

GENERAL COUNCIL

Annual Report (2001)

The present report has been prepared in pursuance of the Procedures for an Annual Overview of WTO Activities and for Reporting under the WTO (WT/L/105), and sets out the actions taken by the General Council in the period since its previous annual report.¹

In carrying out its tasks, the General Council has held 6 meetings and 4 Special Sessions on Implementation since the period covered by the previous report. The minutes of these meetings and Special Sessions, which remain the record of the General Council's work, are contained in documents WT/GC/M/62 - 64, 65 and Corr.1 and 2, 66 – 71.

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1. Negotiations on agriculture and services

- (a) Reports of the Special Sessions of the Committee on Agriculture and of the Council for Trade in Services (WT/GC/M/63, 65, 66, 69, 71)

In February 2000, the General Council had agreed that the mandated negotiations as set out in Article 20 of the Agreement on Agriculture and in Article XIX of the GATS would be conducted in Special Sessions of the Committee on Agriculture and the Council for Trade in Services respectively. Also in February 2000, the General Council had agreed that the Committee on Agriculture and the Council for Trade in Services would report to the General Council on a regular basis on the negotiations on agriculture and services respectively. The General Council had also agreed that the mandated reviews should address the impact of the agreements concerned on trade and development prospects of developing countries. In May 2000, the General Council had agreed that for the duration of the mandated negotiations in question, the reports on them would be a standing item on the General Council's agenda.

At the General Council meeting on 8 and 9 February 2001, the Chairman of the Committee on Agriculture and the Chairman of the Council for Trade in Services introduced the reports on the Special Sessions of the respective bodies.

The General Council took note of the reports and agreed to revert to this matter at its next regular meeting.

At the General Council meeting on 8 and 9 May 2001, the Chairperson of the Committee on Agriculture and the Chairman of the Council for Trade in Services introduced the reports on the Special Sessions of the respective bodies.

The General Council took note of the reports and agreed to revert to this matter at its next regular meeting.

At the General Council meeting on 18 and 19 July 2001, the representative of Thailand in the absence of the Chairperson of the Committee on Agriculture, and the Interim Chairman for the Special Session of the Council for Trade in Services introduced the reports on the Special Sessions of the respective bodies.

The representative of Brazil spoke.

The General Council took note of the reports and of the statement and agreed to revert to this matter at its next regular meeting.

At its meeting on 10 October 2001, the Chairman informed the General Council that there was no report from the Council for Trade in Services at the present meeting. He then drew attention to the report of the Chairperson of the Committee on Agriculture (G/AG/NG/8).

The General Council took note of the statement and of the report and agreed to revert to this matter at its next regular meeting.

At the General Council meeting on 31 October and 1 November 2001, the Chairman said that since the report presented by the Chairperson of the Committee on Agriculture at the 10 October meeting, no further special session of the Committee was held. He then drew attention to the report of the Chairman of the Council for Trade in Services (S/CSS/9).

The representative of Bulgaria and the Chairman spoke.

The General Council took note of the report and of the statements.

2. Committee on Balance-of-Payments Restrictions

(a) Consultations (WT/GC/M/63, 69)

At the General Council meeting on 8 and 9 February 2001, the Chairman of the Committee on Balance-of-Payments Restrictions recalled that in December 2000 he had reported on the conclusions of the consultations with Pakistan, the report of which was subsequently circulated in WT/BOP/R/56, and drew attention to a notification submitted by Pakistan.² He then introduced the Committee's report on its consultations with Bangladesh (WT/BOP/R/57).

The General Council took note of the statement and adopted the reports in WT/BOP/R/56 and WT/BOP/R/57.

At the General Council meeting on 10 October 2001, the Chairman of the Committee on Balance-of-Payments Restrictions introduced the Committee's report on its consultations with Bangladesh (WT/BOP/R/58).

The General Council took note of the statement and adopted the report in WT/BOP/R/58.

3. Committee on Budget, Finance and Administration

(a) Reports (WT/GC/M/63, 66, 69)

At the General Council meeting on 8 and 9 February 2001, Mr. Stoler, Deputy Director-General, on behalf of the Chairman of the Committee on Budget, Finance and Administration introduced the Committee's report in WT/BFA/52.

The General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 4 and 7 of its report in WT/BFA/52 and adopted the report.

At the General Council meeting on 18 and 19 July 2001, the Chairman of the Committee on Budget, Finance and Administration introduced the Committee's report in WT/BFA/53.

The General Council took note of the statement, endorsed the Budget Committee's specific recommendation in paragraph 10 of its report in WT/BFA/53, thereby urging interested donors to

² WT/BOP/N/57.

indicate to the Secretariat as soon as possible the level of financial support they would be prepared to provide to facilitate the participation of least-developed country representatives at the Doha Ministerial Conference and adopted the report.

At the General Council meeting on 10 October 2001, Mr. Stoler, Deputy Director-General, on behalf of the Chairman of the Committee on Budget, Finance and Administration introduced the Committee's report in WT/BFA/54.

The General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 14 and 15 of its report in WT/BFA/54 and adopted the report.

4. Waivers under Article IX of the WTO Agreement

(a) Harmonized System

(i) *Nicaragua, Sri Lanka (WT/GC/M/65, 71)*

At its meeting on 8 and 9 May 2001, the General Council considered requests by Nicaragua (G/L/442) and Sri Lanka (G/L/440) for extensions of waivers previously granted in connection with their implementation of the Harmonized System, and draft decisions to this effect (Nicaragua - G/C/W/251; Sri Lanka - G/C/W/250).

The Chairman of the Council for Trade in Goods reported on the consideration of these requests by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decisions (Nicaragua - WT/L/397; Sri Lanka - WT/L/398).

At its meeting on 31 October and 1 November 2001, the General Council considered requests by Nicaragua (G/L/481) and Sri Lanka (G/L/477) for extensions of waivers previously granted in connection with their implementation of the Harmonized System, and draft decisions to this effect (Nicaragua - G/C/W/299; Sri Lanka - G/C/W/298 and Corr.1).

The Chairman of the Council for Trade in Goods reported on the consideration of these requests by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decisions (Nicaragua - WT/L/426; Sri Lanka - WT/L/427).

(b) Renegotiation of Schedule

(i) *Zambia (WT/GC/M/65, 71)*

At its meeting on 8 and 9 May 2001, the General Council considered a request by Zambia (G/L/443) for an extension of a waiver previously granted in connection with the renegotiation of its schedule, and a draft decision to this effect (G/C/W/252).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/399).

At its meeting on 31 October and 1 November 2001, the General Council considered a request by Zambia (G/L/482) for an extension of a waiver previously granted in connection with the renegotiation of its schedule, and a draft decision to this effect (G/C/W/306).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/428).

- (c) Decision on the introduction of the Harmonized System changes into WTO Schedules of tariff concessions on 1 January 1996 (WT/GC/M/65)

At its meeting on 8 and 9 May 2001, the General Council considered a draft decision extending the time-limit of the Decision on the introduction of the Harmonized System changes into WTO Schedules of tariff concessions on 1 January 1996 (G/C/W/255/Rev.1 and Corr.1³).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The representatives of India and Pakistan spoke.

The General Council took note of the report and of the statements and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/400).

- (d) Cameroon – Agreement on the Implementation of Article VII of the GATT 1994 (WT/GC/M/65⁴)

At its meeting on 8 and 9 May 2001, the General Council considered a request by Cameroon (G/C/W/245 and Add.1 and 2) for a waiver from its obligation under paragraph 1 of Annex III to the Agreement on Implementation of Article VII of GATT 1994, and to the related draft decision (G/C/W/258).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/396).

³ In French only.

⁴ Carried in the General Council minutes as "Customs Valuation Agreement – Request for a waiver by Cameroon".

- (e) Madagascar – Agreement on the Implementation of Article VII of the GATT 1994 (WT/GC/M/66⁵)

At its meeting on 18 and 19 July 2001, the General Council considered a request by Madagascar (G/C/W/259) for a waiver from its obligations under the Agreement on the Implementation of Article VII of the GATT 1994, and to the related draft decision (G/C/W/268).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/408).

- (f) Switzerland – Preferences for Albania and Bosnia-Herzegovina (WT/GC/M/66)

At its meeting on 18 and 19 July 2001, the General Council considered a request by Switzerland for a waiver from its obligations under paragraph 1 of Article I of the GATT 1994, and to the related draft decision (G/C/W/257).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision (WT/L/406).

- (g) Thailand – Agreement on Trade-Related Investment Measures (WT/GC/M/68)

At its meeting on 31 July 2001, the General Council considered a request by Thailand for a waiver of the requirements of Article 5.2 of the TRIMs Agreement (G/C/W/276/Rev.1).

