

12. See WT/CTE/M/10
13. Of course, delegations that preferred minimalist results for the CTE did not share this view.
14. Central among these was an accommodation based upon Article XX (h), which pertains to international commodity agreements, which had been extensively discussed in the EMIT group but barely mentioned in the CTE. See TRE/W/17/Rev. 1 prepared by the Secretariat for the EMIT Group.
15. One key point which almost disappeared was implicit reference to the possibility of WTO-inconsistent measures under the general exceptions of Article XX.
16. The USA made the point in the formal CTE meeting that adopted the report that they do not agree that WTO Members always have the right.
17. Non-product related process and production methods (PPMs) refer to PPMs which are not reflected in the final article in hand. For example, paper has the same physical characteristics irrespective of forest management practices, bleaching processes, or level of recycled fibre content. From a GATT/WTO perspective, making such distinctions between products on the basis of how they are produced is in contraction with the fundamental concept of "like products" (or final article in hand) concept of Article III.
18. WT/CTE/W/21, G/TBT/W/21
19. See WTO/CTE/M/10 and 11
20. See minutes of the CTE September 11 meeting, WT/CTE/M/12 paragraphs 18, 19
21. The EU's initial reaction was that developing countries would not allow such an explicit reference but in the end, the quickness of the process and the absence of some key developing country delegations (e.g., Egypt, Mexico) resulted in rapid approval albeit with some disavowal later. As noted later, Mexico was particularly helpful in sharpening this language for the CTE report (Mexico's position was that the issue was not one of coverage of ecolabelling programs - they were covered - but whether non-product related PPMs were legal, see WT/CTE/M/10 paragraph 45)
22. The five elements were (November 1st draft):
  - a) market impact of eco-labelling, including with respect to SMEs;
  - b) access of foreign suppliers at all crucial stages in the development of eco-labelling programmes/schemes, and access of their products to the ecolabels granted by eco-labelling programmes/schemes;
  - c) the concepts of equivalency and mutual recognition including in relation to life cycle approaches, standards and conformity assessment procedures;
  - d) possible options to increase transparency; and
  - e) developments in international standardization and/or guidelines of environmental life-cycle approaches, environmental management standards and eco-labelling.
23. Ironically, ASEAN had made the suggestion as a substitute for the original sentence but in the marathon negotiating session, this ended up as an addition.
24. See Annex C for the evolution of the wording of the coverage paragraph.
25. See the non-papers presented by Argentina, Australia, EC, Japan and Korea.