



Cairns Group

**WTO
COMMITTEE ON AGRICULTURE**



**WHAT TO LOOK FOR
WHEN REVIEWING
NOTIFICATIONS**

This guide has been prepared by the Cairns Group as an informal contribution to assist WTO Members to prepare and review CoA notifications. It does not constitute a legal interpretation of the WTO Agreement on Agriculture and is without prejudice to the position of the Cairns Group and its individual members in any future work to develop guidelines for improving and reviewing WTO notifications.

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WTO Committee on Agriculture Guide to Reviewing Notifications

This guide has been developed to assist WTO members prepare for WTO Committee on Agriculture (CoA) meetings. Other useful documents include the Organization of Work and Working Procedures of the CoA (G/AG/1) and the Notification Requirements and Formats Guidelines (G/AG/2)¹. Annex A provides advice on a range of other useful resources.

Role of the Committee on Agriculture

The Uruguay Round Agreement on Agriculture (AoA) (Article 17) established a CoA. The CoA is an important transparency mechanism which provides an opportunity to obtain information to assess whether Members are meeting WTO obligations and commitments. It is also an opportunity to:

- demonstrate to other WTO Members that their measures are under close scrutiny;
- pursue matters relevant to the implementation of the AoA; and
- retain a focus on policy issues of concern in individual Members.

Review Process

Regular meetings of the CoA are held three times a year: in March, September and November. Additional regular meetings of the Committee may be scheduled as appropriate. Generally, a fourth regular is scheduled in June. The agenda for regular CoA meetings and the work of the Committee itself is undertaken in two parts: Part I comprises items relating to the notification review process. Part II comprises items relating to other matters within the purview of the Committee, as well as items relating to reports to be submitted by the Committee to other WTO bodies.

Members are advised of upcoming CoA meetings by a notice ('airgram') from the WTO Secretariat. An initial notice is sent about four weeks before the meeting advising of the meeting and setting out notifications received to-date which will be subject to review. A further notice, including a draft agenda, is usually issued at least 10 days before the meeting. Any Member may request, in writing to the Secretariat, the inclusion of items under Part I or II of the proposed agenda up to, but not including, the day of which the second notice requesting the meeting is to be issued. Written questions should be posed no later than two weeks before the meeting to provide time for a written response to be given. Questions posed after this time may not receive a written response until after the meeting.

In general the review process under Part I of a regular meeting of the CoA is conducted on the basis of notifications which have been circulated to the Members prior to the notice convening the meeting (which have been listed in that notice). Notifications circulated after that date are considered under a distinct item of Part I of the agenda. These later notifications are also included in Part I of the agenda of the next meeting of the CoA.

In addition to posing questions on recent notifications itemised under Part I of the agenda, Members can also raise matters relevant to the implementation of commitments (under Article 18:6 of the AoA). Where a particular issue has been raised with a Member, the information or explanation requested should be provided to the Committee by that Member within 30 days.

For further information on how the the CoA operates refer to G/AG/1.

¹ G/AG/2 sets out the requirements and formats for notifications under Article 18:2 and other relevant provisions of the AoA.

Market Access Notifications

The bound agricultural tariffs and tariff quota commitments are contained in Members' Schedules of Concessions. There is no requirement for Members to notify their tariffs to the CoA². Members with tariff quotas (TQ) and the right to use the special safeguard (SSG) provisions are required to submit annual notifications to the CoA. Ad hoc notifications are also required when TQ administration arrangements are changed.

Notifications are required for:

- tariff quota administration on implementation and when changes are made;
- tariff quota fill-rates annually;
- Members with SSGs³
 - volume-based when it is used
 - price-based either up-front or case-by-case basis
 - an annual summary notification of the use of the SSG is required.

² Current information on tariffs can be found in the WTO IDB and CTS;
http://members.wto.org/WTO_resources/idb/intro_e.htm.

³ Refer to the WTO Secretariat's background paper on the SSG which details which Members can use the SSG on what products (G/AG/NG/S/9/Rev.1).

