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Bilag  
1

Journalnummer  
400.C.2-0

Kontor  
EU-sekr.

3. oktober 2001

Til underretning for Folketingets Europaudvalg fremsendes i forbindelse med forberedelserne af WTO's 4. ministerkonference den 9.-13. november 2001 i Doha, Qatar, udkast til ministererklæring fra konferencen (MD, 462/01) samt udkast til WTO-beslutning vedr. emner i forbindelse med spørgsmålet om implementering (MD, 461/01).

De to dokumentudkast blev præsenteret af Kommissionen på mødet i EU's art. 133-udvalg (titulaires) den 28. september 2001. Udkastene vil indgå i det samlede videre arbejde frem mod ministerkonferencen i Doha.

JOB(01)/140

26 September 2001

**General Council****Preparations for the Fourth Session of the Ministerial Conference****Draft Ministerial Declaration**

The attached draft Ministerial Declaration is submitted for the consideration of delegations by the Chairman of the General Council in co-operation with the Director-General. It represents what they judge to be the best possible basis at the present time for reaching an eventual consensus on a balanced text to be put before Ministers in Doha. This draft does not of course purport to be agreed in any part, and it is understood that agreement must be reached on the text as a whole.

The present draft presents options in certain areas, and in other areas text remains to be developed. These are indicated by notes in italics which are not to be read as part of the text proper. Further intensive consultations based on this draft are envisaged, with the aim of resolving outstanding differences before a revision is issued.

This text is issued at the same time as the Draft Elements for Decision on Implementation-Related Issues and Concerns (Job(01)/139). The relationship between these two texts will need to be further developed as consultations on both proceed, in line with the indications in the texts.

<b>133 COMMITTEE</b>	
MD: 462	01
SOURCE:	Secretariat
FOR:	Discussion
DATE RECEIVED:	27/09/01

## General Council

### Preparations for the Fourth Session of the Ministerial Conference

#### Draft Ministerial Declaration

1. The multilateral trading system embodied in the World Trade Organization has promoted 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 and growth. 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 protectionist measures.
2. International trade plays a key role in the alleviation of poverty. We recognize the obligation to ensure that all our peoples may benefit from the increased opportunities and welfare gains generated by the multilateral trading system, and in the Work Programme adopted through this Declaration we seek to place the interests and needs of developing and least-developed countries at the heart of the WTO's work.
3. 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.
4. 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, and for effective cooperation with other intergovernmental organizations that have responsibilities related to those of the WTO.
5. 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 recognize the right of Members under the multilateral rules to take measures to uphold and enforce the levels of health, safety and environmental protection they deem appropriate, including the right to regulate, and to introduce new regulations on, the supply of services. We agree to ensure that measures taken to address such concerns shall not be used for protectionist purposes.
6. 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 on the social dimensions of globalization.
7. 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. These accessions will greatly strengthen the multilateral 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, especially for least-developed countries.
8. 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. Emphasizing the intergovernmental character of the organization, we will continue to promote a better public understanding of the WTO and to communicate the benefits of a liberal, rules-based multilateral trading system, particularly through the more effective dissemination of information and improved dialogue with the public.

9. 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.

## IMPLEMENTATION-RELATED ISSUES AND CONCERNS

10. We attach the utmost importance to the implementation issues and related concerns raised by Members and are determined to resolve them. Taking note of the General Council Decisions of 15 December 2000 [and 3 October 2001], we adopt the further Decision contained in document ... to address other outstanding issues. We agree that remaining implementation issues should be fully addressed, in accordance with appropriate guidelines to be developed, under the Work Programme we are establishing.

## FUTURE WORK PROGRAMME

### AGRICULTURE

11. *Text to be elaborated through further consultations based on the following elements:*

- Reference to the ongoing negotiations, including a reference to the active participation of developing countries.
- Reference to the long-term objective of reform in agriculture.
- Reference to the direction or aims of reform in the areas of market access, domestic support and export competition.
- Reference to special and differential treatment.
- Reference to non-trade concerns.
- Benchmarks and time-frames.
- Negotiating body.

### SERVICES

12. The mandated negotiations on trade in services are an important means of promoting the economic growth of all trading partners and the development of developing countries. We note with satisfaction the progress which has been made in these negotiations since their inception in January 2000, 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.

## MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

13. 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 and tariff escalation, as well as non-tariff barriers. Product coverage shall be comprehensive and without a priori exclusions. The negotiations shall take into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments.

## TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS<sup>1</sup>

14. We agree to complete negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits.

15. We agree [that the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) shall examine issues related to possible negotiations on][to negotiate] the extension of the protection of geographical indications provided for in Article 23 to additional product areas.

16. We instruct the TRIPS Council, in pursuing its work programme, to give due attention to the relationship between the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the Convention on Biological Diversity, the protection of traditional knowledge, non-violation complaints, and keeping the TRIPS Agreement abreast of new technological and other developments. In undertaking this work, the TRIPS Council shall be guided by the objectives and principles of the TRIPS Agreement and shall take fully into account the development dimension.

17. The TRIPS Council shall report on the progress of its work set out above to the General Council at the end of 2002 and submit a final report to the Fifth Session of the Ministerial Conference, which shall decide on further action.

## RELATIONSHIP BETWEEN TRADE AND INVESTMENT

18. We agree to negotiations which shall aim to establish a multilateral framework of rules to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment. The framework shall reflect in a balanced manner the interests of home and host countries, and take due account of governments' regulatory responsibilities and economic development objectives. It shall include as core elements provisions on scope and definition, transparency, non-discrimination, pre-establishment commitments based on a GATS-type approach, and the settlement of disputes between governments. The special development, trade and financial needs of developing and least-developed country participants shall be taken into account as an integral part of the framework, which shall enable Members to undertake obligations commensurate with their individual needs and circumstances. The negotiations shall pay due regard to other relevant WTO provisions and to existing bilateral and regional arrangements on investment. We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.

OR

19. The Working Group on the Relationship between Trade and Investment shall undertake further focused analytical work, based on proposals by Members. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.

<sup>1</sup> It is proposed that the issue of the relationship between intellectual property and [access to medicines]/[public health] be addressed in a separate declaration.

#### INTERACTION BETWEEN TRADE AND COMPETITION POLICY

20. We agree to negotiations aimed at enhancing the contribution of competition policy to international trade and development. To this end, the negotiations should establish a framework to address the following elements: 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. In the course of negotiations, full account shall be taken of the situation of developing and least-developed country participants and appropriate flexibility provided to address them. We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.

OR

21. The Working Group on the Interaction between Trade and Competition Policy shall undertake further focused analytical work, based on proposals by Members. A report on this work shall be presented to the Fifth Session of the Ministerial Conference.

#### TRANSPARENCY IN GOVERNMENT PROCUREMENT

22. We agree to negotiations on a multilateral agreement on transparency in government procurement, building on the progress that has been made in the Working Group on Transparency in Government Procurement and taking into account participants' development priorities. The negotiations shall be limited to the transparency aspects and will not restrict the scope for countries to give preferences to domestic supplies and suppliers. Issues relating to compliance with any new obligations to be agreed shall be addressed in the negotiations, taking into account the situation of developing and least-developed country participants. We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.

#### TRADE FACILITATION

23. We agree to negotiations which shall build upon Articles V, VIII and X of the GATT 1994, taking into account existing WTO provisions on matters related to customs and other procedures and formalities to expedite movement, release and clearance of goods. Issues relating to compliance with any new obligations to be agreed shall be addressed in the negotiations, taking into account the situation of developing and least-developed country participants. We commit ourselves to ensure that appropriate arrangements are made for the provision of technical assistance and support for capacity building both during the negotiations and as an element of the agreement to be negotiated.

#### WTO RULES

24. We agree to negotiations aimed at clarifying and improving disciplines under the existing Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures [...], taking into account the needs of developing and least-developed country participants.

25. We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. Issues relating to the application of any new obligations to existing regional trade agreements shall be addressed during the negotiations. Participants shall also take into account the developmental aspects of regional trade agreements.

#### AMENDMENT OF THE DISPUTE SETTLEMENT UNDERSTANDING

26. We agree to negotiations on possible amendments to the Dispute Settlement Understanding on the basis of proposals by Members. The negotiations should be based on the work done thus far and aim to produce a balanced package of amendments not later than May 2003, at which time we will take steps to ensure that the amendments enter into force as soon as possible thereafter.

#### TRADE AND ENVIRONMENT

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

- to address, in pursuance of the WTO's objective of sustainable development, those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development;
- to deepen the understanding of the relationship between the multilateral trading system and multilateral environment agreements (MEAs).

The Committee on Trade and Environment shall report to the Fifth Session of the Ministerial Conference on these issues.

28. We direct the Committee on Technical Barriers to Trade to expedite its work on labelling, bearing in mind that any measures in this field should not become disguised restrictions on trade, and to report to the Fifth Session of the Ministerial Conference.

#### ELECTRONIC COMMERCE

29. We take note of the work which has been done in the General Council and other relevant bodies since our Declaration of 20 May 1998 and agree to continue the Work Programme on 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 agree to maintain our current practice of not imposing customs duties on electronic transmissions until the Fifth Session.

#### SMALL ECONOMIES

30. 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

31. We agree to an examination, 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, financial and monetary policies with a view to safeguarding the multilateral trading system from the effects of

financial and monetary instability. We instruct the General Council to consider the most appropriate institutional arrangements for handling this examination and to report on progress to the Fifth Session of the Ministerial Conference.

#### TRADE AND TRANSFER OF TECHNOLOGY

32. We agree to an examination, 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. We instruct the General Council to consider the most appropriate institutional arrangements for handling this examination and to report on progress to the Fifth Session of the Ministerial Conference.

#### TECHNICAL COOPERATION AND CAPACITY BUILDING

33. We instruct the Secretariat to respond to requests from Members for technical assistance in the context of their mainstreaming of trade into national plans for economic development and strategies for poverty reduction. The delivery of WTO technical assistance shall be designed to assist beneficiary countries to understand 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, in the delivery of trade-related technical assistance, to building capacity for multilateral trade negotiations in developing, least-developed, small and vulnerable, and transition economies, including those without representation in Geneva. We underscore the urgent necessity for the coordinated delivery of technical assistance with relevant international and regional intergovernmental institutions within a coherent policy framework and timetable. We agree that there is a need for this 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 a level no lower than that of the current year.

#### LEAST-DEVELOPED COUNTRIES

34. We recognize that the further integration of the least-developed countries (LDCs) into the trading system requires combined and inter-related action at three levels namely, market access, trade-related technical assistance and capacity-building, and LDCs' domestic policy reforms. We 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 the Third United Nations Conference on the Least Developed Countries in May 2001. We acknowledge the value of and endorse the Integrated Framework for Trade-Related Technical Assistance to Least-Developed Countries (IF) as a viable model for LDCs' trade development. We appeal to development partners to increase contributions to the IF Trust Fund. We urge the core agencies, in coordination with development partners, to explore the enhancement of the IF and the extension of the model. We request the Director-General, following coordination with all the core agencies, to report to Ministers at the Fifth Session of the Ministerial Conference.

#### SPECIAL AND DIFFERENTIAL TREATMENT

35. *Text to be considered, taking into account the report to be submitted by the Committee on Trade and Development.*

**ORGANIZATION AND MANAGEMENT OF THE WORK PROGRAMME**

36. The negotiations to be pursued under the terms of this Declaration shall be concluded not later than ... The Fifth Session of the Ministerial Conference will take stock of progress in the negotiations, provide any necessary political guidance, and take any 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.

37. 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 ... It shall establish appropriate negotiating mechanisms as required and supervise the progress of the negotiations.

38. The conduct, conclusion and entry into force of the outcome of the negotiations shall, with the exception of those related to the amendment of the Dispute Settlement Understanding, 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.

39. Negotiations shall be open to:

- (i) all Members of the WTO;
- (ii) States and separate customs territories 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.

40. 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.

41. The Committee on Trade and Development and the Committee on Trade and Environment will, 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 in the negotiations.

42. The Work Programme as a whole must evolve in a balanced and forward-looking manner which responds to the diverse challenges faced by Members. Those elements which do not involve negotiations are also accorded a high priority. They will be pursued under the overall supervision of the General Council, which shall report on progress to the Fifth Session of the Ministerial Conference.

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JOB(01)/139

26 September 2001

**Draft Decision on Implementation-Related Issues and Concerns****3 October 2001/Fourth Session of the Ministerial Conference**

The attached draft Decision on implementation-related issues and concerns is submitted for the consideration of delegations by the Chairman of the General Council and the Director-General. It represents their best judgement of the possible basis at this time for reaching agreement to address the outstanding implementation-related issues and concerns in pursuance of the General Council's Decision of 3 May 2000. By taking action on the proposals outlined in this draft Decision, Members would be addressing elements of more than 40 items in addition to the dozen or so previously addressed in one way or another.

