ITEM 26 - PUBLICATION OF DOCUMENTS RELEVANT TO THE OPERATION OF THE GENERAL AGREEMENT

Note by the Executive Secretary

Addendum

In the light of comments received from delegations on the list of documents for publication suggested by the Secretariat (GATT/CP.6/29) the following arrangement of the material is suggested.

The publication might be divided into three separate volumes as follows:

Part I - General Agreement (amended text)
Protocol of Provisional Application
Annecy Protocol
Torquay Protocol
Rules of Procedure
Intersessional Procedures
Tariff Negotiation Procedures (including Model Protocols)
Model Special Exchange Agreement

Part II - Short historical introduction
Analytical Index to Articles and Protocols
Note on Status of Schedules and manner in which Modifications have been made (relevant quotations from Working Party Reports)
Note on Reservations to any Signatories to Protocols
Invocations of Article XXV
Note on Territorial Application of the Agreement
Index to GATT documents

Part III - Declarations
Decisions
Resolutions
Rulings
Recommendations
Reports of Working Parties
Final Acts of Geneva and Torquay

Notes: Part I would be the basic working document.
Part II  The historical introduction would be a very brief (one or two pages) summary of the background.

The Secretariat has been working on an analytical index of the articles of the Agreement covering all background documents from the first session of the Preparatory Committee in 1946 to the present time. This index will list the documents in which can be found the reports and discussions concerning each article and will contain reference to specific interpretations that have been given of words or phrases, either in the course of drafting the articles or during the operation of the Agreement. In order that delegations may see what is planned and judge its usefulness a sample index to Article I, is attached. As many actual quotations from reports and proceedings would be used as possible.

The note on the status of the schedules might take more or less the form of the table which was issued in document CP.5/20.

It would probably be necessary to issue yearly supplements to this volume.

Part III  This would include all the documents listed in CP.6/29 with the exception of the following:

Decision of March 21, 1950 under Article XVIII on items in Syria-Lebanon notification

Reports on the Cuban Schedule GATT/CP.2/43
the Australian Schedule " CP.3/25
Revalidation of Genova and Annecy schedules " CP.4/25
Swiss participation in Torquay negotiations " CP.4/40
Measures notified by Denmark and Italy " CP.5/25, 29, 40
Cuban textiles " CP.3/82
WHO: draft Agreement " CP.5/47

It has been suggested that the following documents, now listed in the Annex as not for publication, be included in the published volume:

Reports on Modifications to the Agreement CP.2/22/Rev.1
and Modifications and Rectifications CP.4/34.

The approximate list for each volume would be:
### ARTICLE I - MOST-FAVOURED-NATION TREATMENT

(Article 16 of the Havana Charter, III-1 of Proposals, 8 of United States draft, 14 of London and New York drafts, and 16 of Geneva draft)

#### Documents for general reference

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#### GATT

GATT/CP.2/2/SR.11 GATT/CP.2/22/Rev. 1 CP.4/39 CP/1 CP/32
Index to specific comments on text

Paragraph 1

Entire paragraph shortened version of standard League of Nations most-favoured-nation clause except for references to "international transfer of payments" and "internal taxes" which were introduced by the United States in their draft

"originating" and "country of origin" To be studied by ITO after establishment.

(The report of a sub-committee of the 2nd Session states that each importing country should determine in accordance with its laws whether goods in fact originate in a particular country)

(It was stated in two meetings in London that most-favoured-nation rates should not be denied where products had been trans-shipped through another country unless they had remained in that country for some time out of bond in which case they might be considered as originating in the latter country)

"charges of any kind" - ruling that consular taxes included

"like product" Definition to be studied by ITO after establishment.

(See also Report of Working Party on the Australian Subsidy on Ammonium Sulphate)

Interpretative note to cover difficulties with existing legislation.

Ruling that most-favoured-nation covers "advantage, favour", etc. with respect to internal taxes.

Paragraph 2

The Havana Charter uses the word "margins" in place of "levels" in the third line.
The preferences between the United States and the Philippines covered in the General Agreement in Annex D are set out in the body of the article in the Havana Charter.

The final paragraph of Annexes A and D concerning preferential internal taxes is included in the Charter article as paragraph 5.

Preferences in the form of tariff margins only and not in the form of quotas

Statement of customs action which would not be contrary to the general binding of preferential margins.

Paragraph 3

Inserted at 2nd Session of Contracting Parties to conform to Havana Charter text. The first half of the paragraph is identical with the text inserted at Havana. The second half was incorporated to meet views of Middle East countries who wished to insert Article 15 of Charter into General Agreement. "The Contracting Parties in taking action pursuant to Article XXV with respect to preferences among countries formerly a part of the Ottoman Empire, would be required to make a decision in accordance with the principles and requirements of Article 15 of the Havana Charter".

Paragraph 4

Differs from the corresponding Havana Charter paragraph which was not considered to set forth clearly enough all the cases arising from margins of preference.

"margin of preference" question of actual or precentage difference.

"margin existing" and Note (1) To ensure the inclusion of rates or margins which had legal existence but were not applied on the dates in question.

E/PC/T/TAC/PV/26 (p.2) E/PC/T/TAC/PV/16 (pp.21-35)
E/PC/T/E.II/PV/12 (p.9) E/PC/T/230 & TAC/PV/16 (pp.21-35)
E/PC/T/174 (p.5) E/PC/T/EC/PV/2/22 (pp.30-32)
Note (ii) covering certain administrative practices

Interpretative note "re-application" to take care of duties temporarily suspended or inoperative on a certain date.

"In respect of duties and charges" To ensure that anything not referred to was bound

"absolute margins"

"The general provisions relating to the binding of margins would not override specific undertakings in the tariff schedules to maintain particular products under particular tariff classification"

"a margin of preference, on an item included in either or both parts of a Schedule, is not bound against decrease by the provisions of the General Agreement"