



Committee on Trade and Development
Fifty-Ninth Special Session

NOTE ON THE MEETING OF 7 JUNE 2023

Chairperson: Ambassador Kadra Ahmed Hassan (Djibouti)

A. ADOPTION OF THE AGENDA 1

B. COMMUNICATIONS FROM THE G-90 1

(I) G-90 Document for the Special Session of the Committee on Trade and Development on 10 Agreement-specific Special and Differential Treatment Proposals (JOB/TN/CTD/2 - JOB/TNC/106) 1

(II) G-90 Document for the Special Session of the Committee on Trade and Development on Special and Differential Treatment Proposals on the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade (JOB/TN/CTD/3 - JOB/TNC/110)..... 1

C. OTHER BUSINESS..... 15

A. ADOPTION OF THE AGENDA

1. The Chairperson said that the draft agenda for the 59th Special Session of the Committee on Trade and Development (CTD SS) was circulated in Airgram WTO/AIR/TN/CTD/11 of 26 May 2023.
2. The agenda was adopted.

B. COMMUNICATIONS FROM THE G-90

- (I) G-90 Document for the Special Session of the Committee on Trade and Development on 10 Agreement-specific Special and Differential Treatment Proposals (JOB/TN/CTD/2 - JOB/TNC/106)**
- (II) G-90 Document for the Special Session of the Committee on Trade and Development on Special and Differential Treatment Proposals on the Agreement on the Application of Sanitary and Phytosanitary measures and the Agreement on Technical Barriers to Trade (JOB/TN/CTD/3 - JOB/TNC/110)**

3. The Chairperson said that two communications from the G90 were listed under the present agenda item. However, before turning to these communications, she wished to provide some background on what had transpired in the CTD SS since the Twelfth WTO Ministerial Conference (MC12), and where things stood now in the work. She also wished to say a few words about the process ahead. She firstly recalled that, in paragraph 2 of the MC12 Outcome Document (WT/MIN(22)/24 - WT/L/1135), Ministers had reaffirmed the special and differential treatment (S&D) provisions for developing country Members and least developed countries (LDCs) as an integral part of the WTO and its Agreements. They had stated that S&D in WTO Agreements should be precise, effective and operational. In the same paragraph, they had also instructed officials to continue to work on improving the application of S&D in the CTD SS and other relevant venues in the WTO, as agreed and report on progress to the General Council before the Thirteenth WTO Ministerial Conference (MC13). A formal meeting of the CTD SS was convened on 23 September 2022 to allow an exchange of views on the way forward in the CTD SS after MC12. At that meeting, she was pleased to note the readiness expressed by many delegations to fulfil

Ministers' instructions in paragraph 2 of the MC12 Outcome Document – even if divergent views on the ten G90 Agreement-specific proposals (ASPs) remained. An unofficial room document (RD/TN/CTD/1) was submitted by the G90 for discussion during that meeting. Sri Lanka subsequently requested to be added as a co-sponsor of the document. In addition to putting forward a case for S&D, the room document, *inter alia*, called on the CTD SS and Members to resume work and regular engagements through structured discussions in fulfilment of the commitment and expected outcomes of Ministers before MC13.

4. The G90 had also indicated that it would be submitting a formal proposal on how the work of the CTD SS could be organized and structured in the post-MC12 period, including on the substantive elements. The formal proposal by the G90 was subsequently circulated on 28 February 2023 (JOB/TN/CTD/2 - JOB/TNC/106). A formal CTD SS meeting was convened on 20 March 2023 to allow Members to consider this submission. She recalled that, at the meeting on 20 March, the Special Session had agreed to the process laid out in Section B of the submission. The process consisted of a series of formal meetings to have in-depth discussions on each of the ten G90 ASPs, complemented as necessary by informal meetings and technical workshops. This submission appeared once again on the agenda for the present meeting. She understood that the G90 wished to maintain this submission on the agenda, as it provided the context for the newest G90 submission – which was circulated on 22 May 2023 (JOB/TN/CTD/3 - JOB/TNC/110) and would be the main focus of discussions. She also informed Members that, after the agenda for the present meeting was issued, a corrigendum to the newest submission was circulated on 30 May 2023 (JOB/TN/CTD/3/Corr.1 - JOB/TNC/110/Corr.1) to correct the language in footnote 6 on page 6. The newest submission was in line with what the G90 had indicated at the last meeting – namely, that it would be submitting further textual proposals on each of the ASPs, starting with the proposals on the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement). This new submission, which therefore concerned the ASPs on the SPS and TBT Agreements, was the first in a series that Members could expect to receive from the G90. The submission, along with the present meeting, together kickstarted the process that was agreed at the last meeting.

5. She went on to say that she wished to say a few words on the process ahead. Since the last meeting, she had been considering how best to take forward the agreed process in practical terms and had spoken informally with several delegations on this matter. She had also held a small group informal consultation on 1 June 2023, at which the process ahead was discussed. After due consideration, and after taking on board the views and suggestions shared by Members, she had decided to appoint a number of facilitators to assist her in taking the discussions forward on the various G90 ASPs. She believed that this would be the most practical and effective way to implement the agreed process, with a view to making progress and achieving concrete outcomes in the short time ahead of Members. Specifically, a total of five facilitators would be appointed as Members moved through the process. Each facilitator would have responsibility for two ASPs. The facilitators would work with Members on the ASPs under their responsibility with the ultimate objective of finding landing zones and areas of convergence. She was confident that the facilitators would conduct their work in a transparent, objective, impartial and inclusive manner. It would be for the facilitators to hold technical and focused discussions with Members on each of the ASPs, in informal settings. The facilitators would also be in the best position to determine whether and when workshops may be required to help make progress on specific ASPs under their responsibility. After due consultation with the facilitators, she would additionally consider convening informal, open-ended CTD SS meetings – if it was felt that this would be useful and productive.

6. She noted that the question had been posed to her as to whether private sector representatives or non-governmental organizations (NGOs) could participate in the upcoming discussions. Her feeling on this was that workshops, which were outside of the normal CTD SS structure, may be the best place for Members to hear from and engage with such entities – as and when this was deemed useful to make progress in the discussions. She would be sharing this view with all the facilitators. She added that the facilitators would keep her regularly informed of the status of the discussions they were facilitating. Furthermore, she envisaged that the facilitators would provide an update on their work at each formal CTD SS meeting as Members progressed through the year. Given that Members had now received the first textual submission by the G90 in the context of the agreed process, she was pleased to be able to announce the first facilitator, which was Singapore. As facilitator, Singapore would have the responsibility for the G90 ASPs concerning the SPS and TBT Agreements. She expressed her sincere thanks and appreciation to Singapore for having agreed to take on this role and noted that the delegation of Singapore would be contacting

Members shortly on matters relating to these two ASPs. As for the other facilitators, she would nominate them as and when the additional textual proposals by the G90 on specific ASPs were submitted. After each textual proposal was introduced in a formal CTD SS meeting, the facilitators for the ASPs in question would be responsible for the further technical work with Members in informal settings. Members could therefore eventually expect technical and focused work to be taking place simultaneously on all ten ASPs. Nevertheless, the CTD SS would remain the overall coordinating body for horizontal discussions on the ASPs and where reports by the facilitators would be made. She hoped that it was now clear to all about where Members stood in their discussions in the CTD SS, and how the agreed process was going to be taken forward. She assured Members that, although the technical discussions on each of the ASPs would be handled by the facilitators, her door would always remain open for any delegation that wished to discuss issues relating to the work of the CTD SS, including the process ahead. She then invited the representative of the G90 to introduce the new submission concerning the ASPs on the SPS and TBT Agreements.

7. The representative of South Africa, on behalf of the G90, delivered the following statement:

8. The G90 thanks you for convening this meeting and appreciates this opportunity to present our submission contained in documents JOB/TN/CTD/3 and JOB/TNC/110. We also thank those delegations that made time to engage us prior to this meeting on our submission. The submission of the S&D proposals on the SPS and TBT Agreements is done in accordance with the roadmap and work programme that the G90 presented to the CTD SS on 20 March 2023 as contained in documents JOB/TN/CTD/2 and JOB/TNC/106 and subsequently agreed by this Committee. It encompasses the first set of the ten ASPs that the G90 will be submitting for negotiations. Our intention is to submit proposals on the remaining eight over the next weeks with the ambition to have all these circulated before the summer break. We are fully cognizant that this meeting is the beginning of a process. To paraphrase from our submission in February 2023, it is the first of a series of formal meetings dedicated to focused, technical discussions on the ten G90 ASPs, as well as informal meetings or any formats that will lend themselves effectively and constructively to the exercise before us. As we mentioned at the last CTD SS meeting in March, the G90 believes that the reaffirmation by Ministers in paragraph 2 of the MC12 Outcome Document – that S&D remains an integral part of the WTO and its Agreements – signalled a clear and significant political commitment. This enjoins all of us to double our efforts towards delivering on the longstanding mandate accorded to this Committee – that of reviewing S&D provisions with a view to strengthening them and making them more precise, effective, and operational, in line with paragraph 44 of the Doha Ministerial Declaration. Echoing the Chair's words to the Trade Negotiations Committee (TNC) in April 2023, we too hope that the positive attitude Members exhibited that guided the delegations to agree on the process at the last CTD SS meeting would persist in our engagements on the substantive issues.

9. The G90 would like to restate that, in presenting these two ASPs on the SPS and TBT Agreements, we seek not blanket exemptions from commitments. Rather, we seek to operationalize the collective commitments of the WTO Membership already contained in these two Agreements. We also proceed from the premise that S&D is not confined to transitional periods, capacity building and technical assistance. It should be intrinsically embedded in the trade rules and measures Members adopt to allow policy flexibility to developing countries and LDCs to achieve their development objectives, and under conditions of certainty. Ultimately, our objective is ensuring stability, predictability and transparency in the implementation of existing S&D provisions, thereby strengthening a core area of the multilateral trading system (MTS) in favour and benefit of the interests of developing countries, including LDCs. In this regard, allow us to recall and remind Members of the following key principles that guide our approach to the ASPs towards ensuring that S&D provisions become more precise, effective and operational, in line with the negotiating mandate of the CTD SS. First, S&D for developing countries and LDCs is an integral part of the MTS architecture and a treaty-embedded right. Second, the mandate under paragraph 44 of the Doha Declaration - which was reaffirmed at MC12 - is to review S&D provisions under existing covered Agreements with a view to strengthening them and making them more precise, effective and operational. The G90 believes that the SPS and TBT ASPs we are tabling today provide the necessary clarity and certainty to the existing S&D provisions in these respective Agreements. Addressing the deficiencies we outline in our submission and introducing the remedies in the textual proposals would significantly contribute towards advancing the developmental aspirations of developing countries, including LDCs, while enhancing the resilience of their economies and their integration into international trade.

10. As reported in our submission, SPS and TBT measures together are by far the most common non-tariff measures (NTMs) affecting trade. Of all the NTMs that are notified to the WTO, TBT measures account for 57.6% and SPS measures for 37.6%. Together, this accounts for a combined 95.2%. Meanwhile, producers are currently bombarded by a proliferation of SPS and TBT measures of ever-increasing complexity which have, or threaten to, disproportionately affect exports from developing countries, including LDCs. Research conducted by the United Nations Conference on Trade and Development (UNCTAD) also reveals that developed countries apply significantly more SPS and TBT measures than developing countries, with data revealing that developing countries and LDCs bear the highest incidence of costs due to such measures. The scale of the informational, compliance-related and procedural costs that exports from developing countries and LDCs, have to contend with alters in real terms their relative global competitiveness. Owing to a number of factors – not least the lack of resources or technical capacity – developing countries and LDCs are largely standards-takers. They play an insignificant role in the development of international standards, including in the development of standards in their markets of interests. The lack of infrastructure in developing countries and LDCs to comply, effectively demonstrate compliance or prove equivalence, is a significant barrier to their exports, particularly to developed country markets. It is in light of the above challenges combined that the G90 has proposed in Annex 1 and 2 of our submission, the S&D improvements premised on the following core elements. The first element concerns longer time periods for developing countries and LDCs facing capacity constraints to provide comments on proposed SPS measures, technical regulations or standards by a developed country, or developing countries in a position to do so. The G90 therefore calls for proper and early consultations on measures to be implemented. In these consultations, developed Members shall consider the status of a developing or LDC Member's capacity to comply with the measure. This would include technology, human resources and infrastructure needs, with a view to exploring solutions which neither restrict nor preclude the participation of developing country Members and LDC Members in the market in question.

11. The second element concerns longer time frames for compliance. This would be accompanied by capacity building and technical assistance by a developed country to developing countries and LDCs to ensure no or minimal disruptions to their exports. Some of the measures require significant infrastructure outlays and systems that may not be readily available to developing countries. Where there are real constraints, this would require the consideration of alternative and less restrictive measures or longer time periods to enable compliance. A disruption in exports has significant implications and means loss of jobs and income. It can result in the decimation of key export sectors for developing countries. The third element concerns compensatory adjustment support by developed countries to adversely affected developing countries and LDCs in case of urgent implementation of SPS or TBT measures. This would be to assist them to maintain their market share in developed countries' export markets and support their quality infrastructural capabilities to meet such measures. The G90 stands ready to provide any clarifications on the textual proposals on the two ASPs and looks forward to focused technical engagements on them. On process, we would like to recall that the work programme agreed to as proposed by the G90 at the last CTD SS meeting had envisaged that discussions would indeed be necessary outside the confines of formal meetings. In this regard, we welcome the Chair's appointment of Singapore as facilitator of negotiations on the SPS and TBT ASPs we have tabled today. We are confident that such a process will yield positive outcomes and will be conducive for the kind of substantive and technical discussions necessary to progress our work. The G90 assures both the Chair and Singapore, as well as Members, of its support and constructive engagement and reiterates its commitment to engage in good faith in these negotiations.

