

GENERAL AGREEMENT ON TARIFFS AND TRADE

THE TORQUAY PROTOCOL
to the General Agreement on Tariffs
and Trade

and

**THE TORQUAY SCHEDULES
OF TARIFF CONCESSIONS**

The Contracting Parties
to the
General Agreement on Tariffs and Trade

Geneva, May 1951

ANNEX II

TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Governments which are contracting parties to the General Agreement on Tariffs and Trade on the date of this Protocol (hereinafter called "the present contracting parties" and "the General Agreement" respectively), the Governments of the Republic of Austria, the Federal Republic of Germany, the Republic of Korea, Peru, the Republic of the Philippines and the Republic of Turkey (hereinafter called "the acceding governments"), and the Oriental Republic of Uruguay, which may accede to the General Agreement under the Annecy Protocol of Terms of Accession in accordance with the Decision of the CONTRACTING PARTIES of November 9, 1950 (hereinafter called "Uruguay"),

HAVING REGARD to the results of the negotiations concluded at Torquay,

HAVE through their representatives agreed as follows:

1. (a) Each of the acceding governments, with respect to the accession of which a decision under Article XXXIII of the General Agreement has been taken shall, upon the entry into force of this Protocol with respect to it pursuant to paragraph 11, apply provisionally and subject to the provisions of this Protocol:

(i) Parts I and III of the General Agreement, and

(ii) Part II of the General Agreement to the fullest extent not inconsistent with its legislation existing on the date of this Protocol.

(b) The obligations incorporated in paragraph 1 of Article I of the General Agreement by reference to Article III thereof and those incorporated in paragraph 2 (b) of Article II by reference to Article VI shall be considered as falling within Part II of the General Agreement for the purpose of this paragraph.

(c) For the purposes of the General Agreement, the schedules contained in Annex B upon their entry into force pursuant to paragraph 11 shall be regarded as schedules to the General Agreement relating to acceding governments.

(e) For the purposes of this Protocol, the "existing schedules to the General Agreement" shall mean the schedules annexed to the General Agreement and to the Annecy Protocol of Terms of Accession, as modified by: (i) the provisions of any protocol relating to their rectification or modification, or (ii) any other action, which was effective on September 28, 1950, taken pursuant to a specific provision of the General Agreement or to procedures established by the CONTRACTING PARTIES.

4. Any government which has signed this Protocol shall be free at any time to withhold or to withdraw in whole or in part any concession, provided for in the appropriate schedule annexed to this Protocol, in respect of which such government determines that it was initially negotiated with a government which has not signed this Protocol, *Provided* that

- (i) the government withholding or withdrawing in whole or in part any such concession shall give notice to all contracting parties, acceding governments and Uruguay within thirty days after the date of such withholding or withdrawal and, upon request, shall consult with any contracting party having a substantial interest in a product involved;
- (ii) any such withholding or withdrawal shall cease to be effective on the thirtieth day following the day upon which the government with which it was initially negotiated signs this Protocol; and
- (iii) this paragraph shall not authorize the withdrawal or withholding of any compensatory adjustments resulting from any negotiations and agreement described in subparagraphs (b) and (c) of paragraph 3, unless all withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement, in return for which such compensatory adjustments were negotiated, are withheld or withdrawn for the same period of time.

5. (a) 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.

(b) In each case in which paragraph 6 of Article V, subparagraph⁴ (d) of Article VII, and subparagraph 3 (c) of Article X of the General Agreement, refer to the date of that Agreement, the applicable date in respect of each acceding government shall be March 24, 1948.

(c) In the case of the references in paragraph 11 of Article XVIII of the General Agreement to September 1, 1947, and October 10, 1947, the applicable dates in respect to each acceding government shall be November 1, 1950, and January 15, 1951, respectively.

2. Upon the entry into force of this Protocol with respect to each acceding government, pursuant to paragraph 11 hereof, that government shall become a contracting party as defined in Article XXXII of the General Agreement.

3. (a) On the thirtieth day following the day upon which this Protocol shall have been signed by a present contracting party or Uruguay, or on the forty-sixth day following the date of this Protocol, whichever is the later, the schedule relating to that contracting party or Uruguay contained in Annex A shall enter into force.

