ACCESSION OF SWITZERLAND

Provisional Draft of a Decision submitted by the Chairman of the Swiss Delegation

Revised in the light of special group discussions on 27 September 1961

Decision by the CONTRACTING PARTIES agreeing to the Accession of Switzerland to the General Agreement on Tariffs and Trade

I

Having been notified by the Government of the Swiss Confederation that it desires to achieve full accession to the General Agreement, and

Having regard to the results of the negotiations conducted in 1957/58 and embodied in Schedules annexed to the Déclaration of 22 November 1958, directed towards the accession of Switzerland to the General Agreement on Tariffs and Trade, and

Having received the statement of the Government of the Swiss Confederation that on the basis of the Laws referred to in Part II below, it is mandatory that the Government of the Swiss Confederation should pursue, jointly and concurrently, the following objectives in its agriculture:

(i) the maintenance for social, political and economic reasons of an agricultural industry;

(ii) the maintenance of a level of farm income comparable to that prevailing in other sectors of the national economy and which will favour the development of a farm structure based on medium sized family farms, well suited to rational management;

(iii) the maintenance of existing export possibilities to traditional markets for Swiss agricultural products;

(iv) the maintenance, with due regard to the objectives set out in (i), (ii) and (iii) above, of a high level of imports, as well as of liberal import policies.

Source: Spec(61)352
II

The CONTRACTING PARTIES

Decide, in accordance with Article XXXIII of the General Agreement, that they agree to the accession of the Government of the Swiss Confederation to the General Agreement on the terms which are provided for in a Protocol of Terms of Accession of Switzerland to the General Agreement, subject to the following supplementary provisions:

1) The Government of the Swiss Confederation may deviate from the provisions of Article XI to the extent necessary to enable the Government of the Swiss Confederation to apply import restrictions which are required for the implementation of its agricultural legislation, comprising:
   - the legislation on agriculture based on Article 31 bis of the Constitution;
   - the legislation on cereals based on Article 23 bis of the Constitution;
   - the legislation on alcohol based on Article 32 bis of the Constitution;
   - the legislation on economic defence based on Articles 28 and 29 of the Constitution;
   - the legislation on the supply of vital products based on Article 85 of the Constitution.

2) In applying measures under these Laws, the Government of the Swiss Confederation will, so far as is consistent with the implementation of these Laws, observe to the fullest possible extent the appropriate provisions of the General Agreement, and in particular will endeavour to ensure that they are applied in such a manner as to cause minimum harm to the interests of other contracting parties.

3) The restrictions referred to in paragraph 1) above are to be applied in accordance with the principles of non-discrimination as set out in Article XIII of the General Agreement.

1 See Model Protocol for Accession, Vol.1, page 111.
4) The Government of the Swiss Confederation will, with due regard to the objectives of the Swiss Laws as set out above, maintain the present overall level of agricultural imports as well as liberal import policies expected to afford foreign suppliers the maximum possible access to the Swiss market and the fullest possible share in any expansion of the Swiss market arising from increased demand.

5) The Government of the Swiss Confederation will undertake to explore ways and means of bringing into conformity with the General Agreement measures that now deviate from the provisions of that Agreement.

6) The Government of the Swiss Confederation, prior to the entry into force of this Decision, will supply the CONTRACTING PARTIES with a description of the actual measures in force and statistical information which will enable an assessment of their effects. It will immediately notify the CONTRACTING PARTIES of any significant changes in measures applied pursuant to parts I and II of this Decision.

7) The Government of the Swiss Confederation, in accordance with Article XXII of the General Agreement, will at the request of any contracting party which considers that it has a substantial interest, enter into consultations (a) on the changes referred to in paragraph 6) above; and (b) on the application of measures covered by this Decision as they affect individual products.

8) This Decision shall not preclude the right of affected contracting parties to have recourse to the appropriate provisions of Article XXIII during the period this Decision remains in effect.

9) The Government of the Swiss Confederation shall report to and consult with the CONTRACTING PARTIES annually regarding the application of this Decision, for the first time at the twenty-first session.
III

Decision regarding Article XV of the General Agreement

IV

The CONTRACTING PARTIES

further decide that:

1) Subject to the determination referred to below, the accession of the Swiss Confederation to the General Agreement by virtue of the present Decision shall be valid for a period of three years, from date of such accession. The CONTRACTING PARTIES will review this Decision with a view to determining the terms under which the Swiss Confederation will remain a contracting party, not later than six months prior to the date upon which the three-year period referred to above is due to expire, or at such earlier date as may be agreed upon between the CONTRACTING PARTIES and the Swiss Government.

2) This Decision shall constitute a Decision of the CONTRACTING PARTIES taken on . . . . . . . . . . . . , provided that by that date, favourable votes thereon shall have been received from two thirds of the governments which are at that time contracting parties to the General Agreement.