



WTO ACCESSIONS

Trading Rights

First WTO accessions (1996-1997)

No Chapter on Trading Rights in DWPR

- **Ecuador**
- **Bulgaria**
- **Mongolia**
- **Panama**

First DWPR with Chapter on Trading Rights

- **Kyrgyz Republic (1998)**

KEY PROVISIONS

LIMITATION ON RIGHT TO TRADE IN CONFLICT WITH

- *GATT ART III (NT on internal taxation & regulation)*
- *GATT ART VIII (conditions on fees and formalities for import & export)*
- *GATT ART XI (elimination QR)*

DISTINCTION BETWEEN IMPORT & ACTIVITY LICENCES

BASIC COMMITMENT

DWPR

Albania (2000)
Croatia (2000)
Estonia (1999)
Georgia (2000)
Kyrgyz Republic (1998)
Latvia (1999)
Lithuania (2001)
Oman (2000)
Nepal (2004) *
Tonga (2007)

Text

... "from the date of accession [AC] would ensure that its laws and regulations relating to trade in goods and all fees, charges and taxes levied on such rights would be in full conformity with its WTO obligations, including Articles VIII:1, XI:1 and III.2 and 4 of the GATT 1994 and that it would also implement such laws and regulations in full conformity with these obligations"

** Addition of reference to registration requirements*

BASIC COMMITMENT (incl. GATS & TRIPS)

DWPR

Text

*FYROM (2007) ... "from the date of accession [AC] would ensure that its laws and regulations
Cabo Verde (2008) relating to trade in goods and all fees,
Liberia (2016) charges and taxes levied on such rights
Seychelles (2015) would conform fully with its WTO
Tajikistan (2013) obligations, including Articles VIII:1, XI:1
and III.2 and 4 of the GATT 1994, **Article
III of GATS and Article 63 of TRIPS**
and that it would also implement such
laws and regulations in full conformity
with these obligations"*

BASIC COMMITMENT + AD HOC ADDITIONS

DWPR

- Vanuatu (2012)
- Samoa (2012)
- Moldova (2001)
- Armenia (2003)

- Cambodia
- Ukraine

Ad-hoc additions

- New category of business licence
- Licenses for imports of liquors
- Licensing import of alcohol
- Elimination former State monopoly in foreign trade
- Trade in pharmaceuticals
- ITA, trade in alcohol & tobacco, trade in pharmaceuticals, pesticides and agricultural chemicals

BASIC COMMITMENT + IMPORTER OF RECORD (1)

DWPR

Cabo Verde (2008)
Lao PDR (2013)
Liberia (2016)
Seychelles (2015)
Tajikistan (2013)
Yemen (2014)*

Text

*... [AC] would grant any natural or legal person, **regardless of physical presence or investment** in [AC] **the right to be importer of record** of any product allowed to be imported into [AC], at any level of distribution [BASIC COMMITMENT] ... full rights to import and to export would be granted in a non-discriminatory and non-discretionary manner from the date of accession, and any requirements for commercial registration or application for trading rights would be for customs and fiscal purposes only, would not require investment in [AC] nor confer the right to distribute there, and would not constitute a barrier to trade*

** Some minor adjustments in text*

BASIC COMMITMENT + IMPORTER OF RECORD (2)

DWPR

Text

Samoa (2012)

*... there was no requirement for an applicant to be established in [AC] in order to obtain an import licence and that both foreign and domestic firms, including sole proprietors registered but not invested in Samoa, could be import agents for the delivery of imported goods and importers of record.
[BASIC COMMITMENT]*

BASIC COMMITMENT + IMPORTER OF RECORD (3)

DWPR

Text

Afghanistan (2016) ... investment in [AC] was not a requirement for engaging in foreign trade activities. [AC] and foreign natural persons or legal persons had the right to engage in import and export activities. ... a natural person or a legal entity located abroad wishing to be a declarant (importer of record) could either (i) enter into a purchase-sale contract with an [AC] legal or natural person in [AC], in which case the foreign person or entity would be the importer of record without being required to register in [AC]; or, (ii) register as a legal person operating in [AC]. ... the right to import and to export would be granted in a non-discriminatory and non-discretionary manner from the date of accession.[BASIC COMMITMENT]

