

# GENERAL AGREEMENT ON

RESTRICTED

TBT/W/117  
28 November 1988

## TARIFFS AND TRADE

Special Distribution

Committee on Technical Barriers to Trade

DRAFT MINUTES OF THE MEETING HELD  
ON 13 SEPTEMBER 1988

Chairman: Mr. E. Contestabile

1. The Committee on Technical Barriers to Trade held its twenty-ninth meeting on 13 September 1988.

2. The agenda of the meeting was as follows:

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A. Statements on implementation and administration of the Agreement

The representative of Mexico recalled the written and oral statements made previously by his delegation concerning the acceptance of the Agreement by Mexico (TBT/1/Add.36 and Suppl.1); the approval of the Agreement at the legislative level; the promulgation of the Agreement as

binding within the Mexican territory; and the adoption of the New Law on Metrology and Standardization as the legal basis for the implementation of the Agreement (TBT/M/28, paragraph 5). Furthermore, he stated that, pursuant to the provisions of Article 12.8 of the Agreement, his authorities wished to explore the possibility of obtaining time-limited exceptions from the implementation of the relevant obligations regarding: the expected length of time allowed for presentation of comments on proposed standards, technical regulations and rules of certification systems under Articles 2.5.4, 2.5.5, 2.6.3, 7.3.4, 7.4.3; the establishment of enquiry point(s) foreseen in Article 10; and the establishment of an agency in charge of consultations under Article 14. The intention of his authorities was to delay the application of the relevant obligations for a period of two years. Mexico was unable to fulfil these requirements due to lack of resources and infrastructure, a situation which had been aggravated in the past year, following the restrictions imposed on public spending in accordance with the anti-inflationary programme launched in December 1987. The Mexican authorities were aware of the commitments they had undertaken when signing the Agreement and they aimed to observe fully the obligations under it. For the time being, however, owing to the lack of resources in their country for the installation, equipment, staff and technical advice, they considered that the obligations referred to above were incompatible with their trade, financial and development needs. He added that, in the meantime, the Technical Secretariat for GATT Affairs, responsible for dealing with questions relating to the administration and implementation of the Agreement, would fulfil the function of enquiry point under Article 10.

4. The representative of the European Economic Community, joined by the representatives of United States and Finland, speaking on behalf of the Nordic countries, said that the Mexican authorities might have looked for other ways of addressing the first two problems rather than resorting to the provisions of Article 12.8. As regards the exception from the establishment of a consultation point, the Committee would need to give the matter further consideration in so far as it related to the implementation of dispute settlement procedures under the Agreement.

5. In conclusion, the Chairman suggested that: (i) the Committee request the Mexican delegation to present, in writing, its request for exception under Article 12.8; (ii) informal consultations be held between Mexico and interested Parties and; (iii) the Committee revert to this matter at its next meeting. It was so agreed.

6. The representative of India informed the Committee that, within the last two years, four meetings had been organized in his country with the purpose of informing the regulatory authorities and interested parties about the Agreement.

B. Testing, inspection and approval procedures

7. The Chairman invited the Committee to address the proposal by the United States on procedures for issuing product approval (TBT/W/107).

8. The representative of Japan considered that the inclusion of concrete and detailed provisions in the Agreement concerning the procedures for issuing of approvals, such as those contained in the proposal by the United States, would be beneficial for improving the relevant practices in Parties.

9. The representative of Canada said that the terms used in the proposal should be related more closely to the existing provisions of the Agreement. He suggested for example, that the phrase "a published set of mandatory technical criteria", used in the definition for the term "approval" in point A.1, could contain a reference to the term "technical regulation" used in the Agreement.

10. In addition to the exchange of views at the previous meetings (TBT/M/27, paragraph 21.3; TBT/M/28, paragraph 17), concerning the suggestion in the proposal to base approvals on manufacturer's declaration of conformity (point B.2), a number of Parties made the following statements. The representative of Brazil said that he recognized the validity of the argument that approvals based solely on manufacturer's declaration of conformity would facilitate acceptance of imported products. However, if this method of approval was given priority it would be difficult to base acceptances on other methods of approval as, in terms of the proposal by the United States, the legitimacy of the use of any other methods had to be justified. Many countries did not have the necessary infrastructure for the development of decentralised approval procedures. Developing countries applied a standardization system where approvals were issued by central government bodies. The proposal by the United States was based on a system of civil responsibility, whereby producers who made false declarations could be penalized. The application of this notion was quite elementary in most developing countries. It would therefore be problematic to base acceptances solely on manufacturer's declaration of conformity in areas such as aeronautics or pharmaceuticals, in which governmental authorities were responsible for public health and safety. The representative of India said that the method of approval based on manufacturer's declaration of conformity should not be given priority over other methods of approval. This method could only be used if the manufacturer had facilities for testing or quality control. The implementation of this proposal would require the establishment of a central agency which would be responsible for providing information on methods of approvals used in the exporting country.

