

TRADE IN HEALTHCARE PRODUCTS

CONCEPT PAPER¹

The current COVID crisis has created an unprecedented challenge for healthcare systems. Many countries are struggling to provide essential goods and services to their pandemic stricken populations. Trade policy is part of governments' crisis response toolbox, and a number of countries have already unilaterally suspended import duties on healthcare products, making access to them more affordable. Like any other consumption-based taxation, import duties are a regressive form of taxation as the tariff affects a higher proportion of lower personal incomes in comparison to higher incomes because of the relative income shares that are spent on consumption. Hence, a tariff affects the poor and the sick proportionally more than the rich or the healthy. This is true not only in poorer countries compared to richer ones, but also within countries between different income groups.

On the other hand, for fear of not being able to secure the relevant supplies, many countries have resorted to various forms of export restrictions which have led to disruptions in supply chains, transport delays, as well as price spikes for essential life-saving supplies. This has also exacerbated the particularly difficult economic situation of the least developed WTO members who lack the manufacturing capacity of medical supplies and who, through the imposition of export restrictions by their developed partners, were cut off from access to essential medical goods.

The global character of the crisis requires a global answer. Facilitating international trade in healthcare products contributes to making supply chains more resilient and diversified, and strengthen preparedness for future health shocks. International trading opportunities also incentivise greater production in the sector, as companies can serve the global as opposed to only the domestic market. This concept paper presents potential elements for an initiative responding to the current and future challenges in the pharmaceutical and medical sector that would contribute to meeting the UN Sustainable Development Goal 3 to "achieve access to safe, effective, quality and affordable essential medicines and vaccines for all". Such an initiative could consist of a possible enhancement of the current WTO disciplines applicable to trade in essential goods, a scheme of collaboration in times of crisis as well as the reciprocal elimination of tariffs on pharmaceutical and medical goods with a binding effect.

The agreed elements could be included in an international agreement open to all WTO Members for participation. It would be appropriate to condition tariff elimination on reciprocity among countries representing a significant share of world trade in the sector.

Part A of this paper presents items that potentially could be subject to tariff elimination. Part B discusses potential non-tariff disciplines that would be applicable primarily in crisis situations, but which could also become standard practice. As the duration of the crisis would not be known at the onset, the applicability of disciplines in Part B could be time-bound, for instance one year, subject to a review.

Part C identifies possible disciplines that would apply at all times, irrespective of any crisis.

¹ This paper is meant to contribute to an exploratory discussion on a possible initiative to facilitate trade in healthcare products and is without prejudice to the EU's position in potential negotiations.

The present healthcare crisis may be long lasting, and others are likely to follow. Governments must act quickly to improve the resilience of their healthcare systems, including through trade policy.

PART A: Permanent tariff elimination

The Annex to this paper lists products that that could be subject to permanent tariff elimination. These can be grouped in two basic categories: pharmaceutical goods and medical goods. The rationale is laid out below:

a) pharmaceutical goods

The 1994 Pharmaceutical Tariff Elimination Agreement (the Pharma Agreement) provides for tariff elimination for finished pharmaceutical products as well as active ingredients defined by the WHO International Non-proprietary Names (INNs) and intermediate products. The Parties to the Agreement (currently the EU, US, Switzerland, Japan, Norway, Canada, and Macau (China)) accounted at the time of its conclusion (1994) for around 90% of trade in the covered products. However, at present they only account for about 66%, as other WTO Members have increased their presence in the global pharmaceutical market, without participating in the Agreement. This means that out of 164 WTO members, 130 (or 80%) continue to impose an extra cost on the medicines needed by their citizens.

Taking into account the complex nature of the original 1994 agreement (four subsequent updates in 1996, 1998, 2006, 2010), the non-participating WTO Members would be invited to acquaint themselves with a consolidated version of the Agreement, as prepared by the WTO Secretariat (see JOB/MA/142 of 4 May 2020).

The Annex to this concept paper for illustrative purposes lists products that are classified in defined HS headings as per the Pharma Agreement but does not list ingredients which are included in Annexes to that Agreement due to the extensive coverage of these annexes. Nevertheless, they would be relevant for a liberalization effort.

b) medical goods

In addition to pharmaceutical products, there is a strong public health case for eliminating import duties on medical supplies, medical and protective equipment. Many of the products have already been covered by the Expansion of the Information Technology Agreement of 2015, with some notable exceptions such as ventilators/respirators. According to the recent report of the WTO Secretariat², in general, the average applied MFN tariff on medical goods (including COVID-19 related) by all WTO Members is around 4.8%, which is lower than 7.6% tariff for all industrial products. In addition, more than half of WTO Members impose applied tariffs lower than 5%. This means that tariffs on medical equipment do not have an important role in protecting domestic industries against competition from abroad, but rather constitute a source of government financing in the form of a consumption tax. Removing tariffs on medical equipment and other WTO Members joining the Information Technology Agreement would be relevant actions in this regard.

² See https://www.wto.org/english/news_e/news20_e/rese_03apr20_e.pdf

The COVID-19 crisis has resulted in the necessity to procure unprecedented quantities of medical and protective equipment, including items such as masks/respirators, gloves, goggles, garments, ventilators as well as hygienic and disinfectant products. Yet, these items may possess characteristics that make them equally fit for some industrial and civil applications such as construction, food processing, or household use. The dual-use character of these items has brought a question whether a permanent tariff elimination initiative should also cover them. It would, however, seem warranted to eliminate tariffs on those items which can be easily distinguished as intended for medical use through their inherent characteristics and the need to comply with the relevant legislation and standards. The facial mask, which is the most commonly used and iconic item of the Covid-19 pandemic may also be critically needed in any future virus-related pandemic. Other items, such as certain hygienic or disinfectant products would be relevant due to their disease prevention role.

Even if the whole universe of medical and protective equipment would not be subject to permanent tariff elimination, the participants could be encouraged to eliminate tariffs on these products in emergency situations, depending on the nature of the crisis at hand (see part B).

PART B: Disciplines relating to essential goods in crisis situations

WTO Members should consider ways to facilitate trade in healthcare products to the greatest extent possible in crisis situations. In the context of trade in pharmaceutical and medical goods, the declaration of an emergency by the WHO (e.g. of a “pandemic”) could be the central factor in determining a “crisis”. Yet, even before the official declaration, countries may already take measures in anticipation of the official confirmation or may rely on their own judgment of a “crisis”. In this case, the Parties to the arrangement should not take any actions that would not be in compliance with any agreed disciplines on trade in essential goods, even before an official declaration of a global scale of the crisis.

The duration of a crisis will naturally not be known at the onset. Therefore, new disciplines could be in effect for a given period, for instance a year, subject to review. The Parties, could, however, decide that some disciplines or mechanisms (e.g. on transparency) apply permanently at all times or that LDCs benefit from any given mechanism on a permanent basis.

New disciplines could notably include rules whereby all forms of export restrictions (both tariff- and non-tariff measures) are limited in time and in scope. In addition, the Parties could establish a scheme of collaboration in the supply of healthcare goods, inform each other about related needs and availabilities and respect each other’s vulnerabilities demonstrated by a lack of manufacturing capacity of necessary goods and pay particular attention to the needs of developing and least developed countries.

For the purpose of such situations it may be appropriate to develop a concept of “essential goods”. The definition of “essential goods” could be based on a list of priority goods to be determined e.g. by the World Health Organization (WHO) as essential or necessary in tackling a crisis and could also include any vaccine or effective treatment³. Goods subject to permanent liberalization (as specified in Annex) should be regarded as “essential” in any event and any WHO determination may only broaden the universe of such goods. The Parties could be encouraged to consider tariff elimination

³ For example, in the context of COVID-19, such a list has been published here: <https://www.who.int/publications/m/item/list-of-priority-medical-devices-for-covid-19-case-management>

for all essential goods be it on a temporary or permanent basis. As opposed to products listed in Annex to Part A, the commitment to eliminate or suspend tariffs on any new crisis-related product would not necessarily need to be binding. It would in any case seem appropriate to agree on a commitment not to increase applied tariffs on essential goods during the crisis (standstill on tariffs, including on any taxes on exports).

In particular, with a view to ensuring that none of the affected Parties is deprived of the supplies of essential goods and that the Parties act in good faith toward one another, the Parties could offer an understanding of the undefined concept of the “the equitable share of supply” as enshrined in the GATT “general exceptions” rule.

This crisis shows that collaboration and information sharing is crucial. Very often the problem with procuring the right supplies from the right sources at the right prices is linked to a lack of sufficient information on production, trade, and availability of stocks. A great degree of coordination and self-discipline would be required to vigorously monitor the market developments and collect the necessary information from the operators. An identification of operators who meet the right standards would facilitate private and public purchases of critical supplies.

