

## GENERAL COUNCIL

### Annual Report (2002)

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

In carrying out its tasks, the General Council has held 6 meetings and since the period covered by the previous report. The minutes of these meetings, which remain the record of the General Council's work, are contained in documents WT/GC/M/72 - 77.

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# **1. Matters resulting from the Fourth Session of the Ministerial Conference**

## **(a) Follow-up to the Fourth Session of the Ministerial Conference (WT/GC/M/72, 73)**

At the General Council meeting on 19-20 December 2001, the Chairman recalled, *inter alia*, that Ministers at Doha, in agreeing to a broad and balanced work programme for the WTO for the coming years, had tasked the General Council with specific actions to implement elements of the work programme and to oversee their operation and progress. Ministers had also taken other decisions which the General Council would need to take into consideration in organizing its work in 2002. Ministers had also agreed that the overall conduct and progress of the elements of the work programme involving negotiations should be supervised by a Trade Negotiations Committee (TNC) under the authority of the General Council. They had also instructed that, in addition to the negotiating elements, high priority should be accorded to the elements of the work programme which did not involve negotiation. These were to be pursued under the overall supervision of the General Council, with a progress report to the Fifth Session of the Ministerial Conference.

He then drew attention to specific elements of the General Council's agenda for 2002 resulting from the decisions taken at Doha, and assured delegations that this work would in no way detract from the General Council's pending and ongoing work. He also assured delegations, particularly those with small or limited resources, that in pursuing the General Council's work over the coming year and beyond, the Chairpersons of the other WTO bodies and the Chairman of the General Council would continue to do their utmost to keep to the established guidelines for the scheduling of meetings, in order to reduce the burden on small delegations as far as possible.<sup>2</sup>

The representatives of the European Communities, Pakistan, Cuba, Barbados, Costa Rica, Tanzania (on behalf of the LDCs), Australia, Uruguay, Canada, Brunei Darussalam (on behalf the ASEAN Members), Zambia, United States, Turkey, Botswana, Honduras, Saint Lucia, India and Korea, and the Chairman spoke.

The General Council took note of the statements.

At the General Council meeting on 13 and 15 February and 1 March 2002, the Director-General reported on his recent activities relating to the Doha Development Agenda.<sup>3</sup>

The representatives of Tunisia, Belize and Burundi, and the Director-General spoke.

The General Council took note of the statements.

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<sup>2</sup> See also under point 19 - "Scheduling of meetings".

<sup>3</sup> Carried in General Council minutes as "Follow-up to the Fourth Session of the Ministerial Conference – Statement by the Director-General on his recent activities relating to the Doha Development Agenda." The Director-General's statement was circulated as document Job 1072.

(b) Trade Negotiations Committee – Reports (WT/GC/M/73, 74, 75, 76, 77)

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 (TNC) at its first meeting on 28 January and 1 February, the TNC reports to each regular meeting of the General Council (TN/C/M/1).

At the General Council meeting on 13 and 15 February and 1 March 2002, the Chairman of the Trade Negotiations Committee reported on the TNC's first meeting on 28 January and 1 February.

The representative of Cuba and the Chairman spoke.

The General Council took note of the statements and of the report by the TNC Chairman.

At the General Council meeting on 13-14 May 2002, the Chairman of the Trade Negotiations Committee reported on the TNC's second meeting on 24 April.

The General Council took note of the report by the TNC Chairman.

At the General Council meeting on 8 and 31 July 2002, the Chairman of the Trade Negotiations Committee reported on the TNC's third meeting on 18-19 July.

The General Council took note of the report by the TNC Chairman.

At the General Council meeting on 15 October 2002, the Chairman of the Trade Negotiations Committee reported on the TNC's fourth meeting on 3-4 October.

The representative of Kenya (on behalf the African Group) spoke.

The General Council took note of the statements and of the report by the TNC Chairman.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman of the Trade Negotiations Committee reported on the TNC's activities since the last report to the General Council in October.

The representatives of Norway, Bulgaria, India, Kenya (on behalf of the African Group) and China, and the Chairman spoke.

The General Council took note of the report by the TNC Chairman and of the statements.

(c) Council for Trade in Goods - Recommendations for appropriate action regarding proposals contained in paragraphs 4.4 and 4.5 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns relating to the Agreement on Textiles and Clothing (WT/GC/M/75)

Ministers at Doha requested the Council for Trade in Goods (CTG) to examine two proposals relating to the Agreement on Textiles and Clothing, and to make recommendations to the General Council by 31 July 2002 for appropriate action (WT/MIN(01)/17, paragraphs 4.4 and 4.5).

At the General Council meeting on 8 and 31 July 2002, the Chairman of the CTG, reporting on the results of the CTG's examination of these proposals, said, *inter alia*, that as a result of fundamental differences between the views and understandings of the restraining Members and those

of the developing country exporting Members on both the contents of the report and the recommendations, the required consensus on the report and on the recommendations had not been reached. In view of this, there had been no alternative but to conclude the exercise without results. Consequently, he was not in a position to present a report with recommendations to the General Council.

The representatives of Pakistan, China, Brazil, Bangladesh, European Communities, Thailand (speaking also on behalf of Indonesia), Panama, India, United States, Canada, Bolivia, Colombia, and Hong Kong, China, and the Chairman spoke.

The Chairman proposed, in view of the situation and having examined various possible options, that the General Council take note of the statement by the Chairman of the CTG and of those by delegations, on the understanding that this would not prejudice the various positions held by Members, which would be duly reflected in the minutes of the present meeting. For his part, he would inform the Chairman of the General Council in detail, who would no doubt wish to examine the situation more in depth with regard to this matter. He was convinced that all Members would use the summer break to continue to reflect on the various views that had been expressed.

The General Council so agreed.

- (d) Committee on Trade and Development - Report by the Chairman of the Committee on Trade and Development in Special Session on special and differential treatment in pursuance of paragraph 12.1 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/75, 77)

Ministers at Doha agreed that "[a]ll special and differential treatment provisions shall be reviewed with a view to strengthening them and making them more precise, effective and operational" (WT/MIN(01)/DEC/1, paragraph 44). Ministers also endorsed the programme of work on S&D treatment set out in paragraph 12.1 of the Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17), which mandated the Committee on Trade and Development (CTD) to report to the General Council with clear recommendations for a decision by July 2002. In pursuance of this mandate, the Trade Negotiations Committee, at its meeting of 28 January and 1 February 2002, agreed that the review of all S&D treatment provisions with a view to strengthening them and making them more precise, effective and operational provided for in Paragraph 44 of the Ministerial Declaration should be carried out by the CTD in Special Sessions (TN/C/M/1).

At its meeting on 8 and 31 July 2002, the General Council considered a report from the CTD in Special Session (TN/CTD/3).

The Chairman of the Special Session of the CTD introduced the report.

The representatives of Kenya (on behalf of the African Group), Zambia, Uganda, Korea, Thailand, Brazil, China, Cuba, Indonesia, Paraguay, Malaysia, India, United States, European Communities and Nigeria spoke.

The General Council took note of the statements and of the report of the Chairman of the Special Session of the CTD (TN/CTD/3), and approved the recommendations contained in paragraphs 14 to 19 of the report.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman recalled that at its July meeting the General Council had agreed, *inter alia*, to extend the time-period for completion of work to be elaborated by the Special Session of the Committee on Trade and Development to December 2002. The General Council had also agreed to establish a monitoring

mechanism for S&D treatment, and instructed the Special Session of the CTD to elaborate the functions, structure and terms of reference of this mechanism for approval by the General Council.

On 10 December, the Chairman of the Special Session of the CTD reported on the work under the mandate of the Committee.

The General Council took note of the report by the Chairman of the Special Session of the CTD and suspended its consideration of this item.

On 11 December, the Chairman of the Special Session of the CTD made an interim progress report to the General Council in an informal session. The Chairman spoke. The General Council agreed to suspend consideration of this item and revert to it subsequently in light of the advice from the Chairman of the CTD in Special Session, but in any event not later than 20 December.

At the resumed meeting on 20 December, the Chairman of the CTD in Special Session said, *inter alia*, that although no agreement had been possible on a report to the General Council, this was far too important an area of work to be left without exerting further efforts towards fulfilment of the mandate. He therefore proposed that the General Council agree to provide additional time to allow the CTD in Special Session to finalize its report.

The Chairman proposed that the General Council take note of the statements and authorize the CTD in Special Session to continue its work towards finalizing its report on S&D treatment in pursuance to paragraph 12.1 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns, and to report back to the General Council at its first meeting in 2003.

The General Council so agreed.

(e) Committee on Subsidies and Countervailing Measures

(i) *Report on review of provisions regarding countervailing duty investigations in pursuance of paragraph 10.3 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/75)*

Ministers at Doha agreed that the Committee on Subsidies and Countervailing Measures should continue its review of the provisions of the Agreement on Subsidies and Countervailing Measures regarding countervailing duty investigations and report to the General Council by 31 July 2002 (WT/MIN(01)/17, paragraph 10.3).

At its meeting on 8 and 31 July 2002, the General Council considered a report by the Chairman of the Committee on Subsidies and Countervailing Measures (G/SCM/45).

The Vice-Chairman of the Committee on Subsidies and Countervailing Measures, speaking on behalf of the Chairman of the Committee, introduced the report.

The representatives of Brazil, India and the United States spoke.

The General Council took note of the report of the Chairman of the Committee on Subsidies and Countervailing Measures and of the statements by delegations.



- (ii) *Statement by the Chairman of the Committee on the work undertaken pursuant to paragraph 10.6 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/77)*

Ministers at Doha instructed the Committee on Subsidies and Countervailing Measures to take certain actions with regard to the extension of the transition period, under the rubric of Article 27.4 of the Subsidies Agreement, for certain export subsidies provided by certain developing-country Members (WT/MIN(01)/17, paragraph 10.6).

At the General Council meeting on 10-12 and 20 December 2002, the Chairman of the Committee on Subsidies and Countervailing Measures reported on the work undertaken in the Committee pursuant to this mandate.

The representatives the United States, Colombia, Japan, Barbados, and the European Communities spoke.

The General Council took note of the report by the Chairman of the Committee on Subsidies and Countervailing Measures and of the statements.

- (f) Committee on Agriculture - Report on the follow-up to the recommendations of the Committee on Agriculture concerning implementation-related issues approved by the Doha Ministerial Conference (WT/GC/M/76)

Ministers at Doha approved a recommendation that the Committee on Agriculture, following its regular meeting in September 2002, should report to the General Council on its examination of possible means to improve the effectiveness of the implementation of the Marrakesh Decision regarding net food-importing developing countries and on the implementation of Article 10.2 of the Agreement on Agriculture. Ministers also endorsed a decision by the Committee on Agriculture to keep under review the administration of tariff-rate quotas and the submission by Members of addenda to their notifications (WT/MIN(01)/17, paragraph 2).

