

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/YEM/21
19 May 2008

(08-2299)

**Working Party on the
Accession of Yemen**

Original: English

ACCESSION OF YEMEN

Additional Questions and Replies

The following submission, dated 6 May 2008, is being circulated at the request of the Delegation of the Republic of Yemen.

TABLE OF CONTENTS

II.	ECONOMIC POLICIES.....	1
-	Investment Regime.....	1
-	State Ownership, Privatization and State-trading Entities.....	1
IV.	POLICIES AFFECTING TRADE IN GOODS	4
-	Trading Rights	4
A.	IMPORT REGULATIONS.....	6
-	Ordinary customs duties	6
-	Other duties and charges.....	7
-	Fees and charges for services rendered.....	7
-	Application of internal taxes to imports	9
-	Quantitative import restrictions, including prohibitions, quotas and licensing systems	9
-	Customs valuation.....	13
-	Anti-dumping, countervailing duties, safeguard regimes	14
C.	INTERNAL POLICIES AFFECTING FOREIGN TRADE IN GOODS	14
-	Industrial policy, including subsidies	14
-	Technical barriers to trade, standards and certification.....	15
-	Sanitary and phytosanitary measures.....	18
-	Trade-related investment measures	20
-	Free zones, special economic areas.....	21
V.	TRADE-RELATED INTELLECTUAL PROPERTY REGIME.....	21
-	GENERAL.....	21
-	SUBSTANTIVE STANDARDS OF PROTECTION, INCLUDING PROCEDURES FOR THE ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS	22
-	Copyright and related rights.....	22
-	Trademarks, including service marks.....	22
-	Geographical indications, including appellations of origin.....	22
-	Industrial designs	22
-	Patents.....	23
-	Requirements on undisclosed information, including trade secrets and test data.....	23
-	ENFORCEMENT	23
	ANNEX	25

II. ECONOMIC POLICIES

- Investment Regime

Question 1

Question 10 of WT/ACC/YEM/18: We note that the Yemeni Investment Law provides an extra two-year tax exemption to investment projects which have at least 25 per cent of the equity owned by Yemeni nationals. These provisions discriminate against foreign investors, and we would urge Yemen to equalize the treatment of foreign and domestic investors as regards provision of investment incentives.

Answer:

Yemen is currently reviewing its Investment Law and will take this note into consideration.

Question 2

Question 11 of WT/ACC/YEM/18: Yemen has submitted a revised list of prohibited goods in document WT/ACC/YEM/17. We note that this list is very long and would urge Yemen to consider whether other less drastic measures than an import ban could be used for purposes of protecting the religious principles/security?

Answer:

Yemen has reduced the list of prohibited goods to the minimum to include only the strictly prohibited goods. Yemen wishes to reassure that the principle of national treatment is and will be adhered to in the application of this prohibition.

Question 3

Question 12 of WT/ACC/YEM/18: Yemen explains that a list of industries considered to harm environment or health is under preparation. We would happy be to have indication on when this list would be available for the members of the Working Party?

Answer:

An indicative list of industries that Yemen is trying to avoid to conserve the environment will be submitted to the Working Party as soon as possible.

- State Ownership, Privatization and State-trading Entities

Question 4

JOB(05)/172/Rev.2, Factual Summary: Yemen provides a helpful description of decision making and Board composition for wholly-owned State-owned enterprises in paragraph 28 of the Factual Summary.

Please provide a similar explanation for firms in which the State retains shares but may not be the sole owner (i.e. firms where the State has a majority as well as for firms where the State has less than 50 per cent).

How do the operations and decision-making of such firms differ under law from those that are wholly private?

Answer:

When the government has less than 50 per cent shares, decision-making and formation of the Board of Directors is subject to the company's Articles of Association. Such companies run their activities similar to private sector firms' practices. For companies with more than 50 per cent State-owned shares, the company's regulations have to be approved by the Council of Ministers.

Question 5

Yemen appears to speak exclusively of enterprises with exclusive or special rights or privileges in this section (e.g. paragraph 35 of the Factual Summary). We recall, however, that the obligations of Article XVII of the GATT 1994 (as opposed to the understanding on that Article) apply not only to such enterprises, but also to those enterprises owned or controlled by the State, regardless of their privileged trading status.

We request that Yemen confirm this understanding of the GATT Article XVII, as Yemen will be expected to undertake a commitment reflecting its intention to ensure that all enterprises covered by Article XVII comply with those obligations.

We would also appreciate, given Yemen's assertion of the limited number of enterprises with special or exclusive privileges in Yemen, a description of Yemen's largest State-owned and controlled enterprises, including information on the sectors in which they operate, the extent of the State's involvement in the commercial decisions of the enterprise (e.g. through participation on management boards or requirement of State approval of board decisions), and any laws/regulations governing the sales/purchasing decisions of those enterprises.

Answer:

Yemen confirms its commitment to Article XVII of the GATT.

Please refer to the updated Table 3 on State-owned enterprises below and paragraphs 26-29 of the Factual Summary and the answer to Question 4 above.

Table 3: State-Owned Enterprises

Enterprise	State shareholding (per cent)	Capital (Million Rial)	Area of specialization	Supervising agency/ ownership	Chairman of the Board
Public Telecommunication Corporation	100		Provision of telecommunication services	Ministry of Telecommunication	Kamal Aljabri
Public Corporation of Water and Sanitation	100		Water distribution and sanitation	Ministry of Water and Environment	Ibrahim Al Mahdi
Public Electricity Corporation	100		Electricity generation and distribution	Ministry of Electricity	Dr. Mustafa Bahrn
Public Cement Manufacturing and Marketing Corporation	100	400	Manufacturing and marketing of cement	Ministry of Industry and Trade	Amin Al Shaibani

Enterprise	State shareholding (per cent)	Capital (Million Rial)	Area of specialization	Supervising agency/ ownership	Chairman of the Board
Public Textile and Clothing Corporation	100	200	Manufacturing of textile	Ministry of Industry and Trade	Mohamed Hajeb
Yemen Insurance and Re-Insurance Company	100		Insurance services	Ministry of Finance	Ahmed Ali Haddash
Yemen International Telecommunication Company (TeleYemen)	95		Provision of international telecommunication services	Ministry of Telecommunication	Kamal Aljabri
Marib Poultry Company	68	190	Production of eggs	Ministry of Industry and Trade	Dr. Hassan Alfwsail
Yemen Airways	51		Aviation	Ministry of Transportation	Abdul Khaliq Al Qadi
The Yemen Bank for Construction and Development	51	1,250	Banking services	Ministry of Finance	Abdullah Salem Al Jefri
Yemen Libyan Holding Company	50	US\$50 million	Investment	Yemen Libyan Holding Company	Abdullah Mohammed Esshaq
Yemeni Kuwaiti Real Estate Development Company	42	276	Real estate	Yemeni Kuwaiti Real Estate Development Company	Khalid Al Obaidi
National Tobacco and Matches Company	41.5	600	Manufacturing of cigarettes and matches	Ministry of Industry and Trade	Tawfeeq Al Ahmer
Marib Insurance Company	37	100	Insurance	The Yemen Bank for Reconstruction and Development	Ali Hashim
Saba Insurance Company	9	100	Insurance		Mohamed Mustafa
Arab Insurance Company	4	100	Insurance		Adel Albanna

