

**PREPARATORY COMMITTEE
FOR THE
WORLD TRADE ORGANIZATION**

RESTRICTED

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**SUB-COMMITTEE ON INSTITUTIONAL,
PROCEDURAL AND LEGAL MATTERS**

RULES OF PROCEDURE FOR SESSIONS OF THE MINISTERIAL CONFERENCE,
AND MEETINGS OF THE GENERAL COUNCIL, DISPUTE SETTLEMENT BODY
AND TRADE POLICY REVIEW BODY AS APPROVED
BY THE SUB-COMMITTEE ON 18 NOVEMBER

RULES OF PROCEDURE FOR SESSIONS OF THE MINISTERIAL CONFERENCE

Note: For the purposes of these Rules, the term "WTO Agreement" includes the Multilateral Trade Agreements.

Chapter I — Sessions

Rule 1

Regular sessions of the Ministerial Conference shall be held at least once every two years. The date of each regular session shall be fixed by the Ministerial Conference at a previous session.

Rule 2

A special session may, however, be held at another date on the initiative of the Chairperson, at the request of a Member concurred in by the majority of the Members, or by a decision of the General Council. Notice of the convening of any such session shall be given to Members at least twenty-one days before the opening of the session. In the event that the twenty-first day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day.

Chapter II — Agenda

Rule 3

The provisional agenda for each regular session shall be drawn up by the Secretariat in consultation with the Chairperson and shall be communicated to Members at least five weeks before the opening of the session. It shall be open to any Member to propose items for inclusion in this provisional agenda up to six weeks before the opening of the session. Additional items on the agenda shall be proposed under "Other Business" at the opening of the session. Inclusion of these items on the agenda shall depend upon the agreement of the Ministerial Conference.

Rule 4

The provisional agenda for a special session shall be drawn up by the Secretariat in consultation with the Chairperson and shall be communicated to Members at least twenty-one days before the opening of the session. It shall be open to any Member to propose items for inclusion in this provisional agenda up to twenty-one days before the opening of the session. Additional items on the agenda shall be proposed under "Other Business" at the opening of the session. Inclusion of these items on the agenda shall depend upon the agreement of the Ministerial Conference.

Rule 5

The first item of business at each session shall be the consideration and approval of the agenda.

Rule 6

The Ministerial Conference may amend the agenda or give priority to certain items at any time in the course of the Session.

Chapter III — Credentials

Rule 7

Each Member shall be represented by an accredited representative.

Rule 8

Each representative may be accompanied by such alternates and advisers as the representative may require.

Rule 9

The credentials of representatives shall be submitted to the Secretariat at least one week before the opening of the session. They shall take the form of a communication from or on behalf of the Minister for Foreign Affairs or the competent authority of the Member authorizing the representative to perform on behalf of the Member the functions indicated in the WTO Agreement.¹ The Chairperson after consulting with the Secretariat shall draw attention to any case where a representative has omitted to present credentials in due time and form.

Chapter IV — Observers

Rule 10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with paragraphs 9 to 11 of the guidelines in Annex 2 to these Rules.

¹It is understood that in the case of a separate customs territory Member the credentials of its representatives shall have no implication as to sovereignty.

Rule 11

Representatives of international intergovernmental organizations may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with the guidelines in Annex [] to these Rules.²

Chapter V — Officers

Rule 12

During the course of each regular session a Chairperson and three Vice-Chairpersons shall be elected from among the Members. They shall hold office from the end of that session until the end of the next regular session.

Rule 13

If the Chairperson is absent from any meeting or part thereof, one of the three Vice-Chairpersons shall perform the functions of the Chairperson. If no Vice-Chairperson is present the Ministerial Conference shall elect an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Ministerial Conference shall designate one of the Vice-Chairpersons to perform those functions pending election of a new Chairperson in accordance with rule 12.

Rule 15

The Chairperson shall normally participate in the proceedings as such and not as the representative of a Member. The Chairperson may, however, at any time request permission to act in either capacity.

Chapter VI — Conduct of business

Rule 16

A simple majority of the Members shall constitute a quorum.

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

²No agreement could be reached on draft guidelines for observer status for international intergovernmental organizations. For these reasons, it was agreed that the General Council of the WTO could take up the latest draft guidelines considered but not approved by the Sub-Committee in document PC/IPL/W/14 as a basis for future work.

Rule 18

During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately.

Rule 20

A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately.

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker.

Rule 23

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule 24

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule 25

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule 26

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule 27

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided.

Chapter VII — Decision-Making

Rule 28

The Ministerial Conference shall take decisions in accordance with the decision-making provisions of the WTO Agreement, in particular Article IX thereof entitled "Decision-Making".

Rule 29

When, in accordance with the WTO Agreement, decisions are required to be taken by vote, such votes shall be taken by ballot. Ballot papers shall be distributed to representatives of Members present at the session and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chairperson may suggest, that a vote be taken by the raising of cards or by roll call. In addition, where in accordance with the WTO Agreement a vote by a qualified majority of all Members is required to be taken, the Ministerial Conference may decide, upon request from a Member or the suggestion of the Chairperson, that the vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile in accordance with the procedures described in Annex 1 to these Rules.

Chapter VIII — Languages

Rule 30

English, French and Spanish shall be the working languages.

Chapter IX — Records

Rule 31

Summary records of the meetings of the Ministerial Conference shall be kept by the Secretariat.³

Chapter X — Publicity of meetings

Rule 32

The meetings of the Ministerial Conference shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public.

³The customary practice under the GATT 1947, whereby representatives may, upon their request, verify those portions of the draft records containing their statements, prior to the issuance of such records, shall be continued.

Rule 33

After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

Chapter XI — Revision

Rule 34

The Ministerial Conference may decide at any time to revise these rules or any part of them.

RULES OF PROCEDURE FOR MEETINGS OF THE GENERAL COUNCIL

Note: For the purposes of these Rules, the term "WTO Agreement" includes the Multilateral Trade Agreements.

Chapter I — Meetings

Rule 1

The General Council shall meet as appropriate.

Rule 2

Meetings of the General Council shall be convened by the Director-General by a notice issued not less than ten calendar days prior to the date set for the meeting. In the event that the tenth day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day. Meetings may be convened with shorter notice for matters of significant importance or urgency at the request of a Member concurred in by the majority of the Members.

Chapter II — Agenda

Rule 3

A list of the items proposed for the agenda of the meeting shall be communicated to Members together with the convening notice for the meeting. It shall be open to any Member to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued.

Rule 4

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Secretariat in writing, together with the accompanying documentation to be issued in connection with that item. Documentation for consideration at a meeting shall be circulated not later than the day on which the notice of the meeting is to be issued.

Rule 5

A proposed agenda shall be circulated by the Secretariat one or two days before the meeting.

Rule 6

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

Rule 7

The General Council may amend the agenda or give priority to certain items at any time in the course of the meeting.

Chapter III — Representation

Rule 8

Each Member shall be represented by an accredited representative.

Rule 9

Each representative may be accompanied by such alternates and advisers as the representative may require.

Chapter IV — Observers

Rule 10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the General Council in accordance with paragraphs 9 to 11 of the guidelines in Annex 2 to these Rules.

Rule 11

Representatives of international intergovernmental organizations may attend the meetings as observers on the invitation of the General Council in accordance with the guidelines in Annex [] to these Rules.¹

Chapter V — Officers

Rule 12

[The General Council shall elect a Chairperson and a Vice-Chairperson from among the representatives of Members. The election shall take place at the first meeting of the year and shall take immediate effect. The Chairperson and Vice-Chairperson shall hold office until the end of the first meeting of the following year.]

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Vice-Chairperson shall perform the functions of the Chairperson. If the Vice-Chairperson is not present the General Council shall elect an interim Chairperson for that meeting or that part of the meeting.

¹See footnote 2, page 3.

Rule 14

If the Chairperson can no longer perform the functions of the office, the General Council shall designate the Vice-Chairperson referred to in Rule 12 to perform those functions pending the election of a new Chairperson.

Rule 15

The Chairperson shall normally participate in the proceedings as such and not as the representative of a Member. The Chairperson may, however, at any time request permission to act in either capacity.

Chapter VI — Conduct of business

Rule 16

A simple majority of the Members shall constitute a quorum.

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

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During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately.

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A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately.

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right

of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker.

Rule 23

Representatives shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members, the summary of which, at the representative's request, may be reflected in the records of the General Council.

Rule 24

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the General Council as supporting statements; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

Rule 25

Representatives should avoid unduly long debates under "Other Business". Discussions on substantive issues under "Other Business" shall be avoided, and the General Council shall limit itself to taking note of the announcement by the sponsoring delegation, as well as any reactions to such an announcement by other delegations directly concerned.

Rule 26

While the General Council is not expected to take action in respect of an item introduced as "Other Business", nothing shall prevent the General Council, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance.

Rule 27

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

Rule 28

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule 29

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule 30

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule 31

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule 32

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided.

Chapter VII — Decision-Making

Rule 33

The General Council shall take decisions in accordance with the decision-making provisions of the WTO Agreement, in particular Article IX thereof entitled "Decision-Making".

