

## The Agreement on Technical Barriers to Trade, the Committee on Trade and Environment, and Eco-labelling

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### 1. Introduction: Context of discussions on eco-labelling in the World Trade Organization

Eco-labelling has been discussed in the World Trade Organization (WTO) in the Committee on Trade and Environment (CTE) and the Committee on Technical Barriers to Trade (CTBT). In the CTE it has been examined within the broader context of all product-related environmental requirements, and in the CTBT within the context of the Agreement on Technical Barriers to Trade (TBT Agreement). At issue in the WTO is the extent to which eco-labelling schemes are covered by and are consistent with the provisions of the TBT Agreement. From an environmental perspective, it is important to establish the WTO consistency of these schemes in order to provide environmental policy makers with the security that their policies do not run counter to international trade rules and cannot be reversed by WTO member governments. From a trade perspective, ensuring their WTO consistency is needed to prevent them from becoming barriers to trade.

In its conclusions and recommendations to the 1996 Singapore Ministerial Conference, the CTE stated that “[w]ell-designed eco-labelling schemes/programmes can be effective instruments of environmental policy

to encourage the development of an environmentally conscious consumer public.”<sup>2</sup> However, a number of concerns were expressed regarding the employment in these schemes of criteria related to processes of production that do not affect the final product; the extent to which they discriminate between imported and domestically produced products, as well as between various imported products; and their transparency.

Two main questions have been raised by WTO members (quite different ones) with respect to eco-labelling schemes. The first relates to the coverage of the TBT Agreement, where some members have questioned the extent to which the Agreement covers measures such as eco-labelling schemes. The second relates to the consistency of eco-labels with the provisions of the TBT Agreement, where other members have argued that they are inconsistent and that the issue is not one of “coverage” at all. The extent to which such schemes differentiate between products on grounds that are accepted by the WTO has been discussed with respect to both these viewpoints. Because this is an issue of fundamental importance to the international trading system, it has proved to be extremely controversial.

So far, no firm decision on the WTO coverage and consistency of eco-labels has been taken. However, the extensive discussions undertaken in both the CTE and the CTBT on this subject have served to flush out the links between international trade rules and eco-labels, and have raised awareness of the need to make trade and environmental policies both compatible and mutually supportive.

## **2. Overview of the Agreement on Technical Barriers to Trade**

The TBT Agreement has been at the heart of eco-labelling discussions in the WTO. To understand these discussions, it is important to understand the Agreement itself—why it was created, what problems it attempts to resolve, and how. The TBT Agreement was developed in response to a realization by the contracting parties to the General Agreement on Tariffs and Trade (GATT) that non-tariff barriers, in particular product technical requirements, were creating new obstacles to trade. Although originally a Tokyo Round agreement, it was revised

during the Uruguay Round, and its revised version entered into force in 1995.

The TBT Agreement is premised on an acknowledgement of the right of WTO members to develop product requirements as well as procedures to assess compliance with those requirements. However, it attempts to ensure that these measures do not create *unnecessary* obstacles to trade during their preparation, adoption, and application. The Agreement covers product requirements that are both voluntary (known as “standards”) and mandatory (known as “technical regulations”). It also covers all testing, inspection, and certification procedures designed to assess compliance (known as “conformity assessment procedures”).

While technical regulations and conformity assessment procedures are covered through the main body of the Agreement, standards are covered through a “Code of Good Practice for the Preparation, Adoption and Application of Standards” (Annex 3 of the Agreement). Most of the principles applied by the Agreement to technical regulations also apply to standards through the Code. All governmental as well as non-governmental standardizing bodies, at the national and regional levels, are invited to accept the Code and to abide by its provisions.<sup>3</sup>

To ensure that product requirements and conformity assessment procedures do not create unnecessary obstacles to trade, the Agreement begins by delineating the “legitimate objectives” for which technical regulations may be developed. These include ensuring national security, preventing deceptive practices (such as false product labelling), protecting animal, human, or plant life or health, or the environment, etc. The Agreement then sets out a number of key principles to be adhered to by standardizing bodies.

The first principle is non-discrimination. Originally incorporated under GATT, the principle constitutes the backbone of the international trading system and is mirrored in the TBT Agreement. It outlaws discrimination between imported and domestically produced like goods (which is GATT’s National Treatment clause), and between like goods imported from different sources (GATT’s Most-Favoured-Nation or MFN clause). Within the context of the TBT Agreement, it means that WTO members must not subject some goods to more stringent requirements or stricter tests than others that are alike.

The second principle of the Agreement is the avoidance of unnecessary obstacles to trade. With respect to technical regulations and conformity

assessment procedures, this means that members must design their regulations and procedures in the least trade-restrictive way possible, making them proportional to the objectives that they are trying to achieve (i.e. they must reflect on the impact of their measures on trade). The Agreement also encourages members to base their technical regulations and standards on performance rather than on design criteria (for instance, to say that all doors should have a burn-through time of at least 30 minutes, instead of requiring that all doors be made of steel and have a certain thickness). Such criteria provide producers with greater leeway in meeting the objectives of product requirements.

The third principle is harmonization. Members are called upon to base their technical regulations, standards, and conformity assessment procedures on international standards, guides, and recommendations. The call for harmonization is designed to avoid the emergence of undue layers of product requirements and assessment procedures, and to encourage the use of ones that have been developed with the approval of the international community.

The fourth principle concerns equivalence and mutual recognition. The Agreement stipulates that WTO members give positive consideration to recognizing other members' technical regulations as equivalent to their own, even when they differ from theirs, provided they are satisfied that they adequately fulfil their objectives. This reduces obstacles to trade until full-fledged international harmonization becomes possible. With respect to conformity assessment procedures, it also calls upon members to ensure, whenever possible, that the results of the assessment procedures of other members are accepted as equivalent, even when they differ from theirs, provided the procedures give the same level of confidence. This avoids multiple product testing (in both exporting and importing countries) and its associated costs. Members are also encouraged to conclude mutual recognition agreements (MRAs) to achieve equivalence in the area of conformity assessment (MRAs usually cover defined product groups).

The fifth and final principle of the Agreement is transparency, which is a central feature of the TBT Agreement. It includes notification obligations and the establishment of enquiry points. Under the TBT Agreement, members must notify other members of, among other things, their draft technical regulations, standards, and conformity as-

sessments and must provide them with sufficient time to comment on them (with the obligation of taking their comments into account). They must also establish enquiry points to respond to all questions their trading partners may have on issues relating to the TBT Agreement.

### **3. Analysis under the Agreement on Technical Barriers to Trade**

Legal analysis of the WTO consistency of eco-labelling schemes, which has taken place within the framework of the TBT Agreement, has involved discussion of the meaning of “standards” under the Agreement, and of the concept of “like products” incorporated in its non-discrimination principle.

Because most eco-labelling schemes are voluntary, discussions have focused on the rules of the WTO in relation to voluntary measures. As stated in the previous section, voluntary product requirements under the TBT Agreement are known as standards. Annex 1 of the Agreement defines a standard as follows:

Document approved by a recognized body, that provides for common and repeated use, rules, guidelines or characteristics, for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.<sup>4</sup>

#### **Concerns raised under the TBT Agreement**

The first issue addressed within the context of the TBT Agreement has been the extent to which eco-labels fall under the purview of the Agreement by meeting its definition of a standard (i.e. the Agreement’s coverage).

It would seem logical that eco-labels, as voluntary product environmental requirements, be considered “standards” under the TBT Agreement. However, disagreement has arisen on this issue in the WTO because of the fact that most eco-labelling schemes are based on product

life-cycle analysis (LCA). LCA is a tool that examines the environmental impact of products during the sourcing of raw materials, production, consumption, and disposal. Particularly controversial in the WTO has been the fact that LCAs extend their assessment of environmental impacts to the production stage. Although WTO members agree that processes and production methods (PPMs) that have an impact on the final product (referred to as incorporated PPMs) are allowed by the TBT Agreement, there is disagreement over whether or not PPMs with no effect on the final product (unincorporated PPMs) are allowed.<sup>5</sup>

According to the Agreement, a standard is a document that sets out rules for products or *related* processes and production methods, and it is the term “related” that has been interpreted by some WTO members to exclude unincorporated PPMs. Those who believe that unincorporated PPMs (such as in LCAs) are not covered argue that eco-labels are neither consistent nor inconsistent with the Agreement; they simply fall outside its scope. Questions have also been raised about the extent to which eco-labels are approved by “recognized bodies” (i.e. on how eco-labelling organizations themselves are to be considered), which are the words used in the Agreement’s definition of a standard.

The second, and quite different, issue raised in the context of the TBT Agreement has been the compatibility (and consistency) of life-cycle analysis with the concept of “like products,” a concept that forms the backbone of the WTO’s non-discrimination principle. Under GATT’s MFN clause, WTO members must accord treatment that is no less favourable to *like* imported products. Under the national treatment clause, they must accord treatment that is no less favourable to imported products than to *like* domestically produced products. As previously stated, the principle of non-discrimination is itself incorporated in the TBT Agreement. Some WTO members have questioned the extent to which the trading system (particularly the TBT Agreement) allows for the likeness of “products” to be extended to cover the likeness of “PPMs” (i.e. the extent to which products may be differentiated based on production criteria that do not affect their characteristics). Those who have argued that it does not allow for such a distinction between products have stated that eco-labels based on LCA are inconsistent with the TBT Agreement.

Examined in a number of different disputes under both GATT and the WTO, the concept of “like products” has been assessed on the basis of

product physical characteristics, end-use, tariff classification, competitiveness, substitutability, and so on. However, there is disagreement as to whether or not the “likeness” of products can be stretched to factor in unincorporated PPMs. Thus, whereas eco-labelling schemes that do not address PPMs or that are based on incorporated PPMs are clearly allowed by the TBT Agreement, the situation is much less certain with respect to schemes based on unincorporated PPMs.

A number of other concerns were raised in the WTO with respect to eco-labelling schemes. For example, concerns were expressed regarding the ability of eco-labelling schemes to discriminate between products from different sources and to be developed in an untransparent (opaque) fashion. If eco-labelling schemes were deemed to fall under the purview of the TBT Agreement, they would have to comply with its provisions and that, in and of itself, would serve to ensure that they were prepared, adopted, and applied in a non-discriminatory and transparent way. However, this issue has not yet been resolved.

The concerns raised with respect to discrimination have included the fact that eco-labels may discriminate between imported and domestically produced goods if local industry influences the choice of products they cover as well as the selection of criteria on which they are based. Criteria could, for example, be selected that foreign producers could not reasonably meet. Eco-labels may also discriminate against foreign producers in the process of conformity assessment by, for instance, placing undue restrictions on the conformity assessment bodies to be used. In short, they could become the subject of protectionist abuse.

The concerns raised with respect to transparency have included that a lack of transparency could prevent foreigners from participating in product selection and criteria development—a situation that could result in exporters being faced with “surprise” standards and, thus, “surprise” adaptation costs. Discussion has also taken place on the extent to which the transparency provisions of the TBT Agreement would need to be modified to deal with eco-labels, if it was to be decided that they fall within its scope. For instance, although the TBT Agreement calls for the notification of standards at a draft stage to allow WTO members to comment on them and to have these comments taken into account, one WTO member argued that this would not work for instruments based on LCA, because the expenses involved in conducting

LCAs (even when still at a draft stage) would make their revision economically unrealistic.

### **“Like products” and life-cycle analysis**

As is clear from the above presentation, the issue of how to distinguish between products—and the methods that are and are not accepted by the WTO—has been at the heart of the eco-labelling debate. The issue of LCA and its coverage by the TBT Agreement is reflective of how products are defined differently for different purposes. From an environmental perspective, LCA is an important environmental policy-making instrument. In the context of eco-labelling, it provides consumers with information about, amongst other things, PPMs, so they may distinguish products that have harmed the environment during their production from those that have not.

However, a number of arguments may also be made to support the prevention of product differentiation on the basis of unincorporated PPMs. The first of these is a political one, and has to do with the need to preserve territorial sovereignty. To prevent discrimination between products on the basis of unincorporated PPMs is to prevent external intervention in rule-setting within national boundaries. It is precisely because the WTO is able to offer such security to its members that its membership has expanded to the size it is today. Had this principle been put into question, the benefits brought by the 50-year existence of the multilateral trading system might not have been reaped.

The second argument is an economic one. The prevention of product differentiation based on unincorporated PPMs allows countries to set standards (environmental or otherwise) that are appropriate for their level of development, rather than having inappropriate ones imposed on them from the outside (with respect to the environment, this is an argument that environmental economists themselves make). In other words, it allows countries to trade their developmental needs against their needs for environmental protection in a manner that is consistent with how they themselves value these needs (and not on the basis of how others value them for them).

