



Committee on Technical Barriers to Trade

**EIGHTEENTH ANNUAL REVIEW OF THE IMPLEMENTATION AND
OPERATION OF THE TBT AGREEMENT**

NOTE BY THE SECRETARIAT¹

The WTO Committee on Technical Barriers to Trade (the Committee) will conduct its Eighteenth Annual Review of the Implementation and Operation of the WTO Agreement on Technical Barriers to Trade (the TBT Agreement) under Article 15.3 at its next meeting on 6-7 March 2013. This document contains information on developments in the Committee relating to the implementation and operation of the TBT Agreement from 1 January to 31 December 2012.

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¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the position of Members and to their rights and obligations under the WTO.

1 MEETINGS OF THE COMMITTEE

1.1. The Committee, pursuant to Article 13.1 of the TBT Agreement and to the Rules of Procedure, elected Mr. Salim Lahjomri (Morocco) as its Chairperson for the year 2012-2013.

1.2. Three meetings were held in 2012 (20-21 March, 13-15 June and 27-28 November 2012).² At these meetings, the Committee's attention was drawn to new or revised statements on implementation and administration of the Agreement, submitted under Article 15.2. In 2012, two Members submitted a new statement under Article 15.2, while six issued revisions to existing statements, and one issued a supplement to its statement.³

1.3. Ninety-four specific trade concerns, thirty-five of which were new concerns, were brought to the attention of the Committee with regard to the potential adverse trade effects of the measures, or possible inconsistency with the Agreement.⁴ Information on specific trade concerns is available through the TBT Information Management System (TBT IMS).⁵

1.4. During the reporting period, the Committee continued the exchange of Members' experiences on various cross-cutting issues related to the operation and implementation of the Agreement, including: good regulatory practice, standards, conformity assessment procedures, transparency and technical assistance.

1.5. At the meeting on 20-22 March 2012, the Committee adopted its report of the Seventeenth Annual Review of the Implementation and Operation of the TBT Agreement under Article 15.3 (G/TBT/31). At the same meeting, the Committee carried out the Seventeenth Annual Review of the Code of Good Practice for the Preparation, Adoption and Application of Standards (hereafter 'the Code'). This work was based on the following background documents: a list of standardizing bodies that have accepted the Code in the period under review (G/TBT/CS/1/Add.17), a list of standardising bodies that have accepted the Code since 1995 (G/TBT/CS/2/Rev.19) and the Seventeenth Edition of the WTO TBT Standards Code Directory, prepared by the ISO/IEC Information Centre.

1.6. At its meeting on 27-29 November 2012, pursuant to Article 15.4 of the TBT Agreement, the Committee concluded the Sixth Triennial Review of the Implementation and Operation of the TBT Agreement, and adopted the Review Report (G/TBT/32). The Review addressed the following topics: good regulatory practice, conformity assessment procedures, standards, transparency, technical assistance, special and differential treatment, and the operation of the Committee.

1.7. During the reporting period, representatives of the Codex, ISO, IEC, UNECE, ITC, OIML, ITU, UNIDO and WHO updated the Committee on activities relevant to the work of the TBT Committee, including on technical assistance. The Committee granted *ad hoc* observer status to the *Bureau International des Poids et Mesures* (BIPM).

² G/TBT/M/56-58.

³ The full list of statements of Members having submitted a statement on implementation and administration of the TBT Agreement under Article 15.2 (since January 1995) is contained in document G/TBT/GEN/1/Rev.11. The new statements were received from Namibia (G/TBT/2/Add.108) and the Russian Federation (G/TBT/2/Add.109). The Former Yugoslav Republic of Macedonia (G/TBT/2/Add.84/Rev.1), Georgia (G/TBT/2/Add.81/Rev.2), Viet Nam (G/TBT/2/Add.98/Rev.2) Malaysia (G/TBT/2/Add.9/Rev.3), Ukraine (G/TBT/2/Add.100/Rev.2), South Africa (G/TBT/2/Add.60/Rev.1) submitted revisions, and Colombia (G/TBT/2/Add.18/Rev.1/Suppl.1) submitted a supplement, to their statements.

⁴ <http://tbtims.wto.org/>

⁵ <http://tbtimsadmin/web/pages/search/stc/Search.aspx>

2 MECHANISMS FOR REVIEW OF TBT MEASURES⁶

2.1 Notifications

2.1.1 Technical regulations and conformity assessment procedures

2.1. In 2012, Members submitted 1,550 new notifications (including revisions) of technical regulations and conformity assessment procedures along with 575 addenda and 45 corrigenda to notifications. Since the entry into force of the Agreement on 1 January 1995, up to 31 December 2012, 15736 notifications, 2,684 addenda and 485 corrigenda to these notifications have been made by 116 Members.

Chart 1: Number of TBT Notifications since 1995

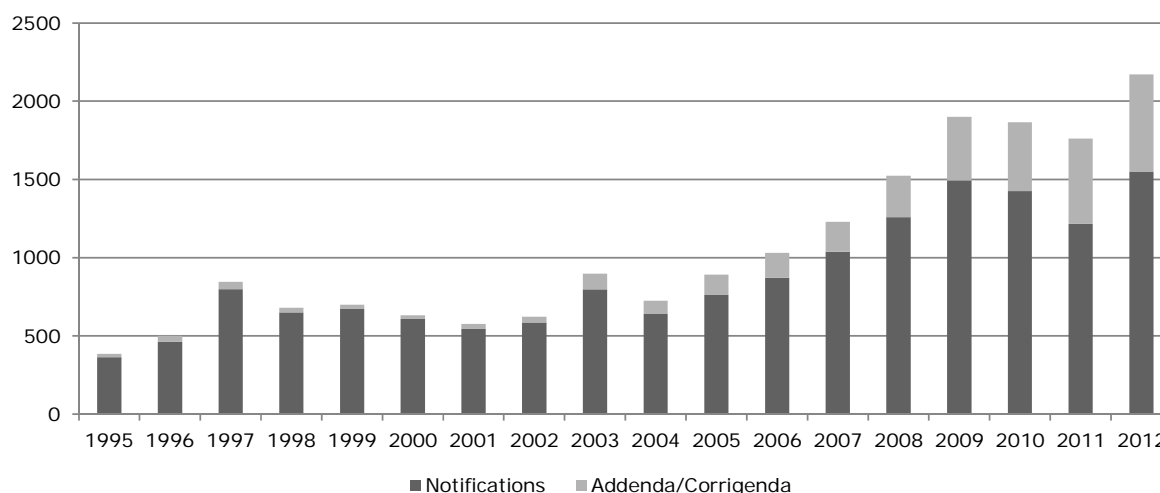
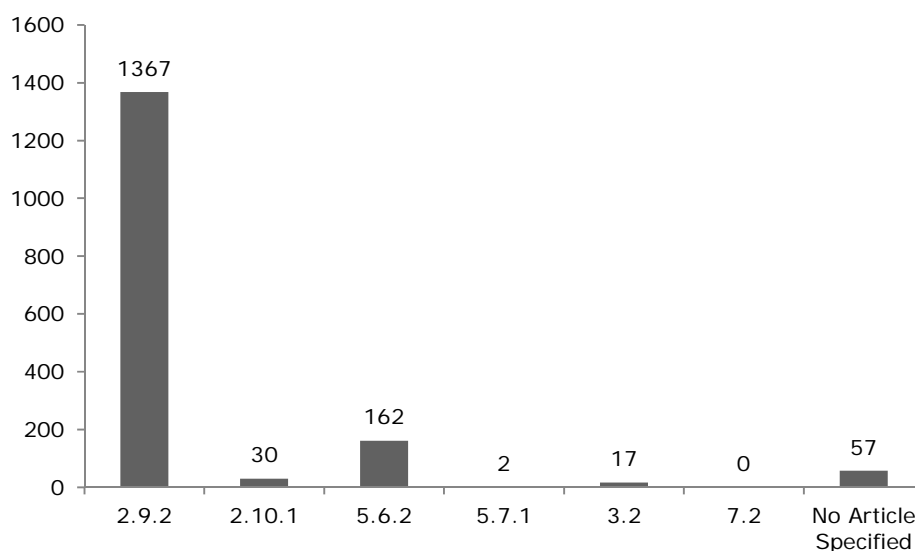


Chart 2: Notifications in 2012 by Article⁷



2.2. Among the 1,550 notifications received in 2012, the following objectives were mentioned by Members: protection of human health or safety; prevention of deceptive practices; quality requirements; protection of the environment; adoption of new technology; protection of animal or

⁶ The data for the graphs in this section are drawn from the TBT IMS, more detail is contained in Annexes A and B.

