



Committee on Rules of Origin

MINUTES OF THE MEETING OF 13 OCTOBER 2022

CHAIRPERSON: MS LAURA GAUER (SWITZERLAND)

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The Committee on Rules of Origin (hereafter "the Committee", or "CRO") adopted the agenda (WTO/AIR/RO/16). Delegations attended the meeting in person or remotely via the "Interprefy" platform.

1 PREFERENTIAL RULES OF ORIGIN FOR LEAST DEVELOPED COUNTRIES (WT/L/917 AND WT/L/917/ADD.1)

1.1 Review of Recent Developments in Relation to Preferential Rules of Origin for Least Developed Countries (LDCs): Report by Preference-Granting Members Wishing to Share any Developments

1.1. The Chairperson reminded delegations that the Bali and the Nairobi Ministerial Decisions had instructed the CRO to monitor preference-granting Members' efforts to implement both Decisions. In this regard, she invited preference-granting Members to inform the Committee of any recent developments in this area.

1.2. The representative of Thailand informed Members that his government had renewed the Duty-Free Quota-Free Scheme (DFQF) for Least Developed Countries. The rules of origin that applied under the new scheme had already been notified to the Committee ([G/RO/LDC/N/THA/1/Rev.1](#)). The scheme would be in force from 17 November 2021 to 31 December 2026 and allowed 46 LDCs to trade under a preferential rate. In total, 7,535 products would be exempted from duties and quotas, accounting for 65.99% of Thailand's eight-digit tariff lines (1,436 agricultural products and 6,099 non-agricultural products).

1.3. The representative of the United Kingdom (UK) informed the CRO that his government had successfully launched the Developing Countries Trading Scheme (DCTS), which replaced the UK's Generalized Scheme of Preferences. The intention was to make the new scheme effective from the beginning of 2023. The design of the new scheme had taken into account comments made during an online public consultation. It had also been guided by the provisions of the Nairobi Decision. He noted that the applicable preferential rules of origin had been designed in a way to be simpler and more generous. The Product-Specific Rules (PSRs) had been significantly simplified. The provisions on cumulation had been relaxed, allowing LDCs greater flexibility to source inputs from 95 countries. The details had been published on the UK government website ([www.gov.uk](#)). In addition, he invited interested Members to attend an information session taking place immediately following the Committee's meeting, which had been organized by the UK delegation.

1.4. The representative of the United States (US) informed Members that his delegation had organized a panel on "How can exporting countries improve utilization of US Trade Preference Programs?" during the 2022 Aid for Trade Global Review. The session had explored certain issues related to the utilization of preferential rules of origin for various products, including textiles and manufactured goods. The panel discussion had been recorded and could be consulted [online](#).

1.5. The Committee took note of the statements made.

1.2 Preliminary Assessment of the Revised Preferential Rules of Origin of the United Kingdom – Submission by the LDC Group (G/RO/W/216)

1.6. The representative of Bangladesh welcomed the United Kingdom's efforts to consult with Members regarding the revision of its preferential rules of origin and thanked the UK government for considering the guidelines provided by the Nairobi Decision in its reform process.

1.7. The representative of the United Kingdom welcomed the preliminary examination of the UK's Developing Countries Trading Scheme by the LDC Group and took note of the Group's intention to undertake a full assessment of the final DCTS legislation. He also welcomed the LDCs' acknowledgement that the UK's new scheme had accommodated elements of the Nairobi Ministerial Decision and set an example for other preference-granting Members.

1.8. The Committee took note of the statements made.

1.3 Notifications of Preferential Rules of Origin for LDCs and Preferential Import Data

1.3.1 Notification from Thailand (G/RO/LDC/N/THA/1/Rev.1)

1.9. The representative of Senegal thanked Thailand for its revised notification but noted that a website link for the legislation on substantial transformation criteria was missing. He also noted that

Thailand had allowed beneficiary LDCs to use an *ad valorem* percentage criterion to determine substantial transformation. However, in light of the capacity constraints experienced by most LDCs, he encouraged Thailand to allow for the use of non-originating materials up to 75% of the final value of a good, as prescribed by the Bali and Nairobi Ministerial Decisions. Furthermore, he considered that the notification provided insufficient information regarding the PSRs; for this reason, he invited Thailand to clarify whether the requirements included such rules. He also referred to paragraph 1.5 of the Nairobi Decision and encouraged Thailand to make its requirements more flexible by allowing for a change of tariff classification criterion as an alternative way of establishing substantial transformation. Lastly, he invited Thailand to introduce bilateral cumulation under its preferential scheme to promote greater bilateral trade between LDCs and Thailand.

