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AGREEMENT ON TECHNICAL BARRIERS TO TRADE
Description: Agreement on Technical Barriers to trade.
                                                         Members.
                                                         Having regard to the Uruguay Round of Multilateral Trade Negotiations
                                                         Desiring to further the objectives of GATT 1994
                                                         Recognizing the important contribution that international standards and conformity
                                                         assessment systems can make in this regard by improving efficiency of production and
                                                         facilitating the conduct of international trade
                                                         Desiring therefore to encourage the development of such international standards and
                                                         conformity assessment systems
                                                         Desiring however to ensure that technical regulations and standards, including packaging,
                                                         marking and labelling requirements, and procedures for assessment of conformity with
                                                         technical regulations and standards do not create unnecessary obstacles to international
                                                         Recognizing that no country should be prevented from taking measures necessary to ensure
                                                         the quality of its exports, or for the protection of human, animal or plant life or health, of the
                                                         environment, or for the prevention of deceptive practices, at the levels it considers
                                                         appropriate, subject to the requirement that they are not applied in a manner which would
                                                         constitute a means of arbitrary or unjustifiable discrimination between countries where the
                                                         same conditions prevail or a disguised restriction on international trade, and are otherwise in
                                                         accordance with the provisions of this Agreement
                                                         Recognizing that no country should be prevented from taking measures necessary for the
                                                         protection of its essential security interest
                                                         Recognizing the contribution which international standardization can make to the transfer of
                                                         technology from developed to developing countries
                                                         Recognizing that developing countries may encounter special difficulties in the formulation
                                                         and application of technical regulations and standards and procedures for assessment of
                                                         conformity with technical regulations and standards, and desiring to assist them in their
                                                         endeavours in this regard
                                                         Hereby agree as follows:
                                                         Article 1
                                                         General Provisions
                                                         1.1 General terms for standardization and procedures for assessment of conformity shall
                                                         normally have the meaning given to them by definitions adopted within the United Nations
                                                         system and by international standardizing bodies taking into account their context and in the
                                                         light of the object and purpose of this Agreement.
                                                         1.2 However, for the purposes of this Agreement the meaning of the terms given in Annex 1
                                                         applies.
                                                         1.3 All products, including industrial and agricultural products, shall be subject to the
                                                         provisions of this Agreement.
                                                         1.4 Purchasing specifications prepared by governmental bodies for production or consumption
                                                         requirements of governmental bodies are not subject to the provisions of this Agreement but
                                                         are addressed in the Agreement on Government Procurement, according to its coverage.
                                                         1.5 The provisions of this Agreement do not apply to sanitary and phytosanitary measures as
                                                         defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary
                                                         Measures.
                                                         1.6 All references in this Agreement to technical regulations, standards and conformity
                                                         assessment procedures shall be construed to include any amendments thereto and any
                                                         additions to the rules or the product coverage thereof, except amendments and additions of
                                                         an insignificant nature.
                                                         TECHNICAL REGULATIONS AND STANDARDS
                                                         Article 2
                                                         Preparation, Adoption and Application of Technical Regulations
                                                         by Central Government Bodies
                                                         With respect to their central government bodies:
                                                         2.1 Members shall ensure that in respect of technical regulations, products imported from the
                                                         territory of any Member shall be accorded treatment no less favourable than that accorded to
                                                         like products of national origin and to like products originating in any other country.
                                                         2.2 Members shall ensure that technical regulations are not prepared, adopted or applied with
                                                         a view to or with the effect of creating unnecessary obstacles to international trade. For this
                                                         purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a
                                                         legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate
                                                         objectives are, inter alia: national security requirements
                                                         2.3 Technical regulations shall not be maintained if the circumstances or objectives giving rise
                                                         to their adoption no longer exist or if the changed circumstances or objectives can be
                                                         addressed in a less trade-restrictive manner.
                                                         2.4 Where technical regulations are required and relevant international standards exist or their
                                                         completion is imminent, Members shall use them, or the relevant parts of them, as a basis for
                                                         their technical regulations except when such international standards or relevant parts would
                                                         be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued,
                                                         for instance because of fundamental climatic or geographical factors or fundamental
                                                         technological problems.
                                                         2.5 A Member preparing, adopting or applying a technical regulation which may have a
                                                         significant effect on trade of other Members shall, upon the request of another Member,
                                                         explain the justification for that technical regulation in terms of the provisions of paragraphs 2
                                                         to 4. Whenever a technical regulation is prepared, adopted or applied for one of the legitimate
                                                         objectives explicitly mentioned in paragraph 2, and is in accordance with relevant international
                                                         standards, it shall be rebuttably presumed not to create an unnecessary obstacle to
                                                         international trade.
                                                         2.6 With a view to harmonizing technical regulations on as wide a basis as possible, Members
                                                         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.
                                                         2.7 Members shall give positive consideration to accepting as equivalent technical regulations
                                                         of other Members, even if these regulations differ from their own, provided they are satisfied
                                                         that these regulations adequately fulfil the objectives of their own regulations.
                                                         2.8 Wherever appropriate, Members shall specify technical regulations based on product
                                                         requirements in terms of performance rather than design or descriptive characteristics.
                                                         2.9 Whenever a relevant international standard does not exist or the technical content of a
                                                         proposed technical regulation is not in accordance with the technical content of relevant
                                                         international standards, and if the technical regulation may have a significant effect on trade of
                                                         other Members, Members shall:
                                                         2.9.1 publish a notice in a publication at an early appropriate stage, in such a manner as to
                                                         enable interested parties in other Members to become acquainted with it, that they propose to
                                                         introduce a particular technical regulation
                                                         2.9.2 notify other Members through the Secretariat of the products to be covered by the
                                                         proposed technical regulation, together with a brief indication of its objective and rationale.
                                                         Such notifications shall take place at an early appropriate stage, when amendments can still
                                                         be introduced and comments taken into account
                                                         2.9.3 upon request, provide to other Members particulars or copies of the proposed technical
                                                         regulation and, whenever possible, identify the parts which in substance deviate from relevant
                                                         international standards
                                                         2.9.4 without discrimination, allow reasonable time for other Members to make comments in
                                                         writing, discuss these comments upon request, and take these written comments and the
                                                         results of these discussions into account.
                                                         2.10 Subject to the provisions in the lead-in to paragraph 9, where urgent problems of safety,
                                                         health, environmental protection or national security arise or threaten to arise for a Member,
                                                         that Member may omit such of the steps enumerated in paragraph 9 as it finds necessary,
                                                         provided that the Member, upon adoption of a technical regulation, shall:
                                                         2.10.1 notify immediately other Members through the Secretariat of the particular technical
                                                         regulation and the products covered, with a brief indication of the objective and the rationale
                                                         of the technical regulation, including the nature of the urgent problems
                                                         2.10.2 upon request, provide other Members with copies of the technical regulation
                                                         2.10.3 without discrimination, allow other Members to present their comments in writing,
                                                         discuss these comments upon request, and take these written comments and the results of
                                                         these discussions into account.
                                                         2.11 Members shall ensure that all technical regulations which have been adopted are
                                                         published promptly or otherwise made available in such a manner as to enable interested
                                                         parties in other Members to become acquainted with them.
                                                         2.12 Except in those urgent circumstances referred to in paragraph 10, Members shall allow a
                                                         reasonable interval between the publication of technical regulations and their entry into force
                                                         in order to allow time for producers in exporting Members, and particularly in developing
                                                         country Members, to adapt their products or methods of production to the requirements of the
                                                         importing Member.
                                                         Article 3
                                                         Preparation, Adoption and Application of Technical Regulations
                                                         by Local Government Bodies and Non-Governmental Bodies
                                                         With respect to their local government and non-governmental bodies within their territories:
                                                         3.1 Members shall take such reasonable measures as may be available to them to ensure
                                                         compliance by such bodies with the provisions of Article 2, with the exception of the obligation
                                                         to notify as referred to in paragraphs 9.2 and 10.1 of Article 2.
                                                         3.2 Members shall ensure that the technical regulations of local governments on the level
                                                         directly below that of the central government in Members are notified in accordance with the
                                                         provisions of paragraphs 9.2 and 10.1 of Article 2, noting that notification shall not be required
                                                         for technical regulations the technical content of which is substantially the same as that of
                                                         previously notified technical regulations of central government bodies of the Member
                                                         concerned.
                                                         3.3 Members may require contact with other Members, including the notifications, provision of
                                                         information, comments and discussions referred to in paragraphs 9 and 10 of Article 2, to take
                                                         place through the central government.
                                                         3.4 Members shall not take measures which require or encourage local government bodies or
                                                         non-governmental bodies within their territories to act in a manner inconsistent with the
                                                         provisions of Article 2.
                                                         3.5 Members are fully responsible under this Agreement for the observance of all provisions
                                                         of Article 2. Members shall formulate and implement positive measures and mechanisms in
                                                         support of the observance of the provisions of Article 2 by other than central government
                                                         bodies.
                                                         Article 4
                                                         Preparation, Adoption and Application
                                                         of Standards
                                                         4.1 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"). They 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. 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. 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.
                                                         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.
                                                         CONFORMITY WITH TECHNICAL REGULATIONS AND STANDARDS
                                                         Procedures for Assessment of Conformity by Central Government Bodies
                                                         5.1 Members shall ensure that, in cases where a positive assurance of conformity with
                                                         technical regulations or standards is required, their central government bodies apply the
                                                         following provisions to products originating in the territories of other Members:
                                                         5.1.1 conformity assessment procedures are prepared, adopted and applied so as to grant
                                                         access for suppliers of like products originating in the territories of other Members under
                                                         conditions no less favourable than those accorded to suppliers of like products of national
                                                         origin or originating in any other country, in a comparable situation
                                                         5.1.2 conformity assessment procedures are not prepared, adopted or applied with a view to
                                                         or with the effect of creating unnecessary obstacles to international trade. This means, inter
                                                         alia, that conformity assessment procedures shall not be more strict or be applied more strictly
                                                         than is necessary to give the importing Member adequate confidence that products conform
                                                         with the applicable technical regulations or standards, taking account of the risks non-
                                                         conformity would create.
                                                         5.2 When implementing the provisions of paragraph 1, Members shall ensure that:
                                                         5.2.1 conformity assessment procedures are undertaken and completed as expeditiously as
                                                         possible and in a no less favourable order for products originating in the territories of other
                                                         Members than for like domestic products
                                                         5.2.2 the standard processing period of each conformity assessment procedure is published
                                                         or that the anticipated processing period is communicated to the applicant upon request
                                                         5.2.3 information requirements are limited to what is necessary to assess conformity and
                                                         determine fees
                                                         5.2.4 the confidentiality of information about products originating in the territories of other
                                                         Members arising from or supplied in connection with such conformity assessment procedures
                                                         is respected in the same way as for domestic products and in such a manner that legitimate
                                                         commercial interests are protected
                                                         5.2.5 any fees imposed for assessing the conformity of products originating in the territories of
                                                         other Members are equitable in relation to any fees chargeable for assessing the conformity of
                                                         like products of national origin or originating in any other country, taking into account
                                                         communication, transportation and other costs arising from differences between location of
                                                         facilities of the applicant and the conformity assessment body
                                                         5.2.6 the siting of facilities used in conformity assessment procedures and the selection of
                                                         samples are not such as to cause unnecessary inconvenience to applicants or their agents
                                                         5.2.7 whenever specifications of a product are changed subsequent to the determination of its
                                                         conformity to the applicable technical regulations or standards, the conformity assessment
                                                         procedure for the modified product is limited to what is necessary to determine whether
                                                         adequate confidence exists that the product still meets the technical regulations or standards
                                                         concerned
                                                         5.2.8 a procedure exists to review complaints concerning the operation of a conformity
                                                         assessment procedure and to take corrective action when a complaint is justified.
