



World Customs Organization

Rue du Marché 30, B-1210
Brussels, Belgium
T: +32 (0)2 209 92 11
COVID-19response@wcoomd.org

WCO Secretariat Note

How to establish and utilize essential goods lists during a disaster

I. Problem statement and possible objectives of essential goods lists

In the response to the novel coronavirus disease (COVID-19) pandemic a number of Members designated priority lanes and introduced facilitative measures with regard to the cross-border movement of essential goods. However, there is no internationally recognized definition of essential goods to support those Members that are yet to consider providing priority treatment and facilitative measures to such goods.

Generally, the list of essential goods, equipment and services is established by the national disaster management authority (NDMA) or a similar national authority in charge of the response to the specific disaster. In the context of coordinated border management, the role of Customs in disaster relief should be recognized and the Customs administration should be adequately integrated as part of the preparedness and response mechanisms.

A list of essential goods, equipment and services can serve multiple purposes. A list of essential goods can:

- Provide clarity to the assisting international actors as to the needs of the disaster affected country. Thus it can contribute to avoiding the so called unsolicited bilateral donations that often cause issues such as blocking of much needed storage space, storage costs and disruption to the humanitarian supply chain.
- Serve as a tool to prioritize the Customs clearance of the items on the list and accord to them facilitative treatment, such as clearance outside the designated hours of business or away from Customs offices. The prioritization can be done based on the HS codes of the goods, based on Customs Procedure Codes or based on approved organizations importing the goods. After setting up the list by the government, it is recommendable that the Customs administration supplements the list with information on the Customs tariff codes of the goods on the list.
- Serve as a basis for decisions to waive import duties and taxes and economic import prohibitions or restrictions with respect to the goods on the list.
- Serve any combination of the above purposes.

Making the list of essential goods, equipment and services publicly available is of paramount importance and of benefit to all supply chain actors.

The objective of this document is not to provide a definition of essential goods, but to highlight certain provisions of the existing WCO instruments and tools, other reference material and Members' practices.

II. RKC definition of relief consignments

The International Convention on the Simplification and Harmonization of Customs Procedures, as amended (Revised Kyoto Convention - RKC), the WCO flagship instrument when it comes to setting standards for simple, yet efficient Customs procedures, regulates relief consignments in a dedicated chapter – Chapter 5 to Specific Annex J. This Chapter complements core provisions and definitions included in the RKC General Annex with general application to all Customs procedures and practices.

It provides a definition of the term “relief consignment” as follows:

“**relief consignments**” means :

- goods, including vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster; and
- all equipment, vehicles and other means of transport, specially trained animals, provisions, supplies, personal effects and other goods for disaster relief personnel in order to perform their duties and to support them in living and working in the territory of the disaster throughout the duration of their mission.

Chapter 5 to Specific Annex J to the RKC further outlines trade facilitation measures with regard to the export, transit, temporary admission and import of relief consignments, such as priority treatment, facilitative requirements to the Goods declaration, a provision for examination and/or sampling of goods only in exceptional circumstances, provisions for duty waivers, among others.

III. Relevant provisions of the IFRC Model Act on Disaster Relief

In 2013, the International Federation of Red Cross and Red Crescent Societies (IFRC), in cooperation with the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA) and the Inter-Parliamentary Union (IPU) launched the “Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance”, widely known as the Model Act on Disaster Relief. The WCO contributed to the drafting the Model Act on Disaster Relief and the relevant WCO instruments, tools and initiatives have been taken due account of in the Model Act.

The Model Act on Disaster Relief is intended as a reference tool for voluntary use by disaster management officials and/or legislators who wish to develop domestic legislation, regulation, and/or procedures in their countries for managing potential future international disaster assistance. The Model Act is aimed to help states to be prepared for the most common legal and regulatory issues that arise in major international disaster operations. These issues relate to the entry and operation of assisting international actors, and also to the coordination of assistance, especially in the relief and initial recovery period.

As per the Model Act “International Disaster Assistance” means Disaster Relief and Initial Recovery Assistance that is provided by Assisting International Actors, or imported or otherwise brought to the affected country from abroad by or on behalf of Assisting Domestic Actors.

The Model Act, in its Chapter II *Initiation and Termination of International Disaster Assistance*, contains an article on *Assessment of the Need for International Disaster Assistance*

As per that article, “immediately after the onset of a major Disaster, and after consultation with relevant provincial/district/state and local authorities, the relevant disaster management authority shall make a determination, based on initial estimates of needs and damage, as to whether domestic capacities are likely to be sufficient to attend to the needs for Disaster Relief and Initial Recovery Assistance. This determination may also be made, at the discretion of the relevant disaster management authority, prior to the onset of an imminent major Disaster.

In the event of a determination that domestic response capacities are not likely to be sufficient due to the scale of the Disaster, the relevant disaster management authority shall advise the President/Prime Minister and recommend that an immediate request be made for International Disaster Assistance.

If such a recommendation is made, the relevant disaster management authority shall, after consultation with relevant provincial/district/ state and local authorities, develop a preliminary list of Goods, Equipment and Services required. The relevant disaster management authority shall make this list available to potential Assisting International Actors immediately upon the commencement of an International Disaster Relief Period. The list shall be updated as needed to reflect new information and changing circumstances.

A determination that domestic capacities are likely to be sufficient and that International Disaster Assistance is therefore unnecessary may be reviewed and rescinded by the relevant disaster management authority at any time, in light of updated information.”

