

WORLD TRADE ORGANIZATION

RESTRICTED

G/TBT/3

14 February 1996

(96-0543)

Committee on Technical Barriers to Trade

FIRST ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will hold its first annual review under Article 15.3 of the Agreement at its meeting on 1 March 1996. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 1995.

	<u>Page</u>
The contents of this document are as follows:	
1. COMMITTEE ON TECHNICAL BARRIERS TO TRADE	2
1.1 Composition of the Committee	2
1.2 Main developments of the Committee during the current period	3
2. IMPLEMENTATION AND ADMINISTRATION	4
2.1 Statements on Implementation and Administration of the Agreement (Article 15.2)	4
2.2 Ad hoc submissions by Members	4
3. NOTIFICATIONS	6
3.1 Notifications made in the current year and since the entry into force of the Agreement by Members and by the relevant Articles of the Agreement	
3.1.1 Notifications under Article 10.7 - Bilateral or Multilateral Agreements reached by Members on issues related to Technical Regulations, Standards or Conformity Assessment Procedures	8
3.2 Objectives and rationale stated in Notifications	8
3.3 Observation of the recommended comment period by Members in the current year	8
4. PUBLICATIONS AND ENQUIRY POINTS	10
4.1 Publications used to announce that work is proceeding on draft technical regulations and conformity assessment procedures under Articles 2.9.1 and 5.6.1 of the Agreement.	10
4.2 Publications in which the final texts of technical regulations and conformity assessment procedures are published under Articles 2.11 and 5.8 of the Agreement.	10
4.3 Enquiry points under Article 10 of the Agreement.	10
5. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT	10
6. DISPUTE SETTLEMENT	10
7. CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS	12
8. WORKING AND SPECIAL DOCUMENTS ISSUED DURING THE CURRENT PERIOD	12

1. COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1.1 Composition of the Committee

Chairperson: Ambassador Carmen Luz Guarda (Chile)

Members¹

Antigua and Barbuda	Guatemala	Nicaragua
Argentina	Guinea Bissau	Nigeria
Australia	Guinea, Rep.of	Norway
Austria	Guyana	Pakistan
Bahrain	Honduras	Paraguay
Bangladesh	Hong Kong	Peru
Barbados	Hungary	Philippines
Belgium	Iceland	Poland
Belize	India	Portugal
Bolivia	Indonesia	Romania
Botswana	Ireland	Saint Lucia
Brazil	Israel	Saint Vincent & Gren.
Brunei Darussalam	Italy	Senegal
Burkina Faso	Jamaica	Sierra Leone
Burundi	Japan	Singapore
Cameroon	Kenya	Slovak Republic
Canada	Korea	Slovenia
Central African Republic	Kuwait	South Africa
Chile	Lesotho	Spain
Colombia	Liechtenstein	Sri Lanka
Costa Rica	Luxembourg	Suriname
Côte d'Ivoire	Macau	Swaziland
Cuba	Madagascar	Sweden
Cyprus	Malawi	Switzerland
Czech Republic	Malaysia	Tanzania
Denmark	Maldives	Thailand
Djibouti	Mali	Togo
Dominica	Malta	Trinidad and Tobago
Dominican Republic	Mauritania	Tunisia
EC Commission	Mauritius	Turkey
Egypt	Mexico	Uganda
El Salvador	Morocco	United Kingdom
Finland	Mozambique	United States
France	Myanmar	Uruguay
Gabon	Namibia	Venezuela
Germany	Netherlands	Zambia
Ghana	New Zealand	Zimbabwe
Greece		
		EC Council

Observer Governments¹

Albania	Fiji	Rwanda
Algeria	Former Yugoslav Rep. of	Seychelles
Angola	Macedonia	St. Kitts and Nevis
Armenia	Gambia	Sudan
Belarus	Grenada	Taipei, Chinese
Benin	Haiti	Tonga
Bulgaria	Latvia	Ukraine
Cambodia	Lithuania	United Arab Emirates
Chad	Mongolia	Uzbekistan
China	Niger	Vanuatu
Croatia	Oman	Viet Nam
Ecuador	Papua New Guinea	Zaire
Estonia	Russian Federation	

International Organizations

IMF, UNCTAD, ITC (UNCTAD/GATT), ISO, IEC, FAO, WHO, FAO/WHO Codex Alimentarius Commission, IOE.

