



2 December 2022

(22-8961)

Page: 1/7

**Council for Trade in Goods
Committee on Import Licensing**

**REPORT ON THE CURRENT FUNCTIONING OF THE
COMMITTEE ON IMPORT LICENSING**

REPORT OF THE CHAIRPERSON

The following report is being submitted by the Chairperson of the Committee on Import Licensing (CIL), Mr Jia Jie LOH, under his 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. In response to the request from the Chairperson of the General Council dated 26 February 2009, the Committee held informal meetings and consultations with Members and discussed ways and means to improve the timeliness and completeness of notifications and other information flows.² The following ideas were shared by Members: (i) develop electronic forms in user friendly formats that could simplify the preparation of notifications; and (ii) simplify procedures and develop clear guidelines as to the kind of information and details to be provided in the notifications.

1.2. In addition, these discussions were complemented by specific suggestions made by some Members on how to improve compliance with the notification obligations in the Agreement on Import Licensing Procedures (ILP). These suggestions included, *inter alia*:

- the possibility of requesting technical assistance (TA) from the Secretariat's and/or from other Members;
- undertaking a self-review of the notifications that had been already submitted with a view to improving them (e.g., updating the list of products, adjusting the version of the HS nomenclature and reflecting other changes that might have occurred);
- increasing coordination between the Trade Policy Review Division (TPRD) and the Secretariat staff responsible for the Committee on Import Licensing with a view to including in TPR reports elements such as: (a) identification as to whether or not the Member had submitted its import licensing notifications; (b) identification of the relevant legislation and rules on import licensing; (c) urging Members under review to provide pertinent import licensing materials and indicate if there were outstanding questions by other Members not yet responded to by the Member under review;
- making recourse to Article 5.5 of the Agreement and submitting counter notifications.

1.3. As a result of these informal meetings and consultations held in 2009-2010, the Committee approved the use by Members, on a voluntary basis, of two forms to comply with the requirements of Articles 1.4(a) and/or 8.2(b) and Article 5 of the Agreement on Import Licensing Procedures (ILP). These forms were circulated in document G/LIC/22.

1.4. In addition, the Committee took steps to improve coordination and collaboration with other WTO bodies, namely the Trade Policy Review Body (TPRB). Specifically, the Chairperson sent two letters to the Chairperson of the TPRB on 6 April and 18 May 2009 summarizing Members'

¹ See document JOB/CTG/18.

² The Chairperson of the General Council, Ambassador Mario Matus from Chile, requested all the Committees Chairs to consult with Members on ways to improve the timeliness and completeness of notifications and other information flows on trade measures falling within their respective areas of responsibility.

suggestions and discussions at the Committee.³ Further, at the request of the Chairperson, the Secretariat sent specific letters to each Member. These letters: (i) reminded Members of their transparency and notification obligations; (ii) provided the status of each Members' notifications obligations, highlighting the date of the last notification received, especially under Article 7.3 of the Agreement; (iii) shared samples of statements to be used in notifications in cases when no changes or only minor changes were introduced; and (iv) encouraged Members to consult with the Secretariat to assist them in preparing their notifications under Article 7.3 of the Agreement.

1.5. In 2016, the Committee started discussions on the most common issues encountered by Members in notification submissions. These discussions focused on, *inter alia*, low notification compliance rate, delays in submissions, overlapping notification requirements in different provisions of the Agreement, unclear terms, incomplete submissions and discrepancies between the information in the relevant TPR reports and Members' notifications to the Committee. Discussions were supported by background research, discussion papers, presentations and proposed notification template prepared by the Secretariat.⁴ As a result of these discussions, at the Committee's informal meeting of 8 March 2019, the Secretariat introduced a template notification form for Members to use, on a voluntary basis, when submitting their notifications on import licensing legislations/procedures and changes to these legislations/procedures. Since then, Members have predominantly used this template to notify their respective legislations/procedures and changes thereof. In 2020-2022, out of 22 Members that submitted their notifications, only one Member used the old format. The introduction of the new simplified form led to a significant and welcomed increase in the number of N/2 notifications received by the Committee.⁵

1.6. As a result of informal meetings and consultations conducted by the Chairperson in 2015-2016, the Committee agreed to establish an electronic database, which would be available for use by both government officials and the trading community and would allow the search of procedures and notifications. The new import licensing website/database (<https://importlicensing.wto.org/>) was introduced at the informal meeting of 9 July 2018 for Members to provide their feedback. It was subsequently officially launched at the formal meeting of 9 October 2020.

1.7. As part of the effort to expand the functions of the import licensing website/database, the Committee has been working on the development of an online notification form, which will allow Members to submit notifications of new and modified import licensing procedures via the import licensing website/database. At the Committee's formal meeting of 7 October 2021, Members agreed to proceed with the development of an online notification form, entirely based on the N/2 notification template contained in document G/LIC/28. The Secretariat is working in cooperation with the Information and Technology Solutions Division (ITSD) to ensure that this online notification tool is fully integrated into a WTO import licensing database. This project is under development.

1.8. Since 2017, the Committee has been holding import licensing and notifications workshops for capital-based officials on a yearly basis. The purpose of these workshops is to provide support to Members in complying with notification requirements under the Agreement. These workshops are generally held in September/October preceding the Committee's autumn meeting. The Committee is informed about the upcoming workshop during its April formal meeting. In 2017, 2018 and 2019 the workshop took place in person in Geneva. In 2020 the workshop was not held due to the Covid-19 pandemic. In 2021 and in 2022 the workshop took place in virtual mode via the Zoom platform. The workshop was conducted in English between 2017 and 2021. In 2022 it was conducted in English and in Spanish.

³ Minutes of the meetings, DG Memos, Chairperson's speaking notes (as located in MAD files for 2009-2011) contain no reference to response or follow-up communication from the Chairperson of the TPRB in response to these two letters sent by the Chairperson of the CIL.

⁴ WTO documents RD/LIC/6-10.

⁵ WTO document G/LIC/30.

2 CURRENT STATUS OF COMMITTEE PRACTICES

2.1 Assistance to delegates

2.1. The Secretariat regularly provides bilateral assistance (via email, in person or by virtual meetings) to Members on the improvement of the content and completeness of their notifications, particularly under Articles 5.1-5.4 and 7.3 of the Agreement.

2.2 Organization of Committee work

2.2.1 Digital tools used for Committee work

2.2. As of 7 September 2022, an eAgenda platform has become operational for the Committee. In July and August 2022, in preparation for its launch, the Secretariat developed and made available a pilot version of the eAgenda platform for testing by delegations. The Secretariat also prepared and sent to delegations explanatory guidelines in English, French and Spanish, and presented the eAgenda platform at the formal meeting of the Committee on 7 October 2022.

2.2.2 Planning and organization of meetings

2.3. The Committee generally holds two formal meetings a year.⁶ 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. At each formal meeting, the tentative date of the next formal meeting is announced to Members. This tentative date is published in the WTO website (under Meetings) and in the Import Licensing website/database. The eAgenda for a formal meeting opens one month prior to the meeting. An e-mail about the opening of the eAgenda is sent to all Members on the same day.

2.4. The Committee holds one or two informal meeting(s) a year. Based on Chairperson's consultations with Members, a communication about an upcoming informal meeting is sent by email to Members approximately two weeks prior to the meeting.

2.2.3 Formal meetings

2.2.3.1 Communication before meetings

2.5. Since the eAgenda platform has become operational for the Committee as of 7 September 2022, the Committee's current practice is to use the platform for the preparation of its meetings. The eAgenda opens one month before the Committee meeting. Documents (notifications and written questions and replies) received and circulated after the closure of the agenda of the previous formal meeting are inserted by the Secretariat in the eAgenda upon its opening, thus allowing Members to familiarize themselves with the upcoming items. Members may insert recurring and new specific trade concerns, as well as other items in the eAgenda from its opening (one month prior to the meeting) to its closure (same time as for the Airgram). From its opening and up to a week after the holding of the formal meeting, the eAgenda remains open for delegations to insert statements for delivery under the relevant agenda item at the meeting.

2.2.3.2 Number of meetings

2.6. Since 2019, seven formal and five informal meetings have taken place. In 2020, due to the COVID-19 pandemic, only one formal Committee meeting took place (Table 1).

⁶ Due to the COVID-19 pandemic, the Committee held only one formal meeting in 2020.

