

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIMITED B
GATT/CP.6/29/Add.1
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ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

ITEM 26 - PUBLICATION OF DOCUMENTS RELEVANT TO THE OPERATION OF THE GENERAL AGREEMENT

Note by the Executive Secretary

Addendum

In the light of comments received from delegations on the list of documents for publication suggested by the Secretariat (GATT/CP.6/29) the following arrangement of the material is suggested.

The publication might be divided into three separate volumes as follows:

- Part I - General Agreement (amended text)
Protocol of Provisional Application
Annecy Protocol
Torquay Protocol
Rules of Procedure
Intersessional Procedures
Tariff Negotiations Procedures (including Model
Protocols)
Model Special Exchange Agreement
- Part II - Short historical introduction
Analytical Index to Articles and Protocols
Note on Status of Schedules and manner in which
Modifications have been made (relevant quotations
from Working Party Reports)
Note on Reservations to any Signatories to Protocols
Invocations of Article XXV
Note on Territorial Application of the Agreement
Index to GATT documents
- Part III - Declarations
Decisions
Resolutions
Rulings
Recommendations
Reports of Working Parties
Final Acts of Geneva and Torquay

Notes: Part I would be the basic working document.

Part II The historical introduction would be a very brief (one or two pages) summary of the background.

The Secretariat has been working on an analytical index of the articles of the Agreement covering all background documents from the first session of the Preparatory Committee in 1946 to the present time. This index will list the documents in which can be found the reports and discussions concerning each article and will contain reference to specific interpretations that have been given of words or phrases, either in the course of drafting the articles or during the operation of the Agreement. In order that delegations may see what is planned and judge its usefulness a sample index, to Article I, is attached. As many actual quotations from reports and proceedings would be used as possible.

The note on the status of the schedules might take more or less the form of the table which was issued in document CP.6/20.

It would probably be necessary to issue yearly supplements to this volume.

Part III This would include all the documents listed in CP.6/29 with the exception of the following:

Decision of March 21, 1950 under Article XVIII on items in Syria-Lebanon notification	
Reports on	
the Cuban Schedule	GATT/CP.2/43
the Australian Schedule	" CP.3/25
Revalidation of Geneva and Annecy schedules	" CP.4/25
Swiss participation in Torquay negotiations	" CP.4/40
Measures notified by Denmark and Italy	" CP.5/25,29,40
Cuban textiles	" CP.3/82
WHO: draft Agreement	" CP.5/47

It has been suggested that the following documents, now listed in the Annex as not for publication, be included in the published volume:

Reports on Modifications to the Agreement	CP.2/22/Rev.1
and Modifications and Rectifications	CP.4/34

The approximate list for each volume would be:

ARTICLE I - MOST-FAVoured-NATION TREATMENT

(Article 16 of the Havana Charter, III-I of Proposals, 8 of United States draft, 14 of London and New York drafts, and 16 of Geneva draft)

Documents for general reference

	<u>Discussion</u>	<u>Reports</u>	<u>Other</u>
London	E/PC/T/C.II/7, 25, 27, 41, 65 and C.II/PV/4, 11(a), 12	E/PC/T/30-(Committee II)	
New York	E/PC/T/C.6/10, 106 and W.8, 25	E/PC/T/C.6/97/ Rev. 1	
Geneva	E/PC/T/EC/SR.2/6, 7, 8; A/SR/7, 42, 43; TAC/SR/2, 7, 8, 9 (general) E/PC/T/EC/PV.2/22 and TAC/PV/26, page 9 (final)	E/PC/T/174, 192	Annotated Agenda - E/PC/T/W.64, 150 Secretariat explanations - E/PC/T/W.179 Interpretative Notes - E/PC/T/ W/318, and T/230
Havana	E/CONF.2/C.3/SR.3, 4, 5, 6, 7, 39 (general) E/CONF.2/19, 23 (Heads Delegations)	Reports of committees and sub-committees, pp 40, 41, 47-49, 53, 55. E/CONF.2/C.2 and 3/A/14 (Joint s.c.) E/CONF.2/C.3/78 (Study group on Venezuela) E/CONF.2/C.3/79 (working party) E/CONF.2/C.3/59 (sub-committee)	E/CONF.2/C.3/ 77/Rev. 1 - new paragraph proposed by Turkey E/CONF.2/C.3/ A/15 - Iraq statement E/CONF.2/C.3/SR. 29 - new paragraph proposed by Philippines
GATT	GATT/CP.2/SR.11	GATT/CP.2/22/Rev. 1 CP.4/39 CP/1 CP/32	

Index to specific comments on text

Paragraph 1

entire paragraph shortened version of standard League of Nations most-favoured-nation clause except for references to "international transfer of payments" and "internal taxes" which were introduced by the United States in their draft

1st Session report (p.9)
E/PC/T/C.II/25 (p.2)

"originating" and "country of origin" To be studied by ITO after establishment.

