

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W.15/33

14 November 1959

Limited Distribution

CONTRACTING PARTIES
Fifteenth Session

RECTIFICATION AND MODIFICATION OF SCHEDULES

1. At the meeting of the CONTRACTING PARTIES on 6 November, the Executive Secretary referred to the long delays in the entry into force of the protocols of rectifications and modifications to the schedules to the GATT which have been drawn up at past sessions. The delay is sometimes as long as six years owing to the requirement that these protocols cannot enter into force until they have been accepted by all contracting parties.

2. He drew attention also to the fact that this problem was discussed at the review session and that a solution was provided through the amendment of Article XXV by the addition of paragraph 3 which reads as follows:

Any amendment to the schedules annexed to this Agreement which records rectifications of a purely formal character or modifications resulting from action taken under paragraph 6 of Article III, Article XVIII, Article XXIV, Article XXVII or Article XXVIII, shall become effective on the thirtieth day following certification to this effect by the Organization; provided that prior to such certification, all contracting parties have been notified of the proposed amendment and no objection has been raised, within thirty days of such notification by any contracting party, on the ground that the proposed amendments are not within the terms of this paragraph.

3. However, this amendment also has not entered into force because of the delay in the unanimous acceptance of the Protocol Amending Part I and Articles XXIX and XXX.

4. As the obstacles which have thus far prevented the entry into force of the protocols of rectifications and modifications appear to be similar to those which have prevented some contracting parties from accepting the protocol which modifies Article XXV, it seems that the practice of preparing protocols of rectifications and modifications might well be discontinued. It is suggested that the most convenient procedure would be to incorporate the rectifications and modifications in certificates, as provided for in the revised text of Article XXX, but to agree that these certificates would enter into force only when the new text of Article XXX has been accepted by all contracting parties.

5. This procedure would have the advantage of avoiding the necessity for contracting parties, which are ready to accept the changes, to continue the procedure of authorizing plenipotentiaries to sign these protocols and of having formal full powers drawn up and submitted to the secretariat.