

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/NOP/W/13**

10 May 1996

(96-1833)

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## **Working Group on Notification Obligations and Procedures**

### Information on Discussions Being Held in Various WTO Committees Related to Topics Under Examination in the Working Group

#### Note by the Secretariat

1. At the request of the Working Group at its meeting held on 16 April 1996 (G/NOP/6, paragraph 16), the Secretariat has assembled this note which sets out extracts from the minutes or reports of meetings of various WTO Committees containing references to their discussions on the topic of notification obligations and procedures.
2. It attempts to bring together these references under three of the same subject areas currently being examined by the Working Group; namely: (i) duplication/overlapping of notification obligations; (ii) simplification of data requirements and the standardization of formats; and (iii) compliance with notification obligations.
3. The extracts are generally drawn from the minutes and reports of meetings held in the first quarter of 1996 and the last half of 1995, in that order. They are not intended to be exhaustive but focuses on discussions of the broad aspects of these subjects rather than the operational details of the specific agreements.
4. Where the extracts contain lists of Members which had or had not provided notifications, such lists are not reproduced in this Note, rather the total number of Members involved is shown in brackets.

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**1. Duplication/Overlapping of Notification Obligations**

Committee on Agriculture Meeting of 20-21 November 1995

(G/AG/R/4, paragraph 27)

"27. Following the preliminary exchange of views at the September meeting on the possible overlap between the notification requirements under the Agreement on Agriculture and other WTO multilateral trade agreements, the Committee reverted to this matter on the basis of a Secretariat paper examining the notification requirements of the Agreement on Agriculture and the Subsidies Agreement (G/AG/W/13). The Committee took note that in the meantime the Chairman had conveyed, on his own responsibility as agreed at the September meeting, the preliminary views of the Committee to the Chairman of the Working Group on Notification Obligations and Procedures (G/AG/R/3, paragraph 30, refers). A number of Members expressed the view that there appeared to be little direct overlap between both Agreements. The representative of Canada suggested that the Committee consider the possibility of aligning the timing of notifications with respect to their submission and review in the Committees concerned. The representative of the United States suggested for consideration the possibility of making certain adjustments to the notification requirements under the Agreement on Agriculture with a view to meeting the minimum notification requirements under the Subsidies Agreement. The Committee agreed to revert to the matter at the appropriate stage. In this context, the representative of Australia reiterated his Government's interest in having the Committee consider a notification requirement for new or modified measures subject to reduction commitments (G/AG/R/2, paragraph 23, refers)."

Committee on Agriculture Meeting of 28-29 September 1995

(G/AG/R/3, paragraphs 7 and 30)

"7. Following an intervention by the United States, the representative of the European Communities raised the issue as to whether the WTO Agreement on Import Licensing Procedures was applicable to tariff quotas. The representative noted that there were differing views on whether the provisions of the Import Licensing Agreement applied to import licensing under a tariff quota regime."

"30. The Committee had a preliminary exchange of views regarding a communication received by the Chairman from the Chairman of the Working Group on Notification Obligations and Procedures seeking a contribution from the Committee on the matters under consideration in the Working Group. Views were expressed by a number of Members concerning the need to avoid duplication in WTO notifications. The Committee agreed to revert to the matter on the basis of a factual Secretariat paper examining the notification requirements of the Agreement on Agriculture and the Agreement on Subsidies and Countervailing Measures. The Committee agreed that, in the meantime, the Chairman would reply on his own responsibility to the Chairman of the Working Group indicating that it was essential that there should be full observance of the notification requirements under the Agreement on Agriculture, since these requirements are specifically tailored to obligations and commitments whose implementation the Committee is charged with reviewing; and that, while respecting notification obligations to other WTO bodies, practical arrangements should be explored under which overlap is avoided or minimized so far as the content and follow-up to such notifications are concerned to the extent that they relate to obligations or commitments within the purview of the Committee on Agriculture."

Committee on Sanitary and Phytosanitary Measures, Special Joint SPS/TBT Meeting on Transparency Procedures of 6-7 November 1995  
(G/SPS/W/33, paragraph 5)

"5. It was recognized that some regulations might contain elements relevant to both the TBT and SPS Agreements. If this were the case, it was suggested that there were two approaches which Members could follow in notifying the proposed regulation. Members could submit a single notification to the Secretariat (either for SPS or TBT), to be distributed as both an SPS and TBT notification, which clearly indicated which elements of the proposed regulation were sanitary or phytosanitary measures, and which elements were subject to the TBT Agreement. Alternatively, Members could submit two separate notifications, one under the SPS Agreement and another under the TBT Agreement, each of which would contain only those elements of the proposed regulation covered by the respective Agreement."

Committee on Subsidies and Countervailing Measures Meeting of 31 October 1995  
(G/SCM/M/5, paragraph 11)

"11. The Chairman noted that annual notifications under Article XVI:1 of GATT 1994 and Article 25 of the Agreement had been received only from [19 Members]. However, the overwhelming majority of Members had made no notification. There were also serious questions about the completeness of some of the notifications that had been received. Article 25 required notification of all specific subsidies. It imposed no limitations by sector nor did it relate only to subsidies directly related to trade objections. In this respect, Switzerland had notified that agricultural subsidies would be notified only to the Committee on Agriculture. There had been substantial discussion in the Working Group on Notification Obligations and Procedures regarding whether there was an overlap between subsidy notifications to this Committee and to the Committee on Agriculture, and there was room for reasonable differences of view on this issue. However, the Agreement at present was clear: the notification obligation related to all specific subsidies without sectoral limitation. Pending a decision to the contrary by the Members, the Chairman saw no basis under which a Member of this Committee could unilaterally modify its notification obligations."

*[See also paragraphs 13 to 32 for exchange of views on possible duplication between the Agriculture and Subsidy Agreements.]*

Committee on Technical Barriers to Trade Meeting of 1 March 1996  
(G/TBT/W/24, paragraph 31, draft report)

"31. She [the Chairperson] noted that for notifications of regulations which might contain elements relevant to both the TBT and SPS Agreements, it had been suggested that Members could either submit a single notification, clearly indicating which elements of the proposed regulation were sanitary or phytosanitary measures and which were subject to the TBT Agreement, and it would be circulated as both an SPS notification and a TBT notification by the Secretariat. Alternatively, Members could submit two separate notifications, one under the SPS Agreement and the other under the TBT Agreement, each of which would contain only those elements of the proposed regulation covered by the respective Agreements."

Committee on Technical Barriers to Trade, Special Joint Meeting of TBT and SPS Committees of 6-7 November 1995

(G/TBT/W/16, paragraph 5 - see also G/SPS/W/33, paragraph 5)

"5. The Secretariat made a presentation to clarify the difference in coverage of the TBT and SPS Agreements (G/SPS/W/32). It was recognized that some regulations might contain elements relevant to both the TBT and SPS Agreements. If this were the case, it was suggested that Members could either submit a single notification, clearly indicating which elements of the proposed regulation were sanitary or phytosanitary measures and which were subject to the TBT Agreement, and it would be circulated as both a SPS notification and TBT notification by the Secretariat. Alternatively, Members could submit two separate notifications, one under the SPS Agreement and another under the TBT Agreement, each of which would contain only those elements of the proposed regulation covered by the respective Agreement."

Committee on Import Licensing Procedures Meeting of 12 October 1995

(G/LIC/M/2, paragraph 21)

"21. On the question of possible duplication or overlapping of notifications, i.e. whether import licensing aspects associated with the administration of tariff quotas resulting from "tariffication" in agriculture should be notified to the Committee on Import Licensing or to the Committee on Agriculture, the Chairman recalled that at the informal meeting of the Committee, some delegations had preferred that separate notifications be made, one to the Import Licensing Committee, and one to the Agriculture Committee. In their view, the two notifications had different purposes and the details to be provided to the two Committees were not identical. Some other Members had felt that cross-references could be used in cases where the information notified to the Agricultural Committee was sufficient to fulfil the requirements of the Agreement on Import Licensing Procedures. Having regard to the requirements of this Agreement and to provide the necessary clarity, the Chairman proposed that all import licensing procedures, including those dealing with the administration of tariff quotas in agriculture, should be notified to the Committee on Import Licensing. Any problem that might arise relating to duplication or overlapping of notifications, as well as related questions of simplification, could be taken up as necessary, at the appropriate body, i.e. the Working Group on Notification Obligations and Procedures."

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## 2. Simplification of Data Requirements and Standardization of Formats

### Committee on Agriculture Meeting of 8 June 1995 (G/AG/R/2, paragraphs 2 and 4)

"2. The Committee adopted, pursuant to Article 18:2 of the Agreement on Agriculture, the notification requirements and formats as set out in the informal Secretariat document dated 2 June 1995 (issued as document G/AG/2)."

"4. The Chairman noted that it would be open to the Committee to review the notification requirements and their operation as and when appropriate. ..."

### Committee on Sanitary and Phytosanitary Measures Meeting of 15-16 November 1995 (G/SPS/R/3, paragraph 16)

"16. At its June 1995 meeting, the Committee approved a separate format to be used for the notification of emergency measures according to paragraph 6 of Annex B of the SPS Agreement (G/SPS/4). Recommended procedures for the use of such a format were subsequently suggested by the Secretariat (G/SPS/W/30). The Secretariat was requested to revise the recommended procedures to take into account the comments and suggestions made by delegations for consideration at the next meeting of the Committee."

### Committee on Sanitary and Phytosanitary Measures Meeting of 26-27 June 1995 (G/SPS/R/2, paragraph 7)

"7. The Committee agreed on clarifications to the recommended notification procedures (G/SPS/12/Rev.1) and on a format for emergency measures (G/SPS/4)."

