

GENERAL AGREEMENT ON

RESTRICTED

L/6240

29 October 1987

TARIFFS AND TRADE

Limited Distribution

REPORT (1987) 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 6 November 1986 (L/6061).
2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 14 October 1987 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, Hong Kong, Hungary, India, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom, United States and Yugoslavia. In addition, Argentina, Greece, Mexico 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, Côte d'Ivoire, Cuba, Gabon, Ghana, Indonesia, Israel, Malaysia, Malta, Nicaragua, Nigeria, Peru, Poland, Senegal, Sri Lanka, Tanzania, Thailand, Trinidad and Tobago, Turkey and Zaire.
4. At its twenty-fourth meeting, the Committee noted a communication from the People's Republic of China, dated 26 October 1986, requesting observer status in the meetings of the Committee (TBT/M/24, paragraph 4). The Committee agreed to grant observer status to the People's Republic of China, on the same conditions as those applied to other observers (TBT/M/24, paragraph 4 and 12). Two non-contracting parties, Bulgaria and Ecuador are also observers.
5. Seven international organizations, IMF, UNCTAD, ITC (UNCTAD/GATT), ISO, IEC, FAO/WHO Codex Alimentarius Commission and IOE have attended meetings of the Committee in an observer capacity.

Developments since the Committee's last report (L/6061)

6. The Committee held its twenty-fourth, twenty-fifth and twenty-sixth meetings respectively on 9-10 March 1987 (TBT/M/24 and L/6145), 22 June 1987 (TBT/M/25 and L/6206) and 12-14 October 1987 (TBT/M/26, to be issued shortly and L/6239).
7. At its twenty-fourth meeting the Committee noted that the Indian Parliament had approved the Bureau of Standards Act in December 1986. It agreed to a further extension of the exception from the provisions of Article 7.2, which had been granted to India under Article 12.8 since 1983, until the entry into force of the Bureau of Standards Act on 1 April 1987.

8. The Committee discussed the relationship of its work to the negotiations in the Uruguay Round. In this connection, it compiled a list of items that might be addressed in discussions on the further improvement, clarification or expansion, as appropriate, of the Agreement, on the basis of issues suggested by individual Parties. At its twenty-fifth meeting the Committee agreed that the Chairman, on its behalf, would transmit the list to the Negotiating Group on MTN Agreements and Arrangements (NG8) (TBT/M/25, paragraph 17). The list, which is indicative and non-exhaustive, was subsequently circulated to the Group in document MTN.GNG/NG8/W/13. Without prejudice to the outcome of the ongoing discussions on the organization of the negotiations in the NG8 or to any action that might be taken by Parties to the Agreement under Article 15, paragraphs 9 and 10 of the Agreement, the Committee agreed that it would contribute to the negotiations by considering, at the technical level, issues before the NG8. For this purpose it would commence its consideration of the items in the indicative and non-exhaustive list on the basis of further clarifications to be provided by individual Parties (TBT/M/26, to be issued shortly). Moreover, in order to provide the NG8 with information on its work, the Committee authorized the Chairman, at its twenty-fifth meeting, to transmit to the NG8 the Notes by the Chairman, issued in the L/- series of documents after each meeting of the Committee (TBT/M/25, paragraph 18).

9. At its twenty-fifth meeting, the Committee recommended that Parties provide information on national measures taken to promote the implementation of the principles and rules in ISO/IEC Guides 25, 38, 39, 43 and 45 as a basis for testing and inspection activities in their territories (TBT/M/25, paragraph 9). It also took note of statements made by a number of Parties describing the implementation of these Guides at the national level (TBT/28, pages 19-21).

10. Following its discussion on ways of improving transparency on bilateral standards agreements the Committee agreed, at its twenty-fifth meeting, to amend the existing recommendation on enquiries (TBT/16/Rev.3, page 12, paragraph (b)), so that enquiry points will also be able to deal with enquiries pertaining to the participation of Parties in bilateral arrangements as well as on the provisions of such arrangements (TBT/M/25, paragraph 16).

11. At its twenty-fourth meeting the Committee noted that, following informal consultations it had held with interested Parties, one Party had undertaken a revision of standards and certification procedures applied in its territory, concerning a safety mark system on ski equipment (TBT/M/24, paragraph 14). At its twenty-fourth and twenty-fifth meetings, the Committee noted that informal consultations were being held between interested Parties regarding the application of certification systems in another Party, in particular, on metallic tableware and sanitary fittings (TBT/M/24, paragraphs 54-58, TBT/M/25, paragraphs 22-23, TBT/M/26, to be issued shortly).

12. At its twenty-fourth meeting, the Committee noted that one Party had invoked the dispute settlement procedures under the terms of Article 14.25 of the Agreement, against a ban adopted in another Party, on the use of

hormonal substances in livestock production and that consultations were being held between the two Parties under Article 14.1 and 14.2 of the Agreement. Upon the request of one Party to the dispute, the Committee began an investigation of the matter, in accordance with the procedures of Article 14.4, at its meeting on 22 May 1987 in restricted session, and held three further meetings for this purpose, on 24 June, 23 and 28 July, and 16 September 1987. In a communication dated 13 July 1987, the same Party requested the establishment of a technical expert group, pursuant to Article 14.9 of the Agreement.

13. The 1987 Meeting on Procedures for Information Exchange was held on 13 October 1987, in conjunction with the twenty-sixth meeting of the Committee. The Committee took note of the oral report by the Chairman of that meeting (TBT/M/26, Annex) and adopted a decision on the provision of data on the number of enquiries received and answered by enquiry points under sub-paragraph (s) of Article 10.1 and 10.2 of the Agreement. It also adopted a decision relating to the acknowledgment of the receipt of enquiries. In connection with the notification procedures, the Committee agreed to amend its previous recommendation on the meaning of "significant effect on trade" in Article 2.5 to include any significant import-enhancing effects of a regulation on trade of other Parties. The Committee also took certain procedural steps to improve the implementation of its recommendation on the comment period of sixty days (TBT/M/26, to be issued shortly).

14. At its twenty-fifth meeting the Committee adopted a recommendation on the exchange of information on translation into a GATT language of documents relating to notifications, which would enable a Party to identify and contact any other Party who might be prepared to share their translation of documents on mutually agreed terms (TBT/M/25 and Annex).

15. The Committee completed its eighth annual review of the implementation and operation of the Agreement under Article 15.8 at its twenty-sixth meeting, on the basis of background documentation included in TBT/28, TBT/W/62/Rev.1 and Corrs.1 and 2, TBT/W/31/Rev.6 and TBT/W/25/Rev.11 (TBT/M/26, to be issued shortly).