

WORLD TRADE ORGANIZATION

G/TBT/Notif.98.244

13 May 1998

(98-1915)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>BELGIUM</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Social Affairs, Public Health and the Environment Federal Services for Environmental Affairs Risk Management Division Cité administrative de l'Etat - Quartier Vésale Boulevard Pachéco 19 B-1010 Brussels Tel.: +32 2 210 48 71 Fax: +32 2 210 48 84 Agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Asbestos
5.	Title, number of pages and language(s) of the notified document: Royal Decree of 3 February 1998 Restricting the Marketing, Manufacture and Use of Certain Dangerous Substances and Preparations (Asbestos)
6.	Description of content: The prohibition of the marketing, manufacture and use of five fibres (crocidolite, amosite, anthophyllite asbestos, actinolite asbestos and tremolite asbestos) and products to which they have been added deliberately, and the prohibition of products containing chrysotile mentioned in paragraphs (a) to (n) of Annex 1 of the aforementioned Royal Decree are based on Commission Directive 91/659/EEC. Additional restrictions under paragraphs (o), (p), (q) and (r) of Annex I have been imposed in order to include other products containing chrysotile, and other uses, thereby ensuring maximum protection of human health which the Belgian authorities consider to be essential. Temporary exemptions are made for certain uses under the last four paragraphs and, consequently, the total ban on marketing will not enter into force, for the products thus exempted, until after the dates specified in the provisions, at the

	<p>Description of content (cont'd):</p> <p>earliest 1 October 1998. The provisions of the Royal Decree are applied without discrimination as to the origin of the products concerned. The term "marketing", as defined in Article 1, paragraph 3 of the Decree, covers the placing on the market of domestic as well as imported products.</p>
7.	<p>Objective and rationale, including the nature of urgent problems where applicable: The reason for the ban on the marketing and use of products containing the fibre chrysotile under the aforementioned decree is that there is no threshold for the carcinogenic risks posed by chrysotile. Partial prohibition as provided for in Commission Directive 91/659/EEC is not efficient enough to guarantee the level of protection of human health and life which the Belgian Government considers appropriate. The results of the latest scientific studies and evaluations of the risks arising from the harmfulness of chrysotile fibres prompted, in the interest of public health and health at work, rapid decisions and speedy implementation of these decisions. The lack of a threshold was confirmed by the reports mentioned at point 8 below and by the Opinion handed down by the European Community Scientific Committee on Toxicity, Ecotoxicity and the Environment on 9 February 1998.</p>
8.	<p>Relevant documents: National Institute for Health and Medical Research (INSERM) report by the French authorities, June 1996.</p> <p>Report entitled "Recent Assessments of the Hazards and Risks Posed by Asbestos and Substitute Fibres and Recent Regulation of Fibres Worldwide" by Environmental Resources Management (ERM), June 1997.</p>
9.	<p>Proposed date of adoption: Publication date in the Belgian Official Journal "Moniteur belge": 21 February 1998.</p> <p>Date of entry into force of prohibitive measures on products containing chrysotile:</p> <p>For materials made of asbestos and cement: 1 October 1998.</p> <p>For friction linings used in heavy industrial equipment and installations for heavy lorries and land vehicles: 1 January 1999.</p> <p>For finished textiles treated to avoid fibre release and used in the making of heat-resistant clothing, as well as diaphragms used in electrolysis cells for the production of chlorine: 31 December 1999.</p> <p>For aircraft friction linings: 1 January 2002.</p> <p>For devices used in industry whenever temperatures exceed 1,000°C: 1 January 2002.</p> <p>For seals and gaskets used in industrial processes and installations for the circulation of fluids aimed at preventing the risks associated with high temperatures and pressures: 1 January 2002.</p> <p>For other products mentioned in paragraphs (a) to (n) of Annex 1 of the Royal Decree: 3 March 1998.</p>
10.	<p>Final date for comments: 60 days</p>
11.	<p>Texts available from: National enquiry point [X] or address, e-mail and telefax number of other body: CIBELNOR</p>