                                                         5.3 Nothing in paragraphs 1 and 2 shall prevent Members from carrying out reasonable spot
                                                         checks within their territories.
                                                         5.4 In cases where a positive assurance is required that products conform with technical
                                                         regulations or standards, and relevant guides or recommendations issued by international
                                                         standardizing bodies exist or their completion is imminent, Members shall ensure that central
                                                         government bodies use them, or the relevant parts of them, as a basis for their conformity
                                                         assessment procedures, except where, as duly explained upon request, such guides or
                                                         recommendations or relevant parts are inappropriate for the Members concerned, for, inter
                                                         alia, such reasons as: national security requirements
                                                         5.5 With a view to harmonizing conformity assessment procedures on as wide a basis as
                                                         possible. Members shall play a full part, within the limits of their resources, in the preparation
                                                         by appropriate international standardizing bodies of guides and recommendations for
                                                         conformity assessment procedures.
                                                         5.6 Whenever a relevant guide or recommendation issued by an international standardizing
                                                         body does not exist or the technical content of a proposed conformity assessment procedure
                                                         is not in accordance with relevant guides and recommendations issued by international
                                                         standardizing bodies, and if the conformity assessment procedure may have a significant
                                                         effect on trade of other Members, Members shall:
                                                         5.6.1 publish a notice in a publication at an early appropriate stage, in such a manner as to
                                                         enable interested parties in other Members to become acquainted with it, that they propose to
                                                         introduce a particular conformity assessment procedure
                                                         5.6.2 notify other Members through the Secretariat of the products to be covered by the
                                                         proposed conformity assessment procedure, together with a brief indication of its objective
                                                         and rationale. Such notifications shall take place at an early appropriate stage, when
                                                         amendments can still be introduced and comments taken into account
                                                         5.6.3 upon request, provide to other Members particulars or copies of the proposed procedure
                                                         and, whenever possible, identify the parts which in substance deviate from relevant guides or
                                                         recommendations issued by international standardizing bodies
                                                         5.6.4 without discrimination, allow reasonable time for other Members to make comments in
                                                         writing, discuss these comments upon request, and take these written comments and the
                                                         results of these discussions into account.
                                                         5.7 Subject to the provisions in the lead-in to paragraph 6, where urgent problems of safety,
                                                         health, environmental protection or national security arise or threaten to arise for a Member,
                                                         that Member may omit such of the steps enumerated in paragraph 6 as it finds necessary,
                                                         provided that the Member, upon adoption of the procedure, shall:
                                                         5.7.1 notify immediately other Members through the Secretariat of the particular procedure
                                                         and the products covered, with a brief indication of the objective and the rationale of the
                                                         procedure, including the nature of the urgent problems
                                                         5.7.2 upon request, provide other Members with copies of the rules of the procedure
                                                         5.7.3 without discrimination, allow other Members to present their comments in writing,
                                                         discuss these comments upon request, and take these written comments and the results of
                                                         these discussions into account.
                                                         5.8 Members shall ensure that all conformity assessment procedures which have been
                                                         adopted are published promptly or otherwise made available in such a manner as to enable
                                                         interested parties in other Members to become acquainted with them.
                                                         5.9 Except in those urgent circumstances referred to in paragraph 7, Members shall allow a
                                                         reasonable interval between the publication of requirements concerning conformity
                                                         assessment procedures and their entry into force in order to allow time for producers in
                                                         exporting Members, and particularly in developing country Members, to adapt their products
                                                         or methods of production to the requirements of the importing Member.
                                                         Article 6
                                                         Recognition of Conformity Assessment by Central Government Bodies
                                                         With respect to their central government bodies:
                                                         6.1 Without prejudice to the provisions of paragraphs 3 and 4, Members shall ensure,
                                                         whenever possible, that results of conformity assessment procedures in other Members are
                                                         accepted, even when those procedures differ from their own, provided they are satisfied that
                                                         those procedures offer an assurance of conformity with applicable technical regulations or
                                                         standards equivalent to their own procedures. It is recognized that prior consultations may be
                                                         necessary in order to arrive at a mutually satisfactory understanding regarding, in particular:
                                                         6.1.1 adequate and enduring technical competence of the relevant conformity assessment
                                                         bodies in the exporting Member, so that confidence in the continued reliability of their
                                                         conformity assessment results can exist
                                                         6.1.2 limitation of the acceptance of conformity assessment results to those produced by
                                                         designated bodies in the exporting Member.
                                                         6.2 Members shall ensure that their conformity assessment procedures permit, as far as
                                                         practicable, the implementation of the provisions in paragraph 1.
                                                         6.3 Members are encouraged, at the request of other Members, to be willing to enter into
                                                         negotiations for the conclusion of agreements for the mutual recognition of results of each
                                                         other's conformity assessment procedures. Members may require that such agreements fulfil
                                                         the criteria of paragraph 1 and give mutual satisfaction regarding their potential for facilitating
                                                         trade in the products concerned.
