

Trade Policy Review Body

TRADE POLICY REVIEW MECHANISM

Draft Report of the Trade Policy Review Body for 2001

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1. The Trade Policy Review Mechanism (TPRM) was established in 1989 on a provisional basis and confirmed by Annex 3 of the Marrakesh Agreement establishing the WTO. As required by the Marrakesh Agreement, the operation of the TPRM was appraised by the Trade Policy Review Body in 1999. The Appraisal concluded that the TPRM functions effectively, that its mission and objectives remain important, and that all Members should be reviewed at least once as soon as possible; the TPRM had also "demonstrated that it had a valuable public good aspect, particularly in its contribution to transparency".¹ Members have also kept the Mechanism under frequent review over the years, as a result of which a number of procedural improvements have been introduced since 1989.

2. This Report by the Trade Policy Review Body provides its annual assessment of the TPRM. The Annual Report discusses the Trade Policy Reviews of Members conducted in the year 2001 and the main issues arising from them. Tables are annexed showing the Members reviewed to the end of 2001, the geographical coverage of the reviews conducted to date, as well as the proposed programme of reviews for the year 2002.

The Objectives of the TPRM

3. Annex 3 of the Marrakesh Agreement describes the objectives of the TPRM as being "to contribute to improved adherence by all Members to rules, disciplines and commitments made under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, and hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members".

4. In this regard, the TPRM is required to periodically review the trade policies and practices of all Members. By the end of 2001, the TPRM will have conducted 150 reviews since its formation (Annex I). The reviews have covered 84 of 128 Members, counting the European Union as one, representing around 83% of the share of world trade in 2000. The trade policies and practices of ten Members were reviewed for the first time in 2001.² The increased importance given to the reviews of least-developed countries (LDCs) has led to 11 such reviews since 1998.³

5. In 2001, the Trade Policy Review Body will have conducted 15 reviews, of which one was a grouped review of the six WTO Members of the Organization of East Caribbean States (OECS) (Annex II). The Secretariat reports for the reviews of Madagascar, Mozambique and Uganda were

¹ WTO document WT/MIN(99)/2, 8 October 1999.

² These were Antigua and Barbuda, Brunei Darussalam, Dominica, Gabon, Grenada, Madagascar, Mozambique, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

³ The least-developed countries reviewed since the establishment of the Mechanism are: Bangladesh (twice), Benin, Burkina Faso, Guinea, Lesotho, Madagascar, Mali, Mozambique, Senegal, the Solomon Islands, Tanzania, Togo, Uganda (twice), and Zambia.

prepared with the assistance of consultants, under the close supervision of Secretariat staff; the German Trust Fund provided funding for the reports on Madagascar and Uganda and, as well, for related expenses in the preparation of the Mozambique review.⁴ The Secretariat reports on Ghana and the Slovak Republic also involved partial collaboration with consultants, funded by the Secretariat's budget. The Secretariat's reports continue to be written in close consultation with the authorities of the Member under review.

6. Procedures for the reviews conducted in 2001 have generally run smoothly. Responses to requests for documentation and questionnaires have normally been provided at or close to the requested dates. In line with recent practice, the Secretariat has attempted to reduce the burden of providing responses on Members under review by using, to the extent possible, alternative sources of documentation, including Members' official web-sites or through the Internet. It has not been possible to do this for all Members under review and requests for documentation continue to be followed up with a detailed questionnaire when sufficient information is not available from alternative sources. Secretariat visits to capitals have continued to be productive, and comments provided on Secretariat drafts have been pertinent. The result is that the quality, content, and style of the reviews has been maintained.

7. As was noted in the TPRB's Annual Report for 2000, the Body has remained successful in avoiding the concentration of reviews in parts of the year as had been experienced in previous years. The reviews conducted in 2001 were evenly spaced throughout the year, reducing pressure of preparation on the Membership for review meetings at close intervals. Efforts also continue to be made to avoid clashes with other meetings at the WTO. The cooperative publishing agreement with an international publishing company has shortened the period between review meetings and the publication of related documents.

8. The Trade Policy Review programme for the year 2002 proposes 17 reviews. These will be of:

- the European Union and Japan, on the two-year cycle;
- Australia; Hong Kong, China; Mexico; India; and South Africa on the four-year cycle;
- Barbados, Dominican Republic, Guatemala, Pakistan, Slovenia, and Venezuela on the six-year cycle; and
- four least-developed countries: Haiti, Malawi, Mauritania, and Zambia.

9. The TPRB intends to continue to provide an evenly spaced programme of reviews in 2002, thereby avoiding the concentration of reviews and delays that have occurred in the past.

Value of the TPRM

10. As envisaged in Annex 3, the TPRM continues to be a valuable forum for achieving transparency in, and understanding of, the trade policies and practices of Members, thus contributing to the smoother functioning of the multilateral trading system. It provides a forum in which Members may openly discuss and provide an objective analysis of each others' trade policies. The reports prepared by the Secretariat provide an objective and independent review of the trade policies and practices of individual Members under review and are, in general, appreciated by both the Member(s) under review and the overall Membership. By providing an overall picture of the institutional interaction in trade policy formulation and implementation and the effect of policies on different sectors, the reports have also served as an input to trade policy formulation in some cases. In

⁴ In 2000, the Federal Republic of Germany made DM1 million available over a four-year period to undertake reviews of developing countries and to improve the Mechanism to better adapt it to the requirements of developing countries.

addition, several developing and least-developed country Members have found the reviews valuable in providing technical assistance.

11. In addition to trade policy formulation, the review process also discusses the economic impact of trade measures, and places individual Members' trade and economic regimes within the wider context of developments in their region. Given the growing importance of regional trade agreements and groupings, the analysis in the reports has proved useful in discussing the wider impact of recent economic developments in certain regions, as well as the more general question of the impact of regionalism on the multilateral trading system.

Points emerging from the 2001 Reviews

12. While each review highlights the specific issues and measures concerning individual Members, certain common themes emerged during the course of the reviews conducted in 2001. These included:

- transparency in policy-making and implementation;
- economic stability and trade liberalization;
- implementation of the WTO Agreements, in particular Customs Valuation, TRIPS and TRIMs;
- regional trade agreements and their relationship with the multilateral trading system;
- tariff issues, including peaks, escalation, rationalization and the difference between applied and bound rates;
- customs clearance procedures;
- import and export restrictions and licensing procedures;
- the use of contingency measures such as anti-dumping and countervailing duties;
- technical and sanitary measures and market access;
- standards and their equivalence with international norms;
- intellectual property rights legislation and enforcement;
- government procurement preferences, transparency and procedures;
- the state involvement in the economy and privatization programmes;
- trade-related competition and investment policy issues;
- incentive measures such as subsidies and tax rebates;
- sectoral trade-policy issues, particularly liberalization in agriculture and certain services sectors;
- GATS commitments; and
- technical assistance in implementing the WTO Agreements and the experience with the Integrated Framework.

Coverage of Least-developed Countries (LDCs)

13. The Trade Policy Review Body's Report to the Singapore Ministerial Meeting suggested that greater attention be paid to the coverage of LDCs in the preparation of the TPRB timetable, and the 1999 Appraisal of the operation of the TPRM also drew attention to this matter. The TPRB has continued to review a steady number of least-developed Members. Of the 30 least-developed Members of the WTO, 14 have been reviewed by the end of 2001; three of these were reviewed in 2001.⁵ Of the 17 Members proposed for review in the year 2002, four are least-developed countries.⁶

⁵ At the end of 2001, the least-developed country Members of the WTO still to be reviewed by the TPRM will be: Angola, Burundi, Central African Republic, Chad, Democratic Republic of Congo, Djibouti, the Gambia, Guinea-Bissau, Haiti, Malawi, Maldives, Mauritania, Myanmar, Niger, Rwanda, and Sierra Leone.

⁶ These are Haiti, Malawi, Mauritania, and Zambia.

14. Trade Policy Reviews of LDCs have increasingly performed a technical assistance function and have been useful in increasing understanding of the trade policy structure in place and its relationship with the WTO Agreements. The reviews have also enhanced understanding in these countries of the WTO Agreements, enabling better compliance and integration in the multilateral trading system; in some cases, better interaction between government agencies has been facilitated by the reviews. The reports' wide coverage of Members' policies also enables Members to identify any shortcomings in policy and specific areas where further technical assistance may be required.

15. Since 2000, the preparation of reviews of LDCs responds more systematically to technical assistance needs. The review process for an LDC now includes a three-to-four-day seminar for its officials on the WTO and, in particular, the trade-policy review exercise and the role of trade in economic policy; such seminars have been held in 2001 in the context of the review of Uganda, and the 2002 reviews of Haiti, Malawi and Mauritania. The Secretariat Report for an LDC review includes a section on technical-assistance needs and priorities, as identified in co-operation with the Member concerned, and with a view to feeding this into the Integrated Framework process. The seminars and the technical-assistance section in the Secretariat reports involve close co-operation with the WTO's Technical Cooperation Division.

Conclusion

16. The Trade Policy Review Mechanism provides a forum in which Members discuss each others' trade policies in a transparent and frank manner. The forum is unique in that the TPRM's separation from the compliance and dispute settlement aspects of WTO work related to the Agreements allows an open debate. The 15 reviews conducted during 2001 have, in general, been satisfactory, and have met deadlines agreed with the Members. The reviews have been evenly spaced throughout the year, giving adequate time to Members to prepare for the meetings. The discussants have continued to play a very useful role in assisting the discussion during the reviews. The programme for 2002, similarly, aims to avoid delays and concentration of reviews.

17. The TPRM continues to function effectively in meeting its transparency goals. However, as the Membership of the WTO increases, the pressure on the TPRB to review more Members grows. This, and the limited resources available to the Secretariat to prepare the reviews, makes it important to keep the Mechanism functioning as effectively as possible within these constraints. In particular, continued cooperation between Members and the Secretariat in preparing the reports is essential, as is the importance of respecting deadlines, in order to maintain the standard and quality of the reports, and in the successful reviews of Members by the TPRB.

