

COMMON WORKING PAPER OF THE EC, HUNGARY, JAPAN, KOREA, SWITZERLAND AND TURKEY TO THE SEATTLE MINISTERIAL DECLARATION

We, the Ministers of the [134] WTO Members, have met in Seattle from 30 November to 3 December 1999 for the Third Session of the Ministerial Conference. We have welcomed the participation of Ministers from WTO observer governments and of heads of observer international organisations in our discussions.

GENERAL OBJECTIVES

1. The WTO system has proved its worth in the face of its first major challenge, the effects of the financial disturbances of 1997-98. The fact that markets generally remained open in the face of these difficulties and that protectionist pressures were resisted both in the countries most directly affected and in their principal trading partners clearly underlines the value of a trading system based on non-discriminatory rules agreed by all its Members. We pledge ourselves to continue to reject the use of any protectionist measures and to maintain the effectiveness of the rule-based multilateral trading system. We also commit ourselves to further strengthen the WTO as a forum for negotiations and continuing liberalisation of trade, supported by an effective dispute settlement mechanism.

2. We recall and reaffirm the objectives set out in the Preamble to the Marrakesh Agreement Establishing the World Trade Organisation, recognising that the relations of Members in the field of trade and economic endeavour should be conducted, among others, with a view to raising living standards, ensuring full employment, and allowing for the optimal use of the world's resources in accordance with the objective of sustainable development.

The objective of seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with the respective needs and concerns of our different levels of development shall be taken into account comprehensively in the conduct of the negotiations with a view to:

- Maximising the positive synergies between trade liberalisation, environmental protection and economic development;
- Avoiding potential conflicts arising between continued trade liberalisation, on the one hand, and sustainable development objectives such as the sustainable utilisation of resources and the protection of the environment through proper resource management;

The WTO will continue to recognise the rights of countries to establish and achieve those levels of health, safety and environmental protection as they deem appropriate.

3. Here in Seattle we are inaugurating a work programme to guide the trading system into a new century. The Seattle Agenda embodies our collective commitment to advancing the trading system as a continuing force for growth, employment, development and stability for the benefit of all Members in an increasingly interdependent world.

3 bis. Trade liberalisation and further rule making should be pursued in line with the objectives of promoting development and poverty alleviation and of enabling developing countries, in particular the least-developed, as well as economies in transition to reap the full benefits of the multilateral trading system.

4. We give particular emphasis to the need for positive measures designed to ensure that developing countries, and especially the least-developed economies, secure a share in the growth in international trade commensurate with the needs of their economic development. More progress needs to be made towards realising this objective. We resolve to take all necessary measures to ensure that the development dimension receives effective recognition as a key aspect of the Seattle Agenda and is made an integral part thereof.

5. We also take note of the problems and concerns facing economies in transition and the vulnerable situation of certain small economies and instruct that these be given similar priority in the WTO work programme.

6. In line with our decision at Marrakesh, we shall aim to increase the contribution of the multilateral trading system to achieving greater coherence in global economic policy-making. This will involve continued cooperation between the WTO, IMF and World Bank. We welcome the intention of the three organisations to focus their future cooperation, as a priority, on support for developing countries, and particularly the poorest and least-developed among them.

7. We welcome the Members who have joined the WTO since our last Session, and reiterate the priority we continue to attach to concluding the [...] current accession negotiations as speedily as possible in keeping with WTO rules and disciplines.

8. We recognise that the multilateral trading system must work for the benefit of all its Members and their peoples, and that it must be seen and understood to do so. With this in mind and respecting the intergovernmental character of the organisation, we are committed to make the WTO's operations more transparent and to improve dialogue with the public. At the national as well as the multilateral level we shall increase our efforts to communicate the benefits of rule-based trade liberalisation and respond to public concerns.

IMPLEMENTATION OF EXISTING AGREEMENTS AND DECISIONS

9. As we agreed at Geneva in May 1998, we have further pursued our evaluation of the implementation of individual agreements and the realisation of their objectives. In so doing we have considered, *inter alia*, the problems encountered in implementation and the consequent impact on the trade and development prospects of Members.

