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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

Note by the Secretariat

1. This Note has been prepared to provide the Committee on Trade and Environment (CTE) with an overview of environment-related measures or provisions that have been notified or reviewed in 1997.¹ Over 2,300 notifications² were made by Members under the various Agreements and notification obligations in 1997, of which 181 notifications were either directly environment-related or had some environmental provisions in them. The Trade Policy Reviews (TPRs) of the 8 Member countries reviewed by the Trade Policy Review Board (TPRB) last year, contained some reference to environment-related measures undertaken by the country being reviewed.
2. In keeping with the views expressed by Members on WT/CTE/W/46, this document provides a detailed listing³ of environment-related measures, using key search words and drawing from other existing databases of the Secretariat. The search methodology adopted is described in WT/CTE/W/..⁴
3. Previous reviews of trade-related environment measures, have focused on whether any potential gaps exist in the transparency provisions.⁵ However, discussions on Item 4 in the CTE suggest that, the comprehensive nature of WTO and GATT 1994 transparency provisions make it unlikely that any absolute gaps exist. Rather than focusing on the potential gaps, this document is organized to illustrate first the existence of environment-related measures in the notifications, followed by a listing of environment-related measures in the TPRs of 1997.

¹ While this document focuses exclusively on 1997, previous Secretariat documents WT/CTE/W/46, WT/CTE/W/28 and WT/CTE/W/5 can be referred to for a temporal analysis.

² The 2,310 CRN Records listed include addendum, corrigendum, revision and some notifications issued as a communication from the notifying Member.

³ Bearing in mind the complexity and the need to exercise considerable judgement in what constitutes an environment-related measure, the Secretariat has made this listing as comprehensive as possible.

⁴ As Members had favoured the dissemination of the EDB electronically, the Note also examines the feasibility and most cost-effective means of doing so.

⁵ Between 1992-94, the Group on Environmental Measures and International Trade (EMIT) identified and prepared a list of "Potential Identified Gaps in Existing Transparency Provisions" (TRE/W/7), which was also annexed to WT/CTE/W/5 and W/28.

I. NOTIFICATIONS⁶

4. Environment-related notifications can broadly be grouped in two categories. The first consists of those notifications that list environmental or related factors as the principal reason and objective for notifying. WTO and GATT 1994 provisions, which refer explicitly, or are generally regarded as related to environmental objectives include: Annex 2, paragraph 12 of the Agreement on Agriculture; Article 5, paragraph 2 of the Agreement on Sanitary and Phytosanitary (SPS) Measures; Article 8.2 (c) of the Agreement on Subsidies and Countervailing Measures (SCM); Articles 2 and 5 of the Agreement on Technical Barriers to Trade (TBT); Article XIV (b) of the General Agreement on Trade in Services (GATS); Article 27.2 of the TRIPS Agreement; and Measures taken pursuant to GATT 1994 Article XX (b) and (g).

5. The second category includes notifications that are not primarily environment-related. However environmental or related subjects form a subsidiary part of the notification. For instance, notifications containing the text of new regional trade agreements may have a clause or some specific environmental provisions contained in them. Similarly, in multi-sectoral notifications under other Agreements such as the Agreement on Subsidies and Countervailing Measures or the Understanding on Balance of Payments Provisions of GATT 1994 for example, Members have cited environment-related provisions as one of the many justifications for the measure(s) being notified.

6. Under some of the WTO Agreements and GATT 1994 notification obligations, there has been no reference to environment-related measures in 1997. This includes notifications under State Trading (GATT, Article XVII) and the Agreements on Article VII (Customs Valuation), Preshipment Inspection, Rules of Origin, Safeguards, Textiles and Clothing, TRIMs, GATS and the Agreement on TRIPS. However, this does not imply that environment-related measures have not been notified under these Agreements in the past. Earlier notifications, such as G/TMB/N/146 (an import prohibition on certain types of fishing nets for environmental reasons), GATS/EL/31 and GATS/EL/33 (notified under GATS, supporting the use of environmental technologies) are illustrations of this point.

A. Agreement on Technical Barriers to Trade (TBT)

7. A significant majority of environmental measures have been notified as technical regulations under the TBT Agreement. In 1997, of the 794 notifications issued under the TBT Agreement, 89 or 11.2% of them were environment-related. The proportion of environment-related notifications has steadily been increasing over the years as illustrated in table 1 below.⁷

⁶ The search through the various WTO and GATT (1994) notification obligations was based on the information contained in the Working Group of Notification Obligations and Procedures (NOP) documents G/NOP/W/2 and W/16/Rev.1 and the Technical Cooperation Handbook of Notifications.

⁷ The Annual Review of the Implementation and Operation of the TBT Agreement (G/TBT/..series) lists protection of environment as one of the possible objectives or rationale for TBT Notifications.

