

10 December 2019

(19-8516) Page: 1/1 **General Council** Original: English

**STATEMENT IN SUPPORT OF THE RULES-BASED MULTILATERAL TRADING SYSTEM**

COMMUNICATION FROM AFGHANISTAN; ARGENTINA; AUSTRALIA; BANGLADESH; BENIN; BRAZIL; BRUNEI DARUSSALAM; BURUNDI; CAMBODIA; CAMEROON; CANADA; CHAD; CHILE; COLOMBIA; COSTA RICA; DOMINICAN REPUBLIC; EGYPT; EL SALVADOR; GRENADA; GUATEMALA; GUYANA; HONG KONG, CHINA; ICELAND; JAMAICA; KENYA; REPUBLIC OF KOREA; THE STATE OF KUWAIT; LAO PEOPLE'S DEMOCRATIC REPUBLIC; LIECHTENSTEIN; MALAWI; MALAYSIA; MALI; MAURITANIA; MEXICO; REPUBLIC OF MOLDOVA; MONGOLIA; MONTENEGRO; MYANMAR; NEW ZEALAND; NIGERIA; NORTH MACEDONIA; NORWAY; PAKISTAN, PANAMA; PARAGUAY; PERU; QATAR; SAINT KITTS AND NEVIS; SAINT LUCIA; SAINT VINCENT AND THE GRENADINES; SENEGAL; SINGAPORE; SWITZERLAND; THAILAND; TRINIDAD AND TOBAGO; TURKEY; UKRAINE; URUGUAY; VANUATU AND VIET NAM

10 December 2019

The following statement, dated 10 December 2019, is being circulated at the request of the delegation of Switzerland.

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1.1. We, a group of 60 of developing and developed Members, are concerned about the challenges that the WTO is facing.

1.2. We greatly value the WTO and reaffirm the central and indispensable role of the institution within the rules-based multilateral trading system. We remain committed to full participation in the important ongoing, regular work of the WTO. We will continue working together with all Members towards delivering meaningful outcomes, including through the WTO's negotiating function. We will intensify our efforts to ensure that the 12<sup>th</sup> Ministerial Conference is a success.

1.3. We reaffirm our commitment to abide by the WTO's binding rules in the conduct of our trade relations, which has helped to foster international trade and development, provided predictability, facilitated the effective settlement of trade disputes, and served as a bulwark against protectionism. This has contributed to the strength and stability of the global economy.

1.4. The dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system. We therefore deeply regret that as of 11 December 2019, the Appellate Body is no longer able to perform its full functions.

1.5. We reaffirm our strong commitment to the fundamental principles of the WTO dispute settlement system, notably the adoption of reports by negative consensus and the two-tier nature of the system. We note that the WTO's dispute settlement system continues to offer mechanisms for the settlement of disputes among Members. We reaffirm our commitment to resolve our trade disputes in accordance with the Dispute Settlement Understanding. We call on all Members to engage in dispute settlement proceedings in good faith and to act in a manner conducive to the prompt and final settlement of disputes.

1.6. We recall our strong resolve to finding concrete solutions, to identified concerns, under the auspices of the WTO's General Council and stress the urgency of filling all current vacancies on the Appellate Body.

## Annex: Text of Declaration

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### DECLARATION ON

### TRADE IN ESSENTIAL GOODS FOR COMBATING THE COVID-19 PANDEMIC

15<sup>th</sup> April 2020

*Representing* the following Members of the World Trade Organization (“WTO”) which have undertaken on 15<sup>th</sup> April 2020 to ensure supply chain connectivity amidst the Covid-19 pandemic and to facilitate trade.

*New Zealand Singapore*

**RECOGNISING** the significant contribution of trade liberalization in essential goods for combating the Covid-19 pandemic and protecting public health;

**AFFIRMING** their commitment to maintain open and connected supply chains amidst the Covid-19 pandemic;

**DETERMINED** to work closely to identify and address trade disruptions with ramifications on the flow of necessities, particularly essential medical supplies;

**ACKNOWLEDGING** the importance of refraining from adopting restrictive measures including export controls or tariffs and non-tariff barriers;

**RECOGNISING** that it is in our mutual interest to ensure that trade lines remain open, including via air and sea freight to facilitate the flow of essential goods at this critical time; and

**DESIRING** that this initiative supports the global response to the Covid-19 pandemic and *encouraging* WTO Members, and States or separate customs territories in the process of acceding to the WTO, to accept this Declaration;

*Declare:*

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*PRESS RELEASE*

***Tariff Elimination and Implementation***

1. Each Participant will eliminate all customs duties and all other duties and charges of any kind, within the meaning of Article II:1(b) of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), with respect to all products listed in Annex I.

***Export Restrictions***

2. The Participants will not apply export prohibitions or restrictions, within the meaning of Article XI:1 of the GATT 1994, with respect to all products listed in Annex I.

***Non-tariff Barriers***

3. The Participants will intensify consultations with a view to removing non-tariff barriers on all products listed in Annex I and Annex II.

***Facilitation of Trade in Essential Goods***

4. The Participants will, consistent with their obligations under the World Trade Organisation Trade Facilitation Agreement, expedite and facilitate the flow and transit of all products listed in Annex I and Annex II through their respective sea and air ports.

5. The Participants will endeavour to expedite the release of such products upon arrival including adopting or maintaining procedures allowing for submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of products.

6. The Participants will endeavour to abide by the World Health Organisation International Health Regulations (IHR) to allow *free pratique* to cargo ships – i.e., the permission to enter a port, discharge or load cargo or stores.<sup>1</sup>

<sup>1</sup> Participants may subject granting free pratique to inspection, and, if a source of infection or contamination is found on board, the carrying out of necessary, disinfection, decontamination, disinsection or deratting, or other measures necessary to prevent spread of the infection or contamination, pursuant to the IHR.

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## PRESS RELEASE



7. The Participants will uphold ICAO Covid-19 Declaration, adopted by the ICAO Council on 9 March 2020, and will endeavour to facilitate, entry, transit and departure of air cargo containing essential medical supplies.

### **Additional Products**

8. Participants will endeavor to not apply export prohibitions or restrictions with respect to the products listed in Annex II, unless they fall within exceptions set out in GATT 1994.

9. If imposed, the Participant instituting these prohibitions or restrictions under paragraph 8 will give notice in writing to the other Participants of the measure as far in advance as practicable.

10. Participants may enter into arrangements with one or more of the other Participants to also apply paragraph 1 to products listed in Annex II.

### ***Acceptance and Expansion of Membership***

11. This Declaration will be open to participation by any Member of the WTO, or State or separate customs territory in the process of acceding to the WTO.

12. The term "Participant" means any Member of the WTO that has notified its acceptance of this Declaration.

### ***Final considerations***

13. Participants will review periodically, and at least one year prior to regular amendments to the Harmonized System nomenclature by the World Customs Organization, and no later than 15 April 2021 for the first review, the paragraphs of this Declaration and the product coverage specified in Annex I and Annex II and consider whether, in the light of the Covid-19 pandemic, or changes to the HS nomenclature, the paragraphs of this Declaration should be amended or Annex I and Annex II should be updated to incorporate additional products.