

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/MIN(01)/W/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

Implementation issues have been highlighted by developing countries as of crucial importance in ensuring that existing WTO rules, as negotiated in previous rounds, are enforced and carried out in a manner that preserves the original intended balance within the multi-lateral trading system. As noted in the Doha Declaration, and again in the July Package, Members have been urged to address outstanding implementation concerns.

Implementation issues have been presented in two main documents, namely, the Doha Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17) and the Compilation of Outstanding Implementation Issues Raised by Members (JOB(01)/152/Rev.1), which have guided subsequent negotiations in specific bodies.

The progress on implementation issues has been disappointing, with only a few resolved and many ignored entirely. It remains to be seen how these largely developmental concerns will be resolved by the end of the "single undertaking". The table on the next page tracks progress on the main implementation issues.

Most submissions are available at <http://docsonline.wto.org>, using the document symbols below.

Anti-Dumping: G/L/581; G/ADP/*; TN/RL/*

Balance of Payments: WT/BOP/*

Customs Valuation: G/L/590; G/VAL/*

Market Access: G/L/582; G/MA/*

Rules of Origin: G/RO/*

Safeguards: G/SG/*

SPS: G/SPS/*

Subsidies and Countervailing Measures: G/L/585; G/SCM/*; TN/RL/*

TBT: G/TBT/W/191

Textiles: G/L/595

Trade and Development: WT/COMTD/W/* and TN/CTD/*

TRIMs: G/L/588; G/TRIMS/W/25

TRIPs: IP/C/

The Compilation document (JOB(01)/152/Rev.1) can be found at <http://www.ictsd.org>

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Issue-Area	Demand	Relevant WTO clause	Which says...	Status
Rules of Origin	Doha Decision on Implementation (hereafter "Decision") paragraph 9	Rules of Origin	Urges Committee on Rules of Origin to complete the harmonisation work programme	No decision taken; intense negotiations continue, deadline for 94 core policy issues moved to July 2005 and technical work to end of 2005
Textiles and Clothing	Decision paragraph 4.2	Agreement on Anti-Dumping	Exercise particular consideration before using antidumping remedies on developing countries	No decision taken; will be tested in 2005 when quotas are eliminated
Subsidies and Countervailing Measures	Decision paragraph 10.3	Agreement on Subsidies and Countervailing Measures	Subsidies Committee is to continue its review of the Agreement's provisions on countervailing duty investigations	No decision taken
Subsidies and Countervailing Measures	Decision paragraph 10.6	Art. 27.4 of SCM Agreement	Extend the transition period for certain export subsidies provided by developing country Members	On 4 November 2004, 19 countries granted extended transition period of one year
Anti-Dumping	Decision paragraph 7.2	Art. 15 of Agreement on Anti-Dumping	Developed countries must give "special regard" to the situation of developing countries when considering countervailing duty	No decision taken; within Rules Group Negotiations
Customs Valuation	Decision paragraph 8.3	Art. VII of GATT 1994	Address the "legitimate concerns" of customs administrations on the accuracy of the declared value of imports	No decision taken.
Market Access	Decision paragraph 1.2	para. 2(d) of Art. XIII, GATT 1994	Consider meaning of the phrase "substantial interest" in determining how a quota should be allocated among countries	No decision taken, discussions continue
Trade and Development	Doha Declaration 12b, Tired 3 of Compilation of Implementation Issues Raised by Members	Art. XVIII A,C of GATT	Ensure that Article on Governmental Assistance to Economic Development allows developing countries to implement economic development programmes designed to raise general standard of living	On 18 August 2003, CTD-SS agreed to instruct the Council on Trade in Goods to develop and adopt procedures for recourse to Article XVIII:C
Balance of Payments (BOP)	Doha Decl. 12b, Tired 3 of Compilation	Art. XVIII B of GATT	Members using import restrictions as a BOP measure to manage instabilities in their terms of trade	No decision taken.
Trade-related Investment Measures	Tired 40 of Compilation	Agreement on Trade-Related Investment Measures	Provisions shall be included in the Agreement to provide developing countries the necessary flexibility to implement development policies	No decision taken.
Safeguards	Tired 84 of Compilation	Art. 9.1 of the Agreement on Safeguards	Consider changing de minimis levels so safeguard measures are not applied to imports from developing countries which individually account for less than 7 percent of total imports and 15 percent collectively	No decision taken: Safeguard Cttee continues to actively negotiate e.g. Job (04) 158 from Malaysia and G/SG/M25, 26 for minutes
Sanitary and Phytosanitary Measures	Tired 3 of Compilation	Agreement on Sanitary and Phytosanitary Measures	When the introduction of SPS measures may have a significant effect on trade for products of interest to developing countries Members shall notify WTO and inform concerned Member	27-28 October 2004 SPS Cttee adopted procedure for transparent notification of SPS measures and bilateral consulting if requested