

**COMPILATION OF TEXT-BASED NTB PROPOSALS**Note by the Secretariat

At the request of the Chairman, the Secretariat has compiled all text-based NTB proposals which were made available by 23 March 2007. This compilation of these legal texts is intended to facilitate and focus the discussion and is without prejudice to the positions of Members and to their rights and obligations under the WTO Agreement.

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**I. AGREEMENT ON REDUCING NON-TARIFF BARRIERS TO TRADE RELATED TO LABELLING OF TEXTILES, APPAREL, FOOTWEAR AND TRAVEL GOODS (US)**

Members,

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration, Members agreed to negotiations aimed at reducing or as appropriate eliminating tariffs and non-tariff barriers on non-agricultural products;

*Recognizing* the important contribution of the textile, apparel, footwear, and travel goods sectors to global economic growth and development;

*Noting* that textiles, apparel, footwear, and travel goods suppliers and producers in exporting Members may require regulatory flexibility to adjust to new labelling requirements and the subsequent commercial conditions, especially in the event that entry into force of such requirements is sudden;

*Reaffirming* that under the Agreement on Technical Barriers to Trade, Members shall ensure that technical regulations and conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade, and allow a reasonable interval between the publication of technical regulations and conformity assessment procedures and their entry into force, among other obligations;

*Desiring* to promote cooperative and effective approaches to enhance trade in textiles, apparel, footwear, and travel goods;

Agree as follows:

1. a. Members shall not require information on permanent labels or marking beyond:
    - i. country of origin, fiber content, care instructions, and information necessary for consumer safety, with respect to textile and apparel goods; and
    - ii. country of origin with respect to footwear and travel goods.
  - b. Members shall ensure that, at their discretion, manufacturers may provide additional information on permanent labels or markings with respect to all such goods.
  - c. Members remain free to require that reasonable additional information of use to consumers be provided on goods or packaging through non-permanent means, including, for example, information regarding [their] material content [for footwear and travel goods].
2. Upon entry into force of technical regulations and conformity assessment procedures, Members should afford sympathetic consideration to requests for flexibility to adapt to modifications of labelling requirements, allowing for both old labels and new labels to be accepted during the transition period.

## II. MINISTERIAL DECLARATION ON TRADE IN REMANUFACTURED GOODS (US)

Members,

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration, Members agreed to negotiations aimed at reducing or as appropriate eliminating tariffs and non-tariff barriers on non-agricultural products;

*Recognizing* the objectives of protecting and preserving the environment, promoting sustainable development by preventing unnecessary waste and conserving energy and raw materials, raising standards of living, and expanding the production of and trade in goods;

*Noting* the development of remanufacturing as an important new field in manufacturing;

*Considering* the benefits to the environment and to consumers of the production of and trade in remanufactured goods;

*Recognizing* that remanufacturing takes place in developed and developing countries alike, creating jobs and facilitating economic growth;

*Desiring* to enhance opportunities for trade in remanufactured products by improving market access for those goods;

*Mindful* of Members' right to adopt measures for the protection of human, animal or plant life or health, or of the environment, consistent with the WTO Agreement,

*Declare* as follows:

1. Each Member's trade regime should evolve in a manner that enhances market access opportunities for remanufactured goods.
2. Members should review their non-tariff measures with a view to ensuring that they do not impose prohibitions or restrictions on the importation of remanufactured goods that are proscribed by the multilateral agreements on trade in goods.
3. Members shall meet periodically under the auspices of the Council on Trade in Goods to review Members' progress in enhancing market access for remanufactured goods, including by eliminating unnecessary non-tariff barriers on such goods. The reviews shall take fully into account the special needs and interests of developing and least-developed country participants.
4. Members shall afford sympathetic consideration to any request for consultation from other Members concerning their measures affecting remanufactured goods. Such consultations shall be without prejudice to a Member's rights and obligations under the WTO Agreement.
5. For purposes of this Declaration, ***remanufactured good*** means a non-agricultural good that is entirely or partially comprised of parts (i) that have been obtained from the disassembly of used goods; and (ii) that have been processed, cleaned, inspected, or tested to the extent necessary to ensure they are in original working condition.

### III. DRAFT AGREEMENT ON EXPORT LICENSING PROCEDURES (JAPAN)

*Members,*

*Having regard* to the Multilateral Trade Negotiations;

*Desiring* to further the objectives of GATT 1994;

*Taking into account* the particular trade, development and financial needs of developing country Members;

*Recognizing* the usefulness of automatic eximport licensing for certain purposes and that such licensing should not be used to restrict trade;

*Recognizing* that eximport licensing may be employed to administer measures such as those adopted pursuant to the relevant provisions of GATT 1994;

*Recognizing* the provisions of GATT 1994 as they apply to eximport licensing procedures;

*Desiring* to ensure that eximport licensing procedures are not utilized in a manner contrary to the principles and obligations of GATT 1994;

*Recognizing* that the flow of international trade could be impeded by the inappropriate use of eximport licensing procedures;

*Convinced* that eximport licensing, particularly non-automatic eximport licensing, should be implemented in a transparent and predictable manner;

*Recognizing* that non-automatic licensing procedures should be no more administratively burdensome than absolutely necessary to administer the relevant measure;

*Desiring* to simplify, and bring transparency to, the administrative procedures and practices used in international trade, and to ensure the fair and equitable application and administration of such procedures and practices;

*Desiring* to provide for a consultative mechanism and the speedy, effective and equitable resolution of disputes arising under this Agreement;

Hereby *agree* as follows:

#### *Article 1* *General Provisions*

1. For the purpose of this Agreement, eximport licensing is defined as administrative procedures<sup>1</sup> used for the operation of eximport licensing regimes requiring the submission of an application or other documentation (other than that required for customs purposes) to the relevant administrative body as a prior condition for eximportation ~~from into~~ the customs territory of the eximporting Member.

2. Members shall ensure that the administrative procedures used to implement eximport licensing regimes are in conformity with the relevant provisions of GATT 1994 including its annexes

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<sup>1</sup>Those procedures referred to as "licensing" as well as other similar administrative procedures.

and protocols, as interpreted by this Agreement, with a view to preventing trade distortions that may arise from an inappropriate operation of those procedures, taking into account the economic development purposes and financial and trade needs of developing country Members.<sup>2</sup>

3. The rules for ~~exi~~import licensing procedures shall be neutral in application and administered in a fair and equitable manner.

4.(a) The rules and all information concerning procedures for the submission of applications, including the eligibility of persons, firms and institutions to make such applications, the administrative body(ies) to be approached, and the lists of products subject to the licensing requirement shall be published, in the sources notified to the Committee on ~~ExI~~Import Licensing provided for in Article 4 (referred to in this Agreement as "the Committee"), in such a manner as to enable governments<sup>3</sup> and traders to become acquainted with them. Such publication shall take place, whenever practicable, 21 days prior to the effective date of the requirement but in all events not later than such effective date. Any exception, derogations or changes in or from the rules concerning licensing procedures or the list of products subject to ~~exi~~import licensing shall also be published in the same manner and within the same time periods as specified above. Copies of these publications shall also be made available to the Secretariat.

(b) Members which wish to make comments in writing shall be provided the opportunity to discuss these comments upon request. The concerned Member shall give due consideration to these comments and results of discussion.

5. Application forms and, where applicable, renewal forms shall be as simple as possible. Such documents and information as are considered strictly necessary for the proper functioning of the licensing regime may be required on application.

6. Application procedures and, where applicable, renewal procedures shall be as simple as possible. Applicants shall be allowed a reasonable period for the submission of licence applications. Where there is a closing date, this period should be at least 21 days with provision for extension in circumstances where insufficient applications have been received within this period. Applicants shall have to approach only one administrative body in connection with an application. Where it is strictly indispensable to approach more than one administrative body, applicants shall not need to approach more than three administrative bodies.

7. No application shall be refused for minor documentation errors which do not alter basic data contained therein. No penalty greater than necessary to serve merely as a warning shall be imposed in respect of any omission or mistake in documentation or procedures which is obviously made without fraudulent intent or gross negligence.

8. Licensed ~~exi~~imports shall not be refused for minor variations in value, quantity or weight from the amount designated on the licence due to ~~differences occurring during shipment, differences incidental to bulk loading and other~~ minor differences consistent with normal commercial practice.

~~9. The foreign exchange necessary to pay for licensed imports shall be made available to licence holders on the same basis as to importers of goods not requiring import licences.~~

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<sup>2</sup>Nothing in this Agreement shall be taken as implying that the basis, scope or duration of a measure being implemented by a licensing procedure is subject to question under this Agreement.

<sup>3</sup>For the purpose of this Agreement, the term "governments" is deemed to include the competent authorities of the European Communities.

940. With regard to security exceptions, the provisions of Article XXI of GATT 1994 apply. This means, inter alia, that nothing in this Agreement shall be construed to require any Member to furnish any information the disclosure of which it considers contrary to its essential security interests.

1044. The provisions of this Agreement shall not require any Member to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of particular enterprises, public or private.

Note:

- [Paragraph 8] Part of the carriage outside of the territory of the exporting Member comes after the export procedures and thus irrelevant
- [Former paragraph 9] Foreign exchange restriction will not be a problem in the context of export restriction.
- [New paragraph 9] Security exceptions have been clarified.
- [New paragraph 10] Confidential information is not to be disclosed against legitimate commercial interests of particular enterprises.

Article 1 bis

Non-discriminatory Administration of Quantitative Restriction

In applying export restrictions to any product, contracting parties shall aim at a distribution of trade in such product approaching as closely as possible the shares which the various contracting parties might be expected to obtain in the absence of such restrictions.

Note:

- [Article 1 bis] The principle stated in GATT XIII.2&5 is strengthened.

Article 2

Automatic ~~Ex~~port Licensing<sup>4</sup>

1. Automatic ~~ex~~port licensing is defined as ~~ex~~port licensing where approval of the application is granted in all cases, and which is in accordance with the requirements of paragraph 2(a).
2. The following provisions<sup>5</sup>, in addition to those in paragraphs 1 through 10 of Article 1 and paragraph 1 of this Article, shall apply to automatic ~~ex~~port licensing procedures:
  - (a) automatic licensing procedures shall not be administered in such a manner as to have restricting effects on ~~ex~~ports subject to automatic licensing. Automatic licensing procedures shall be deemed to have trade-restricting effects unless, *inter alia*:
    - (i) any person, firm or institution which fulfils the legal requirements of the ~~ex~~porting Member for engaging in ~~ex~~port operations involving products subject to automatic licensing is equally eligible to apply for and to obtain ~~ex~~port licences;

<sup>4</sup>Those ~~ex~~port licensing procedures requiring a security which have no restrictive effects on ~~ex~~ports are to be considered as falling within the scope of paragraphs 1 and 2.

<sup>5</sup>A developing country Member, ~~other than a developing country Member which was a Party to the Agreement on Import Licensing Procedures done on 12 April 1979~~, which has specific difficulties with the requirements of subparagraphs (a)(ii) and (a)(iii) may, upon notification to the Committee, delay the application of these subparagraphs by not more than two years from the date of entry into force of the WTO Agreement for such Member.

- (ii) applications for licences may be submitted on any working day prior to the customs clearance of the goods;
  - (iii) applications for licences when submitted in appropriate and complete form are approved immediately on receipt, to the extent administratively feasible, but within a maximum of 10 working days;
- (b) Members recognize that automatic ~~eximport~~ licensing may be necessary whenever other appropriate procedures are not available. Automatic ~~eximport~~ licensing may be maintained as long as the circumstances which gave rise to its introduction prevail and as long as its underlying administrative purposes cannot be achieved in a more appropriate way.

**Note:**

- **Grace period of 2 years will be provided for all the developing Members. (footnote 10)**

*Article 3*

*Non-Automatic ~~ExImport~~ Licensing*

1. The following provisions, in addition to those in paragraphs 1 through 10 of Article 1, shall apply to non-automatic ~~eximport~~ licensing procedures. Non-automatic ~~eximport~~ licensing procedures are defined as ~~eximport~~ licensing not falling within the definition contained in paragraph 1 of Article 2.
2. Non-automatic licensing shall not have trade-restrictive or -distortive effects on ~~eximports~~ additional to those caused by the imposition of the restriction. Non-automatic licensing procedures shall correspond in scope and duration to the measure they are used to implement, and shall be no more administratively burdensome than absolutely necessary to administer the measure.
3. In the case of licensing requirements for purposes other than the implementation of quantitative restrictions, Members shall publish sufficient information for other Members and traders to know the basis for granting and/or allocating licences.
4. Where a Member provides the possibility for persons, firms or institutions to request exceptions or derogations from a licensing requirement, it shall include this fact in the information published under paragraph 4 of Article 1 as well as information on how to make such a request and, to the extent possible, an indication of the circumstances under which requests would be considered.
- 5.(a) Members shall provide, upon the request of any Member having an interest in the trade in the product concerned, all relevant information concerning:
  - (i) the administration of the restrictions;
  - (ii) the ~~eximport~~ licences granted over a recent period;
  - (iii) the distribution of such licences among ~~importingsupplying~~ countries;
  - (iv) where practicable, recent available import statistics (i.e. value and/or volume) on the amount expected to be produced, actually produced, and actually exported with respect to the products subject to ~~eximport~~ licensing. Developing country Members would not be expected to take additional administrative or financial burdens on this account such as to set up new statistics only for this purpose;

- (v) if any, measures taken in conjunction with export licensing, such as restrictions on domestic production or consumption, a governmental stabilizataion plan;
- (b) Members administering quotas by means of licensing shall publish the overall amount of quotas to be applied by quantity and/or value, the opening and closing dates of quotas, and any change thereof, within the time periods specified in paragraph 4 of Article 1 and in such a manner as to enable governments and traders to become acquainted with them;
- (c) in the case of quotas allocated among ~~importingsupplying~~ countries, the Member applying the restrictions shall promptly inform all other Members having an interest in ~~importingsupplying~~ the product concerned of the shares in the quota currently allocated, by quantity or value, to the various ~~importing supplying~~ countries and shall publish this information within the time periods specified in paragraph 4 of Article 1 and in such a manner as to enable governments and traders to become acquainted with them;
- (d) where situations arise which make it necessary to provide for an early opening date of quotas, the information referred to in paragraph 4 of Article 1 should be published within the time-periods specified in paragraph 4 of Article 1 and in such a manner as to enable governments and traders to become acquainted with them;
- (e) any person, firm or institution which fulfils the legal and administrative requirements of the ~~exim~~porting Member shall be equally eligible to apply and to be considered for a licence. If the licence application is not approved, the applicant shall, on request, be given the reason therefore and shall have a right of appeal or review in accordance with the domestic legislation or procedures of the ~~exim~~porting Member;
- (f) the period for processing applications shall, except when not possible for reasons outside the control of the Member, not be longer than 30 days if applications are considered as and when received, i.e. on a first-come first-served basis, and no longer than 60 days if all applications are considered simultaneously. In the latter case, the period for processing applications shall be considered to begin on the day following the closing date of the announced application period;
- (g) the period of licence validity shall be of reasonable duration and not be so short as to preclude ~~exim~~ports. ~~The period of licensee validity shall not preclude imports from distant sources, except in special cases where imports are necessary to meet unforeseen short term requirements;~~
- (h) when administering quotas, Members shall not prevent ~~exim~~portation from being effected in accordance with the issued licences, and shall not discourage the full utilization of quotas;
- (i) when issuing licences, Members shall take into account the desirability of issuing licences for products in economic quantities;
- (j) in allocating licences, the Member should consider the ~~exim~~port performance of the applicant. In this regard, consideration should be given as to whether licences issued to applicants in the past have been fully utilized during a recent representative period. In cases where licences have not been fully utilized, the Member shall examine the reasons for this and take these reasons into consideration when allocating new licences. Consideration shall also be given to ensuring a reasonable distribution of licences to new importers, taking into account the desirability of issuing licences for products in economic quantities. ~~In this regard, special consideration should be given to those importers importing products originating in developing country Members and, in particular, the least developed country Members;~~



- (k) in the case of quotas administered through licences which are not allocated among ~~importing~~<sup>supplying</sup> countries, licence holders<sup>6</sup> shall be free to choose the destinations of exports~~sources of imports~~. In the case of quotas allocated among ~~importing~~<sup>supplying</sup> countries, the licence shall clearly stipulate the country or countries;
- (l) in applying paragraph 8 of Article 1, compensating adjustments may be made in future licence allocations where ~~ex~~<sup>im</sup>ports exceeded a previous licence level.

**Note:**

- **[sub-paragraph (a)] Specific statistics and information on relevant measures are added to be required.**
- **[sub-paragraph (g)] Importation from distant sources situation with respect to validity period of import licensing will not be relevant in the context of export licensing.**
- **[sub-paragraph (j)] Special consideration for importation from developing Members with respect to import licensing will not be relevant in the context of export licensing.**

*Article 4  
Institutions*

~~There is hereby established a Committee on Import Licensing composed of representatives from each of the Members. The Committee shall elect its own Chairman and Vice Chairman and shall meet as necessary for the purpose of affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives.~~

There is hereby established a Committee on Export Licensing composed of the same Chairman, Vice-Chairman and other representatives from each of the Members as the Committee on Import Licensing established under the Agreement on import licensing procedures. The Committee shall meet as necessary for the purpose of affording Members the opportunity of consulting on any matters relating to the operation of this Agreement or the furtherance of its objectives.

**Note:**

- **This Article aims to let the existing Import Licensing Committee also in charge of the export licenses.**

*Article 5  
Notification*

1. Members which institute licensing procedures or changes in these procedures shall notify the Committee of such within 60 days of publication.
2. Notifications of the institution of ~~ex~~<sup>im</sup>port licensing procedures shall include the following information:
  - (a) list of products subject to licensing procedures;
  - (b) contact point for information on eligibility;
  - (c) administrative body(ies) for submission of applications;

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<sup>6</sup> Sometimes referred to as "quota holders".