### Committee on Subsidies and Countervailing Measures Meeting of 21 July 1995 (G/SCM/M/3, paragraphs 3-5)

#### "Questionnaire Format for Subsidy Notifications under Article 25 of the Agreement on Subsidies and Countervailing Measures and Article XVI:1 of GATT 1994"

3. The Chairman drew the attention of the Committee to document G/SCM/W/8, which contained the proposed new subsidy questionnaire developed by the Working Party on Subsidy Notifications, and to document G/SCM/W/40, which contained a communication from the EU suggesting a footnote to be inserted into the proposed format. Assuming the Committee approved the format, it would be sent to the Council for Trade in Goods for ratification, because the existing questionnaire format under Article XVI was adopted by the CONTRACTING PARTIES to the GATT 1947 and thus represented part of the GATT 1994.

4. ...

5. The Committee adopted the format as modified."

### Committee on Anti-dumping Practices Meeting of 30 October 1995 (G/ADP/M/4, paragraphs 39 and 55)

"39. The Chairman recalled that at its last meeting the Committee had discussed the possibility of adopting updated formats for semi-annual reports. The Secretariat had circulated to Members a proposed format for semi-annual reports, incorporating relevant changes adopted by the

Subsidies Committee, in document G/ADP/W/136. He proposed that the Committee adopt the format for semi-annual reports contained in that document, noting that it would be understood that paragraph 19 of the document applied only to cases covered by the WTO Agreement of Implementation of Article VI of the General Agreement on Tariffs and Trade 1994."

"55. The Chairman proposed that the Committee issue the minimum information guidelines which has been adopted by the Committee at its February special meeting, and which had been circulated in document G/ADP/W/134, as a Committee document. The Committee could of course revert to the guidelines at a later date to discuss any proposed modifications."

Committee on Anti-Dumping Practices Meeting of 12 June 1995  
(G/ADP/M/2, paragraphs 23 and 42)

"23. The Chairman recalled that at its meeting on 21 February 1995, the Committee adopted the guidelines for semi-annual reports contained in ADP/122 and agreed to continue to discuss those guidelines. It was suggested at that meeting that the Committee reconsider those formats in light of the new Agreement which may impose different or additional requirements. No Member had made any specific suggestions concerning such different or additional requirements. The Chairman observed that he was bringing this matter to the Committee's attention in order to ascertain whether in fact Members wished to reconsider the formats for semi-annual reports at this stage, and opened the floor for comments."

"42. The Chairman recalled that its meeting of 21 February, the Committee adopted the guidelines adopted by the Tokyo Round Committee on Anti-Dumping Practices and contained in document ADP/124, concerning minimum information to be provided in notifications of preliminary and final anti-dumping actions. It was suggested at that meeting that the Committee might wish to review document ADP/124 and if necessary modify or revise it to reflect any changes that might have been introduced by the new Agreement. It was also suggested at that meeting that the Committee might, if possible, agree on a format for these notifications. No Member had made any specific suggestions concerning modifications or revisions to ADP/124 and no suggestions had been made concerning formats for such notifications. The Chairman observed that he brought this matter to the Committee's attention merely in order to ascertain whether in fact Members wished to reconsider the minimum information guidelines or consider a possible format for reports of preliminary and final actions, and opened the floor for comments."

Committee on Technical Barriers to Trade Meeting of 1 March 1996  
(G/TBT/W/24, paragraphs 37-43, draft minutes)

"37. The Chairperson recalled that at that meeting [*special joint meeting on 6-7 November 1995*] it had also been suggested that the possibility of developing a single format for SPS and TBT notifications should be considered.

38. The representative of the United States clarified that her delegation had suggested in conjunction with Canada that it might be useful to minimize any unnecessary differences between the contents in wording of SPS and TBT notification formats to avoid confusion. However, the proposal was not to have a single notification format for the two Agreements. She nevertheless hoped that any change in the TBT notification format could be adopted also by the SPS Committee.

39. The representative of Canada said that the aim of the suggestion was to reduce any unnecessary administrative burden and facilitate the use of the formats by enquiry points.

40. The representative of the European Communities noted that the SPS notification format was initially prepared on the basis of the TBT format, but gradually small changes had been introduced to accommodate the SPS notification system. He considered the proposal unnecessary.

41. The representative of Australia noted that the two Agreements had similarities. Although a single format was an option for Members to use, it was not a mandatory procedure.

42. The representative of the Secretariat said that Members could design formats for their own use, and the Secretariat would continue to issue SPS and TBT notifications separately.

43. The Chairperson concluded that the existing practice and notification formats should be maintained. The Committee took note of the statements made."

Committee on Technical Barriers to Trade Meeting of 1 March 1996  
(G/TBT/W/24, paragraphs 44-46, draft minutes)

"44. The Chairperson drew attention to the proposal of developing a format for notifications under Article 10.7 of the Agreement. She noted that no notification had been received from Members under Article 10.7.

45. The representative of the United States suggested inviting the Secretariat to prepare a draft notification format for consideration at the next Committee meeting.

46. The Committee agreed to the suggestion of the United States."

Committee on Technical Barriers to Trade and Committee on Sanitary and Phytosanitary Measures  
Special Joint Meeting of 6-7 November 1995  
(G/TBT/W/16, paragraph 6 and G/SPS/W/33, paragraph 3)

"6. With respect to the notification formats under Articles 2, 3, 5 and 7 of the TBT Agreement, the following suggestions were made:

- (a) ...
- (b) ...
- (c) ...
- (d) the possibility of developing a single format for both SPS and TBT notifications."

Committee on Market Access Meeting of 14 March 1996  
(G/MA/M/5, paragraph 3.1.1)

"3.1.1 ... As concerned a possible format for notifications under this Decision [*Decision on Notification Procedures for Quantitative Restrictions*], he was prepared to carry out informal consultations, but suggested that this be kept under review for the time being until there is more information as to the nature of measures to be notified under this residual notification procedure."

Working Party on State Trading Enterprises Meeting of 13 November 1995  
(G/STR/M/2, paragraphs 69, 71 and 101)

"69. With the state trading notifications that had been made since March 1995, there was now a body - if incomplete - of information which would provide a basis for the review of

the adequacy of the questionnaire and the coverage of state trading enterprises notified under paragraph 1 of the WTO Understanding. He said that the review of the notifications just held had shown that in some cases, the information provided was not sufficient to permit an assessment of the state trading enterprises notified, even where the notification could be considered to be an adequate response to the questionnaire. He suggested that participants take up the elements in the questionnaire one by one, keeping in mind the results of that review. He noted that the Secretariat background paper contained a section on the 1960 questionnaire which might assist the Working Party in its considerations of this matter."

"71. The Chairman said that there were differing views regarding the questionnaire. One was that countries did not answer the questions, and another was that the questionnaire did not go far enough. The Working Party would have to determine whether the questionnaire met the perceived requirements of transparency or whether further information was needed."

"101. The Chairman said that the Working Party had had a useful first discussion of the adequacy of the questionnaire. He noted that the questionnaire had been in use since 1960, and that there had been considerable change during the past 35 years in the way trade took place. In particular, there had been considerable privatization in both developing and developed countries. He invited those delegations wishing to do so to submit written proposals regarding the revision of the questionnaire for circulation to Members and consideration at the next meeting."

Working Party on State Trading Enterprises Meeting of 6 April 1995  
(G/STR/M/1, paragraph 24)

"24. The Working Party took note of the statements and decided that all new and full notifications should be submitted not later than 30 June in every third year after 1995, and that the updating notifications due in each of the two intervening years should be submitted not later than 30 June of the respective year, it being understood that these dates could be altered by a decision of the Working Party."

Committee on Trade Related Investment Measures Meeting of 19 October 1995  
(G/TRIMS/M/3, paragraphs 24-25)

"24. The Chairman recalled that, at its meeting in June, the Committee had discussed a Secretariat proposal for a format for notifications under Article 5.5. It was generally agreed that this proposal was a good basis for developing a standard format. The Committee had decided to hold further informal consultations on this proposed format if necessary in light of specific drafting proposals by delegations. Such proposals had not been made, which suggested that the proposed format was acceptable to Members. The Chairman therefore proposed that the Committee adopt the draft format proposed in the Secretariat Non-Paper.

25. It was so decided."

Committee on Trade and Development Meeting of 17 November 1995  
(WT/COMTD/M/4, paragraph 55)

"55. The Chairman then recalled that the CTD was responsible for the notification requirements of Article XVIII: A, C and D, Part IV and the Enabling Clause. The Secretariat had responded to a request made at the Second Session that relevant documents containing notification obligations relating to development issues and past decisions of the CTD on the subject be circulated to Members. These documents were available in the room. Suggesting that the CTD address the notification requirements at its first meeting in 1996, he hoped the



discussion would clarify which notification obligations were relevant to the CTD, and whether there was the need to have standard formats for notifications."

Committee on Trade and Development Meeting of 14 September 1995  
(WT/COMTD/M/3, paragraph 7)

"7. On the question of notification requirements, the Chairman indicated that the seminar on notification obligations had been very useful and instructive. He recalled that the GATT 1947 Committee on Trade and Development dealt with notification requirements in 1965, 1966 and 1980; however, not all decisions taken on those occasions, were strictly followed and a number of points remained unsettled. He was of the view that given the importance the WTO attaches to notification obligations as exemplified by the establishment of a Working Group on Notification Obligations and Procedures, the Committee should devote some time to reviewing the notification requirements of the texts it had been given responsibility for - i.e. Article XVIII:A, C and D, Part IV, and the Enabling Clause. He asked delegations to reflect on this matter so as to allow a first exchange of views at the Committee on Trade and Development's November meeting. Following a request made by the representative of Argentina, the Chairman indicated that the Secretariat would circulate documents containing notification obligations related to development issues as well as past decisions of the Committee on Trade and Development on this matter. The Committee took note of the comments made."