Question 6

In paragraph 36 of the Factual Summary, Yemen states that the Yemen General Corporation for Oil and Gas determines the quantity of imports of crude and derivatives permitted into Yemen. Yemen also indicates that "affiliates" of this company constitute the industry for these products.

Please explain in greater detail how the General Corporation determines these quantities of imports. In particular, please indicate how this decision can be based on transparent, objective, and non-discriminatory criteria where the General Corporation is effectively being charged with controlling the quantity of imports of products that compete directly with "affiliates" of the General Corporation.

Do the State-owned petrol stations in Aden and Hadramout, referenced in paragraph 36, purchase petroleum products exclusively from the "affiliates" of the General Corporation? How do they make their sales and purchasing decisions?

Answer:

The General Corporation for Oil and Gas determines the required derivatives depending on market demand assessment with consideration to the oil storage capacities.

All fuel stations, government or private, purchase petroleum products directly from the Yemeni Company for Distribution of Oil Derivatives. Purchase and selling decisions are market-driven based on demand.

Question 7

Paragraph 27 of the Factual Summary: Yemen explains that it has no intention to break the current monopolies in the areas of fixed telecommunications and international telecommunication services, water and sewage services and electricity production and distribution. However, Yemen explains that it will gradually allow private sector participation in some areas of these sectors.

Can Yemen explain in more detail in which sectors and in what manner this private sector participation is foreseen?

Answer:

As part of the government's policy to develop and expand services and achieve universal access to services including full coverage of basic services, Yemen considers the participation of the private sector when circumstances become appropriate. So far the private sector has been involved in the power sector. The partnership began in the form of power generation by the private sector and selling it to the Public Electricity Corporation for distribution across the republic.

Question 8

JOB(05)/172/Rev.2, pages 58-59: Could Yemen confirm the current situation and status of the "Marib Poultry Company".

What is the status of the Dar Sa'ad Poultry enterprise (page 59 of JOB(05)/172/Rev.2)?

Answer:

Marib Poultry Company is a joint venture between the government (68 per cent) and the private sector (32 per cent). The company is still in operation.

Dar Sa'ad Poultry Company has been liquidated.

IV. POLICIES AFFECTING TRADE IN GOODS

- Trading Rights

Question 9

Questions 35-36 of WT/ACC/YEM/18: Yemen explains that it is currently reviewing its commercial registration fees to bring them in compliance with the WTO rules. Could Yemen indicate a timetable for concluding this exercise?

Answer:

Yemen expects the revision process to be finalized during 2008.

Question 10

JOB(05)/172/Rev.2 and WT/ACC/YEM/18: We cannot agree with Yemen's assessment of its trading rights regime in response to Questions 38 and 40 of WT/ACC/YEM/18. GATT Article III requires that the imported product have access to the same channels of distribution as the like domestic product, with no requirements or conditions imposed on such importation unless they are also imposed on the domestic like product. We understand that a Yemeni product may be sold directly to a customer, whereas an imported product may not be so sold because it must first be imported by a Yemeni company or a foreign company with domestic presence in which the foreign share does not exceed 49 percent (paragraph 54 of Factual Summary). Denying a foreign (legal or natural) person the opportunity to directly import its product for a customer in Yemen without first establishing domestic presence is therefore not consistent with Yemen's trading rights obligations under the GATT 1994. This has been consistently recognized in GATT decisions on this subject.

How will Yemen bring its regime into compliance with its WTO trading rights obligations?

Answer:

Yemen is currently reviewing the issue of trading rights and all other relevant issues. As an initial step, Yemen has amended Article 28 of the Commercial Law to allow foreigners to trade in Yemen without a national partner. However, the implementation of trading rights commitments is envisaged within a transitional period of three years after accession to allow for preparation of related legislations, institutions and mechanisms to implement such commitments.

Question 11

In response to Question 39 of WT/ACC/YEM/18, which informs Yemen that a commitment will be expected as described in that question. Yemen's response merely refers to its answer to Question 38.

If Yemen's trading rights regime is in fact consistent with the GATT Articles III and XI, as suggested in Yemen's response to Question 38, then do we understand that Yemen agrees to the commitment described in Question 39?

Answer:

Please refer to the answer to Question 10.

Question 12

We understand from paragraph 52 of the Factual Summary that all companies must be registered in order to import, and that physical presence is a prerequisite to a company's registration to import. If this is correct, this would mean that no company located outside Yemen could import its product into Yemen without establishing a physical presence therein.

GATT Article XI does not permit Members to prohibit or restrict importation, whether made effective through quotas "or other measures", except under extremely limited circumstances. Yemen effectively prohibits importation of products from other Members unless the importer

has a physical presence. This appears to be an onerous condition on importation that goes beyond what is permitted by the GATT Article XI. How does Yemen ensure compliance with this obligation?

Answer:

Please refer to the answer to Question 10.

Question 13

What is the rationale for requiring a physical presence in Yemen in addition to registration in order to import?

Answer:

The purpose of this requirement is to ensure that all suppliers are subject to the same rules and terms governing trade activity like tax payment, compliance with importation requirements and provision of after-sale services, etc. Yemen is not aware how can the above issues work without commercial presence of the supplier. Yemen is also wondering how the after-sale services are going to be provided and how consumers can be protected from deception.

Question 14

Questions 38-40 of WT/ACC/YEM/18: We note that neither foreign nationals nor foreign companies can register as importer or exporter. Companies need to be established in Yemen or have an agent based in the country in order to be registered. We would repeat our previous comments and urge Yemen to equalize the treatment of foreign and domestic nationals and companies as regards the rights to be registered as an importer and/or exporter.

Answer:

Please refer to the answer to Question 10.

