

REPORT ON
ATTACHMENT PROGRAMME AT
PERMANENT MISSION OF PAKISTAN TO THE WTO

Submitted by:

Omer Moin Chaudhry
and
Muhammad Arshad

National Tariff Commission

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Under Public Sector Capacity Building Project (PSCBP) Ministry of Commerce (MOC) Component, Omer Moin Chaudhry, Director and Muhammad Arshad, Assistant Director from National Tariff Commission (NTC) participated in the Attachment Programme on 22 April-5 May 2007 at Permanent Mission of Pakistan to the WTO (the Mission) in Geneva. Dr. Zafar I. Qadir Minister/DPR welcomed the officials from NTC on behalf of the Mission on 23 April.

2. The officials of NTC paid a courtesy call to H.E. Dr. Manzoor Ahmad, the Ambassador. The Ambassador highlighted the objectives of the programme; (1) to provide the participants with deeper understanding of the multilateral trading system and develop skills to analyse the complex trade issues keeping in view the national priorities. On completion of the programme, the participants shall carry out in-depth analysis for better decision making.

3. The NTC officials also briefed the Mission that NTC is a quasi-judicial body and responsible for the administration of trade defense laws in conformity with WTO Agreement on implementation of Article VI of GATT, Subsidies and Countervailing and Agreement on Safeguard Measures. The NTC investigate and impose appropriate measures after due process to protect the domestic industry against unfair practices of dumping, subsidization and sudden surge of imports. The NTC also assist the Pakistani exporters/producers facing such measures/actions by other Member Countries of WTO.

4. The work plan of the attachment programme can be best explained as follows:

Part I

Interaction with WTO Secretariat

Committees on anti-dumping practices, Safeguards, Subsidies, and countervailing

Negotiating Group on Rules-Technical Group on Questionnaires and Verification Outlines

Part 2

Pakistan Mission to the WTO

Negotiations: Present and future developments
Work and Responsibilities

Interaction with WTO Secretariat

4.1. Committee on Safeguards

4.1.1 The Committee on Safeguards monitors and reports annually to the Goods Council, on the general implementation of the Agreement on Safeguard. A Member affected by a safeguard measure may request the Committee to make a finding on whether a measure complies with the Agreement's procedural requirements. At the request of the members, the Committee may assist consultations, or review proposals for retaliatory action. It monitors the phase out of the notified "grey area" measures and reviews all safeguard notifications.

4.1.2 Regular meeting of the Committee is held annually in which new legislative notifications are reviewed and actions relating to safeguard measures notified to the Committee are discussed. The NTC officials attended the meeting accompanied by Commercial Secretary of the Mission on 24-25 April 2007.

4.1.3 As per agenda item at D (vii) under the title of notification of actions related to safeguard measures, Philippine has imposed a safeguard measure on "Float Glass" from Pakistan (G/SG/N/11/PHL/5/Suppl3 and G/SG/N/14/PHL/2 Annex A). The representatives of NTC asked questions from Philippine regarding imposition of this measure (i.e. binding of the investigated product and unforeseen development in context of the Agreement on Safeguard). Philippine replied that it will consult its capital and revert back soon. Philippine also requested Pakistan to supply the questions in writing, Pakistan may send the questions to the concerned government and to the WTO Secretariat by the deadline.

4.1.4 No question or discussion was made as Pakistan has not initiated any safeguard action and new legislative notification for the period under review (July-December 2006).

4.1.5 Malaysia circulated a job document regarding implementation of Article 9.1 of the Agreement of Safeguard. According to Article 9.1, "Safeguard measures shall not be applied against a product originating in a developing country member as long as its share of imports of the product concerned in the importing member does not exceed 3 percent, provided that developing country members with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product concerned".

4.1.6 This paper is basically regarding the special and differential treatment to the developing countries and threshold on three percent of imports to be inclusion in any safeguard measure. The officials of NTC supported this paper and requested Malaysia to kindly submit this paper with more clarity, which was also supported by China, Chinese Taipei, Thailand and Egypt.

