1. The Committee on Technical Barriers to Trade held its twenty-third meeting on 13-14 October 1986.

2. The agenda of the meeting was as follows:

   A. Statements on implementation and administration of the Agreement
   B. Translation of documents relating to notifications
   C. Length of time allowed for comments
   D. Testing and inspection
   E. Improvement of transparency on bilateral standards-related agreements
   F. Improvement of transparency on regional standards activities
   G. Seventh annual review of the implementation and operation of the Agreement
   H. Relationship of the work of the Committee to the Uruguay Round
   I. Date of the next meeting on procedures for information exchange
   J. Derestriction of documents
   K. Report (1986) to the CONTRACTING PARTIES
   L. Date and agenda of the next meeting

A. Statements on implementation and administration of the Agreement

3. The representative of Sweden said that the National Board of Trade had issued a supplement to the Ordinance of 1973 which took effect from 1 July 1986. This new regulation laid down certain directives on information and consultation to be observed by the regulatory authorities responsible for proposing technical regulations or rules of certification systems which might
have trade effects. A special format would be used by these authorities when presenting the relevant data to the National Board of Trade.

4. The representative of Portugal informed the Committee that the Portuguese Institute for Quality (IPQ) had been established in the Ministry of Industry and Trade on 11 September 1986 by the Law Decree No. 183/86 of 12 July 1986. This new institute was likely to be designated as the enquiry point of Portugal under Article 10 of the Agreement.

5. The representative of Romania mentioned that the UN/Economic Commission for Europe Agreement on uniform conditions for mutual acceptance of homologation of motor vehicles and its fifty annexes, were presently being applied in his country. Romania had also entered into agreements with the relevant technical bodies in a number of countries on mutual acceptance of tests and inspection concerning safety of equipment under pressure and of lifting equipment.

6. The representative of the European Economic Community informed the Committee of a mutual recognition agreement that had been signed between the National Testing Laboratory Accreditation Scheme (NATLAS) in the United Kingdom and the Réseau National d'Essais (RNE) in France. By virtue of this agreement, the laboratories accredited by these two voluntary accreditation systems would be recognized as giving equivalent technical guarantees. The services of these accredited laboratories would be promoted in both countries.

7. The representative of India said that, since the last meeting, the enquiry point in his country had answered nine enquiries originating in other Parties and had attended to requests for documents relating to notifications by India. It had also responded positively to requests for the extension of the comment period in the case of two notifications in 1986.

8. The representative of the European Economic Community informed the Committee that his authorities would be holding informal consultations with the Japanese authorities concerning the introduction of some voluntary standards on ski equipment including skis, ski boots and ski bindings by the Japanese Consumer Products Safety Association (CPSA). These standards deviated considerably from the standards existing at the international level and their application would have adverse effects on the market penetration that had been achieved by exporters from the Community countries in this sector. The Community reserved the right to refer the matter to the Committee in the light of these informal consultations.

9. The representatives of Austria, Switzerland and the United States stated that their exports and, consequently, their trade interests, would be affected by the new standards. Accordingly, their authorities had also sought informal consultations with Japan. The representative of the United States said that his authorities had presented an aide-mémoire to the Japanese authorities regarding their lack of use of international standards on ski equipment.

10. The representative of Japan explained that the safety goods (SG) mark system was a voluntary certification system administered by a private body, the Consumer Products Safety Association (CPSA). In operating this system the government of Japan had taken the necessary measures which it considered to be entirely consistent with the provisions of the Agreement on
Technical Barriers to Trade. The CPSA had recently informed the MITI that, following requests from foreign countries and discussion of the matter within its organization, it had decided to review the SG-mark standard for ski equipment in close consultation with the International Standardization Organisation (ISO) by the Spring of 1987. The Japanese authorities concerned would see to it that the review work on the standards in question was carried out efficiently and expeditiously by the CPSA.

11. In response to a question by the representative of the United States regarding any developments in the procedures for ratification of the Agreement by Argentina, Greece and Rwanda, the representative of the European Economic Community said that the law relating to the ratification of the Agreement in Greece and the implementing decree stood a good chance of being adopted before the end of 1986.

B. Translation of Documents Relating to Notifications

12. The Chairman drew attention to the data which had been circulated informally on translations of documents relating to notifications into one of the GATT languages undertaken by governmental and non-governmental organizations in Canada, the European Economic Community, Hong Kong, Japan, Singapore and the United States. The representatives of Sweden and Switzerland said that documents relating to notifications by other Parties had never been translated in their countries. The representative of Sweden said that her authorities would provide forthwith a list of translations made in the past of national documents into one of the GATT languages and that reference to such translations had already been made in the relevant notifications. The representative of New Zealand said that agencies in the private sector made translations of foreign standards and technical regulations but it had not been determined whether such translations covered documents relating to notifications by other Parties. The representative of Japan said that the authorities in his country responsible for translations of Japanese standards-related documents would pursue their efforts to provide translations, or at least an English summary of these documents, to other Parties on a voluntary basis but that Japan should not be expected to undertake obligations that went beyond the provisions of Article 10.5.

13. The representative of the Philippines said that the data on translation facilities made available by a number of Parties showed the reasons why his country wanted the problem to be addressed. He noted that documents drafted in a non-GATT language comprised nearly half of documents notified by Parties to date. This gave an indication of the magnitude of the language obstacle which confronted Parties that lacked resources for translating documents of a highly technical or specialized nature. His authorities had often been unable to make comments on proposed regulations and rules because they had not been able to obtain the relevant texts in a GATT language.

14. The representative of Canada said that the number of translations made by his country on a no charge basis exceeded by far the total number of translations made by other Parties that had participated in the survey. Under the present circumstances, the burden of providing these translations in the way suggested in the Philippines proposal, would not be shared equitably between Parties. He said that translations of notified documents would only be useful if they were obtained within the period allowed for comments. He maintained that the exchange of information on translations through the secretariat would be impractical and would cause delays as
opposed to communication of such information directly between the Parties concerned. In response to a question by the representative of the European Economic Community, he said that his authorities were not merely concerned about the sharing of costs of translations but also about the legal and practical implications of exchanging translations among Parties. His delegation was prepared to examine any proposal made in the light of the data gathered on the translation facilities in Parties, which would also take into account the concerns expressed by his delegation on the matter.

15. The Committee took note of the statements made and agreed to take up this matter after informal consultations among interested Parties were completed.

C. Length of time allowed for comments

16. The representative of Finland, speaking on behalf of the Nordic countries, informed the Committee that their proposal on the length of time allowed for comments had been withdrawn, since the informal consultations held among interested delegations had not led to an agreed text to amend the existing recommendation. However, he expected that the discussions in the Committee on the issue would help to deal in a pragmatic way with the problem underlying this proposal. The representative of the European Economic Community said that, although his delegation had expressed reservations on a text that would take the form of a recommendation, the Community would see to it that, where possible, its member States presented their requests for extension of the comment period within the period of forty-five days. The Committee took note of the statements made.

D. Testing and inspection

17. The representative of the United States referred to the Nordic proposal in document TBT/W/94 and said that adherence to the ISO/IEC Guides mentioned in the first part of the proposed recommendation would be a useful step taken by Parties in the direction of increased acceptance of testing and inspection results. However, the second part of the recommendation seemed problematic on two points. The first question was on the nature of the competent national body which would grant accreditation to testing laboratories and inspection bodies. Would the proposed recommendation take into account different levels of accreditation existing in various Parties? Would the recommendation in the area of testing and inspection equally apply to accreditation schemes of private, voluntary and non-governmental bodies in the same manner as those of governmental bodies? In his country two institutions dealt with accreditation. The National Voluntary Laboratory Accreditation Program (NVLAP) was a voluntary program run by the National Bureau of Standards as part of the United States Federal Government effort. The Voluntary American Association for Laboratory Accreditation, on the other hand, had no affiliation to the United States Federal Government and developed both general accreditation schemes as well as schemes in specific product areas. The representative of the United States said that his second point related to the scope of accreditation. The concept of accreditation had not been established as a regulatory policy in all Parties. Promotion of accreditation by the Committee might therefore benefit some Parties more than others. Furthermore, the proposed recommendation was not explicit about those product areas where there were no accreditation schemes. In his country, for example, only a few export products were subject to accreditation.
18. The representative of the European Economic Community said that the second paragraph of the proposed recommendation failed to define the status of the competent national bodies that would administer the accreditation of testing laboratories or certification bodies. Private testing and inspection bodies were quite active in many countries. If the obligations and rights in this area were limited solely to bodies that were dependent on public entities, the proposed recommendation would not apply to those Parties that were in the process of deregulating gradually. At present several traditions of standardization were pursued in the Community countries and the European Economic Community, for its part, could only support a recommendation that covered both public and private bodies.

19. The representative of Finland, speaking on behalf of the Nordic countries said that the Nordic delegations also recognized the disparity in the status of accreditation bodies in different Parties and that the term "competent national bodies" referred to both public and private entities.

20. The representative of Japan said that the ISO/IEC Guides mentioned in the Nordic proposal would be instrumental in securing the reliability of testing and inspection in individual Parties. Meanwhile, the principles and rules contained therein remained general and could not be resorted to for acceptance of tests and inspection in all areas. He suggested that Parties should exchange information on the methods and criteria used in their countries for acceptance of foreign generated test data relating to specific product categories. The representative of Finland, speaking on behalf of the Nordic countries asked the Japanese delegation for additional guidance in this respect.

