

WORLD TRADE ORGANIZATION

WT/MIN(03)/19
11 September 2003

(03-4847)

MINISTERIAL CONFERENCE
Fifth Session
Cancún, 10 - 14 September 2003

ACCESSION OF THE KINGDOM OF NEPAL

Decision of 11 September 2003

The Ministerial Conference,

Having regard to paragraph 2 of Article XII and paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), and the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93),

Taking note of the application of the Kingdom of Nepal for accession to the WTO Agreement dated 17 February 1997,

Noting the results of the negotiations directed toward the establishment of the terms of accession of the Kingdom of Nepal to the WTO Agreement and having prepared a Protocol on the Accession of the Kingdom of Nepal,

Decides as follows:

1. The Kingdom of Nepal may accede to the WTO Agreement on the terms and conditions set out in the Protocol annexed to this Decision.

PROTOCOL
ON THE ACCESSION OF THE KINGDOM OF NEPAL

Preamble

The World Trade Organization (hereinafter referred to as the "WTO"), pursuant to Article XII of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the "WTO Agreement"), and the Kingdom of Nepal,

Taking note of the Report of the Working Party on the Accession of the Kingdom of Nepal to the WTO Agreement reproduced in document WT/ACC/NPL/16, dated 28 August 2003 (hereinafter referred to as the "Working Party Report"),

Having regard to the results of the negotiations on the accession of the Kingdom of Nepal to the WTO Agreement,

Agree as follows:

PART I - GENERAL

1. Upon entry into force of this Protocol pursuant to paragraph 8, the Kingdom of Nepal accedes to the WTO Agreement pursuant to Article XII of that Agreement and thereby becomes a Member of the WTO.
2. The WTO Agreement to which the Kingdom of Nepal accedes shall be the WTO Agreement, including the Explanatory Notes to that Agreement, as rectified, amended or otherwise modified by such legal instruments as may have entered into force before the date of entry into force of this Protocol. This Protocol, which shall include the commitments referred to in paragraph 153 of the Working Party Report, shall be an integral part of the WTO Agreement.
3. Except as otherwise provided for in paragraph 153 of the Working Party Report, those obligations in the Multilateral Trade Agreements annexed to the WTO Agreement that are to be implemented over a period of time starting with the entry into force of that Agreement shall be implemented by the Kingdom of Nepal as if it had accepted that Agreement on the date of its entry into force.
4. The Kingdom of Nepal may maintain a measure inconsistent with paragraph 1 of Article II of the General Agreement on Trade in Services (hereinafter referred to as "GATS") provided that such a measure was recorded in the list of Article II Exemptions annexed to this Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions.

PART II - SCHEDULES

5. The Schedules reproduced in Annex I to this Protocol shall become the Schedule of Concessions and Commitments annexed to the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "GATT 1994") and the Schedule of Specific Commitments annexed to the GATS relating to the Kingdom of Nepal. The staging of the concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.
6. For the purpose of the reference in paragraph 6(a) of Article II of the GATT 1994 to the date of that Agreement, the applicable date in respect of the Schedules of Concessions and Commitments annexed to this Protocol shall be the date of entry into force of this Protocol.

PART III - FINAL PROVISIONS

7. This Protocol shall be open for acceptance, by signature or otherwise, by the Kingdom of Nepal until 31 March 2004.

8. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been accepted by the Kingdom of Nepal.

9. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish a certified copy of this Protocol and a notification of acceptance by the Kingdom of Nepal thereto pursuant to paragraph 7 to each Member of the WTO and to the Kingdom of Nepal.

This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Cancún this eleventh day of September two thousand and three, in a single copy in the English, French and Spanish languages, each text being authentic, except that a Schedule annexed hereto may specify that it is authentic in only one of these languages.

ANNEX I

SCHEDULE CLVII – THE KINGDOM OF NEPAL

Authentic only in the English language.

(Circulated in document WT/ACC/NPL/16/Add.1)

THE KINGDOM OF NEPAL

**SCHEDULE OF SPECIFIC COMMITMENTS ON SERVICES
LIST OF ARTICLE II EXEMPTIONS**

Authentic only in the English language.

(Circulated in document WT/ACC/NPL/16/Add.2)]
