PROVISIONAL ACCESSION OF PORTUGAL

Note by the Chairman

After consultation with the delegations concerned, the Chairman has the honour to propose that the CONTRACTING PARTIES consider the following draft declaration and decision. The Chairman suggests that the CONTRACTING PARTIES should decide on these two texts at their meeting of 4 June.

The text of the declaration is roughly the same as the text which has been approved by the CONTRACTING PARTIES in the case of Israel and Tunisia. The only modifications which have been made to these previous texts are as follows:

(a) instead of referring to the model Protocol for accession of 23 October 1951, the relevant provisions of the said Protocol have been introduced in sub-paragraph 1(a), 1(c) and 1(e) of the draft declaration;

(b) a special provision has been inserted to take account of the system applicable between Portugal and its overseas provinces;

(c) lastly a provision similar to the provisions of Article XXVI:5(a) and (b) has been introduced in paragraph 4 of the draft declaration.

During the consultations, a number of delegations raised the problem of the relations between Portugal and its overseas provinces. The Portuguese delegation was not in a position to accept, under the declaration of provisional accession, commitments similar to those that the contracting parties have undertaken under Article I:4. While agreeing that this problem can not be dealt with at the time of the drafting of the declaration relating to the provisional accession of Portugal, certain delegations felt that the matter should be thoroughly examined before tariff negotiations are initiated with the Portuguese Government and to that effect they requested the Portuguese delegation to furnish as promptly as possible detailed information concerning the provisions which effectively govern the trade between Portugal and the overseas provinces.
PROVISIONAL ADOPTION OF PORTUGAL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Draft Declaration

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

CONSIDERING that the Government of Portugal made on 19 May 1960 a formal request to accede to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") in accordance with the provisions of Article XXXIII of the General Agreement, and

HAVING REGARD to the desire of many contracting parties to the General Agreement to conduct the tariff negotiations with Portugal, which it is considered should precede accession under Article XXXIII, during the tariff conference to be held in 1960-1961, arrangements for which are being made by the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES"):

1. DECLARE that, pending the accession of Portugal to the General Agreement under the provisions of Article XXXIII, following the conclusion of tariff negotiations with the contracting parties to the General Agreement, the commercial relations between the participating governments and Portugal shall be based upon the General Agreement, subject to the following conditions:

(a) The Government of Portugal shall apply provisionally and subject to the provisions of this Declaration (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 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 of Article VI shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.

(b) Portugal shall not have any direct rights with respect to the concessions contained in the schedules annexed to the General Agreement 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 Portugal shall be the date of this Declaration.

(d) The present Declaration shall in no way affect the provisions governing the trade between the European territories of Portugal and its overseas provinces.
The provisions of the General Agreement to be applied by Portugal 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 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 open for acceptance, by signature or otherwise, by Portugal, by contracting parties to the General Agreement and by any governments which acceded provisionally to the General Agreement.

4. (a) The Government of Portugal accepts this Declaration in respect of all its territories, except such separate customs territories as it shall notify to the Executive Secretary of the CONTRACTING PARTIES at the time of its own acceptance.

(b) If the Government of Portugal has so notified the Executive Secretary of the CONTRACTING PARTIES, it may at any time give notice to the Executive Secretary that its acceptance shall be effective in respect to any separate customs territory or territories so excepted. Such notice shall take effect on the thirtieth day following the day on which it is received by the Executive Secretary.

5. This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES.

6. The Executive Secretary of 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.

7. This Declaration shall become effective between Portugal and any participating government on the thirtieth day following the day upon which it shall have been accepted on behalf of Portugal and that government; it shall remain in force until the Government of Portugal accedes to the General Agreement under the provisions of Article 223 thereof or until 30 June 1962, whichever date is earlier, unless it has been agreed between Portugal and the participating governments to extend its validity to a later date.

DONE at Geneva this day of one thousand nine hundred and sixty, in a single copy in the French and English languages, both texts authentic.
PARTICIPATION OF PORTUGAL IN THE WORK OF THE CONTRACTING PARTIES

Draft Decision

CONSIDERING that the Government of Portugal has made a request to the CONTRACTING PARTIES to the General Agreement on Tariffs and Trade to accede to the General Agreement in accordance with the provisions of Article XXXIII and is ready to enter into tariff negotiations with contracting parties to that end,

DESIRING that the Government of Portugal, pending its accession, shall be associated with the discussions and deliberations of the CONTRACTING PARTIES,

NOTING that a number of contracting parties intend that, pending the accession of Portugal pursuant to Article XXXIII, commercial relations between them and Portugal shall be based upon the provisions of the General Agreement, in accordance with the Declaration of

CONSIDERING that the said Declaration requests the CONTRACTING PARTIES to perform certain functions comparable in nature to their functions under the General Agreement,

THE CONTRACTING PARTIES

DECIDE:

1. To invite the Government of Portugal to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES,

2. To accept such functions as are necessary for the operation of the Declaration referred to in the preamble to this Decision, and

3. To make arrangements for tariff negotiations between contracting parties and Portugal during the tariff conference commencing in 1960.

This Decision shall continue in effect until the accession of Portugal to the General Agreement following tariff negotiations with contracting parties or until 30 June 1962, whichever date is earlier, unless the CONTRACTING PARTIES agree to extend it to a later date.