

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

TBT/Notif.92.268

24 September 1992

Special Distribution

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.4.

1. Party to Agreement notifying: <u>NETHERLANDS</u>
2. Agency responsible: Ministry of Welfare, Public Health and Cultural Affairs
3. Notified under Article 2.5.2 [X], 2.6.1 [], 7.3.2 [], 7.4.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading): Food and other movable goods
5. Title: Draft Order Under the Commodities Act (Warenwet) Concerning the Export of Goods and Draft Exemption from Export Duties (Commodities Act)
6. Description of content: Both drafts concern commodities, i.e. food and other movable goods. The draft exemption from export duties and the draft order under the Commodities Act concerning the export of goods lay down the conditions under which provisions in force pursuant to the "old" Commodities Act (STB 1935, 793) and the "new" Commodities Act (STB 1988, 360), respectively, are to be applied to the export of goods from the Netherlands. Although in general the provisions of the Commodities Act apply to exports, they are not applicable in cases where (A) other specific national legislation or international regulations (such as the codex) apply, or (B) as regards composition requirements which are not related to safety or fitness for consumption, the goods may be lawfully marketed in the country of destination, or (C) as regards the addition of food additives to the goods, such addition is necessary in view of the particular climatic conditions in the country of destination, or (D) as regards labelling requirements, the particulars to be shown are in a language which must be considered comprehensible to the user or consumer in the country of destination.

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7. Objective and rationale: In principle, the scope of the Commodities Act covers all commodities on the territory of the Netherlands, i.e. including goods intended for export. This premise may cause problems where goods are intended for countries in which differing provisions apply.

To prevent such problems, the relevant Dutch provisions must (under stringent conditions) be declared inapplicable. That is the object of the two drafts in question.

8. Relevant documents: Commodities Act (STB 1988, 360) (already forwarded with previous notifications)

9. Proposed date of adoption and entry into force: 3 September 1992

10. Final date for comments: 3 September 1992

11. Texts available from: National enquiry point [X] or address of other body: