

# Doha Declarations



WORLD TRADE  
ORGANIZATION



## THE WTO

The World Trade Organization (WTO) is a multilateral institution dedicated to helping build prosperity for all peoples of the globe by bolstering a free and fair trading environment.

The multilateral trading system was created in 1948 as the General Agreement on Tariffs and Trade (GATT). In 1995, the GATT became the WTO.

With the accession of China and nine other members from 1999-2001, the WTO has added another 1.5 billion people to its membership and now covers 97% of the world's population.

End of June 2003, the WTO had 146 members.

*"We are firmly of the belief that the existence of the GATT, and now the World Trade Organization, as a rules-based system, provides the foundation on which our deliberations can build in order to improve... As we enter the new millennium, let us forge a partnership for development through trade and investment."*

**Nelson Mandela**, Nobel Laureate, at the 50th Anniversary of the GATT/WTO multilateral trading system, Geneva, May 1998

## **Doha Declarations**

The WTO's Fourth Ministerial Conference was held in Doha Qatar on 9-13 November 2001. The Declarations adopted by WTO Members at the Conference constitute a work programme of trade negotiations to be concluded no later than 1 January 2005. The only exceptions are the negotiation on improving and clarifying the Dispute Settlement Understanding, which is to conclude by the end of May 2003 and the negotiations on a registration system for geographical indications, to conclude by the Fifth Ministerial Conference in 2003.

This booklet contains the full texts of the Declarations and Decisions adopted by WTO Members at the Doha Ministerial. Also included are relevant documents of the WTO General Council dealing with implementation of the Doha Development Agenda.

*FOR FURTHER INFORMATION:*

Current news on implementation of the work plan agreed in these texts is available from the WTO Internet site at:

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MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



MINISTERIAL DECLARATION

Adopted on 14 November 2001

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WORK PROGRAMME

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ORGANIZATION AND MANAGEMENT OF THE WORK PROGRAMME

## MINISTERIAL DECLARATION

Adopted on 14 November 2001

1. The multilateral trading system embodied in the World Trade Organization has contributed significantly to economic growth, development and employment throughout the past fifty years. We are determined, particularly in the light of the global economic slowdown, to maintain the process of reform and liberalization of trade policies, thus ensuring that the system plays its full part in promoting recovery, growth and development. We therefore strongly reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization, and pledge to reject the use of protectionism.

2. International trade can play a major role in the promotion of economic development and the alleviation of poverty. We recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates. The majority of WTO Members are developing countries. We seek to place their needs and interests at the heart of the Work Programme adopted in this Declaration. Recalling the Preamble to the Marrakesh Agreement, we shall continue to make positive efforts designed to ensure that developing countries, and especially the least-developed among them, secure a share in the growth of world trade commensurate with the needs of their economic development. In this context, enhanced market access, balanced rules, and well targeted, sustainably financed technical assistance and capacity-building programmes have important roles to play.

3. We recognize the particular vulnerability of the least-developed countries and the special structural difficulties they face in the global economy. We are committed to

addressing the marginalization of least-developed countries in international trade and to improving their effective participation in the multilateral trading system. We recall the commitments made by Ministers at our meetings in Marrakesh, Singapore and Geneva, and by the international community at the Third UN Conference on Least-Developed Countries in Brussels, to help least-developed countries secure beneficial and meaningful integration into the multilateral trading system and the global economy. We are determined that the WTO will play its part in building effectively on these commitments under the Work Programme we are establishing.

4. We stress our commitment to the WTO as the unique forum for global trade rule-making and liberalization, while also recognizing that regional trade agreements can play an important role in promoting the liberalization and expansion of trade and in fostering development.

5. We are aware that the challenges Members face in a rapidly changing international environment cannot be addressed through measures taken in the trade field alone. We shall continue to work with the Bretton Woods institutions for greater coherence in global economic policy-making.

6. We strongly reaffirm our commitment to the objective of sustainable development, as stated in the Preamble to the Marrakesh Agreement. We are convinced that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system, and acting for the protection of the environment and the promotion of sustainable development can and must be mutually supportive. We take note of the efforts by Members to conduct national environmental assessments of trade policies on a voluntary basis. We recognize that under WTO rules no country should be prevented from taking measures for the protection of human, animal or plant life or health, or of the environment at the levels it considers appropriate, subject to the requirement that

they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, and are otherwise in accordance with the provisions of the WTO Agreements. We welcome the WTO's continued cooperation with UNEP and other inter-governmental environmental organizations. We encourage efforts to promote cooperation between the WTO and relevant international environmental and developmental organizations, especially in the lead-up to the World Summit on Sustainable Development to be held in Johannesburg, South Africa, in September 2002.

7. We reaffirm the right of Members under the General Agreement on Trade in Services to regulate, and to introduce new regulations on, the supply of services.

8. We reaffirm our declaration made at the Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the International Labour Organization (ILO) on the social dimension of globalization.

9. We note with particular satisfaction that this Conference has completed the WTO accession procedures for China and Chinese Taipei. We also welcome the accession as new Members, since our last Session, of Albania, Croatia, Georgia, Jordan, Lithuania, Moldova and Oman, and note the extensive market-access commitments already made by these countries on accession. These accessions will greatly strengthen the multi-lateral trading system, as will those of the 28 countries now negotiating their accession. We therefore attach great importance to concluding accession proceedings as quickly as possible. In particular, we are committed to accelerating the accession of least-developed countries.

10. Recognizing the challenges posed by an expanding WTO membership, we confirm our collective responsibility to ensure internal transparency and the effective participation of all Members. While emphasizing the intergovernmental character of the organization, we are committed to making the WTO's operations more transparent, including through more effective and prompt dissemination of information, and to improve dialogue with the public. We shall therefore at the national and multilateral levels continue to promote a better public understanding of the WTO and to communicate the benefits of a liberal, rules-based multilateral trading system.

11. In view of these considerations, we hereby agree to undertake the broad and balanced Work Programme set out below. This incorporates both an expanded negotiating agenda and other important decisions and activities necessary to address the challenges facing the multilateral trading system.

## **WORK PROGRAMME**

### **IMPLEMENTATION-RELATED ISSUES AND CONCERNS**

12. We attach the utmost importance to the implementation-related issues and concerns raised by Members and are determined to find appropriate solutions to them. In this connection, and having regard to the General Council Decisions of 3 May and 15 December 2000, we further adopt the Decision on Implementation-Related Issues and Concerns in document WT/MIN(01)/17 to address a number of implementation problems faced by Members. We agree that negotiations on outstanding implementation issues shall be an integral part of the Work Programme we are establishing, and that agreements reached at an early stage in these negotiations shall be treated in accordance with the provisions of paragraph 47 below. In this regard, we shall proceed

as follows: (a) where we provide a specific negotiating mandate in this Declaration, the relevant implementation issues shall be addressed under that mandate; (b) the other outstanding implementation issues shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee, established under paragraph 46 below, by the end of 2002 for appropriate action.

## AGRICULTURE

13. We recognize the work already undertaken in the negotiations initiated in early 2000 under Article 20 of the Agreement on Agriculture, including the large number of negotiating proposals submitted on behalf of a total of 121 Members. We recall the long-term objective referred to in the Agreement to establish a fair and market-oriented trading system through a programme of fundamental reform encompassing strengthened rules and specific commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets. We reconfirm our commitment to this programme. Building on the work carried out to date and without prejudging the outcome of the negotiations we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the Schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development. We take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture.

14. Modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than 31 March 2003. Participants shall submit their comprehensive draft Schedules based on these modalities no later than the date of the Fifth Session of the Ministerial Conference. The negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.

## SERVICES

15. The negotiations on trade in services shall be conducted with a view to promoting the economic growth of all trading partners and the development of developing and least-developed countries. We recognize the work already undertaken in the negotiations, initiated in January 2000 under Article XIX of the General Agreement on Trade in Services, and the large number of proposals submitted by Members on a wide range of sectors and several horizontal issues, as well as on movement of natural persons. We reaffirm the Guidelines and Procedures for the Negotiations adopted by the Council for Trade in Services on 28 March 2001 as the basis for continuing the negotiations, with a view to achieving the objectives of the General Agreement on Trade in Services, as stipulated in the Preamble, Article IV and Article XIX of that Agreement. Participants shall submit initial requests for specific commitments by 30 June 2002 and initial offers by 31 March 2003.

## MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

16. We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in

particular on products of export interest to developing countries. Product coverage shall be comprehensive and without a priori exclusions. The negotiations shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments, in accordance with the relevant provisions of Article XXVIII bis of GATT 1994 and the provisions cited in paragraph 50 below. To this end, the modalities to be agreed will include appropriate studies and capacity-building measures to assist least-developed countries to participate effectively in the negotiations.

## TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

17. We stress the importance we attach to implementation and interpretation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in a manner supportive of public health, by promoting both access to existing medicines and research and development into new medicines and, in this connection, are adopting a separate Declaration.

18. With a view to completing the work started in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) on the implementation of Article 23.4, we agree to negotiate the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits by the Fifth Session of the Ministerial Conference. We note that issues related to the extension of the protection of geographical indications provided for in Article 23 to products other than wines and spirits will be addressed in the Council for TRIPS pursuant to paragraph 12 of this Declaration.

19. We instruct the Council for TRIPS, in pursuing its work programme including under the review of Article 27.3(b), the review of the implementation of the TRIPS Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this Declaration, to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by Members pursuant to Article 71.1. In undertaking this work, the TRIPS Council shall be guided by the objectives and principles set out in Articles 7 and 8 of the TRIPS Agreement and shall take fully into account the development dimension.

#### RELATIONSHIP BETWEEN TRADE AND INVESTMENT

20. Recognizing the case for a multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment, that will contribute to the expansion of trade, and the need for enhanced technical assistance and capacity-building in this area as referred to in paragraph 21, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.

21. We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organizations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

22. In the period until the Fifth Session, further work in the Working Group on the Relationship Between Trade and Investment will focus on the clarification of: scope and definition; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type, positive list approach; development provisions; exceptions and balance-of-payments safeguards; consultation and the settlement of disputes between Members. Any framework should reflect in a balanced manner the interests of home and host countries, and take due account of the development policies and objectives of host governments as well as their right to regulate in the public interest. The special development, trade and financial needs of developing and least-developed countries should be taken into account as an integral part of any framework, which should enable Members to undertake obligations and commitments commensurate with their individual needs and circumstances. Due regard should be paid to other relevant WTO provisions. Account should be taken, as appropriate, of existing bilateral and regional arrangements on investment.

## INTERACTION BETWEEN TRADE AND COMPETITION POLICY

23. Recognizing the case for a multilateral framework to enhance the contribution of competition policy to international trade and development, and the need for enhanced technical assistance and capacity-building in this area as referred to in paragraph 24, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.

24. We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of

closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organizations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

25. In the period until the Fifth Session, further work in the Working Group on the Interaction between Trade and Competition Policy will focus on the clarification of: core principles, including transparency, non-discrimination and procedural fairness, and provisions on hardcore cartels; modalities for voluntary cooperation; and support for progressive reinforcement of competition institutions in developing countries through capacity building. Full account shall be taken of the needs of developing and least-developed country participants and appropriate flexibility provided to address them.

#### TRANSPARENCY IN GOVERNMENT PROCUREMENT

26. Recognizing the case for a multilateral agreement on transparency in government procurement and the need for enhanced technical assistance and capacity building in this area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations. These negotiations will build on the progress made in the Working Group on Transparency in Government Procurement by that time and take into account participants' development priorities, especially those of least-developed country participants. Negotiations shall be limited to the transparency aspects and therefore will not restrict the scope for countries to give preferences to domestic supplies and suppliers. We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.

## TRADE FACILITATION

27. Recognizing the case for further expediting the movement, release and clearance of goods, including goods in transit, and the need for enhanced technical assistance and capacity building in this area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations. In the period until the Fifth Session, the Council for Trade in Goods shall review and as appropriate, clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 and identify the trade facilitation needs and priorities of Members, in particular developing and least-developed countries. We commit ourselves to ensuring adequate technical assistance and support for capacity building in this area.

## WTO RULES

28. In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives, and taking into account the needs of developing and least-developed participants. In the initial phase of the negotiations, participants will indicate the provisions, including disciplines on trade distorting practices, that they seek to clarify and improve in the subsequent phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries. We note that fisheries subsidies are also referred to in paragraph 31.

29. We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. The negotiations shall take into account the developmental aspects of regional trade agreements.

## DISPUTE SETTLEMENT UNDERSTANDING

30. We agree to negotiations on improvements and clarifications of the Dispute Settlement Understanding. The negotiations should be based on the work done thus far as well as any additional proposals by Members, and aim to agree on improvements and clarifications not later than May 2003, at which time we will take steps to ensure that the results enter into force as soon as possible thereafter.

## TRADE AND ENVIRONMENT

31. With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations, without prejudging their outcome, on:

- (i) the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question;
- (ii) procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status;
- (iii) the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.

32. We instruct the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:

- (i) the effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development;
- (ii) the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights; and
- (iii) labelling requirements for environmental purposes.

Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of Members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and least-developed countries.

33. We recognize the importance of technical assistance and capacity building in the field of trade and environment to developing countries, in particular

the least-developed among them. We also encourage that expertise and experience be shared with Members wishing to perform environmental reviews at the national level. A report shall be prepared on these activities for the Fifth Session.

## ELECTRONIC COMMERCE

34. We take note of the work which has been done in the General Council and other relevant bodies since the Ministerial Declaration of 20 May 1998 and agree to continue the Work Programme on Electronic Commerce. The work to date demonstrates that electronic commerce creates new challenges and opportunities for trade for Members at all stages of development, and we recognize the importance of creating and maintaining an environment which is favourable to the future development of electronic commerce. We instruct the General Council to consider the most appropriate institutional arrangements for handling the Work Programme, and to report on further progress to the Fifth Session of the Ministerial Conference. We declare that Members will maintain their current practice of not imposing customs duties on electronic transmissions until the Fifth Session.

## SMALL ECONOMIES

35. We agree to a work programme, under the auspices of the General Council, to examine issues relating to the trade of small economies. The objective of this work is to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system, and not to create a sub-category of WTO Members. The General Council shall review the work programme and make recommendations for action to the Fifth Session of the Ministerial Conference.

## TRADE, DEBT AND FINANCE

36. We agree to an examination, in a Working Group under the auspices of the General Council, of the relationship between trade, debt and finance, and of any possible recommendations on steps that might be taken within the mandate and competence of the WTO to enhance the capacity of the multilateral trading system to contribute to a durable solution to the problem of external indebtedness of developing and least-developed countries, and to strengthen the coherence of international trade and financial policies, with a view to safeguarding the multilateral trading system from the effects of financial and monetary instability. The General Council shall report to the Fifth Session of the Ministerial Conference on progress in the examination.

## TRADE AND TRANSFER OF TECHNOLOGY

37. We agree to an examination, in a Working Group under the auspices of the General Council, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries. The General Council shall report to the Fifth Session of the Ministerial Conference on progress in the examination.

## TECHNICAL COOPERATION AND CAPACITY BUILDING

38. We confirm that technical cooperation and capacity building are core elements of the development dimension of the multilateral trading system, and we welcome and endorse the New Strategy for WTO Technical Cooperation for Capacity Building, Growth and Integration. We instruct the Secretariat, in coordination with other relevant agencies, to support domestic efforts for mainstreaming trade into national plans for economic development and strategies for poverty reduction. The delivery of WTO

technical assistance shall be designed to assist developing and least-developed countries and low-income countries in transition to adjust to WTO rules and disciplines, implement obligations and exercise the rights of membership, including drawing on the benefits of an open, rules-based multilateral trading system. Priority shall also be accorded to small, vulnerable, and transition economies, as well as to Members and Observers without representation in Geneva. We reaffirm our support for the valuable work of the International Trade Centre, which should be enhanced.

39. We underscore the urgent necessity for the effective coordinated delivery of technical assistance with bilateral donors, in the OECD Development Assistance Committee and relevant international and regional intergovernmental institutions, within a coherent policy framework and timetable. In the coordinated delivery of technical assistance, we instruct the Director-General to consult with the relevant agencies, bilateral donors and beneficiaries, to identify ways of enhancing and rationalizing the Integrated Framework for Trade-Related Technical Assistance to Least-Developed Countries and the Joint Integrated Technical Assistance Programme (JITAP).

40. We agree that there is a need for technical assistance to benefit from secure and predictable funding. We therefore instruct the Committee on Budget, Finance and Administration to develop a plan for adoption by the General Council in December 2001 that will ensure long-term funding for WTO technical assistance at an overall level no lower than that of the current year and commensurate with the activities outlined above.

41. We have established firm commitments on technical cooperation and capacity building in various paragraphs in this Ministerial Declaration. We reaffirm these specific commitments contained in paragraphs 16, 21, 24, 26, 27, 33, 38-40, 42 and 43, and also reaffirm the understanding in paragraph 2 on the important role of sustainably financed

technical assistance and capacity-building programmes. We instruct the Director-General to report to the Fifth Session of the Ministerial Conference, with an interim report to the General Council in December 2002 on the implementation and adequacy of these commitments in the identified paragraphs.

## LEAST-DEVELOPED COUNTRIES

42. We acknowledge the seriousness of the concerns expressed by the least-developed countries (LDCs) in the Zanzibar Declaration adopted by their Ministers in July 2001. We recognize that the integration of the LDCs into the multilateral trading system requires meaningful market access, support for the diversification of their production and export base, and trade-related technical assistance and capacity building. We agree that the meaningful integration of LDCs into the trading system and the global economy will involve efforts by all WTO Members. We commit ourselves to the objective of duty-free, quota-free market access for products originating from LDCs. In this regard, we welcome the significant market access improvements by WTO Members in advance of the Third UN Conference on LDCs (LDC-III), in Brussels, May 2001. We further commit ourselves to consider additional measures for progressive improvements in market access for LDCs. Accession of LDCs remains a priority for the Membership. We agree to work to facilitate and accelerate negotiations with acceding LDCs. We instruct the Secretariat to reflect the priority we attach to LDCs' accessions in the annual plans for technical assistance. We reaffirm the commitments we undertook at LDC-III, and agree that the WTO should take into account, in designing its work programme for LDCs, the trade-related elements of the Brussels Declaration and Programme of Action, consistent with the WTO's mandate, adopted at LDC-III. We instruct the Sub-Committee for Least-Developed Countries to design such a work programme and to report on the agreed work programme to the General Council at its first meeting in 2002.

43. We endorse the Integrated Framework for Trade-Related Technical Assistance to Least-Developed Countries (IF) as a viable model for LDCs' trade development. We urge development partners to significantly increase contributions to the IF Trust Fund and WTO extra-budgetary trust funds in favour of LDCs. We urge the core agencies, in coordination with development partners, to explore the enhancement of the IF with a view to addressing the supply-side constraints of LDCs and the extension of the model to all LDCs, following the review of the IF and the appraisal of the ongoing Pilot Scheme in selected LDCs. We request the Director-General, following coordination with heads of the other agencies, to provide an interim report to the General Council in December 2002 and a full report to the Fifth Session of the Ministerial Conference on all issues affecting LDCs.

#### SPECIAL AND DIFFERENTIAL TREATMENT

44. We reaffirm that provisions for special and differential treatment are an integral part of the WTO Agreements. We note the concerns expressed regarding their operation in addressing specific constraints faced by developing countries, particularly least-developed countries. In that connection, we also note that some Members have proposed a Framework Agreement on Special and Differential Treatment (WT/GC/W/442). We therefore agree that all special and differential treatment provisions shall be reviewed with a view to strengthening them and making them more precise, effective and operational. In this connection, we endorse the work programme on special and differential treatment set out in the Decision on Implementation-Related Issues and Concerns.

## **ORGANIZATION AND MANAGEMENT OF THE WORK PROGRAMME**

45. The negotiations to be pursued under the terms of this Declaration shall be concluded not later than 1 January 2005. The Fifth Session of the Ministerial Conference will take stock of progress in the negotiations, provide any necessary political guidance, and take decisions as necessary. When the results of the negotiations in all areas have been established, a Special Session of the Ministerial Conference will be held to take decisions regarding the adoption and implementation of those results.

46. The overall conduct of the negotiations shall be supervised by a Trade Negotiations Committee under the authority of the General Council. The Trade Negotiations Committee shall hold its first meeting not later than 31 January 2002. It shall establish appropriate negotiating mechanisms as required and supervise the progress of the negotiations.

47. With the exception of the improvements and clarifications of the Dispute Settlement Understanding, the conduct, conclusion and entry into force of the outcome of the negotiations shall be treated as parts of a single undertaking. However, agreements reached at an early stage may be implemented on a provisional or a definitive basis. Early agreements shall be taken into account in assessing the overall balance of the negotiations.

48. Negotiations shall be open to:

- (i) all Members of the WTO; and
- (ii) States and separate customs territories currently in the process of accession and those that inform Members, at a regular meeting of the General Council, of their

intention to negotiate the terms of their membership and for whom an accession working party is established.

Decisions on the outcomes of the negotiations shall be taken only by WTO Members.

49. The negotiations shall be conducted in a transparent manner among participants, in order to facilitate the effective participation of all. They shall be conducted with a view to ensuring benefits to all participants and to achieving an overall balance in the outcome of the negotiations.

50. The negotiations and the other aspects of the Work Programme shall take fully into account the principle of special and differential treatment for developing and least-developed countries embodied in: Part IV of the GATT 1994; the Decision of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries; the Uruguay Round Decision on Measures in Favour of Least-Developed Countries; and all other relevant WTO provisions.

51. The Committee on Trade and Development and the Committee on Trade and Environment shall, within their respective mandates, each act as a forum to identify and debate developmental and environmental aspects of the negotiations, in order to help achieve the objective of having sustainable development appropriately reflected.

52. Those elements of the Work Programme which do not involve negotiations are also accorded a high priority. They shall be pursued under the overall supervision of the General Council, which shall report on progress to the Fifth Session of the Ministerial Conference.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



## DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH

Adopted on 14 November 2001

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## **DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH**

Adopted on 14 November 2001

1. We recognize the gravity of the public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.
2. We stress the need for the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to be part of the wider national and international action to address these problems.
3. We recognize that intellectual property protection is important for the development of new medicines. We also recognize the concerns about its effects on prices.
4. We agree that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose.

5. Accordingly and in the light of paragraph 4 above, while maintaining our commitments in the TRIPS Agreement, we recognize that these flexibilities include:

(a) In applying the customary rules of interpretation of public international law, each provision of the TRIPS Agreement shall be read in the light of the object and purpose of the Agreement as expressed, in particular, in its objectives and principles.

