

**AMENDMENT TO THE PROCEDURES LEADING TO THE  
CERTIFICATION OF HS2002 CHANGES**

*Decision of 14 December 2010\**

The *General Council*,

*Having regard to* paragraph 1 of Article IV, and paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement");

*Conducting* the functions of the Ministerial Conference in the interval between meetings of the Ministerial Conference pursuant to paragraph 2 of Article IV of the WTO Agreement;

*Recalling* that the CONTRACTING PARTIES to GATT 1947, by their Decision of 26 March 1980<sup>1</sup> (the "1980 Decision"), established procedures for the modification and rectification of schedules of tariff concessions;

*Recalling* that the CONTRACTING PARTIES to GATT 1947, by their Decision of 8 October 1991<sup>2</sup> (the "1991 Decision"), established simplified procedures to introduce changes in the Harmonized Commodity Description and Coding System ("HS") to schedules of concessions;

*Recalling* that, at its meeting of 27 November 1998, the Committee on Market Access approved the Consolidated Tariff Schedules ("CTS") Database technical co-operation project<sup>3</sup>;

*Recalling also* that the General Council, by its Decision of 15 February 2005<sup>4</sup> (the "2005 Decision"), established a procedure for the introduction of HS 2002 changes to Members' schedules of concessions using the CTS Database and that such procedure requires the WTO Secretariat to prepare and to make available a draft CTS schedule for each developing Member;

*Taking into account* that, although several "draft HS02 files" have been approved by the Committee on Market Access in the context of the multilateral review sessions mandated by paragraph 9 of the 2005 Decision<sup>5</sup>, it has not been possible to finalize the procedures envisaged in paragraphs 12 and 13 of that Decision for a growing number of files where Members fail to submit a communication approving their own file.

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\* Secretariat note: Adopted in accordance with the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council in November 1995 (WT/L/93).

<sup>1</sup> L/4962, BISD 27S/25-26.

<sup>2</sup> L/6905, BISD 39S/300.

<sup>3</sup> G/MA/M/16. See also G/MA/63 concerning details of the CTS Database project.

<sup>4</sup> WT/L/605.

<sup>5</sup> See periodic report by the WTO Secretariat in JOB/MA/42 of 23 July 2010.

*Recognizing* the importance of having complete certified schedules that reflect Members' concessions in the correct nomenclature and of the work already done by the Secretariat in order to achieve such objective expeditiously;

*Decides* as follows:

1. Paragraph 12 of the 2005 Decision is amended to read as follows:

"12. When there is no objection remaining on a draft HS02 file at a multilateral review session, such file will then be considered approved by the Committee on Market Access and will be certified as provided for in paragraph 13 below."

2. A new paragraph 12 *bis* is added to the 2005 Decision as follows:

"12*bis*. Notwithstanding the provisions of paragraph 12 above, Members listed in the periodic report by the Secretariat of 23 July 2010 as having an HS02 file approved in a multilateral review session<sup>6</sup> shall have 30 days from the date of adoption of these amendments by the General Council to submit in writing to the Secretariat a reservation on their HS02 file; it being understood that such a reservation will stop the certification of their HS02 file.

Members having submitted such a reservation are also required to provide in writing to the Secretariat details of the specific reasons for such a reservation no later than 60 days from the date of their initial communication containing their reservation. If such detailed information is not provided within the deadline, the certification of their HS02 file shall take place as provided for in paragraph 13. In case any amendment is introduced to the HS02 file, the multilateral review process provided for in Part III shall be resumed for such a file."

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<sup>6</sup> Section D of document JOB/MA/42. The Members concerned have a "yes" in the last column to the right (i.e. Status after review / Approval, By Others) and there is no further indication (provided through a footnote) that they are in the process of considering changes to their file or engaging with the Secretariat.