

Council for Trade in Goods

**THAILAND - EXTENSION OF THE TRANSITION PERIOD FOR THE ELIMINATION OF
TRADE-RELATED INVESTMENT MEASURES NOTIFIED UNDER ARTICLE 5.1 OF THE
AGREEMENT ON TRADE-RELATED INVESTMENT MEASURES**

REQUEST FOR A WAIVER

Draft Decision

Decision of (...) 2001¹

Revision

The General Council,

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956 (BISD 5S/25), the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, and Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93);

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Taking note of the request from Thailand under Article 5.3 of the TRIMs Agreement for an extension of the transition period for five years for the TRIM notified under Article 5.1 of the TRIMs Agreement (G/C/W/203) and its request for a waiver of the requirements of Article 5.2 of the TRIMs Agreement;

Considering that Thailand's request under Article 5.3 of the TRIMs Agreement was made on 2 May 2000;

Considering that Thailand is substantially in the same situation as other developing countries which have requested an extension of the period for the elimination of their notified TRIMs (G/L/325, G/C/W/169 and Add.1, G/C/W/171, G/C/W/172 and Add.1, G/C/W/173, G/C/W/174, G/C/W/175, G/C/W/176 and Corr.1);

Taking into account the individual development, financial and trade needs of Thailand;

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

Considering that Thailand has demonstrated particular difficulties in implementing the provisions of the TRIMs Agreement;

Considering that Thailand hereby commits itself to eliminate this remaining TRIM;

Noting that, in light of the foregoing, the exceptional circumstances justifying a waiver from Article 5.2 of the TRIMs Agreement exist;

Decides as follows:

1. Subject to the terms and conditions set out in paragraphs 2, 3 and 4 below, Article 5.2 of the TRIMs Agreement shall be waived in respect of Thailand;
 2. The transition period under the TRIMs Agreement is extended for Thailand until 31 December 2001 for the TRIM for which an extension of the transition period has been requested.
 3. Thailand may request an additional extension for a period of no more than two years from 1 January 2002. Any such request for an extension shall state the particular difficulties, internal or external, Thailand continues to encounter in implementing the provisions of the TRIMs Agreement, and shall be communicated to the Council for Trade in Goods no later than 31 August 2001, and be accompanied by:
 - (a) a description of the steps Thailand has taken to date and/or will take to eliminate its remaining TRIM;
 - (b) a reasonable phase-out plan for eliminating its remaining TRIM no later than 31 December 2003, taking into account its development, financial and trade needs; and
 - (c) a commitment to submit periodic reports to the Council for Trade in Goods on the progress it makes in phasing out its remaining TRIM.
 4. Thailand shall consult with the Council for Trade in Goods on any request it makes under paragraph 3, and on the implementation of its commitment to phase out and eliminate its remaining TRIM. On the basis of these consultations, the Council for Trade in Goods shall grant such request, no later than 5 October 2001, if it is verified that the request fulfils the criteria set out in paragraph 2.
 5. The periodic reports under paragraph 3(c) and the consultations under paragraph 4 shall be deemed to fulfill the review requirements of Article IX:4 of the WTO Agreement.
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