

Committee on Technical Barriers to Trade

SECOND ANNUAL REVIEW OF THE IMPLEMENTATION AND
OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will conduct its second annual review under Article 15.3 of the Agreement at its meeting on 14 February 1997. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 1996.

The contents of this document are as follows:

	<u>Page</u>		
1.	COMMITTEE ON TECHNICAL BARRIERS TO TRADE	3	
1.1	Composition of the Committee	3	
1.2	Main developments of the Committee during the current period	5	
2.	IMPLEMENTATION AND ADMINISTRATION	6	
2.1	Statements on Implementation and Administration of the Agreement (Article 15.2)	6	
3.	NOTIFICATIONS	8	
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	8	
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		11
3.2.	Objectives and rationale stated in Notifications	1	1
3.3.	Observation of the recommended comment period by Members in the current year		11
4.	PUBLICATIONS AND ENQUIRY POINTS	13	
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	13	
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.	13
4.3.	Enquiry points under Article 10 of the Agreement.	13
5.	TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT	13
6.	DISPUTE SETTLEMENT UNDER ARTICLE 14	14
7.	CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS	18
8.	WORKING AND SPECIAL DOCUMENTS ISSUED DURING THE CURRENT PERIOD	18

1. COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1.1 Composition of the Committee

Chairperson: Ambassador Carmen Luz Guarda (Chile)

Members¹

¹Members and Observers on 31 December 1996.

Angola
Antigua and Barbuda
Argentina
Australia
Austria
Bahrain
Bangladesh
Barbados
Belgium
Belize
Benin
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi
Cameroon
Canada
Central African Republic
Chad
Chile
Colombia
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czech Republic
Denmark
Djibouti
Dominica
Dominican Republic
EC
Ecuador
Egypt
El Salvador
Fiji
Finland
France
Gabon
Gambia
Germany
Ghana
Greece

Grenada
Guatemala
Guinea Bissau
Guinea, Rep.of

Guyana
Haiti
Honduras
Hong Kong
Hungary
Iceland
India
Indonesia
Ireland
Israel
Italy
Jamaica
Japan
Kenya
Korea
Kuwait
Lesotho
Liechtenstein
Luxembourg
Macau
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Morocco
Mozambique
Myanmar
Namibia
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Papua New Guinea

Paraguay
Peru
Philippines
Poland
Portugal

Qatar
Romania
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent & Gren.
Senegal
Sierra Leone
Singapore
Slovak Republic
Slovenia
Solomon Islands
South Africa
Spain
Sri Lanka
Suriname
Swaziland
Sweden
Switzerland
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United Kingdom
United States
Uruguay
Venezuela
Zambia
Zimbabwe
Observer Governments¹

Albania Algeria Armenia Belarus Cambodia China Congo Croatia Estonia Former Yugoslav Rep. of Macedonia Georgia	Jordan Kazakstan Kyrgyz Rep. Latvia Lithuania Moldova Mongolia Nepal Oman Panama Russian Federation Saudi Arabia	Seychelles Sudan Taipei, Chinese Tonga Ukraine Uzbekistan Vanuatu Viet Nam Zaire
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International Organizations

IMF, UNCTAD, ITC, ISO, IEC, FAO, WHO, FAO/WHO Codex Alimentarius Commission, OIE, OECD, UN/ECE.

¹Members and observers on 31 December 1996.

1.2 Main Developments of the Committee during the Current Period

The Committee held its fourth, fifth, sixth and seventh meetings on 1 March (G/TBT/M/4), 28 June (G/TBT/M/5), 16 and 22 October (G/TBT/M/6) respectively. At those meetings, the Committee heard statements on the implementation and administration of the Agreement.

On 27 February the Committee held a joint informal meeting with the Committee on Trade and Environment (CTE) to pursue discussions on the issue of eco-labelling. At that meeting, the representatives of the United States, European Communities, Czech Republic, Nordic countries, Chile, Japan and Canada presented their national and regional eco-labelling programmes. Canada presented a paper on eco-labelling to promote discussions on the issue (G/TBT/W/21-WT/CTE/W/21).

