

# Joint Statement on Micro, Small, and Medium- Sized Enterprises:

History and latest developments in the  
Informal Working Group

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May 2020

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## Acronyms and Abbreviations

<b>APEC</b>	Asia-Pacific Economic Cooperation
<b>CETA</b>	Canada-EU Comprehensive Economic and Trade Agreement
<b>CPTPP</b>	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
<b>GPA</b>	Government Procurement Agreement
<b>GRP</b>	good regulatory practices
<b>GTH</b>	Global Trade Help Desk
<b>ITC</b>	International Trade Centre
<b>IWG</b>	Informal Working Group
<b>JSI</b>	joint statement initiative
<b>LDC</b>	least developed country
<b>LEI</b>	Legal Entity Identifier
<b>MC12</b>	Twelfth Ministerial Conference (WTO)
<b>MSME</b>	micro, small, and medium-sized enterprise
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>RIA</b>	regulatory impact assessment
<b>RTA</b>	regional trade agreement
<b>SME</b>	small and medium-sized enterprises
<b>TFA</b>	Trade Facilitation Agreement
<b>UN</b>	United Nations
<b>UNCTAD</b>	United Nations Conference on Trade and Development
<b>USMCA</b>	United States-Mexico-Canada Agreement
<b>WGTF</b>	Working Group on Trade, Debt, and Finance
<b>WTO</b>	World Trade Organization

## 1.0 Introduction

The past four years have seen the subject of micro, small, and medium-sized enterprises (MSMEs) grow in profile at the World Trade Organization (WTO), where a group of its Members has been examining what challenges these smaller companies face when engaging in world trade and how these can be alleviated. Heading into the WTO's Twelfth Ministerial Conference (MC12), an informal working group of over 90 WTO Members dedicated to the issue has been working toward advancing a series of "outcomes" that could be presented at the event, along with pushing to formalize their work at the institution.

These discussions are unusual among WTO Members in that they focus on different categories of businesses, trying to unpack in detail how existing trade policy and practice may have varying effects depending on business size, especially relative to larger actors. A similar effort is underway by various WTO Members and Observers to consider how trade policy and practice affect women differently than men across multiple issue areas. Neither the discussion on MSMEs nor on gender is aiming to negotiate new rules, which is another notable difference in approach from current practice at the WTO.

At the time of this writing, the Informal Working Group (IWG) on MSMEs was still discussing what outcomes they could present for MC12, what form these might take, and whether they will obtain the necessary support ahead of the ministerial to present them as consensus documents. The recent postponement of the conference as a result of the COVID-19 pandemic has also left the time frame for this process unclear, though work is expected to continue in the interim. Media reports currently suggest that the conference could now take place in mid- or late 2021, though a formal decision by the General Council had not been taken at the time of this writing (Inside U.S. Trade, 2020).

This brief provides an overview of the WTO-related discussions on MSMEs in recent years, with a particular focus on the work undertaken since the last Ministerial Conference in Buenos Aires, Argentina, in December 2017. It outlines the current state of play as of late March 2020, while providing a detailed overview of the themes addressed to date in those informal discussions and what outcomes have been proposed. The brief was written primarily for trade negotiators in Geneva and in world capitals, regardless of whether their governments are involved in these MSME discussions. It also briefly considers related developments in regional trade agreements (RTAs)<sup>1</sup> and in non-negotiating international forums that have taken place over the past 15 years, as well as the gender and social inclusion elements that have been raised in MSME-related trade discussions.

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<sup>1</sup> A more detailed analysis of MSME-related provisions in RTA is in the forthcoming issue paper.

## 2.0 Trends and Key Developments: Regional and international forums

Over the past two decades, there has been a growing level of interest and activity in the trade arena on small and medium-sized enterprises (SMEs). Countries have sought to improve their cooperation on the subject in multiple forums while making sure their smaller exporters do not face undue obstacles in trying to access and participate in international markets and value chains. Until recently, this work had not referred to “micro” enterprises outright, which is relatively newer in these discussions, and had focused instead on SMEs.

The types of approaches that countries have used in the trade policy space have varied and have included efforts to integrate SME-related provisions and chapters in trade agreements (or in related texts) or instead, to set up SME-related processes outside the scope of a formal accord. As many of these forums have stated in ministerial-level texts or in working group reports, the rationale for this work is that SMEs may have difficulty integrating into global value chains. This is due to factors such as non-tariff barriers or onerous customs procedures that create costs that SMEs cannot bear as easily as larger companies.

A notable example from existing RTAs is the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which is in force for 7 of its 11 signatories at the time of this writing.<sup>2</sup> It includes a brief SME chapter, spanning three pages, that is not subject to the CPTPP’s dispute settlement rules. Its main features include the establishment of a public website that would provide useful CPTPP-related resources for SME exporters. It also envisions a new joint committee made up of government officials that would develop ways to support these enterprises as they seek to leverage the agreement’s potential advantages and further engage in supply chains, along with discussing each side’s experiences and lessons learned in these areas. The committee would also suggest information for relevant resources to include on the website (“Chapter 24. Small and Medium Sized Enterprises,” 2018).

More recently, the United States–Mexico–Canada Agreement (USMCA) also has a chapter on SMEs, which is also exempt from the agreement’s dispute settlement provisions. It includes articles on information-sharing, cooperation, an SME committee with government officials from the parties, and an SME “dialogue” that would meet regularly and also involve representatives from the private sector, civil society, workers, and academia (“Chapter 25. Small and Medium Sized Enterprises,” 2019).

Other approaches include that seen with the Canada–EU Comprehensive Economic and Trade Agreement (CETA), which is provisionally in force at the time of this writing. While CETA does not have a dedicated SME chapter, a joint committee between the two parties issued

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<sup>2</sup> The 11 signatories are Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.

recommendations in September 2018 that included the establishment of a website and dedicated contact points for both the European Union and Canada, with those contact points meeting regularly to assess SME-related issues and needs in the context of CETA and possible lines of action (Government of Canada, 2018). The Pacific Alliance, which includes Chile, Colombia, Mexico, and Peru as its founding members, has set up a technical group on the subject of SMEs, focused on their “promotion, encouragement and inclusion.” A related SME declaration endorsed in Lima, Peru, last year covers digital issues, as well as the need to foster greater trade within such companies working in the creative sector and plans to establish a “crowdfunding collective financing platform” (Alianza del Pacífico, 2019).

The 21 economies making up the Asia-Pacific Economic Cooperation (APEC) forum have a dedicated working group on SMEs, which normally conducts its work under a multi-year roadmap (APEC, 2019). The work on SMEs formally began five years after APEC’s inception in 1989, with ministerial-level gatherings held annually to assess the latest issues in the field and the advances made within the working group. The current roadmap for their efforts covers the years 2017–2020. The group has also been working to implement the Boracay Action Agenda to Globalize MSMEs, which includes pledges for “simplifying and streamlining rules of origin (ROO) procedural and documentary requirements” so that these companies can better benefit from trade agreements. It also calls for making customs procedures more straightforward and supporting Authorized Economic Operator and Trusted Trader programs so that these, in turn, can integrate better with SMEs and their needs (APEC, 2015).

Some international agencies have also set up dedicated centres and work programs on the issue and, in some cases, have also held ministerial-level meetings on the subject. The Organisation for Economic Co-operation and Development (OECD), for its part, has established the Centre for Entrepreneurship, SMEs, Regions and Cities, which is devoted to advancing the research in different areas further, such as in SME productivity or financing (OECD, n.d.). The history of SME-related work at the OECD dates back decades, with the Bologna Charter on SME Policies adopted in the year 2000 by ministers and top officials from dozens of country governments. In that charter, they pledged to undertake a series of cooperative efforts on SME partnerships at the international level, develop “benchmarks” for assessing the functioning of policies and policy tools in support of SMEs, and enable SME development in multiple ways. The charter also refers to the need for collaborating with other international agencies and was notable for its references to the particular experiences of women, which was a subject that has only recently been coming to the fore (OECD, 2000). Indeed, the Bologna Charter built partly on the discussions from three years prior, at the first OECD Conference on Women Entrepreneurs in SMEs, which was devoted to the role that women play in “innovation and job creation” (OECD, 2000).

More recently, the OECD also had a ministerial conference dedicated to SMEs and entrepreneurship in 2018, where they pledged to do their utmost to support SMEs in areas ranging from digitalization to trade facilitation and the creation of support networks for these companies, among other goals. Ministers also outlined various SME-related issues that the



OECD could consider in its work going forward. This language was, however, non-binding, given the nature of that forum (OECD, 2018).

The United Nations Conference on Trade and Development (UNCTAD), for its part, has considered the subject of MSMEs within the context of its multi-year expert meeting on trade, services, and development, with the July 2017 edition noting some of the challenges SME exporters face in the field of services trade. Discussions also considered the support received to date from the International Trade Centre (ITC) in its capacity as a joint UN–WTO agency, given its various streams of work to support SME exporters and its mission to “foster inclusive and sustainable growth and development through trade and international business development” (ITC, n.d.a; UNCTAD, 2017).

The ITC provides related training materials online and devotes its flagship report to the subject of SME competitiveness, though which aspects of this competitiveness are addressed changes each year (ITC, n.d.a; UNCTAD, 2017). The ITC also runs the SheTrades Initiative, which includes activities ranging from data collection to in-country projects and the development of partnerships with private sector actors, all with the express objective of “connect[ing] three million women entrepreneurs to market by 2021” (ITCa, n.d.b).

### 3.0 SMEs and MSMEs at the WTO: Current rules, proposed discussions

Some of the agreements within the existing WTO rulebook do make reference to “small companies,” namely the Anti-Dumping Agreement and the Agreement on Subsidies and Countervailing Measures. Both of those texts require that the relevant government authorities involved in trade remedy investigations “take due account of any difficulties experienced by interested parties, in particular small companies, in supplying information requested, and shall provide any assistance practicable.” This is reflected in Article 6.13 of the Anti-Dumping Agreement and in Article 12.11 of the Agreement on Subsidies and Countervailing Measures. There are also other provisions of both agreements that have been read as potentially allowing further flexibilities in relation to SMEs, even if not naming them outright (WTO, 1994b, 1994c, 2016).

There have been proposals in recent years to develop those articles further. Within the Rules Negotiating Group, which is tasked with the negotiations on fisheries subsidies and changes to the WTO’s existing rules on trade remedies, there was one proposal submitted by China in 2017 (TN/RL/GEN/185 and its clarification, TN/RL/GEN/194) that called for adding a dedicated SME article to both texts (WTO, 2017b, 2017h).

The proposed text would have authorities “In principle... when appropriate or requested, make positive efforts to identify SMEs as respondents,” considering what particular challenges they may face in trade remedy probes and help them accordingly. This proposed article, described in TN/RL/GEN/194, also suggests what such assistance might entail (WTO, 2017b).

Indeed, the rules negotiations have also considered the issue of small companies in the context of the fisheries subsidies negotiations themselves. Those talks, which are now pushing toward an outcome in 2020, have also discussed extensively the needs of small-scale and artisanal fishers and how to ensure that new fisheries subsidy disciplines reflect their particular circumstances accordingly.

The plurilateral Agreement on Government Procurement (GPA) from 1994 includes an article on special and differential treatment that requires GPA Parties to account for the “particular development, financial, and trade needs” of developing and least developed countries, including that of “[promoting] the establishment or development of domestic industries including the development of small-scale and cottage industries in rural or backward areas; and economic development of other sectors of the economy” (WTO, 1994a). Meanwhile, the revised GPA that was completed in late 2011 includes a direct reference to SMEs as one of the topics that would be treated under a set of work programs within the Government Procurement Committee. These work programs would address what might be done “to facilitate the implementation of this Agreement,” as well as future negotiations to develop the GPA further (WTO, 1994a).

The subject of SME integration into global trade was also the subject of the *World Trade Report 2016*, the WTO's flagship publication, which considers how the issue is already addressed in existing trade agreements and examines where some of the current challenges lie and why. Its chapters range from analyzing “trade obstacles” for these SMEs to unpacking how such companies pursue the process of “internationalizing” in the first place (WTO, 2016).

Over the past five years, there have been increased efforts on behalf of some WTO Members to consider how the organization might better support MSMEs and develop a deeper understanding of what particular difficulties MSMEs face, ranging from access to trade finance to digital literacy. In 2015, the Philippines submitted a communication to the General Council (JOB/GC/80) that sought to advance the discussion within the WTO, including at the level of ministers (WTO, 2015b).

While access to the document remains restricted to WTO Members, the derestricted meeting minutes (WT/GC/M/158) of the July 2015 General Council meeting note that the Philippines raised the issue during “other business” and called on WTO Members to lend their backing to a ministerial statement on the subject of MSME participation in international markets in time for the December 2015 Ministerial Conference in Nairobi, Kenya (WTO, 2015c). The Philippines also urged Members to examine the issue further, including with other international agencies, and explore options. Those WTO Members that spoke in support of the paper included Singapore on behalf of the Association of Southeast Asian Nations (ASEAN), as well as Grenada on behalf of the Organisation of Eastern Caribbean States (OECS), which also noted the submission’s significance for the Caribbean Community (CARICOM) (WTO, 2015c).

In September of that year, the Philippines and Malaysia submitted a proposal (WT/G/W/702) that included language for such a ministerial decision, where they called for select WTO bodies and the WTO Secretariat to examine the issues further, with the results then shared with the General Council and eventually reported back to ministers at the next Ministerial Conference (WTO, 2015b). The proposal was later revised and gained additional co-sponsors.

The ministerial decision was not adopted in Nairobi, an event that focused primarily on whether to reaffirm the Doha Round’s negotiating agenda or to instead allow more space for WTO Members to negotiate on other issues that did not yet have a mandate. That event ultimately led to a ministerial decision that instructed Members to prioritize outstanding Doha issues but also recognized that some Members might wish to pursue talks in areas without an existing mandate—while noting that the full WTO Membership would have to consent to launching new negotiations within the organization’s umbrella. That language helped set the stage for some of the informal discussions among some WTO Members over the coming years over what issues could be brought to the global trade club (WTO, 2015d).

In the wake of the Nairobi ministerial, the following year saw a larger group of WTO Members begin to advocate for a ministerial decision and in-depth discussions on MSMEs. This group, known as the “Friends of MSMEs,” included the Philippines and Malaysia, as well as Members from Asia, Europe, and Latin America (WTO, 2017f). The sum total of the group, including the European Union and its then-28 member states, included 56 WTO Members. Various communications were also submitted by smaller groups of WTO Members, suggesting what MSME issues might merit more in-depth attention and setting out roadmaps for such informal discussions going forward. One such roadmap was put forward by the Philippines, Brunei Darussalam, Lao People’s Democratic Republic, Malaysia, Singapore, and Thailand in 2016, paired with a joint WTO-ITC workshop on the subject (ITC News, 2016).

For example, Argentina, Brazil, Uruguay, and Paraguay listed information and transparency, trade facilitation, e-commerce, trade financing, transparency in government procurement, non-tariff barriers, and other subjects in a June 2017 submission (JOB/GC/127), while stressing that “MSMEs should become an important component of a development-oriented agenda at the WTO” (WTO, 2017c). The following year, a group of WTO Members announced at the May 2017 meeting of the General Council (WT/GC/M/167) that they would be launching an informal Dialogue on MSMEs, with open-ended discussions planned in the lead-up to the Eleventh WTO Ministerial Conference (MC11) in Buenos Aires, Argentina, that December (WTO, 2017g).

The Buenos Aires conference saw both multilateral negotiations on a potential work program on agriculture and an agreement disciplining harmful fisheries subsidies falter. While advances on the existing negotiating agenda failed to materialize, various groups of WTO Members announced the launch of joint statement initiatives (JSIs) at the conference, where they indicated their interest in pursuing in-depth discussions on issues of shared interest. Several of these statements referred to the prospect of future negotiations on new rules, including the JSIs on electronic commerce and investment facilitation (Baliño et al., 2020; Ismail, 2020). One of the joint statements was from a group of WTO Members that wished to continue work that was already underway in the Working Party on Domestic Regulation under the umbrella of the WTO negotiations on trade in services.

The JSI on MSMEs, which had 87 signatories,<sup>3</sup> was endorsed on December 13, 2017, and does not have the objective of negotiating new rules. Rather, the joint statement (WT/MIN/17/58) sets out an informal work program for interested WTO Members with the objective of “a multilateral outcome aimed at establishing a formal work programme for MSMEs at the next Ministerial Conference” (WTO, 2017e). That group had already proposed that such a formal work program

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<sup>3</sup> These signatories included: Afghanistan; Albania; Antigua and Barbuda; Argentina; Australia; Bahrain; Belize; Brazil; Brunei Darussalam; Canada; Chile; China; Colombia; Costa Rica; Dominica; Dominican Republic; Ecuador; El Salvador; European Union; Grenada; Guatemala; Honduras; Hong Kong, China; Iceland; Israel; Japan; Kazakhstan; Kenya; Republic of Korea; Kyrgyz Republic; Lao People’s Democratic Republic; Liechtenstein; Malaysia; Mexico; Republic of Moldova; Montenegro; Myanmar; New Zealand; Nicaragua; Norway; Pakistan; Panama; Paraguay; Peru; Philippines; Qatar; Russian Federation; Saint Kitts and Nevis; Saint Lucia; Saint Vincent and the Grenadines; Singapore; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; the former Yugoslav Republic of Macedonia; Turkey; Uruguay; and Vietnam.

be launched by a consensus decision by ministers in Buenos Aires, as set out in their draft ministerial decision (WT/MIN(17)/24/Rev.1), but this proposal did not receive sufficient backing for doing so (WTO, 2017a). According to informal conversations with delegates, one of the reasons brought forward by some WTO Members who did not favour focused discussions on a specific category of enterprises is that, while they acknowledge the importance of fostering MSME participation in international trade, they consider that the WTO rules apply horizontally, regardless of the company size.<sup>4</sup>

Given that context, the signatories to the JSI expressed their interest in bringing other WTO Members on board in the future and noted their own objective of “[favouring] horizontal and non-discriminatory solutions which are likely to yield benefits for the participation of MSMEs in international trade, taking into account the specific needs of developing countries and LDCs” (WTO, 2017e).

