

## 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, the Negotiating Group has held one formal meeting (19-21 March), as well as two informal meeting on Regional Trade Agreements ("RTAs") (6 and 21 March). The summary report of the formal meeting will be circulated in document TN/RL/M/7.
2. In its meetings to date, the Group's agenda has been structured around the following subject areas: Anti-Dumping ("AD"); Subsidies and Countervailing Measures ("SCM"), including Fisheries Subsidies; and RTAs. All three subject areas have been discussed at some length in the meetings.
3. Negotiations on AD and SCM are proceeding primarily on the basis of written submissions from participants. The Group has received a total of 79 submissions to date. A complete list of submissions received as of the date of this report is annexed.
4. On RTAs, informal discussions on procedural issues, in particular RTAs transparency, are progressing. Participants are currently focusing on questions related to the type and level of information required on RTAs, and to the WTO review mechanisms for RTAs.

#### **II. OUTSTANDING ISSUES**

5. Other than the issue of observers – a question with horizontal implications – there are no outstanding procedural issues in the Group at this time.

#### **III. FUTURE WORK**

6. At its March meeting, the Group agreed that its next formal meeting would be held on 5-7 May. Thereafter a formal meeting is scheduled for 18-20 June 2003, subject to the overall demand for meetings within the WTO. The Group has already held six informal meetings on RTAs, and will hold further informal meetings as appropriate.
7. In my view, the Group has made substantial further progress on AD and SCM, including fisheries subsidies, since my last report to the Trade Negotiations Committee. In all areas, including AD/CVD, multilateral subsidies disciplines and fisheries subsidies, the Group has received significant new submissions, and in a number of areas participants are already moving away from issue identification and towards more specific and concrete proposals for the clarification and improvement of the AD and SCM Agreements.
8. In light of this progress, I believe that the Group is rapidly approaching the critical mass of issues required to advance the negotiations. Thus, while there is no formal deadline for the

identification of issues for the negotiations, I advise participants to move promptly should they have further issues that they desire to put before the Group. I note in this respect that as of this moment only two more formal meetings of the Group are scheduled before Cancún. Prompt submission will help ensure that all proposals placed before the Group receive full and thorough consideration.

9. On RTAs, the Group will continue its informal work on the various "RTAs transparency" elements.

10. On a procedural note, most submissions for consideration at any given meeting of the Group tend to be submitted within 48 hours of the meeting, and it is not uncommon for submissions to be made available only as room documents at the meeting itself. While I recognize the constraints facing participants in finalizing and obtaining clearance for submissions, and prefer late submissions to no submissions, I strongly urge delegations to seek to put in their papers at least a few days in advance of a meeting. If delegations have not even had a chance to read submissions, much less get guidance from capital, the quality of the discussion is obviously impaired considerably. I remind participants that in order for a submission to be reflected in the airgram of the next meeting of the Group, it must be provided to the Secretariat by midday on Thursday, 24 April 2003.

SUBMISSIONS BY PARTICIPANTS TO THE NEGOTIATING GROUP ON RULES<sup>1</sup>

| Symbol          | Title of Document  | Submitted by  |
|-----------------|--|---|
| TN/RL/W/1       | IMPROVED DISCIPLINES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES AND THE ANTI-DUMPING AGREEMENT                         | Canada  |
| TN/RL/W/2       | NEGOTIATIONS ON REGIONAL TRADE AGREEMENTS:<br>KEY ISSUES FOR CONSIDERATION   | Australia   |
| TN/RL/W/3       | THE DOHA MANDATE TO ADDRESS FISHERIES SUBSIDIES: ISSUES  | Australia, Chile, Ecuador, Iceland, New Zealand, Peru, Philippines and the United States  |
| TN/RL/W/4       | PROPOSALS ON IMPLEMENTATION RELATED ISSUES AND CONCERNS<br>AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES/<br>ANTI-DUMPING AGREEMENT | India   |
| TN/RL/W/5       | EXPORT CREDITS IN THE WTO  | Brazil  |
| TN/RL/W/6       | ANTI-DUMPING: ILLUSTRATIVE MAJOR ISSUES  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Mexico; Norway; Singapore; Switzerland; Thailand; Turkey |
| TN/RL/W/7       | IMPLEMENTATION ISSUES  | Brazil  |
| TN/RL/W/8/Rev.1 | COMPENDIUM OF ISSUES RELATED TO REGIONAL TRADE AGREEMENTS  | Secretariat   |

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<sup>1</sup> Until 27 March 2003.

| <b>Symbol</b> | <b>Title of Document</b>  | <b>Submitted by</b>   |
|---------------|---|---|
| TN/RL/W/9     | PROPOSAL FROM THE PEOPLE'S REPUBLIC OF CHINA<br>ON FISHERIES SUBSIDIES  | The People's Republic of China  |
| TN/RL/W/10    | SECOND CONTRIBUTION TO DISCUSSION OF THE NEGOTIATING GROUP ON RULES ON ANTI-DUMPING MEASURES  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Norway; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; and Thailand |
| TN/RL/W/11    | JAPAN'S BASIC POSITION ON THE FISHERIES SUBSIDIES ISSUE   | Japan   |
| TN/RL/W/12    | FISHERIES SUBSIDIES: LIMITATIONS OF EXISTING SUBSIDY DISCIPLINES  | New Zealand   |
| TN/RL/W/13    | SUBMISSION FROM THE EUROPEAN COMMUNITIES CONCERNING THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF GATT 1994 (ANTI-DUMPING AGREEMENT) | European Communities  |
| TN/RL/W/14    | SUBMISSION ON REGIONAL TRADE AGREEMENTS BY THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES   | European Communities  |
| TN/RL/W/15    | SUBMISSION ON REGIONAL TRADE AGREEMENTS BY AUSTRALIA  | Australia   |
| TN/RL/W/16    | SUBMISSION ON REGIONAL TRADE AGREEMENTS   | Chile   |
| TN/RL/W/17    | KOREA'S VIEWS ON THE DOHA DEVELOPMENT AGENDA DISCUSSIONS ON FISHERIES SUBSIDIES   | Korea   |
| TN/RL/W/18    | REPLIES TO THE QUESTIONS/COMMENTS FROM AUSTRALIA ON TN/RL/W/10  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Norway; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; and Thailand |

| <b>Symbol</b>    | <b>Title of Document</b>  | <b>Submitted by</b>  |
|------------------|---|--|
| TN/RL/W/19       | COUNTERVAILING MEASURES:<br>ILLUSTRATIVE MAJOR ISSUES   | Brazil   |
| TN/RL/W/20       | QUESTIONS FROM THE EUROPEAN<br>COMMUNITIES ON DOCUMENTS TN/RL/W/6<br>AND TN/RL/W/10                       | European<br>Communities  |
| TN/RL/W/21       | ADVERSE TRADE AND CONSERVATION<br>EFFECTS OF FISHERIES SUBSIDIES  | United States  |
| TN/RL/W/22       | COMMENTS ON DOCUMENT TN/RL/W/6 ON<br>ANTI-DUMPING MEASURES  | Australia  |
| TN/RL/W/23       | COMMENTS ON DOCUMENT TN/RL/W/10 ON<br>ANTI-DUMPING MEASURES   | Australia  |
| TN/RL/W/24       | SUBMISSION BY THE UNITED STATES   | United States  |
| TN/RL/W/25       | QUESTIONS FROM THE UNITED STATES ON<br>PAPERS SUBMITTED TO THE RULES<br>NEGOTIATING GROUP                 | United States  |
| TN/RL/W/26       | SECOND SUBMISSION OF INDIA (ANTI-<br>DUMPING AGREEMENT)   | India  |
| TN/RL/W/27       | COMMUNICATION FROM THE UNITED<br>STATES<br><br>BASIC CONCEPTS AND PRINCIPLES OF THE<br>TRADE REMEDY RULES | United States  |
| TN/RL/W/28/Rev.1 | GENERAL CONTRIBUTION TO THE<br>DISCUSSION OF THE NEGOTIATING GROUP<br>ON RULES ON ANTI-DUMPING MEASURES   | Brazil; Chile;<br>Colombia; Costa<br>Rica; Hong Kong,<br>China; Israel; Japan;<br>Korea; Mexico;<br>Norway; Separate<br>Customs Territory of<br>Taiwan, Penghu,<br>Kinmen and Matsu;<br>Singapore;<br>Switzerland;<br>Thailand; and Turkey |