The Chairman and the Director-General believe that this draft represents a credible effort to move the implementation debate to a new level of understanding. The elements included in this draft Decision draw upon important and valuable contributions provided by developing countries, the "G-7" countries<sup>1</sup> and, more recently, by some developed countries. They also take into account the work on-going in the subsidiary bodies on issues referred to them. The Chairman and the Director-General also wish to acknowledge the value of the contributions by these bodies and their Chairpersons.

As reflected in the draft Decision, further action is proposed both now and at the Ministerial Conference in areas such as sanitary and phytosanitary measures, subsidies and countervailing measures, anti-dumping and textiles. In addition, it is proposed that remaining implementation issues be addressed in the context of the future work programme to be decided on by Ministers at the Fourth Ministerial Conference.

<b>133 COMMITTEE</b>
MD: 461/01
SOURCE: Secretariat
FOR: Discussion
DATE RECEIVED: 27/09/01

<sup>1</sup> Argentina, Morocco, New Zealand, Norway, Switzerland, Thailand and Uruguay.

## Implementation-Related Issues and Concerns

### Draft Decision

The General Council,

*Having regard to* Articles IV.1, IV.2, IV.5, IX.1 and IX.2 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* its Decision of 3 May 2000 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 and July 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 them 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:

(i) to take immediate action, as set out in Annex I, to address the implementation difficulties encountered by developing countries in a number of areas;

(ii) to develop recommendations for Ministers, based on the proposals set out in Annex II, for decision at the Fourth Session of the Ministerial Conference;

(iii) to recommend to Ministers, meeting on the occasion of the Fourth Session of the Ministerial Conference to address other implementation issues in the course of the future work programme of the WTO as provided for in the draft Ministerial Declaration; and

(iv) to request the Director-General, consistent with the relevant provisions of the draft Ministerial Declaration, 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, we stress the need for the WTO Secretariat to cooperate more closely with international and regional intergovernmental organisations so as to increase efficiency and synergies and avoid duplication of programmes.

## Annex I

1. General Agreement on Tariffs and Trade 1994

## - Tired 2

"The General Council 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."

## - Tired 4

"Noting the issues raised in the report of the Committee on Market Access concerning the meaning to be given to the phrase "substantial supplier" in Article XIII of the GATT 1994, the 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 no later than the Fifth Ministerial Conference."

2. Agreement on Agriculture

## - Tariff Rate Quotas

"The General Council takes note of the Committee on Agriculture's report on 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."

## - Tired 5

"The General Council 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."

3. Agreement on Sanitary and Phytosanitary Measures

## - Tireds 9 and 10

"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."

## - Tired 11

"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, actions necessary to implement the measure, and the fact that SPS measures can contribute to trade liberalization."

- Tired 12

*[Action to be taken in the light of the work of the Committee on Sanitary and Phytosanitary Measures.]*

- Tired 15

"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."

- International standard setting organisations

"The General Council notes with satisfaction 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 to coordinate efforts with these organizations and financial institutions to identify SPS-related technical assistance needs and how best to address them. The General Council urges the Director-General to continue his cooperative efforts with these organizations and institutions in that regard."

#### 4. Agreement on Technical Barriers to Trade

- Tireds 31&32

"The General Council 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."

- Tired 35

"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."

- International standard setting organisations

"The General Council notes with satisfaction 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 to coordinate efforts with these organizations and financial institutions to identify TBT-related technical assistance needs and how best to address them. The General Council urges the Director-General to continue his cooperative efforts with these organizations and institutions in that regard."

5. Agreement on Trade-Related Investment Measures

- Tired 36

"The General Council notes with satisfaction 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. Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994

- Article 20.1

"The General Council notes with satisfaction 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."

- Article 20.3

"The General Council endorses the comprehensive approach to technical assistance developed by the Committee on Customs Valuation and mandates the Committee to continue this work."

7. Agreement on Subsidies and Countervailing Measures

- Tireds 67, 82 and 83

"The General Council agrees that if a Member has been excluded from Annex VII to the Agreement on Subsidies and Countervailing Measures, it nevertheless shall be re-included in it if its GNP per capita falls back below US\$ 1,000."

"The General Council 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."

