

## GENERAL COUNCIL

### Annual Report (2004)

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 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/85 - 90.

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## **1. Work under the Doha Work Programme**

### **(a) Trade Negotiations Committee – Reports (WT/GC/M/86, 87, 88, 90)**

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

At the General Council meeting on 17-18 May 2004, at the Chairman's suggestion, the report by the Chairman of the Trade Negotiations Committee was taken up together with a statement by the General Council Chairman on his recent consultations (see Point (b) below), and the discussion is reflected accordingly in this Report and in the Minutes of the meeting.

At the General Council meeting on 27 July and 1 August 2004, at the Chairman's suggestion, the report by the Chairman of the Trade Negotiations Committee was taken up together with a draft General Council Decision on the Doha Work Programme (see Point (e) below), and the discussion is reflected accordingly in this Report and in the Minutes of the meeting.

At the General Council meeting on 20 October 2004, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council.

The representatives of Tanzania (on behalf of the LDCs) and Nigeria (on behalf of the African Group) spoke.

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

At the General Council meeting on 13 December 2004, the Director-General, as Chairman of the Trade Negotiations Committee, reported on the TNC's activities since his last report to the General Council. He also made an interim report on the work he had been undertaking, as Director-General, on outstanding implementation issues in line with the July Council Decision on the Doha Work Programme.

The representatives of Switzerland, Nigeria (on behalf of the African Group), Zambia (on behalf of the LDCs), Kenya, Lesotho, Chile, Australia, Turkey, Trinidad and Tobago (on behalf of the ACP Group), Bulgaria and the European Communities spoke.

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

(b) Statement by the General Council Chairman on his recent consultations (WT/GC/M/86)

At the General Council meeting on 17-18 May 2004, at the Chairman's suggestion, this matter was taken up together with a report by the Chairman of the Trade Negotiations Committee (referred to in Point (a) above).

The Chairman of the Trade Negotiations Committee reported on the twelfth meeting of the TNC held on 21 April, and shared with the membership his sense of the developments since that date.<sup>2</sup>

The Chairman then reported on his recent consultations regarding work under the Doha Work Programme.<sup>3</sup>

The representatives of Romania, United States, European Communities, India, Singapore, Argentina, Canada, Brazil, Australia, Turkey, Korea, Japan, Senegal, China, Cuba, Pakistan, Malaysia, Switzerland, Uruguay, Kenya, Costa Rica, Chile and Hong Kong, China and the Chairman of the Special Session of the Committee on Agriculture, the Chairman of the Special Session of the Council for Trade in Services, the Director-General and the Chairman spoke.

The General Council took note of the statements.

(c) Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health - Follow-up to the General Council Decision – Statement by the Chairman of the TRIPS Council (WT/GC/M/87)

In August 2003, the General Council adopted a Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/L/540).

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<sup>2</sup> The opening and closing statements by the Director-General and the General Council Chairman were circulated as JOB(04)/50.

<sup>3</sup> *Idem*.

Paragraph 11 of that Decision foreshadowed work by the TRIPS Council on the preparation of an amendment to the TRIPS Agreement.

At the General Council meeting on 27 July and 1 August 2004, the Chairman of the TRIPS Council reported on arrangements in the TRIPS Council for finalizing work on the preparation of an amendment to the TRIPS Agreement to replace the provisions of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health.

The General Council took note of the statement by the Chairman of the TRIPS Council.

- (d) Review under Paragraph 8 of the Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health – Report of the Council for TRIPS (WT/GC/M/90)

Paragraph 8 of the General Council Decision of August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (WT/L/540) provides that the TRIPS Council shall review annually the functioning of the system set out in the Decision with a view to ensuring its effective operation, and shall annually report on its operation to the General Council. The Decision also provides that the review by the TRIPS Council shall be deemed to fulfil the review requirement of Article IX:4 of the WTO Agreement.

At its meeting on 13 December 2004, the General Council considered a report by the TRIPS Council on its first review under Paragraph 8 of the General Council Decision (IP/C/33).

The Chairman of the TRIPS Council introduced the report.

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

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

- (e) Draft General Council Decision on the Doha Work Programme - Statement by the Chairman (WT/GC/M/87)

At the General Council meeting on 27 July and 1 August 2004, at the Chairman's suggestion, this matter was taken up together with a report by the Chairman of the Trade Negotiations Committee (referred to in Point (a) above).

The Chairman of the Trade Negotiations Committee reported on the most recent meeting of the TNC held on 30 June, and made a few general observations regarding work under the DDA over the past months.

The representatives of Peru (also on behalf of Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Guatemala, Nicaragua and Panama), Honduras, Venezuela, Bulgaria, Cuba and Malaysia, and the Chairpersons of the Special Sessions of the Committee on Agriculture and of the Council for Trade in Services, and the Chairman spoke.

The Chairman then formally presented for the General Council's consideration and adoption a draft Decision on the Doha Work Programme contained in document WT/GC/W/535 and Corr.1. On the basis of the general acquiescence expressed at an informal meeting of Heads of Delegation held immediately prior to the formal meeting, he proposed that the General Council adopt the draft Decision in WT/GC/W/535 and Corr.1.

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

The representatives of Switzerland (partly also on behalf of the G-10), Norway, Nigeria (on behalf of the African Group), Kenya, Paraguay, Rwanda (on behalf of the African Union), Panama, Jamaica (partly also on behalf of Belize), Philippines, Japan, Pakistan, Indonesia (partly also on behalf of the G-33), Chinese Taipei, Bangladesh, Tanzania (on behalf of the LDCs), Zambia, Croatia (also on behalf of Albania, Georgia, Jordan, Moldova and Oman), Trinidad and Tobago, Australia, Barbados, Bolivia, Cuba, El Salvador, India, Honduras, Korea, Senegal, and Hong Kong, China and the Chairman spoke.

The General Council took note of the statements.

- (f) Follow-up to the July General Council Decision on the Doha Work Programme – Report by the Director-General on the Development Assistance Aspects of Cotton (WT/GC/M/90)

In Paragraph 1.b of the July Decision on the Doha Work Programme (WT/L/579), the General Council, *inter alia*, took note of the bilateral and multilateral efforts to make progress on the development assistance aspects of the Cotton Initiative, and instructed the Secretariat to continue work with the development community to provide the Council with periodic reports on relevant developments. The Council also instructed the Director-General to consult with relevant international organizations, including the Bretton Woods Institutions, the Food and Agriculture Organization and the International Trade Centre, to direct effectively existing programmes and any additional resources towards development of the economies where cotton has vital importance.

