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(21-5998) Page: 1/24

Committee on Import Licensing

MINUTES OF THE MEETING HELD ON 21 APRIL 2021

VICE-CHAIRPERSON: MS STEPHANIA AQUILINA (MALTA)

The Committee on Import Licensing held its fifty-third meeting on 21 April 2021 under the chairpersonship of the Vice-Chairperson of the Committee, Ms Stephania Aquilina (Malta). The agenda proposed for the meeting was circulated in document WTO/AIR/LIC/12/Rev.1.

The Chairperson opened the meeting by observing that, due to the COVID-19 travel and meeting restrictions, the meeting would take place in virtual mode only. She informed Members that, due to a family-related emergency, the Chairperson of the Committee, Dr Irfan Muhammad (Pakistan), could not be present in Geneva to chair the meeting. For this reason, Dr Muhammad had requested her to chair the meeting on his behalf, in her capacity as Vice-Chairperson of the Committee.

1.1. The Chairperson recalled that the meeting's proposed agenda was contained in the Airgram, document WTO/AIR/LIC/12/Rev.1. At the same time, she noted that the European Union wished to withdraw Agenda Item 7, concerning the importation of ceramics into Egypt.

1.2. The representative of Indonesia said that his delegation wished to include an item under "Other Business" regarding certain trade concerns Indonesia had in respect of Sri Lanka's ban on the importation of palm oil.

1.3. The Chairperson proposed the inclusion of two items under "Other Business", namely: (i) the Import Licensing Notifications Workshop; and (ii) two Secretariat papers on Members' profiles and Secretariat analysis of import licensing procedures in five sectors.

1.4. The agenda was adopted with the changes proposed.

1.5. After the agenda had been adopted, the representative of Sri Lanka objected to the inclusion in the agenda of the item proposed by Indonesia under "Other Business" regarding Sri Lanka. She noted that, while Indonesia had indicated to Sri Lanka that it would be raising this issue, it had done so only on the day of the meeting itself, regrettably. She noted that her delegation was small and lacked the capacity to make representations everywhere. She reiterated that Sri Lanka could not agree to the adoption of the agenda.

1.6. The Chairperson noted that the agenda had already been adopted and suggested that Sri Lanka and Indonesia discuss the issue bilaterally and update the Committee accordingly.

1.7. The representative of Sri Lanka requested the Secretariat to read out the Committee's rules of procedures, and noted that there had to be prior notification to a Member if another Member wished to raise an issue concerning it under "Other Business". She considered that the decision to continue with the meeting was harsh on a small delegation such as hers, given that Indonesia had raised this issue against Sri Lanka without prior notice.

1.8. The representative of Indonesia responded that the agenda had already been adopted and that they had followed all of the procedures required to insert the item under "Other Business". Therefore, they intended to raise their concerns under this agenda item. He noted that Sri Lanka could respond to Indonesia's concerns at the current meeting or else bilaterally at a later stage, before the next meeting, and that that they remained open to any communication on this matter.

1.9. The representative of the European Union stated that she fully understood Sri Lanka's position. She added that, while a Member was permitted to insert any item under "Other Business", there was no expectation that a discussion would take place on that item or that the Member to whom the question had been addressed would respond to it.

1.10. Responding to Sri Lanka's request, a representative of the Secretariat read out to the Committee the relevant rules of procedure of the Committee on Import Licensing, namely:

> Rule 6
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> The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".
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> Rule 25
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> Representatives should avoid unduly long debates under "Other Business". Discussions on substantive issues under "Other Business" shall be avoided, and the Committee on Import Licensing shall limit itself to taking note of the announcement by the sponsoring delegation, as well as any reactions to such an announcement by other delegations directly concerned.
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> Rule 26
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> While the Committee on Import Licensing is not expected to take action in respect of an item introduced as "Other Business", nothing shall prevent the Committee on Import Licensing, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance.

1.11. The representative of Sri Lanka observed that, according to the rules of procedure of the Committee, there was a best endeavour obligation to provide advance notice to the Member concerned when an item was proposed under "Other Business". Nevertheless, Indonesia had not informed Sri Lanka that they had intended to raise this issue in the Committee on Import Licensing under "Other Business". In this respect, she noted that, had Indonesia informed them that they had intended to raise the issue, they would have received feedback from Capital and been prepared to respond. She considered it very unfortunate that Indonesia had not shared any prior information with her delegation; therefore, allowing Indonesia to retain this item on the agenda would create a very bad precedent. She added that her delegation was not present at the meeting when the agenda had been adopted; for this reason, Sri Lanka had not been in a position to oppose its adoption at that time. In conclusion, she requested the Chairperson to take account of the situation in a fair decision.

1.12. The Chairperson thanked the representative of Sri Lanka for her statement and offered to meet Sri Lanka and Indonesia later that day to discuss the matter further.[1] At the same time, she encouraged Indonesia to reach out to Sri Lanka on this issue with a view to them resolving it bilaterally.

1.13. The Committee took note of the statements made.

1 MEMBERS' COMPLIANCE WITH NOTIFICATION OBLIGATIONS: DEVELOPMENTS SINCE THE LAST MEETING

1.1. The Chairperson stated that she had been informed by the Secretariat that, to date, a total of 87 notifications had been received under various provisions of the Import Licensing Agreement since the Committee's previous meeting, 85 of which had been listed in the Airgram for consideration at that day's meeting. New N/3 notifications had been received by the Secretariat before the meeting from Honduras (document G/LIC/N/3/HND/12) and Norway (document G/LIC/N/3/NOR/10). These documents had arrived after the Airgram had been issued and they would therefore be reviewed at the Committee's next meeting.

1.2. The Chairperson highlighted that, as of the date of that meeting, 13 Members had not yet submitted any notification under any provision of the Agreement since joining the WTO. A total of 23 Members had not yet submitted any reply to the annual questionnaire under Article 7.3 of the Agreement, including the 13 Members just mentioned. For the sake of transparency, she urged all Members on the list to submit their notifications as soon as possible.

1.3. She also recalled that submitting replies to the annual questionnaire under Article 7.3 of the Agreement was an annual notification obligation for all Members. As of 21 April 2021, only 26 Members had submitted their replies to the questionnaire for 2020, and only eight Members had submitted their replies to the questionnaire for 2021. She stated that transparency was one of the key pillars of the rules–based multilateral trading system and strongly encouraged all those Members that had not yet submitted their replies to the questionnaire for 2021 to do so by the deadline of 30 September 2021.

1.4. She stated that, since the Committee's previous meeting, positive developments had occurred in the area of notifications. First, a number of notifications had been submitted under Articles 1.4(a), 8.2(b), and 5.1-5.4, with a total of 62 new N/1 and N/2 notifications received. Second, all except one of these new N/2 notifications had been submitted using the revised notification form, contained in document G/LIC/28, to notify new import licensing regulations or changes thereof. Third, one Member, Guinea, had notified its import licensing procedures for the first time, thus lowering the number of Members that had not yet submitted any notification under any provision of the Agreement to 13. She thanked all those Members that had submitted their notifications for their efforts and dedication.

1.5. The representative of the United Kingdom noted that this was the first statement made on behalf of the United Kingdom in the Committee on Import Licensing and thanked the Chairperson for her opening remarks with regards to the importance of compliance with notification obligations. She reiterated the United Kingdom's commitment to transparency and notifications and reported that the United Kingdom had notified under Articles 1.4(a) and 8.2(b) and had submitted 11 notifications under Article 5.1 to 5.4 of the Agreement on Import Licensing Procedures. She thanked the Secretariat for their assistance on these notifications and informed the Committee that the United Kingdom would submit its reply to the annual questionnaire in time for the 2021 deadline. She noted that the United Kingdom recognized the work of this Committee in strengthening transparency by streamlining existing notification obligations and through the creation of the import licensing website. Finally, she said that her delegation would endeavour to work with WTO Members on existing initiatives to ensure that import licensing was simple, transparent, and predictable, and not an obstacle to trade.

1.6. The Committee took note of the statements made.

[1] For scheduling reasons, this meeting did not take place.

2 WRITTEN QUESTIONS AND REPLIES FROM MEMBERS ON SPECIFIC TRADE CONCERNS

2.1 Document G/LIC/Q/IND/27

2.1. The representative of the European Union stated that they would address their questions to India contained in document G/LIC/Q/IND/27 under agenda items 9 and 10. Similarly, they would also comment on their questions to Indonesia contained in document G/LIC/Q/IDN/43 under agenda items 14 and 15.

2.2 Document G/LIC/Q/IND/28

2.2. The representative of Canada recalled that they had posed a series of questions to India regarding its quantitative restrictions on dried peas, which had been scheduled to expire on 31 March 2021. He noted that these quantitative restrictions had been in place continuously for the past three years. He asked India if the quantitative restrictions had in fact ended on 31 March of this year or if they had been extended. He also asked India to elaborate on potential increases to the quantitative restrictions for yellow peas, which were currently set at zero tonnes. Finally, he asked India how this measure could be considered temporary, given that it had been place for three continuous years.

2.3. The representative of India thanked the delegation of Canada for its continued interest in this issue. He responded that his delegation had transmitted these questions to Capital and were awaiting a response.

2.3 Document G/LIC/Q/IDN/42

2.4. The representative of Japan said that his delegation appreciated Indonesia's written replies and recognized that an import permit for Japanese rice had finally been issued in January 2021. Meanwhile, his delegation requested Indonesia to ensure that the normal duration from application to issuance of import permits was three days, as clearly stated in Indonesia's written reply. His delegation also requested Indonesia to notify the procedures for import permits as import licensing procedures to ensure transparency.

