

accession to GATT/WTO	non-application of GATT 1947/
Annecy Tariff Conference 25, 107	WTO Agreement 5, 110
Austria 26	ODCs 121
binding of tariffs 5, 109, 113	Peru 25
Bulgaria 108	Philippines 25, 154
candidate countries, concessions and	plurilateral agreements,
commitments from 113	participation in 120
Colombia 154	Poland 111
Czech Republic 112	Procedures Governing Negotiations
delay 108	for Accession (1949) 107
Denmark 25	provisional 112
dependent territories 5	Switzerland 112
Dominican Republic 25	regional arrangements 122
export duties 120	Romania 111
Finland 25	Slovak Republic 112
GATT 1947 accession	Slovenia 112
negotiations 108	state succession and accession to
bilateral nature 109	GATT/WTO
developing countries, concessions	Sweden 25
and 109	tariff negotiations
non-tariff measures and 110	absence of guidelines 5
notifications to Secretariat 109	Article XXVI:5 (c) 113
reciprocity of concessions,	bilateral nature 5
developments 108, 176	unsuccessful 108
schedules of concessions 108	insufficiency of trade to warran
Geneva Tariff Conference	exchange of concessions
(1960–61) 26	110
Germany, Federal Republic of 25	tariff schedules, approval and 60
Greece 25	'terms to be agreed' 5
Haiti 25	market access commitments 5
import tariffs, parity in 121	Torquay Tariff Conference 25
INRs and 8, 109, 121	transition economies, accession
Italy 25	of 114
Korea 25, 154	Turkey 25
least-developed countries	working parties 107
(LDCs) 115	WTO accessions, tariff
Nicaragua 25	commitments 113
-	



INDEX 397

countries 30

Agreement Establishing the WTO	accession to GATT/WTO 25
See WTO Agreement 1994	bilateral negotiations under GATT
agricultural products	1947 123
Agreement on Agriculture (1994) 46	Tokyo Round 35
Annex 5, Section A 47	Uruguay Round 38
Art. 4 131	automobiles
customs duty tariffication 47	Tokyo Round 54
'implementation period' 79	1.1
base date/base rate, Uruguay	balance of payments
Round 76	Tokyo Round 26
Doha Round See Doha Round	Understanding on Balance of
Harmonized System, Uruguay	Payments Provisions 20
Round 46	Bangladesh
Kennedy Round 26	accession to GATT/WTO 112
non-tariff measures, tariff equivalent	beer 40, 41
46, 57, 85, 131	Benelux
renegotiations 146	import monopoly concessions
special safeguards 20	20
staging of tariff reductions,	binding of other duties or charges 17
deviations 79	See also ODCs
Tokyo Round 35	binding of tariffs 16
Uruguay Round 27, 57, 78	accession and 20, 109, 113
aircraft	ad valorem or specific 21
Tokyo Round 54, 123	devaluation of currency and 21
Agreement on Trade in Civil	Article XXVIII authorization for
Aircraft 123	renegotiations and 151
aluminium	as concession equivalent in value to
Tokyo Round 54	substantial reduction of high
Annecy Tariff Conference 25, 29	duties/elimination of
accessions 25, 107	preferences 28
base date/base rate 75	developing countries See developing
modalities 29, 52	countries, binding of tariffs
participation 79	floating/variable exchange rates
anti-dumping	and 21
Kennedy Round 26, 80	Geneva Tariff Conference
Argentina	(1960–1961) 28
NAMA-11 group member 91	Harmonized System
Australia	1983 Decision on GATT
'country with special economic or	concessions 195, 199
trade structure' 33	1996 Revision 203
EEC and 158, 160	importance 74
renegotiations, frequency 145	industrial tariffs, Uruguay Round 56
'special circumstance' renegotiations	71, 73
(1960) 144	INRs and 191
Tokyo Round 35	ITA and 124
Uruguay Round 38	Torquay Tariff Conference,
Austria	difficulties for low-tariff

accession to EC 168



> 398 INDEX

binding of tariffs (cont.) Uruguay Round 40, 70, 74 ceiling bindings 78 possible infringement of existing bindings 82 withdrawal, balancing against other concessions 146, 149 zero bindings 40 Brazil NAMA-11 group member 91 non-application of GATT 1947/ WTO Agreement 110

renegotiations 'on sympathetic consideration' 136 sui generis 138 Uruguay Round 37

Brussels Tariff Nomenclature 194 adoption by developing countries 68

Bulgaria

accession to EU 173 accession to GATT/WTO 108

Cameroon

Uruguay Round 60

Canada

'country with special economic or trade structure' 33 EEC/EC and 155, 156, 158, 160, 169, 170 Information Technology Agreement 126 renegotiations, frequency 145 Tokyo Round 34, 35 Uruguay Round 37, 38 Cevlon (Sri Lanka)

renegotiations under Article XVIII 139 'on sympathetic

consideration' 136

charge equivalent to an internal tax 19 cheese 149

chemicals

Kennedy Round 64, 80 Tokyo Round 40, 54 Uruguay Round 40, 129 proposals for harmonization 40, 41

China

accession to GATT/WTO 117 schedules of tariff concessions. modification and rectification of 183 withdrawal from GATT 153

civil aircraft

Agreement on Trade in 123, 185 clothing See textiles and clothing Committee on Legal and Institutional

Framework non-reciprocity between developed

and developing countries 65 Commonwealth preferences 15

UK accession to EEC and 15

consolidated tariff schedules

See schedules of concessions

construction equipment 40, 41 contracting parties

functions, allocation to Ministerial Conference 1 and schedules of concessions 22 WTO Agreement replacement by Member' 1

Costa Rica

Information Technology Agreement 128

Côte d'Ivoire

Uruguay Round 60 countervailing duty 19

country with 'special economic or trade structure'

