

ISSUES CONCERNING INTERNATIONAL STANDARDS

Submission by Japan

I. BACKGROUND

1. International standards are one of the most important elements of the TBT Agreement and they play a significant role in its implementation. However, there is no clear definition of "international standard" under the TBT Agreement.

2. Japan believes that for international standards to be qualified as such under the TBT Agreement, they should be developed through the process which ensures transparency, openness, impartiality and relevancy, so that they can be widely used among Members.

3. In this regard, Japan agrees that it is important to establish a guideline for international standards development process, which has been discussed in the Committee. The establishment of such a guideline is expected to reduce the possibility of developing of standards that are inappropriate to be widely used among Members.

4. The establishment of such a guideline alone, however, will not completely eliminate the possibility of developing inappropriate standards. Japan, therefore, should like to reiterate the importance that the Committee will adopt *the Decision on the International Standards under the TBT Agreement* as a complement to the guideline. In other words, Japan would like to see a common understanding to be reached in the Committee on the circumstances where particular standards should not be regarded as "relevant international standards" under Article 2.4, 2.5, or Annex 3. Such a common understanding will facilitate interpretation of "international standards" when disputes on their definition arise among Members, and will also facilitate WTO Members to question standards that are inappropriate as international standards under the TBT Agreement, and thus avoid being forced automatically to accept any such standards even if they have been developed through international standards development process.

5. The Committee's decision will not only facilitate the implementation of the TBT Agreement, but also encourage international standardization bodies to develop appropriate standards.

II. THE PROPOSED DRAFT DECISION ON THE INTERNATIONAL STANDARDS UNDER THE TBT AGREEMENT

6. As a common understanding in the Committee on the circumstances where particular standards should not be regarded as "relevant international standards" under Article 2.4, 2.5, or Annex 3, which will facilitate interpretation of "international standards" when disputes on their definition arise among Members, the Committee agreed on the following:

- (a) International standards under the TBT Agreement;

- (i) Shall not have adverse effects on competition in the relevant market such as preventing technological development;
 - (ii) shall not give preference to characteristics or requirements of specific regions when the needs or interests exist in other regions.
 - (b) The Committee confirmed that standards that are not widely used among Members after a reasonable period of time since their completion (which could differ from a standard to a standard), due to reasons such as technological development, and thereby lack universality, shall not be regarded as international standards under the TBT Agreement.
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