⁷ Notifications may refer to multiple articles.

plant life or health; harmonization; consumer information and labelling; cost saving and increasing productivity; and trade facilitation (See Table 1).

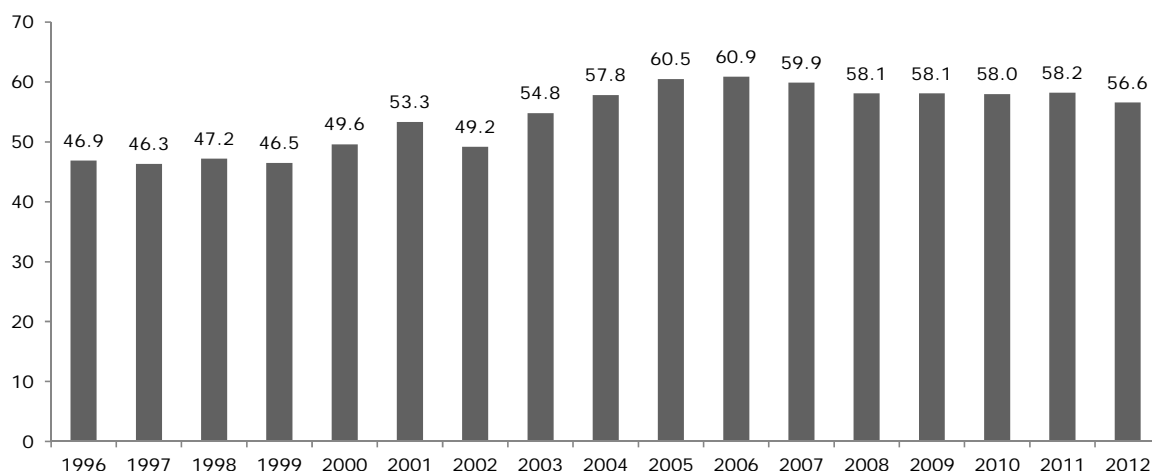
Table 1: Notifications in 2012 by Objective⁸

Objectives and Rationales	Number of times that the objective was mentioned as the first, second or third objective in the notifications received In 2012
Protection of human health or safety	1023
Protection of environment	253
Quality requirements	238
Prevention of deceptive practices and consumer protection	211
Consumer information, labelling	81
Harmonization	51
Lowering or removal of trade barriers	39
Adoption of new domestic law and technology	30
Protection of animal or plant life or health	25
Trade facilitation	24
Others	9
Cost saving and increasing productivity	5
Not specified	4
Total	1993

2.3. In 1995, the Committee recommended that the normal time-limit for presentation of comments on notified technical regulations and conformity assessment procedures should be 60 days. Moreover, it was recommended that any Member able to provide more than 60 days, such as 90 days, was encouraged to do so.⁹ In 2012, Members allowed an average of 56.6 days for comments in the 1,339 cases where they specified a comment period. In total, 86 notifications did not specify a comment period, stated it as non-applicable, or had a comment period which had lapsed (see Annex B). Chart 3 shows the average time allowed for comments since 1995.

⁸ Notifications may refer to multiple objectives.

⁹ G/TBT/1/Rev.10, page 23.

Chart 3: Average Number of Days Allowed for Comments since 1995¹⁰

2.1.2 Notifications under the Code of Good Practice for the Preparation, Adoption and Application of Standards ("the Code")

2.4. In 2012, there were no notifications of acceptance nor withdrawal from the Code. Since the entry into force of the Agreement and through December 2012, 162 standardizing bodies from 122 Members have adhered to the Code.¹¹ Document G/TBT/CS/2/Rev.19 contains a list, by Member, of standardizing bodies that have accepted the Code since 1 January 1995 through December 2012. The ISO/IEC Information Centre prepared the Seventeenth Edition of the WTO TBT Standards Code Directory¹² which lists all standardizing bodies that have notified their acceptance of the Code.

2.1.3 Notifications under Article 10.7

2.5. In 2012, Ukraine notified agreements under Article 10.7 with the Czech Republic, Former Yugoslav Republic of Macedonia, Latvia, Libya, Slovak Republic, Spain, Switzerland, Tunisia, the United States and Viet Nam on the recognition for Conformity Assessment Procedures. Since the entry into force of the TBT Agreement, Members have submitted 137 notifications under Article 10.7 along with 6 corrigenda to these.

2.2 Specific Trade Concerns

2.6. Since its first meeting, Members have used the TBT Committee as a forum to discuss issues related to specific measures (technical regulations, standards or conformity assessment procedures) maintained by other Members. These are referred to as "specific trade concerns" and relate variously either to proposed measures notified to the TBT Committee in accordance with the notification requirements in the Agreement, or to measures currently in force. Committee meetings, or informal discussions between Members held in the margins of such meetings, afford Members the opportunity to review trade concerns in a bilateral or multilateral setting and to seek further clarification. Members regularly discuss follow-up in the Committee. In 2012, 94 specific

¹⁰ Charts based only on notifications that specify a comment period. Charts do not take into account notifications, where the comment period was not specified, stated as non-applicable, or had lapsed at the time of circulation.

¹¹ Notifications of acceptance of the Code by standardizing bodies of Members are contained in documents G/TBT/CS/N/1-179. A list of standardizing bodies having accepted the Code in 2012 is contained in document G/TBT/CS/2/Rev.19.

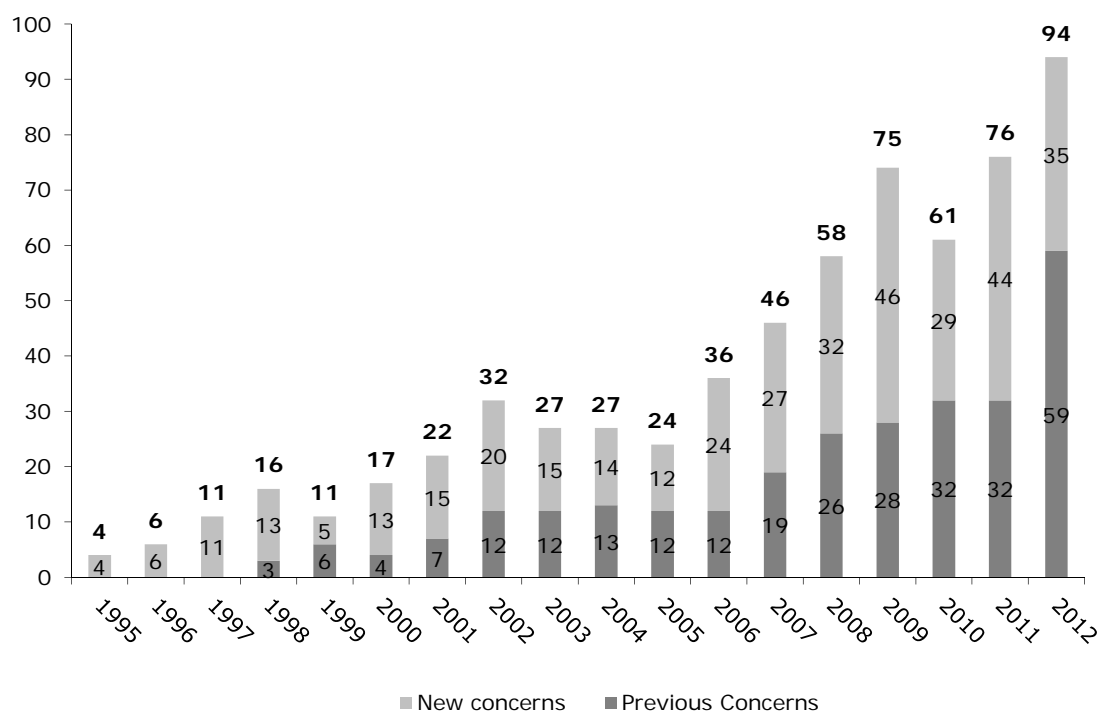
¹² <http://www.standardsinfo.net/info/intrade.html>.

