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General Council

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**PROCEDURAL GUIDELINES FOR WTO COUNCILS AND COMMITTEES
ADDRESSING TRADE CONCERNS**

DRAFT GENERAL COUNCIL DECISION

Communication from Albania; Australia; Canada; China; European Union; Hong Kong, China; Iceland; Republic of Korea; Republic of Moldova; New Zealand; North Macedonia; Norway; Panama; Qatar; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Turkey; and Ukraine

Revision

The following communication, dated 14 July 2021, is being circulated at the request of the delegations of Albania; Australia; Canada; China; European Union; Hong Kong, China; Iceland; Republic of Korea; Republic of Moldova; New Zealand; North Macedonia; Norway; Panama; Qatar; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; Turkey and Ukraine.

The General Council,

Having regard to Article IV:2 of the Agreement Establishing the World Trade Organization ("the Agreement");

Recognizing that the role of regular WTO councils and committees is to oversee the functioning of their respective agreements, and that their meetings offer Members a forum to discuss concerns regarding trade-related measures of other Members (hereafter referred to as "trade concerns");

Desiring to strengthen the ability of regular WTO councils and committees to facilitate the effective consideration of such trade concerns by equipping them with horizontal procedural guidelines, which should complement specific rules, procedures and existing practices of individual councils and committees, as well as streamlined meeting arrangements;

Seeking to encourage the effective resolution of trade concerns among Members through dialogue;

Decides as follows:

Meeting arrangements

1. All documents to be considered at a formal meeting of a WTO body, including convening notices which shall indicate the items proposed for the agenda, shall be made available to Members at least 15 calendar days before the meeting. This shall not apply to annotated agendas, which may be circulated closer to the meeting, and room documents, which may be circulated at any time. The Secretariat shall remind Members of the closing dates for proposing items to be included on the agendas.

2. Convening notices indicating the items proposed for the agenda of a WTO body shall indicate which trade concerns are raised for the first time in that body and which have been previously raised as well as how many times. Convening notices shall be unrestricted¹ and made publicly available on the WTO website.
3. The minutes of a meeting of a WTO body shall normally be circulated within three weeks after the meeting and not later than 30 calendar days before the next regularly scheduled meeting of that body. This paragraph shall replace the first sentence of footnote 3 of the Procedures for the Circulation and Derestriction of WTO Documents of 14 May 2002.
4. At the end of the calendar year, the Secretariat shall circulate an indicative schedule of meetings for the coming year for each WTO body that is consistent with the Guidelines on the Arrangements for Scheduling of Meetings of WTO Bodies.²
5. To the extent that the meeting arrangements set out in paragraphs 1 to 4 are in contradiction with rules set by individual councils and committees, the present decision shall prevail. This includes where councils and committees apply mutatis mutandis the Rules of Procedure for Meetings of the General Council.³

Consideration of trade concerns in WTO bodies

6. A Member requesting the inclusion of a trade concern in the agenda of a formal WTO meeting for the first time should inform the respondent Member concerned and the Secretariat at least 20 calendar days prior to the meeting. The Member requesting the agenda item should provide the respondent Member with a description of the concern so as to enable the latter to prepare a substantive reply for the meeting. If the respondent Member needs clarification of the agenda item or the measure underlying it, that Member should contact the Member raising the trade concern prior to the formal WTO meeting. The respondent Member shall endeavour to address the substance of the concerns raised from the first meeting where the concern is included on the agenda.
7. A Member raising a trade concern in a formal meeting is encouraged to submit to the Secretariat, for circulation to Members, written questions to the respondent Member, as a tool to facilitate engagement. If a Member receives written questions on a trade concern, that Member should normally respond in writing within 60 calendar days of circulation of the written questions. If submitting such written responses is not feasible within that timeline, the respondent Member should explain why at the next formal meeting of the WTO body concerned. Written questions and written replies on trade concerns shall be unrestricted, unless the Member raising or responding to the trade concern requests otherwise.
8. In consultation with Members, the Secretariat will establish and manage a database on trade concerns for Members' use in which all WTO documents pertaining to trade concerns are recorded, including written questions and replies, relevant minutes of meetings and relevant notifications. The database will contain a search facility to make all documents related to a particular trade concern easily accessible, including when a trade concern is raised in multiple WTO bodies over time. The database shall not affect the restriction level of individual documents.
9. If trade concerns over the same measure are raised in different WTO bodies, the Chairperson, assisted by the Secretariat, shall, when the agenda item is taken up in a meeting, indicate which bodies have addressed trade concerns over the same measure and how often.
10. The Members raising and responding to a trade concern are encouraged to consult with each other between formal meetings, as appropriate. Members are encouraged to involve capital-based experts in their consultations as necessary and may request the Secretariat to facilitate their participation, including by means such as videoconferencing. The Members

¹ Convening notices shall be deemed to be official WTO documents which are unrestricted pursuant to paragraph 2(b) of the Procedures for the Circulation and Derestriction of WTO Documents of 14 May 2002, as contained in WT/L/452.

² WT/L/106.

³ WT/L/161.

raising and responding to a trade concern may also agree to request the Secretariat or technical experts from organizations that have observer status in the body concerned to participate in the consultations. Their participation shall be limited to providing factual or technical input. As far as practicable and appropriate, the Members may give a brief oral report about the outcome of their consultations at the next formal meeting if the trade concern is maintained on the agenda.

11. When a trade concern is repeatedly raised at a WTO body, Members taking the floor under the agenda item are encouraged, in order to make the best use of time and to the extent possible, to focus on new developments on the matter since the last time the trade concern was discussed in that body.

Assistance and review

12. Developing country Members, in particular Least Developed Countries, encountering difficulties to respond to a trade concern or to implement these Procedural Guidelines are encouraged to request technical assistance from the WTO Secretariat.
13. In the light of the experience gained from the operation of the Procedural Guidelines, the General Council will, at an appropriate time, review and if necessary modify them.

Scope and entry into force

14. The Procedural Guidelines shall apply to the bodies set up pursuant to, and referred to by, Article IV of the Agreement, with the exception of the Ministerial Conference and the General Council, including when the latter convenes and acts as the Dispute Settlement Body and the Trade Policy Review Body. They shall also apply to the Committee of Participants on the Expansion of Trade in Information Technology Products, which was established pursuant to the provisions of the Ministerial Declaration on Trade in Information Technology Products⁴ and the Implementation of the Ministerial Declaration on Trade in Information Technology Products.⁵
15. The present decision shall enter into force three months after the date of its adoption.

⁴ WT/MIN(96)/16.

⁵ G/L/160.