GENERAL AGREEMENT ON TARIFFS AND TRADE

TARIFF NEGOTIATIONS FOR THE ACCESSION OF SWITZERLAND

Tariff Negotiations Committee

PROCEEDINGS OF THE FOURTH AND FIFTH MEETINGS

Held at the Palais des Nations, Geneva on Wednesday and Thursday, 19 and 20 November 1958

Chairman: Mr. FINN GUNDELACh (Denmark)

Subjects discussed: 1. Text of the Declaration for the Provisional Accession of Switzerland to the General Agreement
2. Draft Resolution for the Participation of Switzerland in the Work of the CONTRACTING PARTIES
3. Publication of Declaration and Annexed Schedules

1. Text of the Declaration for the Provisional Accession of Switzerland to the General Agreement

The Committee continued its examination of the draft Declaration and, after adopting an amendment proposed by the Japanese delegation, finally agreed to the text attached hereto.

It was decided that the Declaration should be open for signature as from 22 November 1958, until 30 June 1959.

Provision has also been made for annexing to the Declaration the results of negotiations which may be completed after the Declaration has been open for signature.

2. Draft Resolution for the Participation of Switzerland in the Work of the CONTRACTING PARTIES

The text of the draft Resolution, as finally adopted by the Committee, is circulated in document L/937. The Committee asked the Chairman to submit the draft Resolution to the CONTRACTING PARTIES for their consideration before the end of the Thirteenth Session.
3. Publication of Declaration and Annexed Schedules

The Committee decided that the schedules of concessions annexed to the Declaration should remain secret documents until 2400 hours, Geneva time, on 14 December 1958, by which time the secretariat would make available Photocopy copies of the Declaration and the annexes.
DECLARATION

ON THE PROVISIONAL ACCESSION OF THE SWISS CONFEDERATION

TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The contracting parties to the General Agreement on Tariffs and Trade on behalf of which this Declaration has been accepted (hereinafter referred to as the "participating contracting parties" and the "General Agreement") and the Government of the Swiss Confederation,

HAVING REGARD to the arrangements for the provisional accession of Switzerland set forth in the relevant report approved by the CONTRACTING PARTIES to the General Agreement (hereinafter referred to as the "CONTRACTING PARTIES") at their eleventh session, and

HAVING REGARD to the results of the tariff negotiations conducted between Switzerland and a number of contracting parties in accordance with the arrangements referred to above,

1. DECLARE that the commercial relations between the participating contracting parties and the Swiss Confederation shall, subject to the terms of paragraphs (a), (b) and (c) below, be based upon the General Agreement as if the Swiss Confederation had acceded to the General Agreement in accordance with the relevant procedures and as if the schedules annexed to this Declaration were schedules annexed to the General Agreement:

(a) The Government of the Swiss Confederation reserves its position with respect to the provisions of paragraph 6 of Article XV of the General Agreement. The Swiss monetary policy is set forth in the declaration made by the Government of the Swiss Confederation at the meeting of the eleventh session of the CONTRACTING PARTIES on 17 November 1956, which is incorporated by reference into this Declaration. In this connexion the Swiss Confederation undertakes that it will act in exchange matters in accordance with the intent of the General Agreement and in particular undertakes not, by exchange action, to frustrate the intent of the provisions of the General Agreement. The Swiss Confederation agrees to consult with the CONTRACTING PARTIES at any time, subject to thirty days' notice, upon the request of any signatory to this Declaration which considers that the Swiss Confederation has taken exchange action which may have a significant effect on the application of the provisions of the General Agreement or is inconsistent with the principles and objectives of the Special Exchange Agreement annexed to the resolution of 20 June 1949.
(b) The Government of the Swiss Confederation reserves its position with regard to the application of the provisions of Article XI of the General Agreement to the extent necessary to permit the Government of the Swiss Confederation to apply import restrictions pursuant to Title II of the Federal Law of 3 October 1951 as well as to the legislation concerning the alcohol and wheat monopolies based on Articles 32 bis and 23 bis (as amended in 1952) of the Federal Constitution and pursuant to Article 11 of the Federal Law of 28 September 1956. 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 the signatories to this Declaration. Thus, the Government of the Swiss Confederation, consistently with Article XIII of the General Agreement, will apply all restrictions imposed under these Laws in accordance with the principles of non-discrimination, and pursuant to Article XXII and to paragraph 1 of Article XXIII of the General Agreement will give sympathetic consideration to any representations made to it by any other signatory to this Declaration, and enter into consultation with respect to such representations. At the first session of the CONTRACTING PARTIES following the entry into force of this Declaration and at each annual session thereafter so long as the Declaration remains in force, the Government of the Swiss Confederation will furnish to the CONTRACTING PARTIES a report of the measures maintained consistently with this reservation, and upon request of the CONTRACTING PARTIES, enter into consultation with them regarding such measures.

(c) The Government of the Swiss Confederation undertakes, that following the entry into force of this Declaration, and the approval by the CONTRACTING PARTIES of a concurrent resolution inviting the Swiss Confederation to participate in the work of the CONTRACTING PARTIES, it will enter into consultations with the CONTRACTING PARTIES with a view to finding solutions compatible with the basic principles of the General Agreement, to the problems dealt with in the foregoing reservation.

2, REQUEST the CONTRACTING PARTIES to perform such functions as are necessary for the operation of this Declaration.

3, For the purposes of the territorial application of this Declaration the customs territory of the Swiss Confederation shall be deemed to include the territory of the Principality of Liechtenstein as long as the treaty for the Customs Union with the Swiss Confederation is in force.
4. Should certain negotiations not be completed in time to be annexed to the Declaration when it is opened for signature, the schedules of concessions resulting from these negotiations shall be annexed to this Declaration, and shall be governed by the provisions thereof, as from the day following the signature of a Procès-Verbal by the government concerned and by the Government of the Swiss Confederation.

5. (a) This Declaration shall be deposited with the Executive Secretary of the CONTRACTING PARTIES to the General Agreement.

   (b) The Executive Secretary of the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Declaration, and a notification of each acceptance thereto, to each contracting party to the General Agreement.

6. This Declaration shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

7. This Declaration shall remain open for acceptance, by signature or otherwise, until 30 June 1959, by contracting parties having entered into negotiations with the Government of the Swiss Confederation pursuant to the arrangements made for the provisional accession of Switzerland, by contracting parties which have not conducted such negotiations but have agreed with that Government that their trade relations should be governed by the terms of this Declaration, and by the Government of the Swiss Confederation.

8. This Declaration shall become effective between the Swiss Confederation and any contracting party on the thirtieth day following the day upon which it shall have been accepted, by signature or otherwise, on behalf of the Swiss Confederation and of that contracting party; it shall remain in force until the Government of the Swiss Confederation accedes to the General Agreement under the provisions of Article XXIII of the General Agreement or until 31 December 1961, whichever date is earlier, unless it has been agreed by the parties to this Declaration to extend its validity to a later date.

DONE at Geneva, this twenty-second day of November, one thousand nine hundred and fifty-eight, in a single copy, in the English and French languages, both texts authentic except as otherwise specified in the schedules annexed hereto.