A. IMPORT REGULATIONS

- **Ordinary customs duties**

Question 15

Question 41 of WT/ACC/YEM/18: It is noted that Article 24 of the 2002 Investment Law indicates that with a view to protecting local production, the Customs tariff Committee should impose or increase customs duty on the imports of goods competing with local production that rely on local material on its production. As mentioned in our previous comments, this requirement is WTO incompatible and we urge Yemen to abolish it from its legislation.

Yemen replied that it will abide by WTO Agreements and its accession commitments. Could Yemen confirm that it intends to abolish this provision of Article 24 of the 2002 Investment Law?

Answer:

Yemen confirms that in the unlikely case of resorting to this measure, it will abide by its bound tariffs and relevant WTO rules.

- **Other duties and charges**

Question 16

WT/ACC/YEM/18 and JOB(05)/172/Rev.2: In response to Questions 42 and 43 Yemen noted that the fees charged for Heritage and Cultural Development Fund, the Illiteracy Eradication and Adult Learning Agency, and Handicapped Care and Rehabilitation Fund are not for services rendered to the importers. However Yemen further notes that domestic often charged a similar fee.

Can Yemen please explain the process by which these fees are charged to domestic suppliers?

Answer:

Respective funds directly collect the fees from local producers or through the Taxation Authority on their behalf.

- **Fees and charges for services rendered**

Question 17

We appreciate Yemen's replies to Questions 48, 52 and 54 in WT/ACC/YEM/18, which note that Yemen is in the process of revising its fees and charges to more accurately reflect the true costs of services rendered.

When does Yemen expect to complete the revision?

We request that Yemen please keep the Working Party informed of its progress on updating its fees and charges to reflect the actual costs of services rendered, and update Table 7 of the Factual Summary as changes occur.

Answer:

The revision process has started. However, Yemen seeks the understanding and support of the Working Party members for a three year transitional period from the date of accession in order to implement the revised fees for services rendered.

Question 18

We request that paragraph 70 of the Factual Summary, JOB(05)/172/Rev.2, be updated to include commitment language noting that fees and charges would reflect the approximate costs of services rendered to ensure conformity with WTO requirements from the date of accession.

Answer:

Yemen confirms that it has started to review the fees and charges so as to reflect the approximate cost of the service rendered to comply with Article VIII of the GATT 1994, and please refer to answer to Question 17.

Question 19

Most of Yemen's fees appear to be based upon the services rendered. However a few products are subject to ad valorem fees. To ensure these fees are in compliance with WTO rules and

Article VIII of the GATT, Yemen should charge a fee based upon the service rendered rather than the value of the following imports:

- **Explosives and fireworks;**
- **Pesticides;**
- **Drugs and medical appliances;**
- **Goods in warehouse; and**
- **Goods subject to accredited standards.**

Answer:

Please refer to the answer to Question 17.

Question 20

In Table 7, Item 7 (Artistic and Literary Works), to receive an import licence for publications and stationery or audiotapes and CDs, Yemen charges approximately US\$25. To receive an import licence for cinema films and video films and cassettes, Yemen charges a fee of approximately US\$50.

In WT/ACC/YEM/18, Question 50, Yemen notes that its fees for the issuance of import permits are under revision, in order to reflect the approximate cost of services rendered. However, Yemen charges reduced fees for import licenses for books and printed materials is to serve public policy objectives, e.g., education.

Does Yemen charge a reduced fee for educational films and videos? And after revising its import fees, will Yemen assess the same fee for all artistic and literary works?

Answer:

Please refer to the answer to Question 17.

Question 21

We note that, in Table 7, Yemen charges fees for goods in warehouses (Item 10) and fees for handling parcels (Item 13) on top of any tariff and port fees on the covered products. We consider these fees to be a non-tariff barrier to exporting to Yemen. Because of the burden of these extra fees, we suggest that Yemen should consider consolidating or eliminating these fees altogether.

Answer:

These fees do not form non-tariff barriers on imports, they are merely fees for services as follows:

- Fees set forth in Item 10 are for Customs' services like inventory, sorting (out), supervision services or for the postponed payment of due Customs' fees; and
- As for fees set forth in Item 13 they are for services provided in the Customs yards or warehouses.

Question 22

Questions 53-54 of WT/ACC/YEM/18: We welcome Yemen's commitment to bring its fees and charges in compliance with Article VIII of the GATT upon accession.

Answer:

We appreciate the understanding and support of the Working Party members and please refer to the answer to Question 17.

- **Application of internal taxes to imports**

Question 23

Question 56 of WT/ACC/YEM/18: We thank Yemen for the updated information provided on taxation of imported and domestic products. We would propose to update the tables attached to the Factual Summary accordingly.

Answer:

All information provided on taxation on imported and domestic products is already updated in paragraph 71 of the Factual Summary in accordance with Law No. 19 of 2001 and its amendments by Law No. 42 of 2005.

- **Quantitative import restrictions, including prohibitions, quotas and licensing systems**

Question 24

In response to Questions 61 and 62, Yemen confirms that only Yemeni nationals can be eligible for technical clearance for importation of certain products. This is inconsistent with GATT Articles III and XI.

How does Yemen intend to ensure the treatment of foreigners is WTO consistent?

Answer:

Please refer to the answer to Question 10.

Question 25

Question 61 of WT/ACC/YEM/18: We note that only Yemeni nationals can be granted technical clearance for importation of medicines, medical equipment, books, newspapers, audiovisual and other artistic or literary works as well as fertilizers and pesticides. We would ask Yemen to explain the reasons of this discriminatory treatment, and would repeat our previous comments and urge Yemen to equalize the treatment of foreign and Yemeni nationals in accordance with Articles III and XI of the GATT.

Answer:

Please refer to the answer to Question 10.

Question 26

In response to Question 89 of WT/ACC/YEM/18, with respect to seasonal import restrictions, Yemen notes that imports of apples are allowed throughout the whole year with an additional duty during April-September.

Rather than continuing to use an import restriction, has Yemen considered applying a seasonal duty to the items listed in Table 7 of WT/ACC/YEM/18 (page 30), as they do for apples?

Answer:

Yemen is currently studying this list. Meantime Yemen has submitted an appropriate level of binding for this limited sensitive list of products in its goods offer.

Question 27

Could Yemen specify what are the seasonal restrictions imposed on products mentioned in the reply to Question 89?

Answer:

Products mentioned in the answer to Question 89 listed in Table 7 of WT/ACC/YEM/18 (page 30) are subject to prohibition periods and allowing periods during which, additional duty of 35 per cent is imposed in addition to the tariff rate of 25 per cent.

Question 28

Yemen states that the prohibitions or restrictions on coffee, mango, potatoes, tomatoes, lettuce, chicory, citrus fruit, grapes, melons, and papayas were under review and would conform with WTO rules from the date of accession.