(b) Portions of the schedules contained in Annex A which are the result of negotiations and agreement pursuant to paragraph 1 of Article XXVIII of the General Agreement may be made effective, by agreement of the negotiating parties, after the date of this Protocol and prior to the date determined pursuant to subparagraph (a) *Provided* that

- (i) compensatory adjustments negotiated in return for withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement may not be made effective later than such withdrawals or reductions, and
- (ii) any government proposing to make a portion of its schedule effective pursuant to this subparagraph shall give the Secretary-General of the United Nations at least thirty days' notice of the date on which the proposed action will become effective.

(c) Portions of the schedules contained in Annex A which are the result of negotiations and agreement pursuant to procedures established by the Contracting Parties may be made effective, by agreement of the negotiating parties, prior to the date determined pursuant to subparagraph (a), *Provided* that compensatory adjustments negotiated in return for withdrawals of or reductions in concessions contained in the existing schedules to the General Agreement may not be made effective later than such withdrawals or reductions.

(d) When a schedule has entered into force pursuant to subparagraph (a) or when any portion of a schedule has been made effective pursuant to subparagraph (b) or (c), such schedule, or portion (together with all provisions of the schedule in Annex A relevant thereto), shall become a schedule to the General Agreement relating to the government in question. In the case of any difference between the treatment provided for a product in a schedule contained in Annex A, and the treatment provided for the same product in an existing schedule to the General Agreement relating to the same government, the treatment provided in the schedule contained in Annex A shall prevail when and so long as effect is given thereto pursuant to the provisions of this Protocol.

(d) In the case of the reference in paragraph 1 of Article XXVIII of the General Agreement to January 1, 1951, the applicable date in respect of the schedules annexed to this Protocol shall be January 1, 1954.

6. (a) The text of paragraph 1 of Article XXVIII of the General Agreement shall be amended by the deletion of "On or after January 1, 1951" and the substitution therefor of "On or after January 1, 1954".

(b) Signature of this Protocol in accordance with paragraph 10 shall be deemed to constitute the deposit of an instrument of acceptance of the amendment set forth in subparagraph (a), within the meaning of Article XXX, paragraph 2, of the General Agreement.

(c) The amendment set forth in subparagraph (a) shall become effective, in accordance with Article XXX, paragraph 1, of the General Agreement, when this Protocol shall have been signed by two-thirds of the governments which are at that time contracting parties.

(d) Notwithstanding the provisions of subparagraph (c), the amendment set forth in subparagraph (a) shall not become effective in respect of concessions initially negotiated by a contracting party which has signed this Protocol with a contracting party which has not signed either this Protocol or the Declaration on the Continued Application of the Schedules of the General Agreement annexed to the Final Act signed at Torquay on April 21, 1951.

7. (a) The provisions of the General Agreement to be applied by an acceding government shall be those contained in the text annexed to the Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment as rectified, amended, supplemented, or otherwise modified by such of the following instruments:

Protocol Modifying Certain Provisions,
signed at Havana on March 24, 1948

Special Protocol Relating to Article XXIV,
signed at Havana on March 24, 1948

Special Protocol Modifying Article XIV,
signed at Havana on March 24, 1948

Protocol of Rectifications,
signed at Havana on March 24, 1948

Protocol Modifying Part I and Article XXIX,
signed at Geneva on September 14, 1948

Protocol Modifying Part II and Article XXVI,
signed at Geneva on September 14, 1948

Second Protocol of Rectifications,
signed at Geneva on September 14, 1948

Declaration of May 9, 1949, relating to Section E of Schedule XIX

Declaration of August 11, 1949, relating to Section B of Schedule XIX

Protocol Modifying Article XXVI,
signed at Annecy on August 13, 1949

Protocol Replacing Schedule I (Australia),
signed at Annecy on August 13, 1949

Protocol Replacing Schedule VI (Ceylon),
signed at Annecy on August 13, 1949

First Protocol of Modifications,
signed at Annecy on August 13, 1949

Third Protocol of Rectifications,
signed at Annecy on August 13, 1949

Annecy Protocol of Terms of Accession,
signed at Annecy on October 10, 1949

Fourth Protocol of Rectifications,
signed at Geneva on April 3, 1950

Fifth Protocol of Rectifications,
signed at Torquay on December 16, 1950

and by such other instruments drawn up by the CONTRACTING PARTIES, as may have become effective by the day on which this Protocol enters into force for that government.

