



MINUTES OF THE MEETING¹

HELD IN THE CENTRE WILLIAM RAPPARD AND IN VIRTUAL FORMAT ON 7 JUNE 2022

Chairperson: H.E. Mr. Didier Chambovey (Switzerland)

At the start of the meeting, the Chair welcomed H.E. Mr. Timur Suleimenov of Kazakhstan, the Chair of the Twelfth Session of the Ministerial Conference. The MC12 Chair addressed the General Council.²

1. A. REPORTS FROM THE CHAIR OF THE GENERAL COUNCIL, THE FACILITATOR ON THE WTO RESPONSE TO THE PANDEMIC, THE TRIPS COUNCIL CHAIR, AND THE RELEVANT NEGOTIATING GROUP CHAIRS DEALING WITH MC12 DELIVERABLES, AND ADDRESS FROM THE DIRECTOR-GENERAL AND TNC CHAIR

1.1. The Chair recalled that work had continued intensively in the negotiating bodies, in dedicated processes and in the TRIPS Council. To prepare for this meeting, the Director-General and the Chair had met on Saturday, 2 June 2022, with the Chairs who would be reporting during this meeting. Since several of them had indicated that their respective processes could benefit from additional time, no discussion was expected under this first part. He noted that it was essential to urgently go back to work in the various areas to finalize outcomes for the Conference. The reports and updates should allow Members to assess what was required from the WTO membership – particularly, of delegations in Geneva – in the few days that were left ahead of MC12. He would begin with his own report on the work and extensive consultations that he had undertaken on (i) the MC12 outcome document, including on WTO Reform; (ii) LDC graduation issue; and (iii) the Work Programme on Electronic Commerce.

1.2. The Chair delivered the following report³:

1.3. Let's start with the outcome document. Since my report to the General Council on 9 May, and my report to the Informal Meeting of the General Council on 24 May, consultations and work on the outcome document continued in various configurations and formats.

1.4. The focus of this work was first and foremost the unfinished aspects of the draft outcome document (contained in RD/GC/17/Rev.2). My consultations have focused on three specific aspects: (i) to narrow the differences on WTO reform; (ii) to find a way forward for the contextual or the introductory part; and (iii) to clean up, with a view to reducing, as many of the other remaining open issues in the document.

1.5. Our efforts on a mandate on WTO reform have allowed us to make considerable progress towards convergence, even if some differences persist. I am hopeful that we will find a solution before the Ministerial Conference.

1.6. Aside from the WTO reform language, I also consulted on the contextual part of the outcome document. An alternative, and at this point, this is the preferred way forward, would be to delete paragraphs 1 to 5 and start directly with the operational language – that is, paragraph 6 of the

¹ The proposed agenda was circulated in document WT/GC/W/849.

² The statement of the MC12 Chair, H.E. Mr Timur Suleimenov of Kazakhstan, can be found in the Annex of this document.

³ This report was subsequently circulated in JOB/GC/312.

document (RD/GC/17/Rev.2). This would be preceded by a simple introductory sentence that could read: "Ministers meet in Geneva from 12 to 15 June for our Twelfth Session." I am still consulting on this.⁴

1.7. I have also consulted with delegations, including with proponents, with regard to the other, remaining open issues in the outcome document - and here, I am referring in particular to the few brackets that remain in the paragraphs on accessions and LDC-related matters, as well as the draft language on women's economic empowerment, MSMEs and environment. Progress is being made, and I am grateful to delegations for their cooperation and flexibility in reducing the number of open issues. I hope we can continue to rely on the pragmatic attitude by all in the discussions to come, in particular, on the remaining aspects that are still open.

1.8. This completes the brief overview of where we stand on the outcome document as of today.

1.9. In terms of our immediate next steps, my hope remains that we can get to a clean text for Ministers. Work will therefore continue on these efforts in the immediate coming days. I intend to continue to ensure full transparency on this outcome document, and to this end, I will call an Informal GC meeting at short notice ahead of the MC. It is my intention to put forward a text, under my own responsibility, based on the finalized paragraphs in the outcome document and on the outcome of my consultations. I know I can count on your continued commitment and efforts, and you can count on mine.

1.10. Let me also briefly provide you with an update on the consultations I undertook with the LDCs and Members regarding the LDC graduation proposal. The LDC Group asked for my assistance, and I met them together with the concerned Members. Despite positive exchanges, some differences remain, and conversations will have to continue to reach consensus. Under the second part of this meeting (i.e., under sub-point (b)), the LDC Group will have an opportunity to provide us with a brief update.

1.11. Let me now also take this opportunity to briefly report to you on the e-commerce consultations I held over the past several months and most recently last week (on 1 June). Despite the many consultations in different configurations and the various textual suggestions made, Members have not managed to converge on a single draft text for Ministers' consideration. Views continue to differ notably with regard to the extension of the moratorium. The various views are well-known and I will not repeat them here. Suffice to note that we have two draft decisions on the table.

1.12. Given the continued differences, as Chair of the General Council, I suggest that the two circulated drafts, contained in the latest revisions of W/831 and W/838, be sent to Ministers for their consideration. I will provide a factual report to Ministers on this matter.

1.13. This concludes my report on my consultations on the MC12 outcome document, including WTO reform; the LDC graduation proposal; and e-commerce.

1.14. Let me now offer the floor to the TRIPS Council Chair and the Facilitator on WTO Response to the Pandemic to hear their reports in their respective processes.

1.15. Ambassador Lansana Gberie (Sierra Leone), Chair of the TRIPS Council, delivered the following report⁵:

1.16. In my intervention as the Chair of the TRIPS Council today, let me first deliver the traditional oral status report on the TRIPS Council consideration of the waiver request proposed in IP/C/W/669/Rev.1 that Members have agreed I should deliver under Article IX:3 of the Marrakesh Agreement. I would then like to briefly report – under my own responsibility – on the state of play of the text-based negotiations on the basis of the outcome text in IP/C/W688.

1.17. So let me begin with the oral status report by the TRIPS Council which runs as follows:

⁴ The dates were adjusted to 12 to 17 June in document WT/MIN(22)/24 to reflect the actual dates of the Twelfth Session of the WTO Ministerial Conference.

⁵ The report was subsequently circulated in JOB/GC/312.

1.18. At the meeting of the TRIPS Council on 15-16 October 2020, India and South Africa introduced document IP/C/W/669, requesting a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19, which had been circulated on 2 October 2020 and has since been co-sponsored by the delegations of Kenya, Eswatini, Mozambique, Pakistan, Bolivia, Venezuela, Mongolia, Zimbabwe, Egypt, the African Group, the LDC Group, the Maldives, Fiji, Namibia, Vanuatu, Indonesia and Jordan.

1.19. Since the introduction of the document, discussions took place in various formal and informal TRIPS Council meetings. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information, including through documents IP/C/W/670, IP/C/W/671, IP/C/W/672, IP/C/W/673 and IP/C/W/674, on the waiver request.

1.20. On 21 May 2021 the co-sponsors issued a revised proposal which was circulated in document IP/C/W/669/Rev.1. The revised waiver request was presented at an informal open-ended meeting of the Council on 31 May, and introduced at its formal meeting on 8-9 June 2021. It has since been co-sponsored by Malaysia and Argentina. On 29 September 2021, the co-sponsors circulated a summary of their interventions in document IP/C/W/684.

1.21. Status reports on the considerations by the TRIPS Council on the revised "Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19" were delivered to the General Council meetings on 3-4 March, 5-6 May, 27 July, 7 October, 22 November 2021 and, most recently, on 23-24 February 2022.

1.22. In the course of discussions on the revised waiver proposal, delegations held focused discussions on the topics of 'scope', both from the perspective of products and of IP rights, on 'duration', 'implementation' and on protection of undisclosed information. Delegations engaged positively and their detailed substantive exchanges helped clarify various aspects and nuances of positions. While delegations remain committed to the common goal of providing timely and secure access to high quality, safe, efficacious and affordable vaccines and medicines for all, disagreement persists on the fundamental question of whether a waiver is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID-19 related products.

1.23. In addition, a proposal for a draft General Council declaration on the TRIPS Agreement and Public Health in the circumstances of a pandemic, issued by the European Union and circulated in document IP/C/W/681, has also been discussed in meetings since its circulation on 21 June 2021. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information. Disagreement persists on the fundamental question of whether this proposal is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID-related products.

1.24. On 3 May 2022, a communication containing the outcome of informal discussions between a group of Ministers was circulated in document IP/C/W/688 for discussion in the TRIPS Council. Text-based negotiations on the basis of the text circulated in document IP/C/W/688 are on-going.

1.25. This means that the TRIPS Council has not yet completed its consideration of the revised waiver request. The TRIPS Council will therefore continue its consideration of the revised waiver request, and report back to the 12th Ministerial Conference as stipulated in Article IX:3 of the Marrakesh Agreement.

1.26. In addition, the TRIPS Council will also continue in the same manner its consideration of the other related proposals by Members.

1.27. This concludes the TRIPS Council's oral status report.

1.28. Let me now briefly report under my own responsibility on the state of play of the text-based negotiations I have been holding on the basis of the Outcome Text circulated in IP/C/W/688.

1.29. Since the 17 May, I have held text-based negotiations with a group of 30 delegations and group coordinators. After collecting the textual proposals and suggestions by delegations in relation

to the Outcome Text, we then worked through these suggestions to see whether any proposal attracted consensus – and could therefore be reflected in the outcome document itself.

1.30. This process is being undertaken on the understanding that, although Members agreed to start negotiating on the basis of the outcome text, nothing is agreed at this stage, and that the entire final text will have to be agreed to by all Members in the end. Let me thank here especially the group coordinators who have done an excellent job in informing their group Members of developments, as well as feeding proposals from Members outside the group into the negotiations.

1.31. I have further done my best to provide transparency and inclusiveness by reporting to the wider membership at open-ended meetings on 19 May and on 1 June, which also provided an opportunity for all Members to comment and make proposals on the text. The latest version of the outcome text has been circulated to Members on 1 June in documents JOB/IP/58/Rev.1.

1.32. The start of this process has been difficult - despite the collective efforts of the Director-General herself, DDG Gonzalez and myself. However, after extensive clarifications and significant bilateral engagement it is my sense that delegations entered into real negotiation mode yesterday.

1.33. More progress was made at yesterday's negotiations at HODs level – and the group agreed to reinstate paragraph 7 and accept the introduction of a new paragraph 9 into the text.

1.34. The negotiation group will continue to work today, and I am feeling cautiously optimistic now that we could get this text ready for adoption by Ministers in time for the coming weekend. I am looking forward to Members' continued constructive engagement in this regard. I call on all delegations to rise to the moment and deliver on this urgent matter at MC12, as this may be the last best opportunity to do so.

1.35. Thank you Chair, this concludes my intervention as Chair of the TRIPS Council.

1.36. Ambassador Dacio Castillo (Honduras), Facilitator of the Multilateral Process on the WTO Response to the Pandemic, delivered the following report⁶:

1.37. Since I started as Facilitator on the WTO Response to the Pandemic, I have provided five transparency reports to the membership. These reports have been circulated as JOB/GC/298, JOB/TNC/103, JOB/GC/303, 308 and 311.

1.38. During my work thus far, I have observed a consistent call from delegations that the WTO should deliver in this area as soon as possible. Delegations have likewise expressed willingness to achieve a credible, meaningful and holistic outcome that addresses the current and future pandemics.

1.39. As I reported on Friday, we have achieved significant progress. Two weeks ago, we started with three proposals from various delegations, and a factual contribution from the Secretariat at the request of Members. Today, we are working on the basis of one text which covers areas such as transparency, export restrictions and prohibitions, intellectual property, transfer of technology, trade facilitation, services, regulatory cooperation, development and food security, among others.

1.40. Although several issues still remain to be bridged, we have already cleaned texts including on general provisions, trade facilitation, regulatory cooperation, intellectual property, services, food security and some aspects of future work.

1.41. Let me thank delegations in the drafting group for their continued positive engagement, flexibility and active participation. I likewise commend delegations who made extra efforts to come together and reach compromise language.

1.42. On Friday, I also provided my assessment that, given the situation at that time – regarding the proposal on an automatic TRIPS trigger mechanism, it was not productive to continue with our

⁶ The report was subsequently circulated in JOB/GC/312.

work. Since then, I continued reaching out to delegations during the weekend as well as yesterday in a meeting convened by the Director-General.

1.43. In that meeting, the Director-General detected four common elements that delegations all agree on: (i) taking note of lessons learned and Members' diverse experiences during the pandemic, (ii) not altering rights and obligations, (iii) preparing a document that is forward looking and (iv) achieving a balanced outcome.

1.44. As a result, I presented a text to replace the paragraph on an automatic TRIPS trigger mechanism during the interval of the TRIPS Waiver meeting with the Director-General in Room E. My overall assessment following a brief exchange of views with delegations was that the proposal was generally acceptable as a way forward that will allow discussions to continue. This, of course, is without prejudice to Members' positions. Let me recall that the entire document remains in square brackets. Nothing is agreed until everything is agreed.

1.45. In this regard, I thank delegations for their flexibility. Now, we can continue our work in the drafting group. The focus will shift to closing as many remaining gaps as possible, finalizing the future work section and cleaning as much texts as we can. My hope is that we can present as clean as possible text to our Ministers.

1.46. Given that we still have brackets in the text, my suggestion is to continue work on this document with the drafting group after the GC meeting. Let me also note that all delegations who have expressed a wish to participate in these discussions have been invited. As always, all delegations can consult with me at any time.

1.47. Any progress on this document will be reflected in the text that will be circulated to all Members and will be before Ministers for their consideration at MC12. Like other Chairs, the aim is to circulate a text to the entire membership on Thursday – to the extent possible.

1.48. The importance Members attach to delivering a credible, meaningful WTO Response to the Pandemic remains evident. Let us maintain the positive momentum of this process and work together to get this done. Let us never forget what is at stake.

1.49. This concludes my report.

1.50. The Chair thanked Ambassadors Gberie and Castillo for their hard work and leadership, and invited the Director-General and Chair of the Trade Negotiations Committee to address this meeting.

1.51. The Director-General and Chair of the Trade Negotiations Committee delivered the following report⁷:

1.52. Good morning, everyone. Let me join the GC Chair in welcoming our MC12 Chair, H.E. Mr. Timur Suleimenov and thank Ambassador Zhanar Aitzhanova for her work in trying to back up the MC12 Chair, seeing him here shows that MC12 is around the corner. It is going to happen and we are very happy about it. It has been almost five years. Your message of encouragement is timely, and I look forward to working closely with you, the General Council Chair and our Ministers in ensuring a successful MC12.

1.53. Excellencies, we are now almost at the end point of our preparatory work for MC12. As the Chairs and the Facilitator have noted, by Saturday, Ministers will be in Geneva. Today's meeting is therefore a good opportunity, before they arrive, for all Members to look at how our work has progressed across the board, including in the "four pillars plus", and how MC12 might possibly play out.

1.54. In this regard, let me first thank Ambassadors Chambovey, Gberie and Castillo for their reports and commend them for their tireless efforts. Due to their work and the extra efforts being made by Ambassadors, we are making considerable progress across all areas. I will come back and touch on some of what they have reported later in my statement.

⁷ The report was subsequently circulated in JOB/GC/312.

1.55. Before I request – through the GC Chair – the Chairs of the negotiating bodies that have been working on possible MC12 deliverables to provide their reports, let me recall that, at our formal TNC meeting in November, we transmitted reports from all Chairs of Negotiating Groups to the General Council for onward transmission to the Ministerial Conference. So, this morning, updated reports will be provided only by the Chairs of the Negotiating Group on Rules, the Committee on Agriculture in Special Session and the Council on Trade in Services in Special Session. I will now invite them to provide their reports.⁸

1.56. Ambassador Santiago Wills (Colombia), Chair of the Negotiating Group on Rules, delivered the following report:

1.57. Good morning colleagues and thank you, Chair and Director-General for the opportunity to report on recent work in the Negotiating Group on Rules. As you are all aware, last week, three plenary sessions of the NGR were held on Monday 30 May, Wednesday 1 June and Saturday 4 June when I reported on the work I had been doing and delegations reported on the work they had undertaken and took the opportunity to comment on both the process and the substance of our work.

1.58. Since I have already delivered full and detailed reports to those plenary sessions of the NGR, my report today will be a brief summary of those reports along with updates to take account of Member's comments at those meetings and the work I have undertaken since Saturday morning.

1.59. We started the "Fish Decision Week" on Monday 30 May with an opening plenary session at the level of Heads of Delegation when both the DG and I reported on the meetings we had attended in Davos and I outlined a working plan for the week.

1.60. During last week I held a number of meetings in different formats on some of the outstanding issues on balance and ambition, particularly focused on Article 5, Article 1.2 and some aspects of Article 8. In addition, I held some meetings on territoriality, reflagging, and notifications on forced labour and I have also attended some meetings convened by the Director-General.

1.61. In addition, I have met bilaterally with several delegations on a range of topics and I am happy to report that some significant progress has been made, a great deal by delegations working together on their own initiative on some of the issues. And I would like to thank all delegations for their strong commitment and hard work during these past few days.

1.62. As we all know, one of the most important elements we need to resolve related to balance and ambition is SDT in Article 5.4.

1.63. At the plenary session of the NGR held on Saturday 4 June, I presented the very positive news that a group of Members that had worked together to clarify Article 5.4 had developed a suggested new structure for this provision, especially to clarify the independence of its elements. The suggested text sets out separately the three elements of SDT, namely the transition period, the de minimis, and the artisanal fishing provision. The bracketed numbers for each provision are still being discussed so what I showed to the NGR still included the numbers from the current draft Agreement, that is "X" years, "0.7 per cent" for de minimis and "12 nautical miles" for artisanal fishing.

1.64. Work is still ongoing on these numbers and some progress is being made. I can only urge the delegations involved to work intensively to resolve the remaining differences quickly.

1.65. Another point clarified in this draft was to add that the reference to baselines in the artisanal exemption includes archipelagic baselines around the outermost islands and reefs of an archipelagic Member.

1.66. Another new element in the proposed restructuring of Article 5.4 is the suggestion that there should be a two-year peace clause after the transition period, when subsidies not covered by the de minimis and artisanal exemptions would not be subjected to dispute settlement.

⁸ All reports delivered at the meeting under 1.A. were subsequently circulated in JOB/GC/312.

1.67. I am happy to say that Members have received this suggested new structure positively, and it seems to be helping a lot in the discussions on the numbers in Article 5.4 that still have to be decided.

1.68. Beyond the proposed restructuring, we also have heard other proposals and suggestion relating to Article 5.4. These include:

- a target date for implementation rather than a period of "X" years after entry into force of the Agreement, with 2030 – being this the 2030 agenda for sustainable development - after which there would be the two-year peace clause;
- as an alternative to a peace clause, the proposal in RD/TN/RL/156 for additional time for notifications of stock status; and
- And proposals addressing several elements of SDT throughout the text in:
 - document RD/TN/RL/157; and
 - document RD/TN/RL/155/Rev.1.

1.69. Further very good news concerns Article 5.3, on reflagging. A group of delegations that are most interested in this issue developed a new compromise approach to this issue. Under this approach there would be, first, a new footnote to Article 1.1 to make it clear that subsidies are always attributed to the subsidizing Member, regardless of the flag of a vessel or the nationality of the recipient. Second, the two alternatives in the current text of Article 5.3 would be replaced by a provision that Members will take special care and exercise due restraint when granting subsidies to vessels not flying their flags. Here again, this solution to this very sensitive issue seems to be warmly welcomed by Members, and again I would like to thank all delegations for their constructive engagement and flexibility to address this very sensitive issue.

1.70. Moving now to the prohibition in Article 5.1(i) on subsidies contingent on fishing outside the subsidizing Member's EEZ. Although there has been a lot of discussion of this issue there remain differences among Members, in particular on its placement in the text. There have been broad calls for moving this provision back to its former placement as a stand-alone provision, with some, but not all, Members also calling for the return of the former Article 5.2(b) on non-collection of government-to-government payments. However, some other Members consider that this prohibition is better placed as Article 5.1(i).

1.71. One aspect of concern that has been raised in respect of Article 5.1(i) is how the contingency element that it establishes would work. A number of delegations have been looking at wording to make clear that the combination of receiving a subsidy and fishing beyond a national jurisdiction would not on its own establish a legal contingency that would give rise to the prohibition, including where the fishing takes place under regional or traditional arrangements in another Member's EEZ.

1.72. On territoriality, there is broad support for keeping Article 11.3(a) in the text, meaning that the main differences of view now pertain to Article 11.3(b), which deals with specific aspects of WTO dispute settlement if an issue of territoriality were to arise. As I said in the plenary, we have two basic options for dealing with this issue: to have something in the text of the Agreement; or no text at all.

1.73. Nevertheless, even though some delegations would prefer no text at all on dispute settlement, they are willing to work on specific language. However, as before Members continue to have different views on both the discretion a panel could have in assessing the merit of a territorial claim in the context of a subsidy claim under the fisheries Agreement, and on the rights that a third party in the WTO dispute would have if it considered its territorial jurisdiction were implicated in the dispute between other Members.

1.74. Given the complexity and sensitivity of this issue, one alternative option that has been suggested is that Members should commit to negotiating specific language after the Agreement is concluded. Others consider, however, that without resolving how to deal with this issue, it will not be possible to close on the Agreement as a whole.

1.75. Recognizing the progress made so far, I am continuing to consult with Members on this issue.

1.76. I have been informed that groups of Members also are discussing several other provisions.

1.77. One of these is Article 8.6 which links the use of flexibilities and sustainability provisions in the different pillars to certain notification requirements. One key issue that has emerged is the need to clarify that it is not necessary to notify a subsidy before it is granted, and that what is envisaged here is the notification based on current practice and the existing notification cycle and process under the SCM Agreement.

1.78. At our plenary meeting on Wednesday, one delegation raised an issue concerning the operation of Articles 4 and 5, suggesting that it should be made clear that Article 5 would apply to subsidies not already covered by Article 4. I have met with some delegations on this issue where some specific ideas have been discussed, and it seems that the issues and concerns are becoming clearer.

1.79. Concerning footnote 2 of the Agreement, one delegation has suggested amendments relating to subsidies that may arise from the further transfer of access rights under government-to-government access agreements. And this suggestion will be circulated as a proposal shortly.

1.80. Concerning Article 1.2 and the treatment of non-specific fuel subsidies, some delegations have indicated that, for them, whether or not such subsidies are included represents the metric or reference point for the level of ambition in the Agreement. They consider that if Article 1.2 were to be deleted, then other provisions should also be deleted in order to equalise ambition across different disciplines. However, some other delegations strongly oppose inclusion of such subsidies under the Agreement, for systemic as well as practical reasons.

1.81. I would also like to note the suggestion in document RD/TN/RL/155/Rev.1 which proposed that Article 1.2 would not apply to developing countries whose annual share of the global volume of marine capture production does not exceed 1.2%.

1.82. Also on fuel subsidies, I have been informed that a group of Members has been discussing the language of Article 8.1bis, concerning notification of information on non-specific fuel subsidies as an alternative to Article 1.2.

1.83. One other issue on which I would like to report briefly is the Fisheries Fund being discussed, which is related to Article 7 on technical assistance and capacity building. The Director-General held a meeting about the Fund last week with a number of potential donors and beneficiaries, and she reported to the Negotiating Group at Saturday's plenary that the participants expressed strong support for the establishment of the Fund.

1.84. Regarding Article 7, I would also like to note the proposal in document RD/TN/RL/156 to add a footnote that technical assistance and capacity building can be used by developing countries to make use of Article 5.1.1. That is, the possibility to grant or maintain the subsidies in Article 5.1, having met the sustainability requirements.

1.85. This concludes my report on the recent work on fisheries subsidies. As you have heard, we have made significant progress including on some long-standing sensitive issues, and I believe that a reasonable package that can be presented to Ministers is coming together. There is a very positive spirit and a real sense that Members are determined to finally conclude these negotiations. This engagement has really helped us, and we need to see it continue and increase. We have some major issues left to resolve so we really need even more engagement and willingness to listen to concerns, take them into account and look for pragmatic solutions. If we do this very intensively now, I am convinced that we can deliver on our promise to Ministers.

1.86. For my part, I will continue working with the aim to prepare a clean revised text to send to Ministers before MC12 starts on Sunday. In this connection, I would just advise you of the possibility that I may call you to a plenary meeting of the Negotiating Group on Rules on short notice in the near future.

1.87. This concludes my report. Again, I would like to thank all delegations for their constructive engagement. This week showed, that when Members work together with political will, even the most sensitive issues that I thought would have to go to Ministers are being resolved. I remain hopeful, optimistic and with the strong belief that Members can close this historic, multilateral deal. Thank you, DG, and thank you, Chair.

1.88. Ambassador Gloria Abraham Peralta (Costa Rica), Chair of the Committee on Agriculture in Special Session, delivered the following report:

1.89. Following the CoA Special Session meeting held on 19 May, we have engaged together in an intensive consultation process building on the extensive work undertaken by Members in the last months.

1.90. The purpose of this process was to support Members' efforts to develop draft texts that would serve as a basis for an outcome on food and agriculture at MC12.

1.91. I circulated as a result on 31 May three draft texts namely:

- a. a draft Ministerial Decision on agriculture,
- b. a draft Ministerial Declaration on food security and
- c. a draft Ministerial Decision on World Food Programme food purchases exemption from export prohibitions or restrictions.

1.92. These draft texts were discussed during the CoA SS meeting and dedicated sessions on PSH and SSM held on 1 and 2 June.

1.93. Members also had the opportunity to hold preliminary exchanges during this meeting around two new proposals of Decisions on PSH circulated on 31 May: First, a proposal by the African Group, the ACP, and G33 in JOB/AG/229; and second a communication from Brazil in JOB/AG/230.

1.94. Following Members' interventions during this meeting and subsequent written comments by more than 20 Members and groups of Members, I circulated on 4 June morning revised versions of these draft texts.

1.95. I held another CoA SS meeting on 4 June for Members to provide their comments on these revised draft texts.

1.96. Let me take this opportunity to thank all the Members for demonstrating constructiveness and self-restraint in their comments during this meeting, either by already indicating their readiness to endorse the draft texts or by limiting themselves to their most critical points.

1.97. This is the spirit in which we need to work to reach an outcome at MC12.

1.98. This spirit was also present during the subsequent Green Room meeting we held yesterday evening under your chairmanship DG.

1.99. I will continue to work in the coming hours on a revised version of the draft texts that could be sent to Ministers for their consideration at MC12, based on all the inputs received in the last days as well as the discussion at today's General Council.

1.100. I will convene an open-ended meeting of the CoA Special Session in the coming days to introduce these draft texts.

1.101. These draft texts will represent our best attempt, by the DG and myself, building on the intensive work undertaken in these last weeks, to put on the table a balanced and realistic package that can garner the support of all Members for an outcome at MC12.

1.102. The preparation of these texts will continue to follow the guiding principles summarized in the – now famous – formula SSBB, Short, Simple, Beautiful and Balanced, with the following objectives:

- a. Preserve a delicate balance between Members' different positions;
- b. Constitute an important step forward for a new start in the agriculture negotiations post MC12, while not prejudging their outcome;
- c. Provide a meaningful response by the WTO to the global food security challenges, both in the short and longer term.

1.103. My assessment at this stage, is that we are pretty close on the draft WFP decision and on the food security declaration.

1.104. Unsurprisingly, it is on the agriculture text that we received most comments, with many of them contradicting each other and where some work remains to be done on few remaining issues. The text needs further work for it to be forwarded to Ministers' for their consideration at MC12.

1.105. With just days before the opening of the Ministerial Conference, we have now entered into the very final stretch of our negotiation.

1.106. As stated by some of you at our last CoA SS meeting, the question in front of the membership will be whether the draft package constitutes an acceptable package that goes in the right direction for the WTO and its Members, for the multilateral agricultural trading system, and for addressing on-going global food challenges.

1.107. I am firmly convinced this is the case.

1.108. Ambassador Zhanar Aitzhanova (Kazakhstan), Chair of the Council for Trade in Services in Special Session, delivered the following report:

1.109. This report, which I make under my own responsibility, provides an update on the state of discussions in the CTS SS with respect to services text for MC12. I will circulate a slightly longer written report today.

1.110. In November, I reported that there was general convergence on the first four sentences of a paragraph on services trade for the MC12 outcome document. However, additional language to refer to recent work of the Special Session and post-MC12 work could not be agreed.

1.111. Over the last days, I have brought together the different groups of delegations that had put forward text proposals over the last year as well as those that had expressed concerns and offered alternative formulation.

1.112. As a result of these discussions, differences among participants have been narrowed to the following formulation for the last sentence: "We take note of work in the area of trade in services [,including work undertaken within the Council for Trade in Services (Special Session)]". The key difference is that one group would accept the full sentence, while the other would only accept a shorter version, without the bracketed text referring to the CTS SS.

1.113. Director-General, at this stage, I consider that the following text reflects the current level of progress. Further discussions involving all delegations would be needed to finalize it. I am sharing with the membership the text under my own responsibility for further consideration with a view to its eventual inclusion in the MC12 outcome document. The full text goes as follows:

"Services trade is vital to the global economy and has a major role to play in global economic output and employment. The COVID-19 pandemic has highlighted the importance of services and has had a significant impact on services trade and services sectors, particularly for developing Members, including least-developed countries (LDCs). We underscore the importance of recovery for services most impacted by the pandemic and of efforts to strengthen such services, taking into account challenges and opportunities encountered by

Members. We acknowledge the need to facilitate the increasing participation of developing Members, including LDCs, in global services trade, including by paying particular attention to sectors and modes of supply of export interest to them. [We take note of work in the area of trade in services [,including work undertaken within the Council for Trade in Services (Special Session)].]"

1.114. As I have noted earlier, there are different views on the last sentence, which is in double brackets.

1.115. I remain willing, Director-General, to further work with delegations, and with the General Council Chair, on this text. I encourage delegations to reflect further, and I continue to believe that the text can gather support with the required pragmatism and openness.

1.116. The Director-General and Chair of the Trade Negotiations Committee continued with her report, as follows:

1.117. Let me sincerely thank each of the Chairs for their reports in the lead up to MC12 and for their dedication and efforts in guiding Members towards MC12 results. I know that you have been working flat out with Members – early mornings, late hours, over the weekends and even on public holidays. I do not take this for granted and I do appreciate your commitment and contributions – thank you. My thanks also to the Secretariat teams that have worked to support Members and the Chairs in the different streams of work -without their dedication, we also could not make progress.

1.118. I would likewise commend all delegations for their constructive participation in each of the "four pillars plus" to prepare the ground for Ministerial engagement and action.

1.119. Let me very briefly comment on what we have just heard from the Chairs starting with fisheries subsidies. As many of you know, I attended the last three plenary meetings of the Negotiating Group on Rules held on Monday 30 May, Wednesday 1 June and Saturday 4 June when the Chair, Ambassador Wills, reported on the work he has been doing and many of you took the opportunity to comment on progress and raise concerns. His report today has brought us up to date on work since last Saturday. His report highlighted what has been achieved and what still needs to be done.

1.120. I have also had some meetings of my own on fisheries subsidies and I am very encouraged by both the progress made and by the atmosphere, where Ambassadors have been engaging to try to push the limits of their national positions in a search for compromise. We have seen some results of this work. We have a cleaner and clearer structure for SDT on subsidies contributing to overcapacity and overfishing, we have new wording for subsidies to vessels not flying the subsidizer's flag, we agree that the first part of the provision on territoriality can be unbracketed, and we are still working to find the appropriate compromise on that issue.

1.121. That is the good news. That said, there is very little time left and some tough decisions still to be made. Everyone has said that Ministers should get a clean text but getting there is not easy. We are moving in the right direction, and we have made considerable progress on this dossier since the last time. We need to use the time left wisely and efficiently.

1.122. We all know that the agreement on fisheries is needed for the fishermen and women in the world, 26 million of them, for the fish, with respect to sustainability, for the United Nations in terms of SDG 14.6 and for the WTO. We should reflect carefully on how much longer we are going to allow subsidies that are damaging stocks throughout the world to prevail. Everyone says they want to do the right thing, and I believe them, so let's make this happen. That is why I am happy to say that this movement in the right direction that we have seen, we should do everything to make sure it continues so that we are not standing out as an organisation that is not capable to support the livelihoods of small fisherwomen and men all over the world, or the sustainability of our oceans, which is so important. We have the Oceans Conference at the end of June (27 June – 1 July), and we are expected to report there on having concluded the fisheries subsidies negotiations. So, let us see how we do.

1.123. Turning to agriculture, as noted by Ambassador Peralta, there are three texts on the table which with the help of the team I prepared together with her: (i) the draft Ministerial Decision on

Agriculture; (ii) the draft Ministerial Declaration on Trade and Food Security and (iii) the draft Ministerial Decision on World Food Programme.

1.124. These texts have benefited from many pages of written comments, as well as an even greater number of oral comments made in various meetings including in Green Room meetings, in the CoA SS and in the Dedicated Sessions of the Public Stockholding and the Special Safeguard Mechanism. They represent a delicate balance that the Chair and I have tried to strike in the face of Members' very divergent positions on the negotiating issues. We have also been very careful not to prejudge the outcome of the negotiations that will take place amongst you after MC12. I therefore urge Members to consider these texts with that perspective in mind.

1.125. As just noted by Ambassador Peralta, these texts may once more be slightly adjusted in light of the comments that Members have made. I could not over-emphasize the importance of these texts, particularly in the context of the current global food crisis.

1.126. The adoption of the three texts put forward, this package, would also send a clear signal that the WTO remains relevant and capable of responding to urgent challenges such as the food security crisis and ultimately the all-important agriculture sector in a collective and timely manner.

1.127. I therefore urge you to support these texts, as they would effectively address contemporary challenges facing the agriculture sector in the short to medium term and also the medium to long term. A strengthened and robust agriculture sector will enhance productivity on a sustainable basis! We have taken a long time with agriculture. At one point in time, we did not have any text to go on, so this is a considerable advance and I want to thank Members for having made it possible for us to move forward on a very difficult area. I am very encouraged.

1.128. Given that services account for an increasingly significant part of world trade, I hope that the Ministerial Conference will not overlook this key area for all Members. I thank the Members that have engaged on these issues, as well as the Chair of the CTS SS, Ambassador Aitzhanova, for her efforts, and hope that Members can show the needed flexibility to finalize language in this area for the outcome document. I think it will be distinctly odd if we could not bring this document to Ministers because we can't agree on part of a sentence.

1.129. On the WTO Response to the Pandemic, including the TRIPS Waiver the good news is that the negotiations are text-based in both streams. While they have been difficult – I have stepped in as necessary, to assist Ambassadors Gberie and Castillo. I strongly believe that we have a real chance to deliver and I am very grateful to both of them for their strong efforts in this regard. We should seize the current opportunity while a credible response remains relevant and I actually believe we can do it given the progress we saw yesterday.

1.130. WTO Reform is an important political matter given the challenges that this organization has been and continues to face. I want to thank the Chair for the strong efforts he has continued to make to get us an agreed text in this area. It is our collective responsibility, including at the highest level, to ensure that the WTO functions effectively to respond to all Members' needs and contribute to addressing the most pressing issues of the world. We in Geneva have a responsibility to properly prepare Ministers' discussion on this critical area for the organization.

1.131. Development and LDC issues, I believe we should all work towards a mutually acceptable path forward including on issues of critical importance to LDCs. This is key to unlocking the WTO's capacity to deliver multilateral outcomes.

1.132. Excellencies, it is clear we have some very busy days ahead in all the areas we are working for deliverables for MC12. The negotiating processes are continuing, including through the work of the Chairs and my efforts as Chair of the TNC to try to help find as much convergence as possible before Ministers arrive.

1.133. Delegations have often asked for clarity on what Ministers would take up at MC12. You have made clear that the issues to be discussed should be agreed ahead of time to provide Ministers a manageable agenda and to ensure productive Ministerial engagement. This is a sentiment everyone knows I share.

1.134. Today's reports have painted a clear picture on where the issues lie on the "four pillars plus". In addition, we will shortly circulate the schedule of the thematic sessions and the list of Minister-Facilitators, as well as the Speakers' List for the session on the challenges facing the multilateral trading system. I believe this will help facilitate your preparation for your Ministers.

1.135. For the latter session, the unprecedented number of Ministers and Heads of Delegation that have registered to speak – at the last count, there were more than 95 – testifies to the value Members attach to the WTO and is a positive signal of commitment to respond to the challenges facing the multilateral trading system to strengthen it for the benefit of all.

1.136. Many gaps remain, but as I said, we are making progress. Let us keep on the pressure. Let us keep up the work at this critical juncture. Let us keep treating each other with respect and friendship which will get us to the goal we want to achieve.

1.137. The next 124 hours will be critical. We need to use each hour effectively to close as many gaps as possible.

1.138. On 12 June, after the opening session, all the Chairs who reported today will report to the Ministers during the Informal HoDs which will be a scene-setting meeting. The contents of their statements on the state of play in their respective areas would reflect the inputs that each of you would have provided in those processes as of the 12th of June.

1.139. Excellencies, the success of MC12 is in your hands. Let us work hard. Let us deliver. People outside are waiting for us and believe it or not, I really think we will do it. Thank you.

1.140. The Chair thanked the Director-General and Chairs of Negotiating Groups. From the reports delivered, he noted that work remained to be done within very limited time. That was why he had reiterated that there was no intention to open the floor in this part of the meeting. Instead, he encouraged all delegations to make good use of the little time that was left and to focus on finalizing discussions in the respective areas.

1.141. He also recalled at this point that the General Council had agreed in November to forward the draft decisions on the Work Programme on Small Economies and on TRIPS Non-Violation and Situation Complaints to the Twelfth Ministerial Conference for Ministers' adoption. These had been circulated in WT/MIN(21)/W/3 and WT/MIN(21)/W/4, respectively.

1.142. The General Council took note of the GC Chair's report as well as of the report of the Director-General and that of the other Chairs and Facilitator. The General Council further took note that work was continuing in the immediate next few days and that any results from that work would be in front of Ministers at MC12.

1. B. REVIEW OF PROGRESS ON MEMBERS' PROPOSALS FOR MC12

1.143. The Chair moved to the second part of the meeting which was the review of progress on Members' proposals for MC12. As he had said at the start, a number of Members had wished to provide updates with respect to proposals in different areas, including on their efforts as to whether they had been able to generate convergence around those proposals.

1.144. He recalled that, during the May General Council meeting, delegations had heard that discussions were still ongoing on the Proposed Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges. He also recalled that this proposal had already been discussed in the General Council, including ahead of the postponed MC12 in November. The proponents had put forward a revised document contained in WT/MIN(22)/W/3. He then gave the floor to Guatemala, on behalf of the co-sponsors, to provide an update.

1.145. The representative of Guatemala, on behalf of the co-sponsors, delivered the following statement:

1.146. Allow me to refer to document WT/GC/W/835/Rev.3 on behalf of the 96 co-sponsors. We are pleased to provide an update on the SPS Declaration for the Twelfth Ministerial Conference. Commitment to and support for this initiative continue to grow. We are pleased to report the recent

addition of China, Malaysia, Morocco, the Philippines, Switzerland and Chinese Taipei as the latest co-sponsors. The diversity of these new co-sponsors and the broad support for this initiative are indicative of Members' interest in supporting a constructive and positive initiative. We would like to thank Members for their sincere commitment and collaboration. We are proud to be part of the collective and diverse process of each region, with different levels of economic development and varied agricultural systems. This has been a collaborative, Member-driven initiative.

1.147. This Declaration includes a work programme for the SPS Committee to explore the SPS Agreement and how to address the new challenges facing agriculture and trade. The work programme proposes a series of discussions without prejudging the outcomes. Members' obligations under the SPS Agreement are unchanged, thus providing us with an important space for dialogue. For Guatemala as a developing country, having the space to discuss these issues helps to strengthen our capacities along with the competent authorities in all the capitals. The themes on the work programme are balanced and reflect the wide range of interests of WTO Members. Over the past two years, the list of topics has been defined by Members' feedback, ensuring that it reflects their key priorities, while maintaining a focus on issues that can garner broad support.