At the General Council meeting on 13 December 2004, the Director-General introduced a report on the development assistance aspects of cotton (WT/GC/83 and Add.1).

The representatives of the United States, Benin, Nigeria (on behalf of the African Group), Burkina Faso, Paraguay, Senegal, Uganda, Côte d'Ivoire, European Communities and Mali spoke.

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

- (g) Work Programme on Small Economies – Reports (WT/GC/M/85, 86, 87, 88, 90)

Ministers at Doha agreed to a work programme, under the auspices of the General Council, to examine issues relating to the trade of small economies, with a mandate to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system and not to create a sub-category of WTO Members. (WT/MIN(01)/DEC/1, paragraph 35). At its meeting in February and March 2002, the General Council took note of a framework and procedures for the conduct of the Work Programme on Small Economies, under which this Work Programme would be a standing item on the General Council's agenda. The framework and procedures also provided that the Committee on Trade and Development would report regularly to the General Council on the progress of work in its Dedicated Sessions on this subject.

At the General Council meeting on 11 February 2004, the Chairman of the Dedicated Session of the CTD reported on the work in the Dedicated Session regarding the Work Programme.

The General Council took note of the report by the Chairman of the Dedicated Session of the CTD.

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<sup>4</sup> The Decision was subsequently circulated as WT/L/579.

At the General Council meeting on 17-18 May 2004, the Chairman of the Dedicated Session of the CTD reported further on the work in the Dedicated Session regarding the Work Programme.

The General Council took note of the report by the Chairman of the Dedicated Session of the CTD.

At the General Council meeting on 27 July and 1 August 2004, the Chairman of the Dedicated Session of the CTD reported further on the work in the Dedicated Session regarding the Work Programme.

The representative of Paraguay spoke.

The General Council took note of the report by the Chairman of the Dedicated Session of the CTD and of the statement.

At the General Council meeting on 20 October 2004, the Chairman of the Dedicated Session of the CTD reported further on the work in the Dedicated Session regarding the Work Programme.

The representatives of Paraguay, Bolivia and Uruguay spoke.

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

At the General Council meeting on 13 December 2004, the Chairman of the Dedicated Session of the CTD reported further on the work in the Dedicated Session regarding the Work Programme.

The representatives Paraguay, Bolivia, Guatemala, Jamaica and Mauritius spoke.

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

(h) Rules of Origin – Harmonization Work Programme (WT/GC/M/87)

In July 2003, the General Council agreed to further extend to July 2004 the deadline for completion of negotiations on the core policy issues identified in a report by the Chairperson of the Committee on Rules of Origin to the General Council of 15 July 2002, and also agreed 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 2004.

At the General Council meeting on 27 July and 1 August 2004, the Chairman recalled that since the December 2002 meeting of the General Council, at the request and on behalf of the Chair of the General Council, this work had been pursued in informal consultations by the Chairperson of the Committee on Rules of Origin.

The Chairperson of the Committee on Rules of Origin reported on the progress in her consultations since July 2003.

The Chairman proposed, in the light of the report from the CRO Chair and the views of delegations in the consultations, that the General Council extend to July 2005 the deadline for completion of negotiations on the core policy issues identified in the CRO Chair's report to the General Council in 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 work concerning the overall architecture and technical issues, as well as the overall coherence exercise referred to in Article 9.3(b) of the Agreement on Rules of Origin, by 31 December 2005.

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

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

## **2. Date of the Sixth Session of the Ministerial Conference (WT/GC/M/85, 87, 88)**

In August 2003, the General Council considered a communication from Hong Kong, China offering to host the Sixth Session of the Ministerial Conference. At the Cancún Ministerial Conference in September 2003, Ministers took note with appreciation of the offer from Hong Kong, China and requested that the General Council Chairman continue consultations with a view to determining the date and venue of the Sixth Session. In October 2003, the General Council formally agreed to accept the generous offer of the Government of Hong Kong, China and also that further consultations be held regarding the date of the Session.

At its meeting on 11 February 2004, the General Council considered a communication from the United States (WT/GC/78) concerning the date of the Sixth Session.

The representatives of the United States, Chile, Canada, Malaysia, European Communities, Morocco, China, Thailand, Singapore, Jamaica, Cuba, Colombia, Hungary 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.

At the General Council meeting on 27 July and 1 August 2004, the representative of Hong Kong, China updated Members on his authorities' preparations for the Sixth Session.

The General Council took note of the statement.

At the General Council meeting on 20 October 2004, the Chairman recalled that in July, in its Decision on the Doha Work Programme (WT/L/579), the General Council had agreed that the Sixth Session would be held in December 2005, and said that it now remained for Members to agree on the precise date of the Session.

The representative of Hong Kong, China spoke.

The Chairman proposed, in the light of the statement by Hong Kong, China, that the General Council agree that the Sixth Session of the Ministerial Conference be held on 13-18 December 2005.

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

## **3. China – Transitional review under Section 18.2 of the Protocol on Accession to the WTO Agreement (WT/GC/M/90)**

At its meeting on 13 December 2004, the General Council conducted its third 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/84) 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/722, S/C/23, IP/C/34, WT/BOP/R/75).

The representatives of China, United States, Zambia, European Communities and Kenya, and the Chairman spoke.

The General Council took note of the statements and of the report submitted by China as well as the reports of subsidiary bodies on the conduct of their respective reviews, and agreed that the third review by the General Council of China's implementation of the WTO Agreement and the provisions of its Protocol of Accession had been concluded.

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

##### **(a) Consultation with Bangladesh (WT/GC/M/90)**

At the General Council meeting on 13 December 2004, Mr. De Vito (Italy), speaking on behalf of the Chairman of the Committee on Balance-of-Payments Restrictions, introduced the Committee's report on its consultation with Bangladesh (WT/BOP/R/76).

The General Council took note of the statement and adopted the report in WT/BOP/R/76.

