

WORLD TRADE ORGANIZATION

G/TBT/Notif.98.262
27 May 1998

(98-2181)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Justice Agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point - EC WTO TBT Enquiry Point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): The draft regulation contains rules regarding the application of mechanical devices by staff in penitentiaries.
5.	Title, number of pages and language(s) of the notified document: Regulation on Mechanical Devices in Penitentiaries
6.	Description of content: Article 33 of the Penitentiary Principles Act (Dutch abbreviation: PBW) gives governors the authority, in certain cases, to restrict a detained person in their freedom of movement by employing mechanical devices. Article 33 PBW prescribes conditions for the cases in which governors may use this authority. The use of mechanical devices is for the detained person a very drastic measure, which really should be regarded as a last resort. This then justifies the fact that further rules are drafted for the application and use of mechanical devices within the meaning of Article 33 PBW. Article 2 and the appendix and Article 4 of the regulation may be seen as technical regulations. The type approval included under 7 in the appendix refers to the Police Arms Regulation. The present regulation is in line with this. n is in line with this.
7.	Objective and rationale, including the nature of urgent problems where applicable: See under point 6. The regulations for use in the present regulation are based on safety considerations and the protection of human life and health.
8.	Relevant documents: Penitentiary Principles Act.
9.	Proposed date of adoption: 2 July 1998 Proposed date of entry into force: 3 July 1998
10.	Final date for comments: 1 July 1998
11.	Texts available from: National enquiry point [X] or address, e-mail and telefax number of other body: