GENERAL AGREEMENT ON
TARIFFS AND TRADE

WORKING PARTY 1 ON ARTICLE XXVIII

Report to the Contracting Parties

1. The Working Party has considered the best means of giving effect to the desire of the majority of the contracting parties to prolong the assured life of their schedules beyond 31 December 1953 and recommends that this be done by a declaration to be signed by as many contracting parties as possible at the close of the Eighth Session. Other contracting parties would be able to add their signatures at any time up to 31 December 1953. The proposed text of the declaration is annexed to this report.

2. Two features of the text of the draft declaration require comment:

   (i) The Working Party proposes that the prolongation of the assured life of the schedules should be for eighteen months. By signing the declaration contracting parties would accept a commitment not to invoke the provisions of Article XXVIII:1 prior to 1 July 1955.

   (ii) The majority of the delegations made it clear that their governments could agree to the prolongation of their schedules only on a basis of reciprocity, i.e. in respect of contracting parties which sign the declaration, and they indicated that they would not recognise for this purpose a signature which was made subject to a reservation. Therefore, the draft declaration contains a reciprocity clause whereby a signatory would retain its liberty to invoke the provisions of Article XXVIII:1 to modify or withdraw concessions initially negotiated with a contracting party which does not sign the declaration. Thus, as between a contracting party which signs the declaration and one which does not, each government would retain the right to have recourse to the provisions of Article XXVIII in respect of the concessions which it had initially negotiated with the other.

3. Some delegations have thought that their governments would have to make reservations because of special difficulties which might arise during the proposed period of prolongation. The majority of the Working Party, on the other hand, were of the opinion that if reservations were attached to signatures the objectives of the CONTRACTING PARTIES in extending the assured life of the schedules would not be fully realised since the scope
of the extension would be considerably restricted. Therefore, the Working Party considered whether there were possibilities of dealing with these special difficulties in the practices already established by the CONTRACTING PARTIES.

4. A contracting party which wishes to renegotiate an item in its schedule in order to afford protection for developmental purposes can have recourse to Article XVIII. In appropriate circumstances, contracting parties can also have recourse to other provisions of the General Agreement. Apart from the cases specifically provided for, the provisions of the Agreement for the modification or withdrawal of tariff rates which are bound in the schedules would not operate, if the assured life of the schedules is extended as proposed, until 1 July 1955. The Working Party noted, however, that during the first and second periods of assured validity of the schedules, some contracting parties had felt the need, in exceptional circumstances, to modify certain bound rates of duty and have sought authority from the CONTRACTING PARTIES to enter into negotiations to this end. All such requests have been examined with sympathy and understanding and the CONTRACTING PARTIES have authorised the renegotiations. For example, in 1948/49 the Governments of Pakistan and Brazil requested authority to enter into negotiations to modify the concessions they had granted on certain items in their schedules; the governments with which these concessions had been initially negotiated were willing to enter into a renegotiation and the CONTRACTING PARTIES agreed that this should take place. The negotiations were carried out with mutually satisfactory results. Also, there can be mentioned the authority granted to the United Kingdom Government at the present Session to renegotiate an item with the Government of France.

5. There is no reason to believe that contracting parties will be less ready in the future than they have been in the past to consider requests of this kind and to join in granting authority for the necessary negotiations, and the approval of this report would in itself be confirmation that the CONTRACTING PARTIES would give sympathetic consideration to such requests. It appears, therefore, that there is sufficient flexibility in the practices of the CONTRACTING PARTIES to deal with this sort of problem, and that there is no need for contracting parties to attach reservations to their acceptance of the declaration which would have the unfortunate consequences referred to above.

6. In view of delays which might occur when the CONTRACTING PARTIES are not in session in securing consideration of requests for authority to renegotiate, the Working Party recommends that the CONTRACTING PARTIES should make suitable arrangements to deal promptly with such requests by modifying the intersessional procedures. The Ad Hoc Committee on Agenda and Intersessional Business should be given authority to examine such requests and to take decisions, and should be required to give its decision within 30 days of receipt of any request by the Executive Secretary. The Working Party noted that provision is made in the rules of procedure of the Ad Hoc Committee for the participation of all contracting parties interested in questions receiving attention; and, indeed,
on a matter requiring urgent action intersessionally, the Committee is obliged to co-opt as full members any contracting parties claiming an interest in the matter and wishing to be represented. The results of a renegotiation authorised by the CONTRACTING PARTIES or by the Ad Hoc Committee should be reported to the contracting parties through the secretariat in order to ensure that all interested contracting parties had been consulted; if no objection is lodged, the results could be made effective after thirty days.

