

WORLD TRADE ORGANIZATION

G/L/138

14 January 1997

(97-0096)

ESTABLISHMENT OF CONSOLIDATED LOOSE-LEAF SCHEDULES ON GOODS

Decision of 29 November 1996

Members,

Having regard to Articles XI, XII and XIV of the Agreement Establishing the WTO, Articles II and XXVIII of GATT 1994, and the Decision on Measures in Favour of Least-Developed Countries;

*Recalling the proposal by the Director-General adopted by the CONTRACTING PARTIES of GATT 1947 on 26 March 1980¹ concerning the *Introduction of a Loose-Leaf System for the Schedules of Tariff Concessions* (BISD 27S/22);*

Recalling further the modifications proposed by the Director-General adopted by the CONTRACTING PARTIES of GATT 1947 on 6 November 1986² (BISD 33S/135);

Considering the developments which took place in the context of the introduction of the International Convention on the Harmonized Commodity Description and Coding System by the World Customs Organization and its subsequent changes;³

Noting that the Committee on Market Access, at its meeting of 22 November 1995, has accepted the revised proposals by the Chairman with regard to the preparation of consolidated schedules in loose-leaf format as included in document G/MA/TAR/W/4/Rev.2;

Agree as follows:

Objectives

1. The consolidated loose-leaf schedules on goods as described in the Annex to this Decision shall be binding instruments, replacing all previous schedules for all purposes relating to a Member's rights and obligations under the WTO, except with respect to historical Initial Negotiating Rights (INRs). The schedules therefore shall contain all necessary information in order to reflect the exact situation in respect of each tariff concession and commitment.

¹ C/107/Rev.1 and L/4821 + Add.1-2.

² C/107/Rev.1/Add.1 and C/M/204.

³ L/6905 and L/5470/Rev.1.

Coverage of Unbound Items

2. It is understood that WTO schedules do not create obligations with respect to unbound items, and that Members are not required to include unbound items in their schedules.

3. Notwithstanding paragraph 2, with a view to ensuring the complete coverage of all tariff items, Members may include all items in their loose-leaf schedule, including any unbound items.

4. Where a Member decides to include unbound items, "U" (unbound) shall be indicated in column 3 "Rate of duty". No obligations shall thereby be created with respect to such unbound items.

Description of bound items

5. In the case of concessions that have been bound on the basis of "ex-out" items, a complete description of the concession shall be provided. Where necessary, in order to provide a complete description of a bound item, a Member shall include in the description any relevant unbound items. In the case where only a sub-item is bound, the description provided in column 2 shall ensure that as many elements of the description as necessary are provided as described in paragraphs 3 and 4 of Document G/MA/TAR/W/4/Rev.2.

Ad valorem, specific and mixed duties

6. Where both ad valorem and specific duties are shown in a Member's schedule, both shall be indicated in the loose-leaf schedule. In that case, specific rates may be shown in brackets. However, it is preferable to indicate both rates in an identical manner. Where necessary, Members shall indicate how ad valorem, specific and mixed rates are to be applied. Members may do so, *inter alia*, through a headnote.

Base and final tariff rates and staging

7. With a view to reflecting fully Members' Uruguay Round schedules, the loose-leaf schedule shall contain in column 3 both base and final Uruguay Round rates, along with any necessary information on staging. Supplementary information on staging may be provided in the schedules or in an annex to the schedules. The schedule shall also include unbound base rates for products that have been bound in a Member's Uruguay Round schedule, and that will be subject to staging. In the case of final bound rates that entered into effect on January 1, 1995, and that are not subject to staging, only the final bound rate shall be shown.

Other duties and charges (ODCs)

8. Members shall indicate ODCs in column 8 of their loose-leaf schedule. Where a Member's schedule does not contain any ODCs, it may so indicate at the beginning of its schedule and dispense with column 8. Members whose ODCs cover a limited number of products,⁴ and Members that apply

⁴ It is understood that a "limited number of products" shall mean 10 to 20 tariff lines under the Harmonized System.

a common ODC to all products, may provide such information either through a headnote or appropriate footnotes to their schedule.

Treatment of agriculture

9. Any Member whose Uruguay Round schedule contains specific commitments in agriculture shall indicate such commitments in its loose-leaf schedule. Agricultural tariffs shall be indicated separately from those of non-agricultural products. Tariff and agricultural commitments (i.e. tariff quotas and the domestic support and export subsidy commitments) shall follow the same format as in the Uruguay Round schedules.

Initial negotiating rights (INRs)

10. Each Member shall include in its schedule all INRs at the current bound rate. Other Members may request the inclusion of any INR that had been granted to them. Historical INRs different from the current bound rate not specifically identified shall remain valid where a Member modifies its concession at a rate different from the rate at which the INR was granted.

Date of first instrument including a concession

11. Members shall include in column 6 of their loose-leaf schedule the date of the legal instrument by means of which the concession was first incorporated in a GATT schedule.

Verification

12. Until a methodology for the verification of consolidated loose-leaf schedules is agreed upon by the Market Access Committee, existing procedures will continue to apply.

Modification and Rectification

13. With respect to modifications and rectifications of loose-leaf schedules, the *Procedures for Modification and Rectification of Schedules of Tariff Concessions*⁵ shall apply. A request for the correction of minor clerical errors that have occurred in the transposition of existing schedules into loose-leaf schedules through these *Procedures* may be submitted at any time.

⁵ Decision of 26 March 1980, GATT Document L/4962 (BISD 27S/25).

ANNEX

SCHEDULE (number - country)

This schedule is authentic only in ...

Part I/II

Most-favoured-nation tariff/Preferential tariff

Date of loose leaf

Tariff item number	Description of product		Rate of duty		Present concession established	Initial negotiating right (INR) on the concession	Concession first incorporated in a GATT Schedule	INRs on earlier concession	Other duties and charges (ODCs)
	Base rate	Bound rate							
1	2	3	4	5	6	7	8		