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General Council

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WAIVERS – 2023

NOTE BY THE SECRETARIAT¹

The attached table has been prepared for the information of delegations. It contains a list of waivers granted by the General Council in 2023, as well as waivers previously granted and still in force in 2023. It should be noted that some of these waivers expired during the course of the year.

¹ 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 2023 ²
Granted in 2023				
Canada – Extension of the Waiver for the Caribbean Initiative: CARIBCAN	WT/L/1166	9 May 2023	31 December 2033	-
Introduction Of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions ³	WT/L/1181	13 December 2023	31 December 2024	-
Introduction Of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions ⁴	WT/L/1182	13 December 2023	31 December 2024	-
Introduction Of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions ⁵	WT/L/1183	13 December 2023	31 December 2024	-
Introduction Of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions ⁶	WT/L/1184	13 December 2023	31 December 2024	-
Introduction Of Harmonized System 2022 Changes into WTO Schedules of Tariff Concessions ⁷	WT/L/1185/Rev.1	13 December 2023	31 December 2024	-

² Applicable if so stipulated in the corresponding waiver Decision.

³ The Member which has requested to be covered under this waiver is: China.

⁴ The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; and, Malaysia.

⁵ The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Costa Rica; Dominican Republic; Ecuador; European Union; Guatemala; India; Kazakhstan; Republic of Korea; Malaysia; Mexico; Philippines; Russian Federation; Singapore; Switzerland; Thailand; and, United States.

⁶ The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Guatemala; Hong Kong, China; India; Kazakhstan; Republic of Korea; New Zealand; Norway; Pakistan; Paraguay; Philippines; Russian Federation; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; United States; and, Uruguay.

⁷ The Members which have requested to be covered under this waiver are: Australia; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Hong Kong, China; India; Korea, Republic of; Macao, China; Norway; Paraguay; Philippines; Russian Federation; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; and, United States.

WAIVER	DECISION	DATE OF ADOPTION OF DECISION	GRANTED UNTIL	REPORT IN 2023 ⁸
Previously granted – in force in 2023				
Introduction of Harmonized System 2002 Changes into WTO Schedules of Tariff Concessions ⁹	WT/L/1160	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2007 Changes into WTO Schedules of Tariff Concessions ¹⁰	WT/L/1161	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2012 Changes into WTO Schedules of Tariff Concessions ¹¹	WT/L/1162	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2017 Changes into WTO Schedules of Tariff Concessions ¹²	WT/L/1163	20 December 2022	31 December 2023	-
Introduction of Harmonized System 2022 Changes into WTO Schedules of Tariff Concessions ¹³	WT/L/1164 , WT/L/1164/Add.1	20 December 2022	31 December 2023	-
Ministerial Decision on the TRIPS Agreement ¹⁴	WT/MIN(22)/30 WT/L/1141	17 June 2022	5 years from the date of this Decision	-
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	-

⁸ Applicable if so stipulated in the corresponding waiver Decision.

⁹ The Member which has requested to be covered under this waiver is: China.

¹⁰ The Members which have requested to be covered under this waiver are: Argentina; Brazil; China; Dominican Republic; European Union; and, Malaysia.

¹¹ The Members which have requested to be covered under this waiver are: Argentina; Australia; Brazil; China; Colombia; Costa Rica; Dominican Republic; Ecuador; European Union; Guatemala; India; Kazakhstan; Republic of Korea; Malaysia; Mexico; Philippines; Russian Federation; Singapore; Switzerland; Thailand; and, United States.

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

¹³ The Members which have requested to be covered under this waiver are: Australia; Canada; China; Colombia; Costa Rica; Dominican Republic; Ecuador; El Salvador; European Union; Guatemala; Hong Kong, China; India; Korea, Republic of; Macao, China; Norway; Paraguay; Philippines; Russian Federation; Switzerland; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Thailand; and, United States.

¹⁴ Adopted by Ministers at the Twelfth WTO Ministerial Conference on 17 June 2022.

WAIVER	DECISION	DATE OF ADOPTION OF DECISION	GRANTED UNTIL	REPORT IN 2023 ⁸
Previously granted – in force in 2023				
Kimberly Process Certification Scheme for Rough Diamonds ¹⁵	WT/L/1039	26 July 2018	31 December 2024	-
European Union – Application of Autonomous Preferential Treatment to the Western Balkans	WT/L/1114	28 July 2021	31 December 2026	WT/L/1169
Preferential Treatment to Services and Service Suppliers of Least-developed countries ¹⁶	WT/L/847	17 December 2011	15 years from the date of its adoption ¹⁷	-
Preferential Tariff Treatment for Least-Developed Countries	WT/L/1069	16 October 2019	30 June 2029	-
Cuba – Article XV:6	WT/L/1128	23 November 2021	31 December 2026	WT/L/1179
United States – African Growth and Opportunity Act	WT/L/970	30 November 2015	30 September 2025	WT/L/1173
United States – Caribbean Basin Economic Recovery Act	WT/L/1070	16 October 2019	30 September 2025	WT/L/1174
United States – Former Trust Territory of the Pacific Islands	WT/L/1000	7 December 2016	31 December 2026	WT/L/1175
United States – Trade Preferences granted to Nepal	WT/L/1001	7 December 2016	31 December 2025	WT/L/1176

¹⁵ 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.

¹⁶ 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 above and the decision in [WT/MIN\(13\)/43](#) – [WT/L/918](#).

¹⁷ At the Nairobi Ministerial Conference, Ministers decided to extend the waiver until 31 December 2030 ([WT/MIN\(15\)/48](#) – [WT/L/982](#)) – see also above.

WAIVER	DECISION	DATE OF ADOPTION OF DECISION	GRANTED UNTIL	REPORT IN 2023 ⁸
Previously granted – in force in 2023				
Implementation of Preferential Treatment in favour of Services and Service Suppliers of LDCs and Increasing LDC Participation in Services Trade ¹⁸	WT/L/982 WT/MIN(15)/48	19 December 2015	31 December 2030 ¹⁹	-
Canada - CARIBCAN ²⁰	WT/L/958	28 July 2015	31 December 2023	WT/L/1146
Operationalization of the Waiver concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries ²¹	WT/MIN(13)/43 WT/L/918	7 December 2013	-	-
Implementation of Para. 6 of the Doha Declaration on the TRIPS Agreement and Public Health ²²	WT/L/540 and WT/L/540/Corr.1	30 August 2003	See WT/L/540 and WT/L/540/Corr.1	IP/C/97

¹⁸ 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 below.

¹⁹ 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 below.

²⁰ For the Decision on CARIBCAN, adopted on 9 May 2023, see page 2.

²¹ 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.

²² 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.