The Executive Secretary has been asked to confirm, for the record, the explanations he gave to the Tariff Negotiations Committee at its meeting on 1 April 1955 with regard to certain paragraphs of the draft protocol for the accession of Japan (since circulated to all contracting parties in documents L/352 and Addendum 1). His views on these points are set out hereunder.

1. With regard to paragraph 5(d) of the draft protocol the Executive Secretary pointed out that this paragraph had no direct relation to the Declaration of 10 March 1955 on the Continued Application of the Schedules. In fact, paragraph 5(d) only had the effect of determining the firm validity of the schedules of concessions annexed to the protocol of accession. The Declaration, on the other hand, was designed to extend the validity of the existing schedules annexed to the Agreement. However, the Declaration does not confine itself to the extension of the assured life of the schedules; paragraph 2 authorizes renegotiations under conditions and in accordance with the procedures set forth in Section A of Article XVIII, as revised, and paragraph 4 of Article XXVIII, as revised. In order therefore to be able to avail itself of these provisions, Japan must accept the Declaration. There was some doubt as to whether the Declaration would be covered by paragraph 6 as at present drafted and it might therefore be desirable to amend it so as to put the point beyond doubt by adding the words "as well as the Declaration of 10 March 1955 relating to the Continued Application of the Schedules to the General Agreement on Tariffs and Trade".
2. In connexion with paragraph 6, the Executive Secretary also called attention to the proviso which had been inserted in sub-paragraph (b) and pointed out that if the formula of previous protocols of accession had been followed Japan would have been required to accept all protocols of amendment which had emerged from the Review of the Agreement. It was quite clear that those protocols were in a different category and that their acceptance should not be a condition of accession.

3. Article XXVI of the General Agreement provides for the acceptance of the Agreement only by governments signatories of the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment.

A clause was therefore necessary in previous protocols of accession to enable acceding governments, not signatories of the Final Act, to accede definitively to the Agreement under Article XXVI. At this stage, however, the Committee might want to consider whether there was any necessity for maintaining this clause. In the course of the Review of the General Agreement, Article XXVI was amended so as to provide for the acceptance of the Agreement under that Article "by any contracting party which, on 1 March 1955, was a contracting party or was negotiating with a view to accession ...".

The clause which appeared in previous protocols of accession would therefore only be necessary in the case of Japan in the unlikely event that the General Agreement should come definitively into force under Article XXVI before the entry into force of the amendments to Article XXVI itself which were drawn up at the Ninth Session. Such an event being highly unlikely, the Executive Secretary thought that the Committee might wish to delete the paragraph.