11. With reference to the section on Establishment of Procedures, the representative of Brazil questioned whether the provision on non-discrimination which referred to "procedures that are not more complex and no less expeditious" (point D) would be adequate to ensure that approval procedures on imports were not more rigorous than on domestic products.

12. Concerning the time period for the processing of applications (point L) under the section on Transparency, the representative of India said that thirty calendar days should be used only as a reference period (point L.1).

13. With reference to the section on Administrative Mechanisms, the representative of Japan, joined by the representative of India said that, depending on the content of the data submitted, approval authorities might not always be able to complete the examination of applications for approval in the order in which they were submitted (point O).

14. The representative of Japan said that the need for the advice of technical experts would depend on the method of approval procedures used (point P). The provision should be amended to take account of cases where the advice of technical experts might not be essential.

15. The representative of Finland, speaking on behalf of the Nordic countries, said that in order to enable the continuation of the discussion of the proposal, the delegation of the United States should revise its draft on the basis of the comments made so far by Parties.

16. The Committee agreed to revert to the proposal by the United States at its next meeting.

17. The representative of Finland, speaking on behalf of the Nordic countries, informed the Committee that the Nordic countries were preparing a proposal on inspection procedures. Procedures for inspection, like those for issuing approvals, was a major element in the process of determination of conformity, which was not covered by the present provisions of the Agreement. He drew attention to the fact that there was no internationally agreed definition for the term "inspection". The ISO/IEC Guide 2-1986 on General Terms and Their Definitions Concerning Standardisation and Certification did not contain a definition for the term "inspection". The Nordic delegations suggested, therefore, that the Committee invite the ISO to consider the possibility of directing the ISO Working Group on Definitions to prepare a definition for the term "inspection" for reference by the Committee in its discussion of the subject of inspection. Meanwhile, the Nordic countries would prepare a draft proposal on inspection procedures which would include a definition for the term "inspection".

18. The representative of the European Economic Community said that inspection was an activity which was becoming increasingly important in the field of conformity assessment. He suggested that the ISO should also be invited to consider the preparation of relevant guides and standards which would complement a future definition for the term "inspection".

19. The Chairman suggested that the Committee agree to invite the ISO to address the question of the preparation of a definition for the term "inspection". It was so agreed.

C. Processes and production methods

20. The Chairman invited the Committee to address the proposal by the United States on Processes and Production Methods (TBT/W/108).

21. The representative of Japan said that his delegation was in favour of the suggestion that the rules and principles in the Agreement should be extended to processes and production methods (PPMs) in order to preclude the creation of unnecessary obstacles to trade by PPM-based requirements.

22. The representative of the European Economic Community, joined by the representatives of Canada, Japan and New Zealand, said that there should be a clear definition of the scope and coverage of the term "PPMs" before the Committee could proceed with the discussion of the proposal. The representative of the United States said that her authorities were currently working on a draft definition for the term "PPMs" that would cover both industrial and agricultural products. This draft would be presented to the Committee after taking the view of the experts in ISO.

23. The representative of New Zealand said that the definition of the term "technical specification" in Annex 1 of the Agreement did not adequately cover a whole range of standards and processes that were being applied by Parties. His delegation therefore considered that the United States' suggestion for revising the definition of the term "technical specification" used in the Agreement was in the right direction.

24. With regard to the suggested amendment to Article 14.25, the representative of New Zealand, joined by the representative of Canada, said that to the extent that a future definition of technical specification would spell out clearly the application of the substantive provisions of the Agreement to PPMs, there would not be a need for such provisions as in Article 14.25. At present, the Agreement did not have provisions to ensure that Parties used technical specifications drafted in terms of product characteristics rather than in terms of PPMs, where product characteristics were adequate to meet the purpose of the requirement.

