



The Bali Ministerial Conference Overview of the results

ECOWAS WORKSHOP
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MC9- the preparatory process

Background: elements for political guidance agreed at MC8 (2011)

- Despite full engagement & intensified efforts, the negotiations are at an impasse
- In this context, unlikely that all elements of the Round could be concluded simultaneously in near future
- Despite situation, Ministers **committed** to work actively towards **successful multilateral conclusion** of DDA in **accordance with its mandate**
- Members need to **more fully explore different negotiating approaches** while respecting the principles of **transparency & inclusiveness**
- Ministers committed to **advance negotiations where progress can be achieved**, including reaching provisional/definitive agreements- earlier than full single undertaking.
- Also look to ways to overcome most critical & fundamental stalemates
- Work to continue based on progress made. Any agreements must fully respect the development component of the mandate

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MC9- the preparatory process

- Many Members stating that credibility of the MTS at stake
- Fate of Doha Round inextricably linked to fate of Bali?
- The developments in the Global Trading System – other initiatives
- MC8 guidance from Ministers – focus on what is doable

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MC9- the preparatory process – countdown to Bali

- “Horizontal Process” from September
- Aim conclude negotiations in Geneva
- Bali, not a negotiating Ministerial
- Paragraph by Paragraph consideration of texts for Bali

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General Council meeting 26 November



- 10 texts presented to Members
- Compromises made, flexibility shown, with understanding that there would be reciprocity
- Not all work completed in all areas. Therefore texts cannot be understood as fully agreed
- Texts: snapshot of where Members are. Will use texts to brief Ministers

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Bali – 9th Ministerial Conference



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MC9 – the Agenda



1. Overview of activities of the WTO
 - statements by Ministers in the plenary sessions (4 and 5 December)
2. Action by Ministers
 - accession of Yemen; adoption of the Decisions and of the “Bali Package”
3. Date and venue of the tenth session
 - MC instructed the General Council to hold consultations
4. Election of Officers
 - MC instructed the General Council to hold consultations

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MC9 – 16 texts adopted



- Ministerial Declaration
- 5 Decisions on the «regular» work of the Organization
 - Electronic commerce
 - TRIPS non violation and situation complaints
 - Aid for Trade
 - Small economies
 - Trade and transfer of technology
- **The Bali Package**





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Regular work under the General Council

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Decision on Electronic commerce

- Continue substantially invigorating the work, especially under the initiatives taken in relation to commercial issues, development and evolving technology
- Continue to examine trade-related aspects
- Special consideration for the developing countries and LDCs
- Periodic review in the General Council
- Refrain from imposing customs duties on electronic transmissions until MC10

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Decision on TRIPS non-violation and situation complaints

- The WTO Agreements on goods and services allow countries to bring cases against each other if one feels that another government's action or a specific situation has deprived it of an expected benefit, even if no agreement has been directly violated.
- The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement contains a temporary restraint (a «moratorium ») on bringing non-violation complaints.
- This moratorium has been extended several times, more recently from one Ministerial Conference to the next.
- The Bali Decision provides for an extension of the present period until MC10.

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Decision on Aid for Trade

Ministers

- Welcomed** the progress on Aid for Trade
- Took note** of the deliberations & outcomes of the 4th Global Aid for Trade Review in July 2013
- Recognized** the continuing need of A4T for developing countries, especially LDCs
- Reaffirmed** their commitment to A4T and the mandate to the Director-General to pursue actions in support of A4T
- Said that** the new A4T Work Programme should be framed by the post-2015 development agenda

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Decision on Small Economies Work Programme

Ministers, *inter alia*

- **Reaffirmed** their commitment to the Work Programme
- **Instructed** the CTD to continue its work in Dedicated Session under the overall responsibility of the General Council – instructed the CTD to consider more in details the various proposals, and make recommendations when appropriate
- **Took** note of the work done since 2011
- **Instructed** the WTO Secretariat to provide relevant information & factual analysis for discussion in identified areas, in particular, the challenges and opportunities experienced by small economies when linking into global value chains in trade in goods and services

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Decision on Trade and Transfer of Technology

Ministers **noted** that the work that has been undertaken, had helped enhance Members' understanding of the nexus between trade and transfer of technology;

Ministers **directed** the Working Group to continue its work in order to fully achieve the mandate in the Doha Ministerial Declaration.

