

New Roles of the WTO

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*Genf-Gesellschaft (Société de Genève)***

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All views expressed during this presentation do not bind the WTO Secretariat

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Outline



1. Introduction: WTO and COVID-19
 - Trade, WTO, and COVID-19
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WTO and COVID-19

Trade, WTO and COVID-19



- Trade plays an important role in ensuring the availability and affordability of vital medicines, medical products, and health care services, particularly among its most vulnerable Members.
- Each WTO Member is free to determine what is necessary to protect its citizens and take the measures it deems appropriate.
- Currently vaccine supplies remain heavily dependent on the four WTO Members that together export more than 90% of doses.
- WTO rules provide for regulatory space for Members to adopt trade measures deemed necessary to protect public health and public welfare (including import and export bans, quantitative restrictions on imports and exports, and non-automatic import licensing).
- These measures should be applied in a manner that does not discriminate between WTO Members and should not constitute a disguised restriction on international trade.

TRADE TOPICS

COVID-19 and world trade

The COVID-19 pandemic has had devastating health and economic consequences, with unprecedented disruption to people's lives, the global economy and world trade. One of the most effective means of addressing this crisis is through timely, accurate information. An informed public is better positioned to make sound decisions including on questions related to trade. This is why we have created this dedicated portal. It provides up-to-the minute trade-related information including notifications by WTO members, the impact the virus has had on exports and imports and how the multilateral trading system has responded to the pandemic.

Examples of COVID-19 Measures Affecting Trade in Goods

➤ Export Restrictions

India: The export prohibition of Injection Remdesivir and Remdesivir Active Pharmaceutical Ingredients (API) by the Ministry of Commerce and Industry (11 April 2021)

Argentina: Temporary implementation of export licensing requirement on medical ventilators due to the COVID-19 pandemic by the Ministry of Production Development (10 February 2021)

Canada: Interim Order Respecting Drug Shortages (Safeguarding the Drug Supply) providing the Minister of Health with the authority to conditionally prohibit exports certain pharmaceuticals, if a sale could cause or exacerbate a critical drug shortage (17 December 2020)

United States: Presidential Memoranda allocating certain personal protective equipment for domestic use due to the COVID-19 pandemic (14 May 2020)



Examples of COVID-19 Measures Affecting Trade in Goods

➤ TBT

Canada: New Regulations amending the Food and Drug Regulations (Nutrition Labelling, Other Labelling Provisions and Food Colours) established a five-year transition period for the industry to meet the new requirements, ending on 14 December 2021 (14 December 2016).

➤ SPS

Turkey: Regulation on the Determination of Animal Health Rules for the Importation and Transit of Certain Live Ungulate Animals (21 December 2020)

➤ TFA

Canada: A revised notification from Canada includes updates on permanent and temporary trade-related measures taken to mitigate the negative impacts of the COVID-19 crisis (8 April 2021).

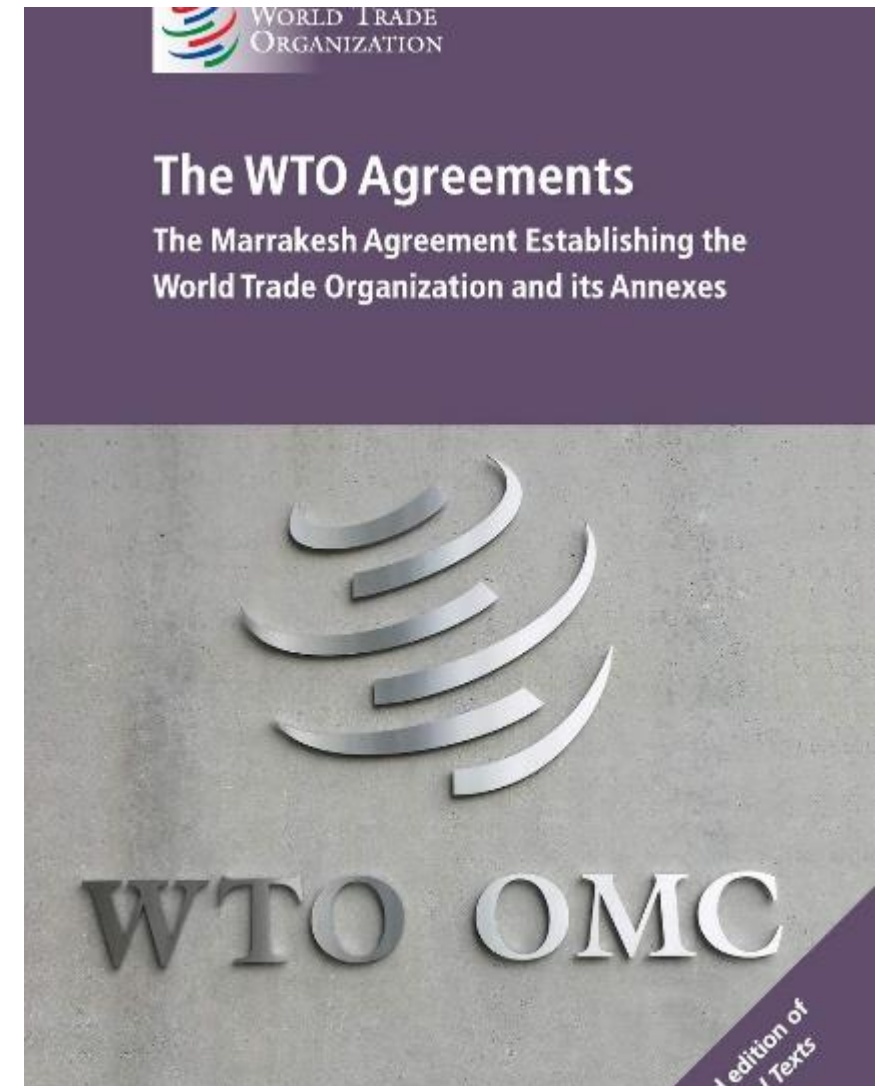
➤ Antidumping

Argentina: A temporary suspension of the anti-dumping duties on imports of hypodermic syringes of plastic, disposable, sterile, with or without needles from China Permanent (21 March 2020).



Relevant Provisions of WTO Agreements concerning COVID-19

- General Agreement on Tariffs and Trade (GATT)
 - Prohibition on export/import restrictions, Art. XI GATT
 - Import Tariffs under Art. II GATT
 - General Exceptions under Art. XX GATT
- Intellectual Property Rights (TRIPS)
 - Copyrights (Section 1), Industrial Designs (Section 4)
 - Patents (Section 5), Undisclosed Information (Section 7)
- Subsidies (SCM)
 - Government support causing adverse effects to the interests of other Members under Art. 5 SCM.
- Technical Barriers to Trade (TBT)
 - Avoid unnecessary obstacles to trade under Art. 2.2 TBT



WTO's Response to COVID-19

- WTO Members began imposing export restrictions on foodstuffs and then on medical equipment related to COVID-19.
- On 24 March 2020, DG Roberto Azevedo urged Members to notify measures on COVID-19.
- Such notifications are made to ensure greater transparency under the Trade Policy Review Mechanism (TPRM).
- Expertise of the WTO Staff at the disposal of WTO Members.
- COVID-19 required greater cooperation, collaboration and coordination between countries, IGOs, NGOs and the private sector for, among other things, equitable distribution of vaccines.



A Response: the WTO's Role on Vaccines



(21-3018)

General Council

WT/GC/230/Rev.2

12 April 2021

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Original: English

ENHANCING THE ROLE OF THE WORLD TRADE ORGANIZATION IN THE GLOBAL EFFORT TOWARD THE PRODUCTION AND DISTRIBUTION OF COVID-19 VACCINES AND OTHER MEDICAL PRODUCTS

COMMUNICATION FROM AUSTRALIA, BRAZIL, CANADA, CHILE, COLOMBIA, ECUADOR, NEW ZEALAND, NORWAY AND TURKEY

*Revision**

The following communication, dated 12 April 2021, is being circulated at the request of the delegations of Australia, Brazil, Canada, Chile, Colombia, Ecuador, New Zealand, Norway and Turkey.

1.1. There is an urgent need to further enhance the international effort to promote the rapid, global and equitable distribution of affordable, safe and effective COVID-19-related medical products, and vaccines in particular, with a view to limiting the impact of the pandemic on people, economies and societies, and to help foster a rapid, inclusive, sustainable and resilient recovery. The co-sponsors of this communication believe that the scaling up of vaccine production must be a fundamental priority, as no one is safe until everyone is safe. The co-sponsors of this communication recognize the significant contributions of multilateral cooperation and innovative approaches such as the Access to COVID-19 Tools Accelerator and the COVAX Facility, and believe that the WTO can similarly contribute to these global efforts in a complementary fashion.



1.2. In these exceptional times that require a strong and purposeful multilateral response to end the pandemic, the co-sponsors of this communication believe that the WTO, as the global hub for trade, and particularly in a pandemic where the relevance of trade for lives and livelihoods has become even more evident, possesses considerable convening power. We further believe that the WTO should rapidly make use of its resources to the full extent to foster a prompt, pragmatic and tangible acceleration in the global response to COVID-19, and particularly the global distribution of COVID-19 vaccines. We believe that the WTO, and particularly its Secretariat, can and should undertake this work in parallel to ongoing discussions among Members on the trade-related aspects of the COVID-19 response, and without prejudice to these discussions.

1.3. The co-sponsors of this communication therefore earnestly encourage the Director-General to promptly convene and hold discussions with both vaccine developers and vaccine manufacturers, as well as developers and manufacturers of other COVID-19-related medical products, in coordination with the World Health Organization and other relevant organizations, toward:

- helping to ensure that any unused or underutilized capacity for the production of affordable, safe and effective vaccines, at any stage in the process, is promptly identified and used as fully as it is technically possible, with a view to a net increase in global production of COVID-19 vaccines, and provided that this is not to the detriment of the production of other essential vaccines;
- promptly facilitating and promoting the creation of mutually beneficial licensing partnerships between vaccine developers and vaccine manufacturers, including for the collaborative and prompt transfer of expertise, know-how and technology;
- promptly identifying and addressing, in a consensus-based manner, any trade-related impediments to the utilization of production capacity and the scaling up of vaccine production, as well as to the production and distribution of other COVID-19-related medical products, recalling the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility to protect public health and, in particular, to promote access to medicines for all; and
- promoting, through similar approaches, the broad availability of other essential COVID-19-related medical products, such as diagnostics, therapeutics, equipment and devices.