The third and final argument is an environmental one. By preventing the imposition of one country's environmental standards on another,



differences in environmental absorptive capacities, priorities, and problems in different parts of the world can be taken into account.

#### 4. Viewpoints expressed in the Committee on Trade and Environment

Most of the substantial discussions on eco-labelling in the CTE took place prior to the 1996 Singapore Ministerial Conference. This section presents the main views expressed in these discussions.<sup>6</sup>

It is often stated that a North–South divide characterizes trade and environment discussions in the WTO, but this assertion is frequently a misrepresentation. Numerous standpoints have been taken in the CTE on the extent to which eco-labels are covered by and are consistent with WTO rules, and several proposals have been put forward on how to accommodate the trade concerns that they raise. Although it may be argued that there is a distinctly Southern perspective in the CTE on this issue, it cannot be stated that a distinctly Northern viewpoint has emerged. It is important to note that, during the CTE's discussion of this issue, a number of delegations stressed the utility of eco-labelling schemes as instruments of environmental policy.

The different positions on eco-labelling taken in the CTE have included the following:

- (a) Eco-labels are both covered by and consistent with the TBT Agreement.
- (b) Eco-labels are not covered by the TBT Agreement, but scope needs to be created for them.
- (c) Eco-labels are not covered by the TBT Agreement, and creating scope for them could endanger the trading system. Tremendous care should be exercised in addressing this issue in future. A combination of increased transparency, equivalence, and mutual recognition could help alleviate their effects on trade.<sup>7</sup>
- (d) Eco-labels are inconsistent with the TBT Agreement, and should not find any accommodation within the WTO system. A combination of increased transparency, equivalence, and mutual recognition could help alleviate their effects on trade.

The first three positions (a–c) were advocated by developed countries.

The principal advocate of position (a) argued that, despite the WTO Secretariat's finding that the negotiating history of the TBT Agreement upholds the view that unincorporated PPMs are not covered by the Agreement,<sup>8</sup> all standards (whether based on incorporated or unincorporated PPMs) fall under the scope of the Code of Good Practice, including eco-labels. However, the proponent of this view stated that there is a need to amplify existing transparency provisions with respect to: (i) the design of eco-labelling programmes, their statutory or regulatory basis, and procedures for input from interested parties, (ii) the selection of products being considered for an eco-label, (iii) the LCA used to develop criteria, (iv) draft criteria for new or revised product groups, and (v) documentation on how the criteria are to be implemented. Although the existing transparency provisions of the TBT Agreement could adequately address these different stages, it argued that they also need to be tailored to the specifics of eco-labelling schemes. For instance, whereas standards under the Agreement must be notified at a draft stage to provide an opportunity for comments, it questioned whether this would work with eco-labels based on LCA.

A position that falls between (a) and (b) is that the TBT Agreement could be interpreted to cover the use of certain standards based on unincorporated PPMs in voluntary eco-labelling programmes, provided that these programmes are developed according to multilaterally agreed guidelines consistent with the basic obligations of GATT and the TBT Agreement. Guidelines developed by the International Standards Organization (ISO) on environmental labelling could for instance be used. In reaction to this proposal, concerns were expressed (particularly by developing countries) about the use of ISO guides on the grounds that not all WTO members participate in ISO and that its decision-making process is not consensus based.

The position in line with (b) argues that, on the basis of the WTO Secretariat's document on the negotiating history of the TBT Agreement, unincorporated PPMs do not appear to be covered by the Agreement. Two related proposals have been put forward for addressing the issue: (i) seeking full coverage by the TBT Agreement of voluntary eco-labelling schemes based on LCA, or (ii) negotiating a Code of Conduct specifically targeted at eco-labelling schemes. The advantage of

the latter would be that it would allow WTO members to tailor a new instrument to suit eco-labels.

With respect to (c), one argument was that, whereas eco-labels addressing incorporated PPMs are clearly covered by the TBT Agreement, a broad interpretation of the Agreement to cover unincorporated PPMs raises concerns. Expanding the scope of the TBT Agreement to cover such PPMs could have far-reaching ramifications for the entire WTO system, extending beyond the issue of eco-labelling. However, it was argued that information is the most important issue in relation to voluntary labelling, and the CTE was requested to increase the transparency of voluntary eco-labelling schemes, including those that are based on unincorporated PPMs.

Another view expressed with respect to (c) was that eco-labels based on unincorporated PPMs raise significant trade concerns. When based on the environmental conditions and priorities of importing countries, they risk being ineffective and irrelevant to the environmental protection needs of exporting countries. The schemes may be based on criteria that foreign producers could not reasonably satisfy. Therefore, unincorporated PPMs can affect the competitive opportunities of foreign producers and can mislead consumers into rejecting products that are environmentally equal or superior to domestic products. Thus, work is needed on the transparency and mutual recognition of labelling schemes.

Most developing countries adopted position (d), arguing that the TBT Agreement prohibits the use of standards based on unincorporated PPMs. This is because its definition of standards does not embrace those that are based on such PPMs, and because GATT/WTO jurisprudence on the term "like products" does not allow for product differentiation on these grounds. They argued that it is unacceptable for products to be judged on the basis of environmental impacts that might be limited to exporting countries alone. Accommodating unincorporated PPMs under the TBT Agreement would amount to creating scope for the extra-territorial imposition of national standards, and this would have significant consequences for the trading system as a whole. A need to provide developing countries with technical assistance to meet the requirements of eco-labelling schemes was also mentioned.

Several developing countries stressed the importance of the role that equivalence and mutual recognition could play in helping them more

easily meet the requirements of foreign schemes. One delegation pointed to the proliferation of different schemes for the same products based on conflicting criteria, and the dangers that such a situation could pose.

## 5. The Triennial Review of the Agreement on Technical Barriers to Trade

At the end of 1997, the CTBT conducted its first Triennial Review of the TBT Agreement. A number of issues emerged from the Review that may be important to future discussions on eco-labelling in the WTO.

### Improving international standardization

One WTO member argued that improvements could be made to the process of international standards development. Although the TBT Agreement contains transparency provisions for standards, technical regulations, and conformity assessment procedures, for instance, it does not contain similar provisions for international standards. This member stated that greater transparency is necessary, and that attempts must also be made to ensure that the international standardization process represents the interests of all parties concerned. Although international standards are rebuttably presumed in the TBT Agreement not to create unnecessary obstacles to international trade, there is a need to examine the difficulties and trade effects that they create.

The proposal was supported by a large number of delegations, and the considerations it raised were included in the results of the Triennial Review.<sup>9</sup>

This proposal could have interesting consequences with respect to eco-labelling. ISO Technical Committee 207 on Environmental Management has been working on, amongst other issues, the development of international standards in the field of eco-labelling. These have ranged from general principles that eco-labelling schemes may follow, to principles on how to conduct life-cycle analysis. Whereas a developed country had argued in the CTE that the TBT Agreement should be interpreted as creating scope for eco-labels based on multilaterally agreed guidelines (such as ISO standards), numerous countries (particularly

developing countries) rejected the proposal on the grounds that the process of international standardization was not sufficiently representative and was not consensus based. If the process of international standardization were to be re-examined, however, it is possible that agreement on the use of international eco-labelling standards could in future be obtained. Nevertheless, although this is a very significant development, it does not promise to deliver short-run solutions.

### Providing for the equivalence of standards

Another WTO member argued that, whereas the TBT Agreement calls upon WTO members to give positive consideration to accepting as equivalent the technical regulations of other members, the Code of Good Practice does not contain a similar provision with respect to standards. It urged the CTBT to examine this issue further, and its concerns were expressed in the results of the Triennial Review. Once again, this is likely to be a significant development for eco-labelling schemes because a number of delegations emphasized that equivalence and mutual recognition could be key to alleviating their trade effects.

### Improving transparency

With respect to the transparency of eco-labelling schemes, the CTBT (within the context of the Triennial Review) concluded that:

In order to improve the transparency, acceptance of, and compliance with the Code [of Good Practice], the Committee agreed to the following:

. . . without prejudice to the views of Members concerning the coverage and application of the [TBT] Agreement, the obligation to publish notices of draft standards containing voluntary labelling requirements under paragraph L of the Code is not dependent upon the kind of information provided on the label.<sup>10</sup>

The exact meaning of this decision can, of course, be interpreted only by WTO members themselves. However, it represents an attempt by the CTBT to address the transparency concerns that had been raised with

respect to eco-labelling schemes, without prejudging whether or not they are allowed or covered by the TBT Agreement.

