

WORLD TRADE ORGANIZATION

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INTRODUCTION OF HARMONIZED SYSTEM 1996 CHANGES INTO WTO SCHEDULES OF TARIFF CONCESSIONS

BRAZIL – SCHEDULE III

Request for a Waiver

The following communication, dated 22 February 2002, has been received from the Permanent Mission of Brazil.

With reference to the General Council decision of 8 May 2001, contained in document WT/L/400, I have the honour to submit a request for a waiver from the obligations under Article II of the GATT 1994 regarding the introduction of HS96 changes into Brazil's schedule of tariff concessions, for three months.

This request is based on Article IX of the WTO Agreement and on the terms of the aforementioned decision of the General Council. Pursuant to the terms of the decision of the Market Access Committee, of 25 April 1995, I hereby convey the factual information on the status of the waiver for the consideration of the request by the Market Access Committee:

Date of Original Waiver

13 December 1995 (WT/L/124 and Corr.1)

Date of Submission of Relevant Documents

18 March 1997 (G/SECRET/HS96/36)
8 October 1997 (G/SECRET/HS96/36/Corr.1)
19 February 1999 (G/SECRET/HS96/36/Corr.2)

Extensions of the Waiver

18 July 1996 (WT/L/173)
24 April 1997 (WT/L/216)
22 October 1997 (WT/L/243)
24 April 1998 (WT/L/268)
14 October 1998 (WT/L/281)
15 June 1999 (WT/L/303)
4 November 1999 (WT/L/338)
3 May 2000 (WT/L/351)
8 December 2000 (WT/L/379)
8 May 2001 (WT/L/400)

Members that raised reservations regarding the introduction of HS96 changes into Brazil's schedule

- Australia raised specific reservations on 29 October 1997
- Canada raised specific reservations on 28 October 1997
- European Communities initially raised a general reservation and subsequently specific reservations on 20 December 2000 and on 8 January 2001
- Switzerland raised specific reservations on 29 October 1997
- United States raised a general reservation on 5 September 1997 and specific reservations on 10 May 2000

Members with which consultations have been concluded

- Australia accepted proposed rectifications on 19 April 2001
- Canada accepted proposed rectifications on 3 October 2000
- Switzerland accepted proposed rectifications on 16 March 2001
- United States accepted proposed rectifications on 10 December 2001

Status of outstanding consultations

The consultations regarding the introduction of HS96 changes into Brazil's schedule of tariff concessions are ongoing only with the European Communities. Brazil provided responses to the specific reservations received on 20 December 2000 and 8 January 2001 through communications dated 6 April 2001, 4 September 2001 and 24 January 2002.

Outlook for concluding the process

Brazil is convinced that the process can be concluded expeditiously, as evidenced in the request for extension of the waiver for a period of three months. If positive reactions to the responses provided to the European Communities are received, it will remain for Brazil merely to notify the proposed rectifications to the HS96 changes introduced in Brazil's schedule of tariff concessions through G/SECRET/HS96/36 and Corr.1 and Corr.2.
