

出國報告(出國類別：國際會議)

出席 WTO 貿易與環境委員會(CTE)  
例行會議出國報告書

服務機關：行政院環境保護署

姓名職稱：魏盟巽研究員

出國地點：瑞士

出國期間：103 年 10 月 20 日至 10 月 25 日

報告日期：103 年 12 月 5 日

Vertical text on the right edge of the page.

## 出國報告

一、 出國計畫名稱：出席 WTO 貿易與環境委員會(CTE)例行會議

二、 出國日期：103 年 10 月 20 日至 103 年 10 月 25 日

三、 出國行程：

103 年 10 月 20 日	啟程至瑞士日內瓦
103 年 10 月 21 日	抵達瑞士日內瓦
103 年 10 月 22 日	與我國駐 WTO 代表團討論會議議程與相關議題之發言要點
103 年 10 月 23 日	出席 WTO 貿易與環境委員會(CTE)例行會議
101 年 10 月 24 日至 25 日	返程

四、 出國目的與過程

(一) WTO 貿易與環境委員會(CTE)例行會議於西元 2014 年 10 月 23 日於瑞士日內瓦 WTO 總部召開，本次出國主要是實際參與 WTO 貿易與環境相關會議並就相關議題進行瞭解。本次會議由芬蘭駐 WTO 大使 Ms. Paivi Kairamo 主持，我國由駐 WTO 代表團朱曦公使、吳嘯吟秘書、本署魏盟巽研究員出席會議。

(二) 杜哈部長宣言第 32 段內容之討論，包括 (I) 環境措施對市場進入的影響—尤其是對開發中國家、低度開發國家的影響—以及取消或降低對貿易、環境及發展均有利之貿易限制及扭曲措施；(II) 與貿易有關的智慧財產權(TRIPS) 協定之相關條文，以及 (III) 達成環保目的而應規定之標示等。

1、 產品環境足跡(Environmental footprint of products)

(1) 歐盟於西元 2013 年 6 月在貿易與環境委員會例行會議，曾就歐盟「建立綠色產品單一市場(Building the single market for green products)」計畫進行報告，本次會議歐盟再度以「產品環境足跡試驗階段(Product environmental footprint pilot phase)」為題進行報告。歐盟表示，世界上有超過 400 種環境標章，單就溫室氣體，就有 80 個主要報告方法與計畫，由於標準不一，造成綠色產品流通問題。歐盟推動建立綠色產品單一市場計畫，主要是探討回應社會與民眾需求、簡化環境足跡要求、建立環境足跡信用度且更清楚與可靠、降低企業成本等，並且讓產品在歐盟會員國較易於流通。此計畫將建立 2 種方

## 目錄

	頁碼
一、 出國計畫名稱.....	1
二、 出國日期 .....	1
三、 出國行程.....	1
四、 出國目的與過程.....	1
五、 心得與建議.....	5
六、 附件	

法以量測生命週期之環境績效包括產品環境足跡 (product environmental footprint, PEF) 與組織環境足跡 (organization environmental footprint, OEF)。西元 2013 年至西元 2016 年為試驗階段，將建立產品類別規則（包括績效基準，performance bench-mark）、測試不同符合性與認證系統及測試不同溝通方式。歐盟推動此試驗計畫，在管理面，組成程序委員會 (Steering Committee) 主導推動，成員包括歐盟會員國代表、歐盟執委會、試驗計畫行業代表及利益相關者等，過程與資訊相當透明與公開。試驗計畫參與者並不只是歐盟會員國，尚包括日本、中國大陸、紐西蘭等國家參加技術與科學小組等。歐盟並提供資金與聯合國環境規劃署共同辦理能力建置 (capacity building) 相關活動，並透過聯合國環境規劃署十年架構計畫就生命週期評估進行跨政府國際對話。

- (2) 針對歐盟報告，我國於會中發言感謝歐盟分享歐盟環境足跡試驗計畫最新進展，並表示中小企業在綠色產品市場因須提供生命週期評估資訊，恐面臨跨國大企業之不利競爭，請問歐盟執委會如何為中小企業減化其程序與降低複雜性與成本？
- (3) 紐西蘭與瑞士認同歐盟之分享資訊與國際對話，瑞士並建議應考量採用國際標準，且不要有歧視措施。阿根廷則關切該計畫是否為自願性，因有些計畫，開始是自願性，但最後卻變成限制性，將對開發中國家造成貿易障礙。印度表示同意阿根廷看法，並表示環境足跡計畫與環境措施對市場進入的討論議題之關聯性為何？古巴則表示，碳足跡對於開發中國家有其困難度，尤其是農業產品。墨西哥亦表示環境足跡計畫對開發中國家是不必要之障礙，並關切對中小企業之影響。澳洲亦關切對農業產品之影響。
- (4) 歐盟回應表示，此試驗計畫將於西元 2016 年 12 月完成，後續將會以政策推動方式據以執行，是否為自願性或限制性，歐盟目前並無限制性措施之意圖。至於中小企業議題，該計畫在推動過程已就邀請中小企業參加相關管理機制，讓中小企業獲得充分資訊。該計畫並無企圖轉為國際性計畫，且資訊公開透明，無歧視措施，並讓企業更容易進入市場。歐盟強調此計畫為自願性計畫。歐盟強調此計畫主要是統合現有規範與系統並進行簡化。歐盟會藉由聯合國環境規劃署進行提供技術協助與能力建置。

## 2、 非法伐木 (Illegal logging)

- (1) 有關非法伐木議題，科麥隆報告該國執行情形，該國土地面積為 47 萬 5,650 平方公里，人口約為 2 千萬，森林面積約 2 千 2 百萬公頃。西元 1992 年該國成立環境與森林部，以保護環境與保育森林。該國森林產業從業人口約有 15 萬人，產值占該國生產毛額之 4.9%。目前該國是以核發伐木證照及進行監控方式，防止非法伐木。
- (2) 中國大陸國家森林局亦於會中報告非法伐木執行情形。中國大陸針對此議題進行多項雙邊與多邊合作，中國大陸與美國在雙邊經濟對話會議就此議題進行討論，並積極參與亞太經濟合作(APEC)區域木材合法(regional timber legality)相互認證。中國大陸與澳洲和日本亦有防止非法伐木之相關合作。
- (3) 我方於科麥隆與中國大陸報告後，亦發言簡要說明我國防止非法伐木之作法。我國依森林法規定，伐採林產物須經主管機關許可，並經查驗始得運銷，如違反規定，處以高額罰款。此外，主政單位針對國產木等之合法採伐與流通，亦研究制定與試辦產地證明書核發與管理制度，以杜絕非法採伐。並表示，我國積極參與 APEC 非法伐木與相關貿易專家小組會議(Working Group on Illegal Logging and Associated Trade Meeting)，並肯定任何打擊非法伐木與森林貿易之國際對話。
- (4) 另外，聯合國森林論壇(United Nations Forum on Forests, UNEF)於會中報告，主要內容包括森林工具與執行方法、森林於永續發展、森林全球目標、國際合作等。
- (5) 針對聯合國森林論壇之報告，歐盟表示森林砍伐與退化尚有許多工作要做，尤其是許多國家非法濫伐還是相當嚴重。玻利維亞表示，是否有相關行動計畫提供開發中國家？委內瑞拉表示，此論壇是否有針對會造成 WTO 衝擊之相關研究與分析？聯合國森林論壇回應表示，該論壇只是一個政治性實體，並非實質執行單位。

### 3、天然氣業別(Natural gas sector)

卡達就如何消除天然氣貿易障礙所帶來之環境效益進行報告，卡達為天然氣主要生產國與輸出國，對於天然氣是否為潔淨能源非常關切，報告強調天然氣對於溫室氣體減量及其他空氣污染有正面效益。阿根廷針對卡達報告表示，天然氣進口與出口主要是基礎建設問題並非關稅問題，卡達則回應其為關稅問題並非基礎建設問題。

- (三) 哥斯大黎加受澳大利亞之託，針對 2014 年 7 月提出之環境商品談判進行進展

報告。目前計有 14 個 WTO 會員參與談判，9 月 22 日至 26 日進行第 1 次諮商，預計 12 月進行第 2 次諮商。

- 1、秘魯表示，此談判並無涵蓋開發中國家之關切事項，有機產品應納入。古巴亦提到有機產品，並表示環境商品談判已在貿易與環境委員會特別會議 (CTESS) 進行諮商。委內瑞拉亦提到在 WTO 進行談判但卻不須遵守 WTO 規範，希望此議題在貿易與環境委員會特別會議進行諮商。智利希望了解此談判是複邊談判或多邊談判，是區域性貿易協定嗎？南非表示，環境商品之定義與標準、非貿易性障礙 (NTB) 等議題應有所釐清，且 WTO 應專注於杜哈回合談判之任務。玻利維亞表示此協定應涵蓋所有 WTO 會員之需求。
  - 2、哥斯大黎加回應表示，歡迎所有 WTO 會員之加入，並願開放以雙邊方式釐清會員之疑慮。
- (四) 經濟合作暨發展組織 (OECD) 於會中就該組織在區域貿易協定與環境議題之近期工作進展進行報告。OECD 於西元 2007 年發表環境與區域貿易協定 (Environment and Regional Trade Agreements)，並持續進行更新報告，2008 年出版區域貿易協定環境條文清單 (Checklist for Negotiators of Environmental Provisions in Regional Trade Agreements)，2011 年發表評估架構 (Implementing Regional Trade Agreements with Environmental Provisions: A Framework for Evaluation)，2014 年發表新興趨勢與政策動力 (Environment and Regional Trade Agreements: Emerging Trends and Policy Drivers)。歐盟與加拿大表達支持 OECD 進行之工作。中國大陸問及是否有相關區域貿易協定之爭端解決案例，OECD 回應目前尚無相關案例。
- (五) 聯合國生物多樣性公約秘書處受邀報告該公約最新進展，主要是報告西元 2014 年 9 月 29 日至 10 月 17 日於韓國平昌 (Pyeongchang) 召開之第 12 次締約國大會之進展包括執行愛知生物多樣性目標 (Aichi Biodiversity Target) 有關鼓勵措施之里程碑等進展。截至西元 2014 年 10 月 20 日，已有 53 個國家與 1 個區域組織認可取得與利益分享名古屋議定書 (Nagoya Protocol on Access and Benefit-Sharing)；截至西元 2014 年 10 月 20 日，已有 168 個國家認可卡塔赫納生物安全議定書 (Cartagena Protocol on Biosafety) 及 25 個國家與 1 個區域組織認可名古屋 - 吉隆坡補充議定書 (Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety)。
- (六) 聯合國氣候變化綱要公約秘書處亦受邀以視訊方式在德國波昂進行報告，主要是報告德班加強行動平台 (Durban Platform for Enhanced Action, ADP) 之里

程碑包括西元 2014 年 3 月討論減量、調適、財務及技術等元素；西元 2014 年準備新協定草案；西元 2015 年 5 月討論協定條文等。

- (七) 聯合國農糧組織(FAO)於會中報告世界漁業與養殖現況。報告指出，世界平均魚消耗量每人每年 19.2 公斤，就業人口約占 10-12%。中國大陸養殖漁業占世界 60%以上。報告並指出平衡養殖與永續小型養殖漁業是養殖漁業之主要議題。針對 FAO 報告，厄瓜多爾表示應該應用科學技術改善管理以推動永續漁業。澳洲對於過度捕撈表達關切。挪威表示任何形式之漁業補貼須進一步討論。
- (八) WTO 秘書處報告永續發展目標(Sustainable Development Goals)近期發展情形，報告指出里約+20 世界永續發展高峰會(Rio+20)針對永續發展目標訂出以行動導向、全球性等為主要標準，目前有 17 項目標(Goals)及 169 項指標(targets)。17 項目標包括貧窮、糧食安全、健康、教育、氣候變遷等，有 3 項指標與貿易有關。西元 2015 年聯合國高峰會將採認西元 2015 年後發展議程。
- (九) WTO 秘書處報告區域貿易環境條文(Environmental Provision in Regional Trade Agreements)指出，從西元 1957 年至 2014 年 5 月，共有 257 個區域貿易協定通知 WTO。環境條文主要是指環境保護與永續發展及其他環境相關議題之條文，條文可能出現於前言、章節之條文、特定條文、特定章節或是附件等。據分析，環境條文主要出現在例外排除(exceptions)、國內環保法規(domestic environmental regulations)之調和與採用、多邊環境公約(MEAs)及合作(cooperation)等。針對秘書處報告，我方發言表示，我國與紐西蘭簽署臺紐經濟合作協定，其中包括貿易與環境專章，內容涵蓋消除環境商品關稅與非關稅貿易障礙。紐西蘭表示該國於西元 2001 年採認貿易政策與環境政策必須相互支持，西元 2005 年與 2013 年分別與泰國和我國簽署經濟合作協定。歐盟詢及此報告是如何計算不同的環境條文、環境條文是如何被執行等。瑞士詢及環境條文在區域貿易協定是如何計算以及如何分類等。
- (十) 會議主席宣布下一次 WTO 貿易與環境委員會例行會議將於西元 2015 年上半年召開。

## 五、心得與建議

- (一) 本次會議，我國在會中針對包括歐盟環境足跡計畫、非法伐木、及區域貿易協定等議題，以積極態度表達我國意見，並就我國相關執行情形進行資訊交流，達到實質參與議題討論及作出貢獻之效益。
- (二) 環境標示是 WTO 貿易與環境委員會例行會議之討論議題，多數 WTO 開發中國家之會員多次表達，此環境措施易造成貿易障礙，因此進行資訊交流有其必要性。



我國亦曾於西元 2010 年 11 月與西元 2013 年 6 月分別就我國環保標章推動情形以及我國產品碳標籤制度與推動情形進行報告，與會員分享我國經驗，讓 WTO 會員國更加了解我國相關措施。鑑於環境標示與其他環境措施與國際貿易之關聯性，未來如有機會，亦應持續就相關環境措施進行必要之經驗分享。



附件





WTO OMC

29 SEP. 2014

附件

WTO/AIR/4354

26 SEPTEMBER 2014

SUBJECT: COMMITTEE ON TRADE AND ENVIRONMENT

THE COMMITTEE ON TRADE AND ENVIRONMENT WILL HOLD ITS NEXT MEETING IN THE CENTRE WILLIAM RAPPARD ON **THURSDAY, 23 OCTOBER 2014** STARTING AT 10 A.M.

THE FOLLOWING ITEMS ARE PROPOSED FOR THE AGENDA:

1. **PARAGRAPH 32 OF THE DOHA MINISTERIAL DECLARATION**
  - A. PARAGRAPH 32(I): THE EFFECT OF ENVIRONMENTAL MEASURES ON MARKET ACCESS, ESPECIALLY IN RELATION TO DEVELOPING COUNTRIES, IN PARTICULAR THE LEAST-DEVELOPED AMONG THEM, AND THOSE SITUATIONS IN WHICH THE ELIMINATION OR REDUCTION OF TRADE RESTRICTIONS AND DISTORTIONS WOULD BENEFIT TRADE, THE ENVIRONMENT AND DEVELOPMENT. (ITEM 6 OF THE CTE WORK PROGRAMME)
  - B. PARAGRAPH 32(II). THE RELEVANT PROVISIONS OF THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (ITEM 8 OF THE CTE WORK PROGRAMME)
  - C. PARAGRAPH 32(III): LABELLING REQUIREMENTS FOR ENVIRONMENTAL PURPOSES. (ITEM 3B OF THE CTE WORK PROGRAMME)
  - D. OTHER ITEMS OF THE CTE WORK PROGRAMME
2. **PARAGRAPH 33 OF THE DOHA MINISTERIAL DECLARATION ON TECHNICAL ASSISTANCE, CAPACITY BUILDING AND ENVIRONMENTAL REVIEWS**
3. **PARAGRAPH 51 OF THE DOHA MINISTERIAL DECLARATION ON IDENTIFYING AND DEBATING DEVELOPMENTAL AND ENVIRONMENTAL ASPECTS OF THE NEGOTIATIONS, IN ORDER TO HELP ACHIEVE THE OBJECTIVE OF HAVING SUSTAINABLE DEVELOPMENT APPROPRIATELY REFLECTED**
4. **OTHER BUSINESS** ✓

THE REPORT OF THE LAST MEETING HELD ON 30 JUNE 2014 IS CONTAINED IN WT/CTE/M/57.

14-5425

./.





---

**Committee on Trade and Environment**

**MEETING OF 23 OCTOBER 2014**

**ANNOTATED DRAFT AGENDA<sup>1</sup>**

*Revision*

This annotated draft agenda is intended to assist participants in preparing for the forthcoming regular meeting of the Committee on Trade and Environment (CTE Regular) to be held on **Thursday, 23 October 2014**, starting at **10.00**, in the Centre William Rappard.

The report of the last formal CTE meeting held on 30 June 2014 was circulated in document **WT/CTE/M/57**, dated 30 September 2014. The latest list of documents of the Committee is contained in document **WT/CTE/INF/5/Rev.11**, dated 3 May 2013.

---

The following items have been proposed for the agenda:

**1 ADOPTION OF THE AGENDA**

1.1. The Airgram convening this meeting was circulated in document **WTO/AIR/4354**, dated 26 September 2014.

**2 PARAGRAPH 32 OF THE DOHA MINISTERIAL DECLARATION**

**2.1 Paragraph 32(i)**

*"The effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development."*

**2.1.1 Environmental footprint of products**

2.1. A representative of the European Union will make a presentation on the latest developments on methodology for the calculation of the environmental footprint of products under the European Union's Single Market for Green Products Initiative.

**2.1.2 Illegal logging**

2.2. To follow-up on the discussion that took place at the last meeting of the CTE, a representative from Cameroon will share their national experience on illegal logging. A representative from China will present on measures and international cooperation in fighting illegal logging and the related trade.

---

<sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members and to their rights and obligations under the WTO.

2.3. A representative of the United Nations Forum on Forests (UNFF) will brief the Committee on relevant activities. A representative of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will make a presentation on recent work related to legal and illegal trade of forest products.

### **2.1.3 Natural gas sector**

2.4. A representative of Qatar will make a presentation on the environmental benefits of preventing and removing trade restrictions in the natural gas sector.

## **3 OTHER BUSINESS**

### **3.1 WTO Secretariat's information session on various trade and environment topics**

3.1. Following requests by several delegations for more information on trade and environment case law, the Chairperson of the CTE would like to invite delegations to suspend the formal meeting of the CTE in order to receive a presentation by the WTO Secretariat on "Selected GATT Article XX(b) and (g) Cases".

3.2. Also, in response to requests from delegations, the WTO Secretariat will make a presentation on the "Types of Environmental Provisions in Regional Trade Agreements". The WTO Secretariat session will take place under "Chatham House Rules" and the informal participation of delegates is highly encouraged.

3.3. The formal meeting of the CTE will resume immediately following the WTO Secretariat session.

### **3.2 Briefings by observer organizations**

3.4. The representative of Costa Rica, on behalf of the representative of Australia, will present an update on the Environmental Goods Agreement negotiations, which were formally launched on 8 July 2014.

3.5. A representative of the Organization for Economic Cooperation and Development (OECD) will brief the CTE on recent work related to Regional Trade Agreements and the environment.

3.6. The United Nations Environment Programme (UNEP) Secretariat will brief the CTE on their recent activities. The United Nations Framework Convention on Climate Change (UNFCCC) will make a presentation on the current state-of-play of the climate change negotiations as well as on the outcome of the UN Climate Summit 2014 held on 23 September 2014. A representative of CITES will brief the Committee on recent developments, including at the 65th meeting of the Standing Committee that took place in Geneva in July 2014. A representative of the Convention on Biological Diversity (CBD) will provide an update on recent developments, including in relation to the 12th meeting of the Conference of the Parties scheduled to take place in Pyeongchang, Republic of Korea, in October 2014.

3.7. A representative of the Food and Agriculture Organization of the United Nations (FAO) will make a presentation on the 2014 report on the State of World Fisheries and Aquaculture (SOFIA).

### **3.3 Briefing by the WTO Secretariat on developments in other international organizations**

3.8. Following the request by some delegations, the WTO Secretariat will present on recent developments on Sustainable Development Goals (SDGs).

### **3.4 Other matters**

3.9. Members wishing to raise any other matters under Other Business are invited to advise the Chairperson through the Secretariat.

---



**ANNEX 1: ITEMS OF THE CTE WORK PROGRAMME**

- Item 1: The relationship between the provisions of the multilateral trading system and trade measures for environmental purposes, including those pursuant to multilateral environmental agreements.
- 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.
- Item 3(a): The relationship between the provisions of the multilateral trading system and charges and taxes for environmental purposes.
- Item 3(b): The relationship between the provisions of the multilateral trading system and requirements for environmental purposes relating to products, including standards and technical regulations, packaging, labelling and recycling.
- 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.
- Item 5: The relationship between the dispute settlement mechanisms in the multilateral trading system and those found in multilateral environmental agreements.
- 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 7: The issue of exports of domestically prohibited goods.
- Item 8: The relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights.
- Item 9: The work programme envisaged in the Decision on Trade in Services and the Environment.
- 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.
-

**ANNEX 2: PARTS OF THE DOHA DEVELOPMENT AGENDA THAT RELATE TO THE WORK OF THE CTE REGULAR**

32. We instruct the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:

(i) the effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development;

(ii) the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights; and

(iii) labelling requirements for environmental purposes.

Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and least-developed countries.

33. We recognize the importance of technical assistance and capacity building in the field of trade and environment to developing countries, in particular the least-developed among them. We also encourage that expertise and experience be shared with members wishing to perform environmental reviews at the national level. A report shall be prepared on these activities for the Fifth Session.

51. The Committee on Trade and Development and the Committee on Trade and Environment shall, within their respective mandates, each act as a forum to identify and debate developmental and environmental aspects of the negotiations, in order to help achieve the objective of having sustainable development appropriately reflected.

---

**Committee on Trade and Environment**

**REPORT OF THE MEETING HELD ON 30 JUNE 2014**

NOTE BY THE SECRETARIAT<sup>1</sup>

The Committee on Trade and Environment (CTE Regular) met on 30 June 2014, chaired by Ambassador Päivi Kairamo (Finland). The Committee adopted the Airgram, **WTO/AIR/4307**, issued on 27 May 2014. The latest list of documents of the Committee was circulated on 3 May 2013 in document **WT/CTE/INF/5/Rev.11**. The Report of the last CTE meeting, held on 16 October 2013, is contained in **WT/CTE/M/56**, dated 31 January 2014.

**Contents**

<b>1</b>	<b>PARAGRAPH 32 OF THE DOHA MINISTERIAL DECLARATION.....</b>	<b>3</b>
1.1	PARAGRAPH 32(i) ON MARKET ACCESS AND ENVIRONMENTAL REQUIREMENTS .....	3
1.1.1	<i>First Part of Paragraph 32(i): "The Effect of Environmental Measures on Market Access, especially in relation to Developing Countries, in particular the Least-Developed among them".....</i>	<i>3</i>
1.1.1.1	ISO 14067 Technical Specification Related to Greenhouse Gas Footprint of Products and ISO Draft International Standard 14046 Related to Water Footprint.....	3
1.1.2	<i>Second Part of Paragraph 32(i): "Those Situations in Which the Elimination or Reduction of Trade Restrictions and Distortions Would Benefit Trade, the Environment and Development" .....</i>	<i>4</i>
1.1.2.1	Illegal Logging.....	4
1.1.2.1.1	European Union's Forest Law Enforcement Governance and Trade (FLEGT) Action Plan.....	4
1.1.2.1.2	Australia's Illegal Logging Prohibition Act 2012 and Amendment Regulation 2013.....	5
1.1.2.1.3	Indonesia's Timber Legality Assurance System (SVLK) .....	6
1.1.2.1.4	Ghana's Timber Legality Program and FLEGT-VPA .....	6
1.1.2.1.5	Switzerland's experience.....	6
1.1.2.1.6	United States' Lacey Act and regional trade agreements.....	7
1.1.2.1.7	China's experience .....	7
1.1.2.1.8	Canada's experience.....	7
1.1.2.1.9	Other comments .....	7
1.1.2.2	Fossil Fuel Subsidy Reform .....	8
1.2	PARAGRAPH 32(iii) ON "LABELLING REQUIREMENTS FOR ENVIRONMENTAL PURPOSES" .....	9
1.2.1	<i>Briefing by the Organization for Economic Cooperation and Development (OECD).....</i>	<i>9</i>
<b>2</b>	<b>OTHER ITEMS ON THE CTE AGENDA .....</b>	<b>11</b>
2.1	ITEM 1 OF THE CTE WORK PROGRAMME.....	11
<b>3</b>	<b>OTHER BUSINESS .....</b>	<b>11</b>
3.1	DAVOS ENVIRONMENTAL GOODS INITIATIVE.....	11
3.2	APEC ENVIRONMENTAL GOODS LIST .....	11
3.3	BRIEFING BY THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD).....	12
3.4	BRIEFING BY THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP) .....	12

<sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or their rights and obligations under the WTO.

3.5 BRIEFING BY THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) 13

4 DATE OF NEXT MEETING ..... 13

---

## **1 PARAGRAPH 32 OF THE DOHA MINISTERIAL DECLARATION**

### **1.1 Paragraph 32(i) on Market Access and Environmental Requirements**

#### **1.1.1 First Part of Paragraph 32(i): "The Effect of Environmental Measures on Market Access, especially in relation to Developing Countries, in particular the Least-Developed among them"**

##### **1.1.1.1 ISO 14067 Technical Specification Related to Greenhouse Gas Footprint of Products and ISO Draft International Standard 14046 Related to Water Footprint**

1.1. The representative of the International Organization for Standardization (ISO) provided an update on the ISO 14067 technical specification related to the requirements and guidelines for quantification and communication of greenhouse gas footprint of products, published in June 2013. An ad-hoc group was established at the plenary meeting of the ISO Technical Committee on Environmental Management (ISO/TC 207), held in Panama City in May 2014, to analyse trade impacts associated with the application of ISO 14067. According to a survey conducted in 72 countries and presented at the plenary, both developed and developing ISO member countries were familiar with ISO 14067, with 32% of ISO member countries having already adopted the technical specification and 30% expressed willingness for adoption within the next year or two, following national consultations. The survey further confirmed that thus far no ISO member country had transposed ISO 14067 into national legislation. The survey also revealed that the technical specification had generated a medium to high level of interest in the market.

1.2. The ISO representative also shared some updated information regarding ISO draft international standard (DIS) 14046 related to the principles, requirements and guidelines for assessing and reporting the water footprint of products, processes and organizations. Following a first public enquiry the draft document was the subject of substantial technical changes and subsequently re-submitted to a second inquiry. At the plenary meeting of the ISO Technical Committee on Environmental Management and under ISO's new rules of publication, the expert working group on ISO/DIS 14046 agreed to publication without going through a formal vote. The final ISO 14046 document was expected by August 2014.

1.3. The representative of Egypt invited the ISO representative to further clarify the effects of ISO 14067 and ISO/DIS 14046 on market access, in particular the potential impact on developing countries' exports.

1.4. The representative of ISO referred to the survey on ISO 14067, which showed that many developing ISO member countries having adopted the technical specification perceived it as a useful tool and positive for export promotion. Although the survey results showed no evidence to support the concern over negative market access impacts, a more detailed analysis of the current situation was required and anticipated for completion towards year-end. ISO was committed to review both ISO 14067 and ISO/DIS 14046 within a three-year period to assess the necessity for revision.

1.5. The representative of New Zealand supported ISO's ongoing work in achieving harmonized water and carbon footprinting methodologies. Her delegation was of the view that harmonization through internationally agreed standards and methodologies could reduce compliance costs and facilitate consumer recognition and trust of related labels, provided footprinting methodologies were effective, well designed, based on sound science and able to take situational factors into account.

1.6. The representative of the European Union (EU) reiterated her delegation's support to the ISO work on water and carbon footprinting. While supporting the use of awareness-raising tools in the context of water resources management, such as footprinting, certification schemes and communication campaigns to provide water users with incentives to make sustainable choices, the EU was of the view that these tools lacked self-sufficiency on which to base policy making.

1.7. The representative of China considered that the lack of support to publish ISO 14067 as a standard raised concerns as to whether the technical specification could be used as a trade barrier against developing economies and undermine their firms' competitiveness. In his view, should

carbon labelling and accreditation be applied universally, the costs faced by companies, especially small and medium sized enterprises (SMEs) in developing countries, could increase. While his delegation remained open for further discussions on the impact of carbon footprinting on developing countries' market access, at this stage, China did not support ISO 14067 to be related in any case to WTO rules and disciplines.

1.8. The representative of the Kingdom of Saudi Arabia endorsed the statements of Egypt and China. His delegation held the view that the assessment of carbon footprint on a lifecycle basis raised concerns similar to those related to processes and production methods and could be used as restrictions on trade from developing countries.

1.9. The ISO representative stressed that the development process of any standard within ISO was based on the principles of openness, transparency and consensus and fully abided by the principles of the WTO. Although ISO 14067 had not been published as an international standard, it was a document built on a certain level of consensus.

1.10. The representative of Canada expressed support for the development of ISO standards and technical specifications based on scientifically grounded methodologies and consistent with the WTO Agreement on Technical Barriers to Trade (TBT). His delegation was interested to know whether the calculation of relative water scarcity in the geographic area of product production was incorporated into the ISO/DIS 14046 methodology in order to provide a scientifically valid and meaningful measurement. His delegation further expressed concerns about the inclusion of evapotranspiration of trees as part of the draft water footprint methodology, which did not seem to be based on scientific knowledge and failed to take into consideration each country's particularities, since evapotranspiration of trees was not anthropogenic and neither companies nor governments had control over it.

### **1.1.2 Second Part of Paragraph 32(i): "Those Situations in Which the Elimination or Reduction of Trade Restrictions and Distortions Would Benefit Trade, the Environment and Development"**

#### **1.1.2.1 Illegal Logging**

##### **1.1.2.1.1 European Union's Forest Law Enforcement Governance and Trade (FLEGT) Action Plan**

1.11. The representative of the European Union presented their Forest Law Enforcement Governance and Trade (FLEGT) Action Plan aimed at levelling the playing field among illegal and legitimate logging operators, by countering the competitive advantage gained by those not abiding by national rules. The FLEGT Action Plan relied on the EU Timber Regulation and the development of FLEGT Voluntary Partnership Agreements (FLEGT VPAs) with timber producing countries. The EU Timber Regulation established three key obligations: (i) due diligence to ensure the legitimacy of timber products put on the market by EU operators; (ii) prohibition on placement to the EU market illegally harvested timber or timber products derived from such timber; and (iii) a traceability obligation applied within the EU to operators or companies trading after the first placing on the market. FLEGT VPAs were bilateral agreements between the EU and timber exporting countries outside the EU, under which the timber-producing country established systems to verify that its timber exports to the EU were legal. In return, the EU accepted only licensed imports from that partner country. The definition of illegally harvested timber was based on the national legislation of the partner country. Timber originating from countries with whom the EU signed a FLEGT VPA and exported with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits were also considered *de facto* legal. As of July 2014, six VPAs had been concluded<sup>2</sup> and nine more countries were in negotiation<sup>3</sup> with the EU. A number of countries in South East Asia and Latin America were also in discussion and exchanging information. Besides the FLEGT Action Plan and the EU Timber Regulation, both expected to be reviewed in 2015 through consultations held within and outside the EU, the EU was engaged in other forms of cooperation mechanisms with other countries, such as Australia, Brazil,

<sup>2</sup> The six signatory countries are Cameroun, the Central African Republic, Ghana, Indonesia, Liberia and the Congo.

<sup>3</sup> The nine countries in negotiation are Côte d'Ivoire, the Congo, Gabon, Guyana, Honduras, Laos, Malaysia, Thailand and Viet Nam.

China and the United States. Recent regional trade agreements (RTAs) to which the EU was a party with Central America, and Colombia and Peru, also included provisions on cooperation to tackle illegal logging and promote trade in legally harvested timber.

1.12. The representative of Norway underscored the need for cooperation between timber-consuming and producing countries to ensure a win-win-win outcome. As a member of the European Economic Area (EEA), Norway would implement the EU Timber Regulation as national law once approved by EEA members. Norway also participated in complementary actions to support the creation of incentives to legally harvest timber in developing countries. Engaging in a FLEGT VPA was required or strongly recommended under specific bilateral partnerships with countries participating in the United Nations Reducing Emissions from Deforestation and Forest Degradation (UN-REDD) programme in order to have access to REDD+ finance.

1.13. The representative of the Plurinational State of Bolivia enquired whether countries with a national system for accreditation, but without a FLEGT VPA, could export timber and timber products to the EU. Her delegation was also interested to know whether a cost-benefit analysis for developing countries to sign a VPA had been undertaken. It was also unclear whether a VPA would have to be re-negotiated each time the national legislation on timber exploitation changed. In her delegation's view, developing countries would need to have sufficient political space so that they could, in a sovereign way, manage their own natural resources in compliance with their development goals and within the framework of shared responsibilities.

1.14. The representative of the European Union explained that, under the EU Timber Regulation, countries continued to export timber to the EU but European importers were now required to demonstrate the legality of imported timber. National certification constituted one of the methods to provide information about timber legality. However, unlike national certification schemes, a FLEGT-VPA recognized *de facto* the legality of any timber harvested in the country signatory to the VPA. The EU and its member States provided partner countries with support to mitigate the additional costs incurred in implementing the VPA at the national level, such as the establishment of traceability schemes or platforms for increased transparency. The structure of FLEGT-VPAs also allowed partner countries to easily accommodate national regulatory changes, by referring to the relevant national legislation in the VPA annex. Any change in national legislation would only entail a modification of the annex, without requiring a full ratification process of the VPA.

1.15. The representative of Nigeria was interested to know whether these bilateral VPAs would be translated into multilateral initiatives.

1.16. The representative of the European Union noted that the possibility to move to a multilateral approach had been raised on a few occasions. His delegation remained open for discussion on that issue.

1.17. The representative of Papua New Guinea enquired as to the possibility to negotiate a VPA between the EU and countries from the South Pacific region, given the challenges faced by Papua New Guinea in combatting illegal logging activities.

1.18. The representative of the European Union confirmed that any country interested in negotiating a VPA could get in contact. Papua New Guinea had already expressed interest and initiated discussions with the EU.

#### **1.1.2.1.2 Australia's Illegal Logging Prohibition Act 2012 and Amendment Regulation 2013**

1.19. The representative of Australia provided an update of the steps undertaken by the Australian Government to address the global problem of illegal logging.<sup>4</sup> The Illegal Logging Prohibition Act 2012 had come into effect in November 2012. Following consultations with industry representatives and trading partners, the Illegal Logging Prohibition Amendment Regulation 2013 was adopted. The regulation, which had been notified to the TBT Committee<sup>5</sup>, was set to come into effect in November 2014. The requirements established under the regulation were, to the extent

---

<sup>4</sup> WT/CTE/M/53

<sup>5</sup> G/TBT/N/AUS/96

possible, aligned with the EU's Timber Regulation and the United States' Lacey Act. In particular, the regulation would require Australian importers of regulated timber and timber products and domestic processors to have a complying due diligence system in place to reduce the risk of illegally logged timber entering the Australian market. Australia intended to undertake a range of outreach activities in order to raise awareness and promote compliance. Negotiations with key trading partners were also undertaken to develop country-specific guidelines to assist operators importing regulated timber into Australia to better understand the regulatory framework.

1.20. The representative of Chile enquired about any new developments regarding Australia's TBT notification of the Illegal Logging Prohibition Amendment Regulation 2013.

1.21. The representative of Australia explained that the Illegal Logging Prohibition Act 2012 and Illegal Logging Prohibition Amendment Regulation 2013 had been developed through an open and transparent process and were fully consistent with Australia's international obligations. Her delegation was open to follow up bilaterally with Chile.

#### **1.1.2.1.3 Indonesia's Timber Legality Assurance System (SVLK)**

1.22. The representative of Indonesia presented their forest management certification system, known as the Timber Legality Assurance System (SVLK), developed by the Indonesian Government through multi-stakeholders consultations, as a complement to domestic law enforcement. SVLK aimed at zeroing cases of illegal logging by maintaining a sustainable industry based on the principles of governance, representativeness and credibility. Under SVLK, only forest concessionaries in possession of a sustainable forest management (SFM) certificate, granted by a national accreditation body, were allowed to operate. Compliance costs were difficult to quantify and ranged from 2,500 to 80,000 USD, depending on the concessions size, accessibility, and distance to the market as well as the industry and forest owners' capacity to comply with all their legal obligations. More recently, Indonesia ratified a FLEGT VPA with the EU, ensuring that Indonesian timber products exported to the EU were legal and originated from sustainable forest management. The joint implementing committee was scheduled to meet in September 2014 to agree on the VPA launch. Indonesia was also in the process of signing a country-specific guideline to Australia's Illegal Logging Prohibition Amendment Regulation 2013. In parallel to these initiatives, Indonesia was currently developing a regulation to ensure the legality of imported timber to Indonesia.

1.23. The representative of Nigeria enquired as to how conflicting legislation and jurisdiction between federal, state and local governments had been dealt with.

1.24. The representative of Indonesia explained that consultations with relevant ministries, held in 2003, had led to the harmonization of differences in sectoral legislation. Local and district regulations had also been adjusted to the central government regulation following challenging discussions between central and local governments, and the customary law communities.

#### **1.1.2.1.4 Ghana's Timber Legality Program and FLEGT-VPA**

1.25. The representative of Ghana reported on the Timber Legality Program establishing growth limits, selective harvesting and felling cycles, annual allowable cuts, and banning logging in designated areas of particular ecological interest. Ghana was the first country to conclude a FLEGT-VPA with the EU in 2008. Following adoption in 2009, the national tracking system was improved and protocols were developed to monitor and report legal compliance. Implementation costs associated with improving the tracking system under the FLEGT-VPA and developing the structure to issue legality licenses were estimated at 12 million USD, excluding the operating costs of the system itself.

#### **1.1.2.1.5 Switzerland's experience**

1.26. The representative of Switzerland noted that the risk of illegal timber harvesting was deemed negligible in Switzerland. Swiss forest legislation required forests to be managed in accordance with the principles of sustainable forest management and for the establishment of a system of nationwide supervision and control. In addition, market transparency was enhanced by requiring operators to provide consumers with information on the origin of timber products and the



type of wood used. These measures were designed in a least trade-restrictive manner and avoided the creation of barriers to trade and other transaction costs. As an important supplier of wood and wood products to the EU, operators in Switzerland supplying the EU market were also subject to the EU Timber Regulation. In this bilateral and multilateral context, it was beneficial to seek synergies and maintain an open dialogue with trading partners to ensure illegal logging legislations did not create unnecessary barriers to trade. Her delegation considered the CTE to be the right place for such information sharing.

#### **1.1.2.1.6 United States' Lacey Act and regional trade agreements**

1.27. The representative of the United States of America presented the multi-faceted approach adopted by the United States to combat illegal logging and associated trade and to promote trade in legal wood products. Under the Lacey Act, trade in wood products manufactured from illegally harvested and traded timber was prohibited, with the imposition of penalties on illegal traders. Formal bilateral dialogues with key trading partners, such as China and Indonesia, were in place. The United States was also active in various international and regional forestry bodies, such as the Food and Agriculture Organization (FAO) of the United Nations (UN), CITES, the International Tropical Timber Organization (ITTO), the UN Forum on Forests, and the Asia-Pacific Economic Cooperation (APEC) Experts Group on Illegal Logging and Associated Trade. RTAs concluded by the United States constituted another approach to establish commitments and engage in capacity-building activities. In particular, the United States was cooperating with Peru to carry out an extensive work program designed to assist Peru in implementing obligations under the US-Peru RTA annex on forest sector governance. The United States was currently negotiating to establish strong disciplines in the fight against illegal logging and associated trade under the Trans-Pacific Partnership (TPP) and Trans-Atlantic Trade and Investment Partnership (T-TIP). The United States supported and participated in public-private sector partnerships, underscoring the importance of research and development of new technologies to enhance forest monitoring.

#### **1.1.2.1.7 China's experience**

1.28. The representative of China referred to a series of forestry management laws and regulations, including a forest certification system, under implementation to ensure the legitimacy of logging, transporting, processing and trading process of timber and timber products. A joint work mechanism between governments, industries, research bodies and enterprises had also been established. China recently published a guide directed at Chinese timber-related enterprises operating abroad, which underscored the importance of observing host country laws and regulations, and related international laws. Outreach activities to promote the guide's implementation had been undertaken in the Russian Federation, Indonesia, Papua New Guinea, and Guyana. China had also signed bilateral memoranda of understanding with Australia, the EU, Indonesia, Japan, and the United States, and participated in APEC cooperation activities. Similarly China was exploring the possibility of establishing mutual recognition of legal certifications, especially with other developing countries and timber-producing countries, so as to ensure the legality of the timber source in trade.

#### **1.1.2.1.8 Canada's experience**

1.29. The representative of Canada explained that the risk to export illegal timber and timber products originating from Canada was negligible thanks to rigorous and effective legislative supervision. Canada supported a risk-based approach in which consistent enforcement efforts focused on imports from regions with a demonstrable risk. Canada's official development assistance supported capacity building and governance in forest policy and administrative management in a number of developing countries, such as Cameroun. All forms of international dialogue working towards combatting illegally harvested and traded forest products were encouraged. In this context, Canada welcomed the opportunity to cooperate with Australia to design a country-specific guideline to facilitate the implementation of Australia's Illegal Logging Prohibition Amendment Regulation 2013.

#### **1.1.2.1.9 Other comments**

1.30. The representative of New Zealand noted that New Zealand was a small market for potentially illegally logged timber imports. Rather than a regulatory approach, New Zealand had

opted for the promotion of voluntary industry initiatives. Her delegation recalled the importance to ensure that any policy regime or initiative designed to address illegal logging had to comply with international trade obligations and not be applied in a manner that would constitute a means of arbitrary discrimination or a disguised restriction on trade.

1.31. The representative of Nigeria underscored the need for capacity building to improve the enforcement of laws and regulations aimed at combatting illegal logging, and to raise awareness about its associated impacts. In particular, it was necessary to determine clearly who had the right to harvest the forest and how effectively those rights could be enforced. The release of publicly available information regarding government decisions on the issue was also needed to improve transparency and accountability. Ultimately, incentives had to be developed to ensure legal logging was more affordable and easily accessible, and the benefits derived from violating the law did not outweigh the cost of non-compliance.

1.32. The representative of Mexico highlighted her delegation's interest in the measures related to traceability (tracing and tracking) of timber products adopted by a number of WTO Members. The approach, adopted by Mexico, was centred on cooperation and the establishment of information exchange networks while at the same time combating trade in illegally sourced products in Mexico.

#### **1.1.2.2 Fossil Fuel Subsidy Reform**

1.33. The representative of New Zealand reported on the key results of a roundtable on fossil fuel subsidy reform hosted by the Friends of Fossil Fuel Subsidy Reform (namely Costa Rica, Denmark, Ethiopia, Finland, New Zealand, Norway, Sweden and Switzerland), the United States and the World Bank in the margins of the 2014 World Bank and International Monetary Fund (IMF) Spring meetings. Both APEC and G-20 peer review processes were voluntary and flexible by allowing the volunteering country to determine the scope and composition of the reviewing team, as well as publication of the findings. Efforts to assess and reform fossil fuel subsidies were also discussed drawing on the recent experiences of the Dominican Republic, Finland, Indonesia and Mexico. While there was no single way of undertaking fossil fuel subsidy reform, the roundtable highlighted a number of common elements associated with successful reform efforts: (i) a firm understanding of the root causes of subsidies and their negative outcomes, as well as the domestic political, social and economic context; (ii) coordinated communication and awareness about the negative effects of subsidies, especially with respect to their regressive nature benefiting the rich more than the poor; (iii) adherence to clear timelines; and (iv) gradual pace of reform as opposed to rapid price increases.

1.34. The representative of the European Union reaffirmed their commitment to continue efforts to get the G-20 peer review process underway, by being ready to join as a reviewer, encouraging broad participation and preferably involving an established partner such as the International Energy Agency (IEA). Her delegation stressed that discussions on fossil fuel subsidies reform fell within the CTE's broad scope and contributed to a better understanding of the trade and environment relationship.

1.35. The representative of the Kingdom of Saudi Arabia noted that the peer review was a voluntary process taking place under the G-20, without any linkages to the WTO. His delegation was of the view that the CTE was not the appropriate venue to discuss those reforms.

1.36. The representative of Qatar endorsed the statement made by the Kingdom of Saudi Arabia.

1.37. The representative of Norway was of the view that the mandate of the CTE was broad enough to share this type of useful information.

1.38. The representative of Canada explained that Canada was taking steps to improve tax system neutrality in its resource sector, to support its commitment undertaken as a G-20 member. His delegation stressed that discussing this issue within the CTE's broad mandate did not, in any way, seek to influence the rights and obligations of WTO Members.

1.39. The representative of Chile noted that although there was no direct formal link with the WTO, fossil fuel subsidy reform would, in the long run, likely affect international markets and ultimately be related to the WTO's work.

1.40. While taking note of the information provided, the representative of the Bolivarian Republic of Venezuela echoed the concerns raised by the Kingdom of Saudi Arabia and Qatar.

1.41. The representative of South Africa noted that these types of ad-hoc presentations were purely informative, without prejudging or pre-empting current negotiations and work in other relevant multilateral fora.

1.42. The representative of Nigeria supported the sharing of information and wondered how this type of presentation would feed into the work of the CTE.

1.43. The representative of New Zealand agreed with the EU and Canada that the mandate of the CTE was broad enough to discuss this issue. New Zealand recognised that international reform efforts were at a relatively early stage of building political awareness, but a better understanding of the full range of fossil fuel support measures to production and consumption and their policy objectives was necessary in order to determine which measure could have an efficient or environmentally harmful effect. Although New Zealand did not plan any specific follow-up at this point, her delegation continued to be willing to bring updates forward for transparency purposes and to hear views from other WTO Members on the benefits of reforming inefficient fossil fuel subsidies.

## **1.2 Paragraph 32(iii) on "Labelling requirements for environmental purposes"**

### **1.2.1 Briefing by the Organization for Economic Cooperation and Development (OECD)**

1.44. The representative of the Organization for Economic Cooperation and Development (OECD) provided an update on their on-going project on environmental labelling and information schemes. Results from the analysis of a comprehensive characterisation of more than 500 different labelling schemes confirmed both the diversity and unequal growth of the different types of schemes identified. Although single-issue environmental seals remained the most important type of labelling scheme on the market, new types of schemes had emerged in recent years, such as quantitative reports and voluntary sustainability standards. The analysis also reflected an increasing difficulty in distinguishing between purely private sector and purely non-profit initiatives, with the emergence of various hybrid and partnership schemes.

1.45. The next step of the project involved analysing the implications of the multiplication of environmental labelling schemes with respect to environmental effectiveness and international trade. The term 'greenwashing' referred to a situation in which a product with poor environmental quality promoted a misleading environmental message either through a self-made claim or through an inappropriate third party audited labelling scheme. At the other end of the spectrum, 'greenbashing' referred to a situation in which an environmental labelling scheme wrongly assigned a low environmental score to a genuinely strong performing environmental product. This could happen when the scheme either strongly focused on the distance to market or was otherwise inappropriate for particular countries. Yet another related situation occurred when particular labelling schemes would systematically favour domestic over international producers. Given the difficulties to empirically isolate the different factors at play for specific schemes, a theoretical model would be used to infer insights.

1.46. Another part of the project involved the review on environmental policies and guidelines regulating the use of environmental labelling and claims, in particular self-made environmental claims (type 2 ISO 14020 series) in the private sector. The analysis of 11 OECD member countries highlighted the lack of harmonization of these regulations between countries. Producers working internationally could face a situation where a self-reported claim would be valid in one country, and invalid in another. The review further noted an increasing number of prosecution cases of flagrantly misleading environmental claims that ultimately were removed from the marketplace. However, it was unclear whether this was the result of more effective monitoring systems or of an increasing number of green claims being made in the market.

1.47. The representative of Egypt considered the multiplication of labelling schemes to be a problem, especially for developing countries. In this context, his delegation was interested to learn more about the effects for developing country exports. His delegation also enquired on whether OECD work was focused purely on EU countries and multinationals.

1.48. The representative of Canada underscored the importance and usefulness of such objective and evidence-based analysis on this increasingly important topic in the trade and environment debate. Canada would continue working constructively on this and other projects through the appropriate OECD working bodies.

1.49. The representative of New Zealand noted that although non-discriminatory and transparent environmental labelling schemes could enhance and facilitate trade, third country importers found it both technically difficult and costly to comply with the confusing range of "one size fits all" initiatives. New Zealand remained interested in identifying best practices in encouraging greater transparency and non-discrimination in the development and operation of environmental labelling schemes. In this regard, OECD work was viewed as a valuable contribution.

1.50. The representative of Mexico recognised that the use of environmental labelling schemes had increased on the part of governments as well as civil society and industry. Mexico had developed a code of best practice in relation to the TBT Agreement, in order to prevent discrimination between countries and the creation of unnecessary or unjustified obstacles to international trade.

1.51. The representative of Switzerland shared Mexico's view that environmental schemes should not create any unnecessary barriers to trade. His delegation underscored the relevance of the OECD work to the CTE which showed how market access to environmental labelled goods could be increased, thus contributing to the needs of developed and developing countries.

1.52. The representative of China explained that China had achieved tremendous progress over the past ten years through its Environmental Labelling Program. China had signed cooperation agreements in environment labelling with eight countries and regions, including Australia, Germany, Japan, the Republic of Korea, New Zealand and Thailand. Common environmental labelling standards agreements have also been negotiated with Germany, Japan and the Republic of Korea. In addition, China had established technical relations with international organizations such as the UN Environment Programme (UNEP), UN Development Programme (UNDP) and ISO.

1.53. The representative of the Kingdom of Saudi Arabia echoed the concerns raised by Mexico and Switzerland. While questioning the effectiveness of environmental labelling, his delegation was concerned that mandatory labelling requirements could result in the creation of undue restrictions on trade, especially for developing countries.

1.54. The representative of South Africa supported the concerns raised by Egypt. In her view, voluntary environmental labelling and information schemes were *de facto* mandatory due to their potential to compromise and severely constrain market export opportunities for SMEs, particularly from developing and least developed countries. Her delegation enquired on the effectiveness of such schemes from a cost-benefit analysis perspective. Her delegation was further interested to know to what extent these schemes were based on sound scientific principles, provided for flexibility, promoted innovation and were more trade-restrictive than required and discriminatory with respect to trading partners.

1.55. The representative of the Plurinational State of Bolivia echoed the concerns voiced by Egypt, the Kingdom of Saudi Arabia and South Africa with respect to the impact of environmental labelling schemes on market access of developing countries and SMEs.

1.56. The representative of OECD noted that in recent years the most recognised international sustainability standards sought to be more country-specific and sensitive to conditions, in an effort to reduce potential trade impacts. The OECD remained committed to provide the most comprehensive overview of the issue by considering developed and emerging economies. Other international fora, such as the UN Forum on Sustainability Standards or the Committee on Sustainability Assessment, were also working on the multiplication of environmental labelling schemes.

## **2 OTHER ITEMS ON THE CTE AGENDA**

### **2.1 Item 1 of the CTE Work Programme**

*"The relationship between the provisions of the multilateral trading system and trade measures for environmental purposes, including those pursuant to multilateral environmental agreements."*

2.1. Following requests by several delegations, the CTE received an informal presentation by the WTO Secretariat on "Environment-related Case Law under GATT Article XX".

## **3 OTHER BUSINESS**

### **3.1 Davos Environmental Goods Initiative**

3.1. The representative of Canada reported on the environmental goods initiative announced by 14 WTO Members in the margins of the World Economic Forum in Davos in January 2014.<sup>6</sup> Following the announcement of the commitment to achieve global free trade in environmental goods, participating members were engaged in internal and domestic consultations, as appropriate. The official launch of the negotiations was set for 8 July 2014. Participating members were committed to the principle of transparency and would keep WTO Members apprised of progress as the negotiations moved forward.

