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Page: 1/268

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## NEGOTIATIONS UNDER ARTICLE XXVIII:4

### COMMUNICATION FROM GABON

The following communication, dated 23 September 2013, is being circulated at the request of the delegation of Gabon.

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In a bid to accelerate its development and in strict compliance with its international commitments, including at the WTO, Gabon is pursuing its economic restructuring and diversification process and the improvement of its business environment.

This is attested by numerous socio-economic and trade reforms, the results of which should be discernible in the near future. To these Gabon will add the 100% binding of tariff lines at the conclusion of the Uruguay Round.

The observations submitted to Gabon during the trade policy reviews of 2001 and 2007, with regard to the excess over bound tariffs on 38% of lines as a result of the application of the CEMAC Common External Tariff (CET), pose a genuine problem of conformity. Indeed, it has been found that, since 1995, the rates applied by the Gabonese Customs Services in accordance with the CEMAC CET are above the bound rates.

An analysis of Gabon's tariff profile reveals that this problem of conformity concerns 2,131 tariff lines. It should be pointed out that these 2,131 lines represent 38% of Gabon's total of 5,602 tariff lines and 44.5% of its 4,785 NAMA tariff lines.

Gabon applies non-agricultural tariffs of 17.37% on average, whereas the level of its bound tariffs (which are supposed to be higher) is only 15.38%.

It was to remedy this situation that Gabon entered into a renegotiation of its concessions in 2008 under Article XXVIII of the GATT.

The unsuccessful outcome of this procedure, due to the institutional changes introduced in the country in 2009-2010, gives cause for Gabon – which is still prepared to show good faith and demonstrate its attachment to the multilateral trading system – to begin new negotiations with the WTO Members concerned by this problem, under Article XXVIII, paragraph 4.

The choice of paragraph 4 is justified by the desire to bring to a conclusion a negotiation in which both actors and interests are clearly defined. To this end, Gabon requests that a period of 120 days be granted, on an exceptional basis, in order to conclude this renegotiation of tariff bindings.

Through this exercise, Gabon wishes to resolve a twofold concern, which consists in respecting its WTO commitments without compromising its membership of the CEMAC, and hence continuing with the full application of the CET.

For the purposes of the exercise, Gabon will be submitting two Annexes<sup>1</sup>:

Annex I, which provides detailed information, for the non-agricultural products in Schedule XLVII – Gabon, on the following elements: (i) the current bound rate of duty; (ii) the proposed bound rates of duty; and (iii) an indication of whether the bound rates would be increased or reduced.

Annex II, which provides detailed import statistics for all non-agricultural products, by country of origin, for the last three years for which statistics are available (i.e. 2010-2012).

Gabon would like to inform WTO Members that the proposed modifications to its Schedule could result in: (i) an increase in the bound rates of 2,159 tariff lines; (ii) a reduction in the bound rates of 2,500 tariff lines; and (iii) as a consequence, a new overall bound average of 18.08% for all NAMA products.

It is worth pointing out that the increases in bindings on the 2,159 lines have no implications for the customs duties and taxes already paid by our trading partners. In short, not one additional cent will have to be paid when crossing the Gabonese border.

The Government of Gabon is prepared to enter into negotiations and/or consultations with the WTO Members concerned in relation to the above request for a modification of concessions under Article XXVIII of the GATT 1994.

I thank you in advance for placing this question on the agenda of the Council for Trade in Goods, at its meeting of 18 October 2013, so that it may take the appropriate decision, which, we hope, will serve to support the efforts of our country.

I should like simply to point out that, within the framework of the advance preparatory meetings, the technical work and bilateral consultations have at this point reached a sufficiently advanced stage, and the Gabonese Government remains at the disposal of all contracting parties concerned by this modification with a view to bilateral negotiations.

That is, Sir/Madam, the substance of this note.

  

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<sup>1</sup> Available in electronic format and in French only.