

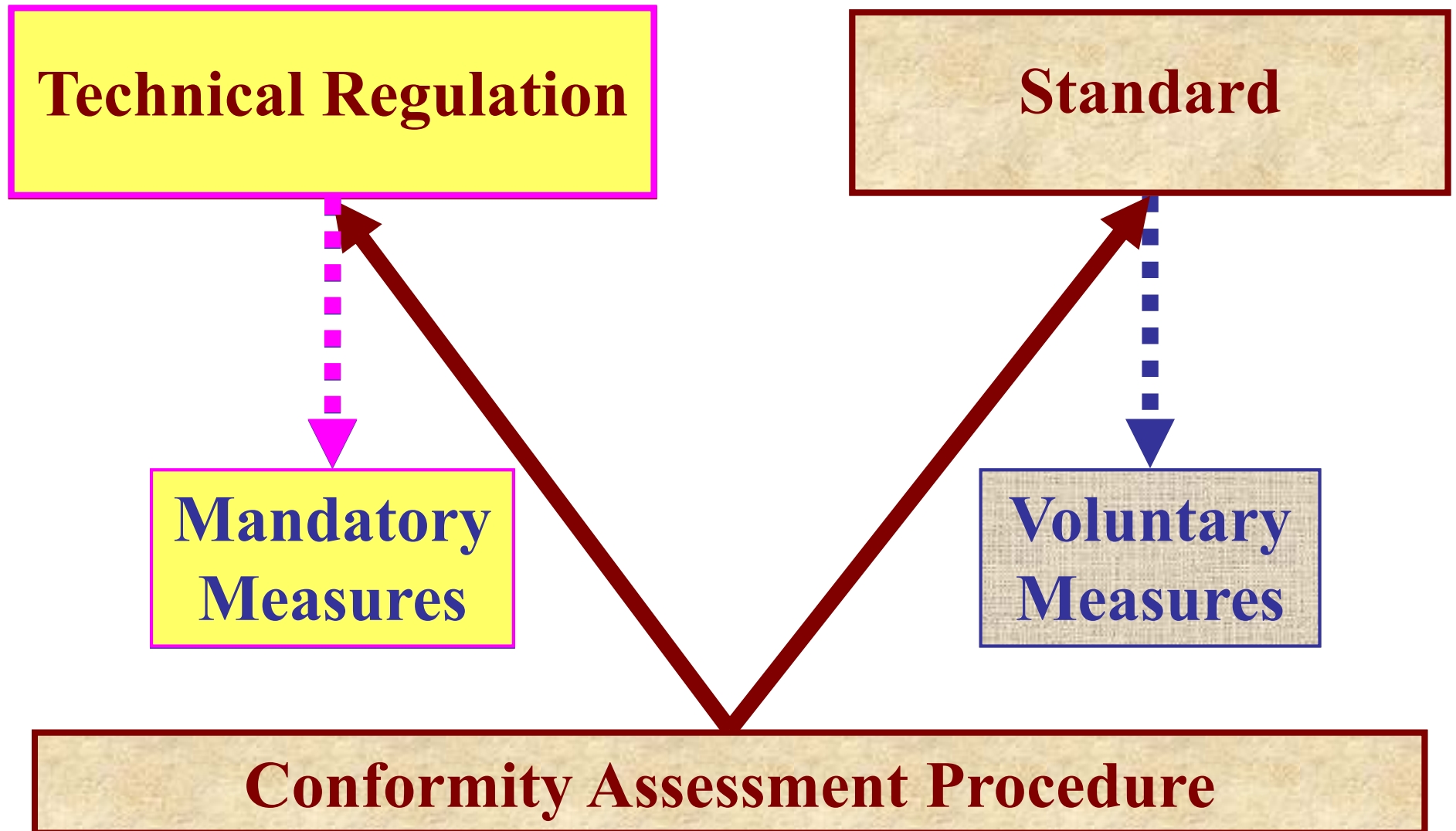


TBT Agreement: some basic aspects

Bogor, Indonesia
17-19 September 2013

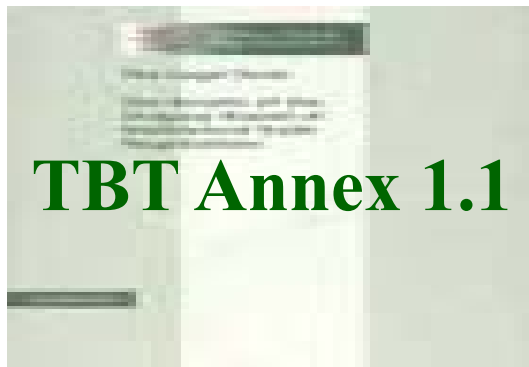
Lauro LOCKS
Counsellor
WTO, Trade and Environment Division

Applicability of the TBT Agreement



Technical Regulation

Definition



It lays down product characteristics

Compliance is mandatory

Technical Regulation

What ?

Includes...



TBT Annex 1.1



**Terminology,
symbols, packaging,
marking, labelling...**

Technical Regulation



TBT Art.2.8

Wherever appropriate, TRs shall be based on product requirements in terms of performance rather than design or descriptive characteristics

Standard



TBT Annex 1.2

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



≠



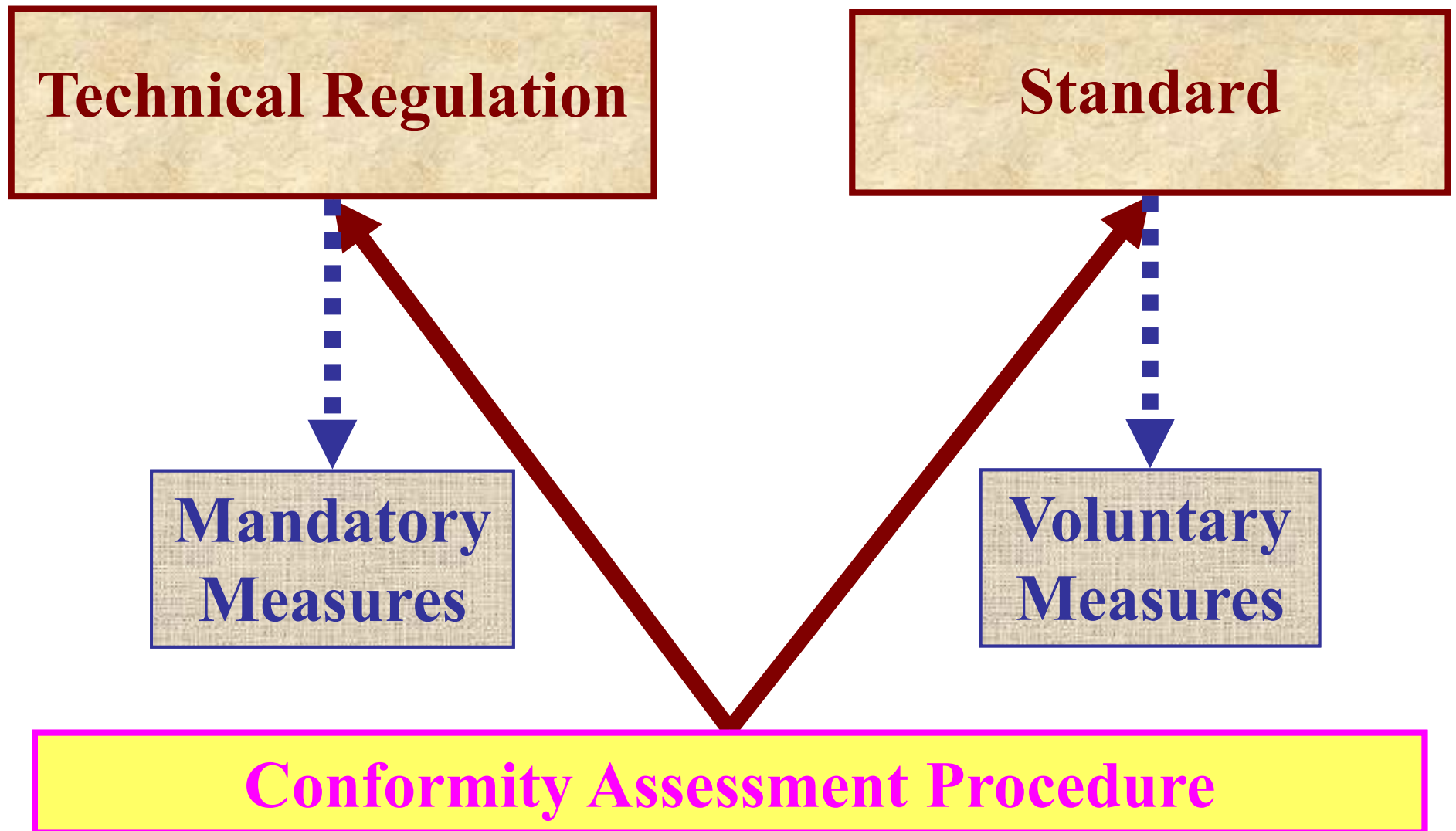
Mandatory

Voluntary

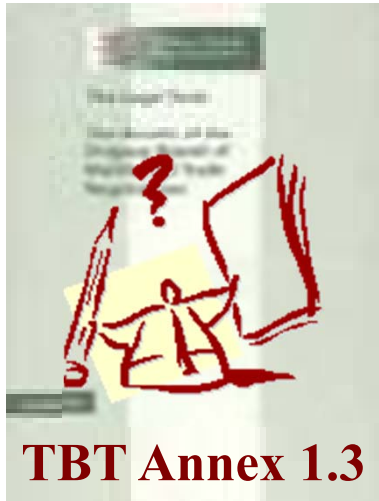
Terminology - Standards

- 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



Conformity Assessment Procedures



TBT Annex 1.3

What is it?

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

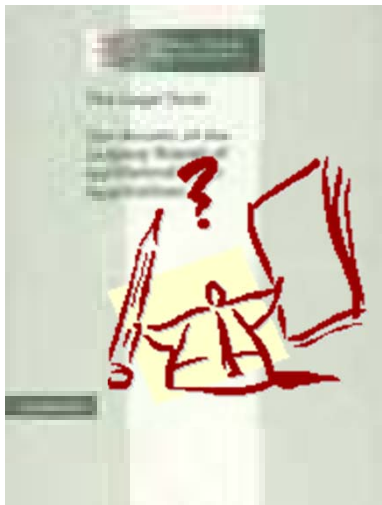
Evaluation, verification and assurance of conformity

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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Disciplines of the TBT Agreement

