

**GENERAL AGREEMENT  
ON TARIFFS AND TRADE**

**RESTRICTED**  
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**Committee on Trade in Civil Aircraft**

**Note from the Chairman**

As agreed at the meeting of the Committee held on 21 October 1994, I am circulating in Annexes to this document the following texts:

- Annex I: Protocol (1994) Amending the Agreement on Trade in Civil Aircraft
- Annex II: Decision of the Signatories to the Agreement on Trade in Civil Aircraft in connexion with the conclusion of the Protocol (1994) Amending the Agreement on Trade in Civil Aircraft

The Committee will meet on 10 November 1994 in order to take a formal decision regarding the adoption of the text of the Protocol contained in Annex I and of the text of the Decision contained in Annex II.

## ANNEX I

### PROTOCOL (1994) AMENDING THE AGREEMENT ON TRADE IN CIVIL AIRCRAFT

The Signatories to the Agreement on Trade in Civil Aircraft (hereinafter referred to as the "Agreement"),

*ACTING* in accordance with Article 9.5.1 of the Agreement,

*IN ORDER* to ensure the proper operation of this Agreement as a Plurilateral Trade Agreement included in Annex 4 of the Agreement Establishing the World Trade Organization and as a covered agreement included in Appendix 1 of the Understanding on Rules and Procedures Governing the Settlement of Disputes annexed to the Agreement Establishing the World Trade Organization,

*HEREBY AGREE* to amend the Agreement as follows:

#### Preamble

1. First recital: Replace "Signatories" with "Parties".
2. Delete note 1 to recital 1.
3. Seventh recital: Replace "Signatories" with "Parties".
4. Tenth recital: Replace "General Agreement on Tariffs and Trade, hereinafter referred to as 'the GATT', and under other multilateral agreements negotiated under the auspices of the GATT" with "Agreement Establishing the World Trade Organization, including the Agreements and associated legal instruments in Annexes 1, 2 and 3 (hereinafter referred to as 'the Multilateral Trade Agreements') and the other Agreements and associated legal instruments in Annex 4 which a Party has accepted (hereinafter referred to as 'the Plurilateral Trade Agreements')".

#### Article 2

5. Article 2.1: Replace "Signatories agree" with "Each Party agrees".
6. Article 2.1.1: Add, after "Agreement", "for it".
7. Note to Article 2.1.1: Replace "the GATT" with "GATT 1994".
8. Article 2.1.2: Add, after "Agreement", "for it".
9. Article 2.1.2: Add, after "repairs", "(including maintenance, rebuilding, modification and conversion)".

10. Article 2.1.2: Add, after "civil aircraft;", "this provision applies only to repairs of complete civil aircraft and to those civil aircraft products which are classified for customs purposes under their respective tariff headings listed in the Annex to this Agreement;"
11. Note to Article 2.1.2: Replace "the GATT" with "GATT 1994".
12. Article 2.1.3: Replace "their" with "its", and replace "GATT Schedules" with "Schedule annexed to the Marrakesh Protocol".
13. Article 2.1.3: Delete "by 1 January 1980, or".
14. Article 2.1.3: Add, after "Agreement", "for it".
15. Article 2.2: Replace "Signatory" with "Party", and replace "Signatories", in both places where it appears, with "Parties".

#### Article 3

16. Article 3.1: Replace "Signatories", in all three places where it appears, with "Parties".
17. Article 3.1: Add, after "Agreement on Technical Barriers to Trade", "contained in Annex 1A to the Agreement Establishing the World Trade Organization (hereinafter referred to as 'the Agreement on Technical Barriers to Trade')".

#### Article 4

18. Article 4.2: Replace "Signatories" with "Parties", and replace "Signatory" with "Party".
19. Article 4.3: Replace "Signatories", in both places where it appears, with "Parties", and replace "Signatory" with "Party".
20. Note to Article 4.3: Replace "Signatory" with "Party", and replace "Signatories" with "Parties".
21. Article 4.4: Replace "Signatories" with "Parties", and replace "Signatory" with "Party".

#### Article 5

22. Article 5.1: Replace "Signatories" with "Parties".
23. Article 5.1: Replace "GATT", in both places where it appears, with "Multilateral Trade Agreements".
24. Article 5.2: Replace "Signatories", in both places where it appears, with "Parties".
25. Article 5.2: Replace "GATT" with "Multilateral Trade Agreements".

#### Article 6

26. Article 6.1: Replace "Signatories", in both places where it appears, with "Parties".

27. Article 6.1: Replace "Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (Agreement on Subsidies and Countervailing Measures)" with "Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the Agreement Establishing the World Trade Organization (hereinafter referred to as 'the Agreement on Subsidies and Countervailing Measures')".
28. Article 6.1: Redraft the second sentence as follows: "They affirm that in their participation in, or support of, civil aircraft programmes no Party should cause adverse effects on trade in civil aircraft in the sense of the Agreement on Subsidies and Countervailing Measures."
29. Article 6.2: Replace "Signatories" with "Parties".

#### Article 7

30. Article 7.1: Replace "Signatories" with "Parties".

#### Article 8

31. Article 8.1: Replace "Signatories", in all three places where it appears, with "Parties".
32. Article 8.2: Replace "CONTRACTING PARTIES to the GATT" with "General Council of the World Trade Organization".
33. Article 8.3: Replace "Signatories" with "Parties".
34. Article 8.5: Replace "Signatory", in both places where it appears, with "Party".
35. Article 8.6: Replace "Signatories", in all three places where it appears, with "Parties".
36. Article 8.7: Replace "Signatory", in both places where it appears, with "Party", and replace "Signatories" with "Parties".
37. Article 8.7: Replace "GATT or under instruments multilaterally negotiated under the auspices of the GATT" with "Multilateral and Plurilateral Trade Agreements".
38. Article 8.7: Replace "GATT and such instruments" with "Multilateral and Plurilateral Trade Agreements".
39. Article 8.8: Replace entire paragraph with the following: "The provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes annexed to the Agreement Establishing the World Trade Organization shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided herein."

#### Article 9

40. Article 9.1: Replace "governments contracting parties to the GATT and by the European Economic Community" with "Members of the World Trade Organization".
41. Article 9.1.2: Delete entire paragraph.

42. Article 9.1.3: Renumber as "9.1.2" and redraft as follows: "This Agreement shall be open to accession by any other government on terms, related to the effective application of rights and obligations under this Agreement, to be agreed between that government and the Parties, by the deposit with the Director-General of the World Trade Organization of an instrument of accession which states the terms so agreed."
43. Article 9.1.4: Delete entire paragraph.
44. Article 9.2.1: Replace "Signatories" with "Parties".
45. Note to Article 9.3.1: Delete the word "Economic".
46. Article 9.4.2: Replace "Signatory" with "Party".
47. Article 9.5.1: Replace "Signatories", in both cases where it appears, with "Parties", and replace "Signatory", in both places where it appears, with "Party".
48. Article 9.6.1: Replace "Signatory", in both places where it appears, with "Party".
49. Article 9.6.1: Replace "to the CONTRACTING PARTIES to the GATT" with "of the World Trade Organization".
50. Article 9.7: In the title, replace "Signatories" with "Parties".
51. Article 9.7.1: Replace "Signatories", in both places where it appears, with "Parties".
52. Article 9.9.1: Replace "GATT secretariat" with "Secretariat of the World Trade Organization".
53. Article 9.10.1: Redraft the paragraph as follows: "This Agreement shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Party and each Member of the World Trade Organization a certified copy thereof and of each amendment thereto pursuant to Article 9.5 and a notification of each acceptance thereof or accession thereto pursuant to Article 9.1, or each withdrawal therefrom pursuant to Article 9.6."
54. Following Article 9.11.1, create a new Article as follows:  
     "9.12 *Authentic Texts*  
         9.12.1 This text is authentic in the English, French and Spanish languages."
55. Final paragraph of the text of the Agreement: Delete "in a single copy, in the English and French languages, each text being authentic, except as otherwise specified with respect to the various lists in the Annex".

#### Annex

56. Paragraph 2: Replace "Signatories" with "Parties".
57. Text accompanying HS Code ex 8521.10: Add, after "apparatus,", "whether or not incorporating a video tuner,".
58. Text accompanying HS Code ex 8522.90: Replace "Assemblies and sub assemblies of articles provided for in 8520.90, consisting of two or more pieces fastened or joined together" with "Parts and accessories of apparatus of 8521.10".

59. Following HS Code ex 9020.00 and its accompanying text: Add the following new HS Code and accompanying text: "ex 9023.00 'Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses' - ground maintenance simulators."
60. Text accompanying HS Code ex 9025.11: Redraft as follows: "Thermometers and pyrometers, liquid filled, for direct reading, not combined with other instruments."

The Parties recall their Decision of 25 March 1987 (BISD 34S/217) in which they agreed that the Spanish text of the Agreement on Trade in Civil Aircraft, reproduced in the Annex to the document AIR/61/Rev.1, shall be considered authentic.

Until the entry into force of the Agreement Establishing the World Trade Organization, this Protocol shall be deposited with the Director-General to the CONTRACTING PARTIES to the GATT 1947. The Director-General shall promptly furnish to each Signatory to the Agreement and to each contracting party to the GATT 1947 a certified true copy thereof and a notification of each acceptance of the Protocol. Upon the entry into force of the Agreement Establishing the World Trade Organization, this Protocol shall be deposited with the Director-General of the World Trade Organization.

This Protocol shall be open for acceptance, by signature or otherwise, by the Signatories to the Agreement. The Protocol shall remain open for acceptance by those Signatories for a period of two years following the date of entry into force of the Agreement Establishing the World Trade Organization; provided, that the period during which this Protocol may be accepted may, by a decision of the Committee on Trade in Civil Aircraft, be extended beyond that date.

Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Signatories.

This Protocol shall enter into force with respect to a particular Signatory with effect from the later of (a) the date of acceptance of the Protocol by that Signatory, and (b) the date of entry into force of the Agreement Establishing the World Trade Organization for that Signatory.

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

Done at Geneva this \_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and ninety-four in a single copy, in the English, French and Spanish languages, each text being authentic.

**ANNEX II****Decision of the Signatories to the Agreement on Trade in Civil Aircraft  
in connexion with the conclusion of the Protocol (1994) Amending  
the Agreement on Trade in Civil Aircraft**

1. The conclusion of the process of amending the Agreement on Trade in Civil Aircraft in order to ensure its proper operation as a Plurilateral Trade Agreement included in Annex 4 of the Agreement Establishing the World Trade Organization does not represent the completion of the negotiations under Article 8.3 of the Agreement on Trade in Civil Aircraft started pursuant to the Decision of the Committee of 16 July 1992 (AIR/M/32), nor does it mean that specific multilateral rules have been established within the meaning of footnotes 15 and 24 of the Agreement on Subsidies and Countervailing Measures annexed to the Agreement Establishing the World Trade Organization (hereinafter "Agreement on Subsidies and Countervailing Measures").
2. Signatories shall apply the Agreement on Trade in Civil Aircraft in their mutual relations in accordance with its terms. They recognize that the fact that the Agreement on Trade in Civil Aircraft was amended subsequent to the conclusion of the Agreement on Subsidies and Countervailing Measures does not mean that it takes precedence over the Agreement on Subsidies and Countervailing Measures.