<u>Year</u>	<u>Number of environment-related notifications</u>	<u>Total number of notifications</u>	<u>% of environment notifications</u>
1980-90	211	2687	7.8 %
1991	35	358	9.7 %
1992	36	394	9.1 %
1993	42	487	8.6 %
1994	35	508	6.9 %
1995	41	392 ⁸	10.6 %
1996	53	460	11.5 %
1997	89	794	11.2 %
1980-1997	541	6080	8.9 %

8. The diversity of the environmental measures notified is illustrated in the listing in the Annex as Table I.⁹ Some of the environment-related objectives include:

- (a) **Pollution abatement:** many notifications set technical standards or stipulations to check pollutant emissions. This includes measures to check air pollution (curbs on motor vehicles, combustion engines, turbines, fuels, oils and lubricants etc.), water pollution (measures for protection of surface and groundwater), and soil protection (from pollutants in fertilizers, pesticides etc.). A few notifications also focused on hazardous waste like mercury and the pollution thereof.
- (b) **Waste management:** reduction, recovery and (re)use of waste was the objective of a number of notifications.
- (c) **Energy considerations:** Energy efficiency and/or conservation can sometimes be justified on cost-saving grounds alone. However, as some of the notifications suggest, Members have taken environmental factors into account while adopting these measures. For instance, G/TBT/Notif.97.713 aimed at reducing the energy efficiency coefficient of housing and blocks of flats states that "this provides a more extensive contribution to the economical use of fossil fuel reserves for the purposes of sustainable development." While G/TBT/Notif.97.764, seeks to promote energy conservation "in order to cope with the recent increase of energy consumption in household-service sectors, global warming....". For this reason, energy-related notifications have also been included in this database.
- (d) **Standards and Labelling (Eco-Labels):** Standards and labels that have an environment-related objective has been the basis of some notifications. For example, to promote the production and consumption of electricity from renewable sources, certificates for "green power" have been notified in G/TBT/Notif.97.425. A voluntary energy efficiency labelling scheme for washing machines is notified in G/TBT/Notif.97.687.

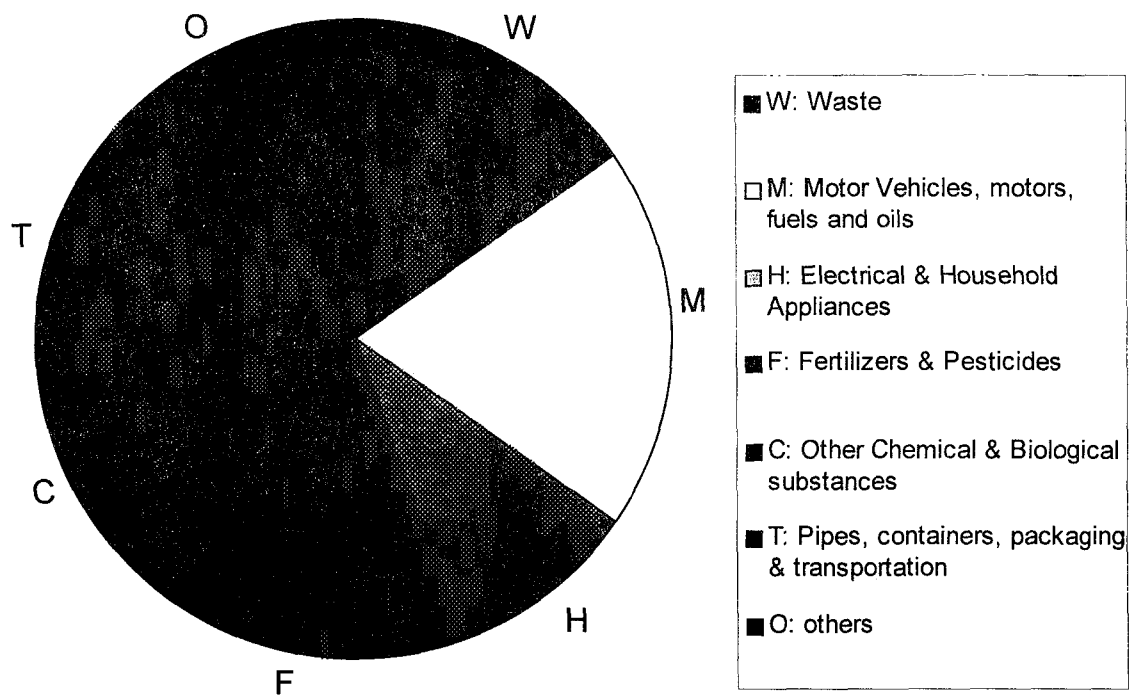
⁸ In 1995, 27 TBT Notifications were made pursuant to the Tokyo Round Agreement.

⁹ In addition to the table listing notifications made pursuant to Article 2.9, 2.10, 5.6 and 5.7 of the TBT Agreement, the notifications G/TBT/CS/N/7/Rev.1, G/TBT/CS/N/69, G/TBT/CS/N/86 notified under paragraph C of the Code of Good Practice and notification G/TBT/10.7/N/7 pursuant to Article 10.7 were also environment-related.

- (e) **Handling Requirements:** transportation, storage, packaging and other special handling instructions have been notified especially in the case of hazardous or dangerous substances in the interests of protecting the environment.
- (f) **Economic Instruments and Regulations including Domestic Taxes:** An exemption from payment of the environmental tax on energy by certain total energy installations was notified in G/TBT/Notif.97.492; while G/TBT/Notif.97.664, lays out requirements for waste water sampling equipment to enable the authorities to apply a pollution levy on the basis of the "polluter pays principle".
- (g) **Preservation of Natural Resources:** Conservation of nature and environmental protection (maintenance of fish stocks etc.) was the basis of a few notifications.¹⁰
- (h) **MEA and its provisions:** Though none of the TBT notifications in 1997 have explicitly referred to the MEAs, some like G/TBT/Notif.97.332 prohibiting CFC based household refrigerators have implicitly applied provisions of MEAs.

9. A relative importance of the environment-related notifications under product categories illustrated in the chart below reveals motor vehicles, motors, fuels and oils (M) is the single largest product group followed by fertilizers & pesticides (F) and waste (W). The category others (O), includes fishing equipment, coffins, electricity, energy installations and catering, sport and recreation establishments.

Product breakup of TBT Notifications



¹⁰ See for example, G/TBT/Notif.97.449, G/TBT/Notif.97.454, G/TBT/Notif.97.469 and G/TBT/Notif.97.470.

B. Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures

10. Technical regulations (notified under the TBT or SPS Agreements) account for the bulk (about 48% in 1997)¹¹ of the notifications. Nearly 300 notifications were submitted by Members under the SPS agreement, of which 9 were environment-related.¹² Since all SPS measures deal with the safety and protection of human, plant and animal health, to treat most of the measures taken for plant or animal health as environment-related would be misleading.¹³

11. In this regard, work done following the Report of the Working Group on NOP (G/NOP/W/16/Rev.1), that had identified TBT and SPS agreements as one of the potential areas¹⁴ where duplication or overlapping in certain notification obligations may occur bears relevance. In 1997, environment-related measures have generally been notified to the Committee on TBT and where a notification contained elements relevant to both SPS and TBT, the notification has been circulated as both an SPS and TBT committee document indicating the respective TBT and SPS elements of the proposed regulation (see G/SPS/N/BEN/4 and TBT/Notif.97/179 for example).

C. Agreement on Subsidies and Countervailing Measures (SCM)

12. In 1997, of the nearly 100 notifications made under the SCM Agreement, 22 were environment-related. The notifications covered a variety of programmes and provisions, only some of which were environment-related. Even these programmes sometimes had multiple objectives with environment a subsidiary rationale for the measure. Given the multi-sectoral nature of these notifications, the listing in Table II of the Annex extracts only the relevant summary details.

13. While the annexed table highlights environment-related subsidy programmes notified pursuant to Article XVI.1 of GATT 1994 and Article 25 of the Agreement on SCM, notifications were also made under other provisions. A notification (G/SCM/N/9/ROM/Suppl.1) made under Article 29.3 of the Agreement on SCM listed protection of the environment as one of the objectives of the specific regional development programme notified.

14. Of those legislation notified pursuant to Article 32.6 of the Agreement on SCM the following contained some reference to environment-related provisions.

(a) G/SCM/N/1/BRA/2: For the determination of non-actionable subsidies, (Article 13) of the domestic legislation notified states that the "Assistance granted to promote the adaptation of

¹¹ In the first fourteen months of the WTO, over 40 percent of all notifications were of technical regulations under the TBT and SPS Agreements. (G/NOP/W/16/Rev.1)

¹² These were G/SPS/N/BEN/1, G/SPS/N/BEN/2/Corr.1, G/SPS/N/BEN/4, G/SPS/N/CRI/10, G/SPS/N/DNK/1, G/SPS/N/NLD/10, G/SPS/N/NLD/19, G/SPS/N/NZL/12 and G/SPS/N/NZL/13.

¹³ WT/CTE/W/46 has focused on the complex nature of classifying and cataloguing environmental measures related to the protection of plants and animals (and related issues like development and application of biotechnologies).

¹⁴ Other areas of potential duplication or overlap identified by the Working Group were the Agreement on Agriculture and Agreement on SCM, Agreement on Agriculture and Agreement on Import Licensing Procedures, Agreement on TRIMs and Agreement on SCM. Members and the Secretariat have taken corrective action to avoid such overlaps.

29. The environment-related measures noted in the TPR of Fiji (WT/TPR/S/24 and G/24), include certain import prohibitions and controls for environmental and health reasons, and as called for under international conventions. Under the Montreal Protocol, Fiji controls the domestic consumption of ozone-depleting substances and hazardous substances such as CFCs, hydrochlorofluorocarbons (HCFCs) and methyl bromide through import licensing. Imports of hazardous and toxic wastes including radio active substances listed under the Basel Convention are prohibited. On the export side, Fiji prohibits the export of some products like logs, flora and fauna etc. The export of these products is prohibited for cultural, health, or environmental reasons or under international conventions to which Fiji is a signatory (e.g. CITES).

30. The TPR of Malaysia (WT/TPR/S/31 and G/31), mentions that, import prohibitions and licensing are used to restrict or monitor entry into Malaysia of goods, on national security, environmental and social grounds. This includes restrictions on the import of substances covered by the Montreal Protocol, toxic and hazardous wastes, flora and fauna. Export prohibitions are also in place for these products.

31. The TPR of Mexico (WT/TPR/S/29 and G/29), notes and analyses the mandatory standards or Official Mexican Norms (NOMs). In 1997 there were some 823 NOMs in force, and most related to environmental and worker protection, followed by services and food. Mexico's 1997 tariff schedule (HS 8 digit) identifies 17 tariff items as prohibited. Of these, 6 items are under HS Chapter 29 "Halogenated derivatives of Hydrocarbons" which are ozone-depleting substances. Of the 46 items that are prohibited for export, some like wild animals and related products, are prohibited to meet the requirements of international agreements signed by Mexico (e.g. the CITES).