(b) Signature of this Protocol by an acceding government shall constitute an acceptance of the rectifications, amendments, supplementations or other modifications of the General Agreement by such of the instruments named in subparagraph (a), and by such other instruments drawn up by the CONTRACTING PARTIES and open for acceptance, as may not have become effective by the date on which this Protocol enters into force for that government, such acceptance to take effect upon the same day as the signature of this Protocol by that government.

(c) Without prejudice to any action taken by a contracting party under Article XXXV, signature of this Protocol by a contracting party or Uruguay shall constitute, except as it may specify otherwise at the time of signature, an acceptance of the rectifications, amendments, supplementations or other modifications of the General Agreement by such of the instruments named in subparagraph (a) and by such other instruments drawn up by the CONTRACTING PARTIES and open for

acceptance, as had not been signed or accepted by that contracting party or Uruguay, such acceptance to take effect on the day of signature.

8. Any acceding government which has signed this Protocol shall be free to withdraw its provisional application of the General Agreement and such withdrawal shall take effect on the sixtieth day following the day on which written notice of such withdrawal is received by the Secretary-General of the United Nations.

9. (a) Any acceding government which has signed this Protocol and has not given notice of withdrawal under paragraph 8 may, on or after the date on which the General Agreement enters into force pursuant to Article XXVI thereof, accede to that Agreement upon the applicable terms of this Protocol by deposit of an instrument of accession with the Secretary-General of the United Nations. Such accession shall take effect on the day on which the General Agreement enters into force pursuant to Article XXVI, or on the thirtieth day following the day of the deposit of the instrument of accession, whichever shall be the later.

(b) Accession to the General Agreement pursuant to subparagraph (a) shall, for the purpose of paragraph 2 of Article XXXII of that Agreement, be regarded as acceptance of the Agreement pursuant to paragraph 3 of Article XXVI thereof.

10. (a) The original text of this Protocol shall be opened for signature at Torquay by present contracting parties and acceding governments on April 21, 1951. It shall thereafter be deposited with the Secretary-General of the United Nations and shall be open for signature at the Headquarters of the United Nations from May 7, 1951, to October 21, 1951, by present contracting parties and acceding governments, and by Uruguay, provided Uruguay shall previously have signed the Annecy Protocol of Terms of Accession in accordance with the decision of the Contracting Parties of November 9, 1950.

(b) The Secretary-General of the United Nations shall promptly furnish a certified copy of this Protocol, and a notification of each signature to this Protocol, of each deposit of an instrument of accession under paragraph 9 (a), and of each notice under paragraph 3 (b) or 8, to each Member of the United Nations, to each government which participated in the United Nations Conference on Trade and Employment, and to any other interested government.

(c) The Secretary-General is authorized to register this Protocol in accordance with Article 102 of the Charter of the United Nations.

11. Provided a decision under Article XXXIII of the General Agreement has been taken agreeing to the accession of an acceding government, this Protocol, including the schedule relating to that acceding government contained in Annex B, shall enter into force for that acceding government

- (a) on July 20, 1951, if this Protocol has been signed by that acceding government by June 20, 1951, or
- (b) on the thirtieth day following the day upon which it shall have been signed by that acceding government, if it has not been signed by that acceding government by June 20, 1951.

12. The date of this Protocol shall be April 21, 1951.

DONE at Torquay, in a single copy, in the English and French languages, both texts authentic except as otherwise specified with respect to schedules annexed hereto.

SCHEDULE XI - FRANCE

This schedule is authentic
only in the French language.

Where an item in this Schedule is marked in column 1 by a cross (+) it is to be understood that the item replaces the item appearing under the same tariff reference in the Geneva or Annecy Schedule, or in both, as a result of negotiations under Article XXVIII of the General Agreement.