(b) Each Member has the right to grant compulsory licences and the freedom to determine the grounds upon which such licences are granted.

(c) Each Member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.

(d) The effect of the provisions in the TRIPS Agreement that are relevant to the exhaustion of intellectual property rights is to leave each Member free to establish its own regime for such exhaustion without challenge, subject to the MFN and national treatment provisions of Articles 3 and 4.

6. We recognize that WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. We instruct the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002.

7. We reaffirm the commitment of developed-country Members to provide incentives to their enterprises and institutions to promote and encourage technology



*Declaration on the TRIPS Agreement  
and public health*

transfer to least-developed country Members pursuant to Article 66.2. We also agree that the least-developed country Members will not be obliged, with respect to pharmaceutical products, to implement or apply Sections 5 and 7 of Part II of the TRIPS Agreement or to enforce rights provided for under these Sections until 1 January 2016, without prejudice to the right of least-developed country Members to seek other extensions of the transition periods as provided for in Article 66.1 of the TRIPS Agreement. We instruct the Council for TRIPS to take the necessary action to give effect to this pursuant to Article 66.1 of the TRIPS Agreement.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



DECISION ON IMPLEMENTATION-RELATED ISSUES AND CONCERNS

Adopted on 14 November 2001

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GENERAL AGREEMENT ON TARIFFS AND TRADE 1994 (GATT 1994)

AGREEMENT ON AGRICULTURE

AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

AGREEMENT ON TEXTILES AND CLOTHING

AGREEMENT ON TECHNICAL BARRIERS TO TRADE

AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES

AGREEMENT ON THE IMPLEMENTATION OF ARTICLE VI

OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

AGREEMENT ON THE IMPLEMENTATION OF ARTICLE VII

OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

AGREEMENT ON RULES OF ORIGIN

AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES

AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)

CROSS-CUTTING ISSUES

OUTSTANDING IMPLEMENTATION ISSUES

FINAL PROVISIONS

## IMPLEMENTATION-RELATED ISSUES AND CONCERNS

Decision of 14 November 2001

The Ministerial Conference,

*Having regard* to Articles IV.1, IV.5 and IX of the Marrakesh Agreement Establishing the World Trade Organization (WTO);

*Mindful* of the importance that Members attach to the increased participation of developing countries in the multilateral trading system, and of the need to ensure that the system responds fully to the needs and interests of all participants;

*Determined* to take concrete action to address issues and concerns that have been raised by many developing-country Members regarding the implementation of some WTO Agreements and Decisions, including the difficulties and resource constraints that have been encountered in the implementation of obligations in various areas;

*Recalling* the 3 May 2000 Decision of the General Council to meet in special sessions to address outstanding implementation issues, and to assess the existing difficulties, identify ways needed to resolve them, and take decisions for appropriate action not later than the Fourth Session of the Ministerial Conference;

*Noting* the actions taken by the General Council in pursuance of this mandate at its Special Sessions in October and December 2000 (WT/L/384), as well as the review and further discussion undertaken at the Special Sessions held in April, July and October 2001, including the referral of additional issues to relevant WTO bodies or their chairpersons for further work;

*Noting also* the reports on the issues referred to the General Council from subsidiary bodies and their chairpersons and from the Director-General, and the discussions as well as the clarifications provided and understandings reached on implementation issues in the intensive informal and formal meetings held under this process since May 2000;

*Decides* as follows:

## 1. GENERAL AGREEMENT ON TARIFFS AND TRADE 1994 (GATT 1994)

1.1 Reaffirms that Article XVIII of the GATT 1994 is a special and differential treatment provision for developing countries and that recourse to it should be less onerous than to Article XII of the GATT 1994.

1.2 Noting the issues raised in the report of the Chairperson of the Committee on Market Access (WT/GC/50) concerning the meaning to be given to the phrase "substantial interest" in paragraph 2(d) of Article XIII of the GATT 1994, the Market Access Committee is directed to give further consideration to the issue and make recommendations to the General Council as expeditiously as possible but in any event not later than the end of 2002.

## 2. AGREEMENT ON AGRICULTURE

2.1 Urges Members to exercise restraint in challenging measures notified under the green box by developing countries to promote rural development and adequately address food security concerns.

2.2 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the implementation of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries, and approves the recommendations contained therein regarding (i) food aid; (ii) technical and financial assistance in the context of aid programmes to improve agricultural productivity and infrastructure; (iii) financing normal levels of commercial imports of basic foodstuffs; and (iv) review of follow-up.

2.3 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the implementation of Article 10.2 of the Agreement on Agriculture, and approves the recommendations and reporting requirements contained therein.

2.4 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the administration of tariff rate quotas and the submission by Members of addenda to their notifications, and endorses the decision by the Committee to keep this matter under review.

### **3. AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

3.1 Where the appropriate level of sanitary and phytosanitary protection allows scope for the phased introduction of new sanitary and phytosanitary measures, the phrase "longer time-frame for compliance" referred to in Article 10.2 of the Agreement on the Application of Sanitary and Phytosanitary Measures, shall be understood to mean normally a period of not less than 6 months. Where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, but specific problems are identified by a Member, the Member applying the

measure shall upon request enter into consultations with the country with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.

3.2 Subject to the conditions specified in paragraph 2 of Annex B to the Agreement on the Application of Sanitary and Phytosanitary Measures, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months. It is understood that timeframes for specific measures have to be considered in the context of the particular circumstances of the measure and actions necessary to implement it. The entry into force of measures which contribute to the liberalization of trade should not be unnecessarily delayed.

3.3 Takes note of the Decision of the Committee on Sanitary and Phytosanitary Measures (G/SPS/19) regarding equivalence, and instructs the Committee to develop expeditiously the specific programme to further the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures.

3.4 Pursuant to the provisions of Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee on Sanitary and Phytosanitary Measures is instructed to review the operation and implementation of the Agreement on Sanitary and Phytosanitary Measures at least once every four years.

3.5 (i) Takes note of the actions taken to date by the Director-General to facilitate the increased participation of Members at different levels of development in the work of the relevant international standard setting organizations as well as his efforts to coordinate with these organizations and financial institutions in identifying SPS-related technical assistance needs and how best to address them; and

(ii) urges the Director-General to continue his cooperative efforts with these organizations and institutions in this regard, including with a view to according priority to the effective participation of least-developed countries and facilitating the provision of technical and financial assistance for this purpose.

3.6 (i) Urges Members to provide, to the extent possible, the financial and technical assistance necessary to enable least-developed countries to respond adequately to the introduction of any new SPS measures which may have significant negative effects on their trade; and

(ii) urges Members to ensure that technical assistance is provided to least-developed countries with a view to responding to the special problems faced by them in implementing the Agreement on the Application of Sanitary and Phytosanitary Measures.

#### 4. AGREEMENT ON TEXTILES AND CLOTHING

Reaffirms the commitment to full and faithful implementation of the Agreement on Textiles and Clothing, and agrees:

4.1 that the provisions of the Agreement relating to the early integration of products and the elimination of quota restrictions should be effectively utilized.

4.2 that Members will exercise particular consideration before initiating investigations in the context of antidumping remedies on textile and clothing exports from developing countries previously subject to quantitative restrictions under the Agreement for a period of two years following full integration of this Agreement into the WTO.

4.3 that without prejudice to their rights and obligations, Members shall notify any changes in their rules of origin concerning products falling under the coverage of the Agreement to the Committee on Rules of Origin which may decide to examine them.

*Requests the Council for Trade in Goods to examine the following proposals:*

4.4 that when calculating the quota levels for small suppliers for the remaining years of the Agreement, Members will apply the most favourable methodology available in respect of those Members under the growth-on-growth provisions from the beginning of the implementation period; extend the same treatment to least-developed countries; and, where possible, eliminate quota restrictions on imports of such Members;

4.5 that Members will calculate the quota levels for the remaining years of the Agreement with respect to other restrained Members as if implementation of the growth-on-growth provision for stage 3 had been advanced to 1 January 2000;

and make recommendations to the General Council by 31 July 2002 for appropriate action.

## 5. AGREEMENT ON TECHNICAL BARRIERS TO TRADE

5.1 Confirms the approach to technical assistance being developed by the Committee on Technical Barriers to Trade, reflecting the results of the triennial review work in this area, and mandates this work to continue.

5.2 Subject to the conditions specified in paragraph 12 of Article 2 of the Agreement on Technical Barriers to Trade, the phrase "reasonable interval" shall be

understood to mean normally a period of not less than 6 months, except when this would be ineffective in fulfilling the legitimate objectives pursued.

5.3 (i) Takes note of the actions taken to date by the Director-General to facilitate the increased participation of Members at different levels of development in the work of the relevant international standard setting organizations as well as his efforts to coordinate with these organizations and financial institutions in identifying TBT-related technical assistance needs and how best to address them; and

(ii) urges the Director-General to continue his cooperative efforts with these organizations and institutions, including with a view to according priority to the effective participation of least-developed countries and facilitating the provision of technical and financial assistance for this purpose.

5.4 (i) Urges Members to provide, to the extent possible, the financial and technical assistance necessary to enable least-developed countries to respond adequately to the introduction of any new TBT measures which may have significant negative effects on their trade; and

(ii) urges Members to ensure that technical assistance is provided to least-developed countries with a view to responding to the special problems faced by them in implementing the Agreement on Technical Barriers to Trade.

## 6. AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES

6.1 Takes note of the actions taken by the Council for Trade in Goods in regard to requests from some developing-country Members for the extension of the five-year

transitional period provided for in Article 5.2 of Agreement on Trade-Related Investment Measures.

6.2 Urges the Council for Trade in Goods to consider positively requests that may be made by least-developed countries under Article 5.3 of the TRIMs Agreement or Article IX.3 of the WTO Agreement, as well as to take into consideration the particular circumstances of least-developed countries when setting the terms and conditions including time-frames.

## 7. AGREEMENT ON THE IMPLEMENTATION OF ARTICLE VI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

7.1 Agrees that investigating authorities shall examine with special care any application for the initiation of an anti-dumping investigation where an investigation of the same product from the same Member resulted in a negative finding within the 365 days prior to the filing of the application and that, unless this pre-initiation examination indicates that circumstances have changed, the investigation shall not proceed.

7.2 Recognizes that, while Article 15 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 is a mandatory provision, the modalities for its application would benefit from clarification. Accordingly, the Committee on Anti-Dumping Practices is instructed, through its working group on Implementation, to examine this issue and to draw up appropriate recommendations within twelve months on how to operationalize this provision.

7.3 Takes note that Article 5.8 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 does not specify the time-

frame to be used in determining the volume of dumped imports, and that this lack of specificity creates uncertainties in the implementation of the provision. The Committee on Anti-Dumping Practices is instructed, through its working group on Implementation, to study this issue and draw up recommendations within 12 months, with a view to ensuring the maximum possible predictability and objectivity in the application of time frames.

7.4 Takes note that Article 18.6 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 requires the Committee on Anti-Dumping Practices to review annually the implementation and operation of the Agreement taking into account the objectives thereof. The Committee on Anti-dumping Practices is instructed to draw up guidelines for the improvement of annual reviews and to report its views and recommendations to the General Council for subsequent decision within 12 months.

## 8. [AGREEMENT ON THE IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994](#)

8.1 Takes note of the actions taken by the Committee on Customs Valuation in regard to the requests from a number of developing-country Members for the extension of the five-year transitional period provided for in Article 20.1 of Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994.

