

GENERAL COUNCIL

Annual Report (2009)¹

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.²

In carrying out its tasks, the General Council has held six meetings since the period covered by the previous report. The minutes of these meetings, which remain the record of the General Council's work, are contained in documents WT/GC/M/118 – 123.³

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¹ The General Council meeting scheduled to take place on 17 and 18 December 2009 will be reflected in an addendum to the present document.

² The annual report of the General Council for 2008 was circulated in WT/GC/117.

³ WT/GC/M/122 and 123 are to be issued.

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1. Work under the Doha Work Programme

(a) Trade Negotiations Committee – Reports (WT/GC/M/118, 120, 121, 122, 123)

1. Ministers at Doha established a Trade Negotiations Committee under the authority of the General Council to supervise the overall conduct of the negotiations (WT/MIN(01)/DEC/1). In accordance with the Principles and Practices endorsed by the Trade Negotiations Committee at its first meeting on 28 January and 1 February 2002 (TN/C/M/1), the TNC reports to each regular meeting of the General Council.

2. At the General Council meeting on 3 February 2009, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.⁴

3. The representatives of Switzerland; Egypt (on behalf of the African Group); Mexico; Ecuador; Bolivia; European Communities; Hong Kong, China; Cuba; Japan; Chinese Taipei; Turkey; Colombia; Korea; Norway; Brazil; Bolivarian Republic of Venezuela and Costa Rica, and the Director-General spoke.

4. The General Council took note of the Director-General's report and of the statements.

5. At the General Council meeting on 26-27 May 2009, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.⁵

6. The representatives of Gabon (on behalf of the Informal Group of Developing Countries); Cuba; Tanzania (on behalf of the LDCs); Switzerland; Turkey; Egypt (on behalf of the African Group); Côte d'Ivoire; Chinese Taipei; European Communities; Bangladesh; Bolivia; Japan; Bolivarian Republic of Venezuela; Barbados (on behalf of the SVEs); Burkina Faso (on behalf of the cosponsors of the Sectoral Initiative in Favour of Cotton); Argentina; India; Ecuador; United States; Norway; Dominican Republic; Korea; China; Brazil; Mexico and Australia spoke.

7. The General Council took note of the Director-General's report and of the statements.

⁴ The Director-General's statement was subsequently circulated as JOB(09)/5.

⁵ The Director-General's statement was subsequently circulated as JOB(09)/47.

8. At the General Council meeting on 28 July 2009, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.⁶

9. The representatives of Argentina; Zambia; Mexico; Hong Kong, China; Norway; Gabon (on behalf of the Informal Group of Developing Countries); European Communities; Singapore (on behalf of the APEC Members); Chinese Taipei; Tanzania (on behalf of the LDCs); India; El Salvador; Burkina Faso (on behalf of the C-4); Guatemala; Cuba; Pakistan; United States; Australia; China; Switzerland and Bangladesh spoke.

10. The General Council took note of the Director-General's report and of the statements.

11. At the General Council meeting on 20 October 2009, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.⁷

12. The representatives of Bangladesh; Colombia; Hong Kong, China; Norway; Chinese Taipei; Pakistan; Burkina Faso; Korea; Uruguay; Turkey; Egypt (on behalf of the African Group); European Communities; Costa Rica and Switzerland spoke.

13. The General Council took note of the Director General's report and of the statements.

14. At the General Council meeting on 17 November 2009, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.⁸

15. The representatives of Mauritius (on behalf of the ACP Group); Singapore (on behalf of APEC Members); Tanzania (on behalf of the LDCs); Egypt (on behalf of the African Group); Colombia; Zambia; Bangladesh and Kenya spoke.

16. The General Council took note of the Director General's report and of the statements.

(b) Work Programme on Small Economies – Reports (WT/GC/M/118, 120, 121, 122, 123)

17. Ministers at Doha agreed to a work programme, under the auspices of the General Council, to examine issues relating to the trade of small economies, with a mandate to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system and not to create a sub-category of WTO Members (WT/MIN(01)/DEC/1, paragraph 35). At its meeting in February and March 2002, the General Council took note of a framework and procedures for the conduct of the Work Programme on Small Economies, under which this Work Programme would be a standing item on the General Council's agenda. The framework and procedures also provided that the Committee on Trade and Development would report regularly to the General Council on the progress of work in its Dedicated Sessions on this subject. Ministers at Hong Kong instructed the CTD, under the overall responsibility of the General Council, to continue the work in the Dedicated Session and to monitor progress of the small economies' proposals in the negotiating and other bodies, with the aim of providing responses to the trade-related issues of small economies as soon as possible but no later than 31 December 2006. In December 2006, on the basis of a report by the Chair of the CTD in Dedicated Session the General Council took note that Members would be pursuing the substantive work under this work programme.

⁶ The Director-General's statement was subsequently circulated as JOB(09)/86.

⁷ The Director-General's statement was subsequently circulated as Job(09)/143.

⁸ The Director-General's statement was subsequently circulated as Job(09)/173.

18. At the General Council meeting on 3 February 2009, the Chairman of the Dedicated Session of the CTD, reporting on developments in this area since the December Council, said *inter alia* that following up on the suggestion by proponents of the Work Programme that the Secretariat liaise with the Financial Crisis Task Force established by the Director-General in December 2008, consultations had begun between the SVE proponents and the Task Force. In parallel, the Dedicated Session would continue to monitor issues of interest to SVEs as they developed in the Doha Round and WTO committees.

19. The representative of Barbados (on behalf of the SVEs) spoke.

20. The General Council took note of the report by the Chairman of the Dedicated Session of the Committee on Trade and Development and of the statement.

21. At the General Council meeting on 26-27 May 2009, the previous Chair of the CTD, in the absence of the Chairman of the Dedicated Session of the CTD and on the latter's request and behalf, reported *inter alia* that since the February Council, the Dedicated Session had continued to monitor issues of interest to SVEs as they developed in the Doha Round negotiations and in the WTO Committees. The Secretariat's compilation document with the SVE proposals and their treatment in the draft modalities and Chairmen's texts (WT/COMTD/SE/W/22 Rev.3 and Corr.1) would be reviewed at the next meeting of the Dedicated Session to be held in July. The SVE proponents and the Secretariat's Financial Crisis Task Force had held consultations to monitor the situation and to gather information in order to identify the scope and possible repercussions of the economic crisis on the SVEs.

22. The representative of Barbados (on behalf of the SVEs) spoke.

23. The General Council took note of the report by the Chairman of the Dedicated Session of the Committee on Trade and Development and of the statement.

24. At the General Council meeting on 28 July 2009, the Chair of the Dedicated Session of the CTD reported that, since the May Council, the Dedicated Session had met formally on 15 July 2009 and had considered an updated version of the Secretariat compilation document (WT/COMTD/SE/W/22/Rev.3 and Corr.1) containing all proposals made on the treatment of SVEs in the various negotiating groups and other WTO bodies, their reflection in the different draft modalities and negotiating texts, and any decisions taken thus far on SVE issues. He had also reported on work done to identify the scope and possible repercussions of the economic crisis on the SVEs, as requested by Members in November 2008. In this regard, the SVE proponents had communicated their concerns to the Secretariat's Economic Crisis Task Force, which had taken them into consideration when preparing the Director-General's monitoring reports to the TPRB, including the latest one issued on 1 July 2009.

25. The representative of Barbados (on behalf of the SVEs) spoke.

26. The General Council took note of the report by the Chairman of the Dedicated Session of the Committee on Trade and Development and of the statement.

27. At the General Council meeting on 20 October 2009, the Chair of the Dedicated Session of the CTD, reporting on developments in this area since the July Council, said the Dedicated Session had agreed to further update the Secretariat compilation document (WT/COMTD/SE/W/22). As mandated by Ministers in Hong Kong, it had also adopted its Second Report to the General Council (WT/COMTD/SE/6) for its subsequent transmission by the Council to the upcoming Ministerial Conference.

28. The representative of Barbados (on behalf of the SVEs) spoke.

29. The General Council took note of the report by the Chairman of the Dedicated Session of the Committee on Trade and Development and of the statement.

30. At the General Council meeting on 17 November 2009, the Chair of the Dedicated Session of the CTD, reporting on developments in this area since the October Council, said that a new revision to the Secretariat compilation document (WT/COMTD/SE/W/22/Rev.4) had been circulated.

31. The representatives of Barbados (on behalf of the SVEs); El Salvador and Trinidad and Tobago spoke.

32. The General Council took note of the report by the Chairman of the Dedicated Session of the Committee on Trade and Development and of the statements.

(c) Aid for Trade (WT/GC/M/121)

33. At the General Council meeting on 28 July 2009, the Director-General reported on the Second Global Review of Aid for Trade which had taken place on 6-7 July 2009.⁹

34. The representatives of Tanzania (on behalf of the LDCs); Japan; Peru; Ecuador; European Communities; Brazil; El Salvador; Barbados (on behalf of SVEs); Trinidad and Tobago (on behalf of CARICOM); China; Zambia; Norway and Rwanda spoke.

35. The General Council took note of the Director-General's report and of the statements.

(d) Follow-up to the 1 August 2004 General Council Decision and the Hong Kong Ministerial Declaration on the Doha Work Programme – Report by the Director-General on the development assistance aspects of cotton (WT/GC/M/123)

36. In Paragraph 1.b of the 1 August 2004 Decision on the Doha Work Programme (WT/L/579), the General Council, *inter alia*, instructed the Secretariat to continue to work with the development community and to provide the Council with periodic reports on relevant developments. The Council also instructed the Director-General to consult with relevant international organizations, including the Bretton Woods Institutions, the Food and Agriculture Organization and the International Trade Centre, to direct effectively existing programmes and any additional resources towards development of the economies where cotton has vital importance. Ministers at Hong Kong reaffirmed the 2004 mandate, deepening and extending it in several respects. In inviting the Director-General to furnish them with a Third Periodic Report at their next Session, Ministers asked the Director-General to provide updates, at appropriate intervals in the meantime, to the General Council, while keeping the Sub-Committee on Cotton fully informed of progress.

37. At the General Council meeting on 17 November 2009, the Director-General, in accordance with the decision in paragraph 12 of the Hong Kong Ministerial Declaration, presented his Third Periodic Report on the Development Aspects of Cotton (WT/GC/120 and WT/CFMC/DG/3). He reassured the General Council that he would maintain his reporting functions within the framework of the 2005 mandate by Ministers in Hong Kong.

38. The representatives of Tanzania (on behalf of the LDCs); Benin (on behalf of Burkina Faso); Brazil; European Communities; India; Argentina; China and Egypt (on behalf of the African Group) spoke.

⁹ The Director-General's statement was subsequently circulated as JOB(09)/87.

39. The General Council took note of the Director-General's report (WT/GC/120 and WT/CFMC/DG/3), which would be forwarded to the Ministerial Conference, and of the statements.

2. Non-recognition of rights under Article XXIV:6 and Article XXVIII of GATT 1994 – Communications from Honduras and Guatemala (WT/GC/M/118, 120, 121, 122, 123)

40. In December 2004, at the request of Honduras and Guatemala, the General Council considered the question of non-recognition of rights for the processes under Articles XXIV:6 and XXVIII of GATT 1994 in connection with the enlargement of the EC from 15 to 25 members and its move to a tariff-only regime on bananas from 1 January 2006. This matter was subsequently considered by the General Council at each regular meeting since then without resolution, and in December 2008 the Council agreed to revert to it at its next meeting.

41. At the General Council meeting on 3 February 2009, the Chairman, reporting on his recent consultations, said that they had proved useful in clarifying both the current state-of-play and its ramifications, as well as the steps intended to be taken in the coming weeks towards a resolution to the concerns of the delegations involved. While disappointed that during his tenure as Chair the matter had not been moved further towards a resolution, he was encouraged by the spirit of the discussion and the clear statements of position. He remained hopeful a solution would be found soon, and was confident that his successor as Chair would use his good offices to further explore the possibilities of such an early resolution.

42. The representatives of Honduras; Guatemala; Ecuador; Mexico; Panama; Colombia; Paraguay; Costa Rica; Nicaragua; Cameroon and the European Communities spoke.

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

44. At the General Council meeting on 26-27 May 2009, the Chairman, reporting on his recent consultations, said that while there had been little substantive development overall since the February Council, the consultations had proved useful in clarifying both the current state-of-play and its ramifications, as well as the steps intended to be taken in the coming weeks towards a resolution to the concerns of the delegations involved. From what he had heard in the consultations, he believed there was a glimmer of hope that the threshold of the path towards convergence had been crossed.

45. The representatives of Honduras; Guatemala; Ecuador; Panama; Mexico; Colombia; El Salvador; Bolivia; Cameroon and the European Communities spoke.

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

47. At the General Council meeting on 28 July 2009, the Chairman, reporting on his recent consultations on this matter, said that while there had been little substantive development since the May Council, the consultations had proved useful in clarifying both the current state-of-play of the matter and its ramifications, as well as the steps that were intended to be taken in the coming weeks towards a resolution to the concerns of the delegations involved.

48. The representatives of Honduras; Guatemala; Peru; Colombia; Ecuador; Panama; Mexico; European Communities and the Dominican Republic spoke.

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

50. At the General Council meeting on 20 October 2009, the Chairman, reporting on his recent consultations on this matter, said that while there had been little substantive development overall since the July Council, the consultations had proved useful in clarifying both the current state-of-play and its ramifications, as well as the steps intended to be taken in the coming weeks towards a resolution to the concerns of the delegations involved.

51. The representatives of Honduras; Guatemala; Ecuador; Argentina; Costa Rica; Cameroon and the European Communities spoke.

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

53. At the General Council meeting on 17 November 2009, the Chairman, reporting on his recent consultations on this matter, said that the consultations had proved useful in clarifying both the state-of-play and its ramifications, as well as the steps intended to be taken in the coming weeks towards a resolution of the concerns of the delegations involved. He believed that there was an increasingly positive atmosphere among the delegations concerned.

54. The representatives of Honduras; Guatemala; Ecuador; Cameroon; Mexico; European Communities and Philippines spoke.

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

3. Review of the Exemption Provided under Paragraph 3 of GATT 1994 (WT/GC/M/118)

56. Paragraph 3(a) of the GATT 1994 provides an exemption from Part II of the GATT 1994 for measures under specific mandatory legislation – enacted by a Member before it became a contracting party to the GATT 1947 – which prohibits the use, sale or lease of foreign-built or foreign-reconstructed vessels in commercial applications between points in national waters or waters of an exclusive economic zone. On 20 December 1994, the United States invoked the provisions of paragraph 3(a) with respect to specific legislation that met the requirements of that paragraph. Paragraph 3(b) of the GATT 1994 calls for a review of this exemption five years after the date of entry into force of the WTO Agreement, and thereafter every two years for as long as the exemption is in force, in order to examine whether the conditions which created the need for the exemption still prevail. The General Council last considered this matter at its meeting in December 2007, at which it took note that under the two-yearly cycle provided for in paragraph 3(b) of the GATT 1994, the next review would normally be held in 2009.

57. At the General Council meeting on 3 February 2009, the Chairman proposed that for the purposes of the conduct of the review in 2009 Members proceed in a manner similar to that in 2007. He would accordingly invite all interested delegations to speak for the record with regard to the review under the current cycle. He would also invite interested delegations to submit comments and questions to the United States regarding the operation of the legislation under the exemption, to which the United States would be invited to respond. These statements, questions and responses, together with the annual statistical report provided by the US under paragraph 3(c) of GATT 1994 (WT/L/746), would form the basis for the present year's review. For the purposes of the review, this matter would be on the agenda of subsequent General Council meetings in the course of 2009 as the Chairman deemed appropriate, or at the request of any Member. The General Council would, furthermore, consider this matter again at its last meeting of this year at which it would take note of the discussions held in the course of the review until then, and take any other action it might agree on. It would also take note that the subsequent review would normally be held in 2011.

58. The representatives of the United States; European Communities; Hong Kong, China; Japan; Norway; Chile; Australia; China and Korea spoke.

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

4. Transparency for Preferential Trade Arrangements (WT/GC/M/121)

60. In December 2006, the General Council adopted a Decision on Transparency for Preferential Trade Arrangements (WT/L/672) inviting the Committee on Trade and Development to consider transparency for preferential trade arrangements under paragraph 2 of the Enabling Clause – other than RTAs – and to report back within six months for appropriate action by the General Council. Subsequently, in July and December 2007, and again in July 2008, on the basis of reports from the Chairman of the CTD, the General Council agreed to extend the deadline for the CTD to consider this matter and to report back for appropriate action by successive six-month periods, i.e. until July 2009.

61. At the General Council meeting on 28 July 2009, the Chairman of the Committee on Trade and Development, reporting on the CTD's consideration of this matter, said that while there had been considerable work on the proponents' draft text and good progress on this matter, there were still a number of outstanding issues to settle and it was clear that more time was required before the CTD could come to a decision. The CTD had therefore agreed to request that the General Council allow it until December 2009 to consider the matter further and report back for appropriate action.

62. The representative of Brazil spoke.

63. The General Council took note of the report by the Chairman of the CTD and the statement and agreed that the deadline for the CTD to consider this matter and to report back for appropriate action be extended to December 2009.

5. Committee on Balance-of-Payments Restrictions (WT/GC/M/121)

(a) Consultations with Ecuador (WT/BOP/R/91)

(b) Consultations with Ukraine (WT/BOP/R/93)

(c) Note on meeting of June 2009 (WT/BOP/R/92/Rev.1)

64. At the General Council meeting on 28 July 2009, the Chairman of the BOP Committee reported on the consultations held with Ecuador and Ukraine. Members also considered a draft decision on participation by Members in the Committee (WT/BOP/R/92/Rev.1), which would bring the Committee's procedures on membership into line with other WTO Committees.

65. The representatives of Ecuador; Ukraine; European Communities and Japan spoke.

66. The General Council took note of the statements and of the Note on the Committee's June meeting (WT/BOP/R/92/Rev.1), adopted the Decision on Participation in the Committee in that document (WT/L/767), and adopted the reports on the consultations with Ecuador and Ukraine in documents WT/BOP/R/91 and 93 respectively.

6. Committee on Budget, Finance and Administration – Reports and recommendations (WT/GC/M/120, 121, 122)

67. At its meeting on 26-27 May 2009, the General Council considered a report by the Budget Committee on its meeting of March 2009 (WT/BFA/109).

68. The Chairperson of the Committee introduced the report.

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

70. The General Council then considered a report by the Budget Committee on its meeting of May 2009 (WT/BFA/110).

71. The Chairperson of the Committee introduced the report.

72. The Chairman of the Management Board of the WTO Pension Fund made a statement urging the Committee to take action on the Management Board's recommendation to correct the actuarial deficit recorded in the Pension Plan at 31 December 2007.

