

CAPE VERDE – IMPLEMENTATION OF THE SCHEDULE OF CONCESSIONS

*Decision of 28 July 2009**

The General Council,

Having regard to paragraphs 1, 3 and 4 of Article IX of the Marrakech Agreement Establishing the World Trade Organization (the "WTO Agreement"), the Guiding Principles to be followed in considering application for waivers adopted on 1 November 1956 (BISD 5S/25) and the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994 (the "Understanding");

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

Recalling that under the Protocol of Accession of Cape Verde to the WTO Agreement, the concessions and commitments listed in Schedule CLXI annexed to the GATT 1994 and relating to Cape Verde shall be implemented in stages as specified in Part I of that Schedule;

Taking note of the request¹ of Cape Verde for a waiver with respect to the date of the first stage of implementation of concessions and commitments listed in Schedule CLXI, which would have been due on 1 January 2009;

Noting that Cape Verde's priorities relating to macroeconomic stability, among others, which aim to counter the financial crisis and its consequences for the country's economy, did not allow the first stage of implementation to be carried out on 1 January 2009, as intended;

Decides, in view of these exceptional circumstances, as follows:

1. The obligation concerning the first stage of implementation of concessions and commitments listed in Schedule CLXI, foreseen to go into effect on 1 January 2009², is waived for Cape Verde until 1 January 2010.
2. Cape Verde shall implement the first stage of its concessions and commitments listed in Schedule CLXI on 1 January 2010 (instead of 1 January 2009), i.e. at the same time as it implements the second stage of its concessions and commitments.
3. The dates for the subsequent stages of implementation of Cape Verde's concessions and commitments remain as specified in Schedule CLXI. Further, this waiver does not affect the binding

* *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).

¹ Document G/C/W/618.

² Document WT/ACC/CPV/30/Add.1

of the customs duties on the dates specified in Schedule CLXI, i.e. 2013, 2016 and 2018, for any of the products in Schedule CLXI.

4. In accordance with paragraph 3 of the Understanding, any Member considering that a benefit accruing to it under GATT 1994 is being nullified or impaired as a result of:

- (a) the failure of Cape Verde to observe the terms or conditions of this waiver, or
- (b) the application of a measure consistent with the terms and conditions of the waiver,

may invoke the provisions of Article XXIII of GATT 1994 as elaborated in, and applied under, the Dispute Settlement Understanding.
