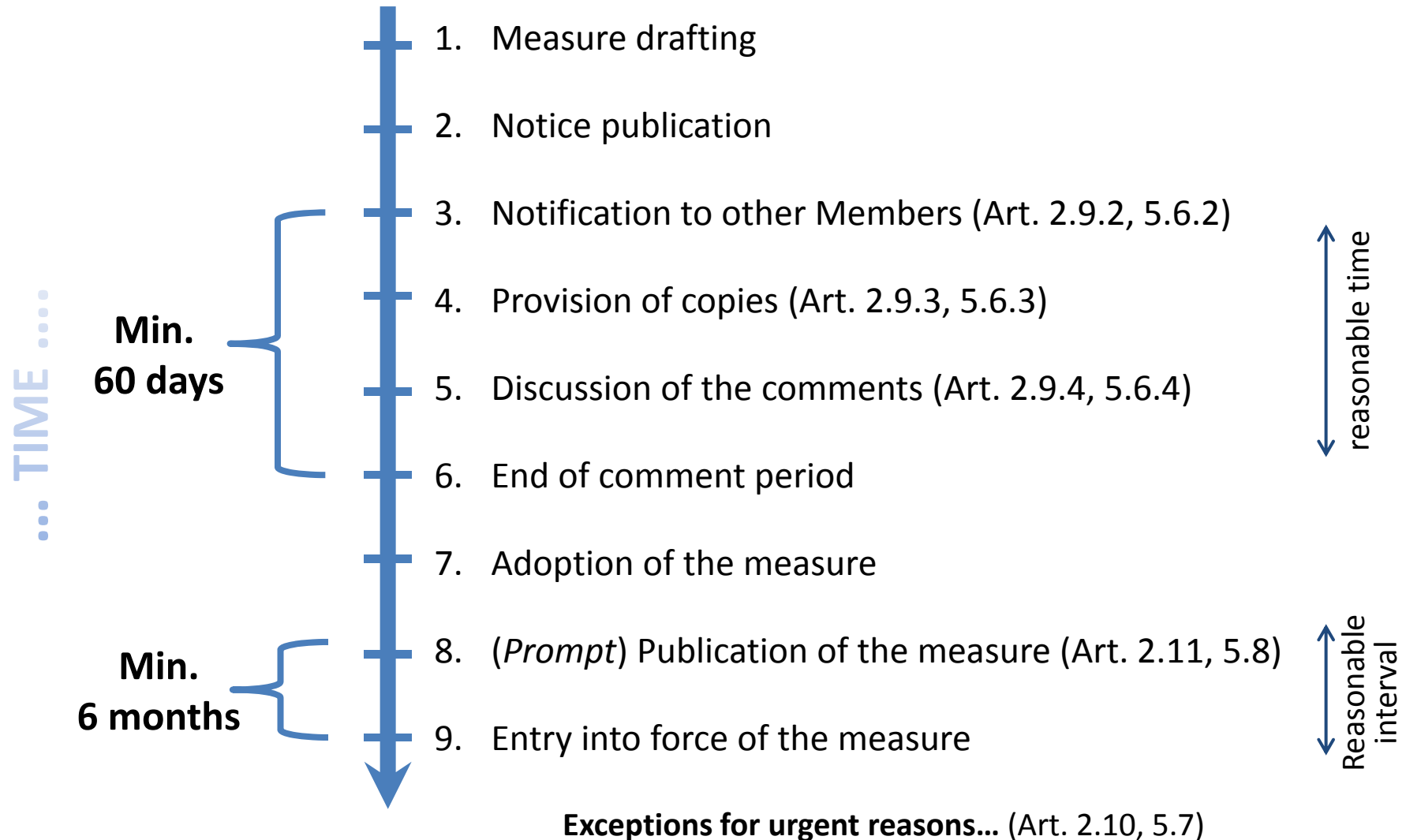
when *ineffective* or *inappropriate* for policy objectives

(e.g. fundamental climatic or geographical factors, or technological problems)



Presumption of not creating an unnecessary barrier to trade when requirements are in accordance with "relevant" international standards
(Art. 2.5)

