

**GLOBAL SYSTEM OF TRADE
PREFERENCES AMONG DEVELOPING
COUNTRIES (GSTP)**

SPR/NC/FOZ/3
15 December 2010

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Negotiating Committee, São Paulo Round
Special Session at Ministerial Level
Foz do Iguaçu, 15 December 2010

**SÃO PAULO ROUND PROTOCOL
TO THE AGREEMENT ON THE GLOBAL SYSTEM OF TRADE
PREFERENCES AMONG DEVELOPING COUNTRIES**

The parties to the Agreement on the Global System of Trade Preferences Among Developing Countries which participated in the São Paulo Round of Negotiations (hereinafter referred to as “Participants”),

HAVING carried out negotiations pursuant to Article 6 and the Understanding on the Application of Article 9.1 of the Agreement on the Global System of Trade Preferences Among Developing Countries (hereinafter referred to as the “GSTP”),

RECALLING the GSTP and the Ministerial Decision on Modalities of 2 December 2009,

HAVE agreed as follows:

I – Schedules of Tariff Concessions

1. The schedule of tariff concessions annexed to this Protocol relating to a Participant shall become a Schedule to the GSTP relating to that Participant on the day on which this Protocol enters into force for that Participant pursuant to paragraph 10(c) or 10(d). Further, these concessions shall be applied only among the Participants for whom this Protocol enters into force.
2. The Base Rates MFN applied rate of duty in column 3 of the schedules of tariff concessions are indicative. The GSTP margin of preference in column 4 shall be applied to the MFN rate of duty applied on the date of importation. Participants shall make their applied rates publicly available in an updated manner, including through hyperlinks, and inform other Participants of those information sources through the GSTP secretariat.
3. Article 10 of the GSTP shall apply, *mutatis mutandis*, to this Protocol with effect from the date of entry into force of this Protocol.

II – Certification of Origin by Governmental and Non-Governmental Authorities

4. The issuing authority of a GSTP certificate of origin shall be a governmental body. In cases where the issuing authority is a non-governmental body, this entity shall be accredited by the government to issue certificates of origin. Participants shall notify all Participants of their list of accredited bodies and the stamps of the accredited bodies issuing certificates of origin through the

GSTP secretariat. Any change in the list shall be promptly provided in the same manner. The GSTP secretariat shall duly inform all Participants of the list and the changes thereto.

III – Review of the Results of the São Paulo Round

5. Participants shall undertake a thorough review of the results of the São Paulo Round not later than two years after the date of entry into force of this Protocol. In the course of the review, they will consider, *inter alia*, increasing the margin of preference and the product coverage, as well as the operation and revision of the GSTP rules of origin, including an examination of the tariff classification criteria and the current value-added rule.

6. During the period from the entry into force of this Protocol to the review of the results of the São Paulo Round, Participants agree to engage, on a voluntary basis, on additional request-and-offer negotiations, the results of which shall be incorporated to this Protocol, through specific additional protocols, and applied to all the Participants for whom this Protocol enters into force.

IV – Accession to the São Paulo Round Protocol

7. Any Participant to the GSTP may, at any time after the entry into force of this Protocol, present to the Committee of Participants its intention to accede to this Protocol, through the submission of its proposed schedule of tariff concessions in accordance with the following parameters:

(a) an across-the-board, line-by-line, linear cut of at least 20 percent on at least 70 percent of their dutiable tariff lines; or

(b) in the case of Participants with duty-free tariff lines accounting for more than 50 percent of their total national tariff lines an across-the-board, line-by-line, linear cut of at least 20 percent on at least 60 percent of their dutiable tariff lines; and

(c) the proposed schedule of tariff concessions shall be presented in the same format as the schedules annexed to this Protocol.

8. GSTP Participants in the process of acceding to the World Trade Organization shall be accorded differential treatment and flexibilities within the market access modalities stated above in paragraph 7.

9. The Participants that have ratified this Protocol shall examine the schedule of tariff concession's compliance with the above-mentioned parameters and, on that basis, may agree on a protocol for the accession of the applicant to this Protocol.

V - Final Provisions

10. (a) This Protocol shall be open for signature by Participants that have annexed their schedules of tariff concessions, from 15 December 2010 until the day of its entry into force in accordance with paragraph 10(c) hereafter.

(b) Any Participant may, at the time of signing this Protocol, declare that by such signature it expresses its consent to be bound by this Protocol (definitive signature) or after signing this Protocol, ratify, accept or approve it by the deposit of an instrument to that effect with the Secretary-General of UNCTAD.

(c) This Protocol shall enter into force on the thirtieth day following the day on which instruments of definitive signature, ratification, acceptance or approval have been deposited by at least 4 Participants.

(d) For any Participant which deposits an instrument of ratification, acceptance or approval after the entry into force of this Protocol, it shall enter into force for that Participant on the thirtieth day after such deposit.

11. This Protocol shall be deposited with the Secretary-General of UNCTAD who shall promptly furnish a certified copy thereof and a notification of each acceptance thereto pursuant to paragraph 10(b) here above to each Participant.

IN WITNESS WHEREOF, the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Protocol.

DONE at Foz do Iguaçu, Brazil this fifteenth day of December, two thousand and ten, in a single copy, in the Arabic, English, French and Spanish languages, each text being authentic. The schedules annexed hereto are authentic in the Arabic, English, French or Spanish language as specified in each schedule.

Schedules Annexed to the São Paulo Round Protocol to the Agreement on the Global System of Trade Preferences Among Developing Countries

Schedule I -	Cuba	Schedule V -	Republic of Korea
Schedule II -	Egypt	Schedule VI -	Malaysia
Schedule III -	India	Schedule VII-	MERCOSUR
Schedule IV -	Indonesia	Schedule VIII -	Morocco
