

**“2024 Report on Compliance by Major
Trading Partners with Trade
Agreements – WTO, EPA/FTA, and IIA-”
and
“METI Priorities Based on the
2024 Report”**

June 2024

**Multilateral Trade System Department
Trade Policy Bureau**

Overview

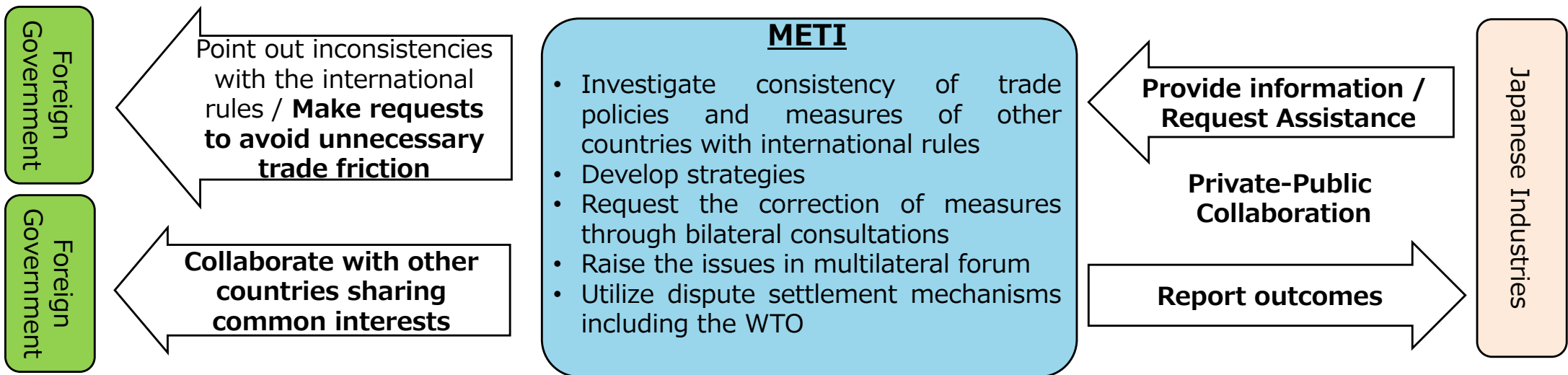
- The Report describes trade measures by foreign governments that are questionable in light of the WTO agreements and other international rules based on the information provided by industry. The Report aims to highlight the importance of the rules-based multilateral system.
- The Report has been published every year since 1992 (the 2024 Report is the 33rd edition). **The 2024 Report was published on June 6, 2023.**
- **"METI Priorities"** is a list of issues which METI prioritizes to address.

"Report on Compliance by Major Trading Partners with Trade Agreements" (Report of the Subcommittee on Unfair Trade Policies and Measures)

- This is the only report that comprehensively analyzes the status of trade measures in each country in accordance with international rules.
- Experts of **Subcommittee on Unfair Trade policies and Measures under the Industrial Structure Council** have analyzed problems of trade policies and measures of major trading partners based on international rules, including the WTO agreements.

"METI Priorities"

- From the measures pointed in the report, METI has picked up several measures as priorities, taking into consideration the interests of the industry. It is used to encourage foreign governments and promote collaboration with industry and foreign governments of similar interest.