##### **(b) Note on Meeting of 29 November (WT/GC/M/90)**

At the General Council meeting on 13 December 2004, Mr. De Vito (Italy), speaking on behalf of the Chairman of the Committee on Balance-of-Payments Restrictions, introduced the Committee's Note on its meeting of 29 November (WT/BOP/R/77).

The General Council took note of the statement and of the information contained in the Note in WT/BOP/R/77.

#### **5. Committee on Budget, Finance and Administration – Reports and recommendations (WT/GC/M/86, 87, 90)**

At its meeting on 17-18 May 2004, the General Council considered reports by the Committee on Budget, Finance and Administration on its meetings of November and December 2003, and of April 2004 (WT/BFA/71 and 72).

The Chairman of the Committee introduced the reports.

The General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 12 and 30 of its report in WT/BFA/72, and adopted the reports in WT/BFA/71 and 72.

At its meeting on 27 July and 1 August 2004, the General Council considered a report by the Committee on Budget, Finance and Administration on its meeting of June 2004 (WT/BFA/73).

The Chairman of the Committee introduced the report.

The General Council took note of the statement, approved the Budget Committee's specific recommendations in paragraphs 10 and 12 of its report in WT/BFA/73, and adopted the report.

At its meeting on 13 December 2004, the General Council considered the recommendations of the Committee resulting from the Committee's meetings of October, November and December (WT/BFA/75).

The Chairman of the Committee introduced the recommendations.

The representative of Japan spoke.

The General Council took note of the statements and approved the Budget Committee's specific recommendations in document WT/BFA/75.

The Chairman of the Committee, the Director-General and the Chairman spoke.

The General Council took note of the statements.

## **6. Accession Matters**

### **(a) Afghanistan (WT/GC/M/90)**

At its meeting on 13 December 2004, the General Council considered communications from Afghanistan (WT/ACC/AFG/1 and 2) concerning its interest in acceding to the WTO Agreement pursuant to Article XII.

The Chairman recalled that this request was on the Agenda for consideration on the basis of consultations he had held recently with a large number of delegations, including the coordinators of regional and other groupings. He said that if delegations were agreeable to considering this request positively, he would propose for their consideration that the General Council agree to establish a Working Party, with terms of reference and membership that he read out, and that he be authorized to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of Afghanistan.

The General Council agreed to establish a Working Party with the terms of reference and composition as read out by the Chairman.

The Chairman then invited the representative of Afghanistan to consult with the Accessions Division of the Secretariat as to further procedures, in particular with regard to the basic documentation to be considered by the Working Party. He also invited Afghanistan, on behalf of the General Council, to attend meetings of the General Council and, as appropriate, meetings of other WTO bodies as an observer during the period when the Working Party was carrying out its work.

The representatives of Afghanistan (as an observer), United States, Turkey, European Communities, Australia, Morocco, Japan, Paraguay, Canada, Kuwait (also on behalf of Bahrain, United Arab Emirates, Qatar and Oman) and Barbados spoke.

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

### **(b) Algeria (WT/GC/M/86)**

In June 1987, the GATT 1947 Council established a Working Party to examine Algeria's request for accession to the General Agreement on Tariffs and Trade. Subsequently, in pursuance of a decision regarding requests for WTO accession adopted by the WTO General Council in

January 1995<sup>5</sup>, the GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party.

At its meeting on 17-18 May 2004, the Chairman informed the General Council that Mr. Valles (Uruguay) had agreed to chair the Working Party on the Accession of Algeria to replace Mr. Perez del Castillo (Uruguay) who had retired as Chair.

The General Council took note of this information.

(c) Belarus (WT/GC/M/90)

In October 1993, the GATT 1947 Council established a Working Party to examine the request of Belarus for accession to the General Agreement on Tariffs and Trade. Subsequently, in pursuance of a decision regarding requests for WTO accession adopted by the WTO General Council in January 1995<sup>6</sup>, the GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party.

At its meeting on 13 December 2004, the Chairman informed the General Council that following consultations between the respective Working Party members and the authorities of Belarus, and in accordance with usual WTO practice, it had been agreed that Ms. Horn Af Rantzien (Sweden) would replace the outgoing Chair, Mr. Manhusen (Sweden).

The General Council took note of this information.

(d) Cambodia (WT/GC/M/85)

In September 2003, the Cancún Ministerial Conference adopted a Decision (WT/MIN(03)/18) authorizing Cambodia to accede to the WTO Agreement under terms set out in its Protocol of Accession (WT/MIN(03)/18). As set out in its paragraph 7, the Protocol was open for acceptance by Cambodia until 31 March 2004.

At its meeting on 11 February 2004, the General Council considered a communication from Cambodia (WT/GC/77) requesting an extension of the time-limit for acceptance of its Protocol of Accession until 30 September 2004, and a related draft decision to this effect (WT/GC/W/525).

The General Council adopted the Decision (WT/L/561).

The representatives of the Philippines (on behalf of the ASEAN Members), Cambodia (as an observer), Cuba and Japan spoke.

The General Council took note of the statements.

(e) Iran (WT/GC/M/85, 86, 87, 88, 90)

A communication from Iran requesting accession to the WTO Agreement (WT/ACC/IRN/1) was first considered by the General Council in May 2001 at the request of Egypt on behalf of the Informal Group of Developing Countries, and at each subsequent meeting of the General Council since then.

At its meeting on 11 February 2004, the General Council again considered this matter.

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<sup>5</sup> WT/GC/M/1, Item 4(g).

<sup>6</sup> *Idem.*

The representatives of the United States, Tanzania (on behalf of the Informal Group of Developing Countries), European Communities, China, Cuba, Malaysia, India, Venezuela, Pakistan, Switzerland, Indonesia, Haiti and New Zealand spoke.

The Chairman said it would be his intention to inform his successor in detail of the contents of this discussion, and that he was certain that the latter would take the necessary steps to continue to discuss this issue together with delegations before 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 17-18 May 2004, the General Council again considered this matter. The Chairman informed Members of the results of his initial consultations regarding Iran's request with a group of delegations in April, which had included the coordinator of the Informal Group of Developing Countries.

The representatives of the United States, Sri Lanka (on behalf of the Informal Group of Developing Countries), Turkey, European Communities, India, China, Cuba, Switzerland, Malaysia and Egypt spoke.

The Chairman, in the light of the discussion, proposed that he continue his consultations, and that the General Council revert to this matter.

