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Committee on Technical Barriers to Trade

**FIFTH TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF  
THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE UNDER ARTICLE 15.4**

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## I. INTRODUCTION

1. Article 15.4 of the Agreement on Technical Barriers to Trade (TBT Agreement) provides that:

"Not later than the end of the third year from the date of entry into force of the WTO Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to recommending an adjustment of the rights and obligations of 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."

2. The TBT Committee concluded the First, Second, Third and Fourth Triennial Reviews of the Operation and Implementation of the Agreement on 13 November 1997 (G/TBT/5), 10 November 2000 (G/TBT/9), 7 November 2003 (G/TBT/13) and 9 November 2006 (G/TBT/19), respectively.

3. Pursuant to the Fourth Triennial Review, the Committee has followed-up both on specific recommendations for action contained in that Review, as well as on recommendations agreed at previous Reviews of the Committee. Relevant work undertaken by the Committee since the Fourth Triennial Review (November 2006) until the completion of the Fifth Triennial Review (November 2009) ("review period") is described in the various sections below. An up-to-date compilation of the Committee's Decisions and Recommendations adopted since 1 January 1995 is contained in document G/TBT/1/Rev.9. This document also contains the Committee's Rules of Procedure, including Guidelines for Observer Status for Governments and International Intergovernmental Organizations. Annex 1 to this Report lists documents circulated in the TBT Committee, by topic, during the review period.

4. The Committee concluded the Fifth Triennial Review of the Agreement on 6 November 2009.

## II. IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

### A. GOOD REGULATORY PRACTICE

5. Good Regulatory Practice can contribute to the improved and effective implementation of the substantive obligations under the TBT Agreement. Effective implementation through best practices is seen as an important means of avoiding and minimizing unnecessary technical barriers to trade. Since the entry into force of the Agreement, the Committee has engaged in an in-depth exchange of experiences on various aspects of Good Regulatory Practice in order to foster a common understanding of the issues involved. This exchange of information has continued during the review period.<sup>1</sup>

6. With a view to deepening the understanding of the contribution Good Regulatory Practice can make to the implementation of the TBT Agreement, the Committee held a Workshop on Good Regulatory Practice on 18-19 March 2008. At this Workshop Members discussed: general approaches of Members to Good Regulatory Practice; internal transparency and consultative mechanisms; and

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<sup>1</sup> Canada provided the Committee with information on the implementation of a new Canadian Cabinet Directive on Streamlining Regulation (G/TBT/2/Add.6/Rev.2); the United States presented a submission on the importance of strong central government management, effective interagency trade policy coordination and robust public consultation (G/TBT/W/315); and Costa Rica and Canada jointly described efforts to identify good practices in the delivery and receipt of technical assistance, including with respect to the development of a procedural manual (G/TBT/W/283).

Regulatory Impact Assessments (RIAs) as well as regulatory cooperation initiatives between Members.<sup>2</sup>

7. In addition to information exchange, and building on the various aspects of Good Regulatory Practice identified in the Committee's Fourth Triennial Review Report<sup>3</sup>, the following issues were discussed in more depth during the review period.

## **1. Processes and procedures at the national level**

8. Members emphasize the importance of various mechanisms, processes and procedures as a means of giving effect to Good Regulatory Practice. Transparency, openness and accountability are essential in this regard. In particular, the Committee stresses the importance of transparency in processes and procedures used in the development and application of technical regulations and conformity assessment procedures. Participation by interested parties helps ensure legitimacy to what a government does, and the measures it chooses to implement. It also enhances the outcome of the regulatory process by contributing to the creation of higher quality technical regulations and conformity assessment procedures and helps to increase awareness about government actions and avoid unnecessary obstacles to trade.

9. It is important to institutionalize mechanisms used for Good Regulatory Practice, including through laws, regulations, procedures, guidance, as well as through the creation and designation of institutions within Member governments to oversee regulatory processes. Having a basic process backed by some form of legal instrument (whether Decree, Guide, Act or Executive Order) can strengthen efforts to integrate Good Regulatory Practice into development and implementation of Members' domestic regulatory structures.

10. Finally, Members stress the importance of effective internal policy coordination, including among regulators, standardizing bodies and trade officials implementing the TBT Agreement. Such coordination may, for instance, include mechanisms: to ensure that technical regulations and conformity assessment procedures are consistent with international obligations, including transparency obligations pursuant to the TBT Agreement<sup>4</sup>; and mechanisms to address "specific trade concerns" (see paragraph 64, below) raised by other Members, whether bilaterally, at the level of enquiry points or in the Committee itself.

11. With the purpose of enabling Members to ensure improved compliance with the obligations set out in the TBT Agreement in the preparation of technical regulations and conformity assessment procedures, the Committee agrees to:

- (a) *Compile* a list of guidelines for Good Regulatory Practice taking into account Members' experiences and existing relevant work of other organizations;
- (b) *Prepare* an illustrative list of mechanisms used for the implementation of Good Regulatory Practice based on contributions from Members including, for instance, mechanisms used for: public consultation; use of RIA tools; use of performance-based regulations; use of relevant international standards, guides or recommendations

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<sup>2</sup> A Summary Report of the WTO TBT Workshop on Good Regulatory Practice is contained in document G/TBT/W/287. More information, including the programme and presentations made, is also available on the WTO TBT Website at the following address:

[http://www.wto.org/english/tratop\\_e/tbt\\_e/wkshop\\_march08\\_e/wkshop\\_march08\\_e.htm](http://www.wto.org/english/tratop_e/tbt_e/wkshop_march08_e/wkshop_march08_e.htm)

<sup>3</sup> G/TBT/19, paras 7-18.

<sup>4</sup> This may include mechanisms to facilitate internal coordination for the effective implementation of the TBT Agreement's notification obligations (see the recommendations contained in para 34 (a-c), below).

as a basis for technical regulations and conformity assessment procedures; and methods of referencing standards in regulations; and,

- (c) *Continue to share views and experiences on aspects of regulatory coordination and administrative mechanisms to facilitate internal coordination between competent authorities, including between trade policy and regulatory authorities, and interested parties.*<sup>5</sup>

## 2. Identifying the need to regulate

12. During the review period, the Committee considered one aspect of Good Regulatory Practice – the determination of the need to regulate.<sup>6</sup> This issue was also discussed in-depth at the Committee's March 2008 Workshop<sup>7</sup> in connection with Regulatory Impact Assessments (RIAs).

13. RIAs can be a useful decision-making tool. As such, they can induce governments to better assess whether or not government intervention is necessary. One important benefit of RIAs is that they facilitate the identification of the need for regulation. In this regard the Committee stresses the importance of considering alternatives - and, in some cases, even reconsidering the need for regulation in the first place. RIAs can help filter the flow of new regulations and help ensure that they are less likely to create trade problems. Because RIAs are public, they can boost accountability. In this sense RIAs can also be a tool for transparency.

## 3. Regulatory cooperation between Members

14. The Committee notes that regulatory cooperation between Members is an effective means of disseminating Good Regulatory Practice. It can also build confidence between trading partners through enhancing mutual understanding of regulatory systems, thereby supporting efforts that aim at removing unnecessary barriers to trade.

15. A fundamental component to regulatory cooperation is the promotion of dialogue between Members, including at senior level. A wide variety of approaches can be employed by regulators to collaborate with each other – from information sharing to negotiating specific agreements.<sup>8</sup> The appropriate approaches in any given situation will differ based on a number of factors, including, for example, the compatibility of regulatory environments and systems, the sector, type and degree of regulation already in place, or the level of technical and institutional capacity of the Members involved.

