



1 December 2022

(22-8952)

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**Council for Trade in Goods
Committee on Market Access**

WTO RESPONSE TO THE PANDEMIC

REPORT TO THE COUNCIL FOR TRADE IN GOODS BY THE CHAIRPERSON OF THE COMMITTEE ON MARKET ACCESS

The following report is being submitted by the Chairperson of the Committee on Market Access, Mr Kenya Uehara, at the request of the Chairperson of the Council for Trade in Goods¹, and was prepared with the assistance of the Secretariat.

1 BACKGROUND

1.1. The Committee on Market Access (CMA, or the Committee) began its ongoing work in relation to the COVID-19 pandemic in May 2020. This report summarizes the main streams of work in the CMA in relation to the COVID-19 pandemic, both as part of its regular meetings and through dedicated sessions.

2 DEDICATED INFORMATION SESSIONS AND EXPERIENCE-SHARING SESSIONS ON TRADE IN COVID-19-RELATED GOODS

2.1. On 28 January 2022, and at the request of Members, the CMA held an [Information session on trade in COVID-19-related goods](#) where the WTO Secretariat presented five reports and information notes that were relevant to the work of the Committee, as well as the [WTO-IMF COVID-19 Vaccine tracker](#).

2.2. At the informal meeting of 1 February 2022, a number of delegations spoke to the importance of keeping Members informed of the latest developments in trade in COVID-19 goods and of providing Members with the opportunity to share information and experiences through additional informal meetings of the CMA.

2.3. On 9 February 2022, the CMA Chairperson convened informal open-ended consultations and asked Members to identify which areas or topics in relation to trade in COVID-19 goods could be further explored by the CMA, and in which format. Based on Members' interventions, the following topics were identified for technical discussions in the format of experience-sharing sessions:

- The definition of essential goods to combat the pandemic; that is, how Members have defined such lists and updated them over time;
- Classification of COVID-19 essential goods within the Harmonized System and challenges faced by Members with the tariff classification;
- How Members have monitored and measured trade in COVID-19 essential goods, including through the creation of national tariff lines or statistical breakouts;
- Sharing of Members' practices on measures aimed at easing trade in COVID-19 goods under the purview of the Committee, including, for example, in relation to tariff suspension, reduction, or elimination; and
- How to improve transparency in export restrictions, as well as sharing of experiences with respect to the choices underpinning the use of such restrictions (for example why a certain type of measure was chosen, what factors determined the termination/non-renewal of certain measures, and whether a review of their effectiveness was undertaken).

¹ Document [JOB/CTG/18](#).

2.4. The CMA organized five experience-sharing sessions to discuss these topics, respectively on [4 March 2022](#), [26 April 2022](#), [18 July 2022](#), [16 September 2022](#), and [21 November 2022](#). At each session, Members volunteered to share information and data on their national experiences in relation to the relevant topics. In light of the close relationship between some of these topics with the application of the Harmonized System (HS), the World Customs Organization (WCO) was invited to participate in the first two sessions on classification and monitoring of trade in COVID-19 goods. The Secretariat summarized the discussions of each experience-sharing session in document [JOB/MA/152](#) and its addenda.

2.5. As a result of the discussions that took place during the first two sessions, the CMA Chairperson, on behalf of the Committee, submitted a letter to the Harmonized System Committee (HSC) of the WCO ([G/MA/406](#)) to raise awareness among WCO delegates of some of the key issues that had been faced by WTO Members with respect to the classification of COVID-19 essential goods, and to propose practical suggestions to improve the HS classification of certain essential medical goods in the next version of the nomenclature (HS2027). The CMA letter was included on the agenda of the 70th Session of the HSC, which took place in September 2022, and the CMA Chairperson and the WTO Secretariat were invited to attend the meeting. The statement by the CMA Chairperson to the HSC was circulated in document [JOB/MA/155](#). As of the date of this report, the WCO has been discussing two possible amendments to the HS2027 stemming from the CMA process with respect to the classification of (i) facemasks and respirators and (ii) ambulances and mobile clinics.

2.6. At the fourth experience-sharing session that took place on 16 September 2022, several Members expressed interest in continuing this type of technical discussions in the CMA and proposed to hold a fifth session focusing mainly on the lessons learned from the COVID-19 pandemic, which should also involve other stakeholders. To this end, a session with external stakeholders was organized by the Committee on 21 November 2022, with the participation of speakers from the private sector (DHL and Western Union of Dominica, CEPI, and Medtronic) and other international organizations (Organisation for Economic Co-operation and Development (OECD))². Members also requested the Secretariat to prepare a report compiling the main lessons learned by Members in consequence of the COVID-19 pandemic.³

2.7. The Chairperson reported on the COVID-19 experience-sharing sessions at the formal meetings of the Committee in March⁴ and October 2022.⁵

3 REGULAR COMMITTEE WORK

3.1. On 20 May 2020, the CMA was the first WTO body (after the General Council) to hold a virtual informal meeting during the lockdown, which had COVID-19 as the main substantive topic on the agenda. At that meeting, the Secretariat was invited to present its information notes relating to "[Trade in Medical Goods](#)" and "[Export Prohibitions and Restrictions](#)", which had been released in April 2020. In addition, the Chairperson invited Members to share experiences with respect to the COVID-19-related measures that they had introduced, including those which had been notified to the CMA under the [2012 Decision on the notification of Quantitative Restrictions](#) (QR Decision), some of which already contained information on temporary export restrictions and prohibitions on goods essential to combat the pandemic.