32. As mentioned in its TPR (WT/TPR/S/26 and G/26), Paraguay has signed and ratified a number of legally binding environmental agreements. These include the Montreal Protocol; the Framework Convention on Climate Change; the Convention on Biological Diversity; and the Basel Convention. The Ministry of Health and Social Welfare is entrusted with all environmental protection programmes and it also sets the limits for pollution tolerance. Domestic legislation also contains provisions against water, air and industry pollution (including toxic and dangerous waste) as well as provisions to promote the ecological stability in national parks. Upon Paraguay's GATT accession, prohibitions of four types of tropical (sawn) woods²³ at risk of extinction were maintained under GATT Article XX. Prior authorization is required for exports of certain items to ensure the management of scarce resources and adequate supplies for domestic industry as well as to fulfil conservation and environmental protection requirements.²⁴

²³ The use of these timbers by the local industry is conditional on plans for forest management and conservation.

²⁴ For example, an export licensing regime in operation that is affecting wood exports is aimed at ensuring compliance with re-forestation obligations by the logging companies.

TABLE I
Environment-related Notifications:²⁵ Agreement on TBT

Notification	Country	Product (s)	Objective
G/TBT/Notif.97.7	Japan	Gas oils	Automobile emission reduction
G/TBT/Notif.97.41	Netherlands	Soft drinks & bottled water	To discourage single-use packaging
G/TBT/Notif.97.54	Singapore	Diesel driven vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.78	United States	Plumbing products & residential appliances	Energy & water conservation
G/TBT/Notif.97.89	Jamaica	Household appliances	Promoting energy efficiency
G/TBT/Notif.97.152	Hong Kong, China	Motor vehicles (private cars)	Protection of the environment (air pollution control)
G/TBT/Notif.97.153	Hong Kong, China	Petrol & diesel fuels	Protection of the environment (air pollution control)
G/TBT/Notif.97.154	Hong Kong, China	Motor vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.157	Columbia	Cyclohexanone chemical products	Improve environmental performance
G/TBT/Notif.97.179	Benin	Phytopharmaceutical products	Protection of the environment
G/TBT/Notif.97.196	Canada	Benzene (in gasoline)	Protection of the environment (air pollution control) by improving environmental performance of gasoline powered vehicles
G/TBT/Notif.97.197	United States	Fuels and fuel additives	Protection of the environment (air pollution control)
G/TBT/Notif.97.217	Hong Kong, China	Design code for electrical installations in buildings	Promoting energy efficiency
G/TBT/Notif.97.221	Denmark	Containers for oil-products & pipelines	Protection of the environment (prevent oil-spills)
G/TBT/Notif.97.233	Netherlands	Animal fertilizer	Soil protection and check on water pollution caused by nitrates released
G/TBT/Notif.97.234	Netherlands	Soft drinks and waters	Bottle deposit scheme, waste management
G/TBT/Notif.97.236	Switzerland	Internal combustion engines and turbines	Protection of the environment (air pollution control)
G/TBT/Notif.97.237	Netherlands	Organic fertilizers (sewage sludge, compost and black soil)	Protection of the environment (soil protection)
G/TBT/Notif.97.243	Norway	Microbiological products	Prevention of detrimental environmental effects
G/TBT/Notif.97.246	Switzerland	Heating oil	Air pollution control (reduction of SO _x emissions)
G/TBT/Notif.97.247	Switzerland	Volatile Organic Compounds (VOC)	Air pollution control (reduction of VOC emissions) and Ozone concentration

²⁵ Notifications made pursuant to Article 2.9, 2.10, 5.6 and 5.7 of the TBT Agreement.

Notification	Country	Product (s)	Objective
G/TBT/Notif.97.274	Canada	Motors	Improving energy efficiency
G/TBT/Notif.97.277	Costa Rica	Fertilizers	Prevent environmental pollution
G/TBT/Notif.97.279	Costa Rica	Equipment for applying chemical & biological substances for agricultural use	Prevent environmental pollution
G/TBT/Notif.97.280	Costa Rica	Biological & biochemical agricultural pesticides	Prevent environmental pollution
G/TBT/Notif.97.281	Costa Rica	Biological & biochemical agricultural pesticides	Labelling requirements
G/TBT/Notif.97.320	Netherlands	Mud trap holes, grease traps, oil traps	Waste-water treatment
G/TBT/Notif.97.332	Thailand	Household refrigerator utilizing CFC	Protection of the environment
G/TBT/Notif.97.382	European Community	Products containing Genetically Modified Organisms (GMOs)	Environmental safety
G/TBT/Notif.97.419	France	Amalgam waste from dental surgeries	Prevent environmental pollution (mercury recovery)
G/TBT/Notif.97.422	France	Underground tanks and pipes for inflammable liquids	Prevent environmental pollution (soil and water)
G/TBT/Notif.97.425	Netherlands	Electricity	"Green-Power" certificates (eco-label) to promote generation and use of electricity from renewable resources
G/TBT/Notif.97.440	Netherlands	Organic fertilizers (sewage sludge, compost and black soil)	Protection of the environment
G/TBT/Notif.97.441	Netherlands	Organic fertilizers (sewage sludge, compost and black soil)	Protection of the environment
G/TBT/Notif.97.442	Netherlands	Specific animals and plant species	Protection of endangered native plant and animal species
G/TBT/Notif.97.449	Netherlands	Fishing gear (eel-pots)	Conservation of nature & protection of the environment (maintenance of fish stocks)
G/TBT/Notif.97.454	Netherlands	Fishing gear	Conservation of nature & protection of the environment
G/TBT/Notif.97.456	Netherlands	Soft drinks and waters	Deposit system to encourage refillable packaging and recycling
G/TBT/Notif.97.457	Netherlands	Sewage sludge (fertilizer)	Environmental requirement
G/TBT/Notif.97.468	Netherlands	Artificial bait	Conservation of nature & protection of the environment (maintenance of fish stocks)
G/TBT/Notif.97.469	Netherlands	Trawl-nets (fishing gear)	Protection of the environment (maintenance of fish stocks)
G/TBT/Notif.97.470	Netherlands	Trawl-nets	Conservation of nature & protection of the environment (maintenance of fish stocks)
G/TBT/Notif.97.483	Netherlands	Products with mercury or its compounds	Protection of the environment (from mercury or its compounds)
G/TBT/Notif.97.492	Netherlands	Energy installations	Exemption from environmental tax on energy

