

## IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

### Communication from Costa Rica

#### Supplement

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from the Government of Costa Rica.

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In conformity with Article 15.2 of the Agreement on Technical Barriers to Trade, the Government of Costa Rica wishes to inform the Committee of the adoption of new measures aimed at ensuring the implementation and administration of the Agreement.

### **I. ESTABLISHMENT OF THE NATIONAL QUALITY SYSTEM<sup>1</sup>**

1. The Law on the National Quality System (hereafter the LSNC), which entered into force on 21 May 2002<sup>2</sup>, improves the country's legal framework and institutional structure for the implementation of the WTO Agreement on Technical Barriers to Trade (TBT Agreement). The LSNC governs technical regulation, voluntary standardization and conformity assessment activities, including metrology, which are carried out to demonstrate compliance with the voluntary or regulatory requirements that apply to goods and services.

2. The LSNC aims specifically to:

- (a) Direct, organize and coordinate public- and private-sector involvement in conformity assessment and quality promotion activities;
- (b) promote the availability and use of mechanisms to assess and demonstrate conformity;
- (c) promote the adoption of quality management practices and related training in entities that produce or market goods;
- (d) improve the quality of both domestically marketed and export goods;

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<sup>1</sup> Law No. 8279, published in *La Gaceta* (Official Gazette) No. 96 of 21 May 2002.

<sup>2</sup> The entry into force of this Law repeals Executive Decree No. 24662 - MEIC-S-MAG-MIRENEM-MOPT-PLAN - National Quality System of 27 September 1995 (Published in *La Gaceta* No. 191 of 9 October 1995), as specified in document G/TBT/2/Add.51 of 12 April 1999.

- (e) foster quality awareness in all sectors of public life;
- (f) coordinate public and private action to be taken by the competent authorities in order to protect human, animal or plant health, the environment and legitimate consumer rights and thus prevent any misleading practices;
- (g) coordinate the public and private management of metrology, standardization, technical regulation and conformity assessment activities by the competent authorities, and the prevention of practices that create illegal technical barriers to trade.

## **II. COORDINATION BETWEEN THE PUBLIC AND PRIVATE SECTORS IN THE DEFINITION OF THE COUNTRY'S QUALITY POLICY**

3. The LSNC is based on the principle that there is a need to involve the private sector and civil society in general in the Government's work on quality policy. Therefore, the Law provides for the establishment of a National Quality Commission (CONAC) comprising ministers from the cabinets responsible for standardization, technical regulation and conformity assessment (such as the Ministry of Foreign Trade, the Ministry of Agriculture and Livestock, the Ministry of the Economy, Industry and Trade and the Ministry of the Environment and Energy); the LSNC also provides that CONAC should include representatives of the chambers of agriculture, exports, commerce and industry, as well as representatives of consumer associations.

4. CONAC's responsibility is to set out the general guidelines of the National Quality System, in accordance with the relevant international obligations.

## **III. STRUCTURE OF THE NATIONAL QUALITY SYSTEM**

5. The National Quality System comprises the following bodies:

### **A. COSTA RICAN METROLOGY LABORATORY (LACOMET)**

6. LACOMET is the technical body that deals with metrology. Its main function is to establish a national metrological structure, protect national templates and ensure the periodical reference to superior templates. In addition, LACOMET is in charge of promoting the use, calibration, verification and adjustment of measuring instruments, as well as traceability to templates of the International System of Units. It also guarantees the traceability of measuring instruments. LACOMET is the national metrology reference laboratory and, when necessary, offers its services as a secondary laboratory in its sphere of competence.

### **B. COSTA RICAN ACCREDITATION AUTHORITY (ECA)**

7. The function of the ECA is to coordinate activities linked to accreditation, which is the process whereby a body is formally acknowledged as being competent to carry out specific tasks in conformity with the parameters set by international standards. The ECA is responsible for accreditation procedures with regard to testing and calibration laboratories, inspection and control bodies, certification bodies, and so forth.

