

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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## THE APPLICABILITY OF THE ECE/ISO DEFINITIONS FOR THE PROPOSED STANDARDS CODE

Note by the Secretariat

The attached study of the applicability of the ECE/ISO Definitions for the Proposed GATT Standards Code has been prepared by Mr. K. Bergholm (Finland) as a personal contribution to the discussion of this subject.<sup>1</sup>

### Background

1. When the proposed GATT Standards Code was prepared, no generally accepted definitions for basic terms in standardization existed. Thus it was necessary for the purposes of the Code to choose some terms and to define them. The GATT group which prepared the Code agreed however that "if and when widely accepted definitions were arrived at, their applicability for the purposes of the Code should be examined".
2. Now such widely accepted definitions have been arrived at by ECE in close co-operation with ISO. The meeting of ECE has already finally endorsed the definitions. As to the ISO, the final adoption by ISO Council is foreseen next October. The ISO preparatory body in charge, STACO has unanimously proposed the adoption.
3. Differing terms and definitions for similar or identical items are always to be avoided, because they cause confusion, misunderstanding and even unnecessary conflicts. Thus the only justification for the GATT to have its own terms and definitions for standardization was, if their purpose and field of application should be different from those of ECE and ISO. The aim of the ECE definitions is, however, stated as to facilitate the work for the removal of barriers to trade arising

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<sup>1</sup>A Working Paper by the secretariat on the question of definitions has been distributed earlier as MTN/NTM/W/14.

from lack of harmonization of standards and international application of standards. In addition the aim of ISO is "by adoption of these terms and definitions to create a common language between ISO and intergovernmental organizations as well as between ISO member bodies and government officials".

#### Aim of this paper

4. The aim of this paper is to make a study on how the ECE/ISO-definitions could be used in the Code if so decided. In principle the study attempts to keep the coverage of the Code, as well as the obligations placed on adherents, unchanged.

5. In some cases, where a modification in the obligations or coverage seems to correspond better with the general purpose of the Code, this fact has been pointed out.

#### Standard

6. As stated in the working paper by the secretariat MTN/NTM/W/14, one of the main differences in the two sets of definitions relate to the term "standard". The problem with the present GATT definition of standard is that in most countries and languages the word standard clearly has another meaning, generally that given by the ECE/ISO-definition.

7. The simplest way to solve the problem is to replace the English term "standard" in the Code by "technical specification". In French the term already is "spécification technique". Unfortunately ECE/ISO has also a definition for "technical specification" which is slightly different from the GATT definition.

8. There is no question that so-called company standards must be excluded from the Code. On the other hand it can be discussed whether it is advisable to include to the Code requirements not only for products but also e.g. transport and insurance services, maintenance practice etc.

9. As to the GATT-term "mandatory standard", the ECE/ISO-term "technical regulation" is clearly to be preferred as it corresponds better to the general use of the word as well as to the French term "réglementation" or "règlement technique". There is no difference in the coverage of the definitions.

10. On the international level, the purpose of the Code is to refer to international standards as defined by ECE/ISO and not to "international technical specifications" (if such animals exist).

11. The wordings in the definitions for the term "harmonized standards" are in the two sets different, but there is no difference in the substance. Furthermore the term appears in the Code only in paragraphs 2(c) and 4(b), and in a way which is quite self-explanatory. So without any damage the term could be deleted from the set of definitions.

#### Government and standards bodies

12. The terms "central government body", "local government body" and "regulatory body" and their definitions do not cause any problems, because ECE/ISO has not defined corresponding terms.

13. The term "voluntary standards body" can be deleted from the set of definitions, because it appears in the Code only in paragraphs 4(b) and 16(b), and in both places it can easily be replaced by other expressions. In paragraph 4(b) the last sentence could read "... and shall encourage standardizing bodies other than central government bodies within their territories to do likewise". In sub-paragraph 16(b)(i) the words "voluntary standards bodies" could be replaced by "non-governmental standardizing bodies".

14. ECE/ISO definitions make a difference between "standards bodies" and "standardizing bodies". For the purposes of the Code only terms related to the latter are needed.

15. The term "national standards body" appears only in paragraph 17(b) and in a context that does not need definition. Thus this term can be deleted from the set of definitions, too.

#### Conformity with standards

16. As to the terms related to conformity with standards, the only substantial differences between the two sets of definitions are that GATT has the expression "quality assurance" where ECE/ISO has the word "certification" and that GATT makes a distinction between "system" and "arrangement" but ECE/ISO not.

17. In the context of the Code "quality assurance" is even misleading, because no guarantee of quality is given, only of conformity with certain standards or technical specifications. In many countries there are two distinct systems, one for conformity assurance and one other for quality assurance with quality classification and marks.

