

WORLD TRADE ORGANIZATION

RESTRICTED
G/TBT/M/6
6 December 1996

(96-5114)

Committee on Technical Barriers to Trade

MINUTES OF THE MEETINGS HELD ON 16 AND 22 OCTOBER 1996

Chairperson: Ambassador C. L. Guarda (Chile)

1. The Committee on Technical Barriers to Trade held its sixth and seventh meetings on 16 and 22 October 1996.
2. The following agenda, contained in WTO/AIR/440 and WTO/AIR/468, were adopted:

	<u>Page</u>
A. Observer Status for International Intergovernmental Organizations in the Committee	2
B. Report to Singapore Ministerial Conference	2
C. Decisions and Recommendations on Conformity Assessment Procedures 2	
D. Periodic Examination under Article 12.10: "Special and Differential Treatment, as laid down in this Agreement, granted to Developing Country Members on National and International Levels"	3
E. Eco-labelling	4
F. Statements on Implementation and Administration of the Agreement	4
G. Presentation by the Representative from the UN/ECE	5
H. Other Business	6

A.OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS
IN THE COMMITTEE

3. The Chairperson recalled that at its meeting of 18 July 1996, the General Council had adopted "Rules of Procedure of the Ministerial Conference and Meetings of the General Council" (WT/L/161).

4. The Committee agreed that pending the on-going consultations by the Chairman of the General Council on the application of the guidelines for observer status for international intergovernmental organizations, the Committee would 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 stated in Annex 3 of document WT/L/161.

B. REPORT TO SINGAPORE MINISTERIAL CONFERENCE

5. The Chairperson recalled that at the last meeting, she had requested Members to provide suggestions, if any, concerning the format and content of the Committee's Report to the Singapore Ministerial Conference before the end of August so that a draft Report could be prepared and circulated to Members at the beginning of October for consideration and adoption at the present meeting (G/TBT/M/5). She drew attention to document G/TBT/W/32, the draft Report prepared by the Secretariat and said that the Secretariat would update the information contained in the tables of that document.

6. A number of proposals for changes to G/TBT/W/32 were made by the representatives of the European Communities and Argentina and were discussed in the Committee.

7. The Committee reconvened its meeting on 22 October and agreed to adopt its Report to the Singapore Ministerial Conference and to submit it to the Council for Trade in Goods at its meeting on 1 November.

C.DECISIONS AND RECOMMENDATIONS ON CONFORMITY ASSESSMENT PROCEDURES

8. The Chairperson drew attention to Articles 5.4 and 6.1.1 of the Agreement encouraging Members to use relevant guides or recommendations issued by international standardizing bodies regarding conformity assessment procedures and mutual recognition of results of each other's conformity assessment procedures. She recalled that the Tokyo Round TBT Committee had recognized ISO/IEC Guides 25, 39 and 43 on testing and inspection activities and recommended their use and proposed that the Committee consider if it wished to adopt those decisions and recommendations taken by the Tokyo Round TBT Committee. She recalled also that at the last meeting, she had suggested that the Committee consider setting up a small technical group to study the relevant ISO/IEC Guides described at the March 1996 meeting by a representative from the ISO, if they might contribute to the establishment of mutual confidence in conformity assessment activities between Members to further the objectives of Articles 5 and 6 of the Agreement.

9. The representative of Canada noted that there might be changes in the situation of the ISO/IEC Guides. He said that it might be more appropriate to wait until the following year to review the relevant ISO/IEC Guides with the other conformity assessment related issues under the Committee's Triennial Review or under a separate exercise.

10. The representative of Mexico shared the view expressed by Canada. She noted that some ISO/IEC Guides might be changed into ISO/IEC Standards. She questioned whether any decisions

adopted by the Committee, recommending the use of certain ISO/IEC Guides, be frozen, given the fact that ISO/IEC Guides were evolving.

11. The Chairperson explained that if the Committee adopted decisions, recommending the use of certain ISO/IEC Guides, it could up-date the recommendations, if needed, at a later stage.

12. The representative of the United States shared the views expressed by Canada and Mexico that additional consideration might be needed before the Committee made recommendations on certain ISO/IEC Guides. She said that under the provisions of the Agreement, one would presume that ISO/IEC Guides were indirectly endorsed for use. She thought that the value of having a recommendation, making reference to particular ISO/IEC Guides, would be for the purpose of illustration and understanding. She said that it might create confusion if the Committee adopted certain ISO/IEC Guides without full consideration of other ISO/IEC Guides that might be appropriate. She welcomed the Chairperson's proposal to set up a small technical group to study the relevant ISO/IE Guides. She noted that a number of delegations were suggesting to look into this exercise in the context of the Committee's Triennial Review. She sought guidance from the Chairperson on how the technical working group would be set up and what its work programme would be.

