

Introduction

WTO members utilize a wide range of measures, such as prohibitions, export licences, regulations and other controls, to assist in risk management and regulating trade in controlled and sensitive goods. Examples include measures for fulfilling specific environmental objectives, the management of hazardous wastes and chemicals, combating illicit drugs and harmful substances, contributing to international peace and weapons controls, and regulating trade in cultural property. Many of these export licences and controls are established pursuant to international agreements and conventions focused on these specific areas and are the result of many years of international cooperation in the respective fields.

While some of these measures might be considered to be quantitative restrictions (QRs), which are generally prohibited within WTO rules, members are permitted to apply them in a limited number of situations. These can include exemptions from, and exceptions to, the rules pursuant to Articles XI:2 and XII (Balance of Payments) of the General Agreement on Tariffs and Trade (GATT) 1994, respectively, as well as the general exceptions in Article XX and the national security exceptions in Article XXI of the GATT 1994. In addition, QRs may also be applied in accordance with certain specific exceptions provided under other WTO agreements, such as the Agreement on Agriculture.

To ensure transparency, WTO members are required to notify every two years all QRs in force pursuant to the WTO Decision on Notification Procedures for Quantitative Restrictions¹, which is administered by the Committee on Market Access. For example, several WTO members have notified that they maintain export restrictions in one form or the other, including export controls such as prohibitions, restrictions or licences for trade in nuclear materials, narcotic drugs and weapons, and several measures to protect the environment. Members also have the possibility to indicate whether these prohibitions or restrictions stem from international obligations undertaken outside the WTO framework. In practice, several members have notified measures introduced pursuant to these agreements, including *inter alia* the Montreal Protocol on Substances that Deplete the Ozone Layer or the Convention on International Trade in Endangered Species of Wild Fauna and Flora to protect certain plants and animals against over-exploitation through international trade.

This publication is unique in exploring how this particular set of international agreements and conventions operate in practice and how it is linked to the multilateral trading system. Moreover, it is often difficult to find information on export-related measures. To bridge this gap, this publication presents some of the international rules for export-related controls in selected international agreements and explores the main ways such restrictions co-exist with WTO rules. The aim of the publication is also to assist WTO members and the general public in gaining a better understanding of the different mechanisms through which the export of high-risk or controlled products is regulated pursuant to the international agreements

and conventions beyond WTO rules. It will also aid delegates and capital-based officials in preparing their notifications and will help them understand more clearly the type of information that should be considered, thus increasing transparency.

The agreements and conventions included in the publication were selected based on the presence of concrete provisions that seek to regulate exports, the extent to which WTO members are party to them, and how often members refer to them in their QR notifications. The publication begins with an overview of export restrictions and regulations under WTO agreements, describing the relevant legal disciplines and notification requirements. The chapters on the selected international agreements and conventions focus on how the export regulations and controls under those instruments operate in practice in the following areas: environmental protection; drugs control; and weapons and disarmament.

The chapters contained in Parts 1-3 were prepared or reviewed by the secretariats and implementing bodies of the respective arrangements, agreements and conventions and are attributable to them.² They reflect the language and terminology used in the respective agreements, which may be different from that used in context of the WTO agreements. Accordingly, the use of such terms in those chapters does not reflect an endorsement by the WTO Secretariat, and is without prejudice to WTO members' status, or their rights and obligations.

Endnotes

- 1 *Decision on Notification Procedures for Quantitative Restrictions*, WTO document G/L/59/Rev.1, 3 July 2012.
- 2 The chapters "Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer" and "United Nations Security Council resolutions and export controls" were prepared by the WTO Secretariat and reviewed by the respective organizations.