

REPORT (2011) OF THE COMMITTEE ON MARKET ACCESS

1. Since the last review¹, the Committee on Market Access has held two formal meetings (12 May and 14 October 2011), two informal dedicated sessions (27 May and 13 September 2011) and several consultations. The minutes of the formal meetings are contained in documents G/MA/M/53 and G/MA/M/54. In addition, two periodic reports giving an overview of the issues discussed in the Committee and providing factual information on any requests for waiver extensions related to the Harmonized System 1996 (HS96) changes are contained in documents G/MA/245 and G/MA/257.

2. At its meeting of 12 May, the Committee took note of the nomination of Mr. Atilla Bastirmaci (Turkey) as Chairman of the Committee for the current year and elected him by acclamation. At its October meeting, the Committee agreed to elect a Vice-Chair at its next meeting in 2012.

A. WAIVERS

3. At its meeting of 12 May, the Committee approved the waiver request from Argentina (G/L/956 and G/C/W/648) in connection with the introduction of HS96 changes to its schedule of concessions². At its meeting of 14 October, the Committee approved the extension of the HS2002 "collective" waiver (G/C/W/653) and the extension of the HS2007 "collective" waiver (G/C/W/654). It also approved the HS2012 "collective" waiver (G/C/W/655). The Committee agreed to forward the draft waiver decisions to the Council for Trade in Goods (CTG) for appropriate action³.

B. INTRODUCTION OF HS96 CHANGES TO SCHEDULES OF CONCESSIONS

4. At its formal meetings in 2011, the Committee examined the situation related to the submission of HS96 documentation (G/MA/TAR/2/Rev.46, G/MA/TAR/2/Rev.46/Corr.1 and G/MA/TAR/2/Rev.47) pursuant to the procedures laid out in GATT document L/6905. It noted that Argentina had completed the procedures and now had HS96 documentation certified as WT/Let/763. There were no more Members under waiver for the purpose of implementing HS96 changes. The Committee also took note of the report by the Chairman on the status of work pursuant to the procedures leading to the verification and certification of HS96 changes relating to the schedules of 64 Members (WT/L/756). The Committee noted that only 3 out of the 64 schedules remained uncertified under those procedures.

¹ G/L/938, dated 4 November 2010.

² At the Council for Trade in Goods meeting on 26 May 2011 (G/C/M/107), Argentina requested that its waiver request and accompanying draft waiver decision should not be forwarded to the General Council if Argentina's HS1996 documentation was certified prior to the forthcoming General Council meeting scheduled for 27 July 2011. The Certification of Modifications and Rectifications to Schedule LXIV - Argentina, was made effective on 28 May 2011 (WT/Let/763).

³ Revised versions of the HS2002 and HS2012 draft waiver decisions were issued in order to include Malaysia (in both) and Hong Kong, China and Korea (in the latter). Subsequent to the October meeting, Costa Rica, Guatemala and Singapore also requested to be covered by the HS2012 draft waiver decision.

C. INTRODUCTION OF HARMONIZED SYSTEM (HS2002) CHANGES TO SCHEDULES OF CONCESSIONS

5. At its meetings in 2011, the Committee took note of the reports provided by the Secretariat on the status of work concerning the introduction of HS2002 changes to schedules of concessions using the CTS database (WT/L/605) as well as on the outcomes of the informal dedicated sessions of the Committee during which the files containing the HS2002 changes of Members were examined. The Committee noted that 99 HS2002 files were certified with the remainder at various stages of the review or certification process. The Committee further noted that the amendment to those procedures contained in WT/L/807 had enabled significant progress to be made.

D. INTRODUCTION OF HARMONIZED SYSTEM 2007 (HS2007) CHANGES TO SCHEDULES OF CONCESSIONS

6. At its meeting in May, the Committee agreed that the Secretariat should resume work on the HS2007 transposition exercise pursuant to the procedures contained in document WT/L/673. Some Members noted that the Harmonized System Committee at the World Customs Organization had not reached a consensus with respect to all the correlated lines and that a discussion on how to address those lines in the context of this transposition exercise was required. Such a discussion was held during an informal consultation in June, and the Chairman reported on it at the Committee's October meeting. At the October meeting and in light of a comment by a Member that additional discussion was warranted on the issue, the Committee agreed to further discuss the matter.

