

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
TBT/W/20
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Special Distribution

Committee on Technical Barriers to Trade

NOTIFICATION

Note by the Secretariat

1. At its meeting held on 4-6 November 1980 the Committee began its first annual review of the operation of the Agreement on Technical Barriers to Trade. As a part of this exercise it reviewed the operation of the provisions of the Agreement providing for notification with the help of a basic document by the secretariat (a revised version of which has now been issued in TBT/W/16/Rev.1). The Committee agreed to ask the secretariat to put together the various proposals concerning notification in a paper to be discussed at its next meeting, together with a paper to be provided by the Nordic countries proposing guidelines on how to fill in the format for the notifications (TBT/M/5, paragraphs 41 to 51).

2. Questions have been raised, and proposals made, on a number of matters. The main questions appear to relate to the following:

- (a) the number of signatories making notifications,
- (b) the agreed format for notifications,
- (c) the time period allowed for comments, and
- (d) delays in the transmission of information

(a) The number of signatories making notifications

3. It was noted that only 11 signatories out of a total of 29 signatories had made notifications to date. The Committee might urge all signatories to make notifications.

(b) The agreed format for notifications

4. It was suggested that the format for the notifications might be improved and guidelines on how it should be filled in might be prepared so that those receiving notifications could decide, for instance, whether or not the draft in question was of interest to them. The representative of Finland, speaking on behalf of the Nordic countries, volunteered to propose such an improved format and guidelines. These have now been received and are annexed. Other delegations have suggested that the description of the draft regulation contained in the notification should be as clear as possible and more detailed in certain cases. This is important for

signatories receiving the notification: it is also important for the secretariat's language services which translate the notifications into

the other GATT languages. The Committee might discuss these proposals.

(c) Time period allowed for comments

5. The Committee has recommended six weeks as a suggested minimum length of time to be allowed for the presentation of comments. An analysis of notifications received to date shows that the comment period has varied from signatory to signatory from a minimum of less than one week after the date on which the notification is issued by the secretariat to a maximum of five and one half months. This matter is related to the time taken for the notification to be transmitted from capitals to the secretariat and for the secretariat to process and issue the notification, which are dealt with below. The Committee might urge signatories to observe the six weeks minimum period.

(d) Delays in the transmission of information

6. Given the short time usually available between the decision to make a notification and the entry into force of the measure concerned, information must be transmitted rapidly if the notification procedure is to be effective.

7. The first step in the process is the transmission of the notification from capitals to the secretariat. The Committee might request signatories to transmit the text of their notifications to the secretariat rapidly, e.g. by telex.

8. The next step is the processing of the notification by the secretariat, which has taken up to eight days. The secretariat has now adopted internal procedures designed to ensure that under normal circumstances notifications are stencilled, translated, reproduced and distributed within three working days and that the attention of developing signatories is drawn to notifications of interest to them within the same time limit. The Committee might request the secretariat to ensure that notifications are processed by the secretariat within this time limit.

9. The other significant step in the process is the transmission of the text of draft regulations etc. to signatories which have expressed an interest in receiving it. Some delegations have suggested that the shortness of the comment period has created difficulties in this regard and that the relevant texts should therefore be submitted along with the notifications. Other delegations expressed reservations on a number of grounds (see TBT/M/5, paragraphs 41 to 51). The revised format, in particular its heading 13, may lead to some improvement.

The Committee may wish to discuss these matters and make appropriate recommendations.

10. Finally, the secretariat might be invited, as during the past year, to monitor the operation of the notification procedure and include a section on this in the basic paper for the next annual review.

ANNEX

REVISED FORMAT AND GUIDELINES

Proposal by the Nordic Countries