

WORLD TRADE ORGANIZATION

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COUNCIL FOR TRADE IN GOODS
5 July 1996

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REQUEST FOR WAIVER UNDER PARAGRAPH 6 OF ARTICLE XV OF THE GATT 1994

Communication from Cuba

The following communication, dated 21 June 1996, has been received from the Permanent Mission of Cuba.

I have the honour to inform you, in your capacity as Chairman of the Council for Trade in Goods of the World Trade Organization (WTO), that I am requesting the inclusion of the following item in the agenda of the next meeting of the Council, scheduled for 5 July 1996:

- Request for waiver by Cuba under Article XV:6 of the GATT 1994.

Set out below, for the sake of compliance with the Understanding in Respect of Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, are our country's reasons for requesting this waiver, and I would therefore ask that this note be circulated to the Members of the WTO.

On 7 August 1964, Cuba was granted a waiver relieving it from the provisions of paragraph 6 of Article XV of the General Agreement, which provides that a contracting party which ceases to be a member of the International Monetary Fund shall enter into a special exchange agreement with the CONTRACTING PARTIES.

The decision noted that, owing to special circumstances, the application of the provisions of paragraph 6 of Article XV to Cuba would raise a number of legal and practical difficulties.

The decision also noted the assurances given by Cuba that it would act in exchange matters in a manner fully consistent with the principles of the special exchange agreement as adopted by the CONTRACTING PARTIES in their Resolution of 20 June 1949 and in accordance with the intent of the General Agreement.

Nearly 32 years have elapsed since the waiver was approved and this arrangement has worked satisfactorily in Cuba's relations with its trading partners.

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Consideration should also be given to the fact that there has been no change in the special negative circumstances which had a decisive impact on the Cuban economy in 1964; indeed, they have been exacerbated by the United States Government's implementation of the Torricelli Act in 1992 and of the recent Helms-Burton Act which was adopted on 12 March 1996.

In the current circumstances, our country finds itself obliged once again to request this waiver pending a change for the better in the tensions to which its economy is subjected.

Cuba hopes for cooperation by Members in securing a favourable decision by the Council for Trade in Goods, along the lines of the one adopted in 1964, and points out at the same time that the action it will take in exchange matters will be fully consistent with the principles of the special exchange agreement and in accordance with the intent of the GATT 1994.

We wish to place on record our readiness to hold consultations with any Member that so requests.