1.2 Main developments of the Committee during the current period

The Committee held its first, second and third meetings on 21 April (G/TBT/M/1), 14 July (G/TBT/M/2), and 20 October (G/TBT/M/3) respectively. At those meetings, the Committee heard statements on the implementation and administration of the Agreement.

At its meeting in April, the Committee adopted its rules of procedure (G/TBT/1). The Committee took note of the statements made regarding the procedures for notifications under the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 of the Agreement, and agreed that the Chairperson of the Committee would inform the Chairman of the Budget Committee regarding the financial requirements made known by the ISO representative on the resources needed by the ISO/IEC Information Centre for the application of the WTO Standards Information Service operated by ISO.

At its meeting in July, the Committee adopted its decisions and recommendations regarding (i) Statements on implementation and administration of the Agreement under Article 15.2 of the Agreement; (ii) Notification procedures; and (iii) Procedures for information exchange (G/TBT/1/Rev.1).

At its meeting of October, the Committee adopted decisions and recommendations regarding: (i) Technical assistance and (ii) Regional standard-related activities and agreed on the structure of its first annual review under Article 15.3 of the Agreement (G/TBT/1/Rev.2).

¹Members and Observers on 31 December 1995.

The Committee also held discussions on eco-labelling and agreed that discussions would continue in joint informal meetings with the Committee on Trade and Environment.

A special Joint Meeting on Procedures for Information Exchange of the Committee on Technical Barriers to Trade and the Committee on Sanitary and Phytosanitary Measures was held on 6-7 November to facilitate the implementation of these procedures by some Members (G/TBT/W/16).

2. IMPLEMENTATION AND ADMINISTRATION

2.1 Statements on Implementation and Administration of the Agreement (Article 15.2)

Table 1 - Statement on Implementation and Administration of the Agreement received

Members	Date of entry into Force	Documents containing Members' Statements on Implementation
CZECH REPUBLIC	1 January 1995	G/TBT/2

2.2 Ad hoc Submissions by Members

Hong Kong

Products registered under the Voluntary Energy Efficiency Labelling Scheme for Household Refrigeration Appliances, which was announced on 15 June 1995, can display a specific label to show the energy consumption and efficiency measured in accordance with the ISO 8187.

Mexico

Mexico has taken the following legislative, regulatory and administrative actions since 1 January 1995:

2/12/1995: Decision establishing equivalence between the tariff items of the Tariff of the General Import Tax Law as created, amended or repealed and the current Tariff Items.

26/1/1995: List of National Measurement Standards.

17/2/1995: First Resolution reforming and establishing the general rules relating to distortions in the NAFTA customs sphere.

3/4/1995: Annexes to the Resolution establishing general fiscal rules relating to foreign trade for 1995.

13/4/1995: Decision empowering the National Ecological Institute to issue authorizations ecological licences for the import of used tyres and worn tyre cases into the State of Baja California.

19/4/1995: National Standardization Plan for 1995.

11/5/1995: Decrees amending and supplementing the decree establishing the temporary import programme for the production of export goods.

11/5/1995: Decree amending the decree for the development and operation of highly export-oriented enterprises.

11/5/1994: Decree amending the decree for the development and operation of highly export-oriented enterprises.

1/6/1995: Internal regulations, Department of Energy.

2/6/1995: Internal regulations, Department of Energy errata list.

14/6/1995: Clarification to the regulations of the Mexican Industrial Property Institute.

21/6/1995: Internal regulations of the Department of Communications and Transport.

24/6/1995: Decision establishing the requirement of prior import licensing for rim-mounted used tyres.

30/6/1995: Decision amending and supplementing the decision establishing the classification and coding of goods imports of which are subject to ecological regulations.

