WORLD TRADE

ORGANIZATION

RESTRICTED

G/TBT/7 3 March 1999

(99-0805)

Committee on Technical Barriers to Trade

FOURTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will conduct its fourth annual review under Article 15.3 of the Agreement at its meeting on 31 March 1999. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 1998.

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EC

I. COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1.1 Composition of the Committee

<u>Chairperson</u>: Otto Th. Genee (Netherlands)

Members¹

Angola Gabon Myanmar Antigua and Barbuda Gambia Namibia Netherlands Argentina Germany Australia Ghana New Zealand Austria Greece Nicaragua Bahrain Grenada Niger Nigeria Bangladesh Guatemala Barbados Guinea Bissau Norway Belgium Guinea, Rep.of Pakistan Belize Guyana Panama

Benin Haiti Papua New Guinea

Bolivia Honduras Paraguay Hong Kong, China Peru Botswana Brazil Hungary Philippines Brunei Darussalam **Iceland** Poland Bulgaria India Portugal Burkina Faso Indonesia Oatar Burundi Ireland Romania Cameroon Israel Rwanda

Canada Italy Saint Kitts and Nevis

Central African Republic Jamaica Saint Lucia

Chad Japan Saint Vincent & Gren.

ChileKenyaSenegalColombiaKoreaSierra LeoneCongoKuwaitSingaporeCongo, Democratic Rep of theKyrgyz RepublicSlovak Republic

Costa Rica Lesotho Slovenia

Côte d'Ivoire Liechtenstein Solomon Islands Cuba Luxembourg South Africa Cyprus Macau Spain Czech Republic Madagascar Sri Lanka Denmark Malawi Suriname Diibouti Malaysia Swaziland Dominica Maldives Sweden Dominican Republic Mali Switzerland

EcuadorMauritaniaThailandEgyptMauritiusTogoEl SalvadorMexicoTrinidad and Tobago

Tanzania

FijiMongoliaTunisiaFinlandMoroccoTurkeyFranceMozambiqueUganda

Malta

¹Members and observers on 31 December 1998.

United Arab Emirates Uruguay Zimbabwe

United Kingdom Venezuela
United States Zambia

Observer Governments²

Albania Ethiopia Oman

Algeria Former Yugoslav Rep. of Russian Federation
Andorra Macedonia Saudi Arabia
Armenia Georgia Seychelles
Azerbaijan Jordan Sudan

Belarus Kazakstan Chinese Taipei

CambodiaLaoTongaCape VerdeLatviaUkraineChinaLithuaniaUzbekistanCroatiaMoldovaVanuatuEstoniaNepalViet Nam

Observer Organizations

ACP³, ALADI³ EFTA³ FAO, IEC, IMF, ISO, ITC, OECD, OIE, OIML³ UNCTAD, UN/ECE, 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 twelfth, thirteenth, fourteenth and fifteenth meetings on 27 March, 1 July, 15 September and 20 November 1998 (G/TBT/M/11-14) respectively. At those meetings, the Committee heard statements on 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.

At its meeting in March, the Committee carried out its Third Annual Review of the Implementation and Operation of the Agreement under Article 15.3 (G/TBT/6) and of the Code of Good Practice for the Preparation, Adoption and Application of Standards, Annex 3 of the Agreement (G/TBT/CS/1/Add.2, G/TBT/CS/2/Rev.4 and WTO TBT Standards Code Directory – third addition). It started its programme of work arising from the First Triennial Review of the Operation and Implementation of the Agreement under Article 15.4.

At its meetings in July, September and November, the Committee continued its work programme arising from the Triennial Review. At those meetings, delegations presented their papers and proposals, and discussions were held under different elements of the Triennial Review (G/TBT/5). Relevant submissions by delegations and Secretariat papers are contained in documents G/TBT/W/60-61, 63-64, 70-72, 74 and Add.1, 75-76 and Add.1, 79-88, 92-93 and 99.

²Members and observers on 31 December 1998.

³Observer status on an ad hoc basis.

On 14 September, a Workshop and a Special Meeting on Procedures for Information Exchange were held. There was a good turn out of representatives from capitals of developing and least developed countries as a result of the WTO Dutch Funds financing their participation. At the Workshop, the transparency provisions of the Agreement were laid out and several national and regional experiences concerning enquiry points and notification procedures presented. A number of speakers addressed the importance of disseminating standard information to industry. At the Meeting, delegations addressed the specific difficulties and problems faced by national enquiry points and with respect to notification procedures. Proposals and suggestions were made in this respect, including those related to ways to enhance electronic exchange and possible relevant technical assistance. It was agreed that a survey on national enquiry points would be conducted to determine what steps needed to be taken to facilitate the electronic transmission of documents between Members. The survey would also facilitate efforts to better target technical assistance and training.

At its meeting in November, the Committee adopted its Report (1998) to the Council for Trade in Goods (G/L/278), and held discussions on trade facilitation related to the TBT Agreement. It was agreed that the Chairman, on behalf of the Committee would submit a note to the Chairman of the Council for Trade In Goods in this regard. At the meeting, the Committee also held discussions on the proposals concerning notifications and information exchange arising from the special Meeting held on 14 September (G/TBT/W/89-90 and 100).

On 19 November, a special Information Sessions of Bodies Involved in the Preparation of International Standards was held. Ten organizations were invited (FAO, FAO/WHO Codex, IEC, ISO, OIE, OIML, ITU, OECD, UN/ECE and WHO). The objectives of the Information Session was to increase the awareness of Members of the activities of these organizations, to have them take account of the ongoing discussions on international standards in the Committee, and to develop an improved understanding of the role of international standards within the Agreement. The Secretariat was requested to prepare a synthesis paper compiling the information provided by the organizations. It was agreed that a similar Information Session on Conformity Assessment Procedures would be held in 1999.

II. IMPLEMENTATION AND ADMINISTRATION

2.1 <u>Statements on Implementation and Administration of the Agreement (Article 15.2)</u>

Table 1 - Statements on Implementation and Administration of the Agreement received in 1998

Members	Date of entry into Force	Documents containing Members' Statements on Implementation and Administration of the Agreement
BOLIVIA	14 September 1995	G/TBT/2/Add.43 and Supp.1
MONGOLIA	27 January 1997	G/TBT/2/Add.44
PAKISTAN	1 January 1995	G/TBT/2/Add.45
CYPRUS	30 July 1995	G/TBT/2/Add.46
REPUBLIC OF TRINIDAD AND TOBAGO	1 March 1995	G/TBT/2/Add.47
BARBADOS	1 January 1995	G/TBT/2/Add.48
REPUBLIC OF ZIMBABWE	3 March 1995	G/TBT/2/Add.49
HONDURAS	1 January 1995	G/TBT/2/Add.50

III. NOTIFICATIONS

3.1 <u>Notifications made in the current year and since entry into force of the Agreement by Members and by the relevant Articles of the Agreement</u>

Since the entry into force of the Agreement on 1 January 1995 up to 31 December 1998, 2667 notifications have been made by 49 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

	Number of	Nu	ımber of not	ifications m	ade under tl	ne relevant A	Articles in	1998	Total number of	Total nu	ımber of not	ifications ma	ade under th 1995	ne relevant A	articles since	e 1 January
Members	notification s made in 1998	29	2.10	32	5.6	5.7	72	not specified	notifications made since 1 January 1995	29	2.10	32	5.6	5.7	7.2	not specified
Argentina	1	1	-	-	-	-	-	-	2	1	1	-	-	-	-	-
Australia	8	6	2	-	-	-	-	-	67	62	8	-	3	3	-	-
Austria	1	=	-	-	-	-	-	1	3	2	-	-	-	-	-	1
Belgium ⁴	49	49	-	-	-	-	-	-	126	126	-	-	-	-	-	-
Benin	-	-	-	-	-	-	-	-	2	1	1	-	-	-	-	-
Bolivia	19	17	_	-	-	-	-	2	20	17	1	-	-	-	-	2
Botswana	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Brazil	43	36	3	-	3	-	-	1	87	74	7	-	3	-	-	3
Canada	19	18	-	-	1	-	-	-	85	81	-	3	1	-	-	-
Chile	10	10	-	-	-	-	-	-	11	11	-	-	-	-	-	-
Colombia	-	-	-	-	-	-	-	-	34	31	3	-	-	3	-	-
Costa Rica	-	=	-	-	-	-	-	-	8	8	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Czech	6	2	-	-	4	-	-	-	33	28	-	-	5	-	-	-
Republic Denmark	39	26	1	-	-	-	-	12	103	73	11	-	7	6	-	22
El Salvador	2	2	-	-	-	-	-	-	32	31	1	-	-	-	-	-
Egypt	5	5	-	-	-	-	-	-	6	6	-	-	-	-	-	-
European Community ⁵	36	16	-	-	21	-	-	2	133	112	-	-	32	_	-	3

⁴Two notifications submitted on behalf of the Benelux partners. ⁵Member notifying under more than one article.