16. To further enhance information on regulatory cooperation between Members, the Committee agrees to:

- (a) *Exchange information on the different approaches to regulatory cooperation between Members that aim at, *inter alia*, enhancing mutual understanding of regulatory systems and identifying, where possible, avenues for greater regulatory convergence*<sup>9</sup>; and

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<sup>5</sup> For instance, New Zealand has described the establishment of a new model for regulatory coordination, the "Regulators' Forum" (G/TBT/W/294).

<sup>6</sup> G/TBT/W/285.

<sup>7</sup> Footnote 2, *supra*.

[http://www.wto.org/english/tratop\\_e/tbt\\_e/wkshop\\_march08\\_e/wkshop\\_march08\\_e.htm](http://www.wto.org/english/tratop_e/tbt_e/wkshop_march08_e/wkshop_march08_e.htm)

<sup>8</sup> A joint submission from Mexico, the United States and Canada shed light on how a wide variety of collaborative approaches can provide substantial benefits to regulators, suppliers and the public (G/TBT/W/317).

<sup>9</sup> This information exchange may inform the development of practical guidelines referred to in paragraph 19, below.

- (b) *Hold a workshop on regulatory cooperation.*

## B. CONFORMITY ASSESSMENT PROCEDURES

17. Articles 5-9 of the TBT Agreement establish obligations of a substantive and procedural nature with regard to conformity assessment that concern central government bodies, local government bodies, non-governmental bodies and international and regional systems. The Committee has regularly engaged in information exchange with a view to furthering the understanding and the implementation of Articles 5-9 of the TBT Agreement. To this end, four events dedicated to discussion on various aspects of conformity assessment have been held to date: in 1999, 2004, 2005 and 2006.<sup>10</sup> In 2000, Members developed an "Indicative List of Approaches to Facilitate the Acceptance of the Results of Conformity Assessment".<sup>11</sup>

### 1. Information exchange

18. An important part of the Committee's recommendations to date aim at promoting information exchange on the various aspects of conformity assessment procedures, including on: (i) approaches to conformity assessment; (ii) the use of relevant international standards, guides or recommendations, or the relevant parts of them, as a basis for their conformity assessment procedures; and (iii) facilitating the recognition of conformity assessment results.<sup>12</sup> In particular, during the review period a number of Members presented their experiences with respect to mutual recognition arrangements (MRAs).<sup>13</sup>

19. With a view to facilitating trade, the Committee agrees to:

- (a) Continue to *exchange information* on different approaches to facilitating acceptance of conformity assessment results;
- (b) *Exchange information* on the criteria, methods of analysis and concepts used by Members to inform their evaluation of the range of choices in conformity assessment procedures, including in the context of a risk management framework;
- (c) Based on these exchanges, and those referred to in paragraph 16 above, *initiate work* on developing practical guidelines on how to choose and design efficient and effective mechanisms aimed at strengthening the implementation of the TBT Agreement, including the facilitation of acceptance of conformity assessment results (*inter alia* MRAs, equivalence agreements and Supplier's Declaration of Conformity (SDoC)); and

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<sup>10</sup> These events were: (i) a Symposium on Conformity Assessment Procedures, held on 8-9 June 1999 (G/TBT/9, 13 November 2000, Annex 1); (ii) a Special Meeting dedicated to Conformity Assessment Procedures, held on 29 June 2004 (G/TBT/M/33/Add.1, 21 October 2004); (iii) a Workshop on Supplier's Declaration of Conformity (SDoC), held on 21 March 2005 (Annex 1 of G/TBT/M/35, 24 May 2005); and, (iv) a Workshop on the Different Approaches to Conformity Assessment, including on the Acceptance of Conformity Assessment Results, held on 16-17 March 2006 (G/TBT/M/38/Add.1, 6 June 2006).

<sup>11</sup> G/TBT/1/Rev.9, Part I, Annex A, pp. 35-36.

<sup>12</sup> G/TBT/19, paras 21-46.

<sup>13</sup> Japan, on behalf of APEC members, introduced a Case Study to Clarify Effectiveness of MRAs (G/TBT/W/276) and also introduced its own experience in the area of "cross-border designation systems" (G/TBT/W/277). New Zealand presented its approach, including with respect to mutual recognition arrangements (MRAs) (G/TBT/W/295 and W/306). Singapore also provided information on its experience with the use of MRAs (G/TBT/W/312).

- (d) *Consider, in light of the above work, the need to build on the current "Indicative List of Approaches to Facilitate the Acceptance of the Results of Conformity Assessment".*

## **C. STANDARDS**

20. The provisions concerning the preparation, adoption and application of standards are contained in Article 4 of the TBT Agreement and in the Code of Good Practice for the Preparation, Adoption and Application of Standards (the "Code of Good Practice"). In addition, Articles 2.4, 2.5, 5.4, and Paragraph F of Annex 3 of the Agreement promote the use of relevant international standards, guides and recommendations as a basis for standards, technical regulations and conformity assessment procedures. Articles 2.6, 5.5 and Paragraph G of Annex 3 emphasize the importance of Members' participation in international standardization activities related to products for which they have either adopted, or expect to adopt, technical regulations.

21. The Committee has regularly discussed the importance of the use of relevant international standards in trade. With a view to developing a better understanding of international standards, the Committee agreed, in 1997, on a process of information exchange with international standardizing bodies<sup>14</sup> and held an Information Session of Bodies Involved in the Preparation of International Standards in 1998.<sup>15</sup> In 2000, the Committee adopted a Decision containing a set of principles it considered important for international standards development.<sup>16</sup> These principles were seen as equally relevant to the preparation of international standards, guides and recommendations for conformity assessment procedures. On 16-17 March 2009, the Committee held a Workshop on the Role of International Standards in Economic Development. In sharing their experiences at the Workshop, Members illustrated how the use of standards has contributed to economic and social development.<sup>17</sup>

22. During the review period, the following areas were discussed in more depth.

### **1. Development and use of standards**

23. Members underline the need to promote a greater understanding of how standards are used as a basis for technical regulations and conformity assessment procedures, how coordination between national and international standard development processes is ensured, and how standardizing bodies ensure that standards are not prepared, adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to international trade. The Committee notes that improving documentation, including through quantitative methods, regarding the benefits of standards use remains a key challenge.

24. The Committee reiterates the importance of basing technical regulations and conformity assessment procedures on relevant international standards, guides or recommendations in line with Articles 2.4 and 5.4 of the TBT Agreement and stresses the importance of developing country Members' participation in the development of relevant international standards (paragraphs 27-28, below). International standards should be an opportunity – a pool for technological know-how and an important link between research, innovation and markets – that can contribute positively to economic growth. As

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<sup>14</sup> G/TBT/1/Rev.9, p.11.

<sup>15</sup> G/TBT/9, 13 November 2000, Annex 1.

<sup>16</sup> Decision on Principles for the Development of International Standards, Guides and Recommendations with Relation to Articles 2, 5 and Annex 3 of the TBT Agreement, contained in document G/TBT/1/Rev.9, Part I, Section III (pp. 10-12) and Annex B (pp. 37-39).

<sup>17</sup> A report by the Secretariat (G/TBT/W/310) provides a summary of key points and issues that arose from the presentations and discussions during the Workshop. The full presentations made by speakers are available on the WTO TBT Website ([http://www.wto.org/english/news\\_e/news09\\_e/tbt\\_16mar09\\_e.htm](http://www.wto.org/english/news_e/news09_e/tbt_16mar09_e.htm)).

such, standards can contribute to promoting technical progress and are an important instrument to facilitate competition in markets, and transfer of technology between Members.

