

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## PROCEDURES FOR ACCESSION

### Note by the Executive Secretary

Article XXXIII provides that a government may accede to the General Agreement "on terms to be agreed between such governments and the CONTRACTING PARTIES". When an application for accession is received the CONTRACTING PARTIES or the Council<sup>1</sup> arrange for relevant aspects of the commercial policy of the applicant country to be examined in a working party which may recommend that provisional accession be granted as an interim arrangement pending full accession under Article XXXIII, or that tariff negotiations with a view to full accession take place forthwith between the applicant government and those contracting parties wishing to participate in such negotiations, or a combination of these two procedures. If full accession is envisaged, a protocol containing the terms of accession is prepared by the trade negotiations body, but before this is opened for acceptance a decision approving the terms is submitted to a vote by the contracting parties. In accordance with Article XXXIII this decision must be adopted by a two-thirds majority. Provided the decision has been adopted the accession becomes effective following acceptance of the protocol by the acceding government.

Five governments, having indicated their desire to accede to the GATT, have been granted provisional accession, namely: Argentina, Iceland, Tunisia, the United Arab Republic and Yugoslavia. In addition, the Government of Ireland has expressed its desire to renew, during the course of the current trade negotiations, the discussions begun in a working party in 1960. The situation in respect of these six countries may be summarized as follows:

#### Argentina

The application for accession and Argentina's commercial policy were examined by a Working Party which was appointed by the Council in September 1960. Since Argentina was not ready to participate in the

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<sup>1</sup>At the seventeenth session the CONTRACTING PARTIES decided to entrust to the Council the task of processing applications for accession when the CONTRACTING PARTIES are not in session.

Dillon Round, provisional accession was recommended "pending tariff negotiations which would be initiated at the earliest practicable opportunity after the entry into force of the new tariff". With respect to the base date for the purposes of Article I:4, the Working Party considered that this should be fixed at the time of accession (9S/11 and 54). On 24 February 1964 the Government of Argentina advised that it intended to participate in the Kennedy trade negotiations with a view to accession (L/2200).

#### Iceland

The request for provisional accession, pending negotiations for full accession to be held during the Kennedy Round, and Iceland's commercial policy were examined by a working party appointed by the Council in December 1963. The Working Party recommended that the request be granted "as a step towards its accession pursuant to Article XXXIII". (12S/24 and 60)

#### Tunisia

The Working Party established by the CONTRACTING PARTIES in 1959 recommended that arrangements be made to meet Tunisia's request for accession and also to meet Tunisia's "second request for an arrangement of provisional accession pending definitive accession under Article XXXIII". (8S/15 and 62.) The Working Party examined Tunisia's commercial policy and concluded its report with the following paragraph:

"The question of the margins of preference which Tunisia may wish to maintain or grant to France when it becomes a contracting party, the questions of quantitative restrictions referred to above, as well as any other relevant questions can be examined when the terms of accession, pursuant to Article XXXIII, are being considered."

#### United Arab Republic

The United Arab Republic requested accession under Article XXXIII. The Working Party, appointed by the Council in June 1962 to consider this request, examined the United Arab Republic's commercial policy and recommended provisional accession since "it would not at present be practicable for negotiations to take place for definitive accession". The Declaration on Provisional Accession provides that accession under Article XXXIII will be "subject to the satisfactory conclusion of negotiations on customs tariffs or their equivalent, in accordance with rules and procedures to be adopted by the CONTRACTING PARTIES for this purpose, and to the settlement of other matters relevant to the application of the GATT". (11S/46 and 75.) On 7 October 1964 the Government of the United Arab Republic advised that it wished "to avail itself of the opportunity afforded by the trade negotiations now in progress to pursue the procedures for accession". (L/2273)

Yugoslavia

The Government of Yugoslavia made a formal request in October 1962 to accede to the GATT and indicated its desire to enter into tariff negotiations for accession as soon as such negotiations would become practicable after the adoption of a definitive customs tariff. The Working Party appointed by the Council recommended that Yugoslavia be given provisional accession to replace the previous arrangement. The Working Party further recommended that final accession should be effected "subject to the satisfactory conclusion of negotiations on customs tariffs in accordance with rules and procedures to be adopted by the CONTRACTING PARTIES and, if necessary for other matters, to the examination of the application of the provisions of the GATT".  
(11S/50 and 79)

Ireland

In September 1960 the Government of Ireland requested an opportunity to discuss the terms on which it could accede to the GATT. The Working Party established by the Council examined Ireland's commercial policy and recommended that Ireland be invited to participate in the 1961 tariff negotiations. The Working Party noted, however, that there were certain problems in connexion with the possible establishment of new or increased preferences and the imposition or maintenance of quantitative restrictions which "should be examined further with a view to finding solutions before the tariff negotiations were concluded" (9S/55). In a subsequent communication (EN.60/10) the Government of Ireland accepted the invitation to participate in the tariff negotiations, but drew attention to "the difficulty they would experience in deciding their future course of action unless, before entering into tariff negotiations with individual contracting parties on requests made for tariff bindings and tariff reductions, they have had an opportunity of examining any terms of accession which the CONTRACTING PARTIES may propose in relation to new or increased preferences applicable to certain members of the Commonwealth and quantitative restrictions applied to certain commodities". In November 1961 the Government of Ireland requested that further action in relation to the application be postponed (L/1614), but in April 1964 it indicated readiness to avail itself of the opportunity afforded by the forthcoming trade negotiations conference to renew discussions on the terms of accession (L/2212).

It is suggested that the Council should consider the procedures relating to the accession of these six governments and make whatever arrangements may be appropriate. These arrangements might include an instruction to the Trade Negotiations Committee to make provision for any of the six governments which desire to proceed with accession under Article XXXIII to participate in the current trade conference, it being understood that any matters concerning terms of accession, which are not directly related to trade negotiations, will be considered by the Council or the CONTRACTING PARTIES at such time as they feel would be appropriate.