1.148. This latest revision includes some minor edits, which we believe are positive changes to the text. We have listened to the comments received and worked closely to understand the concerns and adjust the language in order to reach consensus. The improvements made through this consultative process reflect the openness of the co-sponsors to work with Members to refine this document and move forward with it. After MC12, we believe that our work in the SPS Committee will be enriched. This initiative was Members' idea, and we must take advantage of a situation in which we are willing to work together.

1.149. In addition, we are seeking to deepen the discussion in the WTO among our technical experts and engage with one another on the complex issues we all face, while keeping that discussion very clearly within the scope of the WTO. By working together, we can chart a path forward. We hope that all Members will join us in this initiative going forward. As co-sponsors of this initiative, we believe this text can reach consensus and should be officially presented to Ministers. Thank you all for your commitment. We hope that Ministers will be able to support this Declaration at the Twelfth WTO Ministerial Conference.

1.150. The representative of Senegal delivered the following statement:

1.151. Senegal was one of the first supporters of this draft SPS Declaration for MC12 and the work programme proposed for the SPS Committee, which was first put forward in February 2020. Co-sponsors have taken advantage of the time afforded to improve the text. We assure that the amended text reflects the concerns expressed by Members. It is a significant and useful contribution to MC12. The SPS Declaration recognizes the need to further strengthen the implementation of the SPS Agreement in order to meet the challenges before us and to ensure that we improve the agricultural landscape. This is a matter of great significance to Senegal and to all WTO Members. That is why we appeal to all Members to join us and adopt this Declaration for MC12.

1.152. The representative of Jamaica, on behalf of the ACP Group, delivered the following statement:

1.153. As a co-sponsor, the ACP Group believes that the work programme provides an avenue to improve the understanding of the SPS Agreement without altering Members' rights and obligations. The declaration can also be used as an opportunity for weighing the benefits and implications of maintaining supervisory standards that can simultaneously serve as barriers to trade. All Members are largely impacted by non-tariff barriers that could be averted through streamlined, collaborative work among Members. This declaration proposes an avenue for greater collaboration in support of developing countries and LDCs to improve their integration into the multilateral trading system. Technical assistance and capacity building are therefore essential. So too is the WTO's collaboration with other standard-setting international organizations that can offer insights and support. It is with this in mind that the ACP Group believes that Ministers should be requested to adopt this declaration as a part of the MC12 package.

1.154. The representative of the European Union delivered the following statement:

1.155. On the SPS declaration, the European Union thanks the proponents for this updated version that we will analyse carefully. At first sight, it seems to address our main concerns, but we will come back to you with the official EU position once we conclude our internal analysis and procedures.

1.156. The representative of Argentina delivered the following statement:

1.157. Argentina welcomes Switzerland, China, Chinese Taipei, Morocco and the Philippines as new co-sponsors of this Ministerial declaration on SPS, as well as the proposed work programme. We highlight that has taken two years of dialogue involving all Members who had expressed any concerns with the purpose of building consensus, which today seems within reach. This declaration recognizes the challenges we face in the 21st century. It also, however, recognizes the great opportunities multilateralism affords us in allowing us to move forward in a sustainable way, based on science. I urge all Members who have not yet done so to join consensus and support this declaration at MC12.

1.158. The representative of Uruguay delivered the following statement:

1.159. Uruguay would like to welcome this new draft version of the proposal, which is supported by 96 co-sponsors, including Uruguay. I would like to take this opportunity to highlight that the intense work carried out by the co-sponsors over a number of years to put forward a proposal which finally reached the level of maturity – building on several revisions, numerous modifications, and resulting from inclusive negotiations among Members. We would urge delegations to support this initiative. We hope that it is going to enjoy consensus at MC12.

1.160. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

1.161. We would like to warmly welcome the MC12 Chair and say how much we and the African Group will work for a successful MC12. Chair, on behalf of the 44 Members of the African Group, we would like to thank Guatemala for having presented this draft SPS declaration. As co-sponsors, we would like to reiterate our support for this Ministerial Declaration on SPS. The African Group would urge Members to join the consensus on this matter.

1.162. The representative of Norway delivered the following statement:

1.163. I am taking the floor as we have voiced our reservation regarding certain elements of this proposal in previous meetings of the General Council. We appreciate the new draft we received from the proponents, and we are currently analysing the changes made. We will come back to you with our assessment as soon as possible.

1.164. The representative of Tajikistan delivered the following statement:

1.165. At the outset, I would like to welcome the Chair of the MC12. We also welcome new co-sponsors of this Declaration. The Republic of Tajikistan thanks the proponents of this initiative for the revised SPS Declaration for the MC12 and Guatemala for introducing the revised Declaration on behalf of co-sponsors. The Republic of Tajikistan is confident that the full implementation of the SPS Agreement by Members will support trade facilitation and contribute to sustainable agricultural growth. We co-sponsors believe that this Declaration can reach consensus and allow us to move forward with the aim of having a concrete outcome at MC12. Finally, Mr. Chair, we look forward to constructive cooperation and encourage other Members to join this Declaration.

1.166. The representative of Guatemala delivered the following statement:

1.167. We thank the Members that spoke. As I mentioned, this is a Member-driven process, and we have been open to dialogue, so we welcome your comments. This Declaration is a proposal to discuss the work programme in the SPS Committee and is not linked to our commitments or to an amendment to the Agreement. It is the will of Members to engage in a dialogue. We will be working with Members over the next few days to understand their concerns and respond to their questions.

1.168. The representative of the Philippines delivered the following statement:

1.169. As one of the new co-sponsors of this proposed declaration, we thank the proponents and wish to engage in constructive discussions towards a result at MC12. Indeed, this is an exercise in transparency and greater dialogue among delegations towards this end. Taking the floor for the first time, we thank the Director-General and the various Chairs for their earlier reports as we prepare for MC12.

1.170. The representative of Viet Nam delivered the following statement:

1.171. Viet Nam would like to thank Guatemala for making the statement on behalf of the co-sponsors of the proposed SPS declaration for MC12. Viet Nam welcomes Members joining us as new co-sponsors. Viet Nam is proud to be among one of the 96 supporters of this important initiative. We have been an early co-sponsor of this initiative and have worked hard to move it forward. We would like to thank the many Members who engaged with us and the co-sponsors group and provided feedback and input on the proposed work programme over the past two years. Viet Nam has a thriving agricultural sector, and we also see new challenges that we will face with climate change, such as in the Mekong Delta and spread across the globe with pest and disease. We think consultations about how the SPS Agreement is relevant to these issues would be very valuable. This is not complicated or offensive to anyone. The new SPS declaration text has been improved through the engagement with all Members over the last year and we believe there is consensus, and that it is ready for Ministers to adopt at MC12. It will be exciting to have an important and relevant conversation on SPS issues at WTO, it will be valuable to have the SPS declaration as a positive contribution to MC12. We urge all our colleagues here to join this as an MC12 outcome.

1.172. The representative of Malaysia delivered the following statement:

1.173. Malaysia would like to thank Guatemala on behalf of the co-sponsors for presenting the revised version of the draft Ministerial declaration. We wish to reiterate the importance of the benefit derived from the SPS Agreement and its provisions continue to safeguard Members' rights to ensure the necessary protection of human, animal and plant life or health while at the same time avoiding protectionism that can lead to unnecessary barriers to trade. Malaysia expresses its support for the draft SPS Ministerial declaration and considers the declaration as an opportunity for Members to strengthen the implementation of the SPS Agreement to better position ourselves in managing and dealing with SPS issues and challenges in the 21st century. We also invite those who are not yet co-sponsors to join the support for the declaration.

1.174. The representative of Nigeria delivered the following statement:

1.175. Nigeria would like to thank the proponents of the declaration on SPS and to welcome the draft proposal for endorsement in MC12.

1.176. The Chair noted that discussions on this issue had moved forward in this area and that this proposal was enjoying a very high level of support among Members and that Members were very close to consensus on the basis of the discussion that the Chair had heard. His understanding was that Members should be in a position to submit this proposal for adoption to the Ministerial Conference, pending the confirmation of two delegations, which he invited to contact him as soon as possible. He noted that he would report to Ministers accordingly at the Opening Session.

1.177. The General Council took note of the statements.

1.178. The Chair then moved to the next proposal. He noted that on 25 May, a communication had been received from Brazil in JOB/GC/310, which contained an MC12 proposal on the frequency of Ministerial Conferences. This document had been reissued on the day of the meeting in WT/MIN(22)/W/6. He invited the delegation of Brazil to introduce its proposal.

1.179. The representative of Brazil delivered the following statement:

1.180. The Ministerial Conference is the highest decision-making body of the WTO, usually meeting every two years. The last Ministerial Conference (MC11) took place more than four years ago, and a long interval was also observed between MC6 in 2005 and MC7 in 2009. These delays (i) weaken

ministerial oversight and guidance; (ii) generate unnecessary uncertainties on the work ahead; and (iii) overcrowd the agenda and add more pressure on Members to deliver meaningful results at each Ministerial Conference. As we have observed, these uncertainties are all the more harmful and disruptive during times of economic crisis, usually associated with higher risk of gridlock and paralysis. In Brazil's view, the WTO membership should consider increasing the frequency of ministerial engagement. Ideally, as in so many other international fora, such as the OECD, ECOSOC, the IMF, the World Bank and the UNFCCC, trade ministers could meet every year. We believe this would represent a step ahead on the WTO institutional reform. Annual ministerial meetings would be more efficient, less dramatic, and focused on incremental deliverables. They could also be shorter, 2 or 3 days in Geneva, like other fora. They could also dispense long sessions of ministerial statements. On these occasions, rather than delivering large "packages", Ministers could exchange views on world trade and the multilateral trading system; debate short and long-term issues and solutions; and provide ongoing negotiations with guidance and political drive. Brazil believes that yearly high-level meetings would provide the opportunity for the whole WTO membership to show their continued commitment to the rules-based multilateral trading system; bring fresh approaches to Geneva's long outstanding issues; and, last but not least, address specific and urgent trade-related matters in a timely manner.

1.181. Finally, and for all the reasons above, Brazil believes that annual Ministerial Conferences would greatly contribute to rebuild the much-needed trust among WTO Members and increase willingness to cooperate at the multilateral level. With the full engagement of its membership, and a better understanding of short and long-term trends and challenges, Brazil is confident that the WTO will deliver on the multilateral trading system's enormous potential for promoting gains of trade, economic growth and sustainable development for all.

1.182. The representative of Nigeria delivered the following statement:

1.183. Nigeria would like to thank Brazil for the proposal. As the proponent made mention, the Ministerial Conference is the highest ruling decision-making body of the WTO. Of course, it is. Therefore, the annual meeting of Ministers would strengthen the work in the WTO because the regular meetings would provide more guidance, more political will and therefore, the work in the WTO would really be strengthened. We therefore support the proposal.

1.184. The representative of South Africa delivered the following statement:

1.185. The General Council is the highest decision-making body in between Ministerial Conferences. We are currently considering the proposal in our Capital that has been put forward by Brazil and we will come back once we have the position of the Capital.

1.186. The representative of the United States delivered the following statement:

1.187. We thank Brazil for its proposal which we are still considering. We agree with many of the problems they have articulated about how we need to carry out our work better here and how Ministers need to be better aware of how we are prioritizing our work and spending our time here in Geneva. We would note that Ministers are able to get together, and it does not necessarily need to be a Ministerial Conference. Perhaps lowering the profile and expectation of the meeting might also accomplish some of the goals Brazil has set out. We are cognizant of the reverse engineering that goes into ministerial meetings, and how meeting deliverables and working backwards to come up with something is not always a productive use of our time. We are witnessing this right now. Preparing for Ministerials seem to increase the divergencies rather than help bridge them. It seems to crowd out new thinking. So perhaps we can establish a rule that there will be no declarations or statements at these annual meetings. The purpose is to take stock, support the development of the institution and exchange views with each other to keep our work going in a positive direction. But if we do not address the habits that have caused our current state, the frequency of meetings will do little to alter the status quo and could well paralyze us further. But thanks again, and we will continue to consider the proposal.

1.188. The representative of the European Union delivered the following statement:

1.189. On Brazil's proposal to hold yearly Ministerial Conferences, the European Union welcomes and is in principle supportive. We are discussing this proposal internally. We tend to agree that it

may be beneficial to have more regular meetings, but we need to consider the implications of yearly ministerial meetings as they will change the mode in which we operate. We will revert shortly to you.

1.190. The representative of Kazakhstan delivered the following statement:

1.191. We also would like to thank the delegation of Brazil for this interesting proposal. Also, we agree with many arguments which have been brought in this paper. We also believe that this issue could be considered as part of the broader discussion on WTO reform because WTO reform will also be looking at issue of how to make the work of this Organization more efficient and this type of institutional issues could also be considered within that framework of broader discussions.

1.192. The Director-General delivered the following statement:

1.193. I am only commenting on the proposal because when I was a candidate for the job, this is one of the things that I suggested that the membership should look at. So, to hear Brazil talk about it and I know many people have also heard me mention it. I am happy to see that several delegations said that they would be looking at it and weighing the merit. Of course, there are pros and cons. But if you look at the way we work here, I think that such a meeting, bringing people together more often, meaning Ministers, will help to build the contact needed to build more trust. I really believe in what Brazil is saying. There is such a trust deficit in this organization that is undermining the ability of Ambassadors to come to agreement on several issues. And you can imagine how this translates also to Ministers. So, I think having something that brings them together more should really be considered. And I know it would take time for this to sink in. The second thing is that as an objective observer, I sometimes see that the mere fact that people do not know when the next meeting will take place has an impact on the way that the work is also approached – almost a desperation to get things through. Whereas if it were clear that we will have another meeting fairly soon, we may not have the same experience – which is similar to what the United States is saying concerning lowering a bit the temperature. This would be helpful in doing that. If we know that there are regular meetings and where we could push through the dossiers, you will be in a better position to know that holding one thing up for another, as is sometimes done, may not be necessary. So, these are some of the reasons. We all know that contacts with each other build more trust and if you do not have much contact, the trust deficit worsens. So, I just want Members to think about it. Of course, it has implications, one of which will be budgetary. If we start to meet every year, there will be implications of cost in doing that, implications also for the Swiss government here in Geneva. But all told, it would be good if a serious look were given at what Brazil is putting on the table.

1.194. The Chair noted that further discussion on this proposal was needed.

1.195. The General Council took note of the statements.

1.196. The Chair recalled that, since the May General Council meeting, consultations on the LDC proposals related to "a smooth transition package in favour of Members graduating from the LDC category" had continued in different configurations and formats. He then invited the LDCs to provide Members with an update.

1.197. The representative of Bangladesh, in the capacity as Focal Point for LDC Graduation, delivered the following statement:

1.198. First of all, we would like to sincerely thank you for your efforts in facilitating our discussions. We remain grateful to you for your time, especially among your many pressing priorities. The consultations did not yet result in any concrete agreement but has helped us understand each other's positions better. I think finding solution to the remaining disagreement is not impossible. We have been reiterating the main thrust of our proposal since we tabled our latest submission last October. First, we are merely asking for an encouragement to Members to extend LDC preferences to graduated LDCs over a period of time. It is a best endeavour approach, and we are flexible to discuss the duration of this period. Some of our Members have already been granting such transition period to graduated LDCs. We sincerely appreciate their efforts. Second, we propose the LDC Sub-Committee to examine the relevant S&D provisions of LDCs and see what could be considered as support measures for graduated LDCs. This is without prejudice to any outcome. We are also flexible to continue consideration of graduation-related issues in the General Council should the membership

desire so. What we really want is a way to continue discussion on this proposal and this should not be too difficult to agree on. Chair, we have come a long way from where we started. As you see, we have lowered our expectation significantly. Some Members have provided concrete suggestions for which we remain thankful. We have listened to other Members also and we are willing to demonstrate further flexibility. What we need is a bit of more understanding and openness from our partners. Chair, as you are aware, the LDC graduation is the only specific request of LDCs for this Ministerial. If our Members could help us find a workable solution, it will be a huge confidence-building measure for the system and an inspiration for the LDCs. We hope to continue our outreach efforts in the coming days. With a little bit of flexibility from all sides, I think we can find a workable solution.

1.199. The representative of Chad, on behalf of the LDCs, delivered the following statement:

1.200. As this is the first time that I am taking the floor, I would like to welcome the MC12 Chair and to assure him of the full support of the LDC Group. Following on the statement made by the Ambassador of Bangladesh, I welcome the progress made through the joint efforts of all Members. The discussions were not easy. We are very much encouraged by the willingness to listen, and we wish to thank you Chair, on behalf of the LDC Group, for your assistance which has been extremely useful. The proposal by the LDC Group for a provisional decision on graduation of LDCs is a priority for us, and my colleague from Bangladesh has just elaborated that with great clarity. The Director-General also underlined the fact that we need a mutually acceptable solution, we think we are very close to that solution as long as we all demonstrate flexibility. As far as we are concerned in the LDC Group, we are flexible. Achieving an outcome on our proposal is key for the follow-up to the entire process. We remain committed, optimistic and we call on all Members to demonstrate greater commitment, openness and join consensus on this issue.

1.201. The representative of Senegal delivered the following statement:

1.202. I thank Bangladesh for the status update. I align myself with the statement made by Chad. My delegation would like to support the LDC proposal, advising a transition period in favour of graduating LDCs in order to not compromise the progress of recently graduated countries – a practice that LDCs already benefit from with their partners.

1.203. The representative of the United States delivered the following statement:

1.204. We share the goal of those LDCs that are entering into the WTO developing country status in the near future to seriously re-evaluate their current, outdated practice of one-size-fits-all treatment for SDT and to seek to develop better more tailored approaches to address specific needs and circumstances of individual or similarly situated countries. As we have said previously, the current proposal from the LDCs has not taken into account our comments, which we have shared over the past two years. It continues to raise concerns for us regarding fairness, equity and balance in treatment with respect to similarly situated or in some cases worse off developing countries. We have repeatedly expressed concerns with the introduction of the unexplored and unfamiliar concept of "support measures" included in the proposal in the context of the WTO and what the Organization can do. This is not something that we fully understand, and we have not received a satisfactory explanation from the proponents. We want to be thoughtful and comprehensive in our approach to differentiation across the overly broad category of developing countries. We are not in a position today or during the Ministerial Conference to take actions that would prejudice our interests in this important area. Nevertheless, the LDCs and other developing countries can be assured of our commitment to continue to work with them to reform the approach to SDT here at the WTO. We do however believe based on the consultations we have participated in that there is a willingness across the membership to endorse some language that encourages consideration of a transition period for graduating LDCs when specific goods tariff preference programmes utilize the UN LDC designation as the sole criterium for eligibility. We believe that encouraging Members to undertake a broader evaluation for eligibility of an individual Member for their goods tariff preference programmes by taking into account many factors such as the countries' level of economic development rather than solely on a UN designation would be beneficial to those LDCs considering graduation. We understand that the GC Chair has put together a possible proposal to accomplish this consistent with the goals that MC12 proposals should be Short, Simple, Balanced and Beautiful. There is clearly an outcome there for graduating LDCs as long as it remains SSBB.

1.205. The representative of China delivered the following statement:

1.206. Regarding the current issue, facing the current multiple challenges of post-COVID-19 recovery, food crisis and climate change, smooth transition for graduated LDCs is needed more than ever. China calls for Members' constructive discussions and proactive engagement in following this, in the name of providing a better chance for graduating and graduated LDCs to integrate into the global trading system.

1.207. The representative of the European Union delivered the following statement:

1.208. On the LDC graduation proposal, the European Union has consistently engaged in a constructive way with the LDC Group, and with other preference-granting Members, to achieve consensus. We will continue to do so. To date, to my knowledge, such consensus has not yet emerged, although we remain committed to continuing engagement to achieve convergence. The European Union already provides for transition periods. We need to discuss the best ways to integrate LDCs into the multilateral trading system and we remain committed to continuing to do so.

1.209. The Chair noted that work was still continuing on this issue and that Members were ready to continue this discussion in a constructive and cooperative spirit.

1.210. The General Council took note of the statements.

1.211. The Chair then offered the floor to Indonesia, who had indicated their wish to introduce their submission in WT/MIN(22)/W/4 on Public Stockholding for Food Security Purposes.

1.212. The representative of Indonesia delivered the following statement:

1.213. Thank you for giving me the floor to introduce the joint proposal by the African Group, the ACP Group and G33 co-sponsoring Members, as reflected in WT/GC/W/850 and WT/MIN(22)/W/4. Since this is the first time that I am taking the floor, I would like to begin by welcoming the MC12 Chair for his presence in this meeting and thanking the DG for her tireless efforts in advancing progress in all negotiating issues towards imminent Ministerial Conference. The joint proposal has been submitted in the CoA SS meeting on 1 and 2 June 2022, as reflected in JOB/AG/229. On this occasion, allow me on behalf of G33 co-sponsors, the AG and the ACP, to present to the membership a joint proposal on the permanent solution on public stockholding for food security purposes for consideration and decision by Ministers at MC12. The joint proposal has been supported by 80 Members of the WTO, comprising of the African Group, the ACP and the G33 Members which represent almost 50% of the 164 WTO Members, from all across regions, both from developing and LDCs. This joint proposal as harmonized text of G33, AG proposals submitted last year in the CoA SS with improvements on key issues such as on DS mechanism, the proposal provides an assurance to all WTO Members that they have access to the DSB once this permanent solution is agreed. Under such circumstances, the bis clause no longer applies. Programme and product coverage contained in the proposal allow policy space for developing Members and LDCs to exercise their PSH programme in a more operational manner and based on their needs. WTO Members also have the opportunity to request for consultations using additional data in the Annex of the proposal, which was not included in the previous proposal. The proposal also provides options for the calculation of the external reference price or ERP on a PSH programme either using Olympic price based on 3 out of the last 5 years average, or the inflation rate. The existing external reference price based on 1968 until 1988 average price is obsolete and irrelevant with current development and inflation rate. Therefore, the calculation of the ERP is the highlight of this joint proposal. This is the culmination of the efforts of PSH proponents by the three large groups and it is our intention that this joint proposal could be taken into serious consideration by all Members to be submitted to Ministers for their consideration and decision at MC12. The fact that almost half of the membership has co-sponsored this joint proposal is a testimony of the higher degree of expectation that this issue should be an integral part of the MC12 outcomes. It is also a testimony that call from the Members on the importance and urgency of PSH as one of the policy instruments to address food security issues particularly for poor and small farmers given the current challenges can no longer be delayed, nor neglected. We are ready to work together with all membership. And I believe that true, sincere, constructive and positive attitude, we could build trust and confidence that would lead to an agreement on a permanent solution on PSH which is long overdue.

1.214. The Chair noted that the next proposal that would be taken up was that by the delegation of Brazil on the same issue. For the efficiency of the debate, he recalled that both submissions had been extensively discussed at the Dedicated Session on Public Stockholding on 21 May. He further noted that it might not be useful to duplicate that debate in the General Council. He believed positions on this matter were very well-known. The CoA SS Chair had also provided a report at the start of the meeting on the state-of-play in the negotiations. With that said, he still offered the floor to any delegation wishing to make an intervention on the matter.

1.215. The representative of Jamaica delivered the following statement:

1.216. We will deliver our statement at this point. We thank Indonesia, and align ourselves with the statement made, on behalf of the co-sponsors. These are not normal times for food security and food insecure nations. The ACP Group has numerous Members that are classified by the FAO as food insecure. Most of us, are NFIDCs. We face climate crisis and natural disasters, that deprive us of our harvesting and agricultural and food production. Importation has not resolved our issues. The lack of strong domestic capacity is always a threat to food security. The draft submission seeks to address the issues, which we have been highlighting for some time. The features of the proposal are, inter alia, it is for food security purposes and can help to ameliorate food security challenges. It would alleviate the onerous nature of the transparency notification requirements, while ensuring that there is enough information on PSH programme. It makes an attempt of addressing the outdated reference period for market price support calculation. It seeks to ensure that PSH programmes do not substantially distort trade or adversely affect food security. It gives consideration to international food aid in the interest of developing countries and LDCs. The ACP Group has had the pleasure of working with the African Group and the G33 to come up with a balanced text. We look forward to constructive dialogue among Members, fuelled by efforts at a solution-seeking mood.

1.217. The representative of Egypt delivered the following statement:

1.218. It is time in our view to call for a food security package at MC12 consisting of effective policy tools to the most in need. We believe that such package should build on the various proposals put on the table, including the Ministerial Decision on Trade and Food Security, and as just heard the PSH proposal, presented by Indonesia, on behalf of a group of countries, including Egypt. We also, in this regard, have been proposing a draft decision, submitted by Egypt on 1 June 2022, entitled Food Insecurity in Net Food Importing Developing Countries and LDCs as contained in WT/GC/W/847. Such package would enable us to collectively address the food security challenges and provide sustainable solutions from this recurrent problem. Egypt is a case in point, we share the challenges faced by many NFIDCs and LDCs in the face of this looming global food crisis. It is no secret that we are the world's largest importer of wheat with a population of 108 million citizens consuming 22 million tons of which 12 million are imported, 80% coming from Ukraine and the Russian Federation. Our import bill of wheat only is soaring and has surpassed 11 billion dollars. Prices of wheat increased at the beginning of the year as the recovery from the pandemic was just starting. The most recent report by the FAO indicates that the year-on-year inflation of wheat prices reached 56% by the end of May 2022. This situation is expected to get worse by the end of this year, given the forecast predict a reduction in global wheat harvest in the upcoming season as a result of drought and climate-related impacts, and the impact of shortages of fertilizers on the producers all over the world. Trade in our view is not, and should not be, the sole solution to a problem of that kind. Local production should be given more impetus in the composition of the food basket of developing countries. The President of the EU Commission, Mme Ursula van der Leyen, announced in Davos that she is coordinating to hold an international event in response of the current global food crisis. She mentioned that the need to restructure existing collaboration on mutual interests and cooperation rather than imbalanced dependencies. From that speech, I quote: "We are supporting Africa in becoming less dependent on food imports. Only 50 years ago, Africa produced all the food it needed. For centuries, countries like Egypt were the granaries of the world." Our proposal falls within those lines and aims to raise production capacities of the most in need to improve the self-sufficiency and also alleviates some of the pressures. The proposal offers a possible solution to enhance food security by providing part of the needed policy tools and space for net food importing developing countries and LDCs. This is why, the proposal calls for establishing a work programme to operationalize the Marrakesh Decision of 1994 on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries. The proposal also calls for a peace clause that would enable these countries under certain conditions related to supply shortages and price hikes to exceed their de minimis levels and for a limited period. It is worth mentioning that this policy tool is targeted, temporary, non-trade distortive

and linked to a specific trigger mechanism. We are open to consult interested delegations and hear their views and comments with a view to reaching a consensual outcome to this in MC12 and we intend, upon completing our internal discussion within the groups, to table this proposal for the consideration by Ministers at MC12 to be part of the food security package. Let me close by saying that at times of crisis, the invisible hand must appear. I repeat the invisible hand must appear and sincerely trust that the Director-General with all her leadership can give this Member-driven Organization a hand in this regard.

1.219. The representative of Cameroon delivered the following statement:

1.220. Cameroon would like to align itself with the statement delivered by Indonesia, on behalf of the co-sponsors, I also subscribe to elements of other delegations such as Egypt and also to the floor before him. The African Group has throughout our preparatory discussions for MC12 stressed the importance of reaching a permanent solution on public stockholding for food security. Our joint proposal with the ACP Group and the G33 is the result of extensive consultations and aims to provide a lasting solution to this issue that should now be decided. The proposal is notable for its particular ability and inclusiveness in giving Members the opportunity to ask Members about the operationality and programmes through consultation. In the face of the severe food security crisis that we are facing, and that Africa is particularly affected by, giving our countries adequate tools to provide sustainable and effective solution is paramount. Since no party questions the importance of PSH, it would be appropriate that words are translated into actions and that we adopt the proposals submitted by the African Group and the co-sponsors at the Twelfth Ministerial Conference. It should be said that the element of differentiation, if I may just add it, and calculation incorporated in another proposal tabled by Brazil are certainly respectable but make it more difficult to use. This option accentuates our divisions by multiplying the pitfalls at a time when we need practical measures. That is why, we have told our friends from Brazil to agree to work with the African Group and the co-sponsors to avoid polarizing the debate on PSH and to build the mutual trust that we so badly need at this time. In this regard, we must welcome the good will expressed by the proponents and many other delegations to work in these directions. The time for action has come. In the absence of an agreement on a consensual text, the African Group calls for the extension of the Bali Decision to Developing Countries that have not made use of PSH at these times. We always stand ready to work with all Members in a constructive manner in order to achieve a consensual package at the Ministerial Conference in the coming days.

1.221. The representative of China delivered the following statement:

1.222. As a member of G33, and a co-sponsor for the submission, China thanks Indonesia for presenting the proposal on behalf of the co-sponsors. PSH is a mandated issue and is overdue for a long time. The joint efforts of us to submit the combined PSH text further highlights the importance of PSH in maintaining food security and livelihood security of smallholder farmers as well as the urgency of arriving at a permanent PSH solution, especially facing the current challenges. As co-sponsor of the joint submission, China is ready to work with both the joint groups and the non-proponents constructively. We hope that Members will work on the text as a basis and be actively engaged to deliver on the Ministerial mandate to achieve a meaningful outcome on PSH as soon as possible.

1.223. The representative of the Kingdom of Saudi Arabia delivered the following statement:

1.224. I would like to welcome the MC12 Chair and would like to thank the proponents for their proposals, especially we would like to thank Egypt and other co-sponsors for their great efforts in introducing their timely and constructive paper about food insecurity for net food importing developing countries and LDCs. We support these efforts in this direction. Facing the unprecedented challenges, the multilateral trading system, with the WTO at its core, has a central role to play in addressing food insecurity, including enhancing availability and access to food and agricultural products through keeping markets open and avoiding unjustified export restrictions and improving the predictability and stability of global food markets for producers and consumers. We are all aware that this important issue of food insecurity is very crucial to most developing countries, especially for net food importing developing countries and LDCs, in facing the current global challenges.

1.225. The representative of South Africa delivered the following statement:

1.226. Let me start by associating ourselves with the statement that has been delivered by Indonesia, on behalf of the co-sponsors of JOB/AG/229, as well as the African Group and Jamaica, on behalf of the ACP Group. As we indicated in the previous interventions in the CoA SS, we do believe that one of the appropriate tools that we have in the WTO toolbox is PSH. We are therefore pleased that we have, as part of the African Group, been able to jointly table and present the proposal as put forward by Indonesia. A strong diverse system of domestic production remains an indispensable and integral part of how developing countries make their own agriculture resilient against crisis. This necessitates that we deal with the long-standing imbalances in the Agreement on Agriculture. It also requires reinforcing support to small-scale farmers who remain vulnerable to market volatility and global shock. South Africa therefore believes that an urgent outcome on PSH for food security is of fundamental importance if the WTO is to be relevant and be genuinely responsive to the food security challenges that are facing our country. We are of the view that the harmonized text by the three groups takes us forward and in that direction. The text conveys the co-sponsors' ambition in the context of the current crisis. It attempts to address the concerns that have been previously raised by Members, particularly with regards to safeguards and anti-circumvention provisions. The text also seeks to address the difficulties and the limitations that rendered the Bali peace clause inaccessible and ineffectual to all developing countries, including cumbersome eligibility criteria, among others. We therefore hope that by submitting this text, we will have constructive discussions among Members with a view to deliver on food security considerations that will have to become a cornerstone of the work in the WTO so that we are able to deal with real issues that face our countries. We therefore remain ready to engage with Members towards delivering on the long-standing mandate of a permanent solution.

1.227. The representative of Australia delivered the following statement:

1.228. As Jamaica has said, this is a very important time for food security, and I hesitated to intervene here today because we do risk repeating the last couple of years of debate on this issue that we had at the CoA SS. I do not think it is appropriate for us to do that. But it seems that we are here now doing the work that the agricultural negotiators have been doing and it does seem that some wish to have these issues proceed to the Ministerial Conference. So, it is important for us to be clear. We need to boost the role that trade plays in food security rather than undermining that role. One of the worst ways to boost food security is through those distorting subsidies to lead to a reduction in the diversity of supply. What we should be doing here is, first thing, food security through trade. I also want to make it very clear where this delegation stands on this issue. There are two types of public stockholding programmes. The non-distorting kind and the distorting kind. I want to make it very clear that the first kind of PSH, the non-distorting PSH is a type of support that this delegation is in favour of. It is a type of support on which we have had no limits. No cap whatsoever since 1995. It is instead the distorting type of domestic support for PSH with which many Members have concerns. It is this distorting domestic support programmes for PSH that have garnered the least convergence here. That type of support, the distorting type of domestic support for PSH impacts on food security, limits imports, restricts diversity, stability of supply and it is for that reason that we are concerned about the impact of these types of distorting domestic support programmes for global food security. Now, we are very conscious that there is strong interest here in this issue and we are nevertheless very open to engage in a discussion on this type of distorting domestic support for PSH. But it needs to be an integral part of the domestic support negotiations and we need to deal with this in conjunction with those other forms of domestic support and we need to implement and deliver at the same time as we make decisions on, and we deliver on those other forms of domestic support that distort global markets. Indonesia just made the point on the need for an update in the external reference price. This is an excellent point. Indonesia is spot on. This external reference price has been sitting there since 1996 to 1998, if I recall correctly. Hopelessly out of date. But let's be clear, it's an external reference price for distorting domestic support and it needs to therefore be dealt with not just for the distorting support for PSH but for the distorting support for all forms of such support. On the text before us, the draft text from the proponents does not respond to the concerns I have just raised. It would have without limit trade distorting support entitlements for distorting public stockholding programmes that could cover any commodity, any purpose and does not have any prohibition on exports. We made these points for three to four years in the agricultural negotiations. What we can't be doing here, what we ought not to be doing as a membership, is undermining this Organization's contribution to food security. We ought to be promoting food security through trade. We will engage and we are keen to engage but let's do it as part of the proper, domestic support negotiations in the agricultural field. In respect of

Brazil's proposal, wish to thank Brazil for its proposal, which I think Brazil underlined is intended for post-MC12 discussion, together with parallel negotiations on modalities for meaningful domestic support outcomes. It is an objective for those of us who care about improving food security through trade, and this is the view that this delegation and other CAIRNS group Members would like to progress, Brazil is a huge contributor in the area of domestic support reform, of course, and we look forward to working on and engaging on their proposal when work commences post-MC12. I think it is important to set our views before the Ministerial Conference. This is something that we have discussed for quite some time in the CoA SS.

1.229. The representative of India delivered the following statement:

1.230. Welcome MC12 Chair. On this file, I would again request Members to be sympathetic because this is what we are looking for food security because what we heard or read in the food security declaration there is nothing much in that to tell the world that we have delivered during a pandemic or during a food security crisis period. I thank Indonesia for their leadership, and I thank Jamaica and Cameroon for their leadership. This proposal is supported by 80 Members. We are engaged with other Members for co-sponsoring. Very soon we will cross 100, we will have more than 100 co-sponsors. This present set of co-sponsors represent two-thirds of the world population, and they are actually affected by the food crisis. So, let the people affected by the food crisis decide on the valid policy tools for them rather than someone suggesting that no, this tool is not good for you, but this tool is good for you. We never said that PSH is the panacea of food security, or we have never said that trade cannot solve the problem of food security. All these are complimentary in nature, so let us not get into an ideological debate. Let us try and resolve the present crisis. Our past experience of the past two years shows that how, because of public stockholding a big country like India was able to feed 800 million people for the last two years and we are continuing for the next 6 months, that grains were being delivered at the doorstep when people were under lockdown and people have lost their employment/jobs. I would still request that decision on this file will test the credibility of the Twelfth Ministerial Conference and not the three drafts which are being floated by either the negotiating Chair or by the Green Room process.

1.231. The Director-General delivered the following statement:

1.232. It is very good to see the proposals for PSH by both India and by the ACP Group, the African Group and the G33, presented by Indonesia. This is very welcome and so is the proposal by Brazil. I just want to say that nothing stops a group from proceeding with their recommendation or their proposal as they said but the other three proposals that have been looked at by the CoA SS and that have been commented by other Members are equally valid and should not be downgraded. They are not competing with each other. So, I would like the membership to look at the packages.

1.233. The Chair noted that this was an issue that required further work and further discussion among Members.

1.234. The General Council took note of the statements made.

1.235. The Chair then invited Brazil to introduce their submission in WT/MIN(22)/W/5 on the same subject.

1.236. The representative of Brazil delivered the following statement:

1.237. Let me begin by agreeing and thanking the Director-General for her comment. We bring this proposal to the table, not imagined that it is stand-alone but that it is part of a package, and within the effort that it took to develop the three texts that should be submitted to all of us very soon is very valid and is part of the things that we are going to be considering during the Ministerial Conference. Let me read my notes and then I will make a couple of comments. I am not going to repeat everything I said in the CoA SS, but it would not be polite to colleagues not to say anything about what they commented. So, Brazil would like to present our proposal for a permanent solution on public stockholding for food security issues, circulated as document WT/MIN(22)/W/5, WT/GC/W/851, for the consideration of Ministers at the MC12, expecting it can be the basis for future work on this subject.

1.238. Brazil understands that there is no longer consensus at the WTO on the Bali mandate for a permanent solution on public stockholding, therefore we understand it is important to work within the system to elaborate a proposal aiming at providing a solution for those most in need: Least-Developed Countries, Net Food-Importing Developing Countries and Countries Requiring External Assistance for Food according to FAO criteria. Just to give you a number, our proposal encompasses and would help, would be useful for no less than 60 Members of this Organization. Our proposal provides adequate levels of rights and obligations, with particular attention to the constraints of LDC countries, and once in force, it would replace the interim solution adopted in Bali. The document addresses aspects that have been raised by non-demandeurs during our negotiating process, including adequate transparency and safeguards clauses and legal certainty, in order to ensure that PSH programmes are as least distortive as possible in terms of trade and third countries' food security. It seeks to preserve the WTO at the core of the multilateral trading system and provide a concrete and realistic basis for engagement between demandeurs and non-demandeurs. This proposal is being presented for discussions now and adoption at MC13, in tandem with modalities for reducing trade and production-distorting domestic support. Brazil will continue to work at MC12 and beyond to pursue reforms in agricultural trade rules at the WTO and to strengthen the role both agriculture and trade policies play in addressing the multifaceted issue of food security, with the same spirit of solidarity that has always motivated us in this Organization.

1.239. Having read my notes, let me reply to the floor, and begin by thanking my friend from Cameroon. His diplomatic skills, I am convinced, will have sufficed long ago for us to bridge the gaps of the PSH discussion. I think he should have a very prominent role doing that. And let me reciprocate your request for co-sponsorship, inviting you and the African Group to co-sponsor Brazil's proposal. Africa is well taken care of in Brazil's proposal. The provisions we have against exports of grains that were accumulated protects Africa and does not harm the continent. So, I hope we can talk more about that. It would be a privilege to engage with you in this debate. A second note, let us look at the origin of this kind of mechanism of PSH. The old-timers know. We all know. This was an instrument widely used by the European Union, as one part of their common agricultural policy. What they would do, they would accumulate stocks and they would sell stocks more often than not at subsidized prices which in another term is dumping, and that made the lives of producers very difficult. I do not think we should replicate this, and I say this with all due respect because the European Union has evolved from this position, and this does not exist anymore. Let me make yet another comment. There is a crucial distinction here to be made between distorting and non-distorting. No one is against food security. It would be absurd to imagine that a position can be against food security. What makes us so passionately attached to this is that we are convinced that food security is better protected and preserved through this proposal. We have no doubt about that. Let me give you a simple number. The main subsidizers who benefit from this permanent non-solution would be able to subsidize no less than USD 1 trillion in the next ten years, USD 1 trillion, which of us can compete with that? Does anyone think that small producers in our countries will be able to fight this? I do not think so. So, when we are talking about solidarity. Solidarity is there also. Let me just read, and then I promise, I will conclude with that, a very interesting report from the Deputy Director-General and Regional Representative for Africa for the UN Food and Agriculture Organization, it is one or two paragraphs: "Enabling a strong private sector is an important early step, as small to medium enterprises are critical to the structural reform of agricultural and food systems in Africa. Governments need to design systems for buyers and suppliers, connecting small and medium producers, including smallholder farmers, to national and regional buyers. Women and youth deserve to be included in those efforts. The transition from food security systems to improved, integrated, flexible and sustainable commercial systems needs to be improved in field-level production, inputs, machinery use and post-harvest management led by investment, technology, innovation and knowledge text. It is estimated that freeing tariffs could bring prosperity benefits of up to USD 16 billion, and trade growth among African nations by 33 per cent. Looking ahead, one African market can create a more competitive commercial environment for agriculture, encourage more investment in a modern, dynamic, productive, inclusive, sustainable and sustainable agricultural sector that can lift millions of Africans out of poverty". We want to be partners of this. We want to be partners of a new development in Africa, and we are going to achieve this to a well-built proposal on PSH.

1.240. The representative of Uruguay delivered the following statement:

1.241. I would like to address the two proposals for Ministerial decision on PSH, which were submitted today. A joint proposal presented by various delegations and another proposal, which has just been presented by the delegation of Brazil. Brazil's proposal establishes a contribution for the

negotiations post-MC12, and as such, is welcomed by Uruguay. Unfortunately, this does not seem to be the case for the joint proposal, as presented by other delegations. Apparently, they are looking for Ministers' consideration at the upcoming Ministerial Conference. In this regard, I cannot but express my delegation's concern with regard to this proposal, which could force the next Ministerial Conference to consider a proposal which has hardly been discussed at the technical level in last week's CoA SS, and the lack of consensus was very clear, given the concerns both on substance and form. These concerns were put forward by no fewer than 15 delegations, which represented over 40 Members of this Organization. Uruguay shares these concerns. Uruguay does not consider it constructive to submit proposals containing extreme positions, disconnected from the reality of the negotiations, which have not been adequately explained or discussed at the technical level, and which have not addressed the concerns expressed by several delegations, given that the next Ministerial Conference is approaching. In this regard, we would like to appeal to the proponents to approach the upcoming Ministerial Conference in a responsible manner and to avoid taking actions that would result in, or lead most probably to, a blockage in the negotiations and to a new delay of dealing with agricultural issues and perhaps other issues too. This would especially harm developing and LDCs Members. As has been said, it would seem to be within the WTO' responsibility to contribute to food security through trade. We should not forget that it is precisely through trade that a large number of Members of this Organization actually provide food for the world. Many of us here feed the world - today, in the past, and we hope in the future too. Protected by the certainties and guarantees provided by the Agreement on Agriculture - which for the first time subjected the agricultural sector to the rule of law, and not simply to the free will of those who have greater opportunity to provide subsidies thanks to their large budget. To conclude, I would like to invite us all to think carefully about the USD 1.3 trillion in subsidies, which have just been mentioned by my friend and colleague from Brazil.

1.242. The representative of the United States delivered the following statement:

1.243. We would like to thank Brazil for presenting its proposal today and, in particular, for presenting a proposal that appears to attempt to narrow the divergencies in Members' positions and which, as noted, is for future consideration. We do think Brazil has taken a creative approach to addressing some of the key concerns of Members on both sides of this issue and, in particular, we appreciate efforts to find ways to minimize the negative effects of public stockholding policies on other Members. The negative effects of such policies on global agricultural markets and the food security of other Members are a major concern of the United States. We look forward to discussing this with Brazil in order to better understand what they have shared with us today.

1.244. The representative Mexico delivered the following statement:

1.245. We agree with Members that have said that food security has many facets and requires different tools and actions. We recognize that for some Members, PSH is an important tool and so we need to give the attention it deserves and find a solution that would address the needs and concerns of Members. However, we need to be realistic and take onboard the consequences of what we have done or not over the last few months. We think the best option we have is to have a work programme on this topic for negotiations. These two proposals on PSH are worthy of detailed review post-MC12. The changes that the proposals seek are not small, we need to have clarity on what is required and what the effects would be on agriculture reform. With five days until the start to MC12, this submission may be counterproductive in terms of moving forward in the agricultural negotiations. The proposals do not have the required maturity to be submitted for decision by Ministers. So, we need to be realistic.

1.246. The representative of Paraguay delivered the following statement:

1.247. My delegation is very concerned with the introduction of the document presented by the African Group, the ACP Group and the G-33 on today's agenda. The possible repercussion this may have for Ministers and for the possible success of MC12. We think that Brazil's proposal seeks to bring together positions for the next Ministerial Conference. As has been shown over agricultural negotiations, although this proposal has broad support from various delegations that are interested in a permanent solution for PSH, it is quite radical and unbalanced and would not lead to consensus. We recall that agriculture is absolutely fundamental for our economies, especially for Paraguay, a small developing economy that exports food. Trade is a driver of the economy, and it ensures that we can sustain small farmers that do not receive high levels of subsidies because of a lack of budget. We have always worked constructively and in good faith and we have submitted concrete questions

to the proponents on what was discussed last year but we have never received a response. We will continue to enquire about how Members intend to use them, given that only 20 have notified over the last few years and, among these, only one Member has gone beyond the authorized subsidy limit. We do not deny that the information may be incorrect, but it is the available information, according to Members' notifications. If this scenario does not represent the reality, we would like to know what the reality is, to know which Members need assistance, so that we understand the scope of the problem and how to solve it. The proponents until now have not provided this information. Despite the limited time we have, we have nevertheless demonstrated readiness to negotiate and have reiterated our questions to the proponents. We have requested that they convene a meeting so that we can discuss our concerns and reservations. The proponents took almost five days to respond and when we finally met, we found that the draft on the basis of which we would negotiate had become a Ministerial document. In this context, my delegation is not able to support the submission of this proposal to Ministers. We do not think that its submission to Ministers would contribute to achieving a consensus-based outcome. The proponents should accept to sit down to negotiate instead of trying to impose proposals. With regard to the NFIDCs and LDC proposal, although we have deep sympathy with the difficulties encountered by many countries in the current context, we consider that many of the ideas presented are outside the remit of the WTO, such as for example, the creation of a financing mechanism. Also, we think that it is necessary to extensively revise the category of Members which make up the NFIDCs before granting new flexibilities. There are many Members that belong to this category currently which are competitive exporters of certain specific products such as wheat, rice, cheese, fruit and vegetables, among others. And so, without a review mechanism that takes into account that granularity we may find ourselves creating harmful competitive conditions for other developing countries that depend on agriculture to sustain their small and vulnerable producers, which is the case of Paraguay. Finally, I would also refer to the proposal introduced by Sri Lanka and our concern with the intention to permit eventual violations of the export competitiveness rules with direct sales at concessionary prices among other things.

1.248. The representative of the delegation of the United Kingdom delivered the following statement:

1.249. We thank the negotiating Chairs, yourself and the Director-General for all of the updates. We also wanted to welcome the MC12 Chair. We want to echo the remarks by Australia. We fully agree with them. The G-33, ACP Group and African Group joint proposal, like the Brazilian proposal, can be the basis for immediate engagement and work, as a positive step forward. But it is a permanent legal decision, which still has complex technical issues that are unresolved in it and therefore, it is unsuitable to present to Ministers at MC12. As the Brazilian proposal sets out, this has to be a post-MC12 discussion, which is part of the wider conversation on agriculture. We are ready to start that work immediately in June/July of this year, and we recognize its priority status. But let's be clear, it took the proponents of this proposal four months to get to this point, we cannot expect that those with legitimate concerns to negotiate it in four days.

1.250. The representative of the delegation of Argentina delivered the following statement:

1.251. We thank the delegation of Brazil for presenting their proposal, referring to a permanent solution for PSH to be analysed following the MC12. We understand that the concepts included in this document are a step in the right direction. We reiterate that we do not find ourselves in a position to negotiate this document in the week ahead of the Ministerial Conference. But we would like to mention some elements that we think are worthwhile, which we think should appear in any definitive solution for PSH. The clear definition of the products which can come under these programmes, the clear definition of the countries which can implement these programmes, and the limitation that these programmes are exclusively to respond to the challenges of food security and not undercover subsidies in order to export these products, and which enjoy legal coverage. As we have always said, we reassure that Argentina is ready to find a permanent solution for PSH, as long as progress is made in parallel on the pillars that enjoy a historic mandate of reform in the Agreement on Agriculture, especially on domestic support and market access. After MC12, we need to resume negotiations to make progress on the delayed agricultural trade reform, in terms of domestic support, market access and a permanent solution to PSH. With regard to document WT/GC/W/850 on the draft decision on PSH, which was presented today, we would align ourselves with what has been said by Brazil, Uruguay, Australia and Paraguay.

1.252. The Chair noted that that work still needed to be done to achieve convergence on this very important issue and that the discussion would continue.

1.253. The General Council took note of statements.

1.254. The Chair then moved to another proposal put forward by Sri Lanka regarding a Ministerial Declaration on the WTO Response to the Food Security Crisis.

1.255. The representative of Sri Lanka introduced its proposal in WT/GC/W/848:

1.256. As Members are fully aware, the relevant decision concerning the NFIDCs and LDCs mandates Members to address the effects of reform stemming from the Agreement on Agriculture and is not mandated to address the impacts of crisis such as what we are witnessing in the present context. So, the proposals contained in document WT/GC/W/848 of 3 June 2022 are to take into account those current challenges and to address some of the most critical challenges being faced by the Net Food Importing Developing Countries and LDCs by agreeing to certain immediate measures at MC12. It is our view that the WTO must contribute within its mandate to address the structural causes of food insecurity and poverty with a view to enhance livelihoods of vulnerable farmers and food production, especially in NFIDCs and LDCs. The devastating impact of the COVID-19 pandemic and the current ongoing global challenges which have pushed the world food prices and the agricultural inputs to unprecedented high prices have put Sri Lanka on a back seat and is now experiencing an acute food shortage as a result of these multiple aspects. This has even prompted the United Nations to come forward and call for food aid to be provided to Sri Lanka. As stated by many delegations today, in particular the Ambassador of Egypt, there is an imperative need to agree on a composite food security package at MC12. As a positive contribution, Sri Lanka's proposal aims to bring most pertinent issues to the table for complementing the proposals that are already on the table. To flag those very specific aspects in our proposal, I draw your attention to paragraph 5 where we are seeking to include this matter as a standing agenda item in the Committee on Agriculture specifically to consider the effects of export restrictions on food security for Members to raise these concerns regarding exports restrictions on their food security in particular the impact on NFIDCs and LDCs with a view to resolving these concerns. Also, we have seen over and over again some of these export restrictions on food stocks during the food security crisis. There are severe impacts on Net Food Importing Developing Countries and LDCs so we would wish Members who intend to impose these restrictions to prioritize the exports to Net Food Importing Developing Countries and LDCs. Again, on paragraph 8 of our proposal, it flags the importance of our food security concerns, particularly the programmes such as PSH that other Members may on a priority basis be allowed to export some of these stocks that are emanating from the public food security programmes targeting the NFIDCs and LDCs. We look at their unique nature because they are also experiencing balance of payment situations and then inability to accommodate certain payments systems and consignment basis payment terms due to this very difficult payment systems and of course they are not able to implement this payment system due to lack of foreign exchange, so these food stocks are released either in fully ground form or in appropriate concessional terms in accordance with the Article V of the Food Assistance Convention of 2012. Similarly, we see the Marrakesh Agreement itself has a mechanism because trade itself cannot resolve the problems of NFIDCs and LDCs in times of food crisis because there are scarcities of food supplies around the world. So they also have to build up their productive capacity in their national context. The Marrakesh Decision has called on the donors, developed Members who have the capacity to do so to provide such assistance particularly the provision of technical and financial assistance to developing and LDC Members to help them build up their productive capacities. So, we see this particular avenue needs lots of strengthening and it is the right time to expedite this and look for ways on how such technical and financial assistance could be delivered to the Members facing this serious food crisis. We know that the World Bank and other financial institutions are having their normal channels to assist them, but this is the time that these institutions to have an expeditious mechanism to deliver such technical and financial assistance to NFIDCs and LDCs to build up their productive capacities during food crises. We would like to see that some of these elements in our proposal are reflected in any final outcome that the Ministers are going to deliver at MC12.

1.257. The representative of Pakistan delivered the following statement:

1.258. We thank Indonesia for presenting their proposal earlier today on behalf of the G-33 and other co-sponsors on PSH. We wish to highlight that food security is probably the most critical issue confronting us right now, especially in countries like ours that have been hit by severe financial crisis and are facing supply shocks and a looming food crisis that may have serious repercussions for lives and livelihoods in our countries. We therefore welcome the submission by Sri Lanka in this regard, we also welcome other submissions such as those made by Egypt. We recognize elements that help

developing countries to enhance production and productivity and address the utility of policy tools to deal with food crisis are always welcome. We hope to continue our engagement on this issue with interested delegations and to find a solution that addresses this issue in a meaningful way.

1.259. The representative of India delivered the following statement:

1.260. We also welcome the proposals from Egypt and Sri Lanka, which are in the direction of ensuring food security through enhanced production. I would like to request the membership to sympathetically consider these proposals for consideration during Ministerial Conference.

1.261. The General Council took note of the statements made.

1.262. The Chair noted that he had received a request from Switzerland that would like to make a statement on e-commerce.

1.263. The representative of Switzerland delivered the following statement:

1.264. Regarding the e-commerce Work Programme and Moratorium, we would like to draw the attention of the Members on the recent revisions of WT/GC/W/831 that enjoys the support of a broad and diverse range of WTO Members. In the exchanges that we have had with some Members and group of Members, the importance for these Members to reinvigorate the work under the WP has been stressed. Intensification of that work should take place on the basis of submissions by Members, and the importance to address development-related issues was also underlined. The co-sponsors of WT/GC/W/831 have therefore integrated these elements in the 6th revision of the draft decision extending both the WP and the moratorium until MC13. Support to this approach in the form of additional co-sponsorship is reflected in the 6th and 7th revision, with 71 WTO Members now expressly supporting it.

1.265. At the risk of repeating what has already been shared at multiple occasion, let me underline that Switzerland views the moratorium on e-commerce as one of the framework conditions that allowed e-commerce to flourish. This framework condition has the characteristic to be anchored here at the WTO. To provide even greater predictability, Switzerland is of the view that it should be made permanent.

1.266. Of course, every Member should pay close attention to nurture an environment that is conducive to the development of its digital economy. This is fully recognized by our government as a priority and is one of the goals of our cooperation policy with developing partner countries, and within the UNCTAD where Switzerland is a core contributor of the E-commerce and Digital Economy Programme.

1.267. We remain however not convinced that applying trade policy instruments such as customs duties, designed for trade in goods, can have any positive impact on the digital economy environment. On the contrary, lifting the only multilateral rule on e-commerce opens the door to the application of such duties by any Member, thereby degrading the international trade environment.

1.268. On the hopes to collect additional customs revenue, we would draw the attention of the Members to the three following studies:

1. "Electronic Transmissions and International Trade – Shedding new light on the moratorium debate", a study produced by the OECD, in November 2019. This study takes a broader look at the debate surrounding the moratorium, and indicates that the increase in consumers welfare brought by digitization of products outweighs by over 10-fold the cost associated with revenue loss.

2. Study is named "Is the WTO Moratorium on customs duties on e-commerce depriving developing countries of much needed revenue?", and was led by Prof Simon Evenett and the University of St Gallen in November 2021. This study shows that potential revenue loss represents small if not negligible shares of tax revenues from sources other than customs duties.

3. A study from the OECD named: "3D Printing and International Trade: What is the evidence to date?" issued in November 2021. This study presents new evidence that adoption of 3D printing appears to be complementary to traditional goods trade.

1.269. While Switzerland continues to stand ready to engage in this debate, we invite the membership to extend both the Work Programme and the Moratorium until MC13.

1.270. The representative of India delivered the following statement:

1.271. I just want to be sure that our proposal is also in consideration on this topic because you referred to it in the morning report that both proposals are there.

1.272. The Chair noted that the delegation of India was right in its assumption and that the Chair was suggesting sending both drafts to the Ministerial Conference.

1.273. The representative of the European Union delivered the following statement:

1.274. The European Union fully supports Switzerland and the proposal for a draft ministerial decision extending the moratorium and the work programme. Industry from all corners of the world is calling for the extension of the e-commerce moratorium, including in developing countries. There are numerous studies on the impact of discontinuing the moratorium and raising the customs duties on electronic transmissions. I hope we will continue with the practice of extending the moratorium until MC13 and that this Ministerial Conference will not convey the negative signal of stopping the moratorium, the only tool we have on digital trade in this organisation.

1.275. The representative of the Kingdom of Saudi Arabia delivered the following statement:

1.276. Since 1998, Members have agreed not to impose customs duties on electronic transmissions and to extend the moratorium at the biennial WTO Ministerial Conference. Having said that, and consistent with paragraph 3 of the WTO Ministerial Decision of 13 December 2017, the Kingdom of Saudi Arabia is always keen to extend the current practice of not imposing customs duties on electronic transmission until the next Ministerial Conference. The Kingdom of Saudi Arabia is happy to announce that we are co-sponsoring the proposal on the Ministerial Decision to extend the moratorium.

1.277. The representative of the United Kingdom delivered the following statement:

1.278. The UK strongly supports the customs duties moratorium being extended. I just wanted to flag that we have been hearing from businesses around the world, not just the UK businesses, but businesses globally about the negative impact the lapse of the moratorium would have on the global economy. We really want to stress the importance they are placing on rolling over the moratorium at such critical time for the global economy.

1.279. The representative of South Africa delivered the following statement:

1.280. On this issue, I would like to echo what India has said with regard to the Ministerial Statement on the work programme and on the moratorium. The main issue for us is the impact on digital industrialization as well as revenue, which disproportionately affects developing countries. What is important to informed decision-making is to understand the scope and definition of the moratorium which is critical to decision-making.

1.281. The representative of Barbados, on behalf of CARICOM, delivered the following statement:

1.282. The CARICOM Group has been working with you and other Members to bridge the gap in the discussions on the electronic commerce work programme and the moratorium on imposing customs duties on electronic transmissions. We remain hopeful that Members would view our bridging elements in a positive way and could ensure that we secure an outcome in an area which remains critical to many Members. We have taken note of your report under agenda item 1 of this meeting, and we will over the next few days reflect on our next steps in the process on this file. We remain open, willing and ready to work with any and all Members on this and all other areas of our work.

1.283. The Chair recalled that as he had already said before, it was his intention to send two proposals to Ministers. He encouraged Members to speak to each other with a view to trying to bridge differences. He noted that if there were any developments, delegations should not hesitate to contact me.

1.284. The General Council took note of the statements.

1.285. The representative of Brazil delivered the following statement:

1.286. I felt that the debate on Sri Lanka's proposal was shorter than I expected, and I do not know what the conclusion was. I just ask for your guidance on this. Is it going to be submitted for debate to Ministers? What happened? I guess I missed it. I am sorry about that.

1.287. The Chair invited Sri Lanka to indicate its intentions regarding its proposal.

1.288. The representative of Sri Lanka delivered the following statement:

1.289. Thank you to Brazil for having shown an interest in our proposal. Our proposal, as I stated in my intervention, is a supplementary set of proposals, which we would like to be reflected and to be considered along with the two proposals that are on the table. That our set of proposals are to be considered as supplementary proposals along with those two proposals that are contained in the document that our CoA SS Chair has released, as well as the proposal of Egypt. Our main intention is to focus on the issues of net food importing developing countries and LDCs as they are actually facing severe food shortages and severe constraints in acquisition of the food to meet their needs. Our expectation is that these elements are given due consideration and are reflected in any of the Ministerial outcomes that Members would be agreeing to be released at MC12.

1.290. The representative of Uruguay delivered the following statement:

1.291. I do have some difficulty with the very notion of good faith in this house, I am afraid. Here we are, 7 June 2022, and we have before us a proposal dated 3 June. Why was it not circulated earlier? That is one problem. Secondly, I do not really see how we can move forward with a proposal that has not been discussed, which we only learned about today. We have not had the opportunity to really consider what it is about. It would seem to me at a glance there are technical issues here that seem to undermine the working principles of this Organization. This all would warrant further technical discussions. I really do not think that this is a constructive way of going forward with the view to a Ministerial Conference that is to be launched in three days. As I understand the proposal is dated 3 June 2022 and has been circulated on that day, i.e., 3 June 2022.

1.292. The representative of Sri Lanka delivered the following statement:

1.293. I do not want to open Pandora's box here. Sri Lanka was never a part of the Green Room process where the food security proposals were discussed. We also had the benefit of seeing Egypt's proposal. Sri Lanka's contribution was to flag its concern and its proposal because we were never invited to the Green Room process in order to present Sri Lanka's concern. We waited until an opportunity is given to us by the Members and also by the Secretariat, but we never got an opportunity. So, that is the delay. It is not there to derail any process and that's what I emphasize, these proposals are presented with the intention of being complementary, not to oppose anyone. I think I was very clear with my country's intentions. We request Members to take into account these proposals as complementary proposals. If you wish to have a discussion, we are ready to answer these aspects. Today I had to cut short my lengthy statement. If delegations are interested in the technical explanations on our proposal, we are ready to provide them.

1.294. The Director-General delivered the following statement:

1.295. I just wanted to ask the Chair of the CoA SS, Ambassador Peralta, to let us know whether she had any transparency sessions in CoA SS regarding any of the three statements that are going forward, and how many times those have been brought to the attention of everyone. I am asking for this because of the reference to the Green Room. I do not think anyone has been kept out of any of the discussions or statements that are going to be sent forward. There have been repeated attempts and she had just mentioned, if I heard correctly, she is going to have another CoA SS.

1.296. The Chair of the CoA SS delivered the following statement:

1.297. It is indeed the case that we have had a number of CoA SS meetings where there has been a very transparent account of what has happened in the course of the consultations of various configurations that have taken place. There have been opportunities in the course of the CoA SS meetings on 1, 2 and 4 June 2022 for proposals and presentations before the CoA SS plenary. Furthermore, there was information given at that meeting what stage we have reached in the negotiations. Once we finish reviewing all elements that have been put before us for consideration, we will be convening another CoA SS meeting in the coming days.

1.298. The representative of the Dominican Republic provided the following statement:

1.299. The World Trade Organization (WTO), and its predecessor the General Agreement on Tariffs and Trade (GATT), contributed to economic prosperity during the last 75 years. The organization facilitated the progressive dismantling of trade barriers. And that process resulted in better living standards worldwide. But growing international trade and economic prosperity generate fundamental changes -including in the distribution of the gains from trade. Analytical models, like the Stolper-Samuelson theorem, aid in thinking about the process. The balance of winners and losers resulting from international trade can trigger social tensions affecting the sympathy for decision-making at multilateral organizations like the WTO. In that context: Is the WTO still relevant? Robert W. Staiger, professor of economics at Dartmouth College in the United States, addresses the question in A World Trading System for the Twenty-First Century, to be published by MIT Press at the end of 2022. Professor Staiger revisits the WTO's essential role; that is, solving a terms-of-trade externality. Staiger contends that the WTO continues being relevant. But acknowledges the potential drawbacks lying ahead. Future progress will mainly involve 'deep integration' versus the 'shallow integration' historically promoted by the WTO. We ought to safeguard the WTO's prominent role in the global economy. Particularly, more can be done to help developing countries in deriving gains from international trade that improve their people's livelihoods. The WTO's 12th Ministerial Conference in Geneva provides an opportunity to agree on what is needed going forward

1.300. The General Council took note of the statements.

1.301. Thereafter, the Chair said that unless there was a delegation that wished to take the floor, he would bring the meeting to a close and to continue work in the respective work streams. He further noted that in line with past practice, he would report on Sunday, 12 June 2022, to Ministers in his statement at the Opening Session of the Ministerial Conference – and would formally transmit, at that point, the results of the work that had taken place in this intense preparatory period for Ministerial consideration. In this regard, he echoed the calls made by the Director-General and all Chairs and the Facilitator – to narrow gaps and clean texts as much as they could. This would ensure a manageable agenda and productive engagement for Ministers. This would hopefully help Members arrive at the shared objective of a meaningful MC12. He called on Members to do what it takes, as they had no time to lose. He noted that Members' engagement in the next few hours would be crucial.

1.302. The Chair also made announcements on some logistics and administrative matters. It had been brought to his attention that many participants accredited to MC12 had not yet created a WTO online account. This was essential to participate in the Conference. He referred delegations to the Information Note, in WT/MIN(22)/INF/2, and the relevant communications forwarded to their Delegation Coordinators. On a different matter, he also recalled that the General Council had confirmed the appointments of the Trade Ministers of Barbados, Uganda, and Australia as Vice Chairs for the 12th Ministerial Conference. In this connection, he drew Members' attention that as a result of the recent change in Government, former Australian Minister of Trade, The Honourable Dan Tehan, had been succeeded by The Honourable Don Farrell, who would now serve as Vice Chair along with The Honourable Jerome Xavier Walcott, Minister of Foreign Affairs and Foreign Trade of Barbados; and The Honourable Harriet Ntabazi, Minister of State for Trade of Uganda. Those three Ministers would be serving as Vice Chairs for MC12, and looked forward to working with them. In closing, the Chair thanked the Ministerial Conference Chair, the Director-General, the respective Chairs and the Facilitator on the WTO's pandemic response, and all Members for their participation.

ANNEX

**STATEMENT BY H.E. MR. TIMUR SULEIMENOV OF KAZAKHSTAN, THE CHAIR
OF THE TWELFTH SESSION OF THE MINISTERIAL CONFERENCE**

I arrived a little early to participate in this General Council meeting to keep up with the developments here in Geneva and to find out the current state of play in the run-up to the Conference itself.

In the course of this week, I plan to meet with the General Council Chair, Ambassador Didier Chambovey and the Chairs of various negotiating groups on the issues to be discussed at the Ministerial Conference.

I will be also working closely with the Director-General Dr. Ngozi and her dedicated team.

Taking this opportunity, let me thank the Director-General, General Council Chair, and the Chairs and Facilitators of various negotiating sessions for their tireless efforts in advancing the discussions in all areas. I extend my gratitude to all delegations for their active and constructive engagement as well as for their commitment to the multilateral trading system.

I hope that we can build convergence and collectively deliver meaningful results at MC12. I know that there are still outstanding issues that need to be resolved including WTO's Response to the Pandemic, Food Security and Agriculture, WTO reform, Fisheries Subsidies and the TRIPS waiver. Addressing these issues is vital for ensuring the multilateral outcome at MC12. I hope that in the coming days we will be able to overcome the differences, demonstrate flexibility and agree on meaningful results on all of these issues.

My doors are open for any bilateral consultations as well as meetings with the regional groups. You can count on my support and assistance.

I thank you and good luck to all of us.
