

**Some aspects on standardization in the context of
foreign trade and trade policy**

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European and International level



What is a standard ?

HOW MANY STANDARDS ARE THERE IN A LAPTOP?

A study has identified 251 technical interoperability standards implemented in a modern laptop computer (it is estimated that the total number of standards relevant to such a device is much higher)

**44% were developed
by consortia**



**36% by formal standards
development organizations**

20% by single companies

HOW MANY STANDARDS IN A LAPTOP? (AND OTHER EMPIRICAL QUESTIONS)

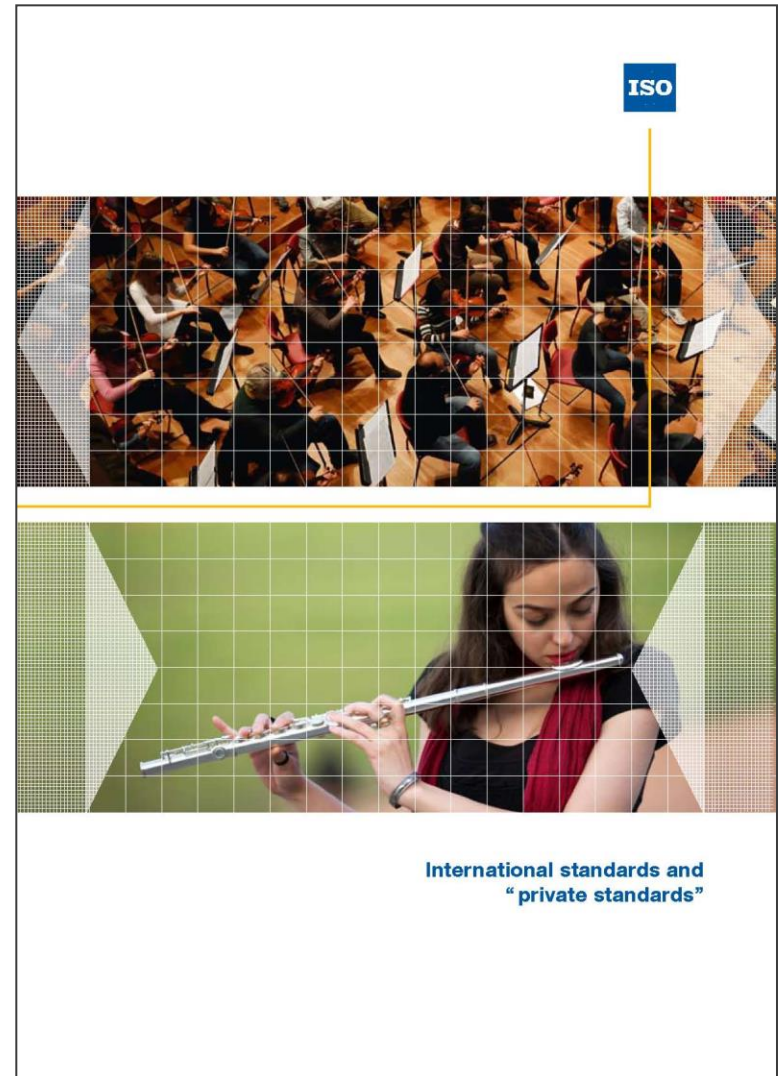
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http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1619440

International Standards and “Private Standards”

- Trade, public policies and international standards
- Formal international standardization
- Private standards in the ICT sector, in agri-food and on social/environmental issues
- Claims, labels, certification, schemes and compliance



National and Regional Standards in the WTO TBT Agreement

Provisions on national and regional standards are contained in:

- **Article 4**
- **Annex 3 (“The Standards Code”)**

cont.

Standards Code (Annex 3 of TBT-Agreement)

Up to Mid February 2013:

162 standardizing bodies (159 national and 3 regional) from 122 Members have accepted the Code of Good Practice

(among them, 87 central governmental standardizing bodies)

(in certain countries several standardizing bodies have accepted the Code: e.g. 6 from Australia; 5 from Hong Kong, China; 10 from Japan; 10 from Mexico)

International Standards in the WTO TBT Agreement

Six Principles for International standards, Guides and Recommendations :

(Decided by the TBT Committee in the 2nd TR)

- **Transparency**
- **Openness**
- **Impartiality and Consensus**
- **Effectiveness and Relevance**
- **Coherence**
- **Development Dimension**

International Standards in the WTO TBT Agreement

Art 2.4 states

“Where technical regulations are required and relevant international standards exist Members shall use them as a basis for their technical regulations except when such international standards...would be ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued...”

Advantageous of applying a regulatory technique which make use of standards – for cooperation with other countries

At the 1st WTO/TBT Triennial Review, the TBT Committee reiterated that good regulatory practice for the preparation, adoption and application of technical regulations was a priority for Members to facilitate trade.

The Committee agreed at the 2nd Triennial Review to continue an information exchange in this regard while noting that minimizing the use of mandatory technical regulations and using voluntary international standards, where appropriate, could reduce the regulatory burden and open up market access opportunities.

There are certain limitations for the use of the same (international) standards if technical regulations are too different in various countries...

...Remember the wording in WTO/TBT Agreement Article 2.4 (“...except when such international standards....would be ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued...”)

Hence, the use of identical standards in different countries/regions is made difficult if there exist different regulatory objectives in countries/regions.

See e.g. The OECD study “The use of international standards in technical regulation”, July 2010 – a pilot study of three sectors (household appliances, natural gas, telephony) in five countries (Canada, EU, Korea, Mexico and the US), July 2010.

(“...there is no point in encouraging a country to use international standards as a basis of regulation of a given issue if that country does not regulate that issue in the first place...”)

(cont.)

...this is why there need to be a certain degree of coherence in regulatory objectives for a sector/regulatory area to make it possible for the countries concerned to use the same (international) standards



... and this is one rationale for the “standards receptive regulatory techniques” developed in the UNECE (the “International Model”)

(cont.)

The use of international standards by way of making them mandatory as national technical regulations in countries could be questionable

[this would most likely be seen as “overregulation”]

When an international standard is used in a technical regulation it should be clearly identified which aspects of the standard that are supporting the objectives of the regulation

[See e.g. UNECE Recommendation D, “Reference to Standards”, paragraph D.3.5]

[See e.g. ISO and IEC principles for developing standards related to or supporting Public Policy Initiatives, paragraph 2.b]

**Thank you very much
for your attention !**

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