



TBT and “Private Standards”

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Structure

- Definition of a “standard” in TBT Agreement
- Disciplines on “standardizing bodies”
- Work of TBT Committee



private standard



Definition of a Standard

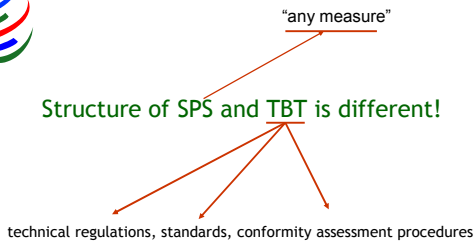
(TBT Agreement, Annex 1, para 2)

- rules, guidelines or characteristics for products or related processes and production methods (provided for common and repeated use)
- approved by a recognized body
- with which compliance is not mandatory

as opposed to “technical regulations”



Structure of SPS and TBT is different!



TBT Agreement contains separate disciplines on “standards” (voluntary)



Structure

- Definition of a “standard” in TBT Agreement
- Disciplines on “standardizing bodies” ●
- Work of TBT Committee



The TBT Agreement contains disciplines for “standardizing bodies”. These are set out in:

The Code of Good Practice (CGP)



Disciplines on “standardizing bodies”

(Article 4, and Annex 3 on the CGP)

Substantive provisions in CGP ≈ main body of TBT Agreement



“Acknowledged”

(Article 4.2)

Standardizing bodies that have accepted and are complying with the Code of Good Practice shall be acknowledged by the Members as complying with the principles of this Agreement.



Central government standardizing body

(TBT Agreement, Article 4.1, first sentence)

- “Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 to this Agreement (referred to in this Agreement as the “Code of Good Practice”).”



The TBT Agreement refers to:

“non-governmental standardizing bodies”



Definition of a non-governmental body

(TBT Agreement, Annex 1, para. 8)

“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”



Non-governmental standardizing body

(TBT Agreement, Article 4.1, second sentence)

- “They [Members] shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with this Code of Good Practice.”



Non-governmental standardizing body

(TBT Agreement, Article 4.1, third sentence)

- “In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such standardizing bodies to act in a manner inconsistent with the Code of Good Practice.”



Non-governmental standardizing body

(TBT Agreement, Article 4.1, fourth sentence)

- “The obligations of Members with respect to compliance of standardizing bodies with the provisions of the Code of Good Practice shall apply irrespective of whether or not a standardizing body has accepted the Code of Good Practice.”



“Members shall”



to what extent have non-governmental standardizing bodies notified their acceptance of the CGP?



Annex 3, Para. B of TBT Agreement CGP

B. This Code is open to acceptance by any standardizing body within the territory of a Member of the WTO, whether a central government body, a local government body, or a non-governmental body; to any governmental regional standardizing body one or more members of which are Members of the WTO; and to any non-governmental regional standardizing body one or more members of which are situated within the territory of a Member of the WTO (referred to in this Code collectively as "standardizing bodies" and individually as "the standardizing body").



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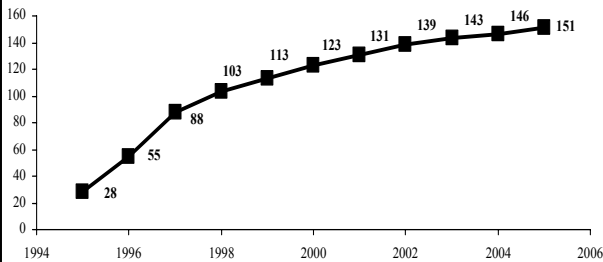
- Central government
- Local government
- Non-governmental
- Regional



Number of Standardizing Bodies Having Accepted the Code (1995-2005)

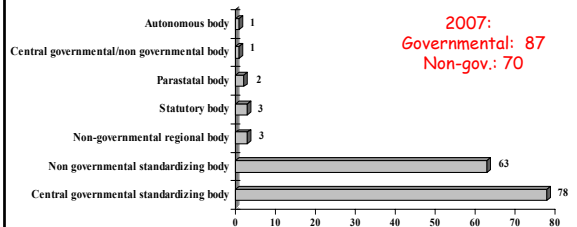
(TBT Handbook)

2007: 160



Type of Standardizing Bodies having Accepted the Code (1995-2005)

2007:
Governmental: 87
Non-gov.: 70



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- International?



TBTC Decision on International Standards (Nov 2000)

WORLD TRADE ORGANIZATION	G/TBT/9 13 November 2000
Committee on Technical Barriers to Trade	(02-2000)

SECOND TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

I. INTRODUCTION

1. Article 15.4 of the Agreement on Technical Barriers to Trade provides that "Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of the Agreement where necessary to ensure mutual economic



TBTC Decision on International Standards (Nov 2000)

WORLD TRADE ORGANIZATION	G/TBT/9 13 November 2000
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Set of principles Members considered important for international standards development.



TBTC Decision on International Standards (Nov 2000)

WORLD TRADE ORGANIZATION	G/TBT/9 13 November 2000
Committee on Technical Barriers to Trade	(02-2000)

- Improve the quality of international standards
- Ensure the effective application of the Agreement
- Clarify and strengthen the concept of international standards under the Agreement
- Contribute to the advancement of its objectives



TBTC Decision on International Standards (Nov 2000)

WORLD TRADE ORGANIZATION	G/TBT/9 13 November 2000
Committee on Technical Barriers to Trade	(02-2000)

- Principles:
 - transparency
 - openness
 - impartiality and consensus
 - relevance and effectiveness
 - coherence and
 - development dimension



Structure

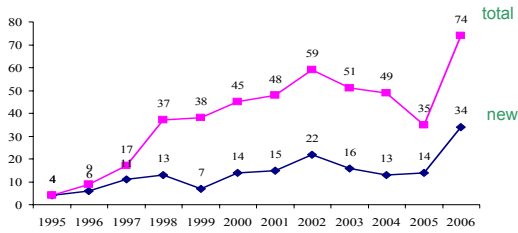
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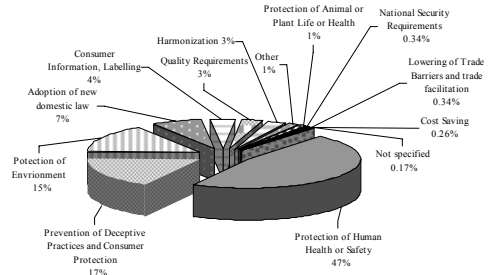
STCs ≈ 170



Specific Trade Concerns per year (total and new concerns)



Percentage of TBT notifications by stated objective in 2006



"WEEE"
EC Waste Directive
on electronic ...
(hazardous waste)



"REACH"
Registration, Evaluation
and Authorization of
Chemicals
(EC draft regulation)



Labeling and
certification of wood
products (sustainability)



In sum

- TBTA treats standards separately (voluntary)
- TBTC has focused on technical regulations (mandatory)
- TBTA disciplines "standardizing bodies" (54, CGP)
- TBTC decided, in Nov 2000, on principles for "international standardizing bodies"



Thank you.