

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/W/47

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## Committee on Technical Barriers to Trade

### DRAFT MINUTES OF THE MEETING HELD ON 4 MARCH 1982

Chairman: Mr. K. Bergholm

1. The Committee on Technical Barriers to Trade held its ninth meeting on 4 March 1982.

2. The agenda of the meeting was as follows:	<u>Page</u>
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3. The Chairman, on behalf of the Committee, welcomed Egypt and Rwanda as new signatories to the Agreement.

A. Election of Officers

4. The Committee elected Mr. K. Bergholm (Finland), Chairman, and Mr. D. Bondad (Philippines), Vice-Chairman, for 1982.

B. Statements on Implementation and Administration of the Agreement

5. The Chairman called attention to statements issued since the last meeting by Argentina (TBT/1/Add.29/Suppl.1) and Pakistan (TBT/1/Add.30) as well as to the list of panelists for 1982 (TBT/W/25/Rev.4). He noted that some questions raised at the previous meeting had remained unanswered and hoped that full replies would be provided now.

6. The representatives of Argentina and Yugoslavia indicated that the ratification procedures in their countries were underway and that they would keep the Committee informed of any new developments.

7. The representative of Egypt said that his authorities would soon ratify the Agreement.

8. The representative of Japan said that his government had initiated an "open-market policy" on 21 January of this year. One aspect of this policy was the improvement of testing procedures. Among these some fell outside the scope of the Agreement, but the Japanese delegation would nonetheless provide information on them to the GATT secretariat, where it can be consulted by members of the Committee.

9. The representative of Canada said his government had recently approved a directive that would be issued to all government departments and agencies, concerning implementation of the Agreement. A copy would be provided to the secretariat for circulation to members of the Committee.

10. The representative of the United States welcomed the accession of Egypt to the Agreement and said that his authorities would seize every opportunity to assist Egypt in becoming a full adherent to the Agreement. The United States were presently establishing procedures to simplify and clarify the ways in which other signatories could raise issues with the United States Government in cases of alleged violation of the Agreement. His authorities had also addressed a series of questions to other signatories bilaterally; the purpose was to ensure that the United States enquiry points worked as efficiently as possible. He thanked other signatories for their favourable response to these enquiries and said that his delegation would compile the results and make them available to members of the Committee in due time.

11. The Committee noted the statements made and agreed to keep this item on the agenda of future meetings.

C. Regional Standards-Related Activities

12. The Chairman recalled the procedures agreed at the last meeting to deal with this question and called attention to the replies received from regional bodies, which appear in documents TBT/W/42 and Addenda. Additional replies were pending.

13. The representative of the United States said that his delegation held in reserve the idea of asking some regional bodies to make a presentation before the Committee, but whether they would actually do so would depend on the information received in writing from those bodies.

14. After a brief exchange of views, the Committee agreed to revert to this item at its next meeting in the light of additional information and replies received. On that occasion it would resume discussion of the issues raised in this connexion by some delegations.

D. Individual Standards-Writing and Certifying Bodies

15. The Chairman recalled that the Committee had adopted a procedure to deal with this item at its last meeting (TBT/M/8 section E). Information on those bodies had been circulated in documents TBT/W/44 and Addenda. He invited the Committee to discuss how to use the information available and what further work may be required in this area.

16. Several delegations noted that the information was incomplete and suggested that the secretariat should continue to collect material on the subject, so as to permit a full discussion on the issues at the next meeting of the Committee. The representative of France, supported by the United States, suggested that information should be supplied on testing and certifying bodies. The representative of Canada pointed out that bodies involved only in testing, were very numerous and that full coverage would therefore be difficult.

17. The representatives of Hungary and Romania said that there were no non-governmental bodies in their countries and recalled that they had already supplied information on their governmental bodies. The representative of Hungary added that he would submit observations in writing on the position of his delegation in this regard.

18. The Committee took note of the information so far submitted and of statements made in this regard, invited the secretariat to continue to collect relevant information and all Parties to provide such information on both standardization and certifying bodies. It would revert to the item at its next meeting.