*[Action to be taken in the light of the report of the Committee on Subsidies and Countervailing Measures on the implementation of Article 27 as it relates to particular issues concerning developing-country Members with a small percentage share of exports in import markets and in global trade.]*

- Tired 80

"The General Council instructs the Committee on Subsidies and Countervailing Measures to review the provisions of the Agreement on Subsidies and Countervailing Measures regarding countervailing duty investigations, and to report it by the Fourth Ministerial Conference."

8. General Agreement on Trade in Services (GATS)

- Tired 85

"Recalling and reaffirming the provisions of the General Agreement on Trade in Services, the General Council notes that Members agree that administrative practices should not impede full and faithful implementation of their commitments under the General Agreement on Trade in Services, particularly as regards the supply of services under Mode 4."

9. TRIPS Agreement

- Tired 90

"With a view to facilitating the implementation of the TRIPS Agreement, the General Council requests Members to submit to the TRIPS Council information regarding measures implementing Article 66.2. These submissions shall be subject to a review in the TRIPS Council, and serve as reference in drawing up an illustrative list of incentives. This information shall be updated by Members annually thereafter."

10. Cross-cutting Issues

- Tired 97

"The General Council reaffirms that preferences granted to developing countries pursuant to the "Enabling Clause" should be generalised, non-reciprocal and non-discriminatory."

## Annex II

1. Agreement on Agriculture

## - Tires 7

*[Action to be taken on implementation 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 light of the report of the Committee on Agriculture expected on 28 September 2001.]*

## - Tires 8

*[Action on the implementation of Article 10.2 of the Agreement on Agriculture to be taken in the light of the report of the Committee on Agriculture expected on 28 September 2001.]*

2. Agreement on Textiles and Clothing

"Recalling the Ministerial Declarations of Singapore and Geneva under which Members reaffirmed their commitment to full and faithful implementation of the Agreement on Textiles and Clothing, the Ministerial Conference agrees:"

## - Tires 16 &amp; 24

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

## - Tires 20, 21 &amp; 25

"to calculate the quota levels for small suppliers for the remaining years of the Agreement by applying the most favourable methodology available in respect of those Members under the growth-on-growth provisions from the beginning of the implementation period; to extend the same treatment to least developed countries; and, where possible, to eliminate quota restrictions on imports of such Members."

## - Tires 17 &amp; 22

"to 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."

## - Tires 18, 23, 26 &amp; 27

"to exercise particular consideration and restraint before initiating investigations in the context of contingent trade remedies on textile and clothing exports from developing countries."

## - Tires 19 &amp; 29

"that Members, without prejudice to their rights and obligations, 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 examine them before they are applied."

3. Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994

Tiret 41

The Ministerial Conference 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. Unless this pre-initiation examination indicates that circumstances have changed, the investigation shall not proceed.

Tiret 45

The Ministerial Conference 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.

Tiret 49

The Ministerial Conference notes 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.

Tiret 55

The Ministerial Conference notes 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 requested 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.

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

- Tired 56

"The General Council agrees that when the Customs Administration of an importing Member has reasonable grounds to doubt the accuracy of the value declared, it may seek assistance from the Customs Administration of an exporting Member on the value of the good imported. In that case the exporting Member should offer cooperation and assistance, including information on the export value of the goods imported if available. Any information provided in this context shall be treated in accordance with the provisions of Article 10 of the Agreement on the Implementation of Article VII of the GATT 1994."

5. Agreement on Rules of Origin

- Tired 63

"The Ministerial Conference 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 harmonisation 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."

6. Agreement on Subsidies and Countervailing Measures

- Article 27.4

*[Finalization of the Annex I decision on Article 27.4 in the light of the work of the Committee on Subsidies and Countervailing Measures.]*

- Tired 68

*[Decision to be taken in the light of the work of the Committee on Subsidies and Countervailing Measures.]*

- Tireds 74 & 75

"The Ministerial Conference urges Members to apply, where possible, a higher *de minimis* level in countervailing duty investigations of products originating in developing country Members, than the levels set forth in Articles 27.10 and 27.11 of the Agreement on Subsidies and Countervailing Measures."

7. TRIPS Agreement

- Tired 89

"The Ministerial Conference directs the TRIPS Council 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. The Ministerial Conference agrees that Members, in the meantime, will not initiate such complaints."

8. Cross-cutting Issues

- Tired 96

*[Action to be taken in light of the report of the Committee on Trade and Development due on 28 September. This issue is also referred to in the Draft Ministerial Declaration].*

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