TBT Agreement: some basic aspects

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Applicability of the TBT Agreement

Technical Regulation

Mandatory Measures

Conformity Assessment Procedure

Standard

Voluntary Measures
Technical Regulation

**Definition**

TBT Annex 1.1

- It lays down product characteristics
- Compliance is mandatory
Technical Regulation

What?

TBT Annex 1.1

Includes...

Terminology, symbols, packaging, marking, labelling...
Wherever appropriate, TRs shall be based on product requirements in terms of *performance* rather than design or descriptive characteristics.
Approved by a “Recognized Body”

Provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods

Compliance is voluntary
Terminology

Technical Regulation ≠ Standard

Mandatory Voluntary
Terminology - Standards

• Article 4 of the Agreement establishes the “Code of Good Practice for the Preparation, Adoption and Application of Standards”.

• The text of the Code is in Annex 3 of the Agreement.
Applicability of the TBT Agreement

Technical Regulation
- Mandatory Measures

Standard
- Voluntary Measures

Conformity Assessment Procedure
Any procedure used to determine that relevant requirements in technical regulations or standards are fulfilled
Conformity Assessment Procedures

What kinds of procedures?

Sampling, testing and inspection

Evaluation, verification and assurance of conformity

Registration, accreditation and approval

...as well as their combinations
Conformity Assessment Procedure

Prepared by Whom?

- Central Government Bodies
- Local Government Bodies
- Non governmental bodies
- Regional and international systems
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Non-Discrimination

Treatment no Less Favourable to Like Products

Applies in the Preparation Adoption Application of Technical Regulations Standards Conformity Assessment Procedures

Article 2.1 Article 5.1.1 Annex 3.D
Disciplines of the TBT Agreement

Avoidance of unnecessary obstacles to trade
Avoid unnecessary obstacles to trade

Technical Regulations, Standards, and Conformity Assessment Procedures

Must not be prepared, adopted or applied so as to

TBT Art. 2.2

Create unnecessary obstacles to international trade
Avoid unnecessary obstacles to trade

**Technical Regulations shall Not be more Trade Restrictive than Necessary**

to Fulfil a Legitimate Objective, taking Account of the Risks Created by Non-Fulfilment

TBT Art. 2.2, 5.1.2, Annex 3.E
Avoid unnecessary obstacles to trade

Legitimate objectives

- Article 2.2

- Article 5.1.2

  - National security requirements
  - Protection of human health or safety
  - Protection of animal or plant life or health
  - Protection of the environment
  - Prevention of deceptive practices
  - ...Inter alia...
The TBT Committee
What is the mandate?

“consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives”

(Article TBT 13.1)
A Forum for multilateral review of...

“Specific Trade Concerns” (STCs):
trade concerns raised by WTO Members
in relation to measures (draft measures or measures
currently in force) maintained by other Members

For an overview of STCs raised in the TBT Committee over
the period January 1995 - June 2011, see doc.
G/TBT/GEN/74/Rev.9
Multilateral review of NTMs to trade in goods

Notifications ≈ 17,000 (Sep. 2013)

Notification of Technical Regulations and CAP

(not raised formally)

Request clarification from Enquiry Point

Bilateral consultations

Raised in TBT Committee

Specific Trade Concerns

376 (Sep. 2013)

(4) Request formal consultations

(2) pending Dispute(s)
...most of the trade concerns raised during Committee meetings are solved bilaterally!

Importance of follow-up!

Members are encouraged to share with the Committee, on a voluntary basis, any follow-up information on issues that have been previously brought to its attention.

Third Triennial Review
G/TBT/13, para 28
(November 2003)
Environment-related Specific Trade Concerns (STCs)
Environment-related TBT Notifications

Average of around 13% of all notifications in the last years
Environment-related TBT STCs

Around 25% of all 330 STCs raised between 1995-2011 were environment related.
Environment-related TBT STCs – stated objectives of the measures
THANK YOU FOR YOUR ATTENTION!

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