

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/W/39
11 April 1979

Special Distributio

Multilateral Trade Negotiations

Trade Negotiations Committee

ACCESSION TO AGREEMENTS OF NON-CONTRACTING PARTIES AND COUNTRIES HAVING PROVISIONALLY ACCEDED TO GATT

Statement by the Chairman

With respect to the question of acceptance of the Agreements by governments which have provisionally acceded to the GATT, the Chairman stated that this might be dealt with through the insertion of a sub-paragraph in the Final Provisions of each Agreement as follows:

"This Agreement shall be open for acceptance by signature or otherwise by governments having provisionally acceded to the GATT, on terms related to the effective application of rights and obligations under this Agreement, which take into account rights and obligations in the instruments providing for their provisional accession."

This sub-paragraph will be incorporated in the final texts of the Agreement as a rectification of a purely formal character.

With respect to the question of accession to the Agreements by non-contracting parties the Chairman made the following statement which will be included in the record of the meeting:

"The relevant articles in the Final Provisions of each Agreement provide that the Agreement will be open to accession by a government which is not a contracting party on terms related to the effective application of rights and obligations under the Agreement to be agreed between that government and the Parties to the Agreement. It is understood that the purpose or aim of the negotiations on terms would be to secure an overall parity of rights and obligations as between Parties to the Agreement which are contracting parties to the GATT and those that are not, taking into account the particular situation of individual countries as relevant, for example, to their development, financial and trade needs. Thus the basis of the negotiations would be that a Party which is not a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which, had it been a contracting party to the GATT, it would have been debarred from taking by virtue of its GATT obligations. Likewise, a Party which is a contracting party to the GATT shall not directly or indirectly nullify or impair advantages which accrue to other Parties under the Agreement by taking action which it would be debarred from taking by virtue of its GATT obligations, had the other Parties in question been contracting parties to the GATT."