Replieding to the Export Competition Questionnaire (ECQ), how can we help?
Outline

• **Historical background:** Genesis of the ECQ
• **Context of the ECQ**
• The **various components** of the ECQ:
  ➢ Export subsidies
  ➢ Export Credit, Export Credit Guarantees or Insurance Programmes (Export Financing)
  ➢ International Food Aid
  ➢ Agricultural Exporting State Trading Enterprises
• **Frequently Asked Questions**
• **Response rate**
• **Process forward**
• **Upcoming Ag-IMS ECQ extension tool**
Historical background: genesis of the ECQ

• 5 October 2012: “Request of studies on TRQ administration and Export Competition” JOB/AG/21 (G-20)

(...) Regarding export competition we should have updated information on the use of export subsidies by Members regarding the four areas covered by modalities:
  – export subsidies,
  – export credits, export credit guarantees and insurance programmes,
  – state trading enterprises; and
  – food aid

• 16 November 2012: Members endorse this call at the CoASS meeting
• 20 March 2013: Secretariat Background paper TN/AG/S/27
Historical background: genesis of the ECQ

• 7 December 2013, Bali Ministerial Declaration on Export Competition (WT/MIN(13)/40)

11. “We therefore agree to hold dedicated discussions on an annual basis in the Committee on Agriculture to examine developments in the field of export competition. This examination process shall provide an opportunity for Members to raise any matter relevant to the export competition pillar, in furtherance of the final objective set out in the 2005 Hong Kong Ministerial Declaration.”

12. “This examination process shall be undertaken on the basis of timely notifications under the relevant provisions of the Agreement on Agriculture and related decisions, complemented by information compiled by the WTO Secretariat, consistent with the practice followed in 2013¹, on the basis of Members’ responses to a questionnaire, as illustrated in the Annex.”

Historical background: genesis of the ECQ

• 21 May 2014: Secretariat Background document G/AG/W/125 and its 4 addenda
• 5 June 2014: First Annual Dedicated Discussion on Export Competition
ANNEX

Elements for Enhanced Transparency on Export Competition

This Annex is intended to illustrate the types of information that would be requested by the Secretariat in the questionnaire mentioned in paragraph 12. It is understood that this questionnaire, which does not change Members’ notification obligations, may be revised in the light of experience and of Members’ further views.

Export Subsidies
1. Provide information on operational changes in measures

Export Credit, Export Credit Guarantees or Insurance Programs (Export financing)
1. Description of the program (classification within the following categories: direct financing support, risk cover, government to government credit agreements or any other form of governmental export credit support) and relevant legislation
2. Description of Export Financing Entity
3. Total value of export of agricultural products covered by export credits, export credit guarantees or insurance programs and use per program
4. Annual average premium rates/fees per program
5. Maximum repayment terms per program
6. Annual average repayment periods per program
7. Export destination or group of destinations per program
8. Program use by product or product group

Food Aid
1. Product description
2. Quantity and/or value of food aid provided
3. Description of whether food aid is provided on in-kind, untied cash-based basis and whether monetisation was permitted
4. Description of whether in fully grant form or concessional terms
5. Description of relevant needs assessment (and by whom) and whether food aid is responding to a declaration of emergency or an emergency appeal (and by whom)
6. Description of whether re-export of food aid is an option under the terms of the provision of food aid

Agriculture Exporting State Trading Enterprises
1. Enumeration of State Trading Enterprises
   • Identification of state trading enterprises
   • Description of products affected (including tariff item number(s) encompassed in product description)
2. Reason and purpose
   • Reason and purpose for establishing and/or maintaining state trading enterprise
   • Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers
3. Description of the functioning of the State Trading Enterprise
   • Summary statement providing overview of operations of the state trading enterprise
   • Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise

Additional information subject to normal commercial confidentiality considerations
1. Exports (value/volume)
2. Export prices
3. Export destination

Information on policies no longer in operation due to significant policy reforms
Nairobi Decision - Paragraph 4

“The Committee on Agriculture shall monitor the implementation of this Decision by Members in accordance with existing notification requirements under the Agreement on Agriculture, as complemented by the provisions set out in the Annex to this Decision”

Annex Nairobi Decision – “chapeaux”

“Consistent with the Bali Ministerial Declaration on Export Competition and in addition to annual notifications requirements under the relevant provisions of the Agreement on Agriculture and related decisions, Members shall continue to provide information (...)”
Context of the ECQ

- 11 May 2016: Secretariat Background Document G/AG/W/125/Rev.4 and its 4 addenda
- 7 June 2016: Third (- First post Nairobi) Annual Dedicated Discussion on Export Competition
### Context of the ECQ: relevant notification requirements & Background Document

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The various components of the ECQ
Export Subsidies

Members shall continue to provide information on export subsidies within the context of an annual examination process, based on the following structure:

1. Provide information on operational changes in measures.
Export Subsidies

Document G/AG/W/125/Rev XX  Part A and Addendum 1

• Replies to the questionnaire
  +

• Information from tables ES:1 notifications for Members with export subsidies entitlements
  +

• Update on Members’ scheduled commitments
Export Credit, Export Credit Guarantees or Insurance Programmes

Members shall continue to provide information on Export Credit, Export Credit Guarantees or Insurance Programmes within the context of an annual examination process, based on the following structure:

1. **Description of the programme** (classification within the following categories: direct financing support, risk cover, government to government credit agreements or any other form of governmental export credit support) and relevant legislation
2. **Description of Export Financing Entity**;
3. **Total value of export of agricultural products** covered by export credits, export credit guarantees or insurance programmes and use per programme;
4. **Annual average premium rates/fees** per programme;
5. **Maximum repayment terms** per programme;
6. **Annual average repayment periods** per programme;
7. **Export destination or group of destinations** per programme;
8. **Programme use by product or product group**.
Export Credit, Export Credit Guarantees or Insurance Programmes - Scope

Definition (Nairobi Ministerial Decision)

13. In addition to complying with all other export subsidy obligations under the Agreement on Agriculture and any other covered Agreements, Members undertake not to provide export credits, export credit guarantees or insurance programmes for exports of products listed in Annex 1 of the Agreement on Agriculture (hereafter "agricultural products") other than in conformity with this Decision. These export credits, export credit guarantees and insurance programmes (hereafter "export financing support") comprise:

(a) direct financing support, comprising direct credits/financing, refinancing, and interest rate support

(b) risk cover, comprising export credit insurance or reinsurance and export credit guarantees;

(c) government-to-government credit agreements covering the imports of agricultural products from the creditor country under which some or all of the risk is undertaken by the government of the exporting country; and

(d) any other form of governmental export credit support, direct or indirect, including deferred invoicing and foreign exchange risk hedging.

14. The provisions of this Decision shall apply to export financing support as defined in paragraph 13 provided by a government or any public body as referred to in Article 1.1(a)1 of the Agreement on Subsidies and Countervailing Measures.

7 The export credits defined in this paragraph do not include working capital financing to the suppliers.
Document G/AG/W/125/Rev XX  Part B and Addendum 2

• Replies to the questionnaire only
International Food Aid

Members shall continue to provide information on International Food Aid within the context of an annual examination process, based on the following structure:

1. Product description;
2. Quantity and/or value of food aid provided;
3. Description of whether food aid is provided on in-kind, untied cash-based basis and whether monetisation was permitted;
4. Description of whether in fully grant form or concessional terms;
5. Description of relevant needs assessment (and by whom) and whether food aid is responding to a declaration of emergency or an emergency appeal (and by whom);
6. Description of whether re-export of food aid is an option under the terms of the provision of food aid.
Nairobi Ministerial Decision

22. Members reaffirm their commitment to maintain an adequate level of international food aid, to take account of the interests of food aid recipients and to ensure that the disciplines contained hereafter do not unintentionally impede the delivery of food aid provided to deal with emergency situations. To meet the objective of preventing or minimizing commercial displacement, Members shall ensure that international food aid is provided in full conformity with the disciplines specified in paragraphs 23 to 32, thereby contributing to the objective of preventing commercial displacement.

- Food aid provided by Members
- Food aid in kind versus cash based
- Bilateral food aid versus contributions to organizations and humanitarian agencies such as WFP
International Food Aid

Document G/AG/W/125/Rev XX  Part C and Addendum 3

• Replies to the questionnaire
  +
• Information from tables ES:1 and ES:3 notifications
Agricultural Exporting State Trading Enterprises (STEs)

Members shall continue to provide information on Agricultural Exporting State Trading Enterprises within the context of an annual examination process, based on the following structure:

1. **Enumeration of State Trading Enterprises:**
   - Identification of state trading enterprises;
   - Description of products affected (*Including tariff item number(s) encompassed in product description*).

2. **Reason and purpose:**
   - Reason or purpose for establishing and/or maintaining state trading enterprise;
   - Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers.

3. **Description of the functioning of the State Trading Enterprise:**
   - Summary statement providing overview of operations of the state trading enterprise;
   - Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise.

*Additional information subject to normal commercial confidentiality considerations:*

1. Exports (value/volume);
2. Export prices;
3. Export destination.
19. For the purpose of the disciplines set out hereunder in this Decision, an agricultural exporting state trading enterprise shall be any enterprise which meets the working definition provided for in the Understanding on the Interpretation of Article XVII of the GATT 1994 and is engaged in exports of products listed in Annex 1 of the Agreement on Agriculture.\(^{12}\) 

\(^{12}\)"Governmental and non-governmental enterprises, including marketing boards, which have been granted exclusive or special rights or privileges, including statutory or constitutional powers, in the exercise of which they influence through their purchases or sales the level or direction of imports or exports." It is understood that where there is reference to the "rights and privileges" that "influence ... the level or direction of imports" in the preceding sentence, this matter of imports is not per se a matter falling under the disciplines of this Decision which relates, rather, solely to the matter of exports under that working definition.
“(…) governmental and non-governmental enterprises, including marketing boards, which have been granted exclusive or special rights or privileges, including statutory or constitutional powers, in the exercise of which they influence through their purchases or sales the level or direction of [imports or] exports”
Agricultural Exporting STEs

Document G/AG/W/125/Rev XX  Part D and Addendum 4

- Replies to the questionnaire
  +
- Notifications to the Working Party on STEs (G/STR/3/Rev.1)
Agricultural Exporting STEs

1. Enumeration of State Trading Enterprises:
   • Identification of state trading enterprises;
   • Description of products affected (Including tariff item number(s) encompassed in product description).

2. Reason and purpose:
   • Reason or purpose for establishing and/or maintaining state trading enterprise;
   • Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers.

3. Description of the functioning of the State Trading Enterprise:
   • Summary statement providing overview of operations of the state trading enterprise;
   • Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise.

Additional information subject to normal commercial confidentiality considerations:
1. Exports (value/volume);
2. Export prices;
3. Export destination.

I. ENUMERATION OF STATE TRADING ENTERPRISES
A. Identification of state trading enterprises.
B. Description of products affected (including tariff item number(s) encompassed in product description).

II. REASON AND PURPOSE
A. Reason or purpose for establishing and/or maintaining state trading enterprise.
B. Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers.

III. DESCRIPTION OF THE FUNCTIONING OF THE STATE TRADING ENTERPRISE
A. Summary statement providing overview of operations of the state trading enterprise.
B. Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise.
C. Type of entities other than the state trading enterprise that are allowed to engage in importation/exportation and conditions for participation.
D. How import/export levels are established by the state trading enterprise.
E. How export prices are determined.
F. How the resale prices of imported products are determined.
G. Whether long-term contracts are negotiated by the state trading enterprise. Whether the state trading enterprise is used to fulfil contractual obligations entered into by the government.
H. Brief description of market structure.

IV. STATISTICAL INFORMATION (SEE ATTACHED TABLES I - III)
Frequently Asked Questions

• I do not have any such programme: Simple nil reply
• I have only programmes under one category: Nil reply for the others
• I can not reply to all the questions: Reply to those you can
• Can I insert supporting data in excel format to my reply? Yes
• How should I reply:

  By email to the Secretariat:
  cedric.pene@wto.org,
  marie-bel.martinez-hommel@wto.org
  marie-line.frizon@wto.org

  Substantive reply: using the template (list of questions) in the ECQ
  Nil reply: any form
Number of Members having replied at least once since 2014: 86
Process – 2020 (2021)

- Circulation questionnaire on export competition: 10 January 2020 (14 January 2021)
- Initial deadline for replies to the questionnaire: 31 May 2020 (28 May 2021)
- Final Deadline for replies to the questionnaire: 3 July 2020
- Circulation Background document G/AG/W/125/Rev.12 and 4 addenda: 20 July 2020
- 5th post Nairobi Dedicated Discussion CoA Meeting: 22-23 September 2020
- Circulation Background Document G/AG/W/125/Rev.8 and 4 addenda: 26 October 2020

In “normal years”: Dedicated Discussion on Export Competition in June!!
Upcoming AG-IMS EC extension tool

Agriculture Information Management System

Welcome to Agriculture Information Management System (Ag-IMS).
Ag-IMS
• provides access to documents and records relevant under the WTO Agreement on Agriculture. For more information on the Agreement, please click here.
• allows the online submission of (i) notifications and (ii) questions and answers in the context of the Review Process carried out by the Committee on Agriculture.
Upcoming AG-IMS EC extension tool

- **Goal:** enhancing transparency and monitoring of ECQ replies
- **Functionalities:**
  - on-line replies to the ECQ
  - Reporting / extraction of data coming from the replies to the ECQ
  - Possible further developments
- **Benefits:**
  - More user-friendly process to reply to the ECQ
  - Enhanced reporting functions
  - Increased effectiveness (reduce administrative related work)
- **Project still in development phase – Members’ feedbacks and inputs expected (incl. through testing)**
To conclude/ Way Forward?

- Replies to the ECQ expected by **28 May 2021**
- Next Dedicated Discussion on Export Competition: **September 2021**

In case you have any question please contact:
[cedric.pene@wto.org](mailto:cedric.pene@wto.org) and/or [marie-bel.martinez-hommel@wto.org](mailto:marie-bel.martinez-hommel@wto.org)

Looking forward for your suggestions regarding ways to provide technical assistance and advice on this matter!
And now

• Sharing National experiences
  ➢ Brazil
  ➢ Canada
  ➢ Indonesia

• Questions and Answers Session