MALAYSIA - ESTABLISHMENT OF A NEW SCHEDULE XXXIX

Extension of Time-Limit

The following communication dated 27 November 1990 has been received from the Permanent Mission of Malaysia with the request that it be circulated to the contracting parties and considered by the CONTRACTING PARTIES at their forty-sixth session.

I have the honour to refer to the Decision taken by the Council of Representatives on 16 July 1990 as contained in document L/6706 to suspend the application of the provision of Article II of the General Agreement in regard to the new Schedule XXXIX of Malaysia until 31 December 1990 to allow for the renegotiations as a result of the transposition to the Harmonized System (HS) in accordance with the procedures outlined in Article XXVIII of the General Agreement.

The HS documents were circulated to all contracting parties on 2 February 1989, and as a consequence a number of requests for consultations and negotiations have been made.

The competent Government authority is preparing a revision of the documents following such consultations. To allow Malaysia the necessary period of time to finalize these documents, the Government of Malaysia hereby requests a temporary extension of the exemption from its obligations under Article II of the General Agreement until 30 June 1991.

To facilitate consideration of this matter, the text of a draft decision is annexed.

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90-1712
ANNEX

MALAYSIA - ESTABLISHMENT OF A NEW SCHEDULE XXXIX

Draft Decision on Extension of Time-Limit

Considering that the CONTRACTING PARTIES, by Decision of 3 December 1987\(^1\), suspended the application of the provisions of Article II of the General Agreement to the extent necessary to enable the Government of Malaysia to implement the Harmonized Commodity Description and Coding System (Harmonized System) on 1 January 1988 and carry out negotiations subsequently;

Considering that, by subsequent decisions, the CONTRACTING PARTIES extended the time-limit for the completion of the negotiations or consultations to be conducted by the Government of Malaysia until 31 December 1990\(^2\);

Considering that the required Harmonized System documentation has been circulated with documents SECRET/HS/23 and Corr.1 and that, as a consequence, a number of requests for consultations and negotiations have been made to the Government of Malaysia;

Noting that the Government of Malaysia is preparing a revision of the HS documentation;

Recognizing that, in view of the time constraint, it will not be possible for the Government of Malaysia to conclude the necessary consultations and negotiations under Article XXVIII before 31 December 1990;

Considering that the Government of Malaysia has requested an extension of the waiver until 30 June 1991;

The CONTRACTING PARTIES, acting pursuant to the provisions of Article XXV:5 of the General Agreement,

Decide, in view of the exceptional circumstances, to extend the time-limit, provided for in the Decision of 3 December 1987, until 30 June 1991.

\(^1\)BISD 34S/30
\(^2\)L/6706