

ENVIRONMENTAL GOODS

Submission by New Zealand

Paragraph 31 (iii)

The following communication, dated 22 May 2005, is being circulated at the request of the Delegation of New Zealand.

I. INTRODUCTION

1. The eleventh meeting of the Committee on Trade and Environment in Special Session (CTESS) confirmed that there is "a general view that as a potential outcome for the [Hong Kong Ministerial] Conference, delegations could prepare a list of environmental goods."¹ Moreover, there continues to be a widely shared view that the CTESS should undertake the development of the list while not prejudging the responsibility of the Negotiating Group on Market Access (NGMA) for negotiating the modalities for liberalization of such goods in accordance with the Doha mandate.² Paragraph 17 of the NAMA Framework which Members agreed in July 2004³ encourages the Negotiating Group on Market Access to work closely with the Committee on Trade and Environment in Special Session to address the issue of non-agricultural environmental goods. The current submission, combined with New Zealand's earlier proposal on the same subject of 9 February 2005⁴, seeks to respond to that guidance.

II. IMPLEMENTING "DEFINING BY DOING"

2. New Zealand's submission of 9 February suggested that, instead of seeking to define environmental goods through a process of theoretical and analytical exchanges, a more practical "defining by doing" approach may be useful. Thus, rather than formally negotiating an agreed definition of environmental goods, Members would proceed directly to prepare their own lists of environmental goods for discussion. In developing and preparing these lists, New Zealand proposed the application of one or other "reference points" as a way of initiating a discussion about the environmental credentials of a specific good. Those reference points proposed by New Zealand were

¹ Report by the Chairperson of the Special Session of the Committee on Trade and Environment to the Trade Negotiations Committee, TN/TE/11, 14 March

² The Minutes of the 10-11 October 2002 meeting of the CTESS, for instance, recall that there was broad support amongst Members for negotiations on environmental goods being conducted in the NGMA, and that while some called on the CTESS to clarify the concept of environmental goods, others, while not opposing definitions being developed in the CTESS, could not accept any sequencing between the work in the two bodies.

³ WT/GC/W/535 Annex B.

⁴ TN/TE/W/46 of 9 February 2005.

the OECD's⁵ definition of environmental industries; APEC's conceptualization⁶ of environmental goods; and approaches to environmental goods agreed through high quality and comprehensive regional or bilateral Free Trade Agreements.

3. Regardless of which reference points are used, New Zealand considers it important that any item on a list of environmental goods tabled at the WTO has a reference point attached to it. In this way an abbreviated explanation is provided as to why a specific product has been included. The reference point approach therefore provides a screening mechanism designed to ensure that products proposed for inclusion on any agreed list of environmental products meet a basic threshold.

4. It is important to reiterate that even when a product has the requisite reference point, this simply means that a discussion can be initiated on whether the product should be included on any agreed WTO list of environmental goods. In short, the use of a reference point does not automatically confer environmental goods status for the purpose of the establishment of a list through the CTESS process.

III. USING CATEGORIES TO HELP CREATE A LIVING LIST

5. In its most recent submission New Zealand supported Canada's intervention on the types of categories to use in the development of lists of environmental goods. In addition to the categories proposed by Canada⁷, here slightly modified, New Zealand suggested that the groupings of wastewater management and natural risk management also be used. Moreover, in the development of its own provisional list, New Zealand also used the following additional categories which may be of interest to other Members:

- Environmentally preferable products⁸, based on end-use or disposal characteristics (e.g. jute sacks and bags)
- cleaner or more resource-efficient technologies and products (e.g. hot water weed killing systems); and
- waste and scrap utilization (e.g. sawdust and wood waste).