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

At its meeting on 27 July and 1 August 2004, the General Council again considered this matter. The Chairman informed Members of his further consultations on this request on 7 July, to which he had invited all the delegations who had spoken on this subject at the February and May Council meetings.

The representatives of the United States, Tanzania (on behalf of the Informal Group of Developing Countries), Malaysia, Egypt, Cuba, Turkey, Pakistan, China, Indonesia, European Communities, Oman, Venezuela, India, Djibouti, Switzerland and Norway spoke.

The Chairman said that, in the light of the positions expressed at that meeting, he would remain in contact with delegations and reflect on the best way to proceed.

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

At its meeting on 10 October 2004, the General Council again considered this matter. The Chairman informed Members of his further consultations on this request on 18 October, to which he had invited all the delegations who had spoken on this subject at the February, May and July Council meetings.

The representatives of the United States, Paraguay (on behalf of the Informal Group of Developing Countries), Malaysia, China, Cuba, Indonesia, Pakistan, Venezuela, Turkey, India, Nepal, European Communities and Nigeria (on behalf of the African Group) spoke.

The Chairman proposed, in the light of the views expressed, that he continue his consultations and that the General Council revert to this matter at its next meeting.

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

At its meeting on 13 December 2004, the General Council again considered this matter. The Chairman informed Members of his further consultations on this request on 1 December, to which he had invited all the delegations who had spoken on this subject at previous Council meetings.

The representatives of United States, Paraguay (on behalf of the Informal Group of Developing Countries), Turkey, Egypt, China, European Communities, Indonesia, India, Cuba, Switzerland, Norway, Malaysia, Singapore, New Zealand, Chile, Pakistan and Venezuela.

The Chairman proposed, in the light of the views expressed, that he continue his consultations and that the General Council revert to this matter at its next meeting.

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

(f) Iraq (WT/GC/M/90)

At its meeting on 13 December 2004, the General Council considered a communication from Iraq (WT/ACC/IRQ/1) concerning its interest in acceding to the WTO Agreement pursuant to Article XII.

The Chairman recalled that this request was on the Agenda for consideration on the basis of consultations he had held recently with a large number of delegations, including the coordinators of regional and other groupings. He said that if delegations were agreeable to considering this request positively, he would propose for their consideration that the General Council agree to establish a Working Party, with terms of reference and membership that he read out, and that he be authorized to designate the Chairperson of the Working Party in consultation with representatives of Members and with the representative of Iraq.

The General Council agreed to establish a Working Party with the terms of reference and composition as proposed by the Chairman.

The Chairman then invited the representative of Iraq to consult with the Accessions Division of the Secretariat as to further procedures, in particular with regard to the basic documentation to be considered by the Working Party.

The representatives of Iraq (as an observer), United States, Jordan, Turkey, European Communities, Bulgaria, Australia, Morocco, Japan, Paraguay, Canada, Kuwait (also on behalf of Bahrain, United Arab Emirates, Qatar and Oman) and Barbados spoke.

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

(g) People's Democratic Republic of Lao (WT/GC/M/86)

In February 1998, the General Council established a Working Party to examine the request of the People's Democratic Republic of Lao for accession to the WTO Agreement.

At its meeting on 17-18 May 2004, the Chairman informed the General Council that Mr. Groser (New Zealand) had agreed to chair the Working Party on the Accession of Lao PDR to replace Mr. Raby (Australia) who had retired as Chair.

The General Council took note of this information.

(h) Libya (WT/GC/M/87)

At its meeting on 27 July and 1 August 2004, the General Council considered communications from Libya (WT/ACC/LBY/1 and 2) requesting accession to the WTO Agreement pursuant to Article XII.

The Chairman said that he had had a number of informal contacts with a range of Members in recent weeks, including with coordinators of WTO groupings, with regard to Libya's request. His understanding from these contacts was that there was a positive sense overall with regard to Libya's request for accession, in a way that would allow the General Council to take positive action at that meeting. He accordingly proposed that the General Council agree to establish a Working Party, with terms of reference and membership that he read out, and that he be authorized to designate the Chairperson of the Working Party in consultation with representative of Members and with the representative of Libya.

The General Council agreed to establish a Working Party with the terms of reference and composition as proposed by the Chairman.

The Chairman then invited the representative of Libya to consult with the Accessions Division of the Secretariat as to further procedures, in particular with regard to the basic documentation to be considered by the Working Party. He also invited Libya, on behalf of the General Council, to attend meetings of the General Council and, as appropriate, meetings of other WTO bodies as an observer during the period when the Working Party was carrying out its work.

The representatives of Libya (as an observer), Nigeria, Egypt, Tanzania (on behalf of the Informal Group of Developing Countries), Morocco, Tunisia, Canada, Jordan, Kenya, Uganda, Cuba Mauritania, Lesotho, India, Norway and Malaysia, and the Chairman spoke.

The representatives of Albania, Angola, Australia, Bahrain, Benin, Botswana, Burkina Faso, China, Democratic Republic of the Congo, Djibouti, European Communities, Madagascar, Mexico, New Zealand, Oman, Pakistan, Paraguay, Qatar, Senegal, Sierra Leone, Turkey, United Arab Emirates, Venezuela, Zambia and Zimbabwe wished to be placed on record as also having welcomed and supported the establishment of a working party on the accession of Libya.

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

(i) Uzbekistan (WT/GC/M/86)

In December 1994, the Preparatory Committee to the WTO agreed to establish a Working Party to examine Uzbekistan's request for accession to the WTO Agreement.

At its meeting on 17-18 May 2004, the Chairman informed the General Council that Mr. Choi (Korea) had agreed to chair the Working Party on the Accession of Uzbekistan to replace Mr. Supperamaniam (Malaysia) who had retired as Chair.

The General Council took note of this information.

(j) Federal Republic of Yugoslavia (WT/GC/M/85)

At the General Council meeting on 11 February 2004, the Chairman recalled that on 9 February 2001, the General Council had agreed to establish a Working Party to examine the application from the Federal Republic of Yugoslavia to accede to the WTO Agreement. Following

the adoption and promulgation of the Constitutional Charter of Serbia and Montenegro on 4 February 2003, the name of the State of the Federal Republic of Yugoslavia had been changed to "Serbia and Montenegro". In all other respects, the conditions under which the Working Party had been established, and its terms of reference, remained unaffected. In the light of this, he proposed that the General Council take note that the Working Party on the Accession of the Federal Republic of Yugoslavia would be renamed the Working Party on the Accession of Serbia and Montenegro, with immediate effect.

