

GENERAL AGREEMENT  
ON TARIFFS AND  
TRADE

ACCORD GENERAL SUR  
LES TARIFS DOUANIERS  
ET LE COMMERCE

RESTRICTED

GATT/CP.3/W.1  
5 April, 1948

ORIGINAL: ENGLISH

CONTRACTING PARTIES THIRD SESSION

DRAFT PROTOCOL FOR THE ACCESSION

OF GOVERNMENTS PARTICIPATING IN THE TARIFF NEGOTIATIONS

AT ANNECY, FRANCE, IN 1949

The Governments of . . . . . which are the Contracting Parties to the General Agreement on Tariffs and Trade which is annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (hereinafter called "the Contracting Parties" and "the Agreement" respectively), and the Governments of . . . . . (hereinafter called "the acceding Governments").

HAVING carried out negotiations directed towards the accession of the acceding Governments to the Agreement in accordance with the provisions of Article XXXIII thereof, and, in the meanwhile, to its provisional application.

HAVING agreed the terms on which the acceding Governments may so accede which terms have been approved by a decision taken by the Contracting Parties at their Third Session and are annexed to this Protocol,

HEREBY AGREE AS FOLLOWS :

1. Subject to the provisions of paragraphs 4 and 5,
  - (a) each of the acceding Governments shall, upon the entry into force of this Protocol with respect to it, apply provisionally:

- (i) Parts I and III of the Agreement, and
- (ii) Part II of the Agreement to the fullest extent not inconsistent with existing legislation.

The Schedules which are appropriate for the purposes of Article II of the Agreement in respect of the acceding Governments shall be those contained in Annex B to this Protocol;

- (b) upon the entry into force of this Protocol with respect to each acceding Government, that Government shall become a Contracting Party as defined in the Agreement and shall be treated as such by all other Contracting Parties.
2. Notwithstanding the provisions of paragraph 1 (b), no Contracting Party shall be required to extend to any acceding Government with respect to which this Protocol has entered into force, the benefit of the concessions provided for in the appropriate Schedule annexed to the Agreement until that Contracting Party has signed this Protocol.
  3. From the date upon which this Protocol enters into force with respect to any Contracting Party such Contracting Party shall extend to each acceding Government which has signed this Protocol, or in respect of any acceding Government which signs at a later date, from that date, the benefit of the concessions provided for in the appropriate Schedule annexed to the Agreement as amended by the appropriate Schedule contained in Annex A to this Protocol.
  4. Any Government which signs this Protocol shall be free to withhold in whole or in part any concession, provided for in the appropriate Schedule contained in Annex A or B to this Protocol, in

respect of which such government determines that it was initially negotiated with a Contracting Party or an acceding Government which has not signed this Protocol; Provided that the government taking such action shall give notice to the CONTRACTING PARTIES within thirty days from the day on which this Protocol enters into force with respect to such government and, upon request, shall consult with Contracting Parties and acceding Governments which have a substantial interest in the product concerned; and Provided further that, without prejudice to the provisions of Article XXXV of the Agreement, any concession which has been so withheld shall be applied from the date upon which the Contracting Party or acceding Government with which it was initially negotiated signs this Protocol.

5. The dates "1 September 1947," "10 October 1947" and "January 1, 1951" specified in paragraph 11 of Article XVIII and paragraph 1 of Article XXVIII of the Agreement respectively shall, in respect of each acceding Government which becomes a Contracting Party pursuant to this Protocol, be extended to "May 1, 1949," "June 15, 1949" and "September 1, 1952."
6. The provisions of the Agreement to be applied pursuant to paragraphs 1 and 5 shall be those contained in the annexure to the Final Act above mentioned as amended by each and every one of the Protocols to the Agreement drawn up since the date of the said Final Act which have become effective. Signature of this Protocol by an acceding Government shall be regarded as an acceptance of any such Protocol which has not become effective by the date of entry into force of this Protocol as regards that acceding Government.

7. Upon the day upon which this Protocol enters into force with respect to any Contracting Party the Schedule contained in Annex A to this Protocol referring to such Contracting Party shall become an integral part of the Agreement. Upon the day upon which this Protocol enters into force with regard to any acceding Government, the Schedule contained in Annex B to this Protocol referring to such acceding Government shall become an integral part of the Agreement.
  
8. Any one of the acceding Governments shall, after it has become a Contracting Party, be free to withdraw its provisional application of the Agreement and such withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.
  
9. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, who will furnish certified copies thereof to all interested Governments. The Secretary-General is authorized to register this Protocol as from the date upon which it first enters into force. This Protocol shall first enter into force upon the date upon which it will have been signed by:  
  
Alternative A - any three Contracting Parties;  
  
Alternative B - The Governments of the Commonwealth of  
  
Australia, the Kingdom of Belgium, Canada,  
  
the French Republic, the Grand-Duchy of  
  
Luxemburg, the Kingdom of the Netherlands,  
  
the United Kingdom of Great Britain and

Northern Ireland and the United States of  
America,

and by any one of the acceding Governments. From that date it shall bind the signatory governments. Thereafter it shall come into force for each other Contracting Party and for each other acceding Government upon the date of signature by such Contracting Party or acceding Government.

DONE at Annecy in a single copy, in the English and French languages, both texts authentic, this . . . . . day of . . . . .  
One thousand nine hundred and forty-nine.