Immediate decisions at Seattle

10. Some concerns raised over implementation can, and should, be addressed at once. In this regard, together with the other measures we are taking to respond to such concerns, we are also taking the following decisions with immediate effect:

TRIPs

- The TRIPs Council shall take an appropriate period of time to examine the scope and modalities for complaints of the type provided for under sub-para 1 (b) and (c) of Article XXIII of GATT 1994 made pursuant to the TRIPs Agreement and submit its recommendations as soon as possible for approval. Members decide that subparagraphs 1(b) and (c) of Article XXIII of GATT 1994 shall not apply to the settlement of disputes under the TRIPs Agreement until this examination is completed.

The TRIPs Agreement, and in particular Article 31, shall be understood to permit developing countries to issue, in accordance with the provisions laid down in this article and other relevant articles, compulsory licenses for drugs appearing on the list of essential drugs of the World Health Organisation.

- Work shall be initiated to examine the relationship between the TRIPs Agreement and the Convention on Biodiversity, and recommendations shall be made, where appropriate, to clarify;
- The review of Article 27.3(b) shall be pursued with a view to clarifying the effect of its provisions.

Agreement on Sanitary and Phytosanitary Measures:

- Urge the relevant international standard-setting organisations to ensure that they are organised and operated in a way which facilitates effective participation of Members at different levels of development and from all geographical regions, throughout all phases of standard-development, and request the Director-General to explore with the relevant international standard-setting organisations and relevant intergovernmental organisations financial and technical mechanisms and means to ensure the participation of representatives of developing countries in standard-setting activities.
- Instruct the SPS Committee to consider the means to assist developing country Members to fully and effectively benefit from the provisions of Article 4, taking into account the work being done by the relevant international standard-setting organisations.
- Agree that regulatory authorities of the Members, subject to the conditions set out in Article 10.2, should observe a longer time-frame accorded for compliance with a new measure on products of interest to developing country Members of normally at least [6] months following notification of the measure in accordance with Article 7 and Annex B.

- Instruct the Committee on Sanitary and Phytosanitary measures to grant to the least-developed country Members, in conformity with Article 10(3) of the Agreement, a delay in application of the provisions of the Agreement, other than paragraph 8 of Article 5 and Article 7, by a further period of three years with respect to their existing sanitary or phytosanitary measures affecting importation or imported products, where such application is prevented by a lack of technical expertise, technical infrastructure or resources.
- Request the Director-General to coordinate efforts with the relevant international standard-setting organisations to identify SPS-related technical assistance needs and how best to address these, taking into consideration the importance of bilateral and regional technical assistance in this domain.

Agreement on Technical Barriers to Trade

- International standardising bodies are urged to ensure that they are organised and operated in a way which facilitates effective participation of Members at different levels of development and from all geographical regions, throughout all phases of standard-development.
- The Director-General is requested to explore with international standardising bodies and relevant intergovernmental organisations financial and technical mechanisms and means to ensure the participation of relevant bodies from developing countries in standard-setting activities.

Rules of Origin

- The Committee on Rules of Origin shall make every possible effort to complete its remaining work on harmonising non-preferential rules of origin in the year 2000, and in no case later than the 4th Ministerial Conference.

Anti-dumping

- The competent authorities shall not re-open successive investigations against the same product under Article 5 of the AD Agreement within 365 days of the closure of the previous case unless the pre-initiation examination clearly shows that circumstances are different to those which applied in the previous case.
- Article 15 of the agreement should be fully and properly applied and that all constructive remedies which are possible under the agreement must be considered, in particular in relation to the de-minimis import volumes set out in Article 5 paragraph 8, the constructive remedies provided in Article 8 on undertakings and those set out in Article 9 paragraph 1 on permissive application and lesser duties.

Subsidies and Countervailing Measures

- Members agree that Annex VII of the Agreement on Subsidies and Countervailing Measures will be reviewed with a view to include all developing countries falling within the World Bank lower-middle income category.

