



21 December 2015

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**Ministerial Conference  
Tenth Session  
Nairobi, 15-18 December 2015**

## **ACCESSION OF THE ISLAMIC REPUBLIC OF AFGHANISTAN**

### **MINISTERIAL DECISION OF 17 DECEMBER 2015**

The Ministerial Conference,

*Having regard to* paragraph 2 of Article XII and paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), and the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93),

*Taking note of* the application of the Islamic Republic of Afghanistan for accession to the WTO Agreement dated 15 April 2003,

*Noting* the results of the negotiations directed toward the establishment of the terms of accession of the Islamic Republic of Afghanistan to the WTO Agreement and having prepared a Protocol on the Accession of the Islamic Republic of Afghanistan,

*Decides* as follows:

1. The Islamic Republic of Afghanistan may accede to the WTO Agreement on the terms and conditions set out in the Protocol annexed to this Decision.

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## PROTOCOL ON THE ACCESSION OF THE ISLAMIC REPUBLIC OF AFGHANISTAN

### Preamble

The World Trade Organization (hereinafter referred to as the "WTO"), pursuant to the approval of the Ministerial Conference of the WTO accorded under Article XII of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the "WTO Agreement"), and the Islamic Republic of Afghanistan,

*Taking note of* the Report of the Working Party on the Accession of the Islamic Republic of Afghanistan to the WTO Agreement reproduced in document WT/ACC/AFG/36, dated 13 November 2015 (hereinafter referred to as the "Working Party Report"),

*Having regard to* the results of the negotiations on the accession of the Islamic Republic of Afghanistan to the "WTO Agreement",

*Agree* as follows:

### PART I - GENERAL

1. Upon entry into force of this Protocol pursuant to paragraph 8, the Islamic Republic of Afghanistan accedes to the WTO Agreement pursuant to Article XII of that Agreement and thereby becomes a Member of the WTO.

2. The WTO Agreement to which the Islamic Republic of Afghanistan accedes shall be the WTO Agreement, including the Explanatory Notes to that Agreement, as rectified, amended or otherwise modified by such legal instruments as may have entered into force before the date of entry into force of this Protocol. This Protocol, which shall include the commitments referred to in paragraph 301 of the Working Party Report, shall be an integral part of the WTO Agreement.

3. Except as otherwise provided for in paragraph 301 of the Working Party Report, those obligations in the Multilateral Trade Agreements annexed to the WTO Agreement that are to be implemented over a period of time starting with the entry into force of that Agreement shall be implemented by the Islamic Republic of Afghanistan as if it had accepted that Agreement on the date of its entry into force.

4. The Islamic Republic of Afghanistan may maintain a measure inconsistent with paragraph 1 of Article II of the General Agreement on Trade in Services (hereinafter referred to as "GATS") provided that such a measure was recorded in the list of Article II Exemptions annexed to this Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions.

### PART II - SCHEDULES

5. The Schedules reproduced in the Annex to this Protocol shall become the Schedule of Concessions and Commitments annexed to the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "GATT 1994") and the Schedule of Specific Commitments annexed to the GATS relating to the Islamic Republic of Afghanistan. The staging of the concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.

6. For the purpose of the reference in paragraph 6(a) of Article II of the GATT 1994 to the date of that Agreement, the applicable date in respect of the Schedules of Concessions and Commitments annexed to this Protocol shall be the date of entry into force of this Protocol.

### PART III - FINAL PROVISIONS

7. This Protocol shall be open for acceptance, by signature or otherwise, by the Islamic Republic of Afghanistan until 30 June 2016.

8. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been accepted by the Islamic Republic of Afghanistan.

9. This Protocol shall be deposited with the Director-General of the WTO. The Director-General of the WTO shall promptly furnish a certified copy of this Protocol and a notification of acceptance by the Islamic Republic of Afghanistan thereto pursuant to paragraph 7 to each Member of the WTO and to the Islamic Republic of Afghanistan.

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

Done at Nairobi, Kenya, this seventeenth day of December two thousand and fifteen, in a single copy in the English, French and Spanish languages, each text being authentic, except that a Schedule annexed hereto may specify that it is authentic in only one of these languages, and the Working Party Report is authentic in English only.

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**ANNEX**

**SCHEDULE CLXX - THE ISLAMIC REPUBLIC OF AFGHANISTAN**

Authentic only in the English language.

(Circulated in document WT/ACC/AFG/36/Add.1)

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**SCHEDULE OF SPECIFIC COMMITMENTS ON SERVICES**

**LIST OF ARTICLE II EXEMPTIONS**

Authentic only in the English language.

(Circulated in document WT/ACC/AFG/36/Add.2)

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