The scope of their informal work program from the 2017 ministerial onward is set along the following lines:

With the utmost degree of transparency, the group will discuss, among others, issues of relevance to MSMEs, related to improved access to information for MSMEs; ways to promote a more predictable regulatory environment for MSMEs; reduction of trade costs, including areas such as trade facilitation, shipping and logistics, and procedures and requirements related to origin; promotion, including through cooperation with other multilateral institutions, of better access to trade finance for MSMEs; identification of issues of particular interest to MSMEs that could be addressed in WTO Trade Policy reports; and consideration of how technical assistance and capacity-building initiatives could take into account the trade needs and challenges of MSMEs. (WTO, 2017e)

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<sup>4</sup> A similar situation occurs in the context of the “structured discussions” under the JSI on investment facilitation, where the MSME perspective has been addressed. While a previous “working document” (INF/IFD/RD/39) contained a separate provision on MSMEs, the “streamlined text” (INF/IFD/RD/45) no longer does. According to a summary report of the discussions, “many participating Members” shared the view that there was no need for such separate provision and that “the elements found in the working document... were relevant to business in general, regardless of their size,” and some of them could be incorporated in other sections. The report also notes that “other delegations were of the view that the inclusion of specific elements on MSMEs in a multilateral context might require further consideration. Some Members called for taking into account the discussions under the joint initiative on MSMEs” (WTO, 2019h).

## 4.0 Work Program and Activities of the IWG in 2018

Since the establishment of the IWG at MC11, three more WTO members<sup>5</sup> have become signatories of the joint statement, bringing its number to 91. They have met since January 2018 and continued working toward “a multilateral outcome aimed at establishing a formal work programme for MSMEs at the next Ministerial Conference” (WTO, 2017e). This section provides a brief account of those discussions, noting the main developments, questions, and takeaways.<sup>6</sup>

In January 2018, Ambassador Héctor Casanueva from Chile convened the first organizational meeting of the IWG, in which a coordination committee was appointed with Ambassador José Luís Cancela Gómez of Uruguay as the main coordinator.<sup>7</sup> A month later, the IWG formally appointed a Coordinating Committee composed of eight co-coordinators<sup>8</sup> and discussed a draft roadmap of activities for the year. The IWG agreed to hold thematic meetings to discuss the issues set out in the 2017 Joint Ministerial Statement with the objective of developing concrete outcomes and proposals.

In the meetings held in 2018, Members exchanged information and shared experiences and insights around the themes of transparency, access to information, access to trade finance, trade costs and trade facilitation, and the Internet as a tool for MSMEs to access global markets. The following paragraphs contain a non-exhaustive account of issues raised in that context, building on summaries for the 2018 annual report from the IWG (INF/MSME/R/7) and related sources (WTO, 2019d).

### 4.1 Access to Information

In March 2018,<sup>9</sup> Members discussed the role that information plays as an enabler for MSMEs to participate in global markets. According to a summary of the discussions (JOB/GC/183/Rev.1), participants highlighted governments’ responsibility to inform MSMEs about existing initiatives on issues of importance to them in an accessible manner. In this context, the IWG was presented with the proposed Global Trade Help Desk (GTH),<sup>10</sup> a web tool for exporters seeking to better understand market data, export procedures, import requirements, and other details that would facilitate their efforts to trade. They also discussed the importance of setting up national contact

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<sup>5</sup> Armenia, Mongolia, and Saudi Arabia.

<sup>6</sup> The current state of play is addressed in Section 5, “Activities from 2019 to present.”

<sup>7</sup> The first meeting was convened by Ambassador Casanueva of Chile, who informed the IWG of his impending departure and proposed the creation of a Coordination Committee.

<sup>8</sup> Bahrain; Côte d’Ivoire; El Salvador; Hong Kong, China; Nigeria; Pakistan; the Philippines; and Switzerland.

<sup>9</sup> Switzerland hosted this meeting as well as the May meeting.

<sup>10</sup> This project is conducted jointly by ITC, UNCTAD, and WTO. More information is available at [www.helpmetrade.org](http://www.helpmetrade.org)

points to provide policy updates and help collect relevant information. The IWG issued “a call for action to invite WTO Members to support” the GTH project, as noted in JOB/GC/184 (WTO, 2018b). At a follow-up session held in May, Members discussed possible options to support the project, such as the elaboration of a “country survey” to map the information sources and the establishment of national contact points to facilitate the interaction with the GTH managers. The IWG also received information on the ePing SPS/TBT notification alert system, which is run by the WTO, the ITC, and the United Nations Department for Economic and Social Affairs and includes regular updates of Members’ sanitary and phytosanitary measures (SPS) and technical barriers to trade (TBT) as these are notified to the WTO. Members also exchanged views on possible ways to improve the WTO notification processes.

## 4.2 Access to Trade Finance

In June 2018,<sup>11</sup> according to a summary of the meeting (JOB/GC/192), the IWG shared information on existing initiatives to address the challenges faced by MSMEs concerning access to trade finance, which is “the third greatest obstacle that these enterprises face to trade” (WTO, 2018a). The initiatives discussed included the following (WTO, 2018a): i) the WTO Working Group on Trade, Debt, and Finance (WGTDF), a regular WTO body that explores the relationship of trade with these other areas, and where participants have highlighted the “persistent trade finance gaps for MSMEs, especially in developing countries”; ii) the support provided by ITC to “both demand- and supply-side MSME trade finance,” examples of which include connecting MSMEs with financial institutions and automating credit scorings; iii) the work within the Enhanced Integrated Framework, a partnership that includes over 50 countries, as well as donors and partner agencies seeking to support least developed countries (LDCs) engaging in trade, given that the Enhanced Integrated Framework conducts a “Diagnostic Trade Integration Study” that “helps LDCs identify supply side constraints and provides recommended country actions”; and iv) the work conducted by the Global Legal Identifier Foundation, set up by the Financial Stability Board, which uses the Legal Entity Identifier (LEI)<sup>12</sup> to enhance transparency in the identification of entities participating in international financial transactions. Members agreed to continue discussions on the question of company identification measures, such as the LEI.

