

Reference to standards and the WTO TBT Agreement

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Frameworks”

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The WTO TBT Agreement

Voluntary

Mandatory

Standards

Technical
Regulations

Conformity
Assessment
Procedures

avoid unnecessary
barriers to
international trade

non-discrimination



respecting the right of
Members to regulate for
legitimate objectives

*(human health and
safety, environmental
protection, quality, etc.)*

What do methods of reference to standards imply for the TBT Agreement?

- Harmonization
- Avoiding unnecessary barriers to trade
- Transparency

Harmonization: requirement to follow international standards... (Article 2.4 and 5.4)

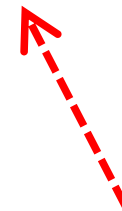
Members **shall** use...



"relevant" international standards

technical regulations

conformity assessment procedures



... as a *basis* for



except!

OR

when *ineffective* or *inappropriate* for policy objectives



(for developing country Members) when not appropriate for development, financial or trade needs

Harmonization: flexibilities

- **Relevant** – Which are the relevant international standards and bodies?
 - TBT Committee Decision on Principles for International Standardization
- **Use as a basis** – different methods of reference to standards
 - May influence degree of convergence

Avoid unnecessary barriers to trade



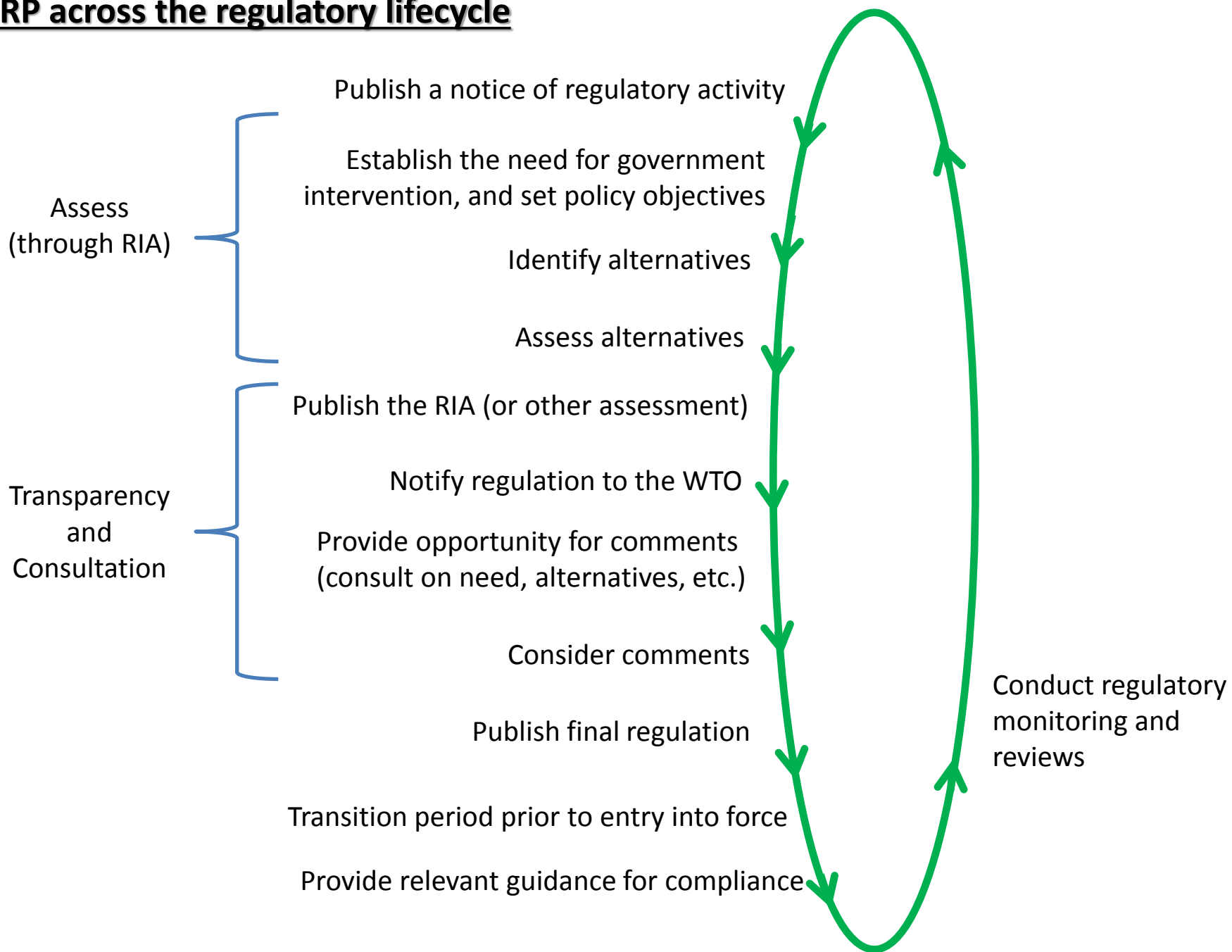
- **Reference to standards is a means of avoiding unnecessary barriers to trade**, especially when international standards are referenced – safe haven under Article 2.5