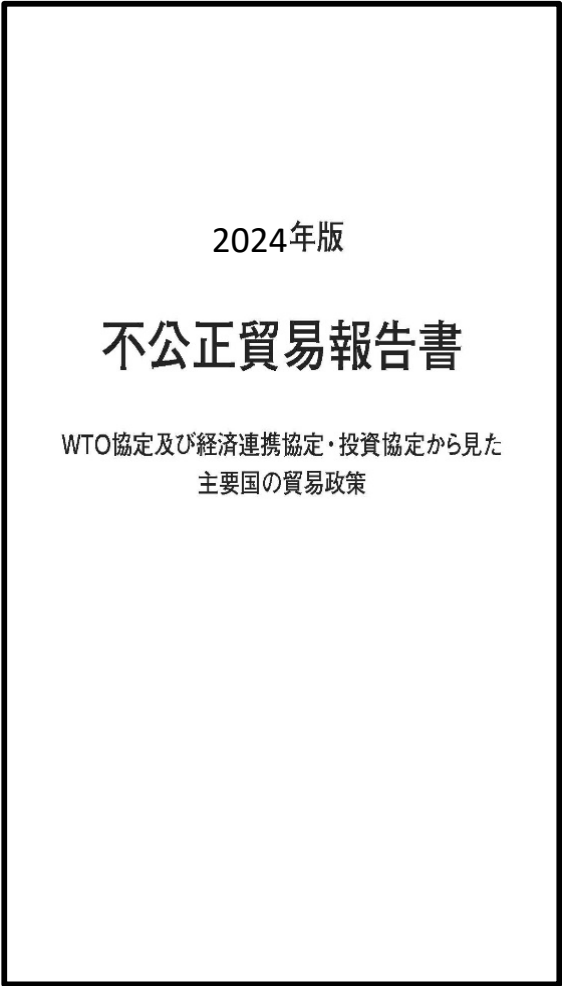


1. Report on Compliance by Major Trading Partners with Trade Agreements

Structure of the 2024 Report on Compliance by Major Trading Partners with Trade Agreements

- Composed of three parts, Part I points out various trade policies and measures of foreign countries and analyzes their consistency with the international rules including the WTO agreements. Part II (WTO agreements) and III (FTA/EPA) give a brief summary of international rules.

Preface	Presents the concept of “rule-based” approach, which is to determine the “fairness” of trade policies and measures based on internationally agreed rules
Part I	Points out policies and measures of 22 countries/regions (including China, the US, ASEAN countries, the EU・UK, Australia, Korea, Canada, India, Russia, and Brazil)
Part II	Explains the WTO agreements and WTO-related discussions (including GATT, AD Agreement, Agreement on Subsidy and Countervailing Measures, Safeguard Agreement, GATS, TRIPS, Government Procurement, and E-Commerce) and major cases under each agreement
Part III	Explains Japan’s major EPA/FTA and investment treaties including the CPTPP
References	Exhibits the recent movement in the Ministerial Conferences of the WTO, and also provides a list of WTO dispute settlement (DS) cases.



Newly Listed Cases (11 cases)

(※In general, measures are published as of the end of March 2024)

Country	Measure	Abstract
Part I Chapter 1 “China” Chapter 11 “Russia” Chapter 12 “Other matters” (Hong Kong and Macau)	Import Restrictions on Aquatic Products	<p>The discharge of the ALPS treated water from the Fukushima Daiichi Nuclear Power Plant in Japan (from August 24, 2023) prompted China, Hong Kong, Macau and Russia to impose import restrictions on Japanese aquatic products to address food safety concerns. While the discharge of the ALPS treated water from the Fukushima Daiichi Nuclear Power Plant into the sea is a measure in accordance with international standards such as the IAEA safety standards, China, Russia, Hong Kong and Macau only argue that they are concerned about food safety and have not demonstrated any scientific basis for the specific risk that the discharge of the treated water poses to the safety of Japanese aquatic products. It is also not clear whether the objective risk assessment was conducted appropriately. Therefore, there is concern that the import suspension measure is an unfair import restriction measure that is not based on scientific principles as required by SPS Agreement.</p>
Part I Chapter 1 “China”	Recommended National Standard for Office Devices (Information Security Technology and Office Equipment Safety Code)	<p>In April 2022, China commenced consideration on the recommended national standard for office devices . According to sources, as of July 2022, the draft national standard included provisions that require office devices and parts thereof procured by the government and the critical information infrastructure department to be developed and produced in China. If such provisions are operated in a manner that is practically mandatory, the import of finished products and parts of office devices and the use of imported parts will not be allowed, and the use of Chinese parts will be mandated. In such a case, there are concerns that foreign products, including those from Japan, will be treated differently and that trade will be restricted more than necessary. In addition, if the Chinese government operates the national standards, and hence it is necessary to provide technology to China for development and production in China, there are concerns that technology transfer will be forced. In the draft text published in August 2023, provisions that require domestic production were removed. However, we will continue to pay close attention to prevent the inclusion of provisions that treat domestic and foreign companies differently or that could lead to technology transfer requirement.</p>