## 4.3 Trade Costs and Trade Facilitation Issues Affecting MSMEs

At the end of June 2018,<sup>13</sup> the IWG addressed some challenges facing MSMEs. Based on a summary report (JOB/GC/193), participants received information on the main findings of

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<sup>11</sup> The meeting was hosted by Côte d’Ivoire.

<sup>12</sup> The LEI “is a 20-character, alpha-numeric code based on the ISO 17442 standard developed by the International Organization for Standardization (ISO). It connects to key reference information that enables the clear and unique identification of legal entities participating in financial transactions. Each LEI contains information about an entity’s ownership structure and thus answers the questions of ‘who is who’ and ‘who owns whom.’” <https://www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei>

<sup>13</sup> The meeting was hosted by Pakistan.

work done by ITC, especially the *SME Competitiveness Outlook*, its annual flagship publication (WTO, 2018d). This work highlights some of the challenges faced by MSMEs, not only to access information on trade clearance procedures and export opportunities but also on “the costs of compliance with standards and regulations to establish consumer trust” (WTO, 2018d). Participants also shared national experiences on single windows, certificates of origin, and authorized economic operators. Some Members expressed interest in further analyzing ways to streamline and standardize import and export documents, including certificates of origin, trade facilitation, and logistics services, as well as the question of the de minimis level, which is “a minimum value or amount of goods below which no import taxes or duties will be collected.”<sup>14</sup>

#### **4.4 Internet as a Tool to Access Global Markets**

In October 2018,<sup>15</sup> representatives from the WTO, UNCTAD, and the World Economic Forum made presentations on work conducted within their respective organizations on the digital economy and digital trade. According to a summary report (JOB/GC/206), presentations included: i) the WTO, on the *World Trade Report 2018*, which looks into the Internet of things, artificial intelligence, 3D printing and blockchain, and how digital technology can lower the cost of trade; ii) UNCTAD, on its Rapid eTrade Readiness Assessment (eT Ready) of LDCs, which includes “on-the-ground research of MSMEs to identify opportunities and barriers for e-commerce and digital trade”; and iii) the World Economic Forum, on its work to outline the pillars to “facilitate global electronic commerce” (WTO, 2018c). Several Members highlighted the digital divide as a key challenge for advancing the Internet as a tool for MSMEs, while some Members considered the language of many key online documents and tools to be an additional barrier for many Members’ populations who may not read in those languages.

#### **4.5 Technical Assistance and Capacity Building**

In addition to the thematic IWG meetings, a working session was held at that year’s WTO Public Forum to discuss how technical assistance and capacity-building initiatives could take into consideration the trade needs and challenges of MSMEs.<sup>16</sup> Participants highlighted the need for those initiatives to target three main areas: access to information, access to trade finance, and access to markets. They also discussed examples of related experiences their countries’ MSMEs have had in these areas.

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<sup>14</sup> Further details can be found in INF/MSME/W/4, a background note of de minimis level prepared by the WTO Secretariat (WTO, 2019a).

<sup>15</sup> The meeting was hosted by Bahrain.

<sup>16</sup> WTO Public Forum Session hosted by El Salvador and the Philippines in 2018, within the context of the Informal Working Group on MSMEs (INF/MSME/R/5); *Enabling Global MSMEs: How Technical Assistance and Capacity Building Initiatives Could Take Into Account the Trade Needs and Challenges of MSMEs?* (WTO, 2019b)



## 5.0 Activities From 2019 to Present

In 2019, the IWG continued its activities with a view to “developing concrete outputs and proposals in the lead up to MC12.” An account of these activities is contained in the IWG Annual Report (INF/MSME/R/13/Rev.1)<sup>17</sup> (WTO, 2019e). In order to achieve its objectives, the IWG held four open-ended meetings to discuss and build upon some of the themes considered in 2018. The IWG also addressed the issue of good regulatory practices (GRPs) and the “Small Business Lens” principle. A background document prepared by the WTO Secretariat (INF/MSME/W/9) explained that GRPs are “a set of practices to ensure efficient and effective regulations,” which require a regulatory impact assessment (RIA) to “ensure that the proposed regulation is assessed for its need and the net impact on society... and are conducted over the entire life cycle of the regulations” (WTO, 2019c). It further explained that the RIA’s specific focus on the potential impact of proposed regulations on MSMEs is known as the “Small Business Lens” principle.<sup>18</sup> The IWG received presentations on Members’ experiences pertaining to the implementation of such practices and that principle.

