

GUATEMALA - ESTABLISHMENT OF A NEW SCHEDULE LXXXVIII

Extension of Time-Limit

Decision of 18 July 1996¹

Considering that by a Decision of 26 January 1994², the CONTRACTING PARTIES to GATT 1947 suspended application of the provisions of Article II of GATT 1947 to enable the Government of Guatemala to carry out the process of transposition of the concessions set forth in Schedule LXXXVIII into the Harmonized Commodity Nomenclature;

Taking into account that by successive Decisions, the time-limit of the waiver granted to Guatemala has been extended until 30 June 1996³;

Taking into account that Guatemala's new Customs Tariff based on the Harmonized Commodity Description and Coding System came into force on 1 March 1993, and replaces the Central American Uniform Tariff Nomenclature;

Considering that the footnote to Annex IA, Section on GATT 1994, subparagraph 1(b)(iii) of the Agreement Establishing the World Trade Organization requires the Ministerial Conference to establish at its first session a revised list of waivers granted under Article XXV of GATT 1947 and still in force on the date of entry into force of the WTO Agreement;

Considering that by a Decision of 31 January 1995⁴ the General Council established a list of waivers existing at the entry into force of the WTO Agreement, which included the waiver granted to Guatemala for the establishment of a new Schedule LXXXVIII;

Considering that paragraph 2 of the Understanding in Respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 provides that any waiver in effect on the date of entry into force of the WTO Agreement shall terminate unless extended in accordance with the procedures set out in paragraph 1 of the aforementioned Understanding and those of Article IX of the WTO Agreement on the date of its expiry or two years from the date of entry into force of the WTO Agreement, whichever is earlier;

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

²L/7405

³WT/L/116.

⁴WT/L/3 and Corr.1.

Taking into account that the necessary documentation for the holding of the consultations has been submitted and circulated in document G/SECRET/HS/6 and three countries have reserved their right to conduct negotiations;

Considering that in order to implement the procedures established by the Council Decision of 12 July 1983 for the rectification and renegotiation of the schedules of concessions negotiated in GATT under the Harmonized System and to hold consultations under Article XXVIII, the Government of Guatemala, having fulfilled the requirements of paragraph 1 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 the GATT 1994⁵;

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

Decides, in view of the exceptional circumstances outlined above, to extend the waiver granted to Guatemala by the Decision of 26 January 1994 until 30 April 1997.

⁵G/L/86.