7. The representative of Brazil stated that his Government would be able to sign the declaration only on condition that the period of extension would be used for a revision of the principles of the General Agreement so as to enable the contracting parties to carry out new tariff negotiations the results of which would supersede the existing tariff commitments. The Working Party considered that this matter went beyond its terms of reference and should be considered by the CONTRACTING PARTIES in connection with the proposed review of the Agreement which, it was understood, would be discussed later in the Session. The proposal of the Brazilian delegation is given more fully in document W.8/2.
ANNEX

DRAFT DECLARATION ON THE CONTINUED APPLICATION OF SCHEDULES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Declaration of - October 1953

The contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"),

CONSIDERING that, under the provisions of Article XXVIII (as amended), the assured life of the concessions embodied in the schedules annexed to the General Agreement will expire on 31 December 1953, in the sense that thereafter it will become possible for a contracting party by negotiation with other contracting parties to modify or cease to apply the treatment which it has agreed to accord under Article II to any products described in its schedule,

CONSIDERING that, although by the terms of the Agreement the schedules will retain their full validity notwithstanding the expiry of their assured life, the possibility of invocation by contracting parties of the procedure of Article XXVIII for modification of specific concessions would, in present circumstances, impair the stability of tariff rates which has been one of the principal achievements of the General Agreement, and

CONSIDERING FURTHER that it would be particularly undesirable to arrive at such a result at a time when a number of contracting parties are studying ways and means of making further progress in the reduction of tariffs and other barriers to trade and towards the achievement of the other objectives of the General Agreement,

HEREBY DECLARE that they will not invoke prior to 1 July 1955 the provisions of Article XXVIII paragraph 1 of the General Agreement to modify or cease to apply the treatment which they have agreed to accord under Article II of the General Agreement to any product described in the appropriate schedule annexed to the General Agreement,

The provisions of this Declaration shall not apply to concessions initially negotiated with a government with respect to which this Declaration is not in effect.

The Declaration shall be open for signature at Geneva until 30 October 1953. It shall thereafter be deposited with the Secretary-General of the United Nations, who is authorized to register this Declaration in accordance with Article 102 of the Charter of the United Nations, and shall be open for signature at the Headquarters of the United Nations until 31 December 1953.
The Secretary-General of the United Nations shall promptly furnish a certified copy of this Declaration to each Member of the United Nations, to each other government which participated in the United Nations Conference on Trade and Employment, and to any other interested government.

IN WITNESS WHEREOF the respective representatives, duly authorised, have signed the present Declaration.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this _____ day of October, one thousand nine hundred and fifty-three.
DECLARATION OF 24 OCTOBER 1953 ON THE CONTINUED APPLICATION OF SCHEDULES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Signatures

1. The Declaration prolonging the assured life of the schedules annexed to the General Agreement until 1 July 1955 was opened for signature in Geneva on 24 October 1953. The Declaration has been signed by representatives of the following governments:

- Austria*
- Belgium
- Chile
- Cuba
- Denmark
- Finland
- France
- Germany*
- Greece
- Italy
- Luxemburg
- Netherlands
- Norway*
- Southern Rhodesia
- Sweden
- Turkey
- United Kingdom
- United States

* signed "ad referendum"

2. The Declaration has been deposited with the Secretary-General of the United Nations and will be open for signature by other contracting parties at the Headquarters of the United Nations until 31 December 1953. Contracting parties will be informed of further signatures in addenda to this document.

The text of the Declaration appears in G/54.
SUBJECT: DECLARATION OF 24 OCTOBER 1953 ON THE CONTINUED APPLICATION OF SCHEDULES TO GATT - REQUEST BY PERU.