Notification/Publication Timeline: TR and CAP



Work of the TBT Committee

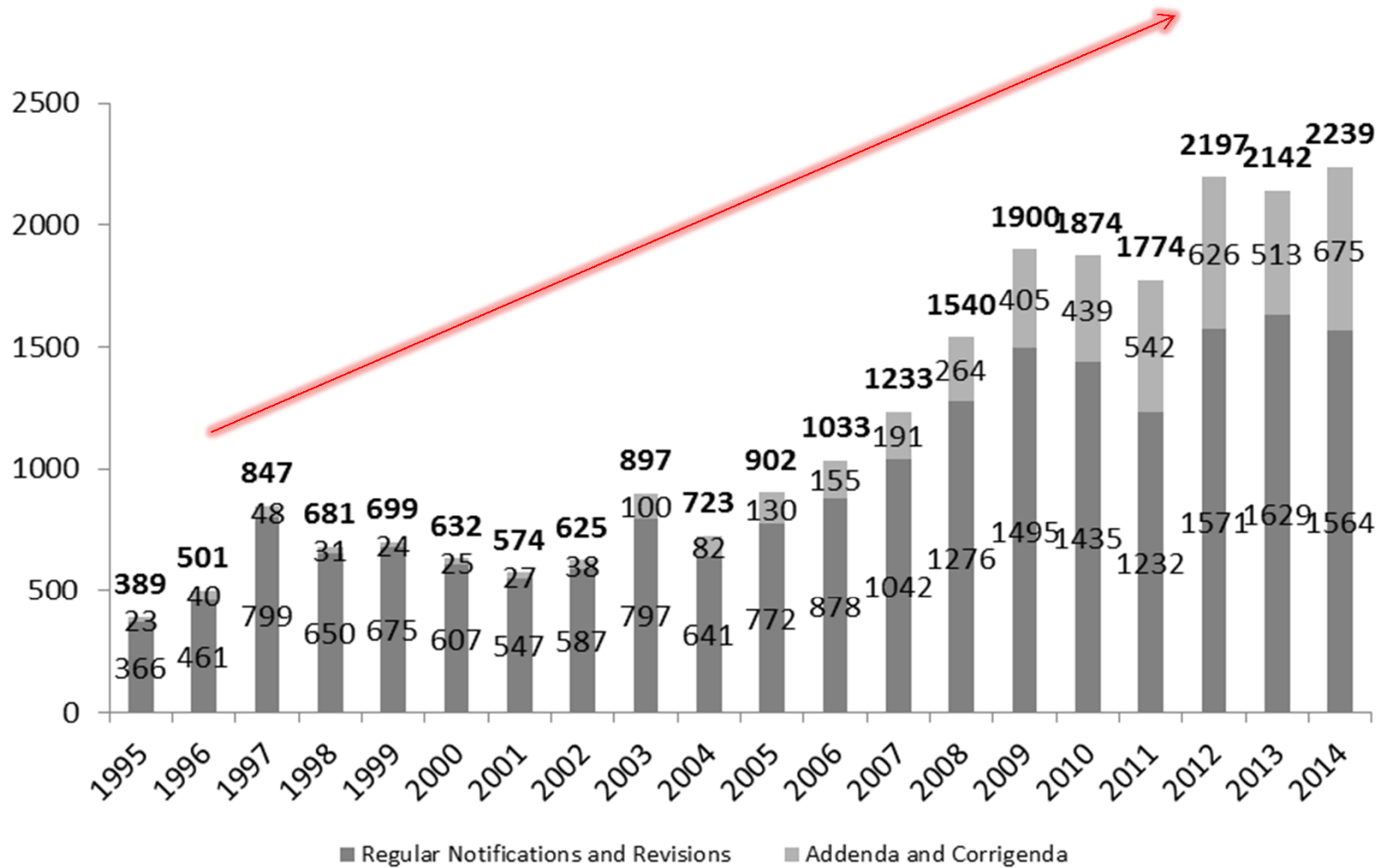


Functions of TBT Committee

- Multilateral review of **Specific Trade Concerns**
 - Around 20% STCs raised in 2013-2014 concerned measures related to ICT sector
 - Certain standards and systems related to CAP are raised, including in the ICT area:
 - Clarification or encouragement to use relevant IEC, ISO and other standards
 - Non-acceptance of test results generated under systems such as IECEE CB scheme, or through ILAC/IAF
- Furthering **implementation** of the TBT Agreement (*Triennial Reviews*)... *decisions and recommendations*
 - Decision on principles for the development of int'l Standards
 - Discussions/exchange of information on CAP
 - GRP

