

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
MTN/NTM/W/192
17 October 1978
Special Distribution

Multilateral Trade Negotiations

Group "Non-Tariff Measures"

Sub-Group "Technical Barriers to Trade"

TECHNICAL BARRIERS TO TRADE

The following proposed revision of the text of the Draft Standards Code is circulated at the request of a number of delegations.

This attempt has been undertaken in order to remove inconsistencies in the draft contained in MTN/NTM/W/150, in order to respond to requests made in the past that this text be simplified and in order, as far as possible at the present stage, to set out the options on major outstanding issues. It does not commit any delegation to all or any part of this proposed revision.

This proposal does not address issues relating to institutions, dispute settlement, levels of obligation, processes and production methods and the relationship between the Code and the GATT.

Proposal for Revised
DRAFT CODE OF CONDUCT FOR PREVENTING
TECHNICAL BARRIERS TO TRADE

(Preamble)

Hereby agree as follows:

I. General Provisions

1. General terms for standardization and certification shall normally have the meaning given to them by definitions adopted within the United Nations System and by international standards organizations taking into account their context and in light of the object and purpose of the Code.
2. However, for the purposes of the Code the meaning of the terms given in Annex 1 applies.
3. Industrial [and agricultural] products shall be subject to the provisions of this Code.
4. [Technical specifications prepared by governmental bodies for production or consumption [or resale] requirements of governmental bodies are not subject to the provisions of this Code.] [Technical specifications prepared by a governmental body for its own production, consumption or resale requirements are not subject to the provisions of this Code.]

II. Operative Provisions¹

A. Technical Regulations and Standards

1. Preparation, adoption and use of technical regulations and standards by central government bodies

With respect to their central government bodies:

(a) Adherents shall ensure that technical regulations and standards are not prepared, adopted or applied with a view to creating obstacles to international trade. Furthermore, products imported from the territory of any adherent shall be accorded treatment no less favorable than that accorded to like products of national origin or products originating in any other country in relation to such technical regulations or standards. They shall likewise ensure that neither technical regulations nor standards themselves nor their application have the effect of creating unnecessary obstacles to international trade.

(b) Where technical regulations or standards are required and relevant international standards exist or their completion is imminent, adherents shall use them, or the relevant parts of them, as a basis for the technical regulations or standards except where such international standards or relevant parts are inappropriate for the adherents concerned, [for inter alia such reasons as

- (i) National security requirements;
- (ii) the prevention of deceptive practices;

¹One delegation has a different view with respect to levels of obligation, proposing that the first level of obligations shall be imposed on adherents only with respect to technical regulations by central government bodies in (1) the preparation, adoption and use, (2) the determination of conformity and (3) certification systems.

- (iii) Adequate protection for human health or safety, animal or plant life or health, or the environment;
- (iv) Significant climatic or other geographical factors;
- (v) Fundamental technological problems.⁷
- (c) With a view to harmonizing technical regulations or standards on as wide a basis as possible, adherents shall play a full part within the limits of their resources in the preparation by appropriate international standardizing bodies of international standards for products for which they either have adopted, or expect to adopt, technical regulations or standards.
- (d) Where appropriate, adherents shall specify technical regulations and standards in terms of performance rather than design.
- (e) Whenever a relevant international standard does not exist or the technical content of a proposed technical regulation or standard is not substantially the same as the technical content of relevant international standards, and if the technical regulation or standard may have a significant demonstrable effect on trade of other adherents, adherents shall:
 - (i) publish a notice in a publication at an early appropriate stage in such a manner as to enable governments and traders to become acquainted with it that they propose to introduce a particular technical regulation or standard.

- [(ii) notify other adherents through the GATT secretariat of the products to be covered by technical regulations [and standards] including a brief indication of the objective and rationale of proposed technical regulations [and standards].]
- (iii) upon request, provide to other adherents in regard to technical regulations, and to interested parties in other adherents in regard to standards, particulars or copies of the proposed technical regulation or standard and, whenever possible, identify the parts which in substance deviate from relevant international standards.
- (iv) in regard to technical regulations, allow reasonable time for other adherents to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account.
- (v) in regard to standards, allow reasonable time for interested parties in other adherents to make comments in writing, upon request, discuss these comments with other adherents, and take these written comments and the results of these discussions into account.