Disciplines of the TBT Agreement

Non - Discrimination

**Avoidance of unnecessary
obstacles to trade**

Harmonization

Equivalence and Mutual Recognition

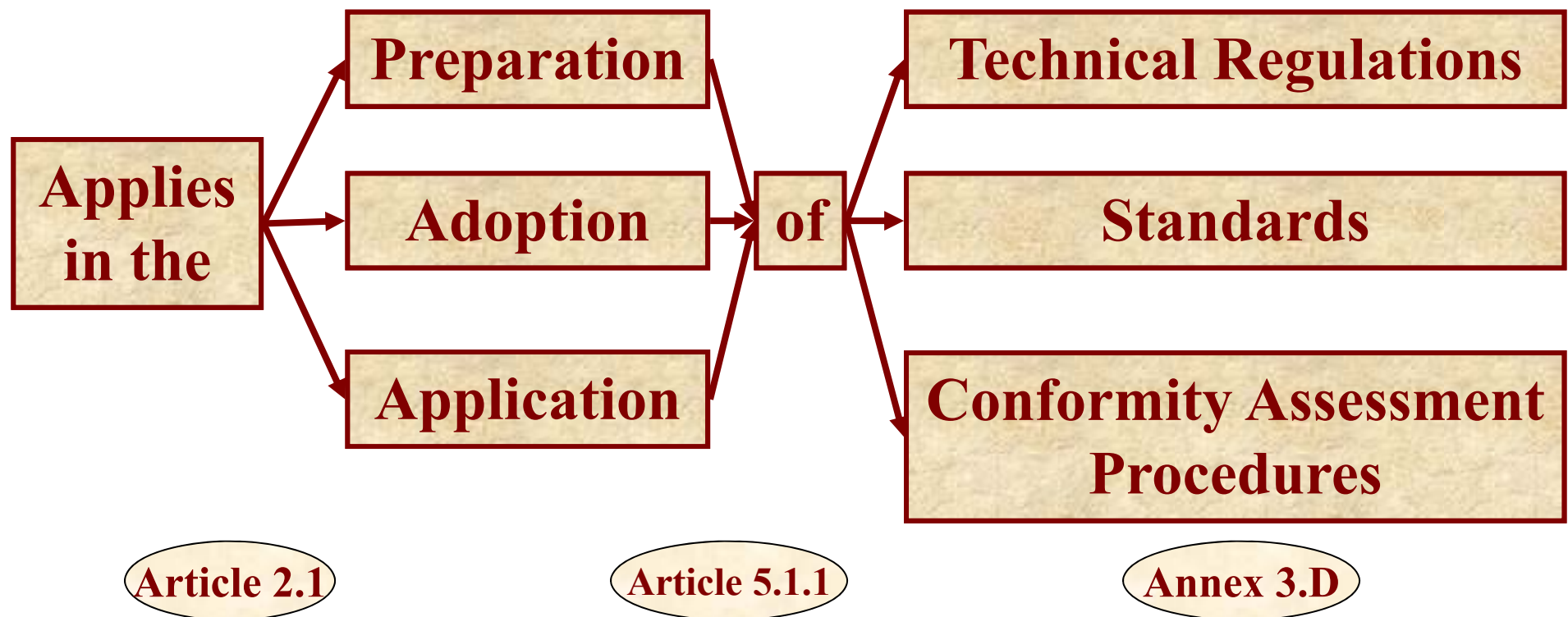
Transparency

Technical Assistance and S&D Treatment

