Draft Agreement on the Importation of Insecticides; of Raw Materials and Equipment Necessary for the Preparation of such Insecticides; and of Apparatus for their Application intended Exclusively for Use by Public Health Authorities for Public Health Purposes.

The following letter has been received by the Chairman of the Contracting Parties from the Acting Director-General of the World Health Organization. Copies of the Resolution referred to therein are circulated as Annex I and of the Draft Agreement as Annex II.

"I have the honour to refer to a resolution adopted by the Third World Health Assembly towards ensuring a free flow of insecticides, raw material used in their manufacture, and the equipment required for their application (A3/R/60).

"This resolution is the culmination of a series of actions taken in this matter by ECOSOC, WHO and other interested bodies over the past two years. Details of these and the text of the above resolution are attached hereto.

"It is felt that the wishes of the Third World Health Assembly might best be achieved through an International Agreement by which customs duties and tariffs on the material in question would be waived by the States becoming a party to it.

"A Draft Agreement has accordingly been prepared, a copy of which is enclosed. I should be most grateful if you would submit this to the forthcoming meeting of the Contracting Parties in Torquay, not for their action, but for their information and the advice of the Trade Experts attending the meeting, towards shaping it into a sound and workable instrument of International Trade.

"If these proposals are accepted for consideration by the Torquay Session of the Contracting Parties to the General Agreement on Tariffs and Trade, I should welcome the opportunity of sending a representative of WHO to be present when the matters are discussed, should the Contracting Parties so wish."
"As it is my intention to submit the Draft Agreement to the seventh session of the Executive Board early in 1951, it will be necessary to have the document circulated some months beforehand. It would be a great service to the Organization, therefore, if the Contracting Parties could see their way clear to considering the Agreement during September or October 1950.

"May I in anticipation express my appreciation for any assistance you may be able to offer?"
LABELLING AND DISTRIBUTION OF INSECTICIDES

The Third World Health Assembly

1. EXPRESSES its appreciation of the action taken by the Economic and Social Council at its ninth session, relating to the availability of insecticides;

2. REQUESTS the Director-General to bring the resolution and report of the Economic and Social Council on this subject to the attention of all Members;

3. CALLS to the attention of Members the recommendations of the Expert Committee on Insecticides, that manufacturers of insecticide formulations be urged to label correctly the contents of their products in active ingredients;

4. URGES Members to take appropriate steps, in implementation of the Economic and Social Council resolution, to ensure the freer flow of insecticides and their ingredients into countries where they are needed for necessary public health work and where domestic production is either non-existent or insufficient to meet the countries' needs, and

5. INVITES Members to consult with the World Health Organization for information and advice as to those phases of the production cycle of insecticides which it might be feasible for them to undertake domestically.

(Fifth report of the Committee on Programme adopted at seventh plenary meeting, 25 May 1950, 3/R/7)
D R A F T

AGREEMENT ON THE IMPORTATION OF INSECTICIDES; OF RAW MATERIALS AND EQUIPMENT NECESSARY FOR THE PREPARATION OF SUCH INSECTICIDES; AND OF APPARATUS FOR THEIR APPLICATION INTENDED EXCLUSIVELY FOR USE BY PUBLIC HEALTH AUTHORITIES FOR PUBLIC HEALTH PURPOSES

Preamble

The Contracting States

Considering that Insecticides represent the most effective weapon today in the control of insect-borne diseases and consequently are of paramount importance in the improvement of the health of the peoples of the world

Considering that the imposition of Customs Tariffs and import restrictions in connexion with insecticides, insecticide formulations, raw materials and equipment for their manufacture and apparatus for their application is detrimental to the development of campaigns against insect-borne diseases of man

Emphasize the necessity to ensure a free flow of these materials into countries where they are needed for public health work and have, therefore, agreed to the following provisions:

ARTICLE I

1. The Contracting States undertake not to apply customs duties or other charges on, or in connexion with, the importation of the following intended exclusively for use by Public Health Authorities for Public Health purposes:

1.1 Basic insecticides and their formulations used in campaigns against insect carriers of diseases of man
1.2 Raw materials for the local manufacture of such basic insecticides and their formulations

1.3 Equipment for the manufacture or processing of such insecticides and/or their formulations

1.4 Apparatus for the application of such insecticides and their formulations which are the products of another Contracting State.

2. Inasmuch as this Agreement aims at ensuring the free flow and application of insecticides as a public health measure, it does not refer to those materials intended for use for other purposes. Each contracting party will therefore be at liberty, within the obligations expressed by this Agreement, to apply any measure it may deem advisable in order to ascertain whether any material imported will be destined for public health purposes.