3.2. The representative of China reaffirmed China's consistent support for the liberalization of environmental goods. China had been actively and constructively involved in the consultation process that led to the adoption of the APEC environmental goods list. China's participation in the Davos environmental goods initiative was viewed as an opportunity to provide impetus to the ongoing WTO Doha negotiations and help strengthen the multilateral trading system. The future negotiations had to accommodate the concerns of participants with different development levels and avoid the misuse of the environmental concept that would otherwise reduce these negotiations into non-agricultural market access negotiations. China was willing to work closely with other participants through friendly and constructive negotiation in order to harvest a balanced and meaningful outcome towards win-win-win situations. The representative indicated that China was in favour of regular updates on the initiative for transparency purposes.

3.3. The representative of Ecuador underscored the need to extend the results of the Davos Initiative on a most-favoured nation (MFN) basis in order to strengthen the multilateral trading system, using precedents such as the Information Technology Agreement. Ecuador recognised that GATT Article XXIV allowed for plurilateral agreements, but those required specific procedures.

3.4. The representative of Peru considered that any multilateral or plurilateral result should include all products of interest to developing countries, such as organic products, in order to ensure a positive impact on the environment, trade and poverty alleviation. Peru would therefore support a plurilateral process so long as its scope covered environmental goods of interest to developing countries.

3.5. The representative of Canada explained that the scope of the agreement would be clarified during the negotiations. Any agreement concluded would be implemented once a critical mass of participating members was reached, and would be done on a MFN basis. His delegation was strongly convinced that these efforts would add impetus to the multilateral trading system by further liberalizing trade.

### **3.2 APEC Environmental Goods List**

3.6. The representative of China reported on the last meeting of the APEC Ministers Responsible for Trade in May 2014, who released a stand-alone statement on strengthening the multilateral trading system, appealing to maintain APEC's leadership in environmental goods trade, and

---

<sup>6</sup> The following WTO Members are participating in the environmental goods initiative: Australia; Canada; China; Costa Rica; Chinese Taipei; the EU; Hong Kong, China; Japan; the Republic of Korea; New Zealand; Norway; Switzerland, Singapore; and the United States.

reaffirming their commitment to implement the APEC environmental goods list by the end of 2015. APEC leaders also directed Ministers to explore opportunities in the WTO to build on the APEC environmental goods commitment. In this context, the Davos Initiative was welcomed as a significant move toward building on APEC's commitments.

### **3.3 Briefing by the United Nations Conference on Trade and Development (UNCTAD)**

3.7. The representative of the United Nations Conference on Trade and Development (UNCTAD) reported on the activities of the UN Forum on Sustainability Standards (UNFSS), a joint initiative of FAO, the International Trade Center (ITC), UNCTAD, UNEP, and the United Nations Industrial Development Organization (UNIDO). Following the completion of the launch phase in 2013, UNFSS projected publication in 2014 of a flagship report focusing on the specific role of governments and government regulation in supporting the implementation of private standards and the achievement of their sustainable development objectives. Policy dialogue constituted another priority with the establishment of two working groups on impact assessment and related data requirements, and on enhancing the inter-operability, including harmonization and equivalence, among private sustainability standards. UNFSS was also collaborating with national platforms on private sustainability standards in China, India and Thailand, the Association of South East Asian Nations (ASEAN) working group on horticultural and food product standards, the International Cocoa Organization, as well as the International Rubber Study Group and the Association of Natural Rubber Producing Countries.

### **3.4 Briefing by the United Nations Environment Programme (UNEP)**

3.8. The representative of the United Nations Environment Programme (UNEP) reported on the first United Nations Environment Assembly (UNEA) held in Nairobi in June 2014, with over 1,200 participants and 160 delegations. Sixteen decisions and resolutions encouraging international action on major environmental issues ranging from air pollution and illegal trade in wildlife to plastic debris in the oceans, chemicals and waste, were adopted. The high-level segment focused on Sustainable Development Goals (SDGs) and the post-2015 Development Agenda, including the promotion of sustainable consumption and production patterns, as well as actions to counter illegal trade in wildlife. A Symposium on Financing a Green Economy was held to provide a platform for raising awareness and discussing among policy-makers and financial actors the financing required to green the economy. UNEP's publication entitled "South-South Trade in Renewable Energy: A Trade Flow Analysis of Selected Environmental Goods" was also launched at UNEA. The report highlighted the importance of trade in environmental goods between developing countries, which was likely to accelerate in coming years, offering developing countries new opportunities to drive a green economy transition.

3.9. The UNEP representative also provided an update on the first Partnership for Action on Green Economy (PAGE) Conference held in Dubai in March 2014, with more than 700 participants from government, private and non-governmental sectors. The initiative of the International Labour Organization (ILO), UNEP, UNIDO, the United Nations Institute for Training and Research (UNITAR), and UNDP provided a voluntary and demand-driven mechanism to support countries in developing and implementing inclusive green economy strategies. A high-level session on green economy and trade was also organized as part of UNEP's Green Economy and Trade Opportunities Project whose objective was to assist developing countries in identifying and seizing trade opportunities arising from the transition to a green economy. UNEP continued to develop knowledge on products on trade and green economy for the upcoming publication, in collaboration with the International Institute for Sustainable Development (IISD) and the support of Canada, Germany and New Zealand, of a handbook for policy makers on the economic and legal inter-linkages between trade, the environment and green economy.

3.10. The representative of China was interested to learn more about UNEP's work on trade and environment, including any relevant research on the impact of environmental measures on market access of developing countries.

3.11. The representative of UNEP explained that UNEP had contributed to conceptual work on market access issues a number of years ago. More recently, the analysis, on a case-by-case basis, of market access impacts of environmental measures formed an essential part of the approach adopted by UNEP's Green Economy and Trade Opportunities project.

3.12. Another representative of the United Nations Environment Programme (UNEP) presented the Green Growth Knowledge Platform (GGKP), an initiative jointly established prior to the UN Rio+20 Conference by the World Bank, OECD, UNEP and the Global Green Growth Institute. The GGKP aimed at (i) developing collaborative research committees in charge of identifying and addressing knowledge gaps in green growth theory and practice; (ii) managing knowledge through a dedicated web platform; and (iii) sharing knowledge with practitioners and policymakers through social media and a series of events, conferences, and workshops. To date four pilot research committees on fiscal instruments, trade and competitiveness, indicators and metrics, and technology and innovation, had been established, resulting in the publication of over 25 studies. Underpinning the initiative was a robust partnership of over 30 partners, including UN agencies, key research institutes and non-governmental organisations active in the area.

3.13. The representative of the Plurinational State of Bolivia recalled that as recognized in the Rio+20 outcome document "The Future We Want", there were different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development.

3.14. The representative of Switzerland underscored the importance of the role of the GGKP in collecting, processing and disseminating in-depth theoretical knowledge and practical experience necessary for interested stakeholders to build a solid knowledge base to facilitate the transition to a green economy. His delegation welcomed further discussion on such initiatives in the CTE.

3.15. The representative of the European Union supported further discussion on the issue in the CTE.

3.16. While welcoming the sharing of information and updates, the representative of the Kingdom of Saudi Arabia was of the view that further discussion was not needed.

### **3.5 Briefing by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

3.17. The representative of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) reported on the second phase of a joint programme with ITTO which launched a study analysing trade volumes of all timber-species listed in CITES Appendices II and III. CITES was also engaged in discussions with FAO to develop a cooperative agreement related to forestry. Earlier this year, CITES had concluded a memorandum of understanding with ITC complementing the existing memorandum of understanding with UNCTAD. At the regional and national level, CITES was involved in consultations regarding the link between CITES and new domestic legislation designed to prevent illegally-sourced timber imports. Illegal trade in rosewood from Madagascar, Southeast Asia and Central America had received increased attention and parties to CITES were considering adopting a global approach to address the issue. CITES was also working closely with parties, FAO, the private sector and other non-State actors to help parties prepare for the implementation of trade controls on commercially valuable shark and ray species, included in CITES Appendix II at the 16<sup>th</sup> meeting of the Conference of the Parties (COP).

3.18. The representative of the European Union welcomed further discussions on the issue in the CTE.

### **4 DATE OF NEXT MEETING**

4.1. The next meeting of the Committee is scheduled to take place on 23 October 2014.

ANNEX 1: ITEMS OF THE CTE WORK PROGRAMME

- Item 1: The relationship between the provisions of the multilateral trading system and trade measures for environmental purposes, including those pursuant to multilateral environmental agreements.
- 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.
- Item 3(a): The relationship between the provisions of the multilateral trading system and charges and taxes for environmental purposes.
- Item 3(b): The relationship between the provisions of the multilateral trading system and requirements for environmental purposes relating to products, including standards and technical regulations, packaging, labelling and recycling.
- 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.
- Item 5: The relationship between the dispute settlement mechanisms in the multilateral trading system and those found in multilateral environmental agreements.
- 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 7: The issue of exports of domestically prohibited goods.
- Item 8: The relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights.
- Item 9: The work programme envisaged in the Decision on Trade in Services and the Environment.
- 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.
-



ANNEX 2: PARTS OF THE DOHA DEVELOPMENT AGENDA THAT RELATE TO THE WORK OF THE  
CTE REGULAR

32. We instruct the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:

(i) the effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development;

(ii) the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights; and

(iii) labelling requirements for environmental purposes.

Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and least-developed countries.

33. We recognize the importance of technical assistance and capacity building in the field of trade and environment to developing countries, in particular the least-developed among them. We also encourage that expertise and experience be shared with members wishing to perform environmental reviews at the national level. A report shall be prepared on these activities for the Fifth Session.

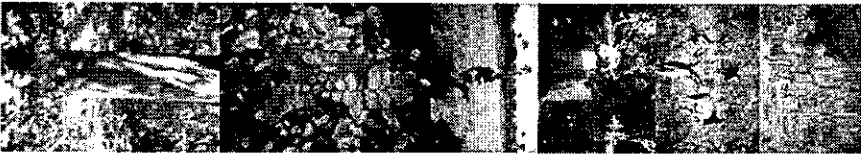
51. The Committee on Trade and Development and the Committee on Trade and Environment shall, within their respective mandates, each act as a forum to identify and debate developmental and environmental aspects of the negotiations, in order to help achieve the objective of having sustainable development appropriately reflected.

---





**MINFOF**



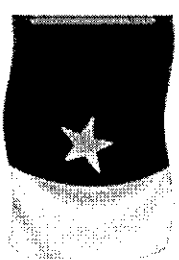
Committee on Trade and Environment (CTE),  
WTO  
30 June 2014, Geneva (Switzerland)

## PRESENTATION

Cameroon's efforts to promote trade in  
legal timber and timber products

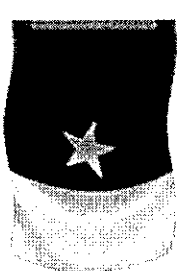
Salomon Janvier Belinga  
*Deputy Director of Forest Taxation and Approvals*  
*Ministry of Forestry and Wildlife (MINFOF)*  
*Cameroon*

INT/SUB/TE/12



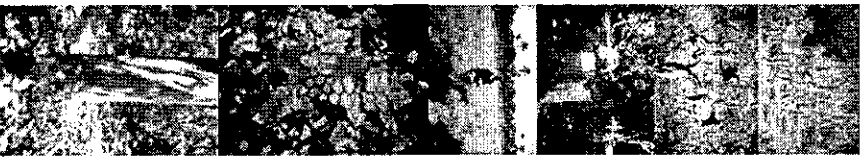


# PLAN



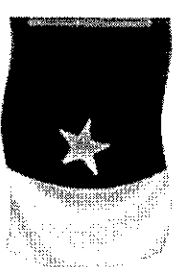
**MINFOF**

- 1. Country background**
- 2. Overview of the Cameroonian forestry sector**
- 3. Promoting the production of legal timber and timber products**
- 4. Legality Assurance System**

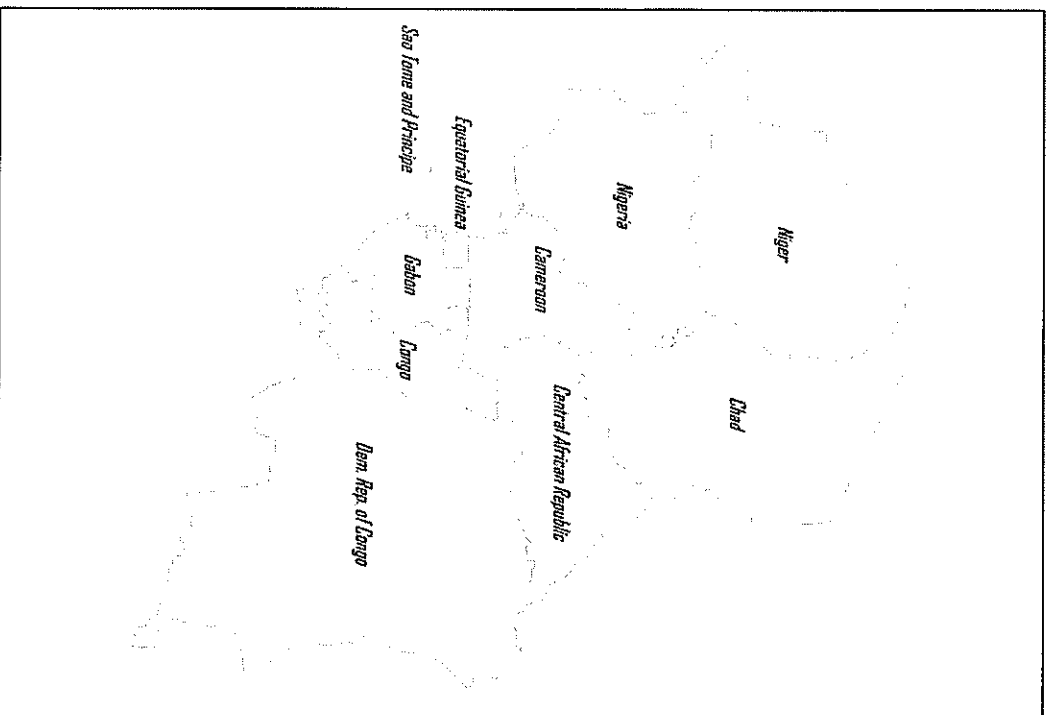
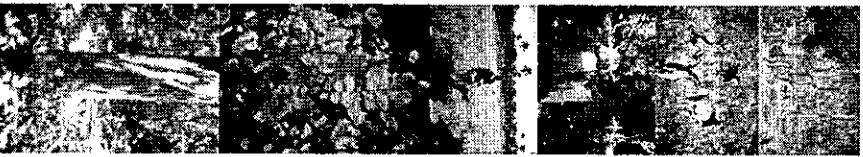




## 1. Country background 1/2



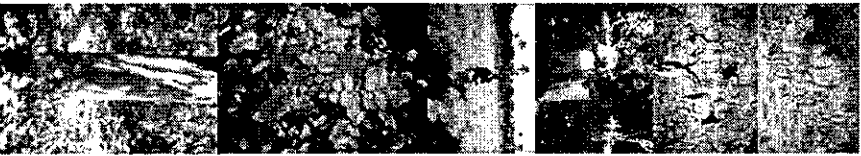
# MINFOF



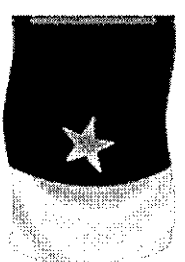
- ❖ Central African country located on the Gulf of Guinea;
- ❖ Roughly triangular in shape, stretching over 1,200 km from Lake Chad in the north to the southern coast, and over 800 km from east to west;
- ❖ 420 km of Atlantic coastline in the southwest;
- ❖ Home to a great diversity of ecosystems, namely marine and coastal areas (mangroves), forests, mountains, savannahs and transition areas (ecotones);
- ❖ Bordered by Nigeria to the west, Congo, Gabon and Equatorial Guinea to the south, the Central African Republic to the east and Chad to the northeast.



# MINFOF



## 1. Country background 2/2



Climate: WorldClim 2005

### ❖ Area:

- 475,650 km<sup>2</sup>

### ❖ Population:

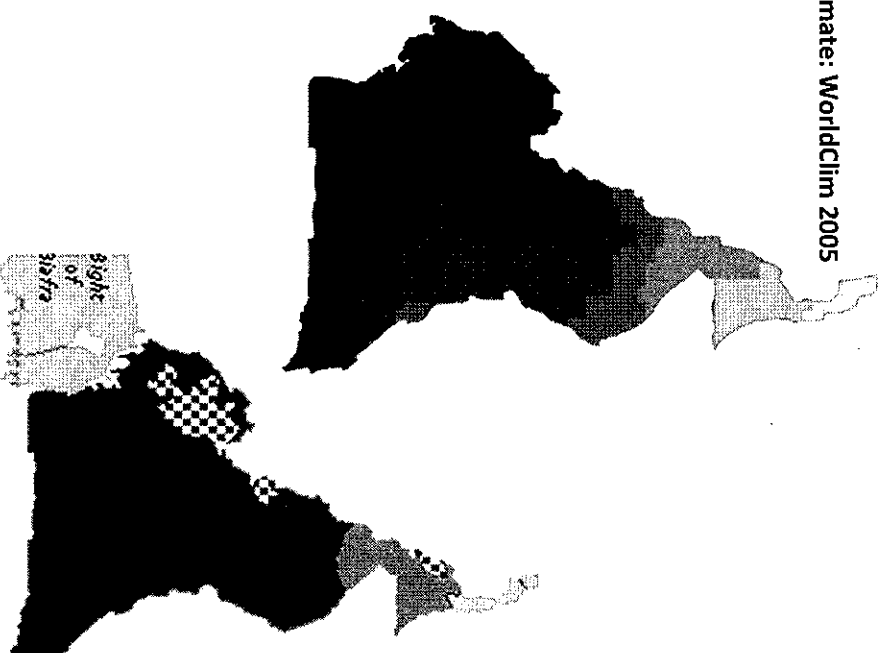
- Around 20 million inhabitants;
- Population density: 42 inhabitants/km<sup>2</sup>;





### ❖ Climate

- Coastal, desert, mountain, rainy and savannah climates;
- Average temperature:
  - 26°C in the south;
  - 30°C in the north;

### ❖ Forestry

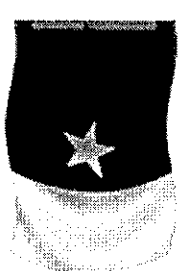
- Forest cover: 22 million ha
- Forest types: African rainforest, deciduous and semi-deciduous forests and savannah;
- Forest ownership: State, communal, community and private;
- Deforestation: approx. 200,000 hectares per year.



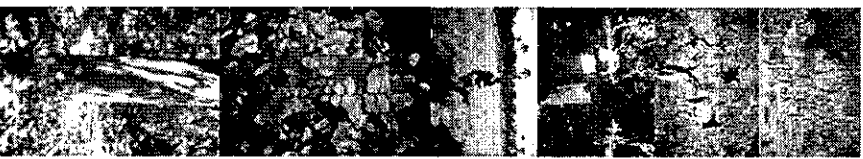
-  Tropical rain forest
-  Tropical moist deciduous forest
-  Tropical dry forest
-  Tropical shrubland



## 2. Overview of the Cameroonian forestry sector (1/6)



# MINFOP



❖ In the 1990s, Cameroon significantly reformed its forestry policy, bringing it into line with international guidelines on biodiversity conservation and sustainable management of natural resources;

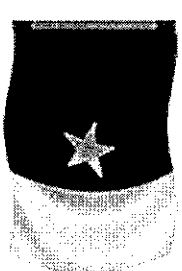
❖ Main aspects of the reform:

- ✓ Establishment of the Ministry of the Environment and Forests (MINEF) in 1992 and division into two Ministries (MINFOP and MINEP) at the end of 2004;
- ✓ Adoption of a new forestry policy in 1993;





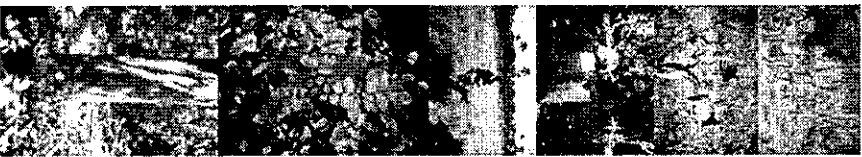
## 2. Overview of the Cameroonian forestry sector (2/6)



# MINFOF

✓ Enactment of the Law on the forestry, fauna and fisheries regime in 1994 and of the Framework law on environmental management in 1996. The objectives of this strategic policy framework include:

- participative management of forest and fauna resources;
- conservation of biodiversity through a national network of protected areas;
- renewal of forest resources and fight against desertification;
- contribution to economic growth and poverty reduction;
- strengthening of the core functions of the public sector;
- implementation of a regulatory framework conducive to private-sector development;
- harmonization of the land management system through the implementation of a zoning plan;
- sustainable forest management;
- improved governance;



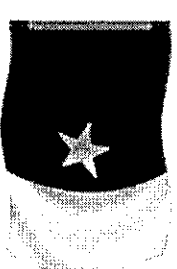




**MINFOF**



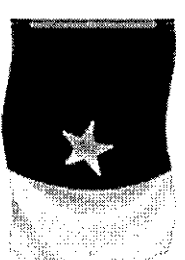
## **2. Overview of the Cameroonian forestry sector (3/6)**



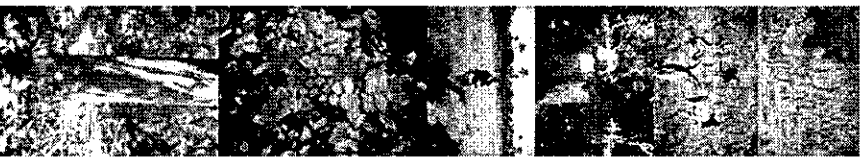
- ❖ Development and adoption of the Forest Sector - Environment Programme (PSFE) as a basic instrument for the sustainable management of Cameroonian forests;
- ❖ Implementation of MINFOF technical activities through the following three programmes:
  - ✓ management of production forests and renewal of forest resources;
  - ✓ management and enhancement of wildlife and protected areas;
  - ✓ enhancement of ligneous and non-ligneous forest resources.



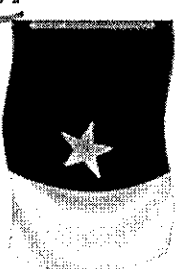
## 2. Overview of the Cameroonian forestry sector (4/6)



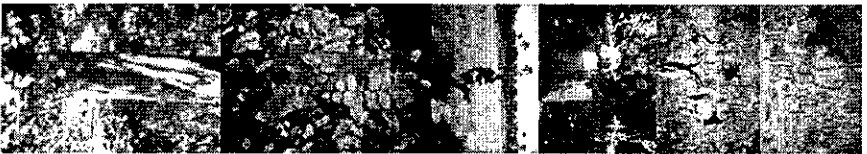
**MINFOF**



- ❖ Cameroon has 22 million hectares of forest, covering over 40% of the country;
- ❖ Its forests contain around 300 potentially marketable tree species, of which only 60 are exploited;
- ❖ Output:
  - ✓ Around 2 million m<sup>3</sup> of logs and 1.5 million m<sup>3</sup> of timber are produced industrially;
  - ✓ 1 million m<sup>3</sup> of timber is produced on a small scale for local consumption and also for export to African countries such as Chad, Libya and Sudan;
- ❖ 95% of industrial production is solely for export.



**MINFOF**



## 2. Overview of the Cameroonian forestry sector (5/6)

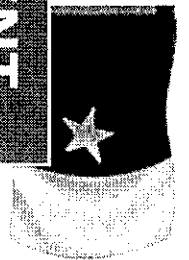
- ❖ The sector contributes:
  - ✓ 809.63 billion CFAF per year in revenue;
  - ✓ 496 billion CFAF per year in value added;
  - ✓ 4.9% of gross domestic product (GDP) ;
  - ✓ 150,000 jobs, of which 14% are in the formal sector and 86% in the informal sector;
- ❖ Third main sector in terms of GDP contribution after agriculture and oil;
- ❖ Availability of forest zoning plan for southern Cameroon - map showing the allocation of forest land for different uses;



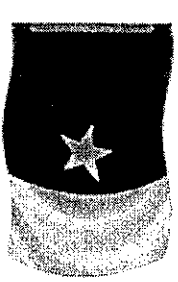
**MINFOF**



## 2. Overview of the Cameroonian forestry sector (6/6)



PERMANENT FOREST DOMAIN (classified forests)		NON-PERMANENT FOREST DOMAIN (Non-classified forests)	
State forests Forest development units (UFA)	Communal forests	Community forests	<ul style="list-style-type: none"> <li>- National domain forests (sales of cut wood, timber exploitation licences, timber salvage licences, etc.)</li> <li>- Private forests</li> <li>- Agroforests, etc.</li> </ul>
<i>Private property of the State</i>	<i>Private property of the communes</i>	<i>Area covered by a management arrangement between the communities and the State</i>	

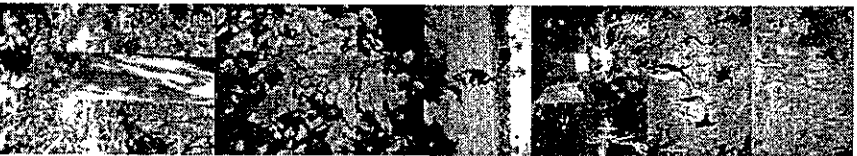


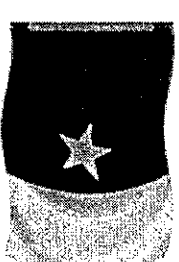
**MINFOR**

### **3. Promoting the production of legal timber and timber products 1/2**

❖ Cameroon has taken a number of measures to improve governance and transparency within the national forestry sector, including the following:

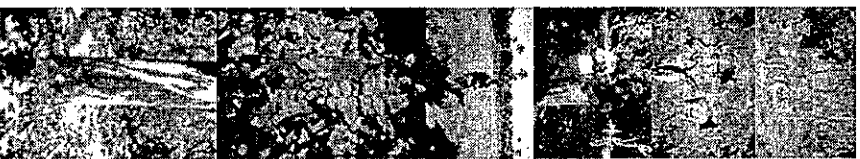
- ✓ Planning and transparency in the issuance of forestry licences;
- ✓ Issuance of licences by an interministerial commission with the help of an independent observer;
- ✓ Issuance of secure documents to economic operators from the forestry sector for the exploitation, processing and transportation of forest resources;
- ✓ Assistance provided by an independent observer for the monitoring and control of forestry offences;
- ✓ Adoption of a national forest and fauna control strategy involving all stakeholders;
- ✓ Increase in staff through the recruitment of rangers and contractual forestry workers with military training;
- ✓ Provision of logistics resources and technical equipment for departmental and regional delegations as part of the implementation of the Forest Sector - Environment Programme (PSFE);





### **3. Promoting the production of legal timber and timber products (2/2)**

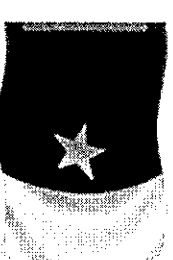
**MINFOF**



- ✓ Mandatory return of the counterfoils of secure documents prior to issuance of new documents;
- ✓ Approval by the Ministry of Forestry and Wildlife of timber supply contracts between licensed and non-licensed operators;
- ✓ Suspension or withdrawal of licences in the event of failure to meet tax commitments or management plan requirements;
- ✓ Implementation of anti-corruption measures to promote ethical practices;
- ✓ Publication of forestry information through different media (newspapers, internet etc.);
- ✓ Quarterly publication of offences and dispute records via all available forms of media;
- ❖ The ongoing forest law reform, which involves multiple actors and the general public, takes into account emerging concerns of the international community (REDD+, FLEGT-VPA, climate change, indigenous peoples, governance etc.);



## 4. Legality Assurance System (LAS) (1/3)



In order to strengthen forestry governance and promote the production of legal timber:

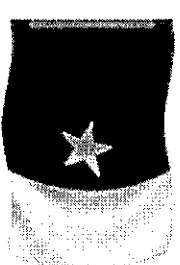
- ❖ A Voluntary Partnership Agreement (VPA) was signed with the European Union on 6 October 2010. VPA negotiations began in 2007 under the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan;
- ✓ Agreement ratified by Cameroon on 9 August 2011;
- ✓ Entry into force on 16 December 2011;
- ✓ Entry into force of the EU Timber Regulation (EUTR) on 3 March 2013;
- ✓ The FLEGT-VPA aims to combat illegal logging, strengthen forest governance and promote the production of legal timber and its image on the international market;
- ✓ **Operation of the FLEGT-VPA:**
  - LAS (Requirements and procedures for distinguishing between legal and illegal timber);
  - LAS: Based on six elements
    - Legality of forestry entities (use of the legality frame with verifiers and indicators);
    - Timber traceability system (supply chain conformity);
    - National control of forestry activities;
    - National monitoring of forestry activities;
    - Independent audit of the LAS;
    - FLEGT licensing scheme.

**MINFOP**





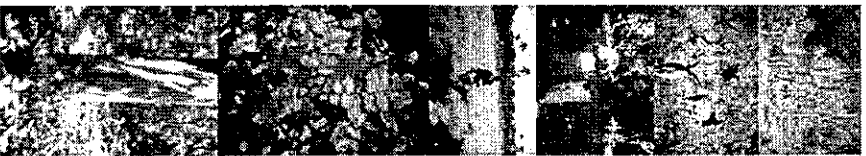
## 4. Legality Assurance System (LAS) 2/3



**MINFOF**

### ✓ Implementation of the FLEGT-VPA

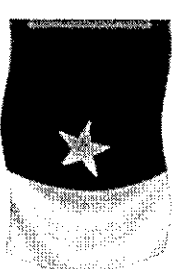
- An implementation schedule was included in the Annex to the Agreement;
- The schedule provided for the issuance of the first FLEGT licences at the beginning of 2013, in preparation for the EUTR;
- The outcome of the traceability system project introduced after the signing of the VPA and implemented by the SGS-Helveta consortium has been inconclusive;
- A new operator is currently being recruited to develop traceability software, which should be available six months after the contract has been signed;
- Signing of a text establishing the use of the SIGIF (forestry data management system) database to record forestry, environmental, social and tax information relating to forestry management;
- Implementation of procedures to issue certificates of legality and FLEGT licences:
  - Order establishing procedures for the issuance of legality certificates;
  - Order establishing procedures for the issuance of FLEGT licences;
  - Dissemination and outreach to explain all texts relating to the FLEGT-VPA;



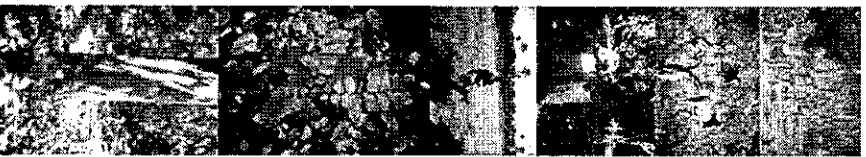




## 4. Legality Assurance System (LAS) 3/3



**MINFOR**



- Revision of logging inventory rules with regard to the geo-referencing of tree stems;
- Raising of awareness on the VPA and relevant procedures among all stakeholders;
- Signing of the first legality certificates as from June 2014;
- Signing of the first FLEGT licences in 2015;
- Performance of periodic audits in order to verify the reliability of the LAS;
- The first and current audit examines the conformity of documents relating to the issuance of forestry licences, in order to ensure that licencing procedures comply with the legislation in force.

# MINFOF



THANK YOU FOR YOUR ATTENTION



# MINFOF

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

# **ENVIRONMENTAL PROVISIONS IN REGIONAL TRADE AGREEMENTS**

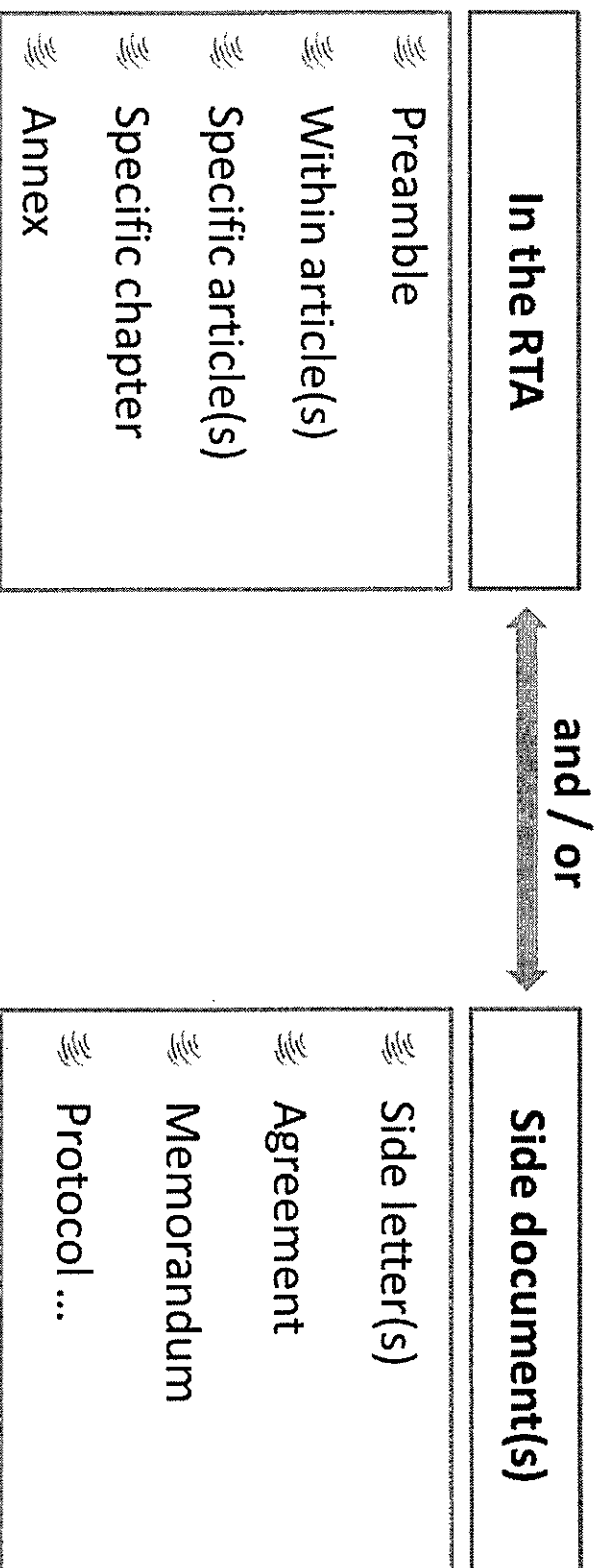
Dr. José- Antonio Monteiro

Trade and Environment Division

23 October 2014

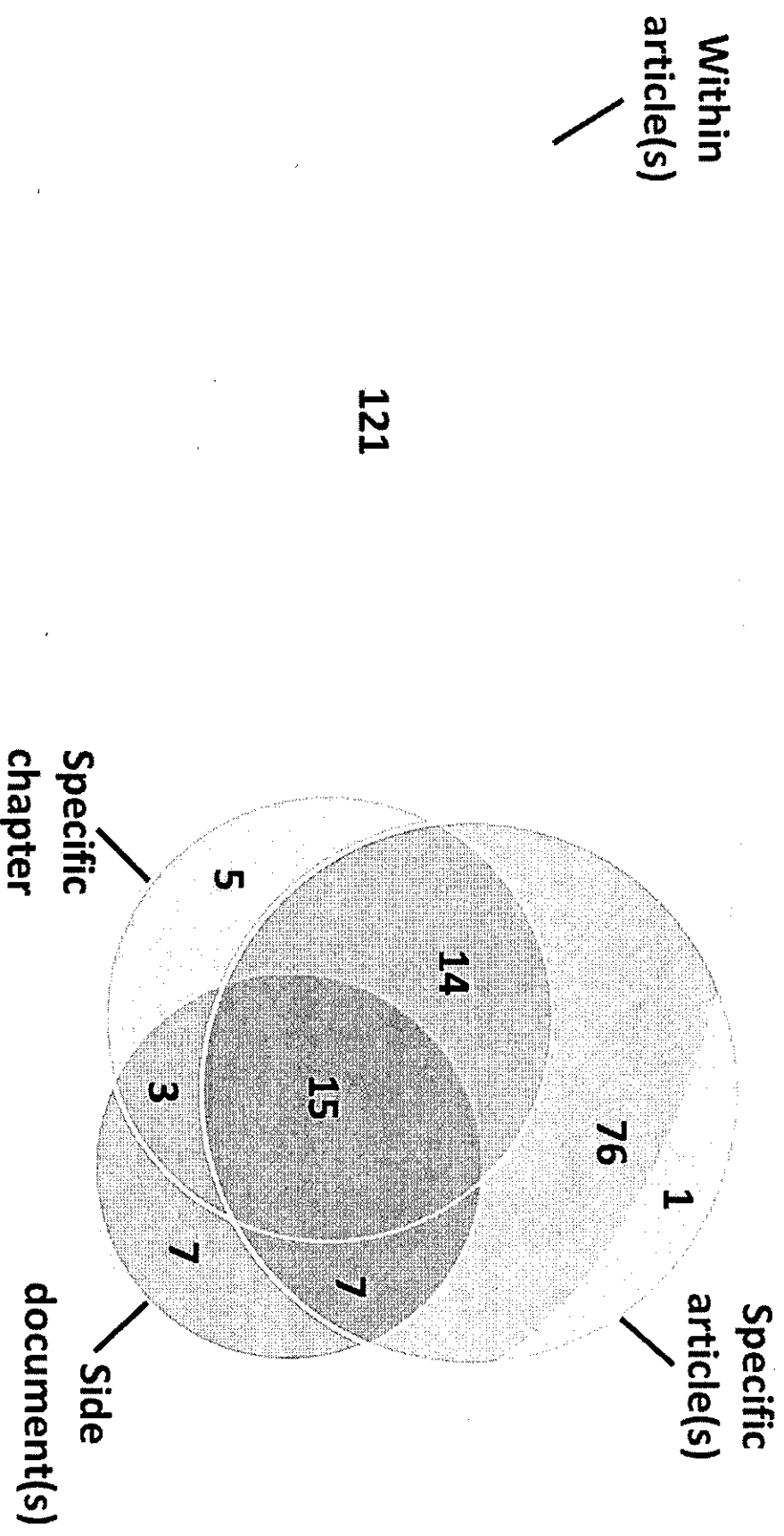
# Methodology

- 254 RTAs currently in force notified to the WTO between 1957 and May 2014
- Environment-related provisions: any provisions referring directly and explicitly to the protection of the environment, sustainable development and other environment-related issues



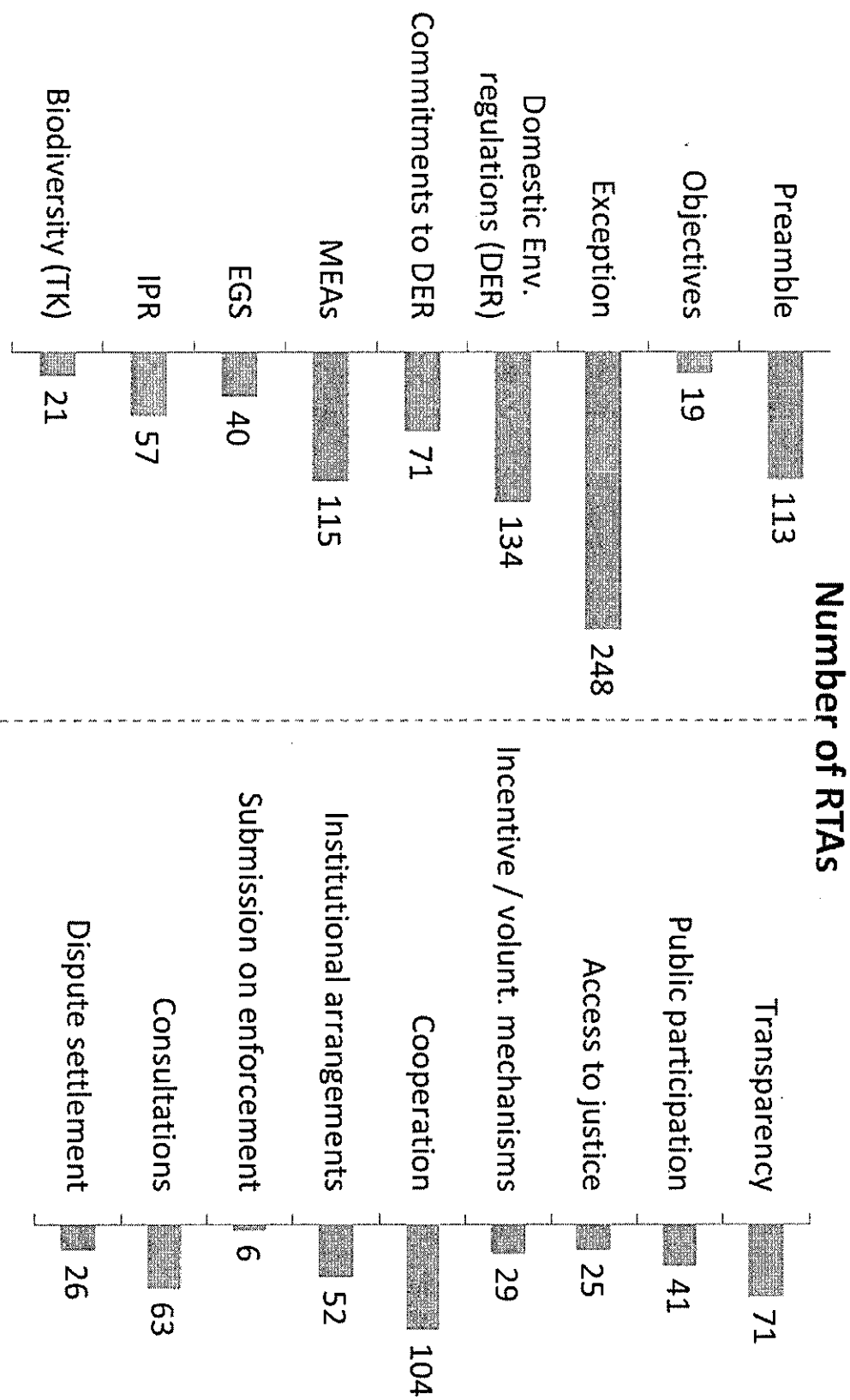
# Multiple Locations of Provisions (1957-2014)

Number of notified RTAs

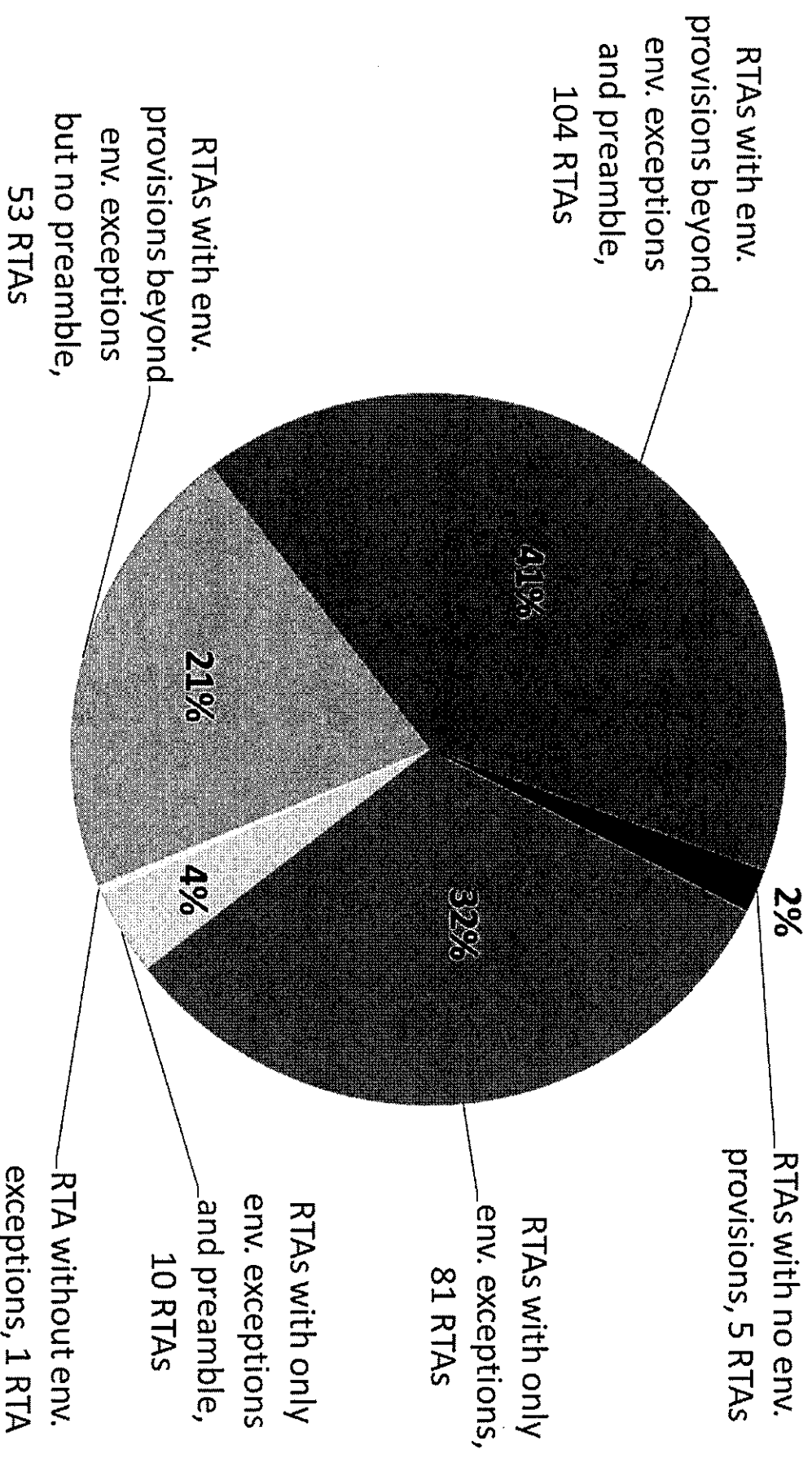


Note: proportions not respected

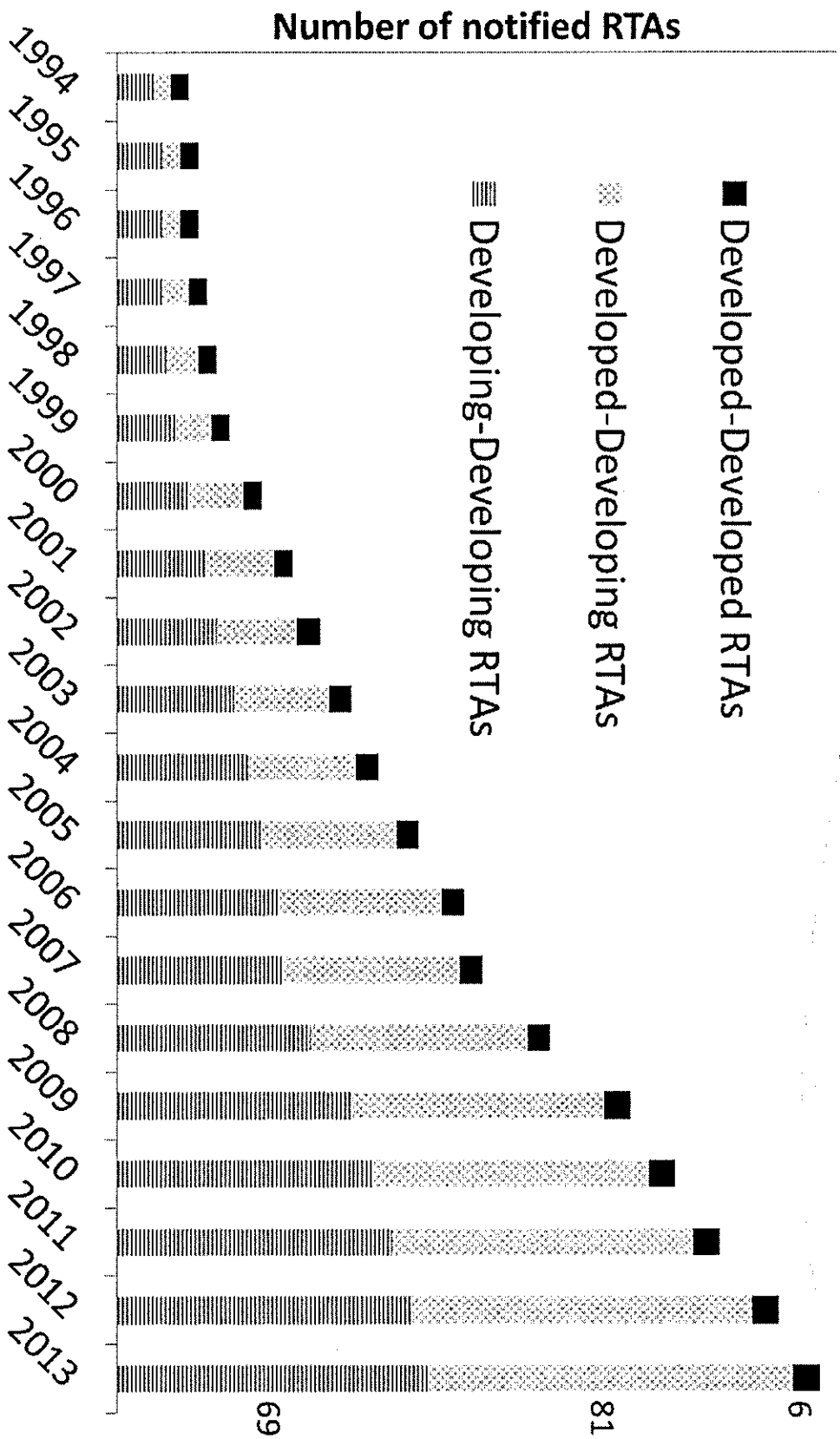
# Key Categories of Provisions (1957-2014)



# Scope of Environment-related Provisions (1957-2014)



# Evolution of RTAs with Environmental Provisions\*



\* beyond environmental exceptions and preamble language



# Environmental Exceptions: Examples

## EFTA-Singapore: Art. 19

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Party of measures:

- (b) **necessary** to protect human, animal or plant life or health;
- (g) **relating to** the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption. "

## Chile – China: Art. 99

For the purpose of this Agreement, Article XX of GATT 1994 and its interpretative notes are **incorporated** into and made part of this Agreement, *mutatis mutandis*.

# Environmental Exceptions: Examples

## Turkey-Montenegro: Art. 31

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit, **justified on grounds** of [...], the protection of health and life of humans, animals or plants and environment; [...] or the conservation of exhaustible natural resources, if such measures are made effective in conjunction with restrictions on domestic production or consumption. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

## Arab Free Trade Area Agreement: Art. 2.4

The provisions of this Program **shall not apply** to products and materials whose import, trading or use in any of the states is banned for [...] environmental reasons or because of agricultural and veterinary quarantine rules.

# Environmental Exceptions: Examples

## Commonwealth of Independent States: Art. 13

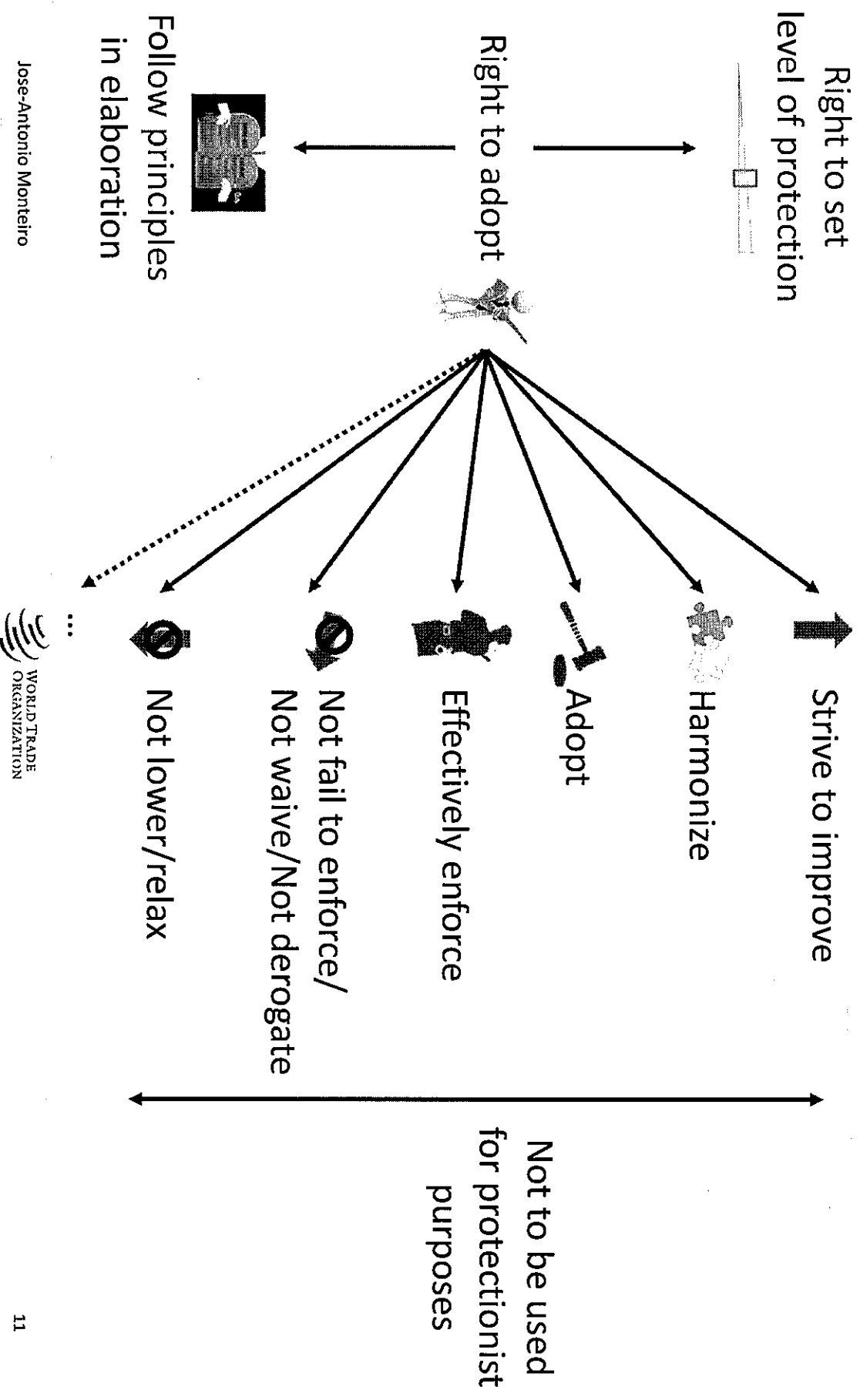
This Agreement shall not hamper the right of any of the Contracting Parties to accept measures of state regulation in the area of foreign economic relations generally accepted in international practice, that it considers **necessary for the protection of its vital interests or which are undoubtedly necessary for the implementation of international agreements** of which it is a signatory or is intended to become a signatory, **if these measures concern:**

- [...]
- protection of animals and plants;
- protection of environment;
- preservation of exhaustible natural resources;
- [...]

# Most Common Environmental Exceptions

- ☰ **GATT Art. XX replication, incorporation or reference**
- ☰ **Reference to WTO rules**
- ☰ **GATT Art. XX replication with amendments**
  - Modification or omission of the chapeau
  - Omission of exhaustible natural resources
  - Inclusion of the terms “protection of the environment”
  - ...
- ☰ **GATT Art. XX replication/incorporation with clarification**
  - the parties understand that GATT Art. XX(b) includes **environmental measures** necessary to protect human, animal or plant life or health, and GATT Art. XX(g) applies to measures relating to the conservation of **living and non-living** exhaustible natural resources

# Domestic Environmental Regulations



# Domestic Environmental Regulations: Examples

## “Right to adopt” / “Improve”

### CARIFORUM-EU: Art. 184

1. **Recognising the right of the Parties [...] to regulate in order to achieve their own level of domestic environmental [...] protection and their own sustainable development priorities, and to adopt or modify accordingly their environmental laws and policies, each Party [...] shall seek to ensure that its own environmental [...] laws and policies provide for and encourage high levels of environmental [...] protection and shall strive to continue to improve those laws and policies.**
2. **The Parties agree that the special needs and requirements of CARIFORUM States shall be taken into account in the design and implementation of measures aimed at protecting environment [...] that affect trade between the Parties.**

# Domestic Environmental Regulations: Examples

## “Harmonize”

### Chile-Turkey: Art. 37

8. [...] The Parties endeavour to have their environment laws, regulations [...] and practices in harmony with their international environment commitments [...].

### EFTA-Montenegro: Art. 33

2. The Parties recognise the importance, when preparing and implementing measures related to the environment [...] conditions that affect trade and investment between them, of taking account of scientific, technical and other information, and relevant international standards, guidelines and recommendations.

### EU-Albania: Art. 70

3. During the first stage [...], approximation shall focus on fundamental elements of the Internal Market acquis [...] with special emphasis on safety and environmental standards [...].

# Domestic Environmental Regulations: Examples

## “Adopt”

East African Community: Art. 114

1. [...] the Partner States shall:

- (a) **take necessary measures** to conserve their natural resources; [...]
- (c) **adopt common regulations** for the protection of shared aquatic and terrestrial resources.

Mexico-El Salvador: Art. 15.9

2. Each Party **shall regulate, in accordance with its legislation**, the introduction, consent, storage, transportation and transit of hazardous substances and hazardous, radioactive and other internal or external sources of waste, which by their nature, are likely to endanger human health or the environment.

Gulf Cooperation Council: Art. 11

Member States **shall adopt the policies and mechanisms necessary to protect the environment** according to all relevant legislation and resolutions adopted within the GCC framework [...].



# Domestic Environmental Regulations: Examples

## “Enforce” / “Not Fail to enforce”

### ECA Canada-Peru: Art. 2

2. Accordingly, and with the aim of achieving high levels of environmental protection, each Party shall effectively enforce, through government action, its environmental laws.

### Chinese Taipei-Nicaragua: Art. 19.02

1. (a) A Party shall not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties [...].

### India-Korea: Art. 10.16

2. The Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a Party should not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such measures as an encouragement for the establishment, acquisition, expansion or retention in its territory of an investment of an investor.

# Domestic Environmental Regulations: Examples

## “Not weaken” / “No protectionism”

### Korea-Turkey: Art. 5.7

2. Each Party shall not weaken or reduce the environmental or labour **protections afforded in its laws to encourage trade or investment**, by waiving or otherwise derogating from, or offering to waive or otherwise derogate from, its laws, regulations or standards, in a manner affecting trade or investment between the Parties.

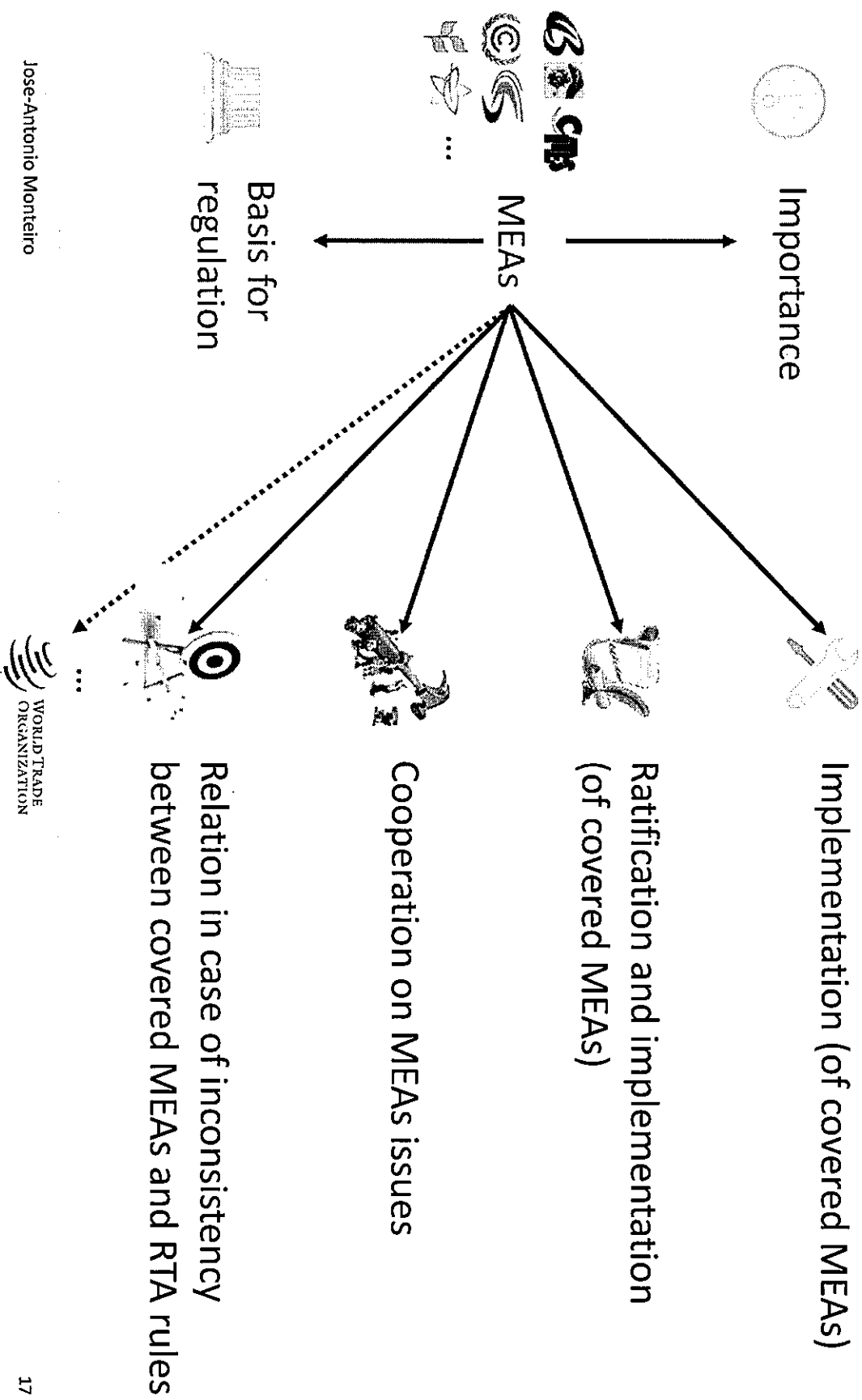
### Japan-Malaysia: Art. 90

Each Country shall not encourage investments by investors of the other Country by **relaxing its environmental measures**.

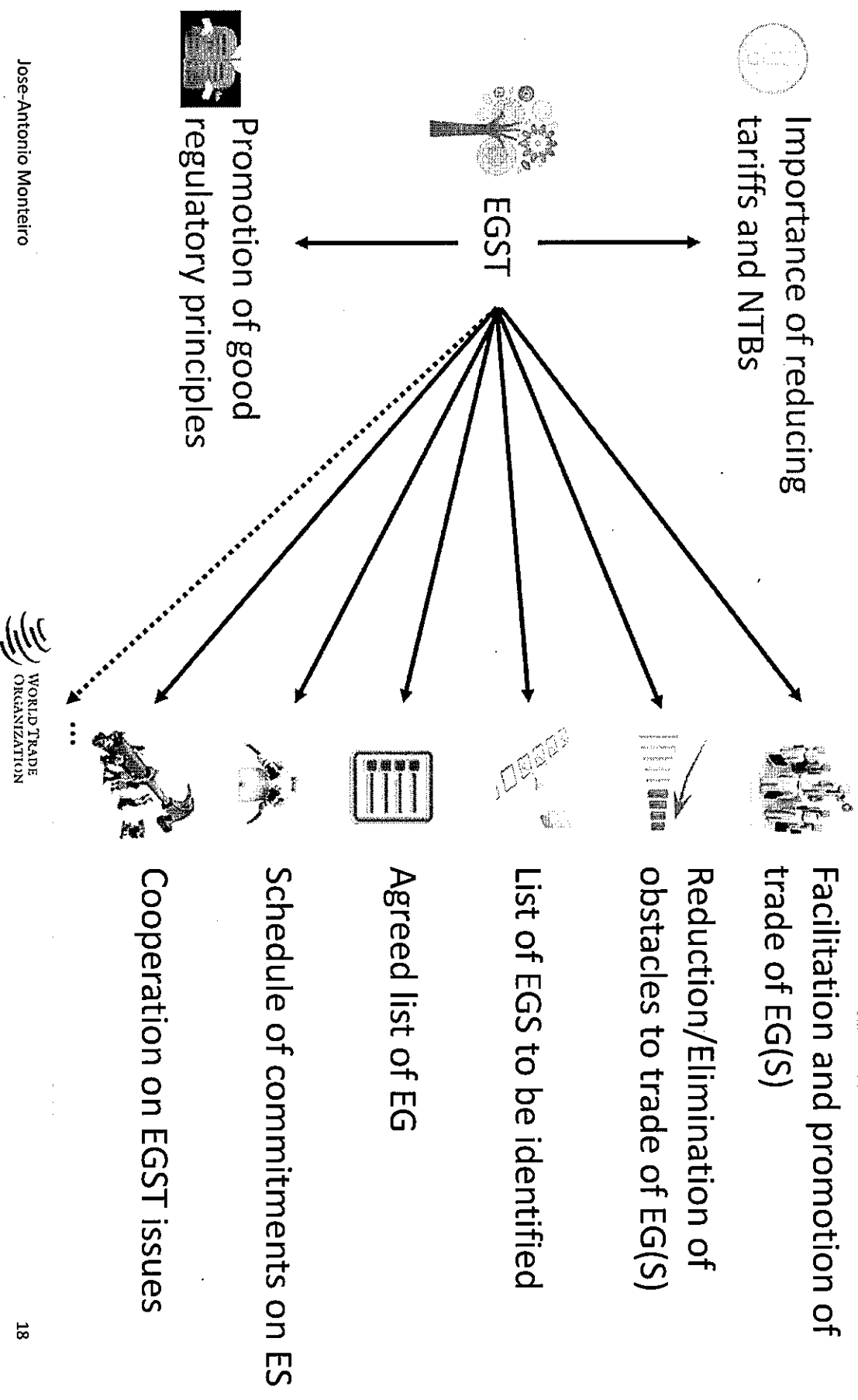
### Chile-Malaysia: Art. 9.5

2. The Parties agree that it is inappropriate to enact or use their environmental laws, regulations, policies and practices for trade protectionist purposes;

# Multilateral Environmental Agreements (MEAs)

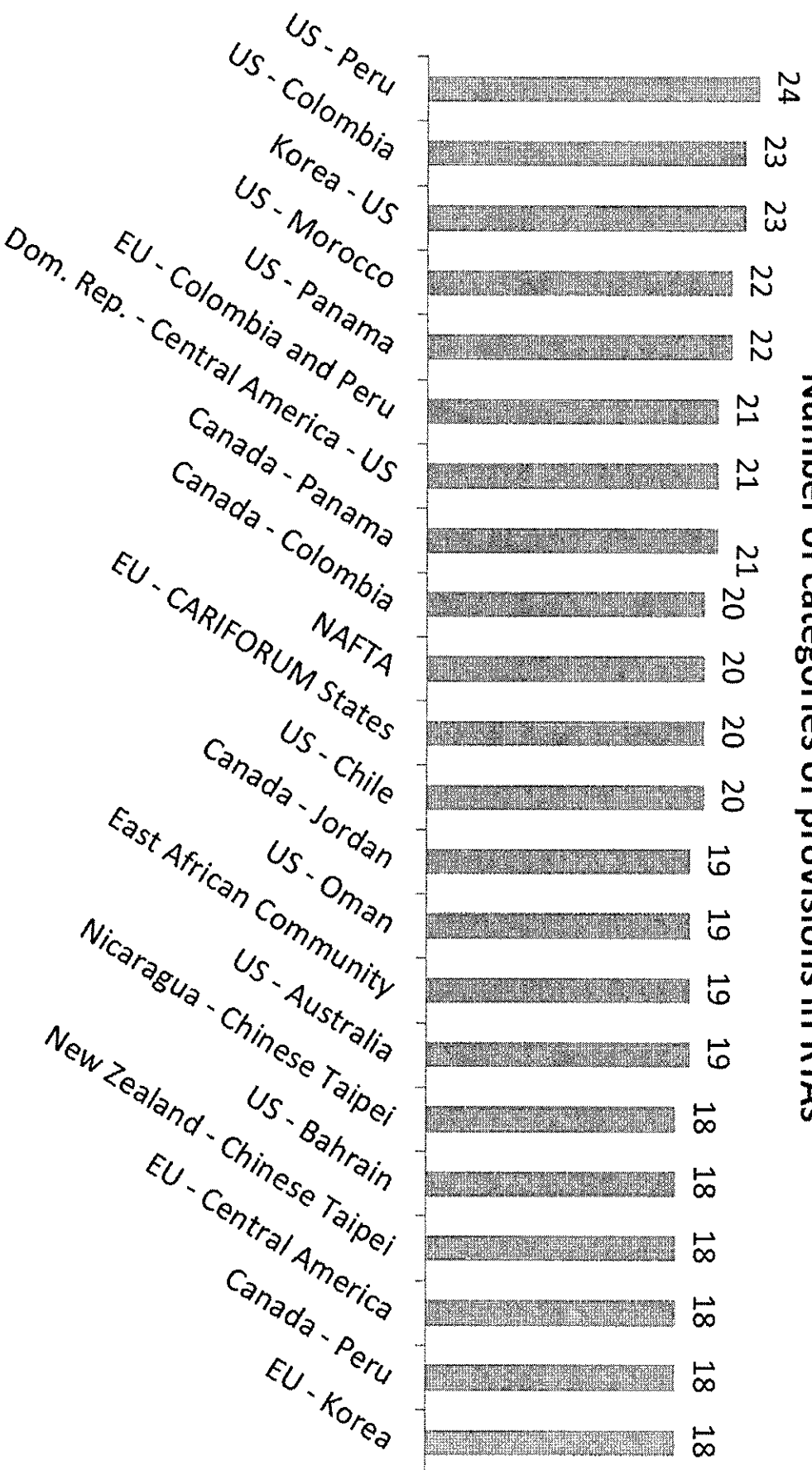


# Environmental Goods, Services and Technologies (EGTs)

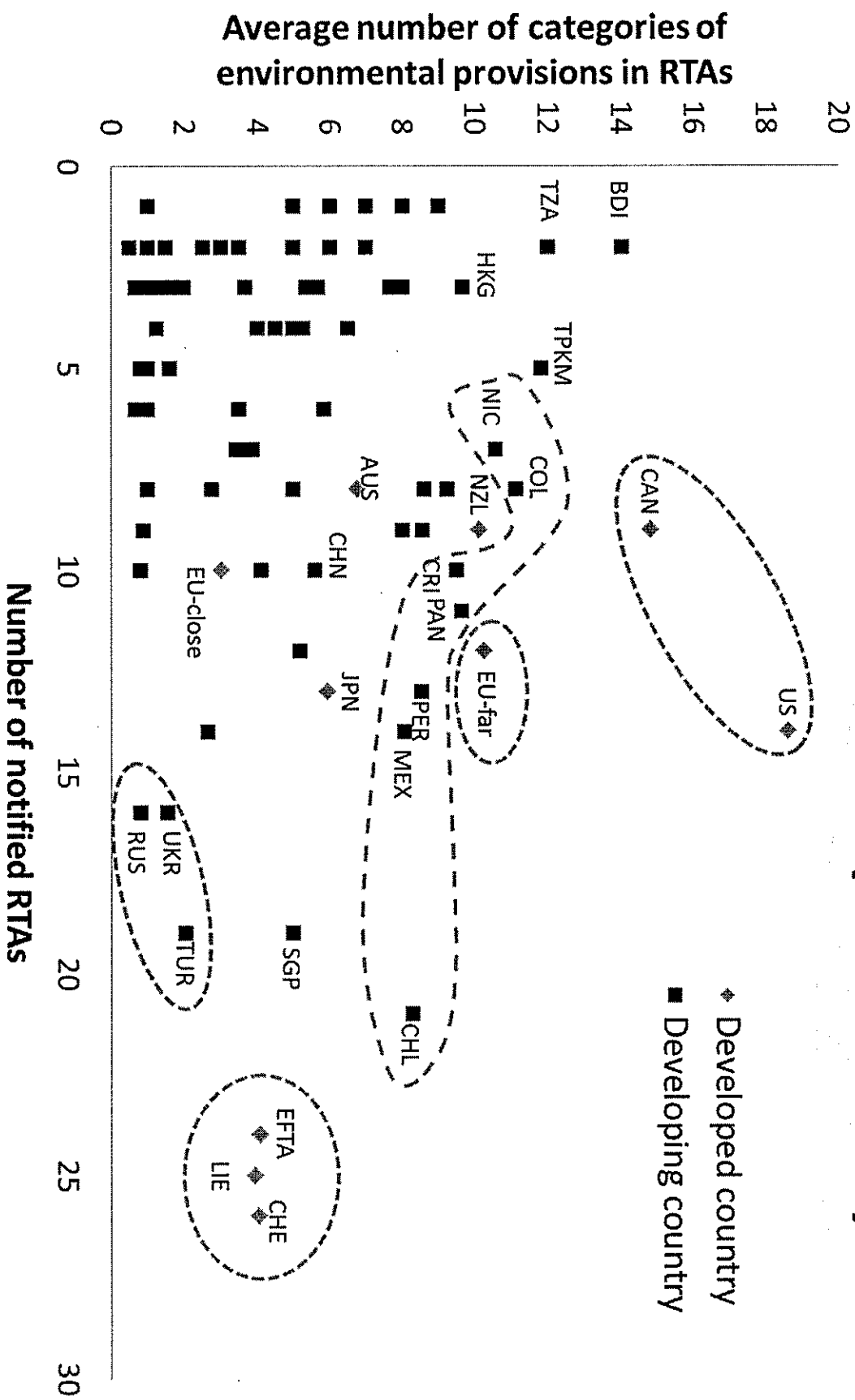


# RTAs with the Most Environmental Provisions (1957-2014)

Number of categories of provisions in RTAs



# RTAs with the Most Environmental Provisions (1957-2014)



# Conclusion

- ☞ Environment-related provisions remain very heterogeneous
- ☞ While early RTAs were characterized by only environmental exceptions, NAFTA (1992) was the first RTA to include a specific side agreement on environment with extensive provisions
- ☞ Since NAFTA, the number of RTAs with environment-related provisions and number of environment-related provisions in RTAs have increased, with an acceleration since 2008
- ☞ Environment-related provisions in RTAs are negotiated by an increasing number of countries and regions

**THANK YOU FOR  
YOUR ATTENTION!**



Jose-Antonio.Monteiro@wto.org







This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

# Recent Developments on Sustainable Development Goals (SDGs): Briefing for the CTE

23 October 2014

Karsten Steinfatt

Trade and Environment Division, WTO Secretariat



# Background and Rationale

- Rio+20 recognized importance and utility of a set of SDGs to:
  - Pursue **focused and coherent action** on sustainable development
  - Contribute to full **implementation of all major summits** in economic, social and environmental fields
  - Contribute to the **achievement of sustainable development** and serve as driver for implementation of sustainable development in the UN system

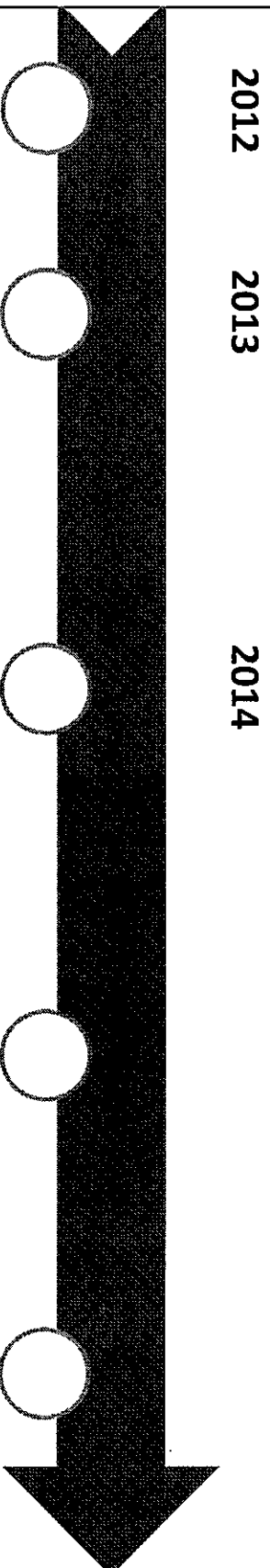


# Rio+20 Criteria for SDGs

- Action-oriented, concise, easy to communicate, aspirational, limited in number
- Global in nature, **universally applicable**, while taking into account different national realities, capacities and levels of development, and respecting national priorities
- Focused on **priority areas** for achievement of sustainable development
- Incorporate in a balanced way all **3 dimensions of sustainable development** and their interlinkages
- Coherent with and integrated into the **post-2015 development agenda**



# Intergovernmental Process on SDGs



2012

2013

2014

June

January

March 2013-February 2014

March-July

September

Rio+20

OWG  
formed

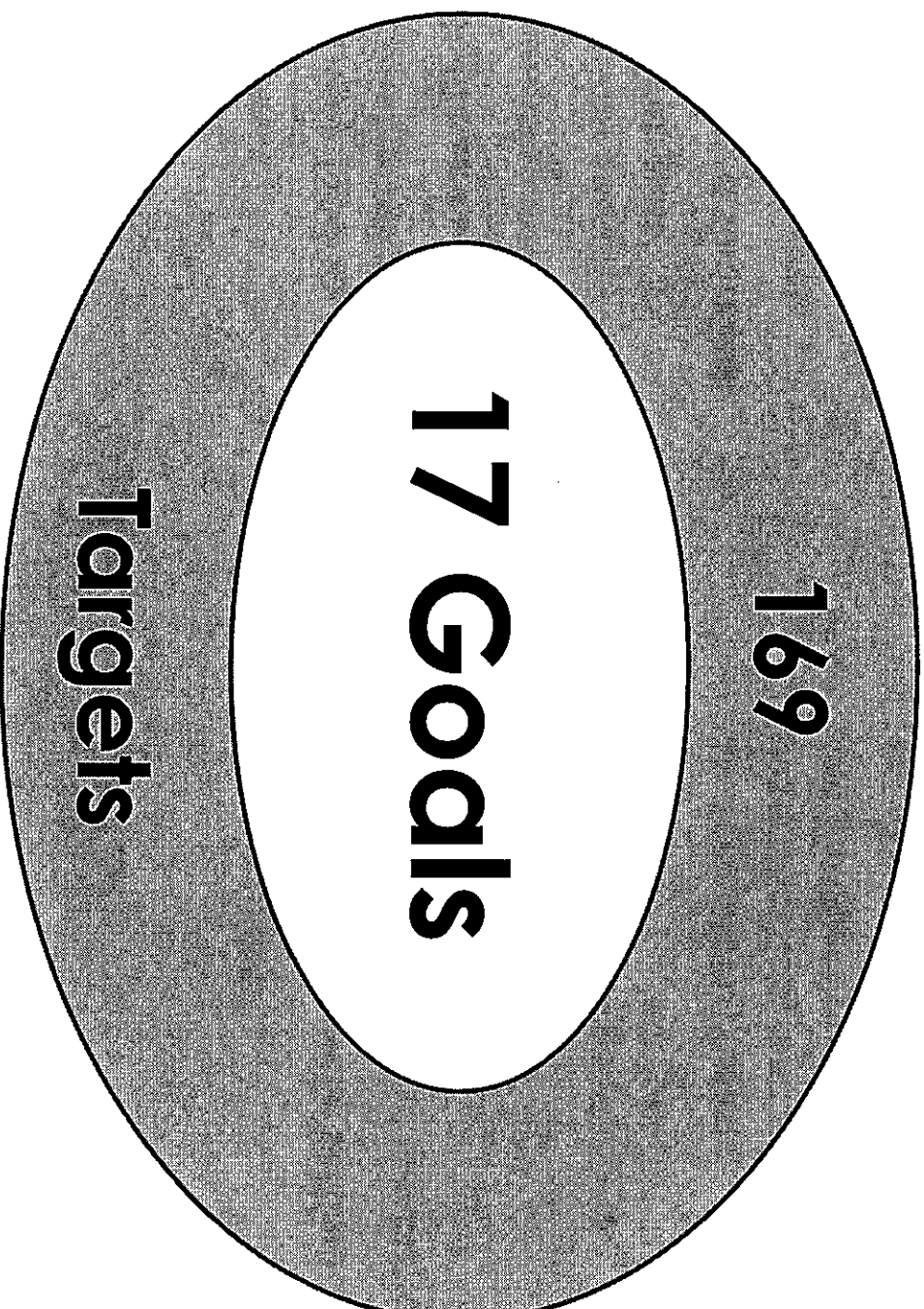
STOCKTAKING MODE  
8 sessions  
(covering some 40 topics)

DRAFTING/  
NEGOTIATING MODE  
5 sessions  
Prepared proposal

Submitted  
proposal to 68<sup>th</sup>  
Session of the GA



# Open Working Group Proposal on SDGs





# 17 Goals

- 1. Poverty**
- 2. Hunger, food security, nutrition, sustainable agriculture**
- 3. Health and well-being**
- 4. Education and lifelong learning**
- 5. Gender equality and empowerment**
- 6. Water and sanitation**
- 7. Access to energy**
- 8. Economic growth and employment**
- 9. Infrastructure, industrialization and innovation**
- 10. Inequality**
- 11. Cities and human settlements**
- 12. Consumption and production patterns**
- 13. Climate change**
- 14. Oceans, seas and marine resources**
- 15. Ecosystems, forests, desertification, land degradation and biodiversity loss**
- 16. Peace, access to justice, institutions**
- 17. Means of implementation and global partnership for sustainable development**



## 3 trade targets under Goal 17

17.10 Promote a universal, rules-based, open, non-discriminatory and equitable **multilateral trading system** under the WTO including through the conclusion of negotiations within its Doha Development Agenda


17.11 Significantly increase the **exports of developing countries**, in particular with a view to doubling the LDC share of global exports by 2020



## 3 trade targets under Goal 17


17.12 Realize timely implementation of **duty-free, quota-free** market access on a lasting basis for all least developed countries consistent with WTO decisions, including through ensuring that **preferential rules of origin** applicable to imports from LDCs are transparent and simple, and contribute to facilitating market access






# Selected trade-relevant targets under other goals

Proposed goals	Trade-relevant targets
<p>2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture</p>	<p>2.b Correct and prevent trade restrictions and distortions in world agricultural markets, including the parallel elimination of all forms of <b>agricultural export subsidies</b> and all export measures with equivalent effect in accordance with the mandate of the Doha Development Round</p>
<p>14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development</p>	<p>14.6 By 2020, prohibit certain forms of <b>fisheries subsidies</b> which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to <b>illegal, unreported and unregulated fishing</b> and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation</p>



# Selected trade-relevant targets under other goals

Proposed goals	Trade-relevant targets
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	8.a Increase <b>Aid for Trade</b> support for developing countries, in particular least-developed countries, including through the <b>Enhanced Integrated Framework for Trade-Related Technical Assistance to LDCs</b>
10. Reduce inequality within and among countries	10.a Implement the principle of <b>special and differential treatment</b> for developing countries, in particular least developed countries, in accordance with WTO agreements



# Selected trade-relevant targets under other goals

Proposed goals	Trade-relevant targets
<p>3. Ensure healthy lives and promote well-being for all at all ages</p>	<p>3.b Support research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries, provide access to affordable essential medicines and vaccines, in accordance with the <b>Doha Declaration</b> on the TRIPS Agreement and Public Health, which affirms the right of developing countries to use to the full the provisions in the <b>TRIPS agreement</b> regarding flexibilities to protect public health and, in particular, provide access to medicines for all</p>



**2014**

**2015**

**OWG on SDGs**  
(Report submitted to UN  
General Assembly in  
September 2014)

Expert Cttee. on Financing

**SG  
Synthesis  
Report**

**General Assembly Process:  
Intergovernmental  
Negotiations**

**UN Conference  
on Financing for  
Development**

**UN Summit-  
Adoption of  
the Post-2015  
Development  
Agenda**

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

# SELECTED GATT ARTICLE XX(b) AND (g) CASES

Geneva, October 2014

Ludivine Tamiozzi  
Counsellor, Secretary to the CTE/CTESS  
WTO Trade and Environment Division  
E-mail: [ludivine.tamiozzi@wto.org](mailto:ludivine.tamiozzi@wto.org)



WORLD TRADE ORGANIZATION  
ORGANISATION MONDIALE DU COMMERCE  
ORGANIZACIÓN MUNDIAL DEL COMERCIO

# OUTLINE OF TODAY'S PRESENTATION

- **US-SHRIMP**
- **BRAZIL-RETIREADED TYRES**



# US - SHRIMP



WORLD TRADE  
ORGANIZATION

# US-SHRIMP

[PART - I]

## PARTIES

### PANEL

- Complainant: India, Malaysia, Pakistan and Thailand.
- Respondent: United States.
- Third Parties: Australia, Colombia, Costa Rica, Ecuador, El Salvador, the European Communities, Guatemala, Hong Kong (China), Japan, Mexico, Nigeria, the Philippines, Senegal, Singapore, Sri Lanka and Venezuela.

### APPELLATE BODY

- Appellant: United States.
- Appellees: India, Malaysia, Pakistan and Thailand.
- Third Participants: Australia, Ecuador, the European Communities, Hong Kong (China), Mexico and Nigeria

## TIMELINE

### PANEL

- Requested: January-February 1997
- Established: February-April 1997
- Composed: 15 April 1997
- Circulated: 15 May 1998.

### APPELLATE BODY

- Notice: 13 July 1998
- Circulated: 12 October 1998
- Adoption: 6 November 1998.





# US-SHRIMP

## [BASIC FACTS]



Leatherback (*Dermochelys coriacea*)

Green turtle (*Chelonia mydas*)

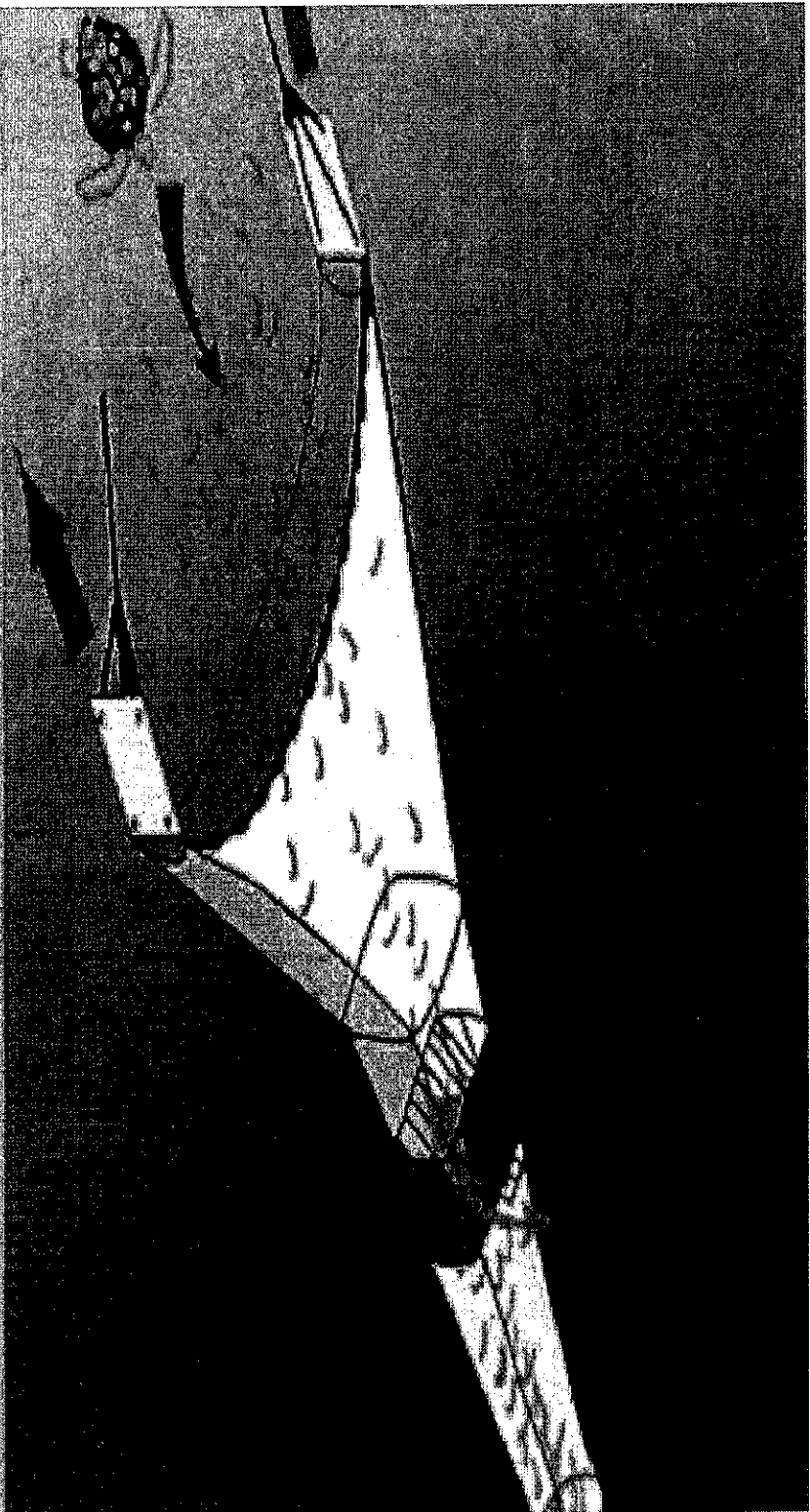
Hawksbill (*Eretmochelys imbricata*)

Flatback (*Natator depressus*)

Olivehead (*Caretta caretta*)

Olive (*Lepidochelys olivacea*)

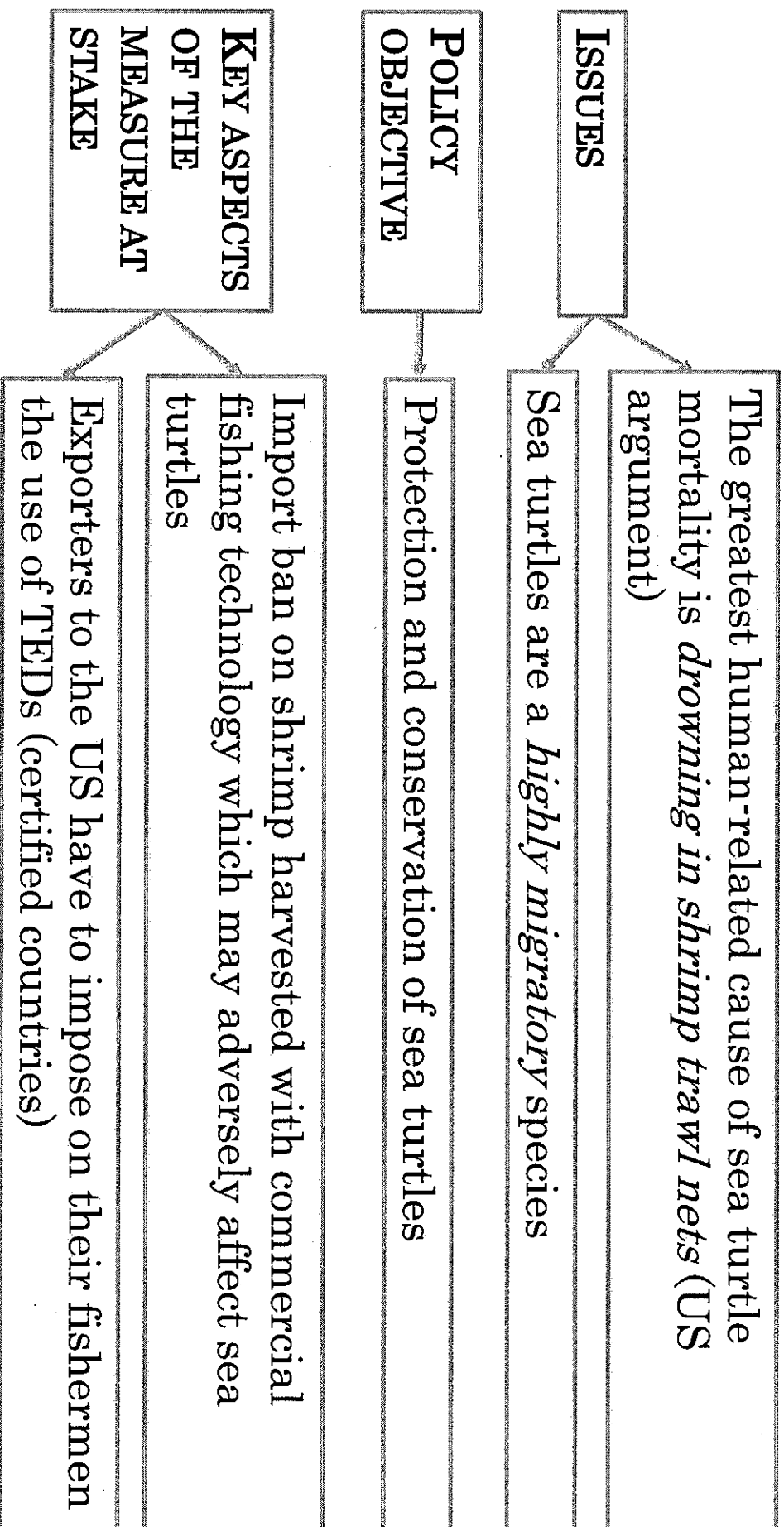
# TURTLE EXCLUDER DEVICES [TEDS]



A TED is a grip trappdoor installed inside a trawling net which allows shrimp to pass to the back of the net while directing sea turtles and other unintentionally caught large objects out of the net.



# US-SHRIMP CASE OVERVIEW



# CLAIMS BY THE PARTIES

INDIA,  
MALAYSIA,  
PAKISTAN AND  
THAILAND

Import prohibition on shrimps is inconsistent with Article XI (Articles I + XIII)

Article XX(b) and (g) could not be invoked to justify a measure applying to animals not within the jurisdiction of the Member enacting the measure

UNITED STATES

The measure is justified under Article XX (b) and (g)

On appeal, the US claimed that the Panel erred in finding that the measure constituted unjustifiable discrimination



# PANEL FINDINGS

ARTICLE XI

The measures amount to "prohibitions or restrictions" within the meaning of Article XI

SEQUENCE OF  
STEPS IN  
ART.XX

The panel ruled that it was equally appropriate to analyse first the Chapeau of Article XX: **Reversed by the Appellate Body**

ARTICLE XX

"[...] the US measure at issue constitutes unjustifiable discrimination between countries where the same conditions prevail and thus is not within the scope of measures permitted under Article XX."

## Conclusion

**The measure is inconsistent with Article XI and cannot be justified under Article XX**

# AB FINDINGS

ON ARTICLE  
XX(g)

The AB *reversed* the Panel's finding on the sequence of steps

ON  
EXHAUSTIBLE  
NATURAL  
RESOURCES

The generic term **natural resources** in Art. XX(g) is not static in its content or reference but is rather by definition, evolutionary

All of the seven recognized species of sea turtles are today listed in Appendix 1 of the CITES

ON "RELATING  
TO"

Section 609 is a measure "relating to" the conservation of an exhaustible natural resource" – "Primarily aimed at"

## Conclusion

*The measure is provisionally justified under Art. XX(g)*

# AB FINDINGS

CHAPEAU

*Discrimination* results from the *application* of the measure which did not allow for any inquiry into the *appropriateness* of the regulatory programme for the conditions prevailing in exporting countries

The US failed to engage the appellees or other Members exporting shrimp to the U.S. in *serious negotiations* before enforcing the import ban

The implementation of the US measure requires other WTO Members to adopt a regulatory program that is not merely comparable, but rather *essentially the same*, as that applied to US shrimp trawl vessels

There is little or no flexibility in how officials make the determination for certification. In AB's view, this rigidity and inflexibility also constitute 'arbitrary discrimination'

UNJUSTIFIABLE  
DISCRIMINATION

ARBITRARY  
DISCRIMINATION

## Conclusion

The measure fell under Art. XX(G) but failed to meet the requirements of the Chapeau

# US SHRIMP (ART. 21.5)

[PART - II]

## PARTIES

### PANEL

- Complainant: Malaysia
- Respondent: United States
- Third Parties: Australia, Canada, Ecuador, the European Communities, Hong Kong (China), India, Japan, Mexico, Pakistan and Thailand.

### APPELLATE BODY

- Appellant: Malaysia
- Appellees: United States
- Third Participants: Australia, the European Communities, Hong Kong (China), India, Japan, Mexico and Thailand

## TIMELINE

### PANEL

- Requested: 12 October 2000
- Established: 23 October 2000
- Composed: 23 October 2000
- Circulated: 15 June 2001

### APPELLATE BODY

- Notice: 23 July 2001
- Circulated: 22 October 2001
- Adoption: 21 November 2001

### DSU ARTICLE 21.5

Where there is *disagreement* as to the consistency with a covered agreement of measures taken to *comply* with the *recommendations* and *rulings* such dispute shall be decided through recourse to these dispute settlement procedures.





# US SHRIMP (ART. 21.5)

MEASURE AT  
STAKE

The 1999 Revised Guidelines for the implementation of Section 609 replaced the 1996 Guidelines

ORIGINAL  
GUIDELINES

The practice was to certify countries *only after* they had shown that they required the use of TEDDs

Countries may apply for certification even if they do not require the use of TEDDs

REVISED  
GUIDELINES

In such cases, a harvesting country has to demonstrate that it has implemented, and is enforcing, a “**comparably effective**” regulatory programme to protect sea turtles without the use of TEDDs

The new practice takes “fully into account any demonstrated differences between the shrimp fishing conditions in the US and those in other nations”

# CLAIMS BY THE PARTIES

## MALAYSIA

Section 609 as currently applied continued to violate Article XI

The US are not entitled to impose any prohibition in the absence of the conclusion of an international agreement allowing it to do so

On Appeal, Malaysia claimed that the panel erred in finding that the US measure was applied in a manner that no longer constituted a means of “arbitrary or unjustifiable discrimination” under Art. XX

The measure is justified under Article XX(g)

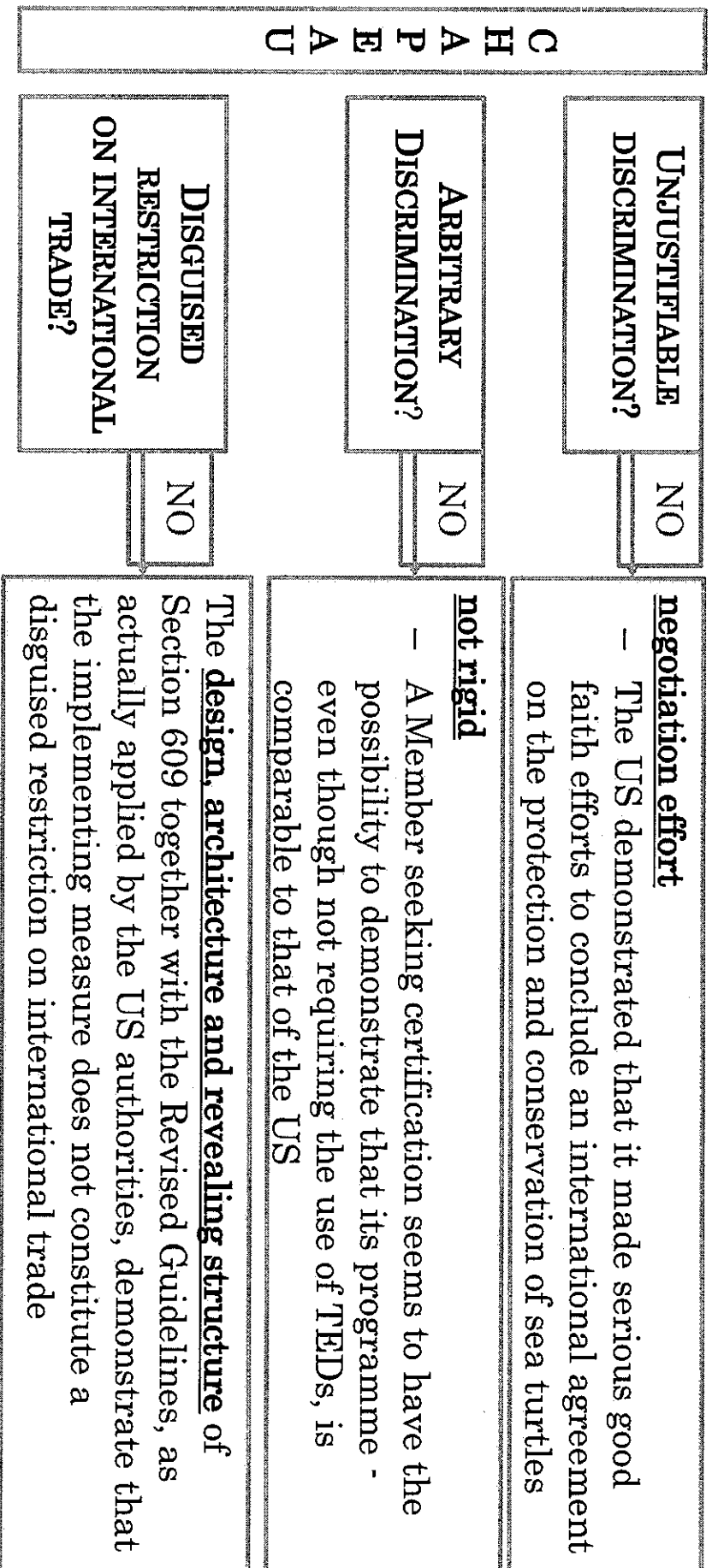
The Revised Guidelines responded to its obligation to remedy all the inconsistencies identified by the Appellate Body under the Chapeau of Article XX

## UNITED STATES

# PANEL FINDINGS

ON ARTICLE XX(G): The US measure is provisionally justified under Article XX(g)

## C H A P E A U



**Conclusion:** *The measure is inconsistent with Article XII but is justified under Article XX*

# AB FINDINGS

## MALAYSIA CLAIMS

The US should have **negotiated and concluded** an international agreement before imposing an import ban

Because the measure lacked **flexibility**, it resulted in arbitrary or unjustifiable discrimination

## APPELLATE BODY

AB rejected the argument that avoiding arbitrary or unjustifiable discrimination required the **conclusion** of an international agreement

AB rejected this claim and agreed with the panel that conditioning market access on the adoption of a programme **comparable in effectiveness** allows for sufficient **flexibility**

## Conclusion

**AB upheld the panel report – US Measure was justified**



# BRAZIL – RETIREADED TYRES



WORLD TRADE  
ORGANIZATION

# BRAZIL RETREADED TYRES

## PARTIES

### PANEL

- Complainant: European Union
  - Respondent: Brazil
  - Third Parties: Argentina  
Australia, China, Cuba, Guatemala  
Japan, Korea, Mexico, Paraguay,  
Chinese Taipei, Thailand, US
- APPELLATE BODY**
- Appellant: European Union
  - Appellees: Brazil
  - Third Participants: Argentina  
Australia, China, Cuba, Guatemala,  
Japan, Korea, Mexico, Paraguay,  
Chinese Taipei, Thailand, US

## TIMELINE

### PANEL

- Established: 20 January 2006
- Composed: 16 March 2006
- Circulated: 12 June 2007

