

EC - THE FOURTH ACP-EC CONVENTION OF LOMÉ

Extension of Waiver

Decision of 14 October 1996¹

Noting that, following a request by the European Communities (EC) and the Governments of the African, Caribbean and Pacific (ACP) States which were Parties to the Fourth Lomé Convention and which were also GATT contracting parties², the CONTRACTING PARTIES, by Decision of 9 December 1994³, waived until 29 February 2000 the provisions of paragraph 1 of Article I of the General Agreement, to the extent necessary to permit the European Communities to provide preferential treatment for products originating in ACP States as required by the relevant provisions of the Fourth Lomé Convention, without being required to extend the same preferential treatment to like products of any other contracting party (hereinafter referred to as "the Lomé IV waiver");

Noting that in accordance with paragraph 2 of the Understanding in respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "the Understanding in respect of Waivers"), any waiver in effect on the date of entry into force of the Marrakesh Agreement Establishing the WTO (hereinafter referred to as "the WTO Agreement") shall terminate, unless extended in accordance with the procedures mentioned in paragraph 1 of the Understanding in respect of Waivers 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; that therefore the Lomé IV waiver shall terminate on 31 December 1996, unless it is extended;

Taking note of the request⁴ of the EC and of the Governments of the ACP States which are also WTO Members (hereinafter referred to as "the Parties to the Convention"), made in accordance with paragraph 1 of the Understanding in respect of Waivers and paragraph 3 of Article IX of the WTO Agreement, to extend the Lomé IV waiver until 29 February 2000;

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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).

²Document L/7539 of 10 October 1994.

³Document L/7604 of 19 December 1994.

⁴G/L/108.

Bearing in mind the 1979 Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries and the 1994 Decision on Measures in Favour of Least-Developed Countries;

Considering that, in the field of trade, the provisions of the Fourth Lomé Convention allow for preferential treatment by the EC for exports of products originating in ACP States;

Considering that the Convention is aimed at improving the standard of living and economic development of the ACP States, including the least-developed among them;

Considering also that the preferential treatment of products originating in ACP States as required by the relevant provisions of the Convention is designed to promote the expansion of trade and economic development of beneficiaries in a manner consistent with the objectives of GATT 1994 and with the trade, financial and development needs of the beneficiaries and not to raise undue barriers or to create undue difficulties for the trade of other WTO Members;

Noting that the request for an extension of the Lomé IV waiver has been made by the Parties to the Convention without prejudice to their position that the Convention is entirely compatible with their obligations under Article XXIV of GATT 1994 in the light of Part IV of GATT 1994;

Noting that the exceptional circumstances justifying the waiver still exist, and that the Parties to the Convention have given assurances that they will, upon request, promptly enter into consultations with any interested WTO Member with respect to any difficulty or matter that may arise as a result of the extension of the waiver;

Members, acting pursuant to the provisions of paragraph 2 of the Understanding in respect of Waivers and paragraphs 3 and 4 of Article IX of the WTO Agreement.

Decide that:

1. The waiver for the fourth ACP-EEC Convention of Lomé granted by Decision of the CONTRACTING PARTIES of 9 December 1994⁵, including the terms and conditions set out thereunder, is extended until 29 February 2000. This Decision does not affect Members' rights as set forth in the Understanding in respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994.

⁵Document L/7604 of 19 December 1994.