                                                         6.4 Members are encouraged to permit participation of conformity assessment bodies located
                                                         in the territories of other Members in their conformity assessment procedures under
                                                         conditions no less favourable than those accorded to bodies located within their territory or the
                                                         territory of any other country.
                                                         Article 7
                                                         Procedures for Assessment of Conformity by Local Government Bodies
                                                         With respect to their local government bodies within their territories:
                                                         7.1 Members shall take such reasonable measures as may be available to them to ensure
                                                         compliance by such bodies with the provisions of Articles 5 and 6, with the exception of the
                                                         obligation to notify as referred to in paragraphs 6.2 and 7.1 of Article 5.
                                                         7.2 Members shall ensure that the conformity assessment procedures of local governments
                                                         on the level directly below that of the central government in Members are notified in
                                                         accordance with the provisions of paragraphs 6.2 and 7.1 of Article 5, noting that notifications
                                                         shall not be required for conformity assessment procedures the technical content of which is
                                                         substantially the same as that of previously notified conformity assessment procedures of
                                                         central government bodies of the Members concerned.
                                                         7.3 Members may require contact with other Members, including the notifications, provision of
                                                         information, comments and discussions referred to in paragraphs 6 and 7 of Article 5, to take
                                                         place through the central government.
                                                         7.4 Members shall not take measures which require or encourage local government bodies
                                                         within their territories to act in a manner inconsistent with the provisions of Articles 5 and 6.
                                                         7.5 Members are fully responsible under this Agreement for the observance of all provisions
                                                         of Articles 5 and 6. Members shall formulate and implement positive measures and
                                                         mechanisms in support of the observance of the provisions of Articles 5 and 6 by other than
                                                         central government bodies.
                                                         Article 8
                                                         Procedures for Assessment of Conformity by Non-Governmental Bodies
                                                         8.1 Members shall take such reasonable measures as may be available to them to ensure
                                                         that non-governmental bodies within their territories which operate conformity assessment
                                                         procedures comply with the provisions of Articles 5 and 6, with the exception of the obligation
                                                         to notify proposed conformity assessment procedures. In addition, Members shall not take
                                                         measures which have the effect of, directly or indirectly, requiring or encouraging such bodies
                                                         to act in a manner inconsistent with the provisions of Articles 5 and 6.
                                                         8.2 Members shall ensure that their central government bodies rely on conformity assessment
                                                         procedures operated by non-governmental bodies only if these latter bodies comply with the
                                                         provisions of Articles 5 and 6, with the exception of the obligation to notify proposed
                                                         conformity assessment procedures.
                                                         Article 9
                                                         International and Regional Systems
                                                         9.1 Where a positive assurance of conformity with a technical regulation or standard is
                                                         required, Members shall, wherever practicable, formulate and adopt international systems for
                                                         conformity assessment and become members thereof or participate therein.
                                                         9.2 Members shall take such reasonable measures as may be available to them to ensure
                                                         that international and regional systems for conformity assessment in which relevant bodies
                                                         within their territories are members or participants comply with the provisions of Articles 5 and
                                                         6. In addition, Members shall not take any measures which have the effect of, directly or
                                                         indirectly, requiring or encouraging such systems to act in a manner inconsistent with any of
                                                         the provisions of Articles 5 and 6.
                                                         9.3 Members shall ensure that their central government bodies rely on international or
                                                         regional conformity assessment systems only to the extent that these systems comply with
                                                         the provisions of Articles 5 and 6, as applicable.
                                                         INFORMATION AND ASSISTANCE
                                                         Article 10
                                                         Information About Technical Regulations, Standards and
                                                         Conformity Assessment Procedures
                                                         10.1 Each Member shall ensure that an enquiry point exists which is able to answer all
                                                         reasonable enquiries from other Members and interested parties in other Members as well as
                                                         to provide the relevant documents regarding:
                                                         10.1.1 any technical regulations adopted or proposed within its territory by central or local
                                                         government bodies, by non-governmental bodies which have legal power to enforce a
                                                         technical regulation, or by regional standardizing bodies of which such bodies are members or
                                                         participants
                                                         10.1.2 any standards adopted or proposed within its territory by central or local government
                                                         bodies, or by regional standardizing bodies of which such bodies are members or participants
                                                         10.1.3 any conformity assessment procedures, or proposed conformity assessment
                                                         procedures, which are operated within its territory by central or local government bodies, or by
                                                         non-governmental bodies which have legal power to enforce a technical regulation, or by
                                                         regional bodies of which such bodies are members or participants
                                                         10.1.4 the membership and participation of the Member, or of relevant central or local
                                                         government bodies within its territory, in international and regional standardizing bodies and
                                                         conformity assessment systems, as well as in bilateral and multilateral arrangements within
                                                         the scope of this Agreement
                                                         10.1.5 the location of notices published pursuant to this Agreement, or the provision of
                                                         information as to where such information can be obtained
                                                         10.1.6 the location of the enquiry points mentioned in paragraph 3.
                                                         10.2 If, however, for legal or administrative reasons more than one enquiry point is
                                                         established by a Member, that Member shall provide to the other Members complete and
                                                         unambiguous information on the scope of responsibility of each of these enquiry points. In
                                                         addition, that Member shall ensure that any enquiries addressed to an incorrect enquiry point
                                                         shall promptly be conveyed to the correct enquiry point.
                                                         10.3 Each Member shall take such reasonable measures as may be available to it to ensure
                                                         that one or more enquiry points exist which are able to answer all reasonable enquiries from
                                                         other Members and interested parties in other Members as well as to provide the relevant
                                                         documents or information as to where they can be obtained regarding:
                                                         10.3.1 any standards adopted or proposed within its territory by non-governmental
                                                         standardizing bodies, or by regional standardizing bodies of which such bodies are members
                                                         10.3.2 any conformity assessment procedures, or proposed conformity assessment
                                                         procedures, which are operated within its territory by non-governmental bodies, or by regional
                                                         bodies of which such bodies are members or participants
                                                         10.3.3 the membership and participation of relevant non-governmental bodies within its
                                                         territory in international and regional standardizing bodies and conformity assessment
                                                         systems, as well as in bilateral and multilateral arrangements within the scope of this
                                                         10.4 Members shall take such reasonable measures as may be available to them to ensure
                                                         that where copies of documents are requested by other Members or by interested parties in
                                                         other Members, in accordance with the provisions of this Agreement, they are supplied at an
                                                         equitable price (if any) which shall, apart from the real cost of delivery, be the same for the
                                                         nationals of the Member concerned or of any other Member.
                                                         10.5 Developed country Members shall, if requested by other Members, provide, in English,
                                                         French or Spanish, translations of the documents covered by a specific notification or, in case
                                                         of voluminous documents, of summaries of such documents.
                                                         10.6 The Secretariat shall, when it receives notifications in accordance with the provisions of
                                                         this Agreement, circulate copies of the notifications to all Members and interested
                                                         international standardizing and conformity assessment bodies, and draw the attention of
                                                         developing country Members to any notifications relating to products of particular interest to
                                                         10.7 Whenever a Member has reached an agreement with any other country or countries on
                                                         issues related to technical regulations, standards or conformity assessment procedures which
                                                         may have a significant effect on trade, at least one Member party to the agreement shall notify
                                                         other Members through the Secretariat of the products to be covered by the agreement and
                                                         include a brief description of the agreement. Members concerned are encouraged to enter,
                                                         upon request, into consultations with other Members for the purposes of concluding similar
                                                         agreements or of arranging for their participation in such agreements.
                                                         10.8 Nothing in this Agreement shall be construed as requiring:
                                                         10.8.1 the publication of texts other than in the language of the Member
                                                         10.8.2 the provision of particulars or copies of drafts other than in the language of the Member
                                                         except as stated in paragraph 5
                                                         10.8.3 Members to furnish any information, the disclosure of which they consider contrary to
                                                         their essential security interests.
                                                         10.9 Notifications to the Secretariat shall be in English, French or Spanish.
                                                         10.10 Members shall designate a single central government authority that is responsible for
                                                         the implementation on the national level of the provisions concerning notification procedures
                                                         under this Agreement except those included in Annex 3.
                                                         10.11 If, however, for legal or administrative reasons the responsibility for notification
                                                         procedures is divided among two or more central government authorities, the Member
                                                         concerned shall provide to the other Members complete and unambiguous information on the
                                                         scope of responsibility of each of these authorities.
                                                         Article 11
                                                         Technical Assistance to Other Members
                                                         11.1 Members shall, if requested, advise other Members, especially the developing country
                                                         Members, on the preparation of technical regulations.
                                                         11.2 Members shall, if requested, advise other Members, especially the developing country
                                                         Members, and 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.
                                                         11.3 Members shall, if requested, take such reasonable measures as may be available to
                                                         them to arrange for the regulatory bodies within their territories to advise other Members,
                                                         especially the developing country Members, and shall grant them technical assistance on
                                                         mutually agreed terms and conditions regarding:
                                                         11.3.1 the establishment of regulatory bodies, or bodies for the assessment of conformity with
                                                         technical regulations
                                                         11.3.2 the methods by which their technical regulations can best be met.
                                                         11.4 Members shall, if requested, take such reasonable measures as may be available to
                                                         them to arrange for advice to be given to other Members, especially the developing country
                                                         Members, and shall grant them technical assistance on mutually agreed terms and conditions
                                                         regarding the establishment of bodies for the assessment of conformity with standards
                                                         adopted within the territory of the requesting Member.
                                                         11.5 Members shall, if requested, advise other Members, especially the developing country
                                                         Members, and 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 have access to
                                                         systems for conformity assessment operated by governmental or non-governmental bodies
                                                         within the territory of the Member receiving the request.
                                                         11.6 Members which are members or participants of international or regional systems for
                                                         conformity assessment shall, if requested, advise other Members, especially the developing
                                                         country Members, and 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.
                                                         11.7 Members shall, if so requested, encourage bodies within their territories which are
                                                         members or participants of international or regional systems for conformity assessment to
                                                         advise other Members, especially the developing country Members, 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.
                                                         11.8 In providing advice and technical assistance to other Members in terms of paragraphs 1
                                                         to 7, Members shall give priority to the needs of the least-developed country Members.
                                                         Article 12
                                                         Special and Differential Treatment of Developing Country Members
                                                         12.1 Members shall provide differential and more favourable treatment to developing country
                                                         Members to this Agreement, through the following provisions as well as through the relevant
                                                         provisions of other Articles of this Agreement.
                                                         12.2 Members shall give particular attention to the provisions of this Agreement concerning
                                                         developing country Members' rights and obligations and shall take into account the special
                                                         development, financial and trade needs of developing country Members in the implementation
                                                         of this Agreement, both nationally and in the operation of this Agreement's institutional
                                                         arrangements.
                                                         12.3 Members shall, in the preparation and application of technical regulations, standards and
                                                         conformity assessment procedures, take account of the special development, financial and
                                                         trade needs of developing country Members, with a view to ensuring that such technical
                                                         regulations, standards and conformity assessment procedures do not create unnecessary
                                                         obstacles to exports from developing country Members.
