

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED E

GATT/CP.3/70
5 August 1949

ORIGINAL: ENGLISH

Contracting Parties

Third Session

PROTOCOL OF ACCESSION

STATEMENT BY THE UNITED STATES DELEGATION

Note by the Secretariat

The following statement by the United States delegation has been referred directly to the Joint Working Party on Accession for report to the Contracting Parties and the Tariff Negotiations Committee:

"As is generally known, legislation is now pending in the United States Congress to extend the duration of the authority under which the United States would enter into agreements formulated at Annecy. A possibility has developed that in its final form that legislation will make it a practical necessity for the United States to consider, for purposes of its domestic legislation, that it is making a separate agreement, as well as a separate decision, with respect to the accession of each new government to the General Agreement. This would appear to require a separate protocol of accession for each acceding government, to which would be attached the schedule of all concessions negotiated by that government and a schedule for each present contracting party which negotiated with that government containing the concessions negotiated by that contracting party with that acceding government.

Although it is hoped that this necessity will not materialize, it is deemed advisable to prepare for it on an alternative basis. There is accordingly submitted herewith for consideration and subsequent discussion a draft of a sample protocol for the accession of a single government. The draft is of a protocol for the Republic of Colombia because of the special provision in paragraph 1(d), which would be suitably modified in the case of Uruguay, and omitted in the case of each other acceding government.

It is proposed by the United States that this draft, with any revision which may be found necessary or desirable, be considered by the Joint Working Party on Accession and approved by the Contracting Parties and the Tariff Negotiating Committee before the present session of the Contracting Parties is adjourned on August 13, with the understanding that the approval is for alternative use of the separate protocols of accession if the United States finds itself obliged to sign separate protocols instead of a single one for all acceding governments.

PROTOCOL OF TERMS OF ACCESSION OF COLOMBIA
TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of which are the present contracting parties to the General Agreement on Tariffs and Trade (Hereinafter called "the present contracting parties" and "the General Agreement" respectively), and the Government of Colombia.

HAVING regard to the results of the negotiations directed towards the accession of the Government of Colombia to the General Agreement,

In accordance with the provisions of Article XXXIII of the General Agreement:-

HEREBY AGREE upon the terms on which the Government of Colombia may so accede, which terms are embodied in this Protocol,

AND the present contracting parties DECIDE by a decision of two-thirds majority, taken in the manner provided in paragraph 11 of this Protocol, upon the accession to the General Agreement of the Government of Colombia.

1. (a) Subject to the provisions of this Protocol, the Government of Colombia shall, upon the entry into force of this Protocol, apply provisionally:
 - (i) Parts I and III of the General Agreement, and
 - (ii) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.
- (b) The obligations incorporated in paragraph 1 of Article I of the General Agreement by reference to Article III thereof and those incorporated in paragraph 2(b) of Article II by reference to Article VI shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.
- (c) For the purposes of the General Agreement, the Schedule contained in Annex B to this Protocol shall be regarded as a Schedule to the General Agreement relating to the Government of Colombia.

- (d) Notwithstanding the provisions of paragraph 1 of Article I of the General Agreement, signature of this Protocol by the Government of Colombia shall not require the elimination of any preferences in respect of import duties or charges which do not exceed the levels provided for in paragraph 4 of Article I of the General Agreement, as modified, and which are in force exclusively between Colombia on the one hand and Ecuador and Venezuela on the other hand.
2. Upon the entry into force of this Protocol, the Government of Colombia shall become a contracting party as defined in Article XXII of the General Agreement.
 3. Notwithstanding the provisions of paragraph 12, the concessions provided for in the Schedule relating to each present contracting party and contained in Annex A to this Protocol shall not enter into force for that contracting party unless notification of the intention to apply these concessions has first been received by the Secretary-General of the United Nations from that contracting party. Such concessions shall thereafter enter into force for that contracting party either on the date on which this Protocol enters into force pursuant to paragraph 12 or on the thirtieth day following the day upon which such notification is received by the Secretary-General, whichever is the later. Such notification shall only be effective if received by the Secretary-General not later than April 30, 1950. Upon the entry into force of such concessions the appropriate Schedule shall be regarded as a Schedule to the General Agreement relating to that contracting party.
 4. The Government of Colombia shall be free at any time to withhold or to withdraw in whole or in part any concession, provided for in the Schedule contained in Annex B to this Protocol, in respect of which the Government of Colombia determines that it was initially negotiated with a present contracting party which has not given the notification referred to in paragraph 3 or with a government which is not then a contracting party to the General Agreement; Provided that the Government of Colombia shall give notice to all present contracting parties and to all other

governments which negotiated for accession to the General Agreement at the Third Session of the Contracting Parties thereto within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with the contracting parties which have a substantial interest in the product concerned; and Provided further that, without prejudice to the provisions of Article XXXV of the General Agreement, any concession so withheld or withdrawn shall be applied from the thirtieth day following the day upon which the present contracting party or other government with which it was initially negotiated gives the notification referred to in paragraph 3 or signs this Protocol.

5. (a) In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Schedules annexed to this Protocol shall be the date of this Protocol.
 - (b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII and sub-paragraph 3(c) of Article X of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Government of Colombia shall be March 24, 1948.
 - (c) In the case of the references in paragraph 11 of Article XVIII of the General Agreement to September 1, 1947 and October 10, 1947, the applicable dates in respect of the Government of Colombia shall be May 14, 1949 and July 15, 1949, respectively.
6. The provisions of the General Agreement to be applied by the Government of Colombia shall be those contained in the text annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment as rectified, amended, or otherwise modified on the day on which this Protocol is signed by that Government. Signature of this Protocol by the Government of Colombia, to be effective, shall be accompanied by appropriate action accepting any rectification, amendment, or other modification which has been drawn up by the CONTRACTING PARTIES for submission to governments for acceptance but which has not become effective by the date of signature of this Protocol by the Government of Colombia.

7. After signing this Protocol, the Government of Colombia shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.
8. (a) After signing this Protocol, unless it has given notice of withdrawal under paragraph 7, the Government of Colombia may, on or after the date on which the General Agreement enters into force pursuant to Article XXVI thereof, accede to that Agreement upon the terms of this Protocol by deposit of an instrument of accession with the Secretary-General of the United Nations. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI, or on the thirtieth day following the day of the deposit of the instrument of accession, whichever shall be the later.
(b) Accession to the General Agreement pursuant to paragraph 8(a) of this Protocol shall, for the purpose of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.
9. (a) The Government of Colombia in signing this Protocol, or depositing an instrument of accession under paragraph 8(a), and each present contracting party giving the notification referred to in paragraph 3, does so in respect of its metropolitan territory and of any 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 such signature, deposit, or notification under paragraph 3.
(b) The Government of Colombia or any present contracting party which has notified the Secretary-General, under the exception in sub-paragraph (a) of this paragraph, may at any time give notice to the Secretary-General that such signature, accession, or notification under paragraph 3 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 day on which it is received by the Secretary-General.

- (c) If any of the customs territories, in respect of which the Government of Colombia has made the General Agreement effective, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in the General Agreement, such territory shall, upon sponsorship through a declaration by the Government of Colombia establishing the above mentioned fact, be deemed to be a contracting party.

10. (a) This Protocol shall be open for signature at Annecy until _____ . The original text of this Protocol shall thereafter be deposited with the Secretary-General of the United Nations and shall remain open for signature at the Headquarters of the United Nations by present contracting parties until November 30, 1949 and by the Government of Colombia until April 30, 1950.

- (b) The Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature thereto, of each deposit of an instrument of accession under paragraph 8(a), and of each notification or notice under paragraph 3, 7, 9(a) or 9(b), to each Member of the United Nations and to each other government which participated in the United Nations Conference on Trade and Employment.

- (c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.

11. Upon the signature of this Protocol by two-thirds of the present contracting parties, it shall constitute a decision taken under Article XXXIII of the General Agreement agreeing to the accession of the Government of Colombia.

12. If this Protocol has been signed by November 30, 1949 by two-thirds of the present contracting parties, it shall enter into force, subject

to the provisions of paragraph 3.

- (a) on January 1, 1950, if it has been signed by the Government of Colombia by November 30, 1949, or
- (b) on the thirtieth day following the day on which it shall have been signed by the Government of Colombia, if it has not been signed by that Government by November 30, 1949.

DONE at Annecy, in a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to Schedules annexed hereto, this day of, one thousand nine hundred and forty-nine.

For _____)	Here would be listed the present contracting parties.	For the Government of Colombia
_____)		
For _____)		_____
_____)		

ANNEX A

(to be inserted)

ANNEX B

(to be inserted) "