

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TAR/W/34
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Limited Distribution

Committee on Tariff Concessions

LEGAL STATUS OF LOOSE-LEAF SCHEDULES

Note by the Secretariat

In document TAR/W/33 the Government of Japan wishes to know the views of the GATT secretariat and members of the Committee on certain points concerning the legal status of the loose-leaf schedules. At the meeting of the Committee on 21 October 1982 a representative of the secretariat gave an oral presentation of the views of the secretariat on this matter. The Committee requested that this statement be circulated in a document; it is reproduced hereunder.

1. It is said in the second part of paragraph 1 of TAR/W/33 that "it seems to be impossible that existing legal instruments would be made legally void solely by the rectification procedure itself. What kinds of procedures are legally required to void the existing legal instruments?"

Previous instruments are not made obsolete through the rectification procedure as such but through the adoption by the Council on behalf of the CONTRACTING PARTIES of the Director-General's proposal for the introduction of the loose-leaf system and more precisely paragraph 8 thereof (see BISD, 27S, page 24).

2. In paragraph 2 of the document, it is asked what the legal status under the loose-leaf system will be of future Protocols, Certification etc. relating to tariff concessions.

The loose-leaf schedules can only be amended through the adoption of a legal instrument. Amendments to the schedules will - as has been the case in the past - be made in the form of Certifications which will be established under the procedure adopted by the Council on 26 March 1980 (BISD, 27S, pages 25-26). Amendments to the schedules in the form of new loose-leaf pages and an explanation of the reason for the amendment will be circulated for approval in conformity with this procedure. The addition of new concessions to existing schedules will be formalized in the same way.

3. It is suggested in paragraph 3 of the document that no relevant past GATT documents could be referred to after the introduction of the loose-leaf system, to verify faults in a schedule.

It should be noted that the verification period for the loose-leaf schedules does not finally expire until 1987. Even after this date it would be possible for a contracting party to raise with another contracting party the question of the correction of an error found in a schedule, although the basic document has become obsolete.