2.5. The representative of Indonesia responded to Japan's concern regarding its import licensing for japonica rice. He recalled that his delegation had already submitted its written replies to Japan's questions on the importation of japonica rice. In addition, he said that Indonesia had issued import approvals regarding the importation of japonica rice originating from several countries, including Japan. Furthermore, from January until April 2021, Indonesia had issued three new import approvals regarding japonica rice. He concluded by saying that, based on that data, Indonesia had never restricted the importation of japonica rice, including that originating from Japan; indeed, on several occasions, they had had been made aware of Japanese satisfaction with the Indonesian government's handling of the issue of the importation of japonica rice, which had been based purely on business decisions. His delegation hoped that, in the future, trade cooperation between Indonesia and Japan could be increased, to their mutual benefit.

2.4 Document G/LIC/Q/IDN/43

2.6. The representative of Indonesia thanked the European Union for its concern regarding Indonesia's import licensing regimes for textile and textile products, footwear, electronics, bicycles/tricycles and alcoholic beverages, which had been submitted through document G/LIC/Q/IDN/43. He said that his delegation was still coordinating amongst several government agencies in preparing Indonesia's written replies to the European Union's questions on all of these matters.

2.7. Regarding certain imports subject to Regulation No. 68/2020, he said that his government intended to ensure that the administration of the surveillance of the incoming goods could be carried out in accordance with the standards of the specified port of destinations. Regarding the import clarification provisions, he said that the Indonesian government had to ensure that certain incoming goods met these requirements both in quality and quantity. Regarding the import plan obligation, he said that Indonesia needed the data to project the future utilization of import approvals. Finally, regarding the importation of alcoholic beverages, he said that his delegation found no barriers to

EU alcoholic beverages entering Indonesia's market. He noted that, between January and April 2021, Indonesia had issued 13 import approvals on alcoholic beverages originating from several countries, including the European Union. He concluded that, in view of his delegation, the utilization of import approvals relating to alcoholic beverages, whether originating from the European Union or not, was based on business-to-business decisions by the business entities or importers themselves.

2.5 Documents G/LIC/Q/ARG/18, G/LIC/Q/ARG/19, and G/LIC/Q/ARG/20

2.8. The representative of the United States thanked Argentina for its written replies to the questions posed by her delegation in document G/LIC/Q/ARG/19. She said that the answers provided had clarified a number of recent changes and demonstrated the value of transparency through this Committee. As a follow-up, she stated that the United States wished to draw Members' attention to some additional US questions, which her delegation had submitted in document G/LIC/Q/ARG/20. She said that her delegation would appreciate receiving a written response to those questions from the government of Argentina as soon as possible.

2.9. The representative of the United Kingdom thanked the United States for its written and follow-up questions relating to Argentina's import licensing system. She said that her delegation was also interested in the issues raised by the United States, in particular regarding the processing times for import licences in Argentina and the approval processes and requirements. She thanked Argentina for their written responses to date and looked forward to further replies.

2.10. The representative of Colombia highlighted the usefulness and relevance of the compilation of questions and answers prepared by the Secretariat (document G/LIC/W/51/Rev.4). She said that this was an important transparency tool, which facilitated the Committee's task in following up on specific trade concerns and in gathering information and additional details from Members.

2.11. On this specific agenda point, she said that her delegation was grateful to the United States for drawing the Committee's attention to this matter by circulating various documents containing questions about Argentina's import licensing regime. She also thanked Argentina for the opportunities for bilateral dialogue, both in Buenos Aires and Geneva, and for Argentina's written answers and recent notifications, which appeared on the meeting's agenda under item 3. She said that her delegation had been made aware of the fact that, for several months, firms exporting to the Argentinian market had experienced difficulties in relation to import procedures. In particular, she noted that there were constant changes in the procedures as well as delays by the authorities in the deadline for granting licences, even though firms were complying with all the requirements and documentation. She noted that, in some cases, there had been delays of more than 60 days in approving licences, without an indication being given of the reasons for such delays or of the details for completing the proceedings. She called particular attention to the fact that some licences, which had previously taken not more than 72 hours to be approved, now took more than 60 days, again without any explanation being given. In addition to these delays in approving licences, the current regime limited the validity of import licences to 90 calendar days, which was a substantial reduction from the validity of 180 calendar days under the previous regime. This situation did not ensure predictability in foreign trade transactions and exposed entrepreneurs to great uncertainty and high costs.

2.12. She requested Argentina to disclose the details of its procedures for granting licences as well as the objectives of the policy for implementing the system. Her delegation also wished to find out more about the universe of tariff headings covered by the import licensing requirements and the criteria for determining which products were included under this regime. Finally, she indicated that her delegation hoped to receive answers to its questions within a short time-frame and invited Argentina to continue the constructive dialogue that existed between their respective authorities.

2.13. The representative of Argentina expressed gratitude to the delegations of the United Kingdom, the United States, and Colombia, for their questions. She said that her delegation had taken note of the questions, which would be studied by specialists in Capital. She indicated that her delegation would provide Argentina's written replies before the Committee's next meeting. Like others, she also considered bilateral discussions among trading partners to be important.

2.6 Document G/LIC/Q/DOM/2

2.14. The representative of the United States drew Members' attention to previously asked questions contained in document G/LIC/Q/DOM/2 and requested that the government of the Dominican Republic respond to these questions in writing and as soon as possible.

2.15. The representative of Colombia recorded her delegation's interest in the questions posed by the United States to the Dominican Republic. She recalled that, at the Committee's previous meeting, they had taken note of and greatly appreciated the information and explanations provided by the Dominican Republic. However, some of the concerns and misgivings that had been mentioned at the time, still remained. She said that her delegation would be grateful for any additional information that could be shared in this Committee, as well as written answers, so that her authorities in Capital could carry out a more detailed analysis.

2.7 Documents G/LIC/Q/EGY/3 and G/LIC/Q/EGY/4

2.16. The representative of the United States thanked Egypt for its replies to their questions contained in document G/LIC/Q/EGY/3. They had received these replies on the previous day and were reviewing them. She said that her delegation would revert to the Committee with any further questions it may have.

2.17. The representative of the European Union recalled that they had submitted questions, contained in document G/LIC/Q/EGY/4, in September 2020; her delegation was looking forward to receiving Egypt's replies as soon as possible.

2.18. The representative of Egypt thanked the United States and the European Union for the questions raised and said that her delegation stood ready to engage with the United States on any further follow-up questions. She also noted that, on the day prior to the meeting, her delegation had submitted to both delegations concerned, and to the Secretariat, its responses to the questions raised by the United States and by the European Union.[2]

2.8 Document G/LIC/Q/PHL/4

2.19. The representative of the United States drew Members' attention to its previously asked questions in document G/LIC/Q/PHL/4 and requested that the government of the Philippines respond to these questions in writing as soon as possible.

2.20. The representative of the Philippines replied that her Capital was still working on its responses to the written questions circulated in document G/LIC/Q/PHL/4. Nevertheless, she could provide certain initial information regarding the sanitary and phytosanitary import clearances (SPSICs) being issued by her authorities.

2.21. She said that the SPSIC system aimed at ensuring that agricultural and fisheries commodities imported into the Philippines complied with relevant SPS measures. Such documentary system also prescribed post-entry conditions to be complied with by an importer in order to maintain the safety, quality, fitness, and suitability of the imported products or commodities for their intended purposes. She noted that the process of issuance of SPSICs was outlined in the rules and regulations for importation of agricultural and fisheries commodities, as contained in the following administrative orders:

(a) Department of Agriculture Administrative Order (DA-AO) No. 8, series of 2009 (Rules and Regulations Governing the Importation of Agricultural and Fish and Fishery/Aquatic Products, Fertilizers, Pesticides and Other Agricultural Chemicals, Veterinary Drugs and Biological Products into the Philippines); and

(b) Department of Agriculture Administrative Order (DA-AO) No. 9, series of 2010 (Department of Agriculture Administrative Order No. 8, series of 2009, as amended).

[2] Documents G/LIC/Q/EGY/5 and G/LIC/Q/EGY/6.

2.22. She stated that her delegation had taken note of the United States' continued interest in this issue and assured the United States of her delegation's cooperation in providing further information and responses within a reasonable period of time, in addition to those that they had already conveyed.

2.23. The Chairperson encouraged all Members to follow the procedures established in document G/LIC/4, and to make good use of this Committee to clarify any issue regarding other Members' notifications on import licensing procedures.

2.24. The Committee took note of the statements made.

3 NOTIFICATIONS

3.1 Notifications under Article 5.1-5.4, Article 1.4(a), and Article 8.2(b) of the Agreement

3.1. The Chairperson informed Members that one N/1 notification and 61 N/2 notifications, submitted by 13 Members, had been listed for the Committee's consideration at the meeting. This was a good number of N/1 and N/2 notifications, over a period of six months. She noted that the large number of N/2 as compared to N/1 notifications could be explained by the fact that Members were overwhelmingly using the new notification template contained in document G/LIC/28 and were thus fulfilling their notification requirements under Article 1.4(a), Article 8.2(b), and Article 5.1-5.4, with one single notification form, namely the N/2 form. Members had notified new regimes and continued to make great efforts to provide missing information on existing regimes using the new notification form contained in document G/LIC/28. She thanked all those Members that had made efforts to improve the transparency of their respective import licensing regimes.

3.2. In addition, she informed delegations that, due to the large number of notifications on the agenda, and with a view to making the review process as efficient as possible, she would not read out the document symbol of each notification one by one. Instead, she proposed that the Committee review the notifications in groups following a sequence by notifying Member. She noted that this approach did not prevent any Member from raising questions regarding any particular notification under review.