25. The Committee agreed to revert to this proposal at its next meeting.

D. Improved transparency in bilateral standards-related agreements

26. The Chairman invited the Committee to address the proposal in document TBT/W/111.

27. With respect to the scope of the proposal (point 2), the representative of Hong Kong said that, while notification requirements should cover bilateral agreements concluded under the provisions of the Agreement, including those agreements with local government bodies, they should not extend to agreements on "other general policies on standards-related issues". The representative of Canada asked for clarification concerning the significance of agreements on "other general

policies on standards-related issues". The representative of the European Economic Community asked whether the proposal also applied to agreements between private bodies. The representative of India asked about the nature of "private bodies" (point 2.2). In response, the representative of the United States said that the proposal covered agreements concluded between Parties and other private bodies or systems, regional bodies or systems. In all these cases, one of the parties to a bilateral agreement would be a Party to the Agreement on Technical Barriers to Trade. By way of example, she referred to the agreement which had been concluded on 7 September 1988 between the National Institute of Standards and Technology, a governmental body in the United States, and the Standards Council of Canada. This agreement provided for mutual recognition of testing laboratories accredited by the National Voluntary Accreditation Programme in the United States and by the National Accreditation Programme for testing organizations in Canada. The representative of Canada said that the Standards Council of Canada, which had been established by an act of parliament, reported to the Canadian government. While it co-ordinated the activities of private standards organizations on a voluntary basis, the Council had concluded the bilateral agreement in question in its capacity as a governmental body.

28. The representative of Finland, speaking on behalf of the Nordic countries, said that the proposal appeared to suggest that Parties would be bound by first level obligations with regard to the activities of private bodies, which would signify an important change in the obligations of Parties under the Agreement.

29. With respect to the requirements on consultations with other Parties (point 5), the representative of Brazil said that the proposal, while suggesting that Parties which are parties to a bilateral agreement entered into consultations with other Parties, did not specify to what extent the conclusion of similar agreements with other Parties would be obligatory. The representative of the United States maintained that the objective of such consultations would be to share information between Parties on bilateral agreements.

30. The representative of Canada said that the data in document TBT/W/90 on bilateral standards-related agreements should be improved. His delegation would submit additional information concerning the agreements concluded by the member organisations of the standards bodies in the Canadian national standards system with the bodies or systems in other countries.

31. With reference to the first provision, the representative of Canada said that it might not always be possible for Parties to notify an agreement at the time of its promulgation. Provisions similar to those of Articles 2.6.1 or 7.4.1 might be used to take account of situations where urgent problems of safety or of national security might arise.

32. In response to the question by the Chairman regarding the functioning of the existing recommendation on the exchange of information on bilateral agreements through the enquiry points, the representative of the United States said that the enquiry point in her country had not received any requests in this respect. She considered that, unless Parties were informed that an agreement relating to a specific product had been concluded, there might not be any enquiries.

33. The Committee agreed to revert to this proposal at its next meeting.

E. Regional standards activities

34. The Chairman invited the Committee to discuss the proposal in document TBT/W/112.

35. The representative of Canada said that his delegation considered that increased transparency on the relationship between the standards-related activities at the international and at the regional level would enable Parties to assess the implications of any relevant developments to their rights under the Agreement.

36. The Committee agreed to revert to this proposal at its next meeting.

F. Code of good practice for non-governmental bodies

37. Pursuant to the invitation extended by the Committee at its previous meeting (TBT/M/28, paragraph 41), the observer from the ISO made a statement explaining the operation of the ISO Information Network on Standards (see Annex).

38. In response to a question put by some Parties, the observer from the ISO informed the Committee that nearly all Parties to the Agreement had an ISONET Information Centre. Twenty-six of these national centres also fulfilled the function of enquiry points under the Agreement. Members of ISONET did not have an obligation of consultations regarding the information exchanged.

39. The Chairman invited the Committee to discuss the proposal in document TBT/W/110.

40. The representative of Finland, speaking on behalf of the Nordic countries, considered that this proposal had certain elements in common with the proposal by the United States on regional standards-related bodies. Both proposals suggested the establishment of a code of good practice for strengthening the implementation of the provisions relating to "best endeavours" obligations in the Agreement. He therefore suggested that the two proposals should be considered in parallel. In response, the representative of the European Economic Community said that the fundamental

point of the proposal on non-governmental bodies was to redress an imbalance that they considered to exist between the rights and obligations of different Parties under the Agreement. The Community did not wish to match its proposal with the proposal by the United States, which in their view, was aimed at reinforcing this imbalance.

41. The representative of the United States said that it was important to recognize the private and independent status of non-governmental bodies. Her delegation would study the proposal in consultation with non-governmental bodies and advisors from the private sector. As there were over four hundred non-governmental bodies dealing with standards-related activities in her country, the potential administrative burdens that might result from the implementation of the proposed code by these bodies had to be carefully considered. The proposal should be further elaborated in order to delimit the nature of bodies that were expected to adhere to such a code. The representative of Japan said that the non-governmental bodies in Japan were studying the feasibility of adherence to the proposed code of practice. In this respect, he asked the delegation of the European Economic Community to specify the nature of non-governmental bodies for which Parties were expected to ensure adherence to the code. In response, the European Economic Community said that the code should be subscribed to by all those non-governmental bodies or systems, including professional associations, which drew up technical specifications or voluntary certification systems that had an effect on trade of other Parties. He mentioned the Consumer Products Safety Association in Japan as an example.

