

3 November 1955

New Tariff of the Federation of Rhodesia and Nyasaland as modified  
by Trade Agreements

The legal Position in connexion with the Tariff of the Federation of  
Rhodesia and Nyasaland

(Note by the secretariat)

At the first meeting of Working Party 5 the representative of Germany asked that the secretariat repeat the explanation given by the Executive Secretary in the Plenary meeting as to his interpretation of the legal situation in connexion with this item.

At the Ninth Session it was suggested by the representatives of the Federation that the merger of the territories of Southern Rhodesia, Northern Rhodesia and Nyasaland into the Federation would not come within the provisions of Article XXIV but the representatives of the Federation agreed that the Federation in framing its tariff would have due regard to the principles of that Article.

The new tariff of the Federation includes, in some cases, increases in the preferential margin that previously applied in one or more of the constituent territories. It also includes instances of new preferences not previously applied in any of the constituent territories and some cases where existing preferences are now extended to cover a territory which had not previously granted the preference in question. These new preferences and increases in preferential margins on individual items should in some way be reconciled with the requirement in Article I against the increase of preferential margins. If Article XXIV is not applied to the case it would be necessary, there being no other provision of the Agreement that is applicable, to invoke the provisions of Article XXV:5(a) for this purpose.