
Committee on Technical Barriers to Trade

SEVENTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will conduct its seventh annual review under Article 15.3 of the Agreement at its meeting on 15 March 2002. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 2001.

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¹ In English only

I. COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1. Composition of the Committee

Chairpersons: Mr. John Adank (New Zealand)
Mr. Joshua Phoho Setipa (Lesotho)

Members¹

Albania	El Salvador	Madagascar
Angola	Estonia	Malawi
Antigua and Barbuda	European Community	Malaysia
Argentina	Fiji	Maldives
Australia	Finland	Mali
Austria	France	Malta
Bahrain	Gabon	Mauritania
Bangladesh	Gambia	Mauritius
Barbados	Georgia	Mexico
Belgium	Germany	Moldova
Belize	Ghana	Mongolia
Benin	Greece	Morocco
Bolivia	Grenada	Mozambique
Botswana	Guatemala	Myanmar
Brazil	Guinea	Namibia
Brunei Darussalam	Guinea Bissau	Netherlands
Bulgaria	Guyana	New Zealand
Burkina Faso	Haiti	Nicaragua
Burundi	Honduras	Niger
Cameroon	Hong Kong, China	Nigeria
Canada	Hungary	Norway
Central African Republic	Iceland	Oman
Chad	India	Pakistan
Chile	Indonesia	Panama
China	Ireland	Papua New Guinea
Colombia	Israel	Paraguay
Congo	Italy	Peru
Congo, Democratic Rep of the	Jamaica	Philippines
Costa Rica	Japan	Poland
Côte d'Ivoire	Jordan	Portugal
Croatia	Kenya	Qatar
Cuba	Korea, Rep. of	Romania
Cyprus	Kuwait	Rwanda
Czech Republic	Kyrgyz Republic	Saint Kitts and Nevis
Denmark	Latvia	Saint Lucia
Djibouti	Lesotho	Saint Vincent & Grenadines
Dominica	Liechtenstein	Senegal
Dominican Republic	Lithuania	Sierra Leone
Ecuador	Luxembourg	Singapore
Egypt	Macau, China	Slovak Republic

¹Members on 31 December 2001.

Slovenia	Switzerland	United Arab Emirates
Solomon Islands	Tanzania	United Kingdom
South Africa	Thailand	United States
Spain	Togo	Uruguay
Sri Lanka	Trinidad and Tobago	Venezuela
Suriname	Tunisia	Zambia
Swaziland	Turkey	Zimbabwe
Sweden	Uganda	

Observer Governments²

Algeria	Ethiopia	Seychelles
Andorra	Former Yugoslav Rep. of	Sudan
Armenia	Macedonia	Chinese Taipei
Azerbaijan	Kazakstan	Tonga
Bahamas	Lao	Ukraine
Belarus	Lebanon	Uzbekistan
Bhutan	Nepal	Vanuatu
Bosnia and Herzegovina	Russian Federation	Viet Nam
Cambodia	Samoa	Yemen
Cape Verde	Saudi Arabia	

Observer Organizations

ACP³, ALADI,³ EFTA,³ FAO, IEC, IMF, ISO, ITC, OECD, OIE, OIML,³ UNCTAD, UN/ECE, UNIDO,³ WHO, WHO/FAO Codex Alimentarius Commission and the World Bank.

1.2 Main developments of the Committee during the current period

The Committee held its twenty-fourth, twenty-fifth and twenty-sixth meetings on 30 March, 29 June and 9 October (G/TBT/M/23-25) respectively. At those meetings, the Committee heard statements concerning the implementation and administration of the Agreement, technical assistance and observer status. A number of Members informed the Committee of measures taken to ensure the implementation and administration of the Agreement. Several measures were brought to the attention of the Committee by Members who raised concerns about the potential adverse trade effects or inconsistency with the Agreement of those measures. A number of observers (ISO, ITC, UNIDO, FAO/WHO Codex Alimentarius, IEC, OIML and the World Bank) updated the Committee on their technical assistance activities and on the ways in which they sought to ensure effective participation of Members, in particular developing country Members in their activities.

