

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Special Distribution

Committee on Technical Barriers to Trade

MINUTES OF THE MEETING HELD ON 26 AND 27 MAY 1982

Chairman: Mr. K. Bergholm

1. The Committee on Technical Barriers to Trade held its tenth meeting on 26 and 27 May 1982.

2. The agenda of the meeting was as follows:

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A. Request for Observer Status by the International Office of Epizootics

3. The Committee agreed to admit the International Office of Epizootics as an observer under the procedures agreed at its second meeting (TBT/M/2, para. 4 and Annex).

B. Statements on Implementation and Administration of the Agreement

4. The relevant notifications are contained in documents TBT/1 and Addenda.

5. The representative of the Philippines said that the Product Standards Agency had been designated as the enquiry point. Implementation of the Agreement had begun and had met with considerable interest from both public and private entities. As a result, it had not been necessary to issue directives to ensure implementation. It was expected that the participation of all relevant bodies would be forthcoming through the encouragement received from the enquiry point.

6. The representative of the United States expressed appreciation for the information supplied by other signatories in response to requests by his delegation. He urged new signatories to provide information on their implementation measures to the secretariat for the TBT document series. He regretted that some signatories had not yet implemented the Agreement fully and noted that some had not ratified the Agreement for over two years. He urged these signatories to complete the ratification process as soon as possible. With regard to implementation in the United States, additional guidelines had been issued to promote the use of the principles of the Agreement in conformity with 'second level obligations'. The text of the guidelines would be supplied to signatories when adopted.

7. The Committee noted the statements made and agreed to keep this item on the agenda of future meetings. At the review meeting in the autumn of 1982, it would be discussed in the context of the third annual review of the operation of the Agreement.

C. Information on Existing International Standards

8. The Chairman, in drawing attention to a revised listing of existing international standards circulated in document TBT/W/45/Rev.1, said that this information was relevant to Articles 2.2 and 2.3 of the Agreement and that sooner or later the Committee should try and reach appropriate conclusions concerning the use to be made of it.

9. The observer from the IEC gave information on the state of approval of rules for the IEC quality assessment system for electronic components. He indicated that the CEE/Arnhem and the IEC were investigating the possibility of incorporating CEE certification facilities into the IEC. Regarding the listing of IEC standards contained in TBT/W/45/Rev.1, he said that the focus was on IEC safety standards which could most influence international trade. He expressed the interest of the IEC for any stimulus given by the Committee to promote standardizing activities likely to contribute most to improved trading conditions.

10. The representative of the European Economic Community expressed the hope that the work of the secretariat in this area would be pursued in such a way as to throw some light on the application of Article 2.2. His delegation felt that the Committee should look at the degree of participation and the activity of all signatories in international standardizing bodies, which presently were very uneven. The work of these bodies impinged on the work of the Committee and some of the problems encountered in the Committee may arise from the failure to adhere wholeheartedly to international standards activities.

11. The representative of the United States expressed support for international activities involving all countries such as the IEC Quality Assessment System. He also shared the concerns expressed by the European Economic Community, notably the idea to take up the issue in the Committee. His delegation would also favour looking at the issue in the context of the three-year review. The United States was a major participant in international standardizing activities and viewed with concern similar activities at extra-national levels. He felt the Committee should also look at these.

12. The representative of Sweden, speaking for the Nordic countries, said that his delegation would formulate proposals for future work in the area of international standards for discussion at the next meeting of the Committee.

13. In conclusion, the Chairman noted that this item was relevant to the operation of the Agreement, especially Articles 2.2 and 2.3 and that it should remain of interest to the Committee. The secretariat should continue to collect information on international standards as these become available. Delegations should develop their ideas on participation in international standardizing activities and implementation of international standards in writing for future consideration by the Committee. The Committee would revert to the item at a future meeting in the light of any new information available, or any particular developments in this area.

14. The Committee endorsed the Chairman's conclusions.

D. Regional Standards-Related Activities

15. Introducing this item, the Chairman recalled that the relevant documentation had been circulated in the TBT/W/42 series. Replies to questions had been received from the UN/ECE, CENELEC, INSTA, PASC and EFTA. Still pending were replies from CEN and COPANT. He requested delegations as far as possible to identify particular points under this item on which the Committee might attempt to draw some conclusions.

16. The representative of the United States reiterated his delegation's proposal that some representatives of regional bodies should address the Committee at a subsequent meeting. He mentioned in particular CENELEC and CMEA. His delegation expected the Committee to discuss this item in the context of the three-year review.