Notification	Country	Product (s)	Objective
G/TBT/Notif.97.499	Netherlands	Pesticide cleaning equipment	Protection of the environment
G/TBT/Notif.97.502	Netherlands	Building and demolition waste	Prevention, recovery and use of waste (waste management)
G/TBT/Notif.97.503	Netherlands	Building and demolition waste	Prevention, recovery and use of waste (waste management)
G/TBT/Notif.97.504	Netherlands	Waste	Protection of the environment (soil pollution)
G/TBT/Notif.97.516	Netherlands	Hazardous waste	Protection of the environment
G/TBT/Notif.97.517	Netherlands	Waste	Protection of the environment (soil pollution, reduction of methane/greenhouse gas emission), prevention, recovery and use of waste (waste management)
G/TBT/Notif.97.518	Netherlands	Waste	Protection of the environment (soil pollution)
G/TBT/Notif.97.519	Netherlands	Waste	Protection of the environment (reduction of methane/greenhouse gas emission), prevention, recovery and use of waste (waste management)
G/TBT/Notif.97.521	Netherlands	Packaging and transport of dangerous household waste	Protection of the environment
G/TBT/Notif.97.573	Netherlands	Transportation of dangerous substances	Protection of the environment
G/TBT/Notif.97.574	Netherlands	Packaging, telecommunications provision, containers	Protection of the environment
G/TBT/Notif.97.588	Netherlands	Packaging, tankers, motor vehicles, tanks (transportation of dangerous substances)	Protection of the environment
G/TBT/Notif.97.590	Netherlands	Motor vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.591	Netherlands	Motor vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.603	Netherlands	Motor vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.613	Denmark	High speed craft	Protection of nature
G/TBT/Notif.97.620	Netherlands	Motor vehicles	Protection of the environment (air pollution control)
G/TBT/Notif.97.635	Netherlands	Coffins or other coverings of corpses	Protection of the environment
G/TBT/Notif.97.637	Netherlands	Coffins and synthetics	Prevention of environmental pollution
G/TBT/Notif.97.655	Netherlands	Non-agricultural pesticides	Protection of the environment
G/TBT/Notif.97.657	Netherlands	Septic tanks	Protecting surface water (i.e environment)
G/TBT/Notif.97.660	Netherlands	Floors, industrial sewers, tanks and ancillary equipment for monitoring soil quality	Soil protection
G/TBT/Notif.97.661	Netherlands	Catering, sport and recreation establishments	Protection of the environment
G/TBT/Notif.97.663	United States	Non-road diesel engines	Improved air quality (reducing air pollution)

Notification	Country	Product (s)	Objective
G/TBT/Notif.97.664	Netherlands	Sampling equipment for waste water discharge	Tabulation of the pollution levy on the "polluter pays" principle
G/TBT/Notif.97.665	Switzerland	Batteries	Waste management
G/TBT/Notif.97.666	Netherlands	Packaging	Minimise environmental impact caused by packaging or packaging waste
G/TBT/Notif.97.674	Netherlands	Removal of white and brown goods	Recycling, waste management
G/TBT/Notif.97.684	Canada	(4-chlorophenyl)cyclopropylmethanone, O-[4-(4-nitrophenyl)methyl]oxime	Protection of the environment
G/TBT/Notif.97.687	Hong Kong, China	Washing Machines	Promoting energy-efficiency through voluntary labeling scheme
G/TBT/Notif.97.693	Netherlands	Purification system for household sewage	Protection of the environment (soil pollution)
G/TBT/Notif.97.695	Netherlands	Gauze netting	Protection of the environment (surface water pollution)
G/TBT/Notif.97.696	Netherlands	Purification system for household sewage	Soil protection
G/TBT/Notif.97.701	Netherlands	Sewage sludge	Protection of the environment
G/TBT/Notif.97.713	Netherlands	Housing and blocks of flats	Improving energy efficiency
G/TBT/Notif.97.726	European Community	Motor vehicle catalytic convertor LPG kits	Air pollution reduction
G/TBT/Notif.97.727	United States	Water Heaters	Energy conservation
G/TBT/Notif.97.764	Japan	Electric refrigerator-freezers	Energy conservation
G/TBT/Notif.97.785	El Salvador	Urea (fertilizer)	Protection of the environment
G/TBT/Notif.97.786	El Salvador	Ammonium Sulphate (fertilizer)	Protection of the environment
G/TBT/Notif.97.787	El Salvador	Ammonium Nitrate (fertilizer)	Protection of the environment
G/TBT/Notif.97.788	El Salvador	Potassium Chloride (fertilizer)	Protection of the environment
G/TBT/Notif.97.789	El Salvador	Potassium Sulphate (fertilizer)	Protection of the environment
G/TBT/Notif.97.790	El Salvador	Double Magnesium and Potassium Sulphate (fertilizer)	Protection of the environment
G/TBT/Notif.97.791	El Salvador	Packaging and Containers for Pesticides	Protection of the environment