## 6. Moving forward

In its conclusions and recommendations to the Singapore Ministerial Conference, the CTE stated that the starting point for addressing eco-labels in the WTO should be to increase their transparency. To some extent this appears to have been achieved by the CTBT in its above-mentioned decision on notification. However, although concerns were voiced in the CTE on the extent to which existing transparency provisions were suited to the set-up of eco-labelling schemes, these have yet to be addressed.

A number of delegations indicated the importance of equivalence and mutual recognition in addressing the trade concerns raised by eco-labelling schemes. The United Nations Conference on Trade and Development (UNCTAD) has conducted important work in this area, which may eventually contribute to resolving the issue.<sup>11</sup>

With respect to eco-labelling criteria based on unincorporated PPMs, UNCTAD argues that, when these PPMs result in intrinsically local environmental problems in the producing country, the eco-labelling programmes of importing countries could accept PPMs that are friendly to the domestic environment of the exporting (producing) country as equivalent. These would be more suited to the producing country's environmental and developmental conditions. In addition, UNCTAD argues that, in LCA, equivalencies may also be considered between product and process-related criteria. For example, it states that, with respect to waste generation, the volume and type of waste generated during production could be weighed against the recyclability and biodegradability of the product after disposal.

The framework laid down by UNCTAD for establishing equivalence could be extremely useful in addressing unincorporated PPMs that create local environmental problems. On the basis of equivalent criteria, mutual recognition agreements between existing eco-labelling schemes could also be negotiated. The development of international guidelines on equivalence and mutual recognition would be extremely useful in this regard.

With respect to unincorporated PPMs that create trans-boundary or global environmental problems, UNCTAD states that these would best be addressed through multilateral environmental agreements (MEAs). MEAs allow for the cooperative design of multilateral solutions to problems of international concern. They would be much more likely to achieve better and more coordinated results than a series of unilateral attempts through a diversity of eco-labelling schemes.

A large number of options, therefore, remain to be explored for the successful resolution of eco-labelling discussions in the WTO. Regardless of which option is chosen, however, it is clear that greater national coordination between trade and environment policy makers is needed. Only through such coordination can problems be addressed at an early stage and trade and environment policies come to complement each other.

## Notes

1. This document is my sole responsibility, and has not been written on behalf of WTO members.
2. CTE, *Report (1996) of the Committee on Trade and Environment*, WT/CTE/1, November 1996.
3. Because most of the bodies that develop standards are non-governmental, the Code was created to bring their work under the purview of the Agreement. Through their acceptance of the Code, private standardizing bodies are able to generate greater confidence in the standards that they prepare (because they are seen to comply with the rules of international trade) and to gain their wider acceptance and use.
4. Annex 1 of the Agreement on Technical Barriers to Trade, "Terms and Their Definitions for the Purpose of this Agreement."
5. An example of an incorporated PPM would be cotton grown using certain pesticides and that itself contains pesticide residues. An example of an unincorporated PPM would be cotton grown using certain pesticides but that does not itself contain any pesticide residues.
6. These have been extrapolated from the following summary records of CTE meetings: WT/CTE/M/5, 30 November 1995; WT/CTE/M/6, 17 January 1996; WT/CTE/M/7, 22 March 1996; WT/CTE/M/8, 11 April 1996; WT/CTE/M/10, 12 July 1996; WT/CTE/M/11, 22 August 1996; and WT/CTE/M/12, 21 October 1996.
7. Equivalence means the acceptance by a country of another country's standards or regulations as equivalent to its own, even if they are different, provided that they adequately fulfil its objectives. Mutual recognition in the context of eco-labelling schemes generally means that, if certain conditions are met, qualifying for the

eco-label of an exporting country becomes an acceptable basis for the award of the eco-label used in the importing country.

8. CTE/CTBT, *Negotiating History of the Coverage of the Agreement on Technical Barriers to Trade with Regard to Labelling Requirements, Voluntary Standards, and Processes and Production Methods Unrelated to Product Characteristics*, WT/CTE/W/10, August 1995.

9. CTBT, *First Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade*, G/TBT/5, November 1997.

10. Ibid.

11. UNCTAD, *Trade, Environment and Development: Aspects of Establishing and Operating Eco-labelling Programmes*, TD/B/WG.6/5, 28 March 1995; *Eco-labelling and Market Opportunities for Environmentally Friendly Products*, TD/B/WG.6/2, 6 October 1994.