

WORLD TRADE ORGANIZATION

RESTRICTED

G/TRIMS/1

26 January 1995

(95-0141)

NOTIFICATIONS UNDER ARTICLE 5.1 OF THE TRIMS AGREEMENT

Note by the Secretariat

Under Article 5.1 of the Agreement on Trade-Related Investment Measures, WTO Members commit themselves to notify, within 90 days of the entry into force of the WTO Agreement, the Council for Trade in Goods of all trade-related investment measures they are applying that are not in conformity with the provisions of that Agreement. Accordingly, Members are invited to notify such measures no later than **31 March 1995**.

Attached is the format for such notifications approved by the Preparatory Committee and transmitted to the WTO for information and implementation (PC/R, paragraph 45).

FORMAT FOR NOTIFICATIONS UNDER ARTICLE 5.1 OF THE AGREEMENT ON TRIMs

This format is without prejudice to the rights and obligations of Members under the TRIMs Agreement.

(i) Description of the Measure and of its Main Features

The notification should clearly identify the measure that is being notified under Article 5.1 of the Agreement on TRIMs. Any more general information about the programme of which the measure forms a part and which the notifying Member wishes to communicate should be provided under point (ii) below. Where such a programme involves more than one TRIM, they should be notified separately.

The measure and its main features should be described in sufficient detail to enable the nature and scope of the measure to be clearly defined. In particular, along with the measure itself, the following principal features should be described whenever relevant:

1. The category in the illustrative list under which the measure falls.
2. Whether the TRIM is applied by the government of the Member under discretionary authority or mandatory legislation. In the former case, each specific application shall be notified and enterprises subject to the measure identified.
3. Where the TRIM is general in nature, the criteria for determining to which enterprises it applies in sufficient detail to enable those enterprises to be identified.
4. Where the TRIM is applied pursuant to mandatory legislation, whether the legislation requires the measure to be applied to new enterprises or new investments of existing enterprises.
5. Whether compliance with the measure by the enterprise is (a) mandatory or enforceable under domestic law or administrative rulings or (b) necessary to obtain an advantage. In the latter case, the nature of the advantage should be described.¹
6. When the TRIM relates to specific products, sufficient detail on these products to define the scope of the measure.
7. The date of implementation of the TRIM and the nature of any modification of the TRIM effected within 180 days prior to the entry into force of the WTO Agreement.
8. Whether the TRIM, as applied under domestic law, includes provision for its phasing-down and/or elimination. If so, details should be given.
9. The domestic law, regulation or administrative guideline under which the TRIM is applied; a copy should be submitted to the Secretariat to be available for inspection by interested Members.
10. The level of government applying the TRIM, the name of the implementing agency and any information on the procedures governing its application necessary to enable its nature and scope to be understood.

(ii) General Information on the Programme in Question

Where appropriate, Members should provide more general information about the programme of which the notified TRIM forms a part.

¹Information that would prejudice the legitimate commercial interests of particular enterprises need not be notified.