

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/NOP/W/6**

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

### NOTIFICATION REQUIREMENTS IN THE AGREEMENTS IN ANNEX 1A OF THE WTO AGREEMENT WHICH APPEAR TO HAVE SOME ELEMENTS OF DUPLICATION

#### Note by the Secretariat

1. It has been suggested in the Working Group that some element of duplication or overlapping of notification obligations might exist between certain agreements. The Group has held a preliminary discussion of this topic and the following agreements have been identified as possibly having elements of duplication or overlap: Agriculture/Subsidies; TRIMs/Subsidies; Agriculture/Import Licensing; and SPS/TBT.
2. At the meeting on 19 October 1995, the Secretariat was requested to prepare a Note on the notification requirements which appeared to have some element of duplication as cited in the Group, assembling the relevant language from the Agreements.
3. It has also been suggested, in general terms, that overlap might exist in respect of the notification requirements on regional arrangements/enabling clause, quantitative restrictions/obligations in a number of agreements, as well as in certain obligations in GATT 1947 vis-à-vis, obligations in GATT 1994 and the Agreements and Decisions associated with it. These have not been discussed in the Group and are not included in the present Note.
4. In setting out the notification requirements where duplication or overlap might exist, the Secretariat has underlined certain portions and added some brief explanatory notes, to assist the reader. The content and presentation in the Note is without prejudice to any positions which delegations might have with respect to the matters mentioned.

<p style="text-align: center;"><u>Agreement on Subsidies and Countervailing Measures</u></p>	<p style="text-align: center;"><u>Agreement on Trade-Related Investment Measures</u></p>
<p>3.1. "Except as provided in the Agreement on Agriculture, the following subsidies, within the meaning of Article 1, shall be prohibited:</p> <p>(a) ...</p> <p>(b) subsidies contingent, whether solely or as one of several other conditions, upon the use of domestic over imported goods."</p> <p>27.3 "The prohibition of paragraph 1(b) of Article 3 shall not apply to developing country Members for a period of five years, and shall not apply to least-developed country Members for a period of eight years, from the date of entry into force of the WTO Agreement."</p> <p>28.1 "Subsidy programmes which have been established within the territory of any Member before the date on which such a Member signed the WTO Agreement and which are inconsistent with the provisions of this Agreement shall be:</p> <p>(a) notified to the Committee not later than 90 days after the date of entry into force of the WTO Agreement for such Member; and</p> <p>(b) ..."</p>	<p><u>Annex</u></p> <p>Paragraph 1. "TRIMs that are inconsistent with the obligation of national treatment provided for in paragraph 4 of Article III of GATT 1994 include those which are mandatory or enforceable under domestic law or under administrative rulings or <u>compliance with which is necessary to obtain an advantage</u> and which require:</p> <p>(a) the purchase or use by an enterprise of products of domestic origin or from any domestic source, whether specified in terms of particular products, in terms of volume or value of products, or in terms of a proportion of volume or value of its local production;</p> <p>(b) ..."</p> <p><u>Article 5</u></p> <p>1. "Members, within 90 days of the date of entry into force of the WTO Agreement, shall notify the Council for Trade in Goods of all TRIMs they are applying that are not in conformity with the provisions of this Agreement. Such TRIMs of general or specific application shall be notified, along with their principal features."</p>

<u>Agreement on Subsidies and Countervailing Measures</u>	<u>Agreement on Agriculture</u>
<p data-bbox="220 349 336 376"><u>Article 25</u></p> <p data-bbox="220 383 775 506">2. "Members shall notify any subsidy as defined in paragraph 1 of Article 1, which is specific within the meaning of Article 2, granted or maintained within their territories."</p> <p data-bbox="220 925 759 1077"><b>Secretariat Note: As proposed at the September meeting of the Committee on Agriculture, the Secretariat is preparing a Note comparing the notification requirements of these two Agreements.</b></p>	<p data-bbox="823 349 940 376"><u>Article 18</u></p> <p data-bbox="823 383 1315 506">1. "Progress in the implementation of commitments negotiated under the Uruguay Round reform programme shall be reviewed by the Committee on Agriculture.</p> <p data-bbox="823 544 1385 759">2. The review process shall be undertaken on the basis of notifications submitted by Members in relation to such matters and at such intervals as shall be determined, as well as on the basis of such documentation as the Secretariat may be requested to prepare in order to facilitate the review process.</p> <p data-bbox="823 797 1385 1048">3. In addition to the notifications to be submitted under paragraph 2, any new domestic support measure, or modification of an existing measure, for which exemption from reduction is claimed shall be notified promptly. This notification shall contain details of the new or modified measure and its conformity with the agreed criteria as set out either in Article 6 or in Annex 2."</p>

Agreement on the Application of  
Sanitary and Phytosanitary Measures

Article 7

"Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B."

Annex B

5. "Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:

- (a) ...
- (b) notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account
- (c) ...
- (d) ...

6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:

- (a) immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s)".

**Secretariat Note: A document containing explanatory graphs on the coverage of the SPS and TBT Agreements is being circulated in G/SPS/W/32**

Agreement on Technical Barriers to Trade

Article 15

2. "Each Member shall, promptly after the date on which the WTO Agreement enters into force for it, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement. Any changes of such measures thereafter shall also be notified to the Committee."

Article 2

9. "Whenever a relevant international standard does not exist or the technical content of a proposed technical regulation is not in accordance with the technical content of relevant international standards, and if the technical regulation may have a significant effect on trade of other Members, Members shall:

- 9.1. ...
- 9.2. Notify other Members through the Secretariat of the products to be covered by the proposed technical regulation, together with a brief indication of its objective and rationale. Such notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account."

Article 2

10. "Subject to the provisions in the lead-in to paragraph 9, where urgent problems of safety, health, environmental protection or national security arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 9 as it finds necessary, provided that the Member, upon adoption of a technical regulation, shall:

- 10.1. Notify immediately other Members through the Secretariat of the particular technical regulation and the products covered, with a brief indication of the objective and the rationale of the technical regulation, including the nature of the urgent problems;"

Article 1

5. "The provisions of this Agreement do not apply to sanitary and phytosanitary measures as defined in Annex A of the Agreement on the Application of Sanitary and Phytosanitary Measures."

Agreement on Import Licensing ProceduresArticle 5

1. "Members which institute licensing procedures or changes in these procedures shall notify the Committee of such within 60 days of publication.
2. Notifications of the institution of import licensing procedures shall include the following information: ..."
3. "Notifications of changes in import licensing procedures shall indicate the elements mentioned above, if changes in such occur."

Agreement on AgricultureArticle 4

1. "Market access concessions contained in Schedules relate to bindings and reductions of tariffs, and to other market access commitments as specified therein."

Article 18

1. "Progress in the implementation of commitments negotiated under the Uruguay Round reform programme shall be reviewed by the Committee on Agriculture.
2. The review process shall be undertaken on the basis of notifications submitted by Members in relation to such matters and at such intervals as shall be determined, as well as on the basis of such documentation as the Secretariat may be requested to prepare in order to facilitate the review process."

**(Secretariat Note: The market access commitments referred to in Article 4.1 include tariff quota commitments. Also, the reference to "such matters" in Article 18.1 includes tariff quota administration which may include import licensing.)**