



Committee on Agriculture  
Special Session

WORKING DOCUMENT

TEXTUAL SUGGESTIONS AND ANNEXES

16 FEBRUARY 2024

*This working document reflects the latest version of the textual suggestions and annexes presented by Members during the drafting and streamlining sessions on the draft text in document RD/AG/128 from 1 to 16 February 2024, as projected on the screen by the WTO Secretariat on **16 February 2024**.*

*It does not reflect the entirety of the comments made during the different sessions, including those relating to structural changes to the text such as moving sentences to facilitate the readability of the drafting suggestions. This working document is without prejudice to Members' positions.*

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## PREAMBLE

Black text: Chair's draft text in RD/AG/128

Blue text: changes proposed during the drafting session on 7 Feb 2024

Green text: changes proposed to the Blue Text (7 Feb 2024)

Purple text: changes proposed during the streamlining session (13 Feb 2024)

**Black bold text: changes proposed that have been accepted (13 February 2024)**

Orange text: changes proposed on 16 February 2024

**PP1:** *Emphasizing* the critical role that a rules-based, non-discriminatory, open, fair, inclusive, equitable and transparent multilateral trading system with the WTO at its core can play in addressing contemporary challenges faced by the food and agricultural systems[;] [including climate change and its impacts];

**PP2:** [*Expressing* our deep concern that the share of people facing hunger in the world was [most recently estimated by the Food and Agriculture Organization of the United Nations to have been around 9%/29.6% of the global population, [around 2.4 billion people were moderately or severely food insecure in 2022] concentrated predominantly in developing countries including least developed countries (LDCs);] / [around 9% of the global population, concentrated predominantly in developing countries including least developed countries (LDCs), as recently estimated by the Food and Agriculture Organization of the United Nations]]

**[PP2 bis (originally OP 4):** Members reiterate that [trade]/[trade, along with domestic production,] / [domestic production, along with trade] / [~~trade and domestic production~~] plays a vital role in improving [global] food security in all its dimensions and enhancing nutrition, and emphasize that progress on the topics under negotiation [listed below] [should]/[will] contribute to enhancing [global] food security.] ]

**PP3:** *Reaffirming our determination to* make progress towards the achievement of a fair, [equitable] and market-oriented agricultural trading system, ending hunger, achieving food security and improved nutrition, promoting [sustainable development in] / [sustainable] agriculture [and food systems] [in an equitable manner], and promoting the adoption of resilient agricultural practices [and ensure policy space] that enhance productivity and production in fulfilment of Sustainable Development Goal 2 of the United Nations, taking into account the interests of small-scale food and agriculture producers in developing countries;

**PP4:** *Reiterating* our commitment to take concrete steps to [promote domestic production,] facilitate trade and improve the functioning and long-term resilience of global markets for food and agriculture, [with a view to enhancing global food security and ensuring that the agriculture sector [continues to make] / [makes] a positive contribution to addressing contemporary sustainability challenges] / [with a view to achieving equitable rules that enhance global food security and ensure that the agricultural sector has the policy tools to contribute towards addressing contemporary sustainability challenges];

**PP5:** *Noting* with concern the lack of substantive progress on most agriculture negotiating issues to date, especially at the Eleventh and Twelfth Sessions of the Ministerial Conference, and recognizing that much work remains to be done to reach agreement on modalities [[across all relevant areas] / [especially in areas with overdue mandates]] so as to advance and successfully conclude the negotiations;

**PP6:** [*Recognizing* the work [undertaken under the auspices of] / [undertaken by] the Committee on Agriculture (CoA) [in implementing the AoA and Ministerial decisions, most recently] / [, including the work undertaken] pursuant to [paragraph 8 of] the Ministerial Declaration on the Emergency Response to Food Insecurity in relation to the needs of Least-Developed and Net Food-Importing Developing Countries [although consensus could not be reached];]

Move PP 2bis here:

**[PP2 bis (originally OP 4):** Members reiterate that trade[, along with domestic production,] / [domestic production, along with trade] / [~~trade and domestic production~~] plays a vital role in improving [global] food security in all its dimensions and enhancing nutrition, and emphasize that

progress on the topics under negotiation [listed below] [should]/[will] contribute to enhancing [global] food security. ] ]

**PP7:** We, the Ministers, having met in Abu Dhabi from 26 to 29 February 2024 at our Thirteenth Session of the Ministerial Conference of the World Trade Organization (MC13), decide accordingly:

## INTRODUCTION (PARAGRAPHS 1-8)

Black text: Chair's draft text in RD/AG/128

Red text: changes proposed during the first drafting session (1 Feb 2024)

Blue text: changes proposed during the second drafting session (6 Feb 2024)

Green text: changes proposed to the Blue Text (6 Feb 2024)

Purple text: changes proposed during the streamlining session (13 Feb 2024)

**Black bold text: changes proposed that have been accepted (13 February 2024)**

Orange text: changes proposed on 16 February 2024

1. Members reaffirm their commitment to continue the agriculture negotiations in accordance with ~~[the reform mandate under]~~ Article 20 of the Agreement on Agriculture (AoA) ~~[, an obligation under international law,]~~ and ~~[relevant]~~ **subsequent agricultural** Ministerial ~~[mandates]/[decisions]~~ and other Decisions adopted by Members. ~~[Members shall accordingly make all concerted efforts towards achieving tangible progress and balanced outcomes across [all] topics in the negotiations by the Fourteenth Session (MC14)\*[, including [agreeing and adopting] [an agreement] on a permanent solution to the issue of public stockholding for food security].]~~

[ ~~[To reflect option 1 of para. 29: \*Add last sentence to para 1: Members hereby agree and adopt a permanent solution to the issue of public stockholding for food security purposes.]~~
2. Members ~~[recognize the submissions on the various negotiating topics [to date]]~~ ~~[and that further work needs to be undertaken and]\*~~ / take note of the report prepared by the Chair of the Special Session of the Committee on Agriculture (CoA-SS) under his own responsibility<sup>1</sup>, which summarizes the state of play in the negotiations ~~[and captures the Members' positions.]~~ / ~~[and points out the areas of convergence and areas where there are [wide] divergences in Members' positions. [Members also [acknowledge]/[recognize] the submissions on the various negotiating topics [to date]]~~ ~~[and that further work needs to be undertaken.]~~ ~~[, including those contained in the [non-exhaustive] list annexed to the report.]~~ **\*\*Members commit to revitalize and intensify the negotiations after MC13. The negotiations shall build on the work undertaken thus far and be based on discussions among Members and existing and future submissions by them.]**

\*instead of having it at the end of the para.

\*\* instead of para. 3 below.
3. ~~[Members [welcome the progress made] / [note discussions]/ [welcome the work done] thus far [by the CoA-SS and its [dedicated sessions on public stockholding for food security purposes (PSH)] and the special safeguard mechanism for developing countries (SSM)] as reflected in the Chair's Report and commit to revitalize and intensify the negotiations after MC13. [The negotiations shall build on the work undertaken thus far and be based on discussions among Members and existing and future submissions by them [, as well as their relevant notifications].]~~
4. ~~[Members reiterate that [trade, along with domestic production,] / [domestic production, along with trade] plays a vital role in improving [global] food security in all its dimensions and enhancing nutrition, and emphasize that progress on the topics under negotiation listed below [should]/[would] contribute to enhancing [global] food security.] /~~

~~[move to preamble]~~
5. ~~[Members also acknowledge the need to make efforts to facilitate agricultural trade, including [by the full implementation of WTO agreements, and] [by working towards] / [by implementing the WTO Agreement on Trade Facilitation,] reducing the time and procedural costs related to the importation and exportation of food and agricultural inputs[.] [and for [non-commercial] international food aid transactions [including within the framework of the WTO Agreement on Trade Facilitation – Delete "including..." with change to first sentence].]~~
6. ~~[move to ER section] /~~ ~~[Recognizing the acute challenges faced by the most vulnerable Members while reaffirming / [affirming] exporting Members' right to apply such measures pursuant to existing WTO disciplines [pursuant to Article 12 of the AoA and Article XI of the GATT 1994],~~

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<sup>1</sup> Document TN/AG/...

and without prejudice to outcomes of any other negotiations / [discussions] in the future on export restrictions, Members agree that [net food-exporting Members<sup>2</sup>] [developed country Members and developing country Members that are net food-exporting] of a specific foodstuff shall[, to the extent possible,] refrain from imposing export prohibitions or restrictions on such foodstuff imported by LDCs [and Net Food-Importing Developing Countries (NFIDCs)]/[net food importing Members of the foodstuff concerned] for their domestic consumption to ensure their current food security needs, taking due account of past levels of imports [over ... years] [from the related exporting Member].]  
 [Sales shall be undertaken at market prices.] [The importing members will reduce applied tariffs or establish an autonomous TRQ for the concerned products.]

