



**Committee on Trade and Development
Dedicated Session on Regional Trade Agreements**

FACTUAL PRESENTATION

**PARTIAL SCOPE AGREEMENT BETWEEN EL SALVADOR AND CUBA
(GOODS)**

Report by the Secretariat

This report, prepared for the consideration of the Partial Scope Agreement between El Salvador and Cuba, has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (WT/L/671).

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Key Facts

Parties to the Agreement:	El Salvador and Cuba
Date of Signature:	19 September 2011
Date of Entry into Force:	1 August 2012
Date of Notification:	27 November 2013
Full implementation:	1 August 2012

1 TRADE ENVIRONMENT

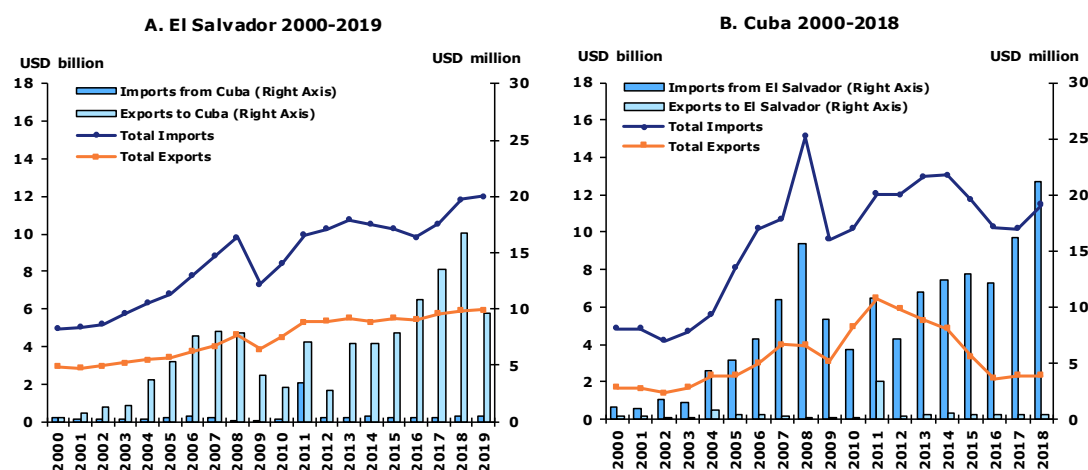
1.1. The partial scope agreement between El Salvador and Cuba (hereinafter the Agreement) is one of El Salvador's eleven RTAs and Cuba's 4 RTAs in force and notified to the WTO.

1.2. In 2019, El Salvador's merchandise exports amounted to USD 5.9 billion (0.03% of global exports) and imports to USD 12 billion (0.06% of global imports). Manufacturing represented the main commodity group exported by El Salvador (76.7% of its exports and 64.2% of its imports).¹ In the same year, Cuba's merchandise exports amounted to USD 2.1 billion (0.01% of global exports) and imports to USD 10.7 billion (0.06% of global imports).²

1.3. Based on 2018 trade data, El Salvador was Cuba's 33rd largest source of imports and 51st largest destination for exports, while, in 2019, Cuba was El Salvador's 58th largest source of imports and 20th largest export destination.³

1.4. Chart 1.1 summarizes the trends in global and bilateral trade of the Parties. From 2000 to 2018, both El Salvador and Cuba ran a global trade deficit. El Salvador's bilateral trade surplus with Cuba increased until 2008 and from 2013 onwards.

Chart 1.1 El Salvador and Cuba: bilateral and world merchandise trade, 2000-2019



Note: Mirror data used for Cuba's export to El Salvador (2007-2018).

Source: UNSD Comtrade database, WTO-IDB (Cuba's imports for 2007-2018), WTO Statistics database (Cuba's lobar exports for 2007-2015) and ITC TradeMap (Cuba's global exports 2016-2018).

¹ WTO Trade Profiles 2020. Manufacturing refer to iron and steel, chemicals, other semi-manufactures, machinery and transport equipment, textiles, clothing and other consumer goods.

² WTO Trade Profiles 2020. Data by commodity group is not available for Cuba.

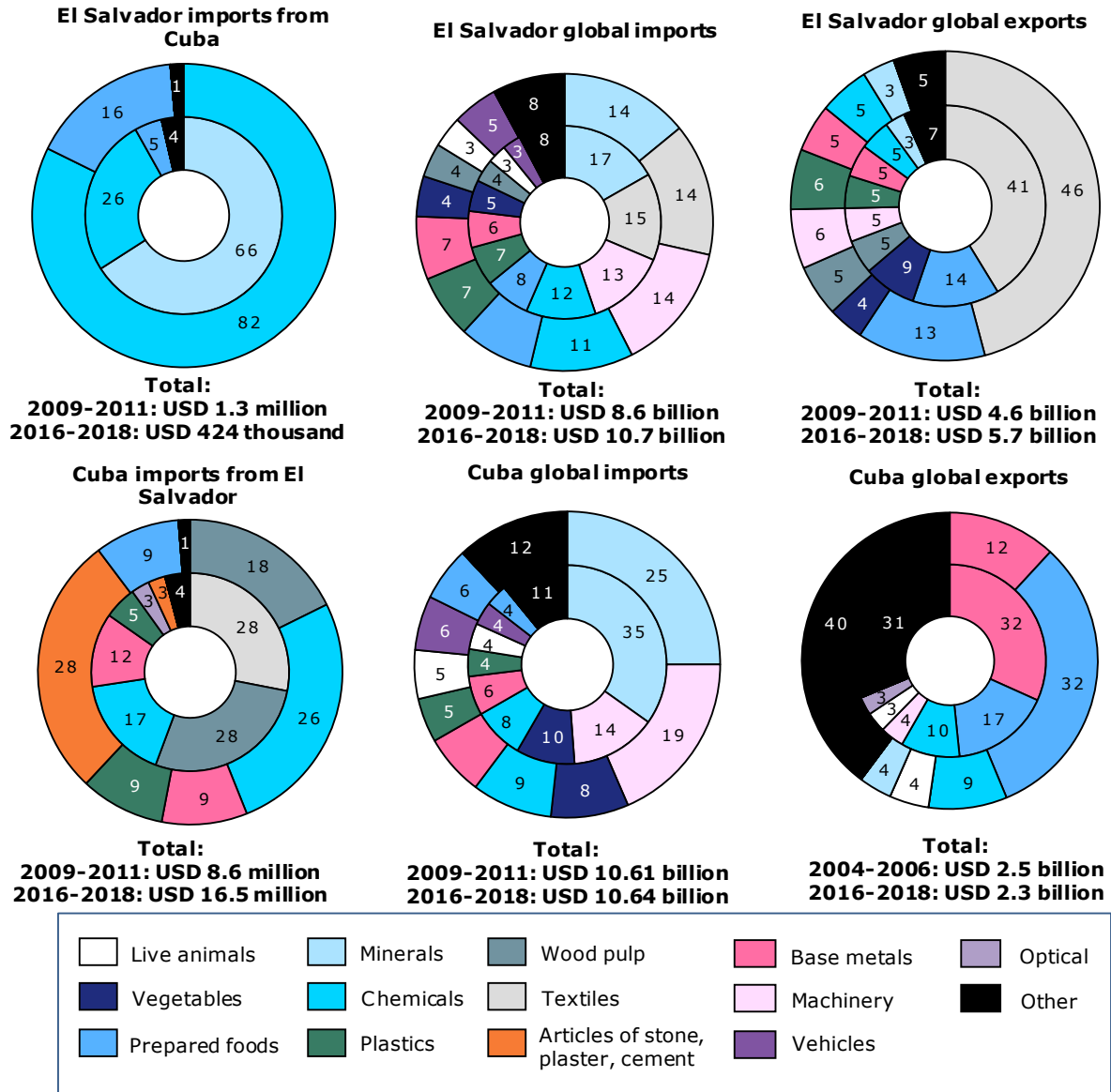
³ WTO, IDB for Cuba and UNSD, Comtrade database for El Salvador. Data excludes intra-EU28 trade.

1.5. The commodity structure of bilateral imports and exports between El Salvador and Cuba, as well as of their global imports in the periods 2009-2011 (inner circles) and 2016-2018 (outer circles) is shown in Chart 1.2 on the basis of Harmonized System (HS) sections. Global exports in 2004-2006 for Cuba and 2009-2011 for El Salvador are also shown in the chart.⁴ Of El Salvador's two largest exported products globally in the first period (textiles and prepared foods which accounted for 55% of its exports), only textiles and clothing were among Cuba's largest imports from El Salvador; its other key imports were wood pulp (28%) and chemicals (17%). By 2016-2018 while the share of El Salvador's exports of textiles and prepared foods had reached 59% of total exports, the structure of Cuba's largest imports from El Salvador had changed to articles of stone, plaster and cement and chemicals respectively at 28% and 26% in 2016-2018. Cuba's largest import categories globally were machinery and minerals (respectively 35% and 14% in 2009-2011 and 25% and 19% in 2016-2018).

1.6. Of Cuba's largest exports globally, base metals (32%) and prepared foods (17% in 2004-2006), only prepared foods were among El Salvador's main imports from Cuba (26%), while its largest import was minerals (66%). By 2016-2018 the composition of El Salvador's imports from Cuba had also changed: minerals and chemicals represented respectively 66% and 26% of its imports in 2009-2011 while chemicals and produced foods were 82% and 16% in 2016-2018. El Salvador's largest imports globally were minerals (17% in 2009-2011 and 14% in 2016-2018) and textiles (15% in 2004-2006 and 14% in 2016-2018).

⁴ The different time period for Cuba's global exports is due to the lack of data. The period 2004-2006 is the closest to the entry into force of the Agreement with complete data.

Chart 1.2 El Salvador and Cuba: product composition of merchandise trade, annual average (2009-2011 and 2016-2018)



Note: The inner circle represents annual averages for the period 2009-2011 with the exception Cuba's global exports for which 2004-2006 is shown due to data availability. The outer circle represents annual averages for the period 2016-2018.

Source: UNSD Comtrade database, WTO-IDB and ITC TradeMap.

2 CHARACTERISTIC ELEMENTS OF THE AGREEMENT

2.1 Background Information

2.1. The Agreement was signed on 19 September 2011 and notified on 27 November 2013 under paragraph 4(a) of the Enabling Clause (see document WT/COMTD/N/43). The Agreement was also notified under the Enabling Clause by the Latin American Integration Association (hereinafter LAIA) Parties as a change to the LAIA's 1980 Treaty of Montevideo (WT/COMTD/RTA15/N/1/Add.159).

2.2. The Agreement has the objective of strengthening the trade relationship between the Parties through the application of preferential tariffs and the elimination of non-tariff restrictions on bilateral trade (Article 1). The text of the Agreement, together with its annexes, is available on the official LAIA website and on the official website of the trade information system of the Ministry of Economy of El Salvador:

<http://www.aladi.org/nsfaladi/textacdos.nsf/f648ed517f865e1883257d800057e111/7f094f2ea97343eb0325820f00475db7?OpenDocument>

<http://infotrade.minec.gob.sv/cuba/>

2.3. The Agreement is composed of 16 Chapters and 6 Annexes, including the Parties' tariff elimination schedules. Box 2.1 summarizes the structure of the Agreement.

Box 2.1 Structure of the Agreement

Chapter I	Objectives of the Agreement
Chapter II	Tariff preferences and non-tariff restrictions
Chapter III	Internal taxation
Chapter IV	Rules of origin
Chapter V	Trade defence
Chapter VI	Technical barriers to trade and sanitary and phytosanitary measures
Chapter VII	Trade cooperation
Chapter VIII	Dispute settlement
Chapter IX	Administration and evaluation of the Agreement
Chapter X	Withdrawal of preferences
Chapter XI	Duration and validity
Chapter XII	Termination
Chapter XIII	Accession
Chapter XIV	Compatibility with regional agreements
Chapter XV	Deposit of the Agreement
Chapter XVI	Final provisions
Annex 1	Preferential duties given by El Salvador to Cuba
Annex 2	Preferential duties given by Cuba to El Salvador
Annex 3	Regime of origin
Appendix 1	Specific Rules of Origin
Appendix 2	Certificate of origin format
Annex 4	Norms, regulations and procedures for the evaluation of conformity
Annex 5	Sanitary and phytosanitary measures
Appendix 1	Committee and competent national authorities
Appendix 2	Form for specific SPS trade concern
Annex 6	Dispute settlement regime

Source: WTO Secretariat based on the Agreement.

2.4. The Parties shall periodically evaluate the provisions of the Agreement with a view to strengthening their trade relations (Article 24). As indicated by El Salvador, the General Negotiating Framework for the Broadening and Deepening of the Agreement was agreed upon and the First Protocol to the Agreement was signed in 2018.

3 PROVISIONS ON TRADE IN GOODS

3.1. Chapter II provides for tariff preferences and non-tariff restrictions.

3.1 Import duties and charges, and quantitative restrictions

3.1.1 General provisions

3.2. The Parties shall reduce or eliminate customs duties on goods originating in the Parties (Article 2). Annexes 1 and 2 to the Agreement report the tariff reductions, expressed in percentages, for the goods covered by the Agreement. Duties shall remain at the level indicated in the Annexes unless otherwise specified in the Agreement. If a Party increases its MFN tariff, the tariff reduction under the Agreement shall be immediately adjusted to maintain the preferential treatment agreed in conformity with the Annexes. The Parties also agree that they shall ensure that the preferential treatment accorded to traders is not undermined when they modify the Annexes.

3.3. Either Party may amend its MFN tariffs by giving prior notice to the other Party and preferential duties shall be adjusted accordingly (Article 3).

3.4. The Parties may agree at any time to engage in consultations to examine the possibility of modifying the list of products and the tariff reductions as long as the changes improve the treatment of goods and the balance of the Agreement and of the applied preferential treatment is ensured (Article 5). In conformity with Chapter IX, any improvement in preferential treatment shall prevail based on the conditions set out in Annexes 1 and 2 when approved by each Party in conformity with its internal legal procedures.

3.5. The Parties shall not maintain any non-tariff restriction on the originating products listed in the Annexes except those that are compatible with the WTO Agreement, including the Agreement on Import Licensing Procedures, which is incorporated to the Agreement together with its interpretative notes (Article 6).

3.6. Each Party commits to accord to imports from the other Party treatment no less favourable than that accorded to like domestic or imported goods, in accordance with Article III of the GATT 1994 (Article 8).

3.1.2 Liberalization of trade and tariff lines

3.7. Annexes 1 and 2 include the tariff reductions granted by the Parties for the importation of originating goods (Article 4). The tariff reductions are expressed in percentages of reductions, ranging between 30% and 100% (i.e. elimination of tariff), to be applied to MFN duties (Article 7).

3.8. No unilateral withdrawal of the agreed tariff preferences shall take place while the Agreement is in force (Articles 28). The exclusion of a preference resulting from the Parties' review of the Agreement does not constitute unilateral withdrawal (Article 29).

3.1.3 Liberalization schedule

3.1.3.1 El Salvador

3.9. Table 3.1 shows the tariff and trade liberalization offered by El Salvador under the Agreement. In 2012, 47.6% of El Salvador's tariff lines were duty free on an MFN basis, corresponding to 26.6% of its total imports from Cuba in 2009-2011.⁵ Following the Agreement's entry into force, El Salvador eliminated tariff for 231 lines (3.3% of lines under which 21.9% of imports from Cuba entered) and reduced rates for 190 lines (2.7% of lines under which 0.4% of imports entered). Duties on 3,228 lines, corresponding to 51.2% of imports from Cuba, are maintained.

⁵ Duties on all 6,959 lines in El Salvador's schedule are *ad valorem*.

Table 3.1 El Salvador: Tariff elimination and reduction commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in El Salvador's tariff schedule	Value of El Salvador's imports from Cuba (2009-2011) USD million	% of El Salvador's total imports from Cuba 2009-2011
Duty-free lines under the MFN 2012	3,310	47.6	0.3	26.6
Duty-free under the Agreement	231	3.3	0.3	21.9
Reduced rates under the Agreement	190	2.7	0.0	0.4
Remain dutiable outside the Agreement	3,228	46.4	0.6	51.2
Total	6,959	100.0	1.2	100.0

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

3.10. Table 3.2 shows El Salvador's tariff liberalization by HS section. The average final tariff remaining on dutiable products ranges from 6.7% in Section XXI to 30% in Section XIX.

