

**REQUEST BY THE DOMINICAN REPUBLIC FOR A WAIVER UNDER  
ARTICLE IX OF THE WTO AGREEMENT FOR MINIMUM VALUES  
UNDER THE AGREEMENT ON IMPLEMENTATION  
OF ARTICLE VII OF THE GATT 1994**

Draft Decision

Taking into account the Dominican Republic's request for a waiver from the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement) in order to temporarily maintain minimum values in respect of the goods identified in Annex 1, and noting:

- that the Dominican Republic is a Member to the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement) and invoked paragraph 1, Article 20 of that Agreement on 9 March 1995, and was therefore scheduled to apply the provisions of the Agreement on 9 March 2000;
- on 3 March 2000<sup>1</sup>, the Customs Valuation Committee agreed to the Dominican Republic's request under paragraph 1 of Annex III of the Customs Valuation Agreement for extension of its transition period until 1 July 2001;
- the good cause for the Dominican Republic's request as set out in G/C/W/286 and its intention for this waiver to be on a limited and transitional basis;
- that this waiver to maintain temporarily minimum values will apply only to the goods identified in Annex I, and the Dominican Republic's intention that this would be a single request for a waiver to maintain minimum values;
- that in all other regards the Dominican Republic has implemented fully the Customs Valuation Agreement since 1 July 2001;
- the Dominican Republic's long-standing commitment and considerable efforts in reforming and modernizing its customs administration;
- the Dominican Republic has benefited from technical assistance in support of implementation and application of the WTO Agreement on Customs Valuation;
- the Dominican Republic's intention to use the period of this waiver to develop proficiency in techniques such as risk management and verification in order to be able to apply by the end of this waiver period the Customs Valuation Agreement to the goods identified in Annex 1;

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<sup>1</sup>G/VAL/22.

- that the Dominican Republic implemented and applied on 1 July 2001 Paragraph 2 of the Decision on the Valuation of Carrier Media Bearing Software for Data Processing Equipment<sup>2</sup>;
- that the Dominican Republic does not use currently, and does not plan to use, preshipment inspection services for purposes of customs valuation;
- the procedures set out in paragraphs 3 and 4 of Section B.1 of G/VAL/5;

Having regard to the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956<sup>3</sup>, the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, and paragraphs 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization.

Members, acting pursuant to the provisions of paragraph 3 of Article IX of the WTO Agreement,

Decide, in view of the exceptional circumstances set out above, that:

1. Subject to the terms and conditions set out hereunder, the Dominican Republic may use the officially-established minimum values for the valuation for customs purposes of the goods listed in Annex I until no later than 1 July 2003;
2. the Dominican Republic will not apply minimum values to additional products;
3. the Dominican Republic will publish and make publicly available by 30 November 2001 the data sources, methodologies, basis, criteria and other relevant information for determining the minimum values for the goods identified in Annex 1;
4. the Dominican Republic will publish and make publicly available any amendments or changes to the above-mentioned data sources, methodologies, basis, criteria and other relevant information 60 days before implementing such changes, and will not apply such changes to importations entering its customs territory prior to the completion of this 60 day notification period; and
5. this Decision shall not prejudice the rights and obligations of the Dominican Republic under the WTO Agreements, in particular those rights and obligations under the Customs Valuation Agreement.

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<sup>2</sup> G/VAL/5.

<sup>3</sup> L/532.

**ANNEX 1**

| <b>Tariff heading</b>  | <b>Description of product</b>                                 |
|--|---|
| 0402.21.10   | Milk and cream  |
| 1006.30.00   | Semi-milled of wholly milled rice                             |
| 2523.10.00<br>2523.29.00   | Cement clinkers   |
| 2710.00.79   | Lubricating oils  |
| 3923.90.00<br>3926.90.90   | Plastics (articles of)  |
| ex 4011.20.00  | Used Pneumatic tyres  |
| 4818.40.90   | Diapers and sanitary towels                                   |
| 6908.10.00   | Ceramic products  |
| 8415.81.00<br>8450.11.00   | Air conditioning machines, refrigerators and washing machines |
| 8517.11.00<br>8528.12.00   | Sound reproducers   |
| ex 8703.22.99<br>ex 8703.23.19<br>ex 8703.23.99<br>ex 8703.24.99<br>ex 8703.31.99<br>ex 8704.21.10<br>ex 8704.22.90<br>ex 8704.31.10<br>ex 8704.90.10<br>ex 8711.20.19 | Used Motor vehicles, tractors and parts thereof               |