

**IMPLEMENTATION OF THE PROVISIONS FOR SPECIAL  
AND DIFFERENTIAL TREATMENT**

Statement by India at the Meeting of 21-22 June 2000

1. First of all, let me convey our delegation's appreciation to the Secretariat for preparing a document on the issue of special and differential treatment, summarizing the concerns raised in the Committee meetings. We note that the various concerns articulated by India at these meetings are also reflected in this document. We also want to fully associate ourselves with the statement made by our friend from the Egyptian delegation. As pointed out by Egypt, special and differential treatment for the developing countries is one of the pillars of the various Agreements under the WTO and these have been enshrined with a view to take into account the different levels of development and also to allow them to reach higher levels. Hence we feel that special and differential the treatment provisions should be given the same legal status as other WTO provisions to make it more meaningful. I would now briefly refer to the issues raised by India and other developing countries at earlier meetings and as reflected in the Secretariat document.

2. First, we would like to point out that the provisions on technical assistance and cooperation have mainly remained as best endeavour clauses without being fully operationalized. As noted in paragraph 4 of the Secretariat document, we feel that either Article 10 of the Agreement should be made mandatory and/or that specific guidelines should be developed since this Article had not been widely implemented. Second, as noted in paragraph 4 of the same document, we have raised concerns that although Article 10.1 provided that the special needs of developing countries **shall** be taken into account in the preparation and application of SPS measures, this had rarely been done. With a view to giving meaning to this provision, it was proposed by India that if an SPS measure created a problem for more than one developing country, then it should be withdrawn. Further, it was also suggested by India that if an SPS measure created problems for several developing countries but could not be withdrawn, the country adopting the measure should reconsider the same and provide the necessary technical assistance to enable developing countries to adapt. In India's view, SPS measures were often invoked in a discriminatory manner to the detriment of international trade, particularly trade originating from developing and least-developed countries. Developing country constraints such as lack of adequate infrastructure, technology, finance and skilled manpower led to difficulties in complying with trading partners' SPS measures. This had resulted in restricted market access, especially since countries often found it difficult to adjust to frequently changing SPS measures.

3. A case in point here is the imposition of unnecessary requirements for marine products. The cost of adjustment for the Indian industry to such requirements from an importing country amounted to more than US\$25 million, without any assistance from the country concerned. I may also point out here that this measure had also resulted in unemployment in those units who could not adapt to these requirements.

4. Second, as pointed out in paragraph 7 of the document under reference, there was little information regarding whether Members were, in fact providing longer time frames for compliance on products of interest to developing countries. India, along with others, had proposed in this regard that Article 10.2 should be modified to include a mandatory period of at least 12 months between the date

of notification and the entry into force of the SPS measures on products from developing countries. Third, as noted in paragraph 8 of the same document, India had proposed extension of the transition period during which the developing and least-developed countries could delay the implementation of the Agreement. In our view, this would allow developing country Members to gradually bring their standards into conformity with international standards, while also giving them time to forge equivalence agreements with developed country Members.

5. Lastly, on the issue of participation of developing countries, as noted in paragraph 9 of the Secretariat document, we feel the participation of developing countries in international standard-setting bodies remained inadequate, and as a result, international standards were often adopted without taking into account their problems and constraints. It was also noted that active participation in the deliberations of these bodies often required adequate institutional infrastructure, human and financial resources and effective follow-up capabilities. Keeping in view the importance of international standards in this area, India desired that ways and means should be found to make participation by the developing and least-developed countries more effective. As noted in paragraph 11 of the Secretariat document, India and others would suggest that standards should only be recognized by the Agreement if the participation of countries from different geographical areas and levels of development had been ensured in their formulation and if the specific conditions prevailing in developing countries had been taken into account.

6. In conclusion, we hope that the Committee will continue to reflect on the pertinent issues of concern/importance to the developing and least-developed countries and come up with a meaningful solution to these concerns. We would like our developed country friends to understand and appreciate these concerns and make substantial endeavours to make the special and differential provisions more meaningful to the developing and least-developed country Members.

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