| <b>Symbol</b> | <b>Title of Document</b>   | <b>Submitted by</b>   |
|---------------|--|---|
| TN/RL/W/29    | THIRD CONTRIBUTION TO DISCUSSION OF THE NEGOTIATING GROUP ON RULES ON ANTI-DUMPING MEASURES  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Japan; Korea; Norway; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; Thailand; and Turkey |
| TN/RL/W/30    | WTO NEGOTIATIONS CONCERNING THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES   | European Communities  |
| TN/RL/W/31    | REPLIES TO ADDITIONAL QUESTIONS TO OUR SECOND CONTRIBUTION (TN/RL/W/10)  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Norway; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; Thailand     |
| TN/RL/W/32    | SUBMISSION ON REGIONAL TRADE AGREEMENTS  | Turkey  |
| TN/RL/W/33    | SPECIAL AND DIFFERENTIAL TREATMENT AND THE SUBSIDIES AGREEMENT   | United States   |
| TN/RL/W/34    | SECOND SET OF QUESTIONS FROM THE UNITED STATES ON PAPERS SUBMITTED TO THE RULES NEGOTIATING GROUP  | United States   |
| TN/RL/W/35    | INVESTIGATORY PROCEDURES UNDER THE ANTI-DUMPING AND SUBSIDIES AGREEMENTS   | United States   |
| TN/RL/W/36    | MOROCCO'S VIEWS REGARDING NEGOTIATIONS ON RULES AND THE DISCIPLINES OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF GATT 1994 AND THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES | Morocco   |
| TN/RL/W/37    | COMMENTS FROM AUSTRALIA ON BRAZIL'S PAPER ON COUNTERVAILING MEASURES: ILLUSTRATIVE MAJOR ISSUES (DOCUMENT TN/RL/W/19)  | Australia   |

| Symbol           | Title of Document  | Submitted by  |
|------------------|--|---|
| TN/RL/W/38       | COMMENTS FROM AUSTRALIA ON THE US PAPER ON BASIC CONCEPTS AND PRINCIPLES OF THE TRADE REMEDY RULES (DOCUMENT TN/RL/W/27)   | Australia   |
| TN/RL/W/39       | COMMENTS FROM AUSTRALIA ON THE EUROPEAN COMMUNITIES' SUBSIDIES PAPER (TN/RL/W/30)  | Australia   |
| TN/RL/W/40       | INTERVENTION BY INDIA ON THE PROPOSAL BY THE EC CAPTIONED WTO NEGOTIATIONS CONCERNING THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES (TN/RL/W/30)                              | India   |
| TN/RL/W/41/Rev.1 | IMPROVED RULES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES – NON-ACTIONABLE SUBSIDIES<br><br>PARAGRAPH 10.2 OF THE DOCUMENT ON IMPLEMENTATION-RELATED ISSUES AND CONCERNS | Venezuela and Cuba  |
| TN/RL/W/42       | QUESTIONS TO THE UNITED STATES ON TN/RL/W/24   | United States   |
| TN/RL/W/43       | COMMENTS FROM AUSTRALIA ON THE UNITED STATES' PAPER ON INVESTIGATORY PROCEDURES UNDER THE ANTI-DUMPING AND SUBSIDIES AGREEMENTS (TN/RL/W/35)   | Australia   |
| TN/RL/W/44       | TREATMENT OF CONFIDENTIAL AND NON-CONFIDENTIAL INFORMATION UNDER ARTICLE 6.5 OF THE WTO ANTI-DUMPING AGREEMENT   | Australia   |
| TN/RL/W/45       | REPLIES TO QUESTIONS TO OUR FIRST CONTRIBUTION (TN/RL/W/6)   | Brazil; Chile;<br>Colombia;<br>Costa Rica; Hong Kong, China;<br>Israel; Japan; Korea;<br>Norway; Singapore;<br>Switzerland and Thailand |

| Symbol           | Title of Document   | Submitted by   |
|------------------|---|--|
| TN/RL/W/46       | FOURTH CONTRIBUTION TO THE DISCUSSION OF THE NEGOTIATING GROUP ON RULES ON ANTI-DUMPING MEASURES                                  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Korea; Japan; Mexico; Norway; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; Thailand and Turkey       |
| TN/RL/W/47       | SUBMISSION FROM CANADA RESPECTING THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF THE GATT 1994 (THE ANTI-DUMPING AGREEMENT)     | Canada   |
| TN/RL/W/48/Rev.1 | ANTI-DUMPING ACTIONS IN THE AREA OF TEXTILES AND CLOTHING: DEVELOPING MEMBERS' EXPERIENCES AND CONCERNS                           | Bangladesh; Brazil; the People's Republic of China; Colombia; Costa Rica; Egypt; Guatemala; Hong Kong, China; India; Indonesia; Korea; Macao, China; Maldives; Pakistan; Paraguay; Peru; Thailand and Vietnam. |
| TN/RL/W/49       | COMMUNICATION FROM THE UNITED STATES ATTACHING A COMMUNIQUÉ FROM THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) | United States  |
| TN/RL/W/50       | CIRCUMVENTION   | United States  |
| TN/RL/W/51       | QUESTIONS PERTAINING TO THE UNITED STATES' PAPER ON BASIC CONCEPTS AND PRINCIPLES OF THE TRADE REMEDY RULES                       | United States  |
| TN/RL/W/52       | JAPAN'S CONTRIBUTION TO DISCUSSION ON FISHERIES SUBSIDIES ISSUE   | Japan  |
| TN/RL/W/53       | REPLIES TO QUESTIONS PRESENTED TO THE UNITED STATES ON SUBMISSION TN/RL/W/27  | United States  |
| TN/RL/W/54       | THIRD SET OF QUESTIONS FROM THE UNITED STATES ON PAPERS SUBMITTED TO THE RULES NEGOTIATING GROUP                                  | United States  |



| Symbol     | Title of Document  | Submitted by   |
|------------|--|--|
| TN/RL/W/55 | POSITION PAPER TO BE PRESENTED BY THE ARAB REPUBLIC OF EGYPT ON THE DOHA DECLARATION CONCERNING THE NEGOTIATIONS ON THE ANTI-DUMPING AGREEMENT                                   | Egypt  |
| TN/RL/W/56 | EGYPTIAN PAPER CONTAINING COMMENTS ON THE CONTRIBUTIONS SUBMITTED IN THE FRAMEWORK OF THE DOHA NEGOTIATIONS ON THE ANTI-DUMPING AGREEMENT  | Egypt  |
| TN/RL/W/57 | EGYPTIAN PAPER CONTAINING QUESTIONS AND COMMENTS ON THE CONTRIBUTIONS SUBMITTED IN THE FRAMEWORK OF THE DOHA NEGOTIATIONS ON THE SUBSIDIES AND COUNTERVAILING MEASURES AGREEMENT | Egypt  |
| TN/RL/W/58 | SUBSIDIES IN THE FISHERIES SECTOR: POSSIBLE CATEGORIZATIONS  | Argentina, Chile, Iceland, New Zealand, Norway, and Peru |
| TN/RL/W/59 | COMMENTS FROM AUSTRALIA ON THE THIRD CONTRIBUTION FROM A NUMBER OF COUNTRIES (DOCUMENT TN/RL/W/29)   | Australia  |
| TN/RL/W/60 | COMMENTS FROM AUSTRALIA ON MOROCCO'S PAPER ON ANTI-DUMPING AND SUBSIDIES AND COUNTERVAILING MEASURES AGREEMENTS (DOCUMENT TN/RL/W/36)  | Australia  |
| TN/RL/W/61 | COMMENTS FROM AUSTRALIA ON VENEZUELA'S SUBMISSION ON NON-ACTIONABLE SUBSIDIES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES (DOCUMENT TN/RL/W/41)                 | Australia  |
| TN/RL/W/62 | COMMENTS FROM AUSTRALIA ON CANADA'S SUBMISSION ON THE ANTI-DUMPING AGREEMENT (DOCUMENT TN/RL/W/47)   | Australia  |