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### 3. Compliance with Notification Obligations

#### Committee on Agriculture Meeting of 20-21 November 1995

(G/AG/R/4, paragraphs 15-16)

"15. The representative of Canada noted with concern that a number of Members had not yet implemented or complied with their market access notification requirements. He sought an indication from the Members concerned as to when they intended to comply with their commitments and notification requirements and what they envisaged doing in order to ensure that market access opportunities for 1995 were fully provided to Members. It was suggested that Members concerned consider practical steps to compensate for late implementation, including implementation of the second stage of tariff reductions at the beginning of 1996 and an additional allowance in terms of tariff quota access opportunities in the second year of implementation to compensate for late or non-implementation of tariff quotas in the first year of implementation.  
...

16. The Committee took note of the results of further work of the Secretariat on implementation dates for each type of commitment (G/AG/W/2/Rev.3). The Committee took note that most Members with Total AMS reduction commitments had yet to notify their respective applicable starting date in terms of the domestic support notification requirements. ... A number of Members expressed the view that a change of the implementation date of commitments constituted a change in commitment."

#### Committee on Agriculture Meeting of 28-29 September 1995

(G/AG/R/3, paragraph 21)

"21. The Committee took note of the results of further work of the Secretariat on implementation dates for each type of commitment (G/AG/W/2/Rev.2). Several Members expressed concerns regarding the failure of certain Members to fulfil notification requirements concerning market access and urged Members concerned to duly submit their notifications. They were concerned that only a few months remained in 1995 to implement market access commitments due in 1995."

#### Committee on Anti-Dumping Practices Meeting of 30 October 1995

(G/ADP/M/4, paragraphs 17 and 30)

"17. The Chairman reminded Members that the deadline for filing semi-annual reports was 31 August 1995. With few exceptions, reports were not received by that deadline. He regretted that such a large number of Members had as yet not filed their reports, particularly those Members who had in the past filed such reports, indicating that they had undertaken actions whose status should be reported to the Committee. If a Member had taken no actions, a simple one sentence notification to that effect would suffice. The Chairman observed that the failure of Members to submit semi-annual reports in a timely fashion limited the Committee's ability to consider the substance of the notifications, one of its most important tasks of surveillance and monitoring. Moreover the semi-annual reports submitted were often incomplete, lacking important required information such as the list of measures in force at the end of the reporting period. He urged Members to take their obligations with regard to notifications seriously and make efforts to improve their compliance."

"30. The Chairman noted that lists of these notifications [*preliminary and final anti-dumping actions*] were circulated to the Committee in documents G/ADP/N/5 and Corr.1, and G/ADP/N/6. Copies of the official notices of such actions taken by [*nine Members*] had been made available in the Secretariat for review. The Chairman considered that compliance with

this notification requirement had not been adequate, as some Members who submitted semi-annual reports indicating actions in progress had not submitted any reports of preliminary or final actions taken. He reiterated that these notifications were an essential element in permitting the Committee to perform its task of monitoring and discussing actions taken by Members. The failure of some Members to notify impeded the Committee from accomplishing its goal of considering Members' compliance with the requirements of the Agreement."

Committee on Anti-Dumping Practices and Committee on Subsidies and Countervailing Measures Joint Special Meeting of 23-26 October 1995  
(G/ADP/M/5 and G/SCM/M/6, paragraph 22)

"22. The Chairman briefly reviewed the status of notifications of legislation. He observed that, although the Chairmen of the Committees had, on 4 September 1995, sent a letter to all Members who had not yet notified their anti-dumping and/or countervailing duty legislation, 38 Members had not yet submitted a notification to the Committee. Those Members were: *[list of Members]*. The Chairman observed that, as the first anniversary of the coming into force of the WTO Agreement approached, he found this situation distressing, particularly since, for those Members who have no legislation, notification was a simple matter."

Committee on Anti-Dumping Practices and Committee on Subsidies and Countervailing Measures Joint Special Meeting of 17-21 July 1995  
(G/ADP/M/3 and G/SCM/M/4, paragraphs 15-16)

"15. The Chairman briefly reviewed the status of notifications of legislation. In addition to the Members whose legislation had already been scheduled for review, notifications had been received from *[31 Members]*. No notification had been received from *[43 Members]*.

16. The Chairman took the opportunity to consider what had been accomplished in the area of notifications of legislation, and what remained to be done. On the one hand, it was noteworthy that most albeit not all of the WTO Members who were known to have imposed anti-dumping and/or countervailing measures in the past had notified their legislation to the Committees. On the other hand, 43 members had not yet notified the Committees regarding the status of their legislation, if any. If these Members did not have any relevant legislation, it should be easy for them to notify the Committees of the fact. If they did have such legislation, it was important that it be notified, or if it was not possible to notify immediately, notify the Committees of the reason and provide an indicative date when notification would be made."