13. The representative of the European Communities supported the setting up of a technical working group and associated his delegation with its work. He said that ISO/IEC Guides were used as basis for certain European standards and that his delegation would share the experience of using those Guides with other Members.

14. The Committee agreed 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. The Chairperson invited delegations to inform her or the Secretariat of their interest in participating in the technical working group.

15. The representative from the Codex Alimentarius Commission informed the Committee that his organization had adopted Principles for Import and Export Inspection of Foodstuffs aiming at mutual recognition and accreditation by government inspection and certification systems. He thought that those principles might be of interest to the technical working group and said that he would transmit those documents to the WTO Secretariat.

D. PERIODIC EXAMINATION UNDER ARTICLE 12.10: SPECIAL AND DIFFERENTIAL TREATMENT, AS LAID DOWN IN THE AGREEMENT, GRANTED TO DEVELOPING COUNTRY MEMBERS ON NATIONAL AND INTERNATIONAL LEVEL

16. The Chairperson recalled that the Committee had held discussions on Technical Assistance at its first, third and fifth meetings and at its third and fifth meetings it had adopted decisions on technical assistance (G/TBT/1/Rev.4) so that Article 11 of the Agreement could be given operational significance. She said that in this respect, the Secretariat had prepared document G/TBT/W/26 containing information on technical assistance it was providing. Aiming at providing technical assistance to new Members, in particular developing countries, to better understand the Agreement so that it could be fully implemented, the Secretariat was coordinating its technical assistance activities with donor Members and other international and regional intergovernmental bodies which provided technical assistance to other Members. She said that TBT Seminars had been held for the APEC and the ALADI countries and that two additional TBT Seminars would be held in November and December this year for southern African and central American countries.

17. She reminded Members that Article 11 of the Agreement "Technical Assistance to Other Members" provided obligations for Members to give advice and technical assistance to other Members, especially developing country Members, if requested. In this context, she drew the attention of developing country Members to the possibilities of requesting advice and technical assistance from other Members on mutually agreed terms and conditions. She noted that under Article 12.8 of the Agreement on Special and Differential Treatment of Developing Country Members, "the Committee is enable to grant, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement" and that no such request had been received.

18. The representative of India noted that no regional TBT Seminar was organized by the Secretariat in the Asian region and asked if there was plan to organize such regional seminar in the near future.

19. The representative of the Secretariat said that the Secretariat was planning, if possible, to organize a TBT Seminar for Southern Asian countries in the forth coming year.

E. ECO-LABELLING

20. The Chairperson drew attention to document G/TBT/W/30 which was also issued as WT/CTE/W/38, a communication from Canada on "Draft Decision on Eco-labelling Programmes".

21. The representative from Canada said that given the fact that there would be intensive discussions in the Committee on Trade and Environment on eco-labelling in the coming days, it would be better not to discuss the issue at the present meeting.

22. The Committee took note of the statement made.

F. STATEMENTS ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

23. The representative of Canada informed the Committee that his delegation had responded with a letter to the request from the European Communities regarding the Canadian side door strength test for motor vehicles and that the information could be made available to other interested Members on request.

24. Referring to the European Communities' regulation on registration of geographical indications and designations of origin, he regretted that it had not been notified under the TBT Agreement. His delegation's view was that it should be notified under the Agreement, given the fact that it would have impacts on trade. He said that the regulation was an immediate concern of some Canadian cheese exporters. However, given the development of the regulation, it would have more widespread implications.

25. The representative of the European Communities welcomed the response from Canada. However, he regretted that no reply or late replies were received from some other Members to his delegation's comments made to their notifications. He drew attention to the obligations under the Agreement that Members, in addition to notifying, should reply to requests and react to comments within a reasonable time period. He said that his delegation would contact those Members bilaterally.

26. The Chairperson reiterated Members' obligations under the Agreement of notifications and providing opportunities for comments.

27. The representative of the United States recalled that at the last meeting, the European Communities had made comments on a United States draft regulation concerning Care Labelling of Textiles (G/TBT/Notif.96.20). She said that the United States Federal Trade Commission when preparing that regulation, had considered the relevant ISO Standards, but thought them inappropriate. The related documents to that notification were published in the Federal Registers of November and December 1995. In the November 1995 Publication, the United States Federal Trade Commission had provided detailed explanation and information on the revision of the relevant ISO standards and had invited comments on the proposed regulation. She explained that the main inconvenience of using the ISO Standards related to a trade mark right regarding the use of symbols and the technology used in the United States. The ISO standard did not cover all of the elements that the Federal Trade Commissioner foreseen needed to prevent deceptive practices and provide information to consumers. She said that the information elaborated in the Federal Register Publication could be made available to all interested Members. She ensured that the comments made by the European Communities had been considered by the Federal Trade Commission. She informed the Committee that no final decision on the regulation had yet been made and that the regulation, when adopted, would be published in the Federal Register.

