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**Council for Trade in Goods
Committee on Rules of Origin**

**REPORT ON THE CURRENT FUNCTIONING OF THE
COMMITTEE ON RULES OF ORIGIN**

REPORT OF THE CHAIRPERSON

The following report is being submitted by the Chairperson of the Committee on Rules of Origin, Mrs Laura GAUER, under her own responsibility and at the request of the Chairperson of the Council for Trade in Goods¹. The report was prepared with the assistance of the Secretariat.

1 PAST EFFORTS TO IMPROVE THE WORK OF THE COMMITTEE

1.1 The Committee on Rules of Origin (CRO, or the Committee) has regularly engaged in initiatives aimed at improving different aspects of its work and to adapt to new circumstances. As a result of these discussions, the following initiatives were introduced:

1. "Educational exercise" on non-preferential rules of origin: following the stalemate in the Work Programme for the Harmonization of non-preferential rules of origin, several Members proposed to use the resources of the Committee in a relevant and more productive manner. One of the suggestions made was to engage in an "educational exercise" to learn more about current practices related to non-preferential origin, to better understand the design, coverage and effect of existing rules, and their impact on international trade. As a result, several information sessions have been organized since 2014. During these sessions, speakers from Members, the Secretariat, other international organizations and the private sector shared their experiences in relation to different aspects of non-preferential origin requirements (see for, for instance, (G/RO/M/63, paragraphs 2.1-2.6; G/RO/M/64; G/RO/M/65; G/RO/M/66; G/RO/W/162; G/RO/W/167; G/RO/M/68; G/RO/M/70 and G/RO/M/71).
2. Use of an official WTO language for notifications: at the first CRO meeting in 1995, Members agreed that, if a notification were to be made containing rules of origin in a language other than one of the WTO working languages, such notification should be accompanied by a summary in one of the WTO working languages (Decision G/RO/1).
3. Notification of preferential rules of origin adopted in the context of regional trade agreements: rules of origin applied in the context of reciprocal trade preferences must be notified to the Committee on Regional Trade Agreements (CRTA) or to the Committee on Trade and Development (CTD). In addition, they must also be notified to the CRO according to Annex II paragraph 4 of the Agreement on Rules of Origin. In order to avoid a duplication of notifications, in 2012, the CRO agreed that one notification to either of these bodies would be sufficient to discharge Members' notification obligations under the Agreement on Rules of Origin ([G/RO/M/59](#)). As a result, the Secretariat coordinates internally to make sure that notifications made to one body are also shared with the other relevant bodies. Notifications using the G/RO/N document series clearly cross-reference the original notification (e.g., WT/REG#/#/N document series).
4. Decisions on preferential rules of origin for LDCs: in 2013 (WT/L/917) and in 2015 (WT/L/917/Add.1), Members adopted two Ministerial Decisions aimed at ensuring that the rules of origin used in the context of non-preferential rules of origin for LDCs are simple and transparent. The Bali Ministerial Decision (2013) establishes the first set of multilateral guidelines for rules of origin that WTO preference-granting members apply to their

¹ JOB/CTG/18.

non-reciprocal preference schemes for LDCs. The guidelines are intended to make it easier for LDC exporters to qualify for preferences and therefore better utilize market access opportunities that are available to them. The Nairobi Ministerial Decision (2015) further elaborates on the 2013 Decision by providing more detailed directions on specific issues which would facilitate LDCs' exports of goods to both developed and developing countries under unilateral preferential trade arrangements. In a Decision taken by the CRO in April 2022 Members further underscored their commitment to identifying and addressing as appropriate specific challenges that LDCs face in complying with preferential rules of origin and origin requirements to effectively use trade preferences (G/RO/95).

