

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

TBT/M/40

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Special Distribution

Committee on Technical Barriers to Trade

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MINUTES OF THE MEETING HELD ON 31 MAY 1991

Chairman: Mr. A. Macey (New Zealand)

1. The Committee on Technical Barriers to Trade held its forty-first meeting on 31 May 1991.

2. The agenda contained in GATT/AIR/3181 was adopted:

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A. Election of Officers

3. The Committee elected Mr. A. Macey (New Zealand) Chairperson, and Mr. D. Shark (United States) Vice-Chairperson for 1991.

B. Statements on implementation and administration of the Agreement

4. The representative of Canada recalled her delegation's request at the last meeting to the Republic of Korea to notify its decision to block the importation of water of glacial origin on the grounds that it did not comply with regulations in place at the time. Since it was her delegation's understanding that the decision had still not been notified, she reiterated the request.

5. The representative of the Republic of Korea said he would consult his authorities and provide an answer at the Committee's next meeting.

6. The representative of the United States said her authorities had been pleased to see earlier in the year a notification from the Republic of Korea covering pesticide residue limits. She encouraged the Korean authorities to make more notifications, and drew attention to two measures which her authorities were aware of but which had not yet been notified. One was a revision of food safety regulations that had been published by the Ministry of Health and Social Affairs in Government Gazette No. 11806 of 29 April 1991, on which comments had been called for by 20 May. She said this should have been notified so that all signatories could have been made aware of it and could have had the opportunity to submit comments in

proper time. The second was an announcement of mandatory requirements for country of origin labelling for food products. She hoped that the Korean authorities would notify both measures promptly.

7. She drew attention to a regulation published by Mexico in October 1990, originally calling for an enforcement date of the next day, which would necessitate certain changes in the labelling of textile products. This had not been notified to the Committee. Bilateral consultations between her delegation and the Mexican Government were moving towards a resolution of her government's concerns. Other delegations might also be interested, and she urged the Mexican authorities to make the necessary notification. She said it was unfortunate that the legislation in question had been published only in final form. She noted that Mexico had not made any notifications since joining the Agreement.

8. She also drew attention to a notification by Japan on the listing of nicarbazin as a food additive (TBT/Notif.90.335). Her authorities had submitted comments to the Japanese Government but had received no response beyond being informed that the action had been taken. Her authorities had asked for the rationale for the action, and were still awaiting a reply.

9. She drew attention to recent notifications from the European Communities (TBT/Notif.91.134 and 135) which had been published in final form in the Official Journal several months before their notification to the GATT. She questioned what opportunity there was under the Agreement to comment on regulations that were already notified in final form.

10. Finally, she drew attention to a number of publications that were available from the United States' enquiry point. They were: "GATT Standards Code Activities of the National Institute of Standards and Technology 1990 (NISTIR 4559); Laboratory Accreditation in the United States (NISTIR 4576); Standards Activities of Organizations in the United States (NIST SP 806); Directory of European Regional Standards-Related Organizations (NIST SP 795); and Directory of Federal Government Laboratory Accreditation/Designation Programs (NIST SP 808)".

11. The representative of Israel said that his authorities had approached the Japanese authorities in January over the listing of nicarbazin as a food additive, and asked the Japanese delegation to clarify the situation resulting from those consultations.

12. The representative of Japan said he would report the comments made to his authorities.

13. The representative of Mexico, as a preliminary reaction to the comment of the United States, acknowledged that Mexico had not notified the requirement on the labelling of certain textile products. It required that they bear commercial information, whether the products were of domestic origin or imported, but it did not establish quality standards and his authorities therefore did not believe that it was a technical regulation within the meaning of Annex I of the Agreement. Rather than debating the requirement in question, he felt it would be worth the Committee's while to consider the issue of labelling in some detail, since this was a subject of growing interest. He suggested the Secretariat might assist by confirming

that equivalent regulations existed around the world. His authorities had found only two notifications (both by Canada) that had been made in similar circumstances, and neither was strictly the same as Mexico's measure. He suggested the Chairman might hold informal consultations to look at this issue, and said that Mexico was perfectly willing to adopt any Committee decision in this regard as long as all signatories did likewise.

14. The representative of Finland, on behalf of the Nordic countries, said he was not familiar with the details of the matter in question. He recalled that the Nordic countries had stressed on a number of occasions the importance they attached to the strict implementation by all parties of the notification obligations of the Agreement, since those were basic to its operation. The Nordic countries understood the Agreement to cover labelling requirements, in the light of the definition contained in Annex I, paragraph 1, and Finland at least had notified on several occasions technical regulations which included only labelling requirements, although not in the particular case of textile products.

