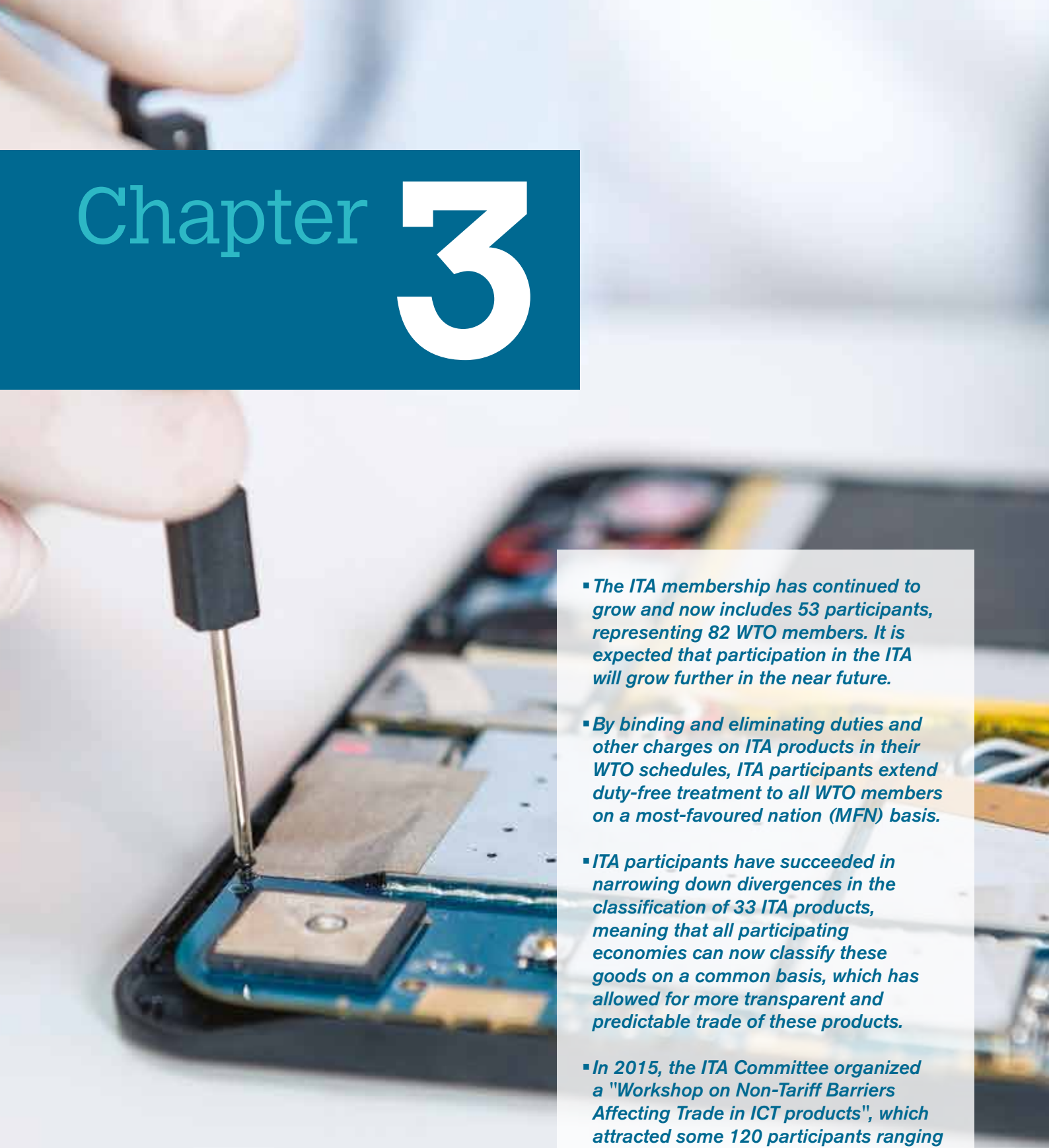
# Chapter 3



- *The ITA membership has continued to grow and now includes 53 participants, representing 82 WTO members. It is expected that participation in the ITA will grow further in the near future.*
- *By binding and eliminating duties and other charges on ITA products in their WTO schedules, ITA participants extend duty-free treatment to all WTO members on a most-favoured nation (MFN) basis.*
- *ITA participants have succeeded in narrowing down divergences in the classification of 33 ITA products, meaning that all participating economies can now classify these goods on a common basis, which has allowed for more transparent and predictable trade of these products.*
- *In 2015, the ITA Committee organized a "Workshop on Non-Tariff Barriers Affecting Trade in ICT products", which attracted some 120 participants ranging from ICT industry representatives to the private sector, business associations and academics.*

# The ITA Committee: 20 years of boosting trade in IT products

The Information Technology Agreement (ITA) Committee was established on 26 March 1997 to carry out the following functions: 1) reviewing the status of implementation of the Agreement; 2) reviewing the product coverage; 3) conducting consultations regarding non-tariff measures on trade in IT products; 4) considering divergences in classification; and 5) encouraging increased participation in the ITA. These functions are attributed to it by the Ministerial Declaration on Trade in Information Technology Products [1] and the decision on the Implementation of the Ministerial Declaration on Trade in Information Technology Products.[2]

In the past 20 years, the ITA Committee has achieved important results. Participation in the agreement has increased from 14 to 53 participants,[3] representing 82 WTO members and accounting for approximately 97 per cent of world trade in ITA products. Participation in the ITA is expected to grow further. The Committee also managed to reduce the classification divergences in products covered by the ITA and to stimulate discussions on non-tariff measures affecting trade in IT products.

