

“국민과 함께, 활기차고 풍요로운 해양부국 실현”

발간등록번호

11-1520000-000719-14

WTO/DDA 협상 수산분야 기본골격의 주요내용 및 대응방안



농림수산식품자료실



0018144



해양수산부

www.momaf.go.kr

WTO/DDA협상 수산분야
기본골격의 주요내용 및 대응방안



해 양 수 산 부

www.momaf.go.kr

2001년 11월 WTO 제4차 각료회의(카타르 도하)에서 출범한 도하개발아젠다(DDA: Doha Development Agenda) 협상이 2004년 8월 1일 협상기본골격(Framework)에 합의함에 따라 DDA 협상은 새로운 전기를 맞이하게 되었습니다.

본 자료는 그 동안에 논의되었던 협상내용을 수산분야를 중심으로 요약 정리한 것으로서 주요 원문과 그 요약도 첨부하였습니다.

도하개발아젠다 협상이 2005년 12월 개최예정인 제6차 WTO 각료회의(홍콩)까지 마무리를 목표로 하고 있어 앞으로 협상이 가속화될 것으로 보이기 때문에 이 자료가 국제업무 담당하시는 분과 국내 수산정책 수립업무 담당자 모두에게 도움이 되었으면 하는 바램입니다.

2004. 8

국제협력관	국 장	방 기 혁
WTO통상협력팀	과 장	박 태 성
	사무관	장 재 동
	주사보	박 소 영

- 차 례 -

<요약>

◎ 수산분야 DDA협상 기본골격의 주요내용 및 대책 1

I. DDA 출범에서 협상기본골격까지 11

1. WTO 개요 12

2. 도하각료선언문(2001.11) 14

가. 도하각료선언문 개요 14

나. 도하각료선언문 중 수산분야 발췌문 15

다. 선언문요약 및 원문(WT/MIN(01)/DEC/1) 16

3. 비농산물시장접근(NAMA) 협상그룹 Girard의장

초안(2003.8) 33

가. 지라르(Girard) 의장초안 개요 33

나. 주요내용 및 원문(TN/MA/W/35/Rev.1) 34

4. 칸쿤 각료회의 의장안(Derbez Text)(2003.9) 44

가. 칸쿤각료회의 의장안(Derbez Text) 개요 44

나. 수산보조금 관련 주요내용 및 해당부분 발췌원문 ... 45

다. 비농산물 시장접근 주요내용 및 해당부분 발췌원문 ... 46

라. 부속서B 주요내용 46

[비농산물 시장접근의 세부원칙(Modality)을 위한 기본골격(Framework)]

※ 의장안(Derbez Text) 원문(JOB(03)/150/Rev.2) 50

II. WTO/DDA 협상기본골격 43

1. 협상기본골격 주요내용 및 원문(WT/L/579, '04.8.2) 53
 - 가. 협상기본골격 개요 4
 - 나. 주요내용 및 원문(WT/L/579, '04.8.2) 4
2. 수산보조금 관련 주요내용 및 원문 57
 - 가. 주요내용 4
 - 나. 번역문 및 원문(TN/RL/9, '04.6.25) 4
3. 수산물관세 관련 주요내용 및 원문 53
 - 가. 주요내용 4
 - 나. NAMA Framework에 대한 평가 및 대응방안 4
 - 다. 번역문 및 원문(TN/RL/9, '04.6.25) 4

III. 수산분야 제안서 76

1. 보조금 제1차 제안(TN/RL/W/17, '02.10.2) 77
2. 보조금 제2차 제안(TN/RL/W/69, '03.3.18) 84
3. 보조금 제3차 제안(TN/RL/W/97, '03.5.5) 87
4. 보조금 제4차 제안(TN/RL/W/160, '04.6.8)산분야 90
5. 관세 제1차 제안(TN/MA/W/6/Add.2 '03.6.16) 95
6. 관세 제2차 제안(TN/MA/W/6/Add.3 '03.7.15) 98

IV. 참고자료 103

1. 우리나라 국가전체 수출입 대 수산물 수출입 104

2. 세계 수산물 생산 추이	105
3. 세계 수산물 수출 추이	106
4. 세계 수산물 수입 추이	107
5. '01 주요국 수산물 교역비중	107
6. 한국·일본·대만의 수산물수출입 비중	108
7. 무세화 대상 7개분야의 '01수출 실적	109
8. 2004년도 수산물 관세분석	110
9. 우리나라 수산식품 관세율 구조	111
10. 연도별 조정관세 부과품목 현황	112
11. 우리나라 수산물 관세 양허 현황	113
12. 수산일반통계(생산, 수출입, 어업인구, 어가소득)	114
13. 도시근로자·농어가 소득비교	115
14. 농어가 인구비교	116
15. 쌀·소고기·수산물 연간소비량 비교	117
16. 농수산물 수출입비중	118
17. 7대 주요생산어종	119
18. 관세인하공식	120
19. 관세인하공식 계수별 상관관계	121
20. 관세인하공식 계수별 세율별 인하후 예상세율	122
21. 주요수산물 관세비교	123
22. 수산분야가 민감한 이유	125
24.	126
25.	127

◎ 수산분야 DDA 협상 기본골격의 주요내용 및 대책

1. 협상 추진 경과
2. 협상 기본골격의 주요내용(수산분야)
3. 협상평가 및 예상영향
4. 협상 대책

※ 참고 : 관련보도자료

수산분야 DDA 협상 기본골격의 주요내용 및 대책

1. 협상 추진 경과

- '01.11월 제4차 Doha 각료선언을 통해 DDA 협상 출범
 - 농산물, 비농산물, 싱가포르이슈 등 모든 협상분야의 일괄타결 (Single Undertaking) 원칙하에 협상하되 '04년말까지 타결목표
- '03.9월 제5차 칸쿤 각료회의에서 협상의 기본골격(Framework)으로 제시된 의장안(Derbeiz Text)에 대하여 합의 실패
- 금년 3월부터 협상을 재개, 7월말까지 협상 기본골격(Framework) 합의를 목표로 협상을 진행
- 7. 16 WTO 일반이사회 의장(일본, Shotaro Oshima)이 1차 협상 초안(Oshima Paper)을 배포, 협상을 진행
 - 7. 30, 일반이사회 의장은 2차 협상초안을 배포, 협상을 진행
- 7.31 11:30(한국시간 8.1(일) 06:30) WTO 일반이사회를 재개하여 8.1 00:30경(한국시간 8.1(일) 07:30) 향후 세부원칙(Modality) 협상의 기본골격이 되는 최종문안에 합의에 도달

2. 협상 기본골격의 주요내용(수산분야)

□ 수산보조금 관련

- 최종 협정문안은 수산보조금협상이 진행되는 규범분야에 대하여 “규범협상그룹의 무역협상위원회(TNC) 보고서를 유념한다”라고 하고 있으며,
 - 동 보고서는 규범협상이 “발굴된 이슈에 대한 해결방안을 모색하는 단계로 진입”하고 있음을 언급하는 한편,
 - 특히 수산보조금에 대하여는 “특정한 규율의 필요성 여부(whether)에서 특정한 규율의 성격(nature) 및 정도(extent)로 논의중심이 이전”하였다고 평가하고 있음.

□ 비농산물 시장접근(NAMA, 수산물 관세 포함) 관련

- 제5차 칸쿤 WTO 각료회의 시('03.9)에 협상 기본골격으로 제시된 의장안(Derbez Text)을 최종합의문으로 채택하였음.
- 비농산물 시장접근(NAMA) 분야의 협상 기본골격의 주요내용은 다음 두 가지로 요약할 수 있음.
 - 관세인하공식을 적용하여 모든 비농산물의 관세를 인하함
 - ※ 관세인하공식은 높은 관세는 많이 인하하고 낮은 관세는 적게 인하하는 비선형(non linear) 인하방식을 사용하도록 명시하였음.
 - 분야별 무세화도 추진하되 대상분야는 언급하지 않음.
 - ※ Derbez Text가 작성되기 전의 초안(Girard 초안)에는 무세화 대상 7개 분야에 수산분야가 포함되어 있었음.
- 채택된 합의문안에 대한 브라질, 케냐 등 일부 개도국의 반발을 감안하여 협상의 기본골격중에서 일부 세부사항은 추가협상이 필요함을 명시(미양허품목의 관세인하, 개도국 신축성, 무세화 참여 문제 등)

3. 협상 평가 및 예상 영향

수산보조금

□ 협상평가

- 협상기본골격(Framework)은 규율의 필요성만 언급하고 있고 구체적인 규율방안(성격 및 정도)은 제시하지 않고 있음.
 - 따라서 향후 세부원칙(Modality) 협상에서 수산보조금의 구체적인 규제정도를 결정하게 됨.
- 세부원칙협상 예상 시나리오
 - 최선의 경우 : EC, 일본, 우리나라의 어선건조보조금 위주 금지 입장이 반영되는 경우
 - 최악의 경우 : 미국, 뉴질랜드 등 수산물 수출국 및 환경 NGO의 포괄적 금지원칙 입장이 반영되는 경우

□ 시나리오별 예상영향

- 최선의 경우는 어선건조보조금, 노후원양어선 신조대체지원 등만 어족자원 고갈에 직접적인 영향을 주는 보조금 중심으로 보조금 감축이 최소화되어 우리 수산업에 미치는 영향이 크지 않을 것으로 예상
- 최악의 경우는 포괄적인 수산보조금 금지원칙에 따라 면세유, 영어자금 등이 규제된다면 우리 수산업에 미치는 영향이 매우 클 것으로 예상

수산물 관세

□ 협상평가

- 협상기본틀(Framework)이 무세화 대상분야를 적시하지 않고 있어 당초 우려했던 수산물 무세화는 일단 유리한 협상고지를 차지한 것으로 평가됨.
 - 그러나 미국, 캐나다, 뉴질랜드 등이 세부원칙(Modality) 협상에서 수산물 무세화를 추진할 것으로 예상되어 아직까지는 무세화 제외 여부를 속단할 수는 없는 상황임.
- 한편, 무세화 분야에 포함되지 않는다 하더라도 비선형(non-linear) 관세인하공식에 의한 관세삭감을 해야 하기 때문에 대폭적인 관세인하는 불가피한 실정
 - 구체적인 관세인하공식은 세부원칙(Modality) 협상에서 결정되며, 현재 선진국은 스위스 공식을, 개도국은 Girard 공식을 지지하고 있음.

< Girard 공식과 스위스 공식의 비교 >

◎ Girard 관세인하 공식 $t_1 = \frac{B \times t_a \times t_0}{B \times t_a + t_0}$	◎ Swiss 관세인하 공식 $t_1 = \frac{A \times t_0}{A + t_0}$
t_1 = 인하후 최종세율, t_0 = 기준세율, t_a = 평균기준관세율, B = 조정계수	

□ 시나리오별 예상 영향

- 최악의 시나리오는 수산물관세가 무세화로 결정되는 경우임.
 - 수산분야는 '97년 수산물 시장개방 후 높은 관세로 수산업을 보호(OECD 국가중 가장 높은 수산물 관세 유지)하고 있어 무세화시 영향이 매우 클 것으로 예상
 - ※ 평균 관세율 : 한국 18%, 중국 12%, EU 11%, 일본 6%, 미국 2%, 호주 0%
 - 무세화시는 수입급증으로 연간 약 1조원의 산업피해가 발생할 것으로 예상('01년 KMI 연구용역 결과)
- 차선의 시나리오는 무세화 대상분야에 포함되지 않고 관세인하공식에 의한 관세 인하가 이루어지는 경우인데, 이 경우에도 관세인하공식이 어떻게 결정되는냐에 따라 그 영향이 달라질 수 있음
 - 현재 미국, EU, 일본이 지지하는 스위스공식(조정계수: 10)으로 결정된다면 우리 수산물 관세의 대폭적인 감축은 불가피(약 2/3 인하되어 현행 10~70% 관세율이 5~8.8%로 축소 예상)
 - ※ 인하기간은 협상결과에 따라 다르겠으나 5~10년으로 예상

< 스위스 공식(조정계수: 10) 적용시 주요품목의 관세인하 >

실행 세율(%)	인하후 세율(%)	인하율(%)	주요 품 목
10(92개)	5.0	50.0	○ 대부분의 활어
20(247개)	6.7	66.5	○ 대부분의 어류(활어제외)
30(12개)	7.5	75.0	○ 냉동명태·홍어·오징어 등
70(1개)	8.8	87.4	○ 냉동민어

- 최선의 시나리오는 세부원칙협상에서 민감 수산물에 대하여 관세인하공식의 예외인정(신축성)을 받는 것인데, 이 것이 향후 세부원칙협상에서 관철해야 할 중요한 협상과제임.

4. 협상 대책

□ 향후 협상 일정

- 9월부터 세부원칙(Modality) 협상 시작될 예정
- 당초 금년말로 협상시한을 정했던 DDA 협상은 '05.12월 제6차 홍콩 각료회의시까지 계속기로 결정

□ 협상 대책

< 수산보조금 >

- 협상 목표
 - 수산보조금에 대한 특별규제는 불가피하므로, 규제논의에 적극 참여, 규제범위를 최소화하고 충분한 유예기간 확보
 - 특히, 일반 보조금 형태로 운영중인 어업 면세유제도가 계속 유지되도록 협상력 강화
- EU, 일본, 대만 등과의 공조체제를 강화하여 수산보조금의 포괄적 금지를 저지
 - 특히, 미국, 캐나다, 호주 등 어업 면세유제도 운영국가와의 협의를 강화하여 어업 면세유제도를 유지

< 수산물 관세 >

○ 협상목표

- 수산물이 무세화 대상에서 제외되도록 하는 한편,
- 관세인하공식에서는 '민감품목'의 신축성을 인정받도록 대처

○ EU, 일본 등 수산물 무세화 반대국과의 공조체제를 강화하여 ASEAN, 아프리카 국가의 지지를 확보

○ 일본, 대만 등과 공동으로 민감 수산물의 신축성 허용을 지속적으로 제기하여 Modality 협상에서 반영


□ 협상타결에 대비한 국내대책

○ 협상 타결에 대비하여 자원조성, 해양환경 개선, 어업구조조정 및 어업인 복지사업을 확대

- 한편, 수산업 경쟁력 강화시책 및 도시·어촌간 소득격차 해소 시책을 적극 추진하여 어촌활성화의 기틀을 마련

○ 이를 위해 향후 10년간 약 12.4조원을 투융자하는 '수산업·어촌 종합대책'(‘04.1월)을 차질없이 추진

※ 참고 : 관련 보도자료

<p>해양수산부</p>  <p>* 8월2일(월)부터 사용해 주십시오.</p>	<p>■ WTO 통상협력팀 팀장 박태성 / 사무관 장재동 Tel 02-3148-6927 jdjang@momaf.go.kr</p> <hr/> <p>■ 2004. 8. 1 배포 ■ 사진없음 ■ 총 9쪽(첨부포함)</p>
<p>수산분야 WTO/DDA 협상 기본골격 합의 - 9월부터 수산보조금 규율방안 및 관세인하 본격 협상 -</p> <p>1. WTO 일반이사회는 8.1(일) 00:30경(한국시간 07:30) WTO/DDA 협상의 기본골격(Framework)을 합의하였으며, 이에 따라 9월부터 세부원칙(Modality) 협상이 본격적으로 시작된다.</p> <p>2. 오늘 합의된 수산분야의 DDA 협상 기본골격은 아래와 같다.</p> <p>○ 수산보조금의 협상 기본원칙으로 규범협상그룹의 무역협상위원회 보고서를 채택하였으며, 이 보고서는 수산보조금 협상의 진전현황을 “수산보조금에 대한 특정한 규율의 필요성 여부에서 특정한 규율의 성격 및 정도로 협상의 중심이 이전”되었다고 평가하고 있다.</p> <p>○ 수산물 관세의 협상 기본원칙으로는 작년 11월 멕시코 킨쿤 WTO 각료 회의에서 제시된 비농산물 시장접근(NAMA: Non Agricultural Market Access) 분야의 데르베즈 의장안(Derbez Text)을 채택되었다.</p> <p>- 주요내용은 관세인하를 고관세는 많이, 저관세는 적게 낮추는 비선형(non-linear) 방식으로 추진하는 한편, 동시에 특정산업의 무세화도 추진하는데 구체적인 대상분야는 적시하지 않고 향후 협상에서 결정하기로 하였다.</p> <p>3. 이번에 합의된 협상 기본원칙은 합의도출을 위해 구체적인 협상원칙보다는 일반원칙 제시에 머무르는 경우가 많아, 협상의 유불리에 대한 평가는 향후 세부원칙(Modality) 협상이 진행되어야 판단 가능할 것으로 보인다.</p>	

4. 향후 세부원칙(Modality) 협상의 시나리오에 따른 예상 영향을 살펴보면, 아래와 같다.

○ 수산보조금은 향후 협상에서 EU, 일본, 우리나라의 입장이 채택될 경우 수산자원 고갈에 직접적인 영향을 미치는 어선건조보조금 중심으로 수산보조금이 규제되어 그 영향은 크지 않을 것으로 보이나,

- 미국, 뉴질랜드 등 수산물 수출국 및 환경 NGO 입장인 수산보조금의 포괄적 금지원칙이 채택된다면 면세유, 영어자금 등의 지원이 어렵게 되어 우리 수산업에 큰 영향을 미칠 것으로 예상된다.

○ 수산물 관세는, 당초(03. 5월 Girad안) 수산분야가 무세화 대상에 포함되어 있었으나, 이번 합의안에는 무세화 대상분야를 적시하지 않아 우리 입장이 반영되었으나 미국, 캐나다, 뉴질랜드 등이 향후 협상에서 수산물 무세화를 계속 추진할 것으로 보이기 때문에 아직까지는 무세화 제외 여부를 속단할 수 없는 상황이다.

- 무세화 분야에 포함되지 않는다 하더라도 세부원칙 협상에서 정해지는 관세인하공식에 따라 관세삭감이 있게 되며, 미국, EU, 일본 등 선진국이 지지하는 스위스 공식(Swiss formula)이 채택(조정계수는 10)될 경우에는 현행 수산물 관세의 약 2/3 정도를 일정기간 동안 삭감해야 한다.

5. 향후 세부원칙 협상은 오는 9월부터 진행되며, 내년말까지 협상타결을 목표로 협상을 진행하게 된다.

○ 정부는 향후 세부원칙 협상에서 EU, 일본, 대만 등과 공조체제를 강화하여 수산분야에 미치는 영향을 최소화해 나갈 계획이다.

○ 수산보조금 협상은 규제범위를 최소화하고 규제가 되더라도 충분한 유예기간을 확보함으로써 충격을 완화해 나가도록 하는 한편,

- 수산물 관세협상은 수산물이 무세화 대상에서 제외되는데 최우선 협상 목표를 두는 한편, 관세인하공식을 통한 관세인하의 경우에도 민감 수산물에 대하여는 “신축성”을 인정받아 관세인하의 영향을 최소화할 계획이다.

○ 아울러, 향후 협상결과에 대비하여 금년 1월에 수립된 ‘수산업·어촌 종합대책(’04.1)’에 따라 수산자원조성, 어업구조조정, 어업인 복지사업 확대 등 수산업 경쟁력 강화 및 어촌 활성화에 10년간 약 12.4조원을 투융자하는 종합대책을 차질없이 추진할 계획이다.

첨 부 : 수산분야 DDA 협상 기본골격의 주요내용 및 대책/끝.

I . DDA 출범에서 협상기본골격까지

1. WTO 개요	12
2. 도하각료선언문(2001.11)	14
가. 도하각료선언문 개요	14
나. 도하각료선언문 중 수산분야 발췌문	15
다. 선언문요약 및 원문(WT/MIN(01)/DEC/1)	16
3. 비농산물시장접근(NAMA) 협상그룹 Girard의장 초안(2003.8)	33
가. 지라르(Girard) 의장초안 개요	33
나. 주요내용 및 원문(TN/MA/W/35/Rev.1)	34
4. 칸쿤 각료회의 의장안(Derbez Text)(2003.9)	44
가. 칸쿤각료회의 의장안(Derbez Text) 개요	44
나. 수산보조금 관련 주요내용 및 해당부분 발췌원문 ...	45
다. 비농산물 시장접근 주요내용 및 해당부분 발췌원문 ...	46
라. 부속서B 주요내용	46
[비농산물 시장접근의 세부원칙(Modality)을 위한 기본골격(Framework)]	
※ 의장안(Derbez Text) 원문(JOB(03)/150/Rev.2)	50

1. WTO 개요

□ 정식명칭 : 세계무역기구(World Trade Organization)

□ 설립일자 : 1995. 1. 1

※ GATT 체제에서의 제8차 협상인 우루과이 라운드 협상 결과로 설립됨.

□ 회원국 : 147개국

□ 본부 : 스위스 제네바

□ 설립목적 : 무역자유화를 통한 전 세계적인 경제발전

□ WTO 출범경위 및 성격

○ 1948년 출범한 GATT의 미비점을 보완하여 승계 발전시킨 경제분야의 UN이라고 할 수 있는 기구임.

- WTO는 GATT 체제가 회원국의 의무를 효과적으로 이행시키지 못했던 점을 감안하여 의무이행을 강력히 추진할 수 있도록 하는 기능을 갖추었음.

※ GATT : 관세 및 무역에 관한 일반협정(General Agreement on Tariffs and Trade)

□ 기능

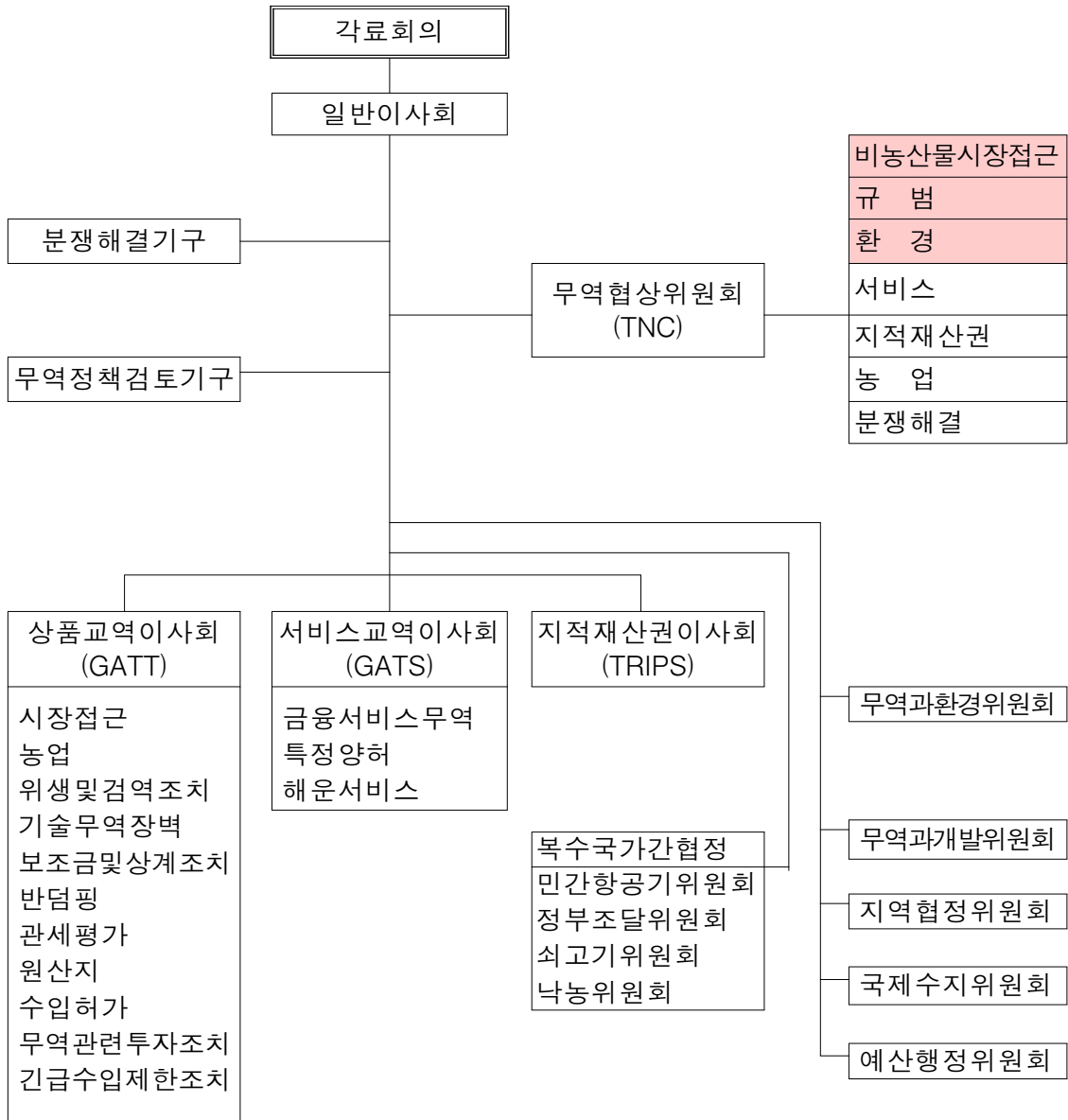
○ 우루과이라운드 등 다자무역협상의 이행 감독

○ 새로운 다자무역협상을 위한 장(Forum) 제공

○ 회원국간 분쟁 해결

※ 세계무역기구(World Trade Organization) 기구표

< WTO 기구표 >



* GATS: General Agreement on Trade in Services
 TRIPS: Trade-Related Aspects of Intellectual Property Rights

* 는 수산부문 협상분야임

2. 도하 각료선언문(2001. 11)

가. 도하 각료선언문 개요

< 도하 각료선언문 개요 >

- ◇ 도하개발아젠다(DDA) 협상은 2001년 11월에 147개 세계무역기구(WTO: World Trade Organization) 회원국의 통상장관들이 카타르 도하(Doha)에서 개최된 각료회의를 통해 세계무역 자유화를 위한 협상을 하기로 결정함으로써 시작되었음.
- ◇ DDA 협상은 1995년 1월에 WTO가 출범한 후에 갖는 최초의 다자간 무역협상이며, GATT 체제하의 협상을 포함할 경우에는 UR협상에 이은 9번째 다자간 협상임.
 - 협상은 과거의 다자간 협상과 같이 모든 협상의제의 일괄타결방식(Single Undertaking)으로 진행되며, 당초 2005. 1. 1까지 협상마무리를 목표로 하였으나 2005년 12월 개최예정인 제6차 각료회의(홍콩)까지로 마무리 시한을 연장하여 추진 중임.
- ◇ 이 협상은 2001년 11월 카타르 도하의 WTO 제4차 각료회의에서 DDA 협상 선언문을 채택하여 협상을 진행해 왔으나,
 - 2003년 9월 멕시코 칸쿤에서 개최된 WTO 제5차 각료회의에서 협상 기본골격에 대한 합의도출을 시도하였으나 실패하고,
 - 2004년 8월 1일 DDA 협상 기본골격에 대한 합의에 도달하였음.
- ◇ 이번에 합의된 기본골격은 칸쿤 각료회의에서 첨예한 의견대립을 보였던 농산물협상에서 합의내용의 구체성을 크게 낮추는 한편, 무역원활화·경쟁정책·투자·정부조달 등으로 구성된 싱가포르 이슈에서 경쟁정책·투자·정부조달 분야를 협상의제에서 제외함으로써 합의에 이를 수 있는 계기를 마련하였음.
- ◇ 수산분야는 칸쿤 각료회의에서 제시된 합의수준과 거의 같은 수준에서 협상기본골격에 대한 합의를 보았음.

나. 도하 각료선언문중 수산분야 발췌문

□ 도하 각료선언문(Ministerial Declaration) : 협상의 가이드라인

Market Access for Non-agricultural Products

16. We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. Product coverage shall be comprehensive and without a priori exclusions. The negotiations shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments, in accordance with the relevant provisions of Article XXVIII bis of GATT 1994 and the provisions cited in paragraph 50 below. To this end, the modalities to be agreed will include appropriate studies and capacity-building measures to assist least-developed countries to participate effectively in the negotiations.

- 관세정점, 고관세 및 관세경사 문제를 포함한 관세 및 비관세장벽의 삭감 또는 철폐를 위한 협상을 개시하는 것에 합의함.
 - 이는 협상에서 합의될 세부원칙(modality)에 의해 추진됨.
 - 이 과정에서 특히 개도국 수출관심품목에 대한 고려를 함.

WTO Rules

28. In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives, and taking into account the needs of developing and least-developed participants. In the initial phase of the negotiations, participants will indicate the provisions, including disciplines on trade distorting practices, that they seek to clarify and improve in the subsequent phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries. We note that fisheries subsidies are also referred to in paragraph 31.

Trade and Environment

31. ... We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.

- GATT 1994 제6조(반덤핑및상계관세)의 이행에 관한 협정 및 보조금및상계조치에관한협정의 개혁차원에서 수산보조금에 대한 WTO 규범을 명확히 (clarify)하고 개선(improve)하는 것을 목표로 함
 - 보조금 협정의 기본개념, 원칙, 효과성 등은 유지
 - 환경과의 연관성도 고려

다. 선언문 요약 및 원문(WT/MIN(01)/DEC/1)

I. 서 문

- 현재 세계적인 경제침체 상태에도 불구하고 각 회원국은 WTO가 추구하는 원칙과 목적을 재확인하고, 보호주의 조치를 억제하며 각국 무역정책의 개혁 및 자유화를 계속 추진토록 함.
- 국제무역이 빈곤퇴치에 있어 중요한 역할을 담당한다는 전제 하에 다자통상체제로부터 생기는 혜택을 모든 사람들이 향유할 수 있도록 보장하고, 이 선언문에서 채택되는 모든 작업 계획이 개도국과 최빈국의 이익을 반영할 수 있도록 노력함.
- 무역자유화에 있어 지역무역협정의 중요성도 인정하지만 세계무역규범형성 및 자유화를 위한 유일한 포럼으로서의 WTO의 중요성을 확인함.
- 급변하는 국제환경에 보다 잘 적응하고 세계경제정책 형성의 일관성을 유지하기 위해 브레튼 우즈 기구 및 관련 국제기구들과의 협조를 계속함.
- 개방적이고 비차별적인 다자통상체제를 유지하는 것과 환경보호 및 지속가능한 개발을 증진하는 것은 서로 상호 보완적일 수 있고 또 그래야 함을 확신함. 각국이 적절하다고 인정하는 수준의 건강, 안전, 환경보호 목적의 조치를 취할 권리를 인정하며, 그러한 조치가 보호주의적 목적으로 사용되지 않도록 보장함.
- 국제적으로 합의된 핵심노동기준에 대한 싱가포르 각료 선언문 내용을 재확인하고, 세계화의 사회적 측면에 대한 국제노동기구의 작업에 대해 주목함.
- 중국과 대만의 WTO 가입작업이 금번 각료회의에서 마무리됨을 환영하고, 현재 진행 중인 28개국의 가입작업이 최대한 신속하고 효과적으로 끝나기를 희망함.
- 모든 회원국의 효과적인 활동 참여 및 WTO의 내부적 투명성 증진을 보장할 공동의 책임을 확인하고, 정보 교류 및 대화의 장 제공을 통해 WTO에 대한 일반대중의 이해도를 제고하도록 노력함.
- 이러한 고려 하에 아래의 넓고 균형적인(broad and balaced) 작업계획을 추진함.

II. 이행 문제

- 일부 이행문제의 해결방안에 대해 금번 각료회의에서 결정을 채택
- 나머지 이행문제는 작업계획에 따라 처리함.
 - 협상대상 분야의 이행문제는 협상에서 처리
 - 그 외의 분야의 이행문제는 관련 산하기구에서 검토, 그 결과를 2002년말까지 무역협상위원회에 보고

Ⅲ. 향후 작업 계획

1. 농 업

- 공정하고 시장지향적인 무역체제의 수립이 장기 목표 임을 확인
- 협상 결과를 예단하지 않으면서 3대 협상분야별 협상목표를 아래와 같이 설정
 - 시장접근의 실질적 개선(substantial improvement)
 - 수출보조의 단계적 폐지(phasing-out)를 목표로 한 감축
 - 국내보조의 실질적 감축(substantial reduction)
- 개도국 우대는 협상의 불가분의 일부로서 양허표 작성 및 규범 협상에서 구체적으로 반영되도록 할 것을 합의
- 비교역적 관심사항(NTC: Non-Trade Concerns)이 협상의 고려사항임을 확인
- 협상방식(modalities) 수립 시한은 2003.3.31., 양허안 제출시한은 5차 각료회의 이전으로 함
 - 단, 협상종결은 전체 뉴라운드 협상 종결과 합치

2. 서비스

- 2000년부터 진행되고 있는 서비스협상의 진전에 대한 만족을 표명
- GATS 상의 서문, 4조, 16조의 목적을 성취하기 위한 협상을 계속함에 있어서 2001.3.28 채택된 서비스협상 가이드라인이 그 기초가 됨을 재확인
- 양허안 요청은 2002.6.30., 양허안은 2003.3.31 까지 제출

3. 비농산품을 위한 시장접근

- 첩두관세, 고관세 및 경사관세 문제를 포함한 관세 및 비관세장벽의 삭감 또는 철폐를 위한 협상 개시
- 협상대상 상품 범위는 포괄적이어야 하고 선협적 제외가 있어서는 안됨.
- 개도국 및 최빈개도국의 이익 고려
- 이를 위하여 LDC들이 협상에 효과적으로 참여할 수 있도록, 합의할 세부원칙에는 필요한 연구(appropriate studies) 및 능력배양 프로그램 (capacity-building measures) 를 포함토록 함.

4. 지적재산권

- 포도주와 증류주의 지리적표시에 대한 통보 및 등록을 위한 다자체제 설립을 위한 협상 마무리
- 지리적표시 보호를 여타 상품에도 확대하는 문제는 TRIPS 이사회에서 검토
- TRIPS 협정과 CBD(생물다양성협약) 간의 관계, 전통지식보호, 비위반제소, TRIPS 협정이 신기술발전을 수용하는 문제에 대해 TRIPS 이사회가 계속 관심을 가지고 다룰 것에 동의

5. 무역과 투자

- 국경간 장기 투자 특히 무역확대에 기여할 외국인직접투자에 대한 투명하고 안정적이며 예측가능한 다자적 프레임워크의 필요성(case)을 인정하여 제5차 각료회의에서 결정되는 협상방식에 따라 5차 각료회의 이후 협상을 개시
- 기술지원 및 능력배양에 대한 개도국의 필요를 인정하며, 이를 위해 UNCTAD를 비롯한 관련 국제기구와의 협조 그리고 지역 또는 양자 채널을 통해 지원을 제공
- 제5차 각료회의까지 각종 요소의 명확화를 위한 작업을 진행
 - 서비스협정의 접근방식에 기반한 범위 및 정의, 투명성, 비차별, 설립전 약속에 대한 조항 및 국가간 분쟁해결조항 등
 - 상기 다자규범은 투자국 및 유치국간의 이익을 균형적으로 반영해야 하고 정부의 규제책임 및 경제개발목적을 충분히 고려해야 함.

6. 무역과 경쟁정책

- 국제무역과 개발에 기여할 경쟁정책에 대한 다자적 프레임워크의 필요성(case)을 인정하여 제5차 각료회의에서 결정되는 협상방식에 따라 5차 각료회의 이후 협상을 개시
- 기술지원 및 능력배양에 대한 개도국의 필요를 인정하며, 이를 위해 UNCTAD를 비롯한 관련 국제기구와의 협조 그리고 지역 또는 양자 채널을 통해 지원을 제공
- 제5차 각료회의까지 각종 요소의 명확화를 위한 작업을 진행
 - 투명성 비차별 절차의 공정성 중핵카르텔 규정을 포함한 핵심 원칙, 자발적 협력을 위한 방식(modalities), 능력배양을 통한 개도국 경쟁기관의 점진적 강화 등

7. 정부조달투명성

- 정부조달 투명성에 관한 다자협정 필요성 및 기술지원 및 능력배양 제고 필요성을 인정하여 제5차 각료회의에서 결정되는 협상방식에 따라 5차 각료회의 이후 협상을 개시
- 이 협상은 정부조달 투명성 작업반에서의 진전사항에 기초하고, 개도국의 개발 우선순위를 고려
- 협상은 투명성 분야에만 제한되어야 하며, 각국이 국내공급품 및 공급자를 선호할 여지를 제한하지 말아야 함.

8. 무역원활화

- 상품의 이동 통관을 촉진시킬 필요성 및 기술지원 및 능력배양 제고 필요성을 인정하여 제5차 각료회의에서 결정되는 협상방식에 따라 5차 각료회의 이후 협상을 개시
- 5차 각료회의시까지 상품이사회는 GATT 94 협정 제5,8,10조의 유관 분야를 검토, 명확화, 개선하는 작업을 진행하고, 회원국들의 무역원활화 수요 및 우선순위를 파악

9. WTO 규범

- 반덤핑협정, 보조금협정의 규율을 명확히 하고 개선할 목적의 협상 개시
 - 단, 협정의 기본개념, 원칙, 유효성 및 그 수단, 목적은 유지
 - 첫 번째 단계에서는 무역왜곡적 관행을 포함하여 각국이 명확화 또는 개선을 희망하는 조항을 제시
- 동 협상의 맥락에서 일환으로 수산 보조금 관련 규율을 명확히 하고 개선하는 것도 목표로 함.
- 지역무역협정에 적용될 WTO 조항을 명확히 하고 개선할 목적의 협상 개시

10. 분쟁해결양해 개정

- 분쟁해결양해 개정에 대한 협상 개시
- 협상을 통해 2003년 5월 이전에 균형된 개정안을 도출해야 함.

