PROVISIONAL ACESSION OF THE PHILIPPINES

Declaration of 9 August 1973

The Government of the Philippines and the other governments on behalf of which this Declaration has been accepted (the latter governments being hereinafter referred to as the "participating governments") and the European Economic Community,

Considering that the Government of the Philippines on 14 February 1973 made a formal request to accede provisionally to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") and that the Government of the Philippines will be prepared to conduct the tariff negotiations with contracting parties, which it is considered should precede accession under Article XXXIII, during the multilateral trade negotiations to be started in September 1973,

Considering the desirability of the Philippines being invited to accede provisionally to the General Agreement as a step towards its eventual accession pursuant to Article XXXIII:

1. Declare that, pending the accession of the Philippines to the General Agreement under the provisions of Article XXXIII, which will be preceded by the conclusion of tariff negotiations with contracting parties to the General Agreement within the context of the multilateral trade negotiations, the commercial relations between the participating governments and the European Economic Community and the Philippines shall be based upon the General Agreement, subject to the following conditions:

   (a) The Government of the Philippines shall apply provisionally and subject to the provisions of this Declaration (i) Parts I, III and IV 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 Declaration; 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;

   (b) While the Philippines under the most-favoured-nation provisions of Article I of the General Agreement will receive the benefit of the concessions contained in the schedules annexed to the General Agreement, it shall not have any direct rights with respect to those concessions either under the provisions of Article II or under the provisions of any other Article of the General Agreement;
(c) In each case in which paragraph 6 of Article V, sub-paragraph 4(d) of Article VII, and sub-paragraph 3(c) of Article X of the General Agreement, refer to the date of that Agreement, the applicable date in respect of the Philippines shall be the date of this Declaration:

(d) The provisions of the General Agreement to be applied by the Philippines 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, supplemented, or otherwise modified by such instruments as may have become effective by the date of this Declaration.

2. Request the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES") to perform such functions as are necessary for the implementation of this Declaration.

3. This Declaration, which has been approved by the CONTRACTING PARTIES by a two-thirds majority, shall be deposited with the Director-General to the CONTRACTING PARTIES. It shall be open for acceptance, by signature or otherwise, by the Philippines, by contracting parties to the General Agreement, by any governments which shall have acceded provisionally to the General Agreement and by the European Economic Community.

4. This Declaration shall become effective between the Philippines and any participating government and the European Economic Community on the thirtieth day following the day upon which it shall have been accepted on behalf of both the Philippines and that government and the European Economic Community; it shall remain in force until the Government of the Philippines accedes to the General Agreement under the provisions of Article XXXIII thereof or until 31 December 1975, whichever date is earlier, unless it has been agreed between the Philippines and the participating governments and the European Economic Community to extend its validity to a later date.

5. The Director-General to the CONTRACTING PARTIES shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereof, to each government to which this Declaration is open for acceptance and to the European Economic Community.

Done at Geneva this ninth day of August one thousand nine hundred and seventy-three in a single copy in the French and English languages, both texts authentic.

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1 The Declaration has been approved by postal ballot.