The Chairman of the Council for Trade in Goods reported on the consideration of this request by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft decision as amended (WT/L/410).

- (h) Review of waivers pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/69)

(i) *Canada – CARIBCAN granted on 14 October 1996 until 31 December 2006 (WT/L/414)*

(ii) *Cuba – Article XV:6 of the GATT 1994, granted on 14 October 1996 until 31 December 2001 (WT/L/415)*

(iii) *Hungary – Agricultural Export Subsidies, granted on 22 October 1997 until 31 December 2001 (WT/L/419)*

⁵ Carried in the General Council minutes as "Customs Valuation Agreement – Request for a waiver by Madagascar".

- (iv) *United States – ANDEAN Trade Preference Act, granted on 14 October 1996 until 4 December 2001 (WT/L/416)*
- (v) *United States – Caribbean Basin Economic Recovery Act, granted on 15 November 1995 until 31 December 2005 (WT/L/417)*
- (vi) *United States – Former Trust Territory of the Pacific Islands, granted on 14 October 1996 until 31 December 2006 (WT/L/418)*

At its meeting on 10 October 2001, the General Council considered reports on the six waivers above.

The representatives of Cuba, Jamaica and United States, and the Chairman spoke.

The General Council took note of the statements and of the reports in documents WT/L/414 to 419.

5. Accession matters

- (a) Bahamas (WT/GC/M/66)

At its meeting on 18 and 19 July 2001, the General Council considered a communication from the Bahamas (WT/ACC/BHS/1) concerning its interest in acceding to the WTO Agreement pursuant to Article XII.

The representatives of the Bahamas (as an observer), Trinidad and Tobago, Jamaica, Barbados, Saint Lucia, United States, Canada, European Communities, Honduras (on behalf of the GRULAC), Cuba, Mauritius, Romania (on behalf of the CEFTA countries and Croatia, Estonia, Latvia and Lithuania), Zimbabwe (on behalf of the ACP and the African Group), Malta, India, Pakistan and the Philippines (on behalf the ASEAN Members) spoke.

The General Council took note of the statements and of the expressions of support and agreed to establish a working party to examine the application of the Bahamas, and authorized its Chairman to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of the Bahamas.

The Chairman invited the representative of the Bahamas, on behalf of the General Council, to attend meetings of the General Council and, as appropriate, meetings of other WTO bodies as an observer during the period in which the Working Party was carrying out its work.

- (b) Cape Verde (WT/GC/M/66)

In July 2000, the General Council had established a working party to examine the request of Cape Verde for accession to the WTO Agreement, and had authorized its Chairman to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of Cape Verde.

At its meeting on 18 and 19 July 2001, the Chairman informed the General Council that Mr. Shark (United States) had agreed to chair the Working Party.

The General Council took note of this information.

(c) China (WT/GC/M/69)

In March 1987, the GATT 1947 Council had established a working party to examine China's request for resumption of its status as a GATT contracting party. On 7 December 1995, China had applied for accession to the WTO Agreement pursuant to Article XII. Having regard to the Decision adopted by the General Council on 31 January 1995⁶, the GATT 1947 Accession Working Party had been transformed into a WTO Accession Working Party, effective from the date of China's application for accession.

At its meeting on 10 October 2001, the Chairman informed the General Council that he had received a communication from the Chairman of the Working Party forwarding the final documents on accession to the WTO Agreement of China, which he would transmit to Ministers for appropriate action during the Ministerial Conference.

The General Council took note of this information.

(d) Federal Republic of Yugoslavia (WT/GC/M/63, 66)

At its meeting on 8 and 9 February 2001, the General Council considered a communication from the Federal Republic of Yugoslavia (WT/ACC/FRY/1) concerning its interest in acceding to the WTO Agreement pursuant to Article XII.

The representatives of the Federal Republic of Yugoslavia (as an observer), India, Romania (on behalf of the CEFTA Members and Croatia, Estonia and Latvia), Slovenia, European Communities, Hungary, Bulgaria, Brazil, Switzerland, Turkey, United States, Israel, Thailand (on behalf of the ASEAN Members), Norway, Kyrgyz Republic, Zimbabwe, Mexico, Venezuela, Cyprus, and the Russian Federation (as an observer) spoke.

The General Council took note of the statements and of the expressions of support and agreed to establish a working party to examine the application of the Federal Republic of Yugoslavia, and authorized its Chairman to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of the Federal Republic of Yugoslavia.

The Chairman invited the Federal Republic of Yugoslavia, on behalf of the General Council, to attend meetings of the General Council and, as appropriate, meetings of the other WTO bodies as an observer during the period in which the Working Party was carrying out its work.

At its meeting on 18 and 19 July 2001, the Chairman informed the General Council that Mr. Hovorka (Czech Republic) had agreed to chair the Working Party.

The General Council took note of this information.

(e) Iran (WT/GC/M/65, 66, 69, 71)

At the General Council meeting on 8 and 9 May 2001, the Chairman drew attention to the communication from Iran (WT/ACC/IRN/1) concerning its interest in acceding to the WTO Agreement pursuant to Article XII. The item was on the agenda at the request of Egypt on behalf of the Informal Group of Developing Countries.

The representatives of the United States, Malaysia (on behalf of the Informal Group of Developing Countries) and European Communities spoke.

⁶ See WT/GC/M/1, item 4(g).

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

At its meeting on 18 and 19 July 2001, the General Council had this matter on the agenda.

The representatives of the United States and Malaysia (on behalf of the Informal Group of Developing Countries) spoke.

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

At its meeting on 10 October 2001, the General Council had this matter on the agenda.

The representatives of the United States and Egypt (on behalf of the Informal Group of Developing Countries) spoke.

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

At its meeting on 31 October and 1 November 2001, the Chairman informed the General Council that consultations on this issue were still continuing and proposed that the General Council revert to this matter at its next meeting in December 2001.

The General Council so agreed.

(f) Moldova (WT/GC/M/65)

In December 1993, the GATT 1947 Council had established a working party to examine Moldova's request for accession to the General Agreement on Tariffs and Trade. Having regard to the Decision adopted by the General Council on 31 January 1995⁷, the GATT 1947 Accession Working Party had been transformed into a WTO Accession Working Party.

At its meeting on 8 and 9 May 2001, the General Council approved the text of the Protocol of Accession of Moldova (WT/ACC/MOL/40) and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision on the Accession of Moldova (WT/ACC/MOL/39). The General Council then adopted the Report of the Working Party (WT/ACC/MOL/37 and Corr.1-4 and WT/ACC/MOL/37/Add.1 and 2).

The representatives of Moldova (as an observer), Romania, United States, European Communities, Czech Republic (also speaking on behalf of Bulgaria, Croatia, Estonia, Hungary, Latvia, Poland, Slovak Republic and Slovenia), Georgia, India, Turkey, Kyrgyz Republic, Thailand (on behalf of the ASEAN Members), Paraguay (on behalf of the GRULAC) and Belarus (as an observer), and the Chairman of the Working Party and the Chairman (on behalf of the General Council) spoke.

The General Council took note of the statements and expressions of support.

(g) Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (WT/GC/M/69)

In October 1992, the GATT 1947 Council had established a working party to examine the request for accession to the General Agreement for Tariffs and Trade of the Separate Customs

⁷ See WT/GC/M/1, item 4(g).

Territory of Taiwan, Penghu, Kinmen and Matsu. Having regard to the Decision adopted by the General Council on 31 January 1995⁸, the GATT 1947 Accession Working Party had been transformed into a WTO Accession Working Party.

At its meeting on 10 October 2001, the Chairman informed the General Council that he had received a communication from the Chairman of the Working Party forwarding the final documents on accession to the WTO Agreement of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, which he would transmit to Ministers for appropriate action during the Ministerial Conference.

The General Council took note of this information.

(h) Tajikistan (WT/GC/M/66)

At its meeting on 18 and 19 July 2001, the General Council considered a communication from Tajikistan (WT/ACC/TJK/1) concerning its interest in acceding to the WTO Agreement pursuant to Article XII.

The representatives of Tajikistan (as an observer), Turkey, Switzerland, India, Romania (on behalf of the CEFTA countries and Croatia, Estonia, Latvia and Lithuania), United States, Kyrgyz Republic, Thailand (on behalf of the ASEAN Members), European Communities, Mauritius, Pakistan, Zimbabwe (on behalf of the African Group) and Honduras (on behalf of the GRULAC) spoke.

The General Council took note of the statements and of the expressions of support and agreed to establish a working party to examine the application of Tajikistan, and authorized its Chairman to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of Tajikistan.

The Chairman invited the representative of Tajikistan, on behalf of the General Council, to attend meetings of the General Council and, as appropriate, meetings of other WTO bodies as an observer during the period in which the Working Party was carrying out its work.

6. Procedure for introduction of harmonized system 2002 changes to schedules of concessions (WT/GC/M/66⁹)

At its meeting on 18 and 19 July 2001, the General Council considered a draft decision on a procedure for introduction of HS 2002 changes to schedules of concessions (G/C/W/271) which had been approved by the Council for Trade in Goods on 5 July 2001 and forwarded to the General Council for consideration and adoption.

The General Council adopted the draft decision (WT/L/407).

⁸ See WT/GC/M/1, item 4(g).

⁹ Carried in the General Council minutes as "Concessions under the harmonized commodity description and coding system – a procedure for introduction of harmonized system 2002 changes to schedules of concessions".

7. Integrated framework for trade-related technical assistance to least-developed countries

- (a) Reports of the Chairman of the Sub-Committee on Least-Developed Countries and of the Director-General (WT/GC/M/65)

At the General Council meeting on 8 and 9 May 2001, the Chairman of the Sub-Committee on Least-Developed Countries recalled that in February 2001 the Sub-Committee had adopted the Integrated Framework Pilot Scheme (WT/LDC/SWG/IF/13). This Pilot Scheme would: (i) initiate work on "mainstreaming" a trade integration strategy into least-developed countries development plans and poverty reduction strategies including Poverty Reduction Strategy Papers (PRSPs), for countries that chose to do so; (ii) establish an Integrated Framework Trust Fund; (iii) elaborate a coordinated, sequenced and prioritised programme of technical assistance and capacity-building for each country; and (iv) establish an Integrated Framework Steering Committee, for improved governance in the relations amongst LDCs, donors, and the core agencies. The Director-General, reporting on the implementation of the Integrated Framework Pilot Scheme, said that the Integrated Framework had been successfully redesigned to become a potentially effective model for coordination among various actors with distinct but complementary competencies and mandates for addressing the complex problems facing the LDCs, within the development vehicles of the PRSPs.

The representatives of Bangladesh, Tanzania (on behalf of the LDCs), United States, European Communities, India, Switzerland, Japan, Canada, Norway, Madagascar and Egypt, and the Chairman of the Sub-Committee on LDCs, the Director-General and the Chairman spoke.

The General Council took note of the statements.

8. Proposal to amend certain provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes Pursuant to Article X of the Marrakesh Agreement Establishing the World Trade Organization (WT/GC/M/63, 65 and Corr.1, 66, 69, 71)

In October 2000, the General Council had considered a proposal¹⁰ to amend certain provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes Pursuant to Article X of the Marrakesh Agreement Establishing the World Trade Organization and had agreed that the Chairman would conduct consultations on how best to move forward on that proposal. In December 2000, the Chairman had informed Members that he had nothing to report on his consultations on this matter with the co-sponsors at that stage.

At its meeting on 8 and 9 February 2001, the General Council considered this matter.

The representatives of Japan (on behalf of the co-sponsors of the proposal), Colombia (on behalf of the ANDEAN Members and Chile), Costa Rica, Thailand, Cuba, Canada, Brazil, Switzerland, New Zealand, Panama, Korea, Uruguay¹¹, European Communities, United States, Argentina, India, Bulgaria, Mexico, Venezuela, Peru and Hong Kong, China, and the Chairman spoke.

The General Council took note of the statements and agreed that the incoming Chairperson would consult with the co-sponsors of the proposal as to its further consideration.

¹⁰ WT/GC/W/410 co-sponsored by Canada, Colombia, Costa Rica, Ecuador, Japan, Korea, New Zealand, Norway, Peru, Switzerland and Venezuela. Subsequently Chile and Bolivia also became co-sponsors (WT/GC/W/410/Add.1 and 2 respectively).

¹¹ Uruguay joined as co-sponsor of the proposal (WT/GC/W/410/Add.3).

At the General Council meeting on 8 and 9 May 2001, the Chairman said that this item was on the agenda at the request of Japan on behalf of the co-sponsors of the proposal.

The representatives of Japan (on behalf of the co-sponsors of the proposal), Thailand, Korea, Canada, Philippines, Indonesia, Bulgaria, United States, Ecuador and European Communities, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

At the General Council meeting on 18 and 19 July 2001, the Chairman said that this item was on the agenda at the request of Japan on behalf of the co-sponsors of the proposal.

The representatives of Japan (on behalf of the co-sponsors of the proposal), Thailand, United States, Canada, European Communities, Chile and Bulgaria, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at a future meeting.

At the General Council meeting on 10 October 2001, the Chairman said that this item was on the agenda at the request of Japan on behalf of the co-sponsors of the proposal.

The representatives of Japan (on behalf of the co-sponsors of the proposal), Chile, Brazil, Thailand, Singapore, Canada, Bulgaria, United States, European Communities, Norway, Hungary, Colombia and Ecuador spoke.

The General Council took note of the statements and agreed to revert to this matter at a future meeting.

At the General Council meeting on 31 October and 1 November 2001, the Chairman said that this item was on the agenda at the request of Japan on behalf of the co-sponsors of the proposal in WT/GC/W/410/Rev.1 and Rev.1/Corr.1.

The representatives of Japan (on behalf of the co-sponsors of the proposal), Canada, Bulgaria, Thailand, United States and Brazil, and the Chairman spoke.

The General Council took note of the statements.

9. Proposals to review and to amend the Understanding on Rules and Procedures Governing the Settlement of Disputes

- (a) Proposal to review the Understanding on Rules and Procedures Governing the Settlement of Disputes and Proposal to amend the Understanding on Rules and Procedures Governing the Settlement of Disputes (WT/GC/M/69, 71¹²)

At the General Council meeting on 10 October 2001, the representative of Thailand drew attention to the proposal to review the Understanding on Rules and Procedures Governing the Settlement of Disputes submitted by Thailand (WT/MIN(01)/W/2 and Corr.1) and to the proposal to amend the Understanding on Rules and Procedures Governing the Settlement of Disputes submitted by the Philippines and Thailand (WT/MIN(01)/W/3 and Corr.1).

¹² Carried in the General Council minutes as two sub-items taken up together.

The General Council took note of the statement.

At the General Council meeting on 31 October and 1 November 2001, the representative of Thailand introduced the proposal to review the Understanding on Rules and Procedures Governing the Settlement of Disputes submitted by Thailand (WT/MIN(01)/W/2 and Corr.1) and to the proposal to amend the Understanding on Rules and Procedures Governing the Settlement of Disputes submitted by the Philippines and Thailand (WT/MIN(01)/W/3 and Corr.1).

The representatives of Saint Lucia, Bulgaria, Turkey, Jamaica, Mexico, United States, Singapore, Indonesia, Czech Republic, Canada, European Communities, India, Brunei Darussalam, Slovenia, Brazil, Japan, Hungary, Argentina and Hong Kong, China, and the Chairman spoke.

The General Council took note of the statements.

10. Proposal for addition of an item to the General Council agenda: "Reports of the special sessions of the Committee on Agriculture and of the Council for Trade in Services, and of the TRIPS Council on the mandated negotiations on agriculture, services and geographical indications" (WT/GC/M/63)

In December 2000, the General Council had examined the proposal¹³ above-mentioned submitted by Bulgaria, Czech Republic, Egypt, Hungary, Iceland, India, Kenya, Liechtenstein, Mauritius, Pakistan, Slovenia, Sri Lanka, Switzerland and Turkey. At that meeting, the Chairman had concluded that Members seemed to disagree on questions of principle and that they would need to try to resolve them before a practical way forward could be found.

At the General Council meeting on 8 and 9 February 2001, the representative of Switzerland on behalf of the co-sponsors of the proposal reiterated their position that the General Council, as an overseeing body of the WTO, should be kept informed in like manner about all mandated negotiations, including the negotiations on geographical indications, which had been formally launched in 1996 by way of a decision by the TRIPS Council.¹⁴

The representatives of New Zealand, Chile, Argentina, Mexico, European Communities, Cuba, Canada, Uruguay, Bulgaria, Australia, United States, India, Czech Republic and Switzerland, and the Chairman spoke.

The General Council took note of the statements.

11. Participation of the Advisory Centre on WTO Law in the WTO Pension Plan (WT/GC/M/69)

At the General Council meeting on 10 October 2001, the Chairman drew attention to a proposal for the participation in the WTO Pension Plan of the Advisory Centre on WTO Law submitted by the Netherlands on behalf of the 32 Members and Signatories of the Agreement establishing the Advisory Centre on WTO Law and the least-developed countries (WT/GC/W/446).

