

MULTILATERAL TRADE
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COMMUNICATION FROM THE EUROPEAN ECONOMIC COMMUNITY

The following communication, dated 9 September 1987, has been received from the permanent delegation of the Commission of the European Communities, with the request that it be circulated to all participants in the Group.

The Agreement on Technical Barriers to Trade should be subject to review in the Group, particularly regarding the following items:

A. IMPROVEMENT

Code of good practice for non-governmental standardizing bodies

In order to make the obligations already laid down in Articles 4, 6 and 8 of the Agreement more concrete, and to provide some yardstick by which the performance of both Parties and private bodies could be measured, Parties might be obliged to take all reasonable measures to persuade private bodies to adhere to a voluntary code of good practice. This Code (to be drafted by the Committee) might include existing obligations of transparency, non-discrimination, etc., imposed on such bodies under the Agreement, perhaps in a more detailed or practical form.

Parties might notify to the GATT the names of the private organizations adhering to the Code, thereby providing a "register" by means of which the persuasiveness of governments in advocating the principles of the Agreement could be measured.

B. EXPANSION

Extension of major obligations under the Agreement to local government bodies (TBT/23)

Local government bodies might be bound by all major obligations under the Agreement, particularly those of notification (through the Parties) of proposed technical regulations or certification systems from which they are currently exempted. This would involve removing the clauses exempting such bodies from notification in Articles 3 and 8 of the Agreement.

The activity of local government bodies in the establishment of technical regulations or certification systems is insufficiently transparent because of the absence of any notification process under the Agreement. Parties have to rely on the "best efforts" of central governments, in accordance with Articles 3 and 8, to protect their interests, and tend to learn about creation of technical barriers to trade by local authorities after the event. A procedure by which local draft technical regulations which significantly depart from international standards, or previously notified national technical regulations, were systematically notified through the Party concerned to other Parties would increase the pressure upon local government bodies to take account of existing standards when formulating their regulations.