| Symbol     | Title of Document  | Submitted by  |
|------------|--|---|
| TN/RL/W/63 | SENIOR OFFICIALS' STATEMENT ON ANTI-DUMPING NEGOTIATIONS   | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Mexico; Norway; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand and Turkey. |
| TN/RL/W/64 | REPLIES TO THE QUESTIONS MADE BY THE AUSTRALIAN DELEGATION IN DOCUMENT TN/RL/W/37  | Brazil  |
| TN/RL/W/65 | KOREA'S COMMENTS ON CANADA'S SUBMISSION ON THE ANTI-DUMPING AGREEMENT (TN/RL/W/47)   | Korea   |
| TN/RL/W/66 | PROPOSAL OF THE PEOPLE'S REPUBLIC OF CHINA ON THE NEGOTIATION ON ANTI-DUMPING  | China   |
| TN/RL/W/67 | NEGOTIATIONS ON ANTI-DUMPING AND SUBSIDIES – REFLECTION PAPER OF THE EUROPEAN COMMUNITIES ON A SWIFT CONTROL MECHANISM FOR INITIATIONS | European Communities  |
| TN/RL/W/68 | INTERVENTION BY INDIA ON THE SUBMISSION BY THE UNITED STATES ON SPECIAL AND DIFFERENTIAL TREATMENT AND THE SUBSIDIES AGREEMENT         | India   |
| TN/RL/W/69 | KOREA'S VIEWS ON THE SUGGESTED CATEGORIZATION OF FISHERY SUBSIDIES   | Korea   |
| TN/RL/W/70 | PRELIMINARY REPLIES TO THE QUESTIONS BY AUSTRALIA CONTAINED IN DOCUMENT TN/RL/W/61   | Venezuela and Cuba  |
| TN/RL/W/71 | RESPONSES BY THE UNITED STATES TO QUESTIONS FROM AUSTRALIA ON INVESTIGATORY PROCEDURES UNDER THE ANTI-DUMPING AND SUBSIDIES AGREEMENTS | United States   |

| Symbol     | Title of Document   | Submitted by   |
|------------|---|--|
| TN/RL/W/72 | IDENTIFICATION OF CERTAIN MAJOR ISSUES UNDER THE ANTI-DUMPING AND SUBSIDIES AGREEMENTS  | United States  |
| TN/RL/W/73 | COMMENTS FROM AUSTRALIA ON THE ARAB REPUBLIC OF EGYPT'S POSITION PAPER CONCERNING THE NEGOTIATIONS ON THE ANTI-DUMPING AGREEMENT (TN/RL/W/55)   | Egypt  |
| TN/RL/W/74 | COMMENTS FROM AUSTRALIA ON THE PEOPLE'S REPUBLIC OF CHINA'S PAPER ON ANTI-DUMPING (DOCUMENT TN/RL/W/66)   | Australia  |
| TN/RL/W/75 | COMMENTS FROM AUSTRALIA ON THE EUROPEAN COMMUNITIES' PAPER: REFLECTION PAPER ON A SWIFT CONTROL MECHANISM FOR INITIATIONS (DOCUMENT TN/RL/W/67)   | Australia  |
| TN/RL/W/76 | PROPOSAL ON SUNSET  | Brazil; Chile; Colombia; Costa Rica; Hong Kong, China; Israel; Japan; Korea; Norway; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Singapore; Switzerland; Thailand and Turkey |
| TN/RL/W/77 | POSSIBLE APPROACHES TO IMPROVED DISCIPLINES ON FISHERIES SUBSIDIES  | United States  |
| TN/RL/W/78 | SUBSIDIES DISCIPLINES REQUIRING CLARIFICATION AND IMPROVEMENT   | United States  |
| TN/RL/W/79 | PRELIMINARY COMMENTS AND QUESTIONS BY THE ARAB REPUBLIC OF EGYPT ON THE CONTRIBUTIONS SUBMITTED IN THE FRAMEWORK OF THE DOHA NEGOTIATIONS ON THE ANTI-DUMPING AGREEMENT AND ON THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES | Egypt  |