

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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DEFINITIONS IN THE AGREEMENT ON
TECHNICAL BARRIERS TO TRADE

Note by the Nordic delegations

1. Provisions concerning definitions are included in Article 1, paragraphs 1 and 2 as well as in Annex 1 of the Agreement on Technical Barriers to Trade.
 2. Partly in response to requests presented by the Committee on Technical Barriers to Trade, ISO has drafted an amendment sheet (ISO/STACO 151) to the ISO/IEC Guide 2, General Terms and Their Definitions Concerning Standardization and Related Activities (see appendix).
 3. Attached to this note is an attempt for a revised Annex 1 of the Agreement taking into account this new ISO proposal. There seems to be no need to amend the provisions of Article 1 of the Agreement.
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ANNEX 1

Terms and their Definitions for the
Specific Purposes of this Agreement

1. The terms presented in the fifth edition of the ISO/IEC Guide 2, General Terms and Their Definitions Concerning Standardization and Related Activities, and in the amendment sheet adopted...1990 to this Guide, shall when used in this Agreement have the same meaning as given in the definitions in the said Guide and in the amendment sheet therefor with the following exceptions.

1.1 Services (and processes) shall be excluded from the coverage of the definitions.

1.2 Standard

For the term "Standard" the following definition shall apply.

Document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for products, (processes and production methods) with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product.

2. In addition to what is presented in ISO/IEC Guide 2 and in its amendment sheet the following definitions shall apply.

2.1 International body or system

Body or system whose membership is open to the relevant bodies of at least all Parties to this Agreement.

2.2 Regional body or system

Body or system whose membership is open to the relevant bodies of only some of the Parties.

2.3 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.

Explanatory note:

In the case of the European Economic Community the provisions governing central government bodies apply. However, regional bodies or certification systems may be established within the European Economic Community, and in such cases would be subject to the provisions of this Agreement on regional bodies or certification systems.

2.4 Local government body

Government other than a central government (e.g. states, provinces, Länder, cantons, municipalities, etc.), its ministries or departments or any body subject to the control of such a government in respect of the activity in question.

2.5 Non-governmental body

Body other than a central government body or a local government body, including a non-governmental body which has legal power to enforce a technical regulation.

2.6 Conformity assessment procedure

Any procedure for determining, directly or indirectly, that relevant requirements are fulfilled.

Note: Conformity assessment procedures include inter alia procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval.

APPENDIX

ISO/GATT

Draft Amendment Sheet to ISO/IEC Guide 2:1986 "General Terms and their Definitions concerning Standardization and Related Activities"

The purpose of this document is to inform interested parties of the progress made in preparing amendments or additions to ISO/IEC Guide 2. A draft is at present being circulated within ISO and IEC under reference ISO/STACO 151 with a view to its publication, if approved, as Amendment Sheet to ISO/IEC Guide 2. The approval procedure is expected to be concluded towards the end of 1990.

The extracts reproduced here include those proposed amendments which are considered relevant to GATT/TBT and MTN. A number of editorial improvements affecting other language versions are not shown here.

The proposed Amendment Sheet to ISO/IEC Guide 2 would be introduced by a Foreword in which it would be stated that the preparation of these amendments was in response to specific questions from ISO and IEC members, requests from the United Nations Economic Commission for Europe (ECE) and General Agreement on Tariffs and Trade (GATT) and proposals from the ISO Committee on Conformity Assessment (ISO/CASCO) for rearranging and extending the terminology given in clause 13.

Concerning this latter aspect, the terms related to conformity assessment enter a structure that can be tentatively outlined as follows, and which would be used in due course, when reviewing the general set of concepts related to conformity assessment:

Conformity assessment procedures

1. Conformity of products, processes and services

1.1 Evaluation of conformity

- by testing
- by inspection

1.2 Assurance of conformity

- by declaration
- by certification

2. Competence of bodies and persons

- 2.1 Accreditation of testing laboratories
- 2.2 Accreditation of inspection bodies
- 2.3 Accreditation of certification bodies
- 2.4 Accreditation of persons

3. Registration

4. Mutual acceptance

4.1 Bilateral

4.2 Multilateral

NOTE - Terms related to "approval" would belong to the above structure but are not included here as they are outside the direct responsibility of ISO/CASCO.

Draft Amendment Sheet to ISO/IEC Guide 2:1986 "General Terms and their Definitions Concerning Standardization and Related Activities"

Clause 0

Under the heading "Readership", insert the following after the existing text as a new second paragraph:

Whilst ISO and IEC jointly provide the international framework for standardization, covering a wide range of mainly technical matters, the general concept of standardization extends beyond their terms of reference. For ISO and IEC purposes, the definition of standardization (1.1) should accordingly be read in conjunction with the definitions of standard (3.2) and consensus (1.7).