12. The representative of Egypt delivered the following statement:

13. We are gathered today to discuss one of the most important issues relating to development. We are fortunate that Members are ready to discuss and negotiate development. I believe that all of us are sincere when it comes to our commitment to respecting the mandate that we have and to resolve this important issue that has been on the table for decades. I am not going to add much to what my colleague from South Africa said, because his intervention was comprehensive. Let me congratulate the Chair on the way the process is being led, including with respect to the idea of appointing facilitators. I appreciate the appointment of Singapore as facilitator on the ASPs concerning the SPS and TBT Agreements. We will be ready to be work with the facilitator, and our engagement will be productive. I would also like to refer to Article 10.1 of the SPS Agreement. When countries – especially developed countries – prepare or apply SPS measures, they have to take into consideration the special needs of developing countries and LDCs. This is a very simple

and straightforward provision, yet it is not implemented. Egypt raised this matter 20 years ago and asked Members to reflect this commitment in the body of notifications. However, this never happened. There are therefore a lot of things that we can implement and make happen if we have the will. On the G90 proposals presented by South Africa, Egypt fully supports the G90 submission on the S&D provisions in the SPS and TBT Agreements. These two textual proposals are just the beginning of a series of submissions that we are going to put on the table for the CTD SS to discuss. We believe that the G90 ASPs are of utmost importance for developing countries to effectively address the significant negative implications of measures adopted by developed countries on exports from developing countries. Allow me to present evidence highlighting the importance of S&D provisions in these Agreements and their impact on developing countries. Firstly, as mentioned by my colleague from South Africa, SPS and TBT measures account for a substantial proportion of NTMs affecting trade. According to data from the WTO, TBT measures constitute 57.6% and SPS measures 37.6% of all notified NTMs. Together, they account for more than 90% of all NTMs. I am repeating the numbers to show Members how significant these measures have become. This demonstrates the widespread impact of these measures on international trade, especially trade from developing countries and LDCs.

14. Research conducted by UNCTAD reveals that developed countries apply a significantly higher number of SPS and TBT measures compared to developing countries. This disparity places a disproportionate burden on developing countries, particularly LDCs, as they face higher compliance costs and limited resources for meeting these measures. These challenges negatively affect their ability to compete globally. The complexity and proliferation of SPS and TBT measures pose significant barriers for developing countries. Lack of resources, technical capacity and infrastructure further exacerbate their challenges. As a result, developing countries often find themselves as standards-takers rather than active participants in the development of international standards. This hampers their market access and undermines their competitiveness. To illustrate the practical implications, consider the case of African agricultural exports. Many African countries rely heavily on agricultural products for export. However, stringent SPS measures imposed by developed countries – such as maximum residue limits, packaging requirements and certification procedures – create obstacles that restrict their access to lucrative markets. The inability to comply with these measures effectively hinders the export potential of developing countries and LDCs, leading to lost economic opportunities and stunted development. Furthermore, the lack of policy flexibility in the implementation of SPS and TBT measures has adverse effects on the resilience of developing countries' economies. Rapid and urgent implementation of measures without adequate adjustment support can lead to disruptions in exports and severe economic consequences. S&D provisions – such as longer time periods for compliance, capacity building and technical assistance – can alleviate these challenges and enable developing countries to adapt and maintain their market share. In conclusion, the S&D provisions in the SPS and TBT Agreements play a crucial role in mitigating the negative impacts of measures adopted by developed countries on exports from developing countries. The evidence presented demonstrates the disproportionate burden faced by developing countries, especially LDCs, and the need for policy flexibility and support to enhance their trade opportunities. Egypt strongly advocates for the adoption of the G90 proposals to strengthen S&D provisions, thereby promoting fair and inclusive international trade practices.

15. The representative of Uganda, on behalf of the LDC Group, delivered the following statement:

16. The LDC Group thanks you for convening this meeting to discuss the G90 proposals on the SPS and TBT Agreements. The Group would like to take this opportunity to congratulate South Africa for presenting the proposals on the agenda and to echo its intervention on behalf of the G90. The Group would also like to express its commitment to the MTS, which offers collective opportunities through the flexibilities provided in the WTO Agreements to address the capacity constraints faced by developing countries, and LDCs in particular. Through paragraph 44 of the Doha Declaration and paragraph 2 of the MC12 Outcome Document, Ministers instructed Members to review S&D provisions in the covered Agreements with a view to strengthening them and making them more precise, more effective and more operational. Being mainly commodity exporters, LDCs face a proliferation of SPS and TBT measures based on environmental protection, sustainability and health, among others. Unfortunately, they do not have quality infrastructure, and the costs of compliance as well as procedures and information are often extremely high. This leads to additional costs that exporters are not always able to bear. The cumulative effect is the undermining of the potential benefits that unilateral preferential arrangements and preferential trade agreements were intended to provide to LDCs and other developing countries, thus limiting these countries' capacities to leverage trade as a means for economic growth, poverty reduction and sustainable development. It

is therefore clear that, in the absence of the necessary support, standards, technical regulations and SPS measures can constitute significant obstacles to the access of exports from developing countries and LDCs to major international markets. The LDC Group is of the view that incorporating the flexibilities contained in the SPS and TBT proposals into SPS and TBT measures could ensure certainty, transparency and stability in the development and implementation of measures that affect LDCs' exports. Thus, developed Members must take into account the needs of developing countries and LDCs in the development of new SPS and TBT measures by granting them longer periods to react – as well as the technical assistance necessary to bring them into conformity, and compensation when their exports are affected by new SPS and TBT measures. In conclusion, the LDC Group invites Members to engage in negotiations on these two G90 proposals. By doing so, they will contribute to making WTO rules clearer and more predictable. This will help facilitate the effective integration of developing countries and LDCs into the MTS. The LDC Group congratulates Singapore on its designation as facilitator on these two proposals. We look forward to a constructive engagement in the weeks ahead.

17. The representative of European Union delivered the following statement:

18. Like the delegations before me, the European Union would like to deliver a single statement under this agenda item. In line with the sequencing discussed at the previous meeting in March 2023, and the G90 communication announced there with the proposals on SPS and TBT, the European Union is pleased to return to the CTD SS today. We thank the G90 for their recent communication containing the SPS and TBT proposals. I have listened carefully to the previous speakers and would like to thank them for their statements. The European Union would welcome that the proponents present and explain the new proposals in detail, especially explaining the differences in the new proposals from previous submissions. The European Union is open to discuss how to facilitate practical solutions to specific challenges faced by developing countries, including LDCs, in the implementation of the SPS and TBT Agreements. We are interested and want to see if progress is possible on the proposals on SPS and TBT by looking at ways in which the substantive G90 concerns could be met. For instance, the European Union would consider early-stage consultation on a case-by-case basis. It would be interesting to discuss in practical terms how to improve specific trade concerns in the case of procedures in the TBT and SPS Committees. The European Union would be ready to discuss the possibility of making technical assistance and capacity building more targeted and tailor-made. This would be to offer particular help to LDCs, and other developing countries with specific needs and capacity constraints, to get early warning of notified measures. On SPS in particular, the G90 proposal aims at mandatory provisions to ensure certainty, transparency and stability in the development and implementation of SPS measures that impact the exports of developing countries, including LDCs. The European Union would like to highlight that the SPS Agreement already contains specific S&D provisions. Therefore, in order to respond to this suggestion, we would welcome more practical details.

