

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/19

24 September 1975

Special Distribution

Multilateral Trade Negotiations

Original: English

Group "Non-Tariff Measures"

Sub-Group "Technical Barriers to Trade"

PROPOSAL BY NORDIC DELEGATION

1. Background

In their comments to the "Study on the Applicability of the ECE/ISO-Definitions for the Proposed GATT-Code" the Nordic delegations suggest for examination the application of the ECE/ISO-Definitions without any modifications of these as such. Any qualification of the ECE/ISO-Definitions which is required for the purpose of the code should be achieved through separate notes to this effect.

The aim of this paper is to make a contribution for such an examination. This examination is based on the above-mentioned study.

2. Notes to the ECE/ISO-Definitions

In order to keep the coverage of the Code as well as the obligations placed on adherents unchanged, notes are needed to the following ECE/ISO-Definitions:

2. Technical specification.

"For the purpose of this Code such technical specifications are excluded which deal with services, have the form of a code of practice or are proposed for use by a single enterprise, whether governmental, semi-governmental or non-governmental, either for its own production or purchasing purpose."

12 International standards organization,

15 International standardizing body, and

27 International certification system

"For the purpose of this Code it is sufficient that the membership of the standardizing body is open to relevant bodies of all adherents."

20 Conformity with standards or technical specifications

"For the purpose of this Code services are excluded."

3. Additional terms and definitions

In addition to the ECE/ISO-Definitions, following terms and their definitions are needed for the Code:

5.¹ Central government body

Central government, its ministries and departments or any body subject to the control of the central government in respect of the activity in question. In the case of the European Economic Community the provisions governing central government bodies apply.

6.² Local government body

Government body which is not subject to the control of the central government in respect of the activity in question, such as

- (i) the authorities of States, Provinces, Lander, Cantons, etc. in the case of a federal or decentralized system, and
- (ii) local government authorities.

7.² Regulatory body

Central or local government body or any other body which has legal power to enforce a technical regulation. This may or may not be the same body which prepared or adopted the technical regulation.

21.² Membership in a certification system (Membership in a quality assurance system or arrangement)

An adherent or a regulatory body or a certification body in the territory of an adherent has the same right and obligations as any of the other adherents, or regulatory bodies or certification bodies under the rules of the system, including the rights of participation in, and management of the system, and of formulating or amending its rules.

22.² Participation in a certification system (Participation in a quality assurance system or arrangement)

An adherent or a regulatory body or certification body in the territory of an adherent has:

¹ MTN/NTM/W/14 page 6

² MTN/NTM/W/14 pages 6, 9.

- (i) the same rights to furnish evidence of conformity of products with particular or voluntary standards or technical specifications and have it accepted, as members of the system, and
- (ii) the same obligations to accept such evidence itself as members of the system.

4. Drafting the Code

The present Annex 1 should be substituted by the set of ECE/ISO-Definitions with notes mentioned in Chapter 2 of this paper and additional terms and their definitions listed in Chapter 3 of this paper.

The whole text of the Code should be rewritten substituting in each case the present terms with the new ones according to the comparative list in the Annex of document MTN/NTM/W/14.

ECE definitions which would not be necessary for the purposes of the Code

5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 19, 22, 23, 26 plus the last two unnumbered definitions on page 39 of MTN/NTM/W/5.