BASIC COMMITMENT + IMPORTER OF RECORD (4)

DWPR

Text

*Saudi Arabia
(2005)*

[BASIC COMMITMENT] ... foreign firms and individuals with no commercial presence in [AC], which were importers of record, would be able to register to engage solely in importation without limitation on equity or requirement to invest in [AC] and could obtain any necessary import licenses. He further confirmed that, to fulfil this commitment, [AC] would, as necessary, review and amend its laws, including the Law on Import Licensing Procedures and would implement such laws and regulations in full conformity with these obligations.

BASIC COMMITMENT + IMPORTER OF RECORD (5)

DWPR

Text

Vietnam (2005)

"...the right to import required no minimum investment in [AC] other than registration (mainly for administrative purposes) of the individual or firm seeking to be the importer of record...in addition, [AC] commitments on trading rights would be applied to all WTO Members on an MFN basis ... understanding that the granting of trading rights would not affect the rights of the Government of [AC] to adopt or enforce WTO-consistent requirements for customs and fiscal purposes; or to adopt or enforce regulations that were consistent with relevant provisions of the WTO Agreement and with [AC]'s WTO commitments, such as those relating to import licensing, State-trading, technical barriers to trade or sanitary and phytosanitary measures. Decrees on the right to import and export guiding the implementation of the amended Commercial Law were being drafted. These Decrees would be applied in a transparent, uniform and non-discriminatory manner, in compliance with WTO rules and [AC]'s commitments on trading rights

BASIC COMMITMENT + IMPORTER OF RECORD (5 cont.)

DWPR

Text

Vietnam (2005) [BASIC COMMITMENT] ... from the date of accession, all foreign firms and individuals (including foreign-invested firms) would be able to engage in importation and exportation of products other than as set out in Tables 8(a)-(c), as importers or exporters of record, subject only to the obligation to register such activity with the relevant [AC]. There would be no requirement for foreign firms and individuals without physical presence in [AC] to invest in [AC]. In addition, without prejudice to [AC] Schedule of Specific Commitments in Services, importers of record would be permitted to sell or otherwise provide the imported product to individuals and firms in [AC] that have the right to distribute such product in [AC] ... compliance with its trading rights obligations would not, in any case, automatically grant importers the right to distribute goods in [AC] ...

BASIC COMMITMENT + IMPORTER OF RECORD (5 cont.)

DWPR

Text

Vietnam (2005) ... without prejudice to [AC]'s Schedule of Specific Commitments in Services, any foreign firm or individual (including foreign-invested firms) registered to engage in import activities would be free to select a distributor or distributors of their choice provided that such distributor or distributors had the right to distribute the respective product(s) in the customs territory of [AC]. [AC] would not apply any restrictions on the choice of the distributor or distributors, including in relation to the type of enterprise or nationality of the distributor. ... compliance with its trading rights obligations would not, in any case, automatically grant importers the right to distribute goods in [AC].

BASIC COMMITMENT + IMPORTER OF RECORD (6)

DWPR

Text

Ukraine (2008)
Montenegro (2012)

*... [BASIC COMMITMENT] ... individuals and firms, regardless of national origin, would be able to import and export products as importers or exporters of records, with no requirement of physical presence or investment in [AC]. ...**the sole condition to serving as importers or exporters of record would be to register with the relevant [AC] authority ...***

SPECIAL GUESTS

DWPR

Text

Russia (2012)

...the Government, in respect of measures affecting trade in goods with other WTO Members, would continue its policy of maintaining an expeditious process for registering legal entities and individual entrepreneurs and applying transparent and predictable requirements that were not burdensome to satisfy. ... [AC] would not apply registration requirements to limit the possibility for legal persons or individual entrepreneurs (foreign or domestic) to engage in importing and exporting, and that once registered in the [AC], a legal person or individual entrepreneur could import or export products as described in this Report. ... [AC] would not make the procedures or overall requirements to register as a legal person or individual entrepreneur more burdensome than necessary, would not discriminate between foreign and domestic applicants in approving requests for registration and would also comply with other applicable provisions of the WTO Agreement. [AD HOC ON EXCISE DUTY STAMP] [BASIC COMMITMENT] [AD HOC ON IMPORTS OF ALCOHOL, PHARMACEUTICALS & PRODUCTS WITH ENCRYPTION TECHNOLOGY]

