

GENERAL AGREEMENT ON
TARIFFS AND TRADE

1960-61 TARIFF CONFERENCE

RESTRICTED

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LEGAL DRAFTING GROUP

Report

1. The Legal Drafting Group was set up by the Tariff Negotiations Committee at its meeting on 26 September, in order to draw up the instruments in which the results of the Tariff Conference should be embodied.
2. In its interim report of 20 November the Group circulated drafts of a Final Act and Protocol, together with a brief explanation of their nature, in order to give delegations the maximum possible notice of the terms of the documents which they would shortly have to consider.
3. The Group now submits to the Tariff Negotiations Committee a further report. This deals with the legal instruments required and the procedures necessary for their signature.

Legal instruments

4. Attached are drafts of
 - (a) the Final Act
 - (b) the Protocol
 - (c) certain Decisions and Protocols of accession.
5. The draft of the Final Act is identical with the draft circulated with the Group's interim report with the exception of certain modifications to paragraph 3; further modifications to this paragraph might become necessary according to the date or dates at which Protocols are opened for signature.
6. The draft of the Protocol is identical with the earlier draft with the exception that Part One (Accession) has largely disappeared, the relevant provisions having been incorporated into separate draft Protocols of accession.
7. Against the eventuality of decisions being taken before the end of the Tariff Conference agreeing to the accession of Israel and Portugal to the General Agreement and given that these countries have substantially completed their tariff negotiations, draft decisions and Protocols dealing with the accession of these countries are attached. Separate Protocols will be prepared for Cambodia and Spain.

8. The Group considered that it would not be necessary to deal in the Protocols with the question of the obligations of the European Economic Community and its member States in the transitional period before the Common External Tariff comes into force; in their view an undertaking written into the schedules of the European Economic Community and its member States would be more appropriate. Discussion of this question in the Group is continuing and a report will be made to the Tariff Negotiations Committee at a later date.

Final procedures

9. The Final Act. It is expected that the Final Act will be signed on the day the general Protocol is opened for signature. Full powers (in the form of a communication from the Foreign Minister, Head of Government, or Head of State, specifically authorizing signature) will not be required for signing the Final Act. This can be signed by leaders or members of delegations participating in the Conference (or by any other duly appointed representative).

10. The Protocols. The Protocols can be accepted by signature or by the deposit with the Executive Secretary of an instrument of acceptance. Full powers (in the form of a communication from the Foreign Minister, Head of Government, or Head of State, specifically authorizing signature) will be necessary to sign the Protocols.

11. It sometimes occurs that representatives are given powers "ad referendum". In so far as this means that powers will be ad referendum to their governments and equivalent only to initialling the text, such signature is provided for in the Final Act and would, therefore, be inadequate for the Protocol. Where the reservation is in the form "subject to ratification" but does not prevent a government from affixing a binding signature, the full powers are considered to be adequate.

12. The Group noted that by virtue of the powers granted to it by the Treaty of Rome the Community, as such, would sign the Final Act and the Protocols of the Tariff Conference. As, however, certain matters dealt with by these instruments fall at present in whole or in part within the competence of the member States, the latter, in their capacity as contracting parties, will also sign these instruments. It follows that the expression "contracting parties" in the Final Act and in the Protocol, relates to the member States in so far as powers are not granted to the Community.

Conclusion

13. The draft legal instruments attached to this report are, therefore, submitted to the Tariff Negotiations Committee for approval. In this connexion the attention of the Tariff Negotiations Committee is drawn to the fact that since the draft general Protocol differs from the Model Protocol in one respect (i.e. that it contains the results of negotiations by the EEC under Article XXIV:6 and of certain Article XXVIII negotiations) approval of its general form is necessary by the CONTRACTING PARTIES at the current session. The Tariff Negotiations Committee might also consider it expedient to ask the CONTRACTING PARTIES for authority to make minor modifications should this become necessary.

ANNEX

Draft Final Act Authenticating the Results of the
1960-61 Tariff Conference held under the Auspices of the
CONTRACTING PARTIES to the General Agreement on Tariffs and Trade
at Geneva from 1 September 1960 to 1961

1. The CONTRACTING PARTIES to the General Agreement on Tariffs and Trade on 29 May 1959 decided to arrange for a tariff conference to convene on 1 September 1960.
2. The negotiations at that conference, which opened on that date and was concluded on _____ 1961, included:
 - (a) Negotiations directed towards the accession of countries to the General Agreement pursuant to Article XXXIII;
 - (b) Renegotiation of existing concessions pursuant to paragraph 6 of Article XXIV of the General Agreement resulting from the institution of the European Economic Community;
 - (c) The negotiation of new concessions pursuant to Article XXVIII bis between contracting parties, and between contracting parties and the European Economic Community;
 - (d) Renegotiations by contracting parties of existing concessions pursuant to Article XXVIII of the General Agreement;
 - (e) New negotiations and renegotiations, between contracting parties and Switzerland in relation to the Declaration for the Provisional Accession of Switzerland to the General Agreement, of 22 November 1958; and
 - (f) The negotiation of new concessions compensatory for action taken with respect to certain existing concessions.
3. As a result of these negotiations, and of other modifications of Schedules to the General Agreement effected pursuant to procedures established by the CONTRACTING PARTIES, the following instruments have been prepared:
 - (a) Decisions /to be submitted later by the Legal Drafting Group/ agreeing to the accession of Cambodia and Spain to the General Agreement (Annex I);
 - (b) The Protocol Embodying the Results of the 1960-61 Tariff Conference (Annex II).
 - (c) The Protocol for the Accession of Israel to the General Agreement on Tariffs and Trade (Annex III) /a decision for the accession of Israel having been taken on 8 December 1961/;

(d) The Protocol for the Accession of Portugal to the General Agreement on Tariffs and Trade (Annex IV) /a decision for the accession of Portugal having been taken on 8 December 1961/;

(e) The Protocol for the Accession of Cambodia to the General Agreement on Tariffs and Trade (Annex V) /to be submitted later by the Legal Drafting Group/; and

(f) The Protocol for the Accession of Spain to the General Agreement on Tariffs and Trade (Annex VI) /to be submitted later by the Legal Drafting Group/.

4. The texts of these instruments in the English and French languages are annexed hereto, and are hereby authenticated; and it is hereby certified that, in each case in which a schedule in Annex A, B or C to the Protocol in Annex II to this Final Act results for any product in treatment less favourable than was provided for such product in the Schedules to the General Agreement or to the Swiss Declaration of 22 November 1958 existing on 1 September 1960, appropriate action has been undertaken pursuant to paragraph 6 of Article XXIV or Article XXVIII of the General Agreement, or under some other provision of that Agreement or procedure thereunder, to enable effect to be given to such change.

5. Done at Geneva this _____ day of _____ one thousand nine hundred and sixty-one, in a single copy in the English and French languages, both texts being authentic.

/Signatures/

I. /Decisions on Cambodia and Spain/

II. Draft Protocol to the General Agreement on
Tariffs and Trade embodying Results of
the 1960-61 Tariff Conference

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the European Economic Community, and the Government of the Swiss Confederation (hereinafter referred to as "Switzerland"),

HAVING carried out at the 1960-61 Tariff Conference negotiations pursuant to paragraph 6 of Article XXIV, Article XXVIII, Article XXVIII bis, and other relevant provisions of the General Agreement,

HAVE through their representatives agreed as follows:

1. The schedule in Annex A relating to any contracting party shall, upon the entry into force of this Protocol with respect to such contracting party, become a Schedule to the General Agreement relating to that contracting party.
2. The schedule in Annex B relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a schedule to the General Agreement relating to the European Economic Community.
3. The schedule in Annex C relating to any contracting party, the European Economic Community, or Switzerland shall, upon the date on which both the Declaration on the Provisional Accession of the Swiss Confederation to the General Agreement on Tariffs and Trade, of 22 November 1958 (hereinafter referred to as the Swiss Declaration of 22 November 1958) and this Protocol shall have entered into force with respect to such contracting party, the European Economic Community, or Switzerland, as the case may be, become a schedule to the Swiss Declaration of 22 November 1958 relating to such contracting party, the European Economic Community, or Switzerland.
4. In each case in which a schedule in Annex A or C to this Protocol provides for any product imported into a contracting party treatment less favourable than was provided for such product in a schedule applicable to such contracting party on 1 September 1960, such provision for less favourable treatment in the schedule annexed to this Protocol shall, when such schedule becomes a Schedule to the General Agreement pursuant to paragraph 1 or 3, terminate the provision for such product in such prior schedule.

5. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement:

(i) The applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol of a contracting party or of Switzerland, if such product was not the subject of a concession provided for in the same part or section, of a Schedule to the General Agreement of such contracting party or Switzerland on 1 September 1960, shall be the date of this Protocol.

(ii) The applicable date in respect of each product which is the subject of a concession provided for in the schedule of the Community shall, when imported into the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxemburg, or the Kingdom of the Netherlands, be:

(I) If the product was provided for in Part I of a schedule (or of a relevant section of a schedule) applicable to such contracting party on 1 September 1960: the date of the instrument by which such product was first provided for therein: Provided, that a concession on such product has been continuously in effect since the entry into force of the concession provided for in such instrument.

(II) If the product was not so provided for on 1 September 1960: the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the schedules annexed to this Protocol shall be the date of this Protocol.

6. Any contracting party, the European Economic Community, and Switzerland, after a schedule relating to it annexed to this Protocol has become a schedule to the General Agreement or to the Swiss Declaration of 22 November 1958 pursuant to the provisions of paragraph 1, 2, or 3, of this Protocol, shall be free at any time to withhold or to withdraw in whole or in part any concession in such schedule which it determines to have been initially negotiated with a contracting party, the European Economic Community, or Switzerland, the schedule relating to which annexed to this Protocol has not yet become a Schedule to the General Agreement or to the Swiss Declaration of 22 November 1958, as the case may be: Provided that:

(a) This paragraph shall only apply to concessions negotiated pursuant to Article XXVIII bis of the General Agreement.

(b) Written notice of any such withholding of a concession shall be given to the CONTRACTING PARTIES (or to the parties to the Swiss Declaration of 22 November 1958, in the case of a concession in a schedule to that Declaration) within thirty days after the date of such withholding.

(c) Written notice of intention to make any such withdrawal of a concession shall be given to the CONTRACTING PARTIES (or to the parties to the Swiss Declaration of 22 November 1958) at least thirty days before the date of such intended withdrawal.

(d) Consultations shall be held, upon request, with any contracting party, the European Economic Community, or Switzerland, the relevant schedule relating to which has become a Schedule to the General Agreement or the Swiss Declaration of 22 November 1958, as the case may be, and which has a substantial interest in the product involved.

(e) Any concession so withheld or withdrawn shall be applied on and after the day on which the schedule of the contracting party, the European Economic Community, or Switzerland with which such concession was initially negotiated becomes a schedule to the General Agreement or to the Swiss Declaration of 22 November 1958, as the case may be, or, if it should be a later date, on the thirtieth day following the day on which this Protocol shall have been accepted by such contracting party, the European Economic Community, or Switzerland, as the case may be.

7. (a) This Protocol shall be deposited with the Executive Secretary of the CONTRACTING PARTIES. It shall be open to acceptance, by signature or otherwise, by contracting parties, by the European Economic Community, and by Switzerland.

(b) Acceptance of this Protocol by a contracting party, to the extent that it shall not have already taken final action to become a party to the following instruments and except as it may otherwise notify the Executive Secretary in writing at the time of such acceptance, shall constitute final action to become a party to each of the following instruments:

- (i) Protocol Amending Part I and Article XXIX and XXX, Geneva, 10 March 1955;
- (ii) Protocol Amending the Preamble and Parts II and III, Geneva, 10 March 1955;
- (iii) Protocol of Rectifications to the French Text, Geneva, 15 June 1955;
- (iv) Procès-Verbal of Rectifications Concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955;
- (v) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;
- (vi) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;
- (vii) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;
- (viii) Protocol Relating to the Negotiations for the Establishment of New Schedule III - Brazil, Geneva, 31 December 1958;
- (ix) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and
- (x) Ninth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 17 August 1959.

8. This Protocol shall enter into force:

(a) For any contracting party or for Switzerland, on the thirtieth day following the day upon which it shall have been accepted by that contracting party or by Switzerland, or on such earlier date following such acceptance as may be notified to the Executive Secretary in writing at the time of such acceptance.

(b) For the European Economic Community, on the thirtieth day following the day on which it shall have been accepted by the European Economic Community or on such earlier date following such acceptance by the Community as may be notified to the Executive Secretary in writing at the time of such acceptance.

