

DISCLAIMER

The Handbook on Notification Requirements does not constitute a legal interpretation of the notification obligations under the respective Agreement(s) or relevant legal provision(s). It has been prepared by the Secretariat to assist Members in complying with their notification obligations.

TECHNICAL COOPERATION HANDBOOK ON NOTIFICATION REQUIREMENTS

AGREEMENT ON TRADE-RELATED
INVESTMENT MEASURES

This section of the Handbook on Notification Requirements covers the notification obligations under the **AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES**. It consists of the following five parts:

<p>PART 1</p>	<p>PART 2</p>	<p>PART 3</p>	<p>PART 4</p>	<p>PART 5</p>
<p>OVERVIEW OF NOTIFICATION REQUIREMENTS</p>	<p>LISTING OF THE NOTIFICATION OBLIGATIONS</p>	<p>RELEVANT DOCUMENT(S) CONCERNING GUIDELINES AND FORMATS</p>	<p>LIST OF NOTIFICATIONS SINCE 1995</p>	<p>TEXT OF THE AGREEMENT</p>

For Members which acceded pursuant to Article XII of the Marrakesh Agreement, their respective Protocols of Accession may contain notification obligations in addition to those set out in the WTO Agreements, and may govern the deadlines for the submission of their initial notifications.

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

The main notification obligation under the Agreement on Trade-Related Investment Measures (the TRIMs Agreement) relates to a one-off notification of any TRIMs not in conformity with the provisions of the TRIMs Agreement ([article 5.1](#) of the TRIMs Agreement). While some Members may be subject to similar obligations as a result of their protocols of accession or as a result of flexibilities negotiated at a later date, this obligation to notify inconsistent TRIMs is no longer in force. As a result, the only notification obligation currently in force in the area of trade-related investment measures is that under [Article 6.2](#) of the TRIMs Agreement (notification of publications in which TRIMs may be found).

WHAT MUST BE NOTIFIED?

[Article 6.2](#) provides for an obligation for Members to notify the publications in which TRIMs can be found. Part IV below lists all Members that had made such notifications as at the time of the 2021 TRIMs Committee Annual Report. The TRIMs Committee has adopted procedures for the implementation of this provision.¹

[Article 5.1](#) and [Article 5.5](#) of the TRIMs Agreement no longer require a notification.

Pursuant to [Article 5.1](#) Members were required to notify any Trade-Related Investment Measure ("TRIM") inconsistent with the Agreement within 90 days after the entry into force of the WTO Agreement.² [Article 5.2](#) allowed for transition periods for the elimination of non-conforming measures notified under [Article 5.1](#) and which were in existence at least 180 days preceding the entry into force of the WTO Agreement. Part IV lists all notifications of measures under [Article 5.1](#). In the case of some Members, notifications were submitted later than the 90-day period foreseen. Some Members notified that they did not apply any non-conforming TRIM. This last type of notification is not required by the TRIMs Agreement. Part IV below also lists all Members that had made such notifications as at the time of the 2021 TRIMs Committee Annual Report. A format for notifications under [Article 5.1](#) was circulated in document [G/TRIMS/1](#).

[Article 5.5](#) of the TRIMs Agreement provides for notification of the application to a new investment of a TRIM previously notified under [Article 5.1](#). [Article 5.5](#) applied only during the transition periods specified under [Article 5.2](#) (see above). The TRIMs Committee adopted a standard format for such notifications.³

Finally, it should be noted that Annex F to the Hong Kong Ministerial Declaration provides certain flexibilities for least-developed country (LDC) Members regarding existing or new TRIMs, and sets out corresponding notification requirements in the event that an LDC Member relies on those flexibilities, as follows:

"84) Agreement on Trade-Related Investment Measures

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

¹ See document [G/TRIMS/5](#), 30 October 1996.

² For original WTO Members who accepted the WTO Agreement by 1 January 1995, the deadline for notifying any non-conforming TRIMs was 31 March 1995. See document [G/TRIMS/1](#), 26 January 1995. For original WTO Members who accepted the WTO Agreement after its entry into force, the deadline for notifying any non-conforming TRIMs was 90 days after the date of their acceptance of the WTO Agreement. See document [WT/L/64](#), 10 April 1995. The timeframe for the notification of non-conforming TRIMs by new acceding Members may be addressed in the applicable Accession Protocol and Working Party Report.