E. Information on Existing International Standards

19. The information on this item is contained in document TBT/W/45.

20. The representative of the United States felt that the collection of information on international standards was primarily the responsibility of signatories and that the secretariat should not devote too much effort to this task. The representative of the European Economic Community, on the other hand, welcomed the work undertaken and agreed that the secretariat should proceed with it, so as to permit the Committee to have a meaningful discussion and to draw appropriate conclusions at its next meeting.

21. The observer from the International Electrotechnical Commission (IEC) offered the assistance of his organization to the secretariat to improve the listing of international standards.

22. In conclusion, the Committee invited the secretariat to pursue its work in this area in cooperation with relevant international standards organizations, including the ISO and IEC, on the understanding that the exercise was of a long-term character and that it should not be treated as a high priority item. It agreed to have an initial discussion of the matter at its next meeting and to revert to it at subsequent meeting as necessary.

F. Testing and Inspection

23. Information on activities of other organizations in this field was circulated in document TBT/W/43.

24. The Chairman indicated that the purpose of putting this item on the agenda was to draw attention to its importance in the context of standardization generally. The Committee was invited to consider how to use this information for purposes of the implementation of the Agreement.

25. The representative of Sweden, speaking for the Nordic countries, proposed that the document be revised so as to focus attention on the implementation of Article 5 and in particular Article 5.2, for instance by giving examples of testing and inspection arrangements and listing guides and recommendations adopted by international organizations such as EFTA, ISO, ILAC and UN/ECE.

26. The representative of the United States stressed that the Committee should avoid duplicating the work of other organizations in this area.

27. At the invitation of the Chairman, the observer from the International Standardization Organization (ISO) reported on the work under way in ISO/CERTICO in cooperation with ILAC and IEC concerning the revision of ISO Guide 25 on assessing the technical competence of testing laboratories.

28. The Committee invited the secretariat to continue to collect material relevant to the implementation of Article 5 of the Agreement, but without giving this task a high priority. It agreed to revert to this item at a future meeting in the light of progress made.

G. Publicity on Enquiry Points

29. Introducing the proposals contained in document TBT/W/41, the secretariat recalled the informal consultations between persons responsible for enquiry points which had taken place in October 1981 and noted that the common elements and layout suggested were intended to serve as guidelines for those Parties wishing to issue booklets on their enquiry points, which the Committee was invited to approve.

30. The representative of Sweden, speaking for the Nordic countries, supported by the representative of Japan, proposed that the Committee should recommend that each party to the Agreement issue a booklet on its enquiry point, and that, in so doing, it use the common elements appearing in Annex I of TBT/W/41 as a guideline.

31. The representative of the European Economic Community did not think that the Committee should decide that all Parties have to issue booklets. For its part, the European Economic Community intended to issue a brochure relating to the Community as a whole, but not necessarily giving detailed information on each element.

32. The representative of the United States said his delegation could agree with the proposals contained in TBT/W/41, and he indicated that his government had already published a booklet on the Agreement whose contents were consistent with these proposals.

33. Several delegations said either that they had no intention as yet to publish an information booklet or that they were not in a position to take a stand on the matter, although in general they were in agreement with the proposals contained in Annex I of TBT/W/41.

34. Noting that the Committee was not ready to take a decision on the subject, the Chairman suggested that it revert to it at its next meeting, taking into account the proposals contained in TBT/W/41 and the proposal made by the Swedish delegation on behalf of the Nordic countries. It was so agreed.

H. Preparations for the Third Annual Review and for the First Three-Year Review of the Operation and Implementation of the Agreement

35. The secretariat had circulated a paper on this subject (TBT/W/40) which contained specific procedural suggestions and an indicative time-table. The dates proposed for the submission of information or suggestions for items to be taken up in the Review were of an indicative character. In particular it was clear that delegations would be free to submit proposals for the Three-Year Review at any time.

