世界贸易组织
第 12 届部长级会议
成 果 文 件

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MC12 OUTCOME DOCUMENT

2022 年 6 月 12 日至 15 日 日内瓦

（中英文对照）

商务部世界贸易组织司 编译

2022 年 6 月

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WORLD TRADE ORGANIZATION

WT/MIN(22)/24
WT/L/1135

22 June 2022

(22-4803)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MC12 OUTCOME DOCUMENT

ADOPTED ON 17 JUNE 2022

We, the Ministers, have met in Geneva from 12 to 17 June 2022 for our Twelfth Session.

1. We resolve to strengthen the rules-based, non-discriminatory, open, fair, inclusive, equitable and transparent multilateral trading system with the WTO at its core. In this regard, we reaffirm the principles and objectives set out in the Marrakesh Agreement Establishing the World Trade Organization and underscore the relevance and critical role of international trade and the WTO in global economic recovery, growth, prosperity, alleviation of poverty, welfare of all people, sustainable development and to facilitate cooperation in relation to the protection and preservation of the environment in a manner consistent with respective needs and concerns at different levels of economic development.

2. We reaffirm the provisions of special and differential treatment for developing country Members and LDCs as an integral part of the WTO and its agreements. Special and differential treatment in WTO agreements should be precise, effective and operational. In addition, we recall that trade is to be conducted with a view to raising standards of living, ensuring full employment, pursuing sustainable development of Members, and enhancing the means for doing so in a manner consistent with Members' respective needs and concerns at different levels of economic development. We instruct officials to continue to work on improving the application of special and differential treatment in the CTD SS and other relevant venues in the WTO, as agreed and report on progress to the General Council before MC13.

3. We acknowledge the need to take advantage of available opportunities, address the challenges that the WTO is facing, and ensure the WTO's proper functioning. We commit to work towards necessary reform of the WTO. While reaffirming the foundational principles of the WTO, we envision reforms to improve all its functions. The work shall be Member-driven, open, transparent, inclusive, and must address the interests of all Members, including development issues. The General Council and its subsidiary bodies will conduct the work, review progress, and consider decisions, as appropriate, to be submitted to the next Ministerial Conference.[1]

4. We acknowledge the challenges and concerns with respect to the dispute settlement system including those related to the Appellate Body, recognize the importance and urgency of addressing those challenges and concerns, and commit to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024.

5. In this difficult context, we note with satisfaction the progress achieved by LDC Members who have met or who are about to meet the graduation criteria set by the United Nations Committee for Development Policy (CDP) and acknowledge the particular challenges that graduation presents, including the loss of trade-related international support measures, as they leave the LDC category. We recognize the role that certain measures in the WTO can play in facilitating smooth and sustainable transition for these Members after graduation from the LDC Category.

[1] For greater certainty, in this context, this does not prevent groupings of WTO Members from meeting to discuss relevant matters or making submissions for consideration by the General Council or its subsidiary bodies.

世界贸易组织

WT/MIN(22)/24
WT/L/1135

2022 年 6 月 22 日

(22-4803)

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

第 12 届部长级会议成果文件

2022 年 6 月 17 日通过

我们作为世界贸易组织(WTO)各成员部长，于 2022 年 6 月 12 日至 17 日在日内瓦举行第 12 届部长级会议。

1. 我们决心加强以 WTO 为核心的、以规则为基础的、非歧视、开放、公平、包容、公正和透明的多边贸易体制。在此，我们重申《马拉喀什建立世界贸易组织协定》中所列原则和目标，并强调国际贸易和 WTO 在全球经济复苏、增长、繁荣、减贫、全体人民福利、可持续发展方面的相关性和关键作用，并以符合不同经济发展水平相应需要和关注的方式促进在保护和维护环境方面的合作。

2. 我们重申发展中国家成员和最不发达国家的特殊和差别待遇条款是 WTO 及其协定的组成部分。WTO 协定中的特殊和差别待遇应精确、有效和可操作。此外，我们忆及，开展贸易的目的是提高生活水平、保证充分就业、谋求成员的可持续发展，并以符合成员在不同经济发展水平的相应需要和关注的方式加强开展贸易的手段。我们指示各自官员按照议定的方式，在贸易与发展委员会特别会议和 WTO 中其他相关场合继续努力改进特殊和差别待遇的适用，并在第 13 届部长级会议前向总理事会报告进展情况。

3. 我们承认有必要利用现有机会，应对 WTO 所面临的挑战，并保证 WTO 正常运转。我们承诺致力于 WTO 的必要改革。在重申 WTO 基本原则的同时，我们设想进行改革以改善其所有职能。这一工作应为成员驱动、公开、透明、包容，且必须处理所有成员的利益，包括发展问题。总理事会及其附属机构将开展这一工作，审议进展情况，并酌情审议将提交下届部长级会议的决定。[1]

4. 我们承认争端解决机制方面的挑战和关注，包括与上诉机构有关的挑战和关注，认识到处理这些挑战和关注的重要性和紧迫性，并承诺进行讨论，以期在 2024 年前拥有一个所有成员均可使用的、完整的和运转良好的争端解决机制。

5. 在这种困难的情况下，我们欣慰地注意到达到或即将达到联合国发展政策委员会(CDP)规定的毕业标准的最不发达国家成员所取得的进步，并承认毕业所带来的特殊挑战，包括在脱离最不发达国家类别时失去与贸易有关的国际支持措施。我们认识到 WTO 中的某些措施在便利这些成员自最不发达国家类别毕业后的平稳和可持续过渡中可以发挥的作用。

[1] 为进一步明确，在这方面，此点不阻止 WTO 成员中的各集团召开会议以讨论相关事项或提交提案供总理事会或其附属机构审议。

6. We underscore the importance of accessions, noting that although no new accession has taken place since July 2016, several applicants have made encouraging progress. In this regard, we remain committed to facilitate the conclusion of ongoing accessions, especially for least-developed countries fully in line with the General Council Guidelines on LDC Accessions, and to provide technical assistance, where appropriate, including in the post-accession phase.

7. We recognize the special situation of the Members acceded in accordance with Article XII of the Agreement Establishing the World Trade Organization who have undertaken extensive commitments at the time of accession, including in market access. This situation shall be taken into account in negotiations.

8. We reaffirm our decision at the Tenth Ministerial Conference in Nairobi on implementation of preferential treatment in favour of services and service suppliers of least-developed countries and increasing LDC participation in services trade, and instruct the Council for Trade in Services to review and promote the operationalization of the waiver including to explore improvements in LDC services export data; to review information on LDC services suppliers and consumers of LDC services in preference providing Member markets; and to assess best practices in facilitating the use of the preferences. On this matter, we instruct the General Council to report to our next session on progress.

We reaffirm our decision at the Ninth Ministerial Conference in Bali on Duty-Free Quota-Free Market Access for Least-Developed Countries and instruct the Committee on Trade and Development to re-commence the annual review process on preferential DFQF market access for LDCs. On this matter, we instruct the General Council to report on the progress to our next session.

We welcome the decision of the Committee on Rules of Origin (CRO) adopted on 14 April 2022 (G/RO/95) on Preferential Rules of Origin and the Implementation of the Nairobi Ministerial Decision. We instruct the CRO to report its work to the General Council ahead of the Thirteenth Ministerial Conference.

We also acknowledge LDCs' commitment and efforts in implementation of the TFA. We urge all Members to assist the LDCs in meeting their definitive category C deadlines.

We recognize the importance of Aid for Trade initiatives in trade-related capacity building for the LDCs. We recommend that such programmes prioritise the objectives identified by the LDCs.

9. We instruct the Trade Facilitation Committee to hold a Dedicated Session on transit issues annually until the next review of the Trade Facilitation Agreement is completed. These dedicated sessions will highlight the importance of transit and reserve time for the Committee to discuss best practices, as well as the constraints and challenges faced by all landlocked WTO Members, including landlocked developing countries and LDCs as outlined in G/TFA/W/53.

10. Services trade is vital to the global economy and has a major role to play in global economic output and employment. The COVID-19 pandemic has highlighted the importance of services and has had a significant impact on services trade and services sectors, particularly for developing Members, including least-developed countries (LDCs). We underscore the importance of recovery for services most impacted by the pandemic and of efforts to strengthen such services, taking into account challenges and opportunities encountered by Members. We acknowledge the need to facilitate the increasing participation of developing Members, including LDCs, in global services trade, including by paying particular attention to sectors and modes of supply of export interest to them. We take note of work in the area of trade in services.

11. We take note of the reports from the General Council and its subsidiary bodies. These reports, and the Decisions stemming from them demonstrate Members' continued commitment to the work of the WTO, thereby strengthening its effectiveness and the multilateral trading system as a whole.

12. We recognize the importance of strengthened collaboration and cooperation with other intergovernmental organizations and other relevant stakeholders that have responsibilities related to those of the WTO, in accordance with the rules and principles of the WTO, to restore trust, certainty and predictability in the world economy and effectively address current and future multidimensional challenges.

6. 我们强调加入 WTO 的重要性，注意到尽管自 2016 年 7 月以来没有新成员加入，但是若干申请加入成员已经取得令人鼓舞的进展。在这方面，我们继续致力于促进加入进程的结束，特别是充分按照总理事会关于最不发达国家加入的指导原则促进最不发达国家的加入进程，并提供技术援助，适当时可包括在加入后阶段提供技术援助。

7. 我们认识到依照《建立世界贸易组织协定》第 12 条加入的成员的特殊情况，这些成员在加入时作出了包括市场准入在内的广泛承诺。这种情况应在谈判中予以考虑。

8. 我们重申我们在内罗毕第 10 届部长级会议上关于实施有利于最不发达国家服务和服务提供者优惠待遇及提高最不发达国家服务贸易参与度的决定，并指示服务贸易理事会审议和提高豁免的可操作性，包括探索最不发达国家服务出口数据的改进；审议最不发达国家服务提供者和给惠成员市场中最不发达国家服务消费者的信息；并评估便利优惠使用的最佳实践。在这一问题上，我们指示总理事会向我们下届会议报告进展情况。

我们重申在巴厘岛第 9 届部长级会议上关于最不发达国家免关税和免配额市场准入的决定，并指示贸易与发展委员会重新启动最不发达国家优惠双免市场准入的年度审议进程。在这一问题上，我们指示总理事会向我们下届会议报告进展情况。

我们欢迎原产地规则委员会(CRO)于 2022 年 4 月 14 日通过的《关于优惠原产地和实施内罗毕部长决定的决定》(G/RO/95 号文件)。我们指示原产地规则委员会在第 13 届部长级会议前向总理事会报告其工作。

我们同时承认最不发达国家在实施《贸易便利化协定》(TFA)方面的承诺和努力。我们敦促所有成员协助最不发达国家如期实施 C 类措施。

我们认识到促贸援助倡议在最不发达国家与贸易有关的能力建设中的重要性。我们建议此类计划优先考虑最不发达国家确定的目标。

9. 我们指示贸易便利化委员会每年举行一次关于过境问题的专门会议，直至完成对《贸易便利化协定》的下次审议。专门会议将强调过境的重要性并为委员会讨论最佳实践预留时间，还将强调 G/TFA/W/53 号文件中所概述的所有内陆 WTO 成员、包括内陆发展中国家和最不发达国家所面临的限制和挑战。

10. 服务贸易对全球经济至关重要，且在全球经济产出和就业方面可以发挥重要作用。新冠肺炎疫情凸显服务的重要性，并已对服务贸易和服务部门产生重大影响，特别是对包括最不发达国家在内的发展中成员而言。我们强调，恢复那些受疫情影响最严重服务的重要性，及努力加强此类服务的重要性，同时考虑到各成员所遇到的挑战和机遇。我们承认有必要促进包括最不发达国家在内的发展中成员更多参与全球服务贸易，包括通过对它们具有出口利益的部门和提供方式给予特别关注。我们注意到服务贸易领域的工作。

11. 我们注意到总理事会及其附属机构的报告。这些报告以及由此产生的决定表明成员继续致力于 WTO 的工作，从而加强其有效性，并加强整个多边贸易体制。

12. 我们认识到，依照 WTO 规则和原则，加强与负有 WTO 相关职责的其他政府间组织和其他相关利益攸关方协作和合作的重要性，以恢复世界经济的信任、确定性和可预测性，并有效处理当前和未来的多层面挑战。

13. We recognize women's economic empowerment and the contribution of MSMEs to inclusive and sustainable economic growth, acknowledge their different context, challenges and capabilities in countries at different stages of development, and we take note of the WTO, UNCTAD and ITC's work on these issues.[2]

14. We recognize global environmental challenges including climate change and related natural disasters, loss of biodiversity and pollution. We note the importance of the contribution of the multilateral trading system to promote the UN 2030 Agenda and its Sustainable Development Goals in its economic, social, and environmental dimensions, in so far as they relate to WTO mandates and in a manner consistent with the respective needs and concerns of Members at different levels of economic development. In this regard, we reaffirm the importance of providing relevant support to developing country Members, especially LDCs, to achieve sustainable development, including through technological innovations. We note the role of the Committee on Trade and Environment as a standing forum dedicated to dialogue among Members on the relationship between trade measures and environmental measures.

Part II – Ministerial Decisions and Declarations adopted at the Twelfth Session

- Work Programme on Small Economies – Ministerial Decision – WT/MIN(22)/25 – WT/L/1136
- TRIPS Non-violation and Situation Complaints – Ministerial Decision – WT/MIN(22)/26 – WT/L/1137
- Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges – Ministerial Declaration – WT/MIN(22)/27 – WT/L/1138
- Ministerial Declaration on the Emergency Response to Food Insecurity – WT/MIN(22)/28 – WT/L/1139
- Ministerial Decision on World Food Programme Food Purchases Exemption from Export Prohibitions or Restrictions – WT/MIN(22)/29 – WT/L/1140
- Ministerial Decision on the TRIPS Agreement – WT/MIN(22)/30 – WT/L/1141
- Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics – WT/MIN(22)/31 – WT/L/1142
- Work Programme on Electronic Commerce – Ministerial Decision – WT/MIN(22)/32 – WT/L/1143
- Agreement on Fisheries Subsidies – Ministerial Decision – WT/MIN(22)/33 – WT/L/1144

[2] These are general messages on cross-cutting issues that do not change the rights or obligations of WTO Members (and do not relate to any Joint Statement Initiatives).

13. 我们认识到，妇女经济赋权和中小微企业对包容性和可持续经济增长的贡献，承认处于不同发展阶段国家的环境、挑战和能力方面的差异，并注意到 WTO、联合国贸易与发展会议(UNCTAD)和国际贸易中心(ITC)在这些问题上开展的工作。[2]

14. 我们认识到气候变化及相关自然灾害、生物多样性丧失和污染等全球性环境挑战。我们注意到多边贸易体制在经济、社会和环境层面对促进联合国 2030 年议程及其可持续发展目标所作贡献的重要性，这些目标与 WTO 授权相关联且以符合处于不同经济发展阶段的成员相应需要和关注的方式作出贡献。在这方面，我们重申向发展中国家成员、特别是最不发达国家提供相关支持的重要性，以实现可持续发展，包括通过技术创新。我们注意到贸易与环境委员会作为成员间就贸易规则与环境措施的关系进行对话的常设场所所发挥的作用。

第二部分 – 在第 12 届部长级会议上通过的决定和宣言

- 关于小经济体工作计划的部长决定 – WT/MIN(22)/25 – WT/L/1136
- 关于《与贸易有关的知识产权协定》非违反之诉和情势之诉的部长决定 – WT/MIN(22)/26 – WT/L/1137
- 第 12 届部长级会议卫生与植物卫生部长宣言：应对现代卫生与植物卫生挑战 – WT/MIN(22)/27 – WT/L/1138
- 关于紧急应对粮食安全问题的部长宣言 – WT/MIN(22)/28 – WT/L/1139
- 关于世界粮食计划署购粮免除出口禁止或限制的部长决定 – WT/MIN(22)/29 – WT/L/1140
- 关于《与贸易有关的知识产权协定》的部长决定 – WT/MIN(22)/30 – WT/L/1141
- 关于世界贸易组织新冠肺炎疫情应对和未来疫情应对准备的部长宣言 – WT/MIN(22)/31 – WT/L/1142
- 关于《电子商务工作计划》的部长决定 – WT/MIN(22)/32 – WT/L/1143
- 渔业补贴协定– WT/MIN(22)/33 – WT/L/1144

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[2] 这些属关于横向问题的总体信息，不改变 WTO 成员的权利或义务(且与任何联合声明倡议无关联)。

WORLD TRADE ORGANIZATION

WT/MIN(22)/25
WT/L/1136

22 June 2022

(22-4781)

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Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

WORK PROGRAMME ON SMALL ECONOMIES

MINISTERIAL DECISION

ADOPTED ON 17 JUNE 2022

The *Ministerial Conference decides* as follows:

We reaffirm our commitment to the Work Programme on Small Economies and take note of all the work conducted to date. In particular, we note that document WT/COMTD/SE/W/22/Rev.10 and its previous revisions reflect the work of the Dedicated Session up to the Twelfth Ministerial Conference. We take note of the work carried out since 2018, including that on challenges small economies experience in their efforts to reduce trade costs, particularly in the area of trade facilitation; opportunities and challenges for small economies in attracting investments; economic and trade impact of natural disasters on small economies; and instruct the CTD to continue its work in the Dedicated Session on Small Economies under the overall responsibility of the General Council.

Furthermore, we instruct the Dedicated Session on Small Economies to consider in further detail the various submissions that have been received to date, examine any additional proposals that Members might wish to submit and, where possible, and within its mandate, make recommendations to the General Council on any of these proposals. The General Council shall direct relevant subsidiary bodies to frame responses to the trade-related issues identified by the CTD with a view to making recommendations for action. We instruct the WTO Secretariat to provide relevant information and factual analysis for discussion among Members in the CTD's Dedicated Session on Small Economies, *inter alia*, in the areas identified in item k of paragraph 2 of the Work Programme on Small Economies and, in particular, to work on integrating small economies into the post COVID-19 economy: effects of the pandemic, challenges and opportunities.

The CTD in Dedicated Session shall continue monitoring the progress of the small economy proposals in WTO bodies and in negotiating groups with the aim of providing responses, as soon as possible, to the trade-related issues identified for the fuller integration of SVEs in the multilateral trading system.

世界贸易组织

WT/MIN(22)/25
WT/L/1136

2022 年 6 月 22 日

(22-4781)

页码: 1/1

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于小经济体工作计划的部长决定

2022 年 6 月 17 日通过

部长级会议决定如下：

我们重申致力于《小经济体工作计划》，并注意到迄今为止开展的所有工作。特别是，我们注意到 WT/COMTD/SE/W/22/Rev.10 号文件及其以往版本所反映的专门会议截至第 12 届部长级会议所开展的工作。我们注意到自 2018 年以来开展的工作，包括关于小型经济体在努力降低贸易成本方面遇到的挑战，特别是在贸易便利化领域；小型经济体在吸引投资方面的机遇和挑战；自然灾害对小型经济体的经济和贸易影响；并指示贸易与发展委员会根据总理事会的总体职责，继续其在小经济体专门会议中的工作。

此外，我们指示小经济体专门会议进一步详细考虑迄今为止收到的各项提案，审查成员可能希望提交的任何其他提案，如可能且在其授权范围内，就任何这些提案向总理事会提出建议。总理事会应要求相关附属机构对贸易与发展委员会确定的与贸易有关的问题作出回应，以期提出采取行动的建议。我们指示世界贸易组织(WTO)秘书处提供相关信息和事实分析，供各成员在贸易与发展委员会小经济体专门会议中进行讨论，特别包括《小经济体工作计划》第 2 款(k)项中所确定的领域，特别是努力使小经济体融入新冠肺炎疫情后的经济：疫情影响、挑战和机遇。

贸易与发展委员会专门会议应继续监督 WTO 机构和谈判组中有关小经济体提案的进展情况，以期尽快就在弱小经济体更充分融入多边贸易体制方面所确定的与贸易有关的问题作出回应。

WORLD TRADE ORGANIZATION

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Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

TRIPS NON-VIOLATION AND SITUATION COMPLAINTS

MINISTERIAL DECISION

ADOPTED ON 17 JUNE 2022

The *Ministerial Conference decides* as follows:

We take note of the work done by the Council for Trade-Related Aspects of Intellectual Property Rights pursuant to the General Council Decision of 10 December 2019 on "TRIPS Non-Violation and Situation Complaints" (WT/L/1080), 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 13th Ministerial Conference. It is agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement.

世界贸易组织

WT/MIN(22)/26
WT/L/1137

2022 年 6 月 22 日

(22-4782)

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第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于《与贸易有关的知识产权协定》非违反之诉和情势之诉的部长决定

2022 年 6 月 17 日通过

部长级会议决定如下：

我们注意到与贸易有关的知识产权理事会根据总理事会在 2019 年 12 月 10 日达成的《关于<与贸易有关的知识产权协定>非违反之诉和情势之诉的决定》(WT/L/1080)所开展的工作，指示该理事会继续审查《1994 年关税与贸易总协定》(GATT1994)第 23 条第 1 款(b)项和(c)项规定类型起诉的范围和模式，并向第 13 届部长级会议提出建议。各方同意，各成员在此期间不根据《与贸易有关的知识产权协定》提起此类起诉。

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Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

SANITARY AND PHYTOSANITARY DECLARATION FOR THE TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING TO MODERN SPS CHALLENGES

MINISTERIAL DECLARATION

ADOPTED ON 17 JUNE 2022

1. We recognize that the twelfth WTO Ministerial Conference takes place following the 25th anniversary of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) — an opportune point to reflect on the successes achieved since its adoption, and to recognize the challenges ahead resulting from emerging pressures that may significantly impact international trade in food, animals and plants.

2. We wish to take this opportunity to underline that the SPS Agreement and its provisions are as relevant and applicable today as they were in 1995, and they continue to safeguard the right for Members to take measures necessary for the protection of human, animal or plant life or health.

3. In addition to this, the proper implementation of the SPS Agreement by Members supports rural livelihoods, facilitates trade, and supports sustainable agricultural growth. Of particular note to these outcomes are the contributions of the SPS Agreement's provisions requiring Members to be transparent in taking SPS measures; and that these measures be based on scientific principles, applied only to the extent necessary to protect human, animal or plant life or health, and not be maintained without sufficient scientific evidence, including through an assessment of risk, except for provisional measures referenced in Article 5.7 of the SPS Agreement.

4. We recognize that the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee) has been instrumental in advancing the implementation of the SPS Agreement, particularly as it relates to improving the transparency of SPS measures through increased notification among Members. Looking to the future, the SPS Committee will continue to undertake valuable work, and Members remain committed to the continued enhancement of the implementation of the SPS Agreement.

5. We reaffirm the rights and obligations of Members established by the SPS Agreement and call for Members' strengthened adherence to the SPS Agreement to support international trade while ensuring the protection of human, animal and plant life or health.

6. The Membership acknowledges that the global agricultural landscape has evolved since the adoption of the SPS Agreement in 1995. This evolution has brought about a variety of new opportunities and emerging challenges for the international trade in food, animals and plants, including but not limited to:

- expanding global populations, as well as increased movement of agricultural products to address changing population structures and distributions;
- increased pace of innovation in tools and technologies;
- climate change and increasing environmental challenges and associated stresses on food production;
- growing importance of sustainable agricultural practices and production systems, including their contribution to addressing climate change and biodiversity conservation;
- shifting pressures due to the spread of pests, diseases, disease-carrying organisms, or disease-causing organisms, increasing threat of antimicrobial resistance for human and

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第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

第 12 届部长级会议的卫生与植物卫生部长宣言：应对现代卫生与植物卫生挑战

2022 年 6 月 17 日通过

1. 我们认识到世界贸易组织(WTO)第 12 届部长级会议的召开恰在《实施卫生与植物卫生措施协定》(《SPS 协定》)订立 25 周年之后，此时正是反思之时，以回想该协定自通过以来所取得的成功，并认识到新出现的压力所带来的挑战，这些压力可能严重影响食品、动物和植物的国际贸易。

2. 我们希望借此之机强调《SPS 协定》及其条款今天正如 1995 年时一样仍然相关且适用，继续维护着成员为保护人类、动物或植物的生命或健康而采取必要措施的权利。

3. 除此之外，成员正确实施《SPS 协定》支持了农村生计、便利了贸易并支持了可持续农业增长。这些成果中特别值得注意的是《SPS 协定》中如下条款的贡献：即要求成员在采取 SPS 措施方面保持透明；要求这些措施应基于科学原则，并仅在保护人类、动物或植物生命或健康的必要限度内实施，且除《SPS 协定》第 5.7 条中所指的临时措施外，如其缺乏科学证据，包括通过风险评估，则不应维持。

4. 我们认识到 WTO 卫生与植物卫生委员会(SPS 委员会)在推动《SPS 协定》实施，特别是通过增加成员通报数量以提高 SPS 措施透明度方面起到的重要作用。展望未来，SPS 委员会将继续开展有价值的工作，成员继续致力于加强《SPS 协定》的实施。

5. 我们重申《SPS 协定》为成员确立的权利和义务，并呼吁成员进一步遵守《SPS 协定》，以支持国际贸易，同时保证人类、动物和植物的生命或健康得以保护。

6. 成员们承认自《SPS 协定》于 1995 年通过以来，全球农业格局已经发生改变。此种改变已经给食品、动物和植物的国际贸易带来多种新的机遇和不断增多的挑战，包括但不限于：

- 不断增长的全球人口、以及为应对不断变化的人口结构和分布而增多的农产品流动；
- 加快的工具和科技创新步伐；
- 气候变化和日益增多的环境挑战以及对粮食生产的相关压力；
- 可持续农业实践和生产体系日益增加的重要性，包括它们对应对气候变化和保护生物多样性的贡献；
- 因虫害、病害、带病有机体或致病有机体的传播而产生的转移压力，抗菌性对人类和动物健康不断增加的威胁，以及不断出现的与人-动物-环境界面相关的新发传染病，特别

animal health, as well as emerging infectious diseases linked with the human-animal-environment interface, especially zoonoses; and
- continued application of SPS measures that would constitute a disguised restriction on international trade.

7. To that end, the Ministerial Conference instructs the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement.

8. Through the work programme, the Ministerial Conference envisions that the SPS Committee should explore how the implementation and application of the SPS Agreement can support the following themes, including but not limited to:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health.
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis.
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms.
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme.
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members.
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.

