

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/W/48/Rev.1

21 June 1982

Special Distribution

Committee on Technical Barriers to Trade

CONSOLIDATED LIST OF DECISIONS AND RECOMMENDATIONS
ADOPTED BY THE COMMITTEE SINCE 1 JANUARY 1980

Note by the Secretariat

Revision

1. At its meeting of 4 March 1982, the Committee agreed that in order to assist it in preparing for the Three-Year Review, the secretariat should establish a consolidated list of all decisions and recommendations adopted to date concerning the implementation and interpretation of the Agreement, for consideration at its next meeting (TBT/M/9, para.40). For ease of reference, the full text of decisions and recommendations is reproduced below under indicative headings. When a decision has been superseded by a subsequent one, only the last decision is recorded. Numbers of relevant working documents are given for each subject matter in the list.

I. Statements on implementation and administration of the Agreement

Recommendation:

At the first meeting of the Committee, "the Chairman suggested... that the secretariat should prepare a list of points on which information might be supplied [under item (c)] relating to the implementation and administration of the Agreement ... The Committee took note of these suggestions ..." (TBT/M/1, para.6). The list of points was circulated in document TBT/W/1.

II. Notification and Enquiry Points

Decisions:

1. Format and Guidelines:

"After a further exchange of views on other aspects of the format and the guidelines, the Chairman noted that these would be finalized by the secretariat in the light of the discussion and in consultation with interested delegations and suggested that to the extent possible, delegations begin to notify in accordance with the revised format one month following circulation by the secretariat of the agreed format and guidelines. It was so agreed." (TBT/M/7, para. 28). The text of the format and guidelines was circulated as document TBT/W/35.

2. Translation and address of body supplying relevant documents:

"The Committee decided that:

"(a) When a translation of a relevant document exists, this fact shall be indicated on the GATT notification form next to the title of the document. If only a translated summary exists, the fact that such a summary is available shall be similarly indicated;

"(b) Upon receipt of a request for documents, any translated summaries that exist in the language of the requestor or, as the case may be, in a GATT working language, shall be automatically sent with the original of the documents requested.

"(c) Parties shall indicate under point 11 of the GATT notification form the exact address of the body responsible for supplying the relevant documents if that body is not the enquiry point." (TBT/M/8, para.12, item (3)).

Recommendations:

1. Comment period:

"The Committee has recommended a minimum period of six weeks for comments". (TBT/W/35, item 10, page 5).

"The Committee recommended that Parties give, as a rule, sympathetic consideration to requests for extension of the comment period when necessary to overcome delays in obtaining documentation relevant to proposed technical regulations, standards or certification systems". (TBT/M/8, para.12, item (1)).

2. Processing of requests:

"The Committee agreed that:

(a) Any request for documentation should be processed if possible within five working days. If a delay in supplying the documentation requested is foreseen, this should be acknowledged to the requestor;

(b) Requests for documentation should contain all the elements permitting the identification of the documents and in particular, the GATT notification number (TBT/Notif. ...) to which the requests refer. The same information should appear on the documents supplied in response to such requests". (TBT/M/8, para.12, item (2)).

3. Common elements and standard layout for booklets on enquiry points:

"The Committee agreed to adopt the proposal contained in TBT/W/41.

The Committee also noted that the issuing of brochures on enquiry points would be of value" (TBT/W/50, para.23)¹. The proposal reads as follows:

"It is suggested that the Committee should recommend that all booklets issued by Parties should contain the elements and, as far as possible, follow the layout at Annex". (TBT/W/41, para.3).

The common elements and standard layout appear in the Annex to document TBT/W/41.

III. Avoidance of duplication

Decision:

Avoidance of duplication with FAO/WHO Codex Alimentarius Commission:

- "1. The Committee on Technical Barriers to Trade would invite Codex Alimentarius to transmit copies of notifications which they receive from governments which are also signatories to the GATT Agreement for circulation to signatories. As foreseen in Article 10.4, the GATT secretariat would provide Codex Alimentarius with copies of notifications made to it which relate to products of interest to Codex Alimentarius.
2. The secretariats of Codex Alimentarius and GATT would be invited to participate in meetings of the other organization as observers in discussions on items of interest to them in accordance with the procedures adopted for the participation of observers.
3. Any signatory which believes that problems of duplication may exist between the work under the Agreement on Technical Barriers and the Codex Alimentarius Commission could raise the matter during the Annual Review". (TBT/M/3, para.24).

