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**Committee on Agriculture**

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**UNOFFICIAL ROOM DOCUMENT<sup>1</sup>**

**POINTS RAISED BY MEMBERS UNDER THE REVIEW PROCESS**

COMPILATION OF QUESTIONS FOR THE MEETING OF 28 JULY  
(EXCLUDING QUESTIONS WITH ADVANCE RESPONSES SUBMITTED BY 23 JULY 2020)

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**Comité de l'agriculture**

**DOCUMENT DE SÉANCE NON OFFICIEL<sup>1</sup>**

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\* In Original language only/En langue originale seulement/En el idioma original solamente.

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COMPILATION OF QUESTIONS FOR THE MEETING OF 28 JULY  
(EXCLUDING QUESTIONS WITH ADVANCE RESPONSES SUBMITTED BY 23 JULY 2020)

This document compiles all questions received for the 93<sup>rd</sup> meeting of the Committee excluding those for which advance responses were submitted by 23 July 2020. Responses submitted in advance can be consulted at <https://agims-qna.wto.org/public/Pages/en/Search.aspx>.

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## **1 MATTERS RELEVANT TO THE IMPLEMENTATION OF COMMITMENTS: ARTICLE 18.6**

### **1.1 China – China-US Economic and Trade Agreement**

#### **1.1.1 Question by Australia (AG-IMS ID 93049)**

Australia welcomes Phase One of the Economic and Trade Agreement Between the United States of America and the People's Republic of China. This is a positive step forward in resolving existing trade tensions and will provide a greater level of certainty to help lift global economic confidence during what is a challenging time.

With respect to the commitments made by China under the Agreement in relation to agriculture, we welcome China's assurances that it will implement the measures in a fully WTO-consistent and non-discriminatory manner. We appreciate this with respect to the provisions that concern this Committee, but also with respect to the provisions concerning other agriculture-related aspects of the WTO Agreement, for example on the SPS commitments in the US-China Agreement.

We would welcome if China can provide further advice on how it plans to do this, for example:

- a. Is China planning on changes to applied MFN tariffs to facilitate the purchase and import of at least USD 80 billion in agricultural goods over the next two years?
- b. Does China intend on reallocating unused or returned wheat, rice and corn TRQ amounts pursuant to a particular mechanism?
  - i. For example, the mechanism established under Annex A of the Bali Ministerial Decision on tariff-rate quota (TRQ) Administration.
- c. We would further welcome China advise the Membership on how it plans to implement the obligations of Chapter 6, Article 6.2: Trade Opportunities, paragraph 5, whereby "...purchases will be made at market prices based on commercial considerations...".

#### **1.1.2 Question by Canada (AG-IMS ID 93050)**

The recently signed Economic and Trade Agreement Between the Government of the United States of America and the Government of the People's Republic of China includes a requirement in paragraph 1 (b) of Chapter 6, Trade in Food and Agricultural Products for the minimum purchase of agricultural goods by the People's Republic of China. Chapter 6, Trade in Food and Agricultural Products—paragraph 1 b. "For the category of agricultural goods identified in Annex 6.1, no less than \$12.5 billion above the corresponding 2017 baseline amount is purchased and imported into China from the United States in calendar year 2020, and no less than \$19.5 billion above the corresponding 2017 baseline amount is purchased and imported into China from the United States in calendar year 2021."

- a. Could China provide the value of 2017 imports from the United States for the following commodities:
  - i. beef;
  - ii. pork;
  - iii. wheat;
  - iv. canola;
  - v. soybeans.
- b. Could China elaborate if there is a commitment to purchase specific volumes of particular agricultural products?
- c. Could China please elaborate if private companies, state-owned enterprises or state trading enterprises will be given direction to purchase specific volumes of a given commodity in order to meet these value targets?

- d. What role will the Government of the People's Republic of China play in potentially "matching" US exporters of agricultural products identified in Annex 6.1 with importers in China?
- e. Paragraph 5 "The Parties acknowledge that purchases will be made at market prices based on commercial considerations and that market conditions, particularly in the case of agricultural goods, may dictate the timing of purchases within any given year." Could China elaborate how "commercial considerations" will be taken into account when there is a defined value commitment for the purchase of agricultural goods from the United States?
- f. Could China elaborate as to how it ensures that these new purchase requirements will not displace existing commercial relationships?

## **1.2 China's agricultural insurance**

### **1.2.1 Question by Canada (AG-IMS ID 93051)**

In October 2019, the Ministry of Finance, Ministry of Agriculture and Rural Affairs, China Banking and Insurance Regulatory Commission and State Administration of Forestry and Grassland released a document called "Guiding options on accelerating the quality of development of agricultural insurance". Canada understands that the document aims to promote and standardize the development of agricultural insurance.

- a. Could China provide an update on the development of agricultural insurance products?
- b. Would agricultural insurance cover livestock and crops?
- c. Will the cost of premiums be shared between Government(s) and producers? If so, what will be the respective contributions?
- d. Will the agricultural insurance products be actuarially sound i.e., will the premiums cover the cost of indemnities?

## **1.3 China - Exemptions to retaliatory tariffs**

### **1.3.1 Question by Canada (AG-IMS ID 93052)**

On 18 February 2020, China announced that it will allow importers to apply for exemptions to the retaliatory tariffs imposed against the United States on 697 product lines including farm products such as soybeans, pork and beef. The exemption will have to undergo an approval process and would only be effective for one year. Importers could apply for the tariff exemptions starting 2 March 2020.

- a. Could China indicate if there is a limit on the number of entities that are eligible for this exemption and if so how many?
- b. Could China confirm if both State-Owned Enterprises and private companies can apply for these tariff exemptions?
- c. Could China provide an estimate as to the value of this exemption?

## **1.4 China's stimulus package for corn**

### **1.4.1 Question by Brazil (AG-IMS ID 93224)**

It has come to Brazil's attention, that, on 15 April 2020, China has launched a stimulus package to overturn a recent reduction trend on corn-planted area.

Nonetheless, on December 2018, China has submitted notification G/AG/N/CHN/49 (Table DS:2) regarding its "Corn Producer Subsidy System", under Article 6, paragraph 5 (a) of the Agreement on Agriculture.



In the light of the above, could China provide the following information on:

- a. The termination of the "Corn Producer Subsidy System" on 2018, as per G/AG/N/CHN/49, and on its substitution by another corn-specific policy.
- b. The evolution of corn planted area and on the value of corn production since 2014 (the base year for the "Corn Producer Subsidy System").
- c. The legislation that established the stimulus package launched last April (if possible, could China provide a copy of said legislation?).
- d. The stimulus package budget and if it relies on price-support, direct payments or other forms of subsidies.

## **1.5 Colombia's sugar fund**

### **1.5.1 Question by European Union (AG-IMS ID 93183)**

Colombia – Sugar Fund

Colombia has established a sugar fund, which grants support for sugar exported from Colombia. For the three latest marketing years, 2017, 2018 and 2019, can Colombia indicate:

- a. Total production of sugar;
- b. Total quantity exported, and how much benefited from subsidies from the sugar fund;
- c. Total payments made from the sugar fund for the export of sugar;
- d. The average amount per tonne of sugar paid into the fund from sugar sold on the Colombian market.

## **1.6 Egypt's import license regime**

### **1.6.1 Question by Brazil (AG-IMS ID 93054)**

- a. Is the import of agriculture goods, such as poultry meat, live animals and corned-beef, subject to an import license regime?
- b. If positive, could Egypt provide details on the administration of this import license regime (criteria for granting the license; economic agents who can request; existence of import limits, among others)?
- c. Are decisions on the granting of licenses made available to the public?

## **1.7 Egypt's ban on sugar imports**

### **1.7.1 Question by European Union (AG-IMS ID 93185)**

On June 4 Egypt announced a ban on all imports of sugar. Can Egypt explain how it sees this measure respecting the requirements of the GATT Article XI :2(c).

## **1.8 Nigeria – Foreign currency exchange restrictions for dairy imports**

### **1.8.1 Question by European Union (AG-IMS ID 93016)**

This restriction was published on 11 February. Its effect is a clear restriction on the import of dairy products into Nigeria.

How does Nigeria explain that this measure is not restricting imports and that it respects the following commitments:

- Article 4.2 of the Agreement on Agriculture (Market Access);
- Article III:4 GATT (National Treatment);
- Article X GATT (Publication and Administration of Trade Regulations); and
- Article XI GATT (General Elimination of Quantitative Restrictions).

### **1.8.2 Question by New Zealand (AG-IMS ID 93073)**

Nigeria recently restricted access to foreign currency for the importation of dairy products. Nigeria has provided exemptions to a select few dairy companies on the condition, New Zealand understands, that they "backward integrate"; i.e. set up production or engage in dairy development activities locally.

Can Nigeria please explain how this measure is consistent with its WTO obligations?

## **1.9 Russian Federation - Subsidies to "certification of agricultural products in foreign markets"**

### **1.9.1 Question by European Union (AG-IMS ID 93186)**

The new Decree of the Government of the Russian Federation of 25 December 2019 N° 1816 (as amended on 13 May 2020) "On state support of organizations in order to compensate for part of the costs associated with the certification of agricultural products in foreign markets" appears to be an export subsidy, falling under Article 9.1(d) of the Agreement on Agriculture.

The "certification of agricultural products in foreign markets" seems to cover the following: assessment of conformity of agri-food products with requirements of foreign markets, veterinary and phytosanitary measures, transportation, storage, testing and disposal of test samples, assessment of conformity of products with the requirements, contained in the foreign trade contract for the supply of agricultural products to foreign markets (hereinafter - the contract), including during voluntary certification for obtaining Halal and Kosher certificates. The provision of certificate of costs incurred to meet the requirements of external markets appears necessary to obtain the aid.

- a. Can the Russian Federation explain how it ensures that this new subsidy does not compensate for costs incurred as part of and during the process of selling a product to foreign markets and is not an illegal export subsidy?
- b. Can the Russian Federation explain how the decree in question complies with the requirements of Articles 8 - 10 of the Agreement on Agriculture?

## **1.10 Saudi Arabia, Kingdom of - New system for issuing import licenses**

### **1.10.1 Question by Brazil (AG-IMS ID 93074)**

On 27 January 2020, the Saudi Government adopted a new system for issuing import licenses, without prior consultations with interested parties or granting an adaptation period on the new measure. The new system requires local importers to file with the Saudi Government, six months in advance, "import plans". These plans must include detailed information about the exporter. The measure puts at risk not only trade flows, given that most agricultural goods are traded on a monthly basis, according to supply and demand conditions, but also business confidentiality terms, since the new measure would make it necessary to disclose to the importer sensitive information, such as production capacity. Furthermore, although it creates a series of new requirements, the criteria for approving import plans seem to lack transparency.

- a. Could the Kingdom of Saudi Arabia provide an English version of the "Amendment of Import Licensing Procedures and Guide" notified through document (G/LIC/N/2/SAU/2)?
- b. Could the Kingdom of Saudi Arabia explain how the new procedure complies with:

- i. Article 4 of the Agreement on Agriculture (determining that access to Members' markets can only be regulated through customs duties, rendering prohibited, among others, the establishment of quantitative restrictions and discretionary import licensing regimes);
- ii. Article XI, 2 of the General Agreement on Trade and Tariffs (establishing exceptions to the general obligation to eliminate quantitative restrictions on imports and to regulate market access only through customs duties, even if operated through quotas or licenses);
- iii. Article 1, 2 and 3 of the Agreement on Import Licensing Procedures (Members should ensure that administrative procedures used to implement import licensing regimes do not distort trade and that the rules applicable to the import licensing procedure will be neutral and that the procedures will be fair and equitable).

### 1.11 Thailand's sugar support

#### 1.11.1 Question by Australia (AG-IMS ID 93203)

Australia understands Thailand has approved measures to support its sugar industry, which has been impacted by the disruptions caused by COVID-19. We understand the support package is valued at THB 10 billion (approx. USD 320 million).

- a. Can Thailand provide information on this support package, including details on:
  - the different parts of this support package?;
  - the policy objectives of each part?; and
  - how payments for each part are calculated?

#### 1.11.2 Question by Brazil (AG-IMS ID 93227)

According to media reports, Thailand has approved over 10 billion baht (over USD 300 million) in subsidies to sugarcane farmers (<https://www.reuters.com/article/us-thailand-sugar/thailand-approves-300-million-aid-for-drought-stricken-sugarcane-farmers-idUSKBN23G28H>).

Thailand's most recent WTO DS:1 notification of domestic support commitments (G/AG/N/THA/85, 6 October 2017) applicable to calendar years 2014-2016, reported a product-specific sugarcane subsidy of 450 million baht per year. Although Thailand's notification did not report its value of production, the new subsidies appear to exceed the sugarcane product-specific "*de minimis*".

The recently announced program is more than 20 times larger than the last domestic support program notified by Thailand and more than half of Thailand's Total AMS commitment level.

In the light of the above, could Thailand provide the following information:

- a. Copies of the applicable measures granting and administering the subsidies, including Cabinet Resolutions and any other legal or regulatory instruments.
- b. An estimation of when Thailand plans to submit a new WTO domestic support commitment (DS:1) notification.
- c. An estimation of when Thailand plans to notify the new sugar subsidies to the WTO.
- d. Confirmation that the 450 million bath Government subsidy has continued after 2016.
- e. Updated data on the value of its annual sugarcane production for 2017, 2018, and 2019.
- f. Would Thailand explain the eligibility criteria for the aforementioned program, especially regarding the following:

- i. Is the program exclusive for sugarcane producers or is it generally available for farmers?
- ii. Is the payment contingent upon the cultivation of sugarcane?
- iii. Is the program related with the acquisition of inputs and production factors by farmers? If so, how does that affect the payment?
- iv. Are there any sugarcane producers that are not entitled to apply for the subsidy?
- g. Since drought has been mentioned as a justification for the announced domestic support, is there an obligation for farmers to prove production losses as a condition for payment of the subsidy? If positive, how much as a percentage of expected production must these losses be?

## **1.12 US – Excise duty exemptions for alcohol on Puerto Rico the US Virgin Islands**

### **1.12.1 Question by European Union (AG-IMS ID 93187)**

The EU understand that for every litre of pure alcohol exported to the US from the US Virgin Islands or Puerto Rico, the producers receive 50% of the excise taxes on that product, as well as excise tax on any rum from other sources exported to the US. This is equivalent to a subsidy of about USD 3 per litre. According to data available to the EU unaged rum costs about USD 1 – 1.50 per litre to produce in these countries.

- a. Can the US explain how this scheme works in practice including the origin of alcohol, eligible products, exact amount of excise duty exemptions per product, the estimated annual amount in question and the final beneficiaries of this scheme.
- b. Can the US give statistical information about quantities exported to the US benefiting from this scheme for the years 2014 to 2019.
- c. Can the US explain how it ensures that products being exported (from Puerto Rico and the US Virgin Islands) to other parts of the world than the US does not benefiting directly or indirectly from this scheme?
- d. Has this subsidy been included in the recent DS:1 notifications from the US?

