

**General Council Meeting  
22-23 November 2021**

**Statement by India – Delivered by Ambassador & PR to the WTO**

**Agenda item 12: PROPOSED GENERAL COUNCIL DECISION ON PROCEDURES TO ENHANCE TRANSPARENCY AND IMPROVE COMPLIANCE WITH NOTIFICATION REQUIREMENTS UNDER WTO AGREEMENTS– ARGENTINA; AUSTRALIA. CANADA; CHILE; COSTA RICA; THE EUROPEAN UNION; ICELAND ISRAEL; JAPAN; REPUBLIC OF KOREA; MEXICO; NEW ZEALAND; NORWAY; PARAGUAY; THE PHILIPPINES; SINGAPORE; SWITZERLAND ; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU; UNITED KINGDOM; AND THE UNITED STATES (JOB/GC/204/REV.8 – JOB/CTG/14/REV.8)**

Thank you Chair. I thank the co-sponsors.

I completely agree with first para of the preamble in JOB/GC/204 i.e. *transparency and notification requirements constitute fundamental elements of many WTO agreements and a properly functioning WTO system, and thus of Members' obligations.* This proposal essentially aims to increase the burden of notifications on developing Members and LDCs while terming such additional disciplines as transparency. Additional compliance burden is not transparency. A multilateral organization can only be more transparent if all Members work towards this objective, first and foremost in their respective functioning at the WTO.

2. Several proponents of this agenda item have not distinguished themselves when it comes to setting an example on transparency. Let us look at the deliberations in the last Council for Trade in Goods, which took place on November 1 and 2. Several Members raised detailed concerns and anxieties about non-transparent and arbitrary changes made to tariff schedules, Aggregate Measure of Support and Special Safeguard Mechanism inheriting of either or both the European Union and the United Kingdom as a result of EU-28 moving to an EU-27 and United Kingdom structure.

3. We have already had several discussions on the transparency in the context of MC12 which is just a week away. Let us reflect on how the negotiations have been conducted in several areas, where facilitators have brought in text, which has been imbalanced. When Members have complained about this imbalance, changes have still not been made or only very grudgingly introduced as Alt texts. While you have conducted your proceedings in a transparent way, some of the other rooms have not given the same respect to the principle of “transparency”.

4. In the last meeting, we have already indicated several areas in which proponents need to improve their own notification obligations. I will recap them.

**First**, final bound AMS commitments not provided by some Members for two years beyond their due date.

**Second**, unsatisfactory compliance with GATS Article III:3 notification obligations.

**Third**, non-compliance of GATS mode 4 notification despite the developing Members pointing this out repeatedly.

**Fourth**, no transparency on TRIPS article 66.2 commitments to support LDCs with enhanced technology transfer.

**Fifth**, notifications on traditional knowledge in patent applications, and

**Sixth**, use of non-transparent ad valorem tariffs by some proponents creating uncertainty and discouraging market access.

6. Chair, transparency in WTO is not a one-way street. Let us not seek to burden the developing countries and LDCs with higher notification obligations. Let the constructive character of this forum not be altered into a peer policing one like the Paragraph 5 of the proposal seeks to do. Let the Member equality enshrined in the very definition of WTO not be altered into a penal structure as Paragraph 10 of the proposal seeks to do.

7. Chair, to conclude, we do support hand holding proposal and not the punitive approach.

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