

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
TBT/6/Suppl.2
30 December 1981
Special Distribution

Committee on Technical Barriers to Trade

SECOND ANNUAL REVIEW OF THE OPERATION

OF THE AGREEMENT

Basic Document by the Secretariat

Supplement

1. The present document contains additional information and corrections supplied by signatories in connexion with the Second Annual Review of the implementation and operation of the Agreement. It supplements or replaces the relevant parts of document TBT/6 or TBT/6/Suppl.1 in the following sections:

- 2.1 Implementation and Administration: General
- 2.2 Consultation points
- 3.2 Comment period
- 4 Technical assistance and special and differential treatment
- 7 The use of international standards; participation in regional standardizing bodies or international and regional certification systems
- 8.1 Publication

2. As part of the review, additional information was also supplied on two other items. This information will be circulated as indicated below:

- 2.3 Panelists (TBT/W/25/Rev.3)
- 8.2 Information (TBT/W/31/Rev.2)

3. The present document and those indicated in paragraph 2 complete the information available as of the close of the Second Annual Review.

4. As requested in the Committee, the secretariat has considered the possibility of publishing all the up to date information available in a single document as was done after the first annual review, but this approach has not been adopted in view of cost constraints. However, the secretariat proposes to consolidate the information available for the purpose of the review which will take place next year.

2. IMPLEMENTATION AND ADMINISTRATION

2.1 GENERAL

Belgium

Parliamentary approval of the Agreement was given by the law of 30 March 1981, published in the "Moniteur belge" of 18 June 1981.

The Legislative Order of 20 September 1945 has no need to be updated to cover the Agreement's provisions. An administrative circular has been issued in relation to the implementation of the Agreement and this may at a future date be transformed into a Royal Decree.

Japan

In the revised text appearing on page 10 of TBT/6/Suppl.1, the numbers 8 and 9 before the last two paragraphs should be deleted.

Netherlands

The ratification procedure as required by the Netherlands Constitution has been completed. The Parliament has approved the Agreement without debate. The Agreement entered into force for Netherlands on 17 July 1981.

The Netherlands legislation is consistent with the principles of the Agreement: technical regulations, standards and certification systems comply with the general provisions of Articles 2, 5 and 7; consequently no changes of a legislative nature had to be introduced.

The ministries involved in the implementation of this Agreement are Economic Affairs, Social Affairs, Public Health and Environmental Hygiene, Housing and Physical Planning, Agriculture and Fishery, and Transport and Public Works.

Procedures have been established for notification to the GATT of draft technical regulations, the competence of the ministries responsible in this field, the cooperation between the ministries, the appointment of contact persons, the publication of draft technical regulations and adopted technical regulations, the procedures to be followed with respect to requests for information, consultation, or comments on notifications submitted by the Netherlands or received from other signatories.

It is unlikely that local government bodies in the Netherlands will issue technical regulations which may have a significant effect on trade. Nevertheless, local government bodies have been informed of the Agreement and requested to comply with the relevant provisions in appropriate cases.

Non-governmental bodies in the field of standardization in the Netherlands are the "Nederlands Normalisatie Instituut" (N.N.I.) and

the "Nederlands Electrotechnisch Comité" (N.E.C.). These bodies are also involved in implementing the Agreement. They have been requested to apply the relevant provisions of the Agreement. Any standards adopted by them will be published in the "Normalisatie Magazine" edited by the N.N.I. The private institute which co-ordinates activities in the field of certification is the "Raad voor de Certificatie" (Council of Certification). This body has authority to recognize private certification systems on the basis of fixed criteria. In the elaboration of these criteria due account will be taken of the obligations contained in Article 8 of the Agreement.

Pakistan

Pakistan authorities expect to require some time to evolve the necessary procedures and legislation for a full implementation of the Agreement. However, Pakistan already has a set of legislation bearing upon the question of standardization, among which the following:

- (i) Ordinance to provide for the standardization and marking of goods by the Ministry of Industries, published in the Gazette of Pakistan (22 December 1961);
- (ii) The Pakistan Standards Institute (certification marks) Rules and Regulations published in the Official Gazette on 6 July 1962 and 10 August 1962 respectively;
- (iii) Constitution of Pakistan's Standards Institution (P.S.I.) containing resolution, memoranda of association; rules and regulations and bye-laws;
- (iv) Exports (Quality Control) Order, 1973.

The Pakistan Standards Institute, with headquarters at Karachi, has been set up to prepare and promulgate national standards and issue licences to use certification marks for products which conform to such standards. The Institute has so far promulgated over 1400 Pakistan standards and introduced a certification on some items of export interest. It has recently been asked to prescribe the minimum quality standards for another 8 items on a compulsory basis, in consultation with the trade associations concerned.