- (d) date and name of publication where licensing procedures are published;
- (e) indication of whether the licensing procedure is automatic or non-automatic according to definitions contained in Articles 2 and 3;
- (f) in the case of automatic ~~ex~~import licensing procedures, their administrative purpose;
- (g) in the case of non-automatic ~~ex~~import licensing procedures, indication of the measure being implemented through the licensing procedure; and
- (h) expected duration of the licensing procedure if this can be estimated with some probability, and if not, reason why this information cannot be provided.

3. Notifications of changes in ~~ex~~import licensing procedures shall indicate the elements mentioned above, if changes in such occur.

4. Members shall notify the Committee of the publication(s) in which the information required in paragraph 4 of Article 1 will be published.

5. Any interested Member which considers that another Member has not notified the institution of a licensing procedure or changes therein in accordance with the provisions of paragraphs 1 through 3 may bring the matter to the attention of such other Member. If notification is not made promptly thereafter, such Member may itself notify the licensing procedure or changes therein, including all relevant and available information.

#### *Article 6* *Consultation and Dispute Settlement*

Consultations and the settlement of disputes with respect to any matter affecting the operation of this Agreement shall be subject to the provisions of Articles XXII and XXIII of GATT 1994, as elaborated and applied by the Dispute Settlement Understanding.

#### *Article 7* *Review*

1. The Committee shall review as necessary, but at least once every two years, the implementation and operation of this Agreement, taking into account the objectives thereof, and the rights and obligations contained therein.

2. As a basis for the Committee review, the Secretariat shall prepare a factual report based on information provided under Article 5, responses to *the annual questionnaire on ~~ex~~import licensing procedures*<sup>7</sup> and other relevant reliable information which is available to it. This report shall provide a synopsis of the aforementioned information, in particular indicating any changes or developments during the period under review, and including any other information as agreed by the Committee.

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<sup>7</sup>Originally circulated as GATT 1947 document L/3515 of 23 March 1971.

3. Members undertake to complete the annual questionnaire on ~~exim~~port licensing procedures promptly and in full.

4. The Committee shall inform the Council for Trade in Goods of developments during the period covered by such reviews.

5. *A registry of notifications for export licensing measures shall be established. The registry shall record and make available to public through the internet the information notified by Members under this Agreement.*<sup>8</sup>

**Note:**

- **Paragraph 5 aims to form part of the attempt to establish a central registry of notifications by the Decision on Notification Procedures at the Uruguay Round.**

*Article 8  
Final Provisions*

*Reservations*

1. Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

*Domestic Legislation*

2.(a) Each Member shall ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement.

(b) Each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulationsWTO

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<sup>8</sup> *The URL (Uniform Resource Locator) of the official internet site where relevant information of such measure is sufficiently available may be recorded alternatively, but this is without prejudice to the notification obligation under the Article 5.*

#### **IV. AGREEMENT ON NON-TARIFF BARRIERS TO TRADE RELATED TO ELECTRONICS (EC)**

*Members,*

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration and paragraph 22 of the Hong Kong Ministerial Declaration, Members agreed to negotiations aimed at reducing or as appropriate eliminating tariffs and non-tariff barriers on non-agricultural products;

*Desiring* to further the expansion of production and trade in the area of electrical and electronics equipment, electrical household appliances and consumer electronics (hereinafter electronics), and stimulate foreign direct investment in developing countries, so as to promote growth and employment and bridging global digital divides;

*Taking into account* the importance of trade in electronics for developing countries and of the truly global nature of the industry;

*Convinced* that reduction and, as appropriate, elimination of obstacles to trade and investment in electronics caused by divergent, duplicative and burdensome national standards, technical regulations and conformity assessment procedures will be to the benefit of all Members and not put unreasonable burdens on developing countries with capacity constraints;

*Desiring* to further the objectives of the WTO and especially the Agreement on Technical Barriers to Trade and the work by the ITA Committee on conformity assessment procedures by setting out additional rights and obligations concerning trade in electronics;

*Noting* that the reduction and, as appropriate, elimination of non-tariff barriers in electronics does not prevent Members from taking measures consistent with the Agreement on Technical Barriers to Trade to, *inter alia*, protect human, animal, or plant life or health or the environment; or to prevent deceptive practices; or to protect essential security interests;

Hereby *agree* as follows:

##### Article 1 – General Provisions on Scope and Definitions

1.1. The Agreement covers the electrical and electronics equipment, electrical household appliances and consumer electronics listed in Annex 1 of this Agreement.

1.2. The Agreement applies to standards, technical regulations, and conformity assessment procedures related to the safety of electrical equipment and their electromagnetic compatibility (EMC).

1.3. The provisions set out in this Agreement shall prevail over the provisions under the Agreement on Technical Barriers to Trade relating to the same subject matter.

1.4. The terms used in this Agreement shall have the same meaning as in the Agreement on Technical Barriers to Trade, unless otherwise specified in Annex 2 of this Agreement.

## **Article 2 – International Standards**

Where relevant international standards<sup>9</sup> exist, Members shall use these international standards, or the relevant parts of them, as a basis for any standard, technical regulation or conformity assessment procedure.<sup>10</sup> The relevant international standard setting bodies for safety of electrical equipment and EMC are the International Organization for Standards/International Electrotechnical Commission (ISO/IEC) and the International Telecommunication Union (ITU).

## **Article 3 – Conformity Assessment Procedures**

3.1. Members shall accept supplier's declaration of conformity as assurance on conformity to a standard or technical regulation for all products under this Agreement except those products falling under Articles 3.2 and 3.3.<sup>11</sup> The declaration of conformity shall identify the supplier, or the signatory if signed by another person on behalf of the supplier, the goods covered by the declaration, and the standards or technical regulations with which conformity is declared.<sup>12</sup> Registration of the product with the regulator shall not be required and testing of the product by recognized testing laboratories shall not be mandatory. If testing is undertaken, the choice of the testing laboratories shall rest with the supplier. The supplier is sole responsible for issuing, changing or withdrawing the declaration of conformity.

3.2. For products contained in Annex 3 of this Agreement, Members shall accept that the supplier of the product declares that the product meets the relevant standards or technical regulations on the basis of test reports issued by any test laboratory designated by a competent body of another WTO Member for the products contained in this Agreement.<sup>13</sup> Testing of the product by designated testing laboratories in the country of destination shall not be mandatory. No registration of the product shall be required.

3.3. In so far as developing country Members are concerned, Article 3.1 of this Agreement shall apply only to the products that any such Member shall list in Annex 4 of this Agreement. For products not listed in Annex 4, developing country Members shall accord no less favourable treatment than what is provided in Article 3.2.<sup>14</sup>

## **Article 4 – Transparency**

4.1. Any Member proposing to amend or to adopt a standard, technical regulation or conformity assessment procedure for electronics products in the case that these are not based on an international standard, shall allow reasonable time for consultations with any interested party. Interested parties

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<sup>9</sup> In accordance with the TBT Decision of the Committee on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5 and Annex 3 (G/TBT/9-Annex 4)

<sup>10</sup> In case no international standards exist, or where WTO Members have adopted standards, technical regulations and conformity assessment procedures that differ from those under international standards, WTO Members shall limit their regulations to safety and other public interest requirements and, wherever appropriate, specify technical regulations based on products requirements in terms of performance rather than design or descriptive characteristics, in accordance with Article 2.2 and Article 2.8 of the Agreement on Technical Barriers to Trade.

<sup>11</sup> This provision is without prejudice to labelling requirements that WTO Members may maintain or wish to adopt.

<sup>12</sup> When a suppliers' declaration of conformity is for a batch of products, it shall cover each article of the batch and when it is for similar articles delivered over time, it shall cover the delivery time.

<sup>13</sup> Members shall encourage their competent bodies to participate in international accreditation systems and to become signatories of international accreditation schemes.

<sup>14</sup> It is recognized that Article 3.3 only applies in so far and when a developing Member has adopted standards, technical regulations or conformity assessment procedures on any product falling under this Agreement.

from other Members shall be afforded no less favourable treatment than domestic parties in domestic procedures for consultations on standards, technical regulations and conformity assessment procedures.

4.2. Before amending an existing or adopting a new standard or technical regulation, Members shall conduct, whenever possible, an assessment of their expected impact.

### **Article 5 – Transitional Arrangements and Technical Cooperation**

5.1. No Member shall be obliged to apply the provisions of this Agreement before the expiry of a period of one year following its entry into force.

5.2. Developing country Members are entitled to extend the transition period provided for in Article 5.1, by one additional year for the application of Articles 2 and 4 of this Agreement and two years for the application of Article 3 of this Agreement.

5.3. Developing country Members shall, no later than the expiry of the period provided for in Article 5.1, notify a plan for the implementation of the commitments undertaken in Articles 2, 3 and 4 of this Agreement.<sup>15</sup> Developed country Members shall provide, on request and on mutually agreed terms and conditions with developing and least-developed country Members, technical cooperation in the preparation of the plans as well as the implementation of the commitments under this Agreement.

### **Article 6 - Review**

On a biennial basis following the expiry of the general period provided in Article 5.1 of this Agreement, Members shall review the listed products contained in Annex 1, Annex 3 and Annex 4 of this Agreement with the aim of gradually expanding the product lists in Annex 1 and Annex 4, and reducing the list of products contained in Annex 3.

