

C. REGIONAL STANDARDS-RELATED ACTIVITIES

Decision

- (a) In 2000, the Committee noted that the Agreement contains a number of provisions on regional standardizing bodies and systems for conformity assessment. In order to keep abreast of the activities of such bodies and systems, the Committee decided as follows:²³
- (i) representatives of regional standardizing bodies and systems for conformity assessment may be invited to address the Committee on their procedures and how they relate to those embodied in the Agreement, on the basis of agreed lists of questions.

Recommendation²⁴

- (a) In 2006, with regard to the acceptance of the Code of Good Practice by regional standardizing bodies, the Committee agreed:²⁵
- (i) to encourage regional standardizing bodies to accept the Code of Good Practice and to notify their acceptance of the Code to the ISO/IEC Information Centre.

IV. TRANSPARENCY

A. STATEMENT ON IMPLEMENTATION AND ADMINISTRATION OF THE TBT AGREEMENT (ARTICLE 15.2)

4. Pursuant to Article 15.2, Members have an obligation to submit a statement on the measures in existence or taken to ensure the implementation and administration of the Agreement, including the provisions on transparency. Such statements, to be made promptly after the date on which the WTO Agreement enters into force for Members, give a brief overview of how individual Members implement the TBT Agreement. Since the establishment of the Committee, Members have emphasized the importance of fulfilling their obligations under Article 15.2.²⁶

²³ G/TBT/M/3, 5 January 1996, para. 15; G/TBT/W/14, 29 September 1995, p.4; G/TBT/1/Rev.8, 23 May 2002, p. 23.

²⁴ This recommendation is also reproduced under the Section on Transparency under IV.B.2(i), on p. 19.

²⁵ G/TBT/19, 14 November 2006, paras 66-67 and 68(g)(i).

²⁶ G/TBT/5, 19 November 1997, para. 7; G/TBT/9, 13 November 2000, para. 9; G/TBT/13, 11 November 2003, para. 7; G/TBT/19, 14 November 2006, para. 6.

Decisions

- (a) In 1995, the Committee agreed on the following concerning the contents of Article 15.2 statements:²⁷
- (i) the statement should cover the legislative, regulatory and administrative action taken as a result of the negotiation of the Agreement or currently in existence to ensure that the provisions of the Agreement are applied. If the Agreement itself has been incorporated into domestic law, the statement should indicate how this has been done. In other cases, the statement should describe the content of the relevant laws, regulations, administrative orders, etc. All necessary references should also be provided.
 - (ii) In addition, the statement should specify:
 - the names of the publications used to announce that work is proceeding on draft technical regulations or standards and procedures for assessment of conformity and those in which the texts of technical regulations and standards or procedures for assessment of conformity are published under Articles 2.9.1, 2.11; 3.1 (in relation to 2.9.1 and 2.11); 5.6.1, 5.8; 7.1, 8.1 and 9.2 (in relation to 5.6.1 and 5.8); and paragraphs J, L and O of Annex 3 of the Agreement;
 - the expected length of time allowed for presentation of comments in writing on technical regulations, standards or procedures for assessment of conformity under Articles 2.9.4 and 2.10.3; 3.1 (in relation to 2.9.4 and 2.10.3); 5.6.4 and 5.7.3; 7.1, 8.1 and 9.2 (in relation to 5.6.4 and 5.7.3); and paragraph L of Annex 3 of the Agreement;
 - the name and address of the enquiry point(s) foreseen in Articles 10.1 and 10.3 of the Agreement with an indication as to whether it is/they are fully operational; if for legal or administrative reasons more than one enquiry point is established, complete and unambiguous information on the scope of responsibilities of each of them;
 - the name and address of any other agencies that have specific functions under the Agreement, including those foreseen in Articles 10.10 and 10.11 of the Agreement;
 - measures and arrangements to ensure that national and sub-national authorities preparing new technical regulations or procedures for assessment of conformity, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Member in question to fulfil its obligations on notifications under Articles 2.9, 2.10, 3.2, 5.6, 5.7 and 7.2 of the Agreement.

²⁷ G/TBT/M/2, 4 October 1995, para. 5, G/TBT/W/2/Rev.1, 21 June 1995, p.2, G/TBT/1/Rev.8, 23 May 2002, p.10.