Rule 34

When, in accordance with the WTO Agreement, decisions are required to be taken by vote, such votes shall be taken by ballot. Ballot papers shall be distributed to representatives of Members present at the meeting and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chairperson may suggest, that a vote be taken by the raising of cards or by roll call. In addition, where in accordance with the WTO Agreement a vote by a qualified majority of all Members is required to be taken, the General Council may decide, upon request from a Member or the suggestion of the Chairperson, that the vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile in accordance with the procedures described in Annex 1 to these Rules.

Chapter VIII — Languages

Rule 35

English, French and Spanish shall be the working languages.

Chapter IX — Records

Rule 36

Records of the discussions of the General Council shall be in the form of minutes.²

Chapter X — Publicity of meetings

Rule 37

The meetings of the General Council shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public.

Rule 38

After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

Chapter XI — Revision

Rule 39

The General Council may decide at any time to revise these rules or any part of them.

²The customary practice under the GATT 1947, whereby representatives may, upon their request, verify those portions of the draft records containing their statements, prior to the issuance of such records, shall be continued.

RULES OF PROCEDURE FOR MEETINGS OF
THE TRADE POLICY REVIEW BODY

1. When the General Council convenes as the Trade Policy Review Body (TPRB), it shall follow the rules of procedure of the General Council, except as set out below.¹

Chapter I - Meetings

2. The TPRB shall meet, as appropriate, to conduct Trade Policy Reviews of Members, including the European Communities considered as one trading entity, and the Annual Overview of Developments in the International Trading Environment.
3. The cycle of reviews provided for in Paragraph C (ii) of the Agreement on the Trade Policy Review Mechanism (TPRM) shall be applied with a general flexibility of up to six months, if and as may be necessary. Schedules of subsequent reviews shall be established counting from the date of the previous review meeting. Members should adhere strictly to the timetables for the preparation of reviews, once agreed.

Chapter II - Agenda

4. The convening notice containing the proposed agenda for each review meeting of the TPRB shall be circulated to all Members not later than four weeks before the relevant meeting. Matters to be raised under "Other Business" shall be communicated to the Chairperson or the Secretariat not less than ten calendar days before the relevant meeting.

Chapter V - Officers

5. [The TPRB shall elect its own Chairperson from among the representatives of Members. The election shall take place at the first meeting of the year and shall take immediate effect. The Chairperson shall hold office until the end of the first meeting of the following year.]

[The Chairperson of the General Council shall serve as the Chairperson of the TPRB.]

[The Vice-Chairperson of the General Council shall serve as the Chairperson of the TPRB.]

6. If the Chairperson is absent from any meeting or part thereof, the TPRB shall elect an interim Chairperson for that meeting or that part of the meeting.

Chapter VI - Conduct of Business

7. The TPRB shall adopt a programme of reviews for each year, as referred to in Section C (iv) of the Agreement on the TPRM, by the middle of the previous calendar year.

¹These additional rules incorporate all relevant elements of the Communication from the Chairman of the GATT 1947 Council on Procedures for Review Meetings, dated 30 April 1993 (L/7208) and the GATT 1947 Council Decision on Arrangements for the Continued Operation of the TPRM, adopted on 10 May 1994 (L/7458).

8. There shall be no requirement of a quorum for the TPRB to conduct trade policy reviews.
9. Documentation relating to each review meeting shall be circulated in all working languages not less than four weeks in advance of the relevant meetings. Reports by Members under review shall be in the form of policy statements, whose form and length is essentially to be determined by the Member under review. Secretariat reports should focus principally on the trade policies and practices of the Member under review, seen, to the extent necessary, in the context of overall macro-economic and structural policies.
10. Where possible, Members shall submit written questions to the Member under review at least one week before the review meeting, to allow time to prepare replies.
11. Discussants chosen pursuant to Paragraph C (iv) of the Agreement on the TPRM shall circulate to Members outlines of the main points they intend to raise in a review meeting, at least one week before that meeting. Their full statements, which should be designed to provide specific themes for discussion, should be given to the Member under review shortly before the meeting.
12. Initial remarks by Members under review should be limited to 15 minutes and should provide an overview of policies, noting any new developments since the completion of the Secretariat and Government reports. Discussants' statements should not exceed in length that by the member under review. Statements from the floor should not exceed seven minutes.
13. Replies by the Member under review, which should be comprehensive, should be structured according to the main themes identified in consultation with the Chairperson, discussants and Secretariat. Time will be given for discussion by discussants and TPRB members of each theme. Where possible, replies by the Member under review should be distributed in writing. Where replies cannot be delivered during the meeting, supplementary written answers should be circulated not later than one month thereafter.

Chapter IX - Records

14. Reports by the Member under review and by the Secretariat, and the annual report by the Director-General on the overview of developments in the international trading environment, shall be derestricted immediately on the expiry of the relevant press embargo.
15. Minutes of meetings held to conduct trade policy reviews and overviews of developments in the international trading environment shall be issued as unrestricted documents.

