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Committee on Trade and Environment

A REVIEW OF THE INFORMATION AVAILABLE IN THE WTO ON THE EXPORT OF DOMESTICALLY PROHIBITED GOODS

Note by the Secretariat

This Note responds to the request made in the Report (1996) of the Committee on Trade and Environment (WT/CTE/1) to the Secretariat to "determine what information is already available in the WTO on trade-related environmental measures which relate to trade in domestically prohibited goods, including on restrictions or bans on domestic sales or use of products which are or may be exported." It examines the extent to which different notification systems in the WTO provide information on the issue.

I. Principal GATT Decisions on the Export of Domestically Prohibited Goods (DPGs)

1. The issue of the export of DPGs was first brought to the attention of the GATT Secretariat during the course of preparatory work for the 1982 Ministerial Meeting. Nigeria and Sri Lanka expressed their concern that, in a number of countries, industries export goods the sale or use of which is either banned or severely restricted domestically on human health and safety grounds. Developing countries are often unable to take an informed decision about whether or not to import these goods because they lack information about whether and why goods are banned or restricted for sale or use in the exporting countries.

2. As a result of this concern, the 38th Session of GATT CONTRACTING PARTIES in November 1982 adopted the following Decision:

"The CONTRACTING PARTIES decide that contracting parties shall, to the maximum extent feasible, notify GATT of any goods produced and exported by them but banned by their national authorities for sale in their domestic markets on the grounds of human health and safety. At their 1984 Session, the CONTRACTING PARTIES will consider in the light of experience gained with this notification procedure, the need for study of problems relevant to the GATT in relation to exports of domestically prohibited goods and of any action that may be appropriate to deal with such problems." (BISD 29S/19)

3. By 1984 only few notifications had been received. A large number of these stated that products that are banned or restricted domestically for health and safety reasons are not exported. As a result, Contracting Parties were once again requested to notify their exports of DPGs in a Decision on the Export of Domestically Prohibited Goods adopted at the 40th Session of GATT CONTRACTING PARTIES in November 1984. The Decision stated the following:

"Whereas the notification format intended to cover all cases of banned goods being produced and exported from CONTRACTING PARTIES, the notifications made only referred to the non-existence of such practices. Accordingly, the information supplied does not appear to provide a sufficient data base for CONTRACTING PARTIES to consider the need for study of problems relevant to the GATT in relation to the exports of domestically prohibited goods. In order to improve the data base, all contracting parties are requested to respond as soon as

possible to the invitation extended to them in GATT/AIR/1885 to notify to the maximum extent feasible any goods produced and exported to them that are banned by their national authorities for sale in their domestic markets on grounds of human health and safety. In this connection, it is suggested that to the maximum extent feasible CONTRACTING PARTIES make available to the Secretariat any relevant information which would enable it to prepare, by mid-1985, basic documentation designed to facilitate discussion of the matter. Such documentation would also cover work being done by other organizations." (BISD 31S/14)

II. Notification System on the Export of Domestically Prohibited Goods

4. The Notification System on the Export of Domestically Prohibited Goods was in operation from 1983 to 1990, when Contracting Parties ceased to submit additional notifications. The last notification was received in September of 1990. Whilst the notification system does not function today, the Decisions taken to establish it are still in force. They form an integral part of GATT 1994 as provided for in Paragraph 1(b)(iv) of GATT 1994, and are, for that reason, binding on all WTO Members.

5. Between 1983 and 1990, a total of 50 notifications were received. Several notifications only report that DPGs are generally not exported (and do not mention specific DPGs). A number of others provide more detailed information on domestic laws and regulations addressing production and trade in DPGs, and goods that are subject to restrictions on domestic sale or use. The table below provides an overview of the number of notifications received on an annual basis and of the type of information the notifications contain:

YEAR	TOTAL NOTIFICATIONS RECEIVED	NOTIFICATIONS OF GENERAL PROHIBITIONS OF THE EXPORT OF DPGS (NOT MENTIONING SPECIFIC DPGS)	NOTIFICATIONS OF LAWS / REGULATIONS ON DPGs & OTHER GOODS (MENTIONING SPECIFIC DPGS)
1983	18	18	0
1984	5	5	0
1985	13	9	4
1986	8	4	4
1987	0	0	0
1988	0	0	0
1989	1	0	1
1990	5	0	5
Total	50	36	14

6. Despite the fact that a large number of DPG notifications only state that goods that are domestically prohibited are generally not exported (36 notifications), a number of others provide detailed information on the domestic laws and regulations that address DPGs and other goods (14 notifications).

7. When the notification system was established, DPGs had not been defined. As a result, notifications were made of a wide range of goods which include (a) chemicals, such as highly toxic liquids, benzene, chlorides, PCTs and asbestos; (b) pharmaceutical products for human and animal

use; (c) fertilizers, pesticides, and other plant protection products; (d) substances used in food- and feed-stuffs, such as additives; (e) cleansing agents; (f) cosmetics and perfumery; (g) dangerous substances used in toys and car accessories; (h) dangerous products, such as auto-ignition candles, certain toy planes, and unstable water shoes; (i) gunpowder, explosives and military equipment; (k) radioactive substances; and (l) poisonous and deleterious substances. As no product classification system was employed, many notifications notified imprecise categories of goods, such as "hazardous products" and "substances involving health hazards."

8. The products notified can generally be classified into the following categories:

- (a) those whose export is not addressed by domestic laws and regulations;
- (b) those which cannot be exported;
- (c) those which can only be exported if they meet the domestic standards of the exporting country; and
- (d) those which can be exported provided they meet the standards of the importing country, and/or the importing country is notified of the transaction and approves it. These goods do not usually meet the domestic standards of the exporting country.

9. Export permits (or export declaration forms) issued by the authorities of the exporting countries to authorize export transactions are sometimes required in 8(b) and (c).

10. An example of 8(a) is the European Community's DPG notification number 85.8, in which the United Kingdom notifies its Carcinogenic Substances Regulations of 1967. The regulations proscribe the manufacture and use of naphthylamine, aminodiphenyl, and a number of other substances, in addition to substances that contain them, but do not address exports.

11. An example of 8(b) is contained in DPG notification number 85.11, in which Japan notifies its Narcotics Control Law, Opium Law, Cannabis Control Law, and Stimulants Control Law. Under these laws, the export of narcotics, opium, cannabis and stimulants, is prohibited.

12. An example of 8(c) is the European Community's DPG notification number 85.8, in which Belgium notifies its regulations on foodstuffs. It states that the export of foodstuffs must comply with domestic legislation for consumer protection, in addition to complying with the international instruments that Belgium has signed in this area.

13. An example of 8(d) is contained in DPG notification number 85.2, where the United States notifies its Radiation Control for Health and Safety Act. The Act "allows the export of radiation-emitting electronic products which do not comply with applicable standards established pursuant to the Act, provided the products in question meet all applicable requirements of the importing country and are intended solely for export....The exporter is responsible for ensuring that the prospective export fully complies with the requirements of the importing country and is correctly labelled."

14. From 1983 to 1990, the information notified through the DPG notification system gradually became more substantive. A large number of the notifications received from 1985 onwards provide detailed information on the domestic laws and regulations that address DPGs. In Annex I to this Note, all the DPG notifications received from 1983 to 1990 are summarized and tabulated.

III. Notification Systems on Technical Barriers to Trade and Sanitary and Phyto-Sanitary Measures

15. The Report (1996) of the Committee on Trade and Environment, states that a number of WTO Members "have pointed to the information contained in existing notifications by Members under the TBT and SPS Agreements about technical regulations they impose on the sale or use of products on the domestic market, and they have suggested that this may provide an important source of information on DPGs and help resolve the perceived problem."¹

16. Under the TBT Agreement, Members must notify the WTO Secretariat of their technical regulations and conformity assessment procedures when the two following conditions apply: (1) whenever a relevant standard or guide or recommendation issued by an international standardizing body does not exist or the technical content of a proposed or adopted technical regulation or procedure is not in accordance with the technical content of relevant international standards or guides or recommendations; and (2) if the technical regulation or conformity assessment procedure may have a significant effect on the trade of other Members.

17. For urgent problems of safety, health, environmental protection or national security, Members must notify the WTO Secretariat immediately of the adopted technical regulation or conformity assessment procedure with an indication of the products covered, and the objective. Therefore, the WTO Agreement on TBT is designed primarily to provide WTO Members with timely information on the technical regulations and conformity assessment procedures that are applied to imports.

18. Two main issues arise in the use of TBT notifications for information on DPGs. They include the following:

- (1) The TBT Agreement is not designed to provide information on domestic production or exports. Whereas Members must notify the WTO of the domestic sale or use restrictions that they maintain, they do not have an obligation to address production or exports. In terms of providing information on the export of DPGs, TBT notifications only go half-way. They identify the types of goods that are subject to domestic sale or use restrictions or complete bans (i.e. DPGs), but do address neither their production nor export.
- (2) Despite the fact that TBT notifications must notify technical regulations, some domestic bans or restrictions of goods may go unreported. TBT notifications only notify domestic bans or restrictions of goods if such measures are likely to affect the trade of other Members, or if they are not covered by international standards (refer to paragraph 16). If they do not significantly affect the trade of other Members and are in conformity with international standards, then Members are under no obligation to report them. It is therefore possible for a WTO Member to ban a particular good domestically, without notifying the WTO of the ban (under the TBT Agreement), and to export it. Therefore, some DPGs may escape TBT notification altogether.

19. TBT notification number 95.197 illustrates the issues involved in using TBT notifications for information on the export of DPGs: Under the notification, Finland notifies an amendment to its Explosives Decree. According to the amendment "Fireworks containing reporting charge that is larger than 0.05g are banned." The objective of this measure, as notified by Finland, is to protect consumers, especially children, and to protect the environment. The issues involved in using this notification for information on the export of domestically prohibited fireworks include the following:

¹Report (1996) of the Committee on Trade and Environment (WT/CTE/1), page 29, paragraph 127.

- (1) Whereas the notification provides information on the existence of a good which is domestically prohibited for human health and environmental safety reasons, it does not provide information on whether or not fireworks that do not meet these standards are produced in and can be exported by Finland.
- (2) Had Finland's fireworks standards been in conformity with an international standard on fireworks, and not had a significant effect on the trade of other Members, domestically prohibited fireworks in Finland could have escaped notification under the TBT Agreement.

20. In addition, the fact that certain fireworks are DPGs in Finland cannot necessarily be taken to mean that they would be of danger if exported to other WTO Members. Such goods could have been prohibited due to exceptionally high environmental or health standards.

21. Only in extremely few instances do TBT notifications address exports. Under the TBT notification system, such instances usually occur when Members notify the WTO of measures taken to comply with Multilateral Environmental Agreements (MEAs). For instance, in TBT notification number 95.4, the Czech Republic states that it will determine a "timetable of the ban on manufacturing, import and export (hereinafter referred to as handling) of halogenated hydrocarbons," and that this will be done to comply with the Montreal Protocol on Substances that Deplete the Ozone Layer. However, when the export of DPGs is addressed in instances such as these, it is usually to state that they cannot be exported.

22. Outside the context of MEAs, it is extremely rare for TBT notifications to address exports, and when they do so it is usually to notify how exports fare under accompanying import regulations. Of all 1995 and 1996 TBT notifications reviewed, only TBT notification number 95.102 covers a situation in which a DPG may be exported. In it, the Netherlands notifies a "Draft Order on Coatings Containing Polycyclical Aromatic Hydrocarbons (PAH) - Act on Substances Harmful to the Environment," in which it states that "The draft prohibits the availability, application or provision to third parties of coatings containing PAHs in levels which exceed a certain level of concentration, commencing July 1997. This prohibition does not apply to coatings intended for export, to the use of tar epoxies on sea-going vessels, landing strips of military air bases or to anything intended for export." However, it is important to note that the Netherlands was under no obligation to report its regulations concerning exports, and that seldom TBT notifications do so.

