

## ANNEX (2)

### PRINCIPLES AND PROCEDURES OF IMPLEMENTING THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

#### I THE DIRECTORATE GENERAL FOR SPECIFICATIONS AND MEASUREMENTS AND LEGITIMATE OBJECTIVES:

1.1 The Directorate General for Specifications and Measurements (DGSM) is concerned with preparation, adoption and application of Technical Regulations and Standards, Testing and Conformity Assessment Procedures.

1.2 The Directorate General for Specifications and Measurements implements the articles of the Agreement on Technical Barriers to Trade (TBT Agreement) issued from World Trade Organization (WTO) in order to facilitate the international trade and assures the implementation of fair trade practices and improving the efficiency of production and to ensure the quality of its exports and imports.

1.3 The DGSM applies the articles of the Agreement on Technical Barriers to Trade with a view, not be more trade restrictive than necessary to fulfill the legitimate objectives which comprise, national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life, or the environment.

#### II PREPARATION, ADOPTION AND APPLICATION OF TECHNICAL REGULATIONS:

2.1 The Directorate in collaboration and coordination with other government, and non-governmental bodies in the Sultanate, ensures that products imported from the territories of other Members shall be accorded treatment no less favourable than those accorded to similar domestic products of national origin without discrimination.

2.2 The Directorate ensures that technical regulations are not prepared or applied with the effect of creating unnecessary obstacles to international trade and shall only take into consideration the fulfillment of legitimate objectives.

2.3 Where new technical regulations are required and relevant international standards exist or their completion is imminent, the DGSM shall use them, as a basis for technical regulations except when such international standards or relevant parts would be inappropriate for the fulfillment of the legitimate objectives pursued, for instance because of fundamental climatic or geographical factors or fundamental technological problems or religious aspects.

2.4 When preparing, adopting or applying a technical regulation which may have a significant effect on trade to other Members, the DGSM shall, upon request of another Member, explain the justification for that technical regulations.

2.5 With a view to harmonizing technical regulations on as wide a basis as possible, the Directorate will play a full part within the limits of its resources. in international standards development work done by the **International Standardizing Bodies** for product standards for which the Directorate either has adopted or expects to adopt a corresponding technical regulations.

2.6 The Directorate will give positive consideration to accepting as equivalent technical regulations of other Members, even if these regulations differ from its regulations, provided that these regulations adequately fulfil the legitimate objectives.

2.7 Wherever appropriate, the Directorate Members shall specify technical regulations based on product requirements in terms of performance and safety requirements rather than design or descriptive characteristics.

2.8 Whenever a proposed technical regulation has a significant effect on trade of other Members, or if the technical content of a proposed technical regulation is not in accordance with the technical content of relevant international standard, the Directorate shall take the following procedures:

2.8.1 Notify other Members through the Secretariat of (WTO) of products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notification shall take place at an early appropriate stage, allow reasonable time for other Members to send their comments in writing, and take these written comments into account if they are received within a Period of (60) days from the date of notification through the internet.

2.8.2 Upon request, the Directorate provides the other Members a copy of the proposed technical regulation in English, at the same price excluding the cost of mailing.

2.8.3 The Directorate ensures to publish all the approved technical regulations which have a significant effect on trade of other Members, at an early appropriate stage, and make it available in such a manner as to enable the interested parties in other Members to become acquainted with it.

2.5.4 The Directorate shall allow a reasonable interval between the publication of the technical regulations and their entry into force and this period in normal circumstances shall not be less than (6) months from the date of publication.

2.8.5 The Directorate shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of Article (2) of the Agreement on Technical Barriers to Trade by other Government and Non-Governmental bodies.

2.9 The Directorate in co-operation and co-ordination with local Government and Non-Governmental Bodies will accept and apply **(The Code of Good Practice for the Preparation, Adoption and Application of Standards)** as mentioned in the TBT Agreement.

### III. PREPARATION, ADOPTION AND APPLICATION OF TECHNICAL REGULATIONS BY OTHER GOVERNMENT AND NON-GOVERNMENT BODIES:

The Directorate will take all the necessary procedures to ensure that all the local Government and Non-Governmental Bodies will notify other Members of any technical regulations which have been published and to provide other Members with copies of the technical regulations, in English, whenever requested through the information center titled in Annex No. (1).

### IV PROVISIONS OF CONFORMITY WITH TECHNICAL REGULATIONS:

In cases where a positive assurance of conformity with technical regulations or standards is required, The Directorate applies the following provisions to products originating in the territories of other Members:

4.1 Conformity assessment procedures are not prepared, adopted or applied with a view to create unnecessary obstacles to international trade. Conformity assessment procedures shall not be applied more strictly than necessary to give the Directorate adequate confidence that the imported products conform with the applicable technical regulations or standards taking into account of the risks of non-conformity would create.

