

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W.10/24

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Special Distribution

## Working Party 2 on Schedules

### RECTIFICATIONS OF SCHEDULES

#### Draft Report of the Working Party

#### I. Fifth Protocol of Rectifications and Modifications

1. The requests for rectifications and modifications to schedules annexed to the General Agreement, submitted by the following contracting parties were examined by the Working Party:

Schedule II	Benelux	
Section A		Met. Territories
Section B		Belgian Congo and Ruanda-Urundi
		MGT/117/55
Schedule IV	Burma	MGT/127/55
Schedule V	Canada	L/382/Add.1
Schedule VI	Ceylon	MGT/119/55
Schedule X	Czechoslovakia	MGT/120/55
		MGT/116/55 and MGT/116/55/Corr.1
Schedule XI	France	MGT/129/55
Schedule XII	India	MGT/108/55
Schedule XIII	New Zealand	MGT/115/55
Schedule XV	Pakistan	MGT/128/55
Schedule XVI	Federation of Rhodesia and Nyasaland	MGT/126/55
Schedule XVIII	Union of South Africa	MGT/118/55
Schedule XX	United States	MGT/121/55
Schedule XXIV	Finland	MGT/142/55
Schedule XXV	Greece	MGT/153/55
Schedule XXXIII	Germany	MGT/123/55
Schedule XXXVIII	Japan	MGT/125/55

2. After circulation of these lists to the contracting parties and after all questions had been settled, the Working Party agreed to recommend the insertion of these rectifications and modifications in the Fifth Protocol with the exception of those mentioned in the following paragraphs.

3. The Government of Ceylon submitted a new schedule to replace Schedule VI (Geneva, Annecy and Torquay). It appeared, however, that some delegations would not be in a position to give approval in time to allow for the inclusion of this schedule in the Protocol. However, taking into account the desire of the

Government of Ceylon to bring about the replacement of its schedules as soon as possible, the Working Party decided to recommend the following procedure:

- (i) The delegation of Ceylon should pursue its discussions with other delegations.
- (ii) If possible, at the end of the present Session, after controversial points have been settled, the delegation of Ceylon should submit its proposed new schedule to the secretariat for transmission to all contracting parties.
- (iii) If after thirty days no objections are received by the Executive Secretary the proposed new schedules will be deemed to have been approved by the CONTRACTING PARTIES and will constitute thereafter the schedule of Ceylon.

4. The Working Party also examined the possibility of including in the Fifth Protocol a new schedule for the Federation of Rhodesia and Nyasaland to replace Schedule XVI of Southern Rhodesia. It examined the list of items (attached hereto) submitted by the Federation and found that these items accurately reflected the corresponding concessions in Schedule XVI of Southern Rhodesia. In view of the fact, however, that five items, contained in the schedule of Southern Rhodesia, were the subject of negotiations with four contracting parties and were therefore not included in the list submitted by the Federation, it was thought more appropriate to recommend that the replacement of Schedule XVI be deferred until the negotiations had been concluded. The representative of Rhodesia and Nyasaland agreed to this proposal.

5. A draft of the Fifth Protocol has been circulated (document ) and the Protocol will be open for signature on 2 December.

## II. Consolidated Schedules

6. The discussion of the contents of the Fifth Protocol showed that members of the Working Party were seriously concerned with the present state of the Schedules annexed to the Agreement. It was said that officials found increasing difficulty in consulting these texts as the original concessions granted by contracting parties and the subsequent rectifications and modifications were scattered among more than twenty legal instruments and several GATT documents. Moreover most of the modifications resulting from the 1955 negotiations under Article XXVIII would not be included in the Fifth Protocol and further extensive modifications to the Schedules were to be expected from the 1956 tariff negotiations.

7. The Working Party considering that up to date the consolidated schedules were a necessity for all concerned, examined proposals of the secretariat (W.10/5) for a new consolidation to cover all changes up to the end of the 1956 tariff negotiations. The secretariat proposed the submission of draft consolidations by 1 July 1956, (that is, two months after the end of the 1956 tariff negotiations) and the submission of comments by other contracting parties by 1 October.

8. There was unanimous agreement in the Working Party on the necessity of bringing the Consolidated Schedules up to date. The time-table suggested by the secretariat, however, was not found acceptable. A substantial number of contracting parties were in the process of preparing the transposition of their schedules into the Brussels nomenclature but would not all be ready to submit their texts at the same time. If, therefore, an early date for the submission of revised consolidated schedules were decided upon, some countries would be required to prepare a consolidation of their old schedules which would shortly thereafter be superseded by new schedules. On the other hand if a later date were chosen, the disadvantages of the present situation would be prolonged.

9. The Working Party therefore agreed to recommend the following plan:

- (i) By 1 July 1956 those contracting parties which do not contemplate a change in the nomenclature of their schedules in the near future should transmit to the secretariat fifty copies of their revised consolidated schedule for distribution to the other contracting parties for examination.
- (ii) The contracting parties should be asked to submit comments on these consolidations not later than 1 October 1956 and any controversial points should be discussed and settled by delegations at the Eleventh Session.
- (iii) Those contracting parties which are changing the nomenclature of their schedules should, thirty days after the changes have been approved by the CONTRACTING PARTIES, submit to the secretariat fifty copies of their revised consolidated schedules for distribution to the other contracting parties for examination. If after ninety days there are no objections these schedules should be considered to be approved.
- (iv) At the Eleventh Session the CONTRACTING PARTIES should decide whether roneoed copies of the consolidated schedules would serve the needs of contracting parties or whether a photo-offset edition should be made and offered for sale to governments and the public.

For the purposes of governments it was agreed that the consolidated schedules could be more easily kept up to date if they were distributed in unbound form so that changes could be made by replacing pages. If desired, bound editions could also be provided.

### III. Index of Changes in the Schedules

10. The Working Party considered that the contracting parties participating in the 1956 tariff negotiations would be handicapped in their work by the lack of up-to-date consolidated schedules. It was therefore agreed to recommend that the secretariat should be asked to prepare, before the opening of the tariff negotiations, a revision of the document (G/75) distributed in February 1954 under the title "List of changes effected by protocols and decisions of the CONTRACTING PARTIES"

11. In view of the fact, however, that most of the modifications resulting from the 1955 Article XXVIII negotiations are not included in the Fifth Protocol of Rectifications and Modifications, the proposed index should be accompanied by lists of the changes resulting from these negotiations which are not included in the Fifth Protocol.

The contracting parties whose modifications resulting from Article XXVIII negotiations are not incorporated in the Fifth Protocol should upon completion of these negotiations, submit to the secretariat a consolidated list of all these modifications so that these may be made available to the delegations participating in the Tariff Conference.

#### IV. Legal Status of the Consolidated Schedules

12. The discussion of the preparation of a new consolidation of the schedules led some members to express once more their feeling that action by the CONTRACTING PARTIES to give legal status to the Consolidated Schedules was even more urgent than when it was first proposed at the Seventh Session.

13. Some members, however, felt that the reasons which had induced the Working Party at the Seventh Session (Basic Instruments and Selected Documents, 1st S. p.65) to reject that proposal were still valid. Those in favour of giving legal status to the Consolidated Schedules wished their view to be recorded that, while they were not asking for a decision by the CONTRACTING PARTIES at the present Session, the CONTRACTING PARTIES should at some future date find a solution to the ever-increasing difficulties which confronted governments in their handling of the legal texts of the schedules annexed to the Agreement.