

**Committee on Technical Barriers to Trade**

THIRD ANNUAL REVIEW OF THE IMPLEMENTATION AND  
OPERATION OF THE AGREEMENT

Background Document by the Secretariat

The Committee will conduct its third annual review under Article 15.3 of the Agreement at its meeting on 27 March 1998. This document contains information on developments in the implementation and operation of the Agreement during the period from 1 January to 31 December 1997.

The contents of this document are as follows:		<u>Page</u>
I.	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
II.	IMPLEMENTATION AND ADMINISTRATION	6
2.1	Statements on Implementation and Administration of the Agreement (Article 15.2)	6
III.	NOTIFICATIONS	7
3.1	Notifications made by Members under Articles 2.9, 2.10, 3.2, 5.6, 5.7 and 7.2 in the current year and since the entry into force of the Agreement	7
3.1.1	Objectives and rationales stated in Notifications	10
3.1.2	Observation of the recommended comment period by Members in the current year	10
3.2	Notifications under Article 10.7 - Bilateral or Multilateral Agreements reached by Members on issues related to Technical Regulations, Standards or Conformity Assessment Procedures	12
IV.	PUBLICATIONS AND ENQUIRY POINTS	12
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	12
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.	12

4.3.	Enquiry points under Article 10 of the Agreement.	12
V.	TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT	12
VI.	DISPUTE SETTLEMENT UNDER ARTICLE 14	13
VII.	CODE OF GOOD PRACTICE FOR THE PREPARATION, ADOPTION AND APPLICATION OF STANDARDS	15
VIII.	WORKING AND SPECIAL DOCUMENTS ISSUED DURING THE CURRENT PERIOD	15

I. COMMITTEE ON TECHNICAL BARRIERS TO TRADE

1.1 Composition of the Committee

Chairperson: Timothy Tong (Hong Kong, China)

Members<sup>1</sup>

Angola	France	Myanmar
Antigua and Barbuda	Gabon	Namibia
Argentina	Gambia	Netherlands
Australia	Germany	New Zealand
Austria	Ghana	Nicaragua
Bahrain	Greece	Niger
Bangladesh	Grenada	Nigeria
Barbados	Guatemala	Norway
Belgium	Guinea Bissau	Pakistan
Belize	Guinea, Rep.of	Panama
Benin	Guyana	Papua New Guinea
Bolivia	Haiti	Paraguay
Botswana	Honduras	Peru
Brazil	Hong Kong, China	Philippines
Brunei Darussalam	Hungary	Poland
Bulgaria	Iceland	Portugal
Burkina Faso	India	Qatar
Burundi	Indonesia	Romania
Cameroon	Ireland	Rwanda
Canada	Israel	Saint Kitts and Nevis
Central African Republic	Italy	Saint Lucia
Chad	Jamaica	Saint Vincent & Gren.
Chile	Japan	Senegal
Colombia	Kenya	Sierra Leone
Congo	Korea	Singapore
Congo, Democratic Republic of the	Kuwait	Slovak 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
Djibouti	Malaysia	Swaziland
Dominica	Maldives	Sweden
Dominican Republic	Mali	Switzerland
EC	Malta	Tanzania
Ecuador	Mauritania	Thailand
Egypt	Mauritius	Togo
El Salvador	Mexico	Trinidad and Tobago
Fiji	Mongolia	Tunisia
Finland	Morocco	Turkey
	Mozambique	Uganda

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<sup>1</sup>Members and observers on 31 December 1997.

United Arab Emirates  
United Kingdom  
United States

Uruguay  
Venezuela  
Zambia

Zimbabwe

Observer Governments

Albania  
Algeria  
Andorra  
Armenia  
Azerbaijan  
Belarus  
Cambodia  
China  
Croatia  
Estonia  
Ethiopia

Former Yugoslav Rep.  
of Macedonia  
Georgia  
Holy See  
Jordan  
Kazakhstan  
Kyrgyz Rep.  
Latvia  
Lithuania  
Moldova  
Nepal

Oman  
Russian Federation  
Saudi Arabia  
Seychelles  
Sudan  
Chinese Taipei  
Tonga  
Ukraine  
Uzbekistan  
Vanuatu  
Viet Nam

Observer Organizations

ACP<sup>2</sup>, ALADI<sup>2</sup>, EFTA<sup>2</sup>, FAO, IEC, IMF, ISO, ITC, OECD, OIE, OIML<sup>2</sup>, UNCTAD, UN/ECE, WHO, WHO/FAO Codex Alimentarius Commission and the World Bank.