3.3. The following notifications under Article 5.1-5.4, Article 1.4(a), and Article 8.2(b) of the Agreement were reviewed by the Committee: Argentina (G/LIC/N/2/ARG/28/Add.8); Kingdom of Bahrain (G/LIC/N/2/BHR/1 to G/LIC/N/2/BHR/14); Ecuador (G/LIC/N/2/ECU/1); European Union (G/LIC/N/2/EU/14); Israel (G/LIC/N/2/ISR/5); Republic of Korea (G/LIC/N/2/KOR/24 to G/LIC/N/2/KOR/41); Macao, China (G/LIC/N/2/MAC/2); Myanmar (G/LIC/N/2/MMR/3); Philippines (G/LIC/N/2/PHL/140); Chinese Taipei (G/LIC/N/2/TPKM/14 to G/LIC/N/2/TPKM/17); United Kingdom (G/LIC/N/1/GBR/1 and G/LIC/N/2/GBR/1 to G/LIC/N/2/GBR/11); and United States (G/LIC/N/2/USA/4).

3.4. The representative of the Russian Federation welcomed the efforts of the United Kingdom to ensure the implementation of its notification obligations by providing Members with information on its import licensing legislation. She said that, after close consideration of these notifications, the Russian Federation wished to place on record that they had questions regarding one of these documents, namely document G/LIC/N/2/GBR/1. The Russian Federation sought clarification from the United Kingdom regarding goods subject to automatic import licensing and those subject to non-automatic import licensing. Furthermore, she referred to footnote 2 of document G/LIC/N/2/GBR/1, which stated that "[s]ome European Union law was retained in UK law by virtue of the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020, with minor modifications to ensure operability". Her delegation asked if the United Kingdom intended to notify these modifications.

3.5. The representative of the United Kingdom thanked the Russian Federation for its comments on these specific notifications and said that her delegation would refer these concerns to Capital and respond to them in due course.

3.6. The Committee took note of the notifications and statements made.

3.2 Notifications under Article 7.3 of the Agreement

3.7. The Chairperson noted that 36 notifications had been listed for consideration at this meeting. Certain of these notifications had been notified for 2020, while others had been notified for 2021. Two new N/3 notifications had been submitted after the Airgram had been issued and these would be reviewed at the Committee's subsequent meeting.[3]

3.8. The following notifications under Article 7.3 were reviewed by the Committee: Albania (G/LIC/N/3/ALB/10); Argentina (G/LIC/N/3/ARG/16); Australia (G/LIC/N/3/AUS/13); Colombia (G/LIC/N/3/COL/14); Costa Rica (G/LIC/N/3/CRI/17); Guinea (G/LIC/N/3/GIN/1); Honduras (G/LIC/N/3/HND/11); Hong Kong, China (G/LIC/N/3/HKG/24); Indonesia (G/LIC/N/3/IDN/12); Israel (G/LIC/N/3/ISR/5); Japan (G/LIC/N/3/JPN/19); Kazakhstan (G/LIC/N/3/KAZ/5); Republic of Korea (G/LIC/N/3/KOR/13); Malaysia (G/LIC/N/3/MYS/15); Mali (G/LIC/N/3/MLI/10); New Zealand (G/LIC/N/3/NZL/7); Philippines (G/LIC/N/3/PHL/13/Corr.1); Singapore (G/LIC/N/3/SGP/16); Chinese Taipei (G/LIC/N/3/TPKM/10/Corr.1 and G/LIC/N/3/TPKM/11); Thailand (G/LIC/N/3/THA/7); Turkey (G/LIC/N/3/TUR/17); Ukraine (G/LIC/N/3/UKR/12); and United States (G/LIC/N/3/USA/17).

3.9. The Chairperson recalled that only 26 Members out of a total WTO membership of over 130 (counting EU Member States as one) had submitted replies to the annual questionnaire for the year 2020, and that so far only eight Members had submitted replies to the questionnaire for 2021. She encouraged those Members that had not yet done so to update and submit their N3 notifications by the deadline of 30 September 2021.

3.10. The Committee took note of the notifications.

4 ANGOLA: IMPORT LICENSING REQUIREMENTS - STATEMENT BY THE EUROPEAN UNION

4.1. The representative of the European Union stated that her delegation was deeply concerned about Angola's Presidential Decree No. 23/19, which aimed at protecting domestic industries but in a manner incompatible with WTO rules. This decree could prove detrimental to foreign investments in Angola. The European Union reminded Angola that these concerns had already been raised, since 2019 in meetings of other WTO bodies, notably the Council for Trade in Goods, the Committee on Market Access, and more recently, in March 2021, at the Committee on Agriculture. To date, Angola had not provided any substantive reply or explanations as to how it intended to bring this decree into the remit of WTO legality. Irrespective of its illegality with WTO rules, the European Union reiterated the need for Angola to provide the clearest picture of the process regarding this decree, and of any changes it wished to introduce to it, including information as to which sectors those changes would be applied. While the European Union remained supportive of Angola's intention to diversify its economy and to develop its domestic industry, it nevertheless urged Angola once again to review the relevant measures, in order to ensure their compliance with WTO rules. Concerning the specific remit of the Committee on Import Licensing, she noted that the decree did not provide any information on how these restrictions were to be implemented. In particular, it was unclear if licences were to be used to manage these restrictions. Therefore, the European Union requested Angola to clarify this question. The European Union also reminded Angola of its obligation under the Import Licensing Agreement to notify the measure if licences had been involved in the implementation of this decree. She stated that, depending on Angola's engagement on this issue, the European Union might take further decisions on its approach to ensuring an adequate protection of its trade rights and interests.

4.2. The representative of the United States said that her delegation had significant concerns with Angola's Presidential Decree No. 23/19, issued in January 2019. While they understood that the goal of this decree was to increase domestic economic diversification and development, there were concerns as to the type of impact the decree would have on imports. Her delegation understood that this decree had targeted 54 products, mainly agricultural goods, and that it could potentially target additional products in the future. Since the implementation of the decree, her delegation had heard reports of confusion over how the decree was being enforced and of delays facing goods at the border. Their agricultural exporters were particularly concerned over delays that perishable goods faced amidst the uncertainty. She stated that her delegation had already raised its concerns at the most recent meetings of the Committee on Market Access and the Committee on Agriculture, and

[3] The notifications in question were submitted by Honduras (document G/LIC/N/3/HND/12), and Norway (document G/LIC/N/3/NOR/10).

had asked Angola to explain if it had plans to revise the decree, or how it planned to implement it, in light of WTO rules, given its potential impact on trade, investment, and businesses operating in Angola.

4.3. The representative of Angola thanked the European Union and the United States for their statements, of which they took note. Nevertheless, he informed these delegations that Angola had submitted to the Trade Policy Review Division, in September 2020, its notification relating to its commercial legislation on imports and exports. He said that Presidential Decree No. 126/20, of 5 May 2020, had approved the "Regulation on Administrative Procedures to be Observed in the Licensing of Imports and Exports" and had defined a simplified and unbureaucratic model of these procedures with a view to improving the business environment, guaranteeing stability and confidence in the licensing of foreign trade operations, and adapting to the current political, economic, and social panorama. He explained that the measure applying the requirements for import licences was intended to be in harmony with the provisions, rules, and regulations of the WTO, and, in particular, with Article VIII:1(c) of GATT 1994, according to which, Members "… also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements", as well as with the provisions of the Agreement on Import Licensing Procedures, in the sense that such procedures were implemented in a transparent and predictable manner, in accordance with practices adopted in international trade, and in the sense that they were applied and administered in a fair and equitable manner. He said that Angola stood ready to continue to work with the Secretariat to identify this legislation already submitted to the WTO. He added that his delegation would also work on the possible review of Presidential Decree No. 23/19.

5 CHINA: CHANGES TO IMPORT LICENSING FOR CERTAIN RECOVERABLE MATERIALS – STATEMENT BY THE UNITED STATES

5.1. The representative of the United States said that her delegation had significant concerns about the changes to import licensing surrounding China's implementation of its import ban on solid waste imports, including recyclable materials such as certain plastic and paper scrap, while allowing certain "recycled raw materials", such as copper, aluminium, and brass, to be imported as long as those materials met strict purity standards. She recalled that the United States had raised the issue of certain recyclable materials at several previous meetings of this Committee, and that, in addition, the United States had requested China to notify to the Committee any changes made to its import licensing regime. Unfortunately, China had yet to provide any information about its current licensing procedures for recycled raw materials or other imports, along with updates on any planned changes that would have been sufficient to alleviate US concerns. She added that the United States also had concerns over the ban on certain scrap materials, such as bundled recycled newspaper, when other more processed scrap materials, such as pulped paper, and "smelter-ready" metals, were permitted. She addressed the following questions to China:

- whether China could explain the scientific basis it had used to determine which categories of scrap materials were safe and which were not;
- whether China could explain the new import licensing requirements under this policy and state when it would notify these changes to this Committee;
- whether China would be developing a written regulation for importation, including what was "contaminated" or "clean", and what materials were allowed for importation, and, if yes, when;
- whether China would be notifying to the WTO its requirements for import, including relevant contamination requirements, which it had implemented for the importation of recycled raw materials;
- lastly, whether China could explain how these policies were consistent with China's pro-circular economy narrative, given that China appeared to include recyclable materials within the scope of "solid waste".

5.2. Going forward, she said that her delegation would also ask that China adhere to its notification obligations in a timely manner under the Agreement on Import Licensing Procedures with respect to any new import measures. Finally, she reiterated her delegation's prior request that China halt its

implementation of the existing and planned measures. She restated that China's scrap ban was having a detrimental effect on global recycling markets and might, in fact, cause more environmental damage than good in the long term.

5.3. The representative of China said that his delegation took note of the concerns raised by the delegation of the United States. He said that, for the sake of time, and to the extent that they had already provided replies to this issue in various other WTO bodies, his delegation would not repeat in full its statement made at previous meetings of this Committee. He nevertheless highlighted the latest developments on this issue. From 1 January 2021, China had banned all imports of solid waste according to China's law on the prevention and control of environmental pollution by solid waste and relevant regulations, with the aim to effectively protect public health and ecosystem safety. Currently, China was working on the WTO notification of the above-mentioned measures and would notify them pursuant to the notification requirements of the relevant WTO Agreements. In addition, China had published national quality standards for recycling materials such as brass, copper, cut aluminium alloy, and iron and steel materials. Recycling materials complying with China's national quality standards and presenting no hazard to human health and the environment, were not regarded as solid waste and could be imported normally. Finally, he said that China urged major solid waste-exporting Members to reduce solid waste at source and ensure that they lived up to their international responsibilities to handle and dispose of their own solid waste.

5.4. The Committee took note of the statements made.

6 EGYPT – IMPORT LICENSING REQUIREMENTS FOR CERTAIN AGRICULTURAL AND PROCESSED PRODUCTS - STATEMENT BY THE EUROPEAN UNION

6.1. The representative of the European Union said that her delegation remained concerned over a number of measures implemented by Egypt, namely the prolonged restrictions on sugar imports, quantitative restrictions for imports of meat and poultry, and the recently announced new import measures for seed potatoes, which had been notified under SPS 119.

6.2. The European Union also reiterated its concerns regarding Egypt's import restrictions on sugar. Since 4 June 2020, Egypt had implemented a series of three-month restrictions on the importation of sugar that had been prolonged three times (the last prolongation took place on 4 March 2021, again for a period of three months, bringing the total period to one year). In the Committee on Agriculture, on 28 July 2020, the European Union had asked Egypt for information on how this measure respected the requirements of GATT Article XI:2(c). To date, Egypt had not provided a reply. Moreover, in the Committee on Import Licensing, on 9 October 2020, the European Union had asked Egypt to provide all relevant information justifying its import restrictions applied to raw and white sugar. Again, to date, no such information had been received. Following the last extension of the measure, the European Union had asked Egypt in the Committee on Agriculture, on 30 March 2021, how its import restrictions on sugar were reconciled with its commitments under Article XI of the GATT regarding the General Elimination of Quantitative Restrictions. Furthermore, the European Union had enquired about the current market situation in Egypt, the modalities for obtaining an import approval for sugar, and Egypt's recent import statistics. The European Union reiterated all of its previous questions on the import restrictions on raw and white sugar and insisted on receiving replies from Egypt. The European Union considered that these import restrictions were not aligned with Egypt's WTO obligations and urged Egypt to rapidly eliminate these trade-restrictive and trade-distorting measures.

6.3. Regarding the import restrictions on meat and poultry (ducklings and canned meat), the European Union reiterated that the system of import permits under Prime Minister's Decree No. 2080/2018 and Prime Minister's Decision No. 222/2018 was inconsistent with Article XI of the GATT (*de jure* and *de facto* import prohibitions through quantitative restrictions), as well as with several provisions of the Agreement on Import Licensing Procedures. Furthermore, to her delegation's knowledge, Egypt had still not notified these two decrees to the WTO. She said that, as they had mentioned on previous occasions, the system of granting import permits lacked transparency; the procedures of the committees and the calendars of their meetings were not publicly shared; rejections of import permits were communicated orally, without any possibility of appeal; and there were no rules stipulating under which conditions import permits were approved under each act. The European Union requested Egypt to stop applying quantitative restrictions on imports of meat and poultry originating in the European Union, in compliance with WTO law.

6.4. Regarding the new measures on the import of seed potatoes, notified under the SPS Agreement, and while noting that Egypt had provided replies to the European Union's questions, she wished to repeat the following points:

- The new mechanism was designed in such a way that, in practical terms, it would limit import volumes from the European Union and have an effect comparable to a quantitative restriction. Moreover, the introduction of a fee per tonne of imported seed potatoes to finance field inspections was equivalent to the imposition of a customs duty;

- The introduction of a pre-clearance system in the form of field visits in the European Union by Egyptian inspectors was very burdensome, costly, and made trade unviable. EU member States had efficient and effective national plant protection organizations, which could certify that exports complied with importing country requirements in accordance with international standards like the International Plant Protection Convention and related international standards;

- Egypt's technical requirements were not aligned with the growing cycle of seed potatoes in the European Union. Egypt demanded import applications to be submitted between 15 March and 15 April of each year, which was at a time of year when potatoes in the European Union were not yet planted; for this reason, most data needed for these applications was not available at that time. Rather, the compliance of seed potatoes with Egyptian standards could only be assessed after their harvest.

6.5. The European Union requested Egypt to reconsider its new measures on the import of seed potatoes and stood ready to engage with Egypt to discuss any concerns it might have in this respect.

6.6. The representative of the United States shared similar concerns to those of the European Union regarding Egypt's import licensing requirements for certain agricultural products. She asked Egypt to address these issues in a timely manner. She also encouraged Egypt to notify the Committee of all applicable regulations and procedures, including listing the products subject to import licensing, providing the eligibility to apply for an import licence, and describing the criteria considered when issuing an import licence.

6.7. The representative of Egypt thanked the European Union for including this item on the agenda, and the European Union and the United States for their statements. He said that the recent Ministerial Decree No. 117, issued in March 2021, had extended the application of the Ministerial Decree No. 606 of December 2020, allowing the importation of raw sugar through an import approval from the Minister of Trade and Industry and the Minister of Supply and Internal Trade. He explained that the measure was temporary in nature and of a duration of three months. The decree aimed at organizing the internal market in order to ensure that all traders had a share of the market, which would have a positive impact on trade. He noted that it was also important for statistical purposes to keep track of the expected volume of imports over a period of time, especially during the pandemic. As for import permits for poultry and live animals, meat and meat products, he said that they aimed at regulating imports of these products to ensure that such imports did not lead to the introduction of any disease and to ensure that they met the required standards stipulated by the General Organization of Veterinary Services. These import permits did not in any way impose quantitative restrictions. Finally, in respect of the concerns raised by the European Union regarding seed potatoes, he said that his delegation had taken note of these concerns and would convey them to Capital and revert with comments in due course.

6.8. The Committee took note of the statements made.

7 INDIA – IMPORT LICENSING REQUIREMENTS FOR BORIC ACID - STATEMENT BY THE UNITED STATES

7.1. The representative of the United States said that her delegation had been concerned for some time over India's import licensing requirements for boric acid, particularly with respect to the burdensome end-use certificates necessary for importation. She recalled that their concerns had begun over a decade earlier, when India's Ministry of Commerce and Industry had introduced a rule stating that "[i]mports of Boric Acid for non-insecticidal purposes will be subject to an import permit issued by the Central Insecticide Board and Registration Committee under the Ministry of Agriculture". The import application required an applicant to attest "that imported material is not for

sale but for use as per our own requirement as stated in this application". This statement required that non-insecticidal boric acid could only be imported directly by a manufacturer and prevented independent traders from importing boric acid for resale purposes. The rule also required the importer of non-insecticidal boric acid to provide the precise end-use of the product prior to importation as well as historical import and production data of the finished product. This information was subject to a formal government review process. In addition, Indian importers had expressed their frustration that in import licensing applications they were required to supply information on past consumption of boric acid and production of the finished product, which was information often unavailable to importers.

7.2. Her delegation continued to request that India explain why boric acid, which had a toxicity level roughly equivalent to that of table salt, was the only insecticide that required an import permit for non-insecticidal use, considering its low toxicity level compared to other insecticides that were not required to obtain an import permit. She concluded by saying that her delegation continued to request that India amend Schedule–I (Imports) of the ITC (HS) Classifications of Export and Import Items and eliminate the import permit requirement for imports of boric acid for non-insecticidal purposes. Her delegation hoped that its recent bilateral negotiations with India in this area would bring about a mutually beneficial resolution.

7.3. The representative of India thanked the delegation of the United States for its continued interest in imports of boric acid into India and recalled that India had already submitted its written replies in documents G/LIC/Q/IND/12, G/LIC/Q/IND/14, G/LIC/Q/IND/16, and G/LIC/Q/IND/22, explaining in detail the policy objectives and implementation issues. He also noted that, for non-insecticidal use, domestic manufacturers of boric acid were required to submit annual production and sales data, whereas imports of boric acid for non-insecticidal use were exempted from the requirement of registration under the Insecticides Act. Import permits were issued on the basis of certificates of end use. He added that various multi-use chemicals had been listed in the Schedule to the Insecticides Act of 1968, since they were capable of being used both as insecticides and for other purposes. Boric acid and all multi-use insecticides were subject to similar regulatory measures.

7.4. The Committee took note of the statements made.

8 INDIA: QUANTITATIVE RESTRICTIONS ON CERTAIN PULSES – STATEMENTS BY CANADA, AUSTRALIA, AND THE EUROPEAN UNION

8.1. The representative of Canada referred to the questions his delegation had posed to India on this issue and said that they had been disappointed that India had not been able to provide clarity on the status of its quantitative restriction on dried peas. Twenty-one days after the end of the application period of the quantitative restriction on dried peas, exporters and importers of dried peas were still unaware of the relevant importing rules and restrictions. This situation had been creating uncertainty for traders, who did not know if their en route shipments would be rejected or accepted upon arrival. Canada underscored its request to India to clarify the situation promptly, and also asked India to notify its procedures on the importation of dried peas under the quantitative restriction in a timely manner to ensure predictability for traders.

8.2. He noted that Canada, as the largest supplier of pulses to India, had been the WTO Member most negatively affected by India's measures to limit its imports of pulses. Pulses were an important source of protein for many Indian consumers, and Canada had been a high quality and reliable supplier. Canada was thus disappointed by India's continued use of quantitative restrictions on the import of dried peas and other pulses. The situation had been ongoing for more than three years and it was difficult for Canada to understand how India could claim that these measures were temporary. Canada also questioned the legal interpretation provided by India to justify its quantitative restrictions, minimum import prices, and discretionary import licensing procedures, as limiting imports to one single port of entry for the import of dried peas. Canada called upon India immediately and expeditiously to review its trade-restrictive measures on dried peas and other pulses and implement alternative and WTO-consistent policy options instead, which would promote a predictable and transparent import regime for pulses.