42. The Committee agreed to revert to this proposal at its next meeting.

G. Extension of major obligations under the Agreement to local government bodies

43. The Chairman invited the Committee to discuss the proposal in TBT/W/113.

44. The representative of Finland, speaking on behalf of the Nordic countries, said that the Nordic countries supported the thrust of this proposal which aimed at strengthening the implementation of the second level of obligations under the Agreement, in the same way as the proposals on regional standards-related activities and non-governmental bodies. Joined by the representatives of Canada and the United States, he said that the Nordic delegations looked forward to a more detailed explanation of how the major obligations under the Agreement would, in practice, be extended to local government bodies. The proposal should be presented as concrete provisions in the form of amendments or improvements to the text of the Agreement.



45. The representative of the United States said that, in addition to fifty States in her country, there were about thirty-eight thousand municipalities. The representative of Canada said that, if the proposal were adopted, additional obligations would be imposed on the provincial authorities in Canada. The representative of the United States, joined by the representative of Canada, said that in order to have effective consultations with all the local government authorities concerned, their authorities would need to be able to ascertain the nature of the obligations that would be imposed on these bodies. The representative of Finland, speaking on behalf of the Nordic countries, reiterated the concerns of the Nordic delegations with respect to increasing the burden on notification procedures.

46. The representative of the United States considered that the existing provisions of Article 14.24 on levels of obligation was adequate to address the imbalance of rights and obligations under the Agreement with respect to local government bodies. The representative of the European Economic Community said that the extension of notification procedures to local government bodies would enable Parties to receive prior information on specific measures where Article 14.24 would apply.

47. The Committee agreed to revert to this proposal at its next meeting.

#### H. Transparency in the operation of certification systems

48. The representative of Japan introduced the proposal in document TBT/W/115.

49. The representative of Canada, joined by the representative of Finland, speaking on behalf of the Nordic countries, supported the basic idea of the proposal, namely the improvement of transparency in the operation of certification systems and the acceleration of approval procedures. The representative of Finland, speaking on behalf of the Nordic countries, said that if there was a requirement to establish a standard processing period for each certification system, certification bodies might be tempted to introduce periods longer than usual to ensure that they could meet their commitments under every circumstance. Furthermore, the establishment of a set period might prolong certification procedures if certification bodies were given the choice of delaying the issue of certificates until the prescribed deadline.

50. The representative of the European Economic Community said that the proposal did not relate to the kind of problems that Parties should be addressing, such as setting rules for ensuring transparency of certification procedures or for equivalency in the treatment of approvals. The operation of certification systems would be very cumbersome if a standard processing period was set for granting certification for every single category of products. Depending on the size and the rules of a

certification system, each certification body would require different processing periods for the approval of specific products. It was also difficult to set deadlines in advance for products that were marketed on a cyclical basis.

51. The Committee agreed to revert to this proposal at its next meeting.

I. Transparency in the drafting process of technical regulations, standards and certification systems

52. The representative of Japan introduced the proposal in document TBT/W/116. Under the present provisions of the Agreement, notifications were made and comments were presented when Parties finalized the draft text of the proposed technical regulation. The presentation of the proposed text to interested parties in other Parties for comments in its drafting stage would strengthen the notification and comment system under the Agreement and increase the transparency in the proposed texts. Compliance with such requirement would, in principle, be the responsibility of each Party.

53. The representative of Canada asked at what stage of the drafting process and how far in advance of the notifications made under Articles 2.5.2 and 7.3.2 would the opportunity to make comments be provided to interested parties in other Parties.

54. The representative of Hong Kong said that the proposal should take into account uncertainties involved regarding the comments presented at an early stage, as the proposed texts of standards, technical regulations and rules of certification system might often be subject to further changes. He wondered whether every redraft of the text, following comments, would need to be circulated to interested parties for further comments. Under the present provisions of the Agreement, a Party had to provide the details of the draft upon request. If the draft was circulated before a request was made, the proposal would go further than these provisions.

55. The representative of the European Economic Community said that the sort of provisions suggested by Japan appeared to give private parties rights and obligations that they did not have under the Agreement.

