



**Council for Trade in Goods
Working Party on State Trading Enterprises**

**CURRENT FUNCTIONING OF THE
WORKING PARTY ON STATE TRADING ENTERPRISES**

**REPORT TO THE COUNCIL FOR TRADE IN GOODS
BY THE CHAIRPERSON OF THE WORKING PARTY ON STATE TRADING ENTERPRISES**

The following report has been prepared under the responsibility of Mr Agustín NAVARRO DE VICENTE-GELLA as Chairperson of the Working Party on State Trading Enterprises at the request of the Chairperson of the Council for Trade in Goods¹, and was prepared with the assistance of the Secretariat.

1 PAST EFFORTS TO IMPROVE THE WORK OF THE WORKING PARTY

The past efforts to improve the work of the Working Party are referred to in detail under part 2 below. However, the following are the highlights of these past efforts which resulted in the current status of the Working Party's practices:

- Annotated draft agendas are circulated approximately three weeks before the meetings.
- Since 2020, the Working Party appoints a Vice-Chairperson.
- Chairpersons systematically remind and encourage Members to provide missing notifications.
- A "status of notifications" is issued once a year in connection with the Working Party's autumn meeting, listing, for each Member, the STE notifications the Member has provided, and those it has not provided, since the inception of the WTO.
- Courtesy copies of room documents issued prior to the meetings and placed online are also sent to an updated contact list of delegates that follow the Working Party.
- Members decided in 2003 to change the frequency of notifications to every two years to better fit Members' needs. After a trial period, Members extended the new frequency indefinitely in 2012.
- Pursuant to a mandate specified in the Marrakesh Agreement, Members agreed in 1998 on a revised questionnaire for notifications.

2 CURRENT STATUS OF WORKING PARTY PRACTICES

2.1 Assistance to delegates

- The Working Party on State Trading Enterprises does not regularly organize training activities for Geneva-based delegates on the practical aspects of its functioning. The Secretariat systematically responds to requests for assistance from delegations in connection with the activities of the Working Party.

¹ See document JOB/CTG/18.

- The Working Party has not undertaken specific initiatives to increase the participation of capital-based officials. Nonetheless, the practice of holding the Working Party's meetings on dates either immediately before or immediately after the spring and autumn meetings of the Committees on Anti-Dumping Practices, Subsidies and Countervailing Measures and Safeguards ("Rules Week"), has been intended to facilitate participation by delegates covering both bodies and in particular capital-based officials.

2.2 Organization of the work of the Working Party

2.2.1 Digital tools used for the work of the Working Party

- The Working Party has not digitized the notification process.

2.2.2 Planning and organization of meetings

- The Working Party usually holds two formal meetings each year. The practice of the Working Party is to meet, to the extent possible, either on the Friday that precedes Rules Week or on the Monday that follows it, both in the spring and in autumn. This allows for advance planning and predictability and facilitates attendance by delegations coming from outside Geneva.

- The Working Party does not have its own rules of procedure. The rules of procedure of the Council for Trade in Goods therefore apply *mutatis mutandis* (i.e. with the necessary adaptations) to meetings of the Working Party.

- During the July 2019 meeting of the Working Party, an interest was expressed in having a vice-chairperson for the Working Party, so as to avoid having to cancel meetings in the absence of the chairperson. Due to the particular status of the Working Party, which is not a full Committee, this required consultation with the Council for Trade in Goods. After discussion within the Working Party and consultation with the Council for Trade in Goods through the conduit of the Chairperson of that body, it was agreed in February 2020 that the Working Party would henceforth appoint a vice-chairperson.²

2.2.3 Regular meetings

Table 1: Number of regular and informal meetings

Year	Regular meetings (number and duration)	Informal meetings (number and duration)	Other (e.g. workshops, symposia, etc.)
2019	16 July (half day) ³ 1 November (half day)	None	None
2020	2 November (half day)	None	None
2021	3 May (half day) 5 October (half day)	None	None
2022	13 May (half day) 21 October (half day)	None	None

2.2.4 Annotated draft agendas and airgrams

- The Working Party issues annotated draft agendas 10 calendar days (or the latest working day preceding the 10th calendar day, if the latter falls on a WTO non-working day) before the day on which the airgram is circulated. The deadline for placing items on the annotated draft agenda is the working day preceding its issuance. The annotated draft agenda lists all notifications and written questions or written answers received since the closing of the airgram for the previous meeting, any

² See G/STR/24.

