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**Council for Trade in Goods**

**INTRODUCTION OF HARMONIZED SYSTEM 1996 CHANGES  
INTO WTO SCHEDULES OF TARIFF CONCESSIONS**

Venezuela – Schedule LXXXVI

*Draft Waiver Decision*

The General Council,

*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, 14 October 1998, 15 June 1999, 4 November 1999, 3 May 2000, 8 December 2000, 8 May 2001, 13 May 2002 and 15 October 2002<sup>1</sup>, 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 the GATT 1994 until 30 April 2003, for the purpose of enabling the Members listed in the Annex to those decisions to implement the recommended amendments to the Harmonized System nomenclature;

*Considering* that in their Decision of 8 May 2001 the Members of the WTO also agreed that it would be the last time an extension of the HS96 waiver would be granted on a collective basis, but that this would not preclude Members from requesting waivers on an individual basis;

*Noting* that Venezuela has requested a waiver for the reasons explained in its request<sup>2</sup>;

*Considering* that Venezuela would need more time to proceed with consultations or possible Article XXVIII negotiations with one Member;

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

*Decides*, in view of the exceptional circumstances, to suspend the application of the provisions of Article II of the GATT 1994 until 31 October 2003, for the purpose of enabling Venezuela to implement the recommended amendments to the Harmonized System nomenclature, subject to the following conditions:

- (i) Venezuela shall, where necessary, promptly enter into negotiations and consultations with interested Members, pursuant to paragraphs 1-3 of Article XXVIII of the GATT 1994;
- (ii) the negotiations and consultations mentioned above shall be completed no later than 31 October 2003;

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<sup>1</sup> WT/L/124 + Corr.1, WT/L/173, WT/L/216, WT/L/243, WT/L/268, WT/L/281, WT/L/303, WT/L/338, WT/L/351, WT/L/379, WT/L/400, WT/L/457 and WT/L/491.

<sup>2</sup> G/L/609.

- (iii) pending the entry into force of the results of the negotiations or consultations mentioned above, the other Members will be free, pursuant to Article XXVIII:3, to suspend concessions initially negotiated with Venezuela to the extent that they consider that adequate compensation is not offered by Venezuela.
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