



## GENERAL COUNCIL

### ANNUAL REPORT (2013)

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 report<sup>1</sup>, the General Council has held eight meetings, on 29-31 January, 25 February, 14 May, 4 June, 24-25 July, 9 September, 9 October, and 26 November 2013. The minutes of these meetings, which remain in the record of the General Council's work, are contained in documents WT/GC/M/142 – WT/GC/M/149.<sup>2</sup>

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## 1 WORK UNDER THE DOHA WORK PROGRAMME

### 1.1 Trade Negotiations Committee – Reports (WT/GC/M/143, WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)

1.1. 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.

1.2. At the General Council meetings in February, June, July, October, and November, 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.<sup>3</sup>

1.3. At the February meeting, the representatives of Nepal (on behalf of the LDC Group); Mexico; Chile; Peru; Egypt; Indonesia; Barbados (on behalf of the SVEs); Hong Kong, China; Cuba; Ecuador; and, Turkey spoke. The General Council took note of the Director-General's report and of the statements.

1.4. At the June meeting, the representatives of Dominican Republic (also on behalf of the Informal Group of Developing Countries); Jamaica (on behalf of the ACP Group); Trinidad and Tobago (also on behalf of CARICOM); Plurinational State of Bolivia; Chile; Honduras; and, El Salvador spoke. The General Council took note of the Director-General's report and of the statements.

1.5. At the July meeting, the representatives of Dominican Republic (on behalf of the Informal Group of Developing Countries); Cuba; Barbados (also on behalf of the Group of Small, Vulnerable Economies); Côte d'Ivoire; Plurinational State of Bolivia; Oman; Ghana; Jamaica (on behalf of the ACP Group); and, Indonesia spoke. The General Council took note of the Director-General's report and of the statements.

1.6. At the October meeting, the representatives of Nepal (on behalf of the LDC Group); Kingdom of Saudi Arabia (on behalf of the Asian Group of Developing Members); and, Jamaica (on behalf of the ACP Group) spoke. The General Council took note of the Director-General's report and of the statements.

1.7. At the November meeting, the representatives of Indonesia, Morocco (on behalf of the African Group); Solomon Islands (on behalf of LDCs); Australia; Jamaica (on behalf of the ACP Group); Chile; United States; Korea; Brazil; Japan; South Africa; Sierra Leone; Uruguay; Mexico; Cuba (on behalf of ALBA); Hong Kong, China; Venezuela; Kenya; Argentina; Botswana; China; Tanzania; Canada; Plurinational State of Bolivia; European Union; Ecuador; Barbados (on behalf of SVEs); Paraguay; New Zealand; Egypt (on behalf of the Arab Group); Brunei Darussalam (on behalf of ASEAN); Dominican Republic (on behalf of IGDC); India; Singapore; Cameroon; Costa Rica; Uganda; Chinese Taipei (also on behalf of the RAMs Group); Honduras; Philippines; Kingdom of Saudi Arabia; Panama; Benin; Guatemala; El Salvador; Pakistan; Bangladesh; Dominica (on behalf of OECS); and Niger spoke. The General Council took note of the Director-General's report and of the statements.

### 1.2 Work Programme on Small Economies – Reports (WT/GC/M/143, WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)

1.8. 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

<sup>3</sup> The Director-General's statements were subsequently circulated as JOB/GC/38, 53, 54, 58, and 59.

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.

1.9. At the General Council meeting in February, the Chairperson of the Dedicated Session of the CTD reported that the proponents of SVEs have been consulting on how to proceed further in the area of non-tariff measures (NTMs) on SVE exports. In this regard, the proponents continued their research on this matter and worked on a proposal to be presented to Members at a Dedicated Session of the CTD.

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

1.11. At the June meeting, the Chairperson of the Dedicated Session of the CTD reported that the proponents of SVEs and other Members discussed the proposal made by Barbados on behalf of other SVEs. The proposal suggested continuing the work on the identification and effects of NTMs on the exports of Small Economies; and, organizing a workshop on NTMs and Small Economies. The SVE proponents and other Members were discussing some of the points raised in the proposal and it was hoped that a way forward could be agreed to. Ministers at MC8 had also instructed the CTD to report to the General Council on progress and action taken on all areas of interest to SVEs. The SVEs and WTO Members would soon start work on such a report.

1.12. The representatives of Barbados (on behalf of the SVEs); Plurinational State of Bolivia; Cuba; Dominican Republic; Jamaica; El Salvador; Nicaragua; Saint Lucia; Trinidad and Tobago; and Ecuador spoke. The General Council took note of the report and of the statements.

1.13. At the July meeting, the Chairperson of the Dedicated Session of the CTD reported that Barbados (on behalf of the SVEs) had presented a revised proposal circulated as document WT/COMTD/SE/W/27/Rev.1. The proposal contained revised language in regard to further work by the Secretariat concerning a factual assessment of the NTMs faced by Small Economies. She reported that a way forward had been found with regard to continued work on the study as instructed by Ministers at MC8. She also informed the Members that Barbados (on behalf of the SVEs) had proposed language for a draft paragraph for consideration at MC9 on the future of the Work Programme on Small Economies.

1.14. The representatives of United States; Barbados (also on behalf of the SVEs); El Salvador; Cuba; Trinidad and Tobago; and Jamaica spoke. The General Council took note of the report and of the statements.

1.15. At the October meeting, the Chairperson of the Dedicated Session of the CTD reported that the proponents of Small Economies had been working with Members in informal sessions, the most recent being 30 September. As proposed in document WT/COMTD/SE/W/27/Rev.1, Members had agreed to hold a Workshop on the Effects of Non-Tariff Measures on the Exports of Small Economies. Members in the Dedicated Session had also begun their consultations concerning the proposed language for a draft paragraph for consideration by Ministers at MC9 on the future of the Work Programme on Small Economies.

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

1.17. At the November meeting, the Chairperson of the Dedicated Session of the CTD reported on the Workshop held on 23 October on the Effects of Non-Tariff Measures (NTMs) on the Exports of Small Economies, and on the consultations regarding the Dedicated Session's report to the General Council. She drew attention to the report contained in WT/COMTD/SE/8, in which Members proposed that the General Council made recommendations to the Ninth Ministerial Conference concerning future work.

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

### **1.3 Aid for Trade - Report by the Director-General on the Fourth Global Review (WT/GC/M/146)**

1.19. At its meeting in July, the Director-General reported on the recently concluded 4th Global Review of Aid for Trade and outlined the next steps. He pointed out that the event had succeeded in its intention to bring together the work streams of Aid for Trade, value chains, and the Made in the World Initiative and to examine the implications of a world built on trade in tasks from a trade and development perspective. He also noted that over forty statements were made by Members and observers in the closing plenary session, setting out the views on the future direction that the initiative should take.

1.20. The representatives of Pakistan; European Union; China; Guinea; Canada; Nepal (on behalf of the LDCs); United States; Australia; Japan; and, Barbados spoke. The General Council took note of the report of the Director-General and of the statements.

### **1.4 WTO Work Programme for the Least-Developed Countries – Report by the Chairman of the Sub-Committee on LDCs (WT/GC/M/146)**

1.21. In paragraph 42 of the Doha Ministerial Declaration, Ministers agreed that the Sub-Committee on Least-Developed Countries would submit an agreed work programme on LDCs to the General Council. This was submitted in February 2002 and contained in document WT/COMTD/LDC/11. On 28 June, the Sub-Committee on LDCs adopted a revision to this work programme contained in document WT/COMTD/LDC/11/Rev.1.

