

出國報告（出國類別：研習）

參加數量限制通知能力建構工作坊
(CAPACITY BUILDING WORKSHOP ON THE
NOTIFICATION OF QUANTITATIVE
RESTRICTIONS)

服務機關：經濟部國際貿易局

姓名職稱：黃華俊科長

派赴國家：瑞士(日內瓦)

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摘要

WTO 貨品貿易理事會於 2012 年 6 月 22 日採認數量限制通知程序之決定後，迄今仍僅有 32 個會員通知已生效之數量限制。為此，WTO 市場進入委員會於本(2018)年 1 月 15 日非正式會議，決議於本年 4 月 24 日至 26 日舉辦數量限制通知能力建構工作坊，旨在促進會員瞭解 WTO 對數量限制之規則，增進會員遵循透明化義務。

我國迄今已提交 2 次數量限制通知，分別在 2014 年及 2016 年，並已於市場進入委員會通過會員檢視。本次指派本局黃科長華俊參訓，除深化數量限制之瞭解，亦可分享相關經驗。

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一、舉辦首屆數量限制研討會之目的

- (一) 會員通知情形欠佳，迄今僅有 32 個會員完成通知：WTO 貨品貿易理事會於 2012 年 6 月 22 日採認數量限制通知程序之決定後，迄今仍僅有 32 個會員通知已生效之數量限制。為此，WTO 市場進入委員會於去(2017)年 6 月 23 日非正式會議，決議召開小團體會議為此進行諮商。
- (二) 通知情形欠佳之原因：WTO 市場進入委員會指出，會員共同問題有 3 點，分別為(1)如何通知？(2)通知項目為何？(3)如何協調國內機關取得相關資訊？
- (三) 舉辦能力建構工作坊：WTO 市場進入委員進行小團體會議諮商會，會員於 2017 年 9 月 22 日建議可以修訂實務指南、檢視 WTO 網頁之數量限制資訊、舉辦能力建構研討會等方式，改善會員數量限制通知情形。至舉辦能力建構研討會一節，WTO 市場進入委員會於本(2018)年 1 月 15 日非正式會議，決議於本年 4 月 24 日至 26 日舉辦數量限制通知能力建構工作坊，旨在促進會員瞭解 WTO 對數量限制之規則，增進會員遵循透明化義務。

二、研討會之課程安排

- (一) 4 月 24 日：全日研討會(workshop)，開放給各會員駐 WTO 代表團及首府負責辦理數量限制通知業務之官員參加。
- (二) 4 月 25 日：訓練會議(coaching session)，探討如何辦理數量限制通知，由負責辦理及/或協調整合數量限制通知業務之官員參加。
- (三) 4 月 26 日：舉行市場進入委員會正式會議，及接續舉辦 1 場檢視會議(final review session)。

三、數量限制之歷史緣由

- (一) 數量限制在 1946 年二戰時期被認定為最重要之貿易障礙之一，爰 1947 年 GATT 第 11 條即制定「數量限制之普遍消除原則」盼可解決各國間之貿易問題，並於 1950 年起要求會員檢視及通知相關措施。
- (二) 1995 年 GATT 轉變為 WTO 後，數量限制之規定仍與前身雷同，而會員執行情

形不佳，其主要問題為目標不明確、無統一格式、資訊來自秘書處之要求、資料及記錄品質不一致性、無明確規定通知項目等。(G/L/59)

- (三) 為解決前述問題，秘書處於 2012 年修改相關規定，並提供統一格式、將通知內容刊登至 WTO 網頁以增進透明性、與其他通知建立連結 (cross-reference)、明確劃分通知項目。(G/L/59/Rev 1)

四、數量限制之原則及例外

- (一) 數量限制之普遍消除原則(GATT 1994 第 11 條第 1 項)：

1. 任一締約國對其他締約國之任一產品之輸入或輸出，除課徵關稅、內地稅或其他規費外，不得利用配額或輸出入許可程序或其他措施來新設或維持禁止或限制來自其他會員領域產品之進口或輸往其他會員領域產品之出口。

- (二) 例外(GATT 1994 第 11 條第 2 項)：

2. 前項規定不適用於下列各款限制：
 - a) 為防止或緩和糧食或其他輸出締約國必需商品之嚴重匱乏，而暫時實施禁止或限制輸出之措施。
 - b) 為國際貿易商品分類、分級或行銷之法令或標準之適用所必需之禁止或限制輸出或輸入之措施。
 - c) 為執行下列政府措施，而有必要限制以任何形態輸入之任何農、漁產品：
 - (1) 限制本國同樣產品得銷售或生產之數量，如同樣產品本國並無適量生產者，則係指限制能直接代替輸入產品之某種本國產品之措施；
 - (2) 為消除本國同樣產品之臨時剩餘；如同樣產品在本國並無適量生產者，則係指為消除能直接代替輸入產品之臨時剩餘；如同樣產品在本國並無適量生產者，則係於市價之價格供應本國消費者之措施；
 - (3) 如任一畜產品之原料，本國生產不足而全部或大部份依賴輸入，則為限制該畜產品准許生產之數量措施。

註：一締約國實施禁止或限制措施，必須同時對所有其他締約國實施同樣禁止或限制措施。(GATT 第 13 條)

(三) 其他例外：

條文	內容
GATT 第 12 條	為保護收支平衡之限制
GATT 第 18 條	經濟發展之政府協助
GATT 第 19 條	特定產品輸入之緊急措施
GATT 第 20 條	一般例外
GATT 第 21 條	國防安全之例外
Marrakech 協定第 9 條第 3 項	豁免
TBT、SPS	

(四) 一般例外 (GATT 第 20 條)

就各項措施之實施，對相同條件下之不同締約國未構成專斷或不合理歧視，或未對國際貿易構成隱藏性限制，在此前提下，本協定不得被解釋為阻止締約國採取或執行下列措施：

- a) 維護公共道德所必要者。
- b) 維護人類、動物或植物生命或健康所必要者。
- c) 關於金、銀之輸出或輸入。
- d) 為確保遵守與本協定各項規定並無牴觸之法律或規章所必要者，該法律或規章包括關務執行、本協定第二條第四項及第十七條規定之獨佔行為，專利權、商標權及著作權之保護，與詐欺之防止等事項。
- e) 關於監犯勞力之產品。
- f) 為保護各項具有藝術、歷史或考古價值之國家文物所實施者。
- g) 關於可能枯竭之自然資源之保存，但以此項措施須同時限制本國生產及消費始生效者為限。
- h) 依照任何政府間國際商品協定所定之義務，但必須符合提交「大會」之標準，並且未被其所否決，或者實際上被提交而未被否決。
- i) 為穩定物價而將某種原料價格限制在國際價格之下，以確保國內加工業獲得足夠之原料時，所為限制該項原料輸出之措施。但該項措施不得用以增

加該國內工業之輸出或加強對該國內工業之保護，且不得違反本協定有關不歧視之規定。

- j) 對於普遍性或區域性短缺之產品所採收購或分配之必要措施，但該措施須符合各締約國均享有公平交易機會之原則，如該措施違反本協定其他規定者，則應於上述短缺情況消失後，立即停止該措施，「大會」最遲應於一九六〇年六月三十日以前檢討本款之必要性。

(五) 國防安全之例外 (GATT 第 21 條)

本協定各項規定不得用以

1. 要求任何締約國提供認為透露必違反其重大安全利益之資料。
2. 禁止任何締約國採取下列為保護其重大安全利益之必要措施。
 - a) 關於具有原子分裂性之物質或製造該物質之原料。
 - b) 關於販賣武器、彈藥或其他戰爭物質及關於販賣直接或間接供給軍用之其他物品。
 - c) 在戰爭或其他國際關係緊張時期所採行之措施。
3. 禁止任何締約國為履行依聯合國憲章所負關於維持國際和平及安全之義務而採取之措施。

五、通知程序

(一) 數量限制通知程序之決定(G/L/59/Rev.1)：

WTO 貨品貿易理事會於 2012 年 6 月 22 日採認有關會員在實務上對數量限制通知程序之決定(Decision on Notification Procedures for QRs)。

(二) 通知程序之規定：

1. 通知規定：WTO 會員自 2012 年 9 月 30 日起須每 2 年通報所有數量限制措施，若措施改變則須於生效 6 個月內通知。
2. 反通知(reverse notification)：會員可隨時修訂通知，及對其他會員進行反通知，即通知 WTO 有關其他會員未通報之數量限制。

3. 通知格式：會員須依固定通知格式(含 7 種項目資訊)以電子檔寄送秘書處，公布於 WTO 網站，並於市場進入委員會會議中檢視。

1. General description of the restriction
2. Type of restriction (Symbol in Annex 2 of the Decision)
3. Tariff line code(s) affected, based on HS()
4. Detailed Product Description
5. WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)
6. National legal basis and entry into force (i.e. Law, regulation or administrative decision)
7. Administration, modification of previously notified measures, and other comments

4. 通知種類：禁止措施、全球配額、非自動輸入、自願性出口限制等。

Indicative list of measures to be notified (Annex 2 of the QR Decision)
1. Prohibitions
2. Prohibitions except under defined conditions
3. Global quotas
4. Global quotas allocated by country
5. Bilateral quotas
6. Non-automatic import licensing
7. QRs made effective through state trading operations
8. Mixing regulations
9. Minimum price
10. Voluntary export restraints

5. 無須通知：SPS 及 TBT 協定措施、自動輸入許可程序措施、關稅配額(TRQ)等。

Measures not covered by the QR Decision (footnote 1 of the QR Decision)
1. SPS measures
2. TBT measures
3. Automatic import licensing
4. Tariff Rate Quotas (TRQs)

六、通知之準備

- (一) 數量限制通知指南：2012 年 6 月數量限制通知指南(practical Guide on QR Notification)已由秘書處於本(2018)年 4 月 13 日修訂。
- (二) 進行數量限制通知之其他參考資訊來源：
1. 國家關務機構(HS 稅號、禁止/限制項目等)
 2. WTO 其他通知(農業、防衛措施、收支平衡等)
 3. 貿易政策報告(貿易政策措施章節)
 4. WTO 資料庫
 5. 其他國際組織之報告(如 OECD、ITC、UNCTAD 等)

七、提送通知後 WTO 秘書處後續處理事項

- (一) 通知文件以電子方式傳送給秘書處後，秘書處將視需要提供修改建議。
- (二) 翻譯通知文件。
- (三) 通知文件將自動列入下次市場進入委員會會議，並在會中由會員進行檢視並評論及提出疑問。
- (四) 納入 QR 資料庫。

八、我國數量限制通知情形

- (一) 我國迄今已提交 2 次數量限制通知，分別在 2014 年及 2016 年，並已於市場進入委員會通過會員檢視。
- (二) 為辦理首次通知，我國係依提交之第 3 次貿易政策檢討資料為基礎(資料統計至 2013 年 5 月 23 日止)，擬具我國數量限制通知初稿，並請農委會、防檢局、環保署、國防部、衛福部、食藥署、警政署、本局貿發組及貿管小組等單位共同檢視完成。
- (三) 我國首次通知時間為 2014 年 9 月 29 日，共 15 個數量通知項目，包含狗肉、河豚、活鯨鯊、具上癮性之蘑菇、有毒之化學品、軍事武器、軍事收藏品、骨董等。(如附件 4)
- (四) 我國第二次通知時間為 2016 年 7 月 21 日，共 26 個數量通知項目，除涵蓋首次通知項目外，亦添增頻臨絕種生物、其他有毒之化學品、消耗臭氧層物質等。(如附件 5)

九、出席 WTO 市場進入委員會正式會議情形：

- (一) 代表我國發言 2 次：本次會議本人共參與 2 次發言機會，第 1 次為感謝 WTO 秘書處辦理本次研討會，並分享相關重要收穫；第 2 次為針對印度提高 ICT 產品關稅案，發言表達我國關切事項。
- (二) 感想：中美貿易戰持續發燒，在多邊場域中亦可觀察到美中角逐情形，其中美國針對中方之多項措施表達關切。另美國、歐盟亦對多個國家持續發問，為會中表現最活躍的國家。

十、學員間交流情形：

綜整本次學員間重點提問及指導員之回復如下：

- (一) 阿根廷代表：若阿根廷於本(2018)年第一次通知，如何處理之前沒通知的部分？答：數量通知之規定係 2012 年起每 2 年通知所有數量限制措施，今年通知項目應包含現行實施之所有數量限制措施，亦即應涵蓋之前實施至今的措施。

- (二) 菲律賓代表：怎麼確認會員有通知所有 QR 措施？答：每個國家最清楚數量限制的機關是海關，因此 WTO 盼藉由透明化原則促使會員自願性提供各國最正確的資訊，但 WTO 及會員亦無法知道或強迫會員通知所有措施。
- (三) 哥斯大黎加代表：對於小國而言，由於人力不足，一旦面臨人員異動容易出現知識斷層的情形，WTO 有辦法提供相關協助？答：建議每個國家建置資料庫，藉此可傳承經驗。另 WTO 網站已建置 QR 專區供會員搜尋及參考與 QR 相關資訊。
- (四) 我國代表：鑒於 WTO 有多種通知文件，若遇到重疊的項目該如何處理？答：會員間往往在 TBT 及 SPS 之認定上出現疑慮，因此有些國家會兩者都通知，以避免錯誤。
- (五) 巴拉圭代表：巴國在撰擬通知文件初稿，面臨最大問題為找不到產品對應的稅號，若不知道稅號是否可註明不同種類的(Miscellaneous)？答：此係多數國家所面臨之共同問題，若不確定可以寫章節(如第 02 章)並在前頭註明 ex。