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<sup>1</sup>Members and observers on 31 December 1998

<sup>2</sup>Observer status on an ad hoc basis.

## 1.2 Main Developments of the Committee during the Current Period

The Committee held its eighth, ninth, tenth and eleventh meetings on 14 February, 20 June, 3 October, 13 and 18 November 1997 (G/TBT/M/7-10) respectively. At those meetings, the Committee heard statements on the implementation and administration of the Agreement. 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.

A Technical Working Group was established by the 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 Working Group held meetings on 13 February, 18 June and 2 October (G/TBT/M/7-9). A Briefing Session was organized to help clarify some of the more technical issues relating to conformity assessment procedures. Background papers to describe the issues and the practical experience of individual governments and international organizations in using these guides are contained in documents G/TBT/W/38 and 43.

At its meeting in February, the Committee carried out its Second Annual Review of the Implementation and Operation of the Agreement under Article 15.3 (G/TBT/4) 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.1 and 2/Rev.1). It agreed to grant observer status to the World Bank and to those international intergovernmental organizations that had already been granted ad hoc observer status in the Committee. It heard a report on the first meeting of the Technical Working Group on ISO/IEC Guides and also statements on technical assistance. It started the preparation for the First Triennial Review of the Operation and Implementation of the Agreement under Article 15.4. It considered how to proceed the Review, the dates of meetings and identified the issues to be included. At the meeting, a delegation presented its submission and the Secretariat was requested to prepare background papers for the Review.

At its meeting in June, the Committee agreed to grant ad hoc observer status to the African, Caribbean and Pacific Group of States (ACP) and the European Free Trade Association (EFTA). It heard report from the Chairman (Mr. J. McMillan) of the Technical Working Group on the Group's meeting held on 18 April. It agreed to invite representatives from the ISO, ILAC and IAF as observers at the following meeting of the Group. At the meeting, a number of delegations presented their papers and the Committee held discussions on the proposals put forward for the First Triennial Review of the Agreement.

At its meetings in October, the Committee agreed to grant observer status to the Latin American Integration Association (ALADI) on an ad hoc basis. It heard report from the Chairman of the Technical Working Group on the Group's meeting held on 2 October. It continued to prepare for the First Triennial Review and held discussions on the conduct of the Review process and the issues raised.

At its November meetings, the Committee agreed to grant observer status to the International Organization of Legal Metrology (OIML) on an ad hoc basis. It carried out the First Triennial Review of the Operation and Implementation of the Agreement. It adopted the Report of the Triennial Review (G/TBT/5). Relevant background papers and submissions from delegations are contained in documents G/TBT/W/36, 39-42, 44-45, 47-48, 50-51 and 53-56. The Committee also adopted its Report (1997) to the Council for Trade in Goods (G/L/207).

II. 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 1997

<b>Members</b>	<b>Date of entry into Force</b>	<b>Documents containing Members' Statements on Implementation and Administration of the Agreement</b>
POLAND	1 July 1995	G/TBT/2/Add.31 and Rev.1
BULGARIA	1 December 1996	G/TBT/2/Add.32
TURKEY	26 March 1995	G/TBT/2/Add.33
EGYPT	30 June 1995	G/TBT/2/Add.34
SWAZILAND	1 January 1995	G/TBT/2/Add.35
LIECHTENSTEIN	1 September 1995	G/TBT/2/Add.36
SAINT LUCIA	1 January 1995	G/TBT/2/Add.37
THAILAND	1 January 1995	G/TBT/2/Add.38
MOROCCO	1 January 1995	G/TBT/2/Add.39
MAURITIUS	1 January 1995	G/TBT/2/Add.40
HUNGARY	1 January 1995	G/TBT/2/Add.41
NAMIBIA	1 January 1995	G/TBT/2/Add.42