9. This work programme does not launch the negotiation of new obligations, nor re-open or amend the SPS Agreement.

10. The SPS Committee will address the outcomes of this work programme and report on key findings and actions undertaken as a result of this work to the thirteenth Ministerial Conference with recommendations, as appropriate.

是人畜共患传染病；以及

- 可能构成对国际贸易变相限制的SPS措施的继续使用。

7. 为此，部长级会议指示 SPS 委员会进一步加强《SPS 协定》的实施，通过开展一项工作计划，以更好地管理与食品、动物和植物的国际贸易相关的问题。 该工作计划向所有成员和观察员开放，由确定以下各项的新工作组成：(1)实施《SPS 协定》过程中的挑战和处理这些挑战的现在机制；及(2)不断出现的挑战对《SPS 协定》适用的影响。

8. 通过该工作计划，部长级会议设想 SPS 委员会应探讨如何通过《SPS 协定》的实施和适用而支持下列议题，包括但不仅限于：

- 如何便利全球粮食安全和更可持续的粮食体制，包括通过农业生产和国际贸易的可持续增长和创新，并通过使用国际食品法典委员会、世界动物卫生组织和国际植物保护公约制定的国际标准、指南和建议作为保护人类、动物或植物的生命或健康的经协调的 SPS 措施的基础。
- 如何支持SPS措施以科学证据和原理为基础，包括在国际标准、指南或建议不存在或不适当的情况下；及如何促进成员使用国际标准制定机构所采用的原则以考虑风险分析中的科学不确定性。
- 如何通过采取适应地区条件(包括病虫害非疫区和低度流行区)的SPS措施以增强粮食、动物、植物及动植物产品国际贸易的安全，此类措施通过努力限制地中海果蝇等虫害、非洲猪瘟等疾病、带病有机体或致病有机体传播从而提高成员保护动植物生命或健康的能力。
- 如何在该工作计划范围内通过技术交流和援助鼓励与支持SPS委员会和国际标准制定机构的观察员国际组织开展合作。
- 如何扩大发展中和最不发达国家成员在制定和适用SPS措施方面的参与并对这些成员的特殊需要给予支持；特别是提高对SPS措施对此类成员出口可能产生影响的认识和敏感性。
- 在该工作计划开展过程中确定的其他议题或世界范围内不断增加的卫生与植物卫生挑战或风险所产生的其他议题。

9. 该工作计划不启动关于新义务的谈判，也不会重新打开或修正《SPS 协定》。

10. SPS 委员会将处理该工作计划的结果，并向第 13 届部长级会议报告此项工作的主要调查结果和采取的行动，并酌情提出建议。

WORLD TRADE ORGANIZATION

WT/MIN(22)/28
WT/L/1139

22 June 2022

(22-4784)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MINISTERIAL DECLARATION ON THE EMERGENCY RESPONSE TO FOOD INSECURITY

ADOPTED ON 17 JUNE 2022

Concerned that trade disruptions, record prices and excessive volatility for food and agricultural products could undermine food security in all Members, including in developing countries, and particularly in least-developed and net food-importing developing countries, who by virtue of their fiscal and other capacity-related challenges, as well as deteriorating terms of trade, are disproportionately affected by the crisis;

Concerned also that rising prices of food, agricultural products, and production inputs, including fertilizers, and associated trade restrictions, as well as increasing energy and transportation costs, could have lasting consequences for global food security in the coming years;

Determined to make progress towards the achievement of a fair and market-oriented agricultural trading system, ending hunger, achieving food security and improved nutrition, promoting sustainable agriculture and food systems, and implement resilient agricultural practices that enhance productivity and production in fulfilment of Sustainable Development Goal 2 of the United Nations, taking into account the interests of small-scale food producers in developing countries;

Acknowledging that progress towards this Goal has been undermined, with the Food and Agriculture Organization of the United Nations and the World Food Programme (WFP) in particular estimating a significant increase in the number and share of undernourished and food insecure people;

1. We, the Ministers, have met in Geneva from 12 to 17 June 2022 at our Twelfth Session of the Ministerial Conference of the World Trade Organization, and have adopted this declaration on the emergency response to food insecurity.

2. We agree that trade, along with domestic production, plays a vital role in improving global food security in all its dimensions and enhancing nutrition.

3. We commit to take concrete steps to facilitate trade and improve the functioning and long-term resilience of global markets for food and agriculture, including cereals, fertilizers, and other agriculture production inputs. Particular consideration will be given to the specific needs and circumstances of developing country Members, especially those of least-developed and net food-importing developing countries.

4. We underscore the need for agri-food trade to flow, and reaffirm the importance of not imposing export prohibitions or restrictions in a manner inconsistent with relevant WTO provisions.

5. We resolve to ensure that any emergency measures introduced to address food security concerns shall minimize trade distortions as far as possible; be temporary, targeted, and transparent; and be notified and implemented in accordance with WTO rules. Members imposing such measures should take into account their possible impact on other Members, including developing countries, and particularly least-developed and net food-importing developing countries.

世界贸易组织

WT/MIN(22)/28
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2022 年 6 月 22 日

(22-4784)

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第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于紧急应对粮食安全问题的部长宣言

2022 年 6 月 17 日通过

关注粮食和农产品贸易中断、创纪录价格以及过度波动可能损害所有成员的粮食安全，包括发展中国家、特别是最不发达国家和粮食净进口发展中国家的粮食安全，这些国家面临财政和其他能力相关挑战以及不断恶化的贸易条件，受到危机的影响尤为严重；

同时关注粮食、农产品和包括化肥在内的生产投入品的价格不断上涨及有关贸易限制，以及不断上涨的能源和运输成本，将在今后若干年内对全球粮食安全产生持久影响；

决心在建立公平的和以市场为导向的农产品贸易体制、消除饥饿、实现粮食安全和改善营养、促进可持续农业和粮食体制方面取得进展，并采取在实现联合国可持续发展目标 2 方面可以提高生产力和生产的韧性农业实践，同时考虑发展中国家小规模粮食生产者的利益；

承认为实现这一目标的进展受到了破坏，特别是联合国粮农组织和世界粮食计划署预计营养不良和无粮食保障人口的数量和比例将大幅增加；

1. 我们各成员部长于 2022 年 6 月 12 日至 17 日在日内瓦举行世界贸易组织(WTO)第 12 届部长级会议，并通过此项关于贸易与粮食安全的宣言。

2. 我们同意， 贸易与国内生产一样，在改善全球粮食安全的所有方面及提高营养方面发挥着至关重要的作用。

3. 我们承诺采取具体措施，以便利贸易，改善全球粮食和农产品市场的运转和长期韧性，包括谷物、化肥和其他农业生产投入品。应对发展中国家成员的具体需要和情况给予特别考虑，特别是最不发达国家和粮食净进口发展中国家的具体需要和情况。

4. 我们强调农产品贸易流动的必要性，并重申不实施与 WTO 相关条款不符的出口禁止或限制的重要性。

5. 我们决心保证为处理粮食安全关注所采取的任何紧急措施应将尽可能将贸易扭曲作用减至最小；且应是暂时性的、有针对性的和透明的；并应依照 WTO 规则进行通报和实施。实施此类措施的成员应考虑这些措施对其他成员的可能影响，包括对发展中国家、特别是最不发达国家和粮食净进口发展中国家。

6. We resolve to cooperate with a view to ensuring enhanced productivity and production, trade, availability and accessibility and affordability of food for those who need it, especially in humanitarian emergencies.

7. We reaffirm the disciplines on export competition in the Agreement on Agriculture, as well as the Nairobi Decision on Export Competition, including especially those on International Food Aid, and encourage donor countries to undertake efforts to make food available to poor and vulnerable countries, including through the WFP.

8. We reaffirm the importance of effective implementation and monitoring of the Marrakesh Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries. In this regard, we commit to having a dedicated work programme in the Committee on Agriculture to examine how this Decision could be made more effective and operational pursuant to Article 16 of the Agreement on Agriculture and to consider concerns raised by Members in their current and future submissions. The work programme shall consider the needs of LDCs and NFIDCs to increase their resilience in responding to acute food instability including by considering the best possible use of flexibilities to bolster their agricultural production and enhance their domestic food security as needed in an emergency.

9. We understand the importance of providing technical and financial assistance to LDCs and NFIDCs, including through international and regional financial institutions, with a view to improving their agricultural productive capacity, infrastructure and access to agricultural inputs.

10. We recognize that adequate food stocks can contribute to the realization of Members' domestic food security objectives and encourage Members with available surplus stocks to release them on international markets consistently with WTO rules.

11. We emphasize the importance of promptly sharing relevant information about policies that may affect trade and markets for food and agriculture, including by complying with WTO notification commitments and by actively participating in other relevant mechanisms for information exchange. We invite the Secretariat to provide regular updates on trade and market developments in the wake of the current food price spikes and excessive price volatility, in cooperation with other relevant international organizations.

12. We acknowledge the positive role of the Agricultural Market Information System (AMIS) in enhancing agricultural market transparency and policy responses for food security.

6. 我们决心进行合作，以保证为有需求者而提高粮食生产力和生产、扩大粮食贸易、提升粮食的可用性、可获性及可负担性，特别是在人道主义危机情况下。

7. 我们重申《农业协定》和内罗毕《关于出口竞争的决定》中关于出口竞争的纪律，特别是关于国际粮食援助的纪律，并鼓励捐助国作出努力，使贫弱国家可以获得粮食，包括通过世界粮食计划署。

8. 我们重申有效实施和监督马拉喀什《关于改革计划对最不发达国家和粮食净进口发展中国家可能产生消极影响的措施的决定》的重要性。在这方面，我们承诺在农业委员会中设立专门工作计划，审查如何根据《农业协定》第 16 条使该决定更为有效和更具操作性，并考虑各成员在当前和未来提案中所提关注。该工作计划应考虑最不发达国家和粮食净进口发展中国家需要提高其应对粮食严重不稳定状况的韧性，包括考虑在紧急情况下根据需要尽最大可能使用灵活性以促进其农业生产和增强其国内粮食安全。

9. 我们理解向最不发达国家和粮食净进口发展中国家提供技术和财政援助的重要性，包括通过国际和区域金融机构提供援助，以改善其农业生产能力、基础设施和对农业投入品的获取。

10. 我们认识到，充足的粮食储备可有助于实现成员的国内粮食安全目标，并鼓励拥有可用剩余库存的成员以符合 WTO 规则的方式在国际市场上释放这些库存。

11. 我们强调迅速分享关于可能影响粮食和农产品贸易和市场的政策的相关信息的重要性，包括遵守 WTO 通报承诺和积极参与其他相关信息交流机制。我们邀请秘书处与其他相关国际组织合作，定期更新关于受到当前粮食价格飙升和价格过度波动影响的贸易和市场的发展情况。

12. 我们承认农业市场信息系统(AMIS)在提高农业市场透明度和粮食安全政策应对方面的积极作用。

WORLD TRADE ORGANIZATION

WT/MIN(22)/29
WT/L/1140

22 June 2022

(22-4785)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MINISTERIAL DECISION ON WORLD FOOD PROGRAMME FOOD PURCHASES EXEMPTION FROM EXPORT PROHIBITIONS OR RESTRICTIONS

ADOPTED ON 17 JUNE 2022

The *Ministerial Conference,*

Having regard to paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

Pursuant to Article 12 of the Agreement on Agriculture and Article XI of the GATT 1994;

In view of the critical humanitarian support provided by the World Food Programme, made more urgent as global hunger levels have increased sharply;

With the understanding that the World Food Programme always takes procurement decisions on the basis of its principles to "do no harm" to the supplying Member and promote local and regional food procurement;

Decides as follows:

1. Members shall not impose export prohibitions or restrictions on foodstuffs purchased for non-commercial humanitarian purposes by the World Food Programme.

2. This Decision shall not be construed to prevent the adoption by any Member of measures to ensure its domestic food security in accordance with the relevant provisions of the WTO agreements.

世界贸易组织

WT/MIN(22)/29
WT/L/1140

2022 年 6 月 22 日

(22-4785)

页码: 1/1

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于世界粮食计划署购粮免除出口禁止或限制的部长决定

2022 年 6 月 17 日通过

部长级会议，

考虑到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款；

根据《农业协定》第12条和《1994年关税与贸易总协定》第11条；

鉴于在全球饥饿水平急剧上升情况下，世界粮食计划署提供的重要人道主义援助更为迫切；

各方理解，世界粮食计划署始终根据其"不损害"供应成员并促进本地和地区粮食采购的原则作出采购决定；

决定如下：

1. 各成员不得对世界粮食计划署为非商业性人道主义目的而购买的粮食实施出口禁止或限制。

2. 本决定不得解释为阻止任何成员依照 WTO 协定相关条款采取保证其国内粮食安全的措施。

WORLD TRADE ORGANIZATION

WT/MIN(22)/30
WT/L/1141

22 June 2022

(22-4786)

Page: 1/2

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MINISTERIAL DECISION ON THE TRIPS AGREEMENT

ADOPTED ON 17 JUNE 2022

The *Ministerial Conference*,

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

Noting the exceptional circumstances of the COVID-19 pandemic;

Decides as follows:

1. Notwithstanding the provision of patent rights under its domestic legislation, an eligible Member[1] may limit the rights provided for under Article 28.1 of the TRIPS Agreement (hereinafter "the Agreement") by authorizing the use of the subject matter of a patent[2] required for the production and supply of COVID-19 vaccines without the consent of the right holder to the extent necessary to address the COVID-19 pandemic, in accordance with the provisions of Article 31 of the Agreement, as clarified and waived in paragraphs 2 to 6 below.

2. For greater clarity, an eligible Member may authorize the use of the subject matter of a patent under Article 31 without the right holder's consent through any instrument available in the law of the Member such as executive orders, emergency decrees, government use authorizations, and judicial or administrative orders, whether or not a Member has a compulsory license regime in place. For the purpose of this Decision, the "law of a Member" referred to in Article 31 is not limited to legislative acts such as those laying down rules on compulsory licensing, but it also includes other acts, such as executive orders, emergency decrees, and judicial or administrative orders.

3. Members agree on the following clarifications and waiver for eligible Members to authorize the use of the subject matter of a patent in accordance with paragraphs 1 and 2:

   (a) An eligible Member need not require the proposed user of the subject matter of a patent to make efforts to obtain an authorization from the right holder as set out in Article 31(b).

   (b) An eligible Member may waive the requirement of Article 31(f) that authorized use under Article 31 be predominantly to supply its domestic market and may allow any proportion of the products manufactured under the authorization in accordance with this Decision to be exported to eligible Members, including through international or regional joint

[1] For the purpose of this Decision, all developing country Members are eligible Members. Developing country Members with existing capacity to manufacture COVID-19 vaccines are encouraged to make a binding commitment not to avail themselves of this Decision. Such binding commitments include statements made by eligible Members to the General Council, such as those made at the General Council meeting on 10 May 2022, and will be recorded by the Council for TRIPS and will be compiled and published publicly on the WTO website.

[2] For the purpose of this Decision, it is understood that 'subject matter of a patent' includes ingredients and processes necessary for the manufacture of the COVID-19 vaccine.

世界贸易组织

WT/MIN(22)/30
WT/L/1141

2022 年 6 月 22 日

(22-4786)

页码: 1/2

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于《与贸易有关的知识产权协定》的部长决定

2022 年 6 月 17 日通过

部长级会议，

注意到《马拉喀什建立世界贸易组织协定》第 9 条第 1 款、第 3 款和第 4 款；

注意到新冠肺炎疫情的特殊情况；

决定如下：

1. 尽管国内法中设有关于专利权的规定，但是一适格成员[1]可限制《与贸易有关的知识产权协定》(下称《协定》)第 28.1 条下规定的权利，依照以下第 2 款至第 6 款澄清和豁免的《协定》第 31 条的规定，授权使用生产和供应新冠肺炎疫苗所需的专利客体[2]，在应对新冠肺炎疫情的必要限度内无需权利持有人同意。

2. 为进一步明确，一适格成员可不经权利持有人同意而根据第 31 条授权使用专利客体，授权可通过该成员法律中可获得的任何方式，例如行政令、紧急法令、政府使用授权以及司法或行政命令，无论一成员是否设有强制许可制度。就本决定而言，第 31 条中所指的"一成员法律"不仅限于例如规定强制许可规定的立法，还可包括其他法令，例如行政令、紧急法令、司法或行政命令。

3. 成员同意进行以下澄清和豁免，以便适格成员依照第 1 段和第 2 段授权使用一专利客体:

   (a) 一适格成员无需要求专利客体的拟议使用者为获得第 31 条(b)款所规定的权利持有人的授权而作出努力。

   (b) 一适格成员可豁免第 31 条(f)款关于根据第 31 条的授权使用主要用于供应其国内市场的要求，并可允许依照本决定授权生产产品的任意比例向适格成员出口，包括通

[1] 就本决定而言，所有发展中国家成员均为适格成员。鼓励现有新冠肺炎疫苗生产能力的发展中国家成员作出关于不利用本决定的约束承诺。此种约束承诺包括适格成员向总理事会作出声明，例如 2022 年 5 月 10 日在总理事会作出的声明，相关承诺将由 TRIPS 理事会予以记录，并汇总和公开发布在 WTO 网站。

[2] 就本决定而言，各方理解"专利客体"包括生产新冠肺炎疫苗所必须的原料和工艺。

initiatives that aim to ensure the equitable access of eligible Members to the COVID-19 vaccine covered by the authorization.

(c) Eligible Members shall undertake all reasonable efforts to prevent the re-exportation of the products manufactured under the authorization in accordance with this Decision that have been imported into their territories under this Decision.[3] Members shall ensure the availability of effective legal means to prevent the importation into, and sale in, their territories of products manufactured under the authorization in accordance with this Decision, and diverted to their markets inconsistently with its provisions, using the means already required to be available under the TRIPS Agreement.

(d) Determination of adequate remuneration under Article 31(h) may take account of the humanitarian and not-for-profit purpose of specific vaccine distribution programs aimed at providing equitable access to COVID-19 vaccines in order to support manufacturers in eligible Members to produce and supply these vaccines at affordable prices for eligible Members. In setting the adequate remuneration in these cases, eligible Members may take into consideration existing good practices in instances of national emergencies, pandemics, or similar circumstances.[4]

4. Recognizing the importance of the timely availability of and access to COVID-19 vaccines, it is understood that Article 39.3 of the Agreement does not prevent an eligible Member from enabling the rapid approval for use of a COVID-19 vaccine produced under this Decision.

5. For purposes of transparency, as soon as possible after the adoption of the measure, an eligible Member shall communicate to the Council for TRIPS any measure related to the implementation of this Decision, including the granting of an authorization.[5]

6. An eligible Member may apply the provisions of this Decision until 5 years from the date of this Decision. The General Council may extend such a period taking into consideration the exceptional circumstances of the COVID-19 pandemic. The General Council will review annually the operation of this Decision.

7. Members shall not challenge any measures taken in conformity with this Decision under subparagraphs 1(b) and 1(c) of Article XXIII of the GATT 1994.

8. No later than six months from the date of this Decision, Members will decide on its extension to cover the production and supply of COVID-19 diagnostics and therapeutics.

9. This Decision is without prejudice to the flexibilities that Members have under the TRIPS Agreement, including flexibilities affirmed in the Doha Declaration on the TRIPS Agreement and Public Health, and without prejudice to their rights and obligations under the TRIPS Agreement, except as otherwise provided for in paragraph 3(b). For greater certainty, this Decision is without prejudice to the interpretation of the above-mentioned flexibilities, rights and obligations outside the scope of this Decision.

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[3] In exceptional circumstances, an eligible Member may re-export COVID-19 vaccines to another eligible Member for humanitarian and not-for-profit purposes, as long as the eligible Member communicates in accordance with paragraph 5.

[4] This includes the remuneration aspects of the WHO-WIPO-WTO Study on Promoting Access to Medical Technologies and Innovation (2020), and the Remuneration Guidelines for Non-Voluntary Use of a Patent on Medical Technologies published by the WHO (WHO/TCM/2005.1).

[5] The information provided shall include the name and address of the authorized entity, the product(s) for which the authorization has been granted and the duration of the authorization. The quantity(ies) for which the authorization has been granted and the country(ies) to which the product(s) is(are) to be supplied shall be notified as soon as possible after the information is available.

过旨在保证适格成员公平获取该授权所涵盖新冠肺炎疫苗的国际或区域联合倡议加以实现。

(c) 适格成员应作出一切合理努力，以防止依照本决定授权生产的产品在根据本决定已经进口至其领土内后复出口。[3]成员应保证可提供有效法律手段，使用《TRIPS 协定》项下本已要求提供的手段，防止依照本决定授权生产的产品进口至其领土并在其领土内销售，以不符合本决定规定的方式转移至其市场。

(d) 根据第 31 条(h)款确定充分补偿时，可考虑旨在提供新冠肺炎疫苗公平获得的特定疫苗分配计划的人道主义和非营利目的，以支持适格成员的制造商以可承受的价格为适格成员生产和供应此类疫苗。在这些情况下确定充分补偿时，适格成员可考虑国家紧急状态、疫情或类似情形下的现有良好实践。[4]

4. 认识到及时获取新冠肺炎疫苗的重要性，各方理解《协定》第 39.3 条不阻止一适格成员快速批准使用根据本决定生产的疫苗。

5. 为透明度目的，相关措施一俟通过，一适格成员即应将与本决定实施相关的任何措施通知 TRIPS 理事会，包括给予授权的情况。[5]

6. 一适格成员可在本决定作出之日后 5 年内适用本决定的规定。总理事会可考虑新冠肺炎疫情的特殊情况将该期限予以延长。总理事会将每年审议本决定的运用情况。

7. 成员不得根据《1994 年关税与贸易总协定》第 23 条第 1 款(b)项和(c)项对符合本决定而采取的任何措施提出质疑。

8. 在不迟于本决定作出之日 6 个月，成员将决定将本决定扩展至新冠肺炎诊断产品和治疗产品的生产和供应。

9. 本决定不损害成员在《TRIPS 协定》项下拥有的灵活性，包括在多哈《关于<与贸易有关的知识产权协定>与公共健康宣言》中确定的灵活性，且不损害成员在《TRIPS 协定》项下的权利和义务，第 3 款(b)项所规定的除外。为进一步明确，本决定不损害对上述灵活性及属本决定范围外的权利和义务的解释。

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[3] 在特殊情况下，一适格成员为人道主义和非营利目的可将新冠肺炎疫苗复出口至另一适格成员，只要该适格成员依照第 5 款作出通知。

[4] 此点包括《WHO-WIPO-WTO 关于促进获取医疗技术和创新研究报告》(2020)中有关补偿的内容，以及 WHO 发布的《医疗技术专利非自愿使用报酬指南》(WHO/TCM/2005.1)。

[5] 所提供的信息应包括被授权机构的名称和地址、已给予授权的产品(一种或多种)和授权期限。授权所给予的数量(一批或多批)和产品(一种或多种)拟供应的国家(一个或多个)应在信息可获得后尽快作出通报。

WORLD TRADE ORGANIZATION

WT/MIN(22)/31
WT/L/1142

22 June 2022

(22-4787)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

MINISTERIAL DECLARATION ON THE WTO RESPONSE TO THE COVID-19 PANDEMIC AND PREPAREDNESS FOR FUTURE PANDEMICS

ADOPTED ON 17 JUNE 2022

1. We note that over the course of the COVID-19 pandemic, Members experienced supply constraints of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods. These experiences were not shared equally during the pandemic, in particular due to Members' differing levels of development, financial capabilities, and degrees of import dependence on those products. We encourage Members to understand and build upon the experience of the pandemic, as contemplated by this declaration, in order to support increased resilience for COVID-19 and future pandemics.

2. We recognize the importance of a stable and predictable trading environment for the provision of goods and services in accordance with WTO rules to facilitate manufacturing, and supply and distribution, of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, including their inputs.

3. The pandemic has highlighted the importance of working towards enhancing timely, equitable and global access to safe, affordable and effective COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. We recognize the role of the multilateral trading system in supporting the expansion and diversification of production of essential goods and related services needed in the fight against COVID-19 and future pandemics, including through identifying opportunities and addressing barriers. We underscore the critical role the WTO can play in promoting inclusive growth including industrialization, development, and resilience.

4. We recognize that global recovery remains highly divergent across the Membership, and that the pandemic continues to pose evolving challenges, in particular related to the possible spread of new variants of COVID-19, and uneven paces of vaccination. We further note that the COVID-19 pandemic has resulted in balance of payments challenges and revealed limitations in the fiscal means available to some developing country Members, and especially LDCs, to withstand, respond to, and recover from the pandemic.

5. We are committed to transparency, including that notifications of trade-related measures with respect to COVID-19 and future pandemics are submitted in a timely and comprehensive manner in accordance with WTO rules. The sharing of information helps Members and traders become acquainted with measures taken. We recognize that COVID-19 and future pandemics may further constrain the limited resources and institutional capacities of some developing country Members, and especially LDCs, and underscore the importance of technical assistance and capacity building in respect of transparency and monitoring.

6. We recognize the value of timely and accurate information to enable the quick identification by Members of potential disruptions in supply chains during COVID-19 and future pandemics. In addition, we encourage Members to actively engage in the WTO Trade Monitoring Exercise.

