

UNRESTRICTED

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21 September 1948

ORIGINAL: ENGLISH/FRENCH

GENERAL AGREEMENT ON TARIFFS AND TRADE

P R O T O C O L S

Signed at Geneva on 14th September, 1948

and

RESOLUTIONS AND DECISIONS OF THE CONTRACTING PARTIES

At the First and Second Sessions,

Havana, March 1948, and Geneva, August-September, 1948.

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PROTOCOL FOR THE ACCESSION OF SIGNATORIES OF THE
FINAL ACT OF OCTOBER 30, 1947.

CONSIDERING the fact that the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, which by its terms remained open for signature until June 30, 1948, was not by that date signed by all the governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment,

CONSIDERING the Resolution of the Second Session of the CONTRACTING PARTIES that such a government shall not be considered to be a "party" to the General Agreement within the meaning of Article XXXIII thereof, and

CONSIDERING the desirability of affording an additional opportunity for the provisional application between such a government and the contracting parties of the provisions of the General Agreement which was concluded at the Second Session of the Preparatory Committee and authenticated on October 30, 1947,

IT IS AGREED with regard to the terms upon which such a government, by signature of the present protocol, may accede under Article XXXIII of the General Agreement: -

1. Any such government shall, without prejudice to its right to accept the General Agreement under Article XXVI, apply the General Agreement, as amended and rectified, provisionally in accordance with the provisions of paragraphs 1(a), 1(b), and 5 of the Protocol of Provisional Application. Such government shall also have the right of election provided for in sub-paragraph (d) of paragraph 1 of Article XIV of the General Agreement as if it had been signed the Protocol of Provisional Application before July 1, 1948; Provided the written notice of such election is communicated to the CONTRACTING PARTIES before January 1, 1949 or before the day on which such government becomes a contracting party, whichever is the later.

2. Such provisional application shall take effect for any such government on the thirtieth day after the signature hereof by such government; Provided such signature is affixed before February 17, 1949; and Provided further that this Protocol has on the day of such signature been signed by two-thirds of the governments then contracting parties to the General Agreement. Upon signature of this protocol by two-thirds of the contracting parties it shall constitute a decision for the purpose of Article XXXIII of the General Agreement.

3. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, where it will remain open for signature. The Secretary-General is authorized to effect registration of the Protocol.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September, 1948.

This Protocol has been signed by the following countries:

Commonwealth of Australia
Kingdom of Belgium
United States of Brazil
Burma
Canada
Ceylon
Republic of China
Republic of Cuba
French Republic
India
Lebanon
Grand Duchy of Luxembourg
Kingdom of the Netherlands
New Zealand
Kingdom of Norway
Pakistan
Syria
United Kingdom of Great Britain and Northern
Ireland
United States of America

SECOND PROTOCOL OF RECTIFICATIONS TO
THE GENERAL AGREEMENT ON TARIFFS AND TRADE

THE GOVERNMENTS of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade, and

THE GOVERNMENT of the Republic of Chile, acting in its capacity of signatory of the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the text of the General Agreement on Tariffs and Trade,

HAVING noted that certain further rectifications should be made in the authentic texts of the Schedules forming part of the General Agreement on Tariffs and Trade,

HEREBY AGREE that the following rectifications shall be made in the Schedule to the General Agreement on Tariffs and Trade:

SCHEDULE VIII - UNION OF SOUTH AFRICA

(This Schedule is authentic only in the English language)

PART I

Most-Favoured-Nation Tariff

Item 224 ex (d)

In the English text of item 224 ex (d) the description of products shall read:

"Caffeine, theobromine, emetine and natural methol"

SCHEDULE XX - UNITED STATES OF AMERICA

(This Schedule is authentic only in the English language)

PART I

Most-Favoured-Nation Tariff

Item 708(a)

In the English text of item 708(a) the principal description shall be:

"Milk, condensed or evaporated:"

Item 1110

In the English text of item 1110 the rate of duty shall be:

"33¢ per lb. and 25% ad val."

Item 1503 /third/

In the English text of the third item 1503 the proviso shall read:

"Provided, That for the purpose only of applying the second proviso to paragraph 1503, Tariff Act of 1930, to articles provided for in this item, each rate of duty "existing" (within the meaning of Section 350, Tariff Act of 1930, as amended by the Act of July 5, 1945) on January 1, 1945, shall be reduced by 50 per centum of such rate."

The provisions of this Protocol shall on and after this day constitute an integral part of the General Agreement on Tariffs and Trade, dated October 30, 1947, and the rectifications included herein shall be applied as if they had formed a part of said Agreement on that date.

The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who is authorized to effect registration thereof.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September, 1948.

This Protocol has been signed by the following countries:

Commonwealth of Australia
Kingdom of Belgium
United States of Brazil
Burma
Canada
Ceylon
Republic of Chile
Republic of China
Republic of Cuba
Czechoslovak Republic
French Republic
India
Lebanon
Grand Duchy of Luxembourg
Kingdom of the Netherlands
New Zealand
Kingdom of Norway
Pakistan
Southern Rhodesia
Syria
Union of South Africa
United Kingdom of Great Britain and Northern Ireland
United States of America

PROTOCOL MODIFYING PART II AND ARTICLE XXVI
OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as the Agreement),

Desiring to effect an amendment to the Agreement, pursuant to the provisions of Article XXX thereof,

HEREBY AGREE AS FOLLOWS:

1. The texts of Articles III, VI, XIII, XV, XVIII and XXVI of the Agreement and certain related provisions in Annex I shall be modified as follows:-

A

The text of Article III shall read:-

Article III

National Treatment on Internal Taxation and Regulation

1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production.

2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1.

3. With respect to any existing internal tax which is inconsistent with the provision of paragraph 2 but which is specifically authorized under a trade agreement, in force on April 10, 1947, in which the import duty on the taxed product is bound against increase, the contracting party imposing the tax shall be free to postpone the

application of the provisions of paragraph 2 to such tax until such time as it can obtain release from the obligations of such trade agreement in order to permit the increase of such duty to the extent necessary to compensate for the elimination of the protective element of the tax.

4. The products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products of national origin in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.

5. No contracting party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, no contracting party shall otherwise apply internal quantitative regulations in a manner contrary to the principles set forth in paragraph 1.

6. The provisions of paragraph 5 shall not apply to any internal quantitative regulation in force in the territory of any contracting party on July 1, 1939, April 10, 1947, or March 24, 1948, at the option of that contracting party; Provided that any such regulation which is contrary to the provisions of paragraph 5 shall not be modified to the detriment of imports and shall be treated as a customs duty for the purpose of negotiation.

7. No internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions shall be applied in such a manner as to allocate any such amount or proportion among external sources of supply.

8. (a) The provisions of this Article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale.

(b) The provisions of this Article shall not prevent the payment of subsidies exclusively to domestic producers, including payments to domestic producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this Article and subsidies effected through governmental purchases of domestic products.

9. The contracting parties recognize that internal maximum price control measures, even though conforming to

the other provisions of this Article, can have effects prejudicial to the interests of contracting parties supplying imported products. Accordingly, contracting parties applying such measures shall take account of the interests of exporting contracting parties with a view to avoiding to the fullest practicable extent such prejudicial effects.

10. The provisions of this Article shall not prevent any contracting party from establishing or maintaining internal quantitative regulations relating to exposed cinematograph films and meeting the requirements of Article IV."

B

The text of Article VI shall read:-

"Article VI

Anti-dumping and Countervailing Duties

1. The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. For the purposes of this Article, a product is to be considered as being introduced into the commerce of an importing country at less than its normal value, if the price of the product exported from one country to another

(a) is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or,

(b) in the absence of such domestic price, is less than either

(i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or

(ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

2. In order to offset or prevent dumping, a contracting party may levy on any dumped product an anti-dumping duty not greater in amount than the margin of dumping in respect of such product. For the purposes of this Article, the

margin of dumping is the price difference determined in accordance with the provisions of paragraph 1.

3. No countervailing duty shall be levied on any product of the territory of any contracting party imported into the territory of another contracting party in excess of an amount equal to the estimated bounty or subsidy determined to have been granted, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation, including any special subsidy to the transportation of a particular product. The term "countervailing duty" shall be understood to mean a special duty levied for the purpose of offsetting any bounty or subsidy bestowed, directly or indirectly, upon the manufacture, production or export of any merchandise.

4. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to anti-dumping or countervailing duty by reason of the exemption of such product from duties or taxes borne by the like product when destined for consumption in the country of origin or exportation, or by reason of the refund of such duties or taxes.

5. No product of the territory of any contracting party imported into the territory of any other contracting party shall be subject to both anti-dumping and countervailing duties to compensate for the same situation of dumping or export subsidization.

6. No contracting party shall levy any anti-dumping or countervailing duty on the importation of any product of the territory of another contracting party unless it determines that the effect of the dumping or subsidization, as the case may be, is such as to cause or threaten material injury to an established domestic industry, or is such as to retard materially the establishment of a domestic industry. The CONTRACTING PARTIES may waive the requirements of this paragraph so as to permit a contracting party to levy an anti-dumping or countervailing duty on the importation of any product for the purpose of offsetting dumping or subsidization which causes or threatens material injury to an industry in the territory of another contracting party exporting the product concerned to the territory of the importing contracting party.

7. A system for the stabilization of the domestic price or of the return to domestic producers of a primary commodity, independently of the movements of export prices, which results at times in the sale of the commodity for export at a price lower than the comparable price charged for the like commodity to buyers in the domestic market, shall be presumed not to result in material injury within the meaning of paragraph 6 if it is determined by consultation among the contracting parties substantially interested in the commodity concerned that:

- (a) the system has also resulted in the sale of the commodity for export at a price higher than the comparable price charged for the like commodity to buyers in the domestic market, and

- (b) the system is so operated, either because of the effective regulation of production, or otherwise, as not to stimulate exports unduly or otherwise seriously prejudice the interests of other contracting parties."

C

The phrase "and to any internal regulation or requirement under paragraphs 3 and 4 of Article III" in paragraph 5 of Article XIII shall be deleted.

D

The opening clause of paragraph 9 of Article XV shall read:-

"9. Nothing in this Agreement shall preclude:-

E

The text of Article XVIII shall read:-

"Article XVIII

Governmental Assistance to Economic Development
and Reconstruction

1. The contracting parties recognize that special governmental assistance may be required to promote the establishment, development or reconstruction of particular industries or branches of agriculture, and that in appropriate circumstances the grant of such assistance in the form of protective measures is justified. At the same time they recognize that an unwise use of such measures would impose undue burdens on their own economies and unwarranted restrictions on international trade, and might increase unnecessarily the difficulties of adjustment for the economies of other countries.

2. The CONTRACTING PARTIES and the contracting parties concerned shall preserve the utmost secrecy in respect of matters arising under this Article.