十一、心得及建議：

- (一) 我國盼可透過履行透明化義務，促進全球貿易進一步自由化：本人雖未曾參與前 2 次數量限制之通知過程，但曾辦理 1 次 ECA 協定之通知程序，其中我與巴拉圭去年 7 月簽署之經濟合作協定，我國並於本年 2 月 28 日透過我常駐 WTO 代表團將通知文件送交 WTO 貿易及發展委員會。兩者雖屬不同領域之通知，填寫的表格亦不同，但都是執行 WTO 透明化原則之一環。盼在 WTO 多邊場域與其他會員共同致力於履行透明化義務，改善市場進入環境，促進全球貿易進一步自由化。
- (二) 我宜積極參與 WTO 有關強化執行 WTO 義務之倡議與活動，以爭取我在世界經貿舞台之能見度：WTO 對會員執行數量限制通知之義務不具強制力，導致會員通知率不高、通知內容不完整、選擇性通知等情形。近來部分會員如美國、歐盟已提案建議制訂強制性規範，並對不遵守通知義務之會員進行懲罰，惟遭多數會員(尤其開發中與低度開發會員)反對。各國宜思考 WTO 如何強化其運作功能，約束會員落實遵循既定規範。對我國而言，WTO 係少數能正式參與

之國際經貿組織，更宜積極參與秘書處及會員間有關強化執行 WTO 義務之倡議與活動，以爭取我在世界經貿舞台之空間與重要性。

- (三) 各國通知文件可能因各種因素而有所保留：我國因兩岸關係之特殊考量，目前對禁止進口中國大陸 2,186 項產品並未通報 WTO，而中國大陸亦未正式提出爭端諮商。可見各會員在進行協定義務之通知時，或可能因各種因素而有所保留、選擇性或技術性地通知，以維護自身(商業上或政治上之)利益。爰政府對企業界反應實務上在他國遭遇貿易限制與障礙時，可進一步瞭解相關情況並在會議中提出關切。
- (四) 我國數量通知文件品質極佳：經比對我與其他會員之通知文件，我國提報之文件品質較多數會員佳，其中我均有明列產品稅號，及各項資訊填列清晰，此係多數會員所欠缺者。
- (五) 研討會有助建立重要業務交流人脈：參加 WTO 研討會之重點之一為建立人脈，因此為獲得具體成效，在會中及會外積極與轄區業務對象國建立關係，包括巴拉圭、聖文森、聖露西亞、巴西、阿根廷、哥倫比亞、尚比亞等，另亦與多個新南向國家，如泰國、新加坡、印度、緬甸、菲律賓等代表交換名片及加入 WhatsApp 即時通訊軟體名單，未來將可與渠等保持聯繫。
- (六) WTO 提供一個會員可公平交換意見的平台：WTO 提供會員在平等之地位上為自身權益發聲與表達意見，並可就其他會員之不公平貿易行為提出關切，留下正式會議記錄，在一定程度上發揮警惕與提醒之作用。對我國而言，可以正式成員身份與各國代表交流互動，結盟為利益相關團體，共同推動倡議，爭取商業利益，是我國應積極利用的管道。
- (七) 未來將更認真學習 WTO 規範：很高興在公忙之餘有此機會出國受訓，並可參與如此重要的國際活動，獲得如此寶貴之經驗，此行除對 WTO 有更清楚的掌握外，亦與各國代表交流中充分體認 WTO 係以規則為基礎(rule-based)之國際經貿組織，透過其所涵蓋之各項協定，規範會員間之貿易往來與經濟關係，解決爭端與衝突，減緩經濟強國與弱國間之不平衡關係，因此未來將更加努力研讀 WTO 規範。



WTO OMC

**CAPACITY BUILDING WORKSHOP ON THE NOTIFICATION OF
QUANTITATIVE RESTRICTIONS**

GENEVA, SWITZERLAND
24-26 APRIL 2018

DRAFT PROGRAMME

TUESDAY, 24 APRIL 2018: OPEN-ENDED WORKSHOP (ROOM D)

Time	Session	Speaker(s)
10:00-10:15	Opening remarks	Michael Cannon (Canada)
10:15-11:00	Introduction to quantitative restrictions and the notification requirements <ul style="list-style-type: none"> - Article XI of the GATT 1994 - The 2012 Decision on the Notification of Quantitative Restrictions (G/L/59/Rev.1) - Overview of the notifications submitted to the WTO 	Roy Santana; Roberta Lascari (Market Access Division)
11:00-12:00	What is a quantitative restriction? Jurisprudence on the interpretation of Article XI of the GATT 1994 and possible justifications	Gabrielle Marceau; Julia Kuelzow (Legal Affairs Division)
12:00-13:00	Q&A session	
13:00-14:30	<i>Break</i>	
14:30-15:30	Panel session: Linkages to other WTO notifications <ul style="list-style-type: none"> - Agreement on Import Licensing Procedures - Agreement on Agriculture - Agreement on Safeguards Q&A session with Panelists	Xiaodong Wang (Market Access Division); Cédric Pene (Agriculture Division); Hiromi Yano (Rules Division)
15:30-16:15	Sources of information on quantitative restrictions <ul style="list-style-type: none"> - Trade Policy Reviews - The Trade Monitoring exercise - Prohibitions or restrictions resulting from non-WTO international conventions (e.g. CITES, Montreal Protocol, etc.) 	Masahiro Hayafuji (Trade Policy Review Division); Antonia Diakantoni (Trade Policy Review Division); <i>Tbc</i> (Trade and Environment)
16:15-17:30	Panel session: How to improve national coordination? <ul style="list-style-type: none"> - Experience sharing by WTO Members that have notified QRs Q&A session with Panelists	Anne-Sophie Dreyfus Roth (Switzerland); Heidi Ip (Hong Kong, China) <i>Tbc</i>



WTO OMC

WEDNESDAY, 25 APRIL 2018: COACHING SESSIONS ON QR NOTIFICATIONS (ROOM B)

Time	Session
09:00-12:00	Coaching sessions on the preparation of QR notifications
12:00-14:00	<i>Break</i>
14:00-17:00	Presentations by participants and discussions

THURSDAY, 26 APRIL 2018: COMMITTEE MEETING (ROOM S1) AND WRAP-UP SESSION (ROOM B)

Time	Session
10:00-13:00	Formal meeting of the Market Access Committee
13:00-14:00	<i>Break</i>
14:00-16:00	Wrap-up session <ul style="list-style-type: none">- Feedback from participants on the QR examined by the Committee- Closing and evaluation

On Tuesday, 24 April, interpretation in the three WTO official languages will be provided. Attendance to the workshop is open to registered participants (Geneva-based delegates and capital based officials). To register, please send an email to: Roberta.Lascari@wto.org no later than **Friday, 13 April 2018**.

On Wednesday, 25 April, the coaching sessions are reserved for capital-based officials working in the preparation of a QR notification with a view to clarifying questions and helping them to finalize those preparations.

Capital-based officials are also invited to attend the formal session of the Market Access Committee that will take place on Thursday, 26 April at 10:00, subject to coordination with their respective Geneva Mission.

**DECISION ON NOTIFICATION PROCEDURES FOR
QUANTITATIVE RESTRICTIONS¹**

Adopted by the Council for Trade in Goods on 22 June 2012

Revision

The Council for Trade in Goods takes note of the mandate of the Committee on Market Access (paragraph (d) of document WT/L/47) and agrees that:

1. Members shall make complete notifications of all quantitative restrictions in force by 30 September 2012 and at two yearly intervals thereafter. They should also notify changes to those quantitative restrictions as soon as possible, but not later than six months from their entry into force. Members will also retain the right to notify, at any time, corrections to their notifications, as well as to reverse notifications to which they are subject. Notifications shall be circulated in a new document series and will automatically be included in the agenda of the meeting of the Committee on Market Access.
2. Members shall prepare their notifications² in accordance with the format in Annex 1 and provide the following information for each restriction in force:
 - (i) General description of the restriction: a general description of the restriction in force (e.g. prohibition to import ozone depleting substances; prohibition to import live animals of endangered species; prohibition to import pork meat; quota for the import of fish; non-automatic licence for the import of guns and ammunition, etc.);
 - (ii) Type of restriction: a precise indication of the type of restriction imposed using the symbols contained in Annex 2. If the restriction relates to a measure for which a symbol does not exist, then a full description of the measure shall be provided;
 - (iii) Tariff line code: a detailed description of the tariff line(s) or parts of tariff line(s) affected by the restriction, together with an indication of the Harmonized System (HS) version on which the code(s) is(are) based (e.g. HS2002, HS2007, HS2012, etc.). The symbol "ex" should be added after the tariff line code to indicate that only part of the products classified therein are covered by the restriction;
 - (iv) Detailed product(s) description: a detailed description of the product(s) covered by the restriction, which should correspond to the tariff line codes listed. Members shall make an effort to be precise in those cases where the restriction only covers part of an HS subheading (i.e. only part of a six digit code);

¹ These notification procedures are without prejudice to the rights and obligations of Members under the WTO Agreement. SPS and TBT measures, as well as automatic import licensing and tariff rate quotas (TRQs) are not covered by this Decision.

² All notifications made pursuant to this Decision shall also be provided to the Secretariat in electronic form.

- (v) WTO justification: an indication of the grounds and WTO justification for the measures maintained, including any relevant international commitment where appropriate, and the precise WTO provisions which the Member cites as justification.³
 - (vi) National legal basis: reference to the law, regulation or administrative decision establishing the restriction, including its date of entry into force and the date it ceases to be in force, if known;
 - (vii) Member comments, administration of the restriction or modification of a previously notified restriction: this column provides an opportunity to provide additional information about the restriction or to explain the modifications introduced to a previously notified measure. It should include, where applicable, the following elements: 1) a description of the manner in which the restriction is administered (e.g. through an import licencing procedure, etc.) and whether it is applied globally (i.e. on an MFN basis) or specifically to the trade of one or more trading partners (i.e. bilaterally or plurilaterally, and to which trading partners); 2) In the case of volume-based measures, information on the quantity of permissible imports, the degree of quota utilization and, when available, on the level of production or consumption; 3) In the case of modifications to a previously notified restriction, a description of the change.
3. Information on quantitative restrictions in force and already notified in accordance with other notification requirements shall be notified as provided for in Section 2 of Annex 1 of this Decision, if not already covered in Section 1 of the same Annex.⁴
4. Notifications made pursuant to this Decision shall be compiled by the Secretariat in a new database, which shall be made accessible to the public. If a notification lacks any of the elements described in paragraph 2, the Secretariat shall include the notification in the database and inform the Member concerned of the missing information.
5. Members shall be free to make reverse notifications, which shall be made using the format in Annex 1 of this Decision and shall identify the Member maintaining the restriction, as well as the known elements of paragraph 2 above. These notifications will also be automatically included in the agenda of the Committee on Market Access. The Member who is the subject of the notification will have two months from the date of circulation of the notification to comment in writing on whether the notified measure is in force and to correct any information element contained therein. If such comment is not provided within such a time frame, the Secretariat shall input into the database the information contained in the reverse notification.
6. The Secretariat shall assist developing and least-developed countries in the preparation of their notification, at their request.

³ Provisions which have been invoked by Members to introduce quantitative restrictions under specific circumstances include, *inter alia*: Articles XI:2(a), XII, XVIII, XIX, XX, XXI of the GATT 1994, as well as Annex 5 of the Agreement on Agriculture, the Understanding on Balance of Payments, and the Agreement on Safeguards. See also JOB/MA/6. The justification is provided for transparency purposes only and is therefore indicative. It shall not prejudice any legal position a Member may take on the particular measure that the justification is intended to cover.

⁴ Notifications with information on quantitative restrictions in force may have already been made by the Member under the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures.

7. The Secretariat shall circulate yearly a report listing: i) the WTO Members having made a notification; ii) the type of notification made (i.e. whether "complete", "changes" or "reverse"); iii) the date of the notification and the period covered by it; iv) the sections of the notification in which information was provided (i.e. Sections 1 or 2); and v) whether the Secretariat informed the Member that information was missing.

8. This Decision and its annexes replace the Decision on Notification Procedures for Quantitative Restrictions contained in G/L/59 and the format for the notification of quantitative restrictions circulated in G/MA/NTM/QR/2. The new database replaces the existing database as of the date of adoption of this Decision.

ANNEX 1

Format for the Notification of Quantitative Restrictions in Force

A. Notifying Member: _____
B. Date of notification: _____
C. First time notification: <input type="checkbox"/> Yes <input type="checkbox"/> No, last notification was made in (doc. symbol): _____
D. Type of notification: <input type="checkbox"/> 1. Complete (i.e. notification of all quantitative restrictions in force) <input type="checkbox"/> 2. Changes to a notification previously made in (doc. symbol) _____ which are of the following nature: <input type="checkbox"/> 2.1 Introduction of new restrictions, as listed in Section 1. <input type="checkbox"/> 2.2 Elimination of restrictions, as described in G below. <input type="checkbox"/> 2.3 Modification of a previously notified restriction, as described in Section 1. <input type="checkbox"/> 3. Reverse notification of restrictions maintained by (Member): _____
E. The notification provides information for the following biennial period (e.g. 2012-2014): _____ and relates to restrictions in force as of (date) _____
F. This notification contains information relating to: <input type="checkbox"/> Section 1: List of quantitative restrictions that are currently in force. <input type="checkbox"/> Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force and additional information.
G. Comments of a general nature, including a description of the elimination of restrictions notified under D.2.2 and the date they ceased to be in force.