## **1.13 US – Overcompensation through MFP 1 and MFP 2**

### **1.13.1 Question by European Union (AG-IMS ID 93188)**

US – Overcompensation through MFP 1 and MFP 2

According to a study from Kansas State University published in Applied Economic Perspectives and Policy (2020) volume 42, number 2, pp. 205–226 by Joseph P. Janzen and Nathan P. Hendricks: Are Farmers Made Whole by Trade Aid? (<https://onlinelibrary.wiley.com/doi/epdf/10.1002/aep.13045>) many farmers and sectors received more in compensation than their actual losses. In the case of cotton the study shows an overcompensation of 33 times the actual loss.

During the Special COVID-19 meeting the US several times underlined that all its support measures would respect its WTO commitments, without however indicating how or when it would submit its outstanding DS:1 notifications.

- a. Does the US agree with the results presented in this study? If not, can the US explain what in the study it disagrees with.
- b. Has the US calculated the real losses of farmers compared to the compensation payments through MFP 1 and MFP 2? What are the results of any such calculations?

- c. How will the US ensure that similar overcompensation will not take place in future given it clearly influences farmers' production decisions in both the short and long term?

#### **1.14 U.S. insurance programmes**

##### **1.14.1 Question by Canada (AG-IMS ID 93285)**

On 9 June 2020, the USDA Risk Management Agency announced changes to the Livestock Risk Protection (LRP) insurance program for feeder cattle, fed cattle and swine starting this summer with the 2021 crop year. Changes include moving premium deadlines to the end of the endorsement period and increasing premium subsidies to assist producers. <https://rma.usda.gov/en/News-Room/Press/Press-Releases/2020-News/USDA-Announces-Improvements-to-the-Livestock-Risk-Protection-Insurance-Program-This-Summer>

- a. Could the US indicate what will be the new subsidy rate under the LRP program following these changes?
- b. Are these changes temporary and if so, when is the expected end date?
- c. In the last months, did the U.S. also increase the subsidy level for other insurance program or do they have the intention to increase the subsidy level for other insurance program? If so, by how much?

#### **1.15 Canada's wine sale policy**

##### **1.15.1 Question by United States of America (AG-IMS ID 93004)**

Canada has not yet responded to the following questions posed by the United States in AG-IMS ID 92003, AG-IMS ID 91137, AG-IMS ID 90040, AG-IMS ID 85012, AG-IMS ID 86034, AG-IMS ID 87016, AG-IMS ID 88096, and AG-IMS ID 89021 regarding wine. As such, the United States repeats its previous questions.

- a. In AG-IMS ID 84105, Canada states that "The LCBO will consider making wines from Vintages Essentials, a sub-category of Vintages comprising products that are continuously available, available to grocers by moving them to the LCBO Wines category".
  - i. Are Ontario and/or Canadian wines that are on the Vintages Essential list allowed to be sold in grocery stores?
  - ii. Would Ontario and/or Canadian wines that are on the Vintages Essential list need to move to the LCBO Wine category (and off of the Vintages Essential list) in order to be sold in grocery stores?
  - iii. If Ontario and/or Canadian wines are allowed to be sold in grocery stores without moving off the Vintages Essential list to the LBCO Wines category, but imported products are not, what is the policy justification?
- b. In the implementation of Ontario Regulation 232/16, how many authorizations have been distributed for a "wine boutique sales agent" (a single authorization that permits the operator of a grocery store to sell, as agent of a winery that operates a wine boutique inside the store, wine offered for sale in the boutique)?
- c. What is the rationale for the Liquor Control Board of Ontario (LCBO) product call that Canada provided in AG-IMS ID 82002, which specifies different retail price parameters and size parameters for imported bag in box wine than for the category of existing Ontario bag in box wine? (<http://www.doingbusinesswithlcbo.com/tro/Forms-Documents/LettersToTheTrade/Downloads/LCBO%20Wines%20Bag%20in%20Box%20Tender.pdf>)
- d. Would Canada please confirm imported bag in box wine is limited to four stock keeping units (SKUs) in LCBO stores, while Ontario bag in box wine is limited to 40 SKUs? If

confirmed, please explain the rationale for this split between imported and Ontario products.

### **1.15.2 Question by United States of America (AG-IMS ID 93005)**

According to the 6 June 2019 public backgrounder issued by Ontario (<https://news.ontario.ca/mof/en/2019/06/more-choice-convenience-and-fairness-for-beer-and-wine-consumers.html>):

"Eighty-seven grocers will be selected to sell imported and domestic beer, cider and wine under unrestricted authorizations."

"And for the 35 existing grocers that have restricted authorizations, most of their initial restrictions will be lifted and they will be able to expand their assortments to a larger selection of wine starting in October 2019."

- a. Have 87 additional grocers been authorized to sell imported and domestic beer, cider and wine under unrestricted authorizations?
- b. For the 35 grocers referred to in the backgrounder, what restrictions have been lifted?

## **1.16 China's rice policies**

### **1.16.1 Question by United States of America (AG-IMS ID 93248)**

In China's response to the U.S. question AGIMS-ID 91133, China notes that "bidding rules", and other relevant information in the document including "the trading announcement" is published on the National Development and Reform Commission, the Ministry of Finance, the National Food and Strategic Reserves Administration.

- a. Please provide links to these announcements specifically related to the recent rice auctions.
- b. Do the auction procedures have any requirements related to exportation of the rice?
- c. Of the recently auctioned rice, what quantities remained in China and what quantities have been exported?

The United States repeats its questions in AGIMS-ID 91133:

- d. Is COFCO the main exporter of this rice?
- e. Are other STEs exporting rice?

## **1.17 China's state trading enterprises**

### **1.17.1 Question by United States of America (AG-IMS ID 93249)**

In response to China's answer to AG-IMS-ID 91115, the United States provides the link to a Bloomberg news article (<https://www.bloomberg.com/news/articles/2019-05-07/china-is-said-to-plan-overhaul-of-state-agriculture-giants>). Based on the linked article, the United States understands that the Government of China plans to transfer the trading assets of Sinograin, which includes its stockpiles and oilseed crushing capacity, to COFCO Corporation.

- a. Please explain the rationale behind its restructuring of assets for its agricultural state trading enterprises.

In reference to #115 on page 192 of G/C/W/701 dated 14 August 2014:

- b. Please provide an overview of operations of the China Grain Reserves Corp. (Sinograin).

- c. Please explain the differences in grain activities or roles carried out between Sinograin and COFCO.
- d. Please explain whether or not Sinograin can influence through their purchases or sales the level or direction of imports or exports.

### **1.18 Egypt's export subsidy and Arrears Program**

#### **1.18.1 Question by United States of America (AG-IMS ID 93042)**

As a follow up to AG-IMS ID 91138, the United States has seen press reports that the Government of Egypt settled judicial cases for overdue export subsidies administered by the Egyptian Export Development Fund (ESF), to promote several economic sectors, including agricultural companies.

- a. Please provide the legislation and/or decisions that made this export subsidy available, including an explanation of eligibility criteria and how payment rates are determined for the export of agricultural products.
- b. Please explain how the settlement agreements reached on export subsidies with agricultural companies impacts the provision of support under this measure.

### **1.19 Egypt's export prohibitions on agricultural products**

#### **1.19.1 Question by Japan (AG-IMS ID 93192)**

At the Committee on Agriculture meeting held on 18 June 2020, Japan asked Egypt to provide the reason why required notification concerning its export prohibitions on leguminous vegetables and products thereof had not been made in accordance with Article 12 of the Agreement of Agriculture. In Egypt's response to the said question, Egypt explained that it would be exempt from the notification requirement as Egypt is a net importer of the food stuffs concerned. However, according to the statistical data such as FAOSTAT, Japan recognizes that Egypt is a net exporter of the foodstuff concerned. Japan would appreciate if Egypt could provide the clarification by providing such data as to well support that Egypt is a net importer of the foodstuff concerned.

### **1.20 India's sugar policies**

#### **1.20.1 Question by European Union (AG-IMS ID 93001)**

Follow-up question to AG-IMS ID 92007:

- a. Can India indicate for the five years 2011 to 2015 prior to the Nairobi Ministerial meeting the following:
  - Total export of sugar from India per year;
  - Quantity of this which had received export subsidy (federal or state) and the amount spend on these subsidies annually 2011 to 2015.
- b. Can India explain how it sees the increasing subsidy level and increasing quantity of sugar exports to be subsidised to be in line with Nairobi Ministerial Decision paragraphs 9, 10 and 11? In particular how does India see the 2019/20 export programme as respecting paragraph 10: Members shall seek not to raise their export subsidies beyond the average level of the past five years on a product basis"?

### **1.21 India's pulses policies**

#### **1.21.1 Question by Australia (AG-IMS ID 93058)**

Australia's concerns with respect to India's trade-restricting measures on pulses are very well known to Members. Australia has raised its concerns in this and every other relevant Committee for over two years, with a particular focus on the quantitative restrictions (QRs) set on a range of pulses. Unfortunately, India continues to implement these measures, which are having a detrimental



impact on the global pulses market, including producers in developed and developing countries, with traders and with consumers.

Australia was disappointed that in addition to the continued extension of these measures – which cannot be considered 'temporary' given they have been in place for over two years – India has recently implemented even more trade-restrictive measures.

For example, in December 2019, India announced that the 150,000 tonnes QR on peas would be subject to additional restrictions, whereby imports would need to meet a minimum import price of Rs 200/kg and would only be allowed through one specific port (Kolkata sea port). Additionally, while India expanded the QR on Urad (black gram beans) from 150,000 tonnes to 400,000 tonnes, the additional tonnage (250,000 tonnes) would be limited to Indian millers and refiners and applications to import under the QR could only be submitted between 20 December and 31 December 2019 (12 days), with imports having to occur by no later than 31 March 2020.

With respect to India's QRs on pulses and these additional measures:

- a. Can India explain why it restricted pea imports to only one specific port?
- b. Can India provide a justification for the minimum import price for peas?
- c. Can India explain why it restricted the additional imports of Urad to Indian millers and refiners?
- d. Can India explain why it gave such a limited period for applications to be submitted for Urad?
- e. Can India explain how the additional measures identified are consistent with India's WTO obligations and the WTO basis for the measures?
- f. Can India provide advice on the amount of imports for each QR during the current quota year?
- g. Can India confirm whether it will continue to apply the QRs on pulses after 31 March 2020 (i.e. for the fiscal year 2020/21 commencing on 1 April)?

#### **1.21.2 Question by Canada (AG-IMS ID 93066)**

On 18 December 2019, the Government of India notified an amendment to its import policy for dried peas under HS code 0713 1000 (Gazette of India No. 37/2015-2020). According to this amendment, in addition to the quantitative restriction of 150,000 MT already in place, imports of dried peas will be subject to a minimum import price of Rs. 200/CIF (Cost, Insurance & Freight) per kg and imports will only be allowed through Kolkata seaport. Indian importers have reported that this minimum import price of Rs. 200 per Kg is around six times the price imported dried peas have traditionally been traded (around Rs. 30 to 35 per Kg).

- a. Could India provide more information as to why it amended its quantitative restriction policy to include a minimum import price on dried peas?
- b. Could India provide detailed information as to how this minimum import price works? Especially please provide information on the implementation of this policy and the relevant documents that explain how this the minimum import price is being applied.
- c. Could India explain how it determined the level of this minimum import price, and why it was set at such a prohibitive level?
- d. Could India explain how this minimum import price is consistent with Article 4 of the Agreement on Agriculture?
- e. Could India explain how a minimum import price requirement is consistent with GATT Article XI?



- f. Could India explain how the single port of entry requirement is consistent with GATT Article XI?
- g. Please indicate whether the quota will be maintained after 31 March 2020, and please indicate whether the minimum import price and the single port of entry requirements will also be maintained after 31 March 2020.

### 1.21.3 Question by Canada (AG-IMS ID 93282)

On 28 March 2020, the Ministry of Commerce and Industry of India notified Notification No. S.O.1225 (E) which extended its quantitative restriction for dried peas under HS code 071310 for the fiscal year 2020-21. The notice specifies that the quantitative restriction for dried peas are set at 150,000 MT for the 2020-21 fiscal year, and that the import policy conditions such as Minimum Import Price (MIP) of Rs.200/ and a port restriction through Kolkata sea port only for all peas. Imported dried peas have traditionally been traded on India's domestic market at Rs. 30 to 35 per kg so this minimum import price of Rs. 200 per Kg is around six times higher than market prices.

- a. Could India provide more information as to why it has put and place and continues to apply a minimum import price on dried peas?
- b. Could India provide detailed information as to how this minimum import price works? In particular provide information on the implementation of this policy and the relevant documents that explain how this the minimum import price is being applied at the port of entry.
- c. Could India explain how it has determined the level of this minimum import price, and why it was set at such a prohibitive level?
- d. Could India explain how this minimum import price is consistent with Article 4 of the Agreement on Agriculture?
- e. Could India explain how a minimum import price requirement is consistent with GATT Article XI?
- f. Could India explain how the single port of entry requirement is consistent with GATT Article XI?

### 1.21.4 Question by Canada (AG-IMS ID 93283)

On 16 April 2020, India's Ministry of Commerce and Industry issued a trade notice (S.O. 1260(E)) in the Gazette of India which fixed the quantity of peas by type that can be imported under the quantitative restriction for fiscal year 2020-2021 (1 April 2020, to 31 March 2021) previously announced in trade notice S.O.1225 (E). Of the 150,000 metric tonnes (MT) announced, 75,000 MT is allocated to green peas, and 75,000 MT to "other" peas. The quota for yellow peas is explicitly set to 0 MT, which effectively bans its importation for this fiscal year.

- a. Could India explain its rationale to ban the import of yellow peas for fiscal year 2020?
- b. Could India indicate which provision of the GATT or WTO Agreements is being used to support this import ban?
- c. Could India indicate when it will inform, and in which relevant committee it will provide the relevant provision of the GATT or WTO Agreements it believes supports this import ban of yellow peas?

### 1.21.5 Question by Russian Federation (AG-IMS ID 93067)

In March 2019 India issued a notification establishing a new quota of 150 000 MT for the period from 1 April 2019 until 31 March 2020. However, according to the Trade notice No. 32/2019-2020 after seven months of this quota application India completely prohibited the import of pulses to its territory from 31 October 2019. According to Notification No. 38/2015-2020 dated

1<sup>st</sup> of January 2020 in addition to quantitative restrictions for peas remained in force India have introduced minimum import price requirement for yellow and green peas. Ports of entry for yellow and green peas are also limited to only one seaport Kolkata.