Country	Measure	Abstract
Part I Chapter 3 “ASEAN” (Indonesia)	P3DN Policy	<p>The P3DN is an Indonesian government-led program that aims to promote the use of domestic products, expand employment opportunities, increase domestic use (and thus improve industrial efficiency to compete in the global market), conserve foreign currency, and reduce dependence on foreign products by optimizing government spending. Under the program, Indonesia requires central and local governments, state-owned enterprises and private enterprises that meet certain conditions to (1) use domestic products and (2) use domestic products so that the ratio of domestic production is above a certain level. Not only central and local governments but also a wide range of state-owned enterprises and private enterprises that meet certain conditions are subject to the requirement to use domestic products. Therefore, it is highly likely that differential treatment is given between imported products and domestic products beyond the government procurement exception in GATT Article III:8(a), and there is concern over the consistency with GATT Article III:4 (National Treatment Obligation). In addition, it is highly likely that Indonesia violates GATT Article III:4 (National Treatment Obligation) as it requires achievement of certain ratio of domestic production for certain items such as mobile phones, TV and radio broadcasting communication equipment.</p>
Part I Chapter 4 “EU”	Revision of the Eligibility Requirements for EV Subsidies in France	<p>In July 2023, the French government announced the draft revision to the requirements for subsidies for the purchase of electric vehicles (EV), which came into effect in October 2023. As a result of the revision, vehicles with a certain level of environmental score, which is calculated based on CO2 emissions in the production and transportation process of EV, are eligible for subsidies. The calculation of the environmental score includes CO2 emissions in the transportation, and in the case of sea transportation, CO2 emissions is calculated by multiplying the transportation distance by a uniform coefficient, and in the case of land transportation, the emission coefficient for each Asian country in rail and road transportation is set higher than that of each European country. Therefore, imported vehicles may be treated differently depending on the distance and method of transportation, and it may violate the most-favored-nation treatment obligation or the national treatment obligation. Furthermore, the CO2 emission coefficient for the production of steel materials and batteries that is used to calculate the environmental score is uniformly set for each country and region, and European countries and regions, including France, have better coefficient than other countries and regions. Imported vehicles are treated unfavorably as it is difficult for imported vehicles to obtain scores. Therefore, it may violate GATT Article I (Most-Favored-Nation Treatment Obligation) and GATT Article III:4 (National Treatment Obligation).</p>

Country	Measure	Abstract
Part I Chapter 4 “EU”	F-Gas Regulation	<p>In April 2022, the European Commission proposed the draft revision of the regulation to strengthen the regulation of F-gas used as a refrigerant in air conditioners and heat pumps, which was published in the Official Journal in February 2024. The regulation uniformly prohibits the use of low-GWP F-gas that contributes to the reduction of greenhouse gas, and also regulates HFO refrigerants (GWP equivalent to natural refrigerants) under development. The use of flammable natural refrigerants in split air conditioners, where refrigerants are also present indoors, is technically difficult from the viewpoint of safety risk. Therefore, the revision of the regulation may cause disadvantages to split air conditioners that use F-gas produced outside Europe compared to monoblock air conditioners that use natural refrigerants, which are produced within the EU and are the main domestic products of similar type, and may be inconsistent with Article 2.1 of the TBT Agreement. In addition, with respect to the fact that the regulation uniformly prohibits the use of low-GWP F-gas, the regulation may restrict trade more than necessary to achieve legitimate objectives, and may be inconsistent with Article 2.2 of the TBT Agreement.</p>
Part I Chapter 4 “EU”	Regulation on the Making Available on the Union Market and the Export from the Union of Certain Commodities and Products Associated with Deforestation and Forest Degradation	<p>The Regulation on the Making Available on the Union Market and the Export from the Union of Certain Commodities and Products Associated with Deforestation and Forest Degradation (Regulation (EU) 2023/1115) entered into force in June 2023. The Regulation applies to cattle, cocoa, coffee, oil palm, rubber, soya and wood, and their derivative products. Such products shall not be imported into or sold in the EU market unless they are deforestation-free (no deforestation and no forest degradation has been triggered) in the production process and they have been produced in accordance with the relevant laws and regulations of the producing country. In addition, business operators are required to conduct due diligence on deforestation risk before importing and selling relevant products in the EU market from December 30, 2024 (from June 30, 2025 for small and medium-sized companies). The benchmark system is also planned to be set up to classify deforestation risk in countries and regions around the world as “high risk”, “low risk” or “standard risk”. Since it is difficult to conduct such due diligence for some of the relevant products, which may lead to the practical difficulty of the export of such products. In such case, the measure may be inconsistent with GATT Article III:4 (National Treatment Obligation), and also GATT Article I:1 (Most-Favored-Nation Treatment Obligation), depending on the setting of the benchmark system.</p>