The General Council took note of the statement.

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

### **(a) Introduction of Harmonized System 1996 Changes into WTO Schedules of Tariff Concessions**

#### **(i) *Israel, Malaysia and Panama (WT/GC/M/86)***

At its meeting on 17-18 May 2004, the General Council considered requests for waivers from Israel (G/L/670), Malaysia (G/L/676) and Panama (G/L/672) for the introduction of Harmonized System 1996 changes into schedules of tariff concession, and related draft decisions in documents G/C/W/482, 485 and 483, respectively.

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/568 – Israel, WT/L/569 – Malaysia and WT/L/570 – Panama).

#### **(ii) *Argentina and Israel (WT/GC/M/88)***

At its meeting on 20 October 2004, the General Council considered requests for waivers from Argentina (G/L/693) and Israel (G/L/687) for the introduction of Harmonized System 1996 changes into schedules of tariff concession, and related draft decisions in documents G/C/W/493 and 492 respectively.

In the absence of the Chairman of the Council for Trade in Goods, and on the latter's request and behalf, the Chairman reported on the consideration of these requests by the Goods 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/590 – Argentina and WT/L/589 – Israel).

### **(b) Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions (WT/GC/M/85, 90)**

At its meeting on 11 February 2004, the General Council considered a draft decision (G/C/W/477) to waive obligations under Article II of GATT 1994 for Members listed in the Annex to the draft decision with regard to the introduction of HS2002 changes into WTO schedules of tariff concessions.

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/562).

At its meeting on 13 December 2004, the General Council considered a draft decision (G/C/W/500/Rev.1) to waive obligations under Article II of GATT 1994 for Members listed in the Annex to the draft decision with regard to the introduction of HS2002 changes into WTO schedules of tariff concessions.

The Chairman of the Council for Trade in Goods reported on the Council's consideration of this matter.

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/598).

- (c) Senegal – Request for waiver on minimum values in regard to the Agreement on the Implementation of Article VII of GATT 1994 (WT/GC/M/86)

At its meeting on 17-18 May 2004, the General Council considered a request from Senegal for a waiver on minimum values in regard to the Customs Valuation Agreement (G/C/W/390), and a related draft decision in document G/C/W/488.

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

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/571).

- (d) Albania – Implementation of specific commitments in telecommunications services – Request for a waiver (WT/GC/M/86)

At its meeting on 17-18 May 2004, the General Council considered a request from Albania for a waiver regarding the implementation of specific commitments in telecommunications services, and a draft decision annexed to document S/C/21.

The Chairman of the Council for Trade in Services reported on that Council's consideration of this request.

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/567).

- (e) Review of waivers pursuant to Article IX:4 of the WTO Agreement (WT/GC/M/87, 90)

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

At its meeting on 27 July and 1 August 2004, the General Council considered the following waivers for review under Article IX:4:



- (i) El Salvador – Agreement on Implementation of Article VII of GATT 1994 (WT/L/476)
- (ii) LDCs – Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products (WT/L/478)
- (iii) Preferential Tariff Treatment for Least-Developed Countries (WT/L/304)
- (iv) Kimberley Process Certification Scheme for Rough Diamonds (WT/L/518)

The Chairman recalled, with regard to the waiver in sub-item (ii) for LDCs under the TRIPS Agreement, that in connection with the approval of this draft waiver at the meeting of the TRIPS Council in June 2002, the Chairman of the TRIPS Council had noted that it was understood, in regard to the review foreseen in paragraph 2 of that waiver, that the exceptional circumstances justifying the waiver would continue to exist for least-developed country Members until its expiry date of 1 January 2016.

The representatives of Tanzania (on behalf of the LDCs) and Sri Lanka spoke.

The General Council took note of the statements and that the General Council would revert to the review of multi-year waivers pursuant to Article IX:4 of the WTO Agreement at its meeting in December.

At the General Council meeting on 13 December 2004, the General Council considered the following waivers for review under Article IX:4:

- (i) United States – Caribbean Basin Economic Recovery Act (WT/L/104)
- (ii) Canada – CARIBCAN (WT/L/185)
- (iii) United States – Former Trust Territory of the Pacific Islands (WT/L/183)
- (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) Cuba – Article XV:6 of GATT 1994 (WT/L/440)

In so doing, the General Council considered reports on the implementation of the waivers submitted by Canada (WT/L/595), Cuba (WT/L/592), European Communities (WT/L/596 and 597) and the United States (WT/L/593 and 594).

The representatives of Trinidad and Tobago, Ecuador and Honduras spoke.

The General Council took note of the statements and of reports contained in documents WT/L/592 through 597.

## **8. Coherence in global economic policy-making and cooperation between the WTO, IMF and World Bank (WT/GC/M/89)**

At its meeting on 22 October 2004, the General Council held a discussion on coherence in global economic policy-making and cooperation between the WTO, IMF and World Bank focussing on strengthening cooperation among the three organizations, particularly in respect of technical and financial support for the Doha Work Programme and its implementation. The General Council had before it a Note prepared by the Secretariat in consultation with the IMF and the World Bank (WT/TF/COH/S/9).

The President of the World Bank, the Managing Director of the International Monetary Fund and the Director-General made statements.

The representatives of Nigeria (on behalf of the African Group), United States, Brazil, Tanzania (on behalf of the LDCs), Japan, China, European Communities, Djibouti, Bangladesh, Chile, Canada, Morocco, Benin, Pakistan, Jamaica, Paraguay, Switzerland, Nepal, Mexico, Cuba, Egypt, Bolivia, Sri Lanka and Hong Kong, China and the representatives of the IMF and the World Bank, and the Director-General and the Chairman spoke.