At its meeting on 15 October 2002, the General Council considered a report by the Committee on Agriculture (G/AG/14).

The Chairman of the Committee on Agriculture introduced the report.

The representatives of Brazil and Argentina spoke.

The General Council took note of the statements and of the report by the Committee on Agriculture in G/AG/14.

- (g) Committee on Anti-Dumping Practices – Report on matters referred to the Committee by the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/77)

Ministers at Doha instructed the Committee on Anti-Dumping Practices to draw up guidelines for the improvement of the annual reviews provided for under Article 18.6 of the Agreement on the Implementation of Article VI of GATT 1994, and to report its views and recommendations to the General Council for subsequent decision within 12 months (WT/MIN(01)/17, paragraph 7.4). Ministers also instructed the Committee to examine matters relating to Articles 15 and 5.8 of the Agreement respectively, and to draw up appropriate recommendations within 12 months (WT/MIN(01)/17, paragraphs 7.2 and 7.3).

At the General Council meeting on 10-12 and 20 December 2002, the Chairman of the Committee on Anti-Dumping Practices introduced the Committee's recommendations with regard to Articles 18.6 and 5.8 of the Agreement on Implementation of Article VI of GATT 1994, and reported on the Committee's consideration of the issue relating to Article 15 of the Agreement.

The representatives of Korea, Brazil, Chile, Colombia, India, United States, Japan, Malaysia, Canada and Indonesia, and the Chairman spoke.

The General Council took note of the report and of the statements, and approved the recommendation contained in document G/ADP/9. The General Council then took note of the recommendation contained in G/ADP/10, as well as the report by the Chairman of the Committee relating to Article 15 of the Anti-Dumping Agreement.

- (h) Committee on Market Access – Recommendations regarding the meaning to be given to the phrase "substantial interest" in Article XIII:2(d) of GATT 1994 pursuant to paragraph 1.2 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/77)

Ministers at Doha noted the issues raised in the report of the Chairperson of the Committee on Market Access concerning the meaning to be given to the phrase "substantial interest" in paragraph 2(d) of Article XIII of GATT 1994 (WT/GC/50), and directed the Market Access Committee to give further consideration to the issue and to make recommendations to the General Council as expeditiously as possible, but in any event not later than the end of 2002 (WT/MIN(01)/17, paragraph 1.2).

At its meeting on 10-12 and 20 December 2002, the General Council considered a report by the Committee on Market Access (G/MA/119).

The Chairman of the Committee on Market Access introduced the report.

The representatives of Honduras, Jamaica and Mauritius spoke. The Chairman proposed that Members might wish to reflect further over the end-of-year break on the various views that had been expressed on this matter, particularly with regard to the future course of action, and said that as all delegations were aware, this issue might be raised again by any Member in any WTO forum it deemed appropriate, including in the negotiations under the Doha agenda.

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

- (i) Committee on Customs Valuation – Report on the identification and assessment of practical means to address Members' concerns regarding accuracy of declared values pursuant to paragraph 8.3 of the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/GC/M/77)

Ministers at Doha recognized the legitimate concerns expressed by the customs administrations of several importing Members on the accuracy of declared values, and directed the Committee on Customs Valuation to identify and assess practical means to address such concerns and to report to the General Council by the end of 2002 at the latest (WT/MIN(01)/17, paragraph 8.3).

At its meeting on 10-12 and 20 December 2002, the General Council considered a report by the Committee on Customs Valuation (G/VAL/50).

The Chairman of the Committee on Customs Valuation introduced the report.

The General Council took note of the report and of the progress to date and authorized the Committee to continue its work under the existing mandate and to report back to the General Council once its work had been completed.

- (j) Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries – Inter-Agency Panel on Short-Term Difficulties in Financing Normal Levels of Commercial Imports of Basic Foodstuffs

Ministers at Doha approved the establishment of an Inter-Agency Panel following a recommendation by the Committee on Agriculture in September 2001 (G/AG/11) in the context of the implementation of the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries. The recommendation called on the Vice-Chairman of the Committee on Agriculture to submit detailed terms of reference, following consultations with Members, to the General Council for approval not later than 31 December 2001, and for the Inter-Agency Panel to submit its recommendations to the General Council not later than 30 June 2002.

- (i) *Detailed terms of reference for the Inter-Agency Panel (WT/GC/M/72)*

At its meeting on 19-20 December 2001, the General Council considered the detailed terms of reference for the Inter-Agency Panel as adopted by the Committee on Agriculture on 6 December (G/AG/12).

The representative of Japan, introducing the Panel's terms of reference on behalf of the Vice-Chairman of the Committee on Agriculture, informed the General Council that the Committee had agreed that its Vice-Chairman would serve as Chairman of the Panel.

The General Council took note of the statement, approved the terms of reference in G/AG/12 and took note that the Vice-Chairman of the Committee on Agriculture would chair the Inter-Agency Panel.

- (ii) *Report of the Inter-Agency Panel (WT/GC/M/75, 76, 77)*

At its meeting on 8 and 31 July 2002, the General Council considered the report of the Inter-Agency Panel (WT/GC/62-G/AG/13).

The representative of Japan, on behalf of the Chairman of the Inter-Agency Panel, introduced the Panel report.

The representatives of Sri Lanka, Egypt, Jordan, Cuba, Pakistan, Japan, Mauritius and Tunisia, and the Chairman spoke.

The General Council took note of the report and of the statements, and agreed to revert to this matter at its reconvened meeting on 31 July.

At the reconvened meeting of the General Council on 31 July, the representatives of Canada, Mauritius, Japan, Egypt, Zambia (on behalf of the LDCs), European Communities, Chile, Sri Lanka, United States, Switzerland, Djibouti, Cuba, Hungary and Senegal, and the Chairman spoke.

The Chairman proposed that at this stage the General Council take note of the statements and agree to return to this matter at its next meeting, and that, in order not to lose time, it invite the Chairman of the Committee on Agriculture to consult with interested Members on the way forward

with regard to following up on the Panel's recommendations, especially with regard to paragraph 168(b), and to report on the results of his consultations to the General Council at its next meeting.

The General Council so agreed.

At the General Council meeting on 15 October 2002, the Chairman of the Committee on Agriculture reported on the results of his consultations.

The representatives of Kenya (on behalf of the African Group) and Senegal, and the Chairman spoke.

The General Council took note of the statements and of the report of the Inter-Agency Panel in WT/GC/62-G/AG/13 and Corr.1, and approved the recommendations contained in paragraph 168 of the report. With regard to the recommendations in paragraphs 168 (a), (c) and (d), the General Council authorized its Chairman to write to the IMF, World Bank and the Integrated Framework Agencies requesting them to review the Panel report as it related to the issues within their competence. Finally, with regard to the recommendation in paragraph 168(b), the General Council approved the recommendation of the Committee on Agriculture that the question of feasibility of an ex-ante financing mechanism aimed at food importers be pursued by the Committee, on the understanding that a proposal regarding the establishment of an ex-ante financing mechanism would be submitted by the WTO net food-importing developing countries, and that a follow-up report concerning the discussion of the proposal would be submitted to the General Council following the regular meeting of the Committee in November.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman of the Committee on Agriculture reported on his consultations on the follow-up to the recommendation in paragraph 168(b) of the Inter-Agency Panel report.

The representatives of Jordan, Cuba, Nigeria and Tunisia, and the Chairman spoke.

The General Council took note of the report and of the statements and authorized the Agriculture Committee Chair to continue his consultations with a view to preparing a decision by the Committee on the proposed ex-ante financing mechanism at its regular meeting in March 2003, and to report back to the General Council on the outcome as soon as possible thereafter.

(k) Work programme on harmonizing rules of origin (WT/GC/M/72, 75, 77)

Ministers at Doha took note of the progress on the harmonization work programme and urged the Committee on Rules of Origin (CRO) to complete its work by the end of 2001 (WT/MIN(01)/17, paragraph 9.1).

At its meeting on 19-20 December 2001, the General Council considered a report by the Chairman of the CRO covering a review of progress made, identification of the scope of remaining issues and the future course of work for the conclusion of the harmonization work programme (G/RO/49).

The Chairman of the CRO, in introducing his report, outlined the results of his consultations since the circulation of his report regarding the future course of work on this matter.

The representatives of Korea, Philippines, India, Norway, Thailand, Singapore, Brazil, New Zealand, Australia, European Communities, Hungary, United States, Mexico and Canada spoke.

The Chairman proposed that the CRO hold two additional sessions in the first half of 2002 to resolve remaining issues. In that process, it might identify a limited number of core policy-level issues which in its view needed to be reported to the General Council for discussion and decision at that level. The outcome of the CRO's further work would be reported by the Chairman of the Committee, on his own responsibility, to the General Council at its first regular meeting after the end of June 2002, at which point the matter would be in the hands of the General Council. The deadline for completion of the harmonization work programme would be extended to the end of 2002.

The General Council took note of the statements and so agreed.

At its meeting on 8 and 31 July 2002, the General Council considered a report by the Chairman of the Committee (G/RO/52).

The Vice-Chairman of the Committee introduced the report on behalf of the Chairman of the Committee.

The representatives of Japan, India, Chile, New Zealand, Switzerland, Brazil, Philippines, Norway, China, Thailand, Australia, Singapore, United States, Colombia, Pakistan and the European Communities, and the Chairman spoke.

The Chairman proposed that the General Council take note of the report by the Chairman of the CRO in G/RO/52 and of the recommendations contained therein, as well as of the statements by Members, and that it agree to hold a first meeting on the 12 core policy-level issues identified in paragraph 5.1 of that report. That meeting would be preceded by informal consultations after the summer recess for the purpose of preparing and organizing the meeting. It was understood that these General Council-level meetings would deal with all of the issues identified by the CRO in G/RO/52.

The General Council so agreed.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman recalled that since July, the General Council had held two informal meetings to discuss the 12 crucial issues mentioned by the Chairman of the Committee on Rules of Origin in his report in G/RO/52. He recalled further that, at his request, both the Chairman and the Vice-Chairman of the Committee had recently been holding informal consultations on the outstanding core policy issues with a view to furthering this work as much as possible before the present meeting.

The Vice-Chairman the Committee on Rules of Origin, on behalf of its Chairman, reported on progress in the harmonization work programme since July.

The representatives of India, Brazil, United States, Japan, Norway and Hong Kong, China spoke.

The Chairman said that in light of the Committee Chairman's report, Members had to face the fact that despite their best efforts to date, the deadline of end-December 2002 for completing the harmonization work programme could not be met. He proposed that the General Council extend, to July 2003, the deadline for completion of negotiations on the core policy issues identified in the CRO Chair's report to the General Council of 15 July 2002 (G/RO/52). He also proposed that following resolution of these core policy issues, the Committee on Rules of Origin complete its remaining technical work, including the work referred to in Article 9.3(b) of the Agreement on Rules of Origin, by 31 December 2003.

