

WORLD TRADE ORGANIZATION

TN/MA/NTR/7
17 January 2008

(08-0225)

Negotiating Group on Market Access

Original: English

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

Non-Tariff Barriers - Requests

Communication from the European Communities

The following communication, dated 16 January 2008, is being distributed at the request of the delegation of the European Communities.

EC BILATERAL REQUESTS IN NAMA-NTBS

Country A

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104 11 11 4104 11 21 4104 19 10 4104 11 13 4104 11 23 4104 19 30 4104 11 14 4104 11 24 4104 19 40 4104 41 10 4104 41 30 4104 49 10 4104 49 20	Wet blue leather	Export tax of 15%.	Elimination of export tax	Two types of export taxes: general (10%) and specific tax (5%). The general export tax is calculated on the basis of the FOB price; the specific one on the referenced price of leather on the Chicago market plus transport costs.
2	2605 2609 2602 2611 2617 2615 2616	Cobalt, tin, manganese tungsten, antimony, Nb, Ta, V, Zr, precious metals ores	Export tax of 10 %	Elimination of export tax	
3	2504 2519	Natural graphite, Magnesium	Export tax of 10 %	Elimination of export tax	
4	2529	Fluorspar	Export tax of 10 %	Elimination of export tax	

Country B

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104 11 4104 19	Bovine wet blue leather	Export tax of 9%	Elimination of export tax	Export taxes were to be eliminated by 1.1.08, but country B has (1) extended them to other products and (2) prolonged them without indicating any time limit. The customs authorities of country B levy tariffs in a way that a minimum export price seems to be the basis of the tariff calculation.

Country C

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	2804 70 10	Yellow Phosphorus	Export tax of 20%	Elimination of export tax	<p>Pursuant to Annex 6 of its WTO Accession Protocol, country C has committed to maximum bound rate of 20%, and not increase rates applied by the time of accession except under exceptional circumstances and after consultation with affected members.</p> <p>Export tax is in addition to the absence of VAT refund.</p>
2	7601 10 7601 20 10	Alumimium unalloyed and alloyed.	Export tax of 15%	Elimination of export tax	<p>Pursuant to Annex 6 of its WTO Accession Protocol, country C has committed to maximum bound rate of 30% and not to increase rates applied by the time of accession (0% in 2001) except under exceptional circumstances and after consultation with affected members.</p>
3	7602	Scrap of aluminium	Export tax of 15%	Elimination of export tax	<p>Pursuant to Annex 6 of its WTO Accession Protocol, country C has committed to maximum bound rate of 30% and not to increase rates applied by the time of accession (0% in 2001) except under exceptional circumstances and after consultation with affected members.</p> <p>Export tax is in addition to the absence of VAT refund.</p>

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
4	7604 10	Unalloyed bars and rods	Export tax of 15%	Elimination of export tax	Pursuant to Annex 6 of its WTO Accession Protocol, country C has committed to maximum bound rate of 20% and not to increase rates applied by the time of accession (0% in 2001) except under exceptional circumstances and after consultation with affected members.
5	7402 7403 7404 7407 7408 7409	Unrefined copper Refined copper Scrap of refined copper Semi-processed products copper	Export tax of 10%	Elimination of export tax	Pursuant to Annex 6 of its WTO Accession Protocol, country C has committed not to increase rates applied by the time of accession (0% in 2001) except under exceptional circumstances and after consultation with affected members, and not to overstep a maximum rate of 30% in the case of scrap and unwrought metal, 20% in the case of semi-processed products. Export tax is in addition to the absence of VAT refund.

Country D

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104-4106 4107 4112 4113	Tanned leather Tanned snakeskin Luggage leather Cycle saddle leather Picking band leathers Strap/combing leathers Transistor case/ camera case leathers	Export tax of varied level (10-25%)	Elimination of export tax	While country D lifted its export restrictions in October 2000, export duties – at varied levels – are applied on a long range of leather products falling under NAMA. Country D also currently applies <u>zero duty for</u> : Finished leather of goat, sheep and bovine animals and of their young ones; Clothing leather fur suede/ hair, hair-on suede/ shearing suede leathers (as per ISI norms 8170); Fur leathers; Cuttings and fleshing of hides and skins used as raw materials for manufacturing; animal glue gelatine; Book binding leathers; Skiver leathers; Fur of domestic animals, excluding lamb fur skin; Shoe upper leather
2	2601	Iron ore	Export tax (50 RMB per tonne)	Elimination of export tax	Country D imposed export duty on iron ore to prevent foreign access to its iron ore market. It wants to provide local industry with cheaper inputs. Imposition of an export tax provoked important tensions on the international market for this commodity and affected all the markets. It has to be noted that the price of iron ore in the last 6 years rose by more than 200% and the tax of country D aggravates the situation. Initially, the tax was set at the level of 300 RMB per tonne, but after strong reaction from one other WTO Member, country D has decided to reduce it.

Country E

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104 11 10 4104 19 10 4105 10 30 4106 21 20	Wet blue leather	Export tax of 15%	Elimination of export tax	Regulated by Ministry of Finance Decree 92/PMK.02/2005 (10 Oct. 2005).

Country F

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104 4105 4106 4107 4203	Wet blue leather	Export tax of 20%	Elimination of export tax	Tax levied since 1.09.05.
2	7204 7404 7503 7602 7802 7902 8002 8101 97 8102 97 8103 30 8104 20 8105 30 8106 8107 30 8108 30 8109 30 8110 20 8111 8112 13 8112 22 8112 52 8112 92 8113	Ferrous waste and scrap, remitting scrap ingots of iron or steel; Waste and scrap of copper, nickel, aluminium, lead, zinc, tin, tungsten (wolfram), molybdenum, tantalum, magnesium, cobalt, bismuth, cadmium, titanium, zirconium, antimony, manganese, beryllium, chromium, thallium and cermets; waste and scrap of germanium, vanadium, gallium, hafnium, indium, niobium and rhenium; waste and scrap of cermets.	Export tax of 25%	Elimination of export tax	Export tax levied as from 6.06.2006 under Statutory Regulatory Order (SRO) 573(1)/2006.

Country G

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	4104 11 4104 19 7204 4001 4403, 4408	Wet blue leather of bovine animals Metal scrap Rubber Wood	Export tax of 5 THB/kg	Elimination of export tax	These taxes have supposedly been waived by Ministry of Finance, but it remains the power to re-instate the taxes under Art 12 of the Customs Act
2	4115	Parings, waste and dust for use in the production of composition leather	Export tax of 0.4 THB/kg	Elimination of export tax	According to some sources, the tax levied is currently not applied, but information remains unconfirmed.

Country H

No.	HS heading	Product description	Non-tariff barriers	Solution	Comment
1	2606	Aluminium ores	Export tax of 10% (5% on concentrated ores and export restriction)	Elimination of export tax	No commitment undertaken in the Accession Protocol. According to some unconfirmed sources, export tax rate currently applied is 0% despite the fact that the publicized export tax is 10% for crude and 5% for refined aluminium ores. This also raises concerns of predictability for economic operators
2	7602 7404 7902 7503 7802 8002 8101-8113	Scrap of aluminium, copper, zink, nickel, tin, tungsten, lead and cobalt etc.	Export tax of 45% (decreasing to 22% after 5 years of accession)	Elimination of export tax	Commitment undertaken in the Accession Protocol. Current tax rate of 7602 is 45%; for 7404, the tax rate is 45%; for 7503, the tax rate is 45%; for 8002, the tax rate is 45%; for 7802 the tax rate is 45%; and for 8101 to 8113, the current tax rate is 45%. After 8 months of Country H joining the WTO, the applicable export tax rate on those commodities is still higher than committed raising also questions of compliance.
3	2605	Cobalt ores	Export tax of 10% (5% for dressed ores)	Elimination of export tax	No commitment undertaken in the Accession Protocol. Although the publicized export tax on 2605 is 10% (5% for dressed ores), the actual rate currently applied is 0% according to some unconfirmed sources which raises problems of predictability for economic operators.