1.4. The co-sponsors of this communication further encourage the Director-General to provide Members with regular updates, as appropriate, on any such discussions.

Leadership of DG Ngozi Okonjo-Iweala

- DG Ngozi, who previously chaired the Board of Gavi, the Vaccine Alliance, has been working with associations, manufacturers, producers and distributors of vaccines and essential medical supplies to ramp up vaccine production and secure vaccine equity.
- In this regard, DG Ngozi has had multiple meetings with business leaders and vaccine manufacturers with a view to discuss strategies on: supporting global value chains; and improving production, distribution, and access to COVID-19 health tools.
- In these meetings, DG Ngozi has urged that vaccine policy is trade policy. Thus, she continues to stress the value of collaboration, through creation of partnerships, and information sharing with the industry. To this end, she has encouraged industry to donate doses and swap contracts in order to guarantee vaccine equity most especially to the less advantaged countries.



Multi-Lateral Leaders Task Force on COVID-19 Vaccines, Therapeutics, and Diagnostics

- The heads of the IMF, World Bank, WHO and the WTO convened on 30 June 2021, the first meeting of “the Task Force” on COVID-19 Vaccines, Therapeutics and Diagnostics for Developing Countries.
- The Task Force, was formed as a “war room” to help track, coordinate, and advance the delivery of COVID-19 health tools to developing countries and to mobilize relevant stakeholders and national leaders to remove critical roadblocks in the way of this objective. Meetings of the MLT take place at the technical level, and also with the industry and private stakeholders.
- The MLT also has a website that serves as a platform for information on access to COVID-19 vaccines, therapeutics and diagnostics and on the activities of the 4 organisations in tackling the pandemic.

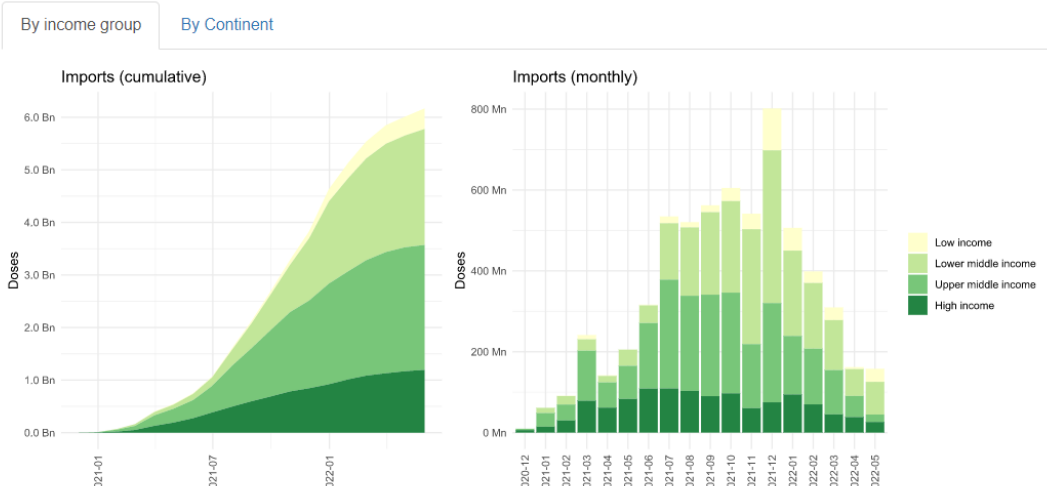


WTO-IMF COVID-19 Vaccine Trade Tracker

- Initiative between the WTO and the International Monetary Fund (IMF).
- Data on the trade of COVID-19 vaccines by product, economy and arrangement type.
- Trade of Vaccines amounted to 4.4 billion doses (December 2021).

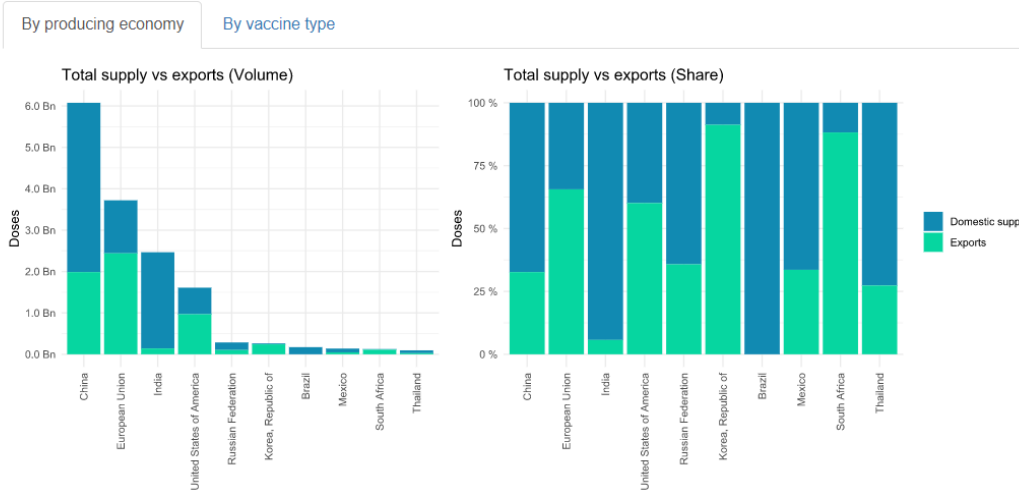
3. Imports

Imports are defined as the number of doses received from producing economies, mirroring the information provided in the exports section. This definition does not take into account imports of vaccine substances in bulk form to be used in “fill and finish” sites.



4. Total Supply

Total supply contains both exported and domestically delivered doses.



WTO 12th Ministerial Conference: Outcomes

Ministerial Conference (MC12)



- The Ministerial Conference took place from 12-16 June 2022 at the WTO Headquarters in Geneva.
- The “Geneva Package”, also called the “unprecedented package” was adopted at MC12 and includes many documents:
- The MC12 Outcome Document, and the following:
 - A. Package on WTO Response to Emergencies:
 - i. WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics
 - ii. TRIPS Compromise
 - iii. Declaration on Emergency Response to Food Insecurity
 - iv. World Food Programme Purchases Exemption from Export prohibitions and Restrictions
 - B. Agreement on Fisheries
 - C. Work Programme on Electronic Commerce (E-commerce Moratorium)
 - D. Work Programme on Small Economies
 - E. Sanitary and Phytosanitary Declaration: Responding to Modern SPS Challenges
 - F. TRIPS Non-violation and Situation Complaints.



12th WTO MINISTERIAL
CONFERENCE
GENEVA 2022
CO-HOSTED BY KAZAKHSTAN



Outcome Document (Part I)

- The Outcome Document has two parts:
 - Part I: A Declaration by the Members
 - Part II: Decisions as adopted at MC12.



12th WTO MINISTERIAL
CONFERENCE
GENEVA 2022
CO-HOSTED BY KAZAKHSTAN



MC12
GENEVA
2022



WORLD TRADE
ORGANIZATION



(22-4803)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

WT/MIN(22)/24
WT/L/1135

22 June 2022

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MC12 OUTCOME DOCUMENT

ADOPTED ON 17 JUNE 2022

3. We acknowledge the need to take advantage of available opportunities, address the challenges that the WTO is facing, and ensure the WTO's proper functioning. We commit to work towards necessary reform of the WTO. While reaffirming the foundational principles of the WTO, we envision reforms to improve all its functions. The work shall be Member-driven, open, transparent, inclusive, and must address the interests of all Members, including development issues. The General Council and its subsidiary bodies will conduct the work, review progress, and consider decisions, as appropriate, to be submitted to the next Ministerial Conference.²

4. We acknowledge the challenges and concerns with respect to the dispute settlement system including those related to the Appellate Body, recognize the importance and urgency of addressing those challenges and concerns, and commit to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024.

12. We recognize the importance of strengthened collaboration and cooperation with other intergovernmental organizations and other relevant stakeholders that have responsibilities related to those of the WTO, in accordance with the rules and principles of the WTO, to restore trust, certainty and predictability in the world economy and effectively address current and future multidimensional challenges.

14. We recognize global environmental challenges including climate change and related natural disasters, loss of biodiversity and pollution. We note the importance of the contribution of the multilateral trading system to promote the UN 2030 Agenda and its Sustainable Development Goals in its economic, social, and environmental dimensions, in so far as they relate to WTO mandates and in a manner consistent with the respective needs and concerns of Members at different levels of economic development. In this regard, we reaffirm the importance of providing relevant support to developing country Members, especially LDCs, to achieve sustainable development, including through technological innovations. We note the role of the Committee on Trade and Environment as a standing forum dedicated to dialogue among Members on the relationship between trade measures and environmental measures.

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MINISTERIAL DECLARATION ON THE WTO RESPONSE TO THE COVID-19 PANDEMIC AND PREPAREDNESS FOR FUTURE PANDEMICS

ADOPTED ON 17 JUNE 2022

1. We note that over the course of the COVID-19 pandemic, Members experienced supply constraints of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods. These experiences were not shared equally during the pandemic, in particular due to Members differing levels of development, financial capabilities, and degrees of import dependence on those products. We encourage Members to understand and build upon the experience of the pandemic, as contemplated by this declaration, in order to support increased resilience for COVID-19 and future pandemics.

2. We recognize the importance of a stable and predictable trading environment for the provision of goods and services in accordance with WTO rules to facilitate manufacturing, and supply and distribution, of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, including their inputs.

3. The pandemic has highlighted the importance of working towards enhancing timely, equitable and global access to safe, affordable and effective COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. We recognize the role of the multilateral trading system in supporting the expansion and diversification of production of essential goods and related services needed in the fight against COVID-19 and future pandemics, including through identifying opportunities and addressing barriers. We underscore the critical role the WTO can play in promoting inclusive growth including industrialization, development, and resilience.

5. We are committed to transparency, including that notifications of trade-related measures with respect to COVID-19 and future pandemics are submitted in a timely and comprehensive manner in accordance with WTO rules. The sharing of information helps Members and traders become acquainted with measures taken. We recognize that COVID-19 and future pandemics may further constrain the limited resources and institutional capacities of some developing country Members, and especially LDCs, and underscore the importance of technical assistance and capacity building in respect of transparency and monitoring.