This chapter summarizes the main developments in the ITA Committee in the past 20 years.

## A. Implementation of the ITA

The ITA Committee periodically reviews the status of implementation of the ITA, in accordance with the requirements of paragraph 1 and 2 of the Ministerial Declaration, to ensure that implementation of the tariff concessions is carried out according to the agreement. This allows ITA participants to verify that the tariff reduction and elimination commitments are undertaken as scheduled and to discuss any issue or concern that may arise with respect to the agreement.

In order to implement their ITA commitments, participants are required to follow two procedures. At the national level, participants have to undertake domestic procedures that are necessary to reflect the tariff reductions negotiated in their national tariff schedule. At the multilateral level, participants have to modify their WTO schedules of concessions in order to incorporate the new tariff concessions undertaken under the ITA pursuant to the General Agreement on Tariffs and Trade (GATT) Decision on Procedures for Modification and Rectification of Schedules of Tariff Concessions of 26 March 1980 (the "1980 Procedures").[4] However, modification of WTO schedules is not required for members that acceded recently to the WTO and that included ITA tariff concessions in their schedules, annexed to the protocols of accession and bound on the date of accession to the WTO.

The review of the status of implementation of the ITA is conducted at each ITA Committee meeting based on a document prepared by the WTO Secretariat, which is regularly updated and provides information on the level of implementation, including domestic ratification processes and procedures followed by each participant to modify their WTO schedules.[5]

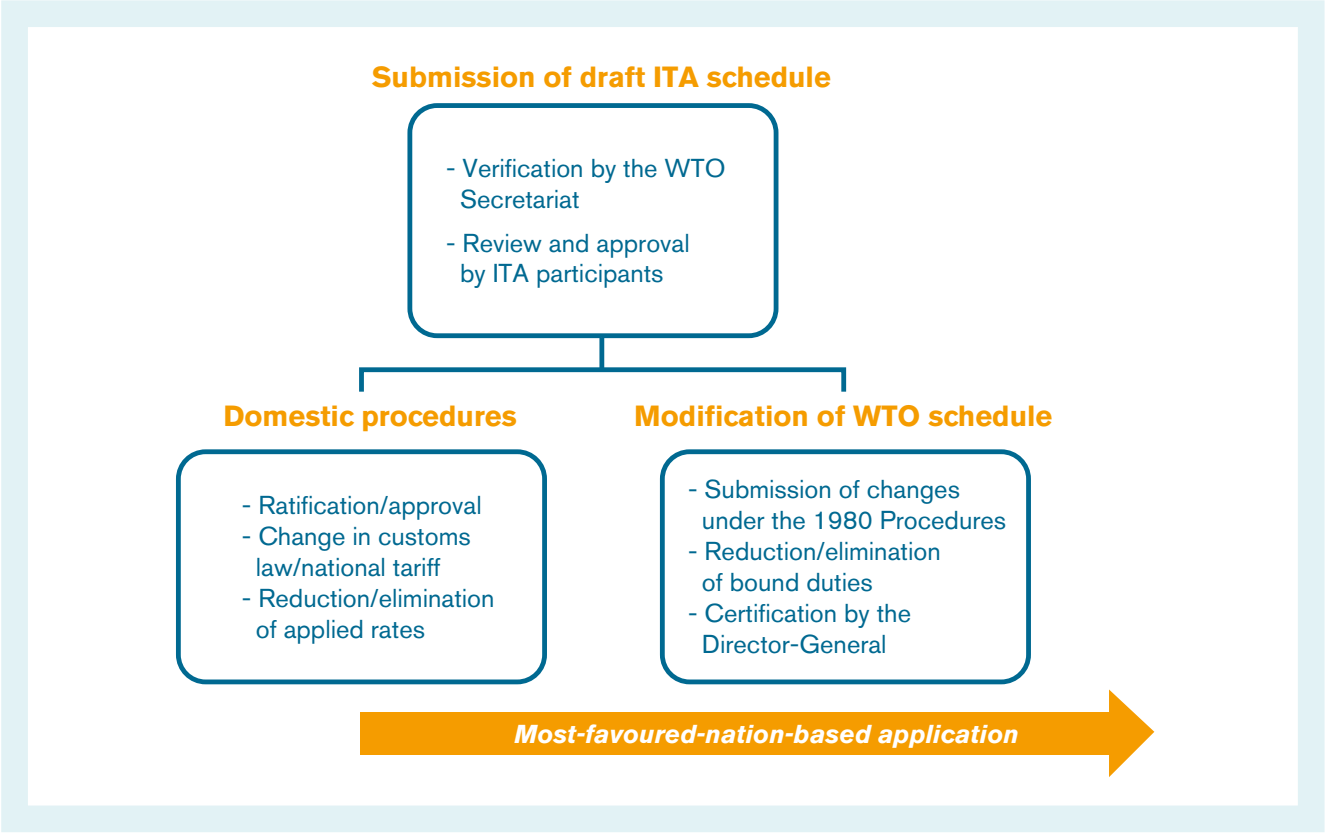
To date, the Committee has recorded good progress in the implementation of the ITA, as 51 ITA participants have undertaken the necessary steps to bind and eliminate duties and other charges on ITA products in their WTO schedules, either under the 1980 Procedures or through their inclusion in the schedule annexed to the protocol of accession.[6]

