

**法規名稱：**PROTOCOL ON THE ACCESSION OF THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU TO THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

**簽訂日期：**民國 90 年 11 月 12 日

**生效日期：**民國 91 年 01 月 01 日

PROTOCOL OF ACCESSION OF THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU TO THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

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 The World Trade Organization (hereinafter referred to as the "WTO Agreement"), and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Mastu (hereinafter referred to as "Chinese Taipei"),

Taking note of the Report of the Working Party on the Accession of Chinese Taipei to the WTO Agreement reproduced in document WT/ACC/TPKM/18, dated 5 October 2001 (hereinafter referred to as the "Working Party Report"),

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

Agree as follows:

#### PART 1 - GENERAL

1. Upon entry into force of this Protocol pursuant to paragraph 10, Chinese Taipei 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 Chinese Taipei 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 224 of the Working Party Report, shall be an integral part of the WTO Agreement.

3.Except as otherwise provided for in paragraph 167 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 Chinese Taipei as if it had accepted that Agreement on the date of its entry into force.

4.The Special Exchange Agreement between the WTO and Chinese Taipei reproduced in Annex II to this Protocol forms an integral part of this Protocol.

5.Chinese Taipei shall at the time of its accession to the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) accept the Plurilateral Trade Agreement on Trade in Civil Aircraft listed in Annex 4 of the WTO Agreement.

6.Chinese Taipei: 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

7.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 Chinese Taipei. The staging of the concessions and commitments listed in the Schedules shall be implemented as specified in the relevant parts of the respective Schedules.

8. 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

9. This Protocol shall be open for acceptance, by signature or otherwise, by Chinese Taipei until 31 March 2002.

10. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been accepted by Chinese Taipei.

11. 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 Chinese Taipei thereto pursuant to paragraph 9 to each Member of the WTO and to Chinese Taipei.

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

Done at Doha this twelfth day of November two thousand and one, 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  
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For the Separate Customs  
Territory of Taiwan, Penghu,  
Kinmen and Matsu:

Pour le territoire douanier  
Distinct de Taiwan, Penghu,  
Kinmen et Matsu:

Por el Territorio Aduanero  
Distinto de Taiwan, Penghu,  
Kinmen y Matsu:

林信義 (Signature) Nov. 12, 2001  
LIN HSIN-I  
Subject to Ratification

I hereby certify that this is a true copy of the signature page  
of the Protocol on the Accession of the Separate Customs Territ-  
ory of Taiwan, Penghu, Kinmen and Matsu done at Doha on 11 Nove-  
mber 2001, as signed by the plenipotentiary of the Separate Cus-  
toms Territory of Taiwan, Penghu, Kinmen and Matsu.

(Signature) 12 Nov. 2001  
Mike Moore  
Director-General

Reference: WLI/100 2 December 2001  
PROTOCOL OF ACCESSION OF THE SEPARATE CUSTOMS TERRITORY OF TAIW-  
AN, PENGHU, KINMEN AND MATSU TO THE MARRAKESH AGREEMENT ESTABLI-  
SHING THE WORLD TRADE ORGANIZATION DONE AT DOHA ON 11 NOVEMBER  
2001

NOTIFICATION OF ACCEPTANCE  
ENTRY INTO FORCE

I have the honour to inform you that on 2 December 2001 the Government of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu deposited with me an instrument of ratification of the above-mentioned Protocol, thereby recognizing as fully binding the signature affixed by its plenipotentiary on 12 November 2001.

In terms of paragraph 10 of the Protocol, it shall enter into force on 1 January 2002.

Pursuant to paragraph 1 of the Protocol, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu shall become a Member of the World Trade Organization on 1 January 2002.

This notification is furnished in accordance with paragraph 11 of the Protocol.

(Signature)

Mike Moore  
Director-General

MINISTRY OF ECONOMIC AFFAIRS

15, FOOCHOW STEET, TAIPEI, TAIWAN  
THE: (02) 2321-2200  
FAX: (02) 2391-9398

H.E. Mr. Mike Moore  
Director-General  
The World Trade Organization  
Rue de Lausanne 154

1211 Geneva 21  
Switzerland

December 2, 2002  
Your excellency,

On behalf of the Separate customs Territory of Taiwan, Penghu, Kinmen and Matsu, I have the honor to transmit to you the Instrument of Ratification as attached for the accession of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu to the World Trade Organization.

The Protocol of Accession for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu to the Marrakesh Agreement Establishing the World Trade Organization shall become effective on 1st January, 2002 in accordance with paragraph 11 of the said Protocol.

Please accept, Your Excellency, the assurance of my highest considerations.

Hsin-I Lin  
Minister  
(Signature)

Enclosure: as mentioned.