

IMPROVING TRANSPARENCYDraft Proposal by the Nordic DelegationsRevision*

The Committee on Technical Barriers to Trade has, during the past nine years, agreed on a number of recommendations that have interpreted and further developed the provisions of the Agreement concerning transparency. The Nordic delegations consider that some of these could and should be incorporated in the main body of the Agreement. These are the recommendations on timing of notifications and on enquiries which the enquiry points should be prepared to answer.

In cases when a Party has designated more than one enquiry point according to Article 10, paragraph 1, other Parties might have difficulties in always addressing the correct enquiry point. The obligation to provide copies of documents is implied in Article 10, paragraph 3, but not clearly spelled out. Both these problems could be solved by amending Article 10, paragraphs 1 and 2.

The Nordic delegations have on several occasions expressed their concern on the fact that some of the Parties are still not able or willing to fulfil their obligations on notifications. On the other hand, Article 10, paragraph 7 as it now stands has had no impact. A new more stringent wording is therefore proposed.

Timing of notifications

Add to the end of paragraph 2.5.2:

Such notifications shall take place at an early appropriate stage, when a draft with the complete text of a proposed technical regulation is made available domestically, and when amendments can still be introduced and comments taken into account.

Add to the end of paragraph 7.3.2:

Such notifications shall take place at an early appropriate stage, when a draft with the complete text of the rules for a proposed certification system is made available domestically, and when amendments can still be introduced and comments taken into account.

* In this revised version comments received to the original document have been taken into account.

Functions of the enquiry points

Amend the lead-in of paragraph 10.1 to read:

Each Party shall ensure that one enquiry point exists which is able to answer all reasonable questions from interested parties in other Parties as well as to provide the relevant documents regarding:

Add new paragraph 10.1 bis:

If, however, for legal or administrative reasons more than one enquiry point is established by a Party, that Party shall provide to the other Parties complete and unambiguous information on the scope of each of these enquiry points. In addition that Party shall ensure that any enquiries addressed to an incorrect enquiry point shall promptly be conveyed to the correct enquiry point.

Add a new sub-paragraph 10.1.3 bis:

The membership and participation of the Party, or of relevant central or local government bodies within its territory, in international and regional standardizing bodies and certification systems, as well as in bilateral and multilateral arrangements within the scope of the Agreement, and reasonable information on the provisions of such systems and arrangements.

Add to the lead-in of paragraph 10.2 before the last word "regarding":
as well as to provide the relevant documents

Add a new sub-paragraph 10.2.3:

The membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and certification systems, as well as in bilateral and multilateral arrangements within the scope of the Agreement, and reasonable information on the provisions of such systems and arrangements.

Responsibility for the notification procedures

Replace paragraph 10.7 by:

Parties shall designate one single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures according to Article 2, paragraphs 5 and 6, Articles 3 and 4, Article 7, paragraphs 3 and 4, and Article 8.

Add a new paragraph 10.8:

If, however, for legal or administrative reasons the responsibility for notification procedures is divided among two or more central government authorities, the Party concerned shall provide to the other Parties complete and unambiguous information on the scope of responsibility of each of these authorities.