The incorporation of ITA concessions into the WTO schedule is particularly important as it allows all WTO members to benefit from trade liberalization under the ITA through the application of the most-favoured nation, or MFN (i.e. the principle of not discriminating between one's trading partners) principle (see Figure 3.1). In addition, trade in ITA products is thereby rendered more predictable, as the obligation to apply zero tariffs reflected in the schedule becomes legally binding and enforceable under the WTO dispute settlement mechanism.[7]

The ITA Committee also serves as a forum for discussions on matters, including trade concerns, relating to the implementation of the ITA.

***Fifty-one ITA participants have undertaken the necessary steps to bind and eliminate duties and other charges on ITA products in their WTO schedules.***

**Figure 3.1: "Multilateralizing" ITA commitments**




Source: WTO Secretariat.

## B. Divergences in the classification of ITA products

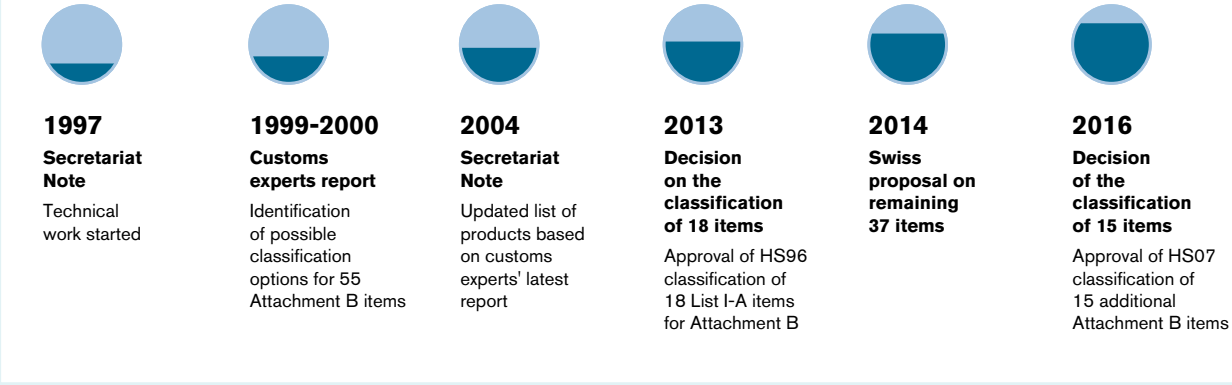
The ITA covers 203 products which are listed in two attachments to the Declaration. Products in "Attachment A" are defined by a six-digit Harmonized System (HS) code, an international nomenclature established by the World Customs Organization for the classification of traded goods. Up to the six-digit level (or subheading), the HS is the same for all the economies that make use of this nomenclature. However, ITA products included in "Attachment B" to the Declaration are identified on the basis of the product description instead of a HS code because of the difficulties participants encountered in identifying or agreeing to a common HS code. This means that the WTO schedules of ITA participants do not have the same HS codes for the classification of the 55 Attachment B items. The bulk of the divergences in the classification of Attachment B products relate mostly to parts and accessories of semiconductor equipment, semiconductor manufacturing equipment, and computers.

In order to resolve this issue, paragraph 5 of the Annex to the ITA establishes that the ITA Committee shall meet as often as necessary to consider any divergence in the classification of ITA products in order to achieve, where appropriate, a common classification among participants within the existing HS nomenclature.

***In the past five years, participants have successfully managed to reduce divergences in the classification of Attachment B products.***

The ITA Committee began technical work on classification divergences in 1997. For more than a decade, participants' technical experts worked intensively with a view to narrowing down those divergences. In 2004, the progress of such discussions was captured in a note prepared by the WTO Secretariat where the divergences were narrowed down to one or more

## Figure 3.2: Narrowing down divergences in the classification of Attachment B products




Source: WTO Secretariat.

classification options (see Figure 3.2).[8] However, it was only in the past five years, that participants have successfully managed to reduce divergences in the classification of Attachment B products.[9]

The first substantive results were reached in July 2013 when the Committee adopted the first "Decision on the classification of certain Attachment B products", encompassing 18 products.[10] Then, in 2016, the Committee endorsed the classification of 15 additional Attachment B items, bringing the total number of products with an agreed HS classification to 33.[11] To date, 22 Attachment B items remain to be classified under a common HS code by all ITA participants.