Furthermore :

- * indicates that the bound rate of duty has been raised;
 - ** indicates that the rate of duty previously bound remains unaltered on that part of the original concession which is so marked;
 - *** indicates that the rate is a compensation adjustment being a reduction of a rate bound at Geneva or Annecy;
 - **** indicates a compensation concession on an item which was not bound at Geneva or Annecy.
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SCHEDULE XI - FRANCE

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Section C - French West Africa

P A R T I

Most-Favoured-Nation-Tariff

F.W.A. Tariff item number	Description of products	Rate of duty
ex 03-11	Lard : - refined	5%
04-72	Beer	10%
07-42	Paints and varnishes	15%
13-47	Packing sacks and bags :	
	- put up empty : new:	
ex a 1	-- of jute fabric:	
	--- of cloth weighing 600 g. and more per square meter, with an outside surface under 85 dm ²	5% XXXX
	- put up empty : used:	
ex b 1	-- of jute fabric:	
	--- of cloth weighing 600 g. and more per square meter, with an outside surface under 85 dm ²	5% XXXX
	- put up full	
c 1	-- of jute fabric	5% XXXX
16-31	Silver and silver-gilt manufactures	5%
16-33	Gold manufactures	5%
16-36	Imitation jewellery	10%
18-21	Agricultural and horticultural implements	Free
18-22	Implements for craftsmen and housewives	5%
18-23	Mechanical hand-tools	5%
19-11	Boilers, auxiliary pieces of appa- ratus and accessories thereof	5%
19-12	Central heating apparatus	5%

SCHEDULE XI - C - FRENCH WEST AFRICA

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PART I (continued)

Most-Favoured-Nation-Tariff

F.W.A. Tariff item number	Description of products	Rate of duty
19-13	Non electrical bath-heaters and water-heaters, parts and accessories thereof	5%
19-14	Gas-generators (complete and parts thereof)	5%
19-15	Steam-engines, steam and gas turbines	5%
19-16	Hydraulic turbines and wheels	5%
19-17	Motors and power engines not elsewhere specified or included :	
a	- explosion or injection motors with pistons for cars	25%
a 2	- explosion or injection marine engines with pistons and aircraft motors with pistons	5%
a 3	- other explosion or injection motors with pistons	5%
b	- reaction propulsion units (turboreactors, turbo-propellers, statoreactors, generators with free pistons, rockets with chemical reaction, etc..)	5%
z	- other power engines not elsewhere specified or included (mechanical engines, wind-machines and pieces of apparatus, pneumatic engines, etc..)	5%
19-18	Pumps and compressors	5%
19-19	Parts of steam-engines, turbines, motors, propulsion units, pumps and compressors :	
a	- for cars	15%
z	- other	15%
19-21	Ventilators	5%
19-22	Water-or-gas filters	5%

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PART I (continued)

Most-Favoured-Nation-Tariff

French Tariff item number	Description of products	Rate of duty
19-23	Furnaces, burners, ovens	5%
19-24	Refrigerating equipment	5%
19-25	Aerothermic groups, aerorefrigerating apparatus, moisteners and similar apparatus	5%
19-26	Other thermic, hydraulic and pneumatic machines and apparatus not elsewhere specified or included ..	5%
19-31	Apparatus for hoisting and handling	5%
19-32	Machines and apparatus for extracting and digging; machines and apparatus for bruising, screening and agglomerating mineral materials	5%
19-33	Rollers and calendars	5%
19-34	Machines and apparatus not elsewhere specified for the ceramic, glass, iron, and foundry industries	5%
19-51	Machines and apparatus for dairy-farming and dairy produce	5%
19-52	Machines for making wine and cider.	5%
19-53	Machines and apparatus for flour-mills and for the treatment of cereals and pulse	5%
19-54	Machines and apparatus for food-industries not elsewhere specified or included	5%
19-61	Machines and apparatus for chemical industries	5%

PART I (continued)