8.2 Urges the Council for Trade in Goods to give positive consideration to requests that may be made by least-developed country Members under paragraphs 1 and 2 of Annex III of the Customs Valuation Agreement or under Article IX.3 of the WTO

Agreement, as well as to take into consideration the particular circumstances of least-developed countries when setting the terms and conditions including time-frames.

8.3 Underlines the importance of strengthening cooperation between the customs administrations of Members in the prevention of customs fraud. In this regard, it is agreed that, further to the 1994 Ministerial Decision Regarding Cases Where Customs Administrations Have Reasons to Doubt the Truth or Accuracy of the Declared Value, when the customs administration of an importing Member has reasonable grounds to doubt the truth or accuracy of the declared value, it may seek assistance from the customs administration of an exporting Member on the value of the good concerned. In such cases, the exporting Member shall offer cooperation and assistance, consistent with its domestic laws and procedures, including furnishing information on the export value of the good concerned. Any information provided in this context shall be treated in accordance with Article 10 of the Customs Valuation Agreement. Furthermore, recognizing the legitimate concerns expressed by the customs administrations of several importing Members on the accuracy of the declared value, the Committee on Customs Valuation is directed to identify and assess practical means to address such concerns, including the exchange of information on export values and to report to the General Council by the end of 2002 at the latest.

## 9. AGREEMENT ON RULES OF ORIGIN

9.1 Takes note of the report of the Committee on Rules of Origin (G/RO/48) regarding progress on the harmonization work programme, and urges the Committee to complete its work by the end of 2001.

9.2 Agrees that any interim arrangements on rules of origin implemented by Members in the transitional period before the entry into force of the results of the harmonization work programme shall be consistent with the Agreement on Rules of Origin, particularly Articles 2 and 5 thereof. Without prejudice to Members' rights and obligations, such arrangements may be examined by the Committee on Rules of Origin.

## 10. AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES

10.1 Agrees that Annex VII(b) to the Agreement on Subsidies and Countervailing Measures includes the Members that are listed therein until their GNP per capita reaches US \$1,000 in constant 1990 dollars for three consecutive years. This decision will enter into effect upon the adoption by the Committee on Subsidies and Countervailing Measures of an appropriate methodology for calculating constant 1990 dollars. If, however, the Committee on Subsidies and Countervailing Measures does not reach a consensus agreement on an appropriate methodology by 1 January 2003, the methodology proposed by the Chairman of the Committee set forth in G/SCM/38, Appendix 2 shall be applied.

A Member shall not leave Annex VII(b) so long as its GNP per capita in current dollars has not reached US\$ 1000 based upon the most recent data from the World Bank.

10.2 Takes note of the proposal to treat measures implemented by developing countries with a view to achieving legitimate development goals, such as regional growth, technology research and development funding, production diversification and development and implementation of environmentally sound methods of production as non-actionable subsidies, and agrees that this issue be addressed in accordance with paragraph 13 below. During the course of the negotiations, Members are urged to exercise due restraint with respect to challenging such measures.

10.3 Agrees that the Committee on Subsidies and Countervailing Measures shall continue its review of the provisions of the Agreement on Subsidies and Countervailing Measures regarding countervailing duty investigations and report to the General Council by 31 July 2002.

10.4 Agrees that if a Member has been excluded from the list in paragraph (b) of Annex VII to the Agreement on Subsidies and Countervailing Measures, it shall be re-included in it when its GNP per capita falls back below US\$ 1,000.

10.5 Subject to the provisions of Articles 27.5 and 27.6, it is reaffirmed that least-developed country Members are exempt from the prohibition on export subsidies set forth in Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures, and thus have flexibility to finance their exporters, consistent with their development needs. It is understood that the eight-year period in Article 27.5 within which a least-developed country Member must phase out its export subsidies in respect of a product in which it is export-competitive begins from the date export competitiveness exists within the meaning of Article 27.6.

10.6 Having regard to the particular situation of certain developing-country Members, directs the Committee on Subsidies and Countervailing Measures to extend the transition period, under the rubric of Article 27.4 of the Agreement on Subsidies and Countervailing Measures, for certain export subsidies provided by such Members, pursuant to the procedures set forth in document G/SCM/39. Furthermore, when considering a request for an extension of the transition period under the rubric of Article 27.4 of the Agreement on Subsidies and Countervailing Measures, and in order to avoid that Members at similar stages of development and having a similar order of magnitude of share in world trade are treated differently in terms of receiving such extensions for the same eligible programmes and the length of such extensions, directs the Committee

to extend the transition period for those developing countries, after taking into account the relative competitiveness in relation to other developing-country Members who have requested extension of the transition period following the procedures set forth in document G/SCM/39.

## 11. AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)

11.1 The TRIPS Council is directed to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 and make recommendations to the Fifth Session of the Ministerial Conference. It is agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement.

11.2 Reaffirming that the provisions of Article 66.2 of the TRIPS Agreement are mandatory, it is agreed that the TRIPS Council shall put in place a mechanism for ensuring the monitoring and full implementation of the obligations in question. To this end, developed-country Members shall submit prior to the end of 2002 detailed reports on the functioning in practice of the incentives provided to their enterprises for the transfer of technology in pursuance of their commitments under Article 66.2. These submissions shall be subject to a review in the TRIPS Council and information shall be updated by Members annually.

## 12. CROSS-CUTTING ISSUES

12.1 The Committee on Trade and Development is instructed:

(i) to identify those special and differential treatment provisions that are already mandatory in nature and those that are non-binding in character, to consider the legal and practical implications for developed and developing Members of converting special and differential treatment measures into mandatory provisions, to identify those that Members consider should be made mandatory, and to report to the General Council with clear recommendations for a decision by July 2002;

(ii) to examine additional ways in which special and differential treatment provisions can be made more effective, to consider ways, including improved information flows, in which developing countries, in particular the least-developed countries, may be assisted to make best use of special and differential treatment provisions, and to report to the General Council with clear recommendations for a decision by July 2002; and

(iii) to consider, in the context of the work programme adopted at the Fourth Session of the Ministerial Conference, how special and differential treatment may be incorporated into the architecture of WTO rules.

The work of the Committee on Trade and Development in this regard shall take fully into consideration previous work undertaken as noted in WT/COMTD/W/77/Rev.1. It will also be without prejudice to work in respect of implementation of WTO Agreements in the General Council and in other Councils and Committees.

12.2 Reaffirms that preferences granted to developing countries pursuant to the Decision of the Contracting Parties of 28 November 1979 ("Enabling Clause") should be generalized, non-reciprocal and non-discriminatory.

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<sup>1</sup> B/ISD 26S/203.

### 13. OUTSTANDING IMPLEMENTATION ISSUES<sup>2</sup>

Agrees that outstanding implementation issues be addressed in accordance with paragraph 12 of the Ministerial Declaration (WT/MIN(01)/DEC/1).

### 14. FINAL PROVISIONS

Requests the Director-General, consistent with paragraphs 38 to 43 of the Ministerial Declaration (WT/MIN(01)/DEC/1), to ensure that WTO technical assistance focuses, on a priority basis, on assisting developing countries to implement existing WTO obligations as well as on increasing their capacity to participate more effectively in future multilateral trade negotiations. In carrying out this mandate, the WTO Secretariat should cooperate more closely with international and regional intergovernmental organizations so as to increase efficiency and synergies and avoid duplication of programmes.

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<sup>2</sup>. A list of these issues is compiled in document Job(01)/152/Rev.1.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



DECISION ON PROCEDURES FOR EXTENSIONS UNDER ARTICLE 27.4  
FOR CERTAIN DEVELOPING COUNTRY MEMBERS

Adopted on 14 November 2001

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MECHANISM FOR EXTENSION

ELIGIBLE PROGRAMMES

TRANSPARENCY

STANDSTILL

PRODUCT GRADUATION ON THE BASIS OF EXPORT COMPETITIVENESS

MEMBERS LISTED IN ANNEX VII(B)

FINAL PROVISIONS

## **PROCEDURES FOR EXTENSIONS UNDER ARTICLE 27.4 FOR CERTAIN DEVELOPING COUNTRY MEMBERS**

The Committee on Subsidies and Countervailing Measures ("SCM Committee") shall follow the procedures set forth below in respect of extensions of the transition period under Article 27.4 of the Agreement on Subsidies and Countervailing Measures ("SCM Agreement") for certain developing country Members. The programmes to which these procedures shall apply are those meeting the criteria set forth in 2.

### **1. MECHANISM FOR EXTENSION**

(a) A Member that maintains programmes meeting the criteria set forth in 2 and that wishes to make use of these procedures, shall initiate Article 27.4 consultations with the Committee in respect of an extension for its eligible subsidy programmes as referred to in 2, on the basis of documentation to be submitted to the Committee not later than 31 December 2001. This documentation shall consist of (i) an identification by the Member of those programmes for which it is seeking an extension under SCM Article 27.4 pursuant to these procedures; and (ii) a statement that the extension is necessary in the light of the Member's economic, financial and development needs.

(b) Not later than 28 February 2002, the Member seeking an extension shall submit to the SCM Committee an initial notification as referred to in 3(a) providing detailed information about the programmes for which extension is being sought.

(c) Following receipt of the notifications referred to in 1(b), the SCM Committee shall consider those notifications, with an opportunity for Members to seek clarification of the

notified information and/or additional detail with a view to understanding the nature and operation of the notified programmes, and their scope, coverage and intensity of benefits, as referred to in 3(b). The purpose of this consideration by the SCM Committee shall be to verify that the programmes are of the type eligible under these procedures as referred to in 2, and that the transparency requirement referred to in 3(a) and 3(b) is fulfilled. Not later than 15 December 2002, Members of the SCM Committee shall grant extensions for calendar year 2003 for those programmes notified pursuant to these procedures, provided that the notified programmes meet the eligibility criteria in 2 and that the transparency requirement is fulfilled. The notified information on the basis of which the extensions are granted, including information provided in response to requests from Members as referred to above, shall form the frame of reference for the annual reviews of the extensions as referred to in 1(d) and 1(e).

(d) As provided for in SCM Article 27.4, the extensions granted by the SCM Committee pursuant to these procedures shall be subject to annual review in the form of consultations between the Committee and the Members receiving the extensions. These annual reviews shall be conducted on the basis of updating notifications from the Members in question, as referred to in 3(a) and 3(b). The purpose of the annual reviews shall be to ensure that the transparency and standstill requirements as set forth in 3 and 4 are being fulfilled.

(e) Through the end of calendar year 2007, subject to annual reviews during that period to verify that the transparency and standstill requirements set forth in 3 and 4 are being fulfilled, Members of the Committee shall agree to continue the extensions granted pursuant to 1(c).

(f) During the last year of the period referred to in 1(e), a Member that has received an extension under these procedures shall have the possibility to seek a continuation of the extension pursuant to SCM Article 27.4, for the programmes in question. The Committee shall consider any such requests at that year's annual review, on the basis of the provisions of SCM Article 27.4, i.e., outside the framework of these procedures.

(g) If a continuation of the extension pursuant to 1(f) is either not requested or not granted, the Member in question shall have the final two years referred to in the last sentence of SCM Article 27.4.

## 2. ELIGIBLE PROGRAMMES

Programmes eligible for extension pursuant to these procedures, and for which Members shall therefore grant extensions for calendar year 2003 as referred to in 1(c), are export subsidy programmes (i) in the form of full or partial exemptions from import duties and internal taxes, (ii) which were in existence not later than 1 September 2001, and (iii) which are provided by developing country Members (iv) whose share of world merchandise export trade was not greater than 0.10 per cent,<sup>1</sup> (v) whose total Gross National Income ("GNI") for the year 2000 as published by the World Bank was at or below US \$ 20 billion,<sup>2</sup> (vi) and who are otherwise eligible to request an extension pursuant to Article 27.4,<sup>3</sup> and (vii) in respect of which these procedures are followed.

