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**1 ARTICLE III**

**1.1 Text of Article III**

Article III

Functions of the WTO

1. The WTO shall facilitate the implementation, administration and operation, and further the objectives, of this Agreement and of the Multilateral Trade Agreements, and shall also provide the framework for the implementation, administration and operation of the Plurilateral Trade Agreements.
2. The WTO shall provide the forum for negotiations among its Members concerning their multilateral trade relations in matters dealt with under the agreements in the Annexes to this Agreement. The WTO may also provide a forum for further negotiations among its Members concerning their multilateral trade relations, and a framework for the implementation of the results of such negotiations, as may be decided by the Ministerial Conference.
3. The WTO shall administer the Understanding on Rules and Procedures Governing the Settlement of Disputes (hereinafter referred to as the "Dispute Settlement Understanding" or "DSU") in Annex 2 to this Agreement.
4. The WTO shall administer the Trade Policy Review Mechanism (hereinafter referred to as the "TPRM") provided for in Annex 3 to this Agreement.
5. With a view to achieving greater coherence in global economic policy-making, the WTO shall cooperate, as appropriate, with the International Monetary Fund and with the International Bank for Reconstruction and Development and its affiliated agencies.

## 1.2 Article III:1

### 1.2.1 "implementation, administration and operation ... of the Multilateral Trade Agreements"

#### 1.2.1.1 Circulation and derestriction of documents

1. On 14 May 2002, the General Council adopted a Decision on Procedures for the Circulation and Derestriction of Documents<sup>1</sup>, replacing its decision of 18 July 1996 on the same subject:<sup>2</sup>

"1. All official WTO documents<sup>3</sup> shall be unrestricted.

2. Notwithstanding the provisions of paragraph 1,

(a) any Member may submit a document as restricted, which shall be automatically derestricted after its first consideration by the relevant body or 60 days after the date of circulation, whichever is earlier, unless requested otherwise by that Member.<sup>4</sup> In the latter case, the document may remain restricted for further periods of 30 days, subject to renewed requests by that Member within each 30-day period. The Secretariat shall remind Members of such deadlines, and derestrict the document upon receipt of a written instruction. Any document may be derestricted at any time during the restriction period at the request of the Member concerned.

(b) any WTO body when requesting a document to be prepared by the Secretariat shall decide whether it shall be issued as restricted or unrestricted. Such documents which are issued as restricted shall automatically be derestricted 60 days after the date of circulation, unless requested otherwise by a Member. In the latter case, the document shall remain restricted for one additional period of 30 days after which it shall be derestricted.

(c) minutes of meetings (including records, reports and notes) shall be restricted and shall be automatically derestricted 45 days after the date of circulation.<sup>5</sup>

(d) documents relating to modification or renegotiation of concessions or to specific commitments pursuant to Article XXVIII of the GATT 1994 or Article XXI of the GATS respectively shall be restricted and automatically derestricted upon certification of such changes in the schedules;

(e) documents relating to working parties on accession shall be restricted and shall be automatically derestricted upon the adoption of the report of the working party.

3. Translation of official WTO documents in all three official WTO languages (English, French and Spanish) shall be completed expeditiously. Once translated in all three official WTO languages, all official WTO documents that are not restricted shall

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<sup>1</sup> WT/L/452.

<sup>2</sup> WT/L/160/Rev.1

<sup>3</sup> (*footnote original*) For the purposes of this Decision, an official WTO document shall be any document submitted by a Member or prepared by the Secretariat to be issued in any one of the following WTO document series: WT-series (including reports of panels and the Appellate Body); G-series (except G/IT-series); S-series; IP-series; GATS/EL-series; GATS/SC-series; the Schedules of Concessions and TN-series. Where a new WTO document series is created, the relevant WTO body shall decide on the derestriction procedures applicable to that series, taking into account the present decision.

<sup>4</sup> (*footnote original*) However, any document that contains only information that is publicly available or information that is required to be published under any agreement in Annex 1, 2 or 3 of the WTO Agreement shall be unrestricted.

<sup>5</sup> (*footnote original*) It is understood that, normally, minutes (including records, reports and notes) of meetings shall be circulated within three weeks after a meeting of a WTO body and not later than the notice convening the following meeting of that body. Pursuant to Section C, paragraph (vi) of the Trade Policy Review Mechanism contained in Annex 3 of the WTO Agreement, minutes of the Trade Policy Review Body shall continue to be circulated as unrestricted.

be made available via the WTO web-site to facilitate their dissemination to the public at large.<sup>6</sup><sup>7</sup>

2. On 13 June 2006, the General Council adopted a Decision on Derestriction of Official GATT 1947 Documents, providing that "[a]ll official restricted GATT 1947 documents shall be derestricted as of 1 June 2006."<sup>8</sup>

### **1.3 Article III:2**

#### **1.3.1 "forum for negotiations among its Members"**

##### **1.3.1.1 "Built-in Agenda"**

3. The 1996 Singapore Ministerial Declaration included recommendations regarding the "built-in agenda" of negotiations on issues provided for in the WTO Agreements.<sup>9</sup>

##### **1.3.1.2 Negotiations launched at the Doha Ministerial Conference**

4. At the Doha Ministerial Conference, Members adopted a decision to launch a new round of negotiations, known as the "Doha Round".<sup>10</sup> The Doha Declaration provided general guidelines for the organization of the new Round.

5. On 1 August 2004, as a follow-up to the Cancún Ministerial Conference, the General Council adopted a decision (also known as the "July Package"), which, *inter alia*, amended the scope of the Doha negotiations.<sup>11</sup> On 18 December 2005, the Ministers, meeting in Hong Kong, agreed to a Declaration providing further guidance for the negotiations.<sup>12</sup>

6. Since then, additional political guidance and views on the negotiations have been provided at successive Ministerial Conferences.<sup>13</sup>

### **1.4 Article III:5**

#### **1.4.1 "The WTO shall cooperate, as appropriate"**

##### **1.4.1.1 General**

7. At the Marrakesh Ministerial Meeting, the Ministers adopted the Declaration on the Contribution of the World Trade Organization to Achieving Greater Coherence in Global Economic Policymaking, and the Declaration on the Relationship of the WTO with the IMF.

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<sup>6</sup> (*footnote original*) Notwithstanding paragraph 3, any document that contains information that is publicly available or information required to be published under any agreement in Annex 1, 2 or 3 of the WTO Agreement shall continue to be made available via the WTO web-site immediately in the original WTO language in which it is written.

<sup>7</sup> WT/L/452, paras. 1-3

<sup>8</sup> WT/L/647. GATT 1947 documents are available on the WTO website at [http://www.wto.org/english/docs\\_e/gattdocs\\_e.htm](http://www.wto.org/english/docs_e/gattdocs_e.htm).

<sup>9</sup> "We, the Ministers, have met in Singapore ... as called for in Article IV of the Agreement Establishing the World Trade Organization, to further strengthen the WTO as a forum for negotiation ...

... a periodic examination and updating of the WTO Work Programme is a key to enable the WTO to fulfil its objectives. ... A major share of the Work Programme stems from the WTO Agreement and decisions adopted at Marrakesh. As part of these Agreements and decisions we agreed to a number of provisions calling for future negotiations on Agriculture, Services and aspects of TRIPS, or reviews and other work on Anti-Dumping, Customs Valuation, Dispute Settlement Understanding, Import Licensing, Preshipment Inspection, Rules of Origin, Sanitary and Phyto-Sanitary Measures, Safeguards, Subsidies and Countervailing Measures, Technical Barriers to Trade, Textiles and Clothing, Trade Policy Review Mechanism, Trade-Related Aspects of Intellectual Property Rights and Trade-Related Investment Measures..." WT/MIN(96)/DEC paras. 1 and 19.

<sup>10</sup> WT/MIN(01)/DEC/1

<sup>11</sup> WT/L/579.

<sup>12</sup> WT/MIN(05)/DEC.

<sup>13</sup> See WT/MIN(11)/11, Part I; WT/MIN(13)/DEC, Part III; WT/MIN(15)/DEC, Part III; WT/MIN(17)/SR/6; and WT/MIN(17)/67.

8. In 1995, the Director-General was mandated by the General Council<sup>14</sup> to develop draft agreements for cooperation with the IMF and the World Bank. Accordingly, the Secretariat worked with the staffs of the Fund and the Bank to develop agreements with the IMF and the World Bank. At its meeting of 7, 8 and 13 November 1996, the General Council adopted a decision<sup>15</sup> approving a package<sup>16</sup> consisting of the draft agreements with the IMF and the World Bank, side-letters from the Managing Director of the IMF and the President of the World Bank<sup>17</sup>, and documents of commentary on the provisions of each agreement which were prepared jointly and agreed between the WTO Secretariat and the Fund and Bank staffs. The decision authorized the Director-General to sign the agreements on behalf of the WTO and to implement the agreements in accordance with the terms of the decision. Paragraph 2 of this decision requires the Director-General to inform Members regularly regarding implementation of the Agreements.

9. The agreement between the WTO and the IMF was signed on 9 December 1996. The agreement between the WTO and the World Bank was signed on 28 April 1997. One year after the General Council's decision to approve the agreements, the Director-General reported to the Members on concrete aspects of their implementation.<sup>18</sup>

#### **1.4.2 "with a view to achieving greater coherence in global economic policy-making"**

##### **1.4.2.1 General**

10. The Managing Director of the IMF, the President of the World Bank and the Director-General of the WTO jointly issued a report on Coherence<sup>19</sup> on 21 October 1998, pursuant to paragraph 5 of the Geneva Ministerial Declaration.

11. At its meeting of 15-16 February 1999, the General Council authorized the Chairman to hold special informal meetings regarding coherence issues at the request of Members or the Director-General.<sup>20</sup> The General Council held additional meetings on 13 May 2003<sup>21</sup> and 22 October 2004<sup>22</sup> and discussed issues on coherence.

##### **1.4.2.2 Annual reports**

12. Pursuant to paragraph 2 of the Declaration of the General Council on "Agreements between the WTO, the IMF and the World Bank", the Director-General issues an annual report to Members on the activities carried out by the WTO under its cooperation agreements with these aforementioned institutions.<sup>23</sup>

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<sup>14</sup> WT/GC/M/5; see also background note at PC/IPL/W/10.

<sup>15</sup> WT/GC/M/16, section 7; WT/L/194 and Add. 1-2 (decision to approve the agreements, Statement by the Director-General on consultations and coherence, estimate of budgetary implications of the agreements).

<sup>16</sup> Package in WT/L/195.

<sup>17</sup> In addition, the WTO-IMF agreement was accompanied by a letter from the Managing Director of the Fund stating that he had recommended that the Director-General of the WTO be invited as an observer to the IMF's Interim and Development Committees and to restricted sessions where matters of common interest are to be addressed. The WTO-World Bank agreement was accompanied by a letter from the President of the World Bank stating that he had recommended that the Director-General of the WTO be invited regularly as an observer to the plenary sessions of the Development Committee and to restricted sessions where matters of common interest are to be addressed.

<sup>18</sup> WT/GC/W/68.

<sup>19</sup> WT/GC/13.

<sup>20</sup> WT/GC/M/35, section 3.

<sup>21</sup> WT/GC/M/79; see also background note at WT/TF/COH/S/7.

<sup>22</sup> WT/GC/M/89; see also background note at WT/TF/COH/S/9.

<sup>23</sup> WT/TF/COH/S/3-6, 8, and 10-15.