19. I would like to make a further point on SPS. In the framework of the work programme established by the MC12 SPS Declaration, a special working group was created. This working group discussed how to increase the participation of and the support for the special needs of developing countries, including LDCs, in the development and application of SPS measures. We believe that it would be useful to listen to the findings and recommendations prepared by this group as well. Referring to the previous CTD SS meeting, we would welcome continued discussions with Members on setting up a seminar or workshop. We note that, within the SPS Committee, a workshop recently took place on "Facilitating safe trade: Standards and Trade Development Facility (STDF) solutions to strengthen SPS capacity in developing and least developed countries". We would therefore welcome a seminar or a workshop to focus on TBT, as a start, that could ideally take place as early as possible in the autumn, so that it can be well prepared. This seminar or workshop would be an occasion for developing countries, including LDCs, to explain their specific needs and capacity constraints in detail. It would be an opportunity to invite experts from the WTO and other international organizations, as well as external stakeholders – including the private sector, for instance. In addition, the workshop could serve to consider what possible role the WTO Secretariat could play to support developing countries with the ePing system, or a version of that system further adjusted to the needs of the concerned countries. Of course, we would expect any improvements related to ePing to be relevant for SPS purposes as well. We would like to see if these discussions could identify those issues where progress is possible. This would require pragmatism and a focus on responding to the real needs of those countries that face particular difficulties in integrating into the global trading system. We have already sensed a general appetite for more evidence-based decision-making. Let me finish by noting that the Chair's statement on the issue of facilitators

included the information that a colleague from Singapore will take on the role of facilitator on SPS and TBT issues. The European Union can accept Singapore as facilitator on these matters. I wonder if the colleague from Singapore has already been identified and is in the room to take the floor.

20. The representative of Norway delivered the following statement:

21. I would like to thank the Chair for the good leadership, and South Africa for presenting the proposals on TBT and SPS on behalf of the G90. We welcome the submission. It is in line with the mandate our Ministers gave us in paragraph 2 of the MC12 Outcome Document. We acknowledge the difficulties faced by exporters in developing countries and LDCs in complying with technical regulations and standards. We acknowledge how this affects exports by developing countries and LDCs. As my Ambassador clearly said at the previous CTD SS meeting, development is at the core of the WTO. Trade is a means for development. Ensuring development and better integration in the MTS for developing and LDC Members alike is beneficial for all. This is not only in terms of solidarity and bettering the trust levels in this organization, but also in economic terms and in terms of long-term profits. Norway will engage constructively on each of the ten ASPs, with a view to exploring the potential for, and hopefully achieving, concrete results. I would now like to turn to the content. I know that this will be discussed more in the informal sessions, but I would like to make some points here as well.

22. We firstly welcome the focus on a few proposals at a time. All moderations and clarifications of the previous proposals are received with thanks. We also view positively the suggestions in the first provision of both Annexes, regarding early notification and an extension of the deadline for developing countries to comment. Prior to the Tenth WTO Ministerial Conference (MC10) in 2015, Norway was prepared to be able to extend this deadline to 90 days, which is in line with the current proposal. However, regarding provision 2 and the part concerning notifications in provision 1, Norway's notifications are standardized through the European Economic Area Agreement. Therefore, on notification procedures, careful consultations with Members are needed. In the third provision in both Annexes, on the suggested longer phasing-in time for regulations – or as it says, "allows scope for phased introduction" – this is something we should be able to consider. We appreciate the G90's moderating wording here. Regarding the part of the third provision in both Annexes on financial assistance, we acknowledge that such assistance is certainly relevant in the areas of SPS and TBT. However, the fact is that national grants are up to our politicians to decide, on a year-to-year basis, and unfortunately not something for us to contractually bind in a WTO agreement. Therefore, softer wording is needed. In the context of SPS, we suggest that bringing forward the STDF – which was created precisely for this purpose – is a better direction. I would also like to echo my colleague from the European Union on being open to making capacity building and technical assistance more tailored to specific needs. Lastly, the SPS and TBT Agreements do have S&D provisions. These are provisions 9 and 10 in the SPS Agreement, and provision 2.12 in the TBT Agreement. I wonder how aware Members are of these provisions, and whether these provisions are used. If not, why? We suggest that this is something that should be carefully investigated in the Monitoring Mechanism or in the informal sessions on the SPS and TBT proposals. While we agree that the actual negotiations should be between WTO Members only, we do support Members' call for a wider participation of other stakeholders in informal sessions – specifically NGOs, the private sector and exporters – to shed light on the needs in practice from different perspectives.

23. The representative of Canada delivered the following statement:

24. Canada thanks the G90 for their paper on the ten ASPs, including the more recent paper on the SPS and TBT Agreements. Canada sincerely understands the difficulties faced by exporters in developing countries, and LDCs in particular, when it comes to complying with technical regulations and standards. Canada is flexible with the idea of having discussions to better understand the challenges of meeting SPS requirements and technical regulations. We should remain open and focused on solutions that would concretely help to address those challenges. In that vein, we think it would be important to ensure our discussions include the views and experiences of organizations that work in this area and from exporters themselves, for example. We also think that it is important to continue work in the SPS and TBT Committees around these issues and ensure we do not duplicate efforts. Finally, we believe that the SPS and TBT Agreements currently provide rights and flexibilities, which could be more fully explored – including with regard to requesting guidance, advice or comment period extensions as needed. As such, we would welcome discussions around how the Agreements could currently help address the concerns expressed. We want to reiterate that we

understand the concerns raised by the G90 and remain open to discussions that will concretely advance some of the problems identified in the proposals.

