

WORLD TRADE ORGANIZATION

RESTRICTED

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Committee on Technical Barriers to Trade

NOTE FROM THE GOVERNMENT OF JAPAN

The following paper with respect to the Triennial Review of the Agreement on Technical Barriers to Trade has been received from the delegation of Japan with the request that it be circulated to Members of the Committee.

I. INTRODUCTION

1. Under the circumstances where globalization is in progress and the speed of developing new products is being accelerated, it is necessary to introduce simplified conformity assessment systems to facilitate international transactions. In particular, as the introduction of high-technology products, procedures for assessment of conformity differ among countries, and the costs and time for the procedures may be increased. Fundamental changes in design which may be required due to differences in basic principles among respective regulatory authorities would make the costs skyrocket.

In order to reduce such non-tariff barriers and promote international trade, the Government of Japan considers that Members should observe the TBT Agreement in an efficient and effective way.

II. INTERNATIONAL STANDARDS

2. To reduce technical barriers to trade, the acceptance of Annex 3 to the TBT Agreement, "Code of Good Practice for the Preparation, Adoption and Application of Standards", is very important for Members. That will contribute to ensuring transparency and fairness in developing standards and to the harmonization of standards among Members by requiring a Member to use international standards as a basis for the standards it intends to develop.

3. In promoting alignment work with relevant international standards, those international standards which are subject to such work should be specified. However, the TBT Agreement does not articulately define the international standards while quoting the ISO/IEC Guide 2 which stipulates general definition of international standardization and related activities.

4. Activities of international standardizing bodies involve the following problems:

There exist quite a number of international standards with which national standards cannot be aligned, due to the fact that they neither reflect up-to-date technological information nor properly meet the real needs of the market. These standards should be revised.

In addition, development procedures of international standards take so long, e.g. in certain cases more than 10 years are required to develop them that the contemporary needs or new technologies might not be fully taken into consideration.

5. In order to solve the above mentioned problems, the Government of Japan would like to propose that international standardizing bodies be required to abide by the following points:

- (a) due procedures such as ensuring prior notification, publication of work programmes and opportunity for interested parties to submit comments as stipulated in Annex 3 should be observed;
- (b) when preparing standards under international standardizing bodies, equal opportunities should be accorded to each Member; and
- (c) a periodic review from the viewpoint of market prevalence should be conducted, and inappropriate international standards should be subject to the revision in accordance with the result of the review.

The TBT Committee will review the activities of international standardizing bodies in light of the requirements as mentioned above, be entrusted to request particular actions where necessary.

6. To harmonize technical regulations and standards, it is necessary to use relevant international standards as a basis, when they are appropriate. In order to promote harmonization it is encouraged that voluntary international and domestic standards should be used in technical regulations except where such standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued.

III. ESTABLISHMENT OF CONFORMITY ASSESSMENT SYSTEMS IN ACCORDANCE WITH RELEVANT GUIDES OR RECOMMENDATIONS ISSUED BY AN INTERNATIONAL STANDARDIZING BODY

7. With regards to the conformity assessment system, self-declaration of conformity by suppliers is normally considered to be the least trade-restrictive manner. Such manner is consequently recommended as the first choice for the conformity assessment system, except where such a system is inappropriate for the Members concerned. It is also recommendable to observe relevant guides or recommendations issued by an international standardizing body in adopting conformity assessment procedures.

8. In order to facilitate trade, it is important not only to develop systems of government-certification and third-party certification, but also to encourage Members to accept conformity assessment systems which use international guides or recommendations such as ISO/IEC Guides as a basis, except where such systems are inappropriate for the Members concerned. So the Government of Japan expects a fruitful outcome of an expert level meeting on the quotation of ISO/IEC Guides relating to conformity assessment systems.

IV. COOPERATION AMONG STANDARDIZING BODIES

9. While cooperation among international, regional and national standardizing bodies is useful in eliminating duplicate activities and shortening the duration of development work, the basis principle should be maintained that interests of all participating Members should be duly reflected in the process of development work. Therefore, in considering the elimination of duplicate activities, transferring the standardization work from one standardizing body to international standardizing bodies should in principle be preferred.

In the case where standardization work is to be transferred from international standardizing bodies to other standardizing bodies, the following principles should be observed:

- (a) other standardizing bodies adopt procedures in developing standards which are equivalent to those adopted by international standardizing bodies; and
- (b) other standardizing bodies provide transparent and fair procedures to both domestic and foreign bodies.