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**Working Party on the Accession
of the Sultanate of Oman**

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ACCESSION OF THE SULTANATE OF OMAN

Communication from the Sultanate of Oman

The Ministry of Commerce and Industry of the Sultanate of Oman has submitted the following information concerning proposals on transitional periods.

Proposals on Transitional Periods

1. The Marrakesh Agreement Establishing the World Trade Organization and the Multilateral Agreements annexed to it contain transitional periods for delaying the application of some Agreements or some of the provisions of some Agreements. Also, some Agreements contain transitional arrangements for phasing out measures which may not be in conformity with the WTO rules.
2. Upon accession to the World Trade Organization, the Sultanate of Oman will assume obligations and acquire rights under the Agreement Establishing the WTO and under the Multilateral Agreements and Understandings annexed to the WTO Agreement.
3. After careful consideration, the Sultanate of Oman is of the view that it will need transitional periods in the following areas:

I. IMPLEMENTATION OF THE AGREEMENT ON CUSTOMS VALUATION

Transitional Period and Justification: Oman would avail of the provisions of Article 20 of the Agreement on Customs Valuation to delay the application of the provisions of this Agreement for a period of five years from the date of Oman's accession to the WTO. It may need to further delay the application of the computed value method, in Article 6 of the Agreement.

Oman's existing rules on customs valuation are in a simple form. There are no detailed rules and regulations. Oman will have to draft new laws and regulations on customs valuation in accordance with the provisions of the Customs Valuation Agreement. For that purpose, it will need help and assistance from the WTO Secretariat, from WCO and from WTO Member countries. The drafting of laws and regulations and their enactment into legislation will be a time-consuming task. In addition, administrative instructions, guidelines and manuals for the application of the rules will have to be prepared with the assistance of experts from the WTO, the WCO and from Member countries.

The customs staff at all customs ports, the airport, at the land border customs stations and in the Headquarters will have to be trained thoroughly in the law, procedures and techniques of the GATT

Valuation Agreement. The customs brokers and importers will need to be familiarized with the new system through seminars and workshops.

Action Plan: Oman will soon be approaching the WTO Secretariat, the WCO and WTO Member countries for technical assistance for drafting valuation laws and regulations. It will invite experts to visit Oman and will send some of its customs officials abroad to study the design and architecture of the legislation and regulations. After this, the work of drafting will be initiated. Once the draft is completed and reviewed by the competent authorities of Oman, it will be sent to the WCO, the WTO Secretariat and to Members of the WTO for their comments. Thereafter, the draft legislation will be translated into Arabic and the process of putting it into the form of a Royal Decree will be undertaken.

The second phase of the work will be the drafting of administrative instructions, guidelines and manuals. This will be accomplished with technical assistance from the WCO, the WTO and from Member countries.

The third phase will be the initiation and execution of a comprehensive training programme for customs officials, importers and customs brokers. For this again, Oman will need help and assistance from the WCO, the WTO Secretariat and from friendly countries. Since a vast majority of Omani customs officials are not fluent in English, it will not be feasible to ask experts from abroad to come to Oman to train customs officials. Oman will have to get training abroad for a select group of officials (training for trainers), who on return to Oman will undertake an intensive programme of training the customs staff. In addition, seminars and workshops will be organized for customs brokers and importers.

After completion of the foregoing tasks, the new valuation laws and regulations will be applied on an experimental basis for a period of one year so as to make the officials and the private sector fully familiar with the new system before it is formally applied.

II. IMPLEMENTATION OF THE TRIPS AGREEMENT

Transitional Period and Justification: The Sultanate of Oman would take a transitional period of five years from the date of its accession to the WTO to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights.

Oman has at present intellectual property laws in only two areas: copyrights and trademarks. Even these laws are in many ways not consistent with the provisions of the TRIPS Agreement. Oman does not have laws and regulations in other areas of intellectual property. It also does not have appropriate enforcement laws and institutional mechanism for enforcement of intellectual property laws.