Country	Measure	Abstract
Part I Chapter 4 “EU”	Regulation on Packaging and Packaging Waste	On November 30, 2022, the European Commission published a proposal for the Regulation on packaging and packaging waste, and reached a provisional agreement with the European Parliament and the Council in March 2024. The Regulation requires that all packaging placed on the EU market (cans, bottles, PET bottles, plastic materials, etc.) should be recyclable in the EU, that plastic packaging should contain a certain proportion of recyclable materials, that packaging should be designed to have the minimum weight and volume required, and that transportation packaging should be reusable and a reusable system should be ensured. Various obligations to business operators will be applied sequentially after a lapse of 18 months after the enforcement of the Regulation (the obligations of recycle and reuse will be applied on or after January 1, 2030). Although the scope and details of the obligations are still under discussion, there is concern over burden on the food and beverage industries, etc. operating in the EU. In addition, if only non-EU products that compete with EU products are subject to recycling and reuse obligations, the measure may be inconsistent with GATT Article III:4 (National Treatment Obligation).
Part I Chapter 9 “India”	Import License Acquisition System for PCs and Tablets	In August 2023, the Government of India announced that certain PC products classified as those falling under HS code 8471 would be classified as “restricted” and added to the “Import Restriction List” and required to acquire import licenses, which took effect in November of the same year. As a result, these PC products became subject to import license system at the discretion of the authorities and were also subject to the condition that only users actually using the product could import them. This measure imposes discretionary import restrictions on some PC products, which may be in violation of GATT Article XI:1.
Part I Chapter 12 “Other Matters (Türkiye)”	Automobile Import Restrictions	In November 2023, the Government of Türkiye announced that it would seek permission certificates issued by customs authorities, the Ministry of Industry and Technology, etc., for the import of EVs originating in countries other than EU and FTA partners countries (effective from December). The requirements for the issuance of a permission certificate require the development of a maintenance system after sales (such as (a) it is certified by the Turkish Standards Institute that at least 20 authorized service stations in 7 geographical regions of the country have been established by the importer itself for after-sales assembly, maintenance, and repair of imports, and (b) providing service for each brand to be imported with a Turkish call centre established in Türkiye with at least 40 personnel, etc.). This measure may be inconsistent with GATT Article I:1 (Most-Favored-Nation Treatment Obligation) in that it discriminates between products of FTA partner countries and products of non-FTA partners countries with regard to the necessity of a permission certificate.

Country	Measure	Abstract
Part I Chapter 9 "India"	Increased Regulations on Recycling and Disposal of Waste Plastics	The Plastic Waste Management Rules ("PWM"), 2016, introduced in March 2016, stipulate the recycling and disposal of waste plastics and require plastic sheet-like packaging to be at least 50 microns thick. The October 2023 revision added a requirement that plastic packaging should display the name of the brand owner, registration number, and thickness information. The March 2024 revision also added a requirement that plastic products made with recycled material and plastic packaging should be labeled with the percentage of recycled material used. However, no public comment was solicited on any of these requirements through the TBT notification, and they became effective on the same day.
Part I Chapter 9 "India"	Increased Regulations on Recycling, Disposal, and Restrictions on Chemical Substances Contained in Waste Electrical and Electronic Equipment	The revised regulations on recycling, disposal, and restrictions on chemical substances contained in waste electrical and electronic equipment (E-waste Management Rules (EWM)), introduced in May 2011, were revised in November 2022. As a result of this revision, in addition to PCs, mobile phones, and televisions, which have already been subject to the regulations, a number of electronic products have newly become subject to the regulations. Also, the labeling of the declaration of conformity and the requirement to provide detailed information on the reduction of hazardous substances, which had been required before, have been significantly expanded to include new products. Although the revision of the regulations required changes in the design of many product categories, it was made without soliciting public comments through the TBT notification in advance, and the content of the regulations was changed frequently thereafter, causing considerable confusion and imposing excessive burden on business operators.