Committee on Anti-Dumping Practices Meeting on 12 June 1995  
(G/ADP/M/2, paragraphs 10, 34 and 46)

"10. The Chairman recalled that at its meeting of 21 February 1995, the Committee had decided that all Members would notify the full and integrated text of all relevant laws and regulations regarding anti-dumping duties to the Committee by 15 March 1995. If such legislation and/or regulations did not exist or if Members were not able to notify their legislation or regulations they were to provide a reason to the Committee as to why notification could not be made. To date, of 97 Members and 22 countries eligible to become original Members, 45 had either notified the text of legislation and regulations or had indicated why such a notification had not yet been made, and in most cases provided an indication as to when such notification can be made. Those countries are: *[list of members]*. ..."

"34. The Chairman recalled that a request for semi-annual reports for the second half of 1994 was circulated to members in document G/ADP/N/2 dated 30 January 1995. *[24 Members]*

had notified to the Committee that they took no actions during the period. No reports had been received from the following Members: *[48 Members]*."

"46. The Chairman observed that a list of the notifications of preliminary and final anti-dumping actions received by the Committee was circulated to the Committee in G/ADP/N/3. Copies of the official notices of such actions taken by *[6 Members]* had been made available in the Secretariat for review. Since that time, further notifications had been received from *[4 Members]*. A document identifying these notifications would be circulated shortly. The Chairman reminded Members that pursuant to the Committee's decision of 21 February 1995, all preliminary and final actions taken after the date of entry into force of the WTO Agreement's should be notified to this Committee. Members could indicate in their reports whether in their view actions were taken under the Tokyo Round Agreement or the Uruguay Round Agreement. Some Members did this while others did not. To the extent that an action reported was taken under the Tokyo Round Agreement, the Chairman noted that it might be more appropriately discussed during the meeting of the Tokyo Round Anti-Dumping Committee which would be held later that day."

Committee on Subsidies and Countervailing Measure Meeting of 6 March 1996  
(G/SCM/M/8, paragraphs 15 and 21)

"15. The Chairman drew the attention of the Committee to G/SCM/N/3/Add.1, which indicated the status of notifications pursuant to Article XVI:1 of the GATT 1994 and Article 25 of the Subsidies Agreement. Since that document had been circulated, an additional notification of subsidies has been received from Argentina and a "nil" notification from Swaziland. The status of notifications in this area was probably the worst of any in the WTO system. Thirty-two Members had notified subsidies and thirteen Members had notified that they had no notifiable subsidies. Seventy-four Members had made no notification whatsoever. The Chairman requested each Member present to inform the Committee of the status of its notification and when it expected to provide it to the Committee."

"21. The Chairman considered the situation regarding notifications to be completely unacceptable, and sought the guidance of delegations on how the Committee should proceed. He stated his intention that the Committee fix at its next regular meeting a date for a special meeting to review notifications and a procedure for conducting that special meeting. Unless the status of notifications improved substantially before that time, such a discussion could prove difficult."

Committee on Subsidies and Countervailing Measures Meeting of 31 October 1995  
(G/SCM/M/5, paragraphs 7 and 11)

"C. Preliminary and final countervailing duty actions notifications (G/SCM/N/8, 10 and 11)

7. The Chairman noted that lists of these notifications were circulated to the Committee in documents G/SCM/N/8, 10 and 11. Since the last regular meeting, *[4 Members]* had notified actions. The Chairman considered that compliance with this notification requirement had not been adequate. Members were required by Article 25.11 of the Agreement to report such actions "without delay" to the Committee. These notifications were an essential element in permitting the Committee to perform its task of surveillance of the implementation of the Agreement. Thus the failure of some Members to notify their actions was a matter of grave concern."

"D. Subsidy notifications

11. The Chairman noted that annual notifications under Article XVI:1 of GATT 1994 and Article 25 of the Agreement had been received only from [19 Members]. However, the overwhelming majority of Members had made no notification. There were also serious questions about the completeness of some of the notifications that had been received. Article 25 required notification of all specific subsidies. It imposed no limitations by sector nor did it relate only to subsidies directly related to trade objectives. ..."

*[See also paragraphs 13-32 of G/SCM/M/5 for exchange of views on possible duplication between Agriculture and Subsidy Agreements.]*

Committee on Subsidies and Countervailing Measures Meeting of 21 July 1995  
(G/SCM/M/3, paragraphs 6-8)

"B. Current Status of Subsidy Notifications under SCM Agreement Article 25 and GATT Article XVI

6. The Chairman said that the status of subsidy notifications was very poor. Although the deadline for submission of these questionnaires was 30 June, the Secretariat had received subsidies notifications to date only from the following twelve Members: ... . The failure to notify subsidies cut across all categories of Member: major developed country Members, developing country Members, and countries in transformation.

