

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED B

GATT/CP.3/49/Rev.1
19 July, 1949
ORIGINAL: English

CONTRACTING PARTIES

Third Session

REPORT OF WORKING PARTY 1 ON ACCESSION ON THE
DRAFT PROTOCOL MODIFYING ARTICLE XXVI
OF THE GENERAL AGREEMENT

The Working Party has examined the draft contained in GATT/CP 3/49 and submits the attached revised draft for approval by the CONTRACTING PARTIES. Proposed deletions from the original draft are indicated by square brackets and proposed additions by underlining.

The Working Party considered that the second paragraph of the preamble should be deleted on the ground that it was redundant; moreover, one member of the Working Party considered that the reference to Article 104 of the Havana Charter was undesirable in view of the fact that the Charter is not yet in force and is at present pending for consideration by the legislative bodies of some countries. The other modifications suggested by the Working Party are minor points of drafting, some of which are suggested in order to make the text correspond with the terminology employed in the General Agreement and in the Annecy Protocol of Terms of Accession.

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 own acceptance.

(b) Any government, which has so notified the Secretary-General under the exceptions in sub-paragraph (a) of this paragraph, 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 lay on which it is received by the Secretary-General.

(c) If any of the customs territories, in respect of which a contracting party has accepted /~~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 XIX 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 paragraph 1 of this Protocol and of the date upon which such amendment becomes effective in accordance with paragraph 5 of this Protocol.

7. The Secretary-General is authorized to register effect registration of this Protocol at the appropriate time in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF ETC.