

EVALUATING WTO ACCESSIONS:
LEGAL AND ECONOMIC PERSPECTIVES

By

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EVALUATING WTO ACCESSION

The Principal Legal Obligations of Accession to the World Trade Organization

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Detailed Analyses of the Accessions of Bulgaria, Ecuador and Jordan

&

A Comparative Analysis of the Accessions of Bulgaria, Ecuador and Jordan
and the Commitments Undertaken by Angola during the Uruguay Round.

by

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ABSTRACT

This paper, which is primarily legal in nature, provides (I) an outline of the principal legal obligations of accession, (II) detailed analyses of the accessions of Bulgaria, Ecuador and Jordan and (III) a comparative analysis of these (three) accessions and the experiences of Angola, which joined the WTO as an original Member at the end of the Uruguay Round.

The aim of this paper, which is part of a broader multi-disciplinary study, is to describe the nature of WTO accession and to show trends in the WTO accessions process - so that better practices can be identified and improved procedures can be formulated which might better complement WTO entry.

Subject descriptors: WTO, accession, Angola, Bulgaria, Ecuador, Jordan

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All information correct as of December 2004.

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ABBREVIATIONS & DESCRIPTIONS

AMS	Aggregate Measure of Support
Applicant	State or customs territory in the process of accession to the WTO
BTA	Bilateral Trade Agreement
CCS	Caribbean Community Secretariat
CEFTA	Central European Free Trade Agreement
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
EC	European Community/European Communities
EFTA	European Free Trade Association
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
ESCWA	United Nations Economic and Social Commission for Western Asia
EU	European Union
FTA	Free Trade Agreement
FYR	Former Yugoslav Republic
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
GC	General Council
GDP	Gross Domestic Product
GPA	Agreement on Government Procurement
GSP	Generalised System of Preferences
H.E.	His/Her Excellency
HS	Harmonised (Commodity Description and Coding) System
IMF	International Monetary Fund
ITC	International Trade Centre
LDC	Least Developed Country
LDC III	Third United Nations Conference on Least-Developed Countries
Memorandum	Memorandum on the Foreign Trade Regime
Mercosur	Common market of the South (Mercado Común del Sur)
MFN	Most Favoured Nation
New Member	State or customs territory which has acceded to the WTO
NT	National Treatment
NTB	Non-Tariff Barrier

OECD	Organisation for Economic Co-operation and Development
PDR	People's Democratic Republic
ROO	Rules of Origin
SCM	(Agreement on) Subsidies and Countervailing Measures
SDT	Special and Differential Treatment
SPS	(Agreement on) Application of Sanitary and Phytosanitary Measures
TBT	(Agreement on) Technical Barriers to Trade
TRIMS	(Agreement on) Trade-Related Investment Measures
TRIPS	(Agreement on) Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
US	United States of America
WP	Working Party (on accession)
WPR	Working Party Report
WTO	World Trade Organization

EXECUTIVE SUMMARY

This paper, which is primarily legal in nature, provides (I) an outline of the principal legal obligations of accession, (II) detailed analyses of the accessions of Bulgaria, Ecuador and Jordan and (III) a comparative analysis of these (three) accessions and of the experiences of Angola, which joined the WTO as an original Member at the end of the Uruguay Round.

The objective of this analysis is to better understand the nature of the WTO accession process experienced by developing countries and the nature, type, and potential implications, of the commitments that these countries make when joining the WTO. The information contained in this paper is current up to December 2004.

To begin it is important to note that the rules that govern the accession process, which are predominantly entrenched in Article XII of the Marrakesh Agreement, provide scant legal criteria for accession to the WTO. New Members may join the organisation “on terms to be agreed.” Although supplementary obligations can also be found in the provisions of other agreements, decisions and documents, the scarcity of rules governing WTO accession is a remarkable omission for a self-proclaimed rules-based organisation.

In order to assist applicants, the WTO Secretariat (together with WTO Members) has drawn up a set of procedures for accession. However, these procedures are so onerous and so closely regimented that abiding by them is tantamount to an obligation in itself. Moreover, these procedures only provide applicants with a road map for WTO accession and do not help applicants anticipate what the terms of accession will be.

The following can be said about the new Members and applicants to the WTO:

1. Any state or customs territory possessing full autonomy in the conduct of its external commercial relations may accede to the WTO.
2. Since the establishment of the WTO, twenty new Members have acceded and another twenty-six are in the process of accession.
3. Most new Members and applicants come from the Former Soviet Union, the Former Yugoslav Republic and from the Middle East.
4. The applications of some states and customs territories are not accepted by existing WTO Members, often for non-trade-related reasons.

5. In contrast, the applications of some states and customs territories, whose capacity to enforce their own borders is in doubt, have been accepted by existing WTO Members and there is the perception that these applicants have “jumped the queue” over other applicants.
6. Almost all new Members applied to join the GATT during the Uruguay Round.
7. Most of the current applicants have applied to accede to the WTO since its establishment.
8. There is evidence to suggest that later joiners have experienced longer WTO accession processes. On average, the length of the WTO accession process for new Members is eight years.
9. The majority of new Members and applicants are developing countries.
10. Two LDCs have acceded to the WTO. Eight LDCs are in the process of accession, three are observers, and six have no status in the WTO.
11. Until 2001-2002, there was little attention given to the issue of LDC accession. In 2002 the General Council adopted non-binding guidelines for the treatment of applicants from LDCs.

There are several interesting findings concerning (I) the membership of accession Working Parties, (II) the length of time that Working Parties have taken to complete the business at hand and (III) the procedures governing their deliberations. These findings are:

1. There are standard terms of reference for Working Parties.
2. Europeans are most often chosen to chair Working Parties.
3. Most Working Parties have about twenty members (counting the European Communities as one member).
4. There is a core group of industrial country WTO Members that are members of every Working Party.
5. The participation of other WTO Members in a Working Party depends on how commercially significant the applicant is.
6. There is no evidence that the number of Working Party members is increasing over time.
7. However, there is evidence that the time taken by Working Parties to complete their work has been increasing over time.
8. There is an implication that the number of bilateral negotiating partners has not increased over time.

Multilateral negotiations in the Working Party start with a fact-finding stage and end with a final draft of the Working Party Report - which is then adopted by the Working Party, the General Council (or Ministerial Conference) and the applicant (in that order). The Working Party Report provides a summary of the deliberations of the Working Party and it also contains some specific terms of accession.

Very little is known about the bilateral negotiations on goods and services that take place between applicants and existing WTO Members. However, a brief analysis of the final goods and services Schedules of new Members reveals that:

1. Applicants end up with market access commitments in goods and services that suit the most demanding WTO Members.
2. There is a general trend for the percentage of individual tariff lines for goods that are bound to increase over time.
3. There is a general trend for the simple average bound tariff rate on goods to decrease over time.

With respect to the much-discussed subject of the specific terms of accession, this paper finds that:

1. Members make between 25 and 30 commitments in their Working Party Reports.
2. There is no evidence to suggest the number of these commitments made by new Members has been increasing over time.
3. It is extremely difficult to classify these commitments into so-called WTO-plus, WTO-minus, and other categories.
4. The classification of these commitments offered by the WTO Secretariat is fraught with difficulty and defies uncontroversial implementation.
5. Even so, generally and conservatively speaking, most of the specific commitments made are commitments to abide by existing WTO rules.

Much more work needs to be done to analyse the nature of the specific commitments made by new Members. Even though instances of WTO-plus and WTO-minus specific commitments can be clearly identified, until such work is undertaken it will be difficult to satisfactorily establish whether generally new WTO members are being asked to take on specific commitments that differ markedly from the obligations and rights of original WTO Members. Such work will be necessary so that applicants can form more accurate and

realistic expectations as to the price of joining the WTO, for dispute settlement cases, and for the scale and design of complementary state measures and technical assistance programmes.

Part II of this paper considers the accessions of Bulgaria, Ecuador and Jordan in detail. Particular attention is given to the initiation of the accession process; requests for waivers and exemptions; commitments provided in the Working Party Report; goods and services Schedules, transition periods; and timing.

The important finding of Part II is that there are no standard terms for accession to the WTO. Bulgaria (which acceded in 1996), Ecuador (1996) and Jordan (2000) may have followed strikingly similar processes, but exact terms of accession for each of these new Members is very different.

Part III of this paper provides a comparative analysis of the results of part II, and also includes information about Angola (an LDC), which became an “original” WTO Member in 1996. The inclusion of Angola in this analysis aims to show whether applicants have been asked to adopt commitments in excess of those made by a comparable WTO Member in the Uruguay Round.

The obvious (and expected) finding of Part III is that new Members take on a more commitments, deeper commitments and broader commitments than original Members. The other (unexpected) finding is that it is very difficult to gather information on original developing country Members, like Angola. This makes it very difficult for developing country applicants to specifically identify the commitments made by peer countries that are “original” Members of the WTO, with obvious implications for the manner in which such applicants prepare for accession negotiations and can evaluate the demands made of them.

In the light of these findings WTO Members, applicants to the WTO, providers and financiers of technical assistance programmes, and other interested parties may wish to dwell on the following matters:

1. Whether the current degree of legal definition of the WTO accession process is satisfactory given, not least, its implications for the degree of uncertainty faced by applicants, the ability of such applicants to usefully factor in the WTO accession process into their overall national development strategy, the capacity of such applicants to effectively explain the WTO accession process and its potential outcomes to national

stakeholders and members of civil society, and the ability to design and implement effective technical assistance programmes that help applicants to prepare for the WTO accession process.

2. Whether a presumption be established that an application for the WTO accession process to commence be rejected unless a pre-specified trade-related consideration is met.
3. Whether a presumption be established that the terms of accession for a developing country be approximately the same as either (I) peer states or customs territories that were contracting parties of the GATT or (II) peer states or customs territories that are new Members of the WTO.
4. Whether a presumption be established that the terms of accession for a LDC be approximately the same as either (I) peer LDCs that were contracting parties of the GATT or (II) peer LDCs that are new Members of the WTO.
5. Whether the current categorisation of specific commitments by the WTO Secretariat is adequate.
6. In the absence of any clarification of the nature of the specific commitments undertaken by new WTO Members, whether a presumption be established that the specific commitments contained in the Protocols of new WTO Members shall be interpreted in such a way that it implies the new Member has no less rights, or no more obligations, than an existing Member of the WTO at a similar stage of development.

INTRODUCTION

Research on WTO accession has almost exclusively focused on the important case of China (Table 1). Little is known about the accessions of the other nineteen states and customs territories that have joined the World Trade Organization (WTO) since it was established in 1995 and little is known about the commitments made by these new Members.

The general lack of knowledge about WTO accession is particularly unsatisfactory as twenty-six applicants are currently seeking to join the WTO¹, four observer governments must start the accession process in the near future² and another three governments have requested that working parties be established³ (Table 2).

The majority of these applicants, observers and aspirants are developing countries⁴. Many of them are strongly advised to join the WTO (by international financial institutions and alike)⁵. The current dearth of documented experience raises doubts about the case for opening markets and for using the WTO as a forum to structure national development efforts.

Eight applicants are least developed countries (LDCs). Three observers are LDCs and six more LDCs have yet to be associated with the WTO. These non-Member LDCs represent a third of all LDCs. Yet very little attention has been paid to the subject of LDC accession.

For these developing and least-developed countries, this paper provides (I) an outline of the principal legal obligations of accession, (II) detailed analyses of the accessions of Bulgaria, Ecuador and Jordan and (III) a comparative analysis of these (three) accessions and the experiences of Angola, which joined the WTO as an original Member at the end of the Uruguay Round.

¹ Vanuatu has completed the negotiations but no further action has been taken since the final meeting of the Working Party was held on 29 October 2001. The Working Party Report has not yet been adopted by the General Council.

² Observer governments must start accession negotiations within five years of becoming observers (Annex 2 of the Rules of Procedure in WT/L/161).

³ Requests for accession have been received from Iran (WT/ACC/IRN/1), Syria (WT/ACC/SYR/1 and WT/ACC/SYR/2) and Afghanistan (WT/ACC/AFG/1) but working parties have not yet been established to examine these requests. An application from Liberia for observer status (WT/L/357) was deferred by the General Council at its meeting in July 2000 (WT/GC/M/57).

⁴ There are no WTO definitions of “developed” or “developing” countries. Developing countries in the WTO are designated on the basis of self-selection.

The aim of this paper, which is part of a broader multi-disciplinary study, is to describe the nature of WTO accession and to show trends in the WTO accessions process - so that better practices can be identified and improved procedures can be formulated in the future – that might better complement WTO entry.

It is also hoped that the finding in this paper can be prove useful in the ongoing Doha Declaration negotiations. The November 2001 declaration of the Fourth Ministerial Conference in Doha, Qatar, provides the mandate for negotiations on a range of subjects, and other work including issues concerning the implementation of the present agreements. The implementation of Article XII of the Marrakesh Agreement – which relates to accession – is certainly an issue that needs to be addressed.

All information in this paper has been taken from public sources. All information is correct as of December 2004. Details of the accessions of Nepal and Cambodia, the first two LDCs to join the WTO, are included where possible.

⁵ Many acceding governments have also stressed that accession encourages economic reform and accelerates economic development. See WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

Table 1: Research on WTO accessions as of December 2004

Economy	Date of accession	Search							
		1	2	3	4	5	6	7	8
Albania	8 September 2000	0	0	0	0	0	0	0	0
Armenia	5 February 2003	0	0	0	0	0	0	0	0
Bulgaria	1 December 1996	0	0	0	0	0	0	0	1
Cambodia	13 October 2004	0	0	0	0	0	0	0	0
China	11 December 2001	29*	0	11	6	1	1	2	0
Croatia	30 November 2000	0	0	0	0	0	0	0	0
Ecuador	21 January 1996	0	0	0	0	0	0	0	0
Estonia	13 November 1999	0	0	0	0	0	0	0	0
Georgia	14 June 2000	0	0	0	0	0	0	0	0
Jordan	11 April 2000	0	0	0	0	0	0	0	0
Kyrgyz Republic	20 December 1998	0	0	0	0	0	0	0	0
Latvia	10 February 1999	0	0	0	0	0	0	0	0
Lithuania	31 May 2001	0	0	0	0	0	0	0	0
FYR Macedonia	4 April 2003	0	0	0	0	0	0	0	0
Moldova	26 July 2001	0	0	0	0	0	0	0	0
Mongolia	29 January 1997	0	0	0	0	0	0	0	0
Nepal	23 April 2004	0	0	0	0	0	0	0	0
Oman	9 November 2000	0	0	0	0	0	0	0	0
Panama	6 September 1997	0	0	0	0	0	0	0	0
Chinese Taipei	1 January 2002	3*	0	0	0	0	0	0	0
General research on accession		8	0	9	0	1	6	4	0
Research on current applicants		0	0	0	1	0	0	0	0
Research on Russia		6	1	1	0	0	0	0	0
Total number of "hits"		45	1	21	7	2	7	6	1

Search 1	SSRN (Social Science Research Network) at www.ssrn.com . Search for "WTO accession". A * denotes that one paper relates jointly to China and Chinese Taipei.
Search 2	World Bank Publications at www.econ.worldbank.org/ . Search for "WTO accession".
Search 3	Harvard University's Global Trade Negotiations at www.cid.harvard.edu/cidtrade/issues/accessionspaper.html . Search for "accessions papers". 4 of the 9 general relate to the accession of transition economies.
Search 4	OUP's Journal of International Economic Law at http://www3.oup.co.uk/jielaw/ . Search for "WTO accession". The paper on current applicants relates specifically to the accession of Sudan.
Search 5	Journal of World Trade at www.kluweronline.com . Search for "WTO accession".
Search 6	UNCTAD publications at www.unctad.org . Search for "WTO accession". One general paper relates more generally to the Doha Round.
Search 7	OECD's publications at www.oecd.org . Search for "WTO accession". One general publication relates to transition economies, another to South East European countries.
Search 8	Trade Policy Reviews undertaken by the WTO Secretariat at www.wto.org .

Notes to Table 1:

1. FYR Macedonia is the abbreviation for the full title of the Former Yugoslav Republic of Macedonia.
2. Chinese Taipei is the abbreviation for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
3. All searches undertaken on 1st December 2004.

PART I – PRINCIPAL LEGAL OBLIGATIONS

Introduction

Most WTO Members were also contracting parties of the old GATT system. They automatically became founder-Members of the WTO when it was established on 1st January 1995 because they signed the Uruguay Round agreement in Marrakesh in April 1994 (or because they joined the GATT after April 1994 but before the WTO was set up)⁶. These Members are referred to as “original” WTO Members. A complete list of all 128 original Members is shown in Table 2.

The Marrakesh Agreement, which formally established the WTO, permits “new” Members to join the organisation. These provisions are found in Article XII of the Marrakesh Agreement which states that accession to the WTO will be “on terms to be agreed” between the applicant and the WTO.

No guidance is given in the Marrakesh Agreement on the “terms to be agreed”. Nor is there any guidance on the procedures to be used for negotiating these terms. As a result, the WTO Secretariat, in consultation with WTO Members, has drawn up a set of procedures for accession which are closely modelled on those followed by contracting parties to the GATT (Article XXXIII of GATT 1947), other relevant provisions of the WTO Agreements (listed in Table 3 below) and other decisions and documents (listed in Table 4 below).

In brief, these procedures (set out chronologically in Table 5) require that an applicant must send a communication to the Director-General of the WTO indicating its desire to accede to the WTO under Article XII. This communication is then circulated to all WTO Members and a decision is taken whether to approve the establishment of a Working Party. Once a Working Party has been established and a Chairperson has been appointed, the applicant submits a Memorandum on its foreign trade regime. The Working Party meets to examine the Memorandum and the applicant provides further information and answers. A Working Party Report is prepared. At the same time, bilateral negotiations are undertaken on concessions and commitments on market access for goods and services (as well as other specific terms of accession). Goods and services schedules are prepared. Thereafter, a draft Decision and a draft Protocol of Accession (containing commitments listed in the Working Party Report and

the goods and services schedules) are compiled. The Working Party, the General Council or the Ministerial Conference, and then the applicant formally accept this accession package. The applicant notifies the WTO Secretariat of its formal acceptance, and thirty days later the applicant becomes a Member of the WTO.

During the consultations between the Members and the Secretariat on these procedures, an understanding was reached between the Members that these procedures would remain a practical guide for applicants, and would not be submitted to the Ministerial Conference/General Council for formalisation into conditions of entry⁷.

This scarcity of rules governing accession is a remarkable omission for a self-proclaimed rules-based organisation.

As a result, the accession process is a negotiation in which applicants should have no expectations. There is nothing in the WTO Agreements that entitles new Members to comparable terms. In fact, new Members are expected to make individual agreements and to “demonstrate their willingness to comply fully”⁸.

Willingness has been assessed against what is “commercially viable”, “meaningful in trade terms”, “meaningful”, “fair” or “appropriate to the level of economic development of the applicant”⁹. The Singapore¹⁰ and Geneva¹¹ Ministerial Declarations also called for applicants to provide “meaningful market access commitments”.

Such expectations suggest that the accession process is less about equal sided negotiation and more about new Members fulfilling existing WTO Members needs and interests.

⁶ 128 of the current 148 Members are classed as “original” Members by the WTO.

⁷ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1. Also, WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

⁸ WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

⁹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

¹⁰ WTO, Singapore Ministerial Declaration of 9-13th December 1996, 18th December 1996. Document number WT/MIN(96)/DEC, paragraph 8.

¹¹ WTO, Geneva Ministerial Declaration of 18th and 20th May 1998, 25th May 1998. Document number WT/MIN(98)/DEC, paragraph 7.

Some Members believe that applicants should make more stringent commitments than existing Members (“WTO-plus obligations”) and that they should not be afforded the same rights as existing Members (“WTO-minus rights”). Other Members feel that this is an abuse of power – especially when applied to small island developing countries and LDCs which many Members believe should automatically be accorded leniency and special and differential treatment¹².

Given the nature of the accessions process - and decision making more generally in the WTO which requires the consensus of WTO Members - applicants end up by committing to a package that suits every Member including the most demanding Members.

This part of the paper is a reminder of the principal legal obligations of accession to the WTO, as found in Article XII of the Marrakesh Agreement and as supplemented and elucidated by other relevant provisions, decisions and documents. Particular attention is given to statements and decisions made by WTO Members concerning both procedural and substantive obligations. Where relevant, factual accounts are given of how these obligations have been interpreted and implemented.

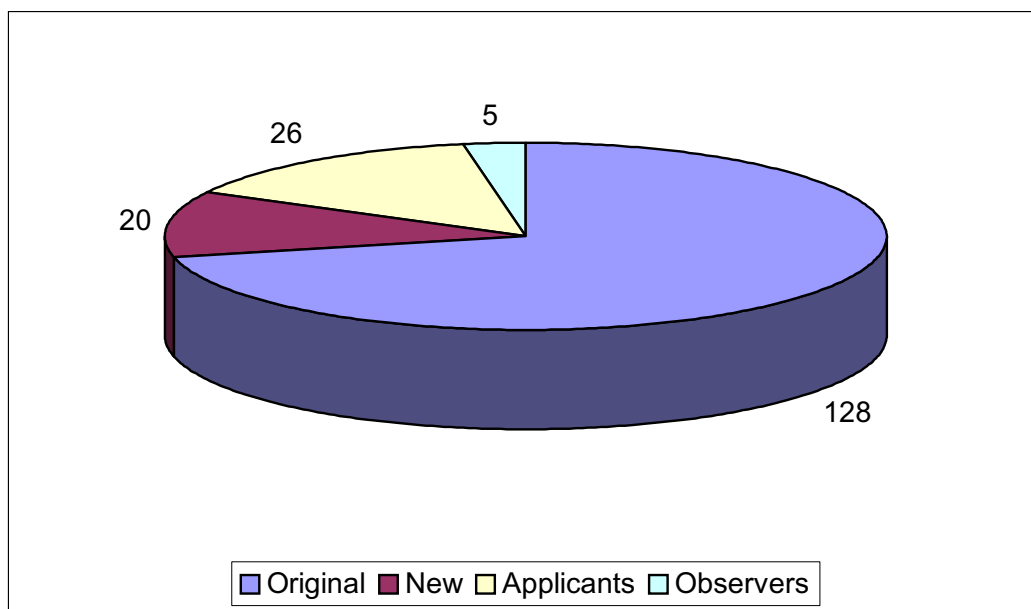
It is hoped that the analysis and the examples shown here can be used effectively by applicants in their accession negotiations.

¹² WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

Table 2: Members, applicants and observer governments as of December 2004

Original Members A-I	Original Members I-S	Original Members S-Z
Angola	India	Suriname
Antigua and Barbuda	Indonesia	Swaziland
Argentina	Ireland	Sweden
Australia	Israel	Switzerland
Austria	Italy	Tanzania
Bahrain, Kingdom of	Jamaica	Thailand
Bangladesh	Japan	Togo
Barbados	Kenya	Trinidad and Tobago
Belgium	Korea, Republic of	Tunisia
Belize	Kuwait	Turkey
Benin	Lesotho	Uganda
Bolivia	Liechtenstein	United Arab Emirates
Botswana	Luxembourg	United Kingdom
Brazil	Macao, China	United States of America
Brunei Darussalam	Madagascar	Uruguay
Burkina Faso	Malawi	Venezuela
Burundi	Malaysia	Zambia
Cameroon	Maldives	Zimbabwe
Canada	Mali	
Central African Republic	Malta	
Chad	Mauritania	
Chile	Mauritius	
Colombia	Mexico	
Congo	Morocco	
Costa Rica	Mozambique	
Côte d'Ivoire	Myanmar	
Cuba	Namibia	
Cyprus	Netherlands	
Czech Republic	New Zealand	
Democratic Republic of the Congo	Nicaragua	
Denmark	Niger	
Djibouti	Nigeria	
Dominica	Norway	
Dominican Republic	Pakistan	
Egypt	Papua New Guinea	
El Salvador	Paraguay	
European Communities	Peru	
Fiji	Philippines	
Finland	Poland	
France	Portugal	
Gabon	Qatar	
The Gambia	Romania	
Germany	Rwanda	
Ghana	Saint Kitts and Nevis	
Greece	Saint Lucia	
Grenada	Saint Vincent & the Grenadines	
Guatemala	Senegal	
Guinea	Sierra Leone	
Guinea Bissau	Singapore	
Guyana	Slovak Republic	
Haiti	Slovenia	
Honduras	Solomon Islands	
Hong Kong, China	South Africa	
Hungary	Spain	
Iceland	Sri Lanka	Total 128

New Members	Applicants	Observers
Albania	Algeria	Afghanistan
Armenia	Andorra	Equatorial Guinea
Bulgaria	Azerbaijan	Holy See (Vatican)
Cambodia	Bahamas	Iraq
China	Belarus	Sao Tome and Principe
Croatia	Bhutan	
Ecuador	Bosnia and Herzegovina	
Estonia	Cape Verde	
Georgia	Ethiopia	
Jordan	Kazakhstan	
Kyrgyz Republic	Lao People's Democratic Republic	
Latvia	Lebanese Republic	
Lithuania	Libyan Arab Jamahiriya	
Former Yugoslav Republic of Macedonia	Russian Federation	
Moldova	Samoa	
Mongolia	Saudi Arabia	
Nepal	Serbia and Montenegro	
Oman	Seychelles	
Panama	Sudan	
Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu	Tajikistan	
	Tonga	
	Ukraine	
	Uzbekistan	
	Vanuatu	
	Vietnam	
	Yemen	
Total 20	Total 26	Total 5



Notes to Table 2:

1. New Members acceded under Article XII of the Marrakesh Agreement.
2. Information taken from the WTO at www.wto.org on 1st December 2004.

Table 3: Articles of the Marrakesh Agreement relevant to WTO accession

Article number	Article text
Article IV.2	“In the intervals between meetings of the Ministerial Conference, its functions shall be conducted by the General Council.”
Article IX	Deals with decision-making.
Article XI	Deals with original membership.
Article XII.1	“Any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement and the Multilateral Trade Agreements may accede to this Agreement, on terms to be agreed between it and the WTO. Such accession shall apply to this Agreement and the Multilateral Trade Agreements annexed thereto.”
Article XII.2	“Decisions on accession shall be taken by the Ministerial Conference. The Ministerial Conference shall approve the agreement on the terms of accession by a two-thirds majority of the Members of the WTO.”
Article XII.3	“Accession to a Plurilateral Trade Agreement shall be governed by the provisions of that Agreement.”
Article XIII.1	“This Agreement and the Multilateral Trade Agreements in Annexes 1 and 2 shall not apply as between any Member and any other Member if either of the Members, at the time either becomes a Member, does not consent to such application.”
Article XIII.3	“Paragraph 1 shall apply between a Member and another Member which has acceded under Article XII only if the Member not consenting to the application has so notified the Ministerial Conference before the approval of the agreement on the terms of accession by the Ministerial Conference.”
Article XVI.1	“Except as otherwise provided under this Agreement or the Multilateral Trade Agreements, the WTO shall be guided by the decisions, procedures and customary practices followed by the CONTRACTING PARTIES to GATT 1947 and the bodies established in the framework of GATT 1947.”

Notes to Table 3:
Source WTO.

Table 4: Other decisions and documents relevant to WTO accession

Source	Relevance
General Council Decision (WT/GC/M/8)	On 15 th November 1995, the General Council clarified the relationship between Articles IX and XII of the Marrakesh Agreement regarding decision-making.
GATT 1947 Council Decision (L/3713)	On 27 th October 1993, the GATT 1947 Council agreed upon accession procedures including Complementary Procedures on Accession Negotiations.
GATT 1947 Council Chairman Statement (C/COM/4)	On 10 th November 1993, the Chairman of the GATT Council made a statement concerning the Management of Accessions Negotiations.
WT/ACC/1	Accession to the World Trade Organization: Procedures for Negotiations Under Article XII.
WT/ACC/4	Accession to the World Trade Organization: Information to be Provided on Domestic Support and Export Subsidies.
WT/ACC/5	Accession to the World Trade Organization: Information to be Provided on Policy Measures Affecting Trade in Services.
WT/ACC/7 & Rev.1-2	Technical Note on the Accession Process (now superseded by WT/ACC/10 and WT/ACC/11).
WT/ACC/8	Technical Note on the Accession Process: Checklist of SPS and TBT Illustrative Issues for Consideration in Accessions.
WT/ACC/9 and Corr.1	Technical Note on the Accessions Process: Implementation of the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS).
WT/COMTD/LDC/12	Draft Decision on Accession of Least-Developed Countries.
WT/L/508	Decision on Accession of LDCs.
WT/GC/W/100	Accession to the WTO; State of Play; Note by the Secretariat.
WT/GC/W/153	Preparations for the 1999 Ministerial Conference; Accessions to the WTO; Communication from the European Communities.
WT/GC/W/212	Accession to the WTO; Process and Procedures; Statement by H.E. Mr. Renato Ruggiero to the General Council.
WT/GC/W/251	The Challenge of Integrating LDCs into the Multilateral Trading System; Coordinating Workshop for Senior Advisers to Ministers of Trade in LDCs in Preparation for the Third WTO Ministerial Conference; Sun City, South Africa, 21-25 June 1999.
WT/GC/W/378	Preparations for the 1999 Ministerial Conference; Accession of LDCs.
WT/GC/M/32	General Council Minutes, December 1998.
WT/GC/M/40/Add.3	General Council Minutes, July 1999.
WT/GC/M/55	General Council Minutes, May 2000.
WT/LDC/SWG/IF/11Rev.2 and Corr.1	Status of Least-Developed Countries' Accession to the World Trade Organization.
WT/MIN(96)DEC	Singapore Ministerial Declaration.
WT/MIN(98)DEC/1	Geneva Ministerial Declaration.
WT/MIN(01)DEC/1	Doha Ministerial Declaration.

Notes to Table 4:

WTO documents WT/GC/M/8, L/3713, C/COM/4 and WT/ACC/1, 4, 5, 9.

Table 5: Accession procedures in chronological order

Step	Procedure	
1.	The applicant sends a communication to the Director-General of the WTO indicating its desire to accede to the WTO under Article XII.	
2.	The communication is circulated to all WTO Members.	
3.	A Working Party is established and a Chairperson is appointed.	
4.	The WTO Secretariat informs applicant about procedures to be followed.	
5.	The applicant submits a Memorandum on its foreign trade regime for circulation to all WTO Members.	
6.	The WTO Secretariat checks the consistency of the Memorandum with the outline format (Annex I) and informs the applicant and the members of the Working Party of its views.	
7.	Working Party members submit questions on the Memorandum and the applicant answers. (Repeat 7 if necessary.)	
8.	The Working Party meets.	
9.	Working Party members submit and the applicant answers more questions on the Memorandum.	Bilateral negotiations between the applicant and interested Working Party members on concessions and commitments on market access for goods and services (as well as on the other specific terms of accession) are undertaken.
10.	The Working Party meets again.	
11.	Repeat steps 9 and 10 above, until 12.	
12.	The examination of the Memorandum is complete.	
13.	Terms and conditions (including commitments to observe WTO rules and disciplines upon accession and transitional periods required to make any legislative or structural changes where necessary to implement these commitments) are agreed.	Concessions and commitments on market access for goods and services (as well as on the other specific terms of accession) are agreed.
14.	A Working Party Report is prepared.	The Schedule of Concessions and Commitments to GATT 1994 and the Schedule of Specific Commitments to the GATS is prepared.
15.	A draft Decision and a draft Protocol of Accession (containing commitments listed in the Working Party Report and the Schedule of Concessions and Commitments to GATT 1994 and the Schedule of Specific Commitments to the GATS) is prepared.	
16.	The Working Party adopts the "accession package".	
17.	The General Council/Ministerial Conference approves the "accession package".	
18.	The applicant formally accepts the "accession package".	
19.	The applicant notifies the WTO Secretariat of its formal acceptance.	
20.	30 days after step 19 (above), the applicant becomes a Member of the WTO.	

Notes to Table 5:

List of procedures taken from WTO documents WT/ACC/1, 4, 5, 9, 10 and 11.

Applicants

Who can become a Member of the WTO is defined in Article XII.1 of the Marrakesh Agreement: “Any state or customs territory possessing full autonomy in the conduct of its external commercial relations and to the other matters provided for in this Agreement...may accede to this Agreement, on the terms to be agreed between it and the WTO”.

128 of the current 148 Members of the WTO were contracting parties of the old GATT system. They automatically became founder-Members of the WTO when it was established on 1st January 1995 because they signed the Uruguay Round agreement in Marrakesh in April 1994 (or because they joined the GATT after April 1994 but before the WTO was set up). These “original” Members did not need to accede to the WTO under Article XII.1 of the Marrakesh Agreement¹³.

Since 1st January 1995, twenty “new” Members have acceded to the WTO under Article XII of the Marrakesh Agreement and another twenty-six are in the process of accession¹⁴. A quick glance at the list of new Members (Table 6) and current applicants (Table 7) provides some interesting results.

Seven of the twenty new Members are former Soviet Republics¹⁵. Two more were allied with the Soviet Union under the Warsaw Pact¹⁶ and many others were or had been under communist rule. Slovakia and the Czech Republic did not accede to the WTO as both joined the GATT, during the Uruguay Round, in April 1993.

The break-up of the Socialist Federal Republic of Yugoslavia created more Members for the WTO. Although Slovenia managed to join the GATT at the end of the Uruguay Round¹⁷, Croatia¹⁸ and the Former Yugoslav Republic of Macedonia¹⁹ acceded to the WTO. The

¹³ Article XI of the Marrakesh Agreement Establishing the WTO.

¹⁴ Vanuatu has completed the negotiations but no further action has been taken since the final meeting of the Working Party was held on 29 October 2001. The Working Party Report has not yet been adopted by the General Council.

¹⁵ Armenia, Estonia, Georgia, Kyrgyz Republic, Latvia, Lithuania and Moldova.

¹⁶ Albania and Bulgaria.

¹⁷ Slovenia joined the GATT in October 1994.

¹⁸ Croatia acceded to the WTO on 30th November 2000.

¹⁹ The Former Yugoslav Republic of Macedonia acceded to the WTO on 4th April 2003.

remaining two former Yugoslav Republics, Bosnia and Herzegovina²⁰ and Serbia and Montenegro²¹, are in the process of accession to the WTO.

The current list of applicants²² includes seven former Soviet Republics²³, two former Yugoslav Republics and many countries from the Arab world. Eight of the current applicants are LDCs, but the list also includes two high-income economies. Compared with the group of new Members, these current applicants are both richer and poorer.

Almost all new Members applied to join the GATT during the Uruguay Round (1986-1994), and their GATT working parties were transformed into WTO working parties²⁴. Some of the current applicants also applied to join the GATT during the Uruguay Round and have had their working parties transformed into WTO working parties²⁵. However, most of the current applicants have applied to accede to the WTO since its establishment in 1995.

Interestingly, and as an aside, there has been very little discussion in the WTO over the definition of “state or customs territory possessing full autonomy in the conduct of its external commercial relations and to the other matters provided for in this Agreement”.

Three original Members (Hong Kong, China; Macau, China; and the European Communities) were recognised as separate customs territories. Chinese Taipei is the only “customs territory” to have acceded to the WTO and no other customs territory is currently seeking membership.

In 1992, the GATT Council agreed that “the representation of Chinese Taipei in GATT would be along the same lines as that of Hong Kong and Macau which both entered the GATT under Article 26, Section 5c, of the GATT”. This article dealt with the separate membership of colonies or dependencies that are autonomous in their commercial relations.

²⁰ Bosnia and Herzegovina's Working Party was established on 15 July 1999.

²¹ Serbia and Montenegro submitted a request for Accession in January 2001. A Working Party was established at the General Council on 8 February 2001.

²² The term applicant is used here to describe a government that has observer status within the WTO and has a Working Party established. The term observer is used in the narrow sense and applies to government observers without working parties.

²³ Azerbaijan, Belarus, Kazakhstan, Russian Federation, Tajikistan, Ukraine and Uzbekistan.

²⁴ All with the exception of Georgia, Kyrgyz Republic, Nepal and Oman.

²⁵ Algeria, Belarus, the Russian Federation, Saudi Arabia and Ukraine.

Later, Chinese Taipei successfully applied for entry into the GATT under Article 33 of GATT. This article dealt with the membership of sovereign states.

After the establishment of the WTO, GATT working parties were transformed into a WTO Working Parties. Chinese Taipei claimed that, as it was accepted through Article 33 of GATT, it should be recognised as a sovereign state. No position was formally taken within the WTO on this issue.

However, in February 2003, the Director-General of the WTO, Supachai Panitchpakdi, requested:

1. that the title of Chinese Taipei's mission be changed to "office", which is the title used by Hong Kong and Macau;
2. that members of Chinese Taipei's mission refrain from using the customary diplomatic titles and ranks; and
3. that Chinese Taipei refrain from using any words in WTO-related documents such as the country's name or references to its central government that imply that Chinese Taipei is a sovereign country.

Table 6: New Members as of December 2004

	New Member	Date a Working Party was established	Date of membership	Income classification	Share of international trade (%)	LDC	GNI per capita
1.	Albania	December 1992	September 2000	Middle-income	0.015	-	1,740
2.	Armenia	December 1993	February 2003	Middle-income	-	-	950
3.	Bulgaria	February 1990	December 1996	Middle-income	0.094	-	2,130
4.	Cambodia	December 1994	October 2004	Low-income	-	LDC	310
5.	China	March 1987	December 2001	Middle-income	3.155	-	1,100
6.	Croatia	October 1993	November 2000	Middle-income	0.133	-	5,350
7.	Ecuador	October 1992	January 1996	Middle-income	0.077	-	1,790
8.	Estonia	March 1994	November 1999	Middle-income	0.064	-	4,960
9.	Georgia	July 1996	June 2000	Low-income	0.015	-	830
10.	Jordan	January 1994	April 2000	Middle-income	0.061	-	1,850
11.	Kyrgyz Republic	April 1996	December 1998	Low-income	0.015	-	330
12.	Latvia	December 1993	February 1999	Middle-income	0.049	-	4,070
13.	Lithuania	February 1994	May 2001	Middle-income	0.076	-	4,490
14.	FYR Macedonia	March 1994	April 2003	Middle-income	-	-	1,980
15.	Moldova	December 1993	July 2001	Low-income	0.015	-	590
16.	Mongolia	October 1991	January 1997	Low-income	0.015	-	480
17.	Nepal	June 1999	April 2004	Low-income	-	LDC	240
18.	Oman	June 1996	November 2000	Middle-income	0.105	-	7,830
19.	Panama	October 1991	September 1997	Middle-income	0.114	-	4,250
20.	Chinese Taipei	September 1992	January 2002	-	2.031	-	-

Notes to Table 6:

1. GNI per capita data taken from the *World Development Indicators on-line on 18th December 2004*. Data is from 2003.
2. The dates of membership, and the dates the working parties were established, were taken from the WTO.
3. Classifications of income are taken from the World Bank's list of country groups as of December 1st 2004.
4. The shares of international trade figures are taken from the WTO in 2002 and are based on trade in goods, services and intellectual property rights for the last three years for which data is available. There is a de minimis figure of 0.015%.
5. LDC is an abbreviation for least-developed country.
6. FYR Macedonia is an abbreviation for the full title of the Former Yugoslav Republic of Macedonia.
7. Chinese Taipei is an abbreviation for the full title of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
8. Information correct as of December 2004.

Table 7: Applicants as of December 2004

	Current applicant	Date a Working Party was established	Income classification	LDC	GNI per capita
1.	Algeria	June 1987	Middle-income	-	1,890
2.	Andorra	October 1997	High-income	-	-
3.	Azerbaijan	July 1997	Low-income	-	810
4.	Bahamas	July 2001	High-income	-	15,110
5.	Belarus	October 1993	Middle-income	-	1,590
6.	Bhutan	October 1999	Low-income	LDC	660
7.	Bosnia and Herzegovina	July 1999	Middle-income	-	1,540
8.	Cape Verde	July 2000	Middle-income	LDC	1,490
9.	Ethiopia	February 2003	Low-income	LDC	90
10.	Kazakhstan	February 1996	Middle-income	-	1,780
11.	Lao People's Democratic Republic	February 1998	Low-income	LDC	320
12.	Libyan Arab Jamahiriya	July 2004	Middle-income	-	-
13.	Lebanese Republic	April 1999	Middle-income	-	4,040
14.	Russian Federation	June 1993	Middle-income	-	2,610
15.	Samoa	July 1998	Middle-income	LDC	1,600
16.	Saudi Arabia	July 1993	Middle-income	-	8,530
17.	Serbia and Montenegro	February 2001	Middle-income	-	1,910
18.	Seychelles	July 1995	Middle-income	-	7,480
19.	Sudan	October 1994	Low-income	LDC	460
20.	Tajikistan	July 2001	Low-income	-	190
21.	Tonga	November 1995	Middle-income	-	1,490
22.	Ukraine	December 1993	Middle-income	-	970
23.	Uzbekistan	December 1994	Low-income	-	420
24.	Vanuatu	July 1995	Middle-income	LDC	1,180
25.	Vietnam	January 1995	Low-income	-	480
26.	Yemen	July 2000	Low-income	LDC	520

Notes to Table 7:

1. GNI per capita data taken from the *World Development Indicators on-line* on 18th December 2004. Data is from 2003.
2. The dates the working parties were established were taken from the WTO.
3. Classifications of income are taken from the World Bank's list of country groups as of December 1st 2004.
4. The shares of international trade figures are taken from the WTO in 2002 and are based on trade in goods, services and intellectual property rights for the last three years for which data is available. There is a de minimis figure of 0.015%.
5. LDC is an abbreviation for least-developed country.
6. Information correct as of December 2004.

Observer governments

The Marrakesh Agreement does not explicitly allow for governments to become observers of the workings of the WTO. Nor is there any definition of what an observer must be, or what a government must do to be granted observer status.

In 1996, Members agreed upon Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, which included, in Annex 2, guidelines for observer governments in the WTO²⁶.

Under these guidelines, it is possible for the governments to request observer status in the Ministerial Conference or in the General Council. The Ministerial Conference or the General Council considers such requests on a case-by-case basis. Governments accorded observer status at sessions of the Ministerial Conference are not automatically given observer status at meetings of the General Council or its subsidiary bodies. However, governments accorded observer status in the General Council and its subsidiary bodies, are invited to attend sessions of the Ministerial Conference as observers²⁷.

The WTO refers to all non-Member governments - whether observers to the Ministerial Council, the General Council or both – as observers. However, the term observer government is used in this paper in a narrower sense and applies to governments that have been granted observer status, but that have not yet established a Working Party²⁸.

Currently, there are five observer governments in the WTO. Afghanistan²⁹, Equatorial Guinea³⁰, Iraq³¹, Sao Tome and Principe³², and the Holy See (Vatican)³³ have all been granted observer status in the General Council and its subsidiary bodies.

²⁶ WTO, General Council, Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, 25th July 1996. Document number WT/L/161, Annex 2. As adopted by the General Council.

²⁷ WTO, General Council, Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, 25th July 1996. Document number WT/L/161, Annex 2.

²⁸ The term applicant refers to observer governments with working parties.

²⁹ At its meeting on 13th December 2004, the General Council granted the requests Afghanistan for observer status.

³⁰ At its meeting on 13-14th May 2002 (WT/GC/M/74), the General Council granted the request from Equatorial Guinea for observer status (WT/L/448).

³¹ At its meeting on 13th December 2004, the General Council granted the request from Iraq for observer status (WT/ACC/IRQ/1).

³² At its meeting on 2nd March 2001 (WT/GC/M/63), the General Council granted the request from Sao Tome and Principe for observer status (WT/L/389).

The advantage of becoming an observer government is to become better acquainted with the WTO, and its activities, and to prepare for accession to the WTO. As according to the guidelines, observer governments must start accession negotiations within five years of becoming observers³⁴.

Observer governments may be invited to speak at meetings, but they do not have the right to make proposals, unless they are specifically invited to do so, nor to take part in decision-making³⁵. Observer governments also have access to WTO documentation. They may request technical assistance from the WTO Secretariat, but they are also expected to make a financial contribution to the WTO for any services provided to them³⁶.

Table 8 provides some interesting facts and figures about the current observer governments. Following the recent trend for applicants to be poorer than existing Members, these observers are even poorer than existing applicants. Also, it is noticeable that the World Bank lacks recent data on most of these observer governments.

Table 8: Observer governments as of December 2004

	Economy	Date economy became an observer	Income classification	LDC	GNI per capita
1.	Afghanistan	13 th December 2004	-	LDC	-
2.	Equatorial Guinea	13-14 th May 2002	Low-income	LDC	930
3.	Holy See (Vatican)	16 th August 1997	-		-
4.	Iraq	13 th December 2004	Middle-income		-
5.	Sao Tome and Principe	2 nd March 2001	Middle-income	LDC	320

Notes to Table 8:

1. GNI per capita data taken from the *World Development Indicators on-line on 18th December 2004*. Data is from 2003.
2. The dates were taken from the WTO website www.wto.org on 20th December 2004.
3. Classifications of income are taken from the World Bank's list of country groups as of December 2004.
4. LDC is an abbreviation for least-developed country.
5. All information correct as of December 2004.

³³ At its meeting on 16th August 1997 (WT/GC/M/21), the General Council granted the request from the Holy See for observer status (WT/L/221).

³⁴ WTO, General Council, Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, 25th July 1996. Document number WT/L/161, Annex 2.

³⁵ WTO, General Council, Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, 25th July 1996. Document number WT/L/161, Annex 2.

³⁶ WTO, General Council, Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, 25th July 1996. Document number WT/L/161, Annex 2.

Interesting, and as an aside, is the “Holy See Exception”. In 1997, the Holy See expressed its willingness to establish official and permanent relations with the WTO, as an observer to the Ministerial Conference and to the General Council. However, it did not express its willingness to accede to the WTO.

In the General Council meeting which considered the Holy See’s request, the Chairman stated that “the Holy See would not envisage acceding to the WTO Agreement as required in Annex 2 of the Rules of Procedure of the Ministerial Conference and the General Council”. It was suggested by India that “only such bodies that had as their principal objective the promotion of commercial relations between countries in accordance with the WTO Agreement should be considered for observer status in the WTO”. As a result, India could not support the Holy See’s request.

The compromise was that the Holy See was granted observer status. The requirement to initiate accession negotiations was waived on the understanding that this did not constitute a precedent for future decisions on requests for observer status.

Also interesting is the current status of Iraq and Afghanistan. Whilst WTO Members have repeatedly refused observer status to Iran and Syria, the General Council on 13th December 2004 granted the requests from Iraq and Afghanistan – even though neither has a sovereign government yet in place.

The establishment of a Working Party

According to the WTO Secretariat's guidelines, the process of accession to the WTO commences when an applicant submits a communication to the Director-General of the WTO, the head of the WTO Secretariat, expressing its desire to accede to the WTO under Article XII of the Marrakesh Agreement and this communication is circulated to all WTO Members³⁷.

Article XII.2 of the Marrakesh Agreement states that "decisions on accession shall be taken by the Ministerial Conference". However, Article IV.2 makes it clear that "In the intervals between meetings of the Ministerial Conference, its functions shall be conducted by the General Council"³⁸.

The General Council considers the application and the establishment of a Working Party. Such decisions can be taken by a two-thirds majority. However, WTO bodies continue the GATT tradition of making decisions not by voting but by consensus. As a result, the establishment of a Working Party is not guaranteed.

There are currently three outstanding applications for the establishment of accession working parties from Liberia³⁹, Iran⁴⁰ and Syria⁴¹. Until working parties are established, it is not quite clear whether these countries are applicants or "non-applicants". They are not observers.

If the General Council agrees to establish a Working Party, its standard terms of reference are "to examine the application for accession to the WTO under Article XII and to submit to the General Council/Ministerial Conference recommendations which may include a draft Protocol of Accession"⁴². To date, all working parties have been established with the standard

³⁷ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1.

³⁸ Article IX deals with decision-making. On 15th November, 1995, the General Council agreed to procedures regarding decision-making under Articles IX and XII of the WTO Agreement which clarified the relation between these two provisions (WT/GC/M/8, page 6).

³⁹ An application from Liberia for observer status (WT/L/357) was deferred by the General Council at its meeting in July 2000 (WT/GC/M/57).

⁴⁰ A request for accession was received from Iran in 1996 (WTO, Iran, Request for Accession Pursuant to Article XII, 26th September 1996. Document number WT/ACC/IRN/1) but the General Council has repeatedly deferred the matter to its next meeting.

⁴¹ On 30 October 2001, Syria requested to accede to the WTO (WT/ACC/SYR/1 and WT/ACC/SYR/2) but a Working Party has not yet been established (WTO News Item, dated 4th April 2003).

⁴² WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 5.

terms of reference. Any Member of the WTO can join the Working Party which is chaired by a Chairperson selected after consultations with WTO Members and the applicant⁴³.

Table 9 shows the membership of the twenty working parties that have completed their work. Australia, Canada, the European Communities and its Member States, India, Japan, New Zealand, Switzerland and the United States form a core group of WTO Members which attend almost every accession Working Party. Other WTO Members seem to have joined accession working parties when the applicant is a neighbour or an important trade partner.

Most working parties have had about twenty members (counting the European Communities and its Member States as one Working Party member). The Working Party of China is notable for having three times that number. Of the twenty chairpersons that have completed their work⁴⁴, more than half have come from Europe⁴⁵. Latin America has only been represented once (by Chile). Asia has been represented three times. Australia has been represented twice, by the same chairperson, and New Zealand has been represented once.

Table 10 shows the status of current working parties. The members of the working parties are not yet available. However, in most cases the names of the chairperson has been announced. Again, the Europeans dominate. More than half of the working parties are chaired by Europeans. Representatives of Germany and the United Kingdom chair two working parties each – but so do representatives of Uruguay and the Republic of Korea.

⁴³ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 5.

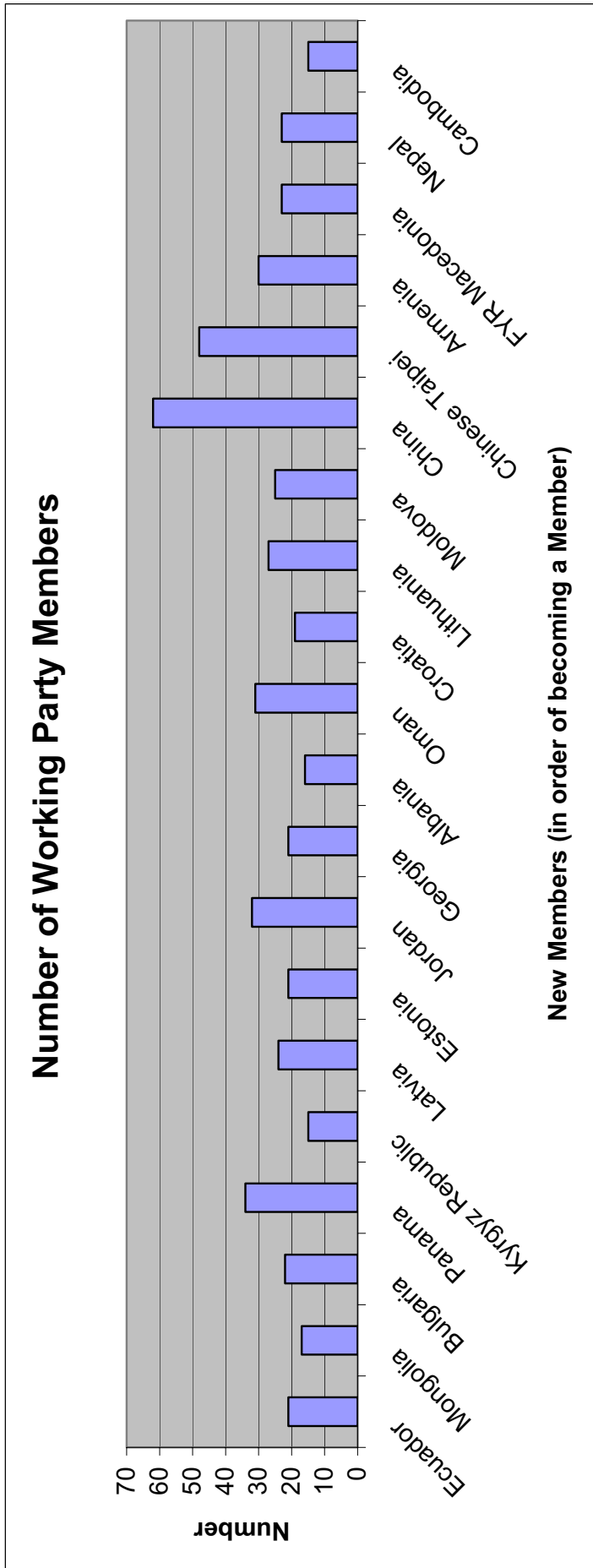
⁴⁴ H.E. Mr. D. Kenyon (Australia) served twice. Georgia had two chairpersons. H.E. Ms E.L. Herfkens (Netherlands) and then H.E. Ms A. Anderson (Ireland).

⁴⁵ Austria, Denmark, France, Germany, Ireland, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom

Table 9: New Members and their Working Parties as of December 2004

New Member	Date WP was established	Date of membership	Chairperson	Working Party members
1. Albania	December 1992 (GATT)	8 September 2000	Mr. A. Pinto de Lemos (Portugal)	Australia, Brazil, Canada, Czech Republic, European Communities and Member States, Hungary, India, Japan, Kyrgyz Republic, Malaysia, Morocco, Poland, Slovak Republic, Switzerland, Turkey, United States
2. Armenia	December 1993 (GATT)	5 February 2003	H.E. Mr. D. Kenyon (Australia)	Australia, Bulgaria, Canada, China, Colombia, Croatia, Cuba, Czech Republic, Egypt, Estonia, European Communities and Member States, Georgia, Hungary, India, Japan, Korea, Kyrgyz Republic, Latvia, Lithuania, Malaysia, Mexico, Moldova, Paraguay, Poland, Slovak Republic, Switzerland, Chinese Taipei, Thailand, Turkey, United States
3. Bulgaria	February 1990 (GATT)	1 December 1996	H.E. Mr. E.C. Selmer (Norway)	Argentina, Australia, Austria, Canada, Chile, Czech Republic, European Communities and Member States, Finland, Hungary, Iceland, India, Japan, Mexico, New Zealand, Norway, Poland, Romania, Slovak Republic, Sweden, Switzerland, Turkey, United States
4. Cambodia	December 1994 (GATT)	13 October 2004	Mr. A. Meloni (Italy)	Australia, Canada, China, European Communities and Member States, India, Japan, Korea, Malaysia, New Zealand, Panama, Singapore, Chinese Taipei, Thailand, United States, Venezuela
5. China	March 1987 (GATT)	11 December 2001	H.E. Mr. Pierre-Louis Girard (Switzerland)	Argentina, Australia, Bangladesh, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, European Communities and Member States, Guatemala, Honduras, Hong Kong, Hungary, Iceland, India, Indonesia, Israel, Jamaica, Japan, Korea, Kuwait, Kyrgyz Republic, Latvia, Lithuania, Macau China, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Myanmar, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Singapore, Slovak Republic, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, Tunisia, Turkey, United States, Uruguay, Venezuela, Zimbabwe
6. Croatia	October 1993 (GATT)	30 November 2000	Ms. A.-M. Plate (Netherlands)	Australia, Canada, Chile, Czech Republic, Egypt, European Communities and Member States, Hungary, India, Japan, Kyrgyz Republic, Latvia, New Zealand, Norway, Poland, Slovak Republic, Slovenia, Switzerland, Turkey, United States
7. Ecuador	October 1992 (GATT)	21 January 1996	H.E. Mr. C. Manhusen (Sweden)	Argentina, Australia, Austria, Bolivia, Brazil, Canada, Colombia, Chile, El Salvador, European Communities and Member States, Finland, Japan, Mexico, New Zealand, Norway, Peru, Sweden, Switzerland, United States, Uruguay, Venezuela
8. Estonia	March 1994 (GATT)	13 November 1999	H.E. Mr. D. Kenyon (Australia)	Argentina, Australia, Canada, Cuba, Czech Republic, European Communities and Member States, Hungary, India, Japan, Kyrgyz Republic, Madagascar, Mexico, New Zealand, Norway, Pakistan, Poland, Romania, Slovak Republic, Switzerland, Turkey, United States
9. Georgia	July 1996	14 June 2000	H.E. Ms E.L. Herfkens (Netherlands) & H.E. Ms A. Anderson (Ir.)	Australia, Bulgaria, Canada, Colombia, Czech Republic, European Communities and Member States, Hungary, India, Japan, Korea, Kyrgyz Republic, Latvia, Malaysia, Mexico, Pakistan, Poland, Romania, Slovak Republic, Switzerland, Turkey, United States

10	Jordan	January 1994 (GATT)	11 April 2000	Mr. K. Kesavapany (Singapore)	Argentina, Australia, Bahrain, Brazil, Bulgaria, Canada, Colombia, Czech Republic, Egypt, European Communities and Member States, India, Indonesia, Israel, Japan, Korea, Kyrgyz Republic, Malaysia, Morocco, New Zealand, Norway, Pakistan, Qatar, Romania, Singapore, Slovak Republic, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, United States, Uruguay	32
11.	Kyrgyz Republic	April 1996	20 December 1998	Mr. J.-M. Metzger (France)	Australia, Canada, Czech Republic, European Communities and Member States, India, Japan, Korea, Mexico, Mongolia, Pakistan, Poland, Slovak Republic, Switzerland, Turkey, United States	15
12.	Latvia	December 1993 (GATT)	10 February 1999	Mr. F. Theilgaard (Denmark)	Argentina, Australia, Brazil, Canada, Colombia, Cuba, Czech Republic, Egypt, European Communities and Member States, Hungary, India, Japan, Korea, Mexico, Mongolia, New Zealand, Norway, Pakistan, Poland, Romania, Slovak Republic, Switzerland, Turkey, United States	24
	Lithuania	February 1994 (GATT)	31 May 2001	Mr. Peter Witt (Germany)	Argentina, Australia, Bulgaria, Canada, Colombia, Cuba, Czech Republic, Egypt, Estonia, European Communities and Member States, Hungary, India, Japan, Korea, Kyrgyz Republic, Latvia, Mexico, New Zealand, Norway, Pakistan, Poland, Slovak Republic, Switzerland, Thailand, Turkey, United States	27
14.	FYR Macedonia	March 1994 (GATT)	4 April 2003	H.E. Mr. K. Bryn (Norway)	Albania, Australia, Bulgaria, Canada, China, Croatia, Czech Republic, Egypt, Estonia, European Communities and Member States, India, Japan, Korea, Latvia, Lithuania, Malaysia, Norway, Slovak Republic, Slovenia, Switzerland, Chinese Taipei, Turkey, United States	23
15.	Moldova	December 1993 (GATT)	26 July 2001	Mr. M. Kumar (India)	Argentina, Australia, Brazil, Bulgaria, Canada, Costa Rica, Czech Republic, Estonia, European Communities and Member States, Georgia, Hungary, India, Japan, Korea, Kyrgyz Republic, Latvia, Malaysia, Mongolia, Poland, Romania, Slovak Republic, Switzerland, Thailand, Turkey, United States	25
16.	Mongolia	October 1991 (GATT)	29 January 1997	H.E. Mr. W. Lang (Austria)	Argentina, Australia, Canada, Czech Republic, Egypt, European Communities and Member States, Hong Kong, Hungary, India, Japan, Korea, Mexico, Norway, Pakistan, Poland, Switzerland, United States	17
17.	Nepal	June 1999	23 April 2004	H.E. Mr. R. Farrell (New Zealand)	Australia, Bangladesh, Canada, Czech Republic, Djibouti, European Communities and Member States, Haiti, India, Japan, Kenya, Korea, Malaysia, Mauritius, Morocco, New Zealand, Norway, Pakistan, Philippines, Singapore, Sri Lanka, Switzerland, Thailand, Turkey, United States	23
18.	Oman	June 1996	9 November 2000	H.E. Mr. Mumir Akram (Pakistan)	Argentina, Australia, Bahrain, Brazil, Brunei Darussalam, Canada, Egypt, European Communities and Member States, Hungary, India, Indonesia, Japan, Korea, Kuwait, Kyrgyz Republic, Latvia, Malaysia, Mexico, Morocco, New Zealand, Norway, Pakistan, Qatar, Romania, Sri Lanka, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, United States	31
19.	Panama	October 1991 (GATT)	6 September 1997	H.E. Mr. E. Tironi (Chile)	Argentina, Australia, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Czech Republic, Egypt, El Salvador, European Communities and Member States, Finland, Guatemala, Honduras, India, Jamaica, Japan, Korea, Mexico, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Sweden, Switzerland, Thailand, United States, Uruguay, Venezuela	34
20.	Chinese Taipei	September 1992 (GATT)	1 January 2002	H.E. Mr. M. Morland (United Kingdom)	Argentina, Australia, Bangladesh, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Czech Republic, Ecuador, Egypt, El Salvador, European Communities and Member States, Guatemala, Honduras, Hong Kong, Hungary, India, Indonesia, Japan, Korea, Kyrgyz Republic, Latvia, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Romania, Senegal, Singapore, Slovak Republic, South Africa, Sri Lanka, Switzerland, Thailand, Turkey, United States, Uruguay	48



Notes to Table 9:

1. Information taken from WTO, Working Party Reports.
2. FYR Macedonia is an abbreviation for the full title of the Former Yugoslav Republic of Macedonia.
3. Chinese Taipei is an abbreviation for the full title of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
4. Korea is an abbreviation for the full title of the Republic of Korea.
5. Hong Kong is an abbreviation for the full title of Hong Kong, China.
6. (GATT) shows that the Working Party was established under the GATT, the forerunner to the WTO.
7. H.E. is an abbreviation for the title of His/Her Excellency, which is correct form of address for Ambassadors and United Nations representatives.
8. Information correct as of December 2004.

Table 10: Applicants and their Working Parties as of December 2004

	Current applicant	Date Working Party was established	Chairperson	Status
1.	Algeria	June 1987 (GATT)	H.E. Mr. Guillermo Valles Galmez (Uruguay)	Algeria's Working Party was established on 17 June 1987 and met for the first time in April 1998. Bilateral market access negotiations are underway on the basis of revised offers on goods and services. The multilateral examination of the foreign trade regime is continuing and an Elements of a draft Working Party Report (a detailed document summarizing discussions in the Working Party) has been prepared. The seventh meeting of the Working Party took place in June 2004.
2.	Andorra	October 1997	H. E. Mr. B. Jonsson (Iceland)	Andorra's Working Party was established on 22 October 1997. A Memorandum of the Foreign Trade Regime was submitted in February 1999 and the first meeting of the Working Party was held in October 1999. Initial bilateral contacts on market access have taken place on the basis of offers in goods and services.
3.	Azerbaijan	July 1997	H. E. Mr. W. Lewalter (Germany)	Azerbaijan's Working Party was established on 16 July 1997. Azerbaijan submitted a Memorandum on its Foreign Trade Regime in April 1999. The second meeting of the Working Party was held on 14 October 2004. Bilateral negotiations on market access are yet to begin
4.	Bahamas	July 2001	To be designated	On 10 May 2001 a formal request for accession under Article XII was sent to the Director-General by the Government of the Bahamas. A Working Party was established at the General Council meeting on 18 July 2001. The Bahamas has not yet submitted a Memorandum on the Foreign Trade Regime. The Working Party has not yet met.
5.	Belarus	October 1993 (GATT)	H.E. Mr. C. Manhusen (Sweden)	Belarus' Working Party was established on 27 October 1993. Bilateral market access negotiations are ongoing, based on revised offers on goods and services submitted by Belarus. A Factual Summary of Points Raised – an informal document outlining the discussions that take place in the Working Party – has been prepared by the Secretariat. The Working Party last met in September 2004 to continue the examination of the Foreign Trade Regime.
6.	Bhutan	October 1999	H.E. Dr. W. Petritsch (Austria)	Bhutan's Working Party was established on 6 October 1999. Bhutan submitted a Memorandum on its Foreign Trade Regime in February 2003. Replies to a first set of questions concerning the Memorandum were circulated in April 2004, along with a comprehensive set of documentation. The Working Party held its first meeting in November 2004 to begin the examination of Bhutan's Foreign Trade Regime.
7.	Bosnia and Herzegovina	July 1999	Mr. Peter Jenkins (United Kingdom)	Bosnia Herzegovina's Working Party was established on 15 July 1999. Bosnia Herzegovina submitted a Memorandum on its Foreign Trade Regime in October 2002. Following the submission of initial offers on goods and services in October 2004, bilateral market access negotiations have started. The second meeting of the Working Party took place in December 2004.
8.	Cape Verde	July 2000	Mr. David Shark (United States)	Cape Verde's request for accession was circulated on 12 November 1999 and the General Council established a Working Party on 17 July 2000. A Memorandum on the Foreign Trade Regime was submitted in July 2003 and the Working Party held its first meeting in March 2004. A Factual Summary of Points Raised (summarizing the discussions of the Working Party) was issued in October 2004, followed by the submission of initial market access offers on goods and services in November 2004. The Working Party held its second meeting in December 2004 to continue the examination of Cape Verde's Foreign Trade Regime.

9.	Ethiopia	February 2003	Mr. N. McMillan (United Kingdom)	Ethiopia's request for accession was circulated on 13 January 2003. The General Council established a Working Party on 10 February 2003. Ethiopia has not yet submitted a Memorandum on the Foreign Trade Regime. The Working Party has not yet met.
10	Kazakhstan	February 1996	H.E. Mr. V. Himanen (Finland)	Kazakhstan's Working Party was established on 6 February 1996. Bilateral market access negotiations in goods and services began in October 1997, and are continuing based on revised offers in goods and services. A revised version of the Factual Summary of Points Raised (summarizing the discussions of the Working Party) was prepared by the Secretariat and was examined at the last meeting of the Working Party which took place in November 2004. The next meeting is scheduled to take place in the first half of 2005.
11.	Lao People's Democratic Republic	February 1998	H. E. Mr. Tim Goser (New Zealand)	The Lao People's Democratic Republic's Working Party was established on 19 February 1998. The Memorandum on the Foreign Trade Regime was circulated in March 2001 and replies to questions from Members in October 2003. The first Working Party meeting took place on 28 October 2004.
12.	Lebanese Republic	April 1999	H.E. Mrs. L. Dubois-Destrizais (France)	The Lebanese Republic's Working Party was established on 14 April 1999. The Memorandum on the Foreign Trade Regime was circulated in June 2001, and replies to questions concerning the Memorandum in June 2002. A Factual Summary of Points Raised (summarizing the discussions of the Working Party) was circulated in June 2004. Bilateral market access negotiations are underway on the basis of revised offers on goods and services. The second meeting of the Working Party was held on 8-9 July 2004.
13.	Libyan Arab Jamahiriya	July 2004	To be designated	On 10 June 2004 a formal request for accession under Article XII was received by the Director-General from the Government of the Libyan Arab Jamahiriya. A Working Party was established on 27 July 2004. Libya has not yet submitted a Memorandum on the Foreign Trade Regime. The Working Party has not yet met.
14.	Russian Federation	June 1993 (GATT)	H.E. Mr. S. Jóhannesson (Iceland)	The Working Party on the accession of the Russian Federation was established on 16 June 1993. The latest revisions of the draft Report of the Working Party was circulated in October 2004. Bilateral market access negotiations on goods and services are underway. The 25th meeting of the Working Party was held in November 2004, and the next Working Party meeting is scheduled to take place in February 2005.
15.	Samoa	July 1998	Mr. Yoichi Suzuki (Japan)	The Working Party on the accession of Samoa was established on 15 July 1998. The Memorandum on its Foreign Trade Regime was circulated in February 2000. Replies to a first set of questions concerning the Memorandum were circulated in August 2001. Samoa has submitted initial offers in goods and services. Following further inputs from Samoa, and the circulation of a draft Working Party Report, an informal consultation was held in July 2003.
16.	Saudi Arabia	July 1993 (GATT)	H.E. Mr. Munir Akram (Pakistan)	The Working Party on the accession of Saudi Arabia was established 21 July 1993. Bilateral market access negotiations on goods and services are underway on the basis of revised offers. Multilateral discussions on the terms of entry are on going and the latest revision of the draft Report of the Working Party was circulated in June 2004. The last meeting of the Working Party meeting was held in September 2004.
17.	Serbia and Montenegro	February 2001	H.E. Mr. Milan Hovorka (Czech Republic)	Serbia and Montenegro submitted a request for Accession in January 2001. A Working Party was established at the General Council on 8 February 2001. The Memorandum on the Foreign Trade Regime was circulated in June 2002. The first set of questions and replies has been circulated in September 2004. The Working Party has not yet held its first meeting.

18.	Seychelles	July 1995	H.E. Mr. M. J. Berthet (Uruguay)	The Working Party on the accession of the Seychelles was established on 11 July 1995. A Memorandum on the Foreign Trade Regime was circulated in February 1996. The Seychelles submitted initial offers on goods and services in May-June 1997. A Factual Summary of Points Raised (summarizing the discussions of the Working Party) was circulated informally in June 1997.
19.	Sudan	October 1994	Mr. A. Lecheheb (Morocco)	The Working Party on the accession of Sudan was established on 25 October 1994. Sudan's Memorandum on its Foreign Trade Regime was circulated in January 1999. Initial offers on goods and services have been tabled and are being negotiated bilaterally. The second meeting of the Working Party was held in March 2004.
20.	Tajikistan	July 2001	H.E. Mr. Clyde Kull (Estonia)	The Working Party on the accession of Tajikistan was established by the General Council on 18 July 2001. Tajikistan submitted a Memorandum on the Foreign Trade Regime in February 2003 and a first set of replies to questions from Members in September 2003. The Working Party held its first meeting in March 2004. Bilateral market access negotiations have been initiated, following the circulation of initial offers on goods and services in February 2004.
21.	Tonga	November 1995	Mr. S. Harbinson (Hong Kong)	The Working Party on the accession of Tonga was established on 15 November 1995. The Memorandum on the Foreign Trade Regime of Tonga was circulated in May 1998 and replies to questions concerning the Memorandum in November 2000. The first meeting of the Working Party was held in April 2001 and informal consultations were held in July and November 2003. Bilateral market access negotiations are underway on the basis of revised offers on goods and services. A second revision of the draft Report of the Working Party was circulated in May 2004.
22.	Ukraine	December 1993 (GATT)	Mr. S. Marchi (Canada)	Ukraine's Working Party was established on 17 December 1994. The Memorandum on the Foreign Trade Regime was circulated in July 1994. A revised version of the draft Report of the Working Party was circulated in September 2004. The last meeting of the Working Party was held in September 2004, and the Working Party is likely to meet again in the first half of 2005 to continue ongoing discussions on the terms of entry. Bilateral market access negotiations are continuing on the basis of revised offers on goods and services.
23.	Uzbekistan	December 1994	H.E. Mr. Hyuek Choi (Republic of Korea)	The Working Party on the accession of Uzbekistan was established on 21 December 1994. Uzbekistan submitted its Memorandum on the Foreign Trade Regime in September 1998 and a first meeting of the Working Party was held in July 2002. Uzbekistan is yet to initiate bilateral market access negotiations with interested Members. The second meeting of the Working Party took place in June 2004.
24.	Vanuatu	July 1995	Resigned	The final meeting of the Working Party concerning the accession of Vanuatu was held on 29 October 2001. The Working Party Report has not yet been adopted by the General Council.
25.	Vietnam	January 1995	H.E. Mr. Seung Ho (Republic of Korea)	The Working Party on the accession of Viet Nam was established on 31 January 1995. A draft Report of the Working Party (a detailed document summarizing discussions in the Working Party) was circulated in November 2004. Bilateral market access negotiations are underway on the basis of revised offers on goods and services. The ninth meeting of the Working Party took place in December 2004.
26.	Yemen	July 2000	Mr. H. Röben (Germany)	Yemen's request for accession was circulated on 14 April 2000. The General Council established a Working Party on 17 July 2000. The Memorandum on the Foreign Trade Regime was circulated in November 2002, and the first set of replies to questions on the Memorandum were circulated in June 2004. The first meeting of the Working Party is scheduled to take place in November 2004.

Notes to Table 10:

- Information taken from WTO website at http://www.wto.org/english/thewto_e/acc_e/status_e.htm on 1st December 2004.
- H.E. is an abbreviation for the title of His/Her Excellency, which is correct form of address for Ambassadors and United Nations representatives.

The Memorandum on the foreign trade regime

After a Working Party has been established, each applicant is expected to produce a Memorandum describing in detail its foreign trade regime together with information on its currently applicable tariff schedule and copies of its relevant laws and regulations in one of the WTO official languages (English, French or Spanish)⁴⁶.

The WTO Secretariat has published a number of notes to assist applicants with the process of drafting the Memorandum on the foreign trade regime. There is a suggested format (Annex I)⁴⁷. In addition, there are methods of presenting factual information on domestic support and export subsidy measures in agriculture⁴⁸; on policies affecting trade in services⁴⁹; and on the implementation of the TRIPS Agreement⁵⁰.

The WTO Secretariat notes, “the presentation of a complete and accurate document greatly helps to simplify and facilitate the subsequent stages of the accession procedure”⁵¹.

The burden of providing this information falls on the applicant. The length of time taken for applicants to present Memoranda (Table 11) is an indication of the fact that its preparation represents a considerable investment of time and resources.

China submitted its Memorandum on its foreign trade regime before its Working Party was established. Andorra, Estonia and Oman submitted their Memoranda in the same month as their working parties were established. More than half of the new WTO Members managed to submit their Memoranda within a year of their working parties being established. However, there are some notable exceptions to this trend. The Former Yugoslav Republic of Macedonia and Cambodia both took around five years to submit their Memoranda.

⁴⁶ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 9.

⁴⁷ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, attachment and annexes 1-8.

⁴⁸ WTO, Technical Note by the Secretariat, Accession to the World Trade Organization, Information to be Provided on Domestic Support and Export Subsidies in Agriculture, 18th March 1996. Document number WT/ACC/4.

⁴⁹ WTO, Technical Note by the Secretariat, Accession to the World Trade Organization, Information to be Provided on Policy Measures Affecting Trade in Services, 31st October 1996. Document number WT/ACC/5.

⁵⁰ WTO, Note by the Secretariat, Implementation of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, 15th November 1999. Document number WT/ACC/9.

Of the current applicants, very few have been able to submit their Memoranda within a year of their working parties being established. The mean time taken is around three years. Algeria took more than nine years to submit its Memorandum.

It is expected that the applicant will attach full copies of its relevant laws and regulations to the Memorandum⁵². However, in practice, many laws and regulations are supplied to the WTO after the Memorandum has been distributed, especially since many acceding governments are in transition or are undertaking a process of reform, which requires major changes in their legislation⁵³.

Relevant laws and regulations should be entirely translated by the applicant into one of the WTO official languages. However, if the material is long, it is possible for the applicant to submit only a detailed summary of the laws and regulations in one of the WTO official languages⁵⁴.

A recent report by the WTO Secretariat notes that “Experience has shown that detailed summaries of laws and regulations are of limited usefulness, as some major trading governments have insisted that they need to receive the full text of laws and regulations relevant to accession in a WTO working language”. The WTO Secretariat does not translate these relevant laws and regulations for the applicant or for Members. This burden falls solely on the applicant and/or Member.

⁵¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁵² WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1.

⁵³ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁵⁴ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 9.

Table 11: Time taken to submit the Memorandum

	New Member	Date Working Party was established	Date Memorandum was submitted	Time taken from Working Party establishment to Memorandum submission
1.	Albania	December 1992	January 1995	23 months
2.	Armenia	December 1993	April 1995	16 months
3.	Bulgaria	February 1990	July 1993	41 months
4.	Cambodia	December 1994	June 1999	56 months
5.	China	March 1987	February 1987	- 1 months
6.	Croatia	October 1993	June 1994	8 months
7.	Ecuador	October 1992	May 1993	7 months
8.	Estonia	March 1994	March 1994	0 months
9.	Georgia	July 1996	July 1997	12 months
10.	Jordan	January 1994	October 1994	9 months
11.	Kyrgyz Republic	April 1996	August 1996	4 months
12.	Latvia	December 1993	August 1994	8 months
13.	Lithuania	February 1994	December 1994	10 months
14.	FYR Macedonia	March 1994	April 1999	61 months
15.	Moldova	December 1993	December 1996	36 months
16.	Mongolia	October 1991	January 1992	3 months
17.	Nepal	June 1989	February 1990	8 months
18.	Oman	June 1996	June 1996	0 months
19.	Panama	October 1991	June 1993	20 months
20.	Chinese Taipei	September 1992	October 1992	1 months

	Current applicant	Date Working Party was established	Date Memorandum was submitted	Time taken from Working Party establishment to Memorandum submission
1.	Algeria	June 1987	July 1996	109 months
2.	Andorra	October 1997	October 1997	0 months
3.	Azerbaijan	July 1997	April 1999	20 months
4.	Bahamas	July 2001	Not yet submitted	-
5.	Belarus	October 1993	January 1996	27 months
6.	Bhutan	October 1999	February 2003	40 months
7.	Bosnia and Herzegovina	July 1999	October 2002	39 months
8.	Cape Verde	July 2000	July 2003	36 months
9.	Ethiopia	February 2003	Not yet submitted	-
10.	Kazakhstan	February 1996	September 1996	7 months
11.	Lao PDR	February 1998	March 2001	37 months
12.	Lebanese Republic	April 1999	June 2001	38 months
13.	Libyan Arab Jamahiriya	July 2004	Not yet submitted	-
14.	Russian Federation	June 1993	March 1994	8 months
15.	Samoa	July 1998	February 2000	19 months
16.	Saudi Arabia	July 1993	July 1994	12 months
17.	Serbia and Montenegro	February 2001	June 2002	16 months
18.	Seychelles	July 1995	August 1996	13 months
19.	Sudan	October 1994	January 1999	51 months
20.	Tajikistan	July 2001	February 2003	19 months
21.	Tonga	November 1995	May 1998	30 months
22.	Ukraine	December 1993	July 1994	7 months
23.	Uzbekistan	December 1994	September 1998	45 months
24.	Vanuatu	July 1995	November 1995	4 months
25.	Vietnam	January 1995	September 1996	20 months
26.	Yemen	July 2000	November 2002	56 months

Notes to Table 11:
Source WTO.

Examination of trade regime in the Working Party

When the memorandum is submitted it is circulated to all WTO Members. The WTO Secretariat is expected to check the consistency of the Memorandum with the WTO Secretariat's outline format and to inform the applicant and the members of the Working Party of its views⁵⁵. Applicants that were negotiating accession to the GATT 1947, and who have had their GATT accession working parties transformed into WTO working parties, may have already submitted the relevant information and may not wish to resubmit it in the standard format. Indeed a recent report by the WTO Secretariat noted, "many Memoranda presented have not been fully consistent with the outline format, despite the efforts made by the Secretariat"⁵⁶.

Following the circulation of the Memorandum, some Working Parties have started by considering information on certain main sections of the Memorandum. In others, the applicant has been asked to supplement and complete its Memorandum.

Members of the Working Party submit questions in writing to the applicant in relation to the Memorandum to obtain more information about the applicant's foreign trade regime. Anecdotal evidence suggests that the list of questions submitted to applicants can be lengthy. Two or three hundred questions is not uncommon and it can take applicants some time to answer these questions. As a rule, answers should also be provided in writing and consolidated and arranged by topics in accordance with the structure of the Memorandum.

After the replies to the questions are received, and there has been sufficient time for the applicant and the members of the Working Party to prepare themselves, the first meeting of the Working Party is held⁵⁷. Table 12 shows the length of time actually taken between the submission of the Memorandum and the first meeting of the Working Party. "Sufficient time" for the applicant and the members of the Working Party to prepare themselves varies from one month to fifty-four months, but the average time taken is about twelve months.

⁵⁵ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 9.

⁵⁶ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁵⁷ Depending on the adequacy of the information provided, there may be more than one round of written questions and answers before the first Working Party meeting is convened.

Table 12: Time taken from the Memorandum to the first meeting of the Working Party

	New Member	Date Working Party was established	Date Memorandum was submitted	1st meeting of Working Party	Time between M and WP
1.	Albania	December 1992	January 1995	April 1996	15 months
2.	Armenia	December 1993	April 1995	January 1996	9 months
3.	Bulgaria	February 1990	July 1993	July 1993	1 month
4.	Cambodia	December 1994	June 1999	May 2001	23 months
5.	China	March 1987	February 1987	October 1987	8 months
6.	Croatia	October 1993	June 1994	April 1996	22 months
7.	Ecuador	October 1992	May 1993	July 1993	2 months
8.	Estonia	March 1994	March 1994	November 1994	8 months
9.	Georgia	July 1996	July 1997	March 1998	8 months
10.	Jordan	January 1994	October 1994	October 1996	24 months
11.	Kyrgyz Republic	April 1996	August 1996	March 1997	7 months
12.	Latvia	December 1993	August 1994	March 1995	7 months
13.	Lithuania	February 1994	December 1994	November 1995	11 months
14.	FYR Macedonia	March 1994	April 1999	July 2000	15 months
15.	Moldova	December 1993	December 1996	June 1997	6 months
16.	Mongolia	October 1991	January 1992	June 1993	17 months
17.	Nepal	June 1989	February 1990	May 2000	15 months
18.	Oman	June 1996	June 1996	April 1997	10 months
19.	Panama	October 1991	June 1993	April 1994	10months
20.	Chinese Taipei	September 1992	October 1992	November 1992	1 month

	Current applicant	Date Working Party was established	Date Memorandum was submitted	1st meeting of Working Party	Time between M and WP
1.	Algeria	June 1987	July 1996	April 1998	20 months
2.	Andorra	October 1997	October 1997	October 1999	24 months
3.	Azerbaijan	July 1997	April 1999	June 2002	38 months
4.	Bahamas	July 2001	Not yet submitted	Not yet met	-
5.	Belarus	October 1993	January 1996	June 1997	17 months
6.	Bhutan	October 1999	February 2003	Not yet met	-
7.	Bosnia and Herzegovina	July 1999	October 2002	November 2003	13 months
8.	Cape Verde	July 2000	July 2003	March 2004	7 months
9.	Ethiopia	February 2003	Not yet submitted	Not yet met	-
10.	Kazakhstan	February 1996	September 1996	March 1997	5 months
11.	Lao PDR	February 1998	March 2001	Not yet met	-
12.	Lebanese Republic	April 1999	June 2001	October 2002	16 months
13.	Libyan Arab Jamahiriya	July 2004	Not yet submitted	Not yet met	-
14.	Russian Federation	June 1993	March 1994	July 1995	16 months
15.	Samoa	July 1998	February 2000	March 2002	25 months
16.	Saudi Arabia	July 1993	July 1994	May 1996	22 months
17.	Serbia and Montenegro	February 2001	June 2002	Not yet met	-
18.	Seychelles	July 1995	August 1996	February 1997	5 months
19.	Sudan	October 1994	January 1999	July 2003	54 months
20.	Tajikistan	July 2001	February 2003	March 2004	13 months
21.	Tonga	November 1995	May 1998	April 2001	35 months
22.	Ukraine	December 1993	July 1994	February 1995	6 month
23.	Uzbekistan	December 1994	September 1998	July 2002	47 months
24.	Vanuatu	July 1995	November 1995	July 1996	8 months
25.	Vietnam	January 1995	September 1996	July 1998	20 months
26.	Yemen	July 2000	November 2002	Not yet met	-

Notes to Table 12: Source WTO.

At the initial meeting of the Working Party, members of the Working Party examine the Memorandum and the questions and answers to study the conformity of the regime with the various requirements of the WTO Agreements.

At the end of the first and any subsequent meeting of the Working Party, the Chairperson outlines the next steps required for future meetings. Members of the Working Party also submit the comments and questions posed during the meeting and any additional points that they may have to the Secretariat, which consolidates them and forwards them to the applicant.

There may be several fact-finding meetings before the Working Party begins to negotiate the terms on which the applicant will accede. The WTO Secretariat stresses that a minimum of six weeks should elapse between the formal circulation of the documentation and each meeting⁵⁸. However, given that documentation is not always supplied in a timely manner, this fact-finding phase of the accessions process can be lengthy⁵⁹.

The WTO Secretariat noted that “the number of fact finding meetings that have been held of each Working Party has varied considerably, depending on a number of factors including the interest generated by a particular accession, the complexity of the policies examined and the adequacy of the information supplied.

Increasingly, in order to accelerate the process and ensure that time is used most productively, it has been found useful for acceding governments to submit information on agriculture in the WT/ACC/4 format and information on services in the WT/ACC/5 format. Questions from WTO Members are channelled through the Secretariat, which obtains consolidated answers in writing. There have been a few cases when questions have been directly sent to the acceding government by some WTO Members; even these are promptly transmitted to the Secretariat in the interest of transparency”⁶⁰.

⁵⁸ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1.

⁵⁹ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 8. Also, WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

⁶⁰ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

“The practice has emerged since the circulation of WT/ACC/1 of requesting the Secretariat to prepare a Factual Summary of Points Raised at an appropriate stage arranged by topic under the headings of the Memorandum in order to consolidate the information contained in the Memorandum, in supplementary documents and in the questions and answers relevant to the Working Party's Report. The aim of this is to facilitate the work of the Applicant and the members of the Working Party by identifying the points that are established, those that require further elucidation, examination in the negotiating stage, and, more generally, to make the process more transparent”⁶¹.

The points raised in each meeting gradually evolve into a Working Party Report⁶². In practice, versions of Elements of a draft Report of the Working Party, which summarise the discussions of the Working Party, may be circulated before the first version of the Working Party Report is drafted.

The final draft of the Working Party Report is a comprehensive, and lengthy, document which provides a complete analysis of the foreign trade regime of the applicant and the views taken by the Working Party members throughout the accession process. At a final formal meeting of the Working Party, the Working Party adopts the finalised Working Party Report which includes some terms and conditions of entry.

Table 13 shows the length of time taken for working parties to complete their work. The time taken, from the date the Memorandum was submitted to the date the final Working Party Report was adopted by the Working Party, varies considerably. The working parties of the first new Members (joiners in 1995-1998⁶³) completed the process in about two years⁶⁴. The working parties of the next batch of new Members, which joined in 1999 and 2000⁶⁵, took around five years to complete their work⁶⁶. The working parties of some of the recent new Members took significantly longer. The working parties of China and Nepal took almost fifteen years to complete their work. (Table 54 shows the timing of all completed accessions).

⁶¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁶² WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

⁶³ Ecuador, Mongolia, Bulgaria, Panama and the Kyrgyz Republic.

⁶⁴ With the exception of Mongolia's Working Party which took 4 years and 5 months.

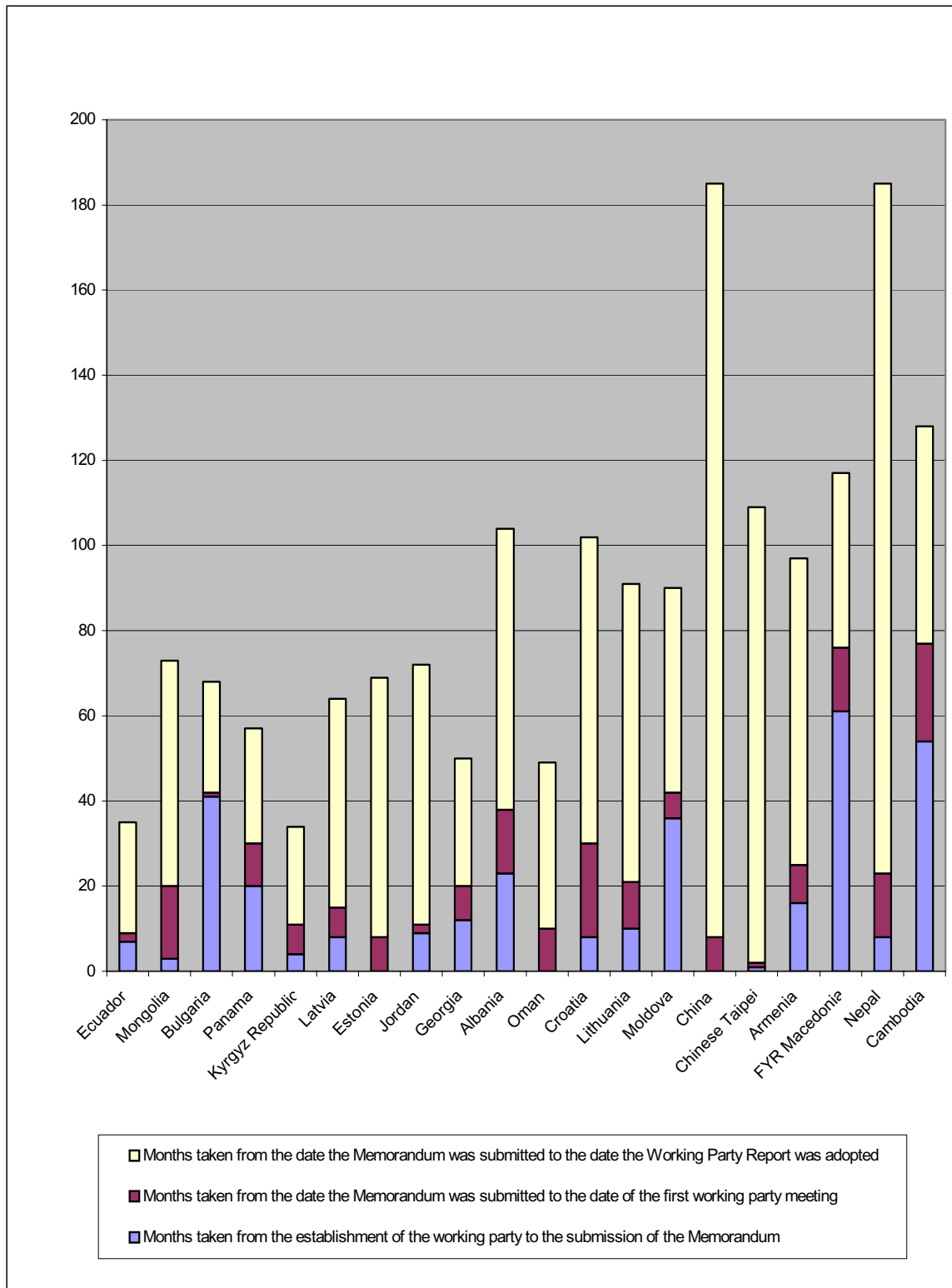
⁶⁵ Latvia, Estonia, Jordan, Georgia, Albania, Oman and Croatia.

⁶⁶ With the exception of Georgia's Working Party which took only 2 years and 6 months.

Table 13: Time taken from the Memorandum to the adoption of the WP Report

New Member	Date Working Party was established	Date Memorandum was submitted	1st meeting of Working Party	WP Report adopted	Date of membership
Ecuador	Oct-92	May-93	Jul-93	Jul-95	21-Jan-96
Mongolia	Oct-91	Jan-92	Jun-93	Jun-96	29-Jan-97
Bulgaria	Feb-90	Jul-93	Jul-93	Sep-96	01-Dec-96
Panama	Oct-91	Jun-93	Apr-94	Sep-96	06-Sep-97
Kyrgyz Republic	Apr-96	Aug-96	Mar-97	Jul-98	20-Dec-98
Latvia	Dec-93	Aug-94	Mar-95	Sep-98	10-Feb-99
Estonia	Mar-94	Mar-94	Nov-94	Apr-99	13-Nov-99
Jordan	Jan-94	Oct-94	Oct-96	Nov-99	11-Apr-00
Georgia	Jul-96	Jul-97	Mar-98	Oct-99	14-Jun-00
Albania	Dec-92	Jan-95	Apr-96	Jul-00	08-Sep-00
Oman	Jun-96	Jun-96	Apr-97	Sep-00	09-Nov-00
Croatia	Oct-93	Jun-94	Apr-96	Jun-00	30-Nov-00
Lithuania	Feb-94	Dec-94	Nov-95	Oct-00	31-May-01
Moldova	Dec-93	Dec-96	Jun-97	Dec-00	26-Jul-01
China	Mar-87	Feb-87	Oct-87	Sep-01	11-Dec-01
Chinese Taipei	Sep-92	Oct-92	Nov-92	Sep-01	01-Jan-02
Armenia	Dec-93	Apr-95	Jan-96	Nov-02	05-Feb-03
FYR Macedonia	Mar-94	Apr-99	Jul-00	Sep-02	04-Apr-03
Nepal	Jun-89	Feb-90	May-00	Aug-03	23-Apr-04
Cambodia	Dec-94	Jun-99	May-01	Sep-03	13 Oct-04

New Member	Months taken from the establishment of the Working Party to the submission of the Memorandum	Months taken from the date the Memorandum was submitted to the date of the first Working Party meeting	Months taken from the date the Memorandum was submitted to the date the Working Party Report was adopted	Total time from the establishment of the Working Party to the date the Working Party Report was adopted by the Working Party in months
Ecuador	7	2	26	33
Mongolia	3	17	53	56
Bulgaria	41	1	26	67
Panama	20	10	27	47
Kyrgyz Republic	4	7	23	27
Latvia	8	7	49	58
Estonia	0	8	61	61
Jordan	9	2	61	70
Georgia	12	8	30	42
Albania	23	15	66	89
Oman	0	10	39	39
Croatia	8	22	72	80
Lithuania	10	11	70	80
Moldova	36	6	48	84
China	-1	8	177	176
Chinese Taipei	1	1	107	108
Armenia	16	9	72	88
FYR Macedonia	61	15	41	102
Nepal	8	15	162	170
Cambodia	54	23	51	118



Notes to Table 13:

1. Source WTO.
2. Countries in order of becoming a WTO Member.

Multilateral negotiations and commitments made in the Working Party Report

Whilst the foreign trade regime is being examined in the Working Party, Working Party members will be assessing whether it conforms with the various requirements of the WTO Agreements. Discussions on the terms of accession do not officially begin, but evolve from the earlier fact-finding meetings of the Working Party.

Usually Working Party members limit their concerns to specific terms of accession, such as commitments on rules, because these issues are “a matter of common concern”⁶⁷. “The main aim of the discussions is to establish if the Applicant's regime conforms to WTO rules and, in particular, how it is to be brought into conformity where necessary”⁶⁸.

A clear history of the discussions, the points of concern, the requests and the agreed resolutions are documented in the Factual Summary of Points Raised, the Elements of a draft Report of the Working Party and the Working Party Report. The final draft of the Working Party Report lists commitments made by the applicant, which are then incorporated by reference into the draft Protocol of Accession⁶⁹.

