

COMMITTEE ON TECHNICAL BARRIERS TO TRADE

Draft Minutes of the Meeting held on 14 February 1997

Attached hereto please find the draft minutes of the meeting held on 14 February 1997. Delegations are invited to submit comments, if any, to the Secretariat (Mrs. Vivien Liu, tel. 739 54 55, and Mrs. Barbara D'Andrea, tel. 739 54 78) by 7 April 1997.

WORLD TRADE ORGANIZATION

RESTRICTED

G/TBT/W/37

11 March 1997

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Committee on Technical Barriers to Trade

MINUTES OF THE MEETING HELD ON 14 FEBRUARY 1997

Chairperson: Ambassador C. L. Guarda (Chile)

1. The Committee on Technical Barriers to Trade held its eighth meeting on 14 February 1997.

2. The following agenda, contained in WTO/AIR/516 was adopted:

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A. OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS IN THE COMMITTEE

3. The Committee agreed to grant observer status to the World Bank and to the following organizations which had previously been granted observer status in the TBT Committee on an *ad hoc* basis:

- Food and Agriculture Organization (FAO)
- International Electrotechnical Commission (IEC)
- International Monetary Fund (IMF)
- International Organization for Standardization (ISO)
- International Trade Centre (ITC)
- International Office of Epizootics (OIE)
- Organization for Economic Co-operation and Development (OECD)
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Economic Commission for Europe (UN/ECE)
- WHO/FAO Codex Alimentarius Commission
- World Health Organization (WHO)

4. The Chairperson of the Committee would consult informally on the observer status of the African, Caribbean and Pacific Group of States (ACP), the European Free Trade Association (EFTA) and the Office international de la vigne et du vin (OIV). The requests of these organizations would be treated on a case-by-case basis and considered against the General Council Guidelines (Annex 3 of document WT/L/161), "taking into account such factors as the nature of work of the organization concerned, the nature of its membership, the number of WTO Members in the organization, reciprocity with respect to access to proceedings, documents and other aspects of observership ...".

B. STATEMENTS ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

5. The Chairperson drew attention to the fact that 46 Members had submitted their Statements under Article 15.2 on the Implementation and Administration the Agreement (G/TBT/2/ and Add.1-30). She urged once again those Members, who had not yet done so, to submit their statements.

6. The representative of Poland informed the Committee of the statement submitted by his authorities which would be circulated to Members shortly.

7. The representative of Norway expressed concern about a Canadian Ship Inspectorate Directorate. It obliged cables to be produced according to Canadian national standards in order to be qualified for delivery to the Hibernia Shuttle Tankers Project off the Canadian coast. As a result of the Directorate, a Norwegian company might be excluded from competition. The company, a major cable producer, had been delivering cables to the Hibernia platform in accordance with relevant International Electrotechnical Commission (IEC) standards and additional Canadian requirements to undergo "cold blend" and "cold impact-2 tests". However, new requirements had been introduced, similar to those laid down in the American IEEE - standard 45 of September 1993. He questioned the need for such sudden introduction of additional requirements since the Canadian climatic and water conditions had remained the same.

8. He drew attention to Article 2.4 of the TBT Agreement which stated that "Where technical regulations are required and relevant international standards exist ... , Members shall use them, or the relevant parts of them, as a basis for their technical regulations" and to Article 2.2 which stipulated that "technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective... Such legitimate objectives are, *inter alia*: national security requirements, ... protection of human health or safety, ... or the environment." This led to the following questions: (i) what are the legitimate objectives within the context of Article 2.2 for the additional requirements that cannot be achieved by the use of international standards? and (ii) what are the fundamental factors and/or problems within the context of Article 2.4 which made it necessary for Canada to depart from international standards or the relevant parts of them? He said that the questions had been brought up bilaterally in Ottawa, but regretted that Norway had simply been asked in return on why the company was unable to produce cables in conformity with the new Canadian requirements. He requested the Canadian delegation to provide answers to the above questions at the next Committee meeting.

9. The representative of Canada said that his delegation would provide these answers at the next Committee meeting, and that a written response would be submitted to the Norwegian authorities before the meeting.

10. He drew attention to French regulations on asbestos under Decree 96-11.33 of 24 December 1996 which banned among other things, the import, manufacturing and production of asbestos. The issue had been subject to bilateral consultations. However, France had not fulfilled its obligations under Article 2.5 of the TBT Agreement, which required that "A Member preparing, adopting or applying a technical regulation which may have a significant effect on trade of other Members shall, upon the request of another Member, explain the justification for that technical regulation in terms of the provisions of Articles 2.2 and 2.4." He recalled that on 27 January 1997, communications had been sent to France and the European Communities informing the intention of his delegation to raise the issue at today's meeting. He requested an explanation within 30 days of the French measures.

11. The representative of South Africa associated his delegation with the statement made by Canada. He said that his country was the second largest supplier of asbestos, after Canada, and its exports had similarly been effected by the French regulation.

12. The representative of the European Communities said that the French measure had been notified to the Secretariat the day before the meeting. His delegation would provide answers to the questions raised after consultations with experts.

13. He informed the Committee of an ongoing bilateral dialogues with Canada on the definition of chocolate and expressed concern about Israel's testing and certification requirements with regard to the risk of cadmium and lead content of tableware.

14. The representative of Israel said that he would transmit the statement made to his capital. He requested the European Communities to submit the relevant questions in written form to his delegation.

15. The representative of the Republic of Korea expressed concern about Peru's certification system of second-hand cars. He requested information on how many certificates had been issued.

16. The Committee took note of the statements made. The Chairperson urged the delegations involved to provide replies in writing and transmit them to the Committee.

C. SECOND ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE TBT AGREEMENT UNDER ARTICLE 15.3

17. The Chairperson drew attention to the Secretariat's background document G/TBT/4 for the Second Annual Review of the Implementation and Operation of the Agreement.

18. The representative of India noted that under Article 15.3, "The Committee shall review annually the implementation and operation of the Agreement taking into account the objectives thereof." He said that one of the objectives of the Agreement, as stated in the Preamble, was the desire of Members to ensure that "technical regulations and standards, ..., and procedures for assessment of conformity do not create unnecessary obstacles to international trade;" while recognizing that "no country should be prevented from taking measures necessary to ensure the quality of its exports, or for the protection of human, animal or plant life or health, ... subject to the requirement that they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade, ..." He thought that document G/TBT/4 and the past discussions in the Committee in the context of annual review had not fully addressed these objectives. While the notification of draft technical regulations and standards had fulfilled the objective of transparency, the effect of these regulations and standards on international trade had not been adequately studied. Since the WTO/TBT Agreement had entered into force for two years, he suggested that the Committee invite the Secretariat to undertake a study, if necessary with the assistance of UNCTAD, on the trade restrictive effects of technical regulations and standards and the efforts required to avoid such effects.

19. The representatives of Egypt and Singapore, speaking on behalf of the ASEAN countries, supported the India's request for a Secretariat Study. The representative of Egypt noted a UNCTAD study concerning the environment and thought it would be useful to have a factual or analytical paper on how environmental standards affected trade in developing countries.

20. The representative of Canada noted that all Members shared concerns about the negative trade effects of standard-related activities. He suggested that the study should have a broader focus, encompassing technical regulations, standards and conformity assessment procedures, including requirements for quality certifications.

21. The representative of Japan drew attention to table 4 (Observation of the Recommended Comment Period by Members) of document G/TBT/4 and expressed concern about the increased number of notifications providing less than 45 days for comment. It might be necessary to analyse the underlying reason and requested the Secretariat to circulate notifications as soon as possible after receiving them from Members.

22. The representative of Egypt shared the concern expressed by Japan and said that it was difficult for other Members to have enough time to make comments, especially when the relevant documents needed translation.

23. The Chairperson said that the Secretariat would take all possible measures to ensure speedy circulation of notifications.

24. The Committee took note of the statements made and agreed to request the Secretariat to undertake a study on the trade restrictive effects of technical regulations, standards and conformity assessment procedures. The study would be treated as part of the exercise for the Triennial Review of the Agreement.

D. SECOND ANNUAL REVIEW OF THE CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS IN ANNEX 3 OF THE AGREEMENT UNDER THE MINISTERIAL DECISION ON REVIEW OF THE ISO/IEC INFORMATION CENTRE PUBLICATION

25. The Chairperson drew attention to the 1997 WTO TBT Standards Code Directory prepared by the ISO/IEC Information Centre. It contained the information received according to paragraphs C and J of the Code of Good Practice and to document G/TBT/CS/2/Rev.1 containing a list by Member of all standardizing bodies that had accepted the Code of Good Practice since 1 January 1995. At the end of 1996, 63 standardizing bodies from 46 Members had accepted the Code and notified their work programmes in standardization. During the year 1996, an additional 35 standardizing bodies from 21 Members had accepted the Code of Good Practice (G/TBT/CS/1/Add.1/Rev.1). She expressed concern that the number of acceptances was not satisfactory and drew attention to Article 4.1 of the Agreement which required that "Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice ... and shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with this Code of Good Practice."

26. The representative of India shared the concern expressed by the Chairperson. He noted that hardly any local government standardizing bodies had accepted the Code.

27. The representative of Thailand, referring to document G/TBT/CS/2/Rev.1, drew attention to the fact that the Thai Industrial Standards Institute was a government agency.

28. The Committee took note of the statements made. The Secretariat would make corrections to document G/TBT/CS/2/Rev.1.

E. TECHNICAL WORKING GROUP OF THE COMMITTEE ON ISO/IEC GUIDES RELATING TO ARTICLES 5 AND 6 OF THE AGREEMENT - REPORT ON THE FIRST MEETING

29. The Technical Working Group had been established by the TBT Committee to study certain ISO/IEC Guides and how they might contribute to furthering the objectives of Articles 5 and 6 of the Agreement. The objective was to assist the Committee in considering whether it would be necessary to adopt recommendations regarding the use of these guides. The representative from the Secretariat reported on the first meeting of the Technical Working Group held on 13 February 1997 which at the Chairperson's request, had been chaired by the Secretariat. At the meeting, the mandate of the working group had been recalled and a paper prepared by the Secretariat containing series of questions relating to the ISO/IEC Guides, conformity assessment procedures and mutual recognition agreements had been circulated to help structure the discussions of the Working Group.

30. He thought that the issue concerned a complex and highly technical area of the TBT Agreement, and there appeared to be significant differences among delegations' understanding of the issues involved. For further consideration, the working group had requested the Secretariat to prepare a basic background paper describing the issues involved and compile in a paper the practical experience of individual governments and international organizations in using ISO/IEC guides as well as other guides and recommendations issued by international standardizing

bodies. Members had been invited to provide the relevant information to the Secretariat for inclusion in the paper.

31. The representative of the United States thought that there should be a broader participation in the meetings of the technical working group, given that these served an educational purpose.

32. The Committee took note of the statements made and agreed that the Chairman elect of the Committee would hold informal consultations on the election of officers of the Technical Working Group and the date and format of the Group's next meeting.

F. PREPARATION FOR THE FIRST TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE TBT AGREEMENT UNDER ARTICLE 15.4

33. Under Article 15.4 of the Agreement, the Committee is required to carry out its first Triennial Review of the Operation and Implementation of the Agreement no later than the end of 1997 "with a view to recommending an adjustment of the rights and obligations of the Agreement where necessary to ensure mutual economic advantage and balance of rights and obligations, without prejudice to the provisions of Article 12. Having regard, *inter alia*, to the experience gained in the implementation of the Agreement, the Committee shall, where appropriate, submit proposals for amendments to the text of this Agreement to the Council for Trade in Goods."

34. The Chairperson drew attention to the following points for consideration by Members: (i) how to proceed in order that the Committee can be best prepared for the Review; (ii) dates of meetings in order not to overburden Members and to enable the Committee's Report be prepared in time for submission to the Council for Trade in Goods at the end of the year; (iii) list of elaborated issues to be included in the Review in order that the Committee's discussions can be more focused and fruitful during the next nine months; (iv) documents to be prepared by the Secretariat for the Review; and (v) delegations' submissions of papers and non-papers in order to enrich discussions.

35. She said that the meetings for the preparation of the Triennial Review should be well prepared with sub-items of the Review listed in the agenda. Relevant documents and papers should be circulated well in advance so that Members had enough time to study the issues and have fruitful discussions at the meetings. Concerning the issues, she drew attention to paragraph 21 of the Committee's Report to the Singapore Ministerial Conference (G/L/122) containing the following tentative list of issues suggested by individual Members to be included: the Code of Good Practice for the Preparation, Adoption and Application of Standards; international standards; notification procedures; mutual recognition agreements and equivalence; measures not more trade restrictive than necessary; and conformity assessment procedures. She suggested that Members elaborate the issues they would like to examine under each item, and invited Members to submit written statements to facilitate consideration by the Committee.

36. The representative of the European Communities noted that the potential of the TBT Agreement, preventing and eliminating non-tariff barriers to world trade, had not been fully exploited. The Triennial Review should, therefore, focus on ensuring better functioning and implementing of the Agreement itself rather than considering changes to its provisions.

37. He drew attention to document G/TBT/W/36 (Note from the European Communities on the First Triennial Review) containing specific proposals from his delegation. He highlighted the following proposals: (i) the Committee should set itself the objective of obtaining from all Members, at the latest by the end of the Triennial Review, the statements on implementation and

administration of the Agreement under Article 15.2; an initial evaluation of the quality of the measures taken to ensure implementation and administration of the Agreement could then be carried out; (ii) special attention should be paid to ensure the acceptance by standardizing bodies of the Code of Good Practice on the Preparation, Adoption and Application of Standards; he drew attention to paragraph N of the Code stipulating that a standardizing body which had accepted the Code would reply to comments relating to draft standards only from standardizing bodies that had accepted the Code; and (iii) the common obligations for technical assistance should be reinforced.

38. Concerning the scope of the TBT Agreement, he drew attention to the following elements that his delegation considered desirable for further work: (i) proportionality and the idea of least trade restrictive measures possible: restate the definition of unnecessary barriers to international trade in order to ensure consistency in the application of the Agreement; (ii) different types of conformity assessment procedures worldwide (such as manufacturers' declaration of conformity): carry out an examination with a view to promoting the least trade restrictive approach; and (iii) eco-labelling relating to the scope of the Agreement: continue work on the issue.

39. In respect to notification procedures, he thought it essential that all Members notified their draft technical regulations, conformity assessment procedures and standards under conditions as laid down in the Agreement. He drew attention to the notification obligations of local governments at the level directly below that of the central government. He suggested that information be provided in Members' Statements under Article 15.2 if their local government bodies were authorized to adopt regulatory provisions, and a list should be prepared containing such information. Concerning opportunities for other Members to comment on notified draft regulations, he said it was necessary to improve the operation of the relevant provisions of the Agreement and decisions of the Committee. In order to gain time for the submission of comments, he suggested the following measures be adopted: (i) the text of the notified draft technical regulations or conformity assessment procedures should be provided with the notifications to the WTO Secretariat; interested Members could then obtain these documents from the Secretariat; (ii) the 60 day comment period recommended by the Committee should run from the date on which the notification was published by the WTO; and (iii) the competent authority responsible for dealing with comments made by other Members should be indicated either in the Member's statement under Article 15.2 or in the notification form. As laid down under Article 10.11, information should be provided, if the responsibility for notification procedures was divided among more than one authority.

40. He thought that the first Triennial Review would provide an opportunity to urge Members to use international standards as much as possible. In this respect, the identification of international standards under the Agreement should be based on the broadest possible definition. He referred to the provision that "Where technical regulations are required and relevant international standards exist or their completion is imminent, Members shall use them, or the relevant parts of them, as a basis for their technical regulations". To ensure implementation and for the purpose of transparency, it would be necessary for the Committee to draw up procedures to measure the extent to which Members and standardizing bodies adopt or apply international standards, guides or recommendations. In the event that international standards were not applied, the grounds should be specified in the notification form. This might help to clarify the situation, and to identify why international standards were not used. Recommendations could be made to international standardizing bodies to better identify their work priorities, taking into account the needs of international trade.