³ See document [G/TRIMS/3](#), 7 December 1995.

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

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."

WHICH MEMBERS MUST NOTIFY?

The notification requirement under [Article 6.2](#) applies to all Members, whether or not they apply non-conforming TRIMs.

The notification requirement under [Article 5.1](#) of the TRIMs Agreement applied to Members that, at the time of entry into force of the WTO Agreement, were applying TRIMs that were not in conformity with the provisions of the TRIMs Agreement. The notification requirement under [Article 5.5](#) related to Members that were applying TRIMs that had been notified under [Article 5.1](#).

The notification requirement under Annex F to the Hong Kong Ministerial Declaration pertained only to LDCs that wished to make use of the flexibilities regarding TRIMs in that Declaration.

WHEN TO NOTIFY?

Pursuant to [Article 6.2](#) of the TRIMs Agreement, each Member must notify the WTO Secretariat of the publications in which TRIMs may be found, including those applied by regional and local governments and authorities within their territories. Under a decision by the TRIMs Committee, Members were invited to submit lists of such publications by 1 February 1997 and to update these lists as appropriate.⁴ Members that have not yet made such notifications are encouraged to make these without delay. Members whose circumstances have changed in a way that warrants updates to its notification under [Article 6.2](#) are also encouraged to do so.

Pursuant to [Article 5.1](#) of the TRIMs Agreement, Members were required to notify any TRIM inconsistent with the Agreement within 90 days after the entry into force of the WTO Agreement.⁵

Pursuant to the Hong Kong Ministerial Declaration, LDCs notifying new measures that deviate from their obligations under the TRIMs Agreement were required to make such notifications no later than six months after their adoption. According to that Declaration, any measures incompatible with the TRIMs Agreement and adopted under that Declaration had to be phased out by year 2020. Additionally, LDCs notifying existing measures that deviated from their obligations under the TRIMs Agreement were required to make such notifications within two years, starting 30 days after 18 December 2005, the date of the adoption of the Declaration.

⁴ See document [G/TRIMS/5](#), 30 October 1996.

⁵ As noted above, for original WTO Members who accepted the WTO Agreement after its entry into force, the deadline for notifying any non-conforming TRIMs was 90 days after the date of their acceptance of the WTO Agreement.

PART 1

OVERVIEW OF NOTIFICATION REQUIREMENTS

HOW TO NOTIFY?⁶

Notifications of publications in which TRIMs may be found pursuant to [Article 6.2](#) of the TRIMs Agreement should be made to the WTO Secretariat in accordance with the decision adopted by the TRIMs Committee.⁷

Please see [illustrative mock examples](#) listing different situations and explaining when/how to notify depending on the situation.

⁶ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). Notifications may be submitted through online submission systems, as electronic attachments to emails, or on paper. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantively handling the notification.

⁷ See document [G/TRIMS/5](#), 30 October 1996.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁸	Notification Symbol
1.	Agreement on Trade-Related Investment Measures, Article 6.2 .	List of publications in which investment measures related to goods (TRIMs) may be found.	All WTO Members	One time	One time and when updates are necessary. Initially by 1 February 1997 and <i>ad hoc</i> to update the list as appropriate.	Yes (G/TRIMS/5)	WTO Secretariat	G/TRIMS/N/2/*

⁸ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). Notifications may be submitted through online submission systems, as electronic attachments to emails, or on paper. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantively handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

EXPIRED NOTIFICATION OBLIGATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁸	Notification Symbol
1.	Agreement on Trade-Related Investment Measures, Article 5.1 .	Trade-Related Investment Measures (TRIMs) introduced 180 days or more before the date of entry into force of the WTO Agreement which were inconsistent with the provisions of Article III or Article XI of GATT 1994 and not justified under exceptions to GATT 1994.	All WTO Members who were applying TRIMs that were not in conformity with the Agreement.	One time	Once within 90 days of the date of entry into force of the WTO Agreement *Original Members accepting the WTO after 1 January 1995 had 90 days after acceptance to make this notification (WT/L/64).	Yes (G/TRIMS/1)	Committee on Trade-Related Investment Measures.	G/TRIMS/N/1/*

⁸ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). Notifications may be submitted through online submission systems, as electronic attachments to emails, or on paper. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantively handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

EXPIRED NOTIFICATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁸	Notification Symbol
2.	Agreement on Trade-Related Investment Measures, Article 5.5 .	The application during the transition periods provided for in Article 5.2 of a trade-related investment measure notified under Article 5.1 to new investments, subject to the requirements that (i) the products of such new investments are like products of established enterprises to which the notified TRIM applies and (ii) the application of the TRIM to new investments is necessary to avoid a distortion of competition between the new investment and such established enterprises.	All WTO Members who wished to avail itself of this provision.	<i>Ad hoc</i>	But only within a period of 2 years for developed, 5 years for developing and 7 years for least-developed country Members as of the date of entry into force of the WTO Agreement.	Yes (G/TRIMS/3)	Committee on Trade-Related Investment Measures.	

⁸ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). Notifications may be submitted through online submission systems, as electronic attachments to emails, or on paper. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantively handling the notification.

PART 2

LISTING OF THE NOTIFICATION OBLIGATIONS

EXPIRED NOTIFICATIONS

	WHAT MUST BE NOTIFIED?		WHICH MEMBERS MUST NOTIFY?	WHEN TO NOTIFY?		HOW TO NOTIFY?		
	Notification requirements	Type of measure	Members notifying	Periodicity	Comments on Periodicity	Format	To whom ⁸	Notification Symbol
3.	Annex F to the Hong Kong Ministerial Declaration, section 84.	Existing measures of LDCs by December 2005 that deviated from their obligations under the TRIMs Agreement.	Any LDC using the applicable flexibility under the Hong Kong Ministerial Declaration.	One time	Within 2 years starting 30 days after 18 December 2005.	No (There is no prescribed format. Contact TRIMs Committee Secretary for guidance.)	Council for Trade in Goods	

⁸ All notifications, regardless of their subject content or the requirement under which they are being submitted, must be directed to the administrator of the Central Registry of Notifications (CRN), as indicated in document [WT/INF/25/Rev.2](#). Notifications may be submitted through online submission systems, as electronic attachments to emails, or on paper. As it may be practice, a copy of the notification may be sent to the Secretariat unit substantively handling the notification.

PART 3

RELEVANT DOCUMENT(S) CONCERNING GUIDELINES AND FORMATS

NOTIFICATION OBLIGATIONS FORMAT

Notifications under Article 6.2 of the TRIMS Agreement [G/TRIMS/5](#).

EXPIRED NOTIFICATIONS FORMAT

Notifications under Article 5.1 of the TRIMS Agreement [G/TRIMS/1](#).

Notifications under Article 5.5 of the TRIMS Agreement [G/TRIMS/3](#).

Notifications under Article 5.1 of the Agreement on Trade-Related Investment Measures by States and Separate Customs Territories eligible to become original WTO Members that accept the WTO Agreement after its entry into force [WT/L/64](#).

For notifications under Annex F to the Hong Kong Ministerial Declaration, **please contact the TRIMs Committee Secretary for any guidance.**

PART 4

LIST OF NOTIFICATIONS SINCE 1995

NOTIFICATION OBLIGATIONS

LIST OF NOTIFICATIONS UNDER ARTICLE 6.2

As recorded in the TRIMS Committee Annual Report [G/TRIMS/11](#) see **Annex 3**: Members that have submitted notifications under Article 6.2 of the Agreement on Trade-Related Investment Measures.

Notifications under [Article 6.2](#).

EXPIRED NOTIFICATIONS

LIST OF NOTIFICATIONS UNDER ARTICLE 5.1

As recorded in the TRIMS Committee Annual Report [G/TRIMS/11](#) see **Annex 1**: Members that have Submitted Notifications under Article 5.1 of the Agreement on Trade-Related Investment Measures.

[G/TRIMS/11](#) see **Annex 2**: Notifications indicating that no TRIMs inconsistent with the Agreement on Trade-Related Investment Measures are maintained.

Notifications under [Article 5.1](#).

PART 5

TEXT OF THE AGREEMENT

Agreement on Trade-Related Investment Measures [LT/UR/A-1A/13](#).