Where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for an adherent, that adherent may omit such of the steps enumerated earlier in this paragraph as it finds necessary provided at least, upon adoption of a technical regulation or standard, that the adherent shall:

- (vi) [notify immediately other adherents through the GATT secretariat of the particular technical regulation or standard, [the likely duration of its application], the product covered, with a brief indication of the objective and the rationale of the technical regulation or standard, including the nature of the urgent problems;]
- (vii) upon request, provide other adherents with copies of the technical regulation, and interested parties with copies of the standard;
- (viii) allow other adherents with respect to technical regulations, and interested parties with respect to standards, to present their comments in writing, discuss these comments upon request and take the written comments and the results of any such discussion into account.
- (f) Adherents shall ensure that all technical regulations and standards are published.
- (g) Except in those urgent circumstances referred to in paragraph (e) above, adherents shall allow a reasonable interval between the publication of a technical regulation and its entry into force in order to allow time for procedures in exporting countries, and particularly in developing countries, to adapt their products or methods of production to the requirements of the importing country.

(h) Adherents shall use all reasonable means within their power¹ to ensure that regional standardizing bodies in which they are members comply with the provisions of paragraphs (a) to (g) inclusive of this section so far as they are applicable.

(j) Adherents which are members of regional standardizing bodies shall when adopting a regional standard as a technical regulation or standard fulfil the obligations of paragraphs (a) to (g) inclusive of this section, except to the extent that the regional standardizing bodies have fulfilled these obligations.

2. Preparation, adoption and use of technical regulations and standards by local government bodies and regulatory bodies other than central government bodies

Adherents shall use all reasonable means within their power to ensure that local government bodies and regulatory bodies other than central government bodies within their territories comply with the provisions of Section 1 as if they were adherents with the exception of Section 1(c), [1(e) (ii)], 1(h) and 1(j), noting that provision of information regarding technical regulations referred to in Section 1(e)(iii) and comment and discussion referred to in Section 1(e)(iv) shall be through adherents.

¹It has been proposed that the following language taken from GATT Article XXIV:12 "take such reasonable measures as may be available to it" should replace "use all reasonable means within their power" wherever this language appears throughout the Code. It is envisaged to revert to this issue in the context of proposals on levels of obligation and enforcement provisions.

3. Preparation, adoption and use of standards by non-governmental bodies

Adherents shall use all reasonable means within their power to ensure that non-governmental bodies within their territories comply with the provisions of Section 1 as if they were adherents with the exception of Section 1(e)(ii)/1(h) and 1(j)7.

B. Conformity with Technical Regulations and Standards

4. Determination by central government bodies of conformity with technical regulations or standards

(a) Adherents shall ensure that in cases where a positive assurance is required that imported products conform with technical regulations or standards, central government bodies shall, whenever possible:

(i) rely upon self-certification by producers in the territories of other adherents, or

(ii) accept test results, certificates or marks of conformity

issued by relevant bodies in the territories of other adherents, even when the test methods differ from their own, provided they are satisfied that those methods provide a sufficient means of determining conformity with the relevant technical regulations or standards.

(b) Adherents shall ensure that test methods and administrative procedures used by central government bodies are such as to permit so far as practicable the implementation of the provisions in paragraph (a) of this Section.

(c) To the extent that the provisions of paragraph (a) of this Section are not implemented, adherents shall ensure that the following provisions are applied to products originating in the territories of other adherents:

- (i) imported products shall be accepted for testing under conditions no less favourable than those accorded to like products of national origin or originating in any other country;
- (ii) the test methods and administrative procedures for imported products shall be no more complex and no less expeditious than the corresponding methods and procedures, in a comparable situation for like products of national origin or originating in any other country;
- (iii) any fees imposed for testing imported products shall be equitable in relation to any fees chargeable for testing like products of national origin or originating in any other country;
- (iv) the results of tests shall be made available to the exporter or importer or their agents, if requested, so that corrective action may be taken if necessary;

- (v) The siting of testing facilities and the selection of samples for testing shall not be such as to cause unnecessary inconvenience for importers, exporters or their agents;
 - (vi) the confidentiality of information about imported products arising from or supplied in connexion with such tests shall be respected in the same way as for domestic products.
 - (d) Nothing in this section shall prevent adherents from carrying out reasonable spot checks within their territories.
5. Determination by local government bodies and regulatory bodies other than central government bodies of conformity with technical regulations or standards

Adherents shall use all reasonable means within their power to ensure that local government bodies and regulatory bodies other than central government bodies within their territories comply with the provisions of Section 4.