Existing disciplines could be enhanced as follows for the treatment of “essential goods”:

1) Import and export restrictions:

As at 23 April 2020, the WTO Secretariat has identified 46 WTO Members (counting the EU as one) and 8 non-Members who have introduced export prohibitions or restrictions in response to the COVID-19 pandemic. This has led to significant disruptions in trade. For this reason, it would seem appropriate, in general, to strongly encourage the Parties to refrain from restrictions on exportation (and importation) of essential goods, both in a tariff and non-tariff form. If, however, a Party considers that its critical situation warrants an imposition of such measures, such action could factor in the following elements:

- Measures are least-trade restrictive, targeted, temporary (e.g. valid for maximum 6 months with a possibility of a limited extension during the applicability period of the Agreement), proportionate and fully transparent;
- The concept of “*proportionality*” could be further elaborated. A “proportionate” measure could be understood as compliant with the following principles:
 - a) the measure must pursue a legitimate objective, listed in Article XX GATT;
 - b) the measure must be capable of furthering this objective;
 - c) it must be the least-restrictive measure reasonably available that attains the objective to an equivalent degree;
 - d) in light of (i) the (high) importance of the objective pursued (protecting human life and health), and (ii) the degree of contribution which the measure makes to the attainment of that objective, but also (iii) its degree of trade-restrictiveness, (iv) a weighing and balancing of these factors must allow considering the measure “necessary”.
- *Due account is taken of the situation of the net-importing countries*, which do not have or cannot expand their production capacity. The least developed countries should be exempt from the scope of export restrictions⁴;

⁴ WT/GC/211

- *Consultation mechanism* for an affected party with the party instituting an export restriction, provided the latter is a main provider for the affected party. This would give the affected party sufficient time to adjust its supplies sourcing;
- *Exclusion of emergency humanitarian aid* from the scope of export restrictions in any event.
- *Consideration of an “equitable share of the international supply” of essential goods* (in line with Article XX (j)) to be available for every WTO Member. This is to apply irrespective of whether the applying Member invokes Article XX(j) as an exception or a different exception like Article XI:2(a) or Article XX(b). As the concept of the “equitable share” is not strictly defined as it depends on given circumstances, the Parties could agree on a common interpretation of such a provision and its enforcement. For example, ensuring an “equitable share of the international supply” would mean that exclusive distribution arrangements for the sale of essential goods to the territory of individual countries through bilateral arrangements would not be allowed. The objective would be to avoid a situation where essential goods, including a vaccine, can only be distributed for a sole use by one country, whilst other countries would be deprived of access to them. In addition, a situation where one party sells the totality of its available surplus supply to another party in need, without proper consideration of the needs of others (e.g. to the highest bidder) should also be prevented. In this context special consideration should be paid to the developing and least developed countries;
- Essential goods should also be exempt from the imposition of any export taxes.

2) Internal non-tariff measures:

Considering that regulatory requirements can lead to a delay in the provision of the necessary medical equipment, Members would agree to pursue discussions on best practices in the area of technical regulations and standards in view of providing a flexible regulatory environment while pursuing their policy objectives and chosen level of protection. Any regulatory change or requirement should be carefully considered in the context of a health crisis. The Parties would reaffirm their intention to follow the respective guidelines and recommendations by the relevant WTO Committees (in particular those of the TBT Committee⁵), and in particular comply with those in respect of notifications.

3) Customs (import, export and transit)

The importation, exportation and transit should be as much streamlined as possible to ensure a swift delivery of essential goods. To this end, the following measures could be considered:

- *Procedures which enable rapid customs clearance for imports and exports* of essential goods based on an adequate risk assessment and necessary controls in relation with product requirements to enable the customs to strike the right balance between the need to ensure product safety, compliance with relevant standards as well as security of essential goods and the need to ensure rapid customs clearance process;

⁵ G/TBT/1/Rev.14

- *Facilitated submission of relevant documentation through electronic means* to the greatest extent possible; to this end, increased efforts should be made to accelerate implementation of the measures under the WTO Trade Facilitation Agreement;
- *The collection of fees, charges and any outstanding customs debt and taxes* should, to the greatest extent possible, take into account the economic and social difficulties of economic operators as a result of the crisis and the imperative need to proceed with the supply of the essential goods in question;
- *Transit should not be restricted* where the goods are destined to other territories and do not as such present a danger for the country of transit. Transit should also be made smoother: designation of priority border crossings (“green lanes”) to ensure an expeditious transit of essential goods, in particular in cases of movement restrictions or border closures;
- *Enhanced customs cooperation*, in particular at a regional/neighbourhood level to avoid any measure that puts at risk the neighbouring country/landlocked countries.

4) Public procurement

A crisis situation, as witnessed in the case of COVID-19, may lead to substantial new public purchases of essential goods if stockpiles held in national reserves are insufficient. The Parties could envisage joint tenders acting as a group of countries or regions, with the aim of addressing the supply needs in a most effective and coordinated manner. In this context, relaxation of national rules as regards public procurement and acceptance of foreign bidders should be considered.