³ The meeting originally scheduled for 26 April 2019 was cancelled on 23 April 2019.

standing agenda items (e.g. consideration of the annual report during the autumn meeting), and any other items whose inclusion in the annotated draft agenda has been requested by Members until the day that precedes issuance of the annotated draft agenda. For items such as questions and answers and longstanding agenda items, the annotated draft agenda briefly recalls the relevant procedural history of the item in the Working Party. The annotated draft agenda also informs Members of the date by which they can make any proposals for items to be added to the final agenda, prior to the issuance of the formal airgram convening the meeting.

- The formal airgram is issued 10 calendar days before the meeting (or the last working day preceding the 10th calendar day, if the latter falls on a WTO non-working day). The airgram contains the proposed agenda which was circulated in detailed form in the annotated draft agenda document along with any additional items requested to be placed on the agenda by the set deadline by any Member. The order of the agenda is fixed. First, if a new chairperson has been elected by the Council for Trade in Goods and the Working Party has not since already elected a new vice-chairperson, the Working Party decides on the election of a vice-chairperson. Second (or first, if the vice-chairperson has already been elected), the Working Party reviews new notifications. Third, the Working Party reviews notifications previously considered but on which written questions, written answers, or a counter-notification have been submitted since the previous meeting of the Working Party, or which a Member has otherwise requested to place on the agenda. The Working Party then considers any other items requested to be placed on the agenda by any Member or group of Members. Next, the Working Party considers any item raised under "other business", the date of the next meeting, and last, at the autumn meeting, the Working Party's Annual Report to the Council for Trade in Goods.

Table 2: Preparation of annotated draft agendas and airgrams

Year	Date of Regular meeting	Date of circulation of annotated draft agenda	No. of days before the meeting	Date of circulation of airgrams	No. of days before the meeting
2019	16 July	25 June	21	5 July	11
	1 November	11 October	21	22 October	10
2020	2 November	13 October	20	23 October Corr. 26 October	10
2021	3 May	13 April	20	23 April	10
	5 October	15 September	20	24 September	11
2022	13 May (postponed from 2 May because of Eid Al-Fitr)	12 April	31	29 April (Add.1) (22 April original)	14
	21 October	30 September	21	11 October	10

2.2.5 Other documents circulated before and after the meetings

- Some days before the issuance of the annotated draft agenda, the Secretariat sends an email to all Members who have registered an interest in the work of the Working Party to remind them of the upcoming issuance of the annotated draft agenda, as well as of the deadline for placing items thereon.

- A list of contact details for the Working Party is issued as a room document before each meeting and updated regularly. Documents such as annotated draft agendas, airgrams, and draft annual reports are also sent by email to this contact list, in addition to being available on the WTO website.

- Before the autumn meeting each year, the Secretariat circulates as a room document the draft annual report for Members' review and written comments. The final report is issued following that meeting.

- The Working Party also issues a "status of notifications" in connection with the autumn meeting. The recent practice has been to issue this status of notifications in draft form as a room document in advance of the meeting, and then to circulate the final document after discussion at the meeting.

- Members make notifications and counter-notifications of state trading enterprises, which are circulated and placed on the agenda of the first available meeting for which the agenda has not yet closed, as described above.

