

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TNJ/6

26 April 1955

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CONTRACTING PARTIES

Tariff Negotiations Committee

## PROCEEDINGS OF THE TARIFF NEGOTIATIONS COMMITTEE

Fifth Meeting, held on Tuesday, 19 April 1955, at 10.30 a.m.

### 1. Approval of the records of the Fourth Meeting (TNJ/5)

The representative of Japan indicated that there were certain aspects of the discussion at the last meeting relating to the form of the Protocol of Accession which were not mentioned in the records. These consisted of statements and clarifications given by the Executive Secretary, which he would like to have on record as an addendum to document TNJ/5.

The CHAIRMAN assured the Japanese representative that his request would be complied with, and the records of the fourth meeting were approved.

### 2. Progress of Negotiations

The CHAIRMAN announced that up to the time of the meeting the following countries had entered into negotiations with Japan:

United States	Canada
Norway	Peru
Germany, Federal Republic of	Indonesia
Denmark	Sweden

The countries which have not yet entered into negotiations with Japan reported their positions as follows:

Dominican Republic - Informal conversations had taken place with Japan, and it was hoped that lists of offers would soon be exchanged.

Italy - A decision is imminent.

Uruguay - Informal contacts had taken place and it was expected that offers would be exchanged about 25 April.

Mr. HAGUIWARA (Japan), asked by the Chairman if he could provide any information on the position with respect to countries which were not represented at the meeting, gave the following indications:

- Burma - Before leaving Geneva the Burmese representative had indicated that his Government wished to conduct the negotiations in Rangoon. The Japanese delegation had therefore supplied all information to their diplomatic representatives in that capital, but up to now he had had no reply.
- Ceylon - The Ceylon and Japanese delegations had held informal conversations and found that their trade provided little scope for tariff negotiations. Therefore, at the present stage, it seemed likely that the two delegations would agree on a formula whereby each Government agreed to grant most-favoured-nation treatment to the other.
- Chile - From informal contacts with the leader of the Chilean delegation he had gathered that the latter expected to receive instructions before long.
- Pakistan - The Japanese Embassy in Karachi had been asked to contact the Pakistan Government but up to the present he had not received any information from them.

The CHAIRMAN said that the delays which had become apparent at the meeting were a cause of considerable concern to him, as well as to other participating delegations, and he wished to urge all concerned to bear in mind that time was running very short.

### 3. Form of the Protocol of Accession

The CHAIRMAN asked representatives whose governments would not be able to sign the Protocol and/or the Decision, as described in document L/352, to indicate their difficulties to the Committee.

Mr. BRONDI (Uruguay) informed the Committee that he had replied to the letter of the Executive Secretary in which the problem had, for the first time, been raised, but that he had not yet been able to obtain instructions from his Government with regard to the present position as set out in document L/352.

The CHAIRMAN said that as no changes of great substance had been made in the draft Protocol since the Executive Secretary's letter had been written, he hoped that the Uruguayan Government would not find it difficult to sign the Protocol and the Decision.

The following amendments to the draft Protocol annexed to document L/352 were adopted by the Committee.

Paragraph 1(d)

The following should be inserted as paragraph 1(d):

"So long as the status of any island referred to in Article 3 of the Treaty of Peace with Japan, of 8 September 1951, remains provisional under the terms of that Treaty, the provisions of the General Agreement shall neither apply to such island nor require the modification of such treatment presently accorded by Japan to such island."

Paragraph 6(b)

The "Proviso" should read:

"... Provided that such signature shall not constitute acceptance of the three Protocols of Amendment to the General Agreement or the Agreement on the Organization for Trade Co-operation, which were drawn up by the CONTRACTING PARTIES at their Ninth Session,"

Paragraph 8

The square brackets should be deleted.

Paragraph 9

The words "The original text of", at the beginning of sub-paragraph 9(a) should be deleted.

The words "of each deposit" in sub-paragraph 9(b) should read "of a deposit".

Paragraph 10

This paragraph should read:

- "10. This Protocol shall enter into force on the thirtieth day after:
- (a) Japan shall have signed this Protocol, and
  - (b) favourable votes have been received from two-thirds of the governments which are then contracting parties to a decision for the accession of Japan to the General Agreement under the terms of this Protocol."

Reservation by the United States

With respect to paragraph 4, the United States representative wished to record a reservation on one aspect of that paragraph. In fact, some concessions which would be included in the United States Schedule to the Protocol would have been initially negotiated with a contracting party other than Japan and granted in consideration of concessions granted by the third country concerned to Japan. The United States was concerned with the question as to its position under the Protocol if a third country should modify or withdraw a concession initially negotiated with Japan. He referred to the fact that such a situation might arise if a third country exercised rights under Article XIX or Article XXVIII. He pointed out that since the purpose of the current negotiations is to expand markets for Japanese goods, such purpose would be frustrated upon withdrawal or modification of concessions by third countries. His delegation was studying this matter and it might therefore have to ask the Committee to meet again later in the week. Subject to this reservation, however, the United States delegation was prepared to approve the draft as it stood.

The Committee approved the draft Protocol, as amended, subject to the United States reservation.

The Committee agreed that the draft as it emerged from their discussion, would be circulated to all participating governments and after settlement of the point on which the United States had reserved their position, the draft would be circulated to all contracting parties for their information and comments.