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

(l) Work programme on electronic commerce (WT/GC/M/72, 74, 75, 76, 77)

Ministers at Doha agreed to continue the Work Programme on Electronic Commerce, and instructed the General Council to consider the most appropriate institutional arrangements for handling the Work Programme, and to report on further progress to the Fifth Session of the Ministerial Conference (WT/MIN(01)/DEC/1, paragraph 34).

At the General Council meeting on 19-20 December 2001, the Chairman proposed three elements with regard to future work on electronic commerce.

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

At its meeting on 13-14 May 2002, the General Council heard a progress report by the Chairman.

Deputy Director-General Mr. Stoler reported on the second dedicated discussion on cross-cutting issues under the auspices of the General Council, held on 6 May 2002.

The representatives of Japan, Uruguay, Brazil, Panama, United States, India, European Communities, Australia, Singapore, Pakistan and Hong Kong, China, and the Chairman spoke.

The Chairman said he would consult with Members on future work under the Work Programme, and report at the next General Council meeting.

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

At its meeting on 8 and 31 July 2002, the General Council heard a progress report by the Chairman on the results of consultations by Deputy Director-General Mr. Stoler on the most appropriate way to continue the work on cross-cutting issues. Regarding the separate issue of the most appropriate institutional arrangements for handling the Work Programme as a whole, the Chairman invited delegations to reflect on this with a view to taking a decision at the October General Council meeting, before which informal consultations would be held.

The representatives of Chinese Taipei and the United States spoke.

The General Council took note of the statements and agreed to revert to the question of appropriate institutional arrangements for the conduct of the Work Programme as a whole at its next meeting.

At the General Council meeting on 15 October 2002, the Chairman proposed, on the basis of consultations held by Deputy Director-General Mr. Stoler, that the General Council agree to maintain, for the duration of the work until the Fifth Ministerial Conference, the current arrangements for handling the Work Programme on Electronic Commerce as outlined by him.

The General Council so agreed.

The Chairman informed the General Council that at the consultations held by Deputy Director-General Mr. Stoler, delegations had been in agreement with a notional schedule of future dedicated discussions on cross-cutting issues under the auspices of the General Council, which he read out.

The General Council took note of this information.

At the General Council meeting on 10-12 and 20 December 2002, Deputy Director-General Mr. Yerxa reported on the third dedicated discussion on cross-cutting issues held under the auspices of the General Council on 25 October.

The Chairman spoke.

The General Council took note of the report by Deputy Director-General Mr. Yerxa and of the statement.

(m) Work Programme on Small Economies

Ministers at Doha agreed to a work programme, under the auspices of the General Council, to examine issues relating to trade of small economies, with a mandate to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system and not to create a sub-category of WTO Members. Ministers also agreed that the General Council should review the work programme and make recommendations for action to the Fifth Session of the Ministerial Conference (WT/MIN(01)/DEC/1, paragraph 35).

(i) *Framework and procedures for the conduct of the Work Programme (WT/GC/M/73)*

At its meeting on 13 and 15 February and 1 March 2002, the General Council heard a report by its Chairman on consultations under way with regard to a possible framework for the conduct of this Work Programme, in which he indicated that more time would be needed for delegations to consider proposals only just circulated (WT/GC/W/468), and for the initial consultations to be widened.

The General Council agreed to the Chairman's proposal that it suspend its discussion on this item following his statement, that Deputy Director-General Mr. Ouedraogo pursue consultations on this matter in order to reach agreement on the framework for the conduct of the Work Programme, and that Mr. Ouedraogo report at the end of the following week to the incoming Chair of the General Council, who would set a time to resume the General Council's discussion on this item.

At the resumed meeting on 1 March 2002, the Chairman drew attention to a text that had resulted from the consultations held by Deputy Director-General Mr. Ouedraogo (WT/GC/W/469), and proposed that the General Council take note of the proposed framework and procedures for the conduct of the Work Programme on Small Economies contained in that document, following which action the substantive work on the work programme would begin in dedicated sessions of the Committee on Trade and Development as soon as possible.

The General Council so agreed.<sup>4</sup>

The representatives of Mauritius, Barbados, United States, Malaysia, Guatemala, El Salvador, Egypt, Hungary, Paraguay, Sri Lanka, Georgia, Belize, Trinidad and Tobago, Jamaica, Lithuania, India, European Communities, Saint Lucia (also on behalf of Dominica, Saint Kitts and Nevis, and Saint Vincent and the Grenadines), Bangladesh, Gabon, Bolivia and Macao, China, and Deputy Director-General Mr. Ouedraogo spoke.

The General Council took note of the statements.

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<sup>4</sup> The framework and procedures as taken note of by the General Council were circulated as WT/L/447.

(ii) *Reports (WT/GC/M/74, 75, 76, 77)*

At the General Council meeting on 13-14 May 2002, Deputy Director-General Mr. Ouedraogo, speaking on behalf of the Chairman of the Dedicated Sessions of the Committee on Trade and Development, reported on the first Dedicated Session of the CTD on the Work Programme on Small Economies.

The representative of Mauritius (on behalf of the co-sponsors of the Work Programme on Small Economies) spoke.

The General Council took note of the statement and of the report by Deputy Director-General Mr. Ouedraogo on behalf of the Chairman of the Dedicated Sessions of the CTD.

At the General Council meeting on 8 and 31 July 2002, the Chairman of the Dedicated Sessions of the CTD reported on the Committee's activities on this matter.

The representatives of Mauritius (on behalf of the small-economy Members) and the United States spoke.

The General Council took note of the statements and of the report by the Chairman of the Dedicated Sessions of the CTD.

At the General Council meeting on 15 October 2002, Deputy Director-General Mr. Rana, speaking on behalf of the Chairman of the Dedicated Sessions of the CTD, reported on the Committee's activities on this matter, and indicated that the next dedicated session would be held in early November back to back with the "Geneva Week" for non-resident Members and observers, as requested by the proponents of the Work Programme.

The General Council took note of the report by Deputy Director-General Mr. Rana on behalf of the Chairman of the Dedicated Sessions of the CTD.

At its meeting on 10-12 and 20 December 2002, the General Council heard a progress report by Deputy Director-General Mr. Abbott on behalf of the Chairman of the Dedicated Sessions of the CTD.

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

The General Council took note of the report by Deputy Director-General Mr. Abbott on behalf of the Chairman of the Dedicated Sessions of the CTD and of the statements.

(n) *WTO Work Programme for Least-Developed Countries (WT/GC/M/73)*

Ministers at Dona instructed the Sub-Committee on Least-Developed Countries (LDCs) to design a work programme for the LDCs, and to report on the agreed work programme to the General Council at its first meeting in 2002 (WT/MIN(01)/DEC/1, paragraph 42).

At the General Council meeting on 13 and 15 February and 1 March 2002, the Chairman of the Sub-Committee on Least-Developed Countries reported on the results of the Sub-Committee's deliberations on this matter, and introduced the Work Programme for Least-Developed Countries as agreed by the Sub-Committee (WT/COMTD/LDC/11).

The representatives of Uganda (on behalf of the LDCs) and Brazil, and the Director-General spoke.



The General Council took note of the statements and of the Work Programme for Least-Developed Countries agreed by the Sub-Committee on LDCs (WT/COMTD/LDC/11), and encouraged the Sub-Committee to follow up on the Work Programme, taking into account the statements by delegations at the present meeting.

- (o) Council for TRIPS – Report on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/GC/M/77)

Ministers at Doha recognized that Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement, and instructed the Council for TRIPS to find an expeditious solution to this problem and to report to the General Council before the end of 2002 (WT/MIN(01)/DEC/2, paragraph 6).

At the General Council meeting on 10-12 and 20 December 2002, the General Council considered this matter.

On 10 December, the Chairman of the Council for TRIPS reported on that Council's work to date, and proposed that the General Council suspend its discussion on this item and revert to it at the end of its meeting.

The General Council took note of the report by the Chairman of the Council for TRIPS and so agreed.

On 11 December, the Chairman of the Council for TRIPS provided an interim report on the basis of his assessment of developments. The Chairman spoke. The General Council took note of the statement, and agreed to suspend consideration of this item and revert to it subsequently in light of the advice from the Chairman of the TRIPS Council, but in any event not later than 20 December.

At the resumed meeting on 20 December, the Chairman of the TRIPS Council said, *inter alia*, that the consultations had not led to a resolution of the coverage problem in paragraph 1(a) of the Chair's text of 16 December in regard to the so-called "scope of diseases" question. He proposed that the TRIPS Council be asked to resume work on this matter promptly at the beginning of 2003 to resolve the outstanding issues in the Chair's 16 December text and to report to the General Council so that a decision implementing a solution to the problem identified in paragraph 6 of the Doha Declaration on TRIPS and Public Health would be taken at the first General Council meeting in 2003.

The representatives of the United States, Kenya (on behalf of the African Group), Brazil, India, China, Malaysia, Canada, Argentina, Philippines, Botswana, Indonesia, Chile, Thailand, Cuba, Pakistan, Peru, Hungary, Chinese Taipei, European Communities, Japan, Switzerland, Czech Republic, Norway and Hong Kong, China, and the Holy See (as an observer) requested that their statements at the meeting of the TRIPS Council held just prior to the meeting of the General Council be reflected also in the records of the latter.

The representatives of Kenya (on behalf of the African Group) and South Africa spoke.

The General Council took note of the statements, including those made at the meeting of the TRIPS Council on 20 December, and invited the TRIPS Council to resume work on this matter promptly at the beginning of 2003 to resolve the outstanding issues in the Chairman's text of 16 December and to report to the General Council, so that a decision implementing a solution to the problem identified in paragraph 6 of the Doha Declaration on TRIPS and Public Health was taken at the first General Council meeting in 2003.

- (p) Sub-Committee on Least-Developed Countries - Recommendations for facilitating and accelerating the accession of LDCs to the WTO Agreement (WT/GC/M/77)

Ministers at Doha recognized that the accession of LDCs remained a priority for the membership and agreed to work to facilitate and accelerate negotiations with acceding LDCs and instructed the Sub-Committee on Least-Developed Countries to design a work programme on LDCs (WT/MIN(01)/DEC/1, paragraph 42). That work programme, which was adopted by the General Council at its meeting in February and March 2002, included, as one of its seven broad elements, measures to facilitate and accelerate LDCs' accession to the WTO Agreement.

At its meeting on 10-12 and 20 December 2002, the General Council considered a draft decision on guidelines to facilitate and accelerate negotiations with acceding LDCs, which had been agreed by the Sub-Committee on Least-Developed Countries at its meeting on 2 December (WT/COMTD/LDC/12).

The Chairman of the Sub-Committee on LDCs introduced the draft decision.

The General Council adopted the Decision (WT/L/508).

The representatives of the United States, Zambia (on behalf of the LDCs), Japan, European Communities, India, Norway, Kenya (on behalf of the African Group), Canada, Hungary, China and Cuba, and the Chairman spoke.

