

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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TARIFF NEGOTIATIONS WITH BRAZIL

Tariff Negotiations Committee

PROCEEDINGS OF THE FOURTEENTH MEETING

Held at the Palais des Nations, Geneva
on Monday, 6 October 1958 at 3 p.m.

Chairman: Mr. FINN GUNDELACH (Denmark)

- Subjects discussed:
1. Text of draft Protocol
 2. Arrangements for closure of conference

1. Text of draft Protocol (TNB/19/Add.2, Spec/253/58)

At the previous meeting the Committee had appointed a Sub-Group with instructions to examine the draft Protocol contained in TNB/19/Add.2.

The Committee examined and approved the amendments proposed by the Sub-Group (Spec/253/58). (A revised text of the draft Protocol as approved by the Committee, subject to the reservation of the United Kingdom, is annexed hereto.)

The one question of substance from a juridical point of view related to the choice of alternatives in paragraph (c) of the draft Protocol. It was considered that the Decision of the CONTRACTING PARTIES of 16 November 1956 contained sufficient authority for putting into effect the results of the negotiations pending entry into force of the Protocol. Consequently, the first alternative was chosen. The paragraph was then redrafted in the form in which it appears in the draft annexed hereto.

2. Arrangements for closure of conference

In reply to a question by the representative of Brazil the Chairman said that at the present moment no precise date could be fixed for the opening of the Protocol for signature. The representative of Brazil had reported at the last meeting that a substantial number of negotiations had been completed and that it was hoped to conclude the remainder in the near future. There was agreement in the Committee that all negotiations should be completed as soon as possible so that the report could be presented to

the CONTRACTING PARTIES at their Thirteenth Session. He sincerely hoped that all would be completed in time for a report to be made by the Committee to the CONTRACTING PARTIES at the middle of the Thirteenth Session. The Committee would not, at this stage, discuss the Brazilian proposal for supplementary protocols designed to take care of negotiations not completed in time. This proposal could be discussed at a meeting of the Committee in the early part of the Session when it would be easier to ascertain whether such action would be needed. By that time it would be possible to make precise arrangements for opening the Protocol for signature not later than the end of the Thirteenth Session.

The representative of the United Kingdom expressed his agreement with the spirit of the Chairman's suggestion, but indicated that his consent to the proposals should not be taken as prejudicing the question of the date of the conclusion of the negotiations between Brazil and the United Kingdom. Although he saw no reason for expecting that such a conclusion would be delayed he could not be certain that it would be reached at any particular stage of the Thirteenth Session. Bearing in mind the position he had taken at the previous meeting he would not oppose the Chairman's suggestion.

The representative of Brazil thanked the Chairman for calling attention to the need to complete bilateral negotiations so that a definitive report could be presented at the Thirteenth Session of the CONTRACTING PARTIES. He wished to reassert the strong desire of his Government for a prompt conclusion of the negotiations. His Government would warmly welcome a report which contained the results of all the negotiations. He was glad to note, however, that while the Chairman considered it premature to discuss at this stage the Brazilian proposal for supplementary protocols, he had confirmed that the proposal was still before the Committee and that if, at a certain point, a negotiation was still being pursued, and no clear forecast of its conclusion could be made, the Committee could decide to open the protocol for signature by the contracting parties which had completed their negotiations. Brazil would then be enabled to fulfil its obligations under the waiver which originally required the results of the negotiations to be put into effect by 14 August 1958. Although factors beyond their control had prevented this requirement from being met, he did not wish to have to approach again the CONTRACTING PARTIES with a further request to extend a date which had already been extended to 31 July 1959. If, therefore, the conclusions were so delayed that there would not be enough time to obtain congressional approval and give effect to the negotiations by the latter date, it was clear that the CONTRACTING PARTIES would be faced once more with a request for extension. He appealed to all delegations that they do their utmost to avoid a situation which would be indeed regrettable.

