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Committee on Agriculture
Special Session

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**PROPOSED PERMANENT SOLUTION ON PUBLIC STOCKHOLDING
FOR FOOD SECURITY PURPOSES**

SUBMISSION BY THE G-33¹

Draft Ministerial Decision of 18 December 2015, Nairobi, Kenya

The following communication submitted by the G-33, dated 24 November 2015, is being circulated for consideration by Members.

The Ministerial Conference,

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

Recognizing the importance of public stockholding for food security purposes for developing country Members;

Noting the Ministerial Decision of 7 December 2013 on Public Stockholding for Food Security Purposes (WT/MIN(13)/38-WT/L/913) dated 11 December 2013 and the General Council Decision WT/L/939, dated 27 November 2014 ;

Decides that

1. The Agreement on Agriculture shall be amended by inserting a new Annex 6 as provided in Attachment 1 to this Decision and for consistency purposes amendments as provided in attachment 2.
2. The Protocol of Amendment contained in Attachment 3 to this Decision is hereby adopted.
3. [The Protocol of Amendment shall remain open for acceptance [until 31 December 201_]].
4. The Protocol shall enter into force in accordance with Article X:3 of the WTO Agreement.
5. Pending entry into force of the Protocol and the amendment, developing country Members may use the provisions under Attachment 1 to this Decision and Members shall not challenge through the WTO Dispute Settlement Mechanism the compliance of a developing country Member with its obligations under Articles 6.3 and 7.2(b) of the Agreement on Agriculture with respect to any use by that Member of these provisions.

¹ Without prejudice to the positions of Pakistan and Peru.

ATTACHMENT 1

ANNEX 6

*Domestic Support Measures by Developing Country Members:
Public Stockholding for Food Security Purposes*

Notwithstanding any other provision contained in this Agreement, developing country members and Least Developed Country Members shall be eligible to implement current and future programmes in respect of public stockholding for food security purposes that are consistent with the criteria set forth in this Annex.

1. Programmes for public stockholding for food security purposes shall include:
 - a. programmes for the acquisition of foodstuffs at administered prices by the Government in developing country Members/Least Developed Country Members with the objective of supporting low income or resource poor producers;
 - b. programmes for the acquisition of foodstuffs at administered prices by the Government in developing country Members/Least Developed Country Members and its subsequent distribution at subsidised prices with the objective of meeting food security requirements of urban and rural poor, and of maintaining adequate availability of foodstuff and/or ensuring food price stability.
2. The operation of programmes referred to in paragraph 1 above shall be transparent and conducted in accordance with officially published objective criteria or guidelines.
3. Programmes referred to in paragraph 1 above shall not be required to be accounted for in the Aggregate Measurement of Support.

Notification

4. Members shall notify programmes maintained under this Annex to the Committee on Agriculture on an annual basis.

Other Issues

(.....)

ATTACHMENT 2

For consistency the following amendments shall be made to the Agreement on Agriculture:

- Article 6:1: A sentence to be added at the end of the Article that "Exceptions to domestic support measures specified in Annex 6 will apply to developing country Members, *notwithstanding anything stated in this Agreement*".
- Article 7:1: Words "and Annex 6" to be added after reference to Annex 2.
- Article 7:2(a): Words "and Annex 6" to be added after reference to Annex 2
- Article 7.2(b): A sentence to be added that "This provision shall not apply to programmes listed in Annex 6 of the AoA."
- Article 18.3: Words "or in Annex 6" to be added after reference to Annex 2
- Annex 3: Opening sentence to be revised to "Subject to the provisions of Article 6 and Annex 6..."
- Footnote 5 of Annex 2: For the purposes of paragraph 3 of this Annex, governmental stockholding programmes for food security purposes in developing country Members whose operation is transparent and conducted in accordance with officially published objective criteria or guidelines shall be considered to be in conformity with the provisions of this paragraph, including programmes under which stocks of foodstuffs for food security purposes are acquired and released at administered prices. The expenditure incurred under such programmes shall be accounted for in accordance with Annex 6 of the AoA.

ATTACHMENT 3

PROTOCOL OF AMENDMENT

The Ministerial Conference,

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

Decides as follows:...

1. The Agreement on Agriculture shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of Annex 6 as set out in the Annex to this Protocol.
2. Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Members.
3. This Protocol is hereby open for acceptance by Members [until _____].
4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.²
5. This Protocol shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Member a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph 3.
6. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this (date) day of (month) (year), in a single copy in the English, French and Spanish languages, each text being authentic.

² For the purposes of calculation of acceptances under Article X.3 of the WTO Agreement, an instrument of acceptance by the European Union for itself and in respect of its Member States shall be counted as acceptance by a number of Members equal to the number of Member States of the European Union which are Members to the WTO.