11. 무역과 환경

- 무역과 환경의 상호 보완성을 제고하기 위해, 결과를 예단하지 않으면서 아래 분야에 대한 협상을 개시
 - WTO 기존 규범과 MEA 무역관련 의무와의 관계
 - MEA 사무국들과 WTO 위원회간 정기적 정보 교환 및 옵저버 자격 절차
 - 환경관련 상품 및 서비스에 대한 관세 및 비관세 장벽의 감축 또는 철폐
- 수산 보조금이 규범 분야 협상의 일부임에 유의
- 무역환경위원회(CTE)는 현재 소관 범위내의 모든 의제에 대한 작업을 계속하되, 특히 다음에 주목
 - 환경조치의 시장접근에 대한 효과, 무역규제 및 왜곡을 철폐 또는 삭감하여 무역 환경 개발에 도움이 되는 상황
 - TRIPS협정의 관련 규정
 - 라벨링 환경 목적의 라벨링 요건
- 상기 작업은 관련 WTO 규범의 명확화 필요성의 파악을 포함하고, CTE는 제5차 각료회의에 보고를 하며, 협상 필요성을 포함한 장래 작업에 관한 권고를 제출
- 동 작업 및 para. 31의 협상 결과는 다자무역체제의 비차별성과 조화되어야 하며, 기존 WTO 협정상 회원국의 권리 의무를 추가 또는 감소하지 말아야 하고, 권리와 의무의 균형을 변경하지 않으며, 개도국과 최빈 개도국의 필요를 감안

12. 전자상거래

- 제네바 각료선언이후 일반이사회 및 다른 기구에서 행해진 작업에 주목하여 전자상거래에 대한 작업계획을 계속함.
- 일반이사회는 작업계획을 다룰 가장 적합한 제도적 장치를 고려하여 5차 각료회의에 보고서 제출
- 5차 각료회의까지 전자적전송물에 대한 관세 부과 유예 관행 연장

13. 소규모 경제

- 일반이사회 감독하에 소규모 경제국(small economies)을 다자무역체제에 더 효과적으로 통합할 문제를 검토하는 작업 계획 수립

14. 무역, 부채, 금융

- 일반이사회에서 무역, 부채, 금융간의 관계를 검토
 - 이 문제를 검토할 제도적 장치를 고려하여 5차 각료회의에 보고

15. 무역과 기술이전

- 일반이사회에서 무역과 기술이전간의 관계 및 개도국에로의 기술이전을 촉진할 가능한 권고 방안을 검토하고, 이 문제를 다룰 제도적 장치를 고려하여 5차 각료회의에 보고

16. 기술협력 및 능력 배양

- 기술협력대상국이 WTO 규범을 보다 잘 이해하고 협정상의 권리 및 의무를 잘 이행할 수 있도록 기술협력계획이 고안되어야 함. 또한 제네바에 대표부가 없는 국가를 우선시하여 기술지원이 행해져야 하며, 예산행정위원회가 보다 장기적인 기금조성 계획을 작성하여, 올해 12월 일반이사회가 그 계획을 채택하도록 함.

17. 최빈개도국

- 최빈개도국의 무역체제 통합을 위해 가능한 모든 수단을 동원하며, 최빈개도국을 위한 작업계획 고안시 올해 5월 제3차 UN 최빈개도국회의에서 채택된 브뤼셀 선언을 고려해야 함. 또한 최빈개도국을 위한 통합계획의 중요성을 인정하고 이에 기반한 신탁기금의 확대를 위해 노력함.
- LDC 산품에 대한 무관세, 무쿼타 목표에 대한 약속을 확인

18. S&D

- S&D 조항을 보다 정확 유효 운영 가능하도록 하기 위해 모든 관련 조항을 검토
- 이행 관련 결정문 내용중 S&D 작업계획 부분을 승인

19. 작업계획의 조직 및 관리

- 협상일정
 - 협상종료시점 : 2005.1.1
 - 제5차 각료회의는 협상 진전상황을 점검하고, 필요한 결정을 채택
 - 모든 분야의 협상종료시 특별 각료회의에서 동 결과를 채택

- 협상감독기구로 일반이사회 산하에 무역협상위원회(Trade Negotiations Committee)를 설치
 - 1차회의 개최: 2002.1.31 이전
- 협상방식 : single undertaking (DSU 개정은 예외)
 - * 전체협상을 하나의 package로 처리
 - 그러나 조기 합의사항은 조기 시행 가능
- 협상 참가국 : WTO 회원국 및 가입협상 진행국
- 무역개발위원회와 무역환경위원회는 협상의 개발측면과 환경측면

MINISTERIAL CONFERENCE
Fourth Session
Doha, 9 - 14 November 2001

MINISTERIAL DECLARATION

Adopted on 14 November 2001

1. The multilateral trading system embodied in the World Trade Organization has contributed significantly to economic growth, development and employment throughout the past fifty years. We are determined, particularly in the light of the global economic slowdown, to maintain the process of reform and liberalization of trade policies, thus ensuring that the system plays its full part in promoting recovery, growth and development. We therefore strongly reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization, and pledge to reject the use of protectionism.
2. International trade can play a major role in the promotion of economic development and the alleviation of poverty. We recognize the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates. The majority of WTO Members are developing countries. We seek to place their needs and interests at the heart of the Work Programme adopted in this Declaration. Recalling the Preamble to the Marrakesh Agreement, we shall continue to make positive efforts designed to ensure that developing countries, and especially the least-developed among them, secure a share in the growth of world trade commensurate with the needs of their economic development. In this context, enhanced market access, balanced rules, and well targeted, sustainably financed technical assistance and capacity-building programmes have important roles to play.
3. We recognize the particular vulnerability of the least-developed countries and the special structural difficulties they face in the global economy. We are committed to addressing the marginalization of least-developed countries in international trade and to improving their effective participation in the multilateral trading system. We recall the commitments made by Ministers at our meetings in Marrakesh, Singapore and Geneva, and by the international community at the Third UN Conference on Least-Developed Countries in Brussels, to help least-developed countries secure beneficial and meaningful integration into the multilateral trading system and the global economy. We are determined that the WTO will play its part in building effectively on these commitments under the Work Programme we are establishing.
4. We stress our commitment to the WTO as the unique forum for global trade rule-making and liberalization, while also recognizing that regional trade agreements can play an important role in promoting the liberalization and expansion of trade and in fostering development.
5. We are aware that the challenges Members face in a rapidly changing international environment cannot be addressed through measures taken in the trade field alone. We shall continue to work with the Bretton Woods institutions for greater coherence in global economic policy-making.
6. We strongly reaffirm our commitment to the objective of sustainable development, as stated in the Preamble to the Marrakesh Agreement. We are convinced that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system, and acting for the protection

of the environment and the promotion of sustainable development can and must be mutually supportive. We take note of the efforts by Members to conduct national environmental assessments of trade policies on a voluntary basis. We recognize that under WTO rules no country should be prevented from taking measures for the protection of human, animal or plant life or health, or of the environment at the levels it considers appropriate, subject to the requirement that they 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, and are otherwise in accordance with the provisions of the WTO Agreements. We welcome the WTO's continued cooperation with UNEP and other inter-governmental environmental organizations. We encourage efforts to promote cooperation between the WTO and relevant international environmental and developmental organizations, especially in the lead-up to the World Summit on Sustainable Development to be held in Johannesburg, South Africa, in September 2002.

7. We reaffirm the right of Members under the General Agreement on Trade in Services to regulate, and to introduce new regulations on, the supply of services.

8. We reaffirm our declaration made at the Singapore Ministerial Conference regarding internationally recognized core labour standards. We take note of work under way in the International Labour Organization (ILO) on the social dimension of globalization.

9. We note with particular satisfaction that this Conference has completed the WTO accession procedures for China and Chinese Taipei. We also welcome the accession as new Members, since our last Session, of Albania, Croatia, Georgia, Jordan, Lithuania, Moldova and Oman, and note the extensive market-access commitments already made by these countries on accession. These accessions will greatly strengthen the multilateral trading system, as will those of the 28 countries now negotiating their accession. We therefore attach great importance to concluding accession proceedings as quickly as possible. In particular, we are committed to accelerating the accession of least-developed countries.

10. Recognizing the challenges posed by an expanding WTO membership, we confirm our collective responsibility to ensure internal transparency and the effective participation of all Members. While emphasizing the intergovernmental character of the organization, we are committed to making the WTO's operations more transparent, including through more effective and prompt dissemination of information, and to improve dialogue with the public. We shall therefore at the national and multilateral levels continue to promote a better public understanding of the WTO and to communicate the benefits of a liberal, rules-based multilateral trading system.

11. In view of these considerations, we hereby agree to undertake the broad and balanced Work Programme set out below. This incorporates both an expanded negotiating agenda and other important decisions and activities necessary to address the challenges facing the multilateral trading system.

WORK PROGRAMME

IMPLEMENTATION-RELATED ISSUES AND CONCERNS

12. We attach the utmost importance to the implementation-related issues and concerns raised by Members and are determined to find appropriate solutions to them. In this connection, and having regard to the General Council Decisions of 3 May and 15 December 2000, we further adopt the Decision on Implementation-Related Issues and Concerns in document WT/MIN(01)/17 to address a number of implementation problems faced by Members. We agree that negotiations on outstanding implementation issues shall be an integral part of the Work Programme we are establishing, and that agreements reached at an early stage in these negotiations shall be treated in accordance with the

provisions of paragraph 47 below. In this regard, we shall proceed as follows: (a) where we provide a specific negotiating mandate in this Declaration, the relevant implementation issues shall be addressed under that mandate; (b) the other outstanding implementation issues shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee, established under paragraph 46 below, by the end of 2002 for appropriate action.

AGRICULTURE

13. We recognize the work already undertaken in the negotiations initiated in early 2000 under Article 20 of the Agreement on Agriculture, including the large number of negotiating proposals submitted on behalf of a total of 121 Members. We recall the long-term objective referred to in the Agreement to establish a fair and market-oriented trading system through a programme of fundamental reform encompassing strengthened rules and specific commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets. We reconfirm our commitment to this programme. Building on the work carried out to date and without prejudging the outcome of the negotiations we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the Schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development. We take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture.

14. Modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than 31 March 2003. Participants shall submit their comprehensive draft Schedules based on these modalities no later than the date of the Fifth Session of the Ministerial Conference. The negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.

SERVICES

15. The negotiations on trade in services shall be conducted with a view to promoting the economic growth of all trading partners and the development of developing and least-developed countries. We recognize the work already undertaken in the negotiations, initiated in January 2000 under Article XIX of the General Agreement on Trade in Services, and the large number of proposals submitted by Members on a wide range of sectors and several horizontal issues, as well as on movement of natural persons. We reaffirm the Guidelines and Procedures for the Negotiations adopted by the Council for Trade in Services on 28 March 2001 as the basis for continuing the negotiations, with a view to achieving the objectives of the General Agreement on Trade in Services, as stipulated in the Preamble, Article IV and Article XIX of that Agreement. Participants shall submit initial requests for specific commitments by 30 June 2002 and initial offers by 31 March 2003.

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

16. We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to

developing countries. Product coverage shall be comprehensive and without *a priori* exclusions. The negotiations shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments, in accordance with the relevant provisions of Article XXVIII *bis* of GATT 1994 and the provisions cited in paragraph 50 below. To this end, the modalities to be agreed will include appropriate studies and capacity-building measures to assist least-developed countries to participate effectively in the negotiations.

TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

17. We stress the importance we attach to implementation and interpretation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in a manner supportive of public health, by promoting both access to existing medicines and research and development into new medicines and, in this connection, are adopting a separate Declaration.

18. With a view to completing the work started in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) on the implementation of Article 23.4, we agree to negotiate the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits by the Fifth Session of the Ministerial Conference. We note that issues related to the extension of the protection of geographical indications provided for in Article 23 to products other than wines and spirits will be addressed in the Council for TRIPS pursuant to paragraph 12 of this Declaration.

19. We instruct the Council for TRIPS, in pursuing its work programme including under the review of Article 27.3(b), the review of the implementation of the TRIPS Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this Declaration, to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by Members pursuant to Article 71.1. In undertaking this work, the TRIPS Council shall be guided by the objectives and principles set out in Articles 7 and 8 of the TRIPS Agreement and shall take fully into account the development dimension.

RELATIONSHIP BETWEEN TRADE AND INVESTMENT

20. Recognizing the case for a multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment, that will contribute to the expansion of trade, and the need for enhanced technical assistance and capacity-building in this area as referred to in paragraph 21, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.

21. We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

22. In the period until the Fifth Session, further work in the Working Group on the Relationship Between Trade and Investment will focus on the clarification of: scope and definition; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type, positive

list approach; development provisions; exceptions and balance-of-payments safeguards; consultation and the settlement of disputes between Members. Any framework should reflect in a balanced manner the interests of home and host countries, and take due account of the development policies and objectives of host governments as well as their right to regulate in the public interest. The special development, trade and financial needs of developing and least-developed countries should be taken into account as an integral part of any framework, which should enable Members to undertake obligations and commitments commensurate with their individual needs and circumstances. Due regard should be paid to other relevant WTO provisions. Account should be taken, as appropriate, of existing bilateral and regional arrangements on investment.

INTERACTION BETWEEN TRADE AND COMPETITION POLICY

23. Recognizing the case for a multilateral framework to enhance the contribution of competition policy to international trade and development, and the need for enhanced technical assistance and capacity-building in this area as referred to in paragraph 24, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.

24. We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.

25. In the period until the Fifth Session, further work in the Working Group on the Interaction between Trade and Competition Policy will focus on the clarification of: core principles, including transparency, non-discrimination and procedural fairness, and provisions on hardcore cartels; modalities for voluntary cooperation; and support for progressive reinforcement of competition institutions in developing countries through capacity building. Full account shall be taken of the needs of developing and least-developed country participants and appropriate flexibility provided to address them.

TRANSPARENCY IN GOVERNMENT PROCUREMENT

26. Recognizing the case for a multilateral agreement on transparency in government procurement and the need for enhanced technical assistance and capacity building in this area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations. These negotiations will build on the progress made in the Working Group on Transparency in Government Procurement by that time and take into account participants' development priorities, especially those of least-developed country participants. Negotiations shall be limited to the transparency aspects and therefore will not restrict the scope for countries to give preferences to domestic supplies and suppliers. We commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.

TRADE FACILITATION

27. Recognizing the case for further expediting the movement, release and clearance of goods, including goods in transit, and the need for enhanced technical assistance and capacity building in this

area, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations. In the period until the Fifth Session, the Council for Trade in Goods shall review and as appropriate, clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 and identify the trade facilitation needs and priorities of Members, in particular developing and least-developed countries. We commit ourselves to ensuring adequate technical assistance and support for capacity building in this area.

WTO RULES

28. In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives, and taking into account the needs of developing and least-developed participants. In the initial phase of the negotiations, participants will indicate the provisions, including disciplines on trade distorting practices, that they seek to clarify and improve in the subsequent phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries. We note that fisheries subsidies are also referred to in paragraph 31.

29. We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. The negotiations shall take into account the developmental aspects of regional trade agreements.

DISPUTE SETTLEMENT UNDERSTANDING

30. We agree to negotiations on improvements and clarifications of the Dispute Settlement Understanding. The negotiations should be based on the work done thus far as well as any additional proposals by Members, and aim to agree on improvements and clarifications not later than May 2003, at which time we will take steps to ensure that the results enter into force as soon as possible thereafter.

TRADE AND ENVIRONMENT

31. With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations, without prejudging their outcome, on:

- (i) the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question;
- (ii) procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status;
- (iii) the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.

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.

ELECTRONIC COMMERCE

34. We take note of the work which has been done in the General Council and other relevant bodies since the Ministerial Declaration of 20 May 1998 and agree to continue the Work Programme on Electronic Commerce. The work to date demonstrates that electronic commerce creates new challenges and opportunities for trade for Members at all stages of development, and we recognize the importance of creating and maintaining an environment which is favourable to the future development of electronic commerce. We instruct the General Council to consider the most appropriate institutional arrangements for handling the Work Programme, and to report on further progress to the Fifth Session of the Ministerial Conference. We declare that Members will maintain their current practice of not imposing customs duties on electronic transmissions until the Fifth Session.

SMALL ECONOMIES

35. We agree to a work programme, under the auspices of the General Council, to examine issues relating to the trade of small economies. The objective of this work is to frame responses to the trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system, and not to create a sub-category of WTO Members. The General Council shall review the work programme and make recommendations for action to the Fifth Session of the Ministerial Conference.

TRADE, DEBT AND FINANCE

36. We agree to an examination, in a Working Group under the auspices of the General Council, of the relationship between trade, debt and finance, and of any possible recommendations on steps that might be taken within the mandate and competence of the WTO to enhance the capacity of the multilateral trading system to contribute to a durable solution to the problem of external indebtedness of developing and least-developed countries, and to strengthen the coherence of international trade and financial policies, with a view to safeguarding the multilateral trading system from the effects of financial and monetary instability. The General Council shall report to the Fifth Session of the Ministerial Conference on progress in the examination.

TRADE AND TRANSFER OF TECHNOLOGY

37. We agree to an examination, in a Working Group under the auspices of the General Council, of the relationship between trade and transfer of technology, and of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries. The General Council shall report to the Fifth Session of the Ministerial Conference on progress in the examination.

TECHNICAL COOPERATION AND CAPACITY BUILDING

38. We confirm that technical cooperation and capacity building are core elements of the development dimension of the multilateral trading system, and we welcome and endorse the New Strategy for WTO Technical Cooperation for Capacity Building, Growth and Integration. We instruct the Secretariat, in coordination with other relevant agencies, to support domestic efforts for mainstreaming trade into national plans for economic development and strategies for poverty reduction. The delivery of WTO technical assistance shall be designed to assist developing and least-developed countries and low-income countries in transition to adjust to WTO rules and disciplines, implement obligations and exercise the rights of membership, including drawing on the benefits of an open, rules-based multilateral trading system. Priority shall also be accorded to small, vulnerable, and transition economies, as well as to Members and Observers without representation in Geneva. We reaffirm our support for the valuable work of the International Trade Centre, which should be enhanced.

39. We underscore the urgent necessity for the effective coordinated delivery of technical assistance with bilateral donors, in the OECD Development Assistance Committee and relevant international and regional intergovernmental institutions, within a coherent policy framework and timetable. In the coordinated delivery of technical assistance, we instruct the Director-General to consult with the relevant agencies, bilateral donors and beneficiaries, to identify ways of enhancing and rationalizing the Integrated Framework for Trade-Related Technical Assistance to Least-Developed Countries and the Joint Integrated Technical Assistance Programme (JITAP).

40. We agree that there is a need for technical assistance to benefit from secure and predictable funding. We therefore instruct the Committee on Budget, Finance and Administration to develop a plan for adoption by the General Council in December 2001 that will ensure long-term funding for WTO technical assistance at an overall level no lower than that of the current year and commensurate with the activities outlined above.

41. We have established firm commitments on technical cooperation and capacity building in various paragraphs in this Ministerial Declaration. We reaffirm these specific commitments contained in paragraphs 16, 21, 24, 26, 27, 33, 38-40, 42 and 43, and also reaffirm the understanding in paragraph 2 on the important role of sustainably financed technical assistance and capacity-building

programmes. We instruct the Director-General to report to the Fifth Session of the Ministerial Conference, with an interim report to the General Council in December 2002 on the implementation and adequacy of these commitments in the identified paragraphs.

LEAST-DEVELOPED COUNTRIES

42. We acknowledge the seriousness of the concerns expressed by the least-developed countries (LDCs) in the Zanzibar Declaration adopted by their Ministers in July 2001. We recognize that the integration of the LDCs into the multilateral trading system requires meaningful market access, support for the diversification of their production and export base, and trade-related technical assistance and capacity building. We agree that the meaningful integration of LDCs into the trading system and the global economy will involve efforts by all WTO Members. We commit ourselves to the objective of duty-free, quota-free market access for products originating from LDCs. In this regard, we welcome the significant market access improvements by WTO Members in advance of the Third UN Conference on LDCs (LDC-III), in Brussels, May 2001. We further commit ourselves to consider additional measures for progressive improvements in market access for LDCs. Accession of LDCs remains a priority for the Membership. We agree to work to facilitate and accelerate negotiations with acceding LDCs. We instruct the Secretariat to reflect the priority we attach to LDCs' accessions in the annual plans for technical assistance. We reaffirm the commitments we undertook at LDC-III, and agree that the WTO should take into account, in designing its work programme for LDCs, the trade-related elements of the Brussels Declaration and Programme of Action, consistent with the WTO's mandate, adopted at LDC-III. We instruct the Sub-Committee for Least-Developed Countries to design such a work programme and to report on the agreed work programme to the General Council at its first meeting in 2002.

43. We endorse the Integrated Framework for Trade-Related Technical Assistance to Least-Developed Countries (IF) as a viable model for LDCs' trade development. We urge development partners to significantly increase contributions to the IF Trust Fund and WTO extra-budgetary trust funds in favour of LDCs. We urge the core agencies, in coordination with development partners, to explore the enhancement of the IF with a view to addressing the supply-side constraints of LDCs and the extension of the model to all LDCs, following the review of the IF and the appraisal of the ongoing Pilot Scheme in selected LDCs. We request the Director-General, following coordination with heads of the other agencies, to provide an interim report to the General Council in December 2002 and a full report to the Fifth Session of the Ministerial Conference on all issues affecting LDCs.

SPECIAL AND DIFFERENTIAL TREATMENT

44. We reaffirm that provisions for special and differential treatment are an integral part of the WTO Agreements. We note the concerns expressed regarding their operation in addressing specific constraints faced by developing countries, particularly least-developed countries. In that connection, we also note that some Members have proposed a Framework Agreement on Special and Differential Treatment (WT/GC/W/442). We therefore agree that all special and differential treatment provisions shall be reviewed with a view to strengthening them and making them more precise, effective and operational. In this connection, we endorse the work programme on special and differential treatment set out in the Decision on Implementation-Related Issues and Concerns.

ORGANIZATION AND MANAGEMENT OF THE WORK PROGRAMME

45. The negotiations to be pursued under the terms of this Declaration shall be concluded not later than 1 January 2005. The Fifth Session of the Ministerial Conference will take stock of progress in the negotiations, provide any necessary political guidance, and take decisions as necessary. When the results of the negotiations in all areas have been established, a Special Session of the Ministerial Conference will be held to take decisions regarding the adoption and implementation of those results.

46. The overall conduct of the negotiations shall be supervised by a Trade Negotiations Committee under the authority of the General Council. The Trade Negotiations Committee shall hold its first meeting not later than 31 January 2002. It shall establish appropriate negotiating mechanisms as required and supervise the progress of the negotiations.

47. With the exception of the improvements and clarifications of the Dispute Settlement Understanding, the conduct, conclusion and entry into force of the outcome of the negotiations shall be treated as parts of a single undertaking. However, agreements reached at an early stage may be implemented on a provisional or a definitive basis. Early agreements shall be taken into account in assessing the overall balance of the negotiations.

48. Negotiations shall be open to:

- (i) all Members of the WTO; and
- (ii) States and separate customs territories currently in the process of accession and those that inform Members, at a regular meeting of the General Council, of their intention to negotiate the terms of their membership and for whom an accession working party is established.

Decisions on the outcomes of the negotiations shall be taken only by WTO Members.

49. The negotiations shall be conducted in a transparent manner among participants, in order to facilitate the effective participation of all. They shall be conducted with a view to ensuring benefits to all participants and to achieving an overall balance in the outcome of the negotiations.

50. The negotiations and the other aspects of the Work Programme shall take fully into account the principle of special and differential treatment for developing and least-developed countries embodied in: Part IV of the GATT 1994; the Decision of 28 November 1979 on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries; the Uruguay Round Decision on Measures in Favour of Least-Developed Countries; and all other relevant WTO provisions.

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.

52. Those elements of the Work Programme which do not involve negotiations are also accorded a high priority. They shall be pursued under the overall supervision of the General Council, which shall report on progress to the Fifth Session of the Ministerial Conference.

3. 비농산물시장접근(NAMA) 협상그룹 Girard의장초안(2003.8)

가. 지라르(Girard) 의장초안 개요

< 지라르(Girard) 의장 초안 개요 >

◇ 이 초안은 2003년 8월 비농산물 시장접근(NAMA) 그룹의 의장이었던 Girard의장이 멕시코 칸쿤에서 개최된 WTO 제5차 각료회의를 앞두고 비농산물의 관세인하 방안을 제시한 것임.

※ Girard 의장안은 WTO 각료회의 의장안인 Derbez Text에서 NAMA 분야의 합의초안 작성에 기초가 된 안이며, 금년 8월에 합의된 DDA 협상기본골격의 NANMA 분야에서도 세부원칙(Modality) 협상 시 Girard안을 참조하도록 하고 있음.

◇ Girard 의장 안의 특징

- 기존의 스위스 공식을 변형한 관세인하공식의 제시
- 분야별 관세철폐(Sectoral Tariff Elimination)를 명시

※ 수산물을 포함한 관세철폐 대상으로 7개 분야를 명시

나. 주요내용 및 원문(TN/MA/W/35/Rev.1)

1) 관세인하공식(Formula)

- 농산물을 제외한 모든 비농산물(수산물 포함)은 아래 공식(Girard Formula)에 의하여 관세를 인하함.

$$t_1 = \frac{B \times t_a \times t_0}{B \times t_a + t_0}$$

t_1 = 인하후 최종세율, t_0 = 기준세율, t_a = 기준세율의 평균
B = 조정계수(coefficient, 회원국들간의 합의 필요)

- 기준세율(t_0) : 양허품목은 최종양허세율, 미양허품목은 2001년도 실행세율의 2배

<참고>

- Girard Formula는 과거 GATT 관세협상에서 채택된 바 있는 스위스공식(Swiss Formula)을 변형한 것임. 스위스공식은 $t_1 = a \times t_0 / a + t_0$ 로서 Girard Formula는 기존 스위스공식의 a를 $B \times t_a$ 의 2개요소로 변형한 것임.
- Girard Formula는 높은 관세율일수록 감축 폭을 크게 하고 낮은 관세율은 상대적으로 감축 폭을 적게 하는 측면에서는 스위스 공식과 동일하나 t_a 를 통해 각국의 관세율 체계를 반영할 수 있는 측면이 스위스 공식과 다름. 또한 평균관세율이 높은 국가에 유리하고 선진국의 관세정점(tariff peak) 해소에 효과적임.
- UR 타결이후 정보기술협정(ITA) 등을 통해 무세화를 이미 한 경우에는 자발적 자유화에 대한 credit(실적인정)을 타 분야 품목의 관세인하에 제공할 수 있음.

2) 분야별 관세철폐(Sectorial Tariff Elimination)

- 개도국 및 최빈개도국의 수출관심분야인 수산물 포함 7개 분야에 대하여 관세철폐 제안
 - ※ 7개 분야 : 수산물, 전기·전자제품, 신발, 가죽제품, 자동차부품, 보석 및 귀금속, 섬유·의류

- 비농산물의 양허율이 35% 미만인 회원국은 Formula에 의한 관세 인하가 면제됨.
 - 그 대신 100% 양허를 하여야 하며, 양허세율의 평균세율이 개도국 양허세율의 총평균(27.5%)을 초과할 수 없음.
- 관세철폐는 3단계에 걸쳐 추진
 - 각 단계별로 동일한 이행기간을 적용하며, 구체적인 이행기간은 미 제시(협상에 의해 결정)
 - 양허품목은 최종년도 양허세율에서부터 비양허품목은 2001년도 실행세율에서부터 관세를 인하·철폐
- 선개도국간 철폐방안
 - 선진국 및 참여국가 : 1단계에서 관세철폐
 - 그 외 국가
 - 1단계 : 10%이하로 관세인하
 - 2단계 : 1단계 관세유지
 - 3단계 : 종료와 함께 관세철폐

3) 개도국 및 최빈개도국을 위한 추가사항

- 개도국 및 최빈개도국(LDCs)에 대한 "특별대우"(S&D: Special and Differential Treatment) 및 “불완전한 상호주의”(less than full reciprocity)를 위해 다음과 같은 추가 고려를 제공
- 추가고려사항
 - 가) 개도국에 대하여 보다 긴 이행기간(longer implementation)을 부여하는 한편, 다음과 같은 신축성 허용
 - 총 품목수의 5%까지는 관세 미양허 품목의 인정 또는 공식에 의한 관세인하(formula cut) 면제

- 단서 : 하나의 HS Chapter에서 총 품목수의 1% 이상의 품목이 선정될 수 없음(1%의 품목수가 해당국 총 수입의 1%를 초과해서는 안됨)

나) 최빈개도국의 경우에는 Formula, 분야별 무세화 원칙의 적용을 면제함. 양허수준을 실질적으로 증대시켜야 함.

- 아울러 선진국 및 참여국은 LDCs산 비농산물에 대하여 []까지 무관세(duty-free) 및 무쿼타(quota-free)의 혜택을 자발적으로 제공함.

4) 최근 WTO 가입국에 대한 고려

- 최근 WTO 가입국은 가입협상시 광범위한 시장개방약속(market access commitments)을 하고 이행 중에 있음을 감안하여 개도국 및 최빈개도국에 대한 고려에 추가하여 다음사항을 배려함.
- 추가 배려사항
 - Formula에 있어 보다 높은 조정계수 부여
 - 보다 긴 이행기간 허용
 - 현재의 시장개방 약속을 이행 후에 관세인하 의무를 시작하는 “유예기간(grace period)” 부여

5) 비관세 장벽(NTBs)

- 세부원칙(Modality)를 위해 다음과 같은 요소를 제안함.
 - NAMA 협상그룹이 NTBs 협상의 책임을 담당
 - 다양한 유형의 NTBs를 구체화하고 조사함.
 - 조사결과를 기초로 NTBs를 유형화하여 다음과 같은 절차로 진행함.

- 회원국간의 합의에 의해 선택된 NTBs는 Request/Offer, Horizontal 또는 Vertical 등의 방식으로 NAMA 그룹에서 다룸.
 - 도하각료선언에 따라 여타기구에서 구체적인 협상 mandate가 있는 NTBs는 해당기구에서 다루되, 투명성 유지차원에서 NAMA 협상그룹에 진전 상황을 통보함.
 - 도하각료선언과 관련이 있으나 구체적인 협상 mandate가 없는 NTBs도 같은 원칙에 따라 통보
 - 현재 구체적인 협상 mandate가 없는 NTBs이지만 NAMA 협상 그룹이 검토분류한 결과 관련기구에 보내기로 결정한 경우에는 이를 무역협상위원회에 보고하여 해당기구에 보내기로 함.
- NTBs의 경우에도 개도국 및 최빈개도국에 대하여 특별대우의 원칙을 충분히 고려기로 함.

Negotiating Group on Market Access

**DRAFT ELEMENTS OF MODALITIES FOR NEGOTIATIONS
ON NON-AGRICULTURAL PRODUCTS**

Revision

A. INTRODUCTION

1. In adopting on 19 July 2002 the Programme of Meetings of the Negotiations on Market Access for Non-Agricultural products (hereafter Work Programme), the participants in the Negotiating Group on Market Access (NGMA) stated that they will "aim at a common understanding on a possible outline of modalities by the end of March 2003 with a view to reaching an agreement on those modalities by 31 May 2003." With a view to facilitate such agreement, the Chair submits herewith a draft of "Elements of Modalities for Negotiations on Non-Agricultural Products," under his own responsibility.

2. This revised draft is based on the work carried out during the series of formal and informal session of the NGMA starting on 2 August 2002 and conducted in accordance with the Mandate provided by Ministers at Doha, and the Work programme thereunder adopted by the NGMA on 19 July 2002.

Paragraph 16 of the Doha Ministerial Declaration provides (WT/MIN(01)/DEC/1):

"16. We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. Product coverage shall be comprehensive and without *a priori* exclusions. The negotiations shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments, in accordance with the relevant provisions of Article XXVIII *bis* of GATT 1994 and the provisions cited in paragraph 50 below. To this end, the modalities to be agreed will include appropriate studies and capacity-building measures to assist least-developed countries to participate effectively in the negotiations."

Furthermore, paragraph 4 of the Work Programme states (TN/MA/3):

"4. In accordance with paragraph 16 and other relevant provisions of the Doha Ministerial Declaration, special and differential treatment for developing and least-developed countries shall be an integral part of all elements of the negotiations under this Work Programme."

3. This draft does not claim to represent elements agreed in whole or in any part and is without prejudice to the position of participants. As it will become evident immediately in this draft, some parts are not fully elaborated, and some of the other points raised are not included. Thus, it is not in anyway comprehensive. Rather it should be seen as a set of basic elements for possible modalities, which will need to be adjusted, completed, refined, or further expanded upon.

4. It is hoped that these Draft Elements will further stimulate the constructive discussions which have taken place between participants so as to enable them to build up a consensus on modalities for negotiations on tariffs and non-tariff barriers. It is furthermore expected that in conducting these discussions the participants will keep closely in mind the importance of preserving the integrity of the WTO multilateral trading system as embodied in the WTO Agreements, building upon the market openings realized thus far as a major element in promoting trade and development, and incorporating special and differential treatment as an integral part of the negotiations.

Therefore the following elements are proposed:

B. TARIFFS

5. The proposed elements for modalities on tariff negotiations are outlined in the following four sub-sections, all of which are an integral part of the modalities for all participants.

1. Formula

6. The application of the formula will be based on the following elements:

- base rate: tariff reduction or elimination on all non-agricultural products¹ from the bound rates after full implementation of current concessions². However, for unbound items, the basis for commencing the tariff reductions shall be two times the MFN applied rate³;
- the base year for MFN applied tariff rates shall be 2001;
- non-ad valorem duties shall be converted to *ad valorem* equivalents according to the procedures in Annex I;
- HS nomenclature: negotiations to commence on the basis of Harmonized System (HS) 1996, and negotiations to be finalized in HS2002 nomenclature;⁴ and
- for import data, the years 1999-2001, hereinafter "reference period", shall be used in order to mitigate yearly fluctuations.

7. All non-agricultural tariffs shall be reduced on a line-by-line basis using the formula⁵ applied to the base rates outlined in paragraph 6:

¹ All products not covered by the WTO Agreement on Agriculture.

² Credit may be given for autonomous liberalization provided that the items were bound on an MFN basis in the WTO since the conclusion of Uruguay Round. Thus, in the following cases, credit will accrue by using the base rate that was in place before the autonomous liberalization took place, and the formula reduction would be applied to this higher basis. In the case of items that were not previously bound, two times the MFN applied rate or the new bound rate, whichever is higher, for the year the liberalization took place would be the basis. It is noted that in the cases of the Ministerial Declaration on the Expansion of Trade in Information Technology Products, further initiatives in the Pharmaceutical zero-for-zero sector, and certain other individual initiatives, the bound rate was reduced to zero and through the application of the formula, credits would not be relevant. Thus, for the remaining items, credit could be given for the tariff lines noted in the following WTO documents which have been given legal effect through certifications: European Communities (WT/Let/178), Hungary (WT/Let/441), India (WT/Let/374), Korea (WT/Let/302), Pakistan (WT/Let/424), Sri Lanka (WT/Let/398), and the United States (WT/Let/182).

³ When the MFN applied rate in the base year is less than 2.5 percent, 5 percent shall be used as the basis.

⁴ If Members so desire, they may commence with HS2002 nomenclature if the corresponding concordance tables are provided.

⁵ All numbers used in the formula will be rounded to one decimal point.

$$t_1 = \frac{B \times t_a \times t_0}{B \times t_a + t_0}$$

where,

t_1 is the final rate, to be bound in *ad valorem* terms

t_0 is the base rate

t_a is the average of the base rates⁶

B is a coefficient with a unique value to be determined by the participants

8. As an exception, participants with a binding coverage of non-agricultural tariff lines of less than 35 percent would be exempt from making tariff reductions through the formula. Instead, they would be expected to bind 100 percent of non-agricultural tariff lines at an average level that does not exceed the overall average of bound tariffs for all developing countries after full implementation of current concessions (27.5 percent).⁷

2. Sectorial Tariff Elimination

9. In addition to the application of the formula, a sector elimination approach is proposed with appropriate flexibilities for developing countries, in order to eliminate and bind all tariffs on products of particular export interest to developing and least-developed country participants. Therefore, the following sectors are proposed: Electronics & Electrical goods; Fish & Fish products; Footwear; Leather goods; Motor Vehicle parts & components; Stones, Gems, & Precious Metals; and Textiles & Clothing. Members will need to determine the product coverage applicable to these sectors.

10. The sectorial tariff elimination shall be achieved through three phases of equal length. The basis for elimination will be from the bound rates after full implementation of current concessions, or for unbound items, the MFN applied rates in 2001. The tariff reductions will occur in equal annual stages, as follows:

- developed participants and other participants who so decide, shall eliminate tariffs at the end of the first phase;
- other participants shall achieve tariff reduction and elimination as follows: 1) tariff reduction to a proposed level of not more than 10 percent⁸ at the end of the first phase; 2) maintain this level during the second phase; and 3) achieve elimination of tariffs at the end of the third phase.

3. Additional Provisions for Developing and Least-Developed Participants

11. Taking into account the relevant provisions of the mandate, and the special and differential treatment and "less than full reciprocity" already provided in the elements above, developing and least-developed participants shall have additional provisions as follows:

- a) for developing country participants, longer implementation periods for tariff reductions would be applicable. In addition, they would be given flexibility by a) being able to keep tariff lines

⁶ The calculation of tariff averages should not be biased by the disaggregation of Members tariff schedules. To reduce the bias introduced by the different number of tariff lines in Members' schedules, the HS standard nomenclature, an international standard up to the level of HS 6-digit subheadings, shall serve as basis for the calculation of simple tariff averages. The tariff average, shall be calculated in two steps:

- i) A simple arithmetic average of tariff line *ad valorem* duties or AVEs is used to calculate the tariff average for each non-agricultural HS 6-digit subheading
- ii) This HS 6-digit average is then used as basis to calculate the simple tariff average for each Member.

⁷ Final figure to be verified by the Secretariat.

⁸ If the rate (bound or in the case of unbound items, the MFN applied rate in 2001) is less than 10 percent, this lower rate shall remain in place.

unbound or b) not applying formula cuts, to up to 5 percent of tariff lines provided that no more than 1 percent (1 percent of tariff lines providing they do not exceed 1 percent of the Member's imports, calculated for the reference period) could be taken in one HS Chapter.⁹

- b) least-developed country participants shall not be required to undertake reduction commitments, as noted in paragraphs 7, 9, 10, 14, and 15. As part of their contribution to this round of negotiations, they are however expected to substantially increase their level of binding commitments.