Recommendations

- (a) In 1997, in order to ensure the submission of statements under Article 15.2 and to improve the implementation and administration of the Agreement, the Committee agreed to the following:²⁸
 - (i) with due consideration to the obligations under Article 15.2 to inform the Committee of measures in existence or taken to ensure the implementation and administration of the Agreement, Members who have not submitted such information are expected to do so without further delay. They are invited to indicate any difficulties and needs in this respect, so that technical assistance may be provided as appropriate;
 - (ii) for the purpose of information exchange, Members are invited, on a voluntary basis, to make oral presentations to further elaborate on the arrangements they have in place to achieve an effective implementation and administration of the provisions of the Agreement, including those under Article 12. This exercise would be a useful means of sharing information with respect to good practices and in meeting the needs of those Members that may be seeking assistance.
- (b) In 2003, in order to assist Members in meeting their obligations under Articles 15.2 and 10.1, the Committee:
 - (i) invited Members to seek assistance from other Members that had met their 15.2 obligations to share their knowledge and experience in this regard.²⁹

Documents

- (a) Members' Statements on Implementation and Administration of the Agreement are contained in the G/TBT/2/Add - series.
- (b) A list of Members having submitted their 15.2 Statements is maintained in the G/TBT/GEN/1/ - series.

Action on Information Exchange

- (a) On 8 November 2007, the WTO Secretariat organized a Workshop on the Statement on Implementation and Administration of the TBT Agreement under Article 15.2.³⁰

B. NOTIFICATIONS

1. Technical Regulations and Conformity Assessment Procedures

5. Articles 2 and 5 of the TBT Agreement contain the notification obligations related to technical regulations and conformity assessment procedures. In addition, the TBT Committee has put in place detailed procedures for notification (set out below) which have been refined over the years. The importance of fulfilling notification provisions has been reiterated regularly by the TBT Committee, as notifications can make an important contribution towards avoiding unnecessary obstacles to trade and provide Members with the opportunity to influence the development of technical requirements of other Members.

²⁸ G/TBT/5, 19 November 1997, para. 7.

²⁹ G/TBT/13, 11 November 2003, para. 7.

³⁰ G/TBT/M/43, 21 January 2008, para. 4.

Documents

- (a) Notifications under Article 2 and 5 are circulated in the document series G/TBT/N/[Member]/[Number].

(i) *"Significant effect on trade of other Members"*

Recommendations

- (a) In 1995, the Committee established the following criteria with a view to ensuring a consistent approach to the selection of proposed technical regulations and procedures for assessment of conformity to be notified.³¹

- (i) For the purposes of Articles 2.9 and 5.6, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- Of one technical regulation or procedure for assessment of conformity only, or of various technical regulations or procedures for assessment of conformity in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

- (ii) When assessing the significance of the effect on trade of technical regulations, the Member concerned should take into consideration such elements as:

- the value or other importance of imports in respect of the importing and/or exporting Members concerned, whether from other Members individually or collectively,
- the potential growth of such imports, and
- difficulties for producers in other Members to comply with the proposed technical regulations.

- (iii) The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

(ii) *Timing of Notifications*

Recommendation

- (a) When implementing the provisions of Articles 2.9.2, 3.2 (in relation to Article 2.9.2), 5.6.2 and 7.2 (in relation to Article 5.6.2), a notification should be made when a draft with the complete text of a proposed technical regulation or procedures for assessment of conformity is available and when amendments can still be introduced and taken into account.³²

³¹ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 8; G/TBT/1/Rev.8, 23 May 2002, p. 15.

³² G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 8; G/TBT/1/Rev.8, 23 May 2002, p. 15.

(iii) *Submission of Notification (Format and Guidelines)*

Decisions

- (a) The agreed version of the Guidelines and Format is contained in Annex C (on page 38 of this document).³³
- (b) In 2000, the Committee noted that enhancement of Internet usage can facilitate access to and exchange of information by Members. This would also facilitate and provide the maximum time possible for receiving notifications, obtaining and translating of relevant documents, and the presentation of comments. With a view to facilitating access to information by Members, as well as to strengthen the notification process, including the time needed for the publication and circulation of notification by the Secretariat, the Committee agreed on the following action:³⁴
 - (i) Whenever possible Members should file notifications by downloading, filling out and returning the complete form by e-mail to the Secretariat. The Committee will continue to explore ways to shorten the time for the submission, publication and circulation of notifications, as well as to examine the steps that would be needed to facilitate the electronic transmission of information among Members to complement the hard copy information exchange.