### III. 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 1997, 1619 notifications have been made by 47 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 1997	Number of notifications made under the relevant Articles in 1997							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 specify		2.9	2.10	3.2	5.6	5.7	7.2	not specify
Argentina	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-
Australia <sup>3</sup>	22	19	6	-	3	3	-	-	59	56	6	-	3	3	-	-
Austria	2	2	-	-	-	-	-	-	2	2	-	-	-	-	-	-
Belgium	47	47	-	-	-	-	-	-	77	77	-	-	-	-	-	-
Benin	2	1	1	-	-	-	-	-	2	1	1	-	-	-	-	-
Bolivia	1	-	1	-	-	-	-	-	1	-	1	-	-	-	-	-
Botswana	-	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Brazil	35	35	-	-	-	-	-	-	44	38	4	-	-	-	-	2
Canada	17	17	-	-	-	-	-	-	66	63	-	3	-	-	-	-
Chile	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Colombia <sup>3</sup>	32	31	1	-	-	1	-	-	34	31	3	-	-	3	-	-
Costa Rica	8	8	-	-	-	-	-	-	8	8	-	-	-	-	-	-
Cyprus	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Czech Republic	1	-	-	-	1	-	-	-	27	26	-	-	1	-	-	-
Denmark <sup>3</sup>	23	20	-	-	-	-	-	3	64	46	10	-	7	6	-	10
El Salvador	22	22	-	-	-	-	-	-	30	29	1	-	-	-	-	-
Egypt	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
European <sup>3</sup> Communities	20	20	-	-	2	-	-	-	99	98	-	-	11	-	-	1
Fiji	1	-	1	-	-	-	-	-	1	-	1	-	-	-	-	-

<sup>3</sup>The number of notifications made under the relevant Articles does not correspond to the total number of notifications made since certain notifications were made under more than one Article.

Members	Number of notifications made in 1997	Number of notifications made under the relevant Articles in 1997							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 specify		2.9	2.10	3.2	5.6	5.7	7.2	not specify
Finland	4	4	-	-	-	-	-	-	13	13	-	-	-	-	-	-
France <sup>3</sup>	15	15	1	-	1	-	-	-	18	18	1	-	1	-	-	-
Germany	1	1	-	-	-	-	-	-	5	4	-	-	-	-	-	1
Hong Kong, China	7	5	-	-	2	-	-	-	17	13	-	-	4	-	-	-
India	-	-	-	-	-	-	-	-	44	43	-	-	-	-	-	1
Israel <sup>3</sup>	10	9	-	-	4	-	-	-	10	9	-	-	4	-	-	-
Jamaica	8	8	-	-	-	-	-	-	9	9	-	-	-	-	-	-
Japan <sup>3</sup>	32	26	-	-	5	1	-	-	120	103	2	-	17	1	-	-
Korea, Rep. of <sup>3</sup>	14	14	-	-	-	-	-	-	36	31	1	-	2	-	-	4
Macau	-	-	-	-	-	-	-	-	4	-	4	-	-	-	-	-
Malaysia	12	6	-	-	-	-	-	6	32	11	-	-	-	-	-	21
Mexico	29	27	1	-	-	-	-	1	85	82	2	-	-	-	-	1
Netherlands	285	275	10	-	-	-	-	-	348	338	10	-	-	-	-	-
New Zealand	4	4	-	-	-	-	-	-	6	6	-	-	-	-	-	-
Norway	7	6	1	-	-	-	-	-	38	37	1	-	-	-	-	-
Philippines <sup>3</sup>	11	8	-	-	3	-	-	-	22	19	1	-	3	1	-	-
Senegal	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Singapore	3	3	-	-	-	-	-	-	11	11	-	-	-	-	-	-
Slovak Rep.	8	6	-	-	2	-	-	-	28	20	-	-	8	-	-	-
South Africa	8	8	-	-	-	-	-	-	8	8	-	-	-	-	-	-
Spain	5	4	1	-	-	-	-	-	16	14	1	-	-	-	-	1
Sri Lanka	1	1	-	-	-	-	-	-	1	1	-	-	-	-	-	-
Sweden <sup>3</sup>	20 <sup>4</sup>	19	-	-	-	-	-	-	55	53	-	-	1	-	-	1
Switzerland	20	20	-	-	-	-	-	-	36	36	-	-	-	-	-	-
Thailand	22	17	4	-	1	-	-	-	41	30	10	-	1	-	-	-
Trinidad & Tobago	2	-	2	-	-	-	-	-	2	-	2	-	-	-	-	-

