



General Council

**AGENDA ITEM 2: IMPLEMENTATION OF THE BALI, NAIROBI AND BUENOS AIRES
OUTCOMES – STATEMENT BY THE CHAIRMAN**

WEDNESDAY, 7 MARCH 2018

1.1. This item remains on the agenda to allow us to continue to follow up on the decisions adopted in Bali and Nairobi – and do so in an inclusive and transparent manner. Let me further note that, of course, at the Eleventh Ministerial Conference, Ministers also agreed on other decisions – some of which were an "evolution" of the Bali and Nairobi Decisions and as such, I have also included under this item a report on the implementation of the Buenos Aires outcomes, where applicable.

1.2. Last week, on 1 March, I held a meeting with the Chairs of Regular Bodies, where we updated each other on the work taking place in our respective bodies, including – but not only – with respect to the implementation of the Ministerial mandates. As in the past, the discussions and inputs from that meeting are the basis of my statement today. A number of WTO bodies have not yet met since the start of the year, and therefore my statement today will focus on matters where there have been developments since my last report to the General Council in November. Also, we will deal with the Work Programme on Small Economies and with Aid for Trade under separate Agenda items.

1.3. Starting with TRIPS non-violation and situation complaints, at MC11, Ministers directed the TRIPS Council to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994, and make recommendations to their next Session. It was agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement. Pursuant to this, the TRIPS Council took up its continued work on this matter at its meeting on 27 February with a view to finding a solution to this long-standing issue.

1.4. In Buenos Aires, Ministers also agreed to continue and reinvigorate work under the Work Programme on Electronic Commerce. In line with that Decision, the General Council will conduct its first review of progress at its meeting in July this year. As you would have noted, two papers by Chinese Taipei were circulated in the relevant bodies. I hope this will stimulate engagement in this area.

1.5. Moving now to Agriculture, at the most recent meeting of the Committee on Agriculture on 20 February, Members agreed to a timetable for a review of the Bali decision on Tariff Rate Quota Administration, in line with its provisions. The objective of the review, which is expected to be completed in June this year, is to promote improvements in the utilization of TRQs and to enable Members to make recommendations to the 12th Ministerial Conference.

1.6. Members also initiated discussions on the process to be followed for the review of the Nairobi Decision on Export Competition and on how its outcome should be reflected. Let me just recall that the goal of the review, which should take place every three years, is "to ensure that no circumvention threatens export subsidy elimination commitments and to prevent non-commercial transactions from being used to circumvent such commitments".

1.7. Still on export competition, since the last time I reported, more Members have circulated their revised draft schedules on export subsidies for agricultural products, in line with the provisions of the Nairobi Decision. Additionally, Norway is the second WTO Member, after Australia, having its new export subsidies schedule to be certified. At the recent CoA meeting,

other Members with scheduled export subsidy commitments also provided updates on the steps taken to implement the Decision.

1.8. Turning to the LDC Services waiver, at the recent meeting of the Council for Trade in Services held on 2 March, the LDC Group commended the preferential treatment notified under the Waiver, but stressed the need for capacity building measures to enable LDC suppliers to take advantage of those preferences. The Group called on notifying Members to provide technical assistance and to build supply capacity in LDCs, and also encouraged them to increase awareness of the Waiver domestically. Recalling paragraph 1.6 of the Nairobi Waiver Decision, LDCs also advocated that Members explore what recommendations the Council might make "on steps that could be taken towards enhancing the operationalization of the Waiver". There was also a call to take action in line with paragraph 1.5 of the Nairobi Decision.

1.9. The Council has received a total of 24 notifications of preferences in favour of LDC services and service suppliers, on the part of 51 Members.

1.10. And finally, on Trade Facilitation, since my last report, 9 more Members have deposited their instrument of acceptance of the Trade Facilitation Agreement, bringing the total number to 132 – with another one soon to be deposited, covering 81% of the membership.