In essence, in the context of public procurement, there would be value in:

- Eliminating existing domestic preference measures for procuring essential goods, including direct market access restrictions for foreign companies, domestic price preferences and local content requirements;
- Refraining from introducing any new measures imposing such discriminatory requirements for procurement of essential goods;
- Ensuring/increasing transparency of public procurement procedures.

5) Import licencing requirements

- Import Licensing, if required for administrative purposes should be transparent and not additionally trade restrictive; automatic to the greatest extent possible;
- In any event, where licenses are granted, they should be issued according to objective, proportionate and non-discriminatory criteria;
- No government-designated import or export monopoly for essential goods.

6) Transparency provisions

A proper implementation of disciplines would depend on the willingness of the Parties to collaborate through an exchange of relevant data. A lot of information is already in the public domain although it is not easily accessible. Enhanced transparency and data exchange in this regard would be in line with the UN principle of good governance and contribute to the implementation of the Trade Facilitation Agreement.

As the WTO Secretariat noted, in spite of a large number of export restrictions only 13 (as at 23/04/2020) were notified to the WTO which exacerbate the potentially negative effects of export restrictions. The crisis has often led to a sharp and unjustified increase in prices, which, in the context of life-saving supplies, and the budgetary limits of many WTO members, adds an additional strain to an already extremely difficult situation.

In times of crisis the public purchase organizers or private entities may have difficulty in finding the right suppliers of the necessary equipment that would comply with the required standards. To organize a proper tendering process, it is crucial to know what the immediate and future needs may be.

In this context, transparency in respect of the following information could be considered:

- Immediate publication on a dedicated website as well as a subsequent notification to the WTO of any measure adopted to cope with the crisis and which affects trade, be it a revised custom procedures, revised hours of customs operations, a revised list of import and export control or licensing procedures whilst bearing in mind the provisions under point 5) above regarding automatic licensing; for the purpose of distinguishing crisis-related measures from other measures, a separate scheme for WTO notifications could be established;
- Publication on a dedicated website of data on imports and exports (weekly/monthly) as well as a most recent report on (average) sales prices (e.g. cif/fob) of essential goods which would allow the Parties to detect any anti-competitive behaviour (e.g weekly);
- Notification of any shortages and estimated needs as well as of surpluses in essential goods with a projected production capacity;
- Easily available lists of approved suppliers of essential goods which should facilitate public and private purchases.

At an international level, it is worth considering whether a proper market data monitoring tool could be established and managed for example by OECD or G20. The tool could to some extent be similar to the Agricultural Market Information System (AMIS) established by G20 in response to the food crisis of 2009. However, the success of such a monitoring tool would depend on the effort of the collaborating Parties to provide the information (and timely publish it) as medical supplies are not generally traded on the stock exchange as in the case of agricultural commodities.

7) Disputes

- Non-inclusion of any “essential goods” during a crisis in any trade retaliation as a result of trade disputes, safeguard measures, rebalancing or reciprocal withdrawal of concessions in response to modified concessions on trade in goods, services or government procurement as that would make more difficult the access to medication for those in need. Where such measures were put in place before the crisis, the Parties could be obliged to temporarily suspend additional tariffs and be permitted to replace “essential goods” with other goods.

PART C: Other disciplines that would be of general application irrespective of the crisis:

1) Remanufactured goods

The concept of remanufactured goods features in various FTAs concluded by the WTO Members (e.g. EU-Vietnam FTA, CPTPP, USMCA). Medical equipment may also undergo remanufacturing, demonstrating similar performance and working conditions as a new good, and carry the same warranty as the equivalent good in a new condition. As the medical equipment remanufacturing may not be regulated in many jurisdictions, this would be an opportunity to increase the understanding of the role of remanufacturing in the medical sector, develop the necessary regulations, and thereby increase access to quality healthcare products. A facilitated trade in remanufactured medical devices would provide an enabling environment for knowledge sharing and research.

In this context, it is therefore appropriate that the same provisions that are applicable to new goods are also applicable to remanufactured goods.

2) Other considerations

- The Parties to a potential new agreement could also decide to establish a permanent framework for cooperation for the purpose of enhancing transparency of their relevant measures as in point 6) of Part B;
- Nothing in this initiative would affect the right of participants to resort to Article VI GATT and the WTO Agreement on Subsidies and Countervailing Measures as well as Article XIX GATT and the WTO Agreement on Safeguards.