At its meeting in March, the Committee carried out its first Annual Review of the Implementation and Operation of the Agreement (G/TBT/3 and Corr.1) and of the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in Annex 3 to the Agreement (G/TBT/CS/1 and Rev.1). It took decisions and recommendations concerning notification procedures and enquiry points (G/TBT/1/Rev.4) and agreed to grant observer status to the Organization for Economic Co-operation and Development (OECD) on an *ad hoc* basis pending final agreement on guidelines for observer status for international intergovernmental organizations in the WTO. The Committee also heard a presentation by the representative of the ISO on ISO/IEC guides relating to conformity assessment activities and held discussions on eco-labelling, avoidance of duplication and the ISO/IEC Code of Good Practice on Standardization.

At its meeting in June, the Committee held discussions on technical assistance and eco-labelling and heard a presentation by the representative from the International Laboratory Accreditation Conference (ILAC). It adopted the notification format under Article 10.7 as contained in document G/TBT/W/25 and agreed to grant observer status to the United Nations Economic Commission for Europe on a *ad hoc* basis pending final agreement on guidelines for observer status for international intergovernmental organizations in the WTO.

At its meetings in October, the Committee discussed and finalized its Report to the Singapore Ministerial Conference (G/TBT/W/32 and G/L/122), carried out its periodic examination under Article 12.10 of the Agreement on the special and differential treatment granted to developing country Members and heard a presentation by the representative from the United Nations Economic Commission for Europe (UN/ECE). It agreed to continue to grant observer status to those international intergovernmental organizations which were observers in the Committee on an *ad hoc* basis, under the rules and procedures adopted by the General Council, and to set up a small technical working group to study the relevant ISO/IEC Guides and how they might contribute to further the objectives of Articles 5 and 6 of the Agreement.

2. 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 1996

Members	Date of entry into Force	Documents containing Members' Statements on Implementation and Administration of the Agreement
HONG KONG	1 January 1995	G/TBT/2/Add.1
UNITED STATES	1 January 1995	G/TBT/2/Add.2
INDONESIA	1 January 1995	G/TBT/2/Add.3
SLOVAK REPUBLIC	1 January 1995	G/TBT/2/Add.4
SLOVENIA	30 July 1995	G/TBT/2/Add.5
CANADA	1 January 1995	G/TBT/2/Add.6
SWITZERLAND	1 January 1995	G/TBT/2/Add.7
AUSTRALIA	1 January 1995	G/TBT/2/Add.8
MALAYSIA	1 January 1995	G/TBT/2/Add.9
JAPAN	1 January 1995	G/TBT/2/Add.10
PHILIPPINES	1 January 1995	G/TBT/2/Add.11
EUROPEAN COMMUNITIES	1 January 1995	G/TBT/2/Add.12
CUBA	20 April 1995	G/TBT/2/Add.13
MEXICO	1 January 1995	G/TBT/2/Add.14
NORWAY	1 January 1995	G/TBT/2/Add.15
CHILE	1 January 1995	G/TBT/2/Add.16
ROMANIA	1 January 1995	G/TBT/2/Add.17 and Corr.1
COLOMBIA	30 April 1995	G/TBT/2/Add.18
BAHRAIN	1 January 1995	G/TBT/2/Add.19
NIGERIA	1 January 1995	G/TBT/2/Add.20
ARGENTINA	1 January 1995	G/TBT/2/Add.21

Members	Date of entry into Force	Documents containing Members' Statements on Implementation and Administration of the Agreement
TUNISIA	29 March 1995	G/TBT/2/Add.22
UGANDA	1 January 1995	G/TBT/2/Add.23
NEW ZEALAND	1 January 1995	G/TBT/2/Add.24
SINGAPORE	1 January 1995	G/TBT/2/Add.25
BRAZIL	1 January 1995	G/TBT/2/Add.26
SRI LANKA	1 January 1995	G/TBT/2/Add.27
KOREA	1 January 1995	G/TBT/2/Add.28
PERU	1 January 1995	G/TBT/2/Add.29
MACAU	1 January 1995	G/TBT/2/Add.30

3. NOTIFICATIONS

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

Since the entry into force of the Agreement on 1 January 1995 up to 31 December 1996, 825 notifications have been made by 33 Members.

