

## Negotiating Group on Rules

### SUMMARY REPORT OF THE MEETING HELD ON 3, 6, 7 FEBRUARY 2003

#### Note by the Secretariat

1. The Negotiating Group on Rules held a formal meeting on 3, 6 and 7 February 2003.
- A. ADOPTION OF THE AGENDA
2. The Group adopted the following agenda:
  - A. Adoption of the Agenda
  - B. Regional Trade Agreements
  - C. Anti-Dumping
  - D. Subsidies and Countervailing Measures, including Fisheries Subsidies
  - E. Other Business

- Dates of formal meetings of the Group prior to Cancun
- B. REGIONAL TRADE AGREEMENTS
3. The Chairman proposed to give participants the opportunity to express views or make comments in formal mode and then turn to informal discussions. He noted that since the last formal meeting, the Rules Negotiating Group (the "Group") had not received any new submissions on RTAs. At the Group's request, the Secretariat had recently distributed a note entitled *Terminology Used and Processes Involved at Different Stages of the Conclusion of a Regional Trade Agreement* (Job(03)/5); work in the Secretariat was progressing on the other requested note on "grandfather" clauses and retroactive application of rules. He referred to the revised version of the *aide-mémoire* that he had distributed informally and hoped that it would be useful for the discussions. In the absence of any request for the floor, the Chairman turned the meeting into informal mode.
- C. ANTI-DUMPING
4. Seven submissions relating in whole or in part to this agenda item were discussed.
5. The first paper to be discussed, entitled "Senior Officials' Statement on Anti-Dumping Negotiations" (TN/RL/W/63), was sponsored by 15 participants. The sponsors submitted a statement resulting from a meeting of senior officials that took place on 5 February 2003. The statement emphasised the importance of the anti-dumping ("AD") negotiations to overall market access

liberalisation and the success of the Doha Development agenda. The senior officials stated that the abuse of AD, the imposition of AD measures which were inconsistent with the AD Agreement and increasing protectionism were seriously affecting legitimate economic interests and developmental goals at both the national and international levels. The senior officials called for improvement of the current rules to prevent the abuse and misuse of AD measures, prevent burdensome investigations, enhance the transparency, predictability and fairness of AD proceedings and take into consideration the special needs of developing Members.

6. The second paper introduced was entitled "Fourth Contribution to the Discussions of the Negotiating Group on Rules on Anti-Dumping Measures" (TN/RL/W/46) and was sponsored by the same group of 15 participants. The sponsors explained that Article 15 of the AD Agreement, regarding special and differential treatment for developing Members, was among the most important areas identified for negotiation. Article 15, although a mandatory provision, was too generic and left serious lacunae that needed to be properly addressed. With a view towards rendering this Article operational, the sponsors proposed that provisions could be developed both for the exemplification of the ways to give "special regard" and of the "constructive remedies" that should be explored by the authorities of a developed country when considering the application of AD measures to imports from a developing Member, and describing the procedures to be followed in each situation.

7. Many participants stressed the importance of operationalising Article 15. Frustration was expressed regarding the deadlock on this issue in the implementation context. One participant, while supportive of efforts to clarify this provision, considered that Article 15 related to the application of AD measures and did not specify consideration of procedures leading to a determination that AD measures were warranted. Another participant saw merit in discussions that had taken place in the AD Committee within the implementation framework and suggested continuing discussions in the Group on the basis of the work done in the Committee. One participant reminded the Group of its proposal to the AD Committee regarding procedures for price undertakings and inquired whether the sponsors intended to go beyond the Doha mandate and amend the text of Article 15. Another participant considered Article 15 to be one of the important provisions that need be re-negotiated, but not the only one. It added that the ultimate goal should be to tighten the current rules and reduce or eliminate misuse of AD, bearing in mind linkages between this process and the market access liberalisation process.

8. The third paper introduced was entitled "Treatment of Confidential and Non-Confidential information under Article 6.5 of the WTO Anti-Dumping Agreement" (TN/RL/W/44). The sponsor agreed with the sponsor of TN/RL/W/35 that Article 6 of the AD Agreement and 12 of the SCM Agreement required clarification and improvement in this area. The bases for claiming confidential information under the AD Agreement could cause confusion and lead to unfounded claims for confidential treatment, and the AD Agreement did not provide guidance on how promptly a non-confidential summary should be placed on the public file. It suggested that in considering these issues the Group should take into account work in the AD Committee's Informal Group on Implementation and consider whether the illustrative list prepared by that Group could be useful in clarifying the relevant provisions.