At its twenty-fourth meeting, the Committee carried out its Sixth Annual Review of the Implementation and Operation of the Agreement under Article 15.3 (G/TBT/10) and its Sixth Annual Review of the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 (G/TBT/CS/1/Add.5, G/TBT/CS/2/Rev.7 and WTO TBT Standards Code Directory – Sixth addition).

In order to give Members the opportunity to discuss the activities and problems relating to information exchange and to review how well notification procedures work, a special meeting on

²Observers on 31 December 2001.

³Observer status on an ad hoc basis.

procedures for information exchange was held on 28 June. A number of proposals to improve information exchange were made at the meeting for the consideration of the Committee.

As a result of the Second Triennial Review of the Agreement, at its twenty-fourth, Twenty-fifth and twenty-sixth meetings, the Committee held discussions to develop a demand driven TBT-related Technical Cooperation Programme.

II. IMPLEMENTATION AND ADMINISTRATION

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

Table 1 – Statements on Implementation and Administration of the Agreement received in 2001

Members	Date of entry into force	Documents containing Members' Statements on Implementation and Administration of the Agreement
DOMINICA	1 January 1995	G/TBT/2/Add.62
OMAN	9 November 2000	G/TBT/2/Add.63
LITHUANIA	31 May 2001	G/TBT/2/Add.64

III. NOTIFICATIONS

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

In 2001, Members submitted 538⁴ notifications. Since the entry into force of the Agreement on 1 January 1995 up to 31 December 2001, 4085 notifications have been made by 65 Members. Articles 2.9, 2.10, 3.2, 5.6, 5.7 and 7.2 were specified in 3623, 142, 3, 296, 49 and 3 notifications respectively. 117 notifications did not refer to any Articles.

Table 2 – Notifications made by Members and by relevant Articles of the Agreement in the current year and since the entry into force of the Agreement

Members	Number of notifications made in 2001	Number of notifications made under the relevant Articles in 2001							Total number of notifications made since 1 January 1995
		2.9	2.10	3.2	5.6	5.7	7.2	Not specified	
Argentina	28	14	2	0	12	0	0	0	83
Australia	8	8	0	0	0	0	0	0	106
Austria	0	0	0	0	0	0	0	0	4
Bahrain	0	0	0	0	0	0	0	0	1
Barbados	0	0	0	0	0	0	0	0	1
Belgium	26	26	0	0	0	0	0	0	193
Benin	0	0	0	0	0	0	0	0	2

⁴ Notification G/TBT/N/CZE/3 has been cancelled.

Members	Number of notifications made in 2001	Number of notifications made under the relevant Articles in 2001							Total number of notifications made since 1 January 1995
		2.9	2.10	3.2	5.6	5.7	7.2	Not specified	
Bolivia	0	0	0	0	0	0	0	0	22
Botswana	0	0	0	0	0	0	0	0	1
Brazil	29	24	0	0	2	0	0	3	144
Brunei Darussalam	1	1	0	0	0	0	0	0	1
Canada	25	19	0	0	6	0	0	0	160
Chile ⁵	26	18	2	0	7	0	0	0	97
Colombia	12	11	0	0	1	0	0	0	54
Costa Rica	1	0	1	0	0	0	0	0	14
Cuba	4	4	0	0	0	0	0	0	4
Cyprus	0	0	0	0	0	0	0	0	1
Czech Republic	23	23	0	0	0	0	0	0	137
Denmark	7	7	0	0	0	0	0	0	162
El Salvador	6	5	0	0	0	0	0	1	61
Egypt	0	0	0	0	0	0	0	0	6
Estonia	0	0	0	0	0	0	0	0	1
European Communities ⁵	7	5	0	0	4	0	0	0	191
Fiji	0	0	0	0	0	0	0	0	1
Finland	3	3	0	0	0	0	0	0	27
France	9	5	0	0	0	0	0	4	73
Germany	0	0	0	0	0	0	0	0	8
Guatemala	2	2	0	0	0	0	0	0	9
Hong Kong, China	9	6	0	0	3	0	0	0	39
Iceland	0	0	0	0	0	0	0	0	2
India	0	0	0	0	0	0	0	0	45
Indonesia ⁵	2	2	1	0	1	1	0	0	5

⁵ Member notifying under more than one Article.

Members	Number of notifications made in 2001	Number of notifications made under the relevant Articles in 2001							Total number of notifications made since 1 January 1995
		2.9	2.10	3.2	5.6	5.7	7.2	Not specified	
Israel	0	0	0	0	0	0	0	0	55
Jamaica	0	0	0	0	0	0	0	0	30
Japan ⁶	32	32	0	0	2	0	0	0	265
Korea ⁶	27	26	0	0	2	0	0	0	119
Latvia	1	1	0	0	0	0	0	0	17
Lithuania	1	1	0	0	0	0	0	0	1
Macau, China	0	0	0	0	0	0	0	0	5
Malaysia	2	2	0	0	0	0	0	0	163
Mexico	8	7	1	0	0	0	0	0	190
Netherlands	40	40	0	0	0	0	0	0	570
New Zealand	4	4	0	0	0	0	0	0	32
Nicaragua ⁶	11	8	3	0	1	0	0	0	11
Norway	1	1	0	0	0	0	0	0	59
Peru	0	0	0	0	0	0	0	0	2
Philippines	13	13	0	0	0	0	0	0	68
Poland	2	1	0	0	0	0	0	1	5
Senegal	0	0	0	0	0	0	0	0	4
Singapore	0	0	0	0	0	0	0	0	16
Slovak Republic	1	1	0	0	0	0	0	0	34
Slovenia	3	3	0	0	0	0	0	0	13
South Africa	9	9	0	0	0	0	0	0	57
Spain	9	9	0	0	0	0	0	0	49
Sri Lanka	16	16	0	0	0	0	0	0	30
Sweden	8	8	0	0	0	0	0	0	101
Switzerland	16	16	0	0	0	0	0	0	87
Thailand	75	74	1	0	0	0	0	0	183

⁶ Member notifying under more than one article.

Members	Number of notifications made in 2001	Number of notifications made under the relevant Articles in 2001							Total number of notifications made since 1 January 1995
		2.9	2.10	3.2	5.6	5.7	7.2	Not specified	
Trinidad and Tobago	8	8	0	0	0	0	0	0	15
Tunisia	7	0	0	0	7	0	0	0	8
Turkey	0	0	0	0	0	0	0	0	4
United Kingdom	1	1	0	0	0	0	0	0	20
United States	14	14	0	0	0	0	0	0	215
Uruguay	0	0	0	0	0	0	0	0	1
Venezuela	1	1	0	0	0	0	0	0	1
TOTAL	538	479	11	0	44	0	0	9	4085

3.1.1 Objectives and rationales stated in notifications⁷

Table 3 – Objectives and Rationales stated in Notifications in 2001

Objectives and Rationales	Notifications received in 2001
National Security Requirements	1
Consumer Information, Labelling	66
Prevention of Deceptive Practices & Consumer Protection	100
Protection of Human Health or Safety	221
Protection of Animal or Plant Life or Health	6
Protection of the Environment	45
Quality Requirements	48
Harmonization	72
Adoption to New Domestic Law and Technology	94
Lowering or Removal of Trade Barriers	7
Trade Facilitation	15
Others	23

⁷ The following classification of objectives and rationales is based on the criteria laid down in document G/TBT/W/18

Objectives and Rationales	Notifications received in 2001
Not Specified	7
Total	705⁸

3.1.2 Observation of the recommended comment period by Members in the current year⁹

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.7). In 2001, Members allowed an average of 53.34 calendar days for comments. 143 notifications did not specify a comment period, stated as non applicable or had a lapsed comment period. The table on the following pages gives the relevant data on the observation of the recommended comment period by each Member in 2001.