41. He felt that the Triennial Review should be conducted by way of a working party.

42. The representative of Canada welcomed the European Communities' contribution to the Triennial Review and its focus on implementation issues. His delegation would review the proposals in detail and provide comments prior to the next TBT meeting. He encouraged other delegations to make similar contributions and submit suggestions and/or comments to facilitate a successful and results-oriented Triennial Review. He proposed that the Secretariat prepare an informal working document listing the issues identified to date. Concerning the preparation for the Triennial Review, the Committee might need a parallel informal process, back-to-back with regular Committee meetings with an open-ended participation, to advance discussions. He thought that due to the importance and broad focus of the Triennial Review, this informal process should be separated from the Technical Working Group on the ISO/IEC Guides and be chaired by the Chairman of the Committee.

43. He thought that the Triennial Review would provide an opportunity for Members to reflect upon the implementation of the Agreement and ensure that the Agreement addressed concerns of the business community. The large number of trade disputes involving the TBT Agreement had indicated the degree to which technical barriers were concrete issues for companies and economies. He said that his delegation's present views with respect to the Triennial Review were preliminary and indicated that a Canadian non-paper would be presented before the next Committee meeting.

44. In terms of substance, he identified the following four issues for consideration in the Triennial Review: (i) The changing nature of standards: The nature of standards as understood by the business community had been changing. Without prejudice to the views of Members on the definition of standards in the TBT Agreement, standards, both national and international, had become much broader than the traditional product-related performance, characteristic or process and production method-based standards. Over the past 10 years, there had been a shift to set standards for organizations producing products (or services) rather than for the products themselves. At the national level, environmental, occupational health and safety, and privacy standards had emerged. Internationally, ISO had developed the ISO 9000 quality management standards and the new ISO 14000 environmental management standards which had been adopted by both developed and developing countries. The Triennial Review should provide opportunities to consider how to incorporate these generic standards under the disciplines of the TBT Agreement and its Code of Good Practice to reduce the potential for protectionist abuse. He noted that one major characteristic of globalization was the tendency for businesses to sub-contract work both domestically and internationally. Given "just-in-time" production techniques, and due to the fact that the final assemblers/manufacturers were responsible for the quality and image of products, companies had increasingly based their supplier policies on these new generic standards. Their trade impact could not be underestimated and the consequent need for trade disciplines was evident.

45. (ii) The portability of certifications: He drew attention to the concerns raised by Canadian exporters about the time-consuming and expensive requirements for multiple certifications, i.e., certifications carried out in Canada might not be acceptable in export markets. The objective of harmonized international standards to facilitate trade could be undermined by multiple testing and certification requirements. He thought that elimination of needless duplication of certification procedures would provide real improvement to the business communities. The Triennial Review should look into the provisions of Article 6 of the Agreement (Recognition of Conformity Assessment by Central Government Bodies) to consider whether these provisions needed to be strengthened to address such problems and ensure the portability of certifications - "one stop, one time" certifications. This should apply to both the certifications for international standards and the certifications for national technical regulations and standards. He recognized the difficulties and costs inherent in negotiating bilateral mutual recognition agreements and invited other delegations

to throw ideas and discuss these issues, taking into account the objectives of the ISO Quality Assessment Recognition System (QSAR) on ISO 9000 and ISO 14000, and the International Accreditation Forum (IAF) with respect to accreditation of certification bodies.

46. (iii) Equivalence: He thought that the issue of recognizing different national technical regulations and standards as equivalent was more complex than the case of harmonized international standards. He drew attention to the fact that the Code of Good Practice for the Preparation, Adoption and Application of Standards (Annex 3 of the Agreement) did not contain a provision similar to Article 2.7 of the Agreement which stated that "Members shall give positive consideration to accepting as equivalent technical regulations of other Members, even if these regulations differ from their own, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations." He thought that this might be due to the fact that during the Uruguay Round negotiations of the TBT Agreement, equivalence for voluntary standards had been of less concern than for mandatory technical regulations. With the changing nature of standards, especially the development and use of ISO 9000 and ISO 14000 generic management standards and parallel national voluntary standards, the trade impact of standards might become greater than that of technical regulations. As a result, equivalence of standards might become as important an issue as in the case of technical regulations. To reflect market reality, priority should be given to reflect on the need to include in the Code of Good Practice a provision parallel to that of Article 2.7 of the Agreement.