C. Certification systems

6. Certification systems operated by central government bodies

With respect to their central government bodies:

- (a) Adherents shall ensure that certification systems are not formulated or applied with a view to creating obstacles to international trade. They shall likewise ensure that neither such certification systems themselves nor their application have the effect of creating unnecessary obstacles to international trade.

(b) Adherents shall ensure that certification systems are formulated and applied so as to grant access for suppliers of like products originating in the territories of other adherents at the same time and under conditions no less favourable than those accorded to suppliers of like products of national origin or originating in any other country when it has been established that such suppliers are able and willing to fulfil the relevant obligations of the system. This is subject to the qualification that if for particular reasons it is considered inadvisable or impractical to open such a system to access to suppliers in the territories of all other adherents from the outset, its application may be limited in the initial stages.

Access to a system shall be subject to negotiation in order to reach agreement on any conditions which may be needed to adjust the system to ensure the reciprocal advantages, rights and obligations of all parties concerned.]

(c) Adherents shall:

- (i) publish a notice in a publication at an early appropriate stage in such a manner as to enable governments and traders to become acquainted with it that they propose to introduce a certification system;
- (ii) notify the GATT secretariat of the products to be covered, including a brief description of the objective of the proposed system;

- (iii) upon request provide to other adherents particulars or copies of the proposed rules of the system;
- (iv) allow reasonable time for interested parties in other adherents to make comments in writing on the formulation and operation of the system, discuss these comments upon request and take them into account.

However, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for an adherent, that adherent may omit such of the steps enumerated earlier in this paragraph as it finds necessary provided at least, upon adoption of the certification system, that the adherent shall:

- (v) [notify immediately the other adherents through the GATT secretariat of the particular certification system, [the likely duration of its application,] the product covered, with a brief indication of the objective and the rationale of the certification system including the nature of the urgent problems;]
- (vi) upon request, provide other adherents with copies of the rules of the system;
- (vii) allow interested parties in other adherents to present their comments in writing, discuss these comments upon request and take the written comments and the results of any such discussion into account.

(d) Adherents shall ensure that all rules of certification systems are published.

7. Certification systems operated by local government and regulatory bodies other than central government bodies

(a) Adherents shall use all reasonable means within their power to ensure that local government and regulatory bodies other than central government bodies within their territories when operating certification systems comply with the provisions of Section 6 except 6(c)(ii).

(b) Adherents shall ensure that their central government bodies rely on certification systems operated by local government or regulatory bodies other than central government bodies only to the extent that these bodies and systems comply with the relevant provisions of Section 6.

8. International and regional certification systems

(a) Where a positive assurance, other than by the supplier, of conformity with a technical regulation or standard is required, adherents shall, wherever practicable, formulate and become members of, or participate in international certification systems.

(b) Adherents shall use all reasonable means within their power to ensure that international and regional certification systems [and bodies], in which relevant bodies within their territories are members or participants comply with the provisions of Section 6.

[(c) Adherents shall use all reasonable means within their power to ensure that international or regional systems of which relevant bodies within their territories are members are open to participation by the relevant bodies in all adherents at the same time as, and under conditions no less favourable than those accorded to members of the system.

In this regard,

- (i) the sole criterion for participation shall be that the relevant body within the territory of the adherent concerned is able and willing to fulfil the obligations for participation; and
 - (ii) the sole criterion for the acceptability of certificates or marks of conformity with technical regulations or standards from participants under such systems shall be the technical competence and reliability of the certification body, which may be located in the territory of any member or participant and may certify the conformity of the products of any other adherent.
- (d) Adherents shall ensure that their central government bodies rely on international or regional certification systems only to the extent that the systems comply with the provisions of Section 6 and paragraph (c) of this Section.]

D. Information and assistance

9. Information about technical regulations and standards and certification systems

(a) Each adherent shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from interested parties in other adherents regarding:

(i) any technical regulations or standards adopted or proposed by central or local government bodies within its territory or by regional bodies of which such bodies are members, or participants, together with the associated test methods and administrative procedures,

(ii) any certification systems, or proposed certification systems, which are operated by central or local government bodies or by regulatory bodies other than central government bodies within its territory or of which such bodies are members or participants,

(iii) the location of notices published pursuant to the Code, or to provide information as to where such details can be obtained, and

(iv) the location of the enquiry points mentioned in Section 9(b).