5. Template for the notification of preferential rules of origin applied in the context of non-reciprocal trade arrangements for LDCs: in March 2017, the CRO adopted a Decision containing a template for the notification of preferential rules of origin for LDCs (G/RO/84). Since then, these notifications are submitted under document symbol "G/RO/LDC/N". In addition, the Secretariat prepares a summary yearly with an overview of all notifications received and outstanding (G/RO/W/167 series). This new template allowed for the standardization of the information received and therefore facilitated a categorization and examination of current practices.
6. Webinars on rules of origin and preference utilization: Since the adoption of the 2013 and 2015 Ministerial Decisions on preferential rules of origin for LDCs, the Secretariat has been asked to calculate the rates of utilization of trade preferences available to LDCs. These calculations can help better understand the linkages between rules of origin and origin requirements and the utilization of trade preferences. Several background notes were prepared by the Secretariat (see, for instance, G/RO/W/168/Rev.1; G/RO/W/179; G/RO/W/185; G/RO/W/187/Rev.1; G/RO/W/203; G/RO/W/204 and G/RO/W/212). The result of this work is regularly presented to Members during the Committee's formal meetings. In addition, some events have also been organized on this topic, offering Members an opportunity to share their own experiences monitoring the utilization of their preferential trade agreements (see, for instance, the webinars of [May 2021](#) and [April 2022](#)). Discussions during formal meetings of the CRO were attended by Members and observers only. However, side events were open to the public and very well attended (over 300 participants joined the webinar in 2021 and 200 participants joined the webinar in 2022).

2 CURRENT STATUS OF COMMITTEE PRACTICES

2.1 Assistance to delegates

2.1 There is no annual or periodic training programme for Geneva-based delegates concerning the work of the CRO or the Agreement on Rules of Origin. However, the Secretariat has sporadically delivered presentations with an overview of the work of the Committee in the past years. These sessions were organized either at the request of some delegations or at the initiative of the Chairperson. Some took place during meetings of the Committee; others were organized as side events. They proved useful for newly posted delegates in Geneva, but also capital-based officials. The last such session was held in [October 2022](#).

2.2 In addition, the Secretariat often provides assistance to delegations upon request (via email, in person or, increasingly, by virtual meetings). Such requests concern specific points (like the preparation of notifications or questions concerning the ongoing work of the CRO) or may concern the use of rules of origin in general (questions on legislation, Members' practices, etc.).

2.3 At the request of Members, the Secretariat also organizes national technical assistance and capacity building activities. These activities are financed through the WTO technical assistance funds. In some cases, the Secretariat has partnered with the World Customs Organization for the delivery of activities.

2.2 Organization of Committee work

2.2.1 Digital tools used for Committee work

2.4 The CRO makes use of the WTO-wide digital tools, such as [e-registration](#) and the "[e-subscription](#)" option in [Documents Online](#). E-registration allows Members to indicate their contact information as well as the different Committees that are covered by each delegate. The Secretariat relies on the information provided in this system to identify delegates covering the Committee and to e-mail communications and other documents, as necessary. The E-subscription function in Documents Online allows delegates to indicate the Committees and other bodies that they follow and to receive daily alerts by e-mail every time that a new document is issued, including those by the CTG.

2.5 The CRO does not maintain a formal contact list of delegates following the Committee. Rather, it relies on the WTO [e-registration](#) system to contact delegations and send communications by email. Emails are usually sent from the WTO address "Email-MarketAccess, WTO (email-marketaccess@wto.org)".

2.6 There have not been any requests for the introduction of new digital tools, such as an eAgenda platform or an online platform for the submission of notifications. However, the Secretariat implemented the following two initiatives:

1. [Easier access to notifications of non-preferential rules of origin](#): notifications received by the WTO Secretariat regarding Members' non-preferential rules of origin were made directly accessible via the revised [rules of origin page](#) of the WTO website. For non-preferential rules of origin, a scroll-down menu allows users to quickly check which WTO members apply or do not apply non-preferential rules of origin and, in the case of the former, to access details on their relevant rules. Previously, these notifications were only accessible via Documents Online or by request (in the case of annexes).
2. [Online database of rules of origin and origin requirements](#): the "[Origin Facilitator](#)" is an initiative of the WTO, the International Trade Centre and the World Customs Organization. It was [launched](#) in 2019 and provides firms with free access to a unique searchable database on MFN duty rates, preferential rates and the corresponding rules of origin. Users can search the tool by product name or product code, and access original documentation, including certificates of origin. The information concerning rules of origin and origin requirements (e.g., certification) is based on notifications made to the WTO and on the text of agreements officially published. In addition to the actual rules of origin, the Facilitator also contains a [glossary of terms](#) related to rules of origin and some capacity-building materials.

2.2.2 Planning and organization of meetings

2.7 The Committee generally holds two formal meetings a year. To the extent possible, these formal meetings are organized in coordination with the meetings of other subsidiary bodies of the Council for Trade in Goods.

2.8 At each formal meeting of the Committee, the Chairperson informs Members about the dates of the next two formal meetings of the Committee.

2.9 There is currently no process to plan the issues to be discussed each year by the Committee, and the issues are defined individually by Members for each of the meetings.

2.10 In addition, the Secretariat (and, occasionally, the Chairperson of the CRO) also attends and delivers a report to the annual meeting of the Technical Committee on Rules of Origin of the World Customs Organization (in Brussels). The Technical Committee was established by Article 4.2 and Annex I of the Agreement on Rules of Origin.

2.2.3 Formal meetings

2.2.3.1 Communication before meetings

2.11 The Chairperson reminds Members of the dates of the upcoming meetings at the end of each meeting. More recently, the Chairperson has been sending Members a reminder about the next meeting dates, a draft agenda, and the dates by which additional items may be sent before the final version of the agenda is circulated. Usually, this reminder is sent about 20 days before the date of the Committee meeting. Communications are sent to delegations by email.

2.12 Recently, this has been complemented by a communication by the Chairperson annotating selected agenda items to guide Members in their preparations.

2.2.3.2 Number of meetings

2.13 Table 1 below describes the number of formal and informal meetings of the CRO since 2019.

Table 1: Overview of formal and informal meetings

Year	Formal meeting (number and duration)	Informal meetings (number and duration)	Other (e.g. workshops, symposia, etc.)
2019	15-16 May (1.5 days) 17-18 October (1.5 days)	4 (0.5 day each)	2 (1. Launch of the WTO-ITC-WCO Origin Facilitator 2. Presentation of UNCTAD's 2019 Economic Development report in Africa)
2020	5-6 March (1.5 days) 14 October (1 day)	1 (0.5 day)	1 (25th anniversary of the WTO Agreement on Rules of Origin)
2021	20 May (1 day) 25 October (1 day)	-	1 (1. - Webinar on What drives the utilization of trade preferences)
2022	7 April (1 day) 13 October (1 day)	1 (0.5 day)	2 (1. - Webinar on What drives the utilization of trade preferences 2. Background to the Harmonization Work Programme)

2.2.3.3 Preparation of Airgrams and Agendas

2.14 In 2021 and 2022, with a view to give Members an advance notice on the preliminary agenda for an upcoming formal meeting, as well as the practice followed by other Committees, the Secretariat began circulating a draft version of the Airgram in two steps:

- First, the Secretariat sends a draft agenda to Members by e-mail which is circulated by approximately 20 days before the date of the meeting (no official document symbol). This draft agenda includes the standing agenda items and all other known information as of that date of circulation, and indicates the date in which the agenda will close as well as any other specific issues to consider for the preparation of the meeting;
- Second, once Members have submitted their documents and requested the inclusion of agenda items, a final version of the agenda (Airgram) is issued as an official document. The last version of the Airgram is circulated at least ten days before the date of the meeting (WTO/AIR/RO series).

2.15 The agenda of the CRO is composed of a number of regular items and other items proposed by Members or Observers. Regular items include the election of a Chairperson, the adoption of annual

reports to the Council for Trade in Goods and the General Council, an annual report of activities of the Technical Committee on rules of Origin by a representative of the World Customs Organization (among others).

Table 2: Preparation of Airgrams and Agendas

Year	Date of formal meeting	Date of circulation of Airgram	No. of days before the meeting
2019	15-16 May	3 May (Airgram)	12 days
	17-18 October	7 October (Airgram)	10 days
2020	5-6 March	21 February (Airgram)	13 days
	14 October	30 October (Airgram)	14 days
2021	20 May	7 May (Airgram)	13 days
	25 October	4 October (Airgram)	10 days
2022	7 April	25 March (Airgram)	13 days
	13 October	30 September (Airgram)	14 days

2.2.3.4 Distribution of documents prior to meetings

2.16 The distribution of formal documents, notifications, and any other submissions are circulated in the order in which they are received by the Secretariat and the WTO Central Registry of Notifications (CRN), following verification by the Secretariat.

2.17 All documents relevant to a meeting are added to the "Documents for Meetings" in the WTO webpage (i.e., under the link for the meeting in the calendar), which is sourced from Documents Online (i.e., under "Documents for Meetings", topic: Rules of Origin). Presentations or other documents received in advance are circulated as room documents under the RD/RO or JOB/RO document series. Delegates subscribed to the Committee under the "e-subscriptions" option of Documents Online are alerted via e-mail daily on all new relevant documents issued.

2.2.3.5 Communication after meetings

2.18 The Chairperson does not normally send a follow-up communication after the formal meetings. The only exception is if a report needs to be revised or updated by the Secretariat and is then circulated for approval through written procedures (for instance, annual reports to the Council for Trade in Goods or to the General Council).

2.19 A news item for each formal meeting is prepared by external relations, which provides a list of key issues discussed and is posted on the WTO website.

2.2.3.6 Preparation of the minutes

2.20 The Secretariat prepares minutes after every formal meeting, which capture for the record all information – reports by the Chairperson, Members' statements, and reactions to these statements – shared at the formal meeting. These minutes are a summary of the discussions and not an almost verbatim transcription. A complete draft of the minutes is not shared with delegations for comments and validation.

2.21 The average lapse for the preparation of the minutes in the past few years has been 73 days with a noticeable reduction of that period in the past two years. Table 3 summarizes information in relation to the preparation and circulation of these minutes.

2.22 No minutes are prepared for informal meetings. Occasionally, however, a summary has been prepared for such meetings.

2.23 The minutes of the CRO are prepared as follows:

- At its outset and during the course of a meeting, delegates are encouraged to submit their full written statements. A list of speakers is drawn-up during the course of the meeting, and subsequently verified;
- A full verbatim transcript is prepared by the Secretariat;
- The verified list of speakers is inserted into an initial frame or template document;
- Written statements already received by the Secretariat, as well as the statements by the Chairperson, are inserted into this initial draft in the appropriate places. The Secretariat usually does not reach out to delegations who have not submitted their statements. The Secretariat also relies on the transcript of the meeting to complement the text;
- The minutes are drafted as a summary of the meeting and not as a verbatim transcription of statements made.
- The full draft, once completed, is never circulated among delegations for verification or validation.
- Once the draft includes all statements, the complete draft is edited and reviewed to correct factual errors, inconsistencies, and typos. The text is also formatted and checked for consistent WTO style and general readability. The minutes are then edited. Delays may occur due to limited editing capacity;
- The edited draft minutes are then reviewed again in their entirety. Once finalized and approved, the English version of the minutes is circulated to Members.
- The English language version is then translated into French and Spanish language versions, a process that can take several months depending on the workload of the translation team;
- In case of error, or upon request of a Member, a corrigendum may be circulated. As a result of the series of quality controls that have been put in place, this has happened only once over the past five years.

Table 3: Preparation of the Minutes

Year	Last date of the formal meeting	Date of circulation of the minutes	No. of pages	No. of days
2019	15-16 May 2019	2 September 2019	11	110
	17-18 October 2019	18 February 2020	18	124
2020	5 March 2020	20 May 2020	15	76
	13 November 2020	1 February 2021	19	80
2021	20 May 2021	5 July 2021	10	46
	14 October 2021	18 November 2021	7	35
2022	7 April 2022	18 May 2022	9	41
	13 October 2023	2 December 2022	10	50

2.24 Once the minutes are circulated, and pursuant to Paragraph 2(c) of the WTO's Procedures for Circulation and Derestriction of WTO Documents (WT/L/452), they remain restricted in documents online (DOL) for 45 days. The minutes become automatically derestricted 45 days after the date of circulation.