Actually, the Working Party Report lists the number of the paragraph which contains the commitment(s). For example: “The Working Party took note of the commitments given by Bulgaria in relation to certain specific matters which are reproduced in paragraphs 16, 17, 24, 25, 26, 29, 30, 32, 33, 35, 37, 39, 40, 45, 49, 50, 55, 57, 64, 69, 73, 75, 78, 80, 83, 85 and 90 of this Report”⁷⁰

⁶⁷ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁶⁸ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁶⁹ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 14.

⁷⁰ WTO, Working Party on the Accession of Bulgaria, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5.

The WTO Secretariat has classified these commitments as⁷¹:

1. statements of fact;
2. obligations to abide by existing WTO rules, sometimes specifying national measures to be amended to bring them into conformity with WTO provisions on the subject in question, sometimes elaborating on the WTO provisions on the subject in question;
3. obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus commitments);
4. obligations not to have recourse to specific WTO provisions (WTO-minus rights);
5. specific identification of transitional periods that may be used; and
6. authorisations to depart temporarily from WTO rules or from commitments in the Schedules.

The WTO Secretariat does not give examples of each of these commitments. And, any attempt to use this classification is fraught with difficulty - as some commitments could be classified as of more than one type and many paragraphs contain more than one commitment⁷².

For example, in paragraph 80 of its Working Party Report: “The representative of Bulgaria confirmed that, upon accession, his Government would notify the Committee on Government Procurement of its intention to accede to the Agreement on Government Procurement and seek observer status in that Committee. He further confirmed that Bulgaria will initiate negotiations for membership in the Agreement by tabling an entity offer prior to 30 June 1997. He also confirmed that, if the results of the negotiations are satisfactory to the interests of Bulgaria and the other members of the Agreement, Bulgaria will complete negotiations for membership in the Agreement by 31 December 1997. The Working Party took note of this commitment.”⁷³

It is not obvious whether this commitment should be classified as an obligation to abide by existing WTO rules with some elaboration on how this is to be achieved; an obligation to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus); or the identification of a specific transitional period.

⁷¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁷² See Maxine Kennett’s doctoral thesis “the Price of Accession” for further analysis.

A conservative interpretation may classify such a commitment merely as an obligation to abide by existing WTO rules. A more liberal interpretation may classify the commitment as WTO-plus.

Taking a conservative approach, most of the commitments found in the Working Party Reports are obligations to abide by existing WTO rules. Although, each new Member also has a few of the other types of commitments.

However, most commentators take a more liberal approach to the classification of commitments found in the Working Party Reports of new Members. Press articles, journals and the (limited) research findings on accession imply that most commitments made by new Members are WTO-plus obligations.

Some commentators make the discussion even murkier by classifying the terms of bilateral trade agreements, regional trade agreements and domestic reforms as WTO-plus, thereby increasing the number of commitments made by new Members exponentially.

For example, during their accession processes, many new Members enter into bilateral trade agreements with existing WTO Members. The terms of these agreements are often more onerous than those found in the WTO Agreements. However, such commitments should not be classified as WTO-plus. These commitments are not included in the Working Party Report, the goods and services Schedules, the Protocol Accession or any other official WTO document. Legally, they are not part of the accession package and they (probably) could not be challenged in the WTO's Dispute Settlement Body (DSB).

This mix of liberal interpretations, conservative interpretations and outright confusion suggests that there is a need for some more work on the subject of the commitments made by new Members in their Working Party Reports. Thorough analysis and some realistic thinking would waylay or confirm claims made and provide practical guidance for applicants in the accession process⁷⁴.

⁷³ WTO, Working Party on the Accession of Bulgaria, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5.

⁷⁴ See Maxine Kennett's "The Price of Accession" for further analysis.

In the meantime, Table 14 provides a list of the Working Party Reports and Table 15 provides an indication of the number (but not the type) of specific commitments made by new Members in those Working Party Reports.

Ecuador, which was the first new Member, made twenty-one commitments. Since then, most new Members have made about twenty-five to thirty commitments. China and Chinese Taipei are notable for making many more. However, it is important to note that (apart from China, Chinese Taipei, and Armenia) there is no increase in the number of commitments made over time.

Part II provides a detailed analysis of the commitments made by Bulgaria, Ecuador and Jordan.

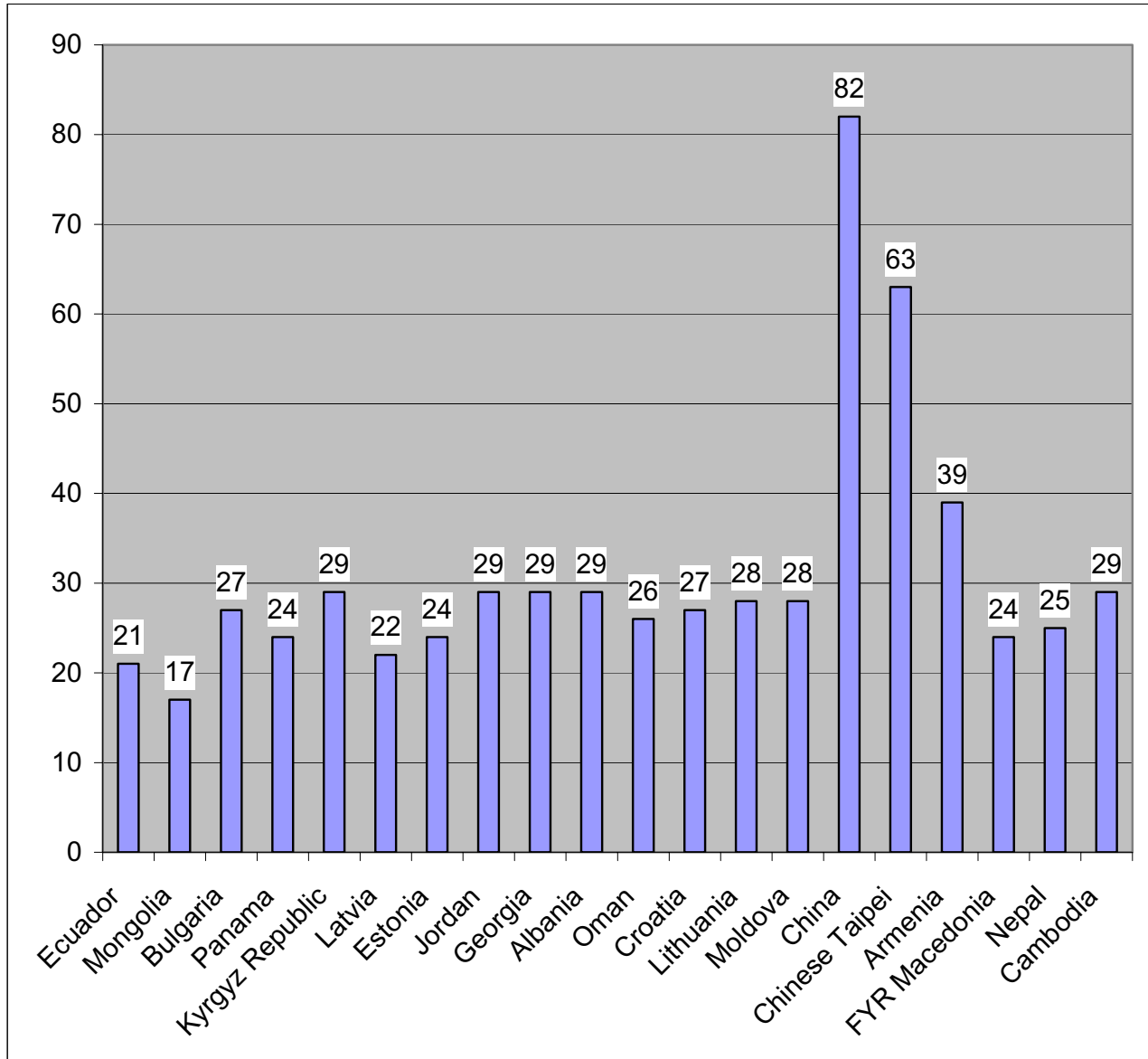
Table 14: Working Party Reports of New Members as of December 2004

New Member	Commitments on Rules in Working Party Report
Ecuador	WT/L/77 & Corr.1
Mongolia	WT/ACC/MNG/9 & Corr.1
Bulgaria	WT/ACC/BGR/5 & Corr.1
Panama	WT/ACC/PAN/19 & Corr.1
Kyrgyz Republic	WT/ACC/KGZ/26 & Corr.1
Latvia	WT/ACC/LVA/32
Estonia	WT/ACC/EST/28
Jordan	WT/ACC/JOR/33 & Corr.1
Georgia	WT/ACC/GEO/31
Albania	WT/ACC/ALB/51 & Corr.1
Oman	WT/ACC/OMN/26
Croatia	WT/ACC/HRV/59
Lithuania	WT/ACC/LTU/52
Moldova	WT/ACC/MOL/37 & Corr.1-4
China	WT/ACC/CHN/49 & Corr.1 WT/MIN(01)/3
Chinese Taipei	WT/ACC/TPKM/18 WT/MIN(01)/4
Armenia	WT/ACC/ARM/23
FYR Macedonia	WT/ACC/807/27
Nepal	WT/ACC/NPL/16
Cambodia	WT/ACC/KHM/21

Notes to Table 14:

1. Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. FYR Macedonia is an abbreviation for the Former Yugoslav Republic of Macedonia.
3. New Members are listed in the order they became Members.

Table 15: The number of commitments listed in the final draft of the Working Party Report



Notes to Table 15:

1. Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. FYR is an abbreviation for the Former Yugoslav Republic.
3. New Members are listed in the order they became Members.
4. Data correct as of December 2004.

Bilateral negotiations and Schedules

After, or whilst, conducting these multilateral negotiations, the applicant engages in bilateral negotiations with interested Working Party members on concessions and commitments on market access for goods and services.

These bilateral negotiations commence either by the applicant tabling its initial offer or interested WTO Members submitting their request lists to the applicant. In practice, it is the applicant which initiates the market access negotiations by presenting both basic factual information and offers on goods, including agriculture, and on services to all WTO Members⁷⁵.

Thereafter applicants and interested Members will meet in Geneva and in their own capitals to negotiate. Very little is known about what happens during these negotiations. The WTO Secretariat does not record the positions taken and it admits that less is known about this phase of the accessions process than the earlier fact-finding phase, the multilateral negotiations phase or the last phase in which the results of the negotiation are formalised and put into effect⁷⁶.

Anecdotal evidence suggests that applicants must make broad and deep concessions on market access for goods and services in order to enter the organisation. The reason for this is that some WTO Members (usually the Working Party members) ask applicants to make specific concessions in return for support for the accession application. As a result, applicants end up with goods and services Schedules that suit every Member including the most demanding Members.

Exceptions, depending on the applicant's perceived economic status and on the arguments put forward during the negotiations, may lead to fewer concessions being made⁷⁷. However, many WTO Members believe that they have no obligation to extend special and differential treatment or to grant privileges and exceptions to newly acceding developing countries. And, requests for leniency, if not explained well, may be perceived as a lack of goodwill.

⁷⁵ Except in one case in which the document stated that the offer was available to interested Members on request. See WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

⁷⁶ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

One of the features of bilateral negotiations, that has developed over time, is that WTO Members have begun to informally cooperate with one another and to distribute work among themselves. For example, one Member may decide to focus on goods, when another Member will centre on services, so as to reach a deal that is of maximum interest to all WTO members active in the Working Party. This makes it useless, or even counterproductive, for an applicant to follow a negotiating strategy, which would try to play out one country against another.

Some applicants manage to get their Working Party president and, at least, some of their negotiating partners on their side, once the basic and most important requests have been met. These sympathisers usually come to the defense of the applicant towards the end stages of accession negotiations, in order to help conclude the process.

Concessions granted in bilateral trade agreements (BTAs) before WTO accession - especially agreements concluded with major trading nations - are expected to be extended to all WTO Members as a result of the most-favoured-nation (MFN) principle. Applicants could argue that BTAs are free trade agreements (FTAs) beyond the scope of the WTO⁷⁸, but few WTO Members would agree. In practice, BTAs, FTAs and other trade agreements are taken as the starting, not the end, point of negotiations.

Following the conclusion of bilateral negotiations, the applicant informs the Secretariat of the results. Draft Schedules on both goods and services are then formally circulated to all members of the Working Party and reviewed multilaterally. This provides an opportunity to WTO Members to verify that the concessions contained in the draft Schedules conform to the results of their bilateral negotiations with the acceding government. It also provides Members with an opportunity to check that the contents are in accordance with the relevant WTO provisions.

⁷⁷ See the Bulgarian example in Part II.

⁷⁸ See Article XXIV of the GATT.

The reviewed Schedule of Concessions and Commitments to GATT 1994 and Schedule of Specific Commitments to the GATS are then annexed to the draft Protocol of Accession⁷⁹.

Annexes II, III and IV provide an indication of the concessions made by new Members in their goods and services Schedules. Some information is taken from a tables in a WTO Secretariat Note, dated 28th May 2003. As a result, the details of the accessions of Nepal and Cambodia are not included. Other information, with a different methodology, is taken from a WTO Secretariat Note, dated 22nd October 2004. Both are reproduced here.

Looking briefly at the concessions made by the 18 new Members in their goods Schedules (Annexes II and III), it is strikingly obvious that most new Members have bound all of the their agricultural products and that the simple average of individual agricultural tariffs bindings is very low - less than 20% in most cases. Also, most new Members have bound all of their non-agricultural products and that the simple average of individual non-agricultural tariff bindings is even lower – usually less than 10%. The is also a trend for new Members to bind goods lower the later they join the WTO.

The services Schedules (Annex IV) are equally as striking. In the 30 service sectors identified by the WTO Secretariat, new Members have made commitments in almost all service sectors. The first few joiners made fewer commitments than later joiners and there appears to be a tend for new Members to make more commitments the later they join the WTO. However, this table does not show the nature and depth of the commitments made.

For further information, Table 16 provides a list of the document numbers of the goods and services Schedules of all new Members.

⁷⁹ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 13.

Table 16: Schedules of new Members as of December 2004

New Member	Goods Schedule	Services Schedule
Ecuador	WT/L/77/Add.1 & Add.1/Corr.1, 2	WT/L/77/Add.2
Mongolia	WT/ACC/MNG/9/Add.1 & Add.1/Corr.1	WT/ACC/MNG/9/Add.2
Bulgaria	WT/ACC/BGR/5/Add.1	WT/ACC/BGR/5/Add.2
Panama	WT/ACC/PAN/19/Add.1	WT/ACC/PAN/19/Add.2
Kyrgyz Republic	WT/ACC/KGZ/26/Add.1	WT/ACC/KGZ/26/Add.2
Latvia	WT/ACC/LVA/32/Add.1 & Add.1/Corr.1	WT/ACC/LVA/32/Add.2
Estonia	WT/ACC/EST/28/Add.1	WT/ACC/EST/28/Add.2 & Add.2/Corr.1
Jordan	WT/ACC/JOR/33/Add.1	WT/ACC/JOR/33/Add.2
Georgia	WT/ACC/GEO/31/Add.1	WT/ACC/GEO/31/Add.2
Albania	WT/ACC/ALB/51/Add.1	WT/ACC/ALB/51/Add.2 & Corr.1, 2
Oman	WT/ACC/OMN/26/Add.1	WT/ACC/OMN/26/Add.2
Croatia	WT/ACC/HRV/59/Add.1	WT/ACC/HRV/59/Add.2
Lithuania	WT/ACC/LTU/52/Add.1 & Add.1/Corr.1	WT/ACC/LTU/52/Add.2
Moldova	WT/ACC/MOL/37/Add.1	WT/ACC/MOL/37/Add.2
China	WT/ACC/CHN/49/Add.1 & Corr.1 WT/MIN(01)/3/Add.1	WT/ACC/CHN/49/Add.2 WT/MIN(01)/3/Add.2
Chinese Taipei	WT/ACC/TPKM/18/Add.1 WT/MIN(01)/4/Add.1	WT/ACC/TPKM/18/Add.2 WT/MIN(01)/4/Add.2
Armenia	WT/ACC/ARM/23/Add.1	WT/ACC/ARM/23/Add.2
FYR Macedonia	WT/ACC/807/27/Add.1	WT/ACC/807/27/Add.2
Nepal	WT/ACC/NPL/16/Add.1	WT/ACC/NPL/16/Add.2
Cambodia	WT/ACC/KHM/Add.1	WT/ACC/KHM/Add.2

Notes to Table 16:

1. Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. FYR Macedonia is an abbreviation for the Former Yugoslav Republic of Macedonia.
3. New Members are listed in the order they became Members.

The Working Party Report, the Protocol of Accession and entry into force

The final “accession package” consists of:

1. a draft Protocol of Accession, including a draft General Council/Ministerial Conference Decision;
2. a draft Working Party Report containing a summary of proceedings and the terms and conditions of entry. These terms and conditions are incorporated by reference into the draft Protocol of Accession;
3. a Schedule of Concessions and Commitments on Goods, which is annexed to and is part of the draft Protocol of Accession; and
4. a Schedule of Specific Commitments on Services which is annexed to and is part of the draft Protocol of Accession.

The Protocol of Accession, which follows a common pattern (Annex V), transforms the applicant into a Member of the WTO and binds it to observe the rules contained in the WTO Agreement as rectified, amended or otherwise modified by the Protocol. The Working Party Report contains a list of terms and conditions of entry and the Schedules list the agreed concessions and commitments on market access for goods and services.

Once all of these documents are completed to the satisfaction of members of the Working Party, the “accession package” is adopted at a final formal meeting of the Working Party. The documents are then presented to the General Council (or occasionally Ministerial Conference) for approval. The text of Decisions of the General Council followed the same pattern until the accession of China. Now they have a different set format (Annex VI).

Not all Working Party Reports are approved. The final meeting of the Working Party concerning the accession of Vanuatu was held on 29th October 2001. The Working Party Report has not yet been adopted by the General Council.

However, once approved by the General Council/Ministerial Conference, the “accessions package” needs to be formally accepted by the applicant. Acceptance may be by signature or by ratification. Normally three months is given from signature of the Protocol of Accession for the applicant to ratify the accession package. Thirty days after the applicant notifies the

WTO Secretariat that it has completed its formal acceptance procedures, the applicant becomes a Member of the WTO⁸⁰.

Table 17: Protocols of Accession of new Members as of December 2004

New Member	Protocol of Accession
Ecuador	WT/ACC/ECU/6
Mongolia	WT/ACC/MNG/11
Bulgaria	WT/ACC/BGR/7
Panama	WT/ACC/PAN/21
Kyrgyz Republic	WT/ACC/KGZ/29
Latvia	WT/ACC/LVA/35
Estonia	WT/ACC/EST/30
Jordan	WT/ACC/JOR/35
Georgia	WT/ACC/GEO/33
Albania	WT/ACC/ALB/53 + Corr. 1
Oman	WT/ACC/OMN/28
Croatia	WT/ACC/HRV/61
Lithuania	WT/ACC/LTU/54
Moldova	WT/ACC/MOL/40
China	WT/L/432
Chinese Taipei	WT/L/433
Armenia	WT/L/506
FYR Macedonia	WT/L/494
Nepal	WT/MIN(03)/19
Cambodia	WT/MIN(03)/18

Notes to Table 17:

1. Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. FYR Macedonia is an abbreviation for the Former Yugoslav Republic of Macedonia.
3. New Members are listed in the order they became Members.

⁸⁰ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 15.

Least-developed countries

The WTO recognises as least-developed countries (LDCs) those countries which have been designated as such by the United Nations. There are currently forty-nine least-developed countries on the UN list⁸¹. Thirty were original-Members of the WTO. Until recently, no LDC had acceded to the WTO. Cambodia and Nepal joined in 2004. Many are now in the process of accession.

Surprisingly, the plight of LCD applicants received scant attention until the Third United Nations Conference on Least-Developed Countries (LDC III) in 2001⁸². The WTO Secretariat prepared, as part of a contribution to the discussions at LDC III, a note on the accession processes of (then) nine LDC applicants⁸³. The note summarised the discussions among Members on:

1. LDC accession procedures;
2. the terms, conditions and pace of the accession process;
3. the provision and coordination of technical assistance to address the special needs and capacities of LDC applicants for accession; and
4. the relationship between accessions and new trade negotiations⁸⁴.

In particular, the WTO Secretariat observed that:

“17. This note and the accompanying tables, show that the accession processes in LDCs are at very different stages of advancement, ranging from the very initial stage to the more advanced. At least one LDC Working Party has the potential to conclude its work in the

⁸¹ As of December 2004, the United Nations lists forty-nine least-developed countries (LDCs).

⁸² Although, the Comprehensive and Integrated WTO Plan of Action for the Least-Developed Governments adopted at the Singapore Ministerial Conference, in which UNCTAD, ITC, IMF, the World Bank and UNDP are actively involved, led to the establishment of an Integrated Framework (IF) for trade-related technical assistance. The IF was implemented on a pilot basis in three least-developed countries, including Cambodia, a country which was in the process of accession.

⁸³ The nine LDCs included Bhutan, Cambodia, Cape Verde, Laos People’s Democratic Republic, Nepal, Samoa, Sudan, Vanuatu and Yemen. The tenth LDC applicant, Ethiopia, established its Working Party on the 10th February 2003, after the WTO Secretariat note was published.

⁸⁴ WTO, Note by the Secretariat, Status of Least-Developed Countries Accession to the World Trade Organization. Document number WT/LDC/SWG/IF/11, paragraphs 1 and 2.

course of 2001, given sufficient flexibility by both the acceding government and WTO Members⁸⁵.”

“18. Delivery of timely and appropriate technical assistance, provided at different stages, greatly facilitates the accession process, and strengthens human and institutional capacities in LDCs. However, for accelerated progress in the accession of LDC applicants, other flexible and innovative measures could also be considered. The formulation of agreed guidelines for the accession of LDCs has been suggested as a means of expediting their accession processes. The WTO Secretariat and Members have already managed to reduce to a minimum the number of Working Party meetings and to ensure that the meetings held are as productive as possible. These are welcome steps that have and could be furthered to expand LDC membership in the WTO⁸⁶.”

Although Ministers had encouraged the expeditious entry of applicants into the WTO before⁸⁷, it was not until after this note had been circulated and at the Doha Ministerial Conference that LDC accession became an issue.

At Doha, the Ministers also declared that:

“9. We [...] attach great importance to concluding accession proceedings as quickly as possible. In particular, we are committed to accelerating the accession of least-developed countries”⁸⁸

“42. Accession of LDCs remains a priority for the Membership. We agree to work to facilitate and accelerate negotiations with acceding LDCs. We instruct the Secretariat to reflect the priority we attach to LDCs’ accessions in the annual plans for technical assistance”⁸⁹.

⁸⁵ WTO, Note by the Secretariat, Status of Least-Developed Countries Accession to the World Trade Organization. Document number WT/LDC/SWG/IF/11, paragraph 17.

⁸⁶ WTO, Note by the Secretariat, Status of Least-Developed Countries Accession to the World Trade Organization. Document number WT/LDC/SWG/IF/11, paragraph 18.

⁸⁷ WTO, Ministerial Declaration of the First Session at Singapore on 9-13th December 1996, 18th December 1996. Document number WT/MIN(96)/DEC, paragraph 8. WTO, Ministerial Declaration of the Second Session at Geneva on 18th and 20th May 1998, 25th May 1998. Document number WT/MIN(98)/DEC, paragraph 7.

⁸⁸ WTO, Ministerial Declaration of the Fourth Session at Doha on 9–14th November 2001, 20th November 2001. Document number WT/MIN(01)/DEC/1, paragraph 9.

⁸⁹ WTO, Ministerial Declaration of the Fourth Session at Doha on 9–14th November 2001, 20th November 2001. Document number WT/MIN(01)/DEC/1, paragraph 42.

After the Ministerial Conference, the General Council gave structure to this commitment. The General Council agreed, in accordance with paragraph 42 of the Doha Ministerial Declaration and the recommendations contained within the WTO Secretariat's note, to accelerate, simplify and streamline the accession procedures for LDCs⁹⁰.

Their decision, dated 10th December 2002 Which is reproduced in full in Annex VII), specifically laid out guidelines for market access, WTO rules, technical assistance, and capacity building during the accession of least developed countries to the WTO⁹¹ and it has become a key text for LDC accession.

These guidelines suggest, for example, that: “WTO Members shall exercise restraint in seeking concessions and commitments on trade in goods and services from acceding LDCs”; “Special and Differential Treatment shall be applicable to all acceding LDCs, from the date of entry into force of their respective Protocols of Accession”; “transitional periods shall be granted in accession negotiations taking into account individual development, financial and trade needs”.

From a legal point of view, guidelines are only guidelines. The wording of the decision is too soft to be used as a stick in accession negotiations. However, the decision brings hope to many LDCs in the process of accession. Certainly, the decision suggests that for them the accession process should be easier. And, they would do well to remind Working Party members of this during accession negotiations.

During the Ministerial Conference in Cancún in September 2003, Ministers did not, as expected, expand on these guidelines, but they did approve the accession of Cambodia⁹² and Nepal⁹³, allowing them to become the first two LDCs to accede to the WTO. Both countries noted in their statements the positive impact of the 10 December 2002 Decision on LDC Accession.

⁹⁰ WTO, Communication to the General Council, 5th December 2002. Document number WT/COMTD/LDC/12. Also, WTO, Decision of the General Council dated 10th December 2002, 20th December 2002. Document number WT/L/508.

⁹¹ WTO, Decision of the General Council dated 10th December 2002, 20th December 2002. Document number WT/L/508.

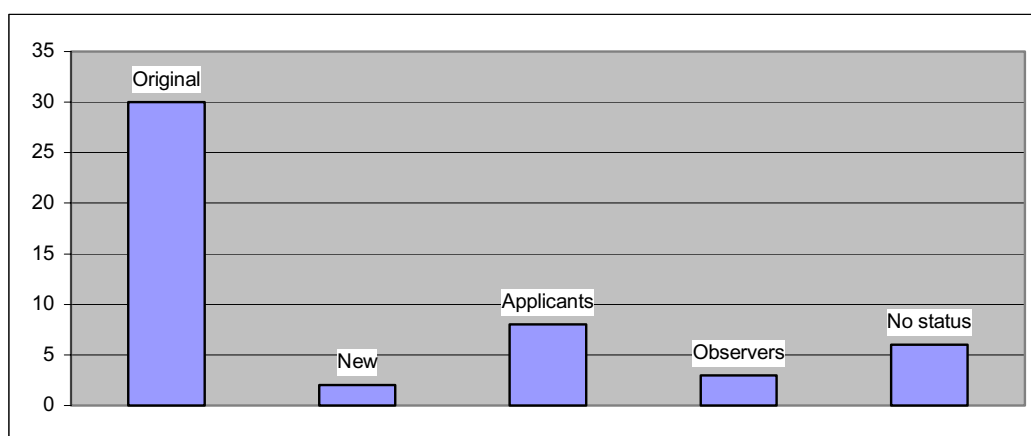
⁹² WTO Press Release number 354, dated 11th September 2003.

⁹³ WTO Press Release number 356, dated 11th September 2003.

Table 18 shows the current status of LDCs in the WTO, now that Nepal and Cambodia have joined. Eight more LDCs are in the process of accession. Three observer governments, which must start their accession processes in the near future, are LDCs. Of the six other LDCs that have no status within the WTO, one (Liberia) has unsuccessfully applied for inclusion. The application from Liberia for observer status (WT/L/357) was deferred by the General Council at its meeting in July 2000 (WT/GC/M/57).

Table 18: Least developed countries and the WTO

	Original Members	New Members	Applicants	Observers	No status
1	Angola	Cambodia	Bhutan	Afghanistan	Comoros
2	Bangladesh	Nepal	Cape Verde	Equatorial Guinea	Eritrea
3	Benin		Ethiopia	Sao Tome and Principe	Kiribati
4	Burkina Faso		Lao PDR		Liberia*
5	Burundi		Samoa		Somalia
6	Central African Republic		Sudan		Tuvalu
7	Chad		Vanuatu		
8	Democratic Republic of Congo		Yemen		
9	Djibouti				
10	Gambia				
11	Guinea				
12	Guinea-Bissau				
13	Haiti				
14	Lesotho				
15	Madagascar				
16	Malawi				
17	Maldives				
18	Mali				
19	Mauritania				
20	Mozambique				
21	Myanmar				
22	Niger				
23	Rwanda				
24	Senegal				
25	Sierra Leone				
26	Solomon Islands				
27	Togo				
28	Uganda				
29	Tanzania				
30	Zambia				



Notes to Table 18:

1. The UN's list of LDCs can be found at <http://www.un.org/special-rep/ohrls/lde/list.htm>
2. Lao PDR is the abbreviation for the full title of the Lao People's Democratic Republic.
3. A * denotes requests for observer status received.

Summary

Part I of this paper provided an outline of the principal legal obligations of accession. It is important to glean from this part of the paper that the Marrakesh Agreement permits “new” Members to join the organisation “on terms to be agreed” between the applicant and WTO. No guidance is given in the Marrakesh Agreement on what these terms should be nor on the procedures for negotiating these terms. This scarcity of rules is a remarkable omission for a self-proclaimed rules based organisation.

Since the creation to the WTO, the WTO Secretariat has drawn up a set of procedures for accession, which require:

1. an applicant to indicate its desire to accede to the WTO under Article XII by sending a communication to the Director-General of the WTO;
2. that communication to be circulated to all WTO Members;
3. a decision to be taken by WTO Members whether to approve the establishment of a Working Party;
4. a Working Party to be established and a Chairperson to be appointed;
5. the applicant to submit a Memorandum on its foreign trade regime;
6. the Working Party to examine the Memorandum and the applicant provides further information and answers;
7. a Working Party Report to be prepared;
8. goods and services schedules to be prepared;
9. a draft Decision and a draft Protocol of Accession (containing commitments listed in the Working Party Report and the goods and services Schedules) to be prepared;
10. the Working Party to approve the accession package;
11. the General Council or the Ministerial Conference to approve the accession package;
12. the applicant to formally accept the accession package; and
13. the applicant to notify the WTO Secretariat of its formal acceptance.

These procedures provide applicants with a road map for accession, but do not help applicants determine what the terms of accession will be. However, looking more closely at how new Members have managed these procedures, it is possible to draw a few conclusions about the nature of the accession process to date.

Any state or customs territory possessing full autonomy in the conduct of its external commercial relations may accede to the WTO. Since the establishment of the WTO, twenty new Members have acceded and another twenty-six are in the process of accession. However, some states and customs territories are not accepted as applicants.

Almost all new Members applied to join the GATT during the Uruguay Round . Whereas most of the current applicants have applied to accede to the WTO since its establishment. The majority of new Members and applicants are developing countries. Two LDCs have acceded to the WTO and eight LDCs are in the process of accession.

Although the Marrakesh Agreement does not explicitly allow for governments to become observers of the WTO, WTO Members agreed upon rules and guidelines for observer governments in the WTO. Currently, there are five observer governments in the WTO. Four must start the accessions process within five years of becoming an observer. The Holy See was exempted from this rule.

Once a Working Party is established, there are standard terms of reference for Working Parties. However, there are no standard terms of entry for applicants. Most Working Parties have about twenty members (counting the European Communities as one member) and a core group of WTO Members that attend every Working Party. Europeans are most often chosen to chair Working Parties.

The Memorandum on the foreign trade regime is an information rich document which takes applicants considerable time and resources to prepare. Most new Members managed to prepare this document in about a year. However, new applicants are taking considerably longer.

The Memorandum is examined in the Working Party. This fact finding stage also requires applicants to invest about twelve months of time and resources to answer all of the questions posed.

Discussions on the terms of accession do not officially begin, but evolve from the earlier fact finding stage. Working Party members usually concern themselves with specific terms of accession. These terms are listed in the final draft of the Working Party Report and then incorporated into the Protocol of Accession.

Members make between 25 and 30 commitments in their Working Party Reports. It is extremely difficult to classify these commitments. The classification offered by the WTO Secretariat is fraught with difficulty. However, generally and conservatively speaking, most of the commitments made are commitments to abide by existing WTO rules. Although, each new Member usually makes some other (including WTO-plus) commitments as well. The lack of research on the commitments made by new Members suggests that more work needs to be done in this area.

Very little is known about the bilateral negotiations on goods and services. However, results show that applicants end up with Schedules that suit the most demanding WTO Members. These concessions and commitments are then multilateralised and incorporated into the Protocol of Accession.

The final accession package consists of the draft Protocol of Accession, the draft Working Party Report containing commitments on rules, and the draft Schedules containing the agreed concessions and commitments on goods and services. If this accession package is acceptable to the Working Party, the General Council (or Ministerial Conference) and the applicant (in that order), the applicant will become a new Member of the WTO.

The accession of least-developed countries received scant attention until the Third United Nations Conference on Least-Developed Countries (LDC III) in 2001. Since then, the WTO Secretariat and WTO Members have laid out guidelines for simplified and streamlined procedures.

However, procedures are only one part of the accession process. Applicants know how to accede to the WTO before they acceded, but the terms of accession are open for negotiation. Parts II and III analyse some of those terms.

PART II – ANALYSES OF THREE DIFFERENT ACCESSIONS

An introduction to the methodology

Part II considers the accessions of Bulgaria (which acceded in 1996), Ecuador (1996) and Jordan (2000) in detail. Particular attention is given to the initiation of the accession process; requests for waivers and exemptions; commitments provided in the Working Party Report; transition periods; and timing in general. A comparative analysis of the results of Part II, and information about Angola (an LDC), can be found in Part III.

Although this analysis is mostly in narrative form, the same details are highlighted in relation to each country. This methodical approach proved necessary for the comparative analysis in Part III, but the result here is that some paragraphs will appear familiar and repetitive.

As mentioned in the Introduction, research on WTO accession has almost exclusively focused on the important case of China. Little is known about the accessions of the other nineteen states and customs territories that have joined the World Trade Organization (WTO) since it was established in 1995. Bulgaria, Ecuador and Jordan are not exceptions to this rule. As a result, most of the information in this Part comes from WTO documents and reports.

Bulgaria, Ecuador and Jordan were chosen for analysis because each country was considered to have a trade regime that was varied enough not to skew the results and the countries acceded to the WTO at different times which would perhaps allow for time dependent trends to be shown in the results.

Additional information about these countries can be found in the “At a Glance” tables (Annexes IX, X and XI) and can be obtained from the relevant Permanent Missions to the World Trade Organization (Annex XIII).

All data and information is correct as of December 2004 and all documents used are publicly available.

Bulgaria

The World Bank's "Bulgaria at a glance" table (see Annex IX) provides two pages of information about Bulgaria's poverty and social circumstances, key economic ratios, long term trends, economic structure, trade, balance of payments, and external debt and resource flows over the last three decades⁹⁴.

From 1954 to 1989, Bulgaria was under the Communist leadership of Todor Zhivkov, and the country became one of the most prosperous in Eastern Europe. In 1967, Bulgaria became an observer of the GATT 1947, but did little within the organisation for almost twenty years.

On 8th September 1986, Bulgaria officially announced its desire to accede to the GATT on the grounds that it had reformed its economy sufficiently along market lines to be able to accept both the benefits and obligations of GATT membership.

At its meetings on 5-6th November 1986, the General Council of the GATT considered Bulgaria's application but no decision was taken to establish a Working Party, because of the objection of the United States. The decision was also deferred during meetings of the General Council on 20th July 1988 and 19th – 20th October 1988, and thereafter the issue was postponed until at least the beginning of 1989.

Meanwhile, during 1987 and 1988 three seminars were held in Graz, Washington and Brussels on "Bulgaria and the GATT". At the meeting of the General Council in July 1988, Bulgaria officially presented its Memorandum on its foreign trade regime. Further rounds of bilateral consultations were held during 1989 about the foreign trade regime of Bulgaria and its compatibility with GATT provisions regarding national treatment, non-discrimination, state trading, subsidies and countervailing measures (issues beyond the scope of the GATT 1947).

After the collapse of Communism in 1989, state control of foreign trade was terminated and the foreign trade regime of Bulgaria was radically liberalised by the Bulgarian Socialist Party.

⁹⁴ Not mentioned in the World Bank's table is that Bulgaria has a population of 8.1 million, an area of 110,910 square km of which 43% is arable. The main agricultural products include vegetables, fruits, tobacco, livestock, wine, wheat, barley, sunflowers and sugar beets. Bulgaria's main industries include electricity, food, machinery, chemical products, textiles and metals (predominantly bauxite, copper, lead and zinc). See Holt Reinhart and Winston 2002 and the Bulgarian Chamber of Commerce.

This liberalisation involved allowing full convertibility of the lev, the national currency of Bulgaria; developing capital markets; introducing new customs tariffs based on the Harmonized Commodity Description and Coding System; redesigning the tax system so that tariffs could be used as the only means of market protection; privatising productive property; and reforming the education system.

In April, May and June of 1989, Bulgaria presented information to the General Council on its new economic and trade policies⁹⁵ and also provided an addendum to the Memorandum⁹⁶.

At a meeting on 20th February 1990, the General Council of the GATT established a Working Party to examine the application of the Government of Bulgaria to accede to the GATT 1947 under Article XXXIII and to submit to the Council recommendations which might include a draft Protocol of Accession⁹⁷.

No action was taken within the WTO on Bulgaria's accession to the WTO until 1991, as the Bulgarian government was involved in intensive bilateral consultations between the United States⁹⁸ and was also negotiating new regional agreements with the European Community (EC), the European Free Trade Association (EFTA) and with its Central European neighbours (CEFTA)⁹⁹.

The Working Party on the accession of Bulgaria met on 15-16th July 1991, 12-13th July 1993, 4-5th November 1993, 28-29th March 1994, 7-8th July 1994, 5 and 7th July 1995, 10 and 29th July and 17th September 1996 under the chairmanship of H.E. Mr. E.C. Selmer of Norway¹⁰⁰.

There were twenty-two members of the Working Party¹⁰¹ including Argentina, Australia, Austria, Canada, Chile, Czech Republic, European Communities and Member States, Finland,

⁹⁵ Decree No.56 of January 1989.

⁹⁶ GATT document number L/6512, 8th June 1989.

⁹⁷ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 1.

⁹⁸ The US-Bulgarian bilateral trade agreement that came into force in 1991 and provided Bulgaria with most-favoured-nation (MFN) status. The US gave Bulgaria unconditional MFN treatment in 1996.

⁹⁹ CEFTA members include Bulgaria, Turkey, the Former Yugoslav Republic of Macedonia, Estonia, Croatia, Israel, Lithuania and Latvia.

¹⁰⁰ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 2.

¹⁰¹ Taking the European Communities and their member States as one member.

Hungary, Iceland, India, Japan, Mexico, New Zealand, Norway, Poland, Romania, Slovak Republic, Sweden, Switzerland, Turkey and the United States¹⁰².

The presence of Australia, Canada, the European Communities and its Member States, India, Japan, New Zealand, Switzerland and the United States was not unexpected as they form a core group of members which attend almost every accession Working Party. However, Austria, the Czech Republic, Hungary, Poland, Romania, the Slovak Republic and Turkey may have been present as a result of their close proximity and trade ties with Bulgaria.

The members of the Working Party spent time in the earlier meetings discussing Bulgaria's reforms and its foreign trade regime. In October 1994, Bulgaria submitted its offer on services¹⁰³. In January 1995, it submitted its offer on agriculture and at the same time made an offer on the trade in goods¹⁰⁴. Thereafter, bilateral negotiations were undertaken, of which very little is known.

One thing that is known is that Bulgaria had been negotiating accession to the GATT "with the clear intention of becoming an original Member of the World Trade Organization"¹⁰⁵. However, "due to the complexity of the negotiating process [and] for reasons independent of Bulgaria this objective had not been attained"¹⁰⁶.

On 11th April 1995, the Government of Bulgaria advised the General Council that it had decided to negotiate the terms of accession of the Republic of Bulgaria under Article XII of the Marrakesh Agreement – which deals with new Members. In accordance with the decision adopted by the General Council on 31st January 1995, the Working Party on the Accession of Bulgaria to the GATT was transformed into a WTO accession Working Party¹⁰⁷.

The terms of reference of the WTO Working Party were: "To examine the application of the Government of Bulgaria to accede to the World Trade Organization under Article XII and to

¹⁰² WTO, Communication from Bulgaria, 11th April 1995. Document number WT/L/58.

¹⁰³ Spec(94)46/26.10.94

¹⁰⁴ Spec(95)4/21.02.95

¹⁰⁵ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 9.

¹⁰⁶ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 9.

¹⁰⁷ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 1.

submit to the General Council recommendations which may include a draft Protocol of Accession.”¹⁰⁸

Although the terms of reference of the GATT and the WTO Working Parties might, at first glance, appear to be the same, the task of the WTO Working Party was significantly greater. Bulgaria was required not only to consider the obligations of the GATT 1947, but the expanded scope of GATT institutions under the WTO. As a result, “some members requested information on Bulgaria’s commitments concerning intellectual property rights and its intentions concerning participation in the Agreement on Trade Related Aspects of Intellectual Property Rights and in the General Agreement on Services”¹⁰⁹.

On 24th May 1995, the WTO Secretariat provided a checklist of documents of concern to the Working Party¹¹⁰, which included the:

1. terms of reference and membership of the Working Party (above);
2. communications from Bulgaria;
3. information on Bulgaria’s foreign trade regime;
4. lists of laws and new legislation adopted in Bulgaria (below);
5. a draft report; and
6. revised offers on trade in services and agriculture.

The list of new laws and legislation made available to the Working Party by Bulgaria was extensive (see Table 19). However, it should not be presumed that Bulgaria adopted the legislation solely for the purposes of WTO accession. Bulgaria was undergoing radical reform of its economy and was also beginning to harmonise its legislation with that of the European Community (EC) in preparation for full membership of the EC¹¹¹.

¹⁰⁸ WTO, Communication from Bulgaria, 11th April 1995. Document number WT/L/58. Also, Report of the Working Party on the Accession of Bulgaria, 5th August 1996. Document number WT/ACC/BGR/4.

¹⁰⁹ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 7.

¹¹⁰ WTO, Accession of Bulgaria, Checklist of Documents, 24th May 1995. Document number WT/ACC/BGR/1.

¹¹¹ Bulgaria applied for membership of the European Community in December 1995.

Table 19: A list of Bulgaria's new laws and legislation

Date adopted	Legislation
1991	Constitution of the Republic of Bulgaria
1991	Law on Commerce
1991	Law on Ownership and the Use of Agricultural Lands
1991	Law on Accountancy
1991	Law on the Protection of Competition
1991	Law on the Bulgarian National Bank
1992	Law on Economic Activity of Foreign Persons and on the Protection of Foreign Investments
1992	Law on Transformation and Privatisation of State-owned and Municipal Enterprises
1992	Law on Banks and Credit Activity
1993	Law on Value Added Tax
1993	Tax Administration Law
1993	Tax Procedure Law
1993	Act on the Settlement of Non-Performing Loans Contracting Prior to 31 December 1990
1993	Patent Law
1993	Law on Copyright and Neighbouring Rights
1993	The Tobacco and Tobacco Products Act
1994	Law on the Excise Duties

Notes to Table 19:

Source WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 3.

At the request of the Working Party, Bulgaria also submitted notes on TRIPS and a list of 670 state owned (or partly state owned) Bulgarian firms engaged in trade with more than US\$100,000 of exports and imports¹¹².

Later, Bulgaria submitted a Communication concerning the consistency of the foreign trade regime of Bulgaria with the WTO Agreements and notes on TRIPS and services¹¹³. The Communication was referred to as a “live-document [which] concentrates predominantly on the compatibility of the Bulgarian legislation with the WTO Agreements”. In the Communication, Bulgaria repeatedly confirmed the conformity of its law with the WTO Agreements, but it also noted four areas of concern, in the SPS Agreement, the TBT Agreement, the TRIMS Agreement and the TRIPS Agreement.

In each case, Bulgaria requested waivers for a set period of time following its accession date (see Table 20). Specifically, Bulgaria requested a 24-month transitional period for the implementation of the SPS Agreement and an 18-month transitional period for the

¹¹² WTO, Accession of Bulgaria, Communication from Bulgaria, 18th July 1996. Document number WT/ACC/BGR/3.

implementation of the TBT Agreement. It also requested a two year transition period for the TRIMS Agreement and a 5 year transition period for the TRIPS Agreement.

Table 20: Bulgaria’s requests for waivers in its Communication of May 1995

Agreement	Request
SPS Agreement	To be granted the possibility provided under Article 14 of the SPS Agreement to delay the application of the provisions of the SPS Agreement, other than paragraph 8 of Article 5 and Article 7, for 24 months following the date of entry into force of the WTO Agreement.
TBT Agreement	To be granted an 18-month exception as of date of accession from obligations under the TBT Agreement.
TRIMS Agreement	To be granted a 2 year transition period for the elimination of the existing prohibited measures if those measures are notified to the GATT as stipulated in the Agreement.
TRIPS Agreement	To be granted the 5-year transitional period provided for in the TRIPS Agreement.

Notes to Table 20:

Source WTO, Accession of Bulgaria, Communication from Bulgaria, 29th May 1995. Document number WT/ACC/BGR/2. Also, WTO, Accession of Bulgaria, Communication from Bulgaria, Corrigendum, 27th June 1995. Document number WT/ACC/BGR/2/Corr.1.

The Working Party Report which summaries the views expressed by Working Party members during Working Party meetings from 1986 through to 1996, described the Working Party discussion on SPS, TBT, TRIMS and TRIPS issues. However, there was little mention of Bulgaria’s request for these transition periods in the Working Party Report.

Instead the representative of Bulgaria is noted as having stated that Bulgaria would apply the provisions of the SPS and TBT “from the date of accession without recourse to any transition period”¹¹⁴. Also, the representative of Bulgaria was noted in the Working Party Report as having stated that “Bulgaria does not maintain measures that are not in conformity with the Agreement on Trade-Related Investment Measures and would therefore not invoke provisions in the Agreement that provide for the progressive elimination of such measures within a fixed period of time”¹¹⁵. He confirmed that “his Government would apply the provisions of the Agreement on the Trade-Related Aspects of Intellectual Property Rights by the date of its accession to the WTO, without recourse to any transitional period”¹¹⁶.

¹¹³ WTO, Accession of Bulgaria, Communication from Bulgaria, 29th May 1995. Document number WT/ACC/BGR/2 and WTO, Accession of Bulgaria, Communication from Bulgaria, Corrigendum, 27th June 1995. Document number WT/ACC/BGR/2/Corr.1.

¹¹⁴ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 64.

¹¹⁵ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 83.

¹¹⁶ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 85.

Instead, Bulgaria was given transition periods for surcharges¹¹⁷; customs clearance fees¹¹⁸; excise tax rates on beer, wine, distilled spirits and tobacco products¹¹⁹; the initiation of its membership to the Agreement on Government Procurement¹²⁰; and for certain provisions within the GATS¹²¹ (as described below). Bulgaria also committed to identify any delays in the implementation of these commitments¹²².

In relation to surcharges, Bulgaria had introduced a 5% import surcharge as a result of balance of payment difficulties in June 1996. Bulgaria committed to reduce this surcharge to 4% on 1st July 1997, to 2% on 1st July 1998, to 1% on July 1999 and to finally eliminate the surcharge on 30th June 2000¹²³. Bulgaria also agreed that if it was no longer able to justify the surcharge, the government would advance its elimination. In fact, Bulgaria decided to eliminate the import surcharge ahead of schedule as from 1st January 1999¹²⁴.

