

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/M/Spec/4
16 October 1984

Committee on Technical Barriers to Trade

MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 1984

Chairman: Mr. H.W. Verbeek (Germany, F.R.)

1. At its fourth meeting in restricted session held on 11 September 1984, the Committee pursued its investigation under Article 14.4 of the Agreement, initiated in February 1984.
2. The representative of Spain drew attention to two lists respective to the status of applications, as of 7 September 1984, for type approval of heating radiators and electrical medical equipment in Spain. The updated information in these lists indicated that further examination of applications for type approval of heating radiators had been carried out since the previous meeting: thirty-seven domestically produced products were granted type approval and further data was requested on nine applications by domestic producers. The number of imported heating radiators that were granted type approval increased to eight. Eleven files concerning applications on imported products had to be completed with additional data before they could be examined by the relevant committees. It also appeared from the data submitted at the present meeting that no progress had been made with regard to type approval of domestic or imported electrical medical equipment. The meeting of the Commission responsible for examining the applications for such products, scheduled to take place on 15 July 1984 (TBT/M/Spec/3, paragraph 9), had been postponed to mid-September 1984.
3. In connection with electrical medical equipment, the representative of Spain also explained that, following the rules and regulations applied in his country, certain other conditions had to be fulfilled, in addition to the determination of conformity of imported products with technical specifications for health and safety reasons, before these products could be entered on a register of manufacturers in the Ministry of Industry and Energy. In general imported products which had been granted type approval were published in the Official Gazette. The Ministry of Industry and Energy would be making a written notification to the industry in question on type approval of imported heating radiators in this respect. Meanwhile, instructions had been given to customs offices before the effective publication in the Official Gazette so as to expedite imports of products for which type approval had been granted. Notices had also been sent to consumer affairs departments in order to ascertain the installation of type approved appliances in new buildings.
4. The representative of the European Economic Community noted that some progress had been achieved as to the number of applications for type approval of heating radiators. The Spanish authorities had also ensured his delegation that non-publication of the relevant notices in the

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Official Gazette should not be a new source of delay for imports of such products. No developments had, however been registered concerning applications for imports of electrical medical equipment. In view of this, his delegation and the delegation of Spain had agreed to postpone the deadline of 25 July 1984 agreed between the two delegations previously with regard to disposition of Spanish authorities on all pending applications (TBT/M/Spec/2, paragraph 15). The Spanish delegation had bound itself to take a position on a maximum number of applications for type approval of imports of these two products by 8 October 1984, after which date the two delegations would meet to take stock of the situation.

5. The Committee took note of these statements.

6. The representative of the European Economic Community reiterated his statement made at the previous meeting concerning the Royal Decree 2584/81 and in particular its Article 5.1.2 which stipulated that any apparatus which had been tested should be kept by the producing firm under seal and should not be marketed (TBT/M/Spec/3, paragraph 12). This measure led to tying up of a non-negligible share of capital with regard to electrical medical equipment since in this sector, in particular, a series of individual apparatus with high costs had to undergo testing. He suggested that the Committee request Spain to notify other Parties of the relevant provisions of the Royal Decree.

7. The Committee recommended that Spain notify the relevant provisions of Royal Decree 2584/81 to permit other Parties to examine them and comment upon them.

8. The representative of the European Economic Community stated further that in the light of information provided by the delegation of Spain to the Committee and of the commitment of the Spanish authorities to take a position on all imports of heating radiators and electrical medical equipment pending for type approval by 8 October 1984, his delegation suggested that the Committee should complete its investigation of the matter under Article 14.4. He added that, in so doing, the Committee still could avail itself of the possibility of keeping under surveillance the carrying out of its recommendations on the matter under Article 14.22. In this connection, his delegation reserved the right to take up the matter in a regular meeting of the Committee if it appeared that certain recommendations, adopted by the Committee had not been applied by the Spanish authorities.

9. The Committee took note of the statement by the representative of the European Economic Community and closed its investigation under Article 14.4 of the Agreement concerning procedures in Spain for type approval of heating radiators and electrical medical equipment. The Committee also agreed that if necessary, the matter could be brought up by any Party at its next regular meeting.

10. With regard to the matter on which the Committee had just completed its investigation, the representative of Canada declared that in the opinion of his authorities a decision by the Committee which would not be related in every sense to the provisions of the Agreement would in no way entail new obligations for Parties to the Agreement. The Committee took note of this statement.