1.22. At its meeting in July, the Chairman of the Sub-Committee on LDCs reported that the revised Work Programme essentially contained some modifications to appropriately reflect developments relating to LDCs that had taken place since 2002. The Work Programme had maintained the Istanbul Programme of Action into the Committee's work so that the WTO could implement the trade-related elements of the Istanbul Programme of Action in a consistent way.

1.23. The representatives of Nepal (on behalf of the LDCs); and, of the European Union spoke. The General Council took note of the revised Work Programme on Least-Developed Countries agreed by the Sub-Committee on LDCs (WT/COMTD/LDC/11/Rev.1) and of the statements.

### **1.5 The Development Assistance Aspects of Cotton – Periodic Report by the Director-General (WT/GC/M/149)**

1.24. 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 its progress.

1.25. At the General Council meeting in November, Deputy Director-General David Shark, on behalf of the Director-General, introduced the Fifth Periodic Report on Cotton (WT/GC/154 – WT/CFMC/DG/6 – WT/MIN(13)/3).

1.26. The representatives of Benin (on behalf of the C-4) spoke. The General Council took note of the statement and of the Director-General's report, which would be before Ministers at the Ninth Ministerial Conference.

## **2 WORK PROGRAMME ON ELECTRONIC COMMERCE – REVIEW OF PROGRESS (WT/GC/M/146)**

2.1. 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 had also instructed the General Council to hold periodic reviews, in its sessions of July and December 2012 and July 2013, based on the reports submitted by the WTO bodies entrusted with the implementation of the Work Programme.

2.2. At the July General Council meeting, Deputy Director-General Singh, who had been dealing with the Work Programme on behalf of the General Council Chairman and his predecessors since 2005, said that since the last report to the General Council, there had been a number of positive developments on E-commerce, particularly in the CTD and the CTS.

2.3. The DDG reported that the Committee on Trade and Development had discussed the Work Programme in E-commerce at its meetings in March, May, and July. The CTD had also conducted a Workshop and in relation to this, the Secretariat had prepared a background document circulated as document WT/COMTD/W/193. He also noted that the Committee on Trade in Services had discussed the Work Programme in E-Commerce at its informal meeting in February 2013 and at its formal meetings in March and June 2013. The CTS had also organized a workshop on E-Commerce and the Chair's report was contained in document S/C/41. There had been no activity under the Work Programme in the TRIPS Council.

2.4. Finally, the DDG also reported on an informal consultation held, on behalf of the General Council Chair, on 24 June where he had given an overview of the work undertaken in the respective bodies charged with carrying out the E-commerce Work Programme.

2.5. The Chair of the Committee on Trade and Development reported that the workshop on "E-Commerce, Development and SMEs" was a success. A Secretariat report which highlighted some of the key discussions and findings had been circulated to Members in document WT/COMTD/W/198. She noted that one main outcome of the workshop was the interplay of E-commerce with customs clearance issues, Trade Facilitation and Aid for Trade. She further pointed out that the workshop increased awareness and tackled challenges faced by governments in developing and least-developed countries in relation to these matters.

2.6. The Chairman drew the Council's attention to the reports of the Chairs of the Council for Trade in Services and of the Goods Council, contained in documents S/C/41 and G/C/53, respectively.

2.7. The representatives of Cuba; India; European Union; Mexico; and United States spoke. The General Council took note of the report by the Deputy Director-General and by the Chairs of the subsidiary bodies, and of the statements.

### **3 REVIEW OF THE EXEMPTION PROVIDED UNDER PARAGRAPH 3 OF THE GATT 1994 (WT/GC/M/143, WT/GC/M/149)**

3.1. Paragraph 3(a) of GATT 1994 provides an exemption from Part II of GATT 1994 for measures under specific mandatory legislation – enacted by a Member before it became a Contracting Party to GATT 1947 – which prohibited 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 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 was in force – in order to examine whether the conditions which had created the need for the exemption still prevailed. The General Council last considered this matter at its meeting in November 2011 at which it had taken note that under the two-year cycle in Paragraph 3(b) of GATT 1994, the next review would be held in 2013.

3.2. At the February General Council Meeting, the Chairperson drew attention again to the annual report circulated by the United States in document WT/L/880. For the purposes of the conduct of

the review in 2013, she proposed that the Council proceed in a manner similar to that in 2011, which had been based on a procedure agreed by the General Council in December 2002. Therefore, the statements, questions and responses from all interested delegations together with the annual statistical report provided by the US under Paragraph 3(c) of GATT 1994, would form the basis for the current year's review. This matter would be on the Agenda of subsequent General Council meetings in the course of 2013 as the Chair deemed appropriate, or at the request of any Member. The Council would consider this matter again at its last meeting, and the subsequent review would normally be held in 2015. She also noted that, as provided in paragraph 3(e) of GATT 1994, the exemption was without prejudice to solutions concerning specific aspects of the legislation covered by this exemption negotiated in sectoral agreements or in other fora.

3.3. The representatives of United States; European Union; Japan; Hong Kong, China; China; Norway; Australia; and, Republic of Korea spoke. The General Council took note of the statements and agreed to revert to this item at a future meeting.

3.4. At the November General Council Meeting, the General Council again considered the exemption provided under paragraph 3 of GATT 1994 for review.

3.5. The representatives of the European Union; Japan; Hong Kong, China; Norway; China; Australia; Korea; and the United States spoke. The General Council took note of the statements and also took note that the subsequent review under the two-yearly cycle provided in paragraph 3(b) of GATT 1994 would normally be held in 2015.

#### **4 COMMITTEE ON BUDGET, FINANCE AND ADMINISTRATION**

##### **4.1 Reports and Recommendations (WT/GC/M/145, WT/GC/M/146, WT/GC/M/149)**

4.1. At its meeting in June, the General Council considered reports by the Committee on Budget, Finance and Administration on its meeting in March (WT/BFA/136).

4.2. The General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraphs 2.2, 3.2 and 4.2 of its report in document WT/BFA/136, and adopted the report.

4.3. At its meeting in July, the General Council considered reports by the Committee on Budget, Finance and Administration on its meetings in May (WT/BFA/137) and in July (WT/BFA/138).

4.4. The representatives of Canada; and, El Salvador; and, the Chairman of the Committee on Budget, Finance, and Administration spoke. The General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraphs 2.6 and 6.3 of its report in document WT/BFA/138, including the revised infrastructure contract in document WT/BFA/W/298, and adopted the two reports.

4.5. At its meeting in November, the General Council considered reports by the Committee on Budget, Finance and Administration on its meetings in October and November (WT/BFA/139).

4.6. The General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraphs 2.6, 2.7, 3.14, 3.18, 3.24, 4.4 and 5.3 of its report – including the draft Resolutions referred to in paragraphs 3.14 and 3.18. The General Council adopted the draft Resolutions on the Expenditure of the WTO in 2014 and 2015 and the Ways and Means to Meet Such Expenditure, in paragraphs 3.14 and 3.18 of its report. Finally, the General Council adopted the report in document WT/BFA/139 as a whole.

##### **4.2 Management of the WTO Secretariat 2005-2013 (WT/GC/M/146)**

4.7. At its meeting in July, the Director-General introduced the document WT/BFA/W/305 concerning the management of the WTO Secretariat from 2005-2013.

4.8. The representative of El Salvador spoke. The General Council took note of the Director-General's statement and the statement of El Salvador.



## **5 TRIPS COUNCIL MATTERS**

### **5.1 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/149); and,**

### **5.2 Proposal for a Decision on an Extension of the Period for the Acceptance by Members of the Protocol Amending the TRIPS Agreement (WT/GC/M/149)**

5.1. 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. In addition, in keeping with the August 2003 Decision, the General Council adopted, in December 2005, a Protocol Amending the TRIPS Agreement, which was submitted to Members for acceptance and which, in accordance with Article X:3 of the WTO Agreement, would enter into force upon acceptance by two thirds of the Members. The TRIPS Council at its meeting in October 2013 agreed to submit to the General Council a proposal for a decision on a fourth extension of the period for the acceptance by Members of this Protocol.

5.2. At the November meeting, the Chairman of the TRIPS Council introduced the report of the Council (IP/C/66) on its annual review of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, as well as a proposal for a Decision on a Fourth Extension of the Period for the Acceptance by Members of the Protocol Amending the TRIPS Agreement (IP/C/65).

5.3. The representatives of the European Union, United States, and Canada spoke. The General Council took note of the report of the TRIPS Council in document IP/C/66, and adopted the draft decision extending the time period for acceptance by Members of the Protocol amending the TRIPS Agreement to 31 December 2015 (WT/L/899).

## **6 ACCESSION MATTERS**

### **6.1 Belarus (WT/GC/M/143)**

6.1. At the February meeting of the General Council, the Chairperson informed Members that, following consultations with members of the Working Parties and the authorities of Belarus, and in keeping with usual WTO practice, it had been agreed that Ambassador Selim Kuneralp (Turkey) would serve as Chairperson of the Working Party on the Accession of Belarus, replacing Ambassador Bozkurt Aran (Turkey).

6.2. The representative of Belarus spoke. The General Council took note of the statements.

### **6.2 Uzbekistan (WT/GC/M/143)**

6.3. At the February meeting of the General Council, the Chairperson informed Members that, following consultations with members of the Working Parties and the authorities of Uzbekistan, and in keeping with usual WTO practice, it had been agreed that Ambassador Choi Seokyoung (Republic of Korea) would serve as Chairperson of the Working Party on the Accession of Uzbekistan.

6.4. The General Council took note of the statements.

### **6.3 Union of the Comoros (WT/GC/M/148)**

6.5. At the October meeting of the General Council, the Chairman informed Members that, following consultations with members of the Working Parties and the authorities of the Union of Comoros, and in keeping with usual WTO practice, it had been agreed that Ambassador Luis Enrique Chávez (Peru) would serve as Chairman of the Working Party on the Accession of the Union of Comoros.

6.6. The General Council took note of the statements.

#### **6.4 Statement by the Dominican Republic on behalf of the Informal Group of Developing Countries (WT/GC/M/145)**

6.7. At the June meeting, the Dominican Republic (on behalf of the Informal Group of Developing Countries) said that all accession processes should follow the principles of S&D treatment for developing countries, non-reciprocity, and should be based only on technical, trade and economic considerations.

6.8. The representatives of Oman (on behalf of the Arab Group), United States, Russian Federation, Colombia, Cuba, and Iran (as an observer) spoke. The General Council took note of the statements.

#### **6.5 WTO Accessions: 2013 Annual Report by the Director-General (WT/GC/M/149)**

6.9. At the November meeting, Deputy Director-General David Shark, on behalf of the Director-General, introduced the 2013 Annual Report on WTO Accessions (WT/ACC/21 – WT/GC/155 – WT/MIN(13)/6).

6.10. The representatives of Dominican Republic (on behalf of the IGDC); European Union; Mexico; United States; Barbados; Algeria (as an Observer); Bahamas (as an Observer); and, Yemen (as an Observer) spoke. The General Council took note of the statements and of the Director-General's report, which would be before Ministers at the Ninth Session of the Ministerial Conference.

### **7 WAIVERS**

#### **7.1 Introduction of Harmonized System 2002, 2007 and 2012 Changes into WTO Schedules of Tariff Concessions – Draft Decisions (WT/GC/M/149)**

7.1. At its November meeting, the General Council considered three draft waiver decisions, contained in G/C/W/682, G/C/W/683 and G/C/W/684/Rev.1 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.

7.2. 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/900, WT/L/901 and WT/L/902).

#### **7.2 European Union – Application of Autonomous Preferential Treatment to Moldova – Extension of the Waiver – Draft Decision (WT/GC/M/149)**

7.3. At its November meeting, the General Council considered a draft waiver decision by the European Union to provide preferential treatment to Moldova until 31 December 2015, contained in document G/C/W/688. The Chairman of the Council for Trade in Goods reported on consideration of this matter by that Council.

7.4. 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/903).

#### **7.3 Review of Waivers Pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/146, WT/GC/M/149)**

7.5. 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."

7.6. At its meeting in July, 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 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/882)*
- iv. European Union - European Union preferences to Pakistan, granted on 14 February 2012 until 31 December 2013 (WT/L/851, WT/L/883)*
- v. United States - Former Territory of the Pacific Islands, granted on 27 July 2007 until 31 December 2016 (WT/L/694, WT/L/887)*
- vi. United States – Caribbean Basin Economic Recovery Act, granted on 27 May 2009 until 31 December 2014 (WT/L/753, WT/L/888)*
- vii. United States – African Growth and Opportunity Act, granted on 27 May 2009 until 30 September 2015 (WT/L/754, WT/L/889)*
- viii. United States – Andean Trade Preference Act, granted on 27 May 2009 until 31 December 2014 (WT/L/755, WT/L/890)*

7.7. The Chairman reported that with regard to the waiver in sub-item (i) for LDCs under the TRIPS Agreement, the Chairman of the TRIPS Council noted that the exceptional circumstances justifying the waiver would continue to exist for least developed country Members until its expiry date of 2016. The Chairman also said that annual reports on the implementation of six of the waivers under review had been circulated in documents WT/L/882 and WT/L/883; and, WT/L/887, WT/L/888, WT/L/889, and WT/L/890.

7.8. The representatives of the Plurinational State of Bolivia; Swaziland; Lesotho; Cuba; Trinidad and Tobago (on behalf of CARICOM Group); Haiti; Jamaica; Barbados; Kenya; and, Saint Lucia (on behalf of OECS) spoke. The General Council took note of the reports and of the statements and agreed it would revert to the review of multi-year waivers under Article IX.4 of the WTO Agreement at its last meeting of the year.

7.9. At its meeting in November, 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 12 December 2012 until 31 December 2018 (WT/L/876)*
- iii. Canada – Caribbean, granted on 30 November 2011 until 31 December 2013 (WT/L/835, WT/L/898)*
- 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/896)*
- 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/895)*

7.10. The Chairman reported that annual reports on the implementation of three of the waivers under review had been circulated in documents WT/L/895, WT/L/896, and, WT/L/898.

7.11. The representatives of Trinidad and Tobago (on behalf of CARICOM); Jamaica; Barbados; St. Lucia (on behalf of OECS); and, Canada spoke. The General Council took note of the reports and of the statements.

**8 IMPROVING THE GUIDELINES FOR GRANTING INTERGOVERNMENTAL ORGANIZATIONS PERMANENT OBSERVER STATUS IN THE WTO – STATEMENTS BY THE CHAIR (WT/GC/M/143, WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)**

8.1. 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 entitled "Improving the Guidelines for Granting Observer Status to Intergovernmental Organizations in the WTO" (WT/GC/W/643), which was then supplemented by a further communication in document WT/GC/W/654.

8.2. At the February meeting, the Chairperson reported that since the Council's December meeting, she had continued her consultations on this matter. She was not able to report any change in the positions previously expressed. She encouraged the delegations to continue their engagement in addressing this issue.

8.3. The representatives of Oman (on behalf of the Arab Group); Egypt; and, Turkey spoke. The General Council took note of the statements.

8.4. At the June meeting, the Chairman reported that he had continued from his predecessor the consultations on this matter. He was not able to report any changes in the positions previously expressed. He intended to continue these consultations and report back to the General Council as appropriate.

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

8.6. At the July meeting, the Chairman announced that he had continued the consultations on this matter and reported that there had been no change in the positions previously expressed. He said that he would continue these consultations and report back to the General Council as appropriate.

8.7. The representative of Egypt (on behalf of the Arab Group) spoke. The General Council took note of the statements.

8.8. At the October meeting, the Chairman recalled that he had continued consultations with delegations including group coordinators. He reported that this remained a complex and sensitive matter and that more time would be required for delegations to give it due consideration and find a way forward.

8.9. The representative of Egypt (on behalf of the Arab Group) spoke. The General Council took note of the statements.

8.10. At the November meeting, the Chairman recalled that he had continued consultations in parallel with the consultations conducted on the attendance of IGOs at MC9, given the relationship between the two matters. He said that from these consultations, it appeared that there was no convergence on how to take this process forward.

8.11. The representatives of Egypt (on behalf of the Arab Group); Oman; Dominican Republic (on behalf of IGDC); United States; and Jordan spoke. The General Council took note of the statements.

**9 DERESTRICTION OF SOME GATT 1947 HISTORICAL BILATERAL NEGOTIATING DOCUMENTATION – DRAFT DECISION (WT/GC/M/146)**

9.1. At the General Council meeting in July, the Chairman drew the Council's attention to the Draft Decision on the Derestriction of some GATT 1947 Historical Bilateral Negotiating

Documentation concerning the Dillon Round and some negotiating material of the earlier GATT Rounds contained in document G/MA/W/111/Rev.1. He said that the decision was forwarded to the General Council by the Committee on Market Access through the Council for Trade in Goods following its meeting on 11 July 2013. He proposed that the General Council adopt the draft. The General Council so agreed.

## **10 UKRAINE'S ARTICLE XXVIII NOTIFICATION**

**10.1 Statements by ASEAN; Australia; Brazil; Canada; Chile; China; Colombia; Ecuador; Egypt; El Salvador; European Union (also on behalf of Croatia); Guatemala; Hong Kong, China; Iceland; Japan; Republic of Korea; New Zealand; Norway; Paraguay; Switzerland; Turkey; the United States; and Uruguay (WT/GC/M/143)**

10.1. At the February General Council Meeting, the Chairperson drew attention to the communication in document WT/GC/152 and its Addenda 1 and 2, submitted by the European Union on behalf of a number of Members requesting that this item be put on the agenda.

10.2. The representatives of European Union (also on behalf of Croatia); Uruguay; United States; Switzerland; Canada; Egypt; Chile; Colombia; Iceland; Singapore (on behalf of ASEAN); Turkey; Hong Kong, China; Republic of Korea; Guatemala; Brazil; Japan; Paraguay; Mexico; China; Norway; Australia; New Zealand; El Salvador; Ecuador and, Ukraine spoke. The General Council took note of the statements.

### **10.2 Statement by the European Union (WT/GC/M/146)**

10.3. At its meeting in July, the representative of the European Union (also on behalf of Iceland) made a statement on this matter.

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

## **11 NINTH SESSION OF THE MINISTERIAL CONFERENCE**

11.1. At the June meeting, the Chairman recalled that, at its December 2012 meeting, the General Council had agreed on the date and venue for the Ninth Session of the Ministerial Conference, which would take place in Bali, Indonesia, from 3 to 6 December 2013.

### **11.1 Election of Officers (WT/GC/M/145 and WT/GC/M/146)**

11.2. At the June meeting, the Chairman recalled that the Rules of Procedure for the Ministerial Conference established that "During the course of each regular session a Chairperson and three Vice-Chairpersons shall be elected from among the Members. He proposed that the General Council elect the Trade Minister of the host Government – Indonesia – to chair the Conference. He also proposed to invite the representatives of the other three broad groupings – Latin America and the Caribbean, Africa and developed countries – to consult with their constituents so that the Council could revert to this matter at its July meeting, and agree on the full slate of officers for MC9 at that time. The General Council so agreed.

11.3. At the July meeting, following the procedure agreed upon on 4 June, the Chairman proposed that the General Council would agree to elect the following presiding Officers for MC9:

Chairman:	H.E. Mr Gita Wirjawan, Minister of Trade of Indonesia
Vice – Chairs:	H.E. Mr François Kanimba, Minister of Trade and Industry of Rwanda
	H.E. Mr Stephen Green, Minister of Trade and Investment of the UK
	and, the Minister of Foreign Trade and Tourism of Peru

11.4. He noted that due to some changes in the Government of Peru, he would communicate the name of the third Vice-Chair in due course.<sup>4</sup>

11.5. The General Council so agreed.

### **11.2 Attendance of Observers from Governments (WT/GC/M/145)**

11.6. At the June General Council Meeting, the Chairman suggested that past practice be repeated – that was to invite the Governments with Observer Status at MC8 to attend MC9. This concerned therefore the governments with regular observer status in the General Council – with the due adjustments related to the accessions since MC8 – plus the following six Governments which had previously been granted observer status only at Ministerial Conferences: Cook Islands, Eritrea, Niue, San Marino, Timor-Leste and Tuvalu. He proposed that the General Council agree to follow the procedure he had outlined. The General Council so agreed.

### **11.3 Attendance of Observers from International Intergovernmental Organizations and Request from the League of Arab States (WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)**

11.7. At the June General Council Meeting, the Chairman recalled that past practice up to MC7 had been to invite those IGOs with observer status in previous Ministerial Conferences to attend the next one. He also recalled that for MC8, consensus on repeating past practice with respect to IGOs had not been reached, and that therefore no IGOs had been invited to attend MC8. From the consultations he had conducted, it was clear that more time was needed to consider this issue. He therefore proposed to continue his consultations in different configurations, including small groups, and that the General Council revert to this sub-item at its July meeting. In addition, he informed Members that a request to attend MC9 had been received from the League of Arab States on 27 May. He had intended to include consideration of this request in his consultations, and he had proposed that the General Council revert to it at its meeting in July. The General Council took note of the statement.

11.8. At the July General Council Meeting, the Chairman reported that from the consultations he carried out, it had appeared that the request from the League of Arab States was not agreeable yet to some Members at that time, and there was no clarity on whether the past practice with regard to IGO Observers, a past practice since MC7, could be repeated. He proposed that he continue his consultations on these matters. The General Council took note of the statement.

