

(As delivered)

IN THE WORLD TRADE ORGANIZATION

**India — Tariff Treatment on Certain Goods in the Information and
Communications Technology Sector**

WT/DS582/DS588

India — Tariff Treatment on Certain Goods

WT/DS584

Third Party Oral Statement

by

Norway

13 October 2021

Mr Chair, Members of the Panels,

1. Norway welcomes the opportunity to present its views as a third party in this dispute. In this oral statement, Norway briefly sets out its views on the legal status of the 1996 Ministerial Declaration on Trade in Information Technology Products (“ITA-1”), as well as offer some remarks on the relevant commitments under a Member’s schedule of concessions.

2. Norway agrees with other third parties in this dispute that the ITA-1 is not a “covered agreement” within the meaning of Article 1.1 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (“DSU”) as the ITA-1 is not listed in Appendix 1 of the DSU. The Panels’ main task in this dispute is to interpret India’s commitments made in the schedule of concessions annexed to the GATT 1994, hence the relevant legal provision in the WTO Agreement is the GATT 1994 Article II:1. This, however, does not in principle preclude the ITA-1 from serving as relevant context within the meaning of Article 31(2)(b) of the Vienna Convention on the Law of Treaties for the interpretation of India’s tariff concessions.

3. As mentioned in Norway’s written third party submission, one must separate between technological advancements leading to “new products” not captured by the tariff lines at six-digit level as listed in Attachment A (following transposition) to the ITA-1 Annex and included in Members’ schedules on the one hand, and technological advancements which are developments of a product that falls within existing commitments on the other. Norway is not of the view that the development of new technologies and new products as such modifies the scope of tariff concessions in a Member’s WTO Schedules.¹ Rather, Norway agrees with Canada that “tariff concessions under the Uruguay Round and the ITA-1 are not static and do not encompass only those products in existence at that time”.² Members’ obligations under the GATT 1994 Article II:1 include all products covered by the tariff lines in that Members’ schedule of concessions.

4. Norway respectfully requests the Panels to take account of the considerations set out above when evaluating the claims set forth in this dispute.

5. Thank you for your time and attention.

¹ See the Panels’ Question 6 to the third parties before the first substantive meeting.

² Canada’s Response to the Panels’ Question 10. See also Canada’s written third-party submission, paras. 5-9.