

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TN.64/NTB/14
27 April 1964

Special Distribution

Sub-Committee on Non-Tariff Barriers

NOTE BY THE EXECUTIVE SECRETARY

1. At the first meeting of the Sub-Committee on 10-15 November 1963, it was suggested that a distinction could be drawn between on the one hand those barriers which involve general issues which could require the drawing up of new rules or codes of conduct, and, on the other hand, those which require, at any rate in the first instance, bilateral or multilateral negotiations on particular measures affecting particular exporters and do not involve the drawing up of new rules.
2. At its meeting on 8-10 April 1964, the Trade Negotiations Committee agreed that the Sub-Committee on Non-Tariff Barriers should report by the end of April on those of the non-tariff barriers which fell in the first of these two categories.
3. As a result of the request in GATT/AIR/343, a number of participating governments had indicated before the first meeting of the Sub-Committee the particular measures which they wished to be brought within the scope of the negotiations. A summary list of these is set out in TN.64/NTB/8, a copy of which is annexed to this paper. Following the meeting of the Trade Negotiations Committee in November 1963, governments were asked to notify the secretariat of any further subjects on which they wished to negotiate. Notifications submitted in response to this request by the delegations of Canada, New Zealand and Ceylon are contained in TN.64/NTB/11, 12 and 13.
4. Of the issues which have so far been notified, that of escape clauses would clearly seem to fall into the first category referred to in paragraph 1 above. The Sub-Committee will recall in this connexion the instruction of Ministers that consideration should be given to the possible need to review the application of certain provisions of the General Agreement, in particular Articles XIX and XXVIII, or the procedures thereunder, with a view to maintaining, to the largest extent possible, trade liberalization and the stability of tariff concessions.

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5. As regards two of the other questions listed in TN.64/NTB/8 (anti-dumping policies and customs valuation) it is not clear from the notifications so far submitted whether these properly fall in the first category or not. The Sub-Committee may wish to explore with the countries which have notified these issues whether they have in mind that they should be dealt with by the negotiation of new or revised rules or codes of conduct, or whether they wish to negotiate on particular measures of particular countries. In the former case these issues would seem to fall in the first category. In the second case they would not, and the appropriate next step would seem to be for the governments which have notified these issues to specify in more detail which particular measures they wish to negotiate on.

6. It would not seem at first sight as though any of the other measures so far notified and set out in the papers referred to above, fall into the first category but the Sub-Committee may wish to establish with the governments which have notified them whether they agree with this view.

7. the Sub-Committee has also been asked by the **Trade** Negotiations Committee to make recommendations on the form of the negotiations on the issues falling into the first category. The Sub-Committee may wish in this connexion to recommend that it should itself at an early date conduct a first discussion on each of the issues involved and should then remit them to technical bodies which would be instructed to submit reports and recommendations by, say, 10 September 1964. It would seem appropriate that membership of these bodies would be open to all members of the Sub-Committee.

8. The preceding paragraphs relate to barriers which fall into the first category referred to in paragraph 1 above. As regards the **second** category of barriers, while the Sub-Committee will no doubt wish to be notified of all those on which governments wish to negotiate, the negotiations would normally be on a bilateral basis. It would, however, be understood that it would be open to governments to request the Sub-Committee to make arrangements for negotiations of a **multilateral** character, and that it might be found at a later stage that issues which had initially been dealt with under the procedures relating to this second category of barrier might more appropriately at that later stage be dealt with under the procedures relating to the first category.