

**Committee on Trade and Environment**

ITEM 4: PROVISIONS OF THE MULTILATERAL TRADING SYSTEM WITH RESPECT TO  
THE TRANSPARENCY OF TRADE MEASURES USED FOR ENVIRONMENTAL  
PURPOSES AND ENVIRONMENTAL MEASURES AND REQUIREMENTS  
WHICH HAVE SIGNIFICANT TRADE EFFECTS

PROPOSAL FOR THE ENVIRONMENTAL  
DATABASE

Note by the Secretariat

1. The Report (1996) of the Committee on Trade and Environment (WT/CTE/1) contains a recommendation that the Secretariat "compile from the Central Registry of Notifications (CRN) all notifications of trade-related environmental measures and collate these in a single database which can be accessed by WTO Members" (Paragraph 192). Following this recommendation and building on the options set out in WT/CTE/W/46 concerning the organization and delivery of a database, this Note briefly describes the issues involved in the collation and dissemination of the Environmental Database (EDB) and puts forward proposals for the EDB for consideration by Members.

I. SEARCH METHODOLOGY USED IN THE ENVIRONMENTAL DATABASE

2. On average, more than 2,000 notification documents containing over 15,000 pages are issued each year under the 203 notification provisions of the WTO. Electronic searches were used by the Secretariat as the principle means for collating and updating information on environment-related measures for the EDB as contained in WT/CTE/W/77.<sup>1</sup> Other search methods, such as the physical examination of notifications and using in-house records maintained by some Divisions have supplemented the electronic search results.<sup>2</sup>

3. Bearing in mind the complexity of determining what constitutes an environment-related measure, the search and listing of measures in the EDB is as comprehensive as possible. Moreover, creating a glossary of search words that captures "more" rather than "less" and which is periodically modified to meet the changing dimensions of what constitutes an environment-related notification will be necessary.

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<sup>1</sup>A search through all WTO documents (maintained in electronic format in the electronic archive Document Filing System (DFS)) was supplemented by drawing on other existing databases like the CRN and Document Database (DDB) maintained by the Translation and Documentation Division.

<sup>2</sup>For example, pursuant to the Decision on Notification Procedures for Quantitative Restrictions (G/L/59), all quantitative restrictions whether already notified to other WTO bodies or taken under GATT Article XX or XXI, are notified to the Market Access Division which maintains records available for consultation.

4. A large variety of search words have been used to identify environment-related trade measures and provisions in WTO notifications.<sup>3</sup> These words include: environment, waste, energy, wildlife, pollution, conserv(ation), preserv(ation), natural resources, flora, fauna, packag(ing), ecolog(y), bio, recycle, toxic, hazardous, eco-label, renewable, endangered, ozone, sustainable, forest, desertification, soil erosion, green, clean, extinct, CITES, Montreal Protocol and Basel Convention.

5. In using search words, two types of reservations remain: (a) search words may fail to capture an environment-related notification; and (b) search words may identify notifications as environmental when they are not.<sup>4</sup> The former is the more serious of the two search-related concerns as non-environmental "search-hits" can be removed on examination of the specific notification. Doing so has made the classification of measures in the EDB a time consuming process. The Secretariat estimates that the task if undertaken annually would require 6-8 weeks of work by a professional staff member.

## II. DISSEMINATION OF THE ENVIRONMENTAL DATABASE

6. The classification efforts needed for the identification of environment-related measures in WTO notifications are not a feature of any of the existing WTO electronic databases. Once the screening and filtering of all the relevant environment-related measures and provisions has been undertaken, the available options<sup>5</sup> for the electronic delivery of the EDB are:

- (a) Central Registry of Notifications (CRN): A previous Secretariat note (WT/CTE/W/34) set out the main features and coverage of the CRN. As the CRN focuses exclusively on notifications and is constantly being updated, it could be used as a platform on which to build the EDB. However in its existing format, the CRN is not designed to pick up: (i) environment-related measures or provisions that form a subsidiary part of a notification; and (ii) some of the notifications that are principally environment-related but may not be recorded as such.<sup>6</sup> Even if the format of CRN records is modified slightly to identify environment-related measures (through, for example, the use of a check box), the issue of dissemination to Members remains. Currently, on request the Secretariat gives hard copies of CRN records or search results to

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<sup>3</sup>Many of the search words were deliberately used in shortened forms or as strings of letters so that variants of the word could be captured in the search. For example, using the word "waste" or "energy" captures terms like "waste minimization, waste recovery, recyclable waste, waste reduction ...; energy efficiency, energy saving, conservation of energy ...". The use of strings of letters like "bio", "ecolog" etc. picked up variants of certain environment-related words or terms like "biodiversity, biodegradable ...; ecology, ecological ...". While these techniques reduce the probability of missing out on environment-related measures, the occurrence of non-environmental "search hits" increases.

<sup>4</sup>Even the search word "environment" has been used in different contexts like "macroeconomic environment".

<sup>5</sup>Other options like the use of the Integrated Database (IDB) and the use of databases maintained by some Divisions such as Market Access have not been examined as they would require significant modifications to their coverage, data content, structure and electronic delivery capabilities before they can be considered as possible means of disseminating the EDB electronically.

<sup>6</sup>The design and dimensions of environment-related measures that have and continue to evolve can partly account for this.

Members.<sup>7</sup> For this information to be available more readily for Members, the CRN database would need to be shifted to other platforms like the Internet to make it more convenient to use (CD-ROM could also be used according to the quantum of information).

- (b) Document Dissemination Facility (DDF): This internet based package with its own search facilities, available to WTO Member countries only (through use of passwords for individual Members), is easy to use and can be a convenient method for disseminating the EDB electronically. A hyperlink of the EDB could be created and appended to the DDF but the cost implications of doing so need to be considered.<sup>8</sup>
- (c) "Stand Alone" EDB: Members may note that WT/CTE/W/77 is the equivalent of an EDB which is available electronically through the DDF. While it would be possible to conduct further search and analysis with one of the other options listed above, the additional benefits to be derived must be weighed against the establishment costs as changes or upgrading would be required to their electronic delivery capabilities or existing format.

### III. PROPOSAL FOR THE ENVIRONMENTAL DATABASE

7. After examining the feasibility of the available options for the electronic delivery of an EDB, and in light of the relative merits of achieving cost-effectiveness and avoiding duplication, Members may wish to instruct the Secretariat to:

- (a) on an annual basis, undertake a Comprehensive Review of all environment-related notifications to continuously up-date the EDB, such as has been completed for 1997 in WT/CTE/W/77. The Comprehensive Review would be available to Members electronically through the DDF as a WT/CTE/W/-- document.
- (b) on an annual basis, conduct an Interim Review of the appropriateness of the search words used in the compilation of the EDB. Modifications to the glossary of search words would be made as and when deemed necessary.

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<sup>7</sup>The Marrakesh Ministerial Decision on Notification Procedures states that "information in the central registry regarding individual notifications shall be made available on request to any Member entitled to receive the notification concerned".

<sup>8</sup>All the measures identified in WT/CTE/W/77 would be filtered and listed with different search possibilities.