How does Yemen plan to bring the above-mentioned products, and all other prohibited or restricted items, into conformity with WTO rules from the date of accession?

Answer:

Please refer to the answer to Question 26.

Question 29

JOB(05)/172/Rev.2, paragraph 73 and Table 10: Yemen lists a number of items that are restricted or prohibited in paragraph 73 and Table 10 of the Factual Summary. However, in the market access offer, a number of lines not indicated in paragraph 73 or Table 10 of the Factual Summary are restricted or prohibited as well.

Will Yemen please provide a comprehensive list of restricted and prohibited items?

Why does Yemen maintain these restrictions or prohibitions?

Does Yemen have a substantial domestic industry for these products?

Answer:

The document (WT/ACC/YEM/17/Rev.1) containing prohibited goods shows reasons for the prohibition:

- Restricted goods include all products referred to in the document on import licensing procedures (WT/ACC/YEM/20). These goods need prior approval from the relevant authority for security, health, environmental and public morals reasons;
- Prohibited goods are not locally made; and
- Some of the commodities which are subject to prior approval are produced locally.

Question 30

Question 60 of WT/ACC/YEM/18: We welcome the provision of an updated list of prohibited imports (WT/ACC/YEM/17/Rev.1). However, we still note that the list of prohibited imports is very long, and would ask Yemen to consider how the public interest Yemen seeks to secure by the import prohibition could be achieved by other, less trade distorting means.

Answer:

Yemen has revised the provisional list of prohibited imports under the document (WT/ACC/YEM/17) and reduced it to the minimum as stated in the document (WT/ACC/YEM/17/Rev.1). Most of the listed goods are prohibited in accordance with the following international conventions:

- Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol on Ozone-Exhausting Substances;
- The International Convention Regulating Trafficking of Endangered Species of Wild Fauna and Flora (CITES);
- Stockholm Agreement on Permanent Organic Pollutants (POPs); and
- Rotterdam Convention on Application of Prior Informed Consent Procedures on Chemicals and Pesticides for Specific Hazardous Blights Circulated within International Trade (PIC).

While preparing the prohibition list, utmost care was used to avoid any trade-distortion, except where no other possible means were found to achieve the foreseen objective.

Question 31

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. We thank Yemen for providing the full list of prohibited items. We request further clarification on the following items: Item No. 58, HS 2841.6190: HS 2841.6190 is potassium permanganate. Could Yemen please explain the reasons for which it seeks a religious exemption for this product?

Answer:

The tariff line HS 2841.6190 was inserted by mistake into the list of prohibited goods since this line is subject only to the prior approval from the relevant authority for health reasons.

Question 32

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. Item Nos. 59 and 60, no HS Codes: Could Yemen please provide HS numbers for these products and explain the health reasons behind the prohibition?

Answer:

The HS for Item No. 59 (Cloranphenicol) are 284440 and 294140 and the HS for its compounds are 300490 and 300390.

HS for Item No. 60 (Nitrofuran group) are 300490, 300390 and 293219.

The prohibition is based on health reasons so to avoid:

- Weakening the immune system;
- Containing carcinogenic substances; and
- Causing genetic mutations.

Question 33

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. Item Nos. 67 and 76, HS 7007 (Car Tinted Glass) and Chapter 87 (Cars with tinted glass even if manufactured so): We are concerned about Yemen's prohibition of tinted window glass and cars with tinted windows. What is the purpose of this prohibition? Are there specific cars that Yemen seeks to prohibit?

Answer:

The prohibition of the import of tinted window glass and cars with no see-through windows is for security and safety reasons. This measure does not target specific cars.

Question 34

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. Item No. 71, Chapters 85, 90 (Spying and decoding equipment for commercial and personal use): While we respect Yemen's right to prohibit trade for security reasons, could Yemen please provide the HS numbers and reason for the specific products that Yemen seeks to ban within this category?

Answer:

HS codes for eavesdropping and deciphering devices for personal and commercial use are as follows:

- Deciphering Devices 852190; and
- Eavesdropping Devices 851892.

Yemen bans the importation of deciphering and spying devices for commercial and personal use for security reasons and for protecting personal privacy as well as freedoms and the protection of public order and moral.

Question 35

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. Item No. 72, HS 9006-9007 (Cameras that show the human body naked): We respect Yemen's right to prohibit trade for religious reasons. However we note that all cameras and film fall within these HS categories. Can Yemen please provide HS numbers for the specific products it seeks to ban within this category?

Answer:

Cameras which show the human body naked fall under the tariff line 900691.

Question 36

List of Prohibited Imports, WT/ACC/YEM/17/Rev.1. Item No. 75, Chapter 87 (Cars with shifted steering wheel or not fit technically): Please provide the specific HS numbers for the products it seeks to prohibit and please explain the reason it seeks this prohibition.

Answer:

Yemen prohibits the importation of cars with shifted steering (from right to the left) to ensure public and traffic safety from potential hazards caused by using such vehicles. According to HS auto/car tariff fall within the tariff codes 8701- 8705. There are no specific tariff codes for cars with shifted steering wheel or those technically unfit.

Question 37

In the case of car tinted glass, second hand tires, cars more than seven years old, machines more than 15 years old, cars with shifted steering wheel or not fit technically, second hand diesel passenger cars:

- **Could Yemen please confirm that it not only bans the import of such vehicles but also bans the sale of such items?**
- **Could Yemen please provide a copy of the Law banning the domestic sale of such items?**

Answer:

Yemen confirms that these vehicles are not allowed to be imported from the date of issuance of Law No. 41 of 2005 on Customs Tariff.

Question 38

With respect to List C(1), List C(2), and Annex 1: We recommend that Yemen make the chemical short formulas used in Annex 1, consistent with the Montreal Protocol.

Items 16 and 17 seem to be Halon-1211 and 2402, respectively. Could Yemen confirm if this is the case?

CFC 211 and 217 are not included in the list. Could Yemen specify why these products are not included? Are they not commonly used?

Answer:

The amended list is attached in the Annex in accordance with Members' observations.

- **Customs valuation**

Question 39

WT/ACC/YEM/19, (5)(2)(b): With respect to Customs Valuation, Yemen's checklist discusses the intent to establish a value database.

We would like to remind Yemen that value databases are to be used as a risk assessment tool only, and not as a substitute value for imported goods or as a mechanism to establish minimum values. This is detailed in the Guidelines on the Development and Use of a National Valuation Database as a Risk Assessment Tool. These guidelines were developed by the WCO Technical Committee on Customs Valuation.

As Yemen is a Member of the WCO, has Yemen taken advantage of any of the training courses offered through the WCO, and if yes, what?

Answer:

Yemen confirms its commitment to the Customs Valuation Agreement including the use of value data as a tool to assess risks under flexibilities provided by the Agreement for LDCs including the transitional periods and the provision of technical assistance. Yemen attaches great importance to benefit from training courses provided by the World Customs Organization though more support for financial funding is needed from WCO and donor countries.

Question 40

Questions 66 and 68 of WT/ACC/YEM/18: We note the explanation of Yemen that it will complete the revision of its Customs Law by 2007, including its By-Laws. We would be happy to have a copy of the draft legislation as soon as possible to be able to comment it. We would also be happy to know when approximately these laws are going to be adopted.

Answer:

A copy of the draft amendment to the Law is attached (WT/ACC/YEM/21/Add.1 refers). The draft is expected to be submitted to the Parliament during the first half of 2008.

- **Anti-dumping, countervailing duties, safeguard regimes**

Question 41

JOB(05)/172/Rev.2, paragraphs 99 and 100: We would like to thank Yemen for providing its Customs legislation for Members to review. We are in the process of reviewing the legislation and will provide further questions at a later date.

Answer:

Please refer to answer to Question 40.

Question 42

We note that Yemen has not applied any anti-dumping, countervailing, or safeguard measures on imports due to the lack of infrastructure and necessary mechanisms, including WTO-consistent trade remedy legislation. Therefore we support the inclusion of the commitment text in paragraph 100 of the Factual Summary.

Answer:

Yemen commits to paragraph 100 in the Factual Summary and emphasizes the need for the necessary technical assistance to establish the necessary infrastructure and to properly train personnel on WTO anti-dumping, countervailing and safeguard measures.

C. INTERNAL POLICIES AFFECTING FOREIGN TRADE IN GOODS

- **Industrial policy, including subsidies**

Question 43

JOB(05)/172/Rev.2, paragraphs 108-112: We are willing to be flexible and consider a transition period for Yemen to eliminate its prohibited subsidies by a certain date.

Nevertheless, we encourage Yemen to revise its legislation to eliminate any prohibited subsidies as defined in Article 3 of the SCM Agreement as soon as possible.

We also seek confirmation Yemen will identify any subsidies based on local content in which Yemen will be asking for a transition period for prior to accession.

We remind Yemen that under Article 25 of the Agreement on Subsidies and Countervailing Measures, all Members to the WTO have agreed to notify all subsidy programmes meeting the definition of a subsidy, as provided in the Agreement, to the WTO Committee on Subsidies and Countervailing Measures. The notification should be specific enough to enable other Members to evaluate the trade effects and to understand the subsidy programme. Members shall ensure that the notification contains the following information:

- Form of the subsidy (grant, loan, tax);
- Subsidy per unit or total amount or annual budgeted for that year;
- Purpose of the subsidy;
- Duration of the subsidy; and
- Statistical data providing assessment of the trade effects of the subsidy.

Please indicate when Yemen intends to notify its subsidy programmes to the Working Party.

Answer:

Yemen confirms its commitment to notify subsidy programmes, if any whenever they become available, including local content in accordance with WTO rules and the flexibilities accorded to LDCs.

Question 44

Question 80 of WT/ACC/YEM/18: As regards Industrial Zones, we welcome Yemen's statement that it intends to comply with WTO rules when establishing industrial zones. However, we note Yemen's statement that it intends to resort to local content requirements in its industrial zones. We would ask Yemen to specify a transition period to phase out local contents subsidies, in line with the Hong Kong Declaration.

Answer:

Please refer to the answer to Question 43.

- **Technical barriers to trade, standards and certification**

Question 45

JOB(05)/172/Rev.2, paragraph 113: We refer Yemen to the TBT Committee Decision on Principles for the Development of International Standards, Guides and Recommendations with Relation to Articles 2.5 and Annex 3 of the Agreement (G/TBT/1/Rev.8, section IX, 23 May 2002). We note that the TBT Agreement does not reference particular international standards-setting bodies; a standard becomes an international standard through the process by which it is developed, rather than by the identity of the standards developer. Under the TBT Committee's decision, any organization following the principles set out in the Decision can develop international standards.

With this in mind, please explain how Gulf standards constitute "international" standards, and how Yemen ensures that its technical regulations are based on "international" standards, as required by Article 2.4 of the TBT Agreement.

Answer:

The Gulf standards adopted by Yemen are based on international standards. The six Gulf Cooperation Council (GCC) states are WTO Members who apply international standards accordingly. In its endeavour to align its legislation with GCCs, Yemen has adopted many specifications and standards issued by the Gulf Standardization Authority to cover shortages in a number of its specifications and standards.

Meantime Yemen has distributed drafts of Gulf standards and specifications to all relevant authorities (government, private, industrial, commercial and service sectors, civil society institutions, scientific, research and academic centres, etc.) to solicit their opinions and observations before final adoption and entry into effect.

Currently, Yemen is in the process of reviewing, updating and setting technical standards and regulations in accordance with the TBT Action Plan. Yemen therefore, emphasizes the need for technical assistance from WTO Members in this effort.

Question 46

JOB(05)/172/Rev.2, paragraph 116: We appreciate the information on the YSMO's role as intra-governmental coordinator.

Given the YSMO's authority to perform this function, could the Yemeni representative provide further explanation as what technical assistance is needed for "setting up a national mechanism for coordination between relevant agencies" as outlined in its TBT Action Plan, step 3 (WT/ACC/YEM/15)?

Answer:

There are many government authorities in Yemen (i.e. YSMQCO, Ministries of Agriculture, Health, Public Works "municipalities", Industry and Trade, Fisheries Wealth, Water and authorities like Environment, Customs, etc.), which carry out checking, control and inspection activities for goods and products (local, imported, exported, circulated) in accordance with the authorities mandated in their respected laws and regulations.

Hence, the importance of the request to establish national mechanism becomes apparent to coordinate their effort to revise laws, regulations and procedures for each authority and later to examine, discuss and update them to have definite tasks for each entity without overlapping or duplication. Such mechanism will also help to create and activate coordination with concerned non governmental sectors like (private, industrial, productive, commercial and service sectors, civil society institutions, scientific, research and academic centres, media institutions, etc.) To achieve and implement the national mechanism, Yemen is in need of the following support:

- Experts to review, examine, update, develop and restructure laws and regulations;
- Implementing the project of integrated information survey;
- Education, information and awareness;
- Seminars, workshops and meetings;
- Training; and
- Building infrastructure.

Question 47

We also appreciate the information in paragraph 116 on the transparency requirements of YSMO. In this regard, we note the importance of adherence to the Code of Good Practice, particularly paragraphs L through N, and request that Yemen articulate how the notification requirements will be taken into account.

We would like to know if these transparency requirements are outlined in a particular Decree (as they do not appear to be outlined in Law No. 44 of 1999 "On Standardization, Metrology and Quality Control"). Are these requirements outlined in the By-Law on Regulation of Standards Preparation Procedures No. 22/2001?

We would appreciate it if Yemen could make the appropriate legislation available to Working Party members.

Answer:

Yemen confirms its commitment to the system of good practices. Transparency requirements will be considered when setting standards, technical regulations and guidelines since the By-Law on regulation of standards preparation procedures No. 22/2001 defines such requirements. The issuance procedures of the updated regulation are underway. The draft is attached (WT/ACC/YEM/21/Add.1 refers).

Question 48

JOB(05)/172/Rev.2, paragraph 117: We take note of the information provided on Yemen's "International Conformity Certification Program. "

Could the Yemeni representative provide further information on how the determination was made to subject each product, listed in Table 14, to the programme?

We note that the purpose of the programme is to prevent deceptive practices and ensure conformity with international standards. Could the Yemeni representative provide Working Party members with a list of standards that the listed products are required to conform to?

Answer:

Products in Table 14 were defined because of the lack of capabilities in Yemen to carry out the required checking, examination and inspection procedures.

Standards applied to products in Table 14 are the same ones that align with international standards issued by international organizations like ISO, ISO / IEC, Codex, ITU, etc.

Question 49

JOB(05)/172/Rev.2, paragraph 118: We appreciate the recognition in paragraph 118 that there are avenues other than mutual recognition agreements, such as recognition of labs.

We would appreciate it if this could be reflected in the TBT Checklist (WT/ACC/YEM/5), particularly in the response to 5(f).

Answer:

Yemen confirms that the subject of 'recognition of labs' is reflected in the Revised TBT Checklist which is being circulated with the document symbol WT/ACC/YEM/22.

Question 50

JOB(05)/172/Rev.2, paragraph 121: In response to Question 83 (WT/ACC/YEM/18), the Yemeni representative stated that Yemen was in the process of identifying laws that may need revision. Does this review include the By-Laws that Yemen has previously mentioned, including:

- Minister of Industry and Trade's - Chairman of Board of Directors - Decree No. 21 of 2003 on Organizational matters pertaining to YSMO and its Branches in Governorates;
- By-Law on Conformity Certificate Issuance for Standards No. 3/2001;
- By-Law of Quality Mark Adoption of National Products No. 11/2001;
- By-Law of the Regulation of Rules and Procedures Pertaining to the Processes of Inspection and Testing for Goods and Domestic and Imported Products No. 13/2001;
- By-Law on Quality Mark Granting System No. 14/2001;
- By-Law on Regulation of Standards Preparation Procedures No. 22/2001; and
- By-Law on Evaluation of Goods and Enterprises Conformity for Accredited Standards No. 2/2003.

It would be helpful if Yemen could make these implementing laws available to Working Party members for review. This would also help assure Working Party members that Yemen's legislative framework does in fact ensure compliance with the principles of the TBT Agreement.

Answer:

According to the Action Plan to implement the TBT Agreement (WT/ACC/YEM/15), all relevant decrees, regulations and procedures which need to be updated and revised will be updated in line with the principles of TBT Agreement. Please find attached copies of the above listed By-laws (WT/ACC/YEM/21/Add.1 refers).

Please also note that the By-law No. 14/2001 has been replaced by the By-law No. 27/2006 and also attached is the By-law on Regulation of Standards Preparation Procedures which is intended to replace the By-law No. 22/2001.

- **Sanitary and phytosanitary measures**

Question 51

We are pleased to see that Yemen is a member of the OIE, IPPC, and Codex.

Does Yemen regularly send representatives to the meetings of the three international standards bodies (OIE, IPPC, and Codex)? If so, in which commodity or regional committees do they participate?

Answer:

Yemen regularly sends representatives to attend the following IPPC meetings:

- Annual International Meeting of the Phytosanitary Measures Authority;
- Periodical meetings of the International Phytosanitary Standards Committee; and
- Annual Regional Meeting for the Near East to review international standards for phytosanitary measures.

Yemen also takes part in many Codex General Assembly meetings, annual meetings of the International Codex Committee but never participates in the technical committee's meetings due to the lack of resources.

It also participates in the Main Annual Meeting of OIE which is held in Paris. Yemen is also a member in the regional OIE committee for the Middle East.

Question 52

Yemen's Law for the Year 1999 Concerning Plant Quarantine: We appreciate the designations and definitions provided in Chapter One of Yemen's Plant Quarantine Law of 1999. We are requesting definitions for the following terms:

- **Natural Fertilizer (Chapter 1, under the Plant Consignment Definition);**
- **Monitoring and Control (Chapter 1, under the Plant Consignment Definition);**
- **Transit (Chapter 2, Article 3a); and**
- **Artificial Organic Fertilizer (Chapter 3, Article 9c).**

Answer:

Natural Organic Fertilizer: The residues of natural plants or animals or the combination of them, which contains nutrients for plants and organic substances necessary to improve the physical, chemical and vital qualities of the soil, which can harbour plant quarantine pests.

The term Monitoring and Control (i.e. Official Control) refers to real enforcement of binding phytosanitary regulations and the application of binding phytosanitary measures in order to eradicate or contain the plant quarantine pests.

The term Transit refers to the consignment passing through the Republic but not destined for the territory of the Republic.

Artificial Organic Fertilizer: the residues of natural plants, animals or the combination thereof, which have been subjected to any manufacturing process to guarantee its heat treatment and packing to completely ensure that it has got to be free of plant quarantine pest.

Question 53

Yemen's Law for the Year 1999 Concerning Plant Quarantine. Chapter 3, Articles 5 and 6: Is the Government of Yemen requiring 100 per cent testing on all imported plant consignments?

Answer:

The norm is the sampling method in testing imported plant shipments, but in case of potential risks which results from the process of risk assessment, a 100 per cent testing is done.

Question 54

Yemen's Law for the Year 1999 Concerning Plant Quarantine. Chapter 3, Articles 12 & 13: What is the procedure for obtaining prior permission from competent authorities?