6. The OECD has reported that half of the environmental goods likely to be in use within the coming decade do not currently exist.⁹ Given the dynamic and evolving nature of the sector therefore and the fact that it is continually developing in new and often unexpected directions, a key element of New Zealand's most recent submission was the need to ensure that any list of environmental goods developed at the WTO should be considered a "living list." New Zealand reiterates that it continues to attach a high level of importance to the establishment of a living list and looks forward to further discussions on this matter in due course.

⁵ The OECD defines the environmental industry as comprising: "activities which produce goods and services to measure, prevent, limit, minimise or correct environmental damage to water, air and soil as well as problems related to waste, noise and eco systems" OECD (1999) *The Environmental Goods and Services Industry: Manual for Data Collection and Analysis*, OECD Publications, Paris

⁶ The descriptive section of WT/GC/W/138/Add.1. contains further details on the approach adopted by APEC, though it is also worth recalling that APEC economies utilised the OECD definition cited in footnote 3.

⁷ In JOB(04)/98, 16 July 2004, Canada proposed the following categories for consideration: air pollution control; water pollution control; solid/hazardous waste management; remediation/clean-up of soil and water; noise/vibration abatement; environmental monitoring, analysis and assessment equipment; potable water treatment; recycling systems; renewable energy plant; heat/energy management; and soil conservation.

⁸ The concept of environmentally preferable products draws on aspects of the work undertaken by UNCTAD (UNCTAD (1995) *Environmental Preferable Products (EPPs) as a Trade Opportunity for Developing Countries*, Geneva, UNCTAD (UNCTAD/COM70). It is important to note, however, that New Zealand considers that the EPP concept be utilised only when the product to which it refers can be identified by end-use or disposal characteristics.

⁹ OECD (1998) *The Global Environmental Goods and Services Industry*, OECD Publications, Paris.

IV. THE NEW ZEALAND LIST

7. The attached New Zealand living list of environmental goods was developed in the context of TN/TE/W/46. For each product one or more reference points have been utilized to explain its presence on the list. The products are also classified according to the categories noted earlier. The list has been informed by extensive domestic consultation with the New Zealand private and non-governmental sectors.

8. New Zealand reserves the right to add further items to the attached living list or amend these as appropriate during the negotiation process. New Zealand encourages other Members to provide their own lists of environmental goods as soon as possible.

NEW ZEALAND PROVISIONAL LIST OF ENVIRONMENTAL GOODS

AIR POLLUTION CONTROL

Reference
Points*

O	A	HS6	Description	Ex-out
x		252100	Limestone flux	
x		252220	Slaked (hydrated) lime	
x		281610	Magnesium hydroxide and peroxide	
x		701990	Other glass fibre products	
	x	840410	Auxiliary plant for use with boilers of heading No. 8402 or 8403 (for example, economizers, super-heaters, soot removers, gas recoverers)	
	x	840420	Condensers for steam or other vapour power units	
	x	840510	Producer gas or water gas generators, with or without their purifier; acetylene gas generators and similar water process gas generator, with or without their purifiers	Include only those with purifiers.
x		841410	Vacuum pumps	
x		841430	Compressors of a kind used in refrigerating equipment	
x		841440	Air compressors mounted on a wheeled chassis	
	x	841459	Fans (and blowers) other than table, floor, window, ceiling or roof fans with a self contained electric motor of an output not exceeding 125W	
x	x	841480	Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters; other	
x		841490	Parts for air or gas compressors, fans or hoods	
x	x	841780	Other furnaces, ovens, incinerators, non electric	
x	x	841960	Machinery for liquefying air or other gases	
x		841989	Other machinery for treatment of materials by change of temperature	
x		842490	Parts for sprayers for powders or liquids	
x	x	851410	Industrial or laboratory electric resistance furnaces	
x	x	851420	Industrial or laboratory induction or dielectric furnaces	
x	x	851430	Other industrial or laboratory electric furnaces and ovens	
x	x	851490	Parts, industrial or laboratory electric furnaces	

