

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W.12/53
27 November 1957

Special Distribution

CONTRACTING PARTIES
Twelfth Session

CONTINUED APPLICATION OF SCHEDULES

Draft Decision and Declaration

(Note by the Executive Secretary)

As requested by the CONTRACTING PARTIES, the draft decision and declaration in document W.12/16 have been revised in order to make provision for the continuation of unfinished Article XXVIII negotiations during the first months of 1958. The following new drafts are submitted for consideration by the CONTRACTING PARTIES.

Draft

DECISION ON THE CONTINUED APPLICATION OF SCHEDULES

The CONTRACTING PARTIES

Having decided at their Ninth Session that the Schedules annexed to the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement") should have an assured life through successive three-year periods (or for such other periods as they may specify), the first period beginning on 2 January 1958 as provided for in Article XXVIII as contained in the Protocol Amending the Preamble and Parts II and III of the General Agreement (hereinafter referred to as "Article XXVIII (revised)");

Considering that Article XXVIII (revised) has entered into force for at least two-thirds, but not all, of the contracting parties;

Considering that the Declaration of 10 March 1955 on the Continued Application of Schedules will expire on 31 December 1957;

Considering the desirability of affording to the contracting parties, which have not yet accepted the said Protocol but which nevertheless wish to continue to participate in an arrangement whereby the Schedules will have an assured life for a further fixed period, an opportunity to prolong the assured life of their Schedules for a further period of three years; and

Considering further that several contracting parties, conducting negotiations under the provisions of Article XXVIII for the modification or withdrawal of concessions in their Schedules annexed to the General Agreement, will not have completed such negotiations in time to give effect under the General Agreement to the results of these negotiations on 1 January 1958, as is permitted under paragraph 1 of Article XXVIII;

Decide:

1. that there should be opened for acceptance by signature or otherwise, by contracting parties with respect to which Article XXVIII (revised) is not yet in effect, a Declaration under which they would not invoke, after 1 January 1958 and prior to 1 January 1961, except under specified circumstances, the provisions of Article XXVIII which still apply to them relating to the modification or withdrawal of concessions in the appropriate schedules annexed to the General Agreement;

2. that procedures which are the same as those provided for in Section A of Article XVIII set forth in the protocol referred to in the preamble above and in paragraph 4 of Article XXVIII (revised) will be made available to signatories of the Declaration provided for in the preceding paragraph; and

Decide, further, pursuant to paragraph 5 of Article XXV:

3. that for the purpose of the application of paragraph 5 of Article XXVIII (revised) a contracting party with respect to which Article XXVIII (revised) is not in effect and which has not accepted such Declaration shall be deemed to be a contracting party which has exercised the election referred to in that paragraph.

4. that, notwithstanding the provisions of paragraph 1 of Article XXVIII, a contracting party, which has notified the CONTRACTING PARTIES by 31 December 1957 of its intention to enter into negotiations for the modification or withdrawal of particular concessions under the procedures of that Article, may pursue such negotiations up to and including 31 March 1958, and any modification or withdrawal of a concession following such negotiations may be made effective in accordance with the provisions of Article XXVIII; Provided that such modifications or withdrawals are notified to the Executive Secretary not later than 30 April 1958, and that at least thirty days' notice is given of the date on which such modifications or withdrawals will become effective; and Provided further that the Intersessional Committee may fix a later date for the completion of such negotiations as have not been completed by 31 March 1958 and also an appropriate date for the notification to the Executive Secretary of such modifications and withdrawals.

Draft

DECLARATION ON THE CONTINUED APPLICATION OF SCHEDULES
TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The parties to this Declaration, being contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement") for which Articles XVIII and XXVIII of the General Agreement, as set forth in the Protocol Amending the Preamble and Parts II and III of the General Agreement (hereinafter referred to as "Article XVIII (revised)" and "Article XXVIII (revised)" respectively) are not in force;

CONSIDERING that, pursuant to the Declaration of 10 March 1955, the assured life of the concessions embodied in their Schedules annexed to the General Agreement will expire on 31 December 1957; and

DESIRING to continue the assured life of their Schedules for a further period of three years;

HEREBY DECLARE that:

1. They will not invoke, after 1 January 1958 and prior to 1 January 1961, the provisions of Article XXVIII of the General Agreement to modify or cease to apply the treatment which they are required to accord under Article II (which is being renumbered as Article III) of the General Agreement to any product described in the appropriate schedule annexed thereto: Provided that -

- (a) the provisions of this Declaration shall not apply to concessions initially negotiated with a contracting party with respect to which Article XXVIII (revised) shall be in effect and which has given a notification pursuant to paragraph 5 of that Article, or with a contracting party with respect to which Article XXVIII (revised) is not in effect and which has not accepted this Declaration;
- (b) a party to this Declaration, which has notified the CONTRACTING PARTIES by 31 December 1957 of its intention to enter into negotiations for the modification or withdrawal of particular concessions under the procedures of Article XXVIII, may pursue such negotiations up to and including 31 March 1958 (and during any further period that may be agreed upon by the Intersessional Committee of the CONTRACTING PARTIES), in accordance with the terms of the Decision on the Continued Application of Schedules adopted by the CONTRACTING PARTIES on November 1957; and
- (c) a party to this Declaration, desiring to modify or withdraw a concession, may enter into negotiations under the conditions and in accordance with procedures which are the same as those provided for in Section A of Article XVIII (revised) or paragraph 4 of Article XXVIII (revised) together with the applicable notes thereto.

2. They will not invoke the provisions of paragraph 2 of Article XXVIII of the General Agreement (prior to revision of that Article) with respect to the withdrawal of equivalent concessions if another contracting party, with respect to which Article XVIII (revised) is in effect or which has accepted this Declaration, acts under the conditions described in the second sentence of paragraph 7(b) of Article XVIII (revised).

3. This Declaration shall cease to have effect for any party upon the date on which the Protocol Amending the Preamble and Parts II and III becomes effective for it.

4. This Declaration shall be deposited with the Executive Secretary to the CONTRACTING PARTIES to the General Agreement.

5. This Declaration shall be open at the Headquarters of the CONTRACTING PARTIES to the General Agreement at Geneva for acceptance by signature or otherwise.

6. The Executive Secretary to the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Declaration and a notification of each acceptance thereto to each contracting party to the General Agreement.

7. This Declaration shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Declaration.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this day of November, one thousand nine hundred and fifty-seven.