

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Trade Negotiations Sub-Committee on Non-Tariff Barriers

NOTE BY THE EXECUTIVE SECRETARY

1. At the last meeting of the Trade Negotiations Committee, it was agreed that the Sub-Committee on Non-Tariff Barriers should at the present meeting examine the list of barriers on which participating governments had indicated that they wished to negotiate with a view, first, to clarifying where necessary what was involved in each case and, secondly, to establishing on which barriers the interested governments were prepared to start on a substantive negotiation. Where governments are so ready, it was suggested that the Sub-Committee should set up special groups where the at any rate initial negotiation could take place.
2. Before governments can decide whether they wish to be represented on any of the groups so established, it would seem necessary for them to know in much more detail than has been indicated so far in respect of precisely what measures the government which has notified a barrier wishes to negotiate. It would seem particularly necessary to know which countries maintain the barriers in question.
3. Further, if the groups are to be able to make a fruitful start on negotiation, then it seems to me that an essential preliminary to convening them should be the submission by the notifying government of a proposal setting out what it seeks to secure by the negotiation and how it envisages that the negotiation might be organized.
4. I say this because I fear that if groups start their work in the absence of such a negotiating proposition from the notifying government it would not in the first place be clear whether the setting up of groups was the most appropriate procedure, and the groups when set up would find that they did not have the necessary basis for starting negotiation. The result might then be the settling in train of a number of general studies which, however desirable they may be, do not belong in the context of the Trade Negotiations.
5. The procedure I propose for the Sub-Committee's consideration is therefore, that it should ask delegations at the present meeting or as soon as possible thereafter:

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- (i) to indicate which countries maintain the barriers on which they wish to negotiate, where appropriate to describe the barriers in more detail, and to indicate in what respects they hinder trade;
- (ii) to indicate what they hope to achieve by negotiation (e.g. is it the removal of a particular measure or its modification, or, say, the multilateral adoption of new rules of codes of conduct?) and the negotiating procedure they have in mind.

6. Where delegations are able to give these indications at the meeting, the Sub-Committee could then decide on the appropriate procedure for negotiation, which could include the setting up of negotiating groups. Where delegations give these indications in writing after the meeting, it might be left to me as Chairman where appropriate to set up new groups or refer the papers submitted to groups already set up by the Sub-Committee.

7. One of the questions which has been referred to the Sub-Committee is in a special category. This is the question of the possible need to review the application of Articles XIX and XXVIII of the General Agreement. The issues involved here are not ones of particular trade barriers but are much more general in nature. Some of these issues at least are so intimately related to the tariff negotiations, that I have begun to wonder whether it is altogether appropriate to consider them in the context of non-tariff barriers. I suggest, therefore, that the Sub-Committee leave this question on one side at this stage, and leaves it to me, as Chairman of the Trade Negotiations Committee, to raise it at the next meeting of that Committee.