1.10. The representative of Thailand welcomed Senegal's comments and suggestions and said that his delegation stood ready to discuss these comments bilaterally with the LDC Group.

1.11. The Committee took note of the statements made.

1.3.2 Notification from Japan (G/RO/LDC/N/JPN/1/Rev.1 and Corr.1)

1.12. The representative of Senegal thanked Japan for its revised notification. Nevertheless, he invited Japan to add the correct references to the notification so that LDCs could consult the respective legislation. In addition, he noted that Japan had not indicated the list of product-specific rules and the relevant maximum allowed percentage of non-originating materials. The document referenced in the notification did not contain such a list (WT/COMTD/N/2/Add.18). For these reasons, he asked Japan to clarify its notification and the applicable product-specific rules.

1.13. The representative of Japan thanked Senegal for its comments. Japan had introduced special preferential tariff treatment for LDCs as a temporary measure, with an application period of ten years; however, Japan had now extended the validity of the scheme until March 2031. Similarly, his delegation would engage in the discussions on how to support the economic development of developing countries and LDCs.

1.14. The Committee took note of the statements made.

1.3.3 Report by the Secretariat (G/RO/W/163/Rev.10)

1.15. The Secretariat (Mr Simon Neumueller) updated the Committee on the latest developments regarding the submission of notifications covering preferential import data for LDCs in accordance with the Transparency Mechanism for Preferential Trade Arrangements. He noted that additional data had been received from a number of preference-granting Members since April 2022, when the Secretariat had previously updated the CRO. He noted, however, that import, and in certain cases, tariff data for 2020 was missing for Armenia; Kazakhstan; the Kyrgyz Republic; Montenegro; Morocco; New Zealand; Norway; the Russian Federation; Tajikistan; and Thailand. In addition, he underscored the importance of complete submissions, meaning notifications covering imports from LDCs under both non-reciprocal trade preferences and Regional Trade Agreements (RTAs). He explained that an absence of trade data concerning RTAs could lead to the possibly incorrect conclusion that exporters not using a non-reciprocal trade arrangement had necessarily paid MFN duties, when in reality they could have received tariff preferences under other schemes. For a complete analysis of utilization rates, the Secretariat needed to receive the relevant data concerning all of the following: LDC preferential tariffs; preference-eligible trade; imports under LDC preferences; trade under other preferences (such as RTAs, and corresponding tariffs); and trade entering on an MFN basis.

1.16. The representative of India thanked the Secretariat for its explanation and agreed that the lack of relevant information could lead to an overestimation of the underutilization of preferences. He also suggested that the Secretariat should consider trade in tariff lines with a zero MFN rate.

1.17. The Secretariat (Mr Simon Neumueller) clarified that the WTO's methodology and calculations did not include the MFN zero-rated tariff lines because no preference could be offered for those lines (hence no utilization of preferences was possible). However, these lines were indeed relevant in analysing the overall patterns of trade between LDCs and preference-granting Members.

1.18. The Chairperson requested delegations that had not yet submitted all the necessary information to prepare their notifications as soon as possible and, if necessary, to seek the assistance of the Secretariat.

1.19. The Committee took note of the report and statements made.

1.4 Proofs of Origin (Origin Certification) and the Utilization of Trade Preferences by Least Developed Countries (G/RO/W/212) – Note by the Secretariat

1.20. The Secretariat (Mr Darlan Martí) presented the Secretariat's most recent note on the utilization of trade preferences by LDCs (G/RO/W/212). He explained that the note focused on the impact of certification obligations on the ability of LDCs to utilize trade preferences. He recalled that the Bali Ministerial Decision encouraged preference-granting Members to allow self-certification whenever possible. Similarly, the Nairobi Decision encouraged preference-granting Members to consider measures to further streamline customs procedures, such as minimizing documentation requirements for small consignments or allowing for self-certification. Hence, both Decisions built on the premises that a reduction of the administrative burden associated with origin-related documentary and procedural obligations would help the LDCs to better utilize their trade preferences. The note by the Secretariat tried to explore such linkages.

1.21. He recalled the two main types of proofs of origin: third-party certification and self-certification. In the case of third-party certification, the compliance with specific origin criteria had to be attested by a designated authority by means of a certificate of origin. Third-party certification required economic operators to deal with the paperwork associated with the application for certificates. As such, it could entail costs and delays. However, certificates issued by third parties were reliable, thereby increasing the predictability of business operations. In the case of self-certification, economic operators carried the full responsibility for attesting the origin of goods by means of a statement or declaration of origin. In this sense, self-certification removed the administrative burden associated with the application process and could thus constitute a trade-facilitating alternative. However, this approach required economic operators to have attained a sufficient level of expertise in order to be able to identify, interpret, and apply the relevant rules of origin.

1.22. In relation to approaches to proving origin, he also highlighted that the note contained examples of national reforms aimed at facilitating the certification process. These initiatives included the use of electronic certification and, in a few cases, blockchain technology. He suggested that the CRO could be used as a platform for greater information and experience-sharing on the subject of paperless trade and other innovative trade facilitation projects.

1.23. With a view to testing the trade facilitative effect of self-certification, the Secretariat had established two groups of preferential arrangements: first, Group 1, containing the schemes that allowed for self-certification; and second, Group 2, with the schemes that required a third-party certificate of origin. The average underutilization rate for Members allowing self-certification was 22%, while the average underutilization for Members requiring certificates of origin was higher, at 49%. The same pattern was found in relation to agricultural products: the underutilization rates for Members allowing self-certification in this sector were lower (17%) than for Members requiring third-party certification (50%). However, he cautioned against drawing any general conclusions because there could be different patterns for some Members and limitations in the data could also influence the results.

1.24. Finally, the note acknowledged that certification requirements also entailed compliance with procedures imposed by institutions in the exporting country (that is, procedures put in place by the authorities of LDCs for the issuance of third-party certificates of origin). Due to insufficient information, it was not possible to categorize the practices of LDCs in this respect. However, the Secretariat had used the OECD Trade Facilitation Indicators and associated such indicators with the utilization rates of individual LDCs. The calculations had shown that LDCs with better trade facilitation scores tended to show lower underutilization rates, even though this was not a universal pattern.

1.25. The representative of Canada clarified that, in contrast to the indication in the note, Canada did not require third-party certification for any goods, including textiles and clothing. For the textiles and clothing sector, economic operators could self-declare the origin of goods but needed to do so

by using a specified template (called a certificate of origin). Her delegation had conveyed this information to the Secretariat and requested the note to be revised accordingly.

1.26. The representative of the United States noted that the trading community reported import or export operations through the United States' Automated Commercial Environment (ACE System), and the government determined the admissibility of the goods. Importers could select the special programme indicator electronically in order to claim preferences. He stated that his delegation stood ready to provide the Secretariat with additional information regarding the United States' practices.

1.27. The Delegate of China asked the Secretariat to reflect the method of calculation of underutilization rates in the note. He pointed out that China had been categorized as falling into Group 2 (Members requiring a third-party certificate of origin), whereas China did allow for self-certification under certain specific circumstances. For example, economic operators could self-declare the origin of goods whenever the goods had been the object of an advance ruling. He requested the Secretariat to adjust the note in this respect.

1.28. The representative of Chinese Taipei drew Members' attention to the Secretariat's conclusions that the findings of the note should be interpreted carefully because of certain limitations in the methodology and data used, as well as the difficulties in isolating the impact of origin certification from other factors. Self-certification seemed to have a trade-facilitating impact although not for all non-reciprocal preferences for LDCs. She underlined that Chinese Taipei continued to work to simplify customs clearance procedures and accept third-party certificates issued not only by the LDC authorities, but also by their authorized agents. Chinese Taipei did not currently implement a self-certification regime but stood ready to provide further clarification to LDCs, as needed. As such, Chinese Taipei's practices were fully compatible with the Ministerial Decisions.

1.29. The representative of the European Union noted that certain conclusions in the Secretariat's note needed confirmation, especially regarding the REX system. In this regard, the EU wished to further analyse the note and provide more detailed comments at a later stage. As a preliminary comment, she noted that the EU had very clearly observed the benefits of self-certification. The EU had made great efforts to improve the utilization rate of its preferences and hoped that more Members would move towards this method of certifying origin. Furthermore, she agreed that paperless certification and use of blockchain could further facilitate preference utilization. She reported that the EU was also moving in this direction but noted that there were still many challenges, in particular the use of blockchain, which was still at an early testing phase. She also clarified that the EU did not use electronic certificates of origin since all the certification process was based on self-certification. She said that the statements on origin could already be submitted electronically, which greatly facilitated trade. As had been pointed out by the Secretariat, she agreed that it was very difficult to isolate the impact of certification of origin from any other factors that affected the utilization of trade preferences. She also agreed that the efficiency of the exporting party's administration played a key role. In this respect, she added that the exporting country administration's capacity played a significant role, in particular when the importing country made a request for the verification of the origin of certain goods. For these reasons, she considered that a proper customs cooperation was required between the administrations of the importing and the exporting party. In fact, preferences would be denied if the exporting party did not reply promptly to a request for origin verification. In this regard, the EU had seen cases in which a lack of capacity to conduct origin verification had impacted negatively upon the ability of some beneficiaries to utilize trade preferences.

1.30. The representative of the United Kingdom commented that his government was interested in knowing more about barriers being faced by LDCs in relation to certification. He added that his delegation stood ready to contribute to future discussions regarding best practices.

1.31. The delegate of India agreed with the Secretariat's view that more complete datasets could alter the results of the calculations presented in the note. As pointed out by the Secretariat, preferences under reciprocal trade agreements (free trade agreements) had not always been considered for a lack of complete data. Indeed, a lack of data also affected the calculations for his country. In fact, several LDCs traded with India under free trade agreements, so utilization rates should have been higher. He reiterated that India was committed to providing effective market access to LDCs. India also remained committed to the Hong Kong and Bali Ministerial Decisions.

1.32. The representative of Switzerland stated that the Secretariat's note raised questions that were relevant to both preferential and non-preferential rules of origin. For this reason, he encouraged Members to comment on the note in order to improve its quality. Several factors seemed to have an effect on underutilization rates, but the note was a first attempt to focus on certification practices in particular. He wondered if the Secretariat could develop an econometric analysis in order to test the statistical significance of each of the variables. Finally, he noted that best practices identified in this area by the CRO would also be beneficial for other Committees, such as the Informal Working Group on MSMEs.

1.33. The representative of Senegal noted that certain African countries had been implementing reforms to allow for the self-certification of origin as a way of simplifying trade procedures and encouraging better preference utilization. He encouraged Members to move towards self-certification and to consider other reforms aimed at simplifying documentary requirements.

1.34. The representative of the Republic of Korea noted that its relevant agencies in capital were still examining the note and that his delegation would reach out to the Secretariat in due course.

1.35. The representative of UNCTAD (Mr Stefano Inama) indicated the need for further research on the nexus between certification of origin, preference utilization, and trade facilitation. He informed the Committee that UNCTAD had been developing analysis regarding the certification and proofs of origin with the aim of identifying best practices. As pointed out by the Secretariat, no best practice had currently been agreed; nevertheless, there was a real demand for best practices and guidance in this area. In this regard, UNCTAD had been developing research in collaboration with the Asian Development Bank and intended to conduct a joint survey with private sector representatives on their experiences of using different certification methods.

1.36. The Secretariat (Mr Darlan Martí) thanked Members for their interest and valuable comments. He confirmed that the Secretariat's calculations did not consider tariff lines with a zero MFN rate (since there could be no preference on such lines). He also confirmed that the calculations would be revised if Members submitted additional data to the Secretariat. Indeed, he underscored that the note was a first draft that would be revised in light of Members' corrections and comments.