- a. Could India provide the reasons for tightening restrictive policy in relation to imports of pulses?
- b. Could India describe the administration of yellow peas import? Could India clarify how the minimum import price on yellow peas is applied?
- c. Could India explain how quantitative restrictions, import prohibition, recently introduced minimum import prices requirement and limitation of ports of entry for pulses to only one port are consistent with the WTO rules, including Article 4.2 of the Agreement on Agriculture?

#### **1.21.6 Question by Russian Federation (AG-IMS ID 93229)**

In March 2020, India established new import quota on yellow peas with volume of 150 thousand tonnes allowed for import up to 31 March 2021. This quota is subdivided by three sub-quotas: 75 000 tonnes for green peas, other types of peas – 75 000 tonnes, while allowed volume for import of yellow peas equals zero. Could India please clarify whether zero for sub-quota volume means that import of yellow peas is prohibited even under the quota in question? If yes, what are the reasons behind the introduction of import prohibition on yellow peas? How do these import prohibition and restrictions correlate with Article 4.2 of the WTO Agreement on Agriculture and Article XI of the GATT?

- a. In January 2020, India introduced minimum import price requirement for peas (200 Rs/kg and above). What are the reasons and the purpose of introducing minimum import price requirement in addition to existing quantitative restrictions? What is the methodology for the minimum import price calculation? Please, provide the dynamic of domestic prices for yellow peas since April 2019. In what way is the introduction of minimum import price consistent with Article 4.2 of the WTO Agreement on Agriculture?
- b. Number of ports of import for peas were also limited to only one (seaport Kolkata). What are the reasons and goals for introducing restrictions on ports of entry? Why is it necessary to import peas exactly through the port of Kolkata? How does it comply with India's WTO commitments? How does restricting ports of entry correlate with Article 4.2 of the WTO Agreement on Agriculture?
- c. When in April 2018 quotas were introduced, India announced that this measure was temporary. However, two years later, import restrictions not only continue to operate, but have been expanded. What are the estimated time frames during which restrictive measures (quotas, minimum import price, restriction on ports of entry) will be in force?

#### **1.21.7 Question by United States of America (AG-IMS ID 93250)**

In response to AG-IMS ID 92008, India stated that its quantitative restrictions on mung beans, peas, black gram lentils, and pigeon peas are temporary, yet India again notified quantitative restrictions on these products in March 2020 that will be in effect through March 2021. By the end of this latest extension, these quantitative restrictions will have been in place for three years.

India states the measures will be further extended or removed based on "market situation." Please describe what market situation is necessary for the permanent removal of these restrictions.

### **1.22 India's export subsidies/export credits**

#### **1.22.1 Question by United States of America (AG-IMS ID 93007)**

India stated in AG-IMS ID 89045 that the Interest Equalisation Scheme on Pre and Post Shipment Rupee Export Credit (IES) "is in the nature of working capital support, which is WTO compatible."

The United States notes that Reserve Bank of India's (RBI) notices refer to IES as being an export credit program and not a working capital support program. However, the United States also notes in RBI notices DBR.Dir.BC.No 62/04.02.001/2015-16 dated 4 December 2015 and DCBR.CO.SCB.Cir.No 1/13.05.000/2015-16 dated 11 February 2016 explain a procedure for Indian banks to pass on the benefit of IES by reducing the interest rate charged to the eligible exporters upfront. The notices also describe how banks submit claims to RBI for reimbursement.

- a. Please explain in detail why India does not believe IES is an interest rate support programme as covered under paragraph 13 (a) direct financing support of the Nairobi Decision.
- b. Please explain how RBI's premiums are charged and how RBI's financial contribution/claims are recovered under the IES.

Per DBR. Dir. BC. No 09/04.02.001/2018-19 dated 29 November 2018 and DBR. Dir. BC. No 22/04.02.001/2018-19 dated 11 January 2019, the United States notes that India's IES rate of interest equalization has increased from 3% to 5% for Micro, Small & Medium Enterprises (MSME), and that since 2019 the scheme has expanded to allow large merchant/corporate exporters to participate at an interest equalization rate of 3%.

- c. Please explain the reasoning for increasing the export financing support and allowing large merchants to participate in the IES.

The United States understands that since inception in 2015 to July 2018, the RBI has spent ₹4,829 crore (USD 679 million) on the export support scheme for all eligible manufacture and agricultural products. The notice instructs RBI to keep records and send a monthly report to India's Dept. of Commerce and Directorate of General of Foreign Trade (DGFT) indicating reimbursements made, on both a commodity and bank basis.

- d. Please provide the total agricultural product-specific export support spent under the scheme and the total value of agricultural products benefited up to the present day.

## **1.23 India's skim milk powder export subsidies**

### **1.23.1 Question by United States of America (AG-IMS ID 93008)**

#### India Export Subsidies / Export Credits

As a response to AG-IMS ID 89026, India stated that MSMEs exporting dairy products are eligible for exports under the IES based on RBI's list of allowable agricultural products (see list per annex [https://rbidocs.rbi.org.in/rdocs/content/pdfs/NT322AN120216\\_1.pdf](https://rbidocs.rbi.org.in/rdocs/content/pdfs/NT322AN120216_1.pdf)).

Please confirm or clarify if the list is inclusive of all agricultural products covered under the scheme or please provide an up-to-date annex.

## **1.24 India's support to rice exports**

### **1.24.1 Question by United States of America (AG-IMS ID 93009)**

#### Export Subsidies and Transparency

The United States understands that India has decided not to withdraw prohibited export subsidies as recommended by a WTO panel on October 2019 and that MEIS for non-Basmati rice, and other products, will possibly be extended beyond 31 March 2020.

- a. Please explain if this export subsidy scheme still includes agricultural products and whether the export subsidy benefits were increased in 2019 and/or in 2020.
- b. Please provide India's Government notices for the extensions and increases in 2019 and 2020 if applicable.

- c. Does India provide any other forms of export subsidies to non-Basmati rice? If so, please describe those programmes.

## **1.25 India's Transport and Marketing Assistance (TMA)**

### **1.25.1 Question by Australia (AG-IMS ID 93065)**

Australia refers to its questions to India at 91<sup>th</sup> CoA (AG-IMS ID 91006) and 92<sup>th</sup> CoA (AG-IMS ID 92095) with respect to its Transport and Marketing Assistance (TMA) scheme.

Australia acknowledges that as per Paragraph 8 of the Nairobi Ministerial Decision on Export Competition, developing country Members shall continue to benefit from the provisions of Article 9.4 of the Agreement on Agriculture until the end of 2023. Article 9.4 of the AoA allows developing country Members to provide export subsidies under Article 9.1 (d) & (e).

However, Paragraphs 9 through 11 establish clear obligations on India with respect to the implementation of export subsidies.

Australia therefore requests India provide specific details on:

- a. The average level of export subsidies provided for those products covered by the TMA for the past five years?
- b. What steps and assessment India have undertaken in the development of the TMA to ensure it is consistent with paragraph 11 of the Nairobi Decision and has at most, a minimal trade distorting effect on other Members?

If it is the case that India does not believe Paragraphs 9 through 11 apply to it, Australia would further request India:

- c. Explain under what grounds it has made the decision to not apply the commitments and provisions of Paragraphs 9 through 11 of the Nairobi Decision in the development of the TMA scheme?

### **1.25.2 Question by United States of America (AG-IMS ID 93010)**

Noting the introduction of the Transport and Marketing Assistance (TMA) scheme by India in March 2019, India has stated in response to AG-IMS ID 92095 that the measure complies with the Nairobi Ministerial Decision on Export Competition regarding Article 9.4 export subsidies. The measure covers a wide variety of products and lists eligible export destinations including West Africa, South America, ASEAN, Oceania, and several other regions.

- a. Given the broad scope of this measure, how does India analyze this programme in the context of paragraph 10 of the Ministerial Decision on Export Competition, regarding not raising the level of export subsidy use, and paragraph 11 of the Decision, regarding having at most minimal trade distorting effects and not displacing or impeding the exports of another Member?
- b. Can exporters benefit from the IES for agricultural products through at least March 2020 and from TMA (or other export subsidy measures) for the same agricultural products?
- c. If products do benefit concurrently from these measures, please describe what steps are taken by India to ensure that the export does not benefit from the measures in excess of what is permitted under Article 9.4.

## **1.26 India's wheat policies**

### **1.26.1 Question by United States of America (AG-IMS ID 93013)**

It is the understanding of the United States from press articles that India has recently sought to export wheat to other Governments through tenders for purchase.

- a. Is this process stipulated in any Government measures? If so, please provide those measures.
- b. What is India's process for determining a price at which India sells stock to foreign entities?
- c. What steps does India take to ensure that exports of stocks do not distort trade?

## **1.27 India - Dairy Loans**

### **1.27.1 Question by United States of America (AG-IMS ID 93011)**

In AG-IMS ID 92011, India responded to some, but not all, of the U.S. questions regarding "soft loans" administered by the National Dairy Development Board (NDDB). To follow up on some of those unanswered questions:

- a. Is export performance a requirement for cooperatives to receive an NDDB loan?
- b. Is there a grace period for these loans?

### **1.27.2 Question by United States of America (AG-IMS ID 93255)**

The United States thanks India for its response to AG-IMS ID 92011 and seeks further clarification on whether these loans under the "Supporting Dairy Cooperatives and Farmer Producer Organizations engaged in dairy activities" scheme are contingent upon export performance as this was not addressed in India's response to part b of the question.

## **1.28 India's short-term crop loans**

### **1.28.1 Question by United States of America (AG-IMS ID 93012)**

In response to AG-IMS ID 91147, India referred the United States to <http://agricoop.nic.in/> with regards to information regarding the Interest Subvention Scheme.

- a. Please provide data, direct responses, or a more specific website location regarding how the measure is implemented, including the value of loans covered in 2016/17 and 2017/18.
- b. Please confirm whether this measure is notified by India in its domestic support notification. If so, where? If not, on what basis?

### **1.28.2 Question by United States of America (AG-IMS ID 93254)**

The United States resubmits AG-IMS ID 92010, as India has not provided a written response.

In response to AG-IMS-ID 91147, India referred the United States to <http://agricoop.nic.in/>.

- a. Please provide data or a more specific website location for the value of loans covered by the measures in 2016/17.
- b. Please confirm whether this measure is notified by India in its domestic support notification. If so, where? If not, on what basis?

## **1.29 India's wheat public stockpiling**

### **1.29.1 Question by United States of America (AG-IMS ID 93014)**

In response to AG-IMS ID 92009, India stated with regards to sale of its wheat stocks that "[f]or price stabilization, some wheat may also be released for sale in domestic market with the stipulation that the same would not be used for exports."

- a. Is the process stipulated in any Government measure? If so, please provide those measures.
- b. Per India's response to AG-IMS 92009, how does India ensure that wheat stocks released for sale in the domestic market are not exported?

### **1.29.2 Question by United States of America (AG-IMS ID 93251)**

In response to AG-IMS ID 92009 regarding state bonuses, India responded that no state announced a bonus for wheat in the marketing season 2016/17, 2017/18, and 2018/19. However, Madhya Pradesh announced a bonus for both marketing years 2017/18 and 2018/19. The Minister of Agriculture in Madhya Pradesh is quoted stating "This means the state will pay Rs. 2,000 per quintal for acquisition of wheat." This was greater than the announced MSP of Rs. 1,840 per quintal.

- a. Please confirm any payments made to producers above the announced MSP for wheat in Madhya Pradesh since 2016/17 through the current marketing season.
- b. Please confirm any such payments to producers in other India states and territories as well as for other commodities.

### **1.29.3 Question by United States of America (AG-IMS ID 93252)**

In response to AG-IMS ID 92009 regarding a request for current, historical and pre-determined targets levels of wheat since 2010, India did not provide the quantitative levels of each, but rather indicated only that "procurement of wheat is done based on the assessment made with regard to the requirements under various food security programs."

- a. Please provide the annual quantitative levels for current, historical, and pre-determined levels of wheat since 2010.
- b. Please indicate any report, publication or website that contains the assessments referenced in India's previous response.

### **1.29.4 Question by United States of America (AG-IMS ID 93253)**

In response to AG-IMS ID 92009 regarding steps taken to ensure record stockpiles of wheat do not impact global markets and do not distort markets, India stated that "some wheat may also be released for sale in domestic market in the stipulation that the same would not be used for exports."

Please indicate what the specific stipulation states and where this stipulation can be found in any regulation or other official Government document related to governing the sales of public stocks in the domestic market.

## **1.30 India - National Dairy Plan Phase I**

### **1.30.1 Question by United States of America (AG-IMS ID 93256)**

The United States notes that in response to AG-IMS ID 88107 and 92012, India stated it will submit a Table DS:2 notification on its NDP I measure in due course, however, India has not notified this measure in G/AG/N/IND/19 nor is the measure identified in G/AG/N/IND/18.

- a. When will India be making a Table DS:2 notification for this measure?
- b. Within Supporting Table DS:1 of G/AG/N/IND/18, the NDP I has not been identified. Please confirm the measure is included in the Table DS:1 notification.
- c. If the measure is included, please indicate the monetary value of NDP I in 2018/19 and under which measure type this measure is notified.
- d. Please provide details of what measures will be implemented following the conclusion of Phase I. Please confirm whether India plans to submit any applicable DS:2 notifications

for those measures and whether India will identify such measures specifically within Supporting Table DS:1.

### **1.31 Mongolia's quota regime for importation**

#### **1.31.1 Question by Russian Federation (AG-IMS ID 93072)**

Follow up to questions AG-IMS ID 87094, AG-IMS ID 88104, AG-IMS ID 90027, AG-IMS ID 91011 and AG-IMS ID 92098:

In 2013 Mongolia established a quantitative regime for importation of certain agricultural products, including wheat flour and liquid milk. In August 2019 the Government of Mongolia issued a new Resolution describing the system of importation of agricultural products under quota regime. Mongolia did not open the quotas for import of wheat flour and liquid milk for 2020. However, Mongolia did not exclude these products from the list of agricultural products subject to quota regime either. The Russian Federation is seeking further clarification from Mongolia regarding its quota regime, in particular:

- a. Does Mongolia plan to exclude wheat flour and liquid milk from the list of agricultural products subject to quota regime? When?
- b. Does Mongolia plan to introduce new quotas for importation of these products in future?
- c. Please confirm that Mongolia will not apply quotas for importation of wheat flour and liquid milk.

#### **1.31.2 Question by Russian Federation (AG-IMS ID 93191)**

Follow up to questions AG-IMS ID 87094, AG-IMS ID 88104, AG-IMS ID 90027, AG-IMS ID 91011, AG-IMS ID 92098 and AG-IMS ID 93072:

In 2013 Mongolia established a quantitative regime for importation of certain agricultural products, including wheat flour and liquid milk. Mongolia did not open quotas for import of these two products for 2020, while stated that there were no quantitative restrictions for the following products at all.

