GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/1233
3 June 1960

Limited Distribution

CONTRACTING PARTIES
Sixteenth Session

PROVISIONAL ACCESSION OF SPAIN

Note by the Chairman

After consultation with the delegations concerned, the Chairman has the honour to propose that the CONTRACTING PARTIES consider the following draft declaration and decision. The Chairman suggests that the CONTRACTING PARTIES should decide on these two texts at their meeting of 4 June.

The text of the declaration is roughly the same as the text which has been approved by the CONTRACTING PARTIES in the case of Israel and Tunisia. The only modifications which have been made to these previous texts are as follows:

(a) instead of referring to the model Protocol for accession of 23 October 1951, the relevant provisions of said Protocol have been introduced in sub-paragraphs 1(a), 1(c) and 1(e) of the draft declaration;

(b) a special provision has been inserted to take account of the system applicable as between the Peninsula and the Balearic Islands, on the one hand, and the Canary Islands and the Spanish African towns and provinces, on the other;

(c) lastly, a provision similar to the provisions of Article XXVI:5 (a) and (b) has been introduced in paragraph 4 of the draft declaration.

The Spanish delegation has, upon the request of several delegations, undertaken to furnish to the Tariff Negotiations Committee detailed information concerning the Spanish customs tariff. The Spanish delegation has also undertaken to supply to the Executive Secretary, for communication to the contracting parties, detailed information concerning the existing system applicable to trade between the Peninsula and the Balearic Islands, on the one hand, and the Canary Islands and the Spanish African towns and provinces, on the other. Any modifications to this system which might be made during the intervening period, prior to the accession of Spain under Article XXXIII, will be communicated to the contracting parties under the same procedures.

PROVISIONAL ACCESSION OF SPAIN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Draft Declaration

The Government of Spain and the other governments on behalf of which this Declaration has been accepted (the latter governments being hereinafter referred to as the "participating governments")

CONSIDERING that the Government of Spain made on 21 May 1960 a formal request to accede to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") in accordance with the provisions of Article XXXIII of the General Agreement; and

HAVING REGARD to the desire of many contracting parties to the General Agreement to conduct the tariff negotiations with Spain, which it is considered should precede accession under Article XXXIII, during the tariff conference to be held in 1960-1961, arrangements for which are being made by the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES"):

1. DECLARE that, pending the accession of Spain to the General Agreement under the provisions of Article XXXIII, following the conclusion of tariff negotiations with the contracting parties to the General Agreement, the commercial relations between the participating governments and Spain shall be based upon the General Agreement, subject to the following conditions:

(a) The Government of Spain shall apply provisionally and subject to the provisions of this Declaration (i) Parts I and III of the General Agreement, and (ii) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Declaration. The obligations incorporated in paragraph 1 of Article I of the General Agreement by reference to Article III thereof and those incorporated in paragraph 2(b) of Article II by reference to Article VI shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.

(b) Spain shall not have any direct rights with respect to the concessions contained in the schedules annexed to the General Agreement either under the provisions of Article II or under the provisions of any other Article of the General Agreement.

(c) 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 Spain shall be the date of this Declaration.

(d) The present Declaration shall in no way affect the provisions governing the trade between the Spanish Peninsula and the Balearic Islands on the one hand, and the Canary Islands and the Spanish provinces and towns in Africa on the other hand,

(e) The provisions of the General Agreement to be applied by Spain shall be those 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 such instruments as may have become effective by the date of this Declaration.

2. REQUEST the CONTRACTING PARTIES to perform such functions as are necessary for the implementing of this Declaration.

3. This Declaration, which has been approved by the CONTRACTING PARTIES by a two-thirds majority, shall be open to acceptance, by signature or otherwise, by Spain, by contracting parties to the General Agreement and by any governments which accede provisionally to the General Agreement.

4. (a) The Government of the Spanish State accepts this Declaration in respect of all its territories, excepting such separate customs territories as it shall notify to the Executive Secretary to the CONTRACTING PARTIES at the time of its own acceptance;

(b) If the Government of the Spanish State has so notified the Executive Secretary to the CONTRACTING PARTIES, it may at any time notify the Executive Secretary that its acceptance shall be effective in respect to any separate customs territory or territories so excepted. Such notice shall take effect on the thirtieth day following the day on which it is received by the Executive Secretary.

5. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES.

6. The Executive Secretary of the CONTRACTING PARTIES shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this Declaration is open for acceptance.

7. This Declaration shall become effective between Spain and any participating government on the thirtieth day following the day upon which it shall have been accepted on behalf of Spain and of that government; it shall remain in force until the Government of Spain accedes to the General Agreement under the provisions of Article XXXIII thereof or until 30 June 1962, whichever date is earlier, unless it has been agreed between Spain and the participating governments to extend its validity to a later date.

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

PARTICIPATION OF SPAIN IN THE WORK OF THE CONTRACTING PARTIES

Draft Decision

CONSIDERING that the Government of Spain has made a request to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade to accede to the General Agreement in accordance with the provisions of Article XXXIII and is ready to enter into tariff negotiations with contracting parties to that end,

DESIRING that the Government of Spain, pending its accession, shall be associated with the discussions and deliberations of the CONTRACTING PARTIES,

NOTING that a number of contracting parties intend that, pending the accession of Spain pursuant to Article XXXIII, commercial relations between them and Spain shall be based upon the provisions of the General Agreement, in accordance with the Declaration of

CONSIDERING that the said Declaration requests the CONTRACTING PARTIES to perform certain functions comparable in nature to their functions under the General Agreement,

THE CONTRACTING PARTIES

DECIDE:

1. To invite the Government of Spain to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES,

2. To accept such functions as are necessary for the operation of the Declaration referred to in the preamble to this Decision, and

3. To make arrangements for tariff negotiations between contracting parties and Spain during the tariff conference commencing in 1960.

This Decision shall continue in effect until the accession of Spain to the General Agreement following tariff negotiations with contracting parties or until 30 June 1962, whichever date is earlier, unless the CONTRACTING PARTIES agree to extend it to a later date.