

vii) Provincial Regulations

The transparency provisions of the Tokyo Round Agreement on TBT required that central governments provide other countries with advance notice of proposed technical regulations. However, provincial and state governments also play an important role in ensuring the protection of the environment. The new Agreement on TBT recognizes this role by extending the prenotification obligation to provincial and state governments.

Except when a regulation addresses an urgent environmental problem, notification should take place at least 60 days prior to the implementation of a measure. Notifications are available to interested parties through public enquiry points in member countries. This notification and transparency requirement, which is similar to Canada's federal regulatory policy, will allow Canadians to obtain an accurate overview of the regulatory frameworks of subnational jurisdictions in other countries.

viii) Mutual Recognition

A provision of the Tokyo Round Agreement on TBT requires that importing countries accept the results of conformity assessment procedures carried out in other countries, provided the foreign methods are satisfactory to the receiving country. The Uruguay Round Agreement on TBT builds on the earlier text by encouraging countries to enter into formal agreements for the mutual recognition of the results of each other's conformity-assessment procedures.

The concept of mutual recognition is not new. Mutual recognition agreements are entered into voluntarily and depend on a high level of confidence between the participating bodies. They are particularly useful when third-party certification of conformity to specified technical regulations or standards is desired or required. For example, intergovernmental agreements of this nature exist in the agri-food sector. Members of Canada's National Standards System have negotiated agreements with their counterparts in other countries for the mutual recognition of laboratory test results.

Mutual recognition could also be useful in the environmental sector. For example, Canadians are in the forefront of an effort to develop criteria for an international Environmental Management System (EMS) that would be comparable to the existing Quality Management System. Should an EMS be implemented, buyers could choose to purchase only from suppliers that meet EMS standards. By identifying qualifying companies in different countries, mutual recognition agreements would facilitate application of the EMS concept on an international basis.