(b) Each adherent shall use all reasonable means within its power to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from interested parties in other adherents regarding:

- (i) any standards and test methods adopted or proposed by voluntary standardizing bodies within its territory or by regional bodies of which such bodies are members or participants; and
 - (ii) any certification system operated by a non-governmental certification body within its territory or of which such body is member or participant.
- (c) Adherents shall use all reasonable means within their power to ensure that where copies of documents are requested by other adherents, or by interested parties in other adherents in accordance with the provisions of the Code, they are supplied at the same price (if any) as to the nationals of the adherents concerned.
- (d) The GATT Secretariat will, when it receives notifications in accordance with the provisions of the Code, circulate copies of the notifications to all adherents and interested international standardizing bodies and draw the attention of developing adherents to any notifications relating to products of particular interest to them.
- (e) Nothing in the Code shall be construed as requiring:
- (i) the publication of texts other than in the language of the country of origin;
 - (ii) the provision of particulars or copies of drafts other than the language of the country of origin; or

(iii) adherents to furnish any information, the disclosure of which they consider contrary to their essential security interests.

(f) Notifications to the GATT secretariat shall be in English, French or Spanish.

10. Technical assistance to other adherents

(a) Adherents shall, if requested, advise other adherents, especially the developing countries, on the preparation of technical regulations.

(b) Adherents shall, if requested, advise other adherents, especially the developing countries, and [should consider requests for technical assistance from them] [shall grant them technical assistance on mutually agreed terms and conditions] regarding the establishment of national standardizing bodies and participation in the international standardizing bodies, and shall encourage their national standardizing bodies to do likewise.

(c) Adherents shall, if requested, use all reasonable means within their power to arrange for the regulatory bodies within their territories to advise other adherents, especially the developing countries, and [should consider requests for technical assistance from them] [shall grant them technical assistance on mutually agreed terms and conditions] regarding:

- (i) the establishment of regulatory bodies, or certification bodies for providing a certificate or mark of conformity with technical regulations; and
- (ii) the methods by which their technical regulations can best be met.

(d) Adherents shall, if requested, use all reasonable means within their power to arrange for advice to be given to other adherents, especially the developing countries, and [should consider requests for technical assistance from them] [shall grant them technical assistance on mutually agreed terms and conditions] regarding the establishment of certification bodies for providing a certificate or mark of conformity with standards adopted within the territory of the requesting adherent.

(e) Adherents shall, if requested, advise other adherents, especially the developing countries, and [should consider requests for technical assistance from them] [shall grant them technical assistance on mutually agreed terms and conditions] regarding the steps that should be taken by their producers, if they wish to take part in certification systems operated by governmental or non-governmental bodies within the territory of the adherent receiving the request.

(f) Adherents which are members or participants of international or regional certification systems shall, if requested, advise other adherents, especially the developing countries, and [should consider requests for technical assistance from them] [shall grant them technical assistance on mutually agreed terms and conditions] regarding the establishment of the institutions and legal framework which would enable them to fulfil the obligations of membership or participation in such systems.

(g) Adherents shall, if so requested, encourage certification bodies within their territories, if such bodies are members or participants of international or regional certification systems to advise other adherents, especially the developing countries, and should consider requests for technical assistance from them regarding the establishment of the institutions which would enable the relevant bodies within their territories to fulfil the obligations of membership or participation.

11. Special and differential treatment of developing countries¹

(a) Adherents shall provide differentiated and more favourable treatment to developing countries adhering to this Code, through the following provisions as well as through the relevant provisions of other sections of the Code.

(b) Adherents shall give particular attention to the provisions of this Code concerning developing countries' rights and obligations and shall take into account the special development, financial and trade needs of developing countries in the implementation of the Code both nationally and in the operation of the Code's institutional arrangements.

(c) Adherents shall, in the preparation and application of technical regulations, standards, test methods and certification systems, take account of the special development, financial and trade needs of developing countries, with a view to ensure that such technical regulations, standards, test methods and certification systems do not create unnecessary obstacles to exports from developing countries.

¹A number of delegations have made the following proposal:

"For the purposes of enabling developing countries to meet the provisions of this Code there shall be established a fund with the view, inter alia, to providing financial and technical assistance to developing countries for:

- (a) appropriate technology and skills to be transmitted to industries in developing countries on fair and reasonable terms to meet internationally accepted technical regulations and standards;
- (b) establishing standardization and quality assurance systems and bodies on a national, sub-regional or regional basis, including the training of adequate personnel to effectively implement the systems so established;
- (c) any other measure deemed necessary by developing countries for their effective participations under this Code."

