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**Committee on Trade and Development
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MATRIX ON REGULATORY OBLIGATIONS AND OTHER IMPLICATIONS OF THE URUGUAY ROUND AGREEMENTS

Note by the Secretariat

Addendum

	Regulatory aspects	Institutional aspects	Implementation	Support	Other
1. Agreement Establishing the World Trade Organisation	<p>Contracting parties to the GATT 1947 shall become original Members of the WTO by accepting this Agreement and the Multilateral Trade Agreements and for which Schedules of Concessions and Commitments are annexed to GATT 1994 and for which specific Commitments are annexed to GATS (Art XI)</p> <p>The WTO Agreement shall remain open for acceptance by original Members for a two year period (<i>i.e.</i> until 1 January 1997)</p> <p>All MTA Agreements are binding on all Members with the entry into force of the WTO; The four Plurilateral Agreements are binding upon Members who have accepted them</p> <p>Members are committed to bring their laws and regulations in conformity with obligations as provided in the Agreements (Article XVI:4)</p>	<p>The WTO shall provide the common institutional framework for the conduct of trade relations between its Members in matters related to the Agreement and associated legal instruments (Article II)</p> <p>Through the establishment of the WTO, Members are required to review the adequacy of domestic institutions to ensure full implementation of all aspects of the Agreements contained therein</p> <p>The Declaration on the Contribution of the WTO to Achieving Greater Coherence in Global Policymaking</p> <p>recognises that coherence of policies starts at the national level. At the international level, the WTO Director General is to review with the President of the World Bank and the Managing Director of the IMF on how to achieve greater coherence in policymaking</p>	<p>The WTO entered into force on 1 January 1995. Any time-limited exceptions apply in relation to the entry into force of the WTO, unless specified differently</p> <p>The least-developed countries are only required to undertake commitments and concessions to the extent consistent with their individual development, financial and trade needs or their administrative and institutional capabilities (Article XI)</p> <p>Most Agreements and Arrangements contain Special and Differential treatment provisions for less and least-developed country Members</p> <p>Least-developed Members had one additional year (until 15 April 1995) to submit their schedules (Ministerial Decision, par 1)</p>	<p>The Marrakesh Declaration of 15 April stipulates (para 5) the need for strengthening the capability of the GATT and the WTO to provide increased technical assistance</p> <p>Ensuring a full understanding of the new rights and obligations in the Agreements and assist in assessing ways to exercise these rights and to comply with the obligations</p> <p>Analyzing possible implications of the Agreements in domestic policy making: opportunities and constraints</p> <p>Assessing benefits that can be derived from the Agreement</p>	<p>Least-developed countries shall be accorded substantially increased technical assistance in the development, strengthening and diversification of their production bases including those of services, as well as trade promotion, to enable them to maximize benefits from the liberalized access to markets</p> <p>(Ministerial Decision on Measures in Favour of Least-Developed Countries, para 2)</p> <p>The Decision on Notification Procedures contains specific provisions, aimed at enhancing transparency through improved WTO notification procedures</p>

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2. Multilateral Agreements on Trade in Goods	<p>The Multilateral Agreement on Trade in Goods comprises the General Agreement on Tariffs and Trade 1994 (including several Understandings and the Marrakesh Protocol) and the Agreements, each of which contain regulatory obligations for all Members, as detailed below</p> <p>The Understandings contain new regulatory provisions for the application of GATT Articles II:1(b), XVII, XXIV, XXVIII, waivers of obligations and for Balance-of-Payments purposes</p> <p>The Marrakesh Protocol contains provisions for all Members regarding Schedules of Concessions including commitments on tariffs (reductions) and other barriers to trade (through bindings), which will be implemented in five equal rates, except as may be otherwise specified in a Member's Schedule</p>	<p>Members are required to review the adequacy of their institutions to ensure the full implementation of all Agreements, concessions and other obligations and to meet the new regulatory requirements in the Understandings</p>	<p>The MTA Agreements entered into force on 1 January 1995</p> <p>The first reduction commitment was implemented on 1 January 1995, the last reduction will be implemented no later than 1 January 1999</p> <p>Least-developed country Members had one additional year (until 15 April 1995) to submit schedules</p> <p>The implementation of the concessions and commitments contained in the schedules can be subject to multilateral examination by the Members (Marrakesh Protocol par 2)</p> <p>Technical Assistance is specifically foreseen in the Understanding on Balance-of-Payments Provisions</p> <p>The Ministerial Decision in Favour of Least-Developed Countries stipulates measures to enhance market access opportunities through technical assistance</p>	<p>Assist in understanding and application of the specific Agreements, protocols, Decisions and Understandings</p>	<p>Assess new market opportunities that should arise from trade liberalisation</p>

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3. Agreement on Agriculture	<p>The Agreement brings agricultural policies under clear, effective and operational rules in the WTO</p> <p>The Agreement provides disciplines in three areas: market access, domestic support and export subsidies</p> <p>In addition to the Agreement, disciplines are secured through the Schedules of concessions and commitment negotiated by Members</p> <p>All non-tariff barriers are prohibited, except those maintained under B.O.P. provisions or under general, non-agriculture-specific provisions of GATT 1994, or otherwise covered under WTO provisions</p> <p>Notification requirements</p>	<p>In view of the vast range of new commitments, Members are required to review their institutional framework to ensure the full implementation of all new binding provisions</p>	<p>Special and Differential treatment to Developing country Members is an integral part of the Agreement (Article 15:1)</p> <p>The implementation of the Agreement is foreseen over a six-year period (<i>i.e.</i> prior to 1 January 2001); developing country Members can implement the reduction commitments over 10 years (prior to 1 January 2005) and least-developed country Members are not required to undertake reduction commitments (Article 15.2)</p> <p>The rates of tariffs and subsidies reduction are lower for developing country Members</p> <p>Special exemptions on domestic support, including investment subsidies</p> <p>A higher <i>de minimis</i> threshold as regards reduction of domestic support (10 percent instead of 5 percent)</p> <p>The Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net-Food Importing developing countries contains specific provisions to address the</p>	<p>Assist in full implementation of Agreement</p>	<p>The Agreement foresees initiating negotiations for continuing the reform process in agricultural trade one year before the end of the implementation period, which effectively will be in 1999 (Article 20); Members could be assisted in preparing for it</p>

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4. Agreement on Application of Sanitary and Phytosanitary Measures	<p>Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary and based on scientific principles (Article 2)</p> <p>Members shall base their SPS measures on international standards, guidelines or recommendations</p> <p>Members are obliged to notify SPS requirements which restrict trade</p>	<p>Each Member shall ensure that one enquiry point exists to provide information and answer queries (Annex B)</p> <p>Members shall formulate and implement positive measures and mechanisms in support of the provisions by other than central government bodies (Article 13)</p>	<p>The Agreement contains longer time frames for implementation and time-limited exceptions for developing country Members where a lack of expertise or technical infrastructure or resources so requires (Article 10)</p> <p>Least-developed countries may delay the application of the Agreement for five years (i.e. 1 January 2000)</p> <p>Technical assistance will be provided through other Members (Article 9)</p>	<p>Under Article 9 of Annex B, the Secretariat shall promptly circulate notifications regarding SPS requirements and draw the attention of developing country Members to any notification to products of particular interest to them</p>	<p>If an SPS requirement implies major investments by a developing country Member, the Agreement foresees that technical assistance should contribute to facilitating new market access opportunities in developed country Members (Article 9)</p>

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5. Agreement on Textiles and Clothing	<p>Members which retain the right to use the special safeguard are required to gradually integrate textiles and clothing products into GATT '94 over a 10-year transitional period (1 January 1995 to 31 December 2004)</p> <p>Notification of the details of integration programme (Article 2.6 and 2.7) and of intention to retain the right to use the special transitional safeguard mechanism (Article 6.1)</p> <p>Members with MFA restraints were required to notify full details of all such measures in place on 31.12.94.</p> <p>Members are also required to notify quantitative restrictions on products covered by the Agreement other than those maintained under the MFA, whether or not consistent with GATT. Members can maintain GATT inconsistent measures, but other restrictions must be either brought into conformity with GATT within one year (prior to 1 January 1996), or eliminated in accordance with a programme to be presented to the TMB not later than six months (<i>i.e.</i> prior to 1 July 1995)</p> <p>Changes in rules and practices are subject to consultation</p>	<p>Members will need to ensure that the institutional mechanism is adequate to fulfil the obligations in the Agreement, in particular conducting the integration process</p> <p>Those members wishing to apply the transitional safeguard mechanism in the Agreement are required to comply with the specific relevant criteria (Article 6)</p>	<p>Integration of all products listed in the Annex will be made by Members which retain the right to use the special safeguard. There are four stages:</p> <p>16 percent of the volume of its 1990 imports of the products in the Annex on 1 January 1995, 17 percent of the 1990 imports on 1 Jan. 1998, 18 percent on 1 Jan. 2002 and the remainder on 1 January 2005</p> <p>The Agreement stipulates that Members ensure meaningful increases in access possibilities for small suppliers and the development of commercially significant trading opportunities for new entrants in the field of textiles and clothing trade (Article 1:2)</p> <p>The Agreement specifically foresees improved access opportunities for Members whose restrictions represent 1.2 per cent or less of the total volume of restrictions applied by an importing member as of 31 Dec. 1991 (Article 2:18)</p> <p>Particular interest should be provided to cotton-producing exporting countries (Article 1:4)</p>	<p>Assist in facilitating the implementation of the integration programme</p> <p>Assist Members in exercising their rights and obligations under all provisions, particularly the special safeguard (Article 6)</p>	

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6. Agreement on Technical Barriers to Trade	<p>All Members are required to establish a regulatory system to implement the Agreement</p> <p>Members who were signatory to the Tokyo Round Agreement may need to review existing regulations to ensure the implementation of the extension of the coverage to requirements</p> <p>A Code of Good Practices lays down principles that local government, non-government and regional bodies are expected to comply with respect to their standardizing activities and increases considerably the transparency of their activities</p> <p>Notification of technical regulations, standards and conformity procedures</p> <p>Exchange information through enquiry points</p>	<p>Establish enquiry points (Article 10)</p> <p>Members shall designate a single central government authority that is responsible for the implementation on the national level of the provisions concerning notification procedures (Article 10.10)</p>	<p>If a developing country Member faces institutional and infra-structural difficulties, it can delay the application, in whole or in part the provisions of the Agreement (Article 12.8)</p> <p>The Agreement foresees specific technical assistance activities, through Members, in preparing technical regulations and establishing regulatory bodies (Article 11)</p>	<p>Assist in preparation and application of technical regulations, standards, conformity assessment procedures, taking into account the special development and trade needs of developing country Members</p> <p>Assist in operation of the relevant bodies</p>	

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7. Agreement on Trade-Related Investment Measures	<p>The Agreement covers investment measures related to trade in goods only</p> <p>Notification of TRIMs inconsistent with Agreement within 90 days of the date of entry into force of the Agreement (<i>i.e.</i> prior to 1 April 1995) and elimination of those TRIMs within two years (<i>i.e.</i> prior to 1 January 1997) by developed country Members</p> <p>Following a decision of 3 April 1995, the 90 day notification period starts after the date of acceptance for states and separate customs territories eligible to become original Members</p>		<p>Developing country Members can temporarily deviate from some provisions (Article 4), but they must eliminate TRIMs within five years (<i>i.e.</i> prior to 1 Jan 2000), least-developed Members within seven years (<i>i.e.</i> prior to 1 Jan. 2002)</p> <p>TRIMs introduced less than 180 days before entry into force of the Agreement will not benefit from such transitional period</p> <p>A standstill provision prohibits the introduction of new TRIMs during the transition period, but existing TRIMs may be applied to new investments in respect of like products where necessary to avoid distorting conditions of competition</p>		Analyze determinants of foreign direct investment and assess how market based factors could help to attract inward investment in the market place

