

GATT/L/29
16 March 1948

ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE

AMENDMENT TO PARAGRAPH 6 OF ARTICLE XVIII
SUGGESTED BY THE BRAZILIAN DELEGATION

In order to bring paragraph 6 of Article XVIII of the GATT into conformity with the phrasing of paragraph 1 (a) of Article 14, as amended by Committee II of the Conference (See document E/CONF.2/41, page 13), the Brazilian delegation suggests that the following proviso be added to the first proviso of paragraph 6 of Article XVIII of the GATT:

"; and Provided that, if in special circumstances the Contracting Parties to this Agreement agree to dates other than those specified in this paragraph, such other dates shall apply".

JUSTIFICATION

The signatories of the GATT who have been unable so far and which may not be in a position to ratify the Agreement for some time may, in the meantime, have the need to apply measures inconsistent with the provision of Part II of the Agreement on non-negotiated commitments. If those signatories were Contracting Parties there would be no difficulty as they would have the machinery available to secure examination of such measures in accordance with the provisions of Article XVIII in its present form or as amended by the Conference in the form of the new Article 13 of the Charter.

For reasons beyond the control of their respective Governments, as explained in paragraph 13 of the Report of Sub-Committee C of Committee II on Articles 13 and 14 (document E/CONF.2/C.2/41), those signatories may find themselves unable for sometime to apply the provisions of the GATT. If an amendment were accepted by the Contracting Parties to consider an application for new dates to be established and to replace those of September 1, 1947, and October 10, 1947, the problem here contemplated would be adequately taken care of. The measures which those signatories would have put into effect, after September 1, 1947, would then be on the same standing as those which were declared in Geneva on October 10, 1947,
/or as those of

or as those of signatories of the Final Act of Havana, non-signatories of the Final Act of Geneva, on the date of the deposit of the instrument of acceptance of the Charter or on the date of entry into force of the Charter, whichever is the earlier.

The amendment suggested is, therefore, designed to meet situations not at present envisaged in the Agreement and to avoid the political and administrative difficulties which non-Contracting Parties would find themselves in when they decide to ratify such Agreement.