

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED B

GATT/CP.3/49
28 June 1949

ORIGINAL: ENGLISH

CONTRACTING PARTIES

Third Session

Note by Executive Secretary

Draft Protocol Modifying Article XXVI
of the General Agreement

There is circulated herewith a draft of a Protocol modifying Article XXVI of the General Agreement. This amendment follows the suggestion contained in the report of Working Party No.1 on Accession (GATT/CP.3/37, p.10) and is intended to bring paragraph 4 of Article XXVI into line with paragraph 9 of the Annecy Protocol of Terms of Accession.

It is suggested that the protocol be examined in the first instance by Working Party No.1 on Accession and then submitted to the CONTRACTING PARTIES for approval.

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

The Governments of acting in their capacity of contracting parties to the General Agreement on Tariffs and Trade, (hereinafter referred to as the General Agreement)

Desiring of modifying Article XXVI of the General Agreement in the light of Article 104 of the Havana Charter for an International Trade Organization which was authenticated by the Final Act of the United Nations Conference on Trade and Employment, and

Desiring, for that purpose, to effect an amendment to Article XXVI of the General Agreement, pursuant to the provisions of Article XXX thereof,

HEREBY AGREE as follows:

1. The text of paragraph 4 of Article XXVI of the General Agreement shall be amended to read as follows:-

"4(a) Each government accepting this Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of its acceptance.

(b) Any government, which has so notified the Secretary-General, may at any time give notice to the Secretary-General that its acceptance shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the date on which it is received by the Secretary-General.

(c) If any of the customs territories, in respect of which a contracting party has made this Agreement effective, possesses or acquires full autonomy in the conduct of its external commercial

relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party."

2. This Protocol shall, following its signature at the close of the Third 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, become effective in accordance with the provisions of Article XXX of the General Agreement.

6. The Secretary-General of the United Nations will inform each member of the United Nations and each other government which participated in the United Nations Conference on Trade and Employment of each acceptance of the amendment set out in this Protocol and of the date upon which such amendment becomes effective.

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

IN WITNESS WHEREOF ETC.