12. Furthermore, as a contribution to the integration of the LDCs into the multilateral trading system and support for the diversification of their production and export base, it is proposed that developed participants and other participants who so decide, grant on an autonomous basis duty-free and quota-free market access for non-agricultural products originating from LDCs by the year [...].

4. Newly Acceded Members

13. In addition to the provisions already set out in paragraph 11 above, and in order to take into account the extensive market access commitments undertaken as part of their accession which are still being implemented in many cases, participants could consider providing newly acceded Members the following mechanisms:

- a higher coefficient in the formula
- a longer implementation period
- a "grace period" which would commence after implementation of current commitments

5. Supplementary Modalities

14. It is proposed that participants supplement additional tariff reduction and elimination made through the formula and sectorial modalities above with zero-for-zero sector elimination, sectorial harmonization, and request & offer.

15. In addition, it is proposed that participants consider the elimination of low duties.

C. NON-TARIFF BARRIERS

16. The following elements are proposed for the modalities on NTBs:

- a) It is understood that the NGMA maintains overall responsibility for addressing non-tariff barriers (NTBs) as part of the Doha Declaration;
- b) The negotiating group will proceed with the identification and examination of the various types of NTBs;¹⁰
- c) After completing the identification, participants will aim to categorise the NTBs as well as clarify and seek additional information where necessary, and then proceed in the following manner:
- Selected NTBs, to be agreed upon by the participants, would be dealt with by the NGMA on the basis of modalities, which could include request/offer, horizontal, or vertical approaches;

⁹ These flexibilities do not apply to those products included in the sectorial tariff elimination approach.

¹⁰ In this respect, it is recalled that work has already been initiated with the notification of non-tariff barriers by participants.

- NTBs that have a specific negotiating mandate in the Doha Declaration in other areas should continue to be addressed in that body but information on the progress or outcome of those negotiations should be reported to this group for transparency;
- Work on NTBs which relate to other areas of the Doha Declaration which currently do not have a specific negotiating mandate would progress in other fora but information on the progress should be reported to this group for transparency; and
- NTBs that currently do not have a specific negotiating mandate would, after further clarification and if the group decides there is a need to send them to another WTO body, be reported to the TNC in order to be forwarded to the appropriate WTO body for action and reporting back.

d) It is recognized that as the work progresses on NTBs, and without prejudice to the particular type of NTB and the modalities to be agreed upon, participants will need to take fully into account the principle of special and differential treatment for developing and least-developed participants.

D. APPROPRIATE STUDIES AND CAPACITY BUILDING

17. Paragraph 16 of the Doha Declaration and its reference to paragraph 50 provide, as part of the modalities, for appropriate studies and capacity building measures to assist least-developed countries to participate effectively in the negotiations. In this regard, but also in a broader sense, it is proposed that:

- Participants identify issues related to studies and other capacity building measures to further improve participation in the negotiations. In addition, the Secretariat will continue to initiate these matters when it undertakes work relevant to this negotiating group, including in cooperation with other international organizations.¹¹
- Participants initiate proposals to provide adequate delivery of technical assistance and capacity building measures related to the negotiations on non-agricultural market access, keeping in mind the measures already incorporated in the WTO Annual Technical Assistance/Capacity Building Plans for both 2002 and 2003.

¹¹ It is noted that to date, a number of relevant studies have been prepared or referenced, as follows: Selective Bibliography of Research on Market Access (TN/MA/S/1 + Add.1), Formula Approaches to Tariff Negotiations (TN/MA/S/3 + Rev.1 + Rev.1/Add.1 + Rev.2), WTO Members' Tariff Profiles (TN/MA/S/4 + Rev.1 + Rev.1/Corr.1), Formula Approaches to Tariff Negotiations – Secretariat Simulations using Members' Tariff Concessions (JOB (03)/67), Incidence of Non-*Ad valorem* Tariffs in Members' Tariff Schedules and Possible Approaches to the Estimation of *Ad valorem* Equivalents (TN/MA/S/10), and Market Access Issues Related to Products of Export Interest Originating from Least Developed Countries (TN/MA/S/7).

ANNEX I

Calculation of *ad valorem* equivalents

1. Where Members have non-*ad valorem* tariffs in their base rates, *ad valorem* equivalents (AVEs) for these rates will be calculated by the Secretariat using the following methodology:

- If import values and quantities are available in the IDB unit values shall be calculated at the tariff line level.
- If import values and quantities are not available in the IDB at the tariff line level unit values of the relevant HS 6 digit subheading of the Member's IDB data shall be used.
- If import values and quantities are not available in the IDB for a specific Member at the HS 6 digit level, world unit values, based on data available in the IDB and complemented by information in the UN COMTRADE database, shall be used.
- Non *ad valorem* tariffs for which AVEs cannot be calculated by the Secretariat because of the technical nature of the duties concerned shall be assumed to have an AVE equivalent to the tariff average (t_a) as used in the formula in paragraph 7 of this document.

2. However, if the Member concerned so desires, they may calculate AVEs themselves if it is done so in a transparent manner and uses the representative reference period. Full details of the method and data used for these calculations shall be included in the tables of supporting material for the draft offers and shall be subject to multilateral review. Members may ask the Secretariat for technical assistance in their calculation of AVEs.

4. 칸쿤각료회의의 의장안(Derbez Text)(2003.9)

가. 칸쿤각료회의의 의장안(Derbez Text) 개요

< 칸쿤각료회의의 의장안(Derbez Text) 개요 >

- ◇ WTO 제5차 각료회의('03.9, 멕시코 칸쿤)시에 DDA 협상의 기본골격(Framework) 합의초안으로 작성된 안임. 일반적으로 칸쿤각료회의 의장의 이름을 붙여 Derbez Text로 불려지고 있으며, 칸쿤각료회의 합의 실패로 동 초안이 효력을 갖지는 않으나 금년 8월에 합의된 기본골격의 많은 부분이 Derbez Text를 참조하였음.
- ◇ Derbez Text는 7쪽 분량의 본문(30개 paragraph)과 4개의 부속서로 구성되어 있으며, 수산분야와 관련된 사항은
 - paragraph 5 비농산물시장접근 협상(NAMA negotiations),
 - paragraph 7 규범협상(Rules negotiations),
 - 부속서 B 비농산물시장접근(NAMA)에서의 세부원칙(Modality) 수립을 위한 협상기본골격(Framework)에 반영되어 있음.
- ◇ 특히 수산물 관세를 논의하고 있는 비농산물 시장접근(NAMA) 분야의 협상기본골격인 “부속서 B”는 금번 합의 시 일부 추가 논의가 필요하다는 내용이 추가된 것을 제외하면 Derbez Text를 그대로 사용하였음.
- ◇ Derbez Text의 NAMA 분야 기본골격(Framework)의 특징
 - 비선형 방식의 관세인하공식 사용(높은 관세는 많이 인하하고 낮은 관세는 적게 인하는 방식)
 - 무세화와 관세조화도 추진

※ 다만, Girard 의장초안에 명시되었던 관세철폐(무세화) 대상분야는 명시하지 아니함.

나. 수산보조금 관련 주요내용 및 해당부분 발췌원문

□ 수산보조금 관련 Derbez Text 내용

- 우리는 규범협상그룹에 대하여 논의 중심을 이슈파악에서 문제 해결로 이전시키고자, 수산보조금을 포함한 반덤핑, 보조금 및 상계조치에 대한 협의를 가속화할 것을 지시함.

(Derbez Text 내 Rule negotiations 분야, paragraph 7 중 일부)

<참고>

- 수산보조금은 공산품과 동일하게 WTO 보조금협정의 규율대상이나, 2001년 11월 도하각료선언에서 수산보조금에 대한 특별규제강화를 결정하고,
 - '02~'03년간 미국, 뉴질랜드, 아이슬랜드, 칠레 등 수산물 수출국을 중심으로 과잉어획을 조장하는 수산보조금 금지 내지 대폭 축소를 주장한 반면 우리나라와 일본은 이에 강력히 반대해 왔음.
 - 그러나 '03년 칸쿠회의 의장안(Derbez Text)에는 수산물 수출국 의견이 반영되어 향후 협상지침으로 “수산보조금을 포함한 보조금 협정 등의 협상을 가속화하고 이슈파악에서 문제해결에 중점”을 둘 것을 제시함.

□ Derbez Text 중 수산보조금 관련 부분 발췌원문

(Rules negotiations, para 7중 일부)

7. We instruct the Negotiating Group on Rules to accelerate its work on anti-dumping and subsidies and countervailing measures, including fisheries subsidies, with a view to shifting its emphasis from identifying issues to seeking solutions.....

다. 비농산물 시장접근 주요내용 및 해당부문발취원문

□ 비농산물 시장접근 분야의 주요내용

<본문 paragraph 5 NAMA negotiations>

- 도하 각료선언의 para 16에 명시된 비농산물 시장접근협상의 약속을 재확인함.
- 부속서B를 비농산물에 대한 세부원칙 수립을 위한 협상기본골격으로 채택함.
- 협상그룹에 대하여 []까지 세부원칙 협상을 마무리 짓도록 지시함.

□ Derbez Text 중 수산물 관세협상 부분 발취원문 (NAMA negotiations, paragraph 5)

5. We reaffirm our commitment to the mandate for negotiations on market access for non-agricultural products as set out in paragraph 16 of the Doha Ministerial Declaration. We take note of the progress made by the Negotiating Group on Market Access in this regard and agree to intensify work to translate the Doha objectives into modalities for these negotiations. To this end, we adopt the framework for modalities for negotiations on non-agricultural products set out in Annex B to this document. We direct the Negotiating Group to conclude its work on establishing modalities by [...] and to take the necessary further steps to ensure the conclusion of negotiations by the agreed date.

5. 우리는 도하각료선언 para 16에 나열되어 있는 바와 같이 비농산물시장접근 협상에 대한 우리의 약속을 재확인한다. 이와 관련하여 시장접근 협상그룹에 의하여 이미 이루어진 진전사항을 주목하며, 도하선언의 협상을 위하여 작업을 강화할 것을 동의한다. 이러한 목적으로 우리는 본문서의 부속서B에 나열된 비농산물협상 세부원칙을 협상기본골격으로 채택한다. 우리는 협상그룹에 대하여 []까지 세부원칙수립을 마무리하도록 지시하며, 합의된 시한까지 협상 마무리를 보장할 수 있는 필요한 조치를 취할 것을 지시한다.

라. 부속서B 주요내용

[비농산물 시장접근의 세부원칙(Modality)을 위한 기본골격(Framework)]

1) Girard 의장안

- Girard 의장안(TN/MA/W/35/Rev.1)을 향후 협상에서도 계속 참조(Reference)하기로 함.

2) 관세인하공식(Formula)

- 비선형(non-linear) 방식의 관세인하공식을 기초로 논의를 지속함.
※ Girard 의장초안과는 달리 관세인하공식 자체는 제시하지 않았음.
- 개도국의 특별한 필요와 관심을 충분히 고려함.
- 적용대상 품목의 범위에는 사전적 제외없이 모든 품목을 대상으로 하며, 비 증가세는 증가세로 전환기로 함.
- 자발적 자유화의 credit은 개도국에만 부여함.
- 한편, 양허비율이 [35%] 미만인 국가에 대하여는 공식적용을 면제하는 대신 모든 개도국 평균세율의 평균을 넘지 않는 수준으로 [100%] 양허하는 것을 기대함.

3) 분야별 관세철폐

- 분야별 무세화 및 관세조화는 관세인하 또는 철폐의 주요한 요소 (key element)임을 명시
※ 무세화 대상분야는 제시하지 않았음.
- 모든 회원국의 참여가 중요함을 강조
- 개도국 참여를 위해 적당한 신축성 조항을 포함

4) 개도국 특별대우(S&D, Special and Differential Treatment)

- 개도국에 대하여는 선진국보다 장기간의 이행기간(longer implementation)을 부여
- 총 품목의 [10%]까지 개도국에게는 저율감축(less than formula cuts)을 허용. 단, 저율감축율은 당초 감축율의 50% 이하여야 하며 총 수입액의 [10%] 미만이어야 함.
 - 또는 총 품목의 [5%]까지 미양허 하거나 공식적용의 면제를 허용함. 다만, 총 수입액의 [5%]를 초과할 수 없음.
- ※ 상기 신축성에서 한 HS Chapter를 완전히 제외시키는 것은 금지

5) 최빈개도국(LDCs, Least-developed Countries) 배려

- 최빈개도국의 경우에는 관세인하공식 및 분야별 무세화 적용을 면제함. 그러나 양허수준을 실질적으로 증대시켜야 함.
- 아울러 선진국 및 참여국은 LDCs산 비농산물에 대하여 []까지 무관세(duty-free) 및 무쿼타(quota-free)의 혜택을 자발적으로 제공

6) WTO 신규가입국에 대한 배려

- 회원 가입시 약속한 양허의무가 이행과정 중에 있음을 감안하여 특별한 배려조항을 마련기로 함.

7) 비관세장벽(NTBs) 문제

- 비관세장벽 문제 또한 본 협상의 중요한 요소임을 인식함.
- 모든 회원국은 2003년 10월 31일까지 비관세장벽 현황을 통보하도록 권장

- 비관세장벽 내용을 확인·검토·분류한 후 R/O 방식, 수직적, 수평적 접근방식 등을 활용하여 협상하되, 개도국과 최빈개도국에 대한 특별대우 원칙을 고려함.

8) 특혜침해 및 관세수입의존도 회원국 배려

- 비상호적인 특혜침해 및 관세수입의존도가 높은 회원국이 본 협상 결과 직면할 수 있는 어려움을 고려토록 함.

Preparations for the Fifth Session of the Ministerial Conference

Draft Cancún Ministerial Text

Second Revision

Draft Cancún Ministerial Text

1. We reaffirm our Declarations made at Doha and the decisions we took there. We take note of the progress that has been made towards carrying out the Work Programme agreed at Doha, and recommit ourselves to completing it fully. We also renew our determination to conclude the negotiations launched at Doha successfully by the agreed date of 1 January 2005.

2. In pursuance of these objectives, we agree as follows:

*TRIPS &
Public Health*

3. We welcome the decision on implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health set out in document WT/L/540.

*Agriculture
negotiations*

4. We reaffirm our commitment to the mandate on agriculture as set out in paragraph 13 of the Doha Ministerial Declaration. We take note of the progress made by the Special Session of the Committee on Agriculture in this regard and agree to intensify work to translate the Doha objectives into reform modalities. To this end, we adopt the framework set out in Annex A to this document concerning the further commitments and related disciplines on key outstanding issues on market access, export competition and domestic support as the basis for concluding the work in these areas. We direct the Special Session of the Committee on Agriculture to conclude its work on establishing modalities for the further commitments, including provisions for special and differential treatment, by [...]. We agree that participants will submit their comprehensive draft Schedules based on these modalities no later than [...] and confirm that the negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.

*NAMA
negotiations*

5. We reaffirm our commitment to the mandate for negotiations on market access for non-agricultural products as set out in paragraph 16 of the Doha Ministerial Declaration. We take note of the progress made by the Negotiating Group on Market Access in this regard and agree to intensify work to translate the Doha objectives into modalities for these negotiations. To this end, we adopt the framework for modalities for negotiations on non-agricultural products set out in Annex B to this document. We direct the Negotiating Group to conclude its work on establishing modalities by [...] and to take the necessary further steps to ensure the conclusion of negotiations by the agreed date.

*Services
negotiations*

6. We are committed to intensifying our efforts to bring the negotiations on specific commitments to conclusion. We stress the importance of full engagement by all participants, *inter alia* through the continuous exchange of requests and offers with a view to concluding the negotiations by the agreed date. With a view to providing effective market access to all Members, due regard shall be given to the quality of offers, particularly in sectors and modes of supply of export interest to developing countries. We call upon those participants who have not yet submitted their initial offers to do so as soon as possible. Improved offers should be submitted by [*horizontal date*]. We are also committed to intensifying our efforts to conclude the negotiations on rule-making under GATS Articles VI:4, X, XIII, and XV in accordance with their respective mandates and deadlines, noting the deadline of 15 March 2004 for emergency safeguard measures. The Special Session of the Council for Trade in Services shall review progress in these negotiations by 31 March 2004. We reaffirm that the negotiations shall aim to achieve progressively higher levels of

liberalization with no *a priori* exclusion of any service sector or mode of supply and shall give special attention to sectors and modes of supply of export interest to developing countries. We note the interest of developing countries, as well as other Members, in Mode 4. In accordance with GATS provisions, there shall be due respect for the right of Members to regulate and to introduce new regulations in pursuance of national policy objectives. We welcome the adoption of the Modalities for the Special Treatment for Least-Developed Country Members in the Negotiations on Trade in Services and look forward to their implementation by all participants.

Rules negotiations

7. We instruct the Negotiating Group on Rules to accelerate its work on anti-dumping and subsidies and countervailing measures, including fisheries subsidies, with a view to shifting its emphasis from identifying issues to seeking solutions. We note the progress that has been made in the negotiations on improving transparency in Regional Trade Agreements and encourage the Group to reach a provisional decision soon on its work on transparency and to accelerate its work on the clarification and improvement of RTA disciplines under existing WTO provisions, taking into account the developmental aspects of RTAs.

TRIPS negotiations

8. We take note of the progress made in the negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits and instruct the Special Session of the Council for TRIPS to continue the work as mandated in Article 23.4 of the TRIPS Agreement and paragraph 18 of the Doha Ministerial Declaration. We agree that the negotiations shall be completed by [*horizontal date*].

Environment negotiations

9. We take note of the progress made by the Special Session of the Committee on Trade and Environment in developing a common understanding of the concepts contained in its mandate in paragraph 31 of the Doha Ministerial Declaration. We reaffirm our commitment to these negotiations.

10. We agree that the Committee on Trade and Environment Special Session continue to invite to its meetings, in accordance with its current practice, the secretariats of the multilateral environmental agreements (MEAs) invited thus far and of the United Nations Environment Programme (UNEP) and the United Nations Conference on Trade and Development (UNCTAD). This invitation shall be for the duration of the negotiations. It shall be without prejudice to any additional invitations that the Committee on Trade and Environment Special Session extends in future, and to paragraph 31 negotiations.

DSU negotiations

11. We take note of the progress that has been made in the negotiations on dispute settlement. We renew our determination to pursue these negotiations with the aim of completing them not later than May 2004. Further negotiations shall be carried out on the basis of work done thus far, including the Chairman's text of 28 May 2003 and other proposals by participants.

S&D treatment

12. We reaffirm that provisions for special and differential treatment are an integral part of WTO Agreements. We recall our decision in Doha to review special and differential treatment provisions with a view to strengthening and making them more precise, effective and operational. We note the progress that has been made towards meeting these objectives and adopt the decisions in Annex C to this document. We instruct the General Council to continue to monitor closely work on the proposals referred to negotiating groups and other WTO bodies, and direct these bodies to report to the General Council no later than [...]. We instruct the Committee

on Trade and Development in Special Session to pursue expeditiously, within the parameters of the Doha mandate, the work on remaining agreement-specific proposals and other outstanding issues referred to in TN/CTD/7 and report with recommendations, as appropriate, to the General Council by [...]. The General Council shall submit a report on all these issues to our next Session.

Implementation 13. We note that, while some progress has been made under the mandates we gave at Doha concerning implementation-related issues and concerns, a number of the issues and concerns raised in this context remain outstanding. We reaffirm the mandates we gave in paragraph 12 of our Doha Ministerial Declaration and our Decision on Implementation-Related Issues and Concerns, and we renew our determination to find appropriate solutions to these issues. We instruct the Trade Negotiations Committee, negotiating bodies and other WTO bodies concerned to redouble their efforts to find appropriate solutions as a priority, and we request the Director-General to continue the consultations he has undertaken on certain issues, including issues related to the extension of the protection of geographical indications provided for in Article 23 of the TRIPS Agreement to products other than wines and spirits. The General Council shall review progress and take any appropriate action no later than [...].

Investment 14. We note with appreciation the valuable work that has been carried out in the Working Group on the Relationship between Trade and Investment under paragraphs 21 and 22 of the Doha Ministerial Declaration.

In accordance with relevant provisions of the Doha Ministerial Declaration, we commit ourselves to provide strengthened and adequately resourced technical assistance to developing and least-developed countries to respond to their needs for enhanced support in this area.

We agree:

- to intensify the clarification process called for in paragraph 22 of the Doha Declaration, covering the elements listed in that paragraph as well as other elements raised by Members, including the elements identified in WT/MIN(03)/W/4;
- to convene the Working Group in Special Session to elaborate procedural and substantive modalities on the basis of paragraphs 20, 21 and 22 of the Doha Declaration, and other elements raised by Members. We reiterate that the special development, trade and financial needs of developing and least-developed countries should be taken into account as an integral part of any framework, which should enable Members to undertake obligations and commitments commensurate with their individual needs and circumstances. Consideration should be given to the relationship of the negotiations to the Single Undertaking;
- modalities that will allow negotiations on a multilateral investment framework to start shall be adopted by the General Council no later than [date]¹.

Competition 15. We note with appreciation the discussions that have taken place in the Working Group on the Interaction between Trade and Competition Policy since the Fourth Ministerial Conference. We decide that further clarification of the issues be undertaken in the Working Group, including consideration of possible modalities for

¹ The date will coincide with the date for agreeing on modalities on agriculture and NAMA.

negotiations based on the elements contained in paragraph 25 of the Doha Ministerial Declaration, and that the Working Group shall report to the General Council on this work by [date]². In accordance with relevant provisions of the Doha Ministerial Declaration, we commit ourselves to continue to provide strengthened and adequately resourced technical assistance to developing and least-developed countries to respond to their needs for enhanced support in this area.

*Government
Procurement*

16. Taking note of the work done by the Working Group on Transparency in Government Procurement under the mandate in paragraph 26 of the Doha Ministerial Declaration, we decide to commence negotiations on the basis of the modalities set out in Annex D to this document.

*Trade
Facilitation*

17. Taking note of the work done on trade facilitation by the Council for Trade in Goods under the mandate in paragraph 27 of the Doha Ministerial Declaration, we decide to commence negotiations on the basis of the modalities set out in Annex E to this document.

*Small
Economies*

18. We reaffirm our commitment to the Work Programme on Small Economies and urge Members to adopt specific measures that would facilitate the fuller integration of small, vulnerable economies into the multilateral trading system. We take note of the report of the Committee on Trade and Development in Dedicated Session on the Work Programme on Small Economies to the General Council and the recommendations made therein. We instruct the Committee on Trade and Development, under the overall responsibility of the General Council, to continue the work in the dedicated sessions with the aim of completing it as soon as possible but no later than 1 January 2005. We instruct the General Council to report on progress and action taken, together with any further recommendations as appropriate, to our next Session.

*Trade, Debt &
Finance*

19. We take note of the report transmitted by the General Council on progress in the examination of the relationship between trade, debt and finance and agree that this work shall continue on the basis of the mandate contained in paragraph 36 of the Doha Ministerial Declaration and the progress made in the Working Group to date, including consideration of any possible recommendations on steps that might be taken within the mandate and competence of the WTO. The General Council shall report further to our next Session.

*Trade &
Transfer of
Technology*

20. We take note of the report transmitted by the General Council on progress in the examination of the relationship between trade and transfer of technology and agree that this work shall continue on the basis of the mandate contained in paragraph 37 of the Doha Ministerial Declaration and the progress made in the Working Group to date, including consideration of any possible recommendations on steps that might be taken within the mandate of the WTO to increase flows of technology to developing countries. The General Council shall report further to our next Session.

CTE report

21. We take note of the report transmitted by the General Council on the work undertaken by the Committee on Trade and Environment pursuant to paragraphs 32 and 33 of the Doha Ministerial Declaration. We agree that this work shall continue on the basis of the progress made thus far and instruct the General Council to report to our next Session.

² The date will coincide with the date for agreeing on modalities on agriculture and NAMA.

- TRIPS non-violation* 22. We take note of the work done by the Council for Trade-Related Aspects of Intellectual Property Rights pursuant to paragraph 11.1 of the Doha Decision on Implementation-Related Issues and Concerns and direct it to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 and make recommendations to the first Ministerial Conference to be held after 1 August 2004³. It is agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement.
- Doha paragraph 19* 23. We take note of the work undertaken by the Council for TRIPS pursuant to paragraph 19 of the Doha Ministerial Declaration and agree that this work shall continue on the basis of paragraph 19 of the Doha Ministerial Declaration and the progress made in the Council for TRIPS to date. The General Council shall report on its work in this regard to our next Session.
- E-commerce* 24. We take note of the reports from the General Council and subsidiary bodies on the Work Programme on Electronic Commerce, and agree to continue the examination of issues under that ongoing Work Programme, with the current institutional arrangements. We instruct the General Council to report on further progress to our next Session. We declare that Members will maintain their current practice of not imposing customs duties on electronic transmissions until that Session.
- Technical Cooperation* 25. We welcome the report by the Director-General on the implementation and adequacy of the commitments on technical cooperation and capacity building we made in our Doha Ministerial Declaration and request him to report further to our next Session. We note with satisfaction the establishment of the Doha Development Agenda Global Trust Fund since our last meeting and encourage Members to ensure adequate financing for future technical cooperation and capacity building programmes. We direct that in the planning of such programmes, consultations should be undertaken with beneficiary countries and priority given to their individual needs through both regional and national activities. We welcome the improved collaboration and coordination with other agencies, including under the Integrated Framework for Trade-Related Technical Assistance for the Least-Developed Countries and Joint Integrated Technical Assistance Programme. We commend the work undertaken in this respect by the Director-General and the Secretariat, and encourage the continuation of these and other efforts so as to facilitate the greater participation of developing countries in the multilateral trading system. We also recognize the successful efforts of the International Trade Centre to involve the business communities of the developing and transition economies in the context of the Doha Development Agenda and encourage it to continue in the same direction.
- LDCs* 26. We welcome the report by the Director-General on issues affecting Least-Developed Countries (LDCs). We reaffirm our commitment to effectively integrate LDCs into the multilateral trading system. In this regard, we acknowledge the seriousness of the concerns of the LDCs, as expressed in the Dhaka Declaration, adopted by their Ministers in June 2003. We take note that issues of interest to LDCs are being addressed in all areas of the negotiations. Building upon our commitment in the Doha Declaration we shall continue to expeditiously pursue the objective of duty-free and quota-free market access for products originating from LDCs. We urge Members to adopt and implement rules of origin so as to facilitate

³ The exact formulation of this date may depend on the decision to be taken on the timing of the next Session of the Ministerial Conference.

exports from LDCs. In this regard, we appreciate the improved market access measures adopted by several Members. Furthermore, in accordance with our commitment in the Doha Ministerial Declaration, we shall take additional measures for progressive improvements in market access, both at the border and otherwise. In services, we shall give priority to the sectors and modes of supply of export interest to LDCs, particularly in regard to movement of service providers under Mode 4. We further commit ourselves to provide effective trade-related technical assistance and capacity building to LDCs on a priority basis in helping to overcome their weak human, institutional and trade-related capacity. In this regard, we reiterate our endorsement of the Integrated Framework (IF) and agree that it can truly become a viable model for LDCs' trade development if it effectively contributes to reducing supply-side constraints including through mainstreaming trade into their national development and poverty reduction strategies. We welcome the joint communiqué adopted by the six IF core agencies at their Third Heads of Agency meeting and urge them to intensify their assistance in trade-related infrastructure, private sector development and institution building to help countries expand and diversify their export base. We also urge cooperation with other bilateral and multilateral development partners. We request the Director-General to report to our next Session on further developments.

*Sectoral
Initiative on
Cotton*

27. We recognise the importance of cotton for the development of a number of developing countries and understand the need for urgent action to address trade distortions in these markets. Accordingly, we instruct the Chairman of the Trade Negotiations Committee to consult with the Chairpersons of the Negotiating Groups on Agriculture, Non-Agricultural Market Access and Rules to address the impact of the distortions that exist in the trade of cotton, man-made fibres, textiles and clothing to ensure comprehensive consideration of the entirety of the sector. The Director-General is instructed to consult with the relevant international organizations including the Bretton Woods Institutions, the Food and Agriculture Organization and the International Trade Centre to effectively direct existing programmes and resources toward diversification of the economies where cotton accounts for the major share of their GDP. Members pledge to refrain from utilizing their discretion within Annex A, paragraph 1 to avoid making reductions in domestic support for cotton.

*Commodity
Issues*

28. Taking into account the dependence of many developing countries on a few commodities and the problems created by long-term declines and sharp fluctuations in the prices of these commodities, we instruct the Committee on Trade and Development, within its mandate, to continue with its work on this issue in cooperation with other relevant international organizations and report on progress to the General Council before our next Session. We recognize also that various trade-related aspects of this issue could be addressed in the ongoing negotiations, particularly in the framework of the negotiations on agriculture and non-agricultural market access.

Coherence

29. We appreciate the efforts that have been made by the Director-General to strengthen the WTO's collaboration with the IMF and the World Bank in the context of our Marrakesh mandate on achieving greater coherence in global economic policy-making. We encourage the Director-General and the General Council to follow up on the General Council meeting on Coherence that was held in May 2003. We emphasize the importance of promoting, without cross-conditionalities or additional conditions, consistent and mutually supportive policies. We note the new trade initiatives announced by the IMF and World Bank at this Session to work with the WTO to address problems that some developing country Members may

encounter in adjusting to a more liberal trade environment, and we invite the Director-General to report to us at our next Session on initiatives that he is taking in cooperation with the Executive Heads of the IMF and World Bank in this area.

Accessions

30. We note with particular satisfaction that this Conference has completed the accession procedures for Cambodia and Nepal. This marks the entry of the first two LDCs into the WTO under Article XII of the WTO Agreement. In this regard, we take the opportunity to reaffirm our commitment to the Guidelines on the Accession of LDCs adopted by the General Council on 10 December 2002, and to facilitate and accelerate their accession. We also welcome Armenia and the Former Yugoslav Republic of Macedonia as new Members since our last Session. We confirm that these accessions, as those of the 25 governments now negotiating accession, will greatly strengthen our multilateral trading system. We shall therefore continue to give our attention and priority to concluding the ongoing accession proceedings as rapidly as possible.

Annex A

Framework for Establishing Modalities in Agriculture

Participants reaffirm their commitment to the objectives for and the mandate on agriculture as set out in paragraph 13 of the Doha Ministerial Declaration. Participants recognize that reforms in all areas of the negotiations are inter-related. Participants agree to conclude the work to establish modalities for the further commitments, including operationally effective provisions for special and differential treatment for developing countries and taking into account non-trade concerns as referred to in paragraph 13, within the timeframe specified in paragraph 4 of the Cancún Ministerial Text on the basis of the following framework:

Domestic Support

1. The Doha Ministerial Declaration calls for “substantial reductions in trade-distorting domestic support”. All developed countries shall achieve reductions in trade-distorting support significantly larger than in the Uruguay Round, that will result in Members having the higher trade-distorting subsidies making greater efforts.

Reductions shall take place under the following parameters:

- 1.1. Reduce the Final Bound Total AMS in the range of [...] % - [...] %. Product-specific AMS shall be capped at their respective average levels during the period [...].
- 1.2. Reduce *de minimis* by [...] %.
- 1.3. Article 6.5 of the Agreement on Agriculture will be modified so that Members may have recourse to the following measures:
 - (i) direct payments if:
 - such payments are based on fixed areas and yields; or
 - such payments are made on 85% or less of the base level of production; or
 - livestock payments are made on a fixed number of head.
 - (ii) support under 1.3(i) shall not exceed 5% of the total value of agriculture production in the 2000-2002 period by [...]. Subsequently, such support shall be subject to an annual linear reduction of [...] % for a further period of [...] years.
- 1.4. The sum of allowed support under the Total AMS, support under paragraph 1.3 above and *de minimis* in 2000 shall be subject to a cut of at least [...] % [including an initial cut of [...] % in the first year of implementation].
- 1.5. Green Box criteria shall be reviewed with a view to ensuring that Green Box measures have no, or at most minimal, trade-distorting effects or effects on production.

Special and differential treatment

- 1.6. Having regard to their rural development, food security and/or livelihood security needs, developing countries shall benefit from special and differential treatment, including lower reductions of trade-distorting domestic support under paragraphs 1.1, 1.3 and 1.4 above, longer implementation periods and enhanced provisions under Article 6.2 and the Green Box.
- 1.7. Developing countries shall be exempt from the requirement to reduce *de minimis* domestic support.

Market Access

2. The Doha Ministerial Declaration calls for “substantial improvements in market access.” Negotiations should therefore provide increased access opportunities for all and in particular for the developing countries. To achieve this, commitments shall be based on the following parameters:
 - 2.1 The formula applicable for tariff reduction by developed countries shall be a blended formula under which each element will contribute to substantial improvement in market access for all products. The formula shall be as follows:
 - (i) [...] % of tariff lines shall be subject to a [...] % average tariff cut and a minimum of [...] %; for these import-sensitive tariff lines market access increase will result from a combination of tariff cuts and TRQs.
 - (ii) [...] % of tariff lines shall be subject to a Swiss formula with a coefficient [...].
 - (iii) [...] % of tariff lines shall be duty-free.

[The resulting simple average tariff reduction for all agricultural products shall be no less than [...] %.]
 - 2.2 For the tariff lines that exceed a maximum of [...] %, developed-country participants shall either reduce them to that maximum, or ensure effective additional market access in these or other areas through a request-offer process that could include TRQs. [Within this category, participants shall have additional flexibility under conditions to be determined for a very limited number of [] products to be designated on the basis of non-trade concerns that would only be subject to the provisions of paragraph 2.1 above.]
 - 2.3 The issue of tariff escalation will be addressed by applying a factor of [...] to the tariff reduction of the processed product in case its tariff is higher than the tariff for the product in its primary form.
 - 2.4 In-quota tariffs shall be reduced by [...] %. Terms and conditions of any TRQ expansion/opening remain under negotiation.
 - 2.5 The use and duration of the special agricultural safeguard (SSG) remain under negotiation.

Special and differential treatment

- 2.6 Having regard to their development, food security and/or livelihood security needs, developing countries shall benefit from special and differential treatment, including lower tariff reductions and longer implementation periods.
- 2.7 The formula applicable for tariff reductions by developing countries shall be as follows:
 - (i) [...] % of tariff lines shall be subject to a [...] % average tariff cut and a minimum of [...] %; for these tariff lines market access increase will result from a combination of tariff cuts and TRQs. Within this category, developing countries shall have additional flexibility under conditions to be determined to designate Special Products (SP) which would only be subject to a linear cut of a minimum of [...] % and no new commitments regarding TRQs; however, where tariff bindings are very low (below [...] %) there shall be no requirement to reduce tariffs.
 - (ii) [...] % of tariff lines shall be subject to a Swiss formula with a coefficient of [...].

- (iii) [...] % of tariff lines shall be bound between 0 and 5%, taking into account the importance of tariffs as a source of revenue for developing countries.

In implementing tariff reductions under paragraphs 2.7(ii) and 2.7(iii) above, developing countries should benefit from an additional implementation period of [...].

- 2.8 The applicability and/or extent of the provisions of paragraph 2.2 above to developing countries remain under negotiation, taking into account their development needs.
- 2.9 A special agricultural safeguard (SSM) shall be established for use by developing countries subject to conditions and for products to be determined.
- 2.10 All developed countries will seek to provide duty-free access for at least [...] % of imports from developing countries through a combination of MFN and preferential access, including particularly all tropical and other products referred to in the preamble of the Agreement on Agriculture.
- 2.11 Participants undertake to take account of the importance of preferential access for developing countries. The further considerations in this regard will be based on paragraph 16 of the revised First Draft of Modalities for the Further Commitments (TN/AG/W/1/Rev.1 refers).

Export Competition

3. The Doha Ministerial Declaration calls for “reductions of, with a view to phasing out, all forms of export subsidies.” To achieve this, disciplines shall be established on export subsidies, export credits, export state trading enterprises, and food aid programs. Reduction commitments shall be applied in a parallel manner according to the following parameters:

- 3.1 With regard to export subsidies:

- Members commit to eliminate export subsidies for products of particular interest to developing countries. A list of these products shall be established for the purpose of tabling comprehensive draft Schedules. Elimination of the export subsidies for these products shall be implemented over a [...] year period.
- For the remaining products, Members shall commit to reduce, with a view to phasing out, budgetary and quantity allowances for export subsidies.

- 3.2 With regard to export credits:

- Members shall commit to eliminate, over the same period as in the first indent of paragraph 3.1 the trade-distorting element of export credits through disciplines that reduce the repayment terms to commercial practice ([...] months), for the same products in the first indent of paragraph 3.1 in a manner that is equivalent in effect.
- For the remaining products, a reduction effort, with a view to phasing out, that is parallel to the reduction in the second indent of paragraph 3.1 in its equivalent effect for export credits shall be undertaken.

- 3.3. Without prejudging the outcome of the negotiations, reductions of, with a view to phasing out, all forms of export subsidies mentioned in paragraphs 3.1 and 3.2 will occur on a schedule that is parallel in its equivalence of effect on export subsidies and export credits.

- 3.4 The provisions related to the reductions of, with a view to phasing out, all forms of export subsidies under paragraphs 3.1, 3.2 and 3.3 above shall apply equally to all forms of export

subsidies related to or provided, directly or indirectly, to, by or through export state trading enterprises.

- 3.5 Additional disciplines shall be agreed in order to prevent commercial displacement through food aid operations.
- 3.6 An end date for phasing out of all forms of export subsidies remains under negotiation.
- 3.7 Strengthening of Article 12 of the Agreement on Agriculture on export prohibitions and export restrictions will be addressed in the negotiations.

Special and differential treatment

- 3.8 Developing countries shall benefit from longer implementation periods for reductions of, with a view to phasing out, all forms of export subsidies.
- 3.9 Until such time as the phasing out of all forms of export subsidies is completed, developing countries shall continue to benefit from the special and differential treatment provisions of Article 9.4 of the Agreement on Agriculture.
- 3.10 Participants shall ensure that the disciplines on export credits to be agreed shall make appropriate provision for differential treatment in favour of least-developed and net food-importing developing countries as provided for in paragraph 4 of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries.

Least-developed countries

4. Least-developed countries shall be exempt from reduction commitments. Developed countries [should] [shall] provide duty-free and quota-free market access for products originating from least-developed countries.

