

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
L/5472
13 April 1983
Limited Distribution

Original: English

IMPROVEMENT OF JAPAN'S STANDARDS AND CERTIFICATION SYSTEMS

The following communication, dated 28 March 1983, has been transmitted by the Permanent Representative of Japan to the Director-General.

With reference to the letter addressed to you dated 25 January 1983, I should like to inform you that on 26 March 1983 the Japanese Government's Ministerial Conference for Economic Measures decided on certain measures designed to make Japan's standards and certification systems as a whole more open to its trading partners.

Being a party to the GATT Standards Code (the Agreement on Technical Barriers to Trade), the Japanese Government is determined to make its utmost contribution in furtherance of the objective of the Code, which is to ensure that certification systems be applied in accordance with the principles of non-discrimination between domestic and foreign products/suppliers and to eliminate unnecessary barriers to trade. The present decision is an expression of this determination in terms of specific policies and measures.

Japan is the first country among the contracting parties to the GATT which has, at its own initiative, taken steps to improve its standards and certification systems as a whole. We hope that similar efforts be made in other countries as well.

Improvement of Japan's Standards and
Certification Systems

26 March 1983

The Liaison and Coordination Headquarters on
Standards and Certification Systems, etc

In the light of the requirements under the GATT standards code and the views and requests of our trading partners, the following measures regarding standards and certification systems will be taken in order to proceed further with the opening of our market.

I. Ensuring in terms of legal systems non-discrimination
between nationals and non-nationals in certification
procedures

To ensure in terms of legal systems that there be no discrimination between nationals and non-nationals in certification procedures, draft legislation will be presented to the Diet with respect to those laws which have been found to be relevant (see list), taking into account the following points:

- (1) to enable foreign suppliers to apply for and obtain certification directly and
- (2) to accord foreign products and suppliers treatment substantially equal to that accorded to domestic products and suppliers, with respect to testing methods.

List of Laws

(Ministry of Health and Welfare)

1. Pharmaceutical Affairs Law (pharmaceuticals, medical devices and cosmetics)

2. Nutrition Improvement Law (special nutrition food-stuffs)

(Ministry of Agriculture, Forestry and Fisheries)

1. Agricultural Chemical Regulation Law (agricultural chemicals)
2. Fertilizer Control Law (fertilizer)
3. Agricultural Mechanization Promotion Law (agricultural machinery and equipment)
4. Law Concerning Standardization and Proper Labelling of Agricultural and Forestry Products (agricultural, forestry and fishery products such as foodstuffs and plywood)
5. The Law Concerning Safety Assurance and Quality Improvement of Feed (feeds)
6. Domestic Animal Improvement and Propagation Law (animals for propagation)

(Ministry of International Trade and Industry)

1. Consumer Product Safety Law (consumer products including safety helmets for drivers and baseball players)
2. High Pressure Gas Control Law (oxygen cylinders and other high pressure vessels)
3. Electric Appliance and Material Control Law (household electric appliances)
4. Law Concerning the Securing of Safety and Optimization of Transaction of Liquefied Petroleum Gas (LPG appliances)
5. Measurement Law (measuring devices)
6. Gas Utility Industry Law (urban gas appliances)
7. Law Concerning the Examination and Regulation of Manufacture etc., of Chemical Substances (7 specific chemical substances including polychlorinated biphenyls, polychlorinated naphthalenes and hexachlors benzens)

(Ministry of Transport)

1. The Road Vehicles Act (motor vehicles)

(Ministry of Labour)

1. Labour Safety and Sanitation Law (machine tools and equipment including press machine and gas masks)

II. Other improvements of standards and certification systems

The following measures will be taken with a view to ensuring the transparency of the standards developing processes, promoting the internationalization of standards, accepting foreign test data, and otherwise simplifying systems and speeding up procedures.

1. Ensuring Transparency

The following measures will be taken to ensure the transparency of standards and certification systems whether they be mandatory or voluntary.

- (1) Opportunities to hear the opinions of interested parties both domestic and foreign will be provided from the initial stages of the standard-drafting process so as to fully reflect their opinion in the process. Where standard-drafting activities are carried out by private organizations, the government will request these organizations to ensure that foreign nationals are given the opportunities to participate in such activities.
- (2) To this end, steps will be taken to inform interested parties of scheduled standard-drafting activities (subject of study, timing, contact point, etc.) through various government and private sector publications, etc.