Columns

- 7 columns are posted for this year's edition.
- We conducted deep analysis on recent topics such as “Recent developments in securing a level playing field (LPF)”, “Developments regarding cross-border subsidies”, and “WTO Appellate Body issue”, which is an important issue of WTO reform, etc.

Part and Chapter	Title	Abstract
Part II “Overview of the WTO Agreements”	Business supply chain, and human rights and environmental issues	As the introduction of laws and regulations to respect human rights and environmental protection has progressed, mainly in Europe and the United States, and business enterprises are required to strengthen their efforts, this column will provide an overview of trends in laws and regulations in various countries and also introduce the efforts of the Japanese government to encourage respect for human rights by Japanese business enterprises. In addition, this column analyzes the relationship between laws and regulations on human rights or environment and international agreements.
Part II “Overview of the WTO Agreements”	Cooperation of like-minded countries on economic coercion – Recent developments-	This column introduces the trend of the cooperation of the like-minded countries on economic coercion, focusing on the recent efforts of the G7. This column also explains that the functions of the WTO, including dispute settlement procedures, can be an effective means of responding to trade-related economic coercion. Furthermore, this column introduces the EU’s Anti-Coercion Instrument as an example of the development of domestic laws by individual countries, and urges the need to pay close attention to domestic systems and specific measures that individual countries consider from the viewpoint of consistency with rules under the WTO Agreements.
Part II Chapter 7 “Subsidies and countervailing subsidies”	Recent developments in securing a level playing field (LPF)	To ensure a global level playing field , non-market measures and practices, such as harmful industrial subsidies, market-distorting behavior of SOEs, and forced technology transfer, which have raised concerns in recent years, should be addressed. With the recognition that it is necessary to share awareness of the issue with a wide range of countries and promote multilateral efforts, various international fora, such as the G7, the OECD, the WTO, and the Japan-US-EU Trilateral Ministerial Meeting, have been discussing securing a level playing field. This column presents the status of these discussions.
Part II Chapter 6 “Anti-dumping measures”	Cumulative provisions in the Anti-dumping Agreement –Based on DS601 panel report–	Under Article 3.3 of the AD Agreement (Cumulative Assessment), companies are liable for damage caused by products imported from other countries, which makes it difficult for them to respond to and rebut. This is also a serious problem for Japanese companies. This column analyzes relevant precedents, including the most recent case (China- AD Measures on Stainless Steel Products (DS601)), and sort out the issues.

Columns

Part and Chapter	Title	Abstract
Part II Chapter 7 “Subsidies and countervailing subsidies”	Developments regarding cross-border subsidies	The Agreement on Subsidies and Countervailing Measures assumed subsidies from the governments of exporting countries to companies in such countries, but there are concerns about the adverse effects of cross-border subsidies in the context of China's Belt and Road Initiative, and there are discussions on how to deal them under the WTO Agreement. This column introduces examples of CVD actions against cross-border subsidies by the EU and discussions on their consistency with the WTO Agreements.
Part II Addendum “Digital trade”	Different approaches to data localization across countries	In recent years, there has been an increase in the number of countries introducing measures requiring data to be stored and/or processed within the domestic territory (data localization measures) for reasons such as security and industrial policy. In order to grasp this international trend, the OECD conducted a survey on data localization measures in 2020 and 2023. This column provides an overview of the survey results.
Part II Chapter 17 “Dispute Settlement Procedures under WTO”	Issues around WTO Appellate Body	This column addresses development of discussions and updates regarding the Appellate Body that has ceased its functions since December 2019. It describes (1) the United States’ long-standing criticisms against the Appellate Body, (2) discussions at the WTO over the reform of dispute settlement system (especially, informal discussions at the expert level with the facilitator introduced after MC12, the ministerial decision made at MC13, and statements at various G7 meetings in 2023), (3) how the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) has been utilized, and (4) the measures against appeals into the void by the EU and Brazil.