Recently acceded Members

5. The particular concerns of recently acceded Members shall be effectively addressed through provisions that could include longer time frames and/or lower tariff reduction commitments.

Other

6. The Peace Clause will be extended by [...] months.
7. Subject to the provisions of the framework set out in paragraphs 1 to 6 above, relevant parts of the Revised First Draft of Modalities (TN/AG/W/1/Rev.1 refers) and the related questions specified in the report of the Chairman of the Committee on Agriculture Special Session to the TNC (TN/AG/10 refers) as well as the contributions Members have submitted thus far will serve as reference documents for the further work on modalities, including with respect to the following issues of interest but not agreed: single desk export privileges, export taxes, proposals for flexibility for certain groupings, certain non-trade concerns, implementation period, sectoral initiatives, inter-pillar linkages, continuation clause, GIs, and other detailed rules.

Annex B

Framework for Establishing Modalities in Market Access for Non-Agricultural Products

1. We reaffirm that negotiations on market access for non-agricultural products shall aim to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. We also reaffirm the importance of special and differential treatment and less than full reciprocity in reduction commitments as integral parts of the modalities.
2. We acknowledge the substantial work undertaken by the Negotiating Group on Market Access and the progress towards achieving an agreement on negotiating modalities. We take note of the constructive dialogue on the Chair's Draft Elements of Modalities (TN/MA/W/35/Rev.1) and confirm our intention to use this document as a reference for the future work of the Negotiating Group. We instruct the Negotiating Group to continue its work, as mandated by paragraph 16 of the Doha Ministerial Declaration with its corresponding references to the relevant provisions of Article XXVIII *bis* of GATT 1994 and to the provisions cited in paragraph 50 of the Doha Ministerial Declaration, on the basis set out below.
3. We recognize that a formula approach is key to reducing tariffs, and reducing or eliminating tariff peaks, high tariffs, and tariff escalation. We agree that the Negotiating Group should continue its work on a non-linear formula applied on a line-by-line basis which shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments.
4. We further agree on the following elements regarding the formula:
 - product coverage shall be comprehensive without *a priori* exclusions;
 - tariff reductions or elimination shall commence from the bound rates after full implementation of current concessions; however, for unbound tariff lines, the basis for commencing the tariff reductions shall be [two] times the MFN applied rate in the base year;
 - the base year for MFN applied tariff rates shall be 2001 (applicable rates on 14 November);
 - credit shall be given for autonomous liberalization by developing countries provided that the tariff lines were bound on an MFN basis in the WTO since the conclusion of the Uruguay Round;
 - all non-*ad valorem* duties shall be converted to *ad valorem* equivalents on the basis of a methodology to be determined and bound in *ad valorem* terms;
 - negotiations shall commence on the basis of the HS96 or HS2002 nomenclature, with the results of the negotiations to be finalized in HS2002 nomenclature;
 - the reference period for import data shall be 1999-2001.
5. We furthermore agree that, as an exception, participants with a binding coverage of non-agricultural tariff lines of less than [35] percent would be exempt from making tariff reductions through the formula. Instead, we expect them to bind [100] percent of non-agricultural tariff lines at an average level that does not exceed the overall average of bound tariffs for all developing countries after full implementation of current concessions.

6. We recognize that a sectorial tariff component, aiming at elimination or harmonization is another key element to achieving the objectives of paragraph 16 of the Doha Ministerial Declaration with regard to the reduction or elimination of tariffs, in particular on products of export interest to developing countries. We recognise that participation by all participants will be important to that effect. We therefore instruct the Negotiating Group to pursue its discussions on such a component, with a view to defining product coverage, participation, and adequate provisions of flexibility for developing-country participants.

7. We agree that developing-country participants shall have longer implementation periods for tariff reductions. In addition, they shall be given the following flexibility:

a) applying less than formula cuts to up to [10] percent of the tariff lines provided that the cuts are no less than half the formula cuts and that these tariff lines do not exceed [10] percent of the total value of a Member's imports; or

b) keeping, as an exception, tariff lines unbound, or not applying formula cuts for up to [5] percent of tariff lines provided they do not exceed [5] percent of the total value of a Member's imports.

We furthermore agree that this flexibility could not be used to exclude entire HS Chapters.

8. We agree that least-developed country participants shall not be required to apply the formula nor participate in the sectorial approach, however, as part of their contribution to this round of negotiations, they are expected to substantially increase their level of binding commitments.

9. Furthermore, in recognition of the need to enhance the integration of least-developed countries into the multilateral trading system and support the diversification of their production and export base, we call upon developed-country participants and other participants who so decide, to grant on an autonomous basis duty-free and quota-free market access for non-agricultural products originating from least-developed countries by the year [...].

10. We recognize that newly acceded Members shall have recourse to special provisions for tariff reductions in order to take into account their extensive market access commitments undertaken as part of their accession and that staged tariff reductions are still being implemented in many cases. We instruct the Negotiating Group to further elaborate on such provisions.

11. We agree that pending agreement on core modalities for tariffs, the possibilities of supplementary modalities such as zero-for-zero sector elimination, sectorial harmonization, and request & offer, should be kept open.

12. In addition, we ask developed-country participants and other participants who so decide to consider the elimination of low duties.

13. We recognize that NTBs are an integral and equally important part of these negotiations and instruct participants to intensify their work on NTBs. In particular, we encourage all participants to make notifications on NTBs by 31 October 2003 and to proceed with identification, examination, categorization, and ultimately negotiations on NTBs. We take note that the modalities for addressing NTBs in these negotiations could include request/offer, horizontal, or vertical approaches; and should fully take into account the principle of special and differential treatment for developing and least-developed country participants.

14. We recognize that appropriate studies and capacity building measures shall be an integral part of the modalities to be agreed. We also recognize the work that has already been undertaken in these

areas and ask participants to continue to identify such issues to improve participation in the negotiations.

15. We recognize the challenges that may be faced by non-reciprocal preference beneficiary Members and those Members that are at present highly dependent on tariff revenue as a result of these negotiations on non-agricultural products. We instruct the Negotiating Group to take into consideration, in the course of its work, the particular needs that may arise for the Members concerned.

16. We furthermore encourage the Negotiating Group to work closely with the Committee on Trade and Environment in Special Session with a view to addressing the issue of non-agricultural environmental goods covered in paragraph 31 (iii) of the Doha Ministerial Declaration.

Annex C

Special and Differential Treatment

GATT 1994 - Article XVIII:C

"The Ministerial Conference instructs the Council on Trade in Goods to develop and adopt procedures for recourse to Article XVIII:C. The concerns raised by developing countries, especially the least-developed countries, including those related to the suspension of concessions or other obligations under Article XVIII:C, shall be addressed."

GATT 1994 - Article XXXVI

"The Ministerial Conference agrees that the Committee on Trade and Development shall annually review the implementation of Article XXXVI of GATT 1994, and report to the General Council with concrete recommendations, as agreed, no later than the last General Council of each year."

GATT 1994 - Article XXXVII

"The Ministerial Conference agrees that any Member may initiate discussions in the Committee on Trade and Development on the basis of Article XXXVII and decides that a Member shall, upon request, provide a detailed explanation to matters raised in regard to the provisions under paragraph 1, with a view to reaching a solution that is satisfactory to all Members concerned."

GATT 1994 - Article XXXVIII

"The Ministerial Conference instructs the Director-General to pursue and conclude cooperation arrangements as may be necessary to further the objectives set forth in Article XXXVI of the GATT 1994. The Ministerial Conference further instructs the Committee on Trade and Development to receive studies and reports from relevant international agencies and organizations that may assist Members in analyzing the development plans and policies of individual developing and least-developed country Members, export potential and market prospects over the short and medium terms, measures that could be taken in the WTO framework and by other international agencies and organizations as well as the assistance required by developing and least-developed country Members to help achieve their respective development goals."

Understanding on the Interpretation of Article XVII of the GATT 1994

"While acknowledging that the provisions of Article XVII of the GATT 1994 apply to all Members, Members recognize that state trading enterprises may have a significant role to play in promoting and protecting public policy objectives in developing and least-developed country Members."

Understanding on Balance-of-Payments Provisions of the GATT 1994 –Paragraph 8

"The Ministerial Conference mandates the Committee on Balance-of-Payments Restrictions to examine ways and means of simplifying the administrative requirements within the full consultation procedures."

Enabling Clause

"The Ministerial Conference confirms that the terms and conditions of the Enabling Clause shall apply when action is taken by Members under the provisions of this Clause."

Agreement on Agriculture – Article 15.2

"The Ministerial Conference confirms that least-developed country Members remain exempt from reduction commitments, as provided in Article 15.2, unless decided otherwise by consensus."

PSI Agreement - Article 3.3

"(a) The Ministerial Conference agrees that technical assistance for purposes of the Agreement on Preshipment Inspection shall address the concerns of developing and least-developed country Members relating among others to:

(i) training customs and revenue officials to promote and achieve the objectives of the Agreement on Preshipment Inspection through the activities defined in Article 1.3 of the Agreement, in order to ensure the proper inspection of consignments to be exported to the user Member, and the prevention of false declaration, wrong classification and any fraud;

(ii) regulation of preshipment entities.

(b) The Ministerial Conference further agrees that customs authorities of Members shall, in accordance with paragraph 8.3 of the Decision on Implementation-Related Issues and Concerns, closely cooperate in the context of the Agreement on Customs Valuation, and of the Decision Regarding Cases where Customs Administrations Have Reasons to Doubt the Truth or Accuracy of the Declared Value."

Agreement on Rules of Origin

"In regard to preferential rules of origin under the Common Declaration in Annex II to the Agreement, the Ministerial Conference agrees that in their arrangements for mutual reduction or elimination of tariff or non-tariff barriers, developing and least-developed country Members shall have the right to adopt preferential rules of origin designed to achieve trade policy objectives relating to their rapid economic development, particularly through generating regional trade.

Furthermore, the Ministerial Conference instructs the Director-General to take action to facilitate the increased participation of developing and least-developed country Members in the activities of the Technical Committee on Rules of Origin of the World Customs Organization as well as to coordinate with this organization in identifying technical and financial assistance needs of developing and least-developed country Members, and report to the Committee on Rules of Origin and the Council for Trade in Goods periodically, and the General Council as appropriate."

Agreement on Import Licensing Procedures – Article 1.2

"It is understood that the requirement to take into account the "development purposes and financial and trade needs of developing country Members" in Article 1.2 of the Agreement means that the burden of the administrative procedures used to implement import licensing regimes shall be further reduced in order to facilitate trade of developing country Members and minimize possible adverse effects to their trade, including by making import licensing procedures as expeditious as possible."

GATS – Article IV

"Pursuant to Article IV.3 of the GATS, in all services negotiations, whether broad-based rounds of negotiations or separate negotiations on specific sectors, modalities shall be developed in order to allow the priorities of least-developed country Members to be presented and duly taken into account."

GATS - Article IV.3

"The Ministerial Conference agrees that the information to be provided by Members shall indicate how the requirement that special priority be given to least-developed country Members in the implementation of paragraphs 1 and 2 of Article IV is being met, and that contact points, in this context, shall provide information of particular interest to services suppliers from least-developed country Members."

GATS – Article XXV

"The Ministerial Conference instructs the WTO Secretariat to pursue with a view to concluding arrangements with relevant international institutions that have the technical assistance capacity to assist developing and least-developed country Members in addressing their supply-side and infrastructural constraints and their development needs in the services sector. This shall be without prejudice to the prerogative of the Council for Trade in Services to decide upon technical assistance to developing countries which shall be provided at the multilateral level by the Secretariat, in accordance with Article XXV.2."

GATS, Annex on Telecommunications – Paragraph 6

"The Ministerial Conference instructs the Council for Trade in Services to put in place arrangements for prompt notification of any measures taken with regard to the implementation of subparagraphs (a) to (d) of paragraph 6 of the Annex on Telecommunications."

TRIPS Agreement – Article 66.2

"Members, having regard to Article 66.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, and having regard to the decision of the TRIPS Council of 19 February 2003, contained in document IP/C/28, reaffirm that this decision be expeditiously implemented in a way that ensures the monitoring and full implementation of the obligations in Article 66.2."

TRIPS Agreement – Article 67

"The Ministerial Conference agrees that technical and financial cooperation, in accordance with Article 67, shall be provided on request and on mutually agreed terms and conditions, with due consideration given to comprehensive programmes comprising such components as improving the relevant legal framework in line with the general obligations of the Agreement, enhancing enforcement mechanisms, increasing training of personnel at the various levels, assisting in the preparation of laws and procedures in an effort to encourage and monitor technology transfer, making use of the rights and policy flexibility in the Agreement, and strengthening or establishing coordination between intellectual property rights, investment and competition authorities.

The Ministerial Conference instructs the Council for Trade-Related Aspects of Intellectual Property Rights to annually review the state of implementation of the Agreement between the World Intellectual Property Organization and the World Trade Organization, taking into account opportunities for technical assistance as provided for in the Agreement."

TRIPS Agreement – Article 70.9

"For purposes of the requirement to grant exclusive marketing rights during transition periods, it is understood that there is a clear distinction between "patent rights" on the one hand and "exclusive marketing rights" on the other. Patent rights are set out in Article 28 of the TRIPS Agreement. Exclusive marketing rights are not the same as patent rights. Members have the right to define exclusive marketing rights, so long as the definition accords with the meaning of the term in the TRIPS Agreement as interpreted under the rules of public international law. There is no requirement to grant exclusive marketing rights unless marketing approval is granted in that WTO Member for which exclusive marketing rights is sought."

Understanding on Rules and Procedures Governing the Settlement of Disputes – Article 8.10

"Pursuant to Article 8.10 of the DSU, the Ministerial Conference agrees that in disputes between a developing country Member and a developed-country Member, at least one panellist shall be from a developing country Member, unless the developing country Member party to the dispute waives this right."

Decision on Measures in Favour of Least-Developed Countries – Paragraph 2 (v)

"The Ministerial Conference agrees that the WTO through its participation in the Integrated Framework and JITAP and other relevant institutions will work to ensure that supply-side constraints of the LDCs are identified in the Diagnostic Trade Integration Studies (DTIS) and are addressed in the implementation and follow-up taking into account the specific circumstances of each beneficiary country. The Ministerial Conference also instructs the Sub-Committee on LDCs to undertake a biennial review of the implementation of the DTIS and to monitor the possible impact of assistance that is targeted towards the diversification of exports from LDCs, including through comparing the composition and concentration of LDCs' export structures over time and across LDCs and through the establishment of other relevant indicators."

Rules Relating to Notification Procedures

"Recognizing the practical difficulties faced by least-developed country Members in abiding fully by their notification obligations, the Ministerial Conference instructs the Sub-Committee on Least-Developed Countries to examine possible improvements to the notification procedures for least-developed country Members, taking into account the experience regarding Secretariat produced reports that helped fulfil some of these requirements. In conducting its examination, the Sub-Committee shall seek the input of relevant WTO bodies, which may be in a position to advise on practical means for improving the notification procedures in relation to least-developed country Members, for example the possibility of longer timeframes, specified exemptions and simplified procedures for notifications, and cross-notifications. The Committee on Trade and Development shall forward the Sub-Committee's report to the General Council by 31 December 2003 for appropriate action."

Enabling Clause

"The Ministerial Conference agrees that in formulating schemes under paragraph 2(a), (b) and (c) of the Enabling Clause, and in furtherance of paragraph 3 thereof, developed-country Members will take into account, among other factors, the needs of developing and least-developed country Members and consult with them with a view to ensuring that their products of export interest are accorded meaningful market access. The Committee on Trade and Development will annually review the progress made in this regard and report to the General Council with recommendations, if any."

Review of Progress on Market Access for Least-Developed Countries

"We recall paragraph 2(d) of the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries, and Members' commitment to the objective of duty-free, quota-free market access for products originating from least-developed countries, as contained in paragraph 42 of the Doha Ministerial Declaration. The Ministerial Conference agrees to review the progress made in providing access to the least-developed countries on the above basis."

Decision on Measures in Favour of Least-Developed Countries – Paragraph 2 (ii)

"Without prejudice to the binding commitments that may result from work under Paragraphs 13, 16 and 42 of the Doha Ministerial Declaration, and building upon our commitment in the Doha Ministerial Declaration, Members shall continue to expeditiously pursue the objective of duty-free and quota-free market access for products originating from [all] least-developed countries in a manner that ensures security and predictability. We urge Members to adopt and implement rules of origin so as to facilitate exports from least-developed countries."

Decision on Measures in Favour of Least-Developed Countries – Paragraph 2

"We agree that:

(a) Taking into account their development needs, least-developed countries, following application, shall in principle be eligible for extensions of their transition periods; where relevant procedural provisions exist in the WTO agreements, those provisions shall apply.

(b) Technical assistance to least-developed countries shall aim among other things to remove their supply-side constraints which limit their ability to benefit from the WTO Agreements, including market access opportunities and development of domestic productivity. In this context, the Ministerial Conference also instructs the Director-General to consult other institutions on programmes/assistance related to supply-side constraints in least-developed country Members to determine what additional technical assistance may be made available."

Decision on Measures in Favour of Least-Developed Countries – Market Opportunities Enabling Clause– Paragraph 3(b)

"Accepting that extension of differential and more favourable treatment to developing countries should not constitute an impediment to the reduction or elimination of tariffs on an MFN basis, but recognizing that as WTO Members pursue improved MFN tariff liberalization some Members may have concerns about adjusting to the loss of preferences, we agree that this issue be considered, in close coordination with other relevant international organizations, with a view to identifying possible ways, including targeted assistance programmes, by which LDCs should be assisted."

GATT 1994 – Article XVIII:B

"In determining the need for taking measures under Article XVIII:B, full consideration shall be given to the impact of the volatility of short-term financial flows on the level of external reserves or surpluses of Members."

Annex D

Transparency in Government Procurement

1. We note with appreciation the work that has been carried out by the Working Group on Transparency in Government Procurement under paragraph 26 of the Doha Ministerial Declaration. We agree that the negotiations on a multilateral agreement on transparency in government procurement shall be based on paragraph 26 of the Doha Ministerial Declaration and shall build on the progress made in the Working Group on Transparency in Government Procurement. Pursuant to paragraph 26 of the Doha Ministerial Declaration, we reaffirm that such negotiations shall be limited to the transparency aspects and therefore will not restrict the scope for countries to give preferences to domestic supplies and suppliers.
2. We further agree that any coverage of the agreement beyond goods and central government entities is not prejudged. Only procurements above certain value thresholds, to be negotiated, will be covered. The issue of the applicability of the DSU is also not prejudged, with the exception that individual contract awards shall not be subject to challenge or recommendations under the WTO dispute settlement system. In regard to domestic review mechanisms, the agreement will address the transparency of such mechanisms, but not otherwise prescribe their characteristics.
3. We reaffirm that the negotiations shall take into account participants' development priorities, especially those of least-developed country participants. Special and differential treatment shall include transitional periods for the implementation of the agreement and higher thresholds for developing countries, with additional periods and higher figures applicable to least-developed countries. We also reiterate our commitment to ensuring adequate technical assistance and support for capacity building both during the negotiations, to facilitate participation in them, and after their conclusion, to assist developing and least-developed countries to benefit from the outcome of the negotiations.
4. Paragraphs 45–51 of the Doha Ministerial Declaration shall apply to these negotiations. At its first meeting after this Session of the Ministerial Conference, the Trade Negotiations Committee shall establish a Negotiating Group on Transparency in Government Procurement and appoint its Chair. The first meeting of the Negotiating Group shall agree on a work plan and schedule of meetings.

Annex E
Trade Facilitation

1. Negotiations shall aim, by clarifying and improving relevant aspects of GATT Articles V, VIII and X of the GATT 1994, at the establishment of an agreement to further expedite the movement, release and clearance of goods, including goods in transit.
 2. In the case of developing and least-developed countries, it is agreed that their implementation capacities shall be an important factor to take into account in the negotiations. The negotiations shall also take fully into account the principle of special and differential treatment for developing and least-developed countries.
 3. Recognizing the needs of developing and least-developed countries for enhanced technical assistance and capacity building in this area, we commit ourselves to ensuring adequate technical assistance and support for capacity building both during the negotiations and after their conclusion.
 4. In order to make the process of identification and assessment of needs related to technical assistance and capacity building effective and operational and to ensure better coherence, a collaborative effort shall be undertaken with other international organizations, including the World Bank, IMF, UNCTAD and the WCO, in this regard.
 5. Due account shall be taken of the relevant work undertaken by other international organizations in this area.
 6. Paragraphs 45-51 of the Doha Ministerial Declaration shall apply to these negotiations. At its first meeting after this Session of the Ministerial Conference, the Trade Negotiations Committee shall establish a Negotiating Group on Trade Facilitation and appoint its Chair. The first meeting of the Negotiating Group shall agree on a work plan and schedule of meetings.
-

II. WTO/DDA 협상기본골격

1. 협상기본골격 주요내용 및 원문(WT/L/579, '04.8.2) ……	53
가. 협상기본골격 개요 ……	4
나. 주요내용 및 원문(WT/L/579, '04.8.2) ……	4
2. 수산보조금 관련 주요내용 및 원문 ……	57
가. 주요내용 ……	4
나. 번역문 및 원문(TN/RL/9, '04.6.25) ……	4
3. 수산물관세 관련 주요내용 및 원문 ……	53
가. 주요내용 ……	4
나. NAMA Framework에 대한 평가 및 대응방안 ……	4
다. 번역문 및 원문(TN/RL/9, '04.6.25) ……	4

1. 협상기본골격 주요내용 및 원문(WT/L/579, '04.8.2)

가. 협상기본골격 개요

— < WTO/DDA 협상기본골격 개요 > —

- ◇ 2004년 3월부터 DDA 협상이 재개되었으며, 7월말 합의를 목표로 진행된 DDA 기본골격(Framework) 협상은 협상의 핵심분야이었던 농업 분야에서 합의가 도출됨으로써, 2004년 7월 31일 23:30(한국 8.1 06:30)에 WTO 일반이사회를 열어 8월1일 00:30경(한국시간 8.1 07:30)에 최종합의 문안을 채택하였음.
- ◇ 본 협상기본골격은 WTO 일반이사회 결정으로 채택되었으며, 4쪽 분량의 본문과 4개의 부속서로 구성되어 있음.
 - 본문은 농산물, 면화, 비농산물 시장접근(NAMA), 개발 등 8개 항목의 주요 합의사항을 적시하고 있으며,
 - 4개 부속서는 농산물 및 비농산물시장접근 세부원칙(Modality)에 대한 기본골격, 서비스 협상관련 권고 및 무역원활화 협상의 세부원칙(Modality)으로 구성되어 있음.
- ◇ 수산분야와 관련된 주요 합의사항은 규범협상 및 NAMA 분야에서 제시되고 있으며, 칸쿤각료회의시 제시된 의장안(Derbeiz Text)의 기본골격과 매우 유사함.

나. 주요내용 및 평가와 전망

(본 내용은 외교부 통상교섭본부 및 제네바 대표부에서 정리한 내용임)

1. DDA 협상시한 연장

- DDA 협상을 2005.1.1 시한을 넘겨 제6차 각료회의시까지 계속하고 제6차 각료회의는 2005년 12월 홍콩에서 개최기로 결정

2. 농업분야

<주요내용>

가) 시장접근

- 관세수준에 따라 구간을 구분하여 높은 관세를 더욱 많이 감축하는 구간 방식(Tiered formula)을 채택
 - 선진국과 개도국에 동일기준(Single Approach) 적용
 - 관세구간의 수, 범위 및 구간내 감축방식은 추후 협상
- 관세상한의 역할은 추후 평가
- 관세항목중 적절한 수의 민감품목 지정 허용
 - 민감품목은 품목별로 TRQ 증량과 관세감축의 연계를 통해 시장접근을 실질적으로 개선
 - 모든 민감품목에 대해 MFN 원칙에 따른 TRQ를 확대하되, 구체적 규칙은 추후 협상
- 개도국에 대해서는 관세감축방식, 민감품목의 수 및 취급, TRQ 증량, 이행기간에서 선진국보다 우대
 - 적절한 수의 특별품목(Special Products) 지정 허용

나) 국내보조

- 보조수준이 높은 선진국은 더 많은 감축의무를 이행하는 구간별 공식(tiered formula) 채택
 - 구간공식에 따라 AMS, de-minimis, 블루박스의 총액을 감축하되, 이행 첫해에 기준년도 무역왜곡보조 총액의 80%를 초과하지 못하도록 하고 (20% 감축) 동 수준을 이행기간 동안 계속 유지

- 감축대상보조(AMS) 또한 구간공식에 따라 높은 수준의 보조를 가진 국가는 더 많이 감축하되, 품목별 상한을 설정하고 일부 품목의 경우 상한수준 감축
- 최소허용보조(de-minimis)를 개도국 우대를 고려하여 감축 협상
 - 단, 대부분의 de-minimis를 빈농, 영세농 지원에 사용하는 개도국은 감축 의무에서 면제
- 생산제한 직접지불(Blue Box)의 기준을 변경하고 농업 총생산액의 5% 상한 설정
 - 변경된 기준 및 추가 기준에 대해서는 추가 협상
- 긴 이행기간, 낮은 감축률, 개도국우대 국내보조 유지를 통해 개도국 우대

다) 수출경쟁

- 추후 협상에서 합의될 시점까지 아래사항 철폐
 - 수출보조
 - 180일 이상의 장기 상환기간의 수출신용
 - 180일 이내의 단기 수출신용중 최소이자율, 위험프리미엄 등에 대한 규율에 위배되는 수출신용
 - 수출국영무역의 무역왜곡적 관행
 - 향후 마련될 규율에 부합하지 않는 식량 원조

3. 비농산물 시장접근분야

- 비농산물 시장접근 협상 세부원칙의 기본골격을 담은 Derbez Text 문안에 추후 협상시 고려해야 할 요소를 추가하여 채택
 - Annex B를 채택함에 있어 몇몇 요소의 세부사항에 관한 합의에 도달하기 위해 공식, 미양허품목에 대한 기준세율, 개도국에 대한 신축성, 분야별 자유화 참여, 특혜 등에 관한 추가적인 협상 필요
 - 관세율 항목을 기준으로 적용되는 비선형 인하방식(non-linear formula)을 관세감축공식으로 채택
 - 분야별 무세화 및 관세조화는 모든 회원국의 참여가 중요. 대상품목, 참여 범위, 개도국 신축성 등은 계속 협의
 - 개도국에게 장기 이행기간을 부여하고, 일정 품목에 대한 저율감축을 적용 또는 예외 인정

4. 싱가포르 이슈(무역원활화 모델리티)

- 싱가포르 이슈는 무역원활화 협상을 개시하고, 투자, 경쟁, 정부조달투명성은 DDA 협상의제에서 제외
- 부속서 D로 첨부된 협상 세부원칙(modalities)에 따라 무역원활화 협상 개시
 - 협상의 목표 및 범위: 상품이동 촉진을 위해 GATT 5조(통과의 자유), 8조(수출입절차 및 수수료) 및 10조(무역규정의 공포 및 관리)의 명확화 및 개선
 - 경과기간(transition period) 부여 등 개도국 특별대우를 고려
 - 무역원활화 조치의 비용 문제를 협상의 필수 요소로 고려
 - 개도국의 협상참여 및 협상결과 이행을 위한 선진국의 지원
 - 7월 이후 첫 일반이사회에서 무역원활화 협상그룹을 설치

5. 서비스

- 개선된 2차 양허안을 2005.5월까지 제출
- 1차 양허안 미제출국은 조속히 제출
- 인력이동(mode 4) 등 개도국 관심분야에 대한 양허를 확대하고 개도국 기술 지원을 확대

6. 개발

가) S&D 작업계획

- 무역개발위원회 특별회의는 개도국 우대(S&D) 관련 협정별 제안 (agreement-specific proposal)에 대한 작업을 신속히 완료하고 2005.7월까지 일반이사회에 명확한 권고안과 함께 보고
 - cross-cutting issue 등 기타 미결 사안에 대한 작업을 진행하고, 필요에 따라 일반이사회에 보고
 - 각 WTO 기구는 소관 분야 개도국 우대 제안에 대한 작업(Category II)을 신속히 완료하고 2005.7월까지 일반이사회 결정을 위해 권고안과 함께 보고

나) 이행문제 작업계획

- 무역협상위원회(TNC) 및 협상그룹은 미결 이행이슈 해결을 위해 노력 강화
 - 지리적 표시 보호 확대 등 모든 미결 이행이슈에 대한 사무총장 주재 협의과정을 계속 진행
 - 사무총장은 2005.5월까지 TNC 및 일반이사회에 보고하고, TNC는 2005.7월까지 진전상황 검토 및 필요 조치 채택

다) 기타 개발 이슈

- 농업 및 비농산물 시장접근 협상에서 개도국의 특수 필요 및 관심사항을 적절히 고려
 - 식량안보, 농촌개발, 생계, 무역특혜, 1차산품, 식량순수입 등의 관심사항 반영
 - 소규모·취약(small · vulnerable) 개도국 문제 관련 도하 각료선언 35항에 따른 작업계획 언급
- 대개도국 및 대LDC 기술지원 강화

Doha Work Programme

Decision Adopted by the General Council on 1 August 2004

1. The General Council reaffirms the Ministerial Declarations and Decisions adopted at Doha and the full commitment of all Members to give effect to them. The Council emphasizes Members' resolve to complete the Doha Work Programme fully and to conclude successfully the negotiations launched at Doha. Taking into account the Ministerial Statement adopted at Cancún on 14 September 2003, and the statements by the Council Chairman and the Director-General at the Council meeting of 15-16 December 2003, the Council takes note of the report by the Chairman of the Trade Negotiations Committee (TNC) and agrees to take action as follows:

a. Agriculture: the General Council adopts the framework set out in Annex A to this document.

b. Cotton: the General Council reaffirms the importance of the Sectoral Initiative on Cotton and takes note of the parameters set out in Annex A within which the trade-related aspects of this issue will be pursued in the agriculture negotiations. The General Council also attaches importance to the development aspects of the Cotton Initiative and wishes to stress the complementarity between the trade and development aspects. The Council takes note of the recent Workshop on Cotton in Cotonou on 23-24 March 2004 organized by the WTO Secretariat, and other bilateral and multilateral efforts to make progress on the development assistance aspects and instructs the Secretariat to continue to work with the development community and to provide the Council with periodic reports on relevant developments.

Members should work on related issues of development multilaterally with the international financial institutions, continue their bilateral programmes, and all developed countries are urged to participate. In this regard, the General Council instructs the Director General to consult with the relevant international organizations, including the Bretton Woods Institutions, the Food and Agriculture Organization and the International Trade Centre to direct effectively existing programmes and any additional resources towards development of the economies where cotton has vital importance.

c. Non-agricultural Market Access: the General Council adopts the framework set out in Annex B to this document.

d. Development:

Principles: development concerns form an integral part of the Doha Ministerial Declaration. The General Council rededicates and recommits Members to fulfilling the development dimension of the Doha Development Agenda, which places the needs and interests of developing and least-developed countries at the heart of the Doha Work Programme. The Council reiterates the important role that enhanced market access, balanced rules, and well targeted, sustainably financed technical assistance and capacity building programmes can play in the economic development of these countries.

Special and Differential Treatment: the General Council reaffirms that provisions for special and differential (S&D) treatment are an integral part of the WTO Agreements. The Council recalls Ministers' decision in Doha to review all S&D treatment provisions with a view to strengthening them and making them more precise, effective and operational. The Council recognizes the progress that has been made so far. The Council instructs the Committee on Trade and Development in Special Session to expeditiously complete the review of all the outstanding Agreement-specific proposals and report to the General Council, with clear recommendations for a decision, by July 2005. The Council further instructs the Committee, within the parameters of the Doha mandate, to address all other outstanding work, including on the cross-cutting issues, the monitoring mechanism and the incorporation of S&D treatment into the architecture of WTO rules, as referred to in TN/CTD/7 and report, as appropriate, to the General Council.

The Council also instructs all WTO bodies to which proposals in Category II have been referred to expeditiously complete the consideration of these proposals and report to the General Council, with clear recommendations for a decision, as soon as possible and no later than July 2005. In doing so these bodies will ensure that, as far as possible, their meetings do not overlap so as to enable full and effective participation of developing countries in these discussions.

Technical Assistance: the General Council recognizes the progress that has been made since the Doha Ministerial Conference in expanding Trade-Related Technical Assistance (TRTA) to developing countries and low-income countries in transition. In furthering this effort the Council affirms that such countries, and in particular least-developed countries, should be provided with enhanced TRTA and capacity building, to increase their effective participation in the negotiations, to facilitate their implementation of WTO rules, and to enable them to adjust and diversify their economies. In this context the Council welcomes and further encourages the improved coordination with other agencies, including under the Integrated Framework for TRTA for the LDCs (IF) and the Joint Integrated Technical Assistance Programme (JITAP).

Implementation: concerning implementation-related issues, the General Council reaffirms the mandates Ministers gave in paragraph 12 of the Doha Ministerial Declaration and the Doha Decision on Implementation-Related Issues and Concerns, and renews Members' determination to find appropriate solutions to outstanding issues. The Council instructs the Trade Negotiations Committee, negotiating bodies and other WTO bodies concerned to redouble their efforts to find appropriate solutions as a priority. Without prejudice to the positions of Members, the Council requests the Director-General to continue with his consultative process on all outstanding implementation issues under paragraph 12(b) of the Doha Ministerial Declaration, including on issues related to the extension of the protection of geographical indications provided for in Article 23 of the TRIPS Agreement to products other than wines and spirits, if need be by appointing Chairpersons of concerned WTO bodies as his Friends and/or by holding dedicated consultations. The Director-General shall report to the TNC and the General Council no later than May 2005. The Council shall review progress and take any appropriate action no later than July 2005.

Other Development Issues: in the ongoing market access negotiations, recognising the fundamental principles of the WTO and relevant provisions of GATT 1994, special attention shall be given to the specific trade and development related needs and concerns of developing countries, including capacity constraints. These particular concerns of developing countries, including relating to food security, rural development, livelihood, preferences, commodities and net food imports, as well as prior unilateral liberalisation, should be taken into consideration, as appropriate, in the course of the Agriculture and NAMA negotiations. The trade-related issues identified for the fuller integration of small, vulnerable economies into the multilateral trading system, should also be addressed, without creating a sub-category of Members, as part of a work programme, as mandated in paragraph 35 of the Doha Ministerial Declaration.

Least-Developed Countries: the General Council reaffirms the commitments made at Doha concerning least-developed countries and renews its determination to fulfil these commitments. Members will continue to take due account of the concerns of least-developed countries in the

negotiations. The Council confirms that nothing in this Decision shall detract in any way from the special provisions agreed by Members in respect of these countries.

e. Services: the General Council takes note of the report to the TNC by the Special Session of the Council for Trade in Services¹ and reaffirms Members' commitment to progress in this area of the negotiations in line with the Doha mandate. The Council adopts the recommendations agreed by the Special Session, set out in Annex C to this document, on the basis of which further progress in the services negotiations will be pursued. Revised offers should be tabled by May 2005.

f. Other negotiating bodies:

Rules, Trade & Environment and TRIPS: the General Council takes note of the reports to the TNC by the Negotiating Group on Rules and by the Special Sessions of the Committee on Trade and Environment and the TRIPS Council.² The Council reaffirms Members' commitment to progress in all of these areas of the negotiations in line with the Doha mandates.

Dispute Settlement: the General Council takes note of the report to the TNC by the Special Session of the Dispute Settlement Body³ and reaffirms Members' commitment to progress in this area of the negotiations in line with the Doha mandate. The Council adopts the TNC's recommendation that work in the Special Session should continue on the basis set out by the Chairman of that body in his report to the TNC.

g. Trade Facilitation: taking note of the work done on trade facilitation by the Council for Trade in Goods under the mandate in paragraph 27 of the Doha Ministerial Declaration and the work carried out under the auspices of the General Council both prior to the Fifth Ministerial Conference and after its conclusion, the General Council decides by explicit consensus to commence negotiations on the basis of the modalities set out in Annex D to this document.

Relationship between Trade and Investment, Interaction between Trade and Competition Policy and Transparency in Government Procurement: the Council agrees that these issues, mentioned in the Doha Ministerial Declaration in paragraphs 20-22, 23-25 and 26 respectively, will not form part of the Work Programme set out in that Declaration and therefore no work towards negotiations on any of these issues will take place within the WTO during the Doha Round.

h. Other elements of the Work Programme: the General Council reaffirms the high priority Ministers at Doha gave to those elements of the Work Programme which do not involve negotiations. Noting that a number of these issues are of particular interest to developing-country Members, the Council emphasizes its commitment to fulfil the mandates given by Ministers in all these areas. To this end, the General Council and other relevant bodies shall report in line with their Doha mandates to the Sixth Session of the Ministerial Conference. The moratoria covered by paragraph 11.1 of the Doha Ministerial Decision on Implementation-related Issues and Concerns and paragraph 34 of the Doha Ministerial Declaration are extended up to the Sixth Ministerial Conference.

2. The General Council agrees that this Decision and its Annexes shall not be used in any dispute settlement proceeding under the DSU and shall not be used for interpreting the existing WTO Agreements.

¹ This report is contained in document TN/S/16.

² The reports to the TNC referenced in this paragraph are contained in the following documents: Negotiating Group on Rules - TN/RL/9; Special Session of the Committee on Trade and Environment - TN/TE/9; Special Session of the Council for TRIPS - TN/IP/10.

³ This report is contained in document TN/DS/10.

3. The General Council calls on all Members to redouble their efforts towards the conclusion of a balanced overall outcome of the Doha Development Agenda in fulfilment of the commitments Ministers took at Doha. The Council agrees to continue the negotiations launched at Doha beyond the timeframe set out in paragraph 45 of the Doha Declaration, leading to the Sixth Session of the Ministerial Conference. Recalling its decision of 21 October 2003 to accept the generous offer of the Government of Hong Kong, China to host the Sixth Session, the Council further agrees that this Session will be held in December 2005.

