1. The Committee considered the suggestion made in document L/189/Add.1 regarding the entry into force of amendments, and in particular the question whether, from a legal point of view, the amendments could be embodied in one protocol or would have to be included in two or more protocols.

2. The Committee agreed that, from a legal point of view, there would be no objection to include in a single protocol all the amendments the entry into force of which is dependent on the acceptance of two-thirds of the contracting parties in accordance with paragraph 1 of Article XXX. This procedure would have the effect of requiring the contracting parties to accept all the amendments embodied in that protocol and avoid the difficulties which would arise if the contracting parties were in a position to accept some of those amendments while rejecting others.

3. Such a procedure would not deprive any contracting party of any right it enjoys under the General Agreement since the CONTRACTING PARTIES can decide, under paragraph 2 of Article XXX, that "any amendment made effective under ... Article [XXX] is of such a nature that any contracting party which has not accepted it within the period specified by the CONTRACTING PARTIES shall be free to withdraw from this Agreement or to remain a contracting party with the consent of the CONTRACTING PARTIES." The inclusion of all these modifications in the same protocol would have the effect of treating them as a single amendment. This procedure has been followed consistently by the CONTRACTING PARTIES when they drew up protocols of amendments in the past, for instance when extensive amendments were submitted to the contracting parties for acceptance in 1948. As the CONTRACTING PARTIES may decide that any contracting party, to remain party to the Agreement, shall accept any important amendment requiring acceptance of two-thirds of the contracting parties at any time after it has entered into force, the inclusion of all amendments of this nature in a single protocol or in more than one does not modify the powers of the CONTRACTING PARTIES in this connexion and therefore the rights of individual contracting parties.

4. On the other hand, the Committee was of the opinion that the terms of paragraph 2 of Article XXX made it impossible for the amendments requiring unanimity to be treated in the same manner. First of all, the provision of paragraph 2 of Article XXX cannot apply to such amendments, as those amendments could be made effective under Article XXX only when they have been accepted by all the contracting parties. Secondly, if those modifications were to be included alongside with those requiring acceptance by
two-thirds of the contracting parties as a single amendment, and if the CONTRACTING PARTIES were to apply the provision of paragraph 2 of Article XXX to that amendment, any contracting party which is prepared to accept all amendments requiring the acceptance by two-thirds of the contracting parties but objects to an amendment for which unanimity is required would be deprived of its right under the Agreement of preventing the entry into force of such an amendment without its consent. The Committee concluded therefore that it would not be consistent with the spirit or the letter of the General Agreement for the CONTRACTING PARTIES to adopt, without the consent of all the contracting parties, a procedure which would have the effect of depriving any contracting party of the rights it has acquired when it became party to the General Agreement.

5. The Committee considered next whether, in order to safeguard the interests of the contracting parties, it was necessary, from a legal point of view, to provide for more than one protocol. It was of the opinion that, provided the Protocol foresaw separate conditions of entry into force for the two types of amendments, it would not be imperative to provide for two protocols, one containing the amendments the entry into force of which is dependent on acceptance by two-thirds of the contracting parties, and another one containing the amendments requiring acceptance by all the contracting parties.

6. It seemed, however, to the Committee that, on balance, the practical advantages of drafting two protocols were greater than the practical advantages of drawing up a single Protocol of amendments. As this question is mainly of practical convenience the Committee felt that it might not be necessary to take a final decision at the present time. It suggests, therefore, that the question might be reconsidered at the time when the actual text of the amendments is known.