

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/246

13 June 1979

Special Distribution

Multilateral Trade Negotiations

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Suggested Rectifications of a Formal Character

Note by the Secretariat

In the Procès-Verbal embodying the results of the Multilateral Trade Negotiations, representatives acknowledged that the texts listed therein might be subject to rectifications of a purely formal character that did not affect the substance or meaning of the texts (MTN/28, paragraph 1). An airgram (GATT/AIR/1565) inviting delegations to communicate suggestions for formal rectifications to the secretariat by 1 June 1979 was circulated on 8 May 1979.

Listed below are suggested rectifications¹ to document MTN/NTM/W/192/Rev.5.

¹Corresponding rectifications to the French and Spanish texts are being circulated. Rectifications to the French and Spanish texts concerning only the alignment of those texts to the English text are being communicated directly to delegations using these languages. Other delegations wishing to have copies of these texts are invited to inform the secretariat (Tel. 31.02.31, Ext. 2385).

List of Rectifications to MTN/NTM/W/192/Rev.5

- Page 2: Remove the word "Draft" from the title.
- Page 4: Second paragraph: add after "... the General Agreement on Tariffs and Trade", "(hereinafter referred to as "the GATT")"
- Sixth paragraph, fourth line: add a comma after "deceptive practices".
- Seventh line: add a comma after "prevail".
- Page 5: The title "1. General Provisions" should read "Article 1. General Provisions". Similar changes should be made to the heading of the other articles throughout the text.
- The numbering of sub-sections should be changed. "1.1" should read "1", "1.2" should read "2", "1.3" should read "3" and so on throughout the text.
- Article 1.1, third line, should read "Nations system and by international standardizing bodies taking into ..."
- Page 7: The numbering of sub-sub-sections should be changed. "2.5.1" should read "(1)", "2.5.2" should read "(2)", "2.5.3" should read "(3)" and so on throughout the text.
- Article 2.5.1, second line: insert "parties in other" after "enable interested".
- Third line "... that they proposed to introduce ..." should read "that they propose to introduce ...".
- Page 8: Article 2.5.5, second and third lines: take out the words "upon request", now at the end of the second line, and insert them after "these comments" in the third line.
- Page 9: Article 2.7, second line: insert "parties in other" after "enable interested".
- Article 2.8, second line: "parties" should read "Parties".

- Page 10: Article 4.1, fourth line: the word "providing" should read "provided".
- Page 11: Article 5, title: "technical regulations or standards" should read "technical regulations and standards".
- Article 5.1.1, second and third lines: "like domestic or imported products" should read "like products of national origin or originating in any other country."
- Page 12: Article 5.2, third line: insert a comma after "Parties shall ensure".
- Article 5.4, first line: "Nothing in Article 5" should read "Nothing in this Article".
- Page 13: Article 7.2, seventh line: "from the importing adherent" should read "from an importing Party".
- Page 14: Article 7.3.1, second line "interested parties to become" should read "interested Parties to become".
- Article 7.3.2, first and second lines: "products to be covered including a brief description" should read "products to be covered by the proposed system together with a brief description".
- Article 7.4.1, second line: replace the comma after "certification system" by "and".
- Page 16: Article 9.2, fourth line: "the exception of 7.2" should read "the exception of Article 7.2".
- Page 18: Article 10.2.1, first line: delete the comma after "any standards adopted".
- Article 10.3, third line: "by interested Parties" should read "by interested parties".
- Fifth line: "of the party concerned" should read "of the Party concerned".
- Article 10.4, fourth line: "developing parties" should read "developing countries Parties".
- Article 10.5.3, first line: it should be made clear that the first word is "Parties".

- Page 21: Article 12.4, second line: insert a comma after the words "socio-economic conditions".
- Page 22: Article 12.6, second line: "on request" should read "upon request".
- Page 24: Article 13.3, third line: "Codex Alimentarius" should read "the Joint FAO/WHO Codex Alimentarius Commission".
- Page 25: The title before Article 14.3 should read "Dispute Settlement".
- Article 14.3, second line: "expeditiously resolved" should read "expeditiously settled".
- Article 14.4, second line: "any party" should read "any Party".
- Article 14.5, first line: insert a comma after "selecting".
- Second line: "Article 14.9 and 14.4" should read "Article 14.9 and 14.14".
- Second line: insert a comma after "the appropriate procedures".
- Page 26: Article 14.9, third line: "of any Party" should read "of any party".
- Seventh line: "consult with the parties" should read "consult with the Parties".
- Article 14.9, the last phrase "..., and whether a legitimate scientific judgment is involved." should read "..., and whether a scientific judgment is legitimately involved."
- Page 27: Article 14.11, fifth line: "agreement between the parties" should read "agreement between the Parties".
- Article 14.13, second line: "procedures in this Article, and any party" should read "procedures under the provisions of Article 14.9 to 14.12, and any Party".
- Article 14.14, fourth line: "request of any party" should read "request of any Party".
- Page 29: Article 14.23, next to last line: insert a comma after the words "GATT Article XXIII".

Page 30: Article 14.26, heading: delete "Retroactivity" and insert Compatibility of existing technical regulations, standards, methods for assuring conformity and certification systems

Article 15.1, second line: Replace "General Agreement on Tariffs and Trade, hereinafter referred to as "the GATT", by "GATT";".

Page 31: Insert new Article 15.2 to read:

"This Agreement shall be open for acceptance by signature or otherwise by governments having provisionally acceded to the GATT, on terms related to the effective application of rights and obligations under this Agreement, which take into account rights and obligations in the instruments providing for their provisional accession."

Article 15.2 becomes 15.3.

Article 15.3 (old numbering) becomes 15.4 and should read: "In regard to acceptance, the provisions of Article XXVI:5(a) and (b) of the General Agreement would be applicable."

Pages 31 and 32: Article 15.4 to 15.15 become Articles 15.5 to 15.16.

Page 32: Article 15.14 (old numbering), the references to Articles 15.9, 15.2 and 15.10 should read Article 15.10, 15.3 and 15.11.

Page 36: Definition 6, first line of explanatory note: "Commity" should read "Community"

Definition 7, second line: "lander" should read "länder".

Page 37: Paragraph 2, first line: "governments are parties" should read "governments are Parties".

Paragraph 3, first line: "The parties to a dispute" should read "The Parties to a dispute".

Page 38: Paragraph 4, second line: "parties and with" should read "Parties and with".

Third line: "report to the parties" should read "report to the Parties".

Fourth line: "submit to the parties" should read "submit to the Parties".

Last line: add at the end, "to this Agreement."

- Page 39: Paragraph 1, sixth line: "adherent" should read "Party".
- Paragraph 1, ninth line: "under Article 14.13" should read "under Article 14.13 or 14.14".
- Eleventh line: "The parties" should read "The Parties".
- Fifteenth line: "parties to a dispute" should read "Parties to a dispute".
- Page 40: Paragraph 3, first line: "Where the parties" should read "Where the Parties".
- Page 41: Paragraph 4, second line: "the parties and" should read "the Parties and".
- Third line: "report to the parties" should read "report to the Parties".
- Fourth line: "submit to the parties" should read "submit to the Parties".
- Last line: add at the end, "to this Agreement."