Dispute Settlement

Non-Discrimination

**Treatment no Less Favourable to
*Like Products***



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

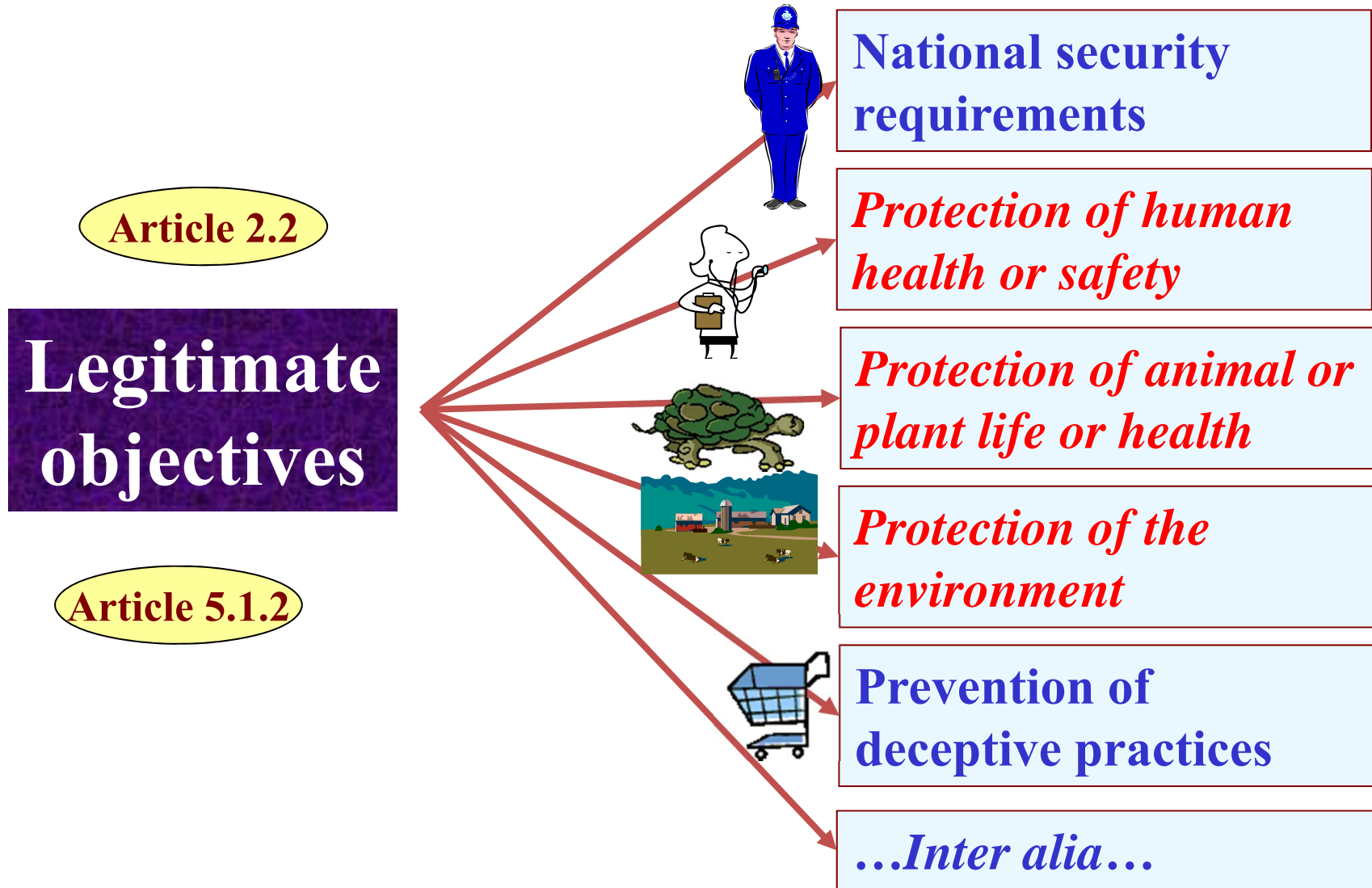
Technical Regulations shall
Not be more Trade
Restrictive than Necessary

