

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/W/86
18 December 1985

Special Distribution

Committee on Technical Barriers to Trade

DRAFT MINUTES OF THE MEETING HELD ON
31 OCTOBER - 1 NOVEMBER 1985

Chairman: Dr. B.N. Singh

1. The Committee on Technical Barriers to Trade held its twentieth meeting on 31 October - 1 November 1985.

2. The agenda of the meeting was as follows:

	<u>Page</u>
A. Statements on implementation and administration of the Agreement	2
B. Composition of the Committee	2
C. Translation of documents relating to notifications	4
D. Handling of comments	5
E. Procedures for determining the notification of draft technical regulations	5
F. Testing and inspection	6
G. Procedures for adoption of decisions and recommendations	7
H. Sixth annual review of the implementation and operation of the Agreement	7
I. Second Three-Year review of the operation and implementation of the Agreement	8
J. Revision of ISO/IEC Guide 2 on definitions	11
K. Request for accession by Bulgaria	12
L. Request for observer status by the ITC (UNCTAD/GATT)	12
M. Derestriction of documents	13
N. Report (1985) to the CONTRACTING PARTIES	13
O. Date and agenda of the next meeting	13

3. In opening the meeting, the Chairman, on behalf of the Committee, welcomed Portugal as a new signatory to the Agreement.

A. Statements on implementation and administration of the Agreement

4. The representative of Japan referred to the outline of an action programme announced by his government on 30 July 1985 which included measures relating to standards and certification systems (L/5858). In preparing these measures on its own initiative the Government of Japan had undertaken a comprehensive review of national standards-related laws and regulations and had also examined the requests made by foreign governments and business circles. The aims of the measures were reduction of government intervention to a necessary minimum, ensuring transparency in the drafting and revision of standards, adjustment to international standards and simplification and acceleration of type approval procedures. The amendments to the related laws for the implementation of the action programme were being prepared for submission to the Diet at its present special session. He further informed the Committee that since the previous meeting his authorities had designated three additional foreign testing organizations: one organization in Canada and a second in the United Kingdom under the Electrical Appliances and Materials Control Law and a third in the Federal Republic of Germany under the Consumer Product Safety Law.

5. The representative of India informed the Committee of the training programmes organized by his country. Trainees from thirty-five developing countries including Parties to the Agreement such as Brazil, Egypt, the Republic of Korea, the Philippines and Singapore had attended these programmes since 1968. The purpose of the programme for the present year, to be held from 20 November 1985 to 31 January 1986, was to improve the knowledge of participants with regard to standards, certification, testing and quality control matters which would also increase their understanding of the pre-requisites of the Agreement.

6. The representative of the United States drew attention to three publications issued in his country. The first of these was a directory on the private sector product certification programmes including information on the activities of 109 organizations in the United States. The second publication described the activities of the National Bureau of Standards relating to the Agreement on Technical Barriers to Trade. The third contained the proceedings of the Conference on International Standards held in April 1985 which was sponsored by the U.S. Department of Commerce Interagency Committee on Standards Policy with the purpose of determining the relevance and levels of participation of U.S. federal agencies in international standards activities. All three publications were available upon request from the United States enquiry point.

B. Composition of the Committee

7. The representative of the United States observed that the sections relevant to the Agreement on Technical Barriers to Trade both in the report of the Working Group on MTN Agreements and Arrangements (L/5832/Rev.1) and in the note by the secretariat consolidating the observations made and

conclusions reached in the special meetings of the MTN Committees and Councils (MDF/12) did not make any reference to the problem of non-ratification of the Agreement by certain signatories. He maintained nevertheless that so far as those signatories had not ratified the Agreement they could not be considered as having the legal status of Parties on the basis of the findings in the note by the secretariat circulated in document TBT/W/74/Rev.1. In the view of his delegation, those signatories could not claim the right to stand in the way of a consensus of the Committee on any matter.

