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**1 ARTICLE XXVI**

**1.1 Text of Article XXVI**

***Article XXVI***

*Acceptance, Entry into Force and Registration*

1. The date of this Agreement shall be 30 October 1947.
2. This Agreement shall be open for acceptance by any contracting party which, on 1 March 1955, was a contracting party or was negotiating with a view to accession to this Agreement.
3. This Agreement, done in a single English original and a single French original, both texts authentic, shall be deposited with the Secretary-General of the United Nations, who shall furnish certified copies thereof to all interested governments.
4. Each government accepting this Agreement shall deposit an instrument of acceptance with the Executive Secretary<sup>5</sup> to the Contracting Parties, who will inform all interested governments of the date of deposit of each instrument of acceptance and of the day on which this Agreement enters into force under paragraph 6 of this Article.  
  
*(footnote original)* <sup>5</sup> By the Decision of 23 March 1965, the CONTRACTING PARTIES changed the title of the head of the GATT secretariat from "Executive Secretary" to "Director-General".
5. (a) Each government accepting this Agreement 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 Executive Secretary<sup>5</sup> to the CONTRACTING PARTIES at the time of its own acceptance.  
  
(b) Any government, which has so notified the Executive Secretary<sup>5</sup> under the exceptions in subparagraph (a) of this paragraph, may at any time give notice to the Executive Secretary<sup>5</sup> that its acceptance shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the day on which it is received by the Executive Secretary.<sup>5</sup>  
  
(c) If any of the customs territories, in respect 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.
6. This Agreement shall enter into force, as among the governments which have accepted it, on the thirtieth day following the day on which instruments of acceptance have been deposited with Executive Secretary<sup>6</sup> to the Contracting Parties on behalf of governments named in Annex H, the territories of which account for 85 per centum of the total external trade of the territories of such governments, computed in accordance with the applicable column of percentages set forth therein. The instrument of acceptance of each

other government shall take effect on the thirtieth day following the day on which such instrument has been deposited.

(*footnote original*)<sup>6</sup> By the Decision of 23 March 1965, the CONTRACTING PARTIES changed the title of the head of the GATT secretariat from "Executive Secretary" to "Director-General".

7. The United Nations is authorized to effect registration of this Agreement as soon as it enters into force.

## **1.2 Paragraph 1: "date of this Agreement"**

1. References to the phrase "date of this Agreement" appear in Article II:1 (specifying the operative date for binding "other duties and charges" with respect to items in schedules of concessions); Article II:6 (fixing the base date for par values of currencies, for application of provisions on adjustment of specific duties in the event of a reduction in par value); and Articles V:6, VII:4(d) and X:3(c) of the General Agreement on Tariffs and Trade 1994 (GATT 1994) (permitting retention of measures existing on "the date of this Agreement" with respect to direct consignment requirements, currency conversion for customs valuation purposes, or review of administrative action relating to customs matters).

2. On the "date of this Agreement" with respect to Article II:1 and the Understanding on Article II:1(b), see the document on Article II of the GATT 1994 (Practice).

3. Article XXVI:1 provides that "the date of this Agreement shall be 30 October 1947." This date applies for the obligations under Article V:6 of the original contracting parties to the General Agreement on Tariffs and Trade 1947 (GATT 1947); the former dependent territories of the original contracting parties which, after attaining independence or commercial autonomy, succeeded to contracting party status under Article XXVI:5(c); and Chile. For contracting parties that acceded between 1948 and 1951, the date used was 24 March 1948. For all accessions to the GATT 1947 after 1951, the accession protocol provided that the "date of this Agreement" for the purposes of Article V:6 was the date of the protocol of accession or, where the acceding government had previously acceded provisionally, the date of the protocol of provisional accession.<sup>1</sup> These accession protocol provisions are incorporated into the GATT 1994 by virtue of paragraph 1(b)(ii) of the GATT 1994 incorporation text.

4. Concerning GATT practice on "the date of this Agreement", see the document on Article XXVI of the GATT 1947 (GATT Analytical Index at pages 909-910).

## **1.3 Authentic texts**

5. Concerning the authentic texts of the GATT 1947 and the GATT 1994, see the document on Article XXVI of the GATT 1947 (GATT Analytical Index, pages 913-915) and the document on the GATT 1994 Incorporating Language (Practice).

## **1.4 Acceptance, entry into force, deposit and registration**

6. Regarding the acceptance, entry into force, deposit and registration of the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement), see the documents on Articles XIV and XVI of the WTO Agreement (Practice).

## **1.5 Practice under the GATT 1947 including provisional application**

7. Regarding GATT practice in respect of Article XXVI of the GATT 1947, see the document on Article XXVI of the GATT 1947 (GATT Analytical Index, pages 909-923).

8. Regarding the provisional application of the GATT 1947 and the termination thereof, see the *GATT Analytical Index* chapters on Provisional Application of the General Agreement and on Institutions and Procedure.

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<sup>1</sup> *GATT Analytical Index*, p. 216.

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