Note from the Delegations of the Nordic Countries

At its Annual Reviews the Committee has several times noted the significant difference in the number of notifications made by the Parties. In fact, some Parties have so far not made any notifications at all. This situation obviously threatens the balance of the rights and obligations of the Parties under the Agreement.

In order to improve this situation the Committee has already agreed on a number of recommendations concerning the notification procedures. The last of these recommendations dealt with the criteria for assessing the significance of the effect on trade of technical regulations. Parties have also been requested to provide information on how they in practice implement these criteria. From the information received one may draw the conclusion that the established criteria are adequate and do not cause any specific difficulties for the Parties.

The main problem in providing notifications probably is not so much the criteria applied as the difficulty to persuade the different national authorities to deliver necessary information on what they are preparing early enough. At least all the Nordic countries have encountered substantial problems in this respect. An exchange of information on procedures at the national level for gathering information on proposed technical regulations and rules of certification systems could therefore help to solve such problems and thus enable the Parties to fulfil their obligations on notification in a more balanced way.
The Committee has already at the beginning of its work adopted a decision concerning the statements on implementation and administration of the Agreement. According to this decision such "statement should cover the legislative, regulatory and administrative action taken ... to ensure that the provisions of the Agreement are applied." It also enumerates some issues that the statement should specify. The Nordic delegations propose that to this list of issues to be specified a new sub-item (f) should be added with the following wording:

"(f) specific measures to ensure that national authorities preparing new technical regulations or certification systems, or substantial amendments to existing ones, provide early information on their proposals in order to enable the Party in question to fulfil its obligations on notifications under Articles 2.5, 2.6, 7.3 and 7.4 of the Agreement."