This first decision for the classification of 18 Attachment B items was circulated by the Chairman of the ITA Committee in October 2011. However, at that time, its adoption was complicated by the fact that the proposed subheadings used to classify the 18 items under the HS 1996 were affected by the introduction of the HS 2007, a newer version of the nomenclature. Despite these difficulties, the Committee continued its work to narrow down divergences among participants and eventually agreed on a common classification in the HS 1996 nomenclature of the 18 ITA items for which one classification option was identified in the Secretariat note.[12] The 2013 Decision covers products such as semiconductors, monitors, and optical disc storage units including CD drives and DVD drives. Pursuant to this decision, ITA participants were required to modify their WTO tariff schedules, if necessary, in order to reflect the agreed HS codes and to ensure that binding commitments on such products were properly recorded.

Also in 2013, the Committee started discussing possible ways to address the classification divergences of the remaining 37 Attachment B items. In particular, the Delegation of Switzerland was of the view that the HS 1996 nomenclature was not the proper tool to address the issue of classification divergences in an efficient way, as that nomenclature had already been amended three times and it could not solve the difficulties that traders or customs officers faced in identifying the relevant tariff line for a specific ITA product. Switzerland therefore submitted a proposal to the Committee where it was suggested that the 2007 version of the HS be used to resolve divergences for the remaining 37 Attachment B items, since the HS 2007 was the nomenclature that most affected the ITA's product coverage. The Swiss proposal also suggested that participants used a document prepared by the WTO Secretariat describing the transposition of the ITA's product coverage into HS 2007 as a starting point to identify where they stood with respect to the classification of such items.

The Swiss proposal outlined a three-step procedure. First, the WTO Secretariat was asked to prepare a short and simple list for the remaining 37 Attachment B items and their possible classification in HS 2007. Second, ITA participants were required to indicate for which items their classification diverged from the list prepared by the WTO Secretariat, and the relevant HS 2007 subheading under which they classified the product in question. Third, the Secretariat was to compile all the answers received into one document that would be circulated to all participants and used as a basis to assess the next steps.

The ITA Committee adopted the Swiss proposal in October 2014 with the addition, suggested by India, that corresponding classifications in HS 2002 and HS 1996 would also be indicated for the 37 items in order to better assist participants in verifying the correctness of classification. In line with the Swiss proposal, the Secretariat circulated in December 2014 a background document,[13] which included information on the relevant amendments to the HS nomenclature that affected the 37 items. Participants were asked to provide comments. As in the past, identifying the HS classification for the 37 Attachment B items was a complex task and required ITA participants to engage their respective customs authorities in order to identify the relevant HS codes and reach a decision by the Committee.

In 2016, the Committee received submissions from 13 ITA participants from which it emerged that there was no objection to the proposed HS 2007 classification of 15 Attachment B items. Most of these items related to HS heading 8486, which includes machines and apparatus for the manufacture of semiconductor boules or wafers, and HS heading 8471, which includes automatic data processing machines and units thereof. On this basis, the Committee was able to adopt in May 2016 the “Decision for the HS 2007 classification of 15 additional ‘Attachment B’ products”.[14] Also in the case of this decision, ITA participants were required to take the necessary steps to modify their WTO tariff schedules, if necessary, in order to reflect the agreed HS codes and to ensure that binding commitments on such products were properly recorded.

With these two decisions, the ITA Committee reached a common classification of 33 Attachment B items and is currently reviewing the remaining 22 items for which no agreement has yet been reached in order to achieve, where possible, a common classification in the existing HS nomenclature and fulfil the mandate in Paragraph 5 of the Annex to the Declaration.[15]

## C. Work programme on non-tariff measures affecting trade in IT products

While the 1996 ITA mainly focused on the reduction and elimination of tariffs, Paragraph 3 of the Annex to the Ministerial Declaration on Trade in Information Technology Products also instructed the ITA Committee to hold consultations on non-tariff barriers to trade in IT products. In November 2000, the ITA Committee adopted a work programme on non-tariff measures (NTMs), in which it was agreed that "in parallel with tariff liberalization, there is a need to identify non-tariff measures which adversely affect the expansion of trade in IT products and explore how the undue trade-distorting effects of such non-tariff measures could be reduced or eliminated". One of the main outcomes of the NTMs work programme was the adoption of the "Guidelines for Electromagnetic Compatibility (EMC) and Electromagnetic Interference (EMI) Conformity Assessment Procedures", which is addressed in Section D.

However, since the adoption of the work programme, participants have had different views of how to approach work on NTMs in the context of the ITA Committee. One influence on the Committee's work in this area was the ongoing discussions on NTMs in the context of non-agricultural market access (NAMA) negotiations, in which competing proposals had been submitted relating to barriers affecting the electronics sector.[16] Another important factor was the link between discussions on NTMs in the Committee and the inclusion of possible new discipline on NTMs in the context of negotiations for the review of product coverage in which not all ITA participants were involved.[17]

During the 2012 symposium on the 15th Anniversary of the ITA, there was a strong call from some participants for work on NTMs to ensure "obstacle-free" trade in ITA products. At the ITA Committee meeting following the symposium, it was clarified that discussions on the review of product coverage and NTMs were no longer linked and that the Committee could continue to take steps to advance important work under the NTMs work programme. Similarly, a concept paper for the expansion of the ITA, which was circulated at that time at the request of some delegations, recognized that "Separately, the ITA Committee should take concrete steps to advance the important ongoing work under the Non-Tariff Measures (NTMs) Work Programme, to further facilitate international trade in this important sector".[18]

In the autumn of 2012, a group of 15 ITA participants kicked off discussions on how NTMs should be addressed in the ITA Committee with a view to building solid common ground on which to base concrete work and identify areas in which the Committee could make progress. The understanding was that interested participants would undertake brainstorming sessions to try to find proposals that were doable in the tradition of the Committee's work programme but not overly prescriptive.

