

Negotiating Group on Rules

NEGOTIATING GROUP ON RULES

Report by the Chairman to the
Trade Negotiations Committee

I. STATUS OF WORK

1. Since my last Report to the Trade Negotiations Committee in early December 2004, the Negotiating Group has held three further meetings, on 14-16 December 2004 (Anti-Dumping and Subsidies & Countervailing Measures, including Fisheries Subsidies) and on 13 December 2004 and 24 January 2005 (Regional Trade Agreements - RTAs). The Group will meet again in the week of 21 February to continue its work on AD/SCM issues, and on 7 March regarding RTAs.

2. To date, 170 formal submissions have been received from Participants. These submissions have been circulated in the TN/RL/W/... series. In addition, the Group has received 31 informal elaborated proposals relating to AD and/or to SCM. While these proposals have been circulated as JOB documents, all such proposals have also been circulated at the request of the Participants submitting them as unrestricted documents in the TN/RL/GEN/... series. In the area of RTAs, four background notes elaborated by the Secretariat at the Group's request, and three informal notes by the Chairman, have been circulated as JOB documents.

II. FUTURE WORK

A. ANTI-DUMPING, AND SUBSIDIES AND COUNTERVAILING MEASURES INCLUDING FISHERIES SUBSIDIES

3. The Group's meetings on these issues have three components: a formal meeting, informal sessions to discuss in detail informal elaborated proposals, and bilateral and plurilateral consultations among delegations. I consider that all three elements of our work remain important to further progress. In particular, I am aware that many delegations still have issues that they would like to present in the formal and/or informal plenary fora. I am further convinced that intensive informal contacts between delegations at the bilateral and plurilateral level are important to building mutual understanding.

4. That said, there is an increasingly widespread view, which I share, that we must evolve the nature of our work significantly, both in terms of substance and of process, in order to insure that the Rules area makes its contribution to the successful completion of the Doha Development Agenda. I have been holding intensive bilateral consultations with a number of delegations with a view to identifying the best way forward, and I expect to further explore this issue at our February meeting. I would however like to emphasize that the momentum for these – and indeed any – negotiations must come from the Members. Thus, I encourage delegations to be as concrete as possible regarding how we could intensify the process, and what could be the Group's contribution to the overall progress of the negotiations, while at the same time demonstrating the realism and pragmatism that will be required if we are to succeed in our task.

B. REGIONAL TRADE AGREEMENTS

5. During the last two meetings devoted to RTAs, work has mainly focused on RTAs Transparency, on the basis of Chairman's informal notes. While the purely "technical" debate is nearing conclusion, work still needs to be pursued on some aspects of the RTAs reviewing process, in particular regarding the submission of trade information, RTAs periodic reporting, and the scope of this new process. I will be holding consultations, at various levels and on all pending issues in the coming weeks.

6. During the past months, the Group has had the opportunity to discuss on the broad range of systemic issues included in a Chairman's *Roadmap*. It seems to me that the Group, though determined to move forward in its consideration of these issues, has not yet focused its attention on the details of that part of the negotiations' mandate. I am currently engaged in a series of informal individual meetings with interested delegations, to gather their views upon the work done on RTAs' systemic issues, and on how to take it forward, so that a balanced negotiation outcome can be obtained. It is my hope that, by the next TNC meeting, I will be in a position to report to you on the adoption of a pragmatic approach to deal with RTAs' systemic issues.
