COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 535 final

Brussels, 31 October 1989

Proposal for a

COUNCIL DECISION

concerning the Conclusion of the Protocol of Accession of Bolivia to the General Agreement on Tariffs and Trade

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(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 10 July 1987 Bolivia declared its intention to accede to the GATT. The Working Party, established to examine the request, submitted to the GATT Council of 21 July 1989 a recommendation to accept the request and a Protocol of Accession, setting out the conditions under which Bolivia accedes to the GATT. The council adopted both texts and consequently opened the voting procedure for Bolivia's accession according to Article XXXIII.

2. During bilateral negotiations with the Community Bolivia agreed to bind its tariff across the board at a ceiling of 40%. This level compares favourably with ceiling bindings in other developing countries such as Mexico and Colombia. In view of Bolivia's commitments under the Cartagena Agreement, Bolivia has the possibility of suspending the 40% ceiling bindings on a limited number of products if it has to implement the Common External Tariff under this Agreement. However, this suspension would be only for three years and if the 40% ceiling binding was not restored Bolivia could be required to undertake negotiations under Article XXVIII:3(a). Bolivia also agreed to grant the Community initial negotiating rights for a number of products that are of export interest to the Community.

3. After obtaining a favourable opinion from the Article 113 Committee, the Commission has agreed to the results of the bilateral trade negotiations with Bolivia in the context of the latter's accession to the GATT.

4. On the 3 August 1989 the necessary two thirds majority of contracting parties was reached in the GATT, all the Member States of the Community having voted in favour. The Protocol is now open for signature by Bolivia, the Contracting Parties and the European Economic Community.

   The Protocol should thus be signed on behalf of the Community.

COUNCIL DECISION

concerning the Conclusion of the Protocol of Accession
of Bolivia
to the General Agreement on Tariffs and Trade

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Whereas Bolivia entered into negotiations with the European Economic Community and the other Contracting Parties to the General Agreement on Tariffs and Trade with a view to its accession to the General Agreement;

Whereas the results of these negotiations are acceptable to the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol of Accession of Bolivia to the General Agreement on Tariffs and Trade is hereby approved on behalf of the European Economic Community. The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Protocol in order to bind the Community.

Done at Brussels,

For the Council

The President

PROTOCOL FOR THE ACCESSION OF BOLIVIA TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the European Economic Community and the Government of Bolivia (hereinafter referred to as "Bolivia"),

Having regard to the results of the negotiations directed towards the accession of Bolivia to the General Agreement,

Have through their representatives agreed as follows:

PART I - GENERAL

1. Bolivia shall, upon entry into force of this Protocol pursuant to paragraph 6, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply to contracting parties provisionally and subject to this Protocol:

(a) Parts I, III and IV of the General Agreement, and

(b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

The obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2(b) of Article II by reference to Article VI of the General Agreement shall be considered as falling within Part II for the purpose of this paragraph.

2. (a) The provisions of the General Agreement to be applied to contracting parties by Bolivia shall, except as otherwise provided in this Protocol, be the provisions contained in the text annexed to the Final Act of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as rectified, amended or otherwise modified by such instruments as may have become effective on the day on which Bolivia becomes a contracting party.

(b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII, and sub-paragraph 3(c) of Article X of the General Agreement refer to that Agreement, the applicable date in respect of Bolivia shall be the date of this Protocol.

PART II - SCHEDULE

3. The schedule in the Annex shall, upon the entry into force of this Protocol, become a schedule to the General Agreement relating to Bolivia.

4. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of the Agreement, the applicable date in respect of each product which is the subject of a concession provided for in the Schedule annexed to this Protocol shall be the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the Schedule annexed to this Protocol shall be the date of this Protocol.

PART III - FINAL PROVISIONS

5. This Protocol shall be deposited with the Director-General to the CONTRACTING PARTIES. It shall be open for signature by Bolivia until 31 January 1990. It shall also be open for signature by contracting parties and by the European Economic Community.

6. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been signed by Bolivia.

7. Bolivia, having become a contracting party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Director-General. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI or on the thirtieth day following the day of the deposit of the instrument of accession, whichever is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

8. Bolivia may withdraw its provisional application of the General Agreement prior to its accession thereto pursuant to paragraph 7 and such withdrawal shall take effect on the sixtieth day following the day on which written notice thereof is received by the Director-General.

9. The Director-General shall promptly furnish a certified copy of this Protocol and a notification of each signature thereto, pursuant to paragraph 5 to each contracting party, to the European Economic Community, to Bolivia and to each government which shall have acceded provisionally to the General Agreement.

10. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this third day of August one thousnd nine hundred and eighty-nine, in a single copy, in the English, French and Spanish languages, except as otherwise specified with respect to the Schedule annexed hereto, each text being authentic.

ANNEX

Schedule LXXXIV - Bolivia

(The Schedule may be consulted in the GATT Secretariat in Geneva)

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DOCUMENTS

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