From discussions, it emerged that participants had different views on how to proceed on NTMs. Some participants brought to the table new and concrete ideas, for example on transparency; others stressed the importance of completing ongoing work under the

existing work programme; still others recognised the necessity of consulting further with industry in order to grasp its needs in a more appropriate manner. On the latter question, Switzerland proposed the organization of an industry-driven workshop specifically on non-tariff barriers affecting trade in IT products, with the objective of identifying emerging issues that should be addressed in the ITA Committee. The Swiss proposal was supported by many delegations.

On 7 May 2015, the ITA Committee organized a "Workshop on non-tariff barriers affecting trade in ICT products", which was attended by almost 120 participants. The workshop provided a unique opportunity for ITA participants to reach out and interact with information and communications technology (ICT) industry representatives, the private sector, business associations and academics. The main issues raised by industry representatives included transparency in administrative requirements, standards for the recognition of test results, the complexity and trade restrictiveness of technical regulatory measures, e-labelling (see Box 3.1), energy efficiency, and the impact of these measures on small developing economies and small and medium-sized enterprises (SMEs). A factual report by the ITA Committee Chair summarizing the main conclusions and recommendations from the workshop is provided in Box 3.2.

As a follow-up to the NTBs workshop, the ITA Committee Chair started consultations with ITA participants with a view to examining the recommendations and avenues that were suggested by industry representatives on possible areas of work where the Committee could add value. In those consultations, emphasis was placed on the importance of transparency and standards for the recognition of test results, and there was also some interest in exploring e-labelling and energy efficiency. Conformity assessment procedures were also highlighted.

***On 7 May 2015, the ITA Committee organized a "Workshop on non-tariff barriers affecting trade in ICT products", which was attended by almost 120 participants.***

**BOX 3.1 What is e-labelling?**

Conformity marking is used to show that a product complies with regulatory requirements, including its safe use. But over time, as ICT devices have decreased in size and have come to be made from innovative new materials, it has become increasingly difficult to use conventional physical labels. The demand for additional conformity markings to reflect compliance with existing and developing national standards and regulations in more economies is driving the search for alternate solutions that better lend themselves to more and frequent changes. The physical limitations to accommodating this proliferation of printed compliance labels and information can lead to confusion among regulators and end-users.

The purpose of electronic labelling (e-labelling) is to allow manufacturers to electronically display regulatory conformity marking or other relevant information on ICT devices, rather than affixing it to a physical label on the product. There are several different e-labelling methods. One method is to use the product screen within the device to display the required information. Alternatively, the product screen may feature a link to a website that contains the necessary product markings and statements. Another method is the use of a machine-readable code (i.e. a Quick Response, or QR, Code), which allows a scanning device or smartphone to retrieve the product markings and statements when required. This latter system can be used with devices with or without integrated screens.

For example, information such as the US Federal Communications Commission identification number can be included as part of the software and displayed at start-up, or a softkey can be included to retrieve the information as needed. The e-label would be stored in the firmware to allow installers, users, or custom agents to quickly verify the certification.

In certain cases, a product may employ both e-labels and physical labels. For example, when customs officers do not want to turn on a device, or in economies where electricity is not always available, a device may also include a physical peel-off screen cover with relevant information.

However, some ITA participants expressed caution with regard to advancing regulatory work on NTMs. In their view, the needs and constraints of developing and least-developed economies in this area had to be properly considered. In addition, participants needed to ensure that the ITA Committee's work on NTMs remained proponent-driven and was pursued in a manner consistent with the discussion of NTMs in other contexts, such as NAMA negotiations or the ITA expansion. In light of the different positions, discussions on how the ITA Committee could advance work on NTMs are ongoing.

**BOX 3.2** **ITA-NTBs workshop: joint messages and concrete recommendations by the ICT industry – Factual report by the Chairman of the ITA Committee [19]**

Throughout the workshop, speakers elucidated the ways in which NTBs can be trade-restrictive for the ICT sector. The lack of harmonization of globally used standards, for both administrative and technical regulations, creates many barriers to trade by significantly increasing the costs of compliance (e.g. duplication of testing and certification procedures) and by delaying market entry. The industry has been unanimous about these problems. Concrete recommendations have been made accordingly around the following principle:

> *For each area of certification (for example, electromagnetic compatibility, safety, telecom approvals, radio emission, and energy efficiency): one global product, one global standard, one global test, one global certificate.*

**Transparency**

The establishment of a centralized database of administrative requirements (e.g. conformity assessment procedures) and technical requirements (e.g. standards) per area of certification (e.g. EMC, safety, radio, environment) per product and per country to solve the lack of transparency that characterizes the complexity of national technical and administrative requirements. Such a database should be evolutionary to reflect the constant evolution of technical requirements.

**Conformity assessment procedures**

1. In the area of electromagnetic compatibility (EMC), global recognition of the supplier's declaration of conformity (SDoC) to avoid the duplication of conformity assessment procedures.
2. In the area of safety of electrical and electronic components, equipment and products, the consideration of the IECEE-CB scheme as a basis to define a globally recognized standard with respect to test results.

**E-labelling**

Adopt the principle of e-labelling as a simple and efficient solution to the costly problem of the proliferation of marking requirements. Many countries have already endorsed e-labelling.

**Others**

1. Harmonize practices in the field of energy efficiency requirements.
2. Encourage global cooperation to avoid forced localization measures.

All speakers recognized that the general elimination of NTBs and the application of the above-mentioned recommendations would particularly benefit SMEs in developing countries. All speakers from developing countries advocated for more trade liberalization in the ICT sector.

## D. Guidelines for electromagnetic compatibility (EMC) and electromagnetic interference (EMI) conformity assessment procedures

One of the main outcomes of the NTMs work programme was the completion of a pilot project that led to the adoption in 2005 of the "Guidelines for Electromagnetic Compatibility (EMC) and Electromagnetic Interference (EMI) Conformity Assessment Procedures".[20] Upon adoption of these guidelines, the WTO Secretariat was instructed to compile information on the different types of conformity assessment on EMC/EMI on the basis of survey responses and notifications submitted by ITA participants. This information is contained in a Secretariat note,[21] which is regularly updated. Table 3.1 shows the types of conformity assessment procedures for EMC/EMI used by 33 ITA participants.

ITA participants have found information on types of conformity assessment procedures for EMC/EMI very useful as, in their view, this information has helped increase transparency with regard to the procedures used thereby facilitating international trade in the sector.

**Table 3.1: Types of conformity assessment on EMC/EMI notified to the ITA Committee**

| EMC Type | Definition of conformity assessment type | Number of economies using the EMC type |
|---|---|---|
| A | Certification by a regulator or delegated entity – the equipment has to be submitted to the regulator or its delegated entity for certification. | 3 |
| B | Certification by 3rd party – the equipment has to be submitted to certification bodies recognized (or approved) by the regulator for certification. | 7 |
| C | Supplier's Declaration of Conformity (SDoC), type 1 – the supplier or manufacturer declares the equipment meets requirements. A testing laboratory recognized by the regulator tests the equipment and the supplier registers this equipment with the regulator. | 2 |
| D | Supplier's Declaration of Conformity (SDoC) type 2 – the supplier or manufacturer declares the equipment meets requirements on the basis of test reports by a testing laboratory recognized by the regulator. No registration of the equipment with the regulator is required. | 3 |
| E | Supplier's Declaration of Conformity (SDoC) type 3 – the supplier or manufacturer declares the equipment meets requirements. The supplier registers the equipment with the regulator. Testing of the equipment by recognized testing laboratory is not mandatory and additional laboratory testing choice rests with supplier or manufacturer. | None |
| F | Supplier's Declaration of Conformity (SDoC) type 4 – the supplier or manufacturer declares the equipment meets requirements. Registration with the regulator is not required and testing of the equipment by recognized testing laboratory is not mandatory and additional laboratory testing choice rests with supplier or manufacturer. If testing is undertaken, the choice of the testing laboratory rests with supplier or manufacturer. | 12 |
| G | No mandatory assessment procedure. | 6 |

Source: Official WTO document no. G/IT/W/17/Rev.17.

## E. Review of product coverage

Paragraph 3 of the Annex to the ITA Declaration calls for its participants to meet periodically,

> "to review the product coverage specified in the Attachments, with a view to agreeing, by consensus, whether in the light of technological developments, experience in applying the tariff concessions, or changes to the HS nomenclature, the Attachments should be modified to incorporate additional products".

The review of product coverage has always been a standing item on the agenda of the ITA Committee since its inception. However, since March 2000, the Committee has not undertaken any substantive work on the review of product coverage. As there was less discussion on this item, sporadic reports made by interested delegations were put as an agenda item under the heading "Other business", with a standard statement by the Chair indicating that the issue continued to be under consultation and encouraging delegations to continue their efforts. At the Committee meeting of 15 May 2012, at the request of some delegations, the review of product coverage was re-included in the agenda so that delegations could report on their bilateral and plurilateral consultations on this issue. Since then, participants to the ITA expansion negotiations have regularly reported to the ITA Committee on the development of their negotiations in that context. See Chapter 4 for more information about the ITA expansion.

# Endnotes

1 Paragraphs 3, 5, 6 and 7 of the Annex to the Declaration, WT/MIN/(96)/16 (available at https://www.wto.org/english/docs_e/legal_e/legal_e.htm).

2 See official WTO document no. G/L/160, available at https://docs.wto.org/

3 See page 91 for a full list of ITA participants as of 19 May 2017.

4 Decision of 26 March 1980, accessible via https://www.wto.org/gatt_docs/English/SULPDF/90970413.pdf

5 The status of implementation of the ITA can be consulted in WTO document no. G/IT/1/Rev.56 and subsequent revisions, available at https://docs.wto.org/

6 The two participants with pending procedures for incorporating ITA commitments in the schedules are El Salvador, which is awaiting domestic approval, and Morocco which is yet to start the 1980 Procedures.