ANNEX

DRAFT PROTOCOL RELATING TO NEGOTIATIONS FOR
THE ESTABLISHMENT OF A NEW SCHEDULE III - BRAZIL

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as the General Agreement)

- (a) HAVING REGARD to the Decision of the CONTRACTING PARTIES of 16 November 1956 authorizing Brazil to negotiate with the other contracting parties concerned for the purpose of establishing a new Schedule of Brazilian tariff concessions to be annexed to the General Agreement;
- (b) HAVING REGARD to the fact that the negotiations have been carried out between contracting parties and Brazil pursuant to the aforesaid Decision;
- (c) NOTING that the aforesaid Decision contains procedures for the entry into force of the results of these negotiations; and
- (d) DESIRING to modify the authentic texts of the relevant Schedules to the General Agreement so as to reflect the modification of concessions resulting from the negotiations referred to in paragraph (c) above;
- (e) HAVING AGREED upon procedures for the conduct of the tariff negotiations by two or more contracting parties under the General Agreement and for putting into effect under the General Agreement the results of such negotiations;
- (f) HAVING REGARD to the fact that the Government of the United States of Brazil and the Governments of Denmark and Japan, which are contracting parties to the General Agreement, have carried out tariff negotiations under the procedures cited in paragraph (e);

AGREE as follows:

PART I

Establishment of a New Schedule III - Brazil

1. For the purposes of the General Agreement the Schedule contained in Annex A to this Protocol¹, shall be regarded as the Schedule annexed to the General Agreement relating to Brazil and shall replace the existing Schedules of Brazil as well as the Schedule of Brazil provided for in Part III of this Protocol.

¹ This Schedule will embody both the modifications in Brazil's tariff commitments resulting from Brazil's negotiations under the 1956 Decision and the results of negotiations for supplementary concessions conducted by Brazil with Denmark and Japan.

2. In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Schedule contained in Annex A shall be the date of this Protocol.

3. The provisions of this part of this Protocol shall become effective when this Protocol has been accepted by all governments which are on that day contracting parties to the General Agreement.

PART II

Modifications of Schedules other than Schedule III - Brazil

4. The modifications contained in Annex B to this Protocol, to which effect has been given pursuant to the Decision of the CONTRACTING PARTIES referred to in paragraph (a) of the Preamble to this Protocol, shall be made in the authentic texts of the relevant Schedules forming part of the General Agreement.

5. The modifications contained in this part of this Protocol shall become an integral part of the General Agreement on the day on which this Protocol has been accepted by all the governments which are on that day contracting parties to the General Agreement.

PART III

Supplementary Concessions - Brazil (Denmark and Japan)

6. The Schedules of Brazil, Denmark and Japan contained in Annex C to this Protocol shall each enter into force on the thirtieth day following the day upon which notification has been received by the Executive Secretary to the CONTRACTING PARTIES to the General Agreement from that contracting party of its intention to apply its concessions in that Schedule or on such earlier date as may be specified by the contracting party giving such notification. Upon their entry into force these Schedules shall be regarded as Schedules annexed to the General Agreement relating to the above-mentioned contracting parties.

7. In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the Schedules contained in Annex C shall be the date of this Protocol.

PART IVGeneral Provisions

8. (a) This Protocol shall be deposited with the Executive Secretary to the CONTRACTING PARTIES to the General Agreement and, after the entry into force of the Agreement on the Organization for Trade Cooperation, with the Director-General of that Organization.

(b) It shall be open for acceptance, by signature or otherwise, by the contracting parties to the General Agreement and by governments acceding thereto.

(c) The Executive Secretary to the CONTRACTING PARTIES to the General Agreement, or the Director-General of the Organization, as the case may be, shall promptly furnish a certified copy of this Protocol, and a notification of each acceptance thereto, to each contracting party to the General Agreement.

9. The date of this Protocol shall be .
Its provisions shall become effective in accordance with paragraphs 3, 5 and 6 hereof.

Done at Geneva,