

REGIONAL AFFAIRS

MERCOSUR

A Green Challenge on the Road to a Single Market

by Hernan Lopez*

Introduction

The Mercado Comun del Sur (MERCOSUR) is the legal outcome of the integration process of Argentina, Brazil, Paraguay and Uruguay initiated with the signa-

ture of the Treaty of Asuncion in 1991. However, it operates within the context and terms of regional groupings such as the Latin American Integration Association (ALADI)¹ and the World Trade Organization (WTO), of which this process is a part.²

During an initial period of transition (December 31st, 1991–December 31st, 1994), the process of integration

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was directed towards the achievement of a general liberalization of trade. During this initial stage measures such as automatic reduction of tariffs, along with the elimination of restrictions on trade between the member countries, were adopted with a view towards arriving at a zero tariff and no "non-tariff" restrictions for the entire tariff area by 31 December 1994.³

On August of 1994, at a summit held in Buenos Aires, Argentina, the foreign and economic ministers of the four member countries signed a final agreement on the definitive implementation of Mercosur, establishing the union of customs by January 1st, 1995, as the main goal. In December 16, 1994, the four Presidents of the Mercosur countries met in Ouro Preto, Brazil, and reached the "Protocol of Ouro Preto" (POP), the agreement that defined the institutional structure of Mercosur and enacted the common market since January 1st, 1995. Among other measures, the POP principally allowed the adoption of a Common External Tariff (CET) for the purposes of the customs union and the harmonization of macroeconomics and sectoral policies.⁴

The process was envisioned by the original members of the group as a common market of at least 240 million of people inhabiting a surface of 12,000,000 sq. km or 7,500,000 sq. miles, with an output of well over \$1 trillion.⁵ The market will allow goods and services to be freely traded among member countries and to permit the unrestricted movement of factors of production as labour and capital.⁶ Besides the main goal of market integration, the Parties to the agreement also recognized that the real meaning of the integration should embrace other goals. In that sense, the adoption of a common commercial policy, the coordination of macroeconomics and sector policies, and the harmonization of national legislation in the relevant areas in order to enhance competitiveness in the world economy,⁷ are included among them.

Although the objectives described above are within the economic area, the formula used to declare the intention of the countries "...to further a more strength relationship between the countries..."⁸ is the basis of a broader process of integration that would encompass many other non-economical issues. That makes the process more reliable than other past regional experiences and the ability of the parties to incorporate other non-economic issues will play a key role in making the integration an enduring and strong process.

The open future of the integration also foresees the possibility of association with other regional blocks as a means of accelerating the process over the next five years.⁹ The first steps seeking to negotiate either their accession to or associate membership of the regional grouping¹⁰ were taken for the formal welcoming of Chile and Bolivia during 1996¹¹ and the countries of the Andes group (GRAN).¹² The Mercosur is also negotiating some form of link with NAFTA¹³ within the framework proposed by the United States for the development of the proposed Free Trade Area of the Americas

(FTAA) by 2005,¹⁴ and with the European Union (EU).¹⁵

The protection of the environment is given an important place within the process and is recognized in the preamble to the Treaty of Asuncion (TA) where the Parties agree that the integration "... must be achieved through the efficient use of the available resources and the preservation of the environment ...".¹⁶

Most of the documents adopted during the transition period recognized the importance given to the protection of the environment in the preamble of the TA. In June 1992, in the valley of Las Leñas, City of Malargue, Mendoza, Argentina, Mercosur ministers adopted a timetable for the coordination of policies of different areas. Many environmental directions were placed within the authorities given to the technical "working groups" in charge of the development of policies of the process of integration.

In addition, the "Specialized Meeting of Environmental Issues" (in Spanish "Reunion Especializada de Medio Ambiente", hereinafter REMA), was summoned in 1993 for the first time by the Common Market Group (CMG). The CMG – executive institution of the group – summoned the REMA with the purpose of the analysis of the environmental legislation of the four countries of the region in order to harmonize the activities of the different working groups and to eliminate environmental restrictions to free trade.

Finally, the Protocol of Ouro Preto also triggered the adoption of new documents regarding environmental protection of free trade activities. The most relevant resolutions are related to the harmonization process of environmental legislation and the coordination of sectoral policies of the different member countries.

This article focuses its analysis on the evolution in the consideration of environmental legal issues within the legal framework of the Mercosur and its influence in the process of integration.

Discussion

1. Overview of the general legal framework of the Mercosur

The definitive institutional framework of the Mercosur is given by the "Protocol of Ouro Preto – Additional Protocol to the Treaty of Asuncion on the institutional structure of the Mercosur of 1994".¹⁷ This additional protocol also embodies an Annex related to the "General procedure for reclamation before the Commerce Commission of the Mercosur."¹⁸ As *Pedro Tarak* explains in his work about the region, the process of integration "... is an institutional system of negotiation, adoption of decisions, resolution of commercial conflict, characterized by the juridical effect of the supra-nationality ...".¹⁹ The author also states that the integration does not create a supranational institutional system similar to the European Union; and he emphasizes that the enforcement of the supranational decisions – despite their mandatory character – is within the power of each country Party of the treaty.²⁰

a. Institutions and authorities

The institutions are endowed with different authority and can be classified relying on their functions as follows:

a) *Policy-making*: the principal and highest policy-making body is the Common Market Council (CMC), the political "arm" and the legal representative of the group. The CMC is composed of the ministers of economic and foreign affairs respectively. The presidency of the council rotates on a semester basis and gathers the Presidents of the four countries at least twice a year. The CMC adopts supranational "decisions" on a consensus basis and the governments of the four country Parties have the mandatory duty to enforce the decisions.²¹

Second, the Common Market Group (CMG) is the executive branch of the CMC and observes the enforcement of the original legislation of the group. With headquarters in Montevideo, Uruguay, the CMG is the principal body responsible for proposing draft resolutions to the CMC and making the necessary arrangements to comply with the CMC's decisions. The CMG also adopts programmes and approves the general budget of the Mercosur. The group is coordinated by the ministers of foreign affairs and works with the support of alternate members representing governmental areas such as foreign and economic affairs and the central treasury. The group also is authorized to create "technical working subgroups" that support its activities and to call "special meetings" for the analysis of inter-sectoral issues such as the protection of the environment (i.e. the REMA).²² The CMG adopts "resolutions" on the same supranational consensus basis and with the same duties of individual enforcement for the four countries.

Finally, the Mercosur Trade Commission (MTC) is the responsible body for the coordination of a common trade policy and the supervision of the enforcement of the common external tariff (CET). The MTC also proposes rules and amendments to the enacted regulation of commerce and customs and is the recipient authority of the different claims of particular entities, corporations and governments. The MTC adopts "directives" on the same basis explained for the CMC and CMG.

b) *Consultative*: first, the Joint Parliamentary Commission (JPC), supports the activities of the policy making bodies in the incorporation of the regulations of the Mercosur within the juridical systems of the four countries of the region. It is composed of representatives of the different national parliaments of the Parties.

Second, the Economic and Social Consultative Forum (ESCF), is a body of intergovernmental and inter-sectoral nature that gathers principally the production sector, unions and associations of each of the four countries.

Both institutions are able to give the CMC "recommendations" through the CMG.²³

c) *Administrative*: the Administrative Secretariat of the Mercosur (SAM), is the administrative support of the other policy-making and consultative bodies and is in charge of the publication of the Official Bulletin of the Mercosur.

2. Environmental legal protection in the Mercosur

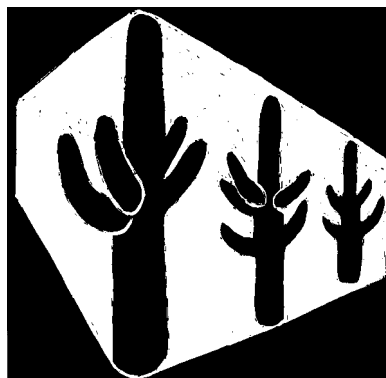
a. Treaty of Asuncion

As explained above in the introduction, the protection of the environment is given an important place within the process of integration. The preamble of the Treaty of Asuncion declares that the integration "... must be achieved through the efficient use of the available resources and the preservation of the environment ...".²⁴

The preamble is the only section of the treaty that contains references to the protection of the environment. However, the preamble tells governments that the process of integration must be developed within a framework, which includes the protection of the environment among other principles that should be observed.²⁵

b. The Declaration of Canela²⁶

The Declaration of Canela is the written document of the summit of Presidents held in the city of Canela, Brazil in 1992. In that meeting, the presidents of the countries of the Mercosur analyzed and adopted a regional common position upon the agenda that would be discussed at the "United Nations Conference on the Environment and Development (UNCED '92)." Although the document is not adopted within the legal framework of the Mercosur, the declaration contains the common political position of the region on issues such as biodiversity, global change, water resources, human settle-



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ments, forests, soils, international trade, maritime ocean protection, hazardous wastes and the institutional strengthening towards sustainable development.

c. Las Leñas Meeting²⁷

This meeting was held in the city of Mendoza, Argentina in 1992. It was summoned to agree on the use of means for the defence and protection of the environment, promotion of regional exchange of goods and support in cases of emergence of temporary admission of goods and people.

After the meeting, the Parties adopted a timetable for the coordination of policies during the transition period between the TA and the POP. The CMG as the executive

branch of the CMC received instructions from the different “working groups”, regarding the protection of the environment. Many of the instructions were related to the harmonization of the different legislations of the four countries. In fact, working group N° 7 on Industrial and Technological Policy and working group N° 9 on Energy Policy were instructed on the identification of the asymmetries between the different legislations in order to propose a harmonization scheme.²⁸

Other instructions were indirectly related to the protection of the environment. In that sense, each working group has different assignments, as follows:

- N° 1 on commercial issues: analysis of subsidized products;
- N° 2 on customs issues: analysis of the classification of dangerous substances if they may harm the environment;
- N° 3 on technical standards: analysis of the qualities of food products, characteristics of containers and materials in contact with food;
- N° 5 on land transportation: analysis of the transportation of goods by highways and railroads;
- N° 6 on maritime transportation: adoption of a multilateral agreement for the sector;
- N° 8 on agricultural activities: must track the legislation and policies of the sector in order to achieve the sustainability of agricultural products and the environmental protection of the activities of the sector;
- N° 11 on labour relations and employment: analysis of the international conventions of the International Labour Organization regarding the environmental protection of the work place²⁹.

d. Special Meeting on Environmental Issues.³⁰ (REMA)

After the meeting of Las Leñas, the CMG – considering the need for analysis of environmental legislation within the countries of the region and the interdisciplinary character of its legislation – issued Resolution No. 22/92 to create the REMA. This group is aimed at developing the coordination of the activities of the different groups charged with environmental assignments. The REMA has the authority to analyze the environmental legislation in force in the different member countries and to propose actions and recommendations to be developed within the various areas. The different working groups with environmental responsibilities (see above) have the duty to participate in the REMA in order to harmonize their activities.³¹

The first meeting of the REMA established the general goals. Among other issues, the main goal is to propose recommendations to the CMG in order to assure adequate protection of the environment within the general framework of the process of integration. The REMA is also given the authorization to establish adequate internal and external conditions of competitiveness for the goods produced in the Mercosur.

The first meeting also established the following functions for the REMA:

- identification of general and operating criteria for environmental protection;

- formulation and proposal of basic directives on environmental policy;
- coordination and orientation of the activities of the other working groups;
- identification and analysis of international agreements related to the protection of the environment and directly related to the general objectives of the Mercosur, in order to propose the incorporation of the international principles into the juridical systems of the four countries;
- analysis of environmental legislation of member countries of the region and identification of asymmetries and the proposal of adoption of common criteria.³²

It is also important to describe the second meeting of the REMA³³ where the group worked on the proposal for the following directives:

- achievement of efficiency in the management of natural resources and in the development of sustainable activities;
- consideration of the environmental costs in the cost structure of the production of goods;
- mitigation of probable environmental impacts of the actions of the Mercosur;
- systematization of procedures for enforcement of international agreements;
- strengthening of the authority of the institutions of the Mercosur through the incorporation of information, education, training and research institutions into the decision making process.

In order to achieve the goals of the directives mentioned above, the REMA establishes the following means of implementation:

- use of environmental impact assessment in the localization and development of certain activities;
- adoption of rules for the management and disposition of hazardous wastes; and,
- adoption of standards of quality for solid, liquid and gaseous discharges.³⁴

The most important meeting of the REMA was the third one, where the four countries discussed the harmonization process of environmental legislation.³⁵ The meeting recommended the CMG approval of the “Basic directives on environmental policy.”³⁶ The CMG finally issued Decision N° 10/94, approving the recommendation of the REMA and defining the real meaning of the harmonization of environmental legislation established as one of the principal goals of the REMA.

The decision establishes that the process of integration must assure the harmonization of environmental legislation between the country Parties. It also recognizes that “... harmonization does not mean the establishment of a single legislation ...”.³⁷ The decision also states that the comparative analysis of the enacted legislation must consider the present enforcement of the rules and that in case of loopholes, the adoption of rules that consider the environmental issues involved and assure impartial conditions of competitiveness in the Mercosur.³⁸ The decision recognizes that the harmonization process encompasses the harmonization of legal

procedures for the issuing of permits and the realization of monitoring activities on the environmental impact of the activities developed in areas of shared ecosystems.³⁹

In general, the decision represents the document that reflects the reaffirmation of the main goals of the REMA and of many of the issues that were recommended in the first two meetings described above. In that sense, the decision recognizes that the inclusion of the environmental costs in the analysis of the cost structure of any productive process will help to achieve single conditions of competitiveness between the four countries.⁴⁰ The decision also claims the improvement of the coordination of common environmental criteria in the negotiation and implementation of international agreements with influence in the process of integration⁴¹ and for the promotion of the strengthening of the institutions for the achievement of sustainable management.⁴²

Among other issues, the decision recognizes the importance of the adoption of non-pollutant practices in the use of natural resources,⁴³ the adoption of sustainable management in the use of renewable natural resources in order to guarantee their future use,⁴⁴ the minimization of discharges of pollutants through the development and adoption of environmentally sound technologies, recycling activities and proper management of wastes.⁴⁵

Finally, the sixth meeting is relevant for the analysis because the Parties reviewed the institutional role of the REMA. In that sense, the group recommended to the



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CMG the upgrading of the consideration given to environmental issues in the process of integration in order to allow the total implementation of the "Basic directives for environmental policies" adopted by the CMG in Res. n° 10/94. The REMA argues that "... [it] is not conceivable a CMG that does not assign relevant consideration to environmental issues when the increase of the international trade as a consequence of the process will have a significant impact on the environment."⁴⁶

e. The "Declaration of Taranco"

The "Declaration of Taranco" is a document adopted by the Ministers and Secretariats of the environment of the Mercosur in the city of Montevideo, Uruguay on

June 21, 1995. In this document, the authorities recognize the performance developed by the REMA throughout its history and achievements in the process of harmonization of environmental legislation and other original goals.

Principally, they consider that the increasing importance of many regional and international environmental issues such as the evolution of the ISO-14000 procedures, the duty of the countries in implementation of Agenda 21 and the environmental impact assessment of the hydro-highway Paraguay-Parana, must be addressed properly by Mercosur. Such reasons made the participants of the meeting to consider appropriate the proposal to upgrade the category of the REMA largely requested and recommended in previous meetings. The CMG accepted the recommendation and issued Res. N° 20/95, enacting working group N° 6 on environmental issues.

f. The "Working Sub-group N° 6" (SGT N° 6) on environmental issues

The first meeting of the new group took place in Montevideo on October 18/19, 1995. The group discussed and adopted the "action plan" for 1996–1997 to be recommended to the CMG, which in general described the goals of the group.⁴⁷ The SGT N° 6 is the renewed version of the ex-REMA and must continue with the achievement of the goals originally assigned to the special meeting. In particular, the plan recognizes the existence of many priorities to be developed by the group. The most important assignments are as follows:

- analysis of the harmonization of non-tariff restrictions related to the protection of the environment;
- regulation of the Custom Code, taking into consideration environmental issues in the procedures of control in the border areas;
- definition of common strategies for international conventions and agreements related to the protection of the environment that could affect the process of integration, in particular the implementation of Agenda 21 and other multilateral agreements;
- establishment of adequate conditions of competitiveness between the countries Parties to the Mercosur and third countries;
- follow-up of the evolution of the ISO-14000 process and the analysis of the impact in the process of integration;
- elaboration of a draft legal environmental document for the Mercosur, based on the principles enacted in the basic directives of Res. n° 10/94;
- design, development and operation of an environmental information system to support the decision making process;
- development of an environmental green seal for the Mercosur;
- improvement of the cooperation process with the CEE on environmental issues;
- development of a procedure for the transboundary movement of goods that possess risks for human health and the environment.⁴⁸

g. *Environmental legislation of the Mercosur*

In addition to the documents, meetings and declarations considered above, the Mercosur adopted many regulations for the different areas in the process of integration. The rules can be classified upon the following basis.⁴⁹

a) regulations that reflect the need for harmonization of the enacted legislation: the CMG adopted resolutions related to the following areas:

– technical standards: creation of the national structure for the incorporation of products according to the international ISO and IEC directives;⁵⁰ adoption of “technical regulations for food aromatic and flavouring additives”;⁵¹ rules for the use of pesticides in selected agricultural products;⁵² rules for additives of food containers,⁵³ and food containers⁵⁴ and the “rules for the technical harmonization of security and sound emissions of motorcycle issues”;⁵⁵ sound emissions in vehicles,⁵⁶ and maximum limits for emissions of pollutant gases.⁵⁷

– industrial and technological policy: adoption of the “programme of cooperation in quality and productivity”.⁵⁸

b) regulations that reflect the need for coordination of sectoral policies: the CMG adopted the “Code of behaviour for the introduction and release of agents of biological controls into the environment”⁵⁹ and the “Basic directives for environmental policies”.⁶⁰

c) regulations that reflect both the need for coordination of sectoral policies and the harmonization of the enacted legislation: the CMC adopted the “Agreement on transport of dangerous goods”.⁶¹

Conclusion

The protection of the environment is given an important place in the process of integration and the Treaty of Asuncion considers it a goal that must be achieved in the development of the process. The Parties have the duty to harmonize their environmental legislation to achieve the goal of integration. However, the process is not intended to provide a common environmental regulation for the four countries of the region.

In conclusion, the improvement of the consideration of environmental issues with the recent creation of the “working group on environmental issues” gives the authorities the possibility to introduce those issues within the decision-making process of the Mercosur.

The adoption of regulations containing environmental considerations will take place along with the consolidation of the process of integration. Many factors such as the growing influence of the new ISO-14000 rules, the duty of implementation of Agenda 21, but principally, the impact on the environment that comes with the increase of trade, will encourage the adoption of a comprehensive environmental regulation for the activities of the region. □

References

1 Mercosur countries envision the Treaty of Asuncion as the final step in bringing about the ultimate goal of the development of a common market of the Latin

American Integration Association (ALADI). The ALADI was enacted by the Governments of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela through the adoption of the “Treaty of Montevideo of 1980” with the purpose of establishing a gradual and progressive Latin American common market. This intent was followed by the Argentine-Brazilian Integration Treaty of 1988, which provided for the creation of a common market by 1998, and of the Buenos Aires Charter of 1990, also signed by both countries, which reduced to five years the period in which to create a common market.

2 The WTO gives regional trade agreements an important place within its regional agenda. The main question is, however, their compatibility with the WTO multilateral trading system. The WTO requires that “the purpose of a regional trade agreement is to facilitate trade between the constituent territories and not to raise barriers to the trade of other WTO members which are not parties to the agreement.” This question is central to both Article XXIV of the GATT Agreement 1994 and Article V of the GATS. In that sense, WTO decided to establish a Committee on Regional Trade Agreements in February 1996. The Committee was primarily created to centralize efforts and to examine future regional trade agreements notified to the WTO. To date, 144 regional trade agreements have been notified to the GATT/WTO. By the end of 1997, the Committee will have continued or started to examine around 44 regional trade agreements, including the MERCOSUR.