17. The representative of Hungary said that all relevant information on the CMEA had been supplied by his delegation but he would agree to return to this question in the light of specific questions from the United States delegation.

18. The representative of Austria felt there was no need to investigate the activities of regional bodies in the Committee.

19. The Committee noted that more time was needed to consider the issue and agreed to revert to the item at a future meeting. It noted the United States proposal to invite representatives of regional bodies to address the Committee as well as their intention to raise questions in connection with this item in the three-year review.

E. Individual Standards-Writing and Certifying Bodies

20. The relevant documentation is contained in the TBT/W/44 series.

21. The delegations of Chile, Hungary and Romania called attention to new information supplied to the secretariat in this connection. The representatives of the European Economic Community, France and the United States expressed interest in this item and in the information supplied, and wished to revert to it at a future meeting when the information had been completed.

22. The Committee invited the secretariat to continue to collect information in this area and agreed to revert to the item at future meetings with a view to reaching conclusions on the relevance of the information to its work.

F. Publicity on Enquiry Points

23. Following a brief discussion on the secretariat proposal contained in document TBT/W/41 and on the proposal made by the Nordic delegations at the ninth meeting of the Committee (TBT/M/9, para.30), 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.

24. The representative of Austria, while concurring with the Committee's conclusions, said that his government had no intention at present to publish such a booklet.

G. Preparations for the Third Annual Review of the Implementation and Operation of the Agreement

25. The Committee recalled the discussion which it had held on this point at its last meeting (TBT/M/9, page 5). The Committee agreed to the following arrangements for the third annual review under Article 15.8.

1. The same procedures would be followed as in previous years.
2. The secretariat would prepare a background document for the review consolidating all the available information, by 15 July 1982.
3. Any additional information submitted by delegations after that date would be issued as addenda to the consolidated document.
4. Delegations were invited to submit such additional information before 10 September 1982.
5. A final version of the consolidated document would be issued after the third annual review.

H. Preparations of the First Three-Year Review of the Operation and Implementation of the Agreement

26. The Committee discussed arrangements for the first three-year review under Article 15.9. It recalled the discussion which it had had on this point at its last meeting (TBT/M/9, page 5). A consolidated list of decisions and recommendations adopted by the Committee since the entry into force of the

Agreement had been requested by the Committee in this connection. It was circulated in document TBT/W/48. A revised version of this document will be circulated before the first three-year review. Subjects proposed for discussion in connection with the three-year review were circulated in document TBT/W/49.

27. The representative of the United States, referring to document TBT/W/49, explained the intentions of his delegation under each of the items listed: (1) Concerning procedures for notification, the Committee should examine the length of the comment period taking into account the difficulties that may have been experienced in obtaining the necessary documents and commenting on proposed regulations. The Committee should also examine what criteria were used by signatories to determine whether or not a technical regulation or a certification system should be notified. In this connection he stressed that the intention of his delegation was not to expand the scope of notifications, but to clarify the basis on which decisions on what to notify were made. (2) Regarding implementation and administration of the Agreement, his delegation was concerned with the fact that some signatories had not yet ratified the Agreement and was considering the possibility of revising the status of those who had not ratified for more than two years. (3) With respect to PPMs, the United States delegation would endeavour to reach agreement in the Committee on an interpretation of Article 14.25 of the Agreement. The purpose would be to enable signatories to complain about PPMs under the Agreement. (4) His authorities had found the first meeting of enquiry points very useful and would propose that similar meetings be organized on a regular basis, say every two years. These meetings should be similar to the one held in October 1981, that is, they should focus on technical aspects of the operation of enquiry points. (5) Concerning regional standards-related activities, the objective of the United States was to review the documentation available in order to determine how the relevant bodies conduct their activities, having regard to the Agreement. (6) In connection with the revised Inventory of non-tariff measures, the Committee should somehow take responsibility for measures that involve standards and signatories, for example by issuing as a separate document in the TBT series that part of the Inventory which relates to technical barriers to trade. (7) The intention of the United States in referring to the applicability of the Agreement to services was only to suggest that the Committee should make its knowledge and expertise available to any Committee that might be established or might be given the responsibility to deal with the issue of services in the GATT framework. In conclusion, he stated that the United States considered that the first three-year review provided an opportunity to reflect on the functioning of the Agreement. They hoped that, as a result of the discussion at the review, the Committee would be able to set an agenda of work for the next three years, and that if any particular problems or ideas emerged from the discussion, it would bring these to the attention of ministers at the November meeting of the CONTRACTING PARTIES.

