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

Communication from the United States of America

The following changes have been suggested by the United States to the text of the Draft Decision on Products Banned or Severely Restricted in the Domestic Market (L/6769).

1. Article 1
   (a) Deletion: Delete Articles 1.1 and 1.2
   (b) Insertion: Insert new Article 1.1 as follows:
   "This decision applies to products, substances and wastes (hereinafter referred to as "the products concerned") which are covered in the international instruments enumerated in Annex I and which have been subject of final governmental regulatory action in the domestic market of a contracting party."
   (c) Insertion: Insert new Article 1.2 as follows:
   "The provisions of this decision, other than Article 2.1, shall not apply if the product concerned is covered by an international instrument listed in Annex I and the contracting party is a signatory to or participant in the instrument."

2. Article 3
   (a) Deletion: Delete Article 3.1
   (b) Insertion: Insert new Article 3.1 as follows:
   "Any contracting party adopting measures to ban or severely restrict in its domestic market any of the products concerned, should also consider the adoption of equivalent measures for exports of the same products. Such measures may be based on the principle of prior informed consent."
(c) Modification: Modify Article 3.3 as follows:

Delete at the end of the first sentence: "... and where possible and appropriate notify such information to the enquiry points established under paragraph 5(B) in the contracting parties in which it has significant trade."

(d) Deletion: Delete Article 3.5

3. **Article 4**

Modification: Modify Article 4.1 as follows:

Replace the phrase "accede" with "become signatories or participants"

4. **Article 6**

Modification: Modify Article 6.3 as follows:

Delete the words "revise and update" and replace with "review, and recommend to the contracting parties any proposed revisions or updates to"

5. **Article 7**

Insertion: Insert as follows:

After "to developing contracting parties on mutually agreed terms" insert "using available information and materials"

6. **Article 8**

(a) Deletion: Delete current Article 8

(b) Insertion: Insert new Article 8 as follows:

"Contracting parties agree to consult on matters arising out of the operation of this decision. Such consultations should be aimed at finding ways and means for mutually satisfactory solutions. The contracting parties shall have no recourse to GATT Articles XXII and XXIII with regard to matters arising out of the operation of this decision. However, nothing in the decision shall detract from the existing rights of contracting parties for dispute settlement under the instruments listed in Annex I."

7. **Annex I**

Deletion: Delete Annex I

8. **Annex II**

Modification: Annex II becomes Annex I.