7. To the extent provided by WTO rules, we recognize the importance of ensuring that any emergency trade measures designed to tackle COVID-19, if deemed necessary, are targeted, proportionate, transparent, temporary, and do not create unnecessary barriers to trade or unnecessary disruptions in supply chains. When implementing such measures, we will endeavour to take into account Members' diverse circumstances, in particular the interests of some developing

世界贸易组织

WT/MIN(22)/31
WT/L/1142

2022 年 6 月 22 日

(22-4787)

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于世界贸易组织新冠肺炎疫情应对和未来疫情应对准备的部长宣言

2022 年 6 月 17 日通过

1. 我们注意到，在新冠肺炎疫情发生过程中，成员经历了新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品的供应限制。并非每个成员在疫情期间都有同样的经历，特别是由于各成员的发展水平、财政能力和对这些产品的进口依赖程度各不相同。我们鼓励各成员按照本宣言所设想的，了解和借鉴关于疫情的经验，以有助于增强对新冠肺炎疫情和未来疫情的韧性。

2. 我们认识到稳定和可预见的贸易环境对于依照世界贸易组织(WTO)规则提供货物和服务的重要性，以便利新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品、包括其投入品的生产、供应和分配。

3. 新冠肺炎疫情凸显努力加强及时、公平和全球获得安全、可负担和有效的新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品的重要性。我们认识到多边贸易体制在支持应对新冠肺炎疫情和未来疫情所需的必需品和相关服务的生产扩大和多样化方面的重要性，包括通过确定机会和处理壁垒。我们强调 WTO 在促进包容性增长，包括工业化、发展和韧性方面可以发挥关键作用。

4. 我们认识到，全球复苏在各成员之间仍然存在很大差异，且疫情继续构成不断演变的挑战，特别是与新冠肺炎病毒新变种的可能蔓延和疫苗接种速度的不均衡有关的挑战。我们还注意到，新冠肺炎疫情已造成国际收支方面的挑战，并显示出一些发展中国家成员、特别是最不发达国家在抵御、应对疫情和从疫情中复苏方面的财政手段的局限性。

5. 我们致力于提高透明度，包括依照 WTO 规则及时全面提交关于新冠肺炎疫情和未来疫情的贸易措施通报。信息共享有助于成员和贸易商知晓所采取的措施。我们认识到，新冠肺炎疫情和未来疫情可能进一步限制一些发展中国家成员、特别是最不发达国家有限的资源和机构能力，并强调关于透明度和监督方面技术援助和能力建设的重要性。

6. 我们认识到及时和准确信息的价值，可使成员能够快速确定新冠肺炎疫情和未来疫情期间供应链可能的中断。此外，我们鼓励成员积极参与 WTO 贸易监督工作。

7. 在 WTO 规则所规定的范围内，我们认识到保证旨在应对新冠肺炎疫情的任何如有必要而采取的紧急贸易措施具有针对性、适度、透明和临时的重要性；且不会对贸易造成不必要的壁垒或造成供应链的不必要中断。 在实施此类措施时， 我们将努力考虑到成员的不同情况， 特别是一些发

country Members, and especially LDCs; and their needs for emergency supplies and humanitarian assistance.

8. We recognize that, during the COVID-19 pandemic, Members have, at times, experienced acute supply constraints in the face of significant domestic and international demand for COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods. Therefore, Members have made significant efforts to increase and diversify production; and to support equitable access to these goods. Recognizing that Members may apply export restrictions and otherwise take measures necessary to protect life and health in accordance with WTO rules, we intend to exercise due restraint in the imposition of export restrictions on such goods, including their inputs.

9. We reiterate the importance of the WTO Trade Facilitation Agreement and particularly those provisions which have proved critical to date during the COVID-19 pandemic as discussed in the Committee on Trade Facilitation. We acknowledge the capacity building needs of developing country Members, and especially LDCs, and underline Section II of the Trade Facilitation Agreement available to them.

10. Within the context of existing WTO rights and obligations, we note those additional, voluntary trade facilitating measures Members have implemented to address the ongoing pandemic, including streamlining customs procedures, decreasing and simplifying documentation requirements, temporarily reducing or adjusting tariff rates and other charges on COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, including their inputs.

11. With a view to expediting access to COVID-19 vaccines, therapeutics, diagnostics and other essential medical goods, during COVID-19 and future pandemics, we encourage regulatory cooperation, as appropriate, and the sharing of regulatory information on a voluntary basis.

12. We recall the Doha Declaration on the TRIPS Agreement and Public Health of 2001 and reiterate that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we reaffirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all.

13. We further reaffirm that Members have the right to use, to the full, the TRIPS Agreement and the Doha Declaration on the TRIPS Agreement and Public Health of 2001, which provide flexibility to protect public health including in future pandemics.

14. We recall the Ministerial Decision on the TRIPS Agreement - WT/MIN(22)/30 and WT/L/1141.

15. We recognize that increasing the level of global preparedness to COVID-19 and future pandemics requires strengthened productive, scientific and technological capacity across the world. We also recognize that such capacity is instrumental for developing solutions to public health crises beyond COVID-19, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, as well as neglected tropical diseases, and for diversifying manufacturing locations. In line with WTO rules, we underscore the importance of promoting technology transfer that contributes to building capacity in related sectors.

16. We reaffirm the commitment of developed country Members to Article 66.2 of the TRIPS Agreement.

17. We underline the critical role of services in ensuring resilience during COVID-19 and future pandemics. We acknowledge the importance of facilitating the international operations of service suppliers involved in production and distribution of COVID-19 vaccines, therapeutics, diagnostics, and other essential medical goods, such as logistics and freight transport services. We also acknowledge the importance of facilitating trade in services, including health services and ICT services, during COVID-19 and future pandemics.

18. We recognize the significant impact of the pandemic on services sectors and services trade of Members. We stress the importance of services trade, across sectors and modes of supply, to support economic recovery of Members, particularly those of interest to some developing country Members, and especially LDCs.

展中国家成员、尤其是最不发达国家的利益，以及它们对应急物资和人道主义援助的需要。

8. 我们认识到，在新冠肺炎疫情期间，由于面临国内和国际对新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品的巨大需求，成员时常遭遇严重供应限制。因此，成员已经作出巨大努力以增加生产和使生产多样化；并支持公平获得这些货物。认识到成员可依照 WTO 规则实行出口限制，也可采取其他必要措施以保护生命和健康，我们有意在对此类货物、包括其投入品实施出口限制方面采取适当克制。

9. 我们重申 WTO《贸易便利化协定》的重要性，特别是如在贸易便利化委员会中所讨论的在新冠肺炎疫情期间迄今已经证明至关重要的那些条款。我们承认发展中国家成员、特别是最不发达国家的能力建设需要，并强调《贸易便利化协定》第二部分可供发展中国家成员使用。

10. 在 WTO 现有权利和义务的范围内，我们注意到成员为应对当前疫情而已经采取的额外自愿贸易便利化措施，包括简化海关手续、减少和简化单证要求、临时降低或调整新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品、包括其投入品的关税和其他费用。

11. 为在新冠肺炎疫情和未来疫情期间快速获得新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品，我们鼓励酌情开展监管合作，并在自愿基础上分享监管信息。

12. 我们忆及 2001 年多哈《关于<与贸易有关的知识产权协定>与公共健康的宣言》，并重申《与贸易有关的知识产权协定》不阻止也不应阻止成员采取保护公共健康的措施。因此，在重申我们对《与贸易有关的知识产权协定》的承诺的同时，我们重申，该协定可以且应该以可对 WTO 成员保护公共健康的权利具有支持作用的方式加以解释和实施，特别是促进全体人民均能够获得药品。

13. 我们进一步重申，成员有权充分利用《与贸易有关的知识产权协定》和 2001 年多哈《关于<与贸易有关的知识产权协定>与公共健康的宣言》，协定和宣言提供了包括未来疫情在内的保护公共健康的灵活性。

14. 我们忆及《关于<与贸易有关的知识产权协定>的部长决定》(WT/MIN(22)/30–WT/L/1141)。

15. 我们认识到，提高全球新冠肺炎疫情和未来疫情应对准备水平，需要加强世界范围的生产、科学和技术能力。我们还认识到，此种能力在制定新冠肺炎疫情以外的公共健康危机解决办法方面的重要作用，包括与艾滋病毒/艾滋病、结核病、疟疾和其他流行病以及被忽视的热带病有关的危机，并有助于使生产地点多样化。根据 WTO 规则，我们强调促进技术转让的重要性，这有助于相关部门的能力建设。

16. 我们重申发达国家成员对《与贸易有关的知识产权协定》第 66.2 条的承诺。

17. 我们强调服务在保证新冠肺炎疫情和未来疫情期间保持韧性的关键作用。我们承认便利新冠肺炎疫苗、治疗产品、诊断产品及其他基本医疗产品的生产和分配过程中所涉服务提供商国际业务的重要性，例如物流和货运服务。我们还承认，在新冠肺炎疫情和未来疫情期间便利服务贸易的重要性，包括健康服务及信息通信技术服务。

18. 我们认识到疫情对成员服务部门和服务贸易的重大影响。我们强调跨部门和跨提供模式的服务贸易对支持成员经济复苏的重要性，特别是对一些发展中国家成员、尤其是最不发达国家有利的服务贸易。

19. We also recognize that the COVID-19 pandemic has negatively affected the tourism sector, particularly in tourism dependent economies, especially tourism dependent LDCs. We acknowledge that Members needed to take actions to reduce the spread of the virus, contributing to those effects. We recognize that enhanced cooperation and dialogue amongst Members, especially those whose economies are dependent on tourism, can be important in facilitating better understanding of how to potentially mitigate these effects.

20. Taking into consideration Members' public health policies and experiences during the COVID-19 pandemic, we acknowledge the relevance of further cooperation within the mandate of the WTO and its rules to boost post-pandemic recovery and trade flows, including on testing requirements and results, recognition of vaccination certificates and interoperability and mutual recognition of digital health applications, while continuing to protect public health and ensuring privacy and personal data protection.

21. We underscore the importance of global food security in resilience-building and responding to the current and future pandemics. We recognize the particularly negative impact of the COVID-19 pandemic on the food security of developing country Members, especially for net food-importing developing country Members and LDCs.

22. Food security related issues exacerbated by the COVID-19 pandemic, such as supply and price challenges, are multifaceted and require a comprehensive approach to address them.

23. We underscore the importance of understanding how WTO rules have supported Members during the COVID-19 pandemic, and their role in future pandemics. We affirm the need to review and build on all the lessons learned and the challenges experienced during the COVID-19 pandemic, to build effective solutions in case of future pandemics including on balance of payments, development, export restrictions, food security, intellectual property, regulatory cooperation, services, tariff classification, technology transfer, trade facilitation, and transparency, in an expeditious manner.

24. Relevant WTO bodies[1] will, within their fields of competence, and on the basis of proposals by Members, continue or initiate work as soon as possible, to analyze lessons that have been learned and challenges experienced during the COVID-19 pandemic. A stocktaking exercise will be taken of the work by WTO bodies under this declaration yearly at the General Council until the end of 2024, based on the reports of those relevant bodies.

25. Areas of discussion and focus will include, but not be limited to, the topics set forth in Paragraph 23 and other topics raised by Members reflecting their varied experiences during the COVID-19 pandemic.

26. We note that the General Council may be called to meet, as appropriate, to facilitate enhanced cooperation and dialogue in the context of a pandemic.

27. We also note the work undertaken by the WTO Secretariat, including in collaboration with other international organizations. That includes analysis, including the mapping of supply and demand, regarding trade in vaccines, therapeutics, diagnostics, and other essential medical goods and services as related to the COVID-19 pandemic.

28. We further note the importance of the WTO working, along with the World Health Organization and other international organizations, on an international pandemic response, including activities such as expeditious matching of supply to demand, mapping manufacturing capacities and demands, matchmaking to cater to such demands, and mutual recognition norms, related to goods and services that are essential to respond effectively to COVID-19 and future pandemics.

[1] Relevant WTO bodies include the Council for Trade in Goods or its subsidiary bodies (including the Committee on Trade Facilitation, the Committee on Technical Barriers to Trade, the Committee on Sanitary and Phytosanitary Measures, the Committee on Market Access, and the Committee on Agriculture), Trade Policy Review Body, Council for Trade in Services or its relevant subsidiary bodies, Council for Trade-Related Aspects of Intellectual Property Rights, Committee on Trade and Development, Working Group on Trade and Technology Transfer and Working Group on Trade, Debt and Finance.

19. 我们还认识到，新冠肺炎疫情对旅游部门已经产生消极影响，特别是在依赖旅游业的经济体中，尤其是依赖旅游业的最不发达国家。我们承认，成员需要采取行动，以减少造成这些影响的病毒传播。我们认识到，加强成员间的合作和对话，特别是那些经济依赖旅游业的成员间的合作和对话，对于促进更好地理解如何潜在减轻这些影响具有重要意义。

20. 考虑到成员在新冠肺炎疫情期间的公共健康政策和经验，我们承认在 WTO 授权及其规则范围内开展进一步合作的相关性，以促进疫情后恢复和贸易流动，合作包括检验要求和结果、疫苗接种证书和互用性的认可以及数字健康申请的互认，同时继续保护公共健康并保证隐私和个人数据保护。

21. 我们强调全球粮食安全在韧性建设和应对当前和未来疫情方面的重要性。我们认识到新冠肺炎疫情对发展中国家成员的粮食安全、特别是对粮食净进口发展中国家成员和最不发达国家产生的特别消极的影响。

22. 新冠肺炎疫情加剧了与粮食安全有关的问题，例如供应和价格挑战，这些问题是多方面的，需要采取综合方式以加以处理。

23. 我们强调理解 WTO 规则如何在新冠肺炎疫情期间支持成员的重要性，以及这些规则在未来疫情中的作用。我们重申需要审议并借鉴新冠肺炎疫情期间汲取的所有教训和经历的挑战，从而在未来发生疫情时在国际收支、发展、出口限制、粮食安全、知识产权、监管合作、服务、关税归类、技术转让、贸易便利化和透明度方面制定有效解决办法。

24. WTO 相关机构[1]将在其职权范围内，根据成员提案，继续或尽快开展工作，分析在新冠肺炎疫情期间汲取的教训和经历的挑战。总理事会每年将根据相关机构报告，对 WTO 各机构根据本宣言开展的工作进行回顾，直至 2024 年年底。

25. 讨论和重点领域将包括但不限于第 23 段中所列议题和成员提出的反映其在新冠肺炎疫情期间各种经验的其他议题。

26. 我们注意到，可能要求总理事会酌情召开会议，以促进在发生疫情期间加强合作和对话。

27. 我们还注意到 WTO 秘书处所作的工作，包括与其他国际组织的合作。此点包括与新冠肺炎疫情相关的疫苗、治疗产品、诊断产品及其他基本医疗产品和服务的分析，包括供求关系图。

28. 我们还注意到 WTO 与世界卫生组织和其他国际组织共同开展工作的重要性，以制定国际疫情应对措施，有关活动包括有效对于应对新冠肺炎疫情和未来疫情至关重要的货物和服务的供应与需求快速匹配、制定产能与需求图、匹配以满足此类需求以及制定互认准则等。

[1] 相关 WTO 机构包括货物贸易理事会及其附属机构(包括贸易便利化委员会、技术性贸易壁垒委员会、卫生与植物卫生措施委员会、市场准入委员会以及农业委员会)、贸易政策审议机构、服务贸易理事会及其相关附属机构、与贸易有关的知识产权理事会、贸易与发展委员会、贸易与技术转让工作组以及贸易、债务与金融工作组。

29. We confirm that this declaration does not alter the rights and obligations of WTO Members. We further confirm that this declaration does not create sub-categories of developing country Members.