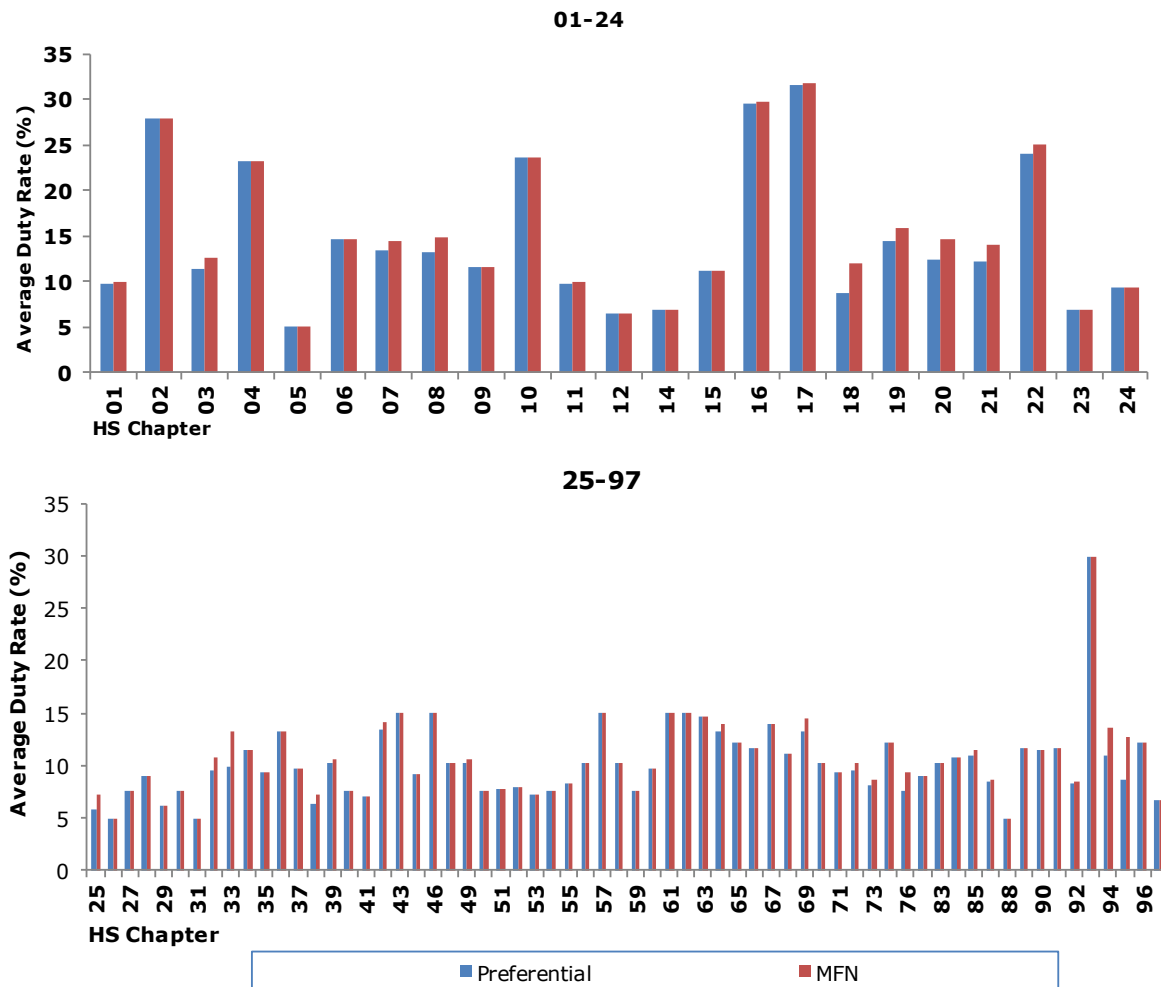
Table 3.2 El Salvador: Tariff elimination and reduction commitments under the Agreement, by HS Section

HS Section	MFN Average %	Number of lines	Duty-free lines under the MFN 2012	Under the Agreement		Remain dutiable outside the Agreement	Avg. Final Tariff (Dutiable)
				Duty-free	Reduced rates		
I	15.3	451	45	30	35	341	16.7
II	9.1	419	146	3	26	244	13.3
III	7.5	57	18	1		38	11.2
IV	16.3	298	35	32	41	190	17.9
V	2.7	187	118	3	4	62	6.8
VI	1.9	1,113	882	33	19	179	8.5
VII	5.3	337	147	2	2	186	9.3
VIII	8.3	108	19	24	1	64	9.9
IX	7.9	139	28	9		102	9.6
X	5.1	292	148	11	1	132	10.2
XI	9.6	918	117			801	11.0
XII	12.8	64	3	1	3	57	13.0
XIII	6.3	175	80	2	2	91	11.3
XIV	6.9	54	15	2		37	9.3
XV	3.2	702	462	21	19	200	8.9
XVI	2.1	978	802	39	6	131	10.9
XVII	6.2	234	67	2	1	164	8.5
XVIII	3.8	234	150		1	83	10.7
XIX	30.0	21				21	30.0
XX	10.7	169	28	10	29	102	10.6
XXI	7.8	9		6		3	6.7
Total	6.3	6,959	3,310	231	190	3,228	11.7

Note: Based on the HS2012 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

3.11. Chart 3.1 compares the average rate for those tariff lines that remain subject to duty under the Agreement with their corresponding MFN rates by HS Chapter. The preferential averages are slightly lower for 30 Chapters while they are equal to MFN rates for the other 57 Chapters.

Chart 3.1 El Salvador: Average of dutiable rates, by HS Chapter

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data in the Agreement and the WTO-IDB.

3.1.3.2 Cuba

3.12. Table 3.3 shows the tariff and trade liberalization offered by Cuba under the Agreement. In 2012, 6.3% of Cuba's tariff lines were duty free on an MFN basis, corresponding to 6.4% of its total imports from El Salvador in 2009-2011.⁶ Following the Agreement's entry into force, Cuba eliminated duties on 282 lines (5% of lines under which 61% of imports from El Salvador entered Cuba) and reduced rates on 134 lines (2.4% of lines under which 4.3% of imports entered). Duties on 4,835 lines, corresponding to 28.3% of imports from El Salvador, are maintained.

Table 3.3 Cuba: tariff elimination and reduction commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in Cuba's tariff schedule	Value of Cuba's imports from El Salvador (2009-2011) USD million ^a	% of Cuba's total imports from El Salvador 2009-2011
Duty-free lines under the MFN 2012	356	6.3	0.6	6.4

⁶ Of the 5,621 lines in Cuba's schedule 5,607 lines (99.8%) are *ad valorem*. Information on duties for 14 lines (0.3%) is not available.

Duty phase-out period	Number of lines	% of total lines in Cuba's tariff schedule	Value of Cuba's imports from El Salvador (2009-2011) USD million ^a	% of Cuba's total imports from El Salvador 2009-2011
Duty-free under the Agreement	282	5.0	5.3	61.0
Reduced rates under the Agreement	134	2.4	0.4	4.3
Remain dutiable outside the Agreement	4,835	86.0	2.4	28.3
Tariff lines where duties are not provided	14	0.2		
Total	5,621	100.0	8.6	100.0

a Import and tariff coverage is from HS Chapters 1-97.

Note: Based on the HS2007 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

3.13. Table 3.4 shows Cuba's tariff liberalization by HS section. The average final tariff remaining on dutiable products ranges from 5.4% in Section V to 18.3% in Section XIV.