Before Oman can assume full obligations under the TRIPS Agreement, it will have to amend the existing copyright and trademark laws, and to enact new laws in other areas. It will also have to make laws for enforcement and to establish an institutional machinery for effective enforcement.

Having laws alone would not be enough. Officials will have to be thoroughly trained to apply the intellectual property laws and to ensure enforcement of the laws in accordance with the requirements of the TRIPS Agreement.

Action Plan: Oman has already been working with some WTO Member countries on its intellectual property regime. It has recently joined the World Intellectual Property Organization.

Oman is taking steps to study the consistency of its copyright and trademarks laws with the provisions of the TRIPS Agreement. For that purpose, it is seeking help and advice from the WIPO.

Oman will also consult with WTO member countries in this regard. On completion of this process, the task of revising the laws and enacting appropriate legislation will be undertaken.

The next step will be to seek assistance from the WTO, from WIPO and from WTO Member countries for drafting laws and regulations in those areas of intellectual property where there are no laws at present. This will be a lengthy task as Omani officials will have to visit WTO and WIPO to hold discussions, and then experts from WTO, WIPO and from WTO Member countries will be invited to visit Oman to advise on the design of new laws and regulations. Thereafter, the laws and regulations will be drafted in English, discussed again with experts and submitted first to WIPO and then to the WTO for their comments. Once this process has been completed, the draft laws will be translated into Arabic and steps will be taken to enact the laws in the form of Royal Decrees. Before the Royal Decrees are issued the concerned Ministries and then the Council of Ministers will approve the laws and make recommendations to His Majesty the Sultan.

The next phase of work will be the establishment of an institutional machinery for the application and enforcement of intellectual property laws and the training of officers and staff in the application and enforcement of laws. Since Oman has no experience in this field, we would need technical assistance from the WIPO, from the WTO and from Member countries. Incidentally, Oman is already sending its officials to seminars and workshops on TRIPS.

Finally, before formally implementing the laws, Oman will apply the laws on an experimental basis to identify any problems and difficulties and to familiarize the officials with the actual working of the laws.

III. AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Transitional Period and Justification: The Sultanate of Oman may need to delay the application of some provisions of the Agreement on Technical Barriers to Trade. For that purpose, it may request the Committee on Technical Barriers to Trade to grant it time-limited exceptions from certain obligations under the TBT Agreement.

The nature and extent of exceptions and the time period would be clearer after the Working Party has completed its examination of the foreign trade regime of Oman, including, in particular, its examination of Oman's laws, regulations and procedures relating to standards.

Action Plan: Oman will shortly be undertaking a study on the conformity of its existing laws, regulations and procedures with the provisions of the TBT Agreement. After the completion of this study and after the Working Party has completed its work, Oman would be in a clearer position to identify specific obligations from which Oman would request for temporary exceptions. At an appropriate time, Oman would make a request to the Committee on Technical Barriers to Trade.

The Sultanate of Oman would take steps during the transitional period to bring its regime into full conformity with the TBT Agreement.

IV. AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES

Transitional Period and Justification: The Sultanate of Oman may need to delay the application of some provisions of the Agreement on Sanitary and Phytosanitary Measures. For that purpose, it may request the Committee on Sanitary and Phytosanitary Measures to grant it time-limited exceptions from certain obligations under the SPS Agreement.

The nature and extent of exceptions and the time period would be clearer after the Working Party has completed its examination of the foreign trade regime of Oman, including, in particular, its examination of Oman's laws, regulations and procedures relating to SPS.

Action Plan: Oman will shortly be undertaking a study on the conformity of its existing laws, regulations and procedures with the provisions of the SPS Agreement. After the completion of this study and after the Working Party has completed its work, Oman would be in a clearer position to identify specific obligations from which Oman would request for temporary exceptions. At an appropriate time, Oman would make a request to the Committee on Sanitary and Phytosanitary Measures.

The Sultanate of Oman would take steps during the transitional period to bring its regime into full conformity with the SPS Agreement.