8.3. The representative of Australia said that her delegation's concerns over India's restrictive measures on pulses imports were well known to all Members. Australia was extremely disappointed by India's decision to renew the quantitative restrictions for mung beans, pigeon peas, and black

gram for the 2021-2022 marketing year. This renewal meant that India would have had its WTO-inconsistent measures in place for over five marketing years, considering that the quantitative restrictions had first been introduced in August 2017. She requested India to clarify the status of peas that had also been subject to quantitative restrictions in 2020-2021. These quantitative restrictions were clearly no longer temporary and had to be removed. She added that, despite their regular requests, India had failed to provide sufficient explanation of the WTO basis for these measures. In a recent meeting of the Council for Trade in Goods, Australia, Canada the European Union, the Russian Federation, Ukraine, and the United States, had submitted formal questions to India. It was imperative that India provide detailed answers explaining the market and other conditions behind its decision, and how such a decision was WTO consistent. She noted that, while the WTO Agreements contained exceptions, the onus was on the Member implementing the measure to explain how such exceptions might apply. Australia drew Members' attention to a number of issues relating to the most recent announcement by India that pertained to this Committee's work. And these were not their only concerns regarding India's quantitative restrictions on pulses; rather, they were indicative of the continuing and problematical manner in which India was conducting its pulses import regime.

8.4. In Public Notice No. 47/2015-20 of 30 March 2021, India had published the procedure and modalities for the import of mung beans, pigeon peas, and black gram for the 2021-2022 marketing year. Similar to previous years, applicants had been allowed a limited period of time in which to submit their applications for an allocation of the quota volumes available. This announcement had been made on 30 March 2021, and the last date of submission of applications had been 15 April 2021. She asked India to explain why it had provided such a limited time-frame for applications and why more advanced notice had not been provided to applicants. She recalled that Australia had previously raised concerns about India only allotting volume to millers and refiners provided that they had refining processing capacity. The latest announcement had indicated that eligible applicants included millers, refiners, and traders. She asked India to confirm whether it had expanded the scope of eligible applicants and whether a refining/processing capacity was required. She also asked whether traders could import a finished product that was fit for consumption without further processing. Finally, she stated that Australia was seeking confirmation from India about the status of the quantitative restrictions on peas which had expired on 31 March. She asked if the restriction on peas was still in place, and if so, what the associated import licensing requirements were in this case.

8.5. In conclusion, she recalled that Australia had previously raised its concerns over India's restrictive import licensing requirements on peas imported under the quantitative restrictions, and in particular that imports of peas could only occur at a minimum import price of INR 200, and only through the Calcutta seaport. These restrictive import licensing requirements were part of a much bigger overall set of concerns over India's quantitative restrictions on pulses that Australia and other WTO Members had been raising over the past nearly four years. Once again, Australia called upon India to remove its quantitative restrictions on pulses, to bring its measures into compliance with India's WTO commitments, and to ensure transparency and predictability with respect to its pulses imports.

8.6. The representative of the European Union said that her delegation shared the concerns raised by Canada and Australia. This supposedly temporary measure had been in place for more than three years and this issue had been raised in many WTO meetings by the European Union and several other WTO Members, developing and developed alike. Each time, India had referred to responses that it had provided in other committees. However, in none of those committees had India provided a substantive reply to the questions asked by other Members. She asked India to indicate precisely in which meeting it had replied to each of the concerns raised. She noted that in its reply provided in the Council for Trade in Goods on 31 March 2021, India had referred to Article XI:2(c)(ii) of the GATT relating to the removal of a temporary surplus. In this regard, she asked India to provide balance sheets for pulses for each of the years 2017, 2018, 2019, and 2020, so that the Membership might review the relevance of this provision. She also wondered what steps India had taken to reduce its surplus, and if there had been a repeated surplus of pulses for four years. She noted that India had also claimed in the Council for Trade in Goods that Article XX of the GATT had been the basis for its import ban on pulses to protect small farmers. Given the references to the protection of public morals and human life, she wondered whether India genuinely considered that Article XX(a) and (b) of the GATT 1994 justified these measures. If so, she asked India to provide further reasoning to support what, in her delegation's view, seemed like an extremely questionable interpretation of those provisions.

8.7. The representative of the United States shared the concerns of Australia, Canada, and the European Union, regarding India's import licensing requirements for select varieties of pulses. She said that her delegation had continued to urge India to consider less trade-restrictive requirements and to notify future relevant measures and regulations in a timely manner.

8.8. The representative of India thanked the delegations of Canada, Australia, the European Union, and the United States for their continued interest in the matter. He noted that most of the issues raised had also been raised in earlier meetings of this Committee, as well as in other WTO bodies, most recently at the last meeting of the Council for Trade in Goods. He said that, in this context, India reiterated that the objective of this measure was to guarantee the food and livelihood security of small and marginal farmers. His government has been regularly reviewing these measures based on the market situation of pulses, owing to which, the quota of pulses had been increased from time to time. He added that, together with the specific WTO provisions under which India had imposed these measures, the general exceptions of Article XX of the GATT 1994 allowed a Member to impose measures necessary to protect its public morals, including small and marginal farmers' food and livelihood security. This provision also allowed Members to introduce measures in pursuance of human health and safety, animal and plant life or health, and the environment.

8.9. The Committee took note of the statements made.

9 INDIA: IMPORTATION OF PNEUMATIC TYRES - STATEMENT BY THE EUROPEAN UNION

9.1. The representative of the European Union reiterated the concerns her delegation had raised in October 2020, at the Committee's previous meeting, regarding the licensing regime for the importation of pneumatic tyres for motor cars, buses, lorries, motor scooters and motorcycles, introduced by India under Notification No. 12/2015-2020 on "Amendment in Import Policy of Tyres" of 12 June 2020. She reminded Members that her delegation had not yet received written replies to its questions submitted at this Committee and circulated as document G/LIC/Q/IND/27; she also noted that, to the European Union's knowledge, India had not yet fulfilled its notification obligations under Article 1.4 and Article 5 of the Import Licensing Agreement. India had not indicated through the licensing procedure that this measure had been implemented; nor had India indicated its duration. She said that the European Union had continued to be concerned about the effect of this measure on the import of tyres, which had become highly restricted since June 2020. Only a limited number of licences had been granted to EU tyre manufacturers, and those licences had been limited in duration, quantity, and type of tyre. The European Union recalled the requirements of Article 3.2 of the Agreement on Import Licensing Procedures, according to which "non-automatic import licensing shall not have trade-restrictive or -distortive effect on imports additional to those caused by the imposition of the restriction" and urged India once again to reconsider any implicit or explicit quantitative or other (for example, end-user principle) restrictions on the import of replacement tyres that could run contrary to WTO rules by being discriminatory and favouring local tyre manufacturers.

9.2. The representative of Chinese Taipei shared the concerns raised by the European Union. She said that her delegation had expressed its concerns at the previous formal meeting of the Committee on Import Licensing Procedures, in October 2020. Recently, they had been informed by their business representatives that businesses had encountered difficulties in India over applications for import licences by Indian importers in June 2020 that had either remained pending or that had not been approved until December 2020. Moreover, the number of successful applications had sharply declined, to only about 40% of the average of the past three years. She noted that India had issued import licences only for those categories of pneumatic tyres that were not being produced domestically. In the view of Chinese Taipei, this constituted a ban on imports of tyres and clearly violated WTO rules prohibiting quantity restrictions. In consequence, her delegation urged India to comply with the rules of the Agreement on Import Licensing Procedures. She noted, too, that non-automatic licensing procedures should be implemented in a transparent and predictable manner and not have trade-restrictive or trade-distortive effects on imports additional to those caused by the imposition of restrictions. Like the European Union, she observed that India had not yet fulfilled its notification obligations under Article 1.4 and Article 5 of the Import Licensing Agreement. Finally, she requested India to provide detailed information concerning its domestic practices in granting licences and to take immediate measures to ensure that normal trade could be restored.

9.3. The representative of the United States supported the European Union's concerns regarding India's lack of notifications of its import procedures for tyres. Her delegation urged India to submit

its notifications of the procedures for the 12 June 2020 Notification No. 12/2015-2020, and to complete the annual questionnaire, in order to meet its transparency obligations under this Committee. They also requested that India review and submit all pending applications in a timely manner.

9.4. The representative of Japan said that his delegation shared the concerns of the European Union, Chinese Taipei, and the United States, regarding India's lack of notifications of its import procedures for tyres, as well as its non-compliance with Article 3.2 of the Agreement on Import Licensing Procedures. He asked India to clarify whether it regarded this measure as a non-automatic import licence. If yes, he asked India to provide an overview of the applicable import procedures in accordance with Article 3 of the Agreement, including the timeline of the procedures. He added that, if India regarded this measure as an automatic import licence, India should operate the measure as such. However, if India operated this measure as a non-automatic licence, his delegation had three additional questions: first, under Article 3 of the Agreement, sufficient information regarding the import licence needed to be published, and he asked India to indicate where such information was published, or, if it had not yet been published, to clarify the reason for this and indicate the expected timing of its future publication; second, he asked India what the reason was for introducing this new measure, which required importers to obtain a licence only in the case of specific categories of tyres; third, he asked India about the rationale and criteria upon which the Indian authorities decided whether or not they would grant an import licence in response to an application, and on what such rationale and criteria were themselves based. He said that his delegation would be sending its questions on these points to India and concluded by requesting India to provide further clarification on this issue.

9.5. The representative of the Republic of Korea also shared the concerns of the European Union, Chinese Taipei, the United States and Japan, regarding India's import procedures for tyres. He recalled that the Republic of Korea had expressed its concerns at the Committee's previous meeting, in October 2020. Those concerns remained unchanged. The Republic of Korea sought explanations from India about the criteria and reasons for its import licensing requirements and the legal basis for its policies. He recalled that, according to Article 3.2 of the Agreement on Import Licensing Procedures, "Non-automatic licensing shall not have trade-restrictive or -distortive effects on imports additional to those caused by the imposition of the restriction". In contrast, he argued that India's adopted policy was substantially restricting tyre imports. The Republic of Korea urged India to operate its import licensing policy on tyres in a transparent way and to make improvements to this policy so that it would not be a barrier to trade.

