

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>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Transport and Public Works Agency or authority designated to handle comments regarding the notification can be indicated if different from above: National enquiry point
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): Dangerous substances
5.	Title, number of pages and language(s) of the notified document: (a) Regulation Governing Aviation Monitoring (b) Regulation on Transportation of Dangerous Substances by Air - 1988
6.	Description of content: Article 8A, paragraph 1, of the Aviation Act stipulates that rules on the preparation and operation of transport and tour flights be issued by or in accordance with Orders in Council. Article 97 of the Regulation governing Aviation Monitoring stipulates that the transportation of dangerous substances by aircraft is only permissible if the regulations issued by the Minister of Transport, Public Works and Water Management are adhered to. These regulations are adopted in the present draft Regulation. According to the Dutch Government, the draft Decree stated in point 5(a) probably contains a technical regulation. This concerns: - Article 97, paragraph 2: the ban on the transportation of dangerous substances by air unless the regulations in the Regulation of point 5(b) are adhered to (present version established on 18 July 1987). According to the Dutch Government, the draft Regulation stated in point 5(b) probably contains technical regulations. An indicative summary of the technical regulations appears below: - Article 6: all packaging labelling must at least appear in the English language (established on 8 June 1988); - Article 7, paragraphs 3: the sir cargo letter and the written declaration for the offer for transportation must at least be written in English (established on 8 June 1988).

7.	<p>Objective and rationale: If the draft amendment of the Notification contains quantitative import restrictions or measures of equal effect within the meaning of the Agreement on Technical Barriers to Trade then such measures are justified in the interests of public health and safety and in order to protect human life. Article 6 relates to recommendation 6.3, chapter 6 from Annex 18, namely within the meaning that the labelling on packaging must at least appear in the English language. Article 7, paragraph 3, relates to recommendation 7.3 of chapter 7 from Annex 18 namely in the sense that the labelling on the declarations must at least appear in the English language.</p> <p>In the Regulation governing the transportation of dangerous substances by air it is specified that Annex 18 of the ICAO Treaty and the technical regulations form part thereof. The technical regulations form a further implementation of Annex 18. The international origin of the Regulation and with it the provisions which have now been notified, emerges therefrom.</p>
8.	<p>Relevant documents: ICAO-Annex 18 and the technical regulations based thereon (Technical Instructions for the Safe Transport of Dangerous Goods by Air, document 9284-AN/905) Aviation Act (Article 8A, first and second paragraphs) Regulation Governing Aviation Monitoring (Article 97).</p>
9.	<p>Proposed date of adoption: 20 November 1997 Proposed date of entry into force: 21 November 1997</p>
10.	<p>Final date for comments: 19 November 1997</p> <p>The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time-limit have been received from other Members within that time.</p>
11.	<p>Texts available from: National enquiry point [X] or address and telefax number of other body:</p>