trade concerns were raised (see Annex C). The following Charts provide information on the 365 concerns raised to date.

2.2.1 Types and Number of Specific Trade Concerns Raised

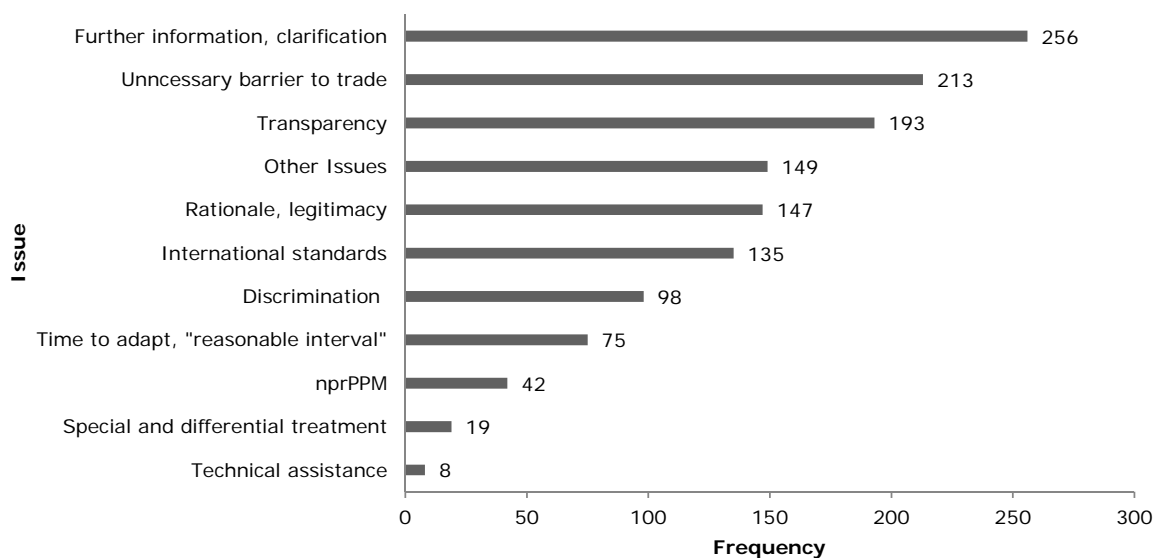
2.7. In 2012, 35 new concerns were raised and 59 previously raised concerns were discussed. Chart 4 illustrates the number of specific trade concerns addressed by the Committee each year since 1995.¹³

Chart 4: Number of specific trade concerns raised per year

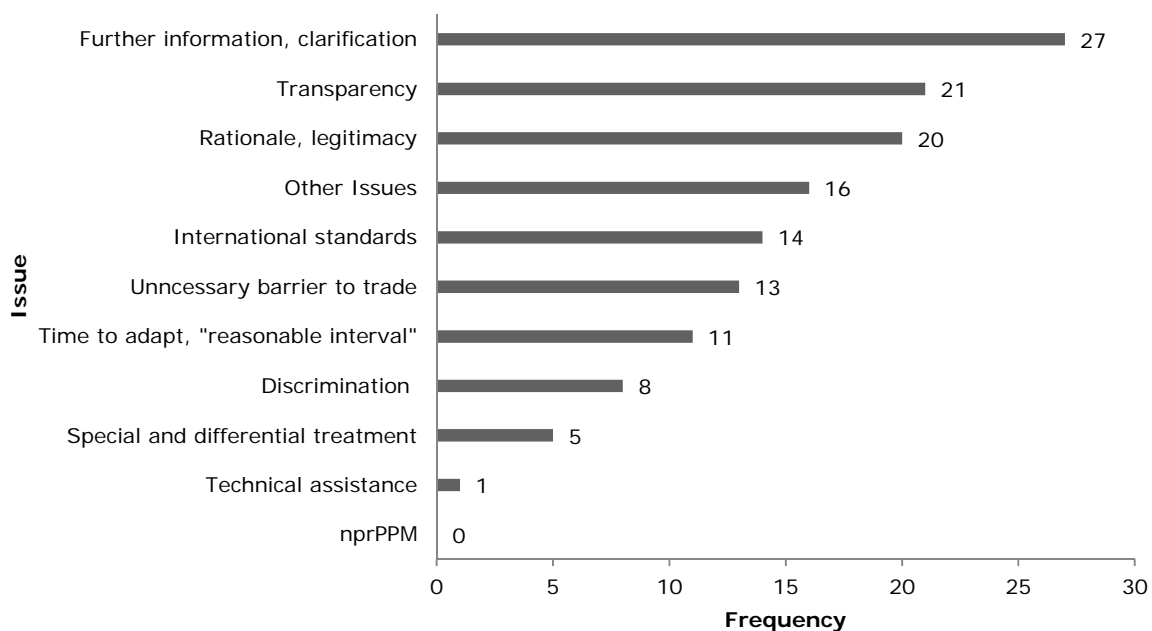


2.8. In discussions at the Committee between 1995 and 2012, the most frequently invoked concerns were those relating to the need for more information, or clarification about the measure at issue. Concerns relating to the avoidance of unnecessary barriers to trade and to lack of transparency are also frequent.

¹³ More detail on specific trade concerns raised in the TBT Committee is available on the TBTIMS platform (<http://tbtims.wto.org>).

Chart 5: Types of concerns raised in 1995 - 2012¹⁴

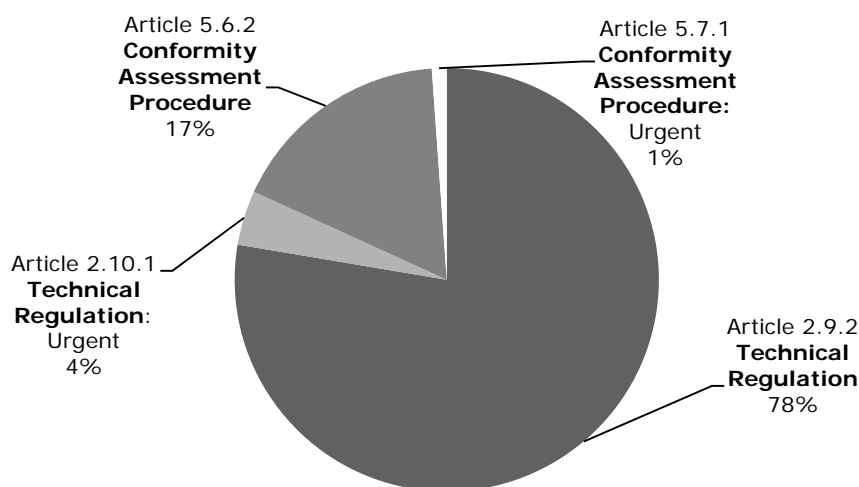
2.9. In 2012 alone, concerns regarding unnecessary barriers to trade were less frequently raised in comparison to previous years. Concerns regarding the rationale and legitimacy of a measure were, however, raised more frequently.

