

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## Multilateral Trade Negotiations

### Group "Non-Tariff Measures"

#### Sub-Group "Technical Barriers to Trade"

## TERMS ON WHICH NON-CONTRACTING PARTIES MIGHT ACCEDE TO THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

### Note by the Chairman

The following is the text of the statement made by the Chairman when reporting on informal consultations with a number of delegations from developed and developing countries at the meeting of the Sub-Group held on 26 March 1979. It is circulated at the request of the Sub-Group.

"As the text of the Agreement contained in MIN/NTM/W/192/Rev.5 makes clear, the terms to be agreed are to "relate to the effective application of rights and obligations under the Agreement."

"The aim of the negotiations on terms would be to secure an overall parity of rights and obligations as between Parties to the Agreement which are contracting parties to the GATT and those that are not, taking into account the particular situation of individual countries as relevant, for example their development, financial and trade needs. In the case of governments having provisionally acceded to the GATT, the terms would take into account rights and obligations in the instruments providing for their provisional accession.

"The following text might be used as a basis for the negotiations:

"A Party which is not a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which, had it been a contracting party to the GATT, it would have been debarred from taking by virtue of its GATT obligations. Likewise, a Party which is a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which it would be debarred from taking by virtue of its GATT obligations, had the other Parties in question been contracting parties to the GATT".