

COMMUNICATION FROM CUBA

The following communication, dated 5 June 2006, is being circulated at the request of the delegation of Cuba.

**IMPROVEMENT AND CLARIFICATION OF ARTICLE V OF THE GATT:
STRENGTHENING OF THE PRINCIPLES OF NON-DISCRIMINATION
AND MOST-FAVOURED-NATION TREATMENT**

1. In a communication of 19 September 2005 (TN/TF/W/64), Cuba submitted a proposal on the "strengthening of the principles of non-discrimination and most-favoured-nation treatment". The purpose of that proposal is to reinforce the principle of non-discrimination laid down in Article V, in order to prevent the implementation of trade laws that restrict the free transit of goods and means of transport among Members on non-commercial grounds. At present, the trade of many WTO Members is significantly affected in this way.
2. Cuba agrees with the view of some Members that submitting proposals to the Negotiating Group on no account means compromising legitimate objectives of public order. Members must therefore maintain the right to apply the exceptions in GATT Articles XX and XI in an appropriate manner and on proper grounds, but may not resort to them without a valid reason.
3. Cuba endorses and submits to the Negotiating Group for consideration the following draft text, without prejudice to further discussions and communications on this or any other proposal.

Proposed text

"Members shall not apply discriminatory measures to goods in transit, or to vessels or other means of transport of other Members, for non-commercial reasons. This does not exclude the right to resort to the exceptions already laid down in WTO Agreements, for valid reasons and provided that the measure concerned does not constitute a disguised restriction on international trade."
