



**SECURING LDCS EMERGENCY ACCESS TO ESSENTIAL MEDICAL AND FOOD PRODUCTS
TO COMBAT THE COVID-19 PANDEMIC**

COMMUNICATION BY CHAD ON BEHALF OF THE LDC GROUP

The following communication, dated 4 May 2020, is being circulated at the request of the delegation of Chad on behalf of the LDC Group.

1. Since the outbreak of the COVID-19 pandemic, governments have adopted a series of protective measures to slow down the progression of the virus and avoid the collapse of the health system. Some of these measures imply trade restrictions and can affect production and access by LDCs to critical medical goods and basic food products.
2. According to the WTO¹, world trade in medical products amounted about \$2 trillion in 2019 and accounted for 5% of the total of merchandise trade. In April 2020, the World Customs Organization (WCO) produced with the support of the WHO "an indicative list" of 54 HS codes of medical supplies used during the COVID-19 pandemic (see Annex I). These include COVID-19 test kits; disinfectants and sterilization products; medical consumables (e.g. syringes, needles, intubation kits, or soap); oxygen therapy apparatus, medical devices (e.g. scanners, ultrasound machines, electrocardiographs, or infrared thermometers), protective garments (e.g. gloves or masks), vehicles like wheelchair and different medical and surgical furniture.
3. Least developed countries (LDCs) depend heavily on imports to secure access and availability of these medical supplies, as most of them don't have the capacity to manufacture them directly. Between 2017 and 2018, LDCs imports of these medical supplies amounted to nearly USD 7.3 billion with disinfectant and medical consumable accounting for the majority of imported items. In recent months, however, several governments have imposed restrictions on trade in some of these medical goods out of the concerns that these could be in short supply domestically. These measures have mostly taken the form of export prohibitions or export restrictions².
4. Besides medical goods, the FAO warns that a protracted pandemic crisis could quickly put a strain on global food supply, by affecting agricultural inputs, production, processing, shipping, or retailing. In response to a perceived risk of critical shortage, several WTO Members have already imposed export restriction or prohibitions on certain basic food products such as wheat, rice, or sugar. Such reactions can alter the balance between food supply and demand, resulting in price spikes and increased price volatility. This could in turn impact import-dependent countries and particularly LDCs' ability to purchase foods and meet their domestic demand.
5. Under WTO law, Members have the right to adopt export restrictions and prohibitions³. Such restrictions should however be notified to the WTO⁴.

¹ WTO (2020), "Trade in medical goods in the context of tackling COVID-19", WTO, Geneva.

² See https://www.wto.org/english/tratop_e/covid19_e/trade_related_goods_measure_e.htm

³ In accordance with GATT Article XI:2 (a) and GATT Art. XX (b).

⁴ In accordance with the 22 June 2012 Decision of the Council for Trade in Goods on Notification Procedures for Quantitative Restrictions (G/L/59/Rev.1) and Art. 12 of the Agreement on Agriculture.

6. The LDC Group is mindful of the need for all countries to safeguard the lives and health of their peoples. However, as the number of WTO Members applying such restrictions increases, without some level of consideration for LDCs, these measures may seriously affect the availability of medical goods and basic foodstuffs in LDCs who rely on import to tackle the COVID-19 pandemic.

7. While noting the rights and obligations of Members⁵, given the gravity of the COVID-19 pandemic, the reliance of LDCs on imports of essential medical goods and basic food products, and in view of the proliferation of trade restrictive measures, the LDC Group is hereby requesting non-LDC Members:

- a. not to impose export prohibitions or restrictions within the meaning of Article XI:1 of the GATT 1994 with respect to the products listed in Annex I as identified by the WHO and WCO, and with respect to basic food products, when such products are requested or purchased by LDCs for their domestic use or are exported for humanitarian purposes; and
- b. consistent with their WTO obligations under the Trade Facilitation Agreement, to expedite and facilitate the flow and transit and departure of all products listed in the Annex and food stuffs through their respective seaports and airports to reach LDCs for their domestic use.

8. LDCs also urge such Members to refrain from similar measures in times of other crises as long as declared by a competent global organization as pandemic, epidemic or similar serious catastrophe which may impact the LDCs.

9. Members and the WTO Director-General are also requested to collaborate with other international organizations to support LDCs in their economic recovery as a result of this pandemic. The initiatives should include continued support to EIF and other programmes.

⁵ Under GATT Article XI:2 (a) and XX (b) and Agreement on Agriculture Article 12.

ANNEX I: COVERED PRODUCTS

Products	Description	HS codes
Section I. COVID-19 Test kits/ Instruments and apparatus used in Diagnostic Testing		
COVID-19 Test kits	Diagnostic reagents based on polymerase chain reaction (PCR) nucleic acid test.	3822
COVID-19 Test kits	Diagnostic reagents based on immunological reactions	3002.15
COVID-19 Diagnostic Test instruments and apparatus	Instruments used in clinical laboratories for In Vitro Diagnosis	9027.8
Swab and viral transport medium set	A vial containing a culture media for the maintenance of a viral sample and a cotton tipped swab to collect the sample put up together	3821
Section II. Protective garments and the like		
Face and eye protection	Cellulose/paper mask	4818.5
Face and eye protection	Textile face-masks, without a replaceable filter or mechanical parts, including surgical masks and disposable face-masks made of non-woven textiles. This includes the masks known as N95 Particulate Respirators.	6307.9
Face and eye protection	Gas masks with mechanical parts or replaceable filters for protection against biological agents. Also includes such masks incorporating eye protection or facial shields.	9020
Face and eye protection	Protective spectacles and goggles	9004.9
Face and eye protection	Plastic face shields (covering more than the eye area)	3926.2
Gloves	Plastic gloves	3926.2
Gloves	Surgical rubber gloves	4015.11
Gloves	Other rubber gloves	4015.19
Gloves	Knitted or crocheted gloves which have been impregnated or covered with plastics or rubber	6116.1
Gloves	Textile gloves that are not knitted or crocheted	6216
Other	Disposable hair nets	6505
Other	Protective unisex garments made of plastic sheeting, textile reinforced plastics or textile backed plastics.	3926.2
Other	Protective unisex garments made of rubber sheeting, textile reinforced rubber or textile backed rubber.	4015.9
Other	Paper or cellulose garments and clothing accessories such as disposable paper hospital gowns, paper shoe covers etc. These are covered here provided that they are made of paper, paper pulp, cellulose wadding or webs of cellulose fibers. Please check with the Customs administration in the importing country if they are not solely paper or cellulose as they may be classified elsewhere.	4818.5
Other	Protective garments for surgical/medical use made up of felt or nonwovens whether or not impregnated, coated, covered or laminated (fabrics of heading 56.02 or 56.03). This includes spun-bonded garments.	6210.1
Other	Unisex protective garments for surgical/medical use made of woven textiles of that are impregnated, coated, covered or laminated with plastics.	6210.5
Other	Unisex protective garments made of rubberised textile fabrics	6210.5
Section III. Disinfectants and sterilization products		
Alcohol solution	Undenatured, containing by volume 80% or more ethyl alcohol	2207.1