The representatives of the Netherlands (on behalf of the 32 Members and Signatories of the Advisory Centre on WTO Law and the least-developed countries), United States, Philippines, Colombia, Chile, Kenya, Norway, Uruguay, Bulgaria, Ecuador, India, Egypt, Honduras, Thailand, Senegal, Venezuela, Panama, Brazil, Côte d'Ivoire, Paraguay, Trinidad and Tobago, Canada, Pakistan and Hong Kong, China, and the Chairman spoke.

¹³ WT/GC/W/425.

¹⁴ IP/C/8, paragraph 26.

The General Council took note of the statements and agreed that its Chairman conduct informal consultations on this issue and that it revert to this matter at a future meeting.

12. Work of the Committee on Regional Trade Agreements (CRTA) (WT/GC/M/63¹⁵, 66)

At the General Council December 2000 meeting, the CRTA Chairman had highlighted the difficulties encountered by the Committee in fulfilling its mandate.

At the General Council meeting on 8 and 9 February 2001, the representative of India said that along with the co-sponsors¹⁶ of the communication in WT/GC/43 he believed important for the General Council to keep itself apprised of the progress of the CRTA's work. He therefore proposed that the General Council invite the CRTA Chairperson to report back to it at its next regular meeting in May 2001, on the current situation regarding the Committee's work. At that stage, Members could take stock and consider what steps would be helpful in furthering the Committee's work.

The representatives of Romania (on behalf of the CEFTA Members and Croatia, Estonia and Latvia), Switzerland, Norway, European Communities, Chile, United States, Philippines (also speaking as the outgoing CRTA Chairman), Pakistan, Hungary, Australia, Mexico, India, Thailand and Hong Kong, China, and the Chairman spoke.

The General Council took note of the statements and agreed to invite the incoming Chairperson to conduct consultations on the basis of the proposal made by India on behalf the co-sponsors.

At the General Council meeting on 18 and 19 July 2001, the Chairperson of the CRTA reported on the current situation regarding the work in the CRTA.

The representatives of the Philippines, Pakistan, European Communities, Chile, Uruguay, Korea, United States, Hungary (on behalf of the CEFTA countries and Croatia, Estonia, Latvia and Lithuania), India, Turkey, Australia, Canada and Hong Kong, China, and the Chairperson of the CRTA and the Chairman spoke.

The General Council took note of the statements.

13. Global electronic commerce¹⁷ (WT/GC/M/63, 65, 66, 69, 71)

In September 1998, the General Council had adopted a Work Programme on Electronic Commerce (WT/L/274). In October 1999 and in December 2000, the General Council had considered reports of the relevant WTO bodies charged with implementing the Work Programme. In December 2000, the Chairman informed the General Council that he would pursue consultations on the question of establishing an ad hoc task force to deal with horizontal issues early in 2001.

At the General Council meeting on 8 and 9 February 2001, the Chairman said that the consultations he had held thus far had revealed that Members wished to consider the issue further.

The representatives of Canada, Brazil, Korea, Costa Rica, Singapore (on behalf of the ASEAN Members), Cuba, Pakistan, Czech Republic (also on behalf of the Slovak Republic), Japan, European Communities, Australia, Panama, Nigeria, India, Hungary, Uruguay, United States,

¹⁵ Carried in the General Council minutes as "Situation regarding the work of the Committee on Regional Trade Agreements".

¹⁶ Australia, Japan, Korea, New Zealand, Pakistan and Hong Kong, China.

¹⁷ In the relevant minutes the item is called "Work programme on electronic commerce".

Venezuela, Norway, Honduras, Dominican Republic, Argentina, Mexico, Chile, Ghana, Switzerland and Hong Kong, China, and the Chairman spoke.

The General Council took note of the statements.

At the General Council meeting on 8 and 9 May 2001, the Chairman said that on the basis of his consultations he proposed that the General Council have a focussed and substantive discussion on e-commerce. He then drew attention to a communication by MERCOSUR member States on "Horizontal and Sectoral Issues requiring Further Analysis (WT/GC/W/434) as well as to a non-paper by Singapore on "Digitized Products" (Job(01)/55).

The representatives of Paraguay (on behalf of MERCOSUR member States) and Singapore spoke.

The discussion that took place thereafter addressed two issues: first, the reports of the Councils for Trade in Goods, Trade in Services and TRIPS and of the Committee on Trade and Development: (i) issues of a horizontal character; and (ii) sectoral issues requiring further work. Second, the next steps in the General Council's work on electronic commerce.

The representatives of Cuba, Japan, India, Hungary, European Communities, Australia, Korea, Panama, United States, Venezuela (also on behalf of Chile, Costa Rica, Colombia, Ecuador, and Peru), Norway, Indonesia, Thailand, Canada, Panama, Colombia and Hong Kong, China, and the Chairman spoke.

The Chairman proposed that the General Council ask the subsidiary bodies to continue their work and report back to the General Council, and agree to hold a dedicated discussion on cross-cutting issues based on a compilation which would be prepared by the Secretariat on the basis of the present meeting's discussion, as well as any papers Members would wish to circulate. With respect to the issue of e-commerce at the Fourth Ministerial Conference, he noted that it might be better for Members to pursue the matter under the "checklist track" of the Ministerial preparations, subject to further consideration.

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

At the General Council meeting on 18 and 19 July 2001, the Chairman recalled that a dedicated discussion on the cross-cutting issues identified by delegations had taken place on 15 June 2001 under the auspices of the General Council. As agreed by Members at the dedicated discussion, the Secretariat had subsequently prepared under its own responsibility a summary of the issues raised at that dedicated discussion for information.¹⁸

The representatives of Japan, Brazil, European Communities, Hungary, Singapore, Thailand, Korea, India, Panama, United States, Malaysia, Canada, Slovak Republic, Cuba, Venezuela and Hong Kong, China, and the Deputy Director-General and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this item at its next meeting.

At the General Council meeting on 10 October 2001, the Chairman said that work was continuing in the subsidiary bodies pursuant to the 1998 Work Programme and recalled that he had suggested that delegations continue to discuss among themselves and with him the most practical and

¹⁸ WT/GC/W/436.

efficient way to carry forward future work in this area. He recalled that e-commerce was also considered in the context of the draft Declaration prepared for the Fourth Ministerial Conference.

The General Council took note of the statement and agreed to revert to this item at its next meeting.

At the General Council meeting on 31 October and 1 November 2001, the Chairman said that as there did not seem to be any new elements since the last meeting that would warrant discussion at this meeting, he proposed that the General Council revert to this matter at its next meeting in December 2001.

The General Council so agreed.

14. Review of procedures for the circulation and derestriction of WTO documents (WT/GC/M/65, 66)

Pursuant to paragraph 7 of the Procedures for the Circulation and Derestriction of WTO Documents adopted by the General Council in July 1996 (WT/L/160/Rev.1), the General Council had initiated the review of the Procedures in February 1998. The General Council had also considered this matter in 1998, 1999 and 2000. In May 2000, the General Council had agreed that Mr. Rodriguez, Deputy Director-General, would hold consultations on this matter and report back to the General Council.

At the General Council meeting on 8 and 9 May 2001, Mr. Rodriguez, Deputy Director-General informed that he had begun consultations on this matter.

The General Council took note of the statement and agreed to revert to this item at a future meeting.

At the General Council meeting on 18 and 19 July 2001, Mr. Rodriguez, Deputy Director-General reported on his consultations on this matter.

The representatives of Bulgaria, United States, Canada, European Communities, Japan, India, Brazil, Colombia and Hungary, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at its next meeting.

15. Implementation

(a) Special Sessions on implementation (WT/GC/M/62, 64, 67 and 70)

At the General Council meeting in May 2000¹⁹, Members had agreed that the General Council, meeting in special sessions, would address outstanding implementation issues and concerns, and that the process should be completed not later than the Fourth Session of the Ministerial Conference. At its Special Session in June 2000²⁰, the General Council had agreed on a work programme to carry out this work.

At its Special Session on 15 December 2000, the General Council considered a report by the Chairman and the Director-General on their consultations on implementation-related issues and

¹⁹ WT/GC/M/55.

²⁰ WT/GC/M/56.

concerns, especially those reflected in paragraph 21 of the draft Ministerial text of 19 October 1999 (Job(99)/5868/Rev.1). It also heard a report by the Chairman of the Council for Trade in Goods on the question of the extension of TRIMs transition periods, and a report by the Director-General on the question of facilitating the participation of developing countries in standard-setting organizations.

The General Council also considered a draft decision (JOB(00)/8205/Rev.2) which was the outcome of the consultative process the Director-General and the Chairman had conducted since the October Special Session, and which contained a number of items for decision, as well a paragraph on further work.

The representatives of Colombia (also on behalf of Argentina, Chile, Malaysia, Mexico, Pakistan, Philippines, Romania and Thailand), United States, India, Brazil, Poland (also on behalf of Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia and the Slovak Republic), Egypt, Uganda, Pakistan, Zambia, Thailand, Jamaica, Indonesia, Saint Lucia, Honduras, El Salvador, Turkey, Bolivia, South Africa, Philippines, Malaysia, Venezuela, Zimbabwe, Nigeria, Ecuador, European Communities, Barbados, Singapore, Paraguay, Panama, Guatemala, Chile, Japan, Korea, Canada, Cuba and Hong Kong, China and the Chairman spoke.

The General Council took note of the statements and of the reports by the Chairman of the Council for Trade in Goods, by the Chairpersons of the various WTO bodies to which issues had been referred, and by the Director-General and the Chairman, and adopted the draft decision in Job(00)/8205/Rev.2 with an amendment proposed by the Chairman.²¹

At its Special Session on 27 April 2001, the General Council considered a report by the Chairman and the Director-General on their consultations on the outstanding implementation-related issues and concerns. It also considered the organization of further work.

The representatives of Thailand (on behalf of the ASEAN Members), European Communities, Pakistan, Singapore, Japan, Paraguay, Peru, Bolivia, Switzerland, Turkey, United States, Zimbabwe (on behalf of the African Group), Mauritius, Romania (also on behalf of Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Poland, Slovak Republic and Slovenia), Hungary, New Zealand, India, Brazil, Malaysia, Australia, Guatemala, Dominican Republic, Nicaragua, Jamaica, Egypt, Canada, Indonesia, Honduras, Cuba, Panama, Tanzania (on behalf of the LDCs), Chile, Korea, Uganda, Czech Republic, Colombia, Costa Rica, Philippines Morocco, and Hong Kong, China and the Chairman spoke.

The General Council took note of the report by the Chairman and the Director-General, and of the statements.

At its Special Session on 20 July 2001, the General Council considered a report by the Chairman and the Director-General on their consultations on the outstanding implementation-related issues and concerns. It also considered the organization of further work.

The representatives of the United States, Zimbabwe (on behalf of the African Group), Korea, Japan, Sri Lanka, Guatemala, Honduras, India, Dominican Republic, European Communities, Turkey, Colombia, Mexico, Venezuela, Jamaica, Cuba, Brazil, El Salvador, Pakistan, Egypt, Malaysia, Bolivia, Indonesia, Singapore, Switzerland, Nicaragua, Gabon (on behalf of the ACP Group of countries), Costa Rica, Czech Republic (also on behalf of Albania, Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia), Mauritius, Chile, Australia, Israel, Thailand, Canada, Saint Lucia, Uruguay, Philippines, Paraguay, Kenya and Hong Kong, China and the Chairman spoke.

²¹ The Decision, as amended, was circulated in document WT/L/384.

The General Council took note of the report by the Chairman and the Director-General, and of the statements.

At the Special Session on 3 October and 1 November 2001, the Chairman reported that consultations on the draft decision on implementation-related issues and concerns contained in Job(01)/139 had indicated that Members were not yet in a position to take formal action on this matter. He proposed that the consultations continue, and that the meeting adjourn and reconvene at the earliest opportunity once the consultations had concluded.

The General Council took note of the statement and adjourned.

At its resumed meeting, the Special Session considered a revised draft decision on implementation-related issues and concerns (Job(01)/139/Rev.1), as well as a compilation of outstanding issues (Job(01)/152/Rev.1), which had resulted from an intensive process of consultations.

The Chairman said that the revised draft had resulted from a painstaking re-examination of the proposals, and represented a sincere attempt to take into account suggestions by interested delegations. It also reflected elements from the reports of subsidiary bodies on the issues referred to them, and took into account recent proposals submitted by the least-developed countries. The broad approach presented in the revised draft represented the best possible basis, at the present time, for moving to a resolution of the outstanding implementation issues and concerns. It had received a good deal of support in consultations over the past few weeks, and offered the most practical way forward, in line with the General Council Decision of 3 May 2000. He made three points of clarification in regard to the text of the draft decision.

First, with regard to the work programme on special and differential treatment under Tired 96, it was his understanding that delegations had noted that agreement on the dates of July 2002 for General Council decisions in sub-paragraphs (i) and (ii) of that text was on the understanding that these dates were targets which all Members would make best efforts to meet, and also that the agreement was without prejudice to the nature of the decisions that might be taken at that time. Second, with regard to the outstanding implementation issues, he clarified that where a specific negotiating mandate was provided for in the current draft Ministerial Declaration (Job(01)/140/Rev.1), the relevant implementation issues would be addressed under that mandate, in accordance with paragraph 12(a) of the draft Declaration. The other outstanding issues would be addressed as a matter of priority by the relevant WTO bodies, which would report to the proposed Trade Negotiations Committee by the end of 2002 for appropriate action, in accordance with paragraph 12(b) of the draft Ministerial Declaration. Third, he and the Director-General were confident that the large majority of the proposals in this text could find acceptance by the broad membership. At the same time, there might still be a few remaining areas of possible disagreement, particularly with regard to the proposals on Article 27.4 of the Subsidies Agreement and on Textiles and Clothing, in respect of which they hoped that Ministers at Doha would be able to build on the good work done in Geneva, and create a basis for reaching agreement overall.

The representatives of Colombia, Pakistan, Saint Lucia, Tanzania (on behalf of the LDCs), Chile, Guatemala, the Dominican Republic, the United States, Egypt, El Salvador, Honduras, Malaysia, Panama, Sri Lanka, Uganda, Korea, Barbados, Brazil, the European Communities, Indonesia, Jamaica, Paraguay, Canada, India, Morocco, Mexico, Uruguay, Cuba, Venezuela, Japan and Switzerland, and the Chairman spoke.

The General Council took note of the statements and that the Chairman and the Director-General would, on their own responsibility, transmit the draft decision and the related compilation of outstanding issues to Ministers together with a cover letter.

(b) Further work of the General Council on implementation (WT/GC/M/63²²)

At the General Council meeting on 8 and 9 February 2001, the Chairman said that on the basis of his informal Heads-of-Delegations consultations and in light of the Decision adopted by the General Council at its Special Session on 15 December 2000²³, he proposed that the organization of further work on implementation-related issues and concerns be first that the Decision of 3 May 2000²⁴ and the June 2000 work programme²⁵ remained the basic framework of the present process, which would have to be completed not later than the Fourth Session of the Ministerial Conference and would have to be composed of a mixture of formal and informal processes. Second, all Members recognized that the process of addressing implementation-related issues and concerns was of utmost priority, and that there should be no linkages to any other current or future areas of the WTO work programme at the present time. Third, the remaining issues belonged to the following four main categories: (i) issues referred to subsidiary bodies for their consideration; (ii) outstanding issues contained in paragraph 21 of the draft Ministerial text of 19 October 1999 Job (99)/5868/Rev.1; (iii) issues raised by Members in the course of his consultations; and, (iv) issues contained in paragraph 22 of the draft Ministerial text of 19 October 1999. Fourth, it had been suggested that a deadline could be fixed for the reports by the subsidiary bodies. However, some delegations would prefer to allow sufficient time for these bodies to be able to carry out their work adequately. Finally, there was a need to develop and implement the continuing work programme as soon as possible at the formal level, i.e., at Special Sessions of the General Council.

The General Council took note of the statement.

(c) Implementation-related issues

(i) *Work of the Committee on Agriculture on implementation-related issues*²⁶ (WT/GC/M/65, 66)

In October 2000, the General Council in Special Session had referred the question of implementation of Article 10.2 of the Agreement on Agriculture to the Committee on Agriculture. In December 2000, the Vice-Chairman of the Committee on Agriculture made a report to the General Council in Special Session on that issue. Also in December 2000, the General Council in Special Session had instructed the Committee on Agriculture to examine possible means of improving the effectiveness of the implementation of the Marrakesh Net Food-Importer Decision.

At the General Council meeting on 8 and 9 May 2001, the Vice-Chairman of the Committee on Agriculture introduced his reports on the Committee's work on implementation-related issues (G/AG/7 and 8).

The representatives of Sri Lanka, Egypt, Pakistan, Brazil and India spoke.

The General Council took note of the reports and of the statements.