9. Various participants agreed with many aspects of this submission. One participant agreed that the AD and SCM Agreements could be clarified and improved by establishing a deadline by which non-confidential summaries of submissions would be supplied to the parties and defining what constitutes confidential information. It also inquired whether it would be necessary to amend the AD Agreement in order to incorporate the illustrative list. Another participant welcomed the proposal to provide guidance on non-confidential summaries by the use of indices for instance. It shared the sponsor's view that it might be fruitful to build on the work done in the Informal Group on Implementation in order to clarify what type of information could be considered confidential. This participant was interested in clarifying the distinction between information which was confidential by

nature, and that provided on confidential basis. Another participant emphasised that clarifying the rules on confidential information and non-confidential summaries would provide systemic assurances and a sufficient opportunity for interested parties to defend their interests. At the end of the discussion, the sponsor of the paper stressed the importance of this issue, reflecting the experience of its competent authorities in this field. It had an open mind as to how its proposal could be implemented.

10. The fourth paper introduced was entitled "Submission from Canada Respecting the Agreement on Implementation of Article VI of the GATT 1994" (TN/RL/W/47). The sponsor explained that its submission articulated three main themes. The first theme was transparency and procedural fairness. The paper identified four areas where clarification and improvement were needed: initiation of investigations; interested parties' access to information; public hearings; and the right to adequate explanations of determinations and decisions taken by competent authorities. The second theme related to predictability and ensuring that AD did not interfere with legitimate trade. This theme included both aspects specific to AD (e.g., cost allocation) and aspects relevant both to AD and CVD (e.g., like product and domestic industry). The sponsor noted that convergence of practice and predictability could be served by harmonizing AD and CVD where appropriate, and suggested exploring the possible codification of AD Committee recommendations. The third theme was improving the efficiency of AD measures and limiting their sometimes unjustified application. Finally, the sponsor suggested exploring both the causes and consequences of AD measures. The former could involve exploring situations where an exporter was subject to investigations in a number of countries, while the latter suggested that public interest could be examined in AD and CVD investigations.

11. Many participants welcomed the submission, with various participants noting support for specific proposals and noting similarities between those proposals and their own. Some delegations supported the suggested codification of AD Committee recommendations and dispute settlement interpretations, but questions were raised regarding the criteria for choosing which recommendations/interpretations to codify. It was observed that recommendations often were a lowest common denominator and thus should be only a starting-point for the Group's work. Several delegations welcomed the sponsor's thoughts on trade-distorting practices and the issue of repeated dumping. It was however noted that repeated dumping findings could arise from conditions unrelated to government practices (e.g., recession), or from how AD was used, that the AD Agreement did not look at the causes of dumping, and that AD measures were the only "specific action" against dumping allowed by the AD Agreement.

12. Questions were raised and/or comments made regarding many of the proposals contained in the submissions. Regarding a swift control mechanism for AD/CVD initiations, it was queried whether investigations might be suspended pending accelerated proceedings. It was queried whether, if duties were refunded in the event of an adverse ruling, a time-limit on bringing challenges would be appropriate. Regarding initiation standards, it was asked how an investigating authority ("IA") could be expected, at the initiation phase, to know what factors other than dumping could be contributing to the alleged injury, as normally other factors were brought to the attention of an IA during the course of an investigation. It was also asked whether the burden should be placed on an IA to rectify deficient applications or whether the information required should be more clearly defined. It was queried why Article 6.2 was not adequate in the area of public hearings. On standing, the problems faced by fragmented industries, especially in the agricultural sector, were highlighted. It was observed that, due to difficulties in defining "public interest", this issue should be left to individual Members to determine. It was stated that the lesser duty rule was an obligation under Article 9.1, and

the Group should focus on the methodology for implementing that rule. It was noted that lacunae in the rules made it difficult to establish WTO disciplines with respect to reviews.<sup>1</sup>

