ANNEX A

Revised Draft of Model Protocol of Accession for Use in Negotiations under Section A of Tariff Negotiations Procedures

Protocol of Terms of Accession of [the name of the acceding country] to the General Agreement on Tariffs and Trade.

The Governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter called "present contracting parties" and "General Agreement"), acting pursuant to the decision under Article XXXIII of the General Agreement agreeing to the accession of [the name of the acceding country], and the Government of [the name of the acceding country],

HAVING REGARD to the results of the negotiations directed toward the accession of [the name of the acceding country] to the General Agreement,

HAVE through their representatives agreed as follows:

1. (a) The Government of [the name of the acceding country], upon the entry into force of this Protocol with respect to it pursuant to paragraph 10 following the taking of the decision under Article XXXIII or to its accession, shall apply provisionally and subject to the provisions of this Protocol

   (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 schedule contained in Annex B upon its entry into force pursuant to paragraph 10 shall be regarded as a schedule to the General Agreement relating to [the name of the acceding country].

2. Upon the entry into force of this Protocol with respect to [the name of the acceding country], pursuant to paragraph 10 hereof, [the name of the acceding country] shall become a contracting party as defined in Article XXXII of the General Agreement.

3. (a) On the thirtieth day following the day upon which this Protocol shall have been signed by a present contracting party, the schedule relating to that contracting party contained in Annex A shall enter into force.

(b) When a schedule has entered into force pursuant to subparagraph (a) such schedule shall become a schedule to the General Agreement relating to the contracting party in question.
4. Any 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 annexed to this Protocol, in respect of which such government determines that it was initially negotiated with a government which has not signed this Protocol, Provided that

(i) the government withholding or withdrawing in whole or in part any such concession shall give notice to all contracting parties and the name of the acceding country within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with any contracting party having a substantial interest in the product involved; and

(ii) any concession so withheld or withdrawn shall be applied on and after the thirtieth day following the day upon which the government with which it was initially negotiated signs this Protocol.

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, 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 name of the acceding country shall be March 24, 1948.

(c) In the case of references in paragraph 11 of Article XVIII of the General Agreement to September 1, 1947, and October 10, 1947, the applicable dates in respect to the name of the acceding country shall be a date after the opening of the negotiations and before the second date to be supplied in this paragraph, and a date not less than twenty days before the date of the Protocol, respectively.

(d) In the case of the date in paragraph 1 of Article XXVIII of the General Agreement, the applicable date in respect of the schedules annexed to this Protocol shall be January 1, 1954.* This sub-paragraph may be deleted if on the date of the Protocol the amendment to paragraph 1 of Article XXVIII contained in paragraph 6 of the Torquay Protocol has entered into force for all contracting parties participating in the negotiations.

6. (a) The provisions of the General Agreement to be applied by the name of the acceding country 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 on the day on which this Protocol is signed by the name of the acceding country.

* Should all the participating governments agree to use a date later than January 1, 1954, they would be free to do so.
(b) Signature of this Protocol by [the name of the acceding country] shall constitute an acceptance of the rectifications, amendments, supplementations, or other modifications of the General Agreement provided for in any instruments which have been drawn up by the CONTRACTING PARTIES and opened for acceptance, but which may not have become effective at the time that this Protocol is signed by [the name of the acceding country], such acceptance to take effect when [the name of the acceding country] becomes a contracting party.

7. [The name of the acceding country], following signature of 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) [The name of the acceding country], after having signed this Protocol and not having given notice of withdrawal under paragraph 7, may, on or after the day on which the General Agreement enters into force pursuant to Article XXVI thereof, accede thereto upon the applicable 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 sub-paragraph (a) 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) If by [the sixtieth day following the date of this Protocol] favorable votes have been received, from two-thirds of the governments which are then contracting parties, to the decision for the accession of [the name of the acceding country], the original text of this Protocol, together with the annexes thereto, shall be deposited with the Secretary-General of the United Nations. It shall be open for signature at the Headquarters of the United Nations from [the seventy-fifth day following the date of the Protocol] to [six months following the date of the Protocol] by present contracting parties and [the name of the acceding country]

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

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.
10. This Protocol, including the schedule relating to the name of the acceding country contained in Annex B, shall enter into force for the name of the acceding country on the thirtieth day following the day upon which it shall have been signed by the name of the acceding country.

11. The date of this Protocol shall be the date of the close of the negotiations, or as shortly thereafter as the Protocol can be prepared.

DONE at the site of the negotiations, in a single copy in the English and French languages, both texts authentic except as otherwise specified in schedules annexed hereto.

ANNEX A

SCHEDULES OF CONTRACTING PARTIES

[separate new schedule for each participating contracting party]

ANNEX B

SCHEDULE OF [the name of the acceding country]

[The separate schedule of the acceding country]

DECISION AGREING TO THE ACCESSION OF [the name of the acceding country]

Decision by the Contracting Parties agreeing to the accession of the name of the acceding country to the General Agreement on Tariffs and Trade.

THE CONTRACTING PARTIES,

HAVING REGARD to the results of the negotiations directed toward the accession of the name of the acceding country to the General Agreement on Tariffs and Trade,

DECIDE in accordance with Article XXXIII of the General Agreement

1. The CONTRACTING PARTIES agree to the accession of the Government of the name of the acceding country to the General Agreement on the terms which are provided for in the Protocol of Terms of Accession of the name of the acceding country to the General Agreement.

2. Votes by contracting parties on this Decision must be received by the Chairman of the CONTRACTING PARTIES (or to such other person as authorize for this purpose) at Geneva by two months following the date of the Protocol.

3. This Decision shall constitute a decision of the CONTRACTING PARTIES taken on two months following the date of the Protocol, provided that by that date favorable votes thereon shall have been received from two-thirds of the governments which are at that time contracting parties.