<sup>4</sup>A notification was made under Article 2.5.



Members	Number of notifications made in 1997	Number of notifications made under the relevant Articles in 1997							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 specify		2.9	2.10	3.2	5.6	5.7	7.2	not specify
United Kingdom	3	3	-	-	-	-	-	-	3	3	-	-	-	-	-	-
United States	26	25	-	-	-	-	-	1	91	90	-	-	-	-	-	1
TOTAL	794 <sup>5</sup>	740	30	-	24	5	-	11	1619	1482	63	3	63	14	-	44

<sup>5</sup>Notifications made in 1997 were circulated in documents G/TBT/Notif.97.1-796 of which notifications G/TBT/Notif.97.240 and 272 were withdrawn.

3.1.1 Objectives and Rationales stated in Notifications<sup>6</sup>

**Table 3** - Objectives and Rationales stated in Notifications in 1997

Objectives and Rationales	Notifications received in 1997
National Security Requirements	22
Prevention of Deceptive Practices	111
Protection of Human Health or Safety	347
Protection of Animal or Plant Life or Health	14
Protection of the Environment	89
Quality Requirements	165
Harmonization	47
Adaptation to New Domestic Law	70
Lowering or Removal of Trade Barriers	30
Cost Saving and Increasing Productivity	33
Other	5
<i>TOTAL</i>	<i>933</i> <sup>7</sup>

3.1.2 Observation of the Recommended Comment Period by Members in the current year<sup>8</sup>

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 1997, Members allowed an average of 46.3 calendar days for comments, the comment period had lapsed for 27 notifications, and the number of notifications that did not specify a comment period was 86. The table on the following pages gives the relevant data on the observation of the recommended comment period by each Member in 1997.

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<sup>6</sup>The following classification of objectives and rationales is based on the criteria laid down in document G/TBT/W/18.

<sup>7</sup>Several 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 1997.

<sup>8</sup>Calculated 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 1997

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	
Australia	2	17	3	-	-	22
Austria	-	1	1	-	-	2
Belgium	-	-	-	47	-	47
Benin	-	-	-	2	1	2
Bolivia	-	-	-	1	1	1
Brazil	33	-	1	1	-	35
Canada	5	7	5	-	-	17
Chile	1	-	-	-	-	1
Colombia	30	-	-	2	1	32
Costa Rica	-	-	8	-	-	8
Cyprus	1	-	-	-	-	1
Czech Republic	1	-	-	-	-	1
Denmark	10	2	7	4	-	23
Egypt	1	-	-	-	-	1
El Salvador	8	-	-	14	-	22
European Communities	4	8	8	-	-	20
Fiji	-	-	-	1	1	1
Finland	2	-	2	-	-	4
France	3	7	5	-	-	15
Germany	1	-	-	-	-	1
Hong Kong, China	3	1	1	2	-	7
Israel	-	10	-	-	-	10
Jamaica	-	6	1	1	-	8
Japan	4	13	14	1	1	32
Korea, Rep. of	8	2	4	-	-	14
Malaysia	8	4	-	-	-	12
Mexico	7	7	11	4	1	29
Netherlands	215	44	13	13	10	285
New Zealand	-	3	1	-	-	4
Norway	-	2	5	-	-	7
Philippines	-	8	3	-	-	11
Senegal	-	-	1	-	-	1
Singapore	1	-	2	-	-	3
Slovak Rep.	-	3	5	-	-	8