Para 37: "We agree to an examination, in a Working Group under the auspices of the General Council, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries"

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Take note of other Decisions taken in Geneva

Decision on the Extension of the Transition Period
under Article 66.1 for LDCs – June 2013

Decision on the Accession of LDCs – July 2012

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Accessions

“ We welcome those new Members who have completed
their accession processes since our last session.

In particular, we note with satisfaction that, at our present
session, we have adopted the Decision on the Accession of
the Republic of **Yemen**.

We recognize the contribution of accession to strengthening
the multilateral trading system and remain committed to
efforts to facilitate accessions”

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The Bali Package - DDA

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Agreement on Trade Facilitation

Agriculture

- General Services
- Public Stockholding for Food Security Purposes
- Understanding on Tariff Rate Quota Administration Provisions of Agricultural Products
- Export Competition

Cotton

Development and LDC issues

- Preferential Rules of Origin for the LDCs
- Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of LDCs
- Duty-Free and Quota-Free Market Access for LDCs
- Monitoring Mechanism on Special and Differential Treatment

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Decision on Trade Facilitation



- Concludes the negotiations on the Agreement on Trade Facilitation
- Establishes a Preparatory Committee
- Establishes the next steps
- Annex: Text of the Agreement

WT/MIN(13)/36-WT/L/911

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Trade Facilitation Agreement

Preamble


Section I: Provisions concerning trade facilitation (Art. 1 to 11)
Customs cooperation (Art. 12)
Institutional arrangements (article 13)

Section II: Special and Differential Treatment provisions


Final provisions

Annex 1

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Preparatory Committee on TF



- to perform such functions as might be necessary to ensure the expeditious entry into force of the Agreement and to prepare for the efficient operation of the Agreement upon entry into force
- legal review of the Agreement *for rectifications of a purely formal character that do not affect the substance of the Agreement*
- notification of Category A commitments
- Protocol of amendment to insert the Agreement into Annex 1A of the WTO Agreement

Meeting of the **General Council** no later than 31 July 2014 to annex to the Agreement notifications of Category A commitments, to adopt the Protocol, and to open the Protocol for acceptance until 31 July 2015

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Agriculture



1. General Services

Expand the list of “general services” under the Green Box

- Land rehabilitation, soil conservation and resource management, drought management and flood control, rural employment programmes, issuing land ownership titles and settlement programmes

WT/MIN(13)/37-WT/L/912

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Agriculture




2. Export Competition


- **Political declaration**
- Members will “**exercise utmost restraint**” with regard to any recourse to all forms of export subsidy
- Ensure «to the maximum extent possible» that **progress** will be made in **eliminating** all forms of export subsidies, that **actual subsidies will be well below the permitted levels**, and that **disciplines will apply to export policies that may have the same effect as subsidies**
- **Dedicated discussions** on an annual basis in the Committee on Agriculture

WT/MIN(13)/40-WT/L/915

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Agriculture



3. Food Security


- **Interim mechanism – permanent** solution for adoption by **MC11**
- Provisions on **notification and transparency**
 - notify the Committee on exceeding limits
 - continue to fulfil domestic support notification requirements - provide additional information on an annual basis (template)
 - provide statistical information
- **Safeguards**
 - Stocks procured under the programmes must not distort trade or adversely affect the food security of other Members

WT/MIN(13)/38-WT/L/913

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Agriculture




3. Food Security (cont'd)

- Consultations
- Monitoring – Committee on Agriculture
- Work Programme
 - In the **Committee on Agriculture**, to make recommendations for a permanent solution
 - In the context of the post-Bali agenda
 - General Council: report to MC10

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Agriculture





4. TRQ Administration:

- Provisions relating to transparency
- Provisions relating to underfill mechanism (Annex A)
Provisions relating to special and differential treatment
- Committee on Agriculture to monitor implementation

