

GENERAL COUNCIL

Annual Report (2012)

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).

Since its previous annual report¹, the General Council has held seven meetings, on 14 and 24 February, 1 May, 25-26 July, 3 October, 26 October, 10 December and 11 December 2012. The minutes of these meetings, which remain the record of the General Council's work, are contained in documents WT/GC/M/135–WT/GC/M/141.²

The following subjects are included in the report:

1.	Work under the Doha Work Programme.....	3
(a)	Trade Negotiations Committee – Reports.....	3
(b)	Work Programme on Small Economies – Reports	4
(c)	Aid for Trade – Preparations for the Fourth Global Review – Statement by the Director-General	5
(d)	The Development Assistance Aspects of Cotton – Periodic Report by the Director- General	5
2.	Work Programme on Electronic Commerce – Review of progress	6
3.	Committee on Budget, Finance and Administration – Reports and recommendations	7
4.	TRIPS Council matters	8
(a)	Decision on an extension of the period of the acceptance by Members of the Protocol amending the TRIPS Agreement – Statement by the Director-General	8
(b)	Review under Paragraph 8 of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health – Report of the Council for TRIPS	8
5.	Accession matters.....	8
(a)	Afghanistan	8
(b)	Algeria	8
(c)	Lao PDR	9
(d)	Liberia	9
(e)	Tajikistan	9
(f)	Vanuatu	10

¹ The annual report of the General Council for 2011 was circulated in WT/GC/142.

² WT/GC/M/140 and WT/GC/M/141 are to be issued.

(g)	Accession of Least-Developed Countries.....	10
(i)	<i>Recommendations of the Sub-Committee on LDCs to further strengthen, streamline and operationalize the 2002 LDC Accession Guidelines.....</i>	<i>10</i>
(ii)	<i>Accession of Lao PDR and Yemen – Reports by the Facilitators.....</i>	<i>11</i>
(h)	WTO Accessions: 2012 Annual Report by the Director-General.....	12
6.	Waivers	12
(a)	Cuba – Article XV:6 – Extension of waiver.....	12
(b)	European Union – Additional autonomous trade preferences granted by the European Union to Pakistan.....	12
(c)	Philippines – Request for a waiver relating to special treatment for rice of the Philippines	13
(d)	Introduction of Harmonized System 2002, 2007 and 2012 Changes into WTO Schedules of Tariff Concessions.....	13
(e)	Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver	13
(f)	Review of waivers pursuant to Article IX:4 of the WTO Agreement	13
7.	Improving the guidelines for granting Intergovernmental Organizations permanent observer status in the WTO – Statements by the Chair	15
8.	Situation regarding the rights to the Havana Club rum trademark in the United States – Communication from Cuba	16
9.	Director-General's report on trade-related developments during the period October 2011-May 2012 – Statement by India	16
10.	Ukraine Article XXVIII Notification	16
(a)	Statement by the European Union	16
(b)	Communication from ASEAN, Australia, Brazil, Canada, Chile, Colombia, Croatia, Egypt, European Union, Guatemala, Hong Kong China, Iceland, Japan, Korea, Liechtenstein, Mexico, New Zealand, Norway, Oman, Paraguay, Switzerland, Turkey and the United States	16
11.	Ninth Session of the Ministerial Conference	17
(a)	Date and Venue.....	17
(b)	Statement by the Chair.....	17
12.	Measures to streamline the production of documents and conduct of meetings – Statements by the Director-General.....	18
13.	Administrative Measures for Members in Arrears	18
14.	WTO Pension Plan.....	19
(a)	Election of members and alternates to the Management Board.....	19
(b)	Annual Report.....	19
15.	International Trade Centre UNCTAD/WTO	19
16.	Appointment of the next Director-General	20
(a)	Statement by the Chair.....	20
(b)	Statement by India	20
17.	Review of WTO activities.....	20
18.	Appointment of officers to WTO bodies.....	21
(a)	Appointment of officers – Statements by the Chair.....	21
(b)	Guidelines for appointment of officers to WTO bodies	23
(i)	<i>Statement by Ecuador.....</i>	<i>23</i>

(ii)	<i>Statement by the Chair</i>	23
(c)	Announcement by the Chair pursuant to paragraph 7.1(a) of the Guidelines.....	23
19.	Election of Chairperson	24

1. Work under the Doha Work Programme

(a) Trade Negotiations Committee – Reports (WT/GC/M/135–WT/GC/M/138, WT/GC/M/141)

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 in 2002 (TN/C/M/1), the TNC reports to each regular meeting of the General Council.

2. At the General Council meetings in February, May and July, and on 3 October and 11 December, the Director-General, as Chairman of the Trade Negotiations Committee, reported on each occasion on the TNC's activities since his previous report to the General Council.³

3. At the February meeting, the representatives of Pakistan; Mexico; Indonesia (on behalf of the G-33); Australia (also on behalf of the Cairns Group); Brazil (also on behalf of the G-20); Argentina; Lesotho (on behalf of the African Group); Bangladesh (on behalf of the LDC Group); Canada; Turkey; Japan; European Union; Cuba; China; Hong Kong, China; Korea; Thailand; Ecuador; Chile; Barbados; India; Peru; United States; Switzerland; Singapore; Chinese Taipei; Colombia; Tunisia; and Dominican Republic (also on behalf of the Informal Group of Developing Countries) spoke. The General Council took note of the Director-General's report and of the statements.

4. At the May meeting, the representatives of Mexico; Lesotho (on behalf of the African Group); Cambodia (on behalf of ASEAN); Kenya; India; South Africa; Japan; European Union; Korea; Pakistan; Brazil; Kingdom of Saudi Arabia; United States; China; Argentina; Mauritius (on behalf of the ACP Group); Australia; Singapore; Haiti (on behalf of the LDC Group); and Chinese Taipei spoke. The General Council took note of the Director-General's report and of the statements.

5. At the July meeting, the representatives of Lesotho (on behalf of the African Group); Mauritius (on behalf of the ACP Group); Australia (also on behalf of the Cairns Group); Chad (on behalf of the C-4); Cambodia (on behalf of ASEAN); Barbados (on behalf of the SVEs); Pakistan; Mexico; Japan; Nigeria; European Union; China; New Zealand; Kenya; Chile; Korea; South Africa; Costa Rica; Hong Kong, China; Uruguay; Plurinational State of Bolivia; Turkey; Canada; Switzerland; Tunisia; Chinese Taipei; Brazil; India; Bangladesh; United States; Norway; Argentina; Ecuador; Paraguay; Cuba; and Peru spoke. The General Council took note of the Director-General's report and of the statements.

6. At the 3 October meeting, the representatives of Brazil (also on behalf of the G-20); Korea; European Union; Lesotho (on behalf of the African Group); Kingdom of Saudi Arabia (on behalf of the Arab Group); Japan; Pakistan; China; Haiti (on behalf of the LDC Group); Australia; Barbados (also on behalf of the SVEs); Mexico; Indonesia; Switzerland (also on behalf of the G-10); Zimbabwe; India; Paraguay; Bangladesh; Plurinational State of Bolivia; Philippines; Argentina; Turkey; Singapore; United States; Tunisia; Hong Kong, China; Chinese Taipei; Ghana; Kenya; Norway; Nepal; and Cuba spoke. The General Council took note of the Director-General's report and of the statements.