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<sup>1</sup>. According to the calculations performed by the WTO Secretariat as reflected in Appendix 3 to the Report of the Chairman (G/SCM/38).

<sup>2</sup>. The SCM Committee shall consider other appropriate data sources in respect of Members for whom the World Bank does not publish total GNI data.

<sup>3</sup>. The fact that a Member is listed in Annex VII(b) shall not be deemed to make that Member otherwise ineligible to request an extension pursuant to Article 27.4.

### 3. TRANSPARENCY

(a) The initial notification referred to in 1(b), and the updating notifications referred to in 1(d), shall follow the agreed format for subsidy notifications under SCM Article 25 (found in G/SCM/6).

(b) During the SCM Committee's consideration/review of the notifications referred to in 1(c) and 1(d), notifying Members can be requested by other Members to provide additional detail and clarification, with a view to confirming that the programmes meet the criteria set forth in 2, and to establishing transparency in respect of the scope, coverage and intensity of benefits (the "favourability") of the programmes in question.<sup>4</sup> Any information provided in response to such requests shall be considered part of the notified information.

### 4. STANDSTILL

(a) The programmes for which an extension is granted shall not be modified during the period of extension referred to in 1(e) so as to make them more favourable than they were as at 1 September 2001. The continuation of an expiring programme without modification shall not be deemed to violate standstill.

(b) The scope, coverage and intensity of benefits (the "favourability") of the programmes as at 1 September 2001 shall be specified in the initial notification referred to in 1(b), and standstill as referred to in 4(a) shall be verified on the basis of the notified information referred to in 1(d) and 3(b).

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<sup>4</sup>. *The scope, coverage and intensity of the programmes in question will be determined on the basis of the legal instruments underlying the programmes.*

## 5. PRODUCT GRADUATION ON THE BASIS OF EXPORT COMPETITIVENESS

Notwithstanding these procedures, Articles 27.5 and 27.6 shall apply in respect of export subsidies for which extensions are granted pursuant to these procedures.

## 6. MEMBERS LISTED IN ANNEX VII(B)

(a) A Member listed in Annex VII(b) whose GNP per capita has reached the level provided for in that Annex and whose programme(s) meet the criteria in 2 shall be eligible to make use of these procedures.

(b) A Member listed in Annex VII(b) whose GNP per capita has not reached the level provided for in that Annex and whose programme(s) meet the criteria in 2 may reserve its right to make use of these procedures, as referred to in 6(c), by submitting the documentation referred to in 1(a) not later than 31 December 2001.

(c) If the per capita GNP of a Member referred to in 6(b) reaches the level provided for in that Annex during the period referred to in 1(e), that Member shall be able to make use of these procedures as from the date at which its per capita GNP reaches that level and for the remainder of the period referred to in 1(e), as well as for any additional periods as referred to in 1(f) and 1(g), subject to the remaining provisions of these procedures.

(d) For a Member referred to in 6(b), the effective date for the standstill requirement referred to in 4(a) shall be the year in which that Member's GNP per capita reaches the level provided for in Annex VII(b).

## 7. FINAL PROVISIONS

(a) The decision by Ministers, these procedures, and the SCM Article 27.4 extensions granted thereunder, are without prejudice to any requests for extensions under Article 27.4 that are not made pursuant to these procedures.

(b) The decision by Ministers, these procedures, and the SCM Article 27.4 extensions granted thereunder, shall not affect any other existing rights and obligations under SCM Article 27.4 or under other provisions of the SCM Agreement.

(c) The criteria set forth in these procedures are solely and strictly for the purpose of determining whether Members are eligible to invoke these procedures. Members of the Committee agree that these criteria have no precedential value or relevance, direct or indirect, for any other purpose.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



DECISION ON WAIVER FOR EUROPEAN COMMUNITIES - ACP-EC  
PARTNERSHIP AGREEMENT

Adopted on 14 November 2001

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## **EUROPEAN COMMUNITIES THE ACP-EC PARTNERSHIP AGREEMENT**

Decision of 14 November 2001

The Ministerial Conference,

*Having regard* to paragraphs 1 and 3 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956 (BISD 5S/25), the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, paragraph 3 of Article IX of the WTO Agreement, and Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93);

*Taking note* of the request of the European Communities (EC) and of the Governments of the ACP States which are also WTO members (hereinafter also the "Parties to the Agreement") for a waiver from the obligations of the European Communities under paragraph 1 of Article I of the General Agreement with respect to the granting of preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the ACP-EC Partnership Agreement (hereinafter also referred to as "the Agreement");<sup>1</sup>

<sup>1</sup>. As contained in documents G/C/W/187, G/C/W/204, G/C/W/254 and G/C/W/269).

*Considering* that, in the field of trade, the provisions of the ACP-EC Partnership Agreement requires preferential tariff treatment by the EC of exports of products originating in the ACP States;

*Considering* that the Agreement is aimed at improving the standard of living and economic development of the ACP States, including the least developed among them;

*Considering* also that the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement is designed to promote the expansion of trade and economic development of beneficiaries in a manner consistent with the objectives of the WTO and with the trade, financial and development needs of the beneficiaries and not to raise undue barriers or to create undue difficulties for the trade of other members;

*Considering* that the Agreement establishes a preparatory period extending until 31 December 2007, by the end of which new trading arrangements shall be concluded between the Parties to the Agreement;

*Considering* that the trade provisions of the Agreement have been applied since 1 March 2000 on the basis of transitional measures adopted by the ACP-EC joint institutions;

*Noting* the assurances given by the Parties to the Agreement that they will, upon request, promptly enter into consultations with any interested member with respect to any difficulty or matter that may arise as a result of the implementation of the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement;

*Noting* that the tariff applied to bananas imported in the "A" and "B" quotas shall not exceed 75 €/tonne until the entry into force of the new EC tariff-only regime.

*Noting* that the implementation of the preferential tariff treatment for bananas may be affected as a result of GATT Article XXVIII negotiations;

*Noting* the assurances from the Parties to the Agreement that any re-binding of the EC tariff on bananas under the relevant GATT Article XXVIII procedures should result in at least maintaining total market access for MFN banana suppliers and their willingness to accept a multilateral control on the implementation of this commitment.

*Considering* that, in light of the foregoing, the exceptional circumstances justifying a waiver from paragraph 1 of Article I of the General Agreement exist;

*Decides* as follows:

1. Subject to the terms and conditions set out hereunder, Article I, paragraph 1 of the General Agreement shall be waived, until 31 December 2007, to the extent necessary to permit the European Communities to provide preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the ACP-EC Partnership Agreement,<sup>2</sup> without being required to extend the same preferential treatment to like products of any other member.
2. The Parties to the Agreement shall promptly notify the General Council of any changes in the preferential tariff treatment to products originating in ACP States as required by the relevant provisions of the Agreement covered by this waiver.

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<sup>2</sup> Any reference to the Partnership Agreement in this Decision shall also include the period during which the trade provisions of this Agreement are applied on the basis of transitional measures adopted by the ACP-EC joint institutions.

3. The Parties to the Agreement will, upon request, promptly enter into consultations with any interested member with respect to any difficulty or matter that may arise as a result of the implementation of the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement; where a member considers that any benefit accruing to it under the General Agreement may be or is being impaired unduly as a result of such implementation, such consultations shall examine the possibility of action for a satisfactory adjustment of the matter.

3bis With respect to bananas, the additional provisions in the Annex shall apply.

4. Any member which considers that the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement is being applied inconsistently with this waiver or that any benefit accruing to it under the General Agreement may be or is being impaired unduly as a result of the implementation of the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement and that consultations have proved unsatisfactory, may bring the matter before the General Council, which will examine it promptly and will formulate any recommendations that they judge appropriate.

5. The Parties to the Agreement will submit to the General Council an annual report on the implementation of the preferential tariff treatment for products originating in ACP States as required by Article 36.3, Annex V and its Protocols of the Agreement.

6. This waiver shall not preclude the right of affected members to have recourse to Articles XXII and XXIII of the General Agreement.

## ANNEX

The waiver would apply for ACP products under the Cotonou Agreement until 31 December 2007. In the case of bananas, the waiver will also apply until 31 December 2007, subject to the following, which is without prejudice to rights and obligations under Article XXVIII.

- The parties to the Cotonou Agreement will initiate consultations with Members exporting to the EU on a MFN basis (interested parties) early enough to finalize the process of consultations under the procedures hereby established at least three months before the entry into force of the new EC tariff only regime.
- No later than 10 days after the conclusion of Article XXVIII negotiations, interested parties will be informed of the EC intentions concerning the rebinding of the EC tariff on bananas. In the course of such consultations, the EC will provide information on the methodology used for such rebinding. In this regard, all EC WTO market-access commitments relating to bananas should be taken into account.
- Within 60 days of such an announcement, any such interested party may request arbitration.
- The arbitrator shall be appointed within 10 days, following the request subject to agreement between the two parties, failing which the arbitrator shall be appointed by the Director-General of the WTO, following consultations with the parties, within 30 days of the arbitration request. The mandate of the arbitrator shall be to determine, within 90 days of his appointment, whether the envisaged rebinding of the EC tariff on bananas would result in at least maintaining total market access for MFN banana suppliers, taking into account the above-mentioned EC commitments.

- If the arbitrator determines that the rebinding would not result in at least maintaining total market access for MFN suppliers, the EC shall rectify the matter. Within 10 days of the notification of the arbitration award to the General Council, the EC will enter into consultations with those interested parties that requested the arbitration. In the absence of a mutually satisfactory solution, the same arbitrator will be asked to determine, within 30 days of the new arbitration request, whether the EC has rectified the matter. The second arbitration award will be notified to the General Council. If the EC has failed to rectify the matter, this waiver shall cease to apply to bananas upon entry into force of the new EC tariff regime. The Article XXVIII negotiations and the arbitration procedures shall be concluded before the entry into force of the new EC tariff only regime on 1 January 2006.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



## DECISION ON EC TRANSITIONAL REGIME FOR BANANA IMPORTS

Adopted on 14 November 2001

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## **EUROPEAN COMMUNITIES - TRANSITIONAL REGIME FOR THE EC AUTONOMOUS TARIFF RATE QUOTAS ON IMPORTS OF BANANAS**

Decision of 14 November 2001

The Ministerial Conference,

*Having regard* to the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956, the Understanding in Respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, and paragraphs 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter "WTO Agreement");

*Taking note* of the request of the European Communities for a waiver from its obligations under paragraphs 1 and 2 of Article XIII of the GATT 1994 with respect to bananas;

*Taking note* of the understandings reached by the EC, Ecuador and the United States that identify the means by which the longstanding dispute over the EC's banana regime can be resolved, in particular their provision for a temporary global quota allocation for ACP banana supplying countries under specified conditions;

*Taking into account* the exceptional circumstances surrounding the resolution of the bananas dispute and the interests of many WTO Members in the EC banana regime;

*Recognizing* the need to afford sufficient protection to the ACP banana supplying countries, including the most vulnerable, during a limited transition period, to enable them to prepare for a tariff-only regime;

*Noting* assurances given by the EC that it will, upon request, promptly enter into consultations with any interested member with respect to any difficulty or matter that may arise as a result of the implementation of the tariff rate quota for bananas originating in ACP States;

*Considering* that, in light of the foregoing, the exceptional circumstances justifying a waiver from paragraphs 1 and 2 of Article XIII of the GATT 1994 with respect to bananas exist;

*Decides* as follows:

1. With respect to the EC's imports of bananas, as of 1 January 2002, and until 31 December 2005, paragraphs 1 and 2 of Article XIII of the GATT 1994 are waived with respect to the EC's separate tariff quota of 750,000 tonnes for bananas of ACP origin.
2. The EC will, upon request, promptly enter into consultations with any interested member with respect to any difficulty or matter that may arise as a result of the implementation of the separate tariff rate quota for bananas originating in ACP States covered by this waiver; where a Member considers that any benefit accruing to it under the GATT 1994 may be or is being impaired unduly as a result of such implementation, such consultations shall examine the possibility of action for a satisfactory adjustment of the matter.

