

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5890

13 November 1985

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## REPORT (1985) 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 24 October 1984 (L/5703).

2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 31 October 1985 the following thirty-four signatories have accepted the Agreement under Article 15.1: Austria, Belgium, Brazil, Canada, Chile, Czechoslovakia, Denmark, Egypt, European Economic Community, Finland, France, Federal Republic of Germany, Hungary, India, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom, United Kingdom on behalf of Hong Kong, United States and Yugoslavia. In addition, Argentina, Greece and Rwanda have accepted the Agreement subject to ratification. Tunisia has accepted the Agreement under Article 15.2.

3. The following twenty-two 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, 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. As from the next meeting, ITC (UNCTAD/GATT) will be invited to take part in the meetings of the Committee in the same capacity.

### Developments since the Committee's last report (L/5703)

4. The Committee has held its eighteenth, nineteenth and twentieth meetings respectively on 26 February 1985 (TBT/M/18 and L/5782), 6-10 May 1985 (TBT/M/19 and Corr.1 and L/5815) and 31 October-1 November 1985 (TBT/M/20, to be issued shortly and L/5905).

5. The Committee also held a special meeting on 9 May 1985, in accordance with the action taken by the CONTRACTING PARTIES at its November 1984 Session in relation to the MTN Agreements and Arrangements (L/5756). The report on the observations made and conclusions reached at that meeting was circulated in document TBT/20.

6. During the review period the Committee heard statements by Parties to the Agreement on various measures taken by them relating to the implementation and administration of the Agreement (TBT/M/18, TBT/M/19 and

Corr.1, and TBT/M/20, to be issued shortly). In this context, the Committee discussed the legal status of signatories which had signed but not ratified the Agreement at its eighteenth, nineteenth and twentieth meetings, on the basis of the findings contained in a note by the secretariat on the subject (TBT/W/74/Rev.1), and it agreed to address this matter at its special meeting held on 9 May 1985. The Committee encouraged those signatories that had signed the Agreement subject to ratification to ratify the Agreement in the near future.

7. At its seventeenth meeting (TBT/M/17, paragraphs 21-23 and Annex) the Committee agreed to make available through Parties to relevant national standardizing bodies a list of products covered by the notifications under the Agreement circulated on 6 May 1985 in document TBT/W/68/Rev.1.

8. At its eighteenth meeting the Committee extended by one year, in respect of the Indian Standards Institution Certification Marks Act, the exception granted to India under Article 12.8 of the Agreement from the obligations of Article 7.2 under the terms of the Understanding reached between India and the Parties to the Agreement upon India's acceptance of the Agreement (TBT/M/12, paragraphs 4-9 and Annex, TBT/M/18, paragraph 30). The Committee noted that the operation of the two-year exception of AGMARK from the obligations of Article 7.2 which had been granted to India under the same Understanding, had not revealed any trade problems for other signatories and it accordingly agreed to renew this exception (TBT/M/12, paragraphs 4-9 and Annex, and TBT/M/18, paragraph 31).

9. At its nineteenth meeting the Committee agreed to the circulation of the notifications included in the sections of the Inventory of Non-Tariff Measures (NTM/INV) relating to technical barriers to trade among Parties to the Agreement (TBT/Spec/15). It noted that the circulation of these notifications to officials of the Parties dealing with standards-related matters should facilitate addressing the issues raised in individual notifications on a bilateral basis.

10. The Committee discussed the question of testing and inspection at its eighteenth, nineteenth and twentieth meetings (TBT/M/18, paragraphs 32-38, TBT/M/19, paragraphs 8-23, TBT/M/19/Corr.1 and TBT/M/20, to be issued shortly). It reviewed the situation in other fora on the basis of a presentation by the Chairman of the ISO Council Committee on Conformity Assessment (ISO/CASCO) (TBT/M/19, paragraph 8) and of documentation prepared by the secretariat on the work of international and regional bodies in this field (TBT/W/81 and Add.1, TBT/W/84 and Add.1, and TBT/W/85). In this connection, it agreed that the Parties should have an indepth study of the relevant ISO/IEC Guides circulated in order to assess to what extent they might be suitably applied by them in implementing Article 5 of the Agreement. The Committee also discussed proposals by two Parties relating to the implementation of Article 5 of the Agreement, and took note of a working draft text protocol on the approval of telecommunications terminal equipment circulated by a Party.

11. At its twentieth meeting, the Committee discussed a draft recommendation concerning exchange of information on translations of documents relating to notifications on the understanding that no obligation should be taken by Parties in this respect which went beyond the provisions of Article 10.5 of the Agreement (TBT/M/19, paragraph 35(b), TBT/M/20, to be issued shortly). It adopted a recommendation on the handling of comments on notifications (TBT/W/82 and TBT/M/20, to be issued shortly).

12. The 1985 Meeting on Procedures for Information Exchange was held on 7 May 1985. In taking note of the oral report by the Chairman of that meeting (TBT/M/19, Annex) the Committee agreed to include, in the basic documents for the annual reviews, information on the number of enquiries originating in other Parties received and of requests answered, by enquiry points in individual Parties. This information is communicated under the section on Transparency in the basic document for the sixth annual review (TBT/22 and Suppl. 1, section 8.3). The Committee also requested the Parties which had not yet done so to provide information on the procedures followed in their respective countries to determine which draft technical regulations should be notified (TBT/M/19, paragraph 35(a) and (b)). In this connection, the Committee will revert to a proposal concerning the procedures established on the national level in order to gather information on proposed technical regulations.

13. The Committee held an Information Meeting on 8 May 1985 to discuss ways of improving knowledge of the Agreement so as to enable developing country signatories to make fuller use of the Agreement and facilitate acceptance of the Agreement by other developing countries. Presentations were made by representatives of Parties on the principles and objectives of the Agreement as well as on various topics relating to its implementation and operation.

14. The Committee completed its sixth annual review of the implementation and operation of the Agreement under Article 15.8 at its twentieth meeting, on the basis of background documentation prepared by the secretariat (TBT/M/20, TBT/22 and Corr.1, TBT/22/Suppl.1, TBT/W/62/Rev.1 and Corrs.1 and 2, TBT/W/31/Rev.4 and Corrs.1 to 6, and TBT/W/25/Rev.10).

15. At its twentieth meeting the Committee carried out the second three-year review of the operation and implementation of the Agreement under Article 15.9. It had a preliminary discussion of a number of proposals from one Party relating to the acceptance of test data, the improvement of transparency with regard to bilateral standards agreements and to regional standards activities as well as a statement from another Party on the subject of possible extension to local government bodies of major obligations under the Agreement and the setting up of a code of good practice for non-governmental standardizing bodies (TBT/21, TBT/23 and TBT/M/20, to be issued shortly).