11.9. At the October General Council Meeting, the Chairman reported on his continued consultations with delegations on repeating past practice for IGO Observers and said he could begin to see some possible avenues that could be explored to find a way forward. In relation to the request from the League of Arab States, he said that his consultations continued to indicate that this was not agreeable to some Members at that time and that more consultations would be necessary. The General Council took note of the statements.<sup>5</sup>

11.10. At the November General Council Meeting, the Chairman reported that he had continued to conduct consultations in several different configurations. Despite these efforts, it appeared from the consultations that there was no consensus on this matter and that therefore no IGOs would be able to attend MC9. With respect to the sub-item concerning the request from the League of Arab States to attend MC9, which was related to the broader issue of IGO's attendance at MC9, the Chairman reported that his consultations continued to show that there were Members who were not in a position to agree to this request.

11.11. The representative of Egypt (on behalf of the Arab Group) spoke. The General Council took note of the statements.

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<sup>4</sup>In a communication dated 6 August 2013 (WT/GC/COM/8) the Chairman announced that he had received information from the Government of Peru concerning the change in Minister. He confirmed that the presiding officer from Peru would be H.E. Ms Magali Silva Velarde-Álvarez, Minister of Foreign Trade and Tourism.

<sup>5</sup>Including the statements by Egypt (on behalf of the Arab Group) and the European Union referred to in para. 10.21.

#### 11.4 Attendance of Non-Governmental Organizations (WT/GC/M/145)

11.12. At the June meeting, the Chairman recalled that for all previous Ministerial Conferences, attendance of Non-Governmental Organizations (NGOs) had been governed by a procedure which had been agreed by the General Council in July 1996. He proposed to follow the procedure, with a deadline for registration fixed at 13 October 2013. Once the registration procedure was finalized, the Secretariat would circulate the list of registered NGOs to all Members. This procedure was as follows:

- (i) a limited number of accredited NGO representatives were allowed to attend only the Plenary Sessions of the Conference, without the right to speak;
- (ii) applications from NGOs to be registered were accepted on the basis of Article V, paragraph 2 of the WTO Agreement, i.e. NGOs "concerned with matters related to those of the WTO"; and
- (iii) a deadline was established for the registration of NGOs that wished to attend the Conference.

11.13. The General Council so agreed.

#### 11.5 Request for Observer Status by Palestine to the Ninth Session of the Ministerial Conference (WT/GC/M/145, WT/GC/M/146, WT/GC/M/148)

11.14. At the June meeting, the Chairman drew attention to the request for Observer status at MC9 that had been received from Palestine in document WT/L/884. In accordance with customary practice, he would undertake consultations on this request and intended to revert to it at its next meeting.

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

11.16. At the July meeting, the Chairman said that, based on his consultations, he assessed that some Members needed more time for their respective capitals to give due consideration to Palestine's request. He proposed to revert to this matter at the next meeting. The General Council took note of the statement.

11.17. At the October meeting, the Chairman proposed that, on the basis of his consultations, the General Council agree to grant Palestine Observer Status for MC9 on an *ad hoc* basis. The General Council took note of the statements<sup>6</sup> and so agreed.

#### 11.6 Statement by the Chairman (WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)

11.18. At the July meeting, the Chairman reported on the meeting held with the Chairs of the General Council's subsidiary bodies as part of the preparatory process for MC9. He said that the meeting had focused on the progress of work in these bodies, in particular with respect to follow-up to MC8. He recalled that Ministers at MC8 had provided specific mandates for work under the General Council's purview in seven stand-alone decisions. In addition, Ministers had agreed on work in WTO regular bodies in a number of areas, such as the focused work on trade and development in CTD. He noted that the Chairs were able to report that work was on track in these areas, and that positive results had already been achieved in some areas.

11.19. The representatives of European Union; Egypt (on behalf of the Arab Group); and, Indonesia spoke. The General Council took note of the statements.

11.20. At the October meeting, the Chairman informed the General Council of the meeting he had held with the Chairs of the General Council subsidiary bodies as part of the preparatory process for MC9. He had sought an update on their work in follow-up to MC8 mandates and preparations for MC9, in particular with respect to any agreed points for action or recommendations for Ministers in their Annual Reports. He said that the Chairs of the General Council subsidiary bodies had been able to report that work was fully on track in all areas.

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<sup>6</sup> Including the statement by Egypt (on behalf of the Arab Group) referred to in para. 10.21.



11.21. The representatives of Egypt (on behalf of the Arab Group)<sup>7</sup> and of the European Union<sup>8</sup> spoke. The General Council took note of the statements.

11.22. At the November meeting, the Chairman drew the Council's attention to the two draft decision on TRIPS non-violation and situation complaints and E-Commerce in documents IP/C/67<sup>9</sup> and WT/GC/W/676<sup>10</sup>, respectively.

11.23. The representatives of Barbados, European Union, and United States spoke. The General Council took note of the statements and agreed to forward these reports, and the draft texts for decision by Ministers which they contained, to the Ministerial Conference.

11.24. Under this item, the Chairman also drew the Council's attention to the various recommendations that had been agreed in WTO subsidiary bodies: the report of the Committee on Trade and Development in Dedicated Session on the Work Programme for Small Economies and the recommendation to Ministers that it contained in document WT/COMTD/SE/8, para. 3.2<sup>11</sup>; on Aid for Trade, the recommendation for Ministers' action in the Annual Report adopted by the CTD in document WT/COMTD/83, para. 5.9<sup>12</sup>; and, on Trade and Transfer of Technology, the recommendation for Ministers' action contained in the Annual Report adopted by the Working Group, in document WT/WGTTT/15, in para. 4.1<sup>13</sup>. The Chairman suggested that the General Council agree to forward the recommendations he had mentioned to the Ministerial Conference for decision by Ministers. The General Council took note of the statement and so agreed.

11.25. The Chairman also noted that the Trade Policy Review Mechanism Fifth Appraisal had been completed and the relevant report contained in document WT/MIN(13)/5 had been submitted directly to the Ministerial Conference in accordance with the mandate of the TPRB.

11.26. Finally, the Chairman addressed some organizational matters. He noted that, in accordance with WT/MIN(13)/13, the Conference would be open on 3 December at 3 p.m. by the President of the Republic of Indonesia. The first plenary session would be held on Wednesday 4 December starting at 9.30 a.m. and would continue over the following days. As in the past, the Plenary Session would provide Ministers with the opportunity to make prepared statements in accordance with the List of Speakers. Statements in the Plenary Session would be limited to three minutes.

11.27. Furthermore, the Chairman recalled that, as a matter of course, in line with its Rules of Procedure, MC9 should take up two issues related to the organization of the Tenth Ministerial Conference: the date and venue of MC10 and the election of officers for that Conference. The Chairman proposed that, as in the past, Ministers refer these issues to the General Council for it to hold consultations on them when appropriate. He trusted this was acceptable to delegations.

11.28. The General Council also considered the question of the appointments of the Chairs of Negotiating Bodies. In line with the agreement reached at the First meeting of the TNC, these appointments were to be reviewed at each Session of the Ministerial Conference. The Chairman proposed that, as for past Ministerial Conferences, Ministers request the General Council to take this matter up in the February slate of names exercise for appointment of officers to regular bodies. He trusted this was acceptable to delegations.

11.29. The General Council took note of the statement.

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<sup>7</sup> The statement by Egypt addressed points 10.3 and 10.5, above.

<sup>8</sup> The statement by the European Union addressed point 10.3 above and the matter of participation of Parliamentarians at MC9.

<sup>9</sup> Subsequently issued as WT/MIN(13)/W/2.

<sup>10</sup> Subsequently issued as WT/MIN(13)/W/3.

<sup>11</sup> Subsequently issued as WT/MIN(13)/W/4.

<sup>12</sup> Subsequently issued as WT/MIN(13)/W/5.

<sup>13</sup> Subsequently issued as WT/MIN(13)/W/6.



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**11.7 Information Session on Logistics for MC9 – Statement by Indonesia (WT/GC/M/145)**

11.30. At the June General Council Meeting, the representative of Indonesia informed Members that as part of the logistical preparation for MC9, the Indonesian Task Force (ITF) in co-operation with the WTO Secretariat Task Force (WTO-TF) would hold activities in the WTO building.

11.31. The General Council took note of the statement.

**12 PRESENTATION BY THE EURASIAN ECONOMIC COMMISSION – STATEMENT BY THE RUSSIAN FEDERATION (WT/GC/M/143)**

12.1. At the February meeting, the representative of the Russian Federation invited Members to a presentation by Mr Andrey Slepnev, Minister for Trade of the Eurasian Economic Commission, focused on the work of the supranational regulatory bodies of the Customs Union of Russia, Belarus and Kazakhstan. The General Council took note of the statement.

**13 ACCESSION TO THE EUROPEAN UNION – STATEMENT BY CROATIA (WT/GC/M/145)**

13.1. At the June meeting of the General Council, the representative of Croatia announced that at the next General Council meeting, Croatia would be participating as a member of the European Union and would continue to promote and strengthen the various areas of work of the WTO.

13.2. The representative of the European Union spoke. The General Council took note of the statements.

**14 RESPONSIBILITIES OF CHAIRPERSONS OF WTO BODIES – STATEMENT BY DOMINICAN REPUBLIC (WT/GC/M/149)**

14.1. At the November meeting, the Dominican Republic made a statement concerning the responsibilities of Chairpersons of WTO bodies. The representatives of Honduras; Panama; Oman; United States; Canada; Japan; and Cuba spoke. The General Council took note of the statements.

**15 ADMINISTRATIVE MEASURES FOR MEMBERS IN ARREARS (WT/GC/M/143, WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)**

15.1. In October 2012, the General Council approved a recommendation from the Committee on Budget, Finance and Administration regarding revised Administrative Measures for Members in arrears, as contained in WT/BFA/132, Annex I. These new revised Measures entered into force on 1 January 2013. These Measures required that at the end of each meeting of the General Council, the Chairman of the Committee on Budget, Finance and Administration should provide information with regard to which Members and Observers were under Administrative Measures; and, the General Council Chairperson would request Members and Observers in Categories II and III to inform the Secretariat as to when the payment of arrears might be expected.

15.2. At the General Council meetings in February, June, July, October, and November, the Chairman of the Committee on Budget, Finance and Administration provided information with regard to which Members were under Administrative Measures. The General Council took note of the statements.

**16 WTO PENSION PLAN****16.1 Election of the Chairman, Members and Alternates to the Management Board (WT/GC/M/145, WT/GC/M/146, WT/GC/M/149)**

16.1. 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.

16.2. At the June General Council Meeting, the Chairman indicated in a communication circulated to delegations in document WT/GC/W/668 and Corr.1, that two members, previously elected to

the Management Board by the General Council, were no longer available to serve on the Board; and, that it was necessary for the General Council to decide on their replacement. Accordingly, the Chairman proposed that the General Council elect Ms Aiko Kimura (Japan) and Mr Felipe Sandoval (Chile) to serve as members on the Board for the remainder of the term, i.e. until May 2014. The General Council so agreed.<sup>14</sup>

16.3. At the July General Council Meeting, the Chairman, in a communication circulated in document WT/GC/W/670, indicated that the Chairman to the Management Board was no longer available to serve on the Board. He proposed that the General Council elect Mr Krzysztof Trepczyński (Poland) to serve as Chairman of the Board for the remainder of the its term, i.e. until May 2014. The General Council so agreed.<sup>15</sup>

16.4. At the November General Council Meeting, the Chairman indicated in a communication circulated to delegations in document WT/GC/W/674, that an alternate, previously elected to the Management Board by the General Council, was no longer available to serve on the Board; and, that it was necessary for the General Council to decide on his replacement. Accordingly, the Chairman proposed that the General Council elect Mr Johannes Rühl (Switzerland) to serve as an alternate on the Board for the remainder of the term, i.e. until May 2014. The General Council so agreed.<sup>16</sup>

## **16.2 Annual Report (WT/GC/M/146)**

16.5. At the July General Council Meeting, the Chairman of the Management Board of the WTO Pension Plan introduced the Annual Report of the Management Board for 2012 contained in WT/L/886.

16.6. The General Council took note of the Annual Report and of the statements.

## **17 INTERNATIONAL TRADE CENTRE UNCTAD/WTO (WT/GC/M/148)**

17.1. At its October meeting, the General Council considered a report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Forty-seventh Session (ITC/AG/(XLVII)/251). 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 17 July, where it had been presented by the Chairperson of the JAG, Ambassador Karen Pierce (United Kingdom). The Chairman read a statement on behalf of the Chair of the Committee on Trade and Development on the Committee's consideration of the report.

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

## **18 REVIEW OF WTO ACTIVITIES (WT/GC/M/149)**

18.1. At its November meeting, the General Council considered annual reports for 2013 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.

18.2. The General Council took note of the statement, adopted the report of the Committee on Trade and Development in document WT/COMTD/83, took note of the reports of other WTO bodies, including the reports of the bodies under the Plurilateral Trade Agreements, in documents WT/DSB/61 and WT/DSB/61/Add.1, WT/TPR/321, G/L/1057, S/C/42, IP/C/67, G/L/1056, G/L/1053, G/L/1054, G/L/1052 and G/L/1052/Corr.1, WT/CTE/20, WT/BOP/R/107, WT/BFA/140, WT/REG/23, WT/WGTDF/12, WT/WGTTT/15, GPA/121 and WT/L/897, and agreed to forward the reports to the Ninth Ministerial Conference.

18.3. The General Council then adopted the draft Annual Report for 2013 of the General Council (WT/GC/W/675 and Corr.1), on the understanding that the Secretariat would make the necessary

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<sup>14</sup> WT/L/885.

<sup>15</sup> WT/L/893.

<sup>16</sup> WT/L/904.

adjustments to it as to include matters considered at that meeting, and agreed to forward it to the Ninth Ministerial Conference.

## **19 APPOINTMENT OF THE NEXT DIRECTOR-GENERAL**

### **19.1 Statements by the Chairperson (WT/GC/M/142, WT/GC/M/144)**

19.1. In October 2012, the Chairperson 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 2012. Members would have until 31 December 2012 to nominate candidates who would have until 31 March 2013 to make themselves known to Members and to engage in discussions on the pertinent issues facing the Organization. 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 2013.