Customs valuation

- The Committee on Customs Valuation is instructed to grant, in accordance with Annex III, paragraph 1 of the Agreement, an extension of the transition period provided for in Article 20:1 of the Agreement for a period of three years for least developed country members, and up to 18 months for other developing country Members which:
 - a) Make an application before ; and
 - b) With their application submit a detailed work programme, involving the relevant ministries and agencies, to enable the elaboration and approval of its legislation and the completion of its domestic administrative and legal procedures, including training, dissemination of information and other actions, for implementing and applying the Agreement.

Agreement on Agriculture

- Members, in the framework of Article 18.4 of the Agreement on Agriculture, shall give the fullest consideration to the influence of excessive rates of inflation on the ability of a developing country Member or a country in transition to abide by its domestic support commitments. To this end a developing country Member or a country in transition shall have the flexibility to notify relevant date, for the purposes of demonstrating compliance with its domestic support commitments, in terms of a selected and consistently applied unit of account other than its own domestic currency, in conjunction with notification of such data in its domestic currency.
- Notifications submitted to the Committee on Agriculture shall also include details on guidelines and procedures for allocation and administration of TRQs.

Agreement on Textiles and Clothing

- The importing countries will apply growth-on-growth for stage 3 with effect from 1 January 2000 instead of 1 January 2002.
- Any change in rules of origin relating to textiles and clothing products shall be examined in the CTG for its possible impact on market access of exporting countries, before it is applied.
- The restraining countries should apply the methodology employed by the EU in implementing the growth-on-growth for small suppliers and extend the same treatment to least-developed countries.

TRIMs

- Sympathetic examination, on a case-by-case basis, of demands for extension of the transitional period to eliminate TRIMs, notified by 31 March 2000 and introduced no later than 180 days before the adoption of this Declaration (independently of their previous notification.). These requests shall be limited to

a maximum extension until 31 December 2001 and prevailing market access conditions in the sector should not be worsened during this period.

The Council on trade in goods will be in charge of conducting the examination of the requests for extension. These requests shall include detailed plans for the phasing out of the measures in question. This examination shall be concluded as quickly as possible and in no case later than 31 December 2000.

A moratorium on the invocation of disputes under the DSU regarding any measures notified will be observed while such examinations and the implementation of the agreed phase out plans are under way.

Special and Differential Treatment

- Instruct the Committee on Trade and Development to examine all S&D provisions before 31 December 2000, and to report to the General Council, with a view to making such provisions more operational to effectively meet developing countries' needs, having regard to the specificities of each WTO Agreement or Decision.

Implementation review mechanism

11. We decide to establish an improved mechanism to resolve implementation related concerns. To this end we direct that

- The General Council shall conduct a full and comprehensive review of issues and problems identified by Members relating to the implementation of existing WTO Agreements and decisions;
- The General Council shall complete its review and take appropriate actions within one year of the date of this Declaration with the view to resolving such issues.

Elements for negotiations

12. We noted that a number of the concerns over implementation have given rise to proposals that would imply renegotiation of certain elements of the Uruguay Round Agreements. This applies in particular to those proposals entailing the modification of the Agreements on subsidies and countervailing measures, anti-dumping, TRIMs, TRIPs and Customs Valuation.. Any proposal shall, where not resolved in the implementation review, be addressed in the negotiations under the single undertaking established by this declaration.

NEW NEGOTIATING ROUND

13. PRINCIPLES GOVERNING THE NEGOTIATIONS

- **Single undertaking:** the launch, conduct and conclusion of the negotiations shall be treated as parts of a single undertaking. The

results of the negotiations shall be adopted as a package and apply to all WTO Members.

- **Transparency in negotiations:** the negotiations shall be conducted in an open, transparent and manageable manner among participants, in order to facilitate the effective participation of all.
- **Balance and equity:** negotiations shall be conducted with a view to ensuring mutual advantage and increased benefits to all participants and achieving an overall balance and equity in the outcome of the negotiations.
- **Autonomous liberalisation:** Members agree to develop appropriate modalities under which autonomous liberalisation measures for goods and services will be taken into account in the negotiating process.
- **Special and differential treatment** for developing countries, in particular least-developed countries shall be an integral part of the negotiations and embodied in effective and operational provisions in the agreements to be concluded.