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

TBT Art. 2.2,
5.1.2,
Annex 3.E

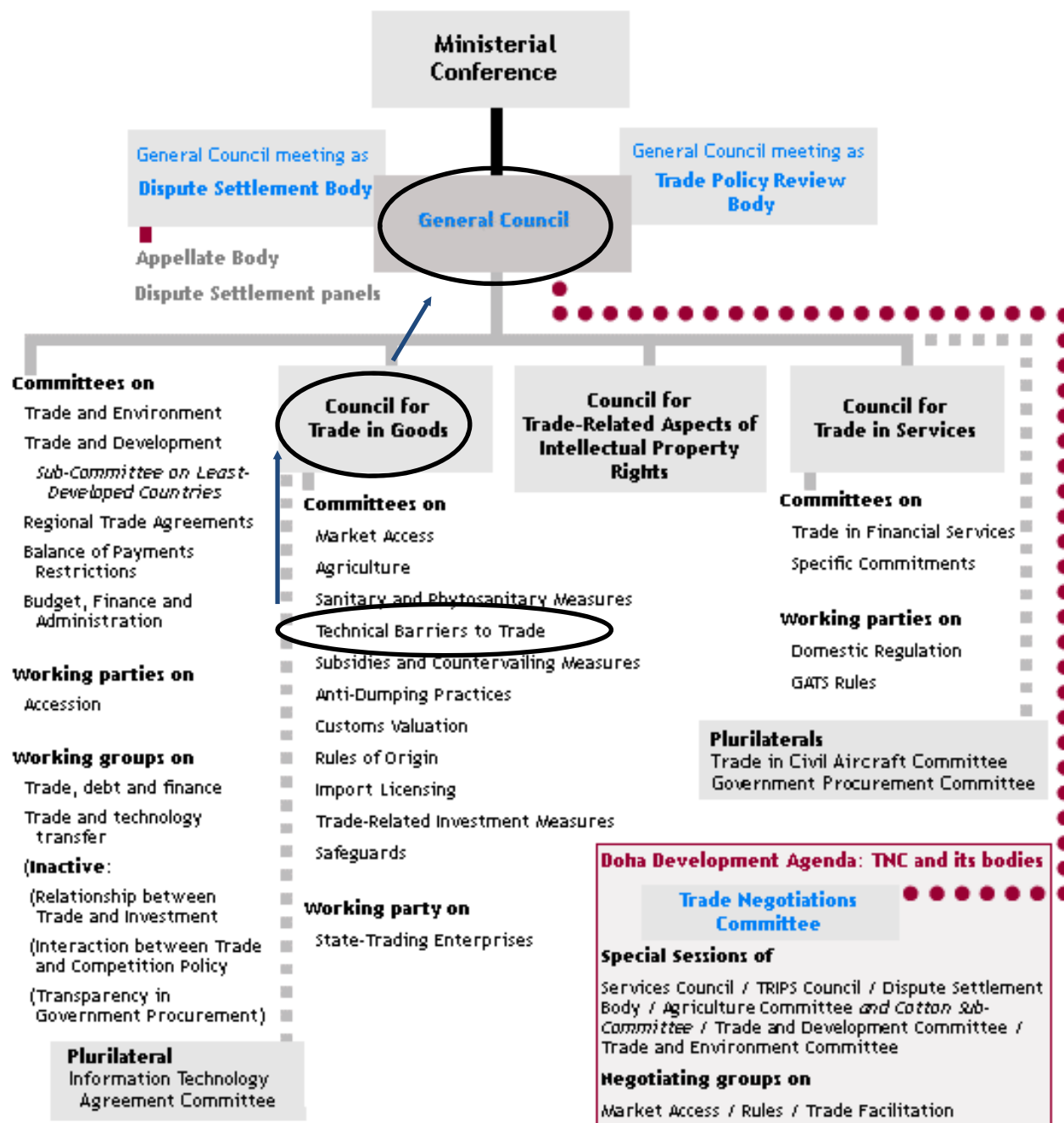


Avoid unnecessary obstacles to trade



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)



Multilateral review of NTMs to trade in goods

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