**A separate decision (as alt to para. 6):** Recognizing the acute challenges faced by the most vulnerable Members while [re]affirming exporting Members' right to apply such measures pursuant to Article 12 of the AoA and Article XI of the GATT 1994, and without prejudice to outcomes of any other negotiations in the future on export restrictions, Members agree that net food-exporting Members[FN1] of a specific foodstuff shall [, to the extent possible,] refrain from imposing export prohibitions or restrictions on such foodstuff imported by LDCs and [Net Food-Importing Developing Countries (NFIDCs)] / [developing country Members who are net food-importers] [of the specific foodstuff] for their domestic consumption to ensure their current food security needs, taking due account of past levels of imports [over ... years] [from the related exporting Member].]

**FN1:** For the purpose of this provision, the term "net food-exporting Members" does not include LDCs. /This provision shall not apply to LDCs.

[ALT 1 to para. 6: Recognizing the acute challenges faced by the most vulnerable Members [particularly LDCs and NFIDCs] while reaffirming exporting Members' right to apply such measures pursuant to Article 12 of the AoA and Article XI of the GATT 1994], and without prejudice to outcomes of any other negotiations / [discussions] in the future on export prohibitions and restrictions, Members agree that [net food-exporting Members<sup>3</sup>] of a specific foodstuff [shall]/[may] [to the extent possible] refrain from imposing export prohibitions or restrictions on ~~{consignments of}~~ such foodstuff imported by LDCs [and Net Food-Importing Developing Countries (NFIDCs)] / [[and] developing country Members who are net food-importers of the specific foodstuff] [for their domestic consumption to ensure their current food security needs, taking due account of past [three-year] levels of imports [over ...years] ~~{over a three-year period}~~]-[from the related exporting Member].]

7. Members recognize the importance of the implementation of existing notification and transparency obligations under Article 18 of the AoA [to provide notifications] / [and shall [make best possible efforts to] provide outstanding notifications] in a complete and comprehensive manner. [[Members [shall endeavour] / [are advised] to provide the value of production data, including for specific products, in their DS:1 notifications to substantiate *de minimis* claims.] / [move to DS section]] Members facing capacity constraints in fulfilling their notification and transparency requirements are encouraged to request technical assistance from the WTO Secretariat.
8. Special and differential treatment for developing countries[, in particular LDCs and NFIDCs,] [should be targeted/precise, effective, and operational and] shall be an integral part of the negotiations. [LDCs, [and/including recently graduated LDCs temporarily] [and NFIDCs], will be exempted from undertaking reduction commitments.] The non-trade concerns of Members shall be taken into account in the negotiations.

<sup>2</sup> For the purpose of this provision, the term "net food-exporting Members" does not include LDCs. /This provision shall not apply to LDCs.

<sup>3</sup> For the purpose of this provision, the term "net food-exporting Members" does not include LDCs. /This provision shall not apply to LDCs [and NFIDCs].

## DOMESTIC SUPPORT

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Red text: changes proposed during the first drafting session (1 Feb 2024)

Blue text: changes proposed during the second drafting session (6 Feb 2024)

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Purple text: changes proposed during the streamlining session (12 Feb 2024)

**Black bold text: changes proposed that have been accepted**

Orange text: changes proposed on 16 February 2024

**Texts proposed in small group of 15 February are introduced in brown bold text.**

9. ~~Members commit to pursue and intensify negotiations on domestic support entitlements and] to [cap/limit and] reduce substantially [proportionately, universally] and progressively [and address] [all forms of] / [all forms of/each variety of/every type] trade [and production] distorting domestic support [by an agreed reduction target] in an equitable manner and also improve disciplines in accordance with the reform objective in the AoA [including possible methodologies to stabilize international agricultural markets] and [with an objective to promote repurposing of subsidization programmes to less trade distorting forms] [within a reasonable timeframe to be agreed by Members] / [by 2030]. [Members agree to work towards adopting modalities by MC14] / Modalities [shall be agreed and adopted by MC14] / and they should [reflect different treatment depending on the effects of the support provided] / [preserve the policy space afforded to the developing countries under Article 6.2 for low income and resource poor farmers]. / [Modalities shall safeguard and ensure effective special and differential treatment and the ability to provide support to low income and resource poor farmers.] [Add elements from para. 11 last sentence]~~

**ALT 1 to para 9:** Members commit to pursue and intensify negotiations on domestic support, including through discussion and analysis of [all forms of] trade distorting support, to [cap and] reduce substantially and progressively [trade-distorting support in an equitable manner [by 2030], [with a view to levelling the playing field] / [with a view to eliminating existing asymmetries in FBTAMS entitlements] and improving disciplines in accordance with reform objectives in the AoA within a reasonable timeframe. [Modalities shall be agreed and a decision adopted by MC14.] / [Members agree to work towards agreeing modalities at MC14.]

**9bis (streamlining paras. 10 and 11):** These negotiations shall [[determine the [modality for] reduction [goals]/[approach] and [methodology]]. [Members' contributions to the reduction effort should be fair and equitable and take into account [the differences in access and use of domestic support entitlements] / [the different levels of domestic support [and existing entitlements],] and their effects on global markets]. [Modalities] / [Such negotiations] shall [[take into account [interests of importing and exporting Members,] [product specific support,] [as well as the need to encourage a shift towards less trade distorting support,] [and] safeguard and ensure effective special and differential treatment for developing and least developed countries, including [[preserving the policy space afforded to developing countries under art 6.2 for low income or resource poor farmers.]]/ and [preserve the ability to provide] support to low income or resource poor farmers and [to support diversification from growing illicit narcotic crops.]]] [Modalities should reflect different treatment depending on the effects of the support provided,] [with the possibility of reviewing the product specific de minimis support commitments to address food security challenges especially in times of emergency] [and recognizing that the NFIDCs shall not be required to make commitment to reduce their final consolidated AMS].

**[ALT 2 to para.9:** Members commit to pursue and intensify negotiations on domestic support to address existing asymmetries and imbalances in the WTO Agreement on Agriculture by eliminating the final bound total AMS entitlements within a reasonable timeframe to be agreed by Members. Modalities regarding the elimination of FBTAMS entitlements shall be established by the Members with special and differential treatment duly considering the socioeconomic realities of the farm sectors across different levels of development and adopt a per farmer-based approach.]

**[ALT 3 to para 9:** Members commit to pursue and intensify negotiations on domestic support with a view to eliminating existing asymmetries in final bound total AMS entitlement and to reduce substantially and progressively trade-distorting domestic support in an equitable manner in accordance with the reform objective in the AoA, within a reasonable timeframe to be agreed by Members. Appropriate and effective special and differential treatment for developing and least

developed countries shall be an integral part of the negotiations. Modalities shall be agreed and adopted by MC14.]

**Texts proposed in small group 15 February:** [and additional changes on 16 February]

**ALT 1 to para 9 and 9bis:** Members commit to pursue and intensify negotiations on domestic support to ~~[restrict/confine and]~~ reduce substantially and progressively ~~[all]~~ trade-distorting support in an equitable manner ~~[by 2030]~~. These negotiations shall determine the modalities for reduction of trade-distorting support. Special and differential treatment for developing and least developed countries shall be an integral part of the negotiations. ~~[Modalities shall be agreed and a decision adopted by MC14.] / [Members agree to work towards agreeing modalities at MC14.]~~ ~~Delete 242 annex~~

**ALT2 to para 9:** Members commit to pursue and intensify comprehensive negotiations on domestic support to ~~[restrict/confine and]~~-reduce substantially and progressively ~~[all]~~-trade-distorting support in an equitable manner ~~[by 2030]~~. ~~[Article 6.2 for resource-poor farmers shall be preserved in negotiations.]~~ [Modalities shall be agreed and a decision adopted by MC14.] / [Members agree to work towards agreeing modalities at MC14.]

