

COMMUNICATION FROM CHILE, KOREA, NORWAY AND SWITZERLAND

The following communication, dated 4 April 2006, from the delegations of Chile, Korea, Norway, and Switzerland, is being circulated in advance of the Negotiating Group meeting of 5-7 April.

THE USE OF INTERNATIONAL STANDARDS

For the purpose of clarifying and improving GATT Articles V, VIII and X, Members have submitted proposals on the use of international standards. The proposals below are based on discussions in the Trade Facilitation Negotiating Group, the compilation document TN/TF/W/43/Rev.5 and the compilation of questions and answers in document JOB(05)/222.

A. DEFINITION

1. International standards are provisions (definitions, standards, recommendations) in international Conventions and Agreements administered by other relevant international organisation in trade facilitation.

B. COMMON ELEMENTS OF EXISTING PROPOSAL

2. Use of international standards and instruments¹ as the basis for:

- national/regional import, export and transit procedures;
- the alignment of national/regional trade document formats such as the UN Layout Key or UNEDocs;
- the alignment of national/regional data elements in trade documents;
- electronic exchange of trade data by using *inter alia* UN/EDIFACT.

¹ Reference have been made to international Conventions and Agreements (e.g., Revised Kyoto Convention, HS Convention, UN Layout Key, UN/CEFACT Recommendations).

C. ELEMENTS IDENTIFIED FOR FURTHER ADDRESSING

3. Below we have addressed three issues; (1) the substantive elements to be considered, (2) special and differential treatment and (3) technical assistance.

C.1. Substantive elements to be considered

C.1.a. Implementing the requirement to use international standards

4. Below we do not focus on which international standards to apply, but how to implement a requirement to use international standards² and possible exceptions that Members deem necessary. As to methodology, there would seem to be three approaches. The level of specificity in respect of concrete standards depends on the choice of approach.

- A general obligation to use international standards where they exist, with some limited exceptions. These exceptions could either be decided in the Agreement itself or at a national level, but in the latter case some guidance has to be given concerning the use of exceptions³.
- A reference to the relevant international organisations that have developed international standards such as International Maritime Organisation, International Civil Aviation or Standards developed based on the UN Layout Key.⁴
- A reference to provisions in other international Agreements.⁵ In this case a mechanism should deal with obsolete , and new standards. (Why: because it is not the WTO which will develop any standard, but the specialised international organisations. The WTO will just look at them).

5. A related issue is how to encourage use of standard data elements in trade documents to enforce the positive results of using international standards.

C.1.b. Exceptions

6. The issue of exceptions in order to enforce legitimate policy objectives, should be addressed once the implementing requirements in C.1.a becomes clearer.

C.2. Special and Differential Treatment

- To devise differential implementation schedule taking into account Members' capacities and stage of development.
- Temporary partial application of commitments is also an option.

C.3. Technical Assistance

- Each country should assess whether and which international standards they currently use, and, if a particular standard is not used, identify needs and priorities in this regard

² As to the question of where to introduce a requirement to use international standards, including exceptions, the general point of departure is that they should be used whenever relevant and feasible for import, export and transit procedures. Where international standards are not appropriate, the use of regional standards could be explored. This is not further addressed in this submission.

³ An example can be found in the TBT agreement, see in particular Articles 2.2 and 2.4.

⁴ An example can be found in the SPS Agreement, Annex A, paragraph 3.

⁵ Many examples can be found in the TRIPS Agreement.

- Technical assistance shall be targeted to the implementation of the particular obligation.
 - Special needs of LDCs should be addressed.
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