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1 ARTICLE 5

1.1 Text of Article 5

Article 5

Notification and Transitional Arrangements

1. Members, within 90 days of the date of entry into force of the WTO Agreement, shall notify the Council for Trade in Goods of all TRIMs they are applying that are not in conformity with the provisions of this Agreement. Such TRIMs of general or specific application shall be notified, along with their principal features.¹

(footnote original) ¹ In the case of TRIMs applied under discretionary authority, each specific application shall be notified. Information that would prejudice the legitimate commercial interests of particular enterprises need not be disclosed.

2. Each Member shall eliminate all TRIMs which are notified under paragraph 1 within two years of the date of entry into force of the WTO Agreement in the case of a developed country Member, within five years in the case of a developing country Member, and within seven years in the case of a least-developed country Member.

3. On request, the Council for Trade in Goods may extend the transition period for the elimination of TRIMs notified under paragraph 1 for a developing country Member, including a least-developed country Member, which demonstrates particular difficulties in implementing the provisions of this Agreement. In considering such a request, the Council for Trade in Goods shall take into account the individual development, financial and trade needs of the Member in question.

4. During the transition period, a Member shall not modify the terms of any TRIM which it notifies under paragraph 1 from those prevailing at the date of entry into force of the WTO Agreement so as to increase the degree of inconsistency with the provisions of Article 2. TRIMs introduced less than 180 days before the date of entry into force of the WTO Agreement shall not benefit from the transitional arrangements provided in paragraph 2.

5. Notwithstanding the provisions of Article 2, a Member, in order not to disadvantage established enterprises which are subject to a TRIM notified under paragraph 1, may apply during the transition period the same TRIM to a new investment (i) where the products of such investment are like products to those of the established enterprises, and (ii) where necessary to avoid distorting the conditions of competition between the new investment and the established enterprises. Any TRIM so applied to a new investment shall be notified to the Council for Trade in Goods. The terms of such a TRIM shall be equivalent in their competitive effect to those applicable to the established enterprises, and it shall be terminated at the same time.

1.2 Article 5.1: Notification of TRIMs

1. At its meeting of 20 February 1995, the Council for Trade in Goods adopted a standard format for notifications required under Article 5.1, which had been recommended by the Preparatory Committee for the World Trade Organization.¹

2. On 3 April 1995, the General Council adopted a decision on notifications under Article 5.1 by states and separate customs territories eligible to become original WTO Members that accepted the WTO Agreement after its entry into force. The decision permits them to submit these notifications within 90 days from the date of acceptance of the WTO Agreement, but does not change the phase-out periods in Article 5.2 or the requirements of Article 5.4, both of which run from the date of entry into force of the WTO Agreement.²

3. The following table contains a list of all notifications of TRIMs under Article 5.1.³ In the case of some Members, notifications have been submitted later than the 90-day period foreseen.

Member	Document Symbol	Date of Communication
Argentina	G/TRIMS/N/1/ARG/1	30 March 1995
Argentina	G/TRIMS/N/1/ARG/1/Add.1	21 March 1997
Barbados	G/TRIMS/N/1/BRB/1	31 March 1995
Bolivia, Plurinational State of ⁴	G/TRIMS/N/1/BOL/1	24 June 1998
Chile ⁵	G/TRIMS/N/1/CHL/1	14 December 1995
Colombia	G/TRIMS/N/1/COL/1	31 March 1995
Colombia	G/TRIMS/N/1/COL/1/Add.1	4 June 1995
Colombia ⁶	G/TRIMS/N/1/COL/2	31 July 1995
Colombia	G/TRIMS/N/1/COL/2/Corr.1	30 September 1996
Costa Rica ⁷	G/TRIMS/N/1/CRI/1	30 March 1995
Cuba ⁸	G/TRIMS/N/1/CUB/1	18 July 1995
Cyprus ⁹	G/TRIMS/N/1/CYP/2	30 October 1995
Dominican Republic	G/TRIMS/N/1/DOM/1	26 April 1995
Ecuador	G/TRIMS/N/1/ECU/1	20 March 1996
Egypt	G/TRIMS/N/1/EGY/1	29 September 1995
India	G/TRIMS/N/1/IND/1	31 March 1995
India	G/TRIMS/N/1/IND/1/Add.1	22 December 1995
India	G/TRIMS/N/1/IND/1/Add.1/Corr.1	18 March 1996
India	G/TRIMS/N/1/IND/1/Add.2	11 April 1996
Indonesia	G/TRIMS/N/1/IDN/1	23 May 1995

¹ [G/C/M/1](#), section 2(A). The text of the format for notifications can be found in [PC/IPL/8](#).

