

WORLD TRADE ORGANIZATION

RESTRICTED

G/C/W/299

21 September 2001

(01-4505)

Council for Trade in Goods
5 October 2001

NICARAGUA – ESTABLISHMENT OF A NEW SCHEDULE XXIX

Draft Decision on Extension of Time-Limit

Considering that by a Decision of 26 January 1994¹, the application of the provisions of Article II of the GATT 1947 was suspended to enable the Government of Nicaragua to implement the Central American Tariff System (SAC) which is based on the Harmonized Commodity Description and Coding System (Harmonized System);

Noting that by successive decisions, the time-limit of the waiver granted to Nicaragua has been extended until 31 October 2001²;

Considering that by a Decision of 31 January 1995³, the General Council established a list of waivers existing at the entry into force of the WTO Agreement, which included the waiver granted to Nicaragua for the establishment of a new Schedule XXIX;

Taking into account that the Government of Nicaragua has submitted the necessary factual documentation for the initiation of negotiations⁴ and that two Members have reserved their negotiating rights;

Noting that one Member has lifted its reservation and that Nicaragua is continuing negotiations with the other Member;

Considering that in order to fulfil the procedures established by the Council Decision of 12 July 1993 for rectification and renegotiation of the schedules of concessions negotiated in GATT under the Harmonized System and in order to hold consultations in conformity with the provisions of Article XXVIII, the Government of Nicaragua, having fulfilled the requirements of the Understanding in Respect of Waivers of Obligations under the GATT 1994, has requested a further extension of the waiver of its obligations under Article II of GATT 1994⁵;

The General Council, acting pursuant to the provisions of Article IX of the WTO Agreement;

Decides, in view of the exceptional circumstances, to extend until 30 April 2002 the time-limit provided for in the Decision of 26 January 1994.

¹ L/7406.

² WT/L/397.

³ WT/L/3 + Corr.1.

⁴ G/SECRET/HS/3.

⁵ G/L/481.