Tariff Negotiations
Torquay

Documents to Embody the Results of the
Torquay Negotiations

There are circulated herewith, as indicated in
the texts of the instruments which are to embody the results of the
Torquay Conference in the final form recommended by the Legal
Working Party.
The CONTRACTING PARTIES to the General Agreement on Tariffs and Trade by an intersessional decision of October 30, 1949 decided to arrange for tariff negotiations to begin in September 1950.

The negotiations, which opened at Torquay on September 28, 1950 and concluded on 21 April, 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 governments which participated in the Geneva and Annecy conferences without concluding bilateral negotiations and wished to enter into tariff negotiations during 1950;

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

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

As a result of these negotiations, and other negotiations entered into pursuant to procedures established by the CONTRACTING PARTIES, the following instruments were prepared:

(a) Decisions agreeing to the accession of the acceding governments (Annex I);

(b) Torquay Protocol to the General Agreement on Tariffs and Trade (Annex II);

(c) Declaration on the continued application of the schedules to the General Agreement on Tariffs and Trade (Annex III).
The texts of these instruments in the English and French languages are annexed hereto, and are hereby authenticated, and it is hereby certified that, in each case where a schedule in Annex A to the annexed Torquay Protocol provides treatment for any product less favourable than is provided for the same product in the existing schedule to the General Agreement, appropriate action has been taken to enable effect to be given to such a change.

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

Done at Torquay, in a single copy, in the English and French languages, both texts authentic, this twenty-first day of April, one thousand nine hundred and fifty-one.

Note: There will follow place for the signature of the participating governments.
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 on Tariffs and Trade,

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 open for signature by contracting parties at Torquay on 21 April 1951 and at the Headquarters of the United Nations from 7 May 1951 until 20 June 1951.

3. This Decision shall constitute a decision of the CONTRACTING PARTIES taken on 21 June 1951, provided that it shall then have been signed by two-thirds of the governments which are at that time contracting parties.

4. The Secretary-General of the United Nations shall promptly furnish a notification of each signature to this Decision 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.

Note: Annex I will contain a separate identical decision, mutatis mutandis, for each other acceding government except Germany. Paragraph 1 of the decision for Germany follows. Each decision will contain place for signature by the contracting parties.

Paragraph 1 of the Decision for the accession of the Federal Republic of Germany:

"1 (a) The CONTRACTING PARTIES agree to the accession of the Government of the Federal Republic of Germany to the General Agreement on the terms relevant to such accession which are provided for in the Torquay Protocol to the General Agreement.

" (b) The CONTRACTING PARTIES further agree that, notwithstanding the provisions of Article I of the General Agreement, the accession of the Government of the Federal Republic of Germany will not require any modification in the present arrangements for, or status of, intra-German trade in goods originating within Germany.

" (c) In according the benefits of the General Agreement to goods exported from the Federal Republic of Germany, the contracting parties will make no distinction between goods originating in the territory of the Federal Republic and those originating in the Western sectors of Berlin.

" (d) The provisions of subparagraph 1(b) and (c) above may be reconsidered at any time at the request of any contracting party, and any decision taken by the CONTRACTING PARTIES in this respect will be taken by a majority of the votes cast."
The Governments which are contracting parties to the General Agreement on Tariffs and Trade on the date of this Protocol (hereinafter called 'the present contracting parties' and 'the General agreement' respectively), the Governments of the Republic of Austria, the Federal Republic of Germany, the Republic of Korea, Peru, the Republic of the Philippines and the Republic of Turkey, (hereinafter called 'the acceding governments'), and the Oriental Republic of Uruguay, which may accede to the General Agreement under the Annecy Protocol of Terms of Accession in accordance with the Decision of the CONTRACTING PARTIES of November 9, 1950 (hereinafter called 'Uruguay'),

HAVING REGARD to the results of the negotiations concluded at Torquay,

HAVE through their representatives agreed as follows:

1. (a) Each of the acceding governments, with respect to the accession of which a decision under Article XXXIII of the General Agreement has been taken shall, upon the entry into force of this Protocol with respect to it pursuant to paragraph 11, 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 and those incorporated in paragraph 2(b) of Article II by reference to Article VI 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 upon their entry into force pursuant to paragraph 11 shall
be regarded as schedules to the General Agreement relating to acceding governments.

