DRAFT SUPPLEMENTARY PROTOCOL

In order to take account of a concession granted by the European Economic Community to the Swiss Confederation, it has been necessary to revise the draft previously circulated (Spec(62)351) so as to include in the Protocol Supplementary to the Protocol Embodying Results of the 1960-61 Tariff Conference an Annex "C" relating to the Declaration on the Provisional Accession of the Swiss Confederation to the General Agreement on Tariffs and Trade of 22 November 1958.

The revised draft is attached hereto.
The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the contracting parties" and "the General Agreement" respectively), the European Economic Community, and the Government of the Swiss Confederation (hereinafter referred to as "Switzerland"),

Having agreed upon procedures for the conduct of tariff negotiations by two or more contracting parties under the General Agreement and for putting into effect under the Agreement the results of such negotiations:

Having decided to annex to the General Agreement and to the Declaration on the Provisional Accession of the Swiss Confederation to the General Agreement on Tariffs and Trade of 22 November 1958 (hereinafter referred to as the "Swiss Declaration of 22 November 1958") the further schedules of concessions which were granted in the course of negotiations pursuant to paragraph 6 of Article XXIV and to Article XXVIII bis of the General Agreement commenced at the 1960-61 Tariff Negotiations but which it was not possible to include in the Protocol to the General Agreement on Tariffs and Trade Embodying Results of the 1960-61 Tariff Conference;

It is agreed:

1. The schedule in Annex A relating to any contracting party shall, upon the entry into force of this Protocol with respect to such contracting party, become a Schedule to the General Agreement relating to that contracting party.

2. The schedule in Annex B relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a Schedule to the General Agreement relating to the European Economic Community.

3. The schedule in Annex C relating to the European Economic Community shall, upon the entry into force of this Protocol with respect to the Community, become a Schedule to the Swiss Declaration of 22 November 1958 relating to the European Economic Community.

4. (a) In each case in which paragraph 1 of Article II of the General Agreement refers to the date of that Agreement:
(i) the applicable date in respect of each product which is the subject of a concession provided for in the schedule annexed to this Protocol of a contracting party, if such product was not the subject of a concession provided for in the same part or section of a Schedule to the General Agreement of such contracting party on 1 September 1960, shall be the date of this Protocol;

(ii) the applicable date in respect of each product which is the subject of a concession provided for in the schedule of the Community shall, when imported into the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, or the Kingdom of the Netherlands, be:

(I) if the product was provided for in Part I of a schedule (or of a relevant section of a schedule) applicable to such contracting party on 1 September 1960: the date of the instrument by which such product was first provided for therein: Provided, that a concession on such product has been continuously in effect since the entry into force of the concession provided for in such instrument;

(II) if the product was not so provided for on 1 September 1960: the date of this Protocol.

(b) For the purpose of the reference in paragraph 6(a) of Article II of the General Agreement 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.

5. Any contracting party or the European Economic Community, after a schedule relating to it annexed to this Protocol has become a Schedule to the General Agreement pursuant to the provisions of paragraphs 1 or 2 of this Protocol, shall be free at any time to withhold or to withdraw in whole or in part any concession in such schedule which it determines to have been initially negotiated with a contracting party or the European Economic Community, the schedule relating to which annexed to this Protocol has not yet become a Schedule to the General Agreement; Provided that

(a) this paragraph shall only apply to concessions negotiated pursuant to Article XXVIII bis of the General Agreement.

(b) Written notice of any such withholding of a concession shall be given to the CONTRACTING PARTIES within thirty days after the date of such withholding.

(c) Written notice of intention to make any such withdrawal of a concession shall be given to the CONTRACTING PARTIES at least thirty days before the date of such intended withdrawal.
(d) Any concession so withheld or withdrawn shall be applied on and after the day on which the schedule of the contracting party or of the European Economic Community, with which such concession was initially negotiated becomes a Schedule to the General Agreement, or if it should be a later date, on and after the thirtieth day following the day on which this Protocol shall have been accepted by such contracting party or the European Economic Community, as the case may be.

6. (a) This Protocol shall be deposited with the Executive Secretary of the CONTRACTING PARTIES. It shall be open to acceptance, by signature or otherwise, by contracting parties, by the European Economic Community, and by Switzerland.

(b) Acceptance of this Protocol by a contracting party, to the extent that it shall not have already taken final action to become a party to the following instruments and except as it may otherwise notify the Executive Secretary in writing at the time of such acceptance, shall constitute final action to become a party to each of the following instruments:

(i) Protocol Amending Part I and Articles XXIX and XXX, Geneva, 10 March 1955;

(ii) Protocol Amending the Preamble and Parts II and III, Geneva, 10 March 1955;

(iii) Protocol of Rectifications to the French Text, Geneva, 15 June 1955;

(iv) Procès-Verbal of Rectifications Concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955;

(v) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;

(vi) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;

(vii) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;


(ix) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and

7. This Protocol shall enter into force for any contracting party, for the European Economic Community and for Switzerland on the thirtieth day following the day upon which it shall have been accepted by that contracting party, the European Economic Community, or Switzerland, or on such earlier date following such acceptance as may be notified to the Executive Secretary in writing at the time of such acceptance.

8. The Executive Secretary shall promptly furnish a certified copy of this Protocol, a notification of each acceptance thereof pursuant to sub-paragraph (a) of paragraph 5, and of each notice or notification pursuant to sub-paragraph (b) or (c) of paragraph 4, sub-paragraph (b) of paragraph 5, or paragraph 6, to each contracting party, to each government which has negotiated during the 1960-61 Tariff Conference for accession to the General Agreement, to the European Economic Community, to each government which shall have acceded provisionally to the General Agreement, and to each other government with respect to which an instrument establishing special relations with the CONTRACTING PARTIES to the General Agreement shall have entered into force.

Done at Geneva this of , one thousand nine hundred and sixty-three, in a single copy in the English and French languages, both texts being authentic except as otherwise specified with respect to Schedules annexed hereto.