At the General Council meeting on 18 and 19 July 2001, the Vice-Chairman of the Committee on Agriculture introduced his reports on the question of the implementation of Article 10.2 of the Agreement on Agriculture (G/AG/9 and Corr.1) and on the issue relating to

²² Carried in the General Council minutes as "Statement by the Chairman on further work of the General Council on Implementation".

²³ WT/L/384.

²⁴ WT/GC/M/55, Annex I.

²⁵ Job No. 3859, dated 22 June 2000.

²⁶ Carried in the General Council minutes as "Implementation-related issues - Report by the Vice-Chairman of the Committee on Agriculture".

implementation of the Ministerial Decision on Net Food-Importing Developing Countries and Least-Developed Countries (G/AG/10). He then said that the Committee on Agriculture had also discussed a third implementation-related issue which was the addendum to the guidelines to be provided to the tariff rate quota management.

The representatives of Brazil and Pakistan spoke.

The General Council took note of the reports and of the statements.

- (ii) *Work of the Committee on Rules of Origin on implementation-related issues (WT/GC/M/63²⁷, 65²⁸, 66²⁹)*

Pursuant to Article 9.2(a) of the Agreement on Rules of Origin, the harmonized work programme for non-preferential rules of origin had been scheduled for completion by July 1998. In July 1998, Members had agreed to extend the deadline to November 1999. As the work had not been completed at that date, the Committee had continued its work in 2000 on the basis of the agreed work programme. In December 2000, the General Council in Special Session had adopted the following decision concerning the Agreement on Rules of Origin:

"Members undertake to expedite the remaining work on the harmonization of non preferential rules of origin, so as to complete it by the time of the Fourth Ministerial Conference, or by the end of 2001 at the latest. The Chairman of the Committee on Rules of Origin shall report regularly, on his own responsibility, to the General Council on the progress being made. The first such report would be submitted to the Council at its first regular meeting in 2001, and subsequently at each regular meeting until the completion of the work programme."³⁰

At the General Council meeting on 8 and 9 February 2001, the Chairman of the Committee of Rules of Origin made his first progress report.

The General Council took note of the report.

At the General Council meeting on 8 and 9 May 2001, the Chairman of the Committee of Rules of Origin made a progress report.

The representative of India and the Chairman spoke.

The General Council took note of the statements and of the report.

At the General Council meeting on 18 and 19 July 2001, the Chairman of the Committee of Rules of Origin made a progress report.

On 18 July, the representatives of India and Philippines, and the Chairman spoke.

The discussion on this matter was suspended for that day.

²⁷ Carried in the General Council minutes as "Statement by the Chairman of the Committee on Rules of Origin".

²⁸ Carried in the General Council minutes as "Report by the Chairman of the Committee on Rules of Origin on implementation-related issues".

²⁹ Carried in the General Council minutes as "Implementation related issues - Report by the Chairman of the Committee on Rules of Origin".

³⁰ WT/L/384.

Upon resumption of the discussion on 19 July, the representatives of Brazil, Colombia, Philippines, Chile, Canada, India, Australia, United States and Mexico, and the Chairman of the Committee on Rules of Origin and the Chairman spoke.

The General Council took note of the report and of the statements.

- (iii) *Work of the Committee on Sanitary and Phytosanitary Measures on implementation-related issues (WT/GC/M/65³¹, 66³²)*

In October 2000, the General Council in Special Session had referred the question of the concerns of developing countries regarding the equivalence of sanitary and phytosanitary measures to the SPS Committee.

At the General Council meeting on 8 and 9 May 2001, the Chairman of the Committee on Sanitary and Phytosanitary Measures reported on the Committee's work on implementation-related issues referred to it in the General Council's Decision of 15 December 2000.³³

The General Council took note of the statement.

At the General Council meeting on 18 and 19 July 2001, the Chairman of the Committee on Sanitary and Phytosanitary Measures reported on the developments relating to the issue of equivalence sanitary and phytosanitary measures in the context of developing-country concerns (G/L/455).

The General Council took note of the report and of the statement.

- (iv) *Report by the Director-General on activities of international financial organizations on SPS/TBT-related programmes (WT/GC/M/66)*

In October 2000, the General Council in Special Session had invited the Director-General to explore with the relevant international standard-setting organizations and relevant intergovernmental organizations, financial and technical mechanisms to assist the participation of developing countries in standard-setting activities. The Director-General had made two reports on this matter to the General Council in Special Session in December 2000 and April 2001.

At the General Council meeting on 18 and 19 July 2001, the Director-General reported on his contacts with the relevant intergovernmental organizations which could provide financial assistance to developing countries (WT/GC/46/Rev.1).

The General Council took note of the report.

³¹ Carried in the General Council minutes as "Statement by the Chairman of the SPS Committee on implementation-related issues".

³² Carried in the General Council minutes "Report by the Chairman of the Committee on Sanitary and Phytosanitary Measures".

³³ WT/L/384.

- (v) *Work of the Committee on Subsidies and Countervailing Measures on implementation-related issues (WT/GC/M/65³⁴)*

In December 2000, the General Council in Special Session had instructed the Committee on Subsidies and Countervailing Measures to examine as an important part of its work: (i) all issues relating to Articles 27.5 and 27.6 of the SCM Agreement, including the possibility to establish export competitiveness on the basis of a period longer than two years; and (ii) the issues of aggregate and generalized rates of remission of import duties and of the definition of "inputs consumed in the production process", taking into account the particular needs of developing-country Members.³⁵

At the General Council meeting on 8 and 9 May 2001, the Chairman of the Committee on Subsidies and Countervailing Measures reported on his own responsibility on the status of the Committee's work on the implementation-related issues referred to it in the General Council's Decision of 15 December 2000 .

The representative of India and the Chairman spoke.

The General Council took note of the report and of the statements.

16. Overview of developments in the international trading environment (WT/GC/M/69)

Under Annex 3 of the Marrakesh Agreement, "an annual overview of developments in the international trading environment which are having an impact on the multilateral trading system is to be undertaken by the Trade Policy Review Body. The overview is to be assisted by an annual report by the Director-General setting out major activities at the WTO and highlighting significant policy issues affecting the trading system".

At its meeting on 10 October 2001, the Chairman informed the General Council that the annual report of the Director-General on the Overview of Developments in the International Trading Environment would be made available to Ministers at the Fourth Ministerial Conference. He said that the annual discussion on this overview will be held on the basis of that report after the Fourth Ministerial Conference, either at the General Council meeting in December 2001 or at a meeting in January 2002.

The General Council took note of this information.

17. Sanitary and phytosanitary measures by Canada affecting Brazilian beef exports (WT/GC/M/63)

At its meeting on 8 and 9 February 2001, the representative of Brazil informed the General Council that his government would be raising in the appropriate body a matter related to the responsibility of sanitary and phytosanitary authorities for declarations concerning risk assessment with impact on private agents and said that this was motivated by the serious trade losses to Brazilian beef exports caused by precipitated and arbitrary declarations and decisions by Canada.

The representative of Canada spoke.

The General Council took note of the statements.

³⁴ Carried in the General Council minutes as "Statement by the Chairman of the Committee on Subsidies and Countervailing Measures on implementation-related issues".

³⁵ WT/L/384.

18. India's new restrictions for ports of entry for certain goods (WT/GC/M/65³⁶)

At the General Council meeting on 8 and 9 May 2001, the representative of the United States expressed concern that India had recently restricted the importation of 300 consumer products to a reduced number of ports of entry.

The representative of India spoke.

The General Council took note of the statements.

19. India – Statement on material on different WTO Agreements provided to other international intergovernmental organizations and the WTO website by the Secretariat (WT/GC/M/66)

At the General Council meeting on 18 and 19 July 2001, the representative of India said that background notes and information relating to the provisions of various WTO agreements communicated by the WTO Secretariat to other international intergovernmental organizations or posted on the WTO website accessible to these organizations only should also be made available to the WTO membership.

The Chairman spoke.

The General Council took note of the statements.

20. Switzerland – Modifications of Switzerland's GSP Scheme in favour of least-developed countries (WT/GC/M/66)

At the General Council meeting on 18 and 19 July 2001, the representative of Switzerland informed Members of recent developments in Switzerland's General Scheme of Tariff Preferences (GSP).

The General Council took note of this information.

21. International Trade Centre UNCTAD/WTO

(a) Report of the Joint Advisory Group (WT/GC/M/66)

At its meeting on 18 and 19 July 2001, the General Council considered the report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Thirty-Fourth Session (ITC/AG(XXXIV)/188).

The Chairman said that the Committee on Trade and Development had examined the report at its meeting in May 2001 and had forwarded it to the General Council for adoption.

