

RESTRICTED

**GENERAL AGREEMENT ON
TARIFFS AND TRADE**

TBT/1/Add.1/Suppl.2
2 February 1981
Special Distribution

Committee on Technical Barriers to Trade

Original: English

INFORMATION ON IMPLEMENTATION AND ADMINISTRATION
OF THE AGREEMENT

Supplement

The statement received from the delegation of the United States in accordance with Article 15.7 of the Agreement was circulated in TBT/1/Add.1. The copy of Title IV of the Trade Agreements Act of 1979 (Public Law 96-39) and of the United States Administration's Statement of Administrative Action, which sets forth a detailed plan by the United States Executive Branch for implementing Title IV were included in TBT/1/Add.1/Suppl.1. Attached are the texts of a 10 November 1980 Federal Register notice concerning the establishment of a "Technical Office" in the Department of Commerce and a 15 December 1980 Federal Register notice concerning the establishment of a "Technical Office" in the Department of Agriculture.

Federal Register/Vol. 45, No. 219/Monday, 10 November 1980

DEPARTMENT OF COMMERCE
Office of the Secretary

Office of Productivity, Technology, and Innovation: Implementation of
Title IV of Trade Agreement Act of 1979 (Public Law 96-39)

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation.

As required by Section 412 of the Trade Agreements Act of 1979 and Section 1-103(a) of Executive Order 12188 of 2 January 1980 (45 FR 989, 4 January 1980), the Secretary of Commerce has initiated a Technical Office to perform certain implementing functions with respect to standards, testing and certification activities for non-agricultural products. That office ("Technical Office/Title IV Implementation") is located within the Office of Product Standards Policy which is a constituent unit of the Office of Productivity, Technology, and Innovation (OPTI).

The functions of the Technical Office relate to: provision of information on foreign proposed standards and certification systems; adequate representation of United States trade interests in international standards organizations; co-ordination of technical work regarding possible bilateral and international arrangements concerning reciprocal acceptance of testing and certification; provision of other technical assistance and related advice regarding measures for taking advantage of the trade opportunities created by the Agreement on Technical Barriers to Trade (the so-called "Standards Agreement"); and provision of co-ordination services with other parts of the Department of Commerce and with the Office of the United States Trade Representative.

Anyone interested in the work of the Technical Office should write to the Program Manager, Technical Office, Title IV Implementation, Office of Product Standards Policy, Room 3876, United States Department of Commerce, Washington, D.C. 20230.

Dated: 5 November 1980

Jordan J. Baruch,
Assistant Secretary for Productivity,
Technology, and Innovation.

Federal Register/Vol. 45, No. 242/Monday, 15 December 1980

DEPARTMENT OF AGRICULTURE
Office of the Secretary

7 CFR Part 2

Delegation of Authority Regarding Certain Functions Under the Trade Agreements Act of 1979

AGENCY: Office of the Secretary, USDA

ACTION: Final rule

Summary

This rule delegates to the Under Secretary for International Affairs and Commodity Programs and the Administrator, Foreign Agricultural Service the responsibility to operate within the Department of Agriculture a technical office pursuant to the authority of Section 412(a)(2) of the Trade Agreements Act of 1979 (Public Law 96-39) (hereinafter referred to as the "Act"). Section 1-103 of Executive Order 12188, 2 January 1980, delegated to the Secretary of Agriculture the authority to prescribe the functions of the technical office established within the Department of Agriculture.

Effective date

This rule shall become effective on 15 December 1980.

For further information contact:

Thomas B. O'Connell, Trade Relations Division, Foreign Agricultural Service, United States Department of Agriculture, Washington, D.C. 20250, telephone: (202) 447-6106.

Supplementary information

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than thirty days after publication in the Federal Register. Further, this final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. John F. Hudson, Director, International Trade Policy, Trade Relations Division, made this determination because this rule involves internal agency management.

The Act provides the statutory framework for the implementation of United States obligations assumed in the Tokyo Round of the Multilateral Trade Negotiations. One of the agreements concluded in those negotiations was the Agreement on Technical Barriers to Trade (hereinafter referred to as the "Agreement"). Title IV of the Act implements United States obligations under the Agreement. The Agreement recognizes that no country should be prevented from promulgating technical regulations, such as product standards and regulations to protect human, plant or animal health, the environment or the consumer, but stipulates that such measures should not create unnecessary barriers to international trade. Governments further undertake to notify each other of proposals for new regulations and to receive comments on those proposals.