- (3) As for the prior notification on the establishment and revision of standards and certification systems required under the GATT Standards Code, the Government of Japan will provide the parties to the Code a comment period of not less than 9 weeks (45 days at present) so that the Government of Japan can fully study and consider the views of the parties.
 - (4) In order to ensure that specific requests from domestic and foreign interested parties regarding standards developing are handled properly, the Government of Japan will prepare and publish a directory of its standards drafting and revision processes. Furthermore, the ministries and agencies which maintain or are otherwise closely involved in standards activities will each establish a "window" to handle specific requests and will keep in close contact with one another.
2. Promotion of Internationalization of Standards (see annex)
- (1) Where there exist international standards, the work to bring Japanese standards into conformity with such international standards will be promoted with due consideration to the conditions peculiar to Japan. Where efforts to amend international standards are already under way, Japan will promote such efforts actively, in close cooperation with other countries.
 - (2) Where international standards do not exist, Japan will contribute to the establishment of international standards in such areas by participating actively in the preparatory work therefor.

- (3) Furthermore, measures will be taken to relax and review existing standards, and to establish new standards in the light of comparison of Japanese standards with foreign standards.

3. Promoting the Acceptance of Foreign Test Data (see annex)

Results of tests conducted by foreign testing organizations or firms of foreign countries will be accepted except where there exist compelling reasons not to do so if the reliability of such data are confirmed.

4. Simplifying and Speeding Up Certification Procedures

With respect to motor vehicles, pharmaceuticals, medical devices, electric appliances and animal and plant quarantine, the following measures will be taken. Further, the possibility in general of application in english and other foreign languages will be studied.

- (1) With regard to motor vehicles, the following steps for simplification of the procedures and requirements for type designation will be taken, with a view to facilitating the use of the type designation system under which inspection of each imported vehicle is dispensed with:

- 1) to dispense with the requirement to submit motor vehicles which have made the prescribed long-distance running (30,000 km., etc.) when test data relating to durability are submitted at the time of application.
- 2) to accept data of tests conducted by foreign manufactures through foreign testing methods which are roughly equivalent to those of Japan in the examinations for type designation.

- 3) to simplify the accompanying documents to be submitted by the applicant, i.e., simplification of items in the specification table, dispensing with the document on strength calculation, etc.
- (2) With regard to pharmaceuticals, medical devices, etc., the following measures will be taken.
- 1) with respect to pharmaceuticals, medical devices and cosmetics, transfer of import approvals between importers will be allowed where the foreign manufacturer remains unchanged.
 - 2) with respect to medical devices, the approval and licensing systems will be operated in accordance with the category of the product in question. This will include the expansion of the category of articles which do not require approval. As for extracorporeal diagnostic agents, approval procedures will be simplified.
 - 3) government regulations will be reviewed and improved with a view to clarifying the criteria for distinction between pharmaceuticals and foodstuffs, including the treatment as foodstuffs of products which have so far been controlled as pharmaceuticals.
- (3) With regard to household electric appliances, measures will be taken to allow the transfer of type approvals between importers when the foreign manufacturer remains unchanged.

(4) With regard to plant and animal quarantine, steps will be taken to develop or improve import inspection techniques, and review will be made on the products or areas subject to import prohibitions corresponding to the development of the fully effective insecticide techniques and epidemic prevention in the countries requesting the lifting of import prohibitions. Further steps will be taken to simplify and speed up the quarantine procedures through the promotion of the dispatching of quarantine officers, consultations with the quarantine experts of the countries concerned, etc.

5. Improvement of Pre-import Procedures

Steps will be taken to make more efficient and simplify the pre-import procedures which involve various ministries and agencies through expanding and strengthening the system to effect improvements including information-giving.

Further, the government will closely keep track of the standard-drafting and certification activities of non-governmental bodies (including quasi-governmental bodies) and take steps to see that the above-mentioned points be reflected in the activities of such bodies.

Annex

Specific examples of measures falling under subheading 2. (promoting internationalization of standards) and 3. (promoting the acceptance of foreign test data) of heading II. (other improvements of standards and certification systems)

2. Promoting Internationalization of Standards

(1) Cases where there exist international standards

(Ministry of Health and Welfare)

Steps will be taken to newly designate, or revise the standards of usage of, food additives, hearing the requests of other countries and in close consultation with foreign sanitation authorities.

In designating new food additives, scientific examinations regarding the utility and safety of the additive will be conducted individually as necessary from the viewpoint of national health and bearing in mind the evaluation of the joint FAO/WHO expert committee on food additives.

...The Ministerial Ordinance of the Food Sanitation Law

(Ministry of International Trade and Industry)

The work to bring Japanese standards concerning household electrical appliances into conformity with International Electrotechnical Commission (IEC) standards will be completed within FY 1983.

...The Ministerial Ordinance of the Electrical Appliance and Material Control Law

The work to bring Japanese standards concerning drivers' headgears into conformity with the International Organization for Standardization (ISO) draft standards will be completed within FY 1983.

