

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/NG2/W/46

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Group of Negotiations on Goods (GATT)

Negotiating Group on Non-Tariff Measures

PRESHIPMENT INSPECTION

Communication from Zaire

All the countries participating in the Uruguay Round of multilateral negotiations have recognised that the Round was the appropriate framework for dealing with the question of preshipment inspection.

It now also seems agreed that contracting parties no longer question the validity of preshipment inspection programmes and the right of developing countries to use such services.

A delegation expressed the wish that such programmes be limited in time. Zaire cannot support such a proposal. Only the governments of the user countries are in a position to determine their needs and hence the period over which they intend to use preshipment inspection programmes.

Consequently, any reference to limited duration in a GATT instrument is undesirable.

Once again, it should be stressed that no contracting party has formally qualified preshipment inspection programmes as constituting non-tariff measures. The discussions in the Negotiating Group have hardly made it clear whether the effects that are called into question, such as price verification, danger of non-observance of confidentiality, or delay in the issuance of a clean report of findings, are import restrictions. The document produced by the secretariat (MTN.GNG/NG2/W/11/Add.1) entirely supports the countries that use preshipment inspection programmes.

It is in this spirit that developing countries intend to pursue discussions within this Negotiating Group.

The great majority of contracting parties have agreed to conduct the dialogue on the issue of preshipment inspection programmes in a multilateral setting, thus avoiding any unilateral initiative, and Zaire cannot but support such an initiative.

These negotiations should lead to the adoption of a multilateral instrument that should meet the concerns of exporting countries on major issues such as transparency and non-discrimination.

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GATT SECRETARIAT

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Zaire wishes to stress that, while genuinely necessary, such an instrument should not call into question its right to resort to the services of inspection companies and furthermore should not jeopardize the purpose and methods of preshipment inspection.

In this Negotiating Group, Zaire has already proposed that inspection companies should comply with the Code of Conduct and the price comparison guidelines established by IFIA, and also that there should be an independent review body for appeal purposes.

Some contracting parties consider that an instrument negotiated in GATT should leave contracting parties free subsequently to enact more detailed national regulations.

Any national regulations should simply constitute the transposition of the results of the negotiations in our Group on preshipment inspection. We must ensure, however, that such national regulations do not destroy our multilateral efforts. That would be the case if more restrictive or even prohibitive elements, threatening both our sovereignty and the proper operation of preshipment inspection programmes, were included in such regulations.

In order to ensure predictability of international trade and avoid any discrimination, we must give thought to the means to be established.

If one day we were to consider that the GATT instrument on preshipment inspection on which we agreed needed to be supplemented by national regulations, it would then be better to define the framework of such regulations (for those of us wishing to resort to them) within the GATT instrument so as to protect the interests of everyone and avoid any divergent or discriminatory regulations.