Annex A : 생 략

- Framework for Establishing Modalities in Agriculture

Annex C : 생 략

- Recommendations of the Special Session of the Council for Trade in Services

Annex D : 생 략

- Modalities for Negotiations on Trade Facilitation

Annex B

Framework for Establishing Modalities in Market Access for Non-Agricultural Products

1. This Framework contains the initial elements for future work on modalities by the Negotiating Group on Market Access. Additional negotiations are required to reach agreement on the specifics of some of these elements. These relate to the formula, the issues concerning the treatment of unbound tariffs in indent two of paragraph 5, the flexibilities for developing-country participants, the issue of participation in the sectorial tariff component and the preferences. In order to finalize the modalities, the Negotiating Group is instructed to address these issues expeditiously in a manner consistent with the mandate of paragraph 16 of the Doha Ministerial Declaration and the overall balance therein.
2. We reaffirm that negotiations on market access for non-agricultural products shall aim to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. We also reaffirm the importance of special and differential treatment and less than full reciprocity in reduction commitments as integral parts of the modalities.
3. We acknowledge the substantial work undertaken by the Negotiating Group on Market Access and the progress towards achieving an agreement on negotiating modalities. We take note of the constructive dialogue on the Chair's Draft Elements of Modalities (TN/MA/W/35/Rev.1) and confirm our intention to use this document as a reference for the future work of the Negotiating Group. We instruct the Negotiating Group to continue its work, as mandated by paragraph 16 of the Doha Ministerial Declaration with its corresponding references to the relevant provisions of Article XXVIII *bis* of GATT 1994 and to the provisions cited in paragraph 50 of the Doha Ministerial Declaration, on the basis set out below.
4. We recognize that a formula approach is key to reducing tariffs, and reducing or eliminating tariff peaks, high tariffs, and tariff escalation. We agree that the Negotiating Group should continue its work on a non-linear formula applied on a line-by-line basis which shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments.
5. We further agree on the following elements regarding the formula:
 - product coverage shall be comprehensive without *a priori* exclusions;
 - tariff reductions or elimination shall commence from the bound rates after full implementation of current concessions; however, for unbound tariff lines, the basis for commencing the tariff reductions shall be [two] times the MFN applied rate in the base year;
 - the base year for MFN applied tariff rates shall be 2001 (applicable rates on 14 November);
 - credit shall be given for autonomous liberalization by developing countries provided that the tariff lines were bound on an MFN basis in the WTO since the conclusion of the Uruguay Round;
 - all non-*ad valorem* duties shall be converted to *ad valorem* equivalents on the basis of a methodology to be determined and bound in *ad valorem* terms;
 - negotiations shall commence on the basis of the HS96 or HS2002 nomenclature, with the results of the negotiations to be finalized in HS2002 nomenclature;

- the reference period for import data shall be 1999-2001.

6. We furthermore agree that, as an exception, participants with a binding coverage of non-agricultural tariff lines of less than [35] percent would be exempt from making tariff reductions through the formula. Instead, we expect them to bind [100] percent of non-agricultural tariff lines at an average level that does not exceed the overall average of bound tariffs for all developing countries after full implementation of current concessions.

7. We recognize that a sectorial tariff component, aiming at elimination or harmonization is another key element to achieving the objectives of paragraph 16 of the Doha Ministerial Declaration with regard to the reduction or elimination of tariffs, in particular on products of export interest to developing countries. We recognize that participation by all participants will be important to that effect. We therefore instruct the Negotiating Group to pursue its discussions on such a component, with a view to defining product coverage, participation, and adequate provisions of flexibility for developing-country participants.

8. We agree that developing-country participants shall have longer implementation periods for tariff reductions. In addition, they shall be given the following flexibility:

- a) applying less than formula cuts to up to [10] percent of the tariff lines provided that the cuts are no less than half the formula cuts and that these tariff lines do not exceed [10] percent of the total value of a Member's imports; or
- b) keeping, as an exception, tariff lines unbound, or not applying formula cuts for up to [5] percent of tariff lines provided they do not exceed [5] percent of the total value of a Member's imports.

We furthermore agree that this flexibility could not be used to exclude entire HS Chapters.

9. We agree that least-developed country participants shall not be required to apply the formula nor participate in the sectorial approach, however, as part of their contribution to this round of negotiations, they are expected to substantially increase their level of binding commitments.

10. Furthermore, in recognition of the need to enhance the integration of least-developed countries into the multilateral trading system and support the diversification of their production and export base, we call upon developed-country participants and other participants who so decide, to grant on an autonomous basis duty-free and quota-free market access for non-agricultural products originating from least-developed countries by the year [...].

11. We recognize that newly acceded Members shall have recourse to special provisions for tariff reductions in order to take into account their extensive market access commitments undertaken as part of their accession and that staged tariff reductions are still being implemented in many cases. We instruct the Negotiating Group to further elaborate on such provisions.

12. We agree that pending agreement on core modalities for tariffs, the possibilities of supplementary modalities such as zero-for-zero sector elimination, sectorial harmonization, and request & offer, should be kept open.

13. In addition, we ask developed-country participants and other participants who so decide to consider the elimination of low duties.

14. We recognize that NTBs are an integral and equally important part of these negotiations and instruct participants to intensify their work on NTBs. In particular, we encourage all participants to make notifications on NTBs by 31 October 2004 and to proceed with identification, examination,

categorization, and ultimately negotiations on NTBs. We take note that the modalities for addressing NTBs in these negotiations could include request/offer, horizontal, or vertical approaches; and should fully take into account the principle of special and differential treatment for developing and least-developed country participants.

15. We recognize that appropriate studies and capacity building measures shall be an integral part of the modalities to be agreed. We also recognize the work that has already been undertaken in these areas and ask participants to continue to identify such issues to improve participation in the negotiations.

16. We recognize the challenges that may be faced by non-reciprocal preference beneficiary Members and those Members that are at present highly dependent on tariff revenue as a result of these negotiations on non-agricultural products. We instruct the Negotiating Group to take into consideration, in the course of its work, the particular needs that may arise for the Members concerned.

17. We furthermore encourage the Negotiating Group to work closely with the Committee on Trade and Environment in Special Session with a view to addressing the issue of non-agricultural environmental goods covered in paragraph 31 (iii) of the Doha Ministerial Declaration.

2. 수산보조금관련 주요내용 및 원문

가. 주요내용

- 수산보조금에 대하여는 규범협상그룹의 보고서를 유념한다고 명시
 - 일반이사회는 규범협상그룹이 무역협상위원회에 보고한 보고서를 유념한다.
 - 또한 규범위원회의 보고서로서 “TN/RL/9”을 명시

※ 관련 원문 참조

f. Other negotiating bodies:

Rules, Trade & Environment and TRIPS: the General Council takes note of the reports to the TNC by the Negotiating Group on Rules and by the Special Sessions of the Committee on Trade and Environment and the TRIPS Council.....

- 한편, 규범협상그룹의 보고서에는 수산보조금 협상에 대한 진전사항을 명시함[규범협상그룹 보고서(TN/RL/9) 번역문 및 원문참조]
 - “발굴된 이슈에 대한 해결방안을 모색하는 단계로 진입”
 - “특정한 규율의 필요성 여부에서 특정한 규율의 성격(nature) 및 정도(extent)로 논의 중심이 이전”

※ 규범분야 보고서는 Derbez Text 문안에 수산보조금 협상진전현황을 보다 구체적으로 추가하여 명시

나. 번역문 및 원문(TN/RL/9, '04.6.25)

[수산보조금 Framework, 규범협상그룹의장 보고서(TN/RL/9, '04.6.25)]
(이 한글 번역본은 내부 업무참고를 위한 자료로서 해석이 다를 수 있습니다.)

무역협상위원회에 대한 규범협상그룹의장 보고서

I. 작업현황

1. 비록 규범협상그룹의 작업이, 칸쿤에서의 각료회의 이래 진행된 DDA 협상의 전반적인 상황으로 인해, 한 동안 지연되었지만, 2004년 봄부터 심도있는 작업을 의욕적으로 재개하였다.
2. 규범협상그룹은 2004년 3월에 반덤핑 분야와 수산보조금을 포함하여 보조금 및 상계조치분야(수산업 포함)에 대하여 칸쿤각료회의 이후 첫 회의를 개최하였다. 아래에서 상세히 설명하겠지만, 첫 회의에서의 이런 주요한 진전은 협상그룹에 제출되는 정성껏 작성된 제안서들을 토론하고 깊이 있게 분석하는 비공식 협의 절차를 시작하기로 결정한 것이다. 규범협상그룹은 금년 봄 및 여름 4월 26~28일과 6월 6~7일에 각각 개최된 두 차례 회의에서도 공식협상 이외에 이러한 비공식 절차가 병행되었다. 반덤핑과 보조금 및 상계조치에 대한 추가 회의가 금년 7월 12~13일도 계획되어 있다.
3. 2004년 3월 11일과 5월 5일에 지역무역협정(RTAs)을 논의하기 위해 규범협상그룹의 공식회의가 두 차례 개최되었으며, 지역무역협정의 투명성과 체계적 이슈를 논의하는 비공식 회의도 참여자 제한없이 개최되었다. 다음회의는 6월 29일에 개최될 예정이다.
4. 현재까지 회원국으로부터 약 150여개의 공식 제안서가 접수되었다. 접수된 제안서는 "TN/RL/W/..."시리즈로 회원국에 회람되고 있다. 또한, 규범협상그룹은 현재까지 비공식 절차에 관련된 광범위한 제안을 담은 12개의 비공식 제안서를 접수하여 검토하였다.

II. 현안 사항

5. 규범협상그룹에 있어, 수평적인 의미를 가진 참관인 이슈이외에는 아직까지 특별한 절차적 현안은 없다.

III. 향후 작업

A. 반덤핑과 수산보조금을 포함하는 보조금 및 상계조치

6. 규범협상그룹의 성과는 주어진 위임사항(mandate)에 의하여 평가되어야 한다. 그 위임사항이란 회원국이 명확화와 개선을 희망하는 반덤핑 협정과 보조금 협정의 관련규정을 확인하고, 확인된 관련규정에 대하여 적절한 명확화와 개선을 위해 논의를 하는 것이다.

이러한 측면에서 그간의 작업은 지난 몇 개월간 상당히 진전되었다고 본다. 칸쿤 각료회의까지 규범협상그룹은 대부분 공식회의만을 개최하였고, 회원국이 추구하는 이슈를 발굴하는데 초점을 맞춰왔다. 반면, 2004년 3월회의 이후에는 규범협상그룹의 많은 작업이 비공식 회의를 통해 이루어졌고, 회원국이 제출한 정교한 제안서를 심도 있게 검토했다. 특히, 추가적인 공식 제안서를 제출할 수 있는 회원국의 권리를 저해함이 없이, 회원국은 협상을 위해 이미 발굴된 이슈에 대한 정교한 제안서를 JOB문서로 제출하고 있으며 현행 관련규정의 변경에 대한 요구를 구체적으로 제시하고 있다.

7. 이러한 비공식 작업으로의 변화는 작업절차상의 변화뿐 아니라 협상 성격의 질적 변화를 의미한다. 공식적 협의는 이슈발굴과 다소 형식적인 의견교환을 특징으로 하는데 반해, 비공식 협의에서는 반덤핑 협정과 보조금 협정을 명확히 하고 개선하기 위한 아주 구체적인 제안에 대해 활기차고 솔직한 토론이 이루어진다. 회원국은 논의 대상이 된 각 제안서의 세부 내용과 함께 그 실제적 함의까지 상세히 파악하려

한다. 회원국은 문제 해결책을 찾고자, 공식입장을 넘어 각 제안서의 실현가능성과 타당성을 진지하게 검토하고 있다.

8. 실제로 현재까지의 토론을 통해, 반덤핑협정과 보조금 협정의 다양한 측면, 특히 교역개선문제를 명확화하고 개선하는데 상당한 관심이 있음이 드러났다. 광범위한 이슈에 대한 다양한 의견이 제시되고 있는데, 그중 상당수의 제안은 분명히 논쟁의 여지가 있다. 그리고 처리해야 할 어떤 이슈에 대하여 광범위한 공감대가 형성된 경우라도, 종종 그 문제를 다루는 방안은 다양하다. 이는, 내가 인식하기로는, 회원국은 **발굴된 이슈에 대해서 해결책을 진지하게 추구하고 있다**는 것을 뜻한다. 이는 수산 보조금 논의에 있어서도 마찬가지다. 즉, **'수산보조금 논의의 초점이 수산보조금에 대한 특별한 규제가 필요한지에 대한 문제에서 특별한 규제의 성격과 범위로 이전'**된 것이다.
9. 규범협상그룹의 이러한 진전은 고무적이지만, 아직도 가야할 길은 멀다. 제안서를 진지하게 검토하는 작업은 상당히 기술적이며 많은 시간이 소요된다. 규범협상그룹은 작업을 가속화시켜야 한다. **본국 전문가의 협상 참여를 장려하고 작업계획을 촉진하기** 위해서, 여름 휴가철 이후 금년 말까지의 기간 중에 **집중적인 회의 프로그램**을 제안하였다. 규범협상 회의에서 점차 진지하고 구체적인 논의가 이루어짐에 따라, 적절한 전문가의 활발한 참여가 보장되도록 규범 이슈에 관심이 있는 모든 대표단에게 강력히 권장하는 바이다. 물론, 장기적으로는 규범 협상그룹의 작업 강도는 여타 협상분야의 진전 속도에 달려있다.

B. 지역무역협정

10. 규범협상그룹은 지역협정의 투명성과 체계 이슈에 대한 칸쿤각료회의 이전부터 실시하여 온 비공식 자유 토론을 재개하였다. 투명성 이슈에 대해서, 회원국은 지역협정위원회의 역할을 활성화하고 지역협정의 투명성을 제고하기 위한 절차 개선에 강한 의지를 표명해 왔다. 칸쿤각료회의 이전에 이미 논의되어 진전을 이룩한 접근방법의 일부

요소에 대하여는, 특히 지역협정 보고의 형식에 있어서는 사무국장의 신임을 받아야 할 것이다. 이러한 문제를 좀더 진척시키는 방안과, 지역협정위원회에 부여된 일치성 평가에 관련된 새로운 절차나 의문 등에 의해 처리되어야 할 지역협정의 범위를 포함하여, 협의를 진행하고 있다.

11. 규범협상그룹은 6월 회의와 같이, 본인이 제안한 로드맵에 따라 회원국의 의해 발굴된 우선과제를 계속 검토하고자 체제이슈에 대하여 깊이 있는 논의에 치중할 것이다. 6월 회의에서는 지역협정의 “범위” 문제를 집중 논의 할 것이다.
12. 지역협정의 발전적 측면은 주로 다음 두 가지 측면에서 규범협상그룹의 작업에 중요하다. 첫째, 현행 ‘이행 조항’ 하에서 통보된 지역협정과, 협상 결과 개선된 지역협정의 투명성 및 검토 절차와의 조화문제, 둘째, 지역협정에 관한 WTO 규정 중 개도국에 대한 특별대우를 포함하는 문제.

Negotiating Group on Rules

NEGOTIATING GROUP ON RULES

Report by the Chairman to the
Trade Negotiations Committee

I. STATUS OF WORK

1. Although the work of the Negotiating Group on Rules (the "Group") was for a time delayed due to the general situation in the DDA negotiations following the Ministerial Conference in Cancún, the Group has since the spring of 2004 resumed its work in a vigorous and intensive manner.

2. In the area of Anti-Dumping ("AD") and Subsidies and Countervailing Measures ("SCM") including fisheries subsidies, the Group held its first post-Cancún meeting in March 2004. A significant aspect of that meeting, which I will discuss in more detail below, was the decision to begin an informal process where elaborated proposals submitted to the Group as JOB documents would be discussed and analyzed in depth in informal meetings. The Group has held two further meetings this spring and summer, on 26-28 April and 7-8 June, and these meetings have included such an informal process in addition to the formal meetings. A further meeting on AD/SCM issues is scheduled to take place on 12-13 July.

3. The Group held formal meetings devoted to the area of Regional Trade Agreements (RTAs) on 11 March and 5 May 2004. In addition, the Group had open-ended informal discussions on RTAs' transparency and systemic issues. The next meeting is scheduled for on 29 June.

4. To date, nearly 150 formal submissions have been received from Participants. These submissions have been circulated in the TN/RL/W/... series. In addition, the Group has to date received and considered twelve informal submissions containing a wide range of proposals for the informal process discussed above.

II. OUTSTANDING ISSUES

5. Other than the issue of observers – a question with horizontal implications – there are no outstanding procedural issues in the Group at this time.

III. FUTURE WORK

A. ANTI-DUMPING, AND SUBSIDIES AND COUNTERVAILING MEASURES INCLUDING FISHERIES SUBSIDIES

6. Progress in the Group should be assessed in light of its mandate, which is to identify provisions in the AD and SCM Agreements that Participants wish to clarify and improve and to negotiate any appropriate clarifications and improvements to those provisions. In my view, work in this direction has advanced significantly in the past few months. Until Cancún, the Group met almost exclusively in formal mode and focused on identifying issues that Participants wanted to pursue. Since the March 2004 meeting, by contrast, the bulk of the Group's work has been conducted informally and has involved the in-depth examination of detailed elaborated proposals submitted by

Participants. In particular, and without prejudice to their rights to submit additional formal proposals, Participants are now engaged in presenting elaborated proposals in the form of JOB documents in respect of issues that have been identified for negotiation, setting forth in detail the precise changes that they seek to the existing rules.

7. The shift towards informal work represents not only a change in process but a major qualitative shift in the nature of the discussions. While the formal discussions were characterized by issue identification and a relatively *pro forma* exchange of views, the informal process has involved a lively and frank debate over the merits of highly detailed proposals for clarifications and improvements to the AD and SCM Agreements. Participants are now seeking to come to grips with the details of the proposals in question and with their practical implications. It is my clear sense that Participants are now moving beyond formal positions and are seriously exploring the feasibility and desirability of the proposals on the table with a view to finding solutions.

8. Substantively, the discussions to date have revealed that there is considerable interest in the clarification and improvement of various aspects of the AD and SCM Agreements, with a particular emphasis on trade remedy questions. Proposals have been tabled on a wide range of issues. It is clear that many of these proposals are controversial, and that even where there is a broadly-held view that an issue should be addressed there are often a wide range of options for addressing it. That said, it is my perception that Participants are seriously seeking solutions to the issues that have been identified. This is true also in the area of fisheries subsidies, where there has been a shift in the debate from the issue of *whether* there is a need for specific disciplines in the sector to the question of the *nature* and *extent* of any such disciplines.

9. While developments in the Group are encouraging, it is clear that a great deal of work remains to be done. The serious examination of proposals in which the Group is now engaged is highly technical and time-consuming, and I believe that the Group must accelerate its work. In order to facilitate planning and encourage the participation of capital-based experts, I have proposed to the Group an intensive programme of meetings of significant duration between summer break and the end of the year. As discussions at meetings of the Group are becoming increasingly serious and concrete, I strongly encourage all delegations with an interest in Rules issues to ensure attendance by appropriate experts and to participate actively. In the long-run, of course, the intensity of the work in our Group will depend upon the pace of progress in other areas of the negotiations.

B. REGIONAL TRADE AGREEMENTS

10. The Group has reinstated its pre-Cancún practice of holding open-ended informal discussions on RTAs' transparency and systemic issues. Regarding transparency, Participants continue to express a firm commitment to improving procedures so as to enhance RTAs' transparency and to revitalizing the role of the Committee on Regional Trade Agreements (CRTA). Progress has been registered on some elements of an approach already discussed before Cancún, in particular on the format of RTA factual presentations, should these be entrusted to the Secretariat. I am currently consulting with participants on how to advance further on this matter and to tackle the more difficult issues, including the scope of RTAs to be covered by any new procedures and questions related to the consistency assessment role entrusted to the CRTA.

11. The Group will engage, as from the June meeting, on in-depth discussions on systemic issues, according to the roadmap I proposed, to sequence the consideration of priority issues identified by Participants. The June meeting will be devoted to discussions on RTAs' "coverage" questions.

12. The developmental aspects of RTAs have been important to the Group's work, mainly in two areas: the place of RTAs notified under the Enabling Clause *vis-à-vis* any improved RTA's transparency and review process resulting from current negotiations; and the inclusion of special and differential treatment (S&D) for developing countries in some WTO provisions relating to RTAs.

3. 수산물관세 관련 주요내용 및 원문

가. 주요내용

(비농산물 시장접근 분야의 세부원칙 수립을 위한 기본골격)

1) 관세인하공식

○ NAMA Framework 주요내용

- 모든 품목에 대한 비선형(non-linear) 방식 관세인하공식 사용
 - 개도국의 특별한 필요와 관심을 충분히 고려(관세 삭감시 선진국보다 적게하는 less than full reciprocity 원칙 반영)
 - 적용대상 품목의 범위에는 사전적 제외없이 포괄적이어야 함.
 - 관세인하는 양허품목의 경우에는 최종양허세율부터, 미양허 품목은 2001년도 MFN 실행세율 × [2]에서부터 시작함.
 - 모든 비 증가세는 증가세로 전환함.
 - 개도국이 UR 이후 MFN 방식으로 추가적인 관세양허를 한 경우에는 자발적 자유화의 credit을 개도국에 부여
- ※ 공식 자체는 미제시

○ Girard 의장안과의 비교

- Girard 의장안은 비선형(non-linear) 방식의 관세인하공식을 구체적으로 제시하였지만 금번 기본골격은 비선형 공식의 원칙만 제시하고 구체적인 공식은 미제시(Modality 협상에서 결정)

※ 비선형(non-linear) 방식 : 높은 관세는 많이 인하하고 낮은 관세는 상대적으로 적게 인하하는 방법

- Girard 의장안에서 제시된 관세인하공식은 선진국이 지지하는 Swiss 공식이 아닌 변형된 Swiss 공식을 제시

$$* t_1 = \frac{B \times t_a \times t_0}{B \times t_a + t_0}$$

t_1 = 인하후 최종세율, t_0 = 기준세율, t_a = 평균기준관세율, B = 조정계수

- 개도국의 자발적 자유화에 대하여는 credit을 부여하도록 기본골격은 규정하고 있으나 Girard 의장안에서 제시된 UR 이후의 ITA 등을 통한 자발적 관세철폐에 대한 credit 부여에 대한 언급은 없음.
- 여타 내용은 거의 동일함.

2) 분야별 관세철폐

○ NAMA Framework 주요내용

- 분야별 무세화 및 관세조화는 관세인하 또는 철폐의 주요한 요소 (key element)임을 명시
- 개도국 관심품목을 특히 분야별 관세철폐 대상으로 함.
- 모든 회원국의 참여가 중요함을 강조
- 향후 협상에서 대상분야 및 대상품목(product coverage) 선정, 참여 방법 및 개도국에 대한 적절한 신축성 부여 등도 논의키로 함.

* 무세화 대상분야는 미제시

○ Girard 의장안과의 비교

- Girard 의장초안은 무세화 대상 7개 분야를 제시하고, 3단계에 걸친 관세철폐 방법까지 제시하고 있으나 NAMA Framework에서는 이를 적시하지 않고 있음.

* 무세화 대상 7개 분야 : 수산물, 전기·전자제품, 신발, 가죽제품, 자동차 부품, 보석 및 귀금속, 섬유·의류

※ 관세철폐 방안 : 개도국은

- 1단계에서 10% 이하로 관세 인하,
- 2단계에서 1단계로 관세유지,
- 3단계에서 종료와 함께 관세철폐를 하되, 선진국에서는 1단계에서 관세철폐함.

- 여타분야는 Girard 의장안과 NAMA Framework 내용이 동일

3) 개도국에 대한 특별대우(S&D: Special and Differential Treatment)

○ NAMA Framework 주요내용

- 개도국에게 선진국 보다 장기간의 이행기간(longer implementation) 부여
- 총 품목의 [10%]까지 개도국에게는 저율감축(less than formula cuts)을 허용. 단, 저율감축은 당초 감축율의 50% 이내여야 하며, 총 수입액의 [10%] 미만이어야 함.
 - 또는 총 품목의 [5%]까지 미양허하거나 공식적용의 면제를 허용함. 다만 총 수입액의 [5%]를 초과할 수 없음.

※ 상기 신축성 인정에서 한 HS Chapter를 완전히 제외시키는 것은 금지

○ Girard 의장안과의 비교

- Girard 의장안도 개도국에 대한 유사한 수준의 S&D가 부여되고 있으나 NAMA Framework 보다는 다소 약함.
- 장기간의 이행기간, S&D의 강조 등은 유사하나, 총품목의 [10%]까지 저율감축 조항은 칸쿤각료회의 의장안부터 새로이 추가된 것임.

4) WTO 신규가입국에 대한 배려

○ NAMA Framework 주요내용

- 회원 가입시 약속한 양허의무가 이행과정 중에 있음을 감안하여 특별한 배려조항을 마련키로 함.

○ Girard 의장안과의 비교

- 기본골격(NAMA Framework)은 신규가입국 배려 원칙만 제시하고 있지만, Girard 의장안에서는 신규가입국 배려를 위한 구체적인 방안을 제시
- 구체적인 방안은 관세인하공식에서의 높은 조정계수 인정, 장기간의 이행기간 인정, 진행중인 양허약속을 이행한 후에 추가 양허를 시작하는 유예기간(grace period) 허용 등임.

5) 비관세장벽(NTBs) 문제

○ NAMA Framework 주요내용

- 비관세장벽 문제 또한 본 협상의 중요한 요소임을 인식
- 모든 회원국은 2004년 10월 31일까지 비관세장벽 현황을 통보
- 비관세장벽 내용을 확인·검토·분류한 후 R/O 방식, 수직적, 수평적 접근방식 등을 활용하여 협상
- 개도국과 최빈개도국에 대한 우대 고려

○ Girard 의장안과의 비교

- Girard 의장안에서는 비관세장벽 처리를 위한 별도 항을 마련하여 보다 구체적으로 작업방법을 제시. 특히 NAMA 협상그룹과 NTBs를 다루어 온 기존 기구와의 역할 분담에 대하여 자세한 방향을 제시

6) 최빈개도국(LDCs: Least-Developed Countries)을 위한 추가고려

○ NAMA Framework 주요내용

- 최빈개도국의 경우에는 관세인하공식 및 분야별 무세화 적용을 면제함. 그러나 양허수준을 실질적으로 증대시켜야 함.
- 아울러 선진국 및 참여국은 LDCs산 비농산물에 대하여 []까지 무관세(duty-free) 및 무쿼타(quota-free)의 혜택을 자발적으로 제공

○ Girard 의장안과의 비교

- Girard 의장안에서도 동일한 내용 포함

나. NAMA Framework에 대한 평가 및 대응방안

(본 내용은 제네바 대표부 전문을 요약 정리한 내용임)

1) 평가 및 후속 협상 전망

- 금번 합의를 통해 도하 mandate를 효과적으로 이행할 수 있는 기본 수단을 확보
 - 관세감축공식에 있어 비선형 인하방식(non-linear formula)을 채택함으로써 선진국의 관세정점, 개도국의 고관세 및 전반적인 경사관세 문제 해소에 효과적으로 대응 가능
 - 분야별 관세조화 및 관세철폐를 통한 추가적인 자유화 여지를 확보
- 개도국 입장에서도 향후 협상과정에서 자신들의 우려사항을 반영시킬 수 있는 협상여지를 확보
 - 관세감축공식의 설정에 있어 개도국에 대한 '불완전한 상호주의' 원칙을 반영토록 규정
 - 분야별 접근방법에 있어 개도국의 참여방식을 추가고려
- 농업과 비교하여 구체성이 떨어지며, 핵심내용인 관세인하공식 및 분야별 관세철폐 등에서 추가협상 여지를 남김으로써 향후 Modality 협상에 난항예상
 - 관세감축공식에 있어 선진국은 '스위스 원형방식'을, 개도국은 'Girard 방식' 적용을 주장할 가능성
 - 분야별 접근방식에 있어 선진국은 'Critical Mass' 개념을 바탕으로 대상품목 선정을 우선 추진하고자 하는 반면, 개도국은 '개도국 참여방식' 논의 선행을 주장할 것으로 예상

- 우리는 7월 Package 협상과정에서 “Friends of Ambition”과의 공동보조를 통하여 현행 Derbez Text를 유지시킴으로서 최소한의 목표를 달성한 것으로 평가
 - 구체적인 목표수준은 향후 Modality 협상과정에서 결정될 감축수치에 달려있으므로 현 단계에서는 평가 곤란
 - 목표수준과 개도국 배려, Formula와 분야별 접근방식은 상호 밀접히 연계되어 있어 trade-off 가능

- 9월 이후 NAMA Modality 협상이 본격화될 것으로 예상
 - 구체적인 “관세감축공식”과 “분야별 무세화/관세조화 방안”을 중심으로 협상이 진행될 것으로 예상
 - 비관세장벽(NTBs)의 경우 각국의 제출시한이 10월말로 연장되었고, 구체적인 논의 진전이 없어 어려움 예상

2) 대응 방안

- Modality 협상과정에서 목표수준이 향상 조정될 수 있도록 적극 참여 노력
 - 학계·산업계의 의견수렴을 거쳐 관세감축공식에서의 구체적 수치 및 분야별 무세화/관세조화 추진방안 등을 제시
 - 소수의 핵심과제를 중심으로 비관세장벽제거의 노력

- Modality 협상은 순차적으로 진행될 수 있도록 유도
 - 목표수준(구체적인 수치)을 우선 설정한 이후 개도국 S&D 및 불완전 상호주의 고려

- 관세감축공식과 분야별 무세화/관세조화 논의 등 핵심사항을 우선 논의하고 R/O 등 보조적 방안이나 특혜침식 문제 등 여타사항은 추후 논의 진행
 - NTBs 논의는 별도 진행 가능
- 임·수산물 등 민감품목에 대한 신축성 제고방안을 신중히 추진
- Modality 협상 초기단계에서 제기할 경우 부작용이 클 것으로 우려되는 만큼, 보다 전략적으로 대응
 - 협상초기에는 미국, EU 등 주요국에 우리의 우려를 충분히 전달하고 이들 국가의 지원 협조를 확보
 - 협상 중기 이후 전체적인 목표수준 저하 및 여타국의 반발을 야기하지 않고 이를 반영할 수 있는 구체적인 방안 모색
 - 가급적 관세인하 감축공식 자체에 민감품목에 대한 신축성이 포함될 수 있는 모델 제시
- NAMA 협상도 농업과 같이 그룹별 이해관계의 조정형식으로 진행될 가능성이 큰 만큼 적극적 연대활동 추진
- Ambition 및 Flexibility Friends 활동을 지속함으로써 협상주도세력으로서 활동할 수 있도록 노력
- 협상진행과정의 투명성 확보 노력도 병행
- 협상과정을 가능한 범위내에서 수시로 민간업계 및 국민에 홍보함으로써 대국민 이해 제고
 - 아울러 민간업계의 의견을 적극 수렴, 협상과정에 반영함으로써 협상효과 극대화 도모

다. 번역문 및 원문

[Doha Work Programme(WT/L/579, '04.8.2) 부속서B]
(이 한글 번역본은 내부 업무참고를 위한 자료로서 해석이 다를 수 있습니다.)

부속서B

비농산물 시장접근의 세부원칙 설립을 위한 기본골격
(Framework for Establishing Modalities in Market Access for Non-Agricultural Products)

1. 이 기본골격은 市場接近協商그룹에 의해 행해질, 향후 세부원칙협상에 필요한 초기적 요소들을 포함하고 있다. 이들 요소 중 일부의 세부사항에 대한 합의에 이르기 위하여 추가 협상이 요구된다. 이는 관세인하공식, 제5항 두 번째 항목의 未讓許 관세 처리에 대한 이슈, 개발도상국에 대한 신축성, 분야별 관세철폐(sectoral tariff component) 참여 및 특혜(preference)에 대한 이슈와 관련된다. 세부원칙(Modality)을 마무리하기 위하여 협상그룹에 대하여 이러한 이슈들을 도하각료선언 제16항에 부합하고 균형을 맞추어 신속하게 처리할 것을 지시한다.
2. 우리는 비농산물 시장접근에 대한 협상이, 非關稅장벽과 함께 關稅頂点(tariffs peaks), 高關稅(high tariffs) 및 累進關稅(tariff escalation)의 인하·폐지를 포함한 관세율을 인하하거나 폐지하는 것에, 특히 개발도상국의 수출관심품목에 대해 그렇게 하는 것에, 그 목표를 두어야 함을 재확인한다. 우리는 또한, 협상세부기준의 불가분의 일체를 이루는 것으로서, 감축약속에서의 특혜 대우(S&D)와 불완전한 상호주의의 중요성을 재확인한다.
3. 우리는 또한 市場接近協商그룹이 이미 상당한 작업을 하였고 그리고 세부협상기준에 대한 합의에 진전이 있었음을 인정한다. 우리는 세부원칙(Modality)에 대한 의장초안(TN/MA/W/35/Rev.1)에 대해 이루어진 발전적인 토의에 주목하고 있으며, 향후 市場接近協商그룹의 작업에 이 의장초안을 參考資料로 사용하고자 함을 밝힌다.
우리는 市場接近協商그룹이, 도하閣僚宣言 제16항에서 위임받은 대로, 1994년GATT제28조의2 관련규정 및 도하閣僚宣言 제50항에서 인용된 규정에 의한 關聯參考에 따라, 아래 제시된 기본방향에 따라, 그 작업을 계속할 것을 지시한다.

4. 우리는 公式(formula) 접근방법이 관세율을 인하하고 관세정점·고관세 및 누진관세를 인하·제거하는 핵심임을 인정한다.

우리는 市場接近協商그룹이 品目別로 적용되는 非線型 公式에 입각하여 그 작업을 진행해야 하며, 그 작업은 감축약속에서의 불완전한 상호주의 추구를 포함하여, 참여 개발도상국 및 최빈개도국의 특수한 요구사항과 이해를 충분히 고려해야 하는 것을 동의한다.

5. 우리는 더 나아가 관세감축公式(formula)과 관련한 다음 요소를 인정한다.

- 對象品目は, 특정품목 事前排除없는 포괄적인 것이어야 한다.
- 관세 감축 또는 제거는, 현행 관세 양허를 완전히 이행한 이후의 양허 세율에서부터 개시되어야 한다. 그러나 未讓許품목의 경우에는, 관세 인하를 시작하는 기준율은 기준년도에 적용되는 MFN(최혜국)세율의 [2]배로 해야 한다.
- MFN 적용세율을 정하기 위한 기준년도는 2001년(동년 11.14 현재 적용하는 세율)으로 해야 한다.
- 어떤 개발도상국의 품목이 우루과이라운드協商 종결이후에 WTO에서의 MFN基準으로 양허가 이루어졌다면, 그 개발도상국의 자율적인 개방에 대해서는 크레딧(실적인정)을 부여해야 한다.
- 모든 非從價稅는 금후 정해지는 방법에 따라 동등한 가치의 從價稅로 전환되어야 하며, 그리고 종가세 방법으로 양허되어야 한다.
- 협상은 'HS1996 품목분류표' 또는 'HS2002품목분류표'를 기준으로 개시되며, 그 결과는 'HS2002년도 품목분류표'를 기준으로 마무리된다.
- 輸入資料의 참조기간은 1999-2001년으로 한다.

6. 또한 우리는, 예외사항으로서, 非農産物의 양허 품목수가 [35]% 미만인 참가국들은 관세인하공식(formula)을 통한 관세인하 義務를 면제받는데 동의한다. 대신 우리는 그러한 참가국들이, 모든 개발도상국이 현행 양허사항을 완전히 이행한 후의 總平均양허관세율을 초과하지 않는 수준으로, 비농산물 품목을 [100]% 讓許할 것을 기대한다.

7. 우리는 關稅除去 또는 關稅調和를 목표로 하는 分野別 關稅 철폐 (sectoral tariff component)가 관세 인하·제거에 관한 도하閣僚宣言 제16항의 목표를 달성하기 위한 또 하나의 핵심 요소라는 것, 특히 개발도상국의 수출관심품목에 있어서는 그러하다는 것을 인정한다. 우리는 모든 참가국들의 參與가 이러한 효과를 내는데 있어 중요하다는 것을 인정한다.

그러므로 우리는 協商그룹이 대상품목, 참여방법 및 참여 개발도상국을 위한 신축성의 적절한 기준 등을 설정할 수 있도록, 토의를 계속 진행할 것을 지시한다.

8. 우리는 참여 개발도상국들에게 관세율 인하에 대해 더 장기적인 이행기간을 부여하는데 동의한다. 또한 다음과 같은 伸縮性을 적용받을 수 있어야 한다.

a) 관세 감축율이, 공식적용 시 감축율의 半 이상이 되고 아울러 대상 감축품목이 그 회원국 전체輸入금액의 [10]%를 초과하지 않는 경우에는, 품목수의 [10]%까지 공식방식이하의 감축(less than formula cuts)을 적용하는 것. 또는

b) 예외로서, 일정 품목이 그 회원국 전체輸入금액의 [5]%를 초과하지 않는 경우에는, 그 품목의 미양허를 유지하거나 또는 품목수 5%까지는 공식감축을 적용하지 않는 것

다만, 우리는 이러한 신축성 적용이 어떤 類(HS2단위) 전체를 제외하는데 사용될 수 없다는 것에 동의한다.

9. 우리는 참여 최빈개도국에 대하여는 관세감축공식의 적용이나 분야별 관세 철폐에 참여 하는 것을 요구하지 않음에 동의한다. 그러나 이들 국가들이 이번 協商 라운드에 기여한다는 입장에서, 자신들의 양허약속 수준을 실질적으로 높일 것을 기대한다.