MANAGEMENT OF SOLID OR HAZARDOUS WASTE

O	A	HS6	Description	Ex-out
x	x	841790	Parts of furnaces, non-electric	Parts of waste incinerators
x		847439	Other mixing or kneading machines for earth, stone, sand, etc.	
x		847982	Other machines for mixing/grinding, etc.	Including bio-waste chopping and mixing equipment
x	x	847989	Other machines, nes ¹⁰ , having individual functions	In-vessel composting systems, trash compactors, Radioactive waste press
	x	847990	Parts of machines and mechanical appliances having individual functions, not elsewhere specified or included in this chapter, other	Parts of trash compactors
	x	850590	Electro magnets; other, including parts	Electromagnet
x		901320	Lasers	
x		960310	Brooms, hand	
x		960350	Brushes as parts of machines, appliances	

CLEAN-UP OR REMEDIATION OF SOIL AND WATER

O	A	HS6	Description	Ex-out
x		251200	siliceous fossil meals	siliceous granules that facilitate growth of bio-organisms
x		300290	other cultures of micro-organisms (excluding yeasts) and similar products	micro-organism cultures for bio-remediation, water treatment
x		340219	Organic surface active agents (other than soap): other	oil spill dispersant chemicals
x		382490	Products, preparations and residual products of the chemical or allied industries, not elsewhere specified or included	oil spill dispersant chemicals
x		851629	Other electric space heating and soil heating apparatus	
x		854389	Other electrical machines and apparatus with one function	Ultraviolet water disinfection/treatment systems
	x	890710	Inflatable rafts	Inflatable oil spill recovery barges
	x	890790	Other floating structures	Pollution protection booms, oil absorbent booms

¹⁰ nes = not elsewhere specified.

ENVIRONMENTAL MONITORING, ANALYSIS AND ASSESSMENT EQUIPMENT

O	A	HS6	Description	Ex-out
	x	690310	Other refractory ceramic goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than those of siliceous fossil meal or of similar siliceous earths; containing by weight more than 50% of graphite or other carbon or of a mixture of these products	Laboratory refractory equipment
	x	690320	Other refractory ceramic goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than those of siliceous fossil meal or of similar siliceous earths; containing by weight more than 50% of alumina (Al ₂ O ₃) or of a mixture or compound of alumina and silica (SiO ₂)	Laboratory refractory equipment
	x	690390	Other refractory ceramic goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than those of siliceous fossil meal or of similar siliceous earths; other	Laboratory refractory equipment
	x	690919	Ceramic wares for laboratory, chemical or other technical uses; other	Laboratory equipment
	x	701710	Laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated; of fused quartz or other fused silica	
	x	701720	Laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated; of other glass having a linear coefficient of expansion not exceeding 5 X 10 ⁻⁶ per Kelvin within a temperature range of 0 C - 300 C	
	x	701790	Laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated; other	
x	x	842119	Centrifuges, including centrifugal dryers, other than cream separators and clothes-dryers	
x	x	842191	Parts of Centrifuges, Including Centrifugal Dryers	Centrifuges, Accessories & Parts; except clothes dryers and clothes dryer furniture
	x	902229	Apparatus based on the use of X-rays or of alpha, beta or gamma radiations for other than medical, surgical, dental or veterinary uses	
	x	902290	Apparatus based on the use of X-rays or of alpha, beta or gamma radiations for other than medical, surgical, dental or veterinary uses	Parts and accessories for goods of subheading 9022.29
x	x	902511	Thermometers, pyrometers, liquid-filled	
x	x	902519	Other thermometers, pyrometers	
x	x	902580	Hydrometers, barometers, hygrometers, etc.	
x	x	902610	Instruments and apparatus for measuring or checking the flow or level of liquid	
x	x	902620	Instruments and apparatus for measuring or checking pressure	
x	x	902680	Other instruments for measuring liquids or gases	
x	x	902690	Parts of instruments for measuring, checking liquids or gases	

ENVIRONMENTAL MONITORING, ANALYSIS AND ASSESSMENT EQUIPMENT cont.				
O	A	HS6	Description	Ex-out
x	x	902710	Instruments for analysing gas or smoke	
x	x	902720	Chromatographs, etc.	
x	x	902730	Spectrometers, etc.	
x	x	902740	Exposure meters	
x	x	902750	Other instruments using optical radiation	
x	x	902780	Other instruments for physical or chemical analysis	
x	x	902790	Parts for instruments, incl. microtomes	
	x	902830	Electricity Meters	
	x	902890	Parts and accessories for articles of subheading 9028	
x	x	903010	Ionising radiation measuring & detecting instruments	
	x	903020	Cathode ray Oscilloscopes and Cathode ray Oscillographs	
	x	903031	Multimeters	
	x	903039	Other instruments and apparatus, for measuring or checking voltage, current, resistance or power, without a recording device	
	x	903083	Other instruments and apparatus for measuring or checking electrical quantities, with a recording device	
	x	903089	Other Instruments and Apparatus for Measuring or Checking Electrical Quantities	
	x	903090	Parts and accessories (for nominated articles of subheading 9030)	
	x	903110	Machines for Balancing Mechanical Parts	
	x	903120	Test Benches	
	x	903130	Profile Projectors	
x		903149	Other optical instruments	
x	x	903180	Other measuring or checking instruments	
	x	903190	Parts and accessories (for nominated articles of subheading 9031)	
x	x	903210	Thermostats	
x	x	903220	Manostats	
x	x	903281	Hydraulic/pneumatic automatic regulate, control instruments	
x	x	903289	Other automatic regulate, control instruments	
	x	903290	Parts and accessories	
	x	903300	Parts and Accessories (Not Specified or Included Elsewhere in this Chapter) for Machines, Appliances, Instruments or Apparatus of Ch. 90	

POTABLE WATER TREATMENT

O	A	HS6	Description	Ex-out
x		280110	Chlorine	
x		391400	Ion exchangers (polymer)	
	x	841381	Pumps for liquids, whether or not fitted with a measuring device; other pumps	

RECYCLING SYSTEMS

O	A	HS6	Description	Ex-out
	x	841940	Distilling or rectifying plant	solvent recycling plant
	x	847410	Sorting, screening, separating or washing machines	Waste foundry sand reclamation equipment
	x	847432	Machines for mixing mineral substances with bitumen	Asphalt recycling equipment
x	x	847982	Mixing, kneading, crushing, grinding, screening, sifting, homogenizing emulsifying or stirring machines	Other than kneading machinery

RENEWABLE ENERGY PLANT

O	A	HS6	Description	Ex-out
x		290511	Methanol	
	x	841011	Hydraulic turbines and water wheels of a power not exceeding 1,000 kW	
	x	841012	Hydraulic turbines and water wheels of a power exceeding 1,000 kW but not exceeding 10,000 kW	
	x	841013	Hydraulic turbines and water wheels of a power exceeding 10,000 kW	
	x	841090	Hydraulic turbines and water wheels; parts, including regulators	
x	x	841919	Other instantaneous or storage water heaters, non-electric	
	x	850231	Generating sets, electric, wind powered	Solar Water Heaters
x	x	854140	Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light emitting diodes	Solar cells

HEAT AND ENERGY MANAGEMENT

O	A	HS6	Description	Ex-out
x		700800	Multiple walled insulating units of glass	
x		853931	Fluorescent lamps, hot cathode	
x	x	902810	Gas supply, production and calibrating metres	
x	x	902820	Liquid supply, production and calibrating metres	

SOIL CONSERVATION

O	A	HS6	Description	Ex-out
	x	460120	Mats, matting, and screens of vegetable materials	Erosion control matting (biodegradable), ecologically safe ground covers (biodegradable)

