



**USAID**  
FROM THE AMERICAN PEOPLE

# WTO TRADE POLICY REVIEW WORKSHOPS BACKGROUND DOCUMENTS

Organized by the USAID SABEQ Program and Ministry of  
Industry and Trade (MIT)

January 22, 2008

This publication was produced for review by the United States Agency for International Development. It was prepared by <Stephen Creskoff >.

# **WTO TRADE POLICY REVIEW WORKSHOPS BACKGROUND DOCUMENTS**

ORGANIZED BY THE USAID SABEQ PROGRAM AND  
MINISTRY OF INDUSTRY AND TRADE (MIT)

SUSTAINABLE ACHIEVEMENT OF  
BUSINESS EXPANSION AND QUALITY (SABEQ)

CONTRACT NUMBER: 278-C-00-06-00332-00

BEARINGPOINT, INC.

USAID/JORDAN  
ECONOMIC OPPORTUNITIES OFFICE (EO)

JANUARY 22, 2008

AUTHOR: STEPHEN CRESKOFF

DELIVERABLE N<sup>o</sup>: 2.1.2.10.8.1\_WTO TRADE POLICY  
REVIEW

**DISCLAIMER:**

*The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.*

## CONTENTS

I.	PREFACE .....	3
II.	AGENDA, JANUARY 22, 23, 2008 WORKSHOPS .....	5
III.	LIST OF PARTICIPANTS, JANUARY 22, 23, 2008, WORKSHOPS.....	8
IV.	THE WTO, DOHA ROUND NEGOTIATIONS, AND TRADE POLICY REVIEWS (PART 1) .....	9
V.	THE WTO, DOHA ROUND NEGOTIATIONS AND TRADE POLICY REVIEWS (PART 2) .....	22
VI.	THE WTO, DOHA ROUND NEGOTIATIONS AND TRADE POLICY REVIEWS (PART 3) .....	28
VII.	ILLUSTRATIVE WTO COMPLIANCE MATRIX (ELBONIAN COMMITMENTS UNDER THE WTO) .....	41
VIII.	LIST OF FOCAL POINTS ON NEGOTIATION MATTERS .....	60
IX.	TPR: REPORT BY THE WTO SECRETARIAT ON BAHRAIN .....	64
X.	TPR: REPORT BY THE GOVERNMENT OF BAHRAIN .....	76
XI.	WTO STRUCTURE .....	93
XII.	JORDAN WORKING PART REPORT.....	94
XIII.	CHINA SPS NOTIFICATIONS .....	177

**WTO  
Trade Policy Review  
Workshop**

**Organized by the  
USAID SABEQ Program  
and the Jordanian  
Ministry of Industry and Trade (MIT)**

**Background Documents**

**22 - 23 January 2008  
Marriott Amman**

## I. PREFACE

This report brings together key documents prepared as background briefing materials for a Workshop on the WTO Trade Policy Review (TPR) process organized by the SABEQ Program in cooperation with Jordan's Ministry of Industry and Trade (MIT) which were held in January 2008. The purpose of this report is to make available to all Jordanian Government stakeholders, beyond those that participated in the Workshops, material that can help them understand and comply with the Trade Policy Review process. In 2008, Jordan is required to undergo its first Trade Policy Review of compliance with WTO obligations since its accession to the WTO in 2000.

To help MIT and related GOJ stakeholders better understand the policy review process, and measure Jordanian compliance, the USAID-funded SABEQ Program, in cooperation with Jordan's Ministry of Industry and Trade, held a Workshop January 22 – 23, 2008. The workshop's goals were to:

1. Provide a detailed, step-by-step review of the WTO Trade Policy Review process, the requirements of member states in developing the TPR report, the process for drafting of the TPR Report based on TPR templates, and required timelines for the process.
2. Identify areas where ongoing technical assistance for MIT and other GOJ Ministries and agencies may be needed during the rest of the TPR process through November 2008, and assistance with ongoing compliance.

By way of background, Jordan acceded to the World Trade Organization (WTO) in April 2000. This required Jordan to comply with over 16 different trade-related agreements as well as commitments on goods and services market access, and other commitments set out in its accession Working Party Report.

Jordan is required to undergo its first WTO Trade Policy Review by November 2008. The SABEQ Program, through its Expanded Trade and Investment Component, is supporting the Ministry of Industry and Trade (MIT) and other relevant Ministries and agencies to review the Government's compliance with its WTO obligations. Initially, SABEQ helped organize and facilitate a Workshop to help relevant GOJ officials to review the TPR process, and will then consider supporting relevant technical assistance required during the remainder of the TPR process.

The objective of the TPR mechanism is to ensure the smooth functioning of the multilateral trading system by enhancing the transparency of Members' trade policies. All WTO Members are subject to review, at intervals of 2, 4, 6 or more years, depending on their share of world trade. In preparing a TPR, the WTO Secretariat seeks the cooperation of the Member, but has the sole responsibility for the facts presented and views expressed. Member countries provide information to the WTO Secretariat outlining their trade regime and compliance with their accession commitments. The WTO Secretariat then sends a team to prepare a detailed review and report back to the responsible WTO committee. The TPR reports consist of detailed chapters examining the trade policies and practices of the Member and describing trade policymaking

institutions and the macroeconomic situation; these chapters are preceded by the Secretariat's perspective on the Member's trade policies.

The main GOJ Ministry concerned with WTO compliance is the Ministry of Industry and Trade (MIT), and within it, the Foreign Trade Policy Directorate (FTPD). However, many other GOJ agencies are also affected directly by Jordan's accession to the WTO. Most agencies generally have to be aware of national treatment and most favored nation principles when setting new policy. However, some Ministries have substantive obligations and have had to revise their procedures and regulations to meet compliance requirements. For example, the Ministry of Agriculture had to revise its plant and animal health procedures at the border and establish a plant variety protection office as well as being involved in ongoing negotiations. More than 35 Ministries and Agencies have had commitments imposed upon them following Jordan's accession to the WTO.

GOJ Ministries and agencies most directly concerned with compliance with WTO commitments who will participate in the TPR Workshop include the Ministry of Industry and Trade, Ministry of Agriculture, Ministry of Planning and International Cooperation, Ministry of Finance, Customs Department, Ministry of Public Works, Jordan Institute for Standards and Metrology and related agencies.

Additional support will be offered by the SABEQ Program, as necessary and as requested by MIT and related stakeholders, to assist in the TPR process as it proceeds through 2008, and in subsequent years.

The USAID/SABEQ Program is a five year broad economic development initiative implemented by BearingPoint, Inc. and a sizeable team of international and Jordanian partner firms. By both supporting improvements in the business environment and providing assistance to expand innovation and productivity in Jordanian businesses, it supports the main objective of building up the private sector as a powerful engine of economic growth.

## **II. AGENDA, JANUARY 22, 23, 2008 WORKSHOPS**

### **WTO Trade Policy Review Workshop Ministry of Industry and Trade (MIT) / USAID SABEQ Program**

**22 January 2008  
Marriott Amman**

**Tuesday, 22 January, 2008**

**09.30 Registration**

**10.00 Introductory Remarks (H.E. Dr. Montaser Oklah, Secretary General, Ministry of Industry and Trade)**

**10:05 Introduction of Ms. Maha A. Ali, Director of Foreign Trade Policy and Relations Department, MIT**

**10:10 Introductory Remarks, Messrs. Lindsey Wellons and Stephen Creskoff of SABEQ**

**10:15 Introductions of workshop participants**

**10.35 The WTO System (Mr. Creskoff and Ms. Ali)**

- Summary of Post-Accession obligations
- Continued Implementation
- Notification of New Developments
- Transparency
- Dispute Resolution
- Representation in Geneva
- Doha Round Negotiations
- Plurilateral Agreements
- Trade Policy Reviews

**10.45 Coffee**

**11.15 The WTO System (continued)**

**12.15 Detailed Review of the Trade Policy Review Process (Mr. Creskoff)**

- Legal Obligations (Doha Agreement, Annex 3)
- Organization of the WTO
- WTO Video by Internet
- Examples of other countries' Trade Policy Reviews, e.g. Bahrain, United Arab Emirates, Tunisia, Egypt, and Qatar (focusing on main issues discussed in the review).

**13.00 Luncheon**

**14.00 TPR Process and Discussion (continued)**

- Discussion of Procedure
- Jordan's TPR Report: Short and Forward Looking; Advocacy

**15:00 Coffee**

**15:15 Improved Inter-Ministerial Communication (Mr. Creskoff and Ms. Maha Ali)**

- Current communication process and status of legal documents providing for coordination of WTO matters between various Ministries.
- How can input from Business Community and Other Stakeholders be Included?
- Model Used by Others

**15:45 Notifications and a Commitments Matrix (Mr. Creskoff)**

**16:00 Conclusion (Mr. Creskoff and Ms. Maha Ali)**

---



**WTO Trade Policy Review – Round Table Discussion  
Ministry of Industry and Trade (MIT) / USAID/SABEQ Program  
(Day two)**

**23 January 2008  
Marriott Amman**

**Wednesday, 23 January, 2008:**

**10.00 Review of First Day's Program and Questions**

**10:15 Drafting of Trade Policy Review Report Based on Templates**

- *Working group reviews various TPR government report templates*
- Working group drafts Jordan's report

**11.30 Coffee**

**12.00 First Draft of TPR Government Report Distributed**

- Discussion of draft

**13.00 Luncheon**

**14.00 Identification of Ongoing Needs for TPR process  
and Future WTO Compliance**

- Potential future TA needs
  - For TPR Review
  - Identified by TPR Review
- Outline of a monitoring system for WTO compliance
  - Improved inter-ministerial communications
  - A compliance matrix

**15.30-16.00 Questions, Discussion and Next Steps**

---

### **III. LIST OF PARTICIPANTS, JANUARY 22, 23, 2008, WORKSHOPS**

#### **List of participants in the WTO Trade Policy Review Workshop**

**22<sup>nd</sup> January 2008**

##### **Ministries:**

1. Ministry of Agriculture
2. Ministry of Energy
3. Ministry of Environment
4. Ministry of Finance
5. Ministry of Foreign Affairs
6. Ministry of Health
7. Ministry of Higher Education and Scientific Research
8. Ministry of Interior
9. Ministry of Labor
10. Ministry of Telecom
11. Ministry of Tourism and Antiques
12. Ministry of Transport

##### **Regulatory Bodies and Institutions:**

13. ASEZA
14. Audiovisual Commission
15. Central Bank of Jordan
16. Civil Aviation Authority
17. Customs Department
18. Executive Privatization Commission (EPC)
19. Free Zone Corporation
20. General supplies department.
21. Government tenders department
22. Insurance Commission
23. JIB
24. JISM
25. Jordan Enterprise
26. Jordan Food and Drug Administration
27. Jordan Industrial Estates Corporation
28. Natural Resources Authority
29. Securities Commission
30. Telecom Regulatory Commission
31. The National Library
32. Income Tax Department
33. Department of Statistics

##### **MIT Directorates:**

34. Competition
35. FTPD
36. IDD
37. Legal Affairs Directorate
38. National production protection department
39. Trade and Storage Directorate
40. Industrial Property Protection Department

#### IV. THE WTO, DOHA ROUND NEGOTIATIONS, AND TRADE POLICY REVIEWS (PART 1)

### ***The WTO, Doha Round Negotiations and Trade Policy Reviews*** *Part I*

- What you need to know
- How to research specific issues

### ***Presentation Outline*** *Part I*

- WTO –Basic Facts and Principles
- Structure of the WTO
- WTO Trade Negotiations
- The Doha Development Round

## ***WTO-Basic Facts and Principles***

- Basic facts
  - Created in 1995; 151 members, Russia, Ukraine, and some MENA countries (Algeria, Iran, Iraq, Lebanon, etc.) are now in accession process
  - Covers 90%+ of world merchandise trade
  - Codes of conduct—rules based
  - Negotiating rounds
  - Enforcement mechanisms
- Basic principles
  - Non-discrimination (National treatment, MFN)
  - Reciprocity
  - Predictability—bindings and removal of NTBs
  - Fair competition, Safety Valves

## ***The WTO Contrasted with the IMF and World Bank***

- WTO is a rules based organization which sponsors trade negotiations and administers the trade agreements
- It does not have the power and influence of either the IMF or the World Bank; it is not set up to promote exchange stability (IMF) or as a financial entity (World Bank), and its staff and budget are much smaller
- The WTO is run by and serves its members. The Dispute Settlement Understanding ("DSU") gives it "teeth"

## ***Basic WTO Facts***

- **Location:** Geneva, Switzerland
- **Established:** 1 January 1995
- **Created by:** GATT Uruguay Round negotiations (1986-94)
- **Membership:** 151 countries (on December 31, 2007)
- **Budget:** 175 million Swiss francs for 2006
- **Secretariat staff:** 635
- **Head:** Pascal Lamy (Director-General)
- **Website:** [www.wto.org/](http://www.wto.org/)

## ***Basic WTO Facts (continued)***

- **Functions:**
  - Administer WTO trade agreements
  - Forum for trade negotiations
  - Handle trade disputes (DSU)
  - Monitor national trade policies (TPR)
  - Technical assistance and training for developing countries
  - Cooperation with other international organizations

## *The WTO Agreements*

### The Four Annexes to the Marrakesh Agreement Establishing the WTO

- Annex 1: Multilateral Agreements
  - Annex 1A GATT
  - Annex 1B GATS
  - Annex 1C TRIPs
  - Agreements interpreting GATT, and others
- Annex 2: Settlement of Disputes (DSU)
- Annex 3: Trade Policy Review Mechanism
- Annex 4: Plurilateral Agreements agreed in the Tokyo Round (1973-79) not ratified at the Uruguay Round (1986-94) and thus bind only signatories. (e.g., Government Procurement Agreement)

## *The WTO Agreements (continued)*

### Other Key WTO (Annex 1) Multilateral Agreements:

- Agriculture
- Antidumping
- Customs Valuation
- Subsidies and Countervailing Measures
- Safeguards
- Technical Barriers to Trade
- Sanitary and Phytosanitary Measures
- Trade Related Investment Measures

# GATT Compared with GATS

## **GATT**

- General national treatment obligation
- General prohibition against QRs
- Tariff bindings
- Focuses on cross-border trade in goods

## **GATS**

- Sector-specific national treatment
- Less stringent limitations on QR use
- Market access commitments
- Deals not only with cross border transactions, but other components of trade in services

## ***Trade-Related Aspects of Intellectual Property Rights (TRIPs)***

- The TRIPs Agreement has 7 major parts and 73 Articles covering:
  - Copyright and Related Rights (sound and performance protected for 50 years, broadcasting for 20 years, extends Berne to computer authorship).
  - Trademarks (minimum rights members must grant to mark owners).
  - Industrial Design (10 years of protection).
  - Patents (20 year patent protection).
  - Integrated Circuits Design (minimum 10 year protection period).
- The Agreement establishes:
  - Minimum substantive standards.
  - Prescribes procedures and remedies available to members to enforce these rights.
  - IP subject to WTO dispute settlement
  - Common procedural requirements

## ***Multilateral Trade Negotiations – an Overview***

- |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ <b>Trade Round/Meetings Stage 1:</b></li> <li>▪ <b>Item by Item tariff negotiations.</b></li> <li>▪ 1947 Geneva (23 countries)</li> <li>▪ 1949 Annecy (13 countries)</li> <li>▪ 1950-51 Torquay (38 countries)</li> <li>▪ 1955-56 Geneva (26 countries)</li> <li>▪ 1960-61 Dillon Round (26 countries)</li> <li>▪ EEC is introduced.</li> <li>▪ Outcome takes about 1 year.</li> </ul> | <ul style="list-style-type: none"> <li>▪ <b>Trade Round/Meetings Stage 2:</b></li> <li>▪ <b>Across the Board Tariff Approach and NTB Negotiations begin.</b></li> <li>▪ 1963-67 Kennedy Round (62 countries)</li> <li>▪ Round.</li> <li>▪ NTB Issues: Antidumping, Customs Valuation.</li> <li>▪ 1973-79 Tokyo (102 countries)</li> <li>▪ NTB Issues: Antidumping, Customs Valuation</li> <li>▪ Subsidies and Countervail, Procurement, Safeguards, Dealing with developing countries.</li> <li>▪ Outcome takes about 4 years.</li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## ***Multilateral Trade Negotiations – an Overview***

- |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ <b>Trade Round/Meetings Stage 3: More complex NTB discussions and coverage (WTO)</b></li> <li>▪ 1986-94 Uruguay Round</li> <li>▪ WTO established. Issues: All Tokyo, IP, Pre-shipment, Rules of Origin, TRIMs, Dispute Settlement, Transparency, Surveillance of Trade Policies. Agriculture and textile subjected to rules.</li> <li>▪ Outcome takes about 8 years.</li> </ul> | <ul style="list-style-type: none"> <li>▪ <b>Trade Round/Meetings Stage 4: Attempts at more complex NTB, Agriculture and Social Policy Issues</b></li> <li>▪ 1997 Singapore</li> <li>▪ 1999 Seattle</li> <li>▪ <b>2001 Doha – new round of MTNs initiated</b></li> <li>▪ 2003 Cancun</li> <li>▪ 2005 Hong Kong</li> <li>▪ Projected completion, 2009/2010</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## ***Doha Round Negotiations***

- A new round of trade negotiations, December 2001 :“The Doha Development Agenda (DDA)”
  - Agriculture: phase out of export subsidies; improve S&D treatment; create a “development box”
  - Market Access: reduce or eliminate tariffs, tariff peaks, escalation & NTBs on key items
  - Services: continue work already begun
  - TRIPs: public health, registration for geographical indications of wine & spirits; biodiversity
  - Dispute Settlement: improve & simplify procedures
  - WTO Rules: Clarify and improve use of anti-dumping & countervailing duties; consideration for LDCs
- Work program in new areas
  - Trade facilitation (investment; competition policy; procurement, environment dropped at Cancun Ministerial)
  - Preliminary talks on e-commerce; small economies; relationship of trade, debt & finance; technology transfer

## ***Doha Round Negotiations***

- From Doha to Hong Kong
  - Cancun Ministerial Sept. 2003 ended without progress; lack of consensus on agricultural and “new” issues; conflict between developing and developed countries
  - July 2004 package (Geneva) makes progress on work schedule and “new issues”
  - Work on issues continued under WTO’s Trade Negotiations Committee up to Hong Kong Ministerial (December 2005)

## *What Happened at Hong Kong?*

- Agriculture (10% of world trade but extremely sensitive politically)
  - All forms of export subsidies to be phased out by 2013. US export subsidies for cotton eliminated in 2006
  - Reduction in trade-distorting domestic subsidies (bigger for EU than US)
  - No agreement yet on market access. US and others regard EC's offer to reduce tariffs by 35-60% and designation of 8% off limits as inadequate
  - The "Food Aid" Issue: US v. EC and LDCs

## *What Happened at Hong Kong?*

- Industrial products (90% of world trade; US represents 25%)
  - General agreement to reduce tariffs using "Swiss formula": higher cuts for higher tariffs
  - Special and differential treatment for developing countries
  - Non-tariff barrier (NTB) negotiations
  - Exact "modalities" yet to be determined

## *What Happened at Hong Kong?*

### ■ Services

- US is largest exporter; potential gains from liberalization still in infancy (may be 5x goods)
- Opened way for plurilateral negotiations
- Developing countries conditioning access to market access for their agricultural products and improvement of developed country offers under mode 4 (temporary movement of professionals to deliver services abroad)

## *What Happened at Hong Kong?*

### ■ TRIPS

- Negotiations proceeding regarding a system of notification and registration of geographical indications of wine and spirits (EC proposal)
- Agreement to allow developing countries more flexibility to respond to public health crises. The recent agreement makes permanent the tentative waiver reached on August 30, 2003, prior to the Cancun Ministerial
- TRIPS implementation period for LDCs extended to July 2013 for trademarks, copyrights and other protection, and to January 2016 for pharmaceutical patents

## *What Happened at Hong Kong?*

- Rules (antidumping)
  - US attaches great importance
  - Detailed work program previously established
  - US opposes tightening antidumping rules (leading to greater difficulty in obtaining antidumping duty assessments)

## *What Happened at Hong Kong?*

- Trade Facilitation
  - Focus is on implementing GATT Articles V (transit), VIII (fees and formalities regarding importing and exporting) and X (publication and administration of trade regulations)
  - Economic impact of TF liberalization in developing countries potentially greater than for trade in goods
  - More progress than in other areas of negotiations; drafting on agreement will begin after Hong Kong

### ***What Happened at Hong Kong?***

- Development – the supposed focus of DDA
  - Principle of special and differential treatment (SDT) reaffirmed, but how will it be applied?
  - Other proposals under negotiation
  - Issue of capacity building

### ***What Happened After Hong Kong?***

- Negotiations broke down in July 2006 because of a failure to agree on the basis of an agricultural agreement
- Negotiations resumed in early 2007 at a slower pace
- US trade agreements authority expired in mid-2007 and will not be renewed until after the US Presidential and Congressional elections in November 2008

## ***What Happens Now?***

- The “Players” in the negotiations:
  - The “Quad”: US, EC, Japan and Canada: represent the majority of trade in goods and services
  - G-20: lead by India and Brazil, link progress in agriculture to other negotiations
  - G-10: countries like Korea and Switzerland seeking to protect domestic agriculture
  - ACP and Africa group emphasize development
  - Jordan?

## ***What Happens Now?***

- Update from Geneva, January 2008

### *How to Research Specific WTO Issues*

- Check status at WTO: [www.wto.org/](http://www.wto.org/)
- Check with the Ministry of International Trade and relevant Government of Jordan Ministries for the specific subject matter
- SABEQ/USAID a resource

## V. THE WTO, DOHA ROUND NEGOTIATIONS AND TRADE POLICY REVIEWS (PART 2)

### *The WTO, Doha Round Negotiations and Trade Policy Reviews* *Part II*

- What you need to know
- How to research specific issues

### *Presentation Outline* *Part II*

- Trade Policy Reviews
- Inter-Ministerial Communication on WTO Matters
- Notifications
- A Compliance Matrix



## *WTO Trade Policy Reviews*

- Legal Basis: Doha Agreement, Annex 3
  - Objectives: Improve member adherence to rules, disciplines and commitments by achieving greater transparency and understanding
  - Promote domestic transparency
  - TPRB to carry out TPRs
  - Review procedures: mandatory, frequency is based on size of economy – at least every 6 years; every two years for 4 largest economies
  - Also regular reports to TPRB (statistical information, significant changes in policies); technical assistance provide on request

## *The WTO Trade Policy Reviews*

- Outline of TPR Process
  - Step 1: Director of TPR establishes work program
    - Program established previous year
    - Geneva representative of country contacted (TPR operates by consensus)
    - Schedule for 2008 includes 16 countries. Jordan to be reviewed 10-12 November. Other countries include Pakistan (January), Oman (June), United States (June), Singapore (July) and Korea (October)

## ***The WTO Trade Policy Reviews***

- Outline of TPR Process
  - Step 2: Preparatory meeting with country and proposed schedule/detailed plan
    - Also done through Geneva representative the prior year
    - Detailed work plan presented

## ***WTO Trade Policy Reviews***

- Outline of TPR Process (continued)
  - Step 3: Detailed work plan submitted by letter
    - In some cases TPR Division will send mission to explain TPR process
  - Step 4: Request for information and response
    - Use to be lengthy questionnaire
    - Now most information obtained from Internet and other public sources
    - Country has one to two months to collect and submit information
    - Responses should be submitted in electronic form

## *WTO Trade Policy Reviews*

- Outline of TPR Process (continued)
  - Step 5: drafting of chapters for the Report. The structure is similar for all reports
    - Summary observations
    - Economic environment (major features of the economy, recent economic developments, trade performance and investment, outlook)
    - Trade and economic regimes (general framework, laws and regulations, policy objectives, trade agreements, investment framework)
    - Trade policies and practices by measure (overview, agriculture, mining and energy, manufacturing, services)
    - References
    - Appendix tables

## *WTO Trade Policy Reviews*

- Outline of TPR Process (continued)
  - Step 6: The draft report of the WTO Secretariat is provided to the country for comments
    - This is done by mission of TPR staff to country
    - Missing information is incorporated and mistakes corrected
    - The report is then finalized and translated
  - ***Review of the Secretariat's Report for Bahrain***

## *WTO Trade Policy Reviews*

- Outline of TPR Process (continued)
  - Step 7: Preparation of Government report
    - Should be short (10 pages), advocating Government's position
    - Subjects covered vary from country to country
    - **Review of the Government Reports for Bahrain and Egypt**
  - Step 8: Meeting of Trade Policy Review Body at WTO to discuss country
    - Country sends delegation
    - Usually 30 or more countries represented
    - A two day process.
      - The first day, government report is presented, and a discussion is led by a "discussant". Questions are directed to the country's delegation. Questions raise bilateral and multilateral concerns
      - After a one day break, the meeting reconvenes and the country's delegation responds to the questions

## *WTO Trade Policy Reviews*

- Outline of TPR Process (continued)
  - Step 9: WTO Report finalized and published (report includes TPR report, government report and minutes of proceedings before the Trade Policy Review Body). TPRs are a "transparency exercise"
    - The results are not used in connection with disputes or enforcement actions
  - Step 10: In some instances, the TPR findings are discussed with major donors (Integrated Framework) to coordinate technical assistance to country

## *WTO Trade Policy Reviews*

- Outline of TPR Process (continued). 5  
Recent TPRs discussed
  - Bahrain (June 2007)
  - Egypt (August 2005)
  - Qatar (March 2005)
  - Tunisia (November 2005)
  - UAE (June 2006)

## VI. THE WTO, DOHA ROUND NEGOTIATIONS AND TRADE POLICY REVIEWS (PART 3)

### *The WTO, Doha Round Negotiations and Trade Policy Reviews* *Part III*

- What you need to know
- How to research specific issues

### *Presentation Outline* *Part III*

- Trade Policy Reviews
- Inter-Ministerial Communication on WTO Matters
- Notifications
- A Compliance Matrix

## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Led by Jacque Degbello; Clem Boonekamp is Division Director
  - Initial information requested
  - Delegation 5-7 February led by Boonekamp to discuss TPR process
  - Secretariat checks WPR commitments and notifications
  - Draft report completed and presented by June (second delegation led by Degbello)

## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Government report due in September/early October
  - Secretariat report circulated in October
  - Presentation and discuss, TPRB, 10, 12 November
  - Technical assistance needs addressed in appendix to Secretariat report, chapter 2

## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Outline of Secretariat's Report
    - Summary Observations
      - The Economic Environment
      - Institutional Framework
      - Trade Policy Instruments
      - Sectoral Policies
    - Economic Environment
      - Major Features of the Economy
      - Recent Economic Developments
      - Trade Performance and Investment
      - Outlook

## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Outline of Secretariat's Report
    - Trade and Investment Regime
      - The Institutional Framework
      - Trade Policy Formulation and Implementation
      - Policy Objectives
      - Trade Agreements
      - Investment Framework



## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Outline of Secretariat's Report
    - Trade Policies and Practices by Measure
      - Introduction
      - Measures Directly Affecting Imports
      - Measures Directly Affecting Exports
      - Measures Affecting Production and Trade

## WTO Trade Policy Reviews (continued)

- Jordan's first TPR – 2008 (continued)
  - Outline of Secretariat's Report
    - Trade Policies by Sector
      - Introduction
      - Agriculture and Related Activities
      - Mining, Energy, and Water
      - Manufacturing
      - Services
    - References
    - Appendix Tables

### ***Inter-Ministerial Communication on WTO Matters***

- A wide variety of governmental structures are employed by WTO members to develop and coordinate trade policy
- But basic principle is active participation of all interested government parties
- Mechanism should provide for full ministerial review and approval
- Problems with coordination can occur after accession when WTO matters are seen as less important politically

### ***Inter-Ministerial Communication on WTO Matters***

- Features of an effective inter-ministerial communication system
  - System should provide for fully coordinated staff-level decision-making under supervision of ministers
  - A single, central inter-ministerial clearance point should be maintained with authority to transmit guidance to the Geneva representative

### ***Inter-Ministerial Communication on WTO Matters***

- Features of an effective inter-ministerial communication system (continued)
  - Jordan's principle international trade priorities should be identified. This will be the basis of the allocation of resources and the agenda for the Geneva delegation
  - Clear instructions should be given to the Geneva delegation from subject matter experts

### ***Inter-Ministerial Communication on WTO Matters***

- A model trade policy organization structure
  - Inter-ministerial group, chaired by minister of trade (may reside in council of ministers)
  - Permanent secretariat (may be located in the ministry of trade)
  - Working groups (numerous)

## ***Inter-Ministerial Communication on WTO Matters***

- A model trade policy organization structure
  - Permanent Secretariat (continued)
    - Clearing house mechanism for all trade issues
    - Repository of all decisions and files
    - Responsible for assuring consistency of trade decisions
    - Responsible for Geneva representation

## ***Inter-Ministerial Communication on WTO Matters***

- A model trade policy organization structure
  - Working groups (continued)
    - For each issue or issue category
    - Staff level representatives from concerned ministries
    - Chaired by official of secretariat
    - Responsible for day-to-day operation of WTO/trade issues
    - First attempt to address basic issues and formulate policies

## ***Inter-Ministerial Communication on WTO Matters***

- Role of business community and other stakeholders
  - Industry Sector Advisory Committees
    - Established under Secretariat
    - For each issue or issue category
    - Permits on-going consultation on confidential basis with business and other stakeholders regarding trade issues

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (from USAID/AMIR WTO compliance briefing report August 2005)
- Many of these organizations are responsible for WTO required notifications

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Central Bank of Jordan (QRs, export subsidies, GATS)
  - Jordan Food and Drug Administration (SPS, TRIPS)
  - Ministry of Culture-National Library (TRIPS)
  - Ministry of Housing and Public Works (government procurement)
  - Ministry of Social Development (government procurement)

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Audiovisuals Commission (TRIPS, government procurement)
  - Municipalities Report (government procurement)
  - Customs Department (Customs valuation, QRs, PSI)
  - Jordan Investment Board (TRIMS, subsidies)
  - Armed Forces (TRIPS, non-military procurement)

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Ministry of Industry and Trade (all GATT and WTO obligations, notifications)
  - Ministry of Health (TRIPS, SPS)
  - Sectoral Ministries and Professional Associations (subsidies, GATS)
  - Parliament (legislation consistent with WTO commitments)
  - Muhafez (actions consistent with WTO commitments)

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Ministry of Foreign Affairs (action consistent with WTO commitments)
  - Council of Ministers (action consistent with WTO commitments)
  - Insurance Regulatory Commission (GATS)
  - Jordan Institute of Standards and Metrology (TBT)
  - Jordan Securities Commission (GATS)

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Ministry of Agriculture (Agreement on Agriculture, SPS)
  - Ministry of Education (GATS, government procurement)
  - Ministry of Energy and Mineral Resources (government procurement)
  - Ministry of Labor (government procurement)
  - Ministry of Information and Communications Technology (GATS, government procurement)

## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Ministry of Tourism (GATS, government procurement)
  - Ministry of Transport (GATS, government procurement)
  - Ministry of Water and Irrigation (government procurement)
  - Natural Resources Authority (government procurement)
  - Special Economic Zones Directorate (subsidies)



## ***Inter-Ministerial Communication on WTO Matters***

- 39 Jordanian organizations affected by WTO agreements (continued)
  - Telecommunications Regulatory Commission (GATS)
  - Port Authority (GATT Article V, GATS, government procurement)
  - Civil Aviation Authority (GATT Article V, GATS, government procurement)
  - Ministry of Interior (government procurement)
  - Public Corporation for Protection of Environment (government procurement)
  - Lands & Survey Department (GATS, government procurement)
  - Ministry of Finance
  - Government Procurement Department (government procurement)

## **WTO Notifications**

- Elaborate systems of notifications and cross-notifications are part of most WTO agreements
- Central Registry of Notifications (CRN)
  - Notifications made by paper, fax or electronic transmission
  - Technical Cooperation Handbook on Notification Requirements (WT/TC/NOTIF)
  - List of contact persons for notifications (handout)

## WTO Working Party Report Commitments Matrix

- **Trade-Related Intellectual Property Regime** Elbona will ratify the WIPO Copyright Treaty. Elbona will ratify the WIPO Performances and Phonograms Treaty .October 2000 October 2000 By Law No. 8838 of November 22, 2001, the Parliament of Elbona has approved the adherence of the Republic of Elbona in the WIPO Copyright Treaty. By Law No. 8740 of February 15, 2001 the Parliament of Elbona approved the adherence of the Republic of Elbona in the WIPO Performances and Phonograms Treaty. By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein. Based on the Article 63.2 of the TRIPS Agreement, Elbona has notified the complete regulatory framework related to the copyright, industrial property, protection of the topographies of integrated circuits, etc., other laws and regulations related to this field, as well as answers of the checklist of issues on enforcement.

