

GENERAL AGREEMENT ON

RESTRICTED

TBT/W/128/Rev.1
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TARIFFS AND TRADE

Special Distribution

Committee on Technical Barriers to Trade

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IMPROVED TRANSPARENCY IN AGREEMENTS CONCLUDED WITHIN THE SCOPE OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Revision

Proposal by the United States

Introduction

The United States previously submitted a proposal, "Improved Transparency in Bilateral Standards-Related Agreements" (TBT/W/111), which was subsequently revised in TBT/W/128. Notwithstanding the introduction appearing in the original proposal, the text of the proposal has been revised to take into account further comments received from many delegations.

As compared to the most recent version, this revision includes the following modifications:

- changing the notification obligation to be binding on "at least one Party to the agreement" to avoid any unnecessary duplication of notification implied by the previous wording ("Parties shall notify") in Articles 2.11, 5.5 and 7.6;
- deletion of the phrase "whether or not the agreements were concluded under the provisions of the TBT Agreement" under the proposed notification requirements (Articles 2.11, 5.5, 7.6);
- removing "bilateral" from the title of the proposal so that trilateral or plurilateral agreements fall within its scope; and
- modifying the proposed 10.1.6 to remove the reference to "bilateral" agreements, and to clarify the coverage of existing as well as proposed areas for coverage under the TBT Agreement.

Text of the Revised Proposal

Proposed additions to Article 2:

2.11 Whenever Parties have reached agreements on issues related to standards and technical regulations which may have a significant effect on trade and are concluded between Parties, or between Parties and

non-governmental bodies or regional bodies in other Parties, at least one Party to the agreement shall notify other Parties through the GATT secretariat of the names of adherents to bilateral agreements; the central government body responsible for their implementation; the title of agreements; the effective dates of adoption and entry into force; the products or sectors covered; and a summary of the general provisions of the agreements.

2.12 Upon request, Parties are encouraged to enter into consultations with other Parties for the purpose of concluding similar agreements or of arranging for the participation in such agreements.

Proposed additions to Article 5:

5.5 Whenever Parties have reached agreements on issues related to testing, inspection and laboratory accreditation which may have a significant effect on trade and are concluded between Parties, or between Parties and non-governmental bodies or regional bodies in other Parties, at least one Party to the agreement shall notify other Parties through the GATT secretariat of the names of adherents to bilateral agreements; the central government body responsible for their implementation; the title of agreements; the effective dates of adoption and entry into force; the products or sectors covered; and a summary of the general provisions of the agreements.

5.6 Upon request, Parties are encouraged to enter into consultations with other Parties for the purpose of concluding similar agreements or of arranging for the participation in such agreements.

Proposed additions to Article 7:

7.6 Whenever Parties have reached agreements on issues related to product certification which may have a significant effect on trade and are concluded between Parties, or between Parties and non-governmental bodies or regional bodies in other Parties, at least one Party to the agreement shall notify other Parties through the GATT secretariat of the names of adherents to bilateral agreements; the central government body responsible for their implementation; the title of agreements; the effective dates of adoption and entry into force; the products or sectors covered; and a summary of the general provisions of the agreements.

7.7 Upon request, Parties are encouraged to enter into consultations with other Parties for the purpose of concluding similar agreements or of arranging for the participation in such agreements.

Proposed addition to Article 10:

10.1.6 The provisions of agreements concluded on issues related to standards, technical regulations, testing, inspection, laboratory accreditation, product certification, or other elements of product approval, or the approval of laboratories or certification bodies.