

WORLD TRADE ORGANIZATION

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**Working Party on the
Accession of Nepal**

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ACCESSION OF THE KINGDOM OF NEPAL

Checklist of Illustrative Technical Barriers to Trade (TBT) Issues for Consideration in Accessions

The following Checklist of Illustrative TBT Issues has been received from the Ministry of Commerce of the Kingdom of Nepal, with the request that it be circulated to Working Party members.

Commitments (by the time of accession)	WTO Reference	Domestic Provision
1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement	1. Generally agreed principal in WTO accession negotiations	1. Membership of ISO ensures this. Nepal does not require raising of TBT in view of tariff flexibility.
2. Submission of Statement on Implementation	2. Article 15.2 and TBT Committee Decision (G/TBT/1)	2. Nepal will ensure the implementation and administration of WTO Agreement because of her membership of ISO and will inform the Committee of Measures accordingly through the normal notification procedures of TBT Agreement.
3. Establishment and operation of a single Contact Point for Information ("inquiry point")	3. Article 10	3. Nepal Bureau of Standards under Section 5 of Nepal Standards (Certification Mark) Act, 1980 will be given status of an Enquiry Point as envisaged in the TBT Agreement.
4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	4. Articles 2, 3, 5, 7, 10, 15.2, Annex 3 and G/TBT/1	4. Sections 4, 5, 10, 11 of Nepal Standards (Certification Mark) Act, 1980 and Sections 2(a), 2(k2), 2(k3), 2A(2)(a), 3(2), 4(2), 8B(1), 8B(2), 8B(3), 14, 15(2), 21, 24 of Standard Weight and Measures Act, 1968. Nepal Standards (Certification Mark) Act, 1980 and Standard Weights and Measures Act, 1968 follow the international standards for both domestic and imported goods. As such the question of discrimination or denial of national treatment does not arise.

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(a) identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	(a) Articles 2.9.1, 3.1, 5.6.1, 7.1, 10.1.5	(a) Standards are notified in the Nepal Gazette. - Conformity is ensured; provisions of domestic laws are equally effective to local government (bodies) and non-governmental bodies. - Nepal Bureau of Standards will be declared (identified) as a enquiry point and it will provide the documents regarding the location of notices or the provision of information as to where such information can be obtained.
(b) identification of authority responsible for making notifications to the WTO;	(b) Article 2.9.2, 2.10., 3.2, 3.3, 5.6.2, 5.7.1, 7.2, 7.3, 10.7, 10.10	(b) Nepal Bureau of Standards will be responsible for managing notification producers. Authority responsible for making notifications to the WTO will be declared.
(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	(c) Articles 2.9.4, 2.10.3, 3.15 3.3, 5.6.4, 5.7.3, 7.1, 7.3	(c) This is ensured by following ISO and having single set of regulation for domestic and imported goods for the entire country. Firms are free to offer comments irrespective of their domicile.
(d) guidance/law to ensure regulatory authorities allow a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;	(d) Articles 2.11, 2.12, 3.1, 5.8, 5.9, 7.1	(d) A reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force will be ensured.
(e) publication and notification of work programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment.	(e) Article 4, Annex 3 (J, K, L, N, O); Article 8.1	(e) Publication and notification of Work Programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment will be made.

Commitments (by the time of accession)	WTO Reference	Domestic Provision
5. Development and Application of Technical Regulations and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	5. Articles 2, 3, 5, 6, 7	Sections 3, 4(1)(b), 4(1)(c), 5, 10, 11, 18, 19(2)(a) of Nepal Standards (Certification Mark) Act, 1980.
(a) non-discrimination with respect to the treatment of products;	(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1	(a) The treatment of products under Nepal Standards (Certification Mark) Act, 1980 and Standard Weights and Measures Act, 1968 for both domestic and imported products is the same.
(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	(b) Articles 2.2, 3.1, 5.1, 5.2, 7.1	(b)- Sections 11, 4(c) of Nepal Standards (Certification Mark) Act, 1980. - There is no provision of unnecessary obstacles to international trade under Nepal Standards (Certification Mark) Act, 1980 and Standard Weights and Measures Act, 1968.
(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	(c) Article 2.3, 3.1, 7.1	(c) Technical regulations are appropriate to achieve the desired legitimate objective under Nepal Standards (Certification Mark) Act, 1980 (Sections 4(1)(b), 10, 11).

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(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	(d) Article 2.4, 3.1, 5.4, 7.1	(d)- Sections 3, 4(1)(a), 4(1)(b), 10, 11, 18, 19(2)(a) of Nepal Standards (Certification Mark) Act, 1980. - Provisions of Nepal Standards (Certification Mark) Act, 1980 and Standard Weights and Measures Act, 1968 have allowed authority to consider and adopt appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures.
(e) the consideration of equivalent technical regulations of other Members;	(e) Article 2.7, 3.1, 7.1	(e) Section 4(1)(b) of Nepal Standards (Certification Mark) Act, 1980.
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Article 6, 7.1	(f) Sections 4(1)(b), 11(1) of Nepal Standards (Certification Mark) Act, 1980.
(g) non-discriminatory and cost-based fee structure.	(g) Article 5.2, 7.1, 10.4	(g) Though there is no provision which mandates discrimination, or cost-based fee structure, cost is borne by state
6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	6. Article 4 and Annex 3, Article 8	6. Sections 3, 4(1)(b), 5, 10, 11, 18, 19(2)(a) of Nepal Standards (Certification Mark) Act, 1980.
(a) non-discrimination with respect to the treatment of products;	(a) Annex 3 (D), Article 8.1	(a) There is no provision of discrimination with respect to the treatment of products under Nepal Standards (Certification Mark) Act, 1980 and Standard Weights and Measures Act, 1968.

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(b) the prohibition of unnecessary obstacles to international trade;	(b) Annex 3 (E), Article 8.1	(b) Sections 10, 11 of Nepal Standards (Certification Mark) Act, 1980.
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Annex 3 (F), Article 8.1	(c) Sections 3, 4(1)(b), 18, 19(2)(a) of Nepal Standards (Certification Mark) Act, 1980. The said Act does not allow consideration of standards, other than international standards.
(d) non-discriminatory and cost-based fee structure.	(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4	(d) Non-discriminatory treatment is ensured by having one set of regulations for all firms.