	Number of	Nι	umber of no	tifications m	ade under t	he relevant	Articles in	1998	Total number of	Total nu	imber of not	ifications m	ade under tl 1995	ne relevant A	articles sinc	e 1 January
Members	notification s made in 1998	29	2.10	32	5.6	5.7	72	not specified	notifications made since 1 January 1995	29	2.10	32	5.6	5.7	7.2	not specified
Fiji	-	-	-	-	-	-		-	1	-	1	-	-	-	-	-
Finland	4	4	-	-	-	-	-	-	17	17	-	-	-	-	-	-
France	20	16	1	-	-	-	-	3	38	35	2	-	1	-	-	3
Germany	2	2	-	-	-	-	-	-	7	6	-	-	-	-	-	1
Hong Kong, China	2	1	-	-	1	-	-	-	19	14	-	-	5	-	-	-
India	-	-	-	-	-	-	-	-	44	43	-	-	-	=	-	1
Israel ⁶	45	32	-	-	23	-	-	2	55	41	-	-	27	-	-	2
Jamaica	4	4	-	-	-	-	-	-	13	13	-	-	-	-	-	-
Japan	27	22	1	-	4	-	-	-	147	126	3	-	21	1	-	-
Republic of Korea	8	8	-	-	-	-	-	-	44	39	1	-	2	-	-	4
Macau	-	-	-	-	-	-	-	-	4	-	4	-	-	-	-	-
Malaysia	28	28	-	-	-	-	-	-	60	39	-	-	-	-	-	21
Mexico	35	34	1	-	-	-	-	-	120	116	3	-	-	-	-	1
Netherlands	88	87	1	-	-	-	-	-	436	425	11	-	-	-	-	-
New Zealand	5	5	-	-	-	-	-	-	11	11	-	-	-	-	-	-
Norway ⁷	12	11	-	-	9	-	-	1	50	47	1	-	9	-	-	1
Philippines	1	1	-	-	-	-	-	-	23	20	1	-	3	1	-	-
Poland	1	-	1	-	-	-	-	-	1	-	1	-	-	-	-	-
Senegal	-	-	-	-	-	-	-	-	1	1	-	-	-	=	-	-
Singapore	3	3	-	-	-	-	-	-	14	14	-	-	-	-	-	-

⁶Member notifying under more than one article. ⁷Member notifying under more than one article.

	Number of	Nu	ımber of not	tifications m	ade under th	ne relevant A	Articles in	1998	Total number of	Total nu	mber of not	ifications m	ade under th	e relevant A	articles since	e 1 January
Members	notification s made in 1998	29	2.10	32	5.6	5.7	72	not specified	notifications made since 1 January 1995	29	2.10	32	5.6	5.7	7.2	not specified
Slovak	2	2	-	-	-	-	-	-	30	22	-	-	8	-	-	-
South	17	17	-	-	-	-	-	-	25	25	-	-	-	-	-	-
Africa Spain	9	9	-	-	-	-	-	-	25	23	1	-	-	-	-	1
Sri Lanka	-	-	-	_	-	-	-	-	1	1	-	-	-	-	-	-
Sweden	16	16	-	-	-	-	-	-	70	68	-	-	1	-	-	1
Switzerland	7	7	-	-	-	-	-	-	43	43	-	-	-	-	-	-
Thailand ⁸	34	26	-	-	1	8	-	-	78	59	10	-	2	8	-	-
Trinidad &	1	1	-	-	-	-	-	-	3	1	2	-	-	-	-	-
Turkey ⁹	4	4	-	-	-	-	3	-	4	4	-	-	-	-	3	-
United Kingdom	2	2	-	-	-	-	-	-	5	5	-	-	-	-	-	-
United States	33	32	-	-	1	-	-	-	124	123	-	-	1	-	-	1
TOTAL ¹⁰	648	562	11	-	68	8	3	24	2267	2044	74	3	131	22	3	68

⁸Member notifying under more than one article.

⁹Member notifying under more than one article.

¹⁰Two notifications submitted on behalf of the Benelux partners.

3.1.1 Objectives and Rationales stated in Notifications¹¹

Table 3 - Objectives and Rationales stated in Notifications in 1998

Objectives and Rationales	Notifications received in 1998
National Security Requirements	0
Prevention of Deceptive Practices and consumer protection	72
Protection of Human Health or Safety	241
Protection of Animal or Plant Life or Health	5
Protection of the Environment	61
Quality Requirements	13
Harmonization	33
Adaptation to New Domestic Law and Technology	92
Lowering or Removal of Trade Barriers	12
Cost Saving and Increasing Productivity	8
Other (including for consumers' information)	108
Not specified	3
Total	648

3.1.2 Observation of the Recommended Comment Period by Members in the current year¹²

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.5). In 1998, Members allowed an average of 47.2 calendar days for comments, the comment period had lapsed for 14 notifications, and the number of notifications that did not specify a comment period was 93. The table on the following pages gives the relevant data on the observation of the recommended comment period by each Member in 1998.

