

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 can be indicated if different from above: National 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): Breathalyser equipment
5.	Title, number of pages and language(s) of the notified document: Provisions Relating to Breathalyser Equipment and the Testing Thereof (available in English)
6.	Description of content: Equipment indicated by the Minister of Justice (Article 2 of the Decree on alcohol testing) shall be used for preliminary breath testing. The Minister has described this equipment in detail in Article 2 of the Regulation on preliminary breath testing, which stipulates that the equipment to be used must be of a type indicated by the Forensic Laboratory of the Ministry of Justice. In the provisions relating to breathalyser equipment and the testing thereof the Forensic Laboratory states the requirements which the equipment must fulfil for preliminary breath testing. The provisions relate to equipment as specified in Article 2, first paragraph, subsection b, of the Regulation on Preliminary Breath Testing. The Dutch Government considers that the provisions relating to breathalysers and the testing thereof probably contain technical regulations in the sense of the Agreement on Technical Barriers to Trade. An indicative summary of these technical regulations is given below: the provisions in paragraph 2 to 4 inclusive of the Regulation (these paragraphs concern design, metrological accuracies and the method of inspection of the equipment).
7.	Objective and rationale: The draft Decree has been drawn up in the interests of maintaining law and order, in particular in the interests of adequate detection of drink drivers, with sufficient guarantees of appropriate and reliable gathering of evidence. The technical regulations referred to in point 8 apply without distinction to national and imported products. A clause of mutual recognition of equivalent foreign products is not regarded as necessary as this is already included in the basic Regulation: Article 2, second paragraph, Regulation on preliminary breath testing.

8.	Relevant documents: The following texts are important in assessing this draft: <ul style="list-style-type: none">- Article 160 Road Traffic Act 1994;- Decree of 5 July 1997, containing detailed rules concerning the method of execution of Articles 160, fifth paragraph, and 163 of the Road Traffic Act 1994 (Decree on alcohol testing);- Regulation on preliminary breath testing;- Communications from the Forensic Laboratory concerning the indication of breathalyser equipment.
9.	Proposed date of adoption: } Proposed date of entry into force: } 26 October 1997
10.	Final date for comments: 25 October 1997 The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time-limit have been received from other Members within that time.
11.	Texts available from: National enquiry point [X] or address and telefax number of other body: