

**MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS**

Harmonization of Fireworks Standards and Conformity Assessment Procedures

*Communication from the People's Republic of China*

The following communication, dated 18 January 2008, is being circulated at the request of the delegation of the People's Republic of China. This proposal replaces the earlier proposal contained in the annex of document TN/MA/W/89.

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**Understanding on the Interpretation of the Agreement on  
Technical Barriers to Trade as Applied to Trade in Fireworks**

*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 fireworks on human safety, property and the environment and the lack of applicable international standards on fireworks;

*Noting* that unreasonable and duplicative technical regulations, standards and conformity assessment procedures on fireworks greatly impede the international trade in fireworks;

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

Hereby *agree* as follows:

**Article 1 - General Provisions**

- 1.1 The Understanding applies to fireworks under HS 360410.
- 1.2 The Understanding applies to technical regulations, standards, and conformity assessment procedures related to the production and trade of fireworks that impede international trade.
- 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 - Terms and Definitions**

2.1 Firework refers to any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas, or smoke, or a combination of such effects, through self-sustained exothermic chemical reactions intended for entertainment purposes.

2.2 The terms and definitions referred to in the WTO Agreement on Technical Barriers to Trade and those in relevant ISO/IEC standards shall apply to this Understanding.

## **Article 3 - International Standards**

3.1 The WTO shall draw the attention of relevant international standard-setting organizations to the absence of international standards of fireworks and encourage them to prioritize fireworks standards development.

3.2 WTO Members are encouraged to participate actively in the development of international standards for fireworks.

## **Article 4 - Conformity Assessment Procedures**

4.1 Given the risks and costs inherent in long-distance transportation of hazardous fireworks test samples, a Member shall give positive consideration to recognize an assurance of conformity issued by a conformity assessment body approved for that purpose by the authorities of another Member in accordance with relevant international standards (e.g. ISO/IEC17025). A Member may, however, require as a condition for accepting such a declaration of conformity that the conformity assessment body that issued it participates in or being a member of relevant international accreditation systems (e.g., systems linked to the International Laboratory Accreditation Cooperation, ILAC).

4.2 A Member shall accept fireworks hazard classification certificates issued by competent laboratories of another Member in accordance with UN Series 6 Test of the United Nations Recommendations on the Transport of Dangerous Goods.

4.3 In case that there is a registration requirement on fireworks, a Member should finish its registration process and release the registration code within 60 days upon the acceptance of relevant documents.

4.4 A Member shall avoid re-testing fireworks on which another Member are competent to carry out compliance testing according to the technical requirements of that Member and has already undertaken the relevant testing accordingly.

## **Article 5 - Labelling**

5.1 Considering the difficulty of manufacturers and exporters to meet Members' divergent labelling requirements with respect to the information, format, colour difference and position of labelling, Members shall take positive measures to harmonize their labelling requirements.

5.2 Before the imposition of international labelling standards on fireworks, a Member shall make best effort to ensure the consistency of its domestic labelling requirements. If a Member proposes to adopt or amend a technical regulation or conformity assessment procedures with respect to labelling, it shall notify other Members through the Secretariat or through its WTO Enquiry Point no less than 60 days before the formal adoption of the requirements.

### **Article 6 - Transparency**

6.1 Before amending an existing or adopting a new technical regulation, standards or conformity assessment procedure, Members shall allow reasonable time for consultations with and interested party and take other Members' comments into consideration. A Member shall notify the WTO of the technical regulations, standards and conformity assessment procedures on fireworks adopted or amended thereafter.

6.2 Upon request of other Members, a Member shall provide in a timely manner copies of:

- its latest versions of its technical regulations, standards and test manuals on fireworks, and
- the deadline for conducting each conformity assessment procedure.

### **Article 7 - Technical Cooperation**

7.1 A Member shall conduct necessary consultations with interested Members in developing domestic technical regulations, standards and conformity assessment procedures on fireworks.

7.2 As provided for in Article 11 of the TBT Agreement, developed country Members shall provide, on request and on mutually agreed terms and conditions with developing and least-developed country Members, technical cooperation in the preparation of the plans as well as the implementation of the commitments under this Understanding.

7.3 WTO Members should strengthen exchange of technology, experience and information with respect to technical regulations, standards and conformity assessment procedures on fireworks.

### **Article 8 - Final Provisions**

8.1 The Committee on Technical Barriers to Trade shall review the operation and implementation of this Understanding on an annual basis.

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