**ALT3 para 9:** Members commit to pursue and intensify negotiations on domestic support to reduce substantially and progressively agriculture support, in an equitable manner. [Modalities shall be agreed and a decision adopted by MC14.] / [Members agree to work towards agreeing modalities at MC14.]

**[OR**

9. Members adopt modalities for domestic support, as set out in the Annex 1/X/[JOB/AG/242]/[JOB/AG/216] to this Decision.] [Members shall also have recourse to a domestic support trigger mechanism as per Annex 2/X<sup>4</sup> to this Decision.]

**OR**

[Pursuant to article 20 of AoA, Members adopt the modalities set out in Annex ... to this Decision (JOB/AG/243.Rev2.)]

10. Members' contributions to the reduction effort should ~~[be fair and equitable and]~~ take into account, *inter alia*, ~~[size of entitlements]~~ their global market participation ~~[effect on global markets]~~, ~~[their status as either importers or exporters]~~, the needs of developing Members ~~[as well as the need to encourage a shift towards less trade-distorting forms of domestic support]~~ ~~[the need to level the playing field]~~. ~~[refer to lists of proposals]~~ ~~[Modalities should reflect different treatment depending on the effects of the support provided.]~~ ~~[with the possibility of reviewing the product specific de minimis support commitments]~~ ~~[recognizing that the NFIDCs shall not be required to make commitment to reduce their final consolidated AMS]~~, ~~to address food security challenges especially in times of emergency.]~~

~~[ALT to para 10:~~ Members' contributions to the reduction effort should ~~[be fair and equitable and]~~ take into account, *inter alia*, ~~imbalances in existing final bound total AMS entitlements,~~ global market participation, ~~the interests of~~ importers or exporters, the needs of developing Members as well as the need to encourage a shift towards less trade-distorting forms of domestic support.]

11. ~~[These negotiations shall take into account ...]~~ Members shall consider addressing ~~[all forms of]~~ trade-distorting domestic support, in particular those concentrated in specific products ~~[addressing product specific concentration]~~ ~~[as well as reduction goals and reduction formula]~~. The needs of low-income or resource-poor farmers in developing countries ~~[and support to encourage diversification from growing illicit crops]~~ shall be taken into account in these negotiations. ~~/ [merge specific elements from para. 9]~~

~~[ALT to para. 11:~~ Members commit to address in particular the need for enhanced disciplines on product-specific trade-distorting domestic support.

<sup>4</sup> See text on page 26.

~~11bis: Recognizing the food security challenges faced by developing and least developed countries, domestic support provided by to low income or resource poor farmers under Article 6.2 shall not be subject to further limitations.]~~

12. [Recognizing the importance of the domestic support measures that meet the fundamental requirement that they have no, or at most minimal, trade-distorting effects or effects on production in the reform process and in assisting Members to address contemporary challenges, such as food security, rural livelihood security and environmental protection, Members [may consider reviewing and adapting] / [shall continue to discuss] the relevant criteria of Annex 2 and related transparency requirements, as necessary, to ensure they remain fit for purpose and enable Members to effectively address these challenges.]

**[ALT to para 12:** Recognizing the importance of **the green box** in assisting Members to address contemporary challenges, such as food security, rural livelihood security and environmental protection, Members **agree to review, adapt and strengthen** relevant criteria of Annex 2 and related transparency requirements, as necessary, to **enable Members to effectively address these challenges, while meeting the fundamental requirement that they have no, or at most minimal, trade-distorting effects or effects on production and trade.**



## MARKET ACCESS

Black text: Chair's draft text in RD/AG/128

Red text: changes proposed during the first drafting session (1 Feb 2024)

Blue text: changes proposed during the second drafting session (6 Feb 2024)

Green text: changes proposed to the Blue Text (6 Feb 2024)

Purple text: changes proposed during the streamlining session (12 Feb 2024)

**Black bold text: changes proposed that have been accepted**

Orange text: changes proposed on 16 February 2024

**Texts proposed in small group of 15 February are shown in brown bold text.**

13. Members commit to pursue and intensify the negotiations on agricultural market access to **reduce** substantially and progressively **protection, improve** market access opportunities for all Members and strengthen disciplines in accordance with the reform objective in the AoA, within a reasonable timeframe to be agreed by Members. [Modalities shall be agreed and a decision adopted by MC14 / Members agree to work towards achieving modalities by MC14.] / [Members agree to work towards tangible progress by MC14.]

**para. 14:** These negotiations [may/shall] [consider address[ing]] [a non-exhaustive list of issues which shall reflect Members' common understanding on outstanding issues in the market access pillar, and contribute to the objective of progressively and substantially reducing protection,]/ [tariff reductions and other elements such as tariff simplification, tariff escalation, high tariffs and tariff peaks, tariff rate quotas, [preference erosion,] [special products from a rural development or food and livelihood security perspective,] and special agricultural safeguards,] and] take into account global market participation, as well as interests [of importing and exporting Members]/ [and sensitivities of importing Members], including non-trade concerns. **Special and differential treatment for developing countries** [including on special products] **shall be an integral part of the negotiations.** ~~Members' contributions to the reduction of protection should be fair and equitable.~~ Technical discussions on relevant market access elements shall support these negotiations, as necessary, to facilitate effective participation by all Members in a common understanding, on the elements to be addressed in the negotiations.

### **Proposed text 16 February**

~~**ALT para 14:** Negotiations on all elements of market access shall be supported by technical discussions. These may address elements such as tariff simplification, tariff escalation, high tariffs and tariff peaks, transparency in changes of applied tariffs, tariff rate quotas, and special agricultural safeguards, and take into account the interests of both exporting Members and importing Members, as well as their sensitivities, including non-trade concerns. Special and differential treatment for developing countries shall be an integral part of the negotiations.~~

### **Texts from small group of 15 February** [and additional changes on 16 Feb]

**Alt 1 to para 13 and 14** - Members commit to pursue and intensify the negotiations on agricultural market access to reduce substantially and progressively protection. [**Alt 1.1** - These negotiations shall determine the modalities for the reduction of tariffs and shall consider addressing all tariffs and tariff rate quotas related measures[, taking into account the sensitivities of importing Members.] [**Alt 1.2** - These negotiations shall determine the modalities for the comprehensive reduction of market access protections.] Special and differential treatment shall be an integral part of negotiations and take into account non-trade concerns. [Modalities shall be agreed and a decision adopted by MC14 / Members agree to work towards achieving modalities by MC14.] / [Members agree to work towards tangible progress by MC14.]

### SPECIAL SAFEGUARD MECHANISM

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Blue text: changes proposed during the second drafting session (7 Feb 2024)

Green text: changes proposed to the Blue Text (7 Feb 2024)

Purple text: changes proposed during the streamlining session (13 Feb 2024)

**Black bold text: changes proposed that have been accepted (13 February 2024)**

Orange text: changes proposed on 16 February 2024

15. Pursuant to the Nairobi Ministerial Decision ([WT/MIN\(15\)/43-WT/L/978](#)), Members shall pursue and intensify negotiations in dedicated sessions of the CoA-SS on a special safeguard mechanism for developing country Members, as envisaged under paragraph 7 of the Hong Kong Ministerial Declaration ([WT/MIN\(05\)/DEC](#)), and to which the developing country Members will have the right to have recourse under paragraph 1 of the Nairobi Ministerial Decision. **[[Modalities shall be agreed and a decision] / [A special safeguard mechanism shall be]** adopted by MC14 / Members agree to work towards achieving modalities by MC14. **[\*Members agree to engage in enhanced technical discussions.]**  
\* to replace para 16:
16. ~~[In this context,]~~ Members agree to engage in enhanced technical discussions[.] / [on specific themes relevant to a special safeguard mechanism ~~{for developing countries to address import surges [and]/[or] price decreases}~~ / [to address developing countries' vulnerabilities to import surges ~~and~~ or price decreases] **[resulting from agreed-upon tariff reductions]**]. Technical elements of the existing Special Agricultural Safeguard instrument in Article 5 of the AoA and the experience gained in its implementation since 1995 may also be considered.
17. The General Council shall regularly review progress in these negotiations.

**EXPORT PROHIBITIONS AND RESTRICTIONS / ~~{ENHANCING AGRICULTURE PRODUCTION AND TRADE}~~**

Black text: Chair's draft text in RD/AG/128

Red text: changes proposed during the first drafting session (5 Feb 2024)

Blue text: changes proposed during the second drafting session (8 Feb 2024)

Green text: changes proposed to the Blue Text (8 Feb 2024)

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**Texts proposed in small group of 15 February are introduced in brown bold text.**

9. Members agree ~~[to discuss]~~ / ~~[[as part of the negotiations]~~ to continue the discussions] on ~~[ensuring]~~ / ~~[enhancing]~~ transparency and predictability of export prohibitions and restrictions ~~[and relevant disciplines]~~ **in Article 12 of the AoA and Article XI:2 (a) of the GATT 1994** ~~[and to work towards achieving [tangible] outcomes by MC14].~~

**ALT 1 to para 18 (with deletion of paras 19 and 20):** Recognizing the acute challenges faced by the vulnerable economies, Members reaffirm the importance of not imposing export prohibitions or restrictions in a manner inconsistent with relevant WTO provisions.

**Texts from small group 15 February**

**ALT 1 to para 18:** Members ~~[as part of the negotiations]~~ agree to discuss ways to enhance ~~[transparency and predictability [and disciplines] of]~~ / ~~[provisions on]~~ export prohibitions and restrictions as provided in Article 12 of the AoA and Article XI:2 a of the GATT 1994 ~~[and to achieve [tangible] outcomes by MC14 / and to work towards achieving [tangible] outcomes by MC14 / and to work towards tangible progress by MC14].~~

**ALT 2 to para 18:** Members, as part of the negotiations, agree to discuss the disciplines of export prohibitions and restrictions to enhance transparency and predictability.

**ALT 1 to 19 and 20:** To this end, Members agree to explore ways in the CoA to review and update the ER:1 notification format specified in G/AG/2, and discuss the implementation of current disciplines, while paying special consideration to LDCs and NFIDCs.

**ALT 2 to 19 and 20:** To this end, and taking into consideration an exporter's right to impose export prohibitions and restrictions in accordance with WTO rules, Members agree to

- i) explore ways in the CoA to facilitate timely access to clear and relevant information by Members having a substantial interest as an importer, taking into account the capacity constraints of developing country Members, and
  - ii) discuss the ~~[implementation of current]~~ disciplines on export prohibitions and restrictions, taking into account the interests of all Members, with particular attention to the needs of LDCs and NFIDCs. This discussion may work towards clarifying relevant terms in Article 12 of the AoA and Article XI:2 a of the GATT 1994<sup>5</sup> considering factual information and data, as appropriate, ~~[and addressing disciplines].~~
10. To this end, ~~[and taking into consideration an exporter's right to impose export prohibitions and restrictions in accordance with WTO rules,]~~ Members agree to explore ways ~~[in the CoA to review and update the ER:1 notification format specified in G/AG/2] / [of ensuring that Members adhere to the existing obligations]~~ ~~[improve implementation of the notification obligations in the CoA] / [explore ways [in the CoA to review] / [of improving transparency] and update [review] the ER:1 notification format specified in G/AG/2]~~ with a view to facilitate timely access to clear and relevant information by Members having a substantial interest as an importer, while minimizing administrative burdens on notifying Members. Members shall take due ~~[taking into]~~ account the capacity constraints of developing country Members.

<sup>5</sup> In accordance with customary rules of interpretation of public international law.

11. Members also agree to [discuss the implementation of current disciplines on export prohibitions and restrictions, [with an objective to enhance food security] taking into account the interests of all Members[, paying special consideration to LDCs and NFIDCs] / [with particular attention to the needs of LDCs and NFIDCs] ~~explore ways to improve the implementation of Article 12 of the AoA. These discussions may [work towards] include but are not limited to elements such as clarifying relevant terms in Article 12 of the AoA and Article XI:2(a) of the GATT 1994<sup>6</sup>; considering the role of evidence and data in instituting an export prohibition or restriction; improving [factual] information- and [data, as appropriate, [and addressing disciplines].] experience sharing at the CoA; and improving the implementation of disciplines on export prohibitions and restrictions.~~

**[ALT 1 to this section (entitled "Enhancing agricultural production, trade and food security"):**

1. Recognizing the acute challenges faced by the vulnerable economies Members acknowledge the importance of predictable agricultural and inputs markets and agree to continue the discussions on the role and impact of trade restrictive measures such as arbitrary environmental policies, unilateral coercive measures and export prohibitions and restrictions with a view of enhancing their transparency and predictability and minimizing negative consequences and risks for exporters and importers and reaffirm the importance of the imposition of trade restrictions in a manner consistent with relevant WTO provisions.
2. With an objective of enhancing agricultural trade, production and food security in particular in LDCs and NFIDCs, Members commit to make efforts towards increasing access to finance for normal level of imports and enhancement of production, improving transparency and efficiency of Food Aid programmes, intensifying technology transfer and facilitating agricultural trade through further negotiations based on the existing proposals and agree to adopt the food security trigger mechanism listed in the Annex XX]

**[Outside the ER section: New Section on a food security trigger mechanism / New Annex**

1.(a)(i) An importing members, especially An LDC or an NFIDC may give Aggregate Measurement of Support (AMS) covered under Article 6.4 of the Agreement on Agriculture in excess of the relevant de minimis limits by X% in case of basic foodstuffs which have witnessed net imports with imports accounting for greater than X% of domestic net food availability, in each year of the immediately preceding five calendar year period for which data is available.

(ii) The current de minimis limit shall be immediately re-applicable when the basic foodstuff in question has witnessed a level of self-sufficiency where domestic production is contributing X % and above of domestic net availability in each year of a consecutive five calendar year period for which data is available.

(iii) Members using the provision under Paragraph 1.(a)(i) shall file their annual domestic support (DS:1) notifications for the relevant years when the de minimis limit is exceeded. In addition such Members shall also file a notification on meeting the conditions specified under paragraph 1.(a)(i) above within the first calendar year of exceeding the de minimis limit.

1.(b)(i) An importing member, especially an LDCs or an NFIDCs may give Aggregate Measurement of Support (AMS) covered under Article 6.4 of the Agreement on Agriculture in excess of the relevant de minimis limits in case of basic foodstuffs imported that Member with immediate effect under a situation of food crisis when, for a month, the average monthly import price for that product exceeds the trigger price. The trigger price shall be X% of the Olympic average of the import price for the corresponding month of the immediately preceding five calendar year period (referred herewith as the "base period") for which data is available.

(ii) The current de minimis limit shall be re-applicable when the average monthly import price for that product falls below the trigger price of the "base period" for a consecutive six month period.

(iii) Members using the provision under Paragraph 1.(b)(i) shall file their annual domestic support (DS:1) notifications for the relevant years when the de minimis limit is exceeded. In addition such

<sup>6</sup> In accordance with [objective criteria] customary rules of interpretation of public international law.

Members shall also file a notification on meeting the price conditions specified under paragraph 1.(b)(i) above within the first calendar year of exceeding the de minimis limit

[The provisions under paras... above shall lapse [if by MC14 no modalities on domestic support are agreed and adopted] / [once a permanent solution on PSH is agreed]. For greater certainty, these provisions should [also be subject to the Domestic Support Trigger Mechanism under Annex 2/x of this Decision] / [form part of the domestic support modalities].]

## EXPORT COMPETITION

Black text: Chair's draft text in RD/AG/128

Red text: changes proposed during the first drafting session (5 Feb 2024)

Blue text: changes proposed during the second drafting session (8 Feb 2024)

Green text: changes proposed to the Blue Text (8 Feb 2024)

Purple text: changes proposed during the streamlining session (13 Feb 2024)

**Black bold text: changes proposed that have been accepted (13 February 2024)**

21. Members reaffirm their commitment to ensure an effective implementation and monitoring of the Nairobi Ministerial Decision on Export Competition ([WT/MIN\(15\)/45-WT/L/980](#)) **[including by reviewing [and exploring ways in the CoA to update] the existing transparency requirements] [, and undertake to improve the export competition questionnaire and to find concrete ways to improve its response rates]**, taking due account of the capacity constraints of developing country Members.]
22. **[Members [commit to pursue and intensify] / [agree to continue] negotiations [on export competition[, including discussions]] [to enhance disciplines] on export credits, export credit guarantees or insurance programmes, agricultural exporting state trading enterprises and international food aid[;] [to ensure that [these measures do not result in a circumvention of] / [no circumvention threatens] export subsidy elimination commitments and to prevent non-commercial transactions from being used to circumvent such commitments.] [Members agree to work towards making tangible progress in these negotiations [after modalities have been agreed and adopted in both domestic support and market access] by MC14, building on the evidence amassed during the review undertaken in the CoA.] / [Stronger disciplines[, including a revised export competition questionnaire,] shall be adopted by MC14 and be implemented within a reasonable timeframe agreed by Members.]]]**
23. Special consideration shall be given to the needs and circumstances of least-developed and net food-importing developing countries, including by exploring ways to enhance the transparency of the implementation of the Nairobi Decision on Export Competition in relation to the specific provisions therein for LDCs and NFIDCs on export credits, export credit guarantees or insurance programmes and international food aid.

## COTTON TRADE-RELATED COMPONENT

Black text: Chair's draft text in RD/AG/128 or

**Black text in bold:** new text that has been stabilized

**Red text:** changes proposed during the first drafting session (5 Feb 2024)

**Blue text:** changes proposed during the second drafting session (8 Feb 2024)

**Green text:** changes proposed to the Blue Text (8 Feb 2024)

**Purple text:** changes proposed during the streamlining session (13 Feb 2024)

**Texts from small group 15 February are introduced in brown bold.**

12. Members undertake to pursue and intensify negotiations on cotton trade related measures ~~[, on the basis of the Communication in TN/AG/GEN/53-TN/AG/SCC/25,]~~ in line with the mandate ~~[s]~~ ~~[pursuant to the Hong Kong Ministerial Declaration (WT/MIN(05)/DEC), Bali Ministerial Decision (WT/MIN(13)/41-WT/L/916), and Nairobi Ministerial Decision (WT/MIN(15)/46-WT/L/981)]~~ to address it ambitiously, expeditiously and specifically within the agriculture negotiations ~~[, in order to stabilize or overcome instability in international or domestic cotton markets]~~ / ~~[in particular with a view to reduce substantially [inequitable] trade distorting [domestic] support [and \*\*protection] [for cotton] / [impacting the cotton market] [\*and increasing the inequities, in particular to the detriment of cotton producing and exporting LDCs] [including to address product specific concentration in cotton] in accordance with [specific] modalities that would be agreed and adopted by Members by MC14].~~

~~\*instead of "[inequitable]"~~

~~\*\*For greater clarity, protection in this Decision refers to market access barriers including tariffs and non-tariff barriers for the entry of cotton produced and exported by cotton producing and exporting LDCs.~~

**ALT to para. 24:** Members undertake to pursue and intensify negotiations on cotton trade-related measures, based on Members' submissions ~~[FN]~~, and pursuant to the cotton elements of the Hong Kong, Bali, and Nairobi Ministerial Decisions, to address it ambitiously, expeditiously and specifically within the agriculture negotiations. These negotiations shall seek to reduce substantially and progressively [the most] trade distorting domestic support in the cotton market. ~~[Members shall also [seek meaningful reduction to market access barriers] / [discuss other \*issues that negatively affect cotton markets], particularly [emphasizing] those to the detriment of cotton producing and exporting LDCs.]~~ [Specific modalities **[on domestic support]** shall be agreed and adopted by Members by MC14.]

~~[[FN] referencing inter alia C4 Communication]~~

**[Para. 24bis:** [Pursuant to [the mandates set out in para. 24]/the Hong Kong, Bali, and Nairobi Ministerial Decisions,] [T]these negotiations shall also seek to significantly reduce market access barriers [with a focus on the needs of] / [for] cotton producing and exporting LDCs.]

**[Text from small group 15 February Para. 24bis:** [Pursuant to [the mandates] / [the decisions] set out in para. 24]/the Hong Kong, Bali, and Nairobi Ministerial Decisions,] [T]these negotiations shall also seek to significantly reduce market access barriers pursuant to the mandates in the cotton elements of the Hong Kong, Bali and Nairobi Decisions ~~[in favour of] [with a focus on the needs of] / [for] cotton producing and exporting LDCs.]~~ ]

**[Para. 24ter:** Specific modalities shall be agreed and adopted by Members by MC14.]

13. Members undertake to continue efforts aimed at enhancing transparency and monitoring of cotton-related trade measures affecting the global cotton market through the Dedicated Discussions on Cotton held on a bi-annual basis, as mandated by paragraphs 5, 6 and 7 of the Bali Ministerial Decision on Cotton ([WT/MIN\(13\)/41-WT/L/916](#)) and confirmed in paragraph 14 of the Nairobi Ministerial Decision on Cotton ([WT/MIN\(15\)/46-WT/L/981](#)). **Members reaffirm the need to respect their notification obligations in the context of the required transparency.**

**25 bis:** Members are encouraged to open their markets ~~[allowing greater] / [and] purchase[s] [of] more cotton products and byproducts from cotton-producing LDCs, including through the offer of duty-free quota-free market access.~~

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**COTTON DEVELOPMENT ASSISTANCE COMPONENT**

14. Members reaffirm that development-related aspects of cotton shall be addressed as provided for in paragraph 12 of the Hong Kong Ministerial Declaration ([WT/MIN\(05\)/DEC](#)) and paragraphs 10, 11, 12 and 13 of the Nairobi Ministerial Decision ([WT/MIN\(15\)/46-WT/L/981](#)).
15. Members reiterate their commitment to the rules-based multilateral trading system, which strengthens the possible synergies between trade in cotton, productive investment and development assistance for LDCs. They recognize the need for an inclusive partnership that makes cooperation and negotiations the preferred instruments for finding the most appropriate solutions to the considerable systemic and cyclical challenges faced by cotton-producing and -exporting **[developing countries and]** LDCs, in particular the C-4 countries.
16. Members underscore the central role of the WTO Director-General's Consultative Mechanism on Cotton as an international forum of reference bringing together the various stakeholders of the global cotton community (public and private sectors, **[and]** multilateral agencies) and as an effective multilateral consultation platform for the development of cotton-producing and -exporting LDCs. As such, they agree to coordinate cotton development assistance interventions, follow up on completed and ongoing projects, and use this platform to attract and mobilize further investment with a view to promoting and supporting the production, processing and marketing of cotton and its by-products in **[cotton-producing and -exporting developing countries and]** LDCs**[, and in particular the C4 countries]**.

**New 29:** Members welcome the initiatives undertaken ~~by~~ with development partners over recent years such as partners' conferences, World Cotton Day, **[the FIFA-WTO Memorandum of Understanding]** / **[the Memoranda of Understanding that the WTO has undertaken]**, aimed at better integrating the cotton sector of LDCs, in particular C4, in global value chains for value-added products deriving from cotton and its byproducts, and encourage all development partners to intensify their efforts in this perspective.

**Original in French:** Les membres saluent les initiatives entreprises ~~par~~ avec les partenaires au développement au fil des dernières années telles que les conférences des partenaires, la journée mondiale du coton, le Mémoire d'Accord FIFA-OMC visant à mieux intégrer la filière coton des PMA, en particulier du C4 dans les chaînes de valeur mondiales pour les produits à valeur ajoutée dérivant du coton et de ses co-produits, et encouragent tous les partenaires au développement à intensifier leurs efforts dans cette perspective.



## PUBLIC STOCKHOLDING FOR FOOD SECURITY PURPOSES (PSH)

Black text: Chair's draft text in RD/AG/128

Red text: changes proposed during the first drafting session (2 Feb 2024)

Blue text: changes proposed during the second drafting session (7 Feb 2024)

Green text: changes proposed to the Blue Text (7 Feb 2024)

Purple text: changes proposed during the streamlining session (13 Feb 2024)

**Black bold text: changes proposed that have been accepted (13 February 2024)**

Orange text: changes proposed on 16 February 2024

**Texts proposed in small group of 15 February are in brown (bold) text.**

29. [Pursuant to the **Bali Ministerial Decision (WT/MIN(13)/38-WT/L/913), the General Council Decision (WT/L/939), and** Nairobi Ministerial Decision ([WT/MIN\(15\)/44-WT/L/979](#)), Members adopt a permanent solution as set out in Annex ...~~[1/X]~~ to this Decision.]

OR

29. [Pursuant to the [Bali Ministerial Decision \(WT/MIN\(13\)/38-WT/L/913\)](#), the [General Council Decision \(WT/L/939\)](#), and Nairobi Ministerial Decision ([WT/MIN\(15\)/44-WT/L/979](#)), Members undertake to pursue and intensify negotiations on PSH in dedicated sessions of the CoA-SS~~[, actively involving NFIDCs and LDCs,]~~ / ~~[with particular attention to the needs of LDCs and NFIDCs]]~~ and **[make all concerted efforts to]** agree **[and adopt]** /~~[Modalities shall be agreed and a decision adopted by MC14 on]~~ a permanent solution on the issue of public stockholding for food security purposes ~~[by MC14]~~. The permanent solution shall be available to all developing country Members.

### Texts from small group 15 February

**ALT 1 to 29:** Pursuant to the Bali Ministerial Decision (WT/MIN(13)/38-WT/L/913), the General Council Decision (WT/L/939), and Nairobi Ministerial Decision ([WT/MIN\(15\)/44-WT/L/979](#)), Members shall intensify negotiations on PSH in dedicated sessions of the CoA-SS and adopt a permanent solution on public stockholding for food security purposes [by MC14]. The permanent solution shall be available to all developing country Members.

30. These negotiations **[shall]** / **[may]** ~~[prioritize to pay particular attention to [the food security challenges] / [the needs and interests] of LDCs and NFIDCs, particularly in determining domestic food security targets and product coverage.]~~ consider all relevant issues ~~[within the context of Article 20 of the AoA], including [overall domestic support reform negotiations,]~~ domestic food security targets of the programmes ~~[and the size of programmes]; [adequate] product coverage; [effective] safeguards and anti-circumvention, including with respect to exports; transparency; and legal certainty. [Such programmes shall not distort trade or adversely affect the food security of other Members.]~~ **[They shall also consider the impact of inflation on calculations of the Aggregate Measurement of Support.<sup>7</sup>]**

**[ALT to para. 30:** These negotiations shall define the conditions to allow developing country Members for the provision of product-specific domestic support, through policies that do not meet the fundamental requirement and the basic criteria of Annex 2 of the AoA, in relation to the accumulation and holding of stocks which form an integral part of a food security programme identified in national legislation. These negotiations shall take into consideration all relevant issues within the context of Article 20 of the AoA, and address issues such as domestic food security targets of the programmes; coverage (products, programmes, value and volume); support measurement; transparency, safeguards and anti-circumvention; legal certainty. The negotiations shall ~~prioritize pay particular attention to [the food security challenges]/ [the needs and interests]~~ of LDCs and NFIDCs, particularly in determining domestic food security targets and product coverage.]

### **[Delete original paragraph 30]**

<sup>[7]</sup> This could involve considering eligible production and reviewing the external reference price ~~[in the broader context of domestic support negotiations] / [in the context of para. 5 of Annex 2 and para. 8 of Annex 3 of the AoA].]~~

**[Move 31 to 30:** Taking into account the acute food security challenges and vulnerabilities of developing countries in particular NFIDCs and LDCs, and pending the adoption of a permanent solution, Members agree to extend the Bali Interim Solution established by the Ministerial Decision of 7 December 2013 ([WT/MIN\(13\)/38-WT/L/913](#)) and the General Council Decision of 27 November 2014 ([WT/L/939](#)) to public stockholding programmes for food security purposes of [developing countries including] [LDCs] / [NFIDCs and LDCs] [enacted after 7 December 2013] / [existing as of the date of this Decision]. This provision to extend the Bali Interim Solution shall lapse by 20XX/[2035].]

[Move this outside of this section, to the Introduction section:]

31. ~~[[~~Taking into account the acute food security challenges and vulnerabilities of **[developing countries in particular]** LDCs **[and NFIDCs]**, and pending the adoption of a permanent solution, Members ~~[shall consider X flexibility for such Members facing food security challenges]~~ / [agree to extend the Bali Interim Solution established by the Ministerial Decision of 7 December 2013 ([WT/MIN\(13\)/38-WT/L/913](#)) and the General Council Decision of 27 November 2014 ([WT/L/939](#)) to public stockholding programmes for food security purposes of **[developing countries including]** LDCs **[and NFIDCs]** enacted after 7 December 2013.] **[ADD a sunset clause: The provisions under this paragraph shall lapse if by MC14 no domestic support modalities are agreed and adopted. These provisions shall be subject to the Domestic Support Trigger Mechanism under Annex 2/X of this Decision.]**~~]/~~ **[a permanent solution for developing countries]**
32. The General Council shall regularly review progress in these negotiations.]

**[ANNEX 1/X**

**MINISTERIAL DECISION ON PUBLIC STOCKHOLDING FOR  
FOOD SECURITY PURPOSES FOR DEVELOPING COUNTRY MEMBERS<sup>8,[9]</sup>**

The 13<sup>th</sup> Ministerial Conference,

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

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);

Reiterating our deep concern regarding the exacerbation of Global Hunger, predominantly in the developing countries;

Recognizing the importance of public stockholding for food security purposes for developing country Members in the fight against hunger, including Least-Developed and Net Food-Importing Developing Countries (NFIDCs);

Decides:

1. Members hereby agree and adopt the permanent solution for the use of public stockholding for food security purposes by developing country Members.
2. Notwithstanding any provision of the Agreement on Agriculture (AoA), domestic support provided by a developing country Member pursuant to public stockholding programmes for food security purposes, shall be deemed to be in compliance with Articles 3.2, 6.3 and 7.2(b) of the Agreement on Agriculture (AoA), provided that the conditions set out in paragraphs 5 to 9 of this Decision are met.
3. Where public stockholding programmes for food security purposes of a developing country Member include programmes under which stocks of foodstuffs are acquired and released at administered prices, then, for the purposes of footnote 5 of Annex 2, the Aggregate Measurement of Support (AMS) shall be calculated<sup>10</sup> based on the actual quantity of foodstuffs acquired at administered prices, and the external reference price in this regard shall be either of the following:
  - (a) the three-year average price (f.o.b for a net exporter or c.i.f for a net importer) based on the preceding five-year period excluding the highest and the lowest entry for that product; or
  - (b) adjusted for excessive inflation as per the methodology given in Appendix B.
- 4.1 This Decision does not preclude developing country Members from introducing public stockholding programmes for food security purposes in accordance with the relevant provisions of the Agreement on Agriculture.
- 4.2 For greater clarity, paragraph 5 to 9 of this Decision applies when a developing country Member concerned exceeds the applicable Aggregate Measurement of Support (AMS) limits under the AoA, i.e., the Member's Bound Total AMS or the *de minimis* level, as applicable, as a result of the public stockholding programmes for food security purposes covered under paragraph 2 of this Decision.

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<sup>8</sup> For greater certainty the term "developing country Members" includes least-developed country Members.

<sup>9</sup> This Decision is an integral part of the Agreement on Agriculture.]