8. The representative of Argentina observed that the Working Group had not dwelled on the issue of non-ratification at any length because it had not been raised as a specific problem by Parties to other MTN Agreements and Arrangements. In his view, the proposal by the representative of the United States for excluding those signatories that had not ratified the Agreement from consensus in the Committee would deter those developing countries that contemplated accepting the Agreement because they would feel that their internal administrative problems would hinder their full participation in the activities of the Committee. He also informed the Committee that his authorities were proceeding with the legislative aspects of the ratification procedures which were to be expedited in a special session of the Congress.

9. The representative of the European Economic Community, supported by the representatives of Finland, on behalf of the Nordic countries and India said that the Committee should not extend its analysis of the legal situation to deriving firm implications and that the usual method of reaching consensus in the Committee should be safeguarded. The representative of Finland, on behalf of the Nordic countries, said that there should, however, be a limit to pragmatism and that the Committee should encourage the signatories concerned to make every effort to ratify the Agreement without further delay. Meanwhile, the note by the secretariat on the legal status of signatories gave clear guidance on the course of action to be followed in case a problem arose which required a decision to be taken on legal grounds.

10. The representative of Greece said that the report of the Working Group mainly addressed the obstacles to acceptance of the MTN Agreements and Arrangements by developing countries. Internal administrative difficulties were common to most developing countries and similar problems could reoccur in any future acceptance by a developing contracting party signing the Agreement subject to ratification. He further said that the ratification procedures in his country would be completed as soon as possible. The representative of the European Economic Community drew attention to the multitude of laws, including Community law and other legal instruments, that the Greek authorities had to transfer under the national legislation resulting from Greece's entry in the Community. He announced that Greece was planning to establish an enquiry point pending its ratification of the Agreement as a positive step towards its implementation of the relevant obligations under the Agreement.

11. The Committee took note of the statements made.

C. Translation of Documents Relating to Notifications

12. The representative of the Philippines referred to the proposal put forward by his delegation at the third meeting on procedures for information exchange (TBT/M/19, paragraph 36(i)) and said that the language barrier to the flow of information among Parties was a non-negligible impediment to attaining the objectives of the Agreement with regard to transparency. Authorities in his country, as in other developing countries, had limited resources for providing translations of texts of technical nature which made it difficult for interested parties in his country to formulate their comments on drafts of technical regulations and certification systems received from other Parties in their national languages. The implementation of the proposal would also further the provisions of the Agreement on technical assistance.

13. The representatives of India, New Zealand, Spain, United Kingdom on behalf of Hong Kong and the United States expressed their support for the proposal concerning the exchange of information on translations.

14. The representative of Japan said that his delegation also favoured the purpose of the proposal by the Philippines. He nevertheless stated that its adoption as a recommendation should not be understood as requiring the Parties to take on any obligations that went beyond the provisions of Article 10.5 of the Agreement. The representatives of the European Economic Community, Finland on behalf of the Nordic countries and Switzerland supported the statement by the representative of Japan.

15. The representative of Canada said that he agreed with the objective of the proposal by the Philippines but he had certain doubts on the modalities for implementing it. The financial burden of translating documents relating to notifications should not be shared only among those Parties who had established translation facilities for the benefit of interested parties in their countries. He also said that the authorities of the Party proposing a draft text could only ascertain the accuracy of the translation of a text into one of the GATT languages if they were also in charge of its translation and that other Parties could not incur any additional responsibility in this respect. He suggested a different way of proceeding: a Party which was requested to provide a draft of the text which was being proposed in its notification could communicate to the requesting Party the name of any third Party which had also sought the same document and which might have translated it into one of the GATT languages.

16. The representative of the United States informed the Committee that the translation services provided by the national enquiry point to interested parties in his country could also be made available for use of other Parties to the Agreement on mutually agreed terms. The representative of Japan said that his authorities were making every effort to translate technical regulations and rules of certification systems into English as part of the transparency measures in the Action Programme.

17. The Committee took note of the statements made and agreed to revert to the proposal at its next meeting.

D. Handling of Comments

18. After a brief discussion, the Committee adopted the recommendation on the handling of comments reproduced in Annex I.

19. With reference to paragraph (a) of this recommendation, the representative of Switzerland asked whether the author of the proposed technical regulation or rules of certification system should be indicated in the notification if it was an authority or agency separate from the one designated by a Party for handling of comments in accordance with paragraph (a) of the recommendation. In reply, the representative of Finland on behalf of the Nordic countries said that in order to ensure a proper implementation of the recommendation, the authority or agency designated by a Party to be in charge of handling of comments should in any event receive the comments from other Parties even if the designated body was not always the competent authority for discussing these comments. This did not preclude Parties from sending their comments at the same time directly to the drafters of the proposed technical regulation or rules of certification system.

20. In terms of paragraph (a) of the recommendation, the Committee invited Parties to notify to the secretariat the name, address, telephone and telex numbers of the authority or agency which they would designate to be in charge of comments received.

E. Procedures for Determining the Notification of Draft Technical Regulations

21. The Chairman recalled that the Federal Republic of Germany, Finland, Ireland, New Zealand, Norway, Sweden, the United Kingdom on behalf of Hong Kong and the United States had submitted data outlining the relevant procedures followed in their respective countries to determine which draft regulations should be notified.

22. The representative of Japan said that his country made as many notifications as possible. The representative of the European Economic Community said his authorities notified every proposed technical regulation. The representative of Canada said that the technical regulations to be notified were selected from the Canadian Gazette where they were regularly published by the responsible bodies. The representative of India said that the Indian Standards Institution used the criteria established by the Committee when determining whether a proposed technical regulation had a significant effect on trade of other Parties and should be notified. The representative of Hungary said that the Ministry of Commerce was responsible for determining which technical regulations proposed within the sphere of activities of other regulatory bodies should be notified.

23. The representative of Finland on behalf of the Nordic countries said that although the gathering of information on the procedures applied by Parties was useful, real difficulty lay in persuading the administrative authorities in individual Parties to provide information internally on the technical regulations being prepared. In this connection, he referred to the action taken by the Committee at its last meeting (TBT/M/19, paragraph 35(b)) and said that his delegation would prepare a proposal for the next meeting in the light of the wording of the first part of that action.

24. The representative of the United States said that Parties should inform the Committee of any procedures established for co-ordinating the notification of proposed technical regulations among their regulatory authorities. The Committee would need such basic information in order to assess how the lack of adequate co-ordination on this matter affected the balance of rights and obligations of Parties under the Agreement.

25. The Committee took note of the statements made and agreed to revert to the issue at its next meeting.

F. Testing and Inspection

26. The representative of the United States said that his authorities had taken note of the documentation circulated to the Committee on the activities of relevant international and regional bodies in the field of testing and inspection. He suggested that the Committee should gather more information in order to increase its knowledge of the matter. The Committee agreed to the proposal by the representative of the United States that the secretariat should determine, in consultation with the international and regional bodies, whether any additional information existed in the area, including the data on arrangements for acceptance of test data at the bilateral level.

27. The representative of Finland, on behalf of the Nordic countries said that the notes by the secretariat circulated in documents TBT/W/81 and Add.1 and TBT/W/85 comprised the most relevant information on the subject. He drew attention to paragraph 4 of TBT/W/81 and said that the Committee could obtain further information from the International Laboratory Accreditation Conference (ILAC) Task Force F which had been assigned the responsibility of collecting and analysing information regarding bilateral and multilateral arrangements. He also informed the Committee that the UN Economic Commission for Europe (UN/ECE) Government Officials Responsible for Standardization Policies would consider a draft recommendation for international co-operation and proposals for further work in the field of testing at their meeting in May 1986. He also noted that the ISO/IEC Guides circulated in document TBT/W/84 represented an important achievement in international co-operation on the subject of testing with a wide participation from developing countries. He suggested that the ISO/IEC Guides 25, 36 and 43 be also circulated to Parties. Parties should carry out an in-depth study of the set of six ISO/IEC Guides in order to assess their possible implementation in furthering the objectives of Article 5 of the Agreement. It was so agreed. The observer from the ISO said that Parties could consult with their ISO and IEC member bodies who could give the background to the various elements of the ISO/IEC Guides under study.