III. Draft Protocol for the Accession of Israel to the
General Agreement on Tariffs and Trade

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the Government of Israel (hereinafter referred to as "Israel"), the Government of Portugal (hereinafter referred to as "Portugal") and the European Economic Community,

HAVING regard to the result of the negotiations directed towards the accession of Israel,

HAVE through their representatives agreed as follows:

PART I - GENERAL

1. Israel shall, upon entry into force of this Protocol with respect to it pursuant to sub-paragraph (b) of paragraph 9, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply provisionally, and subject to this Protocol:

(a) Parts I and III of the General Agreement, and

(b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of the Declaration of 29 May 1959 providing for the provisional accession of Israel which is in force immediately prior to the formal accession of Israel; the obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2(b) of Article II by reference to Article VI shall be considered as falling within Part II for the purpose of this paragraph.

2. (a) The provisions of the General Agreement to be applied by Israel shall, except as is provided in this Protocol, be the provisions 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, supplemented, or otherwise modified by the instruments at least partially in effect on the date of this Protocol listed in Annex A to this Protocol: Provided this does not mean that Israel undertakes to apply a provision of any such instrument prior to the effectiveness of such provision pursuant to the terms of the instrument.

(b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII, and sub-paragraph 3(c) of Article X of the General Agreement refer to the date of that Agreement, the applicable date in respect of Israel shall be the declaration providing for the provisional accession of Israel which is in force immediately prior to its accession to the General Agreement.

PART II - SCHEDULES

3. The schedule in Annex B relating to any contracting party or to Portugal shall, upon the entry into force of this Protocol with respect to such contracting party or Portugal, become a schedule to the General Agreement relating to that contracting party.
4. The schedule in Annex C shall, upon the entry into force of this Protocol with respect to Israel, become a schedule to the General Agreement relating to Israel.
5. The schedule in Annex D relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a schedule to the General Agreement relating to the European Economic Community.
6. In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement:
 - (i) The applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol of Israel or Portugal, or of a contracting party if such a product was not the subject of a concession provided for in the same part or section, of a schedule to the General Agreement of such contracting party on 1 September 1960, shall be the date of this Protocol.
 - (ii) The applicable date in respect of each product which is the subject of a concession provided for in the schedule of the Community shall, when imported into the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxemburg, or the Kingdom of the Netherlands, be:
 - (I) If the product was provided for in Part I of a schedule (or of a relevant section of a schedule) applicable to such contracting party on 1 September 1960: the date of the instrument by which such product was first provided for therein:

Provided, that a concession on such product has been continuously in effect since the entry into force of the concession provided for in such instrument.
 - (II) If the product was not so provided for on 1 September 1960: the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the schedules annexed to this Protocol shall be the date of this Protocol.

7. Israel shall be free at any time to withhold or to withdraw in whole or in part any concession provided for in the schedule contained in Annex C to this Protocol, which it determines to have been initially negotiated with a contracting party, Portugal, or the European Economic Community, the schedule of which, annexed to this Protocol, has not yet become a schedule to the General Agreement: Provided that:

(a) Written notice of any such withholding of a concession shall be given to the CONTRACTING PARTIES within thirty days after the date of such withholding.

(b) Written notice of intention to make any such withdrawal of a concession shall be given to the CONTRACTING PARTIES at least thirty days before the date of such intended withdrawal.

(c) Consultations shall be held, upon request, with any contracting party, Portugal, or the European Economic Community, the relevant schedule relating to which has become a Schedule to the General Agreement and which has a substantial interest in the product involved.

(d) Any concession so withheld or withdrawn shall be applied on and after the day on which the schedule of the contracting party, Portugal, or the European Economic Community, with which such concession was initially negotiated becomes a Schedule to the General Agreement, or, if it should be a later date, on the thirtieth day following the day on which this Protocol shall have been accepted by such contracting party, Portugal or the European Economic Community.

PART III - FINAL PROVISIONS

8. (a) This Protocol shall be deposited with the Executive Secretary of the CONTRACTING PARTIES. It shall be open to acceptance, by signature or otherwise, by Israel, by contracting parties, by Portugal, and by the European Economic Community.