<sup>10</sup> Least Developed Country Members [and NFIDCs] shall not be required to include in the calculation of their Current Total AMS or *de minimis* level and shall not be required to reduce, programmes for the acquisition of foodstuffs at administered prices by the Government.]

**ANTI-CIRCUMVENTION/SAFEGUARDS**

- 5.1 Stocks acquired under public stockholding programmes for food security purposes covered under paragraph 2 of this Decision shall not substantially distort trade or adversely affect the food security of other Members.
- 5.2 Upon reference to the Understanding on rules and procedures governing the settlement of disputes (DSU), subparagraph 5.1. shall be applied only in accordance in full conformity with the meanings provided under relevant provisions of Part III, Part VIII and Article 31 of the Agreement on Subsidies and Countervailing Measures.
6. A developing country Member shall [endeavor] not [to] export from acquired stocks.[, except for the purposes of international food aid, or for non-commercial humanitarian purposes, or when requested by Net Food-Importing Developing Countries and least developed countries in the same geographic region or in any other region, or any member facing food shortages and higher food inflation during international food crisis.] [If the three-year average share of the developing country Member on the world market of the product concerned increased more than [X percentage points], it should not be eligible for the relevant PSH programme.]

**NOTIFICATION AND TRANSPARENCY**

7. The operation of programmes referred to in paragraph 2 above shall be transparent and conducted in accordance with officially published criteria.
8. A developing country Member shall notify domestic support under these programmes on an annual basis in accordance with their domestic support notification requirements under the AoA in accordance with document G/AG/2 of 30 June 1995. Supporting Table DS:5 shall be notified in accordance with paragraph 3 above.
9. Any public stockholding programmes for food security purposes covered under paragraph 2, or modification thereof, shall be notified promptly under Article 18.3 as a DS:2 notification in accordance with document G/AG/2 of 30 June 1995.

**CONSULTATIONS AND DISPUTE SETTLEMENT**

10. Any Member who has reason to believe that a developing country Member benefitting from this Decision has not met the conditions set out in paragraphs 5 to 9 of this Decision, may request consultations. The provisions of Articles XXII and XXIII of the GATT 1994 as elaborated and applied by the Dispute Settlement Understanding (DSU) shall apply to such consultations and consequent settlement of disputes under this Decision. The consulted developing country Member shall use the Appendix A to this Decision to provide information which shall serve as the basis for consultations.

**FINAL PROVISIONS**

- 11.1 The Agreement on Agriculture shall stand amended with the insertion of Annex 6 as provided in Attachment 1 to this Decision and for consistency purposes amendments as provided in attachment 2.
- 11.2 The Protocol of Amendment contained in Attachment 3 to this Decision is hereby adopted.
- 11.3 The Protocol of Amendment shall remain open for acceptance until [XXXX].
- 11.4 The Protocol shall enter into force in accordance with Article X:3 of the WTO Agreement.
- 11.5 Pending entry into force of the Protocol and the amendment, developing country Members may use the provisions under Attachment 1 to 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 3.2, 6.3 and 7.2(b) of the Agreement on Agriculture with respect to any use by that Member of these provisions;

12. In the event of a conflict between a provision of this Decision and any other instrument of the Multilateral Trade Agreements of the WTO or any other decision of the Members, the provisions of this Decision shall prevail to the extent of the conflict.

**[ALT to paras. 1-12 and Appendix A and Appendix B:**

1. Until the Protocol amending the WTO Agreement on Agriculture attached to this Decision enters into force both the product specific limits set and the domestic support trigger mechanism as set out in the proposed amendment shall apply, after the implementation of this Decision, to all domestic support under Article 6.
2. The Protocol amending the WTO Agreement on Agriculture, Annex 1A of the Agreement establishing the World Trade Organization, attached to this Decision is hereby adopted and submitted to the Members for acceptance.
3. The Protocol shall hereby be open for acceptance by Members.
4. The Protocol shall enter into force in accordance with the provisions of paragraph 3 of Article X of the WTO Agreement.]

[Move protocol of amendment to the end of the Decision (before Attachment 1 Annex 6)]

**APPENDIX A**

NAME OF MEMBER

**I. ENUMERATION OF THE PROGRAMME(S)**

- A. Name of the programme(s):
- B. Foodstuff covered:
- C. Relevant laws, regulations or guidelines:

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

- A. Agency in charge of implementation:
- B. Date of commencement of the programme:
- C. Factual description of how the programmes operate in respect of purchase of food stocks, accumulation of food stocks and release of food stocks:

**III. STATISTICAL INFORMATION (SEE ATTACHED TABLES I-II)**

**IV. ADDITIONAL INFORMATION (AS APPROPRIATE)**

Period: ....

• **TABLE I - STATISTICAL INFORMATION, DOMESTIC ACTIVITIES**

Name of the crop	Annual purchases under the programme (quantity)	Annual releases under the programme (quantity)	Administered prices	Released prices	Total production (quantity)	Estimated quantities released to the beneficiaries
1	2	3	4	5	6	7

• **TABLE II - STATISTICAL INFORMATION, EXPORTS & IMPORTS**

Name of the crop	Total imports (quantity)	Total imports (value)	Total exports (quantity)	Total exports (value)
1	2	3	4	5

### **APPENDIX B: Adjusting the external reference price for excessive inflation**

- a. Rates of inflation as determined by the relevant national authority of a Member shall be the basis for considering excessive inflation.
- b. After due consideration by a national authority:
  - i. For any year, using the actual rate of inflation an index would be determined, taking 1986-88 as the base period. In parallel, for each year a comparator index for the normal level of inflation would be determined using *X* % as the rate of inflation on 1986-88 as the base period.
  - ii. A Member would be considered to have faced excessive rate of inflation in a particular year, if the index based on the actual rate of inflation (with base year 1986-88) exceeds the comparator index for the normal rate of inflation (with base year 1986-88) for the particular year.
  - iii. For a given year, the difference between the indices for the actual rate of inflation and the comparator normal rate of inflation would be calculated.
  - iv. The concerned Member would have the flexibility to adjust the external reference price by a factor based to the difference between the indices for the actual rate of inflation and the comparator normal rate of inflation.
  - v. The adjusted external reference price (ERP) =  $ERP \text{ in base year } * (100 + \{ \text{index for actual inflation} - \text{index for comparator normal inflation} \}) / 100$

### **ATTACHMENT 1**

#### **ANNEX 6**

#### *Domestic Support Measures by Developing Country Members: Public Stockholding for Food Security Purposes*

Notwithstanding any other provision contained in this Agreement, developing country Members, including Least Developed Country Members shall be eligible to implement programmes in respect of public stockholding for food security purposes that are consistent with the criteria set forth in this Annex.

#### **Programmes for public stockholding for food security purposes**

1. Programmes for public stockholding for food security purposes shall include, but not be limited to:
  - a. programmes for the acquisition of foodstuffs at administered prices by the Government in developing country Members/Least Developed Country Members with the objective of supporting low income or resource poor producers;
  - b. programmes for the acquisition of foodstuffs at administered prices by the Government in developing country Members/Least Developed Country Members and its subsequent distribution at subsidized prices with the objective of meeting food security requirements of urban and rural poor, and of maintaining adequate availability of foodstuff and/or ensuring food price stability.
2. The operation of programmes referred to in paragraph 1 above shall be transparent and conducted in accordance with officially published objective criteria or guidelines.

#### **Notification**

3. Members shall notify domestic support provided under programmes referred to under paragraph 1 of this Annex to the Committee on Agriculture on an annual basis in accordance

with their domestic support notification requirements under the AoA in accordance with document G/AG/2 of 30 June 1995.