Australia 33 Canada 33 New Zealand 33 South Africa 33

Tokyo Round Enabling Clause 4

coverage

procedure adopted 185

Cuba

bilateral negotiations under GATT 1947 123

renegotiations 'on sympathetic consideration' 136

Customs Cooperation Council

Nomenclature 194

Recommendation (July 1989) concerning the Amendment



> INDEX 399

of the Harmonized System 200 customs duties tariffication 47 customs unions MFN treatment 16 renegotiations internal compensation 13 right to proceed with modification or withdrawal of concession 13 right to withdraw substantially equivalent concession 13 time-limits 13 Cyprus accession to EU 171

Czech Republic

accession to EU 171 accession to GATT/WTO 112

Czechoslovakia

Tokyo Round 35

database of consolidated tariff schedules (CTS) 193 'date of this Agreement' 18, 21 Denmark

accession to Gatt/WTO 25 bilateral negotiations under GATT 1947 123

dependent territories

accession to GATT/WTO establishment of schedules 5 GATT Protocol of Provisional Application, application to 5

devaluation of currency See exchange rates

developing countries

accession to GATT/WTO, concessions and 109 binding of tariffs 38, 68, 74, 113 agricultural products 84 attempt by developing countries to extend scope 44, 57, 60 binding and applied levels, divergence 44, 85 binding at zero level by developed countries 37 credit for 38, 74

divergences between countries 85 Dunkel text 49 industrial tariffs 71 selective nature 83 Uruguay Round, ceiling bindings 70,80 GATT Plan (13 October 1953) for

dealing with problem of lowtariff countries 31 Geneva Protocol (1979) 69

Supplementary Protocol (1979) 69 integration into world economy 70 least-developed countries, Uruguay Round 36, 70

measures for liberalization of trade action on

administration of import restrictions 68

burdensome documentation procedures 68

consular fees 68

government procurement 68 import deposits 68 import restrictions on capital

goods 68 labelling requirements 68

special exchange rates 68 state-trading practices 68 autonomous tariff reductions

68, 70

credit for 74, 76 binding of tariffs 68

importance of binding 74 Brussels Tariff Nomenclature,

adoption 68

elimination of Commonwealth preferences 68

elimination of preferential margins 68 import licensing 69

non-retaliation under Article

XXIII 68 reduction of barriers to imports from other developing countries 68

selective reduction of high tariffs 68



> INDEX 400

developing countries (cont.)	nonagricultural market access
quantitative restrictions, Tokyo	(NAMA)
Round concessions to	developing countries'
USA 69	involvement 87
reciprocity principle and See non-	Doha Ministerial Declaration
reciprocity between	and 86
developed and developing	modalities of tariff negotiations
countries	choice of modalities, options for
renegotiations, for purpose of	developing countries 93
promoting establishment of	core modality 90
particular industry 13	draft proposals 87
Tokyo Round 26	harmonization formula 87, 89
Uruguay Round concessions	initial phase of negotiations 87
bindings 71, 74	multiple modalities 87
Brazilian formula for special	sectoral approaches 87, 88, 90
treatment 37	supplementary modalities 93
EC suggestions to encourage	NAMA-11 group of developing
effective participation 36	countries 91
least-developed countries 36, 70	negotiations 87, 90
value 70 See also least-developed	non-reciprocal preferences 96
countries above	small, vulnerable economies
development of a particular industry	(SVEs)
Article XVIII:7 provision for 13	recognition of 87
development taxes 19	special treatment for groups of
Dillon Round See Geneva Tariff	developing countries
Conference (1960–61)	agreement on 95
(Dillon Round)	least-developed members 95
dispute settlement	low binding coverage, members
Canada-EEC (wheat) 156	with 95
Panel Reports leading to Article	recently acceded members 96
XVIII renegotiations 148	small, vulnerable economies
Tokyo Round provisions 26	(SVEs) 95
Doha Round	progress made at 28
agricultural products	Singapore-related issues 27
draft proposals on modalities	domestic courts or quasi-judicial
97	authorities
Geneva mini-Ministerial Meeting,	classification ruling at variance with
July 2008 102	scheduled concession 20
Hong Kong Ministerial Conference	Dominican Republic accession to GATT/WTO 25
(December 2005) 102	Information Technology
initial phase of negotiations 97	Agreement 128
July (2004) Framework 100	duties, taxes or other charges
later developments on	GATT 1947 1
modalities 106	G/11 174/ 1
negotiations 27	ECSC
Doha Development Agenda	renegotiations consequent on
(DDA) 25	establishment 155, 158



INDEX 401

GATT/WTO

EEC/EC/EU USA and 155, 156, 158, 160, 162, Article XXIV:6 renegotiations 169, 170 customs union with Turkey Egypt NAMA-11 group member 91 renegotiations 148 enlargement (1973) 158 bilateral agreements resulting El Salvador from 159 Information Technology bilateral nature of process 159 Agreement 128 enlargement (1981) 161 electronic flash apparatus 153 enlargement (1995) 168 'Enabling Clause' (Tokyo Round) 4, bilateral nature 169 67, 175 timing 169 **Environmental Goods Agreement** enlargement (2004) 171 (EGA) 131 enlargement (2006) 173 Estonia on establishment 154 accession to EU 171 bilateral agreements resulting **Eurasian Economic Union (EAEU)** from 155 accession to GATT/WTO 121 retaliatory withdrawals 155 exchange rates fixed rates rules and procedures 155 timing 158 amendment of specific bindings in Australia and 158, 160 case of devaluation 21 'date of this Agreement' 21 Austria, accession to 168 floating/variable, amendment of Canada and 155, 156, 158, 160, 169, 170 specific bindings and 21 CET 158, 160 special exchange rates 68 Finland, accession to 168 export duties Geneva Tariff Conference accession to GATT/WTO 120 (1960-61)26linear approach 32 farm equipment 40 fees or charges for services 19 Greece, accession to 161 Information Technology Agreement **Finland** accession to EC 168 125, 128 Kennedy Round, tariff disparity accession to GATT/WTO 25 and 33 bilateral negotiations under GATT modification of concessions on 1947 123 Uruguay Round 38 cheese 149 lead and zinc 149 flash guns 153 France Norway and 158, 168 Portugal, accession to 161, 162 historical preferences 15 schedules of tariff concessions, import monopoly concessions 20 modification and free trade areas MFN treatment 15 rectification of 183 Spain, accession to 161, 162 furniture 40, 41, 59 Sweden, accession to 168 Tokyo Round 34, 35 Gabon, Uruguay Round 60 Turkey, customs union with 174 **GATT 1947** Uruguay Round 38 accession See accession to