Most-Favoured-Nation-Tariff

French Tariff item number	Description of products	Rate of duty
19-62	Machines and apparatus for paper making and printing :	
a	- impressed flongs for the making of newspapers	5%
z	- other	5%
19-63	Machines and apparatus for textile industries	5%
19-64	Machines and apparatus for the manufacture of felt and felt manufactures, for the dressing and finishing of textile materials, machinery for washing, dyeing, cleaning and dry-cleaning	5%
19-65	Sewing machines :	
a	- domestic sewing machines	5%
b	- industrial sewing machines	5%
19-66	Machines and apparatus for the leather and skin industries	5%
19-67	Machines and apparatus for the manufacture of footwear	5%
19-68	Machines and apparatus for tobacco and matches factories	5%
19-69	Machines and apparatus for conditioning	5%
19-71	Machine-tools working by the removal of metal	5%
19-72	Machine-tools working by the reshaping of metal	5%
19-73	Machine-tools for working stone; glass and ceramic material	5%

SCHEDULE XI - C - FRENCH WEST AFRICA

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PART I (continued)

Most-Favoured-Nation-Tariff

French Tariff item number	Description of products	Rate of duty
19-74	Machine-tools for working wood, plastic materials, ebonite and other hard materials	5%
19-75	Accessories, fittings and parts of machine-tools	5%
19-76	Portable electric machine-tools..	5%
19-77	Portable pneumatic tools and ma- chine-tools	5%
19-78	Tools for machines and hand-tools	5%
19-79	Gas-operated welding material....	5%
19-81	Weighing apparatus and instruments	5%
19-82	Office machines and equipment :	
a	- statistical machines of all kinds operated in conjunction with punched cards	5%
z	- other	5%
19-83	Machines and apparatus not else - where specified or included	5%
19-91	Taps, cocks, valves and all mecha- nisms and appliances for regula - ting the flow of fluids through pipes :	
a	- taps, cocks, valves for sanitary purposes	10%
z	- other	5%
19-92	Ball-bearings of all kinds	5%
19-93	Transmission equipment	5%
19-94	Parts of machinery not elsewhere specified or included	5%

SCHEDULE XI - C - FRENCH WEST AFRICA

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PART I (continued)

Most-Favoured-Nation-Tariff

French Tariff item number	Description of products	Rate of duty
21-11	Railway locomotive stock for tracks of a gauge exceeding 0m60	5%
21-12	Railway rolling stock for tracks of a gauge exceeding 0m60	5%
21-13	Railway stock stock for tracks of a gauge/stock exceeding 0m60	5%
21-14	Accessories and parts of railway transport stock	5%
21-15	Railway track fixtures and traf - fic signalling equipment, not electrically operated	5%
21-21	Passenger vehicles	25%
21-22	Goods vehicles :	25%
a	- dumpers	25%
a	- other lorries and vans	25%
21-23	Tractors :	
a	- with caterpillars :	
a1	-- weighing 9 metric tons and less	15%
a2	-- weighing more than 9 metric tons	5%
b	- with wheels :	
b1	-- row-crops	5%
b2	-- standard	
b2A	--- weighing 4 metric tons and less	15%
b2B	--- weighing more than 4 metric tons	5%
21-24	Vehicles for special purposes; store-house trolleys	15%
21-25	Bodies and parts of bodies	20%
21-26	Chassis; parts of chassis	20%

SCHEDULE XI - C - FRENCH WEST AFRICA

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PART I (e n d)

Most-Favoured-Nation-Tariff

French Tariff item number	Description of products	Rate of duty
21-27	Cycles and motor-cycles, their accessories and parts :	
b	- motor-cycles	5%
ex c	- accessories and parts of motor- cycles	5%
21-28	Animal-drawn vehicles	5%
21-29	Trailers for motor-cars, motor- cycles and cycles; other vehicles:	
a1	- trailers for motor-cars, of the dumper type	15%
a2	- trailers for motor-cars : other	15%
b	- trailers for motor-cycles and cycles	5%
z	- other vehicles	5%
21-41	Aircraft (airplanes, seaplanes, gliders, etc..)	5%
21-42	Aircraft components and fittings .	5%

P A R T I I

Preferential Tariff

N I L