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1 ARTICLE 9 OF THE AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES

1.1 Text of Article 9

Article 9

Review by the Council for Trade in Goods

Not later than five years after the date of entry into force of the WTO Agreement, the Council for Trade in Goods shall review the operation of this Agreement and, as appropriate, propose to the Ministerial Conference amendments to its text. In the course of this review, the Council for Trade in Goods shall consider whether the Agreement should be complemented with provisions on investment policy and competition policy.

1.2 General

1. In accordance with Article 9 of the Agreement on Trade-Related Investment Measures (TRIMs Agreement), at its meeting of 15 October 1999, the Council for Trade in Goods launched the review of the operation of the TRIMs Agreement.¹ As requested by Members, the WTO and UNCTAD Secretariats jointly prepared a study on the use and effects of trade-related investment measures (TRIMs) and other performance requirements, which served as input for discussions under the Article 9 review of the TRIMs Agreement.²

2. The Singapore Ministerial Declaration of 18 December 1996 agreed to establish a working group to establish the relationship between trade and investment, "[h]aving regard to the existing WTO provisions on matters related to investment and competition policy and the built-in agenda in these areas, including under the TRIMs Agreement, and on the understanding that the work undertaken shall not prejudice whether negotiations will be initiated in the future".³

3. The Doha Ministerial Declaration of 2001 provided that "negotiations will take place after [the Cancún Ministerial Conference] on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations."⁴

4. However, on 1 August 2004, the General Council decided that the issue of the relationship between trade and investment "will not form part of the Work Programme set out in the [Doha Ministerial Declaration] and therefore no work towards negotiations on any of the issues will take place within the WTO during the Doha Round."⁵

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¹ [G/C/M/41](#), Section 7.

² [G/C/W/307](#), [Add.1](#) and [Add.1/Corr.1](#).

³ [WT/MIN\(96\)/DEC](#), para. 20.

⁴ [WT/MIN\(01\)/DEC/1](#), para. 20.

⁵ [WT/L/579](#), para. 1(g). As stated in paragraph 2 of this Decision, it is not to be used in dispute settlement nor for interpreting the existing WTO Agreements.