

REPORT (2009) OF THE COMMITTEE ON MARKET ACCESS

1. Since the last review¹, the Committee on Market Access has held three formal meetings (28 April, 13 July and 2 October 2009), two informal dedicated sessions of the Committee (26 March and 2 October 2009) and several consultations. The minutes of the formal meetings are contained in documents G/MA/M/48, G/MA/M/49 and G/MA/M/50. In addition, two periodic reports giving an overview of the issues discussed in the Committee and providing factual information on the requests for waivers and waiver extensions related to the Harmonized System are contained in documents G/MA/236 and G/MA/240.

2. At its meeting of 28 April, the Committee took note of the nomination of Mr. Barney Riley (New Zealand) as Chairman of the Committee for the current year and elected him by acclamation. At its meeting of 2 October, the Committee elected Ms. Juntra Siriuthaikorn (Thailand) as the Vice-Chair.

A. WAIVERS

3. At its meeting of 28 April, the Committee approved waiver requests from Argentina and Panama in connection with the introduction of HS96 changes to their schedules. The adopted decisions are reflected in WT/L/757 and WT/L/758 respectively. At its meeting of 2 October, the Committee approved the extension of the HS2002 "collective" waiver (G/C/W/624) and the extension of the HS2007 "collective" waiver (G/C/W/625).

B. INTRODUCTION OF HS96 CHANGES TO SCHEDULES OF CONCESSIONS

4. At its formal meetings in 2009, the Committee examined the situation related to the submission of HS96 documentation (G/MA/TAR/2/Rev.42 and 43) pursuant to the procedures laid out in GATT document L/6905. Also concerning HS96 changes, at its meeting of 28 April, the Committee approved the "Decision on procedures leading to the verification and certification of HS96 changes to the schedules of 64 Members" (WT/L/756). Concerning the implementation of this Decision, at its meeting of 2 October the Committee was informed that the Secretariat had posted the HS96 files of these Members on the website and that notice of this posting was circulated in document G/SECRET/HS96/CTS/1 dated 3 August 2009. In accordance with the procedures, the Committee would meet six months from the date of the notification to conduct a multilateral review of the files.

C. INTRODUCTION OF HS2002 CHANGES TO SCHEDULES OF CONCESSIONS

5. At its meetings in 2009, the Secretariat reported on the status of work concerning the introduction of HS2002 changes to schedules of concessions using the CTS database as well as on the outcomes of the informal dedicated sessions of the Committee in which the HS2002 files of Members were examined. In its reports, the Secretariat pointed out that the number of certified files would be much higher if more Members could signal approval of their own files. At the 2 October meeting,

¹ G/L/865, dated 4 November 2008.

the Secretariat indicated that one of the reasons which led to Members' files staying on the agenda of two or more dedicated sessions was the lack of follow-up activity by concerned delegations subsequent to a multilateral review of their files. In order to address this situation, the Secretariat intended to facilitate exchanges between delegations by reminding them of any action required on their part such as responding to queries or elaborating specific concerns.

D. INTRODUCTION OF HS2007 CHANGES TO SCHEDULES OF CONCESSIONS

6. In 2009, the Committee took note of the reports by the Secretariat on the status of work in incorporating HS2007 changes to schedules. At its 28 April meeting, the Committee agreed that developed Members as well as those developing Members preparing their own HS2007 files should submit those files before 31 October 2009. Also at that meeting, the Committee considered document JOB(09)/24 and its addendum in which the Secretariat had provided some practical solutions aimed at simplifying as much as possible the structure of Members' schedules, while preserving their rights and obligations in doing the transposition. However, as comments were submitted subsequent to that meeting, the document could not be considered approved. At its meeting of 2 October, the Committee took note that the DDA schedules to be submitted in the HS2002 nomenclature would also need to be transposed into the HS2007 nomenclature thereby rendering to some extent the current exercise redundant. Given this situation, the Committee decided to put on hold the current HS2007 transposition exercise and to review the situation at its next meeting in 2010. It also agreed to revert to document JOB(09)/24 and Add.1 as well as the deadline for those Members preparing their own schedules when it decided to move ahead with the HS2007 transposition exercise.