Chart 6: Types of concerns raised in 2012

¹⁴ For each specific trade concern covered there may be more than one type of concern raised. 'Other Issues' that have been raised include, *inter alia*, "complexity", "lack of scientific evidence", and "intellectual property". 'Time to adapt, "reasonable interval"' refers to the period between the publication of technical regulations and conformity assessment procedures, and their entry into force.

2.10. About 70% of the measures discussed in the Committee have been notified.¹⁵ Measures notified as technical regulations (Articles 2.9.2, 2.10.1) are most frequently discussed (Chart 7).¹⁶

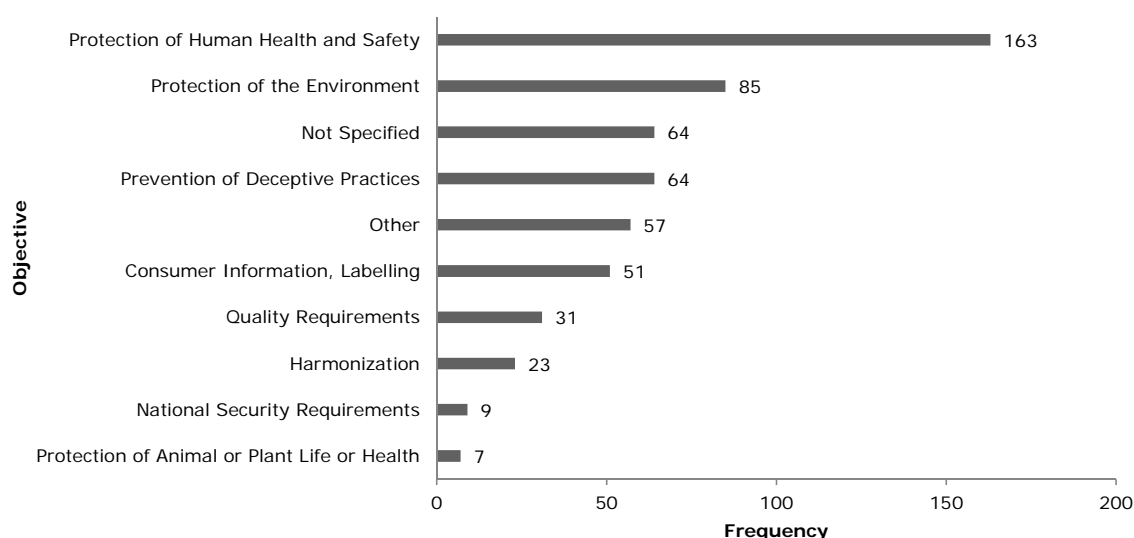
Chart 7: Specific trade concerns relating to measures that have been notified



2.2.2 Stated Objectives

2.11. Information about the stated objective of measures may be derived from the notification itself, or, when raised in the Committee, through the discussion in the Committee. The most commonly stated objectives of the measures discussed relate to health and safety, and the protection of the environment. The category 'other' covers a wide range of stated objectives including: consumer protection, consumer information, fair trade and trade facilitation. For a significant number of trade concerns, the objective is not readily apparent from discussions and there is no notification; these stated objectives have been classified as "not specified" in Chart 8.

Chart 8: Stated objectives for the measures in 1995 - 2012¹⁷



2.12. For the measures raised in 2012, the protection of human health and safety continued to be the dominating objective. Moreover, in contrast long-term average, in 2012 there were more

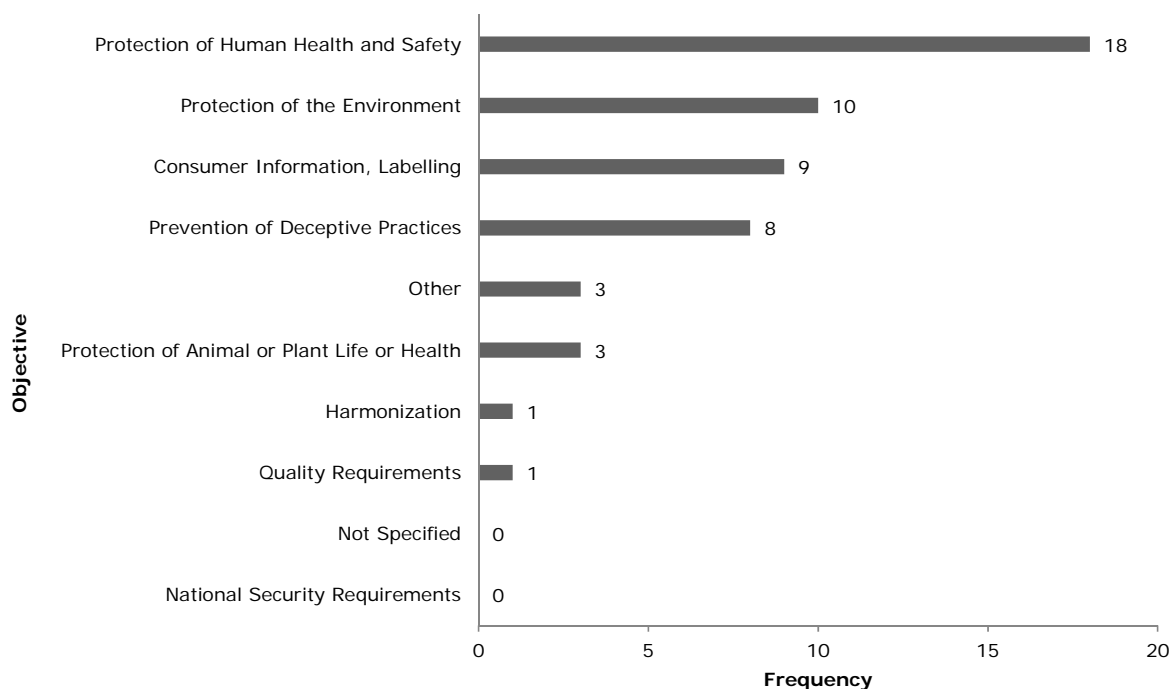
¹⁵ Seven concerns discussed in the TBT Committee were also notified to the SPS Committee.

¹⁶ Some measures have been notified both as technical regulations and conformity assessment procedures.

¹⁷ For each specific trade concern there may be more than one stated objective.

measures that addressed consumer information and labelling than prevention of deceptive practices and other objectives.

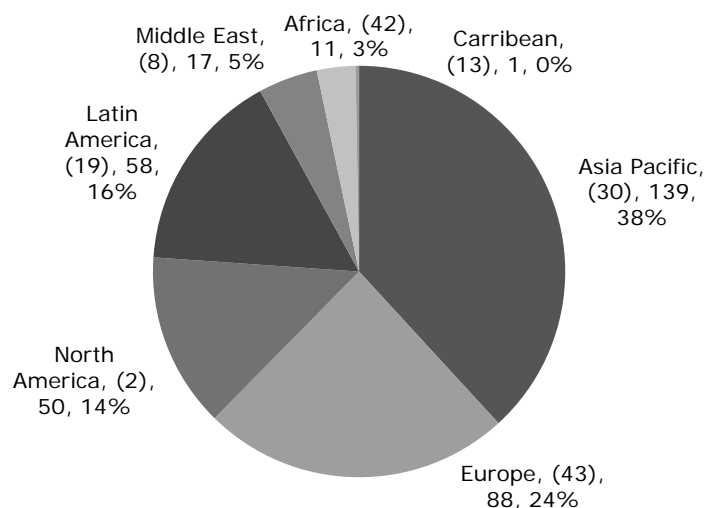
Chart 9: Stated objectives for the measures in 2012



2.2.3 Distribution of Measures by Member

2.13. By and large, the distribution of measures subject to discussion in the Committee reflects an even regional spread across the WTO membership, with the exception of African and Caribbean countries.¹⁸ No measures maintained by LDCs have been raised in the TBT Committee.