14. STRUCTURE, ORGANISATION AND PARTICIPATION

Consistent with the overall principles set out above, the structure and organisation of, and participation in, the negotiations shall be as follows:

- **Overall supervisory body:** under the authority of the Ministerial Conference a Trade Negotiations Committee is established as of 1 January 2000 to oversee the conduct of the negotiations and to ensure the observance of the principles governing the negotiations set out above. The TNC will also have the duty to ensure that the negotiations be concluded within 3 years.
- **Negotiating bodies:** The Trade Negotiations Committee shall establish negotiating bodies as required to undertake negotiations in specific areas under its direction and supervision as of 1 January 2000. These bodies shall keep the Trade Negotiations Committee fully informed of their progress.
- **Schedule of work and individual negotiating plans:** Unless otherwise indicated in this Declaration the Negotiating Committees shall elaborate their own schedules of work and, where necessary, individual negotiating plans subject to any guidelines and direction from the Trade Negotiations Committee, with a view to ensuring timely progress in the negotiations. As a general requirement initial negotiating proposals shall be submitted before 31 July 2000.
- **Role of Committee on Trade and Development and Committee on Trade and Environment:** The Committees on Trade and

Development and on Trade and Environment will, within their respective mandates, each provide a forum to identify and debate the developmental and environmental aspects of the negotiations in order to help achieve the objective that sustainable development is appropriately reflected throughout the negotiations. These two committees will report regularly to the Trade Negotiations Committee, which may provide direction to the different negotiating groups in the light of the reports made.

- **Provisions to facilitate participation by developing, least-developed, and transition economies:** within available resources, both financial and human, appropriate technical assistance will be provided to these countries to improve their capacity to participate effectively in the negotiations. In the conduct of the negotiations every effort will be made to minimise the burden on delegations, especially those with more limited resources.
- **Mid-term review:** the Fourth Session of the Ministerial Conference will take stock of progress in the negotiations, provide any necessary political guidance, and take any decisions as necessary.
- **Implementation of results:** when the results of the negotiations in all areas have been established, a Special Session of the Ministerial Conference will be held to take decisions regarding the adoption and implementation of those results.
- **Participation in the negotiations:** Negotiations shall be open to:
 - (i) all Members of the WTO;
 - (ii) States and separate customs territories that have already informed Members, at a regular meeting of the General Council, of their intention to negotiate the terms of their membership and for whom an accession working party has been established.

Decisions on the outcomes of the negotiations shall, however, be taken only by WTO Members.

SUBJECTS FOR NEGOTIATION

Agriculture

15. The negotiations on agriculture shall continue the ongoing process of fundamental reform directed at achieving a fair and market-oriented agricultural trading system consistent with the long-term objective of substantial progressive reductions in support and protection and, as appropriate, improvements in rules and disciplines. The negotiations shall be based on the provisions of Article 20 and the Preamble to the Agreement on Agriculture.

16. Special and differential treatment for developing countries as provided for in Part IV of GATT 1994 shall constitute an integral and effective part of the results of these negotiations. Furtherance of these specific commitments should be negotiated to improve access for products originating in these countries. Specific and concrete special and differential treatment provisions with regard to developing country commitments, concessions and technical assistance shall be provided in order to take fully into account their developmental needs. Furthermore, flexibility shall be provided to enable developing countries to address concerns such as food security, rural development and poverty alleviation. Particular attention shall be paid to the situation of least-developed, net food-importing developing countries, and small island developing economies.

17. To achieve the objectives in paragraphs 27 and 28 above, the negotiations shall cover:

(i) Market Access

Comprehensive market access negotiations leading to further liberalisation, particularly with regard to products originating in developing country Members;

(ii) Export Subsidies

Reduction of all forms of assistance to exports;

(iii) Domestic Support

Further reductions in trade-distorting domestic support;

(iv) Rules and Disciplines

Improvements in the rules and disciplines consistent with the objective of fundamental reform.

Proposals for negotiations on the above elements shall be submitted by 1 July 2000.

17bis. At the same time, as foreseen in Article 20 and the Preamble to the Agreement on Agriculture, which notes that commitments shall be made in an equitable way among all Members, the negotiations shall take into account:

- The experience to date from the implementing the reduction commitments
- The effects of the reduction commitments on world trade in agriculture
- Non-trade concerns. These include the multifunctional role of agriculture, inter alia with regard to rural development, with a particular attention to the social and economic viability of rural areas, and the need to protect the environment, food security, the safety of agricultural products, and support for animal welfare
- Special and differential treatment to developing country Members;
- The objective to establish a fair and market-oriented agricultural trading system
- Other objectives and concerns mentioned in the Preamble to the Agreement on Agriculture

17ter. [Agreement on modalities shall be reached before 1 July 2001. Participants shall submit their comprehensive offer lists no later than 31 January 2002. The negotiations on commitments and legal texts shall be concluded before 15 December 2002.]

Services

18. Pursuant to the objectives of the GATS as stipulated in the preamble and article IV and as required by article XIX, negotiations based on these guidelines shall aim to achieve progressively higher levels of liberalisation of trade in services through the reduction or elimination of the adverse effects on trade of measures as a means of providing effective market access. These negotiations shall take place with due respect for national policy objectives and the level of development of individual Members. In this process, the structure and principles of the GATS shall be preserved. To this end:

- (a) The negotiations shall be conducted in full accordance with Article IV (Increasing Participation of Developing Countries), Article XIX (Negotiation of Specific Commitments), and the Annex on Article II Exemptions (MFN exemptions).
- (b) Liberalisation may be achieved through bilateral plurilateral or multilateral approaches, based on the request-offer approach and supplemented by other appropriate negotiating modalities applied on a horizontal or sectoral basis. Participants shall submit initial request on specific commitments by 1 July 2000 and their offers by 15 December 2000.
- (c) The Negotiations, for which no sector or mode of supply shall be excluded a priori, shall aim to promote the interests of all participants and to secure an overall balance of rights and obligations through the liberalisation of services across a broad range of sectors .. Special attention shall be given to sectors and modes of supply of interest to developing countries.
- (d) In order to improve market access and make the operation of the agreement more effective, work currently in progress under the GATS shall be expedited.
- (e) Existing provisions of the GATS may be subject to technical review as agreed by Members in order to improve the clarity and legal consistency of the text.
- (f) Negotiations shall take account of the results of the reviews to be conducted by the Council on Trade in Services of Article II exemptions and the Annex on Air Transport Services.

Trade-Related Aspects of Intellectual Property Rights

19. In order to enable the TRIPs Agreement to meet fully its objectives, work shall be undertaken to:

- complete, by the Fourth Ministerial Conference, the negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines provided for in Article 23.4 of the TRIPs Agreement and for spirits in the light of the Singapore Ministerial Declaration;
- take decisions on the extension of the type of protection required by Article 23 to other product areas;
- ensure that the TRIPs Agreement responds to new international legal, and technological developments and practices;
- further facilitate patent procedures through the use of first-to-file and early publication of applications systems;
- examine the scope for specific protection relating to traditional knowledge, particularly of indigenous people, and folklore, in cooperation with other relevant intergovernmental organisations, consistent with the existing principles of the TRIPs Agreement and other WTO Agreements.

Market Access Negotiations on Non-Agricultural Products

20. Market access negotiations shall be comprehensive covering all non-agricultural products with no a priori exclusions aiming at substantially reducing tariffs, including elimination of tariff peaks and tariff escalation. Negotiations shall further aim at increasing transparency and predictability through tariff bindings, simplifying the tariff of all members and bringing them within similar tariff structures and reducing tariff dispersion.

21. The negotiations shall be based on a common negotiating approach supplemented by other approaches which allow for the possibility of deeper reductions or tariff elimination for specific products or product groupings to be undertaken by interested participants.

22. The market access negotiations shall also aim at substantially reducing non-tariff measures that restrict or distort trade, in particular technical regulations and export restrictions including export taxes, so that such measures do not undermine the market access benefits achieved through tariff liberalisation for the interest of both exporting and importing members.

23. The interests, special needs and conditions of developing country Members, including least-developed countries, shall be taken into account, and special consideration given to the requests concerning products of interest to them allowing

for flexibility in the negotiations with regard to these Members while at the same time aiming at a mutually beneficial result.