73. The General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraphs 28 and 29 of its report in document WT/BFA/110, and adopted the report.

74. At its meeting on 28 July 2009, the General Council considered a report by the Budget Committee on its meeting of July 2009 (WT/BFA/111).

75. The Chairperson of the Committee introduced the report.

76. The General Council took note of the statements, approved the Budget Committee's specific recommendation in paragraph 19 of its report in document WT/BFA/111 and adopted the report.

77. At its meeting on 20 October 2009, the General Council considered a report by the Budget Committee on its meeting of October 2009 (WT/BFA/112).

78. The Chairperson of the Committee introduced the report.

79. The General Council took note of the statements, approved the Budget Committee's specific recommendation in paragraph 15 of its report in document WT/BFA/112 and adopted the report.

7. Accession matters

(a) Afghanistan (WT/GC/M/120)

80. In December 2004, the General Council established a Working Party to examine the request of Afghanistan for accession to the WTO Agreement.

81. At the General Council meeting on 26-27 May 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, it had been agreed that Mr Boudewijn Van Eenennaam (Netherlands) would serve as Chairman of this Working Party, replacing Mr De Jong (Netherlands) who had left Geneva and was no longer available to serve in this capacity.

82. The General Council took note of the statement.

(b) Iraq (WT/GC/M/120)

83. In December 2004, the General Council established a Working Party to examine the request of Iraq for accession to the WTO Agreement.

84. At the General Council meeting on 26-27 May 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, it had been agreed that Mr Omar Hilale (Morocco) would serve as Chairman of this Working Party, replacing Mrs Uribe (Colombia) who had left Geneva and was no longer available to serve in this capacity.

85. The representative of Morocco spoke.

86. The General Council took note of the statements.

(c) Lao PDR (WT/GC/M/120)

87. In February 1998, the General Council established a Working Party to examine the request of Lao PDR for accession to the WTO Agreement.

88. At the General Council meeting on 26-27 May 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, it had been agreed that Mr Zhang Xiangchen (China) would serve as Chairman of this Working Party, replacing Mr Gosper (Australia) who had left Geneva and was no longer available to serve in this capacity.

89. The General Council took note of the statement.

(d) Samoa (WT/GC/M/120)

90. The Working Party on the Accession of Samoa was established in July 1998.

91. At the General Council meeting on 26-27 May 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, it had been agreed that Ms. Kuni Sato (Japan) would serve as Chairperson of this Working Party, replacing Mr Suzuki (Japan) who had left Geneva and was no longer available to serve in this capacity.

92. The General Council took note of the statement.

(e) Bahamas (WT/GC/M/121)

93. In July 2001, the General Council established a Working Party to examine the request of the Bahamas for accession to the WTO Agreement.

94. At the General Council meeting on 28 July 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, it had been agreed that Mr Peter Black (Jamaica) would serve as Chairman of this Working Party.

95. The General Council took note of the statement.

(f) Seychelles (WT/GC/M/121)

96. In July 1995, the General Council established a Working Party to examine the request of Seychelles for accession to the WTO Agreement.

97. At the General Council meeting on 28 July 2009, the Chairman informed the Council that following consultations and in keeping with WTO usual practice, Ms Hilda Al-Hinai (Oman) would serve as Chairperson of this Working Party, replacing Mr Berthet (Uruguay).

98. The General Council took note of the statement.

8. Waivers

(a) Introduction of Harmonized System 1996 Changes into WTO Schedules of Tariff Concessions – Argentina and Panama (WT/GC/M/120)

99. At its meeting on 26-27 May 2009, the General Council considered draft decisions in documents G/C/W/616 and 617 providing for waivers from the provisions of Article II of GATT 1994 until 30 April 2010 for Argentina and Panama respectively, to enable them to implement the HS 1996 changes into their Schedules of Concessions.

100. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decisions by that Council.

101. 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 Decisions (WT/L/757 – Argentina and WT/L/758 – Panama).

(b) Preferential tariff treatment for least-developed countries (WT/GC/M/120)

102. At its meeting on 26-27 May 2009, the General Council considered a draft decision in document G/C/W/620 providing for extension of a waiver from the provisions of paragraph 1 of Article I of the GATT 1994, to the extent necessary to allow developing-country Members to provide preferential tariff treatment to products of least-developed countries, until 30 June 2019

103. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

104. The representatives of Brazil; Tanzania (on behalf of the LDCs); Nepal and Korea spoke.

105. The General Council took note of the statements and 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 Decision (WT/L/759).

(c) Procedures leading to the verification and certification of Harmonized System 1996 changes relating to the Schedules of 64 Members (WT/GC/M/120)

106. At its meeting on 26-27 May 2009, the General Council considered a draft decision in document G/C/W/619 setting out procedures for introducing Harmonized System 1996 changes into the schedules of concessions of the 64 WTO Members listed in the annex to the draft decision.

107. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

108. 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 Decision (WT/L/756).

(d) United States – African Growth and Opportunity Act (WT/GC/M/120)

109. At its meeting on 26-27 May 2009, the General Council considered a draft decision in document G/C/W/612 and Corr.1 providing for a waiver from the provisions of paragraph 1 of Article 1 and paragraphs 1 and 2 of Article XIII of the GATT 1994 until 30 September 2015.

110. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

111. 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 Decision (WT/L/754).

(e) United States – Andean Trade Preference Act (WT/GC/M/120)

112. At its meeting on 26-27 May 2009, the General Council considered a draft decision in document G/C/W/613 and Corr.1 providing for the renewal of a waiver from the provisions of paragraph 1 of Article 1 and paragraphs 1 and 2 of Article XIII of the GATT 1994 until 31 December 2014.

113. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

114. The representatives of Bolivia; Colombia; Cuba; Ecuador; Bolivarian Republic of Venezuela; Dominican Republic; Peru; Mexico; Brazil; Argentina; Chile; Trinidad and Tobago (on behalf of CARICOM Members); Nicaragua and the United States spoke.

115. The General Council took note of the statements and 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 Decision (WT/L/755).

(f) United States – Caribbean Basin Economic Recovery Act (WT/GC/M/120)

116. At its meeting on 26-27 May 2009, the General Council considered a draft decision in document G/C/W/611 and Corr.1 providing for the renewal of a waiver from the provisions of paragraph 1 of Article 1 and paragraphs 1 and 2 of Article XIII of the GATT 1994 until 31 December 2014.

117. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

118. 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 Decision (WT/L/753).

(g) Cape Verde – Implementation of the schedule of concessions (WT/GC/M/121)

119. At its meeting on 28 July 2009, the General Council considered a draft decision in document G/C/W/622 providing for a waiver on the implementation of scheduled concessions and commitments for Cape Verde until 1 January 2010.

120. The Chairperson of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

121. 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 Decision (WT/L/768).

(h) Review of waivers pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/121)

122. Under Article IX:4 of the WTO Agreement "[a]ny waiver granted for a period of more than one year shall be reviewed by the Ministerial Conference not later than one year after it is granted, and thereafter annually until the waiver terminates."

123. At its meeting on 28 July 2009, the General Council considered the following waivers for review under Article IX:4:

- (i) LDCs – Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products, granted on 8 July 2002 until 1 January 2016 (WT/L/478)
- (ii) European Communities – Preferences for Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia, granted on 28 July 2006 until 31 December 2011 (WT/L/654, WT/L/763)
- (iii) United States – Former Territory of the Pacific Islands, granted on 27 July 2007 until 31 December 2016 (WT/L/694, WT/L/762)
- (iv) Mongolia – Export duties on raw cashmere, granted on 27 July 2007 until 29 January 2012 (WT/L/695)
- (v) European Communities – Application of autonomous preferential treatment to Moldova, granted on 7 May 2008 until 31 December 2013 (WT/L/722, WT/L/764).

124. In so doing, the General Council considered reports on implementation of the respective waivers submitted by the United States (WT/L/762) and the European Communities (WT/L/763 and 764).

125. The General Council took note of the above-mentioned reports.

9. The economic and financial crisis and its repercussions on trade (WT/GC/M/120, 122, 123)

126. At the General Council meeting on 26-27 May 2009, the representative of Argentina introduced its communication in WT/GC/W/602 on possible ways to improve the WTO's monitoring of measures adopted by Members as a result of the economic and financial crisis.

127. The representatives of Mexico; Ecuador; Thailand; Norway; Canada; Turkey; European Communities; Zambia; India; Bolivia; Philippines; United States; Cuba; Brazil; Australia; Egypt; Switzerland; Bolivarian Republic of Venezuela; China and Japan and the Director-General spoke.

128. The General Council took note of the statements.

129. At the General Council meeting on 20 October 2009, the representative of Argentina introduced its joint communication with Ecuador in WT/GC/W/609 which proposed that the Secretariat analyze the impact on international trade on measures taken in response to the economic

crisis, such as stimulus packages. The proposal also envisaged a process of consultations, under the auspices of the General Council, on the methodology applied in the analytical work.

130. The representatives of Ecuador; Bolivia; India; China; European Communities; Cuba; United States; Australia; Turkey; Brazil; South Africa; Venezuela; Chile; Dominica Republic; Nicaragua; Norway and Paraguay spoke.

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

132. At its meeting on 17 November 2009, the Council discussed the communication from Argentina and Ecuador in WT/GC/W/609. The co-authors of the document said they would be submitting a revision of the document at the December Council.