Specific Trade Concerns



376
(Sep. 2013)

Raised in TBT Committee

(4) Request formal consultations



(2) pending

Dispute(s)

...most of the trade concerns
raised during Committee
meetings are solved
bilaterally!



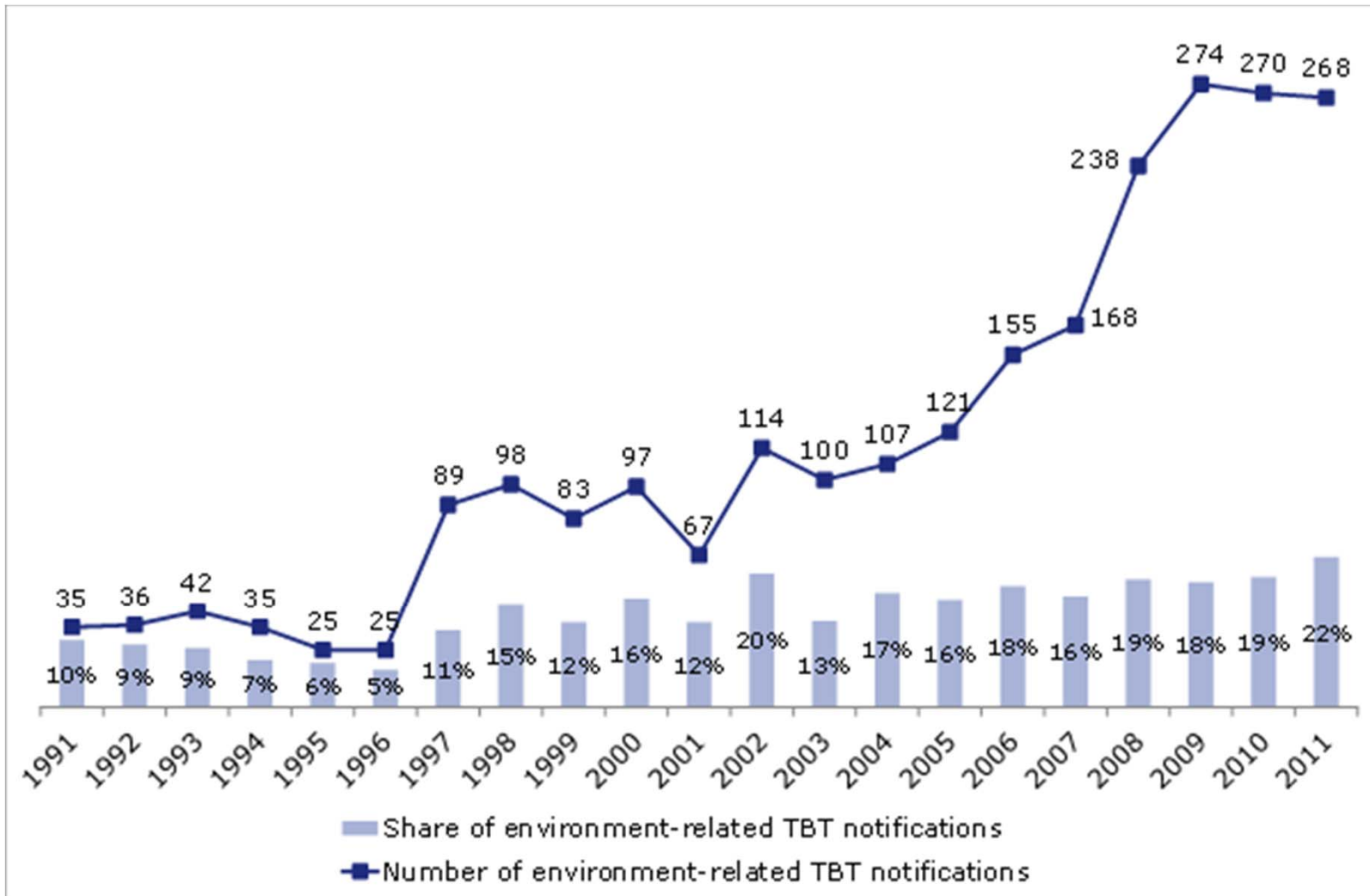
Importance of follow-up!