Table 2 - 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 in 1996	Number of notifications made under the relevant Articles in 1996							Total number of notifications made since 1 January 1995	Total number of notifications made under the relevant Articles since 1 January 1995						
		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.
Argentina	1		1						1		1					
Australia	17	17							37	37						
Belgium	13	13							30	30						
Botswana	1	1							1	1						
Brazil	9	3	4					2	9	3	4					2
Canada	20	19		1					49	46		3				
Colombia ²	2		2				2		2		2			2		
Czech Republic	14	14							26	26						
Denmark ²	13	6						7	41	26	10		7	6		7
El Salvador	7	7							8	7	1					
European ² Communities	47	46			9			1	79	78			9			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 in 1996	Number of notifications made under the relevant Articles in 1996							Total number of notifications made since 1 January 1995	Total number of notifications made under the relevant Articles since 1 January 1995							
		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.	
s																	
Finland	5	5							9	9							
France	2	2							3	3							
Germany	2	1						1	4	3							1
Hong Kong	4	3			1				10	8			2				
India	33	33							44	43							1
Jamaica	1	1							1	1							
Japan ²	40	36	1		6				88	77	2		12				
Korea, Rep. of ²	9	9			2				22	17	1		2				4
Macau	4		4						4		4						
Malaysia	19	5						14	20	5							15
Mexico	27	27							56	55	1						
Netherlands	30	30							63	63							
New Zealand	1	1							2	2							
Norway	25	25							31	31							
Philippines ²	11	11	1				1		11	11	1				1		
Singapore	-								8	8							
Slovak Rep.	6	5			1				20	14			6				
Spain	7	6						1	11	10							1
Sweden ²	30	30			1				35	34			1				1
Switzerland	12	12							16	16							
Thailand	12	6	6						19	13	6						
United States	36	36							65	65							
TOTAL	460	410	19	1	20	3	-	26	825	742	33	3	39	9	-	33	

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 under Article 10.7 were made in 1996.

3.2 Objectives and Rationales stated in Notifications³

Table 3 - Objectives and Rationales stated in Notifications in 1996

Objectives and Rationales	Notifications received in 1996
National Security Requirements	-
Prevention of Deceptive Practices	57
Protection of Human Health or Safety	127
Protection of Animal or Plant Life or Health	2
Protection of the Environment	51
Quality Requirements	96
Harmonization	46
Adaptation to New Domestic Law	99
Lowering or Removal of Trade Barriers	23
Cost Saving and Increasing Productivity	13
Other	1
TOTAL	515 ⁴

3.3 Observation of the Recommended Comment Period by Members in the current year⁵

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.4). In 1996, Members allowed an average of 46.9 calendar days for comments, the comment period had lapsed for 15 notifications, and the number of notifications that did not specify a comment period was 23. The table on the following pages gives the relevant data on the observation of the recommended comment period by each Member in 1996.

³The following classification of objectives and rationales is based on the criteria laid down in document G/TBT/W/18.

⁴Several 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 1996.

⁵Calculated 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 1996

Members	Number of notifications made with comment period					Total
	Less than 45 days	45-59 days	60 days or more	Not specified or lapsed	of which notified under Articles 2.10 and 5.7	
Argentina	-	-	-	1	1	1
Australia	11	3	3	-	-	17
Belgium	-	-	8	5	-	13
Botswana	1	-	-	-	-	1
Brazil	2	2	-	5	4	9
Canada	7	6	6	1	-	20
Colombia	-	-	-	2	2	2
Czech Republic	2	4	8	-	-	14
Denmark	-	5	7	1	-	13
El Salvador	-	7	-	-	-	7
European Communities	15	7	25	-	-	47
Finland	-	-	5	-	-	5
France	-	1	1	-	-	2
Germany	-	2	-	-	-	2
Hong Kong	-	1	3	-	-	4
India	27	1	1	4	-	33
Jamaica	1	-	-	-	-	1
Japan	3	22	14	1	1	40
Korea, Rep. of	7	-	-	2	-	9
Macau				4	4	4
Malaysia	16	3	-	-	-	19
Mexico	4	11	11	1	-	27
Netherlands	14	11	4	1	-	30
New Zealand	1	-	-	-	-	1
Norway	9	12	4	-	-	25
Philippines	11	-	-	-	1	11

