

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5548
10 October 1983

Limited Distribution

REPORT (1983) OF THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1. This report, submitted under Article 15.8 of the Agreement on Technical Barriers to Trade, sets out developments in the implementation and operation of the Agreement since the Committee's last report on 8 November 1982 (L/5407). In addition, in accordance with the procedures agreed to by the Council at its meeting of 20 April 1983 (C/M/167), it deals, in a separate section, with the matters on which the CONTRACTING PARTIES had agreed to focus in their decision on MTN Agreements and Arrangements adopted at the Ministerial Meeting in November 1982 (BISD 29S/18).

2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 7 October 1983 there were thirty-two signatories that had accepted the Agreement under Article 15.1: Austria, Belgium, Brazil, Canada, Chile, Czechoslovakia, Denmark, European Economic Community, Finland, France, Federal Republic of Germany, Hungary, India, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Philippines, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom, United Kingdom on behalf of Hong Kong, United States and Yugoslavia. Argentina, Egypt, Greece and Rwanda have accepted the Agreement under Article 15.1 subject to ratification. Tunisia has accepted the Agreement under Article 15.2.

3. The following twenty-three contracting parties have observer status in the Committee on Technical Barriers to Trade: Australia, Bangladesh, Colombia, Cuba, Gabon, Ghana, Indonesia, Israel, Ivory Coast, Malaysia, Malta, Nicaragua, Nigeria, Peru, Poland, Portugal, Senegal, Sri Lanka, Tanzania, Thailand, Trinidad and Tobago, Turkey and Zaire. Three non-contracting parties, Bulgaria, Ecuador and Mexico, are also observers. Six international organizations, IMF, UNCTAD, ISO, IEC, FAO/WHO Codex Alimentarius Commission and OIE have attended meetings of the Committee in an observer capacity.

Developments since the Committee's last report (L/5407)

4. The Committee has held three meetings during the fourth year of operation of the Agreement, on

10 February 1983 (TBT/M/12 and L/5459)

17-18 May 1983 (TBT/M/13 and L/5495)

4-5 October 1983 (TBT/M/14, to be issued shortly, and L/5547).

5. In accordance with the terms of an Understanding reached between one developing country Party and the Parties to the Agreement, the Committee agreed to grant the Party in question an exception from the obligations of Article 7.2 under the provisions of Article 12.8 of the Agreement.

6. Signatories of the Agreement informed the Committee of measures taken by them to implement and administer the Agreement during the period under review (TBT/1/Add.1-32, supplements and revisions, TBT/M/12, TBT/M/13, TBT/M/14).

7. Pursuant to the Second Meeting on Procedures For Information Exchange held on 16 May 1983 in conjunction with the thirteenth meeting of the Committee, the Committee adopted certain recommendations regarding the timing of notifications, the time limit for comments on notifications, and enquiries which the enquiry points should be prepared to answer (TBT/M/13 and TBT/16/Rev.1). The Committee, in taking note of the oral report by the Chairman of that Meeting, agreed to revert at an appropriate time to some specific proposals raised by the participants, including the handling of comments on notifications, the development of criteria for assessing the trade significance of proposed regulations, and cooperation programmes on translation of texts of proposed technical regulations and rules of certification systems (TBT/M/13).

8. Following consultations regarding Article 14.25 of the Agreement, the Committee recorded certain conclusions concerning the functioning of Article 14.25 at its fourteenth meeting on 4-5 October 1983 (TBT/M/14).

9. The Committee concluded its first three-year review of the operation and implementation of the Agreement in accordance with Article 15.9 of the Agreement at its twelfth meeting on 10 February 1983 (TBT/M/12). Upon completion of the first three-year review, the secretariat issued document TBT/16/Rev.1 containing the texts of all the recommendations and decisions adopted by the Committee on the practical implementation of the Agreement.

10. At its fourteenth meeting, the Committee agreed to make a list of products covered by the notifications under the Agreement (TBT/Notif. series) available to interested standardizing bodies in order to obtain information on existing international standards and work under way on the products concerned (TBT/M/14).

11. The Committee held its fourth annual review of the implementation and operation of the Agreement under Article 15.8 of the Agreement at its fourteenth meeting, on 4-5 October 1983, on the basis of background documentation prepared by the secretariat (TBT/10 and Suppls. 1 and 2, TBT/17 and Suppls. 1 and 2, TBT/W/25/Rev.8 and Corrs.1 and 2, TBT/W/31/Rev.3 and Corrs.1 and 2 and TBT/W/62 and Corrs. 1 and 2).

12. Pursuant to the decision on regional standards-related activities taken by the Committee at its three-year review, the Secretary-General of NORDTEST addressed the Committee at its fourteenth meeting on the procedures applied by NORDTEST and how they relate to those embodied in the Agreement, on the basis of an agreed list of questions.

13. During the period under review, informal consultations concerning the request for accession to the Agreement by one non-contracting party were pursued in the context of the Working Party established to that effect. The matter was raised in the Committee at its thirteenth and fourteenth meetings (TBT/M/13, TBT/M/14). The Committee took no action on the matter, in accordance with the decision it had taken at its eighth meeting (TBT/M/8).

Review of the operation of the Agreement in accordance with the Ministerial Decision of November 1982 on MTN Agreements and Arrangements

14. The Committee has examined the adequacy and effectiveness of the Agreement in the light of its operation since its entry into force. The work carried out so far under the Agreement has permitted a marked improvement in transparency with regard to technical regulations, standards and certification systems adopted at national level. The Committee was able to formulate a number of decisions and recommendations to further this objective (TBT/16/Rev.1).

15. The Committee noted with satisfaction that the Agreement had been accepted by a large and growing number of contracting parties. Among these, the number of developing countries Parties was greater than in any of the other MTN Agreements and Arrangements.

16. During its review of the operation of the Agreement under the Ministerial decision of November 1982, no problems regarding the adequacy and effectiveness of the Agreement or any obstacles to the acceptance of the Agreement were raised by non-signatory contracting parties.

17. The delegation of a non-contracting party which had requested accession to the Agreement under Article 15.3 stated its position in the Committee regarding the difficulties it had encountered in the negotiations for accession (TBT/M/14). The Committee noted that the Working Party set up to examine the matter had not met after the third progress report by its Chairman to the Committee on 20-22 October 1981 and that a new proposal (TBT/WPB/2) had been put forward by the non-contracting party concerned. The Committee noted that the minutes of its fourteenth meeting containing the statements made on the matter will be available on request to all contracting parties.