

Council for Trade in Goods

**INTRODUCTION OF HARMONIZED SYSTEM 2002 CHANGES INTO
WTO SCHEDULES OF TARIFF CONCESSIONS**

ROMANIA – SCHEDULE LXIX

Draft Waiver Decision

The General Council,

Having regard to Articles IV:2 and IX:3 of the Marrakesh Agreement establishing the World Trade Organization (the "WTO Agreement");

Recognizing that the adoption of the Harmonized Commodity Description and Coding System (hereinafter referred to as the "Harmonized System") has, in addition to facilitating international trade and the analysis of trade statistics, ensured greater uniformity in countries' customs classification, thus enabling them to monitor and protect the value of tariff concessions;

Noting that, in accordance with Article 16 of the Harmonized System Convention, the Council of the World Customs Organization adopted a Recommendation on 25 June 1999 concerning amendments to the Harmonized System which came into force on 1 January 2002 (hereinafter referred to as "HS2002 changes");

Noting the procedure adopted by the General Council to introduce HS2002 changes, to Schedules of Concessions¹, which in certain cases may require negotiations and/or consultations under Article XXVIII of GATT 1994,

Noting that Romania has requested a waiver²,

Considering that Romania would need more time to proceed with consultations or possible Article XXVIII negotiations,

Decides, in view of the exceptional circumstances, to suspend the application of the provisions of Article II of GATT 1994 for one year, starting from the date of implementation of the HS2002 changes for Romania (01.01.2002) to the extent necessary for the purpose of enabling Romania to implement domestically the recommended amendments to the Harmonized System nomenclature pending incorporation of such changes into its Schedule of Concessions, subject to the following conditions:

- (i) Romania shall, where necessary, promptly enter into negotiations and/or consultations with interested Members pursuant to paragraphs 1-3 of Article XXVIII of GATT 1994;

¹ WT/L/407.

² G/L/553.

- (ii) The negotiations and/or consultations mentioned above shall, to the extent possible, be completed within one year of Romania's date of implementation; and
 - (iii) In accordance with the provisions of Article XXVIII:3 of the GATT 1994, applied *mutatis mutandis* to the present waiver, pending the entry into force of the results of the negotiations and/or consultations mentioned above, the other Members will be free to suspend concessions initially negotiated with Romania to the extent that they consider that adequate compensation is not offered by Romania.
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