## VII. ILLUSTRATIVE WTO COMPLIANCE MATRIX (ELBONIAN COMMITMENTS UNDER THE WTO)

WTO AGREEMENTS AND OTHER ASPECTS	Commitments	IMPLEMENTATION PERIOD	STATUS
<b><u>Custom Duties</u></b>	<ul style="list-style-type: none"> <li>All customs tariffs are <i>ad valorem</i>; there are no products on which Elbonia applies specific or combined duties.</li> <li>Elbonia has no tariff quotas.</li> <li>All other duties and charges are bound at zero. Elbonia will not list any other charges in its Schedule of Concessions on Goods under Article II:1(b) or GATT 1994, binding such charges at "zero".</li> </ul>	<p>At the time of Accession.</p> <p>At the time of Accession.</p>	<p>The Government of Elbonia (GOE) is implementing the ongoing commitments.</p> <p>Elbonian Secretariat has notified to the WTO Secretariat, Market Access Division on September 26, 2002, the implementation of surcharge on all taxable imports at 1% .</p> <p>Related to the new Fiscal Package 2004, the GOE has abolished such surcharge, which will be implemented on 1 January 2004.</p>
<b><u>Fees and Charges for Services Rendered</u></b>	<ul style="list-style-type: none"> <li>Elbonia stated that any duties and charges other than ordinary customs duties and charges applied to imports after</li> </ul>	At the time of Accession	The GOE is implementing the ongoing

	<p>accession will be in accordance with the provisions of the WTO Agreement. From the date of accession, Elbonia will not apply, introduce, or reintroduce customs or other fees for "services rendered" that are applied to imports on an <i>ad valorem</i> basis. Fees applied for import processing or other purposes on imports will be applied in conformity with WTO obligations, in particular Articles VIII and X of the GATT 1994. Information regarding the application and level of such fees, revenues collected and their use will be provided to WTO Members upon request.</p>		<p>commitments.</p> <p>There is no any fee or charge for "service rendered" applied to imports on an <i>ad valorem</i> basis.</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p>
<p><u>Application of internal taxes on imports, Excise Tax</u></p>	<ul style="list-style-type: none"> <li>Elbonia will apply its domestic excise taxes in strict compliance with Article III of the GATT 1994.</li> </ul>	<p>At the time of Accession</p>	<p>The GOE is implementing the ongoing commitments.</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p> <p>Continuously and according to the new Fiscal package 2004, Elbonia will apply its domestic excise taxes in strict compliance with Article III of the GATT</p>

<p><b><u>Value-added tax</u></b></p>	<ul style="list-style-type: none"> <li>• Elbonia will apply the VAT in strict compliance with Article III of the GATT 1994.</li> </ul>	<p>At the time of Accession</p>	<p>1994.</p> <p>The GOE is implementing the ongoing commitments. By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p> <p>Continuously and according to the new Fiscal package 2004, Elbonia will apply the VAT in strict compliance with Article III of the GATT 1994.</p>
--------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------	---------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b><u>Quantitative Import Restrictions Including Prohibitions, Quotas and Licensing Systems</u></b></p>	<ul style="list-style-type: none"> <li>Elbonia will have recourse to quantitative import restrictions only in situations permitted by the WTO Agreement, and in particular, from the date of accession, Elbonia will not introduce, re-introduce or apply quantitative restrictions on imports, or other non-tariff measures such as licensing, quotas, prohibitions, bans and other restrictions having equivalent effect that could not be justified under the provisions of the WTO Agreement. If balance-of-payment measures are ever necessary in the future, Elbonia will impose them in a manner consistent with the relevant WTO provisions, including Article XII of the GATT 1994 and the Understanding on Balance-of-Payments Provisions of the GATT 1994.</li> </ul>	<p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments.</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein to be in compliance with the "Memorandum or Restrictions and Prohibitions for Importable Products" as apart of Elbonia's Accession Document and in compliance with the WTO Agreement on "Import Licensing".</p>
<p><b><u>Customs Valuation</u></b></p>	<ul style="list-style-type: none"> <li>Elbonia has implemented a Decision of the Council of Ministers, No. 516 dated 14 October 1999 entitled "On Some Changes to the Decision of the Council of Ministers On the Implementing Provisions of the Customs Code, No. 205 dated 13 April 1999". This legislation ensure that the Implementing Provisions of the Customs Code are in compliance with The Interpretive Note to Article 5.8 of the WTO Valuation Agreement; Article 7.3 of the WTO Valuation Agreement; Article 9 of the WTO Valuation Agreement. Elbonia will provide confirmation that it has published the implementing provisions explaining when "the customs</li> </ul>	<p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments.</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p>

	authorities require the provision of a security" in order to fulfill its obligations under Article 12 of the Customs Valuation Agreement.		
	<ul style="list-style-type: none"> <li>Elbonia will comply with the WTO provisions concerning customs valuation, including in addition to the Agreement on the Implementation of Article VII of the GATT 1994, the Interpretive Notes to that Agreement, and the provisions for the Valuation of Carrier Media Bearing Software for Data Processing Equipment. In accordance with these latter provisions, only the cost of the carrier medium itself would be accounted for in the customs value. As an international agreement, the provisions of the WTO Agreement on the Implementation of Article VII of the GATT 1994 had superseded domestic law upon accession.</li> <li>The Implementing Provisions of Custom Code provide that local taxes payable by reason of the sale of the goods for which a deduction is not made under Article 5.1(a) (iv) (deduction for customs duties and national taxes by reason of importation) shall be made under Article 5.1(a) (i) (deductions for commissions or profit and general expenses). Prior to Elbonia's accession to the WTO, both the Law on Customs Code of the Republic of Elbonian, No. 8449 dated 27 January 1999 and the Decision of the Council of Ministers, No. 205 dated 14 April 1999 are amended to provide that the transaction value of cinematographic films imported into Elbonia would not include royalties and licenses fees for the right to reproduce or distribute them, and that such changes would not be added toward their dutiable value.</li> </ul>	<p>At the time of Accession.</p> <p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments.</p> <p>The GOE is implementing the ongoing commitments.</p>
<b><u>Rules of Origin Agreement</u></b>	<ul style="list-style-type: none"> <li>Elbonia provides that preferential and non-preferential rules of origin will comply fully with the WTO Agreement on Rules of Origin. The requirements of Article 2(h) and Annex II,</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments. By the

	<p>Paragraph 3(d) of the Agreement are also fully implemented prior to accession. In any event, from the date of accession the Customs will provide an assessment of the origin of the import upon the request of an exporter, importer or any person with a justifiable cause. Any request for such an assessment is accepted even before trade in the goods concerned began. Any such assessment will be binding for three years.</p>		<p>Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p>
<p><b><u>Pre-Shipment Inspection Agreement</u></b></p>	<ul style="list-style-type: none"> <li>If Elbonia in the future engaged the services of a pre-shipment inspection service provider Elbonia would ensure that the requirements of the Agreement on Pre-shipment Inspection are implemented in full. Elbonia would take full responsibility to ensure that such enterprises operating on its behalf complied with the provisions of WTO Agreements. Importers could appeal decisions by such firms in the same way as administrative decisions taken by the Elbonian government. Any pre-shipment inspection regime would be temporary and will only operate until such time as the Elbonian Customs authorities are able to carry out such functions.</li> </ul>	<p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments. By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p>
<p><b><u>Anti-Dumping, Countervailing Duties</u></b></p>	<ul style="list-style-type: none"> <li>Elbonia will not apply any anti-dumping, or countervailing measures until it has notified and implemented all appropriate laws in conformity with the provisions of the WTO Agreements on the implementation of Article VI, and on Subsidies and Countervailing Measures. Elbonia will ensure that any legislation concerning anti-dumping or countervailing duties will be in full conformity with the relevant WTO provisions, including Article VI of the GATT 1994 and the Agreements on the Implementation of Article VI and the Agreement on Subsidies and Countervailing Measures. After such legislation was implemented, Elbonia will also apply any anti-dumping duties, countervailing duties and safeguards</li> </ul>	<p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments.</p>



	measures in full conformity with the relevant WTO provisions.		
<b><u>Safeguards Regime</u></b>	<ul style="list-style-type: none"> <li>Elbonia will not apply any safeguard measure until it has notified and implemented appropriate laws in conformity with the provisions of the WTO Agreements on Safeguards. Elbonia will ensure that any legislation concerning safeguard measures was in full conformity with the relevant WTO provisions, including XIX of the GATT 1994 and the Agreements on Safeguards. If such legislation will be implemented, Elbonia will also apply any anti-dumping duties, countervailing duties and safeguards measures in full conformity with those same WTO provisions.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.
<b><u>Export Regulations</u></b>	<ul style="list-style-type: none"> <li>Elbonia eliminated export prohibitions with passing Decision of the Council of Ministers "For the Export-Import of Goods from and into the Republic of Elbonia, No. 450 dated 16 September 1999.</li> <li>From the date of accession any remaining export control requirements in place is fully consistent with WTO provisions, including those contained in Articles XI, XVII, XX and XXI of the GATT 1994. The export restrictions will only be imposed in conformity with the WTO Agreement.</li> </ul>	Decision of the Council of Ministers No. 450, dated 16.09.1999. At the time of Accession.	The GOE is implementing the ongoing commitments. By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.
<b><u>Export Subsidies</u></b>	<ul style="list-style-type: none"> <li>Elbonia will not maintain subsidies including export subsidies, which met the definition of a prohibited subsidy, within the meaning of Article 3 of the Agreement on Subsidies and Countervailing Measures and that it will not introduce such prohibited subsidies in the future.</li> </ul>	At the time of Accession	The GOE is implementing the ongoing commitments.
<b><u>Industrial policy, including subsidies</u></b>	<ul style="list-style-type: none"> <li>Any subsidy programmes provided by the Government after accession will be administered in line with the Agreement on Subsidies and Countervailing Measures and that all necessary information on notifiable programmes will be</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.

	notified to the Committee on Subsidies and Countervailing Measures in accordance with Article 25 of the Agreement.		
<b><u>Agreement on Technical Barriers to Trade</u></b>	<p>With the Accession on WTO Elbonia committed that:</p> <ul style="list-style-type: none"> <li>• The law No. 8464 dated. 11 Mars 1999 “On Standardization” is in full compliance with the Agreement on Technical Barriers to Trade.</li> <li>• Elbonian standards will become voluntary, except those dealing with health and safety. Standards will be applied to foreigners and local producers in compliance with national treatment</li> <li>• Reducing the creation of national standards and increasing adoption of international standards.</li> <li>• Voluntary standards will not create technical barriers to trade. Technical regulations are mandatory and will be used to protect the plant, animal and human health and life and the environment, not being more trade distorting than necessary.</li> </ul>	All the provisions of WTO Agreement on Technical Barriers to Trade would be applied from the date of accession without recourse to any transition period.	<p>The GOE is implementing the ongoing commitments.</p> <p>The Elbonian enquiry point – General Directorate for Standardization, is making the notifications of all relevant information and changes therein.</p>
<b><u>Sanitary and Phytosanitary Measures Agreement</u></b>	<ul style="list-style-type: none"> <li>• Elbonia will apply all obligations under the WTO Agreement on Sanitary and Phytosanitary Measures from the date of accession without recourse to any transition period.</li> </ul>	At the time of Accession.	<p>The GOE is implementing the ongoing commitments.</p> <p>The Elbonian enquiry point is The General Directorate for Standardization. Actually we are working with the line ministries to be aware of their responsibilities regarding the functioning of the enquiry point and as well to fulfill all the procedures required. In this respect a project</p>

			<p>supported by SIDA is helping in the field. This project is all about the food safety system, how to improve it and being in full compliance with the EU rules.</p> <p>Elbonia has already signed the free trade agreements with all the countries of the region. We are conscious that FTA-s are just first step of all the process on Strengthening the bilateral cooperation with countries in order to make the FTA-s profitable for the national economy. In this respect, especially by the end of transition periods negotiated on eliminating tariffs, the SPS issues, Veterinary Service, etc ., will be subject to other bilateral agreements with countries.</p> <p>In this framework The Ministry of Economy and the line ministries are acting together in order to negotiate and sign bilateral SPS agreements</p>
--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>in full compliance with the WTO SPS Agreement.</p> <p>Related the procedures of notification such agreements to the WTO, we appreciate the assistance from the EU in order to act in fully compliance with WTO principles and rules.</p>
<b><u>Trade-Related Investment Measures</u></b>	<ul style="list-style-type: none"> <li>There are no local content requirements imposed on foreign or domestic firms to purchase or use products of Elbonian origin or from any Elbonian source, nor did Elbonia require that a firm's, foreign or domestic, purchases or use of imported products be limited to an amount related to the volume or value of the local products it exports. There are no provisions that restricted imports, by foreign or Elbonian firms, to an amount related to the quantity or value of the product exported.</li> </ul>	TRIMs Agreement would be applied from the date of accession without recourse to any transition period.	The GOE is implementing the ongoing commitments.
<b><u>State Trading Practices</u></b>	<ul style="list-style-type: none"> <li>Elbonia will apply its laws and regulations governing the trading activities of State-owned enterprises and other enterprises with special or exclusive privileges as defined in Article XVII of the GATT 1994 and the Understanding on that Article and Article VIII of the GATS in conformity with the provisions of the WTO Agreement, and will notify any enterprise falling within the scope of Article XVII.</li> </ul>	At the time of Accession.	<p>The GOE is implementing the ongoing commitments.</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p>

<b><u>Free Zones, Free Economic Zones</u></b>	<ul style="list-style-type: none"> <li>Any free zones established within the territory of Elbonia will be fully subject to the coverage of Elbonia's commitments taken in its Protocol of Accession to the WTO Agreement, and that Elbonia will ensure enforcement of its WTO obligations in those zones. The goods produced in these areas under tax and tariff provisions that exempt imports and imported inputs from tariffs and certain taxes will be subject to normal customs formalities when entering the rest of Elbonia, including the application of tariffs and taxes.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.
<b><u>Government Procurement</u></b>	<ul style="list-style-type: none"> <li>Elbonia will initiate negotiations for membership in the Agreement on Government Procurement by tabling an entity offer. If the results of the negotiations are satisfactory to the interest of Elbonia and the other members of the Agreement, Elbonia will sign the Agreement.</li> </ul>	2003	<p>On October 2001, the Government of Elbonia has initiated the process of accession to GPA. The Elbonian Secretariat for WTO has notified all the relevant legislation and regulatory acts on public procurement.</p> <p>Elbonia has presented all replies to the questions made by EU, USA, Switzerland, Canada, Hong Kong China, etc.</p> <p>Elbonia has not presented any offer in this regard.</p>
<b><u>Agricultural Policies</u></b>	<ul style="list-style-type: none"> <li>Elbonia has not used agricultural export subsidies in the past and will bind export subsidies at zero.</li> <li>The Elbonian domestic support for agriculture sector is zero, and in the future will be in fully compliance with the WTO Agreement on Agriculture applying the “<i>de minimis</i>” rule.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.

<p><b><u>Trade in Services</u></b></p>	<ul style="list-style-type: none"> <li>• The Bank of Elbonia reserves the right to maintain capital controls, which will apply on national treatment basis.</li> <li>• Fixed telephony under telecommunication services will be liberalized.</li> </ul>	<p>Within 2010</p> <p>1 of January 2003</p>	<p>The Bank of Elbonia is implementing the ongoing commitments.</p> <p>Fixed telephony services on urban areas, local and national is liberalized on July 2003. The Company Albtelecom is maintaining the exclusivity rights only on international fixed telephony services. On September 5, 2003, Ministry of Economy has made the notification to the WTO Secretariat, requesting to the WTO Members a temporary waiver on the obligation of full liberalization. The request of Elbonia will be examined in the meeting of the General Council of the WTO, on December 5, 2003.</p> <p>The commitment is under implementation since January 2003.</p>
----------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<ul style="list-style-type: none"> <li>Consumption abroad for life insurance services (not including marine aviation and transport services) will be liberalized</li> </ul>	1 of January 2003	<p>The Elbonian Secretariat for WTO is cooperating with Insurance Supervisory Commission to fulfill the commitment.</p> <p>The law is already approved.</p>
	<ul style="list-style-type: none"> <li>No limitations for cross-border supply for insurance of non-residents in Elbonia and foreign investments</li> </ul>	1 of January 2005	<p>The GOE is implementing the ongoing commitments.</p> <p>Elbonian Secretariat for Relations with WTO has submitted the notifications of the new or changes of laws and all other administrative acts related to trade in services, such as insurance, banking, construction, education, etc.</p>
	<ul style="list-style-type: none"> <li>The "Law on Investment Funds" would be amended to improve the securities regime and to provide a framework for asset management.</li> </ul>	Within 1 year from the date of accession	
	<ul style="list-style-type: none"> <li>In the schedule of services Elbonia is committed for liberalization and not maintaining limitations on services sectors as follows:</li> </ul> <p>Legal consultancy, accountancy and taxation services, architectural services, engineering services and integrated engineering services, urban planning and landscape services,</p>	At the date of accession	

	medical and dental services, veterinary services, computer and related services, other business services, telecommunication services (excluding telecommunication services for fixed telephony) construction and related services, educational services, library and archive services, health and social related services, tourist and related services, auxiliary transport services.		
<b><u>Schedule of Specific Commitments on Trade in services – Horizontal Part, Real Estate</u></b>	<ul style="list-style-type: none"> <li>Natural and juridical foreign persons that intend to supply services or are supplying services in the territory of Republic of Elbonia will be entitled to lease or to buy non-agricultural land necessary to carry out their business whether the land is state-owned or privately owned. To buy state-owned non-agricultural land the value of investment at the certain land must be three times higher than the value of non -agricultural land. The Council of the Ministers defines the value of non-agricultural land when it is state owned property.</li> </ul> <p>No restrictions apply with regard to the acquisition of private land as well as leasing of land.</p>	At the time of accession	As far as concern the commitment to the Real Estate, Ministry of Economy has made the notification to the WTO Secretariat, on July 31, 2003, as suggested by the EU side during the SAA process, in relation to the corrigendum of the said commitment as follows: <b>“Natural and juridical foreign persons that intend to supply services or are supplying services in the territory of Republic of Elbonia will be entitled to lease or to buy non-agricultural land necessary to carry out their business whether the land is state-owned or privately owned. To buy non-agricultural land the value of investment at</b>



			<b>the certain land must be three times higher than the value of non - agricultural land.”</b>
<b><u>Trade-Related Intellectual Property Regime</u></b>	<ul style="list-style-type: none"> <li>• Elbonia will ratify the WIPO Copyright Treaty</li> <li>• Elbonia will ratify the WIPO Performances and Phonograms Treaty.</li> </ul>	<p>October 2000</p> <p>October 2000</p>	<p>By Law No. 8838 of November 22, 2001, the Parliament of Elbonia has approved the adherence of the Republic of Elbonia in the WIPO Copyright Treaty</p> <p>By Law No. 8740 of February 15, 2001 the Parliament of Elbonia approved the adherence of the Republic of Elbonia in the WIPO Performances and Phonograms Treaty</p> <p>By the Order No. 38 dated 09/02/2000 of the Prime Minister, the Elbonian Secretariat for WTO is supervising and monitoring every new legal act related to trade or changes therein.</p> <p>Based on the Article 63.2 of the TRIPS Agreement, Elbonia has notified the complete regulatory framework related to the</p>

			copyright, industrial property, protection of the topographies of integrated circuits, etc., other laws and regulations related to this field, as well as answers of the checklist of issues on enforcement.
<b><u>Trade in Civil Aircraft</u></b>	<ul style="list-style-type: none"> <li>Elbonia is in conformity with the Agreement on Trade in Civil Aircraft and imports on civil aircraft and parts are already zero.</li> </ul>	At the time of Accession.	Done
Transparency	<ul style="list-style-type: none"> <li>Elbonia will submit all initial notifications required by any Agreement constituting part of the WTO Agreement.</li> </ul>	At the time of Accession.	The Elbonian Secretariat for WTO continuously is notifying every new legal act or regulation, or changes therein.

<p><u>TRADE AGREEMENTS</u></p>	<ul style="list-style-type: none"> <li>The Government of Elbonia will observe the provisions of the WTO including Article XXIV of the GATT 1994 and Article V of the GATS in its trade agreements from the date of accession, and will ensure that the provisions of these WTO Agreements for notification, consultation and other requirements concerning preferential trading systems, free trade areas and customs unions of which Elbonia became a member will be met.</li> </ul>	<p>At the time of Accession.</p>	<p>Elbonia is in the process of notifying all Free Trade Agreements with countries in the Region, specifically with Macedonia, Croatia, B&amp;H, Romania, Bulgaria, Moldova, Serbia and Montenegro, and UNMIK. Actually, we are in contacts with bilateral partners in order to provide and submit the notification for each Agreement. We'll start the process with the notifications on FTA with Croatia, B&amp;H, UNMIK and S&amp;M. Also, we are contacting the Macedonian, Bulgarian, Romanian and Moldavian side, in order to precise which side will submit the notification to the WTO.</p>
<p><b><u>State Ownership and Privatization</u></b></p>	<ul style="list-style-type: none"> <li>Elbonia will ensure the transparency of its ongoing privatization program and to keep WTO Members informed of its progress in the reform of its transforming economic and trade regime. The Government of Elbonia will provide annual reports to WTO Members on developments in its program of privatization as long as the privatization program will be in</li> </ul>	<p>At the time of Accession.</p>	<p>The GOE is implementing the ongoing commitments, by notifying to the WTO Secretariat the ongoing process of privatization.</p>

	existence and reports on other issues related to its economic reforms as relevant to its obligations under the WTO.		
<b><u>Pricing Policies</u></b>	<ul style="list-style-type: none"> <li>Elbonia will apply its current price regulation system and any other state-mandated prices or price controls applied from the date of accession in a WTO-consistent fashion, and will take account of the interests of exporting WTO members as provided for in Article III.9 of the GATT 1994.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.
<b><u>Power of the executive, legislative and judicial branches of government</u></b>	<ul style="list-style-type: none"> <li>In Elbonia the sub-central entities has no autonomous authority over issues of subsidies, taxation, trade policy or any other measures covered by WTO provisions. The provisions of the WTO Agreement, including the Elbonian Protocol, will be applied uniformly throughout the customs territory of Elbonia and other territories under its control, including regions engaging in border trade or frontier traffic, special economic zones, and other areas where special regimes for tariffs, taxes and regulations were established. The central authorities will eliminate or nullify measures taken by sub-central authorities in Elbonia that are inconsistent with WTO provisions from the date of accession. If the Government of Elbonia is informed of a specific situation where WTO provisions are not being applied or where applied in a non-uniform manner, central authorities will act to enforce WTO provisions without requiring affected parties to petition through the courts.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.
<b><u>Registration Requirements For Trading</u></b>	<ul style="list-style-type: none"> <li>Elbonia will ensure that its laws and regulations relating to trade in goods and all fees, charges or taxes levied on such rights will 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 will also implement such laws and regulations in full conformity with these obligations.</li> </ul>	At the time of Accession.	The GOE is implementing the ongoing commitments.

## VIII. LIST OF FOCAL POINTS ON NEGOTIATION MATTERS

### ANNEX 3

#### TRADE POLICY REVIEW MECHANISM

*Members hereby agree as follows:*

##### *A. Objectives*

(i) The purpose of the Trade Policy Review Mechanism ("TPRM") is to contribute to improved adherence by all Members to rules, disciplines and commitments made under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, and hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members. Accordingly, the review mechanism enables the regular collective appreciation and evaluation of the full range of individual Members' trade policies and practices and their impact on the functioning of the multilateral trading system. It is not, however, intended to serve as a basis for the enforcement of specific obligations under the Agreements or for dispute settlement procedures, or to impose new policy commitments on Members.

(ii) The assessment carried out under the review mechanism takes place, to the extent relevant, against the background of the wider economic and developmental needs, policies and objectives of the Member concerned, as well as of its external environment. However, the function of the review mechanism is to examine the impact of a Member's trade policies and practices on the multilateral trading system.

##### *B. Domestic transparency*

Members recognize the inherent value of domestic transparency of government decision-making on trade policy matters for both Members' economies and the multilateral trading system, and agree to encourage and promote greater transparency within their own systems, acknowledging that the implementation of domestic transparency must be on a voluntary basis and take account of each Member's legal and political systems.

### C. *Procedures for review*

(i) The Trade Policy Review Body (referred to herein as the "TPRB") is hereby established to carry out trade policy reviews.

(ii) The trade policies and practices of all Members shall be subject to periodic review. The impact of individual Members on the functioning of the multilateral trading system, defined in terms of their share of world trade in a recent representative period, will be the determining factor in deciding on the frequency of reviews. The first four trading entities so identified (counting the European Communities as one) shall be subject to review every two years. The next 16 shall be reviewed every four years. Other Members shall be reviewed every six years, except that a longer period may be fixed for least-developed country Members. It is understood that the review of entities having a common external policy covering more than one Member shall cover all components of policy affecting trade including relevant policies and practices of the individual Members. Exceptionally, in the event of changes in a Member's trade policies or practices that may have a significant impact on its trading partners, the Member concerned may be requested by the TPRB, after consultation, to bring forward its next review.

(iii) Discussions in the meetings of the TPRB shall be governed by the objectives set forth in paragraph A. The focus of these discussions shall be on the Member's trade policies and practices, which are the subject of the assessment under the review mechanism.

(iv) The TPRB shall establish a basic plan for the conduct of the reviews. It may also discuss and take note of update reports from Members. The TPRB shall establish a programme of reviews for each year in consultation with the Members directly concerned. In consultation with the Member or Members under review, the Chairman may choose discussants who, acting in their personal capacity, shall introduce the discussions in the TPRB.

(v) The TPRB shall base its work on the following documentation:

- (a) a full report, referred to in paragraph D, supplied by the Member or Members under review;
- (b) a report, to be drawn up by the Secretariat on its own responsibility, based on the information available to it and that provided by the Member or Members concerned. The Secretariat should seek clarification from the Member or Members concerned of their trade policies and practices.

(vi) The reports by the Member under review and by the Secretariat, together with the minutes of the respective meeting of the TPRB, shall be published promptly after the review.

(vii) These documents will be forwarded to the Ministerial Conference, which shall take note of them.

#### D. *Reporting*

In order to achieve the fullest possible degree of transparency, each Member shall report regularly to the TPRB. Full reports shall describe the trade policies and practices pursued by the Member or Members concerned, based on an agreed format to be decided upon by the TPRB. This format shall initially be based on the Outline Format for Country Reports established by the Decision of 19 July 1989 (BISD 36S/406-409), amended as necessary to extend the coverage of reports to all aspects of trade policies covered by the Multilateral Trade Agreements in Annex 1 and, where applicable, the Plurilateral Trade Agreements. This format may be revised by the TPRB in the light of experience. Between reviews, Members shall provide brief reports when there are any significant changes in their trade policies; an annual update of statistical information will be provided according to the agreed format. Particular account shall be taken of difficulties presented to least-developed country Members in compiling their reports. The Secretariat shall make available technical assistance on request to developing country Members, and in particular to the least-developed country Members. Information contained in reports should to the greatest extent possible be coordinated with notifications made under provisions of the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements.

#### E. *Relationship with the balance-of-payments provisions of GATT 1994 and GATS*

Members recognize the need to minimize the burden for governments also subject to full consultations under the balance-of-payments provisions of GATT 1994 or GATS. To this end, the Chairman of the TPRB shall, in consultation with the Member or Members concerned, and with the Chairman of the Committee on Balance-of-Payments Restrictions, devise administrative arrangements that harmonize the normal rhythm of the trade policy reviews with the timetable for balance-of-payments consultations but do not postpone the trade policy review by more than 12 months.

#### F. *Appraisal of the Mechanism*

The TPRB shall undertake an appraisal of the operation of the TPRM not more than five years after the entry into force of the Agreement Establishing the WTO. The results of the appraisal will be presented to the Ministerial Conference. It may subsequently undertake appraisals of the TPRM at intervals to be determined by it or as requested by the Ministerial Conference.

#### G. *Overview of Developments in the International Trading Environment*

An annual overview of developments in the international trading environment which are having an impact on the multilateral trading system shall also be undertaken by the TPRB. The overview is to be assisted by an annual report by the Director-General setting out major activities of the WTO and highlighting significant policy issues affecting the trading system.



## **IX. TPR: REPORT BY THE WTO SECRETARIAT ON BAHRAIN**

# **WORLD TRADE ORGANIZATION**

RESTRICTED

**WT/TPR/S/185**

13 June 2007

(07-2436)

---

**Trade Policy Review Body**

### **TRADE POLICY REVIEW**

#### **Report by the Secretariat**

#### **BAHRAIN**

This report, prepared for the second Trade Policy Review of Bahrain, has been drawn up by the WTO Secretariat on its own responsibility. The Secretariat has, as required by the Agreement establishing the Trade Policy Review Mechanism (Annex 3 of the Marrakesh Agreement Establishing the World Trade Organization), sought clarification from Bahrain on its trade policies and practices.

Any technical questions arising from this report may be addressed to Mr. Jacques Degbello (tel: 022/739 5583), or Mr. Ricardo Barba (tel: 022/739 5088), or Mr. Samer Seif El Yazal (tel: 022/739 5459), or Mr. Carlos Perez del Castillo (tel: 022/739 5336).

Document WT/TPR/G/185 contains the policy statement submitted by Bahrain.

Note: This report is subject to restricted circulation and press embargo until the end of the first session of the meeting of the Trade Policy Review Body on Bahrain.

# CONTENTS

Page

<b>SUMMARY OBSERVATIONS .....</b>	<b>vii</b>
(1) The Economic Environment.....	VII
(2) Institutional Framework.....	VII
(3) Trade Policy Instrument.....	VIII
(4) Sectoral Policies.....	IX
(5) Trade Policy and Trading Partners .....	X
<b>I. ECONOMIC ENVIRONMENT .....</b>	<b>1</b>
(1) Major Features of the Economy.....	1
(2) Recent Economic Developments.....	2
(3) Trade Performance and Investment .....	4
(i) Trade in goods and services.....	4
(ii) Foreign direct investment.....	7
(4) Outlook 8	
<b>II. TRADE AND INVESTMENT REGIMES .....</b>	<b>10</b>
(1) The Institutional Framework.....	10
(2) Trade Policy Formulation and Implementation .....	11
(3) Policy Objectives.....	14
(4) Trade Agreements .....	14
(i) WTO.....	14
(ii) Regional agreements.....	17
(iii) Bilateral agreements .....	18
(iv) Other preferential agreements .....	18
(5) Investment Framework .....	19
<b>III. TRADE POLICIES AND PRACTICES BY MEASURE .....</b>	<b>22</b>
(1) Introduction .....	22
(2) Measures Directly Affecting Imports .....	22
(i) Registration and documentation .....	22
(ii) Customs procedures and valuation .....	23
(iii) Rules of origin .....	24
(iv) Tariffs, other duties, and taxes.....	24
(v) Import prohibitions, restrictions, and licensing .....	28
(vi) Contingency trade remedies .....	30
(vii) Standards and other technical requirements .....	30
(viii) Government procurement.....	34
(ix) Local-content requirements .....	36
(x) Other measures .....	36
(3) Measures Directly Affecting Exports .....	36
(i) Registration and documentation .....	36
(ii) Export duties and taxes .....	36
(iii) Export prohibitions and restrictions.....	36
(iv) Export subsidies, finance, insurance, and assistance .....	37
(v) Free zones .....	38
(4) Measures Affecting Production and Trade .....	38

Page

(i)	Incentives .....	38
(ii)	Competition policy and price controls .....	39
(iii)	State-owned enterprises and privatization.....	39
(iv)	Intellectual property rights.....	41
<b>IV.</b>	<b>TRADE POLICIES BY SECTOR .....</b>	<b>47</b>
(1)	Introduction .....	47
(2)	Agriculture and Related Activities .....	47
(i)	Main features .....	47
(ii)	Agricultural policy .....	49
(iii)	Fisheries.....	50
(3)	Mining, Quarrying and Energy .....	52
(i)	Overview .....	52
(ii)	Petroleum.....	54
(iii)	Natural gas.....	56
(iv)	Electricity.....	57
(4)	Manufacturing .....	58
(i)	Main features .....	58
(ii)	Policy framework.....	58
(iii)	Aluminium .....	59
(5)	Services .....	61
(i)	Overview .....	61
(ii)	Financial services.....	62
(iii)	Telecommunications and postal services .....	68
(iv)	Transport.....	72
(v)	Tourism .....	76
	<b>REFERENCES .....</b>	<b>79</b>
	<b>APPENDIX TABLES.....</b>	<b>83</b>

## CHARTS

*Page*

I.	ECONOMIC ENVIRONMENT	
I.1	Structure of merchandise trade, 1995-06	6
III.	TRADE POLICIES AND PRACTICES BY MEASURE	
III.1	Breakdown of applied MFN duties, 2007	25
III.2	Tariff escalation by ISIC 2-digit industry, 2007	27
IV.	TRADE POLICIES BY SECTOR	
IV.1	Bahrain's MFN tariff by ISIC classification, 2007	60

## TABLES

I.	ECONOMIC ENVIRONMENT	
I.1	Bahrain at a glance	1
I.2	Selected economic indicators, 2000-06	3
I.3	Balance of payments, 2000-06	5
I.4	Foreign direct investment, 2000-06	7
II.	TRADE AND INVESTMENT REGIMES	
II.1	Main trade-related laws in Bahrain, March 2007	13
II.2	Bahrain's selected notifications to the WTO, as of March 2007	15
II.3	Bilateral investment treaties, March 2007	21
III.	TRADE POLICIES AND PRACTICES BY MEASURE	
III.1	Structure of MFN tariffs in Bahrain, 2002 and 2007	25
III.2	Summary analysis of Bahrain MFN tariff, 2007	26
III.3	Prohibited imports, 2007	29
III.4	Restricted imports, 2007	29
III.5	Import controls, 2007	31
III.6	Government procurement, 2002-06	35
III.7	Prohibited exports, 2007	36
III.8	Restricted exports, 2007	37
III.9	Selected state-owned enterprises, 2007	40
III.10	Summary of IPR legislation in Bahrain	42
	SABEQ: WTO Trade Policy Review Workshops	69

---

IV.	TRADE POLICIES BY SECTOR	
IV.1	Livestock, poultry, and fisheries production, 1999-05	48
IV.2	Vegetable crops production, 1999-05	49
IV.3	Production, consumption and exports of oil, gas, and refined products, 2000-06	55
IV.4	BANAGAS gas production and export, 1999-06	56
IV.5	Electricity tariffs, 2007	57
IV.6	Structure of the banking system, December 2006	63
IV.7	Selected telecommunication indicators, 2000-05	68
IV.8	Shipping and maritime transport services, 2000-05	72
IV.9	Air transport services, 2002-06	74

## APPENDIX TABLES

*Page*

I.	ECONOMIC ENVIRONMENT	
AI.1	Structure of exports, including re-exports, 2000-06	85
AI.2	Destinations of exports, including re-exports, 2000-06	86
AI.3	Structure of imports, 2000-06	87
AI.4	Origins of imports, 2000-06	88
III.	TRADE POLICIES AND PRACTICES BY MEASURE	
AIII.1	Applied MFN tariff averages by HS2, 2007	89
IV.	TRADE POLICIES BY SECTOR	
AIV.1	Applied MFN tariffs by ISIC Rev.2 category, 2007	93
AIV.2	Summary of Bahrain's specific commitments in services, 2007	96

## **SUMMARY OBSERVATIONS**

### **(1) THE ECONOMIC ENVIRONMENT**

1. Since its first TPR in 2000, Bahrain's development strategy, together with high world oil prices, has resulted in an impressive economic performance. Its real GDP growth rate rose from an annual average of 4.8% during 1989-98 to 6.2% over 2000-06, while its annual average inflation rate was contained at 0.3%, on average, during 2000-04, before moving to 2.6% in 2005 and 2.1% in 2006, reflecting increased demand. Largely due to a significant surge in oil and gas earnings, the external current account has recorded surpluses since 2000, with the exception of 2002, peaking at an estimated 18.1% of GDP in 2006; the overall public deficits of 3.9% of GDP in 2002 and 2% in 2003 turned into surpluses thereafter. Bahrain's external debt remains manageable, although it increased from 4.3% of GDP in 2000 to 9.9% of GDP in 2005.

2. Bahrain is endowed with smaller oil resources than its neighbours. Awareness of this situation and of the unfavourable agricultural conditions in the region has led Bahrain to adopt a development strategy that has made it one of the most diversified economies in the Gulf. Based on, inter alia, skilled foreign labour, imported inputs, and incentives schemes, the diversification strategy has focused on oil refining, petrochemicals, aluminium and related downstream industries, ship repairing, and a major financial services subsector. Services contribute almost 75% to Bahrain's real GDP, and employ over 50% of the workforce. Manufacturing's share in Bahrain's real GDP is about 13%; the mining and quarrying sector (notably oil and gas) accounts for 12%, while agriculture contributes 0.6%. Nevertheless, despite Bahrain's diversification efforts, oil and gas account for around 70% of both government income and merchandise exports. Bahrain's average annual inflow of foreign direct investment (FDI) doubled from an average of US\$458 million a year in the decade to 2000 to an annual average of US\$941 million over 2001-06, reaching US\$2,915 million in 2006, partly due to its privatization programme.

3. Bahrain has invested in health, education, infrastructure projects, and its Future Generation Fund was launched, in January 2007, to ensure inter-generational economic equity in the exploitation of its non-renewable natural wealth. Bahrain has been implementing measures to improve its investment climate, such as the creation of the one-stop shop, Bahrain Investors' Centre in July 2004 to facilitate the setting-up of business. However, foreign companies remain excluded from investing in certain activities (e.g. road transport of goods and passengers), and their ownership is limited in other sectors. Such restrictions contrast with the 70% share of foreigners in Bahrain's labour force. Bahrain's main economic and social problem seems to be its relatively high unemployment rate (14% of the local labour force), which is why employment is given priority in its economic policy.

4. The Central Bank of Bahrain (CBB) was established on 7 September 2006, replacing the Bahrain Monetary Agency (BMA). The CBB carries out all the tasks previously undertaken by the BMA, but has wider enforcement powers. Pegged to the U.S. dollar since 2001, the Bahraini dinar, the national currency, has remained fairly stable in real terms. Bahrain's high ratio of exports and imports in goods and services to GDP (129% on average during 2002-05) reflects the importance of trade to its economy. Its merchandise exports and imports are dominated by oil and gas products, while the origin and destination of its trade are relatively diversified. Bahrain is, increasingly, a net exporter of services, with a surplus averaging US\$417.2 million per year over 2000-06 and peaking at US\$696.7 million in 2006; travel services is the main subsector (85% of the total services surplus in 2006).

### **(2) INSTITUTIONAL FRAMEWORK**

5. Formulation and implementation of Bahrain's trade policy are the responsibility of the Ministry of Industry and Commerce (MIC). Depending on the nature of the issue, the MIC consults with relevant ministries and other institutions that also take part directly or indirectly in foreign trade



policy formulation and/or implementation, including the Economic Development Board. The private sector provides, on an ad hoc basis, inputs to trade policy formulation through the Chambers of Commerce and Industry. The National Committee, created in 1996 under the supervision of the MIC, deals with WTO-related matters.

6. Bahrain has been reviewing and amending its laws with a view to their conformity with Bahrain's WTO obligations. Several new laws have been introduced since its last TPR, including a revised Commercial Companies Law (2001), a trade remedies law covering anti-dumping, subsidies and countervailing, and safeguards measures, as well as other laws relating to telecommunications, patent and utility modes, trade marks, trade secrets, geographical indications, drawings and industrial designs, and integrated circuits.

7. A Contracting Party to the GATT since 13 December 1993, Bahrain became a founding Member of the WTO on 1 January 1995. Bahrain is neither a signatory nor an observer to any of the WTO's plurilateral agreements. It is a signatory to the WTO's Information Technology Agreement (ITA), and to the Fifth Protocol on financial services. Bahrain has not been involved in any dispute under the WTO Dispute Settlement Mechanism, either directly or as a third party. Bahrain grants at least MFN treatment to all its trading partners. It has difficulties in meeting a number of the notifications required by certain WTO Agreements.

8. Bahrain is a member of the Gulf Cooperation Council (GCC), and participates in the Greater Arab Free-Trade Area (GAFTA). In the context of the GCC, negotiations for trade agreements are continuing with, inter alia, the EC, EFTA, MERCOSUR, China, India, Japan, Pakistan, Singapore, and Turkey. Bahrain also has its own bilateral trade agreements, notably with the United States (into force since 1 August 2006). Bahrain became the first country in the region to have such a bilateral agreement, although the other GCC members are also negotiating bilaterally with the United States. GCC Heads of States have agreed that any new preferential agreement concluded by a member would apply *pari passu* to all members, except for agreements with the United States.

### **(3) TRADE POLICY INSTRUMENTS**

9. Bahrain has applied the GCC common external tariff (CET) since 1 January 2003. The adoption of the CET by Bahrain decreased its simple average applied MFN tariff from 7.7% in 2000 to 5.3% in 2007. All rates are *ad valorem* (except on tobacco), and there are no tariff quotas and no other duties and taxes on imports. Bahrain's exceptions to the GCC CET include alcohol (125%) and tobacco (subject to an alternate tariff, with an *ad valorem* component of 100%). On the basis of the WTO definition, tariffs average 7.4% in agriculture (down from 7.9% in 2000), and 4.9% on non-agricultural products (7.7% in 2000). Using ISIC (Revision 2) definition, the least tariff protected sector is agriculture with 3.3% (against 4.3% in 2000), followed by mining and quarrying (4.9%, down from 5.2% in 2000), and manufacturing (5.4%, 8% in 2000).

10. On aggregate, Bahrain's tariff displays positive escalation, from first-stage processed products, with an average tariff of 4%, to semi-finished goods, with an average rate of 4.9%, and fully processed products, on which tariffs average 5.8%. Bahrain has bound 72.7% of its tariff lines (all agricultural goods and 67.3% of non-agricultural tariff lines) at rates ranging from 35% to 200%, i.e. an average bound rate of 35.6%; this leaves ample margins for applied tariff increases. It has never taken any anti-dumping, countervailing or safeguard actions. Duty concessions can be granted (including on a selective basis) as part of various investment incentives to, inter alia, encourage economic diversification and promote exports. Extension of the scope of tariff binding commitments, reduction of bound rates, and further tariff rationalization in the light of the structure of the economy should introduce more predictability in the tariff regime, reduce the need for concessions, and ensure further integration of Bahrain into the multilateral trading system.

11. *The documentation for all imported products must be authenticated by the Consulate of Bahrain or any Arab Embassy in the country of origin. Bahrain encounters some difficulties, mainly technical, in implementing the provisions of the GCC customs law based on the WTO Agreement on Customs Valuation. Non-tariff measures are maintained on imports and exports, mainly for health, security and moral reasons. Bahrain has largely harmonized its regime on standards and technical regulations with other GCC members.*

12. *In 2002, Bahrain adopted a new government procurement regime; it still provides for 10% and 5% price preferences for local and GCC products, respectively. Bahrain has no competition legislation per se. It has adopted the provisions on contingency trade remedies contained in the GCC Treaty. During the last few years, Bahrain has made significant progress in enforcing its TRIPS legislation. Nevertheless, software piracy, which has shifted from retail to end-user violations, has been reported as problematic.*

#### **(4) SECTORAL POLICIES**

14. *The services sector is a key component in Bahrain's overall policy of economic diversification; financial services, in particular, have developed strongly over the last few years, serving both the domestic economy and those of its neighbours. In July 2004, Bahrain liberalized its fixed and international telecommunication services. Foreign ownership is allowed in the majority of services subsectors. Nevertheless, provision of certain services, such as road and maritime transport, is restricted to Bahraini nationals. Under the General Agreement on Trade in Services (GATS), Bahrain scheduled commitments only in some financial services; it has no MFN exemptions under Article II of the GATS. In the ongoing services negotiations, Bahrain has tabled its revised conditional offer.*

15. *The mining and quarrying sector, basically petroleum and natural gas, is dominated by several state-owned companies, notably BAPCO and BANAGAS. Bahrain's crude oil production has remained relatively stable over the past few years and reached about 67 million barrels in 2006. It is also a significant importer of crude petroleum, which, along with the local production, is destined mainly for its refinery. The Government is seeking to further develop its petroleum resources either directly or in cooperation with foreign enterprises through production-sharing agreements. Bahrain also is increasing its electricity network and upgrading the generation capacity in order to meet its growing demand.*

16. *Bahrain's manufacturing sector is based on its apparent comparative advantage in energy-intensive industries, particularly aluminium. Despite recent privatizations, the State continues to play a significant role in the sector. The Government holds a majority stake or is an important shareholder in some manufacturing companies, notably in ALBA, the main aluminium enterprise. Manufacturing is being promoted partly through investment incentives, including exemption from import duties, reduced electricity tariffs for investors in the sector, and a five-year grace period on rent payment for land in the industrial zones.*

17. *Bahrain is implementing a 2004-15 plan for sustainable agriculture development to improve production and raise productivity. The main agricultural constraints include a limited availability of good quality soils and water, and unfavourable climate. Bahrain is a net importer of agricultural products. The Government assists agricultural producers mainly by offering subsidies for a number of inputs, such as pesticides, veterinary drugs, machinery services, and irrigation material. Export prohibitions and restrictions apply to some agricultural products, such as live horses, camels, and palm tree offshoot.*

#### **(5) TRADE POLICY AND TRADING PARTNERS**

18. *With a generally open and increasingly diversified economy, Bahrain is committed to the multilateral trading system, and it is actively participating in the Doha Development Agenda. Nonetheless, Bahrain needs to bring some elements of its trade regime more up to date and into greater conformity with WTO provisions. Continued reforms, including lifting the remaining impediments to FDI, the adoption of a competition policy, and further improvement of Bahrain's multilateral commitments, both on goods and services, could contribute to better resource allocation, and increase the predictability of its trade regime.*

19. *Increasingly, a key element in Bahrain's reform process relates to full economic integration under the GCC, including the planned establishment of the monetary union by 2010. Bahrain's membership in the GCC has contributed to GDP growth by improving competition in the economy, but has also detracted it from multilateral efforts, given the increased demand on its limited administrative and negotiating resources. Bahrain's future trade agreements, both at the GCC level and bilaterally, could further complicate this situation. It is therefore important to consider the potentially greater advantages of further market opening on a multilateral basis. Trading partners could help by ensuring that their markets are fully open to goods and services of interest to Bahrain, and by providing more technical assistance.*

## **X. TPR: REPORT BY THE GOVERNMENT OF BAHRAIN**

# **WORLD TRADE ORGANIZATION**

RESTRICTED

**WT/TPR/G/185**

13 June 2007

(07-2402)

---

**Trade Policy Review Body**

Original: English

## **TRADE POLICY REVIEW**

**Report by**

**BAHRAIN**

Pursuant to the Agreement Establishing the Trade Policy Review Mechanism (Annex 3 of the Marrakesh Agreement Establishing the World Trade Organization), the policy statement by Bahrain is attached.

---

Note: This report is subject to restricted circulation and press embargo until the end of the first session of the meeting of the Trade Policy Review Body on Bahrain.

SABEQ: WTO Trade Policy Review Workshops

## CONTENTS

	<i>Page</i>
I. INTRODUCTION	4
II. NATIONAL DEVELOPMENT	5
III. ENHANCING PRODUCTIVITY AND CAPACITY	5
(1) Policy Initiatives	5
(i) Encouraging inward investment	7
(ii) Developing industry	7
(iii) Building on the financial services sector	7
(iv) Importance of intellectual property rights	8
(v) Competition	8
(vi) Privatization	9
(vii) Human resource development	9
(viii) Fiscal policy	10
(ix) Monetary policy	10
(x) Stability	11
(2) Growth Sectors	11
(i) Tourism	11
(ii) Financial services	11
(iii) Manufacturing	12
(iv) Telecommunications	12
(v) e-commerce	12
(vi) Construction	13
(vii) Education	14
(viii) Healthcare	14
IV. TRADE POLICY	14
(1) Bahrain and the world	14
(2) Bahrain and the region	15
(i) GCC membership	15
SABEQ: WTO Trade Policy Review Workshops	77

(ii) GAFTA membership	15
(iii) Bilateral agreements	16
ANNEX I: TRADE RELATED TECHNICAL ASSISTANCE	17
Annex II: Contributors to this Government Report	18

## Introduction

Being the only Island States in the region, and having a small population and limited resources, Bahrain has traditionally adopted an outward looking posture to the world at large, and has thrived on sea-bed pearl prospecting, sea-borne merchandising, and trans-shipment. The discovery of oil in the early 1930's triggered the start of the new era.

Against this background, the Bahraini population, from both genders, has become highly skilled, market minded, and private business oriented. It is no accident that basic services like education, healthcare and hospitality, have been launched in Bahrain ahead of many other peer countries, and no wonder then that Bahrain was welcoming foreign investors as early as the first half of the last century, and has now fully embraced an open market philosophy as a means of underpinning future economic development.

Today, Bahrain is one of the major commercial centers of the world, in the heart of the Arabian Gulf, and with strategic access to Asian and European markets. Bahrain is also one of the most attractive financial, and investment destinations in the world, ranking high among the world's freest economies and most friendly investment destinations. Almost all sectors, including telecommunications are completely open to foreign investor participation, either on a 100% ownership basis or in joint venture.

Bahrain's strong showing in the 2007 Heritage Foundation Index of Economic Freedom as being the freest economy amongst Arab countries, and ranked 39<sup>th</sup> overall in the world, is an indication of Bahrain's liberal policies and practices.

Bahrain's banking system ranks on a par with developed countries, and is rated in Category B of the Fitch Banking Sector Indicator, as a reflection of the quality and strength of the intrinsic banking system. Furthermore, current economic reforms have encouraged international rating agency Standards and Poors to raise Bahrain FC ratings to (A) with (Stable) Outlook in 2006. In addition, Fitch Ratings has upgraded the outlook of Bahrain from Stable to (Positive).

Bahrain's position as the banking and financial hub of the region was reaffirmed in February 2006, with the launch of the Middle East and North Africa (MENA) Investment Centre in Bahrain. The centre supports the joint MENA-OECD Investment Programme with the involvement of 18 countries, placing Bahrain in a pivotal regional role to assist with coordinating the investment policy research activities of the OECD in the region.

The award of "Middle East City of the Future", by the Financial Times business magazine FDI, is also a measure of the success of Bahrain in creating an environment conducive to inward investment.

Bahrain's economic growth rate in year 2005 rose to 7.8% compared to 5.6% in the previous year, with GDP at constant prices increasing to US\$ 9,286m from US\$8612.2m in 2004. This growth is attributed to improvement in most non oil sectors, particularly the financial sector, telecommunications, manufacturing, construction, education and health services.

As the private sector led developments focus towards a knowledge based economy built around a number of key high value sector clusters, designed to generate high-skill, high wage jobs to absorb the well trained and educated labour force, human resource development becomes of great importance. Already Bahrain ranks 39<sup>th</sup> globally, and second in the Arab world in the UN Human Development Index, and women continue to play an effective role both in business and in social and political life.

Bahrain has used its limited oil resources to create an enabling environment under which its people, institutions and infrastructure have developed and transformed the country into a modern democratic nation; a nation which is welcoming and tolerant of all nationalities and faiths; which actively encourages inward investment; a nation which upholds the rule of law, and a Government which empowers the private sector to be the engine of growth.

The period from Bahrain's last Trade Policy Review has shown significant change in terms of economic transformation, but the next 6 years are projected to be nothing short of remarkable. Underscored by the democratic process, spearheaded by institutional reorganization and economic reforms, Bahrain is set to stand out in the Middle East region as an example of what can be achieved by a small nation which has invested heavily in its major asset, the Bahraini people.

## NATIONAL DEVELOPMENT

The transition into a constitutional monarchy in 2002 based on a national referendum has resulted in political liberalization and strong backing for economic reform programs. Elections in 2006 following on from those in 2002 witnessed engagement from all parties and sections of society, and has brought with them a shift in perceptions of what can be achieved at an individual level, with an amplified sense of citizenship.

The commitment to openness and democracy has invigorated economic development strengthened Bahrain's one family spirit, and the Government has been reshaped in order to focus on the private sector as the economic driving force, and consequently has been gradually removing itself from involvement in the productive processes, through the process of privatization and divestiture.

A number of public boards and intergovernmental committees have been established to ensure full integration of the private sector into the economic development process, with the whole process being coordinated with the Bahrain Economic Development Board (EDB), which is focused on formulating and implementing Bahrain's economic development strategy.

An efficiency drive, spearheaded by the Civil Service Bureau, aims at strengthening the performance and efficiency of government departments, whilst at the same time the process of outsourcing will lead to a downsizing of Government.

## Enhancing productivity and capacity

### Policy Initiatives

Increased productivity is the principle economic growth trigger which is being adopted to ensure sustainable development, through a marriage of improving the use of technology, stimulating innovation, and creating a more productive and skilled labor force in line with market requirements.

Bahrain's private sector has historically been one of the most active sectors in the region, moving from a mercantile focus to develop sizeable industries and services, such as light manufacturing, retail, tourism, telecommunications and financial services. Small and Medium-sized Enterprises (SMEs) make up around 99% of all businesses in Bahrain

Oil remains an important element to the Bahrain economy in terms of its contribution to exports and the Government revenue. In order to maximize the potential from the Oil and Gas Sector, important changes have taken place with the formation of the National Oil and Gas Authority (NOGA), being responsible for all petroleum and gas related institutions and issues. The mission of the authority is to maintain and develop Bahrain's oil and gas resources, maintain production levels, SABEQ: WTO Trade Policy Review Workshops



optimize utilization and secure highest returns. In this respect several royal decrees and ministerial legislative acts have been issued for the purpose of organizing and facilitating the business environment in the sector, as well as rationalizing the utilization of energy resources.

The diversification process has resulted in Oil and Gas sector's contribution to real GDP dropping from 44.5% in 1980 to 11% by 2005, and indication of the extent of the diversification process. The Government expects that its reform measures aimed at stimulating productivity, will create an enabling environment which will more than double GDP per capita by 2015, and annual labor productivity of between 4-5%.

In order to increase productive capacity of both goods and services, the Government has set out to encourage inward investment and to remove all barriers to enable businesses to set up more efficiently. In 2006, Bahrain introduced new regulations governing the start-up of businesses in Bahrain, making the process easier, faster, more transparent, and low cost.

A new Company Law, now in the legislative process, will give focus to the SMEs, embodies relevant features from other developing and developed countries legislation, as well as key corporate governance and investment protection features (a separate Corporate Governance Code is in draft form and undergoing public debate). It is expected that the new law will have a significant impact on businesses by providing greater flexibility to act, yet at the same time providing an appropriate level of protection for minority shareholders.

The Government is a strong believer in open economy policies and free trade. Bahrain seeks to stimulate business through creating an efficient business environment by removing barriers to growth, (land, capital, infrastructure) creating private sector opportunities in economical, housing, industrial, tourism and other business development fields, and a level playing field in Bahrain, so as to ensure competition and improve productivity.

Bahrain is also keen to enable the development of a knowledge based economy, centered around a number of key clusters, which include *inter alia*, healthcare, technology based services, business services and financial services, supported by key infrastructure development in the living environment, hard infrastructure and education.

Bahrain believes that future sustainable economic development lies in the strength and competitiveness of its labour force and developing a robust entrepreneurial culture. Therefore, the Government has also embarked on a number of economic reform initiatives to:

- Transform the Government role from operator to regulator, by initiating business environment enablers and infrastructure.
- Empower Bahrainis with world class education and training to equip them with the skills needed to compete in the labor market.

The large scale infrastructure and policy initiatives over the past few years in Bahrain are also part of the holistic, long-term strategy aimed at positioning and enabling the private sector to be the engine of future growth.

The Government's comprehensive approach to enhancing economic performance includes encouraging inward investment, developing the industrial sector, building on its existing comparative advantage in certain sectors, particularly the financial sector, using Intellectual Property development as a key to encouraging investment in key sectors, such as pharmaceuticals, enhancing the productivity and competitiveness of its indigenous labour force, and using its Fiscal, Monetary and

Trade policies, as well as the political stability of Bahrain, to the maximum advantage in order to leverage economic development.

## Encouraging inward investment

Foreign investment is encouraged in Bahrain, for the potential knowledge transfer and cross fertilization to domestic business which it provides, and this is reflected in the 100% ownership which is permitted across practically all sectors.

Key to the success of the inward flow of investment, has been the commitment of Bahrainis themselves to invest in Bahrain, and which represents approximately half of the total of private sector non-portfolio investment in Bahrain.

## Developing industry

A new industrial policy has been adopted to position the industrial sector for qualitative diversification, so as to underpin future economic development, by attracting new technology, building innovative local capacity, strengthening SMEs and cluster linkages, diffusing innovation, maximizing impacts, leveraging strengths and building for the future.

The policy initiatives are complimented by the development of new industrial parks, to provide a world class infrastructure with excellent logistics and facilities, and includes a number of incubator projects, which are being supported by international institutions.

A new resolution of the Cooperation Council for the Arab States of the Gulf (GCC) Supreme Council with respect to the exemption of industrial installations from customs duties levied upon industrial inputs was adopted in 2004 and a GCC Unified Law Governing Industrial Licensing and a Unified GCC Law for Anti-dumping, countervailing and safeguard measures was adopted in 2006.

A \$1 billion science and technology park, in addition to two other main industrial investment parks (Bahrain International Investment Park and Bahrain Industrial Investment Wharf), is to be established over a two million square meter area, will be the base from which to build a dedicated international platform for research and development to serve the region and strengthen the pace of industrial development in Bahrain.

The new industrial policy is projected to increase industrial output by 2 -3%, add around 1000 high quality jobs per year, facilitate downstream migration, enhance the business creation rate, and build knowledge and value in industry.

## Building on the financial services sector

A milestone was reached in 2006 in the country's financial history, with the establishment of the Central Bank of Bahrain (CBB), as successor organization to the Bahrain Monetary Agency (BMA) and as a central bank and regulator of Bahrain's financial services industry, including the regulation of insurance and the capital market.

In April 2005, the CBB established a comprehensive regulatory framework to protect insurance policyholders, maintain market confidence and apply international standards of regulation.

In June 2006, the Bahrain Economic Development Board (EDB) announced the establishment of The Bahrain Financial Services Development Bureau (BFSDB), to provide a platform for developing the financial services sector in Bahrain.

## Importance of intellectual property rights

Bahrain believes strongly that the innovative ideas and products emerging from the Research & Development sectors need to be effectively protected and converted into valuable intellectual property assets. Consequently, during 2006 six new laws were promulgated covering Trademarks, Patents, Industrial Design, Trade Secrets, Geographical indication and Integrated Circuits, which are aimed at harmonizing and streamlining the formal procedures in respect of the national registration of all industrial property rights, with a strong emphasis on protection and enforcement.

The Intellectual Property Laws are viewed as a means of encouraging inward investment, particularly in sectors such as pharmaceuticals which relies heavily on the protection which these laws provide for producers. Evolving national, regional and international intellectual property regimes will impact on business processes as well as providing new growth opportunities and challenges for the future, and providing strong protection against imitations, infringements, piracy and the phenomenon of aggression against the rights of Intellectual Property

Intellectual Property is a valuable corporate asset and a strategic business tool. As a result of issuing the above mentioned Industrial Laws and becoming a member of various international treaties and conventions, there has been a dramatic growth in the registration of national and international trademarks with the number of trademark registrations in Bahrain in 2006 raising to 6349 Trademark compared to 3298 in 2005.

Bahrain also acceded to the Madrid Protocol on 15 December 2005 and the Patent Cooperation Treaty on 18 March 2007. Bahrain also became member of the Nice Agreement and the Patent Law Treaty (PLT), and will shortly become a member of the Trademark Law Treaty (TLT), the Vienna Agreement and the Budapest Treaty. In 2005 Bahrain also became party to the WIPO Copyright Treaty and the Performances and Phonograms Treaty and in 2006 acceded to the Rome Convention for Protection of performers Producers of Phonograms and Broadcasting Organization.

A new Copyright Law # 22 was issued in 2006, and a Ministerial Order issued in the same year regarding the publication of court judgments and decisions relating to the implementation of the Copyright Law.

## Competition

Whilst monopolies and cartels - not considered to be in the public interest - are not permitted under the consumer law. Bahrain does not currently have a Competition Law *per se*. Nevertheless, the Government is considering such legislation.

In 2005, the Bahrain National Competitiveness Council (BNCC) was formed with the aim of monitoring and reporting on Bahrain's economic performance as well as raising awareness of the need for the constant assessment of Bahrain's competitive performance. Through its awareness campaign, the BNCC intends to impart an understanding of competitive rankings and promote their use as policy and business decision tools.

## Privatization

Since 2006, privatization has been accelerated, with the privatization of the power generation, public transport, and deregulating the communication sector. To strengthen the momentum, a structural framework has been put in place, including a high Committee for privatization formed under Law no 41 of 2002, consisting of representatives of EDB, Ministry of Finance (MOF) with

Minister of Finance as the Chairman, with the responsibility for making policy decisions on privatization.

The World Bank has been also been involved in the preparation of a blueprint on future privatization covering a ten year program. In addition, a new Holding company (Mumtalakat), has been formed, responsible for the operation of majority owned government companies among others. The companies within the Mumtalakat are themselves candidates for privatization, as well as the Mumtalakat itself.

Separate transactions teams which include EDB, MoF, and the relevant sector Ministry have been established to carry out each transaction, and with due consideration being given to the establishment of multi sector regulators to ensure that delivery of service is in accordance with best practice.

So far the privatization of the Equestrian & Horse Racing Club, Postal services, a new IWPP (Power and Water), sewerage network and treatment plants, have been approved, and it is anticipated that many more will follow.

In its major move to privatize its Port Sector, Bahrain handed over Mina Salman Port operations from the Ministry of Finance to A.P.Moller Terminals (APMT) Bahrain, on 8 December 2006. This concluded four years of determined efforts to privatize Bahrain Ports. This handover is considered to be the largest privatization project in Bahrain's history with 700 government employees involved.

The privatization of ports in Bahrain reflects the government's policy to support the national economy by developing the ports and sea-born trade in addition to other related sectors. Part of that policy was also to create the Shaikh Khalifa bin Salman Port with its adjacent free zone and industrial areas which is located at the south of Hidd.

By this the government presents the three major factors necessary to develop the maritime transportation sector in Bahrain which are the development of the infrastructure, the increase of ports handling efficiency, and the formation of a development and monitoring body to ensure smooth operations.

## Human resource development

The population growth rate in Bahrain has reduced over the past 10 years from 3.6% to a current level of 2.7%, and with the population now standing at an estimated 650,000, with 62% being Bahraini. Bahrain, is a firm believer that its main natural resource is that of its people, and equipping the national workforce to benefit from labor reforms, by enhanced education and training, is a policy priority.

### Labour Market Reforms

In 2004, Bahrain embarked on an ambitious, comprehensive initiative to make structural reforms in the labor market, aimed at reducing the unemployment rate amongst Bahrainis to less than 4% within 15 years. At the crux of this initiative are two overarching objectives:

- encourage the private sector to become the engine of growth in Bahrain
- make Bahrainis the employee of choice for private sector employers

As part of building the institutional capabilities, two new agencies were created, the Labor Market Regulatory Authority and the Labor Fund.

## **Education Reform**

Bahrain launched a comprehensive reform of its education system in 2005 covering all educational levels, so as to help improve the competitiveness of Bahrainis in the labor market. Four current initiatives include, creating an independent Quality Assurance Authority (QAA), strengthening the teaching profession, establishing a polytechnic, and improving upper secondary vocational education.

## **Fiscal policy**

The 2005-06 Government Budget was based on a conservative forecast of oil revenues. For the 2006 budget, spending was budgeted to increase on both recurrent (4.4% over 2005 budget) and capital (16.5% over 2005 budget) for a total budgeted expenditure of BD1.58 billion (\$4.2bn) against budgeted revenues of BD1.27 billion (\$3.4b) for 2006.

Oil accounts for around 70% of the total budgeted government revenue, however structural reforms in recent years, particularly in terms of privatization underpins Bahrain's prudent fiscal policy for the future, and will support the growth of the non-oil sector.

The establishment of the Public Tenders Board and the National Audit Bureau is expected to contribute to reducing government expenditure and enhancing transparency.

Prudent management of its resources in the face of dwindling oil stocks, and a early start on diversification after the discovery of oil in the 1930s, together with an open-market policy, has resulted so far in Bahrain not imposing a taxation regime, and which has been a feature in Bahrain's investment incentives.

## **Monetary policy**

The Central Bank of Bahrain is responsible for setting monetary policy objectives, carrying out monetary operations and ensuring the health of the financial sector. Its objectives are:

- To protect the value and ensure price stability of the currency both internally and externally.
- To ensure stability of Bahrain's financial markets.
- To promote Bahrain as an international financial centre.

Bahrain follows a policy of maintaining a fixed exchange rate against the United States dollar. Bahrain and the other GCC countries all agreed to have their currencies pegged to the U.S. dollar, as a first step towards creating a GCC Monetary Union, scheduled for 2010.

## **Stability**

The Government believes that political and economic stability are the key enablers of growth and the principle determinants of the level of inward investment, and that the democratic process is fundamental to achieving such stability in the long term.

Monetary stability and a well developed financial system significantly mitigate Bahrain's vulnerability to economic shocks, as does the demand led nature of developments.

Bahrain is also less at risk to the migration of labor, since Bahraini citizens substantially outnumber foreigners, and which is also a good proxy for the quality of the local workforce.

## Growth Sectors

### Tourism

The Government envisions Bahrain becoming a high-quality leisure and business tourism destination for the outbound markets of the Middle East, Europe and Asia, and a process of redefining the tourism vision and roadmap and anchoring it with the key stakeholders started in June 2005.

Bahrain is strategically located as gateway to the Middle East and has the added attraction of a safe and pleasant environment, warm climate, together with history, culture, traditions and international events.

Bahrain is a country of diversity- a financial hub with the presence of major multi-national companies, a cultural centre with rich archeology and traditions, and a haven for tourism with a wealth of activities, places to visit and friendly people.

The number of international overnight visitors grew at the rate of 12.4% between 1995 and 2002, and with 70% of visitors originating from the GCC, and of these 89% coming from Saudi Arabia, there is ample opportunity to increase the flow of non-GCC tourism, particularly as linkages are developed with the Health, Education, Financial and Exhibition and Conferences sectors.

The growth in tourism revenues levied on hotels and tourism apartments has also increased progressively over the past few years, rising from BD 3.382 million(\$8.9m) in 2002, to reach BD 5.812 million(\$15.4m) in 2006. The average per annum growth rate at 14.83%, is another clear indication of the potential for tourism in Bahrain.

In addition to the causeway linking Bahrain with Saudi Arabia, a planned new bridge linking Bahrain to Qatar, to include both road and rail transportation, will enhance future transshipment and tourism opportunities.

### Financial services

In 2005 the financial sector represented 27.6% of GDP compared to 25% in 2004, and there is a growing market demand for financial services and products, particularly for Islamic financial instruments, and with the first launch of the Bahrain Financial Harbor scheduled for 2007, growth is set to continue.

Bahrain is currently home to 373 financial institutions, with total Banking Assets of US\$163 billion at June 2006. The sector contributed some 27.6% to GDP in 2005.

Bahrain has become host to the largest number of Islamic banks in the world, as well as a growing support industry. There are 134 Islamic financial institutions, which includes banks, insurance companies and investment funds.

Bahrain has also invested \$10 million to create a centre for studies, research and training for the Islamic banking industry, to complement the already well respected Bahrain Bankers Training

Centre. Bahrain is also home to the Accounting and Auditing Organization for Islamic Financial Institutions.

A new Trust Law, issued in 2006, will create a well regulated environment for the development of trustee and trust administration services.

Insurance is a well developed industry in Bahrain (80 companies) , and has an important growth potential.

Bahrain was the first country to standardize the practice of the Takaful and Retakful industry (insurance and reinsurance) and to establish a specific regulatory framework for this purpose.

Overall initiatives in the Financial sector are anticipated to grow GDP contribution and employment opportunities in the period to 2015 to BD1.6 billion and creating 5,700 new jobs.

## Manufacturing

The manufacturing sector showed massive gains of 47.8% in year 2005 in its contribution to GDP, with current contribution standing at 13.1% of total GDP. New Industrial projections anticipate a tripling of the sector contribution to GDP by 2020.

## Telecommunications

In 2002, the Telecommunications Law was issued by Legislative Decree No. (48), to set out the basic and general policy of the government regarding the sector, and since that date, the Telecommunications sector has been undergoing comprehensive change through a government policy that seeks to rapidly create a free market environment to attract new private sector entrants.

An independent Telecommunications Regulatory Authority (TRA) was established to regulate the telecommunications sector, assist in the availability of high quality competitive services, and issue licenses to operate and use spectrum through transparent procedures.

To-day, the telecommunications market in Bahrain is completely open to foreign investors, and the TRA continues striving to improve the domestic environment in order to facilitate and encourage new entrants in fixed line, mobile and other services.

## ECommerce

Bahrain's level of Information and Communications Technology (ICT) development and competitiveness , strong e-Government position and high level of eCommerce uptake, in part reflects the efforts made by the Government to implement ICT policies in infrastructure, institutions, legislation and education, and to create a supportive environment for the adoption of ICTs, and will drive the country's technological development and support the creation of a knowledge based society.

The ICT sector has been growing rapidly during the past five years, in particular e-government, which is well advanced, as well as e-financial and IT services, underpinned by the regulatory environment of transaction laws, a set of standards for accrediting international certificate authorities, and as a result of initiatives, by both the private and public sector participants to raise person computer penetration and through targeted training to boost Human Resource Development and business eReadiness.

## Construction

Construction is a boom sector, attracting much new local and foreign investment, to take advantage of Bahrain's zero taxation, 100% ownership, family oriented and relaxed cosmopolitan environment.

## Education

Bahrain is home to a growing number of private schools, colleges, universities and vocational training institutions, and the demand is expected to continue to grow in order to cater for the demands of residents, and to serve the regional market, particularly Saudi Arabia.

A number of initiatives are currently underway to attract regional students, looking for a GCC environment, to take advantage of high quality affordable education in Bahrain as an alternative to going overseas.

## Healthcare

The demand for high quality and affordable private healthcare services, which is growing at the rate of around 8% annually, has created the need for modern infrastructure and skilled manpower expansion, and the opportunity to accelerate the Government's privatization program in this sector. Bahrain is keen to liberalize health services, as part of its national health policy objectives, and opportunities exist for investment in specialized health services, drugs, disease control, food safety, technology, biotechnology, health information system, health insurance and human resource development.

Bahrain is a net food importer, and the Codex Alimentarius is the main source for developing national standards, which can influence trade in foodstuffs.

## Trade Policy

Bahrain is currently a net importer of manufactured products. The economy is services based, but with a growing industrial capability, the expansion of which is being actively pursued as a policy objective by the Government. The Government is also a strong supporter of free markets and an open rules based global trading system, advocating economic openness as a strong development trigger, to encourage and facilitate export of its products and services, as well as to strengthen domestic capacity and competitiveness by encouraging inward investment.

Having maintained its position as the financial capital of the Middle East, Bahrain is aiming to become a key regional trading hub, and retail trade center. Bahrain has traditionally cherished trade liberalization and efficient international trade transactions, enhanced by its causeway connections to Saudi Arabia and eventually to Qatar, which would support its Trade Facilitation and supply chain logistics potential, not only with its GCC partners, but also with the world at large.

Import trade enjoys duty free entry for most basic raw materials, industrial inputs and basic foodstuffs. Of the remaining goods which are dutiable over 90% of these incur very low customs duties of between 0 and 5%.

Bahrain's trading environment is stable and transparent. There are no import restrictions except for patrimonial heritage, environmental, health or security considerations.



## Bahrain and the World

As a founding member of the World Trade Organization (WTO), Bahrain is a very keen proponent of the Multilateral Trading System. It also takes pride in the diligent implementation of all legislative and institutional requirements for the implementation and enforcement of all WTO agreements and applications. As a small economy, Bahrain endorses the staunch application of the Special and Differential Treatment for developing and small economy countries, and values the fairness and objectivity of WTO's Dispute Settlement Body.

Bahrain's active participation in the Doha Round of Multilateral Trade Negotiations (MTN) is evidenced, by the positive offers and proposals, submitted to different areas of the negotiations, especially in the field of services, to which Bahrain attaches great importance, in particular financial services, construction, telecommunications, transportation, and tourism. Hoping that services' negotiations will result in more effective market entry offers, especially under Mode 4 of services delivery.

As far as Non Agricultural Market Access (NAMA) is concerned, Bahrain welcomes a fair and balanced tariff reduction formula, or approach, which would allow small and developing countries to achieve rewarding industrial policies and diversification objectives, to support national and niche industries, job creation and viable SMEs. Bahrain upholds Doha, and Hong Kong mandates for eliminating market access barriers, tariff escalation, tariff peaks, in particular on products of export interest to developing countries.

Trade Facilitation successful negotiations and agreement is one of Bahrain's priorities to ensure supply chain logistics' development, technical and legislative adjustment requirements, standards and conformity implications, HRD and trade capacity building. Bahrain also supports the positive and equitable implementation of the Aid For Trade initiative with sufficient funds and active involvement of all agencies involved with the WTO .

## Bahrain and the region

### **GCC membership**

Bahrain is a founding member of the Gulf Cooperation Council (GCC), along with Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. Since 1981, the free-trade area has been effected among GCC members by eliminating customs duties on all the products originating in the member states.

In December 2001, the GCC Economic Agreement was signed to provide for GCC Customs Union, and the harmonization of economic, financial, and monetary policies, with a view to achieve more economic integration through the establishment of the Gulf Common Market (GCM), and the Gulf Monetary Union.

In addition to cultural and kinship ties within the region, the GCC provides Bahrain with common regional economic, social and political stability, economies of scale, industrial complementarity, and trade creation advantages.

The GCC is presently engaged in negotiating a Free Trade Agreement (FTA) with the European Union (EU). Other FTAs are also anticipated with other regions and countries like European Free Trade Association (EFTA) , Japan, Southern Common Market (MERCOSUR), China, India, Pakistan, Singapore, and Turkey.

### **GAFTA membership**

Bahrain is also a founding member of the Greater Arab Free Trade Area (GAFTA), which was signed on 19 February 1997, entered into force on 1 January 1998, and supposed to have eliminated most tariffs among its members on the 1st of January 2005. At present Bahrain is negotiating within GAFTA a regional agreement for trade in services, where Bahrain and most member countries have greater competitive advantage.

### **Bilateral agreements**

Bahrain, as of August 2006, has a bilateral FTA with the United States, and maintains over 40 bilateral agreements in various fields, such as: investment encouragement, avoidance of double taxation, economic, trade and technical cooperation.

## **ANNEX I : TRADE RELATED TECHNICAL ASSISTANCE**

While Bahrain, is a small sized economy, yet, it is determined to play a leading Role in the Multilateral Trading System, and reaping it's full rewards, by becoming the region's trading and investment hub, after successfully, retaining the first position in financial services.

Accordingly, Bahrain's technical cooperation requirements include the following areas:

- Enhancing Aid for Trade related technical and institutional support, within the WTO and other relevant international institutions and funds;
- Trade Facilitation legislative and logistic requirements, customs valuation money laundering, and fraud prevention, support and HRD;
- Supply- chain infrastructure enhancement, and adjustment needs;
- IPR institutional upgrading, and HRD;
- Sanitary and Phytosanitary (SPS), Technical Barriers to Trade (TBT), and Standards institutional upgrading, notifications and HRD;
- Multilateral Trade Negotiations (MTN) and FTAs Negotiating Skills upgrading, and HRD;
- Export promotion technical and institutional support;
- Trade capacity building, and competitiveness enhancement, awareness, and networking;
- Enhancing institutional capacity and export potential in negotiations and implementation of trade in services agreements;
- Development of competition policy and legislation; and
- Ensuring Bahrain's participation in national, regional and international HRD and training programs for government, parliamentarians, and private sector.

## **ANNEX II: CONTRIBUTORS TO THIS GOVERNMENT REPORT**

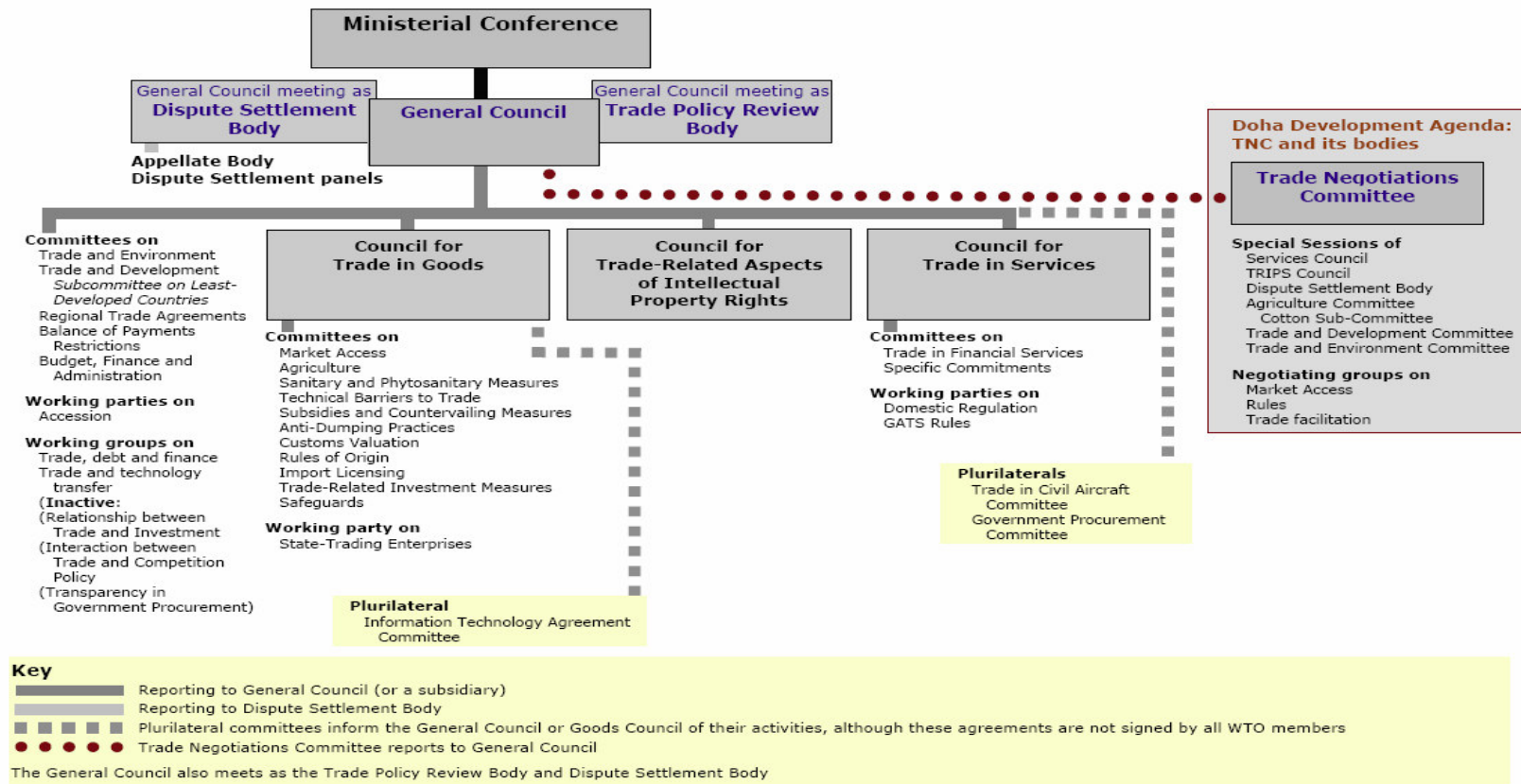
The Ministry of Industry and Commerce; the Ministry of Finance; the Ministry of Health; the Ministry of Information; the Ministry of Labor; the Ministry of Municipality Affairs and Agriculture; the Central Bank of Bahrain; Civil Aviation Affairs; Customs, Ports and Free Zones Affairs; Economic Development Board; National Oil and Gas Authority; Telecommunications, Frequency and Postal Affairs; Telecommunications Regulatory Authority, Tenders Board; and Tourism Affairs.

---

## XI. WTO STRUCTURE

### WTO structure

All WTO members may participate in all councils, committees, etc, except Appellate Body, Dispute Settlement panels, and plurilateral committees.



Last printed 31/03/2006 3:00 PM



## **XII. JORDAN WORKING PART REPORT**

# **WORLD TRADE ORGANIZATION**

RESTRICTED

**WT/ACC/JOR/33  
WT/MIN(99)/9**

3 December 1999

(99-5235)

---

**Working Party on the  
Accession of Jordan**

### **REPORT OF THE WORKING PARTY ON THE ACCESSION OF THE HASHEMITE KINGDOM OF JORDAN TO THE WORLD TRADE ORGANIZATION**

#### Introduction

1. The Government of the Hashemite Kingdom of Jordan applied for accession to the General Agreement on Tariffs and Trade (GATT 1947) in January 1994 (document L/7378). At its meeting on 25 January 1994, the GATT 1947 Council of Representatives established a Working Party to examine the application of the Government of Jordan to accede to the General Agreement under Article XXXIII of the General Agreement. Following the conclusion of the Uruguay Round, Jordan requested accession to the World Trade Organization (WTO) under Article XII of the Marrakesh Agreement establishing the World Trade Organization. In accordance with the decision adopted by the WTO General Council on 31 January 1995, the existing GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party. The terms of reference and the membership of the Working Party are reproduced in document WT/ACC/JOR/5/Rev.3.

2. The Working Party met on 28 October 1996; 4 July 1997; 22 July 1998; 22 October and 24 November 1999 under the Chairmanship of H.E. Mr. K. Kesavapany (Singapore).

