Note by the Executive Secretary

There are circulated herewith revised drafts of the documents to be drawn up at Torquay embodying the results of the negotiations. The revised texts embody suggestions made by the Government of the United States, the only government which has submitted comments, on the original drafts in GATT/TN.2/12. Provision has been made for a Final Act which will merely authenticate the texts of the various instruments to be attached to it and certifies that in certain cases, where it does not appear on the face of the documents, appropriate procedures have been complied with. These instruments will enter into force in accordance with their terms.

It has been thought advisable to cover in the same protocol terms of accession and the results of negotiations between contracting parties with a view to a further reduction of tariffs. If those concessions negotiated among contracting parties were covered by a separate protocol it would be necessary to introduce a complicated machinery to safeguard the rights of the acceding governments which have counted concessions exchanged between contracting parties as indirect benefits in their own negotiations. With the proposed scheme no such complication would arise and at the same time the contracting parties would be free to put into force the concessions granted to other contracting parties without waiting for the entry into force of the protocol in respect of acceding governments. Paragraph 4 of the protocol would enable a contracting party having put into force such concessions to withhold concessions initially negotiated with a contracting party for so long as the latter is not able to put into force the concessions granted by it.
It has also been suggested that the results of negotiations under Article XXVIII and of any other renegotiations undertaken at Torquay might likewise be covered by the protocol instead of in a separate instrument or instruments, such as, in the case of Article XXVIII, negotiations in an Annex to the Declaration as previously contemplated, or, in the case of other renegotiations, in a separate protocol. In accordance with this suggestion in the revised Torquay Protocol the results of renegotiations under Article XXVIII would also be included in the same schedules of contracting parties as the results of their principal negotiations with acceding governments and contracting parties, so that the results of all tariff negotiations at Torquay would be in one document with one schedule for each contracting party.

As regards terms of accession the Annecy Protocol has been followed closely. The Annecy text, as explained in the report of the Working Party of the Contracting Parties which drew it up at Annecy, was drafted with the object of enabling an acceding government to be in substantially the same position as existing contracting parties.

Particular attention is drawn to the procedure for taking the necessary decision or decisions under Article XXXIII regarding the accession of the acceding governments. At Annecy this was a matter which gave rise to considerable controversy. The Annecy acceding governments felt that they were entitled to know at the end of the negotiations whether their accession was approved by the Contracting Parties. This would enable them to place before their legislatures the results of the negotiations together with the decision of the Contracting Parties on the application to accede. If the latter decision were delayed it would in many cases be necessary to delay presentation of the results of the negotiations until the decision of the Contracting Parties under Article XXXIII was known. Moreover, they argued that Article XXXIII calls for a decision taken by the Contracting Parties jointly - i.e., a decision arrived at by the contracting parties in joint session - and not by the recording of separate votes.
by individual contracting parties. On the other hand, certain con-
tracting parties felt that it would be impossible for their governments to
subscribe to a decision or decisions under Article XXIII without having
had an opportunity to consider the results of the negotiations as a whole.
The procedure finally adopted in the Annecy Protocol was intended as a
compromise between these two views. It was provided that a decision
would be taken in respect to each acceding government after an interval
designed to allow all contracting parties to make a judgment whether to
subscribe to such a decision in respect of any particular acceding go-

cernment in the light of the results of the negotiations as a whole. At
the same time a short interval was agreed upon in order to meet the de-
sire of acceding governments to know as soon as possible what their po-
sition was.

An essentially similar formula has been adopted in the revised draft
Torquay Protocol. It is felt that a number of contracting parties will
again be reluctant to subscribe to decisions under Article XXIII at the
case of Torquay an additional end of the negotiations, and there is in the
complication that the Contracting Parties will not be in session at the
end of the negotiations and therefore in a position to make a joint deci-
sion or decisions.

The revised draft Torquay Protocol has been annotated. Participating
governments will also find additional explanatory material in the reports
of the Contracting Parties' Working Party on Accession at Annecy (GATT/
The annotations also explain the differences between this revised draft
and the original draft circulated under the date of 24 July 1950.
The Contracting Parties to the General Agreement on Tariffs and Trade by an intersessional decision of 30 October, 1949 decided to arrange for tariff negotiations to begin in September 1950.

The negotiations, which opened at Torquay, England, on 28 September, 1950 and concluded on , 1951, were of four categories:

(a) Negotiations directed towards the accession of countries which had not become contracting parties as a result of the 1947 and 1949 negotiations.

(b) Negotiations between contracting parties which participated in the Geneva and Annecy conferences without concluding bilateral negotiations and wished to enter into tariff negotiations during 1950.

(c) Negotiations between contracting parties which concluded tariff negotiations at Geneva or Annecy and desired to enter into negotiations for new or additional reciprocal tariff concessions.

(d) Negotiations between contracting parties with a view to the making of adjustments in their concessions negotiated at Geneva or Annecy.

Note: Subparagraph (d) has been added to cover more adequately the proposed inclusion in the Torquay Protocol of the results of Article XXVIII and other renegotiations at Torquay.

As a result of these negotiations the following instruments were prepared:

(a) Torquay Protocol to the General Agreement on Tariffs and Trade;

(b) Protocol Modifying Article XXVIII of the General Agreement on Tariffs and Trade;

(c) Declaration on the Continued Application of the Schedules to the General Agreement on Tariffs and Trade.

Note: In view of the length of the title of the principal Torquay Protocol in the original draft, and of the proposed
inclusion of additional negotiations therein, the title might well be simplified. In view of the proposed inclusion of the results of the Article XXVIII negotiations in the Torquay Protocol, the annex to the Declaration would be unnecessary.

The texts of these instruments in the English and French languages are annexed hereto and are hereby authenticated, and it is hereby certified that appropriate action has been taken to give effect (i) to each concession contained in the Schedule in Annex A to the annexed Torquay Protocol to the General Agreement on Tariffs and Trade relating to a present contracting party, which provides for less favorable treatment than was provided for the same product in the Schedule relating to that present contracting party annexed to the General Agreement as authenticated October 30, 1947 or contained in Annex A to the Annecy Protocol of Terms of Accession, dated October 10, 1949 (hereinafter referred to as "Geneva Schedule" and "Annecy Schedule", respectively), and (ii) to the withdrawal of each concession provided for in the Geneva or Annecy Schedule relating to a present contracting party which is identified in Annex C to the annexed Torquay Protocol to the General Agreement on Tariffs and Trade.

Note: If the results of Article XXVIII and other renegotiations are included in the Torquay Protocol, it would be desirable to have the Final Act certify that appropriate procedures have been complied with in the course of such negotiations.

IN WITNESS WHEREOF, the duly authorized representatives of the Governments participating in the negotiations have subscribed their names below.

For the Commonwealth of Australia,

.............. etc.
ANNEX I

TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE.

The Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of Cuba, the Czechoslovak Republic, the Kingdom of Denmark, the Dominican Republic, the Republic of Finland, the French Republic, the Kingdom of Greece, the Republic of Haiti, India, the United States of Indonesia, the Republic of Italy, Lebanon, the Republic of Liberia, the Grand-Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Republic of Nicaragua, the Kingdom of Norway, Pakistan, Southern Rhodesia, the Kingdom of Sweden, Syria, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are the present contracting parties to the General Agreement on Tariffs and Trade (hereinafter called "the present contracting parties" and "the General Agreement" respectively), and the Governments of the Republic of Austria, the Federal Republic of Germany, Guatemala, the Republic of Korea, Peru, the Philippine Republic, the Republic of Turkey, and the Oriental Republic of Uruguay (hereinafter called "the acceding governments"),

Note: Uruguay has been placed in square brackets in the list of acceding governments because of the special problems raised by that country's participation in the Torquay negotiations. If it is decided that Uruguay should be considered as a Torquay acceding government the square brackets should be deleted. If on the other hand it is decided that Uruguay is to accede pursuant to the Annecy Protocol special provisions will have to be made.

HAVING REGARD to the results of the negotiations undertaken at Torquay, England:

HAVE through their representatives agreed as follows:

1. (a) Each of the acceding governments, with respect to the accession of which a decision set forth in Annex D to this Protocol has been taken shall, upon the entry into force of this protocol with respect
to it pursuant to paragraph 12 thereof, apply provisionally and subject to the provisions of this Protocol:

(i) Parts I and III of the General Agreement, and

(ii) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

(b) The obligations incorporated in paragraph 1 of Article I of the General Agreement by reference to Article III thereof (relating to most-favoured-nation treatment regarding internal taxation and regulation) and those incorporated in paragraph 2(b) of Article II by reference to Article VI (relating to the application of anti-dumping and countervailing duties to products described in the Schedules) shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.

(c) For the purposes of the General Agreement, the Schedules contained in Annex B to this Protocol shall be regarded as Schedules to the General Agreement relating to acceding governments.