Recommendations

- (a) Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "not known" or "not stated" should be indicated.³⁵
- (b) Members are requested to transmit their notifications to the Secretariat electronically via the Central Registry of Notifications (CRN) at crn@wto.org in order to accelerate their processing.³⁶
- (c) In 2003, the Committee agreed, with regard to the electronic transmission of information on proposed standards, technical regulations and conformity assessment procedures:³⁷
 - (i) to examine the feasibility of creating a central depository for notifications on the WTO website, which would enable Members to complete notification forms on line. This would complement, not replace, the submission of notifications to the CRN.

³³ G/TBT/1/Rev.8, 23 May 2002, p. 11

³⁴ G/TBT/9, 13 November 2000, paras 13, 15 and Annex 3; G/TBT/1/Rev.8, 23 May 2002, p. 18.

³⁵ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 3; G/TBT/1/Rev.8, 23 May 2002, p. 11.

³⁶ G/TBT/M/15, paras 43 and 45; G/TBT/9, 13 November 2000, paras 13, 15 and Annex 3; G/TBT/13, 11 November 2003, para. 26; G/TBT/1/Rev.8, 23 May 2002, p. 11.

³⁷ G/TBT/13, 11 November 2003, para. 27.

(iv) *Labelling requirements*

Decision

- (a) In 1995, the Committee took the following decision with the purpose of clarifying the coverage of the Agreement with respect to labelling requirements:³⁸
- (i) In conformity with Article 2.9 of the Agreement, Members are obliged to notify all mandatory labelling requirements that are not based substantially on a relevant international standard and that may have a significant effect on the trade of other Members. That obligation is not dependent upon the kind of information which is provided on the label, whether it is in the nature of a technical specification or not.

Event

- (a) On 21-22 October 2003, with the objective of improving Members' understanding of the preparation, adoption and application of labelling requirements in the context of the implementation of the Agreement, as well as of the impact of such requirements on market access, the Committee held a Learning Event on Labelling, which focussed on developing country Members' concerns.³⁹
- (v) *Notifications of Proposed Technical Regulations and Conformity Assessment Procedures of Local Governments at the Level Directly Below that of the Central Government*

Recommendation

- (a) In 2006, with regard to the notification of proposed technical regulations and conformity assessment procedures of local governments at the level directly below that of the central government, the Committee agreed:⁴⁰
- (i) to invite Members to indicate the local government bodies in their jurisdiction that are subject to the notification obligations contained in Articles 3.2 and 7.2.
- (vi) *Monthly Listing of Notifications Issued by the WTO Secretariat*

Decision

- (a) In 2000, the Committee agreed on the following with a view to providing a brief indication of the notifications issued:⁴¹
- (i) The Secretariat is requested to prepare a monthly table of notifications issued, indicating the notification numbers, notifying Members, Articles notified under, products covered, objectives and final dates for comments.

³⁸ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 11; G/TBT/1/Rev.8, 23 May 2002, p. 18.

³⁹ G/TBT/13, 11 November 2003, para. 3.

⁴⁰ G/TBT/19, 14 November 2006, paras 52 and 68(b)(i); G/TBT/13, 11 November 2003, para. 23.

⁴¹ G/TBT/9, 13 November 2000, para. 13 and Annex 3, p. 22; G/TBT/1/Rev.8, 23 May 2002, pp. 17-18.

Document

- (a) Monthly lists of notifications are contained in the document G/TBT/GEN/N/- series.