2. METI's Priorities

Summary of METI Priorities Based on the 2024 Report on Compliance by Major Trading Partners with Trade Agreements (published on June 6, 2024)

- The Report has continuously presented, for 32 years since its first issuance, the concept of “rules-oriented”. Japan has made efforts to establish new trade-related rules, and actively used the WTO dispute settlement procedures to remove adverse effects brought by the rules-inconsistent measures by trade partners.
- The Appellate Body members have been long vacant since December 2019, and “appeal-into-void” cases have been piled up where the cases are appealed to leave them in limbo. As a result, the WTO DS procedures face critical situation where rules-based governance for international trade would not work well. We will make maximum effort for the restoration of dispute settlement function. At the same time, we will ensure the effectiveness of WTO dispute settlement system in the interim by utilizing MPIA, which Japan joined in March 2023.
- In recent years, there has been increasing concern that non-market measures by some emerging countries could present a risk to the foundation of the multilateral trading system, including fair competition and market functions. We will make further efforts, including rules-making, to ensure level playing field through various fora such as the WTO, G7, and the Japan-US-EU Trilateral Ministerial Meeting.
- Furthermore, given that there is an increasing concern with economic coercion, we will strengthen our cooperation with like-minded partners to evaluate, prepare for, deter, and respond to economic coercion.
- In addition to responses to such systemic problems, we will work on the individual policies and measures.

METI's Priority Cases listed in the 2024 Report

- “Import restrictions on aquatic products” by China, Hong Kong, Macau, and Russia, “F-gas Regulation” by the EU, “Various import restriction measures” by Indonesia, and “Subsidies for Electric Vehicles” by France are added to the list as measures to resolve issues through bilateral and multilateral consultations, or measures to closely monitor the design and operation of the system.

(1) Measures to resolve issues through bilateral and multilateral consultations, or measures to closely monitor the design and operation of the system

- China: Preferential treatment for domestic companies and domestic products in government procurement
- China: Recommended National Standard for Office Devices (Information Security Technology and Office Equipment Safety Code)
- China: Export Control Law
- China, Hong Kong, Macau, Russia, : Import Restrictions on Aquatic Products <New>
- China: Issuance of Anti-Suit Injunctions (ASI) by Chinese courts in standard essential patent lawsuits
- China : Inappropriate Application of AD Measures
- US: Zeroing (Inappropriate Calculation of AD Duties) Including Abusive Zeroing In the Cases of Targeted Dumping
- US: A Bill on Tax Incentives on Electric Vehicles
- US : Import Adjustment Measures pursuant to Section 232 of the Trade Expansion Act of 1962
- US and Emerging Economies : Sunset Review Practice (Term-end Review for the Continuation of AD Measures) and Inappropriate Long-Standing AD Duty Measures on Japanese Products
- EU: A Regulation on a Carbon Border Adjustment Mechanism (CBAM)
- EU: F-Gas Regulation<New>
- Indonesia : Various Import Restriction Measure <New>
- France: Subsidies for Electric Vehicles<New>
- India: Inappropriate Application of Trade Remedy Measures

※ As for the following issues, METI will proceed with comprehensive policy measures, including rule-making, to ensure a level playing field, in addition to the efforts to address these issues through the WTO and bilateral consultations with possible use of the WTO DS Mechanism based on the current WTO rules.