 $^{^{11}}$ The following classification of objectives and rationales is based on the criteria laid down in document G/TBT/W/18.

¹²Calculated 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 1998

		Num	ber of notifications r	nade with commen	t period	
Members	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	Total
Argentina	-	-	-	1	-	1
Australia	7	-	1	-	2	8
Austria	-	-	1	-	-	1
Belgium	-	-	2	47	-	49
Bolivia	-	-	-	19	-	19
Brazil	31	2	2	8	3	43
Canada	15	-	3	1	-	19
Chile	4	5	-	1	-	10
Czech Republic	2	3	1	-	-	6
Denmark	24	6	6	3	1	39
El Salvador	-	2	-	-	-	2
Egypt	1	1	3	-	-	5
European Communities	8	14	14	-	-	36
Finland	-	-	4	-	-	4
France	3	4	13	-	1	20
Germany	2	-	-	-	-	2
Hong, Kong, China	-	1	1	-	-	2
Israel	14	17	13	1	-	45
Jamaica	2	2	-	-	1	4
Japan	8	3	16	-	1	27
Republic of Korea	6	2	-	-	-	8
Malaysia	28	-	-	-	-	28
Mexico	19	8	1	7	1	35
Netherlands	29	46	11	2	1	88
New Zealand	4	1	-	-	-	5
Norway	9	2	-	1	-	12
Philippines	-	1	-	-	-	1
Poland	-	-	1	-	1	1

		Num	ber of notifications r	nade with comment	period	
Members	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	Total
Singapore	1	2	-	-	-	3
Slovak Republic	-	1	1	-	1	2
South Africa	6	-	-	11	-	17
Spain	5	-	1	3	-	9
Sweden	1	4	11	-	-	16
Switzerland	-	5	2	-	-	7
Thailand	1	6	26	1	8	34
Trinidad and Tobago	-	1	-	-	-	1
Turkey	3	-	1	-	-	4
United Kingdom	-	2	-	-	-	2
United States	8	10	14	1	-	33
TOTAL	241	151	149	107	19	648

3.2 <u>Notifications under Article 10.7 - Bilateral or Multilateral Agreements reached by Members on issues related to Technical Regulations, Standards or Conformity Assessment Procedures</u>

In 1998, no notification was made under Article 10.7.

IV. PUBLICATIONS AND ENQUIRY POINTS

4.1 <u>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</u>

Relevant information is contained in documents G/TBT/2 and addenda.

4.2 <u>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</u>

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/1-13.

V. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 1998, the Secretariat held TBT Seminars jointly with the ISO, ITC, AIDMO and OAS for the French speaking African countries, Arab countries and Latin American countries. Resource to pay for participants from French speaking African countries attending the Seminar was obtained from the WTO Norway Funds.

VI. DISPUTE SETTLEMENT UNDER ARTICLE 14

D .						3. 7	
Dispute	Request for	Request to	Mutually	Panel	Panel	Notice	Appellate
	Consultations	Join Consultations	Agreed Solution	Established Circulated	Report	of Appeal	Report Circulated
European	31 Jan. 1996	8 Feb.1996	Solution	20 May	Circulated	24 Sept.	Circulated
Communities -	United States	New Zealand		1996	18 Aug.	1997	16 Jan.
Measures	(WT/DS26/1)	(WT/DS26/2)		1330	1997	(WT/D	1998
Concerning	(G/TBT/D/5)				(WT/DS26/	S26/9)	(WT/DS26/
Meat and Meat	,	9 Feb. 1996			R/USA)	,	AB/R)
Products		Australia					,
(Hormones)		(WT/DS26/3)			Adopted		Adopted
					13 Feb.		13 Feb.
		13 Feb. 1996			1998		1998
		Canada			(WT/DS26/		(WT/DS26/
		(WT/DS26/4)			13)		13
European	8 July 1996	22 July 1996		16 Oct.	Circulated	24 Sep.	Circulated
Communities -	Canada	Australia		1996	18 Aug.	1997	16 Jan.
Measures	(WT/DS48/1) (G/TBT/D/7)	(WT/DS48/2)			1997 (WT/DS48/	(WT/D S48/7)	1998 (WT/DS48/
Affecting Livestock and	(0/101/0//)	23 July 1996			R/CAN)	340//)	(W 1/DS48/ AB/R)
Meat		United States			IVCAIN)		AD/K)
(Hormones)		(WT/DS48/3)			Adopted		Adopted
(Hormones)		(11/15/10/3)			13 Feb.		13 Feb.
		23 July 1996			1998		1998
		New Zealand			(WT/DS/48		(WT/DS48/
		(WT/DS48/4)			/11)		11)
Argentina -	15 Oct. 1996	29 Oct. 1996		25 Feb.1997	Circulated	21 Jan.	Circulated
Measures	United States	Hungary			25 Nov.	1998	27 March
Affecting	(WT/DS56/1)	(WT/DS56/2)			1997		1998
Imports of	(G/TBT/D/10)	437 1006			(WT/DS56/		(WT/DS56/
Footwear,		4 Nov. 1996			R)		AB/R)
Textiles, Apparel and		European Communities			Adopted		Adopted
Other Items		(WT/DS56/3)			Adopted 22 April		Adopted 22 April
Other rems		(W1/D330/3)			1998		1998
					(WT/DS/56		(WT/DS/56/
					/11)		11)
United States -	3 June 1997	11 June 1997	11 Feb.		,		
Measures	European	Switzerland	1998				
Affecting	Communities	(WT/DS85/2)	(WT/DS85				
Textiles and	(WT/DS85/1)		/9)				
Apparel	(G/TBT/D/13)	18 June 1997					
Products		Honduras					
		(WT/DS85/3)					
		<u> </u>	<u> </u>				