Avoid unnecessary barriers to trade



- **Good regulatory practices (GRP)** is another means of avoiding unnecessary barriers... reference to standards comes in at various points in the regulatory lifecycle

GRP across the regulatory lifecycle



Where does reference to standards come in?

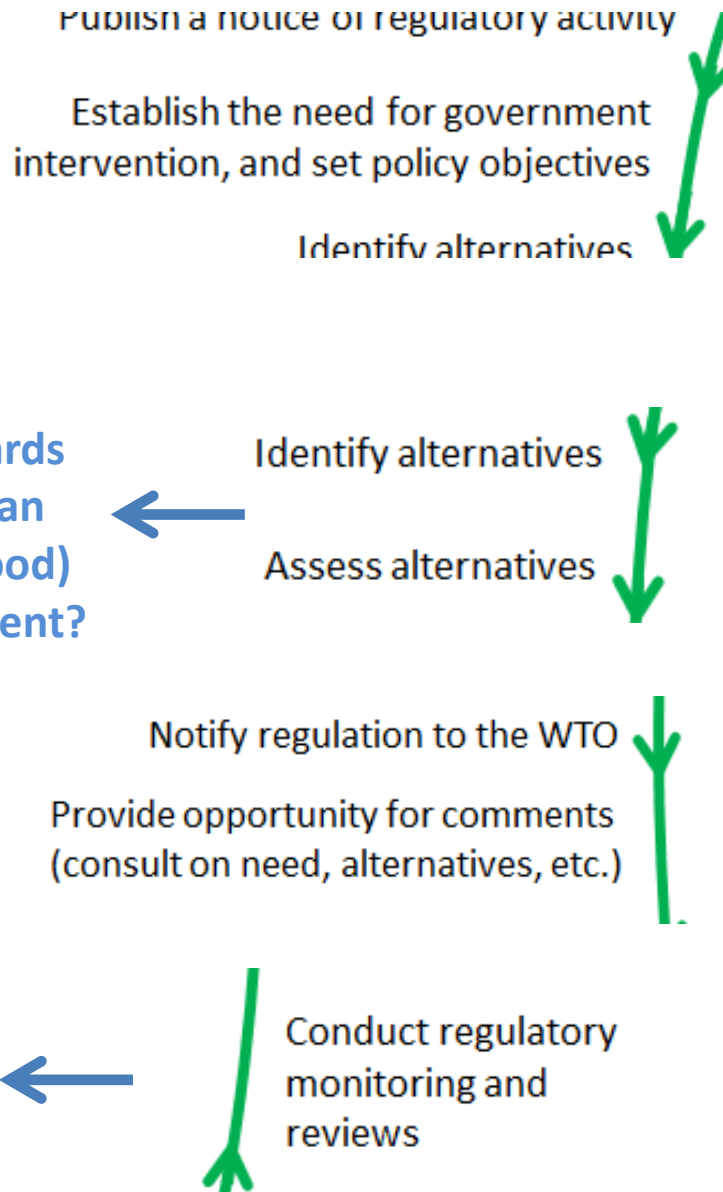
Importance of domestic coordination, including between regulatory agencies and standards bodies

Minimizing use of mandatory regulation... is there already a standard for that?

Methods of reference to standards are part of alternatives... how can different methods influence (good) implementation of TBT Agreement?

Transparency issues next...

How do different methods of reference facilitate regulatory review? Domestic coordination



Transparency

- Notification of draft regulations to WTO
 - Methods of reference could influence what is notified
- Ability to comment on draft regulations
 - Possibly impaired under certain methods of reference, depending on accessibility of referenced standards

Thank you, any questions?

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