The General Council took note of the statements.

- (q) Issues affecting least-developed countries – Interim report by the Director-General pursuant to paragraph 43 of the Doha Ministerial Declaration (WT/GC/M/77)

Ministers at Doha requested the Director-General to provide an interim report to the General Council in December 2002, following coordination with heads of the other agencies, on all issues affecting LDCs, and a full report to the Fifth Session of the Ministerial Conference (WT/MIN(01)/DEC/1, paragraph 43).

At its meeting on 10-12 and 20 December 2002, the General Council considered an interim report by the Director-General pursuant to paragraph 43 of the Doha Ministerial Declaration (WT/GC/W/485).

The Director-General introduced the report.

The representatives of Djibouti, Japan, European Communities, Zambia (on behalf of the LDCs), Haiti, United States, Norway, Switzerland, Canada, Kenya, Benin and Guinea spoke.

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

- (r) Implementation and adequacy of technical cooperation and capacity-building commitments in the Doha Ministerial Declaration – Interim report by the Director-General pursuant to paragraph 41 of the Doha Ministerial Declaration (WT/GC/M/77)

Ministers at Doha instructed the Director-General to report to the Fifth Session of the Ministerial Conference on the implementation and adequacy of the technical cooperation and

capacity-building commitments in the Doha Ministerial Declaration, with an interim report to the General Council in December 2002 (WT/MIN(01)/DEC/1, paragraph 41).

At its meeting on 10-12 and 20 December 2002, the General Council considered an interim report by the Director-General pursuant to paragraph 41 of the Doha Ministerial Declaration (WT/GC/W/484).

The Director-General introduced the report.

The representatives of Japan, European Communities, Egypt, Norway, India, Kenya, Djibouti, United States, Thailand, Zambia, Pakistan, Jamaica, Canada, Morocco, Côte d'Ivoire, Nigeria, Mauritius, Cuba and Burkina Faso, and the Chairman spoke.

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

(s) Date and Venue of the Fifth Session of the Ministerial Conference (WT/GC/M/72<sup>5</sup>, 74<sup>6</sup>)

Under Item 3 of the Doha Ministerial Conference agenda ("Date and Venue of the Fifth Ministerial Conference") Ministers requested the General Council to determine the venue and dates of the Fifth Session of the Ministerial Conference.

At its meeting on 19-20 December 2001, the General Council considered a communication from Mexico containing an offer by that Government to host the Fifth Session of the Ministerial Conference (WT/GC/55).

The representatives of Mexico, Honduras (on behalf of GRULAC), Egypt, Qatar, United States, Kenya, Botswana, Brazil, Israel, Kuwait, European Communities, Canada, Lesotho, Singapore, Thailand, Turkey, Morocco, China, India, New Zealand, Australia and Côte d'Ivoire, and the Chairman spoke.

The General Council took note of the statements and agreed that Mexico would be the venue for the Fifth Session of the Ministerial Conference.

At the General Council meeting on 13-14 May 2002, the Chairman reported on consultations he had been holding regarding the dates of the Fifth Session.

The representative of Mexico informed the General Council that, having considered a number of sites which could provide the services and infrastructure required to carry out such a meeting, his Government had suggested that the Ministerial Conference be held in Cancún. Regarding possible dates for the meeting, and taking into account the views expressed in the consultations held by the Chairman, as well as logistics and other issues, his delegation proposed 10-14 September 2003.

The General Council took note of the statements and of Mexico's choice of Cancún as the site for the Fifth Session, and agreed that the Fifth Session would be held on 10-14 September 2003.

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<sup>5</sup> Carried in General Council minutes as "Venue of the Fifth Session of the Ministerial Conference – Communication from Mexico".

<sup>6</sup> Carried in General Council minutes as "Date of the Fifth Session of the Ministerial Conference".

**2. China – Transitional review under Section 18.2 of the Protocol on Accession to the WTO Agreement (WT/GC/M/77)**

At its meeting on 10-12 and 20 December 2002, the General Council conducted its first review of China's implementation of the WTO Agreement and the provisions of the Protocol of Accession. In so doing, the General Council considered a communication from China (WT/GC/68) which provided information required under Sections I and III of Annex 1A of the Protocol of Accession, as well as reports from subsidiary bodies on their respective reviews (G/L/596, S/C/15, IP/C/26, WT/BOP/R/68).

The representatives of China, United States, European Communities, Japan, Chinese Taipei, Switzerland, Chile, Canada, India, Cuba, Uruguay, Korea, Pakistan, Thailand, Zambia, Hungary and Côte d'Ivoire, and the Chairman spoke.

The General Council took note of the statements and of the reports submitted by the subsidiary bodies on their respective reviews, and agreed that the first review of China's implementation of the WTO Agreement and the provisions of its Protocol of Accession by the General Council, pursuant to Section 18 of the Protocol, had been concluded.

**3. Reports of the Special Sessions of the Committee on Agriculture and of the Council for Trade in Services (WT/GC/M/72, 73)**

In May 2000, the General Council agreed that for the duration of the mandated negotiations on Agriculture and Services, reports on them from the Special Sessions of the Committee on Agriculture and the Council for Trade in Services respectively would be a standing item on its agenda.

At its meeting on 19-20 December 2001, the General Council considered and took note of reports of the Special Sessions of the Committee on Agriculture and the Council for Trade in Services (G/AG/NG/9 and S/CSS/10 respectively).

At its meeting on 13 and 15 February and 1 March 2002, the General Council considered a report of the Special Session of the Committee on Agriculture (G/AG/NG/10).

The Chairman said that in the light of the Doha Ministerial Declaration and the establishment of the Trade Negotiations Committee (TNC) under the authority of the General Council to supervise the overall conduct of the negotiations in all areas specified in the Declaration, and following the agreement reached on the structure for the negotiations at the TNC's first meeting on 28 January and 1 February (TN/C/M/1), it seemed that the reports from these bodies operating in special session for the purposes of the agreed negotiations should forthwith be submitted to the TNC. In saying this, of course, it was clear that the General Council was in charge of the WTO's work programme as a whole, including that set out in the Doha Ministerial Declaration, and that the TNC would, in turn, report to each regular meeting of the General Council.

The General Council took note of the statement and of the report in G/AG/NG/10.

**4. Technical assistance and capacity building – Second meeting of Heads of Agency of the Integrated Framework (WT/GC/M/74)**

At the General Council meeting on 13-14 May 2002, the Director-General reported on the Second Meeting of the Heads of Agency of the Integrated Framework since July 2000, held on 26 February 2002, as well as on the first policy dialogue that he had held with the Heads and Representatives of the regional development banks, the World Bank and the New Partnership for African Development (NEPAD) Secretariat.

The representatives of Haiti, Guinea, Canada and the United States, and the Director-General spoke.

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

**5. Report on the evaluation of the Joint Integrated Technical Assistance Programme (WT/GC/M/75)**

At the General Council meeting on 8 and 31 July 2002, Deputy Director-General Mr. Ouedraogo reported on a meeting of the JITAP Common Trust Fund Steering Group held on 25 June to discuss the evaluation report of two international consultants relating to the effectiveness of the JITAP in building the human and institutional capacities of beneficiary countries and on its future direction.

The representatives of Canada, Kenya, Uganda, Zambia, Tanzania and Djibouti spoke.

The General Council took note of the statements.

**6. Agreement on Textiles and Clothing**

- (a) Major review of the implementation of the Agreement on Textiles and Clothing (ATC) during the second stage of the integration process pursuant to Article 8.11 of the ATC (WT/GC/M/72)

At its meeting on 19-20 December 2001, the Interim Chairman of the Council for Trade in Goods (CTG) informed the General Council on the situation with regard to the major review of the implementation of the ATC during the second stage of the integration process, and reaffirmed the commitment of the CTG Chairman to continue and intensify the consultation process in 2002 with a view to submitting a report for consideration by the CTG at an early date.

The representatives of India, China, Pakistan and Bangladesh spoke.

The General Council took note of the statements.

- (b) Composition of the Textiles Monitoring Body (WT/GC/M/72)

At its meeting on 19-20 December 2001, the General Council considered a draft decision on the composition of the Textiles Monitoring Body for the final three years of the Agreement on Textiles and Clothing, i.e. from 1 January 2002 to 31 December 2004 (WT/GC/W/465).

The Interim Chairman of the Council for Trade in Goods spoke.

The General Council took note of the statement and adopted the Decision (WT/L/443).

**7. Review of procedures for the circulation and derestriction of WTO documents (WT/GC/M/72, 73, 74)**

At the General Council meeting on 19-20 December 2001, Deputy Director-General Mr. Rodríguez-Mendoza reported on consultations he had been holding on this matter.

The representatives of the European Communities, Bulgaria, India, Canada, United States, Panama, Malaysia, Brazil, Chile and Peru, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this matter at its next meeting, and that in the meantime further informal consultations would be held in order to bring this matter to a conclusion.

At its meeting on 13 and 15 February and 1 March 2002, the General Council again considered this matter.

The Chairman spoke.

The General Council took note of the statement and agreed to revert to this matter at its next meeting, and that in the meantime Deputy Director-General Mr. Rodríguez-Mendoza be requested to pursue his consultations in order to bring this matter to a conclusion.

At its meeting on 13-14 May 2002, the General Council considered a draft decision on this matter that had resulted from the informal consultations (WT/GC/W/464/Rev.1).

The Chairman indicated that since the circulation of the text in WT/GC/W/464/Rev.1, he had held further discussions with several delegations in light of some concerns expressed by them, following which he wished to propose two modifications to that text concerning paragraphs 2(a) and 2(b), both of which were intended to clarify the relevant provisions of the draft decision and were not substantive. He sought Members' understanding in incorporating the proposed changes into the text of the draft decision. He then went on to read out three points of clarification for the record, which related to disclaimers on documents prepared by the Secretariat, the "date of circulation" of a document, and the distribution of "Job No." documents.

The representatives of Malaysia, European Communities, Bulgaria, United States, Panama, Honduras, Canada and Colombia (also on behalf of Chile), and the Director of the Language Services and Documentation Division and the Chairman spoke.

The General Council adopted the draft decision with the two amendments read out by the Chairman (WT/L/452), and took note of the statements, including the points of clarification by the Chairman.

**8. Internal transparency and effective participation of Members – Preparatory process in Geneva and negotiating procedure at Ministerial Conferences (WT/GC/M/73, 74, 75, 77)**

At its meeting on 13 and 15 February and 1 March 2002, the representative of India informed the General Council that his delegation would shortly be circulating a paper outlining suggestions with respect to the issue of internal transparency and effective participation of Members as it related to the preparation and organization of Ministerial Conferences, and requested that this matter be placed on the agenda of the next meeting of the General Council.

The General Council took note of the statement.