47. In that connection, he indicated his delegation's intention to circulate a paper prepared by independent experts outlining a possible approach to equivalence issues in the context of eco-labelling programmes. He noted that the Committee on Trade and Environment's report to the Singapore Ministerial Conference stressed "the importance of WTO Members following the provisions of the TBT Agreement and its Code of Good Practice, including those on transparency" without prejudice to the views of WTO Members concerning the coverage and application of the TBT Agreement to the non-product-related PPM aspects of eco-labelling programmes. He invited Members to notify their eco-labelling programmes.

48. (iv) ISO 14000 series of environmental management standards: He thought that the approach of ISO 14000 could provide a basis for facilitating environmental equivalence. ISO 14000 had two fundamental requirements, a commitment to comply with national environmental legislation and regulations, and a commitment to continuous improvement. In other words, there was no extrajurisdictional application of domestic environmental legislations and regulations, and Principle 7 of the Rio Declaration, "common but differentiated responsibility", was fully respected. For this reason, ISO 14000 treated non-product related process and production methods in a trade-neutral manner, leaving national governments to set their own values and thresholds. He thought that this "built-in" equivalence might offer a way to address the increased use of environmental standards in a manner that took trade concerns into account.

49. The representative of India noted that there were important issues in the Canadian proposal. He welcomed the European Communities' paper and said that his delegation would comment on it at the next meeting. He supported the EC's general approach for the Triennial Review to focus on better implementation of the existing Agreement before considering amendments. He proposed to schedule the first meeting for the preparation of the Triennial Review in the middle of June. In respect of the Secretariat study on the trade restrictive effects of standards and related matters, he requested that a special section be included linking the study to the provisions of Article 12 (Special and Differential Treatment) or a separate paper be prepared examining the implementation of the Agreement in general and in this context, of Article 12.

50. The representative of the United States welcomed the proposals put forward by the European Communities and Canada. They would generate fruitful discussions in subsequent meetings. She supported the EC's general approach with regard to the Triennial Review.

51. The representative of Egypt said that the proposals from the European Communities and Canada contained valid points, and his delegation would make comments at future meetings. He shared the view that the Committee should first consider the implementation of the existing Agreement before looking into changes. Amendments should be dealt with in a cautious manner. He drew attention to the following two points that his delegation considered important: (i) the disciplines governing eco-labelling schemes should be based on concepts of equivalence and mutual recognition so that each country could set its own standards; and (ii) transparency of such schemes should be enhanced through notifications which would provide opportunities for comments.

52. The representative of Japan shared the Canadian representative's view that conformity assessments of quality and environmental management standards, such as ISO 9000 and 14000, might have substantial trade effects. It was important to discuss how the TBT Agreement and mutual recognition agreements could contribute to achieving the goal of one-stop certifications of these standards. He suggested that such mutual recognition agreements be best carried out in the private sectors, e.g. through the IAF, ESC and QSAR. It was important to ensure transparency and fairness in the development of these international standards.

53. According to the Agreement, "Members shall use" international standards as a basis for their mandatory technical regulations and voluntary standards. Japan supported the use of international standards and was at present promoting harmonization of Japanese national standards (JIS) with relevant ISO and IEC standards. However, during the process, his authorities had identified some international standards which were not up to date and, as a result, not applicable. He queried if the work programme to develop or revise international standards had taken full account of trade and production needs, or if the long period of time (in some cases more than 10 years) to develop international standards had made it difficult to incorporate actual market needs and latest technological developments. It might be useful to inform international organizations of these problems so that the situation could be improved. In respect to the format of preparing the Triennial Review, he preferred an informal discussion process.

54. The representative of Mexico welcomed the proposals made by the European Communities, Canada and Japan. She shared the Canada's view that conformity assessment procedures, such as multi-certification, mutual recognition agreements and equivalence, are important issues to be included in the Triennial Review. The Secretariat Studies should cover such issues. Concerning the scheduling and format of meetings for the Triennial Review, she agreed the view to hold the Committee meeting in June and have open-ended informal meetings.

55. The representative of Argentina thought that the proposals made by the European Communities and Canada contained important elements for future discussions. He expressed interest in the Canadian proposal to include in the Code of Good Practice provisions relating to equivalence.