7 In this context, reference is made to the dispute "EC-IT products", which concerned various measures of the European Union pertaining to the tariff classification, and consequent tariff treatment, of certain IT products. See WTO (2012), pages 27-28.

8 In the Secretariat note, Attachment B items were divided in four "lists". The lists were set out as follows: (1A) those items where divergences were narrowed to one classification option; (1B) those items where divergences were narrowed to two or more possible classifications, and agreement was reached with respect to these classifications; (2) those items where divergences were narrowed to two or more possible classifications, and there was not agreement on the classifications; (3) those items which were to be sent to the World Customs Organization (WCO) Harmonized System Committee (HSC); (4) those items where no further progress could be achieved due to a number of circumstances, and (5) those items referred to this formal Committee to be addressed. See official WTO document no. G/IT/W/6/Rev.3.

9 For further information on divergences in classification before 2013, see WTO (2012), Chapter 2, Section C.

10 See official WTO document no. G/IT/27, "Decision for the classification of certain Attachment B products".

11 See WTO official document no. G/IT/29, "Decision for the HS2007 Classification of 15 Additional 'Attachment B' Products".

12 See Annex Table 3.1 on the 2013 Decision with the HS 1996 codes for 18 Attachment B products.

13 See official WTO document no. G/IT/W/40: "Divergences of classification: Possible HS2007 Classification for the remaining 37 'Attachment B' items".

14 The Decision is contained in WTO official document no. G/IT/29. See Annex Table 3.2 for additional information on the 2016 Decision with the HS2007 codes for additional 15 Attachment B products

15 The 22 remaining Attachment B items for consideration by the Committee are listed in Annex Table 3.3.

16 See for instance official WTO document no. TN/MA/W/105/Rev.1, the "Negotiating Text on Non-Tariff Barriers Pertaining to the Electrical Safety and Electromagnetic Compatibility (EMC) of Electronic Goods".

17 See official WTO document no. G/IT/W/28, "Review of the Information Technology Agreement (ITA)".

18 See official WTO document no. G/IT/W/36, "Concept Paper for the Expansion of the ITA – Communication from Canada, Japan, Korea, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, Singapore and the United States". Costa Rica and Malaysia were subsequently added to the list of sponsors of the Concept Paper.

19 See official WTO document no. G/IT/28, "Workshop on non-tariff barriers affecting trade in ICT products – 7 May 2015 – Factual report by the Chairman under his own responsibility".

20 For further information on conformity assessment see WTO (2012), Chapter 2, Section E.

21 See official WTO document no. G/IT/W/17 and its subsequent revisions, "Draft List of the Types of Conformity Assessment Procedures for EMC/EMI used by ITA Participants".

22 On behalf of the customs union of Switzerland and Liechtenstein.

# Annex 3.1

## Annex Table 3.1: 2013 Decision for the HS 1996 classification of 18 "Attachment B" products

| ITA Item No. | Product description | HS 1996 code |
|---|---|---|
| 113 | Quartz reactor tubes and holders designed for insertion into diffusion and oxidation furnaces for production of semiconductor wafers | 702000 |
| 114 | Chemical vapour deposition apparatus for semiconductor production | 841989 |
| 115 | Parts of chemical vapour deposition apparatus for semiconductor production | 841990 |
| 125 | Lasercutters for cutting contacting tracks in semiconductor production by laser beam | 845610 |
| 126 | Machines for sawing monocrystal semiconductor boules into slices, or wafers into chips | 846410 |
| 141 | Apparatus for physical deposition by sputtering on semiconductor wafers | 854389 |
| 147 | Physical deposition apparatus for semiconductor production | 854389 |
| 148 | Spinners for coating photographic emulsions on semiconductor wafers | 847989 |
| 149 | Part of apparatus for physical deposition by sputtering on semiconductor wafers | 854390 |
| 151 | Parts for spinners for coating photographic emulsions on semiconductor wafers | 847990 |
| 158 | Parts of physical deposition apparatus for semiconductor production | 854390 |
| 162 | Apparatus for rapid heating of semiconductor wafers | 851430 |
| 164 | Parts of apparatus for rapid heating of wafers | 851490 |
| 181 | Pattern generating apparatus of a kind used for producing masks or reticles from photoresist coated substrates | 901720 |
| 182 | Parts and accessories for pattern generating apparatus of a kind used for producing masks or reticles from photoresist coated substrates | 901790 |
| 183 | Parts of such pattern generating apparatus | 901790 |
| 195 | Monitors: display units of automatic data processing machines with a cathode ray tube with a dot screen pitch smaller than 0.4 mm not capable of receiving and processing television signals or other analogue or digitally processed audio or video signals without assistance of a central processing unit of a computer as defined in this agreement. The agreement does not, therefore, cover televisions, including high definition televisions. | 847160 |
| 196 | Optical disc storage units, for automatic data processing machines (including CD drives and DVD-drives), whether or not having the capability of writing/ recording as well as reading, whether or not in their own housings. | 847170 |

Source: Official WTO document numbers G/IT/27, G/IT/W/30 and G/IT/W/6/Rev.3.