2.2.3.7 Informal meetings

2.25 Informal meetings are convened through a communication that is sent to the official e-mail addresses of all Members², as well as the delegates that have identified as covering the Committee in the e-registration system.

2.26 The convening email contains information on the meeting date, time, location, purpose, and the proposed agenda. The convening email has been sent on average three weeks in advance (Table 4).

2.27 During the harmonization Work Programme, there used to be frequent informal meetings of the CRO. Nowadays, informal meetings only take place sporadically.

Table 4: Convening of informal meetings

Year	Date of informal meeting	Date of communication convening the informal meeting	No. of days
2019	7 February	16 January (e-mail)	22 days
	13 March (0.5 days)	8 February (e-mail)	33 days
	15 May (0.5 days)	3 May (e-mail)	12 days
	13 December	3 December (e-mail)	10 days
2020	4 March (1 day)	24 February (e-mail)	9 days
2021	-	-	-
2022	2 December (0.5 days)	18 November (e-mail)	14 days

2.3 Substantive work

2.3.1 Thematic sessions

2.28 As noted above, the Committee has frequently organized thematic information sessions or webinars within its formal meetings. Such sessions have been frequently organized since 2014. Sometimes, they took place as part of formal CRO meeting. Sometimes they were organized as separate events. They were not referred as "dedicated sessions" but rather "information sessions". They have been organized back-to-back with formal meetings of the CRO and have consisted of separate events, mainly to allow for a larger participation of speakers and stakeholders (e.g., the private sector).

2.29 Some of the topics covered include the harmonization of non-preferential rules of origin; compliance with non-preferential rules of origin by the private sector; certification of origin; labelling and marks of origin; notification obligations; utilization of trade preferences, etc.

2.3.2 Specific trade concerns

2.30 Any Member may raise a specific trade concern in Committee meetings and there are some examples of trade concerns raised in the CRO. This has, however, not been a frequent practice.

2.3.3 Notifications and Transparency

2.31 The following WTO instruments require Members to notify their rules of origin:

² The list of official e-mail addresses is maintained by the Council and TNC Division.

Preferential rules of origin (reciprocal and non-reciprocal preferences)

- Paragraph 4 of Annex II of the Agreement on Rules of Origin requires Members to notify "promptly" "to the Secretariat" any preferential rules of origin. Notifications are circulated under the G/RO/N/ document series and are examined by the Committee on Rules of Origin (CRO);
- The 2013 (Bali) Ministerial Decision on Preferential Rules of Origin for LDCs (WT/L/917) and the 2015 (Nairobi) Decision (WT/L/917/Add.1) reiterate these obligations. In addition, the CRO agreed on a template to be used by all WTO preference-granting Members (G/RO/84) when notifying their preferential rules of origin. These notifications are circulated under the G/RO/LDC/N/ document series.

Preferential tariffs and preferential imports from LDCs (and under regional trade agreements)

2.32 In addition, to notifications on rules of origin, the two Ministerial Decisions require the Secretariat to calculate the rates of utilization of preferential trade arrangements. As a result, these Decisions also reiterate the obligation that Members have to notify their preferential tariffs and preferential imports at the tariff line level under the Transparency Mechanism for Preferential Trade Arrangements (WT/L/806 of 14 December 2010). In addition, a full analysis of preference utilization also requires Members to notify any preferential imports under reciprocal regional trade agreements in case they have concluded such agreements with any LDC.

Non-reciprocal rules of origin

- Paragraph 5 of the Agreement on Rules of Origin requires Members to provide to the Secretariat rules of origin, judicial decisions and administrative rulings of general application relating to rules of origin. Notifications are circulated under the G/RO/N/ document series and are reviewed by the Committee on Rules of Origin (CRO). Any modifications introduced to such rules must be published (not notified) at least 60 days before entering into force.