                                                         12.4 Members recognize that, although international standards, guides or recommendations
                                                         may exist, in their particular technological and socio-economic conditions, developing country
                                                         Members adopt certain technical regulations, standards or conformity assessment procedures
                                                         aimed at preserving indigenous technology and production methods and processes
                                                         compatible with their development needs. Members therefore recognize that developing
                                                         country Members should not be expected to use international standards as a basis for their
                                                         technical regulations or standards, including test methods, which are not appropriate to their
                                                         development, financial and trade needs.
                                                         12.5 Members shall take such reasonable measures as may be available to them to ensure
                                                         that international standardizing bodies and international systems for conformity assessment
                                                         are organized and operated in a way which facilitates active and representative participation
                                                         of relevant bodies in all Members, taking into account the special problems of developing
                                                         country Members.
                                                         12.6 Members shall take such reasonable measures as may be available to them to ensure
                                                         that international standardizing bodies, upon request of developing country Members,
                                                         examine the possibility of, and, if practicable, prepare international standards concerning
                                                         products of special interest to developing country Members.
                                                         12.7 Members shall, in accordance with the provisions of Article 11, provide technical
                                                         assistance to developing country Members to ensure that the preparation and application of
                                                         technical regulations, standards and conformity assessment procedures do not create
                                                         unnecessary obstacles to the expansion and diversification of exports from developing
                                                         country Members. In determining the terms and conditions of the technical assistance,
                                                         account shall be taken of the stage of development of the requesting Members and in
                                                         particular of the least-developed country Members.
                                                         12.8 It is recognized that developing country Members may face special problems, including
                                                         institutional and infrastructural problems, in the field of preparation and application of technical
                                                         regulations, standards and conformity assessment procedures. It is further recognized that the
                                                         special development and trade needs of developing country Members, as well as their stage
                                                         of technological development, may hinder their ability to discharge fully their obligations under
                                                         this Agreement. Members, therefore, shall take this fact fully into account. Accordingly, with a
                                                         view to ensuring that developing country Members are able to comply with this Agreement,
                                                         the Committee on Technical Barriers to Trade provided for in Article 13 (referred to in this
                                                         Agreement as the "Committee") is enabled to grant, upon request, specified, time-limited
                                                         exceptions in whole or in part from obligations under this Agreement. When considering such
                                                         requests the Committee shall take into account the special problems, in the field of
                                                         preparation and application of technical regulations, standards and conformity assessment
                                                         procedures, and the special development and trade needs of the developing country Member,
                                                         as well as its stage of technological development, which may hinder its ability to discharge
                                                         fully its obligations under this Agreement. The Committee shall, in particular, take into account
                                                         the special problems of the least-developed country Members.
                                                         12.9 During consultations, developed country Members shall bear in mind the special
                                                         difficulties experienced by developing country Members in formulating and implementing
                                                         standards and technical regulations and conformity assessment procedures, and in their
                                                         desire to assist developing country Members with their efforts in this direction, developed
                                                         country Members shall take account of the special needs of the former in regard to financing,
                                                         trade and development.
                                                         12.10 The Committee shall examine periodically the special and differential treatment, as laid
                                                         down in this Agreement, granted to developing country Members on national and international
                                                         INSTITUTIONS, CONSULTATION AND DISPUTE SETTLEMENT
                                                         Article 13
                                                         The Committee on Technical Barriers to Trade
                                                         13.1 A Committee on Technical Barriers to Trade is hereby established, and shall be
                                                         composed of representatives from each of the Members. The Committee shall elect its own
                                                         Chairman and shall meet as necessary, but no less than once a year, for the purpose of
                                                         affording Members the opportunity of consulting on any matters relating to the operation of
                                                         this Agreement or the furtherance of its objectives, and shall carry out such responsibilities as
                                                         assigned to it under this Agreement or by the Members.
                                                         13.2 The Committee shall establish working parties or other bodies as may be appropriate,
                                                         which shall carry out such responsibilities as may be assigned to them by the Committee in
                                                         accordance with the relevant provisions of this Agreement.
                                                         13.3 It is understood that unnecessary duplication should be avoided between the work under
                                                         this Agreement and that of governments in other technical bodies. The Committee shall
                                                         examine this problem with a view to minimizing such duplication.
                                                         Article 14
                                                         Consultation and Dispute Settlement
                                                         14.1 Consultations and the settlement of disputes with respect to any matter affecting the
                                                         operation of this Agreement shall take place under the auspices of the Dispute Settlement
                                                         Body and shall follow, mutatis mutandis, the provisions of Articles XXII and XXIII of GATT
                                                         1994, as elaborated and applied by the Dispute Settlement Understanding.
                                                         14.2 At the request of a party to a dispute, or at its own initiative, a panel may establish a
                                                         technical expert group to assist in questions of a technical nature, requiring detailed
                                                         consideration by experts.
                                                         14.3 Technical expert groups shall be governed by the procedures of Annex 2.
                                                         14.4 The dispute settlement provisions set out above can be invoked in cases where a
                                                         Member considers that another Member has not achieved satisfactory results under Articles
                                                         3, 4, 7, 8 and 9 and its trade interests are significantly affected. In this respect, such results
                                                         shall be equivalent to those as if the body in question were a Member.
                                                         FINAL PROVISIONS
                                                         Article 15
                                                         Final Provisions
                                                         Reservations
                                                         15.1 Reservations may not be entered in respect of any of the provisions of this Agreement
                                                         without the consent of the other Members.
