

Council for Trade in Goods

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

Thailand – Schedule LXXIX

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, 15 October 2002 and 24 July 2003¹ 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 2003, for the purpose of enabling the Members listed in the Annexes to implement the recommended amendments to the Harmonized System nomenclature;

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

Noting that Thailand has requested a waiver for reasons explained in its request²;

Considering that Thailand has responded to questions raised by two Members;

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 GATT, until 31 October 2003, for the purpose of enabling Thailand to implement the recommended amendments to the Harmonized System nomenclature, subject to the following conditions:

- (i) Thailand shall, where necessary, promptly enter into negotiations and consultations with interested Members pursuant to paragraphs 1-3 of Article XXVIII of GATT 1994;
- (ii) the negotiations and consultations mentioned above shall be completed not later than 30 April 2004;

¹ WT/L/124, 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/463, WT/L/490, and WT/L/527.

² G/L/647.

- (iii) pending 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 Thailand to the extent that they consider that adequate compensation is not offered by Thailand.
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