### **Article 7 – Exceptions**

Members are not required to apply Articles 2, 3 and 4 of this Agreement when necessary to achieve legitimate objectives as regards national security, the prevention of deceptive practices, or human health or safety, or the environment.

### **Article 8 – Dispute Settlement**

The provisions of Articles XXII and XXIII of GATT 1994, as elaborated and applied by the Dispute Settlement Understanding, as well as Article 14 of the Agreement on Technical Barriers to Trade, shall apply to consultations and the settlement of disputes under this Agreement.

### **Article 9 – Institutional Arrangements**

A WTO Committee on Electrical and Electronics Goods shall be established to oversee the operation and implementation of this Agreement, to consider the lists of products contained in Annexes 1, 3 and 4 of this Agreement, and to address any developments in global trade in electronics of importance to this Agreement, with particular emphasis on issues of interest and concern to developing Members.<sup>16</sup>

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<sup>15</sup> The implementation plan will only have to cover those products for which a developing country Member has adopted standards, technical regulations or conformity assessment procedures.

<sup>16</sup> The Committee on Electrical and Electronics Goods shall perform its tasks in cooperation with the TBT Committee and the ITA Committee, as appropriate.

## ANNEX 1

**ELECTRICAL AND ELECTRONIC EQUIPMENT, ELECTRICAL HOUSEHOLD APPLIANCES  
AND CONSUMER ELECTRONICS COVERED UNDER THIS AGREEMENT**

This Agreement covers the products contained in the WTO Information Technology Agreement and the products listed below, except for those with a voltage range of higher than 1000 voltage for alternating current and 1500 voltage for direct current, parts and components for motor vehicles, and products for specific uses when duly justified and appropriate to the potential level of risk.

<b>HS2002 No.</b>	<b>PRODUCT DESCRIPTION</b>
841451	TABLE, FLOOR, WALL, WINDOW, CEILING OR ROOF FANS,
841459	FANS (EXCL. TABLE, FLOOR, WALL, WINDOW, CEILING OR ROOF FANS)
841460	HOODS INCORPORATING A FAN
841510	WINDOW OR WALL AIR CONDITIONING MACHINES, SELF-CONTAINED
841581	AIR CONDITIONING MACHINES INCORPORATING A REFRIGERATING UNIT AND VALVE FOR REVERSAL OF THE COOLING/HEAT CYCLE, NES.
841582	AIR CONDITIONING MACHINES INCORPORATING A REFRIGERATING UNIT, NES.
841583	AIR CONDITIONING MACHINES COMPRISING A MOTOR-DRIVE
841810	COMBINED REFRIGERATOR-FREEZERS, WITH SEPARATE EXTERNAL DOORS
841821	HOUSEHOLD REFRIGERATORS, COMPRESSION-TYPE
841822	HOUSEHOLD ELECTRICAL REFRIGERATORS, ABSORPTION-TYPE
841829	HOUSEHOLD REFRIGERATORS, NON-ELECTRICAL, ABSORPTION TYPE0
841830	FREEZERS OF THE CHEST TYPE, OF A CAPACITY <= 800 L
841840	FREEZERS OF THE UPRIGHT TYPE, OF A CAPACITY <= 900L
841850	REFRIGERATED OR FREEZING CHESTS, CABINETS, DISPLAY
842211	DISH-WASHING MACHINES OF THE HOUSEHOLD TYPE
842219	DISH-WASHING MACHINES (EXCL. THOSE OF THE HOUSEHOLD)
842430	WATER CLEANING APPLIANCES WITH BUILT-IN MOTOR
845011	FULLY-AUTOMATIC HOUSEHOLD OR LAUNDRY-TYPE WASHING MACHINES
845012	HOUSEHOLD OR LAUNDRY-TYPE WASHING MACHINES, WITH BUILT-IN CENTRIFUGAL DRYER
845019	HOUSEHOLD OR LAUNDRY-TYPE WASHING MACHINES, OF A DRY LINEN CAPACITY <=10KG, NES.
845020	LAUNDRY-TYPE WASHING MACHINES, OF A DRY LINEN CAPACITY >10KG
845121	DRYING MACHINES, OF A DRY LINEN CAPACITY <= 10 KG
845129	DRYING MACHINES FOR TEXTILE YARNS, FABRICS OR MADE UP TEXTILES ARTICLES
846912	TYPEWRITERS, AUTOMATIC (EXCL. WORD-PROCESSING MACHINES)
846920	TYPEWRITERS, ELECTRIC (EXCL. AUTOMATIC TYPEWRITERS)
850110	MOTORS OF AN OUTPUT <= 37,5 W
850120	UNIVERSAL AC/DC MOTORS OF AN OUTPUT > 37,5 W
850131	DC MOTORS OF AN OUTPUT > 37,5 W BUT <= 750 W
850132	DC MOTORS AND DC GENERATORS OF AN OUTPUT > 750 W B
850133	DC MOTORS AND DC GENERATORS OF AN OUTPUT > 75 KW B
850134	DC MOTORS AND DC GENERATORS OF AN OUTPUT > 375 KW
850140	AC MOTORS, SINGLE-PHASE, OF AN OUTPUT > 37,5 W
850151	AC MOTORS, MULTI-PHASE, OF AN OUTPUT > 37,5 W BUT
850152	AC MOTORS, MULTI-PHASE, OF AN OUTPUT > 750 W BUT <75KW
850153	AC MOTORS, MULTI-PHASE, OF AN OUTPUT > 75 KW
850161	AC GENERATORS "ALTERNATORS", OF AN OUTPUT <= 75 KVA
850162	AC GENERATORS 'ALTERNATORS', OF AN OUTPUT > 75 KVA
850163	AC GENERATORS 'ALTERNATORS', OF AN OUTPUT > 375 KVA
850164	AC GENERATORS 'ALTERNATORS', OF AN OUTPUT > 750 KVA
850231	GENERATING SETS, WIND-POWERED
850239	GENERATING SETS (EXCL. WIND-POWERED AND POWERED BY SPARK-IGNITION INTERNAL COMBUSTION PISTON ENGINES)
850240	ELECTRIC ROTARY CONVERTERS
850421	LIQUID DIELECTRIC TRANSFORMERS, HAVING A POWER HANDLING CAPACITY <=650KVA
850422	LIQUID DIELECTRIC TRANSFORMERS, HAVING A POWER HANDLING CAPACITY>650KVA TO 1600KVA