56. The Committee agreed to revert to this proposal at its next meeting.

J. Relationship of the work of the Committee to the Negotiating Group on MTN Agreements and Arrangements

57. The representative of the United States said that the proposals by her country under items B, C, D and E of the agenda of the present meeting had also been submitted to the Negotiating Group on MTN Agreements and Arrangements (NG8). Her delegation, on its own responsibility, would report the discussions that took place on these proposals in the Committee to the Group at its meeting to be held the following day.

58. The representative of India referred to the proposal on "Voluntary draft standards and their status" which had been circulated to NG8. The note by the Secretariat in document MTN.GNG/NG8/W/25, paragraphs 12-15, described the issue raised in the proposal in the light of the relevant provisions of the Agreement. Under these provisions, Parties were not required to notify draft voluntary standards including national standards of a voluntary nature. The initiative for obtaining information on voluntary standards belonged to interested Parties. Furthermore, the Agreement was drawn up ten years ago and since then the use of standards had continued to increase worldwide. His delegation considered that standards should also be notified under Article 2.5.2.

59. The representative of Finland, speaking on behalf of the Nordic countries, supported the general idea of enhanced transparency on standards-related activities. However, taking into account the difficulties which have been experienced by a significant number of signatories in complying with their obligations under the present notification system, he did not consider it advisable to extend the notifications obligations to voluntary standards. The representative of Japan said that if proposed voluntary standards were made subject to the notification requirements, in the same way as technical regulations, there would be a massive number of notifications. It would be preferable to use more effectively the mechanism available under the provisions of the Agreement on public notice, comments and discussion of comments and exchange of information through the enquiry points.

60. The representative of India referred to the proposal on "Information on voluntary standards being made mandatory by legislation" in document MTN.GNG/NG8/W/9. He said that the note by the secretariat gave a description of the issue raised in the proposal in the light of the relevant provisions of the Agreement (MTN.GNG/NG8/W/25, paragraph 17). If it was the view of the Committee that this issue was being adequately covered by the existing provisions of the Agreement, his delegation did not wish to have a further discussion of the matter.

61. The representative of Japan said that, according to the definition of technical regulation in Annex 1, voluntary standards made mandatory by legislation were covered by the definition of technical regulation. The representative of Finland, speaking on behalf of the Nordic countries, said that he shared the view in the note by the secretariat that the provisions of the Agreement covered voluntary standards that were made mandatory by legislation.

62. The representative of India referred to the proposal on "Establishing a method of ensuring compatibility of standards issued by recognized national bodies and other standardization bodies within Parties" (MTN.GNG/NG8/W/9).

63. The representative of Finland, speaking on behalf of the Nordic countries, said that the objective of the Agreement was not to harmonize the standards issued by different standards bodies within the territory of a Party, but to harmonize the standards at the national level with relevant international standards. The harmonization of standards applied by Parties at the national level was an internal matter. The representative of Japan said that Parties had an obligation to respond to enquiries from other Parties regarding the formulation of standards by central government bodies, local governmental bodies and non-governmental bodies in their country. The issue of establishing a method of ensuring compatibility of standards issued by other standardisation bodies within the territory of Parties related to the matter of extension of major obligations to local government bodies, especially in cases where a relevant national standard did not exist.

64. The representative of India said that under the present provisions of the Agreement Parties were required to provide documents covered by notifications in the language of the Party issuing the notification. Article 10.6, however, required that notifications to the secretariat should be made in English, French or Spanish. He therefore considered that Parties should also be able to use the translation facilities that they had for submitting their notifications in one of the official GATT languages to translate the basic documents covered by notifications.

65. The representative of Japan said that his authorities were making every effort to translate technical regulations and rules of certification systems into English. The implementation of the proposal by India would impose a heavy burden on those Parties that did not have English, French or Spanish as official language in their country. The translation of documents should be on a voluntary basis. Any action on this matter should not extend beyond the obligation laid down in Article 10.5 of the Agreement.

K. Sweden - Notification on coniferous trees and derivatives

66. The representative of Canada referred to the notification concerning the prohibition of importation into Sweden of coniferous softwood products from the United States, Canada, Japan and the Republic of China, and the addition of pinewood nematode to the list of harmful vermins (TBT/Notif.88.125). Although the amendment to the relevant regulation had been adopted on 12 December 1985 and had entered into force on 1 February 1986, the notification was dated 11 July 1988. Without prejudice to nature of the urgent circumstances that the Swedish authorities might have encountered for notifying the measure under Article 7.4.1, he noted that a notification more than two years after the measure had been adopted was not in conformity with this Article.

