

GENERAL AGREEMENT ON
TARIFFS AND TRADE

GATT
RESTRICTED

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TARIFF CONFERENCE - 1956

Tariff Negotiations Working Party

DRAFT PROTOCOL OF SUPPLEMENTARY CONCESSIONS
TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

(As requested by the Tariff Negotiations Working Party, the secretariat has prepared the following draft of a Protocol to give effect to the results of the tariff negotiations. The following draft has been based upon the model protocol (Basic Instruments and Selected Documents, Volume I, page 117) with such minimum changes as appear to be necessary to fit present circumstances. Up to the date of this document comments on the model protocol have been received from very few delegations. Delegations are urged to take whatever steps are necessary to permit them to comment on the following draft before 20 February so that a final draft may be submitted soon thereafter to the Tariff Negotiations Committee and adopted by them as a basis for obtaining the approval of the CONTRACTING PARTIES.)

The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the contracting parties" and "the General Agreement" respectively), having agreed upon procedures for the conduct of tariff negotiations by two or more contracting parties under the General Agreement and for putting into effect under the General Agreement the results of such negotiations.

The governments of _____ which are contracting parties to the General Agreement (hereinafter referred to as "negotiating contracting parties") having carried out tariff negotiations under these procedures and being desirous of so giving effect to the results of these negotiations,

IT IS AGREED:

1. On the thirtieth day following the day upon which this Protocol shall have been signed by a negotiating contracting party, or on such earlier date as may have been notified to the Executive Secretary by that contracting party, the schedule relating to that contracting party and annexed hereto shall be regarded as a schedule of the General Agreement relating to it, and the rates specified in such schedule shall then enter into force except as specified therein.

2. Any negotiating contracting party which has signed this Protocol shall be free at any time to withhold or to withdraw in whole or in part any concession provided for in the appropriate schedule annexed to this Protocol, in respect of which such contracting party determines that it was initially negotiated with a negotiating contracting party which has not signed this Protocol, Provided that

- (1) the negotiating contracting party withholding in whole or in part any such concessions shall give notice to all contracting parties within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with any contracting party having a substantial interest in the product involved;
- (ii) the negotiating contracting party withdrawing in whole or in part any such concessions shall, before taking such action, give notice to all contracting parties as far in advance as may be practicable and, upon request, shall consult with any contracting party having a substantial interest in the product involved; and
- (iii) any concession so withheld or withdrawn shall be applied on and after the thirtieth day following the day upon which the contracting party with which it was initially negotiated signs this Protocol.

3.(a) In each case in which Article II of the General Agreement refers to the date of that Agreement, the applicable date in respect of the schedules annexed to this Protocol shall be the date of this Protocol, except as otherwise provided in such schedules.

3.(b) A contracting party to which any schedule annexed to this Protocol relates shall upon signature of this Protocol be deemed to have signed with respect to such schedule the Declaration of 10 March 1955 on the Continued Application of Schedules to the General Agreement.

4.(a) This Protocol shall be deposited with the Executive Secretary and shall be open for signature at the Headquarters of the CONTRACTING PARTIES in Geneva from ____ May 1956 until 31 December 1956.

4.(b) The Executive Secretary shall promptly furnish a certified copy of this Protocol, and a notification of each signature of this Protocol, to each contracting party to the General Agreement.

Paragraph 4(c) of the model protocol has been omitted in the light of the Resolution of 29 October 1955 (L/447). The Secretary-General of the United Nations has informed the Executive Secretary that the Resolution makes an authorizing paragraph unnecessary in future instruments of the CONTRACTING PARTIES which are hereafter drawn up by them and deposited with the Executive Secretary.

5. The date of this Protocol shall be _____ May 1956.

DONE at Geneva, in a single copy in the English and French languages, both texts authentic except as otherwise specified in schedules annexed hereto.

Annex

SCHEDULES OF CONTRACTING PARTIES

NOTE:

It was pointed out in Spec/29/56 that the model protocol does not contain a provision such as that contained in paragraph 3 of the Japanese Protocol and in paragraph 3 of the Annecy Protocol under which the schedule relating to any party did not enter into force until after notification had been given of the intention to apply the concessions. It has been assumed that the omission of such a provision will not prevent delegations from signing the Protocol at least ad referendum shortly after it is opened for signature. Any delegation which would find itself, in the absence of such a provision, unable to sign at least ad referendum when the Protocol is opened for signature should so inform the secretariat as soon as possible so that this may be taken into consideration in the revision of the above draft.