HS2002 No.	PRODUCT DESCRIPTION
850423	LIQUID DIELECTRIC TRANSFORMERS, HAVING A POWER HANDLING CAPACITY>1600KVA TO 10,000KVA
850431	TRANSFORMERS HAVING A POWER HANDLING CAPACITY <= 1KVA
850432	TRANSFORMERS, HAVING A POWER HANDLING CAPACITY > 1KVA TO 16KVA
850433	TRANSFORMERS HAVING A POWER HANDLING CAPACITY > 16KVA
850434	TRANSFORMERS HAVING A POWER HANDLING CAPACITY > 500KVA,NES.
850440*	STATIC CONVERTERS
850450*	INDUCTORS (EXCL. INDUCTORS FOR DISCHARGE LAMPS OR TUBES)
850490	PARTS OF ELECTRICAL TRANSFORMERS AND INDUCTORS, NES.
850530	ELECTRO-MAGNETIC LIFTING HEADS
850590	ELECTROMAGNETS AND THEIR PARTS (EXCL. MAGNETS FOR MEDICAL USE)
850610	MANGANESE DIOXIDE CELLS AND BATTERIES (EXCL. SPENT)
850630	MERCURIC OXIDE CELLS AND BATTERIES (EXCL. SPENT)
850640	SILVER OXIDE CELLS AND BATTERIES (EXCL. SPENT)
850650	LITHIUM CELLS AND BATTERIES (EXCL. SPENT)
850660	AIR-ZINC CELLS AND BATTERIES (EXCL. SPENT)
850680	PRIMARY CELLS AND PRIMARY BATTERIES, ELECTRIC (EXCL. SPENT)
850690	PARTS OF PRIMARY CELLS AND PRIMARY BATTERIES, N.E.
850710	LEAD-ACID ACCUMULATORS OF A KIND USED FOR STARTING PISTON ENGINES
850720	LEAD ACID ACCUMULATORS (EXCL. SPENT AND STARTER BATTERIES)
850730	NICKEL-CADMIUM ACCUMULATORS (EXCL. SPENT)
850740	NICKEL-IRON ACCUMULATORS (EXCL. SPENT)
850780	ELECTRIC ACCUMULATORS (EXCL. SPENT AND LEAD-ACID, NICKEL-CADMIUM, NICKEL-IRON, NICKEL-HYDRIDE, LITHIUM-ION ACCUMULATORS)
850910	DOMESTIC VACUUM CLEANERS, INCL. DRY CLEANERS AND WET VACUUM CLEANERS, WITH SELF-CONTAINED ELECTRIC MOTOR
850920	DOMESTIC FLOOR POLISHERS, WITH SELF-CONTAINED ELECTRIC MOTOR
850930	DOMESTIC KITCHEN WASTE DISPOSERS, WITH SELF-CONTAINED ELECTRIC MOTOR
850940	DOMESTIC FOOD GRINDERS AND MIXERS AND FRUIT OR VEGETABLES JUICE EXTRACTORS, WITH SELF-CONTAINED ELECTRIC MOTOR
850980	ELECTRO-MECHANICAL HOUSEHOLD APPLIANCES, WITH SELF-CONTAINED ELECTRIC MOTOR
851010	ELECTRIC SHAVERS
851020	HAIR CLIPPERS WITH SELF-CONTAINED ELECTRIC MOTOR
851030	HAIR-REMOVING APPLIANCES WITH SELF-CONTAINED ELECTRIC MOTOR
851090	PARTS OF ELECTRIC SHAVERS, HAIR CLIPPERS AND HAIR-REMOVING APPLIANCES
851310	PORTABLE ELECTRICAL LAMPS, BATTERY OR MAGNETO POWERED, NES.
851410	RESISTANCE HEATED INDUSTRIAL OR LABORATORY FURNACES AND OVENS
851420	FURNACES AND OVENS FUNCTIONING BY INDUCTION OR DIELECTRIC LOSS
851430	ELECTRIC INDUSTRIAL OR LABORATORY FURNACES AND OVENS
851440	INDUSTRIAL OR LABORATORY INDUCTION OR DIELECTION HEATING EQUIPMENT, NES.
851511	SOLDERING IRONS AND GUNS, ELECTRIC
851519	BRAZING OR SOLDERING MACHINES (EXCL. SOLDERING IRONS)
851521	FULLY OR PARTLY AUTOMATIC MACHINES FOR RESISTANCE WELDING OF METAL, FULLY OR PARTLY AUTOMATIC
851529	MACHINES FOR RESISTANCE WELDING OF METALS, NEITHER FULLY NOR PARTLY AUTOMATIC
851531	FULLY OR PARTLY AUTOMATIC MACHINES FOR ARC WELDING OF METALS
851539	MACHINES FOR ARC WELDING OF METALS, INCL. PLASMA ARC WELDING
851580	ELECTRIC MACHINES AND APPARATUS FOR LASER OR OTHER
851610	ELECTRIC INSTANTANEOUS OR STORAGE WATER HEATERS AND IMMERSION HEATERS
851621	ELECTRIC STORAGE HEATING RADIATORS,
851629	ELECTRIC SPACE-HEATING AND SOIL-HEATING APPARATUS
851631	ELECTRIC HAIRDRYERS
851632	ELECTRO-THERMIC HAIR DRESSING APPARATUS (EXCL. HAIRDRYERS)
851633	ELECTRIC HAND-DRYING APPARATUS
851640	ELECTRIC SMOOTHING IRONS
851650	MICROWAVE OVENS
851660	ELECTRIC OVENS, COOKERS, COOKING PLATES AND BOILING RINGS AND HOBS
851671	ELECTRO-THERMIC COFFEE OR TEA MAKERS, FOR DOMESTIC USE
851672	ELECTRIC TOASTERS, FOR DOMESTIC USE
851679	ELECTRO-THERMIC APPLIANCES, FOR DOMESTIC USE



HS2002 No.	PRODUCT DESCRIPTION
851680	ELECTRIC HEATING RESISTORS (EXCL. THOSE OF AGGLOMERATED CARBON OR GRAPHITE)
851810*	MICROPHONES AND STANDS THEREFORE (EXCL. CORDLESS MICROPHONES WITH BUILT-IN TRANSMITTER)
851821	SINGLE LOUDSPEAKERS, MOUNTED IN THEIR ENCLOSURES
851822	MULTIPLE LOUDSPEAKERS, MOUNTED IN THE SAME ENCLOSURES
851829	LOUDSPEAKERS, WITHOUT ENCLOSURE
851830*	HEADPHONES AND EARPHONES, WHETHER OR NOT COMBINED
851840	AUDIO-FREQUENCY ELECTRIC AMPLIFIERS
851850	ELECTRIC SOUND AMPLIFIER SETS
851910	COIN-OPERATED OR DISC-OPERATED RECORD-PLAYERS
851921	RECORD PLAYERS WITHOUT LOUDSPEAKER
851929	RECORD PLAYERS WITH LOUDSPEAKER (EXCL. COIN-OPERATED)
851931	TURNTABLES 'RECORD-DECKS', WITH AUTOMATIC RECORD-CHANGER
851939	TURNTABLES 'RECORD-DECKS', WITHOUT AUTOMATIC RECORD-CHANGER
851940	TRANSCRIBING MACHINES
851992	POCKET-SIZE CASSETTE PLAYERS 'DIMENSIONS <= 170 MM
851993	CASSETTE PLAYERS "PLAY ONLY" (EXCL. POCKET-SIZE AND DICTATING MACHINES)
851999	SOUND-REPRODUCING APPARATUS, NOT INCORPORATING A SOUND RECORDING DEVICE)
852010	DICTATING MACHINES NOT CAPABLE OF OPERATING WITHOUT EXTERNAL POWER SOURCE
852032	MAGNETIC TAPE RECORDERS INCORPORATING SOUND-REPRODUCING
852033	CASSETTE RECORDERS INCORPORATING SOUND-REPRODUCING
852039	MAGNETIC TAPE RECORDERS INCORPORATING SOUND-REPRODUCING
852090	MAGNETIC SOUND RECORDING OR REPRODUCING EQUIPMENT, NES.
852110	MAGNETIC TAPE-TYPE VIDEO RECORDING OR REPRODUCING APPARATUS FOR MAGNETIC TAPE
852190	VIDEO RECORDING OR REPRODUCING APPARATUS, WHETHER OR NOT INCORPORATING A VIDEO TURNING
852510*	TRANSMISSION APPARATUS FOR RADIO-TELEPHONY, RADIO-BROADCASTING OR TELEVISION
852530	TELEVISION CAMERAS (EXCL. VIDEO CAMERA RECORDERS)
852540*	STILL IMAGE VIDEO CAMERAS AND OTHER VIDEO CAMERA RECORDERS
852610	RADAR APPARATUS
852691	RADIO NAVIGATIONAL AID APPARATUS
852692	RADIO REMOTE CONTROL APPARATUS
852712	POCKET-SIZE RADIO-CASSETTE PLAYERS
852713	RADIO-BROADCAST RECEIVERS CAPABLE OF OPERATING WITHOUT EXTERNAL SOURCE OF POWER, NES
852719	RADIO-BROADCAST RECEIVERS CAPABLE OF OPERATING WITH BATTERIES
852731	RADIO-BROADCAST RECEIVERS, FOR MAINS OPERATION ONLY, WITH ANALOGUE/DIGITAL READING SYSTEM
852732	RADIO-BROADCAST RECEIVERS, FOR MAINS OPERATION ONLY, WITH CLOCK
852739	RADIO-BROADCAST RECEIVERS, FOR MAINS OPERATION ONLY, WITHOUT CLOCK
852790	RECEIVERS FOR RADIO-TELEPHONY, RADIO-TELEGRAPHY
852812	TELEVISION RECEIVERS, COLOUR, WHETHER OR NOT INCORPORATING A VIDEO RECORDER OR REPRODUCER
852813	TELEVISION RECEIVERS, BLACK AND WHITE OR OTHER MONOCHROME
852821	VIDEO MONITORS, COLOUR
852822	VIDEO MONITORS, BLACK AND WHITE OR OTHER MONOCHROME
852830	VIDEO PROJECTORS
852910*	AERIALS AND AERIAL REFLECTORS OF ALL KINDS; PARTS
852990*	PARTS SUITABLE FOR USE SOLELY OR PRINCIPALLY WITH THE APPARATUS OF HEADINGS 8525 TO 8528, OTHERS
853110	BURGLAR OR FIRE ALARMS AND SIMILAR APPARATUS
853180	ELECTRIC SOUND OR VISUAL SIGNALLING APPARATUS (EXCL. FLAT/INDICATOR LCD/LED PANELS)
853510	FUSES FOR A VOLTAGE > 1.000 V
853521	AUTOMATIC CIRCUIT BREAKERS FOR A VOLTAGE > 1.000 V
853529	AUTOMATIC CIRCUIT BREAKERS FOR A VOLTAGE >= 72.5 K
853530	ISOLATING SWITCHES AND MAKE-AND-BREAK SWITCHES, FOR A VOLTAGE >1000V
853540	LIGHTNING ARRESTERS, VOLTAGE LIMITERS AND SURGE SUPPRESSORS FOR A VOLTAGE>1000V