ANNEX: List of goods subject to tariff elimination

Subheading	Description
284700	hydrogen peroxide, whether or not solidified with urea
293621	vitamins a and their derivatives, used primarily as vitamins
293622	vitamin b1 and its derivatives, used primarily as vitamins
293623	vitamin b2 and its derivatives, used primarily as vitamins
293624	d-pantothenic or dl-pantothenic acid 'vitamin b3 or b5' and their derivatives, used primarily as vitamins
293625	vitamin b6 and its derivatives, used primarily as vitamins
293626	vitamin b12 and its derivatives, used primarily as vitamins
293627	vitamin c and its derivatives, used primarily as vitamins
293628	vitamin e and its derivatives, used primarily as vitamins
293629	vitamins and their derivatives, used primarily as vitamins, unmixed (excl. vitamins a, b1, b2, b3, b5, b6, b12, c, e and their derivatives)
293690	mixtures of vitamins and provitamins, whether or not in any solvent, and natural concentrates of vitamins
293711	somatropin, its derivatives and structural analogues, used primarily as hormones
293712	insulin and its salts, used primarily as hormones
293719	polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues, used primarily as hormones (excl. somatropin, its derivatives and structural analogues, and insulin and its salts)
293721	cortisone, hydrocortisone, prednisone 'dehydrocortisone' and prednisolone 'dehydrohydrocortisone'
293722	halogenated derivatives of corticosteroidal hormones [01/01/1988-31/12/1993: halogenated derivatives of adrenal cortical hormones]
293723	oestrogens and progestogens
293729	steroidal hormones, their derivatives and structural analogues, used primarily as hormones (excl. cortisone, hydrocortisone, prednisone 'dehydrocortisone', prednisolone 'dehydrohydrocortisone', halogenated derivatives of corticosteroidal hormones, oestrogens and progestogens) [01/01/1988-31/12/1993: adrenal cortical hormones and their derivatives, used primarily as hormones (excl. cortisone, hydrocortisone, prednisone 'dehydrocortisone', prednisolone 'dehydrohydrocortisone' and halogenated derivatives of adrenal cortical hormones)]
293750	prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues, used primarily as hormones
293790	hormones, natural or reproduced by synthesis; derivatives and structural analogues thereof, used primarily as hormones (excl. polypeptide hormones, protein hormones, glycoprotein hormones, steroidal hormones, catecholamine hormones, prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues, and amino-acid derivatives)
293911	concentrates of poppy straw; buprenorphine 'inn', codeine, dihydrocodeine 'inn', ethylmorphine, etorphine 'inn', heroin, hydrocodone 'inn', hydromorphone 'inn', morphine, nicomorphine 'inn', oxycodone 'inn', oxymorphone 'inn', pholcodine 'inn', thebacon 'inn' and thebaine, and salts thereof
293919	alkaloids of opium and their derivatives, and salts thereof (excl. concentrates of poppy straw; buprenorphine 'inn', codeine, dihydrocodeine 'inn', ethylmorphine, etorphine 'inn', heroin, hydrocodone 'inn', hydromorphone 'inn', morphine, nicomorphine 'inn', oxycodone 'inn', oxymorphone 'inn', pholcodine 'inn', thebacon 'inn' and thebaine, and salts thereof)
293920	alkaloids of cinchons and their derivatives; salts thereof
293930	caffeine and its salts

Subheading	Description
293941	ephedrine and its salts
293942	pseudoephedrine 'inn' and its salts
293943	cathine 'inn' and its salts
293944	norephedrine and its salts
293949	ephedrines and their salts (excl. ephedrine, pseudoephedrine 'inn', cathine 'inn', and salts thereof)
293951	fenetylline 'inn' and its salts
293959	theophylline and aminophylline 'theophylline-ethylenediamine' and their derivatives, and salts thereof (excl. fenetylline 'inn' and its salts)
293961	ergometrine 'inn' and its salts
293962	ergotamine 'inn' and its salts
293963	lysergic acid and its salts
293969	alkaloids of rye ergot and their derivatives; salts thereof (excl. lysergic acid, ergotamine and ergometrine, and their salts)
293971	cocaine, ecgonine, levometamfetamine, metamfetamine "inn", metamfetamine racemate, and salts, esters and other derivatives thereof
293979	vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives (excl. alkaloids of opium, alkaloids of cinchons, theophylline, aminophylline "theophylline-ethylenediamine" alkaloids of rye ergot and their salts and derivatives, cocaine, ecgonine, levometamfetamine, metamfetamine "inn", metamfetamine racemate, and salts, esters and other derivatives thereof, caffeine and ephedrines, and their salts)
293980	non-vegetal alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives
294110	penicillins and their derivatives with a penicillanic acid structure; salts thereof
294120	streptomycins and their derivatives; salts thereof
294130	tetracyclines and their derivatives; salts thereof
294140	chloramphenicol and its derivatives; salts thereof
294150	erythromycin and its derivatives; salts thereof
294190	antibiotics (excl. penicillins and their derivatives with a penicillanic acid structure, salts thereof, streptomycins, tetracyclines, chloramphenicol and erythromycin, their derivatives and salts thereof)
300120	extracts of glands or other organs or of their secretions, for organo-therapeutic uses
300190	dried glands and other organs for organo-therapeutic uses, whether or not powdered; heparin and its salts; other human or animal substances prepared for therapeutic or prophylactic uses, n.e.s.
300211	malaria diagnostic test kits
300212	antisera and other blood fractions
300213	immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale
300214	immunological products, mixed, not put up in measured doses or in forms or packings for retail sale
300215	immunological products, put up in measured doses or in forms or packings for retail sale
300219	immunological products, n.e.s. (code possibly empty, preceding subheadings seem exhaustive)
300220	vaccines for human medicine
300230	vaccines for veterinary medicine
300290	human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; toxins, cultures of micro-organisms and similar products (excl. yeasts and vaccines)
300290	human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; toxins, cultures of micro-organisms and similar products (excl. yeasts and vaccines)
300310	medicaments containing penicillins or derivatives thereof with a penicillanic acid structure, or streptomycins or derivatives thereof, not in measured doses or put up for retail sale