133. The representatives of India; United States; Cuba; European Communities; Tanzania (on behalf of the LDCs); Zambia; China; Bolivarian Republic of Venezuela; Bolivia; Japan and Turkey spoke.

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

10. Possible further action by Members in response to the financial crisis (WT/GC/M/120)

135. At the General Council meeting on 26-27 May 2009, the representative of Norway introduced its communication in WT/GC/W/604 which sought to build on the G-20 London Declaration.

136. The representatives of Mexico; Hong Kong, China; Singapore; New Zealand; Ukraine; Tanzania (on behalf of the LDCs); Chinese Taipei; Switzerland; Canada; Colombia; Thailand; Liechtenstein; Brazil; Former Yugoslav Republic of Macedonia; Malaysia; Pakistan; Turkey; Korea; Chile; Israel; Cuba; Australia; United States; Peru and the European Communities spoke.

137. The General Council took note of the statements.

11. Netherlands – Seizure of generic medicines in transit from India to Brazil (WT/GC/M/118)

138. At the General Council meeting on 3 February 2009, the representatives of Brazil and India expressed concern at the Netherlands' recent seizure of generic medicines in transit from India to Brazil which they said raised serious systemic issues.

139. The representatives of Peru; Ecuador; Egypt (on behalf of the African Group); South Africa; Bolivia; Argentina; Cuba; Nigeria; Bolivarian Republic of Venezuela; Indonesia; Burkina Faso; Thailand; China; Pakistan; Israel; Paraguay; Costa Rica and European Communities spoke.

140. The General Council took note of the statements.

12. Accession of developing countries – Statements by Gabon for the Informal Group of Developing Countries (WT/GC/M/120, 121, 122)

141. At the General Council meeting on 26-27 May 2009, the representative of Gabon, on behalf of the Informal Group of Developing Countries, said that developing countries' accession processes should have a legal and non-political basis. The Group was organizing a meeting in June aimed at formulating concrete steps to accelerate these accessions, and requested the inclusion of this matter as

a standing item on the Council's agenda in order to keep Members informed of the status of developing countries' accession processes and to examine their requests for accession.

142. The representative of Ecuador spoke.

143. The General Council took note of the statements.

144. At the General Council meeting on 28 July 2009, the representative of Gabon, on behalf of the Informal Group of Developing Countries, said that accession, particularly of developing countries, was an issue that required urgent attention by all Members, and expressed the Group's concern that in many cases, the obstacles and delays encountered were based on political considerations. The Group intended to request that this matter be made a standing item on the Council's agenda, in order to keep Members informed of the progress, or lack thereof, in the various accession working parties.

145. The representatives of India; the United States; Egypt (on behalf of the African Group) and Iran (as an observer) spoke.

146. The General Council took note of the statements.

147. At the General Council meeting on 20 October 2009, the representative of Gabon, on behalf of the Informal Group of Developing Countries, introduced the Group's communication in WT/GC/W/611, which proposed to improve the existing institutional mechanism of accession with the objective of providing developing countries with the possibility to make their views on the process known, and that progress reports be sent to the General Council.

148. The representatives of Nigeria; Viet Nam; Paraguay; India; China; Egypt (on behalf of the African Group); South Africa; Cuba; Colombia; Turkey; United States; European Communities; Ecuador; Japan; Brazil; Ukraine; Gabon; Angola and Algeria (as an observer) spoke.

149. The General Council took note of the statements.

13. Accession of Least Developed Countries – Statement by Cambodia (WT/GC/M/122)

150. At the General Council meeting on 20 October 2009, the representative of Cambodia noted that as a result of the Round Table on Accession of Least Developed Countries held in Phnom Penh on 28-29 September, and upon request of Cambodia and Tanzania, the Statement on Least Developed Countries Accession had been circulated as a document for the Ministerial Conference (WT/MIN(09)/1), for the General Council (WT/L/769) and for the Sub-Committee for Least Developed Countries (WT/COMTD/LDC/16). He requested that a process be established to consider and act on the proposals contained in the Statement.

151. The representative of Zambia and Yemen (as an observer) spoke.

152. The General Council took note of the statements.

14. United States exports subsidies – Statement by Brazil on behalf of the G-20 (WT/GC/M/120)

153. At the General Council meeting on 26-27 May 2009, the representative of Brazil (on behalf of the G-20) expressed concern in relation to the decision of the United States to reintroduce dairy export subsidies as announced by the US Department of Agriculture. He pointed out that the measure showed the rise of "murky protectionism", not directly violating WTO obligations and yet potentially weakening the WTO system in a time of economic crisis. Protectionism was not only about rising

tariffs or controlling imports, but also included any form of government intervention, such as subsidies, which artificially tilted the field in favour of domestic enterprises to the detriment of competitors abroad. In this case, the unsubsidized farmers in the developing world would also be negatively affected. It was a worrisome sign that the US decision followed a similar decision by the EC to reintroduce export subsidies. These examples, if emulated by other developed countries, would contribute to aggravating significantly the world economic situation and its hardship on the developing world. In order to address these distortions in world agricultural trade, the G-20 stressed the importance of concluding the Doha Round and urged the United States and the EC to show leadership in the multilateral process of agricultural reform by withdrawing these export subsidies.

154. The representatives of Brazil; Ecuador; India; South Africa; Uruguay; Cuba; China; Australia (on behalf of the Cairns Group); United States; European Communities; Argentina; Mexico and Egypt spoke.

155. The General Council took note of the statements.

15. CWR Building Renovation Project – Statement by the Director-General (WT/GC/M/118)

156. At the General Council meeting on 3 February 2009, the Director-General made a progress report on the plans to renovate and expand the WTO headquarters, the four interrelated parts of which were: renovation of the CWR building, creation of a new central lobby and meeting room complex in the two interior courtyards, construction of a new building in the in the south parking, and a new security perimeter around this campus, with improved access controls and traffic flow for vehicles. The target completion date was January 2013.

157. The General Council took note of the statement.

16. Seventh Session of the Ministerial Conference

(a) Communication by Uruguay (WT/GC/M/120¹⁰)

158. At the General Council meeting on 26-27 May 2009, Uruguay introduced a communication (WT/GC/W/599) requesting that the issues of the date and venue of the Seventh Session of the Ministerial Conference as well as the election of officers be placed on the Agenda. The representatives of Switzerland; India; Kenya; Chinese Taipei; Angola and El Salvador spoke.

159. The General Council took note of the statements.

(b) Date and venue (WT/GC/M/118, 120¹¹)

160. At the General Council meeting on 3 February 2009, the Chairman recalled that at the December meetings of the TNC and the General Council, the issue of the next regular mandated Ministerial Conference had been raised as warranting further reflection and discussion. While he had raised this issue informally in recent consultations with delegations, he believed there should be further and more substantive discussion before it was taken forward to a decision, and suggested that his successor take this up informally with delegations and that the General Council revert to it at a subsequent meeting.

161. The General Council took note of statement.

¹⁰ See also item 16(b) "Date and venue".

¹¹ See also item 16(a) "Communication by Uruguay".

162. At the General Council meeting on 26-27 May 2009, the Chairman introduced¹² a draft decision providing inter alia that the Seventh Session will be held in Geneva from 30 November to 2 December 2009. The representatives of Uruguay; Switzerland; India; Kenya; Chinese Taipei; Angola and El Salvador spoke.

163. The General Council took note of statements and adopted the decision (WT/L/760).

(c) Election of officers (WT/GC/M/120, 121¹³, 122¹⁴)

164. At the General Council meeting on 26-27 May 2009, the Chairman suggested that this matter be taken up under his mandate in WT/L/760 to undertake all necessary action to prepare the Seventh Session in consultation with Members.

165. The General Council took note of the statement.

166. At the General Council meeting on 28 July 2009, the Chairman reported¹⁵ that there was convergence around the idea that the upcoming Ministerial Conference, without establishing a precedent, would be chaired by the Minister of the Member providing the General Council Chair, i.e. the Minister of Chile. The Vice-Chairs, as in the past, would come from the remaining broad groups or regions. The representatives of Switzerland and Angola spoke.

167. At the General Council meeting on 20 October 2009, the Chairman, on the basis of consultations he had held, proposed that the General Council agree to elect the following presiding officers for the Seventh Session:

Chairperson: H.E. Mr Andrés Velasco (Chile)

Vice-Chairs: H.E. Mrs Doris Leuthard (Switzerland)

H.E. Dr. Mari Elka Pangestu (Indonesia)

H.E. Mr Rachid Rachid (Egypt).

168. The General Council so agreed.

(d) Attendance of observers from Governments and international intergovernmental organizations (WT/GC/M/122¹⁶)

169. At the General Council meeting on 20 October 2009, the Chairman proposed that the General Council agree to follow past practice and that observers at the Hong Kong Ministerial Conference, both Governments and IGOs, be invited to the Seventh Ministerial Conference, with the understanding that any new requests would be considered on a case-by-case basis in the usual way, in line with the Rules of Procedure.¹⁷

170. The General Council so agreed.

¹² The Chairman's statement was subsequently circulated as JOB(09)/48.

¹³ See also item 16(e) "Statement by the Chairman".

¹⁴ *Idem.*

¹⁵ The Chairman's statement was subsequently circulated as JOB(09)/81.

¹⁶ See also item 16(e) "Statement by the Chairman".

¹⁷ The list of the Observer Governments and IGOs invited to Hong Kong can be found in document WT/MIN(05)/INF/7/Rev.3, under Categories II and III respectively.

(e) Statements by the Chairman (WT/GC/M/121¹⁸, 122¹⁹, 123)

171. At the General Council meeting on 28 July 2009, the Chairman reported on his consultations on preparations for the Seventh Session, including an informal HODs meeting on 22 July at which he had made a statement²⁰ setting out the areas in which greater clarity or convergence had emerged. The representatives of Switzerland and Angola spoke.

172. The General Council took note of the statements.

173. At the General Council meeting on 20 October 2009, the Chairman made a statement on organizational and other aspects related to the Seventh Session of the Ministerial Conference.²¹ The Chairperson of the Budget Committee drew the Council's attention to the specific recommendation contained in paragraph 25 of WT/BFA/112 relating to the trust fund for the participation of LDCs.

174. The representatives of Angola; India; Cuba; Egypt; Chinese Taipei; Hong Kong, China; Australia; Ecuador; China; Honduras; Bolivia; Mexico; Switzerland; Uruguay; Brazil; New Zealand; European Communities; Turkey; Nicaragua; Dominican Republic; Bolivarian Republic of Venezuela; South Africa; Canada; Pakistan and Argentina spoke.

175. The General Council took note of the statements, approved the Budget Committee's specific recommendation in paragraph 25 of WT/BFA/112 and urged interested donors to indicate to the Secretariat the level of commitment they were ready to provide.

176. At the General Council meeting on 17 November 2009, the Chairman made a statement on organizational and other aspects related to the Seventh Session of the Ministerial Conference.

177. The representatives of Switzerland and Cuba spoke.

178. The Council took note of the statements.

(f) Strengthening the WTO – Communication from Australia, Brazil, Canada, China, Hong Kong China, European Communities, India, Japan, Korea, Malaysia, Mauritius, Mexico, Norway, South Africa, Switzerland, Turkey, United States and Uruguay (WT/GC/M/121, 122)

179. At the General Council meeting on 28 July 2009, the representative of India introduced the submission in document WT/GC/W/605 containing proposals for systematic improvements of the WTO. The representatives of China; Tanzania (on behalf of the LDCs); Egypt (on behalf of the African Group); United States; Philippines; Canada; Israel; European Communities; Uruguay; Australia; Korea; Mauritius (on behalf of the ACP Group); Japan; New Zealand; Chinese Taipei; Nepal; Switzerland; Bangladesh; Dominican Republic; El Salvador; Chile; Brazil; Angola; Oman; Hong Kong and Argentina spoke.

180. The General Council took note of the statements.

181. At the General Council meeting on 20 October 2009, the representative of India introduced a proposal, co-sponsored by 17 other Members, in document WT/MIN(09)/W/1 entitled "Strengthening the WTO". The representatives of Angola; India; Cuba; Egypt; Chinese Taipei; Hong Kong, China; Australia; Ecuador; China; Honduras; Bolivia; Mexico; Switzerland; Uruguay; Brazil; New Zealand;

¹⁸ See also item 16(c) "Election of officers".

¹⁹ See also item 16(c) "Election of officers" and item 16(d) "Attendance of observers from Governments and international intergovernmental organizations".

²⁰ The Chairman's statement was subsequently circulated as JOB(09)/81.

²¹ The Chairman's statement was subsequently circulated as JOB(09)/144.

European Communities; Turkey; Nicaragua; Dominican Republic; Bolivarian Republic of Venezuela; South Africa; Canada; Pakistan and Argentina spoke.

182. The General Council took note of the statements.

(g) TRIPS non-violation and situation complaints (WT/GC/M/123)

183. At the General Council meeting on 17 November 2009, the Chairperson of the TRIPS Council made a statement on the TRIPS Council's consideration of this matter and introduced the draft text for decision by Ministers, which was contained in an addendum to the TRIPS Council's Annual Report (IP/C/52/Add.1).

184. The General Council took note of the statement and the report and agreed to forward the report and the draft text 1 for decision by Ministers in IP/C/52/Add.to the Seventh Ministerial Conference.

(h) E-Commerce (WT/GC/M/123)

185. At the General Council meeting on 17 November 2009, the Chairman read a statement on behalf of the Chairman of the Dedicated Session on E-Commerce, DDG Singh. He noted that Members had considered and approved the report of the Dedicated Discussion to the General Council (WT/GC/W/613) which included a draft decision in paragraph 9 to be forwarded to the Seventh Ministerial Conference.

186. The General Council took note of the statement and the report and agreed to forward the report and the draft text for decision by Ministers in WT/GC/W/613 to the Seventh Ministerial Conference.

(i) Request for Observer Status by Palestine (WT/GC/M/123)

187. At the General Council meeting on 17 November 2009, the Chairman drew the Council's attention to the request by Palestine for observer status at the Seventh Ministerial Conference (WT/L/775) and proposed that the Council agreed to grant the request.

188. The General Council so agreed.

189. The representative of Jordan spoke.

190. The General Council took note of the statement.

17. Administrative Measures for Members in Arrears (WT/GC/M/118, 120, 121, 122, 123)

191. At its meeting in May 2006, the General Council approved a recommendation from the Committee on Budget, Finance and Administration with regard to revised Administrative Measures for Members in Arrears (WT/BFA/86) under which, *inter alia*, at each meeting of the General Council the Chairman of the Budget Committee would provide information with regard to which Members were under Administrative Measures in Categories II through IV, and the General Council Chairman would request Members in Categories III and IV to inform him before the next Council meeting as to when the payment of arrears might be expected and report on Members' replies at each subsequent meeting.

192. At the General Council meeting on 3 February 2009, in pursuance of the revised Administrative Measures, the Chairman of the Committee on Budget, Finance and Administration

provided information with regard to which Members were under Administrative Measures in Categories II through IV. Also in pursuance of the revised Administrative Measures, the Council Chairman requested Members in Categories III and IV to inform him before the next meeting of the Council as to when their payment of arrears might be expected. He informed the Council that since its December meeting he had not received any replies from the Members concerned.

193. The General Council took note of the statements.

194. At the General Council meeting on 26-27 May 2009, in pursuance of the revised Administrative Measures, the Chairperson of the Committee on Budget, Finance and Administration provided information with regard to which Members were under Administrative Measures in Categories II through IV. Also in pursuance of the revised Administrative Measures, the Council Chairman requested Members in Categories III and IV to inform him before the next meeting of the Council as to when their payment of arrears might be expected. He informed the Council that since its February meeting he had not received any replies from the Members concerned.

195. The General Council took note of the statements.

196. At the General Council meeting on 28 July 2009, in pursuance of the revised Administrative Measures, the Chairperson of the Committee on Budget, Finance and Administration provided information with regard to which Members were under Administrative Measures in Categories II through IV. Also in pursuance of the revised Administrative Measures, the Council Chairman requested Members in Categories III and IV to inform him before the next meeting of the Council as to when their payment of arrears might be expected. He informed the Council that since the May General Council meeting, Zimbabwe had liquidated its outstanding contributions in arrears.

197. The General Council took note of the statements.

198. At the General Council meeting on 20 October 2009, in pursuance of the revised Administrative Measures, the Chairperson of the Committee on Budget, Finance and Administration provided information with regard to which Members were under Administrative Measures in Categories II through IV. Also in pursuance of the revised Administrative Measures, the Council Chairman requested Members in Categories III and IV to inform him before the next meeting of the Council as to when their payment of arrears might be expected. He informed the Council that since the July General Council meeting, Paraguay had liquidated its outstanding contributions and Senegal had moved from Category IV to Category III.

199. The General Council took note of the statements.

200. At the General Council meeting on 17 November 2009, in pursuance of the revised Administrative Measures, the Chairperson of the Committee on Budget, Finance and Administration provided information with regard to which Members were under Administrative Measures in Categories II through IV. Also in pursuance of the revised Administrative Measures, the Council Chairman requested Members in Categories III and IV to inform him before the next meeting of the Council as to when their payment of arrears might be expected. He informed the Council that since the October General Council meeting he had not received any replies from the Members concerned.

201. The representative of Djibouti spoke.

202. The General Council took note of the statements.

18. WTO Pension Plan (WT/GC/M/118, 120, 121, 122)

(a) Amendments to the Regulations of the Pension Plan (WT/GC/M/121)

203. At the General Council meeting on 28 July 2009, the Chairman of the Management Board of the WTO Pension Plan introduced the Amendments to the Regulations of the Pension Plan circulated in document WT/GC/W/606, increasing the normal retirement age to 65 for new entrants, and increasing the overall rate of contribution to the Plan.

204. The representative of the United States spoke.

205. The General Council took note of the statements and approved the amendments to the WTO Pension Plan Regulations as set out in document WT/GC/W/606.

(b) Election of Members and Alternates to the Management Board (WT/GC/M/118, 120, 122)

206. Article 4 of the Regulations of the WTO Pension Plan (WT/L/282) provides *inter alia* for the election by the General Council of a Chairman, four members and four alternates to serve on the Management Board, each for a three-year term.

207. At the General Council meeting on 3 February 2009, the Chairman drew attention to a proposal circulated by him in document WT/GC/W/597 on the basis of which he proposed that the General Council agree to elect Mr Schneider (Germany) and Ms Stylianou (Australia) to serve as members on the Management Board of the WTO Pension Plan for the remainder of the Board's term, i.e. until May 2011.

208. The General Council took note of the statement and so agreed (WT/L/748/Rev.1).

209. At the General Council meeting on 26-27 May 2009, the Chairman drew attention to a proposal circulated by him in document WT/GC/W/600 on the basis of which he proposed that the General Council agree to elect Mr Mukhtar (Pakistan) to serve as an alternate on the Management Board of the WTO Pension Plan for the remainder of the Board's term, i.e. until May 2011.

210. The General Council took note of the statement and so agreed (WT/L/761).

211. At the General Council meeting on 20 October 2009, the Chairman drew attention to a proposal circulated by him in document WT/GC/W/608 that the General Council agree to elect Mr Tissot (United Kingdom) to serve as a member and Mr Neufeld (Canada) to serve as an alternate on the Management Board for the remainder of the Board's term, i.e. until May 2011.

212. The General Council took note of the statement and so agreed (WT/L/774).

(c) Annual Report (WT/GC/M/122)

213. At its meeting on 20 October 2009, the Chairman of the WTO Pension Plan Management Board introduced the Annual Report of the Management Board for 2008 (WT/L/771).

214. The General Council took note of the statement and of the Annual Report in WT/L/771.

19. International Trade Centre UNCTAD/WTO (WT/GC/M/120)

215. At the General Council meeting on 26-27 May 2009, the General Council considered a report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Forty-second Session (ITC/AG(XLII)/225).

216. The Chairman recalled that, in keeping with customary practice, this report had been considered initially by the Committee on Trade and Development at its meeting on 11 May.

217. In the absence of the Chairman of the Committee on Trade and Development and on the latter's request and behalf, the previous Chair of the CTD reported on the Committee's consideration of the report of the Joint Advisory Group.

218. The representative of Mexico; Switzerland and Colombia spoke.

219. The General Council took note of the statements and adopted the report of the Joint Advisory Group in document ITC/AG(XLII)/225.

20. Appointment of the next Director-General (WT/GC/M/118, 119)

220. In October 2008, the Chairman informed Members in a communication that in accordance with the Procedures for the Appointment of Directors-General adopted by the General Council in December 2002 (WT/L/509), the process for appointment of the next Director-General would begin on 1 December 2008. Members would have until 31 December 2008 to nominate candidates who would have until 31 March 2009 to make themselves known to Members and to engage in discussions on the pertinent issues facing the organization. Also, as early as possible after the close of the one-month nomination period, candidates were to be invited to meet with Members at a formal General Council meeting at which they would be invited to make a brief presentation, including their vision for the WTO, to be followed by a question-and-answer period. In keeping with the Procedures, a decision on the appointment of a new Director-General would have to be taken not later than 31 May 2009.

221. At the General Council meeting on 3 February 2009, the Chairman recalled that in keeping with the Procedures for the Appointment of Directors-General (WT/L/509), the process for the appointment of the next Director-General had been begun on 1 December 2008. He had informed Members on 4 November of the candidature of the current Director-General, who had notified him before the start of the process of his intention to seek reappointment for a further term. By the close of the nomination period on 31 December 2008, no further candidatures had been received. Under the procedures, candidates had three months following the end of the nomination period to make themselves known to Members and to engage in discussions on the issues facing the organization, with the following two months devoted to narrowing the field of candidates through a process of consultations and arriving at a choice for appointment. The process was to conclude with a meeting of the General Council not later than three months prior to the expiry of the incumbent's term to appoint a new DG – in the present case, not later than 31 May. In his consultations, Members had acknowledged the unique nature of the present situation, and there was no opposition to, and indeed widespread support for, Mr Lamy's reappointment. Members had also said they looked forward to an opportunity to hear, in accordance with paragraphs 8 and 14 of the procedures, a presentation from the DG on his vision for the WTO, followed by a question and answer session and an opportunity for discussion. This exchange would itself have no legal effect. Accordingly, a special meeting of the General Council for this exercise would be convened at a suitably early date, and Members had indicated their willingness to expedite the process so that the reappointment of the DG could be confirmed before 31 May.

222. The representative of Tanzania (on behalf of the LDCs) spoke.

223. The General Council took note of the statements.

224. At the General Council meeting on 29 and 30 April 2009, pursuant to paragraph 14 of the Procedures in WT/L/509, Members met formally with Mr Pascal Lamy, the incumbent Director-General and sole candidate for the post of the next Director-General, on the basis of modalities for the conduct of the meeting communicated in a fax to all delegations on 25 March and recalled by the Chairman at the beginning of the meeting.

225. Mr Lamy made a presentation²² which was followed by a question-and-answer session. The representatives of Malta; Dominican Republic; Japan; United States; Korea; Argentina; France; Latvia; China; United Kingdom; Bolivarian Republic of Venezuela; Egypt (on behalf of the African Group); Tanzania; Cuba; Nepal; Bolivia; Turkey; Senegal; Chinese Taipei; Chile; Paraguay; Colombia; India; Ecuador and Morocco, and the Director-General spoke.

226. The General Council took note of the statements.

227. The General Council then agreed to appoint Mr Lamy as the next Director-General of the WTO for a period of four years as from 1 September 2009.

228. The representative of Costa Rica (on behalf of all delegations) spoke.

229. The General Council took note of the statement.

21. Appointment of the Deputy Directors-General – Statement by the Director-General (WT/GC/M/120)

230. At the General Council on 26-27 May 2009, the Director-General informed the Council that he had decided to retain the four Deputy Directors-General in their current position for a further term. He said that this team had served the organization and the Members with dedication and vision and had worked to advance the interests of the multilateral trading system.

231. The General Council took note of the statement.

22. Review of WTO activities (WT/GC/M/123)

232. At its meeting on 17 November 2009, the General Council considered annual reports for 2009 from WTO bodies that had been drawn up in pursuance of the Decision concerning procedures for an annual overview of WTO activities and for reporting under the WTO (WT/L/105).

233. The Chairman of the Committee on Government Procurement spoke.

234. The General Council took note of the statement.

235. The representatives of Cuba; India; Switzerland; Ecuador; Chinese Taipei; Japan; Bolivia and China, and the Director-General spoke.

236. The General Council took note of the statements, adopted the report of the Committee on Trade and Development (WT/COMTD/70), took note of the reports of other WTO bodies, including the reports of the bodies under the Plurilateral Trade Agreements, in documents WT/DSB/49 and

²² Subsequently circulated in document JOB(09)/39.

Add.1, WT/TPR/249, G/L/911, S/C/32, IP/C/52, WT/CTE/16, WT/BOP/R/96, WT/BFA/113, WT/REG/20, WT/WGTDF/8, WT/WGTTT/11, GPA/103 and WT/L/773 and agreed to forward the reports to the Seventh Ministerial Conference.

237. The General Council then adopted the draft annual report for 2009 of the General Council (WT/GC/W/612), on the understanding that the Secretariat would make the necessary adjustments to it so as to include matters considered at that meeting, and agreed to forward it to the Seventh Ministerial Conference.²³

23. Appointment of officers to WTO bodies (WT/GC/M/118)

238. At the General Council meeting on 3 February 2009, the Chairman said that in accordance with the Guidelines for Appointment of Officers to WTO Bodies (WT/L/510), he and his colleagues, Mr Matus (Chile), the serving Chair of the Dispute Settlement Body, and Mr Noor (Malaysia), the former Chair of the General Council, had conducted consultations with delegations on a slate of names for the appointment of Chairs to the bodies listed in Groups 1, 2, 4 and 5 in the Annex to the Guidelines.

239. On the basis of these consultations, he considered that there was a consensus on the following slate of names:

General Council	H.E. Mr Mario MATUS (Chile)
Dispute Settlement Body	H.E. Mr John GERO (Canada)
Trade Policy Review Body	H.E. Dr István MAJOR (Hungary)
Council for Trade in Goods	H.E. Mrs Elin Østebø JOHANSEN (Norway)
Council for Trade in Services	H.E. Mr Yonov Frederick AGAH (Nigeria)
Council for TRIPS	H.E. Ms Karen TAN (Singapore)
Committee on Trade and Development	H.E. Mr Shree Baboo Chekitan SERVANSING (Mauritius)
Committee on Balance-of-Payments Restrictions	H.E. Mr Arsene M. BALIHUTA (Uganda)
Committee on Budget, Finance and Administration	H.E. Mrs Marie-Claire SWÄRD CAPRA (Sweden)
Committee on Trade and Environment	H.E. Mr Bozkurt ARAN (Turkey)
Committee on Regional Trade Agreements	Mr Detlev BRAUNS (Germany)
Working Group on Trade, Debt and Finance	Mr Martin GLASS (Hong Kong, China)
Working Group on Trade and Transfer of Technology	H.E. Mr Kwabena BAAH-DUODU (Ghana)

240. The General Council took note of the statement and of the consensus on the slate of names for the appointment of officers.

²³ At the suggestion of a delegation it was agreed that the Director-General's report at the present meeting on the activities of the TNC (Job(09)/173) would be annexed to the present report.

241. The Chairpersons of the Council for Trade in Goods and the Council for Trade in Services then spoke.

242. The General Council took note of the statements.²⁴

24. Election of Chairperson (WT/GC/M/118)

243. At the General Council meeting on 3 February 2009, the Chairman, as the outgoing presiding officer of the General Council, made a brief statement.

244. The General Council then unanimously elected Mr Matus (Chile) to the Chair.

245. The Director-General, the newly-elected Chairman, and the representatives of the United States; Cuba (on behalf of GRULAC); Mauritius (on behalf of the ACP Group); Brazil (on behalf on the G-20); Egypt (on behalf of the African Group); New Zealand; Thailand (on behalf of ASEAN Members); Tanzania (on behalf of the LDCs); Hong Kong, China; Peru; India; Norway; Mexico; Turkey and Nigeria spoke.