7. To the extent provided by WTO rules, we recognize the importance of ensuring that any emergency trade measures designed to tackle COVID-19, if deemed necessary, are targeted, proportionate, transparent, temporary, and do not create unnecessary barriers to trade or unnecessary disruptions in supply chains. When implementing such measures, we will endeavour to take into account Members' diverse circumstances, in particular the interests of some developing country Members, and especially LDCs, and their needs for emergency supplies and humanitarian assistance.

8. We recognize that, during the COVID-19 pandemic, Members have, at times, experienced acute supply constraints in the face of significant domestic and international demand for COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. Therefore, Members have made significant efforts to increase and diversify production; and to support equitable access to these goods. Recognizing that Members may apply export restrictions and otherwise take measures necessary to protect life and health in accordance with WTO rules, we intend to exercise due restraint in the imposition of export restrictions on such goods, including their inputs.

15. We recognize that increasing the level of global preparedness to COVID-19 and future pandemics requires strengthened productive, scientific and technological capacity across the world. We also recognize that such capacity is instrumental for developing solutions to public health crises beyond COVID-19, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, as well as neglected tropical diseases, and for diversifying manufacturing locations. In line with WTO rules, we underscore the importance of promoting technology transfer that contributes to building capacity in related sectors.

16. We reaffirm the commitment of developed country Members to Article 66.2 of the TRIPS Agreement.

17. We underline the critical role of services in ensuring resilience during COVID-19 and future pandemics. We acknowledge the importance of facilitating the international operations of service suppliers involved in production and distribution of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, such as logistics and freight transport services.

23. We underscore the importance of understanding how WTO rules have supported Members during the COVID-19 pandemic, and their role in future pandemics. We affirm the need to review and build on all the lessons learned and the challenges experienced during the COVID-19 pandemic, to build effective solutions in case of future pandemics including on balance of payments, development, export restrictions, food security, intellectual property, regulatory cooperation, services, tariff classification, technology transfer, trade facilitation, and transparency, in an expeditious manner.

28. We further note the importance of the WTO working, along with the World Health Organization and other international organizations, on an international pandemic response, including activities such as expeditious matching of supply to demand, mapping manufacturing capacities and demands, matchmaking to cater to such demands, and mutual recognition norms, related to goods and services that are essential to respond effectively to COVID-19 and future pandemics.

Agreement on Fisheries Subsidies

- Revolutionary: **Focus on sustainable development instead of competitive concerns such as adverse effects under the SCM. The new benchmark is sustainable development.**
- Relates to Sustainable Development Goal (SDG) 14 → “Conserve and sustainably use the oceans, seas and marine resources”
- All Members agreed to maintain provisions related to **illegal, unreported, and unregulated fishing** (Stage 1).
- Final Agreement **removed** provisions relating to subsidies that **contribute to overcapacity and overfishing**.
 - Members commit to continue negotiating on comprehensive provisions on overcapacity and overfishing (Stage 2).
 - If these comprehensive disciplines **are not adopted within four years** of the entry into force of the Agreement, and unless otherwise decided by the General Council, **the Fisheries Agreement shall stand immediately terminated**.
- Establishment of a **Fisheries fund** for technical assistance and capacity building.



COVID-19 TRIPS Compromise

- DG Ngozi Okonjo-Iweala and DDG Anabel Gonzalez worked as “brokers” for the TRIPS compromise negotiations. Waiver intended to facilitate current efforts to de-concentrate and geographically diversify supply of vaccines in the future.
- Compromise encompasses **only patents** that concern the production and supply of **vaccines**.
- Eligible Members = all developing country Members (defined in Footnote 1).
 - Opt-out provided for developing country Members with existing capacity to manufacture COVID-19 vaccines.
 - Such developing country Members are ‘encouraged to make a binding commitment to not avail themselves’ of the TRIPS Waiver.
 - Such binding commitments include statements made at the General Council.
- Members will decide **on its extension to cover the production and supply of COVID-19 diagnostics and therapeutics in no later than six months**.

DRAFT MINISTERIAL DECISION ON THE TRIPS AGREEMENT

Revision



Procedural Innovations under MC12



- The Ministerial Conference included “thematic sessions” at which Ministers negotiated on specific subjects. Other than the session on “challenges facing the multilateral system” (E.g. Pandemic, TRIPS waiver, Food security, Fisheries, Agriculture, WTO Reform, E-commerce Moratorium).
- In the context of the pandemic and the need for efficiency, Ministers’ Formal statements were pre-recorded videos.
- One WTO Member has proposed yearly Ministerial Conferences, a proposal which DG Ngozi recently praised.



WTO, Climate Change, and Sustainable Development

Introduction



- Why is trade important for the environment?
- Trade can foster the diffusion of environmental tech and lead to greater sustainable development.
- The trade of environmental goods and services can lead to greener global value chains which could make trade fit for new global challenges.
- Promoting sustainable development is one of the goals of the WTO Treaty but it should not come at the cost of protectionist abuses.
- The WTO jurisprudence recognizes the rights of Members to give priority to environmental over trade concerns, subject to certain conditions.