23. As both the TBT and SPS Agreements function in similar ways, all the issues involved in using TBT notifications for information on the export of DPGs are shared with SPS notifications. The SPS Agreement is designed to ensure that SPS measures do not become a barrier to trade. WTO Members are requested to notify their proposed SPS regulations (such as laws, decrees or ordinances) or changes to regulations which are not the same as an international standard and which have a significant effect on trade. SPS notifications do not provide information on the export of DPGs, but can be used to identify some goods the domestic sale or use of which is restricted, or which are prohibited. Certain DPGs may escape notification under the SPS Agreement, in exactly the same way as they may do under the TBT Agreement.

IV. The Notification System on Quantitative Restrictions (QRs)

24. Under the Decision on Notification Procedures for Quantitative Restrictions (December 1995), WTO Members are required to notify the WTO Secretariat of any quantitative restrictions that they maintain, and to notify changes to these QRs as and when they occur. Among the types of QRs that Members are required to notify are Import and Export Prohibitions, Prohibitions Except Under Defined

Conditions, and Export Restrictions. Notifications of such QRs can, in certain instances, provide information on the export of DPGs.

25. Turkey's QR notification number 96-1347 provides an example of a notification prohibiting the export of a DPG. In its notification, Turkey states that ozone depleting substances are prohibited domestically except under certain conditions, and prohibited from export. Turkey justifies such prohibitions under Article XX (b) and (d) of the WTO Agreement on General Exceptions, and states that such measures are needed to comply with its Montreal Protocol commitments, as well as with other obligations.

26. Important to note, however, is that whereas the notification system on QRs provides information on export prohibitions of DPGs, it is not designed to provide information on instances when the export of DPGs is allowed (as this does not constitute a restriction). In addition, many of the export restrictions and prohibitions that are notified through this system are not maintained on DPGs, but on other goods that can be sold and used freely in domestic markets.

V. Conclusions

27. Of the different notification systems examined, the one on DPGs provides the most useful and direct information on the subject. The TBT and SPS notification systems are not designed to address exports and are not, as a result, very useful sources of information. QR notifications do not provide information on instances when DPGs can be exported. Similarly, therefore, they are only of limited use on this subject.

28. The DPG notification system has suffered from three inter-related problems in the past: (1) the inadequate definition of its product coverage, (2) the fact that several other international instruments already address DPGs, and (3) a limited response from Contracting Parties.

29. The Working Group on Domestically Prohibited Goods and Other Hazardous Substances discussed the issue of product coverage extensively throughout its lifespan, from 1989 to 1991, but failed to reach a conclusion. The Chairman of the Working Group submitted a Draft Decision on DPGs, in which he stated that the Decision should apply to products which present "serious and direct danger to human, animal or plant life or health or the environment", and which are for this reason "banned or severely restricted in the domestic market." The terms "serious and direct danger" and "severely restricted" have proved difficult to define, and have stood in the way of determining the DPGs to be addressed by the GATT/WTO.

30. If consideration were to be given to reviving the existing Notification System on the Export of DPGs, a careful definition of its product coverage must first be reached. The absence of such a definition contributed to the limited response of Contracting Parties in the past, and to the lack of uniformity in the types of products notified. Following the adoption of a definition, a format for the notifications should be developed, and a product classification system employed. This would help prevent the notification of imprecise product categories and of information that is not of direct relevance to the export of DPGs.

31. In a previous Note prepared by the Secretariat on DPGs, *Assessment of the Product Coverage in Specific International Instruments* (WT/CTE/W/29), it was pointed out that the product coverage of consumer products in international instruments is less comprehensive than other categories of goods.

32. Whilst the revival of the DPG notification system could provide Members with a valuable source of information on DPGs, and whilst other international instruments could also do so, the development of domestic health and environmental standards by importing WTO Members is essential to addressing

the problem of the export of DPGs. The existence of national standards and their effective enforcement is the most important form of protection for developing countries against imports of undesirable products. Capacity building and technical assistance are necessary in this context.

ANNEX I
DPG NOTIFICATIONS OF 1983

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Malawi	83.1	-	-	Does not produce or export DPGs.
Spain	83.2	-	-	Does not export DPGs.
Colombia	83.3	-	-	Does not authorize manufacture, sale or export of DPGs.
Peru	83.4	-	-	Does not export DPGs.
Austria	83.5	Federal Law 171/83	-	Does not differentiate between domestic sales & export of dangerous products.
Yugoslavia	83.6	-	-	Does not produce or export DPGs.
Turkey	83.7	-	-	Does not export DPGs.
Thailand	83.8	-	-	Does not export DPGs.
Pakistan	83.9	-	-	Does not export DPGs.
Romania	83.10	Law 3/20.4.1972, Council of State Decree 466/28.12.1979, Law 3/1978, Law 60/1974	-	Does not export DPGs.
Hungary	83.11	-	-	Does not export DPGs.
Singapore	83.12	-	-	Does not produce or export DPGs.
Cameroon	83.13	-	-	Does not manufacture or export DPGs.
Nigeria	83.14	-	-	Does not export DPGs.
Ireland	83.15	-	-	Does not export DPGs.
Norway	83.16	-	-	Does not export DPGs.
Sri Lanka	83.17	-	-	Does not export DPGs.
Chile	83.18	-	-	Does not produce or export DPGs.