Members	Number of notifications made with comment period					Total
	Less than 45 days	45-59 days	60 days or more	Not specified or lapsed	of which notified under Articles 2.10 and 5.7	
Slovak Rep.	-	-	6	-	-	6
Spain	7	-	-	-	-	7
Sweden	-	12	18	-	-	30
Switzerland	-	10	2	-	-	12
Thailand	2	1	2	7	6	12
United States	13	4	16	3	-	36
TOTAL	153	125	144	38	19	460

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 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

Updated lists of WTO TBT Enquiry Points under Articles 10.1 and 10.2 of the Agreement are contained in documents G/TBT/ENQ/1-7.

5. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 1996, the Secretariat provided technical assistance to the Asia-Pacific Economic Co-operation (APEC) countries, the ALADI countries, the South African region, and to the Mediterranean Members of the Islamic Development Bank (IDB). Relevant information regarding technical assistance is contained in documents G/TBT/W/26 and G/TBT/W/32.

6. DISPUTE SETTLEMENT UNDER ARTICLE 14

Dispute	Request for Consultations (date of circulation)	Request to Join Consultations	Mutually Agreed Solution	Panel Established	Panel Report Adopted	Notice of appeal	Appellate Report adopted
<i>United States - Standards for Reformulated and Conventional Gasoline</i>	Venezuela 2 February 1995 (WT/DS2/1)			10 April 1995 (WT/DSB/M/3)	20 May 1996 (WT/DS2/9)	United States 21 February 1996 (WT/DS2/6)	20 May 1996 (WT/DS2/9)
	Brazil 12 April 1995 (WT/DS4/1)			31 May 1995 (WT/DSB/M/5)			
<i>Korea - Measures Concerning the Shelf-Life of Products</i>	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 & Corr.1; Add.1-5 & Add.1/Rev.1)				
<i>European Communities - Trade Description of Scallops</i>	Canada 24 May 1995 (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 1996 (WT/DS7/12)	19 July 1995 (WT/DSB/M/6)			
	Peru	Canada	19 July 1996	11 October 1995			

Dispute	Request for Consultations (date of circulation)	Request to Join Consultations	Mutually Agreed Solution	Panel Established	Panel Report Adopted	Notice of appeal	Appellate Report adopted
	25 July 1995 (WT/DS12/1)	9 August 1995 (WT/DS12/3) Chile 11 August 1995 (WT/DS12/2 & Rev.1) Japan 17 August 1995 (WT/DS12/5)	(WT/DS12/12)	(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)	19 July 1996 (WT/DS14/11)				
<i>Korea - Measures Concerning Bottled Water</i>	Canada 8 November 1995 (WT/DS20/1)	United States 30 November 1995 (WT/DS20/2) EC 14 December 1995 (WT/DS20/4)	6 May 1996 (WT/DS20/6)				
<i>European Communities - Measures Concerning Meat and Meat Products (Hormones)</i>	31 January 1996 United States (WT/DS26/1)	8 February 1996 New Zealand (WT/DS26/2) 9 February 1996		20 May 1996 (WT/DSB/M/17)			

