

**General Council Meeting
July 23-24, 2019**

Statement by India

Agenda Item 7: Procedural guidelines for WTO Councils and Committees addressing trade concerns – Communication from Australia; European Union; Hong Kong; China; Republic of Korea; New Zealand; Norway; Panama; Singapore; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Turkey and Ukraine (WT/GC/W/777/Rev.1)

We thank EU and the other proponents for putting forward the draft General Council decision on ‘procedural guidelines for WTO councils and committees addressing trade concerns’ as contained in document WT/GC/W/777/Rev.1. While it is in the interests of all Members to make full use of the council and committee procedures within the WTO to seek satisfactory outcomes of their trade concerns, it is important to ensure that any proposals in this regard does not, in effect, end up adding to or diminishing Members’ rights and obligations under the covered Agreements.

2. In this context, while we support strengthening of the existing processes in the various WTO councils and committees, and addressing the issues and concerns, especially of developing countries and LDCs with alacrity, we would like to make the following preliminary remarks with respect to the communication in document WT/GC/W/777/Rev.1:

First, individual councils and committees, should continue to apply their own specific rules for the resolution of a trade concern that has been raised within the context of that specific committee.

Second, the Marrakesh Agreement lays emphasis on the neutrality and need for the Secretariat not to align itself or take positions of particular members or groups. Any attempt to confer an enhanced role for the Secretariat in the resolution of trade concerns between Members would impinge on the Secretariat’s neutrality, and diminish the Member-driven nature of this Organization.

Third, the limited technical and financial capacity of developing Members should be borne in mind. Any proposal that seeks to, in practice, add to the existing obligations of developing Members, vis-à-vis consultation requirements, provision of inputs, or other burdensome rules such as requiring the participation of capital-based experts cannot be accepted.

Forth, any attempts of using the good offices of the Chair of a committee to set up an informal meeting to address a trade concern must be completely voluntary and subject to the agreement of both parties concerned. Further, our position is that any such proceedings should be confidential. In particular, positions taken by the parties during these proceedings, should remain confidential, and be without prejudice to the rights of either party in any further proceedings under the DSU.

Fifth, we would also like to get greater clarity on the legal value of the report submitted by the Chairperson about the outcome of the informal meeting of the Members. Any outcome should be based on the explicit agreement of both parties concerned. In addition, the report should not prejudice in any way the process or outcome of the work of WTO bodies.

Finally, we believe that the appropriate forum for discussing procedural guidelines for trade concerns is the relevant committee dealing with the specific trade concern, as per the scope of the relevant WTO agreement. Therefore, while we are open to discussing all possible suggestions aimed at improving the existing processes, we do not find merit in any approach that takes away the role of the relevant bodies.
