

GENERAL AGREEMENT  
ON TARIFFS AND  
TRADE

ACCORD GENERAL SUR  
LES TARIFFS DOUANIERS  
ET LE COMMERCE

RESTRICTED  
LIMITED B  
GATT/CP.3/33  
GATT/TN.1/32  
12 August 1949

ORIGINAL: ENGLISH

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CONTRACTING PARTIES

Tariff Negotiations Committee

SUPPLEMENTARY REPORT OF THE JOINT WORKING PARTY  
ON ACCESSION TO THE CONTRACTING PARTIES AND THE  
TARIFF NEGOTIATIONS COMMITTEE

1. Protocol of Accession - Statement by the United States  
Delegation (GATT/CP.3/70)

The Working Party, having heard further explanations by the representative of the United States regarding the difficulties the Annex Protocol of Accession as at present drafted might present to his Government, recommends to the Tariff Negotiations Committee and the CONTRACTING PARTIES the attached draft documents:

The first is a draft of a decision of terms of accession to be known as the Annex Decision on Terms of Accession to the General Agreement on Tariffs and Trade. This Decision embodies the terms of accession in substantially the same form as those included in the former draft protocol. Annexed to the Decision would be the schedules of present contracting parties (Annex A), with the same numbers as other existing schedules and with Schedule XX (United States of America) containing a separate division for each acceding government. There would also be annexed the schedules of the acceding governments (Annex B). In addition to the Decision, there would be a separate protocol for the accession of each acceding government. This protocol would contain provisions for the entry into force of the concessions contained in a Schedule containing separate divisions for individual acceding governments. The concessions of other contracting parties would enter into force in accordance with paragraph 3 of the Decision. The separate

protocol would also contain any special provisions regarding preferences which were previously in the Draft Protocol of Terms of Accession. It is provided in the Decision that, upon signature by two-thirds of the present contracting parties of the Protocol for the accession of a particular acceding government, it (the Decision) shall constitute a decision taken under Article XXXIII of the General Agreement relating to the accession of that government.

In summary, the present proposal does not differ in any substantial degree from the scheme of the present Draft Protocol. All contracting parties who wish to do so will be able to embody their Annex concessions in consolidated schedules, whereas it will be open to any of them to have a schedule with a separate division for each acceding government. The terms of accession embodied in the Decision are incorporated by reference in each separate protocol.

2. Protocol embodying results of United Kingdom/Norway negotiations (GATT/CP/3/74).

In view of the recommendation in 1) above, the United Kingdom and Norwegian delegations have withdrawn their proposal for a separate protocol to embody the results of the negotiations between the United Kingdom and Norway (GATT/CP/3/74).

3. Import restrictions on items which may be included in the Italian Schedule of Concessions (GATT/CP.3/81).

The Working Party considered that the objective aimed at in the suggestion contained in GATT/CP.3/81, i.e. the insertion of a paragraph in the Protocol of Accession or in the Italian Schedule, could be more simply achieved by a waiver under Article XXV (5) (a) of the General Agreement. They therefore recommend the adoption by the CONTRACTING PARTIES of the following Decision:

"The CONTRACTING PARTIES, on the basis of Article XXV (5) (a) of the General Agreement on Tariffs and Trade, decide that, notwithstanding anything contained in paragraph 13 of

Article XVIII, the Italian Government may continue to apply to radio electric apparatus listed in Items ..... \* of the new Italian tariff, on which the duties are consolidated in the Schedule of tariff concessions negotiated by the Italian Government at Annecy, the measures which it has notified to the CONTRACTING PARTIES under the terms of paragraph 11 of Article XVIII, pending a decision by the CONTRACTING PARTIES under paragraph 12 of Article XVIII."

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\* The tariff items will be inserted at the time when the Decision is considered by the CONTRACTING PARTIES.

ANNEXY DECISION ON TERMS OF ACCESSION TO THE  
GENERAL AGREEMENT ON TARIFFS AND TRADE

WHEREAS Article XXXIII of the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement") enables a government not a party to the General Agreement to accede to it upon terms to be agreed between such government and the CONTRACTING PARTIES to the General Agreement, and

HAVING REGARD to the results of the negotiations directed towards the accession of the Governments of \_\_\_\_\_ (hereinafter referred to as "the acceding governments") to the General Agreement,

THE CONTRACTING PARTIES DECIDE, by two-thirds majorities, in the manner provided in paragraph 11 of this Decision, upon the accession to the General Agreement of the acceding governments on the terms set forth in this decision and in the respective protocols for the accession of such governments which are annexed <sup>to his decision and shall be inserted therein:</sup> hereto.

1. (a) Subject to the provisions of this decision and of the protocol for the accession of a particular acceding government, that acceding government shall, upon the entry into force of such protocol, apply provisionally:
  - (i) Parts I and II 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 Decision.
- (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 schedules contained in Annex B to this Decision shall be regarded as Schedules to the General Agreement relating to acceding governments.