28. She recalled that her delegation had notified in G/TBT/Notif.96.46 a United States Standard on Tea. She informed the Committee that since the submission of that notification, the Tea Importation Inspection Act had been repealed by the United States Congress. At present, tea was regulated like any other food under the United States Food and Cosmetic Act without specific standards. She welcomed the effort of the European Communities in bringing the Committee's attention to that standard at the last meeting, providing opportunities for her authorities to have direct contact with the domestic regulators, reminding them of the obligations under the Agreement.

29. She informed the Committee that the National Institution for Standards and Technology (NIST), the United States Enquiry Point, was currently updating a number of Directories containing information on standard related activities in the United States. A Directory of United States private sector product certification programmes was recently published, containing information on 170 organizations engaged in private certification activities. Copies of the Directory and of the 1995 Directory of the operation of the United States Enquiry Point were available to interested Members at the United States Enquiry Point.

30. The Committee took note of the statements made.

G. PRESENTATION BY THE REPRESENTATIVE FROM THE UN/ECE

31. The Chairperson recalled that at the last meeting, the Committee had granted observer status to the United Nations Economic Commission for Europe on an ad hoc basis and at that meeting, the representative of the United States had requested additional information concerning the rules and work of the UN/ECE.

32. The representative from the UN/ECE said that there were 55 member states in her organization. They were from North America and Europe (including the former Soviet Union), a region covering two-third of world trade. One of the mandates of the UN/ECE Trade Division was to elaborate trade standards. These standards were agreed within the ECE and were also adopted and used in an international context. They included: (i) UN/ECE standards on layout key which governed shipping documents, movement of international freight by air, sea, rail and road; (ii) the United Nations' Location Codes; (iii) global standards for the transmission of data electronically set

out by the United Nations/Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT); and (iv) commercial quality standards for agricultural perishable products. The UN/ECE Working Party on Technical Harmonization and Standardization Policy which gathered organizations such as the ISO, major standard bodies of the European Union (such as CEN and CENELEC), National Institute of Standards and Technology (NIST) of the United States and standard body from the Russian Federation, was the principal regional policy body, especially for conformity assessment procedures. She informed the Committee that UN/ECE had prepared and recently updated a booklet containing all the UN/ECE conventions, technical regulations and standards which affected trade within the region and internationally. The booklet could be distributed to WTO Members through the WTO Secretariat if Members considered it useful.

33. She noted that UN/ECE, whilst a regional economic commission, did ensure that its standards were in conformity with international standards. Under Article 11 of the terms of reference of the Economic Commission, non-ECE Members were able to participate fully in a proceeding. In the work of UN/EDIFACT, representatives from Japan, Korea, Singapore and Hong Kong participated on an equal basis in the elaboration of EDIFACT standards. With respect to the UN/ECE layout key, there was a memorandum of Understanding with the ISO that the UN/ECE layout key had the status of an ISO standard. In the work of the UN Location Code, there was an agreement with major international bodies (such as the IATA and the International Chamber of Shipping) which used the Code. In its work on quality standards for fresh fruits and vegetables, UN/ECE cooperated with FAO and CODEX, ensuring consistency of work among the organizations. UN/ECE also worked closely with the OECD scheme for the application of international standards for fresh fruits and vegetables. UN/ECE standards were used by the European Commission in its elaboration of standards within the European Union.

34. She said that UN/ECE collaborated closely with other United Nations' regional economic commissions (Commissions for West Asia, Asia Pacific Region, Latin America, and Africa) directly or through the Economic and Social Council of the United Nations to which all regional commissions report. This network was an important means to disseminate UN/ECE's work and to facilitate the use of UN/ECE standards. She said that it was the commitment of UN/ECE Members to make the effort to abide by the Agreement on Technical Barriers to Trade and its Code of Good Practice, to facilitate the conduct of international trade and to ensure minimize duplication of work between UN/ECE and the WTO.

35. The Committee took note of the statement made.

H. OTHER BUSINESS

36. The Committee agreed on the Chairperson's proposal that the first 1997 meeting of the Committee would be held on 14 February 1997. One of the agenda items would be the Committee's Triennial Review, allowing the Committee to instruct the Secretariat to prepare the necessary documents to conduct the Review.