Section 1: List of quantitative restrictions that are currently in force

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS()	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							

Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force

This section shall be filled by Members in case a notification made pursuant to another notification requirement (e.g. set in the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures, etc.) contains information on a quantitative restriction in force and which is not listed in Section 1.

1. Agreement on Agriculture

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS()	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
G/AG/N/							

2. Agreement on Balance of Payments

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS()	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
WT/BOP/N/							

3. Agreement on Safeguards

- A. Was a notification made with information on a quantitative restriction? Yes No
 B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS()	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
G/SG/N/							

4. Agreement on Import Licensing Procedures (non-automatic licences)

- A. Was a notification made with information on a quantitative restriction? Yes No
 B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS()	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
G/LIC/N/							

5. Other notifications

A. Was a notification made with information on a quantitative restriction in other notifications? Yes No
 B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS ()	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8

ANNEX 2

Symbols to be used in notifications of quantitative restrictions¹

P	Prohibition
CP	Prohibition except under defined conditions
GQ	Global quota
GQC	Global quota allocated by country
BQ	Bilateral quota (i.e. anything less than a global quota)
NAL	Non-automatic licensing
STR	Quantitative restriction made effective through state-trading operations
MXR	Mixing regulation
MPR	Minimum price, triggering a quantitative restriction
VER	"Voluntary" export restraint

Add the following suffixes to the above as appropriate:

-S	Seasonal restriction
-X	Export restriction

¹ The symbols, which are indicative, and general descriptions contained in Annex 2 are for notification purposes and are without prejudice to Members' rights and obligations under the WTO Agreement. They are, therefore, not intended to define or harmonize the concept of quantitative restrictions under the WTO.

Committee on Market Access

**NOTIFICATION OF QUANTITATIVE RESTRICTIONS (QRs):
A PRACTICAL GUIDE**Note by the Secretariat¹

This document has been prepared by the Secretariat at the request of the Chairman of the Market Access Committee with a view to assisting Members in the preparation of their QR notifications.

A. THE PROCEDURES

The procedures and formats for the notification of quantitative restrictions (QRs) were adopted by the Council for Trade in Goods (CTG) through the Decision of 22 June 2012, which is contained in document G/L/59/Rev.1 (hereafter the "QR notification procedures"). Paragraph 8 of the QR notification procedures states that it fully replaces the previous procedures, which were contained in the CTG Decision of 1 December 1995 (G/L/59) and the notification format in G/MA/NTM/QR/2.

B. WHERE TO ACCESS PREVIOUS QR NOTIFICATIONS?

The Secretariat will circulate the QR notifications under the G/MA/QR/N/ document symbol, which means that they will be accessible through Documents On-Line (<http://docsonline.wto.org>). Pursuant to paragraph 4 of the QR notification procedures, the information contained in the notifications will be incorporated by the Secretariat into a database that will be publicly available through the WTO website. Finally, Members also have the possibility to access the information via the Integrated Trade Intelligence Portal (<http://i-tip.wto.org>).

C. WHEN ARE THE NOTIFICATIONS DUE?

Paragraph 1 of the QR notification procedures provides that Members shall make:

1. "Complete notifications of all quantitative restrictions in force" beginning on 30 September 2012 and in two yearly intervals thereafter (e.g. no later than 30.09.2014, 30.09.2016, etc.).
2. "Notification of changes" that take place between the complete notifications. These should be notified "as soon as possible, but not later than six months from their entry into force".

The QR notification procedures give Members the right to notify, at any time, corrections to their own notifications.

D. DO MEMBERS NEED TO USE A SPECIFIC FORMAT?

Yes. All notifications shall be made based on the agreed formats (paragraph 2 of the QR notification procedures) and provided to the Secretariat in electronic form (footnote 2 of the QR notification procedures).

¹ This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

E. CAN MEMBERS NOTIFY QRS IMPOSED BY OTHER MEMBERS?

Yes. Members have the right to make "reverse" notifications, which is when they notify that another Member is imposing, but has not notified, a quantitative restriction. The Member who is the subject of a reverse notification will have two months from the date of circulation of the notification to comment, in writing, on whether the notified measure is in force and to correct any information element contained therein.

F. WHAT TYPES OF MEASURES ARE COVERED?

In principle *all* quantitative restrictions should be notified, including export and import restrictions, as well as seasonal ones. The term "quantitative restriction" is not defined in the procedures, which means that Members should look into the relevant legal provisions, including *inter alia* Article XI of the GATT 1994 (General Elimination of Quantitative Restrictions). Annex 2 of the QR notification procedures contains an indicative list of measures to be notified, which includes prohibitions, global quotas, non-automatic licensing, QRs made effective through state trading operations, mixing regulations, voluntary export restraints, etc. However, it is explicitly noted that they are without prejudice to Members' rights and obligations under the WTO Agreement, and that they are "not intended to define or harmonize the concept of quantitative restrictions under the WTO" (footnote 5 of the QR notification procedures).

G. WHAT TYPES OF MEASURES ARE NOT COVERED?

Footnote 1 lists a number of measures that *are not* covered by the QR notification procedures (i.e. there is no need to include them in the QR notification). These are:

1. measures covered by the Agreement on Sanitary and Phytosanitary Measures (see Article 1 and Annex A of the SPS Agreement);
2. measures covered by the Agreement on Technical Barriers to Trade (see Article 1 and Annex 1 of the TBT agreement);
3. automatic import licensing procedures (Article 1 of the Agreement on Import Licensing Procedures defines the term "import licensing" in general, while Article 2 defines what is understood by "automatic import licensing"); and
4. tariff rate quotas (TRQs). These are sometimes referred to as "tariff quotas" in the legal texts, and consist on a lower tariff ("in-quota tariff") that applies to a specific volume (quota volume), as well as a higher tariff ("out-of-quota tariff") that applies to all additional imports.

