



**Negotiating Group on Market Access**

**NEGOTIATING GROUP ON MARKET ACCESS**

**REPORT BY THE CHAIRMAN, AMBASSADOR DIDIER CHAMBOVEY,  
TO THE TRADE NEGOTIATIONS COMMITTEE**

*Meeting of 28 November 2017*

1. This report summarizes the work done by the Negotiating Group on Market Access since the Tenth Session of the Ministerial Conference (MC10) which took place in Nairobi in December 2015.
2. During the intervening period since December 2015, the Negotiating Group has met formally twice: on 20 October 2016 (TN/MA/M/25) and 21 July 2017 (TN/MA/M/26), and informally three times (11 April 2016, 25 November 2016 and 1 November 2017). Several bilateral consultations were held by my predecessor, Ambassador Winzap, during the first half of 2016 and by me upon my election as Chairman on 20 October 2016. Ambassador Winzap had also convened a meeting of Heads of Delegation on 11 July 2016 to provide a few farewell remarks (JOB/MA/124). Several reports on consultations which were carried out were provided to the Negotiating Group, Heads of Delegation and/or to the Trade Negotiations Committee. These reports can be found in the following documents (in chronological order): TN/MA/29 dated 11 April 2016, TN/MA/30 dated 10 May 2016, JOB/TN/MA/1 dated 29 November 2016, JOB/TN/MA/2 dated 5 December 2016, JOB/TN/MA/3 dated 13 June 2017, JOB/TN/MA/4 dated 27 July 2017 and JOB/TN/MA/6 dated 30 October 2017.
3. In his farewell remarks in July 2016, Ambassador Winzap had noted that "even if a broad section of the Membership keeps showing an interest in outcomes on NAMA, these Members do not seem to know how to take forward their respective issues in the context of the general environment in the WTO's negotiating function at present." He had also observed that "... some Members (developed and developing ones) do not seem to see space for engaging in multilateral tariff liberalization anymore, at least for the time being. Some seem to think that there is no point, if you can have it more simply and often more ambitiously in RTAs. Others view NAMA negotiations in general as politically too difficult a sell in a world which is more and more sceptical of globalization. For yet other Members, progress on NAMA seems dependent on progress in agriculture and/or in services...." (JOB/MA/124).
4. Following my election as NAMA Chairman in October 2016, I had undertaken a substantive number of consultations. In November 2016, I had reported that my broad conclusion of the status of NAMA negotiations did not differ much from that reached by Ambassador Winzap (JOB/TN/MA/1). In my report in December 2016, I had grouped the views expressed during the consultations into four sets of positions. The first group included those Members who were not open to engaging in a tariff cutting negotiation because of domestic economic challenges. A second group included Members who were in a position to engage in multilateral tariff negotiations provided certain conditions were met such as acquiring effective market access or comparable outcomes in other negotiating areas in return. A third group represented Members who were willing to engage in a tariff negotiation but who were sceptical of a broad multilateral result and who therefore thought that plurilateral or sectoral initiatives were the way forward. A fourth group considered that tariff cuts were not feasible today and that the focus should be on increasing the level of tariff bindings and reducing policy space. On these issues, opposing views were also expressed including the fact that plurilateral negotiations were not the right approach in a multilateral organization, and that policy space continued to be valuable and could not be reduced (JOB/TN/MA/2).

5. At the same time, there was some interest in addressing non-tariff barriers (NTBs). In my report of November 2016, I had mentioned that "On non-tariff measures I detected more movement. There appears to be a willingness by several Members to do something incremental. That is not to say that there is unanimity on this. There are some delegations who remain opposed. Among them, a view was expressed that undertaking discussions at this stage on NTBs was premature. Another view was that there should not be a standalone NTB discussion as tariffs had to be part and parcel of any discussion on NAMA."(JOB/TN/MA/1).

6. In this connection, I would draw attention to a proposal entitled "Ministerial Decision on Facilitating SME Trade: Transparency of Regulatory Measures for Trade in Goods" (TN/MA/W/144) which was circulated on 11 July 2017 by the European Union; Hong Kong, China; and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu ("Chinese Taipei"). A revised version of the proposal was circulated on 27 October 2017 in document TN/MA/W/144/Rev.3 with additional co-sponsors, namely Australia, Canada, Japan, the Republic of Korea, and Singapore. The initial group of sponsors had also circulated in JOB/TN/MA/5 responses to a number of questions raised on their proposal.

7. The proposal contains a number of elements including:

- (i) Making available regulatory measures via the internet;
- (ii) Notifying the final text of regulatory measures;
- (iii) Consultation of stakeholders during the development of a regulatory measure;
- (iv) Creating a public internet portal of regulatory measures; and
- (v) Adopting a Work Programme in order to develop additional provisions relating to transparency.

8. The proposal aims at covering regulatory measures falling within the scope of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Agreement on Technical Barriers to Trade (TBT Agreement).

9. A first discussion of the proposal was held in a formal meeting of the Negotiating Group on 21 July 2017. I reported on that discussion and my remarks were circulated in JOB/TN/MA/4. An informal meeting was held on 1 November 2017 to consider the responses prepared by the sponsors and in the discussion, reference was also made to the revised proposal.

10. Appreciation was expressed for the effort made by the sponsors to clarify issues. There was recognition by a number of Members that a proposal which enhanced the transparency and access to information on regulatory measures would facilitate the integration of small and medium-sized enterprises (SMEs) into the multilateral trading system. In the view of these Members, difficulties in accessing such information did effectively constitute a non-tariff barrier. At the same time concerns were expressed by several Members regarding the proposal. Their concerns included its scope, whether the proposal fell within the NAMA mandate, the lack of clarity regarding the definition of SMEs, the issue of curtailing regulatory policy space, the burdensome nature of the proposal, and its real effectiveness in helping SME exporters in developing Members. Views were also expressed that a better place to discuss this proposal was in the TBT and SPS Committees.

11. So clearly positions are polarized on this proposal as it stands now. Members may nevertheless wish to reflect on whether a substantive discussion on this proposal or parts thereof could be useful and, if so, how best and where to conduct such a discussion.

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