56. The representative of Singapore, speaking on behalf of the ASEAN countries, expressed interest in the European Communities' and the Canada's proposals and said that ASEAN countries would come back with comments at a later stage. He supported the European Communities' view to focus the Triennial Review on the implementation aspects of the existing Agreement. Concerning Canada's statement, he recalled the discussions that had taken place in the Committee on Trade and Environment on the issue of non-product related production and processing

methods. He thought that, given the sensitivity of the subject and the differences in view, the issue should be treated cautiously. The concept of non-product related PPMs was not encompassed by the TBT Agreement. He supported the proposal that the Committee should look into how the TBT Agreement might affect market access and export opportunities for small and medium size enterprises which in most ASEAN countries form a significant part of the industrial structure. He shared the view expressed by the representative of Egypt relating to mutual recognition and equivalence and said that the Secretariat study should include these issues.

57. The representative of Switzerland welcomed the proposals made by the European Communities and Canada and said that her delegation would come back with comments at a later time. She supported the European Communities' view of focusing the Triennial Review on improving the implementation of the Agreement. Her delegation would come back with specific proposals after consulting with industries. The issues of international standards, equivalence of technical regulations and standards, mutual recognition and conformity assessment procedures were of importance to international trade. She thought that some kind of informal discussion would be needed on how to carry out the Triennial Review.

58. The Committee took note of the statements made and agreed that the First Triennial Review would be carried out at its last meeting in 1997, on 12-13 November. The preparation for the Triennial Review would be conducted in open-ended informal meetings in addition to regular Committee meetings.

G. TECHNICAL ASSISTANCE

59. The Chairperson recalled that in 1996, the Secretariat had provided technical assistance to the Mediterranean Members of the Islamic Development Bank, and to countries in APEC, ALADI and South Africa. These technical assistance activities were held in the form of TBT seminars in coordination with Members, other international bodies and regional intergovernmental bodies (G/TBT/W/26 and G/TBT/4).

60. The Secretariat technical assistance programme in 1997 included four TBT seminars to be held jointly with the ISO, ITC and FTAA in the sub-regions of South Asia, Central America, Eastern Europe, Northern Africa and the Middle East. These seminars would be attended by representatives from government agencies, standardizing bodies and private industries. Recognizing that funding for the participation of these seminars might be difficult for some developing country Members, the Secretariat was seeking appropriate resources to pay for participants, especially those from the least developed countries attending the seminars. She invited Members who wished to participate in, or contribute to, those seminars to contact the Secretariat.

61. The representative of Canada thought that the increased impact of technical regulations and standards on international trade suggested that additional technical assistance might be required. He supported the ISO/ITC/WTO TBT seminars as well as the ITC/UNCTAD/WTO Uruguay Round follow-up series of seminars covering more general TBT-and SPS-related issues and environmental requirements. Referring to the upcoming high level meeting jointly organized by the WTO/ITC/UNCTAD on trade-support for least developed countries, he invited Members to reflect on the emphasis to be placed on the areas of technical regulations and standards. He said that market impact of the new generic standards suggested that developing countries may require additional technical assistance in the area. Although a number of organizations had already been providing technical assistance in this context, some further reflection and/or coordination on LDC

capacity-building in this area might be helpful. During the course of the Triennial Review, the Committee might further identify areas for technical assistance.

62. The representative of India welcomed the TBT Seminar in the sub-region of South Asia. It would be helpful for small and medium size enterprises if they could participate.

63. The Committee took note of the statements made.

H. OTHER BUSINESS

64. The representative of Thailand expressed concern about programmes in the European Communities requiring the package of imported products to be taken away for recycling after use. National governments of the Member States would assign companies to manage the scheme, and importers would be charged for the expenses incurred. His delegation might raise the issue in the Committee after a more detailed study, including of its conformity with the TBT Agreement.

65. The Committee took note of the statement made.

I. ELECTION OF OFFICERS

66. The Committee elected Mr. T. Tong (Hong Kong) Chairman for 1997.

67. The Chairman said that he would hold informal consultations on the election of officers for the Technical Working Group on ISO/IEC Guides and on the dates of the following Committee meetings.