

**ACCESSION OF VANUATU**

*Decision of 26 October 2011*

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 (the "WTO Agreement"), and the Decision-Making Procedures under Articles IX and XII of the WTO Agreement agreed by the General Council (WT/L/93);

*Conducting* the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

*Taking note* of the application of Vanuatu for accession to the Marrakesh Agreement Establishing the World Trade Organization dated 7 June 1995;

*Noting* the results of the negotiations directed toward the establishment of the terms of accession of Vanuatu to the WTO Agreement and having prepared a Protocol on the Accession of Vanuatu;

*Decides* as follows:

Vanuatu may accede to the WTO Agreement on the terms and conditions set out in the Protocol annexed to this Decision.

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## PROTOCOL ON THE ACCESSION OF VANUATU

### Preamble

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 the "WTO Agreement"), and Vanuatu,

Taking note of the Report of the Working Party on the Accession of Vanuatu to the WTO Agreement reproduced in document WT/ACC/VUT/17, dated 11 May 2011 (hereinafter referred to as the "Working Party Report"),

Having regard to the results of the negotiations on the accession of Vanuatu to the WTO Agreement,

Agree as follows:

### PART I - GENERAL

1. Upon entry into force of this Protocol pursuant to paragraph 8, Vanuatu 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 Vanuatu accedes shall be the WTO Agreement, including the Explanatory Notes to that 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 include the commitments referred to in paragraph 145 of the Working Party Report, shall be an integral part of the WTO Agreement.
3. Except as otherwise provided for in paragraph 145 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 Vanuatu as if it had accepted that Agreement on the date of its entry into force.
4. Vanuatu may maintain a measure inconsistent with paragraph 1 of Article II of the GATS provided that such a measure was 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.

### PART II - SCHEDULES

5. The Schedules reproduced in Annex I 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 Vanuatu. The staging of concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.
6. 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

7. This Protocol shall be open for acceptance, by signature or otherwise, by Vanuatu until 31 December 2011.

8. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been accepted by Vanuatu.

9. 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 by Vanuatu thereto pursuant to paragraph 9 to each Member of the WTO and to Vanuatu.

This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-sixth day of October two thousand and eleven, 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 of these languages.

ANNEX I

**SCHEDULE CLXIII - VANUATU**

Authentic only in the English language

(Circulated in document WT/ACC/VUT/17/Add.1)

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**SCHEDULE OF SPECIFIC COMMITMENTS ON SERVICES**

**LIST OF ARTICLE II EXEMPTIONS**

Authentic only in the English language

(Circulated in document WT/ACC/VUT/17/Add.2)

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