² [WT/GC/M/3](#), section 5. The text of the decision can be found in [WT/L/64](#).

³ Source: G/L/1273, para. 3 and Annex 1.

⁴ Bolivia subsequently submitted a notification indicating that it does not apply any trade-related investment measures that are not in conformity with the Agreement ([G/TRIMS/N/1/BOL/1/Add.1](#)).

⁵ Chile subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 ([G/TRIMS/N/1/CHL/1/Add.1](#)).

⁶ Colombia subsequently submitted a notification indicating that it had issued Decree No. 1473 of 10 May 2004, whereby Decree No. 2439 of 1994 establishing import control mechanisms for certain agricultural products had been repealed ([G/TRIMS/N/1/COL/3](#)).

⁷ Costa Rica subsequently submitted a notification indicating that it intended to eliminate measures notified under Article 5.1 in advance of the expiry of the transition period ([G/TRIMS/N/1/CRI/1/Add.1](#) and [G/TRIMS/N/1/CRI/1/Add.1/Corr.1](#)).

⁸ Cuba subsequently informed the Committee that the measures notified by Cuba under Article 5.1 are no longer in force ([G/TRIMS/M/3](#), paragraph 5).

⁹ This notification superseded Cyprus' previous one ([G/TRIMS/N/1/CYP/1](#)) of 29 June 1995; Cyprus subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 ([G/TRIMS/N/1/CYP/2/Add.1](#)).

<u>Member</u>	<u>Document Symbol</u>	<u>Date of Communication</u>
Indonesia	G/TRIMS/N/1/IDN/1/Add.1	28 October 1996
Kazakhstan	G/TRIMS/N/1/KAZ/1	14 March 2016
Malaysia	G/TRIMS/N/1/MYS/1	31 March 1995
Malaysia	G/TRIMS/N/1/MYS/1/Rev.1	14 March 1996
Mexico	G/TRIMS/N/1/MEX/1	31 March 1995
Mexico ¹⁰	G/TRIMS/N/1/MEX/1/Rev.1 ¹¹	31 March 1995
Nigeria ¹²	G/TRIMS/N/1/NGA/1	17 July 1996
Pakistan	G/TRIMS/N/1/PAK/1	30 March 1995
Peru	G/TRIMS/N/1/PER/1	3 March 1995
Philippines	G/TRIMS/N/1/PHL/1	31 March 1995
Poland ¹³	G/TRIMS/N/1/POL/1	28 September 1995
Romania	G/TRIMS/N/1/ROM/1	31 March 1995
Russian Federation	G/TRIMS/N/1/RUS/1	23 January 2013
Russian Federation	G/TRIMS/N/1/RUS/1/Add.1	11 February 2013
South Africa	G/TRIMS/N/1/ZAF/1	19 April 1995
Thailand	G/TRIMS/N/1/THA/1	30 March 1995
Uganda	G/TRIMS/N/1/UGA/1	17 June 1997
Uruguay	G/TRIMS/N/1/URY/1	31 March 1995
Uruguay	G/TRIMS/N/1/URY/1/Add.1	30 August 1995
Venezuela, Bolivarian Republic of	G/TRIMS/N/1/VEN/1	31 March 1995

4. Some Members have notified that they do not apply any TRIM inconsistent with the Agreement. The following table contains a list of all Members that have made such notifications.¹⁴

<u>Member</u>	<u>Document Symbol</u>	<u>Date of Communication</u>
Bolivia, Plurinational State of	G/TRIMS/N/1/BOL/Add.1	4 March 1999
Costa Rica	G/TRIMS/N/1/CRI/1/Add.1 ¹⁵	16 September 1999
Cyprus	G/TRIMS/N/1/CYP/2/Add.1	26 May 2000
El Salvador	G/TRIMS/N/1/SLV/1	5 November 2003
Haiti	G/TRIMS/N/1/HTI/1	27 February 1998
Honduras	G/TRIMS/N/1/HND/1	7 July 1995
Israel	G/TRIMS/N/1/ISR/1	24 October 1996
Jamaica	G/TRIMS/N/1/JAM/1	9 June 1998
Jordan	G/TRIMS/N/1/JOR/1	22 May 2000
Kuwait	G/TRIMS/N/1/KWT/1	10 November 2015
Maldives	G/TRIMS/N/1/MLV/1	30 September 1999
Mali	G/TRIMS/N/1/MLI/1	27 May 1997

¹⁰ Mexico subsequently submitted a notification indicating that all provisions under the Automotive Decree had ceased to be operative as of 1 January 2004 ([G/C/42](#)).

¹¹ In English only.

¹² Nigeria subsequently submitted a notification indicating that the Nigerian Enterprises Promotion Act of 1989 has been repealed and replaced with the Nigerian Investment Promotion Commission Decree 1995 ([G/TRIMS/N/1/NGA/1/Add.1](#)).

¹³ Poland subsequently submitted a notification indicating that it has eliminated measures notified under Article 5.1 ([G/TRIMS/N/1/POL/1/Add.1](#)).

¹⁴ Source: [G/L/1273](#), para. 3 and Annex 2.

¹⁵ A Corrigendum to the English version was issued in [G/TRIMS/N/1/CRI/1/Add.1/Corr.1](#), dated 26 October 1999.

<u>Member</u>	<u>Document Symbol</u>	<u>Date of Communication</u>
Mauritius	G/TRIMS/N/1/MUS/1	27 March 1995
New Zealand	G/TRIMS/N/1/NZL/1	20 May 1999
Nicaragua	G/TRIMS/N/1/NIC/1	18 July 1996
Oman	G/TRIMS/N/1/OMN/1	20 December 2000
Saint Lucia	G/TRIMS/N/1/LCA/1	14 February 1996
Saudi Arabia, Kingdom of	G/TRIMS/N/1/SAU/1	3 October 2006
Singapore	G/TRIMS/N/1/SGP/1	9 October 1996
Slovenia	G/TRIMS/N/1/SVN/1	27 March 1995
Sri Lanka	G/TRIMS/N/1/LKA/1	14 March 2000
Switzerland	G/TRIMS/N/1/CHE/1	8 August 1995
Chinese Taipei	G/TRIMS/N/1/TPKM/1	27 May 2002
Trinidad & Tobago	G/TRIMS/N/1/TTO/1	1 April 1996
Zambia	G/TRIMS/N/1/ZMB/1	13 April 1995

5. Annex F to the Hong Kong Ministerial Declaration adopted on 18 December 2005 provides:

"LDCs shall be allowed to maintain on a temporary basis existing measures that deviate from their obligations under the TRIMs Agreement. For this purpose, LDCs shall notify the Council for Trade in Goods (CTG) of such measures within two years, starting 30 days after the date of this declaration. LDCs will be allowed to maintain these existing measures until the end of a new transition period, lasting seven years. This transition period may be extended by the CTG under the existing procedures set out in the TRIMs Agreement, taking into account the individual financial, trade, and development needs of the Member in question.

LDCs shall also be allowed to introduce new measures that deviate from their obligations under the TRIMs Agreement. These new TRIMs shall be notified to the CTG no later than six months after their adoption. The CTG shall give positive consideration to such notifications, taking into account the individual financial, trade, and development needs of the Member in question. The duration of these measures will not exceed five years, renewable subject to review and decision by the CTG.

Any measures incompatible with the TRIMs Agreement and adopted under this decision shall be phased out by year 2020."¹⁶

6. As of 31 December 2018, no notifications had been received under this Decision.¹⁷

1.3 Article 5.2: Elimination of TRIMs

7. With one exception¹⁸, acceding developed and developing country Members have to date committed during accession negotiations to eliminate any WTO-inconsistent TRIMs and to apply the TRIMs Agreement from the date of accession without recourse to any transitional period. Some Members have committed to eliminate identified WTO-inconsistent TRIMs upon accession.¹⁹ See also the 3 April 1995 General Council Decision referenced in paragraph 2 above.

8. The 18 December 2005 Ministerial Decision cited in paragraph 5 above permits least developed country Members to maintain existing WTO-inconsistent TRIMs until the end of a new transition period, lasting until 18 December 2012. As explained in section 1.4 below, it also

¹⁶ [WT/MIN\(05\)/DEC](#), p. F-2.

¹⁷ [G/L/223/Rev.26](#), p. 9.

¹⁸ [WT/L/68](#), Report of the Working Party on the Accession of Ecuador, para. 76. See also [G/TRIMS/N/1/ECU/1](#), notification under Article 5.1 for Ecuador.