Table 3.4 Cuba: Tariff elimination and reduction commitments under the Agreement, by HS Section

HS Section	MFN Average %	Number of lines	Duty-free lines under the MFN 2012	Under the Agreement		Remain dutiable outside the Agreement	Avg. Final Tariff (Dutiable)
				Duty-free	Reduced rates		
I	7.7	237	69	11	7	150	10.9
II	8.1	285	30	7	10	238	8.9
III	7.1	47	3	5	2	37	7.1
IV	18.9	229		22	42	165	17.2
V	4.4	160	29	10	2	119	5.4
VI	8.5	1,082*	58	46	8	956	8.9
VII	11.1	239	2	20	13	204	10.7
VIII	11.3	78	19	7	1	51	14.6
IX	6.5	97	3	5		89	6.4
X	7.8	176	32	41	1	102	7.8
XI	16.6	817	29			788	17.2
XII	14.9	52		6	5	41	14.2
XIII	10.3	145	5	6	1	133	10.7
XIV	11.6	53	20	1		32	18.3
XV	7.8	583	13	38	16	516	7.8
XVI	10.1	802	4	41	9	748	10.0
XVII	9.3	134	9	1	2	122	9.8
XVIII	12.8	220		6		214	12.9
XIX	6.9	56	24			32	12.0
XX	15.8	122	1	9	15	97	14.7
XXI	2.1	7	6			1	15.0
Total	10.6	5,621^a	356	282	134	4,835	11.2

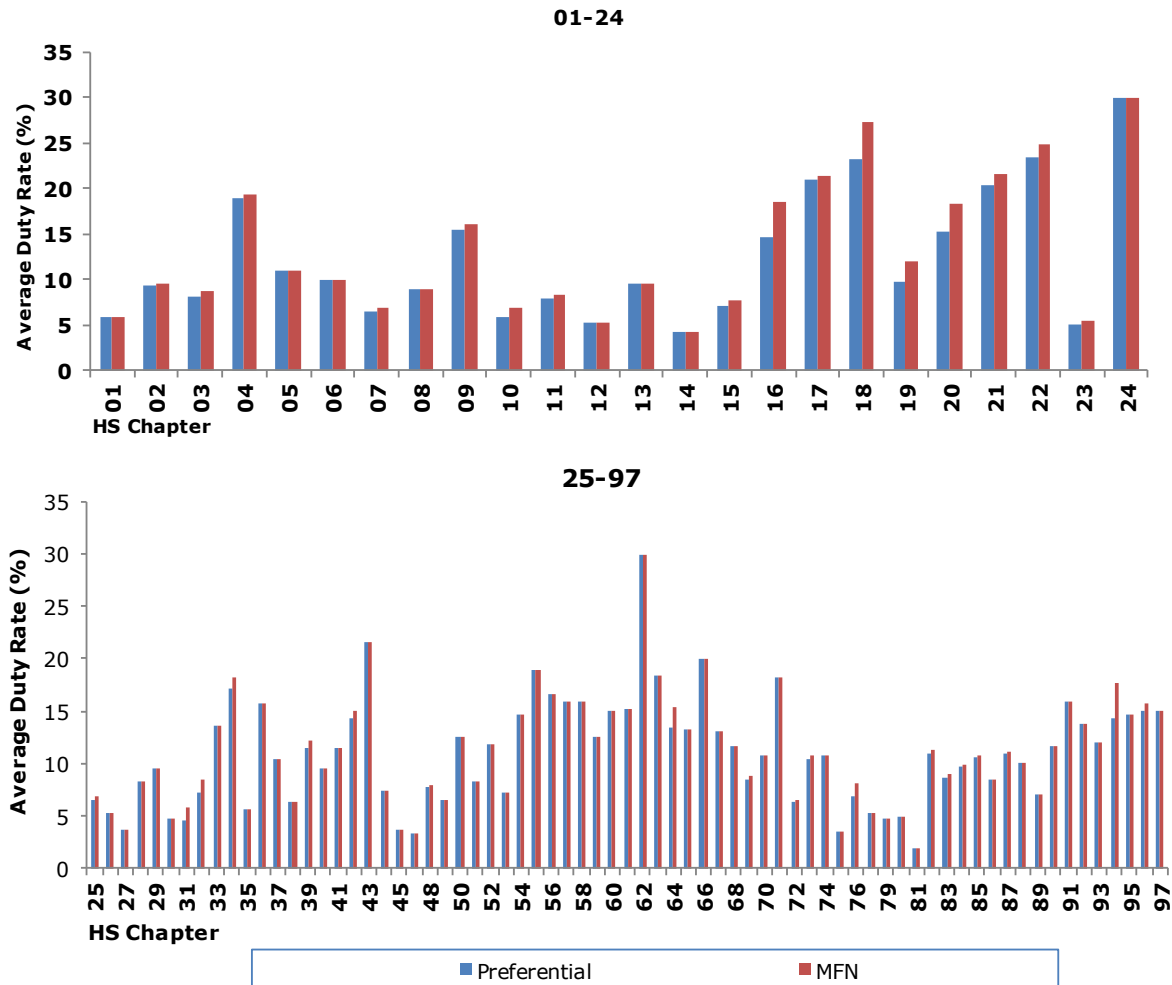
a Tariff coverage is from HS Chapters 1-97.

* Includes 14 tariff lines where duties are not provided.

Note: Based on the HS2007 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

3.14. Chart 3.2 compares the average rate for those tariff lines that remain subject to duty under the Agreement with their corresponding MFN rates by HS Chapter. The preferential averages are slightly lower for 37 Chapters while they are equal to MFN rates for the other 58 Chapters.

Chart 3.2 Cuba: Average of dutiable rates, by HS Chapter

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data in the Agreement and the WTO-IDB.

3.1.4 Tariff rate quotas

3.15. There are no tariff rate quotas applied by the Parties under the Agreement. El Salvador maintains its MFN tariff rate quotas on 22 tariff lines in 2012.

3.2 Rules of origin

3.16. To determine the origin of a product, the Parties agreed to apply the rules established in Annex 3 (Article 9). Annex 3 also includes the procedures for certification and verification. The Parties shall apply a system of rules of origin that promotes trade between them and that adapts to changes in technology and the production structures of the Parties (Article 10).

3.17. A good is considered as originating in a Party if it (Article 3):⁷

- a. is wholly obtained in one or both Parties,
- b. is entirely produced in the territory of one or both Parties only with originating materials,

⁷ Unless otherwise specified, all articles in the remaining of this section refer to articles in Annex 3.

- c. is produced in the territory of one or both Parties using non-originating materials and complying with a change in tariff classification (CTC) criterion,
- d. does not comply with the CTC criterion but the c.i.f. value of non-originating materials used does not exceed 50% of the f.o.b. value of the goods, or
- e. complies with the specific rules of origin included in Appendix 1 to Annex 3.⁸

3.18. Article 4 provides for cumulation. Goods or materials originating in the territory of one Party and incorporated in a good in the other Party shall be considered as originating. A good is considered as originating, when it is produced in one or both Parties by one or more producers, if it complies with Article 3 and other applicable provisions in Annex 3. The Parties agree to engage in consultations with the objective to allow cumulation with goods and materials from countries with whom both Parties have a trade agreement.⁹

3.19. A *de minimis* rule applies so that a good is considered originating if the c.i.f. value of all non-originating materials that do not comply with the required CTC criterion is not more than 10% of the f.o.b. value of the good (Article 7).

3.20. Chapter II of Annex 3 contains provisions on intermediate materials (Article 5), transit or direct shipping (Article 6), accessories, spare parts and tools (Article 8), sets or assortment of goods (Article 9), packaging and retail packaging material (Article 10), containers and packaging materials for shipment (Article 11) and indirect materials (Article 12).

3.21. Chapter III of Annex 3 covers certification and issuance of certificates of origin. The Parties agreed on a single format for the certificate of origin available in Appendix 2 to Annex 3 (Article 13). Articles 14 to 16 discipline third party invoicing, rectification of the certificate of origin and keeping of accounting records and other related documents at source.

3.22. Chapter IV regulates the process of verification and control of origin. It includes provisions on consultations prior to the verification process (Article 17), procedure to verify origin (Article 18), confidentiality (Article 19), sanctions (Article 20) and review and appeal (Article 21).

3.3 Export duties and charges, and quantitative restrictions

3.23. There are no provisions on export duties and charges, and quantitative restrictions in the Agreement.

3.4 Regulatory Provisions of the Agreement

3.4.1 Standards

3.24. The Parties shall ensure that standards, technical regulations, conformity assessment procedures and sanitary and phytosanitary measures do not constitute unnecessary barriers to trade between them, in accordance with the provisions of the TBT Agreement and the SPS Agreement and in conformity with Annexes 4 (on standards, technical regulations and conformity assessment procedures) and 5 (on sanitary and phytosanitary measures) to the Agreement (Article 20). The Parties may carry out specific negotiations aimed at strengthening technical and administrative capacity as well as facilitating trade to avoid that the application of standards, technical regulations, conformity assessment procedures and sanitary and phytosanitary requirements become unnecessary technical barriers to trade.