(vii) *Length of time allowed for comments*

Recommendations

- (a) The Committee set the following time limits for presentation of comments on notified technical regulations and procedures for assessment of conformity:
- (i) The normal time limit for comments on notifications should be 60 days. Any Member which is able to provide a time limit beyond 60 days, such as 90 days, is encouraged to do so and should indicate this in the notification.⁴²
 - (ii) The Committee agreed to recognize that, to improve the ability of developing country Members to comment on notifications, and consistent with the principle of special and differential treatment, developed country Members are encouraged to provide more than a 60-day comment period.⁴³

(viii) *Handling of comments*

Recommendations

- (a) In 1995, in order to improve the handling of comments on proposed technical regulations and procedures for assessment of conformity submitted under Articles 2.9.4, 2.10.3, 3.1 (in relation to 2.9.4 and 2.10.3), 5.6.4, 5.7.3 and 7.1 (in relation to 5.6.4 and 5.7.3) of the Agreement, the Committee agreed on the following procedures.⁴⁴
- (i) Each Member should notify the WTO Secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge of handling of comments received; and
 - (ii) A Member receiving comments through the designated body should without further request:
 - acknowledge the receipt of such comments;
 - explain within a reasonable time to any Member from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed technical regulations or procedures for assessment of conformity concerned; and
 - provide to any Member from which it has received comments, a copy of the corresponding technical regulations or procedures for assessment of conformity as adopted or information that no corresponding technical regulations or procedures for assessment of conformity will be adopted for the time being.

⁴² G/TBT/9, para. 13 and Annex 3, p. 22; G/TBT/1/Rev.8, 23 May 2002, p. 17.

⁴³ G/TBT/13, 11 November 2003, para. 26.

⁴⁴ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 10; G/TBT/1/Rev.8, 23 May 2002, p. 17.

- (b) In 2003, the Committee agreed to:⁴⁵
- (i) invite Members to formulate their requests to enquiry points, on comment periods or on any other matter, in one of the three official languages of the WTO;
 - (ii) encourage Members to voluntarily respond to comments in writing if so requested, and to share their responses with the TBT Committee. Members are also encouraged to draft their responses in one of the three official languages of the WTO;
 - (iii) invite Members, on a voluntary basis, to disseminate their comments and responses by means of national websites and to draw the Committee's attention to these.
- (c) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement, the Committee agreed:⁴⁶
- (i) to encourage Members to provide sufficient time between the end of the comment period and the adoption of the notified technical regulations and conformity assessment procedures for the consideration of comments made and the preparation of subsequent responses;
 - (ii) to encourage Members to exchange comments and to provide information on websites on which comments received from Members and replies thereto are posted, taking into account the fact that some bilateral communications between Members could be of a confidential nature; and
 - (iii) to request the Secretariat to prepare a list of these websites, based on the information provided by Members.

(ix) *Timing of Entry into Force of Technical Regulations and Understanding of "Reasonable Interval" under Article 2.12*

6. In the 2001 Ministerial Decision on Implementation-related Issues and Concerns, Ministers stated that "Subject to the conditions specified in paragraph 12 of Article 2 of the Agreement on Technical Barriers to Trade, the phrase 'reasonable interval' shall be understood to mean normally a period of not less than 6 months, except when this would be ineffective in fulfilling the legitimate objectives pursued."⁴⁷

Decision

- (a) The Committee took note of the above-mentioned Ministerial Decision regarding the implementation of Article 2.12 of the Agreement and decided as follows:⁴⁸
- (i) Subject to the conditions specified in paragraph 12 of Article 2 of the Agreement on Technical Barriers to Trade, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months, except when this would be ineffective in fulfilling the legitimate objectives pursued.

⁴⁵ G/TBT/13, 11 November 2003, para. 26.

⁴⁶ G/TBT/19, 14 November 2006, paras 57-60 and 68(d)(i)-(iii).

⁴⁷ WT/MIN(01)/17, 20 November 2001, para. 5.2.

⁴⁸ G/TBT/M/26, 6 May 2002, para. 15; WT/MIN(01)/17, 20 November 2001, para. 5.2. G/TBT/1/Rev.8, 23 May 2002, p. 30.

Recommendation

- (a) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement and pursuant to Article 2.12. the Committee agreed:⁴⁹
 - (i) to encourage Members to provide an interval of more than six months, when possible, between the publication of technical regulations and their entry into force.

(x) *Follow-up*

Recommendations

- (a) In 2003, in order to facilitate the follow-up on Members' technical regulations and conformity assessment procedures brought to the attention of the Committee, the Committee agrees to:⁵⁰
 - (i) have amendments to notifications carry the same document symbol as that of the original notification to allow them to be adequately traced;
 - (ii) encourage Members to share, on a voluntary basis, with the Committee any follow-up information on issues that have been previously brought to its attention.