1.37. The Committee took note of the presentation and statements made.

1.5 Committee Decision on Preferential Rules of Origin and the Implementation of the Nairobi Ministerial Decision (G/RO/95) and Outcome Document of the 12th Ministerial Conference (Paragraph 8 of Document WT/L/1135) – Statement by the Chairperson

1.38. The Chairperson recalled that the LDC Group had requested the CRO to discuss a paragraph taking stock of the status of implementation of the Bali and Nairobi Ministerial Decisions, which had developed into a proposal that had led to a Committee Decision that was adopted in April 2022 (G/RO/95). In addition, the Decision had been referred to in paragraph 8 of the Outcome Document of the 12th Ministerial Conference (WT/L/1135). In light of the new elements contained in the Decision and bearing in mind the report to be prepared by the CRO ahead of MC13, she asked Members to share their views about the Committee's work in the months ahead.

1.39. The representative of the European Union welcomed the work that had been carried out by the LDC Group to demonstrate where the improvements in rules of origin and administrative requirements should be made in order to fully implement the Nairobi Decision and increase the use of unilateral trade preferences offered by many WTO Members to LDCs. The LDC Group had illustrated certain practices that could lead to better utilization, such as minimum paperwork, self-certification, and rules of origin allowing LDCs to source inputs more flexibly. They had also pointed to the need to simplify the rules by limiting the restrictions and limitations to the rules and sourcing. However, she noted that certain preferences remained underutilized for reasons that were not always well understood. For its part, the EU had undertaken substantial reforms and implemented best practices in many respects but acknowledged that there was still room for improvement as concerned the Nairobi Ministerial Decision's full implementation. Given the great advances of recent years, the EU was not currently envisaging any further substantial changes to its system. She recalled that the MC12 document imposed an obligation to report to the General Council before MC13. In the EU's view, one way to do so would be to prepare a compilation of the essence, conclusions, and recommendations that the LDC Group regarded as best practices. The CRO could

then discuss how to report on such best practices, as well as on any other practices that Members could collectively identify. She noted that reaching agreement on such best practices would entail substantial discussions in the CRO, but that such discussions could already build on the rich contributions made to the CRO over the previous few years.

1.40. The representative of Bangladesh, on behalf of the LDC Group, welcomed the Committee's Decision of 14 April 2022 (G/RO/95) and the reference made to it in the 12th Ministerial Conference outcome document (WT/L/1135). He said that both the Decision and the paragraph provided a new mandate to the CRO. He underlined that substantial progress had been achieved by building on previous LDC Group communications (for example, document G/RO/W/194, on the 5th Anniversary of the Nairobi Ministerial Decision). The LDC Group hoped that the Committee Decision would provide fresh momentum for major reforms of preferential rules of origin. He informed Members that the LDC Group had been working on a proposal for a work programme, which it would present to the Committee at a later stage.

1.41. The representative of Canada welcomed the MC12 Outcome Document's reference to the CRO's Decision and agreed with the EU's suggestion regarding the organization of the Committee's future work. She also mentioned that Canada was curious about how the Committee would leverage reporting requirements to the General Council in order to fulfil its MC12 requirements.

1.42. The representative of Switzerland encouraged the LDC Group to consult with Members well in advance of any reporting in order to organize the work of the Committee as soon as possible.

1.43. The Committee took note of the statements made.

1.6 Draft Report (2022) of the CRO to the General Council on Preferential Rules of Origin for LDCs (G/RO/W/213)

1.44. The Chairperson recalled that the CRO was required to report annually to the General Council on recent developments regarding preferential rules of origin for LDCs and implementation of the Bali and Nairobi Ministerial Decisions. To this end, the Secretariat had prepared a draft report for Members' consideration (G/RO/W/213). She proposed to ask the Secretariat to update the draft report in light of the CRO's latest discussions before circulating it to Members for their examination. If no comments on the revised report were received within a prescribed time-frame, the report would be considered to have been adopted.