67. The representative of Sweden explained that the late notification of the measure was due to an oversight. She informed the Committee that her country had had consultations with Canada on this matter under the procedures for standstill and rollback in the context of the Uruguay Round.

68. The representative of Canada said that the Swedish authorities had shown willingness to allow Canada to make comments on the notification and to further discuss the ways in which Canadian products could have access to their market. He further informed the Committee that, within the context of standstill and rollback, his authorities had also had consultations with the authorities in Finland and Norway on similar measures adopted by these countries. He asked whether these countries had the intention of notifying their regulations under the Agreement.

69. The representative of Finland said that his country had introduced similar measures. The Agreement covered specifications drafted in terms of characteristics of products. If products were banned independently of their characteristics, the measure would not be within the scope of the Agreement but a quantitative restriction. While his delegation did not intend to notify these measures under the Agreement, it was willing to hold consultations with Canada for a mutually satisfactory solution to the problem. The representative of Canada stated that, without prejudice to any further action on the part of his delegation, they reserved their comments concerning the application of the Agreement to the measure in question.

70. The Committee took note of the statements made.

L. Technical assistance

71. The representative of Mexico informed the Committee that a seminar on the Agreement and its implementation had been held in Mexico City on 9-11 August 1988, in pursuance of the provisions of the Agreement on technical assistance. He expressed the gratitude of his Government to the Governments of Canada and the United States and to the GATT secretariat for the participation of their officials in the organization of this seminar. The Committee took note of this statement.

M. Avoidance of duplication

72. The Chairman recalled that the Committee had agreed to invite the observer from the FAO/WHO Codex Alimentarius Commission (CAC) to make a presentation on a discussion paper prepared by CAC on the relationship between the Codex Alimentarius Commission and the Committee (TBT/M/28, paragraph 55).

73. The observer from the FAO/WHO Code Alimentarius Commission stated that CAC had prepared the document entitled "Discussion paper: the relationship between the Codex Alimentarius Commission and the GATT Committee on Technical Barriers to Trade" (CX/EXEC 88/35/9) of March 1988 as a background document for the discussion of the relevant agenda item at the thirty-fifth session of the CAC Executive Committee held on 4-8 July 1988.



74. In his summary of the activities of the respective organizations, he said that, according to the Codex Secretariat, the importance of reinforcing the existing relationship had been amplified by the Uruguay Round of Multilateral Trade Negotiations, which was considering the subject of agriculture for the first time. As the Committee was aware, these negotiations were, in part, considering the minimization of the adverse effects of regulations and other technical barriers to trade, while at the same time taking relevant international agreements into consideration. In addition, the financial difficulties being experienced by the United Nations system, had stimulated discussion and action for the optimal use of financial and human resources through better co-ordination and, hence, less duplication of activities. More importantly, the Codex Secretariat believed that the relationship between this Committee and the Codex Alimentarius Commission was complementary and mutually beneficial. As outlined in the document prepared for the Negotiating Group on Agriculture in the Uruguay Round (MTN.GNG/NG5/W/54), the Codex Commission co-ordinated, protected consumers and ensured fair food trade practices through the development, publication and promotion of food standards. On the other hand, the GATT Committee on Technical Barriers to Trade, through the Agreement on TBT, ensured that the adoption of food or other technical regulations or standards would not create unnecessary obstacles to trade.

75. In giving a history of the relationship, he said that discussions concerning the relationship between the Codex Alimentarius Commission and GATT had begun in 1970 between the GATT Agricultural Committee and the seventh session of the Codex Alimentarius Commission. It had been agreed by both organizations that the avoidance of duplication of activities was important and that co-operative arrangements should be established to ensure the attendance of observers at each other's meetings. As a result of further deliberations between the two organizations, the Agreement on Technical Barriers to Trade contained detailed provisions concerning the avoidance of duplication (Article 13.3), as well as provisions concerning notification procedures (Article 10.4). The arrangements which had been agreed to by the Committee for avoidance of duplication with the FAO/WHO Codex Alimentarius Commission were set out under item J of document TBT/16/Rev.4. In the past, although the GATT secretariat had used the notification procedures established by the Committee in order to forward notifications to the Secretariat of Codex Alimentarius Commission in accordance with the Agreement, CAC had used the notification procedures to a much lesser extent. This was primarily due to the lack of formal written statutes and as a result of work priorities and staff changes. At the invitation of the CAC Executive Committee held in July 1988, a representative of the GATT secretariat had discussed the GATT Uruguay Round activities concerning the harmonization of sanitary and phyto-sanitary regulations governing international trade in food and agriculture. It had been indicated that the Uruguay Round discussions were designed in part to minimize sanitary and phyto-sanitary barriers to trade, while taking into account existing international agreements, such as Codex. If GATT technical group were to be created to address these issues, it had been anticipated that international organizations such as FAO and WHO would be