Clause 1

Under 1.6.3, delete the note and insert the following:

1.6.4 provincial standardization: Standardization that takes place at the level of a single province or state of a country.

NOTE TO DEFINITIONS 1.6.3 and 1.6.4 - Within a country, a province or a state, standardization may also take place at branch or sectoral levels (e.g. ministries), at local levels, at association and company levels in industry and in individual factories, workshops and offices.

Clause 3

Under 3.2.3, delete the note and the entry "Other standards". Insert the following:

3.2.4 provincial standard: Standard that is adopted at the level of a single province or state of a country and made available to the public.

NOTE TO DEFINITIONS 3.2.1, 3.2.2, 3.2.3 and 3.2.4 - By virtue of their status as standards, their public availability and their amendment or revision as necessary to keep pace with the state of the art, international, regional, national and provincial standards are presumed to constitute acknowledged rules of technology.

Other standards: Standards may also be adopted at other levels, e.g. branch standards and company standards. Such standards may have a geographical impact covering several countries.

3.2 (bis) preliminary standard; pre-standard: Document that is adopted provisionally by a standardizing body and made available to the public in order that the necessary experience may be gained from its experimental application on which to base a standard.

Clause 9

Between 9.1 and 9.2, insert the following new entry:

9.1 (bis) standards project: Specific work item within a standards programme.

Clause 12

In the clause heading, insert "and inspection".

Before 12.1, insert the following new entry:

12.0 testing: Determination of one or more characteristics of a given product, process or service according to a specified procedure by means of measurement or analysis.

At the end of the clause, insert the following new entry:

12.7 inspection: Determination of one or more characteristics of a given product, process or service according to a specified procedure by means other than measurement and analysis, e.g. by visual checks.

Clause 13

Amend the clause heading to read "Conformity and related general concepts".

Under 13.1, at the end of the definition, delete "of all requirements specified" and substitute "of specified requirements".

Delete the entries at 13.3, 13.4 and 13.5 and insert the following:

13.3 evaluation for conformity: Systematic examination of the extent to which a product, process or service fulfils specified requirements.

13.3.1 conformity testing: Evaluation for conformity by means of testing.

13.3.2 conformity inspection: Evaluation for conformity by means of inspection.

13.3.3 type evaluation: Evaluation for conformity of one specimen of a product representative of the planned production.

13.3.4 conformity surveillance: Evaluation for conformity to verify the continuing conformity with specified requirements.

13.4 verification of conformity: Confirmation, by evaluation of evidence, that a product, process or service fulfils specified requirements.

13.5 assurance of conformity: Statement giving confidence that a product, process or service fulfils specified requirements.

NOTE - For a product, this statement may be in the form of a document, a label or other equivalent means. It may also be printed in or applied on a communication, a catalogue, an invoice, a user instructions manual, etc. relating to the product.

13.5.1 declaration of conformity: Procedure by which a supplier gives written assurance that a product, process or service conforms to specified requirements.

NOTE - In order to avoid any confusion, the expression "self-certification" should not be used.

13.5.2 certification: Procedure by which a third party gives written assurance that a product, process or service conforms to specified requirements.

13.6 registration: Procedure by which a body indicates the characteristics of a product, process or service, or the particulars of a body or person, in an appropriate, publicly available list.

13.7 accreditation: Procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks.

Clause 15

In the clause heading, insert "and approval" after "Recognition".

At the end of the clause, insert the following new entries:

15.5 reciprocity: Bilateral relationship where both parties have the same rights and obligations towards each other.

NOTES

1. Reciprocity can exist within a multilateral arrangement comprising a network of bilateral reciprocal relationships.
2. Though rights and obligations are the same, opportunities emanating from them may differ; this may lead to unequal relations between parties.
- 15.6 equal treatment: Treatment accorded to products, processes or services from one party that is no less favourable than that accorded to like products, processes or services from any other party, in a comparable situation.
- 15.7 national treatment: Treatment accorded to products, processes or services originating in other countries that is no less favourable than that accorded to like products, processes or services of national origin, in a comparable situation.
- 15.8 national and equal treatment: Treatment accorded to products, processes or services originating in other countries that is no less favourable than that accorded to like products, processes or services of national origin or originating in any other country, in a comparable situation.
- 15.9 approval: Permission for a product, process or service to be marketed or used for stated purposes or under stated conditions.
- 15.9.1 type approval: Approval based on type evaluation.