
Committee on Technical Barriers to Trade

THEMATIC SESSION ON STANDARDS

14 JUNE 2016

REPORT BY THE MODERATOR TO THE TBT COMMITTEE

This Report was delivered by the Moderator¹ of this Thematic Session of the WTO TBT Committee at the meeting of 15-16 June 2016.

At the Seventh Triennial Review, Members agreed to continue to hold thematic sessions in conjunction with regular meetings of the Committee.² Members agreed to dedicate the 14 June 2016 thematic session on **standards** to methods of referencing standards in regulation, including Members' initiatives or policies that seek to utilize international standards in regulation.³ The presentations summarized below, as well audio recordings, will be made available through the WTO website.⁴

Panel Referencing standards in regulation

1.1. This Panel discussion, moderated by **Mr. Guillaume Parent** (Canada), explored explore the topic of referencing standards in regulation. The following presentations were made.

1.2. **Mr. Warren Merkel**⁵ presented the Revised US Office of Management and Budget's (OMB) Circular A-119, published in January 2016. This Circular sets policy on how US government agencies should choose and use standards and conformity assessment procedures in Federal technical regulations and procurement. There is a strong preference for US government agencies to use voluntary consensus standards or international standards, when appropriate, in lieu of government-unique standards. Voluntary consensus standards are those standards developed by voluntary consensus standards bodies which ensure openness, balance of interest, due process, an appeal process and consensus in their standards development processes. The Circular seeks to

¹ Mr. Guillaume Parent (Canada). This report is provided on the Moderator's own responsibility.

² G/TBT/37, para. 8.3.

³ G/TBT/37, para 4.10.

⁴ https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

⁵ National Institute of Standards and Technology, United States.

ensure the timely updating of regulations incorporating standards by reference, and established a 3-5 year time-frame for review of standards incorporated by reference. In addition, the Circular encourages US government agencies to participate in the development of standards in voluntary consensus standards bodies when such participation is in the public interest and is compatible with agency missions, for the purpose of helping ensure balance in standards.

1.3. [**Mrs. Silvia Vaccaro**⁶ explained that regulations under the EU's New Approach refer to international or European standards (CEN, CENLEC, ETSI) by indirect reference, meaning that referenced standards remain voluntary. The European Commission can request that European standards bodies develop a standard to support regulation and policy, but the European Commission does not develop European standards. The EU New Approach and European standardization support a level playing field in the EU internal market, by ensuring that there was one standard for one product – since EU member state national standards bodies were required to withdraw conflicting standards upon adoption of a European standard. Overall, the EU New Approach provides transparency, stability, predictability and coherence in the EU internal market, while facilitating trade.]

1.4. **Mr. Anthony Quinn**⁷ gave an overview of ASTM's work in developing standards over its 100 years of existence. He emphasised the need for standards to evolve so as to remain relevant for regulators. In this respect, regulators from around the world are looking at standards for their technical quality and no one standards body can assist them with this goal. He noted that, over the years, ASTM's 12,000 international standards have been increasingly used by countries other than the United States: 6,900 ASTM standards have been cited by 75 nations. He also remarked that ASTM, which has 30,000 members, has entered into 95 MoUs with standardizing bodies from developing countries.

1.5. [**Mr. Hervé Gauthier**⁸ described the relationship between the European standardization organizations (CEN, CENLEC, ETSI) and their international counterparts (ISO, IEC, ITU). The objective was to promote coherence and avoid duplication, and provide one single entry point for EU stakeholders to participate in national, regional and international standardization. The linkages between ISO and CEN, and IEC and CENLEC, were formalized in the Vienna Agreement and Dresden Agreement, respectively. Under the Vienna Agreement, both CEN and ISO retain the initiative to launch work on a new standard, depending on the needs of stakeholders, and documents are presented for simultaneous adoption in both bodies. The Dresden Agreement creates an even stronger relationship between CENLEC and IEC, by giving preference to undertaking work on new standards at IEC, and 72% of CENLEC published standards are identical to IEC standards. Standards serve as a co-regulation tool in the EU, in that regulation establishes

⁶ Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, European Commission. The full presentation is available in RD/TBT/157.

⁷ Director of Public Policy and International Trade, ASTM International. The full presentation is available in RD/TBT/156.

⁸ Unit Manager, International Cooperation, CEN/CENELEC. The full presentation is available in RD/TBT/158.

the essential health, safety and environmental requirements ("the what"), while standards provide one – or more ways - of fulfilling these requirements ("the how to").]

1.6. **Ms. Nicole Henry**⁹ started her presentation by emphasizing standards' important role of addressing relevant objectives, such as health and environment, while also facilitating trade. When standards attain such balance, they can serve as tools for the improvement of laws and regulations. This, she said, underscores the importance of fostering the collaboration between regulators and standardizing bodies, which she described as a "win-win situation". In this respect, she gave an overview of Australia's framework for facilitating and promoting such collaboration, and relevant publications. Under this framework, Australia's Department of Industry, Innovation and Science collaborates and liaises with national standardizing bodies (the National Measurement Institute, Standards Australia, the National Association of Testing Authorities, and the Joint Accreditation System of Australia and New Zealand) to improve regulatory outcomes for the Australian Government. She also highlighted the importance of countries like Australia, which is a federation, to also promote coordination and harmonization across all jurisdictional levels.

1.7. [To conclude, the moderator made the following personal remarks.]

⁹ Manager Trade Facilitation Policy, Department of Industry, Innovation and Science, Australia. The full presentation is available in RD/TBT/159.