

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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REPORT OF THE SPECIAL MEETING OF THE COMMITTEE ON TECHNICAL
BARRIERS TO TRADE HELD IN ACCORDANCE WITH THE DECISION OF THE
CONTRACTING PARTIES AT THEIR FORTIETH SESSION REGARDING
MTN AGREEMENTS AND ARRANGEMENTS (L/5756)

Note by the Secretariat

1. The Committee on Technical Barriers to Trade held a special meeting on 9 May 1985 in response to the invitation of the CONTRACTING PARTIES to examine the adequacy and effectiveness of the Agreement and the obstacles to acceptance which contracting parties may have faced (L/5756). The airgram convening the meeting invited non-signatory contracting parties to be present and express their views in the discussion (GATT/AIR/2136).

2. A number of delegations noted that the Committee had adopted a considerable number of recommendations and decisions dealing with the operation of the Agreement; most of these related to procedural matters, but some proposals now before the Committee touched on more substantial issues. The majority of actions taken by the Committee originated from proposals put forward by a few Parties. The rôle of other Parties was confined to commenting on these proposals. This state of affairs could be attributed to the deficiencies in the domestic administrations of many signatory countries which could not participate actively in the work of the Committee for lack of effective and meaningful feedback from their national authorities. One delegation noted that as a result, the Agreement had operated at two different speeds, one for Parties which were able to assess the trade impact of the measures taken in a rapid and unequivocal way, and the other for Parties which merely followed suit without being able to make an original contribution. In this regard, some delegations noted that care should be taken that the Committee is not made to deal with areas which do not meet the shared interest of all Parties.

3. Some delegations responded that the guiding principle underlying the actions taken by the Committee was to improve the operation and implementation of the Agreement for the benefit of all Parties. Furthermore, the procedures of the Committee enabled it to adopt decisions and recommendations by consensus. Difficulties expressed by certain delegations concerning the problems of infrastructure for carrying out obligations under the Agreement were to a certain extent faced by all countries. The complexity of the technical matters addressed in the Agreement required a certain degree of co-ordination among different authorities in each country. Resources available were limited even in some developed country Parties. There was, however, general appreciation of the acuteness of the problems, including translation difficulties, encountered by developing countries in this respect and in particular of the difficulties they might have in establishing the necessary infrastructure during the initial stages of their acceptance of the Agreement. However, some delegations underlined that resolution of these administrative problems did not necessarily require the development of sophisticated methods and in any case, they could hardly be invoked as constituting a major obstacle to acceptance of the Agreement.

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4. Non-signatory contracting parties which were present at the meeting expressed their appreciation to the Committee for the information meeting held the previous day. A number of these countries were studying the prospects of adhering to the Agreement. A full understanding of the technical matters covered by the provisions of the Agreement as well as of various actions taken by the Committee was necessary for them to complete the decision-making process. The argument was also advanced that infrastructural facilities in countries considering acceptance had to be developed to a level comparable to those of certain Parties to enable them to participate in the activities of the Committee and to exercise their rights and obligations under the Agreement.

5. Several delegations expressed their interest in a more active participation by developing country Parties in the work of the Committee, as well as in facilitating access to the Agreement by more developing countries. The information meeting held by the Committee was considered as a positive step in that direction. Any action to make the implementation of the provisions of the Agreement on technical assistance more effective would also be of value in improving decision-making processes and in facilitating the establishment of efficient information exchange systems in these countries. One delegation suggested that special efforts should be made to improve the operation of Article 11 of the Agreement.

6. While recognizing that implementation of the Agreement at national level was a gradual process and momentum had to be kept by all Parties in this respect, a number of delegations were of the view that the work carried out by the Committee since the entry into force of the Agreement had facilitated the fulfillment of their obligations. On the whole, the Agreement had operated adequately and had met initial expectations.

7. Regarding the non-ratification of the Agreement by certain signatories, some delegations stated that this should not be viewed purely as a technical question and that the signatories concerned should take the necessary steps to redress the situation. The informal arrangements regarding participation of these signatories in the work of the Committee had not intended to be permanent. Other delegations wondered in what way non-ratification by some signatories obstructed the work of the Committee or nullified rights of Parties under the Agreement. They felt that a too strictly legal approach to this problem was not warranted.

8. One delegation, supported by others, requested that the Committee should refer the note by the secretariat contained in TBT/W/74/Rev.1 to the Working Group on MTN Agreements and Arrangements for its consideration. Some other delegations expressed reluctance to take such action as a Committee and questioned the appropriateness of submitting to the Working Group a note prepared by the secretariat at the request of certain Parties only. In general, any proposals for consideration by the Working Group would have to be made in the Working Group. The same delegations also recalled that the attention of the authorities of the signatories concerned had been repeatedly drawn to the situation, and that further initiatives would not facilitate acceptance any sooner than would be allowed by their legislative procedures. It was pointed out by one signatory concerned that fuller participation in the work of the Committee had also to be seen in the light of the way in which the Committee responded to the needs of all member countries. The delegation that originally requested referring the note to the Working Group reaffirmed its views that the secretariat's observations on the legal status of signatories should be examined by the Working Group.