Answer:

The procedures for obtaining import prior permission are as follows:

- The applicant obtains the permission form from the Department of Plant Quarantine in the General Directorate of Plant Protection. The application form can also be obtained from official Internet website address of the Ministry of Agriculture and Irrigation (www.mai-yemen.org) or from International Phytosanitary website address (www.ippc.int);
- The application form, after being completely filled out by the applicant, is submitted along with the proof of fees payment to the Department of Plant Quarantine to finalize the permission issuance procedures;
- The application is examined by the Department of Plant Quarantine based on risk assessment for the shipment to be imported;
- The permission is issued including all phytosanitary terms and requirements which should be met by the shipment; and
- If phytosanitary rationale exists and requires the ban of the importation process, the permission is to be turned down and the applicant is officially notified of the rationale for the rejection of the application.

Question 55

With respect to Yemen's Law No. 17 for the year 2004 Pertaining to the Organization and Protection of Livestock - Annex 17: We are pleased that Yemen is a member of the OIE, and we encourage Yemen to adopt Livestock Laws consistent with OIE regulations.

Sub-Chapter 2, Article 28, Fight of Animal Diseases: How will the Government of Yemen compensate owners' losses in cases of negligence on the part of the quarantine administration during quarantine? How will negligence be determined?

Answer:

The general legal rules in Yemen provide for the right of litigation for the appropriate remedy. Yemen is currently revising and updating the Animal Wealth Law to be consistent with the OIE regulations.

- **Trade-related investment measures**

Question 56

WT/ACC/YEM/18, Questions 10, 13, 16 and 90: Yemen expressed its belief that certain tax incentives and product sharing agreements are not TRIMs (Questions 10, 13, and 16), while also noting that if these programmes are TRIMs, they will seek a transition period. We appreciate Yemen's willingness, expressed in reply to Question 90, to provide a list of all measures that would be covered under the TRIMs agreement.

Has Yemen begun to compile a list of potential TRIMs?

We request that Yemen develop an action plan to eliminate all TRIMs in a manner consistent with the TRIMs agreement, the Declaration on LDC Accessions, and the Hong Kong Ministerial Declaration (e.g., within seven years of accession). An action plan should identify all existing incentive programmes that might be considered inconsistent with the TRIMs agreement, including measures on industrial free zones, production-sharing agreements, and special agreements.

Would Yemen be able to provide a TRIMs action plan before the next Working Party meeting?

Answer:

Please refer to answer to Question 43.

- **Free zones, special economic areas**

Question 57

Our comments on subsidies also apply to Free Zones.

Answer:

Please refer to the answer to Question 43.

V. TRADE-RELATED INTELLECTUAL PROPERTY REGIME

- **GENERAL**

Question 58

WT/ACC/YEM/18, Question 99: In response to Question 99, Yemen refers to WT/ACC/YEM/8, dated 21 July 2005, "Action Plan for the Implementation of the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS)", noting that Yemen has articulated its financial and technical assistances needs in this document. We understand that Yemen has prepared an updated TRIPS Action Plan, which we look forward to reviewing further.

We would like to note that we have offered technical assistance, through our Patent and Trademark Office, in drafting/reviewing IPR Laws and Regulations. However, we have not received a response on this outstanding offer from Yemen, and we have not received drafts of IPR Laws for review/comment. We would like to note that we remain interested and willing to assist Yemen, and request that Yemen please submit copies of new IPR legislation to the Working Party for review.

Answer:

In order to be compatible with TRIPS Agreement, Yemen emphasizes the Technical Assistance as indicated in the respective Action Plan.

Yemen has conducted consultations with WIPO on several draft laws.

Please find attached copies of draft laws on Copyright and Related Rights, Trademarks and Geographical Indicators and Industrial Designs (WT/ACC/YEM/21/Add.1 refers).

- **SUBSTANTIVE STANDARDS OF PROTECTION, INCLUDING PROCEDURES FOR THE ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS**
- **Copyright and related rights**

Question 59

WT/ACC/YEM/18, Questions 100-102: In Yemen's responses to Questions 100-102, Yemen notes that it is in the process of revising its Copyright Law.

Could Yemen please share its current revision of its Copyright Law with the Working Party for review? Working Party members could then offer advice on any areas of inconsistency with WTO obligations.

Answer:

Please refer to the answer to Question 58.

- **Trademarks, including service marks**
- **Geographical indications, including appellations of origin**

Question 60

WT/ACC/YEM/18, Questions 104-105: We appreciate Yemen's responses to Questions 104 and 105 of WT/ACC/YEM/18.

- **Will Working Party members have an opportunity to review and comment on the final draft Law on Trademarks and Geographical Indications prior to the finalization of the constitutional procedures for issuance?**
- **We would like to offer to review the draft law and provide comments to Yemen in an effort to support Yemen's accession to the WTO.**

Answer:

Please refer to the answer to Question 58.

- **Industrial designs**

Question 61

JOB(05)/172/Rev.2, paragraphs 166-168: In Yemen's responses provided in paragraph 167, Yemen notes that it is in the process of revising its Industrial Design Law, and that a new law is anticipated to be enacted by 2008.

Could Yemen please share its current draft revision of its Industrial Design Law with the Working Party for review? Working Party members could then offer advice on any areas of inconsistency with WTO obligations.

Answer:

Please refer to the answer to Question 58.

- **Patents**

Question 62

JOB(05)/172/Rev.2, paragraphs 169-172: We appreciate Yemen's responses to as provided in paragraphs 169-172.

Will Working Party members have an opportunity to review and comment on the final draft Law on Patents and Compulsory Licensing prior to the finalization of the revision?

We would like to offer to review the draft law and provide comments to Yemen in an effort to support Yemen's accession to the WTO.

The comment regarding lack of infrastructure and technical capabilities is noted. Are resources available in the World Intellectual Property Organization to assist Yemen in improving its infrastructure? Furthermore, we would like to provide technical assistance to improve the functioning of the patent registration process. It is noted that many Patent Offices around the world have benefited from work sharing with other Offices. Has Yemen considered partnering with other intellectual property Offices, perhaps the GCC?

Answer:

Please refer to the answer to Question 58.

Yemen welcomes the offer by the Working Party Member to develop the patents' registration process, and is looking forward to receive technical assistance related to developing IPR institutional and capacity building, which Yemen lacks at the present.

- **Requirements on undisclosed information, including trade secrets and test data**

Question 63

JOB(05)/172/Rev.2, paragraph 175: We appreciate Yemen's responses as provided in paragraph 175.

When is the next revision of the Intellectual Property Rights Law anticipated? Will the Working Party have an opportunity to review before the law is finalized?

The request for technical assistance is noted. We would like to offer technical assistance in drafting appropriate mechanisms to ensure compliance with TRIPS Article 39.

Answer:

Yemen will be happy to share the draft of the Law once it is ready.

