GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIMITED W
CP.6/W/19/Add. 1
16 October 1951
ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

DRAFT REPORT OF WORKING PARTY 4 ON ARRANGEMENTS FOR TARIFF NEGOTIATIONS

PART I

Addendum

B. Negotiations between contracting parties

Add the following paragraphs:

As regards paragraph 2(i), which is modelled on paragraph 4 of the Annecy and Torquay Protocols, some members of the Working Party fel that the obligation to consult, in the event of a concession being withheld under this paragraph, should be confined to other contracting parties which participated in the negotiations. Otherwise they considered that this provision might be construed as affording to other contracting parties, who took no part in the negotiations and therefore made no counter-concession in reliance on the concession withheld, a right to claim compensation. The Working Party considered that it was desirable to retain the provision whereby all contracting parties would be informed of such a withholding and that it was clear that the right to consultation would upon any reasonable construction of the paragraph be confined to contracting parties which had participated in the negotiations and made concessions in reliance on the concession withheld. On this understanding it was agreed to retain the wording employed in previous protocols.

It will be noticed that in paragraph 3(a) of the model protocol, as in paragraph 5(a) of the Torquay Protocol, it is provided that "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 annexed to this Protocol shall be the date of this Protocol". Accordingly, it will be necessary for the Contracting Parties to waive the obligations of the contracting parties concerned under Article II of the General Agreement, in respect of the schedules annexed to the Protocol, to the extent necessary to give effect to this provision. The Working Party, therefore, also submits for approval by the Contracting Parties a draft decision with effect under Article XXV (5)(a) of the General Agreement.

THE CONTRACTING PARTIES,

TAKING NOTE of the provisions of the Model Protocol contained in Annex B to the Tariff Negotiating Procedures adopted by them on October , 1951, and

ACTING pursuant to paragraph 5(a) of Article XXV of the General Agreement,

HEREBY waive the obligations of a contracting party under Article II

of the General Agreement with respect to a schedule thereto relating to that contracting party to the extent necessary to permit the contracting party to give effect to such more limited obligations with respect to such schedule, comparable to those contained in paragraph 3(a) of such model protocol, provided for in the protocol to which such schedule is annexed.