



23 February 2022

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General Council

**AGENDA ITEM 3: IMPLEMENTATION OF THE BALI, NAIROBI AND BUENOS AIRES
OUTCOMES – STATEMENT BY THE CHAIR**

WEDNESDAY, 23 FEBRUARY 2022

1.1. This item remains on our agenda to continue to follow-up, in a horizontal manner, on the implementation of ministerial mandates. In this respect, I held a meeting with the Chairs of Regular Bodies, and I take this opportunity to warmly thank them for their cooperation and engagement during my tenure as Chair of the General Council. As always, their updates on the implementation of the Ministerial mandates in their respective areas form the basis of my statement today.

1.2. A number of WTO bodies have not yet met since the last General Council meeting, and therefore my statement today will only focus on matters where there have been developments since my last report in November.

1.3. Let me start with the Work Programme on Electronic Commerce. You will recall that, in the General Council Decision of December 2019, Members had agreed to reinvigorate work and to extend the moratorium until MC12 and had instructed the General Council to report to Ministers at MC12. In line with that Decision, at the November 2021 General Council meeting, I reported on my e-commerce consultations in preparation for MC12.

1.4. As you are aware, despite the many consultations and exchanges held in different configurations, delegations could not reach consensus on a draft decision for Ministers' consideration at MC12. In that regard, I suggested that the two draft Ministerial Decisions submitted by Members be forwarded to Ministers for their consideration. These two drafts are contained respectively in documents WT/GC/W/831 and WT/GC/W/838 and their revisions. They were subsequently issued as WT/MIN(21)/W/7 and WT/MIN(21)/W/8.

1.5. I will not repeat Members' well-known positions as these are reflected in my reports to the General Council as well as in reports by the chairs of the respective bodies. Suffice to highlight what I have observed as GC Chair over the past year.

1.6. It is encouraging to note that, despite the divergent views, Members continue to attach importance to e-commerce, particularly in light of the pandemic which has further highlighted its opportunities and challenges. Members have been engaging and deepening their discussion under the General Council and in the respective bodies where work continues, but at different levels of engagement. The Councils for Trade in Services and Trade in Goods have been active as per the reports of the respective Chairs. It is also my understanding that in the Committee on Trade and Development (CTD) a submission focusing on inclusive development was circulated in November and will be discussed at the March meeting.

1.7. Under the General Council, discussions on the Work Programme and the moratorium continued – including through a Structured Discussion that I convened in July. Several submissions were considered throughout the year, and some delegations highlighted the need to also discuss development concerns.

1.8. Going forward, I urge all Members to continue with this level of engagement. It is, in my view, important for the WTO to remain a forum for Members to discuss e-commerce, in an inclusive manner. As I have said in previous meetings, my role was to facilitate discussions – any decision with regard to the way forward on the Work Programme and the moratorium is in Members' hands.

I therefore encourage you all to move forward with this work by engaging constructively and listening to each other.

1.9. As regards the follow-up to the Bali TRQ Decision, Members engaged in intense discussions in the Committee on Agriculture (CoA) during 2021, both in formal and informal settings, to find a common agreement on the issue of the future operation of paragraph 4 of the Underfill Mechanism. Based on the discussions in the CoA, a draft decision contained in G/AG/32 was transmitted to the General Council for its consideration and for subsequent submission to MC12. After the postponement of MC12, and in the absence of a definitive agreement among Members, the General Council, at its special meeting on 15 December 2021, agreed to the exceptional extension of the deadline for a decision on this matter until 31 March 2022.

1.10. The CoA Chair has been consulting Members in different settings on the way forward with a view to reaching a consensus agreement on paragraph 4 before the newly agreed deadline, and this issue was discussed at the informal meeting of the CoA on 2 and 18 February 2022.

1.11. With respect to the implementation of the Nairobi Decision on Export Competition, Brazil's revised schedule incorporating the Nairobi Decision was certified as of 28 January 2022. With this, out of the 16 Members with export subsidy reduction commitments at the time of the Nairobi Decision, 15 Members have circulated their draft schedules; draft revised schedules of 13 of these Members are already certified.

1.12. The CoA Chair is holding consultations in advance of the next meeting of the Committee in March regarding the conclusion of the second triennial review of the Nairobi Decision on export competition.

1.13. On Aid for Trade, the CTD in Aid for Trade session met earlier this month to review the status of preparations for the Global Review and to hear updates on Aid for Trade financing activities. We have a theme for the Global Review, "Empowering Connected, Sustainable Trade" – with a date to be set in due course. There is considerable interest on the part of Members in engaging in the event and preparations are advancing well at a technical level – and I encourage Members to respond to the monitoring and evaluation questionnaire in this respect.

1.14. On Trade Facilitation, the Committee completed the four-year review of the Trade Facilitation Agreement on 26 November. It contains 11 Committee's decisions and five recommendations.

1.15. Work continues on updating of the guidelines of the relationship between the Trade Facilitation Committee and the Trade Facilitation Agreement Facility. A new transparency tool was developed last year for tracking requests for technical assistance from the Facility.

1.16. The rate of ratification of the Agreement remains at 94%, with 9 Members still to ratify.

1.17. Regarding the Decisions on LDC Rules of Origin; LDCs services waiver; DFQF; the Monitoring Mechanism and Trade and Transfer of Technology, I refer you to my earlier report under this item, circulated in JOB/GC/283.

1.18. This concludes my report.