In relation to customs clearance fees, some Working Party members stated that Bulgaria's customs clearance fee was not consistent with the provisions of Article VIII of the GATT 1994. The representative of Bulgaria confirmed that by 31 December 1997 it would bring its customs clearance fee into conformity with Article VIII of the GATT 1994¹²⁵. Later, "Bulgaria did eliminate this fee as from the beginning of 1998 but it retained in its legislation the possibility of reintroducing it in compliance with international rules"¹²⁶.

¹¹⁷ Paragraph 29 of the Working Party Report gave Bulgaria until 30th June 2000 to eliminate surcharges that had been applied to some imports.

¹¹⁸ Paragraph 37 of the Working Party Report gave Bulgaria until 31st December 1997 to bring its customs clearance fee into conformity with Article VIII of the GATT 1994.

¹¹⁹ Paragraph 45 of the Working Party Report gave Bulgaria until 31st December 1997 to bring "its excise tax rates on beer, wine, distilled spirits and tobacco products in strict compliance with Article III of GATT 1994, in a non-discriminatory manner to imported and domestically produced goods".

¹²⁰ Paragraph 80 of the Working Party Report gave Bulgaria until 30th June 1997 to table an entity offer to initiate negotiations for membership of the Agreement on Government Procurement". Bulgaria also declared its intention to complete negotiations by December 1997. In 2000, Bulgaria applied for accession to the Agreement on Government Procurement, but it still has not submitted an offer.

¹²¹ Paragraph 88 of the Working Party Report gave Bulgaria a transition period for certain provisions within the GATS.

¹²² WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 90 and 92.

¹²³ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 28 and 29.

¹²⁴ European Institute, Bulgaria's Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

¹²⁵ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 36 and 37.

¹²⁶ European Institute, Bulgaria's Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

In relation to excise tax rates on beer, wine, distilled spirits and tobacco products, Bulgaria also confirmed that by 31 December 1997 it would conform to Article III of the GATT 1994¹²⁷. As of November 1993, Bulgaria levied export taxes on eleven product groups. The justification from Bulgaria was that such taxes “prevent and relieve critical shortages of foodstuffs and other essential products, consistent with Article XI of the GATT 1994”¹²⁸. Bulgaria committed to minimise the use of such taxes¹²⁹. In 1998, Bulgaria eliminated export fees in relation to trade with the EU and other partners under free trade agreements (FTAs), and in 1999 it eliminated export taxes in relation to third countries¹³⁰.

In relation to the Government Procurement Agreement, Bulgaria confirmed that it would initiate negotiations for membership to the Agreement by tabling an entity offer prior to 30 June 1997 and that it would complete negotiations for membership to the Agreement by 31 December 1997 – which it did.

Another issue that is of importance relates to Bulgaria’s commitment to change its tariff system. On 1st July 1992, Bulgaria had introduced new import tariffs based on the Harmonised Commodity Description and Coding System (the “Harmonised System” (HS)) which offered different rates to different trading-partners. The Working Party Report noted that Developing Countries would enjoy Generalised System of Preferences (GSP) rates. Least developed countries’ preferential imports were exempt from import duties in Bulgaria. Countries which applied MFN treatment to Bulgaria would enjoy Bulgaria’s MFN rate. Other countries would be subject to tariffs twice the MFN rate.

“Some members of the Working Party noted that Bulgaria had relatively high and recently increased average tariff levels which for some items reached 40-55 per cent, particularly in the agricultural sector. They requested that Bulgaria justify these rates and describe how the tariff structure would develop over the next 5-10 years. In response the representative of

¹²⁷ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 36 and 37.

¹²⁸ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 38.

¹²⁹ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 39.

¹³⁰ Except for wood products. Source: European Institute, Bulgaria’s Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

Bulgaria said that as a result of the price reform the removal of the import restrictions and the drastic changes in import licensing, tariffs had become the main trade policy instrument”¹³¹.

Bulgaria did not state how its tariff structure would develop in the five to ten years following accession to the WTO, but it confirmed that “As a future member of the World Trade Organization, Bulgaria would aim at further development of the process of liberalization under the conditions and in conformity with the GATT 1994 and the Agreement Establishing the WTO rules and practices¹³². In fact, in the years immediately following accession, Bulgaria did lower its tariff rates¹³³.

Another issue which shows how applicants can successfully defend points of interest to them, relates to trade remedies. In September 1993, Bulgaria had a general legal framework which attempted to incorporate the safeguard, anti-dumping and countervailing duties provisions of the WTO Agreements. Bulgaria committed to administer all proceedings and measures taken for anti-dumping or countervailing duty purposes in full conformity with the WTO Agreements¹³⁴. Bulgaria was able to benefit, as a transition economy, from Article 29 of the Subsidies and Countervailing Measures (SCM) Agreement. Few current applicants are able to rely on such special and differential treatment (SDT) provisions.

The Working Party repeatedly stated that it had taken note of the commitments given by Bulgaria in relation to specific matters in the report. These commitments were later incorporated into the Protocol of Accession of Bulgaria to the WTO¹³⁵. The Working Party also took note of eight statements and assurances given by Bulgaria in relation to specific matters in the report¹³⁶ but these assurances were not incorporated into the Protocol of Accession of Bulgaria to the WTO¹³⁷.

¹³¹ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 27.

¹³² WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 27.

¹³³ European Institute, Bulgaria’s Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

¹³⁴ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraphs 55 and 57.

¹³⁵ Reproduced in paragraphs 16, 17, 24, 25, 26, 29, 30, 32, 33, 35, 37, 39, 40, 45, 49, 50, 55, 57, 64, 69, 73, 75, 78, 80, 83, 85 and 90 of the Working Party Report.

¹³⁶ Represented in paragraphs 15, 31, 38, 59, 65, 76, 79 and 84 of the Working Party Report.

¹³⁷ WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5, paragraph 91.

In summary, Table 21 reproduces in full the commitments made by Bulgaria in its Working Party Report¹³⁸. Bulgaria made 27 commitments. In terms of subject, Bulgaria made commitments in relation to price policy, state-owned enterprises and privatisation, surcharges, import taxes, duty exemptions, customs fees, export taxes, quotas, subsidies and countervailing measures, the TBT and SPS Agreements, customs valuation, rules of origin (ROO), trade agreements, TRIMS and TRIPS.

These subject headings (also shown in Table 21) are taken from the Working Party Report and are not always a useful indicator of the commitment made. Mostly, the subject headings are too general – and as will become obvious in Part III these subject headings are not always consistent.

The WTO Secretariat recognises six types of commitments¹³⁹:

1. statements of fact;
2. obligations to abide by existing WTO rules, sometimes specifying national measures to be amended to bring them into conformity with WTO provisions on the subject in question, sometimes elaborating on the WTO provisions on the subject in question;
3. obligations not to have recourse to specific WTO provisions (WTO-minus rights);
4. specific identification of transitional periods that may be used;
5. authorisations to depart temporarily from WTO rules or from commitments in the Schedules;
6. obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus commitments).

It is very difficult to differentiate between types of commitments made in a paragraph, as some commitments could be classified as of more than one type and many paragraphs contain more than one commitment¹⁴⁰. There has been much discussion about the WTO-plus commitments and WTO-minus rights, but such commitments are hard to find in Bulgaria's Working Party Report.

¹³⁸ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

¹³⁹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

¹⁴⁰ See Maxine Kennett's analysis "the Price of Accession".

In general, most of the commitments made by Bulgaria were obligations to abide by existing WTO rules, sometimes specifying national measures to be amended, sometime elaborating on the WTO provisions on the subject in question. Few could be categorised as obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements - so called WTO-plus commitments.

However, examples of so called WTO-plus commitments in Bulgaria's Working Party Report might include its commitment to report on its progress in the reform of its trade regime (paragraph 26), its commitment to consult on and phase out measures for balance of payment purposes (paragraph 29), its admission that WTO provisions on Customs Valuation supersede domestic law (paragraph 73) and its commitment to accede to the Government Procurement Agreement (paragraph 80).

Table 22 shows the transition periods given to Bulgaria in its Working Party Report. Bulgaria was granted two transition periods of six months (for surcharges and for negotiating membership of the Agreement on Government Procurement). Bulgaria was given longer transition periods, of twelve months, to bring customs clearance fees and issues of non-discrimination into conformity with the GATT 1994.

Bulgaria was not given any obvious exemptions from existing WTO rules in its Working Party Report. However, in Part I of the Protocol of Accession it was stated that "Bulgaria may maintain a measure inconsistent with paragraph 1 of Article II of the GATS". This exemption reflects that during the Uruguay Round of negotiations (1986-1994), participants made market-access commitments and exemptions on a number of service sectors and that Bulgaria would be allowed to do so as well.

Table 21: Commitments made by Bulgaria in the Working Party Report

Para.	Subject	Commitment
16	Price Policy	<p>The representative of Bulgaria confirmed that price controls on products and services in Bulgaria have been eliminated with the exception of those listed in paragraph 15. He added that, except in the case of critical situations, monopolies, the protection of consumers, or abuse of dominant market position by firms, prices for goods and services in every sector in Bulgaria were determined by market forces. He further confirmed that in the application of such controls, and any that are introduced or re-introduced in the future, Bulgaria will apply such measures in a WTO-consistent fashion, and take account of the interests of exporting WTO members as provided for in Article III.9 of the GATT 1994. Bulgaria will also publish the list of goods and services subject to State price controls in the State Gazette including any changes from the list in paragraph 15. The Working Party took note of these commitments.</p>
17	Price Policy	<p>The representative of Bulgaria stated that the system of import reference prices applied to agriculture had been eliminated as of 1 January 1995, and that such measures will not be reintroduced except in accordance with WTO Agreements. The Working Party took note of this commitment.</p>
24	State-Owned Enterprises and Privatization	<p>A number of members of the Working Party expressed appreciation for the clarifications concerning the status and prospects for Bulgaria's efforts to privatize State-owned enterprises and the manner in which the State exercised its ownership in State-owned firms and the role of State-owned enterprises in international trade. These members noted, however, that while Bulgaria was constructing the legal framework for equality of treatment of private enterprises with State firms and the eventual separation of former State firms from government association after privatization, the current rules for the management of State-owned firms contemplated a State role in enterprise operations. For example, Government ministries appointed the Management and Supervisory Boards that select the management of State firms and that negotiate the terms of a Management Contract with the selected individuals. These contracts regulated the relationship between management, labour, and the State, and there were areas, such as the establishment of subsidiaries, where the management was required to consult with the Government. Even though Bulgaria had stated that the Government was not liable for State enterprises debt, the most recent regulations had transferred the ultimate responsibility for a great deal of State enterprise debt from the banks to the Government, in order to allow the banks to reorganize their role in Bulgaria's economy and free up resources for new loans. In 1994, a full separation of the State from the still sizeable and economically critical State-owned sector was not possible. Moreover, in their view, Bulgaria's privatization process was proceeding very slowly because of the approximately 4,500 State firms slated for transfer to private ownership under the Law on Transformation and Privatization of State and Municipal Enterprises, Bulgaria was preparing some 400 State firms for sale and the reasons for cautious progress were clear. It would appear, therefore, that the setting up of an economic basis independent of the Bulgarian State would be a long-term project. While respecting Bulgaria's statements concerning its ultimate goals and intent to establish a market-driven economy based on private ownership, these members believed that for accession to the Agreement Establishing the WTO the relationship between the Bulgarian State and its trade and industry had to be clear. As a minimum they expected transparency and dialogue as Bulgaria's economic transition progressed and would intend to address these issues in the Protocol of Accession of Bulgaria. A member recalled that Bulgaria had the commitment to keep the WTO informed of these developments. The representative of Bulgaria affirmed his Government's intention to ensure the transparency of its national trade policies and practices under the regular trade policy reviews in the WTO, including the wider background of national and economic development. This was not to be regarded as a basis for the imposition of specific obligations under the Agreements or as a basis for the adoption of new special policy commitments. Bulgaria could not undertake commitments exceeding the regular membership obligations. The Republic of Bulgaria was committed to fulfil the notification requirements ensuing from the existing procedures in the WTO Agreements. The Working Party took note of this commitment.</p>

25	State-Owned Enterprises and Privatization	The representative of Bulgaria confirmed that the former State monopoly in foreign trade in Bulgaria has been abolished and that no restrictions exist on the right of foreign and domestic individuals and enterprises to import and export goods and services within Bulgaria's customs territory, except as provided for in WTO Agreements. He further confirmed that individuals and firms were not restricted in their ability to import or export based on their registered scope of business, and the criteria for registration of companies in Bulgaria were generally applicable and published in the State Gazette. The Working Party took note of these commitments.
26	State-Owned Enterprises and Privatization	At the request of a member of the Working Party, the representative of Bulgaria agreed that it was important to ensure full transparency and to keep WTO Members informed of its progress in the reform of its transforming economic and trade régime. He stated that his Government would provide every 18 months to WTO Members information on developments in its programme of privatization along the lines of that provided to the Working Party, and on other issues related to its economic reforms as relevant to its obligations under the WTO. The Working Party took note of this commitment.
29	Surcharges	The representative of Bulgaria stated that according to current regulations, the surcharge introduced at 5 per cent ad valorem on 4 June 1996 was applied to all imports from all sources (including preferential trading partners) with the exception of the list of products contained in WT/SPEC/41 annexed to this Report. The surcharge would be reduced to 4 per cent on 1 July 1997, to 2 per cent on 1 July 1998, to 1 per cent on 1 July 1999, and finally eliminated on 30 June 2000. He confirmed that the surcharge was to be based on the customs value of the goods and would be added to the applied tariff rates and would not alter the commitments undertaken in the Schedule of Concessions on Goods annexed to the Protocol. After accession, the Government of Bulgaria would immediately enter into consultations with the WTO to review the measure within the framework of WTO provisions governing the application of measures for Balance of Payments purposes contained in Article XII of the GATT 1994 and the WTO Understanding on the Application of Measures for Balance of Payments purposes, and would review remaining measures on an annual basis. If it was determined in the course of any of these consultations that Bulgaria was no longer justified in applying such measures for balance of payments purposes, the Government of Bulgaria would advance the elimination of this surcharge. He further confirmed that Bulgaria would not expand the list of exempted import categories without consultations with the WTO to ensure that the surcharge was not being applied selectively, and that any subsequent application of customs duties, charges and surcharges to imports by Bulgaria will be in accordance with the provisions of WTO Agreements. The Working Party took note of these commitments.
30	Surcharges	The representative of Bulgaria stated that, as of the date of accession, the only charges applied to imports would be the import duty and the Customs Clearance Fee, and the import surcharge as described in paragraph 29. Any other charges applied to imports after this time would be in accordance with WTO provisions. Reflecting this situation, he confirmed that Bulgaria would not list any additional charges in its goods market access schedule under Article II.1(b) of the GATT 1994. The Working Party took note of these commitments.
32	Import Taxes	The representative of Bulgaria stated that the 10 per cent tax on imports of used automobiles was applied for ecological reasons. By the date of accession, the tax would be revised to ensure that used automobiles whether imported or sold within the Bulgarian customs territory would bear the same tax upon sale, importation or resale of the automobile. The Working Party took note of this commitment.
33	Import Taxes	The representative of Bulgaria said that upon accession to the Agreement Establishing the WTO, his Government would use the authority to apply taxes and surcharges on imports and exports in conformity with the provisions of the GATT 1994, in particular Articles III, VI, VIII, XII, XVII and XVIII and XIX thereof. The Working Party took note of this commitment.
35	Duty Exemptions	The representative of Bulgaria confirmed that the access to the duty-free and reduced-duty tariff rate quotas (TRQs) applied on the products listed in paragraph 33 will be administered on a non-discriminatory basis among all import suppliers. The Working Party took note of these commitments.

37	Customs Fee	The representative of Bulgaria confirmed that by 31 December 1997 Bulgaria would bring its customs clearance fee into conformity with Article VIII of the GATT 1994. In this regard, from that time revenues collected through the application of the Customs Clearance Fee would be used solely for the operation of customs clearance of imports and exports to which the fee was applied, and total annual revenues from collection of the fee would not exceed the cost of customs clearance operations items subject to the fees. Information regarding the application and level of the fee, revenues collected and their use would be provided to WTO Members upon request. The Working Party took note of these commitments.
39	Export Taxes	The representative of Bulgaria stated that his Government applied export taxes for the relief of critical shortages of foodstuffs or in cases of critical short supply for the domestic industry, and that after accession, any such taxes would be applied in accordance with the provisions of the WTO Agreement. He noted that, at the current time, Bulgaria applied the export taxes only to the goods and services listed in the Annex 2 to the Report. Bulgaria would, after accession, minimize its use of such taxes and confirmed that any changes in the application of such measures, their level, scope, or justification, would be published in the State Gazette. The Working Party took note of these commitments.
40	Implementation of Article X	The representative of Bulgaria stated that, from the date of accession, all laws and other normative acts related to trade will be published in the State Gazette promptly. As a rule, "promptly" under the WTO Agreements would mean two weeks prior to implementation, unless a longer period is specified under the relevant WTO Agreement. He stated further that they will be accessible to traders prior to implementation, and that no law, rule, etc. related to international trade will become effective prior to such publication. The Working Party took note of this commitment.
45	Fiscal Policy	The representative of Bulgaria stated that as of 31 December 1997, Bulgaria would apply its excise tax rates on beer, wine, distilled spirits and tobacco products in strict compliance with Article III of the GATT 1994, in a non-discriminatory manner to imported and domestically produced goods. During this period, Bulgaria will not increase the difference in the amount of tax between imported and domestically produced goods. As of 31 December 1997, Bulgaria will implement a new system of excise taxes on beer, wine, spirits and cigarettes, which is currently being developed, that envisages the following methods of determination of the excise tax levels: (a) for distilled spirits, specific duties based on percentage alcohol content; and (b) for beer, wine and cigarettes, an identical tax on imported and domestically produced articles, or on the basis of specific, measurable characteristics of the product or the component parts of the product, which criteria will be consistent with Article III of the GATT 1994, published and readily available to importers, exporters and domestic producers. The Working Party took note of these commitments.
49	Import and Export Quotas	In conclusion the representative of Bulgaria confirmed that, in the context of its accession to the Agreement Establishing the WTO, the Bulgarian Government would use its authority to suspend or prohibit imports and exports or otherwise restrict their quantities in conformity with the provisions of the GATT 1994 in particular Articles XI, XII, XIII, XIX, XX and XXI. The Working Party took note of this commitment.
50	Import and Export Quotas	The representative of Bulgaria confirmed that, from the date of accession, Bulgaria will eliminate and shall not introduce, re-introduce or apply quantitative restrictions on imports or other non-tariff measures such as licensing, quotas, bans and other restrictions having equivalent effect that cannot be justified under the provisions of the WTO Agreement. In this regard, Bulgaria will eliminate, as of the date of accession, its discretionary licensing régime and any other WTO inconsistent measures on tobacco imports and on other products covered by the WTO Agreement on Agriculture. The Working Party took note of these commitments.
55	SCM	The representative of Bulgaria confirmed that it was Bulgaria's intent that its legislation conform to the provisions of the WTO Agreements on Anti-Dumping and Subsidies and Countervailing Measures, and that draft legislation was under consideration to accomplish that goal. He further confirmed that, from the date of accession, and notwithstanding any provision of domestic law to the contrary, Bulgaria would administer all proceedings and measures taken for anti-dumping or countervailing duty purposes in full conformity with the provisions of these WTO Agreements, and that no action would be taken by the Government of Bulgaria that departed from the provisions of these agreements. The Working Party took note of this commitment.
57	SCM	The representative of Bulgaria confirmed that his Government does not maintain subsidies which meet the definition of a prohibited subsidy, within the meaning of Article 3 of the Agreement on Subsidies and Countervailing Measures, and would therefore not invoke provisions in the Agreement that provide for the progressive elimination of such measures within a fixed period of time. The Working Party took note of this commitment.

64	TBT & SPS	<p>The representative of Bulgaria stated that Bulgaria would apply the WTO Agreements on Technical Barriers to Trade and Sanitary and Phytosanitary Measures from the date of accession without recourse to any transition period. He further confirmed that, in particular, Bulgaria would apply the same controls, criteria and rules regarding technical regulations, standards certification and labelling requirements to imported and domestic goods, and would not use such regulations to restrict imports. Bulgaria would ensure that its technical regulations, standards certification and labelling requirements are applied to imports in an arbitrary manner, in a way that discriminates between supplier countries where the same conditions apply or as a disguised restriction on international trade. Bulgaria will not require additional certification or sanitary registration for products which have been certified as safe for human use and consumption by recognized foreign or international bodies. Bulgaria would also ensure that, from the date of accession, its criteria for granting prior authorization or securing required certification or 'sanitary registration' for imported products will be published and available to traders, and that its sanitary and other certification requirements are administered in a transparent and expeditious manner. Bulgaria would be willing to consult with WTO Members concerning the effect of these requirements on their trade with a view to resolving specific problems. The Working Party took note of these commitments.</p>
69	State Trading Enterprises	<p>The representative of Bulgaria confirmed that his Government would apply its laws and regulations governing the trading activities of State-owned enterprises in conformity with the relevant provisions of the WTO Agreement, in particular and where relevant, Article XVII of the GATT 1994, the WTO Understanding on that Article, and Article VIII of the GATS. In this regard, he noted the list of State-owned firms contained in WT/ACC/BGR/3, some of which were in the process of privatization. He also said that Bulgaria would abide by the provisions for notification, non-discrimination, and the application of commercial considerations for trade transactions for any enterprise whose activities were subject to Article XVII of the GATT 1994, the WTO Understanding on that Article and Article VIII of the GATS. The Working Party took note of these commitments.</p>
73	Customs Valuation	<p>The representative of Bulgaria indicated that it will fully apply the WTO provisions concerning customs valuation from the date of accession, including, in addition to the Agreement on the Implementation of Article VII of the GATT 1994, the provisions for the Valuation of Carrier Media Bearing Software for Data Processing Equipment and the provisions on the Treatment of Interest Charges in Customs Value of Imported Goods. He further confirmed that, as an international agreement, the provisions of the WTO Agreement on the Implementation of Article VII of the GATT 1994 would supersede domestic law after accession. The Working Party took note of this commitment.</p>
75	ROO	<p>The representative of Bulgaria confirmed that Bulgaria would remedy any departures from full conformity with the WTO Agreement on Rules of Origin prior to its accession, and that by that time, Bulgaria's application of rules of origin for both MFN and preferential trade would be administered in conformity with the provisions of the Agreement. The Working Party took note of this commitment.</p>
78	Bilateral Trade Agreements	<p>The representative of Bulgaria stated that his Government would observe the provisions of the WTO including Article XIV of the GATT 1994 and Article V of the GATS in its trade agreements and would ensure that the provisions of these WTO Agreements for notification, consultation and other requirements concerning preferential trading systems, free trade areas and customs unions of which Bulgaria is a member are met from the date of accession. The Working Party took note of these commitments.</p>
80	Multilateral and Plurilateral Trade Agreements	<p>The representative of Bulgaria confirmed that, upon accession, his Government would notify the Committee on Government Procurement of its intention to accede to the Agreement on Government Procurement and seek observer status in that Committee. He further confirmed that Bulgaria will initiate negotiations for membership in the Agreement by tabling an entity offer prior to 30 June 1997. He also confirmed that, if the results of the negotiations are satisfactory to the interests of Bulgaria and the other members of the Agreement, Bulgaria will complete negotiations for membership in the Agreement by 31 December 1997. The Working Party took note of this commitment.</p>
83	TRIMS	<p>The representative of Bulgaria stated that Bulgaria does not maintain measures that are not in conformity with the Agreement on Trade-Related Investment Measures and would therefore not invoke provisions in the Agreement that provide for the progressive elimination of such measures within a fixed period of time. The Working Party took note of this commitment.</p>
85	TRIPS	<p>The representative of Bulgaria confirmed that his Government would apply the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights by the date of its accession to the WTO, without recourse to any transitional period. The Working Party took note of this commitment.</p>

90	Review of Commitments and Transitional Periods	The representative of Bulgaria also stated that his Government would notify the WTO Secretariat annually of the implementation of the phased commitments with definitive dates for compliance referred to in paragraphs 29, 37, 45, 80 and 88 of this Report and would identify any delays in implementation together with the reasons therefore. The Working Party took note of this commitment.
Total	27 commitments	

Notes to Table 21:
Source WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5.

Table 22: Transition periods given in Bulgaria's Working Party Report

Paragraph	Subject	Transition period	Time after accession date
29	Surcharges	Bulgaria had from 1 st July 1997 to 30 th June 2000 to eliminate surcharges that had been applied to some imports.	6 months to 42 months
37	Customs clearance fees	Bulgaria had until 31 st December 1997 to bring its customs clearance fee into conformity with Article VIII of the GATT 1994.	12 months
45	Non-discrimination	Bulgaria had until 31 st December 1997 to bring "its excise tax rates on beer, wine, distilled spirits and tobacco products in strict compliance with Article III of GATT 1994, in a non-discriminatory manner to imported and domestically produced goods".	12 months
80*	Government Procurement	Bulgaria had until 30 th June 1997 to table an entity offer to initiate negotiations for membership of the Agreement on Government Procurement".	6 months

Notes to Table 22:

1. Source WTO, Report of the Working Party on the Accession of Bulgaria, 20th September 1996. Document number WT/ACC/BGR/5.
2. Bulgaria acceded to the WTO in December 1996.

Whilst negotiating commitments on rules in the Working Party, Bulgaria was engaged in negotiations with interested Working Party Members on concessions and commitments on market access for goods and services. The final results of the negotiations, Bulgaria's Schedule of Concessions and Commitments on Goods¹⁴¹ and Schedule of Specific Commitments on Services¹⁴², were incorporated into Bulgaria's Protocol of Accession.

During the goods negotiations, "the general approach of the Bulgarian side was that it ought to be treated in the same way as other comparable countries. Other East European countries as well as developing countries with comparable per-capita GDP were indicated as comparable countries"¹⁴³. Bulgaria also referred to precedent set in the case of certain developing countries which had achieved agreement on "ceiling bindings" of 35 per cent¹⁴⁴. Tariff negotiations were undertaken with Australia, Canada, New Zealand, Mexico, the United States, Turkey, the Czech Republic and Japan¹⁴⁵.

Bulgaria made tariff concessions and agricultural commitments in the same format as the Schedules of existing WTO Members. Part I contained MFN bindings. In Part II, which should have contained any preferential tariff concessions, and in Part III, which should have contained any non-tariff concessions, Bulgaria did not make any bindings. Part IV contained commitments limiting subsidisation of agricultural products.

The MFN bindings contained in Part I of the Goods Schedule are shown in Table 23. Many bindings in both the non-agricultural and agricultural sector were made at 0%. (Obviously, Bulgaria did not manage to convince Working Party members to "ceiling bindings" of 35%.) Some of their non-agricultural tariffs were bound individually. The remaining items were bound in a headnote¹⁴⁶. However, all agricultural items were listed and bound individually.

¹⁴¹ WTO, Report of the Working Party on the Accession of Bulgaria, Goods Schedule, 20th September 1996. Document number WT/ACC/BGR/5/Add.1.

¹⁴² WTO, Report of the Working Party on the Accession of Bulgaria, Services Schedule, 20th September 1996. Document number WT/ACC/BGR/5/Add.2.

¹⁴³ UNCTAD, WTO Accession and development policies, UNCTAD 2001. Bulgaria's experience with WTO accession and the first years of membership by Georgia Pirinski.

¹⁴⁴ UNCTAD, WTO Accession and development policies, UNCTAD 2001. Bulgaria's experience with WTO accession and the first years of membership by Georgia Pirinski.

¹⁴⁵ UNCTAD, WTO Accession and development policies, UNCTAD 2001. Bulgaria's experience with WTO accession and the first years of membership by Georgia Pirinski

¹⁴⁶ This means bound as a group rather than individually.

Table 23: Bulgaria's MFN bindings in Part I of their Goods Schedules

	Non-agricultural products	Agricultural products
No. of tariff items	Not available	725
No. of tariff lines bound individually	2,491	725
Specific + compound rates	None	114
0	100	42
0-5	282	47
6-10	899	66
11-15	846	82
16-20	93	16
20-30	209	92
30-40	62	63
50-50	0	3
50+	0	200
Simple average of individual tariff bindings	12.6%	34.9%
Minimum	0	0
Maximum	40%	98%
Other tariff items bound in headnote	35%	None

Notes to Table 23:

Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

It is important to note that it is difficult to evaluate the figures above without knowing what tariff rates Bulgaria had prior to accession. A study by the European Institute concluded that “Prior to its accession to the WTO the average nominal MFN tariff rate was 17.96%, while the average weighted MFN tariff rate was 13.72% in 1998 the average nominal MFN tariff was 17.85% and the average weighted tariff rate was 12.89%...while in 1999 the corresponding figures [were] 15.20% and 9.92% respectively.”

Table 24: Changes in Bulgaria's tariff rates (from prior to accession to 1999)

	Prior to accession	1998	1999
Average weighted MFN tariff	17.96%	17.85%	15.20%
Average nominal MFN tariff	13.72%	12.89%	9.92%

Notes to Table 24:

Source European Institute, Bulgaria's Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

The European Institute stated, “Bulgaria has granted during its accession negotiations tariffs concessions, which will not create difficulties on the domestic market or to its domestic industries”¹⁴⁷. Perhaps this was because Bulgaria bound tariffs above or at existing rates. Interestingly, in order to bring its tariff rates into compliance with the EU Combined Nomenclature and Integrated Customs Tariff (so that it could join the EU in 2004), Bulgaria raised its tariff rates (Table 25). Bulgaria is now set to join the EU in 2007.

Table 25: Changes in Bulgaria’s tariff rates (from 2002 to 2003)

	2002	2003
Average import tariff	11.13%	11.31%
Average tariff for industrial goods	8.57%	8.62%
Average <i>ad valorem</i> level for agricultural goods	21.33%	21.97%

Notes to Table 25:

Source USTR, Foreign Trade Barriers – Bulgaria, 2003.

The European Institute concluded that¹⁴⁸: “Bulgaria’s Protocol of accession to the WTO is standard, that is, it does not contain departures from the normal practices unlike other Central European and East European countries that joined the WTO as GATT signatories but had to accede to the GATT at the time they were planned economies”.

In relation to the trade in services, Bulgaria had submitted initial information and an offer of commitments in May 1995¹⁴⁹. The concessions outlined met with broad acceptance in the Working Party.

Bulgaria made commitments in almost all service sectors. That is to say it made commitments in 22 of the 30 sectors identified by the WTO Secretariat. Table 26 shows in which sectors Bulgaria made commitments, but it does not show the depth or breadth of those commitments. The European Institute stated that “[Bulgaria] has granted concessions in the area of trade in

¹⁴⁷ European Institute, Bulgaria’s Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

¹⁴⁸ European Institute, Bulgaria’s Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

¹⁴⁹ WTO, Accession of Bulgaria, Communication from Bulgaria, 29th May 1995. Document number WT/ACC/BGR/2 and WTO, Accession of Bulgaria, Communication from Bulgaria, Corrigendum, 27th June 1995. Document number WT/ACC/BGR/2/Corr.1.

services, which are commensurate with its level of development of the services sector and therefore it is not expected that they will create a problem”¹⁵⁰.

During the services negotiations, Bulgaria requested a transitional period of five years from the date of accession - during which time market access for firms wishing to establish a commercial presence could be suspended for a period not exceeding two years.

The members of the Working Party agreed on a more elaborate transitional measure. Until 31st December 2000, Bulgaria would be able to impose a two-year suspension of its commitments to permit a foreign services supplier to establish an initial or additional commercial presence in Bulgaria.

Table 26: Bulgaria’s Sector Specific Commitments in their Services Schedules

Service Sector	Commitment	Service Sector	Commitment
Professional services	Yes	Distribution services	Yes
- Legal services	Yes	Educational services	Yes
- Accountancy services	Yes	Environmental services	Yes
- Taxation services	No	Financial – insurance	Yes
- Architectural and engineering services	Yes	Financial – banking and other	Yes
- Medical services	Yes	Health services	No
Computer and related services	Yes	Social services	Yes
Research and development services	Yes	Tourism services	Yes
Other business services	Yes	Recreational services	Yes
Postal services	No	Transport services	Yes
Courier services	No	- Maritime transport	No
Telecommunications – value added	Yes	- Air transport	Yes
Telecommunications – basic	Yes	- Rail transport	No
Audiovisual services	No	- Road transport	No
Construction services	Yes	Limitations on national treatment	Yes

Notes to Table 26:

WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

¹⁵⁰ European Institute, Bulgaria’s Trade Policy and Foreign Trade Regime in the Light of its Application to join the European Union, November 1999.

On 2 October 1996 the General Council adopted a Decision¹⁵¹ to the effect that the Government of Bulgaria may accede to the WTO Agreement on the terms set out in the Protocol for the Accession of Bulgaria, which included the commitments referred to in paragraph 92 of the Working Party Report and both the goods and services Schedules.

The text of the Protocol of Accession¹⁵² had been approved earlier that day and later, “the Minister for Trade and Foreign Economic Cooperation of Bulgaria, Mr. A. Papanizov, signed ad referendum the Protocol of Accession”. The Protocol was then left “open for acceptance, by signature or otherwise, by Bulgaria until 30 April 1997”.

The Protocol was standard in its terms, however, in Part I of the Protocol of Accession there was an exemption. This exemption stated that “Bulgaria may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”.

This exemption reflects that during the Uruguay Round of negotiations (1986-1994), participants made market-access commitments and exemptions on a number of service sectors and that Bulgaria would be allowed to do so as well.

On the 7th October 1996, Mr. R. Ruggiero, the Director-General of the WTO, notified its Members that Bulgaria had accepted the Protocol of Accession, subject to notification of ratification. On 1st November 1996, Bulgaria ratified the Protocol of Accession and in accordance with paragraph 8 of the Protocol. The Protocol entered into force 30 days later on which day, the 1st December 1996, Bulgaria became a Member of the WTO.

Since becoming a Member of the WTO, Bulgaria has taken part in a number of different WTO committees and bodies¹⁵³. Bulgaria has submitted few formal Communications on these matters. It has not been involved as a complainant or respondent in WTO dispute settlement. As a result, there is scant information concerning Bulgaria’s activities within the WTO.

¹⁵¹ WTO, Protocol for the Accession of Ecuador, 22nd August 1995. Document number WT/ACC/ECU/6.

¹⁵² WTO, Protocol for the Accession of Bulgaria, 11th October, 1996. Document number WT/ACC/BGR/7.

¹⁵³ Textiles Monitoring Body; Committee on Regional Trade Agreements; Council for the Trade Related Aspects of Intellectual Property Rights; Committee on Government Procurement; Committee on Agriculture; Committee

A report by Georgia Pirinski, a Member of the Bulgarian Parliament, on Bulgaria's experience with WTO accession and the first years of membership¹⁵⁴, stated that "the conduct and outcome of the WTO accession negotiations gave Bulgaria an important chance to defend, on the whole, successfully its trade and economic interests and to achieve workable terms of accession to the WTO. In tariff negotiations, it successfully argued its case for the need to bind tariff rates at levels high enough to take into account the need for adequate protections in conditions of transition crises....GATT and WTO conformity was recognized for most trade policy measures applied by Bulgaria....At the same time, it was successful in overcoming attempts to impose additional commitments and concessions having to do with the process of privatization and the broader aspects of the national economy".

In 2003, the WTO Secretariat published the first Trade Policy Review of Bulgaria for the years 1997-2003¹⁵⁵. The Secretariat concluded that: "Since its accession to the WTO, Bulgaria has decisively progressed with the implementation of economic reforms with a view to establish an effectively functioning market economy that is capable to meet the challenges of the globalizing world".¹⁵⁶

"Bulgaria undertook considerable commitments under all WTO Agreements at the accession to the WTO. Nevertheless Bulgaria strongly supported the launch of a new round of multilateral trade negotiations within the framework of WTO that would ensure benefits for all Members. The areas of a greater importance for Bulgaria in the new round of multilateral negotiations are the agricultural issues, improvement of market access for agricultural and non-agricultural products, further enhancement of trade in services, and extension of the protection of geographical indications under the TRIPS Agreement."¹⁵⁷

on Sanitary and Phytosanitary Measures; Committee on Technical Barriers to Trade; Working Party on State Trading Enterprises; and Committee on Balance-of-Payments Restrictions.

¹⁵⁴ UNCTAD, WTO Accessions and development policies, 2001.

¹⁵⁵ WTO, Trade Policy Review of Bulgaria, Report by the Government, 15th September 2003. Document number WT/TPR/G/121.

¹⁵⁶ WTO, Trade Policy Review of Bulgaria, Report by the Government, 15th September 2003. Document number WT/TPR/G/121, para. 2.

¹⁵⁷ WTO, Trade Policy Review of Bulgaria, Report by the Government, 15th September 2003. Document number WT/TPR/G/121, paras. 91 and 92.

The Trade Policy Review also notes the progress of the commitments made in Bulgaria's Working Party Report. No implementation difficulties are mentioned.

In conclusion, Table 27 lists the WTO documentation relevant to Bulgaria's accession and Table 29 shows the timeline of Bulgaria's accession to the WTO. The timeline shows Bulgaria took only 41 months from the date of the submission of its Memorandum to the date of accession, but that it took 123 months in total. The difference is explained by inactivity during the period 1986 to 1993.

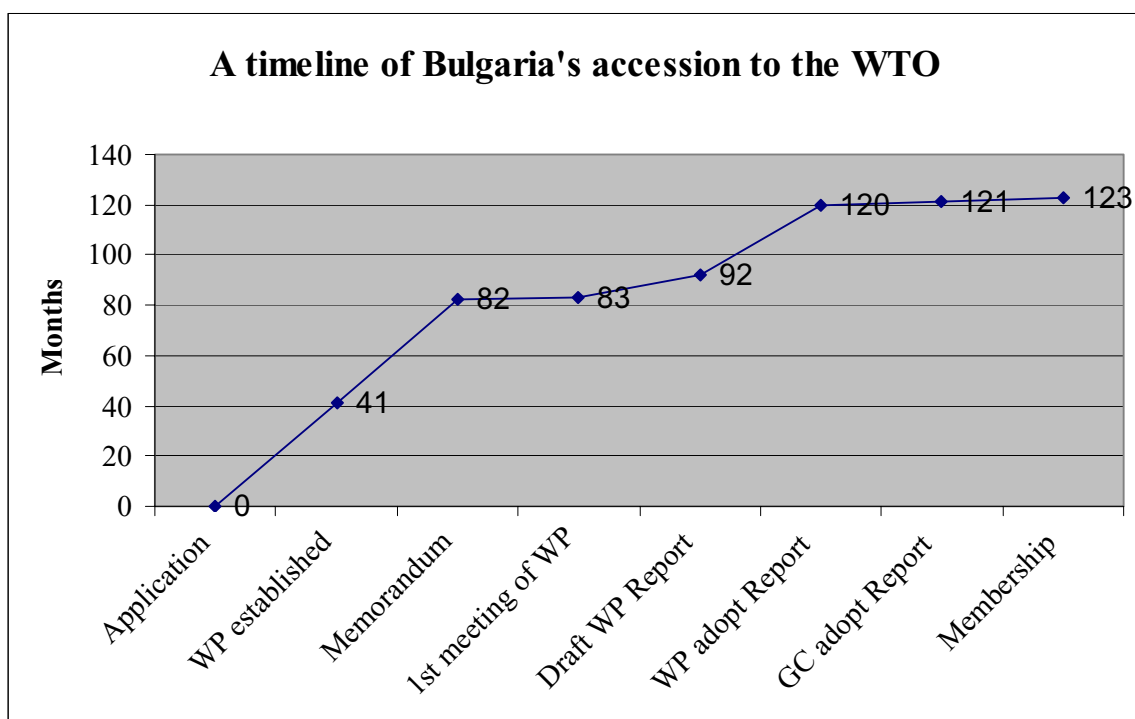
Table 27: WTO documentation relevant to Bulgaria's accession to the WTO

1.	Communication from Bulgaria establishing WTO Working Party on Accession	Document number WT/L/58
		Document date 11 th April 1995
2.	Checklist of Documents	Document number WT/ACC/BGR/1
		Document date 24 th May 1995
3.	Communication from Bulgaria on the consistency of the foreign trade regime with the WTO Agreements	Document number WT/ACC/BGR/2 and Corr. 1
		Document date 29 th May 1995 and 27 th June 1995
4.	Communication from Bulgaria on state owned enterprises	Document number WT/ACC/BGR/3
		Document date 18 th July 1996
5.	Working Party Report	Document number WT/ACC/BGR/5 and Corr. 1
		Document date 20 th September 1996 and 2 nd October 1996
6.	Goods Schedule	Document number WT/ACC/BGR/5/Add. 1
		Document date 20 th September 1996
7.	Services Schedule	Document number WT/ACC/BGR/5/Add. 2
		Document date 20 th September 1996
8.	General Council Decision	Document number WT/ACC/BGR/6
		Decision date 2 nd October 1996
		Document date 11 th October 1996
9.	Protocol of Accession	Document number WT/ACC/BGR/7
		Document date 11 th October 1996
10.	Letter of Notification of Acceptance	Document number WT/Let/113
		Document date 7 th October 1996
11.	Letter of Notification of Entry into Force	Document number WT/Let/117
		Document date 5 th November 1996

Notes to Table 27:
Source WTO.

Table 28: A timeline of Bulgaria's accession to the WTO

Application	September 1986
Working Party established	February 1990
Memorandum	July 1993
1 st meeting of the Working Party	July 1993
Draft Working Party Report	May 1994
Report adopted by Working Party	September 1996
Report adopted by General Council	October 1996
Membership	December 1996
Time passed between Memorandum and accession	41 months
Total time passed	123 months



Notes to Table 28:
Source WTO.

Ecuador

The World Bank's "Ecuador at a glance" table (Annex X) provides two pages of information about Ecuador's poverty and social circumstances, key economic ratios, long term trends, economic structure, trade, balance of payments, and external debt and resource flows over the last three decades¹⁵⁸.

Historically, Ecuador's economy has been dominated by the agricultural sector and by the export of cocoa, coffee and bananas. However, in the 1970s discoveries of oil fuelled economic growth. In the 1980s, Ecuador suffered from an economic slowdown which was then followed by a period, from 1988 to 1992, of high inflation and instability. Since 1992, the Ecuadorian government has sought to reduce its previously tight control of the economy – by reducing the size of government bureaucracy and privatising many state owned enterprises.

In September 1992, Ecuador requested to accede to the GATT 1947. At its meeting on 29th September – 1st October 1992, the GATT Council of Representatives established a Working Party to examine the application of the Government of Ecuador to accede to the GATT 1947 under Article XXXIII and to submit to the Council recommendations which might include a draft Protocol of Accession¹⁵⁹.

The Working Party met on 20th July 1991, 17-18th July 1993, 21-22nd April 1994, 20th September 1994, 28th and 30th November 1994, 1st December 1994, 1, 2, 4 and 19th May 1995 and 10th July 1995 under the chairmanship of H.E. Mr. C. Manhusen of Sweden¹⁶⁰.

There were twenty-five members of the Working Party¹⁶¹ including Argentina, Australia, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Egypt, El Salvador, European

¹⁵⁸ Not mentioned in the World Bank's table is that Ecuador has a population of 13.2 million, an area of 283,560 square km of which only 6% is arable. The main agricultural products include bananas, coffee, cocoa, rice, potatoes, manioc (tapioca), plantains and sugarcane; cattle, sheep, pigs, beef, pork and dairy products; balsa wood; fish and shrimp. Ecuador's main industries include petroleum, food processing, textiles, metal work, paper products, wood products, chemicals, plastics, fishing and lumber. See Holt Reinhart and Winston 2002.

¹⁵⁹ WTO, Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77, paragraph 1.

¹⁶⁰ WTO, Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77, paragraph 2.

¹⁶¹ Taking the European Communities and their member States as one member.

Communities and Member States, Honduras, Hungary, Finland, Japan, Mexico, New Zealand, Norway, Peru, Sweden, Switzerland, United States, Uruguay and Venezuela¹⁶².

The presence of Australia, Canada, the European Communities and its Member States, Japan, New Zealand, Switzerland and the United States was not unexpected as these members form a core group of participants at almost every accession Working Party. The absence of the regular participant, India, was significant. However, the presence of Brazil, Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Peru, Uruguay and Venezuela may have been the result of their close proximity and trade ties with Ecuador.

Although Ecuador had been negotiating accession to the GATT 1994 and had a clear intention of becoming an original Member of the WTO, the Working Party on the accession of Ecuador to the GATT was transformed into a WTO Accession Working Party. The terms of reference and the membership of the WTO Working Party were: “To examine the application of the Government of Ecuador to accede to the World Trade Organization under Article XII and to submit to the General Council recommendations which may include a draft Protocol of Accession.”¹⁶³

Although the terms of reference of the GATT and the WTO Working Parties might at first glance appear to be the same, the task of the WTO Working Party was significantly greater. Ecuador was required not only to consider the obligations of the GATT 1947, but the expanded scope of GATT institutions under the WTO.

The Working Party had before it, to serve as a basis for its discussion, a Memorandum on the Foreign Trade Regime of Ecuador¹⁶⁴ and the questions submitted by Members, together with the replies, and other information provided by the Ecuadorian authorities¹⁶⁵. The Government of Ecuador also made available to the Working Party the following relevant laws and legislation (Table 29).

¹⁶² WTO, Report of the Working Party on the Accession of Ecuador, 14th March 1995. Document number WT/L/55. WTO, Report of the Working Party on the Accession of Ecuador, Revision, 22nd March 1995. Document number WT/L/55/Rev.1. WTO, Report of the Working Party on the Accession of Ecuador, Revision, 4th May 1995. Document number WT/L/55/Rev.2.

¹⁶³ WTO, Report of the Working Party on the Accession of Ecuador, 14th March 1995. Document number WT/L/55. WTO, Report of the Working Party on the Accession of Ecuador, Revision, 22nd March 1995.

¹⁶⁴ GATT document L/7202.

¹⁶⁵ GATT documents L/7268 and Addenda; L/7301 and Addenda; Spec(94)1, Addenda, Supplement and Corrigendum; L/7488 and Addenda; L/7523 and Addendum 1; L/ 7566 and WT/L/54..