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	
South Africa	-	-	1	7	-	8
Spain	4	1	-	-	-	5
Sri Lanka	1	-	-	-	-	1
Sweden	1	7	12	-	-	20
Switzerland	1	16	3	-	-	20
Thailand	4	5	-	13	4	22
Trinidad & Tobago	2	-	-	-	-	2
United Kingdom	1	2	-	-	-	3
United States	10	8	8	-	-	26
<b>TOTAL</b>	<b>372</b>	<b>184</b>	<b>125</b>	<b>113</b>	<b>20</b>	<b>794</b>

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

In 1997, 18 notifications were made under Article 10.7 (G/TBT/10.7/1-18), notified by the Czech Republic, Poland, Australia, the Republic of Slovenia and Mongolia.

IV. 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/1-10.

V. TECHNICAL ASSISTANCE AND SPECIAL AND DIFFERENTIAL TREATMENT

In 1997, the Secretariat held TBT Seminars jointly with the ISO, ITC and FTAA in the sub-regions of Eastern Europe, South Asia and the Caribbean. Resources to pay for participants attending the Seminars were obtained from the WTO Netherlands Funds, the German Standardizing Body (DIN) and the FTAA.

Relevant information regarding the current technical assistance programmes of the European Communities is contained in Annex of document G/TBT/W/36.

VI. DISPUTE SETTLEMENT UNDER ARTICLE 14

<b>Dispute</b>	<b>Request for Consultations</b>	<b>Request to Join Consultations</b>	<b>Mutually Agreed Solution</b>	<b>Panel Established</b>	<b>Panel Report Circulated</b>	<b>Notice of Appeal</b>	<b>Appellate Report Circulated</b>
<i>European Communities</i> – Measures Concerning Meat and Meat Products (Hormones)	31 January 1996 United States (WT/DS26/1) (G/TBT/D/5)	8 February 1996 New Zealand (WT/DS26/2)  9 February 1996 Australia (WT/DS26/3)  13 February 1996 Canada (WT/DS26/4)		20 May 1996	18 August 1997	24 September 1997 (WT/DS26/9)	16 January 1998
<i>European Communities</i> – Measures Affecting Livestock and Meat (Hormones)	8 July 1996 Canada (WT/DS48/1) (G/TBT/D/7)	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	18 August 1997	24 September 1997 (WT/DS48/7)	16 January 1998
<i>Argentina</i> – Measures Affecting Imports of Footwear, Textiles, Apparel and Other Items	15 October 1996 United States (WT/DS56/1) (G/TBT/D/10)	29 October 1996 Hungary (WT/DS56/2)  4 November 1996 EC (WT/DS56/3)		25 February 1997	25 November 1997	21 January 1998	
<i>Argentina</i> – Measures Affecting Textiles, Clothing and Footwear	28 April 1997 European Communities (WT/DS77/1)	14 May 1997 United States (WT/DS77/2)		16 October 1997			
<i>European Communities</i> – Measures Affecting Butter Products	3 April 1997 New Zealand (WT/DS72/1) (G/TBT/D/12)			18 November 1997			

<b>Dispute</b>	<b>Request for Consultations</b>	<b>Request to Join Consultations</b>	<b>Mutually Agreed Solution</b>	<b>Panel Established</b>	<b>Panel Report Circulated</b>	<b>Notice of Appeal</b>	<b>Appellate Report Circulated</b>
<i>United States</i> - Measures Affecting Textiles and Apparel Products	3 June 1997 European Communities (WT/DS85/1) (G/TBT/D/13)	11 June 1997 Switzerland (WT/DS85/2)  8 June 1997 Honduras (WT/DS85/3)  17 June 1997 Hong Kong, China (WT/DS85/4)  18 June 1997 Pakistan (WT/DS85/5)  18 June 1997 India (WT/DS85/6)  19 June 1997 Japan (WT/DS85/7)  25 June 1997 Dominican Republic (WT/DS85/8)					
<i>United States</i> – Measures Affecting Imports of Poultry Products	25 August 1997 European Communities (WT/DS100/1) (G/TBT/D/14)						

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

Overall, since the entry into force of the Agreement, 91 standardizing bodies from 68 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/1-91. Document G/TBT/CS/2/Rev.4 contains the complete list by Member of standardizing bodies that have accepted the Code since 1 January 1995.