However, Mongolia did not exclude wheat flour and liquid milk from the list of agricultural products subject to quota regime. According to the current information, Mongolian competent authorities do not issue permits for the import of the following products referring to the fact that there are no quotas allocated for these two products. Thus, the absence of import permits made the importation of wheat flour and liquid milk in fact impossible.

The Russian Federation is seeking further clarification from Mongolia regarding its restrictions, in particular:

- a. Does the fact that there are no quotas for wheat flour and liquid milk in 2020 mean that import of the following products is prohibited? How does this fact correspond to the previous statements of Mongolia that no quotas are being imposed on these products following the recommendations of the National Food Safety Council?
- b. Does Mongolia plan to exclude wheat flour and liquid milk from the list of agricultural products subject to quota regime? When?
- c. Does Mongolia plan to introduce new quotas for importation of these products in future?
- d. Please explain how Mongolia's import restrictions are consistent with Article XI of the GATT 1994 and Article 4.2 of the Agreement on Agriculture.



### **1.32 Nigeria's import prohibitions on certain agricultural products**

#### **1.32.1 Question by United States of America (AG-IMS ID 93015)**

The United States notes that Nigeria continues to maintain import prohibitions on several agricultural products (see [https://customs.gov.ng/?page\\_id=3075](https://customs.gov.ng/?page_id=3075)), including frozen poultry, beef, and pork from all countries.

- a. Please provide the measure or implementing regulations for these prohibitions and specify on what basis these imports prohibited?
- b. Can Nigeria explain why import bans are still in place, especially given that Nigeria stated in AG-IMS ID 48012 from March of 2007 that many of the restrictions were temporary?

### **1.33 Oman's Table DS:2 notification**

#### **1.33.1 Question by United States of America (AG-IMS ID 93257)**

In response to AG-IMS ID 92028, the United States would like to thank Oman for their thorough responses. As a follow up, the United States would like to inquire if Oman will be submitting a Table DS:2 notification for the programs it has outlined across its Table DS:1 notifications, noting the difference between a Supporting Table DS:2 within the Table DS:1 notification, and the separate Table DS:2 notification where Members are required to give detail on new domestic support programs.

### **1.34 Russia's export subsidies**

#### **1.34.1 Question by European Union (AG-IMS ID 93017)**

Follow-up to question AG-IMS ID 92044.

The EU is concerned about the recent amendment of Article 78 to the Russian Budget Code (amendment by Federal law N° 330-ФЗ of 1 October 2019), which appears to allow for subsidies for alcoholic products intended for export. In the answer to the EU question No AG-IMS ID 92044 (Committee on Agriculture, 30.10.2019) on the subject the Russian Federation stated that "... the Budget Code of the Russian Federation does not provide for any forms of exports subsidies".

Could the Russian Federation further elaborate on that answer in light of the explicit link between eligible subsidies and export destination of alcoholic beverages in the amended Article 78 of the Budget Code?

### **1.35 Tajikistan's export prohibitions on certain food products**

#### **1.35.1 Question by Japan (AG-IMS ID 93305)**

Japan would appreciate it if Tajikistan could explain how export prohibitions on certain food products including wheat, wheat flour and vegetable introduced by the Member on 25 April 2020 meet the conditions required in Article XI of General Agreement on Tariffs and Trade (GATT): namely i) essentiality of the products, ii) criticalness of the shortages, and iii) temporality of the measure. Japan would also appreciate it if Tajikistan could provide the reason why it resorted to the export prohibitions on the products, rather than arranging quotas which reflect the situation of domestic supply and demand.

### **1.36 U.S. Coronavirus Food Assistance Program**

#### **1.36.1 Question by Canada (AG-IMS ID 93284)**

As part of the Coronavirus Food Assistance Program, Secretary Perdue announced on 17 April that USDA is exercising authority under the Families First Coronavirus Response Act to purchase and distribute agricultural products to those in need. Through this program, USDA's Agricultural Marketing Service (AMS) is partnering with national, regional and local suppliers to purchase up to



USD 3 billion in fresh produce, dairy and meat products. The program will allow the purchase of USD 461 million in fresh fruits and vegetables, USD 317 million in dairy products, USD 258 million in meat products and USD 175 million in a combination box of fresh produce, dairy or meat products. Suppliers will package these products totalling USD 1.2 billion into family-sized boxes, then transport them to food banks, community and faith-based organizations, and other non-profits serving Americans in need from 15 May through 30 June 2020.

On 4 June 2020, some U.S. news outlet reported that the USDA was paying as much as twice the average retail price for milk purchases through the food box program. <https://www.thebullvine.com/news/to-buy-wholesale-milk-for-its-food-boxes-usda-is-paying-well-above-retail-prices/>

- a. Could the U.S. confirm whether USDA is buying commodities at prices higher than the average market price?
- b. Will the U.S. release the average price paid for commodities purchased through the food box program or the average per-unit prices indicated in the food box contracts awarded?

### **1.36.2 Question by Canada (AG-IMS ID 93286)**

On 12 May 2020, the United States announced the USD 19 billion Coronavirus Food Assistance Program (CFAP), which will provide USD 16 billion in direct support to farmers and ranchers. In the CFAP Cost-Benefit Analysis released on May 14, 2020, the USDA indicated that approximately USD 637 million is available to producers of commodities identified through the Notice of Funding Availability released on 22 May 2020.

- a. Could the U.S. confirm if the amount of USD 637 million being considered for other commodities is included in the original CFAP announcement? Is the amount of USD 637 still the amount being considered?
- b. Since multiple commodity groups in the U.S. have asked for additional support through the CFAP or other programs, is the U.S. considering additional direct payments for the U.S. agriculture sector? If so, to what commodity groups?
- c. Under the CFAP, what oversight mechanisms are in place to monitor the funds flowing out through the USDA and the CCC, keeping in mind that producer self-certification of the farm data is needed to calculate losses?
- d. How is USDA addressing the possibility that this may create an incentive to over-report losses?

### **1.36.3 Question by China (AG-IMS ID 93232)**

The US announced the Coronavirus Food Assistance Program (CFAP), a 19 billion dollars program that provides financial supports to those affected by the COVID-19 pandemic, including farmers and ranchers. While the title of this new program is different from the trade mitigation programs of 2018 and 2019, the structure of the programs appears to be quite similar, which all cover non-specialty crops, animal products, specialty crops and so on. The CFAP uses the fund of the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT), a temporary and new emergency appropriation.

The payment rates are calculated based on price declines and payments are coupled to the production or inventory of each agricultural product.

According to statistics released by the USDA, a total of 365,262 applicants have received about 5.36 billion dollars as of 9 July. Cattle, milk, corn, hogs, soybeans, upland cotton and wheat are among the commodities that received most supports.

- a. Could the US share with Members its evaluation on the impact of CFAP on the international agricultural market?

- b. Is there any linkage between the CFAP and the Trade Mitigation Programs of 2018 and 2019? If not, will the US provide any new agricultural trade aid package in 2020?
- c. How does the US intend to notify CFAP, especially the direct payment program? How could the US ensure its compliance with the WTO rules?

#### **1.36.4 Question by India (AG-IMS ID 93245)**

The United States recently decided to roll out a plan to promise the purchase of USD 3 billion worth of dairy, meat and fruits and vegetable produce from farmers under the "Farmers to Family Food Box" scheme, in order to help farmers during the Corona virus pandemic as part of the USD 19 billion Coronavirus Food Assistance Program. The products procured would be used to provide pre-approved boxes of fresh produce, dairy and meat to food banks and other non-profit organizations, as a part of the Agricultural Marketing Services.

(Source: <https://www.ams.usda.gov/content/usda-purchase-3-billion-agricultural-commodities-issuesolicitations-interested>).

The United States announced that it had already completed the first round of purchases at USD 1.2 billion on 30 June 2020, and that it plans to spend USD 1.47 billion in the second round of purchases through July and August 2020.

(Source : <https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box>)

In this context, India requests the United States to provide the following information:

- a. Details regarding the actual procurement of fresh produce, dairy and meat products, as well as the actual expenditure on the procurement of each of these commodities.
- b. Details regarding the manner in which such procurement is being made, along with the procurement prices.
- c. How is this scheme different in operation from the general scheme under the Food and Nutrition Service (FNS) distribution programmes, such as the emergency food assistance programme? Also, please specify the exclusion criteria, if any, under both these schemes.
- d. How does the United States plan to notify this measure under the Agreement on Agriculture?

#### **1.36.5 Question by Mexico (AG-IMS ID 93299)**

With regard to the Coronavirus Food Assistance Program (CFAP):

Can the United States provide a breakdown of the following:

- a. Payments made under the CARES Act to compensate for losses due to the disappearance of normal marketing channels:
  - Amount per product;
  - Number of producers that have benefitted;
  - Main states that have benefitted.
- b. Payments made by the CCC to compensate for losses due to market disruptions:
  - Amount per product;
  - Number of producers that have benefitted;
  - Main states that have benefitted.
- c. With regard to payments made by the CCC, are market disruptions understood to be price declines, or are there other types?
- d. With regard to the Farmers to Families Food Box Program, what criteria were used to choose which producers' products should be purchased and distributed under the Program?

- e. With regard to the Farmers to Families Food Box Program, USD 3 billion has been budgeted, but there is talk of significant delays in implementation.
  - i. What is the amount currently spent by the USDA on this Program?
  - ii. Is the goal of distributing the USD 3 billion expected to be met on time? If not, will the surplus be re-appropriated by Congress or can the USDA use it for other payments to producers?

### **1.36.6 Question by Paraguay (AG-IMS ID 93240)**

On 17 April, the Secretary of Agriculture, Sonny Perdue, announced that the Coronavirus Food Assistance Program (CFAP) had been set up. This is a programme designed to provide critical assistance to US farmers, totalling USD 19 billion. It was indicated that the CFAP would provide USD 16 billion indirect aid, based on losses in the marketing year 2020 caused by COVID-19, and USD 3 billion for the purchase of food as food aid. Furthermore, the USDA will provide additional funds for the purchase and distribution of food as food aid. The Republic of Paraguay would like to have greater clarity on this Program and would thus like to ask the United States for:

- a. Confirmation of whether this type of direct aid can be considered as market price support (MPS);
- b. Eligibility criteria to receive such aid;
- c. Products covered by this Program;
- d. If it is foreseen to pursue the Program beyond the 2020 marketing year;
- e. When the corresponding DS:1 notification is expected to be submitted and if the possibility of submitting a partial notification is being considered.

## **2 POINTS RAISED IN CONNECTION WITH INDIVIDUAL NOTIFICATIONS**

### **2.1 Administration of tariff and other quota commitments (Table MA:1)**

### **2.2 Imports under tariff and other quota commitments (Table MA:2)**

#### **2.2.1 Chile (G/AG/N/CHL/64)**

#### **AG-IMS ID 93307: Question by United States of America - Transparency issues**

Chile notes that importers filled 0% of its Tariff Rate Quota (TRQ) CHLQ001 in the 2019 calendar year (G/AG/N/CHL/64) but does not list the fill rate for 2018 in its submission.

Was the TRQ opened in 2018 and, if so, what was the fill rate?

#### **2.2.2 China (G/AG/N/CHN/50)**

#### **AG-IMS ID 93090: Question by Australia - Tariff quota fill**

Australia thanks China for submitting its MA:2 for Calendar Year 2018 (G/AG/N/CHN/50). Australia notes a number of tariff quotas had a fill rate of less than 65% (wheat: 32.2%, corn: 39.3%, rice 57.8%).

- a. Can China explain if it is considering changes to the administration of the TRQs for wheat, corn and rice to improve the TRQ fill rates?
- b. If so, can China please provide details of the possible changes, including the timelines for such changes?

**AG-IMS ID 93091: Question by Brazil - Transparency issues**

China's latest MA:2 notification, pertaining to calendar year 2018, demonstrates that the fill-rate for tariff-rate quota CHNQ002 ("corn") decreased during the past years, coming from 72% in 2012 (G/AG/N/CHN/26) to 39,3% in 2018.

- a. Could China provide data on market circumstances that could explain such reduction of the volume of imports under TRQ CHNQ002?
- b. Are imports taking place outside the TRQ?
- c. What are the procedures and criteria for granting import licenses for corn?
- d. What is the share of state-owned enterprises in the total of Chinese corn imports?

**AG-IMS ID 93092: Question by Russian Federation - Tariff quota fill**

TRQs for wheat (CHNQ001), corn (CHNQ002) and rice (CHNQ003, CHNQ004) are filled by less than 60%. Share of state-trading enterprises (STEs) in TRQ for wheat which has the lowest fill-in rate (32,2%) is 90%; share of STEs in TRQ for corn (fill-in rate: 39,3%) is 60%; share of STEs in TRQ for rice (fill-in rate: 57,8%) is 40%. During the period from 2013 to 2018 in 2014, 2015 and 2018 fill-in rates of TRQ for wheat were lower than 36%. In comparison with fill-in rate in 2017, in 2018 fill-in rate of wheat TRQ decreased by more than 10%. Since 2015 to 2018 fill-in rate of TRQ for corn declined from 65% to 39%. In 2018 in comparison with the data of 2017 fill-in rate of TRQ for rice declined from 75,7% to 57,8%.

- a. Could China please provide explanations for instantly low fill-in rate of TRQ for wheat and declines in fill-in rates of TRQs for wheat, corn and rice?
- b. Could China please explain direct correlation between the low fill-in rate and the share of state trading enterprises in imports under TRQs?

**2.2.3 Kazakhstan (G/AG/N/KAZ/7)****AG-IMS ID 93205: Question by Australia - Tariff quota fill**

Australia thanks Kazakhstan for the submission of its MA:2 for 2019. Australia notes that Kazakhstan notified a fill rate of less than 65 % for two of its three quotas.

- a. Can Kazakhstan explain the reasons for the underfill of some of its quotas?
- b. For each underfilled quota, was the underfill due to market circumstances, SPS measures for the product, or restrictive tariff quota administration?
- c. Has Kazakhstan considered using the TRQ underfill mechanism as outlined by the Bali Decision?

**AG-IMS ID 93189: Question by European Union - Tariff quota fill**

Could Kazakhstan explain the reason for the low fill rate of the TRQ for fresh, chilled and frozen beef?

**2.2.4 Morocco (G/AG/N/MAR/48, G/AG/N/MAR/48/Corr.1 G/AG/N/MAR/49, G/AG/N/MAR/50, G/AG/N/MAR/51, G/AG/N/MAR/52)****AG-IMS ID 93100: Question by Russian Federation - Tariff quota fill**

The Russian Federation thanks Morocco for its MA:2 notifications (G/AG/N/MAR/48, G/AG/N/MAR/49, G/AG/N/MAR/50, G/AG/N/MAR/51, G/AG/N/MAR/52). The Russian Federation noticed that during the period from 2013 to 2017 TRQ for sheep meat (MARQ002) were zero filled or about to be zero filled. Could Morocco please indicate the reasons for such low fill-in rates?

**AG-IMS ID 93101: Question by Brazil - Transparency issues**

Morocco's latest MA:2 notifications, pertaining to calendar years 2013 to 2017, indicate that tariff-rate quota MARQ003 ("white meat") has had a very low fill rate, ranging from 6.4% in 2017 to 30% in 2013.

- a. Could Morocco provide data on market circumstances that could explain such reduced volume of imports under TRQ MARQ003?
- b. Are imports taking place outside the TRQ?
- c. Has there been any change in the administration method or the establishment of new non-tariff requirements for the imports of products under TRQ MARQ003?
- d. Which economic operators are entitled to apply for an import license for white meat?
- e. Is Morocco considering updating its TRQ administration method in order to allow economic operators to seize the commercial opportunities deriving from TRQ MARQ003?

**2.2.5 Russian Federation (G/AG/N/RUS/27)****AG-IMS ID 93209: Question by Australia - Tariff quota fill**

Australia thanks the Russian Federation for the submission of its MA:2 for 2019. Australia notes that the Russian Federation recorded a fill rate of less than 65% for all quotas.

- a. Can the Russian Federation explain the reasons for the underfill of its quotas?
- b. For each underfilled quota, was the underfill due to market circumstances, SPS measures for the product, or restrictive tariff quota administration?
- c. Has the Russian Federation considered using the TRQ underfill mechanism as outlined by the Bali Decision?

**2.2.6 Venezuela, Bolivarian Republic of (G/AG/N/VEN/28)****AG-IMS ID 93104: Question by New Zealand - Transparency issues**

New Zealand refers to Venezuela's response to Canada's question at the November 2014 Committee on Agriculture (AG-IMS ID 75033). In response, the Bolivarian Republic of Venezuela advised that it would submit its 2013 MA:2 notification for the 16 remaining products within a few days of the meeting. New Zealand notes that the Bolivarian Republic of Venezuela has not yet submitted its MA:2 notification for the remaining 16 products for the 2013 year. Can the Bolivarian Republic of Venezuela please confirm when this notification will be submitted?

**2.2.7 Venezuela, Bolivarian Republic of (G/AG/N/VEN/29)****AG-IMS ID 93105: Question by Russian Federation - Tariff quota fill**

- a. The Russian Federation took note that TRQ for cheese (VENQ010) in 2016 was fully filled (100%) while in 2017 fill-in rate of the same TRQ dropped to 0%. Could the Bolivarian Republic of Venezuela please indicate the reasons for such a significant decline?
- b. Several TRQs in 2016-2017 were zero filled: VENQ020 (wheat), VENQ034 (palm nuts and kernels), VENQ043 (other oils), VENQ046 (coconut oil), VENQ047 (other vegetable fats and oils). Could the Bolivarian Republic of Venezuela indicate the reasons for the absence of imports under mentioned TRQs?
- c. Russian Federation noticed that in 2016 fill-in rate of TRQ for animal or vegetable fats and oils was 21,8% while in 2017 fill-in rate decreased to zero percent. Could Venezuela please provide the reason for this decline?

## **2.2.8 Venezuela, Bolivarian Republic of (G/AG/N/VEN/29, G/AG/N/VEN/30)**

### **AG-IMS ID 93106: Question by New Zealand - Transparency issues**

New Zealand refers to Canada's question at the November 2014 Committee on Agriculture (AG-IMS ID 75032). In response, the Bolivarian Republic of Venezuela advised that it intended to bring its notifications up to date as soon as possible. New Zealand notes that the Bolivarian Republic of Venezuela has still not submitted MA:2 notifications for 2009, 2010, 2011 and 2012. Additionally, New Zealand notes that the Bolivarian Republic of Venezuela has not submitted MA:2 notifications for 2014 and 2015.

Can the Bolivarian Republic of Venezuela please advise when it expects to provide these notifications?

## **2.2.9 Viet Nam (G/AG/N/VNM/9, G/AG/N/VNM/10, G/AG/N/VNM/11, G/AG/N/VNM/12)**

### **AG-IMS ID 93210: Question by Australia - Tariff quota fill**

Australia thanks Viet Nam for the submission of its MA:2s for reporting years 2016, 2017, 2018 and 2019. Australia notes that Viet Nam recorded a fill rate of 0 for eggs in each period, and a downward trend in quota fill for sugar.

- a. Can Viet Nam provide further information on the 0% fill rate for eggs, including whether it was due to market circumstances, SPS measures for the product, or restrictive tariff quota administration?
- b. Can Viet Nam provide information on the downward trend on in-quota sugar imports?

## **2.3 Special agricultural safeguards (Tables MA:3 to MA:5)**

### **2.3.1 United States of America (G/AG/N/USA/130)**

#### **AG-IMS ID 93190: Question by European Union - Transparency issues**

The EU welcomes the US finally notifying its SSG use for 2016. The US had recourse to the SSG on no less than 55 tariff lines. When does the US intend to notify its outstanding notifications subsequent years?

#### **AG-IMS ID 93194: Question by New Zealand - Transparency issues**

- a. New Zealand notes that special safeguards have been applied to a small volume of many tariff line products, including (but not limited to) the following.
  - 04015025: 34 kgs;
  - 04021050: 36 kgs;
  - 04051020: 4 kgs;
  - 04062033: 8 kgs;
  - 04062039: 4 kgs.

Can the US:

- i. explain why price-based special safeguard measures were invoked in these instances, for such small quantities of products?
- ii. Advise when corresponding MA:4 notifications will be submitted, identifying the trigger price applicable in each case?
- iii. Advise how much additional duty was payable on these 5 tariff lines?
- b. New Zealand notes that the US imported 47,140 tonnes of boneless frozen beef (HS 0202.30.80) in 2015 and applied a price-based safeguard on 72 kgs of product.

However, in 2016 the US only imported 15,318 tonnes (68% less product than the previous year) and yet applied a price-based safeguard on 11,670 kgs of product.

Can the US:

- i. provide more detail on the trigger price and additional duty payable for HS 0202.30.80 in calendar year 2016 and in calendar year 2015?
- ii. Confirm if an MA:4 notification will be submitted for HS 0202.30.80, and when?

## **2.4 Domestic support commitments (Table DS:1)**

### **2.4.1 Bolivia, Plurinational State of (G/AG/N/BOL/14 - G/AG/N/BOL/26)**

#### **AG-IMS ID 93111: Question by Australia - Transparency issues (including Table DS:2)**

Australia thanks the Plurinational State of Bolivia for its DS:1 notifications for the Calendar Years 2006-2018, in which it confirms no domestic support was provided for any of these years.

Australia thanks the Plurinational State of Bolivia for updating its compliance with its WTO Domestic Support notification obligations.

On Bolivia's Ministry of Rural Development and Land website - <https://www.ruralytierras.gob.bo/>, the financial accounts report for calendar year 2018 indicates that around 612,827,012 Bolivianos (approximately USD 89 million), was expended through Government investments or transfers. There has also been media reporting that the Plurinational State of Bolivia is providing agricultural subsidies to diversify production away from quinoa.

Can the Plurinational State of Bolivia explain why the expenditure detailed and reported in its official Government websites has not been included in Bolivia's Domestic Support notifications?

#### **AG-IMS ID 93025: Question by United States of America - Transparency issues (including Table DS:2)**

In its notifications for 2006-2018, the Plurinational State of Bolivia reports that no domestic support measures exist. For each of the following programme, please confirm whether any or all of these measures were in place between 2006-2018, their current status, and whether/when the Plurinational State of Bolivia will notify the measures.

- a. CRIAR: Provides technical assistance and vouchers that partially cover the cost of agricultural technology such as irrigation, greenhouses, or storage units, among others, targeting small landholder farmers.
- b. Agricultural Innovation and Services Project: The project innovation in agriculture and forestry and research, technical assistance, and seed certification activities, benefitting small-scale commercial seed producers.
- c. Catastrophe Insurance Subsidy Program: The insurance programme covers ten commodities and compensates farmers for losses.

### **2.4.2 Burkina Faso (G/AG/N/BFA/18, G/AG/N/BFA/19)**

#### **AG-IMS ID 93213: Question by European Union - Transparency issues (including Table DS:2)**

The EU appreciates the effort Burkina Faso has made in submitting its Domestic Support notification for 2015 and 2017. The notifications indicate: Burkina Faso did not apply any domestic support measures in the calendar year 2017".

Taking into account the importance of the cotton sector in the country and the efforts Burkina Faso is making to improve the sector, the EU wonders whether these efforts are made without any Government support, whether Green Box, Article 6.2 subsidies or otherwise.



- a. Can Burkina Faso confirm that it does not provide any domestic support for the cotton sector?

#### **AG-IMS ID 93212: Question by Australia - Transparency issues (including Table DS:2)**

Australia thanks Burkina Faso for the submission of DS:1s for 2015 and 2017 confirming that no domestic support was provided during these reporting periods. Australia notes FAO reporting (<http://www.fao.org/3/i3760e/i3760e.pdf>) indicates Burkina Faso began re-investing government funding in its agricultural sector following the 2007/08 food crisis. This reportedly included input subsidies, price-setting mechanisms and irrigation infrastructure.

- a. Noting the DS:1 response for 2015 and 2017, can Burkina Faso confirm that no support covered by the Agreement on Agriculture was provided during these reporting periods, for example under Article 6.2?

#### **AG-IMS ID 93260: Question by United States of America - Transparency issues (including Table DS:2)**

Burkina Faso's notification states that its Government does not provide domestic support to its agricultural sector. However, it is the United States' understanding that Burkina Faso has provided financial support to cotton companies to purchase and distribute fertilizer at subsidized rates for targeted commodities. As a result, studies have shown that subsidized fertilizer is approximately one-quarter cheaper than those purchased at market prices. It is also understood that seeds, pesticides, and equipment may also be subsidized. The United States also understands the Government of Burkina Faso provides funding for agricultural research.

- a. Please confirm whether Burkina Faso provided such input subsidies during the period covered by these notifications, CY 2015 and CY 2017.
- b. If so, what was the basis for not notifying these measures and will Burkina Faso be submitting a revised notification?
- c. Please confirm no other domestic support was provided to the agricultural sector in CY 2015 or CY 2017, such as public funding for agricultural research.

#### **2.4.3 Cambodia (G/AG/N/KHM/14)**

##### **AG-IMS ID 93288: Question by Canada - Direct payments: payments for relief from natural disasters**

In its 2018 notification, Cambodia introduced a new programme classified under paragraph 8 of the Annex 2 of the AoA described as "Expenditure on the provisions of agricultural inputs, equipment and pest and disease control to agricultural producers for relief from natural disaster in accordance with Annex II: 8 of the Agreement on Agriculture".

- a. Could Cambodia provide the name of the measure and general information as to how this measure works, who is eligible and what are the eligibility criteria to receive a payment under this measure?
- b. Could Cambodia explain how this measure complies with the specific criteria of paragraph 8 of the Annex 2 of the AoA?

#### **2.4.4 Cameroon (G/AG/N/CMR/11)**

##### **AG-IMS ID 93031: Question by European Union - Transparency issues (including Table DS:2)**

Cameroon indicates that no support is granted towards agricultural production. The notification indicates that support is provided under the environmental protection programme through the Ministry of the Environment, Nature Protection and Sustainable Development.

- a. Can Cameroon elaborate more in details of what types of programmes are implemented, and who are the beneficiaries, along with eligibility criteria.



- b. How much was spent on these programmes in 2018?
- c. Would Cameroon consider including the amounts paid out under such programmes in the supporting table DS:1 in the future?

**AG-IMS ID 93032: Question by United States of America - Transparency issues (including Table DS:2)**

Cameroon's notification states that its Government does not provide domestic support to its agricultural sector. However, Cameroon's notification also states that its Government provides assistance to the agricultural sector through the Ministry of Environment, Nature Protection and Sustainable Development's environmental protection programme.

Please elaborate on what the assistance to the agricultural sector is with regards to environmental protection programme.

**2.4.5 Canada (G/AG/N/CAN/131)**

**AG-IMS ID 93035: Question by United States of America - Market price support: Eligible production**

Supporting Table DS:5

"Note 2" to "Supporting Tables DS:5" indicates that "eligible production" of skim milk powder equals total production (102,953 tonnes) less product sales for further processing and animal feed under Special Classes 5a, b, and c (11,840 tonnes) and 4m (69,964 tonnes) less total exports (23.687 tonnes), plus that portion of exports that had received the support price (0 tonne).

- a. Is SMP produced in Ontario using components priced under Class 6, which was implemented in April 2016, also excluded from eligible production in the same manner as is done for SMP product sales under Special Classes 5 a, b, and c and 4m?
- b. If so, how much SMP was produced in Ontario in 2016 under Class 6 and was excluded from eligible production?
- c. The United States notes that Canada continues to exclude butter and skim milk powder for further processing under Classes 4m (powder) and 5 a, b, and c and for exports from eligible production. Following up on AG-IMS ID 83079, what measure specifically excludes butter and skim milk powder for further processing and exports from receiving the price?

**2.4.6 Georgia (G/AG/N/GEO/18)**

**AG-IMS ID 93117: Question by Canada - General services: research**

Canada notes that in its 2018 DS:1 notification, Georgia notified a new programme titled "Elaboration and Management of Environmental Protection and Agriculture Development Policy" under paragraph 2 (a) research, Annex 2.

- a. Could Georgia please advise when it expects to submit a DS:2 notification for this programme?
- b. Could Georgia elaborate on the types of activities that are eligible under this programme?

**2.4.7 Guatemala (G/AG/N/GTM/64)**

**AG-IMS ID 93264: Question by United States of America - Direct payments: payments for relief from natural disasters**

In calendar year 2018 Guatemala has notified a new measure "Emergency response following the eruption of the Fuego volcano" as a payment for relief from natural disasters.

- a. Please describe how the measure is implemented and how payment rates are determined.

- b. How does this measure comply with Annex 2 paragraph 8 of the Agreement on Agriculture and when will Guatemala be notifying this information in Table DS:2?

**AG-IMS ID 93265: Question by United States of America - Direct payments: payments for relief from natural disasters**

In calendar year 2018 Guatemala has notified a new measure "Coffee Trust Fund" for the first time to assist in addressing rust fungus disease. However, the United States understands the Coffee Trust Fund was created in 2001 and is administered by the Rural Development Bank and supervised by the Ministry of Agriculture. The United States further understands the fund provides for 1) non-reimbursable funds for inputs and assistance to coffee production, 2) low interest loans for producers, and 3) public transfers of up to USD 100 million.