I HAVE RECEIVED A TELEGRAM FROM THE MINISTER IN CHARGE OF FOREIGN RELATIONS IN PERU ADVISING THAT HIS GOVERNMENT WAS UNABLE TO SIGN THE DECLARATION EXTENDING THE ASSURED LIFE OF THE SCHEDULES BY 31 DECEMBER 1953 AND THAT HIS GOVERNMENT WISHES TO BE ALLOWED TO BECOME A PARTY TO THE DECLARATION. ACCORDINGLY PERU ASKS FOR AN EXTENSION OF THE TIME-LIMIT UNTIL 30 APRIL 1954 AND A DRAFT DECISION GRANTING THIS FOLLOWS.

THE CONTRACTING PARTIES ARE ASKED TO RECORD THEIR VOTES BY 10 APRIL, AS IT IS NECESSARY THAT EACH GOVERNMENT WHICH IS A PARTY TO THE DECLARATION ON THE CONTINUED APPLICATION OF SCHEDULES SHOULD PARTICIPATE IN THIS VOTE. I WOULD REQUEST YOUR GOVERNMENT TO COMMUNICATE WITH ME BY THAT DATE.

E. WYNDHAM WHITE

DRAFT DECISION EXTENDING THE TIME-LIMIT FOR SIGNATURE BY PERU OF THE DECLARATION ON THE CONTINUED APPLICATION OF SCHEDULES TO GATT

CONSIDERING that the Declaration of 24 October 1953 on the Continued Application of Schedules to the General Agreement on Tariffs and Trade remained open for signature until 31 December 1953,

CONSIDERING that the Government of Peru was not able to sign the Declaration by the said date and has requested an extension of time, and

CONSIDERING the desirability of affording an additional opportunity to the Government of Peru to sign the Declaration,

THE CONTRACTING PARTIES DECIDE that, notwithstanding the provisions of the third paragraph of the Declaration, signature by the Government of Peru, if affixed not later than 30 April 1954, shall have the same effects as if it had been affixed by 31 December 1953, and

INSTRUCT the Executive Secretary to forward a copy of this Decision to the Secretary-General of the United Nations.
DECLARATION ON THE CONTINUED APPLICATION OF SCHEDULES

Decision of 20 April 1954 extending the Time Limit for Peru's Signature

(Text of Decision approved by postal ballot - reference GATT/AIR/42)

1. Text of the Decision

CONSIDERING that the Declaration of 24 October 1953 on the Continued Application of Schedules to the General Agreement on Tariffs and Trade remained open for signature until 31 December 1953,

CONSIDERING that the Government of Peru was not able to sign the Declaration by the said date and has requested an extension of time, and

CONSIDERING the desirability of affording an additional opportunity to the Government of Peru to sign the Declaration,

THE CONTRACTING PARTIES DECIDE that, notwithstanding the provisions of the third paragraph of the Declaration, signature by the Government of Peru, if affixed not later than 30 April 1954, shall have the same effects as if it had been affixed by 31 December 1953, and

INSTRUCT the Executive Secretary to forward a copy of this Decision to the Secretary-General of the United Nations.

2. Certification by the Executive Secretary

The Executive Secretary hereby certifies that he has ascertained that each government which on 20 April was party to the Declaration of 24 October 1953 either has expressly accepted this Decision extending the time limit for Peru's signature or has no objection thereto.
DECLARATION OF 24 OCTOBER 1953 ON THE CONTINUED APPLICATION OF SCHEDULES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Signatures

The Secretary-General of the United Nations has informed the Executive Secretary that the Declaration prolonging the assured life of Schedules annexed to the General Agreement until 1 July 1955 was signed by the Government of Peru on 26 April. (Cf. Decision of 20 April, L/192.)

Further, the Executive Secretary has been informed that the Governments of Austria and Norway confirmed on 30 and 28 April respectively the signatures which were affixed by them on 24 October 1953. (Cf. Decision of 22 February, L/186).

A request by the Government of Germany for a further extension of the time limit for confirmation of its signature has been referred to the contracting parties by postal ballot. (Cf. GATT/AIR/44.)
CHAPTER I - AGENDA

Rule 1
The Conference may amend the agenda at any time or give priority to certain items.

CHAPTER II - REPRESENTATION AND CREDENTIALS

Rule 2
Representatives shall be duly accredited and may be accompanied by as many alternate representatives, advisers, experts and persons of similar status as may be required.

Rule 3
The credentials of representatives and the names of other members of delegations shall be submitted to the Executive Secretary without delay. The credentials may take the form of a document signed by the Head of the State or of a note issued by the Minister of Foreign Affairs or the principal resident representative to the United Nations.