ANNEX I
DPG NOTIFICATIONS OF 1984

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Poland	84.1	-	-	Does not export DPGs.
Cuba	84.2	-	-	Does not produce or export DPGs.
South Africa	84.3	-	-	Does not export DPGs produced in South Africa.
Canada	84.4	-	-	Does not export DPGs.
India	84.5	-	-	Does not export DPGs.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Indonesia	85.1	-	-	Does not export DPGs.
United States (US)	85.2	Consumer Product Safety Act (CPSC), administered by Consumer Product Safety Commission (CPSC)	Consumer products	Products not conforming with standards of CPSC or DPGs can be exported if (1) exporter files a statement with details of export for CPSC, (2) CPSC notifies government of importing country of impending shipment & reasons why exports do not comply with domestic standards, (3) government of importing country takes appropriate action.
	85.2	Federal Hazardous Substances Act	Hazardous substances i.e. toxic, corrosive, irritant, etc.	Misbranded hazardous substances or DP hazardous substances can be exported if exporter complies with procedures of CPSCA.
	85.2	Flammable Fabrics Act (FFA)	Fabrics	Fabrics not conforming to FFA can be exported if exporter complies with procedures of CPSCA.
	85.2	Federal Food, Drug and Cosmetic Act, administered by Food and Drug Administration (FDA)	Food, drugs, cosmetics, medical devices	Does not permit export of unapproved new drugs & certain animal feeds. DP medical devices or medical devices not conforming with Act cannot be exported unless (1) FDA determines they are not contrary to public health standards, (2) foreign country approves import. Misbranded foods, drugs, medical devices & cosmetics or adulterations can be exported if (1) in conformity with specifications of importer, (2) not in conflict with laws of importing country, (3) labelled for export, (4) not offered for sale domestically.
	85.2	Federal Insecticide, Fungicide and Rodenticide Act, administered by Environmental Protection Agency (EPA)	Pesticides & Pesticides Manufacturing Facilities	Pesticides not registered for use in domestic market can be exported if export notification requirements are met, requiring a signed statement from foreign purchasers acknowledging understanding of registration status in US. Exports must meet domestic labelling requirements, etc.
	85.2	Toxic Substances Control Act, administered by EPA	Chemicals	Export of chemicals are subject to (1) notifying EPA, (2) EPA notifying the importing country of impending transaction & of pertinent domestic regulations. For chemicals subject to testing requirements, EPA must provide test data to importers.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
US (cont'd)	85.2	Federal Meat Inspection Act	Meat & meat products	Prohibits export of goods that do not meet domestic standards.
	85.2	Poultry Products Inspection Act	Poultry & poultry products	Prohibits export of goods that do not meet domestic standards.
	85.2	Egg Products Inspection Act	Eggs & egg products	Prohibits export of goods that do not meet domestic standards.
	85.2	Radiation Control for Health and Safety Act	Radiation-emitting electronic products	Radiation-emitting electronic products not meeting domestic standards can be exported if (1) in compliance with all applicable standards of importing country, (2) intended only for export.
	85.2	Controlled Substances Import and Export Act, administered by Drug Enforcement Agency (DEA) & Department of Justice	Narcotic & dangerous drugs	For export of controlled substances on schedules I & II and controlled narcotic substances on schedules III & IV exporter must provide (1) import certificate from country of destination, (2) export permit from DEA. For export of non-narcotic controlled substances on schedules III & IV and controlled substances on schedule V exporter must (1) provide import certificate from country of destination, (2) file export declaration form with DEA.
	85.2 Add.1	Title III of Omnibus Health Act on Export of Drugs	Drugs	Drugs authorized for investigational use may be exported to 21 countries (list provided) if importing country approves. Exports may be halted if FDA makes adverse findings. Act permits the export of drugs for tropical diseases provided scientific evidence indicates safety of use in country of destination. Exporters of human & animal drugs not yet approved in US or human or animal biologics not yet licensed in US must (1) file an export application (2) certify that drugs are approved in their country of destination & meet basic quality requirements in their manufacture.
People's Republic of Congo	85.3	-	-	Does not export DPGs.
Ghana	85.4	-	-	Does not export DPGs.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT- RELATED MEASURES
Jamaica	85.5	-	-	Does not export DPGs.
Ivory Coast	85.6	-	-	Does not export DPGs.
Uruguay	85.7	-	-	Does not export DPGs.
European Communities (EC)	85.8	Council Directive 79/117/EEC on plant protection products containing certain active substances (pesticides)	Pesticides containing active substances	Prohibits placing on the Community market of certain pesticides containing one or more active substance. No export-related measures are identified.
	85.8	Council Directive 76/769/EEC on PCB and PCT, Council Directive 82/806/EEC on benzene in certain toys, Council Directive 79/663/EEC on highly toxic liquid substances, Council Directive 83/478/EEC on asbestos (crocidolite)	10 chemical substances	Prohibit placing on the Community market of certain chemical substances. No export-related measures are identified.
	85.8	Directive on supervision and control within the Community of transfrontier shipment of hazardous waste	Toxic & dangerous waste	For shipment of waste to third countries, consigners must notify their intention to country of destination & countries of transit.
	85.8	Directive on veterinary medicaments	Medicaments for veterinary use	Procedure and criteria are established for placing veterinary medicaments on Community market. No export-related measures are identified.
	85.8	Directive on electrical equipment for use within certain voltage limits	Electrical equipment for use within voltage limits	Verification procedures are established for placing electrical equipment on Community market. No export-related measures are identified.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
EC - Belgium	85.8	Law of 25 March 1964 on medicinal products, Royal Order of 3 July 1969 on registration of medicinal products	Medicinal products	Import, export, manufacture, preparation, transport, distribution, holding, storage, offer for sale, sale, etc., are supervised and regulated. Under WHO certification scheme, importing country may obtain information on product quality & its approval status domestically.
	85.8	Royal Order of 3 January 1975 on foodstuffs and food substances declared harmful, Law of 24 January 1977 on protection of consumer health in respect of foodstuffs and other products, Royal Order of 6 March 1980 on export of foodstuffs and other products	Foodstuffs, additives, detergents, tobacco, cosmetics, etc.	The manufacture, export & trade in foodstuffs, etc., is regulated & can be prohibited. Export of foodstuffs & other products must comply with (1) domestic legislation for protection of consumer health & international instruments, (2) Royal Order of 3 January 1975. Certificates indicating that product is marketed freely in Belgium can be prepared upon request of importing country.
	85.8	Royal Order of 5 June 1975 on preservation, trade and use of pesticides and plant protection products	Pesticides, plant protection products (toxic & non-toxic), pesticides for non-agricultural use	Prohibits placing on market, acquiring, offering, displaying, importing or using, etc., plant protection products and pesticides for non-agricultural use when products are unauthorized. Regulations do not apply to products in transit or intended for export.
	85.8	Royal Order of 6 October 1977 on trade in fertilizers and soil ameliorators	Fertilizers, soil ameliorators	Prohibits marketing of products not included in Order (annex). Establishes a prior approval requirement for import, manufacture, preparation, etc. Regulations do not apply to exports or products in transit, but both must be free of toxic or harmful substances.
	85.8	Royal Order of 13 November 1981 on trade and use of substances for animal feeding	Animal feedstuffs or additives	Prohibits marketing of animal feedstuffs not in Annex II or compound feedstuffs & ready-mixed feedstuffs not in compliance with Annex I. Regulations do not apply to exports or products in transit, but they must not constitute a danger for human or animal health.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
EC - Denmark	85.8	Not specified	Additives in food, pharmaceuticals, pesticides, etc.	Products approved for marketing are included in "positive list." Marketing of DDT and asbestos is prohibited. Observance of national regulations is not normally required for international trade, except for certain food products. Regulations on processing apply to exports, unless producers provide evidence that specifications conform with importing country requirements.
EC - Federal Republic of Germany	85.8	Act on protection from hazardous products of 16 September 1980 (BGBI. I. S. 1718)	Certain hazardous products	Can restrict certain hazardous products & preparations & may affect exports through bans on production. (But government does not see any possibility for a general ban on export of DPGs).
	85.8	Act on foodstuffs and articles in daily use of 15 August 1974 (BGBI. I. S. 1946)	Foodstuffs, cosmetics, articles in daily use	Bans production & circulation of foodstuffs, cosmetics & articles in daily use if of threat to human health. Bans also apply to exports (paragraph 50). (But government does not see any possibility for a general ban on export of DPGs).
	85.8	Act on medicaments of 24 February 1983 (BGBI. I. S. 169)	Hazardous medicaments	Prohibits circulation of potentially hazardous medicaments. Prohibition applies to exports as well. (But government does not see any possibility for a general ban on export of DPGs).
EC - France	85.8	Principle of positive list: Law on chemical products of 1 August 1905, Decrees of 15 April 1912 & 12 February 1973 on food additives	Chemicals, food additives, pharmaceuticals, etc.	Unauthorized goods (i.e. not on positive list) are prohibited (eg. medicinal products, explosives, etc). This applies to exports except when circumstances do not justify this. For agro-pharmaceuticals or chemicals, domestic rules do not apply to exports. Regulations on food do not apply to exports.
	85.8	Protection of health, Article R5168	Toxic & dangerous substances	Allows the prohibition or regulation of use & trade in toxic and dangerous substances & preparations. These measures do not apply to exports.
	85.8	Worker protection (not specified)	Chemicals, etc.	Rules for labelling & safety tags are generally applied by chemical industry in domestic & export markets.
	85.8	Law 83-660 on consumer protection	Dangerous products	Allows the prohibition of exports.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
EC - France (cont'd)	85.8	Protection of the Environment	Chemical products	Provisions cover water pollution, air pollution, waste control, chemicals control, etc. They do not apply to exports since pollution prevention conditions vary in different regions.
	85.8	Health Code, Articles L511 and L601	Pharmaceutical products	Pharmaceuticals cannot be sold unless authorized. Administrative controls for pharmaceuticals industry apply to all products and exports.
	85.8	Health Code, Articles L606 ff.	Veterinary medicinal products	Same as the regulations applied for medicinal products for humans. Regulations apply to exports.
	85.8	Law 75-604 of 10 July 1975 on cosmetic and perfumery products	Cosmetics, perfumery products	Exports comply with domestic regulations (collective undertaking by manufacturers). Importers can obtain certificates of conformity with French safety standards upon request.
	85.8	Law 70-575 of 3 July 1970 on gunpowder and explosives	Gunpowder & explosives	Approval and verification procedures for gunpowder, explosive substances, fireworks, etc., are identical for domestic & export markets.
	85.8	Law of 3 November 1943 on anti-parasite products for agriculture	Anti-parasite products for agriculture	Domestic rules do not apply to exports, but only few exports correspond to products unauthorized domestically.
	85.8	Law 82-905 of 12 October 1982 on verification of chemical products	Chemical products	Does not cover exports.
EC - Netherlands	85.8	Pharmaceuticals, food and non-food products, pesticides (not specified)	Pharmaceuticals, food and non-food products, pesticides	Impossible to provide a list of exported DPGs.
	85.8	Labour and transport means (not specified)	Labour and transport means	Safety criteria are applied to domestic labour means but cannot be to exports. No transport means, transport services or loads too dangerous for domestic market are exported.
	85.8	Bill on Hazardous Substances and Preparations	Hazardous products	Exporters of Hazardous products must (1) notify local authorities, (2) notify importing country of dangers connected to exports.

