

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/249

13 June 1979

Special Distribution

Multilateral Trade Negotiations

AGREEMENT ON IMPLEMENTATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Suggested Rectifications of a Formal Character

Note by the Secretariat

In the Procès-Verbal embodying the results of the Multilateral Trade Negotiations, representatives acknowledged that the texts listed therein might be subject to rectifications of a purely formal character that did not affect the substance or meaning of the texts (MTN/28, paragraph 1). An airgram (GATT/AIR/1565) inviting delegations to communicate suggestions for formal rectifications to the secretariat by 1 June 1979 was circulated on 8 May 1979.

Listed below are suggested rectifications¹ to document MTN/NTM/W/229/Rev.1.

- Page 1: Preamble, first sentence - insert after "the parties to this Agreement," "(hereafter referred to as "the parties"))" and make consequential changes throughout the text.
- Page 2: Article 1:1(d) first line - insert "that" after "or" and delete "that" before "the transaction" in the second line.
- Page 4: Article 1:2(b) - second sub-paragraph will become paragraph (c) and the first phrase "In applying the foregoing tests," will be replaced by "In applying the tests provided for in paragraph 2(b),". Paragraph (c) will become paragraph (d).

¹Corresponding rectifications to the French and Spanish texts are being circulated. Rectifications to the French and Spanish texts concerning only the alignment of those texts to the English text are being communicated directly to delegations using these languages. Other delegations wishing to have copies of these texts are invited to inform the secretariat (Tel. 31.02.31, ext. 2385).

- Page 5: Article 2:1(b), 6th line - delete the words "shall be used" and insert them in the 8th line, after "quantity"
- Page 6: Article 3:1(b), 6th line - delete the words "shall be used" and insert them in the 7th line, after "quantity"
- Page 7: Article 5:1(a)(iii) - add "and" after "Article 8.2;"
- Page 8: Article 5:2 - delete "then, if the importer so requests" and insert "when the importer so requests" in the third line, after "the customs value shall ..."
- Page 9: Article 7:2(c) - replace "on" by "in"
- Page 13: Article 11:2 should read:
"An initial appeal without penalty may be made to an authority of the customs administration or to an independent body, but the legislation of each party shall provide for the right of appeal without penalty to a judicial authority"
- Page 13: Article 14 should read:
"Annex I to this Agreement forms an integral part of this Agreement and the Articles of this Agreement are to be read and applied in conjunction with the relevant notes therein."
- Page 14: Article 15:1 (b) should read: (b) "country of importation" includes customs territory of importation.
- Page 17: Part II - the title should read:
"ADMINISTRATION AND DISPUTE SETTLEMENT"
- Page 17: Article 19:1 - delete ~~commas~~ in the first, second and third line.
- Page 17: Article 18:1 in the eighth line delete ~~comma~~ after "objectives" and in the ninth line replace "to carry out" by "for the purpose of carrying out"
- Page 18: The title preceding Article 20 should read "Dispute settlement"

Page 22: Article 22 - paragraph 2 will become paragraph 3, paragraph 3 will be deleted and replaced by a new paragraph 4, a new paragraph 2 will be added. The revised text will read:

"2. 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.

3. This Agreement shall be open to accession by any other government on terms, related to the effective application of rights and obligations under this Agreement, to be agreed between that government and the parties to this Agreement, by the deposit with the Director-General to the CONTRACTING PARTIES to the GATT of an instrument of accession which states the terms so agreed.

4. In regard to acceptance, the provisions of Article XXVI:5(a) and (b) of the General Agreement would be applicable."

Page 23: Article 26, fourth line - replace "reviews" by "review"

Page 29: Note to Article 1:1(a)(iii), first line - insert "actually" before "paid or payable".