

TURKEY – PREFERENTIAL TREATMENT FOR BOSNIA-HERZEGOVINA

Request for a Waiver

Decision of 8 December 2000¹

The General Council,

Taking note of the request of Turkey for a waiver from its obligations under paragraph 1 of Article I of the GATT 1994 to the extent necessary to permit Turkey to afford duty-free or preferential treatment to eligible products originating in Bosnia-Herzegovina without being required to extend the same duty-free or preferential treatment to like products of any other Member;

Recognizing that the exceptional situation in Bosnia-Herzegovina and the efforts being made by the Members to provide for the preservation of peace and for economic reconstruction;

Taking into account that in accordance with the Article XXIV of GATT 1994, the customs union established between Turkey and the European Communities requires the application of same duties and regulations of commerce for imports from other Members and non-members;

Noting that Turkey accepts that the facilities granted to eligible products originating in Bosnia-Herzegovina is intended to promote economic expansion and recovery in a manner consistent with the objectives of the GATT 1994 and should not be used in a way to prejudice the interests of other Members and it is not its aim to cause imports into Turkey of products from Bosnia-Herzegovina to replace imports of like products from other sources;

Considering that the tariff preferences provided under the waiver by Turkey shall not constitute an impediment to the reduction or elimination of tariffs and other restrictions to trade on a most-favoured-nation basis;

Considering that Bosnia-Herzegovina has not yet acceded to the WTO;

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

Decides as follows:

1. Subject to the terms and conditions set out hereunder, the provisions of paragraph 1 of Article I of the GATT 1994 shall be waived until 31 December 2006 to the extent necessary to permit Turkey to provide duty-free or preferential treatment to eligible products originating in Bosnia-Herzegovina without being required to extend the same duty-free or preferential treatment to like products of any other Member.
2. Such duty-free or preferential treatment shall be designed not to raise barriers or create undue difficulties for the trade of other Members. Turkey shall consult promptly with any member on the

¹ Adopted in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93).

operation of its preferential or duty-free concessions in respect of Bosnia-Herzegovina, or any other matter arising in respect of this Decision.

3. Where a Member considers that its benefits under the GATT 1994 are or may be impaired unduly as a result of implementation of the duty-free or preferential treatment put place by Turkey and covered by this Decision, Turkey shall examine the possibility of a satisfactory adjustment of the matter. This decision does not affect Members' rights as set forth in the Understanding of Waivers of Obligations under the GATT 1994.

4. Turkey shall report annually to the General Council on the preferences and duty-free treatment afforded to eligible products from Bosnia-Herzegovina, including the extent to which such preferences and duty-free treatment derogate from Turkey's MFN concessions, with a view to facilitating the annual review provided for in paragraph 4 of Article IX of the WTO Agreement.

5. Accession to the WTO by Bosnia-Herzegovina will not affect the application of this Decision.

6. For the purposes of this Decision, the phrase "eligible products" shall mean a product or products listed in the chapters of 25-97 of the Harmonized Tariff Schedule of Turkey.