2.33 The WTO Handbook on Notifications contains a detailed explanation about how to prepare notifications related to rules of origin.

2.34 It should be noted, in addition, that the **WTO Trade Facilitation Agreement** also contains some transparency obligations related to rules of origin and origin requirements as follows:

- 1(1.1) Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them: (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
- 1(4) Each Member shall notify the Committee on Trade Facilitation established under paragraph 1.1 of Article 23 (referred to in this Agreement as the "Committee") of: (a) the official place(s) where the items in subparagraphs 1.1(a) to (j) have been published.

2.3.4 Reports by the Secretariat

2.35 The Secretariat prepares the following annual reports and documents for consideration at the CRO:

1. Annual report of the CRO to the General Council concerning the review of developments in preferential rules of origin for LDCs (a draft is prepared by the Secretariat before the meeting for discussion. If the report does not need to be complemented, it is adopted at the meeting. In case it needs to be updated, it is revised after the meeting, circulated and then adopted by Members through written procedures);
2. Annual report to the Council for Trade in Goods with an overview of the work of the CRO (a draft is prepared by the Secretariat before the meeting for discussion. If the report does not need to be complemented, it is adopted at the meeting. In case it needs to be updated, it is revised after the meeting, circulated and then adopted by Members through written procedures. It is then circulated under the G/L/ document series).

3. Status of notifications of preferential rules of origin for LDCs and preferential import data (G/RO/W/163 document series);
4. Annual review of the implementation of the Agreement on Rules of Origin (a draft is prepared by the Secretariat before the meeting for discussion. If the report does not need to be complemented, it is adopted at the meeting. In case it needs to be updated, it is revised after the meeting, circulated and then adopted by Members through written procedures).

2.3.5 Participation by external stakeholders

2.36 Government representatives of all WTO Members and Observers are also Members and Observers to the CRO. In addition, the following international organizations also have observer status at the Committee on Rules of Origin (CRO): ACP, EFTA, IADB, IMF, ITC, OECD, UNCTAD, WCO and World Bank. They are listed in the annual report reviewing the implementation of the Agreement (latest: document [G/RO/96](#)).

2.37 The Committee has occasionally interacted with other types of external stakeholders, including the academia, private sectors, etc. in the context of its information sessions or webinars.

2.3.6 Work with other Committees or WTO bodies

2.38 There are linkages between the work of the CRO and the work of other WTO bodies. In the past, the Committee has held a joint session with the Anti-Dumping Committee. More recently the collaboration with other bodies is mostly ensured by the Secretariat, for instance:

- 1) General Council: submission of an annual report (on recent developments related to preferential rules of origin for LDCs). It must be noted that there has also been an exchange of letters between the Chairperson of the CRO and the Chairperson of the General Council on issues concerning the work programme for the harmonization of non-preferential rules of origin (see, for instance, document [G/RO/W/152](#));
- 2) Council for Trade in Goods: submission of an annual report (on the work of the CRO);
- 3) General Council: submission of an annual report (on recent developments related to preferential rules of origin for LDCs)
- 4) Sub-Committee on Least Developed Countries: submission of an annual (oral) report (on recent developments related to preferential rules of origin for LDCs);
- 5) Committee on Trade and Development: coordination concerning notifications of preferential rules of origin and collaboration for the preparation of factual reports under the Transparency Mechanism;
- 6) Committee on Regional Trade Agreements: coordination concerning notifications of preferential rules of origin and occasional collaboration for the preparation of factual reports under the Transparency Mechanism.

2.3.7 Work with other Organizations

2.39 The CRO collaborates regularly with the Technical Committee on Rules of Origin of the World Customs Organization (TCRO). This usually takes the form of a report. However, there were also instances in which the CRO has sought expert opinions from the TCRO (for instance, concerning harmonized non-preferential rules of origin and, more recently, concerning the transposition of draft harmonized rules to more recent versions of the Harmonized System nomenclature).