- A -

3. If a contracting party, in the interest of its economic development or reconstruction, or for the purpose of increasing a most-favoured-nation rate of duty in connection with the establishment of a new preferential agreement in accordance with the provisions of paragraph 3 of Article I, considers it desirable to adopt any non-discriminatory measure affecting imports which would conflict with an obligation which the contracting party has assumed under Article II of this Agreement, but which would not conflict with other provisions in this Agreement, such contracting party

- (a) shall enter into direct negotiations with all the other contracting parties. The appropriate Schedules to this Agreement shall be amended in accordance with any agreement resulting from such negotiations; or
- (b) shall initially or may, in the event of failure to reach agreement under sub-paragraph (a), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall determine the contracting party or parties materially affected by the proposed measure and shall sponsor negotiations between such contracting party or parties and the applicant contracting party with a view to obtaining expeditious and substantial agreement. The CONTRACTING PARTIES shall establish and communicate to the contracting parties concerned a time schedule for such negotiations, following as far as practicable any time schedule which may have been proposed by the applicant contracting party. The contracting parties shall commence and proceed continuously with such negotiations in accordance with the time schedule established by the CONTRACTING PARTIES. At the request of a contracting party, the CONTRACTING PARTIES may, where they concur in principle with the proposed measure, assist in the negotiations. Upon substantial agreement being reached, the applicant contracting party may be released by the CONTRACTING PARTIES from the obligation referred to in this paragraph, subject to such limitations as may have been agreed upon in the negotiations between the contracting parties concerned.

4. (a) If as a result of action initiated under paragraph 3 there should be an increase in imports of any product concerned, including products which can be directly substituted therefor, which if continued would be so great as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with the provisions of this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, provided that such measures do not restrict imports more than necessary to offset the increase in imports referred to in this sub-paragraph; except in unusual circumstances, such measures shall not reduce imports below the level obtaining in the most recent representative period preceding the date on which the contracting party initiated action under paragraph 3.

(b) The CONTRACTING PARTIES shall determine, as soon as practicable, whether any such measure should be continued, discontinued or modified. It shall in any case be terminated as soon as the CONTRACTING PARTIES determine that the negotiations are completed or discontinued.

(c) It is recognized that the relationships between contracting parties under Article II of this Agreement involve reciprocal advantages, and therefore any contracting party whose trade is materially affected by the action may suspend the application to the trade of the applicant contracting party of substantially equivalent obligations or concessions under this Agreement provided that the contracting party concerned has consulted the CONTRACTING PARTIES before taking such action and the CONTRACTING PARTIES do not disapprove.

-B-

5. In the case of any non-discriminatory measure affecting imports which would apply to any product in respect of which the contracting party has assumed an obligation under Article II of this Agreement and which would conflict with any other provision of this Agreement, the provisions of sub-paragraph (b) of paragraph 3 shall apply; Provided that before granting a release the CONTRACTING PARTIES shall afford adequate opportunity for all contracting parties which they determine to be materially affected to express their views. The provisions of paragraph 4 shall also be applicable in this case.

-C-

6. If a contracting party in the interest of its economic development or reconstruction considers it desirable to adopt any non-discriminatory measure affecting imports which would conflict with the provisions of this Agreement other than Article II, but which would not apply to any product in respect of which the contracting party has assumed an obligation under Article II, such contracting party shall notify the CONTRACTING PARTIES and shall transmit to the CONTRACTING PARTIES a written statement of the considerations in support of the adoption, for a specified period, of the proposed measure.

7. (a) On application by such contracting party the CONTRACTING PARTIES shall concur in the proposed measure and grant the necessary release for a specified period if, having particular regard to the applicant contracting party's need for economic development or reconstruction, it is established that the measure

(i) is designed to protect a particular industry established between January 1, 1939 and March 24, 1948, which was protected during that period of its development by abnormal conditions arising out of the war; or

(ii) is designed to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, when the external sales of such commodity have been materially reduced as a result of new or increased restrictions imposed abroad; or

(iii) is necessary in view of the possibilities and resources of the applicant contracting party to promote the establishment or development of a particular industry for the processing of an indigenous primary commodity, or for the processing of a by-product of such industry, which would otherwise be wasted, in order to achieve a fuller and more economic use of the applicant contracting party's natural resources and manpower and, in the long run, to raise the standard of living within the territory of the applicant contracting party, and is unlikely to have a harmful effect, in the long run, on international trade; or

(iv) is unlikely to be more restrictive of international trade than any other practicable and reasonable measure permitted under this Agreement, which could be imposed without undue difficulty, and is the one most suitable for the purpose having regard to the economics of the industry or branch of agriculture concerned and to the applicant contracting party's need for economic development or reconstruction.

The foregoing provisions of this sub-paragraph are subject to the following conditions:

(1) any proposal by the applicant contracting party to apply any such measure, with or without modification, after the end of the initial period, shall not be subject to the provisions of this paragraph; and

(2) the CONTRACTING PARTIES shall not concur in any measure under the provisions of (i), (ii) or (iii) above which is likely to cause serious prejudice to exports of a primary commodity on which the economy of the territory of another contracting party is largely dependent.

(b) The applicant contracting party shall apply any measure permitted under sub-paragraph (a) in such a way as to avoid unnecessary damage to the commercial or economic interests of any other contracting party.

8. If the proposed measure does not fall within the provisions of paragraph 7, the contracting party

(a) may enter into direct consultations with the contracting party or parties which, in its judgment, would be materially affected by the measure. At the same time, the contracting party shall inform the CONTRACTING PARTIES of such consultations in order to afford them an opportunity to determine whether all materially affected contracting parties are included within the consultations. Upon complete or substantial agreement being reached, the contracting party interested in taking the measure shall apply to

the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly examine the application to ascertain whether the interests of all the materially affected contracting parties have been duly taken into account. If the CONTRACTING PARTIES reach this conclusion, with or without further consultations between the contracting parties concerned, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as the CONTRACTING PARTIES may impose, or

- (b) may initially, or in the event of failure to reach complete or substantial agreement under subparagraph (a), apply to the CONTRACTING PARTIES. The CONTRACTING PARTIES shall promptly transmit the statement submitted under paragraph 6 to the contracting party or parties which are determined by the CONTRACTING PARTIES to be materially affected by the proposed measure. Such contracting party or parties shall, within the time limits prescribed by the CONTRACTING PARTIES, inform them whether, in the light of the anticipated effects of the proposed measure on the economy of the territory of such contracting party or parties, there is any objection to the proposed measure. The CONTRACTING PARTIES shall,
- (i) if there is no objection to the proposed measure on the part of the affected contracting party or parties, immediately release the applicant contracting party from its obligations under the relevant provision of this Agreement; or
- (ii) if there is objection, promptly examine the proposed measure, having regard to the provisions of this Agreement, to the considerations presented by the applicant contracting party and its need for economic development or reconstruction, to the views of the contracting party or parties determined to be materially affected, and to the effect which the proposed measure, with or without modification, is likely to have, immediately and in the long run, on international trade, and, in the long run, on the standard of living within the territory of the applicant contracting party. If, as a result of such examination, the CONTRACTING PARTIES concur in the proposed measure, with or without modification, they shall release the applicant contracting party from its obligations under the relevant provision of this Agreement, subject to such limitations as they may impose.

