SECURITY OF NON-TARIFF MEASURES CONCESSIONS

Submission by the United States

Scope of Proposal

For the purpose of this proposal, non-tariff measures are the totality of specific measures, not including tariff measures, where contracting parties have agreed to make concessions in the Uruguay Round and subsequent market access negotiations and as reflected in the schedules of concessions.

Schedules of Market Access Concessions

The United States proposes that concessions made on NTMs in the Uruguay Round be reflected, along with current and future tariff concessions, in a single GATT schedule of concessions for a contracting party. We do not see the benefit in establishing separate schedules for non-tariff measures. It is to the benefit of the international trading community to be able to consult one source to understand market access conditions.

In these schedules, contracting parties should be able to specify special conditions associated with their non-tariff measures concessions. We believe that this approach would provide a desired level of flexibility for the market access negotiations.

Protocol of Market Access Concessions

In addition to including NTMs in the schedules of concessions, the United States proposes that a Non-Tariff Measure protocol be agreed upon by contracting parties which would apply to all NTM concessions.

Protocol on Non-Tariff Measures

1. Contracting parties agree to eliminate, reduce the incidence, and/or take other actions specified in the attached schedules of concessions pertaining to non-tariff measures upon entry into force of this agreement. These actions shall include those instances when a contracting party has agreed to bind the absence of non-tariff measure.
2. Contracting parties agree not to re-impose those measures specified in the attached schedules of concessions at any level, without offering compensation and/or being subject to compensatory withdrawal of concessions from other contracting parties in accordance with Article XXVIII procedures of the General Agreement, except as provided for in paragraph (4).

3. Contracting parties agree not to impose additional measures which have the effect of nullifying or impairing the NTM concessions specified in the schedules without offering compensation and/or being subject to the compensatory withdrawal of concessions from other contracting parties in accordance with the Article XXVIII procedures, except as provided for in paragraph (4).

4. Contracting parties should avoid to the maximum extent possible imposing non-tariff measures permitted under the General Agreement or related agreements on products subject to concessions. Should a contracting party find it absolutely necessary to impose measures on those products subject to concessions which are permitted under the General Agreement and/or related agreements, it shall notify the Market Access Committee in accordance with the provisions of paragraph (5) and agree to consult with other contracting parties within thirty days of a specific request.

5. Notifications to the Market Access Committee shall include a description of the measure, list of products affected by the measure, reference to the relevant NTM concession(s) in the schedule, and indication of the relevant GATT provisions. These notifications shall be made as far in advance as possible of the imposition of the measure, and in no case later than thirty days after its imposition. Notifications shall be made to the Committee regardless of whether the measures have been notified in other GATT bodies. Contracting parties shall have the right to raise in the Committee any matter relating to these notifications and/or measures imposed by a contracting party. In this regard, contracting parties may cross-notify measures imposed by other contracting parties.

6. Disciplines provided in paragraphs (3) through (5) above shall apply except with regard to any special conditions specified and agreed to in the schedules of concessions.

7. The provisions contained in paragraphs (1) through (5) above are without prejudice to the provisions of the GATT and related agreements.