13. The fifth paper introduced, entitled "Anti-Dumping Actions in the Area of Textiles and Clothing: Developing Members' Experiences and Concerns" (TN/RL/W/48), was sponsored by 18 participants. The sponsors stated that the paper was without prejudice to other submissions to the Group. The sponsors sought to bring to the attention of the Group certain protectionist practices of other participants, and to spell out the needs of developing Members. The sponsors emphasised the importance of textiles and clothing for many developing economies. They noted that textiles were already subject to restraint and expressed concern that quotas might simply be replaced by AD measures. They recalled paragraph 4.2 of the Ministerial Decision on Implementation-Related Issues and Concerns, and inquired about the adequate means to give effect to this decision. The sponsors expressed concern regarding repeated AD investigations in the sector, the length of some investigations and the chilling impact of unjustified AD initiations on exports of textiles and clothing products of developing Members. The sponsors urged the Group to clarify and improve disciplines related to the initiation of investigations to prevent abusive AD measures.

14. One participant whose practices were mentioned in the paper shared many of the conclusions of the sponsors concerning unjustifiable initiations, but contested certain factual representations in the submission, noting that some of the AD investigations cited dated back to more than five years ago and were not at present subject to AD duties. The participant disputed that exporting firms in developing Members were necessarily small- and medium-sized companies, as on various occasions the firms investigated were global players. The participant did not believe that the closure of an investigation without the imposition of measures implied that the initiation *per se* was unjustified. Another participant whose practices were mentioned in the paper inquired whether the proponents were suggesting sector specific AD disciplines. It noted that one of the AD measures cited had been revoked and that in the past decade it had not levied AD duties on textile and clothing products.

15. The sixth paper introduced was entitled "Circumvention" (TN/RL/W/50). The sponsor noted that circumvention was an issue that Ministers had identified at Marrakech as unfinished business that must be addressed and where uniform rules were needed as soon as possible. The sponsor considered that work done thus far in the Informal Group on Anti-Circumvention had helped understand the nature of circumvention, but had failed to resolve the issue, and as the Rules negotiating mandate referred to the need to preserve the effectiveness of the AD and SCM Agreements, this Group should also work on the issue. The sponsor considered this to be an unsustainable grey area in the AD Agreement where Members were taking actions, either transparently or less so. It urged the Group to complete the work called for at the end of the Uruguay Round and to address this issue as an important priority in the negotiations.

16. In reaction to this submission, divergent views were expressed. Several participants agreed that work on circumvention was important and should proceed in both the Group and the Informal Group on Circumvention, while another participant considered that this Group should not develop rules until the Informal Group had completed study of the issue. It was observed that, as the sponsor had suggested, circumvention rules on AD and CVD should be harmonized. One participant noted that circumvention in the form of customs fraud was already disciplined, that there was a thin line between legitimate business practices and other forms of so-called circumvention, and that caution should be taken to avoid eroding AD disciplines. Another participant considered that the formulation of inadequate disciplines on anti-circumvention could harm investment, and that even in the case of circumvention a new investigation was required. The link between anti-circumvention and rules of origin was also raised.

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<sup>1</sup> Certain of these questions were subsequently submitted in writing to the Group. See TN/RL/W/62 and 65.

17. The seventh and last paper submitted in this suite was entitled "Position Paper to be Presented by the Arab Republic of Egypt on the Doha Declaration Concerning the Negotiations on the Anti-Dumping Agreement" (TN/RL/W/55). The sponsor recalled that the mandate set forth in paragraph 28 of the Doha Ministerial Declaration was clear, and that the Group should not go beyond that mandate. The sponsor considered that many developing and least developed Members, as new users of AD, had limited resources, capacity and experiences to implement excessively complex new rules that could result from any modifications to the current AD Agreement. It stressed the importance of maintaining a certain degree of flexibility for IA these Members. The increased use of AD by new users was not a sign of misuse but an indication that such Members were now exercising their legitimate rights.

18. One participant recognized the concerns of the sponsor, considered the submission to be a helpful contribution from a developing country Member, and invited other participants to benefit from the sponsor's experience. Another participant appreciated the recognition by the sponsor that special consideration should be accorded to developing and least developed Members.

19. Following consideration of new submissions, there was extensive discussion regarding various follow-up papers containing comments, questions and replies to questions submitted concerning previous papers or discussions.

