

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/23  
21 June 1990

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Original: English

Group of Negotiations on Goods (GATT)

COMMUNICATION FROM THE CHAIRMAN OF THE NEGOTIATING GROUP  
ON GATT ARTICLES

The Chairman of the Group of Negotiations on Goods has received the following communication, dated 19 June 1990, from the Chairman of the Negotiating Group on GATT Articles.

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I have been asked by the Negotiating Group on GATT Articles to transmit to you as Chairman of the Group of Negotiations on Goods the attached decision taken by the Negotiating Group on 19 June 1990 on the recording in the Schedules of tariff concessions of "other duties or charges" under Article II:1(b). It is the Negotiating Group's understanding that the decision will remain in suspense pending the outcome of the negotiations as a whole.

It is further understood that the eventual legal form of this decision will be decided at a later stage, in the context of the conclusion of the Uruguay Round.

ARTICLE II:1(b): RECORDING OF "OTHER DUTIES OR CHARGES"  
IN THE SCHEDULES OF TARIFF CONCESSIONS\*

Decision

1. It is agreed that in order to ensure transparency of the legal rights and obligations deriving from Article II:1(b), the nature and level of any "other duties or charges" levied on bound tariff items, as referred to in that provision, shall be recorded in the Schedules of tariff concessions against the tariff item to which they apply. It is understood that such recording does not change the legal character of "other duties or charges".
2. The date as of which "other duties or charges" are bound, for the purposes of Article II, shall be the date of the Uruguay Round Tariff Protocol. "Other duties or charges" shall therefore be recorded in the Schedules of concessions at the levels applying on this date. At each subsequent renegotiation of a concession or negotiation of a new concession the applicable date for the tariff item in question shall become the date of the incorporation of the new concession in the Schedules of concessions. However, the date of the instrument by which a concession on any particular item was first incorporated into the General Agreement shall also continue to be recorded in column 6 of the Loose-Leaf Schedules.
3. "Other duties or charges" shall be recorded in respect of all tariff bindings.
4. Where a tariff item has previously been the subject of a concession, the level of "other duties or charges" recorded in the Schedules of concessions shall not be higher than the level obtaining at the time of the first incorporation of the concession in the Schedules. It will be open to any contracting party to challenge the existence of an "other duty or charge", on the ground that no such "other duty or charge" existed at the time of the original binding of the item in question, as well as the consistency of the recorded level of any "other duty or charge" with the previously bound level, for a period of three years after the deposit with the secretariat of the Schedule in question.
5. It is agreed that the recording of "other duties or charges" in the Schedules of concessions is without prejudice to their consistency with rights and obligations under the General Agreement other than those affected by paragraph 4 above. All contracting parties retain the right to challenge, at any time, the consistency of any "other duty or charge" with such obligations.

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\*The legal form of this decision will be decided at a later stage.

6. For the purposes of this decision, the normal GATT procedures of consultation and dispute settlement will apply.

7. It is agreed that "other duties or charges" omitted from a Schedule at the time of its deposit with the secretariat shall not subsequently be added to it and that any "other duty or charge" recorded at a level lower than that prevailing on the applicable date shall not be restored to that level unless such additions or changes are made within six months of the deposit of the Schedule.

8. The decision in paragraph 2 above regarding the date applicable to each concession for the purposes of Article II:1(b) supersedes the decision regarding the applicable date taken by the GATT Council on 26 March 1980 (BISD 27S/22).