1. Draft Protocol for the Accession of Cambodia

The Legal Drafting Group submits in Annex I hereto the text of a draft Protocol and a draft Decision for the Accession of Cambodia. The text of this Protocol does not essentially differ from that of the Protocols of Accession of Israel and Portugal. Attention is drawn to paragraph 3 of the draft Protocol relating to Cambodia's preferential arrangements. The Legal Drafting Group did not consider it fell within its terms of reference to recommend a base date for adoption by the Tariff Negotiations Committee. The representative of Cambodia appeared before the Group and discussed in broad outline Cambodian tariff preferences for products of France. He said that, as his Government was acceding under the terms of Article XXIII, he would wish that 1 September 1960, the opening date of the Tariff Conference, be fixed as the base date.

A draft Protocol and a draft Decision for the Accession of Spain will be submitted later.

2. Drafting changes in General Protocol and Protocols of Accession of Israel and of Portugal

The Legal Drafting Group has further examined the texts of the above-mentioned draft Protocols and recommends the adoption by the Tariff Negotiations Committee - in accordance with paragraph 2 of L/1669 - of the purely formal amendments listed in Annex II hereto.

The Group briefly discussed what procedural steps should be taken if the Tariff Negotiations Committee were to decide at some stage that the General Protocol be opened for signature before all negotiations were completed. The Group agreed that one way of taking care of negotiations not then completed would be to include in the Protocol provisions drafted on the lines of paragraph 4 of the Declaration of the Provisional Accession of the Swiss Confederation to the General Agreement on Tariffs and Trade.

3. General interim obligations of the EEC and Member States

The Group reported to the Committee in TN.60/16 that it "considered that it would not be necessary to deal in the Protocols with the question of the obligations of the EEC and its Member States in the transitional period before the Common External Tariff comes into force; in their view an undertaking written into the Schedules of the EEC and its Member States would be more appropriate".
The Group is now in a position to recommend the adoption of the following note which would be inserted in the Schedules of the Community negotiated at the 1960/61 Tariff Conference:

"With respect to products provided for in this Schedule the European Economic Community and the Member States thereof, to the extent of their respective responsibilities, undertake that any acceleration of the alignment of the tariffs of the Member States shall be carried out in a synchronized and balanced manner. They declare that they will not make use of the provisions of Article 24, 26 or 226 of the Rome Treaty in the case of such products in such a manner as to prejudice the interests of other contracting parties. If a contracting party considers that its interests are prejudiced as a result of action taken under any of these Articles, opportunity for consultations thereon shall be promptly afforded to it and, if subsequently desired by any party to the consultations, to the CONTRACTING PARTIES with a view to reaching a satisfactory resolution of the matter. Should agreement not be reached in the consultations with the CONTRACTING PARTIES, the contracting party initiating them may suspend, during the effectiveness of such action, substantially equivalent concessions the suspension of which the CONTRACTING PARTIES do not disapprove."

The following note would be inserted in the Schedules \(^1\) of the Member States of the Community:

"undertakes, to the extent of its responsibility, to carry out the provisions of the general note to Schedule (European Economic Community)."

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\(^1\)These Schedules are being inserted in the Protocol to take account of concessions on coal and steel products, and a few products for which the Common Tariff has not yet been established.
ANNEX I

Draft Protocol for the Accession of Cambodia to the General Agreement on Tariffs and Trade

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 Government of Cambodia (hereinafter referred to as "Cambodia") and the European Economic Community,

HAVING regard to the result of the negotiations directed towards the accession of Cambodia,

HAVE through their representatives agreed as follows:

PART I - GENERAL

1. Cambodia shall, upon entry into force of this Protocol with respect to it pursuant to sub-paragraph (a)(i) of paragraph 10, become a contracting party to the General Agreement, as defined in Article XXIII thereof, and shall apply provisionally, and subject to this Protocol:

(a) Parts I and III 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 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 Cambodia shall, except as is 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, supplemented, or otherwise modified by the instruments at least partially in effect on the date of this Protocol listed in Annex A to this Protocol:
Provided this does not mean that Cambodia 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 II of the General Agreement refer to the date of that Agreement, the applicable date in respect of Cambodia shall be the date of this Protocol.

3. In the case of Cambodia the date of 10 April 1947, referred to in paragraph 4 of Article I of the General Agreement in relation to preferences in respect of import duties or charges permitted by paragraph 2(b) of that Article, shall be replaced by / /.
4. The schedule in Annex B relating to any contracting party shall, upon the entry into force of this Protocol with respect to such contracting party become a schedule to the General Agreement relating to that contracting party.

5. The schedule in Annex C shall, upon the entry into force of this Protocol with respect to Cambodia, become a schedule to the General Agreement relating to Cambodia.

6. The schedule in Annex D relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a schedule to the General Agreement relating to the European Economic Community.

7. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement:

(i) The applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol of Cambodia or of a contracting party if such product was not the subject of a concession provided for in the same part or section of a schedule to the General Agreement of such contracting party on 1 September 1960, shall be the date of this Protocol.

(ii) The applicable date in respect of each product which is the subject of a concession provided for in the schedule of the Community shall, when imported into the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, or the Kingdom of the Netherlands, be:

(I) If the product was provided for in Part I of a schedule (or of a relevant section of a schedule) applicable to such contracting party on 1 September 1960: the date of the instrument by which such product was first provided for therein; Provided, that a concession on such product has been continuously in effect since the entry into force of the concession provided for in such instrument.

(II) If the product was not so provided for on 1 September 1960: 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 schedules annexed to this Protocol shall be the date of this Protocol.

8. Cambodia shall be free at any time to withhold or withdraw in whole or in part any concession provided for in the schedule contained in Annex C to this Protocol, which it determines to have been initially negotiated with a contracting
party or the European Economic Community, the schedule of which, annexed to
this Protocol, has not yet become a schedule to the General Agreement:
Provided that:

(a) Written notice of any such withholding of a concession shall be given
to the CONTRACTING PARTIES within thirty days after the date of such withholding.

(b) Written notice of intention to make any such withdrawal of a concession
shall be given to the CONTRACTING PARTIES at least thirty days before the date
of such intended withdrawal.

(c) Consultations shall be held, upon request, with any contracting party
or the European Economic Community, the relevant schedule relating to which has
become a Schedule to the General Agreement and which has a substantial interest
in the product involved.

(d) Any concession so withheld or withdrawn shall be applied on and after
the day on which the schedule of the contracting party or the European Economic
Community, with which such concession was initially negotiated becomes a
Schedule to the General Agreement, or, if it should be a later date, on the
thirtieth day following the day on which this Protocol shall have been accepted
by such contracting party or the European Economic Community.

PART III - FINAL PROVISIONS

9. (a) This Protocol shall be deposited with the Executive Secretary of the
CONTRACTING PARTIES. It shall be open to acceptance, by signature or otherwise,
by Cambodia, by contracting parties and by the European Economic Community.

(b) Acceptance of this Protocol by Cambodia shall constitute final action
to become a party to each of the following instruments:

(i) Protocol Amending Part I and Articles XXIX and XXX, Geneva, 10 March 1955;

(ii) Fifth Protocol of Rectifications and Modifications to the Texts of the
Schedules, Geneva, 3 December 1955;

(iii) Sixth Protocol of Rectifications and Modifications to the Texts of the
Schedules, Geneva, 11 April 1957;

(iv) Seventh Protocol of Rectifications and Modifications to the Texts of
the Schedules, Geneva, 30 November 1957;

(v) Protocol Relating to the Negotiations for the Establishment of New
Schedule III - Brazil, Geneva, 31 December 1958;

(vi) Eighth Protocol of Rectifications and Modifications to the Texts of
the Schedules, Geneva, 18 February 1959; and

(vii) Ninth Protocol of Rectifications and Modifications to the Texts of
the Schedules, Geneva, 17 August 1959.
10. (a) This Protocol shall enter into force:

(i) For Cambodia on the thirtieth day following the day upon which it shall have been accepted by Cambodia.

(ii) For any contracting party or the European Economic Community, on the thirtieth day following the day upon which it shall have been accepted by that contracting party or the European Economic Community, or on such earlier date following such acceptance as may be notified to the Executive Secretary in writing at the time of such acceptance: Provided that the date of entry into force for any contracting party or the European Economic Community shall not be earlier than the date of entry into force for Cambodia.

(b) Cambodia, which has 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 Executive Secretary. 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 XXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 4 of Article XXVI thereof.

11. Cambodia may withdraw its provisional application of the General Agreement, prior to its accession thereto pursuant to sub-paragraph (b) of paragraph 10 and such withdrawal shall take effect on the sixtieth day following the day on which written notice thereof is received by the Executive Secretary.

12. The Executive Secretary shall promptly furnish a certified copy of this Protocol, a notification of each acceptance thereof pursuant to sub-paragraph (a) of paragraph 9, of the accession of Cambodia to the General Agreement pursuant to sub-paragraph (b) of paragraph 10, and of each notice or notification pursuant to sub-paragraph (a) or (b) of paragraph 8, sub-paragraph (a) of paragraph 10, or paragraph 11 to each contracting party, to Cambodia, to each other government which has negotiated during the 1960/61 Tariff Conference for accession to the General Agreement, to the European Economic Community, to each government which shall have acceded provisionally to the General Agreement, and to each other government with respect to which an instrument establishing special relations with the CONTRACTING PARTIES to the General Agreement shall have entered into force.

Done at Geneva this day of one thousand nine hundred and sixty , in a single copy in the English and French languages, both texts being authentic except as otherwise specified with respect to Schedules annexed hereto.

[Signatures]
ANNEX A

INSTRUMENTS RECTIFYING, AMENDING, SUPPLEMENTING, OR OTHERWISE MODIFYING THE GENERAL AGREEMENT AS IT IS TO BE APPLIED BY CAMBODIA PURSUANT TO PARAGRAPH 2(a)

Protocol of Provisional Application, Geneva, 30 October 1947
(55 UNTS 303 to 316);

Protocol of Rectifications, Havana, 24 March 1948 (62 UNTS 2 to 25);

(62 UNTS 30 to 32);

Special Protocol Modifying Article XIV, Havana, 24 March 1948
(62 UNTS 40 to 55);

Special Protocol Relating to Article XXIV, Havana, 24 March 1948
(62 UNTS 56 to 63);

Protocol Modifying Part I and Article XXIX, Geneva, 14 September 1948
(138 UNTS 334 to 345);

Protocol Modifying Part II and Article XXVI, Geneva, 14 September 1948
(62 UNTS 80 to 111);

Second Protocol of Rectifications, Geneva, 14 September 1948
(63 UNTS 74 to 79);

Protocol Replacing Schedule I (Australia), Annecy, 13 August 1949
(107 UNTS 84 to 310);

Protocol Replacing Schedule VI (Ceylon), Annecy, 13 August 1949
(138 UNTS 347 to 372);

First Protocol of Modifications, Annecy, 13 August 1949
(139 UNTS 382 to 387);

Third Protocol of Rectifications, Annecy, 13 August 1949
(107 UNTS 312 to 375);

Annecy Protocol of Terms of Accession, Annecy, 10 October 1949
(62 UNTS 122 to 439, 63 UNTS passim, 64 UNTS 3 to 438);

Fourth Protocol of Rectifications, Geneva, 3 April 1950
(138 UNTS 393 to 385);

Fifth Protocol of Rectifications, Torquay, 16 December 1950
(167 UNTS 263 to 284);
Torquay Protocol, Torquay, 21 April 1961
(142 UNTS 34 to 436, 143 to 146 UNTS passim, 147 UNTS 162 to 389);

First Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 27 October 1951 (176 UNTS 2 to 387);

First Protocol of Supplementary Concessions (South Africa and Germany), Geneva, 27 October 1951 (131 UNTS 316 to 324);

Second Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 8 November 1952 (321 UNTS 245 to 266);

Second Protocol of Supplementary Concessions (Austria and Germany), Innsbruck, 22 November 1952 (172 UNTS 340 to 346);

Third Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 24 October 1953 (321 UNTS 266 to 282);

Fourth Protocol of Rectifications and Modifications to the Annexes and to the Texts of the Schedules, Geneva, 7 March 1955 (324 UNTS 300 to 333);

Protocol Amending the Preamble and Parts II and III, 10 March 1955 (278 UNTS 168 to 245);

Protocol of Terms of Accession of Japan, Geneva, 7 June 1955 (220 UNTS 164 to 379);

Protocol of Rectifications to the French Text, Geneva, 15 June 1955 (253 UNTS 316 to 332);

Third Protocol of Supplementary Concessions (Denmark and Federal Republic of Germany), Geneva, 15 July 1955 (250 UNTS 293 to 296);

Fourth Protocol of Supplementary Concessions (Federal Republic of Germany and Norway), Geneva, 15 July 1955 (250 UNTS 297 to 300);

Fifth Protocol of Supplementary Concessions (Federal Republic of Germany and Sweden), Geneva, 15 July 1955 (250 UNTS 301 to 311);

Procès-Verbal of Rectifications concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955 (278 UNTS 246 to 258);

Sixth Protocol of Supplementary Concessions, Geneva, 23 May 1956 (244 to 246 UNTS passim);

Seventh Protocol of Supplementary Concessions (Austria and Federal Republic of Germany), Bonn, 19 February 1957 (309 UNTS 364 to 370); and

Eighth Protocol of Supplementary Concessions (Cuba and United States), Havana, 20 June 1957 (274 UNTS 322 to 331).
Draft Decision by the CONTRACTING PARTIES
of Cambodia to the General Agreement on Tariffs and Trade

HAVING REGARD to the results of the negotiations directed toward the accession of Cambodia,

The CONTRACTING PARTIES

DECIDE, in accordance with Article XXXIII, that they agree to the accession of the Government of Cambodia on the terms which are provided for in the Protocol for the Accession of Cambodia to the General Agreement on Tariffs and Trade.
ANNEX II

Drafting changes and corrections in the General Protocol
and the Protocols of Accession of Israel and of Portugal (document L/1669)

Appendix II (doc. TN.60/16):

Pages 3 and 4:
Paragraphs 3(c) and (d): The square brackets should be deleted and the date should read "9 December 1961".

Page 6:
Sub-paragraph (a)(i) of paragraph 5, line 2: "scheule" should read "schedule".

Page 8:
Paragraph 8 should consist of only one paragraph as follows:

"This Protocol shall enter into force for any contracting party, Switzerland or the European Economic Community on the thirtieth day following the day upon which it shall have been accepted by that contracting party, Switzerland or the European Economic Community, or on such earlier date following such acceptance as may be notified to the Executive Secretary in writing at the time of such acceptance."

Page 9:
Paragraph 9, lines 4 and 5: "or sub-paragraph (a) of paragraph 8" should read "or paragraph 8".

Page 10:
Sub-paragraph (b) of paragraph 1 should read:

"Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on 29 May 1959, the date of the Declaration providing for the provisional accession of Israel to the General Agreement; the obligations incorporated..."

The last two lines of sub-paragraph (b) of paragraph 2 should read:

"shall be 29 May 1959, the date of the Declaration providing for the Provisional Accession of Israel to the General Agreement."

Page 11:
Paragraph 3: The words "or Portugal" should be added at the end of the paragraph.

Line 3 of sub-paragraph (i) of paragraph 6 should read:
"of Israel or of Portugal, or of a contracting party, if such product".
Page 14:

Paragraph 11, lines 6-8 should read:

"or paragraph 10 to each contracting party, to Israel, to each other government which has negotiated during the 1960/61 Tariff Conference for Accession to the General Agreement, to the European Economic Community, to each government".

Page 15:

In line 3 of the heading, "BY ACCEDING GOVERNMENTS" should read "BY ISRAEL".

Page 20:

Line 3 of sub-paragraph (c)(i) of paragraph 7 should read:

"Protocol of Portugal or of Israel or of a".

Page 22:

Paragraph 11, line 6, should read:

"paragraph 12, to each contracting party, to Portugal, to each other government which has negotiated".

Page 23:

In line 3 of the heading "BY ACCEDING GOVERNMENTS" should read "BY PORTUGAL".