### **C. TECHNICAL REGULATION BODY (ORT)**

8. The ORT is an inter-ministerial commission comprising representatives of the Ministry of the Economy, Industry and Trade, the Ministry of Agriculture and Livestock, the Ministry of Health, the

Ministry of Public Works and Transport, the Ministry of the Environment and Energy, the Ministry of Science and Technology and the Ministry of Foreign Trade.

9. The ORT has a Technical Secretariat which is attached to the Ministry of the Economy, Industry and Trade. This Secretariat functions as a technical secretariat and as a contact point for the National *Codex Alimentarius* Committee. It is also responsible for the organization and management of the TBT enquiry point, created under Article 43 of the LSNC.

10. The ORT's key function is to assist in the preparation of regulations by providing technical advice during the issuing process, aimed at ensuring that such regulations meet the relevant international obligations, and particularly those articulated in the Agreement on Technical Barriers to Trade.

11. Specifically, the ORT has the task of recommending the adoption, updating or repeal of government technical regulations and giving technical opinions on draft technical regulations that the central Government wishes to implement.

#### D. NATIONAL STANDARDIZATION AUTHORITY (ENN)

12. Pursuant to the LSNC, the Government promotes the use of and actively participates in the development of voluntary standards, both to facilitate understanding between suppliers and consumers or users and to foster the country's technological and productive development. Under Costa Rican legislation, voluntary standards are recognized as being in the public interest.

13. The ENN is a private non-profit body that has adopted the international requirements on standardization and fulfils them. It is approved by the Government every five years, on the recommendation of CONAC. Once approved, it may participate in the standard-setting activities of the international organizations. One of its main functions is to supervise the preparation of standards that are considered to be conducive to national social and economic development, including the adoption of international standards; in addition, it is responsible for promoting the country's participation in international and regional standardization organizations, encouraging the appropriate application of standards in productive and commercial activities in both the public and the private sector, facilitating the establishment of partnership agreements and conventions with national and international bodies, organizing training and dissemination activities and cooperation in that regard, and raising awareness of national and international standards.

14. CONAC is in charge of monitoring the adoption by the ENN of international standardization codes and of recommending the recognition or withdrawal by the Government of ENN status. It also makes recommendations regarding the terms and the amount of State participation in the body's budget, when such a contribution is considered necessary.

15. The Costa Rican Technical Standards Institute (INTECO) is attached to the ENN. INTECO accepted the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 to the TBT Agreement, as of 19 December 1997 (G/TBT/CS/N/88).

## IV. ENQUIRY AND CONTACT POINTS

#### A. TBT ENQUIRY POINT

16. The TBT enquiry point is organized and managed by the Technical Secretariat of the ORT, and is therefore attached to the Ministry of the Economy, Industry and Trade.

17. The basic functions of this enquiry point are set out in Article 10 of the WTO Agreement on Technical Barriers to Trade, except with regard to notification procedures (10.9, 10.10 and 10.11).

18. The contact information is as follows:

Centro de Información en Obstáculos Técnicos al Comercio  
Ministerio de Economía, Industria y Comercio  
Apartado Postal: 10216-1000

Telephone: +(506) 2971439  
Fax: +(506) 2971439  
E-mail: [crotc@meic.go.cr](mailto:crotc@meic.go.cr)  
Web site: <http://www.meic.go.cr>

B. NOTIFICATION AUTHORITY

19. Body responsible for the national implementation of notification procedures under the WTO Agreement on Technical Barriers to Trade:

Dirección General de Comercio Exterior  
Ministerio de Comercio Exterior - COMEX  
Apartado postal 96 2050 San José

Telephone: +(506) 2567111  
Fax: +(506) 2553281  
E-mail: [info@comex.go.cr](mailto:info@comex.go.cr)  
[www.comex.go.cr](http://www.comex.go.cr)

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