### Other Provisions

4. Stocks acquired under programmes referred to in paragraph 1 shall not substantially distort trade or adversely affect the food security of other Members.
5. A developing country Member shall [endeavor] not [to] export from acquired stocks, except for the purposes of international food aid, or for non-commercial humanitarian purposes, or when requested by Net Food-Importing Developing Countries and least developed countries in the same geographic region or in any other region, or any member facing food shortages and higher food inflation during international food crisis. [If the three-year average share of the developing country Member on the world market of the product concerned increased more than [X percentage points], it should not be eligible for the relevant PSH programme.]
6. Programmes referred to in paragraph 1 shall be implemented in accordance with the conditions set out in paragraphs 2 to 5 of this Annex.
7. Where programmes referred to in paragraph 1 include programmes under which stocks of foodstuffs are acquired and released at administered prices, then, for the purposes of footnote 5 of Annex 2, the Aggregate Measurement of Support (AMS) shall be calculated<sup>11</sup> based on the actual quantity of foodstuffs acquired at administered prices, and the external reference price in this regard shall be either of the following:
  - i. the three-year average price (f.o.b for a net exporter or c.i.f for a net importer) based on the preceding five-year period excluding the highest and the lowest entry for that product; or
  - ii. adjusted for excessive inflation as per the methodology provided in paragraph 8 below.
8. The external reference price shall be adjusted for excessive inflation in accordance with the following principles:
  - a. Rates of inflation as determined by the relevant national authority of a Member shall be the basis for considering excessive inflation.
  - b. After due consideration by a national authority:
    - i. For any year, using the actual rate of inflation an index would be determined, taking 1986-88 as the base period. In parallel, for each year a comparator index for the normal level of inflation would be determined using X % as the rate of inflation on 1986-88 as the base period.
    - ii. A Member would be considered to have faced excessive rate of inflation in a particular year, if the index based on the actual rate of inflation (with base year 1986-88) exceeds the comparator index for the normal rate of inflation (with base year 1986-88) for the particular year.
    - iii. For a given year, the difference between the indices for the actual rate of inflation and the comparator normal rate of inflation would be calculated.
    - iv. The concerned Member would have the flexibility to adjust the external reference price by a factor based to the difference between the indices for the actual rate of inflation and the comparator normal rate of inflation.
    - v. The adjusted external reference price (ERP) = ERP in base year \*(100+ {index for actual inflation – index for comparator normal inflation})/100

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<sup>11</sup> Least Developed Country Members [and NFIDCs] shall not be required to include in the calculation of their Current Total AMS or *de minimis* level and shall not be required to reduce, programmes for the acquisition of foodstuffs at administered prices by the Government.]

9. This Annex shall not preclude developing country Members, including Least Developed Country Members, from introducing public stockholding programmes for food security purposes in accordance with the other applicable provisions of this Agreement.
10. For greater clarity, paragraphs 2 to 5 of this Annex shall apply only when the concerned developing country Member exceeds the applicable Aggregate Measurement of Support (AMS) limits under this Agreement, i.e., the Member's Bound Total AMS or the *de minimis* level, as applicable, as a result of the public stockholding programmes for food security purposes covered under paragraph 1 of this Annex.

## ATTACHMENT 2

For consistency the following amendments shall be made to the Agreement on Agriculture:

1. **Article 6:1**: A sentence to be added at the end of the Article that "Exceptions to domestic support measures specified in Annex 6 will apply to developing country Members, notwithstanding anything stated in this Agreement".
2. **Article 7:1**: Words "and Annex 6" to be added after reference to Annex 2.
3. **Article 7:2(a)**: Words "and Annex 6" to be added after reference to Annex 2.
4. **Article 7.2(b)**: A sentence to be added that "This provision shall not apply to programmes listed in Annex 6 of the AoA".
5. **Article 18.3**: Words "or in Annex 6" to be added after reference to Annex 2.
6. **Article 19**: The following shall be added at the end of Article 19:
7. "Provided however that Article XXIII of the GATT 1994, and Article 3.8 of the Dispute Settlement Understanding, shall not apply to any disputes arising from operation of programmes referred to in Annex 6 of this Agreement;
8. Provided further that upon reference to paragraph 4 of the Understanding on rules and procedures governing the settlement of disputes (DSU), paragraph 4 of Annex 6 shall be applied in accordance with the relevant provisions of Part III, Part VIII and Article 31 of the Agreement on Subsidies and Countervailing Measures."
9. **Annex 3**: Opening sentence to be revised to "Subject to the provisions of Article 6 and Annex 6 ...".
10. **Footnote 5 of Annex 2**: shall be revised in accordance with paragraph 7 and 8 of Annex 6.

## ATTACHMENT 3

### PROTOCOL OF AMENDMENT

The 13<sup>th</sup> Ministerial Conference,

Having regard to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

Decides as follows: ...

2. The Agreement on Agriculture shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of Annex 6 as set out in the Annex to this Protocol.
3. Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Members.
4. This Protocol is hereby open for acceptance by Members [until \_].



5. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.<sup>12</sup>
6. This Protocol shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Member a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph 3.
7. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

*Done* at (place) this (date) day of (month) (year), in a single copy in the English, French and Spanish languages, each text being authentic. **]**

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<sup>12</sup> For the purposes of calculation of acceptances under Article X.3 of the WTO Agreement, an instrument of acceptance by the European Union for itself and in respect of its member States shall be counted as acceptance by a number of Members equal to the number of member States of the European Union which are Members to the WTO.

## **ANNEX 2/X**

### **DOMESTIC SUPPORT TRIGGER MECHANISM (DSTM)**

1. Notwithstanding the provisions of paragraph 1 of Article I and 1(b) of Article II of GATT 1994, any Member may take recourse to a Domestic Support Trigger Mechanism in connection with the importation of an agricultural product if any of the following conditions are met:
  - a. if in its notifications, as from 2024, the exporting Member has provided any Product-Specific AMS above 10% of its Value of Production in the previous notified year for that product or group of products; or
  - b. if in its notification obligations under paragraph 2 of Article 18, the exporting Member has not submitted to the Committee on Agriculture its notification on domestic support 2 years following the notification deadline; or
  - c. if, pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes, a determination has been made on the existence of product-specific domestic support beyond 10% of the Value of Production (or a circumvention of the relevant disciplines) by the exporting Member.
2. The DSTM shall only be maintained until the end of the calendar year in which it has been imposed and may only be levied at a level which shall not exceed 50% of the level of the ordinary customs duty<sup>[1]</sup> in effect in the year in which the action is taken. In those cases where the ordinary customs duty level in ad valorem terms is equal or less than 10%, the DSTM may be levied to that level.
3. The DSTM shall only be applied to the imported agricultural products of the same origin and for which the corresponding triggering condition has been met for the calendar year in which the action is taken. Any recourse to the DSTM beyond the calendar year in which the action is initially taken shall require a new communication to the Committee on Agriculture on the continued existence of the triggering condition, consistent with the process outlined in paragraph 1 above.
4. The operation of the DSTM shall be carried out in a transparent manner. Any Member taking action under the DSTM shall give notice in writing to the Committee on Agriculture as far in advance as may be practicable and in any event within 10 days of the implementation of such action. A Member taking action under the DSTM shall afford any interested Members the opportunity to consult with it in respect of the conditions of application of such action.
5. Where measures are taken in conformity with the provisions above, Members undertake not to have recourse, in respect of such measures, to the provisions of paragraphs 1(a) and 3 of Article XIX of GATT 1994, or paragraph 2 of Article 8 of the Agreement on Safeguards.
6. The DSTM shall be in place until domestic support modalities are agreed and adopted.

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<sup>[1]</sup> For purposes of clarity, defined in this Decision to mean the bound rate.

### **TIMELINE FOR IMPLEMENTATION**

[TIMELINE: (text proposed on 16 February and suggestions)]

33. Negotiations shall continue taking place in the Committee on Agriculture in Special Sessions (CoA-SS) and, where appropriate, in its Dedicated Sessions.

34. In order to achieve tangible progress and concrete outcomes by MC14, the CoA-SS Chair shall provide, based on Members' communications, annual negotiating schedules for Members to engage on the intermediate framework of the agreement. The negotiating schedules will outline timetables for Members to discuss the elements of each of the negotiating topics in this Decision.

37. [Members shall adopt an intermediate framework of the agreement 1 year after MC13. This framework shall provide a comprehensive view of the basic structures of the agreement or other outcomes to be delivered by MC14 and may include texts with different levels of maturity.]

38. Members may review this process taking into account the intermediate framework.]

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