invited to participate as observers. In addition, mention was made of the efforts to strengthen international harmonization by acknowledging the transparency of national regulatory procedures and by co-ordinating testing and inspection procedures, acceptances of test data and rules concerning product processing and standards. The Executive Committee was also advised that a delegation had tabled a harmonization proposal in the Uruguay Round which concerned the elimination of potential trade barriers by urging all nations to accept Codex Alimentarius' International Plant Protection Convention and International Office of Epizootics (OIE) standards by the year 2000. Another representative of the GATT secretariat had provided information on the implementation of the Agreement on Technical Barriers to Trade. In this respect, it had been indicated that the relationship with Codex was firmly established at present through the Agreement on Technical Barriers to Trade and that notifications from Codex had been included in the documents for the Committee. It had been emphasized that representatives of the Codex Alimentarius would continue to be invited to attend sessions of this Committee as observers and as a sources of information.

76. At the last session in the Executive Committee, it had been emphasized that the consideration of Codex standards and codes of practice in GATT agreements would be of great assistance in promoting international trade in foods and would minimize current problems regarding different national regulations which could create technical barriers to food trade. The Executive Committee had agreed that the Uruguay Round discussions in particular presented an excellent opportunity for promoting more rapid and uniform acceptance of Codex work, and urged the strengthening of the collaboration and co-operation between the Codex and GATT. With these points in mind, the Executive Committee had strongly endorsed the following recommendations:

"1. The Codex Commission should continue to ensure that steps are taken to avoid perceived duplication of effort and to harmonize possible areas of conflict between Codex and the GATT Committee on TBT.

"2. The Commission should make every effort in collaboration with the GATT secretariat to revive co-operation arrangements which have been developed since 1970, with a view towards ensuring the participation of respective representatives when matters of mutual concern are under consideration.

"3. The existing notification mechanism as developed by the Committee on Technical Barriers to Trade which concerns information exchanges should be examined for possible revision and use by the Codex Commission.

"4. The Codex Commission should consider incorporating a reference to the GATT into the Codex Alimentarius Procedural Manual in order to formalize arrangements which will ensure that standards and other relevant information are circulated to GATT for their consideration and comments."



77. The above recommendations would be forwarded to the Codex Committee on General Principles, which would meet in Paris in late April 1989, for their information and review. These recommendations would then be forwarded to the Codex Commission for adoption.

78. In conclusion, as the working relationship between this Committee and the Codex Alimentarius Commission was firmly established in the Agreement on Technical Barriers to Trade, the adoption of Codex statutes concerning notification procedures was desirable to minimize affects of technical barriers to agricultural trade, and to avoid inefficient duplication of effort between parties. It had been recognized by the Executive Committee that the consideration of Codex standards and codes of practice when negotiating GATT agreements would be of great assistance in promoting international trade of foods and would minimize current problems concerning different national regulations which could create technical barriers to trade. This co-operative effort would also present an opportunity for more rapid and uniform acceptance of Codex work.

79. The Committee took note of this statement.

N. Third three-year review under Article 5.9

80. The representative of the United States wished the Committee to note that, in addition to the topics which had been suggested by the European Economic Community (TBT/M/28, paragraph 8), her delegation suggested that the proposals on "Procedures for issuing product approval" (TBT/W/107), "Processes and production methods" (TBT/W/108), "Improved transparency in bilateral standards agreements" (TBT/W/111) and "Improved transparency in regional standards activities" (TBT/W/112), which related to the adjustment of rights and obligations under the Agreement, be considered as topics introduced in the context of the third three-year review. Her delegation therefore reserved its right to continue the discussion of these matters after the conclusion of the three-year review.

81. The Chairman suggested that the Committee agree to conclude its three-year review under Article 15.9 and to revert to the two proposals by the European Economic Community and the four proposals by the United States at its subsequent meetings under the respective agenda items. It was so agreed.

O. Ninth annual review under Article 15.9

82. The Committee agreed to conclude its Ninth Annual Review on the basis of the background documentation contained in documents TBT/29, TBT/W/25/Rev.11, TBT/W/31/Rev.6 and Corrs.1-2, and TBT/W/62/Rev.1 and Corrs.1-3.

