



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

WTO TECHNICAL BARRIERS TO TRADE AGREEMENT

Six principles for international standards development

OECD, A Partnership for Effective International Rule Making, 25 May 2017

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What do these questions have in common with each other ?

- How much lead should be allowed in paint used in children's toys?
- Can de-frosted poultry be labelled as "fresh"?
- Should governments mandate warning signs on "unhealthy food"?

Questions adapted from Wijkström and McDaniels (2013)

Relate to a public policy objective (eg. health, environment)

Typically enforced through product requirements (set out in a technical regulation, standard) and conformity assessment procedures (testing, certification)

Impact on trade

Scope of WTO Technical Barriers to Trade Agreement

Technical Regulations

- Lay down **product characteristics** or their related **processes** and **production methods**.
- Compliance is **mandatory**.
- May deal with terminology, symbols, packaging, marking and labelling requirements.

Standards

- Are **approved by a recognized body** which is responsible for establishing rules, guidelines or characteristics for products or related processes and production methods.
- Compliance is **not mandatory**.
- May also deal with terminology, symbols, packaging, marking and labelling requirements.

Conformity Assessment Procedures

- Used to determine that **relevant requirements** in technical regulations or standards **are fulfilled**.
- They include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; and registration, accreditation and approval.

The policy objective is not in question – but how should it be achieved, what is the relevant benchmark/measure to be used, why is it necessary ?

From the perspective of the WTO
Technical Barriers to Trade Agreement,
the key principles are....

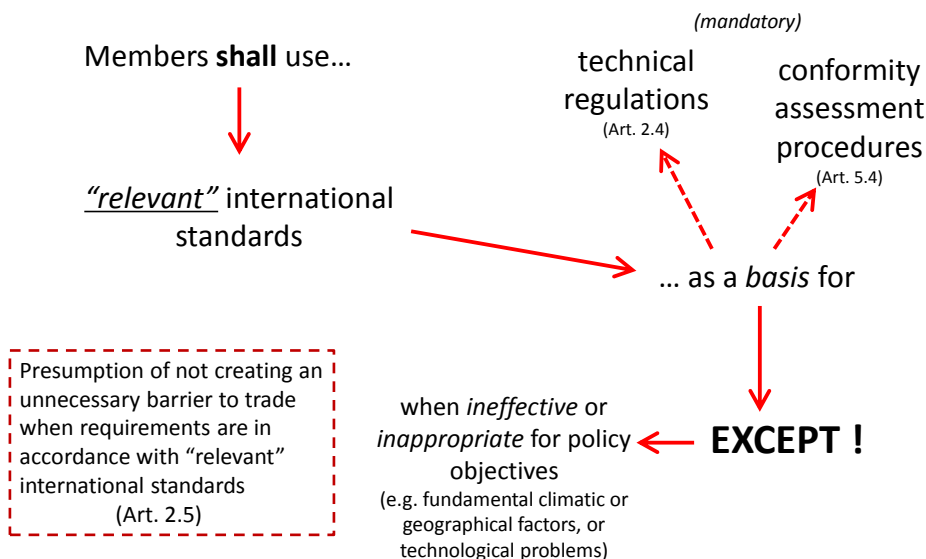
Non-discrimination

Avoidance of **unnecessary barriers to trade**

Use of **international standards**

Transparency

International Standards



But what is a “relevant international standard”.....

Strong obligation to use relevant international standards as basis for regulation

BUT balanced by

Ample policy space to Members on relevance, level and appropriateness

No definition of “international standard” in TBT Agreement, emphasis on procedures used to develop such standards

TBT Committee Decision on Principles for the Development of International Standards, Guides and Recommendations (November 2000, G/TBT/9)

“The Six Principles”

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

.... helps (regulators) determine which international standards may be relevant for the purposes of the TBT agreement (i.e technical regulations, CAP, standards).

Transparency

- Across all stages of the standard setting process from proposal to adoption, including open access to information or documents needed to participate in technical committees
- Promotes opportunity to comment early in the development stage so that they can be taken into account
- Publication of adopted standard and work programme

Openness

- Open on a non-discriminatory basis to participation by relevant bodies of at least all WTO Members at policy development level and at every stage of standards development
- Stages include: proposal, technical discussions, comments, reviewing existing standards, voting and adoption, and dissemination

Impartiality and Consensus

- No favour to the interests, privilege of a particular supplies/s, country/ies or region/s
- Consensus based – procedures to take into account views of all parties concerned and to reconcile any conflicting arguments
- Impartiality with respect *inter alia* to access, submission of comments, views, decision making, obtaining information, dissemination, fees, right to transpose, revision.

Effectiveness and Relevance

- Aimed at facilitating trade and prevent unnecessary barriers to trade
- Relevant and respond to regulatory and market needs as well as scientific and technological developments in various countries
- Performance based rather than design based or descriptive characteristics
- Certain requirements on international standardizing bodies to observe, such as on reviewing obsolete standards and communication with WTO

Coherence

- Coherence amongst international standardizing bodies, avoid conflicting international standards, duplication, overlap
- Encourages cooperation and coordination with other relevant international bodies

Development Dimension

- Recognizes constraints on developing countries to effectively participate in standards development
- Find tangible ways to facilitate developing countries' participation, such as, use of technical assistance and capacity building
- Aimed at ensuring that developing countries not excluded de facto from the process

Thank you

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