The General Council took note of the statement and adopted the report.

22. Reorganization of WTO Technical Cooperation (WT/GC/M/66)

At the General Council meeting on 18 and 19 July 2001, the Director-General reported on the changes in the WTO Secretariat's technical assistance and training activities.

³⁶ Carried in the General Council minutes as "Statement by the United States regarding new restrictions by India for ports of entry for certain goods".

The representatives of Argentina, Israel, Philippines, Kenya, Gabon (on behalf of the ACP), Senegal, Côte d'Ivoire, Paraguay, Nigeria and European Communities, and the Director-General and the Chairman spoke.

The General Council took note of the report and of the statements.

23. Administrative matters

(a) Procedures for the appointment of the Director-General (WT/GC/M/63)

In July 1999, the General Council had adopted a decision on the appointment of the next Director-General (WT/L/308) which provided that "in order to improve and strengthen the current rules and procedures [for appointments of Directors-General], a complete set of rules and procedures for such appointments shall be elaborated and adopted by the end of September 2000". In July 2000, the Chairman had read out a list of eight questions on procedures for the appointment of the Director-General and invited delegations to reflect on them. In December 2000, the Chairman had expressed the hope that it would be possible to take this issue further by developing a discussion paper, which would gradually move towards the formulation of procedures.

At its meeting on 8 and 9 February 2001, the Chairman informed the General Council that since the December 2000 meeting he had not been able to take this issue further.

The representatives of the United States and Canada, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at a future meeting.

(b) WTO Pension Plan

(i) *Rules of procedures of the Management Board (WT/GC/M/65)*

Pursuant to Article 5 of the Regulations of the WTO Pension Plan, the duties and authority of the Management Board, as well as the rules for the auditing of accounts shall be laid down in rules of procedure which shall be approved by the General Council.

At the General Council meeting on 8 and 9 May 2001, the Chairman of the Management Board introduced the draft rules of procedure of the Management Board (WT/GC/W/430).

The General Council approved the rules of procedure (WT/L/402).

(ii) *Management Board (WT/GC/M/65)*

Article 4(a) of the Regulations of the WTO Pension Plan provides, *inter alia*, for the election by the General Council of four members and four alternates of the Management Board, each for a three-year term.

At its meeting on 8 and 9 May 2001, the Chairman informed the General Council that one of the members was no longer available to serve on the Board. Following consultations, he had circulated a proposal to elect a replacement for this individual to hold office during the remainder of the three-year term (WT/GC/W/431).

The General Council agreed on the election of the individual proposed (WT/L/401).

24. Observer status

(a) Governments

(i) *Sao Tome and Principe (WT/GC/M/63)*

At its meeting on 8 and 9 February 2001, the General Council considered a request from Sao Tome and Principe (WT/L/389) for observer status in the General Council and its subsidiary bodies, and agreed to grant the request.

The representative of Brazil spoke.

The General Council took note of the statement.

25. Fourth Session of the Ministerial Conference

(a) Preparations for the Fourth Session (WT/GC/M/71)

At its meeting on 8 February 2001³⁷, the General Council accepted an offer from Qatar to hold the Fourth Session of the Ministerial Conference in Doha, and authorized its Chairman, in cooperation with the Director-General, to start consultations on both organizational and substantive matters related to preparations for that meeting, and to report back to the General Council on progress made.

At the General Council meeting on 31 October and 1 November 2001, the Chairman, reporting on progress made, noted that the preparatory process had been conducted in informal meetings in which both he and the Director-General had made transparency and inclusiveness a top priority. A key element of this consultative process had been the open-ended informal meetings of the General Council, where work undertaken in all of the consultations had been brought back for consideration by the broader membership, and where Members had been able to monitor progress on individual issues as well as the situation overall. He reported, *inter alia*, that although delegations had shown a willingness to engage constructively and had made considerable efforts to bridge gaps and increase comfort levels on key issues, the distance between positions in some critical areas had remained. He and the Director-General had therefore used their best judgement in putting forward draft texts of a Ministerial Declaration (Job(01)/140/Rev.1) as well as a Declaration on Intellectual Property and Access to Medicines/Public Health (Job(01)/155) on 27 October in an effort to provide a basis for meeting the concerns of a broad range of Members. These texts clearly did not purport to represent agreed elements in any way at this stage, and nothing could be considered to be agreed definitively in the absence of agreement overall, which would be a decision for Ministers to take in Doha. In their judgement, they had taken the process in Geneva as far as they possibly could, and believed that further consultations would not take them any closer to improving the texts. They therefore did not plan to revise these texts further, and intended to transmit them to Ministers on their own responsibility, with the hope and expectation that Ministers would be able to build on the good work that had been done in Geneva, and create a basis for reaching agreement at Doha.

The representatives of Tanzania (on behalf of the LDCs), Mexico, Costa Rica, Pakistan, New Zealand, Singapore, Brazil, Egypt, Cuba, Uruguay, Colombia, Jamaica, Malaysia, Norway, Romania (on behalf of the CEFTA countries and Croatia, Estonia, Latvia and Lithuania), Australia, India, the European Communities, Ecuador, Argentina, Zimbabwe (on behalf of the African Group), Nigeria, Morocco, Zambia, Thailand, the United States, Gabon, Lithuania (also on behalf of Albania, Croatia, Georgia, Jordan, Kyrgyz Republic and Oman), Venezuela, Georgia (also on behalf of Kyrgyz

³⁷ WT/GC/61/Add.1

Republic), Switzerland, Korea, Bangladesh, Dominican Republic, Honduras, Canada, Panama, Chile, Indonesia, Czech Republic, Turkey, Saint Lucia, Brunei Darussalam, Bolivia, Slovak Republic, Haiti, Paraguay, Barbados, Hungary, Sri Lanka, Kenya, Iceland, Philippines, Uganda, Japan, Peru, Poland, Bulgaria, Morocco, Djibouti and Hong Kong China, and the Chairman spoke.

The General Council took note of the statements and of the report by the Chairman, in cooperation with the Director-General, on progress in the preparations for the Fourth Session. The General Council also took note that the Chairman and the Director-General would, on their own responsibility, transmit the draft Ministerial Declaration and the draft Declaration on Intellectual Property and [Access to Medicines][Public Health] to Ministers together with a cover letter.

(b) Logistical preparations for the Ministerial Conference (WT/GC/M/66, 68)

At the General Council meeting on 18 and 19 July 2001, the Director-General drew attention to various aspects of the logistical preparations for the Fourth Ministerial Conference.

The General Council took note of the statement.

At the General Council meeting on 31 July 2001, the Director-General reported again on some aspects of the logistical preparations for the Fourth Ministerial Conference.

The General Council took note of the statement.

(c) Participation of observer governments in the informal preparatory meetings of the General Council for the Fourth Session of the Ministerial Conference (WT/GC/M/65)

During the preparatory process for the Third Ministerial Conference, the General Council had agreed that observer governments be exceptionally invited to attend, as observers, the General Council's informal preparatory meetings for the Third Ministerial Conference.

At the General Council meeting on 8 and 9 May 2001, the Chairman proposed that the same arrangement be made in preparation of the Fourth Ministerial Conference and that, accordingly, observer governments be invited to attend the informal preparatory meetings for the Fourth Ministerial Conference.

The representative of Belarus (as an observer) spoke.

The General Council took note of the statement and agreed to the Chairman's proposal.

(d) Election of officers (WT/GC/M/65, 66, 68³⁸)

At its meeting on 8 and 9 May 2001, the Chairman proposed that the General Council elect the representative of the host government, H.E. Mr. Youssef Hussain Kamal, Minister of Finance, Economy and Commerce of Qatar, to Chair the Conference. With regard to the election of the three Vice-Chairpersons of the Conference, he would conduct consultations with Members. He therefore proposed that the General Council agree to revert to this matter at a future meeting to allow for these consultations to take place.

The General Council so agreed.

³⁸ Carried in the General Council minutes as "Election of Vice-Chairpersons of the Fourth Session of the Ministerial Conference".

At its meeting on 18 and 19 July 2001, the Chairman informed the General Council that consultations were taking place on the basis of a suggestion made by him of appointing one vice-chairperson from the European region, one vice-chairperson from Africa and one vice-chairperson from Latin America. As he was not in a position to put names before Members for agreement at the present meeting, he proposed that the General Council agree that he would call a special meeting of the General Council on short notice to elect the vice-chairpersons before the next regular meeting of the General Council in October.

The representative of Japan and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at a future meeting after the consultations have been finalized.