- China : Industrial Subsidies
- China: Regulations related to Cybersecurity and Data
- China: Forced Technology Transfer
- Vietnam: Cybersecurity Law / Decree on Personal Data Protection

(2) Issues for which the WTO DS procedures have already started









- Korea : Measures Affecting Trade in Commercial Vessels (Consultation) (collaborate with the MLIT)
- Korea: Sunset Review Administration on Stainless Steel Bars from Japan (Appellate Body)
- India : Tariff Treatment on Certain Goods (Appellate Body)
- India: The Safeguard Measures on Hot-Rolled Steel Products (Appellate Body)

(3) Issues on which Japan urges prompt implementation of the WTO recommendations















- Brazil : Discriminatory Preferential Taxation and Charges Affecting Automobile Sectors, etc.
- China: Anti-Dumping Measures on Stainless Products (panel)

Progress since last year

2023 Priorities

- (1) Issues for which the WTO DS procedures have already started
 -  China: AD Measures on Stainless Products
 -  Korea : Measures Affecting Trade in Commercial Vessels
(collaborate with the MLIT)
 -  Korea: Sunset Review Administration on Stainless Steel Bars
 -  India : Tariff Treatment on Certain Goods
 -  India: The Safeguard Measures on Hot-Rolled Steel Products
- (2) Issues to be resolved through bilateral and multilateral consultations with possible use of the WTO DS Mechanism
 -  China : Inappropriate Application of AD Measures
 -  US : Import Adjustments based on the Section 232
 -  US and Emerging Economies : Inappropriate Long-Standing AD Duty Measures

※ issues to be resolved with comprehensive policy measures for ensuring level-playing field, including rule-making, in addition to WTO and other bilateral consultations.

 -  China : Industrial Subsidies
 -  China: Regulations related to Cybersecurity and Data
 -  China: Forced Technology Transfer
 -  Vietnam: Cybersecurity Law / Decree on Personal Data Protection
- (3) Issues on which Japan urges prompt implementation of the WTO recommendations
 -  Brazil : Discriminatory Preferential Taxation
- (4) Issues on which close attention needs to be paid due to significant effect on trade and investment although details are unclear
 -  **China: Revision to The Government Procurement Law <New>**
 -  **China: Recommended National Standard for Office Devices <New>**
 -  China: Export Control Law
 -  China: Issuance of Anti-Suit Injunctions (ASI) by Chinese courts in standard essential patent lawsuits
 -  US: Zeroing
 -  US: A Bill on Tax Incentives on Electric Vehicles
 -  EU: Regulation on a Carbon Border Adjustment Mechanism (CBAM)
 -  India: Digital Personal Data Protection Bill
 -  India: Inappropriate Application of Trade Remedy Measures

2024 Priorities

- (1) Measures to resolve issues through bilateral and multilateral consultations, or measures to closely monitor the design and operation of the system
 -  ● China: Preferential treatment for domestic companies and domestic products in government procurement
 -  ● China: Recommended National Standard for Office Devices (Information Security Technology and Office Equipment Safety Code)
 -  ● China: Export Control Law
 -  ● **China, Hong Kong, Macau, Russia: Import Restrictions on Aquatic Products <New>**
 -  ● China: Issuance of Anti-Suit Injunctions (ASI) by Chinese courts in standard essential patent lawsuits
 -  ● China : Inappropriate Application of AD Measures
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 -  ● **EU: F-Gas Regulation<New>**
 -  ● **Indonesia : Various Import Restriction Measure <New>**
 -  ● **France: Subsidies for Electric Vehicles<New>**
 -  ● India: Inappropriate Application of Trade Remedy Measures

※ As for the following issues, METI will proceed with comprehensive policy measures, including rule-making, to ensure a level playing field, in addition to the efforts to address these issues through the WTO and bilateral consultations with possible use of the WTO DS Mechanism based on the current WTO rules.

 -  ● China : Industrial Subsidies
 -  ● China: Regulations related to Cybersecurity and Data
 -  ● China: Forced Technology Transfer
 -  ● Vietnam: Cybersecurity Law / the Draft Decree on Personal Data Protection
- (2) Issues for which the WTO DS procedures have already started
 -  ● Korea : Measures Affecting Trade in Commercial Vessels (Consultation)
(collaborate with the MLIT)
 -  ● Korea: Sunset Review Administration on Stainless Steel Bars from Japan (Appellate Body)
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- (3) Issues on which Japan urges prompt implementation of the WTO recommendations
 -  ● Brazil : Discriminatory Preferential Taxation and Charges Affecting Automobile Sectors, etc.
 -  ● China: Anti-Dumping Measures on Stainless Products (panel)