**9. Trade financing for developing countries during periods of financial crisis (WT/GC/M/85)**

At the General Council meeting on 11 February 2004, the Director-General reported on a meeting convened by the IMF shortly after the General Council meeting in May 2003 on Coherence in Global Economic Policy-Making and Cooperation between the WTO, IMF and World Bank to consider how lines of credit for trade financing might best be maintained in periods of crisis. The same expert group had met again in January 2004 to exchange ideas on how the WTO might contribute to improving the access of developing countries to more plentiful and secure sources of trade financing. This joint initiative with the IMF had been valuable, and it was important that Members had the opportunity to discuss the matter further. He believed it would be useful for the General Council Chairman to consult with Members on where they thought it would be most worthwhile to hold further discussions on this matter.

The General Council took note of the statement.

**10. Working Group on Trade, Debt and Finance – Statement by the Chairman of the Working Group on the availability of trade finance for developing countries (WT/GC/M/87)**

At its meeting on 27 July and 1 August 2004, the Chairman of the Working Group on Trade, Debt and Finance informed the General Council about Members' discussion of the "trade financing" theme at the Working Group's meeting on 13 May, and of the further meetings foreseen for the Working Group in 2004.

The General Council took note of the statement by the Chairman of the Working Group.

**11. Trade Integration Mechanism of the International Monetary Fund – Presentation by the Acting Managing-Director of the IMF (WT/GC/M/86)**

At its meeting on 17-18 May 2004, the General Council heard a presentation by the Acting Managing-Director of the IMF on the Fund's Trade Integration Mechanism initiative, which aimed to mitigate the concerns of some Members that implementation of WTO Agreements by others might give rise to temporary balance-of-payments shortfalls.

The representatives of Mauritius, Japan, Bangladesh, Kenya, United States, China, Canada, Chile, Jamaica, Colombia and the European Communities, and the Acting Managing-Director of the IMF, the Director-General and the Chairman spoke.

The General Council took note of the statements.

**12. Graduation of the Maldives from the UN list of Least-Developed Countries (WT/GC/M/85)**

At the General Council meeting on 11 February 2004, the representative of the Maldives raised the issue of its graduation from the UN list of least-developed countries, which was being discussed at the relevant UN bodies, and which was likely to affect the Maldives' trade as well as the technical and financial assistance it received in a number of trade and related areas. His delegation wished these issues to be taken up in appropriate WTO bodies at appropriate times.

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

The General Council took note of the statements.

**13. Statement by Cuba (WT/GC/M/86)**

At the General Council meeting on 17-18 May 2004, the representative of Cuba expressed concern at measures imposed by the United States against Cuba, which she said violated the principles and objectives of the WTO, adversely affected the credibility of the multilateral trading system and infringed upon Cuba's rights, as well as encroaching on those of other Members of the Organization.

The representatives of China and Venezuela spoke.

The General Council took note of the statements.

**14. Enlargement of the European Union**

**(a) Claims of interest of Ecuador and negotiations for the enlargement of the European Union (WT/GC/M/87)**

At the General Council meeting on 27 July and 1 August 2004, the representative of Ecuador, referring to a notification by the European Communities concerning the enlargement of the European Union (G/SECRET/20), said that Ecuador had submitted within the 90 days provided for in the Procedures for Negotiations under Article XXVIII of GATT 1994 claims of interest regarding Ecuadorian export products included in Schedule CLX of the Community. The Community had not yet recognized Ecuador's claims of interest and, in compliance with paragraph 4 of the Procedures for Negotiations under Article XXVIII of GATT 1994, Ecuador was now referring this matter to the General Council.

The General Council took note of the statement.

**(b) Communication from the European Communities (WT/GC/M/88)**

At the General Council meeting on 20 October 2004, the Chairman drew attention to a communication from the European Communities (G/L/695) regarding accession to the European Union on 1 May 2004 of ten new members, in which the Community had indicated that it would not assert that WTO Members who had submitted a claim pursuant to Article XXIV:6 of GATT 1994 were precluded from withdrawing substantially equivalent concessions under Article XXVIII:3 of GATT 1994 because this withdrawal occurred later than six months after the EC's withdrawal of concessions, provided that the claiming Member withdrew concessions not later than 12 months after the Community's modification of concessions.

In the absence of the Chairman of the Council for Trade in Goods, and on the latter's request and behalf, the Chairman reported that on 1 October the Goods Council had agreed on the extension of the deadline for withdrawal of concessions under Article XXVIII:3 from six months to 12 months, as set out in the Community's communication, and had forwarded this agreement to the General Council for adoption.

The representatives of Philippines, Indonesia, China and the European Communities spoke.

The General Council took note of the statements and of the communication from the Community in G/L/695, and adopted the agreement reached in the Goods Council on the extension of the deadline for the withdrawal of concessions referred to in Article XXVIII:3 of GATT 1994 from six months to 12 months following the EC's modification of concessions.

**15. Non-recognition of rights under Article XXIV:6 and Article XXVIII of GATT 1994 – Communication from Honduras and Guatemala (WT/GC/M/90)**

At its meeting on 13 December 2004, the General Council considered the question of non-recognition of rights for the processes under Article XXIV:6 and Article XXVIII of GATT 1994 in connection with the enlargement of the EC, which had been placed on the Agenda at the request of Honduras and Guatemala.

The representatives of Honduras, Guatemala, Costa Rica, Ecuador, Colombia, Brazil, European Communities, Panama, Jamaica and Philippines spoke.

The Chairman proposed, in the light of the views expressed, that he reflect on how best to proceed on this matter and on the way forward in consultation with delegations, and that the General Council revert to this matter at its next meeting as appropriate.

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

**16. Draft UNESCO Convention on the Protection of the Diversity of Cultural Content and Artistic Expressions (WT/GC/M/88)**

At the General Council meeting on 20 October 2004, the representative of Australia, recalling that earlier in the month the Director-General had written to all Permanent Representatives informing them of an approach from UNESCO's Director-General seeking the WTO's views on a draft Cultural Diversity Convention currently under consideration in that organization, said it would be helpful if the Director-General or the Chairman could organize an informal meeting of Heads of Delegation interested in exchanging views on the draft Convention and its relationship to the WTO, to which a representative of UNESCO would be invited.

The representatives of Canada, China, Singapore, Mexico, Morocco, Nigeria, Argentina, Cuba, Jamaica, Benin, Chile, New Zealand, European Communities, Uruguay, United States, Djibouti and the Democratic Republic of Congo spoke.

