

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

Harmonization of Lighter Standards and Conformity Assessment Procedures

Communication from the People's Republic of China

The following communication, dated 19 September 2007, is being circulated at the request of the delegation of the People's Republic of China.

I. INTRODUCTION

1. In line with paragraph 16 of the Doha Ministerial Declaration in November 2001 and paragraph 22 of the Hong Kong Ministerial Declaration in December 2005, tariff as well as non-tariff barriers ("NTBs") should be reduced or as appropriate eliminated, in particular with respect to products of export interest to developing Members, and the special needs and interests of developing and least-developed Members should be taken fully into account. Some Members create and apply NTBs in the form of standards, inspection, testing, certification and accreditation, which fail to take due account of the national condition of developing Members, and which pose de facto or disguised restrictions on exports of interests to developing Members and constitute unnecessary obstacles to the market access of products from developing Members.

2. In regard to the international trade of lighters (HS codes 961310 and 961320), some Members have established their domestic technical regulations, beyond those specified in existing international standards. The following proposal is made with a view to possible solutions to NTBs affecting trade in lighters.

II. BACKGROUND

3. The annual consumption of lighters in the world is about 18 billion units. China, France, Thailand, Viet Nam, Indonesia, the Philippines and Brazil are the major producers and exporters.

4. Some Members have established technical regulations that restrict the international trade in lighters. Some Members impose child-resistant ("CR") standards, requiring the installation of CR devices on lighters below a certain unit price. However, such safety restrictions serve to discriminate against lower-priced lighters and thereby form an obstacle to the trade in lighters.

5. In some cases, Members require, with respect to imported lighters, a test report issued by specific laboratories that the importing Members recognized, and refuse to accept test reports issued by other laboratories that are in complete compliance with the ISO/IEC17025 and ISO 9994:2005 standards. Thus, lighter companies must first obtain certification for their lighters from specific laboratories recognized by the importing Members, which greatly increase the companies' costs.

6. In addition, some Members require a test report for each and every type of lighter. While the report is valid for only six months, the testing lasts for a period of from three to six months and costs more than 1,000 U.S. dollars.

7. All of these NTBs have greatly affected the international trade of lighters and, specifically, the production and marketing of lighters by companies in developing Members. For example, according to one study, 75 percent of China's lighter manufacturers have encountered NTBs in the process of exporting their lighter products, representing a total annual value of 100 million U.S. dollars. The technical requirements, testing and alteration of packing and labeling, increase the cost of exports by approximately 10 percent.

III. MODALITIES

8. All WTO Members shall take relevant existing international standards (such as ISO 9994:2005), guides and recommendations as the basis for domestic technical regulations, standards and conformity assessment procedures.

9. Members, when developing or revising their domestic technical measures concerning lighter products, shall ensure that the installation of CR devices must be on the basis of appropriate safety standards, rather than the unit price of the lighters. The ISO 9994:2005 standard specifies the general requirements for lighters so as to ensure that lighters are safe when handled properly or even improperly in certain predictable ways. Therefore, Members must recognize lighters as safe if they meet the requirements stipulated under the ISO 9994:2005 standard.

10. For the purpose of child protection, patents for safety devices, such as the CR devices, should be shared or subject to a shorter duration, and some mature CR technologies that can be widely used should be promoted gradually as generic safety standards.

11. Members shall take effective measures to recognize technical regulations and conformity assessment procedures of other Members as equivalent to their own, if these procedures fulfill the same regulatory objectives, and accept the conformity assessment results of other Members. Developed Members shall accept testing reports issued by laboratories in developing countries as in complete compliance with the ISO/IEC17025 and ISO 9994:2005 standards.

12. Before enforcing new technical measures against lighters, Developed Members should provide developing Members with a grace period of at least 6 months and should provide technical assistance to facilitate the conformity with these measures.

NON-TARIFF BARRIER NOTIFICATIONS CONCERNING LIGHTERS

No.	Tariff item (HS2002)	Description of product	Non-tariff measure on which action is requested	Specific action requested	Remarks
1	2	3	4	5	6
[1]	961310 961320	pocket lighters, gas fuelled, non refillable pocket lighters, gas fuelled, refillable	<p>1. Novelty lighters are forbidden by some Members to enter their markets. But the term “novelty lighters” is too vague in definition and scope, and may cause discrepancies in application.</p> <p>2. Certain Members require each consignment of import lighters to be tested against the ISO9994 standard, and liquid-fuelled lighters are subject to some restrictive mandatory procedures.</p> <p>3. Some Members make a linkage between the safety requirements and the price of lighters. Lighters below a certain price are required to include a child-resistant (CR) device, or obtain a certificate of CR device before they are allowed to be produced, sold or imported. And this certificate must be kept for 3 years from the date of production or importation.</p>	Adopt positive measures, with a view to form a more open international market of lighters	
[2]	961310 961320	pocket lighters, gas fuelled, non refillable pocket lighters, gas fuelled, refillable	1. Some Members transform their formerly voluntary standards into mandatory ones. These standards are substantially different from the international standard ISO9994. For instance, the CR requirements in these standards exceed the requirement of ISO9994 standard.	1. Adopt the international standards where appropriate	

No.	Tariff item (HS2002)	Description of product	Non-tariff measure on which action is requested	Specific action requested	Remarks
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			<p>2. Some Members apply two technical standards for lighters. One is the international standard ISO9994 covering the quality, reliability and safety of lighters, and containing some appropriate safety test procedures but no CR requirements. The other is Members' domestic standard, which establishes the CR requirements. Lighters placed on the markets must comply with Members' domestic standard as well as the international standard ISO9994.</p>	<p>2. Adopt the international standards where appropriate</p>	
[3]	<p>961310 961320</p>	<p>pocket lighters, gas fuelled, non refillable pocket lighters, gas fuelled, refillable</p>	<p>Certain Members maintain regulations requiring mandatory certification of lighters, which stipulate that lighters can be placed on their markets only if they comply with the relevant standards and obtain a certificate of conformity issued by a certification body. The test results provided by export members are not accepted.</p>	<p>1. Conduct MRAs between certification bodies. Accept the relevant foreign conformity assessment results 2. Encourage cooperation and mutual recognition</p>	

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