

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## CONTRACTING PARTIES

Ninth Session

### Review Working Party IV on Organizational and Functional Questions

#### LEGAL QUESTIONS

1. The question of entry into force of amendments.

The Secretariat Notes (L/189/Add.1, page 3) suggest that it might be desirable (a) to provide a date under Article XXX:2 for the acceptance of amendments and (b) to provide that a contracting party could not accept some amendments while rejecting others.

2. The question of definitive application.

Several delegations have spoken in favour of definitive application of the Agreement:

The Secretariat Notes (L/189/Add.1, page 3) suggest that it be provided that acceptance of the amendments to the Agreement must be accompanied by acceptance of the revised Agreement under Article XXVI.

Denmark (L/273), Norway (L/276), and Sweden (L/275) make the same proposal and suggest a consequential amendment to Article XXVI, in the form of a new paragraph establishing a transitional period for the necessary adaptation of internal mandatory legislation. The Danish proposal refers to internal mandatory legislation existing in 1947, 1949 or 1951 (depending upon the original date of membership), the other two refer to such legislation existing in:1954.

3. References to the Havana Charter.

Several delegations have proposed the deletion of all references to the Havana Charter in the Agreement, and specifically the deletion of Article XXIX. The Secretariat Notes (L/189 page 18) suggest that if it is wished to

lay down general principles they could be inserted as an Annex, or the Protocol of Organizational Provisions could provide for the Organization to submit a set of principles for approval.

4. Proposals relating specifically to certain Articles.

Article XXII - Consultation

Deletion of the specific references to certain provisions of the Agreement (Secretariat Notes, L/189 page 15).

Article XXIII - Nullification or Impairment

An Interpretative Note to paragraph 2, to the effect that a positive solution should be sought (Denmark, L/273, Norway, L/276, and Sweden L/275). Denmark's proposal does not contain the last sentence included in the other two concerning retaliatory measures.

Article XXV - Joint Action by the Contracting Parties

Replacement of paragraphs 1 and 2 with a paragraph referring to the establishment of the new Organization (Secretariat Notes L/189, page 16).

Transference of paragraphs 5 (b), (c) and (d) to Article XXXV, in so far as they are not now covered by that Article (ibid.).

Paragraph 5(b) - its deletion (Denmark L/273 page 8). Its amendment so as to refer to the new Article concerning tariff reductions (Germany L/261/Add.1 page 32).

Deletion of paragraph 5(c) (Denmark).

Deletion of paragraph 5(d) (Denmark and Germany).

Article XXVI - Acceptance, Entry into Force and Registration

In addition to the proposals referred to under 1 and 2 above, the Secretariat Notes (L/189, pages 16-17) make the following suggestions:

- (a) changes to bring paragraphs 1 and 5 into line with the existing situation;
- (b) the elimination of the Interpretative Note about areas under military occupation, and
- (c) a revision of the calculations and date contained in Annex H.

Article XXX - Amendments

In addition to the suggestions referred to in 1 above, the following proposals have been made:

- (a) the addition to present paragraph 2 of a provision relating to notice of withdrawal, similar to that contained in Article XXIII (Secretariat Notes, L/189, page 18).
- (b) a new paragraph to permit non-substantive rectifications to the Schedules to enter into force (Denmark L/273 and Norway L/276, Austria W.9/42, also referred to in the Secretariat Notes, L/189, page 18). Austria also proposes an interpretative note laying down the procedures to be followed for the application of the proposed new paragraph.

Article XXXI - Withdrawal

The date contained in this Article is obsolete (Secretariat Notes L/189, page 19).

Article XXXV

Paragraph 1 - Deletion of the reference to Article XIX and changes consequential upon those to Article XXV (ibid. page 20). Amendment so as to make only Article II not to apply (Germany, L/261/Add.1, page 35).

Paragraph 2 - Deletion (Germany). Deletion of reference to Havana Charter (Secretariat Notes).

5. Drafting proposals.

A drafting change is proposed to Article XXXIII (Secretariat Notes L/189 page 19).

Article XXXV requires a title.

A more functional arrangement of the Articles (Denmark, Norway and Sweden).

Arabic rather than Roman figures (Denmark, Norway and Sweden).