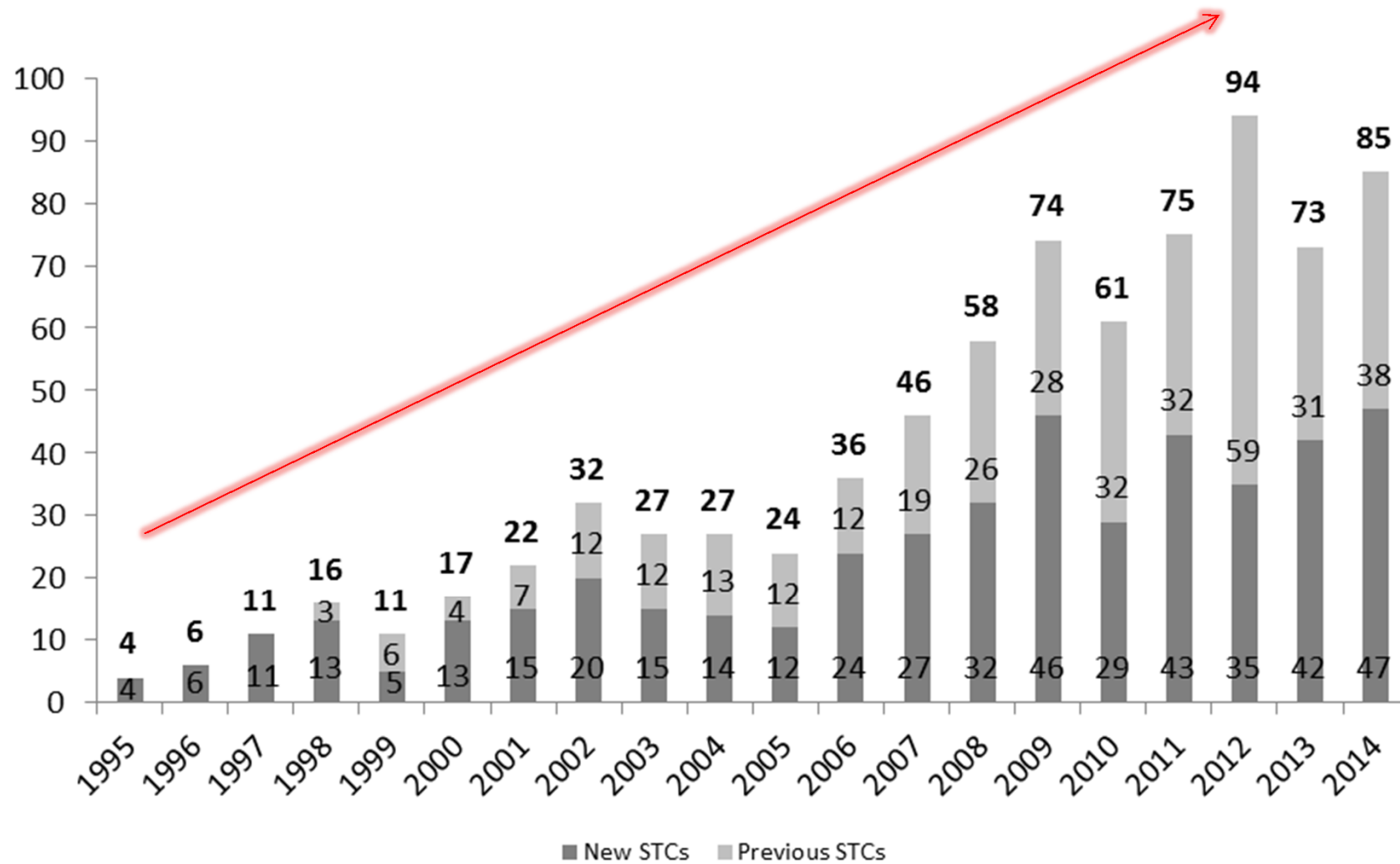
TBT Notifications: statistics

(~ 20,000 notif. since 1995)



STCs raised in the TBT Committee: statistics

(~ 460 STCs since 1995)



TBT Committee Decision on *Principles for the Development of International Standards, Guides and Recommendations*

(November 2000, G/TBT/9)

“Six Principles”

- **Transparency**
- **Openness**
- **Impartiality and consensus**
- **Relevance and effectiveness**
- **Coherence**
- **Development dimension**