Chart 10: Regional distribution of measures raised for discussion¹⁹

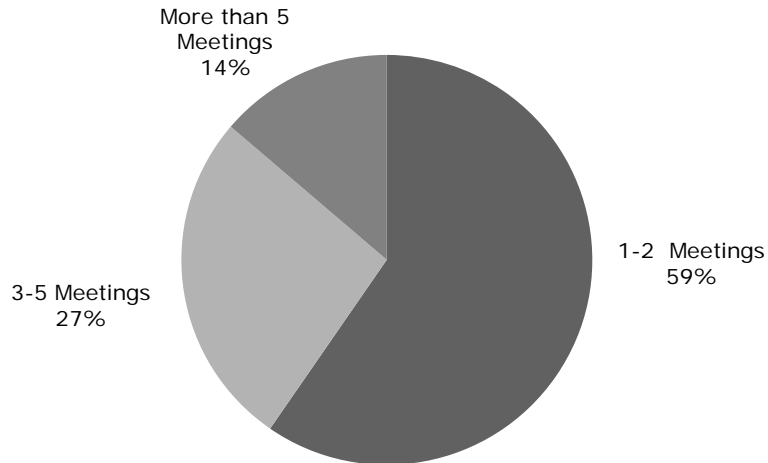


¹⁸ In other words, there have been very few or no concerns raised against measures maintained by a country in these regions. However, in 2012, one new concern was raised against Egypt and another new concern was raised against the Dominican Republic.

¹⁹ The information presented uses the following format: Region, (Number of WTO Members), Measures subject to discussion, per cent of total measures subject to discussion.

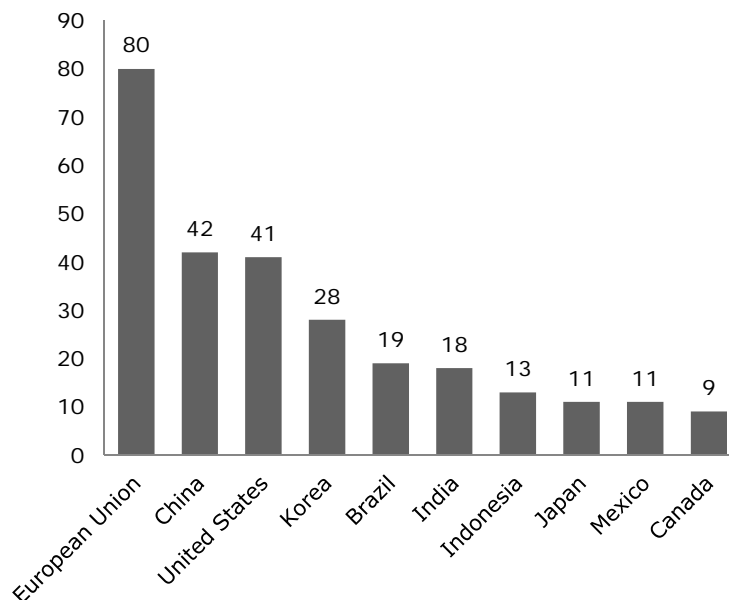
2.14. Chart 11 illustrates how frequently concerns with one particular measure are raised in Committee meetings. Most (59%) specific trade concerns have been raised once or twice. Some, however (14%), have been raised more than five times, and, amongst these, several have been on the agenda for a number of years.

Chart 11: The number of meetings at which the same concern is raised



2.15. Measures maintained by the European Union, China and the United States have been most frequently raised for discussion in the Committee (Chart 12).

Chart 12: Members whose measures have been most frequently discussed



3 DISPUTES INVOLVING PROVISIONS OF THE TBT AGREEMENT

3.1. During the review period, three Appellate Body reports and panel reports were adopted that are of particular relevance to the TBT Agreement (in reverse chronological order):

- a. United States — Certain Country of Origin Labelling (Cool) Requirements (Complainants: Canada and Mexico). At its meeting on 23 July 2012, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report.²⁰
- b. United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Complaint: Mexico). At its meeting on 13 June 2012, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report.²¹
- c. United States of America — Measures Affecting the Production and Sale of Clove Cigarettes (Complainant: Indonesia). At its meeting on 24 April 2012, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report.²²

3.2. In addition to the above mentioned disputes, since the entry into force of the Agreement, some 39 other cases cite the TBT Agreement in their request for consultations. A full listing of these cases can be found on the WTO website under "Disputes by Agreement".²³

4 TECHNICAL ASSISTANCE

4.1 Regional Workshops

4.1. In 2012, the Secretariat organized one regional workshop for Caribbean countries in Grenada from 21-23 November 2012. The programme of this workshop was designed to assist participating economies from the Caribbean region to consolidate knowledge of the principles and disciplines of the TBT Agreement.

4.2 National Workshops

4.2. In response to requests received from individual Members, workshops were held in Montenegro, Croatia, Uganda, Ethiopia, the Maldives, Cuba, Dominican Republic and Belarus during 2012. These workshops aimed at: promoting a better understanding of the TBT Agreement; enabling a discussion of challenges in the implementation of this Agreement; and, (iii) providing an opportunity to address issues of specific interest to these Members.

4.3 Trade Policy Courses

4.3. TBT training was also provided in the trade policy courses organized by the WTO Secretariat, both Geneva-based and regional. Training sessions on the TBT Agreement were organized in the trade policy course held in Geneva on 7 February 2012, 8 May 2012 and 9 October 2012 and in the regional trade policy courses held in Colombia (for Latin American countries) on 22-23 March 2012, Swaziland (for English-speaking African countries from 19-20 June 2012), Turkey for Central and Eastern Europe, Central Asia and the Caucasus Countries (CEECAC) from 3-4 October 2012, India (for Asia and Pacific countries) from 29-30 October 2012, and Kuwait (for Middle Eastern countries) on 5 December 2012.

4.4 E-Learning

4.4. In 2012, 207 participants successfully completed TBT e-training courses (102 participants in English, 57 participants in French, and 48 participants in Spanish). The TBT-online course is

²⁰ For more detail, see: http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm (complaint by Canada) and http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds384_e.htm (complaint by Mexico).

²¹ For more detail, see: http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds381_e.htm.

²² For more detail, see: http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds406_e.htm.

²³

http://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A22#selected_agreement.

addressed to government officials from Members and Observers and covers all aspects of the TBT Agreement. The TBT on-line course is available throughout the year in all three languages.²⁴

²⁴ While the WTO E-Learning material is freely available in the WTO E-Learning website, participants have to register and submit a nomination form in order to participate in a monitored course, access the module exams and obtain a WTO certificate. More information can be obtained at: <http://etraining.wto.org/> .