H. WHAT TYPE OF INFORMATION SHOULD BE PROVIDED?

Paragraph 2 of the QR notification procedures provides a list of seven elements that should be provided for "each restriction in force". In general terms, these are: 1) a general description of the restriction; 2) the type of restriction (based on the symbols in Annex 2); 3) the tariff line codes of the products covered by the restriction, including the HS version used (e.g. HS2002, HS2007, HS2012, etc.); 4) the detailed product descriptions that correspond to those tariff lines; 5) the WTO justification which the Member considers justifies the measure; 6) the law, regulation or administrative decision establishing the restriction, including its date of entry into force and the date it ceases to be in force, if known; and 7) Member comments, administration of the restriction or modification of a previously notified restriction.

I. THE INFORMATION WAS ALREADY PROVIDED TO ANOTHER WTO BODY. DOES IT NEED TO BE NOTIFIED AGAIN UNDER THE QR NOTIFICATION?

Yes and no. Paragraph 3 of the QR notification procedures states that information on quantitative restrictions in force that has already been notified in accordance with other notification requirements shall be notified as provided for in Section 2 of Annex 1 of the QR notification procedures. This section allows Members to make a cross-reference to other notifications: Members should also include the elements that are not contained in the notification being cross-referenced. An alternative is to include all the necessary information in Section 1, irrespective of whether or not the information has already been provided in the context of another WTO notification requirement.

J. WHERE SHOULD I LOOK FOR INFORMATION ON QRs?

National customs authorities are usually in charge of enforcing quantitative restrictions at the border, so they will normally have detailed information on all the restrictions in force. Some of them will also have the information in database format, at the tariff line level, which should considerably simplify the preparation of the notification. However, other Ministries or national agencies may also have relevant information, in particular with respect to prohibitions and certain relevant import permits.

The "trade policies by measure" section of the WTO Trade Policy Reviews will normally provide relevant information.² In addition, certain international organizations (e.g. the ITC, UNCTAD, the World Bank, and the OECD) often collect and publish information that may be useful in the preparation of the notification.

Finally, since there could be an overlap with other WTO notifications, it would be advisable to consider national notifications of the types referred to in Section 2 of Annex 1 (e.g. G/AG/N/, WT/BOP/N/, G/SG/N/, G/LIC/N/, etc.)

K. WILL THE NOTIFICATION OF A QR IMPLY A VIOLATION OF ARTICLE XI OF THE GATT 1994?

Not necessarily. Practically all Members maintain quantitative restrictions in one form or the other (e.g. prohibitions or restrictions relating to nuclear material, narcotic drugs, weapons, etc.) and the WTO Agreements allow them under specific circumstances. Provisions which have been invoked by Members in the past to introduce quantitative restrictions include, *inter alia*: Articles XI:2(a), XII, XVIII, XIX, XX, XXI of the GATT 1994, as well as Annex 5 of the Agreement on Agriculture, the Understanding on Balance of Payments, and the Agreement on Safeguards. See JOB/MA/6.

L. WHAT WILL HAPPEN ONCE A NOTIFICATION IS SUBMITTED?

The notification will be circulated by the Secretariat under the G/MA/QR/N/ document symbol and it will be automatically included in the agenda of the next meeting of the Market Access Committee.

² Trade Policy Reviews are available through the WTO website: http://www.wto.org/english/tratop_e/tpr_e/tpr_e.htm

M. WHERE CAN A MEMBER GET ASSISTANCE?

Paragraph 6 provides that the WTO Secretariat shall assist developing and least-developed countries in the preparation of their notification, at their request. Upon request, the Secretariat can also look at draft notifications (i.e. to ensure that they conform to the forms and requirements) before they are formally submitted. The Market Access Division can be contacted by calling the Market Access Division or by sending an e-mail to QR@wto.org.

3 October 2014

(14-5593)

Page: 1/8

Committee on Market Access

Original: English

**NOTIFICATION PURSUANT TO THE DECISION ON NOTIFICATION PROCEDURES
FOR QUANTITATIVE RESTRICTIONS (G/L/59/REV.1)**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The following communication, dated 29 September 2014, is being circulated at the request of the delegation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

A. Notifying Member: The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
B. Date of notification: 29 September 2014
C. First time notification: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, last notification was made in (doc. symbol):
D. Type of notification: <input checked="" type="checkbox"/> 1. Complete (i.e. notification of all quantitative restrictions in force) <input type="checkbox"/> 2. Changes to a notification previously made in (doc symbol) which are of the following nature: <input type="checkbox"/> 2.1 Introduction of new restrictions, as listed in Section 1. <input type="checkbox"/> 2.2 Elimination of restrictions, as described in G below. <input type="checkbox"/> 2.3 Modification of a previously notified restriction, as described in Section 1. <input type="checkbox"/> 3. Reverse notification of restrictions maintained by (Member):
E. The notification provides information for the following biennial period (e.g. 2012-2014): <u>2014-2016</u> and relates to restrictions in force as of 30 September 2014
F. This notification contains information* relating to: <input checked="" type="checkbox"/> Section 1: List of quantitative restrictions that are currently in force. <input checked="" type="checkbox"/> Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force and additional information.
G. Comments of a general nature, including a description of the elimination of restrictions notified under D.2.2 and the date they ceased to be in force.

* In English only.

Section 1: List of quantitative restrictions that are currently in force

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
1.	Import and Export Prohibition	P	0208.90.29	Meat of dogs	Article XX(a) of the GATT	Animal Protection Act (Amended Date: 2011.6.29)	Council of Agriculture
2.	Import and Export Prohibition	P	0301.99.29 0302.65.00 0303.75.00 0304.19.90 0304.29.90 ex 1604.19.90	Whale shark (Rhincodon typus) and relevant products.	CITES	2007.9.5 Notice by Fisheries Agency, Council of Agriculture, Executive Yuan, pursuant to The Fisheries Act	Fisheries Agency, Council of Agriculture
3.	Import and Export Prohibition	P	0602.90.10 1404.90.99	Mushroom spawn and products, containing narcotics	Article XX(b) of the GATT	Narcotics Hazard Prevention Act (Amended Date: 2014.7.3)	Ministry of Justice
4.	Import and Export Prohibition	P	1211.90.60 ex 1211.90.91	Chinese medicine and pharmacy containing Aristolochic acids	Article XX(b) of the GATT	2003.11.14 Notice by Department of Health, Executive Yuan, pursuant to Pharmaceutical Affairs Act	Ministry of Health and Welfare
5.	Import and Export Prohibition	P	2925.29.00	Hydroxylamine HCL	Article XX(b) of the GATT	Narcotics Hazard Prevention Act	Ministry of Justice

