

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

L/6403

10 October 1988

Limited Distribution

REPORT (1988) 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 29 October 1987 (L/6240)).
2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 13 September 1988, the following thirty-six 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, Greece, Hong Kong, Hungary, India, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom, United States and Yugoslavia. In addition, Argentina 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. The People's Republic of China has been granted observer status in the meetings of the Committee. 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/6240)

6. The Committee held its twenty-seventh, twenty-eighth and twenty-ninth meetings respectively on 10 March 1988 (TBT/M/27 and L/6348), 12 July 1988 (TBT/M/28 and L/6392) and 13 September 1988 (TBT/M/29, to be issued shortly and L/6402).
7. Greece and Mexico ratified the Agreement on 16 October 1987 and 9 February 1988, respectively. At its twenty-eighth meeting, the Committee noted the concerns about the lack of information regarding the status of the ratification procedures in Argentina and Rwanda.

8. At its twenty-ninth meeting, the Committee took note of an oral statement on the measures taken in Mexico to ensure the implementation and operation of the Agreement. The Committee also took note of a request by Mexico for a time-limited exception, under the terms of Article 12.8, from certain obligations under the Agreement. It agreed that it would revert to this matter at its first meeting of 1989 and that consultations would take place prior to that meeting. The Committee was also informed of a technical assistance seminar on the Agreement which had been organized by the Mexican authorities with the participation of representatives from two Parties and the secretariat.

9. At its twenty-seventh and twenty-eighth meetings, the Committee addressed a Nordic proposal concerning the updating of the definitions for terms used in the Agreement in the light of the recent revision of the ISO/IEC Guide 2 "General terms and their definitions concerning standardization and related activities" (TBT/W/103). Following its study of the changes in the definitions in the second and fifth editions of the ISO/IEC Guide 2 for a selection of terms used in the Agreement, the Committee noted that the definitions for several terms had not changed, and that changes in the definitions for certain terms and the introduction of new definitions for a number of other terms had enabled a better understanding of the meaning of these terms used in the Agreement. The Committee agreed to conclude, therefore, that the new and amended definitions in the ISO/IEC Guide 2 for terms used in the Agreement did not affect the substance of the Agreement but had in many cases improved the understanding of its relevant provisions (TBT/M/27, paragraphs 8-15, TBT/M/28, paragraphs 9-12).

10. At its twenty-seventh and twenty-eighth meetings, the Committee addressed a Nordic proposal which suggested the replacement, in Article 5, paragraph 2, of the term "self-certification" by the term "declaration of conformity" (TBT/W/103). It noted that because the definitions for these terms in the second and fifth editions of the ISO/IEC Guide 2 had not changed in substance, the suggested amendment, being of an editorial nature, would not affect the substance of the Agreement. The Committee endorsed the Nordic proposal and decided to proceed accordingly, at an appropriate time in future (TBT/M/27, paragraph 16, TBT/M/28, paragraphs 13).

11. At its twenty-seventh and twenty-eighth meetings, the Committee addressed two further Nordic proposals regarding the updating of the definitions and the explanatory notes in Annex 1 of the Agreement, and the inclusion of additional terms and their definitions in the same Annex (TBT/W/103), and agreed to postpone the discussion of these proposals until after the discussion of certain issues raised in connection to the improvement, clarification and expansion of the Agreement (TBT/M/27, paragraphs 17-19, TBT/M/28, paragraph 14).

12. At its twenty-seventh, twenty-eighth and twenty-ninth meetings, the Committee took note of the detailed comments and clarifications sought by a number of Parties with regard to: the proposals by the United States on "Procedures for Issuing Product Approval" (TBT/W/107), "Processes and Production Methods" (TBT/W/108), "Improved Transparency in Bilateral Standards-Related Agreements" (TBT/W/111), and "Improved Transparency in Regional Standards Activities" (TBT/W/112); the proposals by the European Economic Community on "Code of good practice for non-governmental bodies" (TBT/W/110) and on "Extension of Major Obligations to Local Government Bodies" (TBT/W/113), the proposals by Japan on "Transparency in the Operation of Certification Systems" (TBT/W/115) and on "Transparency in the Drafting Process of Standards, Technical Regulations and Rules of Certification Systems" (TBT/W/116). These proposals had also been submitted to the Negotiating Group on MTN Agreements and Arrangements (MTN.GNG/NG8/W/23, 24, 31, 32, 34, 35, 36, 37).

13. In its discussion of the relationship of the work of the Committee to the Negotiating Group on MTN Agreements and Arrangements, the Committee took note of the view of some Parties that non-signatory countries would have a particular interest in being informed of the discussion of the subjects relating to the improvement, clarification and expansion of the Agreement (TBT/M/28, paragraph 45).

14. At its twenty-eight meeting the Committee took note of a statement by the delegation of the United States which expressed its concern with the way the procedures for dispute settlement under the Agreement had been implemented in the United States' case against the EC Animal Hormone Directive (85/649/EEC) (TBT/M/28, paragraph 53).

15. At its twenty-ninth meeting the Committee heard a presentation by the observer from FAO/WHO Codex Alimentarius on a discussion paper on the Relationship between Codex Alimentarius Commission and the Committee on Technical Barriers to Trade. It also heard a presentation by the observer from the ISO on the activities of ISONET.

16. At its twenty-ninth meeting, the Committee concluded its third three-year review of the operation and implementation of the Agreement under Article 15.9. It took note of a number of issues raised in this context and agreed to revert to them at its future meetings.

17. The Committee completed its ninth annual review of the implementation and operation of the Agreement under Article 15.8 at its twenty-ninth meeting, on the basis of background documentation contained in TBT/29, TBT/W/62/Rev.1 and Corrs.1-3, TBT/W/31/Rev.6 and Corrs.1 and 2, and TBT/W/25/Rev.11 (TBT/M/29, to be issued shortly).