1.45. The Committee adopted the report through written procedures (G/RO/97).

2 NOTIFICATIONS UNDER ARTICLE 5 AND UNDER PARAGRAPH 4 OF ANNEX II OF THE AGREEMENT ON RULES OF ORIGIN (G/RO/N/239 TO G/RO/N/245)

2.1. The Chairperson reported that new notifications had been received by the Secretariat, covering both preferential and non-preferential rules of origin (G/RO/N/239; G/RO/N/240; G/RO/N/241; G/RO/N/242; G/RO/N/243; G/RO/N/244 and G/RO/N/245). Regarding the substance of these new notifications, she observed the following: 53 Members had notified the Secretariat that they applied non-preferential rules of origin (counting the EU and its member States as one); 62 Members had informed the Secretariat that they did not apply any non-preferential rules of origin; the remaining 22 Members had not yet submitted a notification under Article 5 of the Agreement. The full list of notifications received, including outstanding notifications, was available in the Annex to document G/RO/W/214.

2.2. The Committee took note of the Chairperson's report.

3 DRAFT TRANSPARENCY DECISION ON NON-PREFERENTIAL RULES OF ORIGIN (G/RO/W/182/REV.4) – STATEMENT BY THE CHAIRPERSON

3.1. The Chairperson referred to the draft transparency decision on non-preferential rules of origin (G/RO/W/182/Rev.4), and specifically the most recent consultations that had been held on it prior to MC12. She invited delegations to report on any progress made since that time. In addition, she acknowledged the challenges that delegations faced in devoting the necessary time to this proposal amidst a large number of competing priorities. For this reason, she offered to play a more proactive

role by holding consultations with a view to revising the text of the proposal if delegations considered such an approach to be useful.

3.2. The representative of Switzerland reported that no additional consultations had taken place because delegations had been busy with MC12. By way of reminder, he recalled the objectives of the proposal, its nature, and its benefits, and noted that work on it had begun in 2016-2017, building on the realization that the notifications on non-preferential rules of origin were outdated and incomplete. There was a shared view among Members that better access to information about Members' non-preferential origin requirements would be beneficial for the global trading community and for the Committee's work itself. The subsequent notification template was not burdensome. Indeed, Article 5 of the Agreement on Rules of Origin already contained the notification obligation, such that the proposed template only guided delegations on how to prepare their notifications. He concluded by recalling that the proposal would make standardized information available to the Committee, thus equipping it to better discharge its monitoring functions.

3.3. The representative of the United States noted that the TBT Committee had adopted a notification template more than 20 years previously, and that Members had been submitting several TBT notifications throughout each year. He said that revisions of non-preferential rules of origin were infrequent, thus Members applying non-preferential rules would possibly need to submit only one notification. He supported the Chairperson's further engagement in the process.

3.4. The representative of Chinese Taipei reiterated his delegation's support for the proposal and highlighted that the notification template would be helpful in promoting transparency and predictability in non-preferential rules of origin. She supported the steps proposed by the Chairperson and encouraged Members to continue their dialogue in order to find common ground on the proposal as soon as possible.

3.5. The representative of India recalled that his delegation had previously expressed concerns over certain aspects of the proposal. His delegation would be happy to engage in further discussions with a view to achieving a common understanding of the proposal.

3.6. The representative of Hong Kong, China supported a more active engagement by the Chairperson.

3.7. The representative of Ecuador recalled that his delegation had expressed reservations over paragraphs 4 and 8 of the proposal. He reiterated his delegation's willingness to engage in consultations to fine-tune the proposal.

3.8. The representative of Indonesia considered that no substantial progress had been made regarding the provisions that had caused concern among certain Members, including Indonesia. He recalled that Indonesia had proposed alternative language in May 2021. For transparency purposes, he requested the Chairperson regularly to update the Committee on her consultations.

3.9. The representative of the European Union welcomed the initiative to promote transparency in the area of non-preferential rules of origin, and believed that the proposal, particularly its paragraph 2, would lead to some but not full transparency. Her delegation would have preferred a template that covered all areas of application of non-preferential rules of origin. Nevertheless, the EU would work pragmatically and supported more engagement by the Chairperson.

3.10. In conclusion, the Chairperson confirmed that she would consult with delegations on specific aspects of the proposal with a view to preparing a text under her own responsibility as Chairperson.

