

# WORLD TRADE ORGANIZATION

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Negotiating Group on Market Access

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## MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

### Proposal on the NTBs of Lighter Products

*Communication from the People's Republic of China*

### Addendum

The following communication, dated 17 April 2008, is being circulated at the request of the delegation of the People's Republic of China.

We hereby make this proposal with a view to promoting the establishment of a market access system, based on international standards and by members in joint efforts to reduce or as appropriate eliminate NTBs in the trade of lighter products, to achieve their free trade.

### **Understanding on the Interpretation of the Agreement on Technical Barriers to Trade as Applied to Trade in Lighter Products**

*Members,*

*Recalling* Paragraph 16 of the Doha Ministerial Declaration and Paragraph 22 of the Hong Kong Ministerial Declaration, where Members agreed to negotiate with a view to reducing or as appropriate eliminating tariffs and non-tariff barriers to trade in non-agricultural products;

*Considering* the significant impact of lighter products on human life, safety and health, and on transportation;

*Noting* that some members apply diverse technical measures which greatly affect the international trade of lighter products;

*Desiring* to facilitate international trade of lighter products through the establishment of universally accepted technical regulations, standards and conformity assessment procedures;

Hereby *agree* as follows:

#### **Article 1 General Provisions**

1.1 The products covered by this understanding:

<u>HS Code</u>	<u>Description</u>
961310	Pocket lighters, non refillable
961320	Pocket lighters, gas fuelled, refillable
961380	Other lighters

1.2 This understanding applies to the technical regulations, standards and conformity assessment procedures concerning lighter products.

1.3 The provisions specified in the Understanding shall constitute an interpretation of the Agreement on Technical Barriers to Trade set out in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization.

### **Article 2 Technical Regulations**

2.1 According to Article 2.4 of the TBT Agreement, members shall use the existing international standard ISO9994 as basis for the preparation and revision of their technical regulations and standards, with a view to facilitating the international trade of lighter products.

2.2 Recognized that the international standard ISO9994 has already satisfied the safe use of lighter products, the importing members shall allow the access to their markets of products manufactured by the exporting members according to ISO9994.

2.3 According to Article 2.8 of the TBT Agreement, members shall specify technical regulations based on product requirements in terms of performance rather than price or outward appearance.

### **Article 3 Conformity Assessment Procedures**

3.1 To facilitate international trade and reduce the risk and cost of sample lighter products being transported to other countries for test, importing members shall positively consider the possibilities of accrediting laboratories, designated or accredited by the government of the exporting members and run under ILAC agreements as per Standard ISO/IEC17025, and on this basis recognize their testing results.

3.2 Where the importing members do not have the testing capacities, priority shall be given to accrediting testing reports issued by laboratories in compliance with ISO/IEC17025 and accredited by ILAC and designated or accredited by government of the exporting members.

3.3 Importing members shall avoid duplicative testing where the exporting members are capable of meeting their technical requirements and have already carried out the relevant tests.

3.4 The importing members shall make full use of the technical resources (such as the laboratory) of the exporting members, conduct joint tests or comparative tests, etc.

### **Article 4 Transparency**

4.1 According to Articles 2.9 and 5.6 of the TBT Agreement, when preparing lists of types or models of lighter products forbidden to put on their markets, members shall fulfil their obligation of transparency and notify the WTO, and offer a period for comments of at least 60 days, and publish the results of their treatment of the comments.

4.2 To facilitate international trade of lighter products, the importing members shall provide the exporting members with the list of lighter products and its updates denied by their regulations to their markets.

### **Article 5 Technical Cooperation**

5.1 When developing members have difficulties in meeting the requirements of lighter products imposed by developed members in the technical regulations, standards and conformity assessment

procedures they prepared, upon request, the developed members shall provide necessary technical assistance.

Members shall take effective measures to enhance the exchange of technology, experience and information in the field of technical regulations, standards and conformity assessment procedures for lighter products.

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