

PREPARATIONS FOR THE FOURTH SESSION OF THE MINISTERIAL CONFERENCE

Comments on the Draft Ministerial Decision on Implementation-Related Issues
and Concerns (Job (01)/139/Rev.1)

Communication from Cuba

The following communication, dated 1 November 2001, has been received from the Permanent Mission of Cuba.

Agreement on Agriculture

Proposed alternative formulation for Tired 5

“Developing Countries measures to address food security and rural development taken under Green Box shall not be challenged by Members”

Agreement on the Application of Sanitary and Phytosanitary Measures

Proposed alternative formulation for Tireds 9 and 10

“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 12 month beyond the date the measure come into effect for others. When a phase in does not exist but a developing country identifies specific problems with the measures, the country applying the measures shall enter into consultations with the developing country with a view to finding a mutually satisfactory solution”

Proposed alternative formulation for 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.”

Proposed alternative formulation for 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 three years.”

Agreement on Technical Barriers to Trade

Proposed alternative formulation for Tired 35

"The phrase "reasonable interval" in paragraph 12 of Article 2 of the Agreement on Technical Barriers to Trade shall be understood to mean normally a period of not less than 12 months, except when this would be ineffective in fulfilling the legitimate objectives pursued."

Tired that we wish to be brought forward for urgent action and decision:

Tired 33 – "Article 11 shall be made obligatory so that technical assistance and cooperation is provided to developing countries".

Agreement on Subsidies and Countervailing Measures

Add the following text on Tired 67

"Annex VII of the Agreement shall be modified to read as follows:
The developing-country Members not subject to the provisions of paragraph 1(a) of Article 3 under the terms of paragraph 2(a) of Article 27 are:

- (i) The developing countries, including the least-developed countries, Members of the WTO that are included in the Low and Middle Income Category of the World Bank;
- (ii) Countries indicated in paragraph (i) above will be excluded from this Annex if their GNP per capita has exceeded the top level of the Middle Income Category of the World Bank. They will be automatically included in this Annex, if their GNP per capita falls at or under the top level of the Lower-Middle Income Category of the World Bank."

Proposed alternative formulation for Article 27.4

"Having regard to the particular situation of certain developing-country Members, directs the Committee on Subsidies and Countervailing Measures to extend the transition period for 15 years, 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/W/471."

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

Tireds which we wish to be brought forward for urgent action and decision:

Tired 87- "In the light of provisions contained in Articles 23 and 24 of the TRIPS Agreement, additional protection for geographical indications shall be extended for products other than wines and spirits."

Tired 88- "a clear understanding in the interim that patents inconsistent with Article 15 of the CBD shall not be granted."

Tired 91- "The period given for implementation of the provisions of Article 27.3(b) shall be five years from the date the review is completed."

Tiret 93- “The transitional period for developing countries provided for in Article 65.2 shall be extended.”

Tiret 94- “Articles 7 and 8 of the TRIPS Agreement to be operationalized by providing for transfer of technology on fair and mutually advantageous terms.”

Tiret 95- “Article 27.3(b) to be amended in light of the provisions of the Convention on Biological Diversity and the International Undertaking. Also, clarify artificial distinctions between biological and microbiological organisms and process; ensure the continuation of the traditional farming practices including the right to save, exchange and save seeds, and sell their harvest; and prevent anti-competitive practices which will threaten food sovereignty of people in developing countries, as permitted by Article 31 of the TRIPS Agreement.”