3.11. The Committee agreed to proceed accordingly.

4 TWENTY-EIGHTH ANNUAL REVIEW OF THE IMPLEMENTATION AND OPERATION OF THE AGREEMENT ON RULES OF ORIGIN (G/RO/W/214)

4.1. The Chairperson recalled Article 6.1 of the Agreement on Rules of Origin, which stated that "the Committee shall review annually the implementation and operation" of this Agreement and "annually inform the Council for Trade in Goods of developments". To help the Committee conduct this review, the Secretariat had prepared a background note describing the activities of the

Committee under Parts II and III of the Agreement (G/RO/W/214). She proposed to ask the Secretariat to finalize the background note in light of the latest discussions in the Committee prior to sending it to delegations for their adoption through written procedures.

4.2. The Committee agreed to proceed accordingly and concluded the 28th Review of the Implementation and Operation of the Agreement on Rules of Origin through written procedures (G/RO/96).

5 DRAFT REPORT (2022) OF THE CRO TO THE COUNCIL FOR TRADE IN GOODS (G/RO/W/215)

5.1. The Chairperson recalled that the CRO was required to submit an annual report on its activities to the Council for Trade in Goods (CTG). The draft report covering the activities of the Committee for 2022 had been circulated in document G/RO/W/215. She proposed to ask the Secretariat to finalize the report in light of the latest discussions in the Committee prior to sending it to delegations for their adoption through written procedures.

5.2. The Committee agreed to proceed accordingly and adopted the report through written procedures (G/L/1440).

6 DATES OF THE COMMITTEE'S NEXT MEETINGS

6.1. The Chairperson noted that the CRO's next formal meetings would take place on 11 May and 12 October 2023.

6.2. The Committee took note of these dates.

7 APPOINTMENT OF VICE-CHAIRPERSON

7.1. The Chairperson recalled that the election of a vice-chairperson had for many years been common practice in the CRO. However, that practice had since been discontinued, in part because the Committee had re-elected the same Chairperson for six consecutive years during the period of the Harmonization Work Programme. However, she noted that the Committee's previous Chairperson had been obliged to leave his post in Geneva unexpectedly and at short notice, thus leaving his position vacant. While he had succeeded in organizing the election of a vice-chairperson through written procedures in the limited time available, she argued that Members could not assume that such a process would necessarily run as smoothly on a subsequent occasion. Given the attendant uncertainties of such a situation, she reasoned that electing a vice-chairperson should therefore be considered good practice and proposed to this end to elect Mr Angga Handian PUTRA of Indonesia as vice-chairperson of the Committee for 2022-2023.

7.2. The delegation of the Russian Federation explained that the proposed election was still being considered by his colleagues in capital and that, as a result, he could not join the consensus on the proposed nomination. In addition, he recalled his delegation's previously raised concerns, in the context of the General Council Chairperson's consultations, regarding the procedural aspects of elections of officers to WTO bodies. These concerns involved, among other things, considerations on the transparency of the process, as well as the applicability of the whole procedure set by the guidelines in document WT/L/510 regarding the appointment of vice-chairpersons. Furthermore, he explained that rule 12 of the Rules of Procedure for meetings of the Committee on Rules of Origin provided that the Committee shall elect a chairperson and may elect a vice-chairperson. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. This language suggested that the election of both a chairperson and a vice-chairperson should take place simultaneously during the spring meeting of the Committee. In this regard, he argued that the Committee had already missed the deadline stipulated by the Rules of Procedure for the election of a vice-chairperson. Finally, his delegation understood that the Chairperson was not necessarily planning to leave Geneva before the end of the term for which she had been appointed, meaning that there was no urgent need to elect another officer. Should such need arise, the new chairperson would be appointed as required by the Guidelines for the Appointment of Officers to WTO bodies adopted by the General Council on 11 December 2002.

7.3. The Chairperson proposed to hold consultations with the Russian Federation and to update Members on any subsequent developments.

7.4. The Committee agreed to proceed accordingly.

8 OTHER BUSINESS

8.1. No items were raised under "Other Business".
