

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 two formal meetings (16-18 October and 25-27 November 2002). The summary report of the 16-18 October meeting may be found in document TN/RL/M/4.

2. In its meetings to date, the Group's agenda has been structured around the following subject areas: Anti-Dumping; Subsidies and Countervailing Measures, including Fisheries Subsidies; and Regional Trade Agreements (RTAs). All three subject areas have been discussed in the meetings, and the Group has made significant progress during the year in identifying the range of issues to be addressed in the Group.

3. As noted in my last report, we are proceeding in the Group primarily on the basis of written submissions from participants. The Group has received a total of 39 submissions this year. A complete list of submissions received as of the date of this report is annexed.

4. On RTAs, the issue-identification phase is nearly complete. In line with that, the Group is currently pursuing a two-track approach, namely: (a) identifying issues for negotiation in formal meetings, and (b) holding open-ended informal consultations on more procedural issues related to transparency of RTAs. Currently, the Group is informally discussing questions related to "transparency of 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 November meeting, the Group agreed that its next formal meeting would be held on 3, 6, 7 February. It also agreed, as a working hypothesis and subject to confirmation in February after a review of the WTO's overall schedule of meetings, to hold further formal meetings on 24, 25, 27 March; 5-7 May and 18-20 June 2003. These dates reflect the efforts to respect, to the extent possible, the scheduling guidelines found in WT/L/106 and the TNC's practices and principles (section B of TNC/1), as well as the availability of rooms. The Group has already held two informal meetings on RTAs, and will hold further informal meetings as appropriate.

7. In my view, the Group has much work to do between now and Cancún. Our first task is to complete the process of identifying issues for negotiation. In the area of Anti-Dumping, the Group is

perhaps furthest along, having received a substantial number of proposals identifying specific issues for consideration. In the area of Subsidies and Countervailing Measures, although good progress was made at our last meeting, the number of submissions is still relatively small, submissions are not always precise in terms of what the sponsor is seeking, and various delegations that can be expected to make submissions have not yet done so. Submissions remain general in nature.

8. As for RTAs, the Group will continue, on a priority basis, its informal discussions with a view to clarifying issues relating to "transparency of RTA's" with the objective of finding appropriate solutions.

9. I strongly urge participants that have issues for the Group's consideration to identify them as soon as possible, as issues which are identified late in the process may not receive the attention they deserve. I would also urge participants to shift from conceptual submissions to a new progressive phase where more precise proposals are formulated and discussed. I need not remind participants that time is limited and that progress to be achieved in each area of the mandated negotiations depends upon such concrete proposals.

ANNEX

SUBMISSIONS BY PARTICIPANTS TO THE NEGOTIATING GROUP ON RULES¹

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: 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 Agreement on Subsidies and Countervailing Measures/ 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

¹ As of 27 November 2002.

Symbol	Title of document	Submitted by
TN/RL/W/9	PROPOSAL FROM THE PEOPLE'S REPUBLIC OF CHINA 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

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

Symbol	Title of document	Submitted by
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
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