



Standards from the perspective of the WTO

- insights from the TBT Committee –

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the legal part



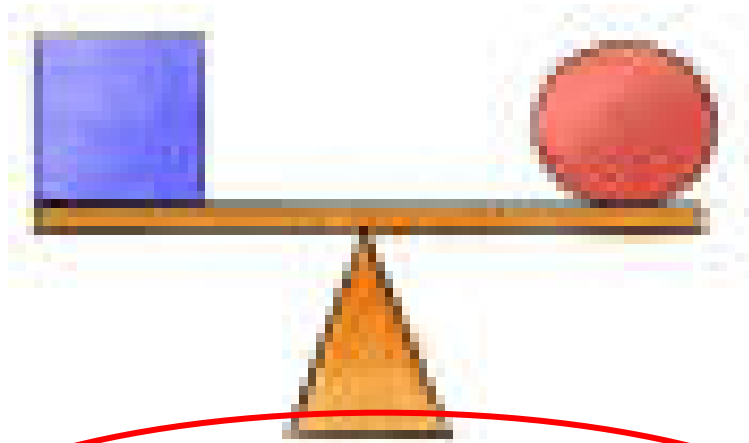
Article 2.4 of the TBT (first sentence)

“Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations ...”



avoiding
unnecessary
obstacles to
international trade

allowing for regulatory
autonomy to protect
legitimate interests



use of international standards



Article 2.5 of the TBT (second sentence)

"... Whenever a technical regulation is prepared, adopted or applied for one of the legitimate objectives explicitly mentioned in paragraph 2, and is in accordance with relevant international standards, it shall be rebuttably presumed not to create an unnecessary obstacle to international trade.."



Article 2.6 of the TBT

"... With a view to harmonizing technical regulations on as wide a basis as possible, Members shall play a full part, within the limits of their resources, in the preparation by appropriate international standardizing bodies of international standards for products for which they either have adopted, or expect to adopt, technical regulations."



does it matter?



EC – Sardines (2002)





EU: *Sardina pilchardus*



... only *Sardina pilchardus* may be marketed as preserved sardines in European Union



Peru: *Sardinops sagax*

6. LABELLING

...

6.1 NAME OF THE FOOD

The name of the product shall be:

- 6.1.1 (i) "Sardines" (to be reserved exclusively for *Sardina pilchardus* (Walbaum)); or
- (ii) "X sardines" of a country, a geographic area, the species, or the common name of the species in accordance with the law and custom of the country in which the product is sold, and in a manner not to mislead the consumer.

(Codex Alimentarius (Secretariat of the Joint FAO/WHO Food Standards Programme, 2001), Volume 9A, Fish and Fishery Products, pp. 75–81)

