

**Analysis of Notifications of Non-tariff barriers in Non-agricultural Market  
Access (NAMA) negotiations of the WTO  
Additional information about EU standards being challenged  
From Friends of the Earth Europe, May 2005 (revised)**

*Public documentation concerning notifications of non-tariff barriers made in the NAMA negotiations does not specify which countries' laws are being challenged. The following are a selection of some of the more obvious contenders, but there may well be many more when all the details are made public.*

**CE marking**

China goes out of its way to challenge the European Union's CE Marking scheme, which it references over and over again in relation to a whole array of different products. CE Marking on a product is a manufacturer's declaration that the product complies with the essential requirements of the relevant European health, safety and environmental protection legislation.

**Chemicals**

The European Union's proposed REACH legislation (on the Registration, Evaluation and Authorisation of Chemicals) is explicitly listed by Japan. This will require manufacturers (and sometimes down-stream users) to register chemicals on the market and provide basic information on their physico-chemical and toxicological properties. The regulators will be able to request further information if necessary, and the most hazardous chemicals may be subject to "authorisation" where only certain uses will be permitted. An 11-year timetable for dealing with some 30,000 chemicals is envisaged. The chemicals industry opposes much of the detail of this legislation even though its cost will be less than 0.1% of the chemical industry turnover, currently at €500 billion per year in the EU. In any case it is estimated that the health benefits to be gained will hugely outweigh the costs.

Existing European legislation subjecting hazardous chemicals to harmonised classification and labelling requirements could also be under attack. This legislation (67/548/EEC), initiated in 1967, seeks to make sure that workers and transporters are aware of the hazards of the chemicals that they are handling and know how to deal with chemicals routinely and in emergencies (this includes the labels seen on lorries).

Argentina explicitly challenges the labelling of 1,2-dichloroethane (ethylene dichloride) for health and environmental reasons. Its labelling is regulated under European law. Dichloroethane is classified as "highly flammable, may cause cancer, harmful if swallowed, irritating to eyes, respiratory system and skin". It is also subject to export notification under Regulation 304/2003. (See <http://www.ilo.org/encyclopaedia/?hdoc&nd=857091151> for further details about this chemical). Argentina also challenges restrictions on the use of the toxic pesticide ethylene dibromide. (For further details see [http://www.ilo.org/public/english/protection/safework/cis/products/icsc/dtasht/\\_icsc00/icsc0045.htm](http://www.ilo.org/public/english/protection/safework/cis/products/icsc/dtasht/_icsc00/icsc0045.htm))

Argentina has also listed labelling requirements for mercuric oxide, which is also covered by Europe's classification and labelling rules and is "very toxic by inhalation, in contact with skin and if swallowed; danger of cumulative effects; very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment". (<http://www.ilo.org/encyclopaedia/?hdoc&nd=857090491> "<http://www.ilo.org/encyclopaedia/?hdoc&nd=857090491>")

China specifically challenges 2002/61/EC, a European Directive which restricts the use of dyes with aromatic amines because they break down to form carcinogenic chemicals. Egypt's challenge to restrictions on the use of azocolourants in textiles and leather goods is also likely to be a challenge to the same directive, and possibly Commission Directive 2003/3/EC on "blue colourant".

*For information on chemicals: Mary Taylor, FOE Europe, [maryt@foe.co.uk](mailto:maryt@foe.co.uk), 07766 711952*

### **Energy-efficiency labelling schemes**

The following directives are explicitly challenged by China: 92/42/EEC, for hot-water boilers fired with liquid or gaseous fuels; 96/57/EC for household electric refrigerators, freezers and combinations thereof; 2000/55/EC for ballasts for fluorescent lighting. Other energy-efficiency labelling schemes that could be threatened include the EU Energy Label on Electric Ovens 2002/31/EC, the EU Energy Label on Household Air Conditioners 2002/40/EC, the EU Energy Label on Cold Appliances 2003/66/EC and the EU Energy Label on Washing Machines. (For full details go to [http://europa.eu.int/comm/enterprise/electr\\_equipment/legislat.htm#1](http://europa.eu.int/comm/enterprise/electr_equipment/legislat.htm#1)). It is also possible that even voluntary labelling schemes introduced by governments could be challenged through WTO negotiations (as this issue has already been raised in the WTO's Committee on Technical Barriers to Trade by Switzerland - see WTO paper WT/CTE/W/192G/TBT/W/162 of 15 June 2001).

*For further information on energy labels please contact Huma Humayun, Energy Saving Trust, [huma.humayun@est.org.uk](mailto:huma.humayun@est.org.uk), 020 7222 0101*

### **Forest products**

No specific European labelling or certification standards are named, but the generic challenges listed could have a very serious negative impact in Europe, potentially dismantling the Forest Stewardship Council certification scheme, government timber procurement policies (which may specify certain certification schemes) and EU illegal logging legislation, which will soon require certificates of legal origin from certain importing countries.

*For further information on legislation relating to imports of forest products please contact: Ed Matthew, FOE England, Wales and N Ireland, [edmat@foe.co.uk](mailto:edmat@foe.co.uk), 07813 027105*

### **Fuel efficiency in cars in the UK**

In the UK, Vehicle Excise Duty and company car taxation rates both discriminate in favour of cars with smaller engines and thus also seems to be in the firing line, with the US challenging such measures (ironically the US's own National Corporate Average Fuel Economy standards are also being challenged by Korea).

*For further information on legislation relating to fuel efficiency please contact: Tony Bosworth, FOE England, Wales and N Ireland, [tonyb@foe.co.uk](mailto:tonyb@foe.co.uk), 07941 176642*

### **Noise pollution**

China is challenging European restrictions on noise emissions from equipment for outdoor use (2000/14/EC).

### **Recycling**

Hard-fought European laws on recycling of electronic goods, cars and packaging could be lost. The Waste Electrical and Electronic Goods Directive (2003) makes producers and retailers financially responsible for collecting and recycling 4kg of e-waste per person each year, and is explicitly challenged by Malaysia. The End of Life Vehicles Directive (2000) aims to reduce the amount of toxic materials used in vehicle manufacture. 80 per cent of vehicles must be reused or recycled by 2006 and certain parts must be marked to aid recycling. The Packaging Directive (amended 2004) requires member states to recycle 55 per cent of packaging waste by 2008. These laws are directly improving the environment by re-using valuable natural resources and preventing pollution.

*For further information on legislation relating to resource use please contact: Claire Wilton, FOE England, Wales and N Ireland, [clairew@foe.co.uk](mailto:clairew@foe.co.uk), 07976 829755*

### **Shrimp and fish imports**

Thailand is challenging EU inspections of shrimp imports, which are undertaken to guard against health hazards. Senegal is also challenging the very strict control on fish imports in terms of both sanitary regulations and quality standards.

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