20. Questions and comments were posed regarding a paper previously considered by the Group entitled "Investigatory Procedures Under the Anti-Dumping and Subsidies Agreements" (TN/RL/W/35). Two participants had formulated written questions/comments in papers entitled "Comments from Australia on the United States' paper on Investigatory Procedures under the Anti-Dumping and Subsidies Agreements TN/RL/W/35" (TN/RL/W/43) and "Egyptian Paper Containing Comments on the Contributions Submitted in the Framework of the Doha Negotiations of the Anti-Dumping Agreement" (TN/RL/W/56). In addition, oral comments and questions were posed regarding the principles of procedural fairness; reducing the cost of investigations; maintaining a public record; and access to non-confidential information and memoranda. It was observed that, while procedural fairness was important, there was also an issue regarding reducing the costs of AD investigations. The sponsor was asked to provide further information on its Administrative Protective Order system.

21. One participant posed written questions regarding a previous submission in a document entitled "Comments from Australia on Morocco's paper under Anti-Dumping and Subsidies and countervailing Measures Agreements (Document TN/RL/W/36)" (TM/RL/W/60). This participant, *inter alia*, sought clarification regarding the sponsor's view of the scope of the mandate for the negotiations, and inquired whether the sponsor considered there was a need for special and differential (S&D) treatment such as expedited AD investigations for small economies. Another participant agreed with the sponsor of document TN/RL/W/36 that trade remedies were a fundamental part of the equilibrium within the multilateral trading system and that upsetting that equilibrium could weaken the whole system.

22. There was substantial oral and written follow-up regarding a previously discussed submission entitled "Communication from the United States – Basic Concepts and Principles of the Trade Remedy Rules". The sponsor responded to written questions in a document entitled "Replies to Questions Presented to the United States on Submission TN/RL/W/27" (TN/RL/W/53). The sponsor also received additional written questions in a document entitled "Questions Pertaining to the United States' Paper on Basic Concepts and Principles of the Trade Remedy Rules" (TN/RL/W/51). These questions focused on identifying the prime objective of the AD negotiations under the Doha mandate and on the asserted links between "inappropriate government involvement" and dumping. The sponsor responded that trade-distorting practices and trade remedies were not mutually exclusive and that under the Doha mandate both should be addressed simultaneously.

23. The same sponsor responded to written questions regarding the OECD High-Level Process on Steel Issues ("Questions to the United States on TN/RL/W/24" (TN/RL/W/42)). The sponsor considered that the High Level Group had taken an important step in December 2002 to "begin work on the elements of an agreement for reducing or eliminating trade-distorting subsidies in steel provided at all levels of governments, taking into account existing multilateral agreements and mechanisms, as well as the needs of developing countries." In this regard, it referred to the communiqué provided to this Group in document TN/RL/W/49. The sponsor viewed the WTO as a logical home for steel subsidy disciplines at the end of the day, but saw the OECD process as one means of advancing the work so as to facilitate its integration into the WTO's broader work programme. How the results of the OECD process might be taken into account in this Group was difficult to forecast and depended on the collective judgement of all Members of the WTO. The sponsor hoped that Ministers at Cancún might at least be informed and aware of the results of the OECD process as they considered the progress made so far in the Rules negotiations and provided further guidance for the work of this Group. It was too early to judge whether disciplines would be generic in nature or limited to steel issues, but if steel-specific disciplines were judged to be of value and not to undermine the balance of the broader SCM Agreement, it was difficult to see why they could not be incorporated into that Agreement. The sponsor considered that the development dimension was important, but could not be easily parsed until there was a better sense of baseline rules and disciplines.

24. Several participants fully supported the OECD process. Two participants however noted that the WTO was a multilateral forum and that WTO agreements generally were not sector-specific. By contrast, the OECD had played a role in developing disciplines in particular sectors among countries particularly interested in those sectors. Due to the differences in institutional structures and experiences of the WTO and the OECD, sectoral discussions on steel among the countries particularly interested in the product, including several non-members of the WTO, could be best accommodated at the OECD.

25. One participant responded to questions posed in documents entitled "Second Set of questions from the United States on Papers Submitted to the Rules Negotiating Group" (TN/RL/W/34) and "Questions on Papers Submitted to the Negotiating Group on Rules" (TN/RL/W/25). It clarified that it had not proposed that there should be a hierarchy for identifying profits under Article 2.2.2, but a reasonability test for profits under options 1 and 2 of AD Agreement Article 2.2.2. It defined the injury margin as a quantification of the injury being suffered by the domestic industry due to dumped imports, and considered that one possible method for such a calculation was the difference between the landed value of the imported product and the fair selling price for the domestic industry. As for price undertakings, it explained that more specific provisions in this regard would add to the transparency in the process of submitting and accepting price undertaking. The participant was of the view that AD actions had prevented it and other developing Members from securing a share in the growth of world trade. Regarding the lesser-duty rule, all IAs should adhere to the lesser duty rule as provided in Article 9.1 of the AD Agreement, and the rule should be made mandatory at least in the context of the AD Agreement Article 15.

26. Other written questions and/or answers were presented in documents entitled "Replies to Questions to Our First Contribution TN/RL/W/6" (TN/RL/W/45), "Comments from Australia on the Third Contribution from a Number of Countries in document TN/RL/W/29" (TN/RL/W/59) and "Egyptian Paper Commenting on the Contributions submitted in the Framework of the Doha negotiations on Anti-dumping Agreement" (TN/RL/W/56).

#### D. SUBSIDIES AND COUNTERVAILING MEASURES, INCLUDING FISHERIES SUBSIDIES

27. One new paper relating in its entirety to this agenda item was discussed, and follow up questions and comments were made regarding submissions previously presented to the Group. Two

new submissions relating to the sub-agenda item fisheries subsidies were also introduced and discussed.

28. The first paper was entitled "Improved Rules under the Agreement of Subsidies and Countervailing Measures: Paragraph 10.2 of the Document on Implementation-Related Issues and Concerns" (TN/RL/w/41 and Corr.1) The sponsor stated that the paper related to an essential area of the SCM Agreement, improving rules on non-actionable subsidies. Developing Members needed to diversify their production and that the resort to non-actionable subsidies in such cases should be a legitimate development tool.

29. A number of participants spoke regarding the paper. Two participants stated that it was a useful contribution and that the ideas advanced could potentially address imbalances in the SCM Agreement, while a third broadly supported the paper provided the non-actionable category included subsidies in areas such as regional development and technology upgrading. Another participant noted that the non-actionable category was linked to the presumption of serious prejudice in Article 6.1. In its view, the range of subsidies proposed for non-actionability was excessively broad and would unacceptably weaken WTO subsidies disciplines, contrary to the Group's mandate. One participant stated that it had reservations as to whether it was necessary to reintroduce a non-actionable subsidy into the SCM Agreement. This sponsor's views are more fully reflected in a document entitled "Comments from Australia on Venezuela's Submission on non-Actionable-Subsidies under the Agreement on Subsidies and Countervailing Measures" (TN/RL/W/61).

30. Some participants commented on the discussion of S&D treatment contained in document TN/RL/W/33. One participant noted that the paper did not take into consideration developing Members' need for flexibility. This participant's views are more fully reflected in a document entitled "Egyptian Paper containing Questions and Comments on the Contributions Submitted in the Framework of the Doha Negotiations on the Subsidies and Countervailing Measures Agreement" (TN/RL/W/57). Another Participant explained that S&D provisions were intended to ensure that equal rules do not apply to unequal players. Export incentive schemes were necessary to offset disadvantages facing developing Member exporters. The SCM Agreement had been patterned on legislations already in existence in developed Members and was tailored to meet their structures; there was thus a need to bring the Agreement into line with developing Members' needs and priorities. This participant's views are more fully set out in "Intervention by India on the Submission by the United States on Special and Differential Treatment and the Subsidies Agreement" (TN/RL/W/68). Another participant noted that care should be taken because prohibited subsidies provided by developing Members could cause serious trade effects to the interests of other developing Members. It was also observed that there would be merit in defining the Members that benefit from S&D treatment and to what extent.

31. The sponsor of document TN/RL/W/33 reiterated its view that subsidies were generally not a good way to encourage economic development. The benefits of these policies were often overstated and the costs, including the impact on domestic competitiveness and the drain on government finances, underestimated. Instead of applying such programmes, government support could be directed to human capital development, technological change, infrastructure improvement and institution building, none of which were prohibited by the SCM Agreement. The WTO could play an important role in promoting economic policies in developing Members through their full integration under the disciplines of the SCM Agreement as soon as practicable.

