

**Committee on Agriculture  
Special Session**

**G-20 PROPOSAL  
ARTICLE 12.1 - EXPORT PROHIBITIONS AND RESTRICTIONS  
(PARAGRAPH 50)**

The following communication, dated 18 May 2006, is being circulated at the request of the G-20.

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1. Little attention was paid to export prohibitions and restrictions during the agricultural negotiations of the Uruguay Round. As a result, export prohibitions and restrictions of Article XI of GATT 1994 instituted by some Members were overlooked and to date some Members continue to apply them.
  2. Paragraph 1 of Article 12 of the Agreement on Agriculture is limited in this regard, as reference is made only to restrictions described in paragraph 2a) of Article XI of GATT 1994, that is, those temporarily applied to prevent or relieve critical shortages of foodstuffs. The Agreement on Agriculture says nothing about restrictions or prohibitions of Article XI:1 of GATT 1994 existing prior to the Uruguay Round.
  3. In this regard, we need to recall paragraph 1 of Article XI of GATT 1994 on the general elimination of quantitative restrictions to exports. This paragraph will be considered as the basis for our approach to the development of modalities, guided by paragraph 50 of the July Framework Agreement on Agriculture, which states that "Disciplines on export prohibitions and restrictions in Article 12.1 of the Agreement on Agriculture will be strengthened."
  4. The new disciplines to be agreed on in Article 12.1 will ensure that, in the specific case of foodstuffs or animal feed, existing or newly established export prohibitions or restrictions of Article XI of GATT 1994 are instituted exclusively to prevent or relieve critical shortages experienced by exporting Members. As provided for in the Agreement on Agriculture and the GATT 1994, they should be applied on a temporary and non-discriminatory basis. Ensuring that the food security needs of Members are not compromised, it will be necessary to further discuss what criteria and/or parameters would need to form part of the strengthened disciplines.
  5. Moreover, one way of strengthening the provisions in Article 12.1 on export prohibitions and restrictions, is to make them more transparent and effective. This will also form part of the discussions under paragraph 48 on monitoring and surveillance.
  6. The G-20 believes that it is in the interest of all Members that the disciplines on export prohibitions and restrictions of Article 12.1 are strengthened, and in that light anticipate future discussions on the issue.
  7. The following elements must be addressed when strengthening the existing disciplines on export prohibitions and restrictions in the scope of paragraph 1 of Article 12 of the Agreement on Agriculture by adding:

- (i) Existing prohibitions or restrictions in Members territories shall be notified to the Committee on Agriculture within 90 days of the coming into force of these provisions.
  - (ii) As provided in paragraph 7 of Article 18 of the Agreement on Agriculture, any Member may bring to the attention of the Committee on Agriculture such measures which it considers ought to have been notified by another Member.
  - (iii) As of day one of the implementation period, a term of one year shall be established for the elimination of those export prohibitions or restrictions in foodstuffs and feeds.
  - (iv) The above is proposed notwithstanding that, any Member instituting export prohibitions or restrictions and the affected importing Member may agree to set a term exceeding one year, as long as the term agreed on is not in excess of 18 months. Notice shall be given to the Committee on Agriculture of the agreement reached in this respect.
  - (v) A Member instituting those measures shall give notice of the causes that justify its keeping it.
  - (vi) A biannual surveillance mechanism shall be established in the Committee on Agriculture for the observance of obligations described in subparagraphs (iii) and (iv).
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