3. The provisions of Paragraph 1. of this Article shall not prevent any Contracting State from levying on imported articles

3.1 Internal taxes or any other internal charges of any kind, imposed at the time of importation and subsequently, not exceeding those applied directly or indirectly to like domestic products.

3.2 Fees and charges, other than customs duties, imposed by governmental authorities on, or in connexion with, importation, limited in amount to the approximate cost of the services rendered; and representing neither an indirect protection to domestic products nor a taxation of imports for revenue purposes.

ARTICLE II

The Contracting States which at any time apply quantitative restrictions and exchange control measures, undertake to grant, as far as possible, foreign exchange and licences necessary for the importation of the materials referred to in Article I of this Agreement.

ARTICLE III

The Contracting States undertake as far as possible:

1. to continue their common efforts to promote by every means the free flow of insecticides, insecticidal formulations, raw materials for their manufacture and
apparatus for their application intended for public health purposes and 'to abolish or reduce any restrictions to that free flow which are not referred to in this Agreement

2. to adopt the appropriate administrative measures for the simplification of regulations concerning the importation of such materials

3. to facilitate the expeditious and safe customs clearance of such materials.

ARTICLE IV

This Agreement shall not modify or affect the laws and regulations of any Contracting State or any of its International Treaties, Conventions, Agreements or Proclamations with respect to copyright and patents.

ARTICLE V

Subject to the provisions of any previous Conventions to which the Contracting Parties may have subscribed for the settlement of possible disputes, the Contracting States undertake to have recourse to negotiations or conciliations with a view to settlement of disputes which may arise regarding the interpretation or the application of the present Agreement.

ARTICLE VI

In case of a dispute relating to the nature of the imported materials justifying their being considered falling within the definitions in Sub-paragraphs 1.1 to 1.4 of Article I, the interested Parties may, by common agreement, refer it to the Director-General of the World Health Organization for an advisory opinion.

ARTICLE VII

The present Agreement, of which the English and French texts are equally authentic, shall bear today's date and remain open for signature by all Member States of the World Health Organization.

ARTICLE VIII

Member States may become parties to this Agreement by:

1. signature without reservation as to approval
2. signature subject to approval followed by acceptance
3. acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Director-General of the World Health Organization.

ARTICLE IX

This Agreement shall come into force when ten Member States have become parties to this Agreement.

ARTICLE X

1. The States, parties to the present Agreement, on the date of its coming into force, shall each take all the necessary measures for its fully effective operation within a period of six months after that date.
2. For States which become parties to this Agreement after the date of its coming into force, these measures shall be taken within a period of three months from the date of their becoming parties to this Agreement.
3. Within one month of the expiration of the periods mentioned in paragraphs 1 and 2 of this Article the States parties to this Agreement shall submit a report to the Director-General of the World Health Organization of the measures which they have taken for such fully effective operation.
4. Thereafter each State party to this Agreement shall make an Annual Report to the Director-General of the World Health Organization on the action taken by it with respect to this Agreement in accordance with Article 20 and Chapter XIV of the Constitution of the World Health Organization.
5. The Director-General of the World Health Organization shall transmit these reports to all States parties to this Agreement and to the International Trade Organization (provisionally, to its Interim Commission).

ARTICLE XI

Any Member State may, at the time of signature or the deposit of its instrument of acceptance, or at any time thereafter, declare by notification addressed to the Director-General of the World Health Organization that this Agreement shall extend to
ARTICLE XII

1. Two years after the date of the coming into force of this Agreement, any State party to this Agreement may, on its own behalf or on behalf of any of the territories for the conduct of whose international relations that State is responsible, denounce this Agreement by an instrument in writing, deposited with the Director-General of the World Health Organization.

2. The denunciation shall take effect one year after the receipt of the instrument of denunciation.

ARTICLE XIII

The Director-General of the World Health Organization shall inform all Member States of the World Health Organization and the Secretary-General of the United Nations of the date on which this Agreement has come into force. He will also inform them of the dates when other Member States have become parties to this Agreement as well as of the notifications and denunciations provided for respectively in Articles XI and XII.

ARTICLE XIV

At the request of one third of the States parties to this Agreement the Director-General of the World Health Organization shall place on the Agenda of the next session of the Health Assembly the question of the revision of the present Agreement.

ARTICLE XV

1. In accordance with the Regulations to give effect to Article 102 of the Charter of the United Nations this Agreement shall be registered with the Secretary-General of the United Nations on the date of its coming into force.
2. In faith whereof the undersigned duly authorized have signed this Agreement on behalf of their respective governments.

Done at this day of One thousand nine hundred and in a single copy which shall remain deposited in the archives of the World Health Organization and certified true copies of which shall be delivered to all Member States of the World Health Organization as well as to the Secretary-General of the United Nations and to the International Trade Organization (provisionally to its Interim Commission).