29. 我们确认，本宣言不改变 WTO 成员的权利和义务。我们进一步确认，本宣言不会创设发展中国家成员的亚群体。

WORLD TRADE ORGANIZATION

WT/MIN(22)/32
WT/L/1143

22 June 2022

(22-4788)

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Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

WORK PROGRAMME ON ELECTRONIC COMMERCE

MINISTERIAL DECISION

ADOPTED ON 17 JUNE 2022

The *Ministerial Conference decides* as follows:

We agree to reinvigorate the work under the Work Programme on Electronic Commerce, based on the mandate as set out in WT/L/274 and particularly in line with its development dimension.

We shall intensify discussions on the moratorium and instruct the General Council to hold periodic reviews based on the reports that may be submitted by relevant WTO bodies, including on scope, definition, and impact of the moratorium on customs duties on electronic transmissions.

We agree to maintain the current practice of not imposing customs duties on electronic transmissions until MC13, which should ordinarily be held by 31 December 2023. Should MC13 be delayed beyond 31 March 2024, the moratorium will expire on that date unless Ministers or the General Council take a decision to extend.

世界贸易组织

WT/MIN(22)/32
WT/L/1143

2022 年 6 月 22 日

(22-4788)

页码: 1/1

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

关于《电子商务工作计划》的部长决定

2022 年 6 月 17 日通过

部长级会议决定如下：

我们同意根据 WT/L/274 号文件中所规定的授权，特别是根据授权的发展方面，重振《电子商务工作计划》下的工作。

我们应加强关于电子传输暂免关税的讨论，并指示总理事会根据世界贸易组织(WTO)相关机构可能提交的报告进行定期审议，包括关于电子传输暂免关税的范围、定义和影响。

我们同意在第 13 届部长级会议前维持不对电子传输征收关税的现行做法，第 13 届部长级会议通常应在 2023 年 12 月 31 日前召开。如第 13 届部长级会议推迟至 2024 年 3 月 31 日以后，除非部长们或总理事会作出延长决定，否则电子传输暂免关税将在该日期失效。

WORLD TRADE ORGANIZATION

WT/MIN(22)/33
WT/L/1144

22 June 2022

(22-4789)

Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022

AGREEMENT ON FISHERIES SUBSIDIES

MINISTERIAL DECISION OF 17 JUNE 2022

The *Ministerial Conference*;

Having regard to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

Recalling the mandate given to Members at the Eleventh WTO Ministerial Conference in 2017 in Buenos Aires that the next Ministerial Conference should adopt an agreement on comprehensive and effective disciplines that prohibits certain forms of fisheries subsidies that contribute to overcapacity and overfishing, and eliminates subsidies that contribute to IUU-fishing recognizing that appropriate and effective special and differential treatment for developing country Members and least developed country Members should be an integral part of these negotiations.

Decides as follows:

1. The Protocol amending the WTO Agreement attached to this Decision is hereby adopted and submitted to the Members for acceptance.

2. The Protocol shall hereby be open for acceptance by Members.

3. The Protocol shall enter into force in accordance with the provisions of paragraph 3 of Article X of the WTO Agreement.

4. Notwithstanding Article 9.4 of the Agreement on Fisheries Subsidies, the Negotiating Group on Rules shall continue negotiations based on the outstanding issues in documents WT/MIN(21)/W/5 and WT/MIN(22)/W/20 with a view to making recommendations to the Thirteenth WTO Ministerial Conference for additional provisions that would achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing country Members and least developed country Members should be an integral part of these negotiations.

世界贸易组织

WT/MIN(22)/33
WT/L/1144

2022 年 6 月 22 日

(22-4789)

第 12 届部长级会议
日内瓦
2022 年 6 月 12 日至 15 日

渔业补贴协定

2022 年 6 月 17 日部长决定

部长级会议；

注意到《马拉喀什建立世界贸易组织协定》(《WTO 协定》)第 10 条第 1 款；

忆及 2017 年布宜诺斯艾利斯 WTO 第 11 届部长级会议给予成员的授权，即下届部长级会议应通过一项关于全面有效纪律的协定以禁止某些形式的助长过剩产能和过度捕捞的渔业补贴，并取消助长非法、未报告和无管制的捕捞活动的补贴，同时认识到发展中国家成员和最不发达国家成员的适当和有效的特殊和差别待遇应是谈判组成部分。

决定如下：

1. 特此通过本决定所附修正《WTO 协定》的议定书，并提交各成员供接受。

2. 该议定书应特此开放供各成员接受。

3. 该议定书应依照《WTO 协定》第 10 条第 3 款生效。

4. 尽管有《渔业补贴协定》第 9.4 条，但是规则谈判组应继续以 WT/MIN (21)/W/5 和 WT/MIN (22)/W/20 号文件中的未决问题为基础进行谈判，以期向 WTO 第 13 届部长级会议提出关于额外条款的建议，以达成一项关于渔业补贴的全面协定，包括进一步对某些形式的助长产能过剩和过度捕捞的渔业补贴制定纪律，同时认识到发展中国家成员和最不发达国家成员的适当和有效的特殊和差别待遇应是谈判组成部分。

ATTACHMENT

PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

AGREEMENT ON FISHERIES SUBSIDIES

Members of the World Trade Organization;

Having regard to the Decision of the Ministerial Conference in document WT/MIN(22)/33 – WT/L/1144 adopted pursuant to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization ("the WTO Agreement");

Hereby agree as follows:

1. Annex 1A to the WTO Agreement shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of the Agreement on Fisheries Subsidies, as set out in the Annex to this Protocol, to be placed after the Agreement on Subsidies and Countervailing Measures.

2. No reservations may be made in respect of any of the provisions of this Protocol.

3. This Protocol is hereby open for acceptance by Members.

4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement.[1]

5. This Protocol shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Member a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph 3.

6. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this seventeenth day of June two thousand and twenty-two, in a single copy in the English, French and Spanish languages, each text being authentic.

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[1] For the purposes of calculation of acceptances under Article X:3 of the WTO Agreement, an instrument of acceptance by the European Union for itself and in respect of its Member States shall be counted as acceptance by a number of Members equal to the number of Member States of the European Union which are Members to the WTO.

附件

关于修正《马拉喀什建立世界贸易组织协定》的议定书

渔业补贴协定

世界贸易组织成员；

注意到根据《马拉喀什建立世界贸易组织协定》(“《WTO 协定》”)第 10 条第 1 款通过的载于 WT/MIN (22)/33 - WT/L/1144 号文件中的部长级会议决定；

特此协议如下：

1. 《WTO 协定》附件 1A 应自本议定书根据第 4 款生效时起予以修正，加入本议定书附件中所列《渔业补贴协定》，位列《补贴与反补贴措施协定》之后。

2. 对本议定书条款不得作出任何保留。

3. 本议定书特此开放供各成员接受。

4. 本议定书应依照《WTO 协定》第 10 条第 3 款生效。[1]

5. 本议定书应交存世界贸易组织总干事，总干事应迅速向每一成员提供一份经核证无误的议定书副本及根据第 3 款的每一项接受的通报。

6. 本议定书应依照《联合国宪章》第 102 条的规定予以登记。

2022 年 6 月 17 日订于日内瓦，正本一份用英文、法文和西班牙文写成，三种文本同等作准。

[1] 为计算根据《WTO 协定》第 10 条第 3 款的接受数量，对于欧洲联盟为其本身及其成员国所提交的一份接受书，其接受数量应计为等于属 WTO 成员的欧洲联盟成员国的数量。

ANNEX

AGREEMENT ON FISHERIES SUBSIDIES

ARTICLE 1: SCOPE

This Agreement applies to subsidies, within the meaning of Article 1.1 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) that are specific within the meaning of Article 2 of that Agreement, to marine wild capture fishing and fishing related activities at sea.[1, 2, 3]

ARTICLE 2: DEFINITIONS

For the purpose of this Agreement:

(a) "fish" means all species of living marine resources, whether processed or not;

(b) "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;

(c) "fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

(d) "vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;

(e) "operator" means the owner of a vessel, or any person, who is in charge of or directs or controls the vessel.

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[1] For greater certainty, aquaculture and inland fisheries are excluded from the scope of this Agreement.

[2] For greater certainty, government-to-government payments under fisheries access agreements shall not be deemed to be subsidies within the meaning of this Agreement.

[3] For greater certainty, for the purposes of this Agreement, a subsidy shall be attributable to the Member conferring it, regardless of the flag or registry of any vessel involved or the nationality of the recipient.

附件

渔业补贴协定

第 1 条：范围

本协定适用于《补贴与反补贴措施协定》(SCM 协定)第 1.1 条范围内、且具有该协定第 2 条范围内的专向性的对海洋野生捕捞和海上与捕捞有关的活动的补贴。[1,2,3]

第 2 条：定义

就本协定而言：

(a) “鱼类”指所有海洋生物资源物种，无论是否经过加工；

(b) “捕捞”指搜寻、诱集、定位、捕捉、获取或收获鱼类，或按照合理预期会导致诱集、定位、捕捉、获取或收获鱼类的任何活动；

(c) “与捕捞有关的活动”指支持捕捞或为捕捞作准备的任何作业活动，包括对先前未在一港口上岸的鱼类进行上岸、包装、加工、转运或运输，以及在海上提供人员、燃料、渔具和其他物资补给；

(d) “船舶”指用于、装备用于或有意用于捕捞或与捕捞有关的活动的任何船舶、其他类型的大船或小船；

(e) “经营者”指一船舶的所有人，或负责或指挥或控制该船舶的任何人。

[1] 为进一步明确，水产养殖和内陆渔业排除在本协定范围之外。
[2] 为进一步明确，入渔协定项下的政府间支付不得视为本协定范围内的补贴。
[3] 为进一步明确，就本协定而言，一补贴应归于授予它的成员，不考虑所涉任何船舶的旗帜或登记地或接受方的国籍。

ARTICLE 3: SUBSIDIES CONTRIBUTING TO ILLEGAL, UNREPORTED AND UNREGULATED FISHING[4]

3.1 No Member shall grant or maintain any subsidy to a vessel or operator[5] engaged in illegal, unreported and unregulated (IUU) fishing or fishing related activities in support of IUU fishing.

3.2 For purposes of Article 3.1, a vessel or operator shall be considered to be engaged in IUU fishing if an affirmative determination thereof is made by any of the following[6,7]:

(a) a coastal Member, for activities in areas under its jurisdiction; or

(b) a flag State Member, for activities by vessels flying its flag; or

(c) a relevant Regional Fisheries Management Organization or Arrangement (RFMO/A), in accordance with the rules and procedures of the RFMO/A and relevant international law, including through the provision of timely notification and relevant information, in areas and for species under its competence.

3.3 (a) An affirmative determination[8] under Article 3.2 refers to the final finding by a Member and/or the final listing by an RFMO/A that a vessel or operator has engaged in IUU fishing.

(b) For purposes of Article 3.2(a), the prohibition under Article 3.1 shall apply where the determination by the coastal Member is based on relevant factual information and the coastal Member has provided to the flag State Member and, if known, the subsidizing Member, the following:

(i) timely notification, through appropriate channels, that a vessel or operator has been temporarily detained pending further investigation for engagement in, or that the coastal Member has initiated an investigation for, IUU fishing including reference to any relevant factual information, applicable laws, regulations, administrative procedures, or other relevant measures;

(ii) an opportunity to exchange relevant information[9] prior to a determination, so as to allow such information to be considered in the final determination. The coastal Member may specify the manner and time period in which such information exchange should be carried out; and

(iii) notification of the final determination, and of any sanctions applied, including, if applicable, their duration.

The coastal Member shall notify an affirmative determination to the Committee provided for in Article 9.1 (referred to in this Agreement as "the Committee").

[4] "Illegal, unreported and unregulated (IUU) fishing" refers to activities set out in paragraph 3 of the *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* adopted by the UN Food and Agriculture Organization (FAO) in 2001.

[5] For the purpose of Article 3, the term "operator" means the operator within the meaning of Article 2(e) at the time of the IUU fishing infraction. For greater certainty, the prohibition on granting or maintaining subsidies to operators engaged in IUU fishing applies to subsidies provided to fishing and fishing related activities at sea.

[6] Nothing in this Article shall be interpreted to obligate Members to initiate IUU fishing investigations or make IUU fishing determinations.

[7] Nothing in this Article shall be interpreted as affecting the competence of the listed entities under relevant international instruments or granting new rights to the listed entities in making IUU fishing determinations.

[8] Nothing in this Article shall be interpreted to delay, or affect the validity or enforceability of, an IUU fishing determination.

[9] For example, this may include an opportunity to dialogue or for written exchange of information if requested by the flag State or subsidizing Member.

第 3 条: 助长非法、未报告和无管制捕捞的补贴[4]

3.1 任何成员不得给予或维持对从事非法、未报告和无管制(IUU)捕捞或从事支持 IUU 捕捞的与捕捞有关的活动的船舶或经营者[5]的任何补贴。

3.2 就第 3.1 条而言，如经下列任何一方作出一项确定性认定，则一船舶或经营者应被视为从事 IUU 捕捞[6,7]：

(a) 一沿海成员，对在其管辖区域内的活动作出的；或

(b) 一船旗国成员，对于悬挂其旗帜的船舶的活动作出的；或

(c) 一相关区域渔业管理组织或安排(RFMO/A)，在其权限区域和物种范围内，依照该区域渔业管理组织或安排的规则和程序及相关国际法作出的，包括通过提供及时通报和相关信息。

3.3 (a) 第 3.2 条下一项确定性认定[8]指一成员对一船舶或经营者从事 IUU 捕捞的最终认定和/或区域渔业管理组织/安排将一船舶或经营者列入从事 IUU 捕捞最终清单。

(b) 就第 3.2 条(a)项而言，如沿海成员的认定系根据相关事实信息作出，且已向船旗国成员及在知情时已向补贴成员提供下列各项，则第 3.1 条下的禁止应适用：

(i) 就一船舶或经营者已因从事 IUU 捕捞而被暂时扣留以待进一步调查，或该沿海成员已启动 IUU 捕捞调查，通过适当渠道作出的及时通报，其中包含任何相关事实信息和适用的法律、法规、行政程序或其他相关措施；

(ii) 在作出认定前的一次交流相关信息[9]的机会，以便使此类信息在作出最终认定时得到考虑。该沿海成员可对开展此种信息交流指定方式和时限；以及

(iii) 关于最终认定的通报，并通报实施的任何制裁措施，包括其期限(如适用)。

沿海成员应将确定性认定向第 9.1 条中所规定的委员会(本协定中称“委员会”)作出通报。

[4] “非法、未报告和无管制的捕捞(IUU 捕捞)”指联合国粮农组织(FAO)2001 年通过的《预防、阻止和消除非法、未报告和无管制捕捞国际行动计划》第 3 段中所列活动。

[5] 就第 3 条而言，“经营者”一词指在第 2 条(e)款范围内、在 IUU 违规捕捞发生时的经营者。为进一步明确，禁止向从事 IUU 捕捞的经营者给予或维持补贴的规定适用于向海上捕捞和与捕捞有关的活动提供的补贴。

[6] 本条中的任何规定不得解释为要求成员启动 IUU 捕捞调查或作出 IUU 捕捞认定。

[7] 本条中的任何规定不得解释为影响该条所列实体在相关国际协定项下的权限或给予所列实体作出 IUU 捕捞认定的新的权利。

[8] 本条中的任何规定不得解释为推迟或影响一项 IUU 捕捞认定的有效性或可执行性。

[9] 例如，此点可包括如船旗国或补贴成员提出请求而进行对话或书面信息交流的一次机会。

3.4 The subsidizing Member shall take into account the nature, gravity, and repetition of IUU fishing committed by a vessel or operator when setting the duration of application of the prohibition in Article 3.1. The prohibition in Article 3.1 shall apply at least as long as the sanction[10] resulting from the determination triggering the prohibition remains in force, or at least as long as the vessel or operator is listed by an RFMO/A, whichever is the longer.

3.5 The subsidizing Member shall notify the measures taken pursuant to Article 3.1 to the Committee in accordance with Article 8.3.

3.6 Where a port State Member notifies a subsidizing Member that it has clear grounds to believe that a vessel in one of its ports has engaged in IUU fishing, the subsidizing Member shall give due regard to the information received and take such actions in respect of its subsidies as it deems appropriate.

3.7 Each Member shall have laws, regulations and/or administrative procedures in place to ensure that subsidies referred to in Article 3.1, including such subsidies existing at the entry into force of this Agreement, are not granted or maintained.

3.8 For a period of 2 years from the date of entry into force of this Agreement, subsidies granted or maintained by developing country Members, including least-developed country (LDC) Members, up to and within the exclusive economic zone (EEZ) shall be exempt from actions based on Articles 3.1 and 10 of this Agreement.

ARTICLE 4: SUBSIDIES REGARDING OVERFISHED STOCKS

4.1 No Member shall grant or maintain subsidies for fishing or fishing related activities regarding an overfished stock.

4.2 For the purpose of this Article, a fish stock is overfished if it is recognized as overfished by the coastal Member under whose jurisdiction the fishing is taking place or by a relevant RFMO/A in areas and for species under its competence, based on best scientific evidence available to it.

4.3 Notwithstanding Article 4.1, a Member may grant or maintain subsidies referred to in Article 4.1 if such subsidies or other measures are implemented to rebuild the stock to a biologically sustainable level.[11]

4.4 For a period of 2 years from the date of entry into force of this Agreement, subsidies granted or maintained by developing country Members, including LDC Members, up to and within the EEZ shall be exempt from actions based on Articles 4.1 and 10 of this Agreement.

ARTICLE 5: OTHER SUBSIDIES

5.1 No Member shall grant or maintain subsidies provided to fishing or fishing related activities outside of the jurisdiction of a coastal Member or a coastal non-Member and outside the competence of a relevant RFMO/A.

5.2 A Member shall take special care and exercise due restraint when granting subsidies to vessels not flying that Member's flag.

5.3 A Member shall take special care and exercise due restraint when granting subsidies to fishing or fishing related activities regarding stocks the status of which is unknown.

[10] Termination of sanctions is as provided for under the laws or procedures of the authority having made the determination referred to in Article 3.2.

[11] For the purpose of this paragraph, a biologically sustainable level is the level determined by a coastal Member having jurisdiction over the area where the fishing or fishing related activity is taking place, using reference points such as maximum sustainable yield (MSY) or other reference points, commensurate with the data available for the fishery; or by a relevant RFMO/A in areas and for species under its competence.

3.4　补贴成员在确定第 3.1 条中的禁止的适用期限时，应考虑船舶或经营者实施 IUU 捕捞的性质、严重性和重复发生情况。第 3.1 条的禁止的适用期限应至少等同于触发该项禁止的认定所产生的制裁措施[10]的有效时间、或至少等同于该船舶或经营者被区域渔业管理组织/安排列在清单上的期限，以时间长者为准。

3.5　补贴成员应依照第 8.3 条向委员会通报根据第 3.1 条所采取的措施。

3.6　如一港口国成员向一补贴成员通报其有明确理由认为在其一港口中的一船舶从事了 IUU 捕捞，则该补贴成员应适当考虑收到的信息并对其补贴采取其认为适当的行动。

3.7　每一成员应设有法律、法规和/或行政程序，以保证不给予或维持第 3.1 条中所指补贴，包括本协定生效时现存的此类补贴。

3.8　自本协定生效之日起 2 年内，发展中国家成员，包括最不发达国家成员，在不超出其专属经济区及在其专属经济区之内给予或维持的补贴应免于根据本协定第 3.1 条和第 10 条所采取的行动。

第 4 条: 有关过度捕捞鱼类种群的补贴

4.1　任何成员不得给予或维持有关过度捕捞鱼类种群的捕捞或与捕捞有关的活动的补贴。

4.2　就本条而言，如一鱼类种群经对捕捞发生区域具有管辖权的沿海成员或经相关区域渔业管理组织/安排对在其权限区域和物种范围内，根据其可获最佳科学证据，认定属过度捕捞，则该鱼类种群属过度捕捞。

4.3　尽管有第 4.1 条的规定，但是实施如第 4.1 条中所指补贴或其他措施旨在将该种群重建至生物可持续水平，则一成员可给予或维持此类补贴。[11]

4.4　自本协定生效之日起 2 年内，发展中国家成员，包括最不发达国家成员，在不超出其专属经济区及在其专属经济区之内给予或维持的补贴应免于根据根据本协定第 4.1 条和第 10 条所采取的行动。

第 5 条：其他补贴

5.1　任何成员不得给予或维持对在沿海成员或沿海非成员管辖范围以外和相关区域渔业管理组织/安排权限范围以外区域的捕捞或与捕捞有关的活动提供的补贴。

5.2　一成员在对不悬挂该成员旗帜的船舶给予补贴时，应给予特别注意并采取适当的克制。

5.3　一成员在对有关状况不明种群的捕捞或与捕捞有关的活动给予补贴时，应给予特别注意并采取适当的克制。

[10] 制裁措施的终止由作出第 3.2 条中所指认定的主管机关的法律或程序规定。

[11] 就本款而言，生物可持续水平指对捕捞或与捕捞有关的活动所发生的区域拥有管辖权的一沿海成员所确定的水平，使用例如最大可持续产量(MSY)等参考点或其他参考点，并与该渔业可获得的捕捞数据相匹配；或由一相关区域渔业管理组织/安排在其权限区域和种群范围内所确定的水平。

ARTICLE 6: SPECIFIC PROVISIONS FOR LDC MEMBERS

A Member shall exercise due restraint in raising matters involving an LDC Member and solutions explored shall take into consideration the specific situation of the LDC Member involved, if any.

ARTICLE 7: TECHNICAL ASSISTANCE AND CAPACITY BUILDING

Targeted technical assistance and capacity building assistance to developing country Members, including LDC Members, shall be provided for the purpose of implementation of the disciplines under this Agreement. In support of this assistance, a voluntary WTO funding mechanism shall be established in cooperation with relevant international organizations such as the Food and Agriculture Organization of the United Nations (FAO) and International Fund for Agricultural Development. The contributions of WTO Members to the mechanism shall be exclusively on a voluntary basis and shall not utilize regular budget resources.

ARTICLE 8: NOTIFICATION AND TRANSPARENCY

8.1 Without prejudice to Article 25 of the SCM Agreement and in order to strengthen and enhance notifications of fisheries subsidies, and to enable more effective surveillance of the implementation of fisheries subsidies commitments, each Member shall

(a) provide the following information as part of its regular notification of fisheries subsidies under Article 25 of the SCM Agreement[12,13]: type or kind of fishing activity for which the subsidy is provided;

(b) to the extent possible, provide the following information as part of its regular notification of fisheries subsidies under Article 25 of the SCM Agreement[12,13]:

(i) status of the fish stocks in the fishery for which the subsidy is provided (e.g. overfished, maximally sustainably fished, or underfished) and the reference points used, and whether such stocks are shared[14] with any other Member or are managed by an RFMO/A;

(ii) conservation and management measures in place for the relevant fish stock;

(iii) fleet capacity in the fishery for which the subsidy is provided;

(iv) name and identification number of the fishing vessel or vessels benefitting from the subsidy; and

(v) catch data by species or group of species in the fishery for which the subsidy is provided.[15]

8.2 Each Member shall notify the Committee in writing on an annual basis of a list of vessels and operators that it has affirmatively determined as having been engaged in IUU fishing.

[12] For the purpose of Article 8.1, Members shall provide this information in addition to all the information required under Article 25 of the SCM Agreement and as stipulated in any questionnaire utilized by the SCM Committee, for example G/SCM/6/Rev.1.

[13] For LDC Members, and developing country Members with an annual share of the global volume of marine capture production not exceeding 0.8 per cent as per the most recent published FAO data as circulated by the WTO Secretariat, the notification of the additional information in this subparagraph may be made every four years.

[14] The term "shared stocks" refers to stocks that occur within the EEZs of two or more coastal Members, or both within the EEZ and in an area beyond and adjacent to it.

[15] For multispecies fisheries, a Member instead may provide other relevant and available catch data.