9.6. The representative of India thanked the European Union, Chinese Taipei, the United States, Japan, and the Republic of Korea, for their continued interest in this matter. He said that India was in the process of notifying to the relevant committees its import policy changes in relation to certain specific new pneumatic tyres. As concerned the implementation of import authorizations by India, he said that this had been realized in a transparent and predictable manner. Procedures for the issuance of such import authorizations were provided under paragraphs 2.50 and 2.51 of the Handbook of Procedures 2015-2020, which was in the public domain and could be accessed through the Directorate General of Foreign Trade (DGFT) website, at https://www.dgft.gov.in/CP/?opt=ft-procedures. He noted, too, that applications for such authorizations could be filed online, and that DGFT Trade Notice No. 49, dated 15 March 2019, set out the relevant procedure. He explained that, after the scrutiny of applications for the required documents, taking into account the comments from concerned administrative industries and departments, such applications were considered by the EXIM Facilitation Committee (EFC) for decisions on the granting of import authorizations. He added that the issues that Members had raised at that day's meeting would be forwarded to Capital for further examination and comment.

9.7. The representative of Indonesia thanked the European Union and said that his delegation shared similar concerns over India's import regime for pneumatic tyres. Indonesia sought further explanations from India on its regulations concerning import licences for pneumatic tyres. Furthermore, his delegation requested India to elaborate on its import regime for pneumatic tyres in detail, including on its requirements to obtain import approvals. Moreover, Indonesia was seeking further clarification as to whether additional arrangements were in place, whereby the final import licence would require that the types of tyres being imported were not manufactured in India. Indonesia felt that such arrangements would be inconsistent with GATT national treatment.

9.8. The Committee took note of the statements made.

10 INDONESIA – IMPORT LICENSING REGIME FOR CELL PHONES, HANDHELD COMPUTERS AND TABLETS - STATEMENT BY THE UNITED STATES

10.1. The representative of the United States acknowledged Indonesia's adoption, in the previous autumn, of the "Job Creation Omnibus Law". She said that her delegation had understood that one of the stated goals of this law was to improve Indonesia's domestic business climate, an aim which her delegation believed was in Indonesia's best interests, and which they applauded. Unfortunately, however, the issue her delegation wished to raise conflicted with this aim. She said that, as the Committee was well aware, the United States had long-standing and serious concerns with Indonesia's import licensing regimes and, in particular, the import licensing requirements for cell phones, handheld computers, and tablets.

10.2. The United States and other Members had been raising this issue for nearly a decade, both in this Committee and bilaterally, and they regretted that they had to raise this issue again. In their questions to Indonesia, the United States had sought clarity regarding the specific requirements of Indonesia's import licensing regime, and an understanding of the rationale for the requirements overall. To date, Indonesia's responses had neither provided sufficient clarity nor resolved their concerns. They continued to seek Indonesia's explanation for why the requirements of the import licensing regime treated 3G and 4G technology differently. They also continued to seek an understanding of why Indonesia required both a licence to import generally as well as a separate licence for specific products, in this case, for 4G LTE products, including a requirement to obtain a recommendation from the specific ministry with regulatory responsibility. She said that her delegation was deeply concerned that it appeared that Indonesia's system favoured imports meant for further processing, in other words, in-country assembly, as opposed to imports of finished products. They were also concerned that domestic companies might not be subject to requirements equivalent to those imposed on importers; there appeared to be a different requirement for domestic companies with respect to the use of distributors, for example.

10.3. She stated that her delegation considered that the issues that they were raising again at that meeting, as on multiple previous occasions, were serious. These import licensing requirements had distorted trade and investment in an important and dynamic sector, one of significance both to the United States and the global economy. The proliferation of burdensome import licensing measures in Indonesia – and, in particular those measures that mandated the purchase of local goods – had had a negative impact on Indonesia's reputation among investors. Furthermore, her delegation believed that such policies were to Indonesia's own detriment. She noted that Indonesia had previously estimated that it was losing nearly two trillion rupiah (US$135 million) annually from illegal cell phone imports. Indonesia had stated that it intended to undertake a comprehensive review of the local content requirements attached to its import licensing regime for 4G products. Her delegation was therefore concerned that, despite this commitment, Indonesia had issued a new regulation in 2020 – Ministry of Industry Regulation No. 22 – that appeared intended to expand to other electronic products the local content requirements attached to this import licensing regime. Lastly, she said that her delegation appreciated that Indonesia had notified some of these measures to the Committee. However, they urged Indonesia to notify all of the associated measures, including: Ministry of Industry Regulation Nos. 108/2012, 68/2016, 29/2017; KOMINFO Regulation No. 7/2019 and 16/2018; and KOMINFO Circular Letter No. 518/2017. They also urged Indonesia to reconsider these import licensing requirements for cell phones, handheld computers, and tablets.

10.4. The representative of the European Union echoed and strongly supported the intervention of the United States. She also took note of the adoption of the new Omnibus Law on Job Creation, passed in October 2020, which affected trade policy and covered 11 different clusters, including one on the implementation of licensing endeavours. Her delegation wished to know if and what amendments to the Indonesian import licensing regime had been made by the new Omnibus Law. She noted that this question was also relevant to the next point on the agenda, requested by Australia, about Indonesia's import licensing restricting policies and practices.

10.5. The representative of Indonesia thanked the United States and the European Union for their continued interest in Indonesia's import licensing regime, in particular concerning cell phones, handheld computers, and tablets. Responding to the concerns by the United States regarding Indonesia's import licensing procedures, he referred to their responses provided at the Committee's previous meeting, and to their written replies to the questions from the United States contained in document G/LIC/Q/IDN/38. He said that, based on their internal coordination, they had found no barriers to US imports of 4G technology products into the Indonesian market.

10.6. The Committee took note of the statements made.

11 INDONESIA: IMPORT LICENSING RESTRICTING POLICIES AND PRACTICES - STATEMENT BY AUSTRALIA

11.1. The representative of Australia welcomed the opportunity to raise their concerns regarding Indonesia's import restricting measures, especially as concerned its import licensing regime. She said that a number of Indonesia's import policies continued to restrict and impact imports unnecessarily. She thanked Indonesia for its engagement with Australia on this issue to date, including under the Indonesia-Australia Comprehensive Economic Partnership Agreement. Her delegation requested that this engagement continue to ensure that any delays were resolved and that trade in any affected products could resume as soon as possible. Australia was encouraged by Indonesia's efforts to improve its import licensing regime through the implementation of its Omnibus Law on Job Creation, Law No. 11 of 2020, which included simplifying permit processes for agricultural products. They encouraged Indonesia to promptly notify WTO Members of the regulations developed to support the implementation of the Omnibus Law, including those relating to the operation of the commodity balance, which they understood would inform decisions about import and export permits. Australia wanted to better understand how the proposed usage of the commodity balance would affect the issuing of import permits. They would have also appreciated receiving from Indonesia an explanation of whether or not they had given consideration to the adoption of automatic import licensing procedures as part of this Omnibus Law, and, if so, why this had not been adopted. Australia requested that Indonesia ensure that all its measures, including the latest proposed changes resulting from the Omnibus Law, be consistent with its WTO obligations, and its obligations under the Agreement on Import Licensing Procedures in particular.

11.2. The representative of Indonesia thanked Australia for its concerns regarding Indonesia's import licensing policies and practices. Indonesia took note of Australia's concerns on this matter but also encouraged Australia to submit its questions to the Committee in writing. He explained that this would allow them to liaise more easily with the relevant parties in seeking any solution to the aforementioned issues.

11.3. The Committee took note of the statements made.

12 INDONESIA: IMPORT RESTRICTION: COMPULSORY REGISTRATION BY IMPORTERS OF STEEL PRODUCTS – STATEMENT BY JAPAN

12.1. The representative of Japan said that his delegation was concerned about Indonesia's compulsory registration of importers of steel products. His delegation had found a number of cases where, based on the Minister of Trade Order No. 3 of 2020, the Indonesian authorities had issued a substantially smaller number of import licences for steel products than the number of applications submitted by importers. He noted that this had a trade-restrictive effect on importation and was possibly inconsistent with Article 3.2 of the Agreement on Import Licensing Procedures and Article XI:1 of the GATT 1994. Japan urged Indonesia not to reduce substantially the approved import quantity compared to the quantity applied. Japan also requested that Indonesia clarify the rationale and criteria behind its reduction in import quotas. He added that another problem was the amendment to the Ministry of Industry's Technical Consideration, which was necessary for steel products importation, as provided for in the Minister of Industry Order No. 4 of 2021. Article 12.A of that Order provided that the Ministry of Industry would consider the issuance of the Technical Consideration, which was necessary for import licensing applications, by considering the domestic balance in Indonesia between supply and demand. Japan was concerned that this provision was potentially inconsistent with Article 3.2 of the Agreement on Import Licensing Procedures, as well as with the provisions of other WTO Agreements. Therefore, Japan urged Indonesia to implement this provision in a WTO-consistent manner.

12.2. The representative of the United States said that her delegation shared Japan's concerns about Indonesia's import licensing requirements for steel products, including its registration and pre-shipment inspection requirements. She said that they would be closely monitoring this situation and looked forward to hearing Indonesia's response to the concerns expressed by Japan.

12.3. The representative of Indonesia thanked Japan and the United States for their concerns regarding its policy of compulsory registration for importers of steel products. Indonesia took note

of those concerns but also encouraged Japan to submit its questions to the Committee in writing. Indonesia would coordinate and follow-up on this issue accordingly.