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



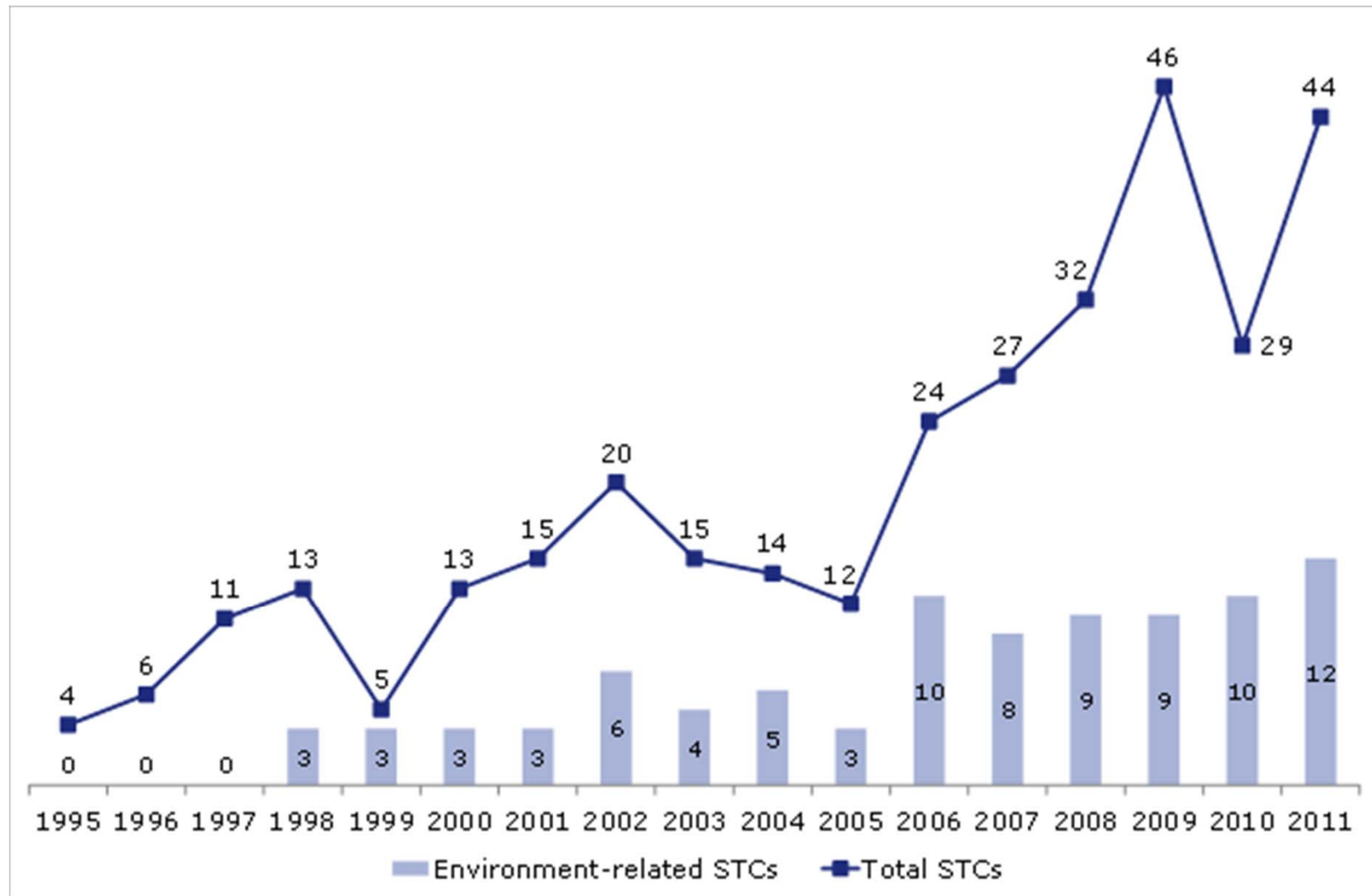
Environment-related Specific Trade Concerns (STCs)