2. Standards

7. Article 4 of the Agreement establishes a "Code of Good Practice for the Preparation, Adoption and Application of Standards" (the "Code"). The text of the Code is contained in Annex 3 of the TBT Agreement. The Code lays down disciplines in respect of standardizing bodies whether a central government, local government, non-governmental or regional body. It is open for acceptance to any such bodies (Paragraph B). The obligation to notify applies to standardizing bodies directly and includes the notification of their acceptance of, or withdrawal from, the Code of Good Practice (Paragraph C), and the existence of a work programme (Paragraph J).

- (i) *Notification of the Acceptance of, or Withdrawal from, the Code of Good Practice (Paragraph C)*

Recommendations

- (a) In 1997, the Committee agreed, in order to improve the transparency, acceptance of, and compliance with the Code:⁵¹
 - (i) to invite Members to share their experience with respect to the steps taken to fulfil their obligations under Article 4 and to exchange information on the reasons why certain standardizing bodies as identified in Article 4.1 have not yet accepted the Code;
 - (ii) that Members should take appropriate action to inform standardizing bodies of the provisions of the Code and the benefits they would gain from accepting it;

⁴⁹ G/TBT/19, 14 November 2006, paras 61-63 and 68(e)(i).

⁵⁰ G/TBT/13, 11 November 2003, para. 28.

⁵¹ G/TBT/5, 19 November 1997, sub-paras 12(a), (b) and (d).

- (iii) that the Secretariat will draw up a list of standardizing bodies on the basis of information provided by Members for this purpose.
- (b) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement, and with regard to the acceptance of the Code of Good Practice by regional standardizing bodies, the Committee agreed:⁵²
 - (i) to encourage regional standardizing bodies to accept the Code of Good Practice and to notify their acceptance of the Code to the ISO/IEC Information Centre.

Document

- (a) Notifications under the Code are circulated by the WTO Secretariat in the document series G/TBT/CS/N/[Number].⁵³
- (ii) *Notification of the Existence of a Work Programme (Paragraph J)*

Decision

- (a) In 1999, the Committee agreed:⁵⁴
 - (i) that the communication of the work programmes of standardizing bodies via the Internet would be another possibility to fulfil paragraph J obligations on transparency. Hard copies of such work programmes would, nevertheless, always be made available on request in accordance with paragraph P of the Code of Code of Good Practice.

Recommendations

- (a) In 1997, the Committee agreed, in order to improve the transparency, acceptance of, and compliance with the Code:⁵⁵
 - (i) to examine any problems faced by Members in the implementation of the provisions of the Code, for example, problems encountered in publishing work programs every six months as required under paragraph J, so that appropriate technical assistance can be provided, if necessary;
- (b) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement, the Committee agreed:⁵⁶

⁵² G/TBT/19, 14 November 2006, paras 66-67 and 68(g)(i). This recommendation is also reproduced in Section III.C on p. 11.

⁵³ Pursuant to the Ministerial Decision taken in Marrakesh on 15 April 1994 on "Proposed Understanding on WTO-ISO Standards Information System", a "Memorandum of Understanding (MoU) on WTO Standards Information Service Operated by ISO" was reached between the Secretary-General of the ISO Central Secretariat and the Director-General of the WTO. This MoU established a WTO-ISO Information System regarding standardizing bodies under Paragraphs C and J of the Code of Good Practice. Pursuant to Paragraph 2 of the MoU and in order to ensure a uniform and efficient operation of the procedures for notifications, the ISO and the WTO Secretariats developed notification formats and related guidelines, which were to be used by standardizing bodies accepting the Code of Good Practice (contained in G/TBT/W/4).

⁵⁴ G/TBT/M/15, 3 May 1999, paras 67 and 69; G/TBT/1/Rev.8, 23 May 2002, p. 25.

⁵⁵ G/TBT/5, 19 November 1997, para. 12(c).

⁵⁶ G/TBT/19, 14 November 2006, paras 64-65 and 68(f)(i)-(ii).