28. The representative of the European Economic Community said that the implementation of ISO/IEC Guides by Parties would serve in building the confidence required for establishing mutual acceptance systems. The systematic application of the ISO/IEC Guides by laboratories in individual Parties would determine common conditions for mutual recognition of test data among Parties and would facilitate the conclusion of relevant international agreements.

29. The representative of India said that the Committee could rely on the work accomplished in ISO and IEC which provided the requisite technical expertise and competence at international level. He claimed that acceptance of test data would only be feasible once the standards for test methods and testing procedures were harmonized and the testing facilities in all Parties were developed to a requisite level.

30. The representative of Brazil said that his delegation shared the view that the Committee should give priority to the work on harmonization of standards for test methods. Because of the weak participation of developing countries in their preparation, the relevant international standards developed so far mainly reflected the technical capacities of the developed countries. In this respect, he also stressed that Parties should explore ways of giving effect to the provisions of Article 11 in order to enable the developing countries to develop their technical infrastructure for testing and inspection.

31. The Committee took note of the statements made and agreed to revert to this item at its next meeting.

G. Procedures for Adoption of Decisions and Recommendations

32. The representative of Chile suggested that Parties should submit proposals for decisions or recommendations within set time-limits so as to enable delegations to take cognizance of these proposals and to seek the instructions of the authorities in their capitals on the matters involved before the Committee proceeded with the adoption of the relevant decisions or recommendations. The representative of the European Economic Community, supported by the representatives of Canada, Finland on behalf of the Nordic countries, Japan and Romania, said that while he supported the purpose of the proposal, which precluded adoption of decisions on technical matters without their due consideration, one should avoid introducing excessive rigidity in the procedures for taking decisions in the Committee. He also noted that the Committee usually reconsidered a proposal if there was any doubt that a full consensus would be reached. The representative of Spain supported the proposal put forward by Chile. The representative of Canada said that any procedures adopted should not restrain the possibility of introducing new items under "other business".

33. The Committee took note of the statements made and agreed to revert to the proposal by Chile at its next meeting.

H. Sixth annual review of the implementation and operation of the Agreement

34. The Chairman drew attention to the background documentation for the sixth annual review contained in documents TBT/22, TBT/W/62/Rev.1 and Corr.1, TBT/W/31/Rev.4 and Corr.1 to Corr.5 and TBT/W/25/Rev.9.

35. In the review of the section relating to notifications in the basic document (TBT/22), the representative of Switzerland noted that many of the Parties had not made any notifications since the entry into force of the

Agreement. He hoped that the Committee's examination of the adequacy of the procedures established by Parties for determining the notification of draft technical regulations would serve to improve this situation. The representative of Finland on behalf of the Nordic countries, supported by the representatives of Japan and the United States also expressed concern that Parties did not abide by their obligations to notify under the Agreement in an equal way. The doubts expressed by the Nordic countries in the Multilateral Trade Negotiations on the operability of the provisions on notifications was proved to be warranted. He added that Parties concerned should make every effort to restore the balance of rights and obligations under the Agreement which had been seriously impaired by the present divergence among Parties in fulfilling their obligations relating to notifications.

36. The Chairman noted that the Committee concluded its sixth annual review of the implementation and operation of the Agreement under Article 15.8. Corrections to the basic documentation and additional information provided by delegations in the course of the review would be reflected in documents TBT/22/Corr.1, TBT/22/Suppl.1, TBT/W/25/Rev.10, TBT/W/31/Rev.4/Corr.6 and TBT/W/62/Rev.1/Corr.2, to be issued after the meeting.

I. Second Three-Year Review of the Operation and Implementation of the Agreement

37. The representative of the United States introduced the three proposals communicated by his delegation in document TBT/21 for the consideration of the Committee in the context of its second three-year review of the Agreement under Article 15.9 and said that these proposals originated from an assessment of the operation of the Agreement since the previous three-year review, made by his authorities with the participation of the representatives of industry, agriculture and labour interests in the United States. The first proposal involved the negotiation of an international agreement that would lead to tightening the coverage of Article 5.2 which only encouraged acceptance of test data generated in other Parties. The highly technical nature of the matter required full knowledge of test methods and procedures in Parties as well as of parallel efforts under way in other international fora. The representative of the United States also presented the other two proposals circulated in document TBT/21 on improving transparency, respectively, in bilateral standards agreements and in regional standards activities.