proposals for cuts 36



GATT 1947 (cont.)	Art. XXVIII 6, 8, 133, 163
drafting 25	avoidance of large-scale recourse
non-application 5	to 211
Protocol of Provisional Application 5	non-reciprocity principle 3
Review Session (1954–55) 2	Note ad 12
schedules of concessions 22	revisions to See Art. XXVIII bis
GATT 1994	below
Art. I	text 133
amendments to 17	Understanding on the
MFN treatment 15	Interpretation of 8, 9, 11, 148
schedules of concessions 22	See also modification or
Art. II 110	withdrawal of concession;
need for predictability and 16	renegotiations
non-application 5	Art. XXVIII bis 32, 137
ODCs 17	applicability 139
schedules of concessions 22	changes introduced by 2, 32, 51
waiver of obligations under	Geneva Tariff Conference
137, 152	(1960-61) and 32, 51,
Art. II:1(b) 21, 189	65, 158
changes to 17	incorporation of principle of
Understanding on the	mutual advantage and
Interpretation of 17, 60	reciprocity 61
Art. II:4, Note Ad 20	introduction at 1954-55 Review
Art. II:5 20, 153, 181	Session 2
Art. II:6 21, 179, 181	modalities of tariff negotiations 3
Art. II:6(a) 5	reciprocity principle 3
Art. II:7 176, 181	Art. XXVIII bis:3 65
Art. III:2 19	Art. XXVIII bis:3(1) 177
Art. VI 19	Art. XXVIII bis:3(2), Explanatory
Art. VIII 19	Memorandum
Art. XVIII, non-reciprocity	(March 1961) 65
principle 3	Art. XXVIII:1 10
Art. XVIII:7 13, 139, 152	Declaration of agreement not to
Art. XXIV, Understanding on the	invoke prior to 1 July 1955
Interpretation of 13	(24 October 1953) 134, 136
Art. XXIV:5 169	Note ad
Art. XXIV:5(a)	Paragraph 1:4 9, 10
MFN and customs unions 15	Paragraph 1:5 9, 10
Art. XXIV:5(b)	review by Council for Trade in
MFN and free trade areas 16	Goods 9
Art. XXIV:6 13, 168	Torquay Tariff Conference
Art. XXIX, renumbering as Art.	amendments 133
XXVIII bis 32	Art. XXVIII:3 155, 162, 169, 170
Art. XXV:5 151	Art. XXVIII:4 10
waiver under 151	Art. XXVIII:5 10
Art. XXVI:5(c) 5, 16, 58, 181	Art. XXX 133, 176
Art. XXVII 153	amendment (1959) 179, 190
time limits for invocation of 14	failure to enter into force 180



> INDEX 403

Art. XXXIII 113 Art. XXXV 5, 110, 123 Art. XXXVI:8 11, 65 applicability to renegotiations 152 applicability to waivers and special authorizations 152 elaboration by Tokyo Round **Enabling Clause 67** non-reciprocity principle 3 legal framework for tariff negotiations and renegotiations 1 schedules of concessions 23 Understanding on Balance of Payments Provisions 20 withdrawal by China from 153, 154

GATT Tariff Study

quantitative restrictions 205

General Council

functions of Ministerial Council between meetings of 1

Geneva Protocol (1979)

base date/base rate 75

import monopolies 20

developing countries 69 Supplementary Protocol (1979) 69 signatures 69

Geneva Tariff Conference (1947) 25

ITO Charter preparations 25 modalities 28, 52 participation 79 reciprocity principle 25, 28

USSR, non-participation 79 Geneva Tariff Conference (1956)

25, 26 classification as 'round' 26 modalities 32 participation 123 developing countries 79 staging of tariff reductions 77 Tariff Negotiations Committee 80

Geneva Tariff Conference (1960-61) (Dillon

Round) 25

accessions 26 binding of tariffs 28 EEC negotiations 26 modalities 32

renegotiations 146 Tariff Negotiations Working Party 80

Germany, Federal Republic of

accession 25 bilateral negotiations under GATT 1947 123

Greece

accession to EEC 161 accession to GATT/WTO 25 renegotiations under Article XVIII:7 139, 152

principal supplying interest and 9 **GSP/MFN** tariff reductions tropical products 74

Haiti

accession to GATT/WTO 26

harmonization of tariffs 64

Kennedy Round 53, 64 Tokyo Round 53, 64 Uruguay Round 40, 41, 57, 70

Harmonized System 194

1991 Revision 200 1996 Revision 193, 201 failure to implement in time 203 implementation 202, 203 objections to 202 2002-2017 Revisions 203 agricultural products, Uruguay Round 46 application to customs tariffs 199 binding of tariffs 1983 Decision on GATT concessions 195, 199

1996 Revision 203 Decision on Procedures to Implement Changes in the

Harmonized System (1991) 193 desirability 194

INRs and 7, 197, 199 loose-leaf schedules and 191, 196, 198, 200, 201 recommended format 201 modification to GATT schedules