9. If, in anticipation of the concurrence of the CONTRACTING PARTIES in the adoption of a measure referred to in paragraph 6, there should be an increase or threatened increase in the imports of any product concerned, including products which can be directly substituted therefor, so substantial as to jeopardize the establishment, development or reconstruction of the industry or branch of agriculture concerned, and if no preventive measures consistent with this Agreement can be found which seem likely to prove effective, the applicant contracting party may, after informing, and when practicable consulting with, the CONTRACTING PARTIES, adopt such other measures as the situation may require, pending a decision by the CONTRACTING PARTIES on the contracting party's application; Provided that such measures do not reduce imports below the level obtaining in the most recent representative period preceding the date on which notification was given under paragraph 6.
10. The CONTRACTING PARTIES shall, at the earliest opportunity but ordinarily within fifteen days after receipt of an application under the provisions of paragraph 7 or sub-paragraphs (a) or (b) of paragraph 8, advise the applicant contracting party of the date by which it will be notified whether or not it is released from the relevant obligation. This shall be the earliest practicable date and not later than ninety days after receipt of such application; Provided that, if unforeseen difficulties arise before the date set, the period may be extended after consultation with the applicant contracting party. If the applicant contracting party is not so notified by the date set, it may, after informing the CONTRACTING PARTIES, institute the proposed measure.
11. Any contracting party may maintain any non-discriminatory protective measure affecting imports in force on September 1, 1947 which has been imposed for the establishment, development or reconstruction of a particular industry or branch of agriculture and which is not otherwise permitted by this Agreement; Provided that notification has been given to the other contracting parties not later than October 10, 1947 of such measure and of each product on which it is to be maintained and of its nature and purpose.
12. Any contracting party maintaining any such measure shall within sixty days of becoming a contracting party submit to the CONTRACTING PARTIES a statement of the considerations in support of the maintenance of the measure and the period for which it wishes to maintain it. The CONTRACTING PARTIES shall, as soon as possible, but in any case within twelve months from the date on which such contracting party becomes a contracting party, examine and give a decision concerning the measure as if it had been submitted to the CONTRACTING PARTIES for their concurrence under paragraphs 1 to 10 inclusive of this Article.
13. The provisions of paragraphs 11 and 12 of this Article shall not apply to any measure relating to a product in respect of which the contracting party has

assumed an obligation under Article II of this Agreement.

14. In cases where the CONTRACTING PARTIES decide that a measure should be modified or withdrawn by a specified date, they shall have regard to the possible need of a contracting party for a period of time in which to make such modification or withdrawal."

F

Sub-paragraph (b) and the designation "(a)" in paragraph 5 of Article XXVI shall be deleted.

G

(i) The following shall be inserted in Annex I immediately after the interpretative notes relating to Article II:-

"ad Article III

Any internal tax or other internal charge, or any law, regulation or requirement of the kind referred to in paragraph 1 which applies to an imported product and to the like domestic product and is collected or enforced in the case of the imported product at the time or point of importation, is nevertheless to be regarded as an internal tax or other internal charge, or a law, regulation or requirement of the kind referred to in paragraph 1, and is accordingly subject to the provisions of Article III.

Paragraph 1

The application of paragraph 1 to internal taxes imposed by local governments and authorities within the territory of a contracting party is subject to the provisions of the final paragraph of Article XXIV. The term "reasonable measures" in the last-mentioned paragraph would not require, for example, the repeal of existing national legislation authorizing local governments to impose internal taxes which, although technically inconsistent with the letter of Article III are not in fact inconsistent with its spirit, if such repeal would result in a serious financial hardship for the local governments or authorities concerned. With regard to taxation by local governments or authorities which is inconsistent with both the letter and spirit of Article III, the term "reasonable measures" would permit a contracting party to eliminate the inconsistent taxation gradually over a transition period, if abrupt action would create serious administrative and financial difficulties.

Paragraph 2

A tax conforming to the requirements of the first sentence of paragraph 2 would be considered to be inconsistent with the provisions of the second sentence only in

cases where competition was involved between, on the one hand, the taxed product and on the other hand, a directly competitive or substitutable product which was not similarly taxed.

Paragraph 5

Regulations consistent with the provisions of the first sentence of paragraph 5 shall not be considered to be contrary to the provisions of the second sentence in any case in which all of the products subject to the regulations are produced domestically in substantial quantities. A regulation cannot be justified as being consistent with the provisions of the second sentence on the ground that the proportion or amount allocated to each of the products which are the subject of the regulation constitutes an equitable relationship between imported and domestic products."

(ii) The texts of the interpretative notes to Article VI in Annex I shall read:-

"ad Article VI

Paragraph 1

Hidden dumping by associated houses (that is, the sale by an importer at a price below that corresponding to the price invoiced by an exporter with whom the importer is associated, and also below the price in the exporting country) constitutes a form of price dumping with respect to which the margin of dumping may be calculated on the basis of the price at which the goods are resold by the importer.

