



**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **PUBLIC STOCKHOLDING FOR FOOD SECURITY PURPOSES**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

*Having regard to* paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

*Decides* as follows:

1. Members agree to put in place an interim mechanism as set out below, and to negotiate on an agreement for a permanent solution<sup>1</sup>, for the issue of public stockholding for food security purposes for adoption by the 11<sup>th</sup> Ministerial Conference.
2. In the interim, until a permanent solution is found, and provided that the conditions set out below are met, Members shall refrain from challenging through the WTO Dispute Settlement Mechanism, compliance of a developing Member with its obligations under Articles 6.3 and 7.2 (b) of the Agreement on Agriculture (AoA) in relation to support provided for traditional staple food crops<sup>2</sup> in pursuance of public stockholding programmes for food security purposes existing as of the date of this Decision, that are consistent with the criteria of paragraph 3, footnote 5, and footnote 5&6 of Annex 2 to the AoA when the developing Member complies with the terms of this Decision.<sup>3</sup>

### **NOTIFICATION AND TRANSPARENCY**

3. A developing Member benefiting from this Decision must:
  - a. have notified the Committee on Agriculture that it is exceeding or is at risk of exceeding either or both of its Aggregate Measurement of Support (AMS) limits (the Member's Bound Total AMS or the *de minimis* level) as result of its programmes mentioned above;
  - b. have fulfilled and continue to fulfil its domestic support notification requirements under the AoA in accordance with document G/AG/2 of 30 June 1995, as specified in the Annex;
  - c. have provided, and continue to provide on an annual basis, additional information by completing the template contained in the Annex, for each public stockholding programme that it maintains for food security purposes; and
  - d. provide any additional relevant statistical information described in the Statistical Appendix to the Annex as soon as possible after it becomes available, as well as any information updating or correcting any information earlier submitted.

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<sup>1</sup> The permanent solution will be applicable to all developing Members.

<sup>2</sup> This term refers to primary agricultural products that are predominant staples in the traditional diet of a developing Member.

<sup>3</sup> This Decision does not preclude developing Members from introducing programmes of public stockholding for food security purposes in accordance with the relevant provisions of the Agreement on Agriculture.

#### **ANTI-CIRCUMVENTION/SAFEGUARDS**

4. Any developing Member seeking coverage of programmes under paragraph 2 shall ensure that stocks procured under such programmes do not distort trade or adversely affect the food security of other Members.

5. This Decision shall not be used in a manner that results in an increase of the support subject to the Member's Bound Total AMS or the *de minimis* limits provided under programmes other than those notified under paragraph 3.a.

#### **CONSULTATIONS**

6. A developing Member benefiting from this Decision shall upon request hold consultations with other Members on the operation of its public stockholding programmes notified under paragraph 3.a.

#### **MONITORING**

7. The Committee on Agriculture shall monitor the information submitted under this Decision.

#### **WORK PROGRAMME**

8. Members agree to establish a work programme to be undertaken in the Committee on Agriculture to pursue this issue with the aim of making recommendations for a permanent solution. This work programme shall take into account Members' existing and future submissions.

9. In the context of the broader post-Bali agenda, Members commit to the work programme mentioned in the previous paragraph with the aim of concluding it no later than the 11<sup>th</sup> Ministerial Conference.

10. The General Council shall report to the 10<sup>th</sup> Ministerial Conference for an evaluation of the operation of this Decision, particularly on the progress made on the work programme.

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**ANNEX****Template**

[Developing Member's name]

**General information**

|   |
|---|
| <b>1. Factual information confirming that DS:1 notifications and relevant supporting tables for the preceding 5 years are up-to-date (e.g. date and document details)</b> |
| <b>2. Details of the programme sufficient to identify food security objective and scale of the programme, including:</b>  |
| <b>a. Name of the programme</b>   |
| <b>b. Traditional staple food crop(s) covered</b>   |
| <b>c. Agency in charge of implementation</b>  |
| <b>d. Relevant laws and regulations</b>   |
| <b>e. Date of commencement of the programme</b>   |
| <b>f. Officially published objective criteria or guidelines</b>   |
| <b>3. Practical description of how the programme operates, including:</b>   |
| <b>a. Provisions relating to the purchase of stocks, including the way the administered acquisition price is determined</b>   |
| <b>b. Provisions related to volume and accumulation of stocks, including any provisions related to pre-determined targets and quantitative limits</b>                     |
| <b>c. Provisions related to the release of stocks, including the determination of the release price and targeting (eligibility to receive procured stocks)</b>            |
| <b>4. A description of any measures aimed at minimising production or trade distortive effects of the programme</b>   |
| <b>5. Statistical information (as per the Statistical Appendix below)</b>   |
| <b>6. Any other information considered relevant, including website references</b>   |

**Statistical Appendix (per crop) (data for the latest three years)**

|   | Unit | [Year 1] | [Year 2] | [Year 3] |
|---|------|----------|----------|----------|
| <b>[Name of the crop]</b>   |      |          |          |          |
| a. Opening balance of stocks  |      |          |          |          |
| b. Annual purchases under the programme (value)   |      |          |          |          |
| c. Annual purchases under the programme (quantity)  |      |          |          |          |
| d. Annual releases under the programme (value)  |      |          |          |          |
| e. Annual releases under the programme (quantity)   |      |          |          |          |
| f. Purchase prices  |      |          |          |          |
| g. Release prices   |      |          |          |          |
| h. End-year stocks  |      |          |          |          |
| i. Total production (quantity)  |      |          |          |          |
| j. Total production (value)   |      |          |          |          |
| k. Information on population benefiting from the release of this crop and quantities released:                    |      |          |          |          |
| - Estimated number of beneficiaries at national level and, if possible, at sub-national level                     |      |          |          |          |
| - Quantity released to the beneficiaries at the national level and, if possible, at the sub-national level        |      |          |          |          |
| - Other   |      |          |          |          |
| l. In the case of government aid to private storage, statistics on the support granted and any updated statistics |      |          |          |          |
| m. Total imports (value)  |      |          |          |          |
| n. Total imports (quantity)   |      |          |          |          |
| o. Total exports (value)  |      |          |          |          |
| p. Total exports (quantity)   |      |          |          |          |