- **ENFORCEMENT**

Question 64

WT/ACC/YEM/18, paragraph 106: Yemen's reply to Question 106 notes that current legislation does not provide the right holder with the right to information about third parties involved in infringement.

Will Yemen be revising its Evidence Law No. 21/192 to allow the provision of information about third parties involved in an infringement?

Answer:

New IPR Laws will be in line with Article 57 of the TRIPS Agreement.

ANNEX

List C (1) - Ozone-Depleting Materials

No.	HS Heading	CAS number	Chemical Code Name	Chemical Short Formula	Chemical Name
1.	29.03		*	CHBr ₂	Fluorodibromomethane
2.	~	1511-62-2	HBFC-22B1	CHF ₂ Br	Difluorobromomethane
3.	~		*	CH ₂ FBr	Fluorobromomethane
4.	~		*	C ₂ HFBr ₄	Fluorotetrabromoethane
5.	~		*	C ₂ HF ₂ Br ₃	Difluorotribromoethane
6.	~		*	C ₂ HF ₃ Br ₂	Trifluorodibromoethane
7.	~	124-72-1	*	C ₂ HF ₄ Br	Tetrafluorobromoethane
8.	~		*	C ₂ H ₂ FBr ₃	Fluorotribromoethane
9.	~	75-82-31392-1-968	*	C ₂ H ₂ F ₂ Br ₂	Difluorodibromoethane
10.	~	421-06-7	*	C ₂ H ₂ F ₃ Br	Trifluorobromoethane
11.	~	958-97-4	*	C ₂ H ₃ FBr ₂	Fluorodibromoethane
12.	~		*	C ₂ H ₃ F ₂ Br	Difluorobromoethane
13.	~	762-49-2	*	C ₂ H ₄ FBr	Fluorobromoethane
14.	~	29470-94-8, 134273-35-7	*	C ₃ HFBr ₆	Fluorohexabromopropane
15.	~		*	C ₃ HF ₂ Br ₅	Difluoropentabromopropane
16.	~		*	C ₃ HF ₃ Br ₄	Trifluorotetrabromopropane
17.	~		*	C ₃ HF ₄ Br ₃	Tetrafluorotribromopropane
18.	~		*	C ₃ HF ₅ Br ₂	Pentafluorodibromopropane
19.	~	63905-11-3	*	C ₃ HF ₆ Br	Hexafluorobromopropane
20.	~		*	C ₃ H ₂ FBr ₅	Fluoropentabromopropane
21.	~		*	C ₃ H ₂ F ₂ Br ₄	Difluorotetrabromopropane
22.	~		*	C ₃ H ₂ F ₃ Br ₃	Trifluorotribromopropane
23.	~		*	C ₃ H ₂ F ₄ Br ₂	Tetrafluorodibromopropane
24.	~	422-01-5	*	C ₃ H ₂ F ₅ Br	Pentafluorobromopropane
25.	~		*	C ₃ H ₃ FBr ₄	Fluorotetrabromopropane
26.	~		*	C ₃ H ₃ F ₂ Br ₃	Difluorotribromopropane
27.	~	431-21-0	*	C ₃ H ₃ F ₃ Br ₂	Trifluorodibromopropane
28.	~	679-84-5	*	C ₃ H ₃ F ₄ Br	Tetrafluorobromopropane
29.	~		*	C ₃ H ₄ FBr ₃	Fluorotribromopropane
30.	~		*	C ₃ H ₄ F ₂ Br ₂	Difluorodibromopropane
31.				C ₃ H ₄ F ₃ Br	Trifluorobromopropane
32.	~		*	C ₃ H ₅ FBr ₂	Fluorodibromopropane
33.	~		*	C ₃ H ₅ F ₂ Br	Difluorobromopropane
34.	~	352-91-0	*	C ₃ H ₆ FBr	Fluorobromopropane
35.				CH ₂ BrCl	BromochloroMethane

List C (2) - Systems, Equipment and Products Using or Containing any of the
Items Subject to Monitoring Stated in Annex 1 Below

1.	Automobile and truck air conditioning units (whether incorporated in vehicles or not)
2.	Refrigerators
3.	Freezers
4.	Dehumidifiers
5.	Water coolers
6.	Ice machines
7.	Air-conditioning and heat pump units
8.	Aerosol products except the medical aerosol
9.	Portable fire extinguisher
10.	Insulation boards, panels and pipe covers
11.	Pre-Polymers
12.	Compressors as spare parts for equipment listed from 1-7 above

Annex 1

Items Subject to Prohibition in Imported Equipment, Tools and Products

No.	Chemical Name	Chemical Short Formula	Chemical Code Name
1.	Fluorotrichloromethane	CFCl ₃	CFC-11
2.	Diflorodichloromethane	CF ₂ Cl ₂	CFC-12
3.	Trichlorotrifluoroethane	C ₂ F ₃ Cl ₃	CFC-113
4.	Dichlorotetrafluoroethane	C ₂ F ₄ Cl ₂	CFC-114
5.	Chloropentafluoroethane	C ₂ F ₅ Cl	CFC-115
6.	Bromochlorodifluoromethane	CF ₂ BrCl	Halon-1211
7.	Bromotrifluoromethane	CF ₃ Br	Halon-1301
8.	Dibromotetrafluoroethane	C ₂ F ₄ Br ₂	Halon-2402
9.	Trifluorochloromethane	CF ₃ Cl	CFC-13
10.	Fluoropentachloroethane	C ₂ FCl ₅	CFC-111
11.	Difluorotetrachloroethane	C ₂ F ₂ Cl ₄	CFC-112
12.	Fluoroheptachloropropane	C ₃ FCl ₇	CFC-211
13.	Difluorohexachloropropane	C ₃ F ₂ Cl ₆	CFC-212
14.	Trifluoropentachloropropane	C ₃ F ₃ Cl ₅	CFC-213
15.	Tetrafluorotetrachloropropane	C ₃ F ₄ Cl ₄	CFC-214
16.	Pentafluorotrichloropropane	C ₃ F ₅ Cl ₃	CFC-215
17.	Hexafluorodichloropropane	C ₃ F ₆ Cl ₂	CFC-216
18.	Heptafluorochloropropane	C ₃ F ₇ Cl	CFC-217
19.	Carbontetrachloride	CCl ₄	CTC
20.	1,1,1 trichloroethane (Methyle Chloroform)	C ₂ H ₃ Cl ₃	CTA
21.	500-R	CFC-12/HFC-152a	R-500
22.	502-R	HCFC-22/CFC151	R-502

Note: Diplomats and passengers' personal luggage are excluded.