

GATT 1947 and GATT 1994: what's the difference ?

The GATT 1947 is a defunct international treaty predating the WTO Agreement. Originally, the GATT 1947 was to become part of the Havana Charter for an International Trade Organization that was negotiated during the United Nations Conference on Trade and Employment held in Cuba from 21 November 1947 to 24 March 1948. As of 1 January 1948, the GATT 1947 was applied through a Protocol of Provisional Application. As the Havana Charter never came into force, the GATT 1947 remained provisionally in force until its provisions became part of the GATT 1994, itself a component of the WTO Agreement.

In December 1994 – i.e. following the adoption, but preceding the entry into force of, the WTO Agreement – the GATT CONTRACTING PARTIES decided that “[t]he legal instruments through which the contracting parties apply the GATT 1947 are herewith terminated one year after the date of entry into force of the WTO Agreement”, i.e. on 1 January 1996 (document PC/12, L/7583).

The WTO Agreement, which established the World Trade Organization, entered into force on 1 January 1995. Annex 1A of the WTO Agreement contains the GATT 1994, which incorporates by reference (and with a few adjustments to reflect the fact that, contrary to the GATT 1947, the WTO is an authentic international organization) “the provisions of the GATT 1947”; the GATT 1994 also includes six Understandings on Articles of the GATT 1947, tariffs and accession Protocols, and GATT decisions adopted between 1948 and 1994 as part of what is often called the “GATT acquis”. The GATT 1994 and the GATT 1947 are “legally distinct”, as confirmed by Article II:4 of the WTO Agreement.

The provisions of the GATT 1947, incorporated into the GATT 1994, continue to have legal effect as part of the GATT 1994, itself a component of the WTO Agreement.

Please note that other parts of the WTO website might not make the above legal distinctions in all instances, and may refer to “GATT”, “GATT 1947” and “GATT 1994” interchangeably.