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**General Council**

**WAIVERS – 2018<sup>1</sup>**

**NOTE BY THE SECRETARIAT<sup>2</sup>**

The attached table has been prepared for the information of delegations. It contains a list of waivers granted by the General Council in 2018, as well as waivers previously granted and still in force in 2018. It should be noted that some of these waivers expired during the course of the year.

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<sup>1</sup> A list of waivers granted by the General Council and by the Ministerial Conference between 1995 and 2015 is contained in WT/GC/W/718.

<sup>2</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2018 <sup>3</sup>
<b>Granted in 2018</b>				
Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver <sup>4</sup>	WT/L/1039	26 July 2018	31 December 2024	-
Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions <sup>5</sup>	WT/L/1048	12 December 2018	31 December 2019	-
Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions <sup>6</sup>	WT/L/1049	12 December 2018	31 December 2019	-
Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions <sup>7</sup>	WT/L/1050	12 December 2018	31 December 2019	-
Introduction of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions <sup>8</sup>	WT/L/1051	12 December 2018	31 December 2019	-

<sup>3</sup> Applicable if so stipulated in the corresponding waiver Decision.

<sup>4</sup> Annex: Australia; Botswana; Brazil; Cambodia; Canada; European Union; Guyana; India; Japan; Kazakhstan; Republic of Korea; Malaysia; Mauritius; Montenegro; Namibia; Norway; Panama; Russian Federation; Sierra Leone; Singapore; South Africa; Sri Lanka; Switzerland; Thailand; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Turkey; Ukraine; and, United States.

<sup>5</sup> The Member which has requested to be covered under this waiver is: China.

<sup>6</sup> The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; Malaysia; Philippines; and, Thailand.

<sup>7</sup> The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; El Salvador; European Union; Guatemala; Hong Kong, China; India; Kazakhstan; Republic of Korea; Macao, China; Malaysia; Mexico; New Zealand; Norway; Philippines; Russian Federation; Singapore; Switzerland; Thailand; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; and, United States.

<sup>8</sup> The Members which have requested to be covered under this waiver are: Argentina; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; El Salvador; European Union; Guatemala; Honduras; Hong Kong, China; India; Israel; Kazakhstan; Republic of Korea; Macao, China; Montenegro; New Zealand; Norway; Pakistan; Paraguay; Philippines; Russian Federation; Switzerland; Thailand; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; United States; and, Uruguay.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2018 <sup>9</sup>
<b>Previously granted – in force in 2018</b>				
Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions <sup>10</sup>	WT/L/1026	30 November 2017	31 December 2018	-
Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions <sup>11</sup>	WT/L/1027	30 November 2017	31 December 2018	-
Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions <sup>12</sup>	WT/L/1028	30 November 2017	31 December 2018	-
Introduction of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions <sup>13</sup>	WT/L/1029	30 November 2017	31 December 2018	-
United States – Former Trust Territory of the Pacific Islands	WT/L/1000	7 December 2016	31 December 2026	WT/L/1046
United States – Trade Preferences granted to Nepal	WT/L/1001	7 December 2016	31 December 2025	WT/L/1047
European Union – Application of Autonomous Preferential Treatment to the Western Balkans	WT/L/1002	7 December 2016	31 December 2021	WT/L/1044
Cuba – Article XV:6 – Extension of waiver	WT/L/1003	7 December 2016	31 December 2021	WT/L/1043

<sup>9</sup> Applicable if so stipulated in the corresponding waiver Decision.

<sup>10</sup> The Members which have requested to be covered under this waiver are: Argentina and China.

<sup>11</sup> The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; Malaysia; Philippines; Switzerland; and, Thailand.

<sup>12</sup> The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; El Salvador; European Union; Guatemala; Honduras; Hong Kong, China; India; Israel; Kazakhstan; Korea, Republic of; Macao, China; Malaysia; Mexico; New Zealand; Norway; Pakistan; Philippines; Russian Federation; Singapore; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; and, United States.

<sup>13</sup> The Members which have requested to be covered under this waiver are: Argentina; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic (WT/L/1029/Add.2); El Salvador; European Union; Guatemala; Honduras (WT/L/1029/Add.1); Hong Kong, China; India; Israel; Kazakhstan; Korea, Republic of; Macao, China; Montenegro; New Zealand; Norway; Pakistan; Paraguay; Russian Federation; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; United States; and, Uruguay.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2018 <sup>14</sup>
<b>Previously granted – in force in 2018</b>				
Implementation of Preferential Treatment in favour of Services and Service Suppliers of LDCs and Increasing LDC Participation in Services Trade <sup>15</sup>	WT/L/982 WT/MIN(15)/48	19 December 2015	31 December 2030 <sup>16</sup>	-
United States – African Growth and Opportunity Act	WT/L/970	30 November 2015	30 September 2025	WT/L/1045, WT/L/1045/Corr.1
Least-Developed Country Members – Obligations under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to Pharmaceutical Products	WT/L/971	30 November 2015	1 January 2033	-
Canada - CARIBCAN	WT/L/958	28 July 2015	31 December 2023	WT/L/1036
United States – Caribbean Basin Economic Recovery Act	WT/L/950	5 May 2015	31 December 2019	WT/L/1038, WT/L/1038/Corr.1
Operationalization of the Waiver concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries <sup>17</sup>	WT/MIN(13)/43 WT/L/918	7 December 2013	-	-
Kimberly Process Certification Scheme for Rough Diamonds - Extension of Waiver <sup>18</sup>	WT/L/876	11 December 2012	31 December 2018	-

<sup>14</sup> Applicable if so stipulated in the corresponding waiver Decision.

<sup>15</sup> This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 (WT/L/847) and of the subsequent Decision on the Operationalization of the Waiver concerning Preferential Treatment to Services and Service Suppliers of Least-developed countries adopted in 2013 (WT/MIN(13)/43 - WT/L/918). See also page 5, below.

<sup>16</sup> At the Nairobi Ministerial Conference, Ministers decided to extend the 2011 waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries (WT/L/847). See also page 5, below.

<sup>17</sup> This Ministerial Decision was adopted in furtherance of the waiver on Preferential Treatment to Services and Service Suppliers of Least-Developed Countries adopted in 2011 (WT/L/847). It does not represent a new waiver. See also page 5 and the decision in WT/L/847, below.

<sup>18</sup> Annex: Australia, Botswana, Brazil, Canada, Croatia, European Union, India, Israel, Japan, Korea, Mexico, New Zealand, Norway, Philippines, Russian Federation, Singapore, Chinese Taipei, Thailand, Turkey, United States, and Bolivarian Republic of Venezuela.

WAIVER	DECISION	DATE of ADOPTION of DECISION	GRANTED UNTIL	REPORT in 2018 <sup>19</sup>
<b>Previously granted – in force in 2018</b>				
Preferential Treatment to Services and Service Suppliers of Least-developed countries <sup>20</sup>	WT/L/847	17 December 2011	15 years from the date of its adoption <sup>21</sup>	-
Preferential Tariff Treatment for Least-Developed Countries – Decision on Extension of waiver	WT/L/759	27 May 2009	30 June 2019	-
Implementation of Para. 6 of the Doha Declaration on the TRIPS Agreement and Public Health <sup>22</sup>	WT/L/540 and WT/L/540/Corr.1	30 August 2003	See WT/L/540 and WT/L/540/Corr.1	-

<sup>19</sup> Applicable if so stipulated in the corresponding waiver Decision.

<sup>20</sup> Two decisions were subsequently adopted by the Ministerial Conference in furtherance of this waiver: in 2013 (WT/MIN(13)/43 – WT/L/918) and in 2015 (WT/MIN(15)/48 – WT/L/982). See also page 4 and the decision in WT/MIN(13)/43 – WT/L/918, above.

<sup>21</sup> At the Nairobi Ministerial Conference, Ministers decided to extend the waiver until 31 December 2030 (WT/MIN(15)/48 – WT/L/982) - see also page 4, above.

<sup>22</sup> Pursuant to the General Council Decision of 30 August 2003 (WT/L/540 and Corr.1), a Protocol Amending the TRIPS Agreement was adopted by the General Council on 6 December 2005 (WT/L/641) and submitted to Members for acceptance. In accordance with Article X:3 of the WTO Agreement, the Protocol entered into force on 23 January 2017. Since then, the amended TRIPS Agreement applies to those Members who have accepted it. For each other Member, the Protocol will take effect upon acceptance by it. In the meantime, the 2003 Decision continues to apply to those Members. For the purposes of the 2003 Decision, the Annual Review of the Special Compulsory Licensing System is deemed to fulfil the review requirements of Article IX:4 of the WTO Agreement.