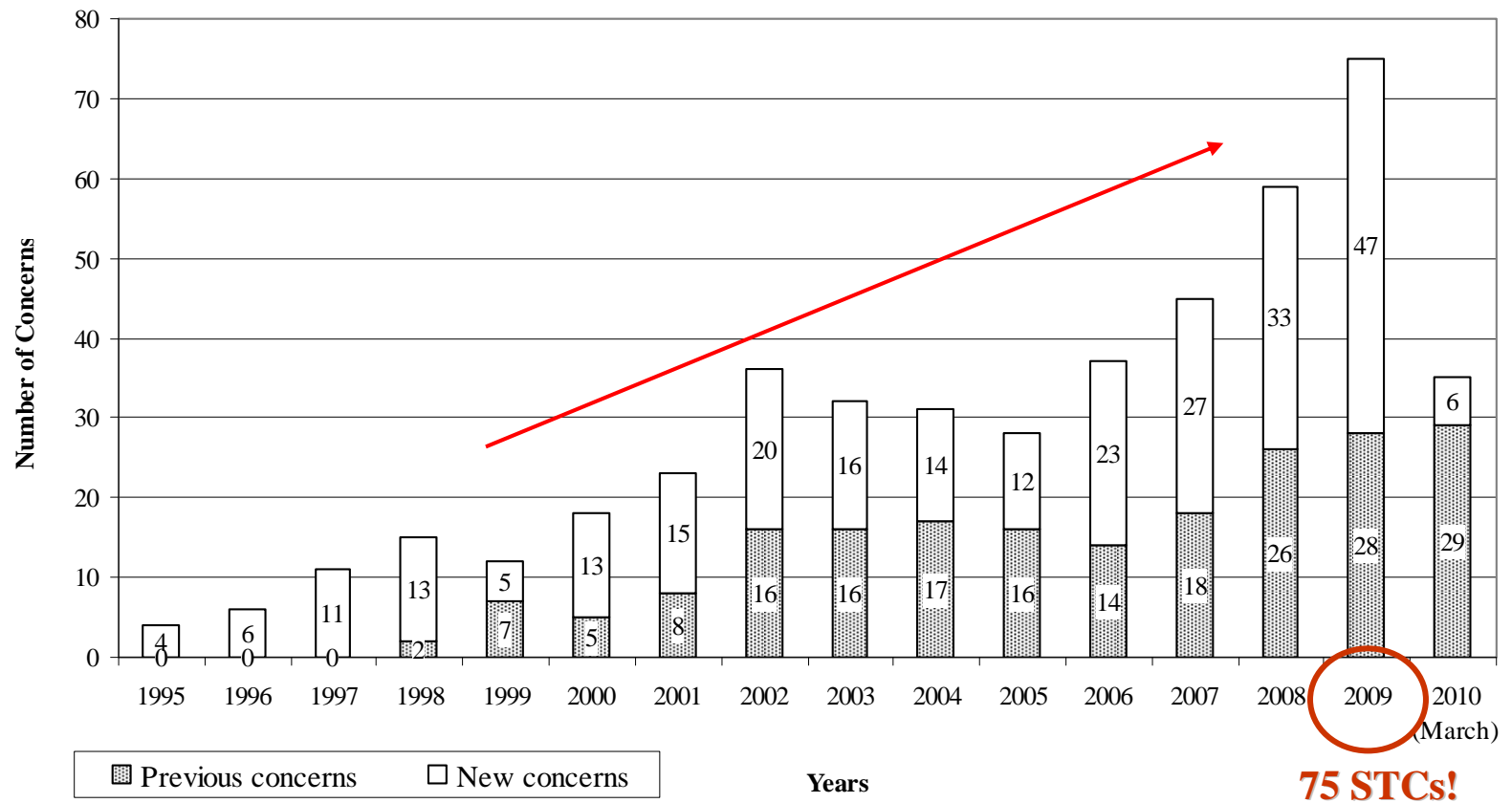




the practical part



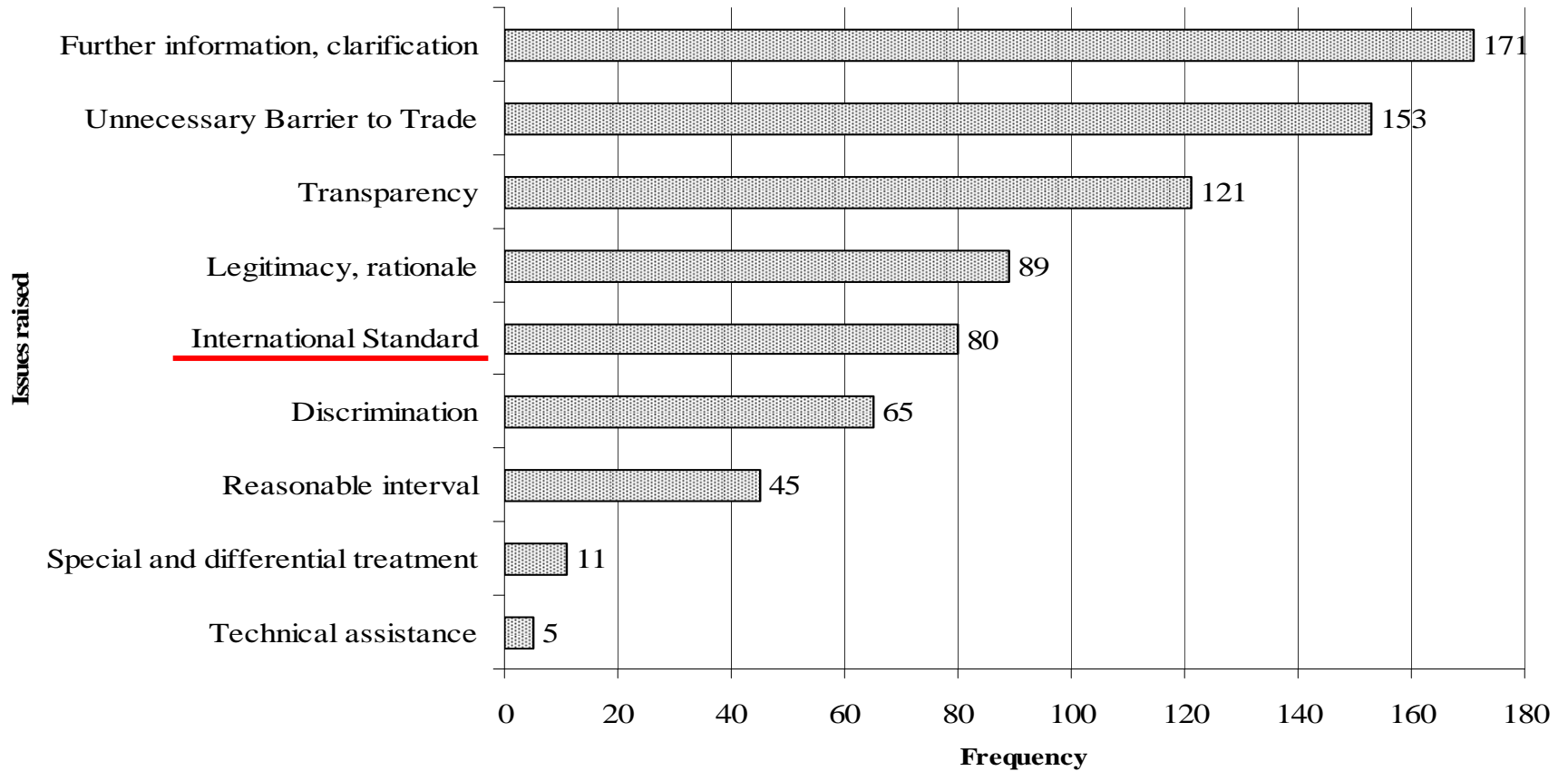
Specific Trade Concerns (STCs) raised

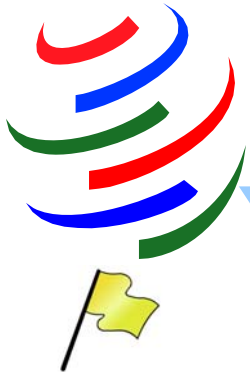


75 STCs!



Specific Trade Concerns: issues





The process of multilateral review

≈
notifications
12,000+
(mid-2010)

(not raised formally)

Request clarification from Enquiry Point

Bilateral consultations



≈ 300
(June 10)

Raised in TBT Committee

Request formal consultations



1 (+ pending)

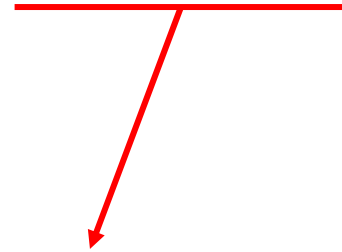
Disputes



the economics



Why is the use of standards beneficial?



facilitates trade

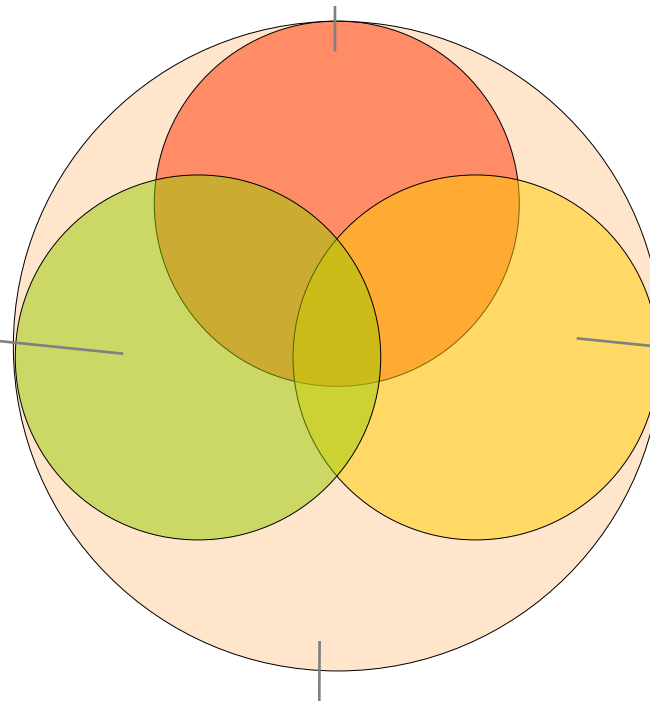


Types of Standards and Economic Effects

Minimum Quality/ Safety



Variety Reduction



Compatibility / Interoperability



Information





The WTO membership (Nov 2009):

(G/TBT/26, para. 24)

"... International standards should be an opportunity - a pool for technological know how and an important link between research, innovation and markets - that can contribute positively to economic growth. ... "



The WTO membership (Nov 2009):

(G/TBT/26, para. 25)

"... The Committee recognizes the need for international standards to be relevant and effectively respond to regulatory and market needs, as well as scientific and technological developments, while not creating unnecessary obstacles to international trade. In light of the above, the Committee: "



The WTO membership (Nov 2009):

(G/TBT/26, para. 25(a))

"... Encourages Members, Observer organizations and relevant bodies involved in the development of standards to exchange experiences and circulate case studies - or other research - on the impacts of standards on economic development and international trade; "



a word on our training activities



the WTO does not set standards



Thank you.