At its meeting on 31 July 2001, the General Council elected the following Vice-Chairpersons for the Fourth Session of the Ministerial Conference: The Hon. Tebelelo Seretse, Minister for Trade, Industry, Wildlife and Tourism of Botswana; H.E. Mr. Kimmo Sasi, Minister for European Affairs and Foreign Trade of Finland; and Dr. Adalberto Rodriguez Giavarini, Minister of Foreign Affairs and International Trade of Argentina.

(e) Attendance of observers

(i) *Governments (WT/GC/M/65)*

At its meeting on 8 and 9 May 2001, the Chairman proposed that the General Council agree to invite the Government of Liberia³⁹ to attend as an observer the Fourth Session of the Ministerial Conference.

The General Council so agreed.

The Chairman then said that 39 countries had participated as observers in the Seattle Ministerial Conference in accordance with Annex 2 to the Rules of Procedure for Ministerial Conference and General Council meetings. Out of these 39 countries, 34 currently had obtained observer status in the General Council, either through a request to the General Council or through the establishment of a working party for their accession to the WTO. These countries were therefore automatically invited to attend the Ministerial Conference in Doha as observers. The following five countries had attended the Ministerial Conference in Seattle but did not currently have observer status in the General Council: Comoros, Equatorial Guinea, Eritrea, Libya and San Marino. He proposed that the General Council agree to also invite these countries to attend the Fourth Ministerial Conference as observers.

The General Council so agreed.

(ii) *International intergovernmental organizations (WT/GC/M/65 and Corr.2, 66, 69, 71)*

At its meeting on 8 and 9 May 2001, the General Council agreed to procedures for attendance, as observers, of international intergovernmental organizations to the Fourth Ministerial Conference. The General Council also agreed that, unless any objection was received by the Secretariat from any Member by 25 May, the Arab Authority for Agricultural Investment and

³⁹ WT/L/394.

Development, the Gulf Organization for Industrial Consulting and the Organization of the Petroleum Exporting Countries be granted observer status to the Fourth the Ministerial Conference.⁴⁰

The representatives of Egypt, Bahrain, (also on behalf of Qatar, Kuwait, United Arab Emirates and Oman), Morocco, Jordan, Malaysia, Tunisia, Indonesia, Turkey, Bulgaria, and Israel spoke.

The General Council took note of the statements.

At its meeting on 18 and 19 July 2001, the General Council agreed that unless any objection was received by the Secretariat from any Member by 25 July, the League of Arab States, the Arab Monetary Fund and the Advisory Centre on WTO Law be granted observer status to the Fourth Ministerial Conference.⁴¹

The representatives of Egypt, Qatar, Jordan, Oman, Bahrain, Morocco, India, Malaysia, Pakistan, Indonesia and Venezuela, and the Chairman spoke.

The General Council took note of the statements.

At its meeting on 10 October 2001, the Chairman informed the General Council that the objection to the granting of observer status to the Organization of the Petroleum Exporting Countries (OPEC) to the Fourth Ministerial Conference had been withdrawn. Therefore OPEC had been granted observer status to the Fourth Ministerial Conference.

The representative of Egypt (on behalf of the Arab country Members) spoke.⁴²

The General Council took note of the statement.

The Chairman spoke.

The General Council agreed that unless any objection was received by the Secretariat from any Member by 15 October, the United Nations Institute for Training and Research, the Indian Ocean Commission, the Indian Ocean Rim Association for Regional Co-operation, the Economic Community of West African States and the Inter-Parliamentary Union be granted observer status to the Fourth Ministerial Conference.

At its meeting on 31 October and 1 November 2001, the General Council agreed that unless an objection was received by the Secretariat from any Member by 1 November, the Union du Maghreb Arabe and the Intergovernmental Authority on Development be granted observer status to the Fourth Ministerial Conference.

The representatives of Egypt and Cuba, and the Chairman spoke.

The General Council took note of the statements.

⁴⁰ Subsequent to the meeting, the Secretariat received one objection to the granting of observer status to the Organization of the Petroleum Exporting Countries to the Fourth Ministerial Conference. At the General Council meeting on 10 October 2001, the Chairman announced that that objection had been withdrawn (see below).

⁴¹ Subsequent to the meeting, the Secretariat received two objections to the granting of observer status to the League of Arab States to the Fourth Ministerial Conference.

⁴² Subsequently to the meeting, the delegation of Cyprus sent a communication on this issue.

(iii) *Non-governmental organizations (WT/GC/M/65)*

At its meeting on 8 and 9 May 2001, the General Council agreed to procedures for attendance of non-governmental organizations to the Fourth Ministerial Conference.⁴³

The representatives of Egypt, European Communities, Pakistan and Canada, and the Chairman spoke.

The General Council took note of the statements.

26. Appointment of officers to WTO bodies (WT/GC/M/63)

At the General Council meeting on 8 and 9 February 2001, the Chairman said that in accordance with the guidelines for appointment of officers to WTO bodies approved by the General Council in January 1995 (WT/L/31), he had conducted informal consultations on this matter, on the basis of which he considered that there was a consensus on the following slate of names.

General Council	Mr. Stuart Harbinson (Hong Kong, China)
Dispute Settlement Body	Mr. Roger Farrell (New Zealand)
Trade Policy Review Body	Mr. Pekka Huhtaniemi (Finland)
Council for Trade in Goods	Mr. Istvan Major (Hungary)
Council for Trade in Services	Mr. Celso Amorim (Brazil)
Council for Trade-Related Aspects of Intellectual Property Rights	Mr. Boniface Guwa Chidyausiku (Zimbabwe)
Committee on Trade and Environment	Mr. Alejandro Jara Puga (Chile)
Committee on Trade and Development	Mr. Nathan Irumba (Uganda)
Committee on Balance-of-Payments Restrictions	Mr. Hernando José Gomez (Colombia)
Committee on Regional Trade Agreements	Mrs. Laurence Dubois-Destrizais (France)
Committee on Budget, Finance and Administration	Mr. M. Supperamiam (Malaysia)
Working Group on the Relationship between Trade and Investment	Mr. Oguz Demiralp (Turkey)
Working Group on the Interaction between Trade and Competition Policy	Mr. Frederic Jenny (France)
Working Group on Transparency in Government Procurement	Mr. Ronald Saborío Soto (Costa Rica)
<hr/>	
Committee on Agriculture	
Chair	Mrs. Apiradi Tantraporn (Thailand)
Vice-Chair	Mr. Yoichi Suzuki (Japan)

⁴³ Subsequently circulated in WT/MIN(01)/INF/3.

The Chairman also said that certain understandings had been agreed upon in reaching a consensus on the Chairpersons for 2001. First, Mrs. Tantraporn (Thailand) would be appointed as Chairperson of the Committee on Agriculture and Mr. Suzuki (Japan) would continue for one more year to act as Vice-Chairman of the Committee under the same conditions. These arrangements for the chair and the vice-chair had been made for a period no longer than one year, and future appointments would continue to be based on personal experience and expertise, while taking into account the diversity of constituencies. Moreover, the organization of work at the Fourth Ministerial Conference would be decided in due course, irrespective of these arrangements.

The General Council took note of the statement and of the consensus on the above slate of names.

27. Election of Chairperson (WT/GC/M/63)

At the General Council meeting on 8 and 9 February 2001, the Chairman, as the outgoing presiding officer of the General Council thanked the Director-General, Deputy Directors-General, the Secretariat and all delegations for their cooperation and support during his term of office.

The General Council then unanimously elected Mr. Stuart Harbinson (Hong Kong, China) to the Chair.

28. Review of WTO activities (WT/GC/M/71)

At the General Council meeting on 31 October and 1 November 2001, the Chairman drew attention to the annual reports of the various Councils and Committees and said that unless they felt it was necessary, the Chairpersons of subsidiary bodies need not introduce their reports orally, in order to allow time for the General Council to examine all pending matters for the Ministerial Conference at this meeting.

The Chairman of the Committee on Trade and Environment spoke.

The General Council adopted the report of the Committee on Trade and Development (WT/COMTD/33), took note of the reports from other WTO bodies, including the reports from the bodies under the Plurilateral Trade Agreements, in documents WT/DSB/26 and Add.1, WT/TPR/101, G/L/492, S/C/14, S/CSS/8, IP/C/23, WT/BOP/R/59, WT/BFA/55, WT/REG/10 and Corr.1, WT/CTE/6, WT/WGTI/5 and Add.1, WT/WGTCP/5, WT/WGTGP/5, GPA/58 and JOB(01)/147, and took note of the statement.

The General Council then adopted the draft report of the General Council (WT/GC/W/448) on the understanding that the Secretariat would make the necessary adjustments to it as to include matters discussed at this meeting.