Table 29: A list of Ecuador's relevant laws and legislation

<ul style="list-style-type: none"> - Supreme Decree 2527-A of 5.11.65 on export duties - Decree 1268 of 6.11.72 on export duties - Supreme Decree 13 of 9.1.73 on the Export Tariff - Supreme Decree 185 and Law 14 on the Children's Fund - Supreme Decree 610 on copyright - Supreme Decree 823 on the Export Tariff - Ministerial Decision 8022 on the Sanitary Register, Min. of Public Health - Decision 10824 on copyright - Supreme Decree 735 on copyright (amendment) - Decree 487 on the Export Tariff - Law No. 78 of 22.9.81 on the Export Tariff - Law No. 79 of 24.9.81 on the Export Tariff - Law 20 on the INNFA (National Institute for Children and the Family) - Decree 2544-A on temporary admission maquila (in-bond processing) - Decree 2778 of 1.4.87 on the Export Tariff Law 92 on the Children's Development Fund - Law 14 of 24.1.89 setting up the FONNIN - Law 56 on the Internal Taxation System - Law 72, Customs Tariff Law - Law 79 on private-sector exemptions - Law 90 of 24.6.90 on the Maquila (in-bond) Régime - Law on Government Procurement - Law 107, Consumer Protection Law, Law on Free Zones, Regulation on the Maquila (in-bond) Régime - Decision 447 on valuation rules - Regulation on Free Zones - Executive Decree 2722-A on anti-dumping controls - Law 152 on the National Price-Setting Council (pharmaceuticals) - Decree 3367, Tariff Adjustment - Decision 524, tariff concessions to the Andean Group - Decision 596, tariff concessions to the Andean Group - Executive Decree 415, Regulation on the Single Régime for Andean Multinational Enterprises - Foreign-Exchange Market - Organic Customs Law and Regulations - Law on the Internal Taxation System and Regulations - Law on Industrial Development and Regulation thereto - Law on Small-Scale Industry and Regulation thereto - Law on Industrial Zones - Law on the Maquila (in-bond) Régime and Regulation thereto - Law on Free Zones and Regulation thereto - Law on the Promotion of the Automotive Industry - Law on the Promotion of the Merchant Navy - Reforms to the Import Tariff - Executive Decree No. 396 amending the Import Tariff - Import statistics for Ecuador for 1991 and 1992, as well as the first quarter of 1993 - Official Journal No. 349 of 31 December 1993 which contains the "Law on Modernization of the State, Privatization and the Provision of the Public Services by Private Enterprise" - Supreme Decree 188 published in Official Journal No. 158 of 8 February 1971 which contains the Health Code and Sanitary Register - Ministerial decision 438 published in Official Journal No. 279 of 20 September 1993 which contains the "Order Prohibiting the Importation, Marketing, Storage or Transport of Products in General without their being Registered in the Sanitary Register" - Ministerial Decision 8022 published in Official Journal No. 984 of 22 July 1988 which contains the "Food Regulations" - Ministerial Decision 10723 published in Official Journal No. 676 of 3 May 1991 concerning the "Pharmacological Standards for Registration in the Sanitary Register" - Cartagena Agreement - Decision 293: Rules of Origin
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- Cartagena Agreement - Decision 344: Industrial Property
- Cartagena Agreement - Decision 351: Intellectual Property
- List of "price band" products
- List of prohibited imports
- Tariff items subject to prior authorization (September 1994)
- Import and export trade flows
- Monetary Board Regulation 904-94 on exchange policy
- Monetary Board Regulation 863-93 on the importation of motor vehicles
- Decisions No. 283, 284 and 285 of the Commission of the Cartagena Agreement
- Law 152 creating the Committee for Price-Setting in the Pharmaceuticals Sector and Inter-Ministerial Agreements of 4 January 1993 fixing maximum prices for medicaments
- Preferential Trade Agreements negotiated in the LAIA. Trade preferences received and granted by Ecuador in the LAIA
- LAIA Market-Opening List
- List of CET exceptions
- Catalogue of Ecuador's Technical Standards published by the Ecuadorean Standardization Institute
- Schedule of specific commitments on services
- Ministerial Decision 752 repealing the Decisions on minimum customs values
- Executive Decree 1572 eliminating import restrictions
- Notification under paragraph 76 of the Report
- Agreement No.217 of 21 June 1995

Notes to Table 29:

Source WTO Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77. Also, WTO, Report of the Working Party on the Accession of Ecuador, Corrigendum, 7th August 1995. Document number WT/L/77/Corr.1.

Little is known about the multilateral negotiations conducted in Ecuador's Working Party or about the bilateral negotiations. Drafts of the Working Party Report do not document details of the negotiations and there is little (or no) other research on these events (in English). Table 1 (above) shows that this situation is far from uncommon.

The Working Party Report on the accession of Ecuador was finalised by the Working Party after the close of the Uruguay Round, in October 1994. It outlined the work of the Working Party and summarised the views expressed by members of the Working Party on Ecuador's foreign trade regime.

In the Working Party Report, Ecuador made a number of commitments. These commitments were later incorporated into the Protocol of Accession of Ecuador to the WTO.

In summary, Table 30 lists the commitments made by Ecuador in its Working Party Report¹⁶⁶. Ecuador made 21 commitments. In terms of subject, Ecuador made commitments in relation

¹⁶⁶ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

to its foreign exchange regime, import taxes and charges, special consumption tax, VAT, customs valuation, non-tariff measures, import prohibitions, prohibitions, prior authorization, the agricultural sector, price band system, price setting in the pharmaceutical sector, unfair trade practices, export incentives, free trade zones, integration agreements, investment regime, TRIPS and notifications.

These subject headings (also shown in Table 30) are taken from the Working Party Report and are not always a useful indicator of the commitment made. Mostly, the subject headings are too general – and as will become obvious in Part III these subject headings are not always consistent.

The WTO Secretariat recognises six types of commitments¹⁶⁷:

1. statements of fact;
2. obligations to abide by existing WTO rules, sometimes specifying national measures to be amended to bring them into conformity with WTO provisions on the subject in question, sometimes elaborating on the WTO provisions on the subject in question;
3. obligations not to have recourse to specific WTO provisions (WTO-minus rights);
4. specific identification of transitional periods that may be used;
5. authorisations to depart temporarily from WTO rules or from commitments in the Schedules;
6. obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus commitments).

It is very difficult to differentiate between types of commitments made in a paragraph, as some commitments could be classified as of more than one type and many paragraphs contain more than one commitment¹⁶⁸. There has been much discussion about the WTO-plus commitments and WTO-minus rights, but such commitments are hard to find in Ecuador's Working Party Report.

¹⁶⁷ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

¹⁶⁸ See Maxine Kennett's analysis "the Price of Accession".

In general, most of the commitments made by Ecuador were obligations to abide by existing WTO rules, sometimes specifying national measures to be amended, sometime elaborating on the WTO provisions on the subject in question. Few could be categorised otherwise.

However, Ecuador's commitment to eliminate subsidies before the date of accession (paragraphs 59 and 61) and not to introduce them afterwards could be categorised as a so called WTO-minus right.

Also, some commitments could be categorised as transition periods. For example, Ecuador was given a five year transition period for provisions of the Agreement on Implementation of Article VII of the GATT 1994, which deals with customs valuation. It was also given a four year transition period for provisions of the TRIMS Agreement and a six month transition period for provisions of the TRIPS Agreement.

Table 31 shows these transition periods relative to Ecuador's accession date. The actual transition periods ranged in length from six months to seven years. Ecuador was not given any other exemptions from existing WTO rules in its Working Party Report.

Whilst negotiating commitments on rules in the Working Party, Ecuador was engaged in negotiations with interested Working Party members on concessions and commitments on market access for goods and services. The final results of the negotiations, Ecuador's Schedule of Concessions and Commitments on Goods¹⁶⁹ and Schedule of Specific Commitments on Services¹⁷⁰, were incorporated into Ecuador's Protocol of Accession to the WTO.

Ecuador made tariff concessions and agricultural commitments in the same format as the Schedules of existing WTO Members. Part I contained MFN bindings. Part II contained preferential tariff concessions. Part III contained non-tariff concessions and Part IV contained commitments limiting subsidisation of agricultural products.

¹⁶⁹ WTO, Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77.

¹⁷⁰ WTO, Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77, paragraph 1.

The MFN bindings contained in Part I of the Goods Schedule are shown in Table 32. Unlike Bulgaria, no bindings in the non-agricultural or agricultural sector were made at 0% and all tariff items were bound individually. The simple average of tariff bindings for non-agricultural goods was 20.1% and for agricultural goods was 25.8%. Almost half of both the non-agricultural and agricultural tariff bindings ranged between 20-30%. The maximum and minimum bindings for non-agriculture were 40% and 5%. The maximum and minimum bindings for agriculture were 86% and 5%.

A Country Report, dated 2000, by the IMF, noted that: “the tariff binding with the WTO is at general ceiling which is about ten percentage points higher than the Common External Tariff (CET) applied by countries of the Andean Community...The national tariff of Ecuador is somewhat lower than the CET, whereas the ceiling for the tariff rates agreed under the WTO thus lies higher than the CET. This has provided Ecuador with a substantial margin of maneuver to impose tariff measures, such as higher tariffs or tariff surcharges where necessary”¹⁷¹.

Table 33 shows that Ecuador made commitments in all but ten service sectors. That is to say twenty services sectors out of the thirty identified by the WTO Secretariat. Ecuador was not allowed to “maintain a measure inconsistent with paragraph 1 of Article II of the GATS”, as was accorded to some other applicants. However, the IMF noted in 2000, that Ecuador largely put into law the status quo of liberalisation of market access for services¹⁷².

¹⁷¹ Paragraph 135, IMF Staff Country Report, No. 00/125, October 2000.

¹⁷² Paragraph 136, IMF Staff Country Report, No. 00/125, October 2000.

Table 30: Commitments made by Ecuador in the Working Party Report

Para.	Subject	Commitment
10	Foreign Exchange System	The representative of Ecuador stated that the modality of the foreign exchange régime described in paragraph 9 would not have negative effects for private sectors traders and would provide no implicit subsidies. The representative of Ecuador added that his Government shall exercise its economic policies with particular attention to ensure compliance with WTO obligations including GATT Article XV, GATS Article XI and other international obligations. The Working Party took note of these commitments.
14	Trade Policy Tariff Regime	The representative of Ecuador assured the Working Party that imports by the public sector under duty free exemptions did not compete with ordinary private sector trade and that there was no discrimination among supplying countries through the application of duty exemptions. The Working Party took note of these commitments.
17	Import Taxes and Charges	The representative of Ecuador indicated that his Government has adopted measures which revise the procedure of application of the customs control fees of 0.5 per cent and 1 per cent referred to in paragraph 16 to bring them into conformity with Article VIII. Ecuador has eliminated the 1 per cent fee and applies only an ad valorem fee of 0.5 per cent to imports under régime of temporary admission, not to imports for consumption. Ecuador has established a ceiling for the 0.5 per cent import fee of 15 Constant Units of Value (CUV), currently equal to approximately US\$60, in order to ensure that the fee charged approximates the cost of services rendered. This is the only tax or charge applied exclusively to imports other than the customs tariff at the current time. A Constant Unit of Value is denominated in sucres and indexed in line with increases in the Consumer Price Index. The Working Party took note of these commitments.
19	Special Consumption Tax	The representative of Ecuador acknowledged that the Special Consumption Tax is applied to a number of imported products at rates in excess of those applied to similar domestically produced goods, and that this practice is not in conformity with Article III. Ecuador would equalize the application of the tax no later than 31 July 1996. The Working Party took note of this commitment.
21	VAT	The representative of Ecuador stated that the incidence of the VAT falls equally on domestically produced goods and imported items in all cases and that his Government would apply the VAT in accordance with the provisions of the General Agreement, in particular Articles III and VIII. The Working Party took note of this commitment.
29	Customs valuation	The representative of Ecuador said that his Government will continue not to apply minimum values for customs purposes from the date of accession of Ecuador to the WTO. Ecuador would abide by the provisions of the Agreements on Preshipment Inspection and Customs Valuation in this regard, from the date of accession of Ecuador to the WTO. The Working Party took note of these commitments.
31	Non-tariff measures	The representative of Ecuador indicated that his Government would eliminate by the date of accession all non-tariff import and export restrictions not addressed in paragraphs 34, 38, 41 and 48 which cannot be justified specifically under WTO provisions, in particular the Agreements on Agriculture, and Article XI of the GATT 1994. If justified under relevant provisions, restrictions would be implemented in accordance with the relevant provisions, for instance the Agreement on Import Licensing Procedures. Such measures would not be applied or re-introduced after accession to the WTO unless specifically provided for in the WTO Agreement. The Working Party took note of this commitment.

34	Import Prohibitions	<p>The representative of Ecuador indicated that his Government would eliminate by the date of accession all non-tariff import and export restrictions (including all quantitative restrictions currently in place in the agricultural sector) that cannot be justified specifically under WTO provisions (e.g., bans, quotas, permits and licenses), in particular the Agreements on Agriculture and Import Licensing Procedures, and Article XI of the GATT 1994. In this regard, Ecuador would eliminate by 1 July 1996 its import bans on used articles listed in paragraph 32, replacing them as necessary with the application of objective criteria uniformly applied to domestic and imported goods for the protection of plant, animal and human health and safety administered in conformity with the provisions of the Agreement on Import Licensing Procedures, e.g., bans on used clothing, automobiles and tires. Such measures would not be applied or re-introduced after accession to the WTO unless specifically provided for in the WTO. The Working Party took note of this commitment.</p>
38	Prior Authorization	<p>The representative of Ecuador said that any prior authorizations or license requirements incompatible with the provisions of the General Agreement 1994 or the Multilateral Trade Agreements, in particular the WTO Agreement on Import Licensing Procedures, would be eliminated at the time of accession. From the date of accession additional measures would only be applied as provided for in the Articles of the General Agreement 1994, for instance Articles III and XX, and the WTO Agreements. If justified under relevant provisions, restrictions would be implemented in accordance with the Agreement on Import Licensing Procedures. In addition, Ecuador would ensure that remaining restrictions and import permit requirements are applied in a way consistent with Article XIII of the GATT 1994 and shall apply all restrictions in accordance with the principle of non-discrimination. The representative of Ecuador further confirmed that his Government would, if requested, consult with the contracting parties concerning the effect of these measures on their trade. The Working Party took note of these commitments.</p>
41	Agricultural Sector	<p>The representative of Ecuador said that all agricultural restrictions listed in paragraph 39 above would be brought into conformity with the rules of the General Agreement 1994 and the WTO Agreement on Agriculture. Seasonal restrictions on fruit imports and the Interministerial Agreement 061 of 31 January 1991 concerning quotas for wheat imports had been eliminated in November 1994. At the time of accession to the WTO, Ecuador would repeal Interministerial Agreement 067 of 20 February 1978 which was the remaining provision in force which allowed official bodies to set quotas or other restrictions for the import of agricultural products. Ecuador's commitments regarding domestic and export subsidies are reproduced in the agriculture country schedule. The agricultural schedule of Ecuador was submitted to the Working Party. The Working Party took note of these commitments.</p>
48	Price Band System	<p>The representative of Ecuador said that his Government undertook to operate this tariff adjustment mechanism in conformity with the provisions of Article II of the General Agreement 1994 and without impairing the rates duty bound in Ecuador's schedule of concessions. He added that in order to comply with the provisions of the WTO Agreement on Agriculture, Ecuador would gradually eliminate the price band system within a seven year period in accordance with the time table annexed to Ecuador's Protocol of Accession. During the period for the phase-out of this mechanism, Ecuador would not enlarge the coverage of the system nor reintroduce products back into the system. The Working Party took note of these commitments.</p>
53	Price Setting in the Pharmaceutical Sector	<p>The representative of Ecuador assured the Working Party that his Government did not intend to extend the price setting policy to other sectors of the economy beyond the pharmaceutical sector. The Working Party took note of this commitment.</p>
57	Unfair Trade Practices	<p>The representative of Ecuador confirmed that from the date of accession to the WTO, Ecuador will apply the provisions of the WTO Agreement on Implementation of Article VI in cases involving allegations of dumping by imports. The Working Party took note of this commitment.</p>
59	Export Incentives	<p>The representative of Ecuador stated that his Government intends to eliminate all existing export subsidies no later than November 1995, including the measures described in paragraph 58 above, and that after this date Ecuador will not have any such subsidies. The Working Party took note of this commitment.</p>

61	Free Trade Zones	The representative of Ecuador stated that his Government intends to eliminate all existing export subsidies no later than November 1995, including the measures described in paragraph 58 above, and that after this date Ecuador will not have any such subsidies. The Working Party took note of this commitment.
65	EMETEL	The representative of Ecuador gave the assurance that his Government would observe the provisions of the WTO including Article XVII of the General Agreement 1994 and Article VIII of GATS including notification and the description of State trading activities for all the enterprises listed in the preceding paragraphs 63 and 64 as of WTO accession. The Working Party took note this commitment.
70	Integration Agreements	The representative of Ecuador stated that his Government would use its best efforts to ensure that the WTO provisions for notification, consultation, and other requirements concerning preferential trading systems, free trade areas, and customs unions of which Ecuador is a member are met e.g., Article XXIV of the GATT 1994, Article V of GATS and paragraph 3 of the Enabling Clause. The Working Party took note of this commitment.
76	Investment Regime	The representative of Ecuador acknowledged that the trade related investment measures described in this paragraph were inconsistent with the provisions of the Agreement on TRIMS. He confirmed that these measures would be eliminated prior to 1 January 2000. Regarding this programme, Ecuador committed to provide the information in Annex III to the Council for Trade in Goods for the information of the TRIMS Committee. During the period in which these measures are applied, Ecuador shall not modify the terms so as to increase the degree of inconsistency with the provisions of the TRIMS Agreement, in particular Article 2. In order not to disadvantage established enterprises which are subject to these measures, Ecuador will consider applying the same measures to the investments during the transitional period (i) where the products of such investment are like products to those of the established enterprises, and (ii) where necessary to avoid distorting the conditions of competition between the new investment and the established enterprises. Ecuador will notify any TRIM so applied to a new investment to the Council for Trade in Goods. The terms of such a TRIM shall be equivalent in their competitive effect to those applicable to the established enterprises, and it shall be terminated at the same time. The Working Party took note of these commitments.
78	TRIPS	The representative of Ecuador confirmed that the date of application of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights for Ecuador will be no later than 31 July 1996. The Working Party took note of this commitment.
79	Notifications	The representative of Ecuador said that no later than the earlier of the date of entry into force of the Protocol of Accession or the date specified below for the relevant provision, Ecuador shall submit notifications (other than notifications required to be made on an ad hoc basis) pursuant to the following provisions of Multilateral Trade Agreements for which the date specified in those provisions is earlier to the date of entry into force of the Protocol of Accession: Agreement on Implementation of Article VI of GATT 1994: 1 August 1995; Agreement on Safeguards, Articles 11.1, 11.2, 12.6 and 12.7: 1 August 1995; Agreement on Subsidies and Countervailing Measures: 1 August 1995; Agreement on Technical Barriers to Trade: 1 September 1995; Agreement on Textiles and Clothing: 1 September 1995. No later than the earlier of 1 August 1995 or the date of entry into force of the Protocol of Accession, Ecuador shall submit all other notifications other than notifications required to be made on an ad hoc basis as required by the WTO Agreement. The Working Party took note of these commitments.
80	Notifications	Ecuador is committed to notify the Secretariat annually of the implementation of the phased commitments with definitive dates for compliance referred to in paragraphs 9, 19, 34, 48, 59, 75, 77 and 78 of this Report and to identify any delays in implementation together with the reasons therefore.
Total		21 commitments

Notes to Table 30:

Source WTO Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77. Also, WTO, Report of the Working Party on the Accession of Ecuador, Corrigenendum, 7th August 1995. Document number WT/L/77/Corr.1.

Table 31 Transition periods given in Ecuador's Working Party Report

Para	Subject	Transition period	Time after accession date
19	Special Consumption Tax	To equalise the application of the Special Consumption Tax so that it is in conformity with GATT Article III no later than 31 July 1996	6 months
34	Non-tariff measures	To eliminate by 1 July 1996 its import bans on used articles listed in paragraph 32	6 months
48	Price bands	To gradually eliminate the price band system within a seven year period in accordance with the time table annexed to Ecuador's Protocol of Accession. To not enlarge the coverage of the system nor reintroduce products back into the system during the period for the phase-out of this mechanism.	7 years
76*	TRIMS	Prior to 1 January 2000, to eliminate the trade related investment measures inconsistent with the provisions of the TRIMS Agreement and, during the period in which these measures are applied, not modify the terms so as to increase the degree of inconsistency with the provisions of the TRIMS Agreement	4 years
78	TRIPS	To apply the provisions of the TRIPS Agreement no later than 31 July 1996	6 months

Notes to Table 31:

1. Source WTO Report of the Working Party on the Accession of Ecuador, 14th July 1995. Document number WT/L/77. Also, WTO, Report of the Working Party on the Accession of Ecuador, Corrigendum, 7th August 1995. Document number WT/L/77/Corr.1.
2. A * denotes that this phase in period was not listed as such in the list at the end of the Working Party report. Paragraphs 9, 75 and 77 were listed as having transition periods, which they did not.
3. Ecuador acceded to the WTO in January 1996

Table 32: Ecuador's MFN bindings in Part I of their Goods Schedules

	Non-agricultural products	Agricultural products
No. of tariff items	5,758	1,019
No. of tariff lines bound individually	5,758	1,019
Specific + compound rates	None	None
0	0	0
0-5	111	30
6-10	1,189	11
11-15	773	110
16-20	1,242	230
20-30	2,425	509
30-40	18	61
50-50	0	43
50+	0	25
Simple average of individual tariff bindings	20.1%	25.8
Minimum	5%	5%
Maximum	40%	86%
Other tariff items bound in headnote	None	None

Notes to Table 32:

Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

Table 33: Ecuador's Sector Specific Commitments in their Services Schedules

Service Sector	Commitment	Service Sector	Commitment
Professional services	Yes	Distribution services	Yes
- Legal services	Yes	Educational services	No
- Accountancy services	Yes	Environmental services	Yes
- Taxation services	Yes	Financial – insurance	Yes
- Architectural and engineering services	No	Financial – banking and other	Yes
- Medical services	No	Health services	Yes
Computer and related services	Yes	Social services	No
Research and development services	No	Tourism services	Yes
Other business services	Yes	Recreational services	Yes
Postal services	No	Transport services	Yes
Courier services	No	- Maritime transport	No
Telecommunications – value added	Yes	- Air transport	Yes
Telecommunications – basic	Yes	- Rail transport	No
Audiovisual services	No	- Road transport	Yes
Construction services	Yes	Limitations on national treatment	Yes

Notes to Table 33:

Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

“On 16 August 1995 the General Council of the WTO adopted a Decision¹⁷³ to the effect that the Government of Ecuador may accede to the WTO Agreement on the terms set out in the Protocol for the Accession of Ecuador”¹⁷⁴, which included the commitments referred to in the Working Party Report and both the GATT and the GATS schedules.

The text of the General Council Decision¹⁷⁵ was a mere two paragraphs in length and stated that “the Republic of Ecuador may accede to the Agreement Establishing the World Trade Organization on the terms set out in the said Protocol”. Interestingly, a foot note to the decision states that the “Decision was adopted by the General Council by a two-thirds majority”. This is rather unusual for a consensus based organisation such as the WTO.

The Protocol which was standard in its terms, except that in Part I of the Protocol of Accession it was stated that “The staging of the dismantling of the Tariff Adjustment Mechanism shall be implemented according to the time-table in Annex II of this Protocol”, which was a reference to the transition period Ecuador had been given in relation to price bands.

The Protocol was left “open for acceptance in the Office of the Director of the Accessions Division, Room 2079”. Normally, applicants have been able to accept the accessions package within a couple of months of the General Council Decision. However, Ecuador needed an extension. In January 1996, Ecuador became the first new Member of the WTO.

Since becoming a Member of the WTO, Ecuador has taken part in a number of different WTO committees and bodies. However, no Trade Policy Review of Ecuador has yet been undertaken by the WTO Secretariat.

Ecuador has been involved in the WTO’s Dispute Settlement Understanding (DSU). It was the complainant in the case of *European Communities - Regime for the Importation, Sale and*

¹⁷³ WTO, General Council Decision concerning the Accession of Ecuador, 22nd August 1995. Document number WT/ACC/ECU/5.WT/ACC/ECU/5

¹⁷⁴ WTO, Protocol for the Accession of Ecuador, 22nd August 1995. Document number WT/ACC/ECU/6.WT/ACC/ECU/6

¹⁷⁵ WTO, General Council Decision concerning the Accession of Ecuador, 22nd August 1995. Document number WT/ACC/ECU/5.WT/ACC/ECU/5

*Distribution of Bananas*¹⁷⁶ and in the case of *Turkey - Certain Import Procedures for Fresh Fruit*¹⁷⁷. Ecuador's involvement in the *Bananas* case actually began before it became a Member of the WTO and it requested consultations with the European Communities on its regime for the importation, sale and distribution of bananas in February 1996, one month after becoming a Member of the WTO. The *Bananas* case caused much tension in the WTO between Members. An understanding was eventually reached between the EC and Ecuador on the matter in 2001¹⁷⁸. Shortly after, Ecuador brought a case against Turkey on certain import procedures for fresh fruit.

Ecuador was a respondent in the case of *Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico*¹⁷⁹ and in the case of *Definitive Anti-Dumping Measure on Cement from Mexico*¹⁸⁰, both of which did not go beyond the negotiations phase of dispute settlement. Recently, Chile has requested consultations with Ecuador over its *Safeguard Measure on Imports of Medium Density Fibreboard*¹⁸¹.

For further information, Annex XII provides the details of the relevant Dispute Settlement Body (DSB) documents. The documents are listed in order of dispute and chronologically.

In conclusion, Table 34 lists the WTO documentation relevant to Ecuador's accession and Table 35 shows the timeline of Ecuador's accession to the WTO. It shows that Ecuador took only 32 months from the date of the submission of its Memorandum to the date of accession, and only 40 months in total. Later joiners took considerably longer.

A Country Report by the IMF, dated April 2003, seven years after Ecuador joined the WTO, noted two areas in which Ecuador had not implemented its accession commitments. "Upon

¹⁷⁶ DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas - Request for Consultations by Ecuador, Guatemala, Honduras, Mexico and the United States. Document number WT/DS27/1, WT/DS27/7 and WT/DS27/18. The case was brought by Ecuador on 12th February 1996.

¹⁷⁷ DS237 Turkey - Certain Import Procedures for Fresh Fruit - Request for Consultations by Ecuador. Document number WT/DS237/1 and WT/DS237/3. The case was brought by Ecuador on 10th September 2001.

¹⁷⁸ DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas - Understanding on Bananas between Ecuador and the EC. Document number WT/DS27/60.

¹⁷⁹ DS182 Ecuador - Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico - Request for Consultations by Mexico. Document number WT/DS182/1 and WT/DS182/1/Corr.1. The case was brought by Mexico on 8th October 1999.

¹⁸⁰ DS191 Ecuador - Definitive Anti-Dumping Measure on Cement from Mexico - Request for Consultations by Mexico. Document number WT/DS191/1. The case was brought by Mexico on 17th March 2000.

¹⁸¹ DS303 Ecuador - Definitive Safeguard Measure on Imports of Medium Density Fibreboard - Request for Consultations by Chile. Document number WT/DS303/1.

accession, Ecuador committed to eliminate price bands by the end of 2001; it failed to do so and remains obliged to comply”¹⁸² and “There have been problems with the implementation of the agreement on TRIMS – Ecuador still seems to apply local content requirements in the care assembly industry, which are inconsistent with the TRIMS and should have been eliminated by 2000”¹⁸³. A similar report by the USTR in 2002, also highlighted these issues. However, no action has yet been taken by any WTO Member in the Dispute Settlement Body on these issues.

¹⁸² Paragraph 135, IMF Country Report No. 03/91, April 2003.

¹⁸³ Paragraph 145, IMF Country Report No. 03/91, April 2003.

Table 34: WTO documentation relevant to Ecuador's accession to the WTO

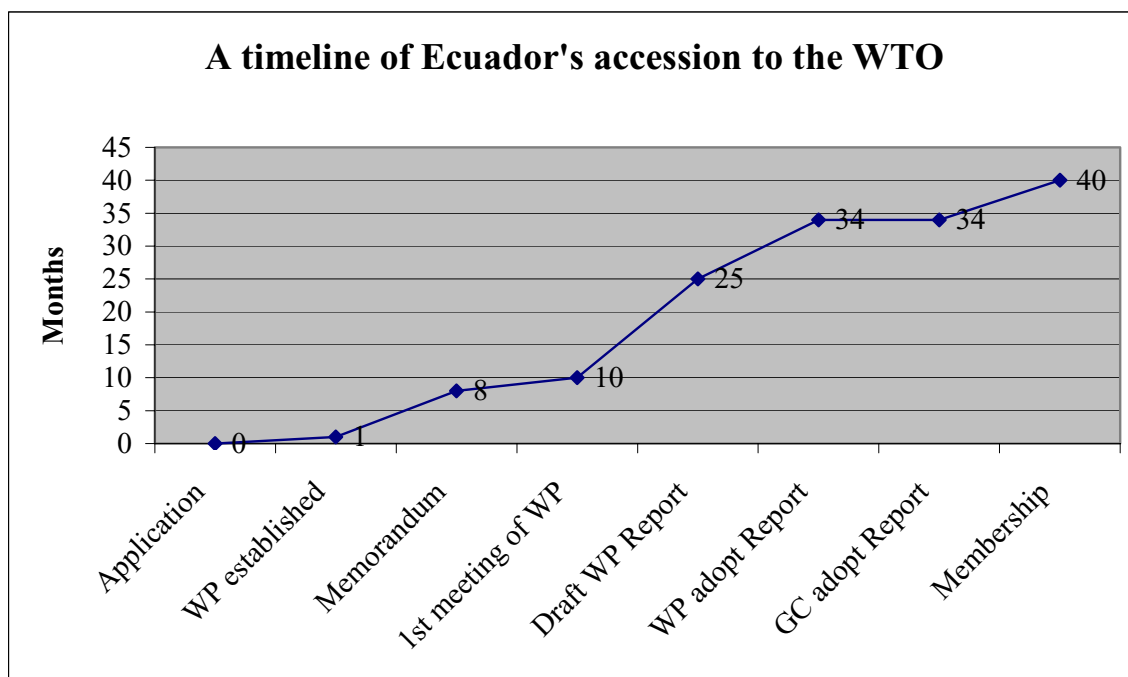
1.	Memorandum on the foreign trade regime	Document number GATT document L/7202 Document date
2.	Checklist of Documents	Document number WT/ACC/ECU/1 Document date 24 th April 1995
3.	Working Party Report	Document number WT/L/77 and Corr.1 Document date 14 th July 1995
4.	Goods Schedule	Document number WT/L/77/Add.1 and Corr. 1 and Corr.2 Document date July – August 1995
5.	Services Schedule	Document number WT/L/77/Add.2 Document date 20 th July 1995
6.	General Council Decision	Document number WT/ACC/ECU/5 Document date 22 nd August 1995
7.	Protocol of Accession	Document number WT/ACC/ECU/6 Document date 22 nd August 1995
8.	Request for extension of time limit for acceptance	Document number WT/GC/W/26 Document date 1 st December 1995
9.	Letter of Notification of Acceptance	Document number WT/Let/32 Document date 13 th October 1996
10.	Letter of Notification of Entry into Force	Document number WT/Let/53 Document date 9 th January 1996
11.	Accession of Ecuador	Document number WT/ACC/ECU/7 Document date 10 th January 1996

Notes to Table 34:

Source WTO

Table 35: A timeline of Ecuador's accession to the WTO

Application	September 1992
Working Party established	October 1992
Memorandum	May 1993
1 st meeting of the Working Party	July 1993
Draft Working Party Report	October 1994
Report adopted by Working Party	July 1995
Report adopted by General Council	July 1995
Membership	January 1996
Time passed between Memorandum and accession	32 months
Total time passed	40 months



Notes to Table 35:
Source WTO.

Jordan

The World Bank's "Jordan at a glance" table (Annex XI) provides two pages of information about Jordan's poverty and social circumstances, key economic ratios, long term trends, economic structure, trade, balance of payments, and external debt and resource flows over the last three decades.

During the Uruguay Round, in January 1994, Jordan requested to accede to the GATT 1947 and in the same month the GATT Council of Representatives established a Working Party to examine the application of the Government of Jordan to accede to the GATT 1947 under Article XXXIII and to submit to the Council recommendations, which might include a draft Protocol of Accession¹⁸⁴.

Following the conclusion of the Uruguay Round, in April 1994, Jordan requested accession to the World Trade Organization (WTO) under Article XII of the Marrakesh Agreement establishing the World Trade Organization.

In accordance with the decision adopted by the WTO General Council on 31 January 1995, the existing GATT 1947 Accession Working Party was transformed into a WTO Accession Working Party. The terms of reference were "to examine the application of the Government of Jordan to accede to the World Trade Organization under Article XII, and to submit to the General Council recommendations which may include a draft Protocol of Accession"¹⁸⁵.

The Working Party met on 28th October 1996; 4th July 1997; 22nd July 1998; 22nd October and 24th November 1999 under the Chairmanship of H.E. Mr. K. Kesavapany (Singapore)¹⁸⁶.

There were thirty-two members of the Working Party¹⁸⁷ including Argentina, Australia, Bahrain, Brazil, Bulgaria, Canada, Colombia, Czech Republic, Egypt, European Communities and its Member States, India, Indonesia, Israel, Japan, Korea, Kyrgyz Republic, Malaysia,

¹⁸⁴ GATT document L/7378.

¹⁸⁵ WTO, Working Party on the Accession of Jordan, Membership and Terms of Reference, 15th March 1999. Document number WT/ACC/JOR/5/Rev.3.

¹⁸⁶ WTO, Working Party on the Accession of Jordan, Membership and Terms of Reference, 15th March 1999. Document number WT/ACC/JOR/5/Rev.3.

¹⁸⁷ Taking the European Communities and their member States as one member.

Morocco, New Zealand, Norway, Pakistan, Qatar, Romania, Singapore, Slovak Republic, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, United States, Uruguay¹⁸⁸.

The presence of Australia, Canada, the European Communities and its Member States, India, Japan, New Zealand, Switzerland and the United States was not unexpected as these members form a core group of participants at almost every accession Working Party. However, the presence of the others may have been the result of their close proximity and/or trade ties with Jordan.

The Working Party had before it, to serve as a basis for its discussions, a Memorandum on the Foreign Trade Regime of Jordan¹⁸⁹, the questions submitted by Members, together with the replies, and other information provided by the authorities of Jordan¹⁹⁰ including the legislative texts and other documentation listed in Table 36.

The list of relevant laws and legislation made available to the Working Party by Jordan was extensive, all of which should have been entirely translated by Jordan into one of the WTO official languages.

WTO Secretariat procedures permit the applicant to submit only a detailed summary of the laws and regulations in one of the WTO official languages if the material is long¹⁹¹. However, a recent report by the WTO Secretariat notes that “Experience has shown that detailed summaries of laws and regulations are of limited usefulness, as some major trading governments have insisted that they need to receive the full text of laws and regulations relevant to accession in a WTO working language”.

The list of relevant laws and legislation submitted by Jordan does not state that the relevant laws and legislation have been summarised, but that many documents have been unofficially translated.

¹⁸⁸WTO, Working Party on the Accession of Jordan, Membership and Terms of Reference, 15th March 1999. Document number WT/ACC/JOR/5/Rev.3

¹⁸⁹ GATT document L/7533.

¹⁹⁰WTO documents WT/ACC/JOR/2, 3 and Add.1, 8 and Add.1, 9, 13, 14, 18, 22, 23, 24, 25, 26, 27, 28, 30, 32.

¹⁹¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1, paragraph 9.

Table 36: A list of Jordan's relevant laws and legislation

<ul style="list-style-type: none"> - Companies Law No. 22 of 1977; - Customs Law No. 16 of 1983; - Law No. 20 on Customs (1998); - A Law Amending the Customs Law - Law No. (__) of the Year 1999; - Law No. 14 for 1992 - Import and Export Law; - Regulation No. 74 (1993) - Import and Export Regulation; - Law No. 7 on Unifying Other Taxes and Fees (1997); - Draft Law Amending the Unification of Fees and Taxes Imposed on Imported and Re-Exported Goods Law for the Year 1999 (11 October 1999); - Law No. 6 (1994) – General Sales Tax Law; - Draft Law Amending the General Sales Tax Law – Law No. (__) of the year 1999 (30 September 1999); - Income Tax Law No. 57 of 1985, Law No. 2 of 1992 and Law No. 14 of 1995; - National Production Protection Law No. 4 of 1998 (Safeguards Law); - Investment Promotion Law No. 16 of 1995 and Regulations; - Regulation No. 39 (1997) – Non-Jordanian Investments Promotion Regulation; - Law No. 15 of Standards and Metrology, effective 16 January 1995 (unofficial translation); - Draft Law on Standards and Metrology Law No. (__) of the Year 1999 (11 October 1999); - Instructions No. 4 for the Year 1995 – Preparation of Jordanian Standards; - Quality Mark Regulations No. 49 for the year 1996; - Quality Mark Institutions; - TBT Conformity Table (11 October 1999); - Jordanian Standards Nos. 288 and 401; - Agricultural Law No. 20/1973; - Draft Law on Agriculture (30 September 1999); - Draft Law on Food Control Law No. (__) of the Year 1999 (11 October 1999); - SPS Conformity Table – Food (11 October 1999); - SPS Conformity Table – Agriculture (11 October 1999); - Regulation No. 32 (1993) – Government Procurement Regulation; - Tenders Regulation No.1 of 1994; - Commodities' Marks Act No. 19 of 1953; - Patents and Designs Law and Rules (1953); - Draft Law No. (...) for the year 1999 Patent Law (as adopted by Parliament in September 1999); - Trade Mark Law and Regulations in Hashemite Jordan (1 July 1952); - Draft Law No. (...) for the year 1999 Amending The Trademarks Law - Draft Amended Copyright Law No. 22 of 1992; - Draft Law No. (...) for the year 1999 - A Law Amending The Copyright Protection Law - TRIPS Copyright Conformity Table (11 October 1999); - TRIPS Trademarks Conformity Table (11 October 1999); - TRIPS Geographical Indications Conformity Table (11 October 1999); - TRIPS Industrial Designs and Models Conformity Table (11 October 1999); - TRIPS Unfair Competition and Trade Secrets Conformity Table (11 October 1999); - TRIPS Patents Conformity Table (11 October 1999); - TRIPS Layout Designs of Integrated Circuits Conformity Table (11 October 1999); - Selected articles from specific Laws related to the implementation of the TRIPS Agreement: <ul style="list-style-type: none"> - Code of Civil Procedure - No. 24 of 1988; - High Court of Justice Law - No. 11 of 1989; - Criminal Procedure Law - No. 9 of 1961; - Evidence Law - No. 30 of 1952; - Criminal Law - No. 16 of 1960; - Civil Code - No. 43 of 1976. - Banking Legislation in Jordan (1994); - Law No. 9 Amending the Law on the Control of the Insurance Business and Regulation No. 33 of the year 1995 on Insurance Companies (unofficial translation); - Telecommunications Law No. 13 of 1995; and - Securities Law of 1997 (unofficial translation).
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Notes to Table 36:

Source WTO WT/ACC/JOR/35

Little is known about the multilateral negotiations conducted in Jordan's Working Party or about the bilateral negotiations. Drafts of the Working Party Report do not document details of the negotiations and there is little (or no) other research on these events (in English). Table 1 (above) shows that this situation is far from uncommon.

The Working Party Report on the accession of Jordan was finalised by the Working Party in April 1999¹⁹². It outlined the work of the Working Party and summarised the views expressed by members of the Working Party on Jordan's foreign trade regime.

In the Working Party Report, Jordan made a number of commitments. These commitments were later incorporated into the Protocol of Accession of Ecuador to the WTO.

In summary, Table 37 lists the commitments made by Jordan in its Working Party Report. Jordan made 29 commitments. In terms of subject, Jordan made commitments in relation to pricing policies, trading rights, other duties and charges, tariff rate quotas, tariff exemptions, fees and charges for services rendered, application of internal taxes, quotas, customs valuation, rules of origin (ROO), pre-shipment inspection, anti-dumping, countervailing duties and safeguard regimes, export Restrictions, export subsidies, the TBT and SPS Agreements, TRIMS, state trading enterprises, free zones, government procurement, agricultural policies, TRIPS and notifications.

These subject headings (also shown in Table 37) are taken from the Working Party Report and are not always a useful indicator of the commitment made. Mostly, the subject headings are too general – and as will become obvious in Part III these subject headings are not always consistent.

¹⁹² WTO, Working Party on the Accession of Jordan, Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan, 3rd December, 1999. Document number WT/ACC/JOR/33. Also, WTO, Working

The WTO Secretariat recognises six types of commitments¹⁹³:

1. statements of fact;
2. obligations to abide by existing WTO rules, sometimes specifying national measures to be amended to bring them into conformity with WTO provisions on the subject in question, sometimes elaborating on the WTO provisions on the subject in question;
3. obligations not to have recourse to specific WTO provisions (WTO-minus rights);
4. specific identification of transitional periods that may be used;
5. authorisations to depart temporarily from WTO rules or from commitments in the Schedules;
6. obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus commitments).

It is very difficult to differentiate between types of commitments made in a paragraph, as some commitments could be classified as of more than one type and many paragraphs contain more than one commitment¹⁹⁴. There has been much discussion about the WTO-plus commitments and WTO-minus rights, but such commitments are hard to find in Jordan's Working Party Report.

In general, most of the commitments made by Jordan were obligations to abide by existing WTO rules, sometimes specifying national measures to be amended, sometime elaborating on the WTO provisions on the subject in question. Few could be categorised otherwise.

However, Jordan's commitment to allow international law to supercede national law (paragraph 43) and to accede to the Government Procurement Agreement (paragraph 170), could be categorised as a so called WTO-plus commitments.

Also, some commitments could be categorised as transition periods. For example, Jordan had until 31st December 2002 to eliminate the requirement for certificates in certain circumstances (paragraph 72); until 31st December 2002 to eliminate export subsidies (paragraph 126); until

Party on the Accession of Jordan, Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan, Corrigendum, 13th December 1999. Document number WT/ACC/JOR/33/Corr.1.

¹⁹³ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

¹⁹⁴ See Maxine Kennett's analysis "the Price of Accession".

31st December 2003 to implement certain TBT requirements (paragraph 140) and some time to implement certain provisions of the Agreement on Agriculture (paragraphs 177 and 189).

Table 38 shows the transition periods given to Jordan in its Working Party Report. The periods range from one year to seven years. In addition, Jordan was given a transition period on the elimination of prohibited export subsidies as permitted under the special and differential treatment (SDT) provisions of the WTO Agreements. (These provisions aim to ensure that the multilateral obligations of the WTO are consistent with the development, financial and trade needs of each Member.)

Whilst negotiating commitments on rules in the Working Party, Jordan was engaged in negotiations with interested Working Party members on concessions and commitments on market access for goods and services. The final results of the negotiations, Jordan's Schedule of Concessions and Commitments on Goods and Jordan's Schedule of Specific Commitments on Services, were incorporated into Jordan's Protocol of Accession to the WTO.

Jordan made tariff concessions and agricultural commitments in the same format as the Schedules of existing WTO Members. Part I contained MFN bindings. Part II contained preferential tariff concessions. Part III contained non-tariff concessions and Part IV contained commitments limiting subsidisation of agricultural products.

The MFN bindings contained in Part I of the Goods Schedule are shown in Table 39. Jordan has bound specific or compound rates for both agricultural and non-agricultural products. Interestingly, Jordan also made a number of zero bindings. Jordan's "zero-for-zero" initiative covers agricultural equipment, medical equipment, ITA, most steel and toys. The majority of both the non-agricultural and agricultural tariff bindings ranged between 30-40%. The maximum bindings for non-agriculture and agriculture were 30% and 200% respectively.

Table 40 lists Jordan's sector specific commitments in their services schedules. Jordan made commitments in all but two service sectors. That is to say it made specific commitments in 28 of the 30 service sectors identified by the WTO Secretariat. The two sectors in which it did not make specific commitments were rail and road transport.

Table 37: Commitments made by Jordan in the Working Party Report

Para.	Subject	Commitments
32	Pricing policies	The representative of Jordan confirmed that Jordan would apply, from the date of accession, the price and profitability controls described in paragraphs 26-31 and Table 1 and any applied in the future, in a WTO-consistent fashion, and would take account of the interests of exporting WTO Members as provided for in Article III:9 of the GATT 1994. Jordan would publish any list of goods and services subject to State price controls in the Official Journal, including any changes regarding existing price controls. The Working Party took note of these commitments.
43	Framework for Making and Enforcing Policies	The representative of Jordan stated that if Jordanian laws or other acts should be found to contradict international treaties or agreements, the provisions of the international treaty or agreement, such as the WTO, would apply. The representative of Jordan confirmed that sub-central entities had no autonomous authority over issues of subsidies, taxation, trade policy or any other measures covered by WTO provisions. He confirmed that the provisions of the WTO Agreement, including Jordan's Protocol, shall be applied uniformly throughout its customs territory and other territories under Jordan's control, including in regions engaging in border trade or frontier traffic, special economic zones, and other areas where special regimes for tariffs, taxes and regulations are established. He added that when apprised of a situation where WTO provisions were not being applied or were applied in a non-uniform manner, central authorities would act to enforce WTO provisions without requiring affected parties to petition through the courts. The Working Party took note of these commitments.
53	Trading rights	The representative of Jordan confirmed that from the date of accession Jordan would ensure that its laws, regulations and requirements relating to the right to import and export and all fees, charges or taxes levied on such rights would be in full conformity with its WTO obligations, including Articles VIII:1(a), XI:1 and III:2 and 4 of the GATT 1994 and that it would also implement such laws and regulations in full conformity with these obligations. The Working Party took note of this commitment.
58	Other duties and charges	The representative of Jordan confirmed that from the date of accession Jordan would levy no duties and charges on imports other than ordinary customs duties and fees and charges for services rendered. Any such charges applied to imports after accession would be in accordance with WTO provisions. The Working Party took note of this commitment.
63	Tariff rate quotas, tariff exemptions	The representative of Jordan confirmed that the exemptions on customs duties for certain imports by the 10 companies listed in Table 2 will expire as indicated in that table, and will not be renewed. As noted in Table 2, the customs exemption for Arab Company for Manufacturing White Cement had been granted for an indefinite period of time, in accordance with the Council of Ministers' Decision dated 10 November 1994. The Working Party took note of this commitment.
72	Fees and charges for services rendered	The representative of Jordan confirmed that from the date of accession, Jordan would impose any fees or charges for "services rendered" to importation or exportation only in conformity with Article VIII of the GATT 1994. He further confirmed that the fee described in paragraph 71 for the authentication or certification of import documents by Chambers of Commerce or consular officials in the exporting country would be fixed at JD 21 per transaction from the date of accession. The practice of requiring such certifications would be eliminated by 31 December 2002. Information regarding the application and level of such fees, revenues collected and their use, would be provided to WTO Members upon request. The Working Party took note of these commitments.
76	Application of internal taxes	The representative of Jordan stated that, from the date of accession, Jordan will apply its domestic taxes, including those on products listed in Table 3, in compliance with Articles I and III of the GATT 1994. The Working Party took note of this commitment.