- Members also pose questions in writing and answer questions in writing. These documents are circulated, and the notification to which the written questions or answers pertain, as well as the questions and answers, are placed on the agenda of the first available meeting for which the agenda has not yet closed.

2.2.6 Preparation of the minutes

- Minutes are produced for each meeting of the Working Group.

- The Secretariat drafts the minutes. The draft minutes are then sent to Members that took the floor at the meeting to comment on the summaries of their interventions. All delegates in the contact list of the Working Party are also copied. Members who took the floor at the meeting are given approximately 10 calendar days to comment on their own interventions. The minutes are then immediately circulated once any necessary changes have been introduced.

Table 3: Preparation of the minutes/summary reports

Year	Last date of the regular meeting	Date of circulation of the minutes	No. of pages	No. of days following the meeting
2019	16 July	1 October	8	77
	1 November	10 December	7	39
2020	2 November	17 December	8	45
2021	3 May	17 June	6	45
	5 October	5 November	5	31
2022	13 May	14 September	7	124
	21 October	-	-	-

2.2.7 Informal meetings

- The Working Party has not held informal meetings during the period 2019-2022.

Table 4: Convening of informal meetings

Year	Date of informal meeting	Date of communication convening the informal meeting	No. of days
2019	NONE		
2020			
2021			
2022			

2.3 Substantive work

- The mandate of the Working Party is to review Members' notifications and counter-notifications of state trading enterprises to the Council for Trade in Goods. All notifications on the agenda and any related concerns of Members are typically discussed during a half-day meeting, held twice a year.

2.3.1 Thematic sessions

- None

2.3.2 Notifications

- Notifications must be made in accordance with the questionnaire on state trading in document G/STR/3/Rev.1. This questionnaire sets out a template for notifications, detailing their required content, and also contains "Guidelines for completing the questionnaire". This questionnaire was agreed upon in 1998 pursuant to a mandate contained in the Marrakesh Agreement, and replaced the previous questionnaire adopted in 1960. The guidelines for completing the questionnaire were further modified in 2003 to reflect the new frequency of notifications, explained below.

- Members that do not maintain state trading enterprises are also required to make a notification, stating that this is the case.

- Until the reporting period 2004-2005, there was a distinction between "new and full" notifications, which were due every three years, and "updating" notifications, which were due in the intervening two years. In 2003, Members decided that starting with the reporting period 2004-2005, new and full notifications would be due every two years, and that there would be no more updating notifications.

- Members may also make counter-notifications, that is, a Member that has reason to believe that another Member has not adequately met its notification obligations may make a counter-notification, if the matter is not satisfactorily resolved by raising it with the Member concerned.

- The Working Party's "status of notifications" lists, for each Member, the STE notifications the Member has provided, and those it has not provided. In addition, Members not having made a notification for the current notification period are listed in the Working Party's annual report.

- At the meetings of the Working Party, the Chair systematically urges Members to fulfil their notification obligations, recommending that Members seek the Secretariat's assistance in case of difficulties or questions.

2.3.3 Reports prepared by the Secretariat

- Once a year, before the autumn meeting of the Working Party, the Secretariat prepares and issues as a room document the "status of notifications". As indicated above, this document shows, for each Member, which notifications have been provided and which are missing. The document is circulated as a Working Party document after the autumn meeting.

- Before the autumn meeting each year, the Secretariat also issues a draft annual report to Members for comments. The report is adopted by the Working Party after consideration at the end of the autumn meeting, with any changes agreed upon by the Working Party.

2.3.4 Participation by external stakeholders

- International organizations may request observer status in the Working Party, but none has done so.

2.3.5 Work with other Committees or WTO bodies

- The Secretariat of the Working Party coordinates meeting dates with the three Rules Committees, as in the case of certain delegations the meetings are attended by the same capital-based officials.

- Following statements in the Working Party on the desirability of synergies with the Committee on Agriculture, there have been contacts between the Secretariat staff servicing the two bodies to explore possible additional synergies.
