

## **G20 Proposal**

### **Article 12.1 - Export prohibitions and restrictions**

#### **(Paragraph 50)**

1. Little attention was paid to export prohibitions and restrictions during the agricultural negotiations of the Uruguay Round. As a result, export prohibitions and restrictions of Art. XI of GATT 94 instituted by some Members was overlooked and to date some Members continue to apply them.
2. Paragraph 1 of Article 12 of the Agreement on Agriculture is limited in this regard, as reference is made only to restrictions described in paragraph 2 a) of Article XI of GATT 1994, that is, those temporarily applied to prevent or relieve critical shortages of foodstuffs. The Agreement on Agriculture says nothing about restrictions or prohibitions of art. XI:1 of GATT 94-existing prior to the Uruguay Round,.
3. In this connection, we need to recall paragraph 1 of Article XI of GATT 1994 on the general elimination of quantitative restrictions to exports. This should form the basis of our approach to the development of modalities, guided by paragraph 50 of the July Framework Agreement on Agriculture, which states that "Disciplines on export prohibitions and restrictions in Article 12.1 of the Agreement on Agriculture will be strengthened."
4. The new disciplines to be agreed on in art. 12.1 shall ensure that, in the specific case of foodstuffs or animal feed, existing or newly established export prohibitions or restrictions of art. XI of GATT 94 are instituted exclusively to prevent or relieve critical shortages experienced by exporting Members. As provided for in the Agreement on Agriculture and the GATT 1994, they should be applied on a temporary and non-discriminatory basis. Ensuring that the food security needs of Members are not compromised, it will be necessary to further discuss what criteria andlor parameters would need to form part of the strengthened disciplines.

5. Moreover, one way of strengthening the provisions in Article 12.1 on export prohibitions and restrictions, is to make them more transparent and effective. This will also form part of the discussions under paragraph 48 on monitoring and surveillance.

6. The G20 believes that it is in the interest of all Members that the disciplines on export prohibitions and restrictions of art. 12.1 are strengthened, and in that light anticipate future discussions on the issue.

The following elements must be addressed when strengthening the existing disciplines on export prohibitions and restrictions in the scope of paragraph 1 of Article 12 of the Agreement on Agriculture by adding:

- i. Existing prohibitions or restrictions in Members territories shall be notified to the Committee on Agriculture within 90 days of the coming into force of these provisions.
- ii. As provided in paragraph 7 of Article 18 of the Agreement on Agriculture, any Member may bring to the attention of the Committee on Agriculture such measures which it considers ought to have been notified by another Member.
- iii. As of the commencement of the implementation of the new Agreement, a term of one year shall be established for the elimination of those export prohibitions or restrictions in foodstuffs and feeds.
- iv. The above notwithstanding, any Member instituting export prohibitions or restrictions and the affected importing Member may agree to set a term exceeding one year as long as the term agreed on is not in excess of 18 months. Notice shall be given to the Committee on Agriculture of the agreement reached in this respect. A Member instituting those measures shall give notice of the causes that justify its keeping it.
- v. A biannual surveillance mechanism shall be established in the Committee on Agriculture for the observance of obligations described in subparagraphs iii) and iv).