- (i) to invite the ISO/IEC Information Centre to provide information to the Committee on the status of notifications of the existence of a work programme made under Paragraph J when the WTO TBT Standards Code Directory is published.
- (ii) to encourage standardizing bodies that communicate their work programmes via the internet to specify the exact web pages where the information on work programmes is located under the item "Publication" of the notification form.

(iii) *Publishing of a Notice (Paragraph L)*

Recommendations

- (a) In 1997, the Committee agreed, in order to improve the transparency, acceptance of, and compliance with the Code that:⁵⁷
 - (i) without prejudice to the views of Members concerning the coverage and application of the Agreement, the obligation to publish notices of draft standards containing voluntary labelling requirements under paragraph L of the Code is not dependent upon the kind of information provided on the label.
- (b) In 2003, with regard to the electronic transmission of information on proposed standards, technical regulations and conformity assessment procedures, the Committee took note of Paragraph L of the Code of Good Practice which states that: "No later than at the start of the comment period, the standardizing body shall publish a notice announcing the period for commenting in the publication referred to in paragraph J," and agreed:⁵⁸
 - (i) that the electronic publication of notices announcing the periods for comments can constitute another possibility for the fulfilment of this transparency obligation.

3. Notification under Article 10.7 of the TBT Agreement

8. The TBT Agreement contains an obligation to notify agreements between Members on issues related to technical regulations, standards or conformity assessment procedures (Article 10.7).

⁵⁷ G/TBT/5, 19 November 1997, para. 12(e).

⁵⁸ G/TBT/13, 11 November 2003, para. 27.

Decision

- (a) In 1996, the Committee agreed to adopt the format for notifications under Article 10.7 of the Agreement contained in Annex D (on page 42 of this document).⁵⁹

Document

- (a) Notifications under Article 10.7 are circulated under document symbol G/TBT/10.7/N/[Number].

C. DISSEMINATION OF INFORMATION

1. Publication

9. Members are required to publish a notice of a draft technical regulation or conformity assessment procedure if it may have a significant effect on trade and whenever an international standard does not exist or the draft measure is not in accordance with an international standard (Articles 2.9.1 and 5.6.1).

Recommendation

- (a) In 2006, with regard to the publication of a notice of proposed technical regulations and conformity assessment procedures (pursuant to Articles 2.9.1 and 5.6.1) the Committee agreed:⁶⁰
- (i) to examine ways in which the publications for such notices – and their content – are made available, so as to enable all interested parties to become acquainted with them.

Document

- (a) Information on official publications related to technical regulations, standards and conformity assessment in the form of a list, including website references, is contained in the document G/TBT/GEN/39/-series.

2. Texts of Notified Technical Regulations and Conformity Assessment Procedures

Decision

- (a) In 2008, with the purpose of facilitating access to notified draft texts, the Committee decided:⁶¹
- (i) to establish a facility whereby Members may, on a voluntary basis, provide the WTO Secretariat with an electronic version of the notified draft text (attachment) together with the notification format. Texts will be stored on a WTO server and accessed through a hyperlink in the notification format.

⁵⁹ G/TBT/M/5, 19 September 1996, para. 15; G/TBT/W/25, 3 May 1996; G/TBT/1/Rev.8, 23 May 2002, p.24.

⁶⁰ G/TBT/19, 14 November 2006, paras 51 and 68(a)(i).

⁶¹ G/TBT/M/43, 21 January 2008, para. 129. Guidelines for the use of this facility are contained document G/TBT/GEN/65, 14 December 2007.

Recommendations

- (a) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement, and with regard to texts of notified technical regulations and conformity assessment procedures, the Committee agreed:⁶²
- (i) to encourage Members to provide:
 - more detailed information on proposed technical regulations and conformity assessment procedures in Section 6 "Description of content" of the notification form;
 - the website address where Members can download the full text of the notified measure in Section 11 "Text available from" of the notification form or any other means to quickly and easily access the text;
 - to explore ways to attach to the notification form a copy of the text of the notified measure.
 - (ii) to encourage Members to notify the availability of the adopted final text as an addendum to the original notification and to provide information on where the final text can be obtained, including website address.