38. The representative of the European Economic Community stated that the authorities at the Community level associated themselves with the conclusions of the United States Government that the non-acceptance of test data generated in other Parties was the single most important trade issue relating to the work of the Committee. However, they could not share the approach of the United States because their proposal involved the creation of a comprehensive regulatory mechanism which would incorporate principles relating to the acceptance of foreign generated test data among Parties as well as set the conditions for establishing confidence among laboratories to achieve such acceptance. He said that the Community proposed to proceed with the matter along three main axes. First, the Committee should encourage the progress of work in international bodies such as the ISO, the IEC and the

ILAC so as to create a favourable environment to accelerate the development of a consensus regarding internationally accepted rules for accreditation of laboratories or acceptance of certification bodies. The second axis was that the Committee should promote the conclusion of agreements and arrangements on mutual acceptance of test data between individual laboratories in Parties. The conclusion of these agreements at the level of laboratories would overcome the problem of distinguishing between the status of private laboratories and of those dependent on central government authorities. The regulatory approach, on the other hand, would bring to surface the lack of symmetry in the obligations of Parties in this respect. He said that, thirdly, the Committee might give an international political status to this double course of action and recognize these individual arrangements officially to the extent that they were established in conformity with the internationally accepted rules and practices. Such official recognition would confer these arrangements the virtue of obligations between Parties.

39. The representative of the European Economic Community draw attention to two ideas submitted in a statement circulated in document TBT/23 and gave the following explanation of the motives behind those ideas. The Community observed that the dyssymetry in the coverage of obligations of Parties with different constitutional structures became more important as certain Parties increased the decentralization of their standards-related activities. The Community had submitted their ideas concerning, respectively, a possible extension of major obligations under the Agreement to local government bodies and the establishment of a code of good practice for non-governmental standardizing bodies, as ways of aligning obligations relating to the activities of these bodies, which were presently bound in the Agreement by a "best endeavours" clause, on the obligations relating to central government bodies.

40. The representative of Japan said that his delegation welcomed this discussion in the Committee because the subject of testing and inspection was an important area in the future work of the Committee and the relevant provisions of the Agreement were not very explicit on this matter. His authorities supported the substance of the relevant proposal by the United States in document TBT/21 and would also look into the suggestions made by the Community at the present meeting.

41. The representative of India said that his authorities recognized that the mutual acceptance of test data would be beneficial to removing technical barriers to trade. However, regulatory commitments which could not be fully enforced by Parties would create additional barriers to trade. He emphasized that the Committee should link its efforts in this field with the work being carried out in other international bodies which benefitted from the participation of technical experts at the international level.

42. The representative of Finland on behalf of the Nordic countries said that the Nordic countries associated themselves with those countries that had indicated an interest in developing ways and means of increasing acceptance of test data among Parties to the Agreement. He stated however, that they could not join a sector-by-sector approach as suggested by the delegation of the United States which, because of their different levels of industrial development, could give rise to an imbalance of rights and obligations between Parties. He recalled that the Nordic countries had drawn the

attention of the Committee to the possibility of using relevant ISO/IEC Guides for furthering the objectives of Article 5. The Nordic delegation would make a proposal at the forthcoming meetings for recommendations on the feasibility of effectively reinforcing the implementation of provisions of Article 5.2.

43. The representative of New Zealand said that the authorities in his country, at both the central government level and at the level of the standards associations and testing laboratories, had a keen interest in international activities directed towards acceptance of foreign generated test data. His delegation considered the regulatory approach as suggested by the United States as a good basis for discussion.

44. The representative of Canada noted that the experience gained from developments in recent years showed that the conclusion of individual agreements would not necessarily lead to general principles for acceptance of test data. He also said that the Committee should not limit its efforts to encouraging work being carried out in international organizations but should make an attempt to match the activities in other bodies. The Committee should concentrate both on identifying the end-results to be achieved and on devising a process that would lead to those results. The three-year review provided the Parties with an opportunity to examine the possibility of enforcing requirements in this respect.

