



## Doha Mandate:

*"We attach the utmost importance to the implementation-related issues and concerns raised by Members and are determined to find appropriate solutions to them. In this connection, and having regard to the General Council Decisions of 3 May and 15 December 2000, we further adopt the Decision on Implementation-Related Issues and Concerns in document WT/IN(01)/WI/10 to address a number of implementation problems faced by Members. We agree that negotiations on outstanding implementation issues shall be an integral part of the Work Programme we are establishing, and that agreements reached at an early stage in these negotiations shall be treated in accordance with the provisions of paragraph 47 below. In this regard, we shall proceed as follows: (a) where we provide a specific negotiating mandate in this Declaration, the relevant implementation issues shall be addressed under that mandate; (b) the other outstanding implementation issues shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee, established under paragraph 46 below, by the end of 2002 for appropriate action."*

(Paragraph 12 of the Doha Ministerial Declaration)

# Implementation-related Issues and Concerns

The ambiguity of paragraph 12 of the Doha Ministerial Declaration on implementation-related issues and concerns, in conjunction with the number of different bodies involved in their examination, have resulted in a piecemeal process that has resolved only a handful of concerns. Members' failure to address many of the implementation demands reflects the higher priority given to other negotiating areas in the run up to the Hong Kong Ministerial Conference in December 2005. Once a final package is in sight implementation-related issues and concerns should start moving up the WTO's agenda.

## Background

Prior to the 1999 Seattle Ministerial Conference, 'implementation' was broadly understood to mean compliance with WTO obligations. During pre-Seattle negotiations, however, developing countries broadened the concept to include the implementation of soft law provisions in their favour and addressing the imbalances in WTO agreements that prevent them from benefiting fully from the multilateral trading system. The 2001 Doha Ministerial Conference addressed implementation issues in the Ministerial Declaration itself, a separate Decision on Implementation-related Issues and Concerns (WT/MIN(01)/17) and a Compilation of Outstanding Implementation Issues Raised by Members (JOB(01)/152/Rev.1). In the 2004 'July Package', Members were urged to address outstanding implementation concerns. The General Council asked the WTO Director-General to continue consultations on paragraph 12b, highlighting the extension of the protection of geographical indications (GIs) provided under Article 23 of the TRIPS Agreement to products other than wines and spirits. Negotiations after July 2004 on paragraph 12b were conducted on a two-track basis. Under the first track, the then Director-General, Supachai Panitchpakdi, asked all Chairpersons of the relevant WTO bodies to act as his 'friends' by carrying out consultations on his behalf on the progress of implementation issues and concerns in their respective areas of negotiation. The second track directly addressed the GI extension issue. Some Members have expressed concern that the subsequent high profile discussions on GI extension have overshadowed other implementation-related issues.

## Current State of Play

The Director-General's mandate was renewed by the General Council in July 2005 and given to the new Director-General, Pascal Lamy. In his October 2005 statement to the Trade Negotiations Committee, Lamy indicated that the naming of Chairpersons as 'friends' would continue. He also nominated two of his Deputy Director-Generals to look at particular implementation issues. Valentine Rugwabiza [Rwanda] is responsible for issues concerning the Agreement on Trade-related Investment Measures (TRIMs) and Rufus Yerxa [US] is responsible for GIs in the Council on Trade-related Aspects of Intellectual Property Rights (TRIPS), as well as the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD). The table opposite highlights some of the most important implementation concerns and the progress that has been made - or, more often, not made - to address them since the 2003 Cancun Ministerial Conference.

Implementation issues relating to negotiations on agriculture, services and intellectual property rights are addressed in Doha Briefings No. 2, 3 and 5 respectively.

Issue Area	Relevant WTO Agreement	Implementation concern addressed in	What the implementation-related text says	Status
Rules of Origin	Agreement on Rules of Origin	Doha Decision on Implementation-related Issues and Concerns (hereafter 'Decision') paragraph 9	Committee on Rules of Origin urged to complete the harmonisation work programme by end-2001.	No decision taken; intense negotiations continue. Deadline for 94 core policy issues moved to July 2006; technical work to be completed by end-2006.
Customs Valuation	GATT 1994, Art. VII	Decision paragraph 8.3	Committee on Customs Valuation to address the 'legitimate concerns' of customs authorities regarding the declared value of imports.	No decision taken.
Subsidies and Countervailing Measures	Agreement on Subsidies and Countervailing Measures (SCM)	Decision paragraph 10.3	Committee on Subsidies to continue its review of the Agreement's provisions on countervailing duty investigations.	No decision taken.
Subsidies and Countervailing Measures	SCM Agreement, Art. 27.4	Decision paragraph 10.6	Extension of transition periods for certain export subsidies granted by a slightly redefined category of developing countries.	On 27 October 2005, Members granted a one-year extension (to end-2006) to 19 developing countries, reflecting the new eligibility criteria.
Anti-dumping	Agreement on Anti-dumping, Art. 15	Decision paragraph 7.2	Members to clarify how developed countries must give 'special regard' to the situation of developing countries when considering anti-dumping measures.	No decision taken; discussions continue in the Negotiating Group on Rules.
Safeguards	Agreement on Safeguards, Art. 9.1	Tiret 84 of the Compilation	Consider changing <i>de minimis</i> levels so the safeguard measures are not applied to developing countries individually accounting for less than 7 percent of total imports and 15 percent collectively.	No decision taken; the Committee on Safeguards continues to negotiate, e.g. JOB9(04)158 from Malaysia and G/SG/M25 and 26.
Market Access	GATT 1994, Art. XIII, paragraph 2(d)	Decision paragraph 1.2	Members to define by end-2002 the meaning of the term 'substantial interest' in determining quota allocation.	No decision taken, discussions continue in the Committee on Market Access.
Trade-related Investment Measures	Agreement on Trade-related Investment Measures (TRIMs)	Tiret 40 of the Compilation	Provisions shall be included in the Agreement to provide developing countries the necessary flexibility to implement development policies.	No decision taken; negotiations continue.
Textiles and Clothing	Agreement on Anti-dumping	Decision paragraph 4.2	Members agree to exercise particular consideration before using anti-dumping remedies on developing countries.	Turkey has imposed seven anti-dumping duties on Chinese textiles; the US and EU have instead used safeguards.
Trade and Development	GATT 1994, Art. XVIII	Doha Declaration para 12(b); tiret 3 of the Compilation of Implementation Issues Raised by Members	Members are to ensure that GATT Article XVIII allows developing countries to implement economic development programmes designed to raise their general standard of living.	On 18 August 2003, Members agreed to instruct the Council for Trade in Goods to develop and adopt procedures for recourse to Article XVIII: C; in November 2002, Committee on Balance of Payments reported on draft language on section B; informal consultations continue.
Balance of Payments	GATT 1994, Art. XVIII, Section B	Doha Declaration para. 12(b); tiret 1 of the Compilation	Only the Committee on Balance of Payments shall have the authority to examine the justification of BoP measures.	No decision taken; consultations continue.
Sanitary and Phytosanitary Measures	Agreement on Sanitary and Phytosanitary Measures (SPS)	Decision Paragraph 3.3	Noting an earlier decision on equivalence of different food safety and animal and plant health measures, instructs expeditious implementation.	In March 2004, the SPS committee completed its workplan on equivalence by adopting three clarifications of its October 2001 Decision on Equivalence.
Sanitary and Phytosanitary Measures	Agreement on Sanitary and Phytosanitary Measures (SPS)	Paragraph 3 of the Compilation	When the introduction of an SPS measure may have a significant effect on trade in products of interest to developing countries, Members shall notify the WTO and the Member concerned.	On 27-28 October 2004, the SPS committee adopted a procedure for transparent notification of SPS measures and bilateral consulting if requested.