Attended will be found a revision of the draft Torquay Protocol with indications of changes proposed by members of the Working Party; additions are underlined and deletions are in parentheses. The principal changes are the following:

1. The most important proposal is that of the United States Delegation providing for the incorporation of the results of Article XXVIII negotiations in the schedules contained in Annex A. This involves a complete revision of paragraph 3, the deletion of paragraph 4, and an addition to paragraph 5.

2. The United States Delegation has also proposed that the protocol modifying Article XXVIII be incorporated in the Torquay Protocol. This is done by the insertion of a new paragraph preceding paragraph 7.

3. References to Uruguay have been inserted to give effect to the decision of the Contracting Parties that Uruguay should be enabled to accede under the Annecy Protocol. The most practical means of giving effect to this decision seems to be to place the Uruguayan Schedule in Annex A along with those of the present contracting parties since it will be similarly composed, i.e., it will comprise new concessions negotiated at Torquay and Article XXVIII modifications of the concessions negotiated at Annecy.

4. References to the decisions of the Contracting Parties, in accordance with Article XXXIII, on the accession of the acceding governments have been altered in view of the suggestion made in the Working Party that these decisions should be annexed to the Final Act rather than to the Torquay Protocol.

5. A change has been made in paragraph 7 to give effect to the proposal that protocols rectifying or amending the Agreement, which have been drawn up and opened for acceptance, should enter into force, as a result of signature of the Torquay Protocol, for contracting parties which have not accepted them as well as for acceding governments.

6. Other changes have been introduced on the suggestion of members of the Working Party.
DRAFT 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 Italian 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 and the Republic of Turkey, (hereinafter called "the acceding governments"), and the Oriental Republic of Uruguay, (hereinafter called "Uruguay"),

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 hereof, 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 upon their entry into force pursuant to paragraph 12 hereof shall be regarded as Schedules paragraph 12 hereof to the General Agreement relating to acceding governments.

2. Upon 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.

(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 Annex 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.

3. (a) On the thirtieth day following the day upon which this Protocol shall have been signed by a present contracting party or Uruguay, the Schedule relating to that contracting party or Uruguay contained in Annex A to this Protocol shall enter into force.

(b) Portions of the schedules contained in Annex A to this Protocol which are the result of negotiations and agreement pursuant to paragraph 1 of Article XXVIII of the General Agreement may be made effective after the date of this Protocol and prior to the date determined pursuant to subparagraph (a) of this paragraph, by agreement of the negotiating contracting parties; provided that all additions to, changes in and deletions from the existing schedules to the General Agreement, including compensatory adjustments, resulting from a single negotiation are made effective simultaneously; and provided further that at least thirty days' notice of the determination of an effective date pursuant to this subparagraph is given to the Secretary-General of the United Nations.

(c) When a schedule has entered into force pursuant to subparagraph (a) of this paragraph, or when any provision of a Schedule has been made effective pursuant to subparagraph (b) of this paragraph, such schedule, or the provision, shall become a schedule to the General Agreement relating to the contracting party in question or Uruguay, and shall thereupon supersede any provisions of that contracting party's existing schedules to the General Agreement or of Uruguay's Schedule with the same products.

(d) For the purposes of this Protocol, the "existing schedules to the General Agreement" of a present contracting party shall mean the concessions relating to that contracting party contained in the Schedules annexed to the General Agreement, and to the Annecy Protocol of terms of accession, and "Uruguay's Schedule" shall mean the concessions relating to Uruguay contained in Schedule XXXI annexed to the said Annecy Protocol, as subsequently
modified (i) by the provisions of any protocol relating to their rectifica-
tion or modification, or (ii) by any other action, which was effective on
September 28, 1950, taken pursuant to a specific provision of the General
Agreement, or to procedures established by the CONTRACTING PARTIES.

4. Upon the entry into force of a schedule relating to a present con-
tracting 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.

4. 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 annexed 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 named in the preamble to this Protocol 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 and after the thirtieth day following the
day upon which the acceding government or present contracting party with which
it was initially negotiated signs this Protocol; and Provided further that
this paragraph shall not be applicable to any portion of a schedule made effec-
tive pursuant to paragraph 3(b) of this Protocol.

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 (relating to existing
requirements as to direct shipment as a requisite for preferences), subparagraph
4(d) of Article VII (relating to existing rules for the conversion of currencies),
and subparagraph 3(c) of Article X (relating to existing procedures for im-
partial review of administrative action) of the General
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.

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 therefore of "On or after January 1, 1954".

(b) Signature of this Protocol in accordance with paragraph 11
hereof shall be deemed to constitute the deposit of an instrument of accep-
tance of the amendment set forth in subparagraph (a) of this paragraph, within
the meaning of Article XXX, paragraph 2, of the General Agreement.

(c) The amendment set forth in subparagraph (a) of this paragraph
shall become effective, in accordance with Article XXX, paragraph 1, of the
General Agreement, upon signature of this Protocol by two-thirds of the
contracting parties.

(d) Notwithstanding the provisions of subparagraph (c), the
amendment set forth in subparagraph (a) shall not become effective in res-
psect of concessions initially negotiated by a contracting party which has
signed this Protocol with a contracting party which has signed neither this
Protocol nor the Declaration on the continued application of the Schedules
of the General Agreement.
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, or otherwise modified on the day on which this Protocol is signed by such acceding government.

(b) Signature of this Protocol by an acceding government named in the Preamble to this Protocol 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 or accepted by all contracting parties by the date of signature of this Protocol by that acceding government.

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, 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 circumstances under which
countries shall cease to be contracting parties), be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

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 specify by notice to the Secretary-General of the United Nations at the time of such signature or deposit. Each present contracting party or Uruguay signing this Protocol or giving a notice 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, portions of its Schedule annexed to this Protocol relates, except such separate customs territories as it shall specify by notice 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 following notification to 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.
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 and Uruguay 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(h), 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.

12. Provided the Decision in Annex D to this Protocol has been taken agreeing to the accession of an acceding government, this Protocol and the Schedule relating to that acceding government contained in Annex B shall enter into force for that acceding government:

(a) if on June 1, 1951, this Protocol has been signed by that acceding government by May 2, 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 May 2, 1951.

13. The date of this Protocol shall be March 1, 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 would follow a signature page for the contracting parties, Uruguay and acceding governments.

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ANNEX A

SCHEDULES OF PRESENT CONTRACTING PARTIES

AND OF URUGUAY

ANNEX B

SCHEDULES OF ACCEDING GOVERNMENTS