246. The General Council took note of the statements.

²⁴ In a fax dated 18 March, the Chairman informed delegations of his intention to start consultations regarding the appointment of a successor to Mr Falconer (New Zealand), Chairman of the Special Session of the Committee on Agriculture, who had been recalled to his capital to take up another appointment. On the basis of his consultations, the Chairman subsequently informed delegations in a fax dated 8 April of a consensus among Members to appoint Mr Walker (New Zealand) as Chairman of the Special Session of the Committee on Agriculture.

In a fax dated 27 March, the Chairman informed delegations of his intention to start consultations regarding the appointment of a successor to Mr Balihuta (Uganda), Chairman of the Committee on Balance-of-Payments Restrictions. On the basis of his consultations, the Chairman subsequently informed delegations in a fax dated 1 May of a consensus among Members to appoint Mr Mwape (Zambia) as Chairman of the Committee on Balance-of-Payments Restrictions.

In a fax dated 29 June, the Chairman informed delegations of his intention to start consultations regarding the appointment of a successor to Mr Baah-Duodu (Ghana), Chairman of the Working Group on Trade and Transfer of Technology, who had been recalled to his capital to take up another appointment. On the basis of his consultations, the Chairman subsequently informed delegations in a fax dated 3 July of a consensus among Members to appoint Mr Owade (Kenya) as Chairman of the Working Group on Trade and Transfer of Technology.

ANNEX
GENERAL COUNCIL

Tuesday, 17 November 2009

Agenda Item 1 – Report by the Chairman of the Trade Negotiations Committee

Since my last report to the General Council on 20 October I have met with the Negotiating Chairs and the General Council Chairman on a number of occasions to exchange views on the overall process and to coordinate activities so as to facilitate the work of delegations. You will all have received the organizational fax on 10 November outlining the schedule of meetings during the Senior Officials' Week. The Negotiating Chairs, the General Council Chairman and I are still fine-tuning this programme with a view to ensure predictability, inclusiveness and transparency in the context of an intensive meeting schedule. There may be a few minor changes to the overall schedule of meetings and I intend, if necessary, to outline these at the informal TNC on 23 November.

Before I provide you with a brief overview of the state-of-play and outlook of the negotiating groups, let me pay tribute to the Negotiating Chairs for their work and commitment. The past year has been one of modest, but nevertheless progress in all areas of negotiations, albeit of a different type. In some cases progress has meant a better understanding of positions; in some other, however, there has been tangible progress and we are about to capture this in a draft negotiating text, as is the case with trade facilitation.

Before the year ends we still have two weeks of Senior Official engagement which need to be used to continue to move the ball forward. What is clear is that if we are to conclude this Round in 2010 as you have pledged to, we will need to take a hard look at where things stand early in the new year and map the road that would lead us to a successful result.

With your permission I will report at slightly greater length than normal, in order to include a brief review of the year's progress in each area. I believe this may be useful to prepare the up-coming Ministerial Conference.

Let me now turn to a brief overview of each of the negotiating areas:

AGRICULTURE

Following his appointment in April as the new Chair of the Committee on Agriculture in Special Session, Ambassador Walker held detailed consultations with Members to determine where useful progress could be made, particularly in light of the subsequent renewed political mandate from the G20 in London and the G8 in L'Aquila. The consultations included Room E and open-ended informal meetings of the negotiating group, resulting in a steady programme of technical work and further discussions on outstanding issues in the texts before the negotiators. It has become clear that work in agriculture is proceeding with the support of Members on a two-track approach.

One track, template work, is advancing well, with substantive contributions from Members. Step 1 of this template work concerns the identification of base date and appropriate tables; it is expected to conclude this month with Step 2 then to start, namely the preparation of templates to be used for scheduling. This technical work will continue with every prospect that it can conclude early in the new year.

The other track of work in agriculture is the Chair's informal consultations on the bracketed and otherwise annotated issues in the draft modalities and associated documentation. There have been discussions on domestic support – where again it is clear that a solution on cotton is fundamental – and on market access issues, including useful work on sensitive products, tariff cap, TRQ expansion and tariff simplification. Starting this week the Chair's consultations will branch the S&D issues in the modalities with then an opportunity in December and early in the new year to return to some of these matters.

In sum, the work on agriculture is engaged, has the support of Members and holds the prospect, given political will, of moving towards agreed modalities in the new year. But there remains quite a bit of work to do and I strongly urge you to continue in this vein, to keep the level of ambition knowing that all issues need to be resolved to conclude the work.

NAMA

Turning to the Negotiating Group on Market Access, the main activities of the year that I would report on are as follows:

The Group has spent a substantive amount of time during the year on non-tariff barriers. During the course of the four NTB dedicated sessions held this year, Members were able to deepen their understanding of the NTB proposals through questions and answer sessions, and discussion – a useful first stage. Additionally, workshops have been organized by the sponsors of some of these proposals in these NAMA weeks in order to further enhance Members' understanding of their proposals. More recently and as a follow-up to the last senior official meeting, the Chairman of the Negotiating Group has been engaging in a series of consultations with a view to seeing how we can narrow differences among delegations on these texts. I believe that the discussions have been good with real engagement.

You will also recall from my July report that the Negotiating Group has spent time this year on the technical exercise of scheduling. A Workshop on Electronic Negotiating Files was organized in July, and this exercise was repeated during the recent Geneva week. I would also note that "scheduling" is now a regular component of all NAMA-related technical assistance programmes. Next week senior officials will also be getting a taste of "scheduling". In any case, it is a complex but essential exercise and delegations need to be familiar with the contents of these electronic negotiating files.

Turning to sectorals, during the year, the sectoral negotiation has been led by the sponsors of such initiatives. They have undertaken technical work which has then been used in outreach activities. In this regard, information sessions have been conducted by the sponsors on their various proposals during the NAMA weeks. Members have been kept apprised of this work through reports by the sponsors in the open-ended transparency sessions. At this stage I think it would be fair to say that results are "subliminal", to borrow an expression used by a Minister at the recent APEC meeting.

Regarding the next steps, a NAMA week has been scheduled for the week of 7 December. The focus will be NTBs and the hope is that discussions will be pursued on the basis of updated NTB textual proposals which take account of the comments exchanged during the previous months.

SERVICES

During 2009, there has been only incremental progress in the services negotiations. Members agreed early in the year to continue work on the basis of the roadmap contained in the July 2008 services text. On the market access side, work has concentrated on technical discussions, in small groups and bilaterals, largely aimed at clarifying signals made at the July 2008 Ministerial gathering.

On GATS rules, progress has been minimal in the three areas of subsidies, emergency safeguards, and government procurement. In domestic regulation, negotiations have continued on the basis of a Chair draft. On the implementation of LDC modalities, a small group of Members has been discussing a draft text of a waiver, which I understand will soon be forwarded to the Special Session.

It is clear that the services negotiations can only proceed in tandem with those in the other areas of the DDA. Progress will therefore depend on the extent that progress is achieved in agriculture and NAMA. There is also a need for balance within the services negotiations, between market access and rule making. On market access, there is clear room for offers to be improved, while in rule making further progress needs to be made, especially with respect to the text on domestic regulation presently under discussion. And in my view we should be able to make headway on the issue of the implementation of LDC modalities soon.

The next services cluster is planned for the week beginning 8 February. It is intended to be a negotiating week similar to that held on 9 November, but will hopefully seek to capture any direction of the negotiations given by Members over the next few weeks.

RULES

Regarding rules, the Chairman circulated new draft texts on anti-dumping and subsidies, as well as a roadmap on fisheries subsidies, in late December 2008. Thus the Negotiating Group has focused its efforts in 2009 to working through these documents. To this end, the Group has continued to meet intensively and on the substance in open-ended format in week-long clusters in February, May, June, September and October 2009.

The process has been long and sometimes tedious, but the work has advanced. The Group is likely to have completed its first review of the horizontal subsidies text by December, immediately after the Ministerial, and to be near completion of its review of the anti-dumping text. On fisheries subsidies, it will complete discussion of the roadmap in December and begin consideration of new proposals by Members some of which are already in the pipeline. It has also completed a first discussion of possible transposition in the context of differences between the provisions on anti-dumping and countervail. Next week, the Group will meet in open-ended session with Senior Officials to take stock across the board in the Rules area.

There has been some progress on technical issues, and the Group has advanced on some of the preparatory work necessary for conclusion of the Round. There has not however been any signs of significant convergence on major political issues. The level of engagement to seek convergence on such issues has been extremely limited so we will need a renewed level of commitment by all Members if we are to bring our work to a successful conclusion.

With respect to Regional Trade Agreements, the Negotiating Group has not met since early 2007, although there have been small group meetings among interested Members and between interested Members and the Chair.

As we all know, the Negotiating Group has already produced a good result in this area with the adoption of the new Transparency Mechanism on RTAs which has been operating successfully. It now remains for the Group to review it and agree to make it into a permanent WTO instrument.

Negotiations on systemic issues of RTAs have unfortunately not progressed and I understand that the Chair intends to discuss ways of reinvigorating these negotiations with Senior Officials next week. One cannot but be perplexed by the limited focus by Members over this major systemic issue for the multilateral trading system, especially if one compares it to the flurry of academic activity on this same topic.