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DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
EC - United Kingdom	85.8	Animal Health Act 1981	Animal & animal products	All animal & animal products must conform with domestic standards, & exports must meet standards to obtain export health certification. Intra-EC exports of cattle & pigs must meet health standards for intra-EC trade.
	85.8	Slaughterhouse Act 1974, Food Act 1984, Meat Regulations 1982	Red meat, poultry meat, & meat products	Production must comply with health requirements. Export of meat and meat products must comply with domestic standards & additional requirements of importing country.
	85.8	Carcinogenic Substances Regulations 1967	Naphthylamine, aminodiphenyl, nitrodiphenyl & benzidine, & their salts	Proscribe manufacture, use & import of these chemicals or of substances containing them. No export-related measure are identified.
	85.8	Consumer Safety Act 1978	Toys, cosmetics, gas catalytic heaters, etc.	Instruments of Act apply to exports with exceptions (e.g. usefulness of product to importing country).
	85.8	The Agriculture Act 1970	Fertilizers, animal feedstuffs	Sets standards for labelling and composition requirements for domestic sales. No export-related measures are identified.
	85.8	Food Act 1984	Food	Regulations for food preparation apply to exports. Specific food compositional requirements do not apply because dietary preferences vary in different countries.
	85.8	Medicines Act 1968	Medicinal products	Act allows for prohibition of sale, supply, export or import. Products must be licensed.
	85.8	Pesticides Safety Precaution Scheme, Food & Environment Protection Act 1985	Pesticides	Only pesticides meeting domestic standards are allowed for domestic supply & use. Act does not provide powers to control exports of pesticides.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
EC - United Kingdom (cont'd)	85.8	Control of Pollution Regulations 1980	PCBs & PCTs	Prohibits sale or use of PCBs/PCTs except in defined conditions. No export-related measures are identified.
Senegal	85.9	-	-	Does not export DPGs.
Czechoslovakia	85.10	-	-	Does not export DPGs.
Japan	85.11	Narcotic Control Law, Opium Law, Cannabis Control Law, Stimulants Control Law	Narcotics, opium, cannabis, stimulants	Export of these goods is prohibited in principle.
	85.11	Agricultural Chemicals Regulation Law (ACRL), 1974 Joint Circular Notice of Ministry of International Trade and Industry and the Ministry of Agriculture, Forestry and Fisheries	Agricultural chemicals	Sale of agricultural chemicals is restricted by ACRL. Exports are restricted by the 1974 Circular. Industries must obtain approval from concerned Ministry prior to export. Ministries make industries refrain from exporting DPGs.
	85.11	Pharmaceutical Affairs Law	Pharmaceuticals, quasi-drugs, cosmetics, medical devices, drugs for animals, etc.	Manufacturers must obtain manufacture or import approval & license for each product. Law prohibits sale or giving of products not in conformity with standards. Products manufactured for export only can be exported if in conformity with regulations of importing country.
	85.11	Law Concerning the Examination And Regulation of Manufacture, etc., of Chemical Substances	6 chemical substances & PCB	Establishes a system of examination prior to manufacture or import of new chemical substances to ensure compliance with regulations on manufacture, import, use, etc. Exports must comply with requirements of Law.
	85.11	Consumer Product Safety Law	Consumer products	Safety standards are established for each product. The export of products not meeting domestic standards but satisfying requirements of importing country is permitted.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Japan (cont'd)	85.11	Food Sanitation Law	Foodstuffs, additives, processing equipment, packaging	Prohibits production & sale of harmful foodstuffs. Their export is not conceivable.
	85.11	Export Inspection Law	Exports	Export of goods included in Cabinet Order (foods, pharmaceuticals, etc.) is prohibited if not in compliance with standards of relevant Ministerial Ordinances.
	85.11	Poisonous And Deleterious Substances Control Law	Poisonous & deleterious substances	Manufacturers & sellers must be registered. Exports must comply with requirements of Law.
Australia	85.12	Trade Practices Act 1974, Sec. 62 (2D)	"Wonder water creatures" & similar plastic toys	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	"Mad dog lighter" & similar goods	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	Jewellery, toys, etc., containing strychnos nux-vomica	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	"Autotrend sun filter" & similar goods	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	Seat belt accessories	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	Glucomannan tablets	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.

