

GENERAL AGREEMENT
ON TARIFFS AND
TRADEACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCELIMITED B
GATT/CP.3/SR.24
9 June 1949

ORIGINAL: ENGLISH

Contracting Parties

Third Session

SUMMARY RECORD OF THE TWENTY-FOURTH MEETING

Held at Hotel Verdun, Annecy,
on Thursday, 9 June, 1949, at 2.30 p.m.

Chairman: Mr. L. D. WILGROSS (Canada)

Subjects discussed:

1. Continuation of Discussion of Report of Working Party 1 on Accession (GATT/CP.3/37)
2. Report II of Working Party 1 on Accession - Contribution of Acceding Governments to the financing of Secretariat Services for the Contracting Parties (GATT/CP.3/27)

Draft Annecy Protocol of Terms of Accession to (GATT/CP.3/37)
PARAGRAPH 10 (a) continued

Mr. SHACKLE (United Kingdom) considered that to defer until January 1 the date by which the Acceding Governments could first become contracting parties would be a considerable delay, and he thought that even that date might not over-come the difficulties expressed by the Delegates of Chile and Brazil.

Mr. AUGENTHALER (Czechoslovakia) insisted on the date of 1 January for the technical reasons already mentioned.

The CHAIRMAN pointed out that this paragraph related only to the signature of the protocol and not to the entry into force of the Annecy concessions, and that what was here proposed should be contrasted with the earlier suggestion that a decision be taken at the end of the Annecy meeting.

Mr. AUGENTHALER (Czechoslovakia) said that this was equivalent to new Commercial treaties and required from Governments the same treatment.

Mr. SHACKLE (United Kingdom) suggested the date of 30 November as a compromise.

Mr. GARCIA OLDINI (Chile) agreed to this date provided that it were also placed on record that sympathetic consideration would be given to those countries unable to sign by that date.

Mr. HEWITT (Australia) said that, as already pointed out by the Chairman, the date had been altered from the close of the meeting to 31 October following objections to the earlier report and he thought this had been agreed in the Working Party. This date was of concern to the acceding governments and it might perhaps be better to leave the problem for the moment and see at the time whether or not two-thirds of the Contracting Parties had signed each signature sheet. If not, then the problem of extending the date for signatures to the decisions could be considered in the light of the facts. If any acceding government were able and willing to become a contracting party by December 1 then this was a fact which should be considered before there was any agreement to accept a later date.

Mr. LARRE (France) thought that if two-thirds of the Contracting Parties had signed the protocol in respect of any acceding government by 31 October, that government should be able to become a contracting party within thirty days.

Mr. SANTOS VERAS (Brazil) wished to know whether the change of the date replaced mention in the record of sympathetic consideration.

The proposed postponement of the date would not necessarily solve the Brazilian problem, and in any case he wished to make it clear that it was not certain that Brazil would be unable to approve the protocol by 31 October.

The CHAIRMAN stated that the United Kingdom proposal to extend the date of 30 November had been made to meet the case of the Czechoslovak delegate concerning technical difficulties and that the SUMMARY Record would still contain the statement desired by the Chilean and Brazilian delegates.

Mr. COUILLARD (Canada) questioned the advisability of still further retarding the date of 31 October which was already a compromise and seemed acceptable to the majority.

Mr. LAMSVELDT (Netherlands) agreed with Mr. Couillard.

Mr. GARCIA OLDINI (Chile) pointed out that the proposed reference in the record of the meeting took care of the problem of possible inability of governments such as his own to sign by the date provided. However, a decision by that date of two-thirds of the contracting parties would oblige other contracting parties to extend the indirect concessions to the acceding government involved, whether or not the other contracting parties had agreed. This question was not provided for.

Mr. SHACKLE (United Kingdom) thought that the main point was that acceding governments should be able to become contracting parties at an early date and suggested that it might be possible to alter the first date to 30 November in paragraph 10 (a) and also retain the date of 1 December in paragraph 12 (a).

Mr. HEWITT (Australia) pointed out that the period of thirty days in paragraphs 12 (a) and (b) had been provided because of the technical difficulty of communicating with all governments and putting the decisions into effect any earlier. If it were technically possible for all contracting parties and the acceding government to implement the decisions by the day following their being made at Lake Success then it seemed unnecessary to provide any such period and Mr. Shackle's last suggestion to retain the date of 1 December might be practicable.

Mr. SHACKLE (United Kingdom) said he had not intended to change the thirty days' notice and thought that with some drafting changes it could be retained.

As a result of a vote of nine in favour, to six against, the date of 31 October was replaced by 30 November.

The proposal of the United Kingdom to insert a note in the Summary Record that sympathetic consideration would be given to a request for a waiver from countries unable to sign by the date mentioned was also approved.

