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**Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022**

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**DRAFT MINISTERIAL DECLARATION ON THE WTO RESPONSE TO THE
COVID-19 PANDEMIC AND PREPAREDNESS FOR FUTURE PANDEMICS**

1. We note that over the course of the COVID-19 pandemic, Members experienced supply constraints of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods. These experiences were not shared equally during the pandemic, in particular due to Members' differing levels of development, financial capabilities, and degrees of import dependence on those products. We encourage Members to understand and build upon the experience of the pandemic, as contemplated by this declaration, in order to support increased resilience for COVID-19 and future pandemics.
2. We recognize the importance of a stable and predictable trading environment for the provision of goods and services in accordance with WTO rules to facilitate manufacturing, and supply and distribution, of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, including their inputs.
3. The pandemic has highlighted the importance of working towards enhancing timely, equitable and global access to safe, affordable and effective COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. We recognize the role of the multilateral trading system in supporting the expansion and diversification of production of essential goods and related services needed in the fight against COVID-19 and future pandemics, including through identifying opportunities and addressing barriers. We underscore the critical role the WTO can play in promoting inclusive growth including industrialization, development, and resilience.
4. We recognize that global recovery remains highly divergent across the Membership, and that the pandemic continues to pose evolving challenges, in particular related to the possible spread of new variants of COVID-19, and uneven paces of vaccination. We further note that the COVID-19 pandemic has resulted in balance of payments challenges and revealed limitations in the fiscal means available to some developing country Members, and especially LDCs, to withstand, respond to, and recover from the pandemic.
5. We are committed to transparency, including that notifications of trade-related measures with respect to COVID-19 and future pandemics are submitted in a timely and comprehensive manner in accordance with WTO rules. The sharing of information helps Members and traders become acquainted with measures taken. We recognize that COVID-19 and future pandemics may further constrain the limited resources and institutional capacities of some developing country Members, and especially LDCs, and underscore the importance of technical assistance and capacity building in respect of transparency and monitoring.
6. We recognize the value of timely and accurate information to enable the quick identification by Members of potential disruptions in supply chains during COVID-19 and future pandemics. In addition, we encourage Members to actively engage in the WTO Trade Monitoring Exercise.
7. To the extent provided by WTO rules, we recognize the importance of ensuring that any emergency trade measures designed to tackle COVID-19, if deemed necessary, are targeted, proportionate, transparent, temporary; and do not create unnecessary barriers to trade or unnecessary disruptions in supply chains. When implementing such measures, we will endeavour to take into account Members' diverse circumstances, in particular the interests of some developing country Members, and especially LDCs; and their needs for emergency supplies and humanitarian assistance.

8. We recognize that, during the COVID-19 pandemic, Members have, at times, experienced acute supply constraints in the face of significant domestic and international demand for COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. Therefore, Members have made significant efforts to increase and diversify production; and to support equitable access to these goods. Recognizing that Members may apply export restrictions and otherwise take measures necessary to protect life and health in accordance with WTO rules, we intend to exercise due restraint in the imposition of export restrictions on such goods, including their inputs.

9. We reiterate the importance of the WTO Trade Facilitation Agreement and particularly those provisions which have proved critical to date during the COVID-19 pandemic as discussed in the Committee on Trade Facilitation. We acknowledge the capacity building needs of developing country Members, and especially LDCs, and underline Section II of the Trade Facilitation Agreement available to them.

10. Within the context of existing WTO rights and obligations, we note those additional, voluntary trade facilitating measures Members have implemented to address the ongoing pandemic, including streamlining customs procedures, decreasing and simplifying documentation requirements, temporarily reducing or adjusting tariff rates and other charges on COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, including their inputs.

11. With a view to expediting access to COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods, during COVID-19 and future pandemics, we encourage regulatory cooperation, as appropriate, and the sharing of regulatory information on a voluntary basis.

12. We recall the Doha Declaration on the TRIPS Agreement and Public Health of 2001 and reiterate that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we reaffirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

13. We further reaffirm that Members have the right to use, to the full, the TRIPS Agreement and the Doha Declaration on the TRIPS Agreement and Public Health of 2001, which provide flexibility to protect public health including in future pandemics.

14. (Placeholder to recall a TRIPS Waiver outcome.)

15. We recognize that increasing the level of global preparedness to COVID-19 and future pandemics requires strengthened productive, scientific and technological capacity across the world. We also recognize that such capacity is instrumental for developing solutions to public health crises beyond COVID-19, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, as well as neglected tropical diseases, and for diversifying manufacturing locations. In line with WTO rules, we underscore the importance of promoting technology transfer that contributes to building capacity in related sectors.

16. We reaffirm the commitment of developed country Members to Article 66.2 of the TRIPS Agreement.

17. We underline the critical role of services in ensuring resilience during COVID-19 and future pandemics. We acknowledge the importance of facilitating the international operations of service suppliers involved in production and distribution of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, such as logistics and freight transport services. We also acknowledge the importance of facilitating trade in services, including health services and ICT services, during COVID-19 and future pandemics.

18. We recognize the significant impact of the pandemic on services sectors and services trade of Members. We stress the importance of services trade, across sectors and modes of supply, to support economic recovery of Members, particularly those of interest to some developing country Members, and especially LDCs.

19. We also recognize that the COVID-19 pandemic has negatively affected the tourism sector, particularly in tourism dependent economies, especially tourism dependent LDCs. We acknowledge

that Members needed to take actions to reduce the spread of the virus, contributing to those effects. We recognize that enhanced cooperation and dialogue amongst Members, especially those whose economies are dependent on tourism, can be important in facilitating better understanding of how to potentially mitigate these effects.

20. Taking into consideration Members' public health policies and experiences during the COVID-19 pandemic, we acknowledge the relevance of further cooperation within the mandate of the WTO and its rules to boost post-pandemic recovery and trade flows, including on testing requirements and results, recognition of vaccination certificates and interoperability and mutual recognition of digital health applications, while continuing to protect public health and ensuring privacy and personal data protection.

21. We underscore the importance of global food security in resilience-building and responding to the current and future pandemics. We recognize the particularly negative impact of the COVID-19 pandemic on the food security of developing country Members, especially for net food-importing developing country Members and LDCs.

22. Food security related issues exacerbated by the COVID-19 pandemic, such as supply and price challenges, are multifaceted and require a comprehensive approach to address them.

23. We underscore the importance of understanding how WTO rules have supported Members during the COVID-19 pandemic, and their role in future pandemics. We affirm the need to review and build on all the lessons learned and the challenges experienced during the COVID-19 pandemic, to build effective solutions in case of future pandemics including on balance of payments, development, export restrictions, food security, intellectual property, regulatory cooperation, services, tariff classification, technology transfer, trade facilitation, and transparency, in an expeditious manner.

24. Relevant WTO bodies¹ will, within their fields of competence, and on the basis of proposals by Members, continue or initiate work as soon as possible, to analyze lessons that have been learned and challenges experienced during the COVID-19 pandemic. A stocktaking exercise will be taken of the work by WTO bodies under this declaration yearly at the General Council until the end of 2024, based on the reports of those relevant bodies.

25. Areas of discussion and focus will include, but not be limited to, the topics set forth in Paragraph 23 and other topics raised by Members reflecting their varied experiences during the COVID-19 pandemic.

26. We note that the General Council may be called to meet, as appropriate, to facilitate enhanced cooperation and dialogue in the context of a pandemic.

27. We also note the work undertaken by the WTO Secretariat, including in collaboration with other international organizations. That includes analysis, including the mapping of supply and demand, regarding trade in vaccines, therapeutics, diagnostics, and other essential medical goods and services as related to the COVID-19 pandemic.

28. We further note the importance of the WTO working, along with the World Health Organization and other international organizations, on an international pandemic response, including activities such as expeditious matching of supply to demand, mapping manufacturing capacities and demands, matchmaking to cater to such demands, and mutual recognition norms, related to goods and services that are essential to respond effectively to COVID-19 and future pandemics.

29. We confirm that this declaration does not alter the rights and obligations of WTO Members. We further confirm that this declaration does not create sub-categories of developing country Members.

¹ Relevant WTO bodies include the Council for Trade in Goods or its subsidiary bodies (including the Committee on Trade Facilitation, the Committee on Technical Barriers to Trade, the Committee on Sanitary and Phytosanitary Measures, the Committee on Market Access, and the Committee on Agriculture), Trade Policy Review Body, Council for Trade in Services or its relevant subsidiary bodies, Council for Trade-Related Aspects of Intellectual Property Rights, Committee on Trade and Development, Working Group on Trade and Technology Transfer and Working Group on Trade, Debt and Finance.

**Ministerial Conference
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**DRAFT MINISTERIAL DECLARATION ON THE
EMERGENCY RESPONSE TO FOOD INSECURITY**

Revision

Concerned that trade disruptions, record prices and excessive volatility for food and agricultural products could undermine food security in all Members, including in developing countries, and particularly in least-developed and net food-importing developing countries, who by virtue of their fiscal and other capacity-related challenges, as well as deteriorating terms of trade, are disproportionately affected by the crisis;

Concerned also that rising prices of food, agricultural products, and production inputs, including fertilizers, and associated trade restrictions, as well as increasing energy and transportation costs, could have lasting consequences for global food security in the coming years;

Determined to make progress towards the achievement of a fair and market-oriented agricultural trading system, ending hunger, achieving food security and improved nutrition, promoting sustainable agriculture and food systems, and implement resilient agricultural practices that enhance productivity and production in fulfilment of Sustainable Development Goal 2 of the United Nations, taking into account the interests of small-scale food producers in developing countries;

Acknowledging that progress towards this Goal has been undermined, with the Food and Agriculture Organization of the United Nations and the World Food Programme (WFP) in particular estimating a significant increase in the number and share of undernourished and food insecure people;

1. We, the Ministers, have met in Geneva from 12 to 15 June 2022 at our Twelfth Session of the Ministerial Conference of the World Trade Organization, and have adopted this declaration on trade and food security.
2. We agree that trade, along with domestic production, plays a vital role in improving global food security in all its dimensions and enhancing nutrition.
3. We commit to take concrete steps to facilitate trade and improve the functioning and long-term resilience of global markets for food and agriculture, including cereals, fertilizers, and other agriculture production inputs. Particular consideration will be given to the specific needs and circumstances of developing country Members, especially those of least-developed and net food-importing developing countries.
4. We underscore the need for agri-food trade to flow, and reaffirm the importance of not imposing export prohibitions or restrictions in a manner inconsistent with relevant WTO provisions.
5. We resolve to ensure that any emergency measures introduced to address food security concerns shall minimize trade distortions as far as possible; be temporary, targeted, and transparent; and be notified and implemented in accordance with WTO rules. Members imposing such measures should take into account their possible impact on other Members, including developing countries, and particularly least-developed and net food-importing developing countries.

6. We resolve to cooperate with a view to ensuring enhanced productivity and production, trade, availability and accessibility and affordability of food for those who need it, especially in humanitarian emergencies.
 7. We reaffirm the disciplines on export competition in the Agreement on Agriculture, as well as the Nairobi Decision on Export Competition, including especially those on International Food Aid, and encourage donor countries to undertake efforts to make food available to poor and vulnerable countries, including through the WFP.
 8. We reaffirm the importance of effective implementation and monitoring of the Marrakesh Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries. In this regard, we commit to having a dedicated work programme in the Committee on Agriculture to examine how this Decision could be made more effective and operational pursuant to Article 16 of the Agreement on Agriculture and to consider concerns raised by Members in their current and future submissions. The work programme shall consider the needs of LDCs and NFIDCs to increase their resilience in responding to acute food instability including by considering the best possible use of flexibilities to bolster their agricultural production and enhance their domestic food security as needed in an emergency.
 9. We understand the importance of providing technical and financial assistance to LDCs and NFIDCs, including through international and regional financial institutions, with a view to improving their agricultural productive capacity, infrastructure and access to agricultural inputs.
 10. We recognize that adequate food stocks can contribute to the realization of Members' domestic food security objectives and encourage Members with available surplus stocks to release them on international markets consistently with WTO rules.
 11. We emphasize the importance of promptly sharing relevant information about policies that may affect trade and markets for food and agriculture, including by complying with WTO notification commitments and by actively participating in other relevant mechanisms for information exchange. We invite the Secretariat to provide regular updates on trade and market developments in the wake of the current food price spikes and excessive price volatility, in cooperation with other relevant international organizations.
 12. We acknowledge the positive role of the Agricultural Market Information System (AMIS) in enhancing agricultural market transparency and policy responses for food security.
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**Ministerial Conference
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**DRAFT MINISTERIAL DECISION ON WORLD FOOD PROGRAMME FOOD PURCHASES
EXEMPTION FROM EXPORT PROHIBITIONS OR RESTRICTIONS**

The Ministerial Conference,

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

Pursuant to Article 12 of the Agreement on Agriculture and Article XI of the GATT 1994;

In view of the critical humanitarian support provided by the World Food Programme, made more urgent as global hunger levels have increased sharply;

With the understanding that the World Food Programme always takes procurement decisions on the basis of its principles to "do no harm" to the supplying Member and promote local and regional food procurement;

Decides as follows:

1. Members shall not impose export prohibitions or restrictions on foodstuffs purchased for non-commercial humanitarian purposes by the World Food Programme.
 2. This Decision shall not be construed to prevent the adoption by any Member of measures to ensure its domestic food security in accordance with the relevant provisions of the WTO agreements.
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**Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022****MC12 OUTCOME DOCUMENT - DRAFT****Revision*

We, the Ministers, have met in Geneva from 12 to 16 June 2022 for our Twelfth Session.

1. We resolve to strengthen the rules-based, non-discriminatory, open, fair, inclusive, equitable and transparent multilateral trading system with the WTO at its core. In this regard, we reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization and underscore the relevance and critical role of international trade and the WTO in global economic recovery, growth, prosperity, alleviation of poverty, welfare of all people, sustainable development and to facilitate cooperation in relation to the protection and preservation of the environment in a manner consistent with respective needs and concerns at different levels of economic development.

2. We reaffirm the provisions of special and differential treatment for developing country Members and LDCs as an integral part of the WTO and its agreements. Special and differential treatment in WTO agreements should be precise, effective and operational. In addition, we recall that trade is to be conducted with a view to raising standards of living, ensuring full employment, pursuing sustainable development of Members, and enhancing the means for doing so in a manner consistent with Members' respective needs and concerns at different levels of economic development. We instruct officials to continue to work on improving the application of special and differential treatment in the CTD SS and other relevant venues in the WTO, as agreed and report on progress to the General Council before MC13.

3. We acknowledge the need to take advantage of available opportunities, address the challenges that the WTO is facing, and ensure the WTO's proper functioning. We commit to work towards necessary reform of the WTO. While reaffirming the foundational principles of the WTO, we envision reforms to improve all its functions. The work shall be Member-driven, open, transparent, inclusive, and must address the interests of all Members, including development issues. The General Council and its subsidiary bodies will conduct the work, review progress, and consider decisions, as appropriate, to be submitted to the next Ministerial Conference¹.

4. We acknowledge the challenges and concerns with respect to the dispute settlement system including those related to the Appellate Body, recognize the importance and urgency of addressing those challenges and concerns, and commit to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024.

5. In this difficult context, we note with satisfaction the progress achieved by LDC Members who have met or who are about to meet the graduation criteria set by the United Nations Committee for Development Policy (CDP) and acknowledge the particular challenges that graduation presents, including the loss of trade-related international support measures, as they leave the LDC category. We recognize the role that certain measures in the WTO can play in facilitating smooth and sustainable transition for these Members after graduation from the LDC Category.

* This draft text is without prejudice to Members' positions and to any action that Ministers may decide to take.

¹ For greater certainty, in this context, this does not prevent groupings of WTO Members from meeting to discuss relevant matters or making submissions for consideration by the General Council or its subsidiary bodies.

6. We underscore the importance of accessions, noting that although no new accession has taken place since July 2016, several applicants have made encouraging progress. In this regard, we remain committed to facilitate the conclusion of ongoing accessions, especially for least-developed countries fully in line with the General Council Guidelines on LDC Accessions, and to provide technical assistance, where appropriate, including in the post-accession phase.

7. We recognize the special situation of the Members acceded in accordance with Article XII of the Agreement Establishing the World Trade Organization who have undertaken extensive commitments at the time of accession, including in market access. This situation shall be taken into account in negotiations.

8. We reaffirm our decision at the Tenth Ministerial Conference in Nairobi on implementation of preferential treatment in favour of services and service suppliers of least-developed countries and increasing LDC participation in services trade, and instruct the Council for Trade in Services to review and promote the operationalization of the waiver including to explore improvements in LDC services export data; to review information on LDC services suppliers and consumers of LDC services in preference providing Member markets; and to assess best practices in facilitating the use of the preferences. On this matter, we instruct the General Council to report to our next session on progress.

We reaffirm our decision at the Ninth Ministerial Conference in Bali on Duty-Free Quota-Free Market Access for Least-Developed Countries and instruct the Committee on Trade and Development to recommence the annual review process on preferential DFQF market access for LDCs. On this matter, we instruct the General Council to report on the progress to our next session.

We welcome the decision of the Committee on Rules of Origin (CRO) adopted on 14 April 2022 (G/RO/95) on Preferential Rules of Origin and the Implementation of the Nairobi Ministerial Decision. We instruct the CRO to report its work to the General Council ahead of the Thirteenth Ministerial Conference.

We also acknowledge LDCs' commitment and efforts in implementation of the TFA. We urge all Members to assist the LDCs in meeting their definitive category C deadlines.

We recognize the importance of Aid for Trade initiatives in trade-related capacity building for the LDCs. We recommend that such programmes prioritise the objectives identified by the LDCs.

9. We instruct the Trade Facilitation Committee to hold a Dedicated Session on transit issues annually until the next review of the Trade Facilitation Agreement is completed. These dedicated sessions will highlight the importance of transit and reserve time for the Committee to discuss best practices, as well as the constraints and challenges faced by all landlocked WTO Members, including landlocked developing countries and LDCs as outlined in G/TFA/W/53.

10. Services trade is vital to the global economy and has a major role to play in global economic output and employment. The COVID-19 pandemic has highlighted the importance of services and has had a significant impact on services trade and services sectors, particularly for developing Members, including least-developed countries (LDCs). We underscore the importance of recovery for services most impacted by the pandemic and of efforts to strengthen such services, taking into account challenges and opportunities encountered by Members. We acknowledge the need to facilitate the increasing participation of developing Members, including LDCs, in global services trade, including by paying particular attention to sectors and modes of supply of export interest to them. We take note of work in the area of trade in services.

11. We take note of the reports from the General Council and its subsidiary bodies. These reports, and the Decisions stemming from them demonstrate Members' continued commitment to the work of the WTO, thereby strengthening its effectiveness and the multilateral trading system as a whole.

12. We recognize the importance of strengthened collaboration and cooperation with other intergovernmental organizations and other relevant stakeholders that have responsibilities related to those of the WTO, in accordance with the rules and principles of the WTO, to restore trust, certainty and predictability in the world economy and effectively address current and future multidimensional challenges.

13. We recognize women's economic empowerment and the contribution of MSMEs to inclusive and sustainable economic growth, acknowledge their different context, challenges and capabilities in countries at different stages of development, and we take note of the WTO, UNCTAD and ITC's work on these issues.²

14. We recognize global environmental challenges including climate change and related natural disasters, loss of biodiversity and pollution. We note the importance of the contribution of the multilateral trading system to promote the UN 2030 Agenda and its Sustainable Development Goals in its economic, social, and environmental dimensions, in so far as they relate to WTO mandates and in a manner consistent with the respective needs and concerns of Members at different levels of economic development. In this regard, we reaffirm the importance of providing relevant support to developing country Members, especially LDCs, to achieve sustainable development, including through technological innovations. We note the role of the Committee on Trade and Environment as a standing forum dedicated to dialogue among Members on the relationship between trade measures and environmental measures.

Part II: Reference to separate decisions or declarations as adopted by Ministers

² These are general messages on cross cutting issues that do not change the rights or obligations of WTO Members (and do not relate to any Joint Statement Initiatives).