3. Provision of Translations

Decisions

- (a) In 1995, in order to avoid difficulties that can arise from the fact that the documentation relevant to technical regulations, standards and procedures for assessment of conformity is not available in one of the WTO working languages and that a body other than the enquiry point may be responsible for such documentation, the Committee agreed on the following procedures:⁶³
- (i) when a translation of a relevant document exists or is planned, this fact shall be indicated on the WTO TBT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;
 - (ii) upon receipt of a request for documents, any translated summaries that exist in the language of the requester or, as the case may be, in a WTO working language, shall be automatically sent with the original of the documents requested;
 - (iii) Members shall indicate under point 11 of the WTO TBT notification form the exact address, where available, e-mail address, telephone and fax numbers of the body responsible for supplying the relevant documents if that body is not the enquiry point.

⁶² G/TBT/19, 14 November 2006, sub-para 68(c)(i)-(iii).

⁶³ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, pp. 8-9; G/TBT/1/Rev.8, 23 May 2002, p. 15-16.

- (b) In 2008, with a view to enhancing the sharing of translation of documents referred to in notifications and facilitating information-sharing by Members on the availability of unofficial translations on the Internet, TBT Committee agreed:⁶⁴
- (i) to set up a mechanism whereby Members are invited, on a voluntary basis, to provide information about the availability of unofficial translations of notified measures;
 - (ii) that this will be done through the circulation by the Secretariat of a supplement to the original notification submitted by a Member;
 - (iii) that such information should be provided to the Central Registry for Notifications (crn@wto.org) in the format contained in Annex E (in this document on page 43).

Recommendations

- (a) In 1995, in order to avoid difficulties that can arise from the fact that the documentation relevant to technical regulations, standards and procedures for assessment of conformity is not available in one of the WTO working languages and that a body other than the enquiry point may be responsible for such documentation, the Committee agreed on the following procedures.⁶⁵
- (i) When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, it will be advised, on request, by the notifying Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may then contact such other Members in order to determine whether the latter are prepared to share, on mutually agreed terms, any translation that they have or will be making into relevant WTO working language(s).
- (b) In 2003, in the context of the handling of comments the Committee agreed:⁶⁶
- (i) to encourage Members under Article 10.5, to provide translations of the documents covered by specific notifications, in any WTO official language of their choosing without being requested to do so.
- (c) In 2006, with a view to facilitating the implementation of transparency procedures under the Agreement, and with regard to texts of notified technical regulations and conformity assessment procedures, the Committee agreed:⁶⁷
- (i) to explore ways to enhance the sharing of translation of documents referred to in notifications, such as posting on Members' websites or developing a format to inform other Members of the existence of translations of notified measures.

⁶⁴ G/TBT/M/43, 21 January 2008, para. 131. Guidelines for the use of the facility are contained document G/TBT/GEN/66, 14 December 2007.

⁶⁵ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, pp. 7-8; G/TBT/1/Rev.8, 23 May 2002, p. 15-16.

⁶⁶ G/TBT/13, 11 November 2003, para. 26 (fifth tiret).

⁶⁷ G/TBT/19, 14 November 2006, sub-para 68(c)(iv).

D. ENQUIRY POINTS

1. Establishment of Enquiry Points

10. Under the TBT Agreement, two provisions mandate Members to create enquiry points. Article 10.1 concerns enquiries regarding, *inter alia*, technical regulations, conformity assessment procedures and standards issued by central and local government bodies, and non-governmental bodies which are entrusted with the legal power to enforce a technical regulation. Article 10.3 relates, *inter alia*, to enquiries on standards and conformity assessment procedures issued by other non-governmental bodies and regional bodies of which they are members.

Recommendation

- (a) In 1999, the Committee agreed that e-mail addresses of enquiry points should be provided, where available, in order to be included in document G/TBT/ENQ/-series.⁶⁸

Documents

- (a) A list of national enquiry points is contained in the document G/TBT/ENQ/ - series.

2. Functioning of Enquiry Points

(i) *Handling and Processing of Requests*

Recommendations

- (a) In 1995, with the purpose to improve the handling of requests from other Members received under Article 10.1 and 10.3, it was agreed that:⁶⁹
- (i) an enquiry point should, without further request, acknowledge the receipt of the enquiry.
- (b) In 1995, when addressing problems of supplying and obtaining requested documentation on notified technical regulations and procedures for assessment of conformity as follows, the Committee agreed that:⁷⁰
- (i) requests for documentation should contain all the elements permitting the identification of the documents and in particular, the WTO TBT notification number symbol to which the requests refer. The same information should appear on the documents supplied in response to such requests;
 - (ii) any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requester, along with an estimate of when the documents can be provided;

⁶⁸ G/TBT/M/15, 3 May 1999, paras 41 and 45 and Annex 1; G/TBT/1/Rev.8, 23 May 2002, p.21.