⁸ Specific rules in Appendix 1 are generally in the form of a change in sub-heading but changes in heading also occur.

⁹ El Salvador confirmed that as of January 2021, neither Party requested consultations on the topic.

3.4.1.1 Sanitary and phytosanitary measures

3.25. Annex 5 applies to SPS measures which shall be in conformity with the provisions, principles and definitions of the SPS Agreement and its annexes as well as the standards, directives and recommendations established by the relevant international organizations (Article 2).¹⁰ In case of the absence of such standards, directives and recommendations or if they are not considered sufficient to guarantee an adequate level of protection, the Parties may adopt the SPS measures that they deem necessary with due scientific and technical justification.

3.26. The Parties reaffirm the rights and obligations established under the SPS Agreement and the decisions of the SPS Committee of the WTO (Article 3). Moreover, they endeavour to make joint efforts for the effective implementation of the SPS Agreement and the provisions in Annex 5 to the Agreement with the objective to facilitate bilateral trade.

3.27. The Parties agree to harmonise their SPS measures in accordance with Article 3 of the SPS Agreement, the decisions of the SPS Committee of the WTO and the provisions of Annex 5 to the Agreement (Article 4).

3.28. The Parties may enter into agreements, in conformity with recommendations of the competent international and regional organizations, to recognize equivalence in SPS and food safety matters with the objective of facilitating the marketing of goods and promoting mutual trust (Article 5). Recognition of equivalence shall be understood as the process by which it is demonstrated objectively and on a scientific basis that SPS measures provide an adequate level of protection and it shall be determined by mutual agreement.

3.29. Articles 6 to 11 cover evaluation of risk, recognition of free or low prevalence zones of pests or diseases, transparency, control, inspections and approval procedures, agreements between competent authorities and technical cooperation.

3.30. Article 12 establishes the Committee on SPS measures.¹¹ Among its responsibilities, the Committee on SPS measures shall improve the Parties' understanding on the implementation of the SPS Agreement, resolve issues related to the application of SPS measures, be a forum for consultation between the Parties, promote the improvement of SPS and food safety conditions, promote technical assistance and cooperation and establish technical working groups.¹²

3.31. The Parties may initiate technical consultations to gather information on the application or interpretation of Annex 5 (Article 13). They shall also agree on a mechanism to facilitate the resolution of specific concerns deriving from the adoption and application of SPS and food safety measures to avoid that such measures create unnecessary obstacles to trade.

3.32. Any dispute arising in relation to the application of Annex 5 shall be resolved according to the rules set out in Annex 6 to the Agreement on dispute settlement (Article 14).

3.4.1.2 Technical barriers to trade

3.33. Annex 4 applies to standards, technical regulations and conformity assessment procedures of the Parties that may affect directly or indirectly trade between them (Article 3).¹³ Annex 4 does not apply to SPS measures nor to purchases by Government institutions.

3.34. The Parties reaffirm the rights and obligations established under the TBT Agreement (Article 4). They shall cooperate in international organizations to ensure that international standards facilitate trade and do not create unnecessary obstacles to international trade (Article 5).

¹⁰ Unless otherwise specified, all articles in the remaining of this subsection refer to articles in Annex 5.

¹¹ The Committee is composed of official representatives of the agencies or Ministries designated in Appendix 1 to Annex 5.

¹² El Salvador communicated that the Committee on SPS measures had not formally met yet but Appendix 3 (Rules of Procedure for the Functioning of the Committee on SPS Measures) to Annex 5 has been incorporated as part of the First Additional Protocol to the Agreement.

¹³ Unless otherwise specified, all articles in the remaining of this subsection refer to articles in Annex 4.

3.35. The Parties shall intensify their joint efforts regarding standards, technical regulations and conformity assessment procedures with the objective of facilitating market access (Article 6). To this end, bilateral initiatives include, *inter alia*, cooperation in fields such as convergence and harmonization of international standards, recognition, and acceptance of the results of conformity assessment procedures. If a Party stops or rejects goods at the point of entry due non-compliance with technical regulations, it shall notify immediately the importer.

3.36. Each Party shall consider the possibility to accept as equivalent the technical regulations of the other Party that have the same results as domestic technical regulations (Article 7). If a Party does not accept a technical regulation of the other Party, it shall provide the reasons upon request.

3.37. Article 8 provides for conformity assessment procedures. Provisions on transparency and technical cooperation are included in Articles 9 and 10 respectively.

3.38. A Committee on technical barriers to trade is established under Article 11. The functions of the Committee include, *inter alia*, monitoring the implementation and administration of Annex 4, addressing matters proposed by a Party with respect to the elaboration, adoption or execution of standards, technical regulations or conformity assessment procedures, facilitating sectoral cooperation, exchanging information, revising Annex 4 in light of any development of the TBT Agreement and establishing working groups on specific issues.¹⁴

3.4.2 Safeguard mechanisms

3.39. Chapter V on trade defence measures disciplines bilateral and global safeguard measures as well as antidumping and subsidies.

3.4.2.1 Global safeguards

3.40. The Parties may apply, where appropriate, the safeguard measures provided for in Article XIX of the GATT 1994 and the WTO Agreement on Safeguards (Article 18).

3.4.2.2 Bilateral safeguards

3.41. If, as a result of the reduction or elimination of a customs tariff under the Agreement, the import of any of the goods originating in either Party causes or threatens to cause serious injury to a domestic industry, the Party concerned may adopt temporary safeguard measures in the form of a tariff (Article 11). Such measures shall be taken only when strictly necessary to counteract the serious damage or threat thereof. The customs tariff imposed as a safeguard shall not exceed the MFN rate. A safeguard measure shall be taken for a period of up to one year, extendable once if and only if the reasons for it persist and it cannot be applied more than once with respect to the same product.¹⁵

3.42. The Party seeking to apply a safeguard measure shall give the other Party opportunities, through appropriate official mechanisms, to receive information regarding its intention to take the measure (Article 12).

3.43. Article 13 allows for the adoption of provisional safeguard measures in the form of higher duties not exceeding the MFN level. Such measures shall not last longer than six months. The Party intending to adopt a provisional safeguard measure shall communicate its intention through the Administrative Commission to the other Party within seven days and request consultations.

3.44. To determine whether a safeguard measure is appropriate, the competent authority of the importing Party shall carry out an investigation with the objectives of evaluating the volume and conditions of imports under consideration, determining the existence of serious injury or threat thereof and determining the causality (Article 14).

¹⁴ El Salvador communicated that the Committee on TBT had not formally met yet but Appendix 1 (Rules of Procedure for the Functioning of the Committee on TBT) to Annex 4 has been incorporated as part of the First Additional Protocol to the Agreement.

¹⁵ El Salvador confirmed that the period during which provisional measures are applied should be within the year of application of definitive measures, based on an interpretation consistent with the WTO Agreement on Safeguards.

3.45. The Party applying a bilateral safeguard measure shall provide compensation to the other Party in accordance with Article 8 of the WTO Agreement on Safeguards (Article 15).

3.46. No Party shall apply, in respect of the same good, and during the same period a bilateral safeguard measure and a measure under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards (Article 16).

3.4.3 Anti-dumping and countervailing measures

3.47. The Parties recognize their rights and obligations under Article VI of GATT, the Agreement on Implementation of Article VI and the Agreement on Subsidies and Countervailing Measures (Article 19). There are no additional provisions in the Agreement.¹⁶

3.4.4 Subsidies and State-aid

3.48. The Parties recognize their rights and obligations under Article XVI of GATT and the Agreement on Subsidies and Countervailing Measures (Article 19). There are no additional provisions in the Agreement.

3.4.5 Customs-related procedures

3.49. There are no specific provisions on customs-related procedures.

3.5 Sector-Specific Provisions of the Agreement

3.50. There are no sector-specific provisions in the Agreement.

4 GENERAL PROVISIONS OF THE AGREEMENT

4.1 Transparency

4.1. There are no specific chapters regarding transparency. Nevertheless, the Agreement indicates that notifications regarding SPS measures, and TBT measures through the WTO Secretariat, will be notified in accordance with the WTO SPS and TBT Agreements (Article 9 of Annex 4 and Article 8 of Annex 5).