Products	Description	HS codes
Alcohol solution	Undenatured, 75% ethyl alcohol	2208.9
Hand sanitizer	A liquid or gel generally used to decrease infectious agents on the hands, alcohol-based type.	3808.94
Other disinfectant preparations	Put up in forms or packings for retail sale such as rubs and wipes impregnated with alcohol or other disinfectants.	3808.94
Medical, surgical or laboratory sterilizers, including autoclaves	Function using steam or boiling water	8419.2
Hydrogen peroxide in bulk	Bulk H ₂ O ₂ whether or not with solidified with urea.	2847
Hydrogen peroxide presented as a medicament	H ₂ O ₂ put up for internal or external use as a medicine, including as an antiseptic for the skin. Only covered here if in measured doses or in forms or packings for retail sale (including directly to hospitals) for such use.	3004.9
Hydrogen peroxide put up in disinfectant preparations for cleaning surfaces	H ₂ O ₂ put up as cleaning solutions for surfaces or apparatus.	3808.94
Other chemical disinfectants	Put up in forms or packings for retail sale as disinfectants or as disinfectant preparations, containing alcohol, benzalkonium chloride solution or peroxyacids, or other disinfectants. This includes sodium dichloroisocyanurate (NaDCC) and calcium hypochlorite (65-70% active chlorine) when put up with a measurement spoon in the forms normally sold directly to hospitals and the like.	3808.94
Section IV. Oxygen Therapy equipment and pulse oximeters		
Medical ventilators (artificial respiration apparatus)	Provides ventilation by moving breathable air into and out of the lungs. This includes both: ventilator machines and compressible self-refilling ventilation bags that are normally supplied with a valve and mask (also known as 'bag valve mask' (BVM) ventilators).	9019.2
Extracorporeal membrane oxygenation (ECMO)	Provides prolonged cardiac and respiratory support by removing blood from the person's body and artificially removing the carbon dioxide and oxygenating red blood cells	9019.2
Continuous Positive Airway Pressure (CPAP) units	Positive airway pressure ventilators, which apply mild air pressure on a continuous basis, to keep the airways continuously open in people who are able to breathe spontaneously on their own, but need help keeping their airway unobstructed	9019.2
Bilevel positive airway pressure (BiPap or BPap) units	Similar to CPAP unit, except that the pressurized air is delivered at two alternating levels with a higher inspiratory positive airway pressure (IPAP) and a lower expiratory positive airway pressure (EPAP).	9019.2
Oxygen concentrators	Devices designed to concentrate oxygen from ambient air and deliver the concentrated oxygen, typically through an attached nasal cannula (or prongs), to a patient requiring oxygen therapy. These differ from oxygen plant in that they supply oxygen directly to patients according to their specific needs.	9019.2
Oxygen humidifiers for oxygen therapy applications	Medical devices that can be integrated into oxygen delivery systems to humidify supplemental oxygen when it is delivered at higher-than-standard flow rates, or the method of oxygen delivery bypasses the nose (e.g., through nasopharyngeal catheters)	9019.2
Oxygen delivery devices to supply oxygen from the device to the patient	Oxygen masks; Venturi masks; Oxygen tents; Oxygen head boxes; and Similar oxygen delivery devices	9019.2

Products	Description	HS codes
Oxygen delivery devices to supply oxygen from the device to the patient	Nasal prongs (nasal cannulae): nasal cannulae consist of plastic tubes that end in two short tapered prongs that are placed in the nostrils for delivering oxygen.	9018.39
Oxygen delivery devices to supply oxygen from the device to the patient	Nasal catheter: a thin, flexible tube that is passed into the nose and ends with its tip in the nasal cavity for delivering oxygen.	9018.39
Flowmeter, Thorpe tube for oxygen 0-15L/min	The Thorpe tube flowmeter is composed of inlet and outlet ports, a regulator, a valve and a clear tapered measuring tube. It is suitable for connection with various medical gas sources, such as centralized system, cylinders, concentrators or compressors. Standard (absolute, non-compensated) and pressure-compensated flowmeter versions, suitable for specific flow ranges.	9026.8
Flow splitters	A device intended to distribute medical oxygen from a single source to multiple independent outlets.	9019.2
Pulse oximeters	Devices for measuring the oxygen saturation of haemoglobin in arterial blood (SpO ₂). They use the principle of differential light absorption to determine SpO ₂ when the sensor (also called a probe) is applied to an area of the body (e.g. a finger, toe or earlobe).	9018.19
Section V. Other medical devices and equipment		
Computed tomography (CT) scanners	Uses a rotating X-ray machine to image thin slices of the body to diagnose diseases such as pneumonia.	9022.12
Ultrasound machines	Portable ultrasound machines are usually imported with their own specifically designed trolley and accessories	9018.12
Electrocardiograph	Portable electrocardiographs are normally presented with various accessories	9018.11
Multiparametric Patient Monitoring devices	Monitoring stations used for the continuous monitoring of multiple vital signs.	9018.19
Laryngoscopes	* There is some variance between administrations as to the classification of endoscopes as either electro-diagnostic apparatus or other medical apparatus – please check with the relevant Customs administration	9018.19
Colorimetric end tidal CO ₂ detector	Sizes compatible with child and adult endotracheal tube. Single use.	9027.8
Infrared thermometers		9025.19
Stethoscopes		9018.9
Magill intubation forceps	Angled forceps used to guide a tracheal tube into the larynx or a nasogastric tube into the oesophagus under direct vision	9018.9
Intubation kits	Reusable intubation kits	9018.9
Infusion pump*, with or without accessories	*There is some variance between administrations as to the classification of infusion pumps as either pumps or other medical apparatus – please check with the relevant Customs administration	8413.19
Electronic drop counter, IV fluids	Counts the drops and calculates real-time drop rate	9028.2
Medical suction pumps	Used to clear the airway of bodily secretions	9018.9
Medical drills for vascular access	May be presented with accessories	9018.9
Kidney basins	Shallow kidney-shaped basins made of stainless steel and used for the collection of bodily discharges and other sanitary purposes	7324.9