TABLE II
Environment-related Notifications:²⁶ Agreement on SCM

Notification	Programme/project Title	Sectors with environment-related subsidies	Description
G/SCM/N/3/BGR - G/SCM/N/16/BGR	National Fund for Protection of the Environment Project non-ferrous enterprise Elisaina Project non-ferrous enterprise Plovdiv	All-sectors Mining (non-ferrous)	Assistance to municipalities/companies to adapt to requirements of the new Environment Protection Law Enterprises Elisaina, Plovdiv given assistance to adapt to requirements of the new Environment Protection Law
G/SCM/N/16/CAN	Environmental Technology Commercialization Programme St. Lawrence River Environmental Technology Development Programme	Research & Development (industry) Research & Development (industry)	Assistance for development and demonstration of environmental technology For development of technologies to achieve industrial pollution abatement
G/SCM/N/25/CAN	Same as G/SCM/N/16/CAN above	Same as G/SCM/N/16/CAN above	Same as G/SCM/N/16/CAN above
G/SCM/N/16/CZE	State Environmental Fund State Subsidy to promote conservation of fuels and energy savings in buildings and flats State Loan Guarantees granted to finance certain development programmes	Preferential support to select regions Residential and commercial Development programmes approved by the government	Support for environmental protection & improvement. Fuel and energy savings. Loan Guarantees for programmes directed to infrastructure, environment & some areas of industrial production.
G/SCM/N/16/EEC	Cohesion Fund Aid to the Coal Industry Individual Country Subsidies ²⁷	All sectors for all EC Members states Coal industry in all EC Members states All sectors, some specific programmes for agriculture, industry, mining, forestry, fisheries and Research & Development of environmental technology.	Contribution to projects in the field of environment Assistance to help the industry adjust to environment protection standards. Energy efficiency and savings. clean technologies demonstration and development, waste management, assistance to adapt to requirements of new Environment Laws were some of the objectives of these programmes.

²⁶ Measures notified pursuant to Article XVI.1 of GATT 1994 and Article 25 of the Agreement on SCM.

²⁷ Denmark, Finland, Germany, Ireland, Italy, Luxembourg, Netherlands, Spain were the Member States that notified their own subsidy programmes, some of which were environment-related.

Notification	Programme/project Title	Sectors with environment-related subsidies	Description
G/SCM/N/16/EEC/Suppl.2	Energy efficiency best practice scheme an Individual Country Subsidy (U.K)	Research & Development	For development of energy efficient technologies.
G/SCM/N/16/JPN/Suppl.1	Subsidy for Loans to the Pollution Prevention Fund Subsidy for the Bekko and Ivory Industries Subsidy for development of Rational Energy Use Systems	Mining (metals) Bekko and Ivory industry Residential	Pollution prevention. Tp provide relief to the industry injured due to the prohibition of trade by CITES. To assist technological development
G/SCM/N/25/JPN	Subsidy for Loans to the Pollution Prevention Fund	Mining (metals)	Pollution prevention
G/SCM/N/25/JPN/Suppl.1	The New Sunshine Programme	Research & Development	Technology for sustainable development.
G/SCM/N/25/KOR	Environmental Engineering and Technology Development Programme Forest Products Utilisation Assistance Programme	Research & Development Forest Product Manufacturing facilities	Grant for development of environmental technology Loans for conserving the global forest environment
G/SCM/N/25/NOR	Aid for development and diffusion of cleaner technologies Grants for waste reduction and recycling Loan guarantees for investment in cleaner technologies, waste reduction and recycling Guarantee for loan facility and loan facility to the company responsible for treatment of hazardous waste Grant Programme for introduction of new energy technology	not specified	Assistance for environmental improvement
G/SCM/N/16/ROM/Suppl.1	Special programme on certain measures and actions for the support of the economic and social development of Botosani, Giurgiu and Vaslui counties	Specific Regional Assistance	Protection of the environment one of the main objectives
G/SCM/N/16/SVN - G/SCM/N/25/SVN	The Fund for Environmental Development	Industry	Promotion of clean/environment friendly technology, waste handling and disposal and for converting to non-ozone depleting materials.

Notification	Programme/project Title	Sectors with environment-related subsidies	Description
G/SCM/N/16/USA	<p>Conservation Reserve Programme</p> <p>The Clean Coal Technology Demonstration Programme</p> <p>Credits for Electricity Production from Wind and Biomass</p>	<p>Agriculture</p> <p>Mining (Coal)</p> <p>Energy (Electricity)</p>	<p>To establish approved conservation practices on highly erodible and other environmentally sensitive cropland.</p> <p>Demonstration and promotion of clean technologies.</p> <p>To encourage the development and utilization of electric generating technologies that use specified renewable energy resources.</p>

