PROVISIONAL ACCESSION OF SWITZERLAND

Draft Declaration and draft Resolution

There are annexed hereto a draft Declaration for the provisional accession of Switzerland and a draft Resolution for the participation of Switzerland in the work of the CONTRACTING PARTIES.

These drafts have been prepared by the secretariat for discussion by the Tariff Negotiations Committee at its meeting on Thursday, 6 November 1958 at 10 a.m.

In view of the importance of the subject all contracting parties are invited to attend the meeting of the Committee.
Those contracting parties to the General Agreement on Tariffs and Trade on behalf of which this Declaration has been accepted (hereinafter called "the participating contracting parties") and the Government of the Swiss Confederation,

HAVING REGARD to the results of the tariff negotiations conducted between them pursuant to the arrangements made at the Eleventh Session for the provisional accession of the Swiss Confederation to the General Agreement

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. 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 the 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 II 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 of the General Agreement and to paragraph 1 of Article XXIII, 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.

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

(b) The Executive Secretary to 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.

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

6. This Declaration shall remain open for acceptance, by signature or otherwise, until ....................... 19, by contracting parties, by acceding governments, and by the Government of the Swiss Confederation.

7. 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 XXXIII 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 .................... day of November 1958, in a single copy, in the English and French languages, both texts authentic except as otherwise specified in the Schedules annexed hereto.
PARTICIPATION OF THE SWISS CONFEDERATION IN THE WORK OF THE CONTRACTING PARTIES

Draft Resolution

CONSIDERING that a number of contracting parties have agreed, by the Declaration of November 1958, that the trade between the signatories and the Swiss Confederation shall be governed by the terms of the General Agreement, subject to the provisions of the Declaration;

CONSIDERING, further, that the said Declaration requests the CONTRACTING PARTIES to perform certain functions comparable in nature to their functions under the General Agreement;

The CONTRACTING PARTIES

DECIDE

(i) to invite the Government of the Swiss Confederation to participate in sessions of the CONTRACTING PARTIES and of subsidiary bodies established by the CONTRACTING PARTIES;

(ii) to accept such functions as are necessary for the operation of the Declaration referred to in the Preamble to this Decision.

This Decision shall take effect when approved by no less than two-thirds of the contracting parties, and shall continue in effect until the Government of the Swiss Confederation accedes to the General Agreement under the provisions of Article XXXIII of the General Agreement, or until 31 December 1961, whichever date is earlier, unless the CONTRACTING PARTIES agree to extend it to a later date.