2. Upon the entry into force of this Protocol with respect to each acceding government, pursuant to paragraph 11 hereof, that government shall become a contracting party as defined in Article XXXII of the General Agreement.

3. (a) On the thirtieth day following the day upon which this protocol shall have been signed by a present contracting party or Uruguay, or on the forty-sixth day following the date of this Protocol, whichever is the later, the schedule relating to that contracting party or Uruguay contained in annex A shall enter into force.

(b) Portions of the schedules contained in annex A which are the result of negotiations and agreement pursuant to paragraph 1 of Article XXVIII of the General Agreement may be made effective, by agreement of the negotiating parties, after the date of this Protocol and prior to the date determined pursuant to subparagraph (a) Provided that

(i) compensatory adjustments negotiated in return for withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement may not be made effective later than such withdrawals or reductions, and

(ii) any government proposing to make a portion of its schedule effective pursuant to this subparagraph shall give the Secretary-General of the United Nations at least thirty days' notice of the date on which the proposed action will become effective.

(c) Portions of the schedules contained in annex A which are the result of negotiations and agreement pursuant to procedures established by the Contracting Parties may be made effective, by agreement of the negotiating parties, prior to the date determined pursuant to sub-paragraph (a), Provided that compensatory adjustments negotiated in return for withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement may not be made effective later than such withdrawals or reductions.

(d) When a schedule has entered into force pursuant to subparagraph (c) or when any portion of a schedule has been made effective pursuant to sub-
paragraph (b) or (c), such schedule, or portion (together with all provisions of the schedule in Annex A relevant thereto), shall become a schedule to the General Agreement relating to the government in question. In the case of any difference between the treatment provided for a product in a schedule contained in Annex A, and the treatment provided for the same product in an existing schedule to the General Agreement relating to the same government, the treatment provided in the schedule contained in Annex A shall prevail when and so long as effect is given thereto pursuant to the provisions of this Protocol.

(e) For the purposes of this Protocol, the "existing schedules to the General Agreement" shall mean the schedules annexed to the General Agreement and to the Annecy Protocol of Terms of Accession, as modified by: (i) the provisions of any protocol relating to their rectification or modification, or (ii) any other action, which was effective on September 23, 1950, taken pursuant to a specific provision of the General agreement or to procedures established by the CONTRACTING PARTIES.

4. Any 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 annexed to this Protocol, in respect of which such government determines that it was initially negotiated with a government which has not signed this Protocol, provided that

(i) the government withholding or withdrawing in whole or in part any such concession shall give notice to all contracting parties, acceding governments and Uruguay within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with any contracting party having a substantial interest in a product involved;

(ii) any such withholding or withdrawal shall cease to be effective on the thirtieth day following the day upon which the government with which it was initially negotiated signs this Protocol; and
(iii) this paragraph shall not authorize the withdrawal or withholding of any compensatory adjustments resulting from any negotiations and agreement described in subparagraphs (b) and (c) of paragraph 3, unless all withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement, in return for which such compensatory adjustments were negotiated, are withheld or withdrawn for the same period of time.

5. (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, subparagraph 4(d) of Article VII, and subparagraph 3(e) of Article X 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 to September 1, 1947 and October 10, 1947, the applicable dates in respect to each acceding government shall be November 1, 1950 and January 15, 1951, respectively.

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

6. (a) 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 1, 1954".

(b) Signature of this Protocol in accordance with paragraph 10 shall be deemed to constitute the deposit of an instrument of acceptance of the amendment set forth in subparagraph (a), within the meaning of Article XXX, paragraph 2, of the General Agreement.

(c) The amendment set forth in subparagraph (a) shall become effective, in accordance with Article XXX, paragraph 1, of the General Agreement, when
this Protocol shall have been signed by two-thirds of the governments which are at that time contracting parties.

(d) Notwithstanding the provisions of subparagraph (c), the amendment set forth in subparagraph (a) shall not become effective in respect of concessions initially negotiated by a contracting party which has signed this Protocol with a contracting party which has not signed either this Protocol or the Declaration on the Continued application of the Schedules of the General agreement annexed to the Final Act signed at Torquay on 21 April 1951.