10. 또한 최빈개도국의 多者貿易體制로의 편입을 촉진시키고 그리고 그들의 생산품 및 수출기지의 다변화를 지원하는 것에 대한 필요성을 인정하여, 우리는 선진국 및 그렇게 하기로 결정을 하는 여타 참여국가에게, 최빈개도국産 비농산물에 대하여 자율적인 면세(duty-free)와 無쿼타(quota-free) 시장접근을 []년도부터 허용하도록 요청한다.
11. 우리는, 새로 가입한 회원국들의 경우, 그들의 회원 가입시 이미 광범위 시장접근 양허의무를 떠맡은 바 있고 또한 그 양허의무가 대부분 현재에도 履行過程에 있음을 고려하여, 관세감축에 대한 그들 국가에게 특별한 배려규정을 두어야 할 것임을 인식한다.
우리는 협상그룹에게 이러한 규정에 대하여 더욱 심도 있는 검토를 지시한다.
12. 우리는 관세율에 대한 지금까지의 합의된 핵심 세부협상기준, 부문별 무세화 및 관세조화 그리고 request & offer와 같은 부수적인 세부협상기준 등에 대한 논의가 계속(제한없이) 열려있어야 하는 것에 동의한다.
13. 또한 우리는 선진국과 다른 참여국에 대해 저율관세(low duties)의 폐지를 고려하기를 요청한다.
14. 우리는 非關稅障壁(NTBs)이 이번 협상의 불가분의 중요한 부분으로 인식하며, 참가국에게 비관세장벽에 대한 작업을 강화해 줄 것을 지시한다.
특히 우리는 모든 참가국에 대하여 2003. 10. 31까지 비관세 장벽내용을 통지할 것과, 그리고 그것을 확인, 검토, 분류(categorization)하여 종국적으로는 그것에 대해 협상할 것을 촉구한다.
우리는 이번 협상에서 非關稅障壁을 다루는 세부협상기준으로서 request & offer방식, 수평적 또는 수직적 접근방법을 포함하며, 그리고 참여 개발도상국 및 최빈개도국에 대한 특혜 대우(S&D) 원칙을 충분히 고려해야 한다는 것에 유념한다.

15. 우리는 적절한 연구 및 능력개발 조치가 합의될 세부협상기준의 불가분의 요소로 인식한다.

우리는 또한, 이러한 분야에서 현재까지 진행된 작업의 성과를 인지하고, 아울러 협상참여를 촉진하기 위하여 이러한 이슈들에 대한 참여국의 지속적인 관심을 요청한다.

16. 우리는, 非農産物 시장접근협상의 결과에 따라, 非相互主義的 특혜수혜 회원국가 그리고 현재 관세수입 依存度가 높은 참여 국가들이 직면할 수 있는 어려움에 대해서 인식하고 있다.

우리는 협상그룹에게, 작업과정에서, 그러한 회원국에서 제기될 수 있는 특정한 요청사항에 대해 고려해 줄 것을 지시한다.

17. 나아가 우리는 시장접근협상그룹에게, 도하각료선언 제31항 제3호에 명시된 비농업환경상품 관련문제를 토의하기 위한 목적으로 특별회합을 개최중인 貿易環境위원회(Committee on Trade and Environment)와 긴밀하게 협력하여 작업하도록 독려한다.

※ 부속서B 원문은 "1. 협상기본골격 주요내용 및 원문(WT/L/579, '04.8.2)" 참조

Ⅲ. 수산분야 우리나라 제안서

1. 보조금 제1차 제안(TN/RL/W/17, ' 02.10.2) 77
2. 보조금 제2차 제안(TN/RL/W/69, ' 03.3.18) 84
3. 보조금 제3차 제안(TN/RL/W/97, ' 03.5.5) 87
4. 보조금 제4차 제안(TN/RL/W/160, ' 04.6.8) 90
5. 관세 제1차 제안(TN/MA/W/6/Add.2 ' 03.6.16) 95
6. 관세 제2차 제안(TN/MA/W/6/Add.3 ' 03.7.15) 98

1. 보조금 제1차 제안(TN/RL/W/17, ' 02.10.2)

◆ 우리나라 제안서(TN/RL/W/17)의 주요내용

- Fish Friends Group은 수산보조금에 대한 sectoral approach가 필요한 주요 논거로 1) 수산보조금의 자원접근왜곡(distort access to productive resources)효과 및 2) 수산물의 이질성(heterogeneous nature)을 들고 있음. 한국은 과연 이러한 수산물의 특성이 WTO 체제의 주요 초석인 SCM협정의 파편화를 야기할 수 있는 sectoral approach를 정당화 시킬 수 있는지를 검토하고자 함.
- 수산보조금이 자원접근왜곡을 일으키는지 여부와 관련하여 WTO, OECD 등 여러 국제기구에서 연구를 수행하였으나 뚜렷한 결론이 내리지 못하였음. 또한 수산보조금의 규모와 성격 등에 대한 자료들이 제각기 상이함. 이러한 점들을 감안할 때 수산보조금이 자원고갈의 원인이라는 가정에 근거하여 수산보조금 규제방안을 논의하는 것은 시기상조임. 또한 Fish Friends Group은 수산자원이 공유자원(shared stock)으로 보조금에 의한 자원접근왜곡이 일어난다고 하나, EEZ내 어업은 연안국에 의해 관리되고 있고 공해어업은 지역수산기구에 의해 관리되므로 자원접근왜곡이 일어날 소지가 적음.
- 이질성(heterogeneous nature)이 수산물에만 한정된 것은 아님. 공산품인 의류에 대해서도 Fish Friends Group이 수산물에 적용한 것과 동일한 논리를 적용하여 heterogeneous함을 증명할 수 있음
- 수입된 물품과 국내산업의 손상간 연관성이 있을 경우에만 상계조치 등 구제조치를 취할 수 있는 것이 WTO의 기본원칙임. 따라서 수입품에 의한 손상이 없는 상태에서 상계관세의 부과를 허용하지 않기 때문에 SCM 협정이 불충분하다는 Fish Friends Group의 논리는 설득력이 없음. 아울러 미국이 노르웨이산 연어와 캐나다산 ground-fish에 대해 각 각 상계관세와 반덤핑관세를 부과한 예에서 보듯 수산물에 대한 동종상품 또는 준거가격을 산정하기 어렵다는 주장도 설득력이 없음.
- SCM협정에서 수산보조금을 분리해내기 위해서는 그럴만한 충분한 이유가 있어야 함. 지금까지의 Fish Friends Group의 주장은 그러한 충분한 이유를 제공하는데 실패하였음.

Negotiating Group on Rules

KOREA'S VIEWS ON THE DOHA DEVELOPMENT AGENDA DISCUSSIONS ON FISHERIES SUBSIDIES

I. Introduction

- Through previous submissions made to the rules negotiating group, some WTO Members argued that the fisheries subsidies have certain peculiarities, for which reason the SCM Agreement does not provide sufficient discipline on fisheries subsidies and there is a need to 'improve WTO disciplines in the fisheries sector'.¹
- On several occasions, Korea expressed its concern that sectoral treatment of fisheries subsidies should not lead to the fragmentation of the SCM regime. Such a development will not be consistent with the mandate we have from the Doha Ministerial Declaration, which states "the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives" should be preserved in clarifying and improving disciplines under the SCM Agreement.²
- The peculiarities of the fisheries subsidies, which have been presented so far by a group of WTO Members, seem to be focused on the following two points:
 - (1) The fisheries subsidies can distort access to productive resources in addition to the standard market distortions addressed by existing SCM rules; and
 - (2) SCM rules do not provide sufficient discipline for fisheries subsidies, because the heterogeneous nature of fisheries products and the economic structure of the fisheries industry make it difficult to identify the market distortions at which SCM disciplines are directed.³
- Through this submission, Korea wishes to see, if the peculiarities of the fisheries subsidies are of such a nature as to justify the sectoral treatment of fisheries subsidies at the risk of the fragmentation of the SCM regime, which is a major corner stone of the WTO system as we understand it today.

II. Do fisheries subsidies distort access to productive resources?

- The relevant logic of a group of WTO Members seems to be that subsidy is responsible for the depletion of fishing stocks and, for this reason, subsidy, in addition to market distortions, distorts access to productive resources. Korea wishes to address these points in the remainder of this section.

1. Is subsidy responsible for the depletion of fish stocks?

- As noted in a WTO Secretariat's note submitted to the CTE, "the principal cause of stock depletion is inadequate management of fisheries resources".⁴ As for the argument that fisheries subsidies is responsible for the stock depletion, it should

¹TN/RL/W/3, para 1

²Doha Ministerial Declaration, paragraph 2

³TN/RL/W/3, paragraphs 14 and 1

⁴WT/CTE/W/167, paragraph 1

be pointed out that no reasoned determination has been made on the causality between fisheries subsidies and the depletion of stocks. An OECD study concluded “the effects of transfers on resource sustainability is difficult to determine, as there are many influences on fish stock health that are difficult to disentangle”.⁵ A WTO study noted “further work is needed to analyze the nature, extent and implications of fisheries subsidies on trade and sustainable management.”⁶

- Presently, relevant research and discussions are taking place on the issue in various fora, including OECD and FAO. Until we have more definitive outcome from these studies, in Korea’s view, it is premature for the WTO to base its discussions on the assumption that subsidy is responsible for the depletion of fishing stocks.
- Pending the outcome of studies conducted at more qualified organizations, the following facts should be considered with respect to the causality between fisheries subsidies and the depletion of stock.

2. The level and the nature of subsidies

- First, it should be recalled that there is no agreed understanding on even the basic underlying facts, such as the level and the nature of the fisheries subsidies. So far, as will be illustrated below, available information diverges widely depending upon sources.
- A submission, citing a World Bank paper, argues that annual subsidies in the fisheries sector are between \$14 and 20.5 billion, or approximately 20-25% of the revenue.⁷ The submission also suggests that the ‘bulk’ of these subsidies are provided by OECD countries.
- Another submission questions the authority of such figures. According to the latter submission, the total amount of financial transfer by the OECD members is \$6.3 billion, less than half of the OECD members’ subsidies cited in the former submission.⁸
- More importantly, according to the latter submission, there is no dividing line between developing and developed countries in the provision of fisheries subsidies. Among the APEC members, 7 OECD members provided \$4.6 billion, while 14 non-OECD members provided \$8 billion, both figures according to APEC 2000 study.⁹
- As for the nature of subsidies, a submission to the CTE stated that fisheries sector subsidies are provided mainly to the harvesting sector, and thus impact on trade and harvesting operations.¹⁰ Such an argument does not seem to be supported by an OECD study, which stated “most transfers (77%) are general services that are devoted to fisheries infrastructure and expenditure on activities, such as research and enforcement, that are essential for ensuring the sustainable use of fish stocks and the aquatic eco-system”.¹¹ Another submission to the rules negotiation, citing an APEC study, concluded that most fisheries subsidies are not of such a nature as to pose adverse impacts on resources or distort trade.¹²
- The argument that fisheries subsidies lead to over-capacity should be analyzed

⁵OECD, Government financial transfers and resource sustainability, 200

⁶WT/CTE/W/167, paragraph 4

⁷TN/RL/W/3, paragraph

⁸ TN/RL/W/11, paragraph 1

⁹TN/RL/W/11, paragraphs 10 and 1

¹⁰WT/CTE/W/51, paragraphs 16 and 1

¹¹OECD, Government financial transfers and resource sustainability, 2000. Korea’s national experiences are in line with the outcome of the OECD study, which was presented to the CTE through WT/CTE/W/175 (24 October 2000)

¹²TN/RL/W/11, paragraph 1

against the nature of the subsidies. If, as the OECD study suggests, most transfers are on general services, it will be difficult to argue that fisheries subsidies are the substantial cause of over-capacity.

- Given such a wide divergence of views on basic underlying facts, Korea believes that it is premature for the WTO to attempt to base its discussions on the assumption that subsidy is responsible for the depletion of fishing stocks.

3. The legal regime for the preservation of fishing resources

- The argument that fisheries subsidies lead to depletion of fish stocks is based on the observations that fish stocks are shared among many countries and that stocks straddle or migrate between areas with different jurisdictional status.¹³ The argument ignores the prevailing legal regime for the preservation of fishing resources, which imposes an important restraint on the sharing of fish stocks and the abuse of straddling and migratory stocks. Such a restraint will remove much of the putative impact of subsidy upon the depletion of stocks.
- Under the prevailing UNCLOS (U.N. Convention on the Law of the Sea) regime, 90-95% of fish is harvested within the EEZ's. The UNCLOS stipulates that conservation and management of fisheries resources including management of access to resources is the duty as well as rights of coastal states, having sovereign rights over EEZ's. The access of non-coastal states' fishing vessels, whether subsidized or not, is regulated by the conservation scheme of coastal states. Thus, with respect to fishing within the EEZ's, fish stocks are not shared among many countries.
- With respect to fishing within the high seas and the fishing of straddling and migratory stocks, catches are regulated by Regional Fishery Bodies (RFBs), "which are considered to be important elements of effectively addressing fisheries sustainability, particularly in the context of implementing UNCLOS".¹⁴ A WTO research made a non-exhaustive list of no less than 28 RFBs, regulating the catch of important straddling and migratory species caught in the high seas throughout the world.¹⁵ The access of fishing vessels, whether subsidized or not, is regulated by the conservation scheme of these regional organizations.
- The combination of the sovereign right of coastal states within the EEZ's and the extensive network of regional and/or specie-specific conservation schemes remove the possible effect of the sharing of fish stocks and the straddling and migration of certain stocks. This factor must not be ignored in reviewing the argument that fishery subsidies lead to the depletion of fish stocks. The sea is no longer an open sea with respect to fishing.

III. How unique are the heterogeneous nature of fisheries products and the economic structure of the fisheries industry?

1. The global structure of the fisheries industry

- According to a submission to the rules negotiating group, a peculiar structure of the fisheries sector is that most of the major subsidizing members are also major consumers, and have relatively limited exports. Countervailing duties under Part V are thus of little relevance in such a case; they can only be applied to imports into the complaining member's market.¹⁶
- The submission does not provide any substantiation of the summarized peculiarity of the fisheries sector. The argument could have been substantiated, if the major subsidizing members had been identified and their export in the

¹³ TN/RL/W/3, para

¹⁴WT/CTE/W/167, paragraph 2

¹⁵WT/CTE/W/167, Annex I

¹⁶TN/RL/W/12, paragraph

fisheries sector verified. More importantly, were such an assertion to be true, the peculiar structure of the fisheries industry does not seem to support the argument that the SCM Agreement does not provide sufficient discipline for the fisheries subsidies.

- The SCM agreement provides different disciplines for different purposes. Part II remedies are provided to deal with prohibited subsidies. Part III remedies, to deal with actionable subsidies. The purpose of Part V subsidies is to deal with 'the injury caused by the subsidized imports'. Each of these remedies can be imposed, only when the conditions stipulated in the relevant provisions are met. Otherwise, there would be a risk of abuses.
- As for the countervailing measures, the condition is that there should be subsidized imports, causing injury. In fact, one of the fundamental principles underlying most trade remedy measures, including anti-dumping, safeguard and countervailing measures, is that a remedy can be imposed against imports, only when there is causality between the import and the injury. It is fully consistent with such a fundamental principle of GATT/WTO that, under the SCM agreement, Part V remedies are not available, when there is no injury caused by the subsidized imports. In view of this, Korea does not follow the logic that the SCM agreement is deficient, because it does not allow the imposition of countervailing duties in the absence of injury caused by subsidized imports.

2. Heterogeneous nature of fisheries products

- It is also suggested in the submission that the trade-distorting effects of fisheries subsidies is particularly difficult to be demonstrated due to the heterogeneous nature of fisheries products. Hence, Part III of the SCM agreement does not provide necessary discipline for fisheries subsidies.¹⁷
- According to the submission, fisheries products are uniquely heterogeneous from the following standards:
 - (1) They reflect the large range both of species and of processing techniques;
 - (2) Products from quite distinct species can nevertheless be in direct competition at market; and
 - (3) Superficially similar products can command quite different prices.
- In the July session of the rules negotiation, several Members expressed a view that heterogeneity of fisheries products does not justify the special treatment of fisheries products, since the heterogeneity is not peculiar to those products. The example provided by the EC was electronic products, while Korea provided wine as an illustration of heterogeneous products. Another good example would be clothing products.
 - (1) Women's dresses, for example, reflect a large range both of materials and of processing techniques;
 - (2) Products from quite distinct tariff lines, for example a silk dress falling under sub-heading 49 in 6104 and a synthetic fibre dress falling under sub-heading 43, can nevertheless be in direct competition at market; and
 - (3) Superficially similar products, for example a generic silk dress at a discount store and a designer piece along one of the boutiques in George V in Paris, can command quite different prices.
- Thus, Korea is not convinced by the argument that the fisheries products should be provided with a special treatment because of the uniquely heterogeneous nature of fisheries products.
- A related argument on the heterogeneity of fisheries products is that raw fish, in contrast to processed fish, is highly perishable.¹⁸ According to an FAO

¹⁷TN/RL/W/12, paragraphs 4-

statistics, however, the share of fresh or chilled fish in the total trade volume of fish products is not more than 22%.¹⁹

3. The link between heterogeneity and the SCM regime

- Were it to be established that fisheries products are uniquely heterogeneous, the link between heterogeneity of fisheries products and the difficulty of applying SCM regime is very tenuous.
- First of all, the difficulty of seeking remedy under Part III is a structural issue, and not limited to fisheries products. In more than seven years since the establishment of the WTO, there has been only a single case, where a WTO dispute panel ruled that ‘serious prejudice’ existed under Part III of the SCM agreement.²⁰ If the demonstration of adverse effect is difficult, it is not peculiar to the fisheries sector, but a structural problem of the SCM regime.
- Conversely, the difficulty of identifying a like product or a reference price did not stop the imposition of countervailing duties or anti-dumping duties against fisheries products.
- An example of the imposition of countervailing duty on fisheries product is the one imposed by the US on fresh Atlantic ground-fish from Canada in 1986. An example of anti-dumping duty imposed on fisheries products is the one imposed by the US on fresh and chilled Atlantic salmon from Norway. The latter case was even taken to a GATT dispute panel.²¹
- On the one hand, fishery products are not uniquely heterogeneous. On the other hand, the heterogeneity of fishery products did not prevent the application of trade remedy measures to the fishery products.

IV. Conclusion

- For the reasons set out in the two preceding sections, Korea is not convinced of the arguments that the peculiarity of the fisheries subsidies and products justify the sectoral treatment of fisheries subsidies.
- Korea is fully conscious of the importance of the preservation of fish resources. However, as cited above, “the principal cause of stock depletion is inadequate management of fisheries resources”. Thus, more efforts should be made to deal with the genuine problems for the improvement of management of fish resources, including the strengthening of capacity of the coastal states, the suppression of IUU (illegal, unreported and unregulated) fishing activities as well as the suppression of over-catch and by-catch of small fish.
- More emphasis on such efforts would be particularly necessary for developing countries. A submission to the rules negotiation stated; “trade distortions and overcapacity impede the sustainable development of many (developing) countries with significant fisheries resources.”²² For the reasons stated so far, in Korea’s view, the sectoral treatment of fisheries subsidies, while not making a meaningful contribution to the sustainable development of those countries, would tend to divert attention from the necessary efforts that should be made.
- At the same time, these efforts should be made in a coherent and balanced manner, without undermining other important values in an arbitrary and hasty manner. One of such important values is the security and the predictability of the multilateral trading system, to which all WTO Members are committed. The SCM is a major corner stone of the WTO system. The integrity of the SCM regime should be preserved, unless and before it is convincingly demonstrated

¹⁸ TN/RL/W/12, para 1

¹⁹ FAO Fishery Statistics 1999, pp.14-1

²⁰ *Indonesia- Auto*, WT/DS54,55,59,64/

²¹ Report of the Panel adopted by the Committee on Anti-Dumping Practices on 27 April 1994. (ADP/87

²² TN/RL/W/3, para

why it is justified to provide sectoral treatment to fisheries subsidies. The arguments on the peculiarity of the fisheries, presented so far, fail to make such demonstrations.

2. 보조금 제2차 제안(TN/RL/W/69, ' 03.3.18)

◆ 한국 제안서(TN/RL/W/69)의 주요내용

- 6개국의 제안서는 왜 수산보조금에 대한 별도의 분류방식이 필요한지에 대한 충분한 이유를 제시하지 못하였음.
- 모든 분류방식은 명확한 목적을 가지고 있음. 만약 그 목적이 보조금의 무역왜곡효과를 구분하기 위한 것이라면 금지보조금, 조치가능보조금, 허용보조금으로 구성된 현행 SCM 협정상 "traffic light" 분류방식이 이미 존재함. 만약 이와는 다른 별개의 분류방식을 만들고자 하는 것이라면 먼저 그러한 새로운 분류방식의 목적이 무엇인지를 먼저 명확히 하여야 함.
- 6개국 제안서는 수산보조금 분류가 필요하다고 하나 그 작업을 어디서 수행할 지는 언급하지 않고 있음. FAO는 2002년 12월 수산보조금 분류방식 등에 대한 전문가협의를 개최하였고 OECD는 향후 기존 분류방식의 개선 등 수산보조금에 대한 포괄적인 연구를 수행할 예정임.
- 이러한 국제기구들은 수산분야에 대한 전문성을 지니고 있을 뿐 아니라 그 동안 수산보조금 관련 연구를 수행하여 왔으므로 수산보조금의 분류에는 WTO보다는 FAO나 OECD가 보다 적절함.

KOREA'S VIEWS ON THE SUGGESTED CATEGORIZATION OF FISHERY SUBSIDIES

The following communication, dated 17 March 2003, has been received from the Permanent Mission of Korea.

INTRODUCTION

1. In the February session of the rules negotiation, a group of Members made a submission on the possible categorization of fishery subsidies¹. The submission shows in summary form the categorization of fishery subsidies that various organizations have developed so far for certain purposes pursued by those organizations.

2. The submission, other than presenting the various different types of categorization, seems to suggest that the rules group should embark on its own categorization of fishery subsidies.

3. In the rules group negotiation on fishery subsidy issues during the year 2002, Korea consistently stated that the rules group should not base its discussions on unproven assumptions and prejudgements.² This should guide any discussion on fishery subsidies in view of the wide-ranging and deep impact that the WTO rules have on international trade.

4. With respect to the February submission by a group of Members, Korea is of the view that there are important preliminary questions that have not been sufficiently addressed in the submission. Korea wishes to raise some of those preliminary questions in the following pages.

WHY FOR THE CATEGORIZATION OF FISHERY SUBSIDIES

5. The submission asserts in several different places that the categorization of fishery subsidies is necessary. It begins with an assertion that some sort of breakdown of subsidy programmes by type is to be needed.³ In the conclusion part, the submission again asserts that "it is difficult to see how specific proposals for clarification and improvement of fishery subsidies disciplines can simply address "fishery subsidies" in an undifferentiated way."⁴ The submission, however, does not provide sufficient reasoning why such a categorization is necessary.

6. Specific proposals for clarification and improvement of subsidies disciplines are in fact being made without categorization of subsidies. Thus, a logical question is why it cannot be done only for fishery subsidies.

7. In the rules negotiation of 2002, Korea stated that it was not convinced of the arguments that the peculiarity of the fisheries subsidies and products justify the sectoral treatment of fisheries subsidies. In the same vein, the first preliminary

¹TN/RL/W/5

² TN/RL/W/1

³ TN/RL/W/58, p.

⁴ Id. P.

question that should be sufficiently answered by the group of Members is why it is difficult to address the subsidies disciplines without categorization only for the fishery subsidies.

OBJECTIVE OF THE CATEGORIZATION

8. As the February submission by the group of Members admits, categorization is meaningful only on the basis of the clearly identified objective for the categorization.⁵ In fact, the different types of categorization, presented in the submission, were developed by different institutions to pursue different objectives and purposes.

9. If the objective of categorization is to assess the trade effect of various subsidies, the SCM Agreement already provides a scheme of categorization, which is the “traffic light” categories of prohibited, actionable and non-actionable subsidies. If the submission is proposing a categorization of fishery subsidies according to a scheme different from the traffic light approach, the objective of such a new categorization should be identified as a preliminary point.

FORUM FOR THE CATEGORIZATION

10. The submission, while asserting that categorization is necessary, does not suggest where such a categorization should be conducted. As the submission shows, categorization is already taking place in various forums, with far longer and deeper institutional experiences in the study of fishery subsidy issues in comparison with the rules negotiation group.

11. In fact, the FAO held the 2nd expert consultation on fishery subsidies in December, 2002. In the consultations, the experts discussed on a “draft guide for identifying, assessing and reporting on subsidies in the fisheries sector”. According to the guide, the first step would be the identification of different categories of fisheries subsidies and their size. The second step would be assessment on the changes in the behaviour of recipients of the subsidies and their impact on trade and environment.

12. The Fisheries Committee of the OECD is to launch a comprehensive study on government financial transfers in 2003 in the wake of the fisheries market liberalization project undertaken in 2000-2002. An important element of the study would be the clarification and improvement of the existing GFT (government financial transfers) classification system. The OECD had found that the classification system as previously used was insufficient to allow for adequate analysis.⁶

13. These studies by the FAO and the Fisheries Committee of the OECD, institutions with well-established expertise on fishery related issues, would enable the rules negotiation group to conduct rules related discussions on the basis of scientifically and objectively identified facts, rather than assumptions and prejudgements.

14. Therefore, if the group of Members present clear views on the necessity and the objective of the categorization to the satisfaction of all Members of the rules negotiation, then the rules group might decide to look into the possibility of cooperating with those institutions.

15. In a submission⁷ made to the rules negotiation group, a group of Members stated that “addressing the harmful effects of fish subsidies requires action in a number of different policy areas and international forums”. The submission went on to state the comparative advantage of such institutions as, among others, FAO, OECD and WTO.

16. Korea agrees that the issue should be approached in a flexible manner, utilizing the comparative advantages of the institutions involved. When it comes to the categorization of fishery subsidies, the FAO and the OECD would be better prepared for the task, because they have far longer and deeper institutional experiences in the study of fishery subsidy issues in comparison with the rules negotiation group.

⁵ Id. P.

⁶ AGR/FI(2003)4, f.

⁷ TN/RL/W/3, para

3. 보조금 제3차 제안(TN/RL/W/97, ' 03.5.5)

◆ 한국 제안서(TN/RL/W/97)의 주요내용

- 지난 3월 규범 협상분야 회의시 미국은 수산보조금의 분류 및 강화된 규정에 대한 제안서를 제출하였음.
- 그 간 회의를 통해 논의되었으나 아직 해결되지 않은 쟁점들을 나열하고, 이러한 쟁점들을 해결하지 않고 구체적인 협상으로 진행하려는 미국의 제안서는 협상단계상 부적절한 것임을 지적함.
- 협상진전을 위한 필요조건이 되는 기본적인 질문을 제기함.
 - 수산보조금이 자원고갈의 원인인지, 현행 SCM협정에 의해 수산보조금의 무역왜곡효과를 다루기 특별히 어려운지, 수산보조금에만 특별한 규제가 필요한지?
- 규범그룹에서 환경분야(자원고갈)를 다루는 것은 부적절함.

KOREA'S COMMENTS ON THE SUBMISSION FROM THE UNITED STATES (TN/RL/W/77)

Submission from Korea

The following communication, dated 4 May 2003, has been received from the Permanent Mission of Korea.

1. At the last session (March 2003) of the Negotiating Group on Rules, the United States made a submission on the possible categorization and strengthened disciplines on fisheries subsidies. Korea wishes to make some comments in relation to this from the reflection on the status of the negotiation on fisheries subsidies.

2. With regard to the objective of the negotiation, the United States emphasized that it should be "to provide better disciplines on government programmes that promote overcapacity and overfishing, or have *other* trade-distorting effects."*[emphasis added]* As a caveat, Korea is not convinced that the mandate from the Doha ministerial – the clarification and improvement of WTO rules - has developed to warrant such goal. Aside from that, we would like to take note that the United States is correct in that this group should deal with trade-distorting effects, whatever the sub-topics are, be it overcapacity or overfishing.

3. The main thrust in the US paper, Korea perceives, is the introduction of a traffic light system, similar to that of the current SCM Agreement.

- (a) First, we would like to point out that this kind of suggestion is bypassing several important preliminary steps. Korea has raised a number of basic questions that are pre-requisites for advancing the negotiations, among others, whether fisheries subsidies cause resource depletion, whether it is particularly difficult to address the trade-distorting effects of fisheries subsidies by the current SCM Agreement, and whether and why we need a special classification scheme for fisheries subsidies only.¹ We do not believe that the answers to these questions were satisfactorily provided during the discussions thus far. The US approach is based on the unproven assumption that all these issues were resolved. Looking ahead without clearing these basic issues is as dangerous as building a structure on flawed foundation.
- (b) Second, the US classification method takes an odd approach that is deviated from the usual rule-making practice in the international trade area. Apparently, the United States borrowed the idea of traffic light system from the current SCM Agreement or the Agriculture Agreement. Members should note that the WTO Agreements are, after all, nothing but trade agreements. The criteria of the traffic

¹Other relevant questions include: -Did Doha Ministerial Declaration mandate a sectoral approach for fisheries subsidies?-Is the heterogeneous nature unique to fisheries?-Is it difficult to identify "like products" for fisheries?-Does the "economic structure" of fisheries industry make price effects of subsidies difficult to estimate?-Is it difficult to estimate the "reference price" for fisheries products?-Is it proper to discuss the environmental aspects of fisheries subsidies in the rules negotiation group?-Are fisheries resources shared resources?-Do fisheries subsidies limit non-subsidized participant access to shared fisheries resources?

light system of the WTO Agreements are trade-distorting effects of subsidies. Although the classification scheme envisaged by the United States appears to conform to the existing system, it has a mixed use of trade effects and environmental effects in the criteria of the classification. We reckon that this confusion has arisen from the problem that the negotiations on fisheries subsidies lack proper principles and definitions, which Korea has been arguing for the need to establish.

4. Lastly, Korea agrees with the United States that this negotiating group should explore ways to draw upon information from other organizations including FAO. Although the United States did not elaborate why, we believe it is due to the fact that this negotiating group is not equipped with necessary expertise in fisheries and accumulation of relevant researches. Therefore, we further view that discussion on resource depletion in an environmental aspect, in particular, is out of the scope of this group's work. The WTO is simply not the place to lay the ground work for the environmental effect of subsidies, nor can it responsibly create and enforce adequate disciplines on the subject.

4. 보조금 제4차 제안(TN/RL/W/160, ' 04.6.8)

◆ 한국 제안서(TN/RL/W/160)의 주요내용

- 뉴질랜드는 수산보조금의 가격/이윤 효과를 과잉능력/과잉어획 효과로 간주하여 수산보조금을 규제하자고 제안하고 있으나, 보조금 유형별로 보조금의 가격/이윤 효과와 과잉능력/과잉어획간의 인과관계를 분석해 본 바에 따르면, 일반적인 인과관계가 존재하지 않기 때문에 뉴질랜드의 주장은 적절치 않음.
- 뉴질랜드가 주장한 새로운 수산보조금 규율은 저이용상태의 자원을 이용하는 어업에도 적용되는 것인지, 사회보장측면의 수산보조금도 금지해야 하는 것인지, 또 양식어업 및 가공산업에 대한 지원 등에 대한 보조금을 금지하고자 하는 것인지, 자국입장을 명확하게 밝혀 줄 것을 요청함.
- WTO 보조금협정에 의한 보조금 “수혜(benefit)” test와 뉴질랜드가 주장하는 ” 가격/이윤효과(cost/revenue)” test간에는 실질적인 차이가 없으며, 따라서 뉴질랜드 제안은 과잉어획능력 test없이 보조금 존재유무만으로 수산보조금을 사실상 규율하고자 하는 것임.
- 보조금의 유해성 여부는 보조금의 성격, 자원관리제도 및 어족자원상태 등에 따라 달라짐. 수산보조금에 대한 규제를 하고자 할 경우 이 같은 제반 여건을 고려한 종합적인 접근이 바람직함. 아울러 수산보조금은 무역, 환경 및 사회경제적 요소간의 균형을 유지하면서 추진되어야 하며, 특히 소규모어업에 대한 특별고려도 필요함.
- 수산보조금에 대한 새로운 규범은 보조금의 성격 외에도 어업관리, 자원 상태, 사회적 영향, 소규모어업과 대규모어업의 차이 등 관련 요소들을 충분히 감안하여 만들어져야 함.

World Trade Organization

TN/RL/W/160

8 June 2004

(04-2468)

Negotiating Group on Rules

Original: English

QUESTIONS AND COMMENTS FROM KOREA ON NEW ZEALAND'S COMMUNICATION ON FISHERIES SUBSIDIES (TN/RL/W/154)

The following communication, dated 7 June 2004, is being circulated at the request of the Delegation of Korea.

INTRODUCTION

1. At the April session of the Rules negotiations, New Zealand submitted a communication on fisheries subsidies (TN/RL/W/154). In that communication, New Zealand proposed a new rule, in which cost and revenue impacts serve as a basic test of whether there is overcapacity or overfishing by reason of fisheries subsidies.
2. While appreciating New Zealand's contribution to improve disciplines on fisheries subsidies, Korea finds the idea proposed by New Zealand problematic and seeks clarification by way of the following questions and comments:

QUESTIONS REGARDING THE NEW ZEALAND COMMUNICATION

Is there any causal link between cost/revenue impacts of subsidies and overcapacity/overfishing?

3. For better understanding of New Zealand's suggestion, Korea performed a simple analysis through various types of fisheries subsidies to identify a possible correlation between the cost/revenue impacts and the overcapacity/overfishing.
 - (a) *Subsidies for vessel construction and modernization, subsidies for foreign access, and subsidies contingent upon export or production:* These subsidies have direct impacts on costs and revenues and their impacts are relatively easy to quantify. Such subsidies could possibly cause overcapacity or overfishing, unless properly managed, and a possible causal link may be presumed between the cost/revenue impacts and overcapacity/overfishing for those subsidies in certain circumstances.
 - (b) *Subsidies for vessel decommissioning, early retirement and retraining of fishermen, compensation for temporary cessation of fishing for resource conservation, subsidies to aquaculture, and subsidies for natural disaster recovery:* These subsidies have direct cost/revenue impacts, but do not have any overcapacity or overfishing effects in general, and in some cases actually reduce overcapacity or overfishing. Thus, causality between them is difficult to find out.
 - (c) *Subsidies for fisheries infrastructure, development of fishing communities, resource management:* These subsidies might have indirect cost/revenue impacts, but they are not likely to cause overcapacity or overfishing.
 - (d) *Subsidies to processing industry and price support subsidies:* They possibly have direct cost/revenue impacts. However, it is ambiguous whether or not there exists a causality between cost/revenue impacts and overcapacity/overfishing. If subsidies are provided to the processing sector vertically integrated with the fishing sector, they can possibly lead to overcapacity or overfishing. If not, the subsidies will not lead to overcapacity/overfishing.

Also, if the price support is for the aquaculture products, the cost/revenue impacts will not cause overcapacity or overfishing.

Table - Correlation between cost/revenue impacts and overcapacity/overfishing

Types of subsidies	Cost or revenue impact	The possibility of overcapacity/overfishing
Vessel construction & modernization	Yes (direct)	Yes
Subsidies for foreign access	Yes (direct)	Yes
Export or production subsidies	Yes (direct)	Yes
Vessel decommissioning	Yes (direct)	No
Early retirement & retraining	Yes (direct)	No
Compensation for temporary cessation	Yes (direct)	No
Subsidies to aquaculture	Yes (direct)	No
Natural disaster recovery	Yes (direct)	No
Fisheries infrastructure	Yes (indirect)	No
Development of fishing community	Yes (indirect)	No
Resource management	Yes (indirect)	No
Subsidies to processing industry	Yes (direct)	Depends (case by case)
Price support subsidies	Yes (direct)	Depends (case by case)

4. As shown above, it is hard to generalize the causal link between cost/revenue impacts and overcapacity/overfishing. Empirical evidence also supports this view. In 1997, 77 per cent of fisheries subsidies in OECD countries were spent on fisheries infrastructure and on general services, such as research, management and enforcement that are essential for ensuring the sustainable use of fish stocks and the aquatic system.¹
5. In this context, Korea doubts whether a significant correlation exists between cost/revenue impacts and overcapacity/overfishing. So, **Korea requests that New Zealand provide an elaborated rationale, relevant documents and empirical evidence to support the alleged causality between cost/revenue impacts and overcapacity/overfishing.**

¹Transition to Responsible Fisheries. OECD, 2000.

Which fisheries subsidies are covered by the proposed new rule?

6. New Zealand's proposal also raises several questions regarding the scope of subsidies subject to the new rule.
- (a) According to the FAO, about 25 per cent of world fish stocks are not overexploited.² **If subsidies that have cost/revenue impacts are provided with regard to the under-exploited fisheries, should these subsidies also be prohibited on the basis of the cost/revenue test?**
 - (b) Support programmes such as assistance to fishing households with low income levels and small-scale fisheries are provided as a part of social welfare policy. **Should those subsidies be prohibited just because they would have cost/revenue impacts?**
 - (c) Subsidies for resource management and subsidies to aquaculture and processing industries are not directly responsible for overcapacity or overfishing, but may cause trade distortions. **Should those subsidies also be prohibited if they have cost/revenue impacts?**

New Zealand's proposal presupposes some exceptions as a counter balance to the broad prohibition. Korea hopes that **New Zealand can provide a clear picture of the exceptions it has in mind.**

Relations between "cost/revenue impacts" test and the definition of subsidies in the ASCM

7. According to Article 1.1 (Definition of a Subsidy) of the ASCM, subsidies exist if there is a financial contribution and a benefit is thereby conferred to recipients. In other words, all the subsidies under the ASCM have cost or revenue impacts on the recipients in a direct or indirect manner. From this perspective, Korea does not believe that there is any substantial difference between the proposed "cost/revenue impacts" test and the "benefit" test of the ASCM. If that is the case, New Zealand's proposal can be eventually presumed to prohibit fisheries subsidies without any test on the questions such as overcapacity, overfishing or other trade distortions.

8. At the last meeting, New Zealand mentioned that although there is indeed a large overlap, there could be subsidies that do not have cost or revenue impacts and were not of a commercial nature.³ **Could New Zealand explain what kind of subsidies can possibly be included in that category?**

COMMENTS

9. Subsidies do not inevitably contribute to resource depletion; nor are they inherently good or bad.⁴ The effects of subsidies depend on their purposes and circumstances in which they are provided. What is important in regulating subsidies is to identify the actual effects they would have. Therefore, it is not appropriate to try to regulate subsidies simply because they exist or have cost or revenue impacts. It should be noted that the ASCM also regulates subsidies on the basis of their adverse effects on international trade.

