

Contracting Parties
Third Session

DRAFT PROTOCOL FOR THE ACCESSION
OF GOVERNMENTS PARTICIPATING IN THE TARIFF NEGOTIATIONS
AT ANNECY, FRANCE, IN 1949
Revised Draft

The Governments of which are the present 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 Nation Conference on Trade and Employment (hereinafter called "the present contracting parties" and "the General 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 General Agreement in accordance with the provisions of Article XXVIII thereof.

HAVING agreed the terms on which the acceding governments may so accede which terms have been approved by a decision taken by the present contracting parties at their Third Session and are embodied in this Protocol,

HEREBY AGREE AS FOLLOWS :

1. Subject to the provisions of this Protocol, each of the acceding governments shall, [upon the entry into force of this Protocol with respect to it]* apply provisionally :

* This is placed in square brackets pending a decision upon the terms of paragraph 9.

- (i) Parts I and III of the General Agreement, and
 - (ii) Part II of the General Agreement to the fullest extent not inconsistent with legislation existing on the date of this Protocol;
2. (a) The Schedules which are appropriate for the purposes of the General Agreement in respect of the acceding governments shall be those contained in Annex A 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 Article XXXII of the General Agreement.
3. From the date upon which this Protocol enters into force with respect to any present 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, on the thirtieth day following that date, the benefit of the concessions provided for in the appropriate schedule, contained in Annex B to this Protocol. Upon such extension that schedule shall be regarded as a schedule to the General Agreement relating to that contracting party.]*
4. Any government which signs this Protocol shall be free to withhold in whole or in part any concession, provided for in the

* The Working Party has agreed that suitable amendments be introduced in this paragraph to postpone the putting into force of the concessions referred to in this paragraph for thirty days. Appropriate language can be devised after a decision is taken by the Working Party on paragraph 9.

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 withholding in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments within thirty days from the day on which this Protocol enters into force with respect to such government and, upon request, shall consult with the present 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 General 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 General 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".**

* See note to paragraph 3 above.

** This paragraph has been placed in brackets pending consideration of all the dates mentioned in the General Agreement in order to ascertain their relevancy in connection with this Protocol.

Alternative A

6. The provisions of the General Agreement to be applied by an acceding government shall be those contained in the annexure to the Final Act above mentioned as rectified, amended, or otherwise modified on the date of signature of this Protocol by such acceding government. Signature of this Protocol by an acceding Government to be effective, shall be preceded or accompanied by appropriate action accepting any such rectification, amendment, or modification which has not become effective by the date of entry into force of this Protocol as regards that acceding government.

Alternative B

- 6 (a) The provisions of the General Agreement to be applied by an acceding government shall be those contained in the annexure to the Final Act above mentioned as modified by the protocols mentioned in sub-paragraphs B (i), (ii), (iii), (v), (vi) and (vii) and by each of the protocols mentioned in sub-paragraph (b) (i), (ii), (iii), (v), (vi), and (vii), and by each of the protocols mentioned in sub-paragraph (b) (iv) and (c) when it comes into force.
- (b) Signature of this protocol by an acceding government shall be regarded as acceptance by that government of the following protocols:-
- (i) Protocol modifying certain provisions of the General Agreement on Tariffs and Trade, signed at Havana on 24th March 1948;
 - (ii) Special protocol relating to article XXIV of the General Agreement on Tariffs and Trade signed at Havana on 24th March 1948;
 - (iii) Special protocol modifying Article XIV of the General Agreement on Tariffs and Trade, signed at Havana on the 24th March 1948;
 - (iv) Protocol amending Part I and Article XXIX of the General Agreement on Tariffs and Trade, signed at Geneva on the 14th September 1948;

- (v) Protocol modifying Part II and Article XXVII of the General Agreement on Tariffs and Trade signed at Geneva on 14th September 1948;
- (vi) Protocol of Rectifications to the General Agreement on Tariffs and Trade signed at Havana on 24th March, 1948;
- (vii) Second Protocol of Rectification to the General Agreement on Tariffs and Trade signed at Geneva on 14th September, 1948;

(c) Signature of this Protocol by an acceding government, to be effective, shall be preceded or accompanied by an appropriate action accepting any other protocol modifying the General Agreement which shall have been drawn up by the date of signature by such acceding government.

7. Any acceding government which has signed this Protocol shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.

8. Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 7, may, on or after the date on which the General Agreement enters into force, accede to the Agreement upon the terms contained in paragraphs of this Protocol by deposit of an Instrument of Accession with the Secretary-General of the United Nations, who will inform all interested governments of each accession. Such accession shall take effect on the date on which the General Agreement enters into force, or on the thirtieth day following the deposit of the Instrument of Accession, whichever shall be the earlier.

9. Each of the acceding governments applying provisionally, or acceding to the General Agreement does so in respect of its metropolitan territory and of the other territories for which it has international responsibility; Provided that it may at the time of acceptance declare that any separate customs territory for which it has international responsibility possesses full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, and that its acceptance does not relate to such territory; and Provided further that if any of the customs territories on behalf of which a contracting party has accepted this Agreement possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party.

10. 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 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.