

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Committee on Technical Barriers to Trade

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COMMUNICATION FROM THE DELEGATION OF BULGARIA

The following communication is being circulated at the request of the delegation of Bulgaria.

Proceeding from the aims and objectives of the Tokyo Declaration which opened the Multilateral Trade Negotiations for participation by all countries interested, irrespective of their status as to the GATT, the Bulgarian Government has taken active part in this round of negotiations.

Striving to make its full contribution to the negotiations, Bulgaria, in addition to its tariff concessions has also acceded to the Arrangements on dairy products and bovine meat. It also stated its willingness to consider favourably the possibilities for accession to a number of other codes.

Pursuing this intent in July 1980 Bulgaria addressed a communication to the Chairman of the Committee on Technical Barriers to Trade conveying its official application for joining the respective Agreement. In submitting its application the Bulgarian Government acted on what it considered to be the clear understanding that the basis of accession of non-contracting parties to the various agreements would be that agreed upon at the concluding meeting of the Trade Negotiations Committee (MTN/P/5 paragraphs 2, 4, 9) and on terms under which "... a Party which is not a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which, had it been a contracting party to the GATT, it would have been debarred from taking by virtue of its GATT obligations. Likewise, a Party which is a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which it would be debarred from taking by virtue of its GATT obligations, had the other Parties in question been contracting parties to the GATT". In addition, since in

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the case of the Agreement on Technical Barriers the interrelation with the General Agreement is in substance matter negligible (technical barriers being a new area for multilateral codification), the Bulgarian side felt it had full reason to believe that the accession procedure would not be an unreasonably protracted and excessively time-consuming exercise.

In the period since July the Bulgarian side stood ready to provide on a voluntary basis full assistance to any country interested in relevant information. However, only one country showed interest in such information which was duly provided by the competent Bulgarian authorities.

Expressing its regret that at its fifth session the Committee on Technical Barriers to Trade was not ready to discuss the terms of accession of Bulgaria, the Bulgarian side hopes that the working party set up by the Committee to draw proposals for mutually satisfactory terms of accession of Bulgaria to the Agreement on Technical Barriers to Trade will act expeditiously and constructively, in full compliance with its terms of reference, so as to fulfil duly its task and report before the next session of the Committee.

In connexion with the above-mentioned decision the Bulgarian side would like to reiterate its understanding which it believes corresponds to the position taken by most delegations at the fifth session of the Committee:

- in the process of negotiations the Bulgarian side quite understandably does not consider itself obliged to enter into discussions of its legislation and practices, since no other signatory of the Agreement has been asked to submit to similar advance scrutiny. All the more since no such examination concerning standards exists within the GATT. However, there is no hindrance to acquiring with whenever necessary the assistance of the Bulgarian authorities full information on Bulgarian standardization policy. The Bulgarian Government would be of course fully prepared to meet its eventual obligations of providing such information if and when it were to become a party to the Agreement;
- the Bulgarian Government fails to discern any "relevant" connexion whatsoever between the socio-economic system of the country and the possibility to fulfil its obligations under the Standards Code, a question raised by one delegation in a letter to the Chairman of the Committee, and considers that such a discussion will be totally outside the terms of reference of the working party.