Committee on Agriculture
Special Session

PUBLIC STOCKHOLDING FOR FOOD SECURITY PURPOSES

PROPOSAL BY THE FOLLOWING G33 MEMBERS: ANTIGUA AND BARBUDA; BARBADOS; BELIZE; BENIN; BOLIVIA, PLURINATIONAL STATE OF; BOTSWANA; CHINA; CONGO; CÔTE D’IVOIRE; CUBA; DOMINICA; GRENADA; GUYANA; HAITI; HONDURAS; INDIA; INDONESIA; JAMAICA; KENYA; MADAGASCAR; MAURITIUS; MONGOLIA; MOZAMBIQUE; NICARAGUA; NIGERIA; SAINT KITTS AND NEVIS; SAINT LUCIA; SAINT VINCENT AND THE GRENADINES; SENEGAL; SRI LANKA; SURINAME; TANZANIA; TRINIDAD AND TOBAGO; TURKEY; UGANDA; VENEZUELA, BOLIVARIAN REPUBLIC OF; ZAMBIA AND ZIMBABWE

Revision

The following proposal, dated 15 September 2021, is being circulated at the request of the delegation of Indonesia on behalf of the aforementioned G33 Members.

DRAFT 12TH MINISTERIAL DECISION OF XX DECEMBER 2021

The Ministerial Conference,

Having regard to paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

[Conducting the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;]
(Note: This sentence will be required if this is a General Council decision.)

Taking note of the Ministerial Decision of 7 December 2013 (WT/MIN(13)/38 - WT/L/913), the General Council Decision of 27 November 2014 (WT/L/939) and the Ministerial Decision of 21 December 2015 (WT/MIN(15)/44 - WT/L/979);

Recognizing the importance of public stockholding for food security purposes for developing country Members and Least Developed Country Members (LDCs);

Decides as follows:

1. Members agree to put in place a permanent solution as set out below, for the use of public stockholding for food security purposes by developing country Members and LDCs.

2. Provided that the conditions set out in paragraphs 3 to 4 are met, Members shall not challenge through the WTO Dispute Settlement Mechanism, compliance of a developing Member with its obligations under Articles 6.3 and 7.2(b) of the Agreement on Agriculture (AoA) in relation to support provided for foodstuffs in pursuance of public stockholding programmes for food

1 This decision shall be an integral part of the Agreement on Agriculture, including but not limited as a subsequent annex of the Agreement.
security purposes, that are consistent with the criteria of paragraph 3, footnote 5, and footnotes 5 and 6 of Annex 2 of the AoA.

NOTIFICATION AND TRANSPARENCY

3. A developing Member benefiting from this Decision must have notified the Committee on Agriculture that it is exceeding or is at risk of exceeding either or both of its Aggregate Measurement of Support (AMS) limits (the Member's Bound Total AMS or the de minimis level) as result of its programmes mentioned above in respect of the concerned foodstuff for which the Member is seeking benefit of paragraph 2 of this Decision.

4. For the programmes referred to in paragraph 3, the Member shall notify to the Committee on Agriculture in the format specified under the Annex to this Decision.

ANTI-CIRCUMVENTION/SAFEGUARDS

5. A developing Member shall endeavour not to export from the procured stocks covered under paragraph 1 of this Annex unless requested by an importing Member.

6. Paragraph 5 shall not apply to exports for the purposes of international food aid, or for non-commercial humanitarian purposes.

CONSULTATIONS

7. A developing Member benefiting from this Decision shall upon request hold consultations with other Members on the operation of its public stockholding programmes notified under paragraph 3.

MONITORING

8. The Committee on Agriculture shall monitor the information submitted under this Decision.

FINAL PROVISIONS

9. This Ministerial Decision shall replace Bali Ministerial Decision of 7 December 2013 on Public Stockholding for Food Security Purposes (WT/MIN(13)/38 - WT/L/913) and General Council Decision on Public Stockholding for Food Security Purposes (WT/GC/W/688). Pending entry into force of the amendment to the AoA to give effect to this Decision, developing country Members shall have the benefits of this Decision and Members shall not challenge through the WTO Dispute Settlement Mechanism the compliance of a developing country Member with its obligations under Articles 6.3 and 7.2(b) of the Agreement on Agriculture with respect to any use by that Member of these provisions.

10. In the event of a conflict between the rights and obligations of the Members of the WTO under the present Decision and their obligations under any other instrument, their rights and obligations under the present Decision shall prevail.
ANNEX

NAME OF MEMBER

I. ENUMERATION OF THE PROGRAMME(S)

1. Name of the programme(s).
2. Foodstuff covered.
3. Relevant laws, regulations or guidelines.

II. DESCRIPTION OF THE FUNCTIONING OF THE PROGRAMME(S)

1. Agency in charge of implementation.
2. Date of commencement of the programme.
3. Factual description of how the programmes operate in respect of purchase of foodstuff, accumulation of foodstuff and release of foodstuff.

III. STATISTICAL INFORMATION (see Tables I and II)

IV. ADDITIONAL INFORMATION (as appropriate)

Table I – STATISTICAL INFORMATION, DOMESTIC ACTIVITIES

<table>
<thead>
<tr>
<th>Name of the crop</th>
<th>Annual purchases under the programme (quantity)</th>
<th>Annual releases under the programme (quantity)</th>
<th>Administered prices</th>
<th>Released prices</th>
<th>Total production (quantity)</th>
<th>Estimated quantities released to the beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

Table II – STATISTICAL INFORMATION, EXPORTS & IMPORTS

<table>
<thead>
<tr>
<th>Name of the crop</th>
<th>Total imports (quantity)</th>
<th>Total imports (value)</th>
<th>Total exports (quantity)</th>
<th>Total exports (value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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