10. Likewise, new disciplines on fisheries subsidies should be based on the harmful impacts on fisheries resources and the degree of those impacts. In addition, because such impacts differ according to the types of subsidies, the effectiveness of resource management regimes and the level of fish stocks, an integrated approach to fully reflect such factors must be made in establishing the new disciplines on fisheries subsidies.

11. Korea is ready to join the international efforts to enhance mutual supportiveness between trade and the environment by clarifying and improving the WTO disciplines on fisheries subsidies. Korea is of the view that such new disciplines on fisheries subsidies should be pursued while maintaining a balance among trade, environment and socio-economic development. It should also be noted that a wide spectrum of differences exist among the world's fisheries, compared with the

²The State of World Fisheries and Aquaculture 2000. FAO.

³Summary report of the meeting held on 26 & 28 April 2004 (TN/RL/M/14)

⁴Update of FAO activities related to fisheries: Report of the Expert Consultation on Economic Incentives and Responsible Fisheries (WT/CTE/W/189, paragraph 42).

manufacturing sectors. Small-scale subsistence fisheries still coexist side by side with large-scale commercial fisheries, and traditional coastal fisheries with modernized distant water fisheries.

12. Korea is of the position that these different types of fishing and the circumstances surrounding them should be duly reflected in the future negotiations, with particular considerations given to the special needs of developing Members.

5. 관세 제1차 제안(TN/MA/W/6/ADD.2, ' 03. 6.16)

◆ 한국 제안서(TN/MA/W/6/Add.2)의 주요내용

- 수산자원의 지속적인 개발은 세계식량자원과 관계가 있는 시급한 문제임. 마라케시협정의 전문과 도하각료선언의 para 6에 언급된 바와 같이 고갈방지를 위해 모든 노력을 다해야 함.
- 그러나 의장초안은 수산물을 단순히 거래의 대상으로만 간주하고 무세화를 제안하고 있음. 이는 자원의 지속적 개발노력을 무의미하게 하는 조치임.
- 관세철폐는 천연자원의 효율적 이용을 증가시키는 측면이 있지만, 수산물에 대한 관세철폐는 수산물에 대한 수요를 증가시키게 되고 이는 어획노력을 가중시켜 과잉어획과 많은 어류의 멸종으로 이어지게 됨.
- 관세철폐는 개도국에게 혜택을 주려는 당초의도와는 반대로 자원을 고갈시키게 되고, 개도국 발전에 오히려 장애가 됨. 사회 안전망이 구축되지 못한 개도국에서는 관세철폐로 인한 수입감소를 보상하기 위하여 더 많은 어획노력을 투입하게 되고 이는 자원고갈을 가속화하게 됨.
- 나아가 10대 수산물 수출국을 볼 때, 최빈개도국의 이익을 위해 수산물에 대한 관세를 철폐한다는 것은 설득력을 가지지 못하는 바, 신중한 접근이 요구됨.
- 결론적으로 수산물에 대한 관세철폐는 도하 각료선언의 para 6에 배치되는 바, 무세화 대상분야로 적절하지 아니함.

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

Contribution from Korea on Sectoral Tariff Elimination

Addendum

The following communication, dated 27 May 2003, has been received from the Permanent Mission of Korea.

1. The sustainable development of fishery resources is an urgent matter of concern that is closely related to the world's food resources. The global community must make every effort to protect these resources from depletion as stated in the Preamble to the Marrakesh Agreement and paragraph 6 of the Doha Ministerial Declaration.

2. However, the Chairman's draft regards fish and fish products as only an objective of trade and proposes that tariffs on them should be eliminated. This is a matter of grave concern since it could risk making the effort of Members for sustainable development of fishery resources meaningless. Even though fishery resources are considered as one of many exhaustible natural resources, they can be renewable through appropriate resource management. However, they can be also easily depleted by over-exploitation.¹

3. According to economic theory, tariff elimination increases the efficiency of the use of natural resources. Yet, we should not overlook the fact that the pursuit of economic efficiency stimulates the use of natural resources. Some degree of tariff restrains over-fishing by reducing the economic gains of exporting countries. However, the elimination of tariffs on fish and fish products will result in an increase in the demand. As a result, fishery-exporting countries will likely intensify their catching activities, leading to over-exploitation and possible extinction of many fish species considering the advanced modern technologies used in fishing today.

4. Tariff elimination might provoke depletion of fishery resources for the Members that do not have a proper fisheries management system in place. Tariff elimination efforts for the benefit of developing countries and LDCs, contrary to its original intention, would incur the depletion of resources and can ultimately be an obstructive factor to their development. In addition, for the fishermen of importing countries where the job market is not flexible and there is no social safety net system, they must reinforce their fishing effort to compensate for the loss of income in terms of quantity caused by the elimination of the tariff. These intensified fishing efforts would speed up the depletion of fishery resources.

5. Furthermore, if we look at the world's ten largest fish and fish products exporting countries, they are equally split between developed and developing countries. This makes the argument less

¹ TN/MA/W/15/Add.1, paragraph 6.

persuasive that tariff elimination in fish and fish products is for the benefit of LDCs.² Certain LDCs are not advanced in fisheries and also allow other countries access to their seas, or seek joint ventures with foreign countries on the use of fishery resources for economic development. Tariff elimination of fish and fishery products will result in even more access to the seas of LDCs and will result in the depletion of the resources of these countries.

6. Deep reflection is needed to determine whether tariff elimination of fish and fish products, which are exhaustible natural resources, is truly beneficial to developing countries and LDCs in the long term. For sustainable development of exhaustible natural resources such as fishery resources, tariff elimination will not contribute to the development of the developing countries and LDCs in the long run and will benefit only certain Members that can manage their resources scientifically. We firmly believe that these fish exporting states can sufficiently achieve their market access with the application of the formula proposed in the Chairman's draft (paragraphs 6 and 7).

7. In conclusion, tariff elimination of fish and fish products contradicts paragraph 6 of the Doha mandate, which states that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system, and acting for the protection of the environment and the promotion of sustainable development, can and must be mutually supportive. Therefore, we firmly believe that fish and fish products are not applicable for sectoral tariff elimination as proposed in the Chair's draft and should not be included as a possible sector for negotiation.

² FAO, *Yearbook of statistics*, 2000. In order of ranking; Norway(3), U.S.(4), Canada(5), Denmark(6), Spain(9).

◆ 한국 제안서(TN/MA/W/6/Add.2)의 주요내용

1. 도입

-한국이 지난 5월 수산물에 대한 관세철폐가 자원의 지속적 이용에 부정적인 영향을 끼친다는 제안서에 대하여 일부 회원국이 “규범” 협상에서의 입장과 일관성이 없다는 주장이 있기에 이에 대한 이해를 돕고자 함.

2. 수산업의 환경적 측면

-수산물은 “규범” 협상에서 수산보조금이, “비농산물 시장접근” 분야에서 관세가 논의되고 있음.

-다른 산업과는 달리, 천연자로부터 최종산물을 얻고 있으며 FAO에 의하면 75%가 과잉어획 또는 심각하게 고갈된 상황임.

-자원고갈을 해결하는 방안은 어종별 특성에 따라 다양한 바, FAO 나 OECD와 같은 전문적인 국제기구가 수산물의 환경적 측면을 다루는 것이 적절함.

-따라서 DDA의 협상에서 수산분야의 환경적 측면을 다루는 것이 적절하지 못하며, 논의가 불가피하다면 “무역 자유화”와 “고갈가능한 천연자원의 지속적 이용”이 균형있게 논의되어야 할 것임.

3. 수산자원의 지속적 이용을 위한 국제적 노력

-1970년대 연안국들의 EEZ 선포 이후 ICCAT, CCAMLR, IOTC 등 지역 수산기구는 자원보전을 위하여 어획서류비치, 선박모니터링제도, 어구제한 등 다양한 조치를 취하고 있음. 불법어업 및 편의국적선 폐지를 위한 국제적 노력이 행해지고 있고 TAC, 어업허가제도 등 모든 노력이 자원고갈의 위협으로부터 시작되었고 책임있는 어업을 추구하고 있음.

-WTO 회원국은 관세철폐를 포함한 무역자유화가 수산자원의 지속적 이용을 위한 국제적 노력에 부합하는지 여부를 신중히 고려하여야 함.

4. “규범” 협상에서의 한국입장

-수산자원의 지속적 이용을 확대하는 목표를 위해 한국은 유해한 수산보조금 규제를 위한 국제적 노력에 참여할 준비가 되어 있음. 그러나 먼저 많은 회원국이 모든 보조금이 자원고갈의 원인이 된다고 가정하고 있어 이에 대한 해명이 필요함. 이는 근본적인 문제임. DDA 협상은 수산자원의 지속적 이용에 기여할 수 있어야 함.

5. “비농산물 시장접근” 협상에서의 한국입장

-수산물에 대한 관세철폐는 지난번 제안에서 밝혔듯이 자원고갈의 측면에서 수산물 수출국이나 수입국에 바람직하지 못한 결과를 초래할 것임.

-자원관리를 하지 않는 수출국에게는 과잉어획과 자원고갈의 원인이 될 것이며, 수입국의 경우에는 어민이 수산업을 포기할 경우 자원이 회복되겠지만 이는 비현실적인 가정임.

-예를 들면, 10톤 미만의 어선이 94%를 차지하는 한국의 경우 많은 수산물이 수입되면 노령화로 직업전환이 어려우며, 유일한 생계수단인 어업을 포기할 수도 없음. 어획노력을 강화하는 수밖에 없으며 이는 자원고갈은 물론 사회적 정치적 문제를 일으킬 수 있음.

6. 결 론

-DDA 수산물협상에서의 한국정부 입장은 일관성을 유지하고 있음. “수산자원의 지속적 이용”을 염두에 두고 논의되어야 하며, 보조금 논의는 부적절한 방법으로 진행되고 있음.

MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS

Korea's view on Fisheries-Related Issues in DDA Negotiations

Addendum

The following communication, dated 9 July 2003, has been received from the Permanent Mission of Korea.

I. INTRODUCTION

1. Korea submitted a document titled "Contribution from Korea on Sectoral Tariff Elimination (TN/MA/W/6/Add.2)" at the negotiating group on market access meeting in May. In that submission, Korea expressed its concerns about the negative impact of tariff elimination on fish and fish products on the sustainable use of fisheries resources. Regarding this submission, some Members argued that Korea's position with respect to the "Market Access for non-agricultural products (hereinafter Market Access)" negotiation is not consistent with its position regarding the "Rules" negotiation. This paper intends to assist WTO Members in clearly understanding Korea's position on fisheries-related issues in the DDA negotiations.

II. ENVIRONMENTAL ASPECTS OF THE FISHERIES INDUSTRY

2. Two fisheries-related issues are being discussed in the DDA negotiations: one is regarding the fisheries subsidies of the negotiating group on "Rules", and the other is regarding market access for fish and fish products of the negotiating group on "Market Access." Although these two issues are being dealt with as a part of the trade negotiations, they are particularly important because they are related to the environment and the sustainable use of exhaustible natural resources.

3. The fisheries industry is distinct from other industries from the standpoint that it is based on fisheries resources, which are exhaustible natural resources. Unlike other industries, fishermen obtain their final products from the natural environment. They do not need to seed nor cultivate (aquaculture being an exception). However, unlike non-exhaustible natural resources such as solar energy, fisheries resources could be depleted if over-exploited. In fact, according to the FAO, 75 percent of major marine fish stocks or species groups are fully exploited, over-exploited, significantly depleted, or recovering from depletion.¹

4. Various measures including resource enhancement, stern management, catch limits, etc., may be considered as solutions for resource depletion. However, as fisheries industries depend on various fisheries resources with different biological characteristics, and since each Member applies different management schemes under the UNCLOS regime, there is no single solution that can be applied to every situation. For example, if we assume that the squid stock and cod stock² are in danger of

¹ FAO, *The state of world fisheries and aquaculture 2002*.

² The squid are an annual species; they mature spawn and die within a year. The economic value of them is lost when we do not harvest them before their natural mortality. They are usually caught by angling, a less intensive fishing method compared to others. In contrast, cod are a perennial species (up to 14 years), which need at least 3 to 4 years to mature. They are

depletion, applying the same measures to both stocks would neither be effective nor contributive to the mitigation of resource depletion in any way. Measures for the sustainable use of each stock should be pursued on a case-by-case basis, taking into consideration related factors including resource status and management schemes. Thus, international organizations with expertise in fisheries, including the FAO and the OECD, are the best fora to address environmental aspects of fisheries.

5. The problem is that the environmental aspects of fisheries are subject to the DDA negotiations either directly or indirectly. Korea believes that it is undesirable to address the environmental aspects of fisheries in the DDA negotiations, which is basically a forum for trade negotiation. However, if it is inevitable that such aspects are discussed, the negotiations should aim for the sustainable use of fisheries resources. In Korea's view, the current discussions do not seem to be headed in this direction. The DDA negotiation is basically a trade negotiation, but the DDA clearly stipulates the need to secure sustainable development. This means that in the fishery sector, Members should pursue the harmonization of "trade liberalization" with the "sustainable use of exhaustible natural resources," one of the world's most urgent matters.

III. INTERNATIONAL EFFORTS FOR SUSTAINABLE USE OF FISHERIES RESOURCES

6. Korea's view is supported by those in the international community who have given special attention to sustainable use of fisheries resources.

7. From the 1970s, most coastal states began to declare Exclusive Economic Zones (EEZ), and regulated foreign fishing vessels from accessing their EEZs in an effort to conserve their resources. Even some extreme measures, such as moratoria on commercial fishing, were also adopted. Regional fisheries organizations including the ICCAT (International Commission for the Conservation of Atlantic Tunas), CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources), and IOTC (Indian Ocean Tuna Commission) have applied various conservation measures including catch document schemes, vessel monitoring systems, and gear restrictions. International efforts for the elimination of IUU (Illegal, Unreported and Unregulated) and FOC (Flag of Convenience) fishing are gaining strength. Input/Output control measures such as TAC (Total Allowable Catch) and fishing permission are also growing in enforcement by coastal states. All of these international efforts are motivated by the threat of resource depletion, and are being pursued for responsible fisheries management.

8. WTO Members should consider deeply whether trade liberalization, including tariff elimination for fish and fish products, will be supportive or offsetting of previous international efforts aimed at the sustainable use of fisheries resources.

IV. KOREA'S POSITION REGARDING THE NEGOTIATING GROUP ON "RULES"

9. The fisheries subsidies issue has been discussed in the negotiating group on "Rules" in the context of clarifying and improving disciplines under the Agreement on Subsidies and Countervailing Measures. Different views on several issues including heterogeneous nature, reference price, shared stock, etc., have been expressed during the previous meetings.

10. Korea's position regarding the negotiating group on "Rules" can be summarized as follows:

11. First of all, Korea is prepared to participate in international efforts aimed at creating effective disciplines against harmful fisheries subsidies for the purpose of enhancing the sustainable use of

usually caught by trawl, one of the most intensive fishing methods. It also should be noted that the possibility of a same-year-class of cod stock to be caught by fishermen is much higher than that of a squid stock due to the difference in life span.

fisheries resources, if it is deemed necessary. However, our argument is that effective regulation should come only after some preliminary questions³ have been answered in such a way that establish that such harmful subsidies in fact exist. The unproven assumption of many Members is that any and all subsidies are a cause of resource depletion. These Members have been seeking to advance the negotiation without providing sufficient empirical evidence that the existing subsidies they are trying to regulate are indeed a cause of the stated problem. Korea has serious concerns about this fundamental issue. The DDA negotiations can be a prime opportunity to contribute to the sustainable use of fisheries resources if properly developed. However, it may cause undesirable results, including undermining the international efforts for the sustainable use of fisheries resources and destroying vulnerable fisheries communities through inappropriate disciplines, if it is pursued only for the increased commercial interest of a few Members.

12. To reiterate, the Korean government does not object to the goal of making effective disciplines against harmful subsidies. Rather, Korea is raising objections to regulating before a problem is established, especially when those calling for such regulation have a commercial interest in doing so, and thus their stated concern for the environment is a bit suspect.

V. KOREA'S POSITION REGARDING THE NEGOTIATING GROUP ON "MARKET ACCESS"

13. The argument for tariff elimination on fish and fish products resulted from approaching the fisheries issue without taking into consideration the sustainable use of exhaustible natural resources. As Korea already pointed out in its previous submission (TN/MA/W/6/Add.2), tariff elimination for fish and fish products would bring about undesirable results for both fish exporting and importing countries in terms of resource depletion.

14. For fish exporting countries without proper management schemes, it is clear that tariff elimination would cause over-fishing and resource depletion due to the pressure to meet the increased demand. For fish importing countries, it is argued, resources would be recovered as the fishermen would likely give up their fishing activities because they would not be able to compete with cheaper imports. But this is unrealistic when we consider the realities of the fisheries situation of many Members.

15. For example, small-scale fisheries make up the majority of the Korean fisheries, with vessels under 10 meters in length comprising 94% of the total. It is unrealistic to surmise that these fishermen would quit fishing and change their profession when there is a large amount of imports from foreign countries. They not only have little capital, but are also too advanced in their ages to learn and acquire new skills to change occupations. As fishing is the only means to sustain their livelihoods, they would have no choice but to engage in more fishing than before in an effort to compensate for the income lost from the cheaper imports. This would cause social and political problems as well as resource depletion from the collapsing of local fishing communities.

16. There appears to be an inherent contradiction in the arguments of those who advocate the elimination of fisheries subsidies on the grounds of conservation of fish stocks while simultaneously supporting the inclusion of fisheries in the sectoral elimination of tariffs. Some Members regard fisheries resources as a classic example of the tragedy of the commons. If we need to prohibit fisheries subsidies so as to remove the incentive for owners of fishing vessels to catch additional fish to contribute to the conservation of fish stocks, then why should we be endeavouring at the same time

³ These questions include:

- What kinds of subsidies are harmful to resources ?
- Are there any negative side effects from the regulations?

Other questions are listed in Korea's previous submission(TN/RL/W/97)

to facilitate fisheries trade? Doing so would provide a powerful incentive to increase the exploitation of fish stocks, far more than the current subsidies accusedly do. Certainly the increase in global demand for fish that would follow the elimination of tariffs would far outstrip the questionable effects of a few relatively minor, and indeed local, subsidies.

VI. CONCLUSION

17. The position of the Korean government regarding the DDA fisheries negotiations is consistent - they should be discussed bearing in mind the "sustainable use of fisheries resources." Judging from this perspective, Korea believes that the fisheries subsidies negotiation has been driven in an inadequate manner, and that the proposal for including fish and fish products in the sectoral tariff elimination holds little relevance. WTO Members should keep in mind that the WTO could be either praised or blamed from an environmental point of view, depending on how we deal with the fisheries-related issues in the DDA negotiations.

IV. 참고자료

1. 우리나라 국가전체 수출입 대 수산물 수출입 104
2. 세계 수산물 생산 추이 105
3. 세계 수산물 수출 추이 106
4. 세계 수산물 수입 추이 107
5. '01 주요국 수산물 교역비중 107
6. 한국·일본·대만의 수산물수출입 비중 108
7. 무세화 대상 7개분야의 '01수출 실적 109
8. 2004년도 수산물 관세분석 110
9. 우리나라 수산식품 관세율 구조 111
10. 연도별 조정관세 부과품목 현황 112
11. 우리나라 수산물 관세 양허 현황 113
12. 수산일반통계(생산, 수출입, 어업인구, 어가소득) 114
13. 도시근로자·농어가 소득비교 115
14. 농어가 인구비교 116
15. 쌀·소고기·수산물 연간소비량 비교 117
16. 농수산물 수출입비중 118
17. 7대 주요생산어종 119
18. 관세인하공식 120
19. 관세인하공식 계수별 상관관계 121
20. 관세인하공식 계수별 세율별 인하후 예상세율 122
21. 주요수산물 관세비교 123
22. 수산분야가 민감한 이유 125

24.	126
25.	127

1. 우리나라 국가전체 수출입 대 수산물 수출입

(단위 : 백만\$, %)

연도별	수출			수입			무역수지	
	국가전체	수산물	수산물 비중	국가전체	수산물	수산물 비중	국가전체	수산물
1980	17,505	760	4.3	22,292	37	0.2	△ 4,787	723
1981	20,993	932	4.4	26,131	59	0.2	△ 4,138	873
1982	21,616	861	4.0	24,251	58	0.2	△ 2,635	803
1983	24,223	827	3.4	26,192	52	0.2	△ 1,969	775
1984	29,245	878	3.0	30,631	65	0.2	△ 1,386	813
1985	30,283	891	2.9	31,136	83	0.3	△ 853	808
1986	34,714	1,282	3.7	31,584	112	0.4	△ 3,130	1,170
1987	47,281	1,620	3.4	41,020	203	0.5	△ 6,261	1,417
1988	60,696	1,911	3.1	51,811	292	0.6	△ 8,885	1,619
1989	62,377	1,690	2.7	61,465	322	0.5	△ 912	1,368
1990	65,016	1,513	2.3	69,844	368	0.5	△ 4,828	1,145
1991	71,870	1,643	2.3	81,525	576	0.7	△ 9,655	1,067
1992	76,632	1,518	2.0	81,775	506	0.6	△ 5,143	1,012
1993	82,236	1,497	1.8	83,800	542	0.6	△ 1,564	955
1994	96,013	1,647	1.7	102,348	726	0.7	△ 6,335	921
1995	125,058	1,722	1.4	135,120	843	0.6	△ 10,062	879
1996	129,715	1,635	1.3	150,339	1,080	0.7	△ 20,624	555
1997	136,164	1,493	1.1	144,616	1,045	0.7	△ 8,452	448
1998	132,313	1,369	1.0	93,282	587	0.6	39,031	782
1999	143,685	1,521	1.1	119,752	1,179	1.0	23,933	342
2000	172,268	1,504	0.9	160,481	1,411	0.9	11,787	93
2001	150,439	1,274	0.8	141,098	1,648	1.7	9,341	△ 374
2002	162,471	1,160	0.7	152,126	1,884	1.2	10,345	△ 724
2003	194,325	1,129	0.6	178,784	1,961	1.1	15,541	△ 832

2. 세계 수산물 생산 추이

(單位 : 千톤)

	'00	'01	'02	'02/'01 (%)
계	130,927	130,207	132,989	102.1
중 국	41,568	42,579	44,320	104.1
페 루	10,665	7,996	8,775	111.0
일 본	5,685	5,965	5,963	100.0
인 도	5,734	5,521	5,271	95.5
미 국	5,174	5,405	5,435	100.6
인도네시아	4,858	5,068	5,420	107.0
칠 레	4,692	4,363	4,817	110.4
러시아	4,048	3,718	3,334	90.0
태 국	3,643	3,606	3,566	98.9
노르웨이	3,195	3,199	3,297	103.1
필리핀	2,287	2,380	2,474	104.0
한 국	2,117	2,282	1,966	86.2
기 타	37,261	38,125	38,351	100.6

資料 : FAO yearbook, Fishery Statistics, Capture Production, 2002

FAO yearbook, Fishery Statistics, Aquaculture Production, 2002

註 : 고래, 물개, 기타수산 포유동물 및 수산식물, 어망제외

3. 세계 수산물 수출 추이

(單位：百萬\$)

	'00	'01	'02	'02/'01
계	55,295	56,195	58,211	103.6
태 국	4,367	4,039	3,676	91.0
중 국	3,603	3,999	4,485	112.2
노르웨이	3,533	3,364	3,569	106.1
미 국	3,055	3,316	3,260	98.3
캐나다	2,818	2,798	3,035	108.5
덴마크	2,756	2,661	2,872	107.9
칠 레	1,794	1,939	1,869	96.4
스페인	1,600	1,844	1,900	103.0
대 만	1,756	1,817	1,664	91.6
베트남	1,481	1,781	2,030	114.0
인도네시아	1,584	1,535	1,491	97.1
러시아	1,386	1,528	1,399	91.6
네덜란드	1,344	1,421	1,803	126.9
영국	1,259	1,306	1,353	103.6
아이슬란드	1,229	1,270	1,429	112.5
인디아	1,405	1,238	1,412	114.1
한 국	1,386	1,156	1,046	90.5
기 타	18,939	19,183	19,918	103.8

資料：FAO, Yearbook of statistics, 2002

註：고래, 물개, 기타수산 포유동물 및 수산식물, 어망제외

4. 세계 수산물 수입 추이

(單位 : 百萬\$)

	'00	'01	'02	'02/'01
계	60,071	59,421	61,446	103.4
일 본	15,513	13,453	13,646	101.4
미 국	10,451	10,289	10,065	97.8
스페인	3,352	3,715	3,853	103.7
프랑스	2,984	3,056	3,207	104.9
이태리	2,535	2,716	2,906	107.0
독 일	2,262	2,349	2,420	103.0
영 국	2,184	2,237	2,328	104.1
중 국	1,796	1,787	2,198	123.0
홍 콩	1,949	1,768	1,766	99.9
덴마크	1,806	1,734	1,806	104.2
한 국	1,372	1,627	1,861	114.4
기 타	13,867	14,690	15,390	104.8

資料 : FAO, Yearbook of statistics, 2002

註 : 고래, 물개, 기타수산 포유동물 및 수산식물, 어망제외

5. '01 주요국 수산물 교역비중

(백만불, %)

순위	수 입			수 출			수입 + 수출		
	국가	금액	비중/누계	국가	금액	비중/누계	국가	금액	비중/누계
계		59,397	100.0		55,865	100.0		115,262	100.0
1	일 본	13,453	22.6/22.6	태 국	4,039	7.2/7.2	일 본	14,221	12.3/12.3
2	미 국	10,291	17.3/39.9	중 국	3,999	7.2/14.4	미 국	13,607	11.8/24.1
3	스페인	3,724	6.3/46.2	놀웨이	3,364	6.0/20.4	스페인	5,122	4.4/28.5
4	프랑스	3,063	5.2/51.4	미 국	3,316	5.9/26.3	태 국	5,058	4.4/32.9
5	이태리	2,722	4.6/56.0	캐나다	2,798	5.0/31.3	덴마크	4,403	3.8/36.7
6	독 일	2,354	4.0/60.0	덴마크	2,666	4.8/36.1	캐나다	4,152	3.6/40.3
7	영 국	2,242	3.8/63.8	칠 레	1,939	3.5/39.6	프랑스	4,084	3.5/43.8
8	중 국	1,787	3.0/66.8	스페인	1,848	3.3/42.9	놀웨이	4,018	3.5/47.3
9	홍 콩	1,768	3.0/69.8	대 만	1,821	3.3/46.2	영 국	3,550	3.1/50.4
10	덴마크	1,737	2.9/72.7	베트남	1,781	3.2/49.4	독 일	3,392	2.9/53.3
11	한 국	1,627	2.7/75.4	인도네시아	1,535	2.7/52.1	이태리	2,917	2.5/55.8
12	캐나다	1,372	2.3/77.7	러시아	1,528	2.7/54.8	한 국	2,783	2.4/58.2
13	네델란드	1,234	2.1/79.8	네델란드	1,424	2.5/57.3	네델란드	2,658	2.3/60.5
14	태 국	1,019	1.7/81.5	영 국	1,308	2.3/59.6	대 만	2,351	2.0/62.5
15	벨기에	1,003	1.7/83.2	아이슬란드	1,270	2.3/61.9	홍 콩	2,192	1.9/64.4
16	폴투갈	937	1.6/84.8	인디아	1,238	2.2/64.1	칠 레	1,996	1.7/66.1
17	스웨덴	733	1.2/86.0	한 국	1,156	2.1/66.2	러시아	1,873	1.6/67.7
18	놀웨이	654	1.1/87.1	패 루	1,128	2.0/68.2	베트남	1,805	1.6/69.3
19	대 만	530	0.9/88.0	독 일	1,038	1.9/70.1	인도네시아	1,627	1.4/70.7
20	호 주	519	0.9/88.0	프랑스	1,021	1.8/71.9	벨기에	1,525	1.3/72.0
	기 타	6,628	11.1/100		15,648	2.8/99.9		31,928	27.7/99.7

6. 한국 · 일본 · 대만의 수산물 수출입 비중

□ 수입

(단위: 백만불)

		'99	'00	'01	3년 평균
세계 총계		57,617	60,020	59,397	59,011
3개국	소계	16,446(28.5%)	17,432(29.0%)	15,610(26.3%)	16,496(28.0%)
	일본	(1위)14,749(25.6)	(1위)15,513(25.8)	(1위)13,453(22.6)	① 14,572(24.7)
	한국	(12위) 1,140(2.0)	(12위) 1,372(2.3)	(11위) 1,627(2.7)	1,380(2.3)
	대만	② (19위) 557(1.0)	(20위) 547(0.9)	(19위) 530(0.9)	544(0.9)
기타국가 (중 국)	41,171(71.5%) ③ (13위)(1,127)(2.0)	42,588(71.0%) ④ (10위)(1,796)(3.0)	43,787(73.7%) ⑤ (8위)(1,787)(3.0)	42,515(72.0%) (1,570)(2.7)	

□ 수출

(단위: 백만불)

		'99	'00	'01	3년 평균
세계 총계		52,682	55,234	55,865	54,594
3개국	소계	3,815(7.2%)	3,944(7.1%)	3,745(6.7%)	3,835(7.0%)
	일본	⑥ (25위) 720(1.4)	⑦ (23위) 802(1.5)	⑧ (24위) 768(1.4)	763(1.4)
	한국	⑨ (13위)1,393(2.6)	⑩ (14위)1,386(2.5)	⑪ (17위)1,156(2.1)	1,312(2.4)
	대만	⑫ (8위)1,702(3.2)	⑬ (8위)1,756(3.2)	⑭ (9위)1,821(3.2)	⑮ 1,760(3.2)
기타국가 (중 국)	48,867(92.8%) ⑯ (3위)(2,960)(5.6)	51,290(92.9%) ⑰ (2위)(3,603)(6.5)	52,120(93.3%) ⑱ (2위)(3,999)(7.2)	50,759(93.0%) (3,521)(6.4)	

□ 교역(수입+수출)

(단위: 백만불)

		'99	'00	'01	3년 평균
세계 총계		110,301	115,254	115,262	113,606
3개국	소계	20,261(18.4%)	21,376(18.5%)	19,355(16.8%)	20,331(17.9%)
	일본	15,469(14.0)	16,315(14.2)	14,221(12.3)	15,335(13.5)
	한국	2,533(2.3)	2,758(2.4)	2,783(2.4)	2,692(2.4)
	대만	2,259(2.0)	2,303(2.0)	2,351(2.0)	2,304(2.0)
기타국가 (중 국)	90,040(81.6%) (4,087)(3.7)	93,878(81.5%) (5,399)(4.7)	95,907(83.2%) (5,786)(5.0)	93,275(82.1%) (5,091)(4.5)	

※ 자료: FAO Yearbook 2001. Vol.93

7. 무세화 대상 7개 분야의 '01 수출실적

(Sectoral Elimination - World Export of 2001)

(단위:백만불)

대상분야 (Sector name)	계 (All countries)	선진국 (Developed Countries)(Share)	개도국 (Developing Countries)(Share)
계 (All Sectors)	2,080,110	1,198,642(57.62%)	881,469(42.38%)
수산물 (Fish and fish products)	48,663	24,337(50.01%)	24,326(49.99%)
가죽제품 (Leather goods)	25,390	10,563(41.60%)	14,827(58.40%)
섬유 및 의류 (Textiles and clothing)	334,118	133,828(40.05%)	200,290(59.95%)
신 발 (Footware)	45,080	18,825(41.76%)	26,255(58.24%)
전자제품 (Electronics and Electrical goods)	1,373,433	813,391(59.22%)	560,042(40.78%)
자동차 부품 (Motor vehicle parts and components)	140,190	117,611(83.89%)	22,580(16.11%)
보석류 (Stones, gems and precious metals)	113,236	80,087(70.73%)	33,149(29.27%)

※ 본 자료는 일본측이 인도네시아로부터 입수한 자료임('04. 4. 8)

8. 2004년도 수산물 관세분석

□ 세율현황

양허구분	품목수	기본세율	조정관세	할당관세	양허세율	실행세율	비고
전 체	406	17.58%	40.0%	2%	17.63%	18.19%	
양 허	175	17.53%	-	(2%)	17.63%	17.05%	
비양허	231	17.61%	40.0%	-	-	19.04%	

□ 세율구분

- 기본세율 : 국정관세로 잠정관세, 탄력관세보다 나중 부과
- 조정관세 : 국내의 동종동질물품 또는 유사한 물품보다 현저히 낮은 가격으로 수입되어 국내활동 저해우려시 수입억제를 위해 할증부과하는 탄력관세로서 기본세율이나 양허세율보다 우선 적용
- 할당관세 : 특정한 물품의 수입을 촉진(억제)시킬 필요가 있는 경우 등에 일정 세율을 가감하여 부과하는 탄력관세로서 기본세율이나 양허세율보다 우선 적용
- 양허세율 : WTO 등 국제기구에 의한 협상과 쌍무협상결과를 이행하기 위해 양허된 품목에 대해 적용하는 관세로 양허품목은 양허세율보다 높게 부과할 수 없음
- 실행세율 : 수입업자 등이 실제로 납부하게 되는 세율로 양허품목은 기본세율과 양허세율중 낮은 세율을, 미양허품목은 기본관세 보다 조정관세나 할당관세를 우선 적용

9. 우리나라 수산식품 관세율 구조

1. 2004년도 수산물 HS단위별 품목수

HS분류 관세율	계	01 (산동물)	02 (육류)	03 (어류)	05 (동물성 생산품)	12 (채유용 종자)	13 (식물성 엑기스)	15 (동물성 유지)	16 (육어류 조제)	21 (조제식 료)	23 (사료)
4단위	25	1	2	7	4	1	1	3	3	2	1
6단위	127	1	4	94	4	1	1	5	15	2	1
8단위	262	1	3	192	8	9	3	7	35	2	2
10단위	406	2	3	265	16	39	3	7	66	3	2

2. 2004년도 수산물 관세율 분포(실행관세 기준)

HS분류 관세율	계	01 (산동물)	02 (육류)	03 (어류)	05 (동물성 생산품)	12 (채유용 종자)	13 (식물성 엑기스)	15 (동물성 유지)	16 (육어류 조제)	21 (조제식 료)	23 (사료)
계	406	2	3	265	16	39	3	7	66	3	2
2%	1				1						
3%	5							5			
5%	4			1	1						2
8%	23	2			14		3	2		2	
10%	92			91		1					
14%	2			2							
20%	247			159		25			63		
25%	1			1							
30%	12		3	5					3	1	
40%	2			2							
45%	13					13					
50%	2			2							
55%	1			1							
70%	1			1							

○ 조정관세 12개 품목중

- 기본세율 10% : 9개(활농어, 냉동민어, 냉동홍어, 활돔, 냉동꽂치, 냉동오징어, 냉동명태, 활뱀장어, 활민어)

- 기본세율 20% : 3개(냉동새우, 냉동낙지, 새우젓)

○ 평균관세 : 7,137/406개품목=17.58(기본관세 기준), 7,384/406개품목=18.19(실행관세)

10. 연도별 조정관세 부과품목 현황

품 명	기본 관세 (%)	조 정 관 세(%)										
		'94 11품목	'95 14품목	'96 20품목 (상/하)	'97 27품목 (상/하)	'98 23품목	'99 14품목	2000 14품목	2001 14품목	2002 14품목	2003 12품목	2004 12품목
활뱀장어 0301-99	10	-	-	-	-	50	30	30% 또는 (1,908원/kg)	30% 또는 (1,908원/kg)	30% 또는 (1,908원/kg)	30% 또는 (1,908원/kg)	30% 또는 (1,908원/kg)
활 돔 0301-99-4000	10	100	100	100	100	100	80	70% 또는 (5,122원/kg)	65% 또는 (4,756원/kg)	60% 또는 (4,390원/kg)	55% 또는 (4,024원/kg)	50% 또는 (3,658원/kg)
활 농 어 0301-99-9050	10	100	100	100	100	100	80	70	65	60	55	50
활 민 어 0301-99-9095	10	-	-	-	-	-	-	-	-	40 (참조기,부 세 제외)	40 (참조기,부 세 제외)	40
냉동명태 0303-79-1000	10	-	-	30	30	30	30	30	30	30	30	30
냉동꽂치 0303-79-8000 (학꽂치 포함)	10	-	-	/30	-	50	50 (학꽂 치제 외)	50 (학꽂치 제외)	40 (학꽂치 제외)	40 (학꽂치 제외)	40 (학꽂치 제외)	40
냉동홍어 0303-79-9093	10	-	-	-	/50	70	70	60	50	40	35	30
냉동민어 0303-79-9095	10	-	-	-	/100	100	90	80	70	70 (참조기,부 세 제외)	70 (참조기,부 세 제외)	70
냉동새우 0306-13-9000	20	-	35	35	40	40	40	35	35	35	30 (새우살제외)	30
새 우 젓 0306-23-3000	20	-	-	-	100	100	70	60% 또는 (396원/kg)	60% 또는 (396원/kg)	55% 또는 (363원/kg)	55% 또는 (363원/kg)	55% 또는 (363원/kg)
냉동오징어 0307-49-1020	10	-	-	-	/30	40	40	40	40	40	35	30
냉동낙지 0307-59-1020	20	-	50	40	50	40	40	35% 또는 (622원/kg)	35% 또는 (622원/kg)	35% 또는 (622원/kg)	30% 또는 (533원/kg)	25% 또는 (444원/kg)
활미꾸라지 0301-99-9070	10	100	100	100	100	100	70	60% 또는 (524원/kg)	50% 또는 (436원/kg)	-	-	-
냉동명태필렛 0304-20-1000	10	-	-	30	30	30	30	25% 또는 (383원/kg)	25% 또는 (383원/kg)	-	-	-
조미오징어 1605-90-9010	20	-	-	/30	30	30	30	25% 또는 (395원/kg)	25%	-	-	-