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
						(Amended Date: 2014.7.3)	
6.	Import and Export Prohibition	P	2903.51.00 ex 2921.45.00 ex 2921.49.00	Certain toxic chemical substances	Article XX(b) of the GATT	Toxic Chemical Substances Control Act (Amended Date: 2013.12.11)	Environmental Protection Administration
7.	Export Prohibition	P	2505.90.00 2517.10.90	Sand and gravel	Article XX(g) of the GATT	2013.09.25 Reviewing Directions of Sand and Gravel Export Application	Ministry of Economic Affairs
8.	Export Prohibition	CP-X	ex 8710.00.00 8906.10.00 9301.11.00 9301.19.00 9301.20.00 9301.90.00	Military weapons	Article XXI of the GATT	1993.11.29 Regulations Governing Export and Import Commodities of Military Authority	Ministry of National Defense
9.	Export Prohibition	CP-X	ex 9705.00.00	Collections and collectors' pieces of weapon	Article XX(b) of the GATT Article XXI of the GATT	1983.06.27 Controlling Guns, Ammunition and Knives Act	Ministry of the Interior Ministry of National Defense
10.	Export Prohibition	CP-X	ex 9705.00.00 9706.00.00	Antiquities; any arts, utensils of life or civility, and	Convention on the Means of Prohibiting and Preventing the	Cultural Heritage Preservation Act (Amended Date:	Ministry of Culture

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
				books or documents having cultural significance and of value of different eras and from different ethnic groups.	Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.	2011.11.09)	
11.	Import Prohibition	P	0302.69.99 0303.79.99 0304.19.90 0304.29.90 0304.99.19 0305.30.90 0305.59.90 ex1604.19.90	Puffer fish, and relevant products	Article XX(b) of the GATT	2009.12.28 Notice, pursuant to the Foreign Trade Act	Fisheries Agency, Council of Agriculture
12.	Import Prohibition	P	1207.99.20 3301.90.11	Cannabis fructus and extracted oleoresins of opium	Article XX(b) of the GATT	Narcotics Hazard Prevention Act (Amended Date: 2014.7.3)	Ministry of Justice
13.	Import Prohibition	P	2710.19.51 2710.91.10 2710.91.20	Certain toxic chemical substances	Article XX(b) of the GATT	Toxic Chemical Substances Control Act (Amended Date: 2013.12.11)	Environmental Protection Administration

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
			2710.91.90 2830.90.90 2852.00.00 2903.14.00 2903.62.10 2903.62.20 2904.20.00 2908.11.00 2908.19.10 2908.19.90 ex 2909.19.90 2929.90.00 3403.19.90 3404.90.90 3824.90.23 3824.90.99				
14.	Import Prohibition	P	2903.19.10 2903.41.00 2903.42.00 2903.43.00 2903.44.00 ex 2903.45.00	Ozone-depleting substances	The Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone	2007.5.4 Regulation for Management of Controlled Chemicals Under the Montreal Protocol	Environmental Protection Administration

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
			2903.46.00 3813.00.00 8424.10.00		Layer		
15.	Import Prohibition	P	8548.10.10	Waste lead-acid accumulators and spent lead-acid accumulators	Basel Convention	2003.04.22 Notice by Environmental Protection Administration, pursuant to Waste Disposal Act	Environmental Protection Administration

Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force

This section shall be filled by Members in case a notification made pursuant to another notification requirement (e.g. set in the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures, etc.) contains information on a quantitative restriction in force and which is not listed in Section 1.

1. Agreement on Agriculture

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

2. Agreement on Balance of Payments

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes; then list below the relevant document symbol and include any information element missing in the notification:

3. Agreement on Safeguards

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

4. Agreement on Import Licensing Procedures (non-automatic licences)

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
G/LIC/N/3/TPKM/5	Restriction on importation of methyl bromide, hcfcs and tariff quota (permits, declarations and quotas)						

5. Other notifications

A. Was a notification made with information on a quantitative restriction in other notifications? Yes No



28 July 2016

(16-4028)

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Committee on Market Access

Original: English

**NOTIFICATION PURSUANT TO THE DECISION ON NOTIFICATION PROCEDURES
FOR QUANTITATIVE RESTRICTIONS (G/L/59/REV.1)**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The following communication, dated 21 July 2016, is being circulated at the request of the delegation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

A. Notifying Member: The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu
B. Date of notification: 21 July 2016
C. First time notification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, last notification was made in (doc. symbol): G/MA/QR/N/TPKM/1/Add.1.
D. Type of notification: <input checked="" type="checkbox"/> 1. Complete (i.e. notification of all quantitative restrictions in force) <input type="checkbox"/> 2. Changes to a notification previously made in (doc symbol) which are of the following nature: G/MA/QR/N/TPKM/1 <input type="checkbox"/> 2.1 Introduction of new restrictions, as listed in Section 1. <input type="checkbox"/> 2.2 Elimination of restrictions, as described in G below. <input type="checkbox"/> 2.3 Modification of a previously notified restriction, as described in Section 1. <input type="checkbox"/> 3. Reverse notification of restrictions maintained by (Member):
E. The notification provides information for the following biennial period (e.g. 2012-2014): <u>2016-2018</u> and relates to restrictions in force as of 30 September 2016
F. This notification contains information* relating to: <input checked="" type="checkbox"/> Section 1: List of quantitative restrictions that are currently in force. <input checked="" type="checkbox"/> Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force and additional information.
G. Comments of a general nature, including a description of the elimination of restrictions notified under D.2.2 and the date they ceased to be in force.

* In English only.

Section 1: List of quantitative restrictions that are currently in force

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2012)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
1.	Import and Export Prohibition	P	0106.19.40 ex 0301.99.29	High-risk invasive animals	Article XX(b) of the GATT	Wildlife Conservation Law (Amended Date : 2013.01.23)	Council of Agriculture
2.	Import and Export Prohibition	P	0208.90.29	Meat of dogs	Article XX(a) of the GATT	Animal Protection Act (Amended Date : 2011.6.29)	Council of Agriculture
3.	Import and Export Prohibition	P	0301.99.29 0302.81.00 0303.81.00 0304.49.90 0304.59.90 0304.89.90 ex 1604.19.90	Whale shark (Rhincodon typus) and relevant products.	CITES	2007.9.5 Notice by Fisheries Agency, Council of Agriculture, Executive Yuan, pursuant to The Fisheries Act	Fisheries Agency, Council of Agriculture
4.	Import and Export Prohibition	P	0602.90.10 1404.90.99	Mushroom spawn and products, containing narcotics	Article XX(b) of the GATT	Narcotics Prevention Act (Amended 2016.2.4)	Ministry of Justice
5.	Import and Export Prohibition	P	2914.39.00	Isomers and salts of o-Chlorophenylpropanone, P2P	Article XX(b) of the GATT	Narcotics Prevention Act (Amended 2016.2.4)	Ministry of Justice
6.	Import and Export Prohibition	P	2914.70.00	Isomers and salts of o-Chlorophenylcyclopentyl ketone, 2-Chlorophenylcyclopentyl ketone, o-	Article XX(b) of the GATT	Narcotics Prevention Act (Amended 2016.2.4)	Ministry of Justice

