

**REPORT OF THE COMMITTEE ON MARKET ACCESS ON  
AN IMPLEMENTATION-RELATED ISSUE IN ACCORDANCE  
WITH PARAGRAPH 12(b) OF THE MINISTERIAL DECLARATION**

**1. Mandate**

1. The Council for Trade in Goods at its meeting of 22 and 27 March 2002 agreed to the Chairman's proposal which reads as follows in the minutes of that meeting (G/C/M/59):

"...with respect to tiret 99, contained in the Compilation of Outstanding Implementation Issues Raised by Members (Document Job)(01)/152/Rev.1), he proposed that this tiret fell in the area of competence of the Market Access Committee which would take up the issue and report to the Trade Negotiations Committee by the end of 2002. He proposed that this issue be put on the agenda of the next meeting of the Market Access Committee so that it could be addressed in accordance with paragraph 12(b) of the Ministerial Declaration."

2. Tiret 99 refers to " Measures designed to secure a redistribution of negotiating rights in favour of small and medium-sized exporting members in trade negotiations".

**2. Work undertaken over the year**

3. The Committee addressed this issue at its formal meetings of 12 June and 23 September 2002 (minutes of which are in G/MA/M/32, 33 and 33/Add.1(to be issued)) and 4 informal meetings (26 July, 7 October, 29 October and 21 November 2002). Documents submitted in connection with this subject have been as follows: St Lucia, the proponent of this issue, submitted a paper which was circulated in document G/MA/W/44 and the Secretariat prepared a document circulated as JOB(02)/93.

4. In the initial discussions in the Committee on this matter and following an intervention by St Lucia, doubt was expressed by some Members as to whether the scope of this implementation issue did not exceed the mandate of the Committee on Market Access. In light of this, certain Members were of the view that the issue should be referred back to the appropriate body with a report to that effect. However, other Members considered that such a referral would be too premature and that the Committee should give some thought to this matter. The Committee agreed to continue examining this issue from the perspective of Article XXVIII of GATT 1994. One delegation noted that in the context of the Committee's review of paragraph 1 of the Understanding on the Interpretation of Article XXVIII of GATT 1994 that concluded in 2000, no specific proposal had been forwarded. Another delegation stated that his delegation's concerns were allayed to some extent following a clarification by St Lucia that this issue referred to the "securing" of negotiating rights as opposed to the "redistribution" of negotiating rights. Another delegation stated that the lack of transparency of initial negotiating rights in schedules of concessions was a problem which would need to be addressed. However, she noted that her delegation had already raised this matter in one Negotiating Group and intended to do the same in another Negotiating Group. In light of the clarification by

St. Lucia in written and oral form, the Committee agreed that this issue went beyond the scope of the Committee's mandate and that a report to the TNC would need to be made accordingly.

### **3. Conclusion**

5. The Committee has undertaken a useful but inconclusive discussion on this matter which it notes goes beyond its mandate. Accordingly, it refers the matter to the TNC for consideration. This referral does not preclude an individual Member from raising this issue or aspects of this issue in any other forum as it deems appropriate.

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