INFs and 196



> INDEX 404 GATT Article II:6(a) and, 1980 Harmonized System (cont.) 1983 decision 195 Decision of GATT implementation 197 Contracting Parties 21 adoption of protocol system import deposit schemes 19, 68 India 199 pharmaceuticals 129 Information Technology revision (1991) 200 Agreement 125 waiver of Article II obligations and NAMA-11 group member 91 152 See also schedules of Indonesia concessions NAMA-11 group member 91 Havana Charter industrial products binding of tariffs, Uruguay Round 56 Art. 17 2, 25 reciprocity principle 3 non-agricultural market access Art. 17(c), Annecy and Torquay (NAMA) See Doha Round Tariff Conferences, rules 29 Tokyo Round exceptions 35 early rounds of negotiations and 28, formulae proposed by Canada 34 61, 75 historical preferences 15 EEC 34 absorption into other Japan 34 arrangements 15 Switzerland 34, 35 freezing of margins 15 USA 34 Hong Kong, China Uruguay Round 27, 56 binding of tariffs at applied level of Japanese proposals 37 zero duty 131 QUAD agreement 40 industrial tariffs, zero-for-zero Information Technology Agreement /harmonization initiatives 70 (1997)adoption of 124 Hungary accession to EU 171 expansion of product coverage Tokyo Round 35 128, 209 implementation 127 modalities of negotiations 124 Iceland Tokyo Round 35 participants 120, 124 IDB (Integrated Data Base) procedure for incorporating 1997 revision 206 commitments in schedules of access to concessions 185 non-compliance with notification sector-by-sector approach 126, 209 requirement and 207 share of the market approach 126 platforms for 208 staging of tariff reductions 125 Uruguay Round and 206 success of approach 126 analysis of online material 208 initialling of documents Kennedy Round 205 relevance of 56 non-tariff barriers 206 **INRs** Tokyo Round 205 accession to GATT/WTO 8, 109, 121 Uruguay Round 206 bargaining chip 8 **IMF** Agreement binding of tariffs 191 Art. IV 21 consolidated schedules of revision 21 concessions and 193



> INDEX 405

Harmonized System and 196 floating INRs 210 Harmonized System and 7, 197 historical 7, 192 option not to file 192 identification of parties with 7 Decision in connection with introduction of Harmonized System 7 Decision of 16 November 1967 Decision of 28 November 1979 linear/formula approach and 7 modification or withdrawal of concession 6 absolute right to modify or withdraw and 12 compensatory concessions 8 no need to notify claim of interest 143 retaliatory action and 12 right to INR in compensatory concession 8 right to withdraw substantially equivalent compensations 12 Understanding on the Interpretation of GATT Article XXVIII 8 presumption of 8 reserved renegotiations and 10 subsequent negotiations, effect on 7 Uruguay Round 210 intellectual property rights Uruguay Round 27 iron 64, 80 quantitative restrictions on rice, elimination of 131 Italy accession to GATT/WTO 25 anticipation of establishment 25 Charter, preparations for 25 Japan

Information Technology Agreement 126, 128 non-application of GATT 1947/ WTO Agreement 110 withdrawal of invocations 110 quantitative restrictions on rice. elimination of 131 Tokyo Round 35 Uruguay Round 37, 38

Kazakhstan

accession to GATT/WTO 121 Kennedy Round 25, 26

agricultural products 26

anti-dumping 26, 80 base date/base rate 76 chemicals 64, 80 harmonization of tariffs 53, 64 IDB (Integrated Data Base) 205 INRs and

Decision of 16 November 1967

'that time' 7 linear/formula approach 7 Ministerial Resolution of 21 May 1963 32, 33 modalities

changes to previous modalities 32 'confrontation and iustification' 53

linear approach 32 non-reciprocity between developed and developing countries 32, 54, 65, 67, 68, 80 non-participation in linear

Sub-Committee on Participation of Less-Developed Countries 67

reductions 68

non-tariff measures 68, 80 participation 80 reciprocity principle 32, 53, 54, 61 evaluation 53, 54 renegotiations 150

results 83 staging of tariff reductions 77 textiles and clothing 64, 80 Trade Negotiations Committee 81

bilateral negotiations under GATT

1947 123



406

INDEX

Kennedy Round (cont.) tropical products 73

industrial tariffs, zero-for-zero /harmonization initiatives Information Technology Agreement 128 quantitative restrictions on rice, elimination of 131

accession to GATT/WTO 25, 154

Latvia

accession to EU 171 lead and zinc 149 least-developed countries (LDCs) accession to GATT/WTO 115

Lithuania

accession to EU 171

Lomé Convention 15 low-tariff countries

tariff profile 119

Benelux plan for unilateral reductions by high-tariff countries 30 difficulties at Torquay Tariff Conference 30 GATT Plan (13 October 1953) (French plan) 30 developing countries 31 reversion to selective product-byproduct technique at 1956 Geneva Tariff Conference 32 Kennedy Round 33

Malaysia

Information Technology Agreement 125, 128

Malta

accession to EU 171

market access

Dunkel text 49

non-tariff measures and 40

Marrakesh Agreement See WTO Agreement 1994

medical equipment 40, 41

MFA

Tokyo Round, bargaining factor 54 See also textiles and clothing

MFN treatment

Article I provisions 14 customs unions 16 definition 14 free trade areas 15 historical preferences 15 modification or withdrawal of tariff concession 14 principal supplying interest and 9 retaliation for modification or withdrawal of concession and 14, 148 selective/sector-by-sector approach and 209

Ministerial Council

functions of, assumption by General Conference 1

modalities 28

Annecy Tariff Conference 29, 52 Geneva Tariff Conference (1947)

Geneva Tariff Conference (1956) 32 Geneva Tariff Conference

(1960-61)32

Kennedy Round

changes to previous modalities 32 'confrontation and

iustification' 53

linear/formula approach 32, 53, 80 developing countries and 68 exceptions on basis of overriding national interests 33

INRs and 7

low-tariff countries See low-tariff countries

'of such multilateral procedures as may be accepted by parties concerned' 3, 32

request-and-offer approach 36, 39 selective/sector-by-sector approach 3, 28, 32, 40