2012

2014

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2012)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
7.	Import and Export Prohibition	P	2925.29.00.	Chlorobenzoyl/cycl opentane Hydroxylimine HCL	Article XX(b) of the GATT	Narcotics Prevention (Amended 2016.2.4) Hazard Act Date :	Ministry of Justice
8.	Import and Export Prohibition	P	2926.90.90.	Isomers and salts of alpha-Acetylphenylacetone nitrile, APAAN	Article XX(b) of the GATT	Narcotics Prevention (Amended 2016.2.4) Hazard Act Date :	Ministry of Justice
9.	Import and Export Prohibition	P	1211.90.60. ex 1211.90.91.	Chinese medicine and pharmacy containing Aristolochic acids	Article XX(b) of the GATT	2003.11.14 Notice by Department of Health, Yuan, Executive pursuant to Pharmaceutical Affairs Act	Ministry of Health and Welfare
10.	Import and Export Prohibition	CP	2903.81.00.	Certain chemical substances toxic	Article XX(b) of the GATT	Toxic Chemical Substances Control Act (Amended 2013.12.11) Date :	Environmental Protection Administration
11.	Import and Export Prohibition	CP	2921.45.00 2921.45.00. 2921.45.00	Certain chemical substances toxic	Stockholm Convention, OSPAR and Rotterdam Convention	2002.02.15 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs
12.	Import and Export Prohibition	CP	2921.49.00. 2921.49.00	Certain chemical substances toxic	Stockholm Convention, OSPAR and Rotterdam Convention	2006.03.30 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2012)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of measures, and other comments
	1	2	3	4	5	6	7
13.	Import and Export Prohibition	CP	2925.29.00	Certain chemical substances	Stockholm Convention, OSPAR Convention and Rotterdam Convention	2010.01.04 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs
14.	Export Prohibition	P	2505.90.00 2517.10.90	Sand and gravel	Article XX(g) of the GATT	2013.09.25 Reviewing Directions of Sand and Gravel Export Application	Ministry of Economic Affairs
15.	Export Prohibition	CP-X	ex8710.00.00 8906.10.00 9301.11.00 9301.20.00 9301.90.00	Military weapons	Article XXI of the GATT	1993.11.29 Regulations Governing Export and Import Commodities of Military Authority	Ministry of National Defense
16.	Export Prohibition	CP-X	ex 9705.00.00	Collections and collectors' pieces of weapon	Article XX(b) of the GATT Article XXI of the GATT	1983.06.27 Controlling Guns, Ammunition and Knives Act	Ministry of the Interior Ministry of National Defense
17.	Export Prohibition	CP-X	ex 9705.00.00 9706.00.00	Antiquities: any arts, utensils of life or civility, and books or documents having cultural significance and of value of different eras and from different ethnic groups.	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.	Cultural Preservation Act (Amended 2012.05.15) Heritage Date:	Ministry of Culture
18.	Import Prohibition	P	0106.20.90 0106.39.00	High-risk invasive animals	Article XX(b) of the GATT	Wildlife Conservation Law (Amended Date :	Council of Agriculture

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2012)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
19.	Import Prohibition	P	ex0106.49.00 ex0301.99.29 0306.29.19 0307.60.10 0302.89.89 0303.89.89 0304.49.90 0304.59.90 0304.89.90 0304.99.10 0306.39.90 0305.59.90 ex1604.19.90 1607.19.90	Puffer fish, and relevant products	Article XX(b) of the GATT	2009.12.28 Notice, pursuant to the Foreign Trade Act	Fisheries Agency, Council of Agriculture
20.	Import Prohibition	P	1207.99.20 3301.90.11	Cannabis fructus and extracted oleoresins of opium	Article XX(b) of the GATT	Narcotics Prevention (Amended 2016.2.4) Hazard Act Date :	Ministry of Justice
21.	Import Prohibition	P	2914.31.00	Phenylacetone (1-phenylpropan-2-one)	Article XX(b) of the GATT	Narcotics Prevention (Amended 2016.2.4) Hazard Act Date :	Ministry of Justice
22.	Import Prohibition	P	1518.00.50	Inedible fats or oils, waste in particular	Article XX(b) of the GATT	2014.10.20 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs
23.	Import Prohibition	CP	2852.90.00 2908.11.00	Certain toxic chemical substances	Stockholm Convention, Rotterdam Convention	2013.11.28 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS(2012)	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other Internationals Commitments (e.g. Montreal Protocol, CITES, etc)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
	1	2	3	4	5	6	7
24.	Import Prohibition	Cp	2710.19.51 2710.91.10 2710.91.20 2710.91.90 2830.90.90 2903.79.00 2903.92.10 2903.92.20 2904.20.00 2908.19.10 2908.19.90 2909.19.90 2909.19.90 2929.90.00 3403.19.90 3404.90.90 3824.90.23 3824.90.99	Certain chemical substances toxic	Article XX(b) of the GATT	Toxic Substances Control Act (Amended Date : 2013.12.11)	Environmental Protection Administration
25.	Import Prohibition	P	2903.14.00 2903.19.10 2903.76.00 2903.77.00 3813.00.00 8424.10.00	Ozone-depleting substances	The Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer	2007.5.4 Regulation for Management of Controlled Chemicals Under the Montreal Protocol	Environmental Protection Administration
26.	Import Prohibition	CP	8548.10.10	Waste lead-acid accumulators and spent lead-acid accumulators	Basel Convention	1997.05.30 Notice, pursuant to the Foreign Trade Act	Ministry of Economic Affairs

Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force

This section shall be filled by Members in case a notification made pursuant to another notification requirement (e.g. set in the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures, etc.) contains information on a quantitative restriction in force and which is not listed in Section 1.

1. Agreement on Agriculture

A. Was a notification made with information on a quantitative restriction? Yes No

2. Agreement on Balance of Payments

A. Was a notification made with information on a quantitative restriction? Yes No

3. Agreement on Safeguards

A. Was a notification made with information on a quantitative restriction? Yes No

4. Agreement on Import Licensing Procedures (non-automatic licences)

A. Was a notification made with information on a quantitative restriction? Yes No

B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

Document symbol of notification	General description	Type of restr.	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2	3	4	5	6	7	8
G/LIC/N/3/TPKM/6	Restriction on importation of methyl bromide, hcfc and tariff						

Document symbol of notification	General description	Type of restr	Tariff line code(s) affected, based on HS(2007)	Detailed Product Description	WTO Justification and Grounds for Restriction, e.g., Other International Commitments	National legal basis and entry into force	Administration; modification of prev. notified measures; and other comments
1	2 quota (permits, declarations and quotas)	3	4	5	6	7	8

5. Other notifications

A. Was a notification made with information on a quantitative restriction in other notifications? Yes No