Member	Number of notifications made in 2012	2.9	2.10	3.2	5.6	5.7	7.2	Not specified	Total number of notifications made since 1995
Ghana	0	0	0	0	0	0	0	0	7
Greece	0	0	0	0	0	0	0	0	0
Grenada	2	2	0	0	0	0	0	0	16
Guatemala	8	8	0	0	0	0	0	0	87
Guinea	0	0	0	0	0	0	0	0	0
Guinea-Bissau	0	0	0	0	0	0	0	0	0
Guyana	0	0	0	0	0	0	0	0	20
Haiti	0	0	0	0	0	0	0	0	0
Honduras	8	8	0	0	0	0	0	0	77
Hong Kong, China	4	1	0	0	2	0	0	1	75
Hungary	3	3	0	0	0	0	0	0	27
Iceland	0	0	0	0	0	0	0	0	2
India	3	3	0	0	0	0	0	0	90
Indonesia	16	14	2	0	4	0	0	0	72
Ireland	0	0	0	0	0	0	0	0	0
Israel	103	87	0	0	0	0	0	16	701
Italy	3	3	0	0	0	0	0	0	26
Jamaica	9	9	0	0	0	0	0	0	65
Japan	34	32	0	0	6	0	0	1	644
Jordan	37	37	0	0	0	0	0	0	46
Kenya	42	39	0	0	0	0	0	3	345
Korea, Republic of	77	62	0	0	24	0	0	6	521
Kuwait, the State of	29	29	0	0	0	0	0	0	148
Kyrgyz Republic	6	6	0	0	0	0	0	0	33
Latvia	0	0	0	0	0	0	0	0	29
Lesotho	0	0	0	0	0	0	0	0	0
Liechtenstein	0	0	0	0	0	0	0	0	0
Lithuania	3	3	0	0	1	0	0	0	19

Member	Number of notifications made in 2012	2.9	2.10	3.2	5.6	5.7	7.2	Not specified	Total number of notifications made since 1995
Papua New Guinea	0	0	0	0	0	0	0	0	1
Paraguay	13	13	0	0	0	0	0	0	65
Peru	7	5	2	0	0	0	0	0	48
Philippines	3	3	0	0	0	0	0	0	217
Poland	0	0	0	0	0	0	0	0	7
Portugal	0	0	0	0	0	0	0	0	1
Qatar	16	16	0	0	0	0	0	0	277
Romania	0	0	0	0	0	0	0	0	90
Russian Federation	2	0	0	0	0	0	0	2	2
Rwanda	0	0	0	0	0	0	0	0	8
Saint Kitts and Nevis	0	0	0	0	0	0	0	0	0
Saint Lucia	0	0	0	0	0	0	0	0	50
Saint Vincent and the Grenadines	0	0	0	0	0	0	0	0	13
Samoa	0	0	0	0	0	0	0	0	0
Saudi Arabia, Kingdom of	219	217	0	0	0	0	0	2	481
Senegal	0	0	0	0	0	0	0	0	12
Sierra Leone	0	0	0	0	0	0	0	0	0
Singapore	2	2	0	0	0	0	0	0	31
Slovak Republic	0	0	0	0	0	0	0	0	46
Slovenia	1	1	0	0	0	0	0	0	101
Solomon Islands	0	0	0	0	0	0	0	0	0
South Africa	13	13	0	0	0	0	0	0	206
Spain	0	0	0	0	0	0	0	0	72
Sri Lanka	0	0	0	0	0	0	0	0	46
Suriname	0	0	0	0	0	0	0	0	0
Swaziland	1	1	0	0	0	0	0	0	1
Sweden	4	4	0	0	0	0	0	0	213
Switzerland	24	23	0	0	1	0	0	0	242

Member	Number of notifications made in 2012	2.9	2.10	3.2	5.6	5.7	7.2	Not specified	Total number of notifications made since 1995
Taipei, Chinese	12	8	3	0	3	0	0	1	129
Tanzania	0	0	0	0	0	0	0	0	44
Thailand	13	13	0	0	0	0	0	0	511
The former Yugoslav Republic of Macedonia	1	0	1	0	0	0	0	0	7
The Gambia	0	0	0	0	0	0	0	0	0
Togo	1	1	0	0	0	0	0	0	2
Tonga	0	0	0	0	0	0	0	0	0
Trinidad and Tobago	4	4	0	0	0	0	0	0	106
Tunisia	0	0	0	0	0	0	0	0	26
Turkey	10	10	0	0	0	0	0	0	20
Uganda	99	98	0	0	0	0	0	1	290
Ukraine	24	21	0	0	5	0	0	2	89
United Arab Emirates	28	26	0	0	2	0	0	0	122
United Kingdom	0	0	0	0	0	0	0	0	42
United States of America	103	78	0	17	0	0	0	8	971
Uruguay	0	0	0	0	0	0	0	0	7
Vanuatu	0	0	0	0	0	0	0	0	0
Venezuela	0	0	0	0	0	0	0	0	0
Venezuela, Bolivarian Republic of	0	0	0	0	0	0	0	0	35
Viet Nam	4	1	3	0	0	0	0	0	22
Zambia	0	0	0	0	0	0	0	0	44
Zimbabwe	0	0	0	0	0	0	0	0	0
Total	1550	1367	30	17	162	2	0	57	15736

B. Observation of the Recommended Comment Period by Members in 2012

Members	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	Of which notified under Articles 2.10 and 5.7	Total
Albania	0	0	15	0	0	15
Argentina	3	0	0	8	0	11
Australia	0	1	1	0	0	2
Bahrain, Kingdom of	0	0	22	0	0	22
Botswana	0	0	12	0	0	12
Brazil	36	10	11	10	0	67
Canada	6	8	9	1	0	24
Chile	1	18	10	1	0	30
China	2	0	66	3	2	71
Colombia	0	0	16	0	0	16
Costa Rica	0	0	8	0	0	8
Czech Republic	0	2	6	0	0	8
Denmark	0	1	2	0	0	3
Dominican Republic	32	11	1	1	0	45
Ecuador	0	1	6	1	0	8
Egypt	0	0	2	0	0	2
El Salvador	0	0	9	0	0	9
Estonia	0	0	2	0	0	2
European Union	2	0	71	0	0	73
Finland	0	0	1	0	0	1
France	1	0	5	3	0	9
Georgia	0	0	0	19	6	19
Ghana	0	0	0	0	0	0
Grenada	0	0	2	0	0	2
Guatemala	0	0	8	0	0	8

Members	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	Of which notified under Articles 2.10 and 5.7	Total
Honduras	0	0	8	0	0	8
Hong Kong, China	0	2	2	0	0	4
Hungary	0	0	3	0	0	3
India	0	0	3	0	0	3
Indonesia	0	0	16	0	0	16
Israel	5	4	75	0	0	84
Italy	1	1	0	0	0	2
Jamaica	0	0	9	0	0	9
Japan	13	2	13	1	0	29
Jordan	0	0	35	0	0	35
Kenya	14	1	22	0	0	37
Korea, Republic of	8	5	56	0	0	69
Kuwait, the State of	0	0	29	0	0	29
Kyrgyz Republic	0	0	6	0	0	6
Lithuania	0	0	3	0	0	3
Malaysia	0	0	4	2	0	6
Mauritius	0	0	1	0	0	1
Mexico	4	16	0	2	2	22
Morocco	0	0	0	0	0	0
Mozambique	0	1	0	0	0	1
New Zealand	0	0	4	1	1	5
Nicaragua	0	0	8	1	1	9
Norway	1	0	0	0	0	1
Oman	0	0	12	1	0	13
Pakistan	0	0	6	0	0	6
Paraguay	0	0	10	2	0	12
Peru	0	0	4	3	2	7

Members	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	Of which notified under Articles 2.10 and 5.7	Total
Philippines	1	2	0	0	0	3
Qatar	0	0	14	0	0	14
Russian Federation	0	0	0	0	0	0
Saudi Arabia, Kingdom of	0	0	207	0	0	207
Singapore	0	0	1	0	0	1
Slovenia	0	0	1	0	0	1
South Africa	0	2	11	0	0	13
Swaziland	1	0	0	0	0	1
Sweden	0	2	2	0	0	4
Switzerland	2	4	18	0	0	24
Chinese Taipei	0	1	7	3	3	11
Thailand	0	0	12	1	0	13
The former Yugoslav Republic of Macedonia	1	0	0	0	0	1
Togo	0	0	0	1	0	1
Trinidad and Tobago	3	0	0	0	0	3
Turkey	0	0	5	4	0	9
Uganda	0	0	97	0	0	97
Ukraine	9	3	5	5	0	22
United Arab Emirates	0	0	28	0	0	28
United States of America	33	24	14	12	0	83
Viet Nam	0	0	2	0	0	2
Total	179	122	1038	86	17	1425

C. Specific Trade Concerns Raised in 2012

1. The following table lists the 94 specific trade concerns raised in the TBT Committee during 2012. The second column contains the name of specific trade concern, and in parentheses, its unique identification number in the online TBT IMS (IMS ID).

