

**PROCEDURES LEADING TO THE VERIFICATION AND CERTIFICATION OF  
HS96 CHANGES RELATING TO THE SCHEDULES OF 64 MEMBERS**

*Decision of 27 May 2009\**

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;

*Noting* that a number of WTO Members have used, with most having already completed, the procedures contained in the 1991 Decision to introduce HS 1996 ("HS96") changes to their schedules of concessions, but that there remain sixty-four developing Members that have yet to begin these procedures;

*Taking into account* that the WTO Secretariat automatically undertook the work of introducing HS96 changes to the schedules of these sixty-four developing Members when it

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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.

established the CTS Database and when it followed the procedures contained in the 2005 Decision, but that this work remains unverified and uncertified;

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

*Decides* as follows:

1. For the purpose of introducing HS96 changes into the schedules of concessions of the sixty-four WTO Members listed in the Annex to this Decision, the following procedures supersede the procedures contained in the 1991 Decision:
  - (a) For each WTO Member listed in the Annex to this Decision, the WTO Secretariat shall extract from the CTS database the information pertaining to the HS96 changes not covered by the 2005 Decision and shall post this information on the Members' website. For each Member listed in the Annex to this Decision, this information shall be referred to as the HS96 file of that Member. In preparing these HS96 files, the WTO Secretariat shall take into account all previously certified rectifications and modifications made to the relevant WTO Member's schedules of concessions<sup>5</sup>, and shall, to the extent possible, ensure that the scope of the concessions remain unchanged. The WTO Secretariat shall make available to all WTO Members at the same time the HS96 files concerning each of the sixty-four WTO Members listed in the Annex.
  - (b) All WTO Members, including the sixty-four Members listed in the Annex to this Decision, shall have six months to examine each HS96 file.
  - (c) Following expiration of this examination period, the Chairman of the Committee on Market Access shall convene an informal dedicated session of the Committee on Market Access to conduct a multilateral review of each HS96 file. If, at the dedicated session, any Member raises an objection to one or more specific tariff lines in an HS96 file, the multilateral review of that HS96 file shall continue in informal dedicated sessions of the Committee on Market Access, which shall be held at intervals of six weeks as necessary until such review has been concluded. If there are no objections to an HS96 file or when all objections to an HS96 file have been withdrawn, the multilateral review of the HS96 file in question shall be considered concluded and such file shall be considered approved by the Committee on Market Access.
  - (d) The WTO Secretariat shall expeditiously prepare a paper version of each approved HS96 file for certification pursuant to the 1980 Decision.

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<sup>5</sup> See G/MA/W/23/Rev.6 for the most recent situation of schedules of WTO Members.

ANNEX

1. Angola	32. Kenya
2. Antigua and Barbuda	33. Kuwait
3. Bahrain	34. Lesotho
4. Bangladesh	35. Madagascar
5. Barbados	36. Malawi
6. Belize	37. Maldives
7. Benin	38. Mali
8. Botswana	39. Mauritania
9. Burkina Faso	40. Mozambique
10. Burundi	41. Myanmar
11. Cameroon	42. Namibia
12. Central African Republic	43. Niger
13. Chad	44. Nigeria
14. Chile	45. Papua New Guinea
15. Congo	46. Peru
16. Congo, Democratic Republic of	47. Rwanda
17. Côte d'Ivoire	48. Saint Kitts and Nevis
18. Djibouti	49. Sain Lucia
19. Dominica	50. Saint Vincent and the Grenadines
20. Dominican Republic	51. Senegal
21. Ecuador	52. Sierra Leone
22. Fiji	53. Solomon Islands
23. Gabon	54. South Africa
24. Gambia, The	55. Sri Lanka
25. Ghana	56. Suriname
26. Grenada	57. Swaziland
27. Guinea Bissau	58. Tanzania
28. Guinea	59. Togo
29. Guyana	60. Trinidad and Tobago
30. Haiti	61. Uganda
31. Jamaica	62. United Arab Emirates
	63. Zambia
	64. Zimbabwe