

No. 1680

**UNITED STATES OF AMERICA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Agreement (with exchange of letters) supplementary to the
General Agreement on Tariffs and Trade. Signed at
Geneva, on 30 October 1947**

Official text: English.

Registered by the United States of America on 26 March 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Accord (avec échange de lettres) complétant l'Accord
général sur les tarifs douaniers et le commerce. Signé
à Genève, le 30 octobre 1947**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 26 mars 1952.

No. 1680. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SUPPLEMENTARY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE². SIGNED AT GENEVA, ON 30 OCTOBER 1947

The Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland,

Having participated in the framing of a General Agreement on Tariffs and Trade and a Protocol of Provisional Application,³ the texts of which have been authenticated by the Final Act⁴ adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, signed this day,

Hereby agree that the Trade Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland, signed November 17, 1938,⁵ with accompanying exchanges of notes, shall be inoperative for such time as the United States of America and the United Kingdom of Great Britain and Northern Ireland are both contracting parties to the General Agreement on Tariffs and Trade as defined in Article XXXII thereof.

IN WITNESS WHEREOF the representatives of the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland, after having exchanged their full powers, found to be in good and due form, have signed this Supplementary Agreement.

DONE in duplicate, at Geneva, this thirtieth day of October, one thousand nine hundred and forty-seven.

For the Government of the United States of America :
Winthrop G. BROWN

For the Government of the United Kingdom of
Great Britain and Northern Ireland :
T. M. SNOW

¹ Came into force on 30 October 1947 by signature.

² United Nations, *Treaty Series*, Vol. 55, p. 194.

³ United Nations, *Treaty Series*, Vol. 55, p. 308.

⁴ United Nations, *Treaty Series*, Vol. 55, p. 188.

⁵ League of Nations, *Treaty Series*, Vol. CC, p. 293.

EXCHANGE OF LETTERS

I

*The Acting Chairman of the United States Delegation to the Acting
Head of the British Delegation*

October 30, 1947

Dear Mr. Helmore :

A point of legal detail has been brought to my attention in connection with the Agreement Supplementary to the General Agreement on Tariffs and Trade which we propose to sign on behalf of our two Governments on October 30 making the Reciprocal Trade Agreement of 1939¹ between the United States and the United Kingdom inoperative so long as both the United States and the United Kingdom are parties to the General Agreement on Tariffs and Trade.

As you know, Article XXV of the 1939 Agreement provides that it may be terminated by either party after three years on six months' notice. The inclusion of such a provision in all our trade agreements is required by the Trade Agreements Act. Our lawyers have suggested that the very general terms of the proposed Supplementary Agreement might possibly be interpreted as making it impossible for either party to the 1939 Agreement to exercise this right of termination.

It is, of course, improbable that either of our Governments would wish to exercise this right of termination, but under our law we must, nevertheless, retain it in force. To suggest a formal amendment to the proposed Supplementary Agreement expressly excepting Article XXV of the 1939 Agreement at this late date would cause considerable inconvenience and would give greater emphasis to this point than it deserves. I am therefore writing to make it clear that we would be signing the Supplementary Agreement with the understanding that its general language would not prevent notice of termination of the 1939 Agreement given by either party while we were both parties to the General Agreement on Tariffs and Trade from effecting termination of the 1939 Agreement in six months.

¹ League of Nations, *Treaty Series*, Vol. CC, p. 293.

The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 1706*, p. 4, footnote 1): "The agreement was signed Nov. 17, 1938; entered into force provisionally Jan. 1, 1939, and definitively Dec. 24, 1939."

I would appreciate it if you could give me the assurance that your Government has the same understanding.

Sincerely yours,

Mr. J. R. C. Helmore, C.M.G.,
United Kingdom Delegation
Palais des Nations

Winthrop G. BROWN
Acting Chairman

II

*The Acting Head of the British Delegation to the Acting Chairman
of the United States Delegation*

UNITED KINGDOM DELEGATION TO PREPARATORY COMMITTEE
PALAIS DES NATIONS
GENEVA

30 October 1947

Dear Mr. Brown,

I have received your letter of today's date regarding the Supplementary Agreement to the General Agreement on Tariffs and Trade and its effect on Article XVIII of the 1939 Agreement between the United States and the United Kingdom. I confirm that my Government has the same understanding on this matter as that set out in your letter.

Yours sincerely,

J. R. C. HELMORE

Mr. Winthrop Brown
Acting Chairman
United States Delegation
Palais des Nations
Geneva