In this context, it should be noted that the list of required goods, equipment and services would depend on the type of the disaster, certain characteristics of the affected country (such as climate, local culture and religion, structure of the economy, etc.) and the domestic response capacities.

IV. Global factors affecting assessment of supply chain inputs

While many countries have robust plans on what is needed in the event of a national or regional disaster, a global disruption such as the COVID-19 pandemic can add additional factors for consideration and may take the list of essential supplies beyond the normally expected relief consignments.

Given that most or all countries will be impacted, and the length of time it will take for the full recovery of production and transport capacity is unknown, the impacts on global supply chains may require increased or new reliance on local manufacture. Where essential or critical goods are produced in the country, then any imported inputs into the manufacturing of these goods *may* also need to be considered as essential goods. Factors which might be considered as impacting on whether there is a need for extra facilitation for inputs include: whether there are substitutes for the input available locally, what period of production can be satisfied by the existing in-country stock levels, the degree to which the reliability and timeliness of supply of these inputs has been affected and the degree to which the finished good is critical or essential during the pandemic period. If such considerations widen the scope of what are deemed as essential goods, then Customs administrations may have to adapt their expected measures to identify and facilitate goods not normally given priority in emergency situations.

V. Other reference material

On 30 April 2020, the WCO published an updated version of the 2nd edition of a tool titled “[HS classification reference for COVID-19 medical supplies](#)”. The HS is governed by the International Convention on the Harmonized Commodity Description and Coding System – another flagship instrument of the WCO that sets the universal “language” for classifying goods in international trade. The list of HS-coded medical supplies contains essential products that may be used in the prevention and treatment of COVID-19, such as COVID-19 diagnostic test kits, personal protective equipment, medical devices such as ventilators and ECMO (extracorporeal membrane oxygenation), consumables, disinfectant products, etc. The list was developed in order to help countries speed up the cross-border movement of these critical products. This list only contains a selection of products and their indicative classifications. For a more comprehensive list of essential medical goods, the WHO’s “[Disease commodity package - Novel Coronavirus \(COVID-19\)](#)” and their “[Coronavirus disease \(COVID-19\) technical guidance: Essential resource planning](#)” should be consulted.

On 30 April 2020, the WCO published also a [WHO/WCO List of Priority Medicines](#). The list contains the suggested HS codes for medicines used i) in the general medical care administered to hospitalized patients; ii) as part of the direct treatment of the COVID-19 disease; and iii) for which interrupted supply could result in serious health consequences. The list is aimed at assisting Customs and economic operators in classifying these medicines.

Other international organizations, such as IFRC and the United Nations Children’s Fund (UNICEF) have lists of items required in humanitarian response.

Below are links to some of those lists/catalogues.

IFRC - <https://www.ifrc.org/en/what-we-do/logistics/procurement/catalogue/>

UNICEF - <https://supply.unicef.org/>

VI. Members’ practices

In their response to the COVID-19 pandemic, a number of Members have provided for import duty exemptions ([Antigua and Barbuda](#), [Brazil](#), [Niger](#)) and other facilitative measures ([Brazil](#), [Cameroon](#)) based on the WCO HS Classification reference for medical supplies.

As per the information shared by Members, lists of essential goods may include:

	medicines	medical supplies	medical equipment	food	materials used in power generation and/or fuel	water and/or water purifying items	relief goods
Bahrain	Y		Y	Y	Y	Y	
Canada	Y			Y	Y		
China	Y	Y					
Dominican Republic		Y	Y				
European Union		Y	Y	Y			
Japan		Y	Y		Y	Y	
Moldova		Y	Y	Y			Y
Panama		Y					
Qatar		Y		Y			
Saudi Arabia	Y			Y			Y

Some Members ([Korea](#), [Indonesia](#)) have put special focus on facilitating the movement of inbound and outbound raw materials for local manufacturers. [Thailand](#) has introduced import duty exemption for surgical masks, dust masks, but also for the raw materials used in the production of masks.

It is recommendable to include in the list of essential goods, equipment and services, items of professional equipment that are imported to allow humanitarian organizations to perform their duties throughout the duration of the response to the disaster, such as ambulances, vehicles, mobile phones, etc.

As per one of the documents submitted by the Canada Border Services Agency, “the intention of the usage of the word ‘essential’ is simply to distinguish leisure from professional activities.”

As per the European Commission *Guidelines for border management measures to protect health and ensure the availability of goods and essential services* issued on 16 March 2020, “Member States should preserve the free circulation of all goods. In particular, they should guarantee the supply chain of essential products such as medicines, medical equipment, essential and perishable food products and livestock. No restriction should be imposed on the circulation of goods in the Single Market, especially (but not limited to) essential, health-related and perishable goods, notably foodstuffs, unless duly justified. Member States should designate priority lanes for freight transport (e.g. via ‘green lanes’) and consider waiving existing weekend bans.” In addition, on 3 April 2020, the European Commission adopted a decision on relief from import duties and VAT exemption on importation granted for goods needed to combat the effects of the COVID-19 - protective equipment, testing kits or medical devices such as ventilators.

On 15 April 2020 New Zealand and Singapore launched a new trade initiative to ensure supply chain connectivity and the removal of blockages to trade in a list of essential products. The [Declaration](#) setting out the initiative includes a list of COVID-19 related products for which New Zealand and Singapore undertake to remove tariffs, not to impose export restrictions and to remove non-tariff barriers. It also includes an undertaking to keep supply chains operating effectively for these products. The list of goods includes PPE, medicines and foodstuffs.