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SPECIAL MEETING ON TECHNICAL BARRIERS TO TRADE

SUMMARY REPORT BY THE SECRETARIAT

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In this note the Secretariat attempts to summarise concisely the discussions at the Special Meeting on Technical Barriers to Trade: International Standards and Conformity Assessment, held under the auspices of the OECD Trade Committee on 16-17 March 2000. It takes account of drafting suggestions made by the Trade Committee Working Party, which agreed that it should be declassified under the responsibility of the Secretariat and made available to all participants in the Special Meeting. It can be found on the following Web Site in both English and French: <http://www.oecd.org/ech>

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**Head of Publications Service
OECD
2 rue André-Pascal
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SPECIAL MEETING ON TECHNICAL BARRIERS TO TRADE: SUMMARY REPORT BY THE SECRETARIAT

1. The Trade Committee held a Special Meeting on Technical Barriers to Trade at OECD Headquarters on 16-17 March 2000. About 130 participants attended, including trade policy officials, regulators, standards bodies, accreditation bodies, business and consumer groups, to discuss emerging issues on technical regulation, international standards and conformity assessment, in the perspective of the second triennial review of the WTO TBT Agreement scheduled this year.
2. The meeting began with discussion of international standards as a tool for technical regulation. It was suggested that, if international standards are to be accepted as a basis for technical regulations, the standardisation process should be characterised by conditions such as transparency, openness, accountability, market relevancy and impartiality. In addition, it was mentioned that adequate regulatory impact analysis by regulators would contribute to the appropriate use of international standards in technical regulation and to avoiding unnecessary obstacles to trade. It was recognised that the participation of all stakeholders in the development of international standards is important to ensure confidence in technical regulations based on those standards. However, at the same time it was noted that different practical approaches to the participation of stakeholders can be appropriate depending on the characteristics of sectors.
3. Different approaches such as the EU's New Approach, performance-based regulation and equivalency were discussed. While there was disagreement on the nature and global applicability of any single approach, some common elements emerged, e.g. concerning the use of voluntary standards for technical regulation. It was suggested that partnership among voluntary standards bodies can be important in reducing divergent requirements. It was also felt that focusing on sectors could lead to more effective co-ordination between national/regional and international interests.
4. On conformity assessment, some speakers thought that regulatory MRAs had proven to be costly to negotiate as well as to implement, especially in the absence of harmonised regulations. Supplier's declarations of conformity (SDOC) were mentioned as an alternative to mandatory third party certifications. It was suggested that SDOC could be supported by tools such as market surveillance, voluntary arrangements among certification bodies, accreditation and product liability schemes. Some participants felt that the acceptance of accreditation by regulators and the harmonisation of conformity assessment procedures based on international guides could promote mutual confidence and avoid duplicative testing across borders, although it was noted that the benefits are not yet well recognised in the international market. Various elements were suggested for overcoming difficulties: improved transparency; provisions for national treatment of conformity assessment bodies; a sectoral approach to conformity assessment; and a balanced use of various tools.
5. For implementation of the WTO TBT Agreement, the importance of good regulatory practice was recognised by many. Trade policy makers were seen to have a role in achieving this, in light of the growing importance of regulatory issues in trade policy. It was noted that the convergence of regulatory objectives, e.g. health, safety and environment, would facilitate the harmonisation of technical regulation and reduce unnecessary trade restrictive measures,
6. It was also stressed that developing countries could need technical assistance in order to participate in regulatory co-operation and harmonisation of standards and conformity assessment measures.

7. In summary, the discussion largely focused on the following principal themes:

- (i) The different approaches to make effective standards for regulatory needs and the necessary conditions to enable them to be acceptable as a basis of technical regulation (transparency, openness, accountability, impartiality, market relevancy, etc.).
- (ii) Differences and commonalities among approaches to the use of voluntary standards in technical regulation (the EU's New Approach, performance-based regulation and equivalency), in light of the role that convergence of technical regulations may play reducing trade barriers.
- (iii) The need for harmonisation of conformity assessment procedures, considering different tools available: SDOC, third-party certification, accreditation and, market surveillance
- (iv) The need for further analysis and sectoral consideration to deepen understanding of best practises in the area of conformity assessment measures.

8. Two methods were raised in the discussion for pursuing these themes. One would be discussion of ***global rules and models addressing these issues***. The other way would be to seek a ***practical approach with some sectoral focus***. It was suggested that study of practical approaches on a sectoral basis could provoke discussion and provide insights for regulatory co-operation as well as horizontal rules and models in other forums. In any case, the two methods would not be mutually exclusive. It was mentioned that the Secretariat could provide a synthesis report integrating the discussion with the case studies presented in a background document for the meeting. Considering the complexity of issues in this field, it was further noted that further informal exchanges of views among a wide range of experts could be useful, particularly with a view to addressing adequately the concerns of developing countries.