

WORLD TRADE ORGANIZATION

G/TBT/Notif.99.84
5 March 1999

(99-0895)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>THE NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Justice Agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point – EC WTO-TBT Enquiry Point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Breathalyser
5.	Title, number of pages and language(s) of the notified document: Regulation of the Minister of Justice Dated, No., Designating Types of Appliances to Carry Out Breath Tests (Regulation on the type designation for Breathalyser 2)
6.	Description of content: In accordance with the 1994 Road Traffic Act, a person who is suspected of driving under the influence of alcohol may be requested to take a breath test (by blowing into a breathalyser). Article 3 of the Alcohol Tests Decree stipulates that, for these breath tests, an appliance is used which belongs to the type designated by the Minister of Justice. Article 2 of the Breath Test Regulation also stipulates that a breathalyser is only designated once it has been approved by an inspectorate based on the specifications included in the appendix to the Regulation. Both the above Decree and the above Regulation have been notified before. In the Regulation on the type designation of breathalysers, the so-called Alcotest was designated. This regulation was also notified because the designation of a breathalyser type to be used can be deemed as a technical regulation within the meaning of the TBT Agreement. Unfortunately, the fact was overlooked that, in the past, a different type of breathalyser had been designated as well, namely the "Datamaster". In addition, (in 1988) a previous model of Alcotest was also designated. These type designations have therefore mistakenly never been notified.

6.	Description of content: (cont'd): In order to still meet the obligations of the TBT Agreement, they are now notified to the WTO/TBT Secretariat in the form of a draft regulation.
7.	Objective and rationale, including the nature of urgent problems where applicable: The draft decree has been written in the interest of maintaining public order and safety. For the benefit of foreign products which meet the requirements, laid down in the country of origin, Article 1, paragraph 2 of the Regulation contains a clause of mutual recognition.
8.	Relevant documents: The Alcohol Tests Decree, the Breath Test Regulation and the regulations which mistakenly have not been notified (Decision by the Minister of Justice of 25 September 1987, No. 415/687, designating breathalysers of the National Patent Analytical Systems Inc. BAC Datamaster II type (Official Gazette 1987, 187) and the Decree by the Minister of Justice of 17 August 1988, No. 364/688, designating breathalysers of the Draeger Alcotest 7110-NL type (Official Gazette 1988, 190)).
9.	Proposed date of adoption: 15 May 1999 Proposed date of entry into force: 1 June 1999
10.	Final date for comments: 30 April 1999
11.	Texts available from: National enquiry point [X] or address, e-mail and telefax number of the other body: