

WORLD TRADE ORGANIZATION

RESTRICTED

G/TBT/W/14

29 September 1995

(95-2868)

Committee on Technical Barriers to Trade

DECISIONS AND RECOMMENDATIONS TAKEN BY THE TOKYO ROUND COMMITTEE ON TECHNICAL BARRIERS TO TRADE

Note by the Secretariat

At its meeting of 21 April 1995, the WTO TBT Committee held discussions on the decisions and recommendations taken by the Tokyo Round TBT Committee relating to procedures for notification and information exchange (Items A, C, E and N of document TBT/16/Rev.7). At the same meeting, the Committee agreed that the Chairperson would hold informal discussions on how to treat the other decisions and recommendations contained in the document (G/TBT/M/1).

At its meeting of 14 July 1995, the WTO TBT Committee adopted decisions and recommendations on procedures for notification and information exchange (G/TBT/1/Rev.1).

Among the other decisions and recommendations contained in TBT/16/Rev.7, Item B "Projected Agenda" and Item L "Participation of observers" have been covered by the Rules of Procedure adopted by the Committee on 21 April 1995 and awaiting approval by the Council for Trade in Goods (G/TBT/1). Item K. "Accession of non-contracting parties" is no longer applicable to the WTO, and Item M. "ISO/IEC Code of Good Practice for Standardization" is obsolete.

Regarding the rest of the decisions and recommendations (i.e., Items D, F, G, H, I and J of TBT/16/Rev. 7), the Chairperson wishes to hold discussions on whether to retain or revise them. In order to facilitate discussions, the secretariat has updated the relevant decisions and recommendations (e.g., to reflect differences between the Tokyo Round and the WTO TBT Agreements in the numbering of Articles and paragraphs). Dates of meetings when the Decisions or Recommendations were discussed and taken are indicated under each Item.

D. LIST OF PRODUCTS COVERED BY THE NOTIFICATIONS

Background and Purpose:

With the purpose of clarifying what categories of products of importance in international trade are subject to notified technical regulations or certification systems, a list of such products covering the notifications made in 1980 to 1984 and including indications on where relevant international standardization work is taking place or will take place, is drawn up in document TBT/W/68/Rev.1.

Recommendation:

Members should circulate the list of products covered by the notifications, contained in document TBT/W/68/Rev.1 to their national standardizing bodies inviting them to take it into account in the work of international standardizing bodies in which they participate.

[Dates of meetings when the recommendation was discussed: October 1983 to February 1985 (TBT/M/14-18).

Date of meeting when the recommendation was agreed: 16-17 October 1984 (TBT/M/17).

Date when document TBT/W/68/Rev.1 was distributed: 6 May 1985.]

F. TESTING, INSPECTION AND TYPE APPROVAL

Use of ISO/IEC Guides:

Background and purpose:

In its discussion of furthering the objectives of Articles 5 and 6 of the Agreement, the Committee considered the following Guides of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) as providing an important contribution to the establishment of mutual confidence in conformity assessment activities between Members:

- | | |
|-------------------------|--|
| ISO/IEC Guide 25-1990 - | "General Requirements for the Competence of Calibration and Testing Laboratories"; |
| ISO/IEC Guide 39-1988 - | "General Requirements for the Acceptance of Inspection Bodies"; |
| ISO/IEC Guide 43-1984 - | "Development and Operation of Laboratory Proficiency Testing"; |

Accordingly, the Committee adopted the recommendations stated below:

Recommendations:

- (a) Any conformity assessment activity developed within the territories of Members should be based on the principles and rules presented in the ISO/IEC Guides 25, 39 and 43.
- (b) Members should provide information on national measures taken to promote the implementation of the principles and rules in ISO/IEC Guides 25, 39 and 43 as a basis for conformity assessment activities in their territories.

[Dates of meetings when the recommendation was discussed: February 1985 to June 1987 (TBT/M/18-25) and May 1993 (TBT/M/44).

Date of meeting when the recommendation was agreed: 13-14 October 1986 (TBT/M/23).

Dates when the recommendation was revised: May 1987 (TBT/16/Rev.3/Corr.1), February 1988 (TBT/16/Rev.4) and June 1993 (TBT/16/Rev.6).]

G. TECHNICAL ASSISTANCE

Procedures for exchange of information:

Background and purpose:

In considering the ways in which the provisions of Article 11 could be given operational significance, the Committee agreed to exchange information on technical assistance as follows:

Decision:

Specific needs for technical assistance as well as information that may be provided by potential donor Members on their technical assistance programmes may be communicated to Members through the secretariat. In agreement with requesting Members or potential donor Members, as the case may be, the information concerning specific needs and technical assistance programmes would be circulated by the secretariat to all Members on an informal basis. Whilst information would be multilateralized in this manner, technical assistance would continue to be provided on a bilateral basis. The secretariat would reflect the information circulated under this procedure in the documentation prepared for annual reviews of the implementation and operation of the Agreement if the Members concerned so agree.

Technical assistance would remain as an Item of the agenda of the Committee on a permanent basis and would be included on the agenda of a regular meeting of the Committee when so requested by a Member in accordance with the agreed procedures.

[Dates of the meetings when the decision was discussed: October 1983 to October 1984 (TBT/M/14-17)

Date of the meeting when the decision was taken: 16-17 October 1984 (TBT/M/17).]

H. APPLICABILITY OF THE AGREEMENT TO PROCESSES AND PRODUCTION METHODS (PPMs)

Information:

Background and purpose:

The question of the applicability of the Agreement to processes and production methods was discussed at the fifth, sixth and seventh meetings of the Tokyo Round TBT Committee. No consensus was reached. However, in order to allow exchange of information on this subject the Committee agreed to the procedures stated below.

Decision:

Delegations may make submissions to the Committee relating to PPMs that might create unnecessary obstacles to trade, which will be circulated to the Committee but not consolidated into a single document in the form of an inventory. Delegations should also be free to submit any relevant working documents and case studies of how the Agreement's coverage of PPMs could lead to the elimination of trade barriers. The secretariat will follow normal practice in circulating any documents submitted by Members on the subject.

[Dates of meetings when the decision was discussed: June 1980 to June 1981 (TBT/M/3-7) and October 1982 to October 1983 (TBT/M/11-14)
Date of meeting when the decision was taken: 12 June 1981 (TBT/M/7).]

I. REGIONAL STANDARDS-RELATED ACTIVITIES

Address by representatives:

Background and purpose:

The Agreement contains a number of provisions on regional standardizing bodies and systems for conformity assessment. In order to keep abreast of the activities of such bodies and systems, the Committee decided as follows.

Decision:

Representatives of regional standardizing bodies and systems for conformity assessment may be invited to address the Committee on their procedures and how they relate to those embodied in the Agreement, on the basis of agreed lists of questions.

[Dates of meetings when the decision was discussed: February 1981 to July 1984 (TBT/M/6-16).
Date of meeting when the decision was taken: 10 February 1983 (TBT/M/12).]

J. AVOIDANCE OF DUPLICATION

Avoidance of duplication with FAO/WHO Codex Alimentarius Commission:

Background and purpose:

Article 13.3 of the Agreement provides that unnecessary duplication should be avoided between the work under the Agreement and that of governments in other technical bodies, e.g. the Joint FAO/WHO Codex Alimentarius Commission. The Committee examined this problem and agreed to the following arrangements for avoidance of duplication with the FAO/WHO Codex Alimentarius Commission.

Decision:

- (a) The Committee on Technical Barriers to Trade will invite Codex Alimentarius to transmit copies of notifications which they receive from governments which are also Members to the WTO TBT Agreement for circulation to Members. As foreseen in Article 10.6, the WTO secretariat will provide Codex Alimentarius with copies of notifications made to it which relate to products of interest to Codex Alimentarius.
- (b) The secretariats of Codex Alimentarius and WTO will be invited to participate in meetings of the other organization as observers in discussions on Items of interest to them in accordance with the procedures adopted for the participation of observers.
- (c) Any Member which believes that problems of duplication may exist between the work under the Agreement on Technical Barriers to Trade and the Codex Alimentarius Commission can raise this matter in the Committee.

[Dates of meetings when the Decision was discussed: April 1980 and June 1980 (TBT/M/2-3).
Date of meeting when the Decision was taken: 19 June 1980 (TBT/M/3).]