Note: This paragraph follows closely paragraph 1 of the Annecy Protocol and paragraph 3 of the original draft Torquay Protocol. The principal difference is the opening reference to the requirement that the decision be taken with respect to accession before the paragraph becomes operative. Since it is now proposed that the decision for each acceding government be a separate document annexed to the protocol, rather than that the Protocol itself constitute the decision, this opening clause, together with Annex D and a specimen decision, have been substituted for paragraphs 2 and 11 of the original draft Torquay Protocol.

Subparagraph (b) is comparable to a similar provision contained in the Interpretative Note to Article I of the General Agreement (see Annex I thereof).

2. Upon the entry into force of this Protocol with respect to each acceding government, pursuant to paragraph 12 hereof, that government shall become a contracting party as defined in Article XXXII of the General Agreement.
Note: By virtue of this paragraph, after a Decision has been taken, an acceding government, by signature of the Protocol and the lapse of the period provided for in paragraph 12, will receive all the existing benefits under the General Agreement. The entry into force of the concessions negotiated at Torquay by present contracting parties is provided for in paragraph 3 below. This paragraph is substantially the same as paragraph 4 of the original draft Torquay Protocol.

3. (a) Subject to the provisions of subparagraph (b) of this paragraph, on the thirtieth day following the day upon which this Protocol shall have been signed by a present contracting party (i) the concessions provided for in the Schedule relating to that contracting party contained in Annex A to this Protocol shall enter into force, and (ii) the concessions provided for in the Schedule relating to that present contracting party annexed to the General Agreement as authenticated October 30, 1947 or contained in Annex A to the Annecy Protocol of Terms of Accession, dated October 10, 1949 (hereinafter referred to as "Geneva Schedule" and "Annecy Schedule", respectively) which are identified in Annex C to this Protocol shall be withdrawn.

(b) Without prejudice to the provisions of paragraph 5, any specified concession or concessions in a Schedule relating to a present contracting party in Annex A to this Protocol shall enter into force, and any specified concession or concessions in a Geneva or Annecy Schedule relating to a present contracting party identified in Annex C to this Protocol shall be withdrawn, on such earlier date as shall be the thirtieth day following the day upon which notification of intention to apply or withdraw such specified concessions is received by the Secretary-General of the United Nations.

(c) For the purposes of this Protocol the concessions provided for in the Geneva and Annecy Schedules of a present contracting party shall mean the concessions contained in such Schedules as originally drawn up on October 30, 1947 and October 10, 1949 and as subsequently modified.
(i) by the provisions of any protocol relating to their rectification or modification or (ii) by any other action taken pursuant to specific provisions of the General Agreement, or to procedures established by the CONTRACTING PARTIES, which was effective on September 28, 1950.

Note: Legislative procedures in different countries may require a period of time before which the concessions could not be made effective.

In the case of negotiations with an acceding government this effectiveness, resulting from signature of the Torquay Protocol by a particular contracting party, could be at a date later than that on which the acceding government becomes a contracting party as a result of procedures provided for its accession.

Subparagraph (a)(i) is comparable to the second sentence of paragraph 1 of the original draft Torquay Protocol, and to the first sentence of paragraph 3 of the Annecy Protocol, with signature substituted for notification to the Secretary-General as the procedure for bringing the concessions into force. Since the period during which the Torquay Protocol will be open for signature is fixed in paragraph 11(a) of the revised draft Torquay Protocol, the last sentence in paragraph 1 of the original draft becomes unnecessary.

Subparagraph (a)(ii) applies the same rule to the effectiveness of deletions from the Geneva and Annecy Schedules made necessary by negotiations at Torquay, principally by those under Article XXVIII. It would seem that the neatest way to incorporate the results of such negotiations into the Torquay Protocol would be for all positive tariff language to be applied after Torquay to be completely integrated into the appropriate Schedules to that Protocol. This would include compensatory concessions and also a complete restatement of an item, or relevant part thereof, in cases where the rate is rebound at a higher level or where the scope of the concession is narrowed. Then items, or parts thereof, in the Geneva and Annecy Schedules which had been either completely withdrawn or thus rewritten in the Schedules to the Torquay Protocol would be identified in Annex C as being withdrawn.

Subparagraph (b) provides a manner in which effect may be given to particular parts of the Schedules and the withdrawals in Annex C, as related changes negotiated under Article XXVIII, without waiting until a contracting party is in a position to give effect to its entire Schedule.