⁶⁹ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 14; G/TBT/1/Rev.8, 23 May 2002, p.21.

⁷⁰ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 9; G/TBT/M/15, 3 May 1999, para. 45 and Annex 1; G/TBT/1/Rev.8, 23 May 2002, p.16.

- (iii) E-mail requests for documentation should include name, organization, address, telephone and fax numbers, and e-mail address in the request;
- (iv) electronic delivery of documentation is encouraged and requests should indicate whether an electronic version or hard copy is desired.

(ii) *Enquiries which the Enquiry Points should be prepared to Answer*

Recommendations

- (a) In 1995, with a view to encouraging a uniform application of Articles 10.1 and 10.3 of the Agreement the Committee agreed that:⁷¹
 - (i) an enquiry should be considered "reasonable" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations, or procedures for assessment of conformity;
 - (ii) when an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field;
 - (iii) the Enquiry Point(s) of a Member should be prepared to answer enquiries regarding the membership and participation of that Member, or of relevant bodies within its territory, in international and regional standardizing bodies and conformity assessment systems as well as in bilateral arrangements, with respect to a specific product or group of products. They should likewise be prepared to provide reasonable information on the provisions of such systems and arrangement.

3. Booklets on Enquiry Points

Recommendation

- (a) In 1995, in order to improve publicity concerning the role of enquiry points in answering queries from Members as provided in Articles 10.1 and 10.3 of the Agreement the Committee agreed that:⁷²
 - (i) The issuing of brochures on enquiry points would be of value.
 - (ii) All booklets issued by Members should contain the elements and, as far as possible, follow the layout set out in Annex F (on page 44 of this document).

⁷¹ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 14; G/TBT/1/Rev.8, 23 May 2002, p. 21.

⁷² G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, pp. 12-13; G/TBT/1/Rev.8, 23 May 2002, pp. 19-21.

E. SPECIAL MEETINGS ON PROCEDURES FOR INFORMATION EXCHANGE

Decision

- (a) In 1995, in order to give Members the opportunity to discuss the activities and problems relating to information exchange and to review periodically how well notification procedures work, the Committee agreed that:⁷³
- (i) Regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications, will be held on a biennial basis. Representatives of interested observers will be invited to participate in such meetings. The meetings will deal only with technical issues, leaving any policy matters for consideration by the Committee itself.

Special Meetings

- (a) A Special Joint Meeting on Procedures for Information Exchange of the Committees on Technical Barriers to Trade and Sanitary and Phytosanitary Measures was held on 6-7 November 1995.⁷⁴
- (b) A Workshop and the Second Special Meeting on Procedures for Information Exchange was held on 14 September 1998.⁷⁵
- (c) The Third Special Meeting on Procedures for Information Exchange was held on 28 June 2001.⁷⁶
- (d) The Fourth Special Meeting on Procedures for Information Exchanges was held on 2-3 November 2004.⁷⁷
- (e) The Fifth Special Meeting on Procedures for Information Exchange were held on 7-8 November 2007.⁷⁸

⁷³ G/TBT/M/2, 4 October 1995, para. 5; G/TBT/W/2/Rev.1, 21 June 1995, p. 12; G/TBT/9, 13 November 2000, para. 13 and Annex 3; G/TBT/1/Rev.8, 23 May 2002, p. 19.

⁷⁴ The Chairman's Report is contained in document G/TBT/W/16, dated 22 November 1995.

⁷⁵ G/TBT/9, 13 November 2000, Annex 1.

⁷⁶ The Chairman's Report is contained in Annex 1 of G/TBT/M/24, dated 14 August 2001.

⁷⁷ A Summary Report of the meeting is contained in Annex 2 of G/TBT/M/34, dated 5 January 2005.

⁷⁸ A Summary Report as well as the Chairman's Report is contained in Annex 1 and 2, respectively, of G/TBT/M/43, dated 21 January 2008.