

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Multilateral Trade Negotiations

NON-TARIFF MEASURES WHICH SUPPLEMENT OR REPLACE TARIFF PROTECTION AGAINST IMPORTS

Note by the Australian Delegation

1. Paragraph 4 of the Tokyo Declaration provides inter alia:

"the negotiations shall cover tariffs, non-tariff barriers and other measures which impede or distort international trade in both industrial and agricultural products".

Since previous multilateral trade negotiations have largely been limited to the reduction of tariffs on industrial products non-tariff measures are now relatively more important in impeding and distorting trade.

2. The Australian delegation considers that negotiating procedures for these non-tariff measures which supplement or replace tariff protection against imports on particular items and negotiating procedures concerning tariffs should be considered jointly.

3. Information is available publicly in a consistent form at tariff line level through the general availability of national tariff schedules. Detailed information on non-tariff import measures is currently only available within national administrations and no consolidated source is available to participants in the MTN. It is recognized that certain information is available from the documentation of the GATT Joint Working Group on Import Restrictions: certain of the documentation of Preparatory Group 3-E for the MTN; and in the Inventory of Non-Tariff Measures maintained by the GATT secretariat. However the majority of this information is not published at the tariff line level which substantially limits its use in these negotiations. Moreover the information presently available is contained in several volumes of printed material in a diffuse form which makes it difficult to analyze and assess relationships between the complex of measures applied at the frontier.

4. Work is already proceeding in a number of sub-groups of the Group "Non-Tariff Measures" with a view to determining whether multilateral solutions are appropriate. It is not possible to foresee at this stage of the negotiations whether such solutions will

be able to be negotiated. Moreover a number of categories of non-tariff measures have not yet been considered within the Group. Approaches other than multilateral solutions to the negotiations of certain non-tariff measures therefore cannot be ruled out if the objectives of the Tokyo Declaration are to be met.

5. It will be recalled that following proposals by the United States delegation in 1974 (MTN/34/W/6) it was agreed that a computer based "Tariff Rate Information File" be established for the MTN. The main purpose of this file is to provide authoritative information on each country's tariff protection.

6. The Australian delegation proposes that the present Tariff Rate Information File should be expanded to include indicators of certain non-tariff import measures which relate directly to individual tariff lines. The purpose of this proposal is to provide an initial basis for the development of a comprehensive information repository on each country's import protection system.

7. The Australian delegation recognizes that it would be technically difficult and time consuming to try to include in the file initially all measures having a direct or indirect effect on trade. To make data collection more manageable it is proposed that indicators would be included only in respect of relevant measures notified to the GATT secretariat where the individual tariff line to which the measure applies can be established and documented. The Australian delegation considers that in the first instance information to be included could at least encompass the major categories of import measures agreed in the documentation of the Joint Working Group on Import Restrictions (COM.IND/W/116, COM.AG./W/93, page 3) plus other measures covered in Parts 1, 4 and 5 of the Inventory of Non-Tariff Measures. It is proposed that countries against whom notifications have been made would submit to the GATT secretariat a list of items covered by the measures concerned identified at the line/item level.

8. Certain measures might be considered to apply to the whole or a substantial part of a participant's tariff. It is expected that in such cases consideration is already being given to multilateral solutions. However if any measure is considered to have a particularly significant impact on an individual tariff item an indication could be included in the file in respect of such a measure.

9. As agreed for the Tariff Rate Information File the data on non-tariff measures would cover all commodities and products (i.e. BTN Chapters 1-99). It is not proposed that information on the extent or level of any measure be included in the file at this time. Since the file is strictly an information holding the inclusion of additional data relating to non-tariff measures in no way prejudices the treatment of such measures in the negotiations.

10. In certain instances participants may consider that particular measures they maintain should not be indicated in the file. The secretariat should be advised accordingly and the Group could subsequently take up the need for consideration of any such measures.

11. The agreed format of the Tariff Rate Information File would be expanded to provide for a coded indicator of the existence of each measure. Subject to a technical examination by the secretariat it is proposed that sufficient space be allocated in the file to allow for up to three codes per tariff item. The GATT secretariat would be responsible for developing a suitable system drawing on its earlier experience with the Joint Working Group.

12. Since the Non-Tariff Measures Inventory and other related documentation remain open for notifications and deletions the data holdings in the file would be readily up-dated during the course of the negotiations.