

# WORLD TRADE ORGANIZATION

TN/TE/W/66  
15 May 2006

(06-2365)

---

Committee on Trade and Environment  
Special Session

Original: English

## CONTINUED WORK UNDER PARAGRAPH 31(II) OF THE DOHA DECLARATION

### Submission by the European Communities

#### Paragraph 31(ii)

The following communication, dated 11 May 2006, is being circulated at the request of the Delegation of the European Communities.

### I. INTRODUCTION

1. Paragraph 31(ii) of the Doha Ministerial Declaration (DMD) is an indispensable part of the trade and environment mandate. WTO Members have unanimously expressed their desire for relations between the multilateral trading system and Multilateral Environmental Agreements (MEAs) to be "mutually supportive" and "consistent with sustainable development goals". The European Communities (EC) considers it natural, therefore, for the Committee on Trade and Environment in Special Session (CTESS) to deliver a rapid and substantive outcome on this strand of the negotiations.

2. At Doha, ministers mandated the CTESS to negotiate on "procedures for regular information exchange between MEA secretariats and the relevant WTO committees, and the criteria for the granting of observer status". In our submission TN/TE/W/15 dated 17 October 2002, we set out our views on the issues, concluding, in the main, that information exchange sessions become a formal, institutionalized feature of WTO work; and that 'core' MEAs be granted observer status in the Committee on Trade and Environment (CTE). The EC wishes to reconfirm its views on these matters.

3. This submission reaffirms all points made by the EC in its submission above, even where such points are not explicitly reiterated here.

### II. INFORMATION EXCHANGE BETWEEN MEA SECRETARIATS AND THE RELEVANT WTO COMMITTEES

4. In respect of procedures for regular information exchange between MEA secretariats and the relevant WTO committees, the EC believes no further elaboration of its position to be necessary. In short, the EC proposes that information exchange between MEA secretariats and the CTE become a formal, institutionalized aspect of the CTE meeting in normal session.

5. Both the US and Switzerland, besides the EC, have made suggestions concerning the practical organization of information exchange sessions. The EC is of course more than willing to discuss these matters in detail. But we would point out that it should not be necessary *ex ante* to agree the detailed operational/administrative functions related to the running of information exchange sessions in order satisfactorily to fulfil the mandate.

### III. CRITERIA FOR THE GRANTING OF OBSERVER STATUS

6. In respect of the granting of observer status, the EC reconfirms its position that 'core' MEAs, namely those that have participated in the previous informal information exchange sessions, be granted observer status in the CTE.<sup>1</sup>

7. As regards requests by other MEAs for observer status in the CTE, or requests by UNEP and 'core' and other MEAs for observer status in relevant WTO committees, there should be a strong presumption in favour of the granting of observer status, in accordance with the broad conditions listed at paragraph 8.

8. The following conditions should inform decision-making on observer status for MEAs in WTO committees:

- (a) Decisions on the granting of observer status to MEAs in relevant WTO committees<sup>2</sup> should fall to the relevant committee;
- (b) Decision-making should be without prejudice to the procedures set out in Annex 3 of the Rules of procedure for Sessions of the Ministerial Conference and Meetings of the General Council (WT/L/161);
- (c) In respect of paragraph 4 of Annex 3 above, there should be a strong presumption that the requesting MEA (or UNEP, as the case may be) is indeed "associated with the work of the contracting parties to the GATT 1947", and is therefore eligible for receipt of observer status;
- (d) Observer status should be granted upon condition of full reciprocity.

9. These conditions should be *deemed fulfilled* in respect of 'core' MEAs' standing in the CTE. Hence our proposal at paragraph 6 that 'core' MEAs be granted observer status in the CTE forthwith.

---

<sup>1</sup> The 'core' MEAs are listed as attendees to MEA information sessions in TN/TE/S/2 at paragraph 11: the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Convention on Biological Diversity (CBD), the Convention for the Conservation of Atlantic Marine Living Resources (CCAMLR), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Intergovernmental Forum on Forests (IFF), the International Tropical Timber Organization (ITTO), the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants (POPs), the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Fish Stocks Agreement (UN Fish Stocks) and the United Nations Forum on Forests (UNFF). This would represent around 13 MEAs, the Cartagena and the Kyoto Protocols being respectively covered by the CBD and the UNFCCC. All these MEAs do have a trade component, as indicated in the "Matrix" elaborated by the WTO Secretariat (WT/CTE/W/160/Rev.1) and can be considered to have a "competence" and a "direct interest" in trade policy matters. Of course, UNEP, the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the International Commission for the Conservation of Atlantic Tuna (ICCAT) and the United Nations Framework Convention on Climate Change (UNFCCC) have already been granted observer status in the CTE.

<sup>2</sup> The most relevant committees would include at least bodies such as the TBT Committee, the SPS Committee, the Committee on Trade and Development, the Council for TRIPS, or the Committee on Agriculture.

10. As concerns the question of observer status in the CTE meeting in Special Session (CTESS), the EC proposes that UNEP and 'core' MEA secretariats be granted observer status for the duration of the negotiations. As an interim measure, the EC proposes that they be granted *ad hoc* observer status for a renewable period of one-year. Such a decision could, and should, be taken without delay.

#### IV. CONCLUSIONS

11. To conclude, the EC reiterates its desire for a substantive outcome to the Paragraph 31(ii) negotiations on the basis of the following proposals:

- (a) Information exchange sessions between MEA secretariats and the relevant WTO committees be formalized/institutionalized;
  - (b) Residual 'core' MEAs be granted observer status in the CTE forthwith; requests from other MEAs for observer status in the CTE be considered in accordance with the conditions at paragraph 8 above. There should be a strong presumption that observer status be granted;
  - (c) UNEP and all 'core' MEAs be granted observer status in the CTESS forthwith. *Should interim measures be necessary*: UNEP and all 'core' MEAs be granted *ad hoc* observer status in the CTESS without delay for a renewable period of one-year;
  - (d) Requests from UNEP, 'core' and other MEAs for observer status in other WTO committees be considered in accordance with the conditions at paragraph 8 above. There should be a strong presumption that observer status be granted.
-