Paragraphs 2 and 3

Note 1

As in many other cases in customs administration, a contracting party may require reasonable security (bond or cash deposit) for the payment of anti-dumping or countervailing duty pending final determination of the facts in any case of suspected dumping or subsidization.

Note 2

Multiple currency practices can in certain circumstances constitute a subsidy to exports which may be met by countervailing duties under paragraph 3 or can constitute a form of dumping by means of a partial depreciation of a country's currency which may be met by action under paragraph 2. By "multiple currency practices" is meant practices by governments or sanctioned by governments."

(iii) The following shall be inserted in Annex I immediately after the interpretative notes relating to Article XVII:-

"ad Article XVIII

Paragraph 3

The clause referring to the increasing of a most-favoured-nation rate in connection with a new preferential agreement will only apply after the insertion in Article I of the new paragraph 3 by the entry into force of the amendment provided for in the Protocol Modifying Part I and Article XXIX of the General Agreement on Tariffs and Trade, dated September 14, 1948.

Paragraph 7(a)(ii) and (iii)

The word "processing", as used in these subparagraphs, means the transformation of a primary commodity or of a by-product of such transformation into semi-finished or finished goods but does not refer to highly developed industrial processes."

2. This Protocol shall, following its signature at the close of the Second Session of the CONTRACTING PARTIES, be deposited with the Secretary-General of the United Nations.
3. The deposit of this Protocol will, as from the date of deposit, constitute the deposit of the instrument of acceptance of the amendment set out in paragraph 1 of this Protocol by any contracting party the representative of which has signed this Protocol without any reservation.
4. The instruments of acceptance of those contracting parties which have not signed this Protocol, or which have signed it with a reservation as to acceptance, will be deposited with the Secretary-General of the United Nations.
5. The amendment set out in paragraph 1 of this Protocol shall, upon the deposit of instruments of acceptance pursuant to paragraphs 3 and 4 of this Protocol by two-thirds of the governments which are at that time contracting parties, enter into force in accordance with the provisions of Article XXX of the Agreement.
6. The Secretary-General of the United Nations will inform all interested governments of each acceptance of the amendment set out in this Protocol and of the date upon which such amendment enters into force.
7. The Secretary-General is authorized to effect registration of this Protocol at the appropriate time.

IN WITNESS WHEREOF the respective representatives, duly authorized to that effect, have signed the present Protocol.

DONE, at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September one thousand nine hundred and forty-eight.

This Protocol has been signed by the following countries:

Commonwealth of Australia (ad referendum)
Kingdom of Belgium
United States of Brazil (ad referendum)
Canada (ad referendum)
Ceylon (ad referendum)
Republic of China (ad referendum)
Republic of Cuba
Czechoslovak Republic (ad referendum)
French Republic
India (ad referendum)
Lebanon
Grand Duchy of Luxembourg
Kingdom of the Netherlands
New Zealand (ad referendum)
Kingdom of Norway
Pakistan
Syria
Union of South Africa (ad referendum)
United Kingdom of Great Britian and Northern Ireland
(ad referendum)
United States of America

PROTOCOL MODIFYING PART I AND ARTICLE XXIX OF
THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as the Agreement),

Desiring to effect an amendment to the Agreement, pursuant to the provisions of Article XXX thereof,

HEREBY AGREE AS FOLLOWS:

1. The texts of Articles I, II and XXIX of the Agreement and certain related provisions in Annexes A and I shall be modified as follows:-

A

- (i) The phrase "paragraphs 1 and 2 of Article III" in paragraph 1 of Article I shall read: "paragraphs 2 and 4 of Article III".
- (ii) The phrase "paragraph 3 of this Article" in paragraph 2 of Article I shall read "paragraph 4 of this Article".
- (iii) Paragraph 3 of Article I shall be renumbered paragraph 4 of that Article and the following paragraph shall be inserted as a new paragraph 3 thereof:-

"3. The provisions of paragraph 1 shall not apply to preferences between the countries formerly a part of the Ottoman Empire and detached from it on July 24, 1923, provided such preferences are approved under subparagraph 5(a) of Article XXV which shall be applied in this respect in the light of paragraph 1 of Article XXIX."

B

The phrase "paragraph 1 of Article III" in paragraph 2(a) of Article II shall read "paragraph 2 of Article III".

C

The text of Article XXIX shall read:-

"Article XXIX

The Relation of this Agreement to the Havana Charter

1. The contracting parties undertake to observe to the fullest extent of their executive authority the general principles of Chapters I to VI inclusive and of Chapter IX of the Havana Charter pending their acceptance of it in accordance with their constitutional procedures.
2. Part II of this Agreement shall be suspended on the day on which the Havana Charter enters into force.
3. If by September 30, 1949, the Havana Charter has not entered into force, the contracting parties shall meet before December 31, 1949, to agree whether this Agreement shall be amended, supplemented or maintained.
4. If at any time the Havana Charter should cease to be in force, the contracting parties shall meet as soon as practicable thereafter to agree whether this Agreement shall be supplemented, amended or maintained. Pending such agreement, Part II of this Agreement shall again enter into force; Provided that the provisions of Part II other than Article XXIII shall be replaced, mutatis mutandis, in the form in which they then appeared in the Havana Charter; and Provided further that no contracting party shall be bound by any provision which did not bind it at the time when the Havana Charter ceased to be in force.
5. If any contracting party has not accepted the Havana Charter by the date upon which it enters into force, the contracting parties shall confer to agree whether, and if so in what way, this Agreement insofar as it affects relations between such contracting party and other contracting parties, shall be supplemented or amended. Pending such agreement the provisions of Part II of this Agreement shall, notwithstanding the provisions of paragraph 2 of this Article, continue to apply as between such contracting party and other contracting parties.
6. Contracting parties which are Members of the International Trade Organization shall not invoke the provisions of this Agreement so as to prevent the operation of any provision of the Havana Charter. The application of the principle underlying this paragraph to any contracting party which is not a Member of the International Trade Organization shall be the subject of an agreement pursuant to paragraph 5 of this Article."

