



Compilation of outstanding implementation issues raised by members (Doha-konferansen)

Rules | Date: 31/10/2001 | [Ministry of Foreign Affairs](#)

(<http://www.regjeringen.no/en/dep/ud/id833/>)

JOB(01)/152/Rev.1

27 October 2001

Compilation of outstanding implementation issues raised by members

Revision

This compilation is being circulated by the Secretariat with a view to assisting delegations in their consideration of the outstanding implementation issues. It should be read together with the draft Decision on Implementation-Related Issues and Concerns (Job(01)/139/Rev.1). It lists outstanding implementation issues raised in the draft Ministerial Text of 19 October 1999 (Job(99)/5868/Rev.1) and those subsequently raised by Members during consultations. For ease of reference, the text retains the numbering of the tirets used by the G-7 countries in their paper on implementation.

1. General Agreement on Tariffs and Trade 1994

- Tiret 1

Only the Committee on Balance-of-Payments shall have the authority to examine the overall justification of BOP measures.

- Tired 3

A complete review of Article XVIII shall be undertaken with a view to ensure that it subserves the original objective of facilitating the progressive development of economies in developing countries and to allow them to implement programmes and policies of economic development designed to raise the general standard of living of their people.

2. Agreement on Agriculture

- Tired 6

If in the calculation of the AMS, domestic support prices are lower than the external reference price (so as to ensure access of poor households to basic foodstuffs), thereby resulting in negative product specific support, then Members shall be allowed to increase their non-product specific support by an equivalent amount.

3. Agreement on the Application of Sanitary and Phytosanitary Measures

Proposal by Brazil, 17 October 2001

- Where the introduction of SPS measures may have significant effect on trade opportunities for products of interest to developing countries, Members shall notify the WTO and inform the concerned Member prior to the application of such measures and, in addition, to the relevant provisions of paragraph 5 of Annex B and Article 7, shall notify final rules or subsequent decisions derived from a previously notified measure.

4. Agreement on Technical Barriers to Trade

- Tired 33

Article 11 shall be made obligatory so that technical assistance and cooperation is provided to developing countries.

- Tired 34

Acceptance by developed-country importers of self-declaration regarding adherence to standards by developing-country exporters. This provision should be introduced in Article 12.

5. Agreement on Trade-Related Investment Measures

- Tired 37

Developing countries shall have another opportunity to notify existing TRIMs measures which they would be then allowed to maintain till the end of the new transition period.

- Tired 38

The provisions of Article 5.3 must be suitably amended and made mandatory.

- Tired 39

Developing countries shall be exempted from the disciplines on the application of domestic content requirement by providing for an enabling provision in Articles 2 and 4 to this effect.

- Tired 40

Specific provisions shall be included in the Agreement to provide developing countries the necessary flexibility to implement development policies (intended to address, among others, social, regional, economic, and technological concerns) that may help reduce the disparities they face *vis-à-vis* developed countries.

6. Agreement on Implementation of Article VI of the GATT 1994

- Tired 42

Under Article 9.1 the lesser duty rule shall be made mandatory.

- Tired 43

Article 2.2 shall be clarified in order to make appropriate comparison with respect to the margin of dumping.

- Tired 44

Provisions of the Agreement shall be improved with a view to prevent the imposition of arbitrary or primarily protectionist measures. The provisions to be revisited should include, *inter alia*, (i) the criteria, methodology, and procedures of the reviews specified in the Agreement (expeditious review for new exporters, final review, reviews upon request), (ii) the definition of the product motivating the investigation, (iii) the determination of the margin of dumping, (iv) the imposition and collection of duties, (v) the "cumulation" clauses.

- Tired 46

The existing de minimis dumping margin of 2 per cent of export price below which no anti-dumping duty can be imposed (Article 5.8), needs to be raised to 5 per cent for developing countries.

- Tired 47

The proposed de minimis dumping margin of 5 per cent is applied not only in new cases but also in refund and review cases.

- Tired 48

The threshold volume of dumped imports which shall normally be regarded as negligible (Article 5.8) should be increased from the existing 3 per cent to [5 per cent] [7 per cent] for imports from developing countries.

- Tired 50

The substantial quantities test should be increased from the present threshold of 20 per cent to at least 40 per cent.

- Tired 51

Article 2.4.1 shall include details of dealing with foreign exchange rate fluctuations during the process of dumping.

- Tired 52

Article 3 shall contain a detailed provision dealing with the determination of the material retardation of the establishment of a domestic industry as stipulated in footnote 9.

- Tired 53

There should be a provision in the Agreement, which provides a presumption of dumping of imports from developed countries into developing countries, provided certain conditions are met.

- Tired 54

Article 17 should be suitably modified so that the general standard of review laid down in the WTO dispute settlement mechanism applies equally and totally to disputes in the anti-dumping area.

Proposals by Least-Developed Countries , 22 October 2001

- The General Council agrees that simplified procedures for taking anti-dumping action shall be devised for the use of LDCs.

- The General Council agrees that the threshold for volume of imports referred to in Article 5.8 of the Agreement shall be increased from 3 percent to 7 percent in the case of LDCs. LDCs shall be exempted from cumulation.

7. Agreement on Implementation of Article VII of GATT 1994

- Tired 57

The addition of cost of services such as engineering, development, and design work, which are supplied directly or indirectly by the buyer free of charge or at reduced cost for the production of goods under import, shall be included in Article 8:1(b)(iv).

- Tired 58