88	Quantitative import restrictions, including prohibitions, quotas and licensing systems	The representative of Jordan confirmed that Jordan would, from the date of accession, eliminate and shall not introduce, re-introduce or apply quantitative restrictions on imports, or other non-tariff measures such as licensing, quotas, bans, permits, prior authorization requirements, licensing requirements and other restrictions having equivalent effect that cannot be justified under the provisions of the WTO Agreement. Any further amendments to the import licensing regime after accession would be fully in accordance with all relevant provisions of the WTO, including the Agreement on Import Licensing Procedures. Jordan would replace non-automatic import licensing with automatic import licensing for "milk for industrial use" within 3 years from the date of accession. He further confirmed that the legal authority of the Government of Jordan to suspend imports and exports or to apply licensing requirements that could be used to suspend, ban, or otherwise restrict the quantity of trade will be applied from the date of accession in conformity with the requirements of the WTO, in particular Articles XI, XII, XIII, XVIII, XIX, XX and XXI of the GATT 1994, and the Multilateral Trade Agreements on Agriculture, Application of Sanitary and Phytosanitary Measures, Import Licensing Procedures, Safeguards and Technical Barriers to Trade. The Working Party took note of these commitments.
94	Customs valuation	The representative of Jordan confirmed that Jordan would fully apply the WTO provisions concerning customs valuation from the date of accession without recourse to a transition period, including the Agreement on the Implementation of Article VII of the GATT 1994. In this regard, the Customs Law and its implementing regulations incorporated Annex I (Interpretative Notes) and provisions for the Valuation of Carrier Media Bearing Software for Data Processing Equipment (Decision 4.1). The Working Party took note of these commitments.
100	ROO	The representative of Jordan stated that, from the date of accession, Jordan's preferential and non-preferential rules of origin would comply fully with the WTO Agreement on Rules of Origin. The requirements of Article 2(h) and Annex II, Paragraph 3(d) of the Agreement would also be fully implemented prior to accession. He also stated that in any event, from the date of accession, Customs would provide an assessment of the origin of the import upon the request of an exporter, importer or any person with a justifiable cause. Any request for such an assessment would be accepted even before trade in the goods concerned began. Any such assessment would be binding for three years. The Working Party took note of these commitments.
103	Preshipment inspection	The representative of Jordan stated that if Jordan in the future engaged the services of a pre-shipment inspection service provider Jordan would ensure that the requirements of the Agreement on Preshipment Inspection were implemented in full. He confirmed that Jordan would ensure that the operations of any such preshipment inspection firm would meet WTO norms, including the establishment of charges and fees consistent with Article VIII of the GATT 1994, observance of due process and the transparency requirements of the relevant WTO Agreements, in particular Article X of the GATT 1994, the Agreement on Preshipment Inspection and the Agreement on the Implementation of Article VII of the GATT 1994, as well as the substantive provisions of these Agreements. The Working Party took note of these commitments.
107	Anti-dumping, countervailing duties, safeguard regimes	The representative of Jordan said that Jordan would not apply any anti-dumping, countervailing or safeguard measure to imports from WTO Members until it had notified and implemented appropriate laws in conformity with the provisions of the WTO Agreements on the Implementation of Article VI, on Subsidies and Countervailing Measures and on Safeguards. He confirmed that Jordan would ensure that such legislation would be in full conformity with the relevant WTO provisions, including Article VI and XIX of the GATT 1994 and the Agreement on the Implementation of Article VI, the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards. After such legislation was implemented, Jordan would only apply any antidumping duties, countervailing duties and safeguard measures in full conformity with the relevant WTO provisions. The Working Party took note of these commitments.
116	Export Restrictions	The representative of Jordan confirmed that any export control requirements remaining in place on the date of accession would be fully consistent with WTO provisions, including those contained in Articles XI, XVII, XX and XXI of the GATT 1994. The Working Party took note of this commitment.

126	Export subsidies	The representative of Jordan confirmed that Jordan would eliminate the export subsidies described in paragraph 125 by 31 December 2002. He further confirmed that from the date of accession, Jordan would not maintain nor introduce any other prohibited subsidies. The representative of Jordan stated that, in accordance with Article 28 of the WTO Agreement on Subsidies and Countervailing Measures, these two export subsidy programs would be notified upon accession. The Working Party took note of these commitments.
131	Industrial policy, including subsidies	The representative of Jordan confirmed that upon accession any subsidy programmes with the exception of those noted in paragraph 125 of this Report would be administered in conformity with the Agreement on Subsidies and Countervailing Measures. All necessary information on such programmes would be notified upon accession to the Committee on Subsidies and Countervailing Measures in accordance with Article 25 of the Agreement. The Working Party took note of this commitment.
137	TBT	The representative of Jordan stated that Jordan's Standardization Department was gradually reviewing the remaining 1,110 mandatory standards to replace them with voluntary standards or with technical regulations, consistent with Article 2 of the TBT Agreement. No less than one quarter of the remaining standards would be converted each year after accession, and Jordan intended to complete the process of conversion by 31 December 2003. The Working Party took note of this commitment.
140	TBT	The representative of Jordan confirmed that Jordan would comply with all obligations under the WTO Agreement on Technical Barriers to Trade from the date of accession without recourse to any transition period. The Working Party took note of this commitment.
145	SPS	The representative of Jordan confirmed that Jordan would initiate immediately the process of examining its shelf-life standards (JS:401:1977 and JS 288:1994) in light of international scientific practices on shelf-stable food products to identify shelf-stable products currently appearing on the lists of these two standards. He further confirmed that Jordan would eliminate shelf-stable products from the coverage of these two standards by 30 June 2000. He added that Jordan would establish within one year regulations and procedures in line with international norms for "highly perishable refrigerated" food products to gradually replace remaining shelf life requirements on these products with a scientific regulatory framework by 31 December 2000. The Working Party took note of these commitments.
149	SPS	The representative of Jordan confirmed that, as from the date of accession, unnecessary inspections of imported meat and meat from imported animals would be eliminated, and national treatment would be accorded fully to such products as part of Jordan's program for the development and adoption of guidelines and/or rules for food inspection and testing procedures. The new Law on Agriculture would include provisions of Annex C of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. All instructions and testing procedures would be in accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, in particular its Annex C. To address concerns over the lack of national treatment for and the unnecessary inspection of imported meat and meat from live animals, he confirmed that Jordan would make a particular commitment to abide by the provisions of paragraphs 1(a), 1(e) and 1(g) of Annex C from the date of accession. Jordan would implement the least trade restrictive requirements possible to prevent deceptive practices <i>vis-à-vis</i> consumers of meat, taking into account the national treatment requirements of Article III of GATT 1994. All remaining prohibitions on the use of powdered milk by industrial users of dairy products would be abolished as soon as legislatively possible upon accession, and in any event no later than within 12 months from the date of accession. The Working Party took note of these commitments.
151	SPS	The representative of Jordan confirmed that Jordan's sanitary and phytosanitary standards system would be in compliance with WTO provisions under the Agreement on the Application of Sanitary and Phytosanitary Measures as of the date of accession to the WTO, and that Jordan would apply all measures of the Agreement on the Application of Sanitary and Phytosanitary Measures in a least trade distortive manner from the date of accession without recourse to any transition period. The representative of Jordan further confirmed that, without recourse to any transition period and in conformity with the SPS Agreement, no stricter rules than those laid out by international organizations such as OIE will be applied. The Working Party took note of this commitment.
153	TRIMS	The representative of Jordan said that Jordan would not maintain any measures inconsistent with the TRIMs Agreement and would apply the TRIMs Agreement from the date of accession without recourse to any transition period. The Working Party took note of this commitment.

161	State trading enterprises	The representative of Jordan confirmed that after accession to the WTO, Jordan would observe WTO provisions, in particular, Article XVII of the GATT 1994, the WTO Understanding on that Article, and Article VIII of the GATS regarding State trading, with respect to the State-owned enterprises and other enterprises and entities with special or exclusive privileges identified in paragraphs 154-160 of this report, in particular abiding by the provisions for notification, non-discrimination, and the application of commercial considerations for trade transactions. The Working Party took note of these commitments.
164	Free zones	The representative of Jordan confirmed that free zones or free economic zones in Jordan would be fully subject to the coverage of the commitments taken in the Protocol of Accession, and that Jordan would ensure enforcement of its WTO obligations in those zones, including those commitments derived from the TRIPS Agreement. He also confirmed that, when goods produced or imported into the zones under the special tax and tariff regime existing in these areas enter into the rest of Jordan, normal customs formalities, tariffs and taxes would be applied. The Working Party took note of this commitment.
170	Government procurement	The representative of Jordan confirmed that, upon accession to the WTO, Jordan would initiate negotiations for membership in the Agreement on Government Procurement by tabling an entity offer. He also confirmed that, if the results of the negotiations were satisfactory to the interests of Jordan and the other members of the Agreement, Jordan would complete negotiations for membership in the Agreement within a year of accession. The Working Party took note of these commitments.
177	Agricultural Policies	The representative of Jordan confirmed that the age restriction on imported sheep, described in paragraph 176, would be eliminated no later than 30 April 2000. The Working Party took note of this commitment.
189	Agricultural Policies	Members of the Working Party agreed that Jordan had AMS of JD 1,539,199 and Jordan agreed to reduce this by 13.3 per cent over seven years from the date of accession. Those Members also considered that for the purposes of Article 6.4 of the WTO Agriculture Agreement, Jordan was a developing country. Jordan did not grant any export subsidies to agricultural products. The representative of Jordan confirmed that Jordan would bind agricultural exports subsidies at zero in its goods schedule. The Working Party took note of this commitment.
230	TRIPS	The representative of Jordan stated that Jordan would apply fully all the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights from the date of accession to the WTO, without recourse to any transitional period. The Working Party took note of this commitment.
240	Notifications	The representative of Jordan said that, at the latest within six months of the entry into force of the Protocol of Accession, Jordan would submit all initial notifications required by any Agreement constituting part of the WTO Agreement. Some notifications, as provided for in WT/ACC/JOR/31, will be made immediately after accession. Any regulations subsequently enacted by Jordan which gave effect to the laws enacted to implement any Agreement constituting part of the WTO Agreement would also conform to the requirements of that Agreement. The Working Party took note of these commitments.
247	Trading Agreements	The representative of Jordan stated that his Government would observe the provisions of the WTO including Article XXIV of the GATT 1994 and Article V of the GATS in its trade agreements, and would ensure that the provisions of these WTO Agreements for notification, consultation and other requirements concerning free trade areas and customs unions of which Jordan was a member were met from the date of accession. The Working Party took note of these commitments.
Total	29 commitments	

Notes to Table 37:

Source WTO

Table 38: Transition periods given in Jordan's Working Party Report

Para	Subject	Transition period	Time after accession date
72	Fees and charges	From the date of accession, Jordan would impose any fees or charges for "services rendered" to importation or exportation only in conformity with Article VIII of the GATT 1994. The practice of requiring certifications would be eliminated by 31 December 2002. Information regarding the application and level of such fees, revenues collected and their use, would be provided to WTO Members upon request.	2 yr 8 months
126	Export subsidies	To eliminate the export subsidies described in paragraph 125 by 31 December 2002. From the date of accession, not to maintain nor introduce any other prohibited subsidies. Two export subsidy programs would be notified upon accession.	2 yr 8 months
137	TBT	Gradually reviewing mandatory standards to replace them with voluntary standards or with technical regulations, consistent with Article 2 of the TBT Agreement. No less than one quarter of the remaining standards would be converted each year after accession, and Jordan intended to complete the process of conversion by 31 December 2003.	3 yrs 8 mths
145	SPS	To initiate immediately the process of examining its shelf-life standards in light of international scientific practices and to establish within one year regulations and procedures in line with international norms.	Immediate and one year
177	AoA	The age restriction on imported sheep would be eliminated no later than 30 April 2000	Less than one month
189	AoA	To reduce this AMS 13.3 per cent over seven years from the date of accession	7 years

Notes to Table 38:

1. Source WTO
2. Jordan acceded to the WTO in April 2000.

Table 39: Jordan's MFN bindings in Part I of their Goods Schedules

	Non-agricultural products	Agricultural products
No. of tariff items	5,896	867
No. of tariff lines bound individually	5,896	867
Specific + compound rates	2	7
0	482	11
0-5	1,226	116
6-10	1,068	137
11-15	490	117
16-20	1,283	177
20-30	1,345	259
30-40	0	2
50-50	0	5
50+	0	36
Simple average of individual tariff bindings	15%	25%
Minimum	0	0
Maximum	30%	200%
Other tariff items bound in headnote	None	None

Notes to Table 39:

Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

Table 40: Jordan's Sector Specific Commitments in their Services Schedules

Service Sector	Commitment	Service Sector	Commitment
Professional services	Yes	Distribution services	Yes
- Legal services	Yes	Educational services	Yes
- Accountancy services	Yes	Environmental services	Yes
- Taxation services	Yes	Financial – insurance	Yes
- Architectural and engineering services	Yes	Financial – banking and other financial services	Yes
- Medical services	Yes	Health services	Yes
Computer and related services	Yes	Social services	Yes
Research and development services	Yes	Tourism services	Yes
Other business services	Yes	Recreational services	Yes
Postal services	Yes	Transport services	Yes
Courier services	Yes	- Maritime transport	Yes
Telecommunications – value added	Yes	- Air transport	Yes
Telecommunications – basic	Yes	- Rail transport	No
Audiovisual services	Yes	- Road transport	No
Construction services	Yes	Limitations on national treatment	Yes

Notes to Table 40:

Source WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

“On 17 December 1999 the General Council adopted a Decision¹⁹⁵ to the effect that the Government of the Hashemite Kingdom of Jordan may accede to the WTO Agreement on the terms set out in the Protocol for the Accession of the Hashemite Kingdom of Jordan”¹⁹⁶.

The final text of the General Council Decision¹⁹⁷ was a mere two paragraphs in length and in fact stated that “the Hashemite Kingdom of Jordan may accede to the Marrakesh Agreement Establishing the World Trade Organization on the terms set out in the said Protocol”.

The text of the Protocol of Accession¹⁹⁸ had been approved earlier that day and later, “the Secretary General of the Hashemite Kingdom of Jordan’s Ministry of Industry and Trade, H.E. Dr. Mohammed Halaiqah, signed, subject to ratification, the Protocol of Accession”. The Protocol was then left “open for acceptance, by signature or otherwise, by Jordan until 31 March 2000”.

The Protocol was standard in its terms, however, in Part I of the Protocol of Accession there was an exemption. This exemption stated that “Jordan may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is recorded in the list of Article II Exemptions annexed to the Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions”.

This exemption reflects that during the Uruguay Round of negotiations (1986-1994), participants made market-access commitments and exemptions on a number of service sectors and that Jordan was allowed to do so as well.

On the 11th April 2000, Jordan became the 136th Member of the WTO¹⁹⁹. The Chief Negotiator and Secretary General of the Ministry of Industry and Trade of Jordan, Dr. M. Halaiqah, stated that “This is truly a historical moment for Jordan, as we have long aspired to become a member of the WTO,” and “This is a turning-point in the continued development of the Jordanian economy.”

¹⁹⁵ WTO, Working Party on the Accession of Jordan, Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan, 3rd December, 1999. Document number WT/ACC/JOR/33. Also, WTO, Working Party on the Accession of Jordan, Report of the Working Party on the Accession of the Hashemite Kingdom of Jordan, Corrigendum, 13th December 1999. Document number WT/ACC/JOR/33/Corr.1.

¹⁹⁶ WT/ACC/JOR/35

¹⁹⁷ WT/ACC/JOR/34

¹⁹⁸ WT/ACC/JOR/35

Since becoming a Member of the WTO, Jordan has taken part in a number of different WTO committees and bodies²⁰⁰. Jordan has submitted few formal Communications on these matters. It has not been involved as a complainant or respondent in WTO dispute settlement. It has not been subject to a Trade Policy Review. As a result, there is scant information on Jordan's activities within the WTO.

In conclusion, Table 41 lists the WTO documentation relevant to Jordan's accession and Table 42 shows the timeline of Jordan's accession to the WTO. The timeline shows Jordan took 66 months from the date of the submission of its Memorandum to the date of accession, and 75 months in total.

¹⁹⁹ http://www.wto.org/english/news_e/pres00_e/pr174_e.htm

²⁰⁰ Textiles Monitoring Body; Committee on Regional Trade Agreements; Council for the Trade Related Aspects of Intellectual Property Rights; Committee on Government Procurement; Committee on Agriculture; Committee on Sanitary and Phytosanitary Measures; Committee on Technical Barriers to Trade; Working Party on State Trading Enterprises; and Committee on Balance-of-Payments Restrictions.

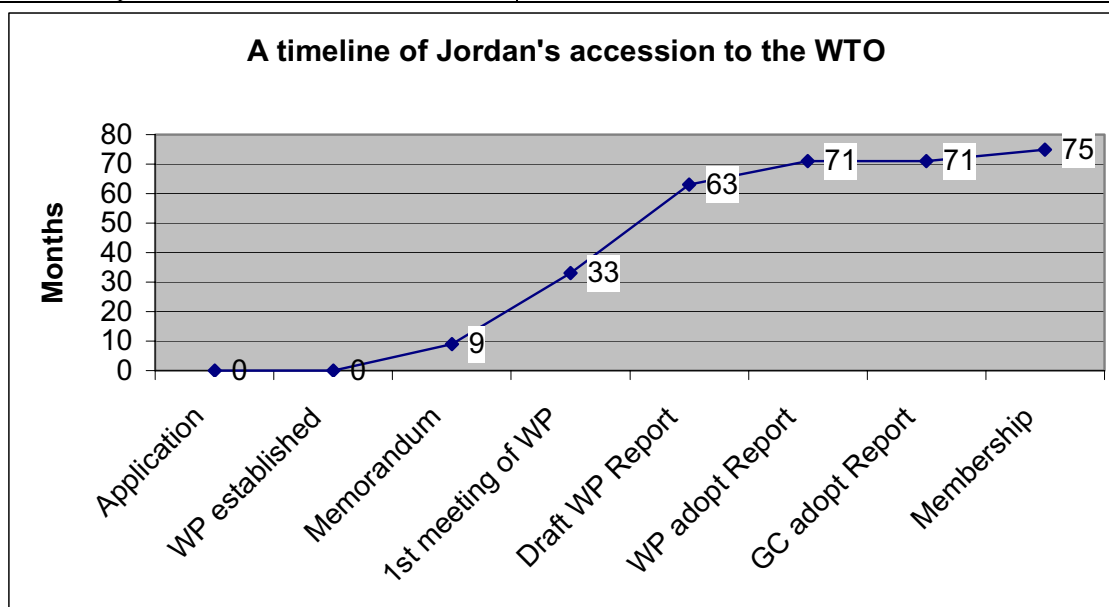
Table 41: WTO documentation relevant to Jordan's accession to the WTO

1.	Working Party Report	Document number WT/ACC/JOR/33 and Corr.1 Document date 3 rd December, 1999 and 13 th December 1999
2.	Goods Schedule	Document number WT/ACC/JOR/33/Add.1. Document date 3 rd December, 1999
3.	Services Schedule	Document number WT/ACC/JOR/33/Add.2. Document date 3 rd December, 1999
4.	General Council Decision	Document number WT/ACC/JOR/34. Document date 23 rd December 1999
5.	Protocol of Accession	Document number WT/ACC/JOR/35 Document date 23 rd December 1999

Notes to Table 41:
Source WTO.

Table 42: A timeline of Jordan's accession to the WTO

Application	January 1994
Working Party established	January 1994
Memorandum	October 1994
1 st meeting of the Working Party	October 1996
Draft Working Party Report	April 1999
Report adopted by Working Party	December 1999
Report adopted by General Council	December 1999
Membership	April 2000
Time passed between Memorandum and accession	66 months
Total time passed	75 months



Notes to Table 42:
Source WTO.

PART III – A COMPARATIVE ANALYSIS

An introduction to the methodology

Part III of this paper includes a cross country analysis of the results of part II. It also includes information about Angola which joined the WTO as an original Member in 1996.

Additional information about these countries can be found in the “At a Glance” tables (Annexes VIII, IX, X and XI) and can be obtained from the relevant Permanent Missions to the World Trade Organization (Annex XIII).

The reasons that Bulgaria, Ecuador and Jordan were chosen for this study were that each country was considered to have a trade regime that was varied enough not to skew the results and the countries acceded to the WTO at different times - which would perhaps allow for time dependent trends to be shown in the results.

The inclusion of Angola in this analysis aims to show whether applicants have been asked to adopt commitments in excess of those made by a comparable WTO Member in the Uruguay Round.

One of the complications associated with including Angola in this comparative analysis is that it is difficult to compare new Members with an original Member. It is also difficult to compare three developing countries with an LDC – as LDCs are afforded differential treatment.

New Members that have been through the accessions process create, along the way, a considerable amount of paperwork. There are lists of relevant laws, documented questions and answers, draft Working Party Reports, draft schedules, and there is a formal accession package that contains specific commitments.

Original Members on the other hand, like Angola, may have created very little documentary evidence of their dealings with the WTO. Angola, for example, submitted its schedule of specific commitments in relation to goods and services, but almost nothing else. The WTO Secretariat has not undertaken a Trade Policy Review of Angola.

Some commentators claim that the lack of attention paid to the trade regimes of original Members, by comparison to the scrutiny afforded to new Members, disadvantages original Members – because new Members are getting technical assistance and advice on how to “improve” their trade regimes and they have an “excuse” for undertaking domestic reforms. New Members claim that they are disadvantaged by the accessions process and by so many WTO-plus commitments.

Although the analysis in Part II was mostly in narrative form. This analysis is presented mostly in tables with some summarising text. The majority of the information in Part III will already have been discussed in detail in Part II and it will be apparent why the methodical approach of Part II was necessary for this later comparative analysis.

All data and information is correct as of December 2004 and all documents used are publicly available.

Working Parties

Angola, Bulgaria, Ecuador and Jordan all applied to join the GATT, but at different times.

Angola applied to join the GATT in 1994 and became an “original” Member of the WTO, eleven months after it was established, on 23rd November 1996. For Angola, the (GATT) accession process was complete.

However, the accession process for Bulgaria, Ecuador and Jordan was beginning again. Less than one month after the WTO was established, and almost a year before Angola became an original Member, the GATT working parties of Bulgaria, Ecuador and Jordan were transformed into WTO working parties.

Although the terms of reference of the GATT and the WTO Working Parties might at first glance appear to be the same, the task of the WTO Working Party was significantly greater. Bulgaria, Ecuador and Jordan were required not only to consider the obligations of the GATT 1947, but the expanded scope of GATT institutions under the WTO. And, as mentioned in Part II, Working Party members were keen to request information on services, TRIMS and TRIPS from these WTO applicants.

Bulgaria, Ecuador and Jordan’s working parties all had the same standard terms of reference. The number of Working Party members ranged from twenty-two for Bulgaria, twenty-five for Ecuador and thirty-two for Jordan. The same core group of WTO Members were present at all three Working Parties. The difference in the number of Working Party members is explained by the interest each country generated amongst other WTO Members. There is no evidence of a general increase in the number of Working Party members over time (as also shown in Table 9). These figures could imply that the number of bilateral negotiating partners has also not increased over time.

Bulgaria and Ecuador both had European chairpersons for their Working Parties. The Chairperson of Jordan’s Working Party was Singaporean. This is in keeping with the trend that more than half the chairpersons are European (as also shown in Table 9).

The number of days the Working Parties met ranges from fifteen for Bulgaria, fourteen for Ecuador and five for Jordan. Given a sample of three, there is no obvious trend in the number of Working Party working days over time.

Table 43: Working Party Terms, Members and Meetings

	Bulgaria	Ecuador	Jordan
Established	20th February 1990	October 1992	January 1994
Transformed	31 st January 1995	31 st January 1995	31 st January 1995
Chairman	H.E. Mr. E.C Selmer of Norway	H.E. Mr. C. Manhusen of Sweden	H.E. Mr. K. Kesavapany Singapore
Members	22	25	32
Members	Argentina, Australia, Austria, Canada, Chile, Czech Republic, European Communities and Member States, Finland, Hungary, Iceland, India, Japan, Mexico, New Zealand, Norway, Poland, Romania, Slovak Republic, Sweden, Switzerland, Turkey and the United States	Argentina, Australia, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Egypt, El Salvador, European Communities and Member States, Honduras, Hungary, Finland, Japan, Mexico, New Zealand, Norway, Peru, Sweden, Switzerland, United States, Uruguay and Venezuela	Argentina, Australia, Bahrain, Brazil, Bulgaria, Canada, Colombia, Czech Republic, Egypt, European Communities and its Member States, India, Indonesia, Israel, Japan, Korea, Kyrgyz Republic, Malaysia, Morocco, New Zealand, Norway, Pakistan, Qatar, Romania, Singapore, Slovak Republic, Switzerland, Thailand, Tunisia, Turkey, United Arab Emirates, United States, Uruguay
Text of the terms of reference	To examine the application of the Government of Bulgaria to accede to the World Trade Organization under Article XII and to submit to the General Council recommendations which may include a draft Protocol of Accession	To examine the application of the Government of Ecuador to accede to the World Trade Organization under Article XII and to submit to the General Council recommendations which may include a draft Protocol of Accession	To examine the application of the Government of Jordan to accede to the World Trade Organization under Article XII and to submit to the General Council recommendations which may include a draft Protocol of Accession
Terms of reference	Standard	Standard	Standard
Meetings days	15	14	5
Working Party Report adopted by Working Party	September 1996	July 1995	November 1999

Notes to Table 43:

1. WTO documents WT/ACC/BGR/5 and Corr.1, WT/L/77 and Corr.1 and WT/ACC/JOR/33 and Corr.1.
2. The European Communities and its Members States is counted as one member in this table.

Working Party Reports

The final drafts of the Working Party Reports of Bulgaria, Ecuador and Jordan varied in detail and length (from sixty, to forty-eight, to sixty-nine pages respectively). From this sample of three, there is no obvious trend to suggest that Working Party Reports are getting longer over time. All three Working Party Reports required a one page corrigendum, two weeks later. In general 50% of new Members' Working Party Reports require a corrigendum (see Table 14).

Table 44: Working Party Reports

	Ecuador	Bulgaria	Jordan
Working Party Report			
Document number	WT/L/77	WT/ACC/BGR/5	WT/ACC/JOR/33
Document date	14.07.1995	20.09.1996	03.12.1999
Document length	60 pages	48 pages	69 pages
Corrigendum			
Document number	WT/L/77/Corr.1	WT/ACC/BGR/5/Corr.1	WT/ACC/JOR/33/Corr.1
Document date	07.08.1995	02.10.1996	13.12.1999
Document length	1 page	1 page	1 page

Notes to Table 44:

Sources WTO documents WT/ACC/BGR/5 and Corr.1, WT/L/77 and Corr.1 and WT/ACC/JOR/33 and Corr. 1.

Commitments

Original Members of the WTO, such as Angola, accepted a major revision to the General Agreement on Tariffs and Trade (GATT). The GATT became an umbrella agreement for goods. Annexes dealing with specific sectors such as agriculture and textiles, and with specific issues such as state trading, product standards, subsidies and actions taken against dumping were added. In addition there were new rules for dealing with trade in services, relevant aspects of intellectual property, dispute settlement, and trade policy reviews. The resulting Agreement Establishing the WTO (the Marrakesh Agreement) includes a daunting list of about sixty agreements, annexes, decisions, and understandings.

On becoming an original Member of the WTO, Angola was expected to submit goods and services Schedules to the WTO and to provide the WTO with any other relevant notifications – as well as to honour the Marrakesh Agreement. Angola was not expected to make additional specific commitments.

Moreover, as a developing country, Angola benefited from:

1. extra time for developing countries to fulfil its commitments under new agreements (otherwise referred to as transition periods);
2. provisions designed to increase its trading opportunities through greater market access (in, for example, the agreements on textiles, services and technical barriers to trade);
3. provisions requiring other WTO members to safeguard the interests of developing countries when adopting some domestic or international measures (in, for example, the agreements on anti-dumping, safeguards and technical barriers to trade); and
4. provisions to helping developing countries meet their commitments.

As a least developed country, Angola also benefited from additional flexibility.

The situation for Bulgaria, Ecuador and Jordan was entirely different. On acceding to the WTO, these new Members were expected to submit to the WTO, during the accessions process, a Memorandum on the foreign trade regime, written answers to questions, Schedules reflecting the results of bilateral negotiations on goods and services – as well as to commit to all the WTO Agreements AND to additional specific commitments listed in the Working Party Report.

Moreover, Bulgaria, Ecuador and Jordan as new developing country Members were not automatically entitled to any of the benefits afforded to original Member developing countries.

It is important to note that nothing in the WTO Agreements entitles new Members to the same terms as original Members or to terms comparable with other new Members. Instead, they were expected to negotiate their own special and differential treatment provisions and to include these in the Working Party Report. The resulting list of commitments should read like a contract between the applicant and existing WTO Members.

The number of commitments made in the Working Party Reports varies. Bulgaria made 21 commitments. Ecuador made 27 commitments and Jordan made 29 commitments (Table 45). There is no evidence to suggest that applicants are making more commitments over time and this conclusion is also reflected in a table showing the number of all twenty new Members' commitments (Table 15).

However, tables showing numbers of commitments do not give any indication of the depth, breadth and subject of the commitments.

The WTO Secretariat categorised the commitments made Working Party Reports as²⁰¹:

1. statements of fact;
2. obligations to abide by existing WTO rules, sometimes specifying national measures to be amended to bring them into conformity with WTO provisions on the subject in question, sometimes elaborating on the WTO provisions on the subject in question;
3. obligations not to have recourse to specific WTO provisions (WTO-minus rights);
4. specific identification of transitional periods that may be used;
5. authorisations to depart temporarily from WTO rules or from commitments in the Schedules;
6. obligations to abide by rules created by the commitment paragraph and not contained in WTO Multilateral Agreements (WTO-plus commitments).

²⁰¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.

Unfortunately, the WTO Secretariat does not give examples of each of these categories of commitments. And, any attempt to use this classification is fraught with difficulty. Some commitments could be classified as of more than one type and many paragraphs contain more than one commitment²⁰².

However, in general, most of the commitments made by Bulgaria, Ecuador and Jordan, as well as other new Members, were obligations to abide by existing WTO rules, sometimes specifying national measures to be amended, sometimes elaborating on the WTO provisions on the subject in question. Only a few commitments could be categorised as another kind of obligation²⁰³.

Bulgaria made commitments in relation to price policy, State-owned enterprises and privatisation, surcharges, import taxes, duty exemptions, customs fees, export taxes, quotas, subsidies and countervailing measures, the TBT and SPS Agreements, customs valuation, rules of origin, trade agreements, TRIMS and TRIPS.

Ecuador made commitments in relation to its foreign exchange regime, import taxes and charges, special consumption tax, VAT, customs valuation, non-tariff measures, import prohibitions, prior authorization, the agricultural sector, price band system, price setting in the pharmaceutical sector, unfair trade practices, export incentives, free trade zones, integration agreements, investment regime, TRIPS and notifications.

Jordan made commitments in relation to pricing policies, trading rights, other duties and charges, tariff rate quotas, tariff exemptions, fees and charges for services rendered, application of internal taxes, quotas, customs valuation, rules of origin, pre-shipment inspection, anti-dumping, countervailing duties and safeguard regimes, export Restrictions, export subsidies, the TBT and SPS Agreements, TRIMS, state trading enterprises, free zones, government procurement, agricultural policies, TRIPS and notifications.

Table 45 lists the subject of the commitments made by Bulgaria, Ecuador and Jordan in the order they appear in the Working Party Reports. The subject headings are taken directly from the Working Party Reports and are not always a useful indicator of the commitment made.

²⁰² See Maxine Kennett's doctoral thesis "the Price of Accession" for further analysis.

²⁰³ See Maxine Kennett's doctoral thesis "the Price of Accession" for further analysis.

Unfortunately, trying to categorise them by relevant WTO agreement or by issue is as complicated as trying to categorise them by type²⁰⁴.

Returning to the exact and full wording of the commitments made by Bulgaria (Table 21), Ecuador (Table 30) and Jordan (Table 37) shows that similar commitments were made in relation to pricing policies, state owned enterprises, import taxes, the SPS and TBT Agreements, TRIMS and TRIPS, free zones and regional trade agreements.

Clearly more analysis and some practical thinking needs to be undertaken on the subject of commitments made by new Members in their Working Party Reports. A sample of three new Members is not enough and ambiguous definitions of types of commitments need to be revised²⁰⁵.

²⁰⁴ See Maxine Kennett's "The Price of Accession".

²⁰⁵ See Maxine Kennett's "The Price of Accession".

Table 45: Subject of the commitments made in the Working Party Reports

Bulgaria		Ecuador		Jordan	
Para.	Commitment	Para.	Commitment	Para.	Commitment
16	Price Policy	10	Foreign Exchange System	32	Pricing policies
17	Price Policy	14	Trade Policy	43	Framework for Making and Enforcing Policies
24	State-Owned Enterprises and Privatization	17	Import Taxes and Charges	53	Trading rights
25	State-Owned Enterprises and Privatization	19	Special Consumption Tax	58	Other duties and charges
26	State-Owned Enterprises and Privatization	21	VAT	63	Tariff rate quotas, tariff exemptions
29	Surcharges	29	Customs valuation	72	Fees and charges for services rendered
30	Surcharges	31	Non-tariff measures	76	Application of internal taxes
32	Import Taxes	34	Import Prohibitions	88	Quantitative import restrictions, including prohibitions, quotas and licensing systems
33	Import Taxes	38	Prior Authorization	94	Customs valuation
35	Duty Exemptions	41	Agricultural Sector	100	ROO
37	Customs Fee	48	Price Band System	103	Preshipment inspection
39	Export Taxes	53	Price Setting in the pharmaceutical Sector	107	Anti-dumping, countervailing duties, safeguard regimes
40	Implementation of Article X	57	Unfair Trade Practices	116	Export Restrictions
45	Fiscal Policy	59	Export Incentives	126	Export subsidies
49	Import and Export Quotas	61	Free Trade Zones	131	Industrial policy, including subsidies
50	Import and Export Quotas	65	EMETEL	137	TBT
55	SCM	70	Integration Agreements	140	TBT
57	SCM	76	Investment Regime	145	SPS
64	TBT & SPS	78	TRIPS	149	SPS
69	State Trading Enterprises	79	Notifications	151	SPS
73	Customs Valuation	80	Notifications	153	TRIMS
75	ROO			161	State trading enterprises
78	Bilateral Trade Agreements			164	Free zones
80	Multilateral and Plurilateral Trade Agreements			170	Government procurement
83	TRIMS			177	Agricultural Policies
85	TRIPS			189	Agricultural Policies
90	Review of Commitments and Transitional Periods			230	TRIPS
				240	Notifications
				247	Trading Agreements
Total 27 commitments		Total 21 commitments		Total 29 commitments	

Notes to Table 45:

Sources WTO documents WT/ACC/BGR/5 and Corr.1, WT/L/77 and Corr.1 and WT/ACC/JOR/33 and Corr. 1.

Transition periods

On joining the WTO, Angola was granted the standard transition periods available to all developing country original Members – as well as the standard transition periods available to least developed country (LDC) original Members.

Bulgaria, Ecuador and Jordan were not granted any standard transition periods – not even those that had been given to developing country original Members.

Moreover, even though Bulgaria and Ecuador joined within a two years of the WTO being established, they were not even given what was remaining of the transition periods that had been given to developing country original Members. That is to say that when they acceded to the WTO, and accepted certain WTO obligations from the date of accession, some developing country original Members had yet to implement them. By the time Jordan acceded to the WTO in 2000, most of these transition periods had already expired.

It is surprising that Bulgaria, Ecuador and Jordan were not allowed to use the standard transitional periods set out in the WTO Agreements.

The WTO Secretariat noted in its first technical note on the accession process that “transition periods granted to original WTO Members have not automatically been made available to governments acceding under Article XII, regardless of their level of economic development. A few transition periods have been granted in limited areas and for short periods of time following submission of a detailed plan ensuring WTO consistency by the date of accession in all other areas”²⁰⁶.

Bulgaria, Ecuador and Jordan were all given individual transition periods to bring their laws into conformity with the WTO Agreements. These periods ranged from one month to seven

years (Table 46). However, the average time granted was just over a year. The exception to this was the 7 year period given to Ecuador to eliminate its price band system and the 7 year period given to Jordan to reduce its aggregate measure of support (AMS).

It is interesting to note that the subject heading of each commitment containing the transition period (also shown in Table 46). These subject headings, which have been taken directly from the Working Report, suggest that Bulgaria, Ecuador and Jordan were not given transition periods for the same issues – but that each set of transition periods was individual to the applicant concerned.

²⁰⁶ WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999. Document number WT/ACC/7.

Table 46: Transition times

	WPR para.	Subject	Transition period - paraphrased	Time after accession date
Bulgaria 01-Dec-96	29	Surcharges	Bulgaria had from 1 st July 1997 until 30 th June 2000 to eliminate surcharges that had been applied to some imports.	6 months to 42 months
	37	Customs fees	Bulgaria had until 31 st December 1997 to bring its customs clearance fee into conformity with Article VIII of the GATT 1994.	12 months
	45	Fiscal policy	Bulgaria had until 31 st December 1997 to bring "its excise tax rates on beer, wine, distilled spirits and tobacco products in strict compliance with Article III of GATT 1994, in a non-discriminatory manner to imported and domestically produced goods".	12 months
	80	Multilateral and plurilateral trade agreements	Bulgaria had until 30 th June 1997 to table an entity offer to initiate negotiations for membership of the Agreement on Government Procurement".	6 months
Ecuador 21-Jan-96	19	Special Consumption Tax	To equalise the application of the Special Consumption Tax so that it is in conformity with GATT Article III no later than 31 July 1996	6 months
	34	Import prohibitions	To eliminate by 1 July 1996 its import bans on used articles listed in paragraph 32	6 months
	48	Price band system	To gradually eliminate the price band system within a seven year period in accordance with the time table annexed to Ecuador's Protocol of Accession. To not enlarge the coverage of the system nor reintroduce products back into the system during the period for the phase-out of this mechanism.	7 years
	76	Investment regime	Prior to 1 January 2000, to eliminate the trade related investment measures inconsistent with the provisions of the TRIMS Agreement and, during the period in which these measures are applied, not modify the terms so as to increase the degree of inconsistency with the provisions of the TRIMS Agreement	4 years
Jordan 11-Apr-00	78	TRIPS	To apply the provisions of the TRIPS Agreement no later than 31 July 1996	6 months
	72	Fees and charges	From the date of accession, Jordan would impose any fees or charges for "services rendered" to importation or exportation only in conformity with Article VIII of the GATT 1994. The practice of requiring certifications would be eliminated by 31 December 2002. Information regarding the application and level of such fees, revenues collected and their use, would be provided to WTO Members upon request.	2 yr 8 months
	126	Export subsidies	To eliminate the export subsidies described in paragraph 125 by 31 December 2002. From the date of accession, not to maintain nor introduce any other prohibited subsidies. Two export subsidy programs would be notified upon accession.	2 yr 8 months
	137	TBT	Gradually reviewing mandatory standards to replace them with voluntary standards or with technical regulations, consistent with Article 2 of the TBT Agreement. No less than one quarter of the remaining standards would be converted each year after accession, and Jordan intended to complete the process of conversion by 31 December 2003.	3 yrs 8 mths
	145	SPS	To initiate immediately the process of examining its shelf-life standards in light of international scientific practices and to establish within one year regulations and procedures in line with international norms.	Immediate and one year
	177	Agricultural policies	The age restriction on imported sheep would be eliminated no later than 30 April 2000	Less than one month
	189	Agricultural policies	To reduce this AMS 13.3 per cent over seven years from the date of accession	7 years

Notes to Table 46: Sources WTO documents WT/ACC/BGR/5 and Corr.1, WT/L/77 and Corr.1 and WT/ACC/JOR/33 and Corr. 1.

Exemptions

In their Protocols of Accession, Bulgaria and Jordan were both given the same exemption. Both were permitted to “maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”.

This exemption reflects that during the Uruguay Round of negotiations (1986-1994), Angola and other original Members specifically made exemptions on a number of service sectors and that Bulgaria and Jordan would be allowed to do so as well. Ecuador was not.

Bulgaria, Ecuador and Jordan were not provided with any other exemptions.

Table 47: Exemptions

	Bulgaria	Ecuador	Jordan
Protocol of Accession	“Bulgaria may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”.	None	“Jordan may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is recorded in the list of Article II Exemptions annexed to the Protocol and meets the conditions of the Annex to the GATS on Article II Exemptions”.

Notes to Table 47:

Sources WTO documents WT/ACC/BGR/7, WT/ACC/ECU/6 and WT/ACC/JOR/35 and WT/ACC/BGR/5 and Corr.1, WT/L/77 and Corr.1 and WT/ACC/JOR/33 and Corr. 1.

Goods Schedules

Table 48 analyses the MFN bindings that Bulgaria, Ecuador and Jordan made in Part I of their Goods Schedules – as summarised by the WTO Secretariat. Unfortunately, equivalent information on Angola; Cambodia and Nepal was not available.

All WTO Members must undertake such tariff bindings but concessions on preferential tariff (Part II) and non-tariff measures (Part III) are seldom made. In this case, none of them made bindings in Parts II or III of their Goods Schedules.

In Part I, all three applicants listed and bound their agricultural products individually. Ecuador and Jordan also listed and bound their non-agricultural products individually. Jordan has bound specific or compound rates for agricultural and non-agricultural products. Bulgaria has bound specific or compound rates for agricultural products. Ecuador has no bound specific or compound rates. Interestingly, Bulgaria and Jordan also made a number of zero bindings. Bulgaria’s “zero-for-zero” initiative covers some medical equipment and ITA (after accession). Jordan’s “zero-for-zero” initiative covers agricultural equipment, medical equipment, ITA, most steel and toys.

In Part IV, Ecuador undertook de minimis domestic support commitments in relation to the Agreement on Agriculture’s “amber box”. Maximum permitted levels of domestic support, which also specify annual and final bound levels of aggregate support, are detailed in the case of Bulgaria and Jordan.

Ecuador and Jordan did not grant agricultural export subsidies during the “base period”, and their Schedule binds these at zero. The Bulgarian Schedule sets out maximum levels of export subsidies by quantity and value for wheat and wheat flour; sunflower seed; specified fruits and vegetables, fresh and preserved; wine; tobacco; white cheese; kashkaval (yellow cheese); specified live animals; specified meats; eggs; and "incorporated products".

There is no evidence to suggest from this sample of three new Members that tariff bindings have been getting lower, or that more items are individually bound. However, over a sample of eighteen new Members (Cambodia and Nepal are excluded) in Annexes II and III, there is evidence to suggest that the percentage of items bound individually is converging on 100% and that the simple average tariff bindings is reducing over time.

Table 48: MFN bindings in Part I of their Goods Schedules

	Bulgaria	Ecuador	Jordan	Bulgaria	Ecuador	Jordan
	Non-agricultural products	Non-agricultural products	Non-agricultural products	Agricultural products	Agricultural products	Agricultural products
No. of tariff items	Not available	5,758	5,896	725	1,019	867
No. of tariff lines bound individually	2,491	5,758	5,896	725	1,019	867
Specific + compound rates	None	None	2	114	None	7
0	100	0	482	42	0	11
0-5	282	111	1,226	47	30	116
6-10	899	1,189	1,068	66	11	137
11-15	846	773	490	82	110	117
16-20	93	1,242	1,283	16	230	177
20-30	209	2,425	1,345	92	509	259
30-40	62	18	0	63	61	2
50-50	0	0	0	3	43	5
50+	0	0	0	200	25	36
Simple average of individual tariff bindings	12.6%	20.1%	15%	34.9%	25.8%	25%
Minimum	0	5%	0	0	5%	0
Maximum	40%	40%	30%	98%	86%	200%
Other tariff items bound in headnote	35%	None	None	None	None	None

Notes to Table 48:

Sources WTO documents WT/ACC/BGR/5/Add.2, WT/L777/Add.2 and WT/ACC/JOR/33/Add.2 and WTO, Note by the Secretariat, Accession to the World Trade Organization, 10th March 1999, Document number WT/ACC/7.

Services Schedules

Table 49 compares the commitments made in the Services Schedules of Bulgaria, Ecuador and Jordan – as well as Angola which submitted Services Schedules at the end of the Uruguay Round.

In the 30 service sectors identified by the WTO Secretariat, Angola only made commitments in three service sectors: financial services (banking and other financial services (excluding insurance)), tourism and travel related services and recreational services.

In the same 30 service sectors, Bulgaria made commitments in all but eight service sectors. Ecuador made commitments in 20 service sectors. Jordan made commitments in all service sectors except rail and road transport.

This shows an increase in commitments made over time. Looking at services Schedules of all new Members (except Cambodia and Nepal), in Annex IV, this seems to be a general trend. The early joiners made fewer commitments than later joiners and there appears to be a trend for new Members to make more commitments the later they join the WTO.

Although Table 49 and Annex IV provides an indication of the number of commitments made, they do not show the nature and depth of the commitments made.

Bulgaria and Jordan were both permitted GATS exemptions. This exemption states that “[] may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”. Ecuador was not.

This exemption reflects that during the Uruguay Round of negotiations (1986-1994), participants made market-access commitments and exemptions on a number of service sectors and that both Bulgaria and Jordan were allowed to do so as well.

Table 49: Services Schedules

	Angola	Bulgaria	Ecuador	Jordan
Service Sector	Commitment made Yes/No			
Professional services	No	Yes	Yes	Yes
- Legal services	No	Yes	Yes	Yes
- Accountancy services	No	Yes	Yes	Yes
- Taxation services	No	No	Yes	Yes
- Architectural and engineering services	No	Yes	No	Yes
- Medical services	No	Yes	No	Yes
Computer and related services	No	Yes	Yes	Yes
Research and development services	No	Yes	No	Yes
Other business services	No	Yes	Yes	Yes
Postal services	No	No	No	Yes
Courier services	No	No	No	Yes
Telecommunications – value added	No	Yes	Yes	Yes
Telecommunications – basic	No	Yes	Yes	Yes
Audiovisual services	No	No	No	Yes
Construction services	No	Yes	Yes	Yes
Distribution services	No	Yes	No	Yes
Educational services	No	Yes	Yes	Yes
Environmental services	No	Yes	Yes	Yes
Financial – insurance	No	Yes	Yes	Yes
Financial – banking and other financial services	Yes	Yes	Yes	Yes
Health services	No	No	No	Yes
Social services	No	Yes	Yes	Yes
Tourism services	Yes	Yes	Yes	Yes
Recreational services	Yes	Yes	Yes	Yes
Transport services	No	Yes	No	Yes
- Maritime transport	No	No	Yes	Yes
- Air transport	No	Yes	No	Yes
- Rail transport	No	No	Yes	No
- Road transport	No	No	Yes	No
Limitations on national treatment	No	Yes	Yes	Yes

Notes to Table 49:

Sources WTO documents WT/ACC/BGR/5/Add.2, WT/L777/Add.2 and WT/ACC/JOR/33/Add.2.

Documents and process

On becoming an original Member of the WTO, Angola was expected to submit goods and services Schedules to the WTO and to provide the WTO with any other relevant notifications – as well as to honour the Marrakesh Agreement.

The situation for Bulgaria, Ecuador and Jordan was entirely different (Table 52). On acceding to the WTO, these new Members were expected to submit to the WTO, during the accessions process, a Memorandum on the foreign trade regime, written answers to questions, Schedules reflecting the results of bilateral negotiations on goods and services – as well as to commit to all the WTO Agreements and to additional specific commitments listed in the Working Party Report.

Whilst for Angola, the effort required to draft goods and services Schedules was minimal, the time and resources required by Bulgaria, Ecuador and Jordan to produce all of the accession documentation was considerable.

It must be remembered that there is no formal obligation for new Members to undertake this arduous process. The procedures that must be followed and the documents that are required, are only part of the WTO Secretariat's guidelines. WTO Members never intended for these procedures to become formal conditions of entry²⁰⁷.

Parts II and III show that applicants follow these guidelines precisely. Following these accession guidelines and producing all of these documents are two unwritten commitments that new Members must make.