(b) Acceptance of this Protocol by Israel shall constitute final action to become a party to each of the following instruments:

(i) Protocol Amending Part I and Articles XXIX and XXX, Geneva, 10 March 1955;

(ii) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;

- (iii) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;
 - (iv) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;
 - (v) Protocol Relating to the Negotiations for the Establishment of New Schedule III - Brazil, Geneva, 31 December 1958;
 - (vi) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and
 - (vii) Ninth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 17 August 1959.
9. (a) This Protocol shall enter into force:
- (i) For Israel on the thirtieth day following the day upon which it shall have been accepted by Israel.
 - (ii) For any contracting party, Portugal or the European Economic Community on the thirtieth day following the day upon which it shall have been accepted by that contracting party, Portugal, or the European Economic Community, or on such earlier date following such acceptance as may be notified to the Executive Secretary in writing at the time of such acceptance: Provided that the date of entry into force for any contracting party, Portugal, or the European Economic Community shall not be earlier than the date of entry into force for Israel.
- (b) Israel, which has become a contracting party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Executive Secretary. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI or on the thirtieth day following the day of the deposit of the instrument of accession, whichever is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

ANNEX A

INSTRUMENTS RECTIFYING, AMENDING, SUPPLEMENTING, OR
OTHERWISE MODIFYING THE GENERAL AGREEMENT AS IT IS TO BE
APPLIED BY ACCEDING GOVERNMENTS PURSUANT TO PARAGRAPH 2(a)

- Protocol of Provisional Application, Geneva, 30 October 1947
(55 UNTS 308 to 316);
- Protocol of Rectifications, Havana, 24 March 1948 (62 UNTS 2 to 25);
- Protocol Modifying Certain Provisions, Havana, 24 March 1948
(62 UNTS 30 to 39);
- Special Protocol Modifying Article XIV, Havana, 24 March 1948
(62 UNTS 40 to 55);
- Special Protocol Relating to Article XXIV, Havana, 24 March 1948
(62 UNTS 56 to 66);
- Protocol Modifying Part I and Article XXIX, Geneva, 14 September 1948
(138 UNTS 334 to 345);
- Protocol Modifying Part II and Article XXVI, Geneva, 14 September 1948
(62 UNTS 80 to 111);
- Second Protocol of Rectifications, Geneva, 14 September 1948
(62 UNTS 74 to 79);
- Protocol Replacing Schedule I (Australia), Annecy, 13 August 1949
(107 UNTS 84 to 310);
- Protocol Replacing Schedule VI (Ceylon), Annecy, 13 August 1949
(138 UNTS 347 to 378);
- First Protocol of Modifications, Annecy, 13 August 1949
(138 UNTS 382 to 397);
- Third Protocol of Rectifications, Annecy, 13 August 1949
(107 UNTS 312 to 378);
- Annecy Protocol of Terms of Accession, Annecy, 10 October 1949
(62 UNTS 122 to 489, 63 UNTS passim, 64 UNTS 3 to 438);
- Fourth Protocol of Rectifications, Geneva, 3 April 1950
(138 UNTS 398 to 465);
- Fifth Protocol of Rectifications, Torquay, 16 December 1950
(167 UNTS 265 to 294);

Torquay Protocol, Torquay, 21 April 1961

(142 UNTS 34 to 436, 143 to 146 UNTS passim, 147 UNTS 162 to 389);

First Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 27 October 1951 (176 UNTS 2 to 387);

First Protocol of Supplementary Concessions (South Africa and Germany), Geneva, 27 October 1951 (131 UNTS 316 to 324);

Second Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 8 November 1952 (321 UNTS 245 to 266);

Second Protocol of Supplementary Concessions (Austria and Germany), Innsbruck, 22 November 1952 (172 UNTS 340 to 346);

Third Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 24 October 1953 (321 UNTS 266 to 282);

Fourth Protocol of Rectifications and Modifications to the Annexes and to the Texts of the Schedules, Geneva, 7 March 1955 (324 UNTS 300 to 333);

Protocol Amending the Preamble and Parts II and III, 10 March 1955 (278 UNTS 168 to 245);

Protocol of Terms of Accession of Japan, Geneva, 7 June 1955 (220 UNTS 164 to 379);

Protocol of Rectifications to the French Text, Geneva, 15 June 1955 (253 UNTS 316 to 332);

Third Protocol of Supplementary Concessions (Denmark and Federal Republic of Germany), Geneva, 15 July 1955 (250 UNTS 293 to 296);

Fourth Protocol of Supplementary Concessions (Federal Republic of Germany and Norway), Geneva, 15 July 1955 (250 UNTS 297 to 300);

Fifth Protocol of Supplementary Concessions (Federal Republic of Germany and Sweden), Geneva, 15 July 1955 (250 UNTS 301 to 311);

Procès-Verbal of Rectifications concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955 (278 UNTS 246 to 258);

Sixth Protocol of Supplementary Concessions, Geneva, 23 May 1956 (244 to 246 UNTS passim);

Seventh Protocol of Supplementary Concessions (Austria and Federal Republic of Germany), Bonn, 19 February 1957 (309 UNTS 364 to 370); and

Eighth Protocol of Supplementary Concessions (Cuba and United States), Havana, 20 June 1957 (274 UNTS 322 to 331).

Draft Decision by the CONTRACTING PARTIES
of ... December 1961 Agreeing to the Accession
of Israel to the General Agreement on Tariffs and Trade

THE CONTRACTING PARTIES.

HAVING REGARD to the results of the negotiations directed toward the accession of Israel to the General Agreement on Tariffs and Trade,

DECIDE, in accordance with Article XXXIII of the General Agreement, as follows:

The CONTRACTING PARTIES agree to the accession of the Government of Israel to the General Agreement on the terms which are provided for in the paragraphs of the draft Protocol for its accession which has been approved by the Tariff Negotiations Committee, and on the basis of the results of its tariff negotiations at the 1960/61 Tariff Conference which will be annexed to such paragraphs of the draft Protocol.

IV. Draft Protocol for the Accession of Portugal to the
General Agreement on Tariffs and Trade

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the Government of Portugal (hereinafter referred to as "Portugal"), the Government of Israel (hereinafter referred to as "Israel"), and the European Economic Community,

HAVING regard to the results of the negotiations directed towards the accession of Portugal,

HAVE through their representatives agreed as follows:

PART I - GENERAL

1. Portugal shall, upon the entry into force of this Protocol with respect to it pursuant to sub-paragraph (b) of paragraph 10, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply provisionally, and subject to this Protocol:

(a) Parts I and III of the General Agreement, and

(b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol; the obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2(b) of Article II by reference to Article VI shall be considered as falling within Part II for the purpose of this paragraph.

2. (a) The provisions of the General Agreement to be applied by Portugal shall, except as is provided in this Protocol, be the provisions 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, supplemented, or otherwise modified by the instruments at least partially in effect on the date of this Protocol listed in Annex A to this Protocol: Provided this does not mean that Portugal undertakes to apply a provision of any such instrument prior to the effectiveness of such provision pursuant to the terms of the instrument.

(b) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII, and sub-paragraph 3(c) of Article X of the General Agreement refer to the date of that Agreement, the applicable date in respect of Portugal shall be the date of this Protocol.

3. The provisions of the General Agreement shall not require any of the customs territories in respect of which Portugal may be applying the General Agreement provisionally or in respect of which it may have acceded thereto pursuant to sub-paragraph (b) of paragraph 12 of this Protocol, to eliminate or to extend to other contracting parties such more favourable treatment in respect of customs duties or charges or other restrictive regulations of commerce as may at any time be in force exclusively between Portugal's separate customs territories, on the understanding that:

(a) Portugal (i) will, in accordance with the Constitution of the Portuguese Republic, eliminate, not later than 1 January 1974, duties and other restrictive regulations of commerce, on substantially all the trade between Portugal's separate customs territories in products originating in such territories, and (ii) that such elimination will take place at least at the rate provided for in Portuguese Decree Law No. 44.016 of 8 November 1961.

(b) Portugal shall communicate to the Executive Secretary to the CONTRACTING PARTIES not later than 30 September 1966, the plan provided for in Article 12 of Decree Law 44.016¹, and shall promptly so report other decisions made in the implementation of the Decree Law particularly, but not limited to, action taken pursuant to the sub-paragraph of Article 1, Article 16 and Article 38. These measures shall be communicated to the CONTRACTING PARTIES which may request Portugal to consult with them if any such plan or decision seems likely to jeopardize or delay unduly the implementation of sub-paragraph (a) of this paragraph.

PART II - SCHEDULES

4. The schedule in Annex B relating to any contracting party or to Israel shall, upon the entry into force of this Protocol with respect to such contracting party or Israel become a Schedule to the General Agreement relating to that contracting party or Israel.

