

**SPECIAL AND DIFFERENTIAL TREATMENT PROVISIONS**

Communication from Thailand

The following communication, dated 12 June 2002, has been received from the above delegation.

**PROPOSAL BY THAILAND TO MAKE AN EXISTING SPECIAL AND DIFFERENTIAL  
TREATMENT PROVISION UNDER THE AGREEMENT ON  
IMPORT LICENSING MANDATORY**

Existing text of the Provision

*Article 3.5(a) Non-automatic Import Licensing*

*"Members shall provide, upon the request of any Member having an interest in the product concerned, all relevant information concerning:*

- (i) the administration of the restrictions;*
- (ii) the import licences granted over a recent period;*
- (iii) the distribution of such licences among supplying countries;*
- (iv) where practicable, import statistics (i.e. value and/or volume) with respect to the products subject to import licensing. Developing country Members would not be expected to take additional administrative or financial burdens on this account."*

Rationale for amendment to Article 3.5(a)(iv)

1. The above provision could be interpreted to mean that, in providing the import statistics, there is room for flexibility for Members that are developing countries not to take additional administrative and financial burdens. However, in view of the word "would" appearing in the last sentence of the provision, there is some doubt as to the mandatory nature of the provision. In the context of Article 3.5(a), developing country Members are required to provide all relevant information pertaining to the product concerned to any Member having an interest in the trade of the product. Where Members provide such information to the Member making a request, there may be certain administrative and financial costs involved. These relevant costs should be deemed as necessary and sufficient for Members, especially the developing country Members.

Proposed amendment

2. The proposal is that the word "would" be replaced by "**shall**," so that the sentence reads "Developing country Members shall not be expected to take additional administrative or financial burdens on this account."

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