

VIII. TECHNICAL BARRIERS TO TRADE

A. OVERVIEW OF THE AGREEMENT

The Agreement on Technical Barriers to Trade (TBT) defines the international rights and obligations of member countries with respect to the development or application of standards-related measures that affect trade. Standards-related measures include mandatory technical regulations, voluntary standards and conformity-assessment procedures that determine whether a product meets the requirements of a particular regulation or standard.

Standards-related measures play a very prominent role in the pursuit of environmental objectives. Examples of environmental standards-related measures are: limits on the type or amount of environmental pollutants that may be emitted into the air or water by a manufacturing facility, prohibitions on the use of substances that could cause damage to the planetary ozone layer, restrictions on the use or environmental toxicity of pesticides, information that either must or may be presented on a product label and requirements concerning the type or volume of packaging. If they affect trade, such environmental measures may be subject to the provisions of the Agreement on TBT.

A fundamental principle of the Agreement on TBT is that regulations and standards, as well as the testing and certification programs related to them, should not disrupt trade more than is necessary to achieve the objective of the measure. A primary means of accomplishing this principle is through the Agreement's notification and transparency provisions. These provisions require advance notification of intended rule-making and offer an opportunity for other countries to comment on the drafts.

There have been some 360 notifications of environmental measures since the Agreement first came into effect 14 years ago. To date, none of these measures has been found to be inconsistent with the obligations of the Agreement on TBT.

The Uruguay Round resulted in a number of amendments to the Tokyo Round version of the Agreement on TBT. Certain of the modifications constitute explicit confirmations of understandings that were implicit in the 1980 text; others represent a strengthening or extension of the earlier rights and obligations. Included in the changes are:

- explicit recognition of the right of each country to determine its own level of environmental protection (Preamble);