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General Council

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**AGENDA ITEM 2: IMPLEMENTATION OF THE BALI, NAIROBI AND BUENOS AIRES
OUTCOMES – STATEMENT BY THE CHAIR**

THURSDAY, 7 OCTOBER 2021

1.1. This item remains on the agenda so that the General Council can continue to follow up, in a horizontal and transparent manner, on the Ministerial decisions adopted in Bali, Nairobi and Buenos Aires.

1.2. My report today is based on the information provided by the Chairs of the regular bodies on the implementation work taking place further to Ministerial mandates in their respective areas, and will focus only on those issues where there have been developments since the July meeting of the General Council. For the areas I do not mention today, the report that I delivered in July stands. For some issues, including the Work Programme on Small Economies and the Work Programme on E-Commerce we have separate items later in the agenda – and we will hear the relevant reports at that point.

1.3. Let me talk about the Moratorium on TRIPS Non-Violation and Situation Complaints. In the context of the TRIPS Council's consideration of this matter, there have been no new substantive developments. In consultations on this item on 6 October, Members have largely reiterated their known positions regarding the applicability of NVSCs in the TRIPS area generally. The item will once again be on the agenda of the next TRIPS Council meeting scheduled for 13-14 October.

1.4. There are a few matters to report in the area of Agriculture. In particular, concerning the Ministerial Decision on Public Stockholding for Food Security Purposes, the notifications by a Member invoking the Decision for the breach of the *de minimis* limit for rice for the marketing years 2018/19 and 2019/20 have been subject to review by the Committee on Agriculture, including at its latest meeting in September.

1.5. As regards the follow-up to the Bali TRQ Decision, Members have been engaging to find a solution to the outstanding issue of the future operation of paragraph 4 of the underfill mechanism, within the agreed deadline of December 2021. There are some concrete textual suggestions on the table to this end. Considering the end of the year deadline and the progress achieved thus far, at the September Committee meeting the Chair of the Committee on Agriculture suspended the discussion on this item, with the intention to reconvene the meeting when an agreement would be imminent. The Chair has been consulting with Members on this issue in various formats and will continue to do so. Based on the outcome of the current discussions in the Committee, the Ministerial Conference or the General Council will need to take a decision on the future operation of paragraph 4 of the underfill mechanism.

1.6. Regarding the implementation of the Nairobi Decision on Export Competition, the sixth annual dedicated discussion took place at the September meeting of the Committee on Agriculture. This year was particularly important, since for the first time a reply to the export competition questionnaire was expected from all Members, including developing country Members, following the expiry of the grace period foreseen in the Decision. The situation regarding the modification of schedules pursuant to the Nairobi Decision has not evolved since my last report. The Committee on Agriculture decided to conclude the Second Triennial Review of the Nairobi Decision at the next meeting of the CoA, to be held in March 2022. This agreed timeline to conclude the Review after MC12 would allow Members to consider the topics which are currently dealt with under both the negotiations and the triennial review tracks in a complementary manner.

1.7. Moving now to Duty-Free Quota-Free market access for LDCs, at the next CTD meeting in November, the Committee will undertake its annual review of Members' DFQF market access schemes for LDCs. Although the Bali DFQF Decision calls for the Secretariat to prepare a report on Members' DFQF schemes for the CTD's annual review, as delegations are well aware, it has not been possible for the Secretariat to circulate its report for a number of years now, due to divergent views among some Members on its scope and coverage. The situation remains unchanged, but the upcoming annual review will nevertheless give Members an opportunity to provide updates and share information on their DFQF schemes for LDCs.

1.8. With regard to the Working Group on Trade and Transfer of Technology, at the recent meeting this week, on the relationship between trade and transfer of technology, two delegations presented their national experiences. Technology transfer was noted as contributing to economic development. Members found the presentations useful. No substantive discussion took place on possible recommendations that the Working Group could make in the future.

1.9. Regarding Aid for Trade, the 8th Global Review is planned for the early summer of 2022 and will focus on the theme of "Empowering Connected Sustainable Trade". A central element of the preparation of the Global Review is the Monitoring and Evaluation exercise. Consultations on the design of the exercise began in June, and draft formats were circulated before the summer break. An Informal CTD Aid-for-Trade meeting in mid-September allowed Members to provide comments, and a meeting of the CTD Aid-for-Trade session will be held tomorrow, at which it is hoped that Members can agree to launch the Monitoring and Evaluation exercise. Once launched, Members would have until the end of the year to complete the formats, and the Secretariat will organize outreach events to provide technical support.

1.10. And finally, on Trade Facilitation, the Committee has continued its work on the four-year review of the TFA, which it aims to complete ahead of MC12. At the next formal meeting of the Committee, a dedicated session on technical assistance and capacity building support will take place in accordance with the Agreement. The rate of ratification of the Agreement remains at 94%, with 9 Members still to ratify.
