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1 ARTICLE 13

1.1 Text of Article 13

Article 13

The Committee on Technical Barriers to Trade

13.1 A Committee on Technical Barriers to Trade is hereby established, and shall be composed of representatives from each of the Members. The Committee shall elect its own Chairman and shall meet as necessary, but no less than once a year, for the purpose of affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives, and shall carry out such responsibilities as assigned to it under this Agreement or by the Members.

13.2 The Committee shall establish working parties or other bodies as may be appropriate, which shall carry out such responsibilities as may be assigned to them by the Committee in accordance with the relevant provisions of this Agreement.

13.3 It is understood that unnecessary duplication should be avoided between the work under this Agreement and that of governments in other technical bodies. The Committee shall examine this problem with a view to minimizing such duplication.

1.2 Related TBT Committee decisions and recommendations

1.2.1 Rules of procedure

1. At its meeting on 1 January 1996, the Council for Trade in Goods approved the Rules of Procedure adopted by the TBT Committee on 21 April 1995.¹

1.2.2 Observer status

2. Annexes 1 and 2 to the Rules of Procedure adopted by the TBT Committee contain Guidelines for Observer Status for Governments in the WTO (Annex 1) and for International Intergovernmental Organizations in the WTO (Annex 2).²

1.2.3 Consideration of specific trade concerns

3. Pursuant to Article 13 of the TBT Agreement, the TBT Committee was established with the purpose of: "affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives, and shall carry out such responsibilities as assigned to it under this Agreement or by the Members". Since its first meeting, Members have used the TBT Committee as a forum to discuss issues related to specific measures (technical regulations, standards or conformity assessment procedures) maintained by other Members. These are referred to as "specific trade concerns" (STCs) and relate normally to

¹ G/C/M/7, para. 2.2. The text of the Rules of Procedures for the meetings of the TBT Committee is also contained in G/TBT/1/Rev.10, pp. 59-64.

² The text of the guidelines is contained in G/TBT/1/Rev.10, pp. 64-65.

proposed draft measures notified to the TBT Committee or to the implementation of existing measures.³

4. In 2009, noting the accelerated growth in the number of specific trade concerns raised at Committee meetings, as well as in the number of WTO Members raising concerns or substantively supporting those of other Members, the Committee emphasized the importance of making the discussion more efficient in order to secure a more prompt response to concerns raised. In order to streamline the consideration of STCs, the TBT Committee agreed to apply the following procedures, to the extent practicable:

- (i) Members wishing to propose the inclusion of a specific trade concern in the annotated draft agenda should directly inform both the Secretariat and the Member(s) involved of their intention to do so no less than fourteen calendar days prior to the convening of the TBT Committee meeting;
- (ii) the annotated draft agenda issued by the Secretariat in advance of each Committee meeting will include all specific trade concerns communicated by Members to the Secretariat; it will indicate which concerns are being raised for the first time and which have been previously raised. It should be circulated as early as possible but no less than ten calendar days before the meeting;
- (iii) requests to include specific trade concerns on the agenda should be accompanied by a reference to the symbol of the notification. In cases where the measure has not been notified, the request should provide a brief description of the measure, including relevant references; and
- (iv) there may be instances where a Member wishes to bring a concern to the Committee's attention after the deadline has passed. In this case, additional specific trade concerns can still be included in the agenda of the TBT Committee meeting under "Specific Trade Concerns", provided that Members wishing to raise the relevant concerns have previously informed the Member(s) involved of their intention to do so. However such concerns will only be addressed after all specific trade concerns contained in the annotated draft agenda have been discussed.⁴

5. In 2009, the Committee encouraged the Secretariat to continue to compile information about the status of specific trade concerns and to make this available to Members regularly with a view to providing a useful database for Members to track concerns of importance to them. The G/TBT/GEN/74/* document series of documents contain an overview of specific trade concerns raised in the TBT Committee. It provides statistical information on the concerns raised since the first meeting of the TBT Committee in 1995 and lists the specific trade concerns sorted by date, frequency and the number of Members that have expressed concern.

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Current as of: September 2011

³ G/TBT/1/Rev.10, p. 42.

⁴ G/TBT/1/Rev.10, p. 42.