7. The Chairman also noted an overly-narrow view among certain Members of what is notifiable. All specific subsidies, regardless of trade effects and regardless of how structured, had to be notified. Also to be notified were all other subsidies to the extent they caused increased exports or decreased imports as provided for in GATT Article XVI. Where notifications were restricted to subsidies to one or a handful of products or to subsidies provided through formal programmes to the exclusion of *ad hoc* subsidies, the intent of the basic notification obligation was ill-served. Moreover, both agricultural and industrial subsidies had to be notified to this Committee.

8. The Chairman stated that the current low degree of compliance set a very bad precedent. Timely and substantively adequate notifications set the stage for substantive review and discussion in the Committee. This process allowed all Members the opportunity to bring up any concerns regarding another Member's notified subsidies. This was an efficient means to identify inconsistencies and ambiguities and to settle disagreements without resort to formal dispute settlement. When, as now, most Members were out of compliance with their notification obligations, such a system broke down. Virtually no Member was in the moral position to question other Members because of the widespread failure to notify."

Committee on Safeguards Meeting of 13-14 July 1995  
(G/SG/M/2, paragraph 15)

"15. The Chairman took advantage of the opportunity to consider what had been accomplished in the area of notifications of legislation, and what remained to be done. On the one hand, it was noteworthy that most of the WTO Members who had been known to impose safeguard measures in the past had notified their legislation to the Committee. In fact, most of these Members respected the 15 March indicative date set by the Committee. On the other hand, 52 Members had not yet notified the Committee regarding the status of their legislation, if any. If these Members did not have any relevant legislation, it should be easy for them to notify the Committee of that fact. If they did have such legislation, it was important that it

be notified, or if it was not possible to notify immediately, notify the Committee of an indicative date when notification will be made. The Chairman urged Members that had not yet done so to notify the Committee concerning their legislation at the earliest possible date. He observed that the notification of legislation is of vital importance to the Committee's ability to carry out its responsibilities under the Agreement, and reminded Members that, under Article 3 of the Agreement, until legislation or regulations establishing the procedures for imposition of a safeguard measure have been published, no safeguard actions can be taken under the Agreement."

Committee on Technical Barriers to Trade Meeting of 1 March 1996

(G/TBT/W/24, paragraphs 23 and 29)

"23. The Chairperson reminded Members that under Article 15.2 of the TBT Agreement, each Member should promptly inform the Committee in writing of measures in existence or taken to ensure the implementation and administration of the Agreement. She drew attention to document G/TBT/1/Rev.1 containing decisions adopted by the Committee concerning the contents of written statements. She said that up to the present only four Members had submitted their statements (G/TBT/2 and addenda). She urged Members to submit their statements promptly, since this was one of the main indicators of implementation of the Agreement by Members and also one of the main elements to be reported to the Singapore Ministerial Conference in December 1996."

"29. The Chairperson drew attention to the report on the Special Joint Meeting on Procedures for Information Exchange of the Committees on Technical Barriers to Trade and Sanitary and Phytosanitary Measures (G/TBT/W/16) which contained suggestions and proposals made at that meeting."

Committee on Customs Valuation Meeting of 24 October 1995

(G/VAL/M/2, paragraphs 4.1-4.2 and 4.7-4.8)

"4.1 The Chairman recalled that Article 22 of the Agreement required each Member to inform the Committee of any changes in its laws and regulations relevant to the Agreement and any changes in the administration of such laws and regulations. ...

4.2 The Chairman informed the Committee that, to date, only eight Members had made notifications. [7 Members] had submitted communications indicating that their legislation notified under the Tokyo Round Customs Valuation Agreement remained valid under the WTO Customs Valuation Agreement. ..."

"4.7 The Chairman recalled that the Committee, at its last meeting, had agreed on procedures for the submission of the checklist of issues (G/VAL/M/1, paragraphs 36-39); to date, only two Members [list of Members] had made notifications. ...

4.8 The Chairman drew attention to the fact that many Members had not made notifications. He urged Members who had not done so to submit the required notification as soon as possible."

Committee on Import Licensing Meeting of 8 March 1996

(G/LIC/M/3, paragraph 11)

"11. The Chairman recalled in this connection [notifications pursuant to Articles 1.4(a) and/or 8.2(b) (publications and/or legislation)] the agreement reached by the Committee at its last meeting that the first notifications under these two provisions should be made by 12 January 1996 and expressed concern that a vast majority of Members had not yet complied with this

requirement. He also urged Members which did not apply import licensing procedures or had no such laws and regulations to notify the Committee of this fact so that a complete picture could be obtained."