Products	Description	HS codes
Section VI. Other Medical Consumables		
Medical oxygen	Medical oxygen has as a minimum 82% pure oxygen, is free from any contamination, and is generated by an oil-free compressor. This subheading includes both compressed oxygen supplied in cylinders and liquid oxygen.	2804.4
Wadding, gauze, bandages, cotton sticks and similar articles	Impregnated or coated with pharmaceutical substances or put up in forms or packings for retail sale for medical use.	3005.9
Surgical tape	Self-adhesive, hypoallergenic	3005.1
Transparent adhesive plasters	Transparent adhesive plasters	3005.1
Soap	Liquid or powder form	3401.2
Soap	Bar form	3401.11
Syringes, with or without needles	Syringes, with or without needles	9018.31
Tubular metal needles and needles for sutures	Tubular metal needles and needles for sutures	9018.32
Needles (except for tubular metal needles and needles for sutures), catheters, cannulae and the like	Includes, among other things: · endotracheal tubes (catheters), with or without cuffs; · Nasopharyngeal airways (catheters); and · Oropharyngeal airways (catheters). Endotracheal tube introducers (bougies or stylets) are also classified here by virtue of Note 2 to Chapter 90.	9018.39
Intubation kits	Single use disposable intubation kits	9018.9
Disposable emergency cricothyrotomy set	Set for performing an emergency incision or puncture through the skin and cricothyroid membrane to establish a patent airway during certain life-threatening situations	9018
Plastic hazardous waste disposal bags	Disposal bag for bio-hazardous waste, with "Bio Hazard" print, autoclavable polypropylene, 50 or 70 micron thickness	3923.29
Urine bags	Plastic bags for collecting urine, with outlet tap, with non-return valve	3926.9
Paper bed sheets	Paper bed sheets	4818.9
Conductive gel for use in an ECG or ultrasound procedure	Used between the body and the ECG or ultrasound instruments to reduce the body's impedance	3006.7
Lubricating jelly	Lubricant for medical procedures	3006.7
Section VII. Vehicles		
Wheelchairs	Carriages for disabled persons, whether or not motorised or otherwise mechanically propelled	8713.10 8713.90
Mobile clinics vehicles	Mobile clinics (medical) with operating theatre, anaesthetic equipment and other surgical apparatus.	8705.90
Mobile radiological vehicles	Mobile radiological units (e.g., fitted with an examination room, dark room and complete radiological equipment).	8705.90
Section VIII. Other		
Medical or surgical furniture	Includes operating tables, examination tables, hospital beds with mechanical fittings, specially designed tables for instruments, anaesthetic or surgical supplies, and their parts	9402.90
Pressure Swing Adsorption (PSA) oxygen plant for a central oxygen supply system of medical grade oxygen	Large, onsite, central source of medical grade oxygen that is piped directly to terminal units within patient areas or used to refill cylinders. Plants adsorb nitrogen out of ambient air and filter out contaminants to provide a supply of oxygen that can be used in various oxygen therapy apparatus. They do not act as therapeutic devices themselves, but simply create a supply of oxygen for use in therapeutic devices.	8421.39

Products	Description	HS codes
Empty medical gas cylinders, portable, for oxygen, fitted with a valve and a pressure and flow regulator	Steel or steel alloy	7311.00
	Aluminium	7613.00