HS2002 No.	PRODUCT DESCRIPTION
853590	ELECTRICAL APPARATUS FOR SWITCHING, PROTECTING OR MAKING CONNECTIONS TO OR IN ELECTRICAL CIRCUITS, FOR A VOLTAGE >1000V
853610	FUSES FOR A VOLTAGE <= 1.000 V
853620	AUTOMATIC CIRCUIT BREAKERS FOR A VOLTAGE <= 1000 V
853630	APPARATUS FOR PROTECTING ELECTRICAL CIRCUITS FOR A VOLTAGE <1000V
853641	RELAYS FOR A VOLTAGE <= 60 V
853649	RELAYS FOR A VOLTAGE > 60 V BUT <= 1.000 V
853650*	SWITCHES FOR A VOLTAGE <= 1.000 V (EXCL. RELAYS AND AUTOMATIC CIRUIT BREAKERS)
853669*	PLUGS AND SOCKETS FOR A VOLTAGE <= 1.000 V (EXCL. THOSE FOR COAXIAL CABLES AND PRINTED CIRCUITS)
853690*	ELECTRICAL APPARATUS FOR SWITCHING ELECTRICAL CIRCUITS
853710	BOARDS, CABINETS AND SIMILAR COMBINATIONS OF APPARATUS (EXCL. NUMERICAL CONTROL PANELS)
853720	BOARDS, CABINETS AND SIMILAR COMBINATIONS OF APPARATUS FOR ELECTRIC CONTROL OR THE DISTRIBUTION OF ELECTRICITY
853810	BOARDS, PANELS, CONSOLES, DESKS, CABINETS AND OTHER BASES FOR ELECTRIC CONTROL
853910	SEALED BEAM LAMP UNITS
853921	TUNGSTEN HALOGEN FILAMENT LAMPS (EXCL. SEALED BEAM LAMPS UNITS)
853922	FILAMENT LAMPS OF A POWER <= 200 W AND FOR A VOLTAGE >100V
853929	FILAMENT LAMPS, ELECTRIC (EXCL. TUNGSTEN HALOGEN LAMPS)
853931	DISCHARGE LAMPS, FLUORESCENT, HOT CATHODE
853932	MERCURY OR SODIUM VAPOUR LAMPS; METAL HALIDE LAMPS
853939	DISCHARGE LAMPS (EXCL. FLOURESCENT, HOT CATHODE LAMPS)
853941	ARC-LAMPS
853949	ULTRAVIOLET OR INFRA-RED LAMPS
854011	CATHODE RAY TELEVISION PICTURE TUBES, INCL. VIDEO, COLOUR
854012	CATHODE-RAY TELEVISION PICTURE TUBES, INCL. VIDEO, BLACK AND WHITE OR OTHER MONOCHROME
854020	TELEVISION CAMERA TUBES; IMAGE CONVERTERS AND INTENSIFIERS AND OTHER PHOTO CATHODE TUBES
854040	DATA/GRAPHIC DISPLAY TUBES, COLOUR, WITH A PHOSPHOR DOT SCREEN PITCH<0.4MM
854050	DATA/GRAPHIC DISPLAY TUBES, BLACK AND WHITE OR OTHER MONOCHROME
854060	CATHODE-RAY TUBES (EXCL. TELEVISION AND VIDEO-MONITORS)
854071	MAGNETRONS
854072	KLYSTRONS
854079	MICROWAVE TUBES
854081	RECEIVER OR AMPLIFIER TUBES
854089	ELECTRONIC VALVES AND TUBES (EXCL. RECEIVER OR AMPLIFIER TUBES)
854320	SIGNAL GENERATORS, ELECTRICAL
854330	MACHINES AND APPARATUS FOR ELECTROPLATING
854340	ELECTRIC FENCE ENERGISERS
854389*	ELECTRICAL MACHINES AND APPARATUS, HAVING INDIVIDUAL FUNCTIONS
854420	COAXIAL CABLES, ANTENNA FEEDERS
854441*	TELECOMMUNICATIONS CABLES, OPTICAL CABLES (OTHER ELECTRIC CONDUCTORS, VOLTAGE <80V)
900912	LASER MULTIFUNCTION PRINTERS

\* These are, in part, covered by ITA.

## ANNEX 2

**TERMS AND THEIR DEFINITIONS FOR THE PURPOSE OF THIS AGREEMENT**

For the purpose of this Agreement, the following definitions<sup>17</sup> shall apply:

"Safety of electrical equipment" means that equipment, having been constructed in accordance with good engineering practice in safety matters, does not endanger the safety of persons, domestic animals or property when properly installed and maintained and used in applications for which it was made.

"Electromagnetic compatibility" means the ability of a device, unit of equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.

"Supplier" means any party that supplies the product and may be a manufacturer, distributor, importer, assembler, etc., as defined in ISO/IEC Guide 22:1996

"Conformity assessment" means the demonstration that specified requirements relating to a product, process, system, person or body are fulfilled. Conformity assessment can be performed as a first-party, second-party or third-party activity and covers activities such as testing, inspection and certification.

"Test laboratory" means a conformity assessment body that performs testing services and which has received attestation conveying formal demonstration of its competence to carry out these specific tasks.

"Designation" means governmental authorisation of a conformity assessment body or test laboratory to perform specified conformity assessment activities.

"International accreditation system": ILAC, International Laboratory Accreditation Cooperation, and IAF, International Accreditation Forum.

"International accreditation scheme": ILAC International Mutual Recognition Agreements and IAF Multilateral Recognition Arrangement (MLA).

"Interested party" means any legal or natural person affected by the policy, those who will be involved in implementation of the policy, and bodies that have stated objectives giving them a direct interest in the policy.

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<sup>17</sup> Based on ISO/IEC 17000:2004

ANNEX 3

**PRODUCTS FALLING UNDER ARTICLE 3.2 OF THIS AGREEMENT**

[ To be established as part of the negotiations ]

ANNEX 4

**PRODUCTS FALLING UNDER ARTICLE 3.3 OF THIS AGREEMENT**

[ To be established as part of the negotiations ]

## V. WTO AGREEMENT ON NON-TARIFF BARRIERS RELATED TO TRADE IN TEXTILES, CLOTHING AND FOOTWEAR (EC)

Members,

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration and paragraph 22 of the Hong Kong Ministerial Declaration, Members agreed to negotiations aimed at reducing or as appropriate eliminating tariffs and non-tariff barriers on non-agricultural products;

*Taking into account* the important contribution of the textile, clothing and footwear sectors to global economic growth, trade and development;

*Recognizing* that labelling has an important function to inform consumer of certain essential characteristics of textiles, apparel, and footwear;

*Noting* that the harmonisation of standards, technical regulations and conformity assessment procedures can improve efficiency of production and facilitate the conduct of international trade to the benefit of all Members;

*Desiring* to address the impediments to international trade in textiles, clothing and footwear caused by different labelling requirements, burdensome measures put in place to check compliance with such requirements, and duplicative certification requirements and conformity assessment procedures;

*Mindful* that textiles, clothing and footwear suppliers and producers in exporting Members may require flexibility to adjust to new technical requirements and the subsequent commercial conditions;

*Desiring* to promote cooperative and effective approaches to enhance trade and to further the objectives of the WTO and especially the Agreement on Technical Barriers to Trade by setting out additional rights and obligations concerning trade in textiles, clothing and footwear;

Hereby *agree* as follows:

### ***Article 1 – General Provisions on Scope and Definitions***

- 1.1. The Agreement covers the textiles, clothing and footwear products defined in Annex 1 of this Agreement.
- 1.2. The Agreement applies to labelling requirements for textiles, clothing and footwear.
- 1.3. The provisions set out in this Agreement shall prevail over the provisions under the Agreement on Technical Barriers to Trade relating to the same subject matter.
- 1.4. The terms used in this Agreement shall have the same meaning as in the Agreement on Technical Barriers to Trade, unless otherwise specified in Annex 2 of this Agreement.

### ***Article 2 – Labelling***

- 2.1. Members shall not require information through permanent labels or marking beyond:<sup>18</sup>
  3. with respect to textile and apparel goods: country of origin, fiber content [, care instructions<sup>19</sup>]; and

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<sup>18</sup> Suppliers shall be free to choose the appropriate form of permanent labels and may, at their discretion, provide additional information on permanent labels or markings.

<sup>19</sup> In accordance with existing internationally standards laid down by ISO [ISO 3758:2005].

4. with respect to footwear: country of origin and material content.

2.2. Members remain free to require that additional information of use to consumers regarding size be provided on goods or packaging through non-permanent labels.

### *Article 3 – Approval of labels*

Members shall not require any form of prior approval, registration or certification of labels as a condition for allowing the goods to be placed on their market.

### *Article 4 – Exceptions*

Members are not required to apply Articles 2 and 3 of this Agreement when necessary to achieve legitimate objectives as regards national security, the prevention of deceptive practices, or human health or safety, or the environment.

### *Article 5 – Transitional Arrangements*

5.1. No Member shall be obliged to apply the provisions of this Agreement before the expiry of a period of one year following its entry into force.

5.2. Developing country Members are entitled to extend the transitional period provided for in Article 5.1, by one additional year for the application of Articles 2 and 3 of this Agreement.

### *Article 6 – Dispute Settlement*

The provisions of Articles XXII and XXIII of GATT 1994, as elaborated and applied by the Dispute Settlement Understanding, as well as Article 14 of the Agreement on Technical Barriers to Trade, shall apply to consultations and the settlement of disputes under this Agreement.

### *Article 7 – Institutional Arrangements*

The WTO Committee on Technical Barriers to Trade shall, on an annual basis, review the operation and implementation of this Agreement, with particular emphasis on issues of interest and concern to developing Members. The Committee shall also review any other developments in technical requirements and conformity assessment procedures in global trade in textiles, clothing and footwear of importance to the attainment of the objectives of this Agreement.<sup>20</sup>

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<sup>20</sup> It is understood that, for this purpose and to facilitate transparency, exchanges of information and discussions among Members, the WTO Secretariat will prepare an annual report of the notifications received on textiles, clothing and footwear.

ANNEX 1

**TEXTILES, CLOTHING AND FOOTWEAR  
COVERED UNDER THIS AGREEMENT**

1. With respect to textiles and clothing, the products covered under this Agreement shall be the same as those products contained in the Annex of the former WTO Agreement on Textiles and Clothing.
2. With respect to footwear, the products covered under this Agreement shall be all products contained in Chapter 64 of Harmonised Commodity Description and Coding System (HS) Nomenclature.

ANNEX 2

**TERMS AND THEIR DEFINITIONS FOR THE PURPOSE OF THIS AGREEMENT**

For the purpose of this Agreement, the following definitions shall apply:

"Permanent labels" means affixing information on a product by securely attaching it through gluing, printing, sewing, embossing or alike.

"Non-permanent labels" affixing information on a product through stickers, hangtags or other means that can be removed, or attaching information on the package of the product.

"Supplier " means any party that supplies that product and may be a manufacturer, distributor, importer, assembler, etc., as defined in ISO/IEC Guide 22:1996

## VI. WTO AGREEMENT ON EXPORT TAXES (EC)

*Members,*

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration and paragraph 22 of the Hong Kong Ministerial Declaration, Members agreed to negotiations aimed at reducing or as appropriate eliminating tariffs and non-tariff barriers on non-agricultural products;

*Taking into account* that mutually beneficial trade relations among WTO Members arising from improved access for exports equally depend on commensurate access to imports, raw materials and other input goods;

*Recognizing* that export taxes, having similar effects to tariff escalation and serving as instruments for indirect subsidization of related industries, can distort international trade and competition, limit the availability of goods, and impede growth, employment and development of other WTO Members and not least developing countries;

*Mindful* that export taxes may, in certain circumstances, serve legitimate policy objectives of WTO Members, and in particular developing countries and least developed countries, and that the pursuit of those specific objectives would be wholly preserved through the application of rules contained the General Agreement on Tariffs and Trade;

*Desiring* to promote the expansion and progressive liberalization of world trade, to ensure enhanced transparency and predictability in the use of export taxes, and to address the trade-restrictive and distortive effects of export taxes so as to increase economic growth of all WTO Members;

Hereby *agree* as follows:

### *Article 1*

No duties, taxes and other charges imposed on or in connection with the exportation of non-agricultural goods<sup>21</sup> (hereinafter referred to as “export taxes”) destined for the territory of any other Member, as well as internal taxes and other charges on products exported to any other Member that are in excess of those imposed on like products destined for internal sale, shall be instituted or maintained by any WTO Member.

### *Article 2*

Notwithstanding Article 1 of this Agreement, developing country Members and especially least-developed country Members may maintain export taxes under the conditions set out in Article 3, provided that such export taxes and their maximum levels are listed in Members’ schedules of commitments.

### *Article 3*

1. Export taxes may be maintained and listed in Members’ schedules for a limited number of products, at low levels and only in so far as:

- (a) they are necessary, in conjunction with domestic measures, to maintain financial stability, to satisfy fiscal needs, or to facilitate economic diversification and avoid excessive dependence on the export of primary products; and

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<sup>21</sup> Same product coverage as for NAMA in DDA.



- (b) they do not adversely affect international trade by limiting the availability of goods to WTO Members in general or by raising world market prices of any goods beyond the prices that would prevail in the absence of such measures, or otherwise cause serious prejudice to the interests of developing country Members.
2. Members confirm the applicability of Article I of the GATT 1994 to the measures covered in Article 2 of this Agreement.

*Article 4*

2. The prohibition and, where relevant, reduction of export taxes shall take effect upon the entry into force of this Agreement for developed Members, no later than 3 years after its entry into force for developing Members and no later than 5 years after its entry into force for least-developed Members.
3. Commitments to eliminate and reduce existing export taxes shall be implemented through equal annual reductions for all relevant non-agricultural goods.
4. No new export taxes may be introduced during the transition periods.

*Article 5*

Nothing in this Agreement shall prevent:

- (a) any Member from imposing fees and charges on or in connection with the exportation of goods in accordance with GATT Article VIII;
- (b) any Member from applying export taxes in accordance with the rules applicable under GATT Article XX (General Exceptions) and Article XXI (Security Exceptions); and
- (c) any Member, and especially developing Members and least-developed Members, from temporarily and under specific circumstances adopting measures including export taxes in accordance with the conditions, rules and procedures of the following Articles, where applicable:
- GATT Article XII on Restrictions to Safeguard the Balance of Payments;
  - GATT Article XV:9 on Exchange Arrangements; and
  - GATT Article XVIII on Governmental Assistance to Economic Development.

*Article 6*

Export taxes instituted or maintained by Members in accordance with Articles 2, 3, 5(b) and 5(c) of this Agreement shall be applied in accordance with GATT Article VII.

*Article 7*

Members reaffirm, with respect to export taxes, their commitment to obligations on transparency and notification in Article X of GATT 1994 and in the Ministerial Decision on Notification Procedures adopted on 15 April 1994. Any new export taxes and any increase in existing export taxes must be notified to the WTO Secretariat 60 days before their entry into force. The notification shall contain a detailed description of the export taxes in question, their product and trade coverage, and their applied levels. Upon request, the Member seeking to institute new or raise existing export taxes shall afford adequate and prompt opportunity for consultations and provide information on the reasons for the export taxes, on their potential effects and on other matters of interest or concern to any other Member. The Member shall also allow a reasonable interval between the adoption of the measure instituting new or raising existing export taxes and its entry into force.

*Article 8*

The provisions of Articles XXII and XXIII of GATT 1994, as elaborated and applied by the Dispute Settlement Understanding, shall apply to consultations and the settlement of disputes under this Agreement.

*Article 9*

GATT Article XXVIII and the Understanding on the Implementation of Article XXVIII of GATT 1994 shall apply *mutatis mutandis* to the modification of a schedule within the meaning of Article 2.

*Article 10*

No later than 5 years after the entry into force of this Agreement, Members shall begin negotiations with the aim of gradually phasing out all remaining export taxes listed in Members' schedules. Priority should be given to those export taxes of concern to developing countries and particularly least developed countries.

## VII. MINISTERIAL DECISION ON PROCEDURES FOR FACILITATING THE RESOLUTION OF NON-TARIFF MEASURES BETWEEN WTO MEMBERS (EC)

*Ministers,*

*Recalling* that pursuant to paragraph 16 of the Doha Ministerial Declaration and paragraph 22 of the Hong Kong Ministerial Declaration, Members agreed to negotiations aimed at reducing or eliminating tariffs and non-tariff barriers on non-agricultural products;

*Desiring* to improve the opportunities for Members, to the benefit of countries at all levels of development, to expediently resolve non-tariff barriers to trade;

*Recognizing* that additional procedures for WTO Members to resolve non-tariff barriers would build upon and further the objectives of existing procedures on notifications and consultations in regular WTO bodies;

*Mindful* that the procedures set out in this Decision are without prejudice to the applicability of the Understanding on Rules and Procedures concerning the Settlement of Disputes, and Members' rights and obligations thereunder;

*Decide* as follows:

1. The present procedures shall apply to non-tariff measures.
2. Any Member may request that another Member enter these procedures. Such request shall be addressed to the other Member and notified to the relevant WTO Committee.<sup>22</sup> The request shall include a description of the matter sufficient to present clearly the measure in question and its trade effects. The Member to which such request is made shall favourably consider the request and provide a written reply to the notifying Member within [10] days of the date of receipt of the request. The reply shall also be notified to the relevant WTO Committee.
3. Upon launch of these procedures, the parties are encouraged to agree on a facilitator. The parties shall agree on the facilitator no later than [15] days after the receipt of the reply to the request, after which the parties shall inform the relevant WTO Committee of their choice. If no facilitator can be agreed within the [15] days, and one of the parties so requests, the [Director-General] [Chair of the relevant WTO body] shall appoint the facilitator within [10] days of the request and after consulting the parties.
4. The role of the facilitator shall be to assist the parties in bringing clarity to the measure and its possible trade effects, and reaching a mutually agreed solution.
5. In the initial stage of these procedures, within [15] days after the appointment of the facilitator, the party having invoked the procedures shall present the problem to the facilitator, in particular the operation of and trade effects caused by the measure at issue. Within [10] days after this presentation, the other party may provide its comments to the facilitator. The facilitator may decide the most appropriate way of conducting the initial stage, in particular whether to meet with the parties jointly or individually, seek the assistance of the Secretariat or consult with relevant experts and stakeholders.