WTO home page (Visited March 20, 1998 URL: <http://www.wto.org/wto/develop/regional.htm>)

3 Treaty of Asuncion (T.A.), art. 5

4 As at the inauguration of the customs union in January 1995, approximately 80 percent of all products traded – about 8,000 categories of goods – began to be traded duty-free within the bloc. The parties agreed to keep lists of exceptions, including textiles, steel, automobiles, and petrochemicals, which will remain protected by domestic tariffs for a period of four years until 2001.

5 The Economist Survey on Mercosur – 12/10/96 <http://www.demon.co.uk/Itamaraty/mercosur.html>

6 T. A., Preamble

7 T. A., Preamble

8 T. A., Preamble

9 The decision in 1994 to proceed to a customs union involved a second debate as to how open Mercosur should be. Argentina, like Uruguay and Paraguay, had low tariffs on capital goods; one of its aims in opening its economy was to allow its firms cheap access to imported technology. Brazil, in contrast, wanted to protect its own capital-goods industry. *The Economist Survey on Mercosur* – 12/10/96 (Visited 4/21/97) <<http://www.demon.co.uk/Itamaraty/mercosur.html>>

10 T. A. art. 20, provides for the accession to Mercosur through negotiation.

11 At the most recent summit of the Common Market Council held in June 1996, in San Luis, Argentina, the preliminary association of Chile to Mercosur was signed. An “Agreement of Economic Complementation MERCOSUR-Chile” was approved by the CMC (MERCOSUL/CMC/DEC N° 03/96). Bolivia also reached the attention of the Mercosur and the “Agreement of Economic Complementation MERCOSUR-Bolivia” was also approved by the CMC (MERCOSUL/CMC/DEC N° 04/96). (Visited 4/21/97) <<http://www.mre.gov.br/getec/webgetec/bila/18/indice.htm>>

12 Mercosur and the country members of GRAN (Grupo Andino - Group of the Andes) agreed to exchange lists of products with tariff reductions, which will open the way for the creation of a free trade area between the two blocks. The lists to exchange must specify those products, which will have a zero tariff, those with a ten years term, and the so-called “sensitive” which will demand more time and negotiations. One of the present areas of discord involves the certificate of origin of the products, that is Mercosur demands 60 per cent of local components while GRAN insists on just 50 per cent. Trade between Mercosur and GRAN reached six billion dollars in 1995, a 193 per cent increase over 1985 and 50 per cent over 1994. At the beginning of March, 1998, both groups established to solve their differences on the basis of an intermediate timetable. Once it has been completed, both groups will start full negotiations to eliminate and reduce import duties and tariffs, with a target date of January 2000. Mercopress News Agency Home Page. (Visited March 20, 1998 URL: <http://www.falkland-malvinas.com>)

13 An agreement was signed – The Rose Garden or “Four Plus One” – in 1991 and provided the US and Mercosur members the structure to negotiate reciprocal trade and investment arrangements. *The Portable Encyclopedia for Doing Business with Argentina*. Fundación Invertir Argentina © 1995 World Trade Press. <“WorldPress@aol.com”>

14 The agreement to establish the FTA was the principal outcome of the Americas Summit held in Miami in December 1994. The first hemisphere meeting of Trade Ministers held in Denver, Colorado on 30 June 1995, established seven working groups to address a range of issues including market access, customs procedures and rules of origin, investment, standards and technical barriers to trade, sanitary and phyto-sanitary measures, subsidies, anti-dumping and countervailing duties. The last meeting of Presidents was held in Santa Cruz de la Sierra, Bolivia, in December 1996. *Secretariat of the Summit of the Americas in collaboration with the Sustainable Development Network of Bolivia and Virtual Production Services* (visited April, 21, 1997) <<http://coord.rds.org.bo>>

15 The 1992 meeting culminated in the signature later that month of an inter-institutional cooperation agreement aimed at passing on Europe’s experience of regional integration, provided for exchanges of information, training, technical assistance and institution-building. In November 1994, both Parties agreed to a

two-stage proposal for further strengthening bilateral relations which would ultimately lead to the conclusion of an EU-Mercosur free trade agreement covering industrial goods and services, with provision for the gradual liberalization of agricultural trade. Officials from both blocks revealed to news agencies that they would be signing the first free trade agreement among economic regional blocks in 1999. (See Mercopress News Agency Home Page. Visited March 20, 1998, URL: <http://www.falkland-malvinas.com>)

