

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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GRANTING LEGAL STATUS TO THE CONSOLIDATED SCHEDULES

Note by the Government of Germany

The German Delegation has the honour to make the following comments on this item, which was placed on the provisional agenda for the Seventh Session of the Contracting Parties upon the suggestion of the Federal Republic of Germany.

The authentic text of the valid schedules of tariff concessions under the GATT was, as and when it came into existence, embodied in quite a number of individual instruments which were arrived at between the General Agreement on Tariffs and Trade of 30 October 1947, the Protocol of Annecy and the Protocol of Torquay. It has been rectified, amended or supplemented by no less than six protocols of rectifications, two protocols of modifications and one protocol of supplementary concessions. Because of this absence of a lucid arrangement, it is very difficult to find the truly authentic text. An additional difficulty is that some of these latter protocols are, at least de jure, not yet in force, as the consent of all of the contracting parties is required under Article XXX of the GATT and the signatures of one or a few of the contracting parties are still outstanding.

Mindful of what was needed for practical work, the GATT Secretariat has seen to it that the schedules were consolidated, and this effort is gratefully acknowledged. The contracting parties have checked this consolidation to see whether it was correct. The consolidated schedules have not, however, legal status, so that in case of doubt or dispute the original text of the agreements has to be resorted to. It would, therefore, appear advisable to consolidate the schedules of tariff concessions in such a way that they will be granted legal status by an agreement of the contracting parties and will then supersede the lists heretofore in force, together with their rectifications, modifications and supplements.

Certainly such schedules, which would have legal status and be consolidated from the texts at present in force, would be bound to be rectified, modified and supplemented by deconsolidation, invocation of the escape clause or negotiations between contracting parties or contracting and acceding parties, or otherwise. It would, therefore, be necessary to select a particularly appropriate date for the proposed consolidation, a date as of which a new stabilisation of the tariff concessions made so far might well be expected. 1 January 1954 would appear suitable for that purpose. The German Delegation, therefore, proposes that, in view of the anticipated extension of the assured life of the schedules of tariff concessions, a consolidation of concessions as of 1 January 1954 be envisaged, which would be granted legal status by a protocol to be signed by all of the contracting parties.