COMMUNICATION FROM AUSTRALIA

The following communication, dated 22 June 1987, has been received from the delegation of Australia with the request that it be circulated to the members of the Group.
PROPOSAL

1. To assist the Group to establish an adequate data base for negotiation and to work towards a common understanding on appropriate techniques and procedures, this paper suggests that a new structure be agreed for the categories in which existing information on non-tariff measures is recorded. It proposes that the negotiating method by which any non-tariff measure may be liberalized should be the appropriate category for recording it. The four negotiating methods available to Contracting Parties appear to be the application of a formula, use of existing code procedures, development of new GATT rules or codes, and request/offer procedures. An outline of such a structure of NTM data is attached to illustrate the suggestion.

EXPLANATION

2. The Negotiating Plan for the Group indicates that the initial phase will include establishment of an adequate data base for negotiation. This task - and indeed resolution of other issues before the Group - may be facilitated if a fresh approach is adopted to structuring the information the Group already has.

3. As summarized in Document MTN.GNG/NG2/W/1, information on non-tariff measures has been collected in the GATT from the beginning. However, notifications have been made in several different formats, according to the requirements of the various working groups which have collected them. For example, information on non-tariff measures affecting agricultural products was organized within the eight categories of the AG/DOC series, but there are eleven categories under which quantitative restrictions are notified. The categories used for the inventory of non-tariff measures (industrial products) are different again, and predate the Tokyo Round.
4. These several sets of NTM categories were devised by their respective working groups some time ago as part of their initial work. In general, the groups were attempting to explore the extent of non-tariff measures, and to illustrate the policy considerations which gave rise to them; but the categories they used have not been re-ordered in the light of the progress in the GATT since the information was first collected. To assist this Uruguay Round Group in its aim to reduce or eliminate non-tariff measures, an up-to-date set of categories for recording information on non-tariff measures must be devised. At the very least, the achievements of the Tokyo Round in the negotiation of the several Codes need to be recognized.

5. It is suggested that the basis of a revised categorization of non-tariff measures should be the negotiating method by which their liberalization could be achieved. Thus negotiations on some kinds of non-tariff measures will focus on quantities, expressed either in value or in volume terms. It is possible to approach liberalization of such measures by means of an appropriate formula.

6. There will be certain measures, not susceptible of formula treatment, which are within the ambit of existing codes. If data appropriate to those issues were brought together, it would also be easier to identify any points on which improvements to the codes themselves might be sought. It would also be valuable to categorize and assemble data on issues in which the negotiation of new GATT rules or codes is foreseen by the Uruguay Declaration. If such an approach were adopted with these kinds of non-tariff measures, the Group would more readily be able to establish its relationship with other Groups charged with related responsibilities.

7. There will remain measures which do not fit into the above categories. In these cases, the most suitable negotiating method would appear to be bilateral or plurilateral request/offer processes, and available data could be categorized to facilitate these endeavours.
8. It should not be difficult to reassemble existing data in these suggested groupings. It is suggested that, in the first instance, the Secretariat should be requested to transfer current data to the new framework. Additional notifications according to the new categories could also be sought. The Group would then be in possession of a data base which would allow it to more readily assess the extent of particular kinds of non-tariff measures, and to provide other negotiating groups which will address related issues with data which specifically matches their negotiating responsibilities. In the process of agreeing on such a revised structure, it would also clarify for itself ways in which it may proceed beyond the initial phase of its work.
SUGGESTED STRUCTURE: GATT DATA ON QUANTITATIVE RESTRICTIONS AND OTHER NON-TARIFF MEASURES

CATEGORY 1. PRICE AND VOLUME-PRICING MEASURES CAPABLE OF LIBERALIZATION BASED ON A FORMULA

FOR EXAMPLE:

MOST QUANTITATIVE RESTRICTIONS
VARIABLE LEVIES

CATEGORY 2. MEASURES WHICH MAY BE CONSIDERED UNDER PROCEDURES WITHIN THE AMBIT OF EXISTING CODES

FOR EXAMPLE:

TECHNICAL BARRIERS TO TRADE

CATEGORY 3. MEASURES FOR WHICH NEW CODES OR CHANGES TO GATT RULES IN ACCORDANCE WITH THE URUGUAY ROUND DECLARATION ARE FORESEEN

FOR EXAMPLE:

SUBSIDIES AND COUNTERVAILING MEASURES

CATEGORY 4. OTHER MEASURES FOR WHICH REQUEST/OFFER PROCEDURES APPROPRIATE