第 6 条：最不发达国家特定条款

一成员在提出涉及一最不发达国家成员的事项时应采取适当的克制，所探讨的解决办法应考虑所涉最不发达国家成员的具体情况(如有)。

第 7 条：技术援助和能力建设

应向发展中国家成员，包括最不发达国家成员，提供有针对性的技术援助和能力建设援助，以实施本协定项下的纪律。为支持此种援助，应与联合国粮农组织和国际农业发展基金等相关国际组织合作，设立一自愿性 WTO 筹资机制。WTO 成员对该机制的捐款应属完全自愿，且不得使用经常预算资源。

第 8 条：通报和透明度

8.1 在不损害《补贴与反补贴措施协定》第 25 条的情况下及为加强和提高渔业补贴通报，并为更有效监督渔业补贴承诺的履行情况，每一成员应

(a) 作为其根据《补贴与反补贴措施协定》[12,13]第 25 条渔业补贴定期通报的一部分提供下列信息：所补贴的捕捞活动类别或种类；

(b) 在可能的限度内，作为其根据《补贴与反补贴措施协定》[12,13]第 25 条渔业补贴定期通报的一部分提供下列信息：

(i) 所补贴的渔业中鱼类种群的状况(例如过度捕捞、最大限度可持续捕捞或捕捞不足)和所使用的参考点，以及此类种群是否与任何其他成员共享[14]或由区域渔业管理组织/安排管理；

(ii) 对相关鱼类种群设立的养护和管理措施；

(iii) 所补贴的渔业中的船队产能；

(iv) 受益于补贴的渔船或船舶的名称和识别号码；以及

(v) 所补贴的渔业中按物种或物种群分列的渔获物数据。[15]

8.2 每一成员应每年书面通报委员会其已经确定的、从事 IUU 捕捞活动的船舶和经营者名单。

[12] 就第 8.1 条而言，除提供《补贴与反补贴措施协定》第 25 条要求的所有信息及补贴与反补贴措施委员会使用的任何调查问卷(例如 G/SCM/6/Rev.1 号文件)中所规定的信息外，成员还应提供此信息。

[13] 对于最不发达国家成员，及对于根据 WTO 秘书处散发的联合国粮农组织最新公布数据占全球海洋鱼类捕捞年产量的份额不超过 0.8%的发展中国家成员，本项中的额外信息可每 4 年通报一次。

[14] “共享种群”一词指出现在两个或两个以上沿海成员的专属经济区之内或既出现在其专属经济区之内又出现在其专属经济区之外且毗邻区域的种群。

[15] 对于多种群捕捞，一成员可提供其他相关且可获得的捕捞数据作为替代。

8.3 Each Member shall, within one year of the date of entry into force of this Agreement, inform the Committee of measures in existence or taken to ensure the implementation and administration of this Agreement, including the steps taken to implement prohibitions set out in Articles 3, 4 and 5. Each Member shall also promptly inform the Committee of any changes to such measures thereafter, and new measures taken to implement the prohibitions set out in Article 3.

8.4 Each Member shall, within one year of the date of entry into force of this Agreement, provide to the Committee a description of its fisheries regime with references to its laws, regulations and administrative procedures relevant to this Agreement, and promptly inform the Committee of any modifications thereafter. A Member may meet this obligation by providing to the Committee an up-to-date electronic link to the Member's or other appropriate official web page that sets out this information.

8.5 A Member may request additional information from the notifying Member regarding the notifications and information provided under this Article. The notifying Member shall respond to that request as quickly as possible in writing and in a comprehensive manner. If a Member considers that a notification or information under this Article has not been provided, the Member may bring the matter to the attention of such other Member or to the Committee.

8.6 Members shall notify to the Committee in writing, upon entry into force of this Agreement, any RFMO/A to which they are parties. This notification shall consist of, at least, the text of the legal instrument instituting the RFMO/A, the area and species under its competence, the information on the status of the managed fish stocks, a description of its conservation and management measures, the rules and procedures governing its IUU fishing determinations, and the updated lists of vessels and/or operators that it has determined as having been engaged in IUU fishing. This notification may be presented either individually or by a group of Members.[16] Any changes to this information shall be notified promptly to the Committee. The Secretariat to the Committee shall maintain a list of RFMO/As notified pursuant to this Article.

8.7 Members recognize that notification of a measure does not prejudge (a) its legal status under GATT 1994, the SCM Agreement, or this Agreement; (b) the effects of the measure under the SCM Agreement; or (c) the nature of the measure itself.

8.8 Nothing in this Article requires the provision of confidential information.

ARTICLE 9: INSTITUTIONAL ARRANGEMENTS

9.1 There is hereby established a Committee on Fisheries Subsidies composed of representatives from each of the Members. The Committee shall elect its own Chair and shall meet not less than twice a year and otherwise as envisaged by relevant provisions of this Agreement at the request of any Member. The Committee shall carry out responsibilities as assigned to it under this Agreement or by the Members and it shall afford Members the opportunity of consulting on any matter relating to the operation of this Agreement or the furtherance of its objectives. The WTO Secretariat shall act as the secretariat to the Committee.

9.2 The Committee shall examine all information provided pursuant to Articles 3 and 8 and this Article not less than every two years.

9.3 The Committee shall review annually the implementation and operation of this Agreement, taking into account the objectives thereof. The Committee shall inform annually the Council for Trade in Goods of developments during the period covered by such reviews.

[16] This obligation can be met by providing an up-to-date electronic link to the notifying Member's or other appropriate official web page that sets out this information.

8.3 每一成员应在本协定生效之日起 1 年内，将为保证实施和管理本协定的现有或已采取的措施告知委员会，包括为实施第 3 条、第 4 条和第 5 条所规定的禁止所采取的步骤。每一成员还应将此后对此类措施的任何变更以及为实施第 3 条所规定的禁止而采取的新措施迅速告知委员会。

8.4 每一成员应在本协定生效之日起 1 年内向委员会提供一份包含其与本协定相关的法律、法规和行政程序的渔业制度的说明，并将此后的任何修改迅速告知委员会。一成员可通过向委员会提供其中列出该信息的、该成员的或其他适当的官方网页的最新电子链接以履行这一义务。

8.5 一成员可请求通报成员就其根据本条提供的通报和信息提供额外信息。该通报成员应尽快以书面形式全面回应该请求。如一成员认为本条下的通报或信息未予提供，则该成员可提请该另一成员或委员会注意此事项。

8.6 自本协定生效时起，成员应以书面形式向委员会通报其作为成员方的任何区域渔业管理组织/安排。该通报应至少包括设立该区域渔业管理组织/安排的法律文件、其权限区域和物种、所管理鱼类种群的状态信息、养护和管理措施的说明、其规范其 IUU 捕捞认定的规则和程序以及其已认定从事 IUU 捕捞的船舶和/或经营者的最新清单。 该通报可由成员单独提交或由一组成员联合提交。[16]该信息的任何变化应迅速通报委员会。委员会秘书处应保存一份根据本条通报的区域渔业管理组织/安排清单。

8.7 成员确认，关于一项措施的通报不预断(a)该措施在《1994 年关税与贸易总协定》、《补贴与反补贴措施协定》或本协定项下的法律地位；(b)该措施在《补贴与反补贴措施协定》项下的影响；或(c)该措施本身的性质。

8.8 本条中的任何规定不要求提供机密信息。

第 9 条：机构安排

9.1 特此设立渔业补贴委员会，由各成员的代表组成。委员会应选举自己的主席，每年应至少召开 2 次会议，或根据本协定相关规定所设想的应任何成员请求召开会议。委员会应履行根据本协定或由各成员对其指定的职责，并应向各成员提供机会就与本协定的运用或促进其目标实现相关的任何事项进行磋商。WTO 秘书处应担任委员会的秘书处。

9.2 委员会应不少于每 2 年审议根据第 3 条和第 8 条以及本条提供的所有信息。

9.3 委员会应每年审议本协定的实施和运用情况，同时考虑本协定的目标。委员会应每年将此类审议所涵盖期间的进展情况告知货物贸易理事会。

[16] 这一义务可通过提供其中列出该信息的、该通报成员的或其他适当的官方网页的最新电子链接的方式而得以履行。

9.4 Not later than five years after the date of entry into force of this Agreement and every three years thereafter, the Committee shall review the operation of this Agreement with a view to identifying all necessary modifications to improve the operation of this Agreement, taking into account the objectives thereof. Where appropriate, the Committee may submit to the Council for Trade in Goods proposals to amend the text of this Agreement having regard, inter alia, to the experience gained in its implementation.

9.5 The Committee shall maintain close contact with the FAO and with other relevant international organizations in the field of the fisheries management, including relevant RFMO/As.

ARTICLE 10: DISPUTE SETTLEMENT

10.1 The provisions of Articles XXII and XXIII of the GATT 1994 as elaborated and applied by the Dispute Settlement Understanding (DSU) shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided herein.[17]

10.2 Without prejudice to paragraph 1, the provisions of Article 4 of the SCM Agreement[18] shall apply to consultations and the settlement of disputes under Articles 3, 4 and 5 of this Agreement.

ARTICLE 11: FINAL PROVISIONS

11.1 Except as provided in Articles 3 and 4, nothing in this Agreement shall prevent a Member from granting a subsidy for disaster[19] relief, provided that the subsidy is:

(a) limited to the relief of a particular disaster;

(b) limited to the affected geographic area;

(c) time-limited; and

(d) in the case of reconstruction subsidies, limited to restoring the affected fishery, and/or the affected fleet to its pre-disaster level.

11.2 (a) This Agreement, including any findings, recommendations, and awards with respect to this Agreement, shall have no legal implications regarding territorial claims or delimitation of maritime boundaries.

(b) A panel established pursuant to Article 10 of this Agreement shall make no findings with respect to any claim that would require it to base its findings on any asserted territorial claims or delimitation of maritime boundaries.[20]

11.3 Nothing in this Agreement shall be construed or applied in a manner which will prejudice the jurisdiction, rights and obligations of Members, arising under international law, including the law of the sea.[21]

11.4 Except as otherwise provided, nothing in this Agreement shall imply that a Member is bound by measures or decisions of, or recognizes, any RFMO/As of which it is not a party or a cooperating non-party.

[17] Subparagraphs 1(b) and 1(c) of Article XXIII of the GATT 1994 and Article 26 of the DSU shall not apply to the settlement of disputes under this Agreement.

[18] For purposes of this Article, the term "prohibited subsidy" in Article 4 of the SCM Agreement refers to subsidies subject to prohibition in Article 3, Article 4 or Article 5 of this Agreement.

[19] For greater certainty, this provision does not apply to economic or financial crises.

[20] This limitation shall also apply to an arbitrator established pursuant to Article 25 of the Dispute Settlement Understanding.

[21] Including rules and procedures of RFMO/As.

9.4 不迟于本协定生效之日后 5 年并在此后每 3 年，委员会应审议本协定的运用情况，以期确定为改进本协定运用所必需的全部修改，同时考虑本协定的目标。在适当情况下，委员会可向货物贸易理事会提交修正本协定文本的建议，特别考虑本协定实施过程中取得的经验。

9.5 委员会应与联合国粮农组织及渔业管理领域的其他相关国际组织，包括相关区域渔业管理组织/安排，保持密切联系。

第 10 条：争端解决

10.1 由《争端解决谅解》(DSU)详述和适用的《1994年关税与贸易总协定》第22 条和第23 条的规定适用于本协定项下的磋商和争端解决，除非本协定中另有具体规定。[17]

10.2 在不损害第1款的前提下，《补贴与反补贴措施协定》[18]第4条的规定应适用于本协定第3条、第4条和第5条下的磋商和争端解决。

第 11 条：最后条款

11.1 除第 3 条和第 4 条中所规定的外，本协定任何条款不得阻止一成员提供救灾[19]补贴，只要该补贴:

(a) 限于一特定灾害的救济；

(b) 限于受影响的地理区域；

(c) 有时限性；以及

(d) 对于重建补贴，限于将受影响的渔业和/或受影响的船队恢复至灾前水平。

11.2 (a) 本协定，包括与本协定有关的任何调查结果、建议和仲裁结果，不对领土主张或海洋划界产生任何法律影响。

(b) 根据本协定第 10 条设立的专家组不应就任何诉请提出调查结果，如该诉请要求其以由任何单方面主张的领土主张或海洋划界为基础提出调查结果。[20]

11.3 本协定任何条款的解释和适用不得损害成员依据包括海洋法在内的国际法享有的管辖权、权利和义务。[21]

11.4 除非另有规定，否则本协定任何条款不意味一成员受其未参加或未作为合作非成员方的区域渔业管理组织/安排的措施或决定的约束，或对任何此类区域渔业管理组织/安排予以承认。

[17] 《1994 年关税与贸易总协定》第 23 条第 1 款(b)项和(c)项以及《争端解决谅解》第 26 条不得适用于本协定项下的争端解决。

[18] 就本条而言，《补贴与反补贴措施协定》第 4 条中的“禁止性补贴”一词指本协定第 3 条、第 4 条和第 5 条中所禁止的补贴。

[19] 为进一步明确，本规定不适用于经济或金融危机。

[20] 该限制也应适用于根据《争端解决谅解》第 25 条设立的仲裁人。

[21] 包括区域渔业管理组织/安排的规则和程序。

11.5 This Agreement does not modify or nullify any rights and obligations as provided by the SCM Agreement.

ARTICLE 12: TERMINATION OF AGREEMENT IF COMPREHENSIVE DISCIPLINES ARE NOT ADOPTED

If comprehensive disciplines are not adopted within four years of the entry into force of this Agreement, and unless otherwise decided by the General Council, this Agreement shall stand immediately terminated.

11.5 本协定不修改《补贴与反补贴措施协定》所规定的任何权利和义务或使此类权利和义务无效。

第 12 条：全面纪律未获通过情况下的协定终止

如在本协定生效后 4 年内全面纪律未获通过，除非总理事会另有决定，否则本协定即应立即终止。