

GENERAL AGREEMENT ON

RESTRICTED

Spec(91)62
9 July 1991

TARIFFS AND TRADE

Working Group on Export of Domestically Prohibited Goods and Other Hazardous Substances

MEETING OF WORKING GROUP ON EXPORT OF DOMESTICALLY PROHIBITED GOODS AND OTHER HAZARDOUS SUBSTANCES

Meeting of 14 June 1991

1. The Working Group on Export of Domestically Prohibited Goods and Other Hazardous Substances held its fifteenth meeting on 14 June 1991 under the chairmanship of Mr. John Sankey (United Kingdom).
2. The Chairman recalled that at the last meeting proposed modifications to the text had been circulated (DPG/W/10) by the delegation which held a reservation on the draft Decision. Some of these changes had been incorporated into a revised version of the text (31 May 1991); other proposed changes to Articles 1, 3, and 8 could not be agreed upon. A second proposal for modifications was circulated by this delegation which was to be the focus of discussion at this meeting (DPG/W/11).
3. This delegation explained that its new proposal defined "products concerned" as those products covered by the instruments listed in Annex I plus consumer goods, excluding certain listed consumer product categories. It also proposed to change the Decision to a Code with participation limited to those contracting parties which would accede. This would require particular dispute settlement procedures which were elaborated in its proposal. Finally, it proposed to add the prior informed consent procedures to Article 3.1 as an equivalent measure.
4. Other delegations, although encouraged by a broadening of the product coverage, maintained that the Decision should have an open-ended definition of coverage and apply to all products. One delegation noted that the excluded consumer product categories, particularly food and cosmetics, contained products about which this country was most concerned. Delegations generally opposed changing the form of the Decision to a Code; all contracting parties should adhere to the rules elaborated under this instrument. One delegation noted that the Uruguay Round negotiations appeared to be moving towards doing away with existing Codes and integrating them into the main body of rules.
5. One delegation proposed amendments to Articles 1.2 and 3.1 to reflect the situation in its country whereby most legislation banning or severely restricting the sale or use of a product, substance or waste was at the state level. It suggested that the Articles read "... ban(ned) or severely restrict(ed) throughout the domestic market or a substantial part thereof ...".¹ He further proposed to add an Article 9 which could read, "This Decision shall enter into force six months from the date of its adoption by the CONTRACTING PARTIES".

¹Changes suggested are underlined.

6. Another delegation proposed adding an interpretive footnote to Article 3.1 to make explicit the obligation of this provision. It would read: "The examination requirement in Article 3.1 shall not be construed necessarily to require examination on a case-by-case basis". Another delegation stated that it would submit a proposal for changes of a drafting nature to the text.

7. The Group took note of the statements made. It was generally agreed that further reflection was needed on the outstanding concerns and proposals and that they would be addressed in the further work of the Group. In his report to the Council at its July meeting, the Chairman would forward the 31 May 1991 text of the Decision for which he would indicate there was general agreement, and he would recommend that the Council make arrangements for discussion of the draft Decision to continue, whether by an extension of the mandate of the Group or by some other appropriate means.