

Committee on Technical Barriers to Trade

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SPECIAL JOINT MEETING ON PROCEDURES FOR INFORMATION EXCHANGE  
OF THE COMMITTEES ON TECHNICAL BARRIERS TO TRADE AND  
SANITARY AND PHYTOSANITARY MEASURES

Report by the Chairperson

1. On 6-7 November 1995, a special joint meeting of the TBT and the SPS Committees was held to facilitate the implementation by Members of procedures for information exchange (notifications and enquiry points)(G/TBT/M/2, paragraph 58). It was agreed that no formal decisions would be taken at the meeting, but that any proposals emanating from the discussions would be brought to the attention of the separate Committees at their regular meetings.
2. The meeting was co-chaired by the Chairpersons of the TBT and SPS Committees. Representatives from 52 delegations attended the meeting, among them some from national enquiry points.
3. The agenda of the meeting contained in WTO/AIR/193 was adopted.
4. Under each agenda item, attention was drawn to the relevant provisions of the two Agreements and recommendations agreed by the respective Committees (G/TBT/1/Rev.2). Information on the operation of the Central Registry of Notifications and on the Working Group on Notification Obligations and Procedures was also provided. It was noted that while the notification obligations under Articles 2 and 5 of the TBT Agreement were an inter-governmental procedure, Enquiry Points were open to all interested parties.
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.
6. With respect to the notification formats under Articles 2, 3, 5 and 7 of the TBT Agreement, the following suggestions were made:
  - (a) under point 9, the title should be "Proposed dates of adoption and entry into force" so that information regarding the date of adoption and the date of entry into force could be provided separately;

- (b) under point 5 "Title and number of pages of the notified document", the language(s) in which notified documents are available should be indicated;
  - (c) the authority or agency designated to handle comments regarding the specific notification should be indicated on the format;
  - (d) the possibility of developing a single format for both SPS and TBT notifications.
7. Regarding notification obligations under Article 10.7 of the TBT Agreement, a suggestion was made that a notification format might be necessary.
8. The Secretariat indicated that the processing of notifications could be made more efficient if Members ensured that the notification formats were filled out completely and correctly. If Members prepare their notifications in more than one of the WTO working languages, they were encouraged to submit these also to the Secretariat.
9. The issue of derestricting notifications was raised. The Chairman of the SPS Committee recalled that both the SPS and TBT Agreements require governments to publish notice in a national publication of a proposed regulation and suggested further discussions in the Committees on the issue of derestriction. Were they to be derestricted, the possibility of making notifications accessible through Internet in order to make them more rapidly available was also discussed.
10. In processing requests for basic documents mentioned in notifications, it was suggested that Members use FAX facilities to the extent possible and that they acknowledge receipt of requested documents. Members were also encouraged to give favourable consideration to requests for extension of comment periods, in view of delays often experienced in receiving and translating the relevant documents.
11. With regard to the operation of Enquiry Points, the following suggestions were made:
- (a) the E-mail addresses, where available, be included on any revised list of Enquiry Points (G/TBT/ENQ document);
  - (b) the lists of Enquiry Points be made available as unrestricted documents;
  - (c) the Secretariat prepare a brochure which would provide a practical description of the functions of Enquiry Points, highlight the basic requirements and recommendations, and identify good practices in this regard.
12. The need for technical assistance to enable developing countries to establish and ensure the effective operation of their national enquiry points was raised, and developing country Members were encouraged to make known their needs in this regard.
13. The TBT Committee has taken a decision that regular meetings of persons responsible for information exchange including persons responsible for enquiry points will be held on a biennial basis (G/TBT/1/Rev. 2). In this regard, a suggestion was made that such special meetings should be scheduled to coincide more closely with a regular meeting of the Committee.