

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED  
TAR/Spec/2  
1 April 1982

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Committee on Tariff Concessions

SUBMISSION OF LOOSE-LEAF SCHEDULES

Communication by Australia

In reply to the invitation to transmit any views that delegations might have on the points raised by Japan concerning the legal status of loose-leaf schedules contained in document TAR/Spec/1, the secretariat has received the following communication from the Permanent Mission of Australia.

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I have been asked by my authorities to pass to you the Australian view on the legal status of previous protocols after the final adoption of the loose-leaf system. In this matter the Australian view differs in some aspects from the Japanese view previously circulated.

In our view the question is not merely what the legal status of the loose-leaf system will be, but, more fundamentally, what the purpose is of instituting the loose-leaf system. We feel that a decision has to be made as to whether the loose-leaf system is to be a schedule of legal obligations (with the force and precision of the traditional GATT schedules) or if it is to be simply a "reflection", an information-gathering document, deprived of some of its legal precision.

It is our understanding that the proposal by the Director-General (paragraph 3 of C/107/Rev.1) called for a general consolidation of schedules which would take its substance in the loose-leaf schedule, once it is fully established, as constituting the legally binding document in relation to each contracting party's current concessions. Furthermore, in discussing the establishment of the loose-leaf system in September 1979 (L/4821), the secretariat suggested that a general consolidation exercise take place after the Tokyo Round and "in this connection, the loose-leaf schedules be given the status of being the legal source representing GATT tariff concessions". Paragraph 8 of L/4821 then discussed what we understand to be the present position concerning draft consolidated schedules before stating that "after the cut-off date the loose-leaf schedules are to become the only legal source for presenting GATT tariff concessions".

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We believe that if the loose-leaf system is to be effective at all then it must be able to demonstrate precisely existing legal obligations. Thus, while at the draft consolidation stage of the loose-leaf schedules, the instruments of obligation will be the previously agreed certifications and protocols, once the draft consolidations have been fully accepted by other contracting parties and ratified nationally, the new loose-leaf schedules will constitute the sole legal authority for existing concessions and the old certifications and protocols will become irrelevant.