

THE THIRD TRIENNIAL REVIEW OF THE TBT AGREEMENT

Submission by Thailand

1. Thailand would like to make the following contributions to provide some additional ideas with respect to the issues of transparency, suppliers' declaration of conformity and equivalency.

I. TRANSPARENCY

2. Thailand noticed with many thanks to the Committee and the Secretariat that a lot of work had been done with a view to facilitating the implementation of transparency provisions, such as:

- (a) A number of decisions and recommendations (G/TBT/1/Rev.8)
- (b) A special meeting on procedures for information exchange to be held on a biennial basis in order to give persons responsible for information exchange, including persons responsible for enquiry points and notifications, the opportunity to discuss the activities and problems relating to information exchange and to review periodically how well notification procedures work.
- (c) Monthly tables of notifications issued since January 2001 to facilitate the tracing and studying of notifications submitted by Members
- (d) A booklet on transparency provisions of the TBT Agreement
- (e) Implementation of Article 10.6 by the Secretariat

However, we have noticed some problems/difficulties as follows:

- (a) Regarding actions undertaken by the Secretariat to further the implementation of Article 10.6 especially to draw the attention of developing country Members to any notifications relating to products of particular interest to them, the Secretariat had requested
 - (i) Developing country Members to provide the Secretariat with a list of products of particular interest to them (around of 20 items) as indicated by HS numbers containing 2 digits and also the electronic mail address of an authority designated to receive such notifications
 - (ii) Members when notifying draft technical regulations and conformity assessment procedures under Articles 2.9.2, 2.10.1, 5.6.2 and 5.7.1 to provide, under item 4 of the notification form, HS numbers of the products covered, where applicable.

After that the Secretariat, based on the information provided by the developing country Members and the notifying Members, will transmit the relevant notifications (in the original language received) by electronic mail to the designated authorities of developing country Members concerned.

Thailand agrees with the Secretariat document which stated that in the year 2002, most of developing countries do not properly fill in the notification form, particularly concerning the HS Code or ICS of the products covered by the proposed technical regulations. It was remarked that those Members may not be technically able to do so. Moreover, we have also observed that most Members, both developed and developing countries, do not provide HS numbers of the products covered under item 4 of the notification form when notifying their draft technical regulations and conformity assessment procedures. Some Members provide ICS numbers instead of HS numbers and some provide both HS and ICS numbers. This poses problem to the work of the Secretariat.

- (b) Under item 8, Relevant documents in the notification form, there are several items to be filled in namely (a) Publication where notice appears, (b) Proposal and basic documents to which proposal refers, (c) Publication in which proposal will appear when adopted, and (d) Whenever practicable, give reference to relevant international standard. It is our remark that most of the notifications of various WTO Members indicate only "Publication in which proposal will appear when adopted".

3. Thailand would like to propose that in order to solve these types of problems, WTO Secretariat should check the notifications submitted by Members for completeness and correctness according to the notification obligations before circulating them to Members so as to avoid the same errors.

4. Regarding the language used for making comments or request to enquiry points and in the replies to comments made, Thailand would like to propose that it should be done in the WTO official languages. For Thailand, English is preferred.

5. Thailand would like to express her appreciation to proposals in the Secretariat's non-paper (JOB(03)/188) which aim to solve the problems and to further improving the implementation of the transparency provisions.

II. SUPPLIERS' DECLARATION OF CONFORMITY (SDOC)

6. Thailand would like to reiterate its view that the development of conformity assessment procedures in both the regulatory and voluntary sectors will lead towards supplier's declaration. This path would help cut down the expenses and burden of the business sector, and improve its competitiveness. To attain the goal of suppliers' declaration, it is necessary that relevant international guides must be put to use. The benefits obtained consist of the upgrading of the entire system, and maintenance of quality of the system and personnel, which would accelerate the entry into mutual recognition, adding to trade facilitation.

7. It should not be forgotten however that successful implementation of suppliers' declaration must be backed up by a good consumer protection law and must involve the business sector's obligation, such as the product liability law.

8. Developing countries may not yet have a liability law in force, and to pass a new law or revise an existing law can be time consuming for some countries. However, such a law is a necessity.

9. The Committee may wish to consider ways to assist developing countries in their proceeding towards supplier's declaration and acquiring the supportive law.

10. Thailand also would like to propose to have a more in-depth discussion on SDoC regarding the use, the identification of circumstances where it would be appropriate and in the developing country context.

III. EQUIVALENCY

11. The Committee reiterated the importance of giving positive consideration to accepting as equivalent technical regulations of other Members as provided for under Article 2.7, and there have been views that equivalency could contribute to reducing trade obstacles, where international standards do not exist or are ineffective or inappropriate, and that equivalency should only be used as interim measure until a suitable international standard could be made available. Thailand agrees with all those views mentioned above as the acceptance as equivalent of technical regulations of other Members, and is provided under the Industrial Product Standards Act of Thailand. However, in practice, consideration of technical issues is required prior to conclusion as "equivalent". In some cases, this must be submitted to technical groups, and would take some time.

12. The Committee may consider compiling information on Members' experiences in this regard in order to lay out actions to be taken to fulfil the obligation of Article 2.7.

13. Thailand also agrees with the proposal to invite the ISO to share its action on a move to declare specific national, regional or international standards as equivalent rather than setting out one standard as the sole option.