D

The following paragraph shall be added at the conclusion of Annex A relating to Article I:-

"The Dominions of India and Pakistan have not been mentioned separately in the above list since they had not come into existence as such on the base date of April 10, 1947."

E

(i) The phrase "paragraphs 1 and 2 of Article III" in the interpretative note to paragraph 1 of Article I in Annex I shall read "paragraphs 2 and 4 of Article III".

(ii) The following new paragraph shall be inserted at the end of the interpretative note to paragraph 1 of Article I in Annex I:-

"The cross references, in the paragraph immediately above and in paragraph 1 of Article I, to paragraphs 2 and 4 of Article III shall only apply after Article III has been modified by the entry into force of the amendment provided for in the Protocol Modifying Part II and Article XXVI of the General Agreement on Tariffs and Trade, dated September 14 1948."

(iii) The heading "Paragraph 3" in the interpretative note to Article I in Annex I shall read: "Paragraph 4".

(iv) The following shall be inserted in Annex I immediately after the heading "ad Article II":-

"Paragraph 2 (a)

The cross reference, in paragraph 2 (a) of Article II, to paragraph 2 of Article III shall only apply after Article III has been modified by the entry into force of the amendment provided for in the Protocol Modifying Part II and Article XXVI of the General Agreement on Tariffs and Trade, dated September 14 , 1948".

(v) The text of the interpretative note to paragraph 4 of Article II in Annex I shall read:-

"Paragraph 4

Except where otherwise specifically agreed between the contracting parties which initially negotiated the concession, the provisions of this paragraph will be applied in the light of the provisions of Article 31 of the Havana Charter."

(vi) The following interpretative note shall be inserted in Annex I immediately after the interpretative note to Article XXVI:-

"ad Article XXIX

Paragraph 1

Chapters VII and VIII of the Havana Charter have been excluded from paragraph 1 because they generally deal with the organization, functions and procedures of the International Trade Organization."

2. This Protocol shall, following its signature at the close of the Second Session of the CONTRACTING PARTIES be deposited with the Secretary-General of the United Nations.

3. The deposit of this Protocol will, as from the date of deposit, constitute the deposit of the instrument of acceptance of the amendment set out in paragraph 1 of this Protocol by any contracting party the representative of which has signed this Protocol without any reservation.

4. The instruments of acceptance of those contracting parties which have not signed this protocol, or which have signed it with a reservation as to acceptance, will be deposited with the Secretary-General of the United Nations.

5. The amendment set out in paragraph 1 of this Protocol shall, upon the deposit of instruments of acceptance pursuant to paragraphs 3 and 4 of this Protocol by all the governments which are at that time contracting parties, enter into force in accordance with the provisions of Article XXX of the Agreement.

6. The Secretary-General of the United Nations will inform all interested governments of each acceptance of the amendment set out in this Protocol and of the date upon which such amendment enters into force.

7. The Secretary-General is authorized to effect registration of this Protocol at the appropriate time.

IN WITNESS WHEREOF the respective representatives, duly authorized to that effect, have signed the present Protocol.

DONE, at Geneva, in a single copy, in the English and French languages, both texts authentic, this 14th day of September one thousand nine hundred and forty-eight.

This Protocol has been signed by the following countries:

Commonwealth of Australia

Kingdom of Belgium

United States of Brazil (ad referendum)

Canada (ad referendum)

Ceylon (ad referendum)

Republic of China (ad referendum)

Republic of Cuba

Czechoslovak Republic (ad referendum)

French Republic

India (ad referendum)

Lebanon

Grand Duchy of Luxembourg

Kingdom of the Netherlands

New Zealand (ad referendum)

Kingdom of Norway

Pakistan

Southern Rhodesia (ad referendum)

Syria

Union of South Africa (ad referendum)

United Kingdom of Great Britain and Northern Ireland

United States of America

DECISION TAKEN BY THE CONTRACTING PARTIES
AT THE FIRST SESSION, HAVANA, MARCH, 1948.

2. DECISION TAKEN ON MARCH 20, 1948, CONCERNING THE FORMATION OF
A CUSTOMS UNION BETWEEN FRANCE AND ITALY

The CONTRACTING PARTIES DECIDE in terms of paragraph 5 of Article XXV that the provisions of the General Agreement on Tariffs and Trade shall not prevent the establishment of a customs union or interim agreement for a customs union between France and Italy which union or agreement conforms to the following requirements:

1. (a) The duties and other regulations of commerce imposed at the institution of any such union or interim agreement in respect of trade with contracting parties shall not on the whole be higher or more restrictive than the general incidence of the duties and regulations of commerce applicable in the constituent territories prior to the formation of such union or the adoption of such interim agreement, as the case may be;
- (b) Any interim agreement referred to in subparagraph (a) above shall include a plan and schedule for the attainment of such a customs union within a reasonable length of time.
2. If in fulfilling the requirements of sub-paragraph 1 (a), one of the parties proposes to increase any rate of duty inconsistently with the provisions of Article II of the General Agreement on Tariffs and Trade, the procedure set forth in Article XXVIII of that Agreement shall apply. In providing for compensatory adjustment, due account shall be taken of the compensation already afforded by the reductions brought about in the corresponding duty of the other constituents of the union.
3. (a) The two parties, deciding to enter into a customs union or an interim agreement leading to the formation of such a union, shall promptly notify the CONTRACTING PARTIES and shall make available to them such information regarding the proposed union as will enable them to make such reports and recommendations to contracting parties as they may deem appropriate.
- (b) If, after having studied the plans and schedules provided for in an interim agreement under paragraph 1, in consultation with the parties to that agreement and taking due account of the information made available in accordance with the terms of subparagraph (a), the CONTRACTING PARTIES find that such agreement is not likely to result in a customs union

within the period contemplated by the parties to the agreement or that such period is not a reasonable one, the CONTRACTING PARTIES shall make recommendations to the parties to the agreement. If the parties are not prepared to modify the agreement in accordance with such recommendations they shall not maintain it in force or institute such agreement if it has not yet been concluded.