In addition, the Government has recently taken the following measures for the enforcement of quality control regulations:

- (i) Under the Agriculture Products (Grading and Marketing) Act 1937, the Agricultural Grading and Marketing Department has so far subjected 12 commodities to compulsory quality control restriction for purpose of export and steps are underway to prescribe quality standards for all fruits and vegetables being exported from the country.

- (ii) The current Export Trade Control Order makes it incumbent on exporters to become members of any trade association or chamber, failing which their export registration will be cancelled.
- (iii) A format of standard contract including provision for settlement of trade disputes has been devised and the Fédération of Pakistan Chambers of Commerce and Industry has been asked to ensure that all export contracts include these conditions.
- (iv) The text of the Code on Technical Barriers to Trade has been notified for compliance to the various agencies in the public or private sector.

The Ministry of Commerce is being designated as the enquiry point (see TBT/W/31/Rev.2)

United Kingdom on behalf of Hong Kong

No legislation is required for Hong Kong to implement the Agreement. All government departments responsible for the operation of technical regulations or standards and certification systems have been provided with copies of the Agreement and have been informed of the need to comply with its provisions. Hong Kong does not have, nor is it contemplating the introduction of a national system of technical regulations or standards and certification requirements for products that would significantly affect the trade of other parties. There are nevertheless certain indigenous measures which have been taken for the purposes mentioned in the latter part of Article 2.2 of the Agreement and which are embodied in the various chapters of the law of Hong Kong. There are nine relevant ordinances concerning building, dangerous drugs, dangerous goods, radiation, pharmaceuticals and poisons, road traffic, telecommunications, food hygiene, alcohol and hydrocarbons. The application of the technical regulations or standards and certification requirements embodied in these ordinances is non-discriminatory and in accordance with the provisions of the Agreement.

Responsibility for the adoption and operation of technical regulations, standards and certification systems lies fully in the hands of the Government. There is only one government body responsible for such action and no non-governmental bodies have been given such powers. As a result, the provisions of Article 3, 4, 6 and 8 of the Agreement are not pertinent to the Hong Kong situation.

Internal measures taken within government departments are sufficient to ensure adequate implementation of the Agreement. All the necessary measures for this purpose have already been taken. As to the future, authority to adopt new standards will continue to lie solely in the hands of the Government, which will remain in a position to ensure continuous implementation of the Agreement without any need for changes in existing legislation.

2.2 CONSULTATION POINTS

Pakistan

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3. NOTIFICATION

3.2 COMMENT PERIOD

United Kingdom on behalf of Hong Kong

The time allowed for presentation of comments in writing on technical regulations or standards and rules of certification systems varies from 2 to 12 months.

4. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

Germany, Federal Republic of

The German Standards Institute - a private institute - has for many years provided technical assistance to developing countries.

Training:

DIN assists developing countries in the setting up of standardization institutes of their own mainly by making available standardization experts for short and long-term periods.

Furthermore, education programs are organized either by enabling experts to make studies at the DIN in Berlin or by holding training seminars in developing countries.

Documentation

Other DIN activities of interest to developing countries include mainly the translation of selected DIN standards into the English language (3,000 DIN standards in all are currently available in English). The DIN supplies regularly to 51 institutes in 38 developing countries the German and English versions of DIN standards recently published.

7. THE USE OF INTERNATIONAL STANDARDS: PARTICIPATION
IN REGIONAL STANDARDIZING BODIES OR INTERNATIONAL
AND REGIONAL CERTIFICATION SYSTEMS

Austria

Austria participates in several international and regional standards organizations such as ISO, the Codex Alimentarius Commission and CENELEC. International standards are incorporated into national legislation whenever this can be done without difficulty.

Greece

The act establishing the Hellenic Standards Organization provided that the Greek standards should follow international norms. Presently 90 per cent of all Greek standards are ISO and IEC standards. The Hellenic Standards Organization is a member of CEN since 1979 and of CENELEC since 1980. Since 1978 it is also participating in the work of the International Commission for Conformity Certification of Electric Equipment.

Netherlands

The Netherlands participate actively in the work of the international standardizing bodies, ISO and IEC and in the work of the two regional standards bodies, CEN and CENELEC. The Netherlands also participate in the work of the Codex Alimentarius Commission and in the activities of ILAC.

Pakistan

Pakistan standards are based on ISO standards.

8. TRANSPARENCY

8.1 PUBLICATION

Austria

Proposed rules of certification systems are published in the "Wiener Zeitung" as well as in various regional newspapers.

Chile

Proposed technical regulations are published in the Official Gazette.

Greece

Greek standards, which are drawn up in cooperation with interested social groups, are published in official and other journals.