Table 4 – Observation of the recommended comment period by Members in 2001

Members	Number of notifications made with comment period					Total
	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	of which notified under Articles 2.10 and 5.7	
Argentina				28	2	28
Australia	2	1	3	2		8
Belgium				26		26
Brazil	22		3	4		29
Brunei Darussalam				1		1
Canada	10	4	9	2		25
Chile	1	5	17	3	2	26
Colombia	2	4	5	1		12
Costa Rica			1			1
Cuba				4		4
Czech Republic	9	10	4			23
Denmark	1	3	1	2		7
El Salvador	1	5				6
European Communities		1	5	1		7

⁸ Among the 538 notifications submitted, 131 have two or more objectives stated.

⁹ Calculated on the basis that the date of issue of the notification (in English) by the WTO Secretariat is the first day.

Number of notifications made with comment period						
Members	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	of which notified under Articles 2.10 and 5.7	Total
Finland			3			3
France	3		1	5		9
Guatemala				2		2
Hong Kong, China		2	7			9
Indonesia			2			2
Japan	3	7	22			32
Korea	15	9	1	2		27
Latvia				1		1
Lithuania			1			1
Malaysia	1			1		2
Mexico	7			1	1	8
Netherlands	7	15	18			40
New Zealand	2		2			4
Nicaragua			2	9	2	11
Norway	1					1
Philippines	5	1	1	6		13
Poland				2		2
Slovak Republic			1			1
Slovenia	3					3
South Africa	2		7			9
Spain	7	2				9
Sri Lanka				16		16
Sweden	1	3	4			8
Switzerland	6	5	5			16
Thailand	2		53	20		75

Number of notifications made with comment period						
Members	Less than 45 days	45-59 days	60 days or more	Not specified, lapsed or stated as non-applicable	of which notified under Articles 2.10 and 5.7	Total
Trinidad and Tobago	1	4	3			8
Tunisia	3	1		3		7
United Kingdom			1			1
United States	2	6	6			14
Venezuela				1		1
TOTAL	119	88	188	143	7	538

3.2 Notifications under Article 10.7 – bilateral or multilateral agreements reached by Members on issues related to technical regulations, standards and conformity assessment procedures

In 2001, six notifications were made under Article 10.7 (G/TBT/10.7/30-35), notifying respectively the mutual recognition agreement reached by Australia and Singapore; Canada and Iceland, Liechtenstein and Norway; Colombia and Ecuador; Bolivia, Colombia, Equator, Peru and Venezuela; the European Community and Hungary; as well as the European Community and the Czech Republic.

IV. 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 documents G/TBT/2 and addenda.

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 documents G/TBT/2 and addenda.

4.3 Enquiry points under Article 10 of the Agreement

The updated list of WTO TBT Enquiry Points under Articles 10.1 and 10.2 is contained in document G/TBT/ENQ/19.

V. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 2001, the Secretariat held and participated in seminars on the Agreement and its related matters with the cooperation of the Codex, Energy Charter Secretariat, Inter-American Development Bank, ISO, ITC, UNIDO, World Trade Institute and Swiss government. They were held in Austria, Chinese Taipei, Colombia, Ethiopia, Kuwait, Oman, Switzerland, Vietnam and Yugoslavia for the Andean and Central American, Asian, Central and Eastern European, Eastern African, Gulf and a

number of other developing countries. Funds were provided by the WTO to finance participants attending the Seminar in Ethiopia.

