

1 ARTICLE XII	1
1.1 Text of Article XII.....	1
1.2 Article XII:1	1
1.2.1 "Any State or separate customs territory ... may accede to this Agreement".....	1
1.2.2 Working parties on accession.....	2
1.2.2.1 Continuation of GATT 1947 accession working parties	2
1.2.2.2 Establishment, terms of reference and customary procedures.....	2
1.2.2.3 Completed accession processes.....	2
1.2.2.4 Ongoing accession processes	3
1.2.3 Observer status for applicants for accession.....	3
1.2.4 Accession by least-developed countries	4
1.3 Article XII:2	4
1.3.1 Decision-making procedures on accession.....	4
1.4 Article XII:3: Acceptance of or accession to a Plurilateral Trade Agreement.....	4

1 ARTICLE XII

1.1 Text of Article XII

Article XII

Accession

1. Any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement and the Multilateral Trade Agreements may accede to this Agreement, on terms to be agreed between it and the WTO. Such accession shall apply to this Agreement and the Multilateral Trade Agreements annexed thereto.
2. Decisions on accession shall be taken by the Ministerial Conference. The Ministerial Conference shall approve the agreement on the terms of accession by a two-thirds majority of the Members of the WTO.
3. Accession to a Plurilateral Trade Agreement shall be governed by the provisions of that Agreement.

1.2 Article XII:1

1.2.1 "Any State or separate customs territory ... may accede to this Agreement"

1. The terms of accession are contained in individual accession protocols agreed by the acceding government and WTO Members. As of 31 December 2017, 36 Members have negotiated terms of accession to the WTO Agreement.
2. In addition, Grenada¹, Papua New Guinea², Qatar³, St. Kitts and Nevis⁴ and the United Arab Emirates⁵ completed accession in 1995-96 under Article XII through simplified procedures.⁶

¹ WT/L/96-97 and WT/Let/59.
² WT/L/98-99 and WT/Let/84.
³ WT/L/100-101 and WT/Let/46.
⁴ WT/L/94-95 and WT/Let/58.
⁵ WT/L/128-129 and WT/Let/70.

1.2.2 Working parties on accession

1.2.2.1 Continuation of GATT 1947 accession working parties

3. The General Council agreed at its first meeting of 31 January 1995, that "as and when requests for the WTO accession under Article XII were made by states and separate customs territories for whom a GATT 1947 working party already existed, the existing working parties should continue their work as WTO accession working parties, with standard terms of reference and their respective current chairpersons".⁷

1.2.2.2 Establishment, terms of reference and customary procedures

4. The General Council/Ministerial Conference establishes a working party on accession in response to a formal request by a State or separate customs territory seeking accession. The General Council/Ministerial Conference sets the following terms of reference for a working party on accession: "to examine the application for accession to the WTO under Article XII and to submit to the General Council/Ministerial Conference recommendations which may include a draft Protocol of Accession".⁸

5. A series of Technical Notes by the Secretariat provide comprehensive information on WTO practice on accession procedures, and an analysis of past accession results.⁹

1.2.2.3 Completed accession processes

6. Of the working parties on accession carried over from GATT 1947, 20 accessions have been completed as of 31 December 2017: Albania, Armenia, Bulgaria, Cambodia, People's Republic of China, Croatia, Ecuador, Estonia, former Yugoslav Republic of Macedonia, Jordan, Latvia, Lithuania, Moldova, Mongolia, Nepal, Panama, Russian Federation, Kingdom of Saudi Arabia, Chinese Taipei, and Ukraine.¹⁰

7. Of the working parties on accession established by the WTO General Council/Ministerial Conference since 1 January 1995, 16 accessions have been completed as of 31 December 2017:

⁶ WT/L/30.

⁷ WT/GC/M/1, section 4.I(g). At the same meeting, the General Council applied this treatment to Belarus.

⁸ WT/ACC/22/Rev.1, paras. 4 and 5. The WT/ACC/22-document series updated and replaced document WT/ACC/1 of 24 March 1995.

⁹ See the most recent revision of document WT/ACC/10.

¹⁰ Document references: Albania (Working Party established 10 December 1992 decision WT/ACC/ALB/52 adopted 17 July 2000); Armenia (Working Party established 17 December 1993, decision WT/L/506 adopted 10 December 2002); Bulgaria (Working Party established November 1986 and February 1990, decision WT/ACC/BGR/6 adopted 2 October 1996); Cambodia (Working Party established 21 December 1994, decision WT/MIN(03)/18 adopted 11 September 2003); People's Republic of China (Working Party established March 1987, decision WT/L/432 adopted 11 November 2001); Croatia (Working Party established 27 October 1993, decision WT/ACC/HRV/60 adopted 17 July 2000); Ecuador (Working Party established October 1992, decision WT/ACC/ECU/5 adopted 16 August 1995); Estonia (Working Party established 23 March 1994, decision WT/ACC/EST/29 adopted 21 May 1999); former Yugoslav Republic of Macedonia (Working Party established 21 December 1994, decision WT/L/494 adopted 15 October 2002); Jordan (Working Party established 25 January 1994, decision WT/ACC/JOR/34 adopted 17 December 1999); Latvia (Working Party established December 1993, decision WT/ACC/LVA/34 adopted 14 October 1998); Lithuania (Working Party established February 1994, decision WT/ACC/LTU/53 adopted 8 December 2000); Moldova (Working Party established 17 December 1993, decision WT/ACC/MOL/39 adopted 8 May 2001); Mongolia (Working Party established 8 October 1991, decision WT/ACC/MNG/10 adopted 18 July 1996); Nepal (Working Party established 21 June 1989, decision WT/MIN(03)/19 adopted 11 September 2003); Panama (Working Party established 8 October 1991, decision WT/ACC/PAN/20 adopted 2 October 1996); Russian Federation (Working Party established July 1993, decision WT/MIN(11)/24 adopted 16 December 2011); Kingdom of Saudi Arabia (Working Party established July 1993, decision WT/L/627 adopted 11 November 2005); Chinese Taipei (Working Party established 1 October 1992, decision WT/L/433 adopted 11 November 2001); and Ukraine (Working Party established December 1993, decision WT/L/718 adopted 5 February 2008).

Afghanistan, Cabo Verde, Georgia, Kazakhstan, Kyrgyz Republic, Lao PDR, Liberia, Montenegro, Oman, Samoa, Seychelles, Tajikistan, Tonga, Vanuatu, Viet Nam, and Yemen¹¹.

1.2.2.4 Ongoing accession processes

8. Four working parties on accession carried over from the GATT 1947 are still active as of 31 December 2017: Algeria, Belarus, Sudan and Uzbekistan.

9. The General Council/Ministerial Conference has established the following 18 accession working parties, still ongoing as of 31 December 2017, for: Andorra¹², Azerbaijan¹³, Bahamas¹⁴, Bhutan¹⁵, Bosnia and Herzegovina¹⁶, Comoros¹⁷, Equatorial Guinea¹⁸, Ethiopia¹⁹, Iran²⁰, Iraq²¹, Lebanese Republic²², Libya²³, Sao Tome and Principe²⁴, Serbia²⁵, Somalia²⁶, South Sudan²⁷, Syrian Arab Republic²⁸, and Timor-Leste²⁹.

1.2.3 Observer status for applicants for accession

10. At its first meeting on 31 January 1995, the General Council decided to grant observer status to governments for which accession processes had already begun³⁰, as was the practice under the GATT.³¹

11. Governments may seek observer status in the General Council and its subsidiary bodies before they make an application to accede. The status is granted for five years and observer governments are expected to take a decision on accession within that period of time. It is possible to request an extension of the observer status.³²

