

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

L/6598

4 December 1989

Limited Distribution

REPORT (1989) 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 10 October 1988 (L/6403).

2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 30 November 1989, 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/6403)

6. The Committee held its thirtieth to thirty-third meetings respectively on 18 January 1989 (TBT/M/30 and L/6494), 16 June 1989 (TBT/M/31 and L/6600) 19 September 1989 (TBT/M/32 and L/6600) and 23 November 1989 (TBT/M/33 and L/6602).

7. Over the period under consideration, the Committee continued its discussion of a number of proposals made by Parties regarding the further improvement, clarification and expansion of the Agreement. In the area of conformity assessment, the Committee discussed the proposal by the Nordic countries on testing and inspection procedures (TBT/W/126) which combined the previous two proposals on testing procedures (TBT/W/118) and inspection procedures (TBT/W/119). It noted that, together with the proposal submitted

by the United States on product approval procedures (TBT/W/127), this proposal aimed at covering fully all three levels of procedures and activities leading to approval of products under the relevant provisions of the Agreement. (TBT/M/30, paragraphs 8-24, TBT/M/31, paragraphs 3-7, TBT/M/32, paragraphs 17-38, TBT/M/33). In this connection, the Committee was informed that definitions relating to conformity assessment had been prepared in the ISO/IEC Ad Hoc Working Group on Definitions and that, presently, these definitions were under consideration by the ISO member bodies (TBT/M/31, paragraph 18, TBT/M/32, paragraph 18). The Committee also took note of comments made by several Parties relating to the criteria for the use of international recommendations and guides in the Nordic proposal (TBT/M/30, paragraphs 11-14 and TBT/M/31, paragraph 3, TBT/M/32, paragraph 19-20). At its thirty-second and thirty-third meetings, the Committee took note of the detailed comments of Parties on the different elements of the proposal by the United States on product approval procedures (TBT/W/127, TBT/M/32, paragraphs 26-38, TBT/M/33). It also took note of a proposal relating to systems for the accreditation or approval of testing laboratories, inspection or quality systems registration bodies operated by central government bodies, which was introduced by the United States at the thirty-third meeting (TBT/W/133, TBT/M/33).

8. At the thirty-third meeting, the Committee had a preliminary discussion of the proposal introduced by the delegation of New Zealand which suggested the extension of the substantive disciplines of the Agreement to processes and production methods (PPMs) (TBT/M/33). At its thirtieth meeting, the Committee noted the draft definitions relating to processes and production methods suggested by the delegation of the United States in document TBT/W/108/Add.1 (TBT/M/30, paragraph 25-28).

9. During the period under review a number of proposals were submitted which had the objective of improving or expanding the provisions of the Agreement relating to transparency. In the discussion of these proposals, the Committee noted that the thrust of the proposal by the Nordic countries which suggests the incorporation of certain recommendations of the Committee under the relevant provisions of the Agreement, received general support. In the light of the comments made by other delegations the Nordic countries circulated a revised version of this proposal in document TBT/W/120/Rev.1. At the thirty-second meeting, the Committee heard further comments made by other Parties on the proposed provision relating to the timing of notifications and to the designation of an authority responsible for the implementation of the notification procedures (TBT/M/30, paragraphs 29-32, TBT/M/31, paragraph 9-11 and TBT/M/32, paragraphs 9-11). On the subject of transparency, the Committee continued the discussion of the proposal by the United States on improved transparency in bilateral standards-related agreements (TBT/M/30, paragraphs 33, 35-36 and TBT/M/31, paragraphs 12, 16-17, TBT/M/32, paragraphs 13-16, TBT/M/33). At the thirty-second meeting, it took note of a revised version of this proposal (TBT/W/128) which suggested that additional provisions be included under Articles 2, 5, 7 and 10 for notification of bilateral agreements on standards, technical regulations, testing, inspection and laboratory accreditation, product certification and other elements of product certification concluded between Parties, Parties and non-governmental bodies and regional bodies. Some Parties had questions regarding the

appropriateness of the provisions in this proposal that encouraged Parties to enter into consultations with other Parties for the conclusion of or participation in similar agreements. At the thirtieth meeting the Committee heard further clarifications by the delegation of Japan on the proposals by this country relating to transparency in the operation of the certification systems (TBT/W/115) and in the drafting process of standards, technical regulations and rules of certification systems (TBT/W/116). The Committee discussed briefly the proposal on the languages for exchange of documents submitted by India at the thirty-third meeting (TBT/M/33, TBT/W/129).

10. As regards the matter of second-level obligations, the Committee took note of comments made by a number of Parties concerning a proposal submitted by the delegation of the European Economic Community on a code of good practice for non-governmental standardizing bodies (TBT/W/124, TBT/M/32, paragraphs 39-47, TBT/M/33). The proposed code of conduct contained specific provisions with respect to the activities of non-governmental bodies and provided a monitoring system within the framework of the Committee. It was informed that this proposal would subsequently be followed by two others: one on conformity assessment procedures and one on local government bodies.

11. At the thirtieth meeting, the Committee took note of a written statement on the implementation and administration of the Agreement by Mexico (TBT/1/Add. 36/Suppl. 3 and Corr.1) submitted in accordance with Article Article 15.7 of the Agreement. It was also informed that, following the informal consultations held between Mexico and interested Parties, Mexico would withdraw its request for time-limited exceptions under Article 12.8 (TBT/M/30, paragraphs 4-5).

12. At the thirty-second meeting, the Committee took note of a statement by one Party which emphasized the importance attached to the development and adoption of international standards by the authorities in this country (TBT/M/32, paragraph 3). At the thirty-third meeting another Party gave information on the participation of a regional body in international standardization activities (TBT/M/33).

13. At its thirtieth and thirty-second meetings, the Committee took note of statements by the delegations of the United States and the European Economic Community on the United States case against the EC Animal Hormone Directive (85/649/EEC) and the recourse by the European Community to the GATT Council regarding the retaliatory measures announced by the United States (TBT/M/30, paragraphs 38-40, C/M/228, L/6438, TBT/M/32, paragraphs 49-50).

14. At its thirty-first meeting, the Committee heard an oral report by the Vice-Chairman on an informal gathering of persons responsible for information exchange held on 22 May 1989 (TBT/M/31, paragraph 19). In the light of the conclusions in that report, it agreed to amend the decision relating to the format and guidelines for notifications (TBT/M/32, paragraph 7, TBT/M/33, and TBT/16/Rev.4).

15. At its thirty-first meeting, the Committee heard a presentation by the observer from the FAO/WHO Codex Alimentarius Commission on a document entitled "Relations with the GATT Committee on Technical Barriers to Trade and the GATT Negotiations Group on Agriculture" (ALINORM 89/10) prepared for the eighteenth session of the Codex Alimentarius Commission held on 3-12 July 1989. It also took note of the views expressed by several Parties on the question of avoidance of duplication between the work under the Agreement and that of governments in the Codex Alimentarius Commission as set out in Article 13.3 of the Agreement and in accordance with the arrangements agreed to by the Committee (TBT/16/Rev.4, page 18 and TBT/M/31, paragraphs 20-25).

16. The Committee completed its tenth annual review of the implementation and operation of the Agreement under Article 15.8 at its thirty-third meeting, on the basis of the background documentation contained in TBT/31, TBT/W/62/Rev.1 and Corrs 1-4, TBT/31/Rev. 8 and TBT/W/25/Rev.12 (TBT/M/33).