

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Limited Distribution

CONTRACTING PARTIES
Fifteenth Session

PROVISIONAL ACCESSION OF TUNISIA

Report of the Working Party

1. The Working Party has examined, in accordance with its terms of reference, the request by the Government of Tunisia to accede to the General Agreement under the provisions of Article XXXIII. The Working Party recommends that arrangements be made to meet Tunisia's request. It appears that the most convenient time to hold tariff negotiations between Tunisia and contracting parties, as a preliminary to accession, will be during the second part of the 1960/61 tariff conference.
2. The Working Party also recommends that the CONTRACTING PARTIES meet Tunisia's second request for an arrangement of provisional accession to the General Agreement pending definitive accession under Article XXXIII. Since the Government of Tunisia is prepared to base its commercial relations with contracting parties on the provisions of the General Agreement, and since a number of contracting parties are also prepared to base their commercial relations with Tunisia on the General Agreement, the Working Party recommends that Tunisia be invited without delay to participate in the work of the CONTRACTING PARTIES and that a declaration be opened for acceptance whereby commercial relations between Tunisia and those governments which accept the declaration will be based upon the General Agreement pending Tunisia's full accession.
3. Accordingly, a draft decision and declaration have been prepared and are annexed to this report. The Working Party recommends these texts for approval by the CONTRACTING PARTIES.
4. In view of the fact that Tunisia will accede provisionally to the General Agreement without a schedule of bound duties, contracting parties which accept the declaration should be relieved of all direct obligations towards Tunisia where modification or withdrawal of concessions in their schedules is concerned. Accordingly, the declaration provides that Tunisia, while enjoying the full benefits of most-favoured-nation treatment under Article I, will not enjoy in its own right the concessions provided for under Article II, and that in any action by contracting parties in suspending, modifying or withdrawing concessions under other articles of the Agreement, in particular under Articles XVIII, XIX, XXVII and XXVIII, Tunisia will not participate in negotiations.

5. The representative of Tunisia submitted to the Working Party a statement on the foreign trade and exchange system of Tunisia. This was examined by the Working Party which noted that the customs union between France and Tunisia has been terminated and has been replaced by a Trade and Tariff Convention which, together with the new Tunisian tariff, entered into force on 1 October 1959.

6. The representative of Tunisia expressed his conviction that the commitments entered into by his country under the Trade and Tariff Convention with France, and in particular those relating to the imposition of quantitative restrictions, would not result in any conflict with the provisions of the General Agreement on which the Tunisian Government is prepared to base its commercial relations with contracting parties during the period of provisional accession. The representative of France stated that, in the negotiations which preceded the conclusion of the trade convention, the obligations of contracting parties under the General Agreement were taken into account and that he is confident there is no incompatibility between the two instruments.

7. The members of the Working Party enquired about the preferences and the level of preferential margins provided for in the Convention and were informed that, on the whole, the level of preference granted by Tunisia to France was lower than that which existed prior to the formation of the customs union. The Working Party did not attempt to compare the preferences provided for in the Convention with those which existed on 1 January 1939 (the base date in respect of the preferential arrangements of France for purposes of paragraph 4 of Article I), a comparison which would raise practical difficulties in view of the fact that at that time Tunisia's rates of duty were mainly specific, whereas in the new tariff they are mainly ad valorem and which would be of interest only as a matter of information since Tunisia is applying to accede to the General Agreement under Article XXXIII and cannot be bound by the obligations undertaken by France in 1947. The Working Party proposes that, during the period of provisional accession, Tunisia should be considered as being within its rights if it maintains preferential margins no higher than those now in force.

8. The question of the margins of preference which Tunisia may wish to maintain or grant to France when it becomes a contracting party, the question 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.

ANNEX

PARTICIPATION OF TUNISIA IN THE WORK OF THE
CONTRACTING PARTIES

(Decision of 1959)

Considering that the Government of Tunisia has made a request to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade to accede to the General Agreement in accordance with the provisions of Article XXXIII and is ready to enter into tariff negotiations with contracting parties to that end;

Considering that a tariff conference is to be convened commencing in 1960 and that it would be more convenient to arrange for tariff negotiations between contracting parties and Tunisia to be held during that conference;

Desiring that the Government of Tunisia shall meanwhile be associated with the discussions and deliberations of the CONTRACTING PARTIES;

Noting that a number of contracting parties intend that, pending the accession of Tunisia pursuant to Article XXXIII, commercial relations between them and Tunisia shall be based upon the provisions of the General Agreement, in accordance with the Declaration of 1959; and

Considering that the said Declaration requests the CONTRACTING PARTIES to perform certain functions comparable in nature to their functions under the General Agreement;

The CONTRACTING PARTIES

Decide:

1. to invite the Government of Tunisia to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES.
2. to accept such functions as are necessary for the operation of the Declaration referred to in the preamble to this Decision; and
3. to make arrangements for tariff negotiations between contracting parties and Tunisia during the tariff conference commencing in 1960.

This Decision shall continue in effect until the accession of Tunisia following tariff negotiations with contracting parties or until 31 December 1961, whichever date is earlier, unless the CONTRACTING PARTIES agree to extend it to a later date.

PROVISIONAL ACCESSION OF TUNISIA
(Declaration of 1959)

The Government of Tunisia and the other governments on behalf of which this Declaration has been accepted (the latter governments hereinafter referred to as the "participating governments");

Considering that the Government of Tunisia on 4 November 1959 made a formal request to accede to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") in accordance with the provisions of Article XXXIII of the General Agreement; and

Having regard to the desire of many contracting parties to the General Agreement to conduct the tariff negotiations with Tunisia, which it is considered should precede accession under Article XXXIII, during the tariff conference to be held in 1960 and 1961, arrangements for which are being made by the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES");

1. Declare that, pending the accession of Tunisia under the provisions of Article XXXIII, following the conclusion of tariff negotiations with contracting parties to the General Agreement, the commercial relations between the participating governments and Tunisia shall be based upon the General Agreement as if the provisions of the model protocol of accession approved by the CONTRACTING PARTIES on 23 October 1951, were embodied in this Declaration, except that Tunisia shall not have any direct rights with respect to the concessions contained in the schedules annexed to the General Agreement either under the provisions of Article II or under the provisions of any other Article of the General Agreement.
2. Request the CONTRACTING PARTIES to perform such functions as are necessary for the operation of this Declaration.
3. This Declaration, which has been approved by the CONTRACTING PARTIES by a two-thirds majority, shall be opened for acceptance, by signature or otherwise, by Tunisia, by contracting parties to the General Agreement, and by any governments which accede provisionally to the General Agreement.
4. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES to the General Agreement.
5. The Executive Secretary of the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this declaration is open for acceptance.