25. The representative of Angola delivered the following statement:

26. Angola aligns itself with statement made by Uganda on behalf of LDC Group and thanks South Africa for the introductory remarks on the G90 proposals. We understand that SPS measures aim to protect the health of humans, plants and animals - while TBT measures ensure product quality and safety. However, the COVID-19 crisis showed how these measures are profoundly interconnected in safety domains and how the misuse of these Agreements can quickly evolve towards protectionism. They can lead to the shielding of domestic production from fair world trade competition and can hurt profoundly the most vulnerable economies and societies in the areas of agricultural trade. Of all the NTMs that are notified to the WTO, TBT measures account for 57.6% and SPS measures account for 37.6%. Therefore, there is an urgent need to clarify the application of pertinent S&D provisions to avoid an asymmetric misuse of these Agreements that damage the LDCs' and other developing countries' efforts to recover from the pandemic crisis and similar global economic downturns. Angola has noted that Articles 9.2 and 10 of the SPS Agreement have regularly confronted developing countries, particularly LDCs, with changing regulations and stringent SPS measures. The G90 proposal aims to clarify the concept of a reasonable timeframe, which should be at least 12 months for LDCs and developing countries facing capacity constraints before adopting the measure. The current timeframe of six months for compliance is insufficient. Likewise, there is an urgent need to clarify Article 12.3 of the TBT Agreement, which requires Members to take account of the financial and trade needs of LDCs and other developing countries in the preparation and application of technical regulations, standards and conformity assessment procedures to ensure that TBT measures do not create obstacles to their exports. Finally, Angola stresses the urgency to clarify pertinent S&D provisions relative to SPS and TBT that have become key demands to support LDCs and developing countries in the post-pandemic global economy, and for which fair trade opportunities and recovery are strategic assets for their development retrieval. Angola thanks Singapore for accepting to facilitate the process.

27. The representative of Singapore delivered the following statement:

28. I was intending to introduce myself at the end of the meeting, but I was called forth by my colleague from the European Union. I therefore seek your kind indulgence to interrupt Members' discussion on the G90 proposals to take some time to give a brief introduction. Singapore would like to thank Members for their nomination and the confidence placed in us. We are honoured to take up the role in assisting the Chair by facilitating the technical discussions on the important topics of SPS and TBT. We take note of Members' call for evidence-based discussions to involve technical experts, including relevant external stakeholders as well as experts from the Secretariat. We will regularly keep the Chair and the Committee informed of the technical discussions. Looking ahead, Singapore is of the view that we should start consultations to hear Members' views on how the technical discussions should be organized. We will work with the Secretariat to circulate an invitation open to all Members and would welcome interested Members that respond to the invitation. Following the consultations, we plan to report back to the CTD SS with a proposed way forward with the aim of embarking on substantive discussions on the proposals as soon as possible. We count on your support.

29. The representative of China delivered the following statement:

30. I would like to thank South Africa for their introduction of the proposals on behalf of G90. I would also like to thank Singapore for serving as facilitator. Development is one of the central agendas at the WTO. As colleagues from South Africa, Egypt and Angola said, SPS and TBT measures account for more than 90% of NTMs. According to the technical assistance questionnaire in preparation of the Biennial Technical Assistance and Training Plan, SPS and TBT are also identified as the highest priority for trade-related technical assistance by the respondents from all regions. China generally concurs with the main ideas of the textual proposal by the G90. It is necessary to ensure that SPS and TBT measures in key markets do not further marginalize developing countries in international trade owing to their limited capacities. The WTO needs to play its role in this regard. As the largest developing Member, China is committed to bridging the North-South divide through strengthened South-South cooperation. China is also willing to work with other WTO Members to advance the discussions through formal and informal meetings.

31. The representative of India delivered the following statement:

32. India would like to compliment the G90 for their submission in document JOB/TN/CTD/3, containing two Agreement-specific textual proposals relating to the SPS and TBT Agreements. This submission builds on the earlier submission presented in document JOB/TN/CTD/2. We would also like to thank South Africa for introducing the proposals. India agrees that these submissions aim at striking the right balance between the pursuit of legitimate public policy objectives and the protection of the gains from trade of developing countries, including LDCs, by ensuring that SPS and TBT measures in key markets do not further marginalize developing countries in international trade owing to their limited capacities. TBT and SPS measures account for the bulk of NTMs. As analyzed by UNCTAD, the estimated ad valorem impact of SPS and TBT requirements is significantly higher in respect of such measures by the developed countries. This results in much higher costs on the trade of developing countries, including LDCs. TBT and SPS measures are rapidly increasing and becoming more and more complex. They impose hugely burdensome, and at times unreasonable, compliance requirements. Numerous examples can be found in the newer unilateral measures implemented in the name of the environment or sustainability. These measures are seriously threatening the exports from developing countries. Developing countries, and particularly LDCs, lack the capacity, technology, expertise and other wherewithal to comply with these complex requirements. In this context, the G90 proposals – and their intended objectives on S&D under the SPS and TBT Agreements – are all the more relevant to safeguard the exports of developing countries and LDCs. The proposals by the G90 are measured, reasonable and calibrated. India fully agrees with the rationale behind the proposals and supports them. With this assertion, we shall participate constructively in further discussions on text going forward. We would also like to put forward our view about the facilitator process. We appreciate and agree with the idea of the appointment of facilitators and having facilitator-led discussions. We would like to thank Singapore for agreeing to be the first facilitator. We feel that these discussions will be useful, and we assure constructive engagement. It is encouraging as to the direction Singapore has proposed. Going forward, we are sure the facilitators would provide beforehand the process and roadmap they wish to take, while consulting Members – including if at any point they contemplate any external stakeholder engagement, for example in informal seminars and workshops.

33. The representative of Switzerland delivered the following statement:

34. I would like to thank the proponents for having submitted their proposals on SPS and TBT. Switzerland is ready to engage in this discussion in accordance with the mandate contained in the MC12 Outcome Document. We note that in the past, the proponents have introduced very similar, if not identical, propositions. In our view, one reason why Members could not agree to solutions in the past was the fact that the evidence base was sometimes unsatisfactory. We hope that this time around we can have a better and more facts-based discussion. Allow me to share some preliminary thoughts. First, we agree with several elements of the G90 submission. One point that stuck in paragraph 15 is that consultation processes leading to SPS and TBT measures need to be transparent and inclusive. We also acknowledge the fact that compliance with such measures can be resource consuming. Second, given that developing countries constitute some of the biggest export markets for goods from other developing countries, we would like to ask the following question. Why does the G90 only aim at procedural changes in developed countries, and not also in other developing countries, especially those that are large export destinations? In our view, this is an inconsistency that considerably undermines the economic reasoning behind the proposal. On Annex 1, paragraph 1, we note that according to a recommendation of the SPS Committee, all Members should provide a 60-day comment period. Secretariat statistics show that the 60 days have become common practice. We would be pleased to learn about solid, existing evidence that today's practice is not satisfying, or where it has failed to meet the objective. Could the proponents give some insights into this question? On paragraph 2, we note that some WTO Members already apply this principle. This is a passage where we wonder whether such a procedural requirement may also be of benefit for the G90 members if they were adopted in target developing countries' markets, especially those that constitute large export markets. On Annex 2, our remarks are conceptually very similar to the ones for Annex 1. We are also ready to share further considerations on the proposal, notably on paragraph 3, in the appropriate framework that will allow for a substantive, technical discussion. Switzerland supports the process outlined at the outset of our meeting, including the appointment of facilitators who will be able to convene informal meetings and workshops. Allow me to conclude by once again thanking the proponents and assuring them of our engagement in this process.