12.4. The Committee took note of the statements made.

13 INDONESIA: IMPORT LICENSING REGIME FOR CERTAIN TEXTILE PRODUCTS – STATEMENTS BY THE EUROPEAN UNION AND JAPAN

13.1. The representative of the European Union stated that, following the entry into force of Regulation No. 77/2019, imports of EU origin of finished textile items, notably carpets, were no longer possible in Indonesia. No licences were issued for these products if they did not meet the requirements of the import licensing system, and only raw materials or supporting materials imported for further production processes could obtain licences. She noted, as the European Union had already done on previous occasions, that this resulted in a prohibition against import of finished textile products for the product at issue, which also created a precedent. She pointed out that, to date, this measure had not been notified to the WTO, which was inconsistent with WTO transparency obligations. Moreover, the measure appeared to be inconsistent with Article XI of the GATT 1994 (*de jure* and *de facto* import prohibition through quantitative restriction), as well as, Articles 1 and 5 of the Agreement on Import Licensing Procedures (disproportionately cumbersome import licensing procedures and requirements). The European Union considered that Indonesia's import regime for textile products and textiles (within the scope of Regulation No. 77/2019, if imported for purposes other than further processing by domestic producer importers, their cooperating production parties, and/or small- and mid-sized industries) also ran counter to the letter and the spirit of several provisions of the WTO Trade Facilitation Agreement. As a consequence, the European Union urged Indonesia to re-evaluate the measure at issue and to bring it into conformity with WTO rules.

13.2. In addition, she noted that the import regime for textile products and textiles under Regulation No. 77/2019 was just one of many similar import regimes that Indonesia had adopted in recent times with the clear and expressly stated objective of stimulating and protecting domestic industry and curbing imports (the latest such measure had been Regulation No. 68/2020 on import provisions for footwear, electronics, and bicycles/tricycles, for example, which had entered into force on 28 August 2020). Indeed, Indonesia's import regime appeared to be protectionist in nature and based on policies, measures, and practices of dubious WTO consistency. The European Union reserved its right to provide further comments on this issue, including in other WTO meetings. She recalled that her delegation had already raised this point at the previous meeting of the Committee and, upon Indonesia's request, they had also followed up with detailed written questions, which had been circulated in document G/LIC/Q/IDN/43, as specifically mentioned under Agenda Item 2. In the absence of any reaction so far, she again invited Indonesia to provide its replies without further delay.

13.3. The representative of Japan said that, in October 2019, Indonesia had substantially prohibited the importation of certain textile products for retail sales by strengthening the import registration and approval system provided in the Minister of Trade Order No. 77 of 2019. Since then, the world's exportation of textile products to Indonesia had sharply dropped; the amount of global exports in 2020 was approximately one-tenth of what it had been in 2019. Exports of carpet products under HS57 had been hit particularly hard. Moreover, Indonesia had implemented safeguard measures against the importation of carpet products under HS57 in February 2021. These measures applied extremely high *ad valorem* tariffs of around 150-200%, without considering the sharp reduction in importation already caused by the import registration and approval system. Japan was of the view that this measure did not fulfil the requirements of a safeguard measure, especially the requirement that safeguards should be applied only to the extent necessary. In conclusion, he reiterated that Japan had serious concerns about these measures, and he urged Indonesia to eliminate them as soon as possible.

13.4. The representative of Indonesia thanked the European Union and Japan for their concerns regarding its import licensing requirements for textiles and textile products. He said that Indonesia had received several questions from the European Union regarding the import licensing of textile products, especially finished textile products. He explained that his delegation was still coordinating with the relevant agencies in preparing the written replies to the European Union's questions in document G/LIC/Q/IDN/43.

13.5. The Committee took note of the statements made.

14 INDONESIA: IMPORT RESTRICTION ON AIR CONDITIONERS – STATEMENTS BY JAPAN AND THE EUROPEAN UNION

14.1. The representative of Japan said that his delegation was concerned about Indonesia's Minister of Trade Order No. 68 of 2020, enacted in August 2020. He noted that Indonesia had not notified the import permits system for air conditioners and that there was accordingly a lack of transparency regarding the relevant procedures. He said that, approximately six months since the enforcement of this Order, his delegation had found a number of cases in which it had taken several months from the time of application to the issuance of the import permits, without any explanations having been provided of the reasons for this delay. In addition, the number of air conditioning units that had been approved for importation had been restricted to less than the number requested in applications made by importers, likewise without any explanation as to why. Japan was concerned that this measure was either a non-automatic import licensing measure or a quantitative restriction that was inconsistent with Article 3.2 of the Agreement on Import Licensing Procedures and Article XI:1 of the GATT 1994. Therefore, he requested Indonesia to explain why these procedures had been taking several months, and why the number of permits issued had been restricted. He also requested that Indonesia improve transparency by setting out in the rules and regulations the duration period for the application procedures and the criteria for any restrictions. Japan insisted that Indonesia provide further clarification concerning the background and the WTO-consistency of this measure. In conclusion, Japan urged Indonesia ultimately to eliminate this measure.

14.2. The representative of the European Union shared the concerns expressed by Japan. She said that the European Union was also concerned about the import regime for footwear, also regulated by Indonesia's Ministry of Trade Order No. 68/2020. She noted that this import regime was just one of many similar import regimes that Indonesia had adopted in recent times with the clear and expressly stated objective to stimulate and protect its domestic industry and curb imports. Such objectives were protectionist in nature; furthermore, they were objectives being pursued with policies, measures, and practices of dubious WTO consistency. Her delegation advised Indonesia to review its system.

14.3. The representative of Indonesia thanked Japan and the European Union for their concerns regarding its import regime for air conditioners. His delegation took note of the concerns of Japan and the European Union on this matter and encouraged them to submit their written questions to the Committee.

14.4. The Committee took note of the statements made.

15 THAILAND: IMPORTATION OF FEED WHEAT - STATEMENT BY THE EUROPEAN UNION

15.1. The representative of the European Union reiterated her delegation's concern about the import procedures for feed wheat introduced by Thailand. She asked Thailand why these import procedures had not been notified, in accordance with Articles 1.4 and 5 of the Agreement on Import Licensing Procedures. In addition, she said that her delegation had not yet received written replies to their questions, which had been circulated in documents G/LIC/Q/THA/3 and G/LIC/Q/THA/4. She reiterated her delegation's interest in understanding on what basis the measure, announced as temporary, could be maintained for so long, and when it would cease to apply. To this end, the European Union wished to receive a detailed description of the import licensing procedures to be applied, and also repeated its request to receive relevant data about the actual situation of the corn market in Thailand in order to better understand Thailand's justification of the measure. Based on the information gathered by her delegation, average domestic prices had been trending upwards since the introduction of the measure in late 2016.

15.2. She said that her delegation had understood that the Government of Thailand had launched a support programme for corn production in September 2018 in order to provide incentives for rice farmers to divert their farming to corn during the drought period and to fill in the gap between the domestic demand for corn (8 million MT) and its domestic production (5 million MT). The programme had provided both financial support (minimum price guarantee, crop insurance premium subsidy, and soft loans for inputs and management costs in the post-harvesting period) and non-financial support (marketing and technical assistance) to farmers who switched their farming from rice to

corn. However, this appeared to contradict the alleged market oversupply of domestic corn. Therefore, the European Union requested Thailand to clarify how government support for the expansion of corn production could be reconciled with the alleged market oversupply in domestic corn. She further noted that the above-mentioned support programme had ended in September 2019. A deficiency payment scheme had subsequently been put in place, beginning from December 2019, with an even higher guarantee price (8.5 Baht/KG compared to 8 Baht/KG under the production support programme). She observed that these support programmes had not yet been notified to the Committee on Agriculture and encouraged Thailand to notify them in a timely manner. In addition to its questions on the market situation, she stated that the European Union was also significantly concerned about the WTO-compatibility of Thailand's import licensing regime for feed wheat. The European Union was looking forward to receiving detailed written replies to its written questions, which were circulated in documents G/LIC/Q/THA/3 and G/LIC/Q/THA/4.

15.3. The representative of Thailand thanked the European Union for its continued interest and questions concerning Thailand's import licensing procedures for feed wheat. She said that her delegation had taken note of the European Union's remarks and had forwarded the recent questions and concerns to its Capital, where they would be carefully reviewed. She said that internal consultations with relevant authorities and stakeholders were therefore ongoing. However, these consultations might take longer than expected due to the ongoing pandemic and the mandatory work from home policy implemented by the government in light of rising rates of new infections in the country.

15.4. The Committee took note of the statements made.

16 IMPROVING TRANSPARENCY IN NOTIFICATION PROCEDURES OF THE AGREEMENT – REPORT BY THE CHAIRPERSON

16.1. The Chairperson stated that improving transparency had been an important focus of the Committee's work. She reported on the following points: (i) use of the revised N2 notification form (G/LIC/28); (ii) the import licensing website and database; (iii) possible N2 online notification tool via the import licensing website; and (iv) challenges relating to completing the annual questionnaire under Article 7.3.

16.1 Use of revised N2 notification form (G/LIC/28)

16.2. The Chairperson reported that, since the Committee's previous meeting, there had been a steady flow of notifications by Members under Article 5.1-5.4 of the Agreement, with 61 N/2 notifications submitted. In this regard, the new N/2 form contained in document G/LIC/28 had been very successful; indeed, this user-friendly revised notification template had been used in 60 out of the 61 new N/2 notifications.

16.2 Import licensing website

16.3. The Chairperson noted that another positive development had been the official launch of the new import licensing website at the 9 October 2020 meeting. This was the very first WTO database on import licensing measures. It was being regularly updated, based on the notifications received from Members, and it contained thousands of import licensing-related laws, regulations, and administrative procedures enforced by governments around the world, as well as the contact details of officials in charge of import licensing in Geneva and in Capitals. It was accessible to the general public and was intended to improve transparency and facilitate Members' work in the area of import licensing. As Members had emphasized at its launch, it was of fundamental importance that the website be updated regularly and that it contained the most recent and accurate import licensing information available.