4. Upon the entry into force of a schedule relating to a present contracting party contained in Annex A, or of specified concessions provided for therein, the Schedule, or the specified concessions and other relevant provisions of the Schedule, shall be regarded as a Schedule to the General Agreement relating to that contracting party.
5. Any present contracting party or acceding government 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 contained in Annex A or B to this Protocol, in respect of which such contracting party or acceding government determines that it was initially negotiated with a present contracting party or an acceding government which has not signed this Protocol; Provided that the present contracting party or acceding government withholding or withdrawing in whole or in part any such concession shall give notice to all other present contracting parties and acceding governments within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with the contracting parties which have a substantial interest in the product concerned; and Provided further that, any concession so withheld or withdrawn shall be applied from the thirtieth day following the day upon which the acceding government or present contracting party with which it was initially negotiated signs this Protocol.

Note: As soon as an acceding government has become a contracting party pursuant to paragraph 2 of the Protocol it becomes obligated to apply the concessions negotiated at Torquay. This paragraph, however, provides for the withholding or withdrawing of concessions initially negotiated with a present contracting party or an acceding government which has not signed the Protocol.

Comparable rights of withholding are also given to present contracting parties which have signed the protocol, in the case of concessions negotiated with acceding governments and other contracting parties which have not done so. The substitution of signature for the notification as the act by which present contracting parties bring their concessions into effect (see paragraph 3(a)(i)) has made it possible to simplify somewhat the language of this paragraph. The reference to Article XXXV has been deleted from the second proviso as inappropriate. The context involves putting into effect concessions which have been negotiated between pairs of countries, whereas Article XXXV may be invoked only where negotiations have not been entered into. Consequently, Article XXXV could not be involved in such cases.
6. (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.

(b) In each case in which paragraph 6 of Article V (relating to existing requirements as to direct shipment as a requisite for preferences), subparagraph 4(a) of Article VII (relating to existing rules for the conversion of currencies), and subparagraph 3(c) of Article X (relating to existing procedures for impartial review of administrative action) of the General Agreement refer to the date of that Agreement, the applicable date in respect of each acceding government shall be March 24, 1948.

(c) In the case of the references in paragraph 11 of Article XVIII of the General Agreement (relating to the maintenance of existing measures for economic development) to September 1, 1947 and October 10, 1947, the applicable dates in respect to each acceding government shall be November 1, 1950 and December 10, 1950, respectively.

(d) In the case of the reference in Article XXVIII of the General Agreement (relating to the modification of schedules) to January 1, 1951, the applicable date in respect of the Schedules annexed to this Protocol shall be January 1, 1954.

Note: This paragraph contains suggestions for dates applicable to acceding governments for the purpose of the General Agreement. In three cases, dates contained in the Havana Charter have been considered more appropriate than the dates in the General Agreement. In other cases new dates have been suggested with the object of placing acceding governments in a comparable position to that in which the original contracting parties were at Geneva, and the annuity acceding governments at Annecy, e.g., in Article II, paragraphs 1(b) and (c) and 6(a), and Article XVIII, paragraph 11. Subparagraph (d) has been added in this revised draft to establish a period of assured life, until January 1, 1954, for the Torquay concessions of both present contracting parties and acceding governments, pending application of the Protocol Modifying Article XXVIII or the Declaration on Continued Application with respect to them.
7. The provisions of the General Agreement to be applied by an acceding government, shall be those contained in the text annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment as rectified, amended, or otherwise modified on the day on which this Protocol is signed by such acceding government. Signature of this Protocol by an acceding government shall be considered as appropriate action accepting any rectification, amendment, or other modification which has been drawn up by the CONTRACTING PARTIES and opened for acceptance but which has not become effective by the date of signature of this Protocol by that acceding government.

Note: For the purposes of the application of the General Agreement by an acceding government in accordance with the Protocol, the form of the General Agreement is stated in paragraph 7 of the Protocol to be that contained in the text attached to the Final Act dated October 30, 1947, as subsequently rectified, amended or otherwise modified on the date of signature of the Torquay Protocol by that acceding government. To prevent the accession of new governments from delaying the entry into effect of amendments to the General Agreement, it is also proposed that signature by an acceding government should also be considered as acceptance of any amendment or other modification which has been drawn up and formalized but which has not at that date become effective. Such acceptance, would be considered, together with any other like acceptance in determining when such a modification would enter into force. Under this revised draft signature of the Torquay Protocol would itself be considered as action accepting modifications not yet in effect, so no further action by the acceding government would be necessary.
6. Any acceding government which has signed this Protocol shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.