35. The representative of the United States delivered the following statement:

36. I thank the Chair for facilitating the present meeting of the CTD SS, as well as the representative of Singapore for agreeing to take on the role of facilitator. Members have been working to advance this development agenda for a while. We are open to evaluating the flexibilities and derogations where they make sense. I am happy to note that my colleague from South Africa highlighted that the proponents are not looking for a blanket waiver. I think that is a common starting zone. The United States takes note of the G90's submission on SPS and TBT. We are still reviewing it in capital, but we can offer the following initial comments for your consideration. We strongly support the integration of all countries into the global system relating to agricultural trade, international standards development processes and good regulatory practices. We also recognize the specific SPS and TBT challenges faced by developing countries. These challenges have been the focus of many activities in the SPS Committee and its related assistance programmes, such as the STDF and the SPS courses. They have also been the focus of initiatives in the TBT Committee which highlight the active engagement of developing countries, including LDCs, in using TBT e-tools like e-Ping; transparency champions' programmes and TBT enquiry points. Specifically, the TBT Committee is working on how to develop a model comment format to help jump-start the comment process. This work is underway in the TBT Committee and will be discussed at the June 2023 meeting. We understand that some developing countries such as Kenya and Namibia are preparing guidance on how to develop effective comments. The SPS and TBT Committees enjoy some of the widest participation and engagement by developing countries in the WTO Committees, including regular attendance by many subject matter experts from capitals. However, we think that there is some incongruity between what is being discussed in the SPS and TBT Committees, and what is being discussed here in the CTD SS. So hopefully, we could bring those experts into these conversations as we go forward with the programme that has been outlined. We encourage the G90 to continue to draw from the good work of the SPS and TBT Committees of showing developing countries' competencies rather than invoking blanket exceptions and derogations. We continue to support the inclusion of other stakeholders and thank the Chair for highlighting that process. We think that real world experiences would be beneficial to these discussions, and we look forward to engagement with NGOs and businesses. We stand ready to work with the CTD SS, the SPS and TBT Committees, and all other participants.

37. The representative of Colombia delivered the following statement:

38. My statement will be very brief. First, I would like to highlight the work of the G90, which we value, and which has brought proposals and alternatives to central issues not only for the LDCs, but also for developing countries as a whole. Second, I would like to mention that these proposals have the advantage of making concrete proposals in black and white on substantive matters and issues that we developing countries face. These include SPS and TBT measures, which can create unnecessary export restrictions for our countries, thus jeopardizing revenue for certain sectors, regions and entire countries. Finally, I would like to mention that Colombia is continuing to analyze these alternatives and we hope to make contributions during the discussion.

39. The representative of United Kingdom delivered the following statement:

40. I would like to thank the Chair for the momentum and focus you are bringing to this longstanding issue. I would also like to thank the G90 for the updated paper, and the practical next steps outlined in the previous submission. Furthermore, I would like to thank Singapore for agreeing to facilitate future discussions. This will be an important role, and I am confident they will do it expertly. On the substance of the latest proposal, I will be brief, as my capital is still reviewing the details. I expect most technical discussions to take place in the facilitated sessions, which I will say more on in a moment. It is important to say up front that the TBT and SPS Agreements provide the framework for all Members to take measures necessary to protect human, animal and plant health. The United Kingdom cannot agree to any proposals that weaken our ability to do this or our associated rights and obligations under the Agreements. We therefore welcome the acknowledgement in the G90's paper of the importance of maintaining all Members' rights under these Agreements, and the importance of the Agreements themselves. As we have said before, we think discussions need to be evidence-based, and that S&D needs to be tailored to the specific needs of individual Members. On the process, we think that the idea of facilitated sessions is a good one, and we look forward to engaging. We believe that the facilitated sessions would benefit from considering relevant discussions taking place in the respective Committees. For example, in addition to standing agenda items in the Committees on S&D and technical assistance and cooperation, we

note that conversations are underway on related themes under the SPS Declaration thematic group 5. These discussions are exploring how to increase participation of and support for the special needs of developing and LDC Members in the development and application of SPS measures, and in particular to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members.

41. We also agree with others on the importance of including external experts from international organizations, as well drawing on the expertise within the WTO's Committee Secretariats. We support comments about the importance of including business perspectives and experiences in these evidence sessions. The facilitated discussions may also benefit from having the relevant SPS and TBT delegates in the room. Discussing the two Agreements separately may be a helpful way forward. We welcomed the proposal in the G90's last paper to hold a series of dedicated evidence sessions, and we hope that is what the first facilitated sessions will focus on. A few examples of the types of questions it may be helpful to explore in these evidence sessions might relate to what Members' experiences are in using the existing flexibilities in the SPS and TBT Agreements. We are interested in the experiences of Members who have tried to make use of these, including the ratio of requests for additional comments or implementation time that are constructively accommodated versus those that are rejected. As a practical suggestion, I wonder if the Secretariat could perhaps list all of the existing flexibilities within the Agreements. We could then have a discussion about how each one is taken up and applied. Secondly, an overview and stock-take of the technical assistance currently available from the Secretariat would also be helpful. We have seen that targeted technical assistance, such as workshops and training, can facilitate Member's participation – not only in the TBT Committee processes, but also by enhancing Members' ability to raise and address specific trade concerns with the appropriate mechanisms. We would be interested in exploring with other Members to what extent we can better understand the technical assistance available specifically on TBT and SPS and how best to respond to those needs. Perhaps that can facilitate Members' use of existing flexibilities within the Agreements. Finally, I would like to ask how we would define an LDC Member or developing country Member facing capacity constraints. That is, how might we move to a definition of capacity constraints. These are just some initial thoughts on how the facilitated process could work, and the types of questions that will be useful to explore. The United Kingdom welcomes the constructive approach that Members are taking and stands ready to engage in the facilitated discussions.

42. The representative of Pakistan delivered the following statement:

43. Pakistan would first like to state that while crises – whether man-made or natural – have adverse impacts on social and economic development in any Member country, the developing and LDC Members are more vulnerable and experience devastation of larger magnitudes from which recovery is a harder and longer process. The polycrises of today make it even more important to arrive at an understanding on the implementation of effective and operational S&D provisions, which are treaty-embedded rights in the WTO and were envisioned as an acknowledgement of the fact that Members require implementational standards which reflect their economic development. With respect to the G90's ASPs, Pakistan understands that the proposals contribute to the fulfillment of the mandate in paragraph 44 of the Doha Ministerial Declaration and are a genuine attempt to strengthen S&D provisions to make them more precise, effective, and operational. The proposals also constitute a potential major step forward in addressing the asymmetries of economic development around the globe. Pakistan is of the view that it is high time that the Membership converges on the understanding that S&D must not be confined merely to transitional periods and technical assistance and capacity building. It should also be reflected in the WTO's trade rules to allow for much-needed policy flexibility for developing and LDC Members to achieve their development objectives, and under conditions of certainty. As for the proposals contained in document JOB/TNC/110 on the application of the SPS and TBT Agreements, Pakistan acknowledges the significance of both Agreements in Members' pursuit of legitimate health and safety objectives. However, it also needs to be understood that compliance-related costs, uncertainty caused by immediate measures, and lack of information and technical know-how in developing and LDC Members adversely affect their participation in global trade. In order to avoid these undesirable outcomes from the use of legitimate TBT and SPS measures, Pakistan finds tenable the textual proposals in Annex 1 and Annex 2 of JOB/TNC/110. Pakistan looks forward to future submissions by the G90 on the other ASPs and intends to participate and contribute to this Member-driven process in the future as well.

