

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

RESTRICTED

DPG/W/7

19 February 1990

Limited Distribution

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Working Group on Domestically Prohibited Goods  
and Other Hazardous Substances

Meeting of 12 February 1990

STATEMENT BY DELEGATION OF CAMEROON

Mr. Chairman,

1. It was the intention of my delegation to comment on:
  - a) the submission circulated by the Secretariat concerning the legislation adopted by our National Assembly on the 29th of December of last year;
  - b) the Secretariat Background Note on the relevant provisions in GATT and MTN Agreements (DPG/W/6).
2. Due to the fact that the official English version of our submission is not yet available, I would like to limit myself to the second point by making a few preliminary comments while awaiting the full examination undertaken by my Authorities. In so doing I reserve the right of my delegation to come back to our submission at a later stage.
3. In regards to the Secretariat Background Note, I think the document clearly brings out the need to further clarify and improve the relevant GATT Articles to enable countries to take effective steps to bring under control trade in domestically prohibited goods and other hazardous substances. In this connection, Article XX - sub-paragraph (b) dealing with "human, animal and plant life" and sub-paragraph (d) dealing with "prevention of deceptive practices" can certainly be invoked by countries to prevent imports as well as exports of goods which are prohibited to be sold in the domestic markets of the exporting countries as well as of other hazardous substances. It should be underlined that these provisions are however permissive.
4. As we have suggested in our joint proposal (MTN.GNG/W/18), in relation to exports, there should be more binding obligations to prohibit or restrict exports of products, the sale or disposal of which in the domestic market is prohibited or severely restricted. In the case of hazardous and toxic wastes, we would wish the principle to be carried further. There should be an obligation to dispose such wastes within the territory of the country itself. In the case of customs union, the obligation could be to dispose of such wastes within the frontiers of the union.
5. In fact we are conscious that, in some cases, rigid insistence that exports of such products should be banned may produce an imbalance. For instance, as was pointed out in the discussions in the last meeting of the Group, a product which is prohibited to be sold in country A on the

ground that it is harmful to health, may not be found to be so in country B due to the differences in climate and dietary habits. We of course accept that such situations could occur but in reality, these are not likely to be many. That is why in the proposal circulated by some African countries and supported by my delegation, it is suggested that there should be an obligation on countries to give consideration to prohibiting exports when they are taking action to prohibit or withdraw a product from domestic sales. In exceptional cases, where it is considered desirable not to prohibit exports, the regulations should clearly state the reasons for which it was not considered desirable to do so.

6. The Secretariat document contains, in its Annex, a description of schemes for compulsory inspection of all or designated products before exports, which was first adopted by Japan and is now used by a number of developed countries. Under these schemes, I may recall, products which do not meet the standards laid down for sale in the domestic market or higher standards that may be prescribed for export products, are not allowed to be exported. It would appear, that a number of developed countries, have such schemes for compulsory inspection of perishable food and other products intended for human consumption. The Secretariat document, on page 3 for instance, refers to the Canadian legislation which prohibited exports of unprocessed fish which did not meet the Canadian facility standards.

7. My delegation considers that it may be desirable for the Group to ascertain from its member countries, whether they have legislations or regulations along the same lines. Adoption of such systems for prior inspection of export products, particularly for products that are intended for human consumption, would enable countries to prevent such products as contaminated beef, chicken and powdered milk which, as Nigeria has rightly pointed out in its submission, were exported in a recent past to some of the African countries. Under such regulations it may be also possible for countries to prevent exports of pharmaceuticals and food products, whose prescribed dates for use and consumption have expired or are about to expire.

8. From the point of view of our future work, I also believe an important development has been the proposed EEC regulations on pharmaceuticals, under which the member states have agreed not to permit exports of pharmaceuticals, unless they are accompanied by a certificate issued by a drug regulatory authority, that the product is registered and approved for sale in the exporting member country.

It is my understanding, that in cases where the product is not registered, the certificate would contain the reasons given by the manufacturer for not obtaining approval for sale in the exporting country. We expect that the EEC would be able to notify these proposed measures to the Group in the near future, for they are positive steps in the right direction. Their effect would be to make the "WHO Certification Scheme on the Quality of Pharmaceutical Products Moving in International Trade" which is voluntary in nature, more binding.

9. These are, Mr. Chairman, a few preliminary thoughts which occur to me on the nature and type of action that could be taken in GATT. Our preliminary reaction to the Secretariat Background Note is that it further reinforces the need for negotiations in GATT of an umbrella agreement that would clarify the GATT principles and rules. Some elements of this

umbrella agreement are mentioned in documents DPG/W/5 and MTN.GNG/W/18. It is important to point out that such an Agreement could impose more binding obligations to prohibit or restrict exports of products that are not allowed to be sold in the domestic markets either because they are dangerous or do not meet the quality standards laid down for sale, and of products and substances that are considered to be hazardous. The rules or code of conduct could further elaborate the guidelines that should be followed when implementing the procedures for certification or prior informed consent that are being developed in the other international organizations.

In our view one of the aims of such a broad framework of rules could be also to ensure that measures taken by countries to regulate imports or exports as well as the procedures for certification or obtaining prior informed consent, do not constitute unreasonable or unjustifiable barriers to trade or are not applied in a discriminatory way.

10. Let me conclude Mr. Chairman, by saying that positive results in our Group would certainly correct the present imbalance we perceive in the Negotiations as a whole. I thank you Sir.