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8. Agreement on Implementation of Article VI of GATT 1994	<p>There is no obligation for Members to introduce Anti-Dumping legislation</p> <p>Members who have anti-dumping legislation or regulations are required to bring their legislation in line with the new provisions</p> <p>The Agreement contains stricter disciplines on initiation and investigation of dumping, time limits ('sunset clause'), application of provisional measures, provides more detailed rules for methodology for calculating dumping margins and determining injury, requires a review of anti-dumping measures by the authorities of the importing country, establishes public notice requirements for all phases of investigation</p> <p>Notification requirement</p>	<p>Members who already have Anti-dumping legislation in place are required to adapt/revise their institutional framework</p> <p>Members are also required to maintain judicial, arbitral or administrative tribunals or procedures for the purpose, inter alia, of the prompt review of administrative actions relating to final determinations and reviews of determinations (Article 13)</p> <p>Members who do not have Anti-dumping legislation and do not intend to use the provisions in the Agreement are not likely to face any institutional implications</p>	<p>The special situation of developing country Members is recognised in Article 15:</p> <p>Possibilities for constructive remedies shall be explored before applying Anti-dumping duties where they would affect the essential interests of developing country Members</p>	<p>Improve the understanding of mechanics of AD provisions</p> <p>Training in application of all relevant provisions</p>	<p>Assess the need to institute AD legislation</p>

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9. Agreement on Implementation of Article VII of GATT 1994	<p>The Agreement establishes six methods of valuation, which should be applied in hierarchical order, the transaction value being the primary method</p> <p>Legislation in each Member should contain provisions on right of appeal, without penalty by the importer (Article 11)</p> <p>Publish laws, regulations, judicial decisions and administrative rulings (Article 12)</p> <p>Adapt laws, regulations and administrative procedures relevant to the Agreement (Article 22)</p>	<p>All Members are required to ensure that the institutional framework is adequate to implement these valuation methods</p> <p>Other Members are required to establish the appropriate institutional infra-structure, including an authority or body to carry out the right of appeal (Article 11)</p>	<p>Developing country Members not party to the Tokyo Round Agreement may delay the application of this Agreement for not more than five years</p> <p>The application of the provisions concerning the computed value method may be delayed for another three years</p> <p>Technical assistance shall be provided by other Members (Article 20.3)</p>	<p>Technical assistance can consist of training personnel, preparing implementation measures, information, advice on the application of the provisions of the Agreement (Article 20.3)</p>	<p>Two separate Decisions were adopted taking into account problems of developing country Members: i) Decisions regarding Cases where Customs Administrations have Reasons to Doubt the Truth or Accuracy of the Declared Value and ii) on Texts Relating to Minimum Values and Imports by Sole Agents, Sole Distributors and Sole Concessionaires. The World Customs Organisation is requested to formulate and conduct studies in areas identified as being of potential concern to less-developed countries</p>
10. Agreement on Preshipment Inspection	<p>Regulatory implications exist for Members that apply pre-shipment inspection procedures; the Agreement, <i>ipso facto</i>, is non-mandatory</p> <p>Obligations affect importing and exporting Members, who are required to notify all laws and regulations regarding the use of preshipment inspection procedures (Art.2&3)</p> <p>User Members should ensure that PSI entities establish procedures to receive, consider and render decisions concerning grievances by exporters (Art 2.21)</p>	<p>Members, who apply the Agreement, are required to ensure that an adequate institutional framework exists for the full implementation of obligations</p> <p>In case of disputes between PSI entities and exporters, the Agreement foresees for reviews by an independent entity constituted jointly by an organisation representing PSI entities and one representing exporters (Article 4)</p>	<p>Exporter Members shall offer to provide to user Member, if requested, technical assistance to achieve the objectives of the Agreement (Article 3.3)</p>	<p>Aspects of conducting preshipment inspection</p>	

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11. Agreement on Rules of Origin	<p>The Agreement contains specific disciplines that will apply during a transitional period, i.e. until completion of the work programme for the harmonization of rules of origin (Article 2) and after the Transition period (Article 3)</p> <p>Moreover, the Agreement contains detailed procedural arrangements on notification, review, consultation and dispute settlement; this includes publication of laws, regulations, judicial decisions and administrative rulings of general application relating to rules of origin</p>	<p>Any administrative action which (Members) take in relation to the determination of origin is reviewable promptly by judicial, arbitral or administrative tribunals or procedures, independent of the authority issuing the determination, which can effect the modification or reversal of the determination (Article 2)</p>	<p>A workprogramme with regard to the Harmonization of rules of origin (PART IV) will be undertaken and completed within three years of initiation (<i>i.e.</i> prior to 1 January 1998)</p> <p>Technical assistance may be needed in implementing specific origin requirements</p>	<p>Assess and analyze how specific origin rules can be met</p>	<p>It is clearly stated (Definitions and coverage) that the Agreement relates to rules of origin in non-preferential trade</p> <p>ANNEX II to the Agreement contains a Common Declaration with Regard to Preferential Rules of Origin</p>
12. Agreement on Import Licensing Procedures	<p>All Members are required to ensure that laws, regulations and administrative procedures for implementing import licensing schemes are in conformity with the provisions of the Agreement not later than the entry into force of the Agreement [Article 8.2(a)]</p> <p>Members who did not apply the Tokyo Round Agreement are required to establish the necessary administrative procedures [Article 8.2(a)]</p> <p>Members should notify the Committee when they institute licensing procedures or make changes in these (Articles 5.8)</p>	<p>The implementation of the Agreement requires, inter alia, a contact point for information on eligibility and administrative body(ies) for submission of applications (Article 5)</p>	<p>With regard to automatic import licensing, a developing country Member, which was not a signatory to the Tokyo Round Agreement, upon notification to the Committee can be exempted for 2 years from the provisions [Article 2.2(a)(ii) and (a)(iii)]</p>	<p>Training could focus on the application of automatic and in particular non-automatic licensing procedures to ensure that provisions are applied in the least trade-distortive manner</p>	

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13. Agreement on Subsidies and Countervailing Measures	<p>The Agreement contains detailed provisions regarding both the granting of subsidies and the use of countervailing measures</p> <p>Members are not under any obligation to apply countervail measures; however, Members who desire to do so are required to bring their laws and regulations in line with the new provisions regarding countervailing duties</p> <p>Members are required to phase out prohibited subsidies within the appropriate transition period</p> <p>Notification requirement</p>	<p>All Members that desire to use countervailing measures are required to ensure that an appropriate institutional framework is in place to carry out the obligations under the Agreement, including a judicial review</p>	<p>The Agreement contains Special and Differential treatment provisions for developing country Members, dispensating them from some obligations and providing a longer implementation period (PART VIII)</p> <p>The Agreement recognises the importance of subsidies in economic development programmes of developing country Members (Article 27)</p>	<p>Training in the countervail area could comprise such issues as: calculation of subsidies, determination of injury, procedures for CVD, terminating investigation, imposition of CVD, duration, judicial review</p> <p>With respect to subsidies, training with respect to the identification and phase-out of prohibited subsidies could be provided.</p> <p>Assistance in identifying notification requirements may be necessary to ensure certain substantive rights</p>	

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14. Agreement on Safeguards	<p>Published procedures in place prior to commencing a safeguard action.</p> <p>Conduct of investigation prior to a safeguard measure (Article 3)</p> <p>Publish report with findings (Article 4)</p> <p>Formal prohibition of VERs, OMAs and similar measures on the export and import side</p> <p>Existing Article XIX measures shall be terminated within five years (i.e. prior to 1 January 2000) or within 8 years after first application</p> <p>Eliminate non-conforming measures or bring them in conformity with Agreement within four years (prior to 1 January 1999)</p> <p>Consultation requirements</p> <p>Notification requirements</p>	<p>An investigation shall include reasonable public notice to all interested parties and public hearings in which interested parties could present evidence and their views, inter alia, as to whether or not the application of a safeguard measure would be in the public interest (Article 3)</p>	<p>A safeguard measure shall not exceed four years, unless extended under certain conditions</p> <p>The Agreement contains more flexible provisions for developing country Members, who can extend safeguard measures for more than the maximum 8 years (Article 9), and are less limited in reimposing a safeguard measure</p> <p>The Agreement contains special and differential treatment provisions in applying safeguard measures against a developing country Member(s): as long as its share of imports does not exceed 3 percent, or when developing countries with less than 3 percent of import share collectively account for not more than 9 percent of the product total imports, no safeguard measure shall be applied (Article 9)</p>	<p>Assistance could be provided in injury determination, conduct of investigations, including hearings, elimination of non-conforming measures or bringing them into conformity</p>	<p>In case of prolonged safeguard action, assistance could be provided in identifying needs for adjustment of domestic industry</p>

