

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

TBT/W/159
17 July 1992

Special Distribution

Committee on Technical Barriers to Trade

APPLICABILITY OF THE AGREEMENT TO LABELLING REQUIREMENTS

Proposal by the Chairman

The Chairman of the Committee on Technical Barriers to Trade is proposing that the Committee, on a lapse of time basis, consider for adoption the draft decision which appears below and which relates to the coverage of the Agreement in respect of labelling requirements.

Background and purpose

At the Committee meeting on 31 May 1991, one signatory asked for clarification of the coverage of the Agreement with respect to labelling requirements, and in particular the obligations under Article 2.5 of the Agreement to notify labelling requirements that do not contain "technical specifications" within the meaning of Annex 1 of the Agreement (TBT/M/40).

Informal consultations on this point took place on 28 June 1991; a note prepared by the secretariat on those consultations was circulated to Parties to the Agreement in TBT/Spec/23 (13 May 1992).

At its meeting on 28 April 1992, the Committee agreed that the Chairman should consult further to arrive at a conclusion to the issue (TBT/M/42, paragraph 52). Those consultations have now been completed to the satisfaction of all Parties involved, and the Chairman is in a position to propose a conclusion to the issue.

The Chairman's proposal is that the Committee adopt the draft decision which appears below. Given the difficulty of scheduling a meeting of the Committee with the sole purpose of adopting the draft decision before the summer break, and given that at the informal consultations in June 1991 only one delegation voiced doubts about the substance that is reflected in the draft decision, and that those doubts have now been laid to rest, the Chairman is proposing that the Committee adopt the draft decision on a lapse of time basis. Consequently, Parties to the Agreement are invited to contact the Secretary of the Committee (Mr. R. Eglin, 739-5148) before 7 August 1992 if they have any objection to the adoption of the draft decision; in the absence of any such objection by that date, the draft decision shall be deemed adopted by the Committee.

Draft Decision

In conformity with Article 2.5 of the Agreement, Parties are obliged to notify all mandatory labelling requirements that are not based substantially on a relevant international standard and that may have a significant effect on the trade of other Parties. That obligation is not dependent upon the kind of information which is provided on the label, whether it is in the nature of a technical specification or not.