In 1997, 28 standardizing bodies from 22 Members accepted the Code. A list by Member of all standardizing bodies that have adhered to the Code in 1997 is in document G/TBT/CS/1/Add.2.

The third WTO TBT Standards Code Directory has been published by ISO/IEC Information Centre in February 1998.

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/35	15 January 1997	Request for Observer Status in the Committee by International Organizations	1
G/TBT/W/36	25 March 1997	First Three-Year Review of the Operation and Implementation of the Agreement - Note from the European Community	12
G/TBT/W/37	11 March 1997	Draft Minutes of the Meeting held on 14 February 1997	12
G/TBT/W/38	9 April 1997	The Relationship between the Agreement and Relevant ISO/IEC Guides – Secretariat background paper	8
G/TBT/W/39	15 April 1997	Triennial Review of the Agreement - Note from the Government of Japan	3
G/TBT/W/40	25 April 1997	U.S. Paper on the First Triennial Review	4
G/TBT/W/41	25 April 1997	TBT Triennial Review - Note from the Government of Canada	5
G/TBT/W/42	28 April 1997	Restrictive Trade Effects of Standards, Technical Regulations and Conformity Assessment Procedures - Background Paper by the Secretariat	11
G/TBT/W/43, Add.1, Add.2, and Add.3	13 June, 9 July, 19 September, and 21 October 1997	Practical Experience of Individual Governments and International Organizations in Using International Guides on Conformity Assessment - Note by the Secretariat	10 2 3 1
G/TBT/W/44	13 June 1997	Requirements of the Agreement Concerning the Preparation, Adoption and Review of Technical Regulations - Communication from New Zealand	12

<b>Document reference</b>	<b>Date of issue</b>	<b>Title and content of documents</b>	<b>Number of pages</b>
G/TBT/W/45	13 June 1997	First Triennial Review of the Operation and Implementation of the Agreement - Submission by Switzerland	4
G/TBT/W/46	18 June 1997	Request for Observer Status by the Latin American Integration Association (ALADI)	1
G/TBT/W/47, and Add.1	25 June, and 17 September 1997	Singapore Paper on the First Triennial Review	2 1
G/TBT/W/48	3 July 1997	First Triennial Review of the Operation and Implementation of the Agreement – Communication from Brazil	3
G/TBT/W/49	4 July 1997	Communication from Mexico on the Publication of its 1997 National Standardization Programme	1
G/TBT/W/50	5 August 1997	First Triennial Review of the Operation and Implementation of the Agreement – Communication by Mexico	7
G/TBT/W/51	30 July 1997	Indian Paper on the First Triennial Review	3
G/TBT/W/52	28 July 1997	Draft Minutes of the Meeting of 20 June 1997	29
G/TBT/W/53	18 September 1997	Working Paper on the First Triennial Review of the Operation and Implementation of the Agreement - Communication from the European Communities	7
G/TBT/W/54	30 September 1997	Philippine Paper on the First Triennial Review	3
G/TBT/W/55	9 October 1997	Australian Paper on the First Triennial Review of the Operation and Implementation of the Agreement	3
G/TBT/W/56	9 October 1997	First Three-Year Review of the Operation and Implementation of the Agreement - Communication from Egypt	2
G/TBT/W/57	16 October 1997	Request for Observer Status by the International Organization of Legal Metrology (OIML)	1
G/TBT/W/58	26 November 1997	Draft Minutes of the Meeting held on 3 October 1997	7
G/TBT/W/59	26 November 1997	Draft Minutes of the Meetings held on 13 and 18 November 1997	2
G/TBT/Spec/5	October 1997	Draft Report (1997) of the Committee	1