At the General Council meeting on 13-14 May 2002, the General Council considered a joint communication on this subject from Cuba, Dominican Republic, Egypt, Honduras, India, Indonesia, Jamaica, Kenya, Malaysia, Mauritius, Pakistan, Sri Lanka, Tanzania, Uganda and Zimbabwe (WT/GC/W/471).

The representatives of India, United States, Norway, Zimbabwe, China, European Communities, Guatemala, Brazil, Costa Rica, Jamaica, Cuba, Philippines, Korea, New Zealand,

Turkey, Bulgaria, Singapore, Malaysia, Colombia, Indonesia, Chile, Japan, Pakistan, Egypt and Hong Kong, China, and the Director-General and the Chairman spoke.

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

At its meeting on 8 and 31 July 2002, the General Council considered a further joint communication on this subject from Australia, Canada, Korea, Mexico, New Zealand, Singapore, Switzerland and Hong Kong, China<sup>7</sup> (WT/GC/W/477), as well as an earlier communication from Bulgaria submitted in November 2000 (WT/GC/W/422).

The representatives of Australia, Bulgaria, Chile, Colombia, Brazil, Morocco, Norway, Zimbabwe, Japan, South Africa, Egypt, Czech Republic, Indonesia, Thailand, Hungary, Korea, European Communities, India, United States, Jamaica, Canada, Switzerland, Mexico, Pakistan, Kenya, Malaysia, Singapore, Chinese Taipei, China, Tanzania, Philippines, Cuba, New Zealand, Nigeria and Hong Kong China, and the Chairman spoke.

The General Council took note of the statements and agreed to revert to this item at a future meeting, and that the Chairman would hold consultations on this matter in the meantime.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman introduced the text of a draft Chairman's Statement on this matter (Job(02)/197/Rev.1), drawn up on his own responsibility and proposed that the General Council agree to endorse the statement as it stood.

The representatives of Bulgaria, India, Canada, Cuba, Kenya (on behalf of the African Group), European Communities, Norway, Indonesia, Japan, China, Panama, Nigeria, New Zealand, Honduras, Zimbabwe, Singapore, Korea, Malaysia, Hungary, Chile, Egypt, Australia, Argentina, Pakistan, Switzerland, Haiti, China, and Hong Kong, China, and the Chairman spoke.

The General Council took note of the statements.

**9. Appointment of the next Director-General - Follow-up to the Decision of 22 July 1999 (WT/GC/M/73)**

In its Decision of July 1999 on the appointment of the next Director-General (WT/L/308), the General Council agreed that it would reconfirm, in March 2002, the availability for office of the next Director-General-designate of the WTO, Dr. Supachai Panitchpakdi (Thailand).

At the General Council meeting on 13 and 15 February and 1 March 2002, the Chairman drew attention to a communication from Dr. Supachai circulated by the delegation of Thailand (WT/L/438), in which Dr. Supachai formally informed the General Council of his availability for office for the period 1 September 2002 to 31 August 2005, and proposed, for the purposes of the reconfirmation, that the General Council take note of the communication.

The General Council so agreed.

The Chairman then recalled that in its Decision of July 1999 the General Council had also resolved to elaborate and adopt, by the end of September 2000, a comprehensive set of rules and procedures for future appointments of Directors-General. Regrettably, it had not been possible to

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<sup>7</sup> At this meeting, the representative of Chile indicated that Chile wished to be added to the list of sponsors of the communication in WT/GC/W/477.

pursue this matter further over the past year, due to the heavy workload in preparation for the Doha Ministerial Conference. He was hopeful that Members would be able to address this matter substantively in the coming months.

The General Council took note of the statement.

#### **10. Procedures for the appointment of future Directors-General (WT/GC/M/75<sup>8</sup>, 77)**

In its Decision of July 1999 on the appointment of the next Director-General, the General Council resolved to elaborate and adopt, by the end of September 2000, a comprehensive set of rules and procedures for future appointments of Directors-General (WT/L/308). At the General Council meeting on 13-14 May 2002, prior to adoption of the agenda, the Chairman indicated that he would be holding consultations on this matter.

At the General Council meeting on 8 and 31 July 2002, the Chairman, recalling that work under this mandate had been undertaken by his predecessors, reported on consultations he had held recently on this matter, and outlined the main issues that needed further focused consultations, as well as other issues on which there seemed to be broad convergence. He indicated his intention to hold further focused consultations in the early autumn on issues Members had identified as the most important, with a view to moving this work towards a successful conclusion by the end of the year.

The representatives of Brazil and India spoke.

The General Council took note of the statements.

At its meeting on 10-12 and 20 December 2002, the General Council considered a draft text on procedures for the appointment of Directors-General (WT/GC/W/482/Rev.1).

The Chairman proposed that the General Council agree to adopt the procedures as contained in WT/GC/W/482/Rev.1.

The General Council so agreed (WT/L/509).

The representatives of Bulgaria, Botswana, Brazil, Kenya (on behalf of the African Group), Nigeria, Norway, Cuba, Jamaica, Chile, Australia, Switzerland, Barbados, Philippines, Chinese Taipei, Hungary, Mexico, United States and Japan, and the Chairman spoke.

The General Council took note of the statements.

#### **11. Appointment of officers to WTO bodies**

##### **(a) Appointment of officers to WTO bodies (WT/GC/M/73, 77)**

At the General Council meeting on 13 and 15 February and 1 March 2002, the Chairman said that in accordance with the guidelines for appointment of officers to WTO bodies approved by the General Council in January 1995 (WT/L/31), he had conducted consultations on this matter, on the basis of which he considered that there was a consensus on the following slate of names:

General Council

Mr. Sergio Marchi (Canada)

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<sup>8</sup> See also under point 9 – " Appointment of the next Director-General - Follow-up to the Decision of 22 July 1999."



Dispute Settlement Body	Mr. Carlos Pérez del Castillo (Uruguay)
Trade Policy Review Body	Ms. Amina Chawahir Mohamed (Kenya)
Council for Trade in Goods	Mr. M. Supperamaniam (Malaysia)
Council for Trade in Services	Mrs. Mary Whelan (Ireland)
Council for TRIPS	Mr. Eduardo Pérez Motta (Mexico)
Committee on Trade and Environment	Mr. Oğuz Demiralp (Turkey)
Committee on Trade and Development	Mr. Toufiq Ali (Bangladesh)
Committee on Balance-of-Payments Restrictions	Mrs. Anda Cristina Filip (Romania)
Committee on Regional Trade Agreements	Mr. Boniface Guwa Chidyausiku (Zimbabwe)
Committee on Budget, Finance and Administration	Mr. Neil McMillan (United Kingdom)
Working Group on the Relationship between Trade and Investment	Mr. Luiz Felipe de Seixas Corrêa (Brazil)
Working Group on the Interaction between Trade and Competition Policy	Mr. Frédéric Jenny (France)
Working Group on Transparency in Government Procurement	Mr. Ronald Saborío Soto (Costa Rica)
Working Group on Trade and Transfer of Technology	Mr. Stefán Haukur Jóhannesson (Iceland)
Working Group on Trade, Debt and Finance	Mr. Hernando José Gómez (Colombia)
Negotiating Group on Market Access	Mr. Pierre-Louis Girard (Switzerland)
Negotiating Group on WTO Rules	Mr. Timothy John Groser (New Zealand)
Special Session of the Council for Trade in Services	Mr. Alejandro Jara (Chile)
Special Session of the Council for TRIPS	Mr. Eui Yong Chung (Korea)
Special Session of the Dispute Settlement Body	Mr. Péter Balás (Hungary)
Special Session of the Committee on Agriculture	Mr. Stuart Harbinson (Hong Kong, China)
Special Session of the Committee on Trade and Environment	Mrs. Yolande Biké (Gabon)
Special Session of the Committee on Trade and Development	Mr. Ransford Smith (Jamaica)

As part of the understandings that had been reached in his consultations on the appointment of chairpersons to WTO bodies for 2002, and which had contributed to the consensus on the above slate of names, it had been agreed that Mr. Farahat (Egypt) would be appointed as Chairperson of the

Committee on Agriculture. Appointments for the regular WTO bodies would be for one year, as usual. The chairpersons appointed to the other WTO bodies under the structure agreed by the Trade Negotiations Committee at its first meeting on 28 January and 1 February would, as had been agreed, serve until the Fifth Session of the Ministerial Conference (TN/C/M/1). All chairpersons would be formally appointed by the respective Councils and Committees at their first meeting following the present meeting.

The representatives of Japan, Korea, Kenya (on behalf of the African Group), Nicaragua (on behalf of GRULAC), Zimbabwe, Mexico, Philippines, Morocco, United States, Cuba, European Communities, Uganda (on behalf of the LDCs), Slovak Republic (also on behalf of Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovenia), Pakistan, China, Norway, Bangladesh and the Russian Federation (as an observer), and the Chairman spoke.

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

At its meeting on 10-12 and 20 December 2002, the Chairman informed the General Council, in accordance the revised Guidelines for Appointment of Officers to WTO Bodies adopted at that meeting (WT/L/510)<sup>9</sup>, that he would be starting the selection process for the appointment of chairpersons to the WTO bodies outlined in Groups 1, 2, 4 and 5 of the Annex to the Guidelines and provided details of how this process would be conducted under the agreed Guidelines.

The General Council took note of this information.

(b) Guidelines for the appointment of officers to WTO Bodies (WT/GC/M/77)

At the General Council meeting in February 2002<sup>10</sup>, several Members indicated their dissatisfaction with the current process for appointment of officers, and expressed the hope that a better approach to this process could be developed, and in May, the Chairman indicated that he would be holding consultations on this matter.

At its meeting on 10-12 and 20 December 2002, the General Council considered a draft text on guidelines for the appointment of officers to WTO bodies (Job(02)/198/Rev.1).

The Chairman proposed that the draft guidelines for the appointment of officers to WTO bodies in document Job(02)/198/Rev.1 be adopted.

The General Council so agreed (WT/L/510).

**12. Review of the exemption provided under paragraph 3 of GATT 1994 (WT/GC/M/72, 74, 75, 77)**

At the General Council meeting on 19-20 December 2001, the Chairman, recalling that a review of the exemption provided under paragraph 3 of GATT 1994 was due to have been conducted in 2001, said that as the General Council had been overloaded with a number of other priority issues, in particular those relating to preparations for the Fourth Ministerial Conference, it had not been able to conduct this review and would thus have revert to this matter in 2002.

The General Council took note of the statement.

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<sup>9</sup> See under Point 11(b) "Guidelines for the appointment of officers to WTO bodies."

<sup>10</sup> See under Point 11(a) "Appointment of officers to WTO bodies".

At its meeting on 13-14 May 2002, the General Council considered the exemption provided under paragraph 3 of GATT 1994 for review. In this connection, the General Council had before it a communication from the United States containing recent information relating to the operation of the exemption (WT/L/444).

The representatives of the United States, Japan, Panama, European Communities, Australia and Hong Kong, China spoke.