45. The representative of Finland on behalf of the Nordic countries said that whereas increased transparency in bilateral standards agreements as proposed by the delegation of the United States was beneficial, the Committee should avoid the dissemination of superfluous data which would make it more difficult for Parties to select useful information. Therefore, he suggested that Parties could make use of the facilities of enquiry points for that purpose instead of undertaking additional obligations concerning submission of notifications. He said that the recommendation on page 11 of TBT/16/Rev.2 could be extended to include enquiries on bilateral standards agreements.

46. In response to a question by the representative of Hungary, the representative of the United States said that transparency could initially be provided on bilateral agreements concluded between governments. At a later stage, notifications could be made on arrangements between non-governmental bodies dealing with testing and inspection. The representative of New Zealand supported the proposal by the United States and recalled that the UN Charter required countries to notify all international agreements concluded bilaterally or multilaterally. The representative of India said that it was not essential to the work of the Committee to gather information on bilateral standards agreements so long as the beneficiaries of these agreements disposed of this information.

47. The representative of Finland on behalf of the Nordic countries, supported by the representative of the European Economic Community and New Zealand, wondered in what way the proposal by the United States on transparency in regional standards activities was meant to further the implementation of the relevant provisions of the Agreement. The representative of New Zealand recalled that the "best endeavours" clause had been included under the specific Articles by the drafters of the Agreement, because of the difficulties involved in imposing binding obligations on

governments members of regional standards bodies in which each member had one vote. The representative of the European Economic Community said that whatever the wording proposed, Parties did not have regulatory means to take up direct responsibility for these bodies. The representative of Finland on behalf of the Nordic countries asked the representative of the United States to identify those regional standardizing bodies the activities of which did not, in the United States' view, appear to comply with the provisions of the Agreement. He recalled that the Committee had not heard any such comments from Parties when representatives of several such regional bodies had made presentations in the Committee. He referred to the last sentence of the United States' proposal and said that the Agreement did not preclude regional co-operation but set a certain code of conduct in order to ensure the compliance of those regional bodies with its various provisions.

48. The representative of Canada supported the proposal by the United States delegation on transparency in bilateral standards agreements and in regional standards activities and said that the Committee should be informed of the experience gained in those areas.

49. The representative of the United States referred to the idea of extending major obligations under the Agreement to local government bodies in document TBT/23 and said that the Agreement addressed the issue of disparity between constitutional structures of governments and its impact on the levels of obligations of Parties under Article 14.24. When his government signed an international agreement it ensured the adherence of the federal states united, the commonwealth, and the associated territories to that Agreement. He said that his authorities had not received any complaints from other Parties on standards-related activities at the state, local government or non-governmental level in his country. The representative of New Zealand said that local government bodies in his country retained a fair degree of autonomy and it was difficult to further tighten controls on them. The representative of Canada said that the idea put forward by the delegation of the European Economic Community on local government bodies seemed to imply that the constitution in his country ought to give rise to new levels of obligations. He said that his government would not be in a position to negotiate any undertakings for subsidiary levels in Canada. He also doubted whether a Party with centralized administration had more obligations under the Agreement. By way of example, he said that the number of notifications did not indicate that Parties with centralized governments made more notifications than other Parties.

50. The Committee took note of the statements made in the context of the three-year review and agreed to revert to the three proposals by the United States (TBT/21) and to the two ideas in the statement by the European Economic Community (TBT/23) at its subsequent meetings under respective agenda items. The Committee thus concluded the second three-year review under Article 15.9 of the Agreement.