21/7/1995: Internal regulations of the Department of Agrarian Reform.

23/11/1995: Regulations of the Mexican Industrial Property Institute.

3. NOTIFICATIONS

Since the entry into force of the Agreement on 1 January 1995 up to 31 December 1995, 365 notifications have been made by 26 Members.

3.1 Notifications made in the current year and since entry into force of the Agreement by Members and by the relevant Articles of the Agreement

Members	Number of notifications made during the current period	Number of notifications made under the relevant Articles during the current period							Total number of notifications made since entry into force of the Agreement	Total number of notifications made under the relevant Articles since entry into force of the Agreement						
		2.9	2.10	3.2	5.6	5.7	7.2	not specif.		2.9	2.10	3.2	5.6	5.7	7.2	not specif.
Australia	20	20							20							
Belgium	17	17							17							
Canada	29	27		2					29		2					
Czech Republic	12	12							12							
Denmark ²	28	20	10		7	6			28	20		7	6			
El Salvador	1		1						1	1						
European Community	32	32							32							
Finland	4	4							4	4						
France	1	1							1	1						
Germany	2	2							2	2						
Hong Kong	6	5			1				6	5		1				
India	11	10					1		11	10					1	
Korea, Rep. of	13	8	1				4		13	8	1				4	
Japan	48	41	1		6				48	41	1	6				
Malaysia	1						1		1						1	

²The number of notifications made under the relevant Articles does not correspond to the total number of notifications made during the current period since certain notifications were made under more than one Article.

Members	Number of notifications made during the current period	Number of notifications made under the relevant Articles during the current period							Total number of notifications made since entry into force of the Agreement	Total number of notifications made under the relevant Articles since entry into force of the Agreement						
		2.9	2.10	3.2	5.6	5.7	7.2	not specif.		2.9	2.10	3.2	5.6	5.7	7.2	not specif.
Mexico	29	28	1						29	28	1					
Netherlands	33	33							33	33						
New Zealand	1	1							1	1						
Norway	6	6							6	6						
Singapore	8	8							8	8						
Slovak Rep.	14	9			5				14	9			5			
Spain	4	4							4	4						
Sweden	5	4						1	5	4						1
Switzerland	4	4							4	4						
Thailand	7	7							7	7						
United States	29	29							29	29						
TOTAL	365	332	14	2	17	6	-	7	365	332	14	2	17	6	-	7

3.1.1 Notifications under Article 10.7 - Bilateral or Multilateral Agreements reached by Members on issues related to Technical Regulations, Standards or Conformity Assessment Procedures

No notifications were made under Article 10.7 in 1995.

3.2 Objectives and Rationales stated in Notifications

Table 3 - Objectives and Rationales stated in Notifications in 1995

Objectives and Rationales	Notifications received in 1995
National Security Requirements	2
Prevention of Deceptive Practices	20
Protection of Human Health or Safety	122
Protection of Animal or Plant Life or Health	5
Protection of the Environment	37
Quality Requirements	94
Harmonization	46
Adaptation to New Domestic Law	15
Lowering or Removal of Trade Barriers	31
Cost Saving and Increasing Productivity	-
Other	11
<i>TOTAL</i>	<i>383³</i>

3.3 Observation of the Recommended Comment Period by Members in the current year⁴

The Committee has recommended 60 days as a minimum length of time to be allowed for the presentation of comments from other Members (G/TBT/1/Rev.1 and 2). In 1995, Members allowed an average of 52.3 calendar days for comments, the comment period had lapsed for fifteen notifications, and the number of notifications that did not specify a comment period was 40. The table on the following page gives the relevant data on the observation of the recommended comment period by each Member in 1995.

³Several notifications indicated more than one objective, as a result, the total number of objectives does not correspond to the total number of notifications received in 1995.

⁴Calculated on the basis that the date of issue of the notification (in English) by the WTO Secretariat is the first day.