³ The Director-General's statements were subsequently circulated as JOB/GC/17, JOB/GC/18, JOB/GC/21, JOB/GC/23 and JOB/GC/27, respectively.

7. At the 11 December meeting, the representatives of the Kingdom of Saudi Arabia (also on behalf of the Arab Group); Burkina Faso (on behalf of the C-4); Lesotho (on behalf of the African Group); Barbados (on behalf of the SVEs); Egypt; Paraguay; South Africa; Solomon Islands; Haiti (on behalf of the LDC Group)⁴; and Cuba spoke. 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/135-WT/GC/M/138, WT/GC/M/141)

8. In 2002, the General Council took note of a framework and procedures for the conduct of the Work Programme on Small Economies, which had been agreed by Ministers at Doha (WT/MIN(01)/DEC/1, paragraph 35), under which this Work Programme would be a standing item on the General Council's agenda and which also provided that the Committee on Trade and Development (CTD) would report regularly to the General Council on the progress of work in its Dedicated Sessions on this subject. In December 2011, Ministers at MC8 adopted the Decision on the Work Programme on Small Economies (WT/L/844), which reaffirmed their commitment to the Work Programme and further instructed the CTD to continue its work in Dedicated Sessions under the overall responsibility of the General Council. Ministers instructed the General Council, inter alia, to report on progress and action taken, together with any further recommendations as appropriate, to the following Session of the Ministerial Conference.

9. At the General Council meeting in February, the Chairman of the Dedicated Session of the CTD said that the Decision taken by Ministers at MC8 instructed the Work Programme to consider in further detail the proposals contained in the various submissions that had been received to date, examine any additional proposals Members might wish to submit and, where possible and within its mandate, make recommendations to the General Council on any of these proposals. Ministers had also agreed that the Work Programme should identify non-tariff measures (NTMs) and the effects these had on small economies. It was this latter area that would provide the focus for immediate work in 2012.

10. The representatives of Barbados (on behalf of the SVEs) and Cuba spoke. The General Council took note of the report and of the statements.

11. At the May meeting, the Chairman of the Dedicated Session of the CTD reported that the proponents of small economies had been focusing most of their attention on Trade Facilitation. Progress had been made on integrating modified S&D provisions into a new version of the Draft Text. The SVEs were also keen to move ahead on work related to how NTMs affected their exports, an area which Ministers had cited as a key priority for SVEs in their Decision at MC8. The area of NTMs would provide a key focus for future SVE work in 2012.

12. The representatives of Barbados (on behalf of the SVEs) and Cuba spoke. The General Council took note of the report and of the statements.

13. At the July meeting, the Chairman of the Dedicated Session of the CTD reported that at the CTD's Dedicated Session on 6 July 2012, Members had discussed future work related to the 2011 Ministerial Decision on the Work Programme and the effects of NTMs on small economies. In this regard, Members had discussed a Secretariat paper on the effects of NTMs on the exports of small economies (WT/COMTD/SE/W/26) and had heard presentations by the ITC and UNCTAD. The Dedicated Session would continue its work in 2012 and future subjects for discussion would include

⁴ Haiti, on behalf of the LDC Group, asked that the statement made at the TNC meeting on 7 December 2012 be put on the record of the General Council in relation to Items 1(a), 1(d), 4(b), 5(h) and 6(f).

the impact of WTO rules on small economies, the institutional and administrative constraints they faced and the effects on them of trade liberalization.

14. The representatives of Barbados (on behalf of the SVEs), Lesotho (on behalf of the African Group) and Cuba spoke. The General Council took note of the report and of the statements.

15. At the 3 October meeting, the Chairman of the Dedicated Session of the CTD said that the Dedicated Session would continue its work on NTMs, but would also begin focusing on other areas identified in the SVEs Work Programme, as had been mandated by Ministers at MC8.

16. The representatives of Barbados (on behalf of the SVEs) and Cuba spoke. The General Council took note of the report and of the statements.

17. At the 11 December meeting, the General Council Chair read out a report on behalf of the Chairman of the CTD Dedicated Session. The report said that at the 19 November meeting of that body, Barbados had expressed the view that further, more specialized work on NTMs should be conducted. The proponents were now exploring how best to tackle this subject.

18. The representative of Barbados (on behalf of the SVEs) spoke. The General Council took note of the report and of the statements.

(c) Aid for Trade – Preparations for the Fourth Global Review – Statement by the Director-General (WT/GC/M/141)

19. At the General Council meeting on 11 December, the Director-General reported on the process and preparations for the Fourth Global Review of Aid for Trade, which would take place on 8-10 July 2013. He said that underpinning the Review was an extensive and ambitious monitoring exercise, which he had launched in a joint letter with the OECD Secretary-General. The monitoring exercise would follow the same self-assessment questionnaire approach that had been used in past reviews. One significant change, however, was that the monitoring exercise was expanded to the private sector. The WTO had also extended its collaboration to include five other organizations. To match such an ambitious exercise, the Fourth Global Review would have a format somewhere in between the Public Forum and the Third Global Review.

20. The General Council took note of the Director-General's statement.

(d) The Development Assistance Aspects of Cotton – Periodic Report by the Director-General (WT/GC/M/141)

21. 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 had vital importance. Ministers at Hong Kong reaffirmed the 2004 mandate, and asked the Director-General to provide updates at appropriate intervals to the General Council, while keeping the Sub-Committee on Cotton fully informed of progress. At MC8, Ministers confirmed their commitment to progress the Hong Kong mandate and invited the Director-General to continue furnishing periodic reports on the development assistance aspects of cotton to each Ministerial Conference.

22. At the General Council meeting on 11 December, the Director-General introduced his Fifth Periodic Report on the Development Assistance Aspects of Cotton (WT/GC/149 – WT/CFMC/DG/5). He said that since his last Periodic Report, progress had been made and tangible results were reflected in the Evolving Table on Cotton Development Assistance. In particular, positive results had been registered in the area of "Cotton-Specific Development Assistance" as well as in the framework of the broader "Agriculture and Infrastructure-Related Development Assistance".

23. The representatives of Brazil, China and Burkina Faso (on behalf of the C-4) spoke⁵. The General Council took note of the Director-General's report and of the statements.

2. Work Programme on Electronic Commerce – Review of progress (WT/GC/M/137, WT/GC/M/141)

24. In line with the Declaration on Global Electronic Commerce adopted by Ministers at the second session of the Ministerial Conference (WT/MIN(98)/DEC/2), the General Council, in September 1998, adopted a Work Programme on Electronic Commerce (WT/L/274). In December 2011, Ministers at MC8 adopted a Decision on the Work Programme on Electronic Commerce (WT/L/843), in which they decided to continue the reinvigoration of the Work Programme, and instructed the General Council to emphasize and reinvigorate the development dimension in the Work Programme, particularly through the CTD. Ministers also instructed the General Council to hold periodic reviews, starting in July 2012, based on the reports submitted by the WTO bodies entrusted with the implementation of the Work Programme.

25. At the July General Council meeting, Deputy Director-General Singh, who had been dealing with the Work Programme on behalf of the General Council Chair and her predecessors since 2005, said that since the beginning of the year, work had continued in the Council for Trade in Services, Council for Trade in Goods and the Committee on Trade and Development. The DDG also reported on an informal consultation he had held, on behalf of the General Council Chair, on 2 July to consider the follow-up to Ministers' 2011 Decision on E-Commerce.