(c) Any substantial change in the plan or schedule shall be notified to the CONTRACTING PARTIES which may request the two parties concerned to consult with them if the change seems likely to jeopardize or delay unduly the achievement of the customs union.

4. (a) A customs union shall be understood to mean the substitution of a single customs territory for two or more customs territories, so that

(i) tariffs and other restrictive regulations of commerce (except, where necessary, those permitted under Articles XI, XII, XIII, XIV, XV, XX and XXI of the General Agreement on Tariffs and Trade) are eliminated on substantially all the trade between the constituent territories of the union or at least on substantially all the trade in products originating in such territories and

(ii) substantially the same tariffs and other regulations of commerce are applied by each of the members of the union to the trade of territories not included in the union, subject to the provisions of paragraph 5;

5. The preferences referred to in paragraph 2 of Article I of the General Agreement on Tariffs and Trade shall not be affected by the constitution of a customs union but may be eliminated or adjusted by means of negotiations with contracting parties affected. This procedure of negotiations with affected contracting parties shall in particular apply to the elimination of preferences required to conform with the provisions of sub-paragraph (a) (1) of paragraph 4.

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DECISIONS TAKEN BY THE CONTRACTING PARTIES AT THE SECOND
SESSION, GENEVA, AUGUST-SEPTEMBER, 1948.

6. DECISION TAKEN ON SEPTEMBER 7, 1948, CONCERNING THE REQUEST
OF THE GOVERNMENT OF BRAZIL,
FOR WITHDRAWAL OF CONCESSIONS IN
SCHEDULE III.

The CONTRACTING PARTIES, acting pursuant to paragraph 5(a) of Article XXV of the General Agreement on Tariffs and Trade,

Taking note of the provisions of Law No. 313 enacted by the Government of Brazil on July 30, 1948, which provides for the re-establishment of the former rates of customs duty on certain products in excess of the maximum rates provided for in Schedule III of the Agreement,

Considering that in respect of a substantial number of other products the rates of customs duty presently applied to imports into Brazil are lower than the maximum rates provided for in Schedule III of the Agreement,

Hereby decide as follows:

1. Subject to paragraphs 2 and 3 of this Decision, the provisions of Article II of the General Agreement on Tariffs and Trade shall be waived to the extent necessary to permit the application by the Government of Brazil to almanacs and calendars, powdered milk and pure penicillin of rates of ordinary customs duty not in excess of the following:

<u>Brazilian Tariff Item Number</u>	<u>Description of Products</u>	<u>Rate of Duty (Cruzeiros)</u>
98/3	Milk in powder, tablets or other state, with or without sugar.....L.K.	2.60
545/3 Ex	Almanacs and calendars: Loose, brochured, boarded or bound in paper-covered binding with cloth or leather backs.....L.K.	0.84
1530 Ex	Penicillin, pure.....	25% ad valorem

2. Negotiations shall begin immediately, at Rio de Janeiro, between the Governments of Brazil, the United Kingdom and the United States with a view to reaching definitive agreement as to the compensation to be given by Brazil for the partial withdrawal of concessions on the products listed above. Such compensation may take the form of the binding or reduction of existing duties on any product or products imported into Brazil, whether or not such products are now

described in Schedule III of the General Agreement on Tariffs and Trade.

3. During the negotiations provided for in paragraph 2 the Government of Brazil shall abstain from increasing the rate of duty presently applicable to any product described in Schedule III except as provided for in paragraph 1, above.

4. The agreement reached as a result of the negotiations provided for in paragraph 2 shall be communicated to the other contracting parties through the Chairman and shall become an integral part of the General Agreement on Tariffs and Trade. If no agreement is reached by December 15, 1948, this Decision shall on that day cease to have force and effect.

7. DECISION TAKEN ON SEPTEMBER 8, 1948, CONCERNING A WAIVER
IN RESPECT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The CONTRACTING PARTIES, acting pursuant to paragraph 5 (a) of Article XXV of the General Agreement on Tariffs and Trade,

Taking note of the request of the Government of the United States with respect to the establishment of preferential treatment for imports into the United States from the Marshall, Caroline and Marianas Islands (other than Guam), which islands were formerly held by Japan under mandate and which, by agreement with the Security Council of the United Nations approved on April 2, 1947, have been placed under the trusteeship system of the United Nations with the United States as the administering authority,

Considering that while under Japanese mandate, the exports of such islands were entitled to preferential treatment in the market of the metropolitan territory of Japan, upon which such exports were substantially dependent, and that such preferential treatment has been terminated upon the establishment of the trusteeship under the administration of the United States,

Considering further that while under Japanese mandate such islands applied a system of preferential treatment for imports from Japan, which system will, under United States administration, be replaced by a system of non-discriminatory treatment for the goods of all countries,

And considering further that the replacement of preferential entry for the exports of such islands into the market of Japan by preferential entry into the market of the United States is not, in view of the nature and small volume of the production and trade involved and of the underlying economic factors affecting such production and trade, likely to result in substantial injury to the trade of any of the contracting parties,

HEREBY DECIDE AS FOLLOWS :

1. Subject to paragraph 2 of this Decision, the provisions of paragraph 1 of Article I of the General Agreement on Tariffs and Trade shall be waived to the extent necessary to permit the Government of the United States

(a) to accord duty-free treatment, except as otherwise provided for in paragraph (b), to all products of the Trust Territory of the Pacific Islands imported into the customs territory of the United States without obligation thereby to extend the same treatment to the like products of the other contracting parties, and

(b) to accord, in respect of products of the Trust Territory of the Pacific Islands imported into the customs territory of the United States, the same

rate of internal tax on the processing of coconut-oil (or, if such internal tax should be converted into the equivalent import duty, the same rate of equivalent duty) as may be applied consistently with the General Agreement on Tariffs and Trade, in respect of the like products of the Philippine Republic, without obligation to extend the same treatment to the like products of the other contracting parties.