7. Also during the June consultation on the non-consensus correlated tariff lines, Members had considered the Secretariat document entitled "Transposition of Members' CTS Files to the HS 2007 Nomenclature - Notes on Methodology" (JOB(09)/24 and Addendum 1). In light of comments made, corrections were introduced by the Secretariat to the document which was then circulated as JOB/MA/97 and put to the Committee for its consideration at the October meeting. At that meeting and in light of comments by a Member, the Committee agreed to revert to the document at its next meeting.

8. At its May meeting, the Committee had also agreed that the Secretariat should prepare an amendment to the existing HS2007 transposition procedures along the lines of the amendment to the HS2002 procedures. Such an amendment (JOB/MA/92/Rev.3)⁴ was approved by the Committee at its October meeting. The Committee agreed to forward the document through the CTG to the General Council for adoption.

E. INTRODUCTION OF HARMONIZED SYSTEM 2012 (HS2012) CHANGES TO SCHEDULES OF CONCESSIONS

9. At its meeting in May, the Committee took note of the HS 2007/2012 Correlation Tables (G/MA/W/105). The Committee agreed that the Secretariat should elaborate a procedure to introduce HS2012 changes to schedules of concessions using the CTS database; such a procedure was to be based on the existing HS2002 and HS2007 procedures. The Committee also agreed that the Secretariat should prepare a draft waiver decision relating to the HS2012 changes which should be based on the existing HS2002 and HS2007 draft waiver decisions. At its meeting in October, the Committee approved the procedure to introduce HS2012 changes to schedules of concessions (JOB/MA/98/Rev.1)⁵ and agreed to forward the document through the CTG to the General Council for adoption. The Committee also approved the "collective" waiver decision relating to the introduction of HS2012 changes (see paragraph 3).

⁴ The document was re-issued as G/MA/W/108.

⁵ The document was re-issued as G/MA/W/109.

F. IMPROVING THE TIMELINESS AND COMPLETENESS OF NOTIFICATIONS

10. At the 12 May meeting, the Chairman reported on the consultations held on the subject of the Decision on Notification Procedures for Quantitative Restrictions (G/L/59). At its meeting of 14 October, in light of a comment by a Member that it still had technical and procedural questions on the latest version of the draft decision (JOB/MA/71/Rev.5), the Committee agreed to revert to this matter at its next meeting and to hold informal consultations in the interim.

G. DATABASES

11. At its meetings in 2011, 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. The Committee also took note of the document which reflected the status of submissions to the IDB (G/MA/IDB/2/Rev.33, G/MA/IDB/2/Rev.33/Corr.1 and G/MA/IDB/2/Rev.34) and of the Secretariat efforts to enhance submissions to the IDB pursuant to the Committee decision of 13 July 2009 (G/MA/239).

H. PARAGRAPH 18 OF THE PROTOCOL OF ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA – CHINA'S TRANSITIONAL REVIEW MECHANISM

12. At its meeting of 14 October, the Committee conducted the final transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China and agreed to forward its report in G/MA/258 to the CTG.

I. OTHER ACTIVITIES

13. At its meeting in May, the Committee took note of the Secretariat document entitled "Situation of Schedules of WTO Members" (G/MA/W/23/Rev.7) which compiled in one place the legal instruments relating to each Member's schedule. The Chairman also reported on the situation pertaining to the derestriction of certain bilateral negotiating documentation relating to earlier GATT rounds of negotiations. As of 12 May, the Committee noted that out of the 28 Members who had been contacted, 19 had provided written authorization to derestrict their negotiating material. At its meeting in October, the Committee took note of statements made regarding the increase by Brazil of the industrial product tax on imported cars.
