

CROPLIFE INTERNATIONAL RECOMMENDATIONS TO 13TH WTO MINISTERIAL CONFERENCE NEGOTIATORS

Agricultural trade must enable functioning supply chains to advance sustainable agricultural development by connecting farmers to markets, and safeguard food security by bridging the growing global imbalance between food supply and demand. MC13 presents opportunities to make substantive progress in ways that can positively impact the trade in agricultural products, and we urge Ministers to seize this moment. As a global advocate for the plant science industry, CropLife International champions innovative technologies that enable farmers to sustainably increase productivity while managing the critical challenges facing our climate and the environment. To address the impacts of climate change that are already being felt on food production, we must safeguard and enhance the multilateral rules-based trading system and reference bodies in ways that support research and development of agricultural innovation and give farmers access to these new technologies.

CropLife International puts forward the following recommendations to achieve these goals:

- 1. REINFORCE CODEX**
 - 2. OPPOSE UNILATERALISM**
 - 3. UPHOLD SUSTAINABLE DEVELOPMENT**
 - 4. RESTORE DISPUTE SETTLEMENT**
 - 5. PROMOTE AGRICULTURAL INNOVATION**
 - 6. SAFEGUARD TRIPS**
-

1. REINFORCE CODEX

We call on Member governments to uphold the science- and risk-based Sanitary and Phytosanitary (SPS) Agreement, underpinned by the Codex Alimentarius as the trade standard. Food systems need to be both sustainable and resilient, with innovation and science driving productivity in the light of changing climatic conditions. As agricultural sustainability is not determined by a single practice or production system, there are no “one size fits all” solutions. The SPS Agreement remains of utmost importance in ensuring that the international trade of safe food, animal and plant products is based on scientific principles and that SPS measures are not established or maintained without risk assessment. Climate change, and with it the international spread of pests and diseases, will lead to emerging SPS risks for global trade making a strong SPS system imperative. Codex Alimentarius remains the key international instrument of food trade facilitation under the SPS Agreement and technical resources are needed to ensure this continues to be the case. Organizations including the Standards and Trade Development Facility (STDF) remain essential in helping small-scale farmers, producers, traders, and governments in developing and least-developed countries meet international food safety, animal, and plant health standards, which make it possible to access export markets.

- *The centrality of science- and risk-based assessments should be strengthened as the basis for SPS measures. Particularly, the Codex should be reinforced as the reference standard for food safety facilitating non-discriminatory, transparent, open and effective international trade of safe food.*
- *Member governments should ensure that relevant international standard setting bodies, particularly Codex Alimentarius, are adequately and sustainably resourced and cooperation between the WTO and the “three sisters” Codex Alimentarius, the International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (WOAH) are strengthened.*
- *The plant science industry equally encourages the sustainable funding of partnerships including the STDF that boost inclusivity and improve the implementation of the SPS Agreement across all WTO Members.*

2. OPPOSE UNILATERALISM

We call on Member governments to refrain from unilateral trade measures and discriminatory non-tariff barriers. Achieving sustainable food systems requires a functioning rules-based, multilateral trading system. Discriminatory unilateral measures with an extra-territorial effect risk preventing market access that enables agricultural development and undermine the collective and collaborative efforts needed for sustainable global food production. Multilateral trade dialogues under the rules-based WTO system and adherence to international standards are essential building blocks for progress towards free and fair trade.

Better implementation of the transparency principle is needed to foster understanding of Member State trade policies and practices, ensuring a level playing field amongst WTO members.

- ***WTO members should refrain from unilateral trade measures and recommit to a rules-based, multilateral trading system that enables fair trade and removes unjustified non-tariff barriers.***

3. UPHOLD SUSTAINABLE DEVELOPMENT

We call on Member governments to focus on sustainable goals to ensure sustainable development. This is in line with the objective for sustainable development and protection of the environment as laid out in the Marrakesh Agreement. The nexus between trade and the environment must consider the three dimensions of sustainability – economic, social and environmental. An inclusive discussion must consider the kaleidoscope of challenges, recognizing both synergies and tradeoffs.

We urge Member governments to implement incentive programs for farmers adopting outcome-focused sustainable practices, taking into consideration national and regional production conditions and realities. The availability of an effective toolbox of agricultural tools and technologies enables adaptation and resilience of crops, safeguarding sustainable food production and the protection of the environment. This will actively contribute to upholding sustainable development in global agriculture and the ability to access global markets. We also ask members to encourage the sharing of best practices, for example on the responsible use of pesticides, and invest in capacity building for farmers, particularly in developing nations.

- ***A renewed focus on sustainable goals and outcomes rather than prescriptive approaches to agricultural tools and technologies in food production and trade must be to the fore.***
- ***Members should recommit to an open, inclusive, and cooperative approach in addressing the three dimensions of sustainability.***

4. RESTORE DISPUTE SETTLEMENT

We call on Member governments to demonstrate political support to improve the functioning of the WTO through substantive reform and urgently restore a fully functioning dispute settlement mechanism. Dispute settlement is the crown jewel of an effective multilateral trading system and is a critical core activity of a well-functioning WTO. Although we recognize that disputes are still able to be brought forward, without a fully-functioning Appellate Body the current situation poses a threat to the enforceability – and thus stability and predictability – of the multilateral trading system. A fully-functioning, two-tier WTO dispute settlement system is imperative for ensuring the rule of law and upholding the principles of the WTO.

- *The commitment from MC12 to work “towards developing a common understanding... to address the dispute settlement function”, which includes a fully and well-functioning Appellate Body, must be upheld.*

5. PROMOTE AGRICULTURAL INNOVATION

We call on Member governments to recognize agricultural innovation as key productivity driver. Innovation is key in enabling global access to affordable and nutritious food and should be recognized. Sustainably grown crops will need to endure increasingly unpredictable weather extremes. In addition, as global temperatures rise, new threats are emerging, and the geographic range of insects and diseases is changing. Farmers and food systems need new tools and technologies to adapt and deal with these new threats and to preserve export markets and rural livelihoods. These innovations need to be accessible and should not be limited by non-tariff barriers.

- *It is imperative that innovation forms part of the solution to sustainable food production in any MC13 outcome document. Ministers should also consider and address the nexus of food security, trade, and climate change. We call on MC13 to support references to innovative practices that improve production systems, generate sustainable productivity growth and contribute to a more resilient agri-food sector.*

6. SAFEGUARD TRIPS

We call on Member governments to recognize and safeguard the TRIPS Agreement. Intellectual property protection is key to facilitate trade in both knowledge and the resulting technology. This ensures that novel technologies that improve climate resilience of crops and boost sustainable productivity can be developed and made available to farmers.

Effective intellectual property rights enable innovation, as well as the diffusion down the value chain of high-quality products. Safeguarding the development of agricultural innovations, new varieties and traits, requires different intellectual property, including plant variety protection rights, patent rights and trade secrets. Only a balanced, all-encompassing intellectual property system will ensure investment and availability of these agricultural innovations. Without reasonable return on investment, innovation will stall so it is necessary to secure value creation and value sharing. TRIPS safeguards the development and availability of innovations in agriculture by providing an essential framework for effective intellectual property protection for all innovations, as well as the protection of regulatory data.

Any discussion on exceptions needs to take into consideration that TRIPS prescribes that *“exceptions do not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interests of third parties.”* Any exception should not be extended lightly. This also applies to the existing patent waiver.

- ***TRIPS must continue to be recognized and safeguarded as the key framework to secure effective IP protection, including protection of regulatory data.***

Brussels, 31 January 2024

About CropLife International: As a global voice and leading advocate for the plant science industry, we champion innovative technologies that help farmers grow more food on less land sustainably. We represent six of the world’s leading multinational R&D companies in the plant science sector by protecting intellectual property to foster a culture of innovation, advocating for trade and regulatory policies that facilitate access to new technologies, and ensuring the responsible and effective use of plant science innovations.