                                                         Review
                                                         15.2 Each Member shall, promptly after the date on which the WTO Agreement enters into
                                                         force for it, inform the Committee of measures in existence or taken to ensure the
                                                         implementation and administration of this Agreement. Any changes of such measures
                                                         thereafter shall also be notified to the Committee
                                                         15.3 The Committee shall review annually the implementation and operation of this
                                                         Agreement taking into account the objectives thereof.
                                                         15.4 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 this
                                                         Agreement where necessary to ensure mutual economic advantage and balance of rights and
                                                         obligations, without prejudice to the provisions of Article 12. Having regard, inter alia, to the
                                                         experience gained in the implementation of the Agreement, the Committee shall, where
                                                         appropriate, submit proposals for amendments to the text of this Agreement to the Council for
                                                         Trade in Goods.
                                                         Annexes
                                                         15.5 The annexes to this Agreement constitute an integral part thereof.
                                                         ANNEX 1
                                                         TERMS AND THEIR DEFINITIONS FOR THE
                                                         PURPOSE OF THIS AGREEMENT
                                                         The terms presented in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and
                                                         Their Definitions Concerning Standardization and Related Activities, shall, when used in this
                                                         Agreement, have the same meaning as given in the definitions in the said Guide taking into
                                                         account that services are excluded from the coverage of this Agreement.
                                                         For the purpose of this Agreement, however, the following definitions shall apply:

    Technical regulation

                                                         Document which lays down product characteristics or their related processes and production
                                                         methods, including the applicable administrative provisions, with which compliance is
                                                         mandatory. It may also include or deal exclusively with terminology, symbols, packaging,
                                                         marking or labelling requirements as they apply to a product, process or production method.
                                                         Explanatory note
                                                         The definition in ISO/IEC Guide 2 is not self-contained, but based on the so-called "building
                                                         block" system.
                                                         2. Standard
                                                         Document approved by a recognized body, that provides, for common and repeated use,
                                                         rules, guidelines or characteristics for products or related 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, process or production method.
                                                         Explanatory note
                                                         The terms as defined in ISO/IEC Guide 2 cover products, processes and services. This
                                                         Agreement deals only with technical regulations, standards and conformity assessment
                                                         procedures related to products or processes and production methods. Standards as defined
                                                         by ISO/IEC Guide 2 may be mandatory or voluntary. For the purpose of this Agreement
                                                         standards are defined as voluntary and technical regulations as mandatory documents.
                                                         Standards prepared by the international standardization community are based on consensus.
                                                         This Agreement covers also documents that are not based on consensus.
                                                         3. Conformity assessment procedures
                                                         Any procedure used, directly or indirectly, to determine that relevant requirements in technical
                                                         regulations or standards are fulfilled.
                                                         Explanatory note
                                                         Conformity assessment procedures include, inter alia, procedures for sampling, testing and
                                                         inspection
                                                         4. International body or system
                                                         Body or system whose membership is open to the relevant bodies of at least all Members.
                                                         5. Regional body or system
                                                         Body or system whose membership is open to the relevant bodies of only some of the
                                                         Members.
                                                         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.
                                                         Explanatory note:
                                                         In the case of the European Communities the provisions governing central government bodies
                                                         apply. However, regional bodies or conformity assessment systems may be established within
                                                         the European Communities, and in such cases would be subject to the provisions of this
                                                         Agreement on regional bodies or conformity assessment systems.
                                                         7. Local government body
                                                         Government other than a central government (e.g. states, provinces, L 鹎 er, 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.
                                                         8. 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.
                                                         ANNEX 2
                                                         TECHNICAL EXPERT GROUPS
                                                         The following procedures shall apply to technical expert groups established in accordance
                                                         with the provisions of Article 14.
                                                         1. Technical expert groups are under the panel's authority. Their terms of reference and
                                                         detailed working procedures shall be decided by the panel, and they shall report to the panel.
                                                         2. Participation in technical expert groups shall be restricted to persons of professional
                                                         standing and experience in the field in question.
                                                         3. Citizens of parties to the dispute shall not serve on a technical expert group without the joint
                                                         agreement of the parties to the dispute, except in exceptional circumstances when the panel
                                                         considers that the need for specialized scientific expertise cannot be fulfilled otherwise.
                                                         Government officials of parties to the dispute shall not serve on a technical expert group.
                                                         Members of technical expert groups shall serve in their individual capacities and not as
                                                         government representatives, nor as representatives of any organization. Governments or
                                                         organizations shall therefore not give them instructions with regard to matters before a
                                                         technical expert group.
                                                         4. Technical expert groups may consult and seek information and technical advice from any
                                                         source they deem appropriate. Before a technical expert group seeks such information or
                                                         advice from a source within the jurisdiction of a Member, it shall inform the government of that
                                                         Member. Any Member shall respond promptly and fully to any request by a technical expert
                                                         group for such information as the technical expert group considers necessary and
                                                         appropriate.
                                                         5. The parties to a dispute shall have access to all relevant information provided to a technical
                                                         expert group, unless it is of a confidential nature. Confidential information provided to the
                                                         technical expert group shall not be released without formal authorization from the government,
                                                         organization or person providing the information. Where such information is requested from
                                                         the technical expert group but release of such information by the technical expert group is not
                                                         authorized, a non-confidential summary of the information will be provided by the government,
                                                         organization or person supplying the information.
                                                         6. The technical expert group shall submit a draft report to the Members concerned with a
                                                         view to obtaining their comments, and taking them into account, as appropriate, in the final
                                                         report, which shall also be circulated to the Members concerned when it is submitted to the
                                                         panel.
