

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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CONTRACTING PARTIES  
Seventeenth Session

## CONTINUED APPLICATION OF THE SCHEDULES ANNEXED TO THE GENERAL AGREEMENT

### Draft Decision and Draft Declaration

1. Since the entry into force for the majority of contracting parties of the Protocol Amending the Preamble and Parts II and III of the General Agreement the assured life of the Schedules is fixed for three-year periods by paragraph 1 of Article XXVIII, as amended by that Protocol.
2. In order to make possible the application of this situation existing under the revised Article XXVIII to the Schedules of those countries which have not yet signed the Protocol mentioned above, and which are consequently not yet governed by this Article, it is proposed that, as was done in 1957, the CONTRACTING PARTIES open for acceptance a Declaration whereby such countries could undertake not to invoke the old text of Article XXVIII, which is still in force for them and which makes no provision for the assured life of the Schedules.
3. For this purpose a draft Decision and a draft Declaration are submitted herewith. The texts are mutatis mutandis the same as those of 1957.<sup>1</sup>
4. The attention of contracting parties is called to the fact that several contracting parties which are conducting negotiations under Article XXVIII have indicated to the secretariat that they are unlikely to conclude these negotiations before 1 January 1961. The draft Decision therefore also provides for the extension of this time-limit to 31 March 1961.

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<sup>1</sup>See Basic Instruments and Selected Documents; 6th Supplement, pages 19 etc.

A N N E X

I. CONTINUED APPLICATION OF SCHEDULES  
TO THE GENERAL AGREEMENT

Draft Decision of November 1960

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 30 November 1957 on the Continued Application of Schedules will expire on 31 December 1960;

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 1961, as is permitted under paragraph 1 of Article XXVIII;

The CONTRACTING PARTIES

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 1961 and prior to 1 January 1964, 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.

Decide further, pursuant to the provisions of Article XXV:5 of the General Agreement:

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 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 1961, 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 first notified to the Executive Secretary; and provided further that the Council of Representatives of the CONTRACTING PARTIES may fix a later date for the completion of such negotiations as have not been completed by 31 March 1961.

## II. CONTINUED APPLICATION OF SCHEDULES TO THE GENERAL AGREEMENT

### Draft Declaration of November 1960

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 30 November 1957, the assured life of the concessions embodied in their Schedules annexed to the General Agreement will expire on 31 December 1960; 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 1961 and prior to 1 January 1964, 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 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 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 1961 (and during any further period that may be agreed upon by the Council of Representatives 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 1960; 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 of 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 of the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Declaration and a notification of each acceptance thereof to each contracting party to the General Agreement and to each government provisionally acceding thereto.

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 sixty.