16.3 N2 online notification tool

16.4. The Chairperson recalled that the Secretariat was constantly updating the website and reflecting on possible developments and improvements to it. One possible improvement to the website, as had been raised by Members in early 2020, might be the creation of an online notification tool to allow Members to send import licensing notifications to the WTO by completing a form available on the website itself. The online form should mirror the current notification forms,

templates, and related entries, and would be available to Members on a voluntary basis. In no way should it create additional burdens for Members or alter the balance of rights and obligations under the Agreement.

16.5. She explained that, with a possible online notification tool, once information had been received by the Secretariat via online submission, that information would be issued in a WTO N series document, as per the current practice. Exchanges with the Secretariat on modifying a notification prior to its issuance as a final N series document would also continue to be possible. An online notification form would facilitate the task of the notifying Member by providing an additional and user-friendly notification interface; at the same time, it would ensure that the information contained in the notification would feed directly into the import licensing website's database, thus facilitating an ongoing updating of the website. Initially, an online notification form could be developed for the N/2 template, as recently revised and made more user-friendly by Members, contained in document G/LIC/28.

16.6. She concluded her report by stating that the new Chairperson of the Committee might wish to follow up on this subject and move the process forward if Members themselves so wished.

16.4 Challenges relating to completing the annual questionnaire under Article 7.3

16.7. The Chairperson stated that an issue that remained unresolved for the Committee was the question of how to improve Members' compliance regarding their notification obligations under Article 7.3, namely their replies to the annual questionnaire. She recalled that the number of annual notifications remained at very low levels. Previous Chairpersons of the Committee had outlined a number of challenges faced by Members in preparing their replies to the annual questionnaire, such as lack of understanding of the entries in the questionnaire, and efforts required during preparation in Capitals, including complex coordination among several different agencies.

16.8. She concluded her report by stating that the new Chairperson of the Committee might wish to follow up on this subject and move the process forward if Members themselves so wished.

16.9. The Committee took note of the Chairperson's reports.

17 CONTACT LIST OF DELEGATIONS (G/LIC/INF/3)

17.1. The Chairperson brought delegations' attention to the Secretariat's revised "Contact List of Delegations", which had been circulated as WTO document G/LIC/INF/3. She said that, like any other database, the value of this list was dependent upon the timeliness and accuracy of Members' updates and cooperation. In this regard, she encouraged Members to review the list and provide updated information to the Secretariat on a regular basis. Based on the information received from Members, the Secretariat would update this document, as well as the contact list on the import licensing website. As a complementary and user-friendly way of maintaining an updated contact list, she encouraged Members to make use of the WTO e-Registration tool and to update their contact information there on a regular basis.

17.2. The Committee took note of the contact list of delegations and of the Chairperson's statement.

18 DATE OF THE NEXT MEETING

18.1. The Chairperson informed delegations that the Secretariat had tentatively reserved Friday, 8 October 2021 as the date of the Committee's next formal meeting, on the understanding that the final date would be confirmed in an email well before the meeting itself, and that additional meetings could be convened as required.

18.2. The Committee took note.

19 OTHER BUSINESS

19.1. The representative of Indonesia raised a specific trade concern relating to Sri Lanka's ban on palm oil importation. He stated that Sri Lanka's import and export control department had released operating instructions regarding a palm oil importation ban, which instructed that importation of

palm oil under HS Code 15.11 (1511.10.00, 1511.90.00, 1511.90.10, 1511.90.20, 1511.90.30, and 1511.90.90) was temporarily suspended, from 5 April 2021 until further notice. He said that his delegation sought a response from Sri Lanka regarding its objectives or rationale for this palm oil importation ban. Although it had been claimed that the palm oil importation ban had been temporary, the policy did not specifically mention its duration. He added that such a policy could have systemic implications for global trade in palm oil. Indonesia felt that the prohibition on imports of palm oil was inconsistent with several WTO rules, especially Article XI of the GATT 1994, Article 4.2 of the Agreement on Agriculture, and Article 3.2 of the Agreement on Import Licensing Procedures.

19.2. The Committee took note of the statement made.

19.3. The Chairperson raised the following items under "Other Business":

19.1 Workshop on Import Licensing Notifications

19.4. The Chairperson recalled that, as part of its targeted technical assistance and capacity-building activities, the Secretariat had held regular Geneva-based workshops on import licensing notifications since 2017. She informed Members that the Secretariat was organizing another notification workshop in the days preceding the next formal meeting of the Committee, tentatively scheduled for 8 October 2021. The workshop would be held over two to three days between 4 and 7 October 2021. Depending on the prevailing sanitary situation and related measures in force, the workshop would take place in hybrid mode (with both in-person and virtual participation) or only in virtual mode.

19.2 Members' profiles and Secretariat analysis of import licensing procedures in five sectors

19.5. The Chairperson said that the Secretariat had been conducting research based on the recently established import licensing website and database. Specifically, the Secretariat had compiled a range of import licensing data by Member (based on Members' profiles), which had been made available to the Committee in document RD/LIC/16. This informal document contained information that was derived from the database and Members' notifications. She noted that it represented ongoing work, and she encouraged Members to review it and provide any feedback, edits, corrections, or additions to the Secretariat. She added that the Secretariat was also working on a WTO Staff Working Paper reviewing import licensing procedures in five sectors, namely: hazardous chemicals; rough diamonds; fertilizers and pesticides; pharmaceutical products; and hazardous waste. She asked the Secretariat to present these papers.

19.6. A representative of the Secretariat explained that both papers provided examples of data that could be extracted from the database and the website. It demonstrated that there was a wealth of information that had been provided by Members through the notifications and that this information was now easily accessible and easily retrievable. The main purpose of these documents was to show the utility of this new tool to increase transparency and enhance information-sharing in the field of import licensing. He said that the first document, which the Secretariat would present in more detail at the present meeting, had been provided to delegations as document RD/LIC/16 and contained information on import licensing procedures organized by Member. It had been put together for ease of reference, and the information it contained could be easily retrieved from the website itself. This document was provided for Members' review and feedback, so Members wishing to send edits, corrections, or comments to the Secretariat could helpfully improve it. The second document was a Staff Working Paper comprising a sectoral review of import licensing procedures covering five sectors. It was based on information retrieved from Members' import licensing notifications as well as other publicly available information taken from other relevant international organizations.

19.7. Another representative of the Secretariat presented the Member profiles in document RD/LIC/16 in more detail. She explained that each profile consisted of an introduction and seven parts. The introduction contained information on a Member's ranking in world trade merchandise imports for 2019, excluding intra-EU trade. This was followed by the Member's date of WTO accession, and contact details for the relevant delegate in Geneva, if provided. Part 1, organized by Member, provided information on all of the product categories for which import licensing regimes were applied by that Member. Part 2 contained information on recently updated and recently introduced legislation. Part 3 covered a Member's stated justifications for applying

import licensing measures, presented in graph format. Due to the limited use of HS tariff codes in import licensing notifications, a specific methodology had been devised for calculating the share of product categories notified by a Member under specific categories of justifying rationale. In brief, this comprised a ratio of the number of product categories per justification to the total number of product categories notified by Members. Part 4 was dedicated to notifications submitted by WTO Members under the requirements specified under Articles 1.4(a), Article 2, Article 5, Article 7.3, and Article 8.2(b) of the Agreement of Import Licensing Procedures. Column 1 showed the number of notifications received under the requirements of Articles 1.4(a) and 8.2(b). Under these requirements, WTO Members were requested to submit at least one notification. Column 2 showed the number of notifications received under the requirements of Article 5. And finally, column 3 showed the number of notifications received under the requirements of Article 7.3. The number of notifications submitted under Article 7.3 was shown in dark blue. In contrast, light blue was used to highlight the total number of notifications that should have been submitted until 30 September 2020 (for an original WTO Member, this number was 25, that is, one for each year of WTO membership). Depending on the year of a Member's WTO accession, the number of Article 7.3 notifications that should have been submitted varied. Part 5 dealt with specific trade concerns raised by Members in the Committee on Import Licensing. Finally, parts 6 and 7 provided a complete list of product categories, including, where available, the HS Codes, and all the relevant legislation. She recalled that all of this information was contained within the document, circulated as document RD/LIC/16. Members might wish to review this document and to provide their feedback, edits, corrections, or additions, directly to the Secretariat.

19.8. The representative of the United States asked if the two documents that were referenced in the presentation, as well as the request for Members to review those documents, had themselves been requested by a particular Member. She said that her delegation would appreciate receiving more information on the objectives of these documents.

19.9. A representative of the Secretariat explained that the papers had not been produced following a request by a Member; rather, they represented Secretariat research based on the newly established import licensing website and database, which the Secretariat had now shared with the Committee. He said that there was no analytical purpose to the papers; their main purpose was to demonstrate to Members the usefulness of the information available in the database.

20 ELECTION OF CHAIRPERSON

20.1. The Chairperson stated that the Rules of Procedures for Meetings of the Committee established that, "[t]he Committee on Import Licensing shall elect a Chairperson and a Vice-Chairperson from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson and Vice-Chairperson shall hold office until the end of the first meeting of the following year". She recalled that the Chairperson of the Council for Trade in Goods had been consulting with Members regarding the election of chairpersons for the subsidiary bodies of the Council, including the Committee on Import Licensing. However, to date, no agreement had been reached on the slate of names of proposed chairpersons for the Goods Council's subsidiary bodies. For this reason, she proposed to proceed as follows. Once the Council for Trade in Goods had agreed on the proposed chairpersons for its subsidiary bodies, the Secretariat would send an email to Members with the name of the proposed chairperson for the Committee on Import Licensing. If no objection was received within the time-frame indicated in that email, the candidate would be deemed to have been elected by the Committee by acclamation. The Vice-Chairperson of the Committee would be proposed by the new Chairperson and be elected by the Committee based on the same approach.