

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED  
LIMITED B  
GATT/CP/107  
5 April 1951  
ORIGINAL: ENGLISH

## CONTRACTING PARTIES

### RESOLUTION OF APRIL 3, 1951, ON PROCEDURES FOR COMPLETING ARTICLE XXVIII NEGOTIATIONS UNFINISHED IN TORQUAY

WHEREAS the CONTRACTING PARTIES have drawn up an amendment to Article XXVIII of the General Agreement which will be embodied in the Torquay Protocol to the Agreement and have invited all contracting parties to sign at the conclusion of the Torquay Conference a Declaration by which they would waive their right to invoke prior to January 1, 1954, the provisions of paragraph 1 of Article XXVIII of the General Agreement;

WHEREAS under the Torquay Protocol only those modifications of the Geneva and Annecy Schedules which have been agreed upon or to which no objection has been raised in the course of the Torquay Conference can enter into force without further consultation with the contracting parties concerned or action by the CONTRACTING PARTIES;

WHEREAS, moreover, it has not been possible to reach an agreement in time to record in the Schedules annexed to the Torquay Protocol the results of the negotiations concerning the modifications of concessions with respect to the products listed in the Annex to this resolution;

The CONTRACTING PARTIES

DECIDE, pursuant to Article XXV(5)(a),

1. That notwithstanding signature of the Declaration on the continued application of the Schedules to the General Agreement on Tariffs and Trade and of the Torquay Protocol, the Governments of Franco, Cuba and Haiti shall be authorized to pursue the negotiations relating to modifications of concessions with respect to the products which are listed in the Annex to this Resolution with the contracting party or contracting parties with which each concession was initially negotiated and with the contracting parties which, during the Torquay Conference, have notified that they had a substantial interest in that concession.
2. The contracting parties concerned shall endeavour to reach an agreement on or before July 1, 1951, and to maintain a general level of reciprocal and mutually advantageous concessions not less favourable to trade than that provided for in the present Agreement.

3. Any modification on which agreement is reached before July 1, 1951, may be made effective by agreement of the negotiating parties, provided that at least thirty days' notice of the date on which the modification or modifications will become effective shall be given to the Executive Secretary.

4. If, prior to July 1, 1951, the negotiations referred to in paragraph 1 above have terminated without agreement having been reached, this fact shall be notified to the CONTRACTING PARTIES and the contracting party seeking the modification shall be free to put it into effect on or after the thirtieth day following such notification.

5. If, by July 1, 1951, no agreement has been reached on a proposed modification listed in the Annex to this Resolution, this fact shall be notified to the CONTRACTING PARTIES by the contracting party seeking the modification, and that contracting party shall be free to put into effect such modification on or after the thirtieth day following such notification.

6. If a contracting party is substantially affected by a modification made effective under paragraphs 4 and 5 of this Resolution, it will be free, not later than six months after such action is taken, to withdraw, upon the expiration of thirty days from the day on which written notice of such withdrawal is received by the CONTRACTING PARTIES, substantially equivalent concessions initially negotiated with the contracting party taking such action under 4 and 5 above.

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Note: The Annex referred to in the Resolution has been distributed as document SECRET/CP/16/Rev.1