Committee on Rules of Origin Meeting of 1 February 1996  
(G/RO/M/5, paragraph 1.1)

"1.1 The Chairman recalled that since the last meeting, the Secretariat had circulated a document informing delegations of the notifications received [*notifications under Article 5 and paragraph 4 of Annex II*] (G/RO/N/6). He informed the Committee that since G/RO/N/6 was circulated, six additional Members had made notifications [*list of Members*]. To date, 38 Members had made notifications of non-preferential rules of origin and 36 Members had made notifications of preferential rules of origin. He expressed concern that a number of Members had not yet complied with the notification requirements. He also urged Members which did not apply rules of origin, non-preferential or preferential, to notify the Secretariat so that a complete picture could be obtained."

Committee on Rules of Origin Meeting on 16 November 1995  
(G/RO/M/3, paragraph 2.1)

"2.1 The Chairman expressed concern that despite the fact that the Secretariat had sent, as requested by the Committee at its last meeting (G/RO/M/2, paragraphs 17-18), reminders to those Members that had not yet complied with their notification obligations (telex to Heads of Delegations dated 28 June 1995), many Members had not made any notification. He also urged Members who do not apply rules of origin to notify this fact to the Secretariat."

Committee on Market Access Meeting of 14 March 1996  
(G/MA/M/5, paragraph 3.1.1)

"3.1.1 The Chairman recalled that the Decision on Notification Procedures for Quantitative Restrictions, contained in document G/L/59, had been adopted by the Council for Trade in Goods on 1 December 1995. In accordance with this Decision, Members were to submit to the Secretariat by 31 January 1996 complete notifications of the QRs which they maintained. On 7 February 1996, the Secretariat had issued a reminder to Members, in document WTO/AIR/266, to notify under this Decision. He noted that only 8 notifications had been received, as listed in document G/MA/NTM/QR/1. He urged Members to notify and noted that, if required, technical assistance could be provided by the Secretariat. ..."

Working Party on State Trading Enterprises Meeting of 20 February 1996  
(G/STR/M/3, paragraphs 2-4)

"2. The Chairman recalled that according to paragraph 5 of the Understanding on the Interpretation of Article XVII (the "Understanding"), the Working Party was tasked to review the notifications and counter-notifications on state trading submitted by Members, and that in the light of this review, the Council for Trade in Goods could make recommendations with regard to the adequacy of notifications and the need for further information. The Council for Trade in Goods, at its meeting on 20 February 1995, had established a deadline of 30 June 1995 for new and full notifications by Members on their state trading enterprises ("STEs"), and a formal request for such notifications had been circulated in G/STR/N/1 of 13 March 1995.

3. He said that he regretted to report that compliance with this obligation - leaving aside the issue of the 30 June deadline - had been far from complete. As of the date of circulation of the airgram convening the present meeting (5 February), a total of only 34 Members -

counting the 15 EC Member states as one - had submitted a notification in response to the March 1995 request. This situation was of serious concern, given that as of 22 February there would be 119 Members of the WTO, and in light of the need, expressed repeatedly by delegations in the past, for greater transparency in the trade conducted by state trading enterprises.

4. He noted that the WTO Understanding provided for the submission of counter-notifications where a Member felt that a notification by another was either incomplete or incorrect. Thus far, no counter-notifications had been received; however, in his view some of the questions that had been submitted could almost qualify as counter-notifications."

Working Party on State Trading Enterprises Meeting of 13 November 1995  
(G/STR/M/2, paragraphs 3 and 6)

"B. Review of the notifications submitted by Members in 1995 pursuant to the request for notifications in G/STR/N/1

3. He reported with some regret that compliance with this obligation - leaving aside the issue of the 30 June deadline - had been far from complete. As of 24 October 1995 (the date of the airgram for the meeting), a total of 25 Members had submitted a notification under Article XVII in 1995. A notification from one of the largest trading partners had been received only three days earlier, and in light of the delay in its submission was surprisingly thin and apparently incomplete. Several other Members - whose recent GATT Trade Policy Reviews indicated state trading activities - had failed to make any notification. At 13 November 1995, a total of 28 notifications had been received, four of which had been submitted too late for circulation in advance of the meeting. This situation was very disappointing, particularly in light of the need expressed at the last meeting for greater transparency in the trade conducted by state trading enterprises."

"6. He also recalled that at its first meeting, the Working Party had discussed the problem of non-notifiers and the possibility of requesting a written explanation for the failure to notify. While this approach had not been felt necessary, he said that it would seem appropriate, in light of the seriousness of this problem, to ask those delegations present which had not submitted a notification to provide some oral explanation."

Working Party on State Trading Enterprises Meeting of 6 April 1995  
(G/STR/M/1, paragraph 14)

"14. The Chairman recalled that the Understanding provided for the submission of counter-notifications where a Member felt that a notification by another Member was incomplete, incorrect or where no notification had been made, including in cases where nil responses were required. In view of the lack of consensus on the need for a written explanation of a failure to notify, he suggested as a compromise that at the present stage written explanations not be considered compulsory, but that soon after the 30 June 1995 deadline, a meeting might be called to discuss the issue of non-notification."