ARRANGEMENTS FOR GIVING EFFECT TO THE RESULTS OF THE NEGOTIATIONS WITH BRAZIL

Note by the Executive Secretary

1. Since issuing the "Arrangements for giving effect to the Results of the Negotiations with Brazil" (TNB/19 and Add.1 and Corr.1) the Executive Secretary has had informal consultations on the Secretariat proposals. It has been suggested that there would be some advantage in revising the draft protocol annexed to document TNB/19 so as to make a distinction between the negotiations conducted pursuant to the Decision of 16 November 1956 and the supplementary concessions which are covered by a different procedure. The revised text of the Protocol attached has been drafted with a view to giving effect to these suggestions. It will be seen that the draft protocol is divided into three parts:

Part I - setting out the complete, revised tariff obligations of Brazil in the form of a new Schedule III;

Part II - setting out consequential changes in the Schedules of other contracting parties;

Part III - incorporating the results of negotiations between Brazil on the one hand and Denmark and Japan on the other, under the established procedure for making supplementary concessions.

2. It is suggested that the Tariff Negotiations Committee might meet about the time of the September meeting of the Intersessional Committee to consider the new draft protocol and draw up its report to the CONTRACTING PARTIES. This report and the draft protocol would be submitted to the CONTRACTING PARTIES with a view to opening the Protocol for signature as from 1 November 1958.
The governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as the General Agreement)

(a) HAVING REGARD to the Decision of the CONTRACTING PARTIES of 16 November 1956 authorizing Brazil to negotiate with the other contracting parties concerned for the purpose of establishing a new Schedule of Brazilian tariff concessions to be annexed to the General Agreement;

(b) HAVING REGARD to the fact that the negotiations have been carried out between contracting parties and Brazil pursuant to the aforesaid Decision;

(c) NOTING that the modifications of concessions resulting from these negotiations have been made effective in accordance with the aforesaid Decision; and

(d) DESIRING to modify the authentic texts of the relevant Schedules to the General Agreement so as to reflect the modifications referred to in paragraph (c) above;

(e) HAVING AGREED upon procedures for the conduct of the tariff negotiations by two or more contracting parties under the General Agreement and for putting into effect under the General Agreement the results of such negotiations;

AGREE as follows:

1 The first phrase in square brackets will be retained if the Tariff Negotiations Committee considers that the Decision of 16 November 1956 contains the necessary legal authority to modify the commitments of Brazil and other contracting parties as a result of the negotiations conducted under that Decision. If, on the other hand, the Committee considers that it would be more satisfactory from a legal point of view to ask the CONTRACTING PARTIES to adopt a decision along the lines of the second draft contained in document TNB/19/Add.1, the second phrase in square brackets could be used.
PART I

Establishment of a New Schedule III - Brazil

1. For the purposes of the General Agreement the Schedule contained in Annex A to this Protocol, shall be regarded as the Schedule annexed to the General Agreement relating to Brazil and shall replace the existing Schedules of Brazil as well as the Schedule of Brazil provided for in Part III of this Protocol.

2. 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 Schedule annexed to this Protocol, shall be the date of this Protocol.

3. The provisions of this part of this Protocol shall become effective when this Protocol has been accepted by all governments which are on that day contracting parties to the General Agreement.

PART II

Modifications of Schedules other than Schedule III - Brazil

4. The modifications contained in Annex B to this Protocol, to which effect has been given pursuant to the Decision of the CONTRACTING PARTIES referred to in paragraph (a) of the Preamble to this Protocol, shall be made in the authentic texts of the relevant Schedules forming part of the General Agreement.

5. The modifications contained in this part of this Protocol shall become an integral part of the General Agreement on the day on which this Protocol has been accepted by all the governments which are on that day contracting parties to the General Agreement.

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1 This Schedule will embody both the modifications in Brazil's tariff commitments resulting from Brazil's negotiations under the 1956 Decision and the results of negotiations for supplementary concessions conducted by Brazil with Denmark and Japan.

2 As the new Schedule III will replace entirely the various Schedules negotiated by Brazil since 1947, the Committee might consider whether the date which is determining the application of certain provisions of Article II should not be modified.

3 or (c). See note relating to the Preamble.
PART III

Supplementary Concessions - Brazil (Denmark and Japan)

6. The Government of the United States of Brazil and the Governments of Denmark and Japan, which are contracting parties to the General Agreement, having carried out tariff negotiations under the procedures cited in paragraph (c) of the Preamble of this Protocol.

7. The Schedule of each negotiating contracting party, contained in Annex C to this Protocol shall enter into force on the thirtieth day following the day upon which notification has been received by the Executive Secretary to the CONTRACTING PARTIES to the General Agreement from that contracting party if it intends to apply its concessions in that Schedule or on such earlier date as may be specified by the contracting party giving such notification. Upon their entry into force these Schedules shall be regarded as Schedules annexed to the General Agreement relating to the above-mentioned contracting parties.

8. 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.

PART IV

General Provisions

9. (a) This Protocol shall be deposited with the Executive Secretary to the CONTRACTING PARTIES to the General Agreement and, after the entry into force of the Agreement on the Organization for Trade Cooperation, with the Director-General of that Organization.

(b) It shall be open for acceptance, by signature or otherwise, by the contracting parties to the General Agreement and by governments acceding thereto.

(c) The Executive Secretary to the CONTRACTING PARTIES to the General Agreement, or the Director-General of the Organization, as the case may be, shall promptly furnish a certified copy of this Protocol, and a notification of each acceptance thereto, to each contracting party to the General Agreement.

10. The date of this Protocol shall be its provisions shall become effective in accordance with paragraphs 3, 5 and 7 hereof.

Done, at Genova, .......