19.2. At the General Council meeting on 29-31 January, pursuant to paragraph 14 of the Procedures in WT/L/509, Members met formally with each of the nine candidates nominated 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 15 January, circulated to all Members on 18 January in document JOB/GC/28 and recalled by the Chairperson at the beginning of the meeting.

19.3. At the General Council meeting on 14 May, the Chairman recalled that, in keeping with the Procedures for the Appointment of Directors-General adopted in December 2002 (WT/L/509), the process for the appointment of the next Director-General had started in October 2012 when delegations had been provided with information on the nomination phase of the process. Following the close of the one-month nomination period on 31 December, the nine candidates nominated by their Governments had been invited to meet with Members at a formal General Council meeting held on 29-31 January 2013. In line with the procedures, the Candidates also had a three-month period, i.e. until 31 March, to make themselves known to Members and to engage in discussions on the pertinent issues facing the Organization. Before the beginning of the consultation process he, together with his colleagues in this exercise – Mr Jonathan Fried (Canada), Chair of the Dispute Settlement Body, and Mr Joakim Reiter (Sweden), Chair of the Trade Policy Review Body, acting as Facilitators – had convened informal meetings of Heads of Delegation on 13 March and 19 March, respecting the principles of transparency, inclusiveness and full participation. The statement he had made at the meeting on 19 March could be found in document JOB/GC/39. In accordance with the process outlined on 19 March and the 2002 Procedures, three rounds of consultations had been conducted by the Facilitators and himself, starting on 2 April. In accordance with the process outlined on 19 March and with the 2002 Procedures, he and his colleagues had reported back to the Membership at Heads of Delegation meetings at each successive stage of the consultation process. His statements at each of these three informal HODs meetings – on 12 April, 26 April and 8 May – had been circulated to all Members in documents JOB/GC/40, 45 and 50, respectively. Pursuant to paragraph 19 of the 2002 Procedures, he had announced to Members at an informal HODs meeting on 8 May the recommendation of the Facilitators and himself that at the Council meeting, Members appoint Mr Roberto Carvalho de Azevêdo as the next Director-General of the WTO following the expiry of Mr Pascal Lamy's term of office on 31 August 2013. He accordingly recommended formally that the General Council agree to appoint Mr Roberto Carvalho de Azevêdo as the next Director-General of the WTO for a period of four years as from 1 September 2013.

19.4. The General Council so agreed.

19.5. The Director-General, the Director-General designate, and the representatives of Morocco (on behalf of the African Group); Nepal (on behalf of the LDC Group); Dominican Republic (on behalf of the Informal Group of Developing Countries); Chinese Taipei (on behalf of the RAMs); Chile (on behalf of GRULAC); Kingdom of Saudi Arabia (on behalf of the Asian Group of Developing Members); Jamaica (on behalf of the ACP Group); Trinidad and Tobago (on behalf of CARICOM); Oman (on behalf of the Arab Group); Barbados (on behalf of the SVEs); Brunei Darussalam (on behalf of ASEAN); Burkina Faso (on behalf of the C-4); Republic of Korea; Kenya; Ghana; Jordan;

Canada; Russian Federation; Togo (on behalf of the Ambassadors of UEMOA); United States; Argentina; Turkey; European Union (also on behalf of Croatia); Qatar; Mozambique; Uruguay; China; Plurinational State of Bolivia; Japan; South Africa; Guatemala; Hong Kong; China; Egypt; El Salvador; Cuba; Honduras; Angola; Bangladesh; Gabon; India; Solomon Islands; Peru; Lesotho; Bolivarian Republic of Venezuela; Namibia; Swaziland; Nicaragua; Bahrain (on behalf of the Gulf Co-operation Council); Ecuador; Papua New Guinea; Pakistan; Rwanda; Ethiopia (as an Observer); and, Iran (as an Observer) spoke. The General Council took note of the statements.

## 19.2 Statement by India (WT/GC/M/143)

19.6. At the February meeting, the representative of India raised the issue of the process to be followed for the selection of the new Director-General.

19.7. The Chairperson and the representative of Nigeria spoke. The General Council took note of the statements.

## 20 FAREWELL TO THE DIRECTOR-GENERAL (WT/GC/M/146)

20.1. At the July meeting, the Chairman said that this was the last meeting of the General Council at which the current Director-General, Mr Pascal Lamy, was present in that capacity. The Chairman made a farewell statement to the Director-General.

20.2. The Director-General, Mr Pascal Lamy, made a farewell statement to the General Council. His statement was circulated as JOB/GC/55.

20.3. The representatives of Brazil; Japan; Morocco (on behalf of the African Group); Singapore (on behalf of ASEAN); Egypt (on behalf of the Arab Group); Nepal (on behalf of the LDC Group); Barbados (on behalf of the SVEs); Peru (on behalf of GRULAC); Dominican Republic (on behalf of the IGDC); Australia; Jamaica (on behalf of the ACP); Trinidad and Tobago (on behalf of CARICOM); European Union; Nigeria; Chinese Taipei; Mexico; Sri Lanka; Turkey; Canada; Switzerland; India; Rwanda; United States; Guinea; Cote d'Ivoire; Hong Kong, China; Norway; Uruguay; China; Angola; New Zealand; Argentina; Colombia; Bangladesh; Dominica (on behalf of the OECS); Korea; Chile; Oman; Kyrgyz Republic; Indonesia; Democratic Republic of Congo; Solomon Islands; Russian Federation; Costa Rica; Swaziland; Central African Republic; Thailand; Israel; Kenya; Benin; Zambia; Yemen (as an Observer); and Ethiopia (as an Observer) spoke. The General Council took note of the statements.

## 21 APPOINTMENT OF OFFICERS TO WTO BODIES

### 21.1 Statement by the Chair (WT/GC/M/143, WT/GC/M/145, WT/GC/M/146, WT/GC/M/148, WT/GC/M/149)

21.1. At the February meeting, the Chairperson recalled that, in accordance with the Guidelines for Appointment of Officers to WTO Bodies approved by the General Council in December 2002 (WT/L/510), she and her colleagues – Ambassador Bashir (Pakistan), the Chair of the Dispute Settlement Body, Ambassador Agah (Nigeria) and Ambassador Matus (Chile), former Chairs 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 undertaking the process set out in the Guidelines, she had put into effect the practical steps to improve their implementation in line with her statement to the General Council in July 2012, which had been issued in JOB/GC/22. In line with the practical steps, they had started the process early, with a meeting in December with Group coordinators, and, since then, had consulted delegations both individually and in groups. They had also been in touch separately with various delegations and the Group coordinators. She recalled that this process had included an informal open-ended Heads-of-Delegation meeting which had been held on 18 February.

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

General Council

H.E. Mr Shahid BASHIR (Pakistan)

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Dispute Settlement Body	H.E. Mr Jonathan FRIED (Canada)
Trade Policy Review Body	H.E. Mr Joakim REITER (Sweden)
Council for Trade in Goods	H.E. Mr Moncef BAATI (Tunisia)
Council for Trade in Services	H.E. Dr Abdolazeez AL-OTAIBI (Kingdom of Saudi Arabia)
Council for TRIPS	H.E. Mr Alfredo SUESCUM (Panama)
Committee on Trade and Development	H.E. Mrs Marion WILLIAMS (Barbados)
Committee on Balance-of- Payments Restrictions	H.E. Ms Päivi KAIRAMO (Finland)
Committee on Budget, Finance and Administration	Mr Michael STONE (Hong Kong, China)
Committee on Trade and Environment	H.E. Mr Esteban CONEJOS (Philippines)
Committee on Regional Trade Agreements	H.E. Mr Francisco LIMA MENA (El Salvador)
Working Group on Trade, Debt and Finance	H.E. Mr Faizel ISMAIL (South Africa)
Working Group on Trade and Transfer of Technology	H.E. Mrs Wafaa BASSIM (Egypt)

21.3. In keeping with the general rule in the Guidelines, appointments for these bodies would be for one year. These appointments would be made formally by the WTO bodies concerned at their subsequent meetings in 2013.