CTD SS

On special and differential treatment, work in the Special Session, this year, has focused on the Monitoring Mechanism. This work, which has largely taken place in small group format, has been carried out on the basis of the Chairman's non-paper which he tabled in May 2009. Periodic open-ended meetings have also been held to inform the wider Membership of the progress. The Chairman has recently revised his non-paper which will now form the basis of work on the Monitoring Mechanism.

While some progress has been made on elements of the Monitoring Mechanism, there are still a number of areas where Members will need to focus their efforts in order to reach convergence. In particular, discussions are continuing on the scope of the Mechanism and on the sequencing of the monitoring process. There are some other issues, including those relating to the objectives and mandate of the Mechanism, which would also need to be fine tuned.

In the coming months, the Chairman intends to continue concentrating on closing these gaps on the basis of his revised non-paper. In addition, he is keeping open the possibility of reverting back to the Agreement-specific proposals, depending largely on Members putting forward new ideas and language that will enable progress to be made on these proposals. The Chairman has also informed me that he will be working in close collaboration with the relevant Chairpersons to determine the best way to make progress on the Category II proposals which are being addressed in other WTO bodies.

TRIPS SS

The Special Session of the Council for TRIPS, which deals with the multilateral system of notification and registration of geographical indications (GIs) for wines and spirits – in short, 'the Register' – held three formal meetings so far this year, and is scheduled to hold another on 27 November. Between the formal meetings, the Chair has consulted delegations in various settings. The discussions took up the three categories of issues identified in the Chair's report of mid-2008:

- consequences/legal effects of registrations and participation;
- notification and registration;
- and other issues such as fees, costs and administrative burdens, in particular for developing and least-developed country Members, and special and differential treatment.

The Chair has signalled a need for the group to move from the re-statement of known concerns and established positions, towards a substantive, structured negotiation. He has, therefore, structured the discussions since June around a list of four questions drawn up on his own responsibility. The two first questions relate to consequences/legal effects of the Register, the third question concerns Members' participation in the Register, and the last addresses Special and Differential Treatment.

The issue of consequences/legal effects continues to be the core of the discussions. Several delegations have very usefully explained what the implementation of the proposed systems would entail in their current domestic laws, e.g. how the information on the Register could be taken into consideration or account. There is a serious division between delegations as to whether the entry of a geographical term on the Register by one member should produce a *prima facie* evidence of the eligibility of that term for protection as a GI in any other Member. Further progress in discussing the other questions of the Chair's list and issues such as fees, costs or administrative burdens largely depends on the resolution of the major stumbling block of consequences/legal effects.

Ambassador Clarke is now preparing a handover report in view of the formal meeting next week and will be consulting delegations in the coming days. In addition to reporting on the work hitherto achieved, he would, based on the discussions he has conducted, seek to identify in his report the areas where there seems to be some convergence of views and those where differences remain.

TRADE FACILITATION

Good progress has been made this year on Trade Facilitation and the outlines of a new Agreement are beginning to take shape. In the first six months of the year, the Negotiating Group built on its compilation of Members' proposals, and comments on those proposals.

In September, Members agreed to take their work to the next level by drafting a consolidated negotiating text. That process has proceeded well, under the Chairmanship of Ambassador Sperisen-Yurt and with the assistance on the issue of S&D of the Friend of the Chair, Matthew Wilson of Barbados. Last week, the Negotiating Group completed its review of all issues in its mandate and a draft consolidated negotiating text will be issued in the next few days.

ENVIRONMENT

In Trade and Environment, Members agreed to continue working on the basis of the Work Programme contained in the July 2008 Chair's Report. With respect to the relationship between WTO and MEAs, a process of consultations has been initiated to clarify further the areas of convergence and outstanding issues with the objective of preparing for text-based negotiations.

On Environmental Goods and Services, Members had exchanged ideas and examined in more detail key environmental sectors at a workshop held in September. This has provided a useful basis for the next phase under the Work Programme, where delegations are expected to identify environmental goods of interest and put forward concrete proposals on cross-cutting and development related issues, without prejudice to Members' positions.

This exercise has formally started and a few contributions have already been made by certain Members, while others have given indications that work is still being undertaken in capitals to come forward with submissions on goods of interest and on cross-cutting issues. The CTESS will be meeting later this week and again in mid-February to continue negotiations pursuant to the Work Programme. The discussions will require engagement on a broad basis and substantive inputs from Members for a successful outcome to be achieved in the negotiations. Hopefully, there is scope for further technical work to be undertaken in this area and linkages with other areas of the negotiations should not prevent this work from going forward."

DISPUTE SETTLEMENT

In 2009, the Chairman of the DSB Special Session continued his series of week-long group consultations with interested delegations. The consultations aimed at addressing the universe of 12 issues covered in the text that the Chairman issued in July 2008, and were based on the drafting proposals reflected in that text. Each week of consultations ended with a brief informal meeting of the DSB Special Session, where the Chairman reported back to the Membership at large and discussed the steps ahead.

Three of the 12 issues have not been covered in the consultations this year; they will be addressed at a further week of consultations scheduled for January. Following that discussion, the Special Session will have covered the complete universe of 12 issues addressed in the Chairman's Text of July 2008. Accordingly, at that point the Special Session will take stock of the progress made

since the issuance of the Chairman's Text, and assess how it can move forward towards a prompt conclusion of the DSU negotiations as mandated by Ministers in Hong Kong.

Discussions in 2009 have been useful, but still much remains to be done to bridge the differences on the drafting language reflected in the Chairman's Text. During the coming weeks and early next year, the Chairman will consult with delegations individually and in groups on how to adjust the negotiating process with a view to successfully concluding the DSU negotiations."

GIs AND CBD

Turning to the two TRIPS issues on which I have been mandated to pursue consultations as Director-General - the relationship between TRIPS and the CBD and the extension of Article 23 GI protection - I can report continued progress in working through the substantive issues, although we are plainly not on the verge of a breakthrough either on the modalities of how we are to take forward these issues beyond the consultation process nor on the content of what a substantive outcome would look like. That is not to minimize, however, the significance and value of the concrete, focussed and thoughtful dialogue that we are conducting. As for all participants on both issues I sense that we have a clearer grasp of the central policy issues and legal options, and the concerns and interests that drive Members' positions in these sensitive policy areas.

We are halfway through the current phase of work, that is a series of thematic clusters of questions posed by participating Members, with the next set of consultations now scheduled for 9 December expected to work through the remaining clusters. Then, we will have to consider realistically where we stand, what we have learned from the process so far, how we can harvest in a usable form the understanding gleaned from these consultations, and then how to build on this foundation in the new year.

RECENT CONSULTATIONS

Let me also briefly report to you on my recent participation in meetings of African Trade Ministers in Cairo as well as my discussions with the Trade Ministers of APEC. At both of these meetings I briefed Ministers on the state-of-play of the DDA negotiations in Geneva as well preparations for the Ministerial Conference. I stressed that the timing of this meeting was very opportune because it would allow Members to send a very clear and strong political message that concluding the DDA in 2010 remains a priority and that the work programme until the end of this year should provide the launch-pad for a further intensification and a further push towards modalities in the first quarter of next year. The message that I have taken back from these meetings is one of re-commitment to the conclusion of the DDA in 2010 and wider-scope recognition of the important role of the WTO in exiting the crisis.

THE MINISTERIAL CONFERENCE

Mr. Chairman, in less than 2 weeks your Minister will be calling the 7th Ministerial Conference to order and open the proceedings. It will be the first time in almost 4 years that we bring together our political masters to review the activities of the multilateral trading system and provide the necessary guidance to the institution for the next few years. In other words, the forthcoming ministerial gathering is long over due.

We have all agreed that this regular Ministerial Conference will not be a negotiating session and that the DDA is on its own, separate track. At the same time, I think we agree that what is needed more than anything in the current economic situation is a platform for ministers to review the functioning of this house in its entirety and to renew their commitment to a strong, well functioning multilateral trading system. The DDA clearly ranks among such issues. I see the upcoming

Ministerial Conference as a unique occasion for the WTO membership to send a number of strong signals to world with respect on the entire WTO waterfront of issues - from monitoring and surveillance to disputes, accessions, Aid for Trade, technical assistance and international governance. On this latter point, I think we have a collective interest in setting a positive and constructive tone for international cooperation ahead of the Climate Change Summit in Copenhagen.

I hope the presence of Senior Official in Geneva next week will set the stage for a positive Ministerial Conference. I believe we all have an interest in taking a constructive, yet lucid assessment of the engagement in the Geneva process across the board of the DDA to the conference. This would be conducive to a successful ministerial meeting and towards facilitating the political commitment we will need to conclude the Round next year.

Finally, you will have seen the schedule of meetings for the up-coming Senior Officials' Week. To provide delegations with a certain amount of predictability for that week and to ensure a high degree of transparency and inclusiveness I intend to hold an informal TNC on Monday 23 November in the afternoon. At the end of the week, on Friday 27 November, I will also be holding an informal TNC to "wrap up", so to speak, the Senior Officials' Week and to provide my assessment of the week's activities. That assessment will, of course, also be circulated to delegations ahead of the Ministerial Conference in order to help set the tone for the principles of Full Participation, Inclusiveness and Transparency that you, Mr. Chairman, have identified for the meeting.

This concludes my last report today, Mr Chairman. It is a bit longer than is normally the case, but I thought it would be important to provide Members with a somewhat more comprehensive re-cap of where we are at this juncture.