4.2 Current payments and capital movements

4.2. There are no specific provisions on current payments and capital movements in the Agreement.

4.3 Exceptions

4.3. There are no provisions on exceptions.

4.4 Accession and Withdrawal

4.4. The Agreement is open to other members of LAIA and the Central American Integration System (SICA) and other countries of Latin America and the Caribbean, subject to acceptance and negotiations (Article 32). Accession shall be formalised after the negotiation of the terms of accession between the Parties and the applicant, by signing an additional instrument to the Agreement.

4.5. The Agreement is of indefinite duration (Article 30). If a Party wishes to withdraw from the Agreement, it must notify the other Party of its decision in writing at least 180 working days before

¹⁶ In the case of El Salvador anti-dumping and countervailing measures are also governed by the Special Trade Defence Law (in force since 10 February 2016) and its regulations (in force since 26 September 2017) in line with the provisions of the WTO Agreements.

the deposit of the respective instrument of withdrawal (Article 31).¹⁷ The rights and obligations under the Agreement shall automatically cease for the withdrawing Party from the date of formalisation of the withdrawal.

4.5 Institutional framework

4.6. Article 25 establishes the Administrative Commission.¹⁸ It shall meet every two years, or as many times as necessary on request of a Party (Article 26). Its responsibilities include, *inter alia*, ensuring compliance with the provisions of the Agreement, approving the addition of new goods or the granting of additional preferences on negotiated goods, seeking to resolve disputes which are submitted to its consideration, serving as a forum for consultation on the application of safeguard measures and other measures, reviewing and amending the rules of origin and other rules laid down in the Agreement, establishing the technical groups necessary for the good administration and implementation of the Agreement, submitting to the Parties a report on the evaluation and operation of the Agreement, approving the necessary amendments and additions to this Agreement.

4.7. The commitments arising from the measures and adjustments to the Annexes to the Agreement must be formalized in resolutions to be issued by the Administrative Commission of the Agreement, which will be annexed to the present Agreement and will enter into force once the Parties have notified each other that they have fulfilled the requirements laid down in their internal legislation (Article 27). Amendments to the text of the Agreement must be standardised through the signing of Additional Protocols.

4.8. El Salvador communicated that in 2018 two meetings of the Administrative Commission were held, whereby the General Negotiating Framework for the Broadening and Deepening of the Agreement was agreed upon and the negotiations of the First Protocol to the Agreement were concluded.¹⁹

4.6 Dispute settlement

4.9. Disputes arising between the Parties concerning the interpretation, application or non-application of the provisions contained in the Agreement are subject to the dispute settlement mechanism contained in Annex 6 of the Agreement (Article 23 of the Agreement and Article 1 of Annex 6).

4.10. For disputes regarding any matter arising under the Agreement that imply also a violation of the obligations under the WTO Agreement the Parties may choose the forum for the settlement of the dispute (Article 3).²⁰ Once the forum has been selected, it must be used to the exclusion of the other.

4.11. The Parties shall seek to resolve disputes through direct consultations and negotiations in order to reach a mutually satisfactory solution (Article 4). Consultations and negotiations shall be requested in writing with reference to the reasons of such request and specifying the factual circumstances and legal grounds relating to the dispute (Article 5). The Party receiving the request shall respond within 15 days (Article 6) and consultations shall not last more than 30 days unless otherwise agreed (Article 8). The Parties shall exchange the information necessary to facilitate consultations (Article 7).

4.12. The Parties, by consensus, may combine two or more procedures relating to cases which, by their nature or possible thematic linkages, they consider appropriate to be examined jointly (Article 9).

¹⁷ In the case of Cuba, the notification shall be deposited with the General Secretary of LAIA and, in the case of El Salvador, with the General Secretary of the Central American Integration System.

¹⁸ The Administrative Commission is chaired by the Minister of Foreign Trade and Foreign Investment or his successor, in the case of Cuba and by the Minister of Economy, or his successor, in the case of El Salvador.

¹⁹ The texts resulting from the negotiations were signed and the Parties agreed to carry out their internal legal procedures for ratification. In the case of El Salvador, the First Protocol is under analysis by the Legislative Assembly for ratification.

²⁰ Unless otherwise specified, all articles in the remaining of this subsection refer to articles in Annex 6.

4.13. In the absence of a response to a request for consultations or if a mutually satisfactory solution is not found or the dispute is resolved partially, the complaining Party may request the intervention of the Administrative Commission which shall meet within 30 days of the request (Articles 10 and 11). The Administrative Commission shall evaluate the complaint and give an opportunity to the Parties to present their positions and, if necessary, bring additional information (Article 13). It shall make its recommendations, based on the provisions of the Agreement, additional protocols, other applicable instruments, relevant facts and legal basis, within 30 days from its first meeting (Article 14).

4.14. If the dispute is not settled through the intervention of the Administrative Commission, a Party may request in writing the establishment of a Group of Experts which shall evaluate the facts objectively taking into consideration the provisions of the Agreement, protocols and instruments signed within the framework of the Agreement, and other principles and provisions of international law (Articles 16 and 23).²¹

4.15. The Group of Experts shall follow the rules of procedures and code of conduct that shall be agreed by the Parties within 180 days from the entry into force of the Agreement (Article 24).²² The Group of Experts may seek information and technical advice from persons it deems relevant, including highly qualified independent experts (Article 25). The report of the Group of Experts shall be issued within 120 days from its establishment (Article 26).

4.16. Once the Parties agree on the settlement of the dispute, they shall notify the Administrative Commission forthwith for the adoption of the report (Article 27). Within 15 days, either Party may request a clarification on the report or an interpretation as to how it may be complied with and the Group of Experts shall make its decision within 15 days of the request (Article 28).

4.17. Article 29 allows the complaining Party to temporarily suspend the application of concessions with equivalent effect to the other Party if the report of the Group of Experts finds that a measure violates the provisions of the Agreement and the Parties did not find a mutually satisfactory solution. The complaining Party shall first consider the suspension of concessions in the same sector or sectors affected by the measure unless it considers that it is neither feasible nor effective, in which case the complaining Party may suspend concessions in other sectors, providing justification for its actions (Article 31). The suspension of concessions shall last until the Party complained against changes or eliminates the measure or the Parties agree on a mutually satisfactory settlement (Article 30).

4.18. The Party complained against may ask the Administrative Commission to form a special Group of Experts to determine whether the suspension of concessions is proportional to the consequences deriving from the non-compliance with or violation of the Agreement (Article 32). If the Party complained against considers that it eliminated the incompatibility or if it is in compliance with the report of the Group of Experts, it can request the special Group of Experts to give an opinion on compliance with the report (Article 33). The special Group of Experts shall present its report for adoption in the Administrative Commission within 60 days from the designation of its last member.

4.19. In cases involving perishable goods, the time limits set out in Annex 6 shall be halved unless otherwise agreed by the Parties (Article 35).

4.7 Relationship with other agreements concluded by the Parties

4.20. The Parties shall promote the compatibility of the Agreement with other integration agreements of Latin American and Caribbean countries, in accordance with the mechanisms established in Chapter IV of the Treaty of Montevideo 1980 and with Chapter III of the Protocol to the General Treaty on Central American Economic Integration (Article 33).

²¹ Articles 17 to 22 set out the procedures for the establishment of a list of experts, the required expertise, the procedures for the establishment of the Group of Experts, their remuneration and other requirements.

²² During the negotiation of the First Protocol of the Agreement, the rules of procedure and the code of conduct have been agreed upon and respectively included in Appendix 1 and Appendix 2 to Annex 6 of the Agreement.

4.21. Other regional trade agreements in force (notified and not notified) to which Cuba and El Salvador are party are listed in Table 4.1.