- a. Please confirm whether the Coffee Trust Fund was funded by the Government of Guatemala prior to 2018.
- b. Please provide further details on how the Coffee Trust Fund is implemented, including the types of support provided via the fund in calendar year 2018.
- c. How does the Coffee Trust Fund comply with Annex 2 paragraph of the Agreement on Agriculture and when will Guatemala be notifying this information in Table DS:2?

**AG-IMS ID 93263: Question by United States of America - Input subsidies available to low-income or resource-poor producers**

In calendar year 2018 Guatemala no longer notified agricultural input subsidies in Supporting Table DS:2.

Please confirm the measures notified in 2017 are no longer operational.

**2.4.8 India (G/AG/N/IND/18)**

**AG-IMS ID 93228: Question by Brazil - Transparency issues (including Table DS:2)**

Through its latest DS:1 notification (G/AG/N/IND/18), dated 31 March 2020, India notified that it has exceeded the "*de minimis*" level for rice for the marketing year 2018-2019. India also claimed that its public stockholding programs for food security purposes (covering rice and a number of other commodities) have been consistently reported in its Table DS:1 notifications since 1995 and that its program is consistent with the criteria of paragraph 3, footnote 5, and footnote 5 and 6 of Annex 2 to the AoA. For these reasons, the breach of the "*de minimis*" limits for rice is covered by the peace clause set out in the Bali Ministerial Decision on Public Stockholding for Food Security Purposes (WT/MIN (13)/38) and the General Council Decision (WT/L/939).

Brazil appreciates India's efforts in complying with its transparency notification obligations and asks if India could provide comments on the following questions:

- a. How does India understand that it has complied with the additional transparency obligations provided for in the Bali Decision so that it can invoke the Peace Clause therein?
- b. Why the PSH program template provided for in the Bali Decision was not submitted in previous notifications?
- c. When did rice public stockholding begin? What are the criteria and rules for the formation of rice stocks? In which regulation are they defined?
- d. How is the recently announced rise on the Minimum Support Price for rice from INR 18,15 to 18,68 related to the PSH policy?
- e. When will information on other domestic support policies for rice be provided (footnote 3 from DS: ST 5)?

- f. Does India intend to provide data related to PSH programs for wheat, coarse grains and pulses in the format of the statistical appendix of the Bali Decision for the period between 2013 and 2019?

**AG-IMS ID 93291: Question by Canada - Transparency issues (including Table DS:2)**

As part of its 2018/2019 domestic support notification, India notified the relevant statistical information described in the Statistical Appendix of the Annex of the Bali ministerial decision. Canada noted some discrepancies between the rice stock variations and the quantities purchased and released (under the program and open market sale). Canada calculated this discrepancy of 3.427 million of tonnes for 2016-2017, 3.211 millions of tonnes for 2017-2018 and of 9.733 millions of tonnes for 2018-2019.

Could India provide an explanation of these discrepancies? Please include detailed information of what happened to these stocks, notably how they were disposed, through which channel, at what price, and if they were exported.

**AG-IMS ID 93274: Question by United States of America - Transparency issues (including Table DS:2)**

In the Statistical Appendix, with regards to the Opening and Ending Balance of Stocks (a. and i.) notified by India:

- a. Please provide the source of these statistics and please confirm whether the values include private stocks.
- b. If private stocks are included, please provide a breakdown of public and private stocks.

**AG-IMS ID 93275: Question by United States of America - Transparency issues (including Table DS:2)**

In the Statistical Appendix, with regards to "Annual Releases under the programme" in line (e.) of the table notified by India:

Please provide the source of these statistics.

**AG-IMS ID 93277: Question by United States of America - Transparency issues (including Table DS:2)**

With regards to all statistics in the Statistical Appendix of India's DS:1 Notification, please confirm all data is on a marketing year basis. If any statistics are not, please identify which ones and what yearly basis is used.

**AG-IMS ID 93268: Question by United States of America - Transparency issues (including Table DS:2)**

As noted in the statistical annex for rice, open market sales are made from the stocks accumulated in reference to the expenditures notified by India as the "allocation for distribution and buffer stock."

- a. Please confirm whether open market sales for all commodities are sold from the public stocks at the same price as they are procured, which is the applied administered price noted in Supporting Table DS:5.
- b. Please provide the expenditure or revenue forgone from open market sales if the procurement and sales prices are not the same.

### **AG-IMS ID 93273: Question by United States of America - Transparency issues (including Table DS:2)**

Statistical Appendix

India announced a Market Support Price for unmilled paddy rice, therefore it should be notifying all statistics in the Annex, along with rice market price support in ST DS:5, on an unmilled basis rather than a milled basis. However, India notified its statistics on a milled basis.

What is the basis for providing the statistical annex on a milled basis rather than on the basis of the product supported?

### **AG-IMS ID 93195: Question by Japan - Transparency issues (including Table DS:2)**

- a. Japan would appreciate if India could provide the value of production data for each of the agricultural products listed in Supporting Table DS:4 of G/AG/N/IND/18 including Coarse cereal, Cotton, Groundnut, Pulses, Rapeseed/Mustard, Soyabean Yellow, Sunflower and Wheat, as well as the total value of India agricultural production. This is for us to make sure the value of support for each commodity is under *de minimis* threshold.
- b. Japan would appreciate if India could provide a clarification to explain why the value of support for wheat is negative (-30.53m USD) in Supporting Tables DS:4 and DS:5 of G/AG/N/IND/18.

### **AG-IMS ID 93266: Question by United States of America - Transparency issues (including Table DS:2)**

While we thank India for providing a timely notification for Table DS:1 for reporting period 2018/19, the notification, in particular Supporting Table DS:1, lacks any detail of transparency beyond broad levels of support by classification type. We take note that India has identified 11 exempt from reduction measures in its first ever Table DS:2 notification. However, none of these measures appear to be discernable in anyway in Table DS:1 with the exception of the Public Distribution System and Pradhan Mantri Fasal Bima Yojana (PMFBY) and that is only because the values notified in Table DS:2, an ad hoc non-annual notification, could be manually matched with values notified in Table DS:1.

- a. India has neglected to provide the name and descriptions of any measure notified in Supporting Table DS:1.
- b. Please resubmit a completed Supporting Table DS:1 for MY 2017/18, inclusive of names, descriptions, and monetary value of each of India's exempt measures.
- c. If India is unable to provide this information in a timely manner, India is encouraged to clarify that the Supporting Table is provisional, as other Members have done in the past.
- d. Further, if data for 2017/18 that is required in a Supporting Table DS:1 notification is not accessible at this time, please provide a completed Supporting Table DS:1 for the most recent year such information is available and provide a timeline for when India will bring its more recent notification up to date with required information.

### **AG-IMS ID 93267: Question by United States of America - Domestic food aid**

The United States understands that the Public Distribution System accounts for the largest share of stocks released from public stocks; however, India operates a number of nutritional/welfare programs that provide domestic food aid. Other distribution schemes under the National Food Security Act include the Integrated Child Development Services Scheme, and the Midday Meal Scheme. Further, food is distributed from public stocks under several other schemes not subject to the National Food Security Act.

Please provide a breakdown of the "expenditures in relation to the provision of domestic food aid to sections of the population in need" for each of these measures and confirm whether all are notified in the aggregated value notified by India.

**AG-IMS ID 93278: Question by United States of America - Domestic food aid**

India has notified USD 17.2 billion for the "allocation for distribution and buffer stock". According to G/AG/N/IND/19, this value represented the "Public Distribution System, National Food Security Act, 2013." Further, G/AG/N/IND/19 states outlays are covered by both paragraph 3 and 4 of Annex 2 of the Agreement on Agriculture.

- a. Please provide a breakdown of the "expenditures in relation to the accumulation... of stocks of products" under paragraph 3 of Annex 2 of the AoA.
- b. Please provide a breakdown of the "expenditures in relation to the...holding of stocks of products" under paragraph 3 of Annex 2 of the AoA.
- c. Please provide a breakdown of the "expenditures in relation to the provision of domestic food aid to sections of the population in need" under paragraph 4 of Annex 2 of the AoA.

**AG-IMS ID 93294: Question by Canada - Direct payments: decoupled income support**

In its last notification, India notified a programme called Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) under paragraph 6 of the Annex 2 of the AoA.

- a. Could India clarify who is eligible for this programme and what are the criteria that determined eligibility for a payment?
- b. Could India indicate if payment levels are determined by income of producers and if so, what is the defined and fixed base period used to define eligibility?

**AG-IMS ID 93234: Question by Paraguay and AG-IMS ID 93235: Question by Canada - Input subsidies available to low-income or resource-poor producers**

The Republic of Paraguay wishes to thank India for submitting notification G/AG/N/IND/18. In Table DS:2 of the notification, India reports a subsidy of USD 24.1 billion in reference to Article 6.2, indicating that it provides "other input subsidies" amounting to that value. Could India please provide information on:

- a. the types of inputs subsidized,
  - i. whether such inputs are limited to those indicated in the footnote or whether others are also included; and
  - ii. the disaggregated value of the subsidy per type of input;
- b. eligibility criteria and whether the subsidies are available exclusively or "in general" for low-income and resource-poor farmers;
- c. whether India is planning reforms to reduce its farmers' dependence on this type of subsidy, in respect of which we note an increase of approximately USD 2 billion between the notification covering the marketing year 2017-2018 (G/AG/N/IND/15) and notification G/AG/N/IND/18; in this regard, could India explain the reasons for this considerable increase from one marketing year to the next?

**AG-IMS ID 93276: Question by United States of America - Input subsidies available to low-income or resource-poor producers**

In Supporting Table DS:2, India listed "Other input subsidies" as the name and description of more than USD 24 billion in support based on data from the Ministry of Agriculture and Farmers' Welfare, Ministry of Chemicals and Chemistry, Ministry of Power, and Ministry of Statistics and Program Implementation. The footnote to this table indicates this includes subsidies for irrigation, fertilizers, and electricity.

India has neglected to provide the name and descriptions of any measure notified in Supporting Table DS:2.

- a. Please resubmit a completed Supporting Table DS:2 for MY 2017/18, inclusive of names, descriptions, and monetary value of each of India's exempt measures.
- b. If India is unable to provide this information in a timely manner, India is encouraged to clarify that the Supporting Table is provisional, as other Members have done in the past.
- c. Further, if data for 2017/18 that is required in a Supporting Table DS:2 notification is not accessible at this time, please provide a completed Supporting Table DS:2 for the most recent year such information is available and provide a timeline for when India will bring its more recent notification up to date with required information.

**AG-IMS ID 93281: Question by United States of America - Input subsidies available to low-income or resource-poor producers**

As Members have asked with previous notifications, could India please provide a breakdown of expenditures on irrigation, fertilizers and electricity notified under Supporting Table DS:2. For each monetary value, please also identify:

- a. the published data sources from which the monetary values provided are sourced, and
- b. the name of each scheme or schemes (e.g., measures) that contribute to the value provided.

**AG-IMS ID 93220: Question by Australia - Market price support**

Australia thanks India for its DS:1 notification for marketing year 2018-19 (G/AG/N/IND/18). Australia notes that India provided product-specific domestic support for a rice in excess of India's product-specific *de minimis* commitments. Australia understands that India asserts that the breach is covered by the peace clause set out in the Bali Ministerial Decision on Public Stockholding for Food Security Purposes (WT/MIN (13)/38) and the General Council Decision (WT/L/939). Australia would like to ask the following questions:

- a. What was the total production of rice (in both value and volume) in marketing year 2018-19?
- b. What is the eligibility criteria to receive the minimum support price?
- c. And what is the minimum price support available to all rice growers?

Paragraph 3, Annex 2 of the AoA states, "The volume and accumulation of such stocks shall correspond to predetermined targets related solely to food security". For the period covered by the notification, could India provide:

- d. The pre-determined targets, when these were established, and under which legislation; and; an explanation of how these targets are in compliance with the requirement of a sole focus on food security?

**AG-IMS ID 93290: Question by Canada - Market price support**

In its 2018/2019 domestic support notification, India reported support for rice in excess of its *de minimis* level for rice. By doing so, India breached its WTO domestic support commitment to limit its support for rice at 10% of its value of production.

Please indicate what concrete steps India is taking to rectify the situation and fulfil its WTO domestic support commitment for rice in the future.

**AG-IMS ID 93198: Question by European Union - Market price support**

- a. STOCKS AND RELEASE

Based on the figures in notification in the statistical annex the EU has drawn up the following balance sheet for the rice public stockholding programme.

Mio. t.		2016-17	2017-18	2018-19
<b>opening stocks</b>	a	28,811	29,784	30,043
<b>Annual purchase</b>	b	38,110	38,130	44,330
Total availability	c=a+b	66,921	67,914	74,373
<b>Annual releases</b>	d	33,52	34,2	34,4
<b>open market sales</b>	e	0,190	0,460	0,850
Total release	f=e+d	33,71	34,66	35,25
Total availability - total release	g=c-f	33,211	33,254	39,123
<b>End stocks IND/18</b>	h	29,784	30,043	29,390
<b>Discrepancy</b>	<b>i=g-h</b>	<b>3,427</b>	<b>3,211</b>	<b>9,733</b>

Can India explain in detail the discrepancies in this table? Where have these quantities of rice gone? Notably, the discrepancy for 2018-19 is 25% of total annual purchases which seems extremely large.

b. TOTAL IMPORTS AND EXPORTS

India claims that no imports to or exports from public stocks occurred.

However, in order to examine compliance with paragraph 4 of the Bali Ministerial Decision, it is necessary to examine import and export figures for the entire production of India for each year concerned.

Can India indicate the total quantities and value of rice imported and respectively exported for each year concerned.

c. RESPECT OF PARAGRAPHS 3C AND 3D OF THE BALI MINISTERIAL DECISION

"Paragraph 3c of the Bali Ministerial Decision requires the Member to provide on an annual basis, additional information by completing the template contained in the Annex, for each public stockholding programme that it maintains for food security purposes "

In point 2b of the Annex India indicates that its public stockholding programmes cover rice, wheat, coarse grains and pulses. However, the statistical Annex only includes rice. Can India submit the required statistical annex for wheat, coarse grains and pulses.

d. SUPPORT OTHER THAN PUBLIC STOCKHOLDING FOR RICE

In footnote 3 in Supporting table 5 India indicates that "Other support for rice, that is, other than public stockholding for food security purposes, will be notified subsequently". However, this information is necessary to verify whether India has respected paragraph 5 of the Bali Ministerial Decision which requires that there be no increase of Amber Box support for programmes other than public stockholding.

- i. Can India indicate what types of support are concerned
- ii. Can India indicate when this notification will be submitted.
- iii. Will this notification also include revisions of prior notifications (for instance for 2014 and subsequent years) to include this type of support for the years in question?



