

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/W/2

27 February 1980

Special Distribution

Committee on Technical Barriers to Trade

NOTIFICATIONS

Note by the Secretariat

The following modus operandi is suggested for notifications under the Agreement in response to a suggestion by the Chairman at the meeting of the Committee on Technical Barriers to Trade on 28 January 1980.

1. Format

Notifications should be made in one of the official languages of the Agreement (Article 10.6). They should be brief, indicating (a) the provision of the Agreement under which the notification is being made; (b) the party proposing to adopt or which has adopted a regulation, a standard or a certification system; (c) the products covered, if possible indicating the CCCN tariff heading under which the products fall; (d) the objective and rationale, e.g. "safety".

2. Circulation

(a) To avoid delays, notifications should preferably be sent by telex, otherwise by airmail, to

Mr. J. Nusbaumer,
GATT,
Centre William Rappard,
154, rue de Lausanne,
CH-1211 Genève 21.

Telex: Att. Mr. J. Nusbaumer
CH-28787

(b) The secretariat will translate each notification into the other official languages of the Agreement and distribute it to permanent missions of signatories. Permanent missions would be responsible for transmitting the information back to capitals. It is recommended that this should be done without delay (i.e. by telex or airmail).

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(c) The secretariat will be in touch with individual developing country Parties to the Agreement to identify products of particular interest to them, in order to enable the secretariat to draw their attention to any notifications relating to such products (Article 10.4).

(d) The secretariat will revert to the question of distribution of notifications to interested international standardizing and certification bodies (Article 10.4).

3. Timing

(a) It is the secretariat's understanding that notifications under Article 2.5.2 and Article 7.3.2 would be made at the same time as publications under Article 2.5.1 and Article 7.3.1. The obligation to inform "at an early appropriate stage" is understood by the secretariat to mean a stage at which ideas had crystallized enough for a paper to be ready on which it would be possible to comment, but at which there was still room for modifications to be made if this were appropriate as foreseen in the Article. The situation may differ from country-to-country and case-by-case, and a government is not precluded from publishing an earlier notice at a time when a technical regulation or standard is being mooted.

(b) The length of the "reasonable time" mentioned in Articles 2.5.4, 2.5.5 and 7.3.4 for comments to be made, discussed and taken into account may be related to the period expected to be necessary for working out the regulation or standard. Nevertheless, the Committee may wish to lay down some guidelines in order to allow time for action on comments to be taken while not delaying unduly the implementation of the measure. Periods of from six weeks to six months have been mentioned in this regard.

(c) Notifications under Article 2.6.1 and Article 7.4.1 should be made immediately a technical regulation or standard has been adopted.

4. Volume of notifications

Parties are only obliged to notify regulations or standards that may have a significant effect on trade of other Parties (e.g. Article 2.5). The aim should be to steer a middle course between a situation in which the provision is made unworkable by the accumulation of detailed information on every minor aspect of all proposed regulations or standards and a situation in which parties do not have an opportunity to comment on many regulations or standards of significance to them. The Committee may wish to have a first discussion of this matter. An understanding about the interpretation of these provisions should evolve in the light of experience with the operation of this provision. This may be a matter for consideration in the annual review conducted by the Committee under Article 15.8.