

**STATEMENT BY THE CHAIRMAN OF THE GENERAL COUNCIL TO BE DELIVERED AT THE  
SPECIAL MEETING ON 26 NOVEMBER 2014**

I wish to draw your attention to:

- the draft Decision on the Protocol of Amendment to insert the Trade Facilitation Agreement into Annex 1A of the WTO Agreement, contained in document WT/PCTF/W/28, and
- the draft Decision on Public Stockholding for Food Security Purposes contained in document WT/GC/W/688.

With respect to Trade Facilitation, I also draw your attention to the Category A notifications received so far, and circulated in the series of documents carrying the symbol WT/PCTF/N.

In accordance with the Bali mandate, the General Council has to annex the Category A notifications to the Trade Facilitation Agreement. The text of the Trade Facilitation Agreement, as you will recall, is contained in WT/L/931.

In now taking this action, and based on the consultations held, we are collectively acting on the premise that the entire Bali Package can and must be pursued. I therefore propose that, in adopting the two Decisions on the Protocol of Amendment for Trade Facilitation and on Public Stockholding for Food Security Purposes simultaneously, the General Council also agrees that we will resume work immediately and that all Members will engage constructively on the implementation of all the Bali Ministerial Decisions in the relevant WTO bodies, and on the preparation of the clearly defined Work Program on the remaining DDA issues mandated in para. 1.11 of the Bali Ministerial Declaration. On the Work Program, since, as you all recognize, there have been exceptional circumstances that prevented us from meeting our December deadline, I also propose that, in adopting these decisions, the General Council agrees to complete the Work Program by July 2015.

Therefore, in adopting these two decisions, as I said, we are also reaffirming the entirety of the Bali Ministerial mandates, including the priorities that Ministers identified at Bali. Further, we are doing so on the understanding that the TNC is instructed to prepare the clearly defined Work Program on the remaining DDA issues by July 2015.

Let us now turn to the formal action by the General Council.

I propose that:

- the General Council adopts the draft Decision in Document WT/PCTF/W/28 and the Protocol of Amendment to insert the Trade Facilitation Agreement into Annex 1A of the WTO Agreement contained therein, and opens the Protocol for acceptance; in so doing, the Category A notifications received shall be deemed to be annexed to the Trade Facilitation Agreement;
- the General Council adopts the draft decision on Public Stockholding for Food Security Purposes in document WT/GC/W/688;
- In adopting these two decisions, the General Council agrees to immediately resume work on the implementation of all Bali decisions as well as the Work Program mandated in para 1.11 of the Bali Ministerial Declaration, with a view to finalizing the Work Program by July 2015.

The General Council so agrees. [GAVEL]

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**Preparatory Committee on Trade Facilitation**

**PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING  
THE WORLD TRADE ORGANIZATION**

DRAFT DECISION

The General Council;

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

*Conducting* the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

*Recalling* the General Council Decision to commence negotiations on the basis of the modalities set out in Annex D to that decision, adopted on 1 August 2004, as well as the Ministerial Decision of 7 December 2013 to draw up a Protocol of Amendment to insert the Agreement on Trade Facilitation into Annex 1A of the WTO Agreement (the "Protocol");

*Recalling* paragraph 47 of the Doha Ministerial Declaration of 20 November 2001;

*Recalling* paragraphs 2 and 3 of the Doha Ministerial Declaration, Annex D of the General Council Decision of August 2004 and Article 13.2 of the Agreement on Trade Facilitation on the importance of the provision of assistance and support for capacity building to help developing and least-developed countries to implement the provisions of the Agreement on Trade Facilitation;

*Welcoming* the Director General's announcement setting up, within the existing WTO structures, a Trade Facilitation Agreement Facility to manage support that Members volunteer to provide to the WTO in furtherance of supplementary assistance to implement the provisions of the Trade Facilitation Agreement and to facilitate coherence of assistance with the Annex D plus agencies;

*Having considered* the Agreement submitted by the Preparatory Committee on Trade Facilitation (WT/L/931);

*Noting* the consensus to submit this proposed amendment to the Members for acceptance;

*Decides* as follows:

1. The Protocol amending the WTO Agreement attached to this Decision is hereby adopted and submitted to the Members for acceptance.
2. The Protocol shall hereby be open for acceptance by Members.
3. The Protocol shall enter into force in accordance with the provisions of paragraph 3 of Article X of the WTO Agreement.

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**DRAFT PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING  
THE WORLD TRADE ORGANIZATION**

Members of the World Trade Organization;

*Referring to the Agreement on Trade Facilitation;*

*Having regard to the Decision of the General Council in document WT/L/x, adopted pursuant to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization ("the WTO Agreement");*

*Hereby agree as follows:*

1. Annex 1A to the WTO Agreement shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of the Agreement on Trade Facilitation, as set out in the Annex to this Protocol, to be placed after the Agreement on Safeguards.
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.
4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.<sup>1</sup>
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 xx day of two thousand and fourteen, in a single copy in the English, French and Spanish languages, each text being authentic.*

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<sup>1</sup> 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.



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**General Council**

**PUBLIC STOCKHOLDING FOR FOOD SECURITY PURPOSES**

DRAFT DECISION

The General Council,

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

*Conducting* the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

*Recognizing* the importance of public stockholding for food security purposes for developing countries;

*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 (hereinafter referred to as the "Bali Decision");

*Decides* that:

1. Paragraph 2 of the Bali Decision shall be read as follows: Until a permanent solution<sup>1</sup> is agreed and adopted, and provided that the conditions set out in paragraphs 3 to 6 of the Bali Decision are met, Members shall not challenge through the WTO Dispute Settlement Mechanism, compliance of a developing Member with its obligations under Articles 6.3 and 7.2(b) of the Agreement on Agriculture (AoA) in relation to support provided for traditional staple food crops<sup>2</sup> in pursuance of public stockholding programmes for food security purposes existing as of the date of the Bali Decision,<sup>3</sup> that are consistent with the criteria of paragraph 3, footnote 5, and footnote 5 and 6 of Annex 2 to the AoA.
2. If a permanent solution for the issue of public stockholding for food security purposes is not agreed and adopted by the 11<sup>th</sup> Ministerial Conference, the mechanism referred to in paragraph 1 of the Bali Decision, as set out in paragraph 1 of this Decision, shall continue to be in place until a permanent solution is agreed and adopted.
3. In accordance with paragraph 1.11 of the Bali Ministerial Declaration (WT/MIN(13)/DEC) dated 11 December 2013, the negotiations on a permanent solution on the issue of public stockholding for food security purposes shall be pursued on priority.
4. Members shall engage constructively to negotiate and make all concerted efforts to agree and adopt a permanent solution on the issue of public stockholding for food security purposes by 31 December 2015. In order to achieve such permanent solution, the negotiations on this subject shall be held in the Committee on Agriculture in Special Session ("CoA SS"), in dedicated sessions and in an accelerated time-frame, distinct from the agriculture negotiations under the Doha

<sup>1</sup> The permanent solution will be applicable to all developing Members.

<sup>2</sup> This term refers to primary agricultural products that are predominant staples in the traditional diet of a developing Member.

<sup>3</sup> This Decision does not preclude developing Members from introducing programmes of public stockholding for food security purposes in accordance with the relevant provisions of the Agreement on Agriculture.

Development Agenda ("DDA"). The three pillars of the agriculture negotiations, pursuant to the DDA, will continue to progress in the CoA SS.

5. The TNC/General Council shall regularly review the progress of these dedicated sessions.
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