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

At the General Council meeting on 8 and 31 July 2002, the Chairman suggested it might be helpful if he were to consult informally with the delegations who had spoken on this item thus far, at least in the first instance, with the aim of trying to get a sense of the way forward and to bring some closure to this issue at a future meeting. If this were agreeable, he would propose to begin consultations on this matter early in the autumn and also propose that the General Council to revert to this item at a future meeting before the end of the year.

The representatives of the European Communities, Norway, United States, Australia, Panama, Japan, Korea and Chile spoke.

The General Council took note of the statements and agreed to revert to this matter at a future meeting before the end of the year, and that the Chairman would hold consultations on it early in the autumn.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman reported on the consultations that at his request Deputy Director-General Mr. Thompson-Flôres had held on his behalf on this matter and proposed a procedure to be followed for the conduct of the review under the next cycle starting in 2003.

The representatives of Panama, Chile, European Communities, Japan, Australia, Norway, New Zealand, United States and Hong Kong, China spoke.

The General Council took note of the statements and agreed to the procedure for the conduct of the review under the next cycle starting in 2003 as outlined by the Chairman.

### **13. Proposal to remove and avoid inconsistencies in the texts of WTO agreements (WT/GC/M/74, 75)**

At its meeting on 13-14 May 2002, the General Council considered a proposal from Chile aimed at removing and avoiding inconsistencies in the texts of WTO agreements (WT/GC/W/473).

The representatives of Chile, Colombia, Cuba, United States, Canada, European Communities, Venezuela, Uruguay, Costa Rica, Argentina and Switzerland spoke.

The Chairman invited Members and the relevant divisions of the Secretariat to further reflect on this issue, and proposed that the General Council take note of the statements and revert to this matter at a future meeting.

The General Council so agreed.

At its meeting on 8 and 31 July 2002, the representative of Chile informed the General Council about consultations his delegation had held with various Members on this matter, and requested that this matter be placed on the agenda of the next meeting of the General Council.

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

#### **14. Accession matters**

##### **(a) Armenia (WT/GC/M/77)**

In December 1993, the GATT 1947 Council established a Working Party to examine Armenia's request for accession to the General Agreement on Tariffs and Trade (GATT 1947). Having regard to the Decision adopted by the General Council on 31 January 1995 (WT/L/25), the GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party.

At its meeting on 10-12 and 20 December 2002, the General Council considered the Report of the Working Party on the Accession of Armenia (WT/ACC/ARM/23 and Add.1 and 2).

The representative of Armenia (as an observer) and the representative of Australia on behalf of the Chairman of the Working Party spoke.

The General Council approved the text of the Protocol of Accession of Armenia (WT/L/506) 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 Armenia (WT/L/506). The General Council then adopted the report of the Working Party as a whole (WT/ACC/ARM/23 and Add.1 and 2). In this context, the Chairman drew attention to the communication to the Director-General received from Armenia and circulated in WT/ACC/ARM/22 and, on behalf of the General Council and all Members, welcomed the accession of Armenia.

The representatives of Armenia (as an observer), Indonesia (on behalf of the ASEAN Members), Georgia, Slovak Republic (also on behalf of Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovenia), European Communities, United States, Paraguay (on behalf of GRULAC), Kyrgyz Republic, Lesotho, Japan, India, Cyprus and Australia, and the Chairman spoke.

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

##### **(b) Former Yugoslav Republic of Macedonia (WT/GC/M/76)**

At its meeting on 15 October 2002, the General Council considered the Report of the Working Party established in December 1994 to examine the request of the Former Yugoslav Republic of Macedonia for accession to the WTO Agreement (WT/ACC/807/27 and Add.1 and 2).

The representative of the Former Yugoslav Republic of Macedonia (as an observer) and the Chairman of the Working Party spoke.

The General Council approved the text of the Protocol of Accession of the Former Yugoslav Republic of Macedonia (WT/L/494) 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 the Former Yugoslav Republic of Macedonia (WT/L/494). The General Council then adopted the report of the Working Party as a whole (WT/ACC/807/27 and Add.1 and 2).

The representatives of Argentina, Turkey, Paraguay (on behalf of GRULAC), China, Slovak Republic (also on behalf of Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovenia), Croatia, European Communities, Indonesia (on behalf of the ASEAN Members), India, Slovenia, Albania, Bulgaria, Kenya (on behalf of the African Group) and the Federal Republic of Yugoslavia (as an observer), and the Chairman spoke.

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

(c) Iran (WT/GC/M/72, 73, 74, 75, 76, 77)

A communication from Iran requesting accession to the WTO Agreement (WT/ACC/IRN/1) was considered by the General Council in May 2001 at the request of Egypt on behalf of the Informal Group of Developing Countries, and further at its meetings in July and October 2001.

At its meeting on 19-20 December 2001, the General Council again considered this matter.

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

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

At its meeting on 13 and 15 February and 1 March 2002, the General Council again considered this matter.

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

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

At its meeting on 13-14 May 2002, the General Council again considered this matter.

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

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

At its meeting on 8 and 31 July 2002, the General Council again considered this matter.

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

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

At its meeting on 15 October 2002, the General Council again considered this matter.

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

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

At its meeting on 10-12 and 20 December 2002, the General Council again considered this matter.

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

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

(d) Nepal (WT/GC/M/76)

At its meeting on 15 October 2002, the Chairman informed the General Council that Mr. Girard (Switzerland) had agreed to Chair the Working Party on Accession of Nepal following the departure of the former Chairman, Mr. Farrell (New Zealand).

The General Council took note of this information.

(e) Saudi Arabia (WT/GC/M/73)

At its meeting on 13 and 15 February and 1 March 2002, the Chairman said, *inter alia*, that as a result of his recent consultations, he believed that consensus could be reached shortly on the appointment of Mr. Akram (Pakistan) who had offered to make himself available to chair the Working Party on Accession of Saudi Arabia following an indication by its present Chairman, Mr. Weekes (Canada), that he would no longer be able to serve in this post. He or the new General Council Chairman would complete these consultations and, if there were no objections, designate the Chairman of the Working Party and so inform the General Council in writing.<sup>11</sup>

The General Council took note of the statement.

## **15. Committee on Balance-of-Payments Restrictions**

(a) Consultations - Bangladesh (WT/GC/M/74, 77)

At the General Council meeting on 13-14 May 2002, the representative of Romania, speaking on behalf of the Chairperson of the Committee on Balance-of-Payments Restrictions, introduced the Committee's report on its resumed consultations with Bangladesh (WT/BOP/R/60).

The General Council took note of the statement and adopted the report in WT/BOP/R/60.

At the General Council meeting on 10-12 and 20 December 2002, the representative of Romania on behalf of the Chairperson of the Committee on Balance-of-Payments Restrictions introduced the Committee's report on its consultations with Bangladesh (WT/BOP/R/64).

The representatives of Bangladesh and the United States spoke.

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<sup>11</sup> In the light of further consultations, the Chairman informed Members in a communication dated 13 March 2002 (WT/GC/59) that Mr. Akram (Pakistan) would serve as the new Chairman of this Working Party.

The General Council took note of the statements and adopted the report in WT/BOP/R/64.

(b) Notes on meetings (WT/GC/M/74, 77)

At the General Council meeting on 13-14 May 2002, the representative of Romania, speaking on behalf of the Chairperson of the Committee on Balance-of-Payments Restrictions, introduced the Committee's report on its meeting of 27 February (WT/BOP/R/61).

The General Council took note of the statement and of the information in WT/BOP/R/61.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman drew attention to the Note on the Committee's meeting of 18 November (WT/BOP/R/69).

The General Council took note of the information in WT/BOP/R/69.

**16. Committee on Budget, Finance and Administration**

(a) Reports (WT/GC/M/72, 74, 75, 76, 77)

At its meeting on 19-20 December 2001, the General Council considered a report by the Committee on Budget, Finance and Administration (WT/BFA/56).

The Chairman of the Committee introduced the report. The representatives of Pakistan, Japan, Canada, Brazil, European Communities, United States, India, China, Norway, Switzerland, Philippines, Tanzania and United Kingdom (also on behalf of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden) spoke.

The General Council took note of the statements, approved the Budget Committee's specific recommendations in paragraphs 9, 10, 19, 22, 39, 48, 56, 59 and 65 of its report in WT/BFA/56, and adopted the report.

At the General Council meeting on 13-14 May 2002, the Chairman of the Committee on Budget, Finance and Administration reported on the Committee's meetings of 15 April and 8 May 2002.

The General Council took note of the statement.

At its meeting on 8 and 31 July 2002, the General Council considered reports by the Committee on Budget, Finance and Administration (WT/BFA/58 and 59).

The Chairman of the Committee introduced the reports, and reported on the Committee's meeting of 5 July 2002.

The General Council took note of the statement, approved the Budget Committee's specific recommendation in paragraph 9 of its report in WT/BFA/58, and adopted the reports in WT/BFA/58 and 59.

At its meeting on 15 October 2002, the General Council considered a report by the Committee on Budget, Finance and Administration (WT/BFA/60).

The Chairman of the Committee introduced the report.

The General Council took note of the statement and adopted the report in WT/BFA/60.

At the General Council meeting on 10-12 and 20 December 2002, the Chairman drew attention to the recommendations of the Committee on Budget, Finance and Administration which had resulted from the Committee's extensive meetings held between October and December (WT/BFA/62).

The Chairman of the Committee introduced the Committee's recommendations in WT/BFA/62.

The Chairman of the General Council made a statement with regard to the Committee's work concerning the review of methodologies for future pay adjustments.

The General Council took note of the statements by the Chairman of the Committee and by the Chairman of the General Council, approved the Committee's recommendations contained in WT/BFA/62, and took note that the Committee would make a progress report in February 2003 on its work concerning the review of methodologies for future pay adjustments.

The representatives of China, Chile, Djibouti, Haiti, Kenya (on behalf of the African Group), Chinese Taipei, Uruguay, Barbados, Zambia and the United States, and the Director-General and the Chairman spoke.

The General Council took note of the statements.

- (b) Statement by the Committee Chairman in relation to pledges announced and payments received to finance the implementation of the WTO Secretariat Annual Technical Assistance Plan (WT/GC/M/75)

At the General Council meeting on 8 and 31 July 2002, the Chairman of the Committee on Budget, Finance and Administration reported on pledges announced and payments received towards the Doha Development Agenda Global Trust Fund, and urged all donors who had not yet done so to transfer their promised contributions as quickly as possible.

The representative of Japan spoke.

The General Council took note of the statements.

- (c) Statement by the Committee Chairman regarding the Director-General's conditions of service (WT/GC/M/76)

At the General Council meeting on 15 October 2002, the Chairman of the Committee on Budget, Finance and Administration drew attention to his 3 October letter to all delegations drawing their attention to a report he had made to the Budget Committee on 2 October regarding a proposed adjustment to the Director-General's salary package, which he outlined.