Investment

24. In order to secure a stable, transparent and predictable climate for foreign direct investment (FDI) and to promote flows of FDI world-wide which would contribute to economic development for both investments hosts and home countries, and to further the objectives of the WTO and to complement its rules, negotiations shall aim at establishing a multilateral framework of rules for FDI which should:

- a) be based on WTO principles on non-discrimination, while preserving the ability of host countries to regulate the activity of investors on their respective territory
- b) ensure transparency, stability and predictability of domestic investment regimes and the dissemination of information in this respect
- c) address the relationship between multilateral plurilateral and bilateral rules and agreements
- d) address access to investment opportunities on the basis of negotiated, positive commitments by members through a progressive approach
- e) address investment distorting policies and practices not covered by existing WTO rules.
- f) exclude investor to state dispute settlement provisions
- g) take into account the developing needs of developing countries

25. Consideration should be given to the possible need for provisions on other matters, such as protection of investment and investors' responsibility vis-à-vis the host country

Competition Policy

26. In order to enhance the contribution of competition law and policy to international trade and development, negotiations shall aim at establishing a multilateral framework of rules on the application of law and policy through: a) the development of core principles and rules on domestic competition law and policy, building in particular on the WTO principles of transparency and non-discrimination; b) the establishment of appropriate modalities for international co-operation, including the exchange of information between relevant authorities, among WTO members; c) the development of common approaches in relation to anti-competitive practices with a significant impact on international trade and investment.

A multilateral agreement on competition should support the progressive reinforcement of competition law structures in developing countries and develop operational modalities which meet their particular needs. There shall be no review of individual competition decisions taken by Members' competition authorities.

Government Procurement

27. We note the consensual elements for inclusion in an appropriate agreement identified by the Working Group on Transparency in Government Procurement. Negotiations shall take place to conclude an agreement on transparency in government procurement of goods and services, to be concluded as part of the multilateral negotiating round. Negotiations shall address the special situation of developing countries and due flexibility shall be accorded to them. Taking into account the work of the Working Group on Transparency in Government Procurement, negotiations shall take place in parallel to develop multilateral rules on government procurement of goods and services.

Trade Facilitation

28. Negotiations shall be directed to establishing a framework of WTO rules and disciplines on the procedures and formalities relating to importation, exportation and transit of goods with the objective of alleviating administrative and procedural burdens on traders so as to enable traders, particularly those that are small and medium-size and those from developing countries, to participate to a greater extent in international trade, while allowing governments to pursue legitimate policy objectives.. Building on WTO principles, the negotiations shall be aimed at maximising transparency, expediting the release of goods and reducing, simplifying and, as appropriate, modernising and harmonising border-crossing requirements, procedures and formalities. In this context, the negotiations shall also consider specific measures to enhance the implementation of GATT 1994 Articles V, VIII and X and, where appropriate complement and expand the application of provisions in other relevant WTO Agreements. Negotiations shall take into due account the relevant work of other international Organisations with a view to avoiding unnecessary duplicating and explore avenues for enhancing cooperation and coordination with those organisations.

29. In recognition of the capacity constraints that developing country Members may face in implementing such WTO rules and disciplines, the negotiations shall also be directed to developing and implementing a program of appropriate, concurrent and coordinated technical assistance and capacity-building activities. This program shall be developed in parallel over the course of the negotiations, taking into account the administrative and institutional capacity constraints identified by developing countries, with the aim of ensuring all Members are able to implement the negotiated rules and disciplines.

Anti-dumping

30. The rules shall be reviewed, and where necessary amended, with a view to improving, strengthening and clarifying the disciplines and to facilitating their proper implementation, and to ensuring that they operate so as to support trade liberalisation and economic development.

Subsidies and countervailing measures

31. The rules shall be reviewed, and where necessary amended, taking into account, inter alia, the important role that subsidies may play in the economic development of developing countries, and the effects of subsidisation on trade. Members agree to extend the provisions of Art. 6 §§ 1, 8 and 9, until the end of the 4th session of the Ministerial Conference, in the understanding that these provisions will be modified with a view to better reflect developing countries and environmental needs. Further, participants shall examine ways in which the burden of subsidy notification obligations could be lightened without sacrificing transparency.

Technical barriers to trade

32. The existing rules shall be reviewed, with a view to clarifying, improving and strengthening , as appropriate, the provisions of the TBT Agreement including in areas such as international standards, conformity assessment procedures, technical assistance and special and differential treatment. Concerns, such as health, consumer safety and environmental issues, shall, in accordance with Article 2.2 of the Agreement, be addressed in a manner that maintains the balance between the right to take action to fulfil legitimate objectives, and the obligation to ensure that such action is not more trade restrictive than necessary to fulfil those objectives, taking account of the risks non-fulfilment would create. Consideration shall be given to establishing guidelines on labelling.

State trading

33. Participants shall examine whether Article XVII of GATT 1994 and the Understanding on its interpretation require further elaboration.

Regional trade agreements

34. Participants shall clarify WTO rules and procedures with the aim of maintaining and ensuring a coherent and predictable relationship between such agreements and the multilateral trading system, i.e. by providing more precise guidance on the establishment of free trade areas and customs unions.

Trade Related Investment measures

35. Members shall complete the review provided for in Art. 9 of the Agreement on Trade Related Investment Measures regarding its operation, and, as appropriate, negotiate amendments to its texts. Attention shall be given to issues that have been raised by Members, in particular by developing and least developed countries concerning their implementation of this Agreement.

Specific environment-related issues

36. Participants shall consider the relationship between the provisions of the multilateral trading system and trade related provisions of multilateral environmental agreements, as well as between WTO rules such as in article 5.7 of the SPS agreement and measures taken for precautionary reasons in cases of lack of sufficient scientific

evidence as to the risks to health or the environment. Using the results of this work, participants shall then present recommendations to the TNC with a view to clarifying these issues.

Other WTO rules

37. Any other WTO Rules which Members agree to include within the scope of the negotiations.

IMMEDIATE DECISIONS AT SEATTLE

- Biotechnology-related issues:

We agree to establish a working party with a fact-finding mandate on the relationship between trade, development, health, consumer and environmental issues in the area of modern biotechnology.

The work of the group shall proceed in two phases. First, the group shall complete its identification and examination phase by the fourth session of the Ministerial Conference, drawing on relevant work under way in the WTO and in other multilateral fora, including the codex, IPPC, the OECD as well as the bio-diversity convention.

Second, using the results of this work, the group shall then present recommendations to the TNC with a view to clarifying these issues.

IMMEDIATE DECISIONS AT SEATTLE

Trade, globalisation and labour issues:

- Reaffirming that economic growth and development fostered by increased trade and further trade liberalisation contribute to the promotion of internationally recognised core labour standards. (Singapore Ministerial Declaration).
- Further reaffirming our firm rejection of the use of labour standards for protectionist purposes and our agreement that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question. (Singapore Ministerial Declaration).

Decide to:

1. Support the establishment of a joint ILO/WTO standing working forum on trade, globalisation and labour issues, which will be outside the WTO structure with a view to promote a better understanding of the issues involved through a substantive dialogue between all interested parties, including governments, trade unions and other international organisations, such as UNCTAD and the World Bank. Such dialogue should include an examination of the relationship between trade policy, trade liberalisation, development and core labour standards and explicitly exclude any issue related to trade sanctions.
2. Request the Director General of the WTO to contact the Director General of the ILO to convey this decision and discuss with him practical modalities for the organisation of the forum, taking into account also the consideration of this issue in the ILO governing body.
3. Request also the Director General of the WTO to discuss with the Director General of the ILO means of enhancing cooperation between the two organisations, including through the granting of observer status on a reciprocal basis.
4. Request the Director General of the WTO to present a report to the General Council including proposals on the modalities for the establishment of the forum and other means to enhance cooperation with ILO no later than

IMMEDIATE DECISIONS AT SEATTLE

Discussions still ongoing in the WTO framework:

- duty free treatment for Least developed Countries
- e-commerce
- DSU review
- Technical co-operation

Discussions still ongoing.