The inclusion in the Torquay schedules of the results of renegotiations, under Article XXVIII or otherwise, complicates their wording as contrasted with the wording of the Annecy schedules. At Annecy, where such re-negotiations were not carried on, the inclusion in a schedule of a product already in the Geneva schedule resulted usually from either a reduction in the rate applicable to the product or an increase in the scope of the concession. Even if a higher rate had been negotiated with an Annecy acceding government and put in the Annecy schedule, Article II would have required the continued application of the lower rate in the Geneva schedule.

However, the purpose of the renegotiations at Torquay is to permit the application of higher rates, or to effect the withdrawal of the obligation as to some or all of the products covered by a concession. With a view to giving effect to this purpose, the second sentence of paragraph 3(a) has been inserted in the Torquay protocol, providing as follows:

"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."

There would seem to be five basic methods of providing for different treatment in the Torquay schedule. Some methods can be used only for certain types of modification, whereas in other cases the most appropriate choice may depend on considerations of clarity and simplicity of expression.

**First Method:** The item in the prior schedule may be completely withdrawn by an item in the Torquay schedule merely identifying the item in the prior schedule, and stating that it is withdrawn, without repeating the exact tariff language. If any concession is to remain on the product, it should be written, as a subsequent item in the Torquay schedule, in tariff language as if it related to an entirely new product. See the specimen treatment under Method 1 among the various examples in the annex to this paper.

**Second Method:** The second method is like the first in general approach and in its method of providing for the statement of the concession remaining. The difference is that the prior concession may be withdrawn by an item in the Torquay schedule which, instead of merely identifying the item in the prior schedule, repeats the complete tariff language of the item followed by the word "withdrawn" in the rate column.

**Third Method:** A third method, applicable to cases in which some concession is continued on an item or a part of an item, would be for an item in the Torquay schedule to state that the concession in the prior schedule, merely identified appropriately, is amended to read as follows, and then to give the full tariff language and rate of the concession as continued.
Fourth Method: Another method applicable to cases where some concession is continued would be for an item in the Torquay schedule to specify, in language amendatory of the identified item in the prior schedule, the exact details of the changes to be made therein as a result of the Torquay negotiation.

Fifth Method: The final method, which is clearly applicable to cases where some concession is to be continued on an entire item, would be merely to include the concession, with the description and rate, in the Torquay schedule in the form in which it is to be continued. In such a case reliance would be placed on the language of paragraph 3(d) of the Torquay Protocol, quoted above, to ensure that the provisions of the Torquay schedule would prevail over those of the earlier schedule. This rule in paragraph 3(d) applies only to the provision of different treatment "for the same product". Consequently, if the purpose is merely to change the rate on a product, this method could be used. However, this method alone would not be applicable where a part of the concession is to be withdrawn. If it is proposed to withdraw completely a part of the concession, the mere inclusion in the Torquay schedule of the narrower concession would not provide any rule respecting the treatment of the product covered by that part of the prior concession which is to be withdrawn. On the other hand, an adaptation of this method and method 2 could be used under which the description of the part of the product to be withdrawn would be followed by the word "withdrawn" in the rate column.

Annex

The following examples, in rather simple wording, are based on a possible renegotiation with respect to the concession on the following item, which it may be assumed is the second item 52 in part I of the Geneva schedule of a contracting party:

52 citrus fruit 20% ad val.

A.

Assuming it is proposed to withdraw completely the whole concession on the item, this could be done by methods 1 or 2. (Methods 3, 4, and 5 would be inapplicable.)

Method 1

52 Item 52 second, Geneva, part I, is withdrawn

Method 2

52 Citrus fruit Withdrawn

B.

Assuming it is proposed to withdraw completely a part of the concession on the item, this could be done by any of the five methods.

Method 1

52 Item 52 second, Geneva, part I, is withdrawn

52 Citrus fruit except lemons 20% ad val.
Method 2

52 Citrus fruit

52 Citrus fruit except lemons

Method 3

52 Item 52 [second] Geneva, part I, is modified to read as follows:

Citrus fruit except lemons

Method 4

52 Item 52 [second] Geneva, part I, is modified by the withdrawal of lemons

Method 5

52 Lemons

Withdrawn

Method 1

52 Item 52 [second] Geneva, part I, is withdrawn

52 Citrus fruit

Method 2

52 Citrus fruit

Method 3

52 Item 52 [second] Geneva, part I, is modified to read as follows:

Citrus fruit

Method 4

52 Item 52 [second] Geneva, part I, is modified by changing the rate to 25% ad val.

Method 5

52 Citrus fruit

25% ad val.

Para.

Assuming it is proposed to modify the rate applicable to the whole concession on the item, this could be done by any of the five methods.

Method 1

52 Item 52 [second] Geneva, part I, is withdrawn

52 Citrus fruit

25% ad val.

Method 2

52 Citrus fruit

Withdrawn

52 Citrus fruit

25% ad val.

Method 3

52 Item 52 [second] Geneva, part I, is modified to read as follows:

Citrus fruit

25% ad val.

Method 4

52 Item 52 [second] Geneva, part I, is modified by changing the rate to 25% ad val.

Method 5

52 Citrus fruit

25% ad val.

Para.

For a more complicated example, combining a number of possible actions with respect to the same item, it may be assumed that it is proposed to increase the rate as to part, decrease the rate as to part, broaden the scope of the item, and withdraw a part of the item. This could be done by any of the five methods.
### Method 1

52 Item 52 [second/ Geneva, part I, is withdrawn

52 Citrus and tropical fruit except lemons:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Limes</td>
<td>25% ad val.</td>
</tr>
<tr>
<td>Oranges</td>
<td>15% ad val.</td>
</tr>
<tr>
<td>Other</td>
<td>20% ad val.</td>
</tr>
</tbody>
</table>

### Method 2

52 Citrus fruit [Withdrawn

52 Citrus and tropical fruit except lemons:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Limes</td>
<td>25% ad val.</td>
</tr>
<tr>
<td>Oranges</td>
<td>15% ad val.</td>
</tr>
<tr>
<td>Other</td>
<td>20% ad val.</td>
</tr>
</tbody>
</table>

### Method 3

52 Item 52 [second/ Geneva, part I, is modified to read as follows:

Citrus and tropical fruit except lemons:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Limes</td>
<td>25% ad val.</td>
</tr>
<tr>
<td>Oranges</td>
<td>15% ad val.</td>
</tr>
<tr>
<td>Other</td>
<td>20% ad val.</td>
</tr>
</tbody>
</table>

### Method 4

52 Item 52 [second/ Geneva, part I, is modified by (1) excepting lemons, (2) adding tropical fruit, (3) changing the rate for limes to 25% ad valorem, and (4) changing the rate for oranges to 15% ad valorem.

### Method 5

52 Citrus and tropical fruit:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemons</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>Limes</td>
<td>25% ad val.</td>
</tr>
<tr>
<td>Oranges</td>
<td>15% ad val.</td>
</tr>
<tr>
<td>Tropical Fruit</td>
<td>20% ad val.</td>
</tr>
</tbody>
</table>