



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

EXPORT COMPETITION

DRAFT MINISTERIAL DECLARATION

1. We recognize that all forms of export subsidies and all export measures with equivalent effect are a highly trade distorting and protectionist form of support, and that, accordingly, export competition remains a key priority of the agriculture negotiations in the context of the continuation of the ongoing reform process set out in Article 20 of the Agreement on Agriculture, in accordance with the Doha work programme on agriculture and the 2005 Hong Kong Ministerial Declaration.

2. In this context, we therefore reaffirm our commitment, as an outcome of the negotiations, to the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect, as set out in the 2005 Hong Kong Ministerial Declaration. We regret that it has not been possible to achieve this objective in 2013 as envisaged in that Declaration.

3. We consider that the revised draft modalities for agriculture (doc. TN/AG/W/4/Rev.4 dated 6 December 2008) remain an important basis for an ambitious final agreement in the export competition pillar, including with regard to special and differential treatment for LDCs and NFIDCs.

4. We recognize the decrease in recent years in the use of export subsidies subject to reduction commitments under the Agreement on Agriculture, as indicated by information contained in Members' notifications to the WTO, and the positive developments that have also taken place in other areas of the export competition pillar.

5. We recognize that the reforms undertaken by some Members have contributed to this positive trend. We emphasize however that this generally positive trend is not a substitute for the attainment of the final objective on export competition in the Doha negotiations.

6. We emphasize the importance of consolidating progress in this area within the Doha negotiations so as to achieve as soon as possible the final objective set out in the 2005 Hong Kong Ministerial Declaration and we underscore the importance of further engagement among Members to this end.

7. We therefore reaffirm the importance of Members maintaining and advancing their domestic reform processes in the field of export competition. We strongly encourage those Members who have engaged in reforms to continue in that direction and Members yet to undertake reforms to do so, given the positive impact that such reforms can have and the significant negative consequences that failure to reform would generate.

8. With the objective on export competition set out in the 2005 Hong Kong Ministerial Declaration in mind and with a view to maintaining the positive trend noted previously, we shall exercise utmost restraint with regard to any recourse to all forms of export subsidies and all export measures with equivalent effect. To this end, we undertake to ensure to the maximum extent possible that:

- The progress towards the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect will be maintained;

- The level of export subsidies will remain significantly below the Members' export subsidy commitments ;
- A similar level of discipline will be maintained on the use of all export measures with equivalent effect.

9. We agree that fulfilling the objective set out in the 2005 Hong Kong Ministerial Declaration on export competition remains a priority issue for the post Bali work programme. We agree to continue to work actively for further concrete progress in this area as early as feasible.

10. Accordingly, we commit to enhance transparency and to improve monitoring in relation to all forms of export subsidies and all export measures with equivalent effect, in order to support the reform process.

11. We therefore agree to hold dedicated discussions on an annual basis in the Committee on Agriculture to examine developments in the field of export competition. This examination process shall provide an opportunity for Members to raise any matter relevant to the export competition pillar, in furtherance of the final objective set out in the 2005 Hong Kong Ministerial Declaration.

12. This examination process shall be undertaken on the basis of timely notifications under the relevant provisions of the Agreement on Agriculture and related decisions, complemented by information compiled by the WTO Secretariat, consistent with the practice followed in 2013¹, on the basis of Members' responses to a questionnaire, as illustrated in the Annex.

13. We agree to review the situation regarding export competition at the 10th Ministerial Conference. We also agree that the terms of this declaration do not affect the rights and obligations of Members under the covered agreements nor shall they be used to interpret those rights and obligations.

¹ TN/AG/S/27 and TN/AG/S/27/Rev.1.

ANNEX

Elements for Enhanced Transparency on Export Competition

This Annex is intended to illustrate the types of information that would be requested by the Secretariat in the questionnaire mentioned in paragraph 12. It is understood that this questionnaire, which does not change Members' notification obligations, may be revised in the light of experience and of Members' further views.

Export Subsidies

1. Provide information on operational changes in measures

Export Credit, Export Credit Guarantees or Insurance Programs (Export financing)

1. Description of the program (classification within the following categories: direct financing support, risk cover, government to government credit agreements or any other form of governmental export credit support) and relevant legislation
2. Description of Export Financing Entity
3. Total value of export of agricultural products covered by export credits, export credit guarantees or insurance programs and use per program
4. Annual average premium rates/fees per program
5. Maximum repayment terms per program
6. Annual average repayment periods per program
7. Export destination or group of destinations per program
8. Program use by product or product group

Food Aid

1. Product description
2. Quantity and/or value of food aid provided
3. Description of whether food aid is provided on in-kind, untied cash-based basis and whether monetisation was permitted
4. Description of whether in fully grant form or concessional terms
5. Description of relevant needs assessment (and by whom) and whether food aid is responding to a declaration of emergency or an emergency appeal (and by whom)
6. Description of whether re-export of food aid is an option under the terms of the provision of food aid

Agriculture Exporting State Trading Enterprises

1. Enumeration of State Trading Enterprises
 - Identification of state trading enterprises
 - Description of products affected (*Including tariff item number(s) encompassed in product description*)
2. Reason and purpose
 - Reason or purpose for establishing and/or maintaining state trading enterprise
 - Summary of legal basis for granting the relevant exclusive or special rights or privileges, including legal provisions and summary of statutory or constitutional powers
3. Description of the functioning of the State Trading Enterprise
 - Summary statement providing overview of operations of the state trading enterprise
 - Specification of exclusive or special rights or privileges enjoyed by the state trading enterprise

Additional information subject to normal commercial confidentiality considerations

1. Exports (value/volume)
2. Export prices
3. Export destination

Information on policies no longer in operation due to significant policy reforms