2. ¹ The specific trade concerns are sorted as follows:

- a. **Date:** date of meeting when the specific trade concern was last raised (in reverse chronological order);
- b. **Frequency:** number of meetings at which the specific trade concern has been raised; and
- c. **Members:** number of Members that have expressed concern about the measure since it was first raised.

	Specific trade concerns	Date last raised	Frequency	Members concerned
1	European Communities – Regulation on the Registration, Evaluation and Authorization of Chemicals (REACH) (ID 88)	27 November 2012	30	34
2	European Communities – Regulation on Certain Wine Sector Products (ID 39)	27 November 2012	29	13
3	India – Pneumatic tyres and tubes for automotive vehicles (ID 133)	27 November 2012	19	4
4	Canada – Compositional requirements for cheese (ID 162)	27 November 2012	17	5
5	China – Administration on the Control of Pollution Caused by Electronic Information Products (ID 122)	27 November 2012	12	5
6	India – Mandatory Certification for Steel Products (ID 224)	27 November 2012	10	5
7	United States – Hazardous Materials: Transportation of Lithium Batteries (ID 262)	27 November 2012	9	5
8	Turkey – New conformity assessment procedures for pharmaceuticals (ID 264)	27 November 2012	9	3
9	Brazil – Health Products (ID 233)	27 November 2012	8	6
10	European Union - Directive 2004/24/EC on Traditional Herbal Medicinal Products (ID 265)	27 November 2012	8	3
11	India - New Telecommunications related Rules (Department of Telecommunications, No. 842-725/2005-VAS/Vol.III (3 December 2009); No. 10-15/2009-AS-III/193 (18 March 2010); and Nos. 10-15/2009-AS.III/Vol.II/(Pt.)/(25-29) (28 July 2010); Department of Telecommunications, No. 10-15/2009-AS.III/Vol.II/(Pt.)/(30) (28 July 2010) and accompanying template, "Security and Business Continuity Agreement") (ID 274)	27 November 2012	7	3
12	Italy - Law on "Provisions concerning the marketing of textile, leather and footwear products" (ID 272)	27 November 2012	7	2
13	China – Requirements for information security products, including, inter alia, the Office of State Commercial Cryptography Administration (OSCCA) 1999 Regulation on commercial encryption products and its on-going revision and the Multi-Level Protection Scheme (MLPS) (ID 294)	27 November 2012	6	4
14	China - Provisions for the Administration of Cosmetics Application Acceptance (ID 296)	27 November 2012	6	3
15	France – Loi No. 2010-788: The National Commitment for the Environment (Grenelle 2 Law) (ID 306)	27 November 2012	5	7
16	European Communities – Toys (ID 187)	27 November 2012	5	2

¹ Enter this 'item number' into the TBT IMS 'specific trade concern' search (<http://tbtime.wto.org/web/pages/search/stc/Search.aspx>) to locate additional information on any STC.

	Specific trade concerns	Date last raised	Frequency	Members concerned
17	China – Regulations of the PRC on Certification and Accreditation (promulgated by Decree No. 390 of the State Council of the PRC on September 3, 2003) (ID 270)	27 November 2012	5	1
18	Indonesia - Technical Guidelines for the Implementation of the Adoption and Supervision of Indonesian National Standards for Obligatory Toy Safety (ID 328)	27 November 2012	4	2
19	Russian Federation – Draft on Technical Regulation of Alcohol Drinks Safety (published on 24 October) (ID 332)	27 November 2012	3	7
20	European Union – Directive 2009/28/CE, Renewable Energy Directive (EU - RED) (ID 307)	27 November 2012	3	3
21	China – Measures for the Administration of Certification Bodies (ID 335)	27 November 2012	3	2
22	European Union – Alternatives to animal testing and new cosmetic regulations (ID 339)	27 November 2012	3	1
23	Egypt – Two Decrees of the Minister of Industry and Foreign Trade of Egypt (626/2011 and 660/2011) related to the import requirements for leather, footwear and textile products (ID 337)	27 November 2012	3	1
24	Viet Nam – Regulations relating to liquor production and trading (ID 349)	27 November 2012	2	8
25	Viet Nam – Decree No 38 Detailing the Implementation of Some Articles of Food Safety Law (ID 356)	27 November 2012	2	6
26	European Union – Directive 2011/62/EU of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products (ID 334)	27 November 2012	2	3
27	Korea – A Draft of Regulation for Measurement of Energy Efficiency of Tyres for Motor Vehicles, and Its Rating and Identification (ID 348)	27 November 2012	2	2
28	China – Testing and certification requirements for medical devices (ID 143)	27 November 2012	2	2
29	European Communities – Napropamide (ID 204)	27 November 2012	2	1
30	New Zealand – Proposal to introduce plain packaging of tobacco products in New Zealand (ID 361)	27 November 2012	1	8
31	Indonesia – Import permit regulations 60 for horticultural products from the Ministries of Agriculture and Trade (ID 363)	27 November 2012	1	3
32	Israel – Warning regulations on alcoholic beverages (ID 364)	27 November 2012	1	3
33	European Union – Draft Commission Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment (ID 365)	27 November 2012	1	1
34	Australia – Joint governments' response to the 2010 Independent Review of the Water Efficiency Labelling and Standards Review Water Efficiency Labelling and Standards (WELS) scheme consultation paper (ID 366)	27 November 2012	1	1
35	Brazil – Draft ANVISA Resolution on used, refurbished, rented and lent medical devices (ID 362)	27 November 2012	1	1
36	European Union – Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (ID 359)	27 November 2012	1	1
37	European Union – Implementation of Regulation 540/2011 of 25 May 2011, implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council regarding the list of approved active substances – Submission of Confirmatory Data by companies other than the original notifier (ID 360)	27 November 2012	1	1
38	India – Drugs and Cosmetics Rules 2007 (ID 167)	13 June 2012	16	2