The Chairman said he had taken note of the proposal by Australia, which had been supported by a number of delegations, as well as of the many other statements. He would discuss the proposal with the Director-General, to whom the letter from UNESCO had been addressed, to see how best to proceed on the basis of this suggestion, and would be in touch with Members.

The General Council took note of the statements.

**17. Digital archiving of GATT official documents and certain GATT internal records (WT/GC/M/88)**

At the General Council meeting on 20 October 2004, the Director-General said that, as touched on in an Information Note by the Secretariat on the digital archiving of GATT official documents and certain GATT internal records in a collaborative project between Stanford University Libraries and the WTO Secretariat (WT/GC/INF/3), two issues in particular warranted Members' attention, namely, the question of the digital preservation of GATT official documents in Spanish and French, and the question of GATT official documents which still remained restricted. He invited Members interested in this topic to, in the first instance, contact the Director of the Office of the Director-General, and said that the Secretariat was considering how to arrange some consultations on this matter.

The General Council took note of the statement.

**18. 10<sup>th</sup> Anniversary of the WTO (WT/GC/M/90)**

At the General Council meeting on 13 December 2004, the Director-General made a statement in connection with his recent communication to Members regarding the 10th Anniversary of the WTO in 2005.

The General Council took note of the statement.

**19. International Trade Centre UNCTAD/WTO (WT/GC/M/87)**

At its meeting on 27 July and 1 August 2004, the General Council considered a report of the Joint Advisory Group of the International Trade Centre UNCTAD/WTO on its Thirty-seventh Session (ITC/AG(XXXVII)/200).

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

The Chairman of the Committee on Trade and Development reported on the Committee's consideration of the report of the Joint Advisory Group.

The representatives of the United States, Pakistan, Djibouti, Benin, Uganda, Zambia and Guinea spoke.

The General Council took note of the statements and adopted the report of the Joint Advisory Group in ITC/AG(XXXVII)/200.

**20. WTO Pension Plan**

**(a) Management Board**

Article 4(a) of the Regulations of the WTO Pension Plan<sup>7</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.

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<sup>7</sup> WT/L/282.

(i) *Election of Chairperson (WT/GC/M/86)*

At the General Council meeting on 17 and 18 May 2004, the Chairman drew attention to a proposal circulated by him in document WT/GC/W/529, on the basis of which he proposed that the General Council agree to elect Mr. Collins-Williams (Canada) as Chairman of the Management Board of the WTO Pension Plan for a period of three years, to replace Mr. Jóhannesson (Iceland) whose term expired in May.

The General Council so agreed.

The Chairman then noted that since Mr. Collins-Williams was already a member of the Management Board, it would be necessary to elect a replacement member of the Management Board and that he intended to propose such a replacement at the next meeting of the General Council.

The General Council took note of the statement.

(ii) *Election of member (WT/GC/M/87)*

At the General Council meeting on 27 July and 1 August 2004, the Chairman drew attention to a proposal circulated by him in document WT/GC/W/532 on the basis of which he proposed that the General Council agree to elect Mr. Niggli (Switzerland) as a member of the Management Board of the WTO Pension Plan until July 2005, to replace Mr. Collins-Williams (Canada) who had been elected Chairman of the Management Board.

The General Council so agreed.

(b) *Annual Report (WT/GC/M/88)*

At its meeting on 20 October 2004, the General Council considered an Annual Report of the Management Board of the WTO Pension Plan for 2003 (WT/L/583).

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 2003 in WT/L/583.

(c) *Agreement on the Transfer of Pension Rights of Participants in the United Nations Joint Staff Pension Fund and of Participants in the WTO Pension Plan (WT/GC/M/88)*

In December 2000, the General Council expressed its concurrence with the text of a WTO Pension Plan – United Nations Joint Staff Pension Fund transfer agreement (WT/GC/W/536) which had been approved by the Management Board of the WTO Pension Plan under Article 10 of the Regulations of the Plan.

At the General Council meeting on 20 October 2004, the Chairman of the WTO Pension Plan Management Board informed Members that, following a review of the transfer agreement by the secretariats of both pension schemes, a revised transfer agreement (WT/GC/W/536) had been drawn up which resolved the difficulties associated with the first agreement whilst protecting the interests of both schemes.

The General Council took note of the statement and concurred with the revised transfer agreement.<sup>8</sup>

**21. Observer status - Iraq (WT/GC/M/85)**

At its meeting on 11 February 2004, the General Council considered a request from Iraq for observer status in the General Council and its subsidiary bodies (WT/L/560).

The General Council agreed to grant Iraq's request.

The representative of Iraq (as an observer), Canada, United States, Australia, Japan, European Communities, Korea, India and China spoke.

The General Council took note of the statements.

**22. Appointment of the next Director-General (WT/GC/M/88)**

At the General Council meeting on 20 October 2004, the Chairman informed Members that under the Procedures for the Appointment of Directors-General adopted by the General Council in December 2002 (WT/L/509), the process for the appointment of the next Director-General would begin on 1 December 2004, and that in line with the agreed Procedures he would formally notify the opening of the process in a communication to all Members at that time. He then recalled some of the time-lines for the appointment process as set out in the Procedures of December 2002.

The General Council took note of the statement.

**23. Appointment of Officers to WTO bodies and review of Chairmanships of bodies under the TNC (WT/GC/M/85, 87<sup>9</sup>, 88<sup>10</sup>, 90<sup>11</sup>)**

At the General Council meeting on 11 February 2004, the Chairman said that in accordance with the Guidelines for appointment of officers to WTO bodies approved by the General Council in December 2002 (WT/L/510), he and his colleagues, Mr. Oshima (Japan), the serving DSB Chair, and Mr. Marchi (Canada), the former General Council Chair, had conducted consultations on this matter, on the basis of which he considered that there was a consensus on the following slate of names with respect to the appointments to WTO bodies other than those under the TNC:

General Council	Mr. Shotaro OSHIMA (Japan)
Dispute Settlement Body	Ms. Amina MOHAMED (Kenya)
Trade Policy Review Body	Mrs. Puangrat ASAVAPISIT (Thailand)
Council for Trade in Goods	Mr. Alfredo CHIARADIA (Argentina)

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<sup>8</sup> Subsequently circulated as WT/L/588.

<sup>9</sup> Carried in the minutes as "Chairmanships of the TRIPS Council and of the Working Group on Trade and Transfer of Technology."

