

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W.10/19

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Special Distribution

CONTRACTING PARTIES

Tenth Session

DRAFT PROCÈS-VERBAL OF RECTIFICATIONS TO THE AMENDING PROTOCOLS

There is attached a draft procès-verbal of rectifications concerning the three Protocols amending the General Agreement. These rectifications are required to correct drafting errors, but three of them could raise questions of substance and a brief note follows giving the reasons and background for these three.

Amendment No. 3. The reference in the note to Article XXX contained in the Protocol Amending Part I and Articles XXIX and XXX, refers to "this paragraph". There are three paragraphs in the Article and the note refers clearly to paragraph 1 as a separate procedure is provided in paragraph 3.

Amendment No. 12. The text of the note to Article XXXIII contained in the Protocol is different from the text contained in the Legal and Drafting Committee report (W.9/249) which was approved by the CONTRACTING PARTIES on 7 March. This text reads as follows:

"Ad Article XXXIII

"A government, acting on behalf of a separate customs territory possessing full autonomy in the conduct of its external commercial relations and of other matters provided for in this Agreement, may accede to this Agreement on behalf of that territory on terms applicable thereto; Provided that the obligations of membership in the Organization are undertaken by such territory or on its behalf."

However, it appears that in preparing its final report the Legal and Drafting Committee did not take into account the change it had previously made to the text of this note when it was going over the texts produced by Review Working Party IV. The earlier document issued by the Legal and Drafting Committee (W.9/215/Corr.1) contains the note in the form in which it appears in the Protocol and presumably the Legal and Drafting Committee corrected this oversight when it drew up the Protocol. If this view is accepted, no change is required in the note beyond the correction of the semi-colon at its end to a full stop.

Amendment No. 14. With the removal of provisions of Article XXV:5(a) to the Agreement on the Organization, an amendment is necessary to delete the cross-reference to that provision in Article I (new Article II) paragraph 3 and insert a reference to the waiver provisions now contained in the Agreement on the Organization for Trade Cooperation.