

GENERAL AGREEMENT  
ON TARIFFS AND  
TRADE

ACCORD GENERAL SUR  
LES TARIFS DOUANIERS  
ET LE COMMERCE

RESTRICTED  
LIMITED B

GATT/CP.3/SR.43  
13 August 1949

ORIGINAL: ENGLISH

CONTRACTING PARTIES

Third Session

SUMMARY RECORD OF THE FORTY-THIRD MEETING

Held at Hotel Verdun, Annecy,  
on Saturday 13 August 1949 at 10:45 a.m.

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

Subjects discussed:

1. Instrument of Accession.
  2. Request of Norway regarding Application of Annecy Concessions.
  3. Date of Notification of Non-Discriminatory Measures under Article XVIII by Acceding Governments.
  4. Procedure relating to Accession.
  5. Third set of Tariff Negotiations.
1. The Annecy Protocol of Accession (GATT/CP.3/56) and supplementary Report of Joint Working Party on Accession (GATT/CP.3/83 and Add.1)

The CHAIRMAN introduced the document containing the Annecy Protocol of Terms of Accession (GATT/CP.3/56), as approved by the Tariff Negotiations Committee, and the Supplementary Report of the Joint Working Party on Accession (GATT/CP.3/83), both of which had been referred by that Committee to the CONTRACTING PARTIES for final approval.

The CHAIRMAN informed the meeting that the Supplementary Report of the Joint Working Party had been approved by the Tariff Negotiations Committee at its tenth meeting as containing an alternative method of effecting accession (GATT/TN.1/SR.10). According to the

procedure recommended by that Committee the Executive Secretary, in consultation with the Chairman and the countries most concerned, should decide upon a choice between the two methods set out in the two documents.

The recommendation in paragraph (1) of the document GATT/CP.3/56 was approved.

The decision recommended in paragraph (2) of the document was approved by a unanimous vote (16 votes to none).

The recommended Protocol of Accession was approved as one of the alternative instruments of accession.

Following a suggestion of Mr. SHACKLE (United Kingdom) it was agreed that the word "until" in paragraph 3 of the Model Protocol might be retained or changed to "on" by the Secretariat as the case may be when the date in that paragraph was inserted.

Paragraph 1 of the Supplementary Report GATT/CP.3/83 was approved together with the draft Decision and Model Protocol, as a second alternative method of effecting accession.

The procedure regarding the adoption of either of these methods recommended by the Tariff Negotiations Committee as referred to above by the CHAIRMAN was agreed to by the contracting parties. The Executive Secretary was accordingly requested to inform the contracting parties and acceding governments when the final decision had been taken.

The meeting noted the withdrawal of the United Kingdom - Norwegian proposal referred to in paragraph (2) of the Supplementary Report.

Mr. SHACKLE (United Kingdom) explained the purpose of the decision referred to in paragraph (3) of the Supplementary Report and suggested certain drafting changes therein.

The CHAIRMAN introduced the revised form of the decision submitted by the Italian Delegation (GATT/CP.3/83/Add.1).

Mr. KING (China) said that his delegation would make a reservation regarding this decision as he had to consult tariff experts of his delegation.

The CHAIRMAN replied that this would be taken into account when the question was taken up under paragraph 12 of Article XVIII of the Agreement.

The decision was approved by the CONTRACTING PARTIES by 16 votes to none as follows:

"The CONTRACTING PARTIES, on the basis of Article XXV 5 (a) of the General Agreement on Tariffs and Trade, decide that, notwithstanding anything contained in paragraph 13 of Article XVIII, the Italian Government may continue to apply to the products listed under the items of the Italian tariff set out below, notwithstanding that the duties may later be consolidated in the schedule of tariff concessions negotiated by the Italian Government at Annecy, the measures which it has notified to the CONTRACTING PARTIES under the terms of paragraph 11 of Article XVIII, pending a decision by the CONTRACTING PARTIES under paragraph 12 of Article XVIII.

139 a) and c): raw linseed oil and soya oil;  
ex 362 c 2 Beta II: (nitronaphthalene)  
413 b: synthetic lacquers  
1198, 1200, ex 1201; 1202; 1203 a) and c).  
1204 a), c), d) and 1207:  
radio electric apparatus, tubes, valves and  
lamps other than those used for lighting  
purposes and accessories and spare parts  
for such sets, tubes, etc."

2. Request by Norway for a waiver from obligations to Notify Application of Annecy Concessions before 3rd April 1950 (GATT/CP.3/84).

Mr. THOMMESSEN (Norway), with reference to the letter circulated in the document referred to above, stated that since the Fourth Session of the CONTRACTING PARTIES had been scheduled for 23rd February 1950, the question could be considered at that session. His delegation was therefore prepared to withdraw the request on the understanding that it would be considered at the Fourth Session.

The CHAIRMAN commended the Norwegian representative for the spirit of accommodation and said that it could be included as an item on the agenda of the next session.

The request was withdrawn by the Norwegian representative with the understanding that it would be placed on the agenda of the Fourth Session.

3. Notification by Acceding Governments of Non-Discriminatory Measures under paragraph 11 of Article XVIII.  
(GATT/CP.3/58/Add.1).

The CONTRACTING PARTIES considered the Note by the Executive Secretary and adopted the suggestion therein, that is, to substitute the date of 30th July 1949 for 15th July 1949 in paragraph 5 (c) both of the Annex Protocol of Accession in GATT/CP.3/56 and of the Annex Decision on Accession in GATT/CP.3/83.