J. Revision of ISO/IEC Guide 2 on Definitions

51. The representative of Finland, in his capacity as the United Nations Economic Commission for Europe (UN/ECE) coordinator for the work on definitions in the International Standardization Organization (ISO), informed

the Committee of the revision being carried out to the ISO Guide 2 in response to a request made by the ECE Government Officials Responsible for Standardization Policies in view of the recent developments on standards-related issues at the international level. He drew attention to the relevance of the ISO Guide 2 as a basic document for the terms for standardization and certification and their definitions referred to in Article 1.1 of the Agreement and said that the revised ISO Guide 2 would provide an improved instrument for international cooperation for eliminating technical barriers to trade. The ISO/STACO Working Group on Definitions had invited ISO and IEC member bodies to give their comments to this draft revision circulated in document ISO/STACO 149 before the end of November 1985 and the ECE Group of Experts had made certain suggestions for amendments to this draft at their meeting held on 28 October - 1 November 1985. The Parties to the Agreement might also communicate their comments on the draft through their national standards institutions in order to ensure that the proposed definitions did not encroach on the work being carried out in the Committee on Technical Barriers to Trade. He further noted that the revision to the definitions in ISO Guide 2 in no way affected the meaning of the terms given in Annex 1 of the Agreement.

K. Request for Accession by Bulgaria

52. The Chairman of the Working Party on the Accession of Bulgaria informed the Committee of an informal meeting that the members of the Working Party had held on 30 October 1985 to take stock of the state of consultations on terms of accession of Bulgaria in the light of a communication that the Chairman had received from the delegation of Bulgaria. He said that this communication invited him to explore the possibility of progress in the draft terms of accession on the basis of the text to which the representative of Bulgaria had made reference at the meeting of the Committee in May 1985 (TBT/W/19, paragraph 46) or of a similar text. He had convened the informal meeting to see if in accordance with the decision of the Committee of October 1981 (TBT/M/8, paragraph 7) there was a real possibility for reaching an agreed decision on the terms of accession. The discussion that took place at the informal meeting showed that there was no consensus among the members of the Working Group on a text which could serve to resume the negotiations with a serious chance of succeeding. He therefore concluded that it would not be advisable for the time being to reconvene the Working Group.

53. The Committee took note of this statement.

L. Request for Observer Status by the ITC (UNCTAD/GATT)

54. The Committee agreed to grant a request by the International Trade Centre (UNCTAD/GATT) to attend its meetings in an observer capacity, in accordance with the procedures and guiding principles set out in TBT/M/2, paragraphs 4 and 5 and Annex.

M. Derestriction of documents

55. The Committee noted that a proposal for derestriction of documents would be circulated by the secretariat in document TBT/W/87. It agreed to derestrict the full set of documents relating to the sixth annual review.

N. Report (1985) to the CONTRACTING PARTIES

56. The Committee adopted its report (1985) to the CONTRACTING PARTIES, which is contained in document L/5890.

O. Date and agenda of the next meeting

57. The Committee agreed to hold its next meeting on 6-7 March 1986.

58. The agenda of the meeting would include the following items:

1. Election of officers for 1986.
2. Statements on implementation and operation of the Agreement.
3. Procedures at the national level for gathering information on proposed technical regulations and rules of certification systems.
4. Procedures for adoption of decisions and recommendations.
5. Translation of documents relating to notifications.
6. Length of time period allowed for comments.
7. Testing and inspection.
8. Improvement of transparency in bilateral standards agreements.
9. Improvement of transparency in regional standards activities.
10. Possible extension to local government bodies of major obligations under the Agreement.
11. Setting up of a code of good practice for non-governmental standardising bodies.

ANNEX

Handling of Comments on Notifications

The Committee recommends that, in order to improve the handling of comments on proposed technical regulations and rules of certification systems notified under the Agreement,

- (a) each Party should notify the GATT secretariat of the authority or agency (e.g. its enquiry point) which it has designated to be in charge for handling of comments received, and
- (b) a Party receiving comments through the designated body should without further request
 - (1) acknowledge the receipt of such comments,
 - (2) explain within a reasonable time to any Party from which it has received comments, how it will proceed in order to take these comments into account and, where appropriate, provide additional relevant information on the proposed technical regulations or rules of certification systems concerned, and
 - (3) provide to any Party from which it has received comments, a copy of the corresponding technical regulations or rules of certification systems as adopted or information that no corresponding technical regulations or rules of certification system will be adopted for the time being.