

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/W/40

19 February 1982

Special Distribution

Committee on Technical Barriers to Trade

PREPARATIONS FOR THE THIRD ANNUAL REVIEW AND THE FIRST THREE-YEAR REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT

Note by the Secretariat

1. The first two annual reviews of the implementation and operation of the Agreement on Technical Barriers to Trade were conducted under Article 15.8 of the Agreement, which reads: "The Committee shall review annually the implementation and operation of this Agreement taking into account the objectives thereof. The Committee shall annually inform the CONTRACTING PARTIES to the GATT of developments during the period covered by such reviews".
2. The third review of the operation and implementation of the Agreement will be conducted under the provisions of both Articles 15.8 and 15.9. Article 15.9 provides that: "Not later than the end of the third year from the entry into force of this Agreement and at the end of each three-year period thereafter, the Committee shall review the operation and implementation of this Agreement, including the provisions relating to transparency, with a view to adjusting the rights and obligations of this Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12, and where appropriate proposing amendments to the text of this Agreement having regard, inter alia, to the experience gained in its implementation".
3. The first two reviews were carried out in accordance with arrangements agreed by the Committee. (For items dealt with in these reviews, see TBT/M/3, para.29 and Annex 1). The results of the item-by-item examination by the Committee were incorporated in a single basic document following the first review (TBT/6) and following the second review in a series of documents updating the basic document (TBT/6/Suppl.1 and 2, TBT/W/25/Rev.2, TBT/W/28 and Suppl.1, TBT/W/31/Rev.2, TBT/W/37).
4. It is suggested that the first part of the 1982 review, to be conducted under Article 15.8, should follow as in previous years, the arrangements laid down in Annex I. The secretariat proposes to consolidate all the relevant information in a single background document to be issued in advance of the review. Delegations wishing to submit any information for inclusion in the background document should do so by 10 September 1982 at the latest.

5. For the second part of the review, dealing with the issues spelled out in Article 15.9, the Committee should invite delegations to submit, by 15 April 1982, any specific proposals they may wish to be considered in that context. It is suggested that a preliminary discussion of these proposals should take place at a meeting of the Committee on 24-25 May 1982. In the light of that discussion, the Committee would establish its agenda for the three-year review and make any other arrangements it deems necessary, which could include arrangements for further consultations on any proposals made.

6. It is further suggested that the meeting at which the Committee will conduct the two parts of the 1982 review should be held on 13-15 October 1982.

7. In order to facilitate consideration of the operation of the Agreement in 1980-1982, Annex 2 lists the items discussed by the Committee during that period with appropriate document references.

ANNEX 1

ITEMS DEALT WITH IN THE ANNUAL REVIEW OF THE
OPERATION OF THE AGREEMENT

1. The first two annual reviews have dealt with the following items:
 - (a) Implementation and administration (Article 15.7);
 - (b) notification (Articles 2.5, 2.6, 3, 4, 7.3, 7.4, 8);
 - (c) technical assistance and special and differential treatment (Articles 11 and 12);
 - (d) dispute settlement (Article 14);
 - (e) accession and reservations (Article 15);
 - (f) the use of international standards (Articles 2.2, 2.5, 2.6); participation in regional standardizing bodies (Articles 2.9, 2.10) or international and regional certification systems (Article 9);
 - (g) transparency: publication (Articles 2.5.1, 2.7, 3, 4, 7.3.1, 7.5, 8) and information (Article 10);
 - (h) testing procedures and acceptance of test results (Articles 5 and 6).
2. The reviews have also examined the overall implementation and operation of the Agreement (Article 15.8).
3. The secretariat has prepared background documentation on which the reviews were based. Parties to the Agreement have submitted to the secretariat information about the action taken by them under items listed in paragraph 1 above for inclusion in the background documents. The secretariat has also provided an analytical summary of notifications made under the relevant provisions of the Agreement.
4. The report referred to in the second sentence of Article 15.8 covered all aspects of the work of the Committee. The secretariat presented a draft report to the Committee for examination and adoption.

ANNEX 2

ACTIVITIES OF THE COMMITTEE IN 1980-1982

Since the entry into force of the Agreement on 1 January 1980, the Committee has discussed the following items:

A. Procedures

1. Procedures for the participation of observers (TBT/M/1, para. 4; TBT/M/2, paras 4-10).
2. Procedures for the accession of non-contracting parties (TBT/M/2, para.31; TBT/M/3, paras.26-28).
3. Procedures for circulation of documents (TBT/M/2, paras. 33-38; TBT/M/3, paras.30-31; TBT/M/4, para.43).
4. Frequency of meetings and preparation for annual reviews (TBT/M/2, para.39).
5. Procedures for notification (TBT/M/2, paras.25-29; TBT/M/3, para.22; TBT/M/7, paras.23-32).
6. Avoidance of duplication (TBT/M/2, para.30; TBT/M/3, paras.23-25).
7. List of persons available to serve on panels (TBT/M/2, para 32; TBT/M/3, paras.32-33).
8. Derestriction of documents (TBT/M/5, para.61; TBT/M/7, paras.60-61; TBT/M/8, paras.58-59).
9. Requests for observer status (TBT/M/3, paras.4-7; TBT/M/4, paras.3-5; TBT/M/5, paras.16-18).
10. Election of officers (TBT/M/6, para.4).

B. Acceptance and accession

1. Acceptance of the Agreement by Tunisia (TBT/M/5, paras.4-5; TBT/M/6, paras.5-10).
2. Request for accession by Bulgaria (TBT/M/4, paras.38-42; TBT/M/5, paras.6-15; TBT/M/6, paras.11-13; TBT/M/7, paras.4-10; TBT/M/8, paras.4-7).

C. Implementation and operation of the Agreement

1. General policy statements (TBT/M/2, paras.11-16).
2. Statements on implementation and administration (TBT/M/2, paras.17-24; TBT/M/3, paras.8-21; TBT/M/4, paras.6-17; TBT/M/5, paras.31-40; TBT/M/6, paras.17-20; TBT/M/7, paras.11-22; TBT/M/8, paras.19-31).

3. Applicability of Article 14.25 to United Kingdom Statutory Instrument interpreting Community Directives 71/118 and 78/50 (TBT/M/3, paras.34-43; TBT/M/4, paras.20-37).
4. Applicability of the Agreement to processes and production methods (Article 14.25) (TBT/M/5, paras.19-30; TBT/M/6, paras.14-16; TBT/M/7, paras.48-59).
5. Proposed legislation on dangerous substances (TBT/M/3, paras.44-45).
6. Technical assistance (TBT/M/7, paras.33-36).
7. Meeting of enquiry points (TBT/M/7, paras.37-39; TBT/M/8, paras.8-17).
8. Regional standards-related activities (TBT/M/6, para.30; TBT/M/7, paras.40-47; TBT/M/8, paras.49-55).
9. Private standardizing organizations (TBT/M/7, para.62; TBT/M/8, paras.56-57).
10. Liability of members of panels and technical expert groups (TBT/M/6, para.29).

D. Reviews and reports

1. First annual review (TBT/M/3, Annex III; TBT/M/4, paras.18-19; TBT/M/5, paras.31-60; TBT/M/6, paras.17-27).
2. Second annual review (TBT/M/6, para.28; TBT/M/8, paras.18-48).
3. Reports to the CONTRACTING PARTIES (TBT/M/5, para.66; TBT/M/8, para.61).

E. Miscellaneous

1. International Laboratory Accreditation Conference (TBT/M/5, paras.62-65).
2. Activities of IEC (TBT/M/6, para.31).
3. Revised inventory of non-tariff measures (TBT/M/8, para.60).