4.1.7 Tentative date for the next meeting was agreed in the last week of October 2007 (i.e. October 22, 2007).

4.2 Committee on Anti-dumping Practices

4.2.1 The Committee on Anti-dumping Practices monitors and reports annually to the Goods Council, on the general implementation Article VI of GATT 1994 ("Agreement on Anti-dumping"). A Member affected by an anti-dumping measure may request the Committee to make a finding on whether a measure complies with the Agreement's procedural requirements. At the request of the members, the Committee may assist consultations, or review proposals for retaliatory action. It monitors the phase out of the notified "grey area" measures and reviews all anti-dumping notifications.

4.2.2 Regular meeting of the Committee is held annually in which new legislative notifications are reviewed and actions relating to anti-dumping measures notified to the Committee are discussed. The officials of NTC attended this meeting alongwith DPR on April 24, 2007. Pakistan notified four anti-dumping measures for the period under review (July-December 2006). No question was put to Pakistan by any Member Country.

4.2.3 Tentative date for the next meeting was agreed in the last week of October 2007 (i.e. October 22, 2007).

4.3 Technical Group on Questionnaires and Verification

4.3.1 The officials of NTC attended the meeting of the Negotiating Group on Rules "Technical Group on Questionnaires and Verification Outlines" held on April 26-27 2007. Since the issues to be discussed related to the application of the Agreement on Anti-dumping, the WTO Secretariat appreciated the participation of technical expert/s from the investigating authorities. The Chairperson of the group further added that the WTO encourages participation of officials from the investigating agencies so that the benefit of the meeting is maximized.

4.3.2 The agenda for the meeting was to discuss the following issues:

- Revised Draft Glossary of Terms to be attached to the Exporters Questionnaire (Exhibit 1);
- On-the-Spot Investigation/Verification Reports (Exhibit 2);
- Use of Facts Available Practices of all Participant Investigating Authorities (Exhibit 3); and
- Importer Questionnaire of selected Countries (Exhibit 4).

4.3.3 Essentially, the purpose of the Glossary is to facilitate exporters/foreign producers who face anti-dumping investigation in understanding the terms used in the exporters/foreign producers questionnaire sent to them by investigating authorities. The Chairperson concluded the discussion on Glossary of Terms and instructed the Secretariat to amend the Draft Glossary accordingly and to present the revised glossary to the participants in the next meeting of the Group.

4.3.4 After concluding the discussions on Glossary of Terms, the Chairperson opened the floor for discussion on the "Verification Reports". The WTO Secretariat circulated a 'Matrix' setting out the practices of (i) US (ii) New Zealand (iii) EC and (iv) China which is an outcome of analysis of the practices of the said countries. The Chairperson requested these countries to explain their procedures regarding verification reports. All four countries explained their procedures of verification report. Since these reports are meant for transparency and access to the interested parties on the finding of the verified exporter/foreign producer, therefore, technical issues were discussed in detail. This discussion was helpful with dual objective i.e. to improve our practices in preparing verification reports and to safeguard the interests of Pakistani exporters/producers facing anti-dumping investigations.

4.3.5 Later the Chairman of the Rules Negotiating Group, opened the floor for all participants to explain the procedures of using "Facts Available" by Investigating Agencies. All Members of the Group explained how different Investigating Agencies are using "Facts Available" in their proceedings. The discussions are viewed by the new users of the Anti-dumping Agreement as an opportunity to learn from the practices of the traditional users. Pakistan has also explained its procedure regarding use of Facts Available in anti-dumping proceedings. The Chair appreciated the transparent procedure adopted by NTC on using Facts Available in anti-dumping investigations.

4.3.6 Due to the shortage of time the last agenda item (Importer Questionnaire) was not discussed and the Chair proposed that it may be taken in next meeting which was agreed by all Member Countries.

