

**REQUEST BY EL SALVADOR FOR A WAIVER UNDER ARTICLE IX  
OF THE WTO AGREEMENT FOR MINIMUM VALUES UNDER  
THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VII  
OF THE GATT 1994**

Addendum

The following communication, dated 20 November 2001, has been received from the Permanent Mission of El Salvador.

El Salvador - Agreement on Implementation of  
Article VII of the General Agreement on Tariffs and Trade 1994

Draft Decision of [---] 2001

Taking into account the El Salvador's request for a waiver from its obligations under the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, done at Marrakesh on 15 April 1994 ("WTO Agreement on Customs Valuation") and noting:

- that the El Salvador became a Member to the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (Customs Valuation Agreement) and invoked paragraph 1, Article 20 of that Agreement on 7 May 1995, and was therefore scheduled to apply the provisions of the Agreement on 7 May 2000;
- on 6 July 2000<sup>1</sup>, the Customs Valuation Committee agreed to the El Salvador's request under paragraph 1 of Annex III of the Customs Valuation Agreement for extension of its transition period until 7 September 2001;
- as indicated in its request in G/C/W/300/Rev.2, El Salvador's request for a further delay is due solely to the unforeseen delay in the passage of the domestic legislation for implementing the WTO Agreement on Customs Valuation caused by two major earthquakes in January and February 2001;
- El Salvador's substantial efforts to implement the provisions of the Customs Valuation Agreement and the substantial progress it has made in completing its detailed work programme set out in G/VAL/30;

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<sup>1</sup> G/VAL/30.

- El Salvador continues to receive technical assistance in support of implementation and application of the Customs Valuation Agreement, which is contributing significantly towards achieving that objective;
- El Salvador's long-standing commitment and considerable efforts in reforming and modernizing its customs administration, and its objective of ensuring the effective implementation and administration of the Customs Valuation Agreement;
- El Salvador applies minimum values only to the products identified in Annex I;
- El Salvador is already applying Paragraph 2 of the Decision on the Valuation of Carrier Media Bearing Software for Data Processing Equipment<sup>2</sup>;
- that El Salvador does not use or plan to use preshipment inspection services in customs administration and valuation;
- El Salvador's indication that this would be a single request for a waiver to delay its implementation of the Customs Valuation Agreement;

Having regard to the Guiding Principles to be followed in considering applications for waivers adopted on 1 November 1956<sup>3</sup>, the Understanding in Respect to Waivers of Obligations under the General Agreement on Tariffs and Trade 1994, and paragraphs 3 and 4 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

Members, acting pursuant to the provisions of paragraph 3 of Article IX of the WTO Agreement,

Decide, in view of the exceptional circumstances set out above, that:

1. Subject to the terms and conditions set out hereunder, the obligations under the WTO Agreement on Customs Valuation shall be waived for El Salvador from 7 September 2001 to 7 March 2002.
2. El Salvador will publish and make publicly available by 31 December 2001 the data sources, methodologies, basis, criteria and other relevant information for determining the minimum values for the goods identified in Annex 1;
3. El Salvador will publish and make publicly available any amendments or changes to the above-mentioned data sources, methodologies, basis, criteria and other relevant information 60 days before implementing such changes, and will not apply such changes to importations entering its customs territory prior to the completion of this 60 day notification period; and
4. This waiver shall not prejudice the rights and obligations of El Salvador under the WTO Agreements, in particular those rights and obligations under the Agreement on Customs Valuation.

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<sup>2</sup> G/VAL/5.

<sup>3</sup> L/532.

**ANNEX I**  
**List of Products Subject to Minimum Customs Value**

<b>Description</b>	<b>Tariff Position</b>
Worn clothing and other worn related articles	6309, ex 6310.10 and ex 6310.90
Used Televisions	ex 8528.12.10, ex 8528.12.90, ex 8528.13.10, ex 8528.13.90
Pneumatic Tyres, retreaded or used	ex 4012.10.00, ex 4012.20.00
Sound equipment, used	ex 8520.32.90, ex 8520.90.00
Apparel	6101.10.00 to 6117.90.00, 6201.11.00 to 6217.90.00
Articles of textiles, made-up	6301.10.00 to 6304.99.00
Sacks and bags, of a kind used for the packing of goods, of jute or other textile bast fibres of heading 53.03	6305.10.00
Footwear	6402.19.00 to 6405.90.00
Used vehicles and used parts and accessories thereof	ex Chapter 87, except ex 8703.10, ex 8709 and ex 8710
Used Aircraft	ex 8802.11.00 to ex 8802.40.00
Used Boats	ex 8901.90.10 to ex 8903.99.00
Cement	2523.2100 to 2523.29.00
Cookers for liquid fuel	7321.11.10
Electric cookers	8516.60.00
Refrigerators	8418.21, 8418.22, 8418.29, 8418.30, 8418.40, 8418.50
Clocks and watches and parts thereof	9101.11 to 9102.99
Cigars and cigarettes	2402.10, 2402.20, 2402.90
Dairy Products	0401.10 to 0406.90
Arms	9302.00, 9303.10, 9303.90
Woven fabrics of cotton	5208.11 to 5212.25
Woven fabrics of synthetic filaments	5407.41 to 5408.34
Woven fabrics of synthetic fibres	5512.11 to 5516.94
Used Video Decks	ex 8521.10.10, ex 8521.10.90, ex 8521.90