

RESTRICTED  
LIMITED B  
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3 September 1948  
ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE  
CONTRACTING PARTIES  
SECOND SESSION

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.

1. The phrase "paragraphs 1 and 2 of Article III" in paragraph 1 of Article I shall read: "paragraphs 2 and 4 of Article III."

2. The following paragraph shall be inserted as a new paragraph 3 in Article I, the present paragraph 3 becoming paragraph 4:-

"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 sub-paragraph 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 XXVIII 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 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.

Interpretative Notes ad Article I

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

Interpretative Notes ad Article II

The text of the interpretative note to paragraph 4 of Article II shall read:-

"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."

Interpretative Note ad Article XXIX

The following interpretative note to paragraph 1 of Article XXIX shall be inserted:-

"Chapters VII and VIII of the Havana Charter have been excluded 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 English and a single French copy, both texts authentic, this day of September one thousand nine hundred and forty eight.