5. The schedule in Annex C shall, upon the entry into force of this Protocol with respect to Portugal, become a Schedule to the General Agreement relating to Portugal.

6. The schedule in Annex D relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a Schedule to the General Agreement relating to the European Economic Community.

¹Reproduced in GATT document TN.60/14

7. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement:

(i) The applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol of Portugal or Israel, an acceding government, or of a contracting party if such product was not the subject of a concession provided for in the same part or section of a Schedule to the General Agreement of such contracting party on 1 September 1960, shall be the date of this Protocol,

(ii) The applicable date in respect of each product which is the subject of a concession provided for in the Schedule of the Community shall, when imported into the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxemburg, or the Kingdom of the Netherlands, be:

(I) If the product was provided for in Part I of a schedule (or of a relevant section of a schedule) applicable to such contracting party on 1 September 1960: the date of the instrument by which such product was first provided for therein: Provided, that a concession on such product has been continuously in effect since the entry into force of the concession provided for in such instrument.

(II) If the product was not so provided for on 1 September 1960: the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the schedules annexed to this Protocol shall be the date of this Protocol.

8. Portugal shall be free at any time to withhold or to withdraw in whole or in part any concession provided for in the schedule contained in Annex C to this Protocol which it determines to have been initially negotiated with such contracting party, Israel, or the European Economic Community, the schedule of which annexed to this Protocol has not yet become a Schedule to the General Agreement: Provided that:

(a) Written notice of any such withholding of a concession shall be given to the CONTRACTING PARTIES within thirty days after the date of such withholding.

(b) Written notice of intention to make any such withdrawal of a concession shall be given to the CONTRACTING PARTIES at least thirty days before the date of such intended withdrawal.

(c) Consultations shall be held, upon request, with any contracting party, Israel or the European Economic Community, the relevant schedule relating to which has become a Schedule to the General Agreement, and which has a substantial interest in the product involved.

(d) Any concession so withheld or withdrawn shall be applied on and after the day on which the schedule of the contracting party, Israel, or the European Economic Community, with which such concession was initially negotiated becomes a Schedule to the General Agreement, or, if it should be a later date, on the thirtieth day following the day on which this Protocol shall have been accepted by such contracting party, Israel, or the European Economic Community, as the case may be.

PART III -- FINAL PROVISIONS

9. (a) This Protocol shall be deposited with the Executive Secretary of the CONTRACTING PARTIES. It shall be open to acceptance, by signature or otherwise, by Portugal, by contracting parties, by Israel and by the European Economic Community.

(b) Acceptance of this Protocol by Portugal shall constitute final action to become a party to each of the following instruments:

- (i) Protocol Amending Part I and Articles XXIX and XXX, Geneva, 10 March 1955;
- (ii) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;
- (iii) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;
- (iv) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;
- (v) Protocol Relating to the Negotiations for the Establishment of New Schedule III - Brazil, Geneva, 31 December 1958;
- (vi) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and
- (vii) Ninth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 17 August 1959.

10. (a) This Protocol shall enter into force:

- (i) For Portugal on the thirtieth day following the day upon which it shall have been accepted by Portugal.
- (ii) For any contracting party, Israel or the European Economic Community on the thirtieth day following the day upon which it shall have been accepted by that contracting party, Israel or the European Economic Community, or on such earlier date following such acceptance as may notified to the Executive Secretary in writing at the time of such acceptance: Provided that the date of the entry into force for any contracting party, Israel or the European Economic Community shall not be earlier than the date of the entry into force for Portugal.

(b) Portugal, which has become a contracting party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Executive Secretary. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to

ANNEX AINSTRUMENTS RECTIFYING, AMENDING, SUPPLEMENTING, OR
OTHERWISE MODIFYING THE GENERAL AGREEMENT AS IT IS TO BE
APPLIED BY ACCEDING GOVERNMENTS PURSUANT TO PARAGRAPH 2(a)

- Protocol of Provisional Application, Geneva, 30 October 1947
(55 UNITS 308 to 316);
- Protocol of Rectifications, Havana, 24 March 1948 (62 UNITS 2 to 25);
- Protocol Modifying Certain Provisions, Havana, 24 March 1948
(62 UNITS 30 to 39);
- Special Protocol Modifying Article XIV, Havana, 24 March 1948
(62 UNITS 40 to 55);
- Special Protocol Relating to Article XXIV, Havana, 24 March 1948
(62 UNITS 56 to 66);
- Protocol Modifying Part I and Article XXIX, Geneva, 14 September 1948
(138 UNITS 334 to 345);
- Protocol Modifying Part II and Article XXVI, Geneva, 14 September 1948
(62 UNITS 80 to 111);
- Second Protocol of Rectifications, Geneva, 14 September 1948
(62 UNITS 74 to 79);
- Protocol Replacing Schedule I (Australia), Annecy, 13 August 1949
(107 UNITS 84 to 310);
- Protocol Replacing Schedule VI (Ceylon), Annecy, 13 August 1949
(138 UNITS 347 to 378);
- First Protocol of Modifications, Annecy, 13 August 1949
(138 UNITS 382 to 397);
- Third Protocol of Rectifications, Annecy, 13 August 1949
(107 UNITS 312 to 378);
- Annecy Protocol of Terms of Accession, Annecy, 10 October 1949
(62 UNITS 122 to 489, 63 UNITS passim, 64 UNITS 3 to 438);
- Fourth Protocol of Rectifications, Geneva, 3 April 1950
(138 UNITS 398 to 465);
- Fifth Protocol of Rectifications, Torquay, 16 December 1950
(167 UNITS 265 to 294);

Torquay Protocol, Torquay, 21 April 1961

(142 UNTS 34 to 436, 143 to 146 UNTS passim, 147 UNTS 162 to 389);

First Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 27 October 1951 (176 UNTS 2 to 387);

First Protocol of Supplementary Concessions (South Africa and Germany), Geneva, 27 October 1951 (131 UNTS 316 to 324);

Second Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 8 November 1952 (321 UNTS 245 to 266);

Second Protocol of Supplementary Concessions (Austria and Germany), Innsbruck, 22 November 1952 (172 UNTS 340 to 346);

Third Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 24 October 1953 (321 UNTS 266 to 282);

Fourth Protocol of Rectifications and Modifications to the Annexes and to the Texts of the Schedules, Geneva, 7 March 1955 (324 UNTS 300 to 333);

Protocol Amending the Preamble and Parts II and III, 10 March 1955 (278 UNTS 168 to 245);

Protocol of Terms of Accession of Japan, Geneva, 7 June 1955 (220 UNTS 164 to 379);

Protocol of Rectifications to the French Text, Geneva, 15 June 1955 (253 UNTS 316 to 332);

Third Protocol of Supplementary Concessions (Denmark and Federal Republic of Germany), Geneva, 15 July 1955 (250 UNTS 293 to 296);

Fourth Protocol of Supplementary Concessions (Federal Republic of Germany and Norway), Geneva, 15 July 1955 (250 UNTS 297 to 300);

Fifth Protocol of Supplementary Concessions (Federal Republic of Germany and Sweden), Geneva, 15 July 1955 (250 UNTS 301 to 311);

Procès-Verbal of Rectifications concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955 (278 UNTS 246 to 258);

Sixth Protocol of Supplementary Concessions, Geneva, 23 May 1956 (244 to 246 UNTS passim);

Seventh Protocol of Supplementary Concessions (Austria and Federal Republic of Germany), Bonn, 19 February 1957 (309 UNTS 364 to 370); and

Eighth Protocol of Supplementary Concessions (Cuba and United States), Havana, 20 June 1957 (274 UNTS 322 to 331).

Draft Decision by the CONTRACTING PARTIES
of ... December 1961 Agreeing to the Accession
of Portugal to the General Agreement on Tariffs and Trade

THE CONTRACTING PARTIES,

HAVING REGARD to the results of the negotiations directed towards the accession of Portugal to the General Agreement on Tariffs and Trade,

DECIDE, in accordance with Article XXXIII of the General Agreement, as follows:

The CONTRACTING PARTIES agree to the accession of the Government of Portugal to the General Agreement on the terms which are provided for in the paragraphs of the draft Protocol for its accession which has been approved by the Tariff Negotiations Committee, and on the basis of the results of its tariff negotiations at the 1960/61 Tariff Conference which will be annexed to such paragraphs of the draft Protocol.

V. Draft Protocol of Accession of Cambodia

VI. Draft Protocol of Accession of Spain