

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIMITED C
CP.6/W/5
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CONTRACTING PARTIES
Sixth Session

WORKING PARTY 4 ON ARRANGEMENTS FOR TARIFF NEGOTIATIONS

Note by the Executive Secretary

The statement by the United States Government in GATT/CP.6/2, for the conduct of tariff negotiations between contracting parties and by contracting parties with governments wishing to accede to the Agreement, has been examined by the Secretariat in the light of experience at the Geneva, Annecy and Torquay conferences and of the discussion in the plenary meeting of the Contracting Parties on 21 September 1951. This note has been drawn up in the hope that it will assist the Working Party in its discussion.

A. Negotiations with a government wishing to accede to the General Agreement

1. The Secretariat on receiving a communication from the Government of Ruritania that it wishes to enter into negotiations with contracting parties with a view to acceding to the Agreement would notify the contracting parties by cable. It would be understood that on receipt of such a communication each contracting party would be expected to advise within 21 days whether:
 - (a) it had any objections to Ruritania entering into negotiations with a view to accession,
 - (b) in the event of negotiations taking place, it would wish to participate,
 - (c) if it wished to participate, where and when it would like the negotiations to take place, and
 - (d) if it did not wish to participate, whether it would nevertheless wish to receive copies of the lists of requests for tariff concessions.

2. If three or more contracting parties advise that they object to arrangements being made for negotiations with Ruritania, the request of Ruritania would be referred to the next session of the Contracting Parties. However, a special session of the Contracting Parties would be convened at the request of any contracting party which had advised its desire to enter into negotiations with Ruritania; this would be held at

the headquarters of the Secretariat, not less than one month after receipt of the request.

3. If no such objections were raised, the Secretariat would consult with the participating governments (i.e. Ruritania and the participating contracting parties) to determine:
 - (a) the site for the negotiations, which would be:
 - (i) the headquarters of the Secretariat to the Contracting Parties, or
 - (ii) the capital of Ruritania, or
 - (iii) some commercial centre where the participating governments have permanent commercial representatives;
 - (b) the date on which the lists of requests should be exchanged and the date for the exchange of the lists of offers and the entering into negotiations.
4. The representatives of the participating governments would constitute a Tariff Negotiations Committee which would be responsible for the administration of the negotiations, for dealing with questions arising in the course of negotiations and for preparing a protocol of accession. Secretariat services for the Tariff Negotiations Committee would be provided by the Secretariat to the Contracting Parties. Each contracting party not participating in the negotiations would be entitled to be represented by observers at meetings of the Tariff Negotiations Committee.
5. The negotiations would be conducted in accordance with the rules laid down in Article 17 of the Havana Charter as adapted for use by the Contracting Parties at the Torquay Conference (GATT/TN.2/16, Section III).
6. The Tariff Negotiations Committee would be responsible for fixing the closing date for the negotiations. Copies of the final lists of concessions would be distributed to the participating governments and to contracting parties which had asked for the lists of requests. A period of ten days, or such other period as the Tariff Negotiations Committee might decide, would be allowed for participating governments to exchange comments and to make adjustments in their schedules.
7. A draft protocol of accession, with the schedules of tariff concessions annexed, and a draft decision under Article XXIII relating to the accession of Ruritania would be submitted to the next session of the Contracting Parties for approval. However, in the event that a substantial period would elapse between the conclusion of the negotiations and the next session, and on the request of the participating governments, the Secretariat would communicate these documents to all contracting parties with a request for a vote on the decision within a reasonable period. If no objection were received to the provisions of the protocol or of the decision, the protocol would be opened for signature as soon as two-thirds of the contracting

parties had notified their approval of the decision. If an objection were received to the provisions of the protocol or of the decision, the matter would be referred to the next session or, at the request of the participating governments, to a special session of the Contracting Parties.

B. Negotiations between two or more contracting parties

1. Contracting parties wishing to enter into negotiations would notify the Secretariat which would pass on the information to all other contracting parties by cable. It would be understood that on receipt of such a communication, each contracting party would be expected to advise within 21 days whether:
 - (a) it wished to propose concurrent negotiations with one or other of the negotiating governments, and
 - (b) it wished to receive copies of the lists of requests for tariff concessions.
2. As soon as possible after submission of the notification to the Secretariat, the participating governments would advise the place where the negotiations were to be held, the date fixed for the exchange of requests lists and the date for the exchange of offers and the opening of negotiations.
3. Copies of the request lists would be sent to the Secretariat for distribution to the contracting parties which had expressed the desire to receive them. A contracting party which considered that it had a substantial interest in an item in one of the lists and wished to participate in the negotiations would be required to advise the Secretariat within 30 days. (The possibility of a request list including an item of which the contracting party making the request was not the only important supplier must be envisaged. On such an item as many as five or six contracting parties might wish to participate in the negotiations).
4. Participating governments could set up a tariff negotiations committee to be responsible for the administration of the negotiations if deemed desirable. The Tariff Negotiations Committee could ask the Secretariat to the Contracting Parties to supply secretariat services. The Secretariat, in consultation with the participating governments (or with the Tariff Negotiations Committee if appointed), would prepare a protocol (possibly to be called "Protocol of Additional Concessions in the Schedules of and") to give formal effect to the modification of schedules.
5. The negotiations would be conducted in accordance with the rules laid down in Article 17 of the Havana Charter as adapted for use by the Contracting Parties at the Torquay Conference (GATT/TP.2/16, Section III).

6. The participating governments would notify the Secretariat of the results of the negotiations. These results and the protocol would be communicated to all contracting parties which would be granted a period of 30 days within which to notify objections. If no objections were received the participating governments would be free to bring the concessions into force in accordance with the terms of the protocol, and the protocol would be opened for signature. If an objection were received to proposed concessions, or to a provision of the protocol, consultations would ensue between the governments concerned or with the Tariff Negotiations Committee.