Subheading	Description
300320	medicaments containing antibiotics, not in measured doses or put up for retail sale (excl. medicaments containing penicillins or derivatives thereof with a penicillanic acid structure, or streptomycins or derivatives thereof)
300331	medicaments containing insulin, not in measured doses or put up for retail sale
300339	medicaments containing hormones or steroids used as hormones, not containing antibiotics, not in measured doses or put up for retail sale (excl. those containing insulin)
300341	medicaments containing ephedrine or its salts, not containing hormones, steroids used as hormones or antibiotics, not in measured doses or put up for retail sale
300342	medicaments containing pseudoephedrine "inn" or its salts, not containing hormones, steroids used as hormones or antibiotics, not in measured doses or put up for retail sale
300343	medicaments containing norephedrine or its salts, not containing hormones, steroids used as hormones or antibiotics, not in measured doses or put up for retail sale
300349	medicaments containing alkaloids or derivatives thereof, not containing hormones, steroids used as hormones or antibiotics, not in measured doses or put up for retail sale (excl. containing ephedrine, pseudoephedrine "inn", norephedrine or their salts)
300360	medicaments containing any of the following antimalarial active principles: artemisinin "inn" for oral ingestion combined with other pharmaceutical active ingredients, or amodiaquine "inn"; artelinic acid or its salts; artenimol "inn"; artemotil "inn"; artemether "inn"; artesunate "inn"; chloroquine "inn"; dihydroartemisinin "inn"; lumefantrine "inn"; mefloquine "inn"; piperazine "inn"; pyrimethamine "inn" or sulfadoxine "inn", not containing hormones, steroids used as hormones or antibiotics, not in measured doses or put up for retail sale
300390	medicaments consisting of two or more constituents mixed together for therapeutic or prophylactic uses, not in measured doses or put up for retail sale (excl. antibiotics containing hormones or steroids used as hormones, but not containing antibiotics, alkaloids or derivatives thereof, hormones or antibiotics, or goods of heading 3002, 3005 or 3006)
300410	medicaments containing penicillins or derivatives thereof with a penicillanic acid structure, or streptomycins or derivatives thereof, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale
300420	medicaments containing antibiotics, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale (excl. medicaments containing penicillins or derivatives thereof with a penicillanic structure, or streptomycines or derivatives thereof)
300431	medicaments containing insulin but not antibiotics, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale
300432	medicaments containing corticosteroid hormones, their derivatives and structural analogues but not antibiotics, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale
300439	medicaments containing hormones or steroids used as hormones but not antibiotics, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale (excl. medicaments containing insulin or corticosteroid hormones, their derivatives and structural analogues)
300441	medicaments containing ephedrine or its salts, not containing hormones, steroids used as hormones or antibiotics, put up in measured doses "incl. those for transdermal administration" or in forms or packings for retail sale
300442	medicaments containing pseudoephedrine "inn" or its salts, not containing hormones, steroids used as hormones or antibiotics, put up in measured doses "incl. those for transdermal administration" or in forms or packings for retail sale
300443	medicaments containing norephedrine or its salts, not containing hormones, steroids used as hormones or antibiotics, put up in measured doses "incl. those for transdermal administration" or in forms or packings for retail sale
300449	medicaments containing alkaloids or derivatives thereof, not containing hormones, steroids used as hormones or antibiotics, put up in measured doses "incl. those for transdermal administration" or in forms or packings for retail sale (excl. containing ephedrine, pseudoephedrine "inn", norephedrine or their salts)
300450	medicaments containing provitamins, vitamins, incl. natural concentrates and derivatives thereof used primarily as vitamins, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale

Subheading	Description
300460	medicaments containing any of the following antimalarial active principles: artemisinin "inn" for oral ingestion combined with other pharmaceutical active ingredients, or amodiaquine "inn"; arteminonic acid or its salts; artemimol "inn"; artemotil "inn"; artemether "inn"; artesunate "inn"; chloroquine "inn"; dihydroartemisinin "inn"; lumefantrine "inn"; mefloquine "inn"; piperaquine "inn"; pyrimethamine "inn" or sulfadoxine "inn", put up in measured doses "incl. those for transdermal administration" or in forms or packings for retail sale (excl. containing antibiotics, hormones, alkaloids, provitamins, vitamins, or their derivatives)
300490	medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale (excl. medicaments containing antibiotics, medicaments containing hormones or steroids used as hormones, but not containing antibiotics, medicaments containing alkaloids or derivatives thereof but not containing hormones or antibiotics and medicaments containing provitamins, vitamins or derivatives thereof used as vitamins)
300510	adhesive dressings and other articles having an adhesive layer, impregnated or covered with pharmaceutical substances or put up for retail sale for medical, surgical, dental or veterinary purposes
300590	wadding, gauze, bandages and the like, e.g. dressings, adhesive plasters, poultices, impregnated or covered with pharmaceutical substances or put up for retail sale for medical, surgical, dental or veterinary purposes (excl. adhesive dressings and other articles having an adhesive layer)
300610	sterile surgical catgut, similar sterile suture materials, incl. sterile absorbable surgical or dental yarns, and sterile tissue adhesives for surgical wound closure; sterile laminaria and sterile laminaria tents; sterile absorbable surgical or dental haemostatics; sterile surgical or dental adhesion barriers, whether or not absorbable
300620	reagents for determining blood groups or blood factors
300630	opacifying preparations for x-ray examinations; diagnostic reagents for administration to patients
300640	dental cements and other dental fillings; bone reconstruction cements
300650	first-aid boxes and kits
300660	chemical contraceptive preparations based on hormones, prostaglandins, thromboxanes, leukotrienes, derivatives and structural analogues thereof or on spermicides
300670	gel preparations designed to be used in human or veterinary medicine as a lubricant for parts of the body for surgical operations or physical examinations or as a coupling agent between the body and medical instruments
300691	appliances identifiable for ostomy use
300692	waste pharmaceuticals
340111	soap and organic surface-active products and preparations, in the form of bars, cakes, moulded pieces or shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent, for toilet use, incl. medicated products
340119	soap and organic surface-active products and preparations, in the form of bars, cakes, moulded pieces or shapes, and paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent (excl. those for toilet use, incl. medicated products)
340120	soap in the form of flakes, granules, powder, paste or in aqueous solution
340130	organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap
340212	cationic organic surface-active agents, whether or not put up for retail sale (excl. soap)
370110	photographic plates and film in the flat, sensitised, unexposed, for x-ray (excl. of paper, paperboard or textiles)
370210	photographic film in rolls, unexposed, for x-ray (excl. of paper, paperboard or textiles)
380894	disinfectants (excl. goods of subheading 3808.50)
382100	culture media specially prepared for the development of micro-organisms