#### Documentation provided

3. The Working Party had before it, to serve as a basis for its discussions, a Memorandum on the Foreign Trade Regime of Jordan, the questions submitted by Members on the foreign trade regime of Jordan, together with the replies thereto, and other information provided by the authorities of Jordan (L/7533, WT/ACC/JOR/2, WT/ACC/JOR/3 and Add.1, WT/ACC/JOR/8 and Add.1, WT/ACC/JOR/9, WT/ACC/JOR/13, WT/ACC/JOR/14, WT/ACC/JOR/18, WT/ACC/JOR/22, WT/ACC/JOR/23, WT/ACC/JOR/24, WT/ACC/JOR/25, WT/ACC/JOR/26, WT/ACC/JOR/27, WT/ACC/JOR/28, WT/ACC/JOR/30 and WT/ACC/JOR/32), including the SABEQ: WTO Trade Policy Review Workshops

legislative texts and other documentation listed in Annex I.

### Introductory statements

4. In his introductory statement in 1996, the representative of Jordan said that Jordan was approaching the next century in an environment radically different from that of its early decades of development. In the 1970s and 1980s, Jordan had invested heavily in developing its human resources, relying on high levels of external financing and remittances of Jordanians working abroad. Jordan's inability to meet its external obligations had led to an economic stabilization programme being introduced at the end of the 1980s. The stabilization policies had been successful, even with the return of more than 400,000 expatriate workers. The Government had pursued an ambitious reform agenda, including fiscal and trade reform, since the early 1990s to stabilize the economy, improve efficiency and broaden the role of the private sector. The current account deficit had declined sharply reflecting solid export growth, improved earnings from tourism and increased worker remittances. Jordan's medium-term reform programme aimed at sustaining annual growth of real GDP at minimum 6 per cent and export growth of around 10 per cent, rates of inflation in line with those of industrialized countries, current account deficits below 3 per cent of GDP and accumulation of foreign exchange reserves.

5. Economic reform was geared towards liberalization and dismantling of all barriers to trade, investment, labour, capital, payments and services. The Government had drafted a customs law based on international best practice. Actions to improve customs clearance included streamlining of the temporary entry and duty drawback regime, a "green channel" for easy clearance of imports and computerization, upgrading and training of customs staff. The Government had also taken initiatives to review and revise the main economic laws governing economic activity, and had established a Privatization Unit at the Prime Ministry to coordinate various privatization initiatives and ensure transparency of the process. Domestic reforms were consistent with the direction of multilateral reform, but Jordan had not waited for world-wide liberalization to take decisions deemed in its own best interest.

6. A strong multilateral trading system was vital to Jordan, and Jordan was preparing to link its economy with the global economy. Jordan's economic cooperation and trade relations with the world community were characterized by a sincere commitment to obligations towards its partners. Some WTO obligations would entail constraints on policies and regulations affecting certain sensitive industries. Jordan was ready to negotiate a fair deal that would accommodate the interests of all parties concerned within the spirit of WTO multilateral agreements, and hoped for a successful accession which would take into account Jordan's situation as a developing country with a small economy. Accession to the WTO would give Jordan the chance to work along with member countries to strengthen the multilateral trading system to the advantage of all members.

7. In their opening remarks, members of the Working Party welcomed the request from Jordan to accede to the WTO. Jordan's accession would reinforce the universality of the WTO. Jordan was commended for its efforts to overcome economic difficulties, and accession to the WTO was expected to assist in consolidating the reforms. Members looked forward to close co-operation with Jordan with a view to concluding the accession process successfully as quickly as possible. Noting Jordan's wish to avail itself of certain transitional arrangements, some members supported this request while other members stated that such requests would be given sympathetic consideration and decided case-by-case on the basis of substantiated needs.

8. The Working Party reviewed the economic policies and foreign trade regime of Jordan and the possible terms of a draft Protocol of Accession to the WTO. The views expressed by members of the Working Party on the various aspects of Jordan's foreign trade regime, and on the terms and conditions of Jordan's accession to the WTO are summarized below in paragraphs 9 to 247.



## **ECONOMIC POLICIES**

### **Monetary and fiscal policy**

8. The representative of Jordan said that current economic policies aimed at fiscal and monetary stability. The public budget deficit had been reduced through subsidy cuts, expenditure restraint and increasing revenue. Food subsidies had been reduced, the domestic price for petroleum derivatives increased, and a programme to improve the performance of loss-making public enterprises such as Royal Jordanian Airlines, Public Transportation Corporation and the Agricultural Marketing Organization had been implemented. Draft legislation had been submitted to the Council of Ministers to remove all privileges enjoyed by the Housing Bank, consistent with maintaining its obligations to low-income housing. The Housing Bank had become a commercial bank and no longer enjoyed any privileges. Food subsidies had been eliminated recently, and Royal Jordanian Airlines and Public Transport Corporation were undergoing privatization.

9. On the revenue side, an expanded tax base was accompanied by more efficient tax collection, including the introduction of a general sales tax (GST), replacing the former consumption tax. The system of income tax implemented through the Income Tax Law (No. 14 of 1995) taxed profits or gains earned or accrued in Jordan on the basis of annual self-assessment. Tax rates ranged from 5 to 30 per cent for individuals and 15 to 35 per cent for companies. Exempted from income tax were non-profit welfare, cultural, educational, sports or health institutions and cooperative societies; land invested in agriculture or poultry, cattle, fish or bee breeding; capital gains earned on equipment, apparatus, land, real estate, bonds and shares; salaries paid to non-Jordanian diplomatic envoys; salaries and wages of non-Jordanians paid by branches of foreign companies; salaries and wages paid by non-operating foreign companies registered in Jordan according to the Companies Law; interest due on deposits of national and foreign persons and companies; income accrued from patents, copyrights or rewards; income specified in agreements on the prevention of double taxation; and income explicitly exempted by the Investment Promotion Law (No. 16 of 1995) and by means of bilateral or multilateral agreements. The tax exemptions applied equally to foreign enterprises.

10. Monetary policy aimed at monetary stability to ensure price stability and adequate financing of economic activity. The objective was achieved by controlling the money supply while reducing monetary control restrictions; consolidation of foreign currency reserves; continued liberalization of interest rates; the establishment of a deposit insurance corporation; and Central Bank supervision of all financial institutions.

### **Foreign exchange and payments**

11. The representative of Jordan said that the national currency - the Jordan dinar (JD, equal to 1,000 fils) - had been pegged to the US dollar at the official buying and selling rates of JD 0.708 and 0.710, respectively, since 23 October 1995. Jordan had formally accepted the obligations of Article VIII, sections 2, 3 and 4 of the Articles of Agreement of the International Monetary Fund as from 20 February 1995. Thus, foreign exchange payments for current account transactions were not restricted in Jordan. Concerning capital transactions, the representative of Jordan said that inward transfers of capital were not restricted, but outward transfers were subject to approval by the Central Bank of Jordan (CBJ). Transactions pertaining to foreign investment had been completely liberalized. The CBJ allowed capital transfers to Arab countries on a reciprocal basis. Residents were allowed to carry or transfer up to JD 35,000 in foreign exchange to meet current payments for invisibles such as travel, education, medication, pilgrimage,

residence abroad and family assistance without prior approval from the Central Bank. Applications for amounts in excess of JD 35,000 would be considered positively in the light of the applicant's needs. As of 1997, outward transfers were fully liberalized.

12. Licensed banks could purchase any amount of foreign currency against Jordan dinars from their customers on a forward deal basis, and could sell foreign currencies forward to customers paying for imports into Jordan.

13. Forward contracts in major currencies against the Jordan dinar were permitted for specified commercial transactions, including commodity imports, provided the authorized banks covered such operations abroad. Each dealer's forward transactions were subject to quantitative limits, but the CBJ could offer a forward exchange facility in respect of forward exchange cover provided by Jordanian banks for corporations and projects of vital national interest. Foreign exchange regulations had been modified to permit banks to execute asset-swap operations from foreign currencies into Jordanian dinars for all customers.

14. Exchange permits were required for goods subject to import licensing, and were granted automatically once the import licence had been obtained. Exchange permits were issued by the Foreign Exchange Control Department of the Central Bank of Jordan against a fee of 0.1 per cent to recover related administrative costs. Although exchange permits were no longer required, banks still collected the 0.1 per cent fee on some categories of transfers for payment to the Central Bank. The fee was being revised to narrow the categories of transfers subject to it with a view to its eventual elimination. The fee was not applied to transfers issued for government departments, non-resident accounts in foreign currency, and certain approved institutions and individual transfers of less than JD 300.

15. He confirmed that private sector firms could borrow abroad freely and that no government approval was necessary. Export proceeds were not subject to any repatriation requirements. There were no taxes or subsidies on purchases and sales of foreign exchange; the fees and charges for such transactions were determined freely in the market.

#### Investment regime

16. The representative of Jordan said that the Investment Promotion Law No. 16 of 1995 had superseded the Encouragement of Investment Law No. (11) for 1987 and the Arab and Foreign Investment Law No. (27) for 1992. A Higher Council of Investment Promotion had been formed under the Chairmanship of the Prime Minister, and an "Investment Promotion Corporation" was entrusted with the implementation of the law, including acting as inquiry point regarding information on investment.

17. Business enterprises were incorporated in Jordan either as General Partnership and Limited Partnership Companies, Limited Liability Companies, Limited Partnership in Shares or Public Shareholding Companies. Applications for registration were submitted to the Controller of Companies at the Ministry of Industry and Trade. For general and limited partnership companies, the application should be accompanied by the original partnership agreement and a statement signed by each of them; for limited liability companies the company's Memorandum and Articles of Association, on the approved forms for this purpose, should be included. The statement should be signed before the Controller or any person authorized by him, a Notary Public or a licensed lawyer. An application for registration as a public shareholding company was accompanied by the company's Articles of Association, the Memorandum of Association, the names of the promoters of the company and the names of the promoters' commitment conducting the formation procedures. The Articles of Association and the Memorandum of Association were signed before the Controller or any person authorized by him, a Notary Public or a licensed

lawyer. Foreign investors registered their companies as Jordanian companies with the Companies' Registrar at the Ministry of Industry and Trade. A branch of a foreign company would need to submit to the Controller of Companies a copy of its Articles of Association and Memorandum of Association, as well as written documentation certifying that the company had been approved by the concerned authority in Jordan for operating in Jordan. The representative of Jordan provided detailed information on the fees levied in connection with registration of companies in document WT/ACC/JOR/30.

18. Tax incentives were provided by virtue of the Investment Promotion Law for any project related to industry, agriculture, maritime transport and railways, hospitals and hotels. The Council of Ministers could add any other sector in accordance with the Kingdom's needs. In January 1997, the Council of Ministers had added leisure and recreational compounds, and convention and exhibition centres to the list of projects benefiting from tax incentives provided under the Investment Promotion Law. All imported fixed assets needed for the establishment of a project were exempted from import duties, sales tax and other import fees and charges (with the exemption of municipal taxes) provided these assets were imported into the Kingdom within three years from the date of the Investment Promotion Committee's decision approving their importation. The Committee could extend this period if considered justified due to the nature of the project or the size of the work required. Imported spare parts for a project were exempt from import duties, sales tax and other import fees and charges (with the exception of municipal taxes) provided the value of such parts would not exceed 15 per cent of the value of the fixed assets for which they were required, and provided that these parts would be imported into the Kingdom or used in the project within 10 years of the date of commencement of production or the work. Fixed assets required for the expansion, development or modernization of a project were exempt from import duties, sales tax and other import fees and charges (with the exception of municipal taxes), if they would lead to an increase in production capacity for the project of not less than 25 per cent. The exemptions would also cover any increase in the value of the fixed assets resulting from price increases, freight charges or changes in exchange rates. Hotels and hospitals enjoyed further exemptions from fees and taxes on purchases of furniture and supplies for renewal or renovation once every seven years.

19. Reductions in income and social services taxes to the level of 25, 50 or 75 per cent were granted depending on the nature of the activity and the location of the project. The reduction could amount to 100 per cent in certain areas approved by the Council of Ministers. The exemptions from income and social services tax were applicable for 10 years, starting from the date of commencement of works (services projects) or production (manufacturing projects). An additional exemption, not exceeding four years, could be granted if the project was expanded, developed or modernized with a resulting increase in production capacity (one year for each increase of not less than 25 per cent).

20. The Investment Promotion Law did not differentiate between domestic and non-Jordanian investors, and no preferences were linked to export performance or domestic content requirements. Article 24 of the Investment Promotion Law stipulated that non-Jordanian investors investing in any project governed by the Law should be afforded the same treatment as Jordanian investors. The Law guaranteed foreign investors the transfer of profits and repatriation of the foreign capital invested. According to the Investment Regulation No. 39 for 1997, issued in accordance with Article 24 of the Investment Promotion Law No. 16 of 1995, non-Jordanian ownership could not exceed 50 per cent in any project or economic activity in the sectors of construction, trading and trade services (excluding the right to import and export as outlined in paragraph 50 below), and mining. Except for these three sectors, a foreign investor could own 100 per cent of the equity in a Jordanian entity. The Investment Promotion Corporation was

preparing legislation to define clearly the scope of trade services covered by the foreign equity restrictions. Non-Jordanian investment in securities listed on the Amman Financial Market was subject to a provision (Article 6) that payment be made from the sale of convertible foreign currency. The amount of non-Jordanian investment in any project should be minimum JD 50,000, except in public shareholding companies (JD 1,000).

### State ownership and privatization

21. The representative of Jordan said that Jordan's economic strategy called for a much larger role of the private sector in the economy. The Government aimed at reducing its own involvement in the production and distribution of goods and services. Some sectors previously reserved for public investment such as telecommunications and power generation were being opened to private investors, and new public-private partnerships were being forged. Rapid implementation of the privatization programme in a transparent manner was a key objective of the Government.

22. The Council of Ministers had appointed an interministerial committee, headed by the Prime Minister, to steer the overall privatization plan. A Privatization Unit, located in the office of the Prime Minister, assisted in the privatization process, and the World Bank supported the institutional capacity to implement the programme through the Institutional Development Fund (IDF). The main responsibilities of the Privatization Unit at the Prime Ministry included:

- (a) coordination of the preparation of divestiture transactions;
- (b) managing the teams of technical experts and short-term external advisers;
- (c) managing the marketing efforts of enterprises undergoing divestment;
- (d) negotiations with stockholder groups;
- (e) execution of transactions; and
- (f) dissemination of information on progress in privatization.

23. The privatization programme aimed at increasing enterprise efficiency. The operational performance of some public enterprises was expected to improve by according greater autonomy to enterprise management in administrative and investment decision, and the sale of shares to reputable strategic investors. Substantive steps towards eventual privatization had been taken in the energy and telecommunication sectors. The Government intended to restructure public enterprises in the transport sector. The Government had decided that the first phase of the programme would involve the privatization of the Jordan Telecommunication Corporation (JTCC), the Jordan Electricity Authority (JEA), Irbid District Electricity Company (IDECO), Jordan Electric Power Company (JEPCO), Aqaba Railway Corporation (ARC), Jordan Cement Factories Company (JCFC), Public Transport Corporation (PTC) and the Jordan Tourism and Spa Complex Co. at Zerqa Mai'n. The Government would also sell its minor stakes (less than 5 per cent) in public shareholding companies and partially dispose of other shareholdings such as those in Arab Potash Co. and the Jordan Phosphate Mines Co. (under study).

24. The representative of Jordan said that Jordan's privatization process was free from discriminatory practices or discretionary investment authorizations. Foreigners of all nationalities could participate in Jordan's privatization process within the legislation in force. International consultants, investors and developers were invited to compete for bids related to privatization through local and international media.

### Pricing policies

25. The representative of Jordan said that his Government was removing price controls gradually on certain commodities with a view to the eventual liberalization of all prices at the retail level. Jordan applied price and profitability control, as well as price cap control, on certain domestic and imported products. The products subject to controls are listed in Table 1.

Table 1: Price controls in Jordan

HS Code	Product name
PRICE CONTROL	
ex 0713.20	Chickpeas, seeds of a kind used for sowing
ex 0713.40	Lentils, seeds for a kind used for sowing
ex 1001	Wheat, seed of a kind used for sowing
ex 1214.90	Vetches and similar forage, seeds of a kind used for sowing animal feed.
1001.10, ex 1001.90	Wheat
1101.00	Flour
ex 1905.90	Bread – Arabic, Tanouri, Taboun, Armenian, and Baladi
ex 2302	Bran
ex 2523.29	Cement, Portland , bagged
ex 2523.29	Cement, Portland , not bagged
ex 2523	Cement, Sulphate resistant, bagged
ex 2523	Cement, Sulphate resistant, not bagged
ex 2711.13	Liquid gas Butane
ex 2710.00	Leaded (gasoline)
ex 2710.00	Super (gasoline)
ex 2710.00	Unleaded (gasoline)
ex 2710.00	Jet Fuel (airplanes' fuel)
ex 2710.00	Kerosene
2710.004	Diesel
2710.005	Fuel oil
ex2714.90	Asphalt, w/o containers
ex 2714.90	Asphalt, in containers
ex 2710.00	Diesel for Ships
ex 3002, ex 3003, ex 3004	Medicaments for human use

HS Code	Product name
ex 2201.90	Water
2716.00	Electrical Energy
PROFITABILITY CONTROL	
ex 3002, ex 3003, and ex 3004	Medicaments for human use
ex 3002, ex 3003, and ex 3004	Medicine for veterinary use
PRICE CAP	
ex 0401.30	Fresh Cow Milk
ex 1003.00	Barley, seed of a kind used for sowing
ex 2005.90	Houmos,
ex 2005.90	Qudsieh,
ex 2005.90	Fool,
ex 2005.90	Musabaha,
ex 2106.90	Falafel Sandwiches, and Falafel pieces, sold in unclassified restaurants

26. A committee - comprising representatives of merchants and the Ministries of Supply and Agriculture - set prices based on costs, and allowed a 17 per cent profit margin for wholesalers and retailers. The same maximum profit margin applied in case of similar imported products. Revisions of the established prices could take place every six months. In most cases the revisions were requested by importers due to changes in import prices, for example, for wheat of bread-making quality. The price controls had originally affected 66 food products. In response to specific questions, he confirmed that prices of dried milk, sugar and rice were not fixed when imported by private enterprises. Except for the regular Jordanian loaf of bread, prices of all bakery and pastry products were determined freely by the market. Price controls had been liberalized on imported and locally-produced cigarettes.

27. Prices for utilities (electricity, water, solar heating and natural gas) and petroleum products, except lubricants, were controlled to support low-income groups. Electricity prices had recently been raised to rationalize the use of energy and increase the financial viability of electricity production. Water charges had also been increased, including the adoption of a progressive tariff for irrigation water, to rationalize use and ensure cost recovery for water and sanitation services.

28. Some members noted that the use of price controls on imported chilled meat, but not on domestically-produced chilled meat, would appear to violate the national treatment obligations of GATT Article III, and asked how Jordan intended to bring this item into conformity with WTO requirements. These members sought a commitment from Jordan that it would observe the provisions of Article III concerning the application of maximum prices to imports, with particular emphasis on the provisions of paragraphs 4 and 9, that Jordan would notify its current price controls on imports and domestic goods and services to the Working Party, and that any subsequent such controls will be published in an official journal for the information and review of traders. A member added that grading requirements applied to meat by Jordan were arbitrary and

unjustifiable, and that the maintenance of such a regime after accession would deny its exporters benefits to which they would be entitled under Article III:4 of GATT 1994. This member therefore requested that the grading requirements and the pricing regime associated with those requirements be eliminated prior to accession.

29. In reply, the representative of Jordan said that price control affected imported wheat and medicaments for human use; profitability control was applied to imported medicaments for human and veterinary use; and the price cap was applied on imported barley. The controls on imports were also applied on the same domestically-produced items. Therefore, these price controls and caps did not violate the national treatment provisions of Article III of the GATT 1994. He added that Jordan did not intend to liberalize the prices of products remaining under price control before acceding to the WTO. However, Jordan would ensure that the price control mechanisms applied in Jordan be in conformity with Article I and III of the GATT 1994, and with the transparency requirements of the WTO. He confirmed that Jordan had eliminated price controls on imported chilled meat. Legal measures to eliminate this practice had been adopted in October 1999. The representative of Jordan stated that there was no relation between the meat grading requirements and the pricing regime. Jordan was preparing new technical regulations on meat that would retain a grading system in line with the grading system of the concerned member. The main purpose of the grading requirements in Jordan would be to provide information to consumers.

30. The representative of Jordan confirmed that prices for goods in every sector of Jordan were determined freely by market forces with the exception of those listed in Table 1. Current price controls on imported fresh and chilled meat had been eliminated at the end of October 1999 in accordance with the "Instructions on the Elimination of the Price Cap on Imported Meat" issued by the Ministry of Industry and Trade. Price controls existed on State services (e.g. vehicle inspection, passport fees), customs clearing agents services, public warehouses, transport services for passengers and goods, telecommunication services, professional medical services offered by the Government, car liability insurance services, and ticketing services by travel agents. Price cap was applied on professional medical services, certain banking services, money exchange services, commission on services rendered by securities dealers, hotel room rates, internal tourism tour packages, tour packages with bed and meal, meal prices at hotels, bed and breakfast rate for country's official guests, vegetables and fruits auctioning services, and legal services. All other prices of services were determined freely by the market.

31. The representative of Jordan confirmed that Jordan would apply, from the date of accession, the price and profitability controls described in paragraphs 26-31 and Table 1 and any applied in the future, in a WTO-consistent fashion, and would take account of the interests of exporting WTO Members as provided for in Article III:9 of the GATT 1994. Jordan would publish any list of goods and services subject to State price controls in the Official Journal, including any changes regarding existing price controls. The Working Party took note of these commitments.

#### Competition policy

32. The representative of Jordan said that a draft Law on the Prevention of Monopolistic Practices and Encouragement of Competition had been submitted to Parliament for review and approval. An English translation of the law, once available, would be provided to the Working Party.

### **FRAMEWORK FOR MAKING AND ENFORCING POLICIES**

33. The representative of Jordan said that Jordan was a constitutional monarchy. The King

and the Council of Ministers constituted the executive branch of government. The legislative system comprised the King and Parliament, which was formed by an Upper House of 40 dignitaries appointed by the King, and a Lower House of 80 deputies elected by the people. The constitution (Article 97) guaranteed an independent judicial system, i.e. the civil and criminal courts, including the magisterial courts, courts of First Instance and courts of Appeal.

34. The Council of Ministers was responsible for issuing regulations based on the different relevant laws. Regulations of the Council of Ministers should be approved by the King and published before coming into effect. According to the Customs Law, the Council of Ministers decided on changes in tariff rates upon proposals of the Tariff Council, formed by the Minister of Finance, the Minister of Industry and Trade, and the Director General of the Customs Department. The Council of Ministers was empowered to restrict importation or exportation of certain goods, restrict totally or partially the right to import or export goods to certain entities, or exempt goods from import and export licensing requirements upon proposal of the Minister of Industry and Trade.

35. The Ministry of Industry and Trade supervised the formulation and execution of policies related to industry and trade. The Ministry's functions included the implementation of major trade-related legislation such as the Import/Export Law and regulations, the Companies Law, the industrial property laws, the Insurance Law and the Trade Marks Law; negotiation of trade and economic agreements and protocols; and representing the Government in bilateral, regional and international meetings. The Ministry of Industry and Trade could, upon a proposal from or in coordination with the authority concerned, subject certain imports or exports to prior approval of this authority.

36. The Customs Department within the Ministry of Finance administered the flow of goods across borders according to the laws and regulations in force. The main tasks of the Department, which consisted of 16 directorates, 28 customs house centres, 8 bonded custom houses, and 6 passenger customs border centres included the application of customs duties on imported goods; administration of temporary entry and/or drawback facilities for exporters, diplomatic missions, regional offices and projects; implementation of exemptions accorded to entities such as charitable organizations and beneficiaries; collection of sales tax; handling of violations of the Customs Law such as smuggling, fraud and false information; organization of special patrols to combat smuggling; and performing auditing checks on all customs statements. The Ministry of Health was responsible for registration of imported and locally-produced medicaments.

37. The representative of Jordan said that draft laws would normally be submitted to the Council of Ministers for consideration by the Ministry or agency concerned with the subject-matter. Approved by the Council of Ministers, the law would be sent to the Bureau of Legislation to be put in proper legal form prior to submission to Parliament. Laws were discussed and approved separately by both Houses of Parliament. A Law passed by both Houses was submitted to the King for his consent and signature. Once this step had been completed the Law would become effective 30 days after publication in the Official Gazette or as stipulated in the Law. International agreements and treaties signed by Jordan needed to be ratified by Parliament only if they entailed expenditure on behalf of the Treasury or affected the rights of Jordanian citizens. All treaties were required to be published in the Official Gazette in order to be enforceable.

38. The representative of Jordan said that unless a law designated a different court, civil courts had jurisdiction in all civil matters, including trade. Jordanian courts could also decide on cases beyond their jurisdiction if the litigants agreed. Trade issues heard by civil courts could be referred to the magisterial courts (cases within a JD 750 value limit), the Courts of First Instance (which also served as courts of appeal for magisterial court decisions), the Courts of Appeal, and



the Court of Cassation. The Court of Cassation decided on challenges regarding judgements of the Courts of Appeal in civil cases. It also decided on points of law or procedure if reference to the Court of Cassation was allowed by the presiding judge of the Court of Appeal. In certain cases the Court of Cassation could decide to return the case to the Court of Appeal for reconsideration. Matters of fact relating to litigants' rights not objected to before the Court of First Instance could not be raised before the Court of Appeal, and those not raised before the Court of Appeal could not be raised before the Court of Cassation.

39. Natural or legal persons contesting administrative decisions could take the matter to the High Court of Justice, which was specialized in administrative jurisdiction. Customs and income tax matters were decided by specialized courts. Customs decisions could be appealed to the Customs Court of First Instance, whose judgements could be appealed to the Customs Court of Appeal and further to the Court of Cassation. Issues of intellectual property infringement were addressed by the Civil Courts. Apart from the granting of amnesty or partial pardon to convicted individuals and sanctioning the execution of capital punishment, the King had no power to overrule any court judgement, civil or criminal. Religious Courts mainly heard cases involving marriage, divorce, wills and legacies and had no jurisdiction in civil or criminal cases or issues related to domestic and foreign trade.

40. A member asked Jordan to clarify the right of appeal to a separate judicial authority in matters covered by WTO Agreements. In reply, the representative of Jordan said that Jordan had adopted the system of two-tier litigation. This rule applied in the civil or administrative courts, thus every decision of a judicial character was subject to appeal in Jordan in one form or another. In the absence of a special court of first instance, all administrative-related decisions were considered decisions of the first court and subject to appeal to the High Court of Justice. The High Court of Justice had jurisdiction to hear a limited list of appeals mentioned in the High Court Law or in other special laws, such as trade marks and patents. Decisions concerning customs, income tax, and compensation under imminent domain were appealed to the civil system of courts as provided by special provision in the relevant laws. The Court of Customs and the Customs Court of Appeal had jurisdiction to hear all customs-related issues and penalties. Decisions of the Customs Court and the Court of Appeal were subject to review of the Court of Cassation. However, decisions regarding prior approval for importation would be subject to appeal to the High Court of Justice in accordance with the general theory of Administrative Law.

41. Concerning the division of authority between central and sub-central government, the representative of Jordan said that the central Government was responsible for all matters related to the national economy and foreign trade. Autonomous public entities and private agencies shared in implementing national economic policies, including trade.

42. The representative of Jordan stated that if Jordanian laws or other acts should be found to contradict international treaties or agreements, the provisions of the international treaty or agreement, such as the WTO, would apply. The representative of Jordan confirmed that sub-central entities had no autonomous authority over issues of subsidies, taxation, trade policy or any other measures covered by WTO provisions. He confirmed that the provisions of the WTO Agreement, including Jordan's Protocol, shall be applied uniformly throughout its customs territory and other territories under Jordan's control, including in regions engaging in border trade or frontier traffic, special economic zones, and other areas where special regimes for tariffs, taxes and regulations are established. He added that when apprised of a situation where WTO provisions were not being applied or were applied in a non-uniform manner, central authorities would act to enforce WTO provisions without requiring affected parties to petition through the courts. The Working Party took note of these commitments.

## **POLICIES AFFECTING TRADE IN GOODS**

### Trading rights (the right to import and export)

43. Some members requested Jordan to clarify the right of firms and individuals to trade, i.e. to import and export goods, to understand better how Jordan's conditions compared with the requirement of GATT Articles III:4 and XI. Specifically, Jordan was asked to outline the trading rights of (i) fully domestically-owned firms; (ii) firms with less than 50 percent foreign equity; (iii) firms with more than 50 percent foreign equity; and (iv) fully foreign-owned firms. For each category, Jordan should also indicate who would be entitled to register as Jordanian firms with the right to import for own use (e.g. in manufacturing), import for further distribution, or export. In reply, the representative of Jordan provided a detailed report on the right to trade (WT/ACC/JOR/25). Jordan's legislation distinguished between import/export for a commercial purpose (further distribution and sale, including wholesale and retail) and non-commercial purpose (own use).

44. Commercial trade could be effected by companies or sole proprietorships having specified "engaging in trade activities" among their objectives at the time of registration. In this respect, Jordanian legislation distinguished between Jordanian (including foreign-owned) companies and foreign companies. Jordanian companies were companies established and registered in Jordan, and having Jordan as the principal place of operation. According to the Non-Jordanian Investment Promotion Regulation for 1997, foreign equity in a Jordanian company engaged in trade and trading services (including distribution services and import/export for commercial purposes) could not exceed 50 per cent. In addition, foreign investors in a Jordanian trade and trading services company were required to deposit minimum JD 50,000 with a Jordanian bank to effect the registration of such a company (except for public share holding companies). A foreign company, such as a branch of a company incorporated abroad, could be registered for trade and trading services in Jordan, in which case the minimum capital requirement of JD 50,000 would not apply. Registration could be either temporary, for the purpose of implementing a specific project or tender in Jordan, or permanent. However, permanent registration of foreign companies carrying out regular business in Jordan was subject to approval by the relevant Ministry.

45. Individuals, Jordanian or foreign, did not have the right to import or export for commercial purposes. However, a Jordanian natural person could register a "sole proprietorship", an option which was not available to foreigners wishing to engage in commercial trade. Foreign individuals could register as a sole proprietorship and import for non-commercial purpose after obtaining a special import card. Imports or exports for non-commercial purposes (own use) could be effected by Jordanian companies regardless of the level of foreign equity, foreign companies registered in Jordan, or domestic or foreign individuals. Imports for own use would be limited to items relevant to attain the stated objectives of the entities concerned.

46. A firm engaging in importation and exportation for commercial purposes was required to hold a valid import card, as stipulated in the Instructions on Import No. 1 of 1999. Import cards were issued automatically by the Trade Directorate in the Ministry of Industry and Trade after the importer had received a certificate of registration from the Importer's Registration at the Ministry of Industry and Trade. An application for registration in the Importer's Registration should be accompanied by a valid profession licence and include information such as the name, address, capital and trade name of the company or enterprise. Profession licences were issued to natural and legal persons registered in Jordan which were members of the Chamber of Commerce or Chamber of Industry, and which had had their premises inspected/approved by the local municipality. Membership in the Chamber of Commerce or Chamber of Industry was automatic

provided membership fees were paid.

47. The registration certificate of a company or merchant should be attached to the application for individual enterprises, whose capital should not be less than JD 5,000. Provided the documentation was in order, the import card would be issued within 30 minutes at no cost. The card was valid for one year (ending on 28 February), and could be renewed annually subject to the usual documentation requirements, including a renewed profession licence. An import card could not be cancelled. The Ministry could not refuse an application for an import card. Identical criteria applied for import cards issued to all persons, entities and institutions regardless of nationality and economic sector.

48. The import card provided the importer with a special number and a special file which facilitated the clearance of imported goods through customs. Goods could also be imported without a valid import card, but would then be subject to a fine equal to 5 per cent of the value of the imported goods. This fine was applied evenly to imports from all sources.

49. A member expressed concern that since Jordan's regulations did not distinguish between importing or exporting and providing services, such as distribution, after importation those regulations could be considered a restriction on imports and inconsistent with Article XI of GATT 1994. Moreover, application of an economic needs test in the context of registering importers would have an adverse effect on the terms of competition between imported and domestically produced goods. The representative of Jordan recognized the distinction drawn in the WTO between the right to import and export under the GATT and the right, under the GATS, to provide services such as distribution, and transportation, with respect to imported goods. Without prejudice to Jordan's schedule of commitments on services, Jordan would modify the relevant laws, regulations and requirements to permit foreign firms, including sole proprietorships to register as importers without limitation on equity or application of an economic needs test, including for branches of foreign firms permanently registered in Jordan.

50. Some members requested Jordan to provide a WTO justification for the import card rule, and considered the fine for importing without a card disproportionate. The representative of Jordan replied that import cards were used for identification and statistical purposes, and that the fine was designed to ensure that importers complied with the requirements. Jordanian and foreign companies which had not been registered as "engaging in trade activities" or "importing" could avoid the 5 per cent penalty on imports for own use by requesting a special import card. Imported personal effects were not affected by the import card rule as these were cleared unconditionally by customs.

51. The representative of Jordan said that Jordan's requirements on the right to trade would not in any way contradict Articles III, XI, and VIII of the GATT 1994. The representative of Jordan confirmed that no restrictions existed on the right of foreign and domestic individuals and enterprises to import and export goods and services into Jordan's customs territory, except as provided for in WTO Agreements. He confirmed that individuals and firms were not restricted in their ability to import or export based on their registered scope of business and the criteria for registration of companies in Jordan were generally applicable and published in the official gazette of Jordan.

52. The representative of Jordan confirmed that from the date of accession Jordan would ensure that its laws, regulations and requirements relating to the right to import and export and all fees, charges or taxes levied on such rights would be in full conformity with its WTO obligations, including Articles VIII:1(a), 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. The Working Party took note of this commitment.

## 1. Import Regulation

### Customs tariff

53. The representative of Jordan said that the customs law had been revised and amended to make it compatible with WTO requirements, ensuring transparency and simplified customs procedures. A new Customs Law, replacing the Customs Law of 1983, had been published on 1 October 1998, and had entered into force on 1 January 1999. Jordan had begun using the Harmonized System nomenclature on 1 January 1994, and the HS 96 nomenclature had entered into force on 1 March 1997. The Customs Law No. 20 of 1998 had been reviewed to assess its WTO conformity. Although the Customs Law No. 20 of 1998 largely conformed to WTO requirements, certain amendments were needed in order to bring it into full conformity. Key subject areas to be addressed were (i) non-preferential rules of origin (Articles 24-26), which would be substantially revised to incorporate the Harmonized Rules of Origin once finalized by the WTO in co-operation with the World Customs Organization; (ii) customs valuation (Articles 28-32), where the language of some articles would be changed in the areas covering the definition of transaction value, deductive value, and prohibited methods. Jordan was also publishing, in the form of an Instruction, the interpretive note on customs valuation in 1999; (iii) customs user fees, to include a provision ensuring that customs user fees reflected the cost of services rendered in accordance with Article VIII of GATT 1994; (iv) border enforcement of intellectual property rights, providing a basic legal framework which would be further elaborated through Regulations, and (v) countervailing duty and safeguard measures, where existing language in Article 15 would be amended because Jordan had enacted a Law on safeguards and was preparing Regulations on countervailing measures. Jordan was in the process of preparing these amendments, and planned to enact them in 2000.

54. The representative of Jordan said that tariff rates had been streamlined and reduced. The tariff bands had been reduced to six (0, 5, 10, 20, 30 and 40 per cent). The average trade-weighted tariff had fallen from 34.1 per cent in 1994 to 16.7 per cent in 1996, and the share of customs duties in government revenue had declined from 25 per cent in 1992 to 10 per cent in 1995. As of 1 January 1997, the maximum tariff amounted to 40 per cent (except for alcohol and tobacco). Jordan had reduced the 40 per cent tariff band to 35 per cent in September 1999. Before the end of 2000, the maximum tariff was expected to be reduced to 30 per cent, except for manufactured tobacco and tobacco substitutes (70 to 100 per cent), and alcoholic beverages (50 per cent and 180 per cent). Jordan maintained combined (*ad valorem* and specific) duty rates on bananas, grapes, apples, calves, and sheep and goats. Jordan had no intention to abolish these compound rates.

### Other duties and charges

55. The representative of Jordan said that Law No. 7 on Unifying Other Taxes and Fees had been passed in March 1997, consolidating all other import duties and charges into the ordinary rate of customs duty. The fees and taxes that had been incorporated into customs duties included a consolidated surcharge (6 per cent); the municipalities and universities fees (2 per cent and 4 per cent, respectively); the 1969 surcharge tax (5 per cent on items exempt from customs duty, 3 per cent on dutiable items); and a 5 per cent import fee.

56. The Council of Ministers had decided to eliminate a fee of 86.5 fils (JD 0.0865) per packet (20) of imported cigarettes, which had been levied in accordance with the decision of the Economic Security Commission No. 16 of 20 September 1984. The revenue had been earmarked for support of some agricultural products. Jordan planned to impose an internal tax on imported and domestically-produced cigarettes. Such a tax would be imposed in full conformity with Article III of the GATT 1994. Imported radios were subject to fees levied in accordance with by-SABEQ: WTO Trade Policy Review Workshops

Law No. 20 for 1966 of the Ministry of Post and Telecommunication. The fees amounted to JD 0.2 for one-wave transistor radios, JD 0.3 for two-wave radios and JD 0.4 for radios with three wave bands. In addition, JD 0.5 was levied on each transistor radio with an electric transformer, and JD 2 on each radio operated by electricity. Asked to explain the purpose of the fees levied on imported transistor radios, the representative of Jordan said that the purpose had not been specified in the legislation introducing these fees, i.e. the Regulation of Wireless Receivers and Transmitters No. 30 of 1966 and the 1934 Wireless Telegraph Law (Article 4). Article 90 of the Telecommunications Law No. 13 of 1995 had repealed the aforementioned regulation and Law, thereby eliminating the import fee on transistor radios. Asked by a member about the WTO justification for an import charge on imported sheep and goats (JD 2 per head) and calves (JD 10 per head), the representative of Jordan said that the Law on Unifying Taxes and Duties No. 7 of 1997 would be amended prior to accession. Jordan would reintroduce compound tariff rates for sheep and calves, as was the case before February 1997.

57. The representative of Jordan confirmed that from the date of accession Jordan would levy no duties and charges on imports other than ordinary customs duties and fees and charges for services rendered. Any such charges applied to imports after accession would be in accordance with WTO provisions. The Working Party took note of this commitment.

58. The representative of Jordan further confirmed that Jordan would not list any other charges in its Goods Market Access Schedule under Article II:1(b) of the GATT 1994, binding such charges at "zero".

#### Tariff rate quotas, tariff exemptions

59. The representative of Jordan said that tariff rate quotas were not applied in Jordan, but tariff exemptions had been granted for basic production inputs, basic food products, necessary health and medical goods, and capital goods and equipment for agriculture and industry. Tariff-exempt imports had accounted for almost 60 per cent of the total value of imports in 1996, 50 per cent in 1997, and 38 per cent in 1998. These figures included duty-free imports by diplomatic, charitable, educational and medical institutions, certain imports governed by bilateral trade agreements (protocol trade), imports by certain government institutions, and imports under the Investment Promotion Law.

60. The new Customs Law No. 20 of 1998 had cancelled all import duty exemptions for government-owned firms and government institutions (except grants and donations). Duty exemptions remained for 10 companies in accordance with agreements with the Government or concessions, granted at the time of their establishment (Table 2). The import duty exemptions were set to expire automatically on the date stipulated in the concessions and agreements. The beneficiaries were share holding companies with significant private participation - the Jordan Phosphate Mines Co. Ltd., the Jordan Petroleum Refinery Company, the Jordan Cement Factories Company, the Arab Bridge Maritime Company, the Arab Potash Company, the Jordanian Electric Company, the Irbid Governorate Electric Company, the Jordanian Tanning Company, the Vegetable Oil Industries Co. Ltd., and the Arab Company for Manufacturing White Cement. The products subject to import duty exemptions were used by the exempted companies for production and operations purposes. The following goods imported by these companies were not exempt from import duties: cars and spare parts, tyres, petroleum products, vans and buses and their spare parts, stationery, computer devices, air-conditioners, hand tools, consumption materials, goods and materials used for housing employees, and products similar to Jordanian products. These companies were not exempt from income tax, and the tariff exemptions were not contingent upon export performance.

Table 2: Company-specific tariff exemptions in Jordan

Company Name	Terms of concessions and agreements; conditions; and expiration
Jordan Phosphate Mines Co. Ltd.	The company has exclusive mining rights of Phosphate for four different mines in Jordan, which are granted based on Law No. 12 of Natural Resources 1968. Mining rights are usually granted for thirty years and are subject to renegotiations and renewal once they expire. The company also has the exclusive right (indefinite term) to import, store and sell explosive materials used in the local market for mining and quarrying purposes.
Jordan Petroleum Refinery Company	The concession Law No. 19 of 1958 was issued to approve the concession agreement signed between the Jordanian Government and the Petroleum Refinery Company. The term of concession grants the company the exclusive right to refine oil and sell in Jordan. The company alone shall have the right to import oil and Hydrocarbon necessary to the local market. The concession expires in 2008.

Company Name	Terms of concessions and agreements; conditions; and expiration
Jordan Cement Factories Company	The Jordan Cement Factories has a concession for fifty years and it is valid from 1951 to 2001. The company has the exclusive right to search, extract and produce cement and its by-products in any area or land of the Hashemite Kingdom of Jordan for the purpose of supplying the local market with all its cement demand. The concession expires in year 2001.
Arab Potash Company	The Arab Potash Company has a concession Agreement which was granted in 1958 and for 100 years according to law No. 16 of 1958, issued to approve the concession agreement. The company has the exclusive right to mine and extract Dead Sea minerals from the Dead Sea. The concession expires in year 2058.
Jordan Tanning Company	The Jordanian Tanning Co. has a concession agreement that was granted in 1962, for forty years, according to the Law No. 9 which approved the concession agreement. The company has the exclusive right to import and export rawhides and skins and also it has exclusive right to export tanned leather. The concession expires in year 2002.
Jordan Electric Company	<p>The Jordanian Electric Co. has a concession agreement that was granted in 1961 for fifty years according to Law approving the concession agreement. The company has exclusive right to distribute electric power to Amman, Zarqa, Madaba, Salt areas and suburbs with electricity power. The concession expires in year 2012.</p> <p>The company is not engaged in international trade activities and does not have exclusive right to generate power. Its main objective is to distribute electric power in the above mentioned areas (natural monopoly with regard to power distribution at the local level).</p>
Irbid Governorate Electric	<p>The Irbid Electric Co. has a concession agreement that was granted in 1961, for fifty years, according to Law No. 1 of 1961 approving the concession agreement. The company has the exclusive right to distribute electric power to Ajlun, Irbid, Mafraq and Jerash areas. The concession expires in year 2011.</p> <p>The company is not engaged in international trade activities and does not have exclusive right to generate power. Its main objective is to distribute electric power in the above mentioned areas (natural monopoly with regard to power distribution at the local level).</p>
Vegetable Oil Industries Co. Ltd.	<p>The Vegetable Oil Factories Co. has exclusive right to produce vegetable Ghee (Margarine) to the local market. Concession agreement was granted in 1956 for thirty years according to agreement and has been extended for another fifteen years. The concession expires in year 2001.</p> <p>However this is not implemented in practice.</p>

Company Name	Terms of concessions and agreements; conditions; and expiration
Arab Company for Manufacturing White Cement	There is no concession agreement between the Jordanian Government and the Arab Company for Manufacturing White Cement. The company has an exemption from paying customs duties of indefinite validity, as per cabinet decision dated 10 November 1984.
Arab Bridge Maritime Company	The company has a concession agreement that was granted in 1985 for fifty years according to Maritime cooperation agreement between three Arab countries (Jordan, Egypt, and Iraq). The company has the exclusive right to transport cargo, mail and passengers from Aqaba to Noueibe and return. The company is registered in Panama and, therefore, is not subject to Jordanian laws on income tax.

61. The representative of Jordan added that the customs exemptions provided for the Jordan Phosphate Mines Co. Ltd. would be eliminated upon accession to the WTO, as stipulated in Council of Ministers Decision No. 12-9-76 of September 1999. He noted that the concessions granted to the Arab Bridge Maritime Company would expire in 2035.

62. The representative of Jordan confirmed that the exemptions on customs duties for certain imports by the 10 companies listed in Table 2 will expire as indicated in that table, and will not be renewed. As noted in Table 2, the customs exemption for Arab Company for Manufacturing White Cement had been granted for an indefinite period of time, in accordance with the Council of Ministers' Decision dated 10 November 1994. The Working Party took note of this commitment.

63. Charitable organizations were registered in a special registry at the Ministry of Industry, and received an import licence from the Ministry to import goods duty free upon recommendation from the Ministry of Social Development, certifying that the goods to be imported were for charitable purposes. Duty-free imports were allowed for medical equipment and medications (approval of the Minister of Health and Minister of Finance/Customs); fixed equipment and apparatus and educational apparatus received as donations or grants for use in schools and institutions run by charitable organizations (recommendation from the Minister of Social Development and approval by the Minister of Finance/Customs); clothes, food, furnishings (carpets and curtains) received as donations or grants to orphanages, old peoples' homes and hospitals (upon direction from the Minister of Social Development and approval of the Minister of Finance/Customs); donations and grants of construction materials for building mosques, churches or schools belonging to religious or charitable organizations accredited by the Ministry of Social Development; and hearse cars (95 per cent tariff reduction). Educational and medical materials and all other apparatus, equipment, machines and spare parts, including transport vehicles, were also fully exempt from customs duties when used by schools, institutions and programmes for handicapped persons.

64. The tariff exemptions granted for imported capital goods and related spare parts in investment projects are described in the section "Investment regime". Agricultural products exempted from customs duties were wheat and flour, and certain fruit and vegetables imported under bilateral trade agreements with Arab countries, Israel and Palestinian Authority according to an agricultural calendar.

65. Some members noted that the seasonal exemptions for customs duties and import fees for



certain agricultural products were not applied on a most favoured nation basis. In reply, the representative of Jordan said that Jordan intended to conform to the MFN requirements of WTO. Jordan would maintain seasonal exemptions from customs duties accorded as trade preferences to some Arab countries in the context of the Arab Free-trade Area.

### Fees and charges for services rendered

66. A member noted that Jordan imposed overtime fees and non-tariff *ad valorem* charges for re-exported goods, and that the fee assessed for authentication of invoices and certificates of origin increased for goods worth more than JD 10,000. Jordan was requested to bring its fees and charges for services rendered into conformity with Article VIII of the GATT 1994.

67. In reply, the representative of Jordan said that certain fees and charges were imposed for services rendered to the importer. A detailed report was provided to the Working Party in document WT/ACC/JOR/27. Veterinary charges were levied in accordance with by-law No. 17 for 1987, issued in accordance with the Agriculture Law No. 20 for 1973, and their amendments. He added that audio-visual material was screened to protect public morals according to Law No. 52 of 1951, and the fees for movies (JD 50); video films and visual discs (JD 3); and audio discs, computer and electronic games, and audio cassettes (JD 1), were below the cost of the services rendered.

68. An overtime fee equal to 0.2 per cent of the c.i.f. value of imported goods worth more than JD 50 (0.1 per cent for goods in transit) was charged for services rendered by staff of the Customs Department during official working hours and for performing difficult and risky tasks. He confirmed that these fees would be brought into conformity with Article VIII of the GATT 1994 upon enactment of amendments to the Customs Law No. 20 (expected during Parliament Ordinary Session November 1999- February 2000). The overtime fee would be replaced by an import processing fee of 0.2 per cent of the transaction value, minimum JD 10 and maximum JD 250 per transaction. All trade would be subject to this fee, and revenues from the fee would be used to support the overall operations and infrastructure of the Customs Department in connection with customs processing (Article 161D of the Customs Law). The transit fee would be levied at a fixed rate of JD 20 per transaction.

69. A member noted that Jordan required consular certification of commercial bills, and considered the certification by consulates and Chambers of Commerce of documents unnecessary. Moreover, the requirement created an additional charge on imports, and an additional burden to import trade not applied to domestic goods, incompatible with the provisions of the Agreement on Rules of Origin and Article VIII of the GATT. Jordan was accordingly requested to eliminate this practice.

70. In reply, the representative of Jordan said that consular fees were levied in accordance with by-law No. 1 for 1989 based on Article 2 of the Law on consular fees No. 36 for 1947. The fees were levied for certification of commercial bills not paid at the time of certification by the consular authority in the exporting country, and ranged from JD 2 for bills less than JD 100 to JD 50 for bills worth JD 50,000-100,000 with an additional JD 2 charged for each JD 10,000 in excess of JD 100,000. Certificates of origin issued by a consular authority were subject to a fee of JD 2 per certificate. Appropriate legal measures to bring the consular fees for certification of commercial bills into conformity with Article VIII of the GATT 1994 would be taken, and a flat fee of JD 21 per transaction would apply from the date of Jordan's accession to the WTO. Jordan would introduce amendments to the Customs Law No. 20 of 1998 and Regulations No. 1 of 1989 on Consular Services and Fees during the second half of 2002 to eliminate the consular authentication requirements.

71. The representative of Jordan confirmed that from the date of accession, Jordan would impose any fees or charges for "services rendered" to importation or exportation only in conformity with Article VIII of the GATT 1994. He further confirmed that the fee described in paragraph 71 for the authentication or certification of import documents by Chambers of Commerce or consular officials in the exporting country would be fixed at JD 21 per transaction

from the date of accession. The practice of requiring such certifications would be eliminated by 31 December 2002. Information regarding the application and level of such fees, revenues collected and their use, would be provided to WTO Members upon request. The Working Party took note of these commitments.

#### Application of internal taxes

72. Some members noted that Jordan applied sales tax rates which differentiated between imported and domestically-produced goods in violation of Article III of the GATT 1994, and asked which steps Jordan was taking to eliminate this differential treatment. A member observed that, under a number of provisions of the General Sales Tax Law of 1994, as amended, national treatment was not accorded in the taxation of imported goods, and asked that the Law be brought into full conformity with the requirements of Article III:2 of GATT 1994 prior to accession. This member stated that the General Sales Tax law provisions not in conformity with Article III:2 of GATT 1994 were (i) Article 6, which provided for two schedules of goods subject to the supplementary sales tax, whose purpose was to compensate for reductions in import duties; (ii) Article 7, which provided that the Council of Ministers could wholly or partially exempt any locally produced goods from the tax; (iii) Schedule 1, which consisted of goods not subject to sales tax including locally produced furniture, locally produced dried legumes, locally produced solar water heaters and a number of other locally produced items, but not imported like products; (iv) Schedule 2, which consisted of goods subject to 20 per cent sales tax, but retained separate columns for the rate applicable to local and imported goods, as long as the rates were not the same; (v) Schedule 3, which consisted of goods subject to specific sales tax, but retained separate columns for the rate applicable to local and imported goods, as long as the rates were not the same; and (vi) Schedule 5-A, which consisted of imported goods subject to supplementary sales tax, including natural and mineral water and carbonated and alcoholic beverages.

73. In reply, the representative of Jordan said that a General Sales Tax was applied in Jordan, and imported goods were taxed at the border based on the duty-inclusive customs value. Jordan intended to remove the differential rates of General Sales Tax prior to accession. The Ministry of Finance was preparing amendments to the General Sales Tax Law to bring the application of General Sales Tax into full conformity with Article III of the GATT 1994. Parliament was expected to adopt these amendments during its Ordinary Session November 1999-February 2000. The amendments would ensure national treatment with regard to the application of general sales tax. Products subject to the (amended) specific rates of sales tax are listed in Table 3.

Table 3: Products subject to specific sales tax

No.	Product	Unit	Tax rate (JD) (domestic or imported)
1	All kinds of cement	Ton	10.000
2	Iron for construction	Ton	50.000
3	Mineral lubricating oils	Kg	0.200
4	Natural and mineral water	Litre	0.020
	Gas water including soda water in		
	- reusable container		0.166
	- disposable container		0.175

No.	Product	Unit	Tax rate (JD) (domestic or imported)
5	Fizzy drinks (a) for immediate consumption - reusable container - disposable container (b) Concentrates in -drums that yield 96 bottles/25 cl. Capacity each -drums that yield 480 bottles/ 25cl. capacity each	Litre Litre Drum Drum	0.166 0.175 3.984 19.920
6	Beer including non-alcoholic beer	Litre	0.600
7	Unsaturated Ethel Alcohol	Litre	0.330
8	Alcoholic drinks including wine.	Litre	1.000
9	Tobacco (a) Ordinary (b) Mixed with fruit syrup	Kg Kg	2.000 2.000
10	Snuff	Kg	2.000
11	Chopped tobacco	Kg	0.500
12	Cigar	Kg	15.000
13	Cigarettes a) For local consumption b) for the same brand names sold to armed forces.	box /20	0.170 0.130

74. The representative of Jordan stated that Jordan, as of the date of accession, will be applying sales tax for both imported and locally-made goods in conformity with Article III of the GATT 1994. Some imported products were subjected to 10 per cent general sales tax while locally produced goods were exempt. The products involved were agricultural plastic houses; furniture; wool blankets, covers, and mattresses, quilts, and towels; yeast and bread improvements; active and inactive lime and calcareous masonry; smoke stack stoves and their parts; dried leguminous vegetables subjected to any manufacturing process such as peas, chick peas, beans, kidney beans, lentils of field beans; egg carton holders; solar heaters; knitted textiles; milled products including spices, thyme, and other herbs; and energy-saving insulation materials for building purposes. After the enactment of the amendments to the General Sales Tax Law, the above-mentioned locally produced goods would no longer be exempted from general

sales tax. A 13 per cent general sales tax would be applied on all imported and locally produced goods mentioned above except gas and kerosene heaters which were exempt from sales tax regardless of whether these were imported or locally-produced. The representative of Jordan added that the General Sales Tax Law had been amended in July 1999 to raise the tax rate from 10 per cent to 13 per cent.

75. The representative of Jordan stated that, from the date of accession, Jordan will apply its domestic taxes, including those on products listed in Table 3, in compliance with Articles I and III of the GATT 1994. The Working Party took note of this commitment.

Quantitative import restrictions, including prohibitions, quotas and licensing systems

76. The representative of Jordan said that, although imports had been liberalized in recent years and numerous non-tariff barriers had been eliminated, importation of some products was still prohibited or subject to prior approval or import licensing. The goods banned from importation into Jordan are listed in Table 4. Banned goods would be refused entry or clearance by customs, and would need to be re-exported to the country of origin or to the Free Zone.

Table 4: Banned imports

HS Code	Products
39.15	Plastic Waste
87.03	Passenger cars using other than benzene as fuel

77. Some members pointed out that Jordan's bans on imports of plastic waste, mineral water, table salt, used cars, and cars using fuel other than petrol were intended to limit imports and were inconsistent with Article XI of the GATT and the Agreement on Agriculture. Jordan was requested to confirm that all these restrictions would be eliminated or amended no later than upon accession to bring them into line with WTO provisions. In reply, the representative of Jordan said that mineral water and salt had been banned from importation for socio-economic reasons. Price controls on table salt had been lifted in June 1997 as a first step towards liberalization. Jordan had eliminated the import ban on mineral water in April 1999, and the ban on table salt and cars older than five years in September 1999, and intended to lift the other bans. Importation of diesel-engine saloon cars and taxis was not allowed because of the environmental pollution they were causing. Diesel-engine trucks were accepted because they mostly operated outside the congested areas. His Government was encouraging Jordanians to replace older cars with newer (and safer) models. Owners of old cars used in public transport were eligible for duty-free importation of new cars provided the old car was surrendered to the State or retired from service.

78. He added that Jordanian standards on cars had been suspended and were likely to be totally withdrawn. The ban on importation of diesel powered saloon cars would remain until Jordan's refinery had been modernized to produce diesel fuel with lower sulphur content. The prohibition on import of plastic waste would not be lifted as processing of plastic waste was considered a major environmental problem in Jordan.

79. The representative of Jordan said that prior approvals were issued under specific conditions by certain government institutions. Prior approvals were required to import from all countries (including those with which Jordan had preferential agreements) for all products listed in Table 5. Prior approvals were granted automatically to private sector importers of rice and sugar and there were no import quotas or restrictions on the imported quantity. Private sector

imports of cigarettes required prior approval and an import licence from the Ministry of Industry and Trade, but there was no import quota. Prior approvals to import electric and electronic video games were granted only to shops licensed to use or deal with such games.

Table 5: Prior approvals (measure in force prior to accession)

	HS Code	Product	Party Granting Approval	Justification
1.	10.06	Rice	Ministry of Industry and Trade (MIT)	Statistical purpose
2.	11.01	Wheat flour	MIT	Statistical purpose
3.	17.01	Sugar	MIT	Statistical purpose
4.	10.01	Wheat	MIT	Statistical purpose
5.	10.03	Barley	MIT	Statistical purpose
6.	10.05	Corn	MIT	Statistical purpose
7.	Chapter 1	Live animals	Ministry of Agriculture	Health
8.	0511.10	Frozen animal semen	Ministry of Agriculture	Health
9.	Chapter 2	Fresh chilled and frozen meat	Ministry of Agriculture	Health
10.	1509	Olive oil	Ministry of Agriculture	Social
11.	Chapter 93	All kinds of arms and ammunition	Ministry of Interior, Public Security Dept. (PSD)	National security
12.	36.01 36.02 36.03 36.04	All kinds of explosives	PSD	National Security
13.	82.11	Pen knives and similar articles	PSD	National Security Public order
14.	95.01	Children automobile toys operated with fuel	PSD	Safety
15.	9503.20	Remote control and toy aeroplanes	PSD	Safety

	HS Code	Product	Party Granting Approval	Justification
16.	95.04	Electrical and electronic video games machines	PSD	Public moral
17.	85.43	Self-defence electrical equipment	PSD	National Security Public order
18.	28.44	Radio-active materials and uranium	Ministry of Energy & Mineral Resources	National Security Health Safety Environment
19.	85.25	Wireless transmitters and receivers	Telecommunications Regulatory Commission (TRC)	National Security Safety Health
20.	85.31	Wireless alarm equipment	TRC	National Security Health
21.	8543.209 8526.92	All kinds of remote control equipment (except those for television and video)	TRC	National Security Safety Health
22.	8526.91	Radar apparatus	TRC	National Security Safety Health
23.	85.25	Transmission and reception stations	TRC	National Security Safety Health Environment
24.	85.25.201	Cellular telephone systems	TRC	National Security Safety Health Environment
25.	85.17.11	Cordless telephones	TRC	National Security Health
26.	8518.10	Cordless microphones	TRC	National Security Health

	HS Code	Product	Party Granting Approval	Justification
27.	85.17	Electrical equipment for line telephony and telegraphy	TRC	Safety Environment
28.	8543.899	Decoders	TRC	National Security Health
29.	85.29 8529.101 8543.891	Satellites	TRC	National Security Safety Health
30.	90.09	Coloured photocopying machines	Central Bank of Jordan	National Security
31.	29.41 30.02 30.03 30.04	Medicaments, antibiotics, human blood, vaccines	Ministry of Health (MOH)	Health
32.	2106.90	Food preparations used by athletes	MOH	Health
33.	2827.51	Bromides of potassium	MOH	Health
34.	13.02	Food colourings	MOH	Health
35.	68.11	Sheets and pipes of asbestos	MOH	Health
36.	04.02 2106.90	Milk and foods for children	MOH	Health
37.	21.05	Ice cream and other edible ice	MOH	Health
38.	84.70	Postage franking machines	Ministry of Post and Communications	National Security
39.	2903.4 2903.46	Halogenated derivatives of hydrocarbons	Public Corporation for Protection of the Environment	Safety Environment
40.	2903	Frion gas	Public Corporation for Protection of the Environment	Safety Environment



	HS Code	Product	Party Granting Approval	Justification
41.	8430.4	Boring machinery for water	Ministry of Water & Irrigation	Conservation of Natural Resources
42.	Chapters 61+62	Military clothing	General Command of the Armed Forces	National Security

80. Import licenses were required for goods (i) originating in countries and territories which had trade agreements and protocols with Jordan, i.e. Bahrain, Egypt, Iraq, Israel, Kuwait, Lebanon, Libya, Morocco, Oman, Palestinian Authority, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen; (ii) imported by banks, companies under establishment, farms, handicraft businesses, hospitals, hotels, newspapers, religious, scientific and charitable organizations; (iii) imports by individuals for personal, non-commercial use; (iv) goods, neither prohibited nor restricted and whose total value exceeded JD 2,000, brought into the country by passengers; (v) imports of companies, organizations and individuals registered with official bodies to establish development projects in Jordan; (vi) imports by foreign contractors and companies including their branches registered in Jordan as foreign entities; and (vii) imports by foreign entities permitted to operate a resident branch in Jordan to conduct business outside Jordan and non-Jordanian individuals working in media establishments. Product-specific import licences were required for the items listed in Table 6. The import licences were maintained for statistical purposes and to administer the tariff exemptions provided under the respective agreements.

Table 6: Import licences

HS Code	Item
ex 19.05	Biscuits
ex 87.03	Used vehicles
ex 2201.10	Mineral water
ex 84.18	Refrigerators
ex 84.18	Freezers
84.14.30	Compressors
ex 04.02	Milk for industrial use
ex 40.12	Used automobile tires
ex 85	Used electronic equipment

81. The representative of Jordan said that import licences were issued free of charge, and most Ministries did not charge fees for the issuance of prior approvals. Legislation on prior approvals, which varied from one institution to another, did not stipulate any time-limit for the issuance of prior approvals. The process could therefore take from one day to one year, provided all required documentation had been submitted. In certain cases (arms, ammunition, explosives and pen knives), only licensed importers could apply for prior approvals. In general, the main determinant in granting prior approval was the nature of the product and its impact on health, safety, the environment, national security, public order and morals, and the conservation of natural resources. Imports of chemical products were subject to general safety conditions, i.e. availability of appropriate storage facilities and proper procedures for the transportation, handling and labelling of products. Telecommunications equipment and toys were checked or subject to laboratory tests to ensure that they would not threaten national security, health, safety, or the environment. Asked whether Jordan provided an opportunity for other countries to comment in writing on new procedures, or products to be added to the list of goods subject to prior approval, he replied that there were no restrictions on other countries providing written comments.

82. Some members noted that Jordan applied quantitative restrictions and import licensing which could not be justified as exceptions to the requirements of GATT Article XI. Some of the measures also appeared to violate GATT provisions on MFN and national treatment. Jordan was requested to eliminate or amend these measures prior to accession. The representative of Jordan stated that Jordan intended to conform to Article XI of the GATT 1994 no later than upon accession, and that Jordan would eliminate or amend all restrictions which were inconsistent with Article XI before the end of 1999. His Government was reviewing the list of products subject to prior approval, and would eliminate those items that could not be justified under WTO rules by the date of accession. Legislation to bring the current regime into full conformity with WTO requirements would be enacted prior to accession.

83. The representative of Jordan provided a report on import/export licensing in document WT/ACC/JOR/28, including a detailed proposal for the application of a new licensing regime. He proposed to eliminate the current system of licensing and prior approvals and replace it with an automatic and non-automatic import licensing regime in accordance with the WTO Agreement

on Import Licensing Procedures. Non-automatic licenses would be applied in accordance with the provisions of Article 3 of the Agreement on Import Licensing Procedures, and would be required to regulate (i) quantitative restrictions (e.g. quotas) in accordance with the Agreement on Safeguards and Article XIX of the GATT 1994, or in accordance with Article XII and Article XVIII of the GATT 1994, and the Understanding on Balance-of-Payments Provisions of the GATT 1994; (ii) importation of goods likely to cause threat to safety, environment, health, national security, public order and moral; and (iii) goods having an impact on the conservation of natural resources (for example, water). Imported used electronic goods would be provided national treatment in accordance with Article III of the GATT 1994 following customs clearance. Only three types of "used" goods (used electrical equipment, used tires and used photocopiers) would be subject to non-automatic import licensing. Used goods were usually not accompanied by catalogues or warranties. The main purpose of non-automatic licensing on these two types of goods was to obtain information from the importer on the condition of such goods given the health, safety and environmental concerns associated with these products.

84. Automatic licensing would be applied for administrative and statistical purposes, such as the monitoring of trade flows and collection of statistics, in accordance with the provisions of Articles 1 and 2 of the Agreement on Import Licensing Procedures. Automatic licences would be issued within a maximum of ten working days after submission of all relevant documentation, as required under Article 2.2.(a)(iii) of the Agreement. Automatic import licenses would be required for goods subject to the provisions of trade protocols (currently applied to Syria for a specific list of items); dairy products (HS Chapter 4) and fresh fruits and vegetables (Chapters 7 and 8) imported from countries with which Jordan has trade agreements; and for the goods listed in Table 7. Non-automatic licenses would be issued for the protection of health, safety, environment, national security, public order and moral, and the conservation of natural resources for products listed in Table 8. He confirmed that importation of such goods were not subject to quantitative restrictions at present.

Table 7: Goods Subject to Automatic Import Licensing

HS Code	<i>ITEM</i>	<i>LINE AUTHORITY</i>
Ex 19.05.30	Biscuits	Ministry of Industry and Trade (MIT)
ex 22.01.10	Mineral water	MIT
25.01	Table salt	MIT
10.06	Rice	MIT
11.01	Wheat flour and other wheat products	MIT
17.01	Sugar	MIT
10.01	Wheat	MIT
10.03	Barley	MIT
10.05	Corn	MIT
24.02.20	Cigarettes	MIT
Ex 97.05.00	Stuffed wild animals	Ministry of Agriculture

HS Code	<i>ITEM</i>	<i>LINE AUTHORITY</i>
20.02.90	Tomato paste	Ministry of Agriculture
15.09	Olive oil	Ministry of Agriculture
29.03.4	Halogenated derivatives of hydrocarbons	Public Corporation for Protection of the Environment
Ex84 and ex85	New electric equipment	MIT
85.25.10 85.25.20	Wireless transmitters and receivers; transmission and reception stations	Telecommunications Regulatory Commission (TRC)
85.25.201	Cellular telephone systems	TRC
85.43.209 85.26.92	All kinds of remote control equipment (except those for television and video)	TRC

Table 8: Goods Subject to Non-Automatic Import Licensing

HS Code	Item	Justification	Line Authority
Ex 40.12	Used automobile tires	Safety	MIT
Ex 84 and ex 85	Used electric equipment	Health, safety and environment	MIT
ex90.09	Used photocopiers (more than three years old)	Health and safety	MIT
04.02	Milk for industrial use	Health	MIT
Chapter 1	Live animals	Health	Ministry of Agriculture
0511.10	Frozen animal semen	Health	Ministry of Agriculture
Chapter 2	Fresh chilled and frozen meat	Health	Ministry of Agriculture
Chapter 31	Fertilizers	Environment	Ministry of Agriculture
38.8	Insecticides, fungicides, herbicides, disinfectors	Health and environment	Ministry of Agriculture
12.09	Seed and fruits, used for sowing	Plant health	Ministry of Agriculture
30.03 30.04	Veterinary medicines	Animal health	Ministry of Agriculture
Chapter 93	All kinds of arms and ammunition	National security	Ministry of Interior, Public Security Department (PSD)
36.01 36.02 36.03 36.04	All kinds of explosives	National security	PSD
82.11	Pen knives and similar articles	National security Public order	PSD
95.01	Children automobile toys operated with fuel	Safety	PSD
95.03.90	Remote control and toy airplanes	Safety	PSD

HS Code	Item	Justification	Line Authority
95.04.10	Electrical and electronic video games machines	Public moral	PSD
85.43	Self-defense electrical equipment	National security Public order	PSD
Ex 28.34.299	Ammonium Nitrates	National security Public order	PSD
28.44	Radio-active materials and uranium	National security Health Safety Environment	Ministry of Energy & Mineral Resources
85.31	Wireless alarm equipment	National security Health	TRC
85.26.91 85.26.10	Radar apparatus	National security Safety Health	TRC
85.17.11	Cordless telephones	National security Health	TRC
8518.10	Cordless microphones	National security Health	TRC
85.17	Electrical equipment for line telephony and telegraphy	Safety Environment	TRC
85.43.899	Decoders	National security Health	TRC

HS Code	Item	Justification	Line Authority
85.29.101 85.43.891	Satellites	National security Safety Health	TRC
90.09	Colour photocopying machines	National security	Central Bank of Jordan
29.41 30.02 30.03 30.04	Medicaments, antibiotics, human blood, vaccines	Health	Ministry of Health (MOH)
21.06.90	Food preparations used by athletes	Health	MOH
28.27.51	Bromides of potassium	Health	MOH
33.02	Food colourings	Health	MOH
68.11	Sheets and pipes of asbestos	Health	MOH
04.02 21.06.90 1901.10 1901.90	Milk and foods for children	Health	MOH
21.05	Ice cream and other edible ice	Health	MOH
84.70.90	Postage franking machines	National security	Ministry of Post and Communications
29.03.4	Frion gas	Safety Environment	Public Corporation for Protection of the Environment
84.30.4	Boring machinery for water	Conservation of Natural Resources	Ministry of Water & Irrigation
Chapters 61 and 62	Military clothing	National security	General Command of the Armed Forces

85. The representative of Jordan said that any reason for the refusal of a license would be in full conformity with the requirements of the Agreement on Import Licensing Procedures, in particular Articles 1.6, 1.7 and 1.8, as well as with all other requirements of the WTO Agreement.

The issuing authority would be entitled to cancel an import licence and refund the fees if importation of goods were to become prohibited, or restricted to a specific entity. However, for the entire period that an import or export licence remained in force, the rights of any trader would not be revoked on the grounds that exclusive trading rights in relation to the product or products concerned were being accorded to another entity. Licences could also be cancelled in emergency situations, such as the spread of disease in a specific country. The circumstances leading to such cancellations would be defined more closely in the implementing regulations to the Law on Imports. He confirmed that Jordan's amended legislation, regulations and instructions would be notified to the Committee on Import Licensing procedures for examination, together with the questionnaire on import licensing procedures, in accordance with the notification time table presented in document WT/ACC/JOR/31.

86. A member sought clarification of the objective of the import licensing requirements applied to milk for industrial purposes. The representative of Jordan replied that such requirements were applied to prevent deceptive practices and considered the measure to be in conformity with Article 2.2 of the WTO Agreement on Technical Barriers to Trade. The member rejoined that the risks associated with the non-fulfilment of this objective were not clear, and hence it was not clear how such a measure should be considered necessary to prevent deceptive practices and why it was in conformity with Article 2.2. This member also stated that the measure appeared to be used to provide protection to the domestic dairy industry, and considered that such a measure could not be in conformity with Articles III:4 and XI:1 of GATT 1994, as well as with Article 2.2 of the WTO Agreement on Technical Barriers to Trade.

87. The representative of Jordan confirmed that Jordan would, from the date of accession, eliminate and shall not introduce, re-introduce or apply quantitative restrictions on imports, or other non-tariff measures such as licensing, quotas, bans, permits, prior authorization requirements, licensing requirements and other restrictions having equivalent effect that cannot be justified under the provisions of the WTO Agreement. Any further amendments to the import licensing regime after accession would be fully in accordance with all relevant provisions of the WTO, including the Agreement on Import Licensing Procedures. Jordan would replace non-automatic import licensing with automatic import licensing for "milk for industrial use" within 3 years from the date of accession. He further confirmed that the legal authority of the Government of Jordan to suspend imports and exports or to apply licensing requirements that could be used to suspend, ban, or otherwise restrict the quantity of trade will be applied from the date of accession in conformity with the requirements of the WTO, in particular Articles XI, XII, XIII, XVIII, XIX, XX and XXI of the GATT 1994, and the Multilateral Trade Agreements on Agriculture, Application of Sanitary and Phytosanitary Measures, Import Licensing Procedures, Safeguards and Technical Barriers to Trade. The Working Party took note of these commitments.

#### Customs valuation

88. A member stated that it considered the Customs Valuation Agreement a fundamental component of the Uruguay Round Agreement. This member encouraged Jordan to incorporate the WTO Customs Valuation Agreement into its legislation as soon as possible and certainly no later than the date of accession.

89. The representative of Jordan said that the 1998 Customs Law, which was based on the WTO Customs Valuation Agreement, included provisions on customs valuation in its Articles 28 to 32. The Law required valuation based on self-declaration by importers, and stipulated that the transaction value, rather than the "normal" value be used for customs valuation purposes. Customs duties were calculated on the basis of the c.i.f. value of imports on the registration date of the customs valuation form. In mid-1996, a reference price database for valuation of goods



had been initiated by customs, but this database no longer existed.

90. The Customs Law No. 20 of 1998 conformed largely to the WTO Customs Valuation Agreement. The Law contained a definition of related persons similar to that of Article 15.4 of the Customs Valuation Agreement, except that Jordanian Law limited family relation to third degree. He confirmed that the Customs Law incorporated the Article 5.2 valuation method, and that customs practices would comply with Article 5.2 of the Customs Valuation Agreement. The right of further appeal (beyond the Customs Court) was guaranteed by Law, and he considered Article 80 of the Customs Law, which stipulated that a decision of the Director General of the Customs Department could be contested at the Customs Court within 15 days, would meet the requirements of Article 11.3 of the Customs Valuation Agreement. He considered the confidentiality provision in Article 10 of the Agreement to be covered by Article 175 of the Customs Law. A provision on the valuation of lost or damaged goods would be addressed in instructions of the Minister of Finance, which would also be issued to incorporate the interpretative notes in Jordanian legislation.

91. A member requested that Jordan provide the regulations implementing the Interpretative Notes to the WTO Valuation Agreement, stressing that Article 14 of the WTO Valuation Agreement which incorporated the Interpretative Notes as an integral part of the Agreement and the Articles of the Agreement could not be read and applied without reference to the respective Interpretative Notes. This member also sought verification of Jordan's implementation of Decisions 3.1 (software) and 4.1 (treatment of interest charges) of the Committee on Customs Valuation and confirmation by Jordan that (i) Articles 1(d) and 1.2(a) of the WTO Valuation Agreement concerning related parties had been fully implemented in Jordan's Customs Law; (ii) Jordan would eliminate the inconsistency identified in their deductive value provision in the Amendments to the Customs Law; (iii) Article 31C(i) concerning implementation of other provision was designed to cover the regulations, i.e. the Interpretative Notes, software decision and interest decision; and (iv) that Jordan would implement a provision to cover fully the confidentiality requirement of Article 10 of the WTO Valuation Agreement.

92. The representative of Jordan replied that a review of the Customs Law No. 20 had been completed in March 1999, and Jordan had prepared draft amendments to address these points and ensure full conformity with the WTO Customs Valuation Agreement (to be submitted to Parliament in November 1999). He confirmed that Article 1(d) and Article 1.2(a) of the Agreement concerning related parties had been fully implemented in Jordan's Customs Law, and Article 31C(i) concerning implementation of other provision was designed to cover the regulations, i.e. Interpretative Notes, software decision and interest decision. Jordan was preparing "Instructions on Implementing Customs Valuation", addressing the interpretative notes and the valuation of software and interest charges. These instructions would be adopted upon enactment of the Amendments to the Customs Law.

93. The representative of Jordan confirmed that Jordan would fully apply the WTO provisions concerning customs valuation from the date of accession without recourse to a transition period, including the Agreement on the Implementation of Article VII of the GATT 1994. In this regard, the Customs Law and its implementing regulations incorporated Annex I (Interpretative Notes) and provisions for the Valuation of Carrier Media Bearing Software for Data Processing Equipment (Decision 4.1). The Working Party took note of these commitments.

#### Rules of origin

94. The representative of Jordan said that the 1998 Customs Law (Articles 24-27) provided the legal framework for the application of rules of origin. A certificate of origin indicating the

initial origin was required for imported products from all countries. The certificate should be issued by an authorized body in the exporting country. The authorized body, for example a Ministry, Chamber of Commerce or Chamber of Industry, should be acknowledged by the World Customs Organization.

95. For products exported from Jordan, the Chamber of Industry issued certificates of origin for licensed factories. The Industrial Development Directorate in the Ministry of Industry and Trade checked the certificate, i.e. whether the factory existed and the products were made in the factory, and whether the local manufacturing percentage complied with the minimum stipulated in the bilateral agreement.

