

**PREPARATORY COMMITTEE
FOR THE
WORLD TRADE ORGANIZATION**

RESTRICTED
PC/W/12
6SS/W/1
7 December 1994

(94-2684)

**IMPLEMENTATION CONFERENCE
8 DECEMBER 1994**

TRANSITIONAL ARRANGEMENTS:
TRANSFER AGREEMENT BETWEEN GATT 1947, ICITO AND THE WTO

The PREPARATORY COMMITTEE FOR THE WORLD TRADE ORGANIZATION

Decides to authorize the Chairman of the Preparatory Committee of the World Trade Organization to accept the Agreement set out in the Annex to this decision and

Invites the CONTRACTING PARTIES to the GATT 1947 and the Executive Committee of the Interim Commission of the International Trade Organization to authorize, respectively, the Chairman of the CONTRACTING PARTIES to the GATT 1947 and the Executive Secretary of the Interim Commission of the International Trade Organization to accept the Agreement set out in the Annex to this decision.

ANNEX

**Agreement on
the Transfer of Assets, Liabilities, Records, Staff and Functions
from the Interim Commission of the International Trade Organization
and the GATT to the World Trade Organization**

The CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (hereinafter referred to as the "GATT 1947"), the Executive Committee of the Interim Commission of the International Trade Organization (hereinafter referred to as the "ICITO") and the Preparatory Committee for the World Trade Organization (hereinafter referred to as the "Preparatory Committee"),

Noting that:

Articles VI:1 and XVI:2 of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the "WTO Agreement") provide that there shall be a Secretariat of the WTO and that, to the extent practicable, the Secretariat of the GATT 1947 shall become the Secretariat of the WTO;

the duties of the Secretariat of the GATT 1947 are presently being performed by the staff of the ICITO;

the Director-General of the WTO, according to Article VI:3 of the WTO Agreement, will be able to appoint the members of the staff of the WTO Secretariat only after the Ministerial Conference or General Council of the WTO has adopted regulations governing the duties and conditions of service of the staff;

Recalling that paragraph 8(a) of the Ministerial Decision on the Establishment of the Preparatory Committee adopted on 14 April 1994 authorizes the Preparatory Committee to take, as appropriate, decisions in advance of the establishment of the WTO, *inter alia*, on financial regulations, the budget estimates for the first year of operation of the WTO, the transfer of the property of the ICITO and the GATT 1947 to the WTO, and the terms and conditions of the transfer of ICITO staff to the Secretariat of the WTO;

Agree as follows:

1. As from the date of entry into force of the WTO Agreement, all assets and liabilities of the GATT 1947 and the ICITO shall be assets and liabilities of the WTO. The assets and liabilities of the GATT 1947 and the ICITO shall include the assets held and the liabilities incurred in the name of ICITO/GATT.
2. The Director-General of the WTO, acting in accordance with the provisions of Articles VI:3 and XVI:2 of the WTO Agreement, shall appoint the members of the staff of the Secretariat of the WTO on or before 30 June 1995, provided that the General Council of the WTO has adopted prior to that date regulations governing the duties and conditions of service of the members of the staff of the WTO Secretariat, including regulations on contract of employment policy, salaries and pensions.
3. The staff of the ICITO shall perform the duties of the Secretariat of the WTO until the appointment of the staff of the Secretariat of the WTO. The staff of the ICITO shall continue to perform the duties of the GATT 1947 Secretariat and those of the Secretariat of the bodies established under

the Tokyo Round Agreements until the appointment of the staff of the Secretariat of the WTO; thereafter these duties shall be performed by the Secretariat of the WTO.

4. The ICITO is herewith dissolved as of the date on which the members of the Secretariat of the WTO are appointed. On that date the records of the ICITO shall be transferred to the WTO.

5. The Director-General of the WTO shall perform the depositary functions of the Director-General of the GATT 1947 after the date on which the legal instruments through which the contracting parties apply the GATT 1947 are terminated. On that date the records of the GATT 1947 shall be transferred to the WTO.

6. There shall be a common budget for the GATT 1947 and the WTO from the date of entry into force of the WTO Agreement until the date as of which the legal instruments through which the contracting parties apply the GATT 1947 are terminated. During that period the basis for assessment of the contracting parties to the GATT 1947, of the Members of the WTO and of contracting parties that are also Members of the WTO shall be the same, and a single payment to the WTO shall be due by all contracting parties to the GATT 1947 and Members of the WTO.

7. The Director-General of the GATT 1947 and, after the date of the entry into force of the WTO Agreement, the Director-General of the WTO are herewith authorized to take, in consultation with the Committees on Budget, Finance and Administration of the GATT 1947 and the WTO, the necessary actions to adjust the contractual arrangements of the ICITO and of the GATT 1947, including the arrangements on financial and personnel matters, to the changes provided for under paragraphs 1 to 6 above.

8. This Agreement shall initially apply until the date of the first meeting of the General Council of the WTO. It shall remain in force beyond that date provided that it is approved by the General Council of the WTO.

9. The text of this Agreement, done in a single copy, in the English, French and Spanish languages, each text being authentic, shall be deposited with the Director-General of the GATT 1947.

DONE at Geneva this ... day of December one thousand nine hundred and ninety-four.

For the ICITO	For the GATT 1947	For the Preparatory Committee
Executive Secretary	Chairman of the CONTRACTING PARTIES	Chairman