*음영표시는 당해년도 신규적용 품목임

* "-" 표시된 품목은 당해년도 부과제외 품목임

품 명	기본 관세 (%)	조 정 관 세(%)										
		'94	'95	'96	'97	'98	'99	2000	2001	2002	2003	2004
						(상/하)	(상/하)					
냉동가리비	20	-	-	-	-	50	-					
미역 (건,염,기타)	20	70(3)	28(3)	26(3)	24(3)	22(3)	-					
다랭이및가다랭이 통조림 (기름담금, 기타)	20	-	-	-	/40(4)	32(4)	-					
활능성어	10	100	-	-	-	-	-					
활볼락	10	100	-	-	-	-	-					
활노래미	10	-	-	50/40	30	-	-					
냉동돔 (옥돔, 기타돔)	10	-	18 (냉동돔)	16 (2)	14 (2)	-	-					
냉동복어	10	-	50	40/50	40	-	-					
냉동명란	10	-	18	16	14	-	-					
골뱅이 (통조림, 훈제,조제)	20	100(3) (통조림, 훈제, 조제)	50(3) (통조림, 훈제, 조제)	50(3) (통조림, 훈제, 조제)	50(3) (통조림, 훈제, 조제)	50 (통조림)	-					

*음영표시는 당해년도 신규적용 품목임

* "-" 표시된 품목은 당해년도 부과제의 품목임

*'98년도 제외품목 중 골뱅이는 통조림, 훈제, 조제 3품목 중 훈제, 조제(냉동)품목만 제외됨

조정관세 품목 현황

(품목수 : 개, 세율 : %)

	'91	'92	'93	'94	'95		'96		'97		'98	'99	'00	'01	'02	'03	'04
					상	하	상	하	상	하							
전 체	1	40	45	42	38	34	35	38	62	62	38	30	28	26	23	23	20
수산물	-	3	6	11	14	14	18	20	23	27	23	14	14	14	12	12	12

품 명	기타관세	조정관세					
		1999	2000	2001	2002	2003	2004
□농산물		5 개	6 개	6 개	6 개	6 개	6 개
바나나 (신선,건조)	30	-	50	50	50	40	40
당면	8	50% 395원/kg	50% 395원/kg	50% 395원/kg	50% 395원/kg	50% 395원/kg	50% 395원/kg
찜쌀 및 삶은쌀	8	50	50	50	50	50	50
소스와소스용조제 품및혼합조미료 (고추장포함)	8	50	50	50	45	45	45
메 주	8	50% 201원/kg	40% 160원/kg	25% 100원/kg	25% 100원/kg	25% 100원/kg	22% 88원/kg
표고버섯	30	900% 1,625원/kg	80% 1,444원/kg	70% 1,625원/kg	60% 1,625원/kg	55% 1,625원/kg	50% 1,625원/kg
□공산품		11 개	8 개	6 개	5 개	5 개	2 개
합 관	8	15	14	13	13	13	13
전자부품장착기	8	21	18	18	18	18	18
견직물	13	20	18	18	16	15	-
면직물/거즈	10/8	18	16	16	14	13	-
견사	8	18	18	16	14	10	-
면타올	13	18	16	16	-	-	-
이륜차(모터없음)	8	21	18	-	-	-	-
이륜차 부속 (모터없음)	8	13	11	-	-	-	-
환봉 및이썬시개	8	13	-	-	-	-	-
화강암	8	13	-	-	-	-	-
H 형강	8	10	-	-	-	-	-

11. 우리나라 수산물 관세 양허 현황

2004년도 기준

현행 기본관세율	품목수	품 목 내 역	양 허 여 부	
			양 허	비양허
계	406		175	231
3%	5	- 15류(동물성유지) : 5개 ·어류의 유지와 그분획물, 기타어류간유와 그 분획물 등	5 *어류의유지와 그분획물 등	-
5%	4	- 03류(어류) : 1개 ·굴치패 - 05류(동물성생산물) : 1개 ·어류의 웨이스트 - 23류(사료) : 2개 ·어류의 분·조분(비식용), 어류외 기타분조분(비식용)	3 *어류의 웨이스트 등	1 * 굴치패
8%	24	- 01류(산동물) : 2개 ·갯지렁이, 실지렁이 - 05류(동물성생산물) : 15개 ·산호, 진주패각, 민물패각 등 - 13류(식물성엑기스) : 3개 ·한천기타, 분한천, 실한천 - 15류(동물성유지) : 2개 ·경남, 경유와 그분획물 - 21류(조제식료) : 2개 ·조제감, 기타 조제한 식용해초류	21 *분한천, 실한천 등	3 *조제감, 조제식용해초류, 기타어류, 갑각류, 연체수생동물성산물
10%	100	- 03류(어류) : 99개 ·조기, 고등어, 명태, 갈치(냉동) 등 ·넙치류, 농어, 돔, 민어, 기타어류(활어) 등 ·오징어(건조) 등 - 12류(채유용종자) : 1개 ·김(냉동)	47 *조기(냉동), 갈치(냉동), 김(냉동), 송어(활어) 등	54 *명태(냉동), 고등어(냉동), 오징어(건조), 넙치류(활어) 등
20%	250	- 03류(어류) : 162개 ·꽃게, 굴(냉동) 등 ·멸치, 북어(건조) 등 ·돔, 꽃게(신선냉장) 등 - 12류(채유용종자) : 25개 ·미역, 다시마(염장) 등 - 16(육어류조제) : 63개 ·조미오징어, 골뱅이(조제), 굴(밀폐용기) 등	83 *꽃게(냉동), 굴(냉동), 미역(염장), 고등어(밀폐용기)	169 *굴기타(산것, 신선, 냉장), 고등어(염장), 멸치(건조), 북어(건조) 등
30%	7	- 02(육류) : 3개 ·해양동물고기, 고래돌고래바다소고기 등 - 16류(육어류조제) : 3개 ·어류의즙, 어류의엑스 등 - 21류(조제식료) : 1개 ·어류의스프,	3 *어류의스프, 해양동물고기 등	4 *어류의즙, 어류의엑스 등
50%	13	- 12류(채유용종자) : 13개 ·미역, 파래, 다시마(냉동) 등	13 *미역(냉동), 파래(냉동) 등	-

12. 수산일반통계

□ 생산 및 생산액

(천톤, 억원)

'80		'90		'00		'01		'02		03	
물량	금액	물량	금액	물량	금액	물량	금액	물량	금액	물량	금액
2,410	8,406	3,274	28,270	2,514	40,664	2,665	42,529	2,476	42,052	2,843	47,668

□ 수출입

(백만불)

구 분	'80	'90	'00	'01	'02	03
수 출	760	1,513	1,504	1,274	1,160	1,129
수 입	37	368	1,411	1,648	1,884	1,961
무역수지	723	1,145	93	△374	△724	△832

□ 어업인구(어업가구원)

(명)

'80	'90	'00	'01	'02	03
884,184	496,089	251,349	234,434	215,174	212,104

□ 평균실행세율

(개, %)

'99		'00		'01		'02		'03		04	
품목수	세율	품목수	세율	품목수	세율	품목수	세율	품목수	세율	품목수	세율
395	19.0	399	18.7	399	18.6	403	18.5	406	18.3	406	18.2

□ 국민계정 중 어업이 차지하는 비중

구 분	1995	2000	2001	2002	'95대비 (2000대비)
총인구(천명)	45,093	47,275	47,343	47,639 ¹⁾	5.4(0.8)
국내총생산(GDP, 십억원)	377,350	521,960	5,450,133	596,381	58(14.3)
1인당 국민소득(GNI, 만원)	835	1,104.6	1,148.8	1,252.9	50(13.4)
농림어업국내총생산(GDP,십억원)	23,354	24,518	241,267	23,594	1.03(-3.8)
어업국내총생산(GDP,십억원)	2,459	1,926	2,148	1,892	-23(1.8)
어업국내총생산/GDP(%)	0.65	0.37	0.39	0.32	

주 1 : 추계인구

2 : 국민계정 해당항목의 수치는 명목값임.

□ 어가소득 현황

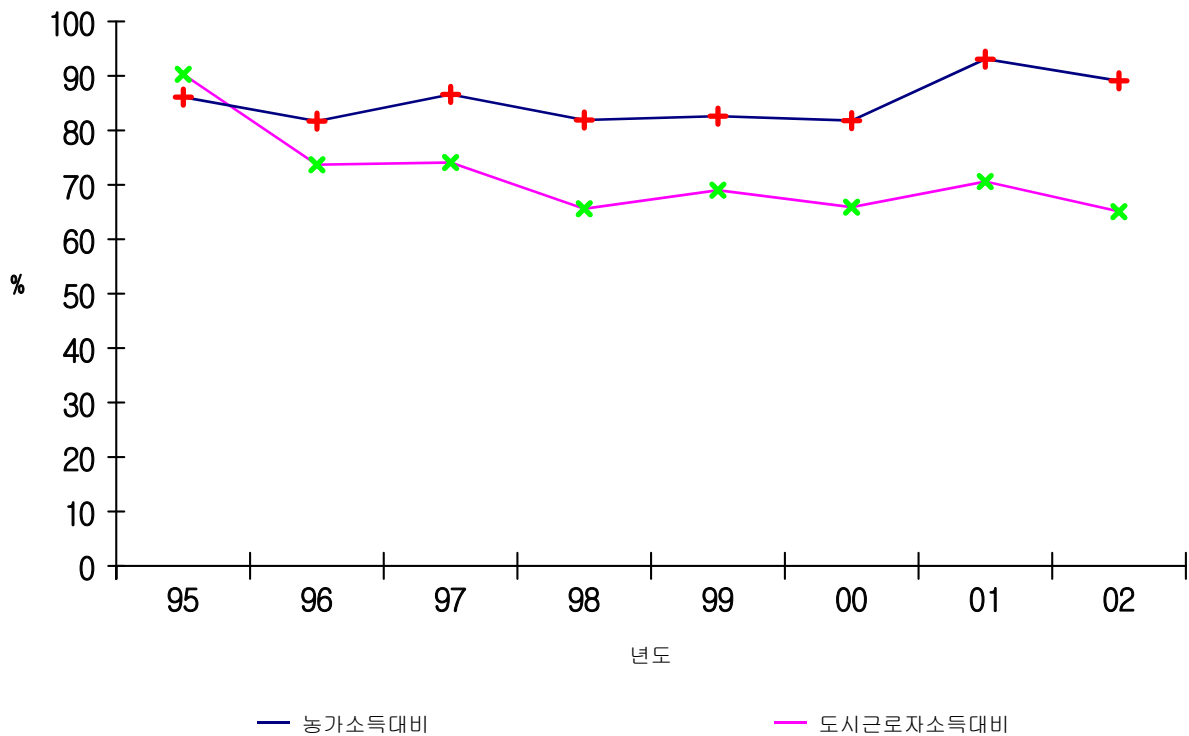
구 분	1995	2000	2001	2002	'95대비 (2000년대비)
어가호수(호)	104,480	81,779	77,717	73,124	-30(-10.6)
어가인구(명)	347,210	251,521	234,434	215,174	-38(-14.5)
어업종사자수(명)	176,123	139,837	136,869	127,694	-27.5(-8.7)
-어업종사자수/총인구(%)	0.38	0.30	0.29	0.27	
-60세이상어업종사자/종사자수(%)	21.6	26.3	30.9	29.3	
어가소득(천원)	18,780	18,875	22,252	21,816	16.2(15.6)
-어업소득/어가소득(%)	50.2	53.4	49.9	46.6	
-어가소득/농가소득(%)	86.1	81.8	93.1	89.1	
-어가소득/도시가계소득(%)	81.9	65.9	70.6	65.1	
어가유통자산(천원)	15,723	39,389	28,872	32,732	108.2(-16.9)
어가부채(천원)	11,033	13,635	15,466	17,494	58.6(28.3)
-어가부채/어가유통자산(%)	70.2	34.6	53.6	53.4	

13. 도시근로자 · 농어가 소득 비교

(단위 : 천원, %)

년 도	어가소득(A)	농가소득(B)	도시근로자(C)	비율 (A/B)	비율 (A/C)
1995	18,780	21,803	20,786	86.1	90.3
1996	19,039	23,298	25,832	81.7	73.7
1997	20,331	23,488	27,448	86.6	74.1
1998	16,794	20,494	25,592	81.9	65.6
1999	18,428	22,323	26,696	82.6	69.0
2000	18,875	23,072	28,643	81.8	65.9
2001	22,252	23,907	31,501	93.1	70.6
2002	21,816	24,475	33,504	89.1	65.1

어가소득의 농가소득 및 도시근로자 소득 대비

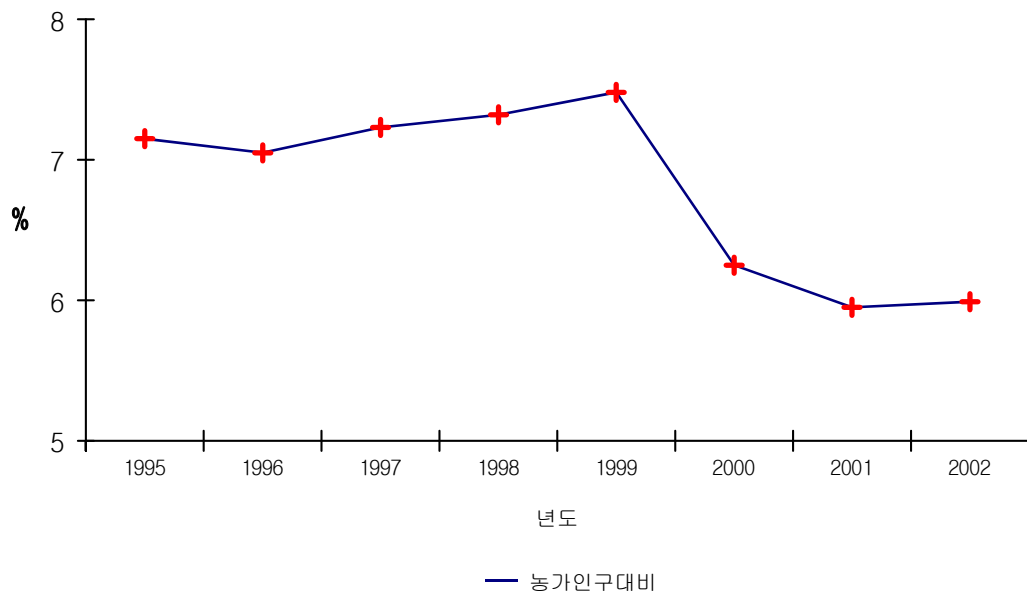


14. 농어가 인구비교

(단위 : 천명, %)

년 도	총인구(A)	어가(B)	농가(C)	농가대비 (B/C)
1995	45,093	347	4,851	7.15
1996	45,525	331	4,692	7.05
1997	45,954	323	4,468	7.23
1998	46,287	322	4,400	7.32
1999	46,617	315	4,210	7.48
2000	47,008	252	4,032	6.25
2001	47,343	234	3,933	5.95
2002	47,639	215	3,591	5.99

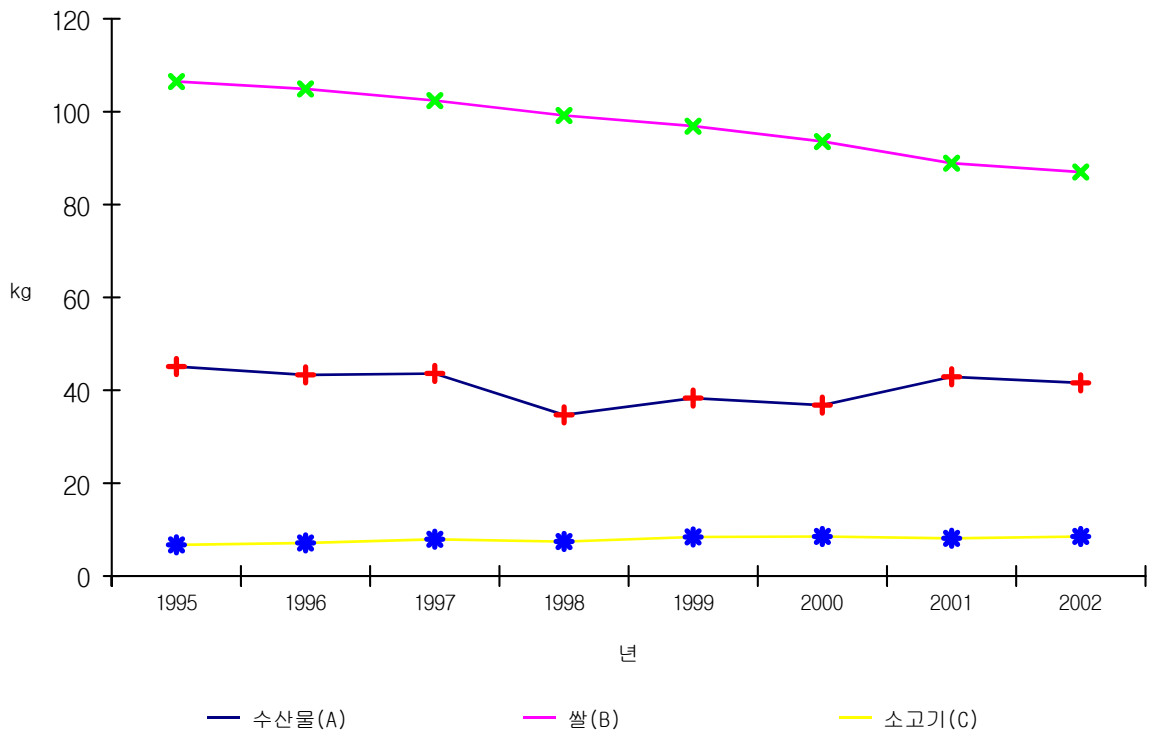
농어가인구 비교



15. 쌀 · 소고기 · 수산물 연간소비량 비교

(단위 : kg)

년 도	수산물(A)	쌀(B)	소고기(C)	비율 (A/B)	비율 (A/C)
1995	45.1	106.5	6.7	42.3	673.1
1996	43.3	104.9	7.1	41.3	609.9
1997	43.6	102.4	7.9	42.6	551.9
1998	34.7	99.2	7.4	35.0	468.9
1999	38.3	96.9	8.4	39.5	456.0
2000	36.8	93.6	8.5	39.3	432.9
2001	42.9	88.9	8.1	48.3	529.6
2002	41.6	87.0	8.5	47.8	489.4



16. 농수산물 수출입 비중

(단위: 백만\$)

구분		1999년		2000년		2001년		2002년		2003년	
		금 액	%	금 액	%	금 액	%	금 액	%	금 액	%
수 출	국가전체	143,685	100	172,268	100	150,439	100	162,471	100	193,817	100
	농림수산물	3,240.0	2.3	3,067.5	1.8	2,880.3	1.9	2,822.5	1.7	2,999.7	1.5
	농 산 물	1,167.7	0.8	1,272.3	0.7	1,374.6	0.9	1,472.8	0.9	1,563.2	0.8
	축 산 물	421.9	0.3	162.2	0.1	134.6	0.1	111.9	0.1	119.5	0.1
	임 산 물	129.9	0.1	128.5	0.1	97.5	0.1	77.5	-	187.6	0.1
	수 산 물	1,520.5	1.1	1,504.5	0.9	1,273.6	0.8	1,160.4	0.7	1,129.4	0.6
수 입	국가전체	119,752	100	160,481	100	141,098	100	152,126	100	178,827	100
	농림수산물	8,631.1	7.2	9,938	6.2	11,030.5	7.8	12,366.8	8.1	12,462.5	7.0
	농 산 물	4,682.2	3.9	5,104.5	3.2	5,977.4	4.2	6,309.7	4.1	6,212.7	3.5
	축 산 물	1,245.2	1.0	1,678.8	1.0	1,600.0	1.1	2,087.0	1.4	2,115.6	1.2
	임 산 물	1,524.7	1.3	1,744.1	1.1	1,804.7	1.3	2,088.9	1.4	2,173.1	1.2
	수 산 물	1,179.0	1.0	1,410.6	0.9	1,648.4	1.2	1,884.4	1.2	1,961.1	1.1

17. 7대 주요생산어종

(단위 : 천톤)

		'00	'01	'02	비 고
총 생산량		2,514	2,665	2,477	
주요어종생산량		1,839	2,070	1,889	
연 근 해	연근해합계	1,189	1,252	1,096	
	①멸 치	201	274	236	
	②오 징 어	226	226	227	
	③고 등 어	146	204	142	
	④갈 치	81	80	60	
	⑤삼 치	26	26	26	
	⑥강 달 이	31	25	20	
	⑦바 지 락 기 타	21 457	20 397	15 370	
원 양	원양합계	651	739	580	
	①명 태	86	199	25	
	②오 징 어	178	163	141	
	③가다랑어	137	138	174	
	④황다랑어	49	59	49	
	⑤눈다랑어	30	31	32	
	⑥민 어	23	22	24	
	⑦꽂 치 기 타	25 123	21 106	20 115	
천해양식	양식합계	653	656	782	
	①미 역	212	175	242	
	② 굴	177	174	182	
	③ 김	130	168	210	
	④다시마	14	18	25	
	⑤바지락	18	16	11	
	⑥넙 치	14	16	23	
	⑦미더덕 기 타	14 74	15 74	5 84	
내 수 면	21	18	19		

※ 순위는 편의상 '01년도를 기준으로 작성하였음

18. 관세인하공식

- NAMA 협상 의장 Girard는 스위스 공식을 변형하여 Girard 의장초안을 제시('03.8.19, TN/MA/W/35/Rev.1)

- 스위스 관세인하 공식

$$※ t_1 = \frac{A \times t_0}{A + t_0}$$

t_1 = 인하후 최종세율, t_0 = 기준세율, A = 상수(조정계수)

- Girard안 관세인하 공식

$$※ t_1 = \frac{B \times t_a \times t_0}{B \times t_a + t_0}$$

t_1 = 인하후 최종세율, t_0 = 기준세율, t_a = 평균기준관세율, B = 조정계수

- 양 공식의 차이: 스위스 공식의 A항을 Girard 공식에는 ($B \times t_a$)로 나눴으므로써 평균기준 관세율을 반영

- Girard 의장초안을 기초로 논의된 '03. 9 칸쿤 제5차 각료회의에서 합의를 도출하지 못하고, 칸쿤회의시 초안인 Derbez 안에는 Girard 의장초안을 향후 협상의 참고로 한다고 언급
- Derbez Text가 그대로 '04. 7. 31 WTO/DDA협상 기본골격(Framework)으로 합의 채택되었음.

19. 관세인하공식 계수별 상관관계

○ 양 공식의 차이: 스위스 공식의 A항을 Girard 공식에는 $(B \times t_a)$ 로 하여 평균기준관세율을 반영

- 평균기준관세율(t_a)이 우리나라의 경우 10.2%로 정해져 있기에,

$$A = 10.2 B, \quad B = A/10.2 = 0.098A \text{의 관계가 성립}$$

스위스 공식 계수 (A)	Girard 공식 계수 (B)	양허 평균 인하율	평균 인하율					
			x 2		x 3		x 4	
			미양허	평균	미양허	평균	미양허	평균
5.0	0.49	3.7(78.9)	4.4(77.7)	4.1(78.2)	4.6(76.7)	4.2(77.6)	4.7(76.2)	4.2(77.3)
5.1	0.50	3.8(78.6)	4.4(77.3)	4.2(77.9)	4.6(76.3)	4.3(77.3)	4.7(75.8)	4.3(77.0)
6.0	0.58	4.2(76.1)	5.1(74.2)	4.7(74.7)	5.3(72.9)	4.9(73.9)	5.4(72.2)	5.0(73.5)
7.0	0.69	4.8(73.0)	5.9(70.1)	5.4(71.3)	6.2(68.4)	5.5(70.4)	6.4(67.4)	5.7(69.9)
8.0	0.78	5.2(70.6)	6.5(65.5)	5.9(68.5)	6.9(64.8)	6.2(67.1)	7.1(63.6)	6.3(66.4)
9.0	0.88	5.6(68.2)	7.1(63.5)	6.5(65.5)	7.7(60.9)	6.8(63.9)	7.9(59.5)	6.9(63.0)
10.0	0.98	6.0(66.0)	7.8(60.3)	7.0(62.6)	8.4(57.2)	7.4(60.8)	8.7(55.4)	7.5(59.8)
10.2	1.00	6.1(65.5)	7.9(59.7)	7.1(62.1)	8.5(56.5)	7.5(60.2)	8.9(54.6)	7.7(59.1)
11.0	1.08	6.4(63.9)	8.4(57.2)	7.5(60.0)	9.1(53.6)	7.9(57.9)	9.5(51.5)	8.1(56.7)
12.0	1.18	6.7(61.9)	9.0(54.2)	8.0(57.4)	9.8(50.1)	8.4(55.1)	10.3(47.7)	8.7(53.7)
13.0	1.27	7.0(60.3)	9.5(51.6)	8.4(55.2)	10.4(47.0)	8.9(52.4)	10.9(44.3)	9.2(50.8)
14.0	1.37	7.3(58.5)	10(48.9)	8.8(53.2)	11.0(43.7)	9.4(49.8)	11.6(40.6)	9.8(48.0)
15.0	1.47	7.6(56.9)	10.5(46.2)	9.3(50.6)	11.7(40.5)	9.9(47.2)	12.3(37.0)	10.3(45.2)
15.3	1.50	7.7(56.5)	10.7(45.4)	9.4(50.0)	11.9(39.5)	10(46.5)	12.5(36.0)	10.4(44.4)
16.0	1.56	7.9(55.5)	11.0(43.9)	9.6(48.6)	12.2(37.6)	10.3(44.8)	13.0(33.9)	10.8(42.6)
17.0	1.67	8.1(54.0)	11.5(41.2)	10(46.5)	12.9(34.3)	10.8(42.5)	13.7(30.1)	11.2(40.1)
18.0	1.76	8.4(52.7)	11.9(39.1)	10.4(44.7)	13.4(31.6)	11.2(40.2)	14.3(27.1)	11.7(37.6)
19.0	1.86	8.6(51.4)	10.7(42.8)	10.7(42.8)	14.0(28.7)	11.6(38.1)	14.9(23.8)	12.2(35.2)
20.0	1.96	8.8(50.2)	12.8(34.6)	11.1(41.0)	14.5(25.9)	12(35.9)	15.6(20.6)	12.6(32.8)
20.4	2.00	8.9(49.7)	13.0(33.7)	11.2(40.3)	14.7(24.8)	12.2(35.1)	15.8(19.3)	12.8(31.9)

20. 관세인하공식 계수별 세율별 인하후 예상세율 (별도삽입)

21. 주요수산물 관세 비교

HS	캐나다	칠레	중국	인도 네시아	일본	말레이 시아	멕시코	뉴질 랜드	파푸아 뉴기니	필리핀	한국	대만	미국	EU
0301	0	6	14	0	3.5	0	20	0	55	3	10	20	0	8
0302	0	6	14	5	3.5	0	20	0	55	7	20	25	0	15
0303	0	6	18	5	3.5	0	20	0	55	7	10	25	0	22
0304	0	6	27	5	3.5	0	20	0	55	7	20	20	0.8%/kg	7.5
0305	0	6	28	5	10	7	20	0	55	15	20	25		4
0306	5	6	27	5	1	0	20	0	55	15	20	20	0	12
0307	3	6	28	5	7	0	20	0	55	15	20	25	0	8
0509	0	6	15	5	3.5	0	20	0	40	0	8	9	3	5
0511	0	6	12	0	0	0	20	0	11	0	8	0	0	0
1504	6.5	6	23	5	3.5	5	10	0	11	3	3	5	5	10.9
1604	8	6	23	5	9.6	8	20	5	55	15	20	20	7	20
1605	5	6	21	5	6.7	8	20	6.5	55	15	20	20	6	20
2301	0	6	3	0	0	0	15	6.5	11	0	5	0	0	0
평균	2	6	19	4	4	2	19	1	44	8	14	16	2	11
단순평균 실행관세율	1.40	6.00	12.20	4.97	6.00	1.88	27.70	0.60	-	7.12	16.76	19.25	2.00	-
단순평균 양허관세율	1.70	25.00	-	40.00	5.00	-	35.00	2.60	-	33.50	15.28	19.25	2.00	-

* 대표적인 것 표시(자체추정, APEC자료)

* 기타국 : 싱가포르(실행 0, 양허 6.5), 태국(실행 5.36, 양허 8.35), 호주(실행 0.04, 양허 0.80), 페루(실행 11.9, 양허 30.0)

22. 수산분야기 민감한 이유

1. 도산에 직면한 우리나라 수산업

□ 수출비중의 급감

- 해방직후('49)에는 국가전체 수출의 93.3%(82억엔, 수출산업의 효시) → 03 현재에는 0.6%(11억불 수출)에 불과
- ('60) 17.5%(576만불 수출) → ('70) 9.9(82백만불) → ('80) 4.3(7.6억불) → ('90) 2.3(15.1억불) → ('95) 1.4(17.2억불) → ('00) 0.9(15.0억불) ('01) 0.8(12.7억불) → ('02) 0.7(11.6억불) → ('03) 0.6(11.3억불)

□ 수산물 교역 적자 급증

- 전통적으로 교역흑자를 시현하던 수산업이 '01년 이후 적자 급증
- ('80) 723 백만불 흑자 → ('90) 1,145 → ('95) 879 → ('00) 93 → ('01) **△ 374 백만불 적자** → ('02) △ 724 → ('03) △ 832

□ 수산물 생산의 감소('95년을 기점으로 감소 추세)

- 각국의 배타적 경제수역(EEZ) 선포로 원양어업의 도산위기, 일본·중국과의 어업협정체결에 따른 어장 축소 등으로 생산확대에 한계
- ('70) 935 천톤 → ('80) 2,410 → ('90) 3,274 → ('95) **3,348** → ('00) 2,514 → ('01) 2,665 → ('02) 2,477 → ('03) 2,843

□ 어업인구의 감소 및 노령화

- ('75) 894 천명 → ('80) 844 → ('90) 496 → ('95) 347 → ('00) 252 → ('01) 234 → ('02) 215 → ('03) 212
- 60세 이상인구의 구성비 : ('75) 25.8% → ('80) 27.9 → ('90) 27.3 → ('95) 38.1 → ('00) 36.8 → ('01) 42.3 → ('02) 37.4

□ 어가부채의 증가

- ('85) 3,378 천원 → ('90) 5,925 → ('95) 11,033 → ('00) 13,635 → ('01) 15,466 → ('02) 17,494

□ 이러한 수산업 현실로 최근 수산업은 기반붕괴 조짐

- 한편, 어촌사회의 붕괴, 실업에 대한 사회보장 미흡, 도시가계 소득과의 상대적 격차 등은 심각한 사회·문화적인 문제도 병존

2. 우리나라 수산업의 영세성

□ 소규모 영세어업 위주로 수산업 유지

- 총 94천척의 어선 중 5톤 미만어선이 81천척으로 86%를 차지
 - 이러한 선박은 어민의 유일한 자산이며, 생계형 어업으로 어민의 생계가 수산업에 의존
- 어업인구의 노령화(60세 이상 37.4%, 50세~60세 38.0%)로 직업전환 곤란

□ 어가소득의 빈약 (농가 및 도시근로자 대비)

- '02년도 기준 농가소득(24,475천원)의 89.1%, 도시근로자소득(33,504천원)의 65.1% 수준에 불과
- ('75) 847 천원 → ('80) 2,596 → ('90) 10,023 → ('95) 18,780 → ('00) 18,875 → ('01) 22,252 → ('02) 21,816

□ 원양어업 또한 위기 직면

- 152개 연안국 중 113개국(73%)가 배타적경제수역(EEZ) 선포로 조업어장 상실에 따른 생산량 감소
 - 어선척수 : ('90) 810(최고) → ('03) 464척(감 43%)
 - 생산량 감소 : ('92) 1,024(최고) → ('02) 545천톤(감 47%)

- 원양업체 경영규모의 영세성과 자본구조의 취약성 심화
 - 129개사 중 1~2척의 어선보유업체 90개사(70%)
 - 129개사 중 자본금 1억원 미만업체 70개사(54%)
- 원양어선의 노후화로 인한 경영비 상승으로 채산성 악화
 - 조업어선 464척중 21년이상 노후선 278척(60%)이며, 선령 10년 미만은 5척(1%)에 불과

3. 수산업 보호정책에 한계

□ '97년 수산물시장 완전개방 후 수산물 수입이 급증하고 있으나 이를 보호할 수단이 극히 제한되어 있음.

- ('85) 83 백만불 수입 → ('90) 368 → ('95) 843 → ('00) 1,411 → ('01) 1,648 → ('02) 1,884 → ('03) 1,961
- WTO 규정에 의거 새로운 수입규제 조치가 불가하고, WTO 보조금 협정에 의거 정부지원에도 한계

□ 수산업의 특성이 어려움을 가중시킴

- 부패 변질이 심하고, 계획 생산이 곤란하며, 자연환경에 영향을 크게 받아 수급조절정책이 곤란
- 생계형 어업으로 수산물 가격에 지나치게 의존하여 시장중심 정책 추진에 한계
- 조업어종의 전환이 어려워 적절한 자원관리 정책 추진 곤란

4. 우리나라 수산물 협상의 애로사항

□ 비농산물 시장접근(NAMA) 그룹에서 공산품과 함께 논의

- 국내적으로 농산물과 수산물은 같은 1차 산업으로 유사한 법률·정책이 이

행되고 있고 농어민의 생활과 전통, 정서가 같지만,

- 공산품 중심의 대폭적인 관세인하 협상진행으로 수산물 특성을 반영한 협상추진에 애로
- 국내 입장수립에도 공산품분야와 수산물분야간에 이해조정이 곤란

□ 높은 관세율에 의한 수산업 보호로 무세화시 피해 심각

- 우리나라는 '97년 수산물시장 개방 후 높은 관세로 수산업 보호
 - 평균관세율 : 우리나라 18%, 중국 12%, 태국 6%, 일본 6%, 칠레 6%, 미국 2%, 호주 0%
- 무세화시 여타국 보다 상대적으로 어업피해가 크기 때문에 협상의 운신폭이 좁음.

※ 수산물에 대한 무관세화 시 연간 약 1조원의 피해 예상

□ 일본·중국 중심의 수산물 교역 구조

- 일본에 대하여 약 2/3를 수출하고 중국으로부터 약 1/3을 수입
 - 대 일본수출 : '03년 7.4억불(총수출의 65%)
 - 대 중국수입 : '03년 7.1억불(총 수입의 36%)
- 무세화시 일본의 저관세율과 수입쿼타제 운영으로 대일본 수출 증대효과는 적고, 우리 수산물 관세인하에 따른 중국 수산물의 수입은 급증될 우려

※ 무세화시 10년간 약 10조원의 피해발생

- 수산물에 대한 관세가 완전 무세화 또는 급격한 관세인하 시는 연간 약 1조원의 피해가 예상됨.

5. 『수산물 무세화와 자원의 지속적 이용과의 관계』에 대한 입장

□ 유한천연 자원의 지속적 이용에 배치

- 수산자원의 지속적 이용은 세계식량자원과 관련된 초미의 관심사항으로 마라케쉬협정 전문 및 도하 각료선언문 제6조에서도 명시

- 관세철폐는 그로 인한 초과수요를 충족시키기 위해 과도한 어획을 유도하고 이는 천연자원을 고갈시켜, 인류에게 재앙을 초래

□ 개도국의 발전을 위한 무세화가 오히려 발전의 장애로 작용

- 직업전환이 어려운 개도국 어민들은 무관세로 인한 어가하락을 어획량으로 보충하기 위해 어획노력을 증대시킬 수밖에 없음.
 - 이는 자원고갈을 촉진시키고 소득 증대에 기여하지 못함.
- 대부분의 최빈개도국(LDCs)은 직접 어획하여 수출할 수 있는 능력이 없어 제3국에 입어를 허용
 - 무관세화는 자국의 수산자원만 고갈시키는 결과를 초래

□ 소비자 후생에도 도움이 되지 않음.

- 소비자들에게도 일시적으로는 가격하락으로 후생에 도움이 되겠지만, 중·장기적으로는 수산물 수요를 수입에 의존하게 되면서 가격 등귀 초래

※ 한편, 수산업과 어촌에는 경제적인 관점으로만 접근할 것이 아니라 그 다양한 기능에 대하여도 고려하여야 함(붙임 다기능 참조)

<참고자료>

수산업 및 어촌의 다기능

(Multiple Roles and Functions of fisheries and Fishing Communities)

□ 수산업 및 어촌의 다기능

- 지역적 전통문화(지식, 기술, 풍습 등)의 지역간 세대간 전파 및 승계
- 홍수림보호, 해안정화 등을 통한 해안 생태체계 및 해안선의 보전
- 책임있는 수산자원관리의 촉진
- 해양구호활동의 지원
- 경계지역 순찰활동에 기여 등

□ 문제 제기

- 수산업의 이러한 기능이 인식되지 못하고 가격에 반영되어 있지 않아서 어촌사회붕괴시 사회문제 발생가능성
- 이러한 어촌공동체는 많은 경우, 경제적으로 취약한 지역에 위치
- 거주인구의 노령화(젊은이의 도시진출)와 수입감소(수산물 생산의 한계 등)로 심각한 문제에 직면
- 어장의 황폐화 및 자원의 지속적 이용 곤란으로 어려움 가중
- 선진국은 개도국의 어촌의 지속적 이용과 책임있는 관리에 협조 필요

□ 정부 및 관련당국에 건의

- 전 사회에 대하여 수산업 및 어촌의 중요성에 대한 이해 증진조치
- 새로운 정책이나 재정·기술 지원시 어촌공동체 유지를 위한 고려
- 지속적이고 책임있는 관리를 위해 관리책임의 지역당국으로의 이전 및 선진국은 관리체계 구축에 필요한 지원
- 정책결정과 공동체 경제개발에 참여할 수 있는 수협조합과 같은 조직 개발
- 어촌관광과 같은 지역경제를 살릴 수 있는 수단 모색
- FAT, OECD, WTO와 같은 국제기구에 대하여 어촌의 중요성을 인식 시키고, 주요 이해관계자가 정책결정에 참여할 수 있도록 조치
- 시장실패 영향을 완화하기 위한 보조금 또는 기타 적정수단의 보장
- 지역공동체의 재산권 개념 및 이의 활용에 대한 연구 등

※ 본 자료는 '03. 2. 13일 일본 아오모리시에서 개최된 표제 국제심포지움 결과를 요약한 것임