3. Any Member which considers that the separate tariff rate quota for bananas originating in ACP States covered by this waiver is being applied inconsistently with this waiver or that any benefit accruing to it under the GATT 1994 may be or is being impaired unduly as a result of the implementation of the separate tariff rate quota for bananas originating in ACP States covered by this waiver and that consultations have proved unsatisfactory, may bring the matter before the General Council, which will examine it promptly and will formulate any recommendations that they judge appropriate.

4. This waiver shall not preclude the right of affected members to have recourse to Articles XXII and XXIII of the GATT 1994.

MINISTERIAL CONFERENCE  
Fourth Session  
Doha, 9-14 November 2001



ANNEX

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GUIDELINES AND PROCEDURES FOR THE NEGOTIATIONS  
ON TRADE IN SERVICES

IMPLEMENTATION-RELATED ISSUES AND CONCERNS

## **GUIDELINES AND PROCEDURES FOR THE NEGOTIATIONS ON TRADE IN SERVICES**

Adopted by the Special Session of the Council for Trade in Services on 28 March 2001

(S/L/93)

### **I. OBJECTIVES AND PRINCIPLES**

1. Pursuant to the objectives of the GATS, as stipulated in the Preamble and Article IV, and as required by Article XIX, the negotiations shall be conducted on the basis of progressive liberalisation as a means of promoting the economic growth of all trading partners and the development of developing countries, and recognizing the right of Members to regulate, and to introduce new regulations, on the supply of services. The negotiations shall aim to achieve progressively higher levels of liberalization of trade in services through the reduction or elimination of the adverse effects on trade in services of measures as a means of providing effective market access, and with a view to promoting the interests of all participants on a mutually advantageous basis and to securing an overall balance of rights and obligations.

2. The negotiations shall aim to increase the participation of developing countries in trade in services. There shall be appropriate flexibility for individual developing country Members, as provided for by Article XIX:2. Special priority shall be granted to least-developed country Members as stipulated in Article IV:3.

3. The process of liberalization shall take place with due respect for national policy objectives, the level of development and the size of economies of individual Members,

both overall and in individual sectors. Due consideration should be given to the needs of small and medium-sized service suppliers, particularly those of developing countries.

4. The negotiations shall take place within and shall respect the existing structure and principles of the GATS, including the right to specify sectors in which commitments will be undertaken and the four modes of supply.

## II. SCOPE

5. There shall be no a priori exclusion of any service sector or mode of supply. Special attention shall be given to sectors and modes of supply of export interest to developing countries.

6. MFN Exemptions shall be subject to negotiation according to paragraph 6 of the Annex on Article II (MFN) Exemptions. In such negotiations, appropriate flexibility shall be accorded to individual developing country Members.

7. Negotiations on safeguards under Article X shall be completed by 15 March 2002 according to the Decision adopted by the Council for Trade in Services on 1 December 2000. Members shall aim to complete negotiations under Articles VI:4, XIII and XV prior to the conclusion of negotiations on specific commitments.

## III. MODALITIES AND PROCEDURES

8. The negotiations shall be conducted in Special Sessions of the Council for Trade in Services, which will report on a regular basis to the General Council, in accordance with decisions taken by the General Council.

9. Negotiations shall be transparent and open to all Members and acceding States and separate customs territories according to Decisions taken in this regard by the General Council.

10. The starting point for the negotiation of specific commitments shall be the current schedules, without prejudice to the content of requests.

11. Liberalization shall be advanced through bilateral, plurilateral or multilateral negotiations. The main method of negotiation shall be the request-offer approach.

12. There shall be appropriate flexibility for individual developing country Members for opening fewer sectors, liberalizing fewer types of transactions, progressively extending market access in line with their development situation and, when making access to their markets available to foreign service suppliers, attaching to such access conditions aimed at achieving the objectives referred to in Article IV.

13. Based on multilaterally agreed criteria, account shall be taken and credit shall be given in the negotiations for autonomous liberalization undertaken by Members since previous negotiations. Members shall endeavour to develop such criteria prior to the start of negotiation of specific commitments.

14. The Council for Trade in Services in Special Sessions shall continue to carry out an assessment of trade in services in overall terms and on a sectoral basis with reference to the objectives of the GATS and of Article IV in particular. This shall be an ongoing activity of the Council and negotiations shall be adjusted in the light of the results of the assessment. In accordance with Article XXV of the GATS, technical assistance shall be provided to developing country Members, on request, in order to carry out national/regional assessments.

15. To ensure the effective implementation of Articles IV and XIX:2, the Council for Trade in Services in Special Session, when reviewing progress in negotiations, shall consider the extent to which Article IV is being implemented and suggest ways and means of promoting the goals established therein. In implementing Article IV consideration shall also be given to the needs of small service suppliers of developing countries. It shall also conduct an evaluation, before the completion of the negotiations, of the results attained in terms of the objectives of Article IV.

16. While the Council for Trade in Services in Special Sessions may establish subsidiary bodies as it deems necessary, the proliferation of such bodies should be avoided to the maximum extent possible. Existing subsidiary bodies shall be utilised to their maximum capacity.

17. The needs of smaller delegations should be taken into account, e.g. by scheduling meetings in sequence and not in parallel.

18. The Council for Trade in Services in Special Sessions shall, when appropriate, develop time schedules for the conduct of the negotiations in accordance with any relevant decisions taken by the General Council.

## **IMPLEMENTATION-RELATED ISSUES AND CONCERNS**

Decision of 15 December 2000  
(WT/L/384)

The General Council,

Having regard to Articles IV.1, IV.2, IV.5 and IX.1 of the Marrakesh Agreement Establishing the World Trade Organization (WTO);

Considering the importance which Members attach to implementation-related issues and concerns as reflected in paragraphs 8 and 9 of the Geneva Ministerial Declaration, in the preparatory process for the third Ministerial Conference and in numerous subsequent discussions in the General Council;

Considering that the Decision of the General Council of 3 May 2000 provides that the General Council in Special Sessions shall address issues and concerns raised by Members in connection with the implementation of some WTO Agreements and Decisions;

Recalling further that the Decision of 3 May 2000 provides that the General Council shall assess the existing difficulties, identify ways needed to resolve them, and take decisions for appropriate action;

Taking into account the work programme on implementation issues agreed by the General Council at its first Special Session on 22 June 2000 which provides that, in

the light of the progress made until then, the third Special Session will take decisions for appropriate action where possible;

Recalling the mandate given to the Chairman of the Council for Trade in Goods and the consultations held on the issue of transition periods under the Agreement on Trade-Related Investment Measures;

Taking into consideration the requests made to the Director-General to work with the relevant international standard-setting organizations and relevant intergovernmental organizations on the issue of the participation of developing countries in their work;

Recalling further that the following implementation-related issues were referred to the relevant WTO bodies at the Special Session held on 18 October 2000:

- in the area of Agriculture, the development of internationally agreed disciplines to govern the provision of export credits, export credit guarantees or insurance programmes pursuant to Article 10.2 of the Agreement on Agriculture, taking into account the provisions of paragraph 4 of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries;
- in the area of Sanitary and Phytosanitary measures, the concerns of developing countries regarding the equivalence of such measures;
- in the area of Technical Barriers to Trade, the problems faced by developing countries in both international standards and conformity assessment;

- in the area of Customs Valuation, the idea of information exchange between customs administrations on export values in doubtful cases, the addition of the cost of services in Article 8:1(b)(iv) and aspects of the residual method of determining customs value under Article 7 of the Customs Valuation Agreement; and,
  
- in the area of Trade-Related Aspects of Intellectual Property Rights (TRIPS), the issue of the relationship between the TRIPS Agreement and the Convention on Biological Diversity and the issue of the implementation of Article 66.2 of the Agreement on technology transfer.

Noting the reports on the above issues from the Chairpersons of the Council for Trade in Goods, the Council for Trade-Related Aspects of Intellectual Property Rights, and the Committees on Agriculture, Sanitary and Phytosanitary Measures, Technical Barriers to Trade and Customs Valuation, and from the Director-General;

Decides as follows:

1. Agreement on Agriculture

1.1 Members shall ensure that their tariff rate quota regimes (TRQs) are administered in a transparent, equitable and non-discriminatory manner. In that context, they shall ensure that the notifications they provide to the Committee on Agriculture contain all the relevant information including details on guidelines and procedures on the allotment of TRQs. Members administering TRQs shall submit addenda to their notifications to the Committee on Agriculture (Table MA:1) by the time of the second regular meeting of the Committee in 2001.

1.2 The Committee on Agriculture shall examine possible means of improving the effectiveness of the implementation of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries and report to the General Council at the second regular meeting of the Council in 2001.

2. Agreement on the Application of Sanitary and Phytosanitary Measures

In accordance with the request to the Director-General to work with the relevant international standard-setting organizations on the issue of the participation of developing countries in their work, these organizations are urged to ensure the participation of Members at different levels of development and from all geographic regions, throughout all phases of standard development.

3. Agreement on Technical Barriers to Trade

In accordance with the request to the Director-General to work with the relevant international standard-setting organizations on the issue of the participation of developing countries in their work, these organizations are urged to ensure the participation of Members at different levels of development and from all geographic regions, throughout all phases of standard development.

4. Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994

Noting that the process of examination and approval, in the Customs Valuation Committee, of individual requests from Members for extension of the five-year delay

period in Article 20.1 is proceeding well, the General Council encourages the Committee to continue this work.

5. Agreement on Rules of Origin

Members undertake to expedite the remaining work on the harmonization of non-preferential rules of origin, so as to complete it by the time of the Fourth Ministerial Conference, or by the end of 2001 at the latest. The Chairman of the Committee on Rules of Origin shall report regularly, on his own responsibility, to the General Council on the progress being made. The first such report would be submitted to the Council at its first regular meeting in 2001, and subsequently at each regular meeting until the completion of the work programme.

6. Agreement on Subsidies and Countervailing Measures

6.1 Taking into account the unique situation of Honduras as the only original Member of the WTO with a GNP per capita of less than US\$ 1000 that was not included in Annex VII(b) to the Agreement on Subsidies and Countervailing Measures (SCM Agreement), Members call upon the Director-General to take appropriate steps, in accordance with WTO usual practice, to rectify the omission of Honduras from the list of Annex VII(b) countries.

6.2 The Committee on Subsidies and Countervailing Measures (SCM Committee) shall examine as an important part of its work all issues relating to Articles 27.5 and 27.6 of the SCM Agreement, including the possibility to establish export competitiveness on the basis of a period longer than two years.