TARIFF AND OTHER QUOTAS (Tables MA:1 and MA:2)

Table MA:1 Administration of Tariff and Other Quota Commitments

All Members with tariff and other quota commitments recorded in Section I-B (or Section I-A) of their Schedules for the products concerned are required to notify. As part of the Uruguay Round outcome, Members were required to submit a comprehensive one-off notification in 1995 on the administration of quotas (Table MA:1) followed by the ad hoc notification of any changes in their administration. Notifications of changes should be made, where possible, prior to the change being implemented, but in any event not later than 30 days following the change.

The information required to be notified for each TQ has to correspond to the product descriptions and related tariff item numbers as specified in the Member's Schedules of Concessions.

Table MA:1: What to look for

- Does the notification information match the scheduled commitments?
 - verify that access arrangements have been notified for all TQ commitments for which a Member has tariff or other quota commitments in Part I, Section I-B of their Uruguay Round Schedule or Accession Schedule.
- What is the period of validity for import licenses (a short period risks creating an obstacle to more distant suppliers)?
- Who issues the licences?
- How are the licences allocated?
- What is the maximum quantity of licences? (A limited number of licences may be restrictive).
- Where TQs are not implemented (not actively administered, so subject to a tariff only regime), what is the difference between the bound in-quota and over-quota duty rate (is the difference large or small)?
 - Check the actual current applied rates, to ensure that these do not exceed the bound in-quota duty rate for all lines (and not just some) covered by the scheduled TQ.
- Does the period of application of the TQ (calendar or marketing year) correspond to the scheduled commitment?
- If a TQ is just being implemented for the first time, do you know why?
- When an MA:1 is revised, what are the changes from the previous notification?
 - Do you consider that these make the TQ relatively more open or more restrictive?
 - If there have been changes in an existing TQ, has this resulted in an improved/reduced rate of fill compared with previous years?

Table MA:2 Imports under Quota (TQ Fill Rates)

Members are required to submit an annual notification following the end of the calendar (or, marketing, fiscal, etc.) year in question showing imports under tariff and other quotas (Table MA:2). The notification should normally be made 30 days following the year but, in any event, no later than 60 days following the year in question.

The information required to be notified for each TQ has to correspond to the product descriptions and related tariff item numbers as specified in the Member's Schedule of Concessions.

The MA:2 TQ fill notification enables Members to maintain an *ex post* check on the extent to which the market access opportunities represented by a TQ commitment are being realised.

Table MA:2: What to look for

- Has the Member reported the level of imports for each of the TQs in its Schedule?⁴
- How does the TQ fill rate compare with previous years? Is there a discernable pattern?
- Has the volume of the TQ commitment in column 3 been correctly calculated?
- Is TQ fill notified on a timely basis?
- Is the product coverage of the TQ correctly defined?
- For TQs that are significantly under filled, are you aware of the reason?

⁴ Note that a Member may have more than one quota year to report, as some Members administer some of their TQs on a calendar year basis and other TQs on a marketing year basis, including for more than one marketing year period. Refer to G/AG/W/2/Rev.4

SPECIAL SAFEGUARD (Tables MA:3 to MA:5)

All Members having reserved the right in their Schedules to use the Special Safeguard (SSG) Provisions (Article 5 of the AoA) are required to notify. Note that there is no requirement to notify the actual level of additional duty.

Table MA:3 Volume-based Special Safeguard

Members are required, in the case of the "volume-based" SSG, to submit a notification in the form of Table MA:3 before taking such action for the first time in any year in respect of each product, and in any event within 10 days of the implementation of such action.

The additional duty shall not exceed one third of the level of the ordinary customs duty in effect in the year which the action is taken. The SSG will last until the end of the year (calendar, fiscal, marketing) in which it was applied. The information required to be notified includes: the historical import volumes (the average level of imports over the last three years for the product); domestic consumption data, which is used as a basis for the calculation of the "trigger level"; and the volume of current imports.

Imports under current and minimum access tariff quota commitments shall be counted for the purpose of determining the volume of imports for the volume trigger, but the additional duty can not be imposed on those imports. For further details on how to calculate the trigger levels see Article 5 of the AoA.

Table MA:3: What to look for

- Is the SSG allowed to be activated on the specified tariff line? (check Schedule IA for the SSG code)
- Is there a TQ? (check Schedule IB).
 - If the SSG is activated, and a corresponding TQ is not filled, what factors might account for this?
- Check the accuracy of the trigger calculation.
- Is the trigger level unreasonably low (e.g. zero)? If so, you could consider asking the Member to explain the reason for invoking the SSG at such a low level of imports.
- You may consider clarifying how the domestic consumption data used in the MA:3 notification is arrived at, including the source of the information.
- Check duration of SSG.

Table MA:4 Price-based Special Safeguard

Members using "price-based" SSGs are required to submit a notification in the form of Table MA:4. Table MA:4 can be used either to provide an "up-front" notification of trigger prices or on a case-by-case basis for the first use of the price-based SSG for any particular product (to be notified to the extent possible in advance, but in any event within 10 days of the taking of such action unless an up-front notification of the relevant trigger price has been made).

The additional duties should be applied on a shipment-by-shipment basis.

The trigger price is based on the CIF average domestic currency for the 1986-88 period.

The level of extra duty that can be applied is calculated as per Article 5.5 of the AoA.

Table MA:4: What to look for

- Is the SSG allowed to be activated on that tariff line? (check Schedule IA for the SSG code)
- Is there a TQ? (check Schedule IB)
 - is the shipment occurring outside the TQ?
- Are the trigger prices CIF import prices and not wholesale/retail prices?
- Is the trigger calculation accurate?
- What is the trend of volume imports (refer Article 5.7 of the AoA)

Table MA:5 Annual Summary of SSG Actions Taken

Members with SSG rights should submit an annual summary notification in the form of Table MA:5 indicating the use of the SSG provisions in any year. The notification should be submitted no later than 30 days following the year in question. Where the SSG provisions have not been invoked in any year, a statement to this effect should be made (i.e. a 'nil' return is required).

Table MA:5: What to look for

- Has the Member provided information on volume of trade affected by the SSG? (N.B. Members are not obliged to provide this information)
- Is the amount of additional duty applied as the SSG within the parameters stipulated in the AoA?
- Has the SSG been applied to a small volume of imports? If so, consider asking why?
- Has the volume-based SSG been activated in situations where imports and domestic consumption been declining? If so, consider asking the Member to explain why the SSG was invoked.
- Have both the volume-based SSG and price-base SSG been applied to a product at the same time?
- Has the volume-based SSG been invoked on a particular product before, if so, how often? If invoked regularly, you could consider asking the Member to indicate the trend in domestic consumption for the product.

Domestic Support Notifications

All Members must notify the CoA their domestic support in agriculture (Article 18.2 of the AoA) in order to show that the year's support does not exceed the commitment level in Part IV, Section I, of the Schedule of Concessions and Commitments. This requires a listing of all measures and the associated amount of support, as well as a classification of measures into those that are exempt from commitment under Annex 2 (Green Box), Article 6.2 (certain developmental measures), and Art. 6.5 (Blue Box or payments under production limiting programs), and those that are not exempt from commitment.

For support under all those measures that are not exempt, a calculation of Current Total Aggregate Measurement of Support (AMS) must be undertaken. The calculation of Current Total AMS starts by adding support under all non-exempt measures that provide product-specific support into an AMS for each product. Support under all non-exempt measures that provide product-specific support is added into one non-product-specific AMS. The subsequent calculation of Current Total AMS adds together all AMSs, whether product-specific or non-product-specific, but leaves out any AMS that is small enough to fall below the *de minimis* threshold for the product or the sector. The Current Total AMS has to be no larger than the scheduled Final Bound Total AMS commitment.

If all AMSs are below the *de minimis* threshold, the calculated Current Total AMS is zero. Even if Current Total AMS is zero, a Member that has provided non-exempt support must show the calculation that generates the zero Current Total AMS

The requirement to notify support is annual, except in the case of least-developed country Members which are only required to notify every other year.

In addition to the annual notification of support, all Members must notify any new or modified measures (18.3 of the AoA) which they claim to be exempt from commitment because they meet the criteria of the Green Box, Blue Box, or Article 6.2. Such notifications should be submitted for each new or modified measure as far as practicable before such measures are adopted and in any event within 30 days of adoption.

**CURRENT TOTAL AGGREGATE MEASUREMENT OF SUPPORT
(Table DS:1 and Supporting Tables DS:1 to DS:9)**

All Members are required to submit Domestic Support notifications.

For Members with base and annual commitment levels shown in Section I of Part IV of their Schedule, a notification should be made no later than 90 days following the end of the calendar (or, marketing, fiscal, etc.) year in question. Where the notification submitted within the 90 day period is provisional, the final notification should be submitted no later than 120 days following the end of the year.

A summary table (Table DS:1) and supporting tables (Supporting Tables DS:1 to DS:9) should be submitted.

Domestic Support Notifications: Two Tables, and Nine Supporting Tables	
Table DS:1	Current Total Aggregate Measurement of Support (AMS)
• Supporting Table DS:1	Measures exempt from the reduction commitment (Green Box)
• Supporting Table DS:2	Measures Exempt from the Reduction Commitment – Special and Differential Treatment (Development Programs)
• Supporting Table DS:3	Measures Exempt from the Reduction Commitment - Direct Payments under Production-Limiting Programs (Exempt Direct Payments or ‘Blue Box’)
• Supporting Table DS:4	Calculation of the Current Total Aggregate Measurement of Support
• Supporting Table DS:5	Product-Specific Aggregate Measurements of Support: Market Price Support
• Supporting Table DS:6	Product-Specific Aggregate Measurements of Support: Non-Exempt Direct Payments
• Supporting Table DS:7	Product-Specific AMS: Other Product-Specific Support and Total Product-Specific AMS
• Supporting Table DS:8	Product-Specific Equivalent Measurements of Support (EMS)
• Supporting Table DS:9	Non-Product-Specific AMS

Members with no base or annual commitment levels shown in Section I of Part IV of their Schedule (with the exception of least-developed Members) should submit an annual notification. Least-developed Members should submit Supporting Tables DS:1 to DS:3 every two years. Where no support exists, a statement to this effect should be made (i.e. a ‘nil’ return is required).

In essence, an exempt support measure needs to meet each of the criteria of the part of the AoA under which it is claimed as exempt (Annex 2 for Green Box, Art. 6.5 for Blue Box, or Art. 6.2 for certain measures in developing countries). For Annex 1 this includes both the basic and the policy-specific criteria. Support under exempt support measures do not need to be included in the calculation of a Member’s AMSs and is thus excluded also from any Current Total AMS.

Table DS:1 Current Total Aggregate Measurement of Support (AMS)

If a Member has a Total AMS commitment, it must complete Supporting Tables DS:4 to DS:9 to show the calculation of the Current Total AMS transferred to and presented in Table DS:1.

Table DS:1: What to look for

- Is the Current Total AMS within the Total AMS commitment level for period in question (check against Section I of Part IV of Schedule)? The Current Total AMS should be less than or equal to the Total AMS commitment level, not greater.
- Has the Member reported its Current Total AMS in the same currency as its commitment? If not, you could consider asking the reason why.

Supporting Table DS:1 Measures exempt from the reduction commitment (Green Box)

For a measure to be classified under Annex 2 of the AoA (Green Box) it must meet the fundamental requirement that it has no, or at most minimal, trade/production distorting effects. In addition, there are policy specific criteria which need to be met for a measure to qualify as Green Box. For example, an environmental program would need to meet the requirements under Paragraph 12 of Annex 2.

Supporting Table DS:1: What to look for

- Are the measures correctly classified as Green Box?
 - do you consider the measure to be non or minimally trade/production distorting?
 - does the description of the measure fully meet the criteria of the relevant section of Annex 2?
- Has there been any significant increase/decrease in expenditure on measures?
- Is this a new measure? Has a DS:2 been submitted giving full information to show how the new measure meets the criteria?
- If not provided, consider asking when a Table DS:2 notification will be submitted.
- Consider asking specifically how a measure meets the policy-specific criteria, such as the eligibility criteria to receive the payment, the conditions applying to the payments, or the rules governing the amount of the payment.
- Do the figures add up correctly?

Supporting Table DS:2 Measures Exempt from the Reduction Commitment – Special and Differential Treatment (Development Programs)

Measures can only be classified under Article 6.2 and notified using Supporting Table DS:2 if all the requirements listed in Article 6.2 are met. Support under such measures is exempt from the Current Total AMS calculation. Art. 6.2 applies to developing country Members only.

Supporting Table DS:2: What to look for

- Does the measure meet the requirements set out in Article 6.2?
- Have there been any significant changes in expenditure on notified measures from year to year? If yes, consider asking why there are significant changes.
- Is this a new measure? Has a DS:2 been submitted giving information to show how the new measure meets the requirements?

Supporting Table DS:3 Measures Exempt from the Reduction Commitment - Direct Payments under Production-Limiting Programs (Exempt Direct Payments or ‘Blue Box’)

Measures can only be classified under Article 6.5 (Blue Box) and notified using Supporting Table DS:3 if all the requirements listed in Article 6.5 are met. They refer to fixed area and yields, no more than 85% of a base level of production, or a fixed number of head.

Supporting Table DS:3: What to look for

- Are the descriptions of the programs consistent with Article 6.5a(i)-(iii)? Is there a production-limiting component of the program?
- Has there been a significant increase in the level of support provided across years?
- Is this a new measure? Has a DS:2 been submitted giving information to show how the new measure meets the requirements?

Supporting Table DS:4 Calculation of the Current Total Aggregate Measurement of Support

Supporting Table DS:4 calculates Current Total AMS. It re-states and adds up the information provided in Supporting Tables DS:5, DS:6, DS:7, DS:8 and DS:9. It also allows for the calculation of *de minimis* thresholds and the exemption of *de minimis* AMSs from the Current Total AMS.

The following amounts are transferred to Supporting Table DS:4:

- **product-specific** AMSs from Supporting Tables DS:5, DS:6, and DS:7⁵, and
- **product-specific equivalent** measurements of support (EMSs) from Supporting Table DS:8 and
- **non-product specific** AMS from Supporting Table DS:9.

The Current Total AMS from Supporting Table DS:4 should equal the total stated in the Table DS:1 at the front of the notification.

Members are not required to include *de minimis* AMSs in the calculation of their Current Total AMS. *De minimis* AMSs are as follows⁶:

- product-specific support which does not exceed 5% (or 10% for developing countries) of the total value of production for that product; or
- non-product-specific support which does not exceed 5% (or 10% for developing countries) of the total value of production for all products.

Supporting Table DS:4: What to look for

- Has the Member substantiated the *de minimis* claim by providing the total value of production for the product? If not, you could consider requesting this data.
- Has the Member provided the total value of production for all agricultural products (i.e., the whole agriculture sector) for a *de minimis* claim for non-product-specific AMS? If not, you could consider requesting this data.
- Has a consistent set/group of basic products been notified over the years? If not, how has it changed?
- Has any negative AMS been used to offset the sum of positive AMSs, making the Current Total AMS less than it should be? (note: Art.1 defines AMS in terms of support being in favour of producers of a product, which would preclude the offsetting of a positive AMS for one product with a negative AMS for another product in the calculation of Current Total AMS).

⁵ While the format for Supporting Table DS:4 in G/AG/2 indicates that some information is transferred from Supporting Tables DS:5 and DS:6, that information is also transferred to Supporting Table DS:7. This means that effectively information only needs to be transferred from Supporting Table DS:7 to Supporting Table DS:4 (plus of course from Supporting Tables DS:8 and DS:9). Some Members choose not to provide a Supporting Table DS:7, in which case information is transferred only from Supporting Tables DS:5 or DS:6 to Supporting table DS:4.

⁶ For recently acceded Members, the *de minimis* level may differ from the rules in the AoA.

Supporting Table DS:5 Product-Specific Aggregate Measurements of Support: Market Price Support

Refer to Annex 3, paragraphs 8 to 9, of the AoA. Market price support (MPS) is calculated using the gap between a fixed external reference price and an applied administered price⁷, multiplied by the quantity of production eligible to receive the applied administered price.

Supporting Table DS:5: What to look for

- Are the external reference prices used in the notification (world prices of products from the base period) the same as in the Member's AGST table?
- Is the calculation of the product's market price support correct?
- Has the Member made an exchange rate adjustment? If so, consider asking why.

Supporting Table DS:6 Product-Specific Aggregate Measurements of Support: Non-Exempt Direct Payments

Refer to Annex 3, paragraph 10 - 12, of the AoA. Non-exempt direct payments can be measured either by using a price gap or using actual budgetary outlays, consistent with the data and methodology of the base period set out in G/AG/AGST.

Supporting Table DS:6: What to look for

- Have there been any significant increases or decreases in payments between years?
- Are there any new products receiving direct payments?

⁷ This should take into account the data and methodology used in the supporting material set out in G/AG/AGST.

Supporting Table DS:7 Product-Specific AMS: Other Product-Specific Support and Total Product-Specific AMS

Refer to Annex 3, paragraphs 13 of the AoA – includes input subsidies and other measures such as marketing cost reduction measures.

Supporting Table DS:7: What to look for

- Are the calculations accurate?
- Have there been any significant increases or decreases in support between years?
- Are there any new products receiving support?
- How is any negative AMS for a product handled in ST DS:7? Is it set to zero here or in ST DS:4?

Supporting Table DS:8 Product-Specific Equivalent Measurements of Support (EMS)

Refer to Annex 4 of the AoA. Required where calculation of the market price support component of AMS is not practicable. Any non-exempt direct payments or any other non-exempt product-specific subsidies shall be included in the EMS calculation.

Supporting Table DS:8: What to look for

- Are the calculations accurate?
- Have there been any significant increases or decreases in support between years?
- Are there any new products receiving support?
- How is any negative EMS for a product handled in ST DS:8? Is it set to zero here or in ST DS:4?

Supporting Table DS:9 Non-Product-Specific AMS

Refer to Annex 3, paragraph 13, of the AoA. Non-product-specific AMS can include such things as fertiliser and insurance subsidies, interest concessions, etc., as long as they are not product-specific.

Supporting Table DS:9: What to look for

- Are the calculations accurate?
- Have there been any significant increases or decreases in support between years?
- Are there any new products receiving support?
- For non-product specific payments, you could consider asking what percentage of producers are eligible to receive the assistance?
- Is the support in favour of agricultural producers in general? (for all non product specific support)
- How is any negative AMS handled in ST DS:9? Is it set to zero here or in ST DS:4?

Table DS:2 New or Modified Domestic Support Measures Exempt from Reduction

All Members introducing a new support measure, or making modifications to an existing measure, for which an exemption from reduction is claimed, are required to submit a Table DS:2 notification. Such measures can fall under one of the following three categories:

- (i) measures that meet the Annex 1 (Green Box) criteria;
- (ii) measures that meet the requirements of Article 6:2 (certain ‘development programs’ of developing country Members);
- (iii) measures that meet the requirements of Article 6.5 (Blue Box measures).

A Table DS:2 notification should be submitted for each new or modified measure as far as practicable before such measures are adopted and in any event within 30 days of adoption.

Table DS:2: What to look for

- If the measure is claimed to be Green Box consistent, is there enough information to support such a claim?
 - do you consider the measure to be non or minimally trade/production distorting?
 - does the description of the measure fully meet the policy specific criteria of the relevant paragraphs of Annex 2?
- If the measure is claimed as Article 6.2, is there enough information to support such a claim?
 - Does it meet the criteria of the article?
- If the measure is classified as Blue Box, is there enough information to support such a claim?
 - Does it meet the criteria of the article? In particular, how is the program ensuring production limiting?

Export Subsidy Notifications

All Members must notify the CoA annually with respect to export subsidies. For the vast majority of Members (those without export subsidy commitments) this involves only a statement to the effect that export subsidies on agricultural products have not been used (i.e. a 'nil' return is required). For Members with reduction commitments in their Schedules, the annual notification must contain the annual use of subsidies in terms of both volume and budgetary outlays.

Members must notify the use of food aid on an annual basis if such aid is granted. Likewise, total exports of agricultural products must be notified by Members with reduction commitments as well as by a number of other "significant exporters"⁸.

Members who did not use export subsidies in the 1986-1990 base period are prohibited from using export subsidies. Most Members are in this group. Other Members have export subsidy reduction commitments (Section II of Part IV of their Schedule) which specify the annual commitment level for export subsidies that they may apply by year during the implementation period (by expenditure and by volume).

For all Members with export subsidy commitments a notification should be made no later than 60 days following end of the year in question. Where the notification submitted within the 60 day period is provisional, the final notification should be submitted no later than 120 days following the end of the year in question. The notification should take the form of Table ES:1 accompanied by Supporting Table ES:1.

For those Members with no base or annual commitment levels shown in Section II of Part IV of their Schedule, an annual notification following the end of the year in question should be made no later than 30 days following the period in the form of a statement confirming that no export subsidies exist or, in the case of developing country Members using exempt export subsidies (Article 9:1(d) and (e)), in the form of Supporting Table ES:2.

All Members with export subsidies commitments and significant exporters, notifications should be made no later than 120 days following the end of the implementation year in question.

For all food donor Members, a notification in the form of Table ES:3 showing the total volume of food aid should be provided. The notification should be made no later than 120 days following the end of the year in question.

⁸ For this members see G/AG/2/Add.1

Table ES:1 Export Subsidies: Budgetary Outlay and Quantity Reduction Commitments
Supporting Table ES:1 Export Subsidies: Outlay and Quantity Reduction Commitments

Table ES:1 & Supporting Table ES:1: What to look for

- Are the export subsidies notified not greater than the Member's annual bound commitment level?
- Has the Member provided a notification which covers all of the product categories for which they have export subsidy commitments?
- Has the Member identified at the HS 6-digit level the products for which they are actually providing export subsidies so that this might be compared against the list for which their commitment applies (in the Schedule)?
- Has Supporting Table ES:1 been provided?

Table ES:2 Export Subsidies: Notification of Total Exports

Only Members with specific export subsidy commitments and those that are significant exporters of products must notify total exports.

An ES:2 must be submitted by these Members, annually, listing the **total volume** of exports of the relevant products.

Table ES:2: What to look for

- Has the Member included total exports for:
 - all the products for which it has export subsidy commitments?;
 - the products for which it is a "significant exporter" in G/AG/2/Add.1⁹?
 - are the figures for total exports reported on a comparable year and for a comparable product list as that reported in Table ES:1?
- Are total exports greater than the export subsidy volume commitment? If so, Members may be asked to demonstrate (as required by Article 10.3), that exports in excess of their commitment level were not supported by export subsidies.

⁹ This notification may be submitted later than the export subsidy notification itself.

**Supporting Table ES:2 Subsidies: Outlay and Quantity Reduction Commitments:
Developing Country Members using Article 9:1(d) and/or (e) Export Subsidies**

Under Article 9.4 of the AoA:

During the implementation period, developing country Members shall not be required to undertake commitments in respect of the export subsidies listed in sub paragraphs (d) and (e) of para 1 above, provided that these are not applied in a manner that would circumvent reduction commitments.

Supporting Table ES:2: What to look for

- Does the support meet paragraph 9:1(d) and/or (e)?
- Are the calculations accurate?
- Has there been any significant increase in expenditure compared to previous years?

Table ES:3 Export Subsidies: Notification of the total volume of food aid¹⁰

In this table, Members must report the total volume of their food aid using defined products categories set out in G/AG/2 unless these have already been notified in ES:1.

Table ES:3: What to look for

- Has there been any significant increase in expenditure compared to previous years?
- Are the calculations accurate?
- Does it appear that food aid has been used to circumvent export subsidy commitments?
- Has the food aid been used as a means of surplus disposal?
- Has the food aid been monetised?
- Has the food aid been delivered in fully grant form or is it concessional aid?
- Has there been any market disruption from the food aid?
- What actions have been taken to minimise commercial displacement?

¹⁰ These questions may also be applicable in the case of Table ES:1

Export Prohibitions and Restriction Notifications

Table ER:1 Notification under Article 12 of the Agreement: Export prohibitions and restrictions

Any Member instituting an export prohibition or restriction covered by Article 12 of the AoA is required to notify (except developing country Members which are not net exporters of the product concerned). A Table ER:1 notification should be submitted as far as practicable in advance of the measure being introduced.

Table ER:1: What to look for

- Is the Member imposing the export prohibition or restriction, a major exporter of the product(s)?
- Does the measure threaten the supply of foodstuff and/or agricultural inputs to other members? (Refer to Article 12:1(a) of the AoA.)
- Has the Member fully explained why the measure was applied?
- Is the measure of a temporary nature?
- Do you have a substantial interest as importer? If so, refer to Article 12.1.(b).