21. The representative of the European Economic Community said that his delegation supported the first part of the proposed recommendation in document TBT/W/94 and the work being carried out within the Community on accreditation and certification was based on the principles and rules presented in the ISO/IEC Guides mentioned in the proposal. The implementation of the ISO/IEC Guides in individual Parties would be a good move towards the accreditation of testing laboratories and certification systems but it would not necessarily lead to the mutual acceptance of test data among Parties. Parties should not be expected to accept results of tests and inspection performed in compliance with the ISO/IEC Guides as seemed to be suggested in the second part of the Nordic recommendation proposed in document TBT/W/94, because these Guides did not deal specifically with testing and inspection as such but with the evaluation of testing laboratories and inspection bodies. They incorporated some general recommendations on the nature and operation of testing laboratories and inspection bodies and stated the conditions under which the laboratories should operate, so that, provided that other conditions were fulfilled, the results of their testing and inspection could be accepted. There was a clear distinction between agreeing to the implementation of the Guides and accepting the results of tests and inspection that would be carried out in laboratories or bodies recognized as reliable by virtue of these Guides.

22. The representative of Finland, speaking on behalf the Nordic countries agreed that the adoption of the proposed recommendation would not solve the problem of mutual acceptance of test data. However, his delegation considered that the main obstacle of lack of confidence between testing laboratories and inspection bodies could be eliminated if accreditation was granted to interested parties in accordance with internationally agreed
criteria provided in the ISO/IEC Guides. He added that the Nordic proposal would only apply to those sectors where accreditation already prevailed.

23. In conclusion, the Committee considered the ISO/IEC Guides 25, 38, 39, 43 and 45 as providing an important contribution to the establishment of mutual confidence in testing and inspection activities between Parties and agreed to recommend that any testing and inspection activity developed within the territories of Parties be based on the principles and rules presented in these Guides. It also encouraged Parties to report on the use of principles and rules contained in these Guides as a basis for the activities of governmental and non-governmental bodies in their territories.

E. Improvement of transparency on bilateral standards-related agreements

24. The representative of the United States introduced the proposal circulated in document TBT/W/96. The representative of the European Economic Community said that the allegation that transparency in the area of bilateral standards-related agreements would assist Parties in ensuring their right to most-favoured-nation treatment under the Agreement seemed moot. A number of clauses in the Agreement did not observe the principle of "treatment no less favourable than". Moreover, bilateral standards-related agreements consisted of understandings and declarations between Parties and, in most cases, delegated authority to non-governmental or regional bodies operating in the field. He did not see the point in gathering information of general nature on these agreements without having any information on how they were put into effect. The representative of Finland, speaking on behalf of the Nordic countries said that while they supported the purpose of the proposal by the United States, but considered that its possible implementation would extend the range of obligations for notification under the Agreement and increase further the imbalance between Parties created by the present functioning of the notification system. On the other hand, he noted that the enquiry points established in Parties under the Agreement fulfilled their task satisfactorily and suggested that the recommendation already adopted by the Committee concerning the kind of information that the enquiry points should provide, should be amended so as to cover any bilateral standards-related agreements between Parties as well as between parties in their territories.

25. The Committee took note of the statements and agreed to revert to the proposal at its next meeting.

F. Improvement of transparency on regional standards activities

26. The representative of the United States said that the proposal on transparency on regional standards activities, which had been raised by his delegation during the three-year review of the Agreement, might be addressed in the new round of negotiations. He noted that obligations relating to regional standardizing bodies in Article 2, paragraphs 9 and 10 and to regional certification systems in Article 9, paragraph 3 would only be observed through the "best endeavours" of signatories participating in them. Some regional standardizing bodies did not provide any opportunity for suppliers from non-member countries to participate in the development of their standards or to receive certification under their system. In this connection, he referred to the European Conference of Posts and Telecommunications (CEPT), the participants of which were the postal and telegraph administrations in the European countries except in the United Kingdom, which was represented by its Department of Industry. Under its
current rules, CEPT developed recommendations or technical specifications without the participation of suppliers from any sources including the member countries. However, entities in closer contact with the European postal and telegraphic administrations might be providing their views to CEPT unofficially. Other suppliers would only have the opportunity to make comments on the technical specifications developed by CEPT once these were proposed as technical regulations by national authorities.

27. The representative of the European Economic Community said that the Agreement did not address the question of participation in regional standardizing bodies though it was the right of any Party to raise this subject in the new round. On the other hand, the Agreement required standards-making bodies of all kinds to provide a certain degree of transparency on the nature of their activities and CEPT was in the process of changing its informal procedures to allow this. Accordingly, all interested parties should be able to comment on its standards-making activities. He also added that common technical specifications produced by CEPT had never been adopted as national technical regulations.