26. The Chair drew attention to the reports of the Chairs of the Council for Trade in Services and of the Goods Council, contained in documents S/C/38 and G/C/49, respectively.

27. The Chairman of the Committee on Trade and Development said that work in the CTD was taking place in the context of the 2011 Decision on E-Commerce. Cuba and Ecuador had submitted a proposal for a "Workshop on E-Commerce, Development and SMEs" (WT/COMTD/W/189), with a particular focus on issues related to "access and facilitation of access to e-commerce by small and medium-sized enterprises, including small producers and suppliers". The CTD was making steady progress on other fronts in the effort to comply with instructions from MC8 to make the CTD a focal point on development issues in the WTO.

28. The representatives of Cuba; Ecuador; Lesotho (on behalf of the African Group); Chinese Taipei; European Union; Plurinational State of Bolivia; Switzerland; and Australia spoke. The General Council took note of the reports by the Deputy Director-General and by the Chairmen of the subsidiary bodies and of the statements.

29. At the 11 December General Council, Deputy Director-General Singh, reported on work under the Work Programme since the Council's last review of progress in this area. He reported on activities in the Council for Trade in Services, the Council for Trade in Goods and the Committee on Trade and Development. He also reported on an informal meeting of the Dedicated Discussion on E-Commerce Cross-Cutting Issues under the auspices of the General Council, held on

⁵ See also footnote 4.

30 November 2012. There had been no activity under the Work Programme in the Council for TRIPS.

30. Deputy Director-General Singh also read out a report on behalf of the Chairman of the CTD. The report focused on a proposal by Cuba and Ecuador (WT/COMTD/W/189) to organize a workshop on "E-commerce, Development and SMEs". At the 86th Session of the CTD held on 19 November 2012, it had been agreed that the workshop would be held on 8 and 9 April 2013.

31. The Chair drew attention to the reports of the Chairs of the Council for Trade in Services and of the Goods Council in documents S/C/40 and G/C/50, respectively.

32. The representatives of Cuba and European Union spoke. The General Council took note of the reports by the Deputy Director-General and by the Chairs of the subsidiary bodies, and of the statements.

3. Committee on Budget, Finance and Administration – Reports and recommendations (WT/GC/M/136-WT/GC/M/138, WT/GC/M/141)

33. At its meetings in May and July, and on 3 October and 11 December, the General Council considered reports by the Committee on Budget, Finance and Administration on its meetings of March (WT/BFA/129), May (WT/BFA/130), July and September (WT/BFA/131 and WT/BFA/132), and October and November (WT/BFA/133 and WT/GC/134), respectively. At each meeting, the Chairman of the Committee introduced the reports.

34. At its May meeting, the General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 4-7 of its report in document WT/BFA/129, and adopted the report.

35. At its July meeting, the General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 23 and 25 of its report in document WT/BFA/130, and adopted the report.

36. At its 3 October meeting, the General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 6⁶, 8 and 10 of its report in document WT/BFA/132, and adopted the reports in documents WT/BFA/131 and WT/BFA/132.

37. At its 11 December meeting, the General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraph 12 of its report in document WT/BFA/133 and in paragraph 6 of WT/BFA/134, and adopted the two reports. In relation to the Trust Fund to facilitate the participation of delegates from LDCs at MC9, interested donors were invited to indicate to the Secretariat as soon as possible the level of financial support they were prepared to provide.

38. In addition, the Director-General provided a brief update on efforts to further increase efficiency on documentation, scheduling and management of meetings.⁷ The General Council took note of the statement.

⁶ The Committee recommended to the General Council that the revised Administrative Measures for Members and Observers in arrears, contained in Annex 1 of document WT/BFA/132, be implemented as from 1 January 2013.

⁷ See also Item 12.

4. TRIPS Council matters

- (a) Decision on an extension of the period of the acceptance by Members of the Protocol amending the TRIPS Agreement – Statement by the Director-General (WT/GC/M/136)

39. At the May meeting, the Director-General recalled that on 30 November 2011 the General Council had unanimously adopted a decision by which the period for the acceptance of the Protocol Amending the TRIPS Agreement was extended until 31 December 2013. In his capacity as depositary of the 2005 Protocol Amending the TRIPS Agreement, he wished to draw attention to the importance of accepting the Protocol to permit its entry into force.

40. The General Council took note of the statement.

- (b) Review under Paragraph 8 of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health – Report of the Council for TRIPS (WT/GC/M/141)

41. In August 2003, the General Council adopted a Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. Paragraph 8 of that Decision provides that the TRIPS Council shall review annually the functioning of the system set out in the Decision with a view to ensuring its effective operation, and shall annually report on its operation to the General Council.

42. At the 11 December meeting, the Chairman of the TRIPS Council introduced the report of that Council on its annual review of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. The report also provided an update on the status of acceptances of the Protocol Amending the TRIPS Agreement. The General Council took note of the report of the TRIPS Council (IP/C/63).⁸

5. Accession matters

- (a) Afghanistan (WT/GC/M/136)

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

44. At the May meeting, the Chair informed Members that, following consultations and in keeping with usual WTO practice, it had been agreed that Mr Roderick Van Schreven (Netherlands) would serve as Chairman of this Working Party. The General Council took note of the statement.

- (b) Algeria (WT/GC/M/137)

45. In June 1987, the GATT 1947 Council established a Working Party to examine Algeria's request for accession to the General Agreement on Tariffs and Trade. Subsequently, in pursuance of a decision regarding requests for WTO accession adopted by the WTO General Council in January 1995 (WT/GC/M/1, Item 4(g)), the GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party.

46. At the July meeting, the Chair informed Members that following consultations and in keeping with usual WTO practice, it had been agreed that Mr Alberto d'Alotto (Argentina) would serve as Chairman of this Working Party.

⁸ See also footnote 4.

47. The representatives of Argentina and Algeria (as an Observer) spoke. The General Council took note of the statements.

(c) Lao PDR (WT/GC/139)⁹

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

49. At its meeting on 26 October, the General Council considered the Report of the Working Party on the Accession of Lao PDR (WT/ACC/LAO/45 and WT/ACC/LAO/45/Add.1 and WT/ACC/LAO/45/Add.2).

50. The Chairman of the Working Party spoke.

51. The General Council approved the text of the Protocol of Accession of Lao PDR and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision on the Accession of Lao PDR (WT/L/865). The General Council then adopted the Report of the Working Party as a whole (WT/ACC/LAO/45 and WT/ACC/LAO/45/Add.1 and WT/ACC/LAO/45/Add.2).

52. The Chair, the representative of Lao PDR (as an Observer) and the Director-General spoke, following which the representatives of Cambodia (on behalf of ASEAN); Haiti (on behalf of the LDC Group); Lesotho (on behalf of the African Group); Panama (on behalf of GRULAC); Mauritius (on behalf of the ACP Group); Viet Nam; Nepal; New Zealand; Pakistan; Australia; Mexico; European Union; Japan; Indonesia; India; Switzerland; Korea; Argentina; Turkey; China; Barbados (on behalf of the SVEs); Hong Kong, China; Paraguay; United States; Cuba; Chinese Taipei (on behalf of the Recently Acceded Members (RAMs) Group); Canada; Russian Federation; Brazil; Ukraine; and Iran (as an Observer) spoke.