32. Some Participants provided written or oral comments on the issues discussed in document TN/RL/W/30. Two participants suggested that "disguised" subsidies and subsidies provided by state-controlled entities were already covered by the SCM Agreement. On local content subsidies, it was suggested that expanding Article 3.1(b) of the SCM Agreement to cover all subsidies contingent on domestic value-added was unnecessary and would be contrary to the interests of developing

Members. Regarding export financing, it was suggested that the safe haven for export credit practices in conformity with the OECD Arrangement was discriminatory and should be eliminated. Regarding notifications, opposition was expressed to the idea of penalizing non-notification; enhanced technical assistance would be a more appropriate response. Regarding subsidies and environment, one participant noted that it had other priorities in terms of non-actionability, and that resurrection of such treatment for environmental subsidies would only be acceptable if the other categories in Article 8 were also revived. Concern was also expressed regarding a possible two-step approach to negotiating S&D treatment. One participant's views are more fully reflected in document TN/RL/W/57.

33. The sponsor of TN/RL/W/30 clarified that it had never suggested extending the safe harbour in item (k) of the Illustrative List to cover insurance & guarantees, but had merely suggested that the rules in this area could benefit from clarification. Regarding subsidies and environment, the sponsor stated that Article 8 had proved ineffective, and that it was not pursuing revival of that Article in its present form. As for the issue of S&D treatment, the sponsor suggested the developing Members provide more precise proposals on what they wish to see reflected in this package.

34. The sponsor of TN/RL/W/19 provided, in a document entitled "Replies to the Questions made by Australian Delegation in Document TN/RL/W/37" (TN/RL/W/64), replies to questions posed by another participant in document TN/RL/W/37. The replies were related to Articles 11, 11.4, 11.9, 12.4, 12.7, 16 and 19 of the SCM Agreement.

35. Under the sub-agenda item of fisheries subsidies, two new submissions were introduced. The first was entitled "Japan's Contribution to Discussions on Fisheries Subsidies Issue" (TN/RL/W/52). The sponsor submitted that no convincing rationale has been provided for treating fisheries subsidies differently from other products in terms of trade distorting effects. It accordingly proposed that the discussion of the trade distortions aspect of the fisheries subsidies issue in the Group should be conducted cross-sectorally, as part of the clarification and improvement of the SCM Agreement in accordance with paragraph 28 of the Doha Ministerial Declaration. As for the issue of over-exploitation and sustainable development, this aspect should be addressed in regular sessions of the Committee on Trade and Environment. Regarding the proposed classification of fisheries subsidies, such an attempt should not be initiated in the Group as the peculiarities of the fisheries sector had not been sufficiently demonstrated.

36. The second paper introduced was entitled "Subsidies in the Fisheries Sector – Possible Categorisation" and was sponsored by six participants (TN/RL/W/58). The paper outlined different approaches to the classification of fisheries programmes that had been suggested by other organisations in recent years. The sponsors considered that work in the Group should examine different categories of subsidies, their nature and impact as well as their situation under existing WTO disciplines. While the sponsors were not endorsing any particular approach to categorization, it was hoped that the various categorization approaches could provide a starting point for substantive discussion at the next meeting of the Group.

37. A discussion took place regarding the two papers. One participant supported the sponsor of the first paper. A number of other participants argued that the Group needed to discuss different categories of subsidies in the fisheries subsidies in order to analyse their trade-related and other effects, and to assess the extent to which the existing SCM Agreement disciplines adequately addressed those effects. This was exactly what participants were doing in the AD/CVD context. Various participants observed that there was a clear mandate in paragraph 28 to address fisheries subsidies, and that efforts to send the issue to the Committee on Trade and Environment just sought to hide the issue. It was stated that there was no desire to prejudge the outcome of the negotiations, but that it was not possible to fulfil the mandate with looking at the special characteristics of subsidies in the sector. One participant noted that the two papers appeared to be going in different directions, and that it would itself be putting in a paper soon.



E. OTHER BUSINESS

38. The Group agreed that it would hold its next meeting on 19-21 March 2003, with Regional Trade Agreements to be discussed on Friday 21 March 2003. It further agreed to meet two more times before the summer break on 5/7 May and 18/20 June 2003, subject to overall demand for meetings in the WTO. The Chairman informed participants that he has also reserved the period 21/23 July 2003 for an additional meeting of the Group, in the event that it proves necessary.

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