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## **1 ARTICLE 8**

### **1.1 Text of Article 8**

#### **Article 8**

##### *Final Provisions*

##### *Reservations*

1. Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.

##### *Domestic Legislation*

2. (a) Each Member shall ensure, not later than the date of entry into force of the WTO Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of this Agreement.  
  
(b) Each Member shall inform the Committee of any changes in its laws and regulations relevant to this Agreement and in the administration of such laws and regulations.

### **1.2 Coexistence of the Agreement and the 1979 Agreement**

1. On 2 May 1995, the Committee on Import Licensing for the 1979 Agreement adopted a Decision on Avoidance of Procedural and Institutional Duplication proposed by the Preparatory Committee for the WTO and adopted also by the General Council and the CONTRACTING PARTIES to the GATT 1947. The decision provided for notification and coordination procedures for the Tokyo Round and WTO Committees in order to avoid procedural and institutional duplication during the period of transition. These procedures covered (i) notification of measures subject to notification obligations both under the WTO Agreement and under the GATT 1947 or a Tokyo Round Agreement; (ii) circulation of such notification; (iii) coordination of activities between the Tokyo Round Committees and WTO Committees; and (iv) joint and/or consecutive meetings, as appropriate, between such Committees.<sup>1</sup>

### **1.3 Termination of the 1979 Agreement**

2. On 12 October 1995, the parties to the 1979 Agreement on Import Licensing Procedures adopted a Decision to terminate the 1979 Agreement as of 1 January 1996, "on a date agreed in advance so as to provide predictability for policy makers and facilitate an orderly termination of the institutional framework of the [1979] Agreement".<sup>2</sup>

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<sup>1</sup> GATT documents LIC/M/36, paras. 7-8; and PC/11, L/7582.

<sup>2</sup> GATT document LIC/25; BISD 42S/198.

## 1.4 Reservations

3. Article XVI:5 of the WTO Agreement provides in relevant part that "[r]eservations in respect of any of the provisions of the Multilateral Trade Agreements may only be made to the extent provided for in those Agreements."

4. At the time of accepting the WTO Agreement or a protocol of accession to the WTO Agreement, a number of developing country Members made notifications regarding delayed application of Articles 2.2(a)(ii) and (iii).

## 1.5 Procedures for notification and review

5. At its meeting on 12 October 1995, the Committee on Import Licensing agreed on procedures for notification under Articles 1.4(a) and 8.2(b) of the Licensing Agreement.<sup>3</sup>

6. Pursuant to Articles 1.4(a) and 8.2(b) of the Agreement and procedures agreed by the Committee, all Members are required to notify their laws, regulations and administrative procedures relevant to import licensing and submit copies of any relevant publications or laws and regulations upon becoming a WTO Member. Any subsequent changes to these laws, regulations and administrative procedures are also required to be notified.<sup>4</sup>

7. Comments and questions from Members concerning the notifications submitted to the Committee and/or on import licensing procedures maintained by Members, and replies thereto, can be found in document series G/LIC/Q/\*.<sup>5</sup>

8. At its 11 April 2011 meeting, as a result of two years of informal discussions, two notification forms under Articles 1.4(a) and 8.2(b) and under Article 5 of the Licensing Agreement were, on a voluntary basis, agreed upon by the Committee. These forms were circulated in the G/LIC document series and posted on the Members website.<sup>6</sup>

9. From 30 October 2010 to 14 October 2011, 14 notifications were received from the following 12 Members: Angola; Argentina; the Former Yugoslav Republic of Macedonia; India; Kuwait; Lesotho; Malaysia; Morocco; Togo; Tonga; Turkey; and the United States, out of which four Members – Angola; Lesotho; Malaysia; and Tonga – had submitted notifications for the first time under Article 1.4(a) and/or 8.2(b) of the Agreement.<sup>7</sup> During the period 15 October 2011 to 29 October 2012, 16 notifications were made by the following 14 Members: Albania; the European Union; Georgia; Israel; Liechtenstein; Macao, China; Malawi; Morocco; Nicaragua; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Switzerland; Trinidad and Tobago; Turkey; and Viet Nam – this being the first time such a notification was submitted by Vietnam.<sup>8</sup> During the period 30 October 2012 to 4 October 2013, 16 Members made 22 notifications. These Members were: Colombia; Ecuador; the European Union; Gabon; Malaysia; Moldova; Morocco; Peru; the Philippines; the Russian Federation; Saint Lucia; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Togo; Ukraine; the United States; and Viet Nam.<sup>9</sup> From 5 October 2013 to 20 October 2014, 25 notifications were submitted by 18 Members: Cameroon; Ecuador; Israel; Kyrgyz Republic; Lao PDR; Madagascar; Mexico; Morocco; Paraguay; Peru; Philippines; the Russian Federation; Samoa; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Sri Lanka; Trinidad and Tobago; Turkey; and Ukraine.<sup>10</sup> In the period 21 October 2014 to 20 October 2015 there were a total of 16 notifications submitted by the following 13 Members: Australia; Brazil; Cameroon; the European Union; Hong Kong, China; Mexico; Montenegro; the Russian Federation; Macao, China; Paraguay; Peru; the Philippines; and the Separate Customs Territory of Taiwan Penghu, Kinmen and Matsu. Of these 13 Members,

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<sup>3</sup> G/LIC/M/2, paras. 6-16. The agreed rules are set out in G/LIC/3, para. 4. Notifications filed under Article 8.2(b) (and Article 1.4(a)) are numbered G/LIC/N/1/-.

<sup>4</sup> G/L/968, para. 5.

<sup>5</sup> See also the Understanding on Procedures of the Review of Notifications, (G/LIC/4).

<sup>6</sup> G/LIC/22. See also G/L/968, para. 10.

<sup>7</sup> G/L/968, paras. 5 and 11.

<sup>8</sup> G/L/1011, paras. 5 and 14.

<sup>9</sup> G/L/1048, para. 5.

<sup>10</sup> G/L/1078, para. 5.

Montenegro had submitted such a notification for the first time.<sup>11</sup> From 21 October 2015 to 20 October 2016, 25 notifications were submitted by the following 13 Members: Afghanistan; Bolivia; Brazil; Ecuador; the European Union; Macao, China; Paraguay; Philippines; the Russian Federation; Seychelles; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Tajikistan; and Thailand. It was the first time that Afghanistan; Seychelles; and Tajikistan had made a notification under these articles of the Agreement.<sup>12</sup> From 21 October 2016 to 3 October 2017, 31 notifications were submitted by the following 26 Members: Argentina; Australia; Burundi; Cameroon; China; the European Union; Hong Kong, China; Gabon; Georgia; Japan; Malawi; Malaysia; Mali; Mauritius; Nicaragua; Panama; Qatar; Saint Lucia; Singapore; South Africa; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; the former Yugoslav Republic of Macedonia; Togo; Ukraine; and the United States.<sup>13</sup>

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<sup>11</sup> G/L/1132, paras. 5 and 8.

<sup>12</sup> G/L/1162, paras. 5 and 8.

<sup>13</sup> G/L/1187, paras. 5 and 8.