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# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TNS/9

18 November 1958

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TARIFF NEGOTIATIONS FOR  
THE ACCESSION OF SWITZERLAND

Tariff Negotiations Committee

## PROCEEDINGS OF THE THIRD MEETING

Held at the Palais des Nations, Geneva on  
Thursday, 6 November 1958, at 10 a.m.

Chairman: Mr. FINN GUNDELACH (Denmark)

Subjects discussed:

1. Draft Declaration
2. Draft Resolution
3. Technical arrangements for the preparation of Schedules

### 1. Draft Declaration (TNS/8)

The CHAIRMAN referred to the draft Declaration prepared by the secretariat and to the proposed amendments distributed at the meeting (Spec/308/58).

The DEPUTY EXECUTIVE SECRETARY explained that the first amendment had the purpose of making more precise reference in the consideranda to the arrangements made at the Eleventh Session for the provisional accession of Switzerland (BISD, Fifth Supplement, page 44).

The amendment was adopted.

With respect to the paragraph embodying the substance of the Declaration (TNS/8, page 2), the Deputy Executive Secretary pointed out that while the wording departed slightly from that of earlier cases, it was found to be simpler and, as such, more acceptable. No change of substance was involved.

The paragraph was approved as drafted in TNS/8.

The other amendment proposed in document Spec/308/58 related to paragraph 6 of the draft Declaration. The DEPUTY EXECUTIVE SECRETARY pointed out that it appeared to be unnecessary in the present case to indicate that the Declaration would be open for signature by "acceding governments". The other part of the amendment raises a point of substance. It was pointed out to the secretariat that the original text of the draft Declaration in TNS/8 would give the right, without any limitation or condition, to contracting parties not to apply the General Agreement to Switzerland; all they had to do was to refrain from accepting the Declaration. On the other hand, Switzerland would not be in the position to exercise the same right and any contracting party signing the Declaration would oblige Switzerland without its consent to accept the GATT obligations in its relations with that contracting party. The amendment before the Committee represented an attempt to meet this objection.

The REPRESENTATIVE OF JAPAN reserved his position and upon request by the Chairman agreed to obtain instructions from his Government before the draft Declaration was presented to the CONTRACTING PARTIES.

The proposed new paragraph 6 was adopted, subject to the reservation of Japan, and it was agreed that the Declaration would remain open for signature until 30 September 1959.

The REPRESENTATIVE OF AUSTRIA asked whether Switzerland would sign the Declaration when it was open for signature or whether they would wait until ratification had been obtained.

The REPRESENTATIVE OF SWITZERLAND replied that it was his Government's intention to sign the Declaration, subject to ratification, when it was opened for signature.

With reference to paragraph 7, the CHAIRMAN pointed out that it was provided that the Declaration would remain in force until 31 December 1961. It would be noted that the period of effectiveness would therefore be somewhat longer than the two years laid down by the CONTRACTING PARTIES at the Eleventh Session.

The DEPUTY EXECUTIVE SECRETARY explained that it had been found necessary to set the date as in the draft submitted to the Committee. This involved a slightly longer period than had been provided for but he suggested that taking into consideration the lengthy procedures for ratification which had required the Declaration to remain open for signature until 30 September 1959, the original period laid down by the CONTRACTING PARTIES would probably not be exceeded by much more than a few months. There were difficulties in the way of choosing 30 September 1961 as the final date of validity of the Declaration, whereas the date proposed would have the practical advantage that it coincided with the period of validity of a number of concessions which were being granted to Switzerland. He hoped that the Committee would not find difficulty in accepting this slightly longer period.

The REPRESENTATIVE OF DENMARK wished to place on record that his Government, which had originally proposed to the CONTRACTING PARTIES at the Eleventh Session that the provisional accession of Switzerland be limited to two years, would accept this prolongation.

The Committee agreed to the date of 31 December 1961.

The REPRESENTATIVE OF JAPAN enquired why the Declaration did not contain provision for the entry into force of the amended Schedules following notification by the party concerned as had been done in earlier protocols.

The DEPUTY EXECUTIVE SECRETARY agreed that this had been done in earlier protocols and explained the reasons why this procedure had been left out of the secretariat draft. Contracting parties negotiating with Switzerland had no need for this provision because they could delay the entry into force of their concessions until Switzerland was ready to put her own concessions into force. The Swiss delegation, on the other hand, which had been asked whether they would wish to have a notification procedure which would enable them to put their concessions into force at different times, had indicated that they would not require such a procedure.

In connexion with the entry into force of the Declaration and the annexed schedules, he wished to refer to the difficulties which had been experienced in the past with reference to acceptance. Some contracting parties in fact were not in a position to affix a signature to an international instrument which would have the effect of an acceptance; on the other hand, they could not present the instrument to their parliament for ratification unless that instrument had been signed by them. The CONTRACTING PARTIES had therefore adopted a practice which was familiar in the United Nations and which allowed for acceptance in three different ways:

- (i) To sign without reservation, the signature having the effect of an acceptance. (This was the practice of the United States, where the President had powers to give effect to the concessions.)
- (ii) To accept without signing the instrument, i.e. to deposit an instrument of acceptance with the Executive Secretary.
- (iii) To sign subject to acceptance or ratification and, subsequently, formally accept the instrument.

It was these procedures that would be followed in this instance. Signatures ad referendum could give rise to confusion and would therefore not be acceptable.

The draft Declaration as amended was adopted.

## 2. Draft Resolution (TNS/8)

In reply to the Representative of Czechoslovakia, the CHAIRMAN explained that when the text of the draft Resolution had been adopted, both the draft Declaration and the draft Resolution would be transmitted to the CONTRACTING PARTIES for their approval. This would be done in accordance with the arrangements made by the CONTRACTING PARTIES at the Eleventh Session. The CONTRACTING PARTIES would examine the texts, decide when the Declaration would be opened for signature and when the Resolution would be put to the vote. The Committee would thus limit itself to the submission of the texts as approved by it.

The text of the draft Resolution was approved.

## 3. Technical arrangements for the preparation of Schedules (Spec/237/58)

The REPRESENTATIVE OF SWITZERLAND informed the Committee that the process of actual tariff negotiations had, with one or two exceptions, been completed. Generally, there remained the settlement of some more or less formal matters. On the previous day he had sent to the secretariat for distribution copies of the up-to-date lists of offers made by Switzerland to eight participating governments. There remained the

technical task of preparing schedules to be annexed to the Declaration. His delegation had not yet been able for technical reasons to prepare their consolidated schedule. He thought that the technical processes of stencilling, reproduction and translation of the text would be ready by about 20 November.

The SECRETARY of the Committee called attention to the short time which remained before the end of the Session. He referred to the technical procedures laid down in Spec/237/58 for the preparation of bilateral lists, and of the authentic and non-authentic texts of the schedules; urged delegations to attend to these matters as soon as agreement was reached; and asked that any technical difficulties, in the solution of which he might be able to lend a hand, be brought to his notice without delay.