The Chairman proposed that the General Council agree ad referendum to the terms of the Director-General's contract as outlined by the Chairman of the Committee on Budget, Finance and Administration. If no Member indicated any reservations to him by close-of-business on 28 October, the Director-General's conditions of service would be considered agreed and a notice to this effect sent to Members.



The General Council took note of the statement and so agreed.<sup>12</sup>

## **17. Waivers under Article IX of the WTO Agreement**

### **(a) Transposition of Schedules into the Harmonized System**

#### **(i) *Nicaragua and Sri Lanka (WT/GC/M/74)***

At its meeting on 13-14 May 2002, the General Council considered requests by Nicaragua (G/L/515) and Sri Lanka (G/L/516) for extensions of waivers previously granted in connection with their implementation of the Harmonized System, and draft decisions to this effect (Nicaragua – G/C/W/351; Sri Lanka – G/C/W/352).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decisions (Nicaragua – WT/L/467; Sri Lanka – WT/L/468).

#### **(ii) *Sri Lanka (WT/GC/M/76)***

At its meeting on 15 October 2002, the General Council considered a request by Sri Lanka (G/L/565) for an extension of its waiver previously granted in connection with its implementation of the Harmonized System, and a draft decision to this effect (G/C/W/415/Rev.1).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/492).

### **(b) Introduction of the Harmonized System 1996 changes into WTO schedules of tariff concessions**

#### **(i) *Argentina, Brazil, El Salvador, Israel, Malaysia, Morocco, Norway, Pakistan, Panama, Paraguay, Switzerland, Thailand and Venezuela (WT/GC/M/74)***

At its meeting on 13-14 May 2002, the General Council considered requests from Argentina (G/L/528), Brazil (G/L/511), El Salvador (G/L/514), Israel (G/L/513), Malaysia (G/L/535), Morocco (G/L/512/Rev.1), Norway (G/L/519), Pakistan (G/L/526), Panama (G/L/518), Paraguay (G/L/525), Switzerland (G/L/523), Thailand (G/L/524) and Venezuela (G/L/517) for extensions of waivers for the introduction of Harmonized System 1996 changes into schedules of tariff concessions, and related draft decisions (Argentina – G/C/W/362; Brazil – G/C/W/348; El Salvador – G/C/W/350; Israel – G/C/W/349 and Corr.1; Malaysia – G/C/W/364; Morocco – G/C/W/358; Norway – G/C/W/355 and Corr.1; Pakistan – G/C/W/365 and Corr.1; Panama – G/C/W/354 and Corr.1; Paraguay – G/C/W/357; Switzerland – G/C/W/356; Thailand – G/C/W/359 and Venezuela – G/C/W/353).

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<sup>12</sup> No reservations having been received by the Chairman, the Director-General's conditions of service were thereby considered agreed. A notice to this effect was circulated to Members in WT/GC/67.

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decisions (WT/L/464 – Argentina; WT/L/454 – Brazil; WT/L/456 – El Salvador; WT/L/455 – Israel; WT/L/465 – Malaysia; WT/L/462 – Morocco; WT/L/459 – Norway; WT/L/466 – Pakistan; WT/L/458 – Panama; WT/L/461 – Paraguay; WT/L/460 – Switzerland; WT/L/463 – Thailand and WT/L/457 – Venezuela).

(ii) *Argentina, El Salvador, Israel, Morocco, Norway, Thailand and Venezuela (WT/GC/M/76)*

At its meeting on 15 October 2002, the General Council considered requests from Argentina (G/L/559), El Salvador (G/L/563), Israel (G/L/560), Morocco (G/L/568), Norway (G/L/562), Thailand (G/L/564) and Venezuela (G/L/561) for extensions of waivers for the introduction of Harmonized System 1996 changes into schedules of tariff concessions, and related draft decisions (Argentina – G/C/W/409 and Corr.1; El Salvador – G/C/W/413 and Corr.1; Israel – G/C/W/410 and Corr.1; Morocco – G/C/W/417; Norway – G/C/W/412 and Corr.1; Thailand – G/C/W/414 and Corr.1 and Venezuela – G/C/W/411 and Corr.1).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decisions (WT/L/485 – Argentina; WT/L/486 – El Salvador; WT/L/487 – Israel; WT/L/488 – Morocco; WT/L/489 – Norway; WT/L/490 – Thailand and WT/L/491 – Venezuela).

(c) Introduction of the Harmonized System 2002 changes into WTO schedules of tariff concessions

(i) *Argentina, Australia, Bulgaria, Canada, China, Colombia, Croatia, Czech Republic, Estonia, European Communities, Hungary, Iceland, India, Korea, Latvia, Lithuania, Malaysia, Mexico, New Zealand, Norway, Romania, Singapore, Slovak Republic, Slovenia, Switzerland, Thailand, Turkey, United States, Uruguay and Hong Kong, China (WT/GC/M/74)*

At its meeting on 13-14 May 2002, the General Council considered a draft decision (G/C/W/367/Rev.1) to waive obligations under Article II of GATT 1994 for Members listed in the Annex to the draft decision in relation to the introduction of the Harmonized System 2002 changes into WTO schedules of tariff concessions.

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

The representatives of Romania and Brazil spoke.

The General Council took note of the report and of the statements, including the statement by the Chairperson of the Market Access Committee at the Committee's meeting of 15 March 2002 referred to by Brazil, 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/469).

(ii) *Romania (WT/GC/M/75)*

At its meeting on 8 and 31 July 2002, the General Council considered a request by Romania (G/L/553) for a waiver for the introduction of the Harmonized System 2002 changes into WTO schedules of tariff concessions, and the related draft decision (G/C/W/383).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/477).

(iii) *Argentina, Australia, Bulgaria, Canada, China, Croatia, Czech Republic, Estonia, European Communities, Hungary, Iceland, India, Korea, Latvia, Lithuania, Mexico, Nicaragua, Norway, Romania, Singapore, Slovak Republic, Slovenia, Switzerland, Thailand, United States, Uruguay and Hong Kong, China and Macao, China (WT/GC/M/77)*

At its meeting on 10-12 and 20 December 2002, the General Council considered a draft decision (G/C/W/436 and Corr.1) to waive obligations under Article II of GATT 1994 for Members listed in the Annex to that decision in relation to the introduction of the Harmonized System 2002 changes into WTO schedules of tariff concessions.

The Chairman, on behalf of the Chairman of the Council for Trade in Goods, reported on the consideration of the draft decision by that Council.

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/511).

(d) Renegotiation of Schedule

(i) *Zambia (WT/GC/M/74, 76)*

At its meeting on 13-14 May 2002, the General Council considered a request by Zambia (G/L/537) for an extension of a waiver previously granted in connection with the renegotiation of its schedule, and a draft decision to this effect (G/C/W/370).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/470).

At its meeting on 15 October 2002, the General Council considered a request by Zambia (G/L/567) for an extension of a waiver previously granted in connection with the renegotiation of its schedule, and a draft decision to this effect (G/C/W/416).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/493).

- (e) Colombia – Article 5.2 of the Agreement on Trade-Related Investment Measures (WT/GC/M/72)

At its meeting on 19-20 December 2001, the General Council considered a request by Colombia (G/C/W/340) for a waiver from its obligations under Article 5.2 of the Agreement on Trade-Related Investment Measures, and the related draft decision (G/C/W/343).

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

The representative of the United States spoke.

The General Council took note of the report and of the statement 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/441).

- (f) Cuba – Article XV:6 of GATT 1994 (WT/GC/M/72)

At its meeting on 19-20 December 2001, the General Council considered a request by Cuba (G/C/W/303 and Corr.1) for an extension of a waiver previously granted in connection with its obligations under paragraph 6 of Article XV of GATT 1994, and the related draft decision (G/C/W/308).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/440).

- (g) Agreement on Implementation of Article VII of GATT 1994 (Customs Valuation Agreement)

- (i) *Côte d'Ivoire* (WT/GC/M/75)

At its meeting on 8 and 31 July 2002, the General Council considered a request by Côte d'Ivoire (G/C/W/301 and Add.1 and 2) for a waiver from its obligations under the Agreement on Implementation of Article VII of GATT 1994, and the related draft decision (G/C/W/385).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/475).

(ii) *Dominican Republic – Minimum values under the Agreement on Implementation of Article VII of GATT 1994 (WT/GC/M/72)*

At its meeting on 19-20 December 2001, the General Council considered a request by the Dominican Republic (G/C/W/286) for a waiver from its obligations under the Agreement on Implementation of Article VII of GATT 1994, and the related draft decision (G/C/W/310).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/442).

(iii) *El Salvador (WT/GC/M/74, 75)*

At its meeting on 13-14 May 2002, the General Council considered a request by El Salvador (G/C/W/300/Rev.2) for extension of a waiver from its obligations under the Agreement on Implementation of Article VII of GATT 1994, and the related draft decision (G/C/W/300/Rev.2/Add.1/Corr.1).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/453).

At its meeting on 8 and 31 July 2002, the General Council considered a further request by El Salvador (G/C/W/372) for a waiver from its obligations under the Agreement on Implementation of Article VII of GATT 1994, and the related draft decision (G/C/W/388).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/476).

(iv) *Haiti (WT/GC/M/72)*

At its meeting on 19-20 December 2001, the General Council considered a request by Haiti (G/C/W/256/Rev.1) for a waiver from its obligations under the Agreement on Implementation of Article VII of GATT 1994, and the related draft decision (G/C/W/326).

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

The General Council took note of the report and, in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed in November 1995 (WT/L/93), adopted the Decision (WT/L/439).

- (h) Least-Developed Countries – Obligations under Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products (WT/GC/M/75)

At its meeting on 8 and 31 July 2002, the General Council considered a draft decision (IP/C/W/359) to waive from the obligations of least-developed country Members under Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products until 1 January 2016.

The Chairman of the Council for TRIPS reported on the consideration of this waiver by that Council.

The representative of Zambia (on behalf of the LDCs) spoke.

The General Council took note of the report and of the statement 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/478).

- (i) New EC special tariff arrangements to combat drug production and trafficking (WT/GC/M/75)

At the General Council meeting on 8 and 31 July 2002, the Chairman said that, as delegations were aware, this waiver request was presently under consideration by the Council for Trade in Goods, in accordance with the procedures laid down in Article IX(3)(b) of the WTO Agreement. Although that Council had not yet been able to submit a report, he had been informed that its Chairman was continuing to hold consultations with a view to finalizing the report. He would therefore encourage the Chairman of the Council for Trade in Goods and all delegations to persevere in their efforts to reach agreement as soon as possible. Taking into account the situation he had just described, he proposed that Members not, on the present occasion, enter into a discussion of this topic, the positions on which were well known to all the parties. In this regard, he would therefore propose that the General Council take note of his statement and revert to the matter once the Council for Trade in Goods had submitted its report pursuant to Article IX(3)(b).