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

(d) Liberia (WT/GC/M/136)

54. In December 2007, the General Council established a Working Party to examine the request of Liberia for accession to the WTO Agreement.

55. At the May General Council meeting, the Chair informed Members that following consultations and in keeping with usual WTO practice, it had been agreed that Mr Joakim Reiter (Sweden) would serve as Chair of this Working Party. The General Council took note of the statement.

(e) Tajikistan (WT/GC/M/140)

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

57. At its meeting on 10 December, the General Council considered the Report of the Working Party on the Accession of Tajikistan (WT/ACC/TJK/30 and WT/ACC/TJK/30/Add. 1 and WT/ACC/TJK/30/Add.2).

⁹ See also sub-item 5(g)(ii), below.

58. The Chairman of the Working Party spoke.

59. The General Council approved the text of the Protocol of Accession of Tajikistan and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision on the Accession of Tajikistan (WT/L/872). The General Council then adopted the Report of the Working Party as a whole (WT/ACC/TJK/30 and WT/ACC/TJK/30/Add.1 and WT/ACC/TJK/30/Add.2).

60. The Chair, the representative of Tajikistan (as an Observer) and the Director-General spoke, following which the representatives of China; European Union (also on behalf of Croatia); Kyrgyz Republic; Dominican Republic (on behalf of the Informal Group of Developing Countries); United States; Panama (on behalf of GRULAC); Kingdom of Saudi Arabia (on behalf of the Arab Group); Ukraine; Switzerland; Chinese Taipei (on behalf of the Recently Acceded Members (RAMs) Group); Turkey; Japan; Paraguay (on behalf of the Landlocked Developing Countries); Bangladesh (on behalf of the LDC Group Coordinator); Korea; and India spoke.

61. In keeping with the procedural suggestion made by the Chair at the outset, the representatives of Brazil, Mexico and Nepal submitted statements for inclusion in the records of the meeting. The representatives of Israel, New Zealand, Singapore and Sri Lanka wished to be placed on record as also welcoming and supporting the accession of Tajikistan.

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

(f) Vanuatu (WT/GC/M/137)

63. In October 2011, the General Council adopted a Decision authorizing Vanuatu to accede to the WTO Agreement under the terms set out in its Protocol of Accession (WT/L/823). As set out in its paragraph 7, the Protocol was open for acceptance by Vanuatu until 31 December 2011.

64. At its July meeting, the General Council considered a communication from Vanuatu (WT/GC/146) requesting to re-open the Protocol of Accession for acceptance by 31 December 2012, and a draft Decision to this effect (WT/GC/W/657).

65. The Chair proposed, in the light of this request, that, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), the General Council adopt the draft decision contained in document WT/GC/W/657.

66. The General Council so agreed (WT/L/862).

67. The representatives of Vanuatu (as an Observer); Australia; New Zealand; China; Haiti (on behalf of the LDC Group); Pakistan; Solomon Islands; United States; European Union; Panama (on behalf of GRULAC); Mauritius; Mexico; India; Barbados (on behalf of the SVEs); Samoa; and Cuba spoke. The General Council took note of the statements.

(g) Accession of Least-Developed Countries

(i) *Recommendations of the Sub-Committee on LDCs to further strengthen, streamline and operationalize the 2002 LDC Accession Guidelines (WT/GC/M/137)*

68. In December 2011, the Eighth Ministerial Conference adopted a Decision on the Accession of LDCs (WT/L/846), which directed the Sub-Committee on LDCs to develop recommendations to further strengthen, streamline and operationalize the 2002 Guidelines on Accession of LDCs

(WT/L/508). Ministers also instructed the Sub-Committee to complete this work and make recommendations to the General Council not later than July 2012.

69. At the July General Council meeting, the Chair said that the Sub-Committee on LDCs had agreed to submit a set of recommendations, in line with the Ministers' mandate, to the General Council for adoption in the form of a draft decision. The Sub-Committee had also agreed that the proposed decision would become an addendum to the 2002 General Council Decision on LDC Accession.

70. The Chairman of the Sub-Committee on LDCs, reporting on his body's consideration of this matter, said that based on the mandate from Ministers, the Sub-Committee had begun work in January 2012. On behalf of the Sub-Committee on LDCs, he submitted the recommendations in WT/COMTD/LDC/21 for adoption by the General Council.

71. The Chair drew attention to the draft decision in WT/COMTD/LDC/21. Before proposing it for adoption, she underlined that it was without prejudice to the rights and obligations of existing LDC Members, in line with the Decision in favour of LDCs contained in Annex F of the Hong Kong Declaration. Based on this understanding, she proposed that the General Council adopt the draft decision in WT/COMTD/LDC/21.

72. The General Council so agreed.¹⁰

73. The representatives of Haiti (on behalf of the LDC Group); Kingdom of Saudi Arabia (on behalf of the Arab Group); Colombia; Nepal; Mauritius (on behalf of the ACP Group); Cambodia (also on behalf of ASEAN); Lesotho (on behalf of the African Group); Uganda; India; Switzerland; European Union; United States; Ecuador; Plurinational State of Bolivia; and Ethiopia (as an Observer) spoke. The General Council took note of the statements.

(ii) *Accession of Lao PDR and Yemen – Reports by the Facilitators (WT/GC/M/137)*¹¹

74. At the July General Council meeting, the Chairman of the Working Party on the Accession of Lao PDR reported that the outstanding bilateral market access negotiations on goods between Ukraine and Lao PDR had been concluded on the margins of the 2012 Beijing Roundtable. He could confirm that this accession was on track for completion in 2012, subject to finalization of the few remaining issues.

75. The Chairman of the Sub-Committee on LDCs, on behalf of the Co-Facilitators, made a statement, which, he underlined, should be considered an integral part of the agreement reached by the parties involved on 24 July. As agreed, this statement would be issued as an Addendum to document WT/ACC/YEM/40.

76. The Chair invited the General Council to take note of these two statements, and in doing so, noted that, in accordance with the long-standing practice of accession Working Parties, agreements at the level of the Working Party were ad referendum until formal decisions were taken by the General Council or the Ministerial Conference.

77. The General Council so agreed.

78. The representatives of Ukraine; Haiti (on behalf of the LDC Group); Cambodia (on behalf of ASEAN); Lesotho (on behalf of the African Group); Kingdom of Saudi Arabia (on behalf of the Arab

¹⁰ The Decision was subsequently circulated in document WT/L/508/Add.1.

¹¹ See also sub-item 5(c), above.

Group); Nepal; Pakistan; and Yemen (as an Observer) spoke. The General Council took note of the statements.

(h) WTO Accessions: 2012 Annual Report by the Director-General (WT/GC/M/141)

79. At the General Council meeting on 11 December, the Chair drew attention to the Director-General's report on accessions in document WT/ACC/19.

80. The Director-General said that, as in previous Reports, he had reviewed operational work, addressed some policy issues, and sought to improve understanding of the benefit of WTO accessions and share some lessons with the membership. Thematically, he had explored the links between accession-related domestic reforms, economic growth and Foreign Direct Investment. He recalled that in 2012, the WTO family increased by four to a total of 157 Members, with the accessions of Montenegro, Samoa, the Russian Federation and Vanuatu. In addition, the accessions of Lao PDR and Tajikistan had been concluded, progress had been made in other accessions, and the Guidelines on the Accession of LDCs had been strengthened. In the Report, he had also identified a set of priorities for 2013.

