Working Party "D" on the Request of the World Health Organization Concerning Insecticides

Terms of Reference:

To consider the letter from the World Health Organization and the draft agreement annexed thereto, and to submit to the Contracting Parties a draft reply embodying appropriate technical advice as to the feasibility of the agreement proposed and such improvements as would appear desirable to introduce in the procedure suggested to achieve the objectives of the World Health Organization in this field.

Composition:

Members: Australia Sweden
        Brazil United Kingdom
        France United States
        Italy

Chairman: Mr. V.A. Clark (Australia)

Parties Contractantes
Cinquième Session

Groupe de Travail "D" chargé d'examiner la demande de l'Organisation mondiale de la santé concernant les insecticides

Mandat:

Examiner la lettre de l'Organisation mondiale de la santé et le projet d'accord qui y est joint; soumettre aux Parties Contractantes un projet de réponse contenant des conseils techniques appropriés au sujet de la praticabilité d'un tel accord ainsi que des améliorations qu'il paraîtrait souhaitable d'apporter à la procédure proposée pour atteindre les objectifs de l'Organisation mondiale de la santé dans ce domaine.

Composition:

Membres: Australia Italie
        Brésil Royaume-Uni
        États-Unis Suède
        France

Président: M. V.A. Clark (Australie)
Working Party D on Insecticides

DRAFT

AGREEMENT ON THE IMPORTATION OF INSECTICIDES; OF CERTAIN RAW MATERIALS AND EQUIPMENT ESSENTIAL TO THE PREPARATION OF SUCH INSECTICIDES; AND OF CERTAIN APPARATUS ESSENTIAL FOR THEIR APPLICATION INTENDED EXCLUSIVELY FOR USE FOR PUBLIC HEALTH PURPOSES

Preamble

The Contracting States

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

Considering that the imposition of Customs Tariffs and import restrictions in connexion with insecticides, insecticide formulations, and certain raw materials and equipment essential to their manufacture and apparatus essential for their application is detrimental to the development of campaigns against insect-borne diseases of man unless suitable measures are being or have been taken to ensure their supply from local sources or manufacture

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 supplies and equipment intended exclusively for use for Public Health purposes as shall be certified by the Governments concerned:

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1.1 Basic insecticides and their formulations used in campaigns against insect carriers of diseases of man as hereinafter defined in the Annex referred to in Article XV.1.

1.2 Raw materials essential for the local processing of such basic insecticides and of their formulations as hereinafter defined.

1.3 Such equipment as is essential for processing of such insecticides and/or their formulations and as shall be so defined by the governments concerned.

1.4 Such apparatus as is essential for the application of such insecticides and their formulations which are the products of another Contracting State and as shall be hereinafter defined.

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 Such import charges or duties as may be deemed necessary, after thorough review of all relevant circumstances, to the protection of domestic production of similar articles.

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

3.3 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 affecting the importation of insecticides and related materials and equipment, 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 practicable means the free flow of insecticides, insecticidal formulations, raw materials essential to their manufacture and apparatus essential 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
fully effective operation within a period of one year after that date.

2. States which become parties to this Agreement after the date of its coming into force, agree to take these measures within a period of six months from the date of their becoming parties to this Agreement.

3. Within three months of the expiration of the periods mentioned in paragraphs 1 and 2 of this Article the State parties to this Agreement agree to 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 agrees to 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 all or any of the territories for the conduct of whose international relations that Member State is responsible.

**ARTICLE XII**

1. Two years after the date of the coming into force of this Agreement, any
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, denounced 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. The Annex to this Agreement is hereby made an integral part of this Agreement.

2. The Annex to this Agreement may be modified by the World Health Organization in the light of new knowledge, information, and experience, subject to the provisions of Articles VI, XII and XIV and the concurrence of the first ensuing World Health Assembly.
ARTICLE XVI

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 United Nations and certified true copies of which shall be delivered to all Member States of the World Health Organization as well as to the World Health Organization and to the International Trade Organization (provisionally to its Interim Commission).
ANNEX

1. The following definitions or descriptions refer to the materials and equipment mentioned in paragraphs 1.1, 1.2, 1.3 and 1.4 of Article I of this Agreement:

1.1 Basic insecticides and their formulations.

1.1.1 Basic insecticides: Such technical grade synthetic and natural compounds which are specifically noted for their lethal action on insect carriers of diseases of man, as would be designated by the Governments concerned, taking into account the advice of the World Health Organization, as referred to in paragraph 2 of Article XV, such as:

1.1.1.1 BZENZANE HEXACHLORIDE (Synonyms, including trade names: Gammexane, 666, HHC)

Chemical name: Gamma - 1, 2, 3, 4, 5, 6-Hexachlorocyclohexane

1.1.1.2 CHLORDANE (Synonyms, including trade names: chlordan, octa-klor, 1068, Velsicol 1068)

Chemical name: 1, 2, 3, 4, 5, 6, 7, 8, 8-Octachloro-3a, 4, 1, 7a-tetrahydro-4, 7-methanoindane

1.1.1.3 DDD (Synonyms, including trade names: TDE, Rhothane D-3)

Chemical name: 1, 1-bis (p-Chlorophenyl)-2, 2-dichloroethane. Also known as dichlorodiphenyl-dichloroethane and as 2, 2-bis (p-Chlorophenyl)-1, 1-dichloroethane.

1.1.1.4 DDT (Synonyms, including trade names: Gesarol, Neocid)

Chemical name: 2, 2, bis - (p-Chlorophenyl)-1,1,1-trichloroethane

1.1.1.5 LINDANE (Synonyms: essentially pure gamma isomer of benzene hexachloride, not less than 99% pure)

Chemical name: Gamma - 1,2,3,4,5,6-hexachlorocyclohexane. This is the most insecticidally active isomer isolated from benzene hexachloride and subsequently purified.

1.1.1.6
1.1.1.6 METHOXYPHTHAL (Synonyms, including trade names: The $p$,$p'$-dimethoxy analogue of DDT, methoxy analogue of DDT, and dianisyl analogue of DDT).

Chemical name: 2, 2-bis(p-methoxyphenyl)-1,1,1-trichloroethane

1.1.1.7 PYRETHRUM (Synonyms, including trade names: Insect powder, Kenya flowers, Trieste flowers. This may consist of the plant chrysanthemum (Pyrethrum) cinerariaefolium, the flower heads of this plant, their several extracts, and their active principles).

1.1.2 Insecticide formulations: Such forms of the basic insecticides mentioned in paragraph 1.1.1 above which have been combined with or dissolved in other ingredients, as would be designated by the Governments concerned, taking into account the advice of the World Health Organization as referred to in paragraph 2 of Article XV, such as:

1.1.2.1 Wettable or dispersible powders of all strengths
1.1.2.2 Emulsifiable concentrates of all strengths
1.1.2.3 Solutions of insecticides in oil, of all concentrations
1.1.2.4 Dusts of various concentrations.

1.2 Raw materials essential for the local processing of basic insecticides and their formulations:
Such organic and inorganic substances, either in the crude, intermediate, or purified form, which are essential and which will be used exclusively for the production of basic insecticides and insecticide formulations referred to in paragraphs 1.1.1 and 1.1.2 above, as would be designated by the Governments concerned, taking into account the advice of the World Health Organization as referred to in paragraph 2 of Article XV, such as:
1.3 Equipment essential for the processing of insecticides and/or their formulations: Such equipment which is essential and which will be used exclusively for the production of basic insecticides and insecticide formulations referred to in paragraphs 1.1.1 and 1.1.2 above, as would be designated by the Governments concerned taking into account the advice of the World Health Organization as referred to in paragraph 2 of Article XV.

1.4 Apparatus essential for the application of insecticides and insecticide formulations: Such hand and/or mechanically operated spraying, dusting, misting and fogging devices which are essential to, and which will be used exclusively for, the application of insecticides and insecticide formulations referred to in paragraphs 1.1.1 and 1.1.2 above. These would be designated by the Governments concerned taking into account the advice of the World Health Organization as referred to in paragraph 2 of Article XV, such as:

1.4.1 Knapsack and compression sprayers
1.4.2 Hand sprayers
1.4.3 Stirrup pumps
1.4.4 Power sprayers (motor-driven)
1.4.5 Misting and fogging machines
1.4.6 Special spraying, misting or fogging apparatus for attachment to vehicles or airplanes
1.4.7 Dusting apparatus (apparatus for applying insecticide dusting powder)
1.4.8 Spare or replacement parts for the apparatus as designated above.