25. The Committee emphasizes the importance of transparency in the standards development process, at the national, regional and international level. Creating awareness among all interested parties, including Small and Medium-sized Enterprises (SMEs), of the importance of being involved in standardizing activities is seen as key. Broader stakeholder involvement helps ensure an open and transparent process, in line with the disciplines on standardizing bodies contained in the TBT Agreement, as well as those contained in the principles of the Committee's 2000 Decision<sup>18</sup> on the development of international standards.<sup>19</sup> The Committee recognizes the need for international standards to be relevant and effectively respond to regulatory and market needs, as well as scientific and technological developments, while not creating unnecessary obstacles to international trade. In light of the above, the Committee:

- (a) *Encourages* Members, Observer organizations and relevant bodies involved in the development of standards to exchange experiences and circulate case studies – or other research – on the impacts of standards on economic development and international trade;
- (b) *Stresses* the importance of ensuring the effective application of the Code of Good Practice for the Preparation, Adoption and Application of Standards (Annex 3 of the TBT Agreement); and
- (c) *Encourages* the full application of the six principles set out in the above-mentioned Decision, and the sharing of experiences in respect of their use.

26. The Committee notes that several Members have raised concerns regarding "private standards" and trade impacts thereof, including actual or potential unnecessary barriers to trade.<sup>20</sup> The Committee also notes that other Members consider that the term lacks clarity and that its relevance to the implementation of the TBT Agreement has not been established. Without prejudice to the different views expressed, the Committee recalls that Article 4.1 of the TBT Agreement requires that Members shall take such reasonable measures as may be available to them to ensure that standardizing bodies accept and comply with the Code of Good Practice. The Committee further expresses the need to strengthen implementation of Article 4. In view of this, the Committee:

- (a) *Recalls* its discussion in the Third Triennial Review<sup>21</sup> regarding standards developed by bodies that are not commonly considered standardizing bodies;
- (b) *Reiterates* its 1997 invitation to Members to share their experiences with respect to steps taken to fulfil their obligations under Article 4, and to exchange information regarding the reasons some standardizing bodies have not yet accepted the Code of Good Practice<sup>22</sup>; and
- (c) With a view to facilitating an informed discussion on the development and use of standards in general, including with regard to standards developed by non-governmental bodies, Members are invited to *share their experiences* related to the implementation of the TBT Agreement, including the Code of Good Practice.

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<sup>18</sup> Footnote 16, *supra*.

<sup>19</sup> During the review period, the United States shared its experience with the Committee's Decision on the principles important for the development of international standards (G/TBT/W/305).

<sup>20</sup> The Committee notes that the issue has been discussed in other fora.

<sup>21</sup> G/TBT/13, para. 25.

<sup>22</sup> G/TBT/1/Rev.9, p.21.



Discussions will neither prejudice the role of the TBT Committee nor the scope of the TBT Agreement with respect to any issue that may arise.

## **2. Participation**

27. During the review period, Members continued to explore ways and means of enhancing Members' awareness of, and participation in, the work of international standardizing bodies, thereby improving the implementation of the TBT Agreement. In this regard, the Committee notes the advances made in increasing meaningful participation by developing country Members in standardizing activities in areas of interest to them, but notes that for many developing country Members challenges remain, both financially and technically. The Committee welcomes the various initiatives taken to date to promote greater participation and encourages Members, through their national standardizing bodies, to promote innovative and effective ways of increasing such participation, including participation of SMEs. Building expertise in developing country Members and filling information gaps needs to be done in ways that reflect the needs of each individual Member. In view of achieving further progress, the Committee:

- (a) *Encourages* Members, Observer organizations and relevant bodies involved in the development of standards, to exchange information on initiatives implemented, successes achieved and obstacles encountered.

28. The Committee stresses the importance of continuing to explore ways and means of enhancing Members' awareness of, and participation in, the work of international standardizing bodies so as to enhance the implementation of Articles 2.6, 5.5, 11.2, 12.5 and paragraph G of the Code of Good Practice.

## **D. TRANSPARENCY**

29. The Committee reiterates the importance of Members fully complying with their transparency obligations under the TBT Agreement and in particular those related to the notification of technical regulations and conformity assessment procedures, as required under Articles 2.9, 2.10, 5.6, 5.7 and 10.7. The Committee stresses that transparency is a fundamental pillar in the implementation of the TBT Agreement and a key element of Good Regulatory Practice.

30. During the review period, the Committee has continued to share experiences, discuss and further refine its procedures for the implementation of the TBT Agreement's transparency provisions and Members have shared their experiences in this regard.<sup>23</sup> Experience sharing also took place at the Committee's Fifth Special Meeting on Procedures for Information Exchange on 7-8 November 2007<sup>24</sup>, held pursuant to its 1995 Decision to hold "regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications".<sup>25</sup>

31. The Committee welcomes the web-based application, the TBT Information Management System (TBT IMS)<sup>26</sup> which was developed by the Secretariat and launched in July 2009. The TBT IMS is a comprehensive source of information on TBT notifications and other transparency-related documents. The system contains information on all types of notifications under the TBT Agreement, such as notifications of technical regulations and conformity assessment procedures,

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<sup>23</sup> The European Communities illustrated its experience in implementing the Committee's decisions and recommendations in the area of transparency (G/TBT/W/309) and Mexico explained how it fulfils the obligation to publish a notice at an early appropriate stage as required by Article 2.9.1 of the TBT Agreement (G/TBT/W/313, para. 7)

<sup>24</sup> A Summary Report of this meeting is contained in Annex 1 of G/TBT/M/43.

<sup>25</sup> G/TBT/1/Rev.9, page 31.

<sup>26</sup> <http://tbtims.wto.org>



notifications of agreements under Article 10.7 and notifications made under the Code of Good Practice of the TBT Agreement. The system also contains Members' Statements on Implementation and Administration of the TBT Agreement made under Article 15.2, the list of TBT National Enquiry Points, as well as standardizing bodies that have accepted the Code of Good Practice. The TBT IMS allows for advanced searching and reporting on notifications based on a variety of criteria, such as, *inter alia*, geographic grouping, product codes, notification keywords, objectives of the notified measures and dates for comments.

32. The Committee notes the significant stock of decisions and recommendations that it has developed since 1995, set out in G/TBT/1/Rev.9 (Section IV). To this end, the Committee:

- (a) *Stresses* the importance of full implementation of this existing body of decisions and recommendations by Members.

## 1. Notifications<sup>27</sup>

### (a) Technical Regulations and Conformity Assessment Procedures

33. Articles 2, 3, 5, and 7 of the TBT Agreement contain the notification obligations related to technical regulations and conformity assessment procedures. Since 1995, the TBT Committee has put in place detailed procedures for the implementation of these provisions and these have been successively refined. Members have reiterated the importance of fulfilling these provisions regularly. Notifications provide Members with the opportunity to influence the development of technical requirements of other Members and thereby make an important and significant contribution towards avoiding unnecessary obstacles to trade.

34. During the review period, Members have shared their experiences with the implementation of notification obligations and, in light of this work, the Committee:

- (a) *Reiterates* the importance of ensuring that Members comply fully with the notification requirements in Articles 2.9 and 5.6 of the TBT Agreement;
- (b) *Encourages* Members to endeavour to submit those notifications at an early stage, when measures are still in draft form, to ensure time and adequate opportunity for comments, for comments to be taken into account and for proposed measures to be modified; and
- (c) *Reaffirms* the importance of establishing mechanisms to facilitate internal coordination for the effective implementation of the TBT Agreement's notifications obligations.<sup>28</sup>

### (i) Submission of notifications (format and guidelines)

35. Article 2.9 of the TBT Agreement provides that Members have an obligation to notify a proposed technical regulation whenever a relevant international standard does not exist or when the technical content of the 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. Similarly, Article 5.6 of the TBT Agreement provides that Members have an obligation to notify a draft conformity assessment procedure whenever a relevant international guide or recommendation issued by international standardizing bodies does not exist or the technical content of

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<sup>27</sup> The subtitles in this section follow the structure contained in document G/TBT/1/Rev.9, Section IV.

<sup>28</sup> The establishment of processes and procedures at the national level, including internal coordination mechanisms, is also relevant to Good Regulatory Practice (paras 8-11, above).

the proposed conformity assessment procedure is not in accordance with relevant international guides or recommendations issued by international standardizing bodies and if the conformity assessment procedure may have a significant effect on trade of other Members.

36. The Committee notes that, in practice, for the sake of greater transparency, some Members choose to notify draft measures when they are in accordance with relevant international standards, guides or recommendations. With a view to increasing transparency on the use of international standards, the Committee:

(a) *Encourages* Members, whenever possible and on a voluntary basis to indicate in Box 8 of the notification format whether or not they consider that a relevant international standard exists and, if appropriate, to provide information about deviations; and

(b) *Notes* the provisions contained in Articles 2.9.3 and 5.6.3 of the TBT Agreement stating that Members, upon request, provide other Members with particulars or copies of a proposed technical regulation or conformity assessment procedure and, whenever possible, identify the parts which, in substance, deviate from relevant international standards or from relevant guides and recommendations issued by international standardizing bodies.

(ii) *Notifications of Proposed Technical Regulations and Conformity Assessment Procedures of Local Governments at the Level Directly Below that of the Central Government*

37. Pursuant to Articles 3.2 (technical regulations) and 7.2 (conformity assessment procedures), Members are required to ensure that technical regulations and conformity assessment procedures of local governments at the level directly below that of Members' central governments are notified in accordance with Articles 2 and 5. Since 1995, the Committee has reiterated the importance of Members fulfilling these notification obligations and has invited Members to indicate the local government bodies in their jurisdiction whose measures are required to be notified under these obligations.<sup>29</sup>

38. During the review period, the Committee has continued to discuss the implementation of these obligations. The Committee notes, despite an increase in the number of measures notified under Articles 3.2 and 7.2, that this level remains generally low. In light of this, the Committee:

(a) *Recommends* that Members continue to discuss possible ways to improve coordination between relevant authorities at the central level and the local level directly below the central level with respect to notifications under Articles 3.2 and 7.2, including through dissemination of good practices; and

(b) *Requests* the Secretariat to remain engaged in providing statistical information with respect to Articles 3.2 and 7.2.

(iii) *Length of time allowed for comments*

39. Pursuant to Articles 2.9.4 and 5.6.4, Members are required, without discrimination, to allow *sufficient time* for other Members to make comments in writing, discuss them and take the results of the written comments and of the discussions into account.

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<sup>29</sup> G/TBT/1/Rev.9, pages 17-18.

40. During the review period, the Committee has further discussed the implementation of these provisions. In light of this, the Committee:

- (a) *Recalls* its earlier recommendation that the normal time limit for the presentation of comments should be at least 60 days, and its encouragement to Members to provide, whenever possible, a time limit beyond 60 days, such as 90 days;<sup>30</sup>
- (b) *Recalls* that developed country Members are encouraged to provide more than a 60-day comment period, to improve the ability of developing country Members to make comments on notifications consistent with the principle of special and differential treatment; and<sup>31</sup>
- (c) *Reiterates* that an insufficient period of time for presentation of comments on proposed technical regulations and conformity assessment may prevent Members' from adequately exercising their right to submit comments.<sup>32</sup>

(iv) *Handling of comments*

41. Pursuant to Articles 2.9.4 and 5.6.4, Members are required, without discrimination, to allow sufficient time for other Members to *make comments in writing, discuss them and take the results of the written comments and of the discussions into account*.

42. During the review period, Members continued to share their experiences on the handling of comments and their dissemination, including through the use of electronic means. In light of this, the Committee:

- (a) *Stresses* the importance of an efficient and effective handling of comments on notified measures and, in this respect, *reiterates* its previous recommendations on the handling of comments, including the recommendation to voluntarily respond to comments in writing, if so requested, and to share these replies with the TBT Committee and to encourage Members to draft their responses in one of the three official languages of the WTO;<sup>33</sup>
- (b) *Notes* the importance of domestic coordination to ensure that comments received are followed up and taken into account in finalizing the draft measure;
- (c) *Recalls* its earlier recommendations about the sharing, on a voluntary basis, of comments on notified draft measures and replies thereto, including through the use of websites; and<sup>34</sup>
- (d) *Recommends* that the Committee continues to discuss ways to improve the effective implementation of the provisions of the TBT Agreement on handling of comments, including assessing the feasibility of utilizing the TBT Information Management System (TBT IMS) as a platform where comments on notified measures, and replies thereto, could be posted on a voluntary basis.

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<sup>30</sup> G/TBT/1/Rev.9, page. 18

<sup>31</sup> G/TBT/1/Rev.9, page 18.

<sup>32</sup> G/TBT/19, para. 57.

<sup>33</sup> G/TBT/1/Rev.9, pages 18-19.

<sup>34</sup> G/TBT/1/Rev.9, page 19.

**(v) Follow-up**

43. During the review period, Members have continued to discuss ways to ensure appropriate follow-up to notified measures. In light of this, the Committee:

- (a) *Recalls* its earlier recommendation encouraging Members to notify the availability of the adopted final text as an addendum to the original notification and to provide information on where the final text can be obtained, including website address;<sup>35</sup>
- (b) *Stresses* the importance of making such addenda when a proposed regulation is either adopted, published or enters into force and especially in cases where the relevant dates have not been provided in the original notification or have been changed; and
- (c) *Recommends* that the Committee establish common procedures on how and under which format (addendum, corrigendum, revision) to notify modifications or any other information relevant to previously notified measures.

**2. Dissemination of information**

**(a) Publications**

44. Articles 2.9.1 and 5.6.1 of the TBT Agreement provide that Members publish a notice in a publication at an early appropriate stage, in such a manner as to enable interested parties of other Members to become acquainted with the fact that they propose to introduce a particular technical regulation or conformity assessment procedure.

45. During the review period, Members have noted that different approaches are used to fulfil this obligation. These variations notwithstanding, a common element is the increasing use of the internet as one means to fulfil the Article 2.9.1 obligation.<sup>36</sup> It is noted that the Secretariat provides information on Members' publications in relation to technical regulations, standards and conformity assessment provisions in the document G/TBT/GEN/39-series.<sup>37</sup>

46. With a view to seeking a broader and more consistent implementation of this provision, the Committee:

- (a) *Reiterates* its earlier recommendation to examine ways in which the publication of such notices and their content are made available, so as to enable all interested parties to become acquainted with them.<sup>38</sup>

**(b) Texts of Notified Technical Regulations and Conformity Assessment Procedures**

47. Articles 2.9.3 and 5.6.3 of the TBT Agreement state that Members, upon request, provide to other Members copies or particulars of the proposed technical regulation or conformity assessment procedures.

48. During the review period, the Committee has continued to discuss ways to improve access to texts of notified measures. With the purpose of facilitating access to notified draft texts, in 2008, the

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<sup>35</sup> G/TBT/1/Rev.9, page 24.

<sup>36</sup> G/TBT/M/43, Annex I, para. 4.

<sup>37</sup> The latest version of the list of Members' Publications in relation to technical regulations, standards and conformity assessment procedures is contained in document G/TBT/GEN/39/Rev.3. Information on publications can also be extracted from the TBT IMS (<http://tbtdms.wto.org>).

<sup>38</sup> G/TBT/1/Rev.9, page 23.

Committee established a facility whereby Members may, on a voluntary basis, provide the WTO Secretariat with an electronic version of the notified draft text together with the notification format. Texts are stored on a WTO server and are accessible through a hyperlink in the notification format.<sup>39</sup>

49. In light of the above, the Committee:

- (a) *Reiterates* its earlier recommendation to indicate a website address in Box 11 "Text available from" of the notification format;<sup>40</sup>
- (b) *Encourages* Members to use the facility provided by the WTO Secretariat and to send electronic versions of notified texts together with the notification format to be hyperlinked in the notification itself.

(c) **Provision of Translations**

50. Article 10.5 of the TBT Agreement provides that developed country Members shall, if requested by other Members, provide translations of notified documents, or summaries of such translations in one of the WTO official languages. Since 1995 the Committee has taken a number of decisions and recommendations related to translations, in particular to encourage sharing of existing unofficial translations, on a voluntary basis.

51. During the review period, Members have continued to discuss the implementation of the Committee's recommendations with respect to translations. Recognizing that the non-availability of texts in one of the WTO official languages poses a challenge for many Members, and in particular developing country Members, in 2008 the Committee, with a view to enhancing the sharing of translations of documents referred to in notifications and facilitating information-sharing by Members on the availability of unofficial translations on the Internet, agreed on a mechanism whereby Members were invited, on a voluntary basis, to provide information about the availability of unofficial translations.<sup>41</sup> A supplement to the original notification submitted is then circulated by the Secretariat. Since 1 January 2008, 178 such supplements have been circulated. It is noted that, in the absence of a translation, Section 6 of the notification format "Description of the content", as well as prompt replies to specific questions on the content, are important sources of information for understanding the proposed measure and the main basis for comments from interested parties.

52. In light of the above, the Committee:

- (a) *Reaffirms* its recommendation that Members share, on a voluntary basis, unofficial translations of documents referred to in notifications, for example by posting them on Members' websites or by providing these unofficial translations to the WTO Secretariat for further dissemination through the agreed mechanism; and
- (b) *Encourages* Members, in cases when a notified document is not in one of the WTO official languages, to provide a comprehensive description of the measure in Section 6 "Description of the content" of the notification format.

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<sup>39</sup> G/TBT/1/Rev.9, page. 24.

<sup>40</sup> G/TBT/1/Rev.9, page 24.

<sup>41</sup> G/TBT/1/Rev.9, page 25.

### 3. Enquiry Points

53. Pursuant to Article 10.1, each Member shall ensure that an enquiry point exists that is able to answer all reasonable enquiries from other Members and interested parties in other Members. To date, 136 Members have submitted information on their enquiry points.<sup>42</sup>

54. During the review period, the Committee has continued to discuss ways to improve implementation of provisions related to the work of the Enquiry Points. In this regard, the Committee:

- (a) *Stresses* the importance of operational capacity of Enquiry Points, especially with respect to the provision of answers to enquiries and the promotion of a dialogue; and
- (b) *Recommends* that developing country Members identify challenges which they face with respect to the establishment and operations of their enquiry points and indicate the nature of the technical assistance needed to overcome these difficulties.

### E. TECHNICAL ASSISTANCE

55. The TBT Agreement's provisions on technical assistance are contained in Article 11. Since the Committee's establishment, technical assistance has been considered an area of priority work and it figures on the agenda of the Committee on a permanent basis. Members have regularly, and on a voluntary basis, exchanged experiences and information on technical assistance in order to enhance the implementation of Article 11 of the Agreement.

#### 1. Good Practices

56. At the Fourth Triennial Review, the Committee agreed to exchange experiences in respect of the delivery and receipt of technical assistance with a view to identifying good practices in this regard.<sup>43</sup> During the review period, a number of Members shared experiences on the implementation of Article 11.<sup>44</sup>

57. Building on the previous recommendation that Members exchange experiences in respect of the delivery and receipt of technical assistance with a view to identifying good practices in this regard<sup>45</sup>, the Committee:

- (a) *Encourages* Members and relevant bodies involved in the provision of technical assistance to exchange information to identify such practices.

#### 2. Capacity Building

58. The Committee notes that standardization and conformity assessment are tasks that require specialized expertise with knowledge and skills that take time and resources to build. Members emphasize the need for durable vehicles to reinforce the technical capacity of government agencies

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<sup>42</sup> List of enquiry points are circulated in document G/TBT/ENQ series. Information is also kept up-to-date on the WTO website and in the TBT IMS.

<sup>43</sup> G/TBT/1/Rev.9, p.32.

<sup>44</sup> This included: a joint submission from Canada and Costa Rica on the identification of good practices in the delivery and receipt of technical assistance with respect to the development of a national quality system in Costa Rica (G/TBT/W/283); information on a "Mentorship Programme" in Sweden aimed at reinforcing the implementation of the TBT Agreement in seven East African Members, *inter alia* by supporting participation in the work of the TBT Committee and through the establishment of national working plans on the implementation of the TBT Agreement.

<sup>45</sup> G/TBT/1/Rev.9, p.32.

responsible for applying the TBT Agreement, for instance by systematizing and documenting responsibilities, procedures and principles to be observed in the conduct of their activities. The Committee encourages Members that have utilized quality assurance systems – or other management tools – to document and assign internal responsibilities for implementation of specific provisions of the TBT Agreement to share their experiences in this regard.

59. Also, in light of the issues dealt with in the other areas of this Report, and consistent with the Committee's agreement on a demand-driven approach to technical assistance, the Committee encourages Members to review their capacity building needs and priorities in the following areas in particular:

- (a) Good Regulatory Practice.<sup>46</sup> The Committee considers that experience gained in the area of good regulatory practice for the effective implementation of the TBT Agreement should be shared. Technical assistance in the area of Good Regulatory Practice should be considered an integral element of capacity building activities to strengthen implementation of the TBT Agreement and draw on the expertise of both Members and other relevant organizations.
- (b) Conformity assessment.<sup>47</sup> Members are encouraged to participate in technical cooperation activities in the area of conformity assessment consistent with sector-specific national priorities. Capacity building activities – at the national or regional level as appropriate – aimed at improving technical infrastructure (e.g. metrology, testing, certification, and accreditation) as well as capacity to enforce (including with respect to market surveillance and product liability) should be consistent with national priorities and take into account the existing level of technical infrastructure development.
- (c) Standards development. Members should undertake efforts to build understanding of the strategic importance of standardization activities through increased outreach in sectors of priority interest. It may be beneficial to explore incentives to increase support and promotion of such activities, particularly in developing country Members.
- (d) Transparency. Members stress the importance of reinforcing the operation of enquiry points.

### **3. Information on technical assistance activities**

60. During the review period, some Members provided general information on technical assistance activities and projects in the TBT area.<sup>48</sup>

61. Members are informed, on a regular basis, of the Secretariat's technical assistance activities.<sup>49</sup> In particular, in 2007, the Secretariat launched e-Training courses on the TBT Agreement and held a Workshop on the Statement on Implementation and Administration of the TBT Agreement under Article 15.2 on 8 November 2007. This Workshop provided an opportunity for delegations to present

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<sup>46</sup> See recommendation on Good Regulatory Practice in paragraphs 11 and 16, above.

<sup>47</sup> See recommendation on Conformity Assessment Procedures in paragraph 19, above.

<sup>48</sup> G/TBT/GEN/62 (Norway), European Communities (G/TBT/W/303) and Korea (G/TBT/W/322).

<sup>49</sup> This information is also provided on the WTO TBT webpage [http://www.wto.org/english/tratop\\_e/tbt\\_e/tbt\\_act\\_list\\_activ\\_e.htm](http://www.wto.org/english/tratop_e/tbt_e/tbt_act_list_activ_e.htm) as well as in the TBT Annual Reviews.



and discuss different approaches to implementing the obligation contained in Article 15.2.<sup>50</sup> In 2008, the Secretariat organized the first two-week Specialized Course on the Implementation of the TBT Agreement for developing country Members and Observers.<sup>51</sup>

62. The Committee notes that Observers have provided regular updates on relevant work and activities. The UNIDO provided information on their technical assistance in the TBT area, including with respect to needs assessment methodologies.<sup>52</sup> Other input was received from the Codex<sup>53</sup>, IEC<sup>54</sup>, ISO<sup>55</sup>, ITC<sup>56</sup>, OECD<sup>57</sup>, OIML<sup>58</sup> and the UNECE.

63. In light of the ongoing above-mentioned technical assistance activities, the Committee:

- (a) *Encourages* Members to make use of the Format for the Voluntary Notification of Specific Technical Assistance Needs and Responses<sup>59</sup> as a complement to other bilateral and/or regional means of requesting technical assistance.

## **F. OPERATION OF THE COMMITTEE**

### **1. Consideration of Specific Trade Concerns**

64. Pursuant to Article 13 of the TBT Agreement, the TBT Committee was established with 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." Since its first meeting, Members have used the TBT Committee as a forum to discuss issues related to specific measures (technical regulations, standards or conformity assessment procedures) maintained by other Members. These are referred to as "specific trade concerns" and relate normally to proposed draft measures notified to the TBT Committee or to the implementation of existing measures.

65. Members underline the value of the Committee's discussion on specific trade concerns, and the importance of the expeditious resolution of trade-related concerns arising between Members in the TBT area. Committee discussions provide an opportunity for multilateral review of specific trade concerns that enhance the transparency and predictability of standards, technical regulations and conformity assessment procedures. Regular Committee meetings provide opportunity for consultations in a bilateral or multilateral setting, in both formal and informal context. In certain cases, this has effectively facilitated the resolution of – or diffused at an early stage – issues arising between Members relating to specific trade concerns.

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<sup>50</sup> The programme of the workshop, as well as the presentations can be obtained at the following TBT webpage: [http://www.wto.org/english/tratop\\_e/tbt\\_e/wkshop\\_nov07\\_e/tbt\\_article152\\_8march07\\_e.htm](http://www.wto.org/english/tratop_e/tbt_e/wkshop_nov07_e/tbt_article152_8march07_e.htm). A brief report is contained in G/TBT/M/43, paras 3-4.

<sup>51</sup> The Course was organized by the Trade and Environment Division as part of the 2008-2009 Technical Assistance and Training Plan (WT/COMTD/W/160, page 54). The purpose of the Course was to promote greater understanding of the TBT Agreement and to address implementation challenges related to the Agreement in a practical manner. It was also intended to enhance and give more effectiveness to participation in the TBT Committee's work.

<sup>52</sup> G/TBT/GEN/63, p.14 in particular.

<sup>53</sup> Codex: G/TBT/GEN/51, G/TBT/GEN/53-54, G/TBT/GEN/60, G/TBT/GEN/69, G/TBT/GEN/71 and G/TBT/GEN/81.

<sup>54</sup> IEC: G/TBT/GEN/55, G/TBT/GEN/64 and G/TBT/GEN/68, G/TBT/GEN/72, G/TBT/GEN/76.

<sup>55</sup> ISO: G/TBT/GEN/50 and G/TBT/GEN/83.

<sup>56</sup> ITC: G/TBT/GEN/52, G/TBT/GEN/57.

<sup>57</sup> OECD: G/TBT/GEN/79.

<sup>58</sup> OIML: G/TBT/GEN/84.

<sup>59</sup> G/TBT/1/Rev.9, Annex G, p. 48.

66. The significant increase in specific trade concerns raised in the TBT Committee is to a certain extent an indication of the increased participation of Members in the work of the TBT Committee and may well signify enhanced awareness of the importance of the implementation of the requirements of the TBT Agreement.<sup>60</sup> It is noted that the most frequently invoked reason for raising a concern in the TBT Committee is the need for more information or clarification about the measure at issue. Two-thirds of specific trade concerns raised in the TBT Committee are only raised once or twice. A few, however, have been raised at more than five meetings of the Committee, and some have remained on the Committee's agenda for several years.

67. Noting the accelerated growth in the number of specific trade concerns raised at Committee meetings, as well as in the number of WTO Members raising concerns or substantively supporting those of other Members, the Committee emphasizes the importance of making the discussion more efficient in order to secure a more prompt response to concerns raised. In this regard, there is need to streamline the organization of the Committee's discussion in order to allow for:

- (a) Adequate preparation of the discussion of concerns and improved follow-up on those discussions, including through domestic consultation processes and mechanisms as well as consultations between Members; and
- (b) More efficiency both when supporting the arguments of other Members on the same concern, as well as when reiterating concerns raised and recorded in the minutes of prior TBT Committee meetings.

68. In order to streamline the consideration of STCs, the Committee:

(a) *Agrees to apply the following procedures, to the extent practicable:*

- (i) Members wishing to propose the inclusion of a specific trade concern in the annotated draft agenda should directly inform both the Secretariat and the Member(s) involved of their intention to do so no less than fourteen calendar days prior to the convening of the TBT Committee meeting;
- (ii) The annotated draft agenda issued by the Secretariat in advance of each Committee meeting will include all specific trade concerns communicated by Members to the Secretariat; it will indicate which concerns are being raised for the first time and which have been previously raised. It should be circulated as early as possible but no less than ten calendar days before the meeting;
- (iii) Requests to include specific trade concerns on the agenda should be accompanied by a reference to the symbol of the notification. In cases where the measure has not been notified, the request should provide a brief description of the measure, including relevant references; and

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<sup>60</sup> Since 1995, 258 concerns have been raised for discussion in the TBT Committee. During the review period, over 99 new specific trade concerns were raised as compared to 59 in the period 2004 – 2006.

- (iv) There may be instances where a Member wishes to bring a concern to the Committee's attention after the deadline has passed. In this case, additional specific trade concerns can still be included in the agenda of the TBT Committee meeting under "Specific Trade Concerns", provided that Members wishing to raise the relevant concerns have previously informed the Member(s) involved of their intention to do so. However such concerns will only be addressed after all specific trade concerns contained in the annotated draft agenda have been discussed.

69. Furthermore, the Committee emphasizes the importance of avoiding unnecessary barriers to trade and notes the work done on monitoring and surveillance in the context of the Trade Policy Review Body.<sup>61</sup> The Committee encourages the Secretariat to continue to compile information about the status of specific trade concerns and to make this available to Members regularly<sup>62</sup> with a view to providing a useful database for Members to track concerns of importance to them.