2. Upon the entry into force of the protocol for the accession of a particular acceding government, that government shall become a contracting party as defined in Article XXXII of the General Agreement.
3. If the schedule relating to a government which is a contracting party to the General Agreement on the date of this Decision (hereinafter referred to as a "present contracting party") has separate divisions for individual acceding governments, the concessions provided for in such schedule shall enter into force as provided for in the respective protocols annexed hereto. The concessions provided for in each other schedule relating to a present contracting party and contained in Annex A to this Decision 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 a protocol annexed to this Decision first enters into force 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. Any present contracting party which has given the notification referred to in paragraph 3 with respect to any schedule which does not contain divisions for separate acceding governments, or any acceding government which has signed the protocol for its accession, shall be free at any time to withhold or withdraw in whole or in part any concessions, provided for in the appropriate schedule contained in Annex A or B to this Decision, in respect of which such contracting party or acceding government determines that it was initially negotiated with an acceding government which has not signed the protocol for its accession or a present contracting party which has not given such notification; Provided that the present contracting party or acceding government withholding or withdrawing in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments 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 acceding government or present contracting party with which it was initially negotiated signs the protocol for the accession of such government or gives the notification referred to in paragraph 3.

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 Decision shall be the date of this Decision.
  - (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 each acceding government 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 each acceding government shall be May 14, 1949 and July 15, 1949, respectively.
6. The provisions of the General Agreement to be applied by an acceding government 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 the protocol for its accession is signed by such government. Signature of such protocol by an acceding government, 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 such protocol by that acceding government.
  7. Any acceding government which has signed the protocol for its accession 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) Any acceding government which has signed the protocol for its accession and has not given notice of withdrawal under Paragraph 7, 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 Decision 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 Decision shall, for the purposes 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) Each acceding government signing the protocol for its accession, 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 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 such signature, deposit, or notification under paragraph 3.



- (b) Any acceding government or 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 an acceding government has made the General Agreement effective, possesses or requires 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 responsible acceding government establishing the above-mentioned fact, be deemed to be a contracting party.
10. (a) The protocols annexed hereto shall be open for signature at Annecy in accordance with their terms.

The original text of this Decision and of the protocols annexed hereto shall thereafter be deposited with the Secretary-General of the United Nations and the protocols shall remain open for signature in accordance with their terms.

- (b) The Secretary-General of the United Nations shall promptly furnish certified copies of this Decision and of the protocols annexed hereto, and a notification of each signature to such protocols, of each deposit of an instrument of accession under paragraph 8 (a), and of each notification or notice under paragraph 5, 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 Decision and the protocols annexed hereto in accordance with Article 102 of the Charter of the United Nations.
11. Upon signature by two-thirds of the present contracting parties of the protocol for the accession of a particular acceding government, ~~this Decision~~ shall constitute a decision taken under Article XXXIII of the General Agreement agreeing to the accession of that **government**.
12. The original of this Decision shall consist of a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to schedules annexed hereto. The date of this Decision shall be September 10, 1949.

ANNEX A

(Schedules of present contracting parties, with the same numbers as their existing schedules, and with Schedule XX (United States of America) and any other Schedules for which it is desired containing a separate division for each acceding government.)

ANNEX B

(Schedules of acceding governments.)

MODEL PROTOCOL FOR THE ACCESSION OF AN ACCEDING GOVERNMENT  
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,

HEREBY AGREE to the accession of the Government of Colombia to the General Agreement upon the terms embodied in the Annex Decision on Terms of Accession to the General Agreement on Tariffs and Trade (hereinafter referred to as "the Annex Decision on Accession") and upon the following additional terms:

1. Notwithstanding the provisions 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. The concessions provided for in the Division for the Government of Colombia of any Schedule relating to a present con-

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\* Colombia has been selected as an example because of the special provision in paragraph 1, which would be suitably modified in the case of Uruguay, and omitted in the case of each other acceding government.

tracting party with divisions for separate acceding governments and contained in Annex A to the Annex Decision for Accession 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 day on which this Protocol enters into force or on the thirtieth day following the day on 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 Division for Colombia of such Schedule shall be regarded as a Schedule to the General Agreement relating to that contracting party. The Secretary-General of the United Nations shall promptly furnish a notice of each notification under this paragraph to each Member of the United Nations and to each other government which participated in the United Nations Conference on Trade and Employment.

3. This Protocol shall be open for signature at Annex 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 acceding governments until April 30, 1950.
4. If this Protocol has been signed by November 30, 1949 by two-thirds of the present contracting parties, it shall enter into force --

- (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 to the Annecy Decision on Accession, this 10th day of September, one thousand nine hundred and forty-nine.

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

