WORLD TRADE ORGANIZATION

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Committee on Market Access

TRADE IN PHARMACEUTICAL PRODUCTS: CONSOLIDATED LIST OF PRODUCTS COVERED BY THE SECTORAL PHARMA AGREEMENT

NOTE BY THE SECRETARIAT[1]

1. This document has been prepared by the Secretariat at the request of the Participants to the 1994 "Trade in Pharmaceutical Products" (also known as the "Pharmaceutical Agreement", or the "Pharma Agreement"), which is a plurilateral sectoral initiative that was negotiated on the margins of the Uruguay Round and resulted in the binding and elimination of tariffs in a large number of pharmaceutical products and the substances used to produce them.

2. This note seeks to provide a comprehensive overview of all products covered by the initial agreement and its four subsequent reviews. It is being circulated for Members' information and reference only. For the first time, it consolidates in a single list the information contained in the following documents:

1. The original 1994 Pharma Agreement (GATT document L/7430 and L/7430/Add.4);
2. the results of the first review of the Pharma, which was, completed in October 1996 (G/MA/W/10);
3. The results of the second review, which was completed in November 1998 (G/MA/W/18);
4. The results of the third review, which was completed in February 2007 (G/MA/W/85); and
5. The results of the fourth review, which was completed in August 2010 (G/MA/W/102).

3. As a result of the Pharma Agreement and its reviews, WTO Members participating in this sectoral agreement agreed to eliminate customs duties and all other duties and charges within the meaning of Article II of the GATT 1994 in pharmaceutical products and in the chemical intermediates used in the production of pharmaceuticals. Such items include the following:

1. items classified (or classifiable) in HS Chapter 30;
2. items classified (or classifiable) in HS headings 2936, 2937, 2939, and 2941, with the exception of dihydrostreptomycin and salts, esters, and hydrates thereof; and
3. items enumerated in one of the four following annexes[2]:

   I. Annex I: pharmaceutical active ingredients that bear an "international non-proprietary name" (INN) from the World Health Organization;
   II. Annex II: salts, esters, and hydrates of pharmaceutical products which are described by the combination of an INN active ingredient contained in Annex I with a prefix or suffix, as long as such salt, ester, or hydrate is classified in the same HS 6-digit heading as the INN active ingredient;
   III. Annex III: salts, esters, and hydrates of INN active ingredients that are not classified in the same HS 6-digit heading as the INN active ingredient; and
   IV. Annex IV: additional products used for the production and manufacture of finished pharmaceuticals.

4. These four Annexes were reproduced in this document for reference. Participants to the Pharma Agreement are encouraged to review these Annexes and inform the Secretariat about any

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

[2] Each item listed in the annexes is indicated in its original form at the time of its inclusion into the respective annexes.

possible corrections or comments. Each of the listed items has been attributed a unique identification number ("WTO ID") to track more easily comments and possible corrections submitted by Pharma Participants. This document will be reviewed as many times as necessary to reflect any additional comments from Pharma participants to the Secretariat.

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