INTERPRETATION OF ARTICLE XXXV

Proposal by the United States

The following communication, dated 6 December 1993, has been received from the Office of the United States Trade Representative in Geneva, with the request that the matter be inscribed on the Agenda of the Council meeting on 17 December.

The United States proposes that the Council take the following decision on the interpretation of Article XXXV of the General Agreement:

"The CONTRACTING PARTIES,

Having regard to the linked provisions of paragraph 1 of Article XXXV of the General Agreement on Tariffs and Trade;

Noting that by invoking Article XXXV a contracting party on the one hand, or a government acceding to the General Agreement on the other, declines to apply the General Agreement, or alternatively Article II of that Agreement, to the other party;

Desiring to ensure that tariff negotiations between contracting parties and a government acceding to the General Agreement are not inhibited by unwillingness to accept an obligation to apply the General Agreement as a consequence of entry into such negotiations;

Decide as follows:

A contracting party and a government acceding to the General Agreement on Tariffs and Trade may engage in negotiations relating to the establishing of a GATT schedule of concessions by the acceding government without prejudice to the right of either to invoke Article XXXV in respect of the other."