3.2. Moreover, some Members had also submitted communications to the CMA reporting on unilateral trade measures aimed at easing the importation of COVID-19 essential goods. It should be noted that information on such trade-easing measures has been shared by Members on a voluntary basis since currently there is no notification requirement with respect to these types of measures.

3.3. The item "Trade-related measures relating to the COVID-19 pandemic" has been included on the agenda of the formal meetings of the CMA since June 2020. Under this agenda item, the Committee has regularly considered: (i) a report by the Secretariat listing the notifications relating

² See https://www.wto.org/english/news_e/news22_e/mark_23nov22_e.htm and <https://www.youtube.com/watch?v=ImpWROHY8XQ>

³ Document JOB/MA/152/Add.4 (to be issued).

⁴ Document [G/MA/M/76](#), paragraphs 8.1-8.39.

⁵ Document [RD/MA/105](#).

to COVID-19 (document [G/MA/W/157](#) and its revisions); and (ii) the voluntary communications with unilateral measures submitted by Members (circulated under the G/MA/W document series).

3.4. At the formal meeting of 12 and 16 November 2020, Members further tasked the Secretariat with preparing a more detailed report summarizing the content of these notifications and voluntary communications. The report, entitled "Summary of notified export restrictions and trade easing measures relating to the COVID-19 pandemic" (document [G/MA/W/168](#) and its revisions), has been presented at every formal meeting of the Committee since 29 April 2021, under the same agenda item.

3.5. At the request of Members⁶, this report was modified in October 2021 to compile and analyse, in addition to the measures submitted to the CMA, information on trade and trade-related measures collected as part of the WTO's Trade Monitoring Exercise, as listed in the webpage [COVID-19: Measures affecting trade in goods](#).

3.1 Transparency

3.6. Under the agenda item entitled "Trade-related measures relating to the COVID-19 pandemic", the CMA has examined approximately 100 QR notifications containing 68 export prohibitions and restrictions by 35 Members, as well as a total of 28 communications by 15 Members containing 41 unilateral trade-easing measures on imports of COVID-19 goods. These notifications and communications have been actively discussed in all the CMA formal meetings since the start of the pandemic, and have contributed to enhancing transparency regarding Members' trade policy responses.⁷

3.7. In terms of the content of these QR notifications and voluntary communications:

- a. **QR notifications:** Export restrictions and prohibitions have been most frequently used in the early phases of the pandemic, predominantly in the first and second quarter of 2020. These restrictions covered different categories of products following the evolution of the pandemic. Personal protective equipment, sanitizers and disinfectants, but also foodstuffs, were among the most restricted categories at the outset of the pandemic. At a later stage, COVID-19 vaccines, test kits and other medical devices and equipment were also subject to these measures.
- b. **Voluntary communications:** These communications typically included information concerning trade-easing measures adopted by Members in response to the COVID-19 pandemic, which sought to facilitate access to those goods considered essential to combat it. The trade-easing measures included: (i) tax-related measures, such as the reduction/suspension/elimination of import tariffs, internal taxes and other duties and charges to minimize costs to importers, businesses and consumers; as well as (ii) simplified customs procedures, expedited clearance, and paperless trade, to accelerate the import process and ensure resilient supply chains. The main categories of products covered by the trade-easing measures appear to be similar in nature to those products that were subject to export prohibitions and restrictions.

3.2 Specific trade concerns

3.8. At the CMA formal meeting of 30 April 2021, one trade concern was raised by Australia in relation to the European Union's vaccine export transparency mechanism, which was supported by 11 additional Members.⁸ There have been no other trade concerns involving measures introduced in connection with the COVID-19 pandemic in the CMA.

⁶ [G/MA/M/74](#), paras. 5.31 and 5.32.

⁷ See minutes [G/MA/M/72](#), [G/MA/M/73](#), [G/MA/M/74](#), [G/MA/M/75](#) and [G/MA/M/76](#).

⁸ [G/MA/M/74](#), paras. 13.1-13.30.

3.3 Information notes

3.9. In addition to the regular Committee's reports and documents described above on COVID-19, the following information notes prepared by the WTO Secretariat were presented and/or mentioned by Members during their discussions at the CMA, both in the formal and informal context:

- [Trade in medical goods in the context of tackling COVID-19](#) (20.07.2022);
 - [Joint Indicative List of Critical COVID-19 Vaccine Inputs for Consultation](#) (07.06.2022);
 - [COVID-19 vaccine production and tariffs on vaccine inputs](#) (08.10.2021);
 - [Indicative list of trade-related bottlenecks and trade-facilitating measures on critical products to combat COVID-19](#) (08.10.2021);
 - [Improving trade data for products essential to fight COVID-19: A possible way forward](#) (01.07.2021);
 - [How WTO members have used trade measures to expedite access to COVID-19 critical medical goods and services](#) (18.09.2020);
 - [Export prohibitions and restrictions](#) (23.04.2020);
 - [Transparency – why it matters at times of crisis](#) (07.04.2020).
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