

**MARKET ACCESS FOR NON-AGRICULTURAL PRODUCTS**

Proposal for the Elimination of Non-Tariff Barriers

*Communication from Cuba*

Revision

The following communication, dated 21 April 2008, is being circulated at the request of the delegation of Cuba and is a revision of the proposal TN/MA/W/94.

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Decision on the Elimination of Non-Tariff Barriers Imposed as  
Unilateral Trade Measures

Members,

*Recalling* that the Marrakesh Agreement is desirous of contributing to sustainable development and growth in international trade by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the elimination of discriminatory treatment in international trade relations;

*Noting* that, pursuant to paragraph 16 of the Doha Ministerial Declaration, Members agreed to negotiations on non-agricultural products aimed at reducing or, as appropriate, eliminating tariffs and non-tariff barriers on non-agricultural products, in particular on products of interest to developing countries;

*Stressing* that the international community has repeatedly called for urgent and effective measures to ensure that its members refrain from applying and eliminate unilateral coercive economic measures;

*Emphasizing* that such actions not only undermine basic WTO principles and principles enshrined in the Charter of the United Nations and international law, but also severely threaten the freedom of trade and transit;

*Mindful of the fact* that the WTO Agreements do not authorize the application of unilateral measures;

Agree as follows:

1. Members shall not adopt or apply any unilateral economic or trade measures against any other Member, given that such measures are inconsistent with the letter and spirit of the WTO Agreements.
  2. Members shall eliminate all unilateral trade measures imposed on other Members within the first year following the adoption of this Decision, thereby enhancing market access opportunities, in particular for developing countries, and shall notify this fact in writing to the Council for Trade in Goods.
  3. Members shall regularly review their non-tariff measures to ensure that they do not constitute disguised restrictions on international trade.
  4. Members shall ensure that no trade measure against another Member affects the commercial interests or the rights and obligations of third parties.
  5. Members shall refrain from having recourse to Articles XX and XXI of the GATT 1994 in order to impose unilateral trade measures in a manner which would constitute a means of arbitrary or unjustifiable discrimination, unless the grounds therefor are substantiated or there is a general international understanding with regard to the justification for recourse thereto, respectively.
  6. Members seeking to apply a unilateral measure shall notify the Council for Trade in Goods of their intention in writing, indicating the nature of the measure and its legal basis, scope and objectives, so that Members' considerations can be taken into account.
  7. The Council for Trade in Goods shall conduct an annual review of the progress made in respect of compliance with the provisions of this Decision and report to the General Council.
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