Table 4 - Observation of the recommended comment period by Members in 1995

Members	Number of notifications made with comment period				Total
	Less than 45 days	45-59 days	60 days or more	Not specified or lapsed	
Australia	4	9	5	2	20
Belgium				17	17
Canada	14	8	5	2	29
Czech Republic		5	7		12
Denmark	3	8	17		28
El Salvador		1			1
European Communities	1	5	20	6	32
Finland	1		3		4
France			1		1
Germany	1	1			2
Hong Kong	3	1	2		6
India	4			7	11
Japan	6	18	23	1	48
Korea, Rep. of	7	1		5	13
Malaysia				1	1
Mexico	13	2	10	4	29
Netherlands	5	25	2	1	33
New Zealand		1			1
Norway	5	1			6
Singapore	1		1	6	8
Slovak Rep.	1	7	6		14
Spain		4			4
Sweden			5		5
Switzerland		2	2		4
Thailand	1	3		3	7
United States	13	6	10		29
TOTAL	83	108	119	55	365

4. PUBLICATIONS AND ENQUIRY POINTS

- 4.1. Publications used to announce that work is proceeding on draft technical regulations and conformity assessment procedures under Articles 2.9.1 and 5.6.1 of the Agreement

Relevant information is contained in document G/TBT/2.

- 4.2. Publications in which the final texts of technical regulations and conformity assessment procedures are published under Articles 2.11 and 5.8 of the Agreement

Relevant information is contained in document G/TBT/2.

- 4.3. Enquiry points under Article 10 of the Agreement

Updated lists of WTO TBT Enquiry Points under Articles 10.1 and 10.2 of the Agreement are contained in documents G/TBT/ENQ/1-3.

5. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 1995, the Secretariat provided, upon request, technical assistance to the Governments of Tunisia and Thailand.

6. DISPUTE SETTLEMENT UNDER ARTICLE 14

Dispute	Request for Consultations (date of circulation)	Request to Join in Consultations	Mutually Agreed Solution	Panel Established
<i>United States</i> - Standards for Reformulated and Conventional Gasoline	Venezuela 2 February 1995 (WT/DS2/1)			10 April 1995 (WT/DSB/M/3)
	Brazil 12 April 1995 (WT/DS4/1)			31 May 1995 (WT/DSB/M/5)
<i>Korea</i> - Measures Concerning the Shelf-Life of Products	United States 5 May 1995 (WT/DS5/1)	Canada 24 May 1995 (WT/DS5/2) Japan 9 June 1995 (WT/DS5/4)	31 July 1995 (WT/DS5/5 and Corr. 1)	

Dispute	Request for Consultations (date of circulation)	Request to Join in Consultations	Mutually Agreed Solution	Panel Established
<i>European Communities - Trade Description of Scallops</i>	Canada 24 April (WT/DS7/1)	Chile 9 June 1995 (WT/DS7/2) Iceland 9 June 1995 (WT/DS7/3) Japan 9 June 1995 (WT/DS7/4) Peru 12 June 1995 (WT/DS7/5)		19 July 1995 (WT/DSB/M/6)
	Peru 25 July 1995 (WT/DS12/1)	Canada 18 July 1995 (WT/DS12/3) Chile 11 August 1995 (WT/DS12/2 and Rev.1) Japan 17 August 1995 (WT/DS12/5)		11 October 1995 (WT/DSB/M/8)
	Chile 31 July 1995 (WT/DS14/1)	Canada 7 August 1995 (WT/DS14/2) Peru 11 August 1995 (WT/DS14/3) Japan 17 August 1995 (WT/DS14/4)		11 October 1995 (WT/DSB/M/8)
<i>Korea - Measures Concerning Bottled Water</i>	Canada 22 November 1995 (WT/DS20/1)	United States 30 November 1995 (WT/DS20/2) European Communities 14 December 1995 (WT/DS20/4)		

7. CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS

In 1995, 27 standardizing bodies from 25 Members accepted the Code. Notifications of acceptance of the Code by standardizing bodies are contained in documents G/TBT/CS/N/1-27. A list by Member of all standardizing bodies that have accepted the Code in 1995 is in document G/TBT/CS/1.