WASTE WATER MANAGEMENT

O	A	HS6	Description	Ex-out
x		281410	Anhydrous ammonia	
x		281511	Sodium hydroxide solid.	
x		281512	Sodium hydroxide in aqueous solution	
x		281830	Aluminium hydroxide	
x		282010	Manganese dioxide	
x		282090	Manganese oxides (other)	
x		283210	Sodium sulphites	
x		283220	Other sulphites	
x		283510	Phosphinates and phosphonates	
x		283522	Phosphates of monosodium or disodium	
x		283523	Phosphates of trisodium	
x		283524	Phosphates of potassium	
x		283525	Calcium hydrogenorthophosphate	
x		283526	Other phosphates of calcium	
x		283529	Phosphates of triammonium	
x		283529	Other phosphates (excl. polyphosphates)	

WASTE WATER MANAGEMENT cont.				
O	A	HS6	Description	Ex-out
x		293100	Other organo-inorganic compounds	nitrification and urease inhibitors
x		380210	Activated carbon	
x		382490	Other chemical products and preparations of the chemical or allied industries, nes	nitrification inhibitors
x	x	392690	Other articles of plastics and articles of other materials of headings 3901 to 3914; other	Bio-film medium that consists of woven fabric sheets that facilitate the growth of bio-organisms; rotating biological contactor consisting of stacks of large (HDPE) plates that facilitate the growth of bio-organisms.
x		580190	Woven pile & chenille fabrics of other textile materials	
x		731010	Tanks, drums, etc. >50 l < 300 l	
x		841319	Other pumps fitted or designed with a measuring device	for water treatment
x		841320	Positive displacement pumps, hand operated	
x		841350	Other reciprocating positive displacement pumps	
x	x	841360	Other rotary positive displacement pumps	Submersible mixer pump to circulate water in wastewater treatment process; sewage pumps, screw type
x	x	841370	Other centrifugal pumps	Centrifugal pumps lined to prevent corrosion; centrifugal sewage pumps
x	x	842129	Other machinery for purifying liquids	
x		842381	Weighing machines capacity <30 kg	
x		842382	Weighing machines capacity >30 kg <500 kg	
x		842389	Weighing machines	
x	x	842833	Other continuous action elevators and conveyors, for goods or materials; other, belt type	Belt-type above ground conveyor used to transfer solids or slurries between plants
x	x	847982	Mixing, kneading, crushing, grinding, screening, sifting, homogenizing emulsifying or stirring machines	Agitator for wastewater treatment
x		848110	Valves, pressure reducing	
x		848130	Valves, check	
x		848140	Valves, safety	
x		848180	Other taps, cocks, valves, etc.	

WASTE WATER MANAGEMENT cont.			
O	A	HS6	Description
	x	854389	Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; other
			Ex-out Ozone production system

NATURAL RISK MANAGEMENT

O	A	HS6	Description	Ex-out
x		381300	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades	
	x	901540	Photogrammetrical surveying instruments and appliances	
	x	901580	Other surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses	
	x	901590	Parts and accessories of surveying, hydrological, meteorological, or geophysical instruments and appliances, excluding compasses	Photogrammetric instruments; parts and accessories for articles of subheading 9015.40
	x	902590	Parts and Accessories for Hydrometers and similar floating instruments, thermometers pyrometers, barometers, hygrometers, and psychrometers, recording or not, and any combination of these instruments	

ENVIRONMENTALLY PREFERABLE PRODUCTS, BASED ON END-USE OR DISPOSAL CHARACTERISTICS

O	A	HS6	Description	Ex-out
x		310100	Animal or vegetable fertilisers, whether or not mixed together or chemically treated; fertilisers produced by the mixing or chemical treatment of animal or vegetable products	
x		340119	Soap; organic surface-active products and preparations for use as soap: Other: natural soaps made from vegetable oil	
x		391390	Natural polymers: Other: Chemical derivatives of natural rubber	
x		560710	Twine, cordage, ropes and cables of jute or other textile bast fibres	

ENVIRONMENTALLY PREFERABLE PRODUCTS, BASED ON END-USE OR DISPOSAL CHARACTERISTICS cont.

