



**Ministerial Conference  
Ninth Session  
Bali, 3-6 December 2013**

## **MONITORING MECHANISM ON SPECIAL AND DIFFERENTIAL TREATMENT**

### **MINISTERIAL DECISION OF 7 DECEMBER 2013**

The Ministerial Conference,

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

*Recalling* the General Council decision of July 2002 to establish the Monitoring Mechanism;

*Decides* as follows:

1. The scope, functions, terms of reference and operation of the Monitoring Mechanism (hereinafter referred to as "Mechanism") shall be as follows:

#### **SCOPE**

2. The coverage of the Mechanism shall extend to all special and differential provisions contained in multilateral WTO Agreements, Ministerial and General Council Decisions.

#### **FUNCTIONS/TERMS OF REFERENCE**

3. The Mechanism shall act as a focal point within the WTO to analyse and review the implementation of S&D provisions. The Mechanism will complement, not replace, other relevant review mechanisms and/or processes in other bodies of the WTO.<sup>1</sup>

4. The Mechanism shall review all aspects of implementation<sup>2</sup> of S&D provisions with a view to facilitating integration of developing and least-developed Members into the multilateral trading system. Where the review of implementation of an S&D provision under this Mechanism identifies a problem, the Mechanism may consider whether it results from implementation, or from the provision itself.

5. In carrying out its functions, the Mechanism will not alter, or in any manner affect, Members' rights and obligations under WTO Agreements, Ministerial or General Council Decisions, or interpret their legal nature. However, the Mechanism is not precluded from making recommendations to the relevant WTO bodies for initiating negotiations on the S&D provisions that have been reviewed under the Mechanism.

6. The Mechanism can, as appropriate, make recommendations to the relevant WTO body that propose:

- the consideration of actions to improve the implementation of a special and differential provision;

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<sup>1</sup> Members will have the discretion to avail themselves of the Mechanism as well as other relevant review mechanisms or processes in other bodies of the WTO.

<sup>2</sup> During the review, the Mechanism may consider how the provision is being applied and the overall effectiveness of its implementation.

- or the initiation of negotiations aiming at improving the special and differential provision(s) that have been reviewed under the Mechanism.

7. Such recommendations will inform the work of the relevant body, but not define or limit its final determination.

8. The relevant body should consider a recommendation from the Mechanism at the earliest opportunity. The status of recommendations emerging from the Mechanism shall be included in the annual report of the Committee on Trade and Development to the General Council.

#### **OPERATIONS**

9. The Mechanism shall operate in Dedicated Sessions of the Committee on Trade and Development. The Mechanism shall meet twice a year. Additional meetings may be convened, as appropriate. When in session, the Mechanism shall follow the same rules and procedures applied by the Committee on Trade and Development.

10. Monitoring of special and differential provisions in the Mechanism shall be undertaken on the basis of written inputs or submissions made by Members, as well as on the basis of reports received from other WTO Bodies to which submissions by Members could also be made.

11. Where the substantive matter falls within the purview of another WTO body, the Mechanism shall bring it to the attention of that WTO body so that the latter is in a position to provide input.

#### **REAPPRAISAL OF THE MECHANISM**

12. The Mechanism shall be reviewed three years after its first formal meeting, and thereafter when necessary, taking into account its functioning and evolving circumstances.

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