96. Jordan's preferential rules of origin depended on the bilateral agreement with each country, and were essentially based on the value added or local content. The principle of minimum 40 per cent value added was applied in trade arrangements with Arab countries, and 35 per cent in trade with Israel.

97. The representative of Jordan said that Jordan planned to adopt the Harmonized Rules of Origin once finalized by the WTO in co-operation with the World Customs Organization. Jordan would ensure conformity with the Agreement on Rules of Origin as soon as the Harmonized Rules of Origin had been finalized.

98. Having reviewed Jordan's existing legislation, a member said that Articles 24-27 of the Customs Code were inadequate in addressing the provisions of the Agreement on Rules of Origin. Jordan was requested to develop legislation establishing rules of origin based on international norms. In reply, the representative of Jordan said that Jordan was preparing draft amendments to the Customs Law No. 20 to ensure conformity with the WTO Rules of Origin (to be submitted to Parliament in November 1999).

99. The representative of Jordan stated that, from the date of accession, Jordan's preferential and non-preferential rules of origin would comply fully with the WTO Agreement on Rules of Origin. The requirements of Article 2(h) and Annex II, Paragraph 3(d) of the Agreement would also be fully implemented prior to accession. He also stated that in any event, from the date of accession, Customs would provide an assessment of the origin of the import upon the request of an exporter, importer or any person with a justifiable cause. Any request for such an assessment would be accepted even before trade in the goods concerned began. Any such assessment would be binding for three years. The Working Party took note of these commitments.

#### Other customs formalities

100. The representative of Jordan said that the Government had implemented a scheme permitting ISO 9000 certified industries to benefit from a "Green Channel" for imports of materials, equipment and components used in the production of exports. The green channel involved acceptance of invoices presented by exporters on the basis of trust, with reliance on ex-post random auditing of factory premises. A feasibility study had been undertaken to prepare the implementation of x-ray inspection services on all border crossing points to facilitate the inspection of lorries, trucks and tankers.

#### Preshipment inspection

101. The representative of Jordan said that Jordan did not have a system of preshipment inspection, and did not intend to establish such a system in the foreseeable future.

102. The representative of Jordan stated that if Jordan in the future engaged the services of a pre-shipment inspection service provider Jordan would ensure that the requirements of the Agreement on Preshipment Inspection were implemented in full. He confirmed that Jordan

would ensure that the operations of any such preshipment inspection firm would meet WTO norms, including the establishment of charges and fees consistent with Article VIII of the GATT 1994, observance of due process and the transparency requirements of the relevant WTO Agreements, in particular Article X of the GATT 1994, the Agreement on Preshipment Inspection and the Agreement on the Implementation of Article VII of the GATT 1994, as well as the substantive provisions of these Agreements. The Working Party took note of these commitments.

#### Anti-dumping, countervailing duties, safeguard regimes

103. The representative of Jordan said that Jordan had enacted the National Production Protection Law ("the Law on Safeguards") on 1 October 1998 (a detailed comparison between the provisions of the Law and the Agreement on Safeguards is provided in document WT/ACC/JOR/18, pp.33-42). He added that, in order to implement the Law, Article 14 of the Law required the Council of Ministers to issue a regulation covering the (i) fees to be collected from petitioners for protection; (ii) conditions to be fulfilled by protection petitioners, as well as details about the evidence and documents to be submitted with the petition; (iii) procedures for investigating the petitions and the scope of the investigations; (iv) matters to be addressed by the report including the recommendation to the Minister regarding the protection petition; and (v) the maximum period for applying the protection measures as well as the procedures and conditions pertaining to any extension or re-imposition of such measures. Jordan was in the process of drafting these regulations. He added that 17 petitions had been filed with the Ministry of Industry and Trade since the Law had entered into force in December 1998. No decisions had been taken regarding any of these cases.

104. A member was concerned that Jordan's Safeguard Law might not fully reflect WTO provisions concerning safeguards, anti-dumping, and countervailing duties, and sought a commitment from Jordan not to apply any such measures until WTO-consistent legislation had been put in place. Should Jordan be unable to complete the implementation of WTO-consistent legislation by the date of accession, this member requested the Government of Jordan to commit to refrain from imposing any anti-dumping, countervailing or safeguard measures until WTO-consistent legislation had been enacted and properly notified to the appropriate WTO Committees.

105. In reply, the representative of Jordan said that the National Production Protection Law had been enacted, published in the Official Gazette and forwarded to the WTO Secretariat. Jordan was preparing regulations to implement the Agreement on Subsidies and Countervailing Measures and the Agreement on Implementation of Article VI of the GATT 1994 (anti-dumping). Jordan was reviewing the National Production Protection Law and the draft anti-dumping and countervailing duty legislation to ensure their conformity with the provisions of the relevant WTO Agreements.

106. The representative of Jordan said that Jordan would not apply any anti-dumping, countervailing or safeguard measure to imports from WTO Members until it had notified and implemented appropriate laws in conformity with the provisions of the WTO Agreements on the Implementation of Article VI, on Subsidies and Countervailing Measures and on Safeguards. He confirmed that Jordan would ensure that such legislation would be in full conformity with the relevant WTO provisions, including Article VI and XIX of the GATT 1994 and the Agreement on the Implementation of Article VI, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards. After such legislation was implemented, Jordan would only apply any antidumping duties, countervailing duties and safeguard measures in full conformity with the relevant WTO provisions. The Working Party took note of these commitments.

## **2. Export regulation**

### **Customs tariffs, fees and charges for services rendered, application of internal taxes to exports**

107. The representative of Jordan said that a certificate of registration of the enterprise was the only requirement for engaging in exporting.

108. Asked to list all charges on exports - whether called fees, taxes or tariffs – the representative of Jordan said that exports to Syria and Iraq were licensed and subject to JD 2 stamp duty, collected by the Ministry of Industry and Trade. The Customs Authority collected a fee of JD 25 per ton on exports of scrap and waste of iron, brass and aluminium. Export fees collected by the Natural Resources Authority are listed in Table 9, and fees on exported agricultural products collected by the Ministry of Agriculture are listed in Table 10. The Jordan Export Development Corporation (JEDCO) also charged fees for services provided to exporters under the trade agreements with Lebanon, Libya and Saudi Arabia. JEDCO charged 1 per cent on all transactions with Libya, and on certain goods traded with Lebanon (1 per cent) and Saudi Arabia (0.25 per cent).

Table 9: Export fees on mining and quarry products

Product	Fee (JD per ton)
Crushed stones	0.2
Building stones	0.3
Marble and granite	1.0
Travertine and marble crushes	0.5
Crude xyolite	1.0
Clay, clay derivatives and kaolin	0.5
Tripine biototite and diatomite	0.3
Silicate, gypsum, pure limestone, feldspar, volcanic turf and bituminous mineral oil	0.2
Dolomite and basalt	0.1

Table 10: Fees on exports of agricultural products

Type of fee	Amount (fils)
1. Fumigation of consignments	250f/ton
2. Inspection and checking	250f/ton
3. Inspection of live animals:	
Bovines, camels and pigs	50 f/head
Horses	50 f/head
Sheep, goats and deer	20 f/head
Cats, dogs and wild animals	100 f/head
Birds	20 f/bird
4. Animal interdiction fees/quarantine	
Bovines, camels and pigs	80 f/head
Horses	90 f/head
Sheep, goats and deer	20 f/head
Cats, dogs and wild animals	100 f/head
Birds	20 f/bird
5. Animal watering	
Camels, horses, bovines and big animals	10 f/head/day
Sheep, goats and small animals	5 f/head/day

Type of fee	Amount (fils)
6. Disinfection fees:	
Ships transport 1-100 head	JD 2
Ships transport 1,000 tons.	JD 3
Ships transport 4,000 tons.	JD 5
Ships transport more than that	JD 7
Any other vehicles	JD 0.5 each

109. A 2 per cent inspection fee, which the representative of Jordan considered a fee for services rendered, was levied on re-exported foreign goods. For imported goods undergoing some additional processing in Jordan, the value added would need to be 40 per cent or more for a product to be considered a Jordanian export. Exempt from the fee were exports by diplomatic missions and their staff; personal belongings; articles exempt from import customs duties; used household furniture; project machinery and equipment imported on a temporary basis; foreign goods re-exported directly from stores and warehouses; and any item exempt by decision of the Council of Ministers upon recommendation from the Minister of Finance. Re-exported goods were also subject to customs overtime fees (0.2 per cent of the declared value).

110. The representative of Jordan said that the 2 per cent fee on re-exported foreign goods would be eliminated upon enactment of amendments to the Law on Unifying Taxes and Duties No. 7 of 1997 in January 2000. In the future, Customs would charge a flat fee of JD 15 per transaction for export processing, and JD 20 per transaction for goods in transit. In his view, these fees equalled the approximate cost of the services rendered. The overtime fee would be converted into a JD 15 export processing fee through the Amendments to the Customs Law No. 20 of 1998. The mining fee was considered an export duty and would continue to apply. In response to questions by a member, the representative of Jordan confirmed that all imports and exports would be subject to import and export processing fees, respectively, and that the revenues from these fees would only be used to support the overall customs operations and infrastructure connected with customs processing of imported and exported goods in accordance with Article 161D of the Customs Law.

#### Export restrictions

111. The representative of Jordan said that products of Jordanian origin generally did not require export licenses. A licence was required for exports to protocol trade countries for consignments of a value exceeding JD 1,000 irrespective of origin, i.e. Jordanian or foreign. Export licences were required in trade with Syria and Iraq as Jordan was committed to certain banking arrangements in transactions with these countries. Exports to other countries were exempt from the export licence requirement by virtue of by-law No. 74 of 1993 for Exports and Imports. A licensing requirement for re-exported foreign goods of a value exceeding JD 1,000 had been abolished.

112. Some products were subject to prior approval before exportation (Table 11). These approvals were in themselves considered export licences.

Table 11: Exports subject to prior approval (prior to accession)

Product	Institution granting approval
Wheat	Ministry of Industry and Trade
Wheat flour and other wheat products (semolina, bran, broken wheat)	"
Sugar	"
Rice (ordinary brand)	"
Milk for industrial use	"
Ewes and cows	Ministry of Agriculture
Precious metals, including gold and silver bullion and coins	Central Bank of Jordan
Marble slabs	Natural Resources Authority
Broken marble	"
Mineral ores	"
Radioactive materials and sources, and exhausted uranium	"
Fresh fruit and vegetables destined to protocol trade countries	Agricultural Marketing Organization

113. Some members questioned whether the prior approval system was consistent with GATT Article XI. In reply, the representative of Jordan said that most of the products subject to such approval prior to exportation were strategic food products. The system was being phased out, and would with time be brought in line with the requirements of GATT Article XI. Prior approvals had been eliminated for Halibuna (milk) and precious metals (including gold and silver bullion and coins).

114. The representative of Jordan outlined a new export licensing regime in his report on import/export licensing (document WT/ACC/JOR/28). Existing prior approvals of exports would be eliminated and replaced by automatic export licensing for the items listed in Table 12. Jordan planned to eliminate sugar, macaroni and vermicelli, and rice from export licensing. In addition, Jordan would maintain automatic export licence requirements on all products exported to Iraq and Syria from the date of accession.

Table 12: Goods Subject to Automatic Export Licensing

HS Code	Item	Line Authority
10.01	Wheat	MIT
11.01	Wheat flour and other wheat products	MIT

HS Code	Item	Line Authority
	(semolina, bran, broken wheat)	
17.01	Sugar	MIT
19.02.111 19.02.191	Macaroni and vermicelli	MIT
10.06.10 10.06.20	Rice (ordinary brand)	MIT
25.15	Marble slabs	Natural Resources Authority (NRA)
25.17.41	Broken marble	NRA
Chapter 26	Mineral ores	NRA
Ex Chapter 25	The argillaceous material extracted from the Dead Sea	NRA
28.44	Radioactive materials and sources, and exhausted uranium	NRA
15.09	Olive Oil	Ministry of Agriculture
Chapters 7 and 8	Fresh fruit and vegetables destined to protocol trade countries	Ministry of Agriculture

115. The representative of Jordan confirmed that any export control requirements remaining in place on the date of accession would be fully consistent with WTO provisions, including those contained in Articles XI, XVII, XX and XXI of the GATT 1994. The Working Party took note of this commitment.

#### Export subsidies

116. The representative of Jordan said that the Central Bank had operated an export promotion facility since 1980. The Central Bank refinanced export credits charging interest at 2 percentage point below the prevailing discount rate. Such refinancing was available to any company registered in the Jordanian Official Registry of Companies, thus any exporter, regardless of sector, could benefit from the interest rate subsidies on loans granted by the Central Bank of Jordan. The main objective of this arrangement was to encourage banks to meet exporters' demand for credit. The Central Bank provided advances to authorized banks, i.e. all banks licensed to operate in Jordan, against export letters of credit and bills for collection. The maximum duration of advances extended against such documentation was 9 months. The maximum limit on pre-shipment credit amounted to 75 per cent of the exporter's letter of credit, while post-shipment credit could be extended for up to 90 per cent of the value of bills of lading and drafts. Exported products were required to satisfy a local value added criterion (minimum 25 per cent) to be covered by the scheme. The interest and commission charged on advances extended by licensed banks and financial institutions to exporters should not exceed 9.0 per cent annually. The estimated total value of the subsidy facilities had declined from a high of nearly JD 40 million in 1994 to less than JD 10 million in 1995. A financing facility operated by the



Industrial Development Bank for commodities stored for export purposes had been discontinued on 1 January 1997.

117. The Jordan Export Development and Commercial Centres Corporation (JEDCO), originally founded to execute trade protocols with Arab countries on behalf of the Government, had been reorganized in 1995. JEDCO - an autonomous non-profit organization owned by the Ministry of Industry and Trade, the Jordan Federation of Chambers of Commerce and the Amman Chamber of Industry - received no budgetary assistance from the Government. The Board of Directors, comprising senior government officials, principals of the Kingdom's business organizations and leading industrialists, appointed the General Manager. The current functions of JEDCO were of technical and promotional nature, principally assisting industrialists in upgrading products, adapting to international standards and development of marketing and technical capabilities.

118. Firms manufacturing for exports were granted duty exemptions under a temporary entry scheme. The scheme applied to direct imports as well as to wholesale purchases from bonded commercial warehouses. A duty drawback arrangement allowed exporters to be refunded duty paid on imported materials subsequently used in the production of exports. The refund was calculated according to a specific formula for each product. The temporary entry and duty drawback systems had been improved during 1996 through the introduction of computerization.

119. The representative of Jordan did not consider the import duty exemptions accorded to 10 companies (see "Tariff rate quotas, tariff exemptions") prohibited subsidies under the Agreement on Subsidies and Countervailing Measures. The beneficiaries were share holding companies with significant private participation, thus item (d) of Annex I (Illustrative List of Export Subsidies) of the Agreement did not apply in this case. He acknowledged that although the import duty exemptions might be considered actionable subsidies under the Agreement, the purpose of these subsidies was to encourage production and they were not intended to cause adverse effects to the interests of other countries. Moreover, the import duty exemptions were not contingent upon export performance or import substitution. Jordan would be ready to take appropriate action, including immediate elimination or reduction of such subsidies, if other countries could prove in accordance with the Agreement that such subsidies were causing injury to their industry.

120. The representative of Jordan said that, as a result of the negative effects of the Gulf War on Jordan's economy and exports, his Government had decided in 1993 to encourage Jordanian producers to diversify production and focus on non-traditional markets. The Council of Ministers had accordingly decided (Decision No. 3394 of 1994) to exempt from income tax profits of exports to non-protocol countries and territories - i.e. all countries and territories except Israel, Lebanon, Palestinian Authority and Saudi Arabia - excluding traditional Jordanian export items such as phosphates and potash. The Arab countries trading with Jordan under bilateral and protocol trade agreements, thus excluded from the tax-exemption scheme, accounted for around 45 per cent of Jordan's exports.

121. The legal basis for exempting profits earned from exportation wholly or partly from income tax was Article 3(c) of the Income Tax Law No. 57 of 1985 and its amendments. The decision was taken by the Council of Ministers upon recommendation of the Minister of Finance. The income tax exemptions were accorded to enterprises which could provide official documentation (e.g. customs declarations) to the Income Tax Departments proving their export earnings. He added that the Higher Council for Investment had approved the establishment of Jordanian Export Companies specialized in exportation of national products and goods. These companies were also exempt from payment of income tax. According to Decision No. 12/11/4 of 30 December 1997 of the Council of Ministers, all companies with a minimum paid capital of

JD 2 million, registered in accordance with the Jordanian Company Law and specialised in "external marketing, advertising and exporting local products" were eligible to become Jordanian Export Companies. The functions of these companies should be limited to exportation, marketing, and promotion of Jordanian products abroad. The companies were required to buy from local producers, and could not act as a paid agent only.

122. Some members noted that Jordan maintained measures which were not in conformity with the WTO Agreement on Subsidies and Countervailing Measures. Jordan's interest rate subsidies for loans to promote exports and the income tax exemption for profits from exports, including for the establishment of Jordanian Export Companies, would appear to be prohibited subsidies within the meaning of Article 3 of the SCM Agreement. These members sought the immediate elimination or revision of the export subsidies programme. Jordan was requested to provide a notification of the remaining subsidies in place from previous use of the programme, and a specific commitment to terminate all remaining such subsidies prior to 31 December 2002.

123. The representative of Jordan said that Jordan recognized that its income tax exemption on export sales was not in conformity with WTO requirements. At present, Jordan maintained two types of export subsidies. The Income Tax Law No. 57 of 1985 and its amendments authorized the Council of Ministers to grant partial or total exemptions from income tax for profits on certain exports. Pursuant to this Law, a Decision (No. 3394 of 1994) had been issued exempting from income tax profits on all exports (except phosphate and potash) to non-protocol countries and territories, i.e. all countries and territories except Israel, Lebanon, Palestinian Authority and Saudi Arabia. The other form of export subsidy was the scheme whereby the Central Bank discounted commercial documents to finance Jordanian exports at below-market interest rate. Jordan had evaluated the Jordanian Export Companies programme to determine whether or not it would fall under Article 3 of the SCM Agreement, and the Council of Ministers had decided to eliminate the legal authority for establishing Jordanian Export Companies in November 1999. He added that no such companies had been established. Jordan planned to seek transition for phasing out prohibited subsidies (as defined in Article 3 of the Agreement on Subsidies and Countervailing Measures) under Article 27 of the Agreement on Subsidies and Countervailing Measures. Prohibited subsidies, granted prior to repealing the laws authorising them, would remain valid for the duration agreed upon when they had been granted. A member held the view that Jordan was not automatically entitled to any phase-out period for such subsidies, or to leave any provisions of them in place for the duration agreed upon when they were granted after accession.

124. The representative of Jordan stated that the following programmes were export subsidies, which met a definition of a prohibited subsidy within the meaning of Article 3 of the Agreement on Subsidies and Countervailing Measures: (i) the Income Tax Law No. 57 of 1985 and its amendments, which authorized partial or total exemptions from income tax for profits on certain exports, and Decision No. 3394 of 1994 pursuant to this Law, which exempted from income tax profits on all exports (except phosphate and potash) to non-protocol countries and territories, i.e. all countries and territories except Israel, Lebanon, Palestinian Authority and Saudi Arabia; and (ii) the discount facility below the going interest rate for commercial documents operated by the Central Bank of Jordan. He confirmed that Jordan had taken appropriate legal measures in September 1999 (Council of Ministers Decision No. 12-9-76) to eliminate these export subsidies by 31 December 2002.

125. The representative of Jordan confirmed that Jordan would eliminate the export subsidies described in paragraph 125 by 31 December 2002. He further confirmed that from the date of accession, Jordan would not maintain nor introduce any other prohibited subsidies. The representative of Jordan stated that, in accordance with Article 28 of the WTO Agreement on

Subsidies and Countervailing Measures, these two export subsidy programs would be notified upon accession. The Working Party took note of these commitments.

### **3. Internal policies affecting foreign trade in goods**

#### **Industrial policy, including subsidies**

126. The representative of Jordan said that industrial policy in Jordan had become market oriented, rather than development oriented, since 1988. The Government had reduced its involvement in and supervision of industrial organizations. The Ministry of Industry and Trade assisted the development of industry by (i) helping to develop a business services sector responding to the increasing needs of the industrial sector; (ii) strengthening upstream and downstream industrial linkages; (iii) encouraging "package contracts" which fostered full capacity utilization at existing enterprises and increasing trade opportunities in local and export markets; and (iv) promoting industrial subcontracts and partnerships.

127. The Central Bank had allocated JD 10 million in 1994 and a JD 5 million credit ceiling in 1995 to finance new industrial projects and expansion of existing enterprises. The loans were granted through the Industrial Development Bank as medium term credit (maximum 5 to 7 years) at low rate of interest (6 per cent). The Industrial Development Bank charged the lenders an annual interest margin and commission of 2.5 per cent for its services.

128. Concerning adjustment measures in the energy sector, the representative of Jordan said that the Jordan Electricity Authority (JEA) had been transformed into a public share holding company (NEPCO) in 1996. The company was 100 per cent owned by the Government and operated on a commercial basis. Private sector investment in electricity generation was permitted. The Ministry of Energy and Natural Resources (MEMR), assisted by an international consulting firm, was studying the establishment of the first Independent Power Project in Jordan. An independent and transparent regulatory commission would be established to regulate the power sector, including electricity pricing.

129. In the oil and gas sector, the National Resources Authority (NRA) had been partly transformed into a national company for exploration and drilling in 1995. The National Petroleum Company, formed in part with assets separated from the NRA, held a concession on the gas-producing Risha area. NPC's drilling operations had been separated into a new private company in conformity with the Council of Ministers' Resolution of 4 October 1997. The NRA was authorized to negotiate joint ventures with international companies to generate investment.

130. The representative of Jordan confirmed that upon accession any subsidy programmes with the exception of those noted in paragraph 125 of this Report would be administered in conformity with the Agreement on Subsidies and Countervailing Measures. All necessary information on such programmes would be notified upon accession to the Committee on Subsidies and Countervailing Measures in accordance with Article 25 of the Agreement. The Working Party took note of this commitment.

#### **Technical barriers to trade, sanitary and phytosanitary measures**

##### **(a) Standards and certification**

131. The representative of Jordan said that the Jordan Institution for Standards and Metrology (JISM) was the official body for the preparation and publication of Jordanian Standards. JISM had been established in 1995 by virtue of the Standards and Metrology Law No. 15 for 1994, and was the legal and actual successor of the Jordanian Directorate of Standards (founded in 1972). The main tasks of JISM were to (i) prepare, approve, revise and amend Jordanian mandatory or voluntary standards and monitor their application; (ii) maintain a national system for metrology and supervise its implementation; (iii) grant quality marks and certificates of conformity; (iv) control, test and hallmark the approved fineness of precious metals and jewellery; (v) adopt and

approve standards of other countries and of Arab, regional and international organizations, provided that such standards were issued in Arabic or English; and (vi) to cooperate and coordinate with Arab, regional and international institutions in the area of standardization and metrology. JISM was a participating member of the Arab Organization for Industrial Development and Mining (AIDMO), a corresponding member of the International Organization for Standardization (ISO), a corresponding member of the International Organization for Legal Metrology (OIML), and a contact point for the Codex Alimentarius Commission. The Jordan Quality Mark was a voluntary certification system, granted upon request. Products for which the quality mark was sought were tested for compliance with relevant Jordanian Standards. The programme covered foodstuff, feeds, chemicals, soaps, detergents, cosmetics, paints and varnishes, adhesives, pesticides, fertilizers, petroleum products, electrical and electronic appliances, batteries, cables, telecommunication equipment, construction materials and other consumable goods. JISM was updating the current Quality Mark System to comply with the requirements of ISO/IEC Guide 65.

132. Standards were elaborated in technical committees. JISM circulated draft standards by mail to interested parties such as the Chamber of Industry, the Chamber of Commerce, the Consumer Protection Association, research institutions and testing laboratories, and relevant ministries, and allowed a period of 60 days for comment (according to the draft instructions on Preparation of Jordanian Standards, to replace Instructions No. 4:1995). As of early 1998, JISM had begun publication of a quarterly newsletter ("Standards and Metrology News") describing the status of ongoing work on standards. Interested parties could obtain copies of the standards work programme from the JISM Information Centre (the TBT Enquiry Point from the date of accession). Jordanian standards, titles, numbers or bibliographic information were published in Arabic and English in the Jordan Standards Catalogue. Jordan was working constantly on harmonising its standards with international standards.

133. Domestic and imported goods were required to meet national standards and technical regulations applied to protect the health and ensure the safety of consumers. The Ministry of Health was responsible for technical regulations regarding drugs, including vaccines and sera for human use and food, while technical regulations for veterinary medicines, sera, vaccines, pesticides, meat, fertilizer, animal feed, and seedlings fell under the responsibility of the Ministry of Agriculture. Inspections of food and agriculture products at the border were carried out by a committee comprising officials from JISM, the Ministry of Health, the Ministry of Agriculture and the customs department. Samples were tested at Ministry laboratories or other accredited laboratories to ensure they met the set standards before being released from customs. Jordan applied internationally recognized standards when these were available. He emphasized that only consignments containing products subject to Jordanian mandatory standards were tested.

134. Asked whether Jordan had any automatic recognition procedures for imported products manifestly conform to accepted international standards where Jordanian standards did not exist, the representative of Jordan said that samples of imported products, for which there was a Jordanian mandatory standard, were subject to verification through laboratory testing in Jordan. Testing was conducted by laboratories accredited by JISM at the request of JISM. Certificate of conformity was not required. No verification procedures were applied on imported goods if Jordanian standards did not exist. Jordan had no standards for medicines or medical equipment; importers of such goods provided documentation indicating circulation of the imported medical equipment in the country of origin. Importers of medicines were required to register the imported product at the Ministry of Health (MOH). Registration was based on manufacturer's specification and/or international standards (e.g. USP, BP, EP, etc.). Imported medicine was subject to laboratory analysis by MOH to ensure conformity with the information provided at the time of

registration. No certification was required for importation of medicine or medical equipment. However, medicine containing materials of human origin required certification from the health authority that each donor be tested free of HIV (1,2), HBs Ag and Hbc. As for shelf-life requirements for drugs and vaccines, these were determined by the Ministry of Health case-by-case in accordance with the stability study submitted by the manufacturer of the product.

135. The representative of Jordan said that existing legislation and practices would need to be changed to comply with the WTO TBT Agreement in respect of the elaboration and implementation of standards and mandatory requirements, border inspections and the establishment of a TBT enquiry point. The current Standards and Metrology Law addressed only standards, and did not cover international guides and recommendations, although the Jordan Institute for Standards and Metrology used such guides and recommendations as reference in the preparation of its regulations. At present, JISM issued both voluntary and mandatory standards. The mandatory standards would need to be replaced by technical regulations based on the protection of health, safety and environmental aspects. Most current Jordanian standards were based on descriptive characteristics rather than performance. Article 11 of the Draft Law on Standards and Metrology stipulated that the Director General would appoint a technical committee to revise existing standards. Proposed drafts would be submitted to the Board for adoption as standards or technical regulations. Jordanian Standards were reviewed continuously for the need to be updated according to the policy of the Standardization Department. All standards published before 1995 were mandatory. As per November 1999, JISM had published more than 210 voluntary standards (of a total 1,320 existing standards) since the enactment of the Standards and Metrology Law No. 15 of 1994. The current number of mandatory standards was 1,110. The objective of JISM was to replace current mandatory standards with voluntary ones, or with mandatory technical regulations consistent with the provisions of the WTO TBT Agreement, and JISM would need extensive technical assistance from WTO Members and other sources to accomplish this goal as soon as possible. JISM was at present assisted by the German GTZ project in this regard, and had adopted the ZOPP methods for annual planning.

136. The representative of Jordan stated that Jordan's Standardization Department was gradually reviewing the remaining 1,110 mandatory standards to replace them with voluntary standards or with technical regulations, consistent with Article 2 of the TBT Agreement. No less than one quarter of the remaining standards would be converted each year after accession, and Jordan intended to complete the process of conversion by 31 December 2003. The Working Party took note of this commitment.

137. Inspection procedures at the border would need to be streamlined. Currently, each consignment was tested to ascertain compliance with Jordanian mandatory standards regardless of whether the product had already been subjected to any conformity assessment procedure. JISM had prepared a plan for product inspection to ensure that procedures would be simplified and no more restrictive than necessary, and shortening the time period for inspection, sampling and testing. According to this plan, JISM intended to (i) consolidate testing activities; (ii) reduce the time needed for border inspection by 30 per cent by the end of 2001. Customs centres would send samples taken directly to the testing laboratories, and samples taken at the border would be given priority by the testing laboratories; (iii) accept foreign certificates of conformity, if issued by bodies recognized or accredited by JISM; (iv) establish sampling procedures in accordance with international standards; (v) improve coordination between different inspection bodies in Jordan to avoid overlapping; and (vi) improve the capability of the inspection system in the Control Department of JISM by training of staff, acquisition of international references on acceptable inspection procedures, and computerization. The TBT inquiry point would be established as a division within the information centre at JISM. The inquiry point would collect

all regulations affecting international trade from other government institutions, and a mechanism would need to be devised to strengthen the communication channels between the inquiry point and these institutions. JISM had started work on a survey of governmental institutions to strengthen communication between the inquiry point and these institutions. In addition, JISM was preparing a web site for the Enquiry Point, providing access to the relevant government institutions for their contributions. Moreover, Article 21 of the draft Law on Standards and Metrology required all official bodies to respond within five days to requests from JISM for all necessary information concerning technical regulations, conformity assessment procedures and copies of such, thereby allowing JISM to respond to inquiries promptly.

138. The representative of Jordan said that Jordan was reviewing its current legal regime for conformity with the TBT Agreement. An overview of the existing regime and an action plan for implementation of the TBT Agreement were provided in document WT/ACC/JOR/22 (Attachments A and B). Law No.15 on Standards and Metrology would be replaced by a new draft Law on Standards and Metrology, to be adopted by Parliament during its Ordinary Session November 1999-February 2000, to address TBT and SPS requirements (except seed control). Jordan was ready to implement fully the TBT Agreement upon accession provided that technical assistance and support (including financial means) would be provided by WTO Members with regard to modernization of testing laboratories in Jordan, border inspection, sampling procedures as well as training of personnel. The Jordanian Institute of Standards and Metrology would act as TBT enquiry point. He added that Article 18 of the draft Law on Standards and Metrology, to be enacted by the end of 1999, provided for publication of a notice in JISM's newsletter of all proposed technical regulations and conformity assessment procedures prior to adoption to permit reasonable time for comments to be considered before adoption of the final rule, as required in Article 2.9 of the TBT Agreement. He added that when adopting standards, Jordan would adhere to the Code of Good Practice (Annex 3 of the TBT Agreement), incorporated by reference in Article 11.10 of the draft Law on Standards and Metrology, which meant, in practice, that notice of a standard would be published at least 60 days prior to its planned enactment to allow interested parties opportunity to comment in JISM's newsletter. Article 18.b of the same draft Law stipulated that all adopted technical regulations, conformity assessment procedures and standards be published promptly in the official gazette. Technical regulations, conformity assessment procedures and standards came into effect after their publication.

139. The representative of Jordan confirmed that Jordan would comply with all obligations under the WTO Agreement on Technical Barriers to Trade from the date of accession without recourse to any transition period. The Working Party took note of this commitment.

(b) Sanitary and phytosanitary measures

140. The representative of Jordan said that the Ministries of Agriculture and Health maintained sanitary and phytosanitary technical regulations to ensure that locally-produced and imported foods, plants, plant parts and by-products, animals and animal by-products, agricultural chemicals, fertilizer, and veterinary medicine were safe and did not endanger human, animal or plant health and life, or the environment. In Jordan, samples were collected at local markets and tested for pesticide residue, animals were examined before slaughter, and carcasses were examined to determine their suitability for human consumption. All sanitary and phytosanitary regulations were published in the Official Gazette, and traders could consult this information at the Chambers of Commerce in Jordan. Jordan was a member of the Codex Alimentarius Commission, Prior Informed Consent (PIC), the International Office of Epizootics (OIE), the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and the International Atomic Energy Agency (IAEA), and worked together with these organizations in establishing and applying sanitary and phytosanitary measures. Jordan was not a member of the

SABEQ: WTO Trade Policy Review Workshops 142

International Plant Protection Convention, but adopted and implemented the standards of this organization. Jordan was a member of the European Plant Protection Organization and the Near East Plant Organization.

141. Import activities were governed by the Agriculture Law No. 20 for 1973 and other relevant regulations and instructions issued by the Ministry of Agriculture and the Ministry of Health. A health certificate was required for each shipment. Imported goods not satisfying Jordan's sanitary and phytosanitary requirements were re-exported or destroyed. In 1997, 65 consignments (out of 51,000 customs transactions) had been re-exported because they did not meet Jordanian requirements. The most frequent cause of non-compliance related to shelf-life requirements for foodstuffs. Consignments of live animals, frozen and chilled meat, poultry meat, hatching eggs, pesticides, seeds, seedlings and plants, animal fodder and organic fertilizers were subject to inspection or quarantine. Control measures applied in Jordan to control pests included the use of pesticides, soil fumigation with methyl bromide and soil solarization, if possible.

142. Concerning shelf-life requirements for foodstuffs, the representative of Jordan said that these were based on Jordan Standard 288/1994 "Shelf Life for Foodstuff" and Jordan Standard 401/1997 "Shelf Life for Infant and Children's Foodstuff", issued and administered by the Jordan Institution for Standards and Metrology. The standards had been prepared by specialised technical committees, taking into consideration the climatic and storage conditions in Jordan. The shelf-life requirements applied equally to imported and domestic goods.

143. A member observed that Jordan's regulations on shelf-life did not conform with international norms and were inconsistent with the provisions of the SPS and TBT Agreements that require the use of sound science to establish such requirements. The food safety risk that could be prevented with mandatory shelf-life dates had not been specified, nor had Jordan demonstrated what impact non-fulfilment, i.e. the absence of a shelf-life date, would have. This member also maintained that the imposition of mandatory shelf-life terms on an arbitrary, across-the-board basis on numerous products was not an appropriate solution to the concerns expressed, and emphasized that it was in the interest of both the exporter and the importer to assure that there would be sufficient shelf-life remaining on imported products for them to be purchased and consumed within the optimum quality period. This member expressed the view that an arbitrary requirement for half the shelf-life, enforced by the Government, was not a useful way to address this concern. He suggested that mandatory shelf-life dating should be eliminated for "shelf-stable foods", in the context of adopting the Ministerial Decrees that will implement the WTO TBT and SPS Agreements in Jordan, and that regulations and procedures be established in line with international norms for "highly perishable refrigerated" food products to gradually replace these requirements with a scientific regulatory framework, e.g., within one year. In reply, the representative of Jordan said that the new draft Law on Food did not contain any provision on half shelf-life requirements. The Draft Law on Food was expected to be enacted in December 1999. Once enacted, all articles in the Law on Public Health connected with food, including half-shelf life requirements, would become inapplicable, including Article 69 (1.b).

144. The representative of Jordan confirmed that Jordan would initiate immediately the process of examining its shelf-life standards (JS:401:1977 and JS 288:1994) in light of international scientific practices on shelf-stable food products to identify shelf-stable products currently appearing on the lists of these two standards. He further confirmed that Jordan would eliminate shelf-stable products from the coverage of these two standards by 30 June 2000. He added that Jordan would establish within one year regulations and procedures in line with international norms for "highly perishable refrigerated" food products to gradually replace remaining shelf life requirements on these products with a scientific regulatory framework by 31



December 2000. The Working Party took note of these commitments.

145. The representative of Jordan added that Jordan had conducted an assessment of its SPS legislation and determined that new laws would have to be enacted in order to fully conform to the SPS Agreements. Jordan had prepared a new draft Law on Agriculture (to address SPS plant and animal provisions) and a Draft Law on Food (covering SPS food aspects). The draft laws would bring Jordan's foreign trade regime into full conformity with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. Jordan was ready to implement fully the SPS Agreement upon accession provided that technical assistance and support (including financial means) would be provided by WTO Members with regard to modernization of testing laboratories in Jordan, border inspection, sampling procedures as well as training of personnel. The Ministry of Agriculture would act as SPS enquiry point.

146. A member sought information on Jordan's plans to reform the activities of four separate bodies (the Ministry of Health, Ministry of Agriculture, JISM and the Greater Amman Municipal authorities) involved in the testing and/or sampling of frozen foodstuffs, which appeared to have had negative trade effects. This member also inquired about measures applied to imported meat, notably inspection requirements at the border supplemented by additional inspection within Jordan, which appeared to be more trade-restrictive than necessary. Moreover, Jordan required imported meat or meat from imported animals to be refrigerated separately from other meat and sold separately from domestically-produced meat, which, in the view of this member, was inconsistent with the provisions of Article III of GATT 1994. Jordan also maintained a prohibition on the use of powdered milk as an input in the production of UHT milk and yoghurt. This member requested the abolition of all remaining prohibitions on the use of powdered milk by industrial users of dairy products, as those measures were trade distorting and had no valid WTO justification, and a commitment from Jordan that guidelines or rules be developed in relation to the entry into Jordan of live animals, frozen meat, milk powder, and frozen butter to ensure full conformity with the requirements of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

147. The representative of Jordan replied that the new Laws on Agriculture, Standards and Metrology, and Food Control, all to be enacted before the end of February 2000, defined clearly the relevant mandates for the Ministry of Agriculture, the Ministry of Health, and the Jordan Institute of Standards and Metrology. Jordan was evaluating the process of sampling, inspecting and testing of food to streamline and eliminate any redundancies observed with the assistance of the World Bank and USAID. The reform process would be completed by the end of June 2000, and by then the activities of all Jordanian bodies involved in the testing and/or sampling of frozen foodstuffs would be in conformity with all relevant provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures, including those relating to Control, Inspection and Approval Procedures (Annex C). The refrigeration requirements for meat were applied to protect consumers against deceptive practices in the absence of legislation on consumer protection.