Table 1: Number of formal and informal meetings

Year	Formal meeting (number and duration)	Informal meetings (number and duration)	Other (e.g. workshops, symposia, etc.)
2019	4 April 2019 (0.5 days) 9 October 2019 (0.5 days)	8 March 2019 (0.5 days) 18 September 2019 (0.5 days)	30 September-3 October 2019, Workshop on Import Licensing and Notifications (in person)
2020	9 October 2020 (0.5 days)	29 January 2020 (0.5 days)	None
2021	21 April 2021 (1 day) 8 October 2021 (0.5 days)	20 September 2021 (0.5 days)	4-6 October 2021, Workshop on Import Licensing and Notifications (virtual)
2022	8 April 2022 (0.5 days) 7 October 2022 (0.5 days)	7 March 2022 (0.5 days)	27-29 September 2022, Workshop on Import Licensing and Notifications (virtual)

2.2.3.3 Preparation of Airgrams and Agendas

2.7. Until 2021, an Airgram containing agenda items for an upcoming formal meeting was circulated on average 11 days before the date of the meeting (Table 2). In 2021 and 2022, with a view to providing Members an advance notice on the preliminary agenda for an upcoming formal meeting, the Secretariat circulated a draft version of the Airgram approximately 25 to 30 days before the date of the meeting. The draft version of the Airgram contained a preliminary agenda with regular items on (i) notification compliance, (ii) written questions and replies, (iii) notifications, (iv) transparency, and (v) other business. A revised version of the Airgram, including all the agenda items for the meeting was then circulated at least 10 days before the date of the meeting. The revised version contained a final version of the agenda for the upcoming meeting. The Committee has been working with the standard "minimum 10 days before the meeting" (Rule of Procedure 2 of the General Council's Rule of Procedure).

2.8. For the 7 October 2022 meeting, the newly introduced eAgenda platform opened on 7 September - one month before the date of the meeting. With the introduction of the e-Agenda, the issuance of the draft Airgram, which served the same purpose of providing advance notice of the upcoming meeting to delegations, was discontinued. Pursuant to Rule of Procedure 2, the Airgram will continue to be circulated at least 10 days before the meeting.

2.9. The agenda of the Committee on Import Licensing is composed of a number of standing items, which include namely: (i) Members' compliance with notification obligations; (ii) Written questions and replies; (iii) Notifications; (iv) Improving transparency in notification procedures; (v) Date of the next meeting; and (vi) Other business. The order of these agenda items is fixed. Under written questions and replies and notifications, the order of documents to be reviewed at the meeting is determined alphabetically based on the Member submitting questions, replies to the questions or notifications. In addition, Members may request the inclusion of self-standing items regarding specific trade concerns. The order of items on specific trade concerns is determined alphabetically based on the Member against whom a trade concern is raised. Each specific trade concern is listed in the agenda as a separate item.

2.10. Additional agenda items are added depending on when the meeting is taking place. Specifically, agenda item "*Election of the Chairperson*" is added at the spring meeting, and agenda items "*Draft annual/biennial reports to the CTG*" is added at the autumn meeting. Every two years, at the autumn meeting of the Committee, the Secretariat inserts an item for the Committee to conduct its biennial review of the Agreement according to Article 7.1.

Table 2: Preparation of Airgrams and Agendas

Year	Date of formal meeting	Date of circulation of Airgram	No. of days before the meeting
2019	4 April 2019	25 March 2019 (Airgram)	10
	9 October 2019	24 September 2019 (Airgram)	15
2020	9 October 2020	28 September 2020 (Airgram)	11
2021	21 April 2021	26 March 2021 (Draft Airgram)	26
		9 April 2021 (Final Airgram)	12
	8 October 2021	16 September 2021 (Draft Airgram)	22
		28 September 2021 (Final Airgram)	10
2022	8 April 2022	9 March 2022 (Draft Airgram)	30
		29 March 2022 (Final Airgram)	10
	7 October 2022	7 September 2022 (E-Agenda opens)	30
		26 September 2022 (Final Airgram)	10

2.11. With respect to the distribution of formal documents, the circulation of notifications and written questions and replies is done on a rolling basis once they are sent to the Secretariat (with a copy to the WTO Central Registry of Notifications – CRN) and verified by the Secretariat. The circulation of draft annual and biennial reports is done immediately after the closure of the agenda to make sure that all the documents that were received on the date of the closure of the agenda are included in the draft reports. Members' submissions (notifications, written questions and replies) received after the closing of the agenda for the meeting are taken note of at the meeting. They are inserted in the agenda of the next meeting and reviewed at that meeting. Other working documents such as the consolidated paper of written questions and replies submitted to the CIL, are circulated immediately after the closure of the Airgram to reflect all documents submitted before the closure of the Airgram. There is no established practice with respect to the issuance of room documents, they may be issued before or after the meeting.

2.2.3.4 Preparation of the minutes

2.12. After a formal meeting, the Secretariat prepares the minutes of the meeting. The person in charge of editing the minutes of the Committee on Import Licensing is also in charge of editing the minutes of six other bodies, so delays may ensue from the priority given to finalizing other documents.