Diamorto	Dogwood for	Dogwood to	Mutually	Panel	Panel	Notice	Annallata
Dispute	Request for	Request to Join	Mutually Agreed	Established	Report	of	Appellate Report
	Consultations	Consultations	Solution	Circulated	пероге	Appeal	Circulated
		17 June 1997				11	
		Hong Kong,					
		China					
		(WT/DS85/4)					
		10.7					
		18 June 1997					
		Pakistan					
		(WT/DS85/5)					
		18 June 1997					
		India					
		(WT/DS85/6)					
		10.7					
		19 June 1997					
		Japan (WT/DS85/7)					
		(W1/D883//)					
		25 June 1997					
		Dominican					
		Republic					
		(WT/DS85/8)					
European	3 June 1998	12 June 1998					
Communities-	Canada	Brazil					
Measures	(WT/DS135/1)	(WT/DS135/2)					
Affecting	(G/TBT/D/15)	(
Asbestos and	,						
Products							
containing							
Asbestos							
European	8 June 1998						
Communities-	India						
Restrictions on Certain Import							
Duties on Rice	(0/101/0/10)						
European	24 June 1998						
Communities	Canada						
Measures	(WT/DS/137/1)						
Affecting	(G/TBT/D/17)						
Imports of							
Wood of							
Conifers from							
Canada	10 Cant 1000						
United States- Certain	19 Sept. 1998 Canada						
Measures	(WT/DS/144/1)						
Affecting the	(G/TBT/D/18)						
Import of Cattle,	(3,121,2,10)						
Swine and Grain							
from Canada							
United States-	25 Nov. 1998	8 Dec. 1998					
Measures	European	Dominican					
Affecting	Communities	Republic					
Textiles and	(WT/DS151/1)	(WT/DS151/2)					

Dispute	Request for Consultations	Request to Join Consultations	Mutually Agreed Solution	Panel Established Circulated	Panel Report	Notice of Appeal	Appellate Report Circulated
Apparel Products (II)	(G/TBT/D/19)	8 Dec. 1998 Hong Kong, China (WT/DS151/3) 9 Dec. 1998 Pakistan (WT/DS151/4) 7 Dec. 1998 Honduras (WT/DS151/5) 7 Dec. 1998 Japan (WT/DS151/6) 7 Dec. 1998 Switzerland (WT/DS151/7) 10 Dec. 1998					
		El Salvador (WT/DS151/8)					

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

Overall, since the entry into force of the Agreement, 106 standardizing bodies from 76 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/1-106 Document G/TBT/CS/2/Rev.5 contains the complete list by Member of standardizing bodies that have accepted the Code since 1 January 1995.

In 1998, 14 standardizing bodies from 10 Members accepted the Code. A list by Member of all standardizing bodies that have adhered to the Code in 1998 is in document G/TBT/CS/1/Add.3.

The fourth WTO TBT Standards Code Directory has been published by the ISO/IEC Information Centre in February 1999.

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/60	9 March 1998	Environmental Labels and Market Access: Case Study on the Colombian Flower-Growing Industry - Contribution from Colombia	8
G/TBT/W/61	11 March 1998	Forests: A National Experience - Contribution from Canada	57
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