Amendments to Article 21 of the Charter.

Paragraph (3) of Art.21 should be revised as follows:

(3) No laws, regulations, judicial decisions or administrative rulings of any Member effecting an advance in a rate of import duty or other charge under an established and uniform practice or imposing a new or more burdensome requirement, restriction or prohibition on imports, or on the transfer of payments therefor shall be enforced before such laws, regulations, decisions or rulings have been officially published. In cases, however, of an exceptional nature, when previous publication would be likely to injure the essential interests of the country, the provision of this paragraph will lose its obligatory force. In such cases, however, publication shall, so far as possible, take place simultaneously with the enforcement of the measure in question.

Explanatory Comment:

As noted in Document E/PC/T/C II/54 paragraph 3 was rejected in London by a majority of the countries represented on the Preparatory Committee and even in its present form seems to be unacceptable. The new wording proposed above is the expression of the principle of advance publication as incorporated in Art.4 of the Geneva Convention of 1923 relating to the Simplification of customs formalities, which is not covered by any provision of the Charter and is likely to substitute the rejected requirement of the Charter by a more practicable and important one.