ANNEX I
DPG NOTIFICATIONS OF 1985

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Australia (cont'd)	85.12	Trade Practices Act 1974, Sec. 62 (2D)	Toy stunt plane sets, etc.	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	Cosmetics containing lead exceeding 250 ppms	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2D)	"Sjoffels" water shoes, etc.	Subject to 18 month supply prohibition. Amendment is expected to prohibit export of DPGs, etc.
	85.12	Trade Practices Act 1974, Sec. 62 (2)	Apparel, yarns & textile fabrics treated with TRIS flame retardant	Permanently prohibits supply.
	85.12	Trade Practices Act 1974, Sec. 62 (2)	Candles relighting spontaneously	Permanently prohibits supply.
	85.12	Trade Practices Act 1974, Sec. 62 (2)	Balloon blowing kits containing acetone, etc.	Permanently prohibits supply.
Austria	85.13	-	-	Does not export DPGs.

ANNEX I
DPG NOTIFICATIONS OF 1986

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Sweden	86.1	Narcotics Ordinance	Narcotics	Narcotics may be imported or exported only subject to licensing. Application for export licenses must include import certificates issued by importing country.
	86.1	Act and Ordinance on Prohibition of the Export of Military Equipment	Military equipment	Export is prohibited. Export licences are granted under certain conditions (e.g. to countries not engaged in armed conflict). Only government authorities are approved as buyers.
	86.1	Ordinance on hazardous waste	Hazardous waste	Can only be exported by "Svensk Avfallshantering Aktiebolag" & exporters with special permits. Approval of importing country is necessary.
	86.1	Treaty on the Non-Proliferation of Nuclear Weapons, London Guidelines, Atomic Energy Act	Substances, etc., in nuclear energy field, nuclear weapons, etc.	Does not develop or export nuclear weapons. Export of fissionable material, equipment & material for processing, etc., is subject to licensing.
	86.1	Ordinances on chemical products	Chemical products	Regulates handling & import. Import, commercial resale or other commercial use of dangerous products is subject to licensing. No export-related measures are identified.
	86.1	Food Act	Food additives, foreign substances in food, etc.	Exports are exempted from domestic standards, but must comply with regulations of importing country.
	86.1	Meat Act	Meat	All meat is subject to inspection. Export of meat & meat products is controlled for transmissible diseases. Exports must be accompanied by certificate of origin & health.
	86.1	Act on explosives and flammables	Explosives & flammables	Establishes requirements for handling, marketing, etc. No export-related measures are identified.
	86.1	Marketing Act	Consumer products	Prohibitions may be set on the domestic sale of goods of special risk. No export-related measures are identified.
	86.1	Drug Ordinance	Drugs	Can only be marketed subject to registration & licensing. No export-related measures are identified.

