

RESTRICTED

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ORIGINAL: ENGLISH

Contracting Parties
Third Session

DRAFT ANNECY PROTOCOL OF ACCESSION TO THE
GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of which are the present contracting parties to the General Agreement on Tariffs and Trade (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 XXXVIII thereof,

HAVING agreed upon 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 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;
 - (i) Parts I and III of the General Agreement, and
 - (ii) Part II of the General Agreement to the fullest extent not inconsistent with its 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 entry into force of this Protocol or from the thirtieth day following the date of signature of this Protocol by any present contracting party, whichever is the later, the concessions provided for in the appropriate Schedule contained in Annex B to this Protocol shall enter into force and thereupon 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 or to withdraw 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 present contracting party or an acceding government which has not signed this Protocol; Provided that the government withholding or withdrawing in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments within thirty days after the date of such withholding or withdrawing and, upon request, shall consult with the contracting parties which have a substantial interest in the product concerned; and Provided further that, without prejudice to the provisions of Article XXXIV of the General Agreement, any concession so withheld or withdrawn shall be applied from the thirtieth day following the date upon which the present contracting party or acceding government with which it was initially negotiated signs this Protocol.

5. (Text to be inserted)

6. The provisions of the General Agreement to be applied by an acceding government shall be those contained in the text annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment 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 accompanied by appropriate action accepting any such rectification, amendment, or other modification which has not become effective by the date of signature of this Protocol by that 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. (a) 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, pursuant to Article XXVI thereof accede to that Agreement upon the terms of this Protocol by deposit of an instrument of accession with the Secretary-General of

the United Nations. 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 later.

(b) At any time after the entry into force of the General Agreement, those contracting parties which have accepted the General Agreement pursuant to paragraph 3 of Article XXVI of the General Agreement or deposited an instrument of accession may decide that any acceding government which has not deposited such instrument shall cease to be a contracting party.

9. (a) Each government signing this Protocol or depositing an instrument of accession under paragraph 8(a) does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of such signature or deposit. Any government so notifying the Secretary-General may give notice to the Secretary-General of its intention to make effective such provisional application or accession in respect of any such separate customs territories. Thirty days following the date on which such notice is received by the Secretary-General that government shall make effective such provisional application or accession in respect of any such customs territories.

(b) If any of the customs territories, in respect of which an acceding government has made the General Agreement effective, possesses or requires full autonomy in the conduct of its external commercial relations and of the other matters provided for in the General Agreement, such territory shall, upon sponsorship through a declaration by the responsible acceding government establishing the above-mentioned fact, be deemed to be a contracting party.

10. (a) This Protocol shall be open for signature by the present

contracting parties and by the acceding governments at Annecy until _____. It shall thereafter be deposited with the Secretary-General of the United Nations and shall remain open for signature by the present contracting parties and by the acceding governments at the headquarters of the United Nations until [June 30, 1950] [a date subsequently to be determined by the CONTRACTING PARTIES].

(b) the Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature thereto, of each instrument of accession under paragraph 8(a), and of each notice under paragraph 9(a) and of withdrawal under paragraph 7, to each Member of the United Nations and to each other government which participated in the United Nations Conference on Trade and Employment.

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations upon its entry into force.

11. Subject to the provisions of paragraph 3, this Protocol shall first enter into force upon the sixtieth day following the date of this Protocol or upon the thirtieth day following the date upon which it will have been signed by _____ present contracting [party] [parties] and by any acceding government, whichever may be the later. For each acceding government which has not signed this Protocol thirty days before it enters into force, it shall enter into force upon the thirtieth day following signature of the Protocol by that government.

DCNE at Annecy, in a single copy, in the English and French languages; both texts authentic except as otherwise specified with respect to Addenda to Schedules and Schedules annexed hereto, thisday ofOne thousand nine hundred and forty-nine.