81. The representatives of Chinese Taipei (on behalf of the Recently Acceded Members (RAMs) Group); United States; Kingdom of Saudi Arabia (on behalf of the Arab Group); China; Egypt; Cambodia (on behalf of ASEAN); Colombia; European Union; Pakistan; Jordan; Oman; Qatar; Hong Kong, China; Haiti (on behalf of the LDC Group); Turkey; Tunisia; Iran (as an Observer); Yemen (as an Observer); and Belarus (as an Observer) spoke.¹² The General Council took note of the report by the Director-General and of the statements.

6. Waivers¹³

(a) Cuba – Article XV:6 – Extension of waiver (WT/GC/M/135)

82. At its meeting in February, the General Council considered a draft decision on the request by Cuba regarding the extension of the existing waiver concerning Article XV:6 of GATT 1994, in document G/C/W/662. The Chairman of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

83. 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/850).

(b) European Union – Additional autonomous trade preferences granted by the European Union to Pakistan (WT/GC/M/135)

84. At its meeting in February, the General Council considered a draft decision on the request from the EU for a waiver for the application of additional autonomous trade preferences granted by the EU to Pakistan, in document G/C/W/640/Rev.2. The Chairman of the Council for Trade in Goods reported on the consideration of the draft decision by that Council.

85. 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/851).

¹² See also footnote 4.

¹³ A list of waivers granted by the General Council in 2012, as well as waivers previously granted and still in force in 2012, is contained in document WT/GC/W/665.

86. The representative of Pakistan spoke. The General Council took note of the statement.

(c) Philippines – Request for a waiver relating to special treatment for rice of the Philippines (WT/GC/M/137)

87. At its meeting in July, the Chair referred to a request for a waiver by the Philippines on special treatment for its rice (G/C/W/665). In accordance with Article IX:3 of the Marrakesh Agreement, the Chairman of the Council for Trade in Goods made a statement on the consideration of this matter by that Council.

88. In light of the Goods Council Chair's statement and the request by the Goods Council reflected therein, the Chair proposed that the General Council agree to allow the Goods Council to continue consideration of this request and to report back to the General Council once it had completed this work.

89. The General Council so agreed.

90. The representatives of Philippines and Australia spoke. The General Council took note of the statements.

(d) Introduction of Harmonized System 2002, 2007 and 2012 Changes into WTO Schedules of Tariff Concessions (WT/GC/M/141)

91. At its 11 December meeting, the General Council considered three draft waiver decisions contained in G/C/W/672/Rev.1, G/C/W/673 and G/C/W/674, which concerned the Introduction of Harmonized System 2002, 2007 and 2012 Changes into WTO Schedules of Tariff Concessions, respectively. The Chairman of the Council for Trade in Goods reported on consideration of this matter by that Council.

92. 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 three draft Decisions (WT/L/873-WT/L/875).

(e) Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver (WT/GC/M/141)

93. At its 11 December meeting, the General Council drew attention to the draft decision in document G/C/W/675/Rev.2. The Chairman of the Council for Trade in Goods reported on consideration of this matter by that Council.

94. The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the draft Decision (WT/L/876).

95. The representatives of Zimbabwe and United States spoke. The General Council took note of the statements.

(f) Review of waivers pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/137, WT/GC/M/141)

96. 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."

97. At its July meeting, 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) Preferential tariff treatment for least-developed countries, granted on 27 May 2009 until 30 June 2019 (WT/L/759)
- (iii) European Union – Application of autonomous preferential treatment to Moldova, granted on 7 May 2008 until 31 December 2013 (WT/L/722, WT/L/861)
- (iv) United States – Former Trust Territory of the Pacific Islands, granted on 27 July 2007 until 31 December 2016 (WT/L/694, WT/L/857)
- (v) United States – Caribbean Basin Economic Recovery Act, granted on 27 May 2009 until 31 December 2014 (WT/L/753, WT/L/858)
- (vi) United States – African Growth and Opportunity Act, granted on 27 May 2009 until 30 September 2015 (WT/L/754, WT/L/859)
- (vii) United States – ANDEAN Trade Preference Act, granted on 27 May 2009 until 31 December 2014 (WT/L/755, WT/L/860)

98. In doing so, the General Council considered reports on implementation of the respective waivers in documents WT/L/857-WT/L/861.

99. The General Council took note of the above-mentioned reports and agreed it would revert to the review of multi-year waivers under Article IX:4 of the WTO Agreement at its meeting in December 2012.

100. At its 11 December meeting, the General Council considered the following waivers for review under Article IX:4:

- (i) Preferential treatment to services and service Suppliers of Least-Developed Countries, granted on 17 December 2011 until 17 December 2026 (WT/L/847)
- (ii) Kimberley Process Certification Scheme for rough diamonds, granted on 15 December 2006 until 31 December 2012 (WT/L/676)
- (iii) Canada - CARIBCAN, granted on 30 November 2011 until 31 December 2013 (WT/L/835, WT/L/868)
- (iv) European Union - Application of autonomous preferential treatment to the West Balkans, granted on 30 November 2011 until 31 December 2016 (WT/L/836, WT/L/870 and Corr.1)
- (v) Cuba - Article XV:6 of GATT 1994, Extension of waiver, granted on 14 February 2012 until 31 December 2016 (WT/L/850, WT/L/867)

101. In doing so, the General Council considered reports on implementation of the respective waivers submitted by Canada (WT/L/868), European Union (WT/L/870 and WT/L/870/Corr. 1) and Cuba (WT/L/867).

102. The representatives of the European Union; Trinidad and Tobago (on behalf of CARICOM); Jamaica; Canada; Barbados; and Zambia spoke.¹⁴

103. The General Council took note of the above-mentioned reports and of the statements.

7. Improving the guidelines for granting Intergovernmental Organizations permanent observer status in the WTO – Statements by the Chair (WT/GC/M/135-WT/GC/M/138, WT/GC/M/141)

104. In November 2011, the General Council agreed that the Chair of the General Council start a process of consultations on improving the guidelines for granting observer status to Intergovernmental Organizations in the WTO, following a communication by the Arab Group circulated in document (WT/GC/W/643).

105. At the General Council meeting in February, the Chairman reported on progress in his initial consultations on improving the guidelines for granting observer status to Intergovernmental Organizations in the WTO. He urged continued engagement to address this issue and suggested focusing the process of consultations on clear, operational criteria, taking into account the existing Guidelines, without prejudging their outcome in any way.

106. The representatives of Qatar (on behalf of the Arab Group), India and United States spoke. The General Council took note of the statements.

107. At the May meeting, the Chair drew attention to a communication by the Arab Group (WT/GC/W/654), in light of which she had continued the process of consultations on this issue. She intended to continue her consultations with interested delegations and would report to the General Council on progress as appropriate.

108. The representatives of Qatar (on behalf of the Arab Group); Egypt; Kingdom of Saudi Arabia (on behalf of the Members of the Gulf Co-operation Council); Plurinational State of Bolivia; and Turkey spoke. The General Council took note of the statements.

109. At the July meeting, the Chair said that she had continued her consultations and intended to take up this process again after the summer break and report back to the General Council as appropriate.

110. The representatives of the Kingdom of Saudi Arabia (on behalf of the Arab Group) and Turkey spoke. The General Council took note of the statements.

111. At the 3 October meeting, the Chair said that she had continued her consultations on this matter. However, at the present time, she was not able to report any change in the positions previously expressed. She would continue this process and report back to the General Council as appropriate.

112. The representative of Dominican Republic (on behalf of the Informal Group of Developing Countries) spoke. The General Council took note of the statements.

113. At the 11 December meeting, the Chair said she had continued her consultations on this matter. However, she was not able to report any change in the positions previously expressed. She would continue this process and report back to the General Council as appropriate.

¹⁴ See also footnote 4.

114. The representatives of the Kingdom of Saudi Arabia (on behalf of the Arab Group); Egypt; India; Turkey; and China spoke. The General Council took note of the statements.

8. Situation regarding the rights to the Havana Club rum trademark in the United States – Communication from Cuba (WT/GC/M/137, WT/GC/M/138)

115. At the General Council meetings in July and on 3 October (WT/GC/147), the delegation of Cuba made a statement concerning the situation regarding the rights to the Havana Club rum trademark in the United States.

116. At the July meeting, the representatives of the Plurinational State of Bolivia; Ecuador; Angola; Viet Nam; Zimbabwe; Dominican Republic; Nicaragua; China; Brazil; Argentina; European Union; Uruguay; and Mexico spoke. The General Council took note of the statements.

117. At the 3 October meeting, the representatives of Ecuador, Brazil; Argentina; Plurinational State of Bolivia; Nicaragua; Mexico; Zimbabwe; China; Chile; Dominican Republic; Uruguay; European Union; and United States spoke. The General Council took note of the statements.

9. Director-General's report on trade-related developments during the period October 2011-May 2012 – Statement by India (WT/GC/M/137)

118. At the July General Council meeting, the delegation of India made a statement concerning the Director-General's report on trade-related developments during the period October 2011-May 2012 (WT/TPR/OV/W/6). This issue had already been raised by India at the informal meeting of the Trade Policy Review Body on 18 July 2012.

119. The Chair spoke. The General Council took note of the statements.

10. Ukraine Article XXVIII Notification

(a) Statement by the European Union (WT/GC/M/138)

120. At the 3 October meeting of the General Council, the delegation of the European Union, also on behalf of Croatia, made a statement concerning Ukraine's recent announcement of its intentions to renegotiate a significant part of its WTO commitments.

121. The representatives of Mexico; Brazil; New Zealand; Turkey; Australia; Switzerland, United States; Nigeria; Cambodia (on behalf of ASEAN); Japan; Malaysia; Colombia; Hong Kong, China; Chile; Canada; Norway; Guatemala; China; and Ukraine spoke. The General Council took note of the statements.

(b) Communication from ASEAN, Australia, Brazil, Canada, Chile, Colombia, Croatia, Egypt, European Union, Guatemala, Hong Kong China, Iceland, Japan, Korea, Liechtenstein, Mexico, New Zealand, Norway, Oman, Paraguay, Switzerland, Turkey and the United States (WT/GC/M/141)

122. At the 11 December meeting, the Chair drew attention to the communication submitted by Australia on behalf of a number of Members requesting that this item be put on the agenda (WT/GC/150). The delegation of Australia introduced the item regarding Ukraine's notification under GATT Article XXVIII.

123. The representatives of Brazil; United States; European Union (also on behalf of Croatia); Mexico; Japan; Cambodia (on behalf of ASEAN); Turkey; Canada; Uruguay; Norway; China; Korea;

Guatemala; Colombia; Iceland; Argentina; Hong Kong, China; Chile; Switzerland (also on behalf of Lichtenstein); Egypt; New Zealand; El Salvador; Peru; Lesotho (on behalf of the African Group); Mauritius (on behalf of the ACP Group); Costa Rica; Paraguay; Oman; and Ukraine spoke. The General Council took note of the statements.

11. Ninth Session of the Ministerial Conference

(a) Date and Venue (WT/GC/M/137)

124. At the July meeting of the General Council, the Chair recalled that in April 2012 she had received a communication (WT/GC/143) from the Minister of Trade of Indonesia offering to host MC9 in Indonesia in December 2013. Since then, in line with what Ministers had agreed at MC8, namely "to request the General Council to hold consultations with a view to deciding the date and venue of the Ninth Ministerial Conference", she had consulted widely with Members on Indonesia's offer, and Members had taken up this matter at the informal HODs meetings on 7 June and 17 July, where she had reported on developments in the consultation process. As a result of this process, she proposed that the General Council agree that the Ninth Session of the Ministerial Conference be held in Bali, Indonesia, in the first week of December 2013 and that Members come back to the matter of the precise dates.

125. The General Council so agreed.

126. The representatives of Indonesia; Kingdom of Saudi Arabia (on behalf of the Arab Group); Haiti (on behalf of the LDC Group); Lesotho (on behalf of the African Group); China; Panama (on behalf of GRULAC); and Turkey spoke. The General Council took note of the statements.

(b) Statement by the Chair (WT/GC/M/141)

127. At the 11 December meeting, the Chair said that she had been holding extensive consultations with Members on the matter of the precise dates for MC9, including a meeting at the level of Heads of Delegation held on 10 December. On the basis of her consultations, she believed that the General Council was in a position to agree on the precise dates for MC9. She proposed the following: the Opening Ceremony would be held on the afternoon of the first day, Tuesday 3 December, followed by two working days, 4 and 5 December, with the Closing Ceremony on the last day, 6 December. Therefore, MC9 should start on Tuesday 3 December and end on Friday 6 December 2013.

128. The General Council so agreed.

129. On the basis of her consultations, the Chair also suggested that the following principles could apply to both the preparatory process and the Ministerial Conference itself:

- First, the "FIT" principle – Full participation, Inclusiveness, and Transparency;
- Second, any issue for action or decision by Ministers proposed by Members should be developed by them in line with the normal consensus principle; and
- Third, issues for action or decision by Ministers should be agreed well before MC9.

130. The second principle was a natural consequence of the first one, and they were both widely acceptable to Members as they stood. On the third principle, everyone agreed that issues for the Ministers should be largely agreed before Bali, but from what she had heard in her consultations, in the early part of 2013 Members might have to consider the question of whether a more precise timeframe would be needed.

131. The representative of Indonesia spoke. The General Council took note of the statements.

12. Measures to streamline the production of documents and conduct of meetings – Statements by the Director-General (WT/GC/M/135, WT/GC/M/137, WT/GC/M/138)

132. At the General Council meeting in February, the Director-General recalled that the WTO's 2012-13 budget, approved by the General Council in November 2011, provided for zero nominal growth in 2012. In December 2011, the General Council had approved a number of recommendations by the Committee on Budget, Finance and Administration for savings and more efficient use of resources. At the present meeting, he reported on implementation of the specific recommendations contained in paragraphs 29-31 of the Budget Committee's report in document WT/BFA/128.