Mr. LARRE (France) thought that the sympathetic consideration should be extended to all countries, not only to Brazil and Chile, and Mr. SHACKLE replied that that had been his intention.

Paragraph 10 (a) was approved as amended.

Paragraph 10 (b) and (c) and paragraph 11 were approved.

Paragraph 12: The CHAIRMAN thought that the date of 1 December should be altered to 1 January in order to avoid complications.

Mr. HOLLIS (United States) suggested that it would be possible for an acceding government to become a contracting party by 1 December although leaving the protocol open for signature until 30 November, by the following method: if it had been signed in respect of one acceding government by two-thirds of the Contracting Parties and that acceding government by 31 October, it would then enter into force for that acceding government on 1 December. If it were signed in the same manner between the two dates of 31 October and 30 November, it would enter into force thirty days after signature. Mr. HOLLIS then suggested some drafting alterations.

Mr. HEWITT (Australia) speaking in his capacity as rapporteur of the Working Party, said that this paragraph had been drafted with some difficulty in relation to points raised by Mr. Usmani (Pakistan), and it would be advisable that the latter have an opportunity to comment on the proposed changes. He also wished to inquire whether as a result of the proposed drafting changes the interval of thirty days before the protocol entered into force was to be retained.

Mr. GARCIA OLDINI (Chile) pointed out that the only reason for retaining the date of 1 December was to expedite an acceding government becoming a contracting party, and if as it appeared, only one acceding government would be able to become a contracting party earlier than 1 January in any case, there seemed little point in retaining the date of 1 December; particularly in view of the fact that the replies received from acceding governments regarding

the time at which they would be able to put the Agreement into effect had been made on the assumption that the conference would end in June and would probably be modified owing to its extension.

Mr. CASSIERS (Belgium) and Mr. SHACKLE (United Kingdom) agreed that it would be simpler to adopt 1 January.

This was approved.

Mr. COELHO (India) wondered whether the first phrase of paragraph 12 was not redundant since paragraph 3 already stated "notwithstanding the provisions of paragraph 12".

Mr. GARCIA OLDINI (Chile) thought the phrase indispensable to the equilibrium of the text and the orderly application of the protocol.

Mr. HEWITT (Australia) said that this phrase together with that in paragraph 3, was part of the agreement reached in the Working Party and he therefore thought it advisable to retain it. Mr. Coelho did not press the point.

Paragraph 12 was approved with the changes in the dates.

The CHAIRMAN inquired whether the Protocol as a whole was then approved.

Dr. AUGENTHALER (Czechoslovakia) said that he would have to reserve his position with regard to the whole protocol. As a result of the previous day's meeting of the Contracting Parties his delegation had been placed in a very difficult situation and he did not yet know the reactions of his Government. However, he wished to state that in his opinion, the m-f-n clause of the General

Agreement had lost its meaning and as his Government had commercial treaties with most of the countries concerned with classical m-f-n clauses which would be supported by the International Court, he was not sure that his Government would wish to continue further with the present negotiations and thereby lose the advantages of existing commercial treaties.

The protocol as a whole was approved subject to the reservation of Czechoslovakia.

Mr. VAYAS GOMEZ (Cuba) wished to add that the point raised by the Cuban Delegation in relation to paragraph 3 of the protocol would not be continued at the present time as the delegation had not yet received instructions. However, he wished to reserve the right to raise the question at a later date and to have the statement incorporated in the Summary Record of the meeting at which it was made.

The CHAIRMAN replied that this would be done.

He then took up the Annexes to the report and pointed out that Annex A would now contain the Contracting Parties' schedules and Annex B the schedules of the acceding governments. They would have the same form as the Geneva Schedules.

These were approved.

Page 20 - Certification by the Chairman of the Contracting Parties, was approved.

Page 21 - Specimen signature page - was approved.

The report as a whole, subject to the reservations indicated above and the changes consequential upon the alterations in the protocol, was approved.

The CHAIRMAN stated that the report would now be directed to the Joint Working Party on Accession which would then report to the Tariff Negotiations Committee.

2. Report II of Working Party 1 on Accession - Contributions of Acceding Governments to the financing of Secretariat Services for the Contracting Parties (GATT/CP.3/27)

This report was approved and also directed to the Joint Working Party on Accession from which it would go before the Tariff Negotiations Committee.

The CHAIRMAN thanked the Working Party for its long and arduous work and expressed the special thanks of the Contracting Parties to the Rapporteur, Mr. C. C. Hewitt.

Mr. SHACKLE (United Kingdom) thanked the Chairman and also added his thanks to the Rapporteur.

The meeting adjourned at 5:30 p.m.