Table 50: Documents and process required

Required	Angola	Bulgaria	Ecuador	Jordan
Memorandum	No	Yes	Yes	Yes
Relevant laws	No	Yes	Yes	Yes
Answers to questions	No	Yes	Yes	Yes
Goods schedule	Yes	Yes	Yes	Yes
Services schedules	Yes	Yes	Yes	Yes
Commitment to WTO Agreements	Yes	Yes	Yes	Yes
Special commitments in Working Party Report	No	Yes	Yes	Yes

²⁰⁷ WTO, Note by the Secretariat, Accession to the World Trade Organisation, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1.

Protocols of Accession

The Protocols of Accession of Bulgaria²⁰⁸, Ecuador²⁰⁹ and Jordan²¹⁰ were all only two pages in length and almost identical in their format. There were, however, slight differences in the wording (Table 51).

The Protocols of Accession of Ecuador and Jordan comprise the commitments referred to in the Working Party Report. Whereas, the Protocol of Accession of Bulgaria incorporates the commitments contained in the Working Party Report. The semantic differences, however, are superficial.

Bulgaria and Jordan were both provided with a GATS exemption. This exemption stated that “[] may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”. This exemption reflects that during the Uruguay Round of negotiations (1986-1994), participants made market-access commitments and exemptions on a number of service sectors and that both Bulgaria and Jordan would be allowed to do so as well. Ecuador was not.

Ecuador was, however, given a transition period to dismantle its Tariff Adjustment Mechanism. This commitment was already contained in paragraph 48 of the Working Party Report. It is not obvious why this commitment would be singled out again in the Protocol – except that it reminds the reader that the time-table for the dismantling is annexed to the Protocol.

Each applicant was also given different periods of time in which to formally accept the Protocol. Bulgaria was given the longest time (< 7 months). Jordan was given half that time (< 4 months). Ecuador requested extra time, as less than five months was not enough. All three applicants were given much longer than the “three months normally given from signature of the Protocol of Accession for the applicant to ratify the accession package”²¹¹.

²⁰⁸ WT/ACC/BGR/7

²⁰⁹ WT/ACC/ECU/6

²¹⁰ WT/ACC/JOR/35

²¹¹ WTO, Note by the Secretariat, Accession to the World Trade Organization, Procedure for Negotiations under Article XII, 24th March 1995. Document number WT/ACC/1.

Table 51: Protocols of Accession

	Bulgaria	Ecuador	Jordan
Document number	WT/ACC/BGR/7	WT/ACC/ECU/6	WT/ACC/JOR/35
Document date	11.10.1996	22.8.1995	23.12.1999
Date text of Protocol of Accession approved	2.10.1996	31.7.1995	17.12.1999
Date of General Council Decision to the effect that the Government may accede to the WTO Agreement on the terms set out in the Protocol	2.10.1996	16.8.1995	17.12.1999
Time between text being accepted and Decision by General Council	None	{ 1 month	None
Protocol open for acceptance by applicant by	30.4.1997	31.12.1995	31.3.2000
Time between Decision by General Council and closing date for acceptance by applicant	{ 7 months	{ 5 months	{ 4 months
Signature	“On 2 October 1996 the Minister for Trade and Foreign Economic Cooperation of Bulgaria, Mr. A. Paparizov, signed ad referendum the Protocol of Accession.”	No signature. The Protocol was left “open for acceptance in the Office of the Director of the Accessions Division, Room 2079”.	“On 17 December 1999, the Secretary General of the Hashemite Kingdom of Jordan’s Ministry of Industry and Trade, H.E. Dr. Mohammed Halaiqah, signed, subject to ratification, the Protocol of Accession”.
Commitments	“This Protocol, including the commitments referred to in paragraph 92 of the Working Party Report which are hereby incorporated into this Protocol, shall be an integral part of the WTO Agreement.”	“This Protocol, which shall comprise the commitments referred to in paragraph 81 of the Working Party Report shall be an integral part of the WTO Agreement.”	“This Protocol, which shall comprise the commitments referred to in paragraph 248 of the Working Party Report, shall be an integral part of the WTO Agreement.”
Commitments incorporated into the Protocol	Yes	Yes, by reference	Yes, by reference
Exemptions to commitments	“Bulgaria may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”.	“The staging of the dismantling of the Tariff Adjustment Mechanism shall be implemented according to the timetable in Annex II of this Protocol”.	“Jordan may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure is 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”.

Notes to Table 51:

Sources WTO documents WT/ACC/BGR/7, WT/ACC/ECU/6 and WT/ACC/JOR/35.

General Council Decisions

The General Council Decisions of Bulgaria, Ecuador and Jordan were all only two paragraphs in length and were almost identical in their format. However, there were slight differences.

The General Council Decisions relating to the accession of Bulgaria and Jordan refer to the “Marrakesh Agreement Establishing the World Trade Organization”. Whereas the General Council Decision relating to the accession of Ecuador referred to the “Agreement Establishing the World Trade Organization”. The meaning is the same and such semantic differences are superficial.

The General Council Decision relating to the accession of Ecuador also noted that the “Decision was adopted by the General Council by a two-thirds majority”. Such a decision is unusual for a consensus based organisation such as the WTO. Almost no other documents admit or record that decisions within the WTO that decisions have not been consensual.

The General Council Decision relating to the accession of Bulgaria only had “regard to the results of the negotiations directed towards the accession of the economy”, whereas the General Council Decisions relating to the accession of Ecuador and Jordan had “regard to the results of the negotiations directed towards the establishment of the terms of accession”.

Table 52: General Council Decisions

	Bulgaria	Ecuador	Jordan
Document number	WT/ACC/BGR/6	WT/ACC/ECU/5	WT/ACC/JOR/34
Document date	11.10.1996	22.8.1995	23.12.1999
Decision date	2.10.1996	16.08.1995	17.12.1999
Differences in the text	Refers to the “ <u>Marrakesh</u> Agreement Establishing the World Trade Organization”.	Refers to the “Agreement Establishing the World Trade Organization”.	Refers to the “ <u>Marrakesh</u> Agreement Establishing the World Trade Organization”.
Differences in the text	-	Notes that the “Decision was adopted by the General Council by a two-thirds majority”.	-
Differences in the text	Had “regard to the results of the negotiations directed towards the accession of the economy”.	Had “regard to the results of the negotiations directed towards the <u>establishment of the terms of accession</u> ”.	Had “regard to the results of the negotiations directed towards the <u>establishment of the terms of accession</u> ”.

Notes to Table 52:

Sources WTO documents WT/ACC/BGR/6, WT/ACC/ECU/5 and WT/ACC/JOR/34.

Timing

Table 53 shows how long the accessions of Bulgaria, Ecuador and Jordan took. Angola is not included in this table, because it did not go through the WTO accession process.

In total (from the date of application until the date of membership), Bulgaria took 123 months, Ecuador 40 months and Jordan 75 months. This makes Bulgaria's accession process seem very long and Ecuador's very short.

As Bulgaria's Working Party was not established until the 41st month, due to complications explained in Part II, perhaps a more useful indicator of time taken would be from the date the Working Party was established until the date the Working Party adopted the Working Party Report. Bulgaria took 79 months, Ecuador 33 months and Jordan 71 months. This makes the timing of the working parties of Bulgaria and Jordan almost equal, but again makes the time invested by Ecuador seem short.

Bulgaria also took 41 months to submit its Memorandum. Working parties do not meet until the Memorandum has been submitted and questions and answers digested. Therefore a more useful analysis of the timing might be the period between the submission of the Memorandum until the adoption of the Working Party Report. Bulgaria took 38 months, Ecuador 26 months and Jordan 62 months. Looking only at the time taken from the first meeting of the Working Party and the adoption of the Working Party Report by the Working Party. Bulgaria took 37, Ecuador 24 and Jordan 38 months

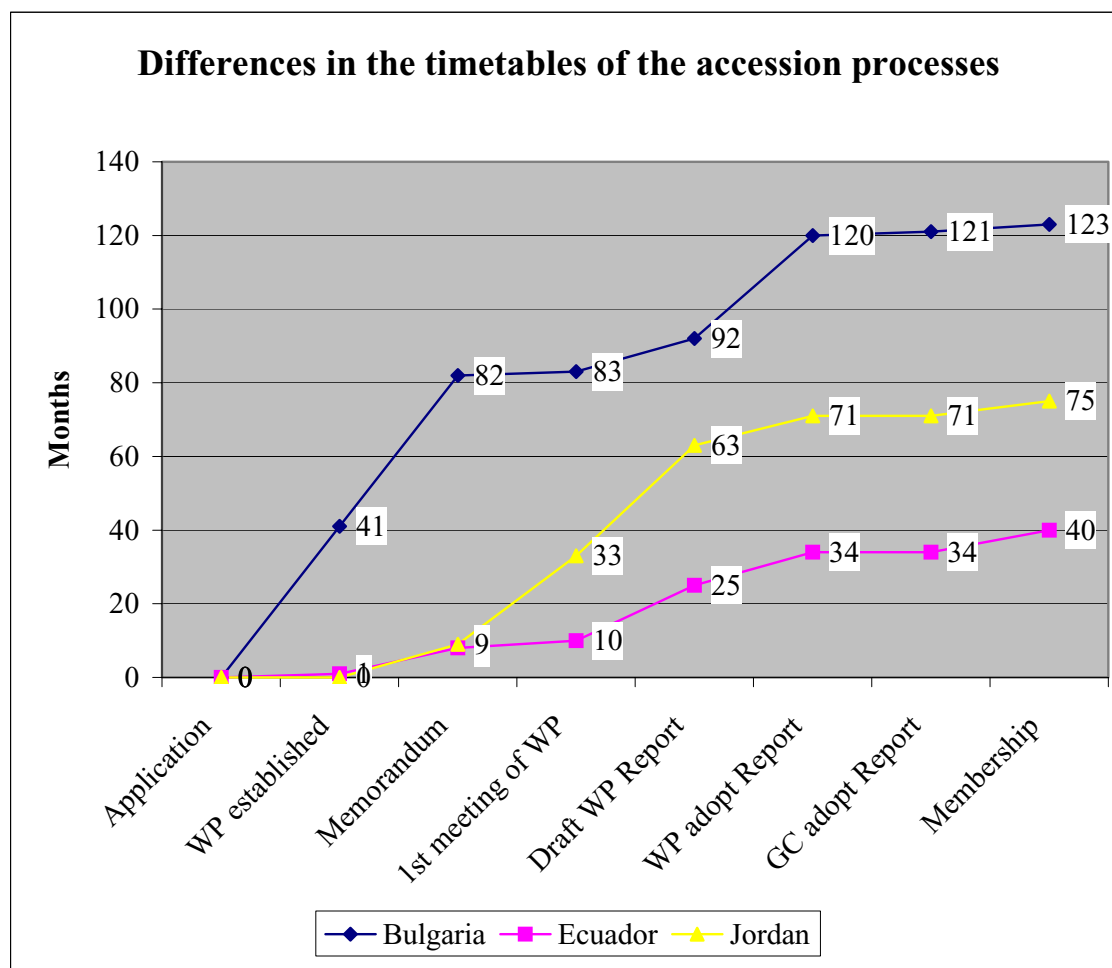
These differences are explained by the fact that Bulgaria had a slow start and Jordan a slow finish. In other words, Bulgaria took some time to submit its Memorandum and Jordan's Working Party took more time to review Jordan's trade regime.

Overall, although the length of time taken for working parties to complete their work varies, there is some evidence that the Working Party process is taking longer (as also shown in Table 13 above and Table 54 below).

Table 53: Differences in timing

	Bulgaria	Ecuador	Jordan
Date of application	September 1986	September 1992	January 1994
Date Working Party established	February 1990	October 1992	January 1994
Date Memorandum submitted	July 1993	May 1993	October 1994
Date of 1 st meeting of the Working Party	July 1993	July 1993	October 1996
Date of final Draft Working Party Report	May 1994	October 1994	April 1999
Date Working Party Report adopted by Working Party	September 1996	July 1995	December 1999
Date Working Party Report adopted by General Council	October 1996	July 1995	December 1999
Date of Membership	December 1996	January 1996	April 2000

Application	0 months	0 months	0 months
Time passed until WP established	41 months	1 month	0 months
Time passed until Memorandum submitted	82 months	8 months	9 months
Time passed until 1 st meeting of WP	83 months	10 months	33 months
Time passed until draft WP Report	92 months	25 months	63 months
Time passed until WP Report adopted by WP	120 months	34 months	71 months
Time passed until WP Report adopted by GC	121 months	34 months	71 months
Total time passed from application	123 months	40 months	75 months



Notes to Table 53: Source: WTO.

Table 54: Timing of all new Members

	Ecuador		Bulgaria		Mongolia		Panama		Kyrgyz Republic	
	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo
Application	09/1992		09/1986		07/1991		08/1991		02/1996	
Working Party Established	10/1992		02/1990		10/1991		10/1991		04/1996	
Memorandum	05/1993		07/1993		01/1992		06/1993		08/1996	
1st Meeting of Working Party	07/1993	2 months	07/1993	1 month	06/1993	1 year 5 months	04/1994	10 months	03/1997	7 months
Draft Working Party Report	10/1994	1 year 5 months	05/1994	10 months	12/1994	2 years 11 months	05/1996	2 years 11 months	04/1998	1 year 8 months
Report Adopted by Working Party	07/1995	2 years 2 months	09/1996	2 years 2 months	06/1996	4 years 5 months	09/1996	2 years 3 months	07/1998	1 year 11 months
Report Adopted by Council	07/1995	2 years 2 months	10/1996	3 years 3 months	07/1996	4 years 6 months	10/1996	3 years 4 months	10/1998	2 years 2 months
Membership	01/1996	2 years 8 months	12/1996	3 years 5 months	01/1997	5 years	09/1997	4 years 3 months	12/1998	2 years 4 months
Total Time		3 years 4 months		10 years 3 months		5 years 6 months		5 years 1 month		2 years 10 months

	Latvia		Estonia		Jordan		Georgia		Albania	
	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo
Application	11/1993		03/1994		01/1994		07/1996		11/1992	
Working Party Established	12/1993		03/1994		01/1994		07/1996		12/1992	
Memorandum	08/1994		03/1994		10/1994		07/1997		01/1995	
1st Meeting of Working Party	03/1995	7 months	11/1994	8 months	10/1996	2 years	03/1998	11 months	04/1996	1 year 3 months
Draft Working Party Report	12/1996	2 years 4 months	11/1998	4 years 8 months	04/1999	4 years 6 months	02/1999	1 year 10 months	07/1999	4 years 6 months
Report Adopted by Working Party	09/1998	4 years 1 month	04/1999	5 years 1 month	11/1999	5 years 1 month	10/1999	2 years 6 months	07/2000	5 years 6 months
Report Adopted by Council	10/1998	4 years 2 months	05/1999	5 years 2 months	12/1999	5 years 2 months	10/1999	2 years 6 months	07/2000	5 years 6 months
Membership	02/1999	4 years 6 months	11/1999	5 years 8 months	04/2000	5 years 6 months	06/2000	3 years 2 months	09/2000	5 years 8 months
Total Time		5 years 3 months		5 years 8 months		6 years 4 months		4 years 1 month		7 years 10 months

	Oman		Croatia		Lithuania		Moldova		China	
	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo
Application	04/1996		09/1993		01/1994		11/1993		07/1986	
Working Party Established	06/1996		10/1993		02/1994		12/1993		03/1987	
Memorandum	06/1996		06/1994		12/1994		12/1996		02/1987	
1st Meeting of Working Party	04/1997	10 months	04/1996	1 year 10 months	11/1995	11 months	06/1997	6 months	10/1987	8 months
Draft Working Party Report	03/1999	2 years 9 months	08/1998	2 years 2 months	06/1997	2 years 6 months	07/1999	2 years 7 months	12/1994	7 years 10 months
Report Adopted by Working Party	09/2000	3 years 3 months	06/2000	6 years	10/2000	5 years 10 months	12/2000	4 years	09/2001	14 years 7 months
Report Adopted by Council	10/2000	3 years 4 months	07/2000	6 years 1 month	12/2000	6 years	05/2001	4 years 5 months	11/2001	14 years 9 months
Membership	11/2000	3 years 5 months	11/2000	6 years 5 months	05/2001	6 years 5 months	07/2001	4 years 7 months	12/2001	14 years 10 months
Total Time		4 years 7 months		7 years 2 months		7 years 5 months		7 years 4 months		15 years 5 months

	Chinese Taipei		Armenia		FYROM		Nepal		Cambodia	
	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo	Date	Time Since Memo
Application	01/1992		11/1993		12/1994		05/1989		12/1994	
Working Party Established	09/1992		12/1993		12/1994		06/1989		12/1994	
Memorandum	10/1992		04/1995		04/1999		08/1998		06/1999	
1st Meeting of Working Party	11/1992	1 month	01/1996	9 months	07/2000	1 year 3 months	05/2000	1 year 9 months	05/2001	1 year 11 months
Draft Working Party Report	03/1998	5 years 5 months	03/1997	1 year 11 months	05/2002	2 years 11 months	06/2003	4 years 10 months	03/2003	3 years 9 months
Report Adopted by Working Party	09/2001	8 years 11 months	11/2002	6 years 7 months	09/2002	3 years 5 months	08/2003	5 years	07/2003	4 years 1 month
Report Adopted by Council	11/2001	9 years 1 month	12/2002	6 years 8 months	10/2002	3 years 6 months	09/2003	5 years 1 month	09/2003	4 years 3 months
Membership	01/2002	9 years 2 months	02/2003	6 years 10 months	04/2003	4 years	04/2004	5 years 8 months	10/2004	5 years 4 months
Total Time		10 years		9 years 3 months		8 years 3 months		14 years 11 months		9 years 10 months

Notes to Table 53: Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004. Document number WT/ACC/10/Rev.2.

ANNEX I - Format for the Memorandum on the Foreign Trade Regime

I. INTRODUCTION

Statement on the general objectives of the Applicant's trade policy régime and their relation with the objectives of the WTO.

II. ECONOMY, ECONOMIC POLICIES AND FOREIGN TRADE

1. Economy:

- (a) general description (territory, population, economic specialization, main economic indicators);
- (b) current economic situation.

2. Economic Policies:

- (a) main directions of the ongoing economic policies, tactical and strategical goals of the economic policies, pricing policy, economic development plans, privatization plans, sectoral priorities, regional development plans, etc;
- (b) monetary and fiscal policies;
- (c) foreign exchange and payments system, relations with International Monetary Fund, application of foreign exchange controls if any;
- (d) foreign and domestic investment policies;
- (e) competition policies.

3. Foreign trade in goods and services: volume and value of trade, exports and imports, foreign trade balance, structure of trade, trade by geographic areas and dynamics of trade, accompanying statistical data and information on publications (Annex 1 refers).

4. Domestic trade in services including value and composition of foreign direct investment.

5. Information on financial movements related to nationals working abroad, remittances, etc.

6. Information on growth in trade in goods and services over recent years and forecasts for years to come.

III. FRAMEWORK FOR MAKING AND ENFORCING POLICIES AFFECTING FOREIGN TRADE IN GOODS AND TRADE IN SERVICES

1. Powers of executive, legislative and judicial branches of government.

2. Government entities responsible for making and implementing policies affecting foreign trade.

3. Division of authority between central and sub-central governments.

4. Any legislative programmes or plans to change the regulatory régime.

5. Laws and Legal Acts (Annex 2 refers).

6. Description of judicial, arbitral or administrative tribunals or procedures, if any.

IV. POLICIES AFFECTING TRADE IN GOODS

1. Import Regulation:

- (a) registration requirements for engaging in importing;
- (b) characteristics of national tariff (the most recent edition of which should be supplied), customs tariff nomenclature (HS), types of duties, general description of the customs tariff structure, weighted average level of duties on main customs tariff groupings; application of m.f.n. tariff rates, tariff preferences;

- (c) tariff quotas, tariff exemptions;
 - (d) other duties and charges, specifying any charges for services rendered;
 - (e) quantitative import restrictions, including prohibitions, quotas and licensing systems;
 - (f) import licensing procedures (Annex 3 refers);
 - (g) other border measures, e.g. any other schemes that have border effects similar to those of the measures listed under (e) above;
 - (h) customs valuation (WTO Customs Valuation Agreement (Annex 4 refers), the Brussels Definition of Value, or any other system) whether used only for purposes of levying ad valorem rates of duty or for other purposes;
 - (i) other customs formalities;
 - (j) pre-shipment inspection;
 - (k) application of internal taxes on imports;
 - (l) rules of origin;
 - (m) anti-dumping régime;
 - (n) countervailing duty régime;
 - (o) safeguard régime.
2. Export Regulation:
- (a) registration requirements for engaging in exporting;
 - (b) customs tariff nomenclature, types of duties, duty rates, weighted averages of rates;
 - (c) quantitative export restrictions, including prohibitions, quotas and licensing systems;
 - (d) export licensing procedures;
 - (e) other measures, e.g. minimum export prices, voluntary export restrictions, orderly marketing arrangements;
 - (f) export financing, subsidy and promotion policies;
 - (g) export performance requirements;
 - (i) import duty drawback schemes.
3. Internal policies affecting foreign trade in goods:
- (a) industrial policy, including subsidy policies;
 - (b) technical regulations and standards, including measures taken at the border with respect to imports (Annex 5 refers);
 - (c) sanitary and phytosanitary measures, including measures taken with respect to imports;
 - (d) trade-related investment measures;
 - (e) state-trading practices (Annex 6 refers);
 - (f) free zones;
 - (g) free economic zones;
 - (h) trade-related environmental policies;
 - (i) mixing regulations;
 - (j) government-mandated counter-trade and barter;
 - (k) trade agreements leading to country-specific quotas allocation;
 - (l) government procurement practices, including general legal régime and procedures for tendering, dealing with tenders and award of contracts;
 - (m) regulation of trade in transit.
4. Policies affecting foreign trade in agricultural products:
- (a) imports - i.e. comprehensive description of the types of border protection maintained: customs duties and/or any other border measures;
 - (b) exports - i.e. description of, and the budgetary expenditure and any revenue foregone involved in each of the export subsidy measures in place;
 - (c) export prohibitions and restrictions;
 - (d) export credits, export credit guarantees or insurance programmes;
 - (e) internal policies - i.e. description of, and the budgetary expenditure and any revenue foregone involved in each of the domestic support measures in place.
5. Policies affecting foreign trade in other sectors:

- (a) textiles régime;
- (b) policies affecting foreign trade in other major sectors.

V. TRADE-RELATED INTELLECTUAL PROPERTY RÉGIME

1. General:

- (a) intellectual property policy;
- (b) responsible agencies for policy formulation and implementation;
- (c) membership of international intellectual property conventions and of regional or bilateral agreements;
- (d) application of national and m.f.n. treatment to foreign nationals;
- (e) fees and taxes.

2. Substantive standards of protection, including procedures for the acquisition and maintenance of intellectual property rights:

- (a) copyright and related rights, including rights of performers, producers of phonograms and broadcasting organizations;
- (b) trademarks, including service marks;
- (c) geographical indications, including appellations of origin;
- (d) industrial designs;
- (e) patents;
- (f) plant variety protection;
- (g) layout designs of integrated circuits;
- (h) requirements on undisclosed information, including trade secrets and test data;
- (i) any other categories of intellectual property.

3. Measures to control abuse of intellectual property rights.

4. Enforcement:

- (a) civil judicial procedures and remedies;
- (b) provisional measures;
- (c) any administrative procedures and remedies;
- (d) any special border measures;
- (e) criminal procedures.

5. Laws, decrees, regulations and other legal acts relating to the above.

6. Statistical data on applications for and grants of intellectual property rights, as well as any statistical data on their enforcement.

VI. TRADE-RELATED SERVICES RÉGIME

1. General

General description of the overall market and regulatory structures of the most prominent services sectors (e.g., financial services, telecommunications, professional services, construction, tourism, transportation). A complete list of services sectors is found in document MTN.GNS/W/120, the "Services Sectoral Classification List" (Annex 7 refers).

2. Policies affecting Trade in Services

General reference to main laws, regulations, rules, procedures, decisions, administrative action and other legal instruments and a description of specific measures affecting trade in services. Distinctions based on modes of supply and/or sectors could be made whenever relevant:

- (a) Government departments, agencies, professional associations or other bodies with authority or a role relevant to the conduct of service activities;

- (b) Judicial, arbitral or administrative tribunals or procedures providing for the review of, or remedies in relation to, administrative decisions affecting trade in services;
- (c) Provisions, including those in international agreements, concerning qualification requirements and procedures, technical standards and licensing and/or registration requirements for the supply of services;
- (d) Provisions governing the existence and operation of monopolies or exclusive service suppliers;
- (e) Provisions relating to safeguard measures as they apply to trade in services;
- (f) Provisions relating to international transfers and payments for current transactions of services;
- (g) Provisions relating to capital transactions affecting the supply of services;
- (h) Provisions governing the procurement by governmental agencies of services;
- (i) Provisions concerning any form of aid, grant, domestic subsidy, tax incentive or promotion scheme affecting trade in services.

Market Access and National Treatment

Limitations or conditions applied to market access and national treatment. Please specify, whether applied on a horizontal (e.g., measures relating to foreign investment régime, movement of persons supplying a services, real estate ownership and conditions of establishment) or a sectoral basis:

- (a) Limitations on the number of service suppliers;
- (b) Limitations on the total value of service transactions or assets;
- (c) Limitations on the total number of service operations or on the total quantity of service output;
- (d) Limitations on the total number of natural persons that may be employed in a particular service sector;
- (e) Restrictions on, or requirements of specific types of legal entity through which a service may be supplied;
- (f) Limitations on the participation of foreign capital;
- (g) Measures providing for less than the treatment accorded to national services or service suppliers.

Most-Favoured-Nation Treatment

Indicate any existing measures inconsistent with m.f.n. treatment.

VII. INSTITUTIONAL BASE FOR TRADE AND ECONOMIC RELATIONS WITH THIRD COUNTRIES

1. Bilateral or plurilateral agreements relating to foreign trade in goods and trade in services (Annex 8A refers).
2. Economic integration, customs union and free-trade area agreements (Annex 8B refers).
9. Labour markets integration agreements.
10. Multilateral economic cooperation, membership in the multilateral economic organizations, trade-related programmes of other multilateral organizations.

Source: Note by the WTO Secretariat (WT/ACC/1).

ANNEX IIa – Agricultural products tariff bindings of new Members (from WTO Secretariat Note dated 28th May 2003)

	Ecuador	Mongolia	Bulgaria	Panama	Kyrgyz Republic	Latvia	Estonia	Jordan	Georgia
No. of Tariff Items	1,019	n.a.	725	n.a.	912	729	724	867	776
No. of Tariff Items Bound Individually	1,019	98	725	550	912	729	724	867	776
Specific + Compound Rates	None	None	114	None	49	8	None	7	26
0	0	4	42	4	19	32	119	11	56
0-5	30	2	47	94	64	16	52	116	10
6-10	11	4	66	75	530	129	142	137	61
11-15	110	50	82	100	98	64	88	117	503
16-20	230	27	16	43	151	29	91	177	93
21-30	509	2	92	157	1	26	127	259	27
31-40	61	6	63	10	0	41	46	2	0
41-50	43	2	3	8	0	375	55	5	0
51+	25	1	200	59	0	9	4	36	0
Simple Average of Individual Tariff Bindings	25.8%	18.4%	34.9%	26.1%	11.7%	33.6%	17.7%	25%	12.1%
Minimum	5%	0%	0%	0%	0%	0%	0%	0%	0%
Maximum	86%	75%	98%	260%	30%	55%	59%	200%	30%
Other Tariff Items Bound in Headnote	None	20%	None	30%	None	None	None	None	None

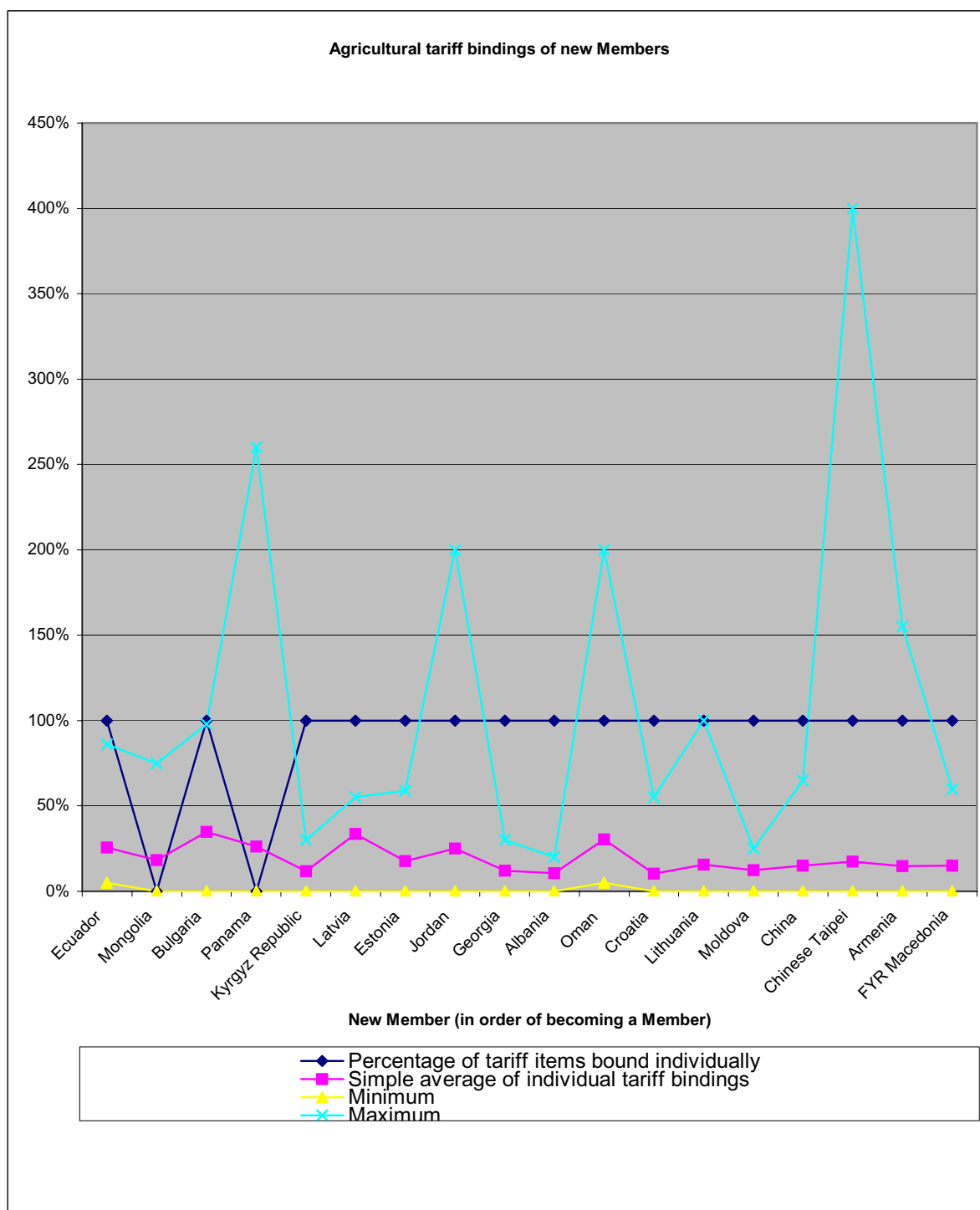
Notes Annex IIa:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.

	Albania	Oman	Croatia	Lithuania	Moldova	China	Chinese Taipei	Armenia	FYROM
No. of Tariff Items	2,125	719	1,163	970	774	977	1,349	678	2,190
No. of Tariff Items Bound Individually	2,125	719	1,163	969	774	977	1,349	678	2,190
Specific + Compound Rates	None	None	229	114	60	None	89	None	305
0	207	0	171	64	22	70	354	3	492
0-5	300	55	247	107	63	78	188	3	297
6-10	1,096	46	171	290	264	248	148	6	191
11-15	5	497	142	123	252	242	111	666	211
16-20	517	2	94	48	112	185	233	0	234
21-30	0	30	51	110	1	112	150	0	193
31-40	0	0	57	37	0	17	34	0	108
41-50	0	0	0	39	0	6	9	0	153
51+	0	89	1	7	0	19	33	0	6
Simple Average of Individual Tariff Bindings	10.6%	30.5%	10.4%	15.6%	12.4%	15.0%	17.5%	14.8%	15.0%
Minimum	0%	5%	0%	0%	0%	0%	0%	0%	0%
Maximum	20%	200%	55%	100%	25%	65%	400%	155%	60%
Other Tariff Items Bound in Headnote	None	None	None	None	None	None	None	None	None

Notes to Annex Iia:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.



Notes to Annex IIa:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.

ANNEX IIb – Agricultural products tariff bindings of new Members (from WTO Secretariat Note dated 22nd October 2004)

	Ecuador		Bulgaria		Mongolia		Panama		Kyrgyz Republic		Latvia		Estonia		Jordan		Georgia		Albania	
	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to
Reduction commitments	1995	2001	1997	2005	1996	2005	1997	2007	1998	2003	1999	2008	1999	2004	2000	2010	2000	2006	2000	2007
Simple average of <i>ad valorem</i> tariff bindings (%)	26.2	25.5	52.3	35.5	19.0	18.9	36.9	27.7	12.4	12.3	35.8	34.6	19.2	17.5	25.8	23.7	13.3	11.7	10.8	9.4
Distribution of <i>ad valorem</i> tariff bindings: (%)																				
0 (duty-free)	0.0	0.0	0.1	5.0	0.7	0.7	0.3	0.3	1.2	1.2	1.5	2.1	8.1	17.0	0.9	0.9	0.0	8.3	0.4	10.9
0.1-5.0	2.0	2.0	2.5	6.6	0.7	0.7	7.2	7.2	6.0	7.1	1.6	1.6	7.8	6.2	13.1	13.1	0.9	1.5	17.8	17.3
5.1-10.0	1.4	1.4	5.5	9.3	0.7	0.7	4.7	4.8	56.3	56.0	16.7	19.0	23.6	21.5	11.9	12.7	0.1	7.4	59.4	54.9
10.1-15.0	9.0	9.0	3.8	10.3	23.2	23.5	4.5	5.1	12.4	11.7	9.6	9.1	11.5	11.1	12.2	15.5	85.4	69.5	3.4	1.8
15.1-20.0	28.5	28.2	7.2	2.4	72.4	72.4	2.0	6.0	21.8	21.8	2.4	3.2	15.5	12.5	10.5	23.6	6.6	6.9	18.9	15.2
20.1-30.0	44.5	45.1	10.6	13.1	0.6	0.6	4.2	70.0	0.1	0.1	5.9	3.5	18.3	17.7	46.2	29.2	4.4	4.0	0.0	0.0
30.1-40.0	6.9	7.4	17.1	9.9	1.0	1.0	69.4	1.1	0.0	0.0	2.9	5.3	7.2	6.2	1.0	0.9	0.0	0.0	0.0	0.0
40.1-50.0	5.1	4.5	1.3	0.9	0.3	0.0	1.2	0.8	0.0	0.0	57.5	54.3	7.4	7.1	0.0	0.0	0.0	0.0	0.0	0.0
50.1+	2.4	2.3	38.1	28.6	0.3	0.3	6.3	4.5	0.0	0.0	1.5	1.3	0.6	0.6	3.5	3.5	0.0	0.0	0.0	0.0
Share of non <i>ad valorem</i> tariff bindings (%)	0.0	0.0	15.8	15.8	0.0	0.0	0.0	0.0	2.4	2.4	0.4	0.4	0.0	0.0	1.0	1.0	2.5	2.5	0.0	0.0
Minimum <i>ad valorem</i> duty	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	0.0	0.0	0.0
Maximum <i>ad valorem</i> duty	95.0	85.5	135.0	98.0	75.0	75.0	320.0	260.0	30.0	30.0	100.0	55.0	59.0	59.0	200.0	200.0	30.0	30.0	20.0	20.0

Notes Annex IIb:

Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004. Document number WT/ACC/10/Rev.2.

	Oman		Croatia		Lithuania		Moldova		China		Chinese Taipei		Armenia		FYROM		Nepal		Cambodia		
	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	
Reduction commitments	2000	up to 2006	2000	up to 2007	2001	up to 2009	2001	up to 2005	2000	up to 2010	2002	up to 2011	2003	up to 2003	2003	up to 2007	2003	up to 2006	2003	up to 2011	
Simple average of <i>ad valorem</i> tariff bindings (%)	28.1	28.0	13.0	9.4	16.3	15.2	18.1	12.2	20.6	15.8	17.2	15.3	14.7	14.7	13.7	11.3	50.1	41.4	28.2	28.1	
Distribution of <i>ad valorem</i> tariff bindings: (%)																					
0 (duty-free)	0.0	0.0	13.0	15.1	9.1	9.7	0.4	3.0	2.7	2.8	22.9	24.6	1.3	1.3	31.0	34.0	0.0	0.0	0.0	0.0	
0.1-5.0	6.9	8.0	24.6	27.4	13.6	13.7	6.9	8.3	9.4	11.1	16.5	15.9	0.4	0.4	16.1	15.9	0.0	0.7	2.8	2.8	
5.1-10.0	5.2	6.6	13.1	15.5	31.7	31.9	28.5	32.7	14.3	25.2	10.9	11.5	1.0	1.0	7.7	8.2	2.3	2.3	6.9	7.1	
10.1-15.0	76.3	73.7	15.9	16.4	14.7	16.1	11.2	35.7	16.5	24.9	8.3	10.3	97.2	97.2	7.2	8.7	0.3	0.4	17.1	17.6	
15.1-20.0	0.1	0.1	9.7	8.7	4.0	5.2	11.4	11.8	14.7	18.6	18.4	17.6	0.0	0.0	6.1	6.7	0.7	4.2	11.4	11.2	
20.1-30.0	0.0	0.0	3.7	2.4	11.5	12.2	25.2	0.1	26.1	12.1	12.1	9.9	0.0	0.0	6.8	7.7	3.6	28.7	16.4	16.4	
30.1-40.0	0.0	0.0	3.8	4.4	6.0	4.0	8.0	0.0	8.6	2.2	1.6	1.5	0.0	0.0	6.1	5.1	3.6	33.7	43.5	43.1	
40.1-50.0	1.2	1.2	3.1	0.1	4.6	3.4	0.0	0.0	3.1	0.6	0.7	0.1	0.0	0.0	7.7	4.3	77.4	21.4	0.9	0.9	
50.1+	10.3	10.3	3.2	0.0	1.5	1.0	0.0	0.0	4.6	2.5	3.8	3.8	0.0	0.0	2.6	0.6	12.0	8.5	0.9	0.9	
Share of non <i>ad valorem</i> tariff bindings (%)	0.0	0.0	18.3	18.3	3.4	3.0	8.3	8.3	0.0	0.0	8.6	8.6	0.0	0.0	10.1	10.0	0.0	0.0	0.0	0.0	
Minimum <i>ad valorem</i> duty	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.0	5.0	5.0	5.0	
Maximum <i>ad valorem</i> duty	200.0	200.0	90.0	55.0	100.0	100.0	40.0	25.0	74.0	65.0	800.0	500.0	15.0	15.0	60.0	60.0	200.0	200.0	60.0	60.0	

Notes Annex IIb:

Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004. Document number WT/ACC/10/Rev.2.

ANNEX IIIa - Non-agricultural product tariff bindings of new Members (from WTO Secretariat Note dated 28th May 2003)

	Ecuador	Mongolia	Bulgaria	Panama	Kyrgyz Republic	Latvia	Estonia	Jordan	Georgia
No. of Tariff Items	5,758	n.a.	n.a.	n.a.	6,068	4,564	5,328	5,896	5,206
No. of Tariff Lines Bound Individually	5,758	186	2,491	2,308	6,068	4,564	5,328	5,896	5,206
Specific + Compound Rates	None	None	None	None	36	None	None	2	None
0	0	4	100	127	1,401	802	1,439	482	1,677
0-5	111	1	282	291	812	243	405	1,226	994
6-10	1,189	13	899	1,076	3,371	2,365	2,993	1,068	1,038
11-15	773	0	846	319	447	777	445	490	1,484
16-20	1,242	145	93	133	1	298	10	1,283	13
21-30	2,425	23	209	350	0	19	36	1,345	0
31-40	18	0	62	6	0	3	0	0	0
41-50	0	0	0	0	0	45	0	0	0
51+	0	0	0	6	0	12	0	0	0
Simple Average of Individual Tariff Bindings	20.1%	20%	12.6%	11.5%	6.7%	9.3%	6.6%	15%	5.8%
Minimum	5%	0%	0%	0%	0%	0%	0%	0%	0%
Maximum	40%	30%	40%	81%	20%	55%	30%	30%	20%
Other Tariff Items Bound in Headnote	None	20%	35%	30%	None	None	None	None	None

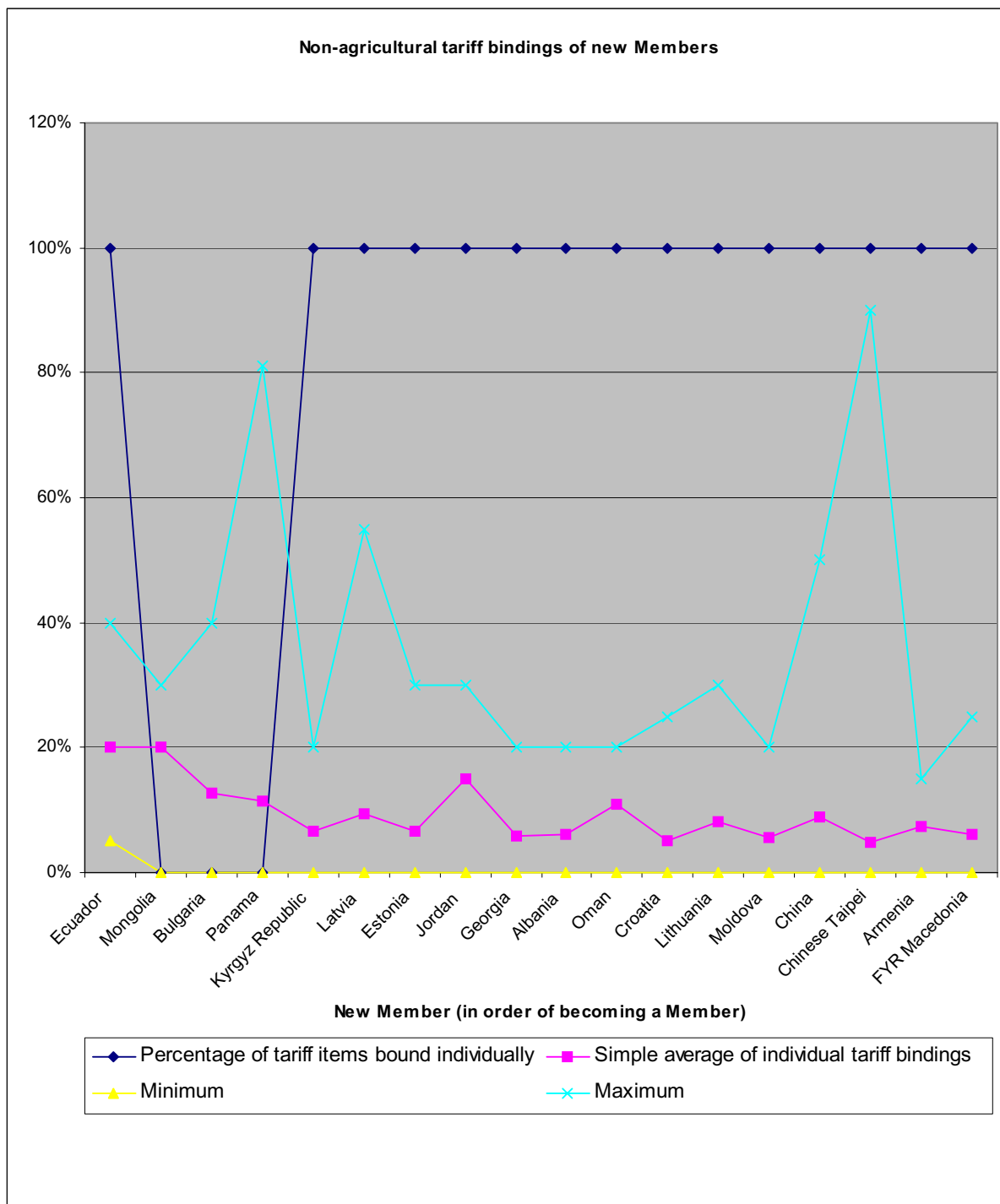
Notes to Annex IIIa:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.

	Albania	Oman	Croatia	Lithuania	Moldova	China	Chinese Taipei	Armenia	FYROM
No. of Tariff Items	8,459	4,858	6,469	5,330	5,207	6,181	7,284	5,160	8,377
No. of Tariff Lines Bound Individually	8,459	4,858	6,469	5,330	5,207	6,181	7,284	5,160	8,377
Specific + Compound Rates	None	None	None	None	2	None	98	0	10
0	3,082	598	2,138	1,571	1,643	546	2,316	2,217	3,397
0-5	2,515	309	2,231	276	650	1,084	2,707	329	1,478
6-10	1,526	925	1,322	1,738	2,400	2,966	1,507	346	1,491
11-15	171	2,927	762	1,364	506	794	476	2,268	1,337
16-20	1,165	99	15	305	6	499	80	0	560
21-30	0	0	1	71	0	250	68	0	104
31-40	0	0	0	0	0	31	5	0	0
41-50	0	0	0	0	0	11	0	0	0
51+	0	0	0	0	0	0	27	0	0
Simple Average of Individual Tariff Bindings	6.0%	11%	5.0%	8.2%	5.7%	8.9%	4.8%	7.5%	6.1%
Minimum	0%	0%	0%	0%	0%	0%	0%	0%	0%
Maximum	20%	20%	25%	30%	20%	50%	90%	15%	25%
Other Tariff Items Bound in Headnote	None	None	None	None	None	None	None	None	None

Notes to Annex IIIa:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.



Notes to Annex IIIa:

1. WTO, Note by the Secretariat, Accession to the World Trade Organization, 28th May 2003. Document number WT/ACC/10/Rev.1.
2. Tariff ranges go up to and include the second figure in each range
3. n.a. = not available
4. New Members are listed in the order they became Members.
5. Nepal and Cambodia not included.

