

GENERAL AGREEMENT ON

RESTRICTED

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11 May 1990

TARIFFS AND TRADE

Working Group on Domestically Prohibited Goods
and Other Hazardous Substances

FIFTH MEETING OF THE WORKING GROUP ON
DOMESTICALLY PROHIBITED GOODS AND OTHER HAZARDOUS SUBSTANCES

1. The Working Group on Domestically Prohibited Goods and Other Hazardous Substances held its fifth meeting on 2 April 1990 under the chairmanship of Ambassador John Sankey (United Kingdom). It adopted the agenda proposed in GATT/AIR/2961.

2. The delegations of Cameroon and Nigeria presented their proposal which had been circulated as document DPG/W/8. The representative of Nigeria explained that Part I of this proposal stated the objectives, principles, and scope of an agreement in this area. Among these, he highlighted two points

- that the basic objective of action in GATT would be to clarify and improve Articles in the General Agreement insofar as they applied to the export of prohibited goods and hazardous substances;
- that an agreement in GATT should impose binding obligations on contracting parties to control the export of products which were domestically prohibited from being sold or whose sale was severely restricted on the basis of being dangerous to human, animal or plant life and the environment.

He explained that Part II of the proposal outlined the elements that should be included in an agreement. These included:

- publication obligations contained in Article X of the General Agreement;
- a binding obligation on contracting parties to participate in the schemes of other international organizations working in this field;
- mechanisms for dispute settlement that contained provisions for interim action to limit damages and provisions for payment of damages as a possible outcome to the dispute settlement procedures.

3. A second proposal was presented and circulated to the Group by the European Economic Community. The representative from the EEC noted that there were a number of common elements in the two proposals, among them the objective of ensuring further GATT involvement in this area. He acknowledged, however, that significant differences existed. He explained that his delegation's proposal was built around a number of principles. These included:

- the recognition of the importance of action to protect not only one's own environment, but that of others as well, and of the value of the work of other international organizations in this area, whose legal capacities and technical expertise should not be encroached upon;
- the principle that where international agreements designed to further the objectives outlined in the proposal already existed, GATT contracting parties undertake to accept and apply them;
- the need to avoid creating unnecessary obstacles to trade;
- the need for transparency and publication in accordance with the provisions of Article X of the General Agreement; and
- the necessity of a forum for review of the operations of the instrument adopted in GATT in the light of developments with regard to the provisions adopted by other international organizations.

4. Several delegations thanked the sponsors of these two proposals for their work. They looked forward to the further examination and discussion of them at the next meeting.

5. Representatives from four international organizations, the International Labour Organization (ILO), the World Health Organization (WHO), the United Nations Environmental Programme (UNEP), and the Organization for Economic Cooperation and Development (OECD) were present as observers. (The statement by the observer from the International Labour Organization is included as an Appendix).

6. The Group took note of the statements made. Members of the Working Group were reminded to provide the secretariat with initial or updated notifications of national laws and regulations as had been agreed at the first meeting of the Group. Five notifications had been received and these had been circulated as DPG/Notif.89.1, and DPG/Notif.90.1-4.

7. Regarding the future work of the Group, in order to achieve results by September 1990 which was the deadline for the report to the CONTRACTING PARTIES, the Chairman urged all delegations which may want to submit proposals to do so as soon as possible. It was agreed to hold an informal meeting immediately following the formal meeting and another on 24 April 1990 to discuss the two submissions which had been submitted by Cameroon and Nigeria and by the EEC.

8. The next meeting of the Working Group would be 14 May 1990.

Appendix

Statement by the Representative of the International
Labour Organization

I thank you for this opportunity to draw the Working Group's attention to several activities within the ILO which may be of interest to the Group. First, I would invite the secretariat to circulate for information a copy of the Resolution adopted by the 76th Session of the International Labour Conference in June 1989 concerning the harmonization of systems of classification and labeling for the use of hazardous chemicals at work. This information complements that already contained in the secretariat document L/6459/Rev.1, concerning the activities of other organizations. This ILO Resolution invites the Governing Body of the ILO to request our Director-General to assess the size of the task of harmonizing national and regional criteria and classification systems established for the use of chemicals at work, consistent with the United Nations classification systems established for the use of dangerous goods and in co-operation with UNEP and WHO within the international programme on chemical safety and with other relevant international organizations, government, employer, and worker organizations. We are also invited to prepare a report on the results of this assessment and to present it as soon as possible to the Governing Body. Finally, we are also requested to establish co-operation with other international bodies to ensure a system of harmonized national and regional criteria and classification which protect workers using chemicals. Work is just beginning on this particular activity and recently the Programme Advisory Committee of the International Programme on Chemical Safety (IPCS) agreed that the ILO should go forward with this activity as part of the IPCS and we hope to have this initial assessment report available sometime in early 1991. I have made copies available to the secretariat and perhaps they will circulate it. The second point I would like to make is that the Director-General of the ILO has decided that the theme for the next session of the International Labour Conference of June 1990 will be the environment and the world of work. This report focuses on the impact of environmental problems and policies on employment and income, on poverty and development, on the working environment, training, and industrial relations. I should note that the report, which should be available within a few weeks, also includes a brief section concerning the environment and trade policies and their particular impact on the world of work.