Annex I

TRADE POLICY REVIEWS
WTO Members reviewed under GATT 1947 and WTO provisions, 1989-2001

Europe/Middle East	Asia/Pacific	Africa	America
Austria ^{1,a}	Australia (3) ^b	Benin ^d	Argentina (2) ^b
Bahrain	Bangladesh(2) ^{b, d}	Botswana	Antigua and Barbuda ^{c, e}
Cyprus	Brunei Darussalam ^c	Burkina Faso ^d	Bolivia(2) ^b
Czech Republic (2)	Fiji	Cameroon (2) ^b	Brazil (3) ^b
European Union (5) ^b	Hong Kong, China (3) ^b	Côte d'Ivoire	Canada (6) ^b
Finland ^{1,a}	India (2) ^b	Egypt(2) ^b	Chile (2) ^b
Hungary (2) ^b	Indonesia (3) ^b	Gabon ^c	Colombia (2) ^b
Iceland(2) ^b	Japan (5) ^b	Ghana (2) ^b	Costa Rica (2)
Israel(2) ^b	Korea (3) ^b	Guinea ^d	Dominica ^e
Liechtenstein ²	Macau, China (2) ^a	Kenya (2) ^b	Dominican Republic
Norway (3) ^b	Malaysia (3) ^b	Madagascar ^{c, d}	El Salvador
Poland (2) ^b	New Zealand (2) ^b	Lesotho ^d	Grenada ^{c, e}
Romania(2) ^b	Pakistan ^a	Mali ^d	Jamaica
Slovak Republic (2)	Papua New Guinea	Mauritius (2)	Mexico (2) ^b
Sweden ¹ (2) ^a	Philippines(2) ^b	Morocco (2) ^b	Nicaragua
Switzerland (3) ^b	Singapore (3) ^b	Mozambique ^{c, d}	Paraguay
Turkey (2) ^b	Solomon Islands ^d	Namibia	Peru (2) ^b
	Sri Lanka	Nigeria (2) ^b	St.Kitts and Nevis ^{c, e}
	Thailand (3) ^b	Senegal ^a	St.Lucia ^{c, e}
		South Africa (2) ^b	St.Vincent and the Grenadines ^{c, e}
		Swaziland	Trinidad and Tobago
		Tanzania ^d	United States (6) ^b
		Togo ^d	Uruguay (2) ^b
		Tunisia ^a	Venezuela
		Uganda (2) ^d	
		Zambia ^d	
		Zimbabwe ^a	
28 Members (33 reviews)	19 Members (42 reviews)	27 Members (36 reviews)	24 Members (39 reviews)

() Figures in brackets show the number of reviews completed where this is greater than one.

¹ Included in EU from 1995.

² Joint review with Switzerland (counted as two Members but one review for statistical purposes).

^a Reviewed under GATT 1947.

^b Reviewed under GATT 1947 and the WTO.

^c First review in 2001.

^d Least-developed Member.

^e Member of the Organization of East Caribbean States (OECS) reviewed jointly with other OECS members.

Number of reviews conducted at end-2001

= 150

Number of WTO Members reviewed

= 98 out of 142** (counting EU as 15)

Number of WTO Members reviewed

= 74 out of 128** (counting EU as 1)

= 69% of WTO Members** (of which, 28 in Europe, 19 in Asia/Pacific, 27 in Africa, and 24 in America)

Least-developed WTO Members reviewed

= 14

Share of world trade of WTO Members reviewed
(2000) (excluding significant double counting and
intra-EU trade)

= 83%

** WTO Members as at 26 July 2001.

Annex II

Trade Policy Reviews Conducted in 2001

Member^a	Meeting Date (scheduled)	Review Cycle (years)
Mozambique	24.01.2001	6 ^b
Madagascar	19.02.2001	6 ^b
Ghana (1)	26.02.2001	6
Macau (1)	19.03.2001	6
Costa Rica (1)	09.05.2001	6
Brunei Darussalam	21.05.2001	6
WTO Members of the Organization of East Caribbean States (OECS) ^c	05.06.2001	6
Gabon	25.06.2001	6
Cameroon (1)	25.07.2001	6
United States (5)	12.09.2001	2
Czech Republic (1)	17.10.2001	6
Mauritius (1)	02.11.2001	6
Slovak Republic (1)	21.11.2001	6
Malaysia (2)	03.12.2001	4
Uganda (1)	19.12.2001	6 ^b

^a Figures in brackets indicate number of previous reviews.

^b Least-developed country.

^c WTO Members of the Organization of East Caribbean States (OECS), namely, Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

Annex III

Proposed programme of reviews for 2002

Two-year cycle	European Union, Japan
Four-year cycle	Australia; Hong Kong, China; Mexico; India; South Africa
Six-year cycle	Barbados, Dominican Republic, Guatemala, Pakistan, Slovenia, Venezuela
Least-developed countries (six-year cycle)	Haiti, Malawi, Mauritania, Zambia