6.3 The SCM Committee shall examine as an important part of its work the issues of aggregate and generalized rates of remission of import duties and of the definition of "inputs consumed in the production process", taking into account the particular needs of developing-country Members.

7. Further Work

The General Council's Decision of 3 May 2000 on Implementation-Related Issues is reaffirmed. The General Council shall address the outstanding implementation-related issues and concerns, including those set out in paragraphs 21 and 22 of the revised Draft Ministerial Text dated 19 October 1999 (Job(99)/5868/Rev.1), as well as any other implementation-related issues raised by Members, as envisaged in the Decision of 3 May and the work programme agreed on 22 June 2000, with a view to completing the process no later than the Fourth Session of the Ministerial Conference.

TRADE NEGOTIATIONS COMMITTEE



STATEMENT BY THE CHAIRMAN OF THE GENERAL COUNCIL

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## **STATEMENT BY THE CHAIRMAN OF THE GENERAL COUNCIL**

*The following statement was made by the Chairman of the General Council at the first meeting of the Trade Negotiations Committee on 1 February 2002. At that meeting, the Trade Negotiations Committee took note of the statement and endorsed the Principles and Practices set out in Section B.*

### **A. INTRODUCTORY COMMENTS**

First of all I should emphasize that the mandate for the TNC, as for the negotiations as a whole, is that agreed by Ministers at Doha in November 2001 and set out in their Ministerial Declaration - paragraphs 45 to 52 of that Declaration in particular relate to the TNC which Ministers have established under the authority of the General Council to supervise the overall conduct of the negotiations. It shall establish appropriate negotiating mechanisms as required and supervise the progress of the negotiations. Other specific functions are set out elsewhere in the Declaration, for example in relation to implementation issues.

That is the mandate. Our task is to give effect to it efficiently and promptly. It is in this spirit that I have considered the suggestions by a number of delegations concerning possible guidance to assist the TNC's work. Clearly, any such guidance should help the TNC to fulfil its mandate, not make it more difficult. This said, it may assist delegations if I set out my understanding, derived from the extensive consultations I have held, of some basic principles and practices which I believe it is widely felt we should keep in mind as the TNC carries out its work under its Ministerial Mandate. This statement will, of course, be reflected in the minutes of the TNC and also circulated as a TNC document.

I hope it will provide some assurance to delegations that we are all committed to seeing the work of the TNC and the negotiations it supervises conducted according to the best WTO practices and in a transparent, inclusive and accountable manner. In keeping with usual WTO practice, the TNC should follow the General Council's Rules of Procedure *mutatis mutandis*, i.e. with only such adjustments as may be found necessary.

I should like to note that in my consultations a wide variety of views have been expressed, and I am grateful to delegations for the cooperative and constructive spirit they have shown throughout. While I have carefully considered and attempted to reflect delegations' views in my statement, I must stress that this is not a fully negotiated text. Delegations will of course have the opportunity under Item 4 of the Agenda to express their views and understandings of the sense of the points I am putting forward in summary here. I should, however, like to note in particular the view expressed by a number of delegations that the proposed appointment of the Director-General *ex officio* as Chairman of the TNC under Item 1 of the Agenda is an exceptional arrangement and that appointments to WTO bodies should normally be made from among representatives of WTO Members.

## **B. PRINCIPLES AND PRACTICES**

### **General Council Authority**

- In line with the Doha Ministerial Declaration, the TNC has been established by Ministers under the authority of the General Council with the mandate of supervising the overall conduct of the negotiations. The TNC and its negotiating bodies do not constitute a parallel or competing machinery to the existing WTO bodies.
- The General Council is in charge of the WTO's work programme as a whole, including that set out in the Doha Declaration. The TNC should report to each regular

meeting of the General Council. The General Council retains the overall responsibility for the preparations for Ministerial Conferences.

### **Transparency and Process**

- The Ministerial Declaration sets out that the negotiations shall be conducted in a transparent manner among participants, in order to facilitate the effective participation of all.

- In its own work, and also in its supervision of the conduct of the negotiations, the TNC should build on the best practices established over the past two years with regard to internal transparency and participation of all Members. These practices were articulated by my predecessor, Ambassador Bryn, on 17 July 2000 (document WT/GC/M/57) as a reflection of the mainstream of the extensive discussions on internal transparency.

- Minutes of meetings of the TNC and of negotiating bodies should be circulated expeditiously and in all three official languages at the same time. Furthermore, the Secretariat is urged to take all possible steps to ensure the prompt and efficient dissemination of information relating to negotiations to non-resident and smaller missions in particular.

- The constraints of smaller delegations should be taken into account when scheduling meetings. The TNC will keep the calendar of meetings under surveillance. As an overall guideline, as far as possible only one negotiating body should meet at the same time. The TNC should consider how this arrangement should be supervised.



### **Chairpersons of the TNC and Negotiating Bodies**

- Chairpersons should be impartial and objective, and discharge their duties in accordance with the mandate conferred on the TNC by Ministers.
- Chairpersons should ensure transparency and inclusiveness in decision-making and consultative processes taking into account the intergovernmental and Member-driven character of the WTO.
- Chairpersons should aim to facilitate consensus among participants and should seek to evolve consensus texts through the negotiation process.
- In their regular reporting to overseeing bodies, Chairpersons should reflect consensus, or where this is not possible, different positions on issues.
- The General Council should ensure that suitable arrangements are made to promote continuity in the work of the TNC during the transition from the current to the next Director-General.
- The Chairperson of the TNC should work in close cooperation with the Chairperson of the General Council and the Chairpersons of the negotiating bodies.

### **C. PROPOSALS FOR ACTION BY THE TNC**

- I propose that the TNC take note of my statement and endorse the Principles and Practices set out in Section B of that statement.

### **Agenda Item 1**

● I propose that the TNC appoint the Director-General in an ex officio capacity to chair the TNC until the deadline of 1 January 2005 established in the Doha Declaration. It is understood that doing so does not create a precedent for the future.

### **Agenda Item 2**

I propose that:

- The TNC adopt the following structure:
  - the agriculture and services negotiations will be pursued in Special Sessions of the Committee on Agriculture and the Council for Trade in Services, respectively;
  - negotiations on market access for non-agricultural products will take place in a Negotiating Group on Market Access to be created;
  - negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits under the Agreement on Trade-Related Aspects of Intellectual Property Rights will take place in Special Sessions of the TRIPS Council, while other issues in paragraphs 18 and 19 of the Doha Ministerial Declaration relating to TRIPS will be addressed in regular meetings of the TRIPS Council on a priority basis;
  - negotiations on WTO rules will take place in a Negotiating Group on Rules to be created;
  - negotiations on improvements and clarifications to the Dispute Settlement Understanding will take place in Special Sessions of the Dispute Settlement Body;
  - negotiations on trade and environment will take place in Special Sessions of the Committee on Trade and Environment; and
  - negotiations on outstanding implementation issues will take place in the relevant bodies in accordance with the provisions of paragraph 12 of the Doha Ministerial

Declaration and of the Decision on Implementation-Related Issues and Concerns of 14 November 2001.

- As reaffirmed by Ministers at Doha, provisions for special and differential treatment are an integral part of the WTO Agreements. The negotiations and other aspects of the work programme shall take fully into account the principle of special and differential treatment for developing and least-developed countries as provided for in paragraph 50 of the Ministerial Declaration. The review of all special and differential treatment provisions with a view to strengthening them and making them more precise, effective and operational provided for in paragraph 44 of the Ministerial Declaration shall be carried out by the Committee on Trade and Development in Special Sessions.

- The Chairman of the General Council consult on the chairmanships of the individual negotiating bodies. Consideration should be given to the overall balance between developed and developing-country candidates, bearing in mind the quality and integrity of each individual.

- The Chairpersons of individual negotiating bodies be appointed to serve up to the Fifth Ministerial Conference, at which time all the appointments will be reviewed. Chairpersons should be selected from among Geneva-based representatives in the majority. Other qualified individuals nominated by Member governments could also be considered. This would have to be on the understanding that these individuals would be available in Geneva as often as needed, and that any related costs would need to be handled in a way which did not disadvantage Members for whom there could be a problem.

### **Agenda Item 3**

- I propose that the TNC develop its own work schedule on the basis of one meeting every 2-3 months, but with provision for more meetings when necessary.

# TRADE NEGOTIATIONS COMMITTEE



## WTO MEMBERS KICK OFF NEGOTIATIONS WITH DECISIONS ON ORGANIZATION

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WHERE THE NEGOTIATIONS TAKE PLACE

CHAIRS

WORK SCHEDULE

PRINCIPLES AND PRACTICES

BACKGROUND



## WTO MEMBERS KICK OFF NEGOTIATIONS WITH DECISIONS ON ORGANIZATION

*WTO member governments agreed, 1 February 2002, on how to organize negotiations launched at the Doha Ministerial Conference on 14 November 2001. The decisions were taken in the new Trade Negotiations Committee (TNC), which consists of all WTO members and countries negotiating membership. Among the points agreed were: which bodies will handle negotiations on specific subjects; and arrangements for appointing chairpersons for these bodies. The meeting agreed that the WTO director-general would chair the Trade Negotiations Committee ex officio.*

*The chairperson distributed a statement describing the organizational principles. The meeting took note and endorsed them.*

The Doha Ministerial Declaration, which sets the mandate for the negotiations, required WTO members to set up a Trade Negotiations Committee (TNC) by 31 January 2002. The TNC would then establish negotiating mechanisms and supervise the negotiations under the authority of the General Council.

The TNC held its first meeting on 28 January. After four days of discussions and consultations, the meeting resumed on 1 February. This is what was agreed:

### WHERE THE NEGOTIATIONS TAKE PLACE

Supervision: the Trade Negotiations Committee, which reports to the General Council.



**In new negotiating groups:**

- Market access
- WTO rules (anti-dumping, subsidies, regional trade agreements)

**In existing bodies:**

- Agriculture: in special sessions of the Agriculture Committee
- Services: in special sessions of the Services Council
- Geographical indications, a multilateral registration system: in special sessions of the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS). Other TRIPS issues given priority in regular TRIPS Council meetings
- Dispute Settlement Understanding: in special sessions of the Dispute Settlement Body
- Environment: in special sessions of the Trade and Environment Committee

Negotiations on outstanding implementation issues: in relevant bodies according to paragraph 12 of the Doha Ministerial Declaration.

The decision also places considerable emphasis on special and differential treatment for developing countries in three ways. It affirms that this is an integral part of the WTO agreements. All negotiations and other aspects of the Doha agenda's work programme are to take this principle fully into account. And all special and differential provisions are to be reviewed to make them more precise, effective and operational. To this end: Review of all special and differential treatment provisions: in special sessions of the Trade and Development Committee.

## CHAIRS

The Trade Negotiations Committee chairperson is the WTO director-general in an official capacity. The meeting agreed that this would apply until the end of the negotiations, which ministers fixed in Doha as 1 January 2005.

## WORK SCHEDULE

The Trade Negotiations Committee is to meet once every two or three months, more frequently if necessary.

## PRINCIPLES AND PRACTICES

Ambassador Stuart Harbinson, who chairs the General Council and opened the first Trade Negotiations Committee meeting, distributed a written report on his consultations with delegations which led to these TNC decisions. It included some principles and practices for the committee and the negotiations. The meeting took note and endorsed them.

