

**CONTINUED APPLICATION UNDER THE WTO CUSTOMS VALUATION
AGREEMENT OF INVOCATIONS OF PROVISIONS FOR DEVELOPING COUNTRIES
FOR DELAYED APPLICATION AND RESERVATIONS UNDER THE CUSTOMS
VALUATION AGREEMENT 1979**

Decision approved by the General Council on 31 January 1995

The GENERAL COUNCIL of the WTO decides as follows:

Recalling that paragraphs 1 and 2 of Article 21 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (hereinafter referred to as the "Customs Valuation Agreement 1979") enable developing country parties to delay the application of the Agreement and further delay the application of certain of its provisions;

Recalling that paragraph 3 of the Protocol to the Customs Valuation Agreement 1979 enables developing country parties to make a reservation to retain a system of officially established minimum values on a limited and transitional basis under such terms and conditions as may be agreed by the Committee on Customs Valuation;

Recalling that paragraphs 4 and 5 of the Protocol to the Customs Valuation Agreement 1979 enable developing country parties to make certain reservations relating to certain methods of valuation;

Noting that a number of developing country parties to the Customs Valuation Agreement 1979 have availed themselves of those rights and reservations;

Noting that any delayed application invoked by a developing country party might not have lapsed at the time of entry into force of the Agreement establishing the World Trade Organization for the developing country Member concerned;

Considering that a reservation under paragraph 3 of the Protocol to the Customs Valuation Agreement 1979 may be invoked at any time before the provisions of the Agreement are applied by the developing country party concerned but is limited and transitional in nature;

Considering that reservations under paragraphs 4 and 5 of the Protocol to the Customs Valuation Agreement 1979 might remain valid for the duration of the developing country party's membership of the Agreement;

Considering that the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "WTO Customs Valuation Agreement") contains corresponding provisions for special and differential treatment concerning the invocation of delayed application and reservations by developing countries;

Desiring to provide for the continuation of such invocations still in force of provisions for delayed application and reservations;

decides as follows:

1. The period for delayed application, invoked by a developing country party under paragraphs 1 and 2 of Article 21 of the Customs Valuation Agreement 1979 in its notification of acceptance, and in force as from the date of entry into force of the Customs Valuation Agreement 1979 for that developing country party concerned, shall continue under the WTO Customs Valuation Agreement for the developing country party concerned.
2. Reservations made under paragraph 3 of the Protocol to the Customs Valuation Agreement 1979 shall continue to apply under the WTO Customs Valuation Agreement for the developing country concerned on a limited and transitional basis under such terms and conditions as have been agreed by the Committee on Customs Valuation until the first meeting of the Committee on Customs Valuation of the latter Agreement where such terms and conditions may be reviewed.
3. Reservations made under paragraphs 4 and 5 of the Protocol to the Customs Valuation Agreement 1979 by a developing country party in its respective notification of acceptance shall continue to apply under the WTO Customs Valuation Agreement for the developing country party concerned.