18. For the purposes of the Code a distinction between "system" and "arrangement" is totally unnecessary as the Code uses in each case the expression "system or arrangement" and never these two words separately. Thus a term covering both "system" and "arrangement" is clearly to be preferred.

New set of draft definitions

19. The result of this study is presented in Annex as a new set of draft definitions for the Code. This set is based on two principles:

- (a) to make as wide use as possible of the ECE/ISO-definitions, and
- (b) not to make any changes in the coverage of the Code or to the obligations placed on adherents.

20. As can be seen from the definitions, the only remaining difference of substance between this new set of definitions and the ECE/ISO-definitions is the definition of "technical specification". For the purposes of the Code services, codes of practice and "company standards" have been excluded from the original ECE/ISO-definition.

ANNEX

Draft Definitions for the Proposed GATT Code for Preventing  
Technical Barriers to Trade

The corresponding term used at present in the Code is in brackets.

1. Technical specification (Standard)

A document which lays down characteristics of a product such as levels of quality, performance, safety, dimensions. It may include terminology, symbols, testing and test methods, packaging, marking or labelling requirements. For the purpose of this Code such technical specifications are excluded which are prepared for use by a single enterprise, whether governmental, semi-governmental or non-governmental, either for its own production or purchasing purpose.

2. Standard ( - )

A technical specification or other document available to the public, drawn up with the co-operation and consensus or general approval of all interests affected by it based on the consolidated results of science, technology and experience, aimed at the promotion of optimum community benefits and approved by a body recognized on the national, regional or international level.

3. Regulation ( - )

A binding document which contains legislative, regulatory or administrative rules and which is adopted and published by an authority legally vested with the necessary power.

4. Technical regulation (Mandatory standard)

A regulation containing or referring to a standard or a technical specification.

5. Voluntary technical specification (Voluntary standard)

A technical specification with which there is no legal obligation to comply.

6. International standard (International standard)

A standard or in certain cases a technical specification adopted by an international standardizing body.

7. Central government body (Central government body)

Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question. In the case of the European Economic Community the provisions governing central government bodies apply.

8. Local government body (Local government body)

Government body which is not subject to the control of the central government in respect of the activity in question, such as

- (i) the authorities of States, Provinces, Lander, Cantons, etc. in the case of a federal or decentralized system, and
- (ii) local government authorities.

9. Regulatory body (Regulatory body)

Central or local government body or any other body which has legal power to enforce a technical regulation. This may or may not be the same body which prepared or adopted the technical regulation.

10. Standardizing body ( - )

A body, governmental or non-governmental, one of whose recognized activities is in the field of standardization.

11. International standardizing body (International standards body)

A standardizing body whose membership is open to relevant bodies in all adherents.

12. Regional standardizing body (Regional standards body)

A multi-national standardizing body whose membership is not open to relevant bodies in all adherents.

13. Conformity with standards or technical specifications (Determination of "conformity with standards")

The conformity of a product with all the requirements of specific standards or technical specifications.

14. Administrative procedures for determining conformity (Administrative procedures)

The administrative measures needed to determine whether or not a product is in conformity with specific standards or technical specifications. It may include administrative arrangements for controlling the frequency and location of testing, for carrying out tests and for supervising the control of quality by producers.

15. Conformity certification ( - )

The action of certifying by means of a certificate of conformity or mark of conformity that a product is in conformity with specific standards or technical specifications.

16. Certification system (Quality assurance system)

A system having its own rules of procedure and management, for carrying out conformity certification.

17. Certification body (Quality assurance body)

A governmental body, or other independent and impartial body meeting the needs of all parties interested in the functioning of the certification system, possessing the necessary competence and reliability to operate a certification system.

18. International certification system (International quality assurance system or arrangement)

Certification system organized and managed by a governmental or non-governmental international organization whose membership is open to the relevant bodies in all adherents.

19. Regional certification system (Regional quality assurance system or arrangement)

Certification system organized and managed by a governmental or non-governmental regional organization whose membership is not open to the relevant bodies in all adherents.

20. Membership in a certification system (Membership in a quality assurance system or arrangement)

An adherent or a regulatory body or a certification body in the territory of an adherent has the same rights and obligations as any of the other adherents, or regulatory bodies or certification bodies under the rules of the system, including the rights of participation in, and management of the system, and of formulating or amending its rules.

21. Participation in a certification system (Participation in a quality assurance system or arrangement)

An adherent or a regulatory body or certification body in the territory of an adherent has:

- (i) the same rights to furnish evidence of conformity of products with particular standards or technical specifications and have it accepted, as members of the system and
- (ii) the same obligations to accept such evidence itself, as members of the system.