Dispute	Request for Consultations (date of circulation)	Request to Join Consultations	Mutually Agreed Solution	Panel Established	Panel Report Adopted	Notice of appeal	Appellate Report adopted
		Australia (WT/DS26/3) 13 February 1996 Canada (WT/DS26/4)					
<i>Korea - Measures Concerning Inspection of Agricultural Products</i>	31 May 1996 United States (WT/DS41/1)						
<i>European Communities - Measures Affecting Livestock and Meat (Hormones)</i>	8 July 1996 Canada (WT/DS48/1)	22 July 1996 Australia (WT/DS48/2) 23 July 1996 United States (WT/DS48/3) 23 July 1996 New Zealand (WT/DS48/4)		16 October 1996 (WT/DSB/M/24)			
<i>Argentina - Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items</i>	15 October 1996 United States (WT/DS56/1)	Hungary 21 October 1996 (WT/DS56/2) EC 25 October 1996 (WT/DS56/3)					
<i>United States - Import Prohibition of Certain Shrimps and Shrimp Products</i>	Philippines 25 October 1996 (WT/DS61/1)	Australia 13 November 1996 (WT/DS61/2) Japan					

Dispute	Request for Consultations (date of circulation)	Request to Join Consultations	Mutually Agreed Solution	Panel Established	Panel Report Adopted	Notice of appeal	Appellate Report adopted
		14 November 1996 (WT/DS61/3)					

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

Overall, since the entry into force of the Agreement, 63 standardizing bodies from 46 Members have adhered to the Code of Good Practice. Notifications of acceptance of the Code by standardizing bodies are contained in documents G/TBT/CS/N/1-63. Document G/TBT/CS/2/Rev.1 contains the complete list by Member of standardizing bodies that have accepted the Code since 1 January 1995.

In 1996, 35 standardizing bodies from 21 Members accepted the Code. A list by Member of all standardizing bodies that have adhered to the Code in 1996 is in document G/TBT/CS/1/Add.1/Rev.1.

The second WTO TBT Standards Code Directory has been published by ISO/IEC Information Centre in January 1997.

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/18	26 January 1996	Notifications made under the Tokyo Round Agreement on Technical Barriers to Trade - Note by the Secretariat on the Objectives and Rationales stated in the Notifications	4
G/TBT/W/19	7 February 1996	Request for Observer Status by the Organization for Economic Co-operation and Development	1
G/TBT/W/20	20 February 1996	Communication from the ISO on its Activities in the Field of Quality and Environmental Standards	25
G/TBT/W/21-WT/CTE/W/21	21 February 1996	Communication from Canada on Eco-labelling	5
G/TBT/W/22	15 March 1996	Request for Observer Status by the United Nations Economic Commission for Europe	2
G/TBT/W/23 - WT/CTE/W/23	19 March 1996	Eco-labelling Programmes - Information provided by Canada, Chile, Czech Republic, European Communities, Norway and United States regarding their national and regional eco-labelling programmes	20
G/TBT/W/24	4 April 1996	Draft Minutes of the Meeting held on 1 March 1996	22
G/TBT/W/25	3 May 1996	Draft Notification Format under Article 10.7	2
G/TBT/W/26	14 May 1996	Technical Assistance	2

Document reference	Date of issue	Title and content of documents	Number of pages
G/TBT/W/27	29 May 1996	Reporting Procedures for the Singapore Ministerial Conference	2
G/TBT/W/28	25 June 1996	Communication from Mexico on the Publication of its 1996 National Standardization Programme	1
G/TBT/W/29	18 June 1996	U.S. Proposal Regarding Further Work on Transparency of Eco- Labelling	2
G/TBT/W/30- WT/CTE/W/38	24 July 1996	Communication from Canada on a Draft Decision on Eco-Labelling Programmes	2
G/TBT/W/31	7 August 1996	Draft Minutes of the Meeting held on 28 June 1996	17
G/TBT/W/32	24 September 1996	Draft Report of the Committee to the Singapore Ministerial Conference	11
G/TBT/W/33	12 November 1996	Draft Minutes of the Meetings held on 16 and 22 October 1996	6
G/TBT/W/34	12 November 1996	Request for Observer Status by the European Free Trade Association	1
G/TBT/Spec/3	6 February 1996	Distribution of ISO Bulletin to Members	1
G/TBT/Spec/4	9 December 1996	Technical Working Groups on ISO/IEC Guides Relating to Articles 5 and 6 of the Agreement - Communication by the Secretariat	1