44. The representative of Korea delivered the following statement:

45. Echoing others, Korea thanks the G90 for their latest proposal, and for their continuing efforts to strengthen the WTO trading system. We fully understand that meeting SPS and TBT requirements can be one of the most technically challenging tasks for developing countries, particularly as we are observing an uptick in very technical trade measures that seek to promote environmental and other policy goals. We therefore look forward to discussions, including in the workshops that the European Union and others have mentioned, and stand ready with an open mind to working towards addressing the legitimate concerns of developing countries. At the same time, we believe that conducting those discussions in a way that minimizes forum duplication and engages the experts who understand SPS and TBT measures, in addition to experts with a deep appreciation for the importance of development, is the way forward. Regarding substance, we suggest utilizing to the full extent the S&D flexibilities that are already inscribed into the WTO system. The SPS Agreement allows for longer time frames for compliance under certain conditions. However, obligating countries to provide developing countries no less than one year for compliance risks undermining the ability of countries to adopt health measures in a timely manner. We believe that no government would be in a position to do that. We reiterate that Korea is on the same page with the G90 on the rationale behind the proposal. Let's discuss the most viable ways for achieving our shared goal of delivering prompt flexibilities and technical support to developing country exporters, on the basis of identified existing difficulties. Lastly, we want to thank Singapore for agreeing to serve as the facilitator of the SPS and TBT discussions.

46. The representative of Namibia delivered the following statement:

47. We thank the Chair for convening this meeting and for the hard work and commitment to ensure that Members deliver on this item. We thank the delegation of South Africa for the submission on behalf of the G90. The submission is in line with the mandate given by Ministers in paragraph 2 of the MC12 Outcome Document, and with the previous G90 submission considered in March 2023. From a practical perspective, Members will appreciate the difficulties of cross-border trade and the significant challenges exporters in LDCs and developing countries face in the implementation of the SPS and TBT Agreements. These challenges include the lack of technical and financial resources, limited capacity to meet international standards, and limited access to information and technology. In addition, there is often limited bargaining power in international trade negotiations. To address these challenges, S&D is key and has to be implemented in line with paragraph 44 of the Doha Ministerial Declaration. This would involve providing LDCs and developing countries with greater flexibility in implementing the SPS and TBT Agreements, as well as providing them with technical and financial assistance to meet international standards. S&D could also involve providing greater access to information and communications technology, which is important especially in terms of awareness of the measures that are implemented by Members. Priority should be given to the core elements presented by South Africa. In particular, it is very important to understand that an exporter cannot change the business model within a 60-day period to comply with SPS and TBT measures. This is not sufficient time for the whole operation of the business. For example, shipping a consignment in some countries can take more than three months, which is well beyond the period given to Members to provide comments on a measure. To conclude, we fully endorse and support the submission by South Africa on behalf of the G90. We also join other Members in congratulating Singapore for taking up this important role.

48. The representative of the Bolivarian Republic of Venezuela delivered the following statement:

49. My delegation would like to thank the Chair for the leadership in this process and for the information provided on the facilitators that will be designated for the negotiation process on the G90 proposals. We also wish to thank the delegation of Singapore for accepting the important responsibility of facilitator. We must reiterate that S&D is of paramount importance for developing countries and LDCs, which is why we stress the need to pursue negotiations along the lines of what was agreed in paragraph 44 of the Doha Ministerial Declaration, as well as in paragraph 2 of the MC12 Outcome Document. We thank the G90 for being consistent with its proposals and for presenting us with a new version of the proposals on SPS and TBT measures. We consider that the G90 has clearly expressed its concerns regarding the functioning of various provisions in these WTO Agreements, with the fundamental objective of achieving the right balance between achieving legitimate public policy objectives and protecting the benefits of trade for developing countries. This is why my delegation supports the proposals made by the G90, as it did on previous occasions.

50. The representative of Japan delivered the following statement:

51. Japan thanks the Chair for the initiative to convene this important meeting. We would like to express our appreciation for the hard work of the G90 in providing the revised proposals for SPS and TBT among the ten ASPs. We also thank South Africa for providing an explanation of these proposals. We would like to recall that clarifications on the aim of the SPS and TBT proposals were already exchanged many times before and after the Eleventh WTO Ministerial Conference (MC11). I have listened carefully to the explanations of several delegations, including Egypt, Uganda and Namibia. It is very important that we know on a factual basis what specific measures have reduced exports. We would like to have a clear understanding of what kind of measures have been taken, and for which items. On the assumption that the legitimate regulatory authority of the countries implementing the measures is not restricted, we would like to discuss – based on the discussions in the SPS and TBT committees, and after reaching a common understanding on where the problem lies – whether the approach of enacting new rules is indeed appropriate. In order to solve the actual problem, we would like to specify what specific measures should be taken and to whom these measures should be applied. As indicated by the Chair in her opening remarks, we appreciate the initiative of nominating facilitators to deepen the evidence-based discussions. I also thank Singapore for taking on the important role of facilitator for the SPS and TBT textual proposals. We would like to hold realistic fact-based discussions with experts, including those from other international organizations, to identify where the problem lies. In doing so, Members will need to properly implement paragraph 2 of the MC12 Outcome Document.

52. The representative of Australia delivered the following statement:

53. Thanks to the Chair for the leadership in steering this process forward. Thanks also to South Africa for its introduction today. Australia welcomes the G90's paper on the ten ASPs, including the revised paper on the SPS and TBT Agreements. We do not underestimate the challenges involved for developing countries and LDCs to participate fully the MTS. We stand ready to participate constructively in the proposed discussions and we thank Singapore for agreeing to facilitate the discussion on the first two textual proposals. It will be important for these discussions to be evidenced-based and focused on the specific challenges facing developing countries and LDCs when implementing these Agreements. The involvement of our SPS and TBT leads in these discussions will allow us to draw on the technical expertise needed to identify practical and workable solutions to the challenges developing countries face. We would also support engagement with key stakeholders, including representatives of developing country exporters. Furthermore, we think this process would benefit from an early discussion on the existing S&D flexibilities within the SPS and TBT Agreements, including whether or not these flexibilities are being used and how the existing flexibilities could address the identified concerns. We are conscious of the instruction delivered by our Ministers at MC12 to continue to work on improving the application of S&D in the CTD SS and other relevant venues in the WTO, and to report on progress to the General Council before MC13. We hope, and will certainly play our part to ensure, that Members are able to report on constructive discussions early next year.