Rule 4
An alternate representative may at any time act as a representative provided that the chairman of the delegation in question has given written notice to that effect to the Executive Secretary.

Rule 5
A Credentials Committee shall be appointed as soon as possible after the commencement of the Conference. It shall consist of nine members who shall be appointed by the Conference upon the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference upon them without delay.

Rule 6
Pending the decision of the Conference upon the report of the Credentials Committee all representatives shall be entitled provisionally to take their seats in the Conference.

CHAPTER III - OFFICERS

Rule 7
The Conference shall elect a President and seven Vice-Presidents from the chairman of the delegations. The Vice-Presidents shall be elected on the basis of ensuring the representative character of the General Committee.

Rule 8
Rule 8

If the President is absent from or is not presiding at a meeting or any part thereof, a Vice-President nominated by him shall preside.

Rule 9

If the President ceases to be a representative of a delegation or is so incapacitated that he can no longer hold office, a new President shall be elected.

Rule 10

A Vice-President acting as President shall have the same powers and duties as the President.

Rule 11

The President or a Vice-President when acting as President shall participate in the proceedings of the Conference as such and not as a representative of a delegation.

CHAPTER IV - GENERAL COMMITTEE

Rule 12

There shall be a General Committee of eighteen members, no two of whom shall be drawn from the same delegation, and which shall be so constituted as to ensure its representative character. It shall comprise the President of the Conference, the Vice-Presidents, the chairmen of the principal committees of the Conference and the requisite number of other members elected by the Conference. The President of the Conference or a Vice-President appointed by him shall serve as Chairman of the General Committee.

Rule 13

If a member of the General Committee other than the chairmen of the principal committees finds it necessary to be absent during a meeting of the Committee, he may designate a member of his delegation as his substitute. A Chairman of a Committee shall, in case of absence, be represented by the Vice-Chairman of that Committee. A Vice-Chairman shall not have the right to vote if he is a member of the same delegation as another member of the General Committee.

Rule 14

The General Committee shall assist the President in the general conduct of the business of the Conference and in the co-ordination of the work of the Committees.

CHAPTER V - SECRETARIAT

Rule 15

The Executive Secretary shall act in that capacity at all meetings. He may appoint another member of the Staff to take his place at any meeting.
Rule 16

The Executive Secretary shall provide and direct such staff as is required by the Conference, shall be responsible for making all necessary arrangements for meetings and generally shall perform all other work which the Conference may require.

Rule 17

The Executive Secretary or his deputy may at any time with the consent of the President or the chairman of the body concerned make oral or written statements concerning any question under consideration.

CHAPTER VI - CONDUCT OF BUSINESS

Rule 18

A quorum shall be constituted by a majority of the delegations to the Conference.

Rule 19

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference, and at such meetings shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and, subject to these rules of procedure, have complete control of the proceedings. The President may also call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 20

During the discussion of any matter a representative may raise a point of order. In this case the President shall immediately state his ruling. If his ruling is challenged, the President shall immediately submit it to the Conference for decision and it shall stand unless overruled.

Rule 21

During the discussion of any matter a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposer of the motion, one representative may be allowed to speak in favour of, and two representatives against the motion.

Rule 22

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. In addition to the mover of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be put to the vote immediately.

Rule 23
Rule 23

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord a right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Rule 24

The Conference may limit the time allowed to each speaker.

Rule 25

Proposals and amendments shall normally be introduced in writing and handed to the Executive Secretary who shall circulate copies to all representatives. No such proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to all representatives not later than twelve hours before the commencement of the meeting. This requirement may be waived by the Conference.

Rule 26

If two or more proposals are moved relating to the same question, the Conference shall first vote on the most far-reaching proposal and then on the next most far-reaching proposal and so on. The Conference shall, after each vote, decide whether or not it wishes to vote on the next proposal. The most far-reaching proposal means the proposal the adoption of which would result in the greatest change from the existing situation.

Rule 27

When an amendment is moved to a proposal, the amendment shall be put to the vote first, and if it is adopted, the amended proposal shall then be put to the vote.

Rule 28

When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal, then, if necessary, on the amendment next furthest removed, and so on until all the amendments have been put to the vote.