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

21.5. The Chairperson also recalled that, in line with the Procedures for the Appointment of Directors-General in WT/L/509, the Chair of the General Council would conduct the process of appointment of the next Director-General, assisted by the Chairs of the DSB and the TPRB who would act as facilitators.

21.6. In keeping with Paragraph 7.3 of the Guidelines for Appointment of Officers to WTO Bodies – the outgoing Chairpersons of the Council for Trade in Goods (CTG) and the Council for Trade in Services (CTS) were to conduct consultations to select Chairpersons for the bodies established under their respective Councils. In relation to this, both Chairpersons announced that they would be starting consultations for the appointment of Chairpersons of the subsidiary bodies of the Council for Trade in Goods and Trade in Services.

21.7. The General Council took note of the statements.

21.8. At the June meeting, the Chairman reported that Ambassador Baati (Tunisia), Chairman of the Council for Trade in Goods, had been recalled to capital to take up another appointment and was therefore no longer able to serve as Chairman of the Council for Trade in Goods. Accordingly, he would be starting consultations regarding the appointment of a successor to Ambassador Baati. In accordance with Paragraph 7.1(b) of the Guidelines for the Appointment of Officers in WT/L/510, he would be conducting these consultations with the assistance of Ambassador Fried (Canada), Chairman of the Dispute Settlement Body, and the former Chairs of the General Council. In line with the practical steps to improve the implementation of the Guidelines, contained in

JOB/GC/22, he and his colleagues would be meeting group coordinators, and would subsequently invite interested delegations to come forward to consult with them.

21.9. The General Council took note of the statement.

21.10. At the July meeting, the Chairman announced that the consultations conducted had shown a consensus among Members on the appointment of Ambassador Dacio Castillo (Honduras) as Chairman of the Council for Trade in Goods. Ambassador Castillo would be elected as Chairman at the next formal meeting of the Goods Council.

21.11. The General Council took note of the statement.

21.12. At the October meeting, the Chairman reported that Ambassador Agah, Chairman of the Special Session of the TRIPS Council, had informed him that he would be relinquishing his post as Chairman at the end of September, in light of the fact that he had joined the Secretariat as Deputy-Director General on 1 October. Accordingly, he would be starting consultations regarding the appointment of a successor to Ambassador Agah. In accordance with Paragraph 7.1(b) of the Guidelines for the Appointment of Officers in WT/L/510, he would be conducting these consultations with the assistance of Ambassador Fried (Canada), Chairman of the Dispute Settlement Body, and Ambassador Matus, former Chair of the General Council. In line with the practical steps to improve the implementation of the Guidelines, contained in JOB/GC/22, he and his colleagues would be meeting group coordinators, and would subsequently invite interested delegations to come forward to consult with them.

21.13. The General Council took note of the statement.

21.14. At the November meeting, the Chairman announced that, following his consultations, Members had agreed to the appointment of Ambassador Suescum (Panama) as Chairman of the TRIPS Council in Special Session on an *ad interim* basis, in particular to ensure that this position was not vacant during MC9. It was understood that consultations and a separate decision on a permanent appointment to this position were to take place early in the New Year. The TRIPS Council in Special Session had met and had proceeded with the formal appointment of Ambassador Suescum as Chairman on an *ad interim* basis. The General Council took note of the statement.

## **21.2 Announcement by the Chairman pursuant to Paragraph 7.1 (a) of the Guidelines (WT/GC/M/149)**

21.15. At the November meeting, the Chairman said that in accordance with the Guidelines for the Appointment of Officers to WTO bodies in document WT/L/510, he 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(a), he would be assisted in this process by the serving Chairperson of the Dispute Settlement Body, Amb. Fried (Canada), and Amb. Matus (Chile), former Chairman of the General Council.

21.16. The General Council took note of the statement.

## **22 ELECTION OF CHAIRPERSON (WT/GC/M/143)**

22.1. At the February General Council meeting, the Chair, as the outgoing presiding officer of the General Council, made a statement. The General Council then unanimously elected H.E. Mr Shahid Bashir (Pakistan) to the Chair.

22.2. The Director-General, the newly-elected Chair, and the representatives of Paraguay (on behalf of GRULAC); Kingdom of Saudi Arabia (on behalf of the Asian Group of Developing Members); United States; European Union; Morocco (on behalf of the African Group); Nepal (on behalf of the LDC Group); Brunei Darussalam (on behalf of ASEAN); Barbados (on behalf of the SVEs); Japan; Oman (on behalf of the Arab Group); El Salvador; Guatemala; Hong Kong; China; Iceland; India; Indonesia; Republic of Korea; Mexico; Peru; Russian Federation; and, Singapore spoke. The General Council took note of the statements.

**23 STATEMENT BY THE DIRECTOR-GENERAL, MR ROBERTO AZEVEDO (WT/GC/M/147)**

23.1. At the General Council meeting on 9 September, the Chairman welcomed the new Director-General Mr Roberto Azevêdo to the first meeting of the General Council after his assumption of office on 1 September. The Chairman noted that he had enjoyed the support of all Members of the WTO and was elected with consensus.

23.2. The Director-General, Mr Roberto Azevêdo, made a statement to the General Council. His statement was circulated as JOB/GC/56.

23.3. The representatives of Brazil; Dominican Republic (on behalf of the Informal Group of Developing Countries); Morocco (on behalf of the African Group); Peru (on behalf of GRULAC); Nepal (on behalf of the LDC Group); Japan; Kingdom of Saudi Arabia (on behalf of the Asian Group of Developing Members); Brunei Darussalam (on behalf of ASEAN); Indonesia (on behalf of G-33); Mozambique (on behalf of CPLP); Jamaica (on behalf of ACP); Barbados (on behalf of SVEs); Chinese Taipei (on behalf of the RAMS Group); Egypt (also on behalf of the Arab Group); Ukraine; Cuba; Zimbabwe (on behalf of the SADC Group); Russian Federation; Togo (on behalf of UEMOA); Australia (on behalf of the Cairns Group); Montenegro; China; Mexico; United States; Argentina; New Zealand; Kenya; Oman; Republic of Korea; India; Switzerland; European Union; Mauritius; Chile; Bolivia; Canada; Norway; Bangladesh; Sri Lanka; Ghana; Ecuador; Guinea; Costa Rica; Rwanda; Colombia; Côte d'Ivoire; Uganda; Uruguay; Guatemala; Pakistan; Cameroon; Venezuela; United Kingdom; Algeria (as an Observer); Seychelles (as an Observer); Yemen (as an Observer); Bahamas (as an Observer); and, Kazakhstan (as an Observer) spoke. The General Council took note of the statements.

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