28. The Committee took note of the statements made.

G. Seventh annual review of the implementation and operation of the Agreement


30. Under the review item on technical assistance, the representative of the secretariat reported on the seminar on technical barriers to trade organized by the Government of Finland in August 1986. The secretariat had co-operated with the Programme for Development Cooperation (PRODEC) in selecting the candidates and in the elaboration of the programme for the seminar. The seminar had been attended by seventeen officials from responsible ministries and standardization bodies in ten developing countries, (six of which were non-signatories), and by two observers. The ISO Development Programme, the Finnish Standards Association, the Finnish Ministry for Foreign Affairs, the Finnish Ministry of Trade and Industry and the GATT secretariat had provided speakers. Visits were made to the Finnish Standards Association, the Finnish Customs Administration and to various laboratories in Helsinki. The observer from Malaysia expressed the gratitude of his government to the Government of Finland for sponsoring the seminar and providing facilities for the participation of two officials from his country. The Committee took note of the statements made.

31. The Chairman declared that the Committee had concluded its seventh annual review of the implementation and operation of the Agreement under Article 15.8. Additional information provided by delegations during the review would be reflected in document TBT/25/Suppl.1, to be issued shortly.

H. Relationship of the work of the Committee to the Uruguay Round

32. The representative of the United States referred to Part I of the Ministerial Declaration on the Uruguay Round (MIN.DEC) and, more specifically, to the sub-heading on MTN Agreements and Arrangements under Section D dealing with subjects for negotiations. He suggested that,
notwithstanding the discussion on the organization of negotiations being carried out in other GATT fora, the Committee should establish a list of items that might be appropriately discussed in the new round of negotiations. Delegations could include in this list all those items that they had already proposed as subjects of further negotiations as well as any other items that they might wish to raise in the new round. The list would remain indicative and its preparation by the Committee would not prejudice the appropriateness of negotiating any items whether included in the list or not. The Chairman would provide this list of items to the Group of Negotiations on Goods (GNG) as opportune.

33. The representative of the European Economic Community said that the Committee could not prejudge the outcome of discussions on the organization of the negotiations which would determine whether the standards-related issues would be negotiated in the Committee on Technical Barriers to Trade or in a group that would report to the GNG. Meanwhile, he supported the idea of establishing a non-exhaustive list which might indicate the directions for negotiations in this field. The representative of Canada underlined that the preparation of a list should be without any prejudice to a decision as to the relationship between various MTN Committees and the new round. The representatives of Switzerland and the Philippines said that the list should be non-exhaustive and should allow Parties to bring forward any matters that they deemed appropriate in the course of negotiations.

34. In conclusion, the Committee agreed to the preparation of a non-exhaustive list of subjects that might be addressed in further improvement, clarification or expansion, as appropriate, of the Agreement in the Uruguay Round. The compilation of this list should not prejudge the appropriateness of including any of the issues contained therein or any other issues in the negotiations. Accordingly, it invited Parties to submit, by 15 November 1986, any items that had not already been raised in the context of the relevant discussions in the Committee, so as to enable the presentation of a note by the Chairman to the Group of Negotiations on Goods.

I. The next meeting on procedures for information exchange

35. The representative of the United States said that in most Parties, persons participating in the meetings on procedures for information exchange in the context of the Agreement were the same as those participating in the meetings of ISONET members. He suggested that the two meetings could be held around the same time, so as to ease the budgetary burden of participation without necessarily creating a formal link between their work. The Committee agreed to the suggestion by the representative of the United States, and decided to hold the next meeting on procedures for information exchange around the same time as the ISONET meeting in Autumn 1987 in Geneva.

J. Derestriction of Documents

36. The Chairman drew attention to a list of documents issued in 1986 and which were being proposed for derestriction in document TBT/W/97. He invited signatories to give their comments, if any, to the secretariat before 19 December 1986.

K. Report (1986) of the CONTRACTING PARTIES

37. The Committee adopted its report (1986) to the CONTRACTING PARTIES, which is contained in document L/6061.
38. The Chairman, responding to a question by the representative of Japan concerning the appropriateness of referring to ski equipment in paragraph 10 of the draft report as requested by other Parties, stated that a previous report of the Committee had specified the nature of the product category (L/5703, paragraph 5). The representative of Japan said that his government considered that the discussion reported in paragraph 10 was not related to the implementation of the Agreement and, therefore, should not be referred to in the report to the CONTRACTING PARTIES. The Committee took note of the statements made.

L. Date and agenda of the next meeting

39. The Committee agreed to hold its next meeting on 9-10 March 1987. The agenda of the meeting would include the following items:

2. Statements on implementation and administration of the Agreement.
3. Exception granted to India under Article 12.8 of the Agreement.
5. Improvement of transparency on bilateral standards-related agreements.
6. Improvement of transparency on regional standards activities.
7. Relationship of the work of the Committee to the Uruguay Round.