ANNEX I
DPG NOTIFICATIONS OF 1986

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Sweden (cont'd)	86.1	Work Environment Act	Substances causing ill health/accidents	Regulates the handling of substances. No export-related measure are identified.
Chile	86.2	-	-	Does not produce or export DPGs.
Hong Kong	86.3	-	-	Does not produce or export DPGs.
Malaysia	86.4	-	-	Does not export DPGs.
Switzerland	86.5	-	-	Does not have an inspection system for exports, but participates in international fora on trade in dangerous products.
Malawi	86.6	-	-	Does not export DPGs.
Finland	86.7	Food Act (526/1941) & Food Decree (408/1952)	Food	Premises of sale, storage & manufacture can be inspected. Import, sale, etc., can be prohibited pending inspection. Act does not apply to exports.
	86.7	Meat Inspection Act (160/1960)	Meat	Prohibits sale, storage & processing of uninspected meat. Exports of meat must be approved by export control laboratory.
	86.7	Milk Inspection Act (558/1946)	Milk	Tests & controls must be performed by authorized laboratories. Export control is undertaken by Customs.
	86.7	Cereals Trade Act (580/1978)	Cereals	Does not apply to exports.
	86.7	Act on Measures against Tobacco Smoking (693/1976)	Tobacco	Sale is subject to an inspection permit. Act does not apply to exports.
	86.7	Animal Fodder and Fertilizer Act (335/1968)	Additives for animal fodder	Additives must be approved & import & sale can be prohibited if preparation involves health hazards. Act does not apply to exports.
	86.7	Seeds Trade Act (669/1975)	Seed for agriculture & garden plants	Act applies to imports & exports. Exports may be prohibited based on domestic shortage & not on bad product quality.
	86.7	Pharmaceutical Goods Act (374/1945)	Pharmaceuticals	Manufacture & sale are subject to permitting. Import & storage are regulated. Act contains no provisions restricting exports.

ANNEX I
DPG NOTIFICATIONS OF 1986

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Finland (cont'd)	86.7	Poisons Act (309/1969)	Poisons	Manufacture & trade are subject to permitting. Use may be prohibited upon inspection. Act does not apply to exports.
	86.7	Pesticides Act (327/1969)	Pesticides	Use may be prohibited if harmful. Act contains no provisions on exports.
	86.7	Narcotic Drugs (41/1972)	Narcotic drugs	Import, export, trade & manufacture can be prohibited. Permit is necessary for manufacture, import & export. Export permits are only issued upon presentation of certificate from importing country stating that the product can be imported. Export permits can be withdrawn.
	86.7	Electricity Act (319/1979)	Electric installations	Sets safety standards and inspection procedures for design of installations. Act does not apply to exports.
	86.7	Road Transport Act (267/1981)	Motor vehicles	Must be inspected & registered. Act contains no provisions on exports.
	86.7	Pressure Vessels Act (98/1973)	Pressure vessels	Products must be inspected. Act contains no provisions on exports.
	86.7	Labour Safety Act (299/1958)	Machinery, pressure vessels, hoists, etc.	Must be inspected before being brought into service. Act contains no provisions on exports.
	86.7	Atomic Energy Act (356/1957)	Substances generating atomic energy	Permits are required for manufacture, import or export & trade in these substances, & for import or export of ores & concentrates.
	86.7	Act on Protection against Radiation (174/1957)	Radioactive substances	Permits are required for manufacture, use, transport, import or export, possession & trade. Permits may be withdrawn.
	86.7	Act on Firearms and Ammunition (33/1933)	Firearms & explosives	Permits are required for manufacture, import & trade. Provisions on import & export are contained in Decree 34/1933. Export permits from the Ministry of Interior are required.
	86.7	Act on Explosive Substances (263/1953)	Explosive substances	Permits are required for imports. Exports are subject to legislation on exportation of military material & also require permits.

ANNEX I
DPG NOTIFICATIONS OF 1986

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Finland (cont'd)	86.7	Act on Spirits and Alcohol (459/1968)	Spirits & alcohol	Manufacture, import or export & sale of alcoholic beverages are the monopoly of the state with certain exceptions.
	86.7	Waste Management Act (673/1978)	"Problem waste" (eg. hazardous waste)	Notification of import or export to Ministry of Environment are required. Import or export can be prohibited.
	86.7	Decision on Identification and Marking of Dangerous Substances (286/1978), Decision on List of Poisons (383/1983)	Substances involving health hazards	Marking requirements are applied to manufacturers, importers & sellers, & do not apply to exports.
	86.7	Decision on Carcinogens and Relevant Labelling and Toxicity Classes (1060/1983)	Carcinogens	Packaging requirements are set. Not applicable to exports.
	86.7	Decision Concerning Avoidance and Control of Adverse Effects associated with use of Asbestos (805/1976)	Asbestos	Safety requirements are set & do not apply to exports.
Australia	86.8 (updates 85.12)	Trade Practices Act 1986 amending previous Trade Practices Act (Sections 65B to 65U)	All goods notified in DPG notif # 85.12	Prohibits the export of DPGs without Minister's approval (Section 65C). This applies to all goods subject to supply prohibition in DPG notif. # 85.12. For goods subject to recall, stipulates that exporters notify importers (1) that goods are subject to recall, (2) of nature of defect or dangerous characteristics, (3) of nature of non-compliance with domestic safety standards.