Information Technology Agreement (1997) 126, 209



usefulness 209	customs unions and 13
share of the market approach,	entry into force 11, 143, 145
Information Technology	level 11
Agreement (1997) 126	MFN treatment 14
Tariff Negotiations Working	non-reciprocity between developed
Parties See Tariff	and developing countries
Negotiations Working	and 11
Parties/Committees	principal supplying interest
Tokyo Round 34	See principal supplying/
Torquay Tariff Conference 29, 52	substantial interest
Uruguay Round 35	reasons for
'appropriate methods' 35 See also	additional protection to industry
rules and procedures for	or agriculture 144
renegotiations	conversion from specific to ad
modification or withdrawal of	valorem tariffs 144
concession	introduction of new tariff
absolute right 12	nomenclature 144
in case of concession made during general tariff conference or	rationalization or simplification of tariffs 144
multilateral round of	reservation of rights 148 retaliatory withdrawal of concession
negotiations where party	See retaliation for
making concession does not become member or ceases to	modification or withdrawal
be one 14	of concession
time-limits 14	
	right of affected member to withdraw
compensatory concessions 6	initially negotiated concessions 6
delay in implementation 12 entry into force 12	
Note <i>ad</i> Article XXVIII 12	standing body, recommendation for 210
imbalance 146	
INRs and See INRs	substantial interest <i>See</i> principal supplying/substantial
notification 143	interest
parties with a substantial interest	
and 52	temporary 147 time-limits 6
right under Article XXVIII to	withdrawal of concessions under
continue in case of	Article XXVII 153 See also
inadequate compensation 13	renegotiations; rules and
simultaneous implementation 145	procedures for
Understanding on the	renegotiations; schedules of
Interpretation of GATT	concessions, rectification or
Article XXVIII 8, 11	modification
where domestic courts or quasi-	
	monopolies
judicial authorities give	import Geneva Tariff Conference
classification ruling at variance with concession in	(1947) 20
schedule 20	
withdrawal of concessions by	incorporation of tariff concessions in schedules and 20
narty affected 146	Torquay Tariff Conference 20



408

monopolies (cont.)

Cambridge University Press 978-1-107-19433-5 — Tariff Negotiations and Renegotiations under the GATT and the WTO 2nd Edition Index More Information

> non-tariff measure 26 concession and 11 Multilateral Steel Agreement principle of 3 non-tariff measures 40 Punta del Este Declaration 67 Namibia Tokyo Round 80 NAMA-11 group member 91 Brazilian proposals 67 natural-resource-based products changing attitudes 69 'Enabling Clause' 4, 67, 175 non-ferrous metals 45 Uruguay Round non-tariff measures 45 agricultural tariffs 70 Uruguay Round 45 changing attitudes 70, 73 new nations accession to GATT/WTO 114 reductions 70 New Zealand bilateral negotiations under GATT zero/harmonization 1947 123 initiatives 70 'country with special economic or non-tariff measures trade structure' 33 renegotiations, frequency 145 agricultural products, tariff Tokyo Round 33, 35 equivalent See agricultural newspapers and periodicals products Tokyo Round 54 evaluation of reciprocity and 39,

INDEX

(NAMA) See Doha Round non-application of GATT 1947/WTO Agreement 5, 110

accession to GATT/WTO 25

non-agricultural market access

Brazil 110 Japan 110

Nicaragua

withdrawal of invocations 110 non-ferrous metals

natural-resource-based product 45 Uruguay Round 40, 45, 58

non-reciprocity between developed and developing countries 65 'commitment commensurate with

individual levels of development' 65 evaluation 69 GATT 1994, Article XXVIII bis 65 Geneva Tariff Conference (1960-61)65EEC position 65 graduated reciprocity 67

Kennedy Round 32, 54, 65, 67, 68, 80

renegotiations, applicability to 152 delayed implementation of tariff industrial tariffs, sectoral zero-foraccession to GATT/WTO and 110 64, 69 **IDB 206** Kennedy Round 68, 80 market access and 40 monopolies 26 Multilateral Steel Agreement 40 natural-resource-based products 45 state-trading enterprises 46 tariff equivalent 50, 84 agricultural products 46, 57 Tokyo Round 26, 64, 81 tropical products 45 Uruguay Round 40, 64, 81, 84 Nordic countries

modification or withdrawal of

Norway

accession to EC 168 bilateral negotiations under GATT 1947 123 EEC and 158 Uruguay Round 38

Tokyo Round 35 See also Denmark;

Sweden

Finland; Iceland; Norway;



ODCs	quantitative restrictions on rice,
accession to GATT/WTO 121	elimination of 131
'at date of this Agreement' 18	Poland
in case of consolidated schedules	accession to EU 171
of concessions 189	accession to GATT/WTO 111
Understanding on the	Protocol for the Accession of
Interpretation of	(1967) 111
Article II:1(b) 18	Portugal
binding, Article II provisions 17	accession to EEC 161
changes in GATT 1994 17	preferences
definition, levies discriminating	elimination 28 See also
against imports 19	Commonwealth preferences;
evidence of under GATT 1947 17	France, historical
levies not impinging on bound	preferences; historical
concessions 19	preferences
recording in schedules 17	principal supplying/substantial
challenge to	interest
grounds 18	change in status, relevance 147
time-limits 18	principal supplier
pre-Uruguay Round	absence from Article XVIII:7
concessions 18	13
orange juice 150	member with highest ratio of
other duties or charges See ODCs	exports affected by
overriding national interests	concession 9
exceptions to linear approach at	review of provision 9
Kennedy Round 33, 53	need to notify interest 143
	requests for tariff reductions
Pakistan	limited to 28
renegotiations 'on sympathetic	right to negotiation in case of
consideration' 136	modification or withdrawal
Palestine	of concession 10, 147
concessions negotiated by UK 153	special status, absence 136
paper 41, 64, 78, 80	Understanding on the
Peru 25	Interpretation of GATT
accession 25	Article XXVIII 9, 148
renegotiations 148	uniqueness of status 9
pharmaceuticals	where modification affects a
Harmonized System 129	major part of total exports
plurilateral agreement on 120, 185	nuincinal complian determination
procedure for incorporating commitments in schedules of	principal supplier, determination of 8
	GSP trade 9
concessions 185 record of discussions 130	MFN trade 9
	new products 9, 148
Uruguay Round 40 elimination of tariffs 41, 129	Note <i>ad</i> Article XXVIII:1 9
Philippines	right to withdraw substantially
accession to GATT/WTO 25, 154	equivalent concessions 12
NAMA-11 group member 91	substantial interest
112 MAIN 11 STORP HICHIOCI /1	oudotaiitiai iiitereot