**General Council authority.** The Trade Negotiations Committee comes under the authority of the General Council. The committee and the other negotiating bodies are therefore not a parallel structure. The General Council remains responsible for the whole work programme agreed at the Doha Ministerial Conference, and for preparations for all Ministerial Conferences – the next conference is an important step in the negotiations since it will take stock of progress.



**Transparency and process.** The Doha Declaration says the negotiations should be transparent among all members and should allow all members to participate effectively. In order to achieve this, the committee will follow “best practices established over the past two years” on internal transparency. This was spelled out by the then chairperson at a July 2000 meeting of the General Council — recorded in minutes WT/GC/M/57. Briefly, this required all members to have an opportunity to debate their views in informal consultations, and to follow informal consultations through frequent reporting back to meetings of the full membership.

In addition, the minutes of the Trade Negotiations Committee and the other negotiating bodies are to be circulated quickly in all three official languages (English, French and Spanish). And the WTO Secretariat is to make sure all information about the negotiations reaches delegations with small missions and those without missions in Geneva, quickly and efficiently.

**TNC role.** The Trade Negotiations Committee is to monitor and supervise the timetable of all negotiations meetings so that the schedule takes into account the constraints of smaller delegations. As a guideline, on more than one negotiating body should meet at the same time.

The committee should also clarify which WTO bodies should handle outstanding implementation issues under paragraph 12 of the Doha Declaration. (Paragraph 12 says “negotiations on outstanding implementation issues shall be an integral part of the Work Programme” in the coming years. The ministers established a two-track approach. Those issues for which there was an agreed negotiating mandate in the declaration would be dealt with under the terms of that mandate. Those implementation issues where there is no mandate to negotiate, would be taken up as “a matter of priority” by relevant



WTO councils and committees. These bodies are to report on their progress to the Trade Negotiations Committee by the end of 2002 for “appropriate action”.)

**Chairpersons of the TNC and negotiating bodies.** All chairpersons must be impartial and objective, working according to the mandate that ministers conferred. They should aim to achieve consensus and produce consensus texts wherever possible. They should encourage transparency and inclusiveness in decision-making, taking into account the WTO’s character as an organization of governments with decisions taken by members. Their reporting to supervising bodies should reflect consensus – if that is not possible, it should reflect different positions on issues. The General Council is to ensure continuity in the Trade Negotiations Committee’s work during the transition from the present director-general to the next. The committee’s chairperson is to work closely with the General Council chairperson and those of the negotiating bodies.

## BACKGROUND

The Trade Negotiations Committee picks up the negotiating mandate that WTO ministers agreed in Doha, 14 November 2001. This launches negotiations on a range of subjects and incorporates existing negotiations on agriculture, services, and the multilateral registration system for geographical indications on wines and spirits.

All but two of the negotiations are part of a “single undertaking” (they form a single package with all members participating), with stock-taking scheduled for the 2003 Fifth Ministerial Conference in Mexico, and 1 January 2005 set as the concluding deadline. The two separate negotiations are on the Dispute Settlement Understanding (with a May 2003 deadline) and on the registration system for geographical indications for wines and spirits (with the Fifth Ministerial Conference in 2003 as the deadline).

## TRADE NEGOTIATIONS COMMITTEE



## BODIES ESTABLISHED BY THE TNC AND THEIR CHAIRPERSONS

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GOVERNMENTS SET NEGOTIATING GUIDELINES; WTO D-G TO HEAD TNC



## **GOVERNMENTS SET NEGOTIATING GUIDELINES; WTO D-G TO HEAD TNC**

WTO Member Governments, assembled for the first meeting of the Trade Negotiations Committee, reached a broad agreement on the structure of the negotiations launched at Doha. They elected the WTO Director-General ex officio to chair the TNC. They also outlined the guidelines and procedures for the negotiations, which are scheduled to run until 1 January 2005.

The TNC agreed there should be seven negotiating bodies, on agriculture, services, non-agricultural market access, rules, trade and environment, geographical indications for wines and spirits under the agreement on Trade-Related Intellectual Property and reform of the Dispute Settlement Understanding. Negotiations on agriculture, services, environment, TRIPS, and the DSU reform will all be conducted in Special Sessions of the regular committees and councils where these issues are discussed. New negotiating groups will be created for negotiations in non-agricultural market access and rules. The TNC and all other negotiating bodies and groups will operate under the authority of the General Council, as mandated by Ministers in Doha.

"This is another critically important step in maintaining the momentum the WTO generated with our success at the Doha Ministerial Conference, following closely on the heels of the prompt decision on the venue of the next Ministerial Conference, the approval of a significant increase in our budget and the re-deployment of some of the Secretariat staff," said Director-General Mike Moore. "Over the course of the last two months or so Member governments have worked hard to give us the tools to carry out the instructions Ministers spelled out in Doha last November. In establishing a sound basis for our work through these rules and procedures, governments have put in place the necessary framework for completing our negotiations within the tight deadline set



by Ministers. Much work remains to be done, but governments have given themselves a fighting chance."

The TNC elected the Director-General ex officio as its chairperson. "I am deeply honoured to have the chance to chair the first few TNC meetings in WTO history and I shall fulfill my responsibility with all my energy and commitment." said Mr. Moore.

Chairpersons for the other negotiating bodies and groups will be selected largely from WTO delegations based in Geneva. Those posts will be filled in the coming weeks.

Member Governments agreed that the negotiations would be conducted in the TNC and the other negotiating bodies in a transparent manner in line with the best practices established over the past two years. The TNC will report to the General Council on its work and the work of the negotiating bodies and groups. It will monitor the calendar of meetings to ensure that, as far as possible, only one negotiating body meets at a time. Minutes of meetings will be circulated as quickly as possible, in all three official WTO languages, so that delegations and capitals are fully informed of all developments related to the negotiations.

#### **BODIES ESTABLISHED BY THE TRADE NEGOTIATIONS COMMITTEE (UNTIL FIFTH MINISTERIAL CONFERENCE)**

- Council for Trade in Services, Special Session: Ambassador Alejandro Jara (Chile)
- Negotiating Group on Non-Agricultural Market Access: Ambassador Pierre-Louis Girard (Switzerland)
- Negotiating Group on Rules: Ambassador Timothy John Groser (New Zealand)
- **Committee on Trade and Environment, Special Session:** Ambassador Yolande Biké (Gabon)



- **Council for TRIPS, Special Session:** Ambassador Eui Yong Chung (Rep. of Korea)
- **Dispute Settlement Body, Special Session:** Ambassador Pèter Balás (Hungary)
- **Committee on Agriculture, Special Session:** Mr Stuart Harbinson (Hong Kong, China)
- **Committee on Trade and Development, Special Session:** Ambassador Ransford Smith (Jamaica)

**FOR MORE INFORMATION:**

On WTO bodies, see:

[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org2\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org2_e.htm)

On the Trade Negotiations Committee and the Doha agenda, see:

[http://www.wto.org/english/tratop\\_e/dda\\_e/dda\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/dda_e.htm)

# TRADE NEGOTIATIONS COMMITTEE



## HOW THE NEGOTIATIONS ARE ORGANIZED

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ORGANIZATION AND MANAGEMENT OF THE NEGOTIATIONS

TIMETABLE

STRUCTURE

PRINCIPLES



## HOW THE NEGOTIATIONS ARE ORGANIZED

*The November 2001 declaration of the Fourth Ministerial Conference in Doha, Qatar, provides the mandate for negotiations on a range of subjects, and other work including issues concerning the implementation of the present agreements.*

*The negotiations take place in the Trade Negotiations Committee and its subsidiaries.*

*Other work under the work programme takes place in other WTO councils and committees.*

### ORGANIZATION AND MANAGEMENT OF THE NEGOTIATIONS

The Doha Declaration organizes work on the negotiations and other tasks

#### TIMETABLE

- Deadline for Dispute Settlement Understanding negotiations: **May 2003**
- Deadline for negotiations on registration system for geographical indications: **5th Ministerial Conference in 2003 (in Mexico)**
- Stock taking: **5th Ministerial Conference in 2003** (in Mexico)
- Deadline for other negotiations: by **1 January 2005** as single undertaking
- Decision on adopting and implementing results: **Special Session of Ministerial Conference** — date not set yet

#### STRUCTURE

**Trade Negotiations Committee (TNC)** under the authority of the General Council, set up by the Doha Declaration. Chairperson: WTO director-general in his official capacity (ex officio) until the end of the negotiations, set for 1 January 2005.



**Negotiating groups** The Trade Negotiations Committee agreed the following structure on 1 February 2002, and said chairpersons would be appointed until the Fifth Ministerial Conference in 2003, with the possibility of extensions.

**In new negotiating groups:**

- Market access
- WTO rules (anti-dumping, subsidies, regional trade agreements)

**In existing bodies:**

- Agriculture: in special sessions of the Agriculture Committee
- Services: in special sessions of the Services Council
- Geographical indications, a multilateral registration system: in special sessions of the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS). Other TRIPS issues given priority in regular TRIPS Council meetings
- Dispute Settlement Understanding: in special sessions of the Dispute Settlement Body
- Environment: in special sessions of the Trade and Environment Committee
- Negotiations on outstanding implementation issues: in relevant bodies according to paragraph 12 of the Doha Ministerial Declaration.

The decision also places considerable emphasis on special and differential treatment for developing countries in three ways. It affirms that this is an integral part of the WTO agreements. All negotiations and other aspects of the Doha agenda's work programme are to take this principle fully into account. And all special and differential provisions are to be reviewed to make them more precise, effective and operational. To this end:

- Review of all special and differential treatment provisions: in special sessions of the Trade and Development Committee

## PRINCIPLES

**Single undertaking:** Virtually every item of the negotiation is part of a whole and indivisible package and cannot be agreed separately. “Nothing is agreed until everything is agreed”.  
**Participation:** The negotiations are open to all WTO members and to observer governments negotiating or intending to negotiate membership. But decisions on the outcomes are only taken by members.

**Transparency:** The negotiations have to be transparent.

**Special and differential treatment:** The negotiations have to take fully into account the principle of special and differential treatment for developing and least-developed countries.

**Sustainable development:** The Trade and Development and Trade Environment identify and debate developmental and environmental aspects of the negotiations to ensure that sustainable development is appropriately reflected.

**Subjects not negotiated:** Elements of the work programme which do not involve negotiations are also accorded a high priority. The General Council is to report on their progress to the Fifth Ministerial Conference in 2003.

# The WTO

**Location:** Geneva, Switzerland

**Established:** 1 January 1995

**Created by:** Uruguay Round negotiations (1986-94)

**Membership:** 146 countries (as of April 2003)

**Budget:** 155 million Swiss francs for 2003

**Secretariat staff:** 550

**Head:** Director-general, Supachai Panitchpakdi

**Functions:**

- Administering WTO trade agreements
- Forum for trade negotiations
- Handling trade disputes
- Monitoring national trade policies
- Technical assistance and training for developing countries
- Cooperation with other international organizations

## FURTHER INFORMATION

*The World Trade Organization in Brief* and *10 benefits of the WTO and 10 common misunderstandings about the WTO*

companion pamphlets in this series.

*Trading into the Future: Introduction to the WTO* (to be republished as "Understanding the WTO")

in booklet and electronic versions, obtainable from WTO publications, downloadable from the WTO website <http://www.wto.org>

*Guide to the Uruguay Round Agreements*

by the WTO Secretariat, published jointly by the WTO and Kluwer Law International

*Focus magazine:* the WTO's monthly newsletter obtainable from the WTO website.

The WTO website: <http://www.wto.org>

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WTO Publications

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