Importance of Trade for Sustainable Development



- The importance of trade's contribution to efforts on sustainable development and the environment has been recognized in such forums as the 1992 Rio Summit, 2002 Johannesburg Summit, the 2005 UN World Summit, and the UN 2030 Agenda for Sustainable Development.

Agenda for Sustainable Development:

“17.10 Promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization, including through the conclusion of negotiations under its Doha Development Agenda”



Trade & Climate Change



- Trade is contributing to emissions, mainly due to international transport.
 - One study found that shutting down world trade as a policy experiment would reduce emissions by 5% ([Copeland, Taylor & Shapiro, 2021](#))
 - There are other better ways to reduce emissions
- Trade can offer lower-emissions goods and services and facilitating the use of climate-friendly technology.
- The issue of Border Tax Adjustments has also come into the forefront of the debate.
- Trade and Climate Change: A 2008 Report by UNEP and the WTO.
- World Trade Report Webinar series concerning trade and climate change (April 2022).

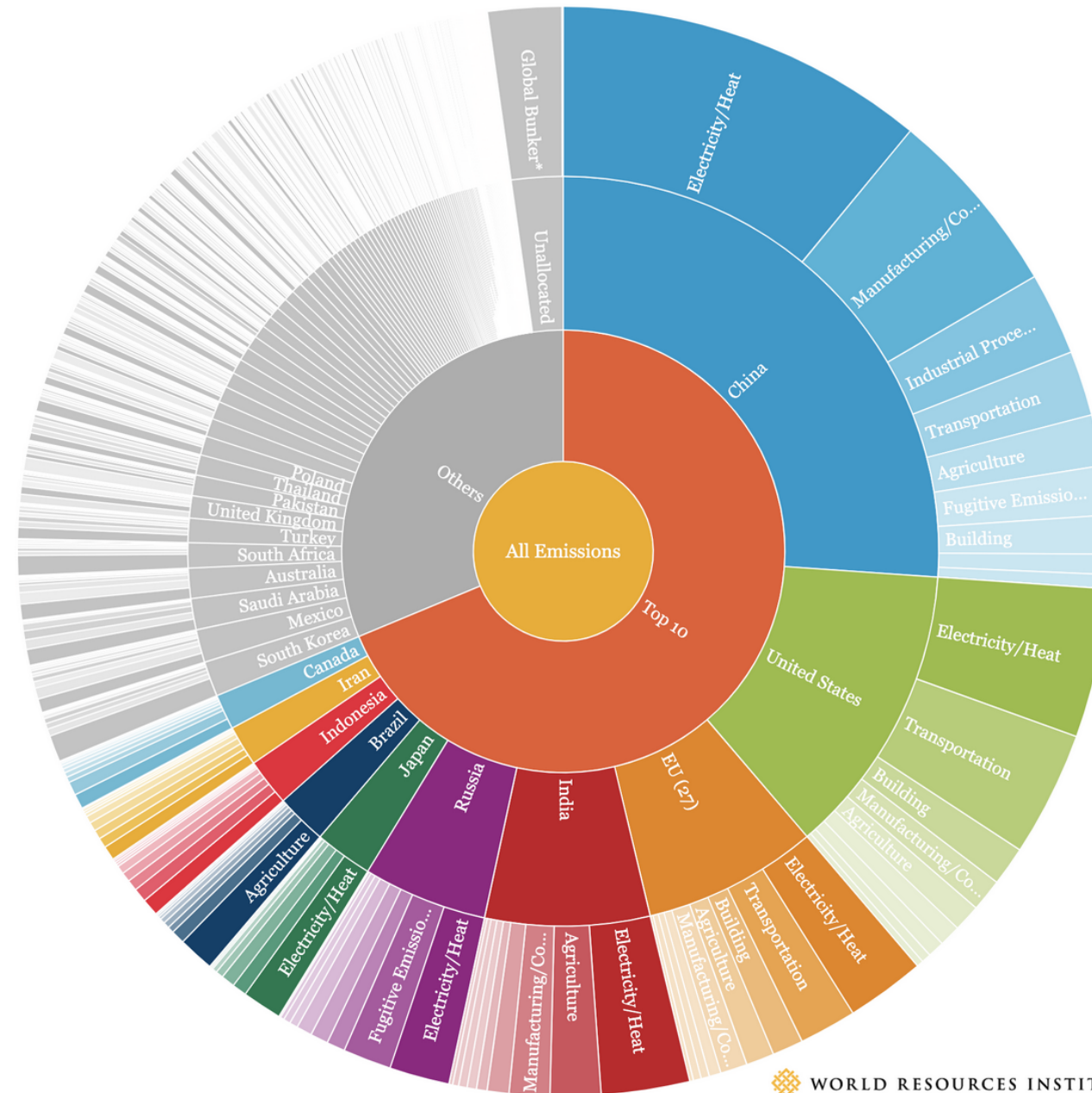
Carbon Leakage

- Carbon leakage occurs when companies decide to relocate production from a country with stringent environmental policies, to a country that is more lenient. This could lead to a drop in domestic production and a loss in economic activity, affecting jobs. (Source: [Canadian Institute for Climate Choices](#)).
- Strict climate measures increase costs for producers leading to delocalization of production.
- A tax at the border would adjust the price of the imported product and maintain a level playing field.
 - Border tax adjustments are a standard practice where the WTO Member. The Member levies on imports the equivalent of a domestic carbon tax.
 - Issue → Members will consider some goods as “dirty” and others not.
- Many Members, such as the EU, have introduced border tax adjustments to avoid this issue.