(d) [Adherents recognize that the particular technological and socio-economic conditions of developing countries justify the adoption of technical regulations, standards and test methods aimed at preserving indigenous technology and production methods and processes compatible with their development needs. Adherents further recognize that developing countries should not be compelled to adopt technical regulations, standards and test methods which are not consistent with their development, financial and trade needs. Adherents undertake to take these principles into account in the implementation of the Code.]

(e) Adherents shall take such reasonable measures as may be available to them to ensure that international standardizing bodies and international certification systems are organized and operated in a way which facilitates active and representative participation of relevant bodies in all adherents, taking into account the special problems of developing countries.

(f) Adherents shall take such reasonable measures as may be available to them to ensure that international standardizing bodies, on request of developing countries, examine the possibility of, and, if practicable, elaborate international standards concerning products of special interest to developing countries.

(g) Adherents shall, in accordance with the provisions of Section 10, provide technical assistance to developing countries to ensure that the preparation and application of technical regulations, standards, test methods and certification systems do not create unnecessary obstacles to the expansion and diversification of exports from developing countries. In determining the terms and conditions of the technical assistance, account shall be taken of the stage of development of the requesting country and in particular to the least developed countries.

(h) It is recognized that developing countries may face special problems, including institutional and infrastructural problems, in the field of preparation and application of technical regulations, standards, test methods and certification systems. It is further recognized that the special development and trade needs of developing countries, as well as their stage of technological development, may hinder their ability to discharge fully their obligations under this Code. Adherents, therefore, shall take this fact fully into account when considering requests for specified time-limited exceptions in whole or in part from obligations under the Code referred to below. With a view to ensuring that developing countries are able to comply with the Code, the Committee is enabled to grant upon request specified, time-limited exceptions in whole or in part from obligations under the Code. When considering such requests the Committee shall take into account the special problems, in the field of preparation and application of technical regulations, standards, test methods and certification systems and the special development and trade needs of the developing country, as well as its stage of technological development, which may hinder its ability to discharge fully its obligations under the Code. The Committee shall in particular, take into account the special problems of the least developed countries.

(j) During consultations, developed countries shall bear in mind the special difficulties experienced by developing countries in formulating and implementing standards and technical regulations and methods of ensuring conformity with those standards and technical regulations, and in their desire to assist developing countries with their efforts in this direction, developed countries shall take account of the special needs of the former in regard to financing, trade and development.

(k) The Committee shall examine periodically the special and differential treatment as laid down in this Code, granted to developing countries, on national and international levels.

E. Amendments to technical regulations or standards and certification systems

12. Amendments to technical regulations or standards and certification systems

All references in the Code to technical regulations or standards, test methods and certification systems shall be construed to include any amendments thereto including any additions to the rules of, or products covered by, such systems - other than amendments of an insignificant nature.

III. Other provisions

13. Retroactivity

To the extent that an adherent considers that technical regulations, standards, methods for assuring conformity with technical regulations or standards, or certification systems which exist at the time of entry into force of this Code are not consistent with the provisions of the Code, such regulations, standards, methods and systems shall be subject to the enforcement provisions in Section 15 of the Code.

14. The Committee on Technical Barriers to Trade

/to be supplied/

15. Enforcement

/to be supplied/

16. Final Provisions

Signature and acceptance

(a) This agreement shall be open for signature in Geneva, at the headquarters of the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade, from until by governments contracting parties to the General Agreement on Tariffs and Trade and by the European Economic Community. It shall also be open for signature by other governments undertaking to observe the provisions of this agreement and such other provisions related to the effective application of rights and obligations as may be agreed.

(b) This agreement shall be accepted by each signatory party only after fulfilment of its respective constitutional procedures.

(c) Contracting parties may adhere in respect of those territories for which they have international responsibility in accordance with the provisions of Article XXVI:5(a) and (b) of GATT, provided that GATT is being applied in respect of such territories; and each such territory shall be treated as though it were an adherent.

Reservations

(d) Reservations may not be entered in respect of any of the provisions of this Code.

Entry into force

(e) This Code shall enter into force on 1 January 1980 as among the parties which have accepted it. For each government which accepts thereafter, the agreement shall enter into force on the thirtieth day following the date of such acceptance.

Accession

(f) Any government not a party to this agreement may accede to it on terms to be agreed between that government and the parties to the agreement.