                                                         ANNEX 3
                                                         CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND
                                                         APPLICATION OF STANDARDS
                                                         General Provisions
                                                         A. For the purposes of this Code the definitions in Annex 1 of this Agreement shall apply.
                                                         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
                                                         C. Standardizing bodies that have accepted or withdrawn from this Code shall notify this fact
                                                         to the ISO/IEC Information Centre in Geneva. The notification shall include the name and
                                                         address of the body concerned and the scope of its current and expected standardization
                                                         activities. The notification may be sent either directly to the ISO/IEC Information Centre, or
                                                         through the national member body of ISO/IEC or, preferably, through the relevant national
                                                         member or international affiliate of ISONET, as appropriate.
                                                         SUBSTANTIVE PROVISIONS
                                                         D. In respect of standards, the standardizing body shall accord treatment to products
                                                         originating in the territory of any other Member of the WTO no less favourable than that
                                                         accorded to like products of national origin and to like products originating in any other
                                                         E. The standardizing body shall ensure that standards are not prepared, adopted or applied
                                                         with a view to, or with the effect of, creating unnecessary obstacles to international trade.
                                                         F. Where international standards exist or their completion is imminent, the standardizing body
                                                         shall use them, or the relevant parts of them, as a basis for the standards it develops, except
                                                         where such international standards or relevant parts would be ineffective or inappropriate, for
                                                         instance, because of an insufficient level of protection or fundamental climatic or geographical
                                                         factors or fundamental technological problems.
                                                         G. With a view to harmonizing standards on as wide a basis as possible, the standardizing
                                                         body shall, in an appropriate way, play a full part, within the limits of its resources, in the
                                                         preparation by relevant international standardizing bodies of international standards regarding
                                                         subject matter for which it either has adopted, or expects to adopt, standards. For
                                                         standardizing bodies within the territory of a Member, participation in a particular international
                                                         standardization activity shall, whenever possible, take place through one delegation
                                                         representing all standardizing bodies in the territory that have adopted, or expect to adopt,
                                                         standards for the subject matter to which the international standardization activity relates.
                                                         H. The standardizing body within the territory of a Member shall make every effort to avoid
                                                         duplication of, or overlap with, the work of other standardizing bodies in the national territory
                                                         or with the work of relevant international or regional standardizing bodies. They shall also
                                                         make every effort to achieve a national consensus on the standards they develop. Likewise
                                                         the regional standardizing body shall make every effort to avoid duplication of, or overlap with,
                                                         the work of relevant international standardizing bodies.
                                                         I. Wherever appropriate, the standardizing body shall specify standards based on product
                                                         requirements in terms of performance rather than design or descriptive characteristics.
                                                         J. At least once every six months, the standardizing body shall publish a work programme
                                                         containing its name and address, the standards it is currently preparing and the standards
                                                         which it has adopted in the preceding period. A standard is under preparation from the
                                                         moment a decision has been taken to develop a standard until that standard has been
                                                         adopted. The titles of specific draft standards shall, upon request, be provided in English,
                                                         French or Spanish. A notice of the existence of the work programme shall be published in a
                                                         national or, as the case may be, regional publication of standardization activities
                                                         The work programme shall for each standard indicate, in accordance with any ISONET rules,
                                                         the classification relevant to the subject matter, the stage attained in the standard's
                                                         development, and the references of any international standards taken as a basis. No later
                                                         than at the time of publication of its work programme, the standardizing body shall notify the
                                                         existence thereof to the ISO/IEC Information Centre in Geneva.
                                                         The notification shall contain the name and address of the standardizing body, the name and
                                                         issue of the publication in which the work programme is published, the period to which the
                                                         work programme applies, its price (if any), and how and where it can be obtained. The
                                                         notification may be sent directly to the ISO/IEC Information Centre, or, preferably, through the
                                                         relevant national member or international affiliate of ISONET, as appropriate.
                                                         K. The national member of ISO/IEC shall make every effort to become a member of ISONET
                                                         or to appoint another body to become a member as well as to acquire the most advanced
                                                         membership type possible for the ISONET member. Other standardizing bodies shall make
                                                         every effort to associate themselves with the ISONET member.
                                                         L. Before adopting a standard, the standardizing body shall allow a period of at least 60 days
                                                         for the submission of comments on the draft standard by interested parties within the territory
                                                         of a Member of the WTO. This period may, however, be shortened in cases where urgent
                                                         problems of safety, health or environment arise or threaten to arise. 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. Such notification shall include, as
                                                         far as practicable, whether the draft standard deviates from relevant international standards.
                                                         M. On the request of any interested party within the territory of a Member of the WTO, the
                                                         standardizing body shall promptly provide, or arrange to provide, a copy of a draft standard
                                                         which it has submitted for comments. Any fees charged for this service shall, apart from the
                                                         real cost of delivery, be the same for foreign and domestic parties.
                                                         N. The standardizing body shall take into account, in the further processing of the standard,
                                                         the comments received during the period for commenting. Comments received through
                                                         standardizing bodies that have accepted this Code of Good Practice shall, if so requested, be
                                                         replied to as promptly as possible. The reply shall include an explanation why a deviation from
                                                         relevant international standards is necessary.
                                                         O. Once the standard has been adopted, it shall be promptly published.
                                                         P. On the request of any interested party within the territory of a Member of the WTO, the
                                                         standardizing body shall promptly provide, or arrange to provide, a copy of its most recent
                                                         work programme or of a standard which it produced. Any fees charged for this service shall,
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apart from the real cost of delivery, be the same for foreign and domestic parties.

shall make an objective effort to solve any complaints.

Q. The standardizing body shall afford sympathetic consideration to, and adequate opportunity for, consultation regarding representations with respect to the operation of this Code presented by standardizing bodies that have accepted this Code of Good Practice. It