28. The representative of Sweden, speaking for the Nordic countries, said his delegation would, at a later stage, formulate proposals for recommendations on the interpretation of certain concepts embodied in the Agreement. He mentioned the phrase 'significant effect on trade of other Parties' contained in Article 2.5 and 'reasonable enquiries' contained in Article 10.1. The Committee might also discuss at what stage of elaboration notifications of technical regulations and certification systems should be made, and what kind of information enquiry points should be expected to provide.

29. The representatives of Brazil and Chile said they expected to present suggestions or proposals concerning the procedures for notification. The representative of New Zealand indicated that his delegation had a particular interest in the United States suggestions concerning PPMs and the revised Inventory of non-tariff measures, in particular the idea of establishing a separate inventory of technical barriers to trade. With regard to PPMs, his authorities were preparing examples of such measures for consideration at the three-year review.

30. Other delegations who spoke said they had no intention for the moment to put forward specific proposals for the review, but they reserved the possibility to do so at a later stage. All the signatories who spoke said that for the time being they had no intention to propose modifications or amendments to the text of the Agreement, although they also reserved their positions in this regard. In this connection, the representative of Japan said that the Agreement had worked satisfactorily so far and he felt that more experience should be acquired before one could consider modifications of the Agreement.

31. The representative of Argentina said that his authorities were applying the Agreement fully and that it would be counter-productive to exert pressure on them to accelerate ratification procedures. Commenting on the proposal of establishing a separate inventory of technical barriers to trade, he said that this might lead to a duplication of effort. With regard to services, he said that his delegation would oppose dealing with this subject in the GATT framework. The representatives of Austria, Brazil and Canada also said they could not agree to discussing services in the Committee. The representative of Switzerland said such a discussion in the context of the three-year review would be premature. The representative of the European Economic Community, while noting with interest the points made in the discussion, said his delegation had serious doubts about including the subject of PPMs in the three-year review and also wished to reserve its position regarding the proposals relating to services and the Inventory on non-tariff measures.

32. Several delegations asked for further clarification on the United States proposal to establish a separate inventory for technical barriers to trade, drawing attention to the risk of duplication of effort.

33. In closing the discussion, the Chairman noted that the Committee was not yet in a position to engage in a substantive discussion of the proposals put forward at this meeting. He invited the delegations that had made proposals to present further clarification of their objectives in writing and any delegation wishing to raise other issues to do so, also in writing, before the next meeting of the Committee.

34. Concerning practical arrangements for the First Three-Year Review, the Committee agreed that written proposals, questions or topics for discussion in connection with the review should if possible be submitted by the end of July. While delegations were free to present proposals, comments, etc. at any time, they should endeavour to submit these by 10 September 1982 so as to allow time for any informal consultations that might be necessary to prepare for the review. The review would be held on 14-15 October. If it could not be concluded at that time another meeting would be called towards the end of the year.

I. Request for Accession by Bulgaria

35. The observer from Bulgaria indicated that his delegation had pursued its efforts to achieve progress in the negotiations on his country's accession to the Agreement. Informal consultations had been held with the European Economic Community which did not lead to satisfactory results. His government reiterated its will to reach a mutually satisfactory solution to the outstanding problems and to this end, proposed that the Chairman of the Working Party on the accession of Bulgaria undertake intensive consultations with the members of the Working Party in order to clarify the differences of views, identify possible solutions and evaluate existing possibilities of reaching a positive outcome, in conformity with the principles adopted by the Trade Negotiations Committee at its last session regarding the participation of non-contracting parties. He proposed that the Working Party should be convened with a view to concluding its work before the next meeting of the Committee.

36. The representative of the European Economic Community said his delegation still hoped to reach a positive conclusion to the negotiations for Bulgaria's accession. So far, however, the consultations had not permitted sufficient progress to warrant reconvening the Working Party. In this connexion, he recalled the procedures agreed to by the Committee at its eighth meeting (TBT/M/8, para.7).

37. The Committee noted the statements made and invited the Chairman to bring its discussion of this item to the attention of the Chairman of the Working Party on the accession of Bulgaria.

J. Date and agenda of the next meeting

38. The Committee agreed to hold its next meeting on 13-15 October 1982. Among the items on the agenda would be:

1. Third Annual Review of the Implementation and Operation of the Agreement.
2. First Three Year Review of the Operation and Implementation of the Agreement.
3. Other Business.

39. It was understood that items 1 and 2 could be divided into sub-items as required. The agenda would be finalized before the next meeting in accordance with established procedures.