



29 October 2018

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## REPORT (2018) OF THE COMMITTEE ON TRADE-RELATED INVESTMENT MEASURES

(ADOPTED 17 OCTOBER 2018)

### 1 GENERAL

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 7 November 2017 – 17 October 2018.
2. The Committee met formally on 1 June and 17 October 2018. The first meeting was chaired by Mr Ali ALWALEED AL-THANI (Qatar) and the second meeting was chaired by Ms Carrie WU (Chinese Taipei). The minutes of these meetings may be found in documents G/TRIMS/M/44 and G/TRIMS/M/45, 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

3. 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.<sup>1</sup> 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.
4. 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 Cambodia and Liberia. As agreed by the Committee at its meeting on 20 May 2009, the Secretariat has circulated a reminder<sup>2</sup> 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.28.

<sup>1</sup> WT/L/64.

<sup>2</sup> The reminder for 2018 was circulated in document G/TRIMS/W/167.

### **3 COMMUNICATIONS BY MEMBERS AND RELATED DISCUSSIONS**

5. During this reporting period, the Committee held discussions on eleven issues previously raised in the Committee, as well as one new issue.

6. The issue considered by the Committee for the first time during this reporting period related to Indonesia – Local content requirements for pharmaceutical products and medical devices, an item raised by the European Union and the United States.<sup>3</sup>

7. Per requests from delegations, the Committee also continued consideration of eleven issues that had first been discussed in previous reporting periods. These issues were: (i) China – Cybersecurity measures, including provisions on insurance system informatization, item requested by the United States;<sup>4</sup> (ii) Indonesia – Local content requirements for 4G LTE mobile devices, item requested by the European Union, Japan, and the United States;<sup>5</sup> (iii) 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;<sup>6</sup> (iv) Indonesia – Industry Law and Trade law, item requested by the European Union and Japan;<sup>7</sup> (v) Indonesia – Minimum local product requirement for modern retail sector, item requested by the European Union and Japan;<sup>8</sup> (vi) Indonesia – Certain measures addressing local content in investment in the telecommunications sector, item requested by the European Union and Japan<sup>9</sup>; (vii) Indonesia – Local content requirements for dairy importation and distribution, item requested by the European Union and the United States; (viii) Nigeria – Guidelines on Nigerian content in information communications technology (ICT), item requested by the United States<sup>10</sup>; (ix) Russian Federation – Measures implementing Russia's import substitution policy, item requested by the European Union and the United States<sup>11</sup>; (x) Argentina – Act 27,263 on the development and strengthening regime of the Argentine autopartism, item requested by Mexico<sup>12</sup>; and (xi) Turkey – Certain practices and measures in the pharmaceutical sector, item requested by the European Union and the United States.

### **4 ELECTION OF OFFICERS**

8. At its meeting of 1 June 2018, the Committee elected Ms Carrie WU (Chinese Taipei) as Chair for the period 2018-2019. At the same meeting, Mr Thomas HAIDON (New Zealand) was elected as Vice-Chair for the same period.

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<sup>3</sup> G/TRIMS/Q/IDN/3.

<sup>4</sup> G/TRIMS/Q/CHN/1.

<sup>5</sup> G/TRIMS/W/148, G/TRIMS/W/162.

<sup>6</sup> 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.

<sup>7</sup> G/TRIMS/W/138, G/TRIMS/W/140, G/TRIMS/W/157, G/TRIMS/W/158.

<sup>8</sup> G/TRIMS/W/139, G/TRIMS/W/141, G/TRIMS/W/159, G/TRIMS/W/161.

<sup>9</sup> 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, G/TRIMS/W/160, G/TRIMS/Q/IDN/1, G/TRIMS/Q/IDN/2.

<sup>10</sup> G/TRIMS/Q/NGA/1.

<sup>11</sup> G/TRIMS/Q/RUS/4, G/TRIMS//Q/RUS/5, G/TRIMS/Q/RUS/6, G/TRIMS/Q/RUS/7, G/TRIMS/Q/RUS/8, G/TRIMS/Q/RUS/9.

<sup>12</sup> G/TRIMS/Q/ARG/1, G/TRIMS/Q/ARG/2, G/TRIMS/Q/ARG/3, G/TRIMS/Q/ARG/4, G/TRIMS/Q/ARG/5, G/TRIMS/Q/ARG/6, G/TRIMS/Q/ARG/7, G/TRIMS/Q/ARG/8.

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

<b>Member</b>	<b>Document Symbol</b>	<b>Date of Communication</b>
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 <sup>1</sup>	G/TRIMS/N/1/BOL/1	24 June 1998
Chile <sup>2</sup>	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 <sup>3</sup>	G/TRIMS/N/1/COL/2	31 July 1995
Colombia	G/TRIMS/N/1/COL/2/Corr.1	30 September 1996
Costa Rica <sup>4</sup>	G/TRIMS/N/1/CRI/1	30 March 1995
Cuba <sup>5</sup>	G/TRIMS/N/1/CUB/1	18 July 1995
Cyprus <sup>6</sup>	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 <sup>7</sup>	G/TRIMS/N/1/MEX/1/Rev.1 <sup>8</sup>	31 March 1995
Nigeria <sup>9</sup>	G/TRIMS/N/1/NGA/1	17 July 1996
Pakistan	G/TRIMS/N/1/PAK/1	30 March 1995
Peru	G/TRIMS/N/1/PER/1	3 March 1995
Philippines	G/TRIMS/N/1/PHL/1	31 March 1995
Poland <sup>10</sup>	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

<sup>1</sup> 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).

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

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> In English only.

<sup>9</sup> 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).

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

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<b><u>Member</u></b>	<b><u>Document Symbol</u></b>	<b><u>Date of Communication</u></b>
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

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

<b>Member</b>	<b>Document Symbol</b>	<b>Date of Communication</b>
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 <sup>1</sup>	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

<sup>1</sup> 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	Liberia
Argentina	Liechtenstein
Armenia	Macao, China
Australia	Madagascar
Bahrain, Kingdom of	Malawi
Bolivia, Plurinational State of	Malaysia
Botswana	Maldives
Brazil	Mali
Brunei Darussalam	Mauritius
Burkina Faso	Mexico
Burundi	Moldova, Republic of
Cambodia	Mongolia
Cameroon	Montenegro
Canada	Namibia
Chad	New Zealand
Chile	Nicaragua
China	Nigeria
Colombia	Norway
Congo	Oman
Costa Rica	Panama
Côte d'Ivoire	Paraguay
Cuba	Peru
Dominica	Philippines
Dominican Republic	Qatar
Ecuador	Russian Federation
El Salvador	Saudi Arabia, Kingdom of
European Union (including the member States)	Senegal
Fiji	Seychelles
Gabon	Singapore
The Gambia	South Africa
Georgia	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	