

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED
LIMITED B
GATT/CP.6/9
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CONTRACTING PARTIES
Sixth Session

CONTINUING ADMINISTRATION OF GATT

Draft Rules of Procedure for a Standing Committee

In order to facilitate further consideration by the Contracting Parties of the continuing administration of GATT, based on the Report of Working Party I at the Fifth Session (document GATT/CP.5/49), the Executive Secretary was instructed to prepare draft rules of procedure for a Standing Committee. These are attached as an annex to this document.

If and when it is decided to set up a Standing Committee and a Secretariat, the Executive Secretary suggests that the Contracting Parties may wish to review the Rules of Procedure for sessions of the Contracting Parties and some of the temporary administrative arrangements (e.g. intersessional procedures for consultations under Article XII to XIV, for the administration of special exchange agreements, for applications under Article XVIII and for consultations with the Fund) made in the past owing to the lack of adequate intersessional machinery and to the anomalous secretariat arrangements. Proposals on these matters will be laid before the Contracting Parties as and when they wish to take up the question.

DRAFT RULES OF PROCEDURE
FOR MEETINGS OF THE STANDING COMMITTEE*

CHAPTER I

Meetings

Rule 1

The Executive Secretary shall convene a meeting of the Committee at times fixed by the Committee or by the Chairman. The Chairman shall have a meeting convened upon the request of any member of the Committee.

Rule 2

Meetings of the Committee shall be held at the headquarters of the CONTRACTING PARTIES unless the Committee decides otherwise.

CHAPTER II

Agenda

Rule 3

The provisional agenda for each meeting of the Committee shall be drawn up by the Executive Secretary in consultation with the Chairman.

Rule 4

The provisional agenda shall include items proposed by

- (a) the CONTRACTING PARTIES;
- (b) the Committee at a previous meeting;
- (c) a contracting party;
- (d) the Executive Secretary

Rule 5

The provisional agenda shall be communicated by the Executive Secretary to the representatives on the Committee together with the notice convening the meeting. The provisional agenda shall at the same time be communicated to all other contracting parties.

* Hereinafter referred to as "the Committee".

Rule 6

The first item upon the provisional agenda shall be the adoption of the agenda.

Rule 7

The agenda may be amended at any time or priority given to certain items.

Rule 8

Any item upon the agenda of a meeting, consideration of which has not been completed at that meeting shall, unless the Committee decides otherwise, automatically be included in the agenda of the next meeting.

CHAPTER III

Representation and Credentials

Rule 9

Each member of the Committee shall be represented at its meetings by an accredited representative or by an alternate representative. The representative may be accompanied by such advisers as he may require.

Rule 10

The credentials of representatives shall be communicated to the Executive Secretary not less than 24 hours before the representative first takes his seat on the Committee. They shall take the form of a communication from or on behalf of the Head of the State or Government or the Minister of Foreign Affairs.

Rule 11

Any contracting party not a member of the Committee invited to participate in the proceedings of the Committee shall submit credentials for its representative.

Rule 12

The Executive Secretary shall draw attention to any case where a representative has omitted to present his credentials in due time and form.

Rule 13

Should credentials by their terms not be limited to a particular

meeting or meetings, they may be regarded as valid until withdrawn.

CHAPTER IV

Officers

Rule 14

Meetings of the Committee shall be presided over by a Chairman elected by the CONTRACTING PARTIES.

Rule 15

If the Chairman is absent from any meeting or part thereof the Committee shall elect a temporary chairman for that meeting or that part of the meeting.

Rule 16

If the Chairman ceases to represent a contracting party or is so incapacitated that he can no longer hold office the Committee shall elect a temporary chairman pending the election by the CONTRACTING PARTIES at their next session of a Chairman for the Committee.

Rule 17

The temporary chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 18

The Chairman or temporary Chairman acting as Chairman shall normally participate in the proceedings of the Committee as such or in that capacity and not as the representative of a contracting party. He may however at any time request that he be permitted to act in either capacity.

Rule 19

The usual duties of a secretariat shall be performed by [] 71

CHAPTER V

Participation of non-members of the Committee

Rule 20

Each contracting party directly concerned with any question which is on the agenda of any meeting of the Committee shall be invited to be

represented at that meeting and to participate freely in the discussion.

Rule 21

Representatives of other governments or of intergovernmental organizations may on the invitation of the Committee attend the meetings in the capacity of observers participating in the discussions.²

CHAPTER VI

Conduct of business

Rule 22

³ Two-thirds of the members of the Committee shall constitute a quorum.

Rule 23

The business of the Committee shall be conducted in accordance with the appropriate rules for sessions of the Contracting Parties, viz. rules 17 to 23.

CHAPTER VII

Reports and Recommendations

Rule 24

Findings of the Standing Committee shall be embodied in reports and recommendations to the CONTRACTING PARTIES. Such reports shall include a statement of any minority views expressed in the course of the discussion.

CHAPTER VIII

Working Parties

Rule 25

Such working parties as may be necessary may be established.

Rule 26

The provisions of rules 22 and 23 of the rules of procedure shall be applied to the proceedings of working parties.

CHAPTER IX

Languages and Records

Rule 27

The languages and records of the Standing Committee shall be governed by rules 33 to 36 of the rules of procedure for sessions of the CONTRACTING PARTIES.

CHAPTER X

Publicity of Meetings

Rule 28

The meetings of the Standing Committee shall be held in private.

Rule 29

When the Committee is dealing with matters of a particularly confidential nature its proceedings will be held under conditions which conform to the practice of the CONTRACTING PARTIES for secret meetings.

CHAPTER XI

Revision

Rule 30

These rules may be amended at any time by the CONTRACTING PARTIES.

Notes

1. Secretