

The committee, which consists of all WTO members, agreed this in its meeting on 27-28 November 2012, as part of the review it conducts every three years into how well the TBT Agreement is working ([details below](#)).

The TBT Committee deals with technical regulations and standards, and their implications for trade. The WTO's [World Trade Report 2012](#) has identified these among non-tariff measures that are having an increasing impact on trade.

**Specific trade concerns.** Meanwhile, New Zealand's plan to introduce plain packaging legislation for tobacco products triggered a new round of comment in the committee.

The proposal ([details below](#)), which is still in a public consultation phase, comes after Australia's plain packaging legislation was discussed in [previous meetings of this Technical Barriers to Trade \(TBT\) Committee](#) and the [Intellectual Property \(TRIPS\) Council](#), before becoming a formal legal dispute (cases [DS434](#), [DS435](#) and [DS441](#)).

The TBT Committee also discussed other specific trade concerns on a range of issues, including carbon footprint labelling, an area of growing concern for some members, and questions to Russia – in its first TBT meeting since [joining the WTO](#) – about technical regulations on the safety of alcoholic drinks.

## Some details

### Three-yearly review

The committee has decided to give more time to discussing themes that recur in specific trade concerns.

For 2013, half days will be set aside for discussing “good regulatory practice” and “standards” in the March meeting, “transparency” and one other subject in June, and “conformity assessment procedures” in October.

The decision comes from the sixth triennial review of how well the [TBT Agreement](#) is working. The report (document [G/TBT/32](#)) looks at ways of how best to put the agreement into practice, in all key areas covered: good practices in drawing up and applying regulations; conformity assessment, which deals with testing products, the facilities used, and the organizations involved; standards, including those set by non-governmental organizations; improving information-sharing, consultation and transparency; and special treatment for developing countries.

The main purpose of the work is to improve the practices, processes, institutions and infrastructures that members put in place in their countries, to deal with these trade challenges.

### Specific trade concerns: overall

(Full list [at the end](#). Full details in the [TBT Information Management System](#).)

The 36 trade concerns raised in this meeting covered all the areas of the TBT Agreement. They included animal welfare (an EU regulation on protecting animals at the time of killing), tobacco products (New Zealand), medicines and medical devices (Brazil, Norway, EU, China), alcoholic drinks (Israel, EU, Russia, Viet Nam), lamps (EU), water efficiency labelling for appliances (Australia), cosmetics (China, EU), and so on. Raised for a record-breaking 30th time was the EU's Regulation on the Registration, Evaluation and Authorization of Chemicals (REACH).

## Tobacco: New Zealand's proposed plain packaging

The discussion about New Zealand's proposed law on plain packaging for cigarettes and other tobacco products, largely followed the [earlier debates on Australia's law](#).

New Zealand notified its intention to introduce the legislation in document [G/TBT/N/NZL/62](#), which includes [a link to its health ministry for further information](#). The proposal was agreed in principle by the Cabinet in April 2012, New Zealand said, and was open for consultation from July to October. Information and comments are being compiled and no draft legislation has been issued so far, it said.

The delegation said smoking is the most serious preventable cause of death in New Zealand, and is most serious among the Maori population. The government aims to make the country essentially smoke-free by 2025, it said.

Expressing concern were the Dominican Republic, Honduras, Nicaragua, Nigeria, Mexico, Zambia, Cuba and Zimbabwe. They said the measure would hurt their tobacco producers and would restrict trade more than is necessary to meet the health objectives.

Supporting New Zealand were Australia, Norway and Canada, and the World Health Organization (an observer in the committee). They said the measure is justifiable in view of how serious are the problems caused by smoking.

## Green measures

Several measures discussed dealt with environmental concerns, for example water efficiency in appliances such as washing machines, pollution from electrical or electronic products, renewable energy, and energy efficiency of tyres.

One, a French law trialling carbon footprint labelling [had been raised before](#). But interest is growing because of the range of issues involved, such as product life-cycle analysis, private sector standards, and the handicap that would be suffered by products that have travelled longer distances.

In this meeting Argentina, India, Cuba, China and South Africa repeated their concerns. They said the measure would restrict trade more than is necessary to meet the objective, and they asked about the latest situation and why nothing had been notified.

The EU said the scheme had just finished its trial stage, that it was still being assessed, and if it is adopted the measure will be notified.

## New technical assistance initiative

The US delegation announced the launch of "Standards Alliance" which aims at providing technical assistance and financial resources to help businesses participate in global trade – and to build capacity to implement the TBT Agreement. More information is available [here \(pdf\)](#).

## Next

(could be changed):

- **5-7 March 2013** – regular committee meeting, and thematic discussion on standards and good regulatory practice
- **18-20 June 2013** – regular committee meeting, and thematic discussion on information exchange and transparency
- **29-31 October 2013** – regular committee meeting, and thematic discussion on conformity assessment procedures

**Chairperson:** Mr Salim Lahjomri (Morocco)

## The specific trade concerns

As documented for the meeting. To find notifications listed here, go to [WTO DocsOnline](#), click “simple search” and insert the document code in the “document symbol” field:

## New concerns

- European Union – Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing – concern of Argentina
- European Union – Implementation of Regulation 540/2011 of 25 May 2011, implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council regarding the list of approved active substances – Submission of Confirmatory Data by companies other than the original notifier – concern of Israel
- New Zealand – Proposal to introduce plain packaging of tobacco products in New Zealand – notification G/TBT/N/NZL/62 – concern of Dominican Republic
- Brazil – Draft ANVISA Resolution on used, refurbished, rented and lent medical devices – notification G/TBT/N/BRA/440 – concern of EU
- Indonesia – Import permit regulations 60 for horticultural products from the Ministries of Agriculture and Trade – notifications G/LIC/N/2/IDN/12 and G/SPS/N/IDN/55 – concern of US
- Israel – Warning regulations on alcoholic beverages – notification G/TBT/N/ISR/609 – concern of US
- European Union – Draft Commission Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment – notification G/TBT/N/EU/34 – concern of Rep Korea
- Australia – Joint governments’ response to the 2010 Independent Review of the Water Efficiency Labelling and Standards Review Water Efficiency Labelling and Standards (WELS) scheme consultation paper – notification G/TBT/N/AUS/71 – concern of Rep Korea
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## Previously raised

- European Union – Regulation on the Registration, Evaluation and Authorization of Chemicals (REACH) – notifications G/TBT/N/EEC/52, G/TBT/N/EEC/52/Add.1, G/TBT/N/EEC/52/Add.2, G/TBT/N/EEC/52/Add.3, G/TBT/N/EEC/52/Add.3/Rev.1, G/TBT/N/EEC/52/Add.4, G/TBT/N/EEC/52/Add.5; G/TBT/N/EEC/295, G/TBT/N/EEC/295/Add.1; G/TBT/N/EEC/297; G/TBT/N/EEC/333, G/TBT/N/EEC/334, G/TBT/N/EEC/335, G/TBT/N/EEC/336, G/TBT/W/208 – concern of India
- European Union – Regulation on Certain Wine Sector Products – notifications G/TBT/N/EEC/264, G/TBT/N/EEC/264/Add.1 – concern of Argentina, US
- India – Pneumatic tyres and tubes for automotive vehicles – notifications G/TBT/N/IND/20, G/TBT/N/IND/20/Add.1, G/TBT/N/IND/40/Rev.1 – concern of Japan, EU, Rep Korea
- Canada – Compositional standards for Cheese – notifications G/TBT/N/CAN/203 and Add. 1 – concern of New Zealand
- India – Mandatory certification for steel products – notifications G/TBT/N/IND/32 – concern of EU

- United States – Hazardous Materials: Transportation of Lithium Batteries – notification G/TBT/N/USA/518 – concern of EU
- Turkey – New conformity assessment procedures for pharmaceuticals – Circular issued by the Directorate General of Drugs and Pharmacy of the Ministry of Health re “Important Announcement regarding GMP Certificates” – concern of US
- European Union – Directive 2004/24/EC on Traditional Herbal Medicinal Products – concern of India
- India – New Telecommunications-related rules – concern of EU
- Italy – Law on “Provisions concerning the marketing of textile, leather and footwear products” – notification G/TBT/N/ITA/16 – concern of India
- China – Requirements for information security products (including, inter alia, the OSCCA 1999 Regulation on commercial encryption products and its on-going revision and the Multi-Level Protection Scheme (MLPS) – concern of EU
- China – Administration on the Control of Pollution Caused by Electrical and Electronic Products – notifications G/TBT/N/CHN/140, G/TBT/N/CHN/140/Add.1, G/TBT/N/CHN/140/Rev.1 – concern of Rep Korea
- China – Provisions for the Administration of Cosmetics Application Acceptance – notification G/TBT/N/CHN/821 – concern of EU
- France – Loi No. 2010-788: The National Commitment for the Environment (Grenelle 2 Law) – concern of Argentina
- Indonesia – Draft Decree of the Ministry of Industry on Mandatory Implementation of Indonesia National Standard and Technical Specification for Toys – notification G/TBT/N/IDN/64 – concern of EU, US
- China – Regulations of the PRC on Certification and Accreditation (promulgated by Decree No. 390 of the State Council of the PRC on 3 September 2003) – concern of US
- Brazil – Good Manufacturing Practices (GMP) Requirements for Health Products – notification G/TBT/N/BRA/328 – concern of EU, US
- European Union – Directive 2011/62/EU of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products. – notifications G/TBT/N/EEC/246, G/TBT/N/EEC/246/Add.1 – concern of China, India
- Russia – Technical Regulation on Alcoholic Drinks – concern of EU
- European Union – Toy Safety Directive – notifications G/TBT/N/EEC/184 – concern of China
- China – Measures for the Administration of Certification Bodies – notification G/TBT/N/CHN/798 – concern of EU
- Egypt – Two Decrees of the Minister of Industry and Foreign Trade (626/2011 and 660/2011) related to the import requirements for leather, footwear and textile products – notifications G/TBT/N/EGY/29, G/TBT/N/EGY/30 – concern of EU
- European Union – Directive 2009/28/CE Renewable Energy Directive – notifications G/TBT/N/EEC/200; G/TBT/N/EEC/200/Add.1 – concern of US
- European Union – Alternatives to animal testing and new cosmetic regulations – concern of China
- Korea – A Draft of Regulation for Measurement of Energy Efficiency of Tyres for Motor Vehicles, and Its Rating and Identification – notifications G/TBT/N/KOR/319, G/TBT/N/KOR/319/Add.1 – concern of Japan
- Viet Nam – Draft Decree of alcohol production and trading (Decree 40) – notification G/TBT/N/VNM/19 – concern of Australia, EU
- Viet Nam – Decree 38 implementing the Food Safety Law – notification G/SPS/VNM/27 – concern of EU
- China – Testing and certification requirements for medical devices – Revision of Order 276 on Medical Devices – EU, US