54. The representative of the Russian Federation delivered the following statement:

55. We thank the delegation of South Africa for the introductory remarks. We also thank the G90 for the initiative in document JOB/TNC/106, as well as for the communication in document JOB/TNC/110 on SPS and TBT. I would like to emphasize the readiness of Russia to work on these proposals which relate to development issues. My capital is currently studying the proposals. In order to clarify some details of the SPS and TBT aspects of the initiative, we reserve our right to submit our questions in writing to the co-sponsors of the initiative. We are ready to engage constructively in future discussions. Finally, reacting to the proposal by the Chair, we have no objections to the appointment of Singapore as the facilitator for the negotiation process on SPS and TBT.

56. The representative of Sri Lanka delivered the following statement:

57. Let me first thank the delegation of South Africa for introducing the new submission on behalf of the G90. The document is indeed very comprehensive. It captures the most essential elements of S&D in the SPS and TBT Agreements that need to be taken into consideration to effectively integrate developing countries and LDCs into the MTS. The key policy tools that are highlighted in the

document can certainly advance the development aspirations of developing countries, which will enhance their participation in global trade. Sri Lanka supports these constructive proposals. Sri Lanka has been supporting these ideas from their very inception. Members may recall that Sri Lanka co-sponsored room document RD/TN/CTD/1 in September 2022, which was presented as an input towards discussions at the first CTD SS meeting following MC12. It is high time for us to look into ways and means to make S&D provisions more precise, effective and operational for developing countries and LDCs. It is important to note that we have a very clear mandate under paragraph 44 of the Doha Declaration and under MC12 to review S&D provisions under the covered Agreements in order to strengthen them and make them more precise, effective, and operational. The two key features of the G90 proposals on S&D under the TBT and SPS Agreements – which are the time-based elements of S&D and the emphasis on capacity building as a means of safeguarding and facilitating the exports of products of interest to developing countries and LDCs – are very important for these countries. As the G90 proposals suggest, the WTO should be able to provide developing countries and LDCs with better tools to overcome their challenges relating to market access. In this context, due consideration needs to be given to the three key elements elaborated under item 18 of the new submission. These elements are longer time periods, longer time frames and compensatory adjustment. Sri Lanka also supports the textual suggestions provided in the Annexes of the submission and would like to request all Members to engage constructively in the discussions on the proposals. Finally, we thank the delegation of Singapore for taking up the role of facilitator to take these proposals forward. We look forward to working closely with the delegation of Singapore.

58. The representative of Nicaragua delivered the following statement:

59. Nicaragua welcomes the G90 S&D proposals on the SPS and TBT Agreements. We appreciate the presentation made by the delegation of South Africa and express appreciation to the delegation of Singapore for facilitating the process. We acknowledge the valuable efforts of the G90 to take into account the mandates from the Doha Declaration and the MC12 Outcome Document on S&D provisions as an integral part of the WTO Agreements. We emphasize the importance of the communication we are discussing today, since it will be the first set of proposals that the G90 tables with a view to achieving specific outcomes on S&D before MC13, for the benefit of developing country Members including LDCs and small, vulnerable economies (SVEs). Our interest is in line with the interest expressed in the proposal, since it seeks to further ensure the effective implementation of the existing S&D provisions in the application of SPS and TBT measures. We recognize that, without the support necessary for the correct application of standards, technical regulations and SPS measures, those provisions may become barriers to our exports. Therefore, technical assistance and capacity building will continue to be a central pillar for achieving the legitimate objectives pursued by WTO Members. Nicaragua has argued in various forums in favour of strengthening S&D that facilitates equitable development while providing better and greater opportunities for our exports. At the same time, Nicaragua has defended the MTS in various forums as essential for ensuring that trade measures are in line with commitments under the Agreements. We call for work to continue on these proposals in order to support the equitable development of Members through legitimate, effective commitments to S&D provisions that facilitate the transformation and development of SVEs such as Nicaragua under a fair trading system.

60. The representative of Brazil delivered the following statement:

61. As a developing country interested in this agenda, the Federative Republic of Brazil welcomes the G90 proposals, supports this discussion and looks forward to reaching an agreement on this topic with other Members. To reach an agreement, Brazil believes we need to analyze the proposals more carefully and take these sessions into a more effective, constructive and practical format. First, we should bear in mind that the proposals presented here are horizontal, even though they relate somehow to other specific Committees. For this reason, we support, whenever necessary, the promotion of technical meetings and workshops with experts on each topic referred to in the proposals. Secondly, we cannot commit ourselves to acting as facilitator right now, as the proposals are still under analysis in Brasilia. However, it is very likely that Brazil will be ready and willing to act as a facilitator soon, like Singapore, if other Members agree as well.

62. The representative of South Africa, on behalf of the G90, delivered the following statement:

63. We thank all Members that took the floor today. We are appreciative that Members have taken our submission seriously and have dug into the details therein. We have taken note of the comments, the inputs and the suggestions, as well as the kinds of questions that Members will be seeking to

address when discussions take place through the process led by the facilitator. We once again thank Singapore for taking up this task and assure the facilitator of our cooperation. We look forward to the consultations that will be called and will be constructive in that regard.

64. The Chairperson said that this had been a useful interaction. As far as the further informal technical discussions on the SPS and TBT proposals were concerned, it would be for the delegation of Singapore to take them forward. The delegation of Singapore would be in touch with Members soon through the Secretariat. As far as the facilitator was concerned, Members had heard from him of his readiness to engage with all delegations in a constructive way. She counted on all delegations to facilitate his work by engaging constructively with him on the two ASPs he would be responsible for. She went on to say that she would be continuing her informal interactions with Members as well. She indicated that delegations should feel free to contact her to discuss any matter relating to the work of the CTD SS. Another formal meeting of the CTD SS would be convened once the next set of textual proposals by the G90 were circulated. She reiterated that Members were dealing with very important issues in the CTD SS. The issues contained in the ten ASPs were not only important to the proponents and other developing countries but were also systemically important to the organization as a whole and the entire Membership. She therefore encouraged all Members to participate actively and constructively in the upcoming facilitator-led discussions, as well as in future discussions in the CTD SS, and to engage in good faith and with an open mind with a view to achieving concrete outcomes. She added that she had noticed that delegations were looking to the substance of the G90 proposals. This was a good change. She was confident that, with the right amount of political will, delegations could find solutions to their respective concerns and challenges, and that Members would be able to deliver on the broader political mandate received from Ministers.

65. The Special Session took note of all interventions.

C. OTHER BUSINESS

66. No matter was raised under "Other Business".

67. The meeting was adjourned.