36. The representative of the European Economic Community stressed that the discussion at the May meeting of the Committee would be of a preliminary nature and that it would probably be too soon then to decide what to include or not to include in the Three-Year Review. In the opinion of the Community, the Agreement had operated fairly well up to now, but it was too early to determine whether some revision of the Agreement might be needed already at the end of this year. He also said that should it be decided to undertake a revision of the Agreement, this would certainly require more than the three days provided for in October.

37. The representative of Sweden, speaking for the Nordic countries, said that it was premature to think in terms of amending the text of the Agreement, but that it might be necessary to go through it Article by Article in order to determine whether there was a need to complement the text by appropriate recommendations and interpretations of the Committee.

38. The representative of the United States indicated that there were certain subject matters which his delegation might wish the Committee to examine in connexion with the Three-Year Review, notably in connexion with the provisions of Article 15.9 relating to transparency. Also relevant in this connexion were processes and production methods, and he called attention to the document circulated at the request of the United States delegation on this subject (TBT/W/46).

39. The representative of New Zealand said his delegation expected that the Review should be completed as scheduled, that is, by the end of the year, and he reserved his country's legal rights under Article 15.9 in this respect.

40. In conclusion the Chairman noted that the Committee agreed to the indicative time-table suggested by the secretariat in document TBT/W/40, taking into account the fact that delegations would be free to submit proposals for the Three-Year Review after 15 April. At its meeting of 24-25 May, the Committee would discuss arrangements for the Three-Year Review. Referring to the date by which this process might end, the Chairman said that this would depend in part on whether amendments to the Agreement were proposed. He suggested that in order to assist the Committee in preparing for the Three-Year Review, the secretariat should establish a consolidated list of all decisions and recommendations adopted to date by the Committee concerning the implementation and interpretation of the Agreement, for consideration at the next meeting. It was so agreed.

I. Request for observer status

41. The Chairman drew attention to the request for observer status presented by the International Office of Epizootics.

42. The Committee noted the request and agreed to revert to the matter at its next meeting.

J. Preparatory Committee

43. The secretariat drew attention to the time-table adopted by the Preparatory Committee, in particular to the request that Committees established under the MTN Codes submit contributions they wished to make to the Ministerial Meeting by 20 April 1982. In the light of consultations held, it had appeared that the Committee on Technical Barriers to Trade would make an implicit contribution by way of the review that would be initiated later this year, but that the Committee as such had no other contribution to make at this stage. Of course, individual delegations would be free to raise matters in the Preparatory Committee which were relevant to the Agreement on Technical Barriers to Trade.

44. The Committee noted the programme of work of the Preparatory Committee and confirmed the conclusion reached in informal consultations with regard to its contribution to the Ministerial Meeting.

K. Request for Accession by Bulgaria

45. The observer from Bulgaria informed the Committee that, following the recommendations of the Working Party and of the Committee at its last meeting, his authorities had undertaken steps to pursue the negotiations on Bulgaria's accession to the Agreement. To this end, they had addressed an aide-memoire to the European Economic Community and its member States clarifying the position of Bulgaria and stating its concern to establish a balance of rights and obligations with other signatories. This related principally to the preservation of the integrity of the Agreement and of the multilateral character of the dispute settlement system. The GATT secretariat and the Chairman of the Committee had

been informed of the content of the aide-memoire. So far, no reaction had been received from the EEC or its member States, but he wished to express the wish of Bulgaria to pursue negotiations within the framework of the Working Party, if possible before the end of March, taking into consideration the interests of other countries, including small countries, and in particular the basic principles of the Agreement and of the GATT.

46. The Committee noted the statement by the observer from Bulgaria.

L. Date and Agenda of the Next Meeting

47. The Committee agreed to hold its next meeting on 24-25 May 1982.

48. The following items will be among those on the agenda:

- A. Statements on Implementation and Administration of the Agreement
- B. Regional Standards-Related Activities
- C. Individual Standards-writing and Certifying Bodies
- D. Information on existing International Standards
- E. Publicity on Enquiry Points
- F. Preparations for the Third Annual Review and the First Three-Year Review of the Operation and Implementation of the Agreement
- G. Request for Observer Status by the International Office of Epizootics