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## **1 ARTICLE XXVIII BIS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994**

### **1.1 Text of Article XXVIII *bis***

#### ***Article XXVIII bis***

##### *Tariff Negotiations*

1. The contracting parties recognize that customs duties often constitute serious obstacles to trade; thus negotiations on a reciprocal and mutually advantageous basis, directed to the substantial reduction of the general level of tariffs and other charges on imports and exports and in particular to the reduction of such high tariffs as discourage the importation even of minimum quantities, and conducted with due regard to the objectives of this Agreement and the varying needs of individual contracting parties, are of great importance to the expansion of international trade. The CONTRACTING PARTIES may therefore sponsor such negotiations from time to time.

2. (a) Negotiations under this Article may be carried out on a selective product-by-product basis or by the application of such multilateral procedures as may be accepted by the contracting parties concerned. Such negotiations may be directed towards the reduction of duties, the binding of duties at then existing levels or undertakings that individual duties or the average duties on specified categories of products shall not exceed specified levels. The binding against increase of low duties or of duty-free treatment shall, in principle, be recognized as a concession equivalent in value to the reduction of high duties.

(b) The contracting parties recognize that in general the success of multilateral negotiations would depend on the participation of all contracting parties which conduct a substantial proportion of their external trade with one another.

3. Negotiations shall be conducted on a basis which affords adequate opportunity to take into account:

- (a) the needs of individual contracting parties and individual industries;
- (b) the needs of less-developed countries for a more flexible use of tariff protection to assist their economic development and the special needs of these countries to maintain tariffs for revenue purposes; and
- (c) all other relevant circumstances, including the fiscal,\* developmental, strategic and other needs of the contracting parties concerned.

### **1.2 Text of note *ad* Article XXVIII *bis***

#### ***Ad Article XXVIII bis***

##### *Paragraph 3*

It is understood that the reference to fiscal needs would include the revenues aspect of duties and particularly duties imposed primarily for revenue purpose, or duties imposed on products which can be substituted for products subject to revenue duties to prevent the avoidance of such duties.

### **1.3 Tariff Negotiations**

1. Article XXVIII *bis* of the General Agreement on Tariffs and Trade 1994 (GATT 1994) is referenced in the Doha Ministerial Declaration, adopted on 14 November 2001, as follows:

"We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. Product coverage shall be comprehensive and without a priori exclusions. The negotiations shall take fully into account the special needs and interests of developing and least-developed country participants, including through less than full reciprocity in reduction commitments, in accordance with the relevant provisions of Article XXVIII *bis* of GATT 1994 and the provisions cited in paragraph 50 below. To this end, the modalities to be agreed will include appropriate studies and capacity-building measures to assist least-developed countries to participate effectively in the negotiations."<sup>1</sup>

2. For information on GATT practice, see the document on Article XXVIII *bis* of the General Agreement on Tariffs and Trade 1947 (GATT Analytical Index, pages 985-994).

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Current as of: March 2020

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<sup>1</sup> [WT/MIN\(01\)/DEC/1](#), para. 16.