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**Ministerial Conference
Tenth Session
Nairobi, 15-18 December 2015**

**IMPLEMENTATION OF PREFERENTIAL TREATMENT IN FAVOUR OF SERVICES AND
SERVICE SUPPLIERS OF LEAST DEVELOPED COUNTRIES AND
INCREASING LDC PARTICIPATION IN SERVICES TRADE**

MINISTERIAL DECISION OF 19 DECEMBER 2015

The Ministerial Conference,

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

Recalling that the WTO Agreement acknowledges the need for "positive efforts designed to ensure that developing countries, especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development";

Recognizing that services trade can play an important role in achieving the development objectives of least developed countries ("LDCs");

Recalling the Decision on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries (WT/L/847) ("Waiver") agreed at our Eighth Session;

Recognizing the significant progress achieved following the Decision on the Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries (WT/L/918) ("Operationalization Decision");

Acknowledging the important work undertaken by least developed countries to identify sectors and modes of supply of particular export interest to them in developing the LDC Collective Request (S/C/W/356, S/C/W/356/Corr.1 and S/C/W/356/Corr.2);

Commending the positive indications of intended preferences announced at the High-level meeting held on 5 February 2015;

Appreciative of the twenty-one notifications received so far, covering a wide range of preferences which may provide for removal or reduction of restrictions, and/or special procedures, in favor of LDC services and service suppliers;

Welcoming the expeditious approval of notifications that included preferential treatment beyond GATS Article XVI by the Council for Trade in Services;

Noting the need to strengthen the domestic service supply capacity in LDCs with a view to maximizing benefits from trade opportunities, including through preferences afforded to them;

Decides as follows:

1.1. Due to the extended period between the adoption of the Waiver in December 2011 and the notification of preferences in 2015, the Waiver is extended as of the date of this Decision until 31 December 2030. Preferences notified so far may, as appropriate, be extended accordingly.

1.2. Developed and developing Members, in a position to do so, that have not notified preferences under the Waiver are urged to redouble efforts to promptly notify preferences which have commercial value and promote economic benefits to LDCs.

1.3. In negotiations pursuant to GATS Article VI:4, Members shall give special priority to addressing regulatory barriers of interest to LDCs.

1.4. With a view to further increasing LDC participation in services trade and to complement notification of preferential treatment under the Waiver, Members are encouraged to undertake specific technical assistance and capacity building measures to orient LDC service suppliers to preference benefits available so that such suppliers can utilize the preferences granted.

1.5. The Council for Trade in Services shall:

- maintain a standing agenda item to review and promote the operationalization of the Waiver;
- expeditiously consider approval of notified preferences relating to measures other than those described in GATS Article XVI, in accordance with the Waiver;
- with a view to furthering the objectives of GATS Article IV, facilitate an exchange of information by Members on technical assistance measures undertaken to promote the increasing participation of LDCs in world services trade;
- initiate a process to review the operation of notified preferences, on the basis of information provided by Members. In support of that process, Members may request WTO Secretariat inputs, as appropriate; and
- further discuss any issues that may facilitate benefits provided under the notified preferences.

1.6. The Council for Trade in Services may make recommendations on steps that could be taken towards enhancing the operationalization of the Waiver.
