

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.TNC/LD/3
3 March 1992

Special Distribution

Trade Negotiations Committee
Legal Drafting Group

MEETING OF 19-21 FEBRUARY

Note by the Secretariat

1. The Legal Drafting Group held its third meeting on 19-21 February 1992 under the Chairmanship of Mr. M.G. Mathur.
2. The Group reviewed the relationship between the institutional and final provisions in the MTO Agreement and those in other agreed texts in the Draft Final Act (MTN.TNC/W/FA). The Chairman recalled that the task of the Group was to review the texts in MTN.TNC/W/FA for legal conformity and internal consistency. In looking at the relationship the Group should consider whether the differences were a matter of choice or the intention of negotiators and should make changes in the provisions of these negotiated texts only where major problems were identified.
3. The Group had an exchange of views on the provisions relating to the establishment and functions of bodies in the individual agreements annexed to the MTO and the provisions on institutional structure of the MTO Agreement.
4. The Group also had an exchange of views on the relationship of the final provisions in the MTO Agreement and those in the annexed agreements. It was noted that certain final provisions were technical in nature (for example provisions concerning deposit, secretariat, entry into force, and registration) and could be handled in a general manner in the MTO provisions and need not be repeated in the annexed Agreements. Others, mainly those related to the scope of obligations (for example, waiver, reservation, non-application or amendment), were specific to particular agreements. It was suggested that certain of the final provisions in the MTO Agreement could be adjusted by providing for conditions that may be specific to individual agreements. It was also suggested that a provision in the MTO Agreement could mention that certain of its final provisions would be supplemented by separate requirements, relating to the administration of certain agreements, which would be retained in the texts concerned.
5. The Group discussed the distinction that may be made between the texts to be attached to the MTO Annexes and those which would be adopted as Ministerial Decisions, to enter into force at the same time as of the MTO agreement. It was noted that an important criterion in this connection

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was whether the texts required a new approval from governments and a new act of consent by treaties. Decisions would be legally binding on governments in the same way as the Annexes. However, amendability of the texts would differ depending on whether they were attached to Annex 1 and whether they were Ministerial Decisions.

6. The Group agreed that it would be helpful to supplement its formal meetings by informal drafting sessions, open to all interested participants, on particular subjects. It was emphasized that it would remain open to delegations which did not participate in the informal sessions to raise points of concern to them when revised texts were brought back to the Group.

7. The next meeting of the Group is scheduled for 3-6 March 1992. At that meeting the Group will take up the draft understanding on rules and procedures governing the settlement of disputes and "cross-cutting" points in the texts of the Draft Final Act.