

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

TBT/W/141

19 March 1990

Special Distribution

Committee on Technical Barriers to Trade

REDRAFTING OF ARTICLE 10

Proposal by the Nordic Countries

Several delegations have presented proposals to amend Article 10 of the Agreement. When the various proposals are compared it seems that a number of them are overlapping each other but hardly any are conflicting in substance. The Nordic countries have therefore made an attempt to incorporate in a comprehensive text the various proposals to amend Article 10 of the Agreement.

INFORMATION AND ASSISTANCE

Article 10

Information about Technical Regulations, Standards and Conformity Assessment Procedures

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

- 10.1.1 any technical regulations adopted or proposed within its territory by central or local government bodies, by non-governmental bodies which have legal power to enforce a technical regulation, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.2 any standards adopted or proposed within its territory by central or local government bodies, or by regional standardizing bodies of which such bodies are members or participants;
- 10.1.3 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by central or local government bodies, or by national or local non-governmental bodies which have legal power to enforce a technical regulation, or by regional bodies of which such bodies are members or participants;
- 10.1.4 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 conformity assessment 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;

10.1.5 the location of notices published pursuant to this Agreement, or the provision of information as to where such information can be obtained; and

10.1.6 the location of the enquiry points mentioned in Article 10, paragraph 2.

10.2 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.

10.3 Each party shall take such reasonable measures as may be available to it to ensure that one or more enquiry points exist which are able to answer all reasonable enquiries from interested parties in other Parties as well as to provide the relevant documents or information as to where they can be obtained regarding:

10.3.1 any standards adopted or proposed within its territory by non-governmental standardizing bodies, or by regional standardizing bodies of which such bodies are members or participants; and

10.3.2 any conformity assessment procedures, or proposed conformity assessment procedures, which are operated within its territory by national or local non-governmental bodies, or by regional bodies of which such bodies are members or participants;

10.3.3 the membership and participation of relevant non-governmental bodies within its territory in international and regional standardizing bodies and conformity assessment 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.

10.4 Parties shall take such reasonable measures as may be available to them to ensure that where copies of documents are requested by other Parties, or by interested parties in other Parties in accordance with the provisions of this Agreement, they are supplied at an equitable price (if any) compared to that accorded to the nationals of the Party concerned or of any other Party.

10.5 The GATT secretariat will, when it receives notifications in accordance with the provisions of this Agreement, circulate copies of the notifications to all Parties and interested international standardizing and conformity assessment bodies and draw the attention of developing country parties to any notifications relating to products of particular interest to them.

10.6 Nothing in this Agreement shall be construed as requiring:

- 10.6.1 the publication of texts other than in the language of the Party;
- 10.6.2 the provision of particulars or copies of drafts other than in the language of the Party except as stated in Article 11, paragraph 9; or
- 10.6.3 Parties to furnish any information, the disclosure of which they consider contrary to their essential security interests.

10.7 Notifications to the GATT secretariat shall be in English, French or Spanish.

10.8 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, Article 8, and Article 9, paragraph 2. (References to be amended.)

10.9 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.