TABLE III
Environment-related Notifications:²⁸ Agreement on Agriculture

Notification	Measure/Programme Title	Description/Objective
G/AG/N/AUS/13 (Table NF:1)	Multilateral Core Funding Bilateral Programmes	Funding to International Environment Programmes (Multilateral Fund of the Montreal Protocol, Global Environment Facility), subscription to multilateral agencies like UNEP. Research projects funded on the following food security issues a) crop sciences: for the development of environmentally safe methods to combat pests and weeds; b) fisheries: sustainable aquaculture, conservation and responsible utilisation of wild fisheries; c) economic research: encouraging efficient and sustainable use and management of agriculture and natural resources, including land, water, fish and forest resources. Assistance also given to specific programmes like the Africa Programme to combat desertification and the Environmental Recovery Programme (Eritrea) as part of the regional or country specific aid package.
G/AG/N/AUS/14	Commonwealth Government Environmental Programmes: National Landcare Murray-Darling Basin Initiative State/Territory Governments Environmental Programmes: Australian Capital Territory New South Wales Northern Territory South Australia Tasmania Victoria Land and Water Resources Research & Development National Feral Animal Control Strategy	Assistance to community groups for natural resource management. Effective planning/management for the equitable, efficient and sustainable use of water, land and other environmental resources of the Murray-Darling Basin. On ground works to alleviate soil erosion. Funding to prevent and mitigate degradation of land and water resources associated with agricultural production. To combat soil degradation/erosion on farm lands. Revegetation projects. Provision of services to agricultural producers to limit environmental damage and to encourage sound practices to minimise soil erosion, salination and water damage. Ensuring land and water resources are managed within an ecologically sustainable framework Support to R&D for the sustainable use of land, water and vegetation resources To reduce the damage caused to agriculture and the environment by feral animals.
G/AG/N/ARG/4	PRODESER	Prevention and control of desertification for the sustainable development of Patagonia
G/AG/N/BRA/6/Rev.1	General Services: Science and technology; basic and applied research.	Environmental Mapping
G/AG/N/BWA/5	Developed Animal Disease Programme	One of the objectives is the eradication of the Tsetsefly using safe and environmentally friendly methods

²⁸Notifications pursuant to Article 16.2, 18.2 and 18.3 of the Agreement. Unless otherwise stated, notifications in Table DS:1 format.

Notification	Measure/Programme Title	Description/Objective
G/AG/N/CHE/8 (Table MA:1)	Administration of tariff quotas Live bovine animals (HS: 0102.1010, 0102.9091) Live swine (HS: 0103.1010, 0103.9110, 0103.9210)	One of the purposes that give individuals, enterprises and organizations the right to tariff quota shares is: "(e) the conservation of endangered native breeds"
G/AG/N/CHE/11	Environmental Programmes	Payments for special ecological services (integrated production, organic farming etc.) Payments for summer pasturing Payments for set aside pasture land and renewable raw materials Payments for extensive cereal production Payments for environmentally-friendly wine-growing methods
G/AG/N/CYP/3/Rev.1	Decoupled income support Research Services	One of the objectives of the Direct additional payments for services provided in the general interest is the preservation of the basic natural environment necessary to life Includes research in connection with environmental programmes Includes capital expenses on works for environmental protection such as treatment of waste etc. Subsidies for soil conservation works
G/AG/N/CYP/4 (Table DS:2)	Development of livestock areas and zones and other infrastructural works for livestock Investment subsidies	Aims at conservation of the environment and countryside. Support provided to such environmental programmes is in conformity with Annex 2, paragraph 12 of the Agreement on Agriculture.
G/AG/N/CZE/12	Environmental Programmes	Landscape conservation in cultural state Support for bee keeping
G/AG/N/JPN/21	Environmental Programmes	Payments for Conversion; Payments for maintaining paddy fields in environmentally good condition through cultivation of plants other than rice or other appropriate managements. Research in connection with environmental programmes.
G/AG/N/KOR/14	Research Environmental Programmes	Payments for the prevention of soil erosion, soil acidification and for the purification of livestock excretions for prevention of water pollution.
G/AG/N/MAR/7	Pilot programme for the recycling of waste water Environmental management programme	Waste water recycling Not specified
G/AG/N/NAM/3	Agricultural research	Research on technical issues related to the conservation of the ecosystem
G/AG/N/NZL/12	East Coast Forestry Programme	Funding to encourage commercial forestry as a means of erosion control on the severely erodible land in the East Coast Region of the North Island.
G/AG/N/THA/23	Regional council soil conservation Environmental Promotion Programmes	Providing 50-70 % of the cost of soil conservation practices undertaken by farmers. To encourage producers to use soil and water resources appropriately in order to prevent environmental problems; encouraging the use of non-chemical substances in farming; promoting easy-to-do techniques to solve problems of soil and water deterioration.

