

**Committee on Trade and Environment  
Special Session**

**PROPOSAL FOR A DECISION OF THE MINISTERIAL CONFERENCE ON TRADE AND  
ENVIRONMENT**

Submission by Norway

Paragraph 31(i)

The following communication, dated 29 April 2008, is being circulated at the request of Norway.

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DECISION OF THE MINISTERIAL CONFERENCE ON TRADE AND ENVIRONMENT

*Ministers,*

1. *Recalling* that Ministers in Doha gave importance to enhancing the mutual supportiveness of trade and environment;
2. *Having regard to* paragraph 31(i) of the Doha Declaration, which mandates negotiations on the relationship between existing WTO rules and specific trade obligations (STOs) set out in multilateral environmental agreements (MEAs);
3. *Noting with appreciation* the important work undertaken in the Special Session of the Committee on Trade and Environment on this issue;
4. *Noting* that the negotiations are specifically limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question, and that the mandate also provides that the negotiations should not prejudice the WTO rights of any Member that is not a party to the MEA in question;
5. *Noting*, in particular, the specific direction in Paragraph 32 of the Doha Declaration that the outcome of this work be compatible with the open and non-discriminatory nature of the multilateral trading system, and that it should not add to or diminish the rights and obligations of Members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and least-developed countries;
6. *Recognizing* that both MEAs and the WTO Agreement are instruments of international law of equal standing between parties to the agreements, and that all obligations under international law should be implemented harmoniously and in good faith;

Accordingly we:

7. *Reaffirm* our conviction that the aims of upholding and safeguarding an open and non-discriminatory multilateral trading system, and acting for the protection of the environment and the promotion of sustainable development can and must be mutually supportive;
  8. *Encourage* all WTO bodies and Member States to be mindful of this mutual supportiveness when negotiating, interpreting, implementing and applying WTO rules and MEAs;
  9. *Note* that until now specific trade measures among parties in MEAs have not been contested in the WTO;
  10. *Recognize*, nevertheless, that a WTO Member might bring such cases before the WTO, and that WTO rules would be applicable should such a situation arise;
  11. *Recognize* that specific trade obligations that are multilaterally negotiated, between parties and specific in nature are unlikely to be challenged in the WTO;
  12. *Direct* the Committee on Trade and Environment in Regular Session to facilitate regular information exchange on issues relating to the WTO Agreement and MEAs, including through a mechanism implementing Paragraph 31(ii) of the Doha Declaration. Furthermore, the Committee on Trade and Environment shall continue its work based on the mandate on trade and environment given in Marrakesh in 1994 and in particular, the Committee shall identify and explore relevant issues with regard to the relationship between trade and environment in order to further promote sustainable development.
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