1st Session report (p.9)
E/PC/T/C.II/PV/12 (p.3)

(The report of a sub-committee of the 2nd Session states that each importing country should determine in accordance with its laws whether goods in fact originate in a particular country)

E/PC/T/174 (p.3)

(It was stated in two meetings in London that most-favoured-nation rates should not be denied where products had been trans-shipped through another country unless they had remained in that country for some time out of bond in which case they might be considered as originating in the latter country)

E/PC/T/C.II/PV/11A
(p.6) and
E/PC/T/C.II/PV/12
(pp.3-5)

"charges of any kind" - ruling that consular taxes included

GATT/CP.2/SR.11

"like product"

Definition to be studied by ITO after establishment.

1st Session report (p.9)
E/PC/T/C.II/PV/12 (p.6) &
E/CONF.2/C.3/SR.5 (p.4)

(It was suggested at the 1st Session of the Preparatory Committee and at Havana that the method of tariff classification could be used in deciding what were "like products")

1st Session report (p.9)
E/PC/T/C.II/PV/12 (pp.5-8)
E/CONF.2/C.3/SR.5 (p.4)

(See also Report of Working Party on the Australian Subsidy on Ammonium Sulphate)

GATT/CP.4/39 (p.3)

Interpretative note to cover difficulties with existing legislation.

E/PC/T/TAC/PV/26 (pp.9-10)

Ruling that most-favoured-nation covers "advantage, favour", etc. with respect to internal taxes.

GATT/CP.2/SR.11

Paragraph 2

The Havana Charter uses the word "margins" in place of "levels" in the third line.

The preferences between the United States and the Philippines covered in the General Agreement in Annex D are set out in the body of the article in the Havana Charter.

The final paragraph of Annexes A and D concerning preferential internal taxes is included in the Charter article as paragraph 5.

E/PC/T/TAC/PV/26 (p.2)

Preferences in the form of tariff margins only and not in the form of quotas

E/PC/T/C.II/PV/4 (p.35),
12 (p.9)

Statement of customs action which would not be contrary to the general binding of preferential margins.

2nd Session report (p.17)

Paragraph 3

Inserted at 2nd Session of Contracting Parties to conform to Havana Charter text. The first half of the paragraph is identical with the text inserted at Havana. The second half was incorporated to meet views of Middle East countries who wished to insert Article 15 of Charter into General Agreement. "The Contracting Parties in taking action pursuant to Article XXV with respect to preferences among countries formerly a part of the Ottoman Empire, would be required to make a decision in accordance with the principles and requirements of Article 15 of the Havana Charter".

E/CONF.2/C.3/77/Rev.1 and
SR.44
GATT/CP.2/22/Rev.1 (pp.1-6)

Paragraph 4

Differs from the corresponding Havana Charter paragraph which was not considered to set forth clearly enough all the cases arising from margins of preference.

E/PC/T/TAC/PV/9 (pp.16-23)

"margin of preference" question of actual or percentage difference.

E/PC/T/230 & TAC/PV/16
(pp.21-35)

"margin existing" and Note (i)

To ensure the inclusion of rates or margins which had legal existence but were not applied on the dates in question.

E/PC/T/174 (p.5)

E/PC/TAC/SR.16

E/PC/T/EC/PV/2/22 (pp.30-32)

Note (ii) covering certain administrative practices

E/FC/T/173 and
E/FC/PV.2/22 pages 30
and 32.

Interpretative note "re-application" to take care of
duties temporarily suspended or inoperative on a
certain date.

E/FC/TAC/PV/28 (page
14)

"In respect of duties and
charges"

To ensure that
anything not
referred to was
bound

E/FC/T/TAC/PV/26
(pages 11 and 12)

"absolute margins"

E/FC/T/TAC/PV/16
(pages 21 to 35)

"The general provisions relating
to the binding of margins would
not override specific undertakings
in the tariff schedules to maintain
particular products
under particular tariff
classification"

E/FC/T/174, (page 5)
E/FC/T/EC/PV/2/22
(page 32)

"a margin of preference, on an item
included in either or both parts of
a Schedule, is not bound against
decrease by the provisions of the
General Agreement"

GATT/CP/32 (page 22)