In sum, in 2019, the IWG members introduced and discussed written proposals, some of which have evolved into draft ministerial language proposals for MC12. A brief account of each proposal and their current forms as of April 3, 2020, is provided below.<sup>19</sup> These texts are still subject to change and have brackets reflecting that IWG members are debating the inclusion and phrasing of certain language.

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<sup>17</sup> This document also contains information on workshops and other MSME-related activities.

<sup>18</sup> This principle requires that MSMEs be consulted during the process. The impact of regulations on MSMEs is also analyzed after its adoption. Besides the implementation of this principle by some WTO Members at the national level, it has been incorporated in recent regional trade agreements such as the CPTPP and the USMCA.

<sup>19</sup> This is an illustrative list without prejudging any delegation’s position. Other proposals were submitted by Members in early 2020. For instance, the proposal by the Republic of Korea concerning a *Draft Recommendation on MSMEs and Trade Remedy* (INF/MSME/W/27), which is not analyzed in this paper (WTO, 2020i). The Republic of Korea also submitted a proposal (INF/MSME/W/26) to “beef up” the *Draft Recommendation on the Collection and Maintenance of MSME-Related Information* (WTO, 2020b).

## 6.0 Overview of the Proposals

### 6.1 Access to Information

#### **Draft Recommendation on the Collection and Maintenance of MSME-Related Information**

This draft recommendation (INF/MSME/W/7/Rev.3) provides for the voluntary inclusion by Members of MSME-related information during their Trade Policy Review process, based on a checklist that has been discussed in the IWG. This checklist requests, for instance, information on MSME definition and statistics, legislative and regulatory regimes (including consultation mechanisms on new or revised legislation or regulation), government programs and policies to support MSMEs. In addition, the proposal recommends “that the WTO Secretariat establish and maintain a database of the information collected or provided by Members in order to: (i) provide Members with an overview of MSME-related information; (ii) support an exchange of information between Members; and (iii) inform analysis and discussions of MSME-related agenda items in WTO Councils and Committees” (WTO, 2020j).

#### **Draft Recommendation on MSMEs and the WTO Integrated Database**

This document (INF/MSME/W/23/Rev.1) recommends that WTO Members voluntarily provide information to the existing WTO Integrated Database (IDB), as set out in the IDB Decision<sup>20</sup> in particular regarding the applied preferential tariffs in the context of RTAs (WTO, 2020h).

#### **Draft Declaration on Access to Information**

This draft declaration (INF/MSME/W/11/Rev.3) builds on discussions on the GTH described previously. In this document, the IWG members call on all WTO Members to “contribute to [the GTH’s] success and the prompt operationalization.” In order to do so, IWG members commit to providing, “subject to the availability of data,” relevant information to the WTO Secretariat on the basis of the GTH baseline coordination questionnaire,<sup>21</sup> which is included as an Annex. They “will also consider taking actions in relevant WTO bodies to enhance transparency with the aim of improving the operationalization of the GTH” (WTO, 2020a).

#### **Draft Decision on MSMES Web Platform**

This draft decision (INF/MSME/W/3/Rev.2) contains a proposal for the IWG, working with the WTO secretariat, “to develop an online web platform hosted on the WTO website to inventory verified international trade resources” that would be aimed at providing MSMEs “with practical tools to support their entrance and participation into international trade” and at providing

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<sup>20</sup> Further details are available in G/MA/367 (WTO, 2019f).

<sup>21</sup> This questionnaire is structured by the following categories: basic information, trade data, tariff and tax data, non-tariff measures, domestic trade procedures, company data, and market price information.

“policymakers with ideas and examples of best practices and provisions included in Regional Trade Agreements to serve as a guide for governments interested in supporting their MSMEs” (WTO, 2020d).

## 6.2 Access to Trade Finance

### **Draft Declaration on Access to Trade Finance for MSMEs**

This draft declaration (INF/MSME/W/25) builds upon a proposal (INF/MSME/W/14/Rev.2) to address the trade finance gaps faced by MSMEs. It calls on WTO Members to engage in the WGTDF and the IWG on MSMEs “to identify and implement concrete measures that can facilitate MSME access to finance, particularly through: the exchange of best practices; and information-sharing on relevant technical assistance and capacity-building” (WTO, 2020e).

