CONSIDERING

(a) That the CONTRACTING PARTIES, by the Decision of 30 November 1957,1 suspended the application of the provisions of Article II of the General Agreement to the extent necessary to enable New Zealand to apply its revised tariff including increases in rates of duty specified in Schedule XIII simultaneously with its submission to the New Zealand Parliament, subject to specified conditions;

(b) That by its Decision of 10 November 19582 the time-limit for the completion of the negotiations and consultations was extended until the end of the fifteenth session, but that the New Zealand Government was unavoidably prevented up till then from applying the revised tariff;

(c) That the Government of New Zealand has now decided to introduce a completely new tariff (incorporating a new nomenclature and basis of valuation for duty purposes) which it proposes to submit to Parliament during its 1960 and 1961 Sessions; and that such new tariff will in some cases involve increases in rates of duty specified in Schedule XIII;

(d) That the Government of New Zealand has given notice pursuant to paragraph 5 of Article XXVIII reserving its right to modify Schedule XIII in accordance with the procedures of paragraphs 1-3 of that Article during the three-year period following 1 January 1958 and intends to give such notice reserving the same right during the three-year period following 1 January 1961;

(e) That such modifications will be made in the context of a general revision of the tariff structure and nomenclature which for constitutional reasons is submitted to Parliament on dates which will permit legislative action to be completed in the same Parliamentary Session;

1 BISD, Sixth Supplement, page 34.
2 BISD, Seventh Supplement, page 36.
(f) That in order to avoid unreasonable delays in applying the new tariff it is essential that the measures be introduced during the 1960 and 1961 Parliamentary Sessions and that it will be impracticable to withhold their application until the completion of negotiations under Article XXVIII;

(g) That for technical reasons a partial application of the tariff involving withholding the application of the increased rates on bound items is not practicable;

The CONTRACTING PARTIES, acting pursuant to the provisions of paragraph 5 of Article XXV of the General Agreement and in accordance with the procedures adopted by them on 1 November 1956,

DECIDE, in view of the exceptional circumstances, to suspend the application of the provisions of Article II of the General Agreement to the extent necessary to enable New Zealand to apply the new customs tariff simultaneously with its submission to the New Zealand Parliament subject to the following conditions:

1. The New Zealand Government will, at the earliest possible date and prior to the approval and application of the new customs tariff advise contracting parties of the concessions which are to be withdrawn or modified in the new tariff pursuant to paragraphs 1-3 of Article XXVIII and of the concessions which New Zealand proposes to apply as compensation for such modifications and withdrawals.

2. The New Zealand Government will promptly thereafter enter into negotiations or consultations with interested contracting parties pursuant to paragraphs 1-3 of Article XXVIII.

3. Pending the entry into force of the results of the negotiations, the other contracting parties will be free to suspend concessions initially negotiated with New Zealand to the extent that they consider that adequate compensation is not at that time provided by the New Zealand Government (subject, as regards contracting parties which have a principal supplying interest or a substantial interest therein to procedures analogous to those provided for in Article XXVIII).

4. Concurrently with the application of the new rates of duty on items which are the subject of concessions in Schedule XIII, the New Zealand Government will apply the rates of duty offered as compensation for the concessions modified or withdrawn.

5. The negotiations and consultations referred to in paragraph 2 above shall relate to the concessions provisionally offered as compensation for the modifications and withdrawals and to any requests made by interested contracting parties for other or additional compensations with a view to reaching a satisfactory adjustment consistent with the requirements of paragraph 2 of Article XXVIII.
6. In all other respects the negotiations and consultations shall be conducted in conformity with the relevant provisions of Article XXVIII.

7. The CONTRACTING PARTIES will at the seventeenth session decide upon any additional period subsequent to 31 December 1960 during which effect may be given to the new New Zealand tariff pursuant to this waiver and during which the consequent renegotiations and consultations shall be completed.