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**AG-IMS ID 93233: Question by Paraguay and AG-IMS ID 93236: Question by Canada - Market price support**

The Republic of Paraguay wishes to thank India for submitting notification G/AG/N/IND/18. We note with concern that India has exceeded its *de minimis* levels for rice production and that it has submitted an annex to the notification pursuant to the Bali Ministerial Decision. We therefore request that India provide clarification on the following points:

- a. Could India please explain why these PSH programmes could not be included under the Green Box, like the USD 17.2 billion worth of PSH measures already notified as such in the same notification?
- b. Why was this annex not submitted in previous years, as required under paragraph 3(c) of the Bali Decision, given that it concerns a programme in existence since 2013, according to information provided by India in the Annex to notification G/AG/N/IND/18?
- c. Could India please provide information on the volume and notification of stocks, in accordance with paragraph 3(b);
- d. What steps has India taken to ensure that purchased stocks subsequently sold in the domestic market (approximately 850,000 tonnes, according to the figures notified) are not later exported?
- e. How does India consider itself to have met the requirements of paragraph 3(a) of the Bali Decision by submitting a notification covering the period 2018-2019?
- f. Is India considering reviewing its notifications to amend the total amount of eligible production, and not only the production actually purchased, in accordance with the Agreement on Agriculture and existing jurisprudence in this area?

**AG-IMS ID 93311: Question by Thailand - Market price support**

Thailand appreciates India's notification to the Committee on Agriculture. In this regard, Thailand seeks clarification on the notification of public stock holding for food security purposes as follows;

- a. Thailand notes that the Bali Decision requires a developing Member benefiting from this Decision to notify the Committee on Agriculture that it is exceeding or is at risk of exceeding either or both of its Aggregate Measurement of Support (AMS) limits (the Member's Bound Total AMS or the *de minimis* level) as result of such programmes.

Could India please clarify whether such notification has been submitted to the COA prior to the implementation?

- b. Could India provide further details on how purchase prices and release prices on public stock holding for food security purposes for rice were determined?

**AG-IMS ID 93271: Question by United States of America - Market price support**

In Supporting Table DS:5 the methodology for calculating Market Price Support is same as previous notifications, despite concerns raised by various Members over a number of years, including but not limited to aggregation of applied administered prices across separately supported products and the inclusion of sub-national support.

- a. For each product for which India announced a Minimum Support Price (MSP) for marketing year 2018/19, please identify the corresponding MSP.
- b. If applied administered prices in Supporting Table DS:5 do not include additional bonuses above the MSP that certain states may provide, please specify the values of any bonuses provided by each state and to which products bonuses applied during marketing year 2018/19.



**AG-IMS ID 93272: Question by United States of America - Market price support**Supporting Table DS:5

India has notified in footnote 3 of Supporting Table DS:5 that "other support for rice" will be notified subsequently. When will this support be notified in a revised Table DS:1 notification?

**AG-IMS ID 93293: Question by Canada - Classification of measures**

In its last notification, India classified the measure called Pradhan Mantri Fasal Bima Yojana (PMFBY) as Green Box under paragraph 8 of the annex 2 of the AoA. In its DS:2 notification (G/AG/N/IND/19) India explained that:

"Provisions are consistent with criteria in Annex 2, paragraph 8, as the Government subsidies are on premium of agricultural insurance for production loss exceeding 30% of the average of yield of past years."

- a. Could India indicate what is the period used to calculate average past yield under this programme? More specifically, what is the methodology on the number of "past years" used to calculate the average reference period yield?
- b. Could India explain how it meets the base period requirement to calculate the average production level, as defined by Annex 2 paragraph 8 (a)?

A program described as Insurance premium subsidy is also reported for in supporting table DS:9 for Government subsidies on premiums of agricultural insurance for production loss not exceeding 30% of the average of production.

- c. Could India indicate if the support reported is part of the same insurance program of the one reported under Annex 2 paragraph 8 (a)?
- d. Please indicate how the two support programs are related and how they interact with each other.

**2.4.9 Nigeria (G/AG/N/NGA/17)****AG-IMS ID 93131: Question by Australia - Transparency issues (including Table DS:2)**

Australia would like to follow-up with Nigeria with respect to question AG-IMS ID 90034 that Australia asked at the 90<sup>th</sup> CoA and question AG-IMS ID 92117 that Australia asked at the 92<sup>nd</sup> CoA: Nigeria's domestic support notifications for the period 2012 to 2016 (G/AG/N/NGA/17) notified that it did not provide domestic support during this period.

- a. Australia would like to know if Nigeria plans to include key agricultural elements of its Economic Recovery and Growth Plan (2017-2020) in its future domestic support notifications.
- b. Specifically, how will Nigeria notify its support programme for the integrated transformation of the agriculture sector aimed at boosting productivity and improving access to markets?

**2.4.10 Panama (G/AG/N/PAN/54)****AG-IMS ID 93221: Question by Australia - Scheduled commitment level**

Australia thanks Panama for the submission of its DS:1 for 2019. Australia notes Panama is reporting a breach of *de minimis* for support provided to rice during this reporting period.

Can Panama explain what caused this breach and how it has worked to prevent a similar breach in the subsequent reporting periods?

#### **2.4.11 Saudi Arabia, Kingdom of (G/AG/N/SAU/18)**

##### **AG-IMS ID 93136: Question by European Union - Transparency issues (including Table DS:2)**

In the Methodological Note point 4 it is indicated that the support price for common wheat since 2004 has been 1000 SAR/t. However, in Supporting Table 4 no administered price is mentioned, and no eligible production indicated.

Can the Kingdom of Saudi Arabia explain whether any common wheat has benefitted from the 1000 SAR/t support price and if so, for what quantity?

#### **2.4.12 Singapore (G/AG/N/SGP/34)**

##### **AG-IMS ID 93269: Question by United States of America - Transparency issues (including Table DS:2)**

The United States takes note that Singapore has introduced its first notified domestic support measures. According to Singapore Food Agency's (SFA) website, in order to buffer from supply disruptions, Singapore aims to produce 30% of its nutritional needs by 2030 by implementing its "30 by 30" Food Production Target. Through funding and technology transfer, SFA assists local farmers transfer and adopt technology to increase and intensify their output. The United States understands that the Basic Capability Upgrading (BCU) scheme for example co-funds up to 50% of the cost of purchasing equipment and other qualifying costs. Similarly, the Productivity Enhancement Standard (PES) scheme provides up to 30-70% of the cost of purchasing equipment and other qualifying costs.

- a. Please describe how all notified measures comply with relevant exemption criteria set out in Annex 2 of the Agreement on Agriculture.
- b. Will Singapore be submitting a Table DS:2 notification providing full information on how the measure meets specific eligibility criteria?

#### **2.4.13 Tunisia (G/AG/N/TUN/58)**

##### **AG-IMS ID 93137: Question by Brazil - Excessive rates of inflation**

Tunisia has stated, in its DS:1 notification for calendar year 2018 (G/AG/N/TUN/58), that it has used the reference prices of the reference period and adjusted them to take account of inflation and exchange rate movements. Brazil recognizes that developing countries may be vulnerable to higher domestic inflation rates and currency volatility that renders its fixed external reference price (FERP) values in domestic currency outdated. Nonetheless, Members, to fulfill their notification obligations, have to abide by the terms of their domestic support commitments. Article 18, paragraph 4 of the AoA, establishes that "In the review process Members shall give due consideration to the influence of excessive rates of inflation on the ability of any Member to abide by its domestic support commitments." Thus, it is the review work in the Committee on Agriculture that has to be carried out taking into account excessive general increases in prices.

- a. Would Tunisia consider submitting its DS tables concurrently on both an unadjusted and an inflation-adjusted basis, as suggested previously by WTO Secretariat (G/AG/W/45)?
- b. Could Tunisia provide data on its domestic inflation rate for recent years?

##### **AG-IMS ID 93138: Question by Canada - Excessive rates of inflation**

Canada notes that Tunisia has unilaterally adjusted its fixed external reference price for inflation. Canada notes that under Article 18.4 of the Agreement on Agriculture, it is the responsibility of the Committee during the review process, and not of Tunisia, to give consideration to excessive rates of inflation. In response to question AG-IMS ID 82022, Tunisia provided its Current Total Aggregate Measurement of Support between 2002 and 2015 without any adjustments to its fixed external reference prices.

- a. a. Could Tunisia please update this table by including the Current Total Aggregate Measurement of Support for the years 2016, 2017 and 2018 without any changes to its external reference prices?

Canada notes that a written response is outstanding for the question AG-IMS ID 91105 regarding G/AG/N/TUN/56. It is copied below for reference:

- b. In response to question AG-IMS ID 82022, Tunisia provided its current total aggregate measurement of support level between 2002 and 2015 without any changes to its external reference prices. Could Tunisia please update this table by including the current total aggregate measurement of support for the years 2016 and 2017 without any changes to its external reference prices?
- c. Canada wishes to remind Tunisia that under Article 18.4 of the Agreement on Agriculture, it is the responsibility of the Membership as a whole, and not of Tunisia, to give consideration to excessive rates of inflation. In response to question AG-IMS ID 82048 from Canada, Tunisia stated as follows: "Regarding the steps to be taken to address this situation so that the external reference prices will no longer be adjusted in the future, the investigations under way will identify alternative options for notifying support and the steps to be taken".
- d. Could Tunisia please provide an update on its investigations under way to identify alternative options for notifying support and the steps to be taken?
- e. Could Tunisia please indicate when it will notify its domestic support without adjustments to its external reference prices?

#### **2.4.14 United Arab Emirates (G/AG/N/ARE/16, G/AG/N/ARE/17)**

##### **AG-IMS ID 93270: Question by United States of America - Transparency issues (including Table DS:2)**

While the United States thanks United Arab Emirates for continuing to regularly provide its Table DS:1 notifications in a timely manner, the United States notes that United Arab Emirates has not responded to any question it has ever been asked in this Committee. The United States would encourage United Arab Emirates to bring its responses to these questions up to date, many of which also apply to its current notifications.

When can Members expect United Arab Emirates to provide responses?

##### **AG-IMS ID 93279: Question by United States of America - Transparency issues (including Table DS:2)**

In notification G/AG/N/ARE/12 covering the United Arab Emirates' 2016 domestic support spending, line 2 (d) "Extension and advisory services" is accompanied by the description "Support for agricultural research and to facilitate the transfer of information and the results of research to producers and consumers" and with the data source of the Abu Dhabi Food Control Authority. In notifications G/AG/N/ARE/16 and G/AG/N/ARE/17, covering calendar years 2018 and 2019, no description is given under the extension and advisory services and spending is reported by the Ministry of Climate Change and Environment and the Dubai Municipality, as well as the Abu Dhabi Food Control Authority.

- a. Please describe the spending in line 2 (d) Extension and Advisory Services for calendar years 2018 and 2019, including whether this is a new measure compared to the outlays identified for 2016 and if a Table DS:2 notification will be made for this measure.
- b. Noting that the United Arab Emirates has not notified a Table DS:1 for calendar year 2017, please indicate when that notification will be submitted to this Committee.

#### 2.4.15 Vanuatu (G/AG/N/VUT/9, G/AG/N/VUT/10)

##### **AG-IMS ID 93155: Question by United States of America - Transparency issues (including Table DS:2)**

A number of measures notified in G/AG/N/VUT/1 for 2015, V/AG/N/VUT/9 for 2014, and V/AG/N/VUT/10 for 2017 including "research" and "training services" have the same monetary value for each year.

- a. Please confirm whether notified values are actual or projected budgetary outlays or expenditures.
- b. If values are not actual budgetary outlays, please provide such values for all notified years.

##### **AG-IMS ID 93158: Question by United States of America - Transparency issues (including Table DS:2)**

The United States notes Vanuatu's submission of domestic support notifications for 2014, 2015, and 2017, but not 2016. When will Vanuatu be submitting its notification for 2016? Why was it withheld?

#### 2.5 New or modified domestic support measures (Table DS:2)

##### 2.5.1 India (G/AG/N/IND/19)

##### **AG-IMS ID 93280: Question by United States of America - Transparency issues (including Table DS:2)**

Could India please confirm whether any activities under the measures below include input subsidies to farmers and, if so, whether these subsidies are being notified under Supporting Table DS:2:

- Rashtriya Krishi Vikas Yojana (RKVY);
- Pradhan Mantri Krishi Sinchayee Yojana (PMKSY);
- National Mission for Sustainable Agriculture (NMSA);
- Mission for Integrated Development of Horticulture (MIDH);
- Pradhan Mantri Kisan Samman Nidhi (PM-KISAN).

##### **AG-IMS ID 93296: Question by United States of America - Transparency issues (including Table DS:2)**

Could India please provide information on additional financial assistance and direct input subsidies provided by any state governments, including those provided as matching grants under any central government programmes, and any additional state programs supporting the provision of seed, chemicals, agriculture machines, etc.

##### **AG-IMS ID 93297: Question by United States of America - Transparency issues (including Table DS:2)**

India has notified Pradhan Mantri Krishi Sinchayee Yojana – Per Drop More Crop component (PMKSY-PDMC) in Table DS:2. India states the scheme meets the general criteria of paragraph 1 and the general criteria in paragraph 2 of Annex 2. According to the PMKSY website, categories of beneficiaries under the measure include "small and marginal farmers" and "other than small and marginal farmers" and the subsidy payment will be limited to unit costs specified in the guidelines of the PMKSY-PDMC. It is also unclear where India has notified this value in Supporting Table DS:1 of G/AG/N/IND/15 and G/AG/N/IND/18.

- a. Please identify where in Supporting Table DS:1 the PMKSY-PDMC is notified, inclusive of the related monetary value for 2018/19.
- b. Please confirm whether the PMKSY-PDMC provides payments or other benefits directly to producers.

- c. Noting that PMKSY-PDMC, among other things, aims to "improve on-farm water use", please confirm whether the measure provides benefits for on-farm facilities.

## **2.6 Export subsidy notifications (Tables ES:1, ES:2 and ES:3)**

### **2.6.1 Morocco (G/AG/N/MAR/46, G/AG/N/MAR/46/Corr.1, G/AG/N/MAR/44, G/AG/N/MAR/44/Corr.1, G/AG/N/MAR/47)**

#### **AG-IMS ID 93163: Question by Australia - Special and differential treatment (Article 9.4)**

Australia welcomes Morocco's submission of its ES :1 notification for 2014, 2016 and 2017. Noting Morocco's export subsidies are provided subject to Article 9.4 of the Agreement on Agriculture, can Morocco provide responses to the following questions:

- a. Can Morocco provide details on the cost-reduction measures provided for vegetables, fruits, flowers and ornamental plants, olive oil and hatching eggs and day-old chicks?
- b. Can Morocco provide details on how these export subsidies meet Morocco's commitments under Nairobi Ministerial Decision, particularly paragraphs 9, 10 and 11?

## **2.7 EXPORT PROHIBITIONS AND RESTRICTIONS (TABLE ER:1)**

### **2.7.1 Myanmar (G/AG/N/MYN/21)**

#### **AG-IMS ID 93222: Question by Australia - Transparency issues**

Australia thanks Myanmar for the submission of an ER:1, notifying an export restriction on rice from 1 May to 30 June to prevent critical shortages of rice.

Can Myanmar advise if the measures ended as notified – on 30 June – and if any further measures are being considered or developed with respect the export of rice from Myanmar?

## **2.8 NOTIFICATIONS IN THE CONTEXT OF THE NFIDC DECISION (TABLE NF:1)**

### **2.8.1 Korea, Republic of (G/AG/N/KOR/74, G/AG/N/KOR/75)**

#### **AG-IMS ID 93298: Question by United States of America -**

The United States thanks the Republic of Korea for the transparency provided in notifying its Table NF:1 for 2018 and 2019.

As a follow up to AG-IMS ID 93170 and 91123:

The United States notes that the Republic of Korea provided food aid donations to the WFP for all years between 2008 and 2017 but did not notify any Table NF:1 for this period or Table ES:3 since 2013. Also, we noted that the Republic of Korea through the Asean Plus Three Emergency Rice Reserve's (APTERR) food aid program provided in-kind food aid in year 2017.

- a. Please indicate when the Republic of Korea will be providing NF:1 notifications for years 2008 to 2017.
- b. Please explain whether food aid donations to APTERR in 2017 should be notified in Tables ES:3 and NF:1. If not, why not.

### 3 DEFERRED REPLIES TO QUESTIONS ON NOTIFICATIONS

#### 3.1 Domestic Support commitments (Table DS:1)

##### 3.1.1 Bahrain, Kingdom of (G/AG/N/BHR/7, G/AG/N/BHR/10, G/AG/N/BHR/11, G/AG/N/BHR/14)

##### AG-IMS ID 93308: Question by United States of America - Transparency issues (including Table DS:2)

The United States notes that the Kingdom of Bahrain has not responded to any of the questions it has been asked since 2014 and would encourage the Kingdom of Bahrain to bring its responses to these questions up to date.

The United States resubmits AG-IMS ID 89035/88101, for which the Kingdom of Bahrain has not responded and also applies to G/AG/N/BHR/11 and G/AG/N/BHR/14:

In Supporting Table DS:1 for 2012 and 2014 the Kingdom of Bahrain notified "plant protection" as a pest and disease control measure under Annex 2. No pest and disease control measure was notified for 2013 in G/AG/N/BHR/7, but the Kingdom of Bahrain did notify "Land preparation, crop protection, veterinary services" as a general services measure for that year as well as in 2011 and previous years. In 2015, 2016 and 2017, the Kingdom of Bahrain notified "Plant Protection, national campaign for the control of red palm weevil" as a pest and disease control measure.

- a. It is unclear whether the intermittent use of some of these measures (e.g., "plant protection" and "land preparation, crop protection, veterinary services") indicates whether the same programme received funding in only certain years or if a new programme was introduced with the same name. Please clarify.
- b. For each measure notified in Supporting Table DS:1 by the Kingdom of Bahrain in G/AG/N/BHR/10, please provide a short description of how the measure is implemented.
- c. Please confirm when a Table DS:2 notification for each new exempt measure (e.g., "plant protection" and "Plant Protection, national campaign for the control of red palm weevil") will be submitted to this Committee.

##### 3.1.2 Tunisia (G/AG/N/TUN/58)

##### AG-IMS ID 93141: Question by United States of America - Transparency issues (including Table DS:2)

The United States repeats AG-IMS ID 91195, noting the same issues appear in Tunisia's notification for 2018.

The United States notes that Tunisia only notifies product specific support for milk in the form of market price support. However, the United States understands that Tunisia operates several additional programmes related to milk which were not notified at all.

- a. For the three measures identified below, please confirm how the measure is notified in Tunisia's most recent domestic support notification or provide the basis for exclusion.
- b. Please also provide the same information for any other programs related to milk not already identified including programs that:
  - i. Provide a subsidy for dairy projects.
  - ii. Provide funding of approximately USD 17 million for milk collection and cooling.
  - iii. Provide USD 8 million to process milk stocks when there is overproduction. Please also confirm for the most recent five notified years whether such funding was used and if so, how much.

The United States understands for certain commodities (e.g., sugar and tobacco) the Government operates a public storage program intended to stabilize market prices.

- c. Please provide the measure and additional details as to how this program is operated and please specify how this program is notified in Tunisia's domestic support notifications.

Tunisia provides support to farmers in the form of agricultural input subsidies for items such as fertilizer, pesticide, and irrigation at rates below cost.

- d. For each type of input, fertilizer, pesticide, and irrigation, as well as any others not identified by the United States, please explain how the program is administered and the basis for not including such measures in Tunisia's domestic support notification.

#### **AG-IMS ID 93140: Question by United States of America - Market price support: Eligible production**

The United States repeats AG-IMS ID 91191 noting the same issues appear in Tunisia's notification for 2018.

In Tunisia's response to AG-IMS 87041 regarding production levels in 2016 compared to notified eligible production, Tunisia indicated that it would provide a response at a later stage. The United States repeats the question in the context of both 2016 and 2017. It is the United States understanding that Tunisia produced 840,000 MT of durum, 150,000 MT of common wheat, 390,000 MT of barley and over 900,000 MT of milk in 2016.

- a. Please explain what the volume of eligible production notified represents. For example, in 2016 Tunisia notified eligible production of 5,300 MT for durum, 500 MT for common wheat, 1,100 MT of barley and 865,000 MT of milk in 2016.
- b. Please provide the relevant measures and explain how the measures limit the quantity of eligible production of each of these commodities.

#### **AG-IMS ID 93139: Question by United States of America - Excessive rates of inflation**

The United States repeats AG-IMS ID 91190 noting the same issues appear in Tunisia's notification for 2018.

In Tunisia's response to AG-IMS ID 87040, Tunisia indicated that it would provide a response at a later stage. The United States repeats the question and notes that Tunisia has also adjusted the fixed external reference price for 2017 for the same commodities. For the reporting period of 2016, Tunisia has adjusted the fixed external reference prices for durum wheat, common wheat, barley and milk to take account of inflation and exchange rates. The same was done for products notified for 2014 in G/AG/N/TUN/47, at which time, in response to AG-IMS ID 62036, Tunisia stated that it considered the rate of inflation between 1998-2014 to be excessive.

- a. Please provide additional information for Members to consider with the request, including inflation rates for all years since 1986, noting that Tunisia's inflation rates are well within the range of most other Members' rates.
- b. Please provide information and data that shows all calculations regarding inflation in Tunisia's most recent notification (G/AG/N/TUN/52).
- c. Please submit a revised notification showing domestic support calculated with an unadjusted FERP.
- d. Is Tunisia considering making substantive reforms to its policies that will bring it into compliance with its obligations?



## 3.2 EXPORT PROHIBITIONS AND RESTRICTIONS (TABLE ER:1)

### 3.2.1 Kyrgyz Republic (G/AG/N/KGZ/8)

#### AG-IMS ID 93230: Question by Japan - Transparency issues

- a. Japan recognizes that Kyrgyz Republic introduced export prohibitions on certain food products including wheat and meslin, wheat flour, rice, and sugar on 22 March 2020, and appreciates the measure was notified to the Committee on Agriculture on 31 March 2020. Japan would appreciate it if Kyrgyz Republic could provide the reason why the notification was not made before the measure was taken while "prior notification" is required in Article 12 of the Agreement on Agriculture.
- b. Japan would appreciate it if Kyrgyz Republic could explain how the measure meets the conditions required in Article XI of General Agreement on Tariffs and Trade (GATT): namely i) essentiality of the products, and ii) criticalness of the shortages. Japan would also appreciate it if Kyrgyz Republic could provide the reason why it resorted to the export prohibitions on the products, rather than arranging quotas which reflect the situation of domestic supply and demand.

## 4 OVERDUE NOTIFICATIONS

### 4.1 China

#### AG-IMS ID 93166: Question by United States of America

##### Table ES:3 and Table NF:1 Notifications

Taking into account China has not responded to AG-IMS ID 92029 and 88082, the United States notes that China in responding to the ECQ and AG-IMS ID 92031, China stated that it has provided food aid through both multilateral and bilateral channels through 2018 but has never notified Table ES:3 (showing the total volume of food aid provided). Further China stated in response to AG-IMS ID 90080 that it would study whether a Table ES:3 notification is necessary.

- a. Has China determined if notification of Table ES:3 is necessary?
- b. If not necessary, please explain.

The United States notes that the volume of international food assistance provided by China as reported in the export competition questionnaire from 2015 to 2018, is over 2 billion RMB per year, making China the third largest food donor, after the United States and the European Union and its member States. As a food aid donor or donors of technical and financial assistance:

- c. When can Members expect China to notify Table NF:1?
- d. If China does not plan to notify, please explain why.

### 4.2 Egypt

#### AG-IMS ID 93167: Question by United States of America

The United States notes that Egypt's last notification (G/AG/N/EGY/2) concerning export subsidy commitments (Table ES:1) is for the year 1998. As a follow up to AG-IMS ID 90081, Egypt stated that it was undertaking the necessary steps to update its ES notifications. Please provide an update on the steps being taken by Egypt to submit its overdue notifications.

### 4.3 India

#### AG-IMS ID 93200: Question by European Union

##### ES:1 notifications

The latest ES:1 notification for India covers the year 2009.



- a. Can India indicate when the outstanding ES:1 notifications will be submitted?
- b. Can India indicate whether it will include all Article 9:4 subsidies granted at Federal and State level in these notifications as suggested in earlier discussions in the Committee?

#### **AG-IMS ID 93168: Question by United States of America**

As a follow up to AG-IMS ID 92030, AG-IMS ID 91143 and AG-IMS ID 88085, India states the preparation of notifications are underway and it would notify its export subsidies "shortly". Please provide an update on the status of preparation of its numerous years of overdue notifications and tell Members when the Committee can expect to be notified.

#### **AG-IMS ID 93169: Question by United States of America**

The United States noticed that the Food Corporation of India has provided humanitarian food aid, on behalf of the Government of India, for example to Afghanistan in 2018-19, (see: <http://fci.gov.in/app/webroot/upload/Import/ENGLISH%202011-2020.pdf>).

- c. Please provide additional information on FCI's activities, including in what years humanitarian food aid has been provided.
- d. Please indicate whether India will be submitting ES:3 notifications for all relevant years. If not, please explain why not.

### **4.4 Kenya**

#### **AG-IMS ID 93201: Question by European Union**

##### DS:1 notification

The latest notification submitted in 1998 by Kenya concerns the year 1996.

Can Kenya indicate when its outstanding notifications will be submitted, in particular for recent years?

### **4.5 Morocco**

#### **AG-IMS ID 93171: Question by European Union**

The EU appreciates the efforts Morocco has made in reducing the backlog of notifications in particular on export subsidies. However, Morocco's most recent DS:1 notification is from 2012 covering the years 2003 to 2007. Can Morocco indicate any timetable for submission of its outstanding DS:1 notifications?

### **4.6 South Africa**

#### **AG-IMS ID 93172: Question by European Union**

South Africa's most recent DS:1 notification is from 2016 covering the year 2014. Can South Africa indicate any timetable for submission of its outstanding DS:1 notifications?

### **4.7 United States of America**

#### **AG-IMS ID 93202: Question by European Union**

##### ES:1 Notifications

The latest ES:1 notification submitted covers 2017/18. Can the US indicate when the outstanding ES:1 notifications will be submitted?

**AG-IMS ID 93246: Question by India**

India notes that the United States submitted its last domestic support notification (DS:1 notification) as contained in document G/AG/N/USA/123 in 2018, for the marketing year 2016. According to the G/AG/2 document, the United States is required to submit its domestic support notification no later than 90 days following the end of the calendar (or, marketing, fiscal, etc.) year in question.

Lately, the United States has announced a number of programmes for supporting its domestic agriculture sector. These programmes may have significant implications for the international prices of agricultural goods.

In this context, India requests the United States to elucidate the reasons for not submitting its DS:1 notification for the years 2017, 2018 and 2019. By when can WTO Members expect the United States to notify its domestic support for the years 2017, 2018 and 2019?

**AG-IMS ID 93310: Question by Mexico**

The review process, which is conducted on the basis of Members' notifications to the Committee on Agriculture, is the principal means of reviewing compliance with Uruguay Round commitments. As a result, the Secretariat, Mexico and numerous developed and developing Members have combined their resources and technical efforts to keep abreast of the reporting of budgetary outlays for domestic support. We note with concern that the last DS:1 notification from the United States was for the marketing year 2016 and therefore ask:

When will the United States submit domestic support notifications for the years 2016/17, 2017/18, 2018/19 and 2019/20?

**5 OTHER****5.1 China****AG-IMS ID 93024: Question by United States of America**

The United States thanks China for the transparency provided in responding to the export competition questionnaire.

As a follow up to AG-IMS 92031, China stated that SINOSURE export insurance programmes covered a total value of USD 13.9 billion, USD 13.6 billion and USD 15.95 billion of agricultural products exports in calendar years 2016, 2017 and 2018 respectively.

Please provide the programme use (i.e., the total value of exports) by product or product group (i.e., agricultural products) from 2016 to 2018. If China is unable to provide this data at this time, please explain if China is taking steps to provide this data after the end of 2020 when the Nairobi Decision Annex should be fully adopted by all Members.

**5.2 Myanmar****AG-IMS ID 93174: Question by Australia**

Australia would like to follow up with Myanmar with respect to question AG-IMS ID 92124 that Australia asked at the 92<sup>nd</sup> CoA:

Australia welcomes Myanmar's submission of ten overdue ES:1 notifications. Australia welcomes this commitment to bringing notification submissions up to date and the transparency that comes with that. Australia looks forward to the submission of the ES:1 notifications for 2015 and onwards, and in the absence of these:

Can Myanmar advise if it has provided any export subsidies in those reporting periods (2015 onwards)?

### **5.3 Viet Nam**

#### **AG-IMS ID 93142: Question by United States of America**

The United States resubmits AG-IMS ID 91109 on export competition for which Viet Nam has not provided a written response:

The United States notes that Viet Nam has not updated its response to the Secretariat's Questionnaire since 2016 and has not provided data for export financing support programs run by The Vietnam Development Bank for years 2016, 2017 and 2018. When will Viet Nam provide data updates for years 2016, 2017 and 2018 to the ECQ? If Viet Nam is not able to provide this data, please explain why.

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