4.3.7 Tentative date for the next meeting was proposed in the mid of June 2007.

4.4 Negotiating Group on Trade Facilitation

The officials of NTC also attended a meeting of Negotiating Group on Trade Facilitation along with Commercial Counselor on April 30, 2007. Although this meeting was not directly linked to the work of the National Tariff Commission, however, it was very helpful to understand the working of the group and current status of the negotiations.

4.5 Briefings in the Mission

- (i) A briefing was given by the Commercial Counselor on April 30, 2007 on the activities of promoting exports of Pakistan in Switzerland and on NAMA issues. It was inquired regarding Pakistani stance on NAMA negotiations and developments. The Commercial Counselor explained NAMA negotiations in detail with historical background. A soft copy tariff bindings of Pakistan along with a dynamic software to analyze the various aspects of NAMA Negotiations (i.e. coefficients, flexibilities and mark up) was also provided on the request of the NTC officials.
- (ii) Economic Counselor on May 01, 2007 briefed the officials of NTC about negotiations in services, its developments and future of work.

Economic Counselor explained about the different modes and schedule of concession of services. She also explained the implications of negotiation of services on Pakistan.

4.6 Visit of World Trade Institute (WTI), Berne

The Mission facilitated the officials of NTC to meet Director Studies WTI on May 02, 2007. The purpose of the meeting was to discuss the academic training programme specific to the work of NTC. The Director informed that in summer WTI is planning to hold an advance course on trade defense instruments for the professionals to have better understanding and knowledge by interacting with renowned legal practitioners and economist from the world. To maximize the benefit of training programme in future it may be ideal to include one week training at WTI or other well established institutions.

5. Conclusion

5.1 The NTC responsible for the implementation of trade defense instruments in Pakistan, the participation in concerned rules negotiating meetings which is technical in nature, will benefit the NTC for effective administration of trade defense instruments.

5.2 The programme has provided an opportunity to view the trade issues in global perspective and understanding rules negotiation dialogues. Interaction with counterpart investigating agencies and learning their practices will help to safeguard the interests of Pakistani exporters/producers facing such measures/action.

5.3 On return the participants will share the knowledge with colleagues and will contribute in analyzing the issues in deeper perspective for better decision making.

5.4 We appreciate the Mission for arranging a successful training which will contribute to the capacity building of NTC.



ATTACHMENT OF OFFICERS WITH WTO MISSION, GENEVA
(22 April – 04 May 2007)

SCHEDULE OF MEETINGS

- (i) Mr. Omar Moin chaudhry, Director, NTC
(ii) Mr. Mohammad Arshad, Asstt. Director, NTC

Officer Incharge for attachment - DPR

Monday 23 April	
9.30 a.m.	Courtesy call on Ambassador
10.00 a.m.	Committee on Safeguards at WTO
Tuesday 24 April	
10.00 a.m.	Committee on Anti-dumping practices at WTO
10.00 a.m.	Dispute Settlement Body at WTO
Wednesday 25 April	
10.00 a.m.	Committee on Anti-dumping practices at WTO
10.00 a.m.	Committee on Budget, Finance and Administration at WTO
Thursday 26 April	
10.00 a.m.	Committee on Subsidies and Countervailing Measures at WTO
12.00 pm to 2.00 pm	Informal Lunch Seminar on WTO Reforms
Friday 27 April	
10.00 a.m.	TVGR – Technical Groups meeting
30 April	
10.00 a.m.	Negotiating Group on Trade facilitation
4.00 p.m.	G-20 Cairns Groups Tech. Meeting

01 May

	Briefing by EC at WTO Mission of Pakistan
10.00 a.m.	NGR – Fisheries subsidies

02 May

10.00 am to 6.00 p.m.	Visit to World Trade Institute, Berne
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03 May

10.00 a.m.	Committee on Trade & Environment - SS
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04 May

10.00 a.m.	Committee on Trade & Environment - SS
2.00 p.m.	Submission of Attachment Report & Farewell call on Ambassador