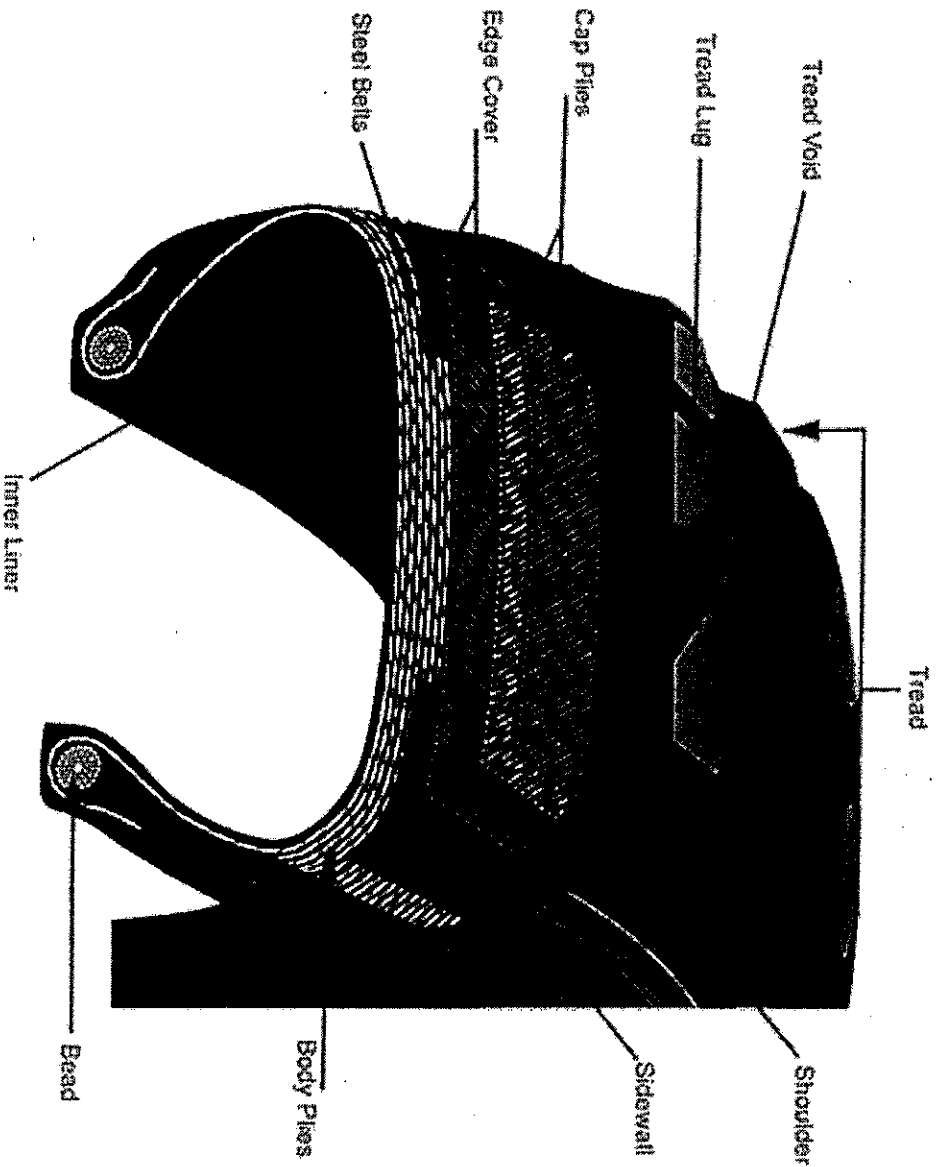
### APPELLATE BODY

- Notice: 3 September 2007
- Circulated: 3 December 2007
- Adoption: 17 December 2007
- Arbitration Report Art. 21.3(c)  
Circulated: 28 August 2008- Reasonable  
Period of time- 17 December 2008



# BRAZIL RETREADED TYRES

[THE PRODUCT]



# FACTS ABOUT RETREADED TYRES

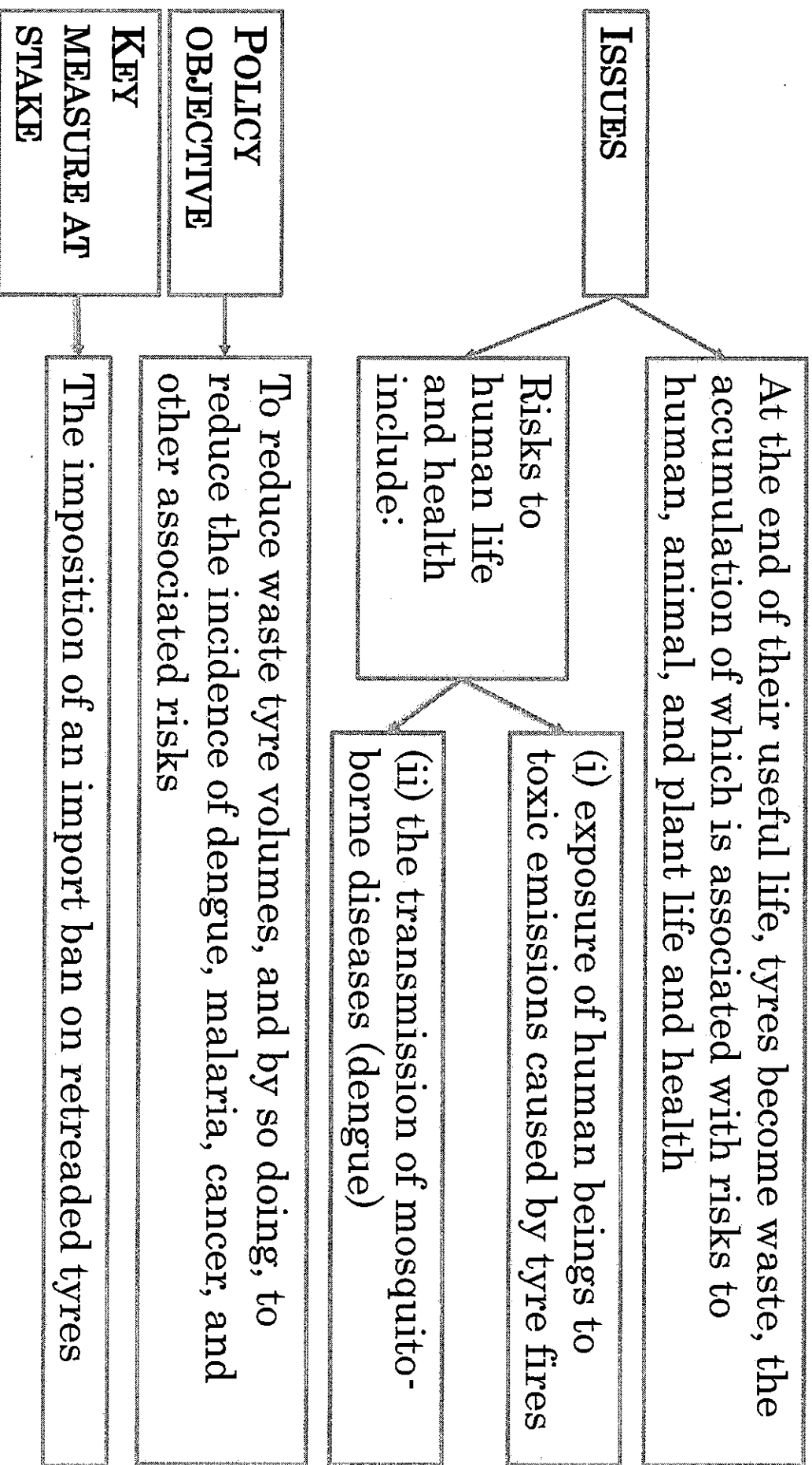
Passenger car tyres can only be retreaded once

Retreaded tyres cannot be retreaded again

The lifespan of a new tyre is double that of a retreaded tyre



# BRAZIL, RETREADED TYRES CASE OVERVIEW



# CLAIMS BY THE PARTIES

**EU**

Import Ban on retreaded tyres is inconsistent with GATT Article XI

Article XX(b) could not be invoked to justify the measure

**BRAZIL**

The Measure is necessary under Article XX(b) to protect human and animal life and health against risk arising from the accumulation of waste tyres

# PANEL FINDINGS

## ARTICLE XI

The measure is contrary to the “no quantitative restrictions” requirement

## ARTICLE XX(b) COVERAGE

The policy of reducing exposure to the risks to human, animal or plant life or health arising from the accumulation of waste tyres falls within the range of policies covered by Article XX(b)

## ARTICLE XX(b) NECESSITY TEST

As a result of the “weighing and balancing” process (objective’s importance, trade- restrictiveness of the measure, contribution and availability of reasonable alternatives), the Panel found the measure necessary

# PANEL FINDINGS

Both the MERCOSUR exemption and the Court injunctions do not constitute “arbitrary discrimination” because they are not “capricious” or “random”

The MERCOSUR exemption has not resulted in “unjustifiable discrimination” and a “disguised restriction on international trade” as the volume of retreaded tyres has not been significant

The Court injunctions resulted in the measure being applied in a manner that constitutes “unjustifiable discrimination” and a “disguised restriction on international trade” because they result in import of significant volumes of such tyres

ARTICLE XX  
CHAPEAU

## Conclusion

**The measure is inconsistent with Article XI and cannot be justified under Article XX**

# AB FINDINGS

ON ARTICLE  
XX(b)

The AB upheld the Panel's finding, that the Import Ban can be considered "necessary" within the meaning of Article XX(b)

A measure must be "apt to make a material contribution to the achievement of its objective."

ON  
CONTRIBUTION

"A contribution exists when there is a genuine relationship of ends and means between the objective pursued and the measure at issue. To be characterized as necessary, a measure does not have to be indispensable. However, its contribution to the achievement of the objective must be material, not merely marginal or insignificant."

## Conclusion

*The measure is provisionally justified under Art. XX(b)*

# AB FINDINGS

## CHAPEAU

The MERCOSUR exemption and the imports of used tyres under Court Injunctions have resulted in the Import Ban being applied in a manner that is inconsistent with the chapeau of Article XX, because they bear no relationship to the legitimate objective pursued by the Import Ban that falls within the purview of Article XX(b)

## UNJUSTIFIABLE DISCRIMINATION

The determination of unjustifiable discrimination involves an analysis of the rationale of the discrimination and the AB reversed the Panel's quantitative analysis

## ARBITRARY DISCRIMINATION

Although agreeing with the Panel that the discrimination is not the result of "random" or "capricious" action, the AB stated that discrimination can result from a rational decision or behaviour, and still be "arbitrary or unjustifiable", if it bears no rational relationship to the objective pursued. Reversed the Panel's findings in this regard

## Conclusion

*The measure fell under Art. XX(b) but failed to meet the requirements of the chapeau*

This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

**THANK YOU FOR  
YOUR ATTENTION !**



[ludivine.tamiotti@wto.org](mailto:ludivine.tamiotti@wto.org)



WORLD TRADE ORGANIZATION  
ORGANISATION MONDIALE DU COMMERCE  
ORGANIZACIÓN MUNDIAL DEL COMERCIO





# The status of climate change negotiations

**UNFCCC negotiations and update on the Climate Summit  
Committee on Trade and Environment  
Geneva, 23 October 2014**



*Isabel Aranda, Programme Officer*  
UNFCCC secretariat, Executive Direction and Management

✓ Conference of the Parties in Warsaw (11-23 November 2013)  
 DURBAN PLATFORM FOR ENHANCED ACTION (ADP)

Milestones	Timeline
Elements (mitigation, adaptation, finance, technology)	March 2014
Preparing draft agreement	December 2014
Negotiating text available	May 2015
Domestic analysis required to identify the contributions	First quarter of 2015
Enhancing efforts for the pre 2020 period	Continuous



✓ **ADP session in March (10-14 March 2014):**

Elements	
<b>Adaptation</b>	<ul style="list-style-type: none"><li>• existing adaptation institutions</li><li>• address loss and damage</li></ul>
<b>Mitigation</b>	<ul style="list-style-type: none"><li>• distinction between developed and developing countries</li><li>• whether mitigation commitments should be of the same form for all Parties;</li><li>• international rules governing accounting for delivery on commitments.</li></ul>
<b>Finance, technology and capacity building</b>	<ul style="list-style-type: none"><li>• Nature of commitments to provide post-2020 climate finance</li><li>• Role of historical responsibility for financing obligations;</li><li>• How to leverage private finance</li></ul>
<b>Transparency of action and support</b>	<ul style="list-style-type: none"><li>• Possible components of ex ante and ex post systems to assess and review INDT</li></ul>



STATUS OF UNFCCC NEGOTIATIONS

---

✓ **ADP session in June (4-15 June 2014)**

**Clarity on the three major outcomes in LIMA (COP 20)**

Elements for a draft negotiation text

A decision on information to be provided in INDC

A decision on pre2020 ambition

✓ **ADP session in October (20-25 June 2014)**

**Essential documents**

Reflections by the Co-Chairs

Non-paper

Revised draft decision text on INDCs

Draft decision text on workstream 2

Scenario note by the Co-Chairs



Purpose:

- To catalyse ambitious action on the ground to reduce emissions and strengthen resilience
- To mobilize political will for an ambitious global legal climate agreement by 2015 that limits the world to a less than 2-degree Celsius rise in global temperature

**Areas of announcements**

Convergence on a long-term vision	Cutting emissions	Moving markets and mobilizing sufficient public and private funds
Pricing carbon	Strengthening resilience	Mobilizing new coalitions



## CLIMATE SUMMIT SUMMARY

---

### Outcomes:

- ✧ 101 leaders - 170 countries total - made national action and ambition announcements
- ✧ 300+ non-Governmental partners (companies, research and finance) and 250+ sub-national actors (cities and municipal entities) delivered pledges and commitments along side world leaders
- ✧ 300,000 – 400,000 people marched for climate change in NYC. Climate Week NYC held over 120 events (double the number from previous years). 2646 solidarity events were held in 162 countries



# **China's Progress on Combating Illegal Logging and Related Trade**

**Department of Development Planning  
and Finance Management,**

**China State Forestry Administration**

**TIAN He**

**September, 2014**



# Presentation Outline

Bilateral and Multilateral Cooperation

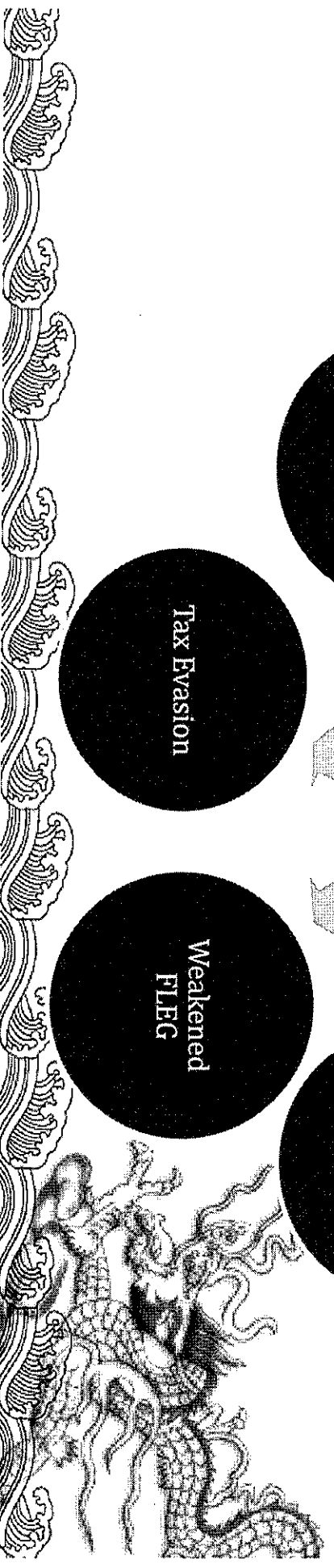
International Research Cooperation

Regulating activities in forest resource utilization and forest product trade





# Illegal logging and Related Trade



# Bilateral and Multilateral Cooperation — EU

China-EU Bilateral Coordination Mechanism (BCM) on FLEG functions not only as a channel for the two counterparts to dialogue and coordinate on combating illegal logging and related trade issues, but also as a platform for the two sides to cooperate on pragmatic working plans. EFL EU FLEGT Facility in Aisa, and CAF is implementing body in both sides



# Bilateral and Multilateral Cooperation — US

Under the framework of China-US Strategic and Economic Dialogue (SED), both sides have also started a bilateral forum on combating illegal logging and related trade.

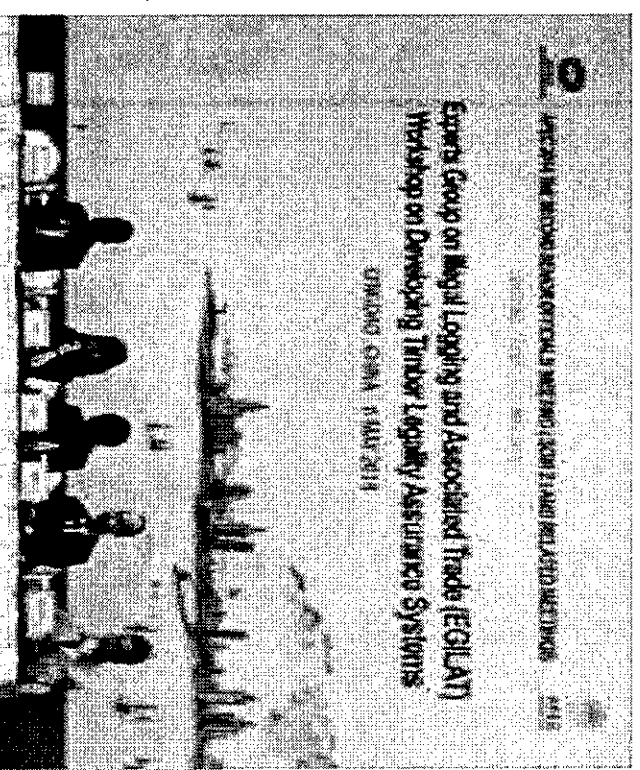
The 5<sup>th</sup> session of the bilateral forum was held in 2013. Members from both governments as well as representatives from business community and civil society participated in



this session.

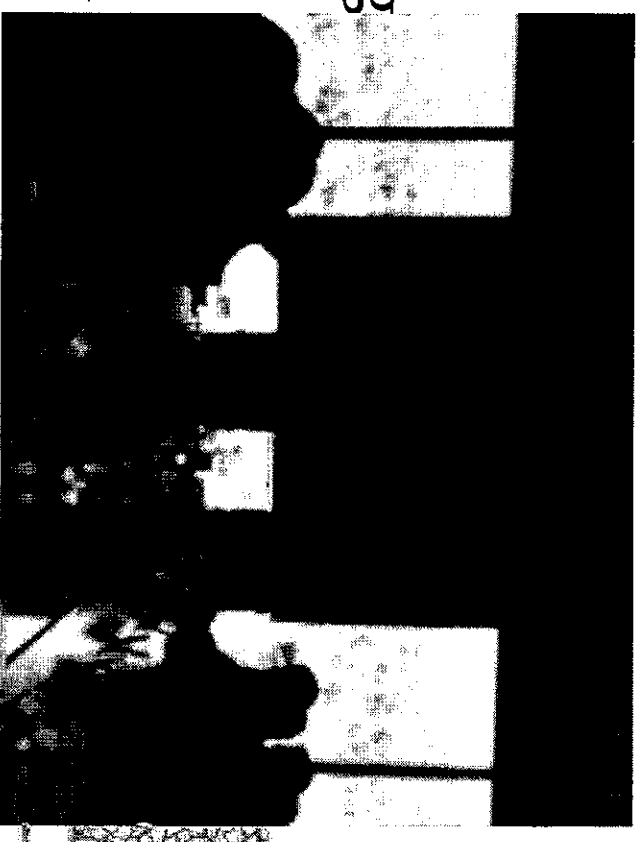
# Bilateral and Multilateral Cooperation — APEC

In the EGILAT Meeting, Strategic Action Plan of Expert Group on Illegal Logging and Related Trade was passed, and Regional Timber Legality Mutual Recognition Mechanism was also proposed in the EGILAT 5<sup>th</sup> Meeting during the First AEPCC 2014 Senior Officials Meeting. These actions aim to enhanced cooperation and advocate mutual recognition mechanism.



# Bilateral and Multilateral Cooperation — Australia

China and Australia held the second meeting of China-Australian Illegal Logging Working Group (ILWG) under Joint Working Group on (JWGF) in 2013. Both sides have fully communicated experiences on combatting illegal logging and advancing international cooperation. A preliminary agreement on the working mechanism and specific working plan were



# Bilateral and Multilateral Cooperation — Japan

China and Japan has worked out an action plan on combatting illegal logging and related trade based on the MOU between the two countries.

And a workshop was held between the forestry administrations of the two countries.

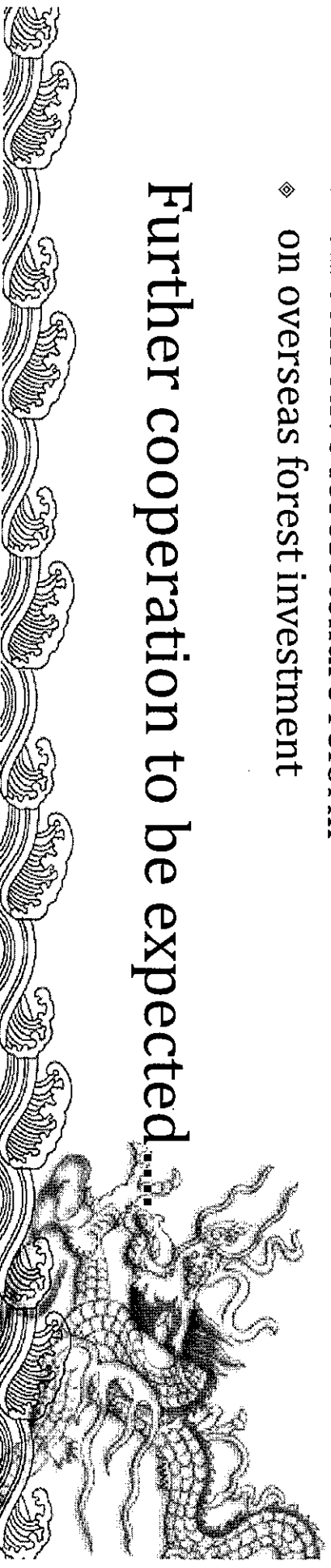
Much effort on the mutual recognition of the timber legality systems of both sides



# International Research Cooperation with DFID

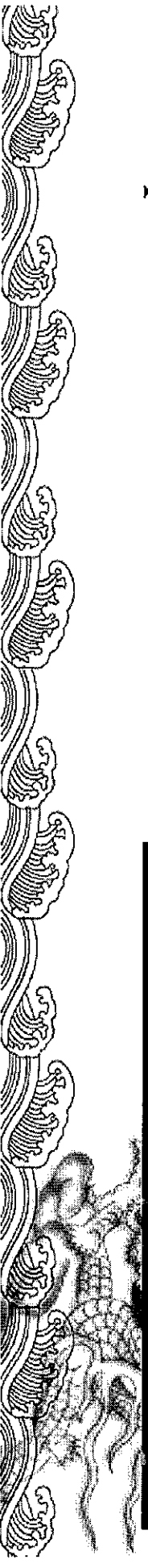
- ◆ A New Cooperation Agreement was Signed
  - ◆ between China and the UK
  - ◆ on combating illegal logging and related trade
- ◆ A New Program was launched
  - ◆ Forest, Governance, Market and Climate Program
  - ◆ to further develop and refine China's Timber Legality Verification System
- ◆ Relevant pilot projects will be implemented
  - ◆ to see whether it is operational and scientific.
- ◆ More research
  - ◆ on collective forest tenure reform
  - ◆ on overseas forest investment

Further cooperation to be expected...



China and U.K. initiated a *Joint Study to Assess Options for a Chinese Timber Legality Verification Scheme* in 2009, with the aim to establish a

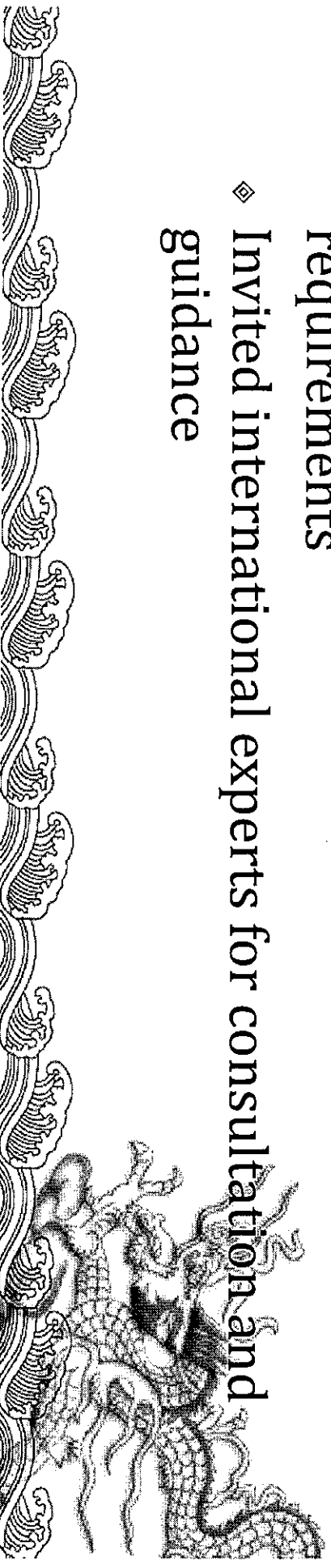
timber legality verification system with simple procedures and low cost, and eventually facilitate timber producer countries to realize sustainable forest management legal timber export.





