

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/254

20 June 1979

Special Distribution

English only

## Multilateral Trade Negotiations

### AGREEMENT ON INTERPRETATION AND APPLICATION OF ARTICLES VI, XVI AND XXIII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

#### 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 and suggestions from delegations for rectifications were circulated in MTN/NTM/W/250.

Rectifications<sup>1</sup> to the English text of document MTN/NTM/W/236 are listed below.

- 
- Page 1:            Preamble, second line - delete "Tokyo Round of"
- Footnote 1:      - Replace "Parties" for "Parties"
- Footnote\*:       - Delete
- Page 4:           Article 2:1(b), top of the page - add "of the General Agreement"  
after "Article VI"
- Article 2:2 - replace "Committee of Signatories" by "Committee  
on Subsidies and Countervailing Measures"
- Article 2:3, first line - replace "such" by "the investigating"
- Article 2:3, seventh line - replace "authority" by "authorities"
- Footnote 2 - put the words "the Committee" in inverted commas.

---

<sup>1</sup>Corresponding 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 2:5, third line - replace "its" by "the investigating"  
              Article 2:5, sixth line - insert "investigating" before "authorities"

Page 6:     Article 2:8 - replace "(i)" and "(ii)" by "(a)" and "(b)"  
                  respectively.

Page 7:     Article 2:15, second and third line - replace "positive" by  
                  "affirmative"

Page 8:     Article 3:3 should read:

"3. Without prejudice to the obligations to afford reasonable opportunity for consultation, these provisions regarding consultations are not intended to prevent the authorities of a signatory from proceeding expeditiously with regard to initiating the investigation, reaching preliminary or final findings, whether affirmative or negative, or from applying provisional or final measures, in accordance with relevant provisions of this Agreement".

Page 9:     Article 3:4, third line - replace "on request" by "upon request"

Page 10:    Article 4:5(a) - sub-paragraphs (1) and (2) are renumbered  
                  (i) and (ii) respectively and the sub-paragraph (a) and (b) are  
                  renumbered (1) and (2).

Page 11:    Article 4:5(c), first line - replace "in" by "of"

second line - replace "country" by "signatory"

Article 4:6, first line - the beginning of this paragraph should  
read: "6. Authorities of an importing signatory ..."

fifth line - replace "country" by "signatory"

Article 4:7, second line - replace "the Agreement" by "this  
Agreement".

Page 12:    Article 4:7, first line from the top of the page - replace  
                  "country" by "signatory".

Article 5:1, first line - replace "positive" by "affirmative".

Page 13:    Article 5:4 - insert "The" before "Relevant".

- Page 14: Article 6:2, fourth and eighth line - replace "country" by "signatory".
- Page 15: Article 6:3, first line and Article 6:4, third line - insert "domestic" before "industry".
- Page 17: Article 6:8, fifth line - replace "country" by "signatory".  
In the same paragraph renumber the sub-paragraphs (1) and (2) as (a) and (b) respectively.
- Page 19: Footnote 1 should read: "Injury to the domestic industry is used here in the same sense as it is used in Part I of this Agreement".
- Page 20: Article 9, footnote 3 should be deleted and the footnote 4 will become footnote 3. In this footnote, second line - replace "enumerated" by "referred to".
- Article 10 - delete reference to footnote 4.
- Pages 21/22: Article 11:1 - objectives enumerated in this paragraph are numbered from (a) to (f).
- Page 23: Article 11 - at the beginning of the second sub-paragraph of paragraph 3 and of paragraph 4 delete "The" and in the second and third sub-paragraphs of paragraph 3 and in paragraph 4 replace "forms of subsidy" by "forms of subsidies"
- Page 24: Article 12:4 - sub-paragraph (b) should start "(b) the injury caused to the domestic industry or, ..."
- Page 25: Article 3:4, last line, add at the end, "in accordance with the relevant provisions of Part VI."
- Page 27: Article 14:7, fourth line - replace "GATT obligations" by "obligations under the General Agreement".
- seventh line - insert "of a signatory" after "market"
  - tenth line - the last sentence should start with "Intervention by such governments in their economy ..."

Page 28:

Article 15 - the beginning should read: "1. In cases of alleged injury caused by imports from a country described in NOTES AND SUPPLEMENTARY PROVISIONS to the General Agreement ..."

- sub-paragraph (b) - replace "Anti-Dumping Code" by "Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade".

- second alinéa should start: "2. It is understood that in both cases (a) and (b) above ..."

- third alinéa should start: "3. If neither prices nor constructed value as established under (a) or (b) of paragraph 2 ..."

- fourth alinéa should start: "4. All calculations under the provisions of paragraphs 2 and 3 above ..."

Page 29:

Article 16 - the title should read: "Committee on Subsidies and Countervailing Measures" and a corresponding change should be made in the first line of paragraph 1.

Page 33:

Article 19:2 - sub-paragraph (b) will become sub-paragraph (c), sub-paragraph (c) will be deleted and replaced by a new sub-paragraph (d), a new sub-paragraph (b) will be added. The revised text will read:

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

Page 36:            Article 19:12 - in the fifth line delete ",or" after  
                      "paragraph 2" and insert "and of"  
                      - in the fifth line replace "above" by "of  
                      this Article".

Page 37:            item (d) - replace "its" by "their".

Page 42:            Note 3 - in the first line delete comma after "value-added  
                      tax systems" and in the second line insert a semi-colon  
                      after "in lieu thereof" and delete "and" before "the  
                      problem".

All footnotes will be numbered continuously throughout the text.