	Specific trade concerns	Date last raised	Frequency	Members concerned
39	Korea – KS C IEC61646:2007 Standard for Thin-film Solar Panels (ID 271)	13 June 2012	7	2
40	Brazil - Draft Resolution No. 112, 29 November 2010; maximum levels of tar, nicotine and carbon monoxide permitted on tobacco products and prohibition of additives (ID 288)	13 June 2012	5	23
41	European Communities – Production and Labelling of Organic Products (ID 186)	13 June 2012	5	3
42	Indonesia - Draft Decree of Minister of Industry on Mandatory Implementation of Indonesia National Standard for electrolysis tin coated thin steel sheets. (ID 303)	13 June 2012	5	3
43	Colombia – Alcoholic beverages (ID 291)	13 June 2012	5	2
44	Korea – Good Manufacturing Practice requirements for cosmetics (ID 292)	13 June 2012	5	2
45	Australia – Tobacco Plain Packaging Bill 2011 (ID 304)	13 June 2012	4	27
46	Viet Nam – Conformity assessment procedures for alcohol, cosmetics, and mobile phones (Notice regarding the import of alcohol, cosmetics and mobile phones, No.: 197/TB-BCT (6 May 2011) and Ministry of Finance No.: 4629/BTC-TCHQ on the importation of spirits and cosmetics (7 April 2011) (ID 316)	13 June 2012	4	6
47	Malaysia – Draft Protocol for Halal Meat and Poultry Production (ID 317)	13 June 2012	4	5
48	Korea – Regulation on Registration and Evaluation of Chemical Material (ID 305)	13 June 2012	4	5
49	Kenya – Alcohol Labelling: The Alcoholic Drinks Control (Licensing) Regulations, 2010: Legal Notice No. 206: 2010 (ID 311)	13 June 2012	4	3
50	Korea - Proposed Cosmetics Labelling and Advertisement Guidelines: KFDA draft Guidelines for Management of Nanomaterials in Cosmetics (ID 313)	13 June 2012	4	2
51	Colombia – Commercial Truck Diesel Emissions Regulation (Resolution 2604, 24 December 2009) (ID 318)	13 June 2012	4	2
52	Peru - Draft Supreme Decree Approving the Regulations Governing the Labelling of Genetically Modified Foods (ID 320)	13 June 2012	3	6
53	China - GB/T xxxx-xxxx, Information Security Technology -- Office Devices Security and YD/T xxxx-xxxx, High spectrum efficiency and high throughput wireless LAN technical requirements. (ID 327)	13 June 2012	3	3
54	India – Toys and Toy Products (Compulsory Registration) Order (ID 309)	13 June 2012	3	3
55	Argentina - Resolution 453/2010 establishing mechanisms in order to eliminate dangers arising from the use of inks with a high lead content in graphic products (ID 325)	13 June 2012	3	2
56	China - Specification for Import and Export of Food Additives Inspection, Quarantine and Supervision (2011 No. 52) - Disclosure of formulas for imported food additives (ID 326)	13 June 2012	3	2
57	Korea - National Tax Service Notice 2011-17 (Requirements for Radio-Frequency Identification Tags for Imported Whiskeys) (ID 329)	13 June 2012	3	2
58	Mexico - Refusal of the National Water Commission to re-certify HDPE pipe products meeting quality/safety standards for piping set out in NOM 001 and NMX 241 (ID 330)	13 June 2012	3	1
59	European Union - Issue with respect of honey containing pollen from genetically modified maize MON810, Ruling from ECJ (ID 322)	13 June 2012	2	7
60	European Union – Safety evaluation of childcare cosmetic products (ID 338)	13 June 2012	2	1
61	Colombia – Draft Resolution of the Ministry of Transport Issuing the Technical Regulation for public	13 June 2012	2	1

	Specific trade concerns	Date last raised	Frequency	Members concerned
	transport (ID 343)			
62	European Union – Draft Implementing Regulations amending Regulation (EC) No. 607/2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (ID 345)	13 June 2012	1	6
63	China – Draft Mobile Smart Terminal Administrative Measure, Ministry of Industry and Information Technology (MIIT), 10 April 2012 (ID 358)	13 June 2012	1	3
64	Indonesia – Draft modification to the technical regulation HK.00.05.52.4040 on food categories, published on 9 October 2006 (ID 350)	13 June 2012	1	2
65	United States – Standards of Identity for Pisco and Cognac (ID 347)	13 June 2012	1	2
66	Spain – Ministerial Order of the Government of Spain IET/822/2012, published on 21 April 2012 and in force as of 22 April 2012 (ID 346)	13 June 2012	1	1
67	European Union – Amended limit values for soluble cadmium in toys (Directive 2012/7/EU) (ID 351)	13 June 2012	1	1
68	European Union – Air conditioners, liquid chilling packages and heat pumps, with electrically driven compressors, for space heating and cooling. Testing and rating at part load conditions and calculation of seasonal performance (EN 14825) (ID 352)	13 June 2012	1	1
69	European Union – Lists of substances prohibited and restricted in cosmetic products (2008/0025 COD and other related regulations) (ID 353)	13 June 2012	1	1
70	United States – Application of third party testing requirements; reducing third party testing burdens (ID 354)	13 June 2012	1	1
71	United States – Energy conservation program: energy conservation standards for residential refrigerators, refrigerator-freezers, and freezers (ID 355)	13 June 2012	1	1
72	Korea – Windows Energy Efficiency, Ministry of Knowledge Economy (MKE) Notification 2011-263, December 2011 (ID 357)	13 June 2012	1	1
73	European Communities – Directive 2002/95/EC on the Restriction of the Use of certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) and Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE) (ID 35)	20 March 2012	28	13
74	Colombia – Draft Decree Establishing Provisions to Promote the Use of Biofuels (ID 216)	20 March 2012	10	3
75	Norway – Proposed regulation concerning specific hazardous substances in consumer products (ID 178)	20 March 2012	8	5
76	Thailand – Health warnings for alcoholic beverages (ID 259)	20 March 2012	7	9
77	Colombia – Shelf life Requirements for Milk Powder (ID 269)	20 March 2012	6	1
78	Brazil - Instructions for Registration for Labels of Imported Products of Animal Origin (ID 273)	20 March 2012	5	3
79	Indonesia – Labelling Regulations (Ministry of Trade Regulation 62/2009 and 22/2010) (ID 279)	20 March 2012	5	3
80	Turkey – Communiqué SUT 2010 regarding documentation requirements for medical devices (ID 276)	20 March 2012	5	1
81	India – Prevention of Food Adulteration (ID 225)	20 March 2012	4	2
82	Korea - PVC flooring material and Wallpaper and paper linoleum, and toys (ID 302)	20 March 2012	4	2
83	Mexico - Energy Labelling Measures (Law for Sustainable Use of Energy, 28 November 2008; Regulation of the Law for Sustainable Use of Energy, 11 September 2009; National Program for Sustainable Use of Energy 2009-2012, 27 November 2009; and	20 March 2012	3	5

	Specific trade concerns	Date last raised	Frequency	Members concerned
	Catalogue of equipment and appliances used by manufacturers, importers, distributors and marketers that require mandatory inclusion of energy consumption information, 10 September 2010) (ID 314)			
84	South Africa – Liquor Products Act of 1989 (ID 315)	20 March 2012	3	1
85	United States - California Code of Regulations: Chapter 53 Safer Consumer Product Alternatives (ID 284)	20 March 2012	3	1
86	Mexico - Draft Decree Amending Provisions for Drinks with Caffeine (ID 319)	20 March 2012	2	2
87	European Union - Draft Commission Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans (ID 321)	20 March 2012	2	1
88	El Salvador - Law on hygienic production of milk and milk products and the regulation of their sale (ID 331)	20 March 2012	2	1
89	European Union – Wine and Grape Juice Certification (ID 344)	20 March 2012	1	2
90	Dominican Republic – Draft of the Technical Regulation "Categorization of Alcoholic Beverages" (ID 333)	20 March 2012	1	2
91	Kingdom of Saudi Arabia – Motor vehicles (ID 336)	20 March 2012	1	1
92	European Union - Provisions on limit values for allergenic substances in children's products (2009/48/EC) (ID 340)	20 March 2012	1	1
93	United States – Test procedures for high density discharge lamps (ID 341)	20 March 2012	1	1
94	European Union – Regulation (EC) No.1222/2009 Labelling of Tyres, Commission Regulation (EC) No.228/2011, No.1235/2011 (ID 342)	20 March 2012	1	1