The first WTO TBT Standards Code Directory has been published by ISO/IEC Information Centre in mid-February 1996.

8. WORKING AND SPECIAL DOCUMENTS ISSUED DURING THE CURRENT PERIOD

Document reference	Date of issue	Title and content of documents	Number of pages
G/TBT/W/1	19 January 1995	Outstanding Notifications Made under the Tokyo Round TBT Agreement for the Information of Members of the WTO Agreement on Technical Barriers to Trade	76
G/TBT/W/2	10 March 1995	Draft Updating of the Decisions and Recommendations Taken by the Tokyo Round Committee on Technical Barriers to Trade Regarding Procedures for Notification and Information Exchange	12
G/TBT/W/2/Rev.1	21 June 1995	Draft Updating of the Decisions and Recommendations Taken by the Tokyo Round Committee on Technical Barriers to Trade Regarding Procedures for Notification and Information Exchange	13
G/TBT/W/3	13 March 1995	Draft List of National Enquiry Points	21
G/TBT/W/4	24 March 1995	Notification Procedures related to the Code of Good Practice for the Preparation, Adoption and Application of Standards Contained in Annex 3 of the WTO Agreement on Technical Barriers to Trade - Notification Formats and Guidelines	6

Document reference	Date of issue	Title and content of documents	Number of pages
G/TBT/W/4/Rev.1	15 May 1995	Notification Procedures related to the Code of Good Practice for the Preparation, Adoption and Application of Standards Contained in Annex 3 of the WTO Agreement on Technical Barriers to Trade - Notification Formats and Guidelines (Revision)	6
G/TBT/W/5	4 April 1995	Draft List of Addresses for Consultation Points	10
G/TBT/W/6	4 April 1995	List of Circulation of Notifications to Parties	14
G/TBT/W/6/Add.1	18 May 1995	Circulation of Notifications to Parties - Note by the Secretariat	1
G/TBT/W/7-TBT/W/193	22 May 1995	Draft Minutes of the Meeting Held on 21 April 1995	16
G/TBT/W/8	27 June 1995	Communication from the United States on the Annual Review of the Implementation and Administration of the WTO TBT Agreement	2
G/TBT/W/9	5 July 1995	Communication from Canada on Eco-labelling	2
G/TBT/W/10-TBT/W/194	11 August 1995	Draft Minutes of the Meeting Held on 14 July 1995	11
G/TBT/W/11 CTE/W/10	29 August 1995	Negotiating History of the Coverage of the Agreement on Technical Barriers to Trade with regard to Labelling Requirements, Voluntary Standards, and Processes and Production Methods Unrelated to Product Characteristics - Note by the Secretariat	54
G/TBT/W/12	22 September 1995	Annual Review of the Implementation and Administration of the WTO TBT Agreement - Proposed Content	4
G/TBT/W/13	25 September 1995	Derestriction of Documents	1
G/TBT/W/14	29 September 1995	Updated Decisions and Recommendations taken by the Tokyo Round Committee on Technical Barriers to Trade	5
G/TBT/W/15-TBT/W/196	22 November 1995	Draft Minutes of the Meeting Held on 20 October 1995	12
G/TBT/W/16	22 November 1995	Special Joint Meeting on Procedures for Information Exchange of the Committees on Technical Barriers to Trade and Sanitary and Phytosanitary Measures - Report by the Chairperson	2

Document reference	Date of issue	Title and content of documents	Number of pages
G/TBT/W/17	6 December 1995	Communication from Ecuador on Decision 376 of the Commission of the Cartagena Agreement	2
G/TBT/Spec/1	22 May 1995	Request for Further Suggestions in Relation to Document G/TBT/W/2 (Draft Updating of the Decisions and Recommendations taken by the Tokyo Round Committee on Technical Barriers to Trade Regarding Procedures for Notification and Information Exchange)	1
G/TBT/Spec/2	15 November 1995	Draft Report (1995) of the Committee on Technical Barriers to Trade	2