2. The margins of preference created upon the institution of the treatment provided for in paragraph 1 shall thereafter be bound against increase in the same manner as other preferences under the General Agreement on Tariffs and Trade and for this purpose the date of April 10, 1947, referred to in sub-paragraphs (a) and (b) of the final paragraph of Article I of the General Agreement shall be replaced by the date on which such treatment is instituted; such date shall be notified to the CONTRACTING PARTIES by the Government of the United States.

3. In the event that the underlying economic factors affecting the production and trade of the Trust Territory of the Pacific Islands should change so that the preferences authorized by this Decision should result or threaten to result in substantial injury to the competitive trade of any contracting party, the CONTRACTING PARTIES, upon the request of any affected contracting party, shall review this Decision in the light of all relevant circumstances.

8. DECISIONS taken on September 14, 1948 concerning the application of Article XVIII

I

The CONTRACTING PARTIES,

exercising their power of waiver under paragraph 5 (a) of Article XXV of the General Agreement on Tariffs and Trade,

HAVING considered the circumstances relating to the notification by October 10 1947 of measures under paragraph 6 of Article XVIII in force on September 1, 1947, in overseas territories for which the United Kingdom has international responsibility

DECIDE that, with the exception of the date by which notification of existing measures is required, the provisions of paragraph 6 of Article XVIII shall apply to measures to restrict the import of tea into Mauritius and of "filled soap" into Northern Rhodesia in force on September 1, 1947, notified by the Government of the United Kingdom on August 23, 1948.

II

The CONTRACTING PARTIES

exercising the power of waiver under paragraph 5 (a) of Article XXV of the General Agreement on Tariffs and Trade,

HAVING noted the circumstances prevailing in the Netherlands Indies on September 1, 1947

DECIDE that the provisions of paragraph 6 of Article XVIII with the exception of the dates of September 1, 1947 and October 10, 1947 shall apply to the following measures of the type referred to in that paragraph notified in respect of the Netherlands Indies, on August 23, 1948:

1935 No.	86	- cement - latest bylaw 1940 No. 469
1935 No.	341	- iron frying pans - latest bylaw 1940 No. 259
1936 No.	542	- beer - latest bylaw 1940 No. 475
1934 No.	678	- coloured woven textiles (sarongs) - latest bylaw 1940 No. 229
1936 No.	65	- some categories of cotton textiles which can be woven on sarong looms - latest bylaw 1940 No. 431

III

The CONTRACTING PARTIES

exercising their power of waiver under paragraph 5 (a) of Article XXV of the General Agreement on Tariffs and Trade,

HAVING noted that decisions under the provisions of paragraph 6 of Article XVIII of the Agreement concerning measures notified by the Governments of Cuba and the Netherlands (the latter in respect of the Netherlands Indies) shall be given by January 16, 1949, and April 10, 1949 respectively and

HAVING noted that the next session of the CONTRACTING PARTIES is not scheduled to be held until April 1949 and that it is not possible to make the required decisions at the current session

DECIDE that the decisions in respect of the above mentioned measures shall be given at the Third Session of the CONTRACTING PARTIES.

RESOLUTIONS ADOPTED BY THE CONTRACTING PARTIES
AT THE SECOND SESSION, GENEVA, AUGUST-SEPTEMBER, 1948

9. RESOLUTION ADOPTED ON AUGUST 28, 1948
CONCERNING THE RESERVATION OF THE
GOVERNMENT OF CEYLON TO THE PROTOCOL
OF PROVISIONAL APPLICATION

"THE CONTRACTING PARTIES

Having considered the reservation made by the Government of Ceylon at the time of the signing of the Protocol of Provisional Application of the GATT, and

Taking note of the reference of the matter to the CONTRACTING PARTIES by the Government of Ceylon and the statement of its representative expressing the readiness of his Government to re-open negotiations with any of the other contracting parties in respect of the tariff items concerned at any convenient time and place,

Recommend under Article XXIII that the Government of Ceylon renegotiate with the contracting parties concerned not later than during the tariff negotiations, which are expected to commence in April 1949, and use its best endeavours to achieve a satisfactory adjustment."

In recommending the adoption of this resolution the Working Party wishes to express its opinion that the case of Ceylon was considered in the light of the present special difficulties of this country and should not serve as a precedent for other cases which should be treated in accordance with the particular circumstances.

10. Resolution adopted on September 7, 1948,
Concerning the Applicability of Article XXXIII
to Signatories of the Final Act of October
30, 1947 Failing to Sign the Protocol of
Provisional Application by June 30, 1948.

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CONSIDERING that Article XXXIII of the General Agreement on Tariffs and Trade provides for the accession to the General Agreement of governments not "party" to that Agreement, and

CONSIDERING the fact that the Protocol of Provisional Application of the General Agreement, which stated that it should remain open for signature until June 30, 1948, was not signed by that date on behalf of all the governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment, signed October 30, 1947.

THE CONTRACTING PARTIES resolve that a government signatory of the Final Act of October 30, 1947 on behalf of which the Protocol of Provisional Application was not signed by June 30, 1948 shall not be considered to be a "party" within the meaning of Article XXXIII of the General Agreement in its Provisional Application and consequently that any such government may accede to such Agreement pursuant to the provisions of Article XXXIII.