7. (a) 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, supplemented, or otherwise modified by each of the following instruments:

- Protocol Modifying Certain Provisions, signed at Havana on March 24, 1948
- Special Protocol Relating to Article XXIV
- Special Protocol Modifying Article XIV
- Protocol of Rectifications signed at Havana on March 24, 1948
- Protocol Modifying Part I and Article XXIX, signed at Geneva on September 14, 1948
- Protocol Modifying Part II and Article XXVI, signed at Geneva on September 14, 1948
- Second Protocol of Rectifications, signed at Geneva on September 14, 1948
- Declaration of May 9, 1949, relating to Section E of Schedule XIX
- Declaration of August 11, 1949, relating to Section B of Schedule XIX
- Protocol Modifying Article XXVI, signed at Annecy on August 13, 1949
- Protocol Replacing Schedule I (Australia) signed at Annecy on August 13, 1949
- Protocol Replacing Schedule VI (Ceylon) signed at Annecy on August 13, 1949
- First Protocol of Modifications, signed
- Third Protocol of Rectifications
- Annecy Protocol of Terms of Accession, signed on October 10, 1949
- Fourth Protocol of Rectifications, signed at Geneva on April 3, 1950
- Fifth Protocol of Rectifications, signed at Torquay on December 15, 1950
end by such other instruments drawn up by the CONTRACTING PARTIES, as may have become effective by the day on which this Protocol enters into force for that government.

(b) Signature of this Protocol by an acceding government shall constitute an acceptance of the rectifications, amendments, supplementations or other modifications of the General Agreement by such of the instruments named in subparagraph (a), and by such other instruments drawn up by the CONTRACTING PARTIES and open for acceptance, as may not have become effective by the date on which this Protocol enters into force for that government, such acceptance to take effect upon the same day as the signature of this Protocol by that government.

(c) Without prejudice to any action taken by a contracting party under article XXXV, signature of this Protocol by a contracting party or Uruguay shall constitute, except as it may specify otherwise at the time of signature, an acceptance of the rectifications, amendments, supplementations or other modifications of the General Agreement by such of the instruments named in subparagraph (a) and by such other instruments drawn up by the CONTRACTING PARTIES and open for acceptance, as had not been signed or accepted by that contracting party or Uruguay, such acceptance to take effect on the day of signature.

8. 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.

9. (a) Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 8, 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 subparagraph (a) shall, for the purpose of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

10. (a) The original text of this Protocol shall be opened for signature at Torquay by present contracting parties and acceding governments on 21 April, 1951. It shall thereafter be deposited with the Secretary-General of the United Nations and shall be open for signature at the Headquarters of the United Nations from 7 May 1951 to 21 October 1951 by present contracting parties and acceding governments, and by Uruguay, provided Uruguay shall previously have signed the annexed Protocol of Terms of Accession in accordance with the decision of the Contracting Parties of 9 November 1950.

(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, of each deposit of an instrument of accession under paragraph 9(a), and of each notice under paragraph 3(b) or 8, to each Member of the United Nations, to each 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.

11. Provided a decision under Article XXXIII of the General Agreement has been taken agreeing to the accession of an acceding government, this Protocol, including the schedule relating to that acceding government contained in annex B, shall enter into force for that acceding government

(a) on 20 July 1951, if this Protocol has been signed by that acceding government by 20 June 1951; or

(b) on the thirtieth day following the day upon which it shall have been signed by that acceding government, if it has not been signed by that acceding government, by 20 June 1951.
12. The date of this Protocol shall be 21 April 1951.

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.

NOTE: There will follow a signature page for the contracting parties, Uruguay and acceding governments.

ANNEX A

SCHEDULES OF PRESENT CONTRACTING PARTIES AND URUGUAY

ANNEX B

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

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 modifications made in accordance with the provisions of Article XXVIII of the General Agreement in certain items of the said schedules, which modifications are incorporated in Annex A to the Torquay Protocol to the General Agreement, dated today,

HEREBY DECLARE that they will not invoke prior to January 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 government with respect to which neither this Declaration nor the Torquay Protocol to the General Agreement is in effect.

The original of this Declaration shall be deposited with the Secretary-General of the United Nations who is authorised 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 authorised, have signed the present Declaration.

DONE at Torquay, in a single copy, in the English and French languages, both texts authentic, this twenty-first day of April, one thousand nine hundred and fifty-one.

NOTE: There will follow place for the signatures of the contracting parties.