...The Ministerial Ordinance of the Consumer Products Safety Law

The work to bring the Japanese industrial standard (JIS) into conformity with ISO and IEC standards, etc, on the occasion of periodic reviews will be carried forward promptly.

...The Public Notice of the Industrial Standardization Law

- (2) Where no international standards exist, to participate actively in the preparatory work in the following organizations:

(Ministry of Health and Welfare)

Participation in the work of the WHO concerning pharmaceuticals
.. Related to the Pharmaceuticals Affairs Law

(Ministry of International Trade and Industry)

Participation in the work of the International Organization of Legal Metrology (OIML) concerning measuring devices.

...Related to the Measurement Law

Participation in the work of the ISO concerning high pressure gas containers

...Related to the High Pressure Gas Control Law

(Ministry of Transport)

Participation in the work of the experts group on the construction of vehicles of the United Nations Economic Commission for Europe (ECE)

...Related to the Road Vehicle Act

(Ministry of Home Affairs)

Participation in the work of ISO and IEC concerning fire
fighting and protection equipment
...Related to the Fire Service Law

- (3) Steps to be taken in light of comparison with the standards
of other countries

(Ministry of Agriculture, Forestry and Fisheries)

To add a new JAS standard concerning plywood with white-
pockets
...The notification under the law concerning Standardization
and Proper Labelling of Agricultural and Forestry Products
(JAS)

(Ministry of Transport)

With respect to the safety standards on motor vehicles, the
following relaxation measures will be taken from October 1983
concerning body, riding accommodation, lights and speedometer
...Ministerial Ordinance of the Road Vehicles Act.

1) Matters Relating to Body

a. rear spoiler

Approve in accordance with standards equivalent to
european standards

b. treatment of aperture between edges of rear bumper and
body

Approve in accordance with standards equivalent to
european standards

2) Matters Relating to Riding Accommodation

ladder type head restraint

Approve in accordance with standards equivalent to
european standards

3) Matters Relating to Lights

a. head light beam adjusting device

Approve

b. maximum intensity and beam distribution peculiarity
of head light

Increase in maximum intensity of light, etc. to be
effected

c. signal of passing over by auxiliary head light

Approve

d. high lux cornering lamp

Approve

e. irregularly shaped rear reflex reflector

Approve

f. one-side flickering of parking light

Approve

g. treatment of spaces for separate type lighting device

Approve

4) Designation of colour for speedometer instrument board
indicating speed beyond limitation

Abolish

5) others

Relax restrictions on the number of head lights for snow mobiles, etc.

3. Promoting the Acceptance of Foreign Test Data

(1) (Ministry of Health and Welfare)

With regard to pharmaceuticals, those test data which have not been accepted before such as stability test data and data on specifications and test methods will be accepted as from October 1983. Furthermore, work will be carried forward towards the acceptance of clinical test data in conjunction with studies from an expert, scientific standpoint including consultations with other countries on matters such as ethnic differences.

--- Implementation of the Pharmaceutical Affairs Law

As regards medical devices, actual performance data by foreign firms will be accepted as from October 1983.

--- Implementation of Pharmaceutical Affairs Law

With regard to imported foodstuffs, more foreign official testing organizations whose test results are acceptable will be designated.

--- Implementation of Food Sanitation Law

(2) (Ministry of Agriculture, Forestry and Fisheries)

With respect to agricultural chemicals, in order to facilitate the acceptance of toxic test data by foreign firms, action will be taken towards an early introduction of the GLP (Good Laboratory Practice) taking into account the state of progress in other countries.

--- Operation of Agricultural Chemical Regulation Law

(3) (Ministry of International Trade and Industry)

With respect to consumer products, test data prepared by foreign testing organizations will be accepted within FY 1983.

--- Ministerial Ordinance of Consumer Product Safety Law

As regards household electric appliances, the scope of acceptance of test data prepared by foreign testing organizations will be widened.

--- Implementation of Electric Appliance and Material Control Law

With regard to inspection of factories already authorized to affix JIS mark labels, active use will be made of appropriate foreign testing organizations.

--- Implementation of Industrial Standardization Law (JIS Law)

As regards chemical substances, a GLP system will be introduced within FY 1983 in order to facilitate the acceptance of test data prepared by foreign firms.

--- Ministerial Ordinance of the Law Concerning the Examination and Regulation of Manufacture, etc., of Chemical Substances

(4) (Ministry of Transport)

With regard to motor vehicles, more foreign official testing organizations whose test results are acceptable will be designated.

--- Operation of the Road Vehicles Act