

RESTRICTED
LIMITED B
GATT/CP.2/12
13 August, 1948.

ORIGINAL : ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE
Contracting Parties
Second session
Item 5 of the provisional agenda.

AMENDMENT TO ARTICLE XXIX

GATT/1/57, issued at Havana on March 22nd, 1948, provided under paragraph 3(b)(i) that the agenda of the Second Session should include consideration of the amendments to the second sentence of paragraph 3, and paragraph 6 of Article XXIX, as proposed in GATT/1/21. The Government of the Netherlands have proposed that the agenda of the Second Session should also include consideration of the amendment to paragraph 1 of Article XXIX, as proposed in GATT/1/21.

The proposal contained in GATT/1/21 referred to a revision of the whole of Article XXIX. For the convenience of representatives of the Contracting Parties there is set forth herewith the whole of the proposed revision of Article XXIX as contained in GATT/1/21:

- "1. The contracting parties undertake to observe to the fullest extent of their executive authority the general principles 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. If the Havana Charter should thereafter cease to be in force, Part II of this Agreement shall thereupon again become effective subject to paragraph 4 of this Article, provided that the texts of Articles III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX and XXI shall be respectively replaced, mutatis mutandis, by the texts of Articles 18, 19, 32, 33, 34, 35, 36, 37, 20, 21, 22, 23, 24, 25, 30, 13, 40, 43 and 94 of the Havana Charter in the form in which they appear at the time the Havana Charter ceases to be in force.
- "3. If any contracting party has not accepted the Charter when it has entered into force, the contracting parties shall confer to agree whether, and if so in what way, this Agreement, insofar as it affects relations between the contracting party which has not accepted the Havana Charter 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 any contracting party which has not accepted the Havana Charter and the other contracting parties.
- "4. During the month of September 1949 should the Havana Charter not have entered into force, or at such earlier time as may be agreed if it is known that the Charter will not enter into force, or at such later time as may be

agreed if the Havana Charter ceases to be in force, the contracting parties shall meet to agree whether this Agreement shall be amended, supplemented or maintained.

"5. The signatories of the Final Act which are not at the time contracting parties shall be informed of any agreement which may be reached between the contracting parties under paragraph 3 or 4 of this Article.

"6. No contracting party shall invoke the provisions of this Agreement so as to prevent the operation of any provision of the Havana Charter when it has entered into force."