<sup>10</sup> Carried in the minutes as "Appointment of officers to certain WTO bodies – Statement by the Chairman."

<sup>11</sup> Carried in the minutes as "Appointment of officers to WTO bodies – Announcement by the Chairman Pursuant to Paragraph 7.1(a) of the Guidelines (WT/L/510)."

Council for Trade in Services	Mr. Peter BRNO (Slovak Republic)
Council for TRIPS	Mr. Joshua LAW (Hong Kong, China)
Committee on Trade and Environment	Mrs. Naéla GABR (Egypt)
Committee on Trade and Development	Mr. Trevor CLARKE (Barbados)
Committee on Balance-of-Payments Restrictions	Mr. Giulio TONINI (Italy)
Committee on Regional Trade Agreements	Mr. Ronald SABORÍO SOTO (Costa Rica)
Committee on Budget, Finance and Administration	Mr. Henrik Rée IVERSEN (Denmark)
Working Group on Trade and Transfer of Technology	Mr. Jaynarain MEETOO (Mauritius)
Working Group on Trade, Debt and Finance	Mr. Péter BALÁS (Hungary)

As to chairmanships of bodies under the TNC, the Chairman said that on the basis of the consultations, he considered there was a consensus on the following slate:

Negotiating Group on Market Access	Mr. Stefán JÓHANNESSON (Iceland)
Negotiating Group on Rules	Mr. Eduardo PÉREZ MOTTA (Mexico)
Special Session of the Council for Trade in Services	Mr. Alejandro JARA (Chile)
Special Session of the Council for TRIPS	Mr. Manzoor AHMAD (Pakistan)
Special Session of the Dispute Settlement Body	Mr. David SPENCER (Australia)
Special Session of the Committee on Agriculture	Mr. Tim GROSER (New Zealand)
Special Session of the Committee on Trade and Environment	Mr. Toufiq ALI (Bangladesh)



Special Session of the  
Committee on Trade and  
Development

Mr. Faizel ISMAIL (South Africa)

With regard to the duration of the appointments for the bodies under the TNC, the Chairman proposed that in keeping with the term of office for the previous appointees, which had been established by the TNC at its first meeting in January and February 2002, these Chairpersons be invited to serve until the Sixth Session of the Ministerial Conference.

The representative of Bulgaria and the Chairman spoke.

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

The representatives of the United States and the European Communities, and the Chairman of the Council for Trade in Goods, the Chairman of the Council for Trade in Services and the Chairman spoke.

The General Council took note of the statements.

At the General Council meeting on 27 July and 1 August 2004, the Chairman informed Members that Mr. Law (Hong Kong, China), Chairman of the TRIPS Council, and Mr. Meetoo (Mauritius), Chairman of the Working Group on Trade and Transfer of Technology, would soon be leaving their posts as heads of their delegations in Geneva. As the appointments for the Chairpersons of these bodies were made following consultations by the Chairman of the General Council, he had already begun considering possible names in informal contacts with delegations and aimed to be able to propose names for these appointments to all delegations very soon.

The General Council took note of this information.

At the General Council on 20 October 2004, the Chairman said that he had been holding consultations regarding the appointment of officers to certain WTO bodies, following which he had informed delegations at an informal open-ended meeting of Heads of Delegation on 7 October of the emerging consensus around a set of names, and that this list had met with the concurrence of the membership at that meeting. In the light of this, and as required under the July Council Decision in WT/L/579, the TNC on 12 October had established the Negotiating Group on Trade Facilitation and had appointed Mr. Noor (Malaysia) as its Chairman. He then informed the General Council of the consensus on the list of names for appointments to the other bodies on which he had been consulting, as follows: Negotiating Group on Rules – Mr. Valles Galmés (Uruguay); Council for TRIPS – Mr. Miller (Hong Kong, China); Council for Trade in Goods – Mr. Choi (Korea); Working Group on Trade and Transfer of Technology – Mr. Chipaziwa (Zimbabwe).

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

At the General Council meeting on 13 December 2004, the Chairman announced, pursuant to the Guidelines for Appointment of Officers to WTO Bodies agreed in December 2002 (WT/L/510), that he would be starting the selection process for the appointment of chairpersons to the bodies outlined in Groups 1, 2, 4 and 5 of the Annex to the Guidelines. As Members were aware, the three working groups on the Singapore issues were inactive at this time and he would therefore not be consulting regarding their chairpersons. In accordance with Paragraph 7.1(b) of the Guidelines, he would be assisted in the selection process by the serving Chairperson of the Dispute Settlement Body, Ms. Mohamed (Kenya). In keeping with paragraph 7.1(d), he and Ms. Mohamed would

communicate, as early as possible, a specified time-period in which they would be available to hear the views and suggestions of Members, individually and/or in groups.

The General Council took note of the statement.

#### **24. Review of WTO activities (WT/GC/M/90)**

At its meeting on 13 December 2004, the General Council conducted a review of WTO activities in pursuance of the Decision concerning procedures for the overview of WTO activities and for reporting under the WTO (WT/L/105). In so doing, the General Council considered annual reports for 2004 from WTO bodies.

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

The General Council took note of the statements, adopted the report of the Committee on Trade and Development (WT/COMTD/50), 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/37 and Add.1, WT/TPR/154, G/L/721 and Add.1, S/C/22, IP/C/32, WT/CTE/11, WT/BOP/R/74, WT/BFA/74, WT/REG/14, Corr.1 and Corr.1/Rev.1, WT/WGTDF/3, WT/WGTTT/6, GPA/82 and WT/L/591.

The General Council then adopted the draft report of the General Council (WT/GC/W/538), on the understanding that the Secretariat would make the necessary adjustments to it so as to include matters considered at that meeting.

#### **25. Election of Chairperson (WT/GC/M/85)**

At the General Council meeting on 11 February 2004, the Chairman, as the outgoing presiding officer of the General Council, made a brief statement.

The General Council then unanimously elected Mr. S. Oshima (Japan) to the Chair.

The representatives of Costa Rica, China, Mauritius (on behalf of the African Group), Pakistan, Philippines (on behalf of the ASEAN Members), Argentina, Paraguay, Venezuela, and the Director-General and the newly-elected Chairman spoke.

The General Council took note of the statements.

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