ANNEX IIIb - Non-agricultural product tariff bindings of new Members (from WTO Secretariat Note dated 22nd October 2004)

	Ecuador		Bulgaria		Mongolia		Panama		Kyrgyz Republic		Latvia		Estonia		Jordan		Georgia		Albania		
	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	Bound rate at access-ion	Final bound rate	
Reduction commitments	1995	up to 2001	1997	up to 2005	1996	up to 2010	1997	up to 2011	1998	up to 2005	1999	up to 2008	1999	up to 2005	2000	up to 2010	2000	up to 2005	2000	up to 2009	
Simple average of <i>ad valorem</i> tariff bindings (%)	21.1	21.1	25.7	23.6	19.2	17.3	31.6	22.9	11.8	6.7	10.8	9.4	7.6	7.3	19.2	15.2	10.2	6.5	10.1	6.6	
Distribution of <i>ad valorem</i> tariff bindings: (%)																					
0 (duty-free)	0.0	0.0	0.3	1.8	0.6	1.6	1.2	2.2	2.4	22.5	3.4	16.1	12.6	18.5	3.0	6.3	1.3	23.6	3.9	28.4	
0.1-5.0	1.9	1.9	4.0	5.9	0.0	0.0	3.7	3.6	4.8	10.5	9.1	6.6	15.1	11.2	20.1	19.5	22.6	20.6	44.4	34.5	
5.1-10.0	15.8	15.8	15.2	18.2	1.1	19.8	4.6	18.7	64.1	58.9	59.3	51.5	61.3	59.3	11.2	16.3	1.6	23.4	23.1	19.1	
10.1-15.0	12.4	12.4	9.2	15.3	19.7	0.0	6.1	4.6	11.6	7.8	18.0	17.5	9.9	9.9	6.8	11.1	73.8	32.0	0.3	2.4	
15.1-20.0	21.3	21.3	4.8	3.4	74.5	74.5	12.8	2.6	15.3	0.0	6.8	6.7	0.3	0.3	12.8	24.1	0.6	0.3	28.2	15.5	
20.1-30.0	48.2	48.2	16.6	5.7	3.9	3.9	5.0	68.0	1.2	0.0	2.1	0.3	0.8	0.8	43.2	22.7	0.0	0.0	0.0	0.0	
30.1-40.0	0.2	0.2	49.9	49.6	0.0	0.0	66.5	0.1	0.0	0.0	0.1	0.0	0.0	0.0	2.8	0.0	0.0	0.0	0.0	0.0	
40.1-50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.9	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
50.1+	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Share of non <i>ad valorem</i> tariff bindings (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	
Minimum <i>ad valorem</i> duty	5.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum <i>ad valorem</i> duty	40.0	40.0	40.0	40.0	30.0	30.0	90.0	81.0	50.0	20.0	55.0	55.0	30.0	30.0	35.0	30.0	20.0	20.0	20.0	20.0	

Notes Annex IIIb:

Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004, Document number WT/ACC/10/Rev.2.

	Oman		Croatia		Lithuania		Moldova		China		Chinese Taipei		Armenia		FYROM		Nepal		Cambodia		
	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	Bound rate at accession	Final bound rate up to	
Reduction commitments	2000	2009	2000	2005	2001	2009	2001	2005	2000	2010	2002	2011	2003	2007	2003	2012	2003	2013	2003	2013	
Simple average of <i>ad valorem</i> tariff bindings (%)	14.7	11.6	6.7	5.5	8.7	8.4	11.1	6.0	12.7	9.1	6.4	4.8	7.7	7.5	9.5	6.2	39.4	23.7	17.7	17.7	
Distribution of <i>ad valorem</i> tariff bindings: (%)																					
0 (duty-free)	1.5	4.1	22.9	26.5	24.5	24.5	22.7	25.6	1.8	6.2	13.2	29.0	38.6	39.2	23.4	36.2	0.1	3.1	0.7	1.0	
0.1-5.0	0.9	8.5	34.4	36.9	7.0	7.1	11.7	16.9	10.4	18.1	44.7	39.9	7.6	7.8	23.8	20.3	1.2	1.1	0.0	0.0	
5.1-10.0	2.7	24.4	23.0	22.9	31.9	36.0	31.4	46.4	35.2	47.0	25.3	21.0	10.4	11.1	18.7	21.2	0.7	2.9	28.9	28.8	
10.1-15.0	92.7	60.7	12.7	13.3	28.4	24.7	7.5	11.0	21.0	15.3	12.0	7.8	43.4	41.8	11.4	13.9	1.4	5.3	29.9	29.7	
15.1-20.0	2.2	2.2	6.7	0.3	6.7	6.7	11.9	0.1	12.1	8.7	2.5	0.7	0.0	0.0	7.4	7.5	2.4	34.5	17.0	17.1	
20.1-30.0	0.0	0.0	0.2	0.0	1.4	1.0	6.9	0.0	17.7	3.9	0.9	0.5	0.0	0.0	8.9	1.0	20.6	48.6	8.8	8.8	
30.1-40.0	0.0	0.0	0.0	0.0	0.2	0.0	7.9	0.0	1.3	0.5	0.3	0.1	0.0	0.0	6.5	0.0	39.4	3.5	14.6	14.6	
40.1-50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.2	0.1	0.0	0.0	0.0	0.0	0.0	28.0	0.2	0.0	0.0	
50.1+	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0	0.5	0.3	0.0	0.0	0.0	0.0	5.4	0.1	0.0	0.0	
Share of non <i>ad valorem</i> tariff bindings (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.9	0.9	0.0	0.0	0.2	0.2	0.0	0.0	0.0	0.0	
Minimum <i>ad valorem</i> duty	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Maximum <i>ad valorem</i> duty	20.0	20.0	38.0	25.0	35.0	30.0	40.0	20.0	61.7	50.0	106.0	90.0	15.0	15.0	32.2	25.0	130.0	60.0	42.5	42.5	

Notes Annex IIIb:

Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004, Document number WT/ACC/10/Rev.2.

ANNEX IV - Sector specific commitments in services of new Members

	Ecuador	Bulgaria	Mongolia	Panama	Kyrgyz Republic	Latvia	Estonia	Jordan	Georgia	Albania
Professional services	X	X	X	X	X	X	X	X	X	X
- Legal services	X	X		X	X	X	X	X	X	X
- Accountancy services	X	X	X	X	X	X	X	X	X	X
- Taxation services	X			X	X	X	X	X	X	X
- Architectural and engineering services	X	X		X	X	X	X	X	X	X
- Medical services		X			X	X	X	X	X	X
Computer and related services	X	X		X	X	X	X	X	X	X
Research and development services		X			X	X	X	X	X	
Other business services	X	X	X	X	X	X	X	X	X	X
Postal services			X		X			X	X	X
Courier services			X		X	X	X	X	X	X
Telecommunications – valued added	X	X			X	X	X	X	X	X
Telecommunications – basic	X	X			X	X	X	X	X	X
Audiovisual services				X	X			X	X	
Construction services	X	X	X	X	X	X	X	X	X	X
Distribution services	X	X	X	X	X	X	X	X	X	X
Educational services		X		X	X	X	X	X	X	X
Environmental services	X	X		X	X	X	X	X	X	X
Financial – insurance	X	X	X	X	X	X	X	X	X	X
Financial – banking and other financial services	X	X	X	X	X	X	X	X	X	X
Health services	X				X	X	X	X	X	X
Social services		X			X	X	X	X	X	
Tourism services	X	X	X		X	X	X	X	X	X
Recreational services	X	X			X	X	X	X	X	X
Transport services	X	X		X	X	X	X	X	X	X
- Maritime transport					X	X	X	X	X	X
- Air transport	X	X		X	X	X	X	X	X	X
- Rail transport					X		X		X	
- Road transport	X				X	X	X		X	X
Limitations on National Treatment	X	X	X	X	X	X	X	X	X	X

	Oman	Croatia	Lithuania	Moldova	China	Chinese Taipei	Armenia	FYROM	Nepal	Cambodia
Professional services	X	X	X	X	X	X	X	X	X	X
- Legal services	X	X	X	X	X	X	X	X	X	X
- Accountancy services	X	X	X	X	X	X	X	X	X	X
- Taxation services	X	X	X	X	X	X	X	X		X
- Architectural and engineering services	X	X	X	X	X	X	X	X	X	X
- Medical services	X	X	X	X	X		X			X
Computer and related services	X	X	X	X	X	X	X	X	X	X
Research and development services		X	X	X		X	X	X	X	
Other business services	X	X	X	X	X		X	X	X	X
Postal services				X				X		
Courier services	X	X	X	X	X	X	X	X	X	X
Telecommunications – valued added	X	X	X	X	X	X	X	X	X	X
Telecommunications – basic	X	X	X	X	X	X	X	X	X	X
Audiovisual services	X				X	X	X			
Construction services	X	X	X	X	X	X	X	X	X	X
Distribution services	X	X	X	X	X	X	X	X	X	X
Educational services	X	X	X	X	X	X	X	X	X	X
Environmental services	X	X	X	X	X	X	X	X	X	X
Financial – insurance	X	X	X	X	X	X	X	X	X	X
Financial – banking and other financial services	X	X	X	X	X	X	X	X	X	X
Health services	X	X	X	X	X	X	X		X	X
Social services		X	X			X	X			
Tourism services	X	X	X	X	X	X	X	X	X	X
Recreational services		X	X	X		X	X	X	X	X
Transport services	X	X	X	X	X	X	X	X	X	X
- Maritime transport	X	X	X	X	X					
- Air transport	X	X	X	X	X	X	X	X	X	X
- Rail transport		X	X	X	X	X	X	X		
- Road transport		X	X	X	X	X	X	X		X
Limitations on National Treatment	X	X	X	X	X	X	X	X	X	X

Notes to Annex IV: Source: WTO, Note by the Secretariat, Accession to the World Trade Organization, 22nd October 2004. Document number WT/ACC/10/Rev.2.

ANNEX V - Format for the Protocol of Accession

PROTOCOL OF ACCESSION OF [name of country]

TO THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

"The World Trade Organization (hereinafter referred to as the "WTO"), pursuant to the approval of the General Council of the WTO accorded under Article XII of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as "WTO Agreement"), and the Republic of ...[name of country]... (hereinafter referred to as "[short form of name]"),

Taking note of the Report of the Working Party on the Accession of ...[name of country]... to the WTO in document WT/ACC/[...] (hereinafter referred to as the "Working Party Report"),

Having regard to the results of the negotiations on the accession of ...[name of country]... to the WTO,

Agree as follows:

Part I – General

1. Upon entry into force of this Protocol, ...[name of country]... 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 ...[name of country]... accedes shall be the WTO 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 comprise the commitments referred to in paragraph ...[list of relevant commitment paragraph numbers]... of the Working Party Report, shall be an integral part of the WTO Agreement.
3. Except as otherwise provided for in the paragraphs referred to in paragraph ...[list of relevant paragraphs numbers]... 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 ...[name of country]... as if it had accepted that Agreement on the date of its entry into force.

Part II – Schedules

4. The Schedules annexed 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 General Agreement on Trade in Services (hereinafter referred to as "GATS") relating to ...[name of country].... The staging of the concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.
5. 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

6. This Protocol shall be open for acceptance, by signature or otherwise, by ...[name of country]... until ...[date]...
7. This Protocol shall enter into force on the thirtieth day following the day of its acceptance.
8. 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 thereto pursuant to paragraph 7 to each Member of the WTO and to...[name of country]...
9. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this ... day of ...[date]..., 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 or more of these languages."

ANNEX VI - Format for the General Council Decision

The text of the Decision of the General Council used to be as follows:

"The General Council,

Having regard to the results of the negotiations directed towards the establishment of the terms of accession of [name of country] to the Agreement Establishing the World Trade Organization and having prepared a Protocol for the Accession of [name of country].

Decides, in accordance with Article XII of the Agreement Establishing the World Trade Organization, that [name of country] may accede to the Agreement Establishing the World Trade Organization on the terms set out in the said Protocol."

This has been amended to be in line with other decision documents and from the accession of China onwards will be as below:

"The General Council,

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

Taking note of the application of [name of country] for accession to the Marrakesh Agreement Establishing the World Trade Organization dated 7 December 1995,

Noting the results of the negotiations directed toward the establishment of the terms of accession of [name of country] to the Marrakesh Agreement Establishing the World Trade Organization and having prepared a Protocol on the Accession [name of country] (WT/ACC/.../...),

Decides as follows:

[name of country] may accede to the Marrakesh Agreement Establishing the World Trade Organization on the terms and conditions set out in the Protocol annexed to this Decision..

ANNEX VII – Accession of Least Developed Countries

Accession of Least Developed Countries

Decision of 10 December 2002

The General Council,

Having regard to paragraph 2 of Article IV and paragraph 1 of Article XII of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the commitment made by Ministers, in paragraph 42 of the Doha Ministerial Declaration of 14 November 2001, to facilitate and accelerate the accession negotiations with acceding least-developed countries (LDCs), and the Decision-Making Procedures under Article IX and XII of the WTO Agreement agreed by the General Council (WT/L/93);

Considering the relevant provisions of the WTO Multilateral Trade Agreements, as well as Ministerial Decisions, and WTO legal instruments, on special and differential treatment for developing and least-developed countries;

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Recalling that the Director General shall submit a status report to the Fifth Ministerial Conference on the "Implementation of the commitment by Ministers to facilitate and accelerate the accession of LDCs";

Noting with concern that no LDC has acceded to the Organization in accordance with Article XII of the WTO Agreement since 1995;

Recognizing the need to build on recent progress and for further positive efforts designed to assist LDCs to participate in the rules-based multilateral trading system, as embodied by the WTO and its Agreements;

Taking into account the commitments undertaken by LDC WTO Members at similar levels of development;

Also taking into account the statements made on the accession of LDCs to the WTO:

- By Ministers in the Integrated WTO Plan of Action for the LDCs adopted at the Singapore Ministerial Conference on 13 December 1996;
- by WTO Members at the High Level Meeting on Integrated Initiatives for LDCs' Trade Development on 27-28 October 1997; and
- by the Third United Nations Conference on Least-Developed Countries (LDC-III) in the Brussels Declaration and Programme of Action;
- by LDC Ministers in their Zanzibar Declaration of 24 July 2001; and

Pursuant to the follow-up work undertaken by Members with the adoption of the WTO Work Programme for LDCs on 12 February 2002 (WT/COMTD/LDC/11);

Decides that:

Negotiations for the accession of LDCs to the WTO, be facilitated and accelerated through simplified and streamlined accession procedures, with a view to concluding these negotiations as quickly as possible, in accordance with the guidelines set out hereunder:

Market access

- WTO Members shall exercise restraint in seeking concessions and commitments on trade in goods and services from acceding LDCs, taking into account the levels of concessions and commitments undertaken by existing WTO LDCs' Members;
- acceding LDCs shall offer access through reasonable concessions and commitments on trade in goods and services commensurate with their individual development, financial and trade needs, in line with Article

XXXVI.8 of GATT 1994, Article 15 of the Agreement on Agriculture, and Articles IV and XIX of the General Agreement on Trade in Services.

WTO Rules

- Special and Differential Treatment, as set out in the Multilateral Trade Agreements, Ministerial Decisions, and other relevant WTO legal instruments, shall be applicable to all acceding LDCs, from the date of entry into force of their respective Protocols of Accession;
- transitional periods/transitional arrangements foreseen under specific WTO Agreements, to enable acceding LDCs to effectively implement commitments and obligations, shall be granted in accession negotiations taking into account individual development, financial and trade needs;
- transitional periods/arrangements shall be accompanied by Action Plans for compliance with WTO rules. The implementation of the Action Plans shall be supported by Technical Assistance and Capacity Building measures for the acceding LDCs'. Upon the request of an acceding LDC, WTO Members may coordinate efforts to guide that LDC through the implementation process;
- commitments to accede to any of the Plurilateral Trade Agreements or to participate in other optional sectoral market access initiatives shall not be a precondition for accession to the Multilateral Trade Agreements of the WTO. As provided in paragraph 5 of Article IX and paragraph 3 of Article XII of the WTO Agreement, decisions on the Plurilateral Trade Agreements shall be adopted by the Members of, and governed by the provisions in, those Agreements. WTO Members may seek to ascertain acceding LDCs interests in the Plurilateral Trade Agreements.

Process

- The good offices of the Director-General shall be available to assist acceding LDCs and Chairpersons of the LDCs' Accession Working Parties in implementing this decision;
- efforts shall continue to be made, in line with information technology means and developments, including in LDCs themselves, to expedite documentation exchange and streamline accession procedures for LDCs to make them more effective and efficient, and less onerous. The Secretariat will assist in this regard. Such efforts will, *inter-alia*, be based upon the WTO Reference Centres that are already operational in acceding LDCs;
- WTO Members may adopt additional measures in their bilateral negotiations to streamline and facilitate the process, e.g., by holding bilateral negotiations in the acceding LDC if so requested;
- upon request, WTO Members may through coordinated, concentrated and targeted technical assistance from an early stage facilitate the accession of an acceding LDC.

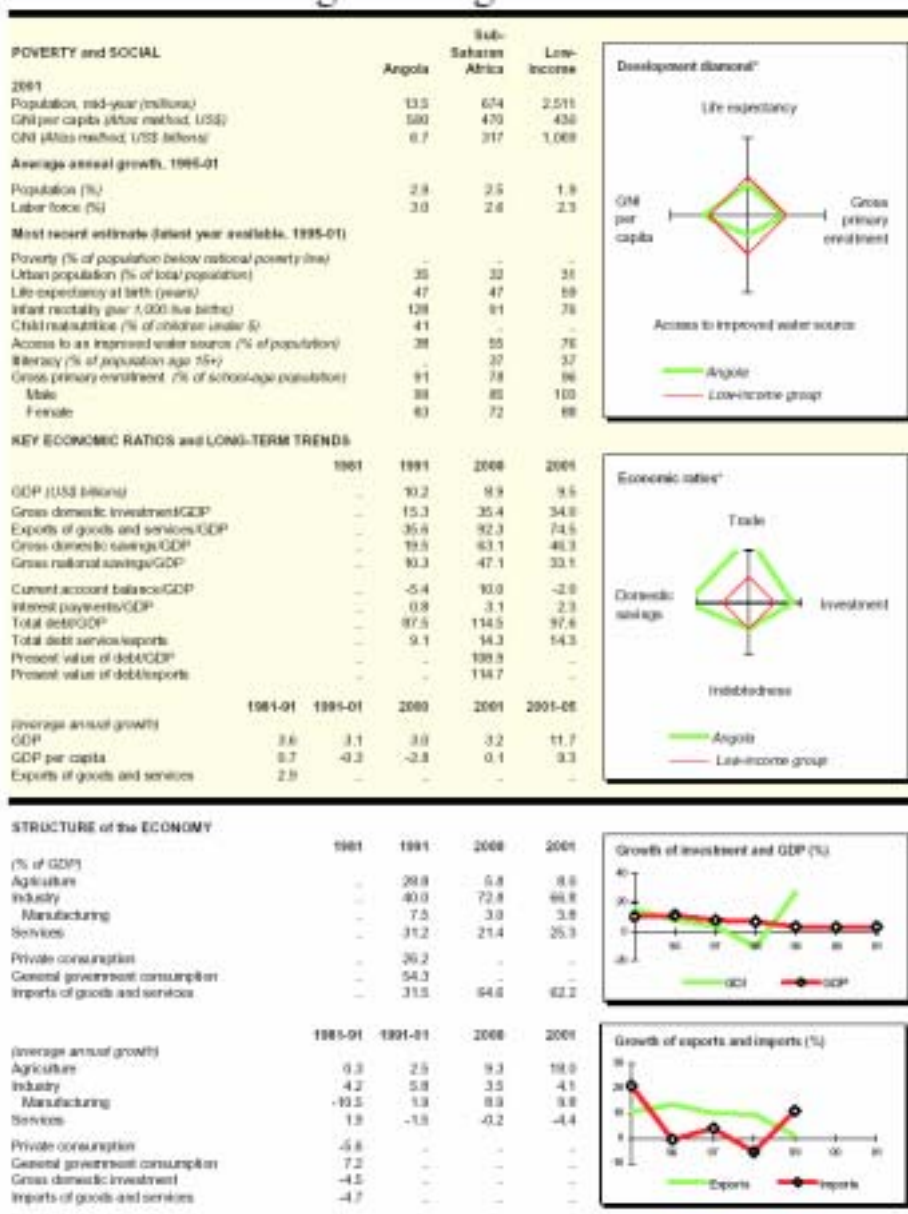
Trade-related technical assistance and capacity building

- Targeted and coordinated technical assistance and capacity building, by WTO and other relevant multilateral, regional and bilateral development partners, including *inter alia* under the Integrated Framework (IF), shall be provided, on a priority basis, to assist acceding LDCs. Assistance shall be accorded with the objective of effectively integrating the acceding LDC into the multilateral trading system;
- effective and broad-based technical cooperation and capacity building measures shall be provided, on a priority basis, to cover all stages of the accession process, i.e. from the preparation of documentation to the setting up of the legislative infrastructure and enforcement mechanisms, considering the high costs involved and in order to enable the acceding LDC to benefit from and comply with WTO rights and obligations.

The implementation of these guidelines shall be reviewed regularly in the agenda of the Sub-Committee on LDCs. The results of this review shall be included in the Annual Report of the Committee on Trade and Development to the General Council. In pursuance of their commitments on LDCs' accessions in the Doha Ministerial Declaration, Ministers will take stock of the situation at the Fifth Ministerial Conference and, as appropriate, at subsequent Ministerial Conferences.

Angola at a glance

01/14/02



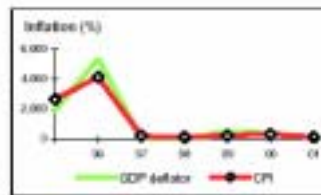
Note: 2001 data are preliminary estimates.

* The diamonds show four key indicators in the country (in bold) compared with its income-group average. If data are missing, the diamond will be incomplete.

Angola

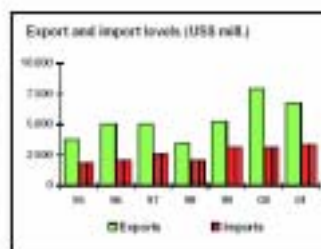
PRICES and GOVERNMENT FINANCE

	1981	1991	2000	2001
Domestic prices				
(% change)				
Consumer prices	-	85.3	325.0	152.6
Implicit GDP deflator	-	120.8	408.0	127.7
Government finance				
(% of GDP, includes current grants)				
Current revenue	-	22.0	51.7	41.1
Current budget balance	-	-21.4	6.9	30.5
Overall surplus/deficit 1/	-	-26.2	-9.0	-7.5



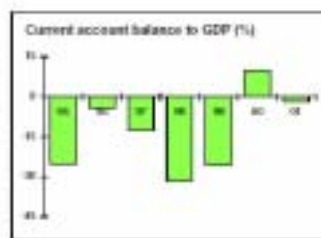
TRADE

	1981	1991	2000	2001
(US\$ millions)				
Total exports (cib)	-	3,448	7,885	6,254
Crude oil	-	3,161	6,961	5,820
Diamonds	-	190	738	738
Manufactures	-	56	132	112
Total imports (cib)	-	1,347	3,147	3,216
Food	-	57	-	-
Fuel and energy	-	-	-	-
Capital goods	-	269	-	-
Export price index (1995=100)	-	109	165	143
Import price index (1995=100)	-	96	79	77
Terms of trade (1995=100)	-	114	212	186



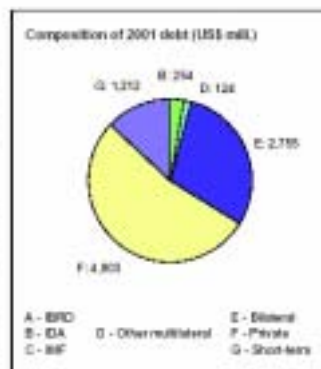
BALANCE of PAYMENTS

	1981	1991	2000	2001
(US\$ millions)				
Exports of goods and services	-	3,620	8,181	7,167
Imports of goods and services	-	3,136	5,726	5,888
Resource balance	-	424	2,453	1,169
Net income	-	-1,004	-1,797	-1,629
Net current transfers	-	26	229	247
Current account balance	-	-552	885	-193
Financing items (net)	-	552	-254	-315
Changes in net reserves	-	0	-631	508
Items:				
Reserves including gold (US\$ millions)	-	201	1,196	732
Conversion rate (DEC, local/US\$)	-	6,806.8	19.0	22.1



EXTERNAL DEBT and RESOURCE FLOWS

	1981	1991	2000	2001
(US\$ millions)				
Total debt outstanding and disbursed	-	8,887	10,146	9,248
IBRD	-	0	0	0
IDA	-	0	226	254
Total debt service	-	336	1,206	1,343
IBRD	-	0	0	0
IDA	-	0	0	0
Composition of net resource flows				
Official grants	-	-	-	-
Official creditors	-	76	-5	-196
Private creditors	-	58	-492	-628
Foreign direct investment	-	665	1070	1,347
Portfolio equity	-	0	0	0
World Bank program				
Disbursements	-	62	33	0
Disbursements	-	0	24	12
Principal repayments	-	0	0	0
Net flows	-	0	24	12
Interest payments	-	0	0	0
Net transfers	-	0	24	12

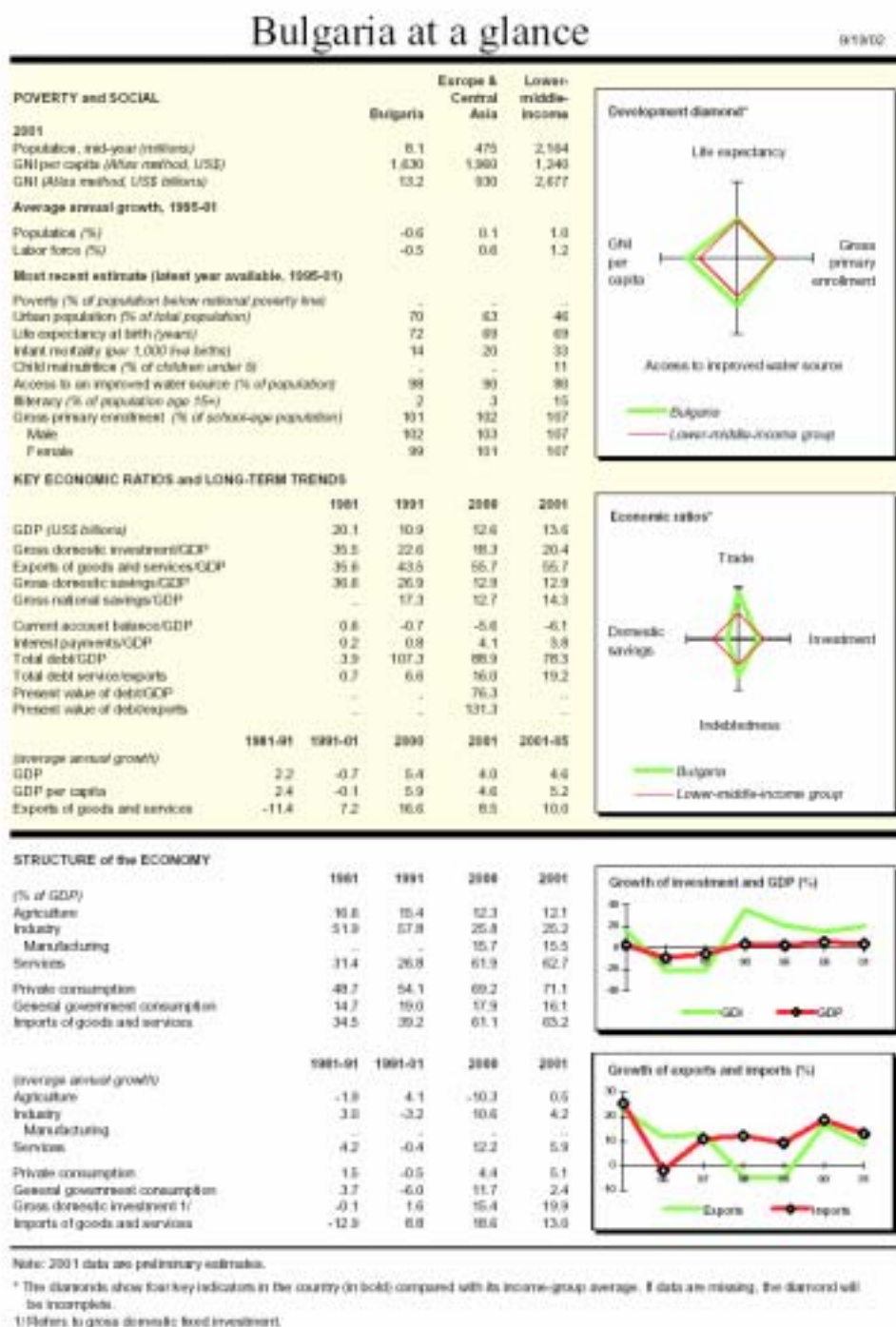


The World Bank Group: This table was prepared by country unit staff; figures may differ from other World Bank published data.

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1/ Excludes change in payment arrears.

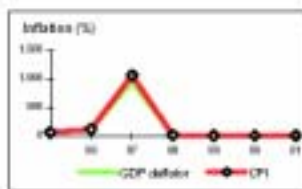
ANNEX IX – Bulgaria at a glance



Bulgaria

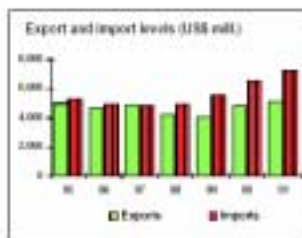
PRICES and GOVERNMENT FINANCE

	1991	1991	2000	2001
Domestic prices (% change)	--	--	--	--
Consumer prices	--	--	10.4	7.5
Implicit GDP deflator	--	226.6	6.7	6.5
Government finance (% of GDP, includes current grants)	--	--	--	--
Current revenues	--	43.6	38.2	38.1
Current budget balance	--	-1.2	3.2	4.0
Overall surplus/deficit	--	-4.2	0.4	2.1



TRADE

	1991	1991	2000	2001
(US\$ millions)				
Total exports (fob)	--	3,737	4,825	5,107
Consumer goods	--	--	1,439	1,715
Investment goods	--	--	552	625
Manufactures	--	--	656	675
Total imports (cif)	--	4,071	6,507	7,261
Food	--	--	175	199
Fuel and energy	--	--	1,775	1,827
Capital goods	--	1,263	1,562	1,816
Export price index (1985=100)	--	--	91	89
Import price index (1985=100)	--	--	106	103
Terms of trade (1985=100)	--	--	87	96



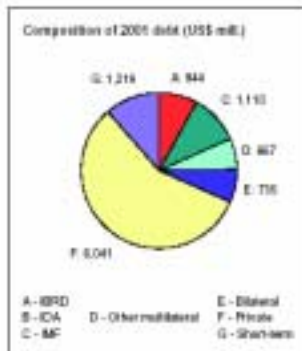
BALANCE of PAYMENTS

	1991	1991	2000	2001
(US\$ millions)				
Exports of goods and services	9,336	4,137	7,000	7,532
Imports of goods and services	9,046	4,255	7,670	8,555
Resource balance	292	-118	-670	-1,023
Net income	-301	-38	-321	-304
Net current transfers	90	69	250	499
Current account balance	121	-77	-702	-829
Financing items (net)	-490	-4	975	1,272
Change in net reserves	309	81	-273	-444
Reserve:				
Reserve including gold (US\$ millions)	--	616	3,460	3,579
Conversion rate (BFC, local/US\$)	--	0.01	2.1	2.2



EXTERNAL DEBT and RESOURCE FLOWS

	1991	1991	2000	2001
(US\$ millions)				
Total debt outstanding and disbursed	773	11,742	11,202	10,616
IBRD	--	61	624	644
IDA	--	0	0	0
Total debt service	68	276	1,170	1,513
IBRD	--	0	76	80
IDA	--	0	0	0
Composition of net resource flows				
Official grants	--	19	74	177
Official creditors	--	29	71	-189
Private creditors	--	30	107	360
Foreign direct investment	--	66	1,002	894
Portfolio equity	--	0	5	-9
World Bank programs				
Commitments	--	267	135	89
Disbursements	--	58	71	88
Principal repayments	--	0	27	32
Net flows	--	58	44	56
Interest payments	--	0	49	48
Net transfers	--	68	-5	9



The World Bank Group. This table was prepared by country unit staff; figures may differ from other World Bank published data.

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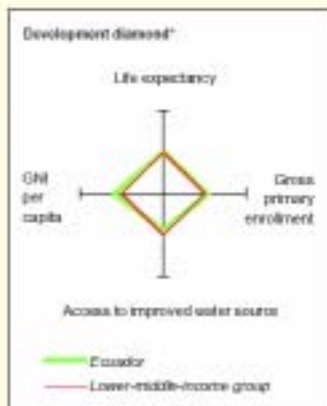
ANNEX X – Ecuador at a glance

Ecuador at a glance

9/2002

POVERTY and SOCIAL

	Ecuador	Latin America & Carib.	Lower-middle-income
2001			
Population, mid-year (millions)	12.9	524	2,164
GNI per capita (Atlas method, US\$)	1,400	3,560	1,240
GNI (Atlas method, US\$ billions)	18.7	1,862	2,677
Average annual growth, 1995-01			
Population (%)	1.9	1.5	1.0
Labor force (%)	3.0	2.2	1.2
Most recent estimate (latest year available, 1995-01)			
Poverty (% of population below national poverty line)	—	—	—
Urban population (% of total population)	63	70	48
Life expectancy at birth (years)	70	70	69
Infant mortality (per 1,000 live births)	28	29	33
Child malnutrition (% of children under 5)	14	9	11
Access to an improved water source (% of population)	71	85	80
Literacy (% of population age 15+)	8	11	15
Gross primary enrollment (% of school-age population)	113	130	107
Male	113	131	107
Female	113	128	107



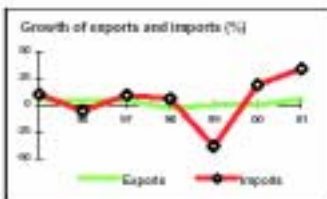
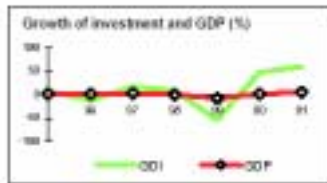
KEY ECONOMIC RATIOS and LONG-TERM TRENDS

	1991	1991	2000	2001
1991-01 1995-01 2000 2001 2001-05				
GDP (US\$ billions)	13.9	11.8	13.6	18.0
Gross domestic investment/GDP	23.2	22.2	16.8	25.0
Exports of goods and services/GDP	21.8	31.4	42.4	31.2
Gross domestic savings/GDP	24.2	23.8	28.4	22.0
Gross national savings/GDP	20.1	15.2	28.0	23.5
Current account balance/GDP	-4.1	-6.0	6.7	-3.9
Interest payments/GDP	3.9	3.9	4.0	4.2
Total debt/GDP	55.0	106.0	97.6	—
Total debt service/exports	53.7	32.2	17.3	—
Present value of debt/GDP	—	—	96.5	—
Present value of debt/exports	—	—	178.2	—
(average annual growth)				
GDP	2.2	1.5	2.3	5.6
GDP per capita	-0.3	-0.6	0.4	3.7
Exports of goods and services	6.1	3.1	-0.2	5.0



STRUCTURE of the ECONOMY

	1991	1991	2000	2001
(% of GDP)				
Agriculture	11.9	14.3	10.0	10.8
Industry	39.3	36.3	40.2	32.9
Manufacturing	17.2	20.8	16.9	18.4
Services	48.8	49.4	49.8	56.3
Private consumption	61.6	68.6	62.1	68.0
General government consumption	14.3	7.6	9.5	10.0
Imports of goods and services	29.8	29.7	30.8	34.2
(average annual growth)				
Agriculture	4.0	1.3	-5.3	4.5
Industry	0.8	2.4	4.9	4.7
Manufacturing	-0.3	1.9	5.2	5.0
Services	2.3	0.9	3.4	6.7
Private consumption	1.9	5.0	2.2	4.1
General government consumption	-1.4	-2.1	-1.3	0.1
Gross domestic investment	-2.0	0.1	48.0	60.3
Imports of goods and services	0.1	0.3	19.7	33.7



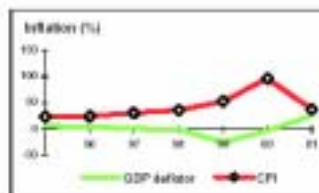
Note: 2001 data are preliminary estimates.

* The diamonds show four key indicators in the country (in bold) compared with its income-group average. If data are missing, the diamond will be incomplete.

Ecuador

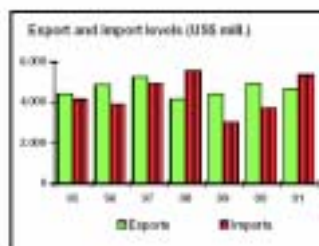
PRICES and GOVERNMENT FINANCE

	1991	1991	2000	2001
Domestic prices (% change)				
Consumer prices	16.4	48.7	36.1	37.7
Implicit GDP deflator	14.4	4.7	-2.9	25.1
Government finance (% of GDP, includes current grants)				
Current revenue	-	15.5	23.0	21.5
Current budget balance	-	3.2	5.0	6.9
Overall surplus/deficit	-	1.4	0.1	0.4



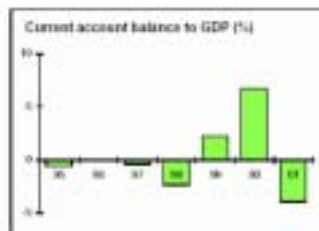
TRADE

	1991	1991	2000	2001
(US\$ millions)				
Total exports (fob)	2,143	2,851	4,927	4,678
Oil	1,323	1,889	2,144	1,722
Bananas	163	720	821	865
Manufactures	-	362	1,229	1,247
Total imports (cif)	1,990	2,289	3,721	5,363
Food	-	-	-	-
Fuel and energy	-54	32	258	207
Capital goods	719	888	942	1,661
Export price index (1995=100)	107	109	131	134
Import price index (1995=100)	106	96	83	81
Terms of trade (1995=100)	154	114	153	140



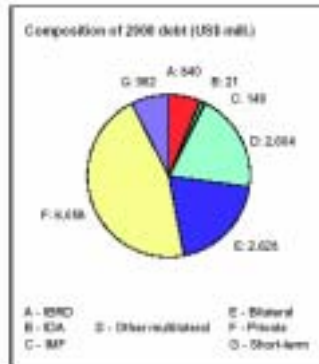
BALANCE of PAYMENTS

	1991	1991	2000	2001
(US\$ millions)				
Exports of goods and services	2,542	3,407	5,996	5,773
Imports of goods and services	2,830	3,198	5,012	6,755
Resource balance	-288	209	974	-982
Net income	-580	-1,117	-1,410	-1,268
Net current transfers	21	110	1,352	1,546
Current account balance	-559	-798	916	-705
Financing items (net)	608	865	-6,623	-475
Changes in reserves	249	-157	9,707	230
Where:				
Reserves including gold (US\$ millions)	650	1,090	1,179	1,074
Conversion rate (LQIC local/US\$)	1,00E+3	4,19E+2	1.0	1.0

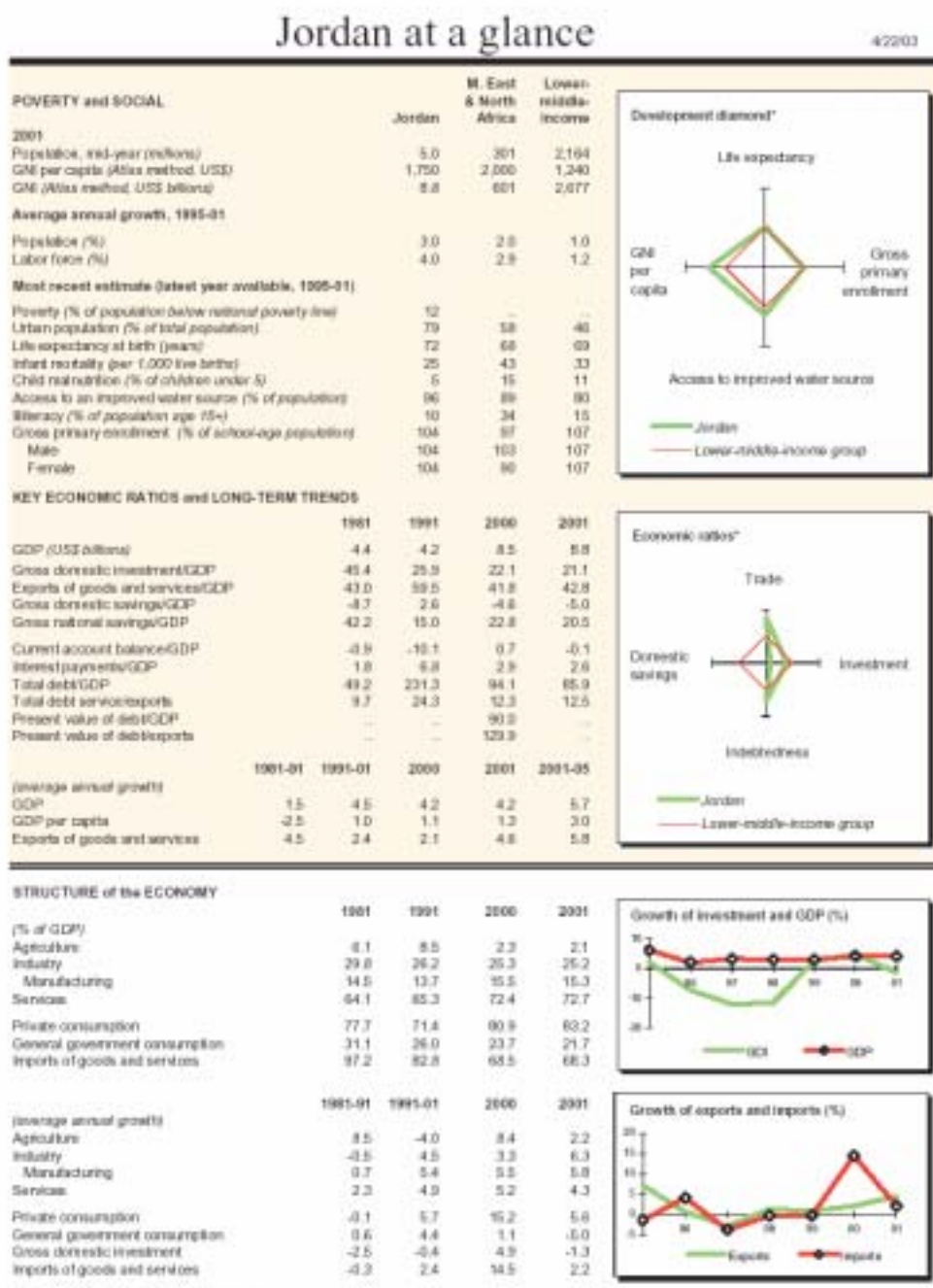


EXTERNAL DEBT and RESOURCE FLOWS

	1991	1991	2000	2001
(US\$ millions)				
Total debt outstanding and disbursed	7,800	12,459	13,281	-
BRD	151	816	840	-
IDA	37	31	21	-
Total debt service	1,207	1,196	1,276	-
BRD	23	150	164	-
IDA	1	1	1	-
Composition of net resource flows				
Official grants	8	48	68	-
Official creditors	414	182	200	-
Private creditors	871	-78	134	-
Foreign direct investment	60	180	720	-
Portfolio equity	0	0	0	-
World Bank program				
Commitments	0	247	162	48
Disbursements	55	60	89	-
Principal repayments	13	79	31	-
Net flows	42	-19	-22	-
Interest payments	11	72	74	-
Net transfers	31	-81	-86	-



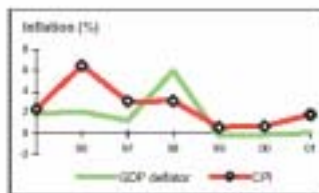
ANNEX XI – Jordan at a glance



Jordan

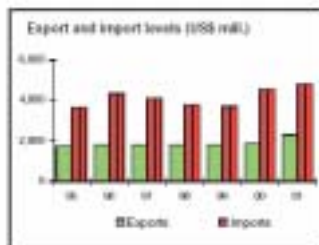
PRICES and GOVERNMENT FINANCE

	1991	1991	2000	2001
Domestic prices				
(% change)				
Consumer prices	7.7	9.2	9.7	5.8
Implicit GDP deflator	15.9	5.1	-0.1	0.0
Government finance				
(% of GDP, includes current grants)				
Current revenue	49.1	44.8	30.0	30.6
Current budget balance	22.5	13.1	1.0	2.2
Overall surplus/deficit	7.2	9.3	-4.7	-3.8



TRADE

	1991	1991	2000	2001
(US\$ millions)				
Total exports (kib)	794	1,132	1,899	2,295
Food	100	126	164	191
Phosphates	166	181	128	130
Manufactures	215	400	933	1,269
Total imports (cif)	3,170	2,512	4,577	4,833
Food	508	613	747	723
Fuel and energy	533	368	710	702
Capital goods	1,256	369	1,313	1,311
Export price index (1995=100)	85	87	91	92
Import price index (1995=100)	124	97	100	106
Terms of trade (1995=100)	71	89	88	85



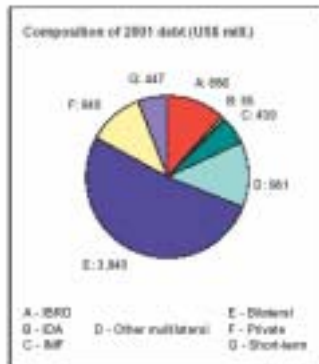
BALANCE of PAYMENTS

	1991	1991	2000	2001
(US\$ millions)				
Exports of goods and services	1,889	2,494	3,536	3,777
Imports of goods and services	4,215	3,429	5,796	6,027
Resource balance	-2,306	-945	-2,260	-2,250
Net income	87	-362	-27	0
Net current transfers	2,178	884	2,345	2,236
Current account balance	-41	-423	58	-5
Financing items (net)	-5	403	714	-180
Changes in net reserves	47	20	-772	184
Reserves:				
Reserves including gold (US\$ millions)	1,300	938	2,763	2,579
Conversion rate (DEC, local/US\$)	0.5	0.7	0.7	0.7



EXTERNAL DEBT and RESOURCE FLOWS

	1991	1991	2000	2001
(US\$ millions)				
Total debt outstanding and disbursed	2,166	9,700	7,969	7,588
IBRD	45	511	798	886
IDA	76	76	57	55
Total debt service	303	740	723	779
IBRD	3	97	106	105
IDA	1	2	3	3
Composition of net resource flows				
Official grants	691	383	404	460
Official credits	306	414	-63	338
Private credits	29	-87	-125	-70
Foreign direct investment	141	-12	751	78
Portfolio equity	0	0	104	-115
World Bank program				
Commitments	25	25	35	120
Disbursements	22	40	39	161
Principal repayments	0	56	56	57
Net flows	22	-16	-17	104
Interest payments	3	43	53	51
Net transfers	19	-58	-71	53



ANNEX XII – WTO Reports

The reports are listed in order of their official dispute number (the oldest appear first) and are available at www.wto.org²¹².

- DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas - Request for Consultations by Ecuador, Guatemala, Honduras, Mexico and the United States. Document number WT/DS27/1.
- DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas - Constitution of the Panel Established at the Request of Ecuador, Guatemala, Honduras, Mexico and the United States. Communication by the DSB Chairman. Document number WT/DS27/7.
- DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas - Request for Consultations by Ecuador, Guatemala, Honduras, Mexico and the United States. Document number WT/DS27/18.
- DS27 European Communities - Regime for the Importation, Sale and Distribution of Bananas – Understanding on Bananas between Ecuador and the EC. Document number WT/DS27/60.
- DS182 Ecuador - Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico - Request for Consultations by Mexico. Document number WT/DS182/1.
- DS182 Ecuador - Definitive Anti-Dumping Measures on Grey Portland Cement from Mexico - Request for Consultations by Mexico – Corrigendum. Document number WT/DS182/1/Corr.1.
- DS191 Ecuador - Definitive Anti-Dumping Measure on Cement from Mexico - Request for Consultations by Mexico. Document number WT/DS191/1.
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²¹² Only reports involving Ecuador are listed here. Angola, Bulgaria and Jordan have not been involved as a complainant or respondent in WTO dispute settlement.

ANNEX XIII – Useful Contacts

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