

GENERAL AGREEMENT ON TARIFFS AND TRADE

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REPORT (1980) OF THE COMMITTEE ON

TECHNICAL BARRIERS TO TRADE

1. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. On 6 November 1980 the following governments had accepted the Agreement under Article 15.1: Argentina, Austria, Belgium, Brazil, Canada, Chile, Denmark, European Economic Community, Finland, France, Germany (Fed. Rep.), Hungary, Ireland, Italy, Japan, Luxembourg, Republic of Korea, Netherlands, New Zealand Norway, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom, United Kingdom on behalf of Hong Kong, United States and Yugoslavia. Some of these governments have accepted the Agreement subject to ratification. Tunisia has presented an instrument of acceptance under Article 15.2 of the Agreement: the Committee noted that the acceptance would become effective when terms were agreed as laid down in the Agreement, and that informal consultations aimed at defining those terms would be held between signatories and Tunisia, so as to enable the Committee to act on the matter as rapidly as possible.

2. The Committee agreed on procedures for accession of non-contracting parties (TBT/M/3, item E and Annex II). One non-contracting party has presented a request for accession to the Agreement under its Article 15.3. At the fifth meeting of the Committee, a working party was established in accordance with Article 13.2 to examine the request, with the following terms of reference: "To draw up proposals for mutually satisfactory terms for the accession of Bulgaria to the Agreement on Technical Barriers to Trade and to report to the Committee prior to its next meeting". (TBT/M/5 and L/5069).

3. Twenty-seven contracting parties, and four non-contracting parties have observer status. Five international organizations (IMF, UNCTAD, ISO, IEC and FAO/WHO Codex Alimentarius Commission) have attended meetings of the Committee in an observer capacity.

4. The Committee on Technical Barriers to Trade met on five occasions:

28 January 1980 (TBT/M/1 and L/4951)
24 April 1980 (TBT/M/2 and L/4979)
19 June 1980 (TBT/M/3 and L/4993)
22 July 1980 (TBT/M/4 and L/5021)
4 to 6 November 1980 (TBT/M/5 and L/5069)

5. Procedural questions have been settled in a similar way as in other Committees established under the MTN Agreements. These include:

- (a) procedures for the participation of observers (TBT/M/2, item A and Annex; L/4979, paragraph 2 and Annex)
- (b) procedures for the circulation of documents (TBT/M/2, item H; L/4979, paragraph 7; TBT/M/3, item G).

6. The Committee examined the problem of possible duplication between the work under the Agreement and that of governments in other technical bodies, in particular the FAO/WHO Codex Alimentarius Commission, as provided for in Article 13.3 of the Agreement (see TBT/W/3). It agreed to arrangements to deal with any problems that may arise in this connexion (TBT/M/3, paragraph 24 and L/4993, paragraph 4).

7. Signatories of the Agreement have reported to the Committee on the measures in existence or taken by them to ensure the implementation and administration of the Agreement. The information has been brought together in document TBT/W/16. The Committee has examined these reports at each of its meetings. In the discussions that took place on the subject attention was drawn to such points as transparency, i.e. problems of notification, publication and time limits for comments etc.; the establishment of reciprocal testing and certification arrangements; access to certification systems; and the activities of agencies of the Parties having responsibilities under the Agreement (TBT/M/2, item C; TBT/M/3, item B; TBT/M/4, item B; TBT/M/5).

8. The procedures for notifications of proposed technical regulations and certification systems have been in operation since the entry into force of the Agreement. At its June 1980 meeting, the Committee recommended a standard format for such notifications (TBT/M/3, item C and Annex I). To date, approximately one hundred notifications of proposed technical regulations or certification systems have been circulated by the secretariat in accordance with Article 10.4 of the Agreement. Also pursuant to this Article, the secretariat has drawn the attention of developing countries signatories of the Agreement, and of the FAO/WHO Codex Alimentarius Commission, to notifications relating to products of particular interest to them.

9. At the request of one signatory, the Committee discussed, at its June and July meetings, the question of the applicability of Article 14.25 of the Agreement to measures taken by another Party to restrict imports of poultry which had not undergone a certain chilling process (TBT/M/3, item 1 and TBT/M/4, item D). The other Party concerned considered that the measures in question were not covered by the Agreement. In the light of the Committee's discussion, the requesting Party decided not to pursue the particular issue as a dispute settlement case under the Agreement, on the understanding that the Committee would take up at a later stage the general question of the applicability of the Agreement to processes and production methods, taking into account the negotiating history of Article 14.25

of the Agreement. The Committee discussed the question at its November 1980 meeting and agreed to keep the item on the agenda for its next meeting.

10. At its June 1980 meeting, the Committee heard a statement by one Party concerning the need for flexibility in implementing national legislation for the control of dangerous substances, in order to provide reasonable time to foreign suppliers to adjust. The Committee agreed to revert to the question at a later date (TBT/M/3, para. 44).

11. The Committee initiated its first review of the operation of the Agreement at its November 1980 meeting according to a format agreed upon at its third meeting (TBT/M/3 Annex III) and on the basis of a factual document prepared by the secretariat (TBT/M/5 and TBT/W/16). Additional information was provided during the meeting by several signatories on measures taken by them to implement and administer the Agreement, and a number of questions were raised on these measures. The additional information supplied by signatories in the course of the meeting will be reflected in a revision of the basic document for the review (TBT/W/16/Rev.1). A number of general points about the operation of the Agreement were also raised in the discussion relating, inter alia, to the notification procedures, on which a number of proposals were made for improvements, which the Committee agreed to examine at its next meeting. The Committee agreed on a procedure designed to elicit further information on implementation and administration of the Agreement and to complete the first Annual Review of the operation of the Agreement at its next meeting to be held in February 1981. The results of the Review will be circulated in a TBT/- document.