¹¹ Document references: Afghanistan (Working Party established 13 December 2004; see WT/GC/M/90; decision WT/MIN(15)/39 adopted 17 December 2015); Cabo Verde (Working Party established 17 July 2000, see WT/GC/M/57; decision WT/L/715 adopted 18 December 2007); Georgia (Working Party established 18 July 1996, see WT/GC/M/13; decision WT/ACC/GEO/32 adopted 6 October 1999); Kazakhstan (Working Party established 6 February 1996, see WT/GC/M/10; decision WT/L/957 adopted 27 July 2015); Kyrgyz Republic (Working Party established April 1996, see WT/GC/M/11; decision WT/ACC/KGZ/28 adopted 14 October 1998); Lao PDR (Working Party established 19 February 1998, see WT/GC/M/26, decision WT/L/865 adopted 26 October 2012); Liberia (Working Party established 18 December 2007, see WT/GC/M/112; decision WT/MIN/(15)/38 adopted 16 December 2015); Montenegro (Working Party established 15 February 2005, see WT/GC/M/92; decision WT/MIN(11)/28 adopted 17 December 2011); Oman (Working Party established 26 June 1996, see WT/GC/M/12; decision WT/ACC/OMN/27 adopted 10 October 2000); Samoa (Working Party established 15 July 1998, see WT/GC/M/29; decision WT/MIN(11)/27 adopted 17 December 2011); Seychelles (Working Party established 11 July 1995, see WT/GC/M/5; decision WT/L/994 adopted 10 December 2014); Tajikistan (Working Party established 18 July 2001, see WT/GC/M/66, decision WT/L/872 adopted 10 December 2012); Tonga (Working Party established 15 November 1995, see WT/GC/M/8; decision WT/L/644 adopted 15 December 2005); Vanuatu (Working Party established 11 July 1995, see WT/GC/M/5, decision WT/L/823 adopted 26 October 2011); Viet Nam (Working Party established 31 January 1995, see WT/GC/M/1; decision WT/L/662 adopted 7 November 2006); Yemen (Working Party established 17 July 2000, see WT/GC/M/57; decision WT/MIN/(13)/24 adopted 4 December 2013).

¹² WT/GC/M/23.

¹³ WT/GC/M/21.

¹⁴ WT/GC/M/66.

¹⁵ WT/GC/M/48.

¹⁶ WT/GC/M/45.

¹⁷ WT/GC/M/110.

¹⁸ WT/GC/M/113.

¹⁹ WT/GC/M/78.

²⁰ WT/GC/M/95.

²¹ WT/GC/M/90.

²² WT/GC/M/40.

²³ WT/GC/M/87.

²⁴ WT/GC/M/95.

²⁵ WT/GC/M/92.

²⁶ WT/GC/M/165.

²⁷ WT/MIN(17)/SR/6.

²⁸ WT/GC/M/126.

²⁹ WT/GC/M/165.

³⁰ WT/GC/M/1.

³¹ See GATT Analytical Index, pp. 1017-1028.

³² Document WT/L/161 (Rules of Procedure), Annex 2.

1.2.4 Accession by least-developed countries

12. At the High-Level Meeting on Integrated Initiatives for Least-Developed Countries' Trade Development on 27-28 October 1997, Members recommended that the WTO take steps to assist LDCs in the process of accession.³³ Pursuant to paragraph 42 of the Doha Ministerial Declaration, in 2002 the Sub-Committee on Least-Developed Countries established a work programme including a mandate from ministers to "facilitate and accelerate negotiations with acceding Least-Developed Countries."³⁴

13. On 10 December 2002, the General Council adopted a decision on the Accession of Least-Developed Countries³⁵, to facilitate and accelerate negotiations with LDCs through simplified and streamlined accession procedures. The decision set out guidelines in the following broad areas: Market Access, WTO Rules, Process, and Trade-Related Technical Assistance and Capacity Building. The Hong Kong Ministerial Declaration noted in this connection: "We stress the importance of facilitating and accelerating the accession negotiations of least-developed countries, taking due account of the guidelines on LDC accession adopted by the General Council in December 2002."³⁶

14. In July 2012, the General Council adopted a Decision³⁷ to strengthen, streamline and operationalize the 2002 LDC accession guidelines. WTO Members agreed to follow certain principles and benchmarks in market access negotiations on goods and services with acceding LDCs. This Decision is to be considered an Addendum to the 2002 LDC accession guidelines.

1.3 Article XII:2

1.3.1 Decision-making procedures on accession

15. Regarding decision-making procedures applicable to requests for accessions to the WTO, see the document on Article IX of the WTO Agreement (Practice).

1.4 Article XII:3: Acceptance of or accession to a Plurilateral Trade Agreement

16. Article XXIV of the Agreement on Government Procurement provides for accession "on terms to be agreed between that government and the Parties". Article 9.1 of the Agreement on Civil Aircraft addresses accession.

17. The International Bovine Meat Agreement and the International Dairy Agreement were terminated, and were deleted from the WTO Agreement.

Current as of: March 2018

³³ WT/LDC/HL/23, the section dealing with Thematic Round Table A, para. II(b).

³⁴ See WT/COMTD/LDC/11, Section (f), para. 18(iii).

³⁵ WT/L/508.

³⁶ WT/MIN(05)/DEC, para. 59.

³⁷ WT/L/508/Add.1.