

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

L/6726

15 October 1990

Limited Distribution

REPORT (1990) 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 4 December 1989 (L/6598).

2. The Agreement on Technical Barriers to Trade entered into force on 1 January 1980. As of 20 September 1990, the following thirty-seven signatories have accepted the Agreement under Article 15.1: Austria, Belgium, Brazil, Canada, Chile, The Czech and Slovak Federal Republic, Denmark, Egypt, European Economic Community, Finland, France, Federal Republic of Germany, Greece, Hong Kong, Hungary, India, Ireland, Israel, 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-one contracting parties have observer status in the Committee on Technical Barriers to Trade: Australia, Bangladesh, Colombia, Côte d'Ivoire, Cuba, Gabon, Ghana, Indonesia, 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/6598)

6. The Committee held its thirty-fourth to fortieth meetings respectively on 30 January 1990 (TBT/M/34), 27 February 1990 (TBT/M/35), 19 March 1990 (TBT/M/36), 30 April 1990 (TBT/M/37), 29 May 1990, 19 June 1990 (TBT/M/38) and 20 September 1990 (TBT/M/39).

7. Over the period under consideration, the Committee continued its discussion of a number of proposals submitted by Parties regarding the further improvement, clarification and expansion of the Agreement.

8. At its thirty-eighth and thirty-ninth meetings, the Committee had a preliminary discussion of a proposal presented by Canada which sought to bring certain clarifications to the existing requirements against unnecessary obstacles to trade in Article 2.1 of the Agreement concerning technical regulations and standards (TBT/W/144, TBT/M/38, paragraphs 5-16).

9. The Committee pursued its discussion of the proposal by New Zealand to extend the coverage of the Agreement to processes and production methods (PPMs). It heard detailed comments concerning the elements of the proposal relating to the question of the hierarchy between the different types of specifications, the establishment of the principle of equivalency of PPMs under the provisions relating to recognition of conformity assessment and the definitions relating to PPMs. It noted that the issue of PPMs had also been addressed in the Working Group on Sanitary and Phytosanitary Measures established under the Negotiating Group on Agriculture (NG5) (TBT/M/34, paragraphs 36-48, TBT/M/35, paragraphs 36-37, TBT/M/36, paragraphs 35-36, TBT/M/37, paragraphs 33-37).

10. In the area of conformity assessment, the Committee had a detailed examination of the proposals submitted by a number of Parties, namely the proposal on testing and inspection by the Nordic countries (TBT/W/126/Rev.1), on product approval procedures (TBT/W/127/Rev.1) and on improved procedures on systems for the accreditation or approval of testing laboratories, inspection or quality system registration bodies by the United States (TBT/W/133), on certification systems by Canada (TBT/W/135), and on conformity assessment procedures by the European Economic Community (TBT/W/138), on transparency of the drafting process of technical regulations, standards and certification systems and on transparency of the operation of certification systems by central government bodies by Japan (TBT/W/115 and TBT/W/116). These proposals suggested the improvement of the provisions of Articles 5 to 9 of the Agreement on testing and certification and their extension to a range of other procedures for assessment of conformity. In this connection, the Committee focused its discussion on the application of the basic principles in the Agreement, including the avoidance of unnecessary obstacles to trade and non-discriminatory treatment of imported products, on the specific provisions relating to administrative practices in the area of conformity assessment, on the use of international recommendations and guides as a basis for the relevant practices and on transparency of these procedures (TBT/M/34, paragraphs 19-29, TBT/M/35, paragraphs 7-32, TBT/M/36, paragraphs 3-26, TBT/M/37, paragraphs 3-23, TBT/M/38, paragraphs 17-18)

11. As regards the matter of second-level obligations in the Agreement, the Committee had before it a proposal by the European Economic Community concerning a code of good practice for the preparation, adoption and application of standards (TBT/W/137) to be subscribed to by standardizing bodies, whether at the central government, local government, non-governmental or regional level and which suggested the dissemination of information on the development of standards by these bodies through the ISO/IEC Information Centre. This proposal also suggested amendments to Articles 2 to 4 of the Agreement in view of the application of the proposed code of good practice. Following the questions raised by a number of Parties, the Committee took note of a feasibility study prepared

by the ISO Central Secretariat (TBT/W/146) which identified the possible implications of the implementation of the code of good practice from the standpoint of the various bodies that would participate in the proposed exchange of information, including the members of the ISO Information Network (TBT/M/36, paragraphs 27-31, TBT/M/37, paragraphs 24-31, TBT/M/38, paragraphs 19-24). Another proposal by the European Economic Community on this subject related to notification of technical regulations by local government bodies under Article 3 (TBT/W/147). The Committee also had before it a proposal by the delegation of the United States concerning transparency in regional standards activities (TBT/W/112, TBT/M/35, paragraphs 33-35, TBT/M/38, paragraph 25).

12. The Committee continued its review of the provisions in the Agreement relating to transparency on the basis of the proposals by the Nordic countries to improve these provisions (TBT/W/120/Rev.1) and to redraft Article 10 on information exchange in the light of the proposed provisions on conformity assessment procedures (TBT/W/141) and of a proposal by India concerning translations of documents covered by a specific notification in one of the official GATT languages (TBT/M/34, paragraph 6-13; TBT/M/35, paragraphs 4-5; TBT/M/36, paragraph 33). On the same subject, the Committee heard an exchange of views on a proposal by the United States on improved transparency in agreements concluded within the scope of the Agreement (TBT/W/128/Rev.1, TBT/M/34, paragraphs 15-18, TBT/M/35, paragraph 6, TBT/M/37, paragraph 14).

13. The Committee had an exchange of views on a proposal by the Nordic countries which suggested making the provisions of the Agreement on dispute settlement (TBT/W/134/Rev.1) compatible with the relevant elements of the Decision of the CONTRACTING PARTIES of 13 January 1989 (MTN.TNC/11, pages 24-31). In addition, the proposal suggested to modify the current procedures for the setting up of a technical expert group (TBT/M/34, paragraphs 49-50, TBT/M/37, paragraph 38, TBT/M/38, paragraphs 29-34).

14. The Committee took note of a proposal to amend the definitions in Annex 1 of the Agreement (TBT/W/145, TBT/M/38, paragraphs 26-28). The amendments suggested by the Nordic countries took into account the recent revisions to ISO/IEC Guide 2:1986 "General Terms and Their Definitions Concerning Standardization and Related Activities" (ISO/STACO 151).

15. At its thirty-eighth and thirty-ninth meetings, the Committee was informed that consultations had been held by two Parties with the Republic of Korea concerning a requirement relating to the safety and labelling of imported foodstuffs (TBT/M/38, paragraphs 3-4). At the fortieth meeting, the Committee heard the concerns expressed by another Party about a recent decision taken under the Food Sanitation Act (TBT/M/39, paragraph 5) of the Republic of Korea.

16. At its fortieth meeting, the Committee was informed that the Government of Finland had organized a seminar on 20-31 August 1990 for officials from developing countries Parties to the Agreement or observers to the Committee. The seminar had been organized by PRODEC (Programme for Development Cooperation in Helsinki School of Economics) in co-operation with GATT and with the support of the International Trade Centre UNCTAD/GATT and the International Organization for Standardization (TBT/M/39, paragraph 6).

17. The Committee completed its eleventh annual review of the implementation and operation of the Agreement under Article 15.8 at its fortieth meeting on the basis of the background documentation contained in TBT/32, TBT/W/62/Rev.1 and Corrs. 1-4, TBT/W/31/Rev.8 and Corrs. 1-2 and TBT/W/25/Rev.12 (TBT/M/39, paragraph 7).