Environment-related TBT Notifications



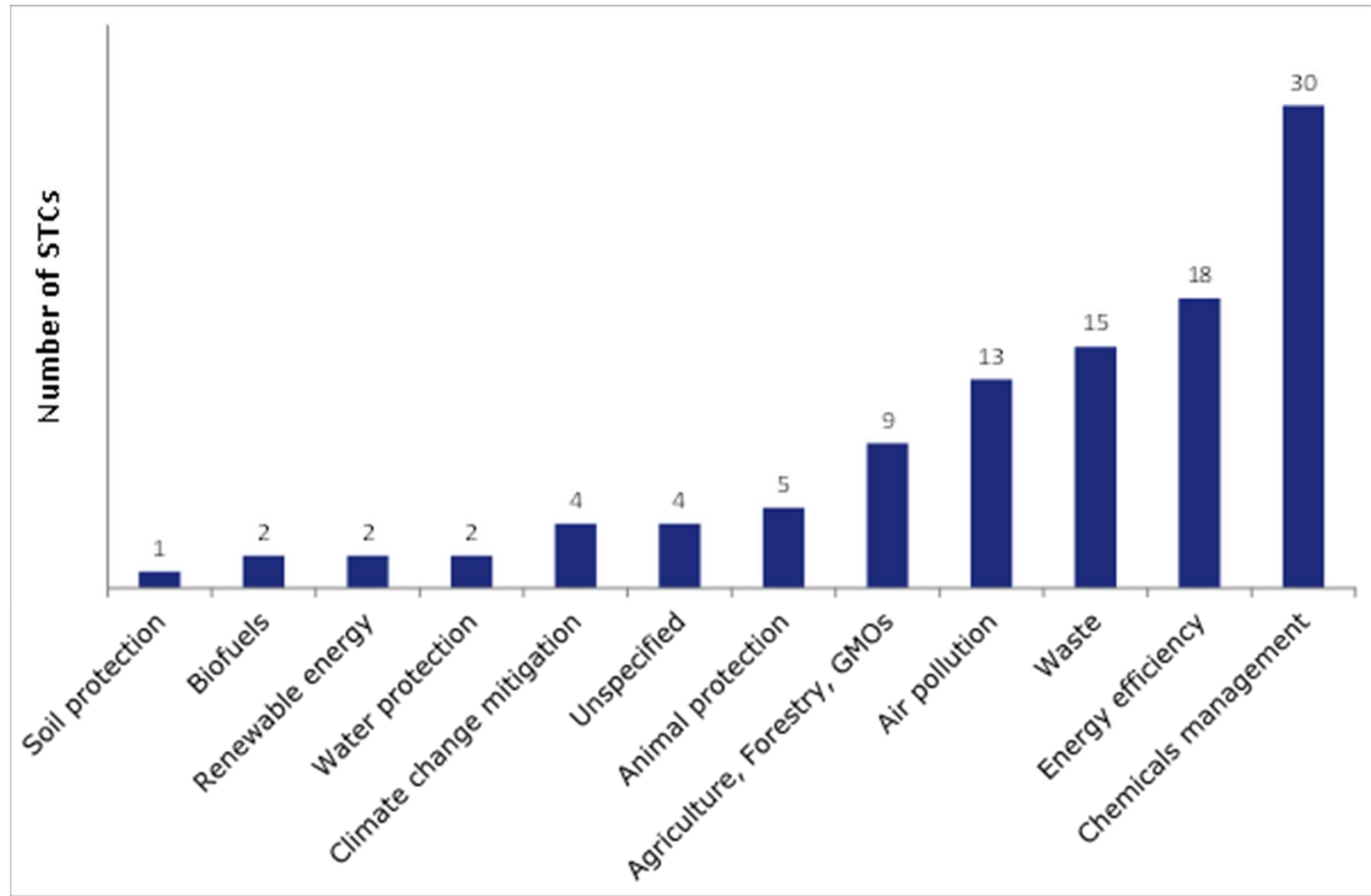
Average of around 13% of all notifications in the last years

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!



Lauro.locks@wto.org



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