

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## Export of Domestically Prohibited Goods

### NOTIFICATION FROM SWEDEN

#### Introduction

The following information is furnished in response to GATT/AIR/2087 which requests the Contracting Parties to make available any relevant information which would enable the secretariat to prepare documentation to facilitate discussion of problems relevant to the GATT in relation to exports of domestically prohibited goods.

In Sweden several statutes set rules for the manufacture or use of various substances and products in domestic commerce. In some product areas statutes have been issued which include rules regarding exports of such products (viz. the Ordinance regarding Narcotics, the government Bill on Military Equipment, the Atomic Energy Act and the Ordinance relating to Hazardous Wastes). Other regulations relating to dangerous products concern only the domestic marketing or use of such products (i.a. the Food Act, the Pharmaceuticals Act and the Act and Ordinance of Chemical Substances and Products).

Statutes directly regulating exports

The Narcotics Ordinance<sup>1)</sup> states that narcotics may be imported or exported only subject to licence. Such licence is granted by the National Board of Health and Welfare and the application for an export licence should include an import certificate issued by the responsible authority in the importing country.

The export of military equipment is regulated through the Act and Ordinance on the Prohibition of Exports of Military Equipment<sup>2)</sup>. The main rule is a general prohibition of all exports of military equipment. However, export licence may be granted under certain conditions by the Swedish government, e.g. for exports to states which are not engaged in armed international conflicts or international conflicts which may result in armed conflicts, or in armed internal disturbances. Furthermore, only a government authority or an importer authorized by the government of the importing country may be approved as a buyer.

The Ordinance relating to Hazardous Wastes stipulates that hazardous waste may only be exported from Sweden by "Svensk Avfallshantering Aktiebolag" (SAKAB) or by exporters holding special permits. No such exports take place without the permission of the responsible authorities in the importing country.

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1) Swedish Code of Statutes 1962:704

2) Swedish Code of Statutes 1982:513 and 1982:1062

The trade in substances, equipment etc in the nuclear energy field is subject to control by the international regulatory body IAEA. By signing the non-proliferation treaty (Treaty on the Non-Proliferation of Nuclear Weapons), Sweden has undertaken neither to develop nuclear weapons or other nuclear military equipment herself nor to contribute to such development elsewhere by exports to other countries. Sweden has further undertaken to follow the guidelines for export in the field of nuclear energy agreed upon between a number of states through the so-called London Guidelines. Through bilateral agreements, Sweden has pledged to some of our most important suppliers - including the United States, Canada and Australia - to obtain prior approval before re-exporting material that falls under the respective contracts. The Atomic Energy Act<sup>1)</sup> and the corresponding Ordinance stipulates that exports of fissionable material as well as equipment and material that has been specially designed or prepared for processing, use or production of fissionable material, can take place only subject to licence issued by the Government.

#### Statutes regulating domestic handling and marketing

Regarding regulations covering the domestic handling and marketing of dangerous products, the main six regulations - most of which do not contain any provisions regarding exports - are listed below.

The handling and importation of chemical substances and preparations is regulated in the Act and the implementation Ordinances on Chemical Products<sup>2)</sup>. The Act and Ordinances stipulate that all chemicals are reported to a product

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1) Swedish Code of Statutes 1984:3 and 1984:14

2) Swedish Code of Statutes 1985:400

register by their product names including the respective names and addresses of the Swedish companies responsible for the products. The manufacturers or importers of such products shall declare that the products have been assessed from a health and environment protection standpoint. Importation, commercial resale or other commercial use of products considered to be especially dangerous are subject to licensing.

The Swedish Food Administration elaborates regulations in accordance with the Food Act<sup>1)</sup> concerning i.a. food additives, foreign substances in food, handling and labelling of food. The Food Administration may permit exemptions for production of foodstuffs that do not follow the applicable regulations. Such exemptions are only granted in cases when the production is intended for exports and is carried out in accordance with the regulations in the importing country. Regarding meat a complementary Act<sup>2)</sup> stipulates that all meat is subject to official meat inspection. Furthermore all meat and meat products which are exported are controlled regarding transmissible animal diseases. For every delivery abroad a certificate of origin and health is issued by the official veterinary officer.

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1) Swedish Code of Statutes 1971:511

2) Swedish Code of Statutes 1977:209

In the Act<sup>1)</sup> and Ordinances of explosives and flammables requirements regarding i.a. labelling, marketing and handling have been elaborated. The National Swedish Inspectorate of Explosives and Flammables is the central administrative authority for matters dealing with explosives and flammables. The inspectorate has listed all approved explosives and flammables which fall under this regulation.

According to the the Marketing Act<sup>2)</sup>, the sale of consumer goods may be prohibited by the Market Court if the properties of the goods may entail special risks of personal injury or of damage to property.

In accordance with the Drug Ordinance<sup>3)</sup> drugs may be marketed only subject to registration by the National Board of Health and Welfare, unless - in exceptional circumstances - special license has been granted.

The Work Environment Act<sup>4)</sup> contains basic provisions concerning occupational safety and health in Sweden. The Act stipulates the general requirements applied to both physical and psychological work environment. According to the Act substances liable to cause ill health or accidents may only be handled when the necessary safety devices can be ensured. The National Board of Occupational Safety and Health may issue regulations, rules and instructions regarding the implementation of the Work Environment Act. Such regulations etc. have been elaborated regarding the handling of e.g. asbestos, cadmium, chlorine and quartz).

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1) Swedish Code of Statutes 1975:69

2) Swedish Code of Statutes 1975:1418

3) Swedish Code of Statutes 1962:701

4) Swedish Code of Statutes 1977:1160

Further considerations regarding exports of  
hazardous products

The problems relating to the export of hazardous products have been raised in the Swedish parliament on several occasions lately. In March 1985 the Government entrusted the Committee on Recall of Hazardous Products with the additional task to consider whether regulations on banning the export of products which present a severe and direct danger to life, health or safety should be introduced. In its work the Committee should take into account existing international notification systems and consider how different types of measures regarding exports of hazardous products could be used in the best way.