2.13. The minutes capture all information – reports by the Chairperson, Members' statements and reactions to these statements – shared at the formal meeting.

2.14. In the period 2019-2022, it took on average 90 days to circulate the minutes of the meeting, which on average had a length 20 pages (Table 3). However, since 2020 the time to prepare the minutes has been considerably reduced.

2.15. The minutes of a formal meeting of the Committee also contain information on informal meeting(s) held since the previous formal meeting. The Chairperson reads at the formal meeting, under her/his responsibility, a summary of the informal meeting, which is then incorporated in the minutes of the formal meeting.

Table 3: Preparation of the Minutes/Summary Reports

Year	Last date of the formal meeting	Date of circulation of the minutes	No. of pages	No. of days
2019	4 April 2019	21 August 2019	18	139
	4 October 2019	15 January 2020	14	103
2020	9 October 2020	18 December 2020	24	70
2021	21 April 2021	30 July 2021	24	100
	8 October 2021	26 November 2021	19	49
2022	8 April 2022	20 June 2022	20	73
	7 October 2022			

2.16. 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.

2.2.4 Informal meetings

2.17. Informal meetings are convened via an email communication sent to the official e-mail addresses of Members and Observers⁷, as well as to delegates' list of contacts retrieved from the e-registration system (using only the list of delegates signed up for the Committee on Import Licensing). The convening email contains information on the meeting date, time, location, purpose and the list of issues to be discussed. The convening email is generally sent 1.5 - 2 weeks in advance (Table 4).

2.18. Room documents are sent to delegations before or immediately after the meeting. These documents are also available through the DOL under the RD/LIC document series.

Table 4: Convening of informal meetings

Year	Date of informal meeting	Date of communication convening the informal meeting	No. of days
2019	8 March 2019	25 February 2019	11
	18 September 2019	25 July 2019	55
2020	29 January 2020	4 December 2019	56
2021	20 September 2021	6 September 2021	14
2022	7 March 2022	25 February 2022	10

2.3 Substantive work

2.3.1 Thematic sessions

2.19. The Committee has not conducted any thematic or experience-sharing sessions as of November 2022.

⁷ The list is maintained by the Council and Trade Negotiations Committee (CTNC).

2.3.2 Notifications

2.20. The Committee receives an important number of notifications on a yearly basis. In the 2020-2021 period the Committee received 154 notifications of new or modified import licensing procedures and 83 notifications of the annual import licensing questionnaire.⁸ Answers to the questionnaire are generally lengthy documents, where Members describe in detail their import licensing regime for each category of products to which they apply.

2.21. Information on notification compliance is regularly shared with Members at the formal meetings of the Committee under the agenda item "Members' compliance with notification obligations – developments since the last meeting".

2.22. In addition, Members have undertaken regular work on updating and improving notification forms (see above under Section 1).

2.3.3 Trade concerns

2.23. The Committee addresses an important number of new and recurring specific trade concerns at its formal meetings. The number of specific trade concerns raised before the Committee has grown steadily over the past 10 years. Around 10 specific trade concerns per meeting have been raised on average in the period 2019-2022 (Table 5).

Table 5: Number of trade concerns

Year	Formal meeting (date)	Number of trade concerns
2019	4 April 2019	7
	4 October 2019	9
2020	9 October 2020	9
2021	21 April 2021	13
	8 October 2021	11
2022	8 April 2022	9
	7 October 2022	8

2.3.4 Reports by the Secretariat

2.24. The Secretariat regularly prepares a draft annual report and a draft biennial review for discussion and adoption by the Committee. Since 2020, biennial reviews contain information on developments in Members' notification compliance.

2.3.5 Work with other Committees or WTO bodies

2.25. The Secretariat regularly cooperates with other WTO Committees and bodies. As noted above the Secretariat has cooperated with the TPRD Division with a view to including in TPR reports import licensing elements. More recently, on 27 October 2022, the Secretariat gave a presentation at an informal meeting of the Committee on Agriculture of notification requirements under the Agreement on Import Licensing Procedures, in the context of the Committee on Agriculture efforts at achieving enhanced synergy between notifications on TRQ administration under the Agreement on Agriculture and the Agreement on Import Licensing Procedures.

⁸ Fourteenth Biennial Review of the Implementation and Operation of the Agreement on Import Licensing Procedures, G/LIC/30 of 19 October 2022.