

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/65

29 March 1979

Special Distribution

Multilateral Trade Negotiations

Group "Non-Tariff Measures"

Sub-Group "Technical Barriers to Trade"

MEETING OF MARCH 1979

Summing-Up by the Chairman

1. The Sub-Group met on 26 March 1979.
2. It invited the Secretary-General of UNCTAD or his representative to attend this session of the Sub-Group as an observer.
3. In the same way as its last session, it invited the Central Secretariat of the International Organization for Standardization (ISO) and the Central Office of the International Electrotechnical Commission (IEC) to attend this session of the Sub-Group in an expert capacity.
4. The Sub-Group noted document MTN/NTM/W/226 on the results of the Second International Conference on Recognition of National Programs for Testing Laboratories (ILAC/78) and agreed that once the text of the Agreement became public it might be communicated to ILAC.
5. The Sub-Group considered the revised text of the Agreement on Technical Barriers to Trade in MTN/NTM/W/Rev.4 and Corr.1.
6. Some delegations made points on a number of specific provisions in the text. One delegation stated, with reference to Articles 7.2 and 9.3, that it was their understanding that access relating to the use of any "standard mark" may be subject to the condition that the government of the suppliers' country accepts the responsibility for preventing the misuse of the standard mark.
7. The Sub-Group noted that any grant of technical assistance under Article 11 of the Agreement could include financial implications.
8. The Sub-Group discussed the provisions in the Agreement relating to non-contracting parties. The Chairman made a statement based on informal consultations with a number of delegations from developed and developing countries, on the aim of

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the negotiations foreseen in Article 15.2 and on a possible basis for these negotiations. At the request of the Sub-Group this statement is issued in MTN/NTM/W/230. The Sub-Group noted that the matters dealt with in this statement might be pursued in informal consultations.

9. The Sub-Group agreed to insert a number of amendments in the text of the Agreement. A revision of the text, which is issued on the responsibility of the Chairman and which incorporates the agreed amendments, is contained in MTN/NTM/W/192/Rev.5.

10. Delegations reserved the right to propose amendments to the French and Spanish texts in order to bring these into line with the English text.

11. Many delegations welcomed the text and a number of delegations stressed that it would form an important part of the global package in the negotiations. Many delegations stated that the text formed a reasonable compromise and a balanced whole. Many delegations stated that, taken as a whole, the text represented the most that could be achieved by way of a negotiated solution in this area and that the Sub-Group had carried the work on it as far as it could.

12. It was noted that the only remaining differences of view on the text in the Sub-Group, which related to procedural questions raised by certain paragraphs in the Final Provisions, were of a general nature and not specifically related to technical barriers to trade. Some delegations proposed that Article 15.1 be amended by the insertion of "after being adopted by the Trade Negotiations Committee" after "This Agreement shall." Some delegations proposed that, in Article 15.1, the words "and by governments having provisionally acceded" be inserted after "hereinafter referred to as 'the GATT'." Many delegations said that it would be desirable for the largest possible number of governments to join the Agreement. One delegation proposed that, in Article 15.5, the words "provided that by such date no less than two thirds of the total number of States parties to the Multilateral Trade Negotiations have accepted or acceded to the Agreement" be inserted after "1 January 1980". The Chairman stated that these differences of views would be drawn to the attention of the Chairman of the Trade Negotiations Committee, the body responsible for the overall conduct of the negotiations, with the suggestion that he consider, in consultation with delegations, how these matters could best be dealt with.

13. The Chairman concluded that the Sub-Group had taken its work on the text as far as it could and that it had therefore fulfilled the mandate which had been given to it.