

M-314-B

11

THE ANNECY PROTOCOL

OF TERMS OF ACCESSION TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments of the COMMONWEALTH OF AUSTRALIA, the KINGDOM OF BELGIUM, the UNITED STATES OF BRAZIL, BURMA, CANADA, CEYLON, the REPUBLIC OF CHILE, the REPUBLIC OF CHINA, the REPUBLIC OF CUBA, the CZECHOSLOVAK REPUBLIC, the FRENCH REPUBLIC, INDIA, LEBANON, the GRAND-DUCHY OF LUXEMBURG, the KINGDOM OF THE NETHERLANDS, NEW ZEALAND, the KINGDOM OF NORWAY, PAKISTAN, SOUTHERN RHODESIA, SYRIA, the UNION OF SOUTH AFRICA, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and the UNITED STATES OF AMERICA, which are the present contracting parties to the General Agreement on Tariffs and Trade (hereinafter called "the present contracting parties" and "the General Agreement" respectively), and the Governments of the KINGDOM OF DENMARK, the DOMINICAN REPUBLIC, the REPUBLIC OF FINLAND, the KINGDOM OF GREECE, the REPUBLIC OF HAITI, the REPUBLIC OF ITALY, the REPUBLIC OF LIBERIA, the REPUBLIC OF NICARAGUA, the KINGDOM OF SWEDEN, and the ORIENTAL REPUBLIC OF URUGUAY (hereinafter called "the acceding governments"),

HAVING REGARD to the results of the negotiations directed towards the accession of the acceding governments to the General Agreement,

In accordance with the provisions of Article XXXIII of the General Agreement:

HEREBY AGREE upon the terms on which the acceding governments may so accede, which terms are embodied in this Protocol,

AND the present contracting parties DECIDE by decisions of two-thirds majorities, taken in the manner provided in paragraph II of this Protocol, upon the accession to the General Agreement of the acceding governments

1. (a) Subject to the provisions of this Protocol, each of the acceding governments shall, upon the entry into force of this Protocol with respect to it, apply provisionally:

- (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 Protocol.

(b) 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.

(c) For the purposes of the General Agreement, the Schedules contained in Annex B to this Protocol shall be regarded as Schedules to the General Agreement relating to acceding governments.

(d) Notwithstanding the provisions of paragraph 1 of Article I of the General Agreement, signature of this Protocol by an acceding government shall not require the elimination of any preferences in respect of import duties or charges which do not exceed the levels provided for in paragraph 4 of Article I of the General Agreement as modified and which are in force exclusively between Uruguay and Paraguay.

2. Upon the entry into force of this Protocol with respect to each acceding government, that government shall become a contracting party as defined in Article XXXII of the General Agreement.

3. Notwithstanding the provisions of paragraph 12, the concessions provided for in the Schedule relating to each present contracting party and contained in Annex A to this Protocol shall not enter into force for that contracting party unless notification of the intention to apply these concessions has first been received by the Secretary-General of the United Nations from that contracting party. Such concessions shall thereafter enter into force for that contracting party either on the date on which this Protocol first enters into force pursuant to paragraph 12 or on the thirtieth day following the day upon which such notification is received by the Secretary-General, whichever is the later. Such notification shall only be effective if received by the Secretary-General not later than April 30, 1950. Upon the entry into force of such concessions the appropriate Schedule shall be regarded as a Schedule to the General Agreement relating to that contracting party.

4. Any present contracting party which has given the notification referred to in paragraph 3 or any acceding government which has signed this Protocol shall be free at any time to withhold or to withdraw in whole or in part any concession, provided for in the appropriate Schedule contained in Annex A or B to this Protocol, in respect of which such contracting party or government determines that it was initially negotiated with an acceding government which has not

signed this Protocol or a present contracting party which has not given such notification; *Provided* that the present contracting party or acceding government withholding or withdrawing in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with the contracting parties which have a substantial interest in the product concerned; and *Provided further* that, without prejudice to the provisions of Article XXXV of the General Agreement, any concession so withheld or withdrawn shall be applied from the thirtieth day following the day upon which the acceding government or present contracting party with which it was initially negotiated signs this Protocol or gives the notification referred to in paragraph 3.

5. (a) In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Schedules annexed to this Protocol shall be the date of this Protocol.

(b) In each case in which paragraph 6 of Article V, subparagraph 4 (d) of Article VII and subparagraph 3 (c) of Article X of the General Agreement refers to the date of that Agreement, the applicable date in respect of each acceding government shall be March 24, 1948.

(c) In the case of the references in paragraph 11 of Article XVIII of the General Agreement to September 1, 1947, and October 10, 1947, the applicable dates in respect of each acceding government shall be May 14, 1949, and July 30, 1949, respectively.

6. The provisions of the General Agreement to be applied by an acceding government 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, or otherwise modified on the day on which this Protocol is signed by such acceding government. Signature of this Protocol by an acceding government, to be effective, shall be accompanied by appropriate action accepting any rectification, amendment, or other modification which has been drawn up by the CONTRACTING PARTIES for submission to governments for acceptance but which has not become effective by the date of signature of this Protocol by that acceding government.

7. Any acceding government which has signed this Protocol shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.

8. (a) Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 7, may, on or after the date on which the General Agreement enters into force pursuant to Article XXVI thereof, accede to that Agreement upon the terms of this Protocol by deposit of an instrument of accession with the Secretary-General of the United Nations. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI, or on the thirtieth day following the day of the deposit of the instrument of accession, whichever shall be the later.

(b) Accession to the General Agreement pursuant to paragraph 8 (a) of this Protocol shall, for the purpose of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

9. (a) Each acceding government signing this Protocol, or depositing an instrument of accession under paragraph 8 (a), and each present contracting party giving the notification referred to in paragraph 3, does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of such signature, deposit, or notification under paragraph 3.

(b) Any acceding government or present contracting party which has notified the Secretary-General, under the exception in subparagraph (a) of this paragraph, may at any time give notice to the Secretary-General that such signature, accession, or notification under paragraph 3 shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the day on which it is received by the Secretary-General.

(c) If any of the customs territories, in respect of which an acceding government has made the General Agreement effective, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in the General Agreement, such territory shall, upon sponsorship through a declaration by the responsible acceding government establishing the above-mentioned fact, be deemed to be a contracting party.

10. (a) The original text of this Protocol shall be deposited with the Secretary-General of the United Nations and shall be open for signature at the Headquarters of the United Nations by present contracting parties from October 10, 1949, until November 30, 1949, and by acceding governments from October 10, 1949, until April 30, 1950.

(b) The Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature thereto, of each deposit of an instrument of accession under paragraph 8 (a), and of each notification or notice under paragraph 3, 7, 9 (a) or 9 (b), to each Member of the United Nations and to each other government which participated in the United Nations Conference on Trade and Employment.

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.

11. Upon signature of this Protocol in respect of an acceding government by two-thirds of the present contracting parties, it shall constitute a decision taken under Article XXXIII of the General Agreement agreeing to the accession of that government.

12. Subject to the provisions of paragraph 3, this Protocol shall, for each acceding government in respect of which it has been signed by November 30, 1949, by two-thirds of the present contracting parties, enter into force:

- (a) if it has been signed by that acceding government by November 30, 1949, on January 1, 1950, or,
- (b) if it has not been signed by that acceding government by November 30, 1949, on the thirtieth day following the day upon which it shall have been signed by such acceding government.

13. The date of this Protocol shall be October 10, 1949.

DONE at Annecy, in a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to Schedules annexed hereto.