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

- (j) Review of waivers pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/72, 76, 77)

Under Article IX:4 of the WTO Agreement, "Any 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."

At its meeting on 19-20 December 2001, the General Council considered the following waivers for review under Article IX.4:

- (i) EC – Autonomous preferential treatment to the countries of the Western Balkans (WT/L/380 and Corr.1); and
- (ii) Turkey – Preferential treatment for Bosnia-Herzegovina (WT/L/381).

In so doing, the General Council considered reports on the implementation of the waivers submitted by the European Communities and Turkey in documents WT/L/435 and WT/L/431 respectively.

The Chairman spoke.

The General Council took note of the statement and of the reports in WT/L/435 and 431.

At its meeting on 15 October 2002, the General Council considered the following waivers for review under Article IX.4:

- (i) Canada – CARIBCAN (WT/L/185);
- (ii) Madagascar – Customs Valuation Agreement (WT/L/408);
- (iii) Switzerland – Preferences for Albania and Bosnia-Herzegovina (WT/L/406); and
- (iv) United States – Former Trust Territory of the Pacific Islands (WT/L/183).

In so doing, the General Council considered reports on the implementation of the waivers submitted by Canada, Switzerland and the United States in documents WT/L/483, WT/L/482 and WT/L/484 respectively.

The representative of Paraguay and the Chairman spoke.

The General Council took note of the statements and of the reports in WT/L/482, 483 and 484.

At its meeting on 10-12 and 20 December 2002, the General Council considered the following waivers for review pursuant to Article IX.4 of the WTO Agreement:

- (i) Cuba – Article XV:6 of GATT 1994 (WT/L/440);
- (ii) Colombia – Extension of the application of Article 5.2 of the Agreement on Trade-Related Investment Measures (WT/L/441);
- (iii) Dominican Republic – Minimum values under the Customs Valuation Agreement, (WT/L/442);
- (iv) EC – Autonomous preferential treatment to the countries of the Western Balkans (WT/L/380);
- (v) EC – Transitional regime for the EC autonomous tariff rate quotas on imports of bananas (WT/L/437);
- (vi) EC – The ACP-EC Partnership Agreement (WT/L/436);
- (vii) Turkey – Preferential treatment for Bosnia-Herzegovina (WT/L/381);
- (viii) United States – Caribbean Basin Economic Recovery Act (WT/L/104); and
- (ix) Preferential Tariff Treatment for Least-Developed Countries (WT/L/304).

In so doing, the General Council considered reports on the implementation of the waivers submitted by Cuba, Turkey, United States, and the European Communities in documents WT/L/496, 503, 504, 499 and 498 respectively.

The representatives of Honduras and Ecuador, and the Chairman spoke.

The General Council took note of the statements and of the reports in WT/L/496, 498, 499, 503 and 504.

**18. Retreat for WTO Permanent Representatives (WT/GC/M/75)**

At the General Council meeting on 8 and 31 July 2002, the Chairman informed delegations of his intention to organize a one-day retreat for all Permanent Representatives of WTO Members in October, and provided background and organizational details regarding this event.

The General Council took note of the statement.

**19. Scheduling of WTO meetings (WT/GC/M/73, 74)**

At the General Council meeting on 13 and 15 February and 1 March 2002, Deputy Director-General Mr. Rodríguez-Mendoza, recalling that he had been asked by the Director-General to examine the issue of scheduling of meetings, reported his findings on the current situation, and made several specific suggestions on how to address concerns expressed by delegations, including that the Secretariat should continue to monitor the situation regularly.

The Chairman spoke.

The General Council took note of the statements.

At the General Council meeting on 13-14 May 2002, Deputy Director-General Mr. Rodríguez-Mendoza reported on the situation regarding the scheduling of WTO meetings for 2002.

The representative of Bangladesh and the Chairman spoke.

The General Council took note of the statements.

**20. Better management of WTO meetings (WT/GC/M/76)**

At the General Council meeting on 15 October 2002, the Chairman, recalling that a prominent topic at recent meetings had been the sheer volume of meetings that delegations and the Secretariat had to deal with and the need to manage this in the most efficient way possible, said, *inter alia*, that there was a wider need to think creatively and work cooperatively to lighten the burden on all. He indicated that for the December General Council meeting, where there was a very heavy agenda, he was considering encouraging delegations to show discipline and cooperation in limiting the length of their interventions, and suggested some ideas for Members to consider in this regard.

The General Council took note of the statement.

**21. International Trade Centre UNCTAD/WTO (WT/GC/M/76)**

At its meeting on 15 October 2002, the General Council considered the report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Thirty-fifth Session (ITC/AG(XXXV)/191).

The Chairman recalled that in keeping with customary practice, this report had been considered initially by the Committee on Trade and Development (CTD) at its meeting on 1 July 2002 and was before the General Council for formal adoption.



Deputy Director-General Mr. Rana, speaking on behalf of the Chairman of the Committee on Trade and Development, reported on the Committee's discussion of this report.

The representatives of Egypt and China spoke.

The Chairman said he had been informed that the issue of translation of ITC documentation into two additional languages would be taken up for consideration by the Committee on Budget, Finance and Administration at its forthcoming meeting on 18 October in the context of considering the 2003 draft budget. He therefore proposed that the General Council await the Budget Committee's consideration of this issue before reverting to it in the General Council.

The General Council took note of the report and of the statements, and agreed to the Chairman's proposal.

## **22. WTO Pension Plan**

### **(a) Annual Reports of the Management Board (WT/GC/M/72, 77)**

At its meeting on 19-20 December 2001, the General Council considered the Annual Report of the Management Board of the WTO Pension Plan for 2000 (WT/GC/W/463 and Corr.1).

The Chairman of the WTO Pension Plan Management Board introduced the report.

The General Council took note of the statement and of the Annual Report of the Management Board for 2000 in WT/GC/W/463 and Corr.1.

At its meeting on 10-12 and 20 December 2002, the General Council considered the Annual Report of the Management Board of the WTO Pension Plan for 2001 (WT/L/497).

The Chairman of the WTO Pension Plan Management Board introduced the report. The Chairman spoke.

The General Council took note of the statements and of the Annual Report of the Management Board for 2001 in WT/L/497.

### **(b) Agreement on the transfer of pension rights of participants in the WTO Pension Plan and in the Pension Scheme of the Organization for Economic Cooperation and Development (WT/GC/M/72)**

Article 10 of the Regulations of the WTO Pension Plan<sup>13</sup> provides for the conclusion of transfer agreements with Member governments and intergovernmental organizations in order to secure the continuity of pension rights for participants in the Pension Plan.

At its meeting on 19-20 December 2001, the General Council considered an agreement on the transfer of pension rights of participants in the WTO Pension Plan and in the Pension Scheme of the Organization for Economic Cooperation and Development (WT/GC/W/462).

The Chairman of the WTO Pension Plan Management Board introduced the transfer agreement. The representative of India and the Chairman of the WTO Pension Plan Management Board spoke.

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<sup>13</sup> WT/L/282.

The General Council took note of the statements and concurred with the transfer agreement (WT/L/446).

- (c) Agreements on the transfer of pension rights between the Pension Plan of the WTO and the Pension Schemes of other Coordinated Organizations<sup>14</sup> (WT/GC/M/77)

At its meeting on 10-12 and 20 December 2002, the General Council considered agreements on the transfer of pension rights of participants in the WTO Pension Plan and in the Pension Schemes of other Coordinated Organizations (WT/GC/W/483).

The Chairman of the WTO Pension Plan Management Board introduced the transfer agreements.

The General Council took note of the statement and concurred with the transfer agreements (WT/L/513).

- (d) Election of the Chairman, Members and Alternates of the Management Board of the WTO Pension Plan (WT/GC/M/75)

Article 4(a) of the Regulations of the WTO Pension Plan<sup>15</sup> provides, *inter alia*, for the election by the General Council of a Chairman, four members and four alternates of the Management Board, each for a three-year term.

At its meeting on 8 and 31 July 2002, the General Council considered a proposal by its Chairman regarding a slate of names for election to the Management Board (WT/GC/W/474).

The General Council agreed to the election of the proposed candidates to the Management Board for a three-year term (WT/L/474).

### **23. Observer status**

- (a) Equatorial Guinea (WT/GC/M/74)

At its meeting on 13-14 May 2002, the General Council considered a request from Equatorial Guinea for observer status in the General Council and its subsidiary bodies (WT/L/448).

The General Council agreed to grant the request from Equatorial Guinea.

- (b) Ethiopia (WT/GC/M/74)

At its meeting on 13-14 May 2002, the General Council considered a request by Ethiopia for extension of its observer status in the General Council and its subsidiary bodies (WT/L/445).

The General Council agreed to extend observer status to Ethiopia for a further period of five years.

The representative of Ethiopia (as an observer) spoke.

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<sup>14</sup> The Coordinated Organizations include Council of Europe, European Centre for Medium-Range Weather Forecasts (ECMWF), European Space Agency (ESA), North Atlantic Treaty Organization (NATO), Organization for Economic Cooperation and Development (OECD) and Western European Union (WEU).

<sup>15</sup> WT/L/282.

The General Council took note of the statement.

**24. Farewell to the Director-General (WT/GC/M/75)**

At its meeting on 8 and 31 July 2002, the General Council bid farewell to the outgoing Director-General, Mr. Moore.

The Director of the Council and TNC Division, in the absence of the Chairman of the General Council, read a farewell message on the latter's behalf.

The acting Chairman of the General Council, the Director-General, and the representatives of Indonesia (on behalf of the ASEAN Members), Zambia (on behalf of the LDCs), Panama (on behalf of GRULAC) and New Zealand spoke.

The General Council took note of the statements.

**25. Election of Chairperson (WT/GC/M/73)**

At the General Council meeting on 13 and 15 February and 1 March 2002, the Chairman, as the outgoing presiding officer of the General Council, made a brief statement.

The General Council then unanimously elected Mr. Marchi (Canada) to the Chair.

**26. Review of WTO Activities (WT/GC/M/77)**

At its meeting on 10-12 and 20 December 2002, the General Council considered the annual reports of the Councils and Committees submitted for consideration under this agenda item.

The Chairman spoke.

The General Council took note of the statement, adopted the report of the Committee on Trade and Development (WT/COMTD/44), and took note of the reports of the other WTO bodies, including the reports of the bodies under the Plurilateral Trade Agreements, in documents WT/DSB/29 and Add.1, WT/TPR/122, G/L/595, S/C/16, IP/C/27, WT/BOP/R/67, WT/BFA/61, WT/REG/11, WT/CTE/7, WT/WGTI/6, WT/WGTCP/6, WT/WGTGP/6, WT/WGTDF/1, WT/WGTTT/4, GPA/73 and WT/L/500.

The General Council then adopted the draft report of the General Council (WT/GC/W/481), on the understanding that the Secretariat would make the necessary adjustments to it as to include matters discussed at that meeting.

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