The Top 10 GHG Emitters Contribute Over Two-Thirds of Global Emissions

Embed

Explore the Latest Global Greenhouse Gas Emissions Data on [Climate Watch](#)



WORLD RESOURCES INSTITUTE

Graphic by [Johannes Friedrich](#). Data source: [Preliminary global greenhouse gas emissions 2018 excluding land-use change and forestry \(LUCF\) from Climate Watch](#). The EU 27 is considered a country.

*Bunker fuels include international aviation and shipping that are not included in country totals. Other territories include regions not covered by Climate Watch country data. See Climate Watch for country level land-use change and forestry and bunker fuel emissions.

Sustainable Development & The Environment



- 1st recital of the preamble of the Marrakesh Agreement

*Recognizing that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, **while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development***

WTO Committee on Trade and Environment (CTE)



- Created by the 1994 Marrakesh Ministerial Decision on Trade and Environment.
- Explores the relationship between trade and the environment.
- Three main negotiations
 1. Relationship between WTO rules and Multilateral Environmental Agreements (MEAs);
 2. Collaboration between the WTO and MEA secretariats;
 3. Elimination of tariffs and non-tariff barriers on environmental goods and services.
- Current discussions on fossil fuel subsidies, plastic pollution and trade and environmental sustainability emerged from the CTE.
- Reports such as the 2009 WTO-UNEP “Trade and Climate Change”.

Fossil Fuel Subsidies

- In 2017, 12 WTO Members, including Chile, Costa Rica, Mexico, Uruguay, issued a Fossil Fuel Subsidies Reform Ministerial Statement. (JOB/TE/64)
- In December 2021, 45 Members participating in the discussions issued a Ministerial Statement recognising that:
 1. Inefficient fossil fuel subsidies that lead to excessive consumption should be phased out;
 2. The needs of developing countries in such a transition should be taken into account;
 3. Information sharing will aid in advancing talks on this matter;
 4. Concrete options ought to be advanced before MC13.



Informal dialogue on plastic pollution and trade in environmentally sustainable plastics



- Establishment of an informal dialogue on plastic pollution in November 2020.
- Currently 73 participants and open to all WTO Members.
- Objective: reduce plastic waste and move towards a circular plastic economy.
- Have issued a draft Ministerial Statement on 13 June 2022.

Expected results:

- Reduce barriers to substitutes and waste management equipment.
- Define principles for effective and coherent trade measures that combat plastic pollution and are compatible with WTO rules, set targets to reduce trade in nondurable plastics.
- Establish a monitoring mechanism to monitor trade measures.
- Strengthen support for capacity building through the Aid for Trade program and the Enhanced Integrated Framework.

Activities reported (as of 12 June 2022):

- Voluntary survey on trade-related measures relevant to plastic pollution reduction.
- Launched an Aid for Trade needs assessment review.
- Announced intention to deepen engagement with the World Customs Organization to cooperatively address trade-related aspects of plastic pollution.

Trade and Environmental Sustainability Structured Discussions (TESSD)



- Establishment of structured discussions on trade and environmental sustainability in November 2020.
- 74 Members are currently participating.
- Objectives: trade-related climate measures and policies; challenges and opportunities for sustainable trade; environmental goods and services; the circular economy and circularity; and subsidies.
- Recent US Proposal (May 2022) on roundtable to discuss on the attributes of what may be considered "clean" and "climate aligned" technologies, goods, and services; circular economy and climate change, pursuit of resilient supply chains in the face of climate change.

TESSD

- Joint Ministerial Statement in December 2021 with specific topics:
 1. Liberalisation of trade in green/climate-friendly goods and services;
 2. Greening aid for trade;
 3. Transparency of domestic measures, such as fossil fuel subsidies, carbon border mechanisms, or the climate and circular economy;
 4. Pollution;
 5. Conservation of natural resources sustainable use and restoration of biodiversity;
 6. Deforestation and desertification;
 7. Natural disasters.

Proposal from the US (TESSD)



- Recent communication to the TESSD from the US on the 4th May 2022: INF/TE/SSD/W/19
- Proposes organization of a roundtable with stakeholders and experts to consider trade measures that can positively contribute to addressing climate change
 - Roundtable would discuss on the attributes of what may be considered "clean" and "climate aligned" technologies, goods, and services.
 - Discussions would also address the pursuit of resilient supply chains in the face of climate change
 - Proposes a series of questions that Members of the TESSD and WTO Members should address

Proposal from the US (TESSD)



Examples of Questions for consideration asked by the US:

- How can WTO Members ensure the integrity of trade in goods and services that are claiming a climate or an environmental benefit?
 - What does "low-carbon" or "low-emission" mean in the context of global trade?
 - Are there international, widely accepted and used **standards or benchmarks that would align with climate goals**?
 - How do we **trace and account** for greenhouse gas emissions in the global trading system
 - without restricting trade?
- Would a **"carbon club" of WTO Members** committed to decarbonizing be an effective mechanism for increasing trade-related action to address climate change globally?
- How can WTO Members **minimize offshoring production** to countries with less-restrictive climate policies, and what domestic efforts are Members taking to retain industrial activity within their borders while simultaneously decarbonizing?
- What **technologies**, goods and services are currently in use and commonly traded that may be considered "low-emission," "clean," and/or "climate-aligned"? What are the bottlenecks that inhibit or hinder full potential for trade and deployment of such technologies, goods and services?
- What do WTO Members need to consider to support a resource efficient and more **circular model for economic activities**? What are the constraints to trade? Can we address these bottlenecks to support increased reuse, repair, refurbishment, remanufacturing, and recycling?