Table 4.1 El Salvador and Cuba: Participation in other RTAs (notified and non-notified in force), as of 14 April 2021

RTA Name	Date of entry into force ^a	Coverage	GATT/WTO Notification	
			Year	WTO Provisions
EL SALVADOR				
United Kingdom – Central America	01-Jan-21	Goods & Services	2020	GATT Art. XXIV & GATS Art. V
El Salvador - Ecuador	16-Nov-17	Goods	2018	Enabling Clause
EU - Central America	01-Oct-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
CACM - Accession of Panama	06-May-13	Goods	2017	GATT Art. XXIV
Mexico - Central America	01-Sep-12	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
Colombia - Northern Triangle (El Salvador, Guatemala, Honduras)	01-Feb-10	Goods & Services	2012	GATT Art. XXIV & GATS Art. V
El Salvador- Honduras - Chinese Taipei	01-Mar-08	Goods & Services	2010	GATT Art. XXIV & GATS Art. V
Dominican Republic - Central America - United States Free Trade Agreement (CAFTA-DR)	01-Mar-06	Goods & Services	2006	GATT Art. XXIV & GATS Art. V
Panama - El Salvador (Panama - Central America)	11-Apr-03	Goods & Services	2005	GATT Art. XXIV & GATS Art. V
Chile - El Salvador (Chile - Central America)	01-Jun-02	Goods & Services	2004	GATT Art. XXIV & GATS Art. V
Dominican Republic - Central America	04-Oct-01	Goods & Services	2012	GATT Art. XXIV & GATS Art. V
Bolivarian Republic of Venezuela - El Salvador [LAIA, AAP.A25TM 27]	09-Jul-86	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Central American Common Market (CACM)	04-Jun-61	Goods	1961	GATT Art. XXIV
Republic of Korea - Central America	01-Jan-20	Goods & Services	Not notified	
CUBA				
Plurinational State of Bolivia - Cuba - Nicaragua - Bolivarian Republic of Venezuela [LAIA, AAP.CE 70]	30-Jan-14	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Panama - Cuba [LAIA, AAP.CE 71]	20-Aug-09	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Chile - Cuba [LAIA, AAP.CE 42]	27-Jun-08	Goods	2020	Enabling Clause - Changes to LAIA TM 80
MERCOSUR - Cuba [LAIA, AAP.CE 62]	02-Jul-07	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Cuba - Bolivarian Republic of Venezuela [LAIA, AAP.CE 40]	28-Aug-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Cuba - Plurinational State of Bolivia [LAIA, AAP.CE 47]	22-Aug-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Colombia - Cuba [LAIA, AAP.CE 49]	14-Jul-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Cuba - Ecuador [LAIA, AAP.CE 46]	13-Mar-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Peru - Cuba [LAIA, AAP.CE 50]	09-Mar-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Mexico - Cuba	28-Feb-01	Goods	2019	Enabling Clause
CARICOM - Cuba [LAIA, AAP.A25TM 40]	01-Jan-01	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Guatemala - Cuba [LAIA, AAP.A25TM 36]	12-Apr-00	Services		Not notified
		Goods	2020	Enabling Clause - Changes to LAIA TM 80
LAIA - Accession of Cuba	26-Aug-99	Goods	1999	Enabling Clause
LAIA - Seeds	18-Jun-93	Goods	2020	Enabling Clause - Changes to

RTA Name	Date of entry into force ^a	Coverage	GATT/WTO Notification	
			Year	WTO Provisions
[LAIA, AAP.AG 2]				LAIA TM 80
Global System of Trade Preferences among Developing Countries (GSTP)	19-Apr-89	Goods	1989	Enabling Clause
LAIA - Cultural Goods [LAIA, AAR.CEYC 7]	01-Jan-89	Goods	2020	Enabling Clause - Changes to LAIA TM 80
LAIA- Preferences in favour of Paraguay [LAIA, AAR.AM 3]	01-Jul-84	Goods	2020	Enabling Clause - Changes to LAIA TM 80
LAIA - Preferences in favour of Ecuador [LAIA, AAR.AM 2]	01-May-83	Goods	2020	Enabling Clause - Changes to LAIA TM 80
LAIA - Preferences in favour of the Plurinational State of Bolivia [LAIA, AAR.AM 1]	01-May-83	Goods	2020	Enabling Clause - Changes to LAIA TM 80
Latin American Integration Association (LAIA)	18-Mar-81	Goods	1982	Enabling Clause
LAIA - Accession of Panama	03-May-12	Goods	Not notified	

a Dates of the entry into force for at least one of the Parties.

Note: The LAIA reference is indicated in brackets for some RTAs notified as a change to LAIA's TM 80. Further details can be found at: <http://www.aladi.org>.

Source: WTO Secretariat. Further information on these agreements and on specific dates of entry into force/provisional applications may be found in the WTO Database on RTAs: <http://rtais.wto.org>.

4.8 Government procurement

4.22. There are no specific provisions on Government procurement.

4.9 Intellectual Property Rights

4.23. There are no specific provisions on intellectual property rights

4.10 Cooperation

4.24. Chapter VII covers commercial cooperation. The Parties shall encourage the establishment of programmes for the dissemination and promotion of trade by facilitating the activities of official and private missions, the holding of fairs, exhibitions, information seminars, market studies and other activities designed to make the best use of tariff preferences and trade opportunities (Article 21). They recognize the importance of cooperation in science and technology, innovation and knowledge transfer in order to achieve greater social and economic development (Article 22). They shall promote, *inter alia*, the training of specialists, the exchange of information and experiences on scientific research, mutual assistance for technological development and productivity, the creation of strategic alliances between public and private entities for the implementation of these and other activities in those sectors of the economy that the Parties designate as being of interest.

4.11 Competition policy

4.25. There are no specific provisions on competition.

4.12 Environment

4.26. There are no specific provisions on environment.

4.13 Labour

4.27. There are no specific provisions on labour.

4.14 Electronic commerce

4.28. There are no specific provisions on electronic commerce.

4.15 Small and medium enterprises

4.29. There are no specific provisions on small and medium enterprises.

ANNEX 1

1. A comparison between the scheduled reduction and elimination of tariffs applied to the Parties' mutual imports and the applied MFN duty rates is shown in Table A.2 and Table A.1, by HS Chapters 1-24 (agricultural products), 25-97 (industrial products) and total products.

2. El Salvador's overall average applied MFN tariff was 6.3% in 2012 and 2018. The average applied tariff on agricultural goods in HS Chapters 1-24 was 13.1% in 2012 and 12.9% in 2018, compared to average applied tariffs of 4.9% and 4.8% on industrial goods in the same years. The average preferential tariffs under the Agreement in 2012 were 5.8% overall, 11.8% for agricultural goods and 4.5% for industrial goods. Duty-free tariff lines accounted for 47.6% of all tariff lines. Under the Agreement, the share of duty-free tariff lines in agricultural products rose from 19.9% to 25.3%, while the share of duty-free tariff lines in industrial products rose from 53.5% to 56.3%.

Table A.1 El Salvador: Indicators of MFN tariff rates and preferential rates for imports from Cuba

Origin of goods	Year	ALL PRODUCTS			HS Chapters 1-24			HS Chapters 25-97		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2012	6.3	12.1	47.6	13.1	16.3	19.9	4.9	10.5	53.5
	2018	6.3	12.0	47.7	12.9	16.1	19.6	4.8	10.5	53.8
Cuba	2012	5.8	11.7	50.9	11.8	15.8	25.3	4.5	10.2	56.3

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

3. Cuba's overall average applied MFN tariff was 10.6% in 2012 and 10% in 2019. The average applied tariff on agricultural goods in HS Chapters 1-24 was 11.1% in 2012 and 10.1% in 2019, compared to 10.6% and 10% on industrial goods in the same years. The average preferential tariffs under the Agreement in 2012 were 9.9% overall, 9.7% for agricultural goods and 9.9% for industrial goods. Duty-free tariff lines accounted for 6.3% of all tariff lines. Under the Agreement, the share of duty-free tariff lines in agricultural products rose from 12.8% to 18.4%, while the share of duty-free tariff lines in industrial products rose from 5.3% to 10.2%.

Table A.2 Cuba: Indicators of MFN tariff rates and preferential rates for imports from El Salvador

Origin of goods	Year	ALL PRODUCTS			HS Chapters 1-24			HS Chapters 25-97		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2012	10.6	11.4	6.3	11.1	12.7	12.8	10.6	11.2	5.3
	2019	10.0	10.7	6.9	10.1	11.7	13.8	10.0	10.5	5.4
El Salvador	2012	9.9	11.2	11.4	9.7	11.9	18.4	9.9	11.0	10.2

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement.

