

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED B

GATT/CP.3/SR.41
12 August 1949

ORIGINAL : ENGLISH

CONTRACTING PARTIES

Third Session

SUMMARY RECORD OF THE FORTY-FIRST MEETING

Held at the Hotel Verdun, Annecy,
on Friday, 12 August 1949 at 10 a.m.

Chairman: Hon. L.D. WILGRESS (Canada)

- Subjects discussed:
1. Australian Subsidies on Amonium Sulphate. Request by Government of Chile. (GATT/CP.3/61).
 2. Provisional Application of Chapter VI of the Havana Charter. (GATT/CP.3/72).
 3. Procedures for Convening of Special Sessions of the Contracting Parties.
 4. De-Restrictions of Documents.

1. Australian Subsidies on Ammonium Sulphate. Request by Government of Chile. (Gatt/CP.3/61).

Mr. MULLER (Chile) said he had no intention of pursuing this further at the present session subject to agreement on future procedure. Official and unofficial discussions had been held with the Australian delegation at Annecy as soon as the Chilean Government had heard of the Australian measures. As no agreement had yet been reached in these discussions it had been decided to continue them between sessions. It was, therefore, agreed by the two delegations to have the matter put on the agenda of the first ordinary or extraordinary meeting of the Contracting Parties. He expressed the hope that the bilateral discussions would be successful.

Mr. HEWITT (Australia) supported Mr. Muller's request and shared the hope that the discussions would succeed.

The Contracting Parties agreed that this item be retained on the agenda and that, in the event of the bilateral discussions not leading to a satisfactory conclusion, the question be taken up in the first full meeting of the Contracting Parties, whether in ordinary or extraordinary session.

2. Provisional Application of Chapter VI of the Havana Charter.
(GATT/CP.3/72)

Mr. SHACKLE (United Kingdom) said that the language used in this document seemed to imply that no action was being taken at this stage because there was no actual need. In fact, the reason was that a number of delegations were not inclined to put Chapter VI into effect at a time when the Havana Charter was under consideration by their legislatures. It would, therefore, be advisable to amend the third paragraph of the document to make this point clear.

The EXECUTIVE SECRETARY confirmed that this was the sense of the Executive Committee meeting of August 1st, those who were of the opinion that the matter was not an urgent one, having been a minority. He, therefore, thought that this should be formally recorded as the more accurate statement.

It was agreed that the third paragraph should be amended to read as follows:

"At a more recent meeting of the Executive Committee, on 1st August, it was ascertained that a number of members of the Executive Committee would not be able to act upon either of these proposals, because they did not wish to initiate action to put particular chapters of the Charter formally into force while the Charter as a whole was awaiting action by their legislatures, and therefore it was agreed that the examination of them need not be carried further by either the Working Party or the Executive Committee. The Executive Committee decided, however, that the proposal for action under the General Agreement should be brought to the attention of the Contracting Parties."

Mr. BOEKSTAL (Netherlands) said his Government attached great importance to the provisional application of Chapter VI of the Charter. He expressed his support of the document before them with Mr. Shackle's amendment. In view of the importance of the matter he would like to propose:

- 1) that the Contracting Parties decide at this session to put the matter on the Agenda of the next session.
- 2) that, as it was to be expected that the I.C.C.I.C.A. would have to expand its activity pending the establishment of the ITO, the Executive Secretary be asked to take up with the Secretary General of the United Nations the strengthening of the Secretariat of I.C.C.I.C.A.

The CHAIRMAN said the proposal before them was:

- (a) That the document before them be noted by the Contracting Parties and put on the agenda for their next session.
- (b) That the Executive Secretary be authorized to discuss with the Secretary General of the United Nations the strengthening of the Secretariat of I.C.C.I.C.A.

Mr. SCHWENGER (United States) agreed with the substance of the proposal but wished to ask whether point(b) gave rise to any procedural question.

The CHAIRMAN replied that there was no procedural question as the Executive Secretary of the ICITO, acting upon a request of the CONTRACTING PARTIES, could take the matter up under paragraph 5 of the Interim Commission's terms of reference.

Mr. SCHWENGER (United States) thought that this was more in the nature of a suggestion by the Contracting Parties than of action by them.

The CHAIRMAN replied that the suggestion had come from the delegate for the Netherlands who, as such was also to be considered a member of the Executive Committee - the seat being held by Benelux -. Other Contracting Parties which were also members of the Executive Committee of the ICITO, having raised no objection, it was in order that Mr. Wyndham White communicate with the Secretary General.

The proposals (a) and (b) as put forward by the Chairman were approved.

3. Procedure for Convening of Special Sessions of the Contracting Parties.

After a discussion on the proposed Rule 1 in which Mr. SHACKLE (United Kingdom), Mr. HEWITT (Australia), Mr. CASSIERS (Belgium), Mr. RODRIGUEZ (Brazil), Mr. REISMAN (Canada), Mr. LEWIS (United States), Mr. MULLER (Chile), Mr. AUGENTHALER (Czechoslovakia) took part, it was agreed to adopt the Rule subject to the modification of the third sentence to read as follows:-

"A session may, however, be held at another date on the initiative of the Chairman, or at the request of a Contracting Party concurred in by the majority of the Contracting Parties."

4. De-Restriction of Documents.

Mr. LEWIS (United States) said that the proposal arose from the difficulties which were sometimes encountered in supplying the Legislature with documents which the Administration did not feel entitled to make public until they were de-restricted.

Mr. HEWITT (Australia) pointed out the difficulties for a delegation to judge off-hand which documents could or could not be made public and thought time should be given to governments to decide. In any case he thought there were a number of documents of the Working Party on Article XVIII which contained very confidential information from governments which could certainly not be divulged.

Mr. STEYN (South Africa) wished to refer to the extremely confidential nature of some of the information supplied on the South African balance of payments and of measures at present under study by his Government which in no case should be divulged.

A discussion followed in which Mr. LEWIS (United States), Mr. RODRIGUEZ (Brazil), Mr. REISMAN (Canada), Mr. SHACKLE (United Kingdom), Mr. CASSIERS (Belgium), Mr. NICOL (New Zealand), Mr. LECUYER (France) took part and in the course of which, suggestions were put forward that the matter be taken up at the next session and by others, that documents be de-restricted within a period of a month or more in order to give delegations time to indicate to the Executive Secretary those documents which they thought should not be de-restricted.

It was decided to continue the discussion in the afternoon and the meeting adjourned at 1.00 p.m.