

COMMUNICATION FROM ARGENTINA

The following communication from the delegation of Argentina, dated 1 June 2005, is being circulated in advance of the Negotiating Group meeting of 13 and 14 June 2005.

PROPOSAL TO IMPROVE AND CLARIFY ARTICLE X OF THE GATT 1994

I. INTRODUCTION

1. The principles on which the multilateral trading system is based, namely non-discrimination (most favoured nation and national treatment) and the reciprocity of concessions, need to be supplemented by transparency of all of the Member countries' trade policy measures. Without transparency, the value of commitments can remain in the realm of theory and devoid of any practical effect, undermining the exercise of rights and obligations under the multilateral agreements. Similarly, **special and differential treatment** can only truly be implemented if there is transparency.
2. Economic operators need to know the trade rules and practices of other Members in order to take advantage of the trade benefits conferred by the commitments of WTO Members and to avoid the obstacles caused by misinformation and/or excessive bureaucracy. Information should be simple and easily accessible. This is vital in enabling the SMEs to operate and hence become a driving force of the developing economies.
3. Argentina will initially focus its efforts on suggesting improvements to Article X of the GATT 1994. This is done without prejudice to our future communications concerning Articles V and VIII of the GATT 1994.

II. PROPOSAL

4. If we are to achieve positive results in the negotiations, we must address issues that are simple and easily accessible which take account of the interests of all WTO Members. One of these could be the creation on the official WTO web page of a "trade facilitation" link listing all of the Member countries, and providing further links to relevant national websites in the different areas. Members also need to have a "list or inventory" that could contain the facilitation measure applied and the bodies involved in its implementation. This could be supplemented by an e-mail account, for example consultation_Member@wto-tradefacilitation.org, with the address of the Member concerned. At the national level, each Member would identify an address or trade office that could answer any queries within a reasonable period of time to be determined.

III. IMPLEMENTATION OF THE PROPOSAL

5. Each Member should provide the Secretariat with a list of websites containing detailed (and updated) information under Article X of the GATT 1994. Members that do not have a computerized database can request the technical assistance and capacity-building support needed to fulfil this requirement within a time-limit to be determined.

6. Another issue to be considered is the language in which each country publishes its regulations (its official language), since the proposal involves directing Members to the national websites of other Members. In the case of developing countries and LDCs whose language is not one of the three official WTO languages, the possibility of requesting the necessary technical assistance (from the developed countries, from the WTO, and/or from other bodies offering their services) should be envisaged so that the regulations can be translated into at least one of the official languages of the WTO. A timetable should be established to that end.

7. The WTO Secretariat, or the entity offering technical assistance, could also act as a focal point in the consultations among Members with respect to information provided for under Article X of the GATT 1994 from Members that have requested assistance and are therefore involved in a capacity-building and technical assistance programme. This type of assistance would serve the dual purpose of helping developing country and LDC Members both internally, by providing them with technical assistance in computerizing and translating the regulations and decisions referred to in Article X through the multilateral system of which the country is a member, and externally, by facilitating trade flows with those countries.

IV. COSTS

8. Possibly no other task provided for under the Doha Development Agenda has as much potential to help the SMEs throughout the world, and particularly in the developing countries. Setting up services for the notification, collection and translation of the data from Members as mentioned in Article X of the GATT 1994 should be a technical assistance and capacity-building priority in the area of trade facilitation.

9. However, maintaining internet sites and building up the necessary capacity will involve costs in the short term. Experience suggests that in the medium and long term, there will be considerable savings of resources as well as greater efficiency that will result in increased trade flows. The possibility of obtaining information as proposed will provide the SMEs with increased opportunities, since they often lack commercial presence in the destination markets of their products.

10. The assistance that both the international organizations (World Bank, IMF, OECD, WCO, UNCTAD, etc.) and the developed countries are willing to offer will be essential in defining and planning the implementation of the proposal.