148. The representative of Jordan confirmed that, as from the date of accession, unnecessary inspections of imported meat and meat from imported animals would be eliminated, and national treatment would be accorded fully to such products as part of Jordan's program for the development and adoption of guidelines and/or rules for food inspection and testing procedures. The new Law on Agriculture would include provisions of Annex C of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. All instructions and testing procedures would be in accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, in particular its Annex C. To address concerns over the lack of national treatment for and the unnecessary inspection of imported meat and meat from live animals, he

SABEQ: WTO Trade Policy Review Workshops 144

confirmed that Jordan would make a particular commitment to abide by the provisions of paragraphs 1(a), 1(e) and 1(g) of Annex C from the date of accession. Jordan would implement the least trade restrictive requirements possible to prevent deceptive practices *vis-à-vis* consumers of meat, taking into account the national treatment requirements of Article III of GATT 1994. All remaining prohibitions on the use of powdered milk by industrial users of dairy products would be abolished as soon as legislatively possible upon accession, and in any event no later than within 12 months from the date of accession. The Working Part took note of these commitments.

149. Asked whether Jordan was considering working towards the concept of equivalence, the representative of Jordan said that Jordan accepted ISO procedures. His Government also intended to issue new regulations for the acceptance of sanitary and phytosanitary measures of other countries. The exporting countries would need to demonstrate that their measures achieved the same level of consumer health protection as in Jordan. Jordan was prepared to accept inspection certifications from other countries based on agreement. Jordan did not apply stricter sanitary and phytosanitary measures than set out by international standards organizations on any product.

150. The representative of Jordan confirmed that Jordan's sanitary and phytosanitary standards system would be in compliance with WTO provisions under the Agreement on the Application of Sanitary and Phytosanitary Measures as of the date of accession to the WTO, and that Jordan would apply all measures of the Agreement on the Application of Sanitary and Phytosanitary Measures in a least trade distortive manner from the date of accession without recourse to any transition period. The representative of Jordan further confirmed that, without recourse to any transition period and in conformity with the SPS Agreement, no stricter rules than those laid out by international organizations such as OIE will be applied. The Working Party took note of this commitment.

#### Trade-Related Investment Measures (TRIMs)

151. The representative of Jordan said that Jordan did not maintain any measures inconsistent with the TRIMs Agreement. His Government applied the principle of national treatment and did not resort to performance requirements which could affect trade.

152. The representative of Jordan said that Jordan would not maintain any measures inconsistent with the TRIMs Agreement and would apply the TRIMs Agreement from the date of accession without recourse to any transition period. The Working Party took note of this commitment.

#### State trading entities

153. The representative of Jordan said that the government sector was gradually moving out of importing food products. The private sector could now import all products previously subject to government monopoly such as rice, sugar, wheat, barley, frozen meat and poultry, and his Government had thus far never refused to provide prior approval for goods where this was required. The Directorate of Internal Trade at the Ministry of Industry and Trade continued to import wheat and one brand of dried milk (Halibuna) in competition with the private sector. He noted that any private sector importer could import milk powder into Jordan. The Directorate of Internal Trade at the Ministry of Industry and Trade sold fodder products directly to farmers through its distribution outlets.

154. The Jordan Civil Consumers Corporation (JCCC) was an enterprise organized for the benefit of government employees. JCCC operated on a commercial basis and sold imported and Jordanian products at its outlets at prices slightly below the regular market prices. The Agricultural Marketing Organization (AMO) was an agricultural marketing board regulating trade

in agricultural products with other Arab countries in accordance with bilateral trade agreements or trade protocols. In this regard, AMO issued recommendations to the customs department whether or not to exempt imports from customs duties in compliance with the agreements. AMO also monitored the quality of imports to ensure compliance with Jordanian quality standards. AMO did not engage in actual importation or exportation, and did not interfere regarding the prices of products imported or exported. AMO served as an information centre as it collected trade and price statistics and other relevant information. AMO conducted market studies; researched new export markets; assisted private sector participation at international trade fairs and exhibitions; published brochures, guidebooks and newsletters for producers, exporters and importers; and monitored the quality of fresh produce exported from Jordan.

155. Asked about the activities of the Agricultural Marketing and Processing Company (AMPCO), the representative of Jordan said that this was a company in the process of being privatized. AMPCO owned and operated processing plants for tomatoes and citrus fruit, and marketed agricultural produce locally and internationally. The company had no exclusive trading rights.

156. Importation and exportation of some products were reserved for particular enterprises in accordance with their laws. The products and companies involved are listed in Table 13. The enterprises could also benefit from tariff exemptions granted by the Council of Ministers upon special decision. All companies, except the tyre manufacturers, had been granted customs duty exemptions. The representative of Jordan added that the exclusive rights were provided as part of the concession packages and agreements with these companies, and that the exclusive rights would continue to be in effect for the duration of the concessions.

**Table 13: Exclusive rights to import or export**

HS Code	Product	Enterprise	Reason for restriction
41.01 41.02 41.03	Natural raw leather	Jordan Tanning Co.	The Law of the Company
27.09	Petroleum and derivatives, excluding mineral oils	Jordan Petroleum Refinery Company (JPRC)	The Law of the Company
73.11	Gas cylinders for house use	JPRC	The Law of the Company
25.23	Black cement	Jordan Cement Factories Co.	The Law of the Company
28.34	Ammonium Nitrate	Jordan Phosphates Mining Co. (JPMC)	The Law of the Company and because it is also used as input for explosives
25.10	Raw Phosphates	JPMC	The Law of the Company

HS Code	Product	Enterprise	Reason for restriction
36.01 36.02 36.03	Gun Powder, salt and explosives	JPMC	The Law of the Company and for security reasons
40.12	Used automobile tires	Tyre factories	For safety and ecological reasons

157. Some members queried whether the enterprises mentioned had the right to restrict trade, in which case Jordan was requested to indicate how it would amend this practice to bring it into conformity with Article XI of the GATT. Jordan was requested to describe the special or exclusive privileges relating to importation and exportation by completing the State trading questionnaire for the Jordan Tanning Company, the Jordan Petroleum Refinery Company, the Jordan Cement Factories Company, the Jordan Phosphates Mining Company, the Fertilizers Company, the Arab Potash Company, and the Arab Company for Manufacturing White Cement. Some members sought confirmation that Jordan was prepared to notify firms with special and exclusive privileges as State trading enterprises within the meaning of Article XVII of the GATT 1994 and the Understanding on the Interpretation of Article XVII, and to observe the provisions of the WTO, including Article XVII of the GATT in their operation.

158. In reply, the representative of Jordan said that the enterprises listed in Table 13 traded on the basis of market demand and their own needs. The fact that these firms received tariff exemptions did not, in his view, make them State trading companies. Having reviewed Jordan's State trading activities according to the definition provided under the Understanding on the Interpretation of Article XVII of the GATT 1994, Jordan had identified - in document WT/ACC/JOR/26 - six State trading entities, and provided a justification for not including two further activities (Table 14(a) and 14(b)).

Table 14(a): State trading entities identified by the Government of Jordan

Entity Name	Nature of Exclusivity	Legal Justification	Duration
Jordan Cement Factories	Jordan Cement Factories has the exclusive right to import cement and its by-products.	Prime Minister Instruction dated 10 September 1951 and Concession agreement dated 6 December 1951	Concession is for 50 years. It will expire in 2001
Jordan Tanning Company Co. Ltd. (JTCL)	JTCL has the exclusive rights to import and export rawhides and skins. JTCL also has exclusive rights to export tanned leather.	Law No. 9 of 1962	Concession is for 40 years. It will expire 2002.
Jordan Phosphate Mines Co. Ltd. (JPMC)	JPMC has exclusive mining rights of phosphates for four different mines in Jordan.  Hasa, Rusaifa, and Wadi Al-Abyad locations mining rights are valid from 17 December 1968 to 1998.  Shaidiah location Mining rights are valid from November 1987 to 2017.	Based on Law No. 12 of Natural Resources 1968  Mining Rights No.1 and No.2 1968  Prime Minister instructions dated 29 May 1979 (explosives)	Exclusive right for mining (and de facto export) of phosphate is for 30 years. Expiration date is 1998 for Hasa, Rusaif, and Wadi Al-Abyad and 2017 for Shaidiah.
	Mining rights are subject to re-negotiation and renewal once they expire.  Although there are no legal restrictions on any persons for exporting phosphate, JPMC de facto does not sell phosphate to private traders for export purpose.  JPMC also has the exclusive rights to import, store and sell explosive materials used for mining and quarrying purposes.		Exclusive right for the import and sale of explosive materials is indefinite according to Prime Minister Instructions of 1979.

Entity Name	Nature of Exclusivity	Legal Justification	Duration
Jordan Petroleum Refinery Co.	The term of concession grants the company the exclusive right to refine oil and sell in Jordan. The company has the exclusive right to import oil and Hydrocarbon necessary to the local market.	The concession Law No. 19 of 1958 was issued to approve the concession agreement signed between the Jordanian Government and the Petroleum Refinery Company.	The concession expires in 2008.
The Vegetable Oil Industries Co. Ltd.	The company has the exclusive right to refine and produce margarine of plant origin.  The company has the exclusive right to export margarine as per the concession agreement; however this is not implemented in practice	Agreement signed on 27 March 1956	Concession agreement was granted in 1956 for thirty years and extended for another fifteen years. The concession will expire in 2001.
The Ministry of Industry and Trade	Exclusive rights to import Wheat Bran for animal feed.	Decision of Ministry of Industry and Trade	No time limit on such rights

Table 14(b): Entities that do not meet the definition of Article XVII of the GATT 1994 according to the Government of Jordan

Entity Name	<b>Justification</b>
Agricultural Marketing Organization (AMO)	AMO does not engage in any international trade activities.
Used tires	Used tires may not be imported unless for the purpose of re-threading.  Any company may import used tires for re-threading purpose if such company has re-threading facilities.  There are no restrictions on establishing re-threading facilities in Jordan. Currently, there are eight companies engaged in this activity.

159. The representative of Jordan stated that his Government had identified the following six entities as State Trading companies: Jordan Cement Factories, Jordan Petroleum Refinery Co. Ltd., Jordan Tanning Co. Ltd., Jordan Phosphate Mines Co. Ltd., the Vegetable Oil Industries Co. Ltd., and the Ministry of Industry and Trade. His Government had identified the trading activities of the entities listed above as subject to the provisions of Article XVII of the GATT 1994, and is

prepared to notify these firms as State trading enterprises within the meaning of Article XVII and the Understanding upon accession.

160. The representative of Jordan confirmed that after accession to the WTO, Jordan would observe WTO provisions, in particular, Article XVII of the GATT 1994, the WTO Understanding on that Article, and Article VIII of the GATS regarding State trading, with respect to the State-owned enterprises and other enterprises and entities with special or exclusive privileges identified in paragraphs 154-160 of this report, in particular abiding by the provisions for notification, non-discrimination, and the application of commercial considerations for trade transactions. The Working Party took note of these commitments.

#### Free zones, special economic areas

161. The representative of Jordan said that four free zones were currently operating in Jordan. The Aqaba Free Zone, occupying an area close to one million square metres, served transit trade and goods imported through the port of Aqaba. The Zone was fully equipped with infrastructure, goods handling equipment, storage warehouses, paved open yards and cold-storage facilities. The Zarqa Free Zone covered an area of some 5.5 million square metres, serving industrial and commercial investment. The Sahab free zone covered an area of 62,000 square metres, and the Queen Alia International Airport Free Zone an area of 20,000 square metres. In addition, four livestock/private free zones operated in Jordan.

162. The free zones had been established to encourage local and foreign investment, introduction of new technology, transit trade and export oriented industries and were open to any local, Arab or foreign investor. Investors registered with the Companies Registrar. Industrial and services projects established in the free zones enjoyed benefits in the form of (i) profits exempt from income tax for a period of twelve years; (ii) the remuneration of non-Jordanian employees was exempt from income tax and social services tax; (iii) goods imported into the free zones were exempt from customs duties and any other taxes and fees; (iv) no licensing fees or real estate taxes were applied to the buildings constructed within the free zones; and (v) the capital invested and profits earned could be freely repatriated. Goods exported from the free zones, other than to Jordan, were also exempt from customs duties and any other taxes and fees.

163. The representative of Jordan confirmed that free zones or free economic zones in Jordan would be fully subject to the coverage of the commitments taken in the Protocol of Accession, and that Jordan would ensure enforcement of its WTO obligations in those zones, including those commitments derived from the TRIPS Agreement. He also confirmed that, when goods produced or imported into the zones under the special tax and tariff regime existing in these areas enter into the rest of Jordan, normal customs formalities, tariffs and taxes would be applied. The Working Party took note of this commitment.

#### Government procurement

164. The representative of Jordan said that government procurement practices were governed by several laws and regulations depending on the nature and purpose of the procurement. Two public departments – the Cooperation Organization and the National Aid Fund – enjoyed autonomy in their procurement according to their rules and regulations. Excluding these two bodies, the overall value of goods and services purchased by the public sector amounted to around JD 145 million annually.

165. Purchases of supplies for government departments were subject to Supplies Regulation No. 32 for 1993 and the Tenders Instructions No. (1) of 1994 issued by the Minister of Finance. The General Department of Supplies/Ministry of Finance were responsible for such procurement, which was normally conducted by tendering through the Central Tendering Committee. The

committee comprised three permanent members from the General Supplies Department (GSD), the Ministry of Industry and Trade and the Ministry of Finance, and two members from the government department applying for the actual purchase.

166. Tender notices were published in local newspapers for three consecutive days. The announcement included the tender identification number, information on the requested product, the price and final date of sale of the tender documents, and the closing date and time for the submission of offers. Bids were evaluated according to criteria depending on the general and special conditions as well as the technical specifications set out in the tender documents. Several elements of the offer would be considered, including the price, running costs, the need for spare parts and maintenance, and the commercial capability and reputation of the bidder. Most procurement was conducted by open tender, but in some cases limited tendering would be applied, in which case a shortlist of qualified bidders would be drawn up on the basis of technical merits and experience. The Secretariat of the tenders committee in the General Supplies Department announced the winning bid on a special announcing board (at the GSD) or by any other method devised by the Director General, allowing four days for objections to be submitted by any participant. The tenders committee would consider the objections and issue its decision. A supplier which continued to dispute the award of a contract could seek redress through the national courts. Public works contracts were tendered through the Ministry of Public Works.

167. Local products were given preference over imported products in government tenders. A 15 per cent preferential margin was accorded to Jordanian products provided the terms and conditions (including quality) were otherwise equal to imported products. Moreover, a contractor procuring imported products should buy these in the local market rather than by direct importation. Jordan did not have any trade agreements with other countries covering public procurement. Offset arrangements were infrequent and would be handled on a case-by-case basis.

168. The representative of Jordan said that work would be undertaken in November 1999 to table a request for observer status in the GPA Committee.

169. The representative of Jordan confirmed that, upon accession to the WTO, Jordan would initiate negotiations for membership in the Agreement on Government Procurement by tabling an entity offer. He also confirmed that, if the results of the negotiations were satisfactory to the interests of Jordan and the other members of the Agreement, Jordan would complete negotiations for membership in the Agreement within a year of accession. The Working Party took note of these commitments.

### Transit

170. The representative of Jordan said that Jordan applied the principles of the international agreement for road transportation known as TIR. Transit trade was subject to a toll equal to 0.3 per cent of the value of the goods in transit (maximum JD 200). Transit goods destined to free zones were exempt from the fee. Jordan also charged a diesel fee of JD 80 on transit trade.

171. Jordan also applied the principles of the Arab Transit Agreement signed on 14 March 1977. The Arab Transit Agreement was part of the Arab regional trade arrangements within the Arab League. The agreement was based on the same principles as the TIR, but set ceilings on the transit fees for Arab vehicles.

172. Some members noted that transit charges on Arab vehicles were lower than for other transporters, and asked how Jordan intended to end its discriminatory system of transit charges. The representative of Jordan acknowledged that the fee for goods passing through Jordan in accordance with the Arab Transit Agreement amounted to 0.3 per cent, as against 0.4 per cent for



other goods, but did not consider the system discriminatory. In addition, trucks registered in countries which were not signatories to the Arab Transit Agreement were subject to some specific fees regardless of the nature of the goods they were carrying. Loaded trucks paid JD 75 for loads not exceeding 30 tons, JD 100 for loads between 30 and 40 tons, and JD 150 for loads exceeding 40 tons, as well as a fee of JD 15 for each one-body loaded truck and JD 25 for a loaded truck and trailer. Empty one-body trucks were subject to a fee of JD 5, while an empty truck and trailer paid JD 10. Jordan also charged JD 10 for guard and security escort.

#### Agricultural policies

##### (a) Imports – description of the types of border protection maintained

173. The representative of Jordan provided detailed information on Jordan's agriculture sector and agricultural policies in document WT/ACC/JOR/14. Concerning measures pertaining to agricultural imports, he said that import regulations had changed substantially in recent years in Jordan. The former Ministry of Supply had been the sole importer of essential foodstuffs until 1997. The private sector could now import almost any agricultural product against payment of prevailing import duties and taxes, and provided the imported product met local quality standards. A ban on imported mineral water - to support local production in a disadvantaged area – had been lifted in April 1999.

174. Import licences were required for most goods, in particular those originating in, and imported from, countries and territories with which Jordan had concluded bilateral trade agreements and protocols on trade in agricultural goods (details on the agricultural agenda with Lebanon is provided in document WT/ACC/JOR/8, details on the import arrangements with Oman, Yemen and Palestinian Authority are found in document WT/ACC/JOR/13). Prior approval from the Ministry of Agriculture was required for importation of live animals; fresh, chilled and frozen meat; and frozen animal semen – essentially to ensure that the imported animals and animal products met local health standards. The Ministry of Industry and Trade issued prior approvals for importation of rice, powder milk, wheat and wheat derivatives, sugar, barley, corn, and milk for manufacturing purposes. The Ministry of Industry and Trade monitored the local market to ensure adequate supply of essential foodstuffs, and would make purchases internationally if private sector imports proved insufficient. The prior approval system was a temporary measure which the Government intended to abolish once satisfied that the private sector would respond fully to price signals in the Jordanian market.

175. Some members noted import restrictions on live sheep which, in their view, would appear to be a violation of Article XI as well as Article III:4 (national treatment). The representative of Jordan replied that Jordan had recently changed its regulations regarding importation of live sheep. A previous import restriction based on weight had been changed to a requirement that the imported sheep should be maximum 1.5 years old, as older sheep were more prone to carry diseases, and because Jordan currently did not have the technical capacity to cope with the inspection of imported sheep. However, Jordan was modernizing its veterinary inspection services. A technical committee formed by representatives of the Ministry of Agriculture, the Jordan Institution for Standards and Metrology and the private sector was developing technical regulations for live sheep and carcasses. The restriction on importation of sheep older than 1.5 years would be eliminated as soon as these technical regulations had been adopted (expected in 1999). Jordan had eliminated a requirement that the share of imported ewes/yearlings could not exceed 10 per cent of the total number of imported sheep in November 1999. The Ministry of Agriculture conducted periodic and systematic inspections of domestic farms to control any disease.

176. The representative of Jordan confirmed that the age restriction on imported sheep,

described in paragraph 176, would be eliminated no later than 30 April 2000. The Working Party took note of this commitment.

(b) Exports

177. Exports of agricultural products were generally unrestricted except for some fruit and vegetables Jordan exported to Lebanon and Israel under bilateral agreements subject to maximum limits (quotas). Jordanian exporters were obliged to comply with standards and other requirements in the importing country, and export of, for example, horticultural products typically required a certificate of origin issued by the Chamber of Commerce and approved by the Agricultural Marketing Organization, a health certificate issued by the Plant Protection Department of the Ministry of Agriculture, and an EURI certificate for exports to the EU.

(c) Internal policies – i.e. description of, and the budgetary expenditure and any revenue foregone involved in each of the domestic support measures in place

178. The representative of Jordan said that although the direct contribution of agriculture in Jordan's GDP was no more than around 5 per cent, it was estimated that about 25 to 30 per cent of economic activity was based on agriculture. The Government supported local producers through a combination of means including procurement of domestic production, and provision of inputs such as seeds, water, credit and livestock feed. The Government also financed agricultural extension services and scientific research to improve productivity in the agriculture sector. The principal institutions involved in producer support were the Ministry of Agriculture; the Ministry of Industry, Supply and Trade; the Jordan Cooperatives Association (JCA); the Jordan Valley Authority (JVA); and the Agricultural Credit Corporation (ACC).

179. In the past - to ensure production of basic foodstuffs and fodder - the former Ministry of Supply had purchased wheat, lentils, chickpeas and barley from farmers at prices announced during the planting season. The Government no longer purchased commodities from farmers but maintained strategic food reserves. At the end of May 1998, the Ministry of Supply had become a directorate within the Ministry of Industry and Trade.

180. The representative of Jordan said that the Agriculture Marketing Organization (AMO) was a government agency formed in 1987 to organize and develop the marketing of processed and unprocessed agricultural products. He stressed that the Agricultural Marketing Organization had never been involved in any commercial activity of importing, exporting, selling or distribution of any goods, and that the AMO had never been involved in any trading operation on behalf of Jordan's Government. Concerning the importation and exportation of fresh fruits and vegetables, he noted that importation of fresh fruits and vegetables was allowed year round from all countries without any restrictions and subject to pre-set custom duty, except from countries with which Jordan had trade protocols. Imports from member countries of the Arab Free Trade Area (AFTA) were subject to Arab Calendars set by AFTA, allowing member countries to charge the full customs tariff on their imports of fresh produce from other member countries during time periods agreed upon in the above mentioned calendars. Imports from some Arab countries with whom Jordan had bilateral trade agreements were subject to the terms and conditions of the signed agreements and their attached calendars, which enabled imports to enjoy full exemption from custom duties during periods set in the calendars. The role of the AMO in this regard was to manage this process by issuing recommendations to the customs department on whether or not to exempt imports from customs duties in compliance with each of the mentioned agreements, and to monitor the quality of imports and ensure that they complied with Jordanian quality requirements and standards. In addition, the AMO was responsible for conducting market studies in local and international markets; assisting and organizing private sector participation in international trade fairs and exhibitions; introducing new high value horticultural products;

publishing guidebooks, brochures, and newsletters on production, marketing, handling, backing and exportation of horticultural products; and monitoring and controlling the quality of fresh produce in Jordan, including imported and exported products. The AMO maintained a complete database on local and international prices, and statistics on production, imports and exports of fresh horticultural products.

181. The Agricultural Marketing and Processing Company (AMPCO) had been established in 1987 to stimulate production and processing of tomatoes and citrus fruit. The Government currently owned 88 per cent of its shares, but the company was scheduled for full privatization by the end of 1999. AMPCO had paid guaranteed prices to tomato farmers in the early 1990s, but was now competing with two other processors for available supplies. The maximum price paid to tomato producers was now set relative to processing costs and international price trends for processed tomatoes. AMPCO had held exclusive rights to import four primary horticultural crops until 1995, when its monopoly rights had been removed.

182. The Jordan Cooperatives Association (JCA) provided farmers with supplies and inputs at outlets throughout the country. Its members could obtain inputs at prices slightly below ordinary market prices. One of JCA's primary current functions was to distribute certified seeds to farmers at subsidized prices, but this practice would be abolished in 1999. The JCA no longer provided loans to members at less than market interest rates, but some of the loans granted before 1989 were still outstanding. The value of forgiven loans amounted to approximately JD 32,000 in 1997.

183. The Jordan Valley Authority (JVA), operating within the Ministry of Water and Irrigation, supplied water to agricultural producers and monitored development in the Jordan Valley to ensure that water use would not exceed the available supply. JVA had until recently charged horticultural producers for water below cost, but this subsidy had been virtually eliminated in 1997. Producers elsewhere in Jordan had no access to subsidized water.

184. The Agricultural Credit Corporation (ACC) provided soft loans (6 to 8.5 per cent annual interest) to farmers and agribusiness investors. ACC loans were either operational loans of 12-24 month duration or development loans to be repaid over a maximum of 15 years. In 1996, ACC had provided JD 8 million in operational loans, primarily as seasonal or short-term financing of production. ACC development loans were in strong demand, not just because of the discounted interest rates and lack of commissions and fees, but also because commercial banks generally refused to provide loans with maturity beyond three years. Farmers and processors had outstanding debts totalling JD 181 million at the end of 1997. The estimated interest subsidy amounted to JD 350,000 on operational loans and JD 330,000 on development loans in 1997. The agriculture sector also benefited from the subsidy component (maximum 1 percentage point) embodied in the rediscount and advance rates established by the Central Bank.

185. The representative of Jordan said that subsidies had been removed on wheat, sugar, rice and animal fodder. In line with this policy reform, the price of bread had been increased from 85 to 250 fils per kg, balanced by cash transfers to affected household meeting an income eligibility criterion. In addition, families with monthly income of less than JD 500 had received coupons from the Ministry of Industry and Trade to obtain rice, sugar, and condensed milk (Halibuna) at subsidized prices. The coupon system had been replaced by a cash subsidy programme for government employees at the end of 1997. Selected commodities – fresh cow milk, yoghurt, and imported fresh meat – were subject to ceiling prices established in negotiations between the Ministry of Industry and Trade and representatives of the private sector.

186. Agricultural income was exempt from income tax. The exemption applied to domestic sales as well as to exports.

187. The representative of Jordan said that Jordan intended to stimulate agricultural growth and to improve resource management by directing and encouraging farmers towards growing agricultural products with high economic value. The Ministry of Agriculture had identified high-value agricultural products suitable to Jordan's climatic and agronomic conditions, but not yet commonly produced in Jordan. The products were suggested to producers as alternatives to current crops by the extension and advisory services of the Ministry of Agriculture. In addition, the Agricultural Marketing Organisation featured the products at international trade fairs and supported experimental shipments of such products to potential export markets. He considered these measures "Green box" policies.

188. Members of the Working Party agreed that Jordan had AMS of JD 1,539,199 and Jordan agreed to reduce this by 13.3 per cent over seven years from the date of accession. Those Members also considered that for the purposes of Article 6.4 of the WTO Agriculture Agreement, Jordan was a developing country. Jordan did not grant any export subsidies to agricultural products. The representative of Jordan confirmed that Jordan would bind agricultural exports subsidies at zero in its goods schedule. The Working Party took note of this commitment.

189. Jordan's commitments on agricultural tariffs, on domestic support and export subsidies for agricultural products are in the Schedule of Concessions and Commitments on Goods annexed to Jordan's Protocol of Accession to the WTO.

#### Trade-Related Intellectual Property Rights (TRIPS)

##### 1. General

##### (a) Industrial property protection

190. The representative of Jordan said that his Government recognized the importance of introducing new laws and amending existing laws pertaining to intellectual property taking into consideration the international intellectual property conventions and the conditions for entry into the World Trade Organization.

191. Some members requested Jordan to submit to the Working Party a plan of action for implementation of the WTO TRIPS Agreement by the date of accession. In their view, Jordan should use the period of its accession negotiations to make the necessary changes in the area of intellectual property rights to meet WTO norms, and, as a consequence, Jordan was expected to be in conformity with the WTO TRIPS Agreement from the date of accession to the WTO, without recourse to any transitional period of non-application. The representative of Jordan replied that Jordan had launched a major reform of its intellectual property regime in 1999. The status of ongoing reforms (November 1999) is presented in Table 15.

Table 15: Status of legislation on intellectual property rights in Jordan (November 1999)

Law	Status of Draft	Expected approval date (Parliament)
Amendments to the Law on Trademarks No. 33 of 1952	Enacted as a Law, entering into force on 1 December 1999	
Law on Patents	Enacted as a Law, entering into force on 1 December 1999	

Law	Status of Draft	Expected approval date (Parliament)
Amendments to the Law on Copyrights No. 22 of 1992	Enacted as a Law, entered into force on 2 November 1999	
Law on Industrial Design	Referred to Parliament	January 2000
Law on Integrated Circuits	Referred to Parliament	January 2000
Law on Geographical Indications	Referred to Parliament	January 2000
Law on Trade Secrets and Unfair Competition	Referred to Parliament	November 1999
Law on Plant Variety Protection	Referred to the Legislative Bureau at the Council of Ministers	November 1999
Regulations/ Instructions	Status of Draft	Expected Adoption Date
Regulations on Border Enforcement of Intellectual property Rights	Being drafted; submission to the CM is expected in December 1999	Upon enactment of Amendments to the Customs Law
Regulations on Copyrights	Being drafted; submission to the CM is expected in December 1999	January 2000
Regulations on Integrated Circuits	Being drafted; submission to the CM is expected in December 1999	Upon enactment of the Law on Integrated Circuits

(b) Responsible agencies for policy formulation and implementation

192. The representative of Jordan said that various institutions were responsible for the formulation and implementation of laws and regulations pertaining to intellectual property rights, including the Houses of Parliament, the Council of Ministers, the Ministry of Industry and Trade, the Ministry of Agriculture, the Ministry of Culture, the Courts of Law, the Customs Department, the National Library, as well as television and radio stations.

(c) Participation in international intellectual property agreements

193. The representative of Jordan said that Jordan was a member of the Paris Convention for the Protection of Industrial Property and the Arab Agreement for the Protection of Copyrights. Jordan's accession to the Berne Convention (1886) for the Protection of Literary and Artistic Works had been approved by the Council of Ministers, and had come into force in July 1999. The Berne Convention superseded national laws after its publication. Jordan was considering the possibility to accede to the Madrid Agreement (1891) concerning the International Registration of Marks; the Protocol Relating to the Madrid Agreement concerning the International Registration of Marks (1989); the Nice Agreement (1957) concerning the International Classification of Goods and Services for the purposes of the Registration of Marks; the "PCT" Patent Cooperation Treaty (1970); and the Rome Convention (1961) for the Protection of Performers, Producers of

Phonograms and Broadcasting Organizations. His Government envisaged to accede to these agreements within 5 to 7 years. However, until the time of accession to these agreements, Jordan would comply with the requirements of the TRIPS Agreement upon accession to the WTO.

(d) Application of national and MFN treatment to foreign nationals

194. The representative of Jordan said that the current industrial property laws provided foreign nationals with treatment equal to that of Jordanian nationals. Article 38 of the Copyright Protection Law would be amended to ensure that non-depositing of a copyright work at the Documentation Centre would not affect the author's rights as stipulated in the Law. International conventions and reciprocity conditions would be taken into consideration with respect to the protection of works of foreign authors published abroad. The current Copyright Protection Law (Article 53) provided protection only for works published or reproduced in Jordan by Jordanian and foreign authors, and works of Jordanian authors published abroad. Protection of works published abroad would be accorded protection in the near future, as Jordan was joining the Berne Convention. The Amendment Copyright Law had been published on 1 October 1998. Its Article 45 stipulated that non-filing of a work of art would not affect the rights of the author provided for in the Law.

2. Substantive standards of protection, including procedures for the acquisition and maintenance of intellectual property rights

(a) Copyright protection

195. The representative of Jordan said that protection of copyright in Jordan was governed by the Copyright Protection Law No. 22 of 1992. Amendments to the Copyright Law had been enacted in October 1998 and September 1999. The Law (Article 3 (a) and (b)) protected original works of literature, art and science irrespective of type, importance or purpose, including works of art expressed in writing, sound, drawing photography and motion such as books, speeches, plays, musical compositions, films, applied art, three-dimensional works, and computer software. The Law (paragraph D of Article 3), as amended by the Copyright Amendment Law No. 14 of 1998, provided protection to compilations of data. The exclusive rights of the author were enumerated in Articles 8 and 9 of the Law and the terms of protection were laid down in Articles 30 to 32. Works of an author were protected for his lifetime and for fifty years after his death (or the death of the last surviving co-author); protection for 50 years from the date of publication was provided for cinematographic and television works, any work whose author or right holder was a legal entity, any work published for the first time after the death of its author, and anonymous and pseudonymous works; and computer programs, translated works, paintings, manuscripts, sculptures, drawings, pictures, architectural and geographical maps or topography, surface or three-dimensional maps were protected for 50 years after the death of the author.

196. Article 17 of the Copyright Law permitted the use of published works without the authorization of the right holder for educational, vocational training, cultural or religious purposes on certain conditions. The representative of Jordan considered this provision to be in full conformity with Article 10(2) and (3) of the Berne Convention. Regarding compulsory licensing, he said that Jordan's rules concerning the granting of licences for translation or copying had been amended to be compatible with the regulations of the Annex to the Berne Convention relating to developing countries. Article 11 of the amended Copyright Protection Law allowed any person, upon obtaining a licence from the Ministry of Culture, to translate a work into Arabic, provided three years had lapsed since the date of first publication.

197. The Copyright Amendment Law No.14 had been enacted in October 1998 to ensure compliance with the TRIPS Agreement. Changes had been required to meet the obligations with

respect to compilations of data (Article 10 of the TRIPS Agreement); terms of protection (Article 12); limitations and exceptions (Article 13); protection of performers, producers of phonograms and broadcasting organizations (Article 14); and enforcement (Articles 41 to 61). Rental rights were provided according to Article 3(b) and 9 of the Copyright Protection Law, but the Law would be amended to give all producers of sound recordings the right to allow or prohibit direct and indirect copying of their sound recordings, or rental of the original copies of recordings. Jordan would also provide retroactive protection for sound recordings in accordance with Article 14 of the TRIPS Agreement and Article 18 of the Berne Convention.

198. Some members requested, with respect to protection of copyrights, that Jordan clarify through regulations the meaning of Article 27 of the Law on the Protection of Copyright (1992), as amended by Article 7 of the Law Amending the Copyright Protection Law (1999), and its intention to apply this provision in very narrow circumstances. The representative of Jordan stated that the meaning of the referenced provision would be clarified in regulations that will provide that the authority in Article 27 applies only in the situation in which the author of a work is deceased and the work has never been published in the author's lifetime. In such circumstances, the Minister shall first seek the permission of the author's heirs or successors to publish the work, and if such permission is not granted within six months, the Minister shall have the right to publish only the work's substance.

199. Some members also requested clarification regarding the meaning of the phrase "for financial gain" in Article 9 of the Law on the Protection of Copyright (1992), and, in particular, whether Jordan intended to limit the author's exclusive rights in this manner, given that doing so would be inconsistent with the Berne Convention and TRIPS Agreement. The representative of Jordan replied that no such limitation was intended. Regulations under this law would be issued to clarify the meaning of the phrase, and would provide that the term "for financial gain" in Article 9 would not preclude the ability of the author or right holder from engaging in, authorizing or prohibiting any non-commercial exploitation of his work; except for those non-commercial exploitations explicitly permitted by the law without the authorization of the author or right holder, provided that such exploitations were limited to certain special cases, and provided that such exploitations did not conflict with a normal exploitation of the work and did not unreasonably prejudice the legitimate interests of the right holder.

(b) Trademarks, including service marks

200. The representative of Jordan said that protection was afforded under the Trademarks Law No. 33 of 1952, effective since 1 July 1952. Jordan followed the international classification of goods according to the Nice Agreement, and the Trademarks Law did not provide protection of service marks in classes 35 to 42 of the Nice Agreement. Separate application should be filed with respect to each class of goods.

201. The Jordanian authorities could refuse registration of a mark on grounds outlined in Article 8 of the Trademarks Law. Applications accepted by the Trademark Registrar were published in the Official Gazette, allowing a three-month period for filing of opposition by any interested party. All decisions of the Trademark Registrar could be appealed to the Higher Court of Justice. A published trademark was registered, and the certificate of registration was issued, in the absence of opposition. A registered trademark was valid for 7 years from the date of filing of the application, and could be renewed indefinitely for periods of 14 years (the registration periods would be changed to 10 years in the amended Trademarks Law). Proof of use was not a prerequisite for renewal of a registered trademark, and Jordanian law did not recognize the non-use of a trademark due to special circumstances in trade as valid grounds for cancellation due to non-use. Among the justifications for non-use of a trademark, he mentioned commercial circumstances (such as recession), and special commercial circumstances including *force majeure* due to war, floods, Law of God, or Law or action of Government. Any person, including the owner of an unregistered trademark, had the right to object to the initial request for registration within three months of its publication in the Official Gazette, could demand cancellation of the mark registration, but could not file a civil court case demanding compensation for damages and losses.

202. The current law did not allow the registration of identical or similar trademarks for the same goods or any other protected related goods. No provision in Jordanian law prohibited the licensing of trademarks. The recordation of an assignment was mandatory according to the law. Concerning protection of well-known marks, the representative of Jordan said that Article 8, paragraph 6 of the 1952 Trademark Law had been used in courts to protect well-known marks. Article 25 of the Trademark Law provided for invalidation of trademarks registered in contradiction of Articles 6, 7 and 8 of the Trademark Law. Well-known marks for goods and services could not be registered in Jordan except in the name of the legitimate proprietor.

203. The representative of Jordan said that the existing Trademarks Law had been amended to comply with obligations under the TRIPS Agreement in September 1999. The changes included introduction of protection for service marks, well-known marks and collective trademarks; extension of the grace period for non-use of a trade mark from 2 to 3 years; introduction of punishment for infringement of well-known marks; and allowing assignment of a trademark with or without good will.

(c) Geographical indications, including appellations of origin

204. The representative of Jordan said that Jordan had no specific legislation covering the subject yet. Geographical names were protectable in accordance with Article 8 (paragraphs 6 and 7) of the Trademarks Law, and this provision had been used in courts to protect geographical indications. Jordan had prepared a draft law to protect geographical indications. The draft law had been submitted to Parliament in November 1999. In his view, the draft law complied with the requirements of the TRIPS Agreement.

(d) Industrial designs

205. The representative of Jordan said that industrial designs were protected under the Patents Designs Law No. 22 of 1953, effective since 17 February 1953, and the Patents and Designs Order No. 1 of 1953. Industrial designs were registered with the Patents and Industrial Design Office at the Ministry of Industry and Trade. An industrial design was not subject to novelty examination for registration purposes, but the industrial design registrar would determine whether the design had a certain degree of novelty and quality, and was useful with distinguished design and arrangement. Designs could be registered under 15 classes, based on the materials the goods were made from, under the Patents Designs Law. A design could be registered for more than one



class, but a separate application was required for each class. Textile designs were protected under Jordanian legislation.

206. A design registration was valid for five years as of the date of filing the application, and could be renewed twice, each time for a period of five years. Rejections by the Registrar could be appealed to the High Court of Justice within one month. Any infringement or non-authorized use of a registered design was punishable under the current design law. The Patents Designs Law contained no provision for compulsory working or licensing.