VI. DISPUTE SETTLEMENT UNDER ARTICLE 14

Dispute	Request for Consultations	Request to Join Consultations	Request for the Establishment of a Panel	Mutually Agreed Solution	Panel Established	Panel Report	Notice of Appeal	Appellate Report Circulated
<i>European Communities - Measures Affecting Asbestos and Products containing Asbestos</i>	3 June 1998 Canada (WT/DS135/1) (G/TBT/D/15)	12 June 1998 Brazil (WT/DS135/2)	9 Oct. 1998 Canada (WT/DS135/3)		25 Nov. 1998 (WT/DSB/M/51)	18 Sept. 2000 (WT/DS135/R and Add.1)	23 Oct. 2000 (WT/DS135/8)	12 March 2001 (WT/DS135/AB/R)
<i>Belgium-Administration of Measures Establishing Customs Duties for Rice</i>	19 Oct. 2000 United States (WT/DS210/1) (G/TBT/D/21)		19 Jan. 2001 United States (WT/DS210/2) and 1 March 2001 (WT/DS210/2/Rev.1)		12 March 2001 (WT/DSB/M/101)			
<i>European Communities - Trade Description of Sardines</i>	23 April 2001 Peru (WT/DS231/1) (G/TBT/D/22)	3 May 2001 Venezuela (WT/DS231/2) 7 May 2001 Chile (WT/DS231/3) 8 May 2001 United States (WT/DS231/4) 9 May 2001 Ecuador (WT/DS231/5)	7 June 2001 Peru (WT/DS231/6)		24 July 2001 (WT/DSB/M/107)			
<i>Mexico - Measures affecting the Import of Matches</i>	28 May 2001 Chile (WT/DS232/1) (G/TBT/D/23)	8 June 2001 EC (WT/DS232/2)						
<i>Argentina - Measures affecting the Import of Pharmaceutical Products</i>	30 May 2001 India (WT/DS233/1) (G/TBT/D/24)							

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

Since the entry into force of the Agreement, 138 standardizing bodies from 94 Members have adhered to the Code of Good Practice. Notifications of acceptance of the Code by standardizing bodies of Members are contained in documents G/TBT/CS/N/1-140¹⁰. Document G/TBT/CS/2/Rev.8 contains the complete list by Member of standardizing bodies that have accepted the Code since 1 January 1995. A list of standardizing bodies adhered to the Code in 2001 is contained in document G/TBT/CS/1/Add.6. In 2001, 14 standardizing bodies from 13 Members have accepted the Code.

The seventh edition of the WTO TBT Standards Code Directory is published by the ISO/IEC Information Centre in February 2002.

¹⁰ Notifications G/TBT/CS/N/118 and 138 have been cancelled.

VIII. 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/153	29 January 2001	Notification Procedures – Note by the Secretariat	4
G/TBT/W/154	2 February 2001	European Council Resolution on the Precautionary Principle – Communication from the EC	5
G/TBT/W/155	15 March 2001	Communication from Tanzania	4
G/TBT/W/156	26 April 2001	Technical Assistance and Technical Cooperation Programme – Proposal from Brazil	4
G/TBT/W/157	19 April 2001	Communication from Mexico	1
G/TBT/W/158	18 May 2001	Development within the ISO that are related the Second Triennial Review of the TBT Agreement – Communication from the ISO	5
G/TBT/W/159	28 May 2001	ASEAN Concerns regarding the Proposed Belgian Law for the Promotion of Socially Responsible Production – Communication from the ASEAN	1
G/TBT/W/160	15 June 2001	Japan's Experience on Technical Assistance in the area of TBT – Communication from Japan	4
G/TBT/W/161	19 June 2001	UN/ECE Project for an International Model for Technical Harmonization – Communication from the UN/ECE	12
G/TBT/W/162	19 June 2001	Marking and Labelling Requirement – Communication from Switzerland	5
G/TBT/W/163	22 June 2001	Technical Assistance and Capacity Building in the Field of Technical Barriers to Trade – Submission by the EC	4
G/TBT/W/164	26 June 2001	Technical Assistance and Technical Cooperation Programme – Submission from Indonesia	4
G/TBT/W/165	25 June 2001	Labelling – Submission from the US	2
G/TBT/W/166	26 June 2001	Philippines Experience in the Implementation of the TBT Agreement – Communication from the Philippines	6
G/TBT/W/167	27 June 2001	A Policy Framework for Mutual Recognition Activities – Submission from Canada	5
G/TBT/W/168	8 August 2001	Technical Assistance and Capacity Building Activities Related to the TBT Agreement – Communication from UNIDO	7
G/TBT/W/169	4 October 2001	List of Standards and related Texts adopted or revoked by the Twenty-fourth Session of the Codex Alimentarius Commission – Communication from the Codex Alimentarius Commission	5
G/TBT/W/170	8 October 2001	Dissemination Activities in relation with the Decision on Principles for the Development of International Standards – Communication from the EC	9
G/TBT/SPEC/18	4 April 2001	TBT Technical Cooperation Programme: Request for Information from Members – Communication from the Chairman	1