



Mr Karel De Gucht
Commissioner for Trade
European Commission
200 rue de la Loi
B-1049 Brussels
Belgium

8 December 2011

Dear Commissioner,

I would like to express our support for an ambitious EU strategy at the 8th Ministerial Conference of the WTO. While we recognise the significant challenges in the Doha Round negotiations, we remain convinced that the EU must aim to strengthen the multilateral trading system. We therefore have four issues that we would kindly ask you to address at the Ministerial Conference.

Ensure the WTO fulfils its mission to liberalise trade

We are naturally disappointed that the Doha Round negotiations are at an impasse. We nevertheless believe that the EU must press the case for a clear pathway for the WTO to resume its core mission of liberalising trade. We have therefore developed a position paper (enclosed) outlining the ways in which the WTO can move forward in improving the multilateral trading system.

Support the accession of Russia to the WTO

BUSINESSEUROPE supports Russia's accession to the WTO which will bring significant benefits to trade by integrating this growth market into the rule based multilateral trading system. Lower tariffs and the opening of services markets will add to the advantages of a more stable business environment. We encourage the EU to work closely with Russia to assist in the full implementation of WTO rules and commitments.

Conclude the revision of the Government Procurement Agreement (GPA)

We also support the progress made in the revision of exception clauses under the GPA which will improve access to markets for European companies. The revision must lead to substantially stronger commitments by other GPA members, mirroring those made by the EU. In addition to this, the EU should step up the pressure on China to accelerate efforts to increase the level of ambition in its accession to the GPA which was a formal commitment under its 2001 Protocol of Accession to the WTO.

Abolish the TRIPS moratorium

We believe that the TRIPS Article 64.2 moratorium which has been extended for more than 10 years beyond its initial period of application should be allowed to lapse. Companies are adversely affected by measures that comply with the letter but not the spirit of the TRIPS Agreement in many countries. They provide preferential treatment to



local IPR owners through standards and procurement rules that discriminate in their favor. We are not opposed to considering how best to address the situation of Least Developed Countries. It is critical, however, that implementation of TRIPS by all other Members be subject to the normal dispute resolution procedures, which apply to all other WTO rules. There is no compelling reason for treating trade-related IP obligations differently and we hope this anomaly will be remedied in December.

I trust that you will take up these important trade matters at the 8th Ministerial Conference and I look forward to hearing back on the results.

Yours sincerely,

Jürgen R. Thumann