ANNEX I
DPG NOTIFICATIONS OF 1989

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Australia	89.1	WHO Certification Scheme on Quality of Pharmaceutical Products in International Trade, Therapeutic Goods Bill 1989 (before parliament)	Therapeutic goods & pharmaceuticals	Under WHO scheme, export certificates for presentation to importing country are issued upon request. When certificates are not requested, there is no knowledge of exported products. Export of pharmaceuticals is not monitored. Under new Bill, unapproved drugs will be listed. Importing country will be notified of status of product & must approve its import.
	89.1	Agricultural and Veterinary Chemicals Act 1988	Agricultural & veterinary chemicals	No control mechanism for exports exist. Certificates of clearance & registration status in Australia may be issued upon importer's request.
	89.1	Hazardous Waste Regulation of Exports and Imports Bill 1989	Hazardous waste	Permits required for export & import. Permit holders must fulfill certain criteria (eg. use of environmentally sound waste disposal methods). Penalties are imposed for illegal trafficking.
	89.1	Ozone Protection Act 1989	Ozone depleting substances	Controls exports to meet its Montreal Protocol obligations.

ANNEX I
DPG NOTIFICATIONS OF 1990

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Finland	90.1 (updates 86.7)	Act on the Control of Export and Import (35/1981)	Dairy products	Dairy products are controlled. No export-related measures are identified.
	90.1	Animal Disease Law (55/1980)	Vaccines & sera for animal diseases	Permits are required for both. No export-related measures are identified.
	90.1	Medicines Act (395/1987)	Pharmaceuticals	Replaces Pharmaceutical Goods Act (373/1935) notified in DPG notif. # 86.7. No specific changes are identified.
	90.1	Chemicals Act to enter into force in 1.9.1990	Chemicals	Repeals the Poisons Act (309/1969) notified in DPG notif. # 86.7. Export notification will be required for banned or severely restricted chemicals.
	90.1	Nuclear Energy Act (990/1987)	Substances generating nuclear energy	Replaces Atomic Energy Act (356/1957) notified in DPG notif. # 86.7. No specific changes are identified.
	90.1	Decision on Carcinogens and Relevant Labelling and Toxicity Classes (477/1988)	Carcinogens	Replaces Decision 1060/1983 notified in DPG notif. # 86.7. No specific changes are identified.
	90.1	Decision Concerning Avoidance and Control of Adverse Effects associated with use of Asbestos (886/1987)	Asbestos	Replaces Decision 805/1976 notified in DPG notif. # 86.7. No specific changes identified.
Cameroon	90.2	Legislation on introduction, production, storage, possession, transportation, transit and dumping of toxic or dangerous waste on national territory - Act 89/027	Toxic & dangerous waste	Regulates production, storage, etc. No export-related measures are identified.

ANNEX I
DPG NOTIFICATIONS OF 1990

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Cote D'Ivoire	90.3	Act 88-651 for the Protection of Public Health and the Environment Against the Effects of Nuclear and Toxic Industrial Waste and Harmful Substances	Nuclear & toxic industrial waste & harmful substances	Regulates purchase, sale, import, transit, transport, deposit & storage. No export-related measures are identified.
Canada	90.4	Animal Disease and Protection Act	Animals, animal products, feedstuffs	Exports may be regulated to prevent the introduction of diseases in other countries (section 3 of Act).
	90.4	Atomic Energy Control Act	Uranium, thorium, plutonium, et.	Regulates production, import, export, transportation, etc., of these substances, if may be used for production, use or application of atomic energy (section 9 of Act).
	90.4	Canada Agricultural Products Standards Act	Agricultural products	Prohibits conditionally the export of products for which grades are established in Part I of the Act, unless products comply with requirements of that Part (section 4 of Act).
	90.4	Canadian Environmental Protection Act	PCBs & CFCs	Government may prohibit export of toxic substances & impose conditions for permitted exports (section 34 of Act).
	90.4	Canadian Environmental Protection Act	Substances to which Act applies not yet finalized	Prohibits export of DPGs (section 41). Mandates that importing countries be notified of export of severely restricted substances & hazardous waste (section 42 & 43). All export of PCB waste is banned. New regulations to control hazardous waste import & export are being drafted.
	90.4	Customs Act	All goods	Goods at customs may be detained to ensure compliance with prohibitions, controls & regulations of different Acts (section 101).
	90.4	Export and Import Permits Act	Products whose export is controlled	Prepares a list of products whose export is controlled - "Export Control List" (section 3).

ANNEX I
DPG NOTIFICATIONS OF 1990

COUNTRY	NOTIF #	LEGAL INSTRUMENT	PRODUCT	EXPORT-RELATED MEASURES
Canada (cont'd)	90.4	Fish Inspection Act	Fish	Prohibits import, export, selling for export, or possession for export of tainted, decomposed or unwholesome fish for human consumption. Products violating laws of importing countries are not permitted. In absence of country requirements, Canadian tolerances apply (section 10(1)).
	90.4	Food and Drugs Act	Meat products (especially for US market), drugs, cosmetics, etc.	Packaged food, drugs, cosmetics, etc., not manufactured for consumption in Canada are exempted from Act, provided (1) they are labelled for export, (2) do not contravene requirements of importing country (section 37).
	90.4	Hazardous Products Act	Toys containing lead or methyl alcohol, matches, etc.	Prohibits advertising, selling or importing products of Part I (section 4(1)). Regulates advertising, selling or importing products of Part II (section 4(2)). No export-related measures are identified.
	90.4	Meat Inspection Act	Meat products	Regulates meat export in terms of (1) preparation & storage, (2) provision of evidence that exports meet requirements of importing country, (3) receipt of certificate authorizing export by an inspector (section 7).
	90.4	Narcotic Control Act	Cocaine, LSD	Prohibits conditionally possession or export of listed controlled substances.
	90.4	Pest Control Products Act	Pesticides	Prohibits export of control products, unless manufactured in establishments complying with Act. Products not registered for use domestically cannot be exported (section 5 (2)).
Argentina	90.5	Legislation on protection of the environment and prevention of pollution	-	Establishes environmental quality standards and regulations. No export-related measures are identified.