## Annex Table 3.2: 2016 Decision for the HS 2007 classification of 15 additional "Attachment B" products

| ITA Item No. | Product description | HS 2007 code |
|---|---|---|
| 129 | Parts for machines for sawing monocrystal semiconductor boules into slices, or wafers into chips | 848690ex |
| 130 | Parts of dicing machines for scribing or scoring semiconductor wafers | 848690ex |
| 133 | Parts of lasercutters for cutting contacting tracks in semiconductor production by laser beam | 848690ex |
| 135 | Parts of apparatus for stripping or cleaning semiconductor wafers | 848690ex |
| 138 | Parts of encapsulation equipment | 848690ex |
| 139 | Automated machines for transport, handling and storage of semiconductor wafers, wafer cassettes, wafer boxes and other material for semiconductor devices | 848640ex |
| 143 | Die attach apparatus, tape automated bonders, and wire bonders for assembly of semiconductors | 848640ex |
| 144 | Encapsulation equipment for assembly of semiconductors | 848640ex |
| 150 | Parts for die attach apparatus, tape automated bonders, and wire bonders for assembly of semiconductors | 848690ex |
| 153 | Parts of apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays | 848690ex |
| 154 | Parts of automated machines for transport, handling and storage of semiconductor wafers, wafer cassettes, wafer boxes and other material for semiconductor devices | 848690ex |
| 155 | Parts of encapsulation equipment for assembly of semiconductors | 848690ex |
| 157 | Parts of machines for bending, folding and straightening semiconductor leads | 848690ex |
| 169 | Parts of apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays | 848690ex |
| 191 | Computers: automatic data processing machines capable of (1) storing the processing program or programs and at least the data immediately necessary for the execution of the program; (2) being freely programmed in accordance with the requirements of the user; (3) performing arithmetical computations specified by the user; and (4) executing, without human intervention, a processing program which requires them to modify their execution, by logical decision during the processing run. The agreement covers such automatic data processing machines whether or not they are able to receive and process with the assistance of central processing unit telephony signals, television signals, or other analogue or digitally processed audio or video signals. Machines performing a specific function other than data processing, or incorporating or working in conjunction with an automatic data processing machine, and not otherwise specified under Attachment A or B, are not covered by this agreement. | 847130<br>847141<br>847149<br>847150ex |

Source: Official WTO document numbers G/IT/29 and G/IT/W/6/Rev.3.

## Annex Table 3.3: "Attachment B" products with remaining classification divergences in HS 2007

| ITA Item No. | Product description |
|---|---|
| 122 | Apparatus for stripping or cleaning semiconductor wafers |
| 137 | Encapsulation equipment for assembly of semiconductors |
| 142 | Apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays |
| 146 | Machines for bending, folding and straightening semiconductor leads |
| 166 | Wafer probers |
| 168 | Apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays |
| 175 | Optical stereoscopic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 176 | Photomicrographic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 177 | Parts and accessories of optical stereoscopic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 178 | Parts and accessories of photomicrographic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 179 | Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 180 | Parts and accessories of electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles |
| 192 | Electric amplifiers when used as repeaters in line telephony products falling within this agreement, and parts thereof |
| 193 | Flat panel display devices (including LCD, Electro Luminescence, Plasma, Vacuum-Fluorescence and other technologies) for products falling within this agreement, and parts thereof. |
| 194 | Network equipment: Local Area Network (LAN) and Wide Area Network (WAN) apparatus, including those products dedicated for use solely or principally to permit the interconnection of automatic data processing machines and units thereof for a network that is used primarily for the sharing of resources such as central processor units, data storage devices and input or output units – including adapters, hubs, in line repeaters, converters, concentrators, bridges and routers, and printed circuit assemblies for physical incorporation into automatic data processing machines and units thereof. |
| 197 | Paging alert devices, and parts thereof |
| 198 | Plotters whether input or output units of HS heading No. 8471 or drawing or drafting machines of HS heading No. 9017. |
| 199 | Printed Circuit Assemblies for products falling within this agreement, including such assemblies for external connections such as cards that conform to the PCMCIA standard. Such printed circuit assemblies consist of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements "Active elements" means diodes, transistors, and similar semiconductor devices, whether or not photosensitive, of heading 8541, and integrated circuits and micro assemblies of heading 8542. |
| 200 | Projection type flat panel display units used with automatic data processing machines which can display digital information generated by the central processing unit. |
| 201 | Proprietary format storage devices including media therefor for automatic data processing machines, with or without removable media and whether magnetic, optical or other technology, including Bernoulli Box, Syquest, or Zipdrive cartridge storage units |
| 202 | Multimedia upgrade kits for automatic data processing machines, and units thereof, put up for retail sale, consisting of, at least, speakers and/or microphones as well as a printed circuit assembly that enables the ADP machines and units thereof to process audio signals (sound cards). |
| 203 | Set top boxes which have a communication function: a microprocessor based device incorporating a modem for gaining access to the Internet, and having a function of interactive information exchange. |

Source: Official WTO document numbers G/IT/W/40/Suppl.2 and G/IT/W/6/Rev.3.