Assistance Measures Notifications

Table NF:1 Monitoring of the follow-up to the decision on measures concerning the possible negative effects of the reform programme on least-developed and net food-importing developing countries

A notification should be made by all donor Members at least annually with respect to items:

- (1) Quantity of food aid provided to least-developed and net food-importing developing countries:
- (2) Indication of the proportion in fully grant form or appropriate concessional terms:
- (3) Technical and financial assistance under paragraph 3(iii) of the Decision¹¹:
- (4) Other relevant information with respect to actions taken within the framework of the Decision.

The notification should be made no later than 60 days following the relevant period.

Table NF:1: What to look for

- Is the food aid provided on concessional terms? If so, consider asking what the conditions on its usage or repayment requirements were.
- What was the value of the quantity of food aid provided?
- Has the Member presented a breakdown by commodity and recipient countries? If not, consider to ask for this data.

¹¹ Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries

Annex A

Useful Resources

When reviewing notifications and/or Members' agricultural policies a wide range of resources exist which can assist an analysis. A good starting point is the WTO Agriculture Gateway on the internet, which provides a user friendly interface to access CoA summary reports and meeting minutes, notifications and other official documents. Examining the type of questions and how other Members frame questions in earlier CoAs can assist when drafting questions for upcoming CoA meetings.

When reviewing notifications, it is recommended that the current notification be compared with earlier notifications to gauge differences which may exist. For example, has there been a significant increase (decrease) in subsidies provided to a particular product? Trade Policy Review Mechanism reports are also useful resources to draw on when examining a Member's agricultural policies.

The internet is a resource which should also be used when reviewing notifications. Research studies and media reports can prove to be useful sources of information, and are often available electronically on the web.

USDA Foreign Agricultural Service (FAS) Attaché reports can be a valuable information source. FAS has developed a Global Agriculture Information Network (GAIN) which is publicly accessible on the internet and allows users to search FAS' database of Attaché reports from 1995 to the present. The FAS global electronic reporting system provides information on a wide range of subjects pertaining to international agricultural trade, production, and policies. FAS posts report on current developments affecting agricultural trade on a continual basis, but also submit scheduled periodic reports. Users can search reports by date range, country, commodity, or key word in the title. The GAIN system can be accessed at:

<http://www.fas.usda.gov/scriptsw/AttacheRep/default.asp>

Schedules of Concessions

WTO negotiations produce both general rules that apply to all Members and specific binding commitments made by individual Members through their "Schedules of Concessions" set out the tariff concessions and other commitments given in the context of trade negotiations. For trade in goods, these consist of maximum tariff levels which are often referred to as "bound tariffs" or "bindings" (GATT Article II). In the case of agricultural products, these tariff concessions also relate to tariff quotas, and binding commitments apply to Total AMS in the area of domestic support, and expenditure and volume limits on export subsidies by product category. All WTO Members have a Schedule which is either annexed to the Marrakesh Protocol to the GATT 1994 or to a Protocol of Accession. The Schedules may change over time as a result of GATT Article XXVIII negotiations or rectification procedures. This is the reason why determining a Member's concession for a specific tariff line could involve, in some cases, examining several different legal instruments.

Members' agriculture-related Schedules are set out according to the following structure:

Part I, Section IA	-	Tariffs on agricultural products
Part I, Section IB	-	Tariff quotas on agricultural products
Part IV, Section I	-	Domestic support: Total AMS commitments
Part IV, Sections II and III		Export subsidies: Budgetary Outlay and Quantity Reduction commitments

The current situation of schedules of WTO Members can be accessed at:

http://www.wto.org/English/tratop_e/schedules_e/goods_schedules_table_e.htm

Agriculture Supporting Tables (AGST)

The base period supporting data used to derive the base amounts for the Total AMS and the base expenditure and quantity commitments for export subsidies are incorporated by reference in Part IV, Sections I, II and III of Members Schedules. These data are set out in G/AG/AGST, Volume 1-4, or in the corresponding accession documents for Members which have acceded since the Uruguay Round. The information contained in these tables can be useful when reviewing notifications. In particular the constituent data and methodologies are relevant for the calculation of domestic support during the implementation period and thereafter.

Uruguay Round Modalities Text on Agriculture

The final Uruguay Round modalities text on agriculture (MTN.GNG/MA/W/24) provides the instructions for the preparation of draft Schedules and Supporting tables for the participants in the Uruguay Round. It could be useful if a Member wanted to understand better the origin of the Scheduled commitments.