



19 October 2016

(16-5672)

Page: 1/6

REPORT (2016) OF THE COMMITTEE ON TRADE-RELATED INVESTMENT MEASURES

(ADOPTED 17 OCTOBER 2016)

1 GENERAL

1.1. This report is submitted pursuant to Article 7.3 of the Agreement on Trade-Related Investment Measures ("TRIMs Agreement"), which requires the Committee on Trade-Related Investment Measures (the "Committee") to report annually to the Council for Trade in Goods. The Report covers the period 6 October 2015 – 17 October 2016.

1.2. The Committee met formally on 13 June and 17 October 2016 under the Chairpersonship of Ms Marine Willemetz (Switzerland).¹ The minutes of these meetings may be found in documents G/TRIMS/M/40 and G/TRIMS/M/41, respectively. Both meetings were open to all Members, governments with observer status in the WTO and international intergovernmental organizations to which the Committee has accorded regular observer status (IMF, OECD, UN, UNCTAD and World Bank). Decisions on requests for observer status made by several other international organizations are pending.

2 NOTIFICATIONS

2.1. Pursuant to Article 5.1 of the TRIMs Agreement, Members were required to notify any trade-related investment measure ("TRIM") inconsistent with the Agreement within 90 days after the entry into force of the WTO Agreement. Article 5.2 allows for transition periods for the elimination of measures notified under Article 5.1 and which were in existence at least 180 days preceding the entry into force of the WTO Agreement. Pursuant to a decision of the General Council in April 1995, governments eligible to become original WTO Members that accepted the WTO Agreement after 1 January 1995 had 90 days after the date of their acceptance of the WTO Agreement to make the notifications foreseen in Article 5.1, with the period for the elimination of TRIMs notified under Article 5.1 governed by reference to the date of entry into force of the WTO Agreement.² Annex 1 lists all notifications of measures under Article 5.1. In the case of some Members, notifications have been submitted later than the 90-day period foreseen. Some Members have notified that they do not apply any TRIM inconsistent with the Agreement. Annex 2 lists all Members that have made such notifications.

2.2. Article 6.2 provides for notification of publications in which information on TRIMs can be found. Annex 3 lists the Members that have submitted such notifications. Since the last report, notifications were received from Kazakhstan and Seychelles. As agreed by the Committee at its meeting on 20 May 2009, the Secretariat has circulated a reminder³ containing guidance regarding the requirements of Article 6.2 and its related decision. The reminder also requests all Members that have never notified such publications to do so without delay and that all Members that previously notified to update their notifications, if appropriate, without delay. The latest updated list of notifications has been circulated in document G/TRIMS/N/2/Rev.26.

¹ Ms. Willemetz served as Chair at the 13 June 2016 meeting because her predecessor, Mr. Al-Qatarneh (Jordan) had left Geneva.

² WT/L/64.

³ The reminder for 2016 was circulated in document G/TRIMS/W/165.

3 COMMUNICATIONS BY MEMBERS AND RELATED DISCUSSIONS

3.1. Three issues were raised for the first time during this reporting period, while discussions also continued on five issues previously raised in the Committee.

3.2. The three new issues considered by the Committee for the first time during this reporting period were: (i) Argentina – Act 27,263 on the development and strengthening regime of the Argentine autopartism (item requested by Mexico); (ii) China – provisions on insurance system automatization (item requested by the United States);⁴ and (iii) Russian Federation – measures implementing Russia's import substitution policy (item requested by the European Union and the United States).⁵

3.3. In addition, the Committee, per requests from delegations, continued consideration of five issues that had first been discussed in previous reporting periods. These issues were: (i) Indonesia – local content requirements for 4G LTE mobile devices (item requested by Canada, the European Union, Japan, Chinese Taipei and the United States);⁶ (ii) Indonesia – Minimum local product requirement for modern retail sector (item requested by the European Union, Japan and the United States);⁷ (iii) Indonesia – Newly adopted Industry Law and Trade law (item requested by the European Union, Japan and the United States);⁸ (iv) Indonesia – Certain local content provisions in the energy sector (mining, oil and gas)(item requested by Canada, the European Union, Japan and the United States);⁹ (v) Indonesia – Certain measures addressing local content in investment in the telecommunications sector (item requested by Japan and the United States).¹⁰

3.4. The Chair indicated that, in light of paragraph 29 of the Nairobi Ministerial Declaration, she intended to hold consultations to seek Members' views on whether there were ways to improve the operation of the Committee.

4 ELECTION OF OFFICERS

At its meeting of 13 June 2016, the Committee elected Ms Marine Willemetz (Switzerland) as Chair and Mr. Muhammed de Gama (South Africa) as Vice-Chair for the period 2016-2017.

⁴ G/TRIMS/Q/CHN/1.

⁵ G/TRIMS/Q/RUS/4, G/TRIMS/RUS/5.

⁶ G/TRIMS/W/148, G/TRIMS/W/162.

⁷ G/TRIMS/W/139, G/TRIMS/W/141, G/TRIMS/W/159, G/TRIMS/W/161.

⁸ G/TRIMS/W/138, G/TRIMS/W/140, G/TRIMS/W/157 , G/TRIMS/W/158.

⁹ G/TRIMS/W/70, G/TRIMS/W/74, G/TRIMS/W/79, G/TRIMS/W/88, G/TRIMS/W/100, G/TRIMS/W/108, G/TRIMS/W/123, G/TRIMS/W/128, G/TRIMS/W/137, G/TRIMS/W/137/Corr.1.

¹⁰ G/TRIMS/W/61, G/TRIMS/W/63, G/TRIMS/W/71, G/TRIMS/W/75, G/TRIMS/W/78, G/TRIMS/W/80, G/TRIMS/W/86, G/TRIMS/W/96, G/TRIMS/W/104, G/TRIMS/131, G/TRIMS/W/154 and G/TRIMS/W/160.

ANNEX 1**MEMBERS THAT HAVE SUBMITTED NOTIFICATIONS UNDER ARTICLE 5.1
OF THE AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES**

Member	Document Symbol	Date of Communication
Argentina	G/TRIMS/N/1/ARG/1	30 March 1995
Argentina	G/TRIMS/N/1/ARG/1/Add.1	21 March 1997
Barbados	G/TRIMS/N/1/BRB/1	31 March 1995
Bolivia, Plurinational State of ¹	G/TRIMS/N/1/BOL/1	24 June 1998
Chile ²	G/TRIMS/N/1/CHL/1	14 December 1995
Colombia	G/TRIMS/N/1/COL/1	31 March 1995
Colombia	G/TRIMS/N/1/COL/1/Add.1	4 June 1995
Colombia ³	G/TRIMS/N/1/COL/2	31 July 1995
Colombia	G/TRIMS/N/1/COL/2/Corr.1	30 September 1996
Costa Rica ⁴	G/TRIMS/N/1/CRI/1	30 March 1995
Cuba ⁵	G/TRIMS/N/1/CUB/1	18 July 1995
Cyprus ⁶	G/TRIMS/N/1/CYP/2	30 October 1995
Dominican Republic	G/TRIMS/N/1/DOM/1	26 April 1995
Ecuador	G/TRIMS/N/1/ECU/1	20 March 1996
Egypt	G/TRIMS/N/1/EGY/1	29 September 1995
India	G/TRIMS/N/1/IND/1	31 March 1995
India	G/TRIMS/N/1/IND/1/Add.1	22 December 1995
India	G/TRIMS/N/1/IND/1/Add.1/Corr.1	18 March 1996
India	G/TRIMS/N/1/IND/1/Add.2	11 April 1996
Indonesia	G/TRIMS/N/1/IDN/1	23 May 1995
Indonesia	G/TRIMS/N/1/IDN/1/Add.1	28 October 1996
Kazakhstan	G/TRIMS/N/1/KAZ/1	21 April 2016
Malaysia	G/TRIMS/N/1/MYS/1	31 March 1995
Malaysia	G/TRIMS/N/1/MYS/1/Rev.1	14 March 1996
Mexico	G/TRIMS/N/1/MEX/1	31 March 1995
Mexico ⁷	G/TRIMS/N/1/MEX/1/Rev.1 ⁸	31 March 1995
Nigeria ⁹	G/TRIMS/N/1/NGA/1	17 July 1996
Pakistan	G/TRIMS/N/1/PAK/1	30 March 1995

¹ Bolivia subsequently submitted a notification indicating that it does not apply any trade-related investment measures that are not in conformity with the Agreement (G/TRIMS/N/1/BOL/1/Add.1).

² Chile subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 (G/TRIMS/N/1/CHL/1/Add.1).

³ Colombia subsequently submitted a notification indicating that it had issued Decree No. 1473 of 10 May 2004, whereby Decree No. 2439 of 1994 establishing import control mechanisms for certain agricultural products had been repealed (G/TRIMS/N/1/COL/3).

⁴ Costa Rica subsequently submitted a notification indicating that it intended to eliminate measures notified under Article 5.1 in advance of the expiry of the transition period (G/TRIMS/N/1/CRI/1/Add.1).

⁵ Cuba subsequently informed the Committee that the measures notified by Cuba under Article 5.1 are no longer in force (G/TRIMS/M/3, paragraph 5).

⁶ This notification superseded Cyprus' previous one (G/TRIMS/N/1/CYP/1) of 29 June 1995; Cyprus subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 (G/TRIMS/N/1/CYP/2/Add.1).

⁷ Mexico subsequently submitted a notification indicating that all provisions under the Automotive Decree had ceased to be operative as of 1 January 2004 (G/C/42).

⁸ In English only.

⁹ Nigeria subsequently submitted a notification indicating that the Nigerian Enterprises Promotion Act of 1989 has been repealed and replaced with the Nigerian Investment Promotion Commission Decree 1995 (G/TRIMS/N/1/NGA/1/Add.1).

<u>Member</u>	<u>Document Symbol</u>	<u>Date of Communication</u>
Peru	G/TRIMS/N/1/PER/1	3 March 1995
Philippines	G/TRIMS/N/1/PHL/1	31 March 1995
Poland ¹⁰	G/TRIMS/N/1/POL/1	28 September 1995
Russian Federation	G/TRIMS/N/1/RUS/1	23 January 2013
Russian Federation	G/TRIMS/N/1/RUS/1/Add.1	11 February 2013
Romania	G/TRIMS/N/1/ROM/1	31 March 1995
South Africa	G/TRIMS/N/1/ZAF/1	19 April 1995
Thailand	G/TRIMS/N/1/THA/1	30 March 1995
Uganda	G/TRIMS/N/1/UGA/1	17 June 1997
Uruguay	G/TRIMS/N/1/URY/1	31 March 1995
Uruguay	G/TRIMS/N/1/URY/1/Add.1	30 August 1995
Venezuela, Bolivarian Republic of	G/TRIMS/N/1/VEN/1	31 March 1995

¹⁰ Poland subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 (G/TRIMS/N/1/POL/1/Add.1).

ANNEX 2**NOTIFICATIONS INDICATING THAT NO TRIMS INCONSISTENT WITH THE AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES ARE MAINTAINED**

<u>Member</u>	<u>Document Symbol</u>	<u>Date of Communication</u>
Bolivia, Plurinational State of	G/TRIMS/N/1/BOL/1/Add.1	4 March 1999
Costa Rica	G/TRIMS/N/1/CRI/1/Add.1 ¹	16 September 1999
Cyprus	G/TRIMS/N/1/CYP/2/Add.1	26 May 2000
El Salvador	G/TRIMS/N/1/SLV/1	5 November 2003
Haiti	G/TRIMS/N/1/HTI/1	27 February 1998
Honduras	G/TRIMS/N/1/HND/1	7 July 1995
Israel	G/TRIMS/N/1/ISR/1	24 October 1996
Jamaica	G/TRIMS/N/1/JAM/1	9 June 1998
Jordan	G/TRIMS/N/1/JOR/1	22 May 2000
Kuwait	G/TRIMS/N/1/KWT/1	10 November 2015
Maldives	G/TRIMS/N/1/MLV/1	30 September 1999
Mali	G/TRIMS/N/1/MLI/1	27 May 1997
Mauritius	G/TRIMS/N/1/MUS/1	27 March 1995
New Zealand	G/TRIMS/N/1/NZL/1	20 May 1999
Nicaragua	G/TRIMS/N/1/NIC/1	18 July 1996
Oman	G/TRIMS/N/1/OMN/1	20 December 2000
Saint Lucia	G/TRIMS/N/1/LCA/1	14 February 1996
Saudi Arabia, Kingdom of	G/TRIMS/N/1/SAU/1	3 October 2006
Singapore	G/TRIMS/N/1/SGP/1	9 October 1996
Slovenia	G/TRIMS/N/1/SVN/1	27 March 1995
Sri Lanka	G/TRIMS/N/1/LKA/1	14 March 2000
Switzerland	G/TRIMS/N/1/CHE/1	8 August 1995
Chinese Taipei	G/TRIMS/N/1/TPKM/1	27 May 2002
Trinidad & Tobago	G/TRIMS/N/1/TTO/1	1 April 1996
Zambia	G/TRIMS/N/1/ZMB/1	13 April 1995

¹ A Corrigendum to the English version was issued in G/TRIMS/N/1/CRI/1/Add.1/Corr.1, dated 26 October 1999.

ANNEX 3**MEMBERS THAT HAVE SUBMITTED NOTIFICATIONS UNDER ARTICLE 6.2 OF THE AGREEMENT ON
TRADE-RELATED INVESTMENT MEASURES**

Albania	Lesotho
Angola	Liechtenstein
Argentina	Macao, China
Armenia	Madagascar
Australia	Malaysia
Bahrain, Kingdom of	Maldives
Bolivia, Plurinational State of	Mali
Botswana	Mauritius
Brazil	Mexico
Brunei Darussalam	Moldova, Republic of
Burkina Faso	Montenegro
Burundi	Mongolia
Cameroon	Namibia
Canada	New Zealand
Chad	Nicaragua
Chile	Nigeria
China	Norway
Colombia	Oman
Congo	Panama
Costa Rica	Paraguay
Côte d'Ivoire	Peru
Cuba	Philippines
Dominica	Qatar
Dominican Republic	Russian Federation
Ecuador	Saudi Arabia, Kingdom of
El Salvador	Seychelles
European Union (including the member States)	Senegal
Fiji	Singapore
Gabon	South Africa
The Gambia	Sri Lanka
Ghana	Suriname
Guatemala	Switzerland
Haiti	Chinese Taipei
Honduras	Thailand
Hong Kong, China	Togo
Iceland	Trinidad and Tobago
India	Tunisia
Indonesia	Turkey
Israel	Uganda
Jamaica	Ukraine
Japan	United Arab Emirates
Jordan	United States of America
Kazakhstan	Uruguay
Korea, Republic of	Venezuela, Bolivarian Republic of
Kuwait, the State of	Zambia
Kyrgyz Republic	Zimbabwe
Lao People's Democratic Republic	