4.2 The suppliers of other Members have the right to carry out the conformity assessment procedures in their countries under the same international rules and the applied regulation, also the manufacturer and supplier have the right to have conformity assessment activities undertaken at their site, on his personal responsibility, and to receive the mark or certificate of conformity from a third party.

4.3 The Directorate undertakes the procedures for assessment of conformity at the early stage, and suppliers of products originating in the territories of other Members shall be accorded treatment no less favourable than those accorded to suppliers of products of domestic origin. The

standard period of each conformity assessment procedure is communicated to the applicant upon request, when receiving an application, informs the applicant in a precise manner 'of the required document and the fees of conformity assessment, taking into consideration the costs of telephone calls, transportation and taking samples, testing and also other costs resulted from the distance between the origin and the conformity assessment body.

4.4 The Directorate ensures the confidentiality of information about products originating in the territories of other Members, or arising from, or supplied in connection with such conformity assessment procedures is respected in the same way as for domestic products and in such a manner that legitimate commercial interest are protected. Information requirements are limited to what is necessary to assess conformity and determine fees.

4.5. The Directorate shall study the complaints related to conformity assessment procedures and the necessary corrective action will be taken, when those complaints are justified.

4.6 In cases where a positive assurance is required that products conform with technical regulations or standards, and relevant guides or recommendations issued by the International Standardizing Bodies exist or their completion is imminent, the Directorate ensures to use them, or the relevant parts of them, as a basis for conformity assessment procedures except where such guides or recommendations or relevant parts are inappropriate for inter alia, such reasons as: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment; fundamental climatic or other geographical factors; fundamental technological or infrastructural problems or religious aspects.

4.7 With a view to harmonizing conformity assessment procedures on as wide a basis as possible, The Directorate accepts and approve the ISO/IEC Guides and recommendations for conformity assessment procedures issued by the International Standardizing Bodies i.e., the ISO/IEC Guides Numbers (23, 25, 58, 61, 62 & 65) and/or any other approved equivalent specifications like the European Norm (EN 45000) for conformity assessment.

4.8 The Members have the right to carry out reasonable examinations or testing for their products within their territories, also the manufacturer has the right to declare that the specifications or the relevant technical regulations are fulfilled. It is preferable to undertake the conformity assessment by a third party to ensure the conformity of products to the fundamental requirements, also it is preferable to be attested by National Standardizing Bodies or Accredited Laboratories.

4.9 With a view to harmonizing conformity assessment procedures on as wide a basis as possible, The Directorate shall participate within the limits of its resources, in the preparation of guides and recommendations for conformity assessment procedures, by the International Standardizing Bodies.

4.10 Whenever a proposed conformity assessment procedures is not in accordance with relevant Guides or Recommendations issued by the International Standardizing Bodies, and if they have significant effects on trade of other Members, the Directorate shall notify other Members through the Secretariat of WTO, of the products to. be covered by the proposed conformity assessment procedure, together with a brief indication of its objective and rationale. The Directorate will provide the interested parties in other Members, upon request, with the relevant documents at an early appropriate stage and allow other Members to present their comments in writing, and ensures to take these written comments and the results of discussions into account if they are received within (60) days from the date of notification.

4.11 Where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for the country, the Sultanate may omit such of the previous steps, as it finds necessary.

## V RECOGNITION OF CONFORMITY ASSESSMENT BY CENTRAL GOVERNMENT BODIES IN OTHER MEMBERS:

5.1 The Directorate ensures that the results of conformity assessment procedures in other Members are accepted provided that those procedures offer an assurance of conformity with

applicable technical regulations or standards. It is recognized that prior consultations may be necessary in order to arrive at a mutually satisfactory understanding regarding, in particular:

5.1.1 Adequate and enduring technical competence of the relevant conformity assessment bodies in the exporting Member so that confidence and continued reliability of their conformity assessment results can exist. In this regard, verified compliance with relevant ISO/IEC Guides or recommendations issued by the International Standardizing Bodies shall be taken into account as an indication of adequate technical competence.

5.1.2 Limitation of the acceptance of conformity assessment results to certain designated bodies for specified products in the exporting Member.

5.2 The Directorate is willing to enter into negotiations with the interested parties in other Members for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures for facilitating trade in the concerned products.

5.3 The conformity assessment bodies located in the territories of other Members have the right to carry out their conformity assessment procedures for their exported products under conditions no less favourable than those accorded to similar bodies located in the Sultanate or the territory of any other country.

## VI CONFORMITY ASSESSMENT BY LOCAL GOVERNMENT AND NON-GOVERNMENTAL BODIES.

The authorized Government and Non-Governmental Bodies are permitted to carry out the conformity assessment procedures to products under the same provisions stated in the previous articles concerning the corresponding bodies of the other Members.