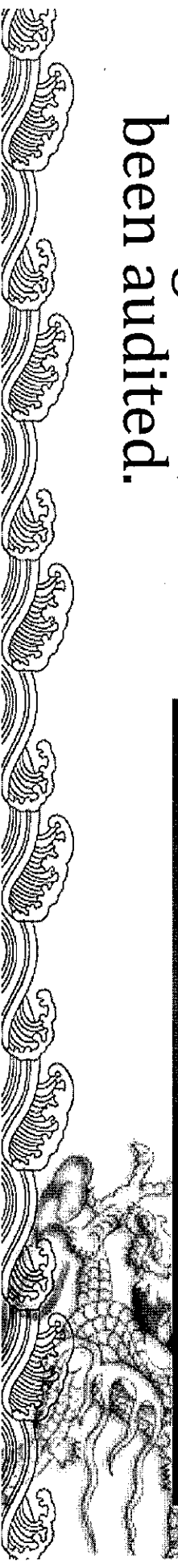
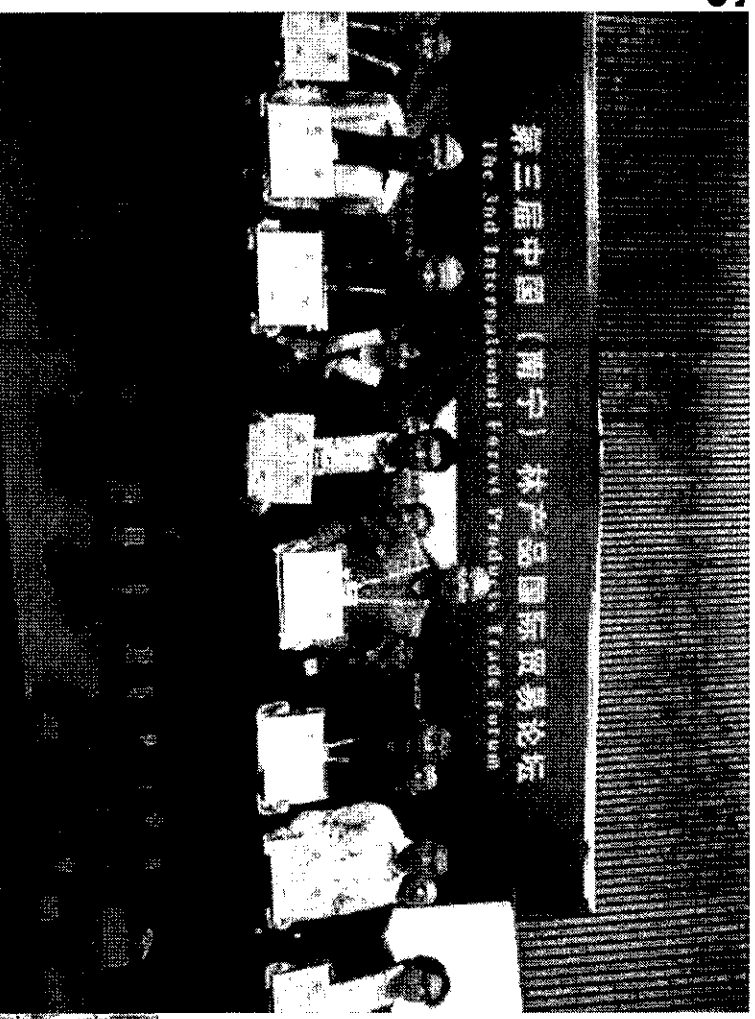
# International Research Cooperation with ITTO

- ◆ *SMEs Capacity Building Project*
  - ◆ Established policy dialogues and information exchange mechanism between government, enterprises, industry associations and research institutes
  - ◆ Provided trainings for the SMEs on legal procurement policy
  - ◆ Investigated forest SMEs' response to the legality requirements
  - ◆ Invited international experts for consultation and guidance



## Regulating activities in forest resource utilization and forest product trade

China launched the earliest pilot projects in some enterprises that are verified as legal. Now *eight* enterprises in key fields such as rare species trade, flooring, furniture and forest management, have been audited.



# Regulating activities in forest resource utilization and forest product trade

China issued the Guideline for Overseas Sustainable Forest Management and Utilization by Chinese Enterprises (Guideline)

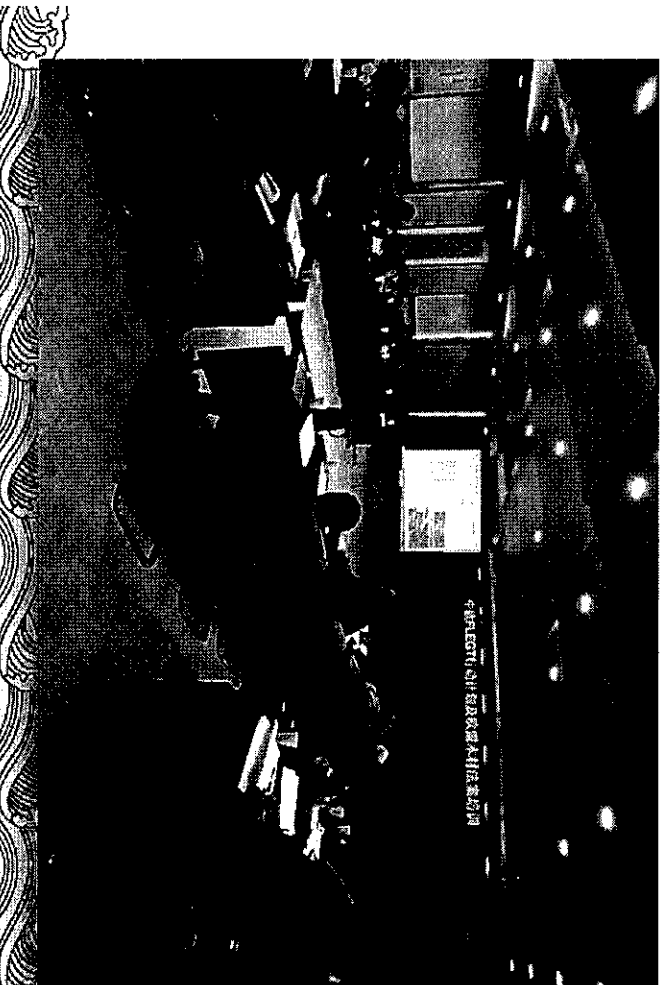
The guide was made to better regulate and guide overseas Chinese enterprises in engaging timber processing, trade and investment. It is also envisaged to be used with the other related guidelines to make a complete guiding system for the industry value chain

The other two guides are: A Guide on Sustainable Overseas Forest Cultivation by Chinese Enterprises; A Guide on Sustainable Overseas Forest Products Trade and Investment by Chinese Enterprises (in progress)



# Regulating activities in forest resource utilization and forest product trade

China's research institutions and industrial associations are actively promoting the idea of legal and responsible purchase and management through relevant trainings



## **Regulating activities in forest resource utilization and forest product trade**

### **◆ Strengthened Chinese Domestic Administration of Timber Processing Industry**

- ◆ Intensified monitoring and supervision
- ◆ Improved *China Governmental Green Procurement System*
- ◆ Green procurement guidelines released by China Banking Regulatory Commission (CBRC)
  - ◆ mandatory requirement of the procurement of legality verified products
  - ◆ prioritize the purchase of certified forest products

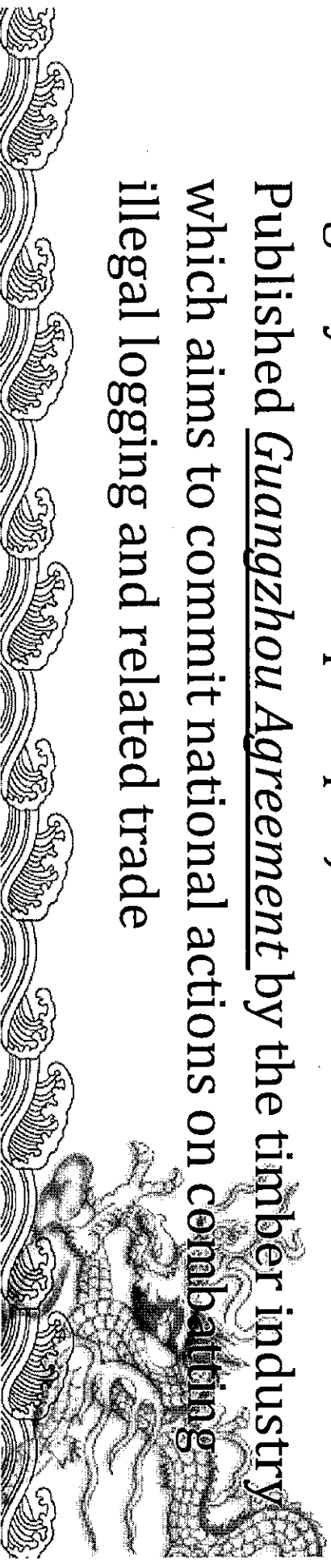


## Regulating activities in forest resource utilization and forest product trade

- ◆ Reinforced Administration of Endangered Wood Species Import

A notice (Notice on Further Strengthening the Administration of Endangered Wood Species Import) was released by SFA and China Customs

Promotional activities on CITES species and timber legality verification pilot project have been carried out Published Guangzhou Agreement by the timber industry which aims to commit national actions on combating illegal logging and related trade



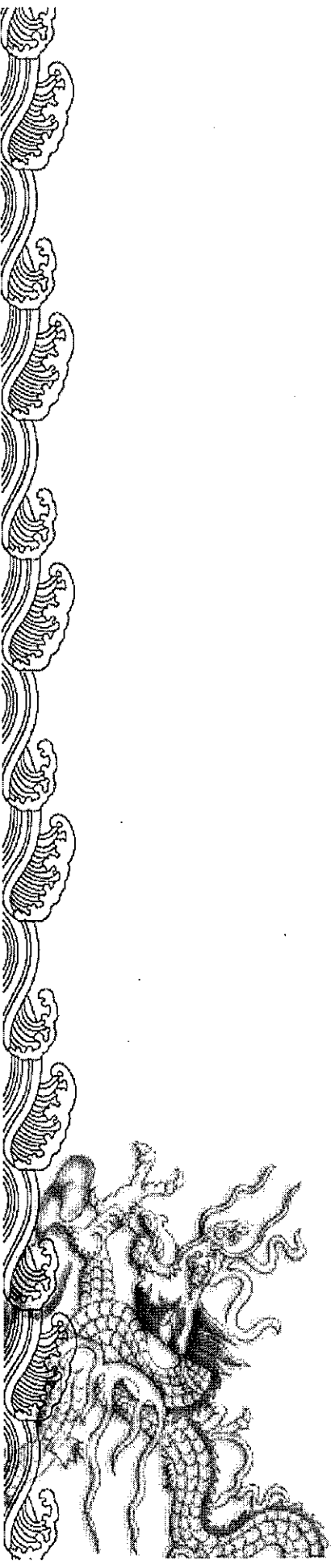
# Challenges

- ◆ **Mainly on effectiveness, reliability and cost-constraints.**

For instance, the export companies of forestry products would find it difficult to navigate through different TLASs; the timber industry may have to witness a slower growth; and the free trade process of global forestry products might be impeded. Thus in order to deal with these likely consequences, better communications and understandings on the issue of timber legality are urgently needed.



**Thank you very much!**  
**Questions?**







# Environmental Benefits of Free & Fair Trade

*The case of* **Natural Gas Sector**

Energy Policy & International Relations Department  
**Qatar Petroleum**

World Trade Organization Committee on Trade & Environment Regular meeting  
23 October 2014

## Content

- ▶ **Natural Gas sector - Trade Overview**
  - ▶ **Natural Gas as a tradable goods in the Harmonized System ( HS )**
  - ▶ **International Trade in Natural Gas : Value & Trends**
  - ▶ **WTO member countries commitments regarding NG goods**
- ▶ **Natural Gas share in the Global Mix of Energy: past, present, and ...future**
- ▶ **Natural Gas Sector - Environmental Overview**
- ▶ **Environmental Benefits of Free & Fair Trade in Natural Gas**
- ▶ **Actions taken by the state of Qatar**



# Food and Agriculture Organization of the United Nations

**Tina Farmer**

**FAO Fisheries and Aquaculture Department**

**World Trade Organization  
Committee on Trade and Environment  
Geneva, 23 October 2014**

# The State of World Fisheries and Aquaculture 2014

## The State of World Fisheries and Aquaculture 2014

Программа развития и  
технической помощи  
Организации Объединенных Наций

2014



Food and Agriculture  
Organization of the  
United Nations

2014



Organización de las Naciones  
Unidas para la Alimentación  
y la Agricultura

The State of World  
Fisheries and Aquaculture

Opportunities and challenges



Organisation des Nations Unies  
pour l'Alimentation  
et l'Agriculture

La situation mondiale  
des pêches et de l'aquaculture

Possibilités et défis

El Estado Mundial  
De La Pesca Y La Acuicultura

Oportunidades  
y desafíos



الأمم المتحدة  
المنظمة العالمية  
للغذاء والزراعة

حالة الموارد السمكية  
والتربية الأحياء المائية في العالم

فرص وتحديات



联合国  
粮食及  
农业组织

世界渔业和水产养殖状况

Opportunities and challenges

# The State of World Fisheries and Aquaculture 2014



**Premier advocacy document**

**Provides comprehensive, objective and global  
view of capture fisheries and aquaculture**

**Global standing as authoritative source**

# The State of World Fisheries and Aquaculture 2014



1. **World review**
2. **Selected issues**
3. **Highlights of special studies**
4. **Outlook**

# The State of World Fisheries and Aquaculture 2014



## **Importance of fisheries and aquaculture**

Vital to achieving FAO's goal of eliminating hunger, food insecurity & malnutrition

More people eating more fish

More productive & sustainable sector

Boosting resilience

# The State of World Fisheries and Aquaculture 2014

## World review

### Fish as food

136.2 million tonnes

Record 19.2 kg/capita

49% from aquaculture

17% of global population's  
intake of animal protein

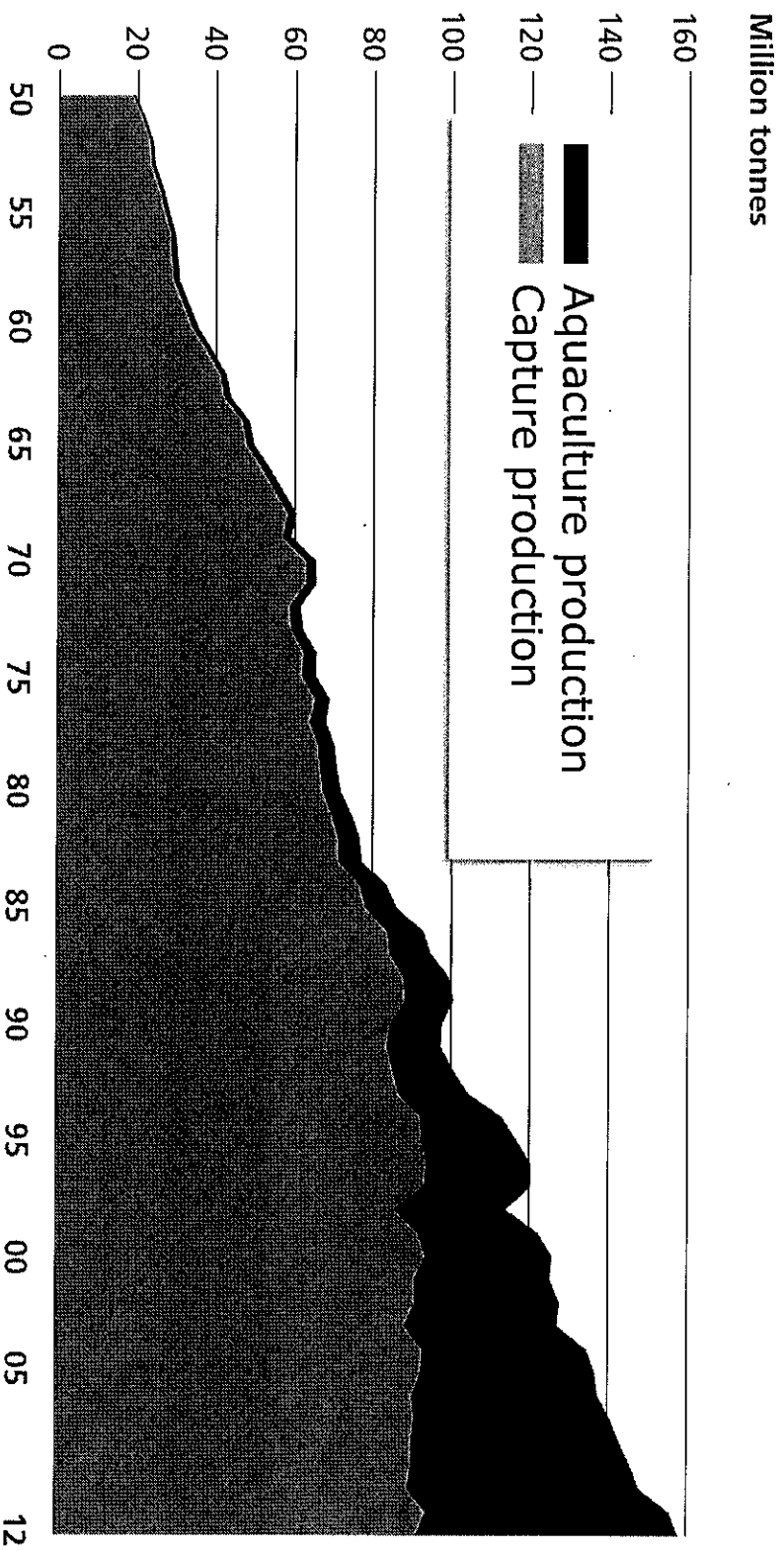




# The State of World Fisheries and Aquaculture 2014

## World review

World capture fisheries and aquaculture production



# The State of World Fisheries and Aquaculture 2014

## World review

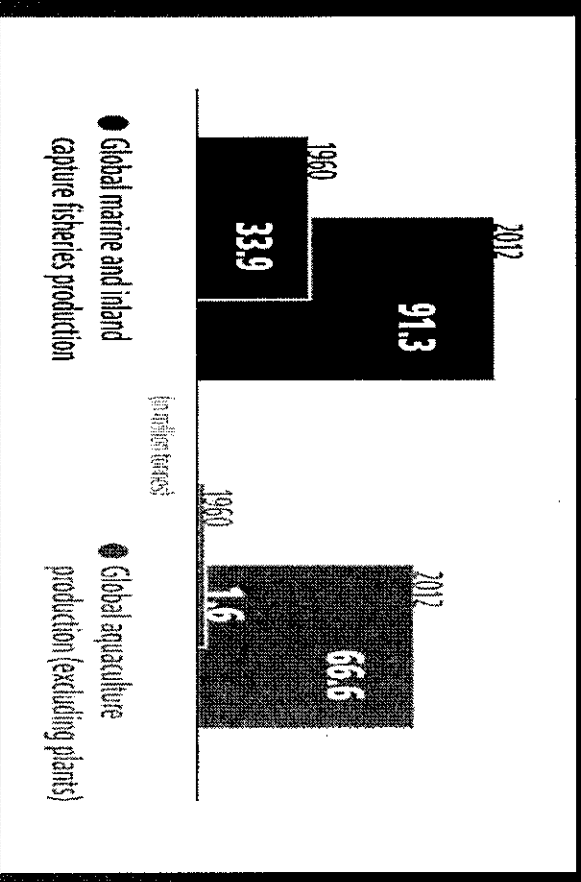
### Global production

158 million tonnes total

Capture: 91.3 million tonnes

- ◆ marine: 79.7 million
- ◆ inland: 11.6 million

Aquaculture: 66.6 million tonnes



# The State of World Fisheries and Aquaculture 2014

## World review

### Aquaculture

Fastest-growing food sector  
+6.2% p.a.

66.6 million tonnes in 2012

Value US\$137.7 billion

China produces > 60% total



# The State of World Fisheries and Aquaculture 2014

## World review

### Fish trade

Global trade worth  
US\$130 billion in  
2012

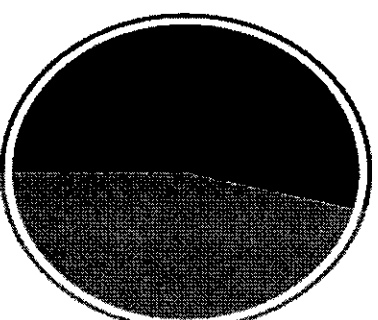
37% exported

China leading exporter > US\$19.6 billion in 2013  
(imports US\$8 billion)

Fish is among the world's most traded food commodities

Worth almost US\$130 billion (2012)

Developing  
economies  
account for  
**54%**  
of total fishery  
exports by value



Developed  
economies  
account for  
**46%**  
of total fishery  
exports by value

# The State of World Fisheries and Aquaculture 2014

## World review

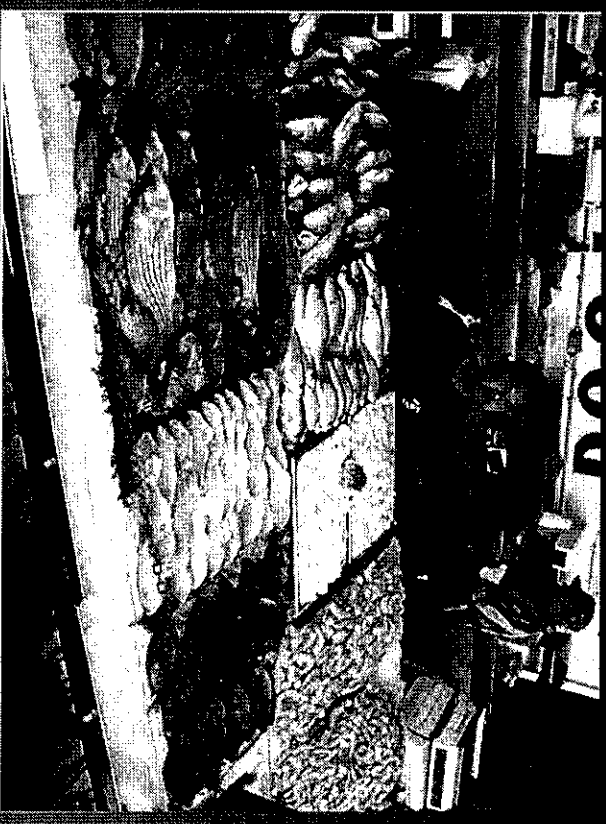
### Drivers of fish trade

Falling transport & communication costs

Outsourcing to countries with  
a competitive advantage

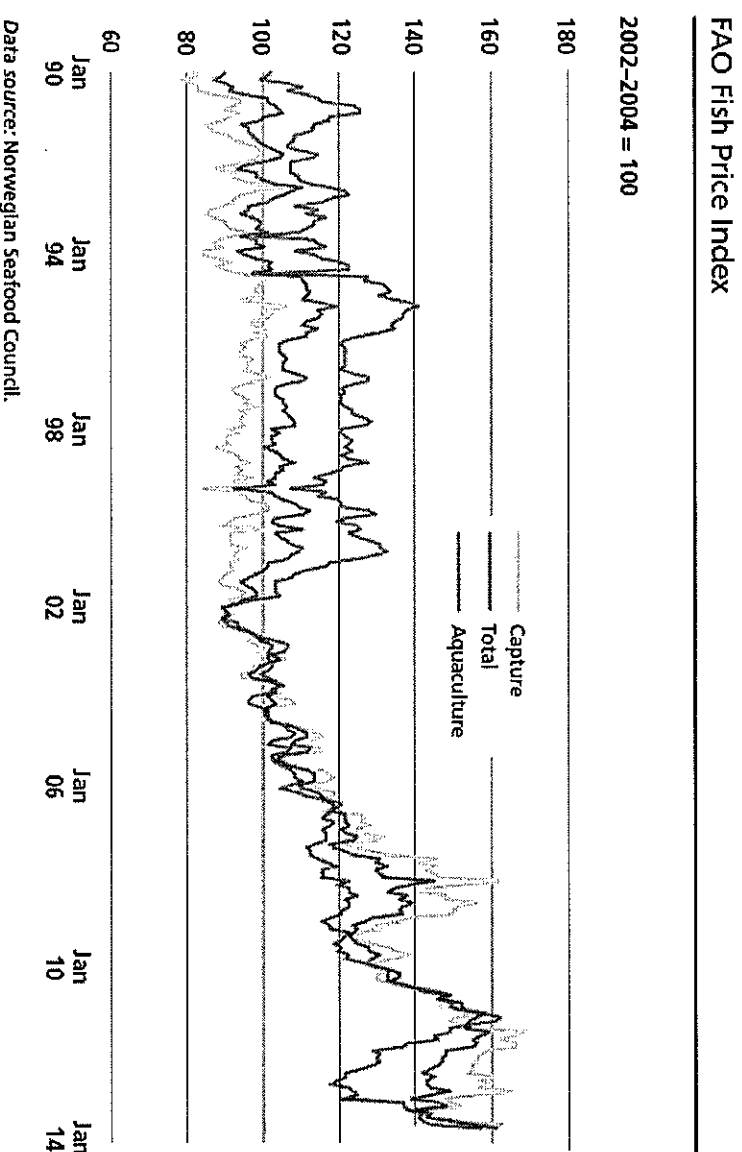
Increased consumption

Better distribution, marketing & technology



## FAO Fish Price Index

Figure 18



Since 2012 trend  
towards increase  
in prices &  
production

Influence of  
aquaculture

Volatile prices

## Selected issues in fisheries and aquaculture

Balanced  
harvest

SSFs –  
promoting  
collective action &  
organization

Role of  
aquaculture  
in improving  
nutrition

Post-harvest  
losses in SSFs

Sharks –  
conservation &  
management

Combating  
IUU fishing

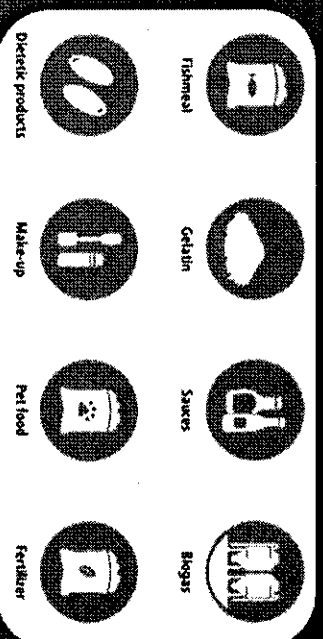
## Highlights of special studies

Fish consumption  
in Asia-Pacific:  
household surveys

Transition from  
low-value fish to  
compound feeds:  
marine cage  
farming in Asia

Key elements of  
VG Tenure for the  
fisheries sector

Utilization of  
fisheries by-products



“Snapshot” of  
RFBs

Assessment of  
vulnerabilities to  
climate change



The State of World Fisheries and Aquaculture 2014

Outlook

Future net benefits



شكراً!

谢谢!

Thank you!

Merci!

¡Gracias!

Спасибо