RULES OF PROCEDURE FOR MEETINGS OF
THE DISPUTE SETTLEMENT BODY

1. When the General Council convenes as the Dispute Settlement Body (DSB), it shall follow the rules of procedure for meetings of the General Council, except as provided otherwise in the Dispute Settlement Understanding (DSU) or below.

Chapter IV - Observers

2. Observership at meetings of the DSB shall be governed by paragraphs 9, 10, and 11 of Annex 2 and paragraphs ... of Annex []¹ to these Rules.

Chapter V - Officers

3. [The DSB shall elect its own Chairperson from among the representatives of Members. The election shall take place at the first meeting of the year and shall take immediate effect. The Chairperson shall hold office [until the end of the first meeting of the [second] following year] [for a [[..]-year] [[..]-month] term].]

[The Chairperson of the General Council shall serve as Chairperson of the DSB.]

[The Vice-Chairperson of the General Council shall serve as Chairperson of the DSB.]

4. If the Chairperson is absent from any meeting or part thereof, the DSB shall elect an interim Chairperson for that meeting or that part of the meeting.

¹See footnote 2, page 3.

ANNEX 1

RULES FOR AIRMAIL BALLOTS AND BALLOTS
TRANSMITTED BY TELEGRAPH OR TELEFACSIMILE

In any case where the Ministerial Conference or the General Council decides that a vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile, ballot papers shall be distributed to representatives of Members present at the meeting and a notice shall be sent to each Member. The notice shall contain such information as the Chairperson considers necessary and a clear statement of the question to which each Member shall be requested to answer "yes" or "no".

The Chairperson of the Ministerial Conference or the General Council shall determine the date and hour by which votes must be received. The time-limit shall be set at no later than 30 days after the date the notice is sent. Any Member from which a vote has not been received within such time-limit shall be regarded as not voting.

Members entitled to participate in a vote by airmail ballots or ballots transmitted by telegraph or telefacsimile are those which are Members at the time of the decision to submit the matter in question to a vote.

ANNEX 2

GUIDELINES FOR OBSERVER STATUS FOR GOVERNMENTS IN THE WTO

1. Governments seeking observer status in the Ministerial Conference shall address a communication to that body indicating their reasons for seeking such status. Such requests shall be examined on a case-by-case basis by the Ministerial Conference.
2. Governments accorded observer status at sessions of the Ministerial Conference shall not automatically have that status at meetings of the General Council or its subsidiary bodies. However, governments accorded such status in the General Council and its subsidiary bodies in accordance with the procedures described below, shall be invited to attend sessions of the Ministerial Conference as observers.
3. The purpose of observer status in the General Council and its subsidiary bodies is to allow a government to better acquaint itself with the WTO and its activities, and to prepare and initiate negotiations for accession to the WTO Agreement.
4. Governments wishing to request observer status in the General Council shall address to that body a communication expressing the intent to initiate negotiations for accession to the WTO Agreement within a maximum period of five years, and provide a description of their current economic and trade policies, as well as any intended future reforms of these policies.
5. The General Council shall examine requests for observer status by governments on a case-by-case basis.
6. Observer status in the General Council shall be granted initially for a period of five years. In addition to being invited to sessions of the Ministerial Conference, governments with observer status in the General Council may participate as observers at meetings of working parties and other subsidiary bodies of the General Council as appropriate, with the exception of the Committee on Budget, Finance and Administration.
7. During its period of observership, an observer government shall provide the Members of the WTO with any additional information it considers relevant concerning developments in its economic and trade policies. At the request of any Member or the observer government itself, any matter contained in such information may be brought to the attention of the General Council after governments have been allowed sufficient time to examine the information.
8.
 - (a) If, at the end of five years, an observer government has not yet initiated a process of negotiation with a view to acceding to the WTO Agreement, it may request an extension of its status as observer. Such a request shall be made in writing and shall be accompanied by a comprehensive, up-dated description of the requesting government's current economic and trade policies, as well as an indication of its future plans in relation to initiating accession negotiations.
 - (b) Upon receiving such a request, the General Council shall review the situation, and decide upon the extension of the status of observer and the duration of such extension.

9. Observer governments shall have access to the main WTO document series. They may also request technical assistance from the Secretariat in relation to the operation of the WTO system in general, as well as to negotiations on accession to the WTO Agreement.

10. Representatives of governments accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to make proposals, unless a government is specifically invited to do so, nor to participate in decision-making.

11. Observer governments shall be required to make financial contributions for services provided to them in connection with their observer status in the WTO, subject to financial regulations established pursuant to Article VII:2 of the WTO Agreement.