Rule 29

The Conference may, upon the suggestion of the President or a representative, decide to put a proposal or resolution to the vote in parts. If this is done, the text resulting from the series of votes shall be put to the vote as a whole.

CHAPTER VII - VOTING

Rule 30

Decisions of the Conference shall be made by a majority of the Members

Rules 30 to 33 inclusive have not been adopted and will be further considered.

/of the United Nations
of the United Nations present and voting

Rule 31
For the purposes of these rules the phrase "Members present and voting" means Members casting an affirmative or negative vote. Members which abstain from voting shall be considered as not voting.

Rule 32
The Conference shall normally vote by show of hand or by standing. If any representative requests a roll call, a roll call shall be taken in the English alphabetical order of the names of the Members.

Rule 33
After the President has announced the beginning of a vote, no representative shall interrupt the vote except on a point of order in connection with the actual conduct of the vote.

Rule 34
All elections shall be decided by secret ballot.

Rule 35
If, when only one person or state is to be elected, no candidate obtains in the first ballot a majority, a second ballot shall be taken, confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

Rule 36
When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot a majority shall be elected. If the number of candidates obtaining such majority is less than the number of persons or states to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, the number of the candidates being not more than twice as many as the places remaining to be filled.

Rule 37
If a vote is equally divided upon matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

CHAPTER VIII - LANGUAGES

Rule 38
Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. English and French shall be the working languages.

Rules 30 to 33 inclusive have not been adopted and will be further considered.
Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 40
Speeches made in any of the other three official languages shall be interpreted into both working languages.

Rule 41
Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

CHAPTER IX - RECORDS

Rule 42
Verbatim records of the plenary meetings of the Conference and of the meetings of its principal committees in the working languages shall be kept by the Secretariat.

Rule 43
Summary records of the plenary meetings of the Conference and of the meetings of its principal committees in the working languages shall be kept by the Secretariat. They shall be sent as soon as possible to all representatives who shall inform the Secretariat not later than twenty-four hours after the circulation of the summary record of any changes they wish to have made.

Rule 44
Sub-committees may decide upon the form of their records.

CHAPTER X - PUBLICITY OF MEETINGS

Rule 45
The plenary meetings of the Conference and the meetings of its Committees shall be held in public or private as the body concerned may at any time decide.

Rule 46
The meetings of sub-committees shall be held in private.

Rule 47
At the close of any private meeting the chairman, subject to the concurrence of the body concerned, may issue a communique to the press through the Executive Secretary.

CHAPTER XI - COMMITTEES AND SUB-COMMITTEES

Rule 48
Such committees and sub-committees as may be necessary for the performance of the functions of the Conference may be established.
Rule 49
Each committee and sub-committee shall elect its own officers.

Rule 50
A chairman of a committee or a vice-chairman when acting as chairman shall participate in the proceedings of the committee as such and not as a representative of a delegation.

Rule 51
The provisions of rules 19 to 37 shall be applied in the proceedings of committees and sub-committees.

Rule 52
A majority of the representatives upon a committee or sub-committee shall constitute a quorum.

Rule 53
Committees and sub-committees may, by agreement, decide to adopt rules of procedure regarding interpretations or translations of a more simple character than those laid down in these rules.

Rule 54
It is recommended that proposals and amendments to the Charter shall be handed in writing to the Executive Secretary up to Saturday, 6 December.

Meetings of different committees and sub-committees will be held so as to allow members to participate in the debates they are interested in and have expressed their written desire to do it.

Results of discussions and eventual voting on proposals or amendments to the Charter in committees and sub-committees have to be reported to the plenary meetings of the Conference, i.e., mentioning the accepted and rejected proposals or amendments.

Members have the right to reopen debate in plenary meetings on proposals or amendments rejected by committees and sub-committees.

CHAPTER XII · PARTICIPATION OF THE SPECIALIZED AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS

Rule 55
Representatives of the specialized agencies may participate without vote in the work of the Conference in accordance with the agreements of relationship concluded between them and the Economic and Social Council.

Rule 56
The Conference shall accord to non-governmental organizations approved by the Economic and Social Council the same rights and privileges as are accorded to them by the Council itself.

CHAPTER XIII · AMENDMENTS

Rule 57
These Rules of Procedure may be amended by a decision of the Conference after a committee has reported on the proposed amendment.