4. Information to Acceding governments regarding Progress of Accession.

At the suggestion of Mr. WASSARD (Denmark) who was invited to address the meeting on behalf of the acceding governments, and of Mr. THOMMESSEN (Norway) it was agreed that:

1. The Executive Secretary should keep each acceding government currently informed of the decisions of contracting parties regarding its accession.
2. It would be proper for the Executive Secretary to communicate to the contracting parties on or about 15 October to remind them of the fact that a failure to sign the Protocol, or a protocol as the case may be, would be taken as a negative vote on the accession of an acceding government.

Mr. AUGENTHALER (Czechoslovakia) stated that Czechoslovakia would not be able to sign the Protocol or protocols at Annecy on September 10, but this was simply because of the departure of his delegation before that date. He would however, be willing to give each acceding government a letter of assurance that such signature was intended.

5. Third set of Tariff Negotiations.

The CHAIRMAN introduced the Secretariat Note on the subject (GATT/CP.3/77 and Corr. 1) and drew attention to its Annex II containing a list of the countries to which invitations might be extended. In

view of the imminent conclusion of the session, the Chairman proposed a procedure under which

- (1) a Working Party would be set up to study the matter in the course of the next few weeks,
- (2) the Working Party would circulate a memorandum to the contracting parties and request them to indicate by an agreed date whether they agreed that tariff negotiations should take place in the manner recommended by the Working Party, and
- (3) the CONTRACTING PARTIES would give their formal approval of the report of the Working Party at the Fourth Session.

The Working Party would have for its chief concern the question of the time schedule for the tariff negotiations as the question of the venue would be left for discussion at the Fourth Session by the CONTRACTING PARTIES themselves.

Mr. RODRIGUES (Brazil) thought that the preparation should not be left entirely to the next session as it would be desirable for the contracting parties to have a general idea of the time schedule before the adjournment of this session. Since the selected Working Group might not be representative of the experience which had been gained by contracting parties in the past in connection with the earlier negotiations, its findings might not be as complete or perfect as to need only a formal approval. In his view, any report presented by such a Working Party would still require a thorough review by another larger Working Party at the Fourth Session. Referring to Annex II to the Secretariat Note, he enquired why Germany was not included in the list.

The CHAIRMAN agreed that careful attention should be given to such a report at the Fourth Session but he thought that nevertheless preliminary steps could be taken at this time, especially regarding

the study of the time schedule. As had been done prior to the Second Session in preparation of the Annecy negotiations, the Executive Secretary could be authorized to send telegrams to certain countries to enquire about their interest in the proposed negotiations. As for Western Germany, it would be for the Working Party to consider and make a recommendation. The Secretariat Note had not included it because of the indefinite status of that country as it had been thought that invitations should only be sent to members of the United Nations and those countries which were seeking United Nations membership.

Mr. AUGENTHALER (Czechoslovakia) agreed to the procedure proposed by the CHAIRMAN and suggested that in the first place the Working Party should make it clear in its report that in the proposed negotiations the concessions which had been granted by contracting parties as a result of past negotiations would be taken into account. With regard to countries to be invited, the Working Party should, as a rule, concern itself with members of the United Nations, and those governments listed in the Economic and Social Council Resolution regarding invitations to the Havana Conference.

Mr. NICOL (New Zealand) was in full agreement with the proposal to set up a Working Party and suggested that if negotiations should take place in the latter part of 1950, ending for instance around January 1, 1951, any subsequent negotiations should be spaced further away.

Mr. SHACKLE (United Kingdom) suggested that recommendations by the Working Party should provide sufficient elasticity to suit the special circumstances of individual countries as his Government might wish to consider the question in connection with the pending financial consultation in Washington next month. Contracting Parties should therefore not be requested to give their opinion on the recommendations before October 1st. Referring to the remarks of Mr. NICOL, he felt that even though the negotiations took place in late 1950, there might still be need for revision of the earlier schedules early in 1951.

Mr. CASSIERS (Belgium) was agreeable on the whole to the suggestions in the Secretariat Note.

Referring to the point raised by Mr. SHACKLE, the CHAIRMAN suggested that the Working Party should be required to submit its draft memorandum by October 1st but replies should not be required before October 31st. Regarding the list of countries to be canvassed, he felt that the Czechoslovakian proposal embodied a principle worthy of further consideration by the Working Party.

Mr. BOEKSTAL (Netherlands) proposed that instead of the countries invited to the Havana Conference it should be those countries which were eligible for membership of the I.T.O. under Article 71 of the Havana Charter that should be invited to participate in the negotiations.

Mr. AUGENTHALER (Czechoslovakia) pointed out that although the military authorities of occupied areas had been invited to send observers to the Havana Conference, it would not be appropriate to invite any such authorities, whose status was not clearly defined, to negotiations, with a view to concluding substantive agreements.

Mr. WILLOUGHBY (United States) gave his support to the proposals of the Chair regarding the procedure. On the question of Germany, however, his delegation was unable to define its views at present. He felt that it would be futile for the CONTRACTING PARTIES to try to settle questions regarding individual countries at this stage; they should be left to the Working Party to deal with.

Discussion on this item to be continued at next meeting.

The meeting rose at 12:45 p.m.