Section 1-103 of Executive Order 12188 delegated to the Secretary of Agriculture (hereafter referred to as the "Secretary") the authority to prescribe the functions of the Technical Office established pursuant to Section 412(a)(2) of the Act. Pursuant to that authority, the functions of the Technical Office shall be to:

- A. Receive from the National Bureau of Standards titles of notices of proposed foreign signatory government and private standards-related activities and to distribute them, as appropriate, to the technical agency concerned;
- B. Receive from the National Bureau of Standards a copy of each foreign signatory notification to the secretariat of the General Agreement on Tariffs and Trade (GATT) of proposed central government mandatory standards and distribute them, as appropriate, to the technical agency concerned;
- C. Publish a notice in the Federal Register that (i) titles from foreign public notices of proposed standards related activities, and (ii) copies of foreign notifications to the GATT secretariat of proposed standards-related activities will be disseminated, upon request, by the Technical Office to State agencies and interested persons, as well as through contacts with appropriate trade associations, State advisors and the private sector.
- D. Furnish the titles and notifications to all interested parties and appropriate federal agencies;
- E. Receive comments from private persons and State and federal agencies on proposed foreign signatory government mandatory standards or certification systems; and
 - (1) When comments from federal agencies, State agencies and private persons are not in conflict, transmit the comments directly to the foreign government concerned; or
 - (2) When comments from federal agencies are in conflict, attempt to obtain a unified United States Government position; and
 - (3) When comments of State agencies and private persons are in conflict, attempt to obtain a unified United States position;

- F. Facilitate the transmission of comments by private persons, State agencies and federal agencies on proposed foreign voluntary standards directly to the appropriate foreign body;
- G. Arrange for bilateral discussions, as necessary, to discuss comments sent to foreign countries;
- H. Facilitate access for United States suppliers to national certification systems of foreign signatories and to regional certification systems in which foreign signatories are members;
- I. In co-operation with the technical agencies, prepare and disseminate to State agencies, trade associations, and private standards and certification organizations voluntary guidelines on procedures relating to the development and application of standards-related activities;
- J. Disseminate to State agencies, federal agencies and private persons, information on the benefits and opportunities of the Agreement for the United States, including but not limited to:
 - (1) New possibilities for the United States Government to pursue complaints about foreign standards-related activities;
 - (2) Improved access for United States products to certification systems of foreign signatories or of which foreign signatories are members; and
 - (3) New opportunities for private persons, State agencies and federal agencies to comment on proposed foreign standards-related activities;
- K. Establish and operate a procedure for responding to domestic requests for administrative assistance necessary to comply with implementation of Title IV of the Act;
- L. Facilitate initiation and development of appropriate discussions and negotiations between the United States and other signatories to the Agreement concerning the reciprocal acceptance of test results and certificates or marks or conformity;
- M. Inform, consult, and co-ordinate with the United States Trade Representative with respect to matters that arise as a result of implementation of the Agreement and Title IV of the Act that affect the trade policy of the United States;
- N. Carry out other responsibilities, as appropriate, in accordance with the objectives of Title IV of the Act;
- O. Promulgate such rules and regulations as are necessary to carry out the above-listed functions.

Accordingly, Part 2, Sub-title A, Title 7 of the Code of Federal Regulations is amended as follows:

Sub-part C - Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, and the Director of Economics, Policy Analysis and Budget.

1. Section 2.21 is amended by adding a new paragraph (d)(29) to read as follows:

2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

* * * * *

(d) Related to foreign agriculture. * * *

(29) Operate a technical office established under Section 412(a)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2542(a)(2)).

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Sub-part H - Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs.

2. Section 2.68 is amended by adding a new paragraph (a)(32) to read as follows:

2.68 Administrator, Foreign Agricultural Service.

(a) Delegations * * *

(32) Operate a technical office established under Section 412(a)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2542(a)(2)).

(Section 412 of the Trade Agreements Act of 1979, Public Law 96-39, 19 U.S.C. 2542; Executive Order 12188; Reorganization Plan No. 2 of 1953)

For Sub-part C:

Dated: 9 December 1980

Bob Bergland
Secretary of Agriculture.

For Sub-part H:

Dated: 9 December 1980

Dale E. Hathaway,
Under Secretary for International Affairs and Commodity Programs.