



**General Council
Trade Negotiations Committee
Committee on Agriculture Special Session
Negotiating Group on Market Access
Council for Trade in Services Special Session**

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**DRAFT DECISION TO PRESERVE FLEXIBILITIES IN FAVOUR OF DEVELOPING
COUNTRIES, IN PARTICULAR LDCs, SVES AND NFIDCS IN AGRICULTURE, NAMA AND
SERVICES NEGOTIATIONS AS A STARTING POINT**

TEXTUAL PROPOSAL FURTHER TO JOB/TNC/50

The following communication, dated 19 November 2015, is being circulated at the request of the delegation of Barbados on behalf of the ACP Group of States.

The Ministerial Conference,

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

Re-emphasising the central importance of the development objectives set out in the Doha Ministerial Declaration and early agreements that may be reached pursuant to paragraph 47, as well as to all our subsequent decisions and declarations and the Marrakesh Agreement Establishing the WTO;

Reaffirming that special and differential treatment for developing countries, in particular least-developed countries (LDCs), small vulnerable economies (SVEs), and Net Food-Importing Developing Countries (NFIDCs), shall be an integral part of all future negotiations and shall be embodied in schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing country Members to effectively take account of their development needs as set out in paragraph 13 and 16 of the Doha Ministerial Declaration;

Mindful that in recognition of the 20th anniversary of the WTO, development decisions must be taken at our Tenth Session;

Decides as follows:

1.1. Subject to any adjustments in commitments to be agreed by Members, negotiations on agriculture and non-agriculture market access (NAMA), shall, as a starting point, include the following elements, as part of exchange of commitments by all WTO Members:

- a. The principles behind the flexibilities stabilized so far for LDCs, SVEs, NFIDCs, countries with low binding coverage, and recently acceded Members among these groups, will be preserved. These flexibilities include: exemption from tariff reduction for LDCs and countries with low binding coverage, lower reduction commitments for SVEs, longer implementation periods; exemption from undertaking reduction commitments in OTDS, AMS and *de minimis*; continuation of the provisions under Article 6.2 of the Uruguay Round Agreement on Agriculture; and the principle of less than full reciprocity (LTFR);

- b. In continued NAMA negotiations, tariff reduction for those developing country Members that are part of a customs union of developing countries which include LDCs and SVEs shall be no more than the average tariff reduction of all the Members of the customs union and shall in no case result in final tariffs that are below the Common External Tariff. The tariff reduction commitments shall also be moderated to avoid widening divergences in tariff bindings amongst the Members of such customs unions; and
- c. Such flexibilities will be adjusted according to any agreement on other formulas as appropriate and in a manner that does not undermine the principles that frame them.

1.2. The existing flexibilities for developing countries, in particular LDCs and SVEs, in the services negotiations found in GATS Articles IV and XIX; the Negotiating Guidelines and Procedures; and the Hong Kong Ministerial Declaration, including Annex C, including those for LDCs, which do not contain any concept of reciprocity in the content of offers, shall be adhered to. Therefore, the negotiating modality should not change the architecture of the GATS and these flexibilities. In that regard, developing country Members, in particular LDCs and SVEs, shall not be compelled to expand the number of their offers or to bind their existing liberalization. Developing country Members, in particular LDCs and SVEs are free to provide offers at any time and negotiate with other Members consistent with the request-offer modality and in line with their development objectives.
