

GENERAL AGREEMENT ON TARIFFS AND TRADE

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Committee on Technical Barriers to Trade

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PROCEDURES FOR INFORMATION EXCHANGE

Proposals by the Nordic Countries

In order to secure uniform interpretation and application of the provisions regarding certain obligations on the part of the Enquiry Points and certain aspects of the notification procedures as laid down in the TBT Agreement, the Swedish Delegation, on behalf of the Nordic countries, suggests that the following recommendations which remain under discussion after the first three year review should be considered at the forthcoming Meeting on procedures for information exchange.

I. Interpretation of Article 10

It is recalled that the Nordic countries previously made a proposal regarding the interpretation of the term "reasonable enquiry" (document TBT/11), appearing in Article 10 of the TBT Agreement. A revised proposal is herewith submitted for consideration. The first paragraph below remains unchanged as to the substance. However, in the second paragraph, it is recommended with regard to composite products, that the request for information to the extent possible defines the parts or components concerned as they may fall under different regulations, standards or certification systems (e.g. pressure vessel and high pressure pump for use on trucks). As to requests for information concerning the use of products, it is desirable that the request refers to a specific field (e.g. a chemical substance in foodstuffs).

"The Committee recognizes that;

An enquiry should be considered "reasonable" when it is limited to a specific product, or group of products, but not when it goes beyond that and refers to an entire business branch or field of regulations or standards.

When an enquiry refers to a composite product, it is desirable that the parts or components, for which information is sought, are defined to the extent possible. When a request is made concerning the use of a product it is desirable that the use is related to a specific field."

II. Recommendation on the operation of Article 10

Below is a proposal for a recommendation which is presented for consideration. The recommendation is intended to enable requests to be made with regard to information relating to the Parties' participation in the preparation of international standards in different international standardizing bodies as envisaged in article 2.3 and the existence of different regional certification systems as envisaged in article 5.2.

When the proposal was discussed at the eleventh meeting of the Committee on 29 October 1982, some Parties remarked that the preparation of replies to such enquiries could be quite cumbersome. In this connection it might be recalled that according to Article 10 of the Agreement, the Enquiry Points should be able to answer enquiries regarding any technical regulations, standards or certification systems adopted or proposed within its territory, i.a. by regional standardizing bodies.

"The Committee recognizes that;

The Enquiry Point(s) of a Party should be prepared to answer enquiries regarding the membership and partici-

pation of that Party, to or of relevant bodies within its territory, in international and regional standardizing bodies and certification systems."

III. Interpretation of article 2.5 (preambular part)

It is recalled that the Nordic countries have previously submitted a draft interpretation of the concept of "significant effect on trade of other Parties". At the twelfth meeting of the Committee on 10 February 1983 a revised proposal was presented. The latter was supported by many Parties. Furthermore, it was agreed that the question of possible criteria might usefully be discussed at the Meeting on procedures for information exchange. The following proposal, containing some minor editorial amendments, is therefore presented for consideration.

"The Committee agrees that;

The concept of "significant effect on trade of other Parties" refers to the effect of one or several technical regulations on trade with a specific product, group of products or products in general between two or more Parties (countries).

When assessing the concept of significant effect on trade, the Party concerned should to the extent possible consider the following elements:

the value of imports from other Parties individually and collectively; the market size of the product; the potential for market growth for the product and the cost or lead time involved for exporters in other Parties to comply with the proposed technical regulation."

IV. Interpretation of Articles 2.5.2 and 7.3.2 of the Agreement

It is recalled that a proposal by the Nordic countries concerning the timing of notification is contained in document TBT/14. While agreeing in principle to this proposal at its meeting in February 1983, the Committee decided

to revert to it at its next meeting following discussion in the Meeting on procedures for information exchange. The proposal is therefore reproduced below for consideration.

"The Committee recommends that;

When implementing the provisions of articles 2.5.2 and 7.3.2, a notification should be made when a draft with the complete text of a proposed technical regulation or rules for a proposed certification system are available and when amendments without legal or administrative difficulties still can be introduced. If the proposal is presented for comments to interested parties within the country, of the notifying Party, notification to other Parties through the GATT secretariat should, if possible, be made at the same time."