



Trade Guide: WTO TBT

WTO AGREEMENT ON TECHNICAL BARRIERS TO TRADE

What is this Agreement and what does it do?

One of the objectives of the Agreement on Technical Barriers to Trade (TBT) of the World Trade Organization (WTO) is to ensure that technical regulations, product standards and “conformity assessment procedures” (testing and certification procedures) do not create unnecessary obstacles to trade.

The TBT Agreement was negotiated during the Uruguay Round of Multilateral Trade Negotiations, which was concluded in April of 1994. It expanded on a more limited standards code which was adopted in a previous round of trade negotiations. All [WTO members \(offsite link\)](#) are Parties to the TBT Agreement, which entered into force on January 1, 1995, and which has no expiration date.

Who benefits from this Agreement?

Any company in a WTO member country that is involved in international trade can benefit from certain provisions of the TBT Agreement. The Agreement contains transparency provisions that seek to reduce discriminatory or trade restrictive measures at an early stage in the regulatory process, so that U.S. companies are not faced with unnecessary obstacles to trade. These provisions contain notice and comment provisions that allow interested parties to request copies, review and comment on proposed technical regulations, standards and conformity assessment procedures that may have an impact on trade.

How can this Agreement help my company?

Nondiscrimination

The TBT Agreement states that with respect to technical regulations, standards, and conformity assessment procedures, WTO Member governments shall ensure that products imported from another WTO country are accorded national treatment and most favored nation (MFN) treatment. (National treatment means treatment no less favorable than that accorded to like products of national origin; MFN means treatment no less favorable than that accorded to like products originating in any other country.)

Technical Regulations and Standards

The TBT Agreement makes a distinction between technical regulations and standards: technical regulations are mandatory measures imposed by governments, whereas standards are voluntary measures. Both terms are understood to cover measures based upon:

- product characteristics;
- process and production methods related to product characteristics
- terminology, symbols, packaging, marking and labeling requirements as they apply to a product, process or production method.

According to the Agreement, WTO Member governments, wherever possible, shall specify technical regulations and standards in terms of performance rather than design or descriptive characteristics.

The TBT Agreement recognizes that no government should be prevented from adopting technical regulations and standards to fulfill a legitimate objective. The Agreement has identified the following list as examples of legitimate objectives: national security, protection of human, animal or plant life or health, or the environment, and prevention of deceptive practices. In adopting measures to achieve such goals, however, governments should ensure that they do not create unnecessary obstacles to trade.

To this end, the Agreement states that technical regulations shall be no more restrictive than necessary to fulfill the government's legitimate objectives. If relevant international standards exist, the Agreement states that WTO Member governments shall use them as the basis for their technical regulations except where such a standard is ineffective or inappropriate to meet that government's legitimate objective. (There is a presumption under the TBT that a technical regulation based on an international standard is less likely to be an obstacle to trade.) Where international standards do not exist, or where they are inappropriate (for example, for climatic or geographical reasons or because of fundamental technological problems) and may affect international trade, Member governments shall give other WTO Members advance notification of any technical regulations they intend to adopt and allow a reasonable time for interested parties to comment through the National Enquiry Point. The [TBT National Enquiry Point](#), located at the Department of Commerce's National Institute of Standards (NIST), can request copies of draft regulations and transmit technical comments to the originating country. A free e-mail service by DOC - [Notify U.S.](#) - can alert exporters to proposed technical regulations by WTO Members.

With regard to standards, with which compliance is voluntary, the TBT Agreement contains a "Code of Good Practice for the Preparation, Adoption and Application of Standards", which is a voluntary code that can be adopted by any standardizing body in a WTO member country. The Code provides that standardizing bodies shall use international standards as the basis for the standards that they develop except where such international standards would be ineffective or inappropriate. The standardizing bodies shall also publish their work programs at least once every six months. Before adopting a standard, they shall allow a period of 60 days for the submission of comments by interested parties in other WTO member countries.

Conformity Assessment Procedures

"Conformity assessment" is the procedure used to determine whether a product fulfills the requirements of a technical regulation or a standard. In the context of the TBT Agreement, conformity assessment includes:

- testing a product, process or service by a laboratory;
- certification, by a certification body, that a product, process or service conforms to specified regulatory requirements;
- assessment of the quality management system of an individual manufacturer by a recognized quality assurance registrar; or

- accreditation procedures for the institutions that perform the functions listed above;
- supplier's declaration of conformity.

WTO Member Countries shall ensure that the conformity assessment procedures are prepared, adopted and applied in a non-discriminatory manner. To this end, products originating in the territory of other Members shall be accorded both national treatment and most favored nation treatment.

To ensure that conformity assessment procedures do not create unnecessary obstacles to international trade, the TBT Agreement also provides that:

- foreign suppliers should be provided, on request, with information on the processing period and documentation required for assessing the conformity of the products that they wish to export;
- fees charged to foreign suppliers should be equitable in relation to those charged to domestic suppliers;
- the siting of testing facilities and the selecting of samples for testing should not cause inconvenience to foreign suppliers; and
- conformity assessment procedures should provide for a review of complaints regarding the implementation of those procedures.

Dispute Settlement

Disputes between governments over the implementation of the TBT Agreement by a WTO Member, can be addressed by those governments in accordance with the [WTO Dispute Settlement Understanding](#). Information on the WTO dispute settlement procedures is available in the Exporter's Guide to that Understanding.

Can the U.S. Government help me if I have a problem?

Yes. If your business is being adversely affected because another WTO member country is not complying with the WTO Technical Barriers to Trade Agreement, contact the Trade Agreements Negotiation and Compliance at the U.S. Department of Commerce. The Center can help you understand your rights under this Agreement and can alert the appropriate U.S. Government officials to make inquiries, if appropriate, with the other country involved to help you resolve your problem.

Disputes under the Technical Barriers to Trade Agreement can also, if necessary, be resolved by the U.S. Government through the WTO's dispute settlement process, which is described in the [Exporter's Guide to the WTO Understanding on the Settlement of Disputes](#).

How can I get more information?

The complete text of the WTO Agreement on Technical Barriers to Trade is available from the Office of Trade Agreements Negotiations and Compliance's [WTO Agreements database](#).

To register to receive automatic e-mails of WTO TBT notifications via Export Alert! contact the National Institutes of Standards and Technology .

If you have questions about this Agreement or how to use it, you can [e-mail](#) the Office of Trade Agreements Negotiations and Compliance, which will forward your message to the Commerce Department's Designated Monitoring Officer for the Agreement. You can also contact the Designated Monitoring Officer at the following address:

Designated Monitoring Officer -

WTO Agreement on Technical Barriers to Trade

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