

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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Limited Distribution

RECTIFICATION AND MODIFICATION OF SCHEDULES

Note by the Director-General

At the twenty-fourth session the CONTRACTING PARTIES considered the situation arising from the fact that the Protocol Amending Part I and Articles XXIX and XXX, dated 10 March 1955, had not entered into force. It was agreed that, if by 1 January 1968 the Protocol had still not entered into force, it would be abandoned and that proposals would be made to the Council of Representatives on other means of implementing the more important provisions of the Protocol. As the Protocol has not entered into force, the decision to abandon the Protocol is now effective.

The provision of the Protocol which should receive early attention is the proposed amendment of Article XXX to provide a new procedure for recording rectifications and modifications of Schedules. This was to be achieved through the addition of a paragraph to Article XXX reading as follows:

"Any amendment to the schedules annexed to this Agreement which records rectifications of a purely formal character or modifications resulting from action taken under paragraph 6 of Article II, Article XVIII, Article XXIV, Article XXVII or Article XXVIII, shall become effective on the thirtieth day following certification to this effect by the CONTRACTING PARTIES; Provided that prior to such certification, all contracting parties have been notified of the proposed amendment and no objection has been raised, within thirty days of such notification by any contracting party, on the ground that the proposed amendments are not within the terms of this paragraph."

It is accepted international practice for errors in an authentic text to be corrected through a relatively informal procedure provided no objection is raised by contracting States. As for modifications of rights and obligations under Schedules, in accordance with procedures laid down in the General Agreement, these constitute corrections of the authentic texts which could be recorded under the same procedure. This procedure could be applied also to consolidations of Schedules which contain only such rectifications and modifications.

Consequently it is proposed that the CONTRACTING PARTIES, under paragraph 1 of Article XXV and in accordance with the voting provisions of paragraph 4 of that article, adopt a decision establishing a procedure for the certification of rectifications and modifications which might follow closely the one which would have been set up by the Protocol.

A draft decision for setting up the new procedure is annexed. Contracting parties wishing to comment on this draft are invited to communicate with the secretariat before 15 March. The text of the draft, together with any comments received, will be referred to the Council for consideration at its first meeting thereafter.

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Draft Decision on Procedures for the Certification
of Rectifications and Modifications of Schedules

Considering that the CONTRACTING PARTIES have from time to time found it desirable to reflect in the texts of the Schedules to the General Agreement on Tariffs and Trade (hereinafter referred to as the "General Agreement") rectifications of a purely formal character and modifications of the substance of such Schedules which have been made pursuant to various provisions of the General Agreement:

Considering that procedures previously used for this purpose have not been fully satisfactory;

Considering that it is accepted international practice for errors in authentic treaty texts to be corrected provided no objection is raised by contracting States; and

Considering that provision is made in several Articles of the General Agreement for the modification of rights and obligations provided for in Schedules to that Agreement and that modifications of the texts of the Schedules to reflect such modifications of substance are in effect textual corrections;

the CONTRACTING PARTIES, acting pursuant to paragraph 1 of Article XXV,

Decide:

That rectifications of a purely formal character to the Schedules annexed to the General Agreement and modifications of such Schedules resulting from action taken under paragraph 6 of Article II, Article XVIII, Article XXIV, Article XXVII or Article XXVIII of that Agreement, or from comparable procedures established by the CONTRACTING PARTIES, shall become effective on the thirtieth day following the date of a decision by the CONTRACTING PARTIES certifying to this effect; Provided that prior to such certification all contracting parties have been notified of the proposed rectifications and modifications and no objection has been raised by any contracting party, within thirty days of such notification, on the ground that they are not within the terms of this Decision. Such a certifying decision which is submitted for action by postal ballot shall be taken if, within thirty days of the circulation of the proposed decision, no contracting party has communicated to the Director-General an objection to such decision. This procedure may be applied for the establishment of consolidated schedules wherein the only changes are such rectifications and modifications.