> INDEX 410

principal supplying (cont.) right to consultation in case of modification or withdrawal of concession 6, 10, 14, 137, 147 right to withdraw concessions in case of dissatisfaction 10, 12 substantial interest, determination of 8, 9 absence of criterion 10 Notes ad Article XXVIII:1 10 "significant share of market" 10 Understanding on the Interpretation of GATT Article XXVIII 148

QUAD

(1997) and 126 membership 40 Uruguay Round and 40 quantitative restrictions developing countries, Tokyo Round concessions to USA 69 elimination of 131 GATT 1947, acceding country's retention of right to impose 110 **GATT Tariff Study 206** prohibition GATT 1947 2 GATT 1994 1 reciprocity, factor in evaluation of 64

Information Technology Agreement

reciprocity principle

disadvantage as negotiating method 33 evaluation of reciprocity absence of provision for 61 developing countries and 67 examples of 62 Kennedy Round 53, 54, 64 linear/formula approach and 62 non-tariff measures and 64, 69 See also quantitative restrictions

quantitative restrictions and 64 See also non-tariff measures; quantitative restrictions Tokyo Round 53, 64 trade coverage/depth of tariff reduction and 62 GATT 1947, Article XXVIII bis, Geneva Tariff Conference (1960-61) and 51, 61 Geneva Tariff Conference (1947) 25, 28 Havana Charter 61 INRs and 8, 54 Kennedy Round 32, 53, 54, 61 concessions of equivalent value in case of exceptions to the linear approach 33 MFN rule in combination with principal supplier rule and 53 US Uruguay Round offer 39 modification or withdrawal of concession and 11 need for GATT 1994 3 Havana Charter 2, 3 non-reciprocity between developed and developing countries See non-reciprocity between developed and developing countries Punta del Este Declaration 61 sector-by-sector approach 54, 64 staging of reductions and 77 Tokyo Round 53, 61 Uruguay Round, MFN value of trade as basis, US offer 39 recommendations for improvements 209

Regional trade agreements under **Tokyo Round Enabling** Clause 175

renegotiations 1955 135

1957 135 agricultural products 146 Article II:5 provisions 20 Canada/EC 153 Article XVIII:7 provisions 152



> INDEX 411

Ceylon (Sri Lanka) 139
Greece 139, 152
Article XXIII:5, continuation of
Article XXVIII:1
negotiations under 144
Article XXIV:6
EEC/EC/EU See EEC/EC/EU,
Article XXIV:6
renegotiations
other negotiations under
WTO 173
Article XXIV:7(a) regional
agreements 174 Article XXVIII <i>bis</i> provisions
(1958–1994) 227iii
frequency of resort to 145
informal contracts resulting
from 147
Article XXVIII provisions 6
Article XXVIII provisions (1948–57)
133
Article XXVIII provisions
(1995–2016) 163
Article XXVIII:4
decline in use 140
ease of use 140
authorization of requests for
Brazil 136
Ceylon (Sri Lanka) 136
Cuba 136
'on sympathetic
consideration' 136
Pakistan 136
preference for 152
customs unions, internal
compensation 13
developing countries' right for
purpose of promoting
establishment of particular
industry 13
duration 144
EEC/EC/EU See EEC/EC/EU,
Article XXIV:6
renegotiations
Egypt 148

Kennedy Round 150 non-reciprocity between developed and developing countries 152 open season 10 parties to be consulted, members with a substantial interest 6. 10, 147 parties to be negotiated with members with INRs 6, 10 members with principal supplying interest 6, 10, 147 Peru 148 progress of 210 reserved 10, 11 absence of time-limits 11 INRs and 10 rules and procedures See rules and procedures for renegotiations South Africa 148 special circumstance 10, 137, 140, 144, 151 failure to reach agreement, 'unreasonable failure to offer adequate compensation' 11 subsequent to tariff change 20 sui generis, Brazil 138 three-year See open season above time-limits See time-limits, renegotiations Tokyo Round 150 Torquay Tariff Conference 135, 145 Uruguav 148 Uruguay Round 146 See also modification or withdrawal of concession withdrawal of concession in case of premature modification or withdrawal 145, 148 EEC Article XXIV:6 negotiations and 155 examples 148 measure of 149

retaliation for modification or

MFN treatment and 14, 148 non-retaliation by developing country as trade liberalization measure 68

Geneva Tariff Conference

(1960-61) 146



retaliation for modification (cont.)	Geneva (1979) Protocol 80
rarity	Marrakesh Protocol 60
absence pre-1957 137	binding effect, limitation to parties
reasons for 148	signing protocols with
time-limits 12	schedules attached 176
revenue duties 19	consolidated schedules
rice 131	consolidated tariff schedules
Romania	(CTS) database 193
accession to EU 173	consolidation practice 186
accession to GATT/WTO 111	date of binding of "other duties
"Rounds"	and charges" 189
use of 25, 26	establishment procedures 181
rules and procedures for	legal status 187
renegotiations	unofficial 190
1957 adoption 142	contracting parties and 22
1980 revision 142	Declaration of 10 March 1955
conformity with 150	extending validity 137
EEC renegotiations 154	duration under GATT 1947 134
"guidelines" 142	identifiers 16
initiation of action 142	as integral part of GATT 1994 22
claims of interest 143	loose-leaf system 184, 190
INRs 143	1980 proposal 190
responsibility for 148	1996 decision 192
notification of proposed	implementation 193
modification/compensatory	Harmonized System and 191, 193,
adjustments 143	198, 200, 201
notification of results to	preparation 191
Secretariat 143	recommended format 201
failure to do so 150	failure to comply with 201
provision of statistics 147	notification of new schedules
secrecy of report 144	following EEC/EC
Secretariat's role 144 See also	enlargement 170
modalities	objections to 170
Russian Federation	ODCs See ODCs
accession to GATT/WTO 120, 121	Part I (MFN concessions) 16
schedules of tariff concessions,	Part II (preferential concessions) 16
modification and	Part III (concessions on non-tariff
rectification of 184	measures) 16
	Part IV (Uruguay Round
safeguard action 148	commitments on
schedules of concessions	agriculture) 16
accession negotiations 108	protocols of supplementary
approval of 60	concessions 176
amendments See rectification or	ratification 177
modification below	rectification or modification
attachment to protocols embodying	certification
results of tariff	1980 procedure 181
negotiations 176	disputes over 183



INDEX 413

individual 184	rules and procedures for
introduction of loose-leaf	renegotiations 136, 144
system and 184	Tokyo Round 82
introduction of system 179	Uruguay Round 82
submissions, progress of	Senegal
186, 210	Uruguay Round 60
wide use of procedure 185	Singapore
delay in entry into force 179	Doha Round 27
distinguished 178	industrial tariffs, zero-for-zero
draft schedules of changes, rules	/harmonization initiatives 70
for submission 182	Slovak Republic
failure to request 185	accession to EU 171
GATT 1947 22, 176	accession to GATT/WTO 112
GATT 1994 22, 176	Slovenia
procedure	accession to EU 171
1947-55 177	accession to GATT/WTO 112
1959 Decision 180	South Africa
1968 Decision 180	bilateral negotiations under GATT
1980 revisions 181, 211	1947 123
application in other	'country with special economic or
contexts 185	trade structure' 33
certification See certification	NAMA-11 group member 91
above	renegotiations 148
signature by all contracting	frequency 145
parties, need for 179	Tokyo Round 33, 35
time-limits 181, 200	Soviet Union See USSR
registration of protocols and	Spain
certifications in accordance	accession to EEC 161, 162
with Article 102 of the UN	'special economic or trade structure'
Charter 184	See country with "special
'terms, conditions or qualifications',	economic or trade structure"
admissibility 19	spirits 40, 41, 131, 185
verification 58	Sri Lanka (Ceylon)
initialling and 55	renegotiations
right to 177	under Article XVIII 139
Working Party on Continuation of	'on sympathetic
Schedules Annexed to the	consideration' 136
Agreement 136	stamp duties 19
Working Party Reports 178	Standard International Trade
WTO Agreement 23, 176	Classification (SITC) 194
WTO requirement for 16	standing body for modification and
secrecy of report of results of	rectification
renegotiations 144	proposal for 210
Secretariat's role	state succession
early rounds 80, 82	accession to GATT/WTO
notifications of GATT 1947	Bangladesh 112
accession negotiations 109	Czech and Slovak Republics 112

renegotiations 136

establishment of schedules 5



414 INDEX

state-trading enterprises
non-tariff measures 46
state-trading practices 68
steel 40, 41, 54, 80, 149
supplementary concessions 4
supplementary negotiations
accession negotiations outside of
tariff conferences 107
bilateral/plurilateral nature 4
procedures 4
protocols of supplementary

concessions 176 right of other members to join 4 selective nature 4

Sweden

accession to EC 168 accession to GATT/WTO 25 bilateral negotiations under GATT 1947 123

Uruguay Round 38

Switzerland

accession to GATT/WTO,

Declaration on the
Provisional Accession of the
Swiss Confederation
(22 November 1958) 112
Tokyo Round 34, 35
Uruguay Round 37

Chinese Taipei

accession to GATT/WTO 119 Information Technology Agreement 128 quantitative restrictions on rice, elimination of 131

tariff negotiations

accession See accession to GATT/
WTO; tariff negotiations
base date/base rate
Annecy negotiations 75
Geneva Tariff Conference
(1947) 75
Kennedy Round 76
Montreal decision regarding 74
Tokyo Round, applied and bound
rates, divergence 44, 76
Torquay Tariff Conference 76
Uruguay Round 76

bilateral and multilateral
negotiations under the
WTO 124
bilateral negotiations under GATT
1947
Austria 123
Cuba 123
Denmark 123
Finland 123

Germany, Federal Republic of 123 Japan 123

New Zealand 123 Norway 123 Sweden 123 USA 123

legal framework for1 modalities *See* modalities optional nature of concessions in early rounds 28

optional participation in GATT 1947 2, 79

WTO Agreement 2 original membership of WTO and 2 outstanding work 85 participation in 79

developing countries, Geneva Tariff Conference (1956) 79 periodic tariff negotiations 2 plurilateral negotiations under GATT 1947 123

principal suppliers, requests for tariff reductions limited to 28 provisions for1

reciprocal and mutually advantageous basis 3 Havana Charter 2 See also

reciprocity principle renegotiations *See* renegotiations results

early rounds 83
Kennedy Round 83
Tokyo Round 83
Uruguay Round 83
schedules of concessions

