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General Council

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**IMPORTANCE OF MARKET-ORIENTED CONDITIONS  
TO THE WORLD TRADING SYSTEM**

STATEMENT FROM BRAZIL, JAPAN, AND THE UNITED STATES

*Revision\**

The following statement, dated 29 September 2020, is being circulated at the request of the delegations of Brazil, Japan, and the United States.

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We, Brazil, Japan, and the United States, jointly *recognize* the importance of market-oriented conditions to the world trading system.

We *recall* that the World Trade Organization (WTO) was established to promote Member economies' participation in a world trading system "based on open, market-oriented policies and the commitments set out in the Uruguay Round Agreements and Decisions."<sup>1</sup>

We also *recall* that the establishment of the WTO reflected Members' "desire to operate in a fairer and more open multilateral trading system for the benefit and welfare of their peoples" and, during the period of time during which the Uruguay Round was being negotiated, "significant measures of economic reform and autonomous trade liberalization were implemented in many developing countries and formerly centrally planned economies."<sup>2</sup>

We *express* our serious concerns with non-market-oriented policies and practices that have resulted in damage to the world trading system and lead to severe overcapacity, create unfair competitive conditions, hinder the development and use of innovative technologies, and undermine the proper functioning of international trade.

We *affirm* that market-oriented conditions are fundamental to a free, fair, and mutually advantageous world trading system, to ensure a level playing field for Members' enterprises for the benefit of their citizens.

We *recognize* the importance of a Member's right and ability to regulate in the public's interest, promoting the public's welfare and helping to establish a level playing field for all market participants.

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\* This revision is to add Japan as co-sponsor to the submission.

<sup>1</sup> Marrakesh Declaration of 15 April 1994, fifth preambular paragraph.

<sup>2</sup> Marrakesh Declaration, paras. 2 and 4.

We *affirm* Members' enterprises should operate under market-oriented conditions and note the following elements indicate and are important so that market-oriented conditions exist for market participants<sup>3</sup>:

1. decisions of enterprises on prices, costs, inputs, purchases, and sales are freely determined and made in response to market signals;
2. decisions of enterprises on investments are freely determined and made in response to market signals;
3. prices of capital, labor, technology, and other factors are market-determined;
4. capital allocation decisions of or affecting enterprises are freely determined and made in response to market signals;
5. enterprises are subject to internationally recognized accounting standards, including independent accounting;
6. enterprises are subject to market-oriented and effective corporation law, bankruptcy law, competition law, and private property law, and may enforce their rights through impartial legal processes, such as an independent judicial system;
7. enterprises are able to freely access relevant information on which to base their business decisions; and
8. there is no significant government interference in enterprise business decisions described above.

We are willing to work with WTO Members in order to strengthen our collective commitment to open, market-oriented policies in order to achieve market-oriented conditions that are critical to ensure a level playing field and a fairer and more open world trading system that benefits our peoples.

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<sup>3</sup> This statement is without prejudice to the rights or obligations of any Member under the Marrakesh Agreement Establishing the World Trade Organization.