Note: This paragraph is in substance identical with the provision contained in paragraph 5 of the Protocol of Provisional Application, and also follows very closely paragraph 7 of the Annecy Protocol and paragraph 8 of the original draft Torquay Protocol.

9. (a) Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 6, may, on or after the date on which the General Agreement enters into force pursuant to Article XXVI thereof, accede to that Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Secretary-General of the United Nations. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI, or on the thirtieth day following the day of the deposit of the instrument of accession, whichever shall be the later.

(b) Accession to the General Agreement pursuant to sub-paragraph (a) of this paragraph shall, for the purpose of paragraph 2 of Article XXXII of that Agreement (relating to agreement that countries shall cease to be contracting parties), be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

Note: This paragraph, which follows very closely the original draft, provides for accession to the General Agreement when it enters into force pursuant to Article XXVI or thereafter.

The procedure for such definitive accession is similar to the procedure for acceptance contained in Article XXVI which, by the wording of paragraph 1 of that Article, applies only to signatories of the Final Act of Geneva in 1947. This paragraph envisages that the deposit of an instrument of accession may take place either prior to or following the entry into force of the Agreement, but that such accession would not take effect until the definitive entry into force of the Agreement.

As in Article XXIII of the General Agreement, provision has been made in paragraph 9(b) of the Protocol to allow the then contracting parties which have accepted or acceded definitively, after the Agreement has entered into force, to decide that an acceding government which has not deposited an instrument of accession shall cease to be a contracting party.
10. (a) Each acceding government signing this Protocol or depositing an instrument of accession under paragraph 9(a) does so in respect of its metropolitan territory and of the other territories for which it has international responsibility, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of such signature or deposit. Each present contracting party signing this Protocol or giving a notification referred to in paragraph 3(b) does so in respect of all the territories to which its Schedule contained in Annex A or B, or the specified concessions therein, relates, except such separate customs territories as it shall notify to the Secretary-General of the United Nations at the time of such signature or notification.

(b) Any acceding government or present contracting party which has notified the Secretary-General, under an exception in subparagraph (a) of this paragraph, may at any time give notice to the Secretary-General that such signature, accession, or notification under paragraph 3 shall be effective in respect of any separate customs territory or territories so excepted and such notice shall take effect on the thirtieth day following the day on which it is received by the Secretary-General.

(c) If any of the customs territories, in respect of which an acceding government has made the General Agreement effective, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in the General Agreement, such territory shall, upon sponsorship through a declaration by the responsible acceding government establishing the above-mentioned fact, be deemed to be a contracting party.

Note: This paragraph contains provisions relating to territorial application by acceding governments comparable to those in paragraph 9 of the Annecy Protocol and in amended paragraph 4 of Article XXVI of the General Agreement. The language applicable to present contracting parties has been somewhat differently worded than in the Annecy Protocol since signature by them will relate only to application of their Tarquay Schedules, which may apply only to specified customs territories not including all those for which they have international responsibility.

11. (a) The original text of this Protocol shall be deposited with the Secretary-General of the United Nations and shall be open for signature at the Headquarters of the United Nations by present contracting parties and acceding governments until August 31, 1951.
(b) The Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature to this Protocol and to each decision in Annex D, of each deposit of an instrument of accession under paragraph 9(a), and of each notification or notice under paragraph 3(b), 8, 10(a), or 10(b), 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.

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.

Note: For signature of the Protocol, that is for the application of Torquay concessions by present contracting parties and accession by acceding governments, a period of six months should be allowed, i.e. the Protocol would be open for signature by present contracting parties and acceding governments at the end of the negotiations and remain open for signature until the end of the sixth calendar month following the close of the negotiations.

The dates included in this revised draft are based on an assumed date of March 1, 1951 for the conclusion of the Torquay tariff negotiations. It will be noted that the period during which it is proposed that the Protocol be open for signature by present contracting parties is longer than that proposed in the case of the original draft, since in this revised draft signature has the same effect as notification under paragraph 1 of the original draft, and signature of the decisions in Annex D to this revised draft would have the effect of signature under paragraphs 10(a) and 11 of the original draft.