O	A	HS6	Description	Ex-out
x		560721	Twine, cordage, ropes and cables of sisal or other textile fibres of the genus <i>Agave</i>	
x		630510	Sacks and bags, of a kind used for the packing of goods of jute or of other textile bast fibres	

CLEANER OR MORE RESOURCE-EFFICIENT TECHNOLOGIES AND PRODUCTS

O	A	HS6	Description	Ex-out
x		251200	siliceous fossil meals	diatomite (natural insecticide)
x		284700	Hydrogen peroxide	
x		380810	Insecticides	biological pest control agents
x		382490	Products, preparations and residual products of the chemical or allied industries, incl. those consisting of mixtures of natural products, nes.	Biodiesel
x		392290	Baths, shower-baths, sinks, wash-basins, bidets, seats and covers, flushing cisterns and similar sanitary ware, of plastics: other	for waterless urinal, composting toilet
x		392330	Carboys, bottles, flasks and similar articles	refillable plastic cartridge used in waterless urinals
x		691010	ceramic sinks, wash basins, wash basin pedestals, baths, bidets, water closet pans, flushing cisterns, urinals and similar sanitary fixtures: other	for waterless urinal, composting toilet
x	x	843680	Other agricultural, horticultural, forestry, poultry-keeping or bee-keeping machinery	Hot water weed killing system
x		850239	Other electric generating sets and rotary converters	Micro combined heat and power systems
x		850680	Primary cells & batteries	Fuel Cells
x		870290	Motor vehicles for the transport of ten or more persons, including the driver: other	Electric and hybrid vehicles
x		870322	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 87.02): of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc	Hybrid vehicles
		870390	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 87.02): other	Electric vehicles

WASTE AND SCRAP UTILISATION

O	A	HS6	Description	Ex-out
x		261800	Granulated slag (slag sand) from the manufacture of iron or steel	
x		320300	Colouring matter of vegetable or animal origin (including dyeing extracts but excluding animal black), whether or not chemically defined; preparations as specified in note 3 to this chapter based on colouring matter of vegetable or animal origin	
x		391510	Polyethylene waste and scrap	
x		391520	Polystyrene waste and scrap	
x		391530	Polyvinyl chloride waste and scrap	
x		391590	Other plastics waste and scrap	
x		400300	Reclaimed rubber in primary forms or in plates, sheets or strip	
x		400400	Waste, parings and scrap of rubber (other than hard rubber) and powders and granules obtained therefrom	
x		440130	Sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	
x		470710	Recovered (waste and scrap) paper or paperboard	
x		500500	Yarn spun from silk waste, not put up for retail sale	
x		500600	Silk yarn and yarn spun from silk waste, put up for retail sale; silk-worm gut	
x		680800	Panels, boards, tiles, blocks and similar articles of vegetable fibre, of straw or of shavings, chips, particles, sawdust or other waste, of wood, agglomerated with cement, plaster or other mineral binders	
x		700100	Cullet and other waste and scrap of glass; glass in the mass	
x		720421	Stainless steel waste and scrap	
x		720429	Waste and scrap, of alloy steel, other than stainless	
x		720430	Waste and scrap, of tinned iron or steel	
x		720441	Ferrous waste & scrap, i or s ¹¹ , from the mechanical working of metal, nes	
x		720450	Remelting scrap ingots, of iron or steel	
x		740400	Copper waste and scrap	
x		750300	Nickel waste and scrap	
x		760200	Aluminium waste and scrap	
x		790200	Zinc waste and scrap	

¹¹ i = iron; s = steel.

***Reference points:**

- O** OECD definition of environmental industries
- A** APEC's conceptualisation of environmental goods
