

**GENERAL COUNCIL**

Implementation-Related Issues and Concerns

*Decision of 15 December 2000*

The General Council,

*Having regard* to Articles IV.1, IV.2, IV.5 and IX.1 of the Marrakesh Agreement Establishing the World Trade Organization (WTO);

*Considering* the importance which Members attach to implementation-related issues and concerns as reflected in paragraphs 8 and 9 of the Geneva Ministerial Declaration, in the preparatory process for the third Ministerial Conference and in numerous subsequent discussions in the General Council;

*Considering* that the Decision of the General Council of 3 May 2000 provides that the General Council in Special Sessions shall address issues and concerns raised by Members in connection with the implementation of some WTO Agreements and Decisions;

*Recalling* further that the Decision of 3 May 2000 provides that the General Council shall assess the existing difficulties, identify ways needed to resolve them, and take decisions for appropriate action;

*Taking into account* the work programme on implementation issues agreed by the General Council at its first Special Session on 22 June 2000 which provides that, in the light of the progress made until then, the third Special Session will take decisions for appropriate action where possible;

*Recalling* the mandate given to the Chairman of the Council for Trade in Goods and the consultations held on the issue of transition periods under the Agreement on Trade-Related Investment Measures;

*Taking into consideration* the requests made to the Director-General to work with the relevant international standard-setting organizations and relevant intergovernmental organizations on the issue of the participation of developing countries in their work;

*Recalling* further that the following implementation-related issues were referred to the relevant WTO bodies at the Special Session held on 18 October 2000:

- in the area of Agriculture, the development of internationally agreed disciplines to govern the provision of export credits, export credit guarantees or insurance programmes pursuant to Article 10.2 of the Agreement on Agriculture, taking into account the provisions of paragraph 4 of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries;

- in the area of Sanitary and Phytosanitary measures, the concerns of developing countries regarding the equivalence of such measures;
- in the area of Technical Barriers to Trade, the problems faced by developing countries in both international standards and conformity assessment;
- in the area of Customs Valuation, the idea of information exchange between customs administrations on export values in doubtful cases, the addition of the cost of services in Article 8:1(b)(iv) and aspects of the residual method of determining customs value under Article 7 of the Customs Valuation Agreement; and,
- in the area of Trade-Related Aspects of Intellectual Property Rights (TRIPS), the issue of the relationship between the TRIPS Agreement and the Convention on Biological Diversity and the issue of the implementation of Article 66.2 of the Agreement on technology transfer.

*Noting* the reports on the above issues from the Chairpersons of the Council for Trade in Goods, the Council for Trade-Related Aspects of Intellectual Property Rights, and the Committees on Agriculture, Sanitary and Phytosanitary Measures, Technical Barriers to Trade and Customs Valuation, and from the Director-General;

*Decides* as follows:

1. Agreement on Agriculture

- 1.1 Members shall ensure that their tariff rate quota regimes (TRQs) are administered in a transparent, equitable and non-discriminatory manner. In that context, they shall ensure that the notifications they provide to the Committee on Agriculture contain all the relevant information including details on guidelines and procedures on the allotment of TRQs. Members administering TRQs shall submit addenda to their notifications to the Committee on Agriculture (Table MA:1) by the time of the second regular meeting of the Committee in 2001.
- 1.2 The Committee on Agriculture shall examine possible means of improving the effectiveness of the implementation of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries and report to the General Council at the second regular meeting of the Council in 2001.

2. Agreement on the Application of Sanitary and Phytosanitary Measures

In accordance with the request to the Director-General to work with the relevant international standard-setting organizations on the issue of the participation of developing countries in their work, these organizations are urged to ensure the participation of Members at different levels of development and from all geographic regions, throughout all phases of standard development.

3. Agreement on Technical Barriers to Trade

In accordance with the request to the Director-General to work with the relevant international standard-setting organizations on the issue of the participation of developing countries in their work, these organizations are urged to ensure the participation of Members at different levels of development and from all geographic regions, throughout all phases of standard development.

4. Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994

Noting that the process of examination and approval, in the Customs Valuation Committee, of individual requests from Members for extension of the five-year delay period in Article 20.1 is proceeding well, the General Council encourages the Committee to continue this work.

5. Agreement on Rules of Origin

Members undertake to expedite the remaining work on the harmonization of non-preferential rules of origin, so as to complete it by the time of the Fourth Ministerial Conference, or by the end of 2001 at the latest. The Chairman of the Committee on Rules of Origin shall report regularly, on his own responsibility, to the General Council on the progress being made. The first such report would be submitted to the Council at its first regular meeting in 2001, and subsequently at each regular meeting until the completion of the work programme.

6. Agreement on Subsidies and Countervailing Measures

6.1 Taking into account the unique situation of Honduras as the only original Member of the WTO with a GNP per capita of less than US\$ 1000 that was not included in Annex VII(b) to the Agreement on Subsidies and Countervailing Measures (SCM Agreement), Members call upon the Director-General to take appropriate steps, in accordance with WTO usual practice, to rectify the omission of Honduras from the list of Annex VII(b) countries.

6.2 The Committee on Subsidies and Countervailing Measures (SCM Committee) shall examine as an important part of its work all issues relating to Articles 27.5 and 27.6 of the SCM Agreement, including the possibility to establish export competitiveness on the basis of a period longer than two years.

6.3 The SCM Committee shall examine as an important part of its work the issues of aggregate and generalized rates of remission of import duties and of the definition of "inputs consumed in the production process", taking into account the particular needs of developing-country Members.

7. Further Work

The General Council's Decision of 3 May 2000 on Implementation-Related Issues is reaffirmed. The General Council shall address the outstanding implementation-related issues and concerns, including those set out in paragraphs 21 and 22 of the revised Draft Ministerial Text dated 19 October 1999 (Job(99)/5868/Rev.1), as well as any other implementation-related issues raised by Members, as envisaged in the Decision of 3 May and the work programme agreed on 22 June 2000, with a view to completing the process no later than the Fourth Session of the Ministerial Conference.

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