IV. Applicability of the Agreement to Processes and Production Methods (PPMs)

Decision:

Information:

"The representative of the United States, noting that there was no consensus in the Committee to include the question of PPMs on the agenda for the three-year review, suggested that at this stage the Committee might limit itself to recording the proposals and the statements made on this point. Regarding the inventory proposal he suggested that delegations might make submissions to the Committee relating to PPMs that might create unnecessary obstacles to trade, which would be circulated to

¹ The final text of the minutes of the tenth meeting of the Committee will be circulated as document TBT/M/10.

the Committee but not consolidated into a single document in the form of an inventory. Delegations should also be free to submit any relevant working documentation and case studies of how the Agreements's coverage of PPMs could lead to the elimination of trade barriers. He reserved the right to request the inclusion of PPMs on the agenda of some future meeting prior to the three-year review.

The Chairman noted that the Committee agreed to proceed along the lines just presented by the United States delegation The secretariat would follow normal practice in circulating any documents submitted by Parties on the subject". (TBT/M/7, paras.58-59).

V. Accession of non-contracting parties

Decision:

Procedures:

"The Committee accepted the procedures outlined by the secretariat. These are set out in Annex II". (TBT/M/3, para.28).

Annex II to TBT/M/3 reads as follows:

"The Committee:

1. Notes the provisions of Article 15.3 of the Agreement and the statement on this subject accepted by the Trade Negotiations Committee at its meeting of April 1979 (MTN/P/5, paragraphs 2, 4 and 9).
2. Agrees that any non-contracting party which wished to negotiate for accession to the Agreement under Article 15.3 would indicate this fact in a letter addressed to the Chairman of the Committee, a copy of which would also be sent to the GATT secretariat.
3. Agrees that negotiations for the accession of such governments would be conducted on a case-by-case basis, and
4. Agrees that documents TBT/W/4 and TBT/W/6 could be taken into account in any such negotiations". (TBT/M/3, Annex II).

VI. Procedures for the participation of observers

Decisions:

1. Contracting parties:

"Representatives of contracting parties which are not signatories may follow the proceedings of the Committee in an observer capacity." (TBT/M/2, Annex, para.1).

2. Non-contracting parties:

"Representatives of non-signatory countries not contracting parties, which participated in the multilateral trade negotiations and which are interested in following the proceedings of the Committee in an observer capacity, should communicate a request to the Director-General of the GATT indicating their desire to do so. The Committee shall decide on each request." (TBT/M/2, Annex, para.2).

3. International organizations:

"The Committee may invite, as appropriate, international organizations to follow particular issues of the Committee in an observer capacity. In addition, requests from international organizations to follow particular issues within the Committee in an observer capacity shall be considered on a case-by-case basis by the Committee." (TBT/M/2, Annex, para.5)

"Introducing the procedures for participation of observers reproduced in the Annex, the Chairman said with regard to paragraph 5 that taking into account the procedures agreed to in other groups, he had consulted with signatories to this Agreement and believed that a consensus existed regarding the granting of observer status to other international organizations. In summary, if an international organization requested observer status, this request would be considered on a case-by-case, meeting-by-meeting basis. Procedurally, if he, as Chairman of this Committee, received a request for observer status, he would consult with signatories to this Agreement to determine if there was objection to issuing an invitation to the requesting international organization. This consultation would take place before the draft agenda for the next meeting had been issued in final form. The informally circulated draft agenda sent to signatories should include a list of those international organizations which had requested observer status for that meeting." (TBT/M/2, para.4).

4. General:

"Observers may participate in the discussions but decisions shall be taken only by signatories." (TBT/M/2, Annex, para.3).

"The Committee may deliberate on confidential matters in special restricted sessions." (TBT/M/2, Annex, para.4).