

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

L/7604
19 December 1994
Limited Distribution

(94-2843)

THE FOURTH ACP-EEC CONVENTION OF LOMÉ

Decision of 9 December 1994

Taking note of the request of the European Communities (EC) and of the Governments of the ACP States which are also GATT contracting parties (hereinafter also the "Parties to the Convention")¹ for a waiver from the obligations of the European Communities under paragraph 1 of Article I of the General Agreement with respect to the granting of preferential treatment for products originating in ACP States as required by the relevant provisions of the Fourth Lomé Convention (hereinafter also referred to as "the Convention");²

Considering that, in the field of trade, the provisions of the Fourth Lomé Convention allow for preferential treatment by the EC for exports of products originating in ACP States;

Considering that the Convention is aimed at improving the standard of living and economic development of the ACP States, including the least developed among them;

Considering also that 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 General Agreement 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 contracting parties;

Noting that the Parties to the Convention have made a request for a waiver under Article XXV:5 without prejudice to their position that the Convention is entirely compatible with their obligations under Article XXIV in the light of Part IV;

Noting, furthermore, the assurances given by the Parties to the Convention that they will, upon request, promptly enter into consultations with any interested contracting party with respect to any difficulty or matter that may arise as a result of the implementation of the preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention;

Having regard to the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956;

The CONTRACTING PARTIES, acting pursuant to the provisions of paragraph 5 of Article XXV of the General Agreement,

¹The list of ACP States Parties to the Lomé Convention is attached.

²As contained in the request for a waiver submitted by the Parties to the Convention on 10 October 1994 (document L/7539 and Corr.1).

Decide that:

1. Subject to the terms and conditions set out hereunder, the provisions of paragraph 1 of Article I of the General Agreement shall be waived, until 29 February 2000, to the extent necessary to permit the European Communities to provide preferential treatment for products originating in 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.
2. The Parties to the Convention shall promptly notify the CONTRACTING PARTIES of any changes in the preferential treatment to products originating in ACP States as required by the relevant provisions of the Convention covered by this waiver.
3. The Parties to the Convention will, upon request, promptly enter into consultations with any interested contracting party with respect to any difficulty or matter that may arise as a result of the implementation of the preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention covered by this waiver; where a contracting party considers that any benefit accruing to it under the General Agreement may be or is being impaired unduly as a result of such implementation, such consultations shall examine the possibility of action for a satisfactory adjustment of the matter.
4. Any contracting party which considers that the preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention covered by this waiver is being applied inconsistently with this waiver or that any benefit accruing to it under the General Agreement may be or is being impaired unduly as a result of the implementation of the preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention covered by this waiver and that consultations have proved unsatisfactory, may bring the matter before the CONTRACTING PARTIES, which will examine it promptly and will formulate any recommendations that they judge appropriate.
5. The Parties to the Convention will submit to the CONTRACTING PARTIES an annual report on the implementation of the preferential treatment for products originating in ACP States as required by the relevant provisions of the Convention covered by this waiver.
6. This waiver shall not preclude the right of affected contracting parties to have recourse to Articles XXII and XXIII of the General Agreement.

ANNEX 1

Present ACP States Parties to 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 Príncipe |
| 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 and 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* | Saint Kitts and Nevis* | |

*ACP States currently contracting parties to the GATT (50).