Notification	Measure/Programme Title	Description/Objective
G/AG/N/TUN/7		Environmental conservation through land and afforestation works
G/AG/N/USA/10	<p>Environmental Programmes: Farm Service Agency Agricultural Conservation Program</p> <p>Emergency Conservation Program</p> <p>Soil and water loans program</p> <p>Natural Resource Conservation Service (NRCS)</p> <p>Great Plains Conservation Program</p> <p>Resource Conservation & Development</p> <p>Colorado River Basin Salinity Control</p> <p>Water Bank Program</p> <p>Wetland Reserve Program</p> <p>Farms for the Future</p> <p>Tennessee Valley Authority (TVA) Model Site Demonstrations</p> <p>Waste Management Programs</p>	<p>Conservation of soil and water through cost-share agreements</p> <p>Funding for emergency conservation measures necessary to restore farmland destroyed by natural disasters.</p> <p>Low interest loans and loan guarantees to assist farmers to use sound soil and water conservation practices.</p> <p>The conservation operations of NRCS, provides technical assistance to promote conservation of soil and water.</p> <p>Cost share contracts for 3-10 years are used to help landowners implement long term conservation measures.</p> <p>Assistance to individuals/localities to develop area-wide plans for resource conservation and development.</p> <p>Information/cost sharing to enhance the water quality for down stream users.</p> <p>Conservation of wetlands through 10 year contracts with producers.</p> <p>Conservation and restoration of wetlands through long term agreements, producers are to implement a conservation plan and retire crop acreage base.</p> <p>Provides loan guarantees and interest assistance to State trust funds to help finance programs to preserve and protect farmland.</p> <p>Demonstration program designed to help agricultural chemical dealers and farmers prevent ground water contamination.</p> <p>Development of efficient wetlands; developing organic plant food and cattle feed from agricultural wastes (broiler litter); other creative waste management</p> <p>Subsidies given for soil conservation works.</p>
G/AG/N/ZAF/10	Payment for relief from natural disasters	
G/AG/N/ZAF/13	Resource Conservation and environmental management	To promote sustainable utilisation of the natural agricultural resources like soil, water resources and vegetation and to protect the environment.

TABLE IV
Environment-related Notifications:²⁹ Agreement on Import Licensing Procedures

Notification	Description of the environment-related objectives, coverage (including product groups) or procedures of the import licencing system notified
G/LIC/N/3/AUS/1/Rev.1	<p>Import controls are maintained in keeping with the MEAs for the following product groups : Wildlife and wildlife products covered by the Wildlife Protection (Regulation of Exports and Imports) Act 1982 [legislation pursuant to CITES]; hydrochlorofluorocarbons (HCFCs), methyl bromide, chlorofluorocarbons (CFCs), halons, methyl chloroform and carbon tetrachloride covered by the Ozone Protection Act 1989 and subsequent regulations [legislation pursuant to the Montreal Protocol]; Hazardous Waste (Regulation of Exports and Imports) Act 1989 and subsequent regulations [legislation pursuant to the Basel Convention]</p> <p>Import controls like those under the Environment Protection and Management Ordinance 1987 aim to protect the environment and indigenous wildlife of the Territory of Heard and McDonald Islands. The Antarctic Treaty (Environment Protection) Act 1980 and its amendment the Antarctic (Environment Protection) Legislation Amendment Act 1992 are imposed to protect an ecologically sensitive area [legislation pursuant to the Madrid Protocol]</p>
G/LIC/N/3/BGR/1	<p>Non-automatic licences are required for the importation of some products with a view to " secure conservation of exhaustible resources".</p>
G/LIC/N/3/CAN/2	<p>Endangered species of wild fauna and flora are subject to licencing (pursuant to CITES). Prescribed substances are also subject to import controls under the Atomic Energy Control Act, to prevent "undue risk to health, safety, security and the environment".</p>
G/LIC/N/3/HKG/1/Rev.2	<p>In keeping with MEAs, import controls are placed on waste [Basel Convention], ozone depleting substances and endangered species [CITES].</p>
G/LIC/N/3/KEN/1	<p>The Import, Export and Essential Supplies Act cap. 502 lists goods subject to import licencing. Part C of the schedule covers import licencing "subject to the goods meeting SPS, environmental and technical standards". Many of the prohibited goods listed in Part A of the Schedule have conservation as an implicit objective (for eg. ivory, rhinoceros horn, whalebone, tortoise-shell etc.).</p>
G/LIC/N/3/MYS/1	<p>Import controls are placed on scheduled wastes (toxic and hazardous wastes) as required under the Basel Convention.</p>
G/LIC/N/3/NAM/1	<p>Stipulates that a veterinary import permit requires the approval of the Ministry of Environment in the case of protected species.</p>
G/LIC/N/3/POL/1	<p>Temporary restraints have been placed on imports of "substances depleting the ozone layer and products containing such substances" and on "parts used in the industrial assembly of motor vehicles". The objective of licencing the former is "to protect the natural environment in accordance with the provisions of the Montreal Protocol" while modernisation of the motor vehicle sector will contribute towards "road transport security and natural environment protection."</p>

²⁹ Notifications made pursuant to Article 7.3 of the Agreement.

Notification	Description of the environment-related objectives, coverage (including product groups) or procedures of the import licencing system notified
G/LIC/N/3/SVN/1	Licences for goods subject to special control include "..... substances affecting the ozone layer, ; special waste and scrap materials". These licences are "to protect national security, health, environment, cultural heritage, as well as to fulfil the commitments undertaken by Slovenia regarding the International Agreements."
G/LIC/N/3/ZAF/1	Applications for import licences are considered by the Dept. of Trade & Industry, but for "a limited range of goods, applications are also considered by the Departments of Agriculture, Health and Environment Affairs....." Moreover: "with the exception of licencing in respect of used goods or goods controlled in terms of the Montreal Protocol, for health or environmental reasons, licences are issued without applying quantitative restrictions."
G/LIC/N/1/CHE/1 G/LIC/N/2/CHE/1 G/LIC/N/3/CHE/1 ³⁰	The Federal Veterinary Office (OVF) is responsible for issuing licenses for the import, transit and export of animals and animal products covered by Laws on the protection of species (required under CITES9).

³⁰ Notified under Articles 7.3, 1.4 (a), 5.1-5.4 and 8.2(b) of the Agreement.