

PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE

Proposals Regarding the TBT Agreement in terms of Paragraph 9(a)(i)
of the Geneva Ministerial Declaration

Communication from India

The following communication, dated 2 July 1999, has been received from the Permanent Mission of India.

Issues

1. There has been a proliferation of technical regulations and standards in developed country markets in a way so as to substantially affect market access of export products from developing countries. Developing-country exports may be affected in two ways: one, because standards, regulations and conformity assessment procedures implemented by the importing countries are inconsistent with TBT obligations or two, because developing countries lack the technical or financial capacity to comply with them even assuming the measures are TBT consistent. Furthermore, environment related measures represent a further barrier to trade from developing-country exports. Article 12 of the TBT Agreement mentions in great detail about S&D treatment to developing countries. But, these have largely remained pious wishes or have been inadequately implemented.

Proposals

2. Means have to be found to ensure effective participation of developing countries in setting of standards by international standard-setting organization. The proposal is to make it obligatory for international standardizing bodies to ensure the presence of developing countries in the different phases of standard setting. Moreover, a clear provision that the international standardizing bodies must comply with the Code of Good Practice.

3. Technical assistance and cooperation is required to upgrade conformity assessment procedure in developing countries in order that they gain acceptance in developed markets. The proposal is to make Article 11 obligatory rather than a best endeavour as it is worded now. In other words technical assistance should be a clear obligation rather than a question of taking "reasonable measures" or on merely "mutually agreed terms".

4. Acceptance by developed-country importers of self-declaration regarding adherence to standards by developing-country exporters and acceptance of certification procedure adopted by developing country certification bodies based on international standards. Such a provision to be introduced in Article 12.

5. A specific provision to be introduced in Article 12 that developing countries shall be given a longer time-frame to comply with measures regarding products of export interest to them. Furthermore, a specific provision in Article 12 that if a measure brought forward by a developed country creates difficulties for developing countries, then the measure should be reconsidered.

6. Developing countries have so far not been included in MRAs. A specific provision in Article 6 that developing countries could be part of MRAs and shall have the flexibility of joining at a later stage.

7. Broad basing and multilateralizing Mutual Recognition Agreement between national standard-setting bodies to be made obligatory on the basis of a provision in Article 6.

8. A definition of international standards and/or international standardizing bodies in the TBT Agreement keeping in mind the problems and constraints faced by the developing countries.