TBT Committee CAP discussions

Committee discussions on CAP covering 3 thematic areas (*6th Triennial Review*):

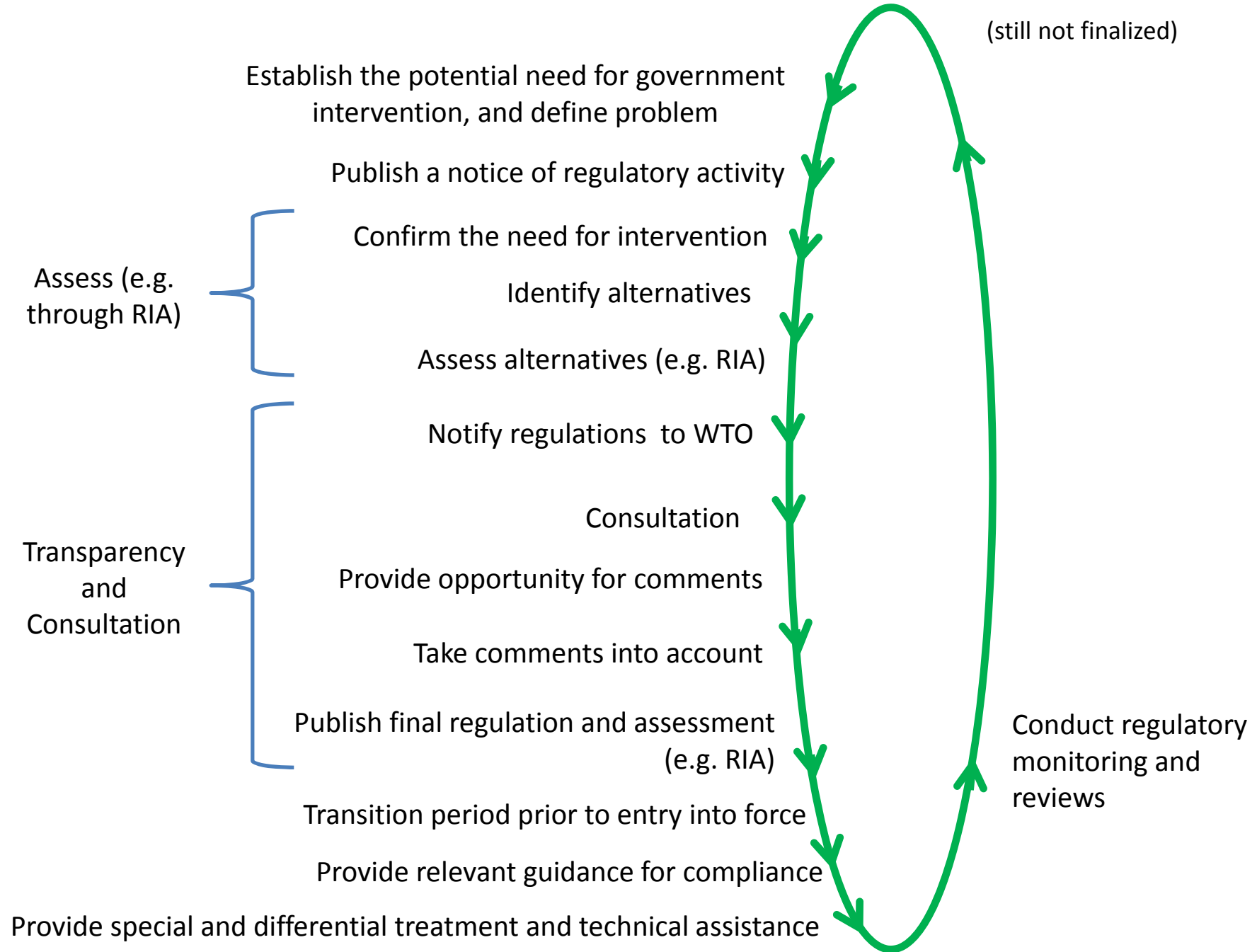
- What factors influence the ***choice and design*** of CAP?
- The importance of using ***international guides and recommendations*** for CAP.
- How to best ***facilitate the acceptance*** of conformity assessment results?

For more details see:

*Overview of the TBT Committee's Work on
Conformity Assessment Procedures –*

Note by the Secretariat - JOB/TBT/69, Oct. 2013

Good Regulatory Practice (TBT Committee voluntary guidelines)



Thank you !

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