

WORLD TRADE ORGANIZATION

RESTRICTED

TCA/W/2

13 January 1997

(97-0062)

Committee on Trade in Civil Aircraft

COMMITTEE ON TRADE IN CIVIL AIRCRAFT

Decision of [date]

The Committee on Trade in Civil Aircraft,

Whereas Article II.3 of the Marrakesh Agreement Establishing the World Trade Organization (hereinafter "the WTO Agreement") provides that the agreements and associated legal instruments included in Annex 4 are also part of this Agreement for those Members that have accepted them;

Whereas Article IV.8 of the WTO Agreement provides that the bodies provided for under the Plurilateral Trade Agreements shall operate within the institutional framework of the WTO;

Whereas the Agreement on Trade in Civil Aircraft refers to entities established under the auspices of GATT 1947 as well as to multilateral trade agreements negotiated within the framework of the Tokyo Round;

Whereas these entities ceased to exist as a result of the termination of GATT 1947;

Whereas most of these agreements have been terminated or are applicable only to the extent that they are compatible with later agreements relating to the same subject matter;

Whereas the termination of GATT 1947 and other instruments multilaterally negotiated under the auspices of GATT 1947 makes obsolete the references to those Agreements in the Agreement on Trade in Civil Aircraft;

Whereas, in the interest of clarity, it is appropriate for the Committee to adopt a decision on the meaning of those references in the context resulting from the entry into force of the WTO Agreement;

decides:

Article 1

In the Agreement on Trade in Civil Aircraft:

- (a) references to "instruments multilaterally negotiated under the auspices of the GATT" shall be deemed to be references to the Marrakesh Agreement Establishing the World Trade Organization and the agreements annexed thereto;
- (b) references to "CONTRACTING PARTIES to the GATT" shall be deemed to be references to the Ministerial Conference of the WTO;

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- (c) references to "governments contracting parties to the GATT" or "contracting party to the GATT" shall be deemed to be references to Members of the WTO;
- (d) references to the "Director General to the CONTRACTING PARTIES to the GATT" shall be deemed to be references to the Director General of the WTO;
- (e) references to the "GATT Secretariat" shall be deemed to be references to the secretariat servicing the WTO.

Article 2

It is understood that, in the Agreement on Trade in Civil Aircraft:

- (a) except in Article 9.1.2, references to "GATT" or "General Agreement", or to provisions thereof, shall be deemed to be references to, respectively, GATT 1994 or to provisions thereof;
- (b) references to the Agreement on Technical Barriers to Trade shall be deemed to be references to the Agreement on Technical Barriers contained in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization;
- (c) references to the Agreement on Interpretation and Application of Article VI, XVI and XXIII of the General Agreement on Tariffs and Trade shall be deemed to be references to the Agreement on Subsidies and Countervailing Measures contained in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization.

Article 3

This Decision only clarifies the meaning of certain provisions of the Agreement on Trade in Civil Aircraft. It shall not be interpreted as amending the Agreement on Trade in Civil Aircraft, and, as a result, 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 WTO Agreement.