Note by the Executive Secretary

1. At their Ninth Session, the CONTRACTING PARTIES decided that the instruments drawn up by them would be deposited with the Executive Secretary; they also decided to modify the registration clause previously used in protocols to read as follows: "This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations". However, when the Executive Secretary asked the Secretary-General of the United Nations to register the Declaration on the Continued Application of the Schedules as soon as it entered into force, he was informed by the Secretary-General that he would not be in a position to register the Declaration, as the registration clause did not conform to the provisions of the regulations applicable to registration under Article 102 of the Charter.

2. In order to make it possible for the Secretary-General of the United Nations to register the instruments deposited with the Executive Secretary, it is suggested that the CONTRACTING PARTIES, at their next session (the Tenth Session or a special session if held), adopt a resolution authorizing the Executive Secretary to act on their behalf to register the instruments drawn up at the Ninth Session and deposited with him, as well as any other instruments to be drawn up in the future.

3. In order to avoid the legal difficulties referred to above, the Executive Secretary has inserted in those instruments drawn up since the Ninth Session the following clause: "The Secretary-General of the United Nations is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations".

These instruments are the following:

1. Protocol of Terms of Accession of Japan to the General Agreement on Tariffs and Trade;