

BANGLADESH - ESTABLISHMENT OF A NEW SCHEDULE LXX

Extension of Time-Limit

Decision of 13 December 1995¹

Considering that the CONTRACTING PARTIES to GATT 1947, by their Decision of 18 July 1988², suspended the application of the provisions of Article II of GATT 1947 to the extent necessary to enable the Government of Bangladesh to implement the Harmonized System on 1 July 1988 and carry out negotiations subsequently;

Taking into account that, by successive Decisions, the time-limit of the waiver granted to Bangladesh has been extended until 31 December 1995³;

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 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 Bangladesh for the establishment of a new Schedule LXX;

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;

Considering that the documentation relevant to the transposition of Bangladesh's Schedule into the Harmonized System was circulated on 6 December 1990 in document SECRET/HS/29;

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

²BISD 35S/348.

³WT/L/80.

⁴WT/L/3 + Corr.1.

Noting that the Government of Bangladesh has initiated consultations under Article XXVIII with four countries and has concluded negotiations with two of them, and has provided the assurance that it will make every effort to complete the process as early as possible;

Considering that the Government of Bangladesh, having fulfilled the requirements of paragraph 1 of the Understanding in Respect of Waivers of Obligations under the GATT 1994 has, therefore, requested a further extension of the exemption of its obligations under Article II of GATT 1994 until 30 June 1996⁵;

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 Bangladesh by the Decision of 18 July 1988, until 30 June 1996.

⁵G/L/42.