12. Provided the Decision in Annex D to this Protocol has been taken agreeing to the accession of an acceding government, this Protocol shall enter into force for such acceding government:

(a) if it has been signed by that acceding government by \[\text{May 2, 1951}\] or \[\text{June 1, 1951}\]

(b) if it has not been signed by that acceding government by \[\text{May 2, 1951}\] on the thirtieth day following the day upon which it shall have been signed by such acceding government.

13. The date of this Protocol shall be \[\text{March 1, 1951}\].

Note: These last two paragraphs follow through, on the basis of the date for the close of the negotiations assumed in the note to paragraph 11, with an adaptation in paragraph 12 for the introduction of the proposal for voting on accession by the signature of annexed decisions.
DONE at Torquay, in a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to Schedules annexed hereto.

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ANNEX A

SCHEDULES OF PRESENT CONTRACTING PARTIES

ANNEX B

SCHEDULES OF ACCEDING GOVERNMENTS

ANNEX C

IDENTIFICATION OF CONCESSIONS BEING WITHDRAWN FROM GENEVA AND ANNEX SCHEDULES
ANNEX D

DECISIONS AGREETING TO ACCESSION

Decision by the CONTRACTING PARTIES Agreeing to the Accession of Austria to the General Agreement on Tariffs and Trade

The CONTRACTING PARTIES,

HAVING REGARD to the results of the negotiations directed toward the accession of Austria to the General Agreement,

DECIDE in accordance with Article XXXIII of the General Agreement,

1. The CONTRACTING PARTIES agree to the accession of the Government of Austria to the General Agreement on the terms relevant to such accession which are provided for in the Torquay Protocol to the General Agreement.

2. This Decision shall be annexed to the Torquay Protocol to the General Agreement, and shall remain open for signature by contracting parties at the Headquarters of the United Nations until April 30, 1951.

3. This Decision shall constitute a decision of the CONTRACTING PARTIES taken on May 1, 1951, provided that it shall then have been signed by two-thirds of the governments which are at that time contracting parties.

Note: Annex D would contain an identical decision, mutatis mutandis, for each acceding Government.
The contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"),

Desiring to continue the application of the Schedules to the General Agreement until January 1, 1954; and

Desiring, for that purpose, to effect an amendment to Article XXVIII of the General Agreement, pursuant to the provisions of Article XXX thereof,

HEREBY AGREE as follows:

1. The text of paragraph 1 of Article XXVIII of the General Agreement shall be amended by the deletion of "On or after January 1, 1951" and the substitution therefor of "On or after January, 1954".

2. The provisions of the preceding paragraph shall not apply to concessions initially negotiated by a contracting party with respect to which the amendment specified in the preceding paragraph is in effect, with a contracting party with respect to which neither such amendment nor the Declaration on the continued application of the Schedules of the General Agreement is in effect.

3. This Protocol shall, following its signature at the close of the Torquay tariff conference, be deposited with the Secretary-General of the United Nations.

4. The deposit of this Protocol will, as from the date of deposit, constitute the deposit of the instrument of acceptance of the amendment set out in paragraph 1 of this Protocol by any government the representative of which has signed this Protocol without any reservation.

5. The instruments of acceptance of those governments which have not signed this Protocol, or which have signed it with a reservation as to acceptance, will be deposited with the Secretary-General of the United Nations.
ANNEX III
DECLARATION ON THE CONTINUED APPLICATION OF THE SCHEDULES TO THE GENERAL AGREEMENT

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

DESIRING to continue the application of the Schedules to the General Agreement until January 1, 1954,

HAVING taken note of the modification made by the contracting parties concerned in accordance with the provisions of Article XXVIII of the General Agreement in certain items of the said Schedules, which modifications are incorporated in the appropriate annexes to the Torquay Protocol to the General Agreement on Tariffs and Trade, dated today.

Note: If the results of Article XXVIII negotiations at Torquay are incorporated in the Annexes to the Torquay Protocol this should be recited in the Declaration, in place of the reference in the preamble to the Annex to the Declaration as agreed upon at the Fourth Session, and any such annex would be unnecessary.

HEREBY DECLARE that they will not invoke prior to January 1, 1954, the provisions of paragraph 1, 1954, the provisions of paragraph 1 of Article XXVIII 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 the preceding paragraph shall not apply to concessions initially negotiated with a contracting party with respect to which neither this Declaration nor the Protocol modifying Article XXVIII of the General Agreement is in effect.
The original of this Declaration shall 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.

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 authorized, have signed the present Declaration.

DONE at Torquay, in a single copy, in the English and French languages, both texts authentic, this ______ day of ________ 1951.