

WORLD TRADE ORGANIZATION

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COUNCIL FOR TRADE IN GOODS
19 September 1996

THE FOURTH ACP-EC CONVENTION OF LOME

Request for an extension of a waiver

1. Request

As provided for in paragraph 2 of the Understanding in respect of Waivers of Obligations under GATT 1994, any waiver in effect on the date of entry into force of the WTO Agreement shall terminate, unless extended, on the date of its expiry or two years from the date of entry into force of the WTO Agreement, whichever is earlier. As a result, the waiver for the Fourth ACP-EEC Convention of Lomé, which had originally been granted until 29 February 2000 by Decision of the CONTRACTING PARTIES of 9 December 1994¹ (hereinafter referred to as "the waiver"), will terminate on 31 December 1996, unless it is extended. It is recalled that the waiver grants a derogation from the provisions of paragraph 1 of Article I of the General Agreement (now GATT 1994) to the extent necessary to permit the European Communities (EC) to provide preferential treatment for products originating in a number of African, Caribbean and Pacific (ACP) States as required by the relevant provisions of the Fourth Lomé Convention, without being required to extend the same preferential treatment to like products of any other contracting party (now WTO Member). A list of current ACP States Parties to the Convention is attached, with indication of their membership of the WTO. The ACP membership of the Convention has not changed since the waiver was granted.

The EC and the Governments of the ACP States which are also Members of the WTO (hereinafter together referred to as the "Parties to the Convention") herewith request extension of the waiver until 29 February 2000. This request is without prejudice to the position of the Parties to the Convention regarding the compatibility of the Convention with Article XXIV of GATT 1994 in light of Part IV of GATT 1994.

2. Description of the measures for which an extension of the waiver is requested

The main features of the Convention have been described in the original request for a waiver². These have not changed with respect to the subject matter covered by the waiver. In the field of trade, the provisions of the Convention continue to require preferential treatment by the EC, including duty-free access, for products originating in ACP countries. The Convention also continues to provide for a system to guarantee the stabilisation of ACP earnings from their exports, either to the EC or to other destinations, of agricultural and mining products on which their economies are dependent and which are affected by fluctuations in prices and /or supply.

¹Document L/7604 of 19 December 1994

²Document L/7539 of 10 October 1994 and Corr.1 thereto.

3. Specific policy objectives pursued

The Convention aims at improving the standard of living and economic development of the ACP States, including the least developed among them. The preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention is designed to promote the expansion of trade and economic development of beneficiaries in a manner consistent with the objectives of the WTO and with the trade, financial and development needs of the beneficiaries and not to raise undue barriers or to create undue difficulties for the trade of other WTO Members.

4. Reasons for the request for an extension of the waiver

The Parties to the Convention are convinced that the trade policy objectives of the Convention are in conformity with the principles, rules and practices of the WTO, and compatible with the provisions of Article XXIV of GATT 1994 in light of Part IV of GATT 1994. However, given the importance of the trade provisions of the Convention for the economy of the ACP States and in order to avoid any legal uncertainty for the trade of ACP States, it was considered appropriate in 1994 that a waiver be requested. This consideration is still valid.

5. Continued existence of the exceptional circumstances justifying the waiver

The circumstances justifying the waiver, in particular the trade, financial and development needs of the beneficiary States, continue to exist. While the Convention has promoted the economic growth of the ACP States, their development has not yet reached a level that would permit a termination of preferential treatment.

6. Fulfilment of the terms and conditions attached to the waiver

The parties to the Convention have met the terms and conditions attached to the waiver. They wish to assure the other WTO Members that they will, upon request, promptly enter into consultations with any interested WTO Member with respect to any difficulty or matter that may arise as a result of the extension of the waiver.

ANNEX 1

ACP countries members of the Lomé Convention (70)

Angola	Ghana*	Saint Lucia*
Antigua and Barbuda*	Grenada*	Saint Vincent and the Grenadines*
Bahamas	Guinea*	Western Samoa
Barbados*	Guinea Bissau*	Sao Tomé and Principe
Belize*	Equatorial Guinea	Senegal*
Benin*	Guyana*	Seychelles
Botswana*	Haiti*	Sierra Leone*
Burkina Faso*	Jamaica*	Solomon Islands*
Burundi*	Kenya*	Somalia
Cameroon*	Kiribati	Sudan
Cape Verde	Lesotho*	Suriname*
Central African Republic*	Liberia	Swaziland*
Chad	Madagascar*	Tanzania*
Comoros	Malawi*	Togo
Congo	Mali*	Tonga
Côte d'Ivoire*	Mauritania*	Trinidad & Tobago*
Djibouti*	Mauritius*	Tuvalu
Dominica*	Mozambique*	Uganda
Dominican Republic*	Namibia*	Vanuatu
Eritrea	Niger	Zaire
Ethiopia	Nigeria*	Zambia*
Fiji*	Papua New Guinea*	Zimbabwe*
Gabon*	Rwanda*	
Gambia	St. Kitts and Nevis*	

*ACP States that are currently Members of the World Trade Organization (46)