(g) Accession shall take place through signature of a Protocol of Accession to be deposited with the Director-General to the CONTRACTING PARTIES to the GATT.

Review

(h) The Committee on technical barriers to trade shall review annually the implementation and operation of this agreement taking into account the objectives thereof. The Committee shall annually inform the Contracting Parties to GATT of developments during the periods covered by such reviews.

(j) Each adherent shall, after the date upon which the Code becomes effective for the adherent concerned, inform the Committee of measures in existence or taken to ensure the proper administration of the Code.

(k) Not later than the end of the fifth year from the entry into force of the agreement and at the end of each five-year period thereafter, the Committee on technical barriers to trade shall review the operation and implementation of this agreement with a view to

adjusting the rights and obligations of the Code where necessary to ensure mutual economic advantage and balance of rights and obligations, and where appropriate amending the text of the agreement having regard inter alia, to the experience gained in its implementation.

Amendments

(1) This agreement may be amended any time. Any decision to amend this agreement shall be taken /by a two-thirds majority/ of the parties to this agreement and shall become effective, for the parties accepting the amendments, upon acceptance by /two thirds/ of the parties which have accepted the agreement and thereafter for each other party upon its acceptance of the amendments.

Withdrawal

(m) Any party may withdraw from this agreement. The withdrawal shall take effect upon the expiration of ninety days from the date on which the written notice of withdrawal is received by the Director-General to the CONTRACTING PARTIES to the GATT. The Director-General shall promptly inform each signatory. Any signatory may, upon receipt of such information, request an immediate meeting of the Committee for preventing technical barriers to trade.

Non-application

(n) This agreement shall not apply as between any parties accepting this agreement or government acceding thereto, if at the time of acceptance of the agreement or of accession thereto, a party to the agreement or the acceding government does not consent to such application.

Annexes

(o) The Annexes hereto constitute an integral part of this agreement.

Secretariat

(p) This agreement shall be serviced by the GATT Secretariat.

Deposit

(q) This agreement shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT, who shall promptly furnish a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph /Signature and Acceptance/ or of each accession thereto, pursuant to paragraph /Accession/, to each signatory party to the agreement.

Registration

(r) This agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this day of
nineteen hundred and seventy-eight, in a single copy, in the English, French
and Spanish languages, each text being authentic.

ANNEX 1

Terms

TERMS AND THEIR DEFINITIONS FOR THE SPECIFIC PURPOSES OF THE CODE

Note: References to the definitions of international standardizing bodies in the explanatory notes are made as they stood in .../date/

1. Technical specification

A specification contained in a document which lays down characteristics of a product such as levels of quality, performance, safety or dimensions. It may include, or deal exclusively with terminology, symbols, testing and test methods, packaging, marking or labelling requirements as they apply to a product.

Explanatory note:

The Code deals only with technical specifications relating to products. Thus the wording of the corresponding ECE/ISO definition is amended in order to exclude services and codes of practice.

2. Technical regulation

A technical specification, including the applicable administrative provisions, with which compliance is mandatory.

Explanatory note:

The wording differs from the corresponding ECE/ISO definition because the latter is based on the definition of regulation which is not defined in this Code. Furthermore the ECE/ISO definition contains a normative element which is included in the operative provisions of the Code.

3. Standard

A technical specification approved by a recognized standardizing body for repeated or continuous application, with which compliance is not made mandatory.

Explanatory note:

The corresponding ECE/ISO definition contains several normative elements which are not included in the above definition. Accordingly, technical specifications which are not based on consensus are covered by the Code. This definition does not cover technical specifications prepared by an individual company for its own production or consumption requirements.

4. International body or system

A body or system whose membership is open to the relevant bodies of at least all adherents to the Code.

5. Regional body or system

A body or system whose membership is open to the relevant bodies of only some of the adherents.

6. 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 would apply.

Explanatory note:

If the EEC were to sign the Code, the word "would" and the square brackets would disappear.

7. 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.

8. Regulatory body

A governmental or non-governmental 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.

9. Standardizing body

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

10. International standard

A standard adopted by an international standardizing body.

Explanatory note:

The wording differs from the corresponding ECE/ISO definition in order to make it consistent with other definitions of the Code.

11. Membership in a certification system

An adherent or a relevant body of an adherent has the same rights and obligations as any of the other adherents, or their relevant 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.

12. Participation in a certification system

An adherent or a relevant body of an adherent has:

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