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Committee on Agriculture

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COMPLIANCE WITH NOTIFICATION OBLIGATIONS "OVERDUE NOTIFICATIONS"

Discussion Paper by the United States

The United States would like to draw attention to the importance of and Members' compliance with notification deadlines. Discussion of this matter in the Committee could help Members better understand the delays and non-submission of notifications and allow the Committee to assess its ability to monitor compliance with commitments in a timely manner.

An important achievement of the Uruguay Round Agreement on Agriculture was the commitment by Members to allow for periodic reviews under the auspices of the Committee on Agriculture, the progress that has been made in the implementation of commitments negotiated and agreed to under the Agreement. Consequently, guidelines, notification requirements and formats were established and agreed to by Members. Based on the Agreement, the Secretariat published and circulated the requirements and formats for notifications (documents G/AG/2 and G/AG/2/Add.1) to ensure that Members understood their notification obligations.

The table below shows overdue notifications from the 1995 implementing year, as of the end of February 1998.

Notification type	Number of Members not notifying
Domestic Support - Total AMS (Table DS:1)	36
Tariff Rate Quota - Administration (Table MA:1)	2
Imports under - Tariff Rate Quota (Table MA:2)	5
Export subsidy - Subsidized export (Table ES:1)	45
Export subsidy - Total export (Table ES:2)	5
Use of special safeguard (Table MA:5)	1

Source: WTO room document, Compliance with notification obligations, Committee on Agriculture, 19-20 March 1998.

The above table only shows notifications which have not been submitted. It does not show notifications which were submitted after their deadlines. The fact that delayed notifications continued through the 1996 and 1997 implementing years, including some from industrialized countries, indicate that problems exist with respect to deadlines for submitting notifications. This disrespect of deadlines seriously undermines the commitments established under Article 18, which provides that

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progress in the implementation of commitments should be reviewed by the Committee. Submitting notifications before or by deadlines allows for timely evaluation of commitments and helps legitimize the WTO system by providing an affirmative demonstration that Members are living up to their notification obligations.

Reviewing the notification process would assist Members in developing mechanisms to make the Committee more effective in its work of monitoring implementation of commitments. It may be useful to examine the underlying reasons why some Members are not meeting the deadlines established for submitting notifications and explore the possibility and the appropriateness of the use of "counter notification" when the Committee does not receive a Member's notification on time.

An examination of why notifications are delayed would provide valuable background for an assessment of the monitoring of compliance of commitments by Members, and for evaluating the difficulties countries face in developing and submitting notifications. It would be useful if the WTO Secretariat could summarize for the Committee the requirements and established deadlines for notifications of agricultural commitments. In providing this summary, due consideration should be given to the concerns that have been expressed by Members regarding overdue notifications.

In instances where Members delay submission of notifications, the Working Procedures (G/AG/1) of the Committee allow the use of "counter notification" under Article 18.7 as a means of advancing its monitoring work. Under this procedure, any Member of the Committee may present data in the form of a notification on the non-notifying Member's commitments to the Committee. This notification then becomes the basis for discussions relating to implementation of commitments by the non-notifying country.

These comments are offered to underline the importance the US associates with the notification process and the crucial role it plays in the Committee's work in monitoring implementation of the Agreement on Agriculture. In that regard, we look forward to reaction and discussion by other Members to these comments.