SPECIAL GUESTS

DWPR

Kazakhstan (2015)

Text

... the Government, in respect of measures affecting trade in goods with other WTO Members, would continue its policy of maintaining an expeditious registration process, and applying transparent and predictable requirements that were not burdensome to satisfy. ... [AC] would not apply registration requirements to limit the possibility for juridical persons to engage in importing and exporting, and that once registered in the form of juridical persons of [AC], they could import or export products as described in this Report. ... [AC] would not make the procedures or overall requirements to register as a juridical person more burdensome than necessary, would not discriminate between foreign and domestic applicants in approving requests for registration, would not apply procedures and requirements in a restrictive manner and would also comply with other applicable provisions of the WTO Agreement including transparency obligations

SPECIAL GUESTS

DWPR

Text

Chinese Taipei(2001)

... any enterprise including sole proprietorships, interested in importing and/or exporting and having included in its profit-seeking enterprise registration certificate export/import or buying/selling as a business item, would be permitted to register as an importer/exporter. Registration as a profit-seeking enterprise required maintenance of an address in [AC], but did not impose minimum investment or similar requirements. The registration system to become an importer/exporter would conform to WTO rules, including the automatic licensing provisions of the Agreement on Import Licensing Procedures, and would not restrain trade. [AD HOC ON TOBACCO & ALCOHOL]

SPECIAL GUESTS

DWPR

Text

China (2001)

... during the three years of transition, [AC] would progressively liberalize the scope and availability of trading rights. ... upon accession, [AC] would eliminate for both [AC] and foreign-invested enterprises any export performance, trade balancing, foreign exchange balancing and prior experience requirements, such as in importing and exporting, as criteria for obtaining or maintaining the right to import and export. (b) With respect to wholly [AC]-invested enterprises, ... although foreign-invested enterprises obtained limited trading rights based on their approved scope of business, wholly [AC]-invested enterprises were now required to apply for such rights and the relevant authorities applied a threshold in approving such applications. In order to accelerate this approval process and increase the availability of trading rights, [AC] would reduce the minimum registered capital requirement (which applied only to wholly [AC]-invested enterprises) to obtain trading rights to ... and would eliminate the examination and approval system at the end of the phase-in period for trading rights. (c) during the phase-in period, [AC] would progressively liberalize the scope and availability of trading rights for foreign-invested enterprises. Such enterprises would be granted new or additional trading rights based on the following schedule ... (d) within three years after accession, all enterprises in [AC] would be granted the right to trade. Foreign-invested enterprises would not be required to establish in a particular form or as a separate entity to engage in importing and exporting nor would new business licence encompassing distribution be required to engage in importing and exporting.

SPECIAL GUESTS

DWPR

Text

China (2001) [AC] would eliminate its system of examination and approval of trading rights within three years after accession. At that time, [AC] would permit all enterprises in [AC] and foreign enterprises and individuals, including sole proprietorships of other WTO Members, to export and import all goods (except for the share of products listed in Annex 2A to the Draft Protocol reserved for importation and exportation by state trading enterprises) throughout the customs territory of [AC]. Such right, however, did not permit importers to distribute goods within [AC]. Providing distribution services would be done in accordance with [AC]'s Schedule of Specific Commitments under the GATS. (b) With respect to the grant of trading rights to foreign enterprises and individuals, including sole proprietorships of other WTO members, ... such rights would be granted in a non-discriminatory and non-discretionary way. ... any requirements for obtaining trading rights would be for customs and fiscal purposes only and would not constitute a barrier to trade. ... foreign enterprises and individuals with trading rights had to comply with all WTO-consistent requirements related to importing and exporting, such as those concerning import licensing, TBT and SPS, but ... requirements relating to minimum capital and prior experience would not apply [AD HOC FOR SOME PRODUCTS LISTED IN AN ANNEX]