

Market Access Committee

INTRODUCTION OF HARMONIZED SYSTEM CHANGES INTO WTO SCHEDULES OF TARIFF CONCESSIONS ON 1 JANUARY 1996

Draft Decision on Extension of Time-Limit

Members,

Considering that the Members of the WTO, by their Decisions of 13 December 1995, 18 July 1996, 24 April 1997, 22 October 1997, 24 April 1998 and 14 October 1998¹, acting pursuant to the provisions of paragraph 3 of Article IX of the WTO Agreement, suspended the application of the provisions of Article II of GATT 1994 until 30 April 1999, for the purpose of enabling the Members listed in the Annex to implement the recommended amendments to the Harmonized System nomenclature;

Noting that the Members listed in the Annex have either requested to be included under the waiver, or have requested an extension of the waiver for reasons explained in their requests;

Considering that the Members concerned would need more time to proceed with consultations or possible Article XXVIII negotiations, [in particular also in light of general reservations made by the other Members,]

Acting pursuant to the provisions of paragraph 3 of Article IX of the WTO Agreement,

Decide, in view of the exceptional circumstances, to suspend the application of the provisions of Article II of GATT 1994, until 31 October 1999, for the purpose of enabling the Members listed in the Annex to implement the recommended amendments to the Harmonized System nomenclature, subject to the following conditions:

- (i) the Member concerned shall have submitted the documentation required under paragraph 2 of the simplified procedures adopted by the GATT 1947 Committee on Tariff Concessions to implement changes in the Harmonized System²; or if special circumstances apply, the Member concerned shall have requested technical assistance from the Secretariat for the completion of such documentation;
- (ii) the Member concerned shall, where necessary, promptly enter into negotiations and consultations with interested Members pursuant to paragraphs 1-3 of Article XXVIII of GATT 1994;

¹WT/L/124 + Corr.1, WT/L/173, WT/L/216, WT/L/243, WT/L/268 and WT/L/281.

²BISD 39S/300.

- (iii) the negotiations and consultations mentioned above shall be completed not later than 31 October 1999;
- (iv) pending the entry into force of the results of the negotiations or consultations mentioned above, the other Members will be free to suspend concessions initially negotiated with the Member concerned to the extent that they consider that adequate compensation is not offered by the Member concerned.

ANNEX

1. Members which have requested an extension of the time-limit of the above waiver

Argentina*	Malta
Australia	Mexico
Bolivia	Morocco
Brazil	New Zealand
Brunei Darussalam	Norway
Bulgaria	Pakistan
Canada	Panama
Costa Rica	Paraguay
Egypt	Slovenia
El Salvador	South Africa*
Guatemala*	Switzerland
Honduras	Thailand
Iceland	Tunisia
India	United States
Israel	Uruguay
Korea	Venezuela
Malaysia	

*request for extension not received by 03.03.1999.

2. Members which have requested to be included under the waiver

Maldives