E. DATABASES

7. At its meeting of 13 July, the Committee adopted a new dissemination policy of the Integrated Database (IDB) and Consolidated Tariff Schedule (CTS) database (G/MA/238 and Add.1), and a framework to enhance compliance levels in respect of IDB notifications (G/MA/239).

8. Furthermore, in respect of the IDB, at its formal meetings in 2009, the Committee examined the status of IDB submissions on the basis of documents G/MA/IDB/2/Rev.29, and Corr.1 and 30. The Secretariat also reported on the status of IDB dissemination, use of IDB information, IDB technical assistance and the status of software development (IDB reporting tools and internet analysis facility). In this regard, the Committee took note that following its decision (G/MA/238) to allow public access to the IDB and CTS as of January 2010 (with certain access conditions), the Secretariat was working to have a public version of the internet analysis facility. In response to a request, the Secretariat also indicated that its future reports would contain more information on how the decision contained in G/MA/239 was being implemented.

9. Concerning the CTS database, during the year the Secretariat reported on the work undertaken on that database. At its meeting of the 28 April, the Committee considered the format (JOB(09)/32) that would be used in the new version of the CTS in HS2002 nomenclature. However, as comments were submitted subsequent to that meeting, the document could not be considered approved. At its meeting of 2 October, the Committee was informed that the Secretariat was working on a revision to this document in light of those comments. The Committee was also informed that in the meantime, the Secretariat had included in the new CTS database the information of Members with no specific commitments in agriculture as the comments mainly concerned the format of the additional agricultural commitments.

F. IMPROVING THE TIMELINESS AND COMPLETENESS OF NOTIFICATIONS

10. At its 28 April meeting, the Chairman provided a detailed report of the consultations held on the "Decision on Reverse Notification of Non-tariff Measures" (G/L/60), the "Decision on the Supply

of Information to the Integrated Database (IDB) for Personal Computers" (WT/L/225), and the "Decision on Notification Procedures for Quantitative Restrictions" (G/L/59). Specifically, on the first decision, he reported that the Committee had agreed that six months before a review of these notifications took place (i.e. the same time as the quantitative restrictions, every two years) the Chairman should send a letter out to Members drawing their attention to the fact there is a venue for such types of notification and that the Committee will be assessing such notifications at its meeting which would take place in six months time. Concerning the supply of information to the IDB, at its meeting of 13 July, the Committee adopted a framework to enhance compliance levels in respect of IDB notifications (G/MA/239). At its meeting of 2 October, the Chairman reported that pursuant to what had been agreed in the Committee and in relation to the "Decision on Reverse Notification of Non-tariff Measures", he would soon be sending out a letter informing Members that a venue existed for such type of notifications. He also recalled the decision adopted by the Committee contained in document G/MA/239 which was intended to improve the status of submissions to the IDB. On the "Decision on Notification Procedures for Quantitative Restrictions", he reported that the Secretariat was still gathering information which had been requested. Once this information was ready, he intended to hold consultations.

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

11. At its meeting of 2 October, the Committee conducted the transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China. Questions/comments were submitted by the European Communities (G/MA/W/97), Japan (G/MA/W/96) and the United States (G/MA/W/98). Information submitted by China was circulated in document G/MA/W/99. The Committee's report to the CTG on the review is contained in G/MA/241.

H. OTHER ACTIVITIES

12. The Committee took note of the Secretariat document which provided details on the most recent information available in the tariff library and the website addresses where more recent national tariffs could be found (G/MA/TAR/3/Rev.13), as well as the Secretariat document entitled "Situation of Schedules of WTO Members" (G/MA/W/23/Rev.6).