133. The General Council took note of the Director-General's statement.

134. At the July Council meeting, the Director-General said that the Secretariat had continued its review of possible improvements in the areas covered by the decision. He drew attention to the WTO Budget and Finance Report submitted to the Budget Committee on 17 July 2012 which provided a comprehensive update on the streamlining of the organization's operations, and briefly highlighted the principal achievements and remaining problems in the areas of translation, printing and distribution, and scheduling and management of meetings.

135. The General Council took note of the Director-General's statement.

136. At the 3 October meeting, the Director-General reported on further activities in this area. A number of committees had systematically begun to explore how, within their mandate and rules of procedure, they could contribute to cost-saving in the three areas of translation, printing and distribution of documents, and scheduling and management of meetings. He would continue to press for further measures in this respect and would report more fully to delegations on progress at the December General Council.¹⁵

137. The General Council took note of the Director-General's statement.

13. Administrative Measures for Members in Arrears (WT/GC/M/135-WT/GC/M/138, WT/GC/M/141)

138. 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 Chairperson would request Members in Categories III and IV to inform the Chair before the next Council meeting as to when the payment of arrears might be expected.

139. At the General Council meetings in February, May and July, and on 3 October and 11 December, 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. The General Council took note of the statements.

140. In addition, at the July meeting, the representative of the Democratic Republic of Congo spoke. The General Council took note of the statement.

¹⁵ See Item 3, paragraph 38.

14. WTO Pension Plan

- (a) Election of members and alternates to the Management Board (WT/GC/M/136, WT/GC/M/138)

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

142. At the May General Council meeting, the Chair, in a communication circulated in document WT/GC/W/655, indicated that a member of the Management Board was no longer available to serve on the Board, and that it was necessary for the Council to decide on her replacement. In addition, she indicated that the positions of two alternates were vacant. Accordingly, she proposed that the General Council elect Mr Michael Stone (Hong Kong, China) to serve as a member on the Management Board, and Mr James Baxter (Australia) and Ms Micong Klimes (Germany) to serve as alternates on the Board for the remainder of its term, i.e. until May 2014.

143. The General Council took note of the statement and so agreed (WT/L/854).

144. At the 3 October meeting, the Chair, in a communication circulated in document WT/GC/W/659, indicated that an alternate, Mr Jean-Marc Mignon (France), was no longer available to serve on the Board. Accordingly, she proposed that the General Council elect Mr Ken Chang-Keng Chen (Chinese Taipei) to serve as alternate on the Management Board of the Pension Plan for the remainder of the Board's term, i.e. until May 2014.

145. The General Council took note of the statement and so agreed (WT/L/866).

- (b) Annual Report (WT/GC/M/138)

146. At the 3 October meeting, the Chairman of the Management Board of the WTO Pension Plan introduced the Annual Report of the Management Board for 2011 (WT/L/863).

147. The General Council took note of the Annual Report and of the statement.

15. International Trade Centre UNCTAD/WTO (WT/GC/M/136, WT/GC/M/141)

148. At its May meeting, the General Council considered a report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Forty-fifth Session (ITC/AG(XLV)/242). The Chair 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 April, where it had been presented by the Chairman of the JAG, Mr Badr (Egypt). The Chairman of the Committee on Trade and Development reported on the Committee's consideration of the report.

149. The representatives of United Kingdom; European Union; Turkey; and Canada spoke. The General Council took note of the statements and adopted the report of the Joint Advisory Group.

150. At its 11 December meeting, the General Council considered a report of the Joint Advisory Group on the International Trade Centre UNCTAD/WTO on its Forty-sixth Session (ITC/AG(XLVI)/248). The Chair recalled that, in keeping with customary practice, this report had been considered initially by the Committee on Trade and Development at its meeting on 16 July where it had been presented by the Chairman of the JAG, Amb. Pirez Gordillo (Uruguay). The Chair read out a report on behalf of the Chairman of the Committee on Trade and Development on the Committee's consideration of the report.

151. The General Council took note of the statement and adopted the report of the Joint Advisory Group.

16. Appointment of the next Director-General

(a) Statement by the Chair (WT/GC/M/138)

152. At the 3 October meeting, the Chair recalled¹⁶ that under the Procedures for the Appointment of Directors-General adopted by the General Council in December 2002 (WT/L/509), the process for the appointment of Directors-General had to start nine months prior to the expiry of the term of the incumbent Director-General with a notification from the Chair of the General Council. In the present case, since the term of office of the current Director-General, Mr Lamy, would come to an end on 31 August 2013, the appointment process would begin on 1 December 2012. In line with the agreed procedures, she would formally notify the opening of the process in a communication to all Members at the beginning of November.¹⁷

153. The General Council took note of the statement.

(b) Statement by India (WT/GC/M/139)

154. At the 26 October meeting of the General Council, the delegation of India made a statement concerning the process of Appointment of the next Director-General due to start on 1 December.

155. The representatives of South Africa; Argentina; El Salvador; China; Jamaica; Brazil; and Cuba spoke. The General Council took note of the statements.

17. Review of WTO activities (WT/GC/M/141)

156. At its 11 December meeting, the General Council considered annual reports for 2012 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 in document WT/L/105. She noted that the Committee on Technical Barriers to Trade had met after the Council for Trade in Goods. For this reason, the Annual Report of the Committee had been forwarded directly to the General Council.

157. The General Council adopted the report of the Committee on Trade and Development in document WT/COMTD/79, and took note of the reports of the other WTO bodies, including the reports of the Committees under the Plurilateral Trade Agreements, in documents WT/DSB/58 and WT/DSB/58/Add.1, WT/TPR/306, G/L/1018, S/C/39, IP/C/62, G/L/1017, WT/CTE/19, WT/BOP/R/105, WT/BFA/135, WT/REG/22, WT/WGTDF/11, WT/WGTTT/14, GPA/116 and WT/L/869.

158. The General Council then adopted the draft Annual Report for 2012 of the General Council contained in document WT/GC/W/662, on the understanding that the Secretariat would make the necessary adjustments to it as to include matters considered at the 10 December meeting on the accession of Tajikistan and at that meeting.

¹⁶ The Chair's statement was subsequently circulated in JOB/GC/24.

¹⁷ The communication was subsequently issued as JOB/GC/25.

18. Appointment of officers to WTO bodies

- (a) Appointment of officers – Statements by the Chair (WT/GC/M/135, WT/GC/M/137, WT/GC/M/138, WT/GC/M/139)

159. At the 14 February meeting, the Chairman recalled that, in accordance with the Guidelines for Appointment of Officers to WTO Bodies (WT/L/510), he and his colleagues – Mrs Johansen (Norway), the Chair of the Dispute Settlement Body and Messrs Gero (Canada) and Matus (Chile), former Chairmen 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. In addition, since Mr Darlington Mwape (Zambia), Chairman of the TRIPS Council Special Session, had been recalled to capital, this appointment had also been included in the consultations. Unfortunately, he was not able at the present time to report consensus on a slate of names following these consultations. In the light of this situation and the discussion at the informal meeting of the General Council the previous day, he proposed the following course of action: (i) in the light of the consultations, the General Council would elect its new Chairperson, Mrs Elin Johansen (Norway);¹⁸ (ii) the new Chair of the General Council would continue the consultations on the appointment of officers to WTO bodies for 2012, and the General Council would reconvene at an appropriate time to take up the slate of names; and (iii) in addition, in light of the suggestions from several delegations at the informal meeting of the General Council the previous day, he proposed that the incoming Chair initiate a process of consultations to review the Guidelines for Appointment of Officers to WTO Bodies adopted by the General Council in 2002 (WT/L/510).¹⁹