¹⁹ [WT/L/433](#), Report of the Working Party on the Accession of Chinese Taipei, para. 140; [WT/MIN\(01\)/3](#), Report of the Working Party on the Accession of China, paras. 203-207.

allows least developed country Members to introduce new measures that deviate from their obligations under the TRIMs Agreement. The duration of new TRIMs notified under this decision may not exceed five years, unless renewed by the Council for Trade in Goods. Any WTO-inconsistent TRIMs adopted under this decision shall be phased out by 2020.²⁰

1.4 Article 5.3: Extension of transition periods

9. At its meeting of 3 and 8 May 2000, the General Council agreed to "direct the Council for Trade in Goods to give positive consideration to individual requests presented in accordance with Article 5.3 by developing country Members for extension of transition periods for implementation of the TRIMs Agreement".²¹

10. The 18 December 2005 Ministerial Decision cited in paragraph 5 above authorizes the Council for Trade in Goods to extend the transition period for existing or new inconsistent TRIMs notified by least developed country Members, under the existing procedures in the TRIMs Agreement, taking into account the individual financial, trade, and development needs of the Member in question. Any measures incompatible with the TRIMs Agreement and adopted under that decision are to be phased out by year 2020.²²

11. At its meeting of 31 July 2001, the Council for Trade in Goods adopted an extension of the transitional period for the elimination of inconsistent TRIMs for seven developing country Members, at their request.²³ The extension lasted until the end of 2001. At its meeting of 5 November 2001, the Council for Trade in Goods adopted an additional extension of the transition period for six of these Members²⁴ and for Thailand.²⁵ The length of the extension varied depending on the Member concerned.²⁶ On 20 December 2001, the General Council granted the remaining developing country Member of the original seven, Colombia, a waiver of its TRIMs obligations under Article 5.2 for one remaining TRIM in respect of beans, until 31 December 2003.²⁷

12. On 19 December 2003, Pakistan made a request to the Council for Trade in Goods for a three-year extension of the transition period in which to eliminate its remaining inconsistent TRIMs.²⁸ At its meeting of 10 March 2006, the Council for Trade in Goods took note of Pakistan's statement that it wished to formally withdraw its request.²⁹

1.5 Article 5.5: Notification of TRIMs applied to a new investment

13. A standard format has been adopted for notifications made pursuant to Article 5.5.³⁰ To date, no such notifications have been made to the Council for Trade in Goods.

Current as of: February 2019

²⁰ [WT/MIN\(05\)/DEC](#), p. F-2.

²¹ [WT/GC/M/55](#), Annex II, third bullet point.

²² [WT/MIN\(05\)/DEC](#), p. F-2.

²³ These seven developing country Members are: Argentina ([G/L/460](#)), Colombia ([G/L/461](#)), Malaysia ([G/L/462](#)), Mexico ([G/L/463](#)), Philippines ([G/L/464](#)), Romania ([G/L/465](#)), and Pakistan ([G/L/466](#)).

²⁴ These six developing country Members are: Argentina ([G/L/497](#)), Malaysia ([G/L/499](#)), Mexico ([G/L/500](#)), Pakistan ([G/L/501](#)), Philippines ([G/L/502](#)), and Romania ([G/L/503](#)).

²⁵ The first extension to Thailand was granted in a waiver, adopted by the General Council at its meeting of 31 July 2001 ([WT/L/410](#)). The waiver expired on 31 December 2002. The waiver stated that after this period, if another extension proved necessary, it would be granted by a decision of the Council of Trade in Goods. This new extension was adopted by the Council for Trade in Goods at its meeting of 5 November 2001 ([G/L/504](#)).

²⁶ Argentina – [G/L/497](#) (31 December 2003), Malaysia – [G/L/499](#) (31 December 2003), Mexico – [G/L/500](#) (31 December 2003), Pakistan – [G/L/501](#) (31 December 2003), Philippines – [G/L/502](#) (30 June 2003), Romania – [G/L/503](#) (31 May 2003), and Thailand – [G/L/504](#) (31 December 2003).

²⁷ [G/L/441](#). The waiver confirmed the decision to extend the transitional period for the elimination of TRIMs for Colombia that the Council of Trade in Goods had adopted at its meeting of 5 November 2001 ([G/L/498](#)).

²⁸ [G/C/W/478](#).

²⁹ [G/C/M/83](#).

³⁰ [G/TRIMS/3](#).