WT/MIN(13)/39–WT/L/914

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Decision on Cotton

- reaffirm the importance of cotton and the importance of achieving results on the trade component
- dedicated discussion twice a year: market access, domestic support and export competition, on the basis of factual information and data compiled by the Secretariat (Sub-Committee on Cotton)
- importance of development assistance – Director-General's Consultative Framework Mechanism
- periodic reports from the DG on development assistance aspects of cotton and on progress made on trade-related components - each Ministerial Conference

WT/MIN(13)/41-WT/L/916

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Decision on LDCs - Preferential rules of origin


- Guidelines – elements to draw upon for preferential rules of origin
- Examples of how to facilitate the application by LDCs of rules of origin
- Value addition; method for the calculation of value; change of tariff classification; specific manufacturing or processing operation
- Simplified documentation
- Notification – review by the Committee on Rules of Origin
- Report to the General Council

WT/MIN(13)/42-WT/L/917

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LDCs – Decision on DFQF




- Hong Kong Decision – not fully implemented
- Bali Decision – developed country Members that do not yet provide DFQF market access for at least 97% of products originating from LDCs are **encouraged to improve the existing DFQF coverage prior to the 10th Ministerial Conference**
- CTD – annual **review**, and report to the General Council; Secretariat - **report** on duty-free market access; General Council – report to **MC10**

WT/MIN(13)/44-WT/L/919

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Decision on Waiver Concerning Preferential Treatment to Services and Service Suppliers of LDCs



- MC8 (2011) – Waiver concerning the provision by Members of preferential market access for services and service suppliers of LDCs
- MC9 – Decision on the operationalization of the waiver
- High-level meeting six months after **the submission of an LDC collective request identifying the sectors and modes of supply of particular export interest to them**. At that meeting, Members must be ready to indicate the preferences they intend to provide the LDCs
- Members are encouraged to extend unilateral preferences to LDC services and service suppliers
- National capacity building (AfT and EIF)
- Council for Trade in Services – process aimed at promoting the operationalization of the waiver; periodic review; recommendations on steps that could be taken towards enhancing operationalization

WT/MIN(13)/43-WT/L/918

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Monitoring Mechanism on Special and Differential Treatment



- Coverage – All special and differential provisions contained in WTO Agreements, Ministerial and General Council Decisions
- Focal Point within the WTO to analyse and review the implementation of S&D provisions - will review all aspects of the implementation of the S&D provisions with the view to facilitating integration of developing and least developed Members into the multilateral trading system - may consider whether the problem results from implementation, or from the provision itself - will not alter or in any manner affect Members' rights and obligations under the WTO Agreements, but may provide recommendations
- Dedicated sessions of the Committee on Trade and Development (twice a year) - reviewed three years after its first meeting

WT/MIN(13)/45-WT/L/920

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Implementation– Recap


Trade Facilitation

- Preparatory Committee on TF
- General Council meeting by 31 July 2014

Agriculture

- Export competition:
 - enhanced transparency – Secretariat questionnaire
 - Work to be pursued in the Committee on Agriculture
 - annual discussions - June 2014
- Tariff Rate Quota Administration
 - The Committee on Agriculture to review and monitor the implementation of the Understanding
 - Monitoring in the context of the tariff rate quota underfill mechanism depending on Members' submissions
- Public stockholding for food security purposes
 - work programme in the Committee on Agriculture
 - work programme will take account of Members' existing and future submissions

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Implementation of the Decisions – Recap – Development and LDC issues

Cotton

- Director-General's Framework Mechanism on Cotton
- Discussion in the Sub-Committee on Cotton (under TNC)

Services waiver

- Council for Trade in Services

DFQF

- Members must notify their DFQF schemes
- Committee on Trade and Development – maintain pressure

Preferential rules of origin

- Review in the Committee on Rules of Origin

Monitoring mechanism on special and differential treatment

- Committee on Trade and Development – Dedicated Session

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Post-Bali – The Ministerial Declaration



Paras: 1.9 and 1.10

- Reaffirmation of the importance of the Doha Development Agenda and of the regular work of the WTO
- Decisions taken in Bali – progress and important stepping stone towards the completion of the Doha Round

Para 1.11

- Instruction to TNC to prepare a work programme

Para 1.12

- Guidance provided at MC8

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Thank You