See schedules of concessions staging of reductions

deviations 77 agricultural products 79



INDEX 415

Geneva Tariff Conference extension of time 144 (1956)77retaliatory withdrawal of Information Technology concession 12 Agreement (1997) 125 schedules of concessions Kennedy Round 77 rectification or modification reciprocity principle and 77 181, 200 Tokyo Round 77 **Tokyo Round 25** agricultural products 35 Uruguay Round 78 supplementary to general tariff aircraft 54 conferences or rounds 4 aluminium 54 See also supplementary Australia 35 concessions; supplementary Austria 35 negotiations automobiles 54 balance of payments 26 Tariff Negotiations Working Parties/ Committees base date/base rate, applied and accession negotiations 107 bound rates, divergence EEC enlargement negotiations 159 44, 76 Czechoslovakia 35 functions 80 Geneva Tariff Conference (1956) 80 Decision on 'Differential and More Geneva Tariff Conference Favourable Treatment, (1960-61)80Reciprocity and Fuller Kennedy Round 81 Participation of Developing Tokyo Round 81 Countries' See non-Uruguay Round 81 reciprocity between tariffication See non-tariff measures, developed and developing tariff equivalent countries, 'Enabling Clause' textiles and clothing 40 below developing countries 26 Kennedy Round 64, 80 state of play 85 dispute settlement provisions 26 Tokyo Round 54, 83 harmonization of tariffs 53, 64 Uruguay Round 79, 81 Hungary 35 Agreement on Textiles and Iceland 35 IDB (Integrated Data Base) 205 Clothing 79 time-limits industrial products 34 challenge to ODCs recorded in WTO exceptions 35 schedules 18 INRs and 7 modification or withdrawal of Decision of 28 November 1979 concession 6, 14 renegotiations 6, 10 Japan 35 Article XXVIII:5, right to make Ministerial Declaration launching 34 reservation 140 modalities 34 Articles XXVIII:1, XXVIII:4 and New Zealand 33, 35 newspapers and periodicals 54 XXVIII:5 distinguished 140 in case of formation of customs non-reciprocity between developed unions 13 and developing countries 80

attitudes 69

Brazilian proposals 67

'Enabling Clause' 4, 67, 175

on enlargement of EC (1973) 160

on enlargement of EC (1995) 169

on establishment of EEC 158



> 416 INDEX Tokyo Round (cont.) Tunisia tropical products 69 NAMA-11 group member 91 Nordic countries 35 Turkey participation 80 accession to GATT/WTO 25 reciprocity principle 53, 61 customs union with EC 174 evaluation 53, 54, 64 renegotiations 150 UK results 83 accession to EEC 158, 160 Secretariat's role 82 Article XXVII negotiations on behalf South Africa 33, 35 of Palestine 153 Article XXVIII:1 renegotiations 135 Switzerland 35 tariff negotiations, staging of Article XXXV invocations 110 reductions 77 bilateral agreement with EEC 155 textiles and clothing 54, 83 Dillon Round 32 Trade Negotiations Committee 81 Kennedy Round 33, 80 tropical products 74 **UN Charter** GSP/MFN tariff reductions 74 registration in accordance with USA 35 Article 102 184 **Torquay Tariff Conference 25** United States See USA **Uruguay Round** 25 accessions 25 Article XXVIII:1 amendments 133 accession 25 agricultural products 27, 57, 78 base date/base rate 76 binding of tariffs, difficulties for lowbase date/base rate 76 tariff countries 30 binding of tariffs 40, 70 import monopolies 20 ceiling bindings 78 modalities 29, 52 industrial tariffs 56 Brazil 37 participation 79 renegotiations 135, 145 Cameroon 60 Canada 37 tovs 41 chemicals 40, 41, 54, 129 trade in services Uruguay Round 27 conclusion 58 transfer of payments charges 19 Côte d'Ivoire 60 developing countries See developing transition economies accession to GATT/WTO 114 countries, Uruguay Round transparency concessions lack of 85 EC 36 measures to ensure 17, 187 formulae adopted by need for 2, 61 Australia 38 tropical products Austria 38 GSP/MFN tariff reductions 74 Canada 38 Kennedy Round 73 EC 38 Finland 38 non-reciprocity 69, 73 non-tariff measures 45 Japan 38 Tokyo Round 74 Norway 38 Uruguay Round 45, 74 Sweden 38 GSP/MFN tariff reductions 74 **USA 39** Gabon 60 Uruguay Round 58 harmonization of tariffs 40, 41, 57, 70



> INDEX 417

IDB (Integrated Data Base) and 206 industrial products 27, 56 QUAD agreement 40 **INRs 210** intellectual property rights 27 Japan 37 modalities 35 Montreal mid-term review 38 natural-resource-based products 45, 46 non-ferrous metals 40, 45, 58 non-reciprocity between developed and developing countries agricultural tariffs 70 changing attitudes 70, 73 delayed implementation of tariff reductions 70 industrial tariffs 70 sectoral zero-for-zero /harmonization initiatives 70 least developed countries 70 non-tariff measures 17, 40, 64, 80, 81,84 pharmaceuticals 40, 129 reciprocity principle 64 MFN value of trade as basis, US offer 39 renegotiations 146, 148 results 83 Secretariat's role 82 Senegal 60 staging of tariff reductions 78 Switzerland 37 textiles and clothing 79, 81 trade in services 27 Trade Negotiations Committee 81 tropical products 45, 46, 74 GSP/MFN tariff reductions 74 trucks 58 USA 36 withdrawal of concessions following EEC renegotiations 155 bilateral negotiations under GATT

EEC/EC and 155, 156, 158, 160, 162, 169, 170 Information Technology Agreement 125, 128 modification of concessions on orange juice 150 Tokyo Round 34, 35 Uruguay Round, request-and-offer approach 36, 39 USSR break-up of 114

Geneva Tariff Conference (1947), non-participation 79

Venezuela

NAMA-11 group member 91 verification of schedules See schedules of concessions, verification

wheat 156

WTO accession See accession to GATT/WTO

WTO Agreement 1994

amendments, unanimity, need for

Art. IX 131

Art. IX:3 203

Art. X 22

Art. X:2, amendments to Arts. I and II of GATT 1994 23

Art. XII, tariff negotiations during accession 20

Art. XII:2 60

Art. XIII 5

non-application 5

other legal instruments included

in 23

schedules of concessions,

modification or rectification

state succession provision, absence

Yugoslavia

break-up of 114

1947 123