16 T. A., Preamble

17 The Protocol of Ouro Preto was adopted December 17, 1994.

18 *Id.* The regime applied during the transition period for the solution of controversies was based on the "Additional Protocol of BRASILIA for the resolution of controversies" signed in 17/12/91 and contains the rules for the solution of controversies up to the adoption of a permanent system no later than December 31, 1994. In general, it establishes that the disputes are to be settled by direct negotiation. When no solution is reached, a dispute is referred to the Common Market Group. Disputes which the CMG fails to resolve are then referred to the Common Market Council for an arbitration procedure.

In the view of "The Economist", the adoption of a system to settle disputes is imperative because "...in practice, disputes have been settled politically, by the Mercosur presidents themselves. Until now, this system has worked: to safeguard the whole project, the presidents have been prepared to compromise and, when need be, rewrite the rules. But this carries a cost, in reducing certainty..." (*The Economist Survey on Mercosur* - 12/10/96 (Visited 4/21/97) <<http://www.demon.co.uk/Itamaraty/mercosur.html>>).

19 Pedro Tarak, *El medio ambiente en el Mercosur*, Estudio Analítico N° 4, *Bases para la armonización de exigencias ambientales en el Mercosur*, Grupo Y'Guaazu, Fundación Ambiente y Recursos Naturales, Argentina (1995)

20 Protocol of Ouro Preto (POP), art. 40, establishes that the States after the adoption of the regulations, must incorporate them into their national legal systems and must communicate that incorporation to the Administrative Secretariat of the Mercosur (SAM) which in turn, must inform the other Parties about the incorporation. After the round of communications, the regulations become officially enacted at the same time in the four countries.

21 Pedro Tarak, *supra* note 17.

22 *Id.*

23 *Id.*

24 T. A., Preamble

25 Pedro Tarak, *supra* note 17. He interprets that the protection of the environment includes environmental duties within the executive functions of the institutions of the Mercosur.

26 The "Common position of the southern cone countries upon the United Nations Conference on Environment and Development (UNCED '92)" was adopted in February of 1992 in the city of Canela, Rio Grande do Sul, Brazil, to

reflect the political position of the countries of Latin America in view of the Conference.

27 The "Agreement of partial effect of cooperation and trade of goods used in the defence and protection of the environment" was adopted within the general framework of the "Agreement of Montevideo of 1980" (ALADI), which foresees the possibility of bilateral cooperation for the establishment of single legislation and its harmonization.

28 Pedro Tarak, *supra* note 19.

29 Republica Argentina, B.O. N° 27.982, 1a. Seccion 23/9/94; B.O. N° 27.983, 1a. Seccion, 26/04/94

30 Reunion Especializada de Medio Ambiente - REMA. Res. N° 22/94, art. 1ro

31 Res. N° 22/94, art. 2do

32 REMA. Acta N° I/93, June 29/30 1993, Uruguay

33 REMA II, Acta II/94, April 1994, Argentina

34 *Id.*

35 REMA III, Acta N° III/94, June 1994, Brasil

36 REMA III, Acta N° III/94, Annex IV, Recomendacion N° 10/94 de la REMA, June 1994, Brasil

37 *Id.*

38 *Id.*, art. 1

39 *Id.*, art. 8

40 *Id.*, art. 2

41 *Id.*, art. 9

42 *Id.*, art. 10

43 *Id.*, art. 3

44 *Id.*, art. 4

45 *Id.*, art. 6

46 REMA Acta N° 6/95, e, (h) Uruguayan representative position

47 SGT N° 6, Acta N° 6/1995, Buenos Aires, August 1995

48 *Id.*

49 Pedro Tarak, *supra* note 17.

50 CMG Res. n° 40/93

51 CMG Res. n° 46/93

52 CMG Res. n° 23/94

53 CMG Res. n° 21/93

54 CMG Res. n° 19/94

55 CMG Res. n° 85/94

56 GMC/Res. n° 84/94

57 GMC/Res. n° 86/94

58 CMG Res. n° 53/95

59 *Id.*

60 CMG Res. n° 10/94

61 CMC Dec. n° 2/94