160. The General Council took note of the statement and so agreed.

161. At its re-convened meeting on 24 February, the General Council continued its consideration of this agenda Item.

162. On the basis of consultations, there was a consensus on the following slate of names:

Dispute Settlement Body	H.E. Mr. Shahid BASHIR (Pakistan)
Trade Policy Review Body	H.E. Mr. Eduardo MUÑOZ GÓMEZ (Colombia)
Council for Trade in Goods	H.E. Dr. Tom MBOYA OKEYO (Kenya)
Council for Trade in Services	H.E. Mr. Joakim REITER (Sweden)
Council for TRIPS	H.E. Mr. Dacio CASTILLO (Honduras)
Committee on Trade and Development	H.E. Dr. Anthony Mothae MARUPING (Lesotho)
Committee on Balance-of-Payments Restrictions	H.E. Mr. Md. Abdul HANNAN (Bangladesh)
Committee on Budget, Finance and Administration	H.E. Mr. Albinas ZANANAVIČIUS (Lithuania)

¹⁸ See item 19, below.

¹⁹ See sub-item 18(b), below.

Committee on Trade and Environment	H.E. Mr. Krisda PIAMPONGSANT (Thailand)
Committee on Regional Trade Agreements	Mr. François RIEGERT (France)
Working Group on Trade, Debt and Finance	H.E. Mr. Hisham BADR (Egypt)
Working Group on Trade and Transfer of Technology	Mr. Carlos ROSSI COVARRUBIAS (Peru)

163. Appointments for these bodies would be for one year, in keeping with the general rule in the Guidelines. These appointments would be made formally by the WTO bodies concerned at their subsequent meetings in 2012.

164. Regarding the bodies established by the TNC, the General Council Chair noted that the appointment of Mr Bashir as Chairman of the DSB would leave a vacancy with regard to the chairmanship of the Special Session of the Committee on Trade and Development. The consultations had shown a consensus among Members on the appointment of Mr Kwok Fook Seng (Singapore), who would be elected as Chair of the CTD Special Session at its next formal meeting. With regard to the TRIPS Council in Special Session, the consultations had shown a consensus among Members on the appointment of Mr Agah (Nigeria), who would be elected as Chair of the TRIPS Council in Special Session at its next formal meeting.

165. The General Council took note of the Chair's statement, of the consensus on the slate of names for the appointment of officers, and of the appointment of the Chairs of the CTD Special Session and the TRIPS Council Special Session.

166. The Chairman of the Council for Trade in Goods and the Chairman of the Council for Trade in Services spoke. The General Council took note of the statements.

167. At the July meeting, the Chair reported that she had been holding consultations on the chairmanship of the Working Group on Trade, Debt and Finance. In addition, she had been informed that Mr Wasecha (Switzerland) would soon relinquish his post, and it would therefore be necessary to hold consultations to appoint a new Chair for the Negotiating Group on Market Access. She intended to take up both appointments after the summer break.

168. The General Council took note of the statement.

169. At the 3 October meeting, the Chair said that, as indicated in her faxes of 12 and 19 September, she had been conducting consultations on the Chairmanships of the Working Group on Trade, Debt and Finance and the Negotiating Group on Market Access. The consultations had shown a consensus among Members on the appointment of Mr Faizel Ismail (South Africa) as Chair of the Working Group on Trade, Debt and Finance, who would be elected as Chair at the next formal meeting of the Working Group. Concerning the Negotiating Group on Market Access, the consultations were proceeding, but more time was needed to achieve consensus on this appointment. She therefore intended to continue this process. In addition, she had been informed that Ms Hiswani Harun (Malaysia) would be relinquishing her post as Chair of the Committee on Trade and Environment in Special Session as of 1 November. It was therefore necessary to include the appointment of a new Chair for this body in this process of consultations.

170. The General Council took note of the statement.

171. At the 26 October meeting, the Chair announced that her consultations on the Chairmanships of the Negotiating Group on Market Access and the Committee on Trade and Environment in Special Session had shown a consensus among Members on the appointment of Amb. Winzap (Switzerland) as Chair of the Negotiating Group on Market Access, and Amb. Kunalalp (Turkey) as Chair of the Committee on Trade and Environment in Special Session. These appointments would be made formally at the next formal meetings of the respective bodies.

172. The General Council took note of the statement.

(b) Guidelines for appointment of officers to WTO bodies²⁰

173. On 14 February 2012, the General Council agreed that the incoming General Council Chair would initiate a process of consultations to review the Guidelines for Appointment of Officers to WTO Bodies adopted by the General Council in December 2002 (WT/L/510).

(i) *Statement by Ecuador (WT/GC/M/136)*

174. At the May meeting of the General Council, the representative of Ecuador raised concern with regard to the process and guidelines for the appointment of officers to WTO bodies.

175. The representatives of Cuba and El Salvador spoke. The General Council took note of the statements.

(ii) *Statement by the Chair (WT/GC/M/137)*

176. At the July meeting, the Chair recalled the mandate for reviewing the Guidelines for Appointment of Officers to WTO Bodies and set out the points of convergence which had emerged from her consultations.²¹

177. The representatives of Ecuador; El Salvador; Haiti (on behalf of the LDC Group); Cuba; and Plurinational State of Bolivia spoke. The General Council took note of the Chair's statement and of the other statements.

(c) Announcement by the Chair pursuant to paragraph 7.1(a) of the Guidelines (WT/GC/M/141)

178. At the 11 December meeting, the Chair said that in accordance with the Guidelines for the Appointment of Officers to WTO bodies in document WT/L/510 and the practical steps to improve the implementation of the Guidelines (JOB/GC/22) agreed to by the General Council in July, she would be starting the selection process for the appointment of chairpersons to the WTO bodies in Groups 1, 2, 4 and 5 of the Annex to the Guidelines. In accordance with Paragraph 7.1(b) of the Guidelines, she would be assisted in the selection process by the serving Chairman of the Dispute Settlement Body, Amb. Bashir (Pakistan), and Ambs. Agah (Nigeria), and Matus (Chile), former Chairmen of the General Council.

179. The General Council took note of the statement, which had been made pursuant to the Guidelines for the Appointment of Officers.

²⁰ See item 18(a), above.

²¹ The Chair's statement was subsequently circulated in JOB/GC/22.

19. Election of Chairperson (WT/GC/M/135)

180. At the February Council meeting, the Chairman, as the outgoing presiding officer of the General Council, made a statement.

181. The General Council then unanimously elected Mrs Johansen (Norway) to the Chair.

182. The Director-General, the newly-elected Chair, and the representatives of Lesotho (on behalf of the African Group); Nicaragua (on behalf of GRULAC); European Union; United States; El Salvador; Cambodia (on behalf of ASEAN); Pakistan; Indonesia (on behalf of the G-33); Bangladesh (on behalf of the LDC Group); Canada; Hong Kong, China; Korea; Thailand; Chile; Barbados (on behalf of the SVEs); India; Peru; Switzerland; Singapore; Colombia; Tunisia; and Iran (as an Observer) spoke. The General Council took note of the statements.