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15. General Agreement on Trade in Services	<p>Regulatory obligations follow from general provisions (including MFN treatment) and from specific commitments contained in the national schedules of services commitments and in four Annexes (on Movement of Natural Persons, Financial Services, Telecommunications, Air Transport Services); in addition, the Agreement contains eight decisions, two annexes on further negotiations and one understanding</p> <p>Members are required to publish all relevant measures of general application which pertain to the operation of this Agreement, including laws, regulations or administrative guidelines which significantly affect trade in services covered by their specific commitments (Article III)</p>	<p>All Members shall establish one or more enquiry points to provide, upon request, specific information to other Members (Article III.4)</p> <p>Developed country Members and to the extent possible other Members are under the obligation to establish one or more contact points within two years to facilitate information to developing country Members (Article IV.2)</p>	<p>The preamble expresses the desire to increase the participation of developing country Members in trade in services; Article IV provides for the means to achieve this</p> <p>Technical assistance will be provided through the contact points, and through the Secretariat at the multilateral level (Article XXV)</p> <p>Specific technical assistance can also be provided through sectoral committees</p>	<p>Assess implications of rights and obligations for individual Members</p> <p>Assist developing country Members in identifying and assessing new market access opportunities</p>	<p>GATS contains the obligation to enter into successive rounds of negotiations before 2000</p> <p>GATS contains several Decisions relating to, inter alia, Institutional Arrangements, further negotiations in specific sectors, certain dispute settlement procedures, which, at this stage, don't imply regulatory obligations for Members</p>

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<p>16. Agreement on Trade-Related Aspects on Intellectual Property Rights</p>	<p>The Agreement establishes basic principles (national treatment, MFN) for intellectual property rights</p> <p>It also establishes minimum substantive standards of protection for each of the categories of intellectual property rights which need to be applied</p> <p>The Agreement requires Members to provide, within national laws, effective procedures and remedies for the enforcement of rights</p> <p>Notification requirements</p>	<p>While Members are bound to give effect to the provisions of the Agreement, they are also free to determine the appropriate method in their legal system and practice (Article 1.1)</p> <p>There is no obligation for Members to put in place a judicial system for the enforcement of rights distinct from that for the enforcement of law in general, nor does it affect the capacity of Members to enforce their law in general (Article 41:5)</p>	<p>The Agreement contains transitional arrangements (Article 65)</p> <p>All Members have one year (<i>i.e.</i> 1 January 1996), developing country Members, as well as economies in transition (the latter under specific conditions) five (<i>i.e.</i> 1 January 2000) and least-developed eleven (extendable) years (<i>i.e.</i> 1 January 2006) to meet obligations</p> <p>Obligations to provide national treatment and MFN apply for all Members one year after entry into force of the WTO, <i>i.e.</i> 1 Jan. 1996 (Article 65.2)</p> <p>Any Member modifying its laws, regulations or practices during the transitional period must ensure that such modifications do not result in a lesser degree of consistency with the provisions of the Agreement</p> <p>Notwithstanding the 10 years developing country Members have to introduce product patent protection in certain areas of technology, special provisions apply to pharmaceutical and agricultural chemical products: the filing of patent applications must be accepted for these from the beginning of the transitional</p>	<p>Developed country Members are to provide, on request and on mutually agreed terms, technical and financial co-operation to developing and least-developed country Members in preparation of domestic legislation on the protection and enforcement of intellectual property rights (Articles 67)</p> <p>This also applies to providing support to reinforcement or establishment of domestic offices, including training of personnel</p> <p>Assist developing country Members in establishing intellectual property rights (patents, copyrights etc.)</p>	<p>Developed country Members shall provide incentives to enterprises for technology transfer to least-developed country Members (Article 66.2)</p>

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17. Understanding on Rules and Procedures Governing the Settlement of Disputes	No direct regulatory implications through the Understanding per se, but possible through panel findings, which are subject to binding arbitration: domestic legislation can be required to be adapted as a consequence		A legal expert by WTO Secretariat shall provide expertise and legal advice (Article 27.2) Automaticity in panel procedures	The secretariat shall conduct training courses for interested Members concerning dispute settlement procedures and practices (Article 27.3) Assess new rights and obligations under the Dispute Settlement Procedures and how to exercise these rights	Special position of developing countries is taken into account in various provisions of the Understanding
18. Trade Policy Review Mechanism	The Agreement contains a reporting requirement		Most developing countries are subject to review either every four years or every six years, depending on their share of world trade Least-developed country Members are subject to a lower frequency of reviews The WTO Secretariat can assist in preparing national reports		