
WTO Committee on Trade and Environment and the Doha Development Agenda

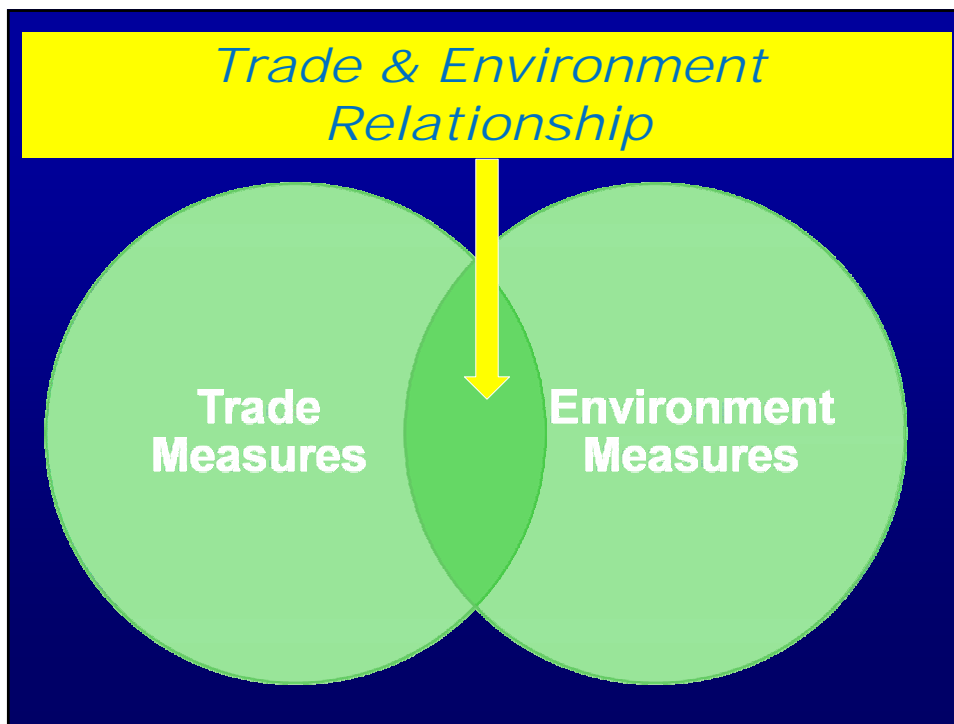
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United Nations

History

- **Committee on Trade and Environment (CTE)** established at WTO Ministerial Meeting in Marrakech (1994) to:
 - "to identify the relationship between trade measures and environmental measures in order to promote sustainable development"
 - "to make appropriate recommendations on whether any modifications of the provisions of the multilateral trading system are required, compatible with the open, equitable and non-discriminatory nature of the system"
- Established a 10-point **work program** for the CTE
- Doha Ministerial Declaration assigns CTE **specific issues for negotiation and discussion**, which are in addition to the tasks set out in its work program.



Work Program

Items 1 & 5: MEAs

- The **relationship** between the provisions of the multilateral trading system and trade measures for environmental purposes, including those pursuant to **multilateral environmental agreements (MEAs)**;
- The relationship between the **dispute settlement** mechanisms in the multilateral trading system and those found in MEAs.

Selected issues:

- Trade measures as environmental policy instruments
- Conflicts between WTO and MEA measures (bans, members/non-members in different agreements)

Work Program

Item 2: The relationship between **environmental policies relevant to trade** and **environmental measures with significant trade effects** and the provisions of the multilateral trading system.

Selected issues:

- Environmental measures as a non-tariff barrier to trade (NTBs)
- Concerns international and domestic environmental policies related to trade
- e.g., Kyoto Protocol does not directly restrict trade, but actions that countries may take to implement Protocol (or other MEAs) could have significant trade implications, such as the implementation of energy efficiency standards, energy taxes, subsidies, or the use of specific environmentally-sound technologies, eco-labels or government procurement policies.
- Environmental reviews of trade agreements, trade reviews

Work Program

Item 3: The relationship between the provisions of the multilateral trading system and **charges and taxes for environmental purposes** and the relationship between the provisions of the multilateral trading system and **requirements for environmental purposes relating to products**, including standards and technical regulations, packaging, handling, labeling and recycling.

Selected issues:

- Charges and taxes as NTBs
- Environmental requirements, PPMs as NTBs
- Complemented by Item 6

Work Program

Item 4: The provisions of the multilateral trading system with respect to the **transparency** of trade measures used for environmental purposes and environmental measures and requirements which have significant trade effects

Selected issues:

- Transparency, notification and information disclosure, information dissemination
- Opportunity for comment and consultations on proposed measures for adoption as technical regulations

Work Program

Item 6: The effect of environmental measures on **market access**, especially in relation to developing countries, in particular to the least-developed among them, and **environmental benefits of removing trade restrictions and distortions**

Item 6A: Agriculture Sector Analysis

Item 6B: Energy Sector Analysis

Item 6C: Fisheries Sector Analysis

Item 6D: Forestry Sector Analysis

Selected issues:

- Market access (and competitiveness)



The Washington Post Writers Group – October 2003

Work Program

Item 7:

The issue of exporting **domestically prohibited goods** (DPGs)

Selected issues:

- Relationship to trade measures prohibiting quotas/bans
- Relationship to MEAs (Basel Convention on Hazardous Waste)
- Implications for technology transfer & technical assistance
- Some trade in DPG is allowed
- Developing country concerns

Work Program

Item 8:

The relevant provisions of the Agreement on
**Trade-Related Aspects of Intellectual Property
Rights (TRIPS)**

Selected issues:

- “Positively Proscriptive” - (unique among WTO agreements) – sets out what countries *should do*, rather than what they should not do.
- Implications for technology transfer, technological leapfrogging, innovation, adaptation
- Convention on Biological Diversity (CBD) – IPR over indigenous/traditional knowledge (e.g., medicinal plants)
- Linkage to Agriculture – rights over and protection of genetic plant & animal life, but requires as *sui generis* regime (e.g, specifically designated IRP regime).

Work Program

Item 9:

The work program envisaged in the
Decision on **Trade in Services and the
Environment**

Selected Issues:

- Basis for Doha discussion on negotiations on environmental goods and services
- Concern initially where energy services fell within the framework of environmental services. Negotiations related to energy, however, not taking place within the CTE.

Work Program

Item 10:

Input to the relevant bodies in respect of appropriate arrangements for **relations with intergovernmental and non-governmental organizations** referred to in Article V of the WTO.

Selected Issues:

- Debate regarding what IGOs and NGOs have standing before the WTO: MEA Secretariats, UNEP, UNCTAD, other UN organizations?
- Regional organizations and other groupings: League of Arab States, OPEC. Raised within framework of Doha Declaration, with CTE given negotiations mandate.



Questions?



Doha CTE Mandate: Paragraph 31

Paragraph 31(i): Relationship between WTO rules and specific trade obligations in **MEAs**.

Paragraph 31(ii): Information exchange between **MEA secretariats** and WTO committees, **including observer status**.

Paragraph 31(iii): Liberalization in trade in **environmental goods and services** (reduction of tariffs and non-tariff barriers).
(Includes Item 3(B) of the CTE Work Program)

Doha CTE Mandate: Paragraph 32

Paragraph 32(i): Effect of environmental measures on **market access**
(including Item 6 of CTE work program)

Paragraph 32(ii): **Intellectual property rights, biodiversity and traditional knowledge**
(including Item 8 of the CTE work program)

Paragraph 32(iii): **Labeling** for environmental purposes

Doha CTE Mandate: Paragraph 28

Paragraph 28: WTO disciplines on fisheries subsidies

- **Being looked at and negotiated within the context of the Agreement on Subsidies and Countervailing Measures, but CTE to take up the issue for discussion**

Key Issue Areas

- **Trade-related MEAs**
- **Market Access**
- **Environmental Requirements**
- **Labeling**
- **Environmental taxes, charges, subsidies**
- **Fisheries (with other sectors potentially)**
- **Transparency**
- **Intellectual Property Rights**
- **Environmental Goods and Services**
- **Observer Status before WTO (LAS)**

Thank you.



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