15. The representative of the European Communities said that the text of Annex I would be an important guide to the issue of labelling requirements if the Committee decided to examine it in more detail, and signatories should think over how the text should be interpreted. Regarding the comments by the United States' representative, he said that the Communities considered the notification obligations of the Agreement to be very important, but that perhaps it was better to notify late than not to notify at all. On the notification by Japan regarding nicarbazin, he said that the Communities had also made comments and understood that the matter was still under consideration; he hoped, like others, that there would be a clarification of the situation.

16. The representative of Mexico said, with regard to the language in Annex I, that he believed the first and second sentences of paragraph 1 needed to be read together so that only labelling requirements containing technical specifications relating to products were covered by the Agreement. That was not the case of Mexico's labelling requirements for textile products. However, it was not a matter of debating unilateral interpretations of the Agreement, and he again urged that the issue be taken up substantively.

17. The representative of the United States said that while it could be illustrative to look at earlier notifications to provide some information on whether this kind of labelling requirement would be covered or not, such an approach would certainly not be definitive since many signatories did not wholly fulfil their notification obligations.

18. Summing up, the Chairman said that the transparency provisions of the Agreement were vital to making it operational and he noted the amount of time delegations spent at each meeting on the issue of notifications. He noted that some delegations considered labelling requirements were covered generically by the Agreement, but suggested that it would be fruitful to discuss that issue further through informal consultations as well as formally at a future Committee meeting. He also suggested that the Secretariat provide information on what had been notified in this regard.

19. The Committee agreed to proceed on that basis. It also took note of the statements made, and invited those signatories to whom requests for further information had been addressed to provide a response in due course.

C. Other Business

20. The representative of New Zealand noted that at the recent debate in the GATT Council on the subject of trade and the environment, many delegations had pointed to the potential relevance of the TBT Agreement. The Secretariat had been asked to prepare factual information as an input to future Council debate on the subject, and in his view that might usefully include the number and type of technical regulations notified under the TBT Agreement for which the environment was cited specifically as a rationale. He also believed it would be useful if signatories held an exchange of views on the relevance of the TBT Agreement to the subject of trade and the environment.

21. The representative of Finland, speaking on behalf of the Nordic countries, said that both suggestions were useful and he supported them. Exactly when the Committee might discuss the subject would depend upon the progress made in the Council debate.

22. The representative of Mexico said he fully supported the Nordic statement. The Committee should assume its responsibilities and start working efficiently to support other groups in GATT.

23. The Committee agreed to invite the secretariat to include the number and type of relevant technical regulations notified under the Agreement in the material it had been asked to prepare for future Council debate on trade and the environment.

24. The representative of the International Standards Organisation (ISO) provided the following information.

25. First, the ISO-IC Guide to terms and definitions had been revised in response in particular to the needs of GATT in the field of conformity assessment procedures. Amendments had been finalized by the working group of the Committee on Conformity Assessment - Definitions, ratified by the Standardisation Principal Committee, and approved by the ISO Council. The amendments would be published shortly.

26. Second, the Conformity Assessment Committee (CASCO) would meet soon, and the GATT Secretariat would be represented at the meeting. Items of interest to the TBT Committee would be the revision of Guide 38 on general prescriptions for the approval of testing laboratories and Mutual Recognition of Accreditation of Certification Bodies. There would also be a discussion of the future role and programme of work of the CASCO, in particular in the field of assurance quality management and the unified implementation of the ISO-9000 series on assurance of quality.

27. Third, the ISO was launching an operation of coordination in the field of environmental labelling. High priority would be given to establishing basic definitions and terminology relating to so-called eco-labelling programmes and graphic symbols, and to harmonizing them at the international level. It was planned to produce a guide document at the international level relating to the science of life-cycle analysis.

28. Fourth, the Committee would recall that the Secretary-General of the ISO had explained to the Negotiating Group on MTN Agreements and Arrangements NG8 the position of the ISO and IC on the proposed GATT code of good practice for the preparation, adoption and application of standards. ISO and IC had now received authorisation from their executive bodies to undertake development of a worldwide consensus on the optimal inter-organisational relationships between standardisation bodies and their relationship with private sector conformity assessment bodies. ISO and IC were confident that this would lead to consensus approval of the code of good practice for standardizing and conformity assessment bodies at a national, regional and international level. The procedural approach had been approved by ISO's executive board and should be ratified by IC very soon. The ISO executive board had requested the Secretary-General to adjust the timetable for the development of the code to ensure that the result of the exercise would be available as a contribution to the GATT process at the appropriate time.

29. The Chairman expressed the sincere thanks of the Committee to Ms. Vesile Kulaçoğlu of the Secretariat for the contribution she had made during her time as secretary to the Committee.

30. The Committee agreed that its next meeting would be held in the autumn, with the date to be fixed through informal consultations. The Chairman invited delegations to think of what items they might wish to take up at that meeting, beyond regular business.