

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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CONTRACTING PARTIES
Thirteenth Session

Working Party on Schedules

DRAFT REPORT

I. Eighth Protocol of Rectifications and Modifications

1. The Working Party discussed at length which date would be most appropriate for opening for signature of the Eighth Protocol of Rectifications and Modifications. On the one hand the Government of Austria needs to submit its new GATT Schedules, as embodied in a legal instrument, to its Parliament early in 1959; and for that reason it presented its draft Schedules to the CONTRACTING PARTIES five months ago. The Government of Ceylon also wishes to see its new Schedules - first submitted in 1955 - embodied in the Eighth Protocol of Rectifications and Modifications. On the other hand, certain contracting parties which presented draft Schedules before the Thirteenth Session insisted on having a formal recognition of their Schedules in a protocol of rectifications and modifications as soon as possible.
2. The Working Party had sympathy with the attitude of these contracting parties and in the desire to meet their requirements, as well as the requirements of those contracting parties which had submitted draft Schedules during the Session, recommends that the Eighth Protocol of Rectifications and Modifications be opened for signature after the present Session and that a Ninth Protocol of Rectifications and Modifications be opened for signature at the Spring Session of the CONTRACTING PARTIES.
3. If the CONTRACTING PARTIES agree to this recommendation, the secretariat should be instructed to include in a draft Eighth Protocol of Rectifications and Modifications - to be prepared as soon as possible before the end of 1958 - the rectifications and modifications contained in the submissions listed hereunder:

Australia	-	Spec/245/58 and Corrigendum
Austria	-	Spec/174/58 (Adoption of new Nomenclature)
Benelux		
Section A	-	Spec/249/58
Section B	-	Spec/244/58
Sections C,D,E	-	Spec/248/58
Ceylon	-	L/852 and Spec/228/58 (Adoption of new Nomenclature)
Cuba	-	L/829 and L/829/Corr.1
Denmark	-	Spec/257/58 (Amendments to present Nomenclature)
Finland	-	Spec/245/58 and Addendum
Germany	-	Spec/274/58 and Corrigendum
Greece	-	W.13/27
India	-	Spec/243/58 and Addendum

PROVIDED that all controversial points relating to these lists shall have been cleared. Any item, or draft Schedule, against which objections are maintained by 31 December 1958 shall be omitted from the draft Protocol.

4. In order to enable the secretariat to start the preparation of the draft Protocol immediately after the end of the Session and, possibly complete this task before 31 December 1958, each delegation of the countries mentioned above should be requested to send to the Executive Secretary before the end of the Session a list of the contracting parties with which points arising out of its submission remain to be settled. A notification should also be sent by those delegations against whose submissions there are no longer any objections; in this case any amendments to the original list should be notified for circulation to other contracting parties.

5. By the end of 1958, or earlier if all the submissions mentioned in paragraph 3 are cleared, the secretariat shall prepare and circulate to all contracting parties a draft Eighth Protocol of Rectifications and Modifications. If no objections are raised within thirty days of the despatch of the draft, the Eighth Protocol of Rectifications and Modifications shall be opened for signature.

II. Ninth Protocol of Rectifications and Modifications

6. The following procedures are recommended for the opening for signature of the Ninth Protocol of Rectifications and Modifications:

(i) the Protocol should be opened for signature on the first day of the Spring Session of the CONTRACTING PARTIES in 1959;

(ii) enquiries, comments or objections should be notified:

(a) with respect to the draft Schedules submitted by

Norway
Sweden
United Kingdom

not later than 31 December 1958;

(b) with respect to the draft Schedules submitted by

Denmark
France

not later than 15 January 1959. However, as these two draft Schedules were submitted late in the Session, the Working Party feels that it should be permissible for contracting parties which have not completed the examination to notify to the Danish or French authorities any items, or chapters in the drafts for the examination of which more time will be needed;

(iii) as soon as one of the above contracting parties shall have settled all differences, it shall transmit to the secretariat [the stencils of] its Schedules, indicating separately any amendments which have been made to the original text;

(iv) the secretariat shall begin as soon as possible the preparation of a draft Ninth Protocol of Rectifications and Modifications, which shall be despatched to contracting parties thirty days before the opening of the Spring Session of the CONTRACTING PARTIES;

(v) if there are no objections to the draft Protocol, the secretariat shall open it for signature on the first day of the Spring Session.

III. Legal Status of Consolidated Schedules

7. The Governments of Sweden, Norway, and Denmark presented, as indicated above, draft Schedules transposed into the Brussels Nomenclature. The Schedules were, however, presented in the form of "consolidated" Schedules. The question of giving legal status to consolidated Schedules, which was on the agenda of the Working Party following a Decision of the CONTRACTING PARTIES at the Twelfth Session, was therefore discussed with practical examples in mind, but with a view to laying down procedures which would be appropriate in any future cases.

8. Having considered the problems involved, the Working Party welcomes the possibility of simplifying the Schedules of contracting parties and makes the following recommendations:

(i) any contracting party, wishing to prepare a consolidated schedule to replace its separate Schedules annexed to the various Protocols, may do so, provided a draft consolidated schedule is submitted to the CONTRACTING PARTIES for approval under the normal rectification procedures;

(ii) such a contracting party shall give due notice of its intention and shall submit copies early enough before the usual Protocol of Rectifications and Modifications is prepared, to allow for adequate checking by all contracting parties;

(iii) the contracting party to which the draft consolidated Schedule relates, shall be expected to accept the understanding that earlier Schedules and - as has always been the case in the past - negotiating records, would be considered as proper sources in interpreting concessions contained in legal consolidated schedules.

9. A problem arises with respect to the date applicable to each concession for the purposes of Article II:1(b) of the Agreement. The most important purpose being the date as of which "other changes on importation, etc." are bound, Article II:1(b) specifies that this date shall be the date of the Agreement, and Protocols of Accession and of Supplementary Concessions have in each case specified that for the schedules annexed to each protocol, the date should be the date of that protocol. The Working Party recommends that the date applicable to any concession in a consolidated schedule shall be, for the purposes of Article II, the date of the instrument by which a concession was first incorporated into the General Agreement.

10. A time-table for the examination and approval of the draft consolidated Schedules of Sweden, Norway and Denmark is provided in Section II, above.

IV. Unofficial Consolidated Schedules

11. The Working Party noted that small progress had been made in the preparation of unofficial consolidated Schedules of contracting parties. This was mainly due to the fact that numerous contracting parties were engaged in extensive tariff reforms. It recommends that no further time-limit be set for the submission of draft consolidated schedules, but expresses the hope that the contracting parties which have not yet done so, will prepare consolidations and submit them as soon as they can.

V. Other Questions

12. The question of publication of the unofficial consolidated Schedules had been left over from the Twelfth Session. The Working Party does not consider this an appropriate time to make recommendations on this matter.

13. The Working Party recommends that the secretariat be instructed to complete its work on the list of changes in the Schedules (G/75) effected by Protocols and Decisions of the CONTRACTING PARTIES.

14. The Working Party recommends further that the secretariat be instructed to bring up to date the list of changes - mainly the result of action under Articles XIX and XXVII - which have not been included in protocols of rectifications and modifications.