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<sup>22</sup> The Committee to which this request shall be notified is the Committee overseeing the operation of the WTO agreement most closely related to the measure at issue. If there is no such Committee for a particular measure, the request shall be notified to the Council for Trade in Goods.

6. Following the initial stage, the facilitator may provide an advisory opinion and propose a solution for the parties' consideration.
7. These procedures shall normally be completed within [60] days from the date of appointment of the facilitator.
8. Meetings under these procedures may take place in the Members concerned, at the WTO headquarters or in any other location by mutual agreement. Meetings held under these procedures shall be confidential. There shall be no third party participation in these procedures unless the parties mutually agree.
9. At the end of these procedures, the facilitator shall report to the WTO Committee to which the matter was originally notified, about the procedures and the agreed solutions, if any. Any party unwilling to implement the solution proposed by the facilitator is expected to state its reasons for not doing so.
10. These procedures are not intended to serve as a basis for the enforcement of specific obligations under WTO agreements or for dispute settlement procedures, and are without prejudice to the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), including Article 5, and Members' rights and obligations thereunder.

## VIII. DRAFT TEXT ON PROCEDURES FOR RESOLUTION OF NON-TARIFF BARRIERS (NAMA-11)

*Ministers;*

*Having regard to* Para 16 of the Doha Ministerial Declaration which launched negotiations on, *inter alia*, reduction or as appropriate elimination of non-tariff barriers, in particular on products of export interest to developing countries.

*Conscious that* non-tariff barriers affect market access opportunities, particularly for exporters from developing countries and may negate benefits sought to be achieved from the reduction of tariffs,

*Recognizing that* there is a need for facilitating the expeditious consideration of non-tariff barriers and the search for creative and pragmatic solutions that aid exporters and promote trade,

*Recognizing further that* to facilitate resolution of non-tariff barriers, there is a need for a comprehensive, flexible and expeditious procedure that is non-adversarial in nature and focuses on arriving at pragmatic solutions,

*Considering that* in order for the procedure to be comprehensive, it should apply to non-tariff barriers faced by exporters in all areas of trade in goods covered by the Annex 1A to Marrakesh Agreement Establishing the World Trade Organization (the WTO Agreement),

*Emphasizing that* such a procedure should be premised primarily on resolving the adverse trade impact of non-tariff barriers, by attaining pragmatic solutions, rather than determining rights of the Members.

*Decide* as follows:

### ***Article 1 - Definition, Scope and Coverage***

- 1.1 For the purpose of this Decision, a Non-Tariff Barrier (NTB) includes any measure which is not a tariff and acts to prohibit or restrict trade in goods.
- 1.2 The scope of this Decision will be any NTB that adversely impacts the trade in goods and relates to the disciplines covered by the Agreements listed in Annex 1A of the WTO Agreement. The procedures for resolution of NTBs contained herein shall be adopted by the Council for Trade in Goods (CTG) and all the subsidiary bodies there under.
- 1.3 The examination of NTBs under this Decision shall be without prejudice to the rights and obligations of Members under the WTO Agreement, the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), including Articles 5 and 25, and Members' rights and obligations there under.
- 1.4 Information received and solutions explored under this Decision are not intended to serve as a basis for the enforcement of specific obligations under the WTO Agreement or for dispute settlement procedures, or to impose new legal or procedural commitments on Members.

## *Article 2*

### *General Principles*

- 2.1 Members shall engage in the procedure with the objective of arriving at a solution to the NTB.
- 2.2 This Decision applies to all trade in goods of all Members, and is based on the objective of problem-solving within short time-lines. It shall involve an Expert whose role shall be to actively assist Members to reach mutually satisfactory solutions through focused, structured and time bound discussions.
- 2.3 This Decision envisages the adoption of a flexible approach based on the principles of good faith; and mediatory and conciliatory negotiations whereby each Member in the process would make a concerted effort to resolve the NTB at hand with the assistance of the appointed Expert. The existing working procedures of the WTO body concerned, to the extent to which relevant for prompt resolution of the reported NTB, may be relied upon by the Expert.

## *Article 3*

### *Request for Resolution of an NTB*

- 3.1 One or more Members may, individually or jointly, notify in writing to the Member concerned, their intention to initiate the procedure under this Decision providing details of the NTB as described in paragraph 3.2 of this Article. Simultaneously, the Chairman of the CTG or the subsidiary body concerned shall be forwarded a copy of the notification, seeking appointment of an Expert for assisting in the resolution of the NTB<sup>23</sup>.
- 3.2 In the initial notification, the requesting Member/s shall identify the specific measure which is the NTB, with a brief summary of the trade problem faced. The initial notification will be circulated by the WTO Secretariat to all Members, either through email or fax communication, and will be placed in the 'Members Only' section of the WTO Website.
- 3.3 The Chairman of the CTG or the subsidiary body concerned shall appoint an Expert, after consulting the Parties involved, within [10] days of receipt of the request.
- 3.4 The Member to which the request is made may ask the Chairman of the CTG or the subsidiary body concerned not to appoint the Expert in the following two circumstances:
  - (a) The NTB reported has specifically been considered earlier under this procedure on the basis of a request from the same or other Members; or
  - (b) The NTB does not relate to the disciplines covered in Annex 1A of the WTO Agreement.

In such a case the Chairman of the CTG or its subsidiary body shall after further consultations with the Members concerned come to a decision, within [15] days. In case the decision is not

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<sup>23</sup> In case the reported NTB relates to more than one of the covered agreements, the Expert shall be appointed by the CTG, in all other cases the Committee or Working Party specifically concerned with the NTB shall appoint the Expert.

to appoint the expert the procedure under this Decision shall be terminated and the same shall be reported to the CTG or the subsidiary body concerned.

#### ***Article 4 - Functions of the Expert & Procedure for NTB Resolution***

- 4.1 The Expert appointed by the CTG or its concerned subsidiary body should have the appropriate knowledge and expertise to assist the parties in reaching a mutually satisfactory solution as envisaged in Article 5 of this Decision .
- 4.2 Citizens of Members whose governments are Parties to a procedure under this Decision shall not serve as the Expert, unless they agree otherwise.
- 4.3 The role of the Expert shall be to actively aid and advise the Parties in reaching a pragmatic solution.
- 4.4 The Expert shall fully take into account the particular problems and interests of developing, and in particular least developed country Members, if any, involved in the procedure.
- 4.5 To initiate the resolution procedure, the requesting Party/ies shall be required to provide in writing, within [10] days of appointment of the Expert, a detailed description of the NTB at issue, and its adverse trade effects. This written description shall be submitted to the Expert and to the other Party. Thereafter, the Expert shall have full flexibility in organizing and conducting the procedure, he may meet individually or jointly with the Parties in order to facilitate a mutually agreed solution. With the consensus of the Parties, the Expert may also meet the affected exporters and industry representatives. Either Party may present any information that it deems relevant, including in relation to the consistency or otherwise of the NTB with the WTO Agreement. The Expert shall consider such information, but may not give any opinion or make any determination as to the WTO consistency of the NTB. Such information may be taken into account to guide the procedure and any subsequent solution. The Expert shall not initiate or conduct any investigation into the WTO consistency of the NTB.
- 4.6 All deliberations and information acquired under this Article shall be strictly confidential. The consultations and discussions shall take place at the WTO, or any other place as per mutual convenience of the Parties. Video conferencing and such other communication facilities may also be utilized, if considered suitable and agreed to by all Parties.
- 4.7 The overall time limit under the procedure set forth in this Article shall not exceed [45] days from the appointment of the Expert, unless all Parties agree in writing to a longer time frame.

#### ***Article 5 - Solution and Implementation***

- 5.1 At any stage of the procedure initiated under Article 3 of this Decision, the Parties may arrive at mutually agreeable solutions and the Expert shall terminate the procedure and report the mutually agreed solution in the Report under paragraph 5.3 of this Article.
- 5.2 Pending final resolution of the NTB, the Expert shall also encourage the Parties to apply interim solutions, if any, especially if the NTB relates to perishable goods.
- 5.3 At the end of the procedure, the Expert shall report in writing to the CTG or the subsidiary body concerned providing a brief summary of the (1) the NTB referred for resolution; (2) procedures followed; and (3) the recommended solution/s, including interim solution/s, if any.

- 5.4 The recommended solution/s shall be implemented on an MFN basis. A Party unwilling to implement the solution/s recommended by the Expert, if any, shall provide in writing its reasons for not doing so, within [10] days of receipt of the Expert's Report, to the CTG or the subsidiary body concerned.

*Article 6 - Technical Assistance & Institutional Issues*

- 6.1 For the purposes of transparency, a status report of each ongoing and recently completed procedure shall be provided by the Chair at the formal meetings of the concerned WTO body, as determined in Article 3.1.
- 6.2 Developing country, in particular LDC, Members may request specific assistance from the WTO Secretariat, such as on factual issues; assistance for defining and presenting the problem; and other related matters, for effective participation in the procedure.
- 6.3 Technical assistance required by LDCs, to enable their full access to the procedure under this Decision, would be made available through the Technical Assistance Programmes of the WTO.
- 6.4 **REVIEW PROVISION – IF NEEDED**
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