

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/1389

24 November 1960

Limited Distribution

SCHEDULE III (BRAZIL)

Decision of 19 November 1960

Considering the Decision by the CONTRACTING PARTIES of 16 November 1956 waiving the provisions of paragraph 1 of Article II of the General Agreement to the extent necessary to permit the Government of Brazil to put into force its new customs tariff immediately following its enactment subject to terms and conditions provided for in that Decision;

Considering that paragraph 1 of the terms and conditions in the Decision of 16 November 1956 provided that the Brazilian Government would begin as soon as possible negotiations with other contracting parties in order to establish a new schedule of Brazilian tariff concessions (new Schedule III), the negotiations to be completed and the results put into effect within a period not to exceed one year from the date of the enactment of the new Brazilian customs tariff, which period was, by successive decisions of the CONTRACTING PARTIES, extended to 2 September 1960;

Noting that the results of the negotiations to establish a new Schedule of Brazilian tariff concessions (new Schedule III) are embodied in the Protocol of 31 December 1958 relating to Negotiations for the Establishment of New Schedule III - Brazil - to the General Agreement, and in several procès-verbaux supplementary thereto, and that the results of these negotiations were put into effect by the Government of Brazil as on 31 August 1960 with the exception of certain concessions to which the Brazilian Government is not in a position to give effect and which were notified to the CONTRACTING PARTIES in a communication dated 31 August 1960;

Noting that the Government of Brazil is prepared to carry out negotiations with respect to such concessions, and that such negotiations have already been initiated:

The CONTRACTING PARTIES, taking into account the assurances of the Brazilian Government referred to above,

AGREE that the action thus notified by the Government of Brazil constitutes compliance with the terms and conditions laid down in paragraph 1 of the Decision of 16 November 1956, and that the new Schedule III referred to in paragraph 3 of the Preamble to this Decision has replaced the former Schedule annexed to the General Agreement.

DECIDE, with respect to the negotiations referred to in paragraph 4 of the Preamble to this Decision, that they shall be carried out in accordance with the relevant provisions of the General Agreement, such negotiations to be completed and the results put into effect as soon as possible. Should such negotiations not be completed before 1 May 1961, the Brazilian Government will submit to the CONTRACTING PARTIES a report on the progress achieved by that time.

DECIDE, pursuant to the provisions of paragraph 5 of Article XXV, that the provisions of paragraph 1 of Article II of the General Agreement are waived to the extent necessary:

1. To permit the Government of Brazil, pending the entry into force of the results of the negotiations provided for in the preceding paragraph, to retain in effect since 31 August 1960 the rates provided in its present customs tariff for the products described in the excepted concessions set forth in the notification of 31 August 1960.

2. (a) To permit any other contracting party pending the entry into force of the results of such negotiations to suspend or, if at any time after 31 December 1960 it appears clearly that no agreement can be reached, to withdraw concessions initially negotiated with Brazil which are substantially equivalent to its interest in the excepted concessions.

(b) In the case of a suspension or withdrawal under sub-paragraph (a), any third contracting party having a principal supplying interest or a substantial interest therein will retain the right to suspend or withdraw substantially equivalent concessions initially negotiated with such other contracting party;

(c) Moreover, pending the entry into force of the results of the negotiations, the Government of Brazil, if requested by such other contracting party and without prejudice to its rights under other provisions of the General Agreement, will not invoke those provisions of that Agreement which specifically give a contracting party with a principal supplying interest or a substantial interest, a right to negotiation or consultation with respect to concessions initially negotiated by such other contracting party with a third contracting party.