
IMPLEMENTATION CONFERENCE
8 DECEMBER 1994

TRANSITIONAL ARRANGEMENTS

TRANSITIONAL CO-EXISTENCE OF THE AGREEMENT ON INTERPRETATION
AND APPLICATION OF ARTICLES VI, XVI AND XXIII OF
THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND THE
MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Decision of 8 December 1994 adopted by the Preparatory Committee for the WTO and
the CONTRACTING PARTIES to GATT 1947 and transmitted to the Signatories to the
Agreement on Interpretation and Application of Articles VI, XVI and XXIII
of the General Agreement on Tariffs and Trade¹

The PREPARATORY COMMITTEE FOR THE WORLD TRADE ORGANIZATION

invites the Signatories to the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade to take the following decision:

The signatories to the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter referred to as "the Agreement"),

Noting that not all signatories to the Agreement meeting the conditions for original membership in the World Trade Organization (hereinafter referred to as the "WTO") will be able to accept the Marrakesh Agreement Establishing the WTO (hereinafter referred to as the "WTO Agreement") as of its date of entry into force, and that the stability of multilateral trade relations would therefore be furthered if the Agreement and the WTO Agreement were to co-exist for a limited period of time;

Considering that, during that period of co-existence, a signatory to the Agreement which has become a Member of the WTO should have the right to act in accordance with the WTO Agreement notwithstanding its obligations under the Agreement;

Desiring to end the period of co-existence on a date agreed in advance so as to provide predictability for policy makers and facilitate an orderly termination of the institutional framework of the Agreement;

Decide as follows:

1. The signatories to the Agreement that are Members of the WTO may, notwithstanding the provisions of the Agreement, maintain or adopt any measure consistent with the provisions of the WTO Agreement.

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¹The Tokyo Round Committee on Subsidies and Countervailing Measures met on 8 December 1994 and adopted the Decision in document SCM/186.

2. The dispute settlement provisions of the Agreement shall not apply:
 - (a) to disputes brought against a signatory to the Agreement which is a Member of the WTO if the dispute concerns a measure that is identified as a specific measure at issue in the request for the establishment of a panel made in accordance with Article 6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes in Annex 2 of the WTO Agreement and the dispute settlement proceedings following that request are being pursued or are completed; and
 - (b) in respect of measures covered by paragraph 1 above.
3. The Agreement is herewith terminated one year after the date of entry into force of the WTO Agreement. In the light of unforeseen circumstances, the signatories may decide to postpone the date of termination by no more than one year.