P. Report (1988) to the CONTRACTING PARTIES

83. The Committee adcpted its 1988 Report to the CONTRACTING PARTIES which was subsequently issued as L/6403.

Q. Date and agenda of the next meeting

84. The Committee agreed to hold its next meeting on 18 January 1989.

85. The agenda of the next meeting would include the following items:

1. Statements on implementation and administration of the Agreement;
2. Request for exceptions by Mexico under Article 12.8;
3. Testing, inspection and approval procedures;
4. Processes and production methods;
5. Improved transparency in bilateral standards-related agreements;
6. Regional standards activities;
7. Code of good practice for non-governmental bodies;
8. Extension of major obligations under the Agreement to local government bodies;
9. Transparency in the operation of certification systems;
10. Transparency in the drafting process of technical regulations, standards and certification systems;
11. Relationship of the work of the Committee to the Negotiating Group on MTN Agreements and Arrangements;
12. Other business.

ANNEX

Presentation by the Observer from the ISO

1. There are at present ISONET information centres in some sixty countries, while six international or regional organizations have associated their information centres to the network. These are the International Commission on Illumination (CIE), the International Trade Centre (ITC), the African Regional Organization for Standardization (ARSO), the Arab Organization for Standardization and Metrology (ASMO), the Pan American Standards Commission (COPANT), and the European Committee for Standardization (CEN). The ISO Central Secretariat's Information Centre is playing the rôle of an ISONET member at the international level.

2. From the sixty national centres, twenty-six are also acting as GATT enquiry points, either for all types of documents addressed by the GATT Agreement (fifteen ISONET members), or for standards only (eleven members). You are therefore familiar with their duties and activities in that context, and my presentation can thus be limited to the "voluntary standards" aspect of the global activity of information on normative documents (the expression "normative documents" being understood to cover technical regulations, standards and other standard-like documents; a more precise definition is given in ISO/IEC Guide 2 which is also known to you).

3. Twelve years ago, when ISONET was launched (this followed a large ISO-UNESCO seminar in Paris), consideration was given to the feasibility of having a centralized network, with all information available from one (giant) data base. It did not take long to realize that this would have been financially impracticable and technically cumbersome. Hence, the very decentralized network that I shall briefly describe. Incidentally, the progress in communication facilities that we are now witnessing show that this choice of a decentralized network was sound. The problem, as we shall see, will now be to take advantage of new technologies to put the network to broader use.

4. The ISONET machinery is governed by a Constitution, in which the rights and duties of members are defined. Other basic documents are the ISONET Guide, intended to help members putting in place their centres and the ISONET Manual, in which guidance is given on the way to organize and harmonize the databases. The ISONET Directory gives essential information on members, their addresses, contact points and the kind of services they offer. These basic documents are available through the usual national channels.

5. The ISO Council Committee on Information (INFCO) acts as the General Assembly of ISONET, while the executive functions are entrusted to the ISONET Management Board. The present Chairman of INFCO is Mr. Jacques Laurent (France), and the ISONET Management Board is chaired by Mr. Albert A. Tunis (Canada).

6. From the onset, it was necessary to recognize that not all ISONET members were in a position to offer the same kinds of services, either because their centres were at initial development stages, or because of the particular organizational structures in their countries. This is why, to indicate what services may be expected from each member, three classes have been introduced: membership class 1 means that a minimum service is ensured: a catalogue or list of standards has been established and the member is in a position to answer enquiries on standards, technical regulations and other normative documents. Membership types 2 and 3 cover more sophisticated services.

7. As regards certification, there is no centralized database on existing systems, but some ISONET members operate such databases at national or regional level, such as CEN/CENELEC for the European Community and EFTA countries. In addition, database entries for the individual standards are expected to include an element indicating when a standard is used in a certification system. This is perhaps not yet quite sufficient to cover GATT/TBT needs, but there is at least a basis on which to build if and when considered opportune.

8. The changes in the technological environment and working procedures of the information industry will make it necessary to review the ISONET operations and this will be an opportunity to reflect on the longer range future and re-appraise the place of ISONET in the new context. This is why a prospective study on the future rôle of ISONET is in progress and a seminar will be held in Geneva on 25-26 May 1989 on the theme, "The rôle of ISONET in the transfer of information and technology". I hope that many GATT/TBT experts responsible for information exchange procedures will be in a position to attend. Their feedback is indeed most valuable if ISO wishes to continue to offer effective services to all interested circles and thus contribute to the optimum use of all available resources in the pursuance of the GATT objectives. In the same spirit, I should be pleased to listen to the views of the distinguished delegates to this meeting and perhaps to answer some of their questions to the best of my knowledge.