



1 November 2022

(22-8174)

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Original: English

REPORT (2022) OF THE COMMITTEE ON MARKET ACCESS TO THE COUNCIL FOR TRADE IN GOODS

1. Since the last review¹, the Committee on Market Access held two formal meetings (30-31 March and 18-19 October) and three informal meetings (1 February, 27 June, and 23 November). The minutes of the formal meetings are contained QR/in documents G/MA/M/76 and G/MA/M/77 (to be issued). In addition, the Committee organised a series of experience sharing sessions on trade in COVID-19 related goods, one workshop and two training sessions (see below).

2. At its formal meeting of 30-31 March, the Committee took note that the consultations in the Council for Trade in Goods concerning the Chairpersons of the subsidiary bodies remained ongoing and agreed that the Secretariat would send a written communication with the proposed candidate and set a deadline for objections. On 24 May, the Secretariat informed Members that Mr Kenya UEHARA (Japan) had been nominated, and on 30 May a second communication confirmed that he had been elected. At its meeting of 18-19 October, the Committee took note that, in light of the statement made by one delegation, the Chairperson would continue consultations on the appointment of a vice-chairperson and would update the Committee as appropriate.

HS RELATED WAIVERS

3. At its formal meeting of 18-19 October, the Committee approved the extension of the HS2002 "collective" waiver (G/C/W/815), the HS2007 "collective" waiver (G/C/W/816), the HS2012 "collective" waiver (G/C/W/817), and the HS2017 "collective" waiver (G/C/W/818). The Committee also approved the waiver decision on the introduction of Harmonized System 2022 changes into WTO Schedules of Concessions (HS2022 "collective" waiver, G/C/W/180/Rev.2 to be issued). The Committee agreed to forward the draft waiver decisions to the General Council, through the Council for Trade in Goods, for appropriate action.

INTRODUCTION OF HARMONIZED SYSTEM CHANGES TO SCHEDULES OF CONCESSIONS

4. At its formal meetings, the Committee took note of a revised report by the Secretariat (G/MA/W/158/Rev.4 and G/MA/W/158/Rev.5) with a broad overview of all HS transposition exercises.

Introduction of Harmonized System 1996 (HS1996) changes to Schedules of concessions

5. At its meetings in 2022, the Committee took note of the status of work concerning the introduction of HS96 changes to Schedules of concessions. The Chairperson informed that the Schedules of concessions of all the 64 Members that were listed in the Annex of the Decision of 27 May 2009 (WT/L/756) had been successfully transposed into HS96 and certified. Technical work under the previous transposition procedures (GATT document L/6905) remained pending for one Member.

Introduction of Harmonized System 2002 (HS2002) Changes to Schedules of concessions

6. At its meetings in 2022, the Committee took note of the status of work concerning the introduction of HS2002 changes to Schedules of concessions using the CTS database (WT/L/605 and WT/L/807), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2002 changes of Members had been examined. At the formal

¹ G/L/1407, dated 18 October 2021.

meeting of 18-19 October, the Chairperson announced that 116 Schedules of concessions had been transposed into HS2002 and circulated for certification. Technical work remained pending for one Member.

Introduction of Harmonized System 2007 (HS2007) changes to Schedules of concessions

7. At its meetings in 2022, the Committee took note of the status of work concerning the introduction of HS2007 changes to Schedules of concessions using the CTS database (WT/L/673 and WT/L/830), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2007 changes of Members had been examined. At the formal meeting of 18-19 October, the Chairperson announced that 112 Schedules of concessions had been transposed into HS2007 and circulated for certification.

Introduction of Harmonized System 2012 (HS2012) changes to Schedules of concessions

8. At its meetings in 2022, the Committee took note of the status of work concerning the introduction of HS2012 changes to Schedules of concessions using the CTS database (WT/L/831), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2012 changes of Members had been examined. At the formal meeting of 18-19 October, the Chairperson announced that 103 Schedules of concessions had been transposed into HS2012 and circulated for certification.

Introduction of Harmonized System 2017 (HS2017) changes to Schedules of concessions

9. At its meetings in 2022, the Committee took note of the status of work concerning the introduction of HS2017 changes to Schedules of concessions using the CTS database (WT/L/995), as well as the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2017 changes of Members had been examined. At the formal meeting of 18-19 October, the Chairperson announced that 76 Schedules of concessions had been transposed into HS2017 and circulated for certification.

DECISION ON NOTIFICATION PROCEDURES FOR QUANTITATIVE RESTRICTIONS ("QR DECISION")

10. At its meetings in 2022, the Committee examined quantitative restrictions (QR) notifications which had been submitted by 27 Members: Albania; Argentina; Australia; Cambodia; Canada; China; Colombia; European Union; Hong Kong, China; India; Israel; Kazakhstan; Republic of Korea; Kyrgyz Republic; Liechtenstein; Macao, China; Mali; Mauritius; Moldova; Nepal; Russian Federation; Chinese Taipei; Thailand; Türkiye; Ukraine; United Kingdom; and the United States. Many of these notifications related to prohibitions or restrictions due to the COVID-19 pandemic (see paragraph 17 below), while others were complete notifications of all QRs in force for the biennial periods 2020-2022 and 2022-2024. The Committee also took note of the Secretariat's factual analysis of all notified QRs (G/MA/W/114/Rev.4) that were recorded in the QR database² and of the report with the status of QR notifications (G/MA/QR/12 and revision 1).

DATABASES

11. At its formal meetings in 2022, the Secretariat reported on the status of work concerning the Integrated Data Base (IDB) and the Consolidated Tariff Schedules (CTS) database. The reports provided information on *inter alia* the use of information in the databases, the status of software development and technical assistance. Mauritius informed the Committee about the conclusion of a bilateral agreement with the Secretariat for the automatic transmission of data to the IDB pursuant to paragraph 8 of the IDB Decision (G/MA/367). The Committee also took note of the documents which reflected the status of submissions to the IDB (G/MA/IDB/2/Rev.55, and G/MA/IDB/2/Rev.56).

12. At its meetings of 2022, the Committee took note of a report prepared by the Secretariat pursuant to paragraph 16 of the IDB Decision, which requires the Secretariat to maintain a list of Members' official websites in which tariff information or import data are publicly available

² <https://qr.wto.org/>

(G/MA/IDB/W/13/Rev.6 and G/MA/IDB/W/13/Rev.7). The information contained in this document was made available on the WTO website.³

DERESTRICTION OF THE URUGUAY ROUND NEGOTIATING MATERIALS

13. At its meeting of 18-19 October, the Committee adopted the decision on the derestriction of the Uruguay Round negotiating materials (G/MA/W/177/Rev.2, to be issued) and agreed to forward it to the General Council, through the Council for Trade in Goods, for appropriate action.

COMMITTEE WORK ON TRADE IN COVID-19 RELATED GOODS

14. In 2022, the Committee agreed to organize a series of experience sharing sessions on trade in COVID-19 related goods. The sessions took place on 4 March, 26 April, 18 July and 16 September 2022 and covered the following topics as identified by Members: i) definition of COVID-19 essential goods and their classification in the HS and in the national tariff nomenclature; ii) monitoring and measuring trade in COVID-19 essential goods; iii) measures adopted by Members to ease trade in these goods; and iv) export restrictions. The summary reports of each session were circulated under the document series JOB/MA/152. The Committee is expected to hold a fifth session on 21 November 2022 focussing on the lessons learned under these topics.

15. On 16 May 2022, the Secretariat administered a survey with the objective to gather information from Members on their domestic experiences with respect to the identification of COVID-19 essential goods, their classification, and monitoring of trade flows. The preliminary results of the survey were presented by the Secretariat at the experience sharing session of 16 September. On 30 May 2022, the Chairperson, on behalf of the Committee, sent a written communication to the WCO Harmonized System Committee (G/MA/406) explaining some of the issues faced by Members with respect to the HS classification of COVID-19 essential goods.

16. At the meeting of 30-31 March, the Committee took note of a statement by a representative of the World Customs Organization (WCO) on the Harmonized System and some of the main difficulties relating to its use, particularly during the COVID-19 pandemic. At the meeting of 18-19 October, the WCO representative and the Chairperson of the WCO Harmonized System Committee reported on the discussions and outcomes of the 70th session of the Harmonized System Committee in relation to the CMA communication (G/MA/406).

17. At its formal meetings in 2022, the Committee took note of an updated report by the Secretariat summarising export restrictions and trade facilitating measures relating to the COVID-19 Pandemic (G/MA/W/168/Rev.2 and G/MA/W/168/Rev.3). In addition, the Committee took note of a document listing all notifications which had been submitted by Members to the Committee on Market Access relating to COVID-19 (G/MA/W/157/Rev.4 and G/MA/W/157/Rev.5), as well as of communications by three Members: Uruguay (G/MA/W/173); United Kingdom (G/MA/W/175); and Canada (G/MA/W/178 and G/MA/W/179).

OTHER ACTIVITIES

18. At its meeting of 30-31 March, the Committee took note of the Secretariat document entitled "Situation of Schedules of WTO Members" (G/MA/W/23/Rev.18), which lists all legal instruments relating to each Member's Schedule of concessions. It also took note of the Secretariat document entitled "Factual Report on the Status of Renegotiations under Article XXVIII of the GATT 1994" (G/MA/W/123/Rev.9).

19. On 1 February 2022, the Secretariat presented a new version of the Trade Concerns Database⁴ which included the concerns raised in the Committee on Market Access. For its formal meetings in 2022, the Committee continued to use the eAgenda⁵ for inclusion of agenda items and statements by Members on a voluntary basis.

³ https://www.wto.org/english/tratop_e/markacc_e/tariffandimpofwebsites_e.htm

⁴ <https://tradeconcerns.wto.org/en>

⁵ <https://agenda.wto.org/en/cma>

20. On 6 July 2022, the Secretariat organized the first training for Geneva-based delegates on technical topics covered by the Committee on Market Access. On 19 September 2022, the Secretariat organized a second training for delegates on the Harmonized System.

21. On 17 October 2022, the Committee organized a joint workshop with the WCO on the changes to the Harmonized System and the transposition of WTO Schedules of Concessions.⁶

TRADE CONCERNS

22. At its formal meetings in 2022, the Committee took note of the following trade concerns:

Measure (implemented by)	Member(s) raising the concern ⁷
1. Angola – Import restriction practices	European Union, United States
2. Australia, Canada, European Union, Japan, New Zealand, Switzerland, United Kingdom, and the United States – Unilateral trade restrictive measures against Russia	Russian Federation
3. Australia - Investigation and review of anti-dumping duties on A4 copy paper	Indonesia
4. Australia - Discriminatory market access prohibition on 5G equipment	China
5. Canada – Restrictions on the commercial importation of cannabis and cannabis products for medical use	Colombia
6. Canada – Discriminatory market access prohibition on 5G equipment	China
7. China – Trade disruptive and restrictive measures	Australia
8. China – Draft of Chinese recommended national standard (GB/T) for office devices (Information Security Technology-Security Specification for Office Devices)	Japan
9. China – Draft revision of Chinese Government procurement law	Japan
10. Dominican Republic – Discriminatory taxation on some food imported products	European Union
11. Egypt – Mandatory use of a letter of credit as prior condition for imports	European Union, Norway
12. European Union - Carbon Border Adjustment Mechanism (the European Green Deal of December 2019)	Russian Federation
13. European Union – Proposal for a regulation on deforestation-free products	Russian Federation
14. European Union - Carbon Border Adjustment Mechanism	China
15. European Union - European Green Deal (EGD): Carbon Border Adjustment Mechanism (CBAM) and Deforestation Free Commodities (DFC)	Indonesia
16. European Union - MRL reduction of certain substances to meet environmental objectives in third countries	Paraguay
17. Kingdom of Saudi Arabia, Kingdom of Bahrain, United Arab Emirates, State of Kuwait, Oman, and Qatar - Selective tax on certain imported products	European Union, Switzerland, United States
18. India – Import policies on tyres	European Union, Indonesia, Chinese Taipei, Thailand
19. India – Import restriction on air conditioners	Japan, Thailand
20. India - Plain Copier Paper Quality Order 2020	Indonesia

⁶ [WTO | WCO-WTO workshop on changes to the Harmonized System and the transposition of WTO Schedules of Concessions](#)

⁷ The column lists the Member(s) that raised the issue in any or all the formal meetings that are covered by this report.

Measure (implemented by)	Member(s) raising the concern⁷
21. India – Quantitative restrictions on imports of certain pulses	Australia, Canada, European Union, United States
22. India - Basic customs duty (BCD) on solar photovoltaic cells and modules	China
23. India – Approved List of Models and Manufacturers (ALMM) of solar photovoltaic modules	China
24. Indonesia - Import substitution programme	European Union
25. Indonesia – Customs duties on certain telecommunication products	European Union, United States
26. Mexico – Import quota on glyphosate	United States
27. Nepal - Import ban on energy drinks	Thailand
28. Peru – Tax treatment of Pisco	United Kingdom
29. Philippines - Special Safeguard on instant coffee	Indonesia
30. Sri Lanka – Import ban on various products	Australia, European Union, Thailand
31. Sri Lanka – Import ban on palm oil	Indonesia
32. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu - Discriminatory tariffs favouring champagne over other sparkling wine	Australia
33. United States – Discriminatory quantitative restriction on steel and/or aluminium imports	China
34. United States - Section 301 tariffs on certain goods from China	China
35. United States – Quantitative restrictions on imports of sturgeon	European Union
36. United States – Trade distortive export control measures on semiconductor equipment and the global supply chain ⁸	China
37. Viet Nam - Anti-circumvention duty on sugar	Indonesia

⁸ Raised by China under other business at the formal meeting on 18-19 October.