## 6.3 Trade Costs and Trade Facilitation

The IWG is still discussing options and language for a draft text on the implementation of the Trade Facilitation Agreement (TFA), the multilateral WTO agreement devoted to streamlining customs and border procedures, considering this from the perspective of MSMEs (INF/MSME/W/14/Rev.2)<sup>22</sup> (WTO, 2020g). This document builds on discussions on trade costs affecting MSMEs and on the ways in which trade facilitation measures could help them increase their participation in international trade.<sup>23</sup> In this text proposal, the members of the IWG encourage WTO Members, in the context of the experience-sharing in the WTO’s Trade Facilitation Committee, “to explain how the interests of MSMEs are taken into account in order to identify and promote good practices for the implementation of the TFA in a MSME-friendly manner” (WTO, 2020g).

## 6.4 Good Regulatory Practice (GRP) and the “Small Business Lens” Principle

### **Draft Ministerial Recommendation on Promoting MSMEs’ Inclusion in Regulatory Development in the Area of Trade**

Building on the experience-sharing on the GRPs and the “Small Business Lens” principle, through this proposal (INF/MSME/W/22/Rev.2), the IWG members recommend that WTO Members: promote “the consideration of the specific needs of MSMEs in domestic trade-related regulatory development” and encourage them, “consistent with their implementation

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<sup>22</sup> Members consider the options of a recommendation or a declaration.

<sup>23</sup> An overview of the provisions and of the implementation of the WTO TFA from the MSMEs’ perspectives is contained in a background note prepared by the WTO Secretariat at the request of the coordinator of the IWG, entitled *Trade Facilitation Agreement Provisions, MSMEs’ Pain Points, Recommendations and Good Practices* (INF/MSME/W/8) (WTO, 2019g).

capacities and with respect to issues covered by the WTO agreements, to establish domestic regulatory procedures” (WTO, 2020f). The latter procedures include, among others, conducting consultations, publishing drafts of new regulations, and running RIAs.<sup>24</sup> The proposal also recommends that WTO Members “[p]ublish any available documents referred to in paragraph 1 in electronic form and provide free public access to them.”

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<sup>24</sup> Other procedures include a “retrospective review of adopted regulations to assess whether there are opportunities to more effectively achieve public policy objectives and reduce unnecessary regulatory burdens, including on MSMEs” (WTO, 2020f).

## 7.0 Work in 2020 and Recent Developments

The IWG met in February 2020 to continue discussions on the proposals above, as well as on a *Draft Ministerial Decision on MSMEs*. This draft decision (INF/MSME/W/21/Rev.2), would involve the endorsement of recommendations and decisions taken by the IWG members, the adoption of a work program, and the establishment of an MSME Working Group<sup>25</sup> (WTO, 2020c).

Until the suspension of WTO activities in March 2020 due to the COVID-19 pandemic, many IWG delegates considered that good progress had been made on the seven draft proposals described above, which they considered to have reached a “stable” shape. Among the IWG members, however, there have been divergent views on how to approach possible outcomes for the next WTO Ministerial Conference, such as whether they should pursue the establishment of a formal MSME work program, along with whether to push for ministerial decisions, recommendations, or other types of outcomes. These have different legal implications in the WTO context, as some of them could create new substantive and procedural obligations for Members.

After the suspension of all WTO meetings, IWG members have reiterated their willingness to keep up the momentum, including through virtual meetings in smaller formats to advance their work. The immediate objective of the IWG members is to agree on a “package” that they could present to non-signatories in order to seek their support for a multilateral outcome. This objective, however, may encounter serious difficulties, as some WTO members have taken a political stance on all of the JSIs and have decided not to participate as signatories in any of them.

The COVID-19 pandemic has thrown WTO negotiations and other processes involving WTO Members into increased uncertainty: as mentioned above, all WTO meetings have been suspended until at least the end of April, and MC12 has been postponed indefinitely. While this situation raises many questions about how WTO Members would move forward in their discussions in the post-COVID era, some of them consider that the severe impact of the crisis on MSMEs worldwide could raise the profile of this initiative across all the work in the WTO, including other JSIs,<sup>26</sup> as well as of the gender considerations provided for in the Buenos Aires *Joint Declaration on Trade and Women’s Economic Empowerment* (WTO, 2017d). This non-binding Declaration, also released in December 2017 at MC11, refers briefly to MSMEs and acknowledges “the key role that gender-responsive policies can play in achieving sustainable socioeconomic development” as well as the contribution that inclusive trade policies can make to advance “gender equality and women’s economic empowerment, which has a positive impact on economic growth and helps to reduce poverty” (WTO, 2017d). These initiatives are not expressly linked, however, even though the challenges that face female entrepreneurs, particularly those that own or lead MSMEs, are significant and have been raised by many stakeholders. Sources familiar with the MSME IWG discussions note that gender has not been raised in depth to date.

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<sup>25</sup> IWG members are working on a third revised version, which still contains several open issues.

<sup>26</sup> In the context of the Structured Discussions on Investment Facilitation, the July “Working Document” contained a provision on MSMEs. This has since been removed, according to a copy of the January 2020 “streamlined text” seen by the authors.

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