4. Table A.3 shows the market access opportunities in El Salvador for Cuba's top 25 exports, which in 2004-2006 accounted for 64% of Cuba's global exports. Cuba's top 25 exports cover a total of 56 HS lines of which 24 were already duty free on an MFN basis in El Salvador's market in 2012. 24 of the MFN dutiable lines were liberalized under the Agreement while 8 remain dutiable (including raw cane sugar with an average MFN rate in 2012 of 40%, frozen seafood whose average MFN rate in 2012 was 11.7%, frozen orange juice with an average MFN rate of 15%, and cement and cement clinkers whose MFN average rates were respectively 10% and 5%).

Table A.3 El Salvador: Market access opportunities under the agreement for Cuba's top 25 exports to the world

Cuba's top export products in 2004 - 2006			Access Conditions to El Salvador's import markets				
HS number and description of the product		Share in global exports (%)	MFN 2012			Number of duty-free lines under the agreement	Remain dutiable
			Average MFN rate (%)	Number of duty- free lines	Number of dutiable lines		
750120	Nickel oxide sinters and other intermediate products of nickel metallurgy	28.0	0.0	1			
240210	Cigars, cheroots and cigarillos containing tobacco	8.4	15.0		1	1	
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	6.9	5.0		6	6	
170113	Raw cane sugar, in solid form, not containing added flavouring or colouring matter, obtained without centrifugation, with sucrose content 69° to 93°, containing only natural anhydrous microcrystals	2.8	40.0		1		1
170114	Raw cane sugar, in solid form, not containing added flavouring or colouring matter	2.8	40.0		1		1
030611	Frozen rock lobster and other sea crawfish "palinurus spp.", "panulirus spp." and "jasus spp.", even smoked, whether in shell or not, incl. rock lobster and other sea crawfish in shell, cooked by steaming or by boiling in water	2.2	11.7		6	5	1
852329	Magnetic media for the recording of sound or of other phenomena	1.6	3.9	9	5	5	
720720	Semi-finished products of iron or non-alloy steel containing, by weight, $\geq 0.25\%$ of carbon	1.2	0.0	1			
880240	Aeroplanes and other powered aircraft of an of an unladen weight > 15.000 kg	1.2	0.0	1			
740400	Waste and scrap, of copper	1.1	0.0	1			
200911	Frozen orange juice, unfermented, whether or not containing added sugar or other sweetening matter	0.8	15.0		1		1
252310	Cement clinkers	0.7	5.0		1		1
252329	Portland cement	0.7	10.0		1		1
491110	Trade advertising material, commercial catalogues and the like	0.7	7.5	1	1	1	
482020	Exercise books of paper or paperboard	0.6	15.0		1	1	
300210	Antisera and other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes	0.6	0.0	2			
300410	Medicaments containing penicillins or derivatives thereof with a penicillanic acid structure, or streptomycins or derivatives thereof, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	0.5	5.0		2	2	

Cuba's top export products in 2004 - 2006		Access Conditions to El Salvador's import markets					
HS number and description of the product		Share in global exports (%)	MFN 2012			Number of duty-free lines under the agreement	Remain dutyable
			Average MFN rate (%)	Number of duty- free lines	Number of dutyable lines		
760200	Waste and scrap, of aluminium	0.5	0.0	1			
300220	Vaccines for human medicine	0.4	0.0	1			
901890	Instruments and appliances used in medical, surgical or veterinary sciences, n.e.s.	0.4	0.0	1			
940290	Operating tables, examination tables, and other medical, dental, surgical or veterinary furniture	0.3	3.3	2	1		1
240110	Tobacco, unstemmed or unstripped	0.3	3.8	1	3	3	
901920	Ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	0.3	0.0	1			
720719	Semi-finished products of iron or non-alloy steel containing, by weight, < 0,25% of carbon, of circular cross-section, or of a cross-section other than square or rectangular	0.3	0.0	1			
040900	Natural honey	0.3	15.0		1		1
750120	Nickel oxide sinters and other intermediate products of nickel metallurgy	28.0	0.0	1			
Total of the above		64.0		24	32	24	8

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement and UNSD, Comtrade database.

5. Table A.4 shows the market access opportunities in Cuba for El Salvador's top 25 exports, which in 2009-2011 accounted for 52.8% of El Salvador's global exports. El Salvador's top 25 exports cover a total of 36 HS lines of which only one was already duty free on an MFN basis in Cuba's market in 2012. 13 of the MFN dutyable lines were liberalized under the Agreement while 22 remain dutyable including coffee, with an average MFN rate of 17.5% in 2012; and textiles and clothing products with average MFN rates ranging from 10-30%.

Table A.4 Cuba: Market access opportunities under the agreement for El Salvador's top 25 exports to the world

El Salvador's top export products in 2009 - 2011		Access Conditions to Cuba's import markets					
HS number and description of the product		Share in global exports (%)	MFN 2012			Number of duty-free lines under the agreement	Remain dutyable
			Average MFN rate (%)	Number of duty- free lines	Number of dutyable lines		
610910	T-shirts, singlets and other vests of cotton, knitted or crocheted	14.6	15.0		1		1
090111	Coffee	6.6	17.5		2		2
611020	Jerseys, pullovers, cardigans, waistcoats and similar articles, of cotton, knitted or crocheted	2.7	15.0		1		1
853221	Fixed electrical capacitors, tantalum	2.7	10.0		1	1	
611595	Full-length or knee-length stockings, socks and other hosiery, incl. footwear without applied soles, of cotton, knitted or crocheted	2.3	10.0		1		1
481810	Toilet paper in rolls of a width of <= 36 cm	2.2	25.0		2	2	
271019	Medium oils and preparations, of petroleum or bituminous minerals, n.e.s.	2.1	3.0		8	5	3
610711	Men's or boys' underpants and briefs of cotton, knitted or crocheted	1.8	15.0		1		1

El Salvador's top export products in 2009 - 2011		Access Conditions to Cuba's import markets					
HS number and description of the product		Share in global exports (%)	MFN 2012			Number of duty-free lines under the agreement	Remain dutyable
			Average MFN rate (%)	Number of duty- free lines	Number of dutyable lines		
711291	Waste and scrap of gold, incl. metal clad with gold, and other waste and scrap containing gold or gold compounds, of a kind used principally for the recovery of precious metal	1.7	0.0	1			
392330	Carboys, bottles, flasks and similar articles for the conveyance or packaging of goods, of plastics	1.5	5.0		2	1	1
160414	Prepared or preserved tunas, skipjack and atlantic bonito, whole or in pieces	1.5	15.0		1	1	
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	1.5	1.0		1	1	
621210	Brassieres of all types of textile materials, whether or not elasticated, incl. knitted or crocheted	1.1	30.0		1		1
190590	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1.1	15.0		1	1	
610462	Women's or girls' trousers, bib and brace overalls, breeches and shorts of cotton, knitted or crocheted	1.0	15.0		1		1
611521	Pantyhose and tights of synthetic fibres, knitted or crocheted, measuring per single yarn < 67 decitex	0.9	15.0		1		1
611030	Jerseys, pullovers, cardigans, waistcoats and similar articles, of man-made fibres, knitted or crocheted	0.9	15.0		1		1
853229	Fixed electrical capacitors	0.9	10.0		1	1	
220710	Undenatured ethyl alcohol, of actual alcoholic strength of $\geq 80\%$	0.9	30.0		1		1
610990	T-shirts, singlets and other vests of textile materials, knitted or crocheted	0.8	15.0		1		1
190410	Prepared foods obtained by swelling or roasting cereals or cereal products, e.g. corn flakes	0.8	10.0		1		1
110220	Maize "corn" flour	0.8	10.0		1		1
620520	Men's or boys' shirts of cotton	0.8	30.0		1		1
392321	Sacks and bags, incl. cones, of polymers of ethylene	0.8	10.0		2		2
721420	Bars and rods, of iron or non-alloy steel, with indentations, ribs, grooves or other deformations produced during the rolling process	0.8	15.0		1		1
610910	T-shirts, singlets and other vests of cotton, knitted or crocheted	14.6	15.0		1		1
Total of the above		52.8		1	35	13	22

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data in the WTO-IDB and the Agreement and UNSD, Comtrade database.