General Agreement on Tariffs and Trade

Working Party for the Accession of the Democratic Republic of the Congo

Draft Protocol for the Accession of the Congo

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "contracting parties" and "the General Agreement", respectively), the European Economic Community and the Government of the Democratic Republic of the Congo (hereinafter referred to as "the Congo"),

Having regard to the results of the negotiations directed towards the accession of the Congo to the General Agreement,

Have through their representatives agreed as follows:

Part I - General

1. The Congo shall, upon entry into force of this Protocol pursuant to paragraph 6, become a contracting party to the General Agreement, as defined in Article XXXII thereof, and shall apply provisionally and subject to this Protocol:

(a) Parts I, III and IV of the General Agreement, and

(b) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

The obligations incorporated in paragraph 1 of Article I by reference to Article III and those incorporated in paragraph 2(b) of Article II by reference to Article VI of the General Agreement shall be considered as falling within Part II for the purpose of this paragraph.

2. (a) The provisions of the General Agreement to be applied by the Congo shall, except as otherwise provided in this Protocol, be the provisions 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 or otherwise modified by such instruments as may have become at least partially effective on the day on which the Congo becomes a contracting party; provided that this does not mean that the Congo undertakes to apply a provision of any such instrument prior to the effectiveness of such provision pursuant to the terms of the instrument.

(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 Congo shall be the date of this Protocol.
Part II - Schedule

3. The schedule in the Annex shall, upon the entry into force of this Protocol, become a Schedule to the General Agreement relating to the Congo.

4. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol shall be the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of the schedule annexed to this Protocol shall be the date of this Protocol.

Part III - Final Provisions

5. This Protocol shall be open for signature by the Congo until it shall also be open for signature by contracting parties and by the European Economic Community.

6. This Protocol shall enter into force on the thirtieth day following the day upon which it shall have been signed by the Congo.

7. The Congo, having become a contracting party to the General Agreement pursuant to paragraph 1 of this Protocol, may accede to the General Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession, with the Director-General. 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 is the later. Accession to the General Agreement pursuant to this paragraph shall, for the purposes of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

8. The Congo may withdraw its provisional application of the General Agreement prior to its accession thereto pursuant to paragraph 8 and such withdrawal shall take effect on the sixtieth day following the day on which written notice thereof is received by the Director-General.

9. This Protocol shall be deposited with the Director-General who shall promptly furnish a certified copy thereof and a notification of each signature thereto, pursuant to paragraph 5, to each contracting party, to the European Economic Community and to the Congo.

10. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.
Done at Geneva this ______ day of ______ one thousand, nine hundred and ______ in a single copy, in the English and French languages, except as otherwise specified with respect to the schedule annexed hereto, both texts being authentic.
DRAFT DECISION FOR THE ACCESSION OF THE DEMOCRATIC REPUBLIC OF THE CONGO UNDER ARTICLE XXXIII

THE CONTRACTING PARTIES,

Having regard to the results of the negotiations directed towards the accession of the Government of the Democratic Republic of the Congo to the General Agreement on Tariffs and Trade and having prepared a Protocol for the accession of the Congo.

Decide, in accordance with article XXXIII of the General Agreement, that the Government of the Congo may accede to the General Agreement on the terms set out in the said Protocol.