

WORLD TRADE ORGANIZATION

RESTRICTED

G/C/W/19

15 September 1995

(95-2700)

COUNCIL FOR TRADE IN GOODS
26 September 1995

MALAWI - RENEGOTIATION OF SCHEDULE LVIII

Draft Decision on Extension of Time-Limit

Considering that the CONTRACTING PARTIES, by successive Decisions, suspended the application of the provisions of Article II of GATT 1947 to the extent necessary to enable the Government of Malawi to renegotiate its Schedule and to transpose it into the Harmonized System;

Considering that the footnote to Annex IA, Section on GATT 1994, sub-paragraph 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 1995¹ the General Council established a list of waivers existing at the entry into force of the WTO Agreement, which included the waiver granted to Malawi for the renegotiation of its Schedule LVIII;

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;

Noting that the Government of Malawi is presently working at the preparation of the necessary documentation but has encountered some technical problems regarding the transposition of its Schedule into the Harmonized System and the compilation of the required statistics to carry out Article XXVIII negotiations, and to this end has requested technical assistance from the Secretariat;

Considering that the Government of Malawi, 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 exemption of its obligations under Article II of GATT 1994 until 31 December 1995²;

¹WT/L/3 + Corr.1.

²G/L/24.

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 Malawi by the Decision of 3 December 1992³, until 31 December 1995.

³BISD 39S/384.