SPECIAL EXCHANGE AGREEMENTS

Time-Limit for Action by Germany
(Article XV:6)

At their Third Session the Contracting Parties resolved, pursuant to Article XV:6 of the Agreement, that each government which thereafter became a contracting party should enter into a special exchange agreement with the Contracting Parties in the terms of an adopted text within four months after its accession if it was not then a member of the Fund (GATT/CP/32, page 32). The Government of Germany became a contracting party on October 1, 1951 and was therefore required to take this action not later than January 31, 1952. The text of the special exchange agreement was accordingly prepared and deposited with the Secretary-General of the United Nations for acceptance by Germany.

Upon the expiration of the time-limit the German Government communicated with the Secretariat by telegram in the following terms:

"FEDERAL GOVERNMENT REQUESTS EXTENSION TIME LIMIT FOR CONCLUSION AGREEMENT IN ACCORDANCE WITH ARTICLE XV PARAGRAPH 6 WITH CONTRACTING PARTIES TO GATT UNTIL JUNE 30, 1952 ...."

This request has been placed on the agenda for the meeting of the Intersessional Committee on February 25 in accordance with the procedures set forth in GATT/CP.6/52, as it constitutes an "urgent matter arising between the Sixth and Seventh Sessions calling for consideration by the Contracting Parties". As Article XV:6 provides that the Fund shall be consulted before a time-limit is fixed, the Fund was informed of this request and has been invited to present its views to the Committee.

The following draft decision is submitted for consideration in the event that the Intersessional Committee will be disposed to recommend favourably on the request. The decision could be put to a postal vote and would come into force, pursuant to Article XXV:5 (a), upon its approval by a two-thirds majority of the votes cast provided that majority comprises more than half of the contracting parties.
DRAFT

DECISION OF 1952 CONCERNING THE
ACCEPTANCE OF A SPECIAL EXCHANGE AGREEMENT BY THE
GOVERNMENT OF GERMANY

CONSIDERING that the Government of the Federal Republic of Germany was required, under the terms of the Resolution of the CONTRACTING PARTIES of June 20, 1949, to enter into a special exchange agreement not later than January 31, 1952, if it had not become a member of the International Monetary Fund by that date,

CONSIDERING that the Government of Germany, having reached an advanced stage in its negotiations with the International Monetary Fund for membership, is likely to become a member in the near future and has requested an extension of the time-limit, and

HAVING CONSULTED with the International Monetary Fund in accordance with the provisions of Article XV:6 of the General Agreement,

The CONTRACTING PARTIES, acting under Article XXV:5 (a),

DECIDE that, notwithstanding the provisions of the Resolution of June 20, 1949, an instrument of acceptance of the special exchange agreement if deposited by the Government of Germany with the Secretary-General of the United Nations on or before ............., 1952, shall be deemed effective for all the purposes of the said Resolution and of Article XV:6 of the General Agreement.