



Recommendation of the Council on Administrative and Technical Regulations which Hamper the Expansion of Trade

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Background Information

The Recommendation on Administrative and Technical Regulations which Hamper the Expansion of Trade was adopted by the OECD Council on 3 July 1962 on proposal of the Trade Committee. The Recommendation aimed to eliminate administrative and technical regulations that hamper the expansion of trade, and created an opportunity for Adherents to refer a matter to the Committee should another Adherent adopt administrative or technical regulations that hampered its exports. The Recommendation was abrogated on 12 July 2017 because it had been superseded by the Understanding of Rules and Procedures Governing the Settlement of Disputes developed under the aegis of the WTO.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Report of the Trade Committee of 12 June 1962 to the Council on Administrative and Technical Regulations which Hamper the Expansion of Trade [C(62)108];

HAVING REGARD to paragraph 16 of the Report of the Preparatory Committee;

CONSIDERING that in addition to quantitative restrictions, customs duties, export aids and State trading in imports, there exist in Member countries administrative and technical regulations imposed by the authorities or by private or trading bodies recognised by the authorities and that in certain cases such regulations constitute an unnecessary obstacle to trade;

I. RECOMMENDS that Member Governments keep under review their administrative and technical regulations in order to eliminate those provisions which are not essential for the purpose of the regulation and which hamper trade.

II. DECIDES:

1. Any Member Government which considers that an administrative or technical regulation enforced in another Member country hampers its exports to that country, or has the effect of directly or indirectly discriminating against its trade, may refer the case to the Organisation. As a general rule cases should be referred only when direct negotiations between the Governments concerned have proved unsuccessful.

2. The Trade Committee shall, where appropriate, with the co-operation of other Committees of the Organisation, examine any case referred to the Organisation under paragraph 1 and shall make a report to the Council, if necessary. Where such a case concerns products coming within the terms of reference of the Committee for Agriculture, or the Fisheries Committee, these Committees and the Trade Committee shall jointly examine the case and shall report to the Council, if necessary.

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