Trade & Environment Database by the CTE



Search all data



[Members](#) [Notifications](#) [Trade policy reviews](#) [Infographics](#) [Documents](#) [Search](#)

The WTO's Environmental Database (EDB) contains all environment-related notifications submitted by WTO members as well as environmental measures and policies mentioned in the Trade Policy Reviews of WTO members.

7840

Environment-related notifications

16659

Environment-related measures

9383

Environment-related TPR entries

EDB DISCLAIMER

The environmental database has been prepared under the WTO Secretariat's own responsibility and is without prejudice to the positions of WTO members or to their rights and obligations under the WTO.

Ongoing WTO Institutional Reform Discussions

Regular Committee Work

TBT Committee

- Revaluation of the scope of application of the TBT Agreement regarding **Internet measures**, regarding Internet of Things, and Artificial Intelligence.



SCM Committee

- Foreign/transnational subsidies
- “Competitive neutrality”

Committee on Trade and Environment (CTE)

- Border Adjustment Mechanisms

Trade Policy Review

- New approach: monitoring is done through different themes.

Council for Trade in Goods

- Border Adjustment Mechanisms

- **Agriculture Committee**
Discussions around food security in the context of new armed conflicts. Recent new proposals from WTO Members



Specific Trade Concerns (STCs)



- STC mechanism has already been extensively used in the Committee on Technical Barriers to Trade, Committee on Sanitary and Phytosanitary Measures, and Market Access Committee.
- Overall goal of reforming STCs: Enhance their **use**, improve **effectiveness**, bringing **coherence** across committees.
- STC Proposals focus on:
 - Developing more prescriptive **procedures** for raising and responding to STCs;
 - Circulation of **written questions and agenda** in advance;
 - Encouraging more substantive replies;
 - **Mediation by the Chair**;
 - Consultations between formal meetings by Members;
 - Coherence and **information sharing** between committees;
 - **Assistance** for developing country and LDC Members;
 - Developing a **central repository / database** that lists and categorizes STCs and tracks their status.



Like-Minded or JSI Agreements

- Small sub-groups of like-minded WTO Members.
- Open discussion on whether MFN benefits will be extended to other WTO Members.
- Is consensus needed to initiate discussions?
- Is consensus needed to finalise negotiations?
- How to insert JSIs into the WTO legal system?
- E-Commerce
Spam, e-signatures, e-contracts, paperless trading, open internet access, open government data, consumer protection.
- Domestic Services
Licensing requirements, qualification requirements, and technical standards that affect trade in services.
- Investment Facilitation
Streamlining investment-related administrative procedures, focal points, regulatory coherence, and anti-corruption.
- Micro, small and medium-sized enterprises (MSMEs)
Improved transparency and access to information, reduction of trade costs, predictable regulatory environments, creating access for MSMEs to reliable and official market access information.
- Informal Working Group on Trade and Gender
Aim to increase women's participation in international trade, cultivating their economic empowerment, and removing barriers that face them.
- **Trade and Environmental Sustainability Structured Discussions (TESSD)**
 - Stakeholders (**IGOs, NGOs** and the **businesses**)
 - Recent proposal from to create a roundtable with **stakeholders and experts** to consider trade measures that can positively contribute to addressing climate change.
- **Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade** - Enhanced trade cooperation to support efforts in other fora to address the reduction of plastics pollution and promote environmentally sustainable plastics trade.
- **Fossil Fuel Subsidies** - Negotiations to phase out inefficient fossil fuel subsidies

Reform of the WTO Dispute Settlement System



- MC12 commitment from Members to have discussions to have a **fully and well-functioning dispute settlement system** accessible to all Members **by 2024**:
 - *“We acknowledge the challenges and concerns with respect to the dispute settlement system including those related to the Appellate Body, recognize the importance and urgency of addressing those challenges and concerns, and commit to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024.”* (Art. 4 of MC12 Outcome Document)
- **Two-tier dispute settlement** or reform to alternative models?



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Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MC12 OUTCOME DOCUMENT - DRAFT*

Revision

We, the Ministers, have met in Geneva from 12 to 16 June 2022 for our Twelfth Session.



New Multilateralism



- Reform - proposals with the aim of improving and enhancing the efficiency, role and reputation of the WTO for the benefit of WTO Members and international trade.
- “(...) *it is in the world's best interest to strengthen multilateralism. But I will also insist that such multilateralism cannot be the multilateralism of old. It must be reimagined and made fit for purpose to serve 21st century challenges.*” – 18th April 2022, DG Ngozi Okonjo-Iweala.



Q&A