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<sup>61</sup> WT/TPR/OV/W/2.

<sup>62</sup> G/TBT/GEN/74/-series of documents contain an overview of specific trade concerns raised in the TBT Committee. It provides statistical information on the concerns raised since the first meeting of the TBT Committee in 1995 and lists the specific trade concerns sorted by date, frequency and the number of Members that have expressed concern.

## ANNEX

### A. LIST OF RELEVANT DOCUMENTS BY TOPIC (NOVEMBER 2006 – NOVEMBER 2009)<sup>1</sup>

| Member                          | Symbol & Date                    | Title / Reference  |
|---------------------------------|----------------------------------|--|
| <b>Good Regulatory Practice</b> |                                  |  |
| Malaysia                        | JOB(09)/145<br>22 October 2009   | Comments on JOB(09)/97   |
| Chile                           | JOB(09)/133<br>9 October 2009    | Comments on JOB(09)/97   |
| European Communities            | JOB(09)/126<br>1 October 2009    | Comments on JOB(09)/97   |
| New Zealand                     | JOB(09)/123<br>1 October 2009    | Comments on JOB(09)/97   |
| United States                   | JOB(09)/116<br>30 September 2009 | Comments on JOB(09)/97   |
| Canada                          | JOB(09)/111<br>28 September 2009 | Comments on JOB(09)/97   |
| Pakistan                        | JOB(09)/113<br>28 September 2009 | Comments on JOB(09)/97   |
| Korea                           | JOB(09)/88<br>18 August 2009     | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| China                           | JOB(09)/80<br>23 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| United States                   | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Brazil                          | JOB(09)/75<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Canada                          | JOB(09)/73<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Guatemala                       | JOB(09)/72<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| New Zealand                     | JOB(09)/74<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Israel                          | G/TBT/W/320<br>20 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| Canada, Mexico, United States   | G/TBT/W/317<br>15 June 2009      | The Importance of Regulatory Cooperation for Improving Governments' Ability to fulfil Legitimate Policy Objectives while Facilitating Trade: The North American Experience |
| United States                   | G/TBT/W/315<br>10 June 2009      | Good Regulatory Practice: The Role of Strong Central Government Coordination in TBT Agreement Implementation   |
| Mexico                          | G/TBT/W/313<br>9 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| Jordan                          | G/TBT/W/311<br>8 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| New Zealand                     | G/TBT/W/295<br>30 October 2008   | A Menu of Options: New Zealand's Approach to Mutual Recognition Arrangements (MRAs) and Regulatory Cooperation Arrangements  |

<sup>1</sup> Where a submission is relevant to more than one topic it may appear more than once.

| Member                                  | Symbol & Date                        | Title / Reference   |
|---|--------------------------------------|---|
| New Zealand                             | G/TBT/W/294<br>28 October 2008       | The Regulators' Forum: A New Zealand Example of Domestic Regulatory Coordination                    |
| Secretariat                             | G/TBT/W/287<br>6 June 2008           | Summary Report of the TBT Workshop on Good Regulatory Practice 18-19 March 2008                     |
| United States                           | G/TBT/W/285<br>19 March 2008         | Determining the Need to Regulate  |
| Canada and Costa Rica                   | G/TBT/W/283<br>7 November 2007       | Canada - Costa Rica Competitiveness Development Fund Projects National Quality System of Costa Rica |
| Canada                                  | G/TBT/2/Add.6/<br>Rev.2; 4 July 2007 | Revision of 15.2 Statement (on the Cabinet Directive on Streamlining Regulation)                    |
| OECD                                    | G/TBT/GEN/48<br>23 April 2007        | Good Regulatory Practice and Market Openness  |
| <b>Conformity Assessment Procedures</b> |                                      |   |
| India                                   | JOB(09)/152<br>28 October 2009       | Comments on JOB(09)/97/Rev.1  |
| Malaysia                                | JOB(09)/145<br>22 October 2009       | Comments on JOB(09)/97  |
| Japan                                   | JOB(09)/142<br>16 October 2009       | Comments on JOB(09)/97  |
| Chile                                   | JOB(09)/133<br>9 October 2009        | Comments on JOB(09)/97  |
| Singapore                               | JOB(09)/130<br>5 October 2009        | Comments on JOB(09)/97  |
| European Communities                    | JOB(09)/126<br>1 October 2009        | Comments on JOB(09)/97  |
| New Zealand                             | JOB(09)/123<br>1 October 2009        | Comments on JOB(09)/97  |
| China                                   | JOB(09)/117<br>30 September 2009     | Comments on JOB(09)/97  |
| United States                           | JOB(09)/116<br>30 September 2009     | Comments on JOB(09)/97  |
| Canada                                  | JOB(09)/111<br>28 September 2009     | Comments on JOB(09)/97  |
| Pakistan                                | JOB(09)/113<br>28 September 2009     | Comments on JOB(09)/97  |
| India                                   | JOB(09)/106<br>25 September 2009     | Comments on JOB(09)/97  |
| India                                   | JOB(09)/102<br>22 September 2009     | Rebuttal by India to the Submissions made by Members for the TBT Fifth Triennial Review             |
| China                                   | JOB(09)/80<br>23 July 2009           | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                    |
| Canada                                  | JOB(09)/73<br>22 July 2009           | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                    |
| Guatemala                               | JOB(09)/72<br>22 July 2009           | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                    |
| India                                   | G/TBT/W/321<br>22 July 2009          | Fifth Triennial Review of the Agreement on Technical Barriers to Trade – Revised Proposal           |
| New Zealand                             | JOB (09)/74<br>22 July 2009          | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                    |

| Member               | Symbol & Date                    | Title / Reference  |
|----------------------|----------------------------------|--|
| Singapore            | JOB(09)/77<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| United States        | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Israel               | G/TBT/W/320<br>20 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| India                | G/TBT/W/318<br>23 June 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade: Indian Proposal  |
| Mexico               | G/TBT/W/313<br>9 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| Singapore            | G/TBT/W/312<br>8 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| New Zealand          | G/TBT/W/306<br>16 March 2009     | Fifth Triennial Review of the Agreement on Technical Barriers to Trade: Mutual Recognition, Regulatory Cooperation and other Trade Facilitation Arrangements |
| New Zealand          | G/TBT/W/295<br>30 October 2008   | A Menu of Options: New Zealand's Approach to Mutual Recognition Arrangements (MRAs) and Regulatory Cooperation Arrangements                                  |
| ISO                  | G/TBT/GEN/78<br>15 December 2008 | Update on ISO and Conformity Assessment  |
| Japan                | G/TBT/W/277<br>10 July 2007      | Japan's Experience Concerning Cross-border Designation Systems   |
| Japan                | G/TBT/W/276<br>19 March 2007     | Report on the Case Study to Clarify Effectiveness of MRAs  |
| <b>Standards</b>     |                                  |  |
| India                | JOB(09)/152<br>28 October 2009   | Comments on JOB(09)/97/Rev.1   |
| Malaysia             | JOB(09)/145<br>22 October 2009   | Comments on JOB(09)/97   |
| Japan                | JOB(09)/142<br>16 October 2009   | Comments on JOB(09)/97   |
| Chile                | JOB(09)/133<br>9 October 2009    | Comments on JOB(09)/97   |
| European Communities | JOB(09)/126<br>1 October 2009    | Comments on JOB(09)/97   |
| China                | JOB(09)/117<br>30 September 2009 | Comments on JOB(09)/97   |
| United States        | JOB(09)/116<br>30 September 2009 | Comments on JOB(09)/97   |
| Pakistan             | JOB(09)/113<br>28 September 2009 | Comments on JOB(09)/97   |
| Canada               | JOB(09)/111<br>28 September 2009 | Comments on JOB(09)/97   |
| India                | JOB(09)/106<br>25 September 2009 | Comments on JOB(09)/97   |
| India                | JOB(09)/102<br>22 September 2009 | Rebuttal by India to the Submissions made by Members for the TBT Fifth Triennial Review  |
| China                | JOB(09)/80<br>23 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |

| Member               | Symbol & Date                    | Title / Reference  |
|----------------------|----------------------------------|--|
| Canada               | JOB(09)/73<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Guatemala            | JOB(09)/72<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| India                | G/TBT/W/321<br>22 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade – Revised Proposal  |
| New Zealand          | JOB (09)/74<br>22 July 2009      | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| United States        | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting   |
| Israel               | G/TBT/W/320<br>20 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| India                | G/TBT/W/318<br>23 June 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade: Indian Proposal  |
| India                | G/TBT/W/314<br>10 June 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| Mexico               | G/TBT/W/313<br>9 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade   |
| United States        | G/TBT/W/305<br>12 March 2009     | Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 of the Agreement (G/TTBT/1/Rev.9 Annex B): The Experience Of The United States |
| Secretariat          | G/TBT/W/310<br>20 May 2009       | Summary Report of the TBT Workshop on the Role of International Standards in Economic Development  |
| <b>Transparency</b>  |                                  |  |
| India                | JOB(09)/152<br>28 October 2009   | Comments on JOB(09)/97/Rev.1   |
| Japan                | JOB(09)/142<br>16 October 2009   | Comments on JOB(09)/97   |
| Chile                | JOB(09)/133<br>9 October 2009    | Comments on JOB(09)/97   |
| Singapore            | JOB(09)/130<br>5 October 2009    | Comments on JOB(09)/97   |
| European Communities | JOB(09)/126<br>1 October 2009    | Comments on JOB(09)/97   |
| China                | JOB(09)/117<br>30 September 2009 | Comments on JOB(09)/97   |
| United States        | JOB(09)/116<br>30 September 2009 | Comments on JOB(09)/97   |
| Pakistan             | JOB(09)/113<br>28 September 2009 | Comments on JOB(09)/97   |
| Korea                | JOB(09)/112<br>29 September 2009 | Comments on JOB(09)/97   |
| Canada               | JOB(09)/111<br>28 September 2009 | Comments on JOB(09)/97   |
| Switzerland          | JOB(09)/108<br>25 September 2009 | Comments on JOB(09)/97   |
| India                | JOB(09)/106<br>25 September 2009 | Comments on JOB(09)/97   |



| Member                      | Symbol & Date                    | Title / Reference  |
|-----------------------------|----------------------------------|--|
| India                       | JOB(09)/102<br>22 September 2009 | Rebuttal by India to the Submissions made by Members for the TBT Fifth Triennial Review                    |
| Korea                       | JOB(09)/88<br>18 August 2009     | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| China                       | JOB(09)/80<br>23 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Turkey                      | JOB(09)/79<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| United States               | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| India                       | G/TBT/W/321<br>22 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade – Revised Proposal                  |
| Brunei Darussalam           | JOB(09)/76<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Brazil                      | JOB(09)/75<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| New Zealand                 | JOB (09)/74<br>22 July 2009      | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Canada                      | JOB(09)/73<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Guatemala                   | JOB(09)/72<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Israel                      | G/TBT/W/320<br>20 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Costa Rica                  | G/TBT/W/319<br>24 June 2009      | Fifth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade |
| India                       | G/TBT/W/314<br>10 June 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Mexico                      | G/TBT/W/313<br>9 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Singapore                   | G/TBT/W/312<br>8 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers To Trade                                     |
| Jordan                      | G/TBT/W/311<br>8 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| European Communities        | G/TBT/W/309<br>11 May 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade: Transparency                       |
| <b>Technical Assistance</b> |                                  |  |
| India                       | JOB(09)/152<br>28 October 2009   | Comments on JOB(09)/97/Rev.1   |
| Malaysia                    | JOB(09)/145<br>22 October 2009   | Comments on JOB(09)/97   |
| European Communities        | JOB(09)/126<br>1 October 2009    | Comments on JOB(09)/97   |
| New Zealand                 | JOB(09)/123<br>1 October 2009    | Comments on JOB(09)/97   |
| United States               | JOB(09)/116<br>30 September 2009 | Comments on JOB(09)/97   |
| Pakistan                    | JOB(09)/113<br>28 September 2009 | Comments on JOB(09)/97   |

| Member                            | Symbol & Date                    | Title / Reference  |
|-----------------------------------|----------------------------------|--|
| United States                     | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Canada                            | JOB(09)/73<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Guatemala                         | JOB(09)/72<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Mexico                            | G/TBT/W/313<br>9 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Jordan                            | G/TBT/W/311<br>8 June 2009       | Fifth Triennial Review of the Agreement on Technical Barriers to trade                                     |
| Canada and Costa Rica             | G/TBT/W/283<br>7 November 2007   | Canada - Costa Rica Competitiveness Development Fund Projects National Quality System of Costa Rica        |
| <b>Operation of the Committee</b> |                                  |  |
| Chile                             | JOB(09)/133<br>9 October 2009    | Comments on JOB(09)/97   |
| European Communities              | JOB(09)/126<br>1 October 2009    | Comments on JOB(09)/97   |
| United States                     | JOB(09)/116<br>30 September 2009 | Comments on JOB(09)/97   |
| Pakistan                          | JOB(09)/113<br>28 September 2009 | Comments on JOB(09)/97   |
| Canada                            | JOB(09)/111<br>28 September 2009 | Comments on JOB(09)/97   |
| India                             | JOB(09)/106<br>25 September 2009 | Comments on JOB(09)/97   |
| India                             | JOB(09)/102<br>22 September 2009 | Rebuttal by India to the Submissions made by Members for the TBT Fifth Triennial Review                    |
| China                             | JOB(09)/80<br>23 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Turkey                            | JOB(09)/79<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Brazil                            | JOB(09)/75<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Canada                            | JOB(09)/73<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| India                             | G/TBT/W/321<br>22 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade – Revised Proposal                  |
| New Zealand                       | JOB(09)/74<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| United States                     | JOB(09)/78<br>22 July 2009       | Comments on the Proposals discussed at the 25-26 June 2009 TBT Committee meeting                           |
| Israel                            | G/TBT/W/320<br>20 July 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Costa Rica                        | G/TBT/W/319<br>24 June 2009      | Fifth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade |
| India                             | G/TBT/W/314<br>10 June 2009      | Fifth Triennial Review of the Agreement on Technical Barriers to Trade                                     |
| Korea                             | G/TBT/W/316<br>10 June 2009      | Work Programme to Evaluate the Trade Restrictive and Trade Distortive Effects of Technical Regulation      |

| Member | Symbol & Date              | Title / Reference  |
|--------|----------------------------|--|
| Mexico | G/TBT/W/313<br>9 June 2009 | Fifth Triennial Review of the Agreement on Technical Barriers to Trade |
| Canada | JOB(09)/50<br>27 May 2009  | Specific Trade Concerns in the TBT Committee                           |

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