207. The draft Industrial Design Law had been referred to Parliament in November 1999.

(e) Patents

208. The representative of Jordan said that patents were granted under the Patents Designs Law No. 22 of 1953 and the Patents and Designs Order No. 1 of 1953. Once filed, the patent application was examined with respect to compliance with the formalities and patentability provided for under the Patents Designs Law. Jordan's Patent Office could stipulate any amendment necessary to bring the application into conformity with the Law. Formal examination was conducted only on patents belonging to Jordanians and those filed for the first time in Jordan. There were no examiners at the Patent Office. In all, 1,935 patents had been issued in Jordan by the end of January 1997. Foreign-owned patents had mainly been issued for pharmaceuticals, chemicals, solar energy, construction materials, machinery and mechanics, while patents issued to Jordanian nationals were mostly related to public safety, solar energy, electrical equipment, chemicals and mining.

209. The patent owner's rights were set out in Article 4 of the Law, and there were no restrictions on the owner's rights to assign, transfer, or licence rights under a patent except for patents of military significance. However, Jordan required the working of patents in Jordan, although the current law contained no definition of "working of patents". A patent would be subject to compulsory licensing under the provisions of the Law if the owner of a patented invention did not satisfy the working requirement within three years of the date of granting the patent. A decision to revoke a patent could be reviewed by the High Court of Justice. Infringements of the right of a patentee were punishable under the provisions of the current Patents Designs Law.

210. The representative of Jordan said that the existing patent legislation would need to be modified in view of Article 31 of the TRIPS Agreement to put more stringent conditions on the use of a patented invention without the authorization of the right holder. The new Law adopted TRIPS criteria for compulsory licensing. Existing legislation also did not provide the owner of a patent the exclusive right to prevent a third party from making, offering for sale, selling or importing a product or the process resulting in that product without his consent as required under Article 28:1(a) and (b) of the TRIPS Agreement. The patent legislation would also be revised to provide for a term of protection of 20 years from the date of filing, as against 16 years under present legislation. Moreover, the Patents Law No. 8 of 1986 limited the patentability of chemical products, and would be amended to extend patent protection to pharmaceuticals and agricultural chemical products. He added that the new Patent Law provided protection to patents in respect of pharmaceutical products, but entrusted Cabinet with the authority to implement these provisions. Article 36/E/2 stated that "The provisions of paragraphs(C) and (D) of this Article shall come into force one month after the issuance of a decision to the effect by Cabinet during a period which does not exceed three years from the date of Jordan's accession to the World Trade Organization."

211. Some members requested that Jordan clarify whether use of a patent without the

authorization of the right holder could be authorized to permit the exploitation of a patent which could not be exploited without infringing another patent, and, if such use could be authorized, to explain the consistency of the Jordanian Patent Law with Article 31(1) of the TRIPS Agreement. The representative of Jordan replied that the Patent Law of 1999 provided no authority to the Government to authorize the use of a patent without the authorization of the right holder for the purpose of exploiting a patent which could not be exploited without infringing another patent. He added that, for the sake of transparency, this clarification will also be reflected in any implementing regulations issued under the Patent Law.

212. Some members also requested that Jordan clarify when the Cabinet would issue the decision referenced in Article 36(E) of the Patent Law (1999) to ensure that the provisions of Article 36(C), specifically, the availability of product patent protection for "chemicals related to medications, or pharmaceutical or food final products," should come into effect. In reply, the representative of Jordan confirmed that the necessary steps would be taken by the Cabinet to ensure that the provisions of Article 36(C) would come into force no later than 2 April 2000, and that product patent protection for chemicals related to medications, and pharmaceutical and food products, would be available from that date.

213. Some members also requested Jordan to clarify how it would ensure that, before Jordanian regulatory authorities approve the marketing of a pharmaceutical or agricultural chemical product, those authorities would coordinate with the Patent Office to ensure that such marketing approvals would not conflict or interfere with the enjoyment of patents on that product. The representative of Jordan replied that this question would be clarified through a Cabinet decision issued prior to Jordan's accession, which would require that, prior to issuance of marketing approval of any pharmaceutical and agricultural chemical products, the relevant Ministries in Jordan must determine the existence of a patent covering a product for which an application for marketing approval had been filed by a party other than the patentee, and must not approve such application for marketing approval until the date of the expiration of such patent.

214. Some members also requested that Jordan clarify the meaning of the term "unfair commercial use" in its draft Unfair Competition Law to ensure protection of undisclosed test data submitted to the government as a condition for obtaining marketing approval of pharmaceutical and agricultural chemical products utilizing new chemical entities, as required by TRIPS Article 39.3. The representative of Jordan replied that Jordan would amend its draft Unfair Competition Law as follows: "Jordan will protect against unfair commercial use of undisclosed test or other data submitted in support of applications for marketing approval of pharmaceutical or of agricultural chemical products which utilize new chemical entities, by providing that no person other than the person that submitted such data may, without the permission of the latter person, rely on such data in support of an application for product approval for a period of at least five years from the date on which Jordan granted marketing approval to the person that produced the data." The representative of Jordan added that this amendment to the Unfair Competition Law would be applicable to any application for marketing approval pending on or filed after the date of enactment of that law.

215. The representative of Jordan said that the draft Patent Law (DPL) satisfied the requirements of Article 27 of the TRIPS Agreement as its Article 6 provided protection for inventions which were new, involved an inventive step, and were capable of industrial application. Article 30 of DPL stated expressly that pharmaceutical and chemical final products would be patentable. The rights of the patent owner were regulated under Article 21 of DPL and allowed him/her to prevent third parties from exploiting, commercially using, selling, offering to sell, or importing products or - in the case of a patented process - to prevent third parties from using without authorisation the process, selling, offering to sell, or importing a product produced

SABEQ: WTO Trade Policy Review Workshops 161

by the process, as well as the right to dispose of the patent *inter vivos*, in succession, or to licence the patent.

216. Concerning the filing of patent applications containing claims for medical drugs, pharmaceutical compositions and food products, a member noted that Article 70.8 of the TRIPS Agreement stipulates that Members shall provide a means by which applications for patents for such inventions can be filed as from the date of entry into force of the WTO Agreement. In reply, the representative of Jordan said that the filing of patent applications containing claims for medical drugs, pharmaceutical compositions and food products would be accepted as from the date of entry into force of the Law (Mail Box Requirement), i.e. one month after its publication in the Official Gazette.

217. Some members requested Jordan to clarify whether importation of a patented product would qualify as exploitation and use of a patent within the meaning of the second sub-paragraph of Article 22 of the Patent Law (1999). The representative of Jordan replied that importation of a patented product would be considered exploitation and use of the patent, such that the situation would not satisfy the criteria of Article 22, second sub-paragraph. He added that, for the sake of transparency, this clarification would also be reflected in any implementing regulations issued under the Patent Law. In case WTO Members in the future should adopt an interpretation of the TRIPS Agreement pursuant to Article IX of the Agreement Establishing the WTO contradicting the aforementioned, Jordan reserved the right to abide by this interpretation of the TRIPS Agreement.

218. Some members also requested that Jordan clarify the meaning of the condition in Article 37 of the Patent Law concerning "if the importation was legal", and to clarify whether the situation involving a breach of contract would render such importation illegal, and whether administrative procedures and regulations were available to patent owners to assist in the control of unauthorized importation of patented products. The representative of Jordan replied that in situations in which there had been a breach of a contract with respect to imported products, such products would not be considered to be legally imported within the meaning of Article 37 and their importation would be prohibited. He noted, however, that the patent holder was required to notify the appropriate Jordanian customs authorities of the identity of parties authorized to import the patented product into Jordan, in which case measures would be available to prevent the entry into the Jordanian market of such unauthorized imports. He added that, for the sake of transparency, this clarification would also be reflected in implementing regulations issued under the draft Customs Law. In case WTO Members in the future should adopt an interpretation of the TRIPS Agreement pursuant to Article IX of the Agreement Establishing the WTO contradicting the aforementioned, Jordan reserved the right to abide by this interpretation of the TRIPS Agreement.

(f) Plant variety protection

219. The representative of Jordan said that Jordan had no existing legislation covering the subject. A draft New Plants Variety Law had been referred to the Legislative Bureau at the Council of Ministers in November 1999.

(g) Layout designs of integrated circuits

220. The representative of Jordan said that Jordan had referred the Layout Designs Draft Law, which covered Articles 35-38 of the TRIPS Agreement, to Parliament in November 1999.

(h) Requirements on undisclosed information, including trade secrets and test data

221. The representative of Jordan said that Jordan had no specific legislation covering the

subject. However, the Jordan Civil Code of 1976 provided protection for trade secrets in employment contracts. Jordanian legislation also allowed compensation for damages and losses if the owner of a trade secret could prove that damage had been inflicted on him. He considered existing legislation fulfilled the requirements of Article 10*bis* of the Paris Convention, incorporated by reference in Article 39 of the TRIPS Agreement.

222. Asked specifically about implementation of Article 39.3 of the TRIPS Agreement, which provides for a special protection regime for data submitted for registration of new pharmaceutical and agrochemical products, the representative of Jordan said that Article 39.3 of the TRIPS Agreement would be implemented through the Trade Secrets and Unfair Competition Draft Law, which had been referred to Parliament in November 1999.

### 3. Measures to control abuse of intellectual property rights

223. The representative of Jordan said that the Copyright Law No. 22 of 1992 included provisions (Articles 42, 46, 47 and 51) on the control of abuse of copyright. Article 36 of the draft amended copyright law would give copyright office staff in the Department of the National Library the status of judiciary officers in implementing the provisions of the Law. Article 22/3 of the Patents Designs Law stipulated the conditions under which the owner of a patent could be ordered by a court of law to grant a licence for use of his patent. Regulations to control abuse also existed under the Trademarks Law and the Patents Designs Law. The amended trademarks law would address the issue of contractual licensing of trademarks.

### 4. Enforcement

#### (a) Civil judicial procedures and remedies

224. The representative of Jordan said that the Jordanian Civil Code, the Code of Civil Procedure, the Merchandise Law, and the Trademark Law contained provisions relating to civil judicial procedures and remedies. A detailed comparison of Jordanian legislation with Articles 42-48 of the TRIPS Agreement was provided in document WT/ACC/JOR/18 (pp.66-69). Damages for injury in infringement cases could be claimed with reference to Articles 256 and 257 of the Jordan Civil Code.

#### (b) Provisional measures

225. The representative of Jordan said that procedures invoked in accordance with the Jordanian Code of Civil Procedure (Articles 32 and 115) corresponded to the conditions, effects, and requirements mentioned in Article 50 of the TRIPS Agreement. His Government was taking steps to ensure systematic applicability of these provisions to intellectual property rights.

#### (c) Administrative procedures and remedies

226. The representative of Jordan said that no administrative procedures and remedies were available at present.

#### (d) Special border measures

227. The representative of Jordan said that the 1998 Customs Law contained provisions providing for the prohibition of importation of goods contradicting the provisions of intellectual property laws. The copyright law, trademark law and draft patent law contained provisions regarding the prohibition of importation of infringing goods. However, customs control and enforcement of intellectual property laws needed further elaboration, and his Government was currently revising these provisions. The Cabinet of Ministers was expected to approve new regulations on border enforcement of intellectual property rights upon enactment of Amendments to the Customs Law.

(e) Criminal procedures

228. The representative of Jordan said that Jordanian legislation contained no special procedures beyond those laid down in the Trademarks Law and the Merchandise (Commodities) Marks Law No. 19 of 1953. The actions considered unlawful and the penalties for trademark infringement were defined in Article 38 of the Trademarks Law. Violations were punishable by imprisonment ranging from three months to one year and/or a fine ranging from JD 100 to JD 3,000. With respect to patent violations, any person imitating or using a patent without the permission of the patent holder, or giving false indication of a patented article, would be liable to imprisonment ranging from three months to one year and payment of a fine ranging from JD 100 to JD 3,000 according to the new draft amended patent law.

229. The representative of Jordan stated that Jordan would apply fully all the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights from the date of accession to the WTO, without recourse to any transitional period. The Working Party took note of this commitment.

Policies affecting trade in services

230. The representative of Jordan said that trade in services was regulated under various laws and regulations, the most important of which were the Investment Promotion Law No. 16 for 1995, the Companies Law No. 1 for 1989, the Foreign Investment Regulation No. 39 for 1997, the Central Bank Law No. 19 for 1979, the Foreign Exchange Law No. 95 for 1966, the Banks' Law No. 24 for 1971, the Money Exchange Dealings Law No. 37 for 1992, the Labour Law No. 37 for 1988, and the Residency and Foreigners Affairs Law No. 5 for 1991.

231. The banking system in Jordan consisted mainly of the Central Bank of Jordan (CBJ), banks licensed by the CBJ, and specialized credit institutions. The licensed banks comprised fourteen commercial banks (including five branches of foreign banks), five private investment banks, and two Islamic banks. In addition, Jordan had five specialized credit institutions. There were no numerical limitations on the establishment of branches of foreign banks. Under the current banking law, the minimum capital of a licensed bank should not be less than JD 5 million. This minimum capital requirement had been raised by CBJ to JD 20 million for national banks. In the meantime, foreign banks were being urged to increase their capital to JD 10 million. In practice, no limitations were imposed on licensed banks regarding the number or total value of their operations. The CBJ had drafted a new banking law consistent with international banking standards.

232. Insurance services were regulated by the Insurance Law No. 30 for 1984 and its amendments on the control of insurance activities, and Regulation No. 33 of 1995 regarding insurance companies. Insurance companies were supervised by the Office of the Controller of Insurance in the Ministry of Industry and Trade. Jordan operated its insurance supervisory system in accordance with GATS commitments, including Article VI and the obligations of the Financial Services Annex. In 1998, 27 insurance companies - with a total capital of JD 65.5 million - operated in Jordan. The minimum capital for a Jordanian (domestically constituted) insurance company was JD 2 million, or JD 4 million for a branch of a foreign company or its accredited agent. The capital requirement for a Jordanian (domestically constituted) reinsurance company was minimum JD 20 million. The limitation that non-Jordanian investors could own up to 50 per cent of the capital of an insurance company was being removed in accordance with scheduled commitments. All insurance companies registered in Jordan were required to be member of a Federation. Before commencing operations, an insurance company was required to deposit with a commercial bank an amount to protect the holders of insurance policies against any default on its part.

233. Concerning telecommunication services, the representative of Jordan said that the sector was regulated by the Telecommunications Law No. 13 for 1995. The sector was in the process of restructuring. An independent Telecommunications Regulatory Commission had been established, while policy formulation and development was carried out by the Policy Department within the Ministry of Posts and Telecommunications. The national operator – the Jordan Telecommunication Company (JTC) had been transformed into a State-owned company as a first step towards privatization. The JTC held a monopoly on the provision of basic telephone services, while licences had been issued to private suppliers of cellular mobile telephone, data, paging and pay-phone services.

234. Tourism activity was essentially private-sector oriented. In the past, the Government had owned a substantial stake in the Jordan Hotels and Tourism Company, but the shares had been sold to a private company. The sector was expanding rapidly, and new hotels were built with private Jordanian and foreign capital. Tourist bus transportation had been a monopoly held by a private company until 1994, but this sector was now open to other service providers.

235. The representative of Jordan said that Arab economic agreements contained some provisions on facilitating the movement of workers among the countries. The Agreement on Facilitating and Developing Commercial Exchange between Arab States (AFTA) aimed at providing special facilitation to services related to commercial exchange between member states. Article 18 of the Agreement referred to transport services, stating that members should cooperate in facilitating transportation between each other, and transit trade of Arab goods among member states.

236. Jordan's Schedule of Specific Commitments on Services is annexed to its draft Protocol of Accession reproduced in the Appendix to this Report (see paragraph 249 below). This Schedule of Specific Commitments on Services contains the legally binding market access commitments of Jordan in respect of services.

## Transparency

### Publication of information on trade

237. The representative of Jordan said that the Constitution of Jordan provided that laws should be published in the Official Gazette. According to provision No. 93 (ii) of the Constitution, a law came into force after its promulgation by the King, thirty days from the date of publication in the Official Gazette, unless the law specifically stated another date of entry into force. The date of entry into force was stipulated in the first article of each law.

238. The representative of Jordan said that from the date of accession all laws, regulations, decrees, judicial decisions and administrative rulings of general application related to trade would be published in a manner that fulfils the WTO requirements. As such, no law or regulation related to international trade would become effective prior to such publication in the official Gazette. He further stated that all laws which were amended to comply with the WTO Agreements contain provisions which require such publication. Decrees which affect international trade will be published either in the Official Gazette or in the bulletin of Chamber of Industry and Commerce. Final judicial judgements of the highest courts will be published in the Journal of Jordanian Bar Association. Jordan's Constitution and other laws currently in place or listed in document WT/ACC/JOR/32 as slated for near-term enactment would implement fully Article X of the GATT 1994 and the other transparency requirements in WTO Agreements requiring notification and publication.

### 239. Notifications

240. The representative of Jordan said that, at the latest within six months of the entry into force of the Protocol of Accession, Jordan would submit all initial notifications required by any Agreement constituting part of the WTO Agreement. Some notifications, as provided for in WT/ACC/JOR/31, will be made immediately after accession. Any regulations subsequently enacted by Jordan which gave effect to the laws enacted to implement any Agreement constituting part of the WTO Agreement would also conform to the requirements of that Agreement. The Working Party took note of these commitments.

## Trade agreements

241. The representative of Jordan said that Jordan was a member of several multilateral economic organizations which aimed at promoting trade and economic cooperation among its members, including the International Monetary Fund, the International Bank for Reconstruction and Development, the Multilateral Investment Guarantee Agency, the World Intellectual Property Organization and the International Labour Organization. Among the regional institutions, Jordan was a member of the Arab Monetary Fund, the Islamic Development Bank, the Arab Fund for Economic and Social Development, and the Arab Council for Economic Unity.

242. Jordan had concluded bilateral trade agreements with many countries (listed in Annex 7 of document WT/ACC/JOR/3). These agreements were generally based on the MFN principle, although some agreements with Arab countries included trade preferences. Preferential treatment was accorded to specific goods included in protocols annexed to these agreements. However, Jordan had terminated all trade protocols, except with Lebanon, in 1995. The representative of Jordan said that the bilateral agreements did not include countertrade and barter arrangements. In the past, trade with Sudan had been subject to countertrade and barter, but these arrangements had not been renewed. The trade agreement with Iraq essentially provided Iraqi oil in exchange for Jordanian exports. Previously, the agreement had a credit arrangement component, but this was no longer the case (since 1997). Jordan had concluded bilateral investment promotion and protection agreements with Germany, France, Turkey, Switzerland, Malaysia, Romania, United Kingdom, Tunisia, Yemen, Egypt, Italy, Algeria, Indonesia, the United States, the Czech Republic, Poland, the Netherlands and Morocco.

243. Jordan was a member of the Arab Common Market Agreement (ACM) together with Egypt, Iraq, Mauritania, Libya, Syria and Yemen. Jordan was also a member of the Agreement for Facilitating and Developing Trade Exchange among Arab States. Members of the Agreement – Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen – exempted various products from customs duties and taxes, including agricultural and livestock products; raw materials; goods and products with at least 40 per cent value added in the exporting country (or minimum 20 per cent value added if all inputs were imported from Arab countries); and goods and products produced by joint Arab enterprises. Further products could be added to the preferential arrangement (the current product coverage is provided in document WT/ACC/JOR/8 pp.75-76). The Agreement also eliminated all non-tariff measures (quotas, bans and other quantitative restrictions); however, the agreement had not functioned as envisaged. In June 1996, the Arab League/Economic and Social Council had decided to replace the Agreement with a new free-trade area agreement. Jordan signed the Arab Free Trade Area Agreement (AFTA) on 1 January 1998, activated in March 1998, and implemented the first round of tariff cuts on that date, but on a reciprocal basis, i.e. the reductions were only effective for other Arab League members implementing the same reductions. Tariffs between member countries would be eliminated over a ten-year period. Pursuant to full implementation of the Agreement, Jordan would eliminate import duties on approximately 94 per cent of its (six digit) tariff lines, and AFTA would cover about 21 per cent of Jordan's trade. The AFTA Agreement itself did not include provisions on the application of non-tariff measures, but the AFTA implementation programme prohibited the use of non-tariff measures such as quantitative restrictions and import licensing for non-exempt and non-prohibited products. Although the implementation programme did not cover non-tariff measures applied to prohibited and exempted products, Jordan did not intend to use non-tariff measures except where non-tariff measures were applied by other Parties to the agreement (reciprocal treatment). The AFTA Agreement did not cover services.



244. Jordan had concluded an agreement with Egypt to create a free-trade area among them by 2005. Customs duties and other equivalent taxes were reduced by 10 per cent annually. Some 48 products, representing 1,450 tariff lines at the six-digit level, were temporarily excluded from the agreement. Agricultural products also benefited from the tariff reductions, except for certain fruit and vegetables which were subject to seasonal restrictions. The agreement was not yet effective as Egypt had not ratified the agreement. Jordan had signed a free trade area agreement with Algeria. Further details concerning Jordan's regional trade relations with neighbouring countries are described in Table 16.

Table 16: Preferential treatment granted under Jordan's bilateral agreements

Bilateral agreement with:	Preferences granted:
Bahrain	Full free-trade area agreement
Egypt	Free-trade area by 2005
Israel	10 per cent tariff reduction for 66 products originating in Israel
Kuwait	Free movement for agricultural and livestock products. Customs duties and equivalent taxes reduced by 20 per cent annually for specific industrial products
Libya	Free movement for all products originating in both countries
Oman	Free movement for agricultural, livestock and fish products
Palestinian Authority	Duty free access for 60 products originating in the Palestinian Territories
Qatar	Mutual exemptions from customs duties for agricultural products and natural resources. Lists of duty free industrial products to be established.
Saudi Arabia	Duty free treatment for 166 products
Sudan	Customs duties exemptions for agricultural, livestock and industrial products
Syria	Customs duties exemptions for agricultural, natural resources and industrial products

245. In 1977, Jordan had signed a cooperation agreement with the EC which offered Jordan seasonal preferential treatment (tariff cuts) for some of its agricultural exports. Jordan had subsequently negotiated a new agreement within the Euro-Mediterranean partnership agreements, leading to a free-trade area to be reached after 12 years from the date of entry into force of the partnership agreement. The partnership agreement also covered services, social and cultural affairs, and financial cooperation. Jordan ratified the agreement in late Summer 1999. All industrial products and natural resources originating in Jordan would enter duty free in the EC, while EC industrial products benefited from annual duty reductions over the 12 year implementation period. The agreement excluded some products originating in the EC from preferential treatment. The agreement contained specific import procedures and safeguards with respect to trade in agricultural products. Tariff rates applied by Jordan are detailed in document WT/ACC/JOR/18, page 74. Jordan expected that about 65 per cent of the goods imported from the EC would receive preferential treatment. The trade-weighted average tariff applicable to imports from the EC was 24.51 per cent.

246. Some members asked Jordan to provide details of its Agreement with the United States on duty free areas. The representative of Jordan replied that the United States had proposed the concept of Qualified Industrial Zones (QIZ), extending duty free status to products of the West Bank, Gaza Strip and Qualified Industrial Zones. Thus far, only the Irbid (Al-Hassan) Qualifying Industrial Zone had been established in Jordan. The QIZ provided non-reciprocal duty free access to the United States' market, provided the products fulfilled certain conditions. The direct cost of producing operations performed in the QIZ should account for at least 35 per cent of the appraised value of a product at the time of entry into the United States. This could result either by (i) at least one-third (or 11.7 per cent) being contributed by the Jordanian manufacturer in the QIZ, one third by an Israeli manufacturer(s), and the remainder by production at the QIZ, the West Bank/Gaza Strip, in Israel or in the United States; or (ii) by Jordanian and Israeli manufacturers maintaining at least 20 per cent of the total production cost of QIZ-produced good(s), including originating materials, wages and salaries, design, research and development, depreciation of capital investment, overhead expenses, including marketing expenses, etc.

247. The representative of Jordan stated that his Government would observe the provisions of the WTO including Article XXIV of the GATT 1994 and Article V of the GATS in its trade agreements, and would ensure that the provisions of these WTO Agreements for notification, consultation and other requirements concerning free trade areas and customs unions of which Jordan was a member were met from the date of accession. The Working Party took note of these commitments.

### Conclusions

248. The Working Party took note of the explanations and statements of Jordan concerning its foreign trade regime, as reflected in this report. The Working Party took note of the commitments given by Jordan in relation to certain specific matters which are reproduced in paragraphs 32, 43, 53, 58, 63, 72, 76, 88, 94, 100, 103, 107, 116, 126, 131, 137, 140, 145, 149, 151, 153, 161, 164, 170, 177, 189, 230, 240 and 247 of this report. The Working Party took note that these assurances and commitments had been incorporated in paragraph 2 of the Protocol of Accession of Jordan to the WTO.

249. Having carried out the examination of the foreign trade regime of Jordan and in the light of the explanations, commitments and concessions made by the representative of Jordan, the Working Party reached the conclusion that Jordan be invited to accede to the Marrakesh Agreement Establishing the WTO under the provisions of Article XII. For this purpose, the Working Party has prepared the draft Decision and Protocol of Accession reproduced in the

Appendix to this report, and takes note of Jordan's Schedule of Concessions and Commitments on Goods (document WT/ACC/JOR/33/Add.1) and its Schedule of Specific Commitments on Services (document WT/ACC/JOR/33/Add.2) that are annexed to the Protocol. It is proposed that these texts be adopted by the Ministerial Conference when it adopts the report. When the Decision is adopted, the Protocol of Accession would be open for acceptance by Jordan which would become a Member thirty days after it accepts the said Protocol. The Working Party agreed, therefore, that it had completed its work concerning the negotiations for the accession of Jordan to the Marrakesh Agreement Establishing the WTO.

## ANNEXES

### ANNEX 1

#### Laws, Regulations and Other Information Provided to the Working Party by Jordan

- Companies Law No. 22 of 1977;
- Customs Law No. 16 of 1983;
- Law No. 20 on Customs (1998);
- A Law Amending the Customs Law - Law No. ( ) of the Year 1999;
- Law No. 14 for 1992 - Import and Export Law;
- Regulation No. 74 (1993) - Import and Export Regulation;
- Law No. 7 on Unifying Other Taxes and Fees (1997);
- Draft Law Amending the Unification of Fees and Taxes Imposed on Imported and Re-Exported Goods Law for the Year 1999 (11 October 1999);
- Law No. 6 (1994) – General Sales Tax Law;
- Draft Law Amending the General Sales Tax Law – Law No. ( ) of the year 1999 (30 September 1999);
- Income Tax Law No. 57 of 1985, Law No. 2 of 1992 and Law No. 14 of 1995;
- National Production Protection Law No. 4 of 1998 (Safeguards Law);
- Investment Promotion Law No. 16 of 1995 and Regulations;
- Regulation No. 39 (1997) – Non-Jordanian Investments Promotion Regulation;
- Law No. 15 of Standards and Metrology, effective 16 January 1995 (unofficial translation);
- Draft Law on Standards and Metrology Law No. ( ) of the Year 1999 (11 October 1999);
- Instructions No. 4 for the Year 1995 – Preparation of Jordanian Standards;
- Quality Mark Regulations No. 49 for the year 1996;
- Quality Mark Institutions;
- TBT Conformity Table (11 October 1999);
- Jordanian Standards Nos. 288 and 401;
- Agricultural Law No. 20/1973;
- Draft Law on Agriculture (30 September 1999);
- Draft Law on Food Control Law No. ( ) of the Year 1999 (11 October 1999);
- SPS Conformity Table – Food (11 October 1999);
- SPS Conformity Table – Agriculture (11 October 1999);
- Regulation No. 32 (1993) – Government Procurement Regulation;
- Tenders Regulation No.1 of 1994;

- Commodities' Marks Act No. 19 of 1953;
- Patents and Designs Law and Rules (1953);
- Draft Law No. (...) for the year 1999 Patent Law (as adopted by Parliament in September 1999);
- Trade Mark Law and Regulations in Hashemite Jordan (1 July 1952);
- Draft Law No. (...) for the year 1999 Amending The Trademarks Law (as adopted by Parliament in September 1999);
- Draft Amended Copyright Law No. 22 of 1992;
- Draft Law No. (...) for the year 1999 - A Law Amending The Copyright Protection Law (as adopted by Parliament in September 1999);
- TRIPS Copyright Conformity Table (11 October 1999);
- TRIPS Trademarks Conformity Table (11 October 1999);
- TRIPS Geographical Indications Conformity Table (11 October 1999);
- TRIPS Industrial Designs and Models Conformity Table (11 October 1999);
- TRIPS Unfair Competition and Trade Secrets Conformity Table (11 October 1999);
- TRIPS Patents Conformity Table (11 October 1999);
- TRIPS Layout Designs of Integrated Circuits Conformity Table (11 October 1999);
- Selected articles from specific Laws related to the implementation of the TRIPS Agreement:
  - Code of Civil Procedure - No. 24 of 1988;
  - High Court of Justice Law - No. 11 of 1989;
  - Criminal Procedure Law - No. 9 of 1961;
  - Evidence Law - No. 30 of 1952;
  - Criminal Law - No. 16 of 1960;
  - Civil Code - No. 43 of 1976.
- Banking Legislation in Jordan (1994);
- Law No. 9 Amending the Law on the Control of the Insurance Business and Regulation No. 33 of the year 1995 on Insurance Companies (unofficial translation);
- Telecommunications Law No. 13 of 1995; and
- Securities Law of 1997 (unofficial translation).

APPENDIX  
ACCESSION OF THE HASHEMITE KINGDOM OF JORDAN  
Draft Decision

Ministers,

Having regard to the results of the negotiations directed towards the establishment of the terms of accession of the Hashemite Kingdom of Jordan to the Marrakesh Agreement Establishing the World Trade Organization and having prepared a Protocol for the Accession of the Hashemite Kingdom of Jordan,

Decide, in accordance with Article XII of the Marrakesh Agreement Establishing the World Trade Organization, that the Hashemite Kingdom of Jordan may accede to the Marrakesh Agreement Establishing the World Trade Organization on the terms set out in the said Protocol.

PROTOCOL OF ACCESSION OF THE HASHEMITE KINGDOM OF JORDAN  
TO THE MARRAKESH AGREEMENT ESTABLISHING  
THE WORLD TRADE ORGANIZATION  
DRAFT

The World Trade Organization (hereinafter referred to as the "WTO"), pursuant to the approval of the Ministerial Conference accorded under Article XII of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement"), and the Hashemite Kingdom of Jordan (hereinafter referred to as "Jordan"),

Taking note of the Report of the Working Party on the Accession of Jordan to the WTO in document WT/ACC/JOR/33 (hereinafter referred to as the "Working Party Report"),

Having regard to the results of the negotiations on the accession of Jordan to the WTO,

Agree as follows:

Part I - General

1. Upon entry into force of this Protocol, Jordan accedes to the WTO Agreement pursuant to Article XII of that Agreement and thereby becomes a Member of the WTO.
2. The WTO Agreement to which Jordan accedes shall be the WTO Agreement as rectified, amended or otherwise modified by such legal instruments as may have entered into force before the date of entry into force of this Protocol. This Protocol, which shall include the commitments referred to in paragraph 248 of the Working Party Report, shall be an integral part of the WTO Agreement.
3. Except as otherwise provided for in the paragraphs referred to in paragraph 248 of the Working Party Report, those obligations in the Multilateral Trade Agreements annexed to the WTO Agreement that are to be implemented over a period of time starting with the entry into force of that Agreement shall be implemented by Jordan as if it had accepted that Agreement on the date of its entry into force.
4. Jordan may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is recorded in the list of Article II Exemptions annexed to this Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions.

Part II – Schedules

5. The Schedules annexed to this Protocol shall become the schedule of Concessions and Commitments annexed to the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "GATT 1994") and the Schedule of Specific Commitments annexed to the General Agreement on Trade in Services (hereinafter referred to as "GATS") relating to Jordan. The staging of concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.
6. For the purpose of the reference in paragraph 6(a) of Article II of the GATT 1994 to the date of that Agreement, the applicable date in respect of the Schedules of

Concessions and Commitments annexed to this Protocol shall be the date of entry into force of this Protocol.

Part III - Final Provisions

7. This Protocol shall be open for acceptance, by signature or otherwise, by Jordan until 31 March 2000.
8. This Protocol shall enter into force on the thirtieth day following the day of its acceptance.
9. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish a certified copy of this Protocol and a notification of acceptance thereto pursuant to paragraph 7 to each member of the WTO and Jordan.
10. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.
11. Done at Seattle this third day of December one thousand nine hundred and ninety nine, in a single copy in the English, French and Spanish languages each text being authentic, except that a Schedule annexed hereto may specify that it is authentic in only one or more of these languages.



## **ANNEX**

### **SCHEDULE – HASHEMITE KINGDOM OF JORDAN**

#### **Part I – Goods**

[Circulated in document WT/ACC/JOR/33/Add.1]

#### **Part II – Services**

[Circulated in document WT/ACC/JOR/33/Add.2]

---

### **XIII. CHINA SPS NOTIFICATIONS**



## **Strategies for Handling Notifications at National Level – the Experience of China**

**Yang Song**

**Deputy Division Director  
WTO/SPS National Enquiry Point of  
China**



## **the Experience of China on Transparency**

1. SPS System
2. Notifying SPS Measures of China
3. Handling Notifications from Other Members
4. Dealing with SPS Enquires
5. The Website of SPS Notification & Enquiry
6. Difficulties faced

# the Experience of China on Transparency

## 1. SPS System

## 1. SPS System of China

- government authorities involved
  - General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
  - Ministry of Commerce
  - Ministry of Agriculture
  - Ministry of Health
  - Certification and Accreditation Administration of China
  - The State Food and Drug Administration
  - The State Forestry Administration

## 1. SPS System

- The Inter-Ministerial Coordination Mechanism on TBT and SPS Measures
  - Established in 2002
  - Led by AQSIQ
  - To promote coordination on:
    - The implementation of SPS Agreement
    - SPS related training
    - Commenting on notifications that have crucial impact on the trade (Positive List, Anti-terrorism, etc.)

## 1. SPS System of China

- The SPS National Enquiry Point

Established in AQSIQ to coordinate the notification, enquiry and comment issues domestically
- The Notification Authority

Established in the Ministry of Commerce to submit notifications

## the Experience of China on Transparency

### 1. SPS System

### 2. Notifying SPS Measures of China

### 2. Notifying SPS Measures of China

- Drafting of new SPS measure - competent authority
- Deciding whether to notify or not - competent authority
- Filling out the notification form in both English and Chinese - the competent authority
- Submitting the notification to SPS Enquiry Point
- Reviewing the notification - SPS Enquiry Point
- Submitting to the Notification Authority
- Submitting to WTO - through the Permanent Mission of China in Geneva

## 2. Notifying SPS Measures of China

- 241 SPS notifications including:
  - 140 notifications according to the Accession Commitment
  - 95 notifications on new SPS measures
  - 6 addendum notifications
- Improvement

The awareness of the importance of notification is increasing among competent authorities

## the Experience of China on Transparency

1. SPS System
2. Notifying SPS Measures of China
3. Handling Notifications from Other Members



### 3. Handling Notifications from Other Members

- Receiving and translating notifications - SPS Enquiry Point
- Selecting notifications to comment- SPS Enquiry Point
- Distributing notifications to relevant authorities
  - Both electronic version and paper version
- SPS Notification Newsletter – including all notifications, published every two weeks
- Notifications and their Chinese translation also available on the website of the SPS Enquiry Point

### 3. Handling Notifications from Other Members

- Studying and making comments on notifications - Expert group established by relevant Chinese government authorities related to SPS issues
- Collecting comments - SPS Enquiry Point
- Examining comments – AQSIQ
- Translating the final comments into English and submitting to the notification Member - the Enquiry Point
- Coordination
  - Important notifications
  - Disagreement on comment

### 3. Handling Notifications from Other Members

- Receiving responses - SPS Enquiry Point
- Feedback for reference or further comment

### the Experience of China on Transparency

1. SPS System
2. Notifying SPS Measures of China
3. Handling Notifications from Other Members
4. Dealing with SPS Enquires



## 4. Dealing with SPS Enquires

- The SPS Enquiry Point is responsible to answer reasonable questions asked by domestic and foreign government authorities, industries and other stakeholders.
- During the 4 years after the Accession, it have received and answered more than 1100 enquiries and the number of enquiries is increasing year by year.

## the Experience of China on Transparency

1. SPS System
2. Notifying SPS Measures of China
3. Handling Notifications from Other Members
4. Dealing with SPS Enquires
5. The Website of SPS Notification & Enquiry of China

## 5. The Website of SPS Notification & Enquiry of China

### ■ Functions

- Provide information on proposals notified by all WTO Members including China
- Provide information on SPS measures of China and other Members, including laws, regulations, decrees, standards and etc.
- A channel for comment online
- A channel for enquiry online

## 5. The Website of SPS Notification & Enquiry of China

### ■ Contents

#### Dozens of databases:

- Notifications from China
- Notifications from other members
- Laws, regulations, decrees, standards and etc.
- Risk alert system
- Analysis reports

## 5. The Website of SPS Notification & Enquiry of China

- The website is established in 2003, and available to government authorities, industries and other stakeholders
- Feed back by users - informative and useful
- 630,000 visits total, 270,000 in 2005

[www.tbt-sps.gov.cn](http://www.tbt-sps.gov.cn)

## the Experience of China on Transparency

1. SPS System
2. Notifying SPS Measures of China
3. Handling Notifications from Other Members
4. Dealing with SPS Enquires
5. The Website of SPS Notification & Enquiry of China
6. Difficulties faced

## 4. Difficulties faced

### ■ Translation

- Large amount – notifications and full texts
- Costly for both money and time
- Unpopular languages
- Solution - share informal translations
- Problem - not a common practice

## 4. Difficulties faced

### ■ Commenting period

- Some notifications less than 60 days
- Request for extending with no answer

## 4. Difficulties faced

- The initiative to make comments
  - As a new Member of WTO, there is not much awareness of the importance of making comments on notifications from other Members. Especially industries should be involved more deeply.
  - the training of industries should be strengthened.
  - Experience sharing on commenting encouraged.



Thank You

Sustainable Achievement of Business Expansion and Quality  
Salem Center, Sequleyah Street  
Al Rabieh, Amman  
Phone: +962 6 550 3050  
Fax: +962 6 550 3069  
Web address: <http://www.sabeq-jordan.org>