Subheading	Description
382200	diagnostic or laboratory reagents on a backing, prepared diagnostic or laboratory reagents whether or not on a backing, and certified reference materials (excl. compound diagnostic reagents designed to be administered to the patient, blood-grouping reagents, animal blood prepared for therapeutic, prophylactic or diagnostic uses and vaccines, toxins, cultures of micro-organisms and similar products)
401511	surgical gloves, of vulcanised rubber (excl. fingerstalls)
ex481890	Articles of paper pulp, paper, cellulose wadding or webs of cellulose fibre of a kind used for surgical, medical or hygienic purposes (excl. toilet paper, handkerchiefs, cleansing or facial tissues and towels, tablecloths, serviettes, sanitary towels and tampons, napkins and napkin liners for babies and similar sanitary articles, and goods put up for retail sale); including facial masks
ex621010	Single-use gowns made up of nonwovens, of a kind used by patients or surgeons during surgical procedures
ex630790	Single-use drapes used during surgical procedures made up of nonwovens; textile facial masks
701710	laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated, of fused quartz or other fused silica (excl. containers for the conveyance or packing of goods, measuring, checking or medical instruments and apparatus of chapter 90)
701720	laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated, having a linear coefficient of expansion $\leq 5 \times 10^{-6}$ per kelvin within a temperature range of 0°C to 300°C (excl. glass of fused quartz or other fused silica, containers for the conveyance or packing of goods, measuring, checking or medical instruments and apparatus of chapter 90)
701790	laboratory, hygienic or pharmaceutical glassware, whether or not graduated or calibrated (excl. glass having a linear coefficient of expansion $\leq 5 \times 10^{-6}$ per kelvin within a temperature range of 0°C to 300°C or of fused quartz or other fused silica, containers for the conveyance or packing of goods, measuring, checking or medical instruments and apparatus of chapter 90)
841920	medical, surgical or laboratory sterilizers
871310	carriages for disabled persons, not mechanically propelled
871390	carriages for disabled persons, motorised or otherwise mechanically propelled (excl. specially designed motor vehicles and bicycles)
871420	parts and accessories for carriages for disabled persons, n.e.s.
900130	contact lenses
900140	spectacle lenses of glass
ex900630	cameras specially designed for medical or surgical examination of internal organs
901110	stereoscopic optical microscopes
901180	optical microscopes (excl. for photomicrography, cinephotomicrography or microprojection, stereoscopic microscopes, binocular microscopes for ophthalmology and instruments, appliances and machines of heading 9031)
901190	parts and accessories for compound optical microscopes, n.e.s.
901811	electro-cardiographs
901812	ultrasonic scanning apparatus
901813	magnetic resonance imaging apparatus
901814	scintigraphic apparatus
901819	electro-diagnostic apparatus, incl. apparatus for functional exploratory examination or for checking physiological parameters (excl. electro-cardiographs, ultrasonic scanning apparatus, magnetic resonance imaging apparatus and scintigraphic apparatus)
901820	ultra-violet or infra-red ray apparatus used in medical, surgical, dental or veterinary sciences
901831	syringes, with or without needles, used in medical, surgical, dental or veterinary sciences
901832	tubular metal needles and needles for sutures, used in medical, surgical, dental or veterinary sciences

Subheading	Description
901839	needles, catheters, cannulae and the like, used in medical, surgical, dental or veterinary sciences (excl. syringes, tubular metal needles and needles for sutures)
901841	dental drill engines, whether or not combined on a single base with other dental equipment
901849	instruments and appliances used in dental sciences, n.e.s.
901850	ophthalmic instruments and appliances, n.e.s.
901890	instruments and appliances used in medical, surgical or veterinary sciences, n.e.s.
901910	mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus
901920	ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus
902000	breathing appliances and gas masks (excl. protective masks having neither mechanical parts nor replaceable filters, and artificial respiration or other therapeutic respiration apparatus)
902110	orthopaedic or fracture appliances
902121	artificial teeth
902129	dental fittings (excl. artificial teeth)
902131	artificial joints for orthopaedic purposes
902139	artificial parts of the body (excl. artificial teeth and dental fittings and artificial joints)
902140	hearing aids (excl. parts and accessories)
902150	pacemakers for stimulating heart muscles (excl. parts and accessories)
902190	articles and appliances, which are worn or carried, or implanted in the body, to compensate for a defect or disability (excl. artificial parts of the body, complete hearing aids and complete pacemakers for stimulating heart muscles)
902212	computer tomography apparatus
902213	apparatus based on the use of x-rays for dental uses
902214	apparatus based on the use of x-rays, for medical, surgical or veterinary uses (excl. for dental purposes and computer tomography apparatus)
902221	apparatus based on the use of alpha, beta or gamma radiations, for medical, surgical, dental or veterinary uses
902230	x-ray tubes
902290	x-ray generators other than x-ray tubes, high tension generators, control panels and desks, screens, examination or treatment tables, chairs and the like, and general parts and accessories for apparatus of heading 9022, n.e.s.
ex902511	Clinical or veterinary thermometers, liquid-filled, for direct reading
ex902519	thermometers and pyrometers, not combined with other instruments (excl. liquid-filled thermometers for direct reading) (<i>clinical or veterinary</i>)
902780	instruments and apparatus for physical or chemical analysis, or for measuring or checking viscosity, porosity, expansion, surface tension or the like, or for measuring or checking quantities of heat, sound or light, n.e.s.
903020	oscilloscopes and oscillographs
940210	dentists', barbers' or similar chairs having rotating as well as both reclining and elevating movement, and parts thereof, n.e.s.
940290	operating tables, examination tables, and other medical, dental, surgical or veterinary furniture (excl. dentists' or similar chairs, special tables for x-ray examination, and stretchers and litters, incl. trolley-stretchers)

Note: The above table includes headings 2936, 2937, 2939 and 2941 as well as Chapter 30 of the Pharma Agreement for illustrative purposes. The Pharma Agreement also contains four annexes listing relevant product ingredients. Members are invited to acquaint themselves with a consolidated version of the Agreement in JOB/MA/142 of 4 May 2020.