

[REDACTED]

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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RESTRICTED

L/1183  
5 May 1960

Limited Distribution

## ARTICLE XX OF THE GENERAL AGREEMENT

### Question of the Need to retain Sub-paragraph (j)

(Note by the Executive Secretary)

1. In accordance with the provisions of sub-paragraph (j) of Article XX of the General Agreement, the CONTRACTING PARTIES are to review the need for that sub-paragraph not later than 30 June 1960.
2. Before Article XX was revised during the ninth session, it provided that measures instituted or maintained under Part II of the Article should be removed as soon as the conditions giving rise to them had ceased and in any event not later than 1 January 1951. By Decisions adopted at the fifth, sixth and eighth sessions, the CONTRACTING PARTIES extended this time-limit until 1 July 1955.
3. During the ninth session the provisions of Article XX were considered by the Working Party on Other Barriers to Trade, which paid particular attention to the exceptions provided for in Part II of the Article; these exceptions were originally adopted to take care of temporary situations arising out of the war. The Working Party recommended that Part II should be eliminated except for sub-paragraph (a), the substance of which should be retained for the time being. It also recommended that the need for this sub-paragraph should be reviewed not later than 30 June 1960.<sup>1</sup> These recommendations were approved by the CONTRACTING PARTIES.
4. The text of Article XX was accordingly amended so as to retain the provisions of paragraph (a) of Part II until such time as the conditions giving rise to the application of measures under that paragraph had ceased to exist, subject to review by the CONTRACTING PARTIES not later than 30 June 1960. These provisions appear in sub-paragraph (j) of the revised Article XX.

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<sup>1</sup> See BISD, Third Supplement, page 230.

5. As the Protocol Amending the Preamble and Parts II and III of the General Agreement, which provided for the amendment of Article XX, had not yet entered into force at that time the CONTRACTING PARTIES, at their eleventh session, adopted the Decision of 15 October 1956 (BISD, Fifth Supplement, page 24) providing for the extension of the time-limit for paragraph (a) of Part II of the unrevised Article XX. Under this Decision, the CONTRACTING PARTIES waived until 30 June 1960 or the date on which the Protocol became effective for the contracting parties concerned, whichever was the earlier, the obligation of contracting parties instituting or maintaining measures under paragraph (a) of Part II of Article XX to discontinue them or seek the approval of the CONTRACTING PARTIES for their continuance.

6. The Protocol Amending the Preamble and Parts II and III of the General Agreement has now entered into force for thirty-three contracting parties to whom, therefore, the waiver granted by the Decision of 15 October 1956 no longer applies. These contracting parties are now governed by the provisions of the revised Article XX, but the CONTRACTING PARTIES will have to review the need for such provisions before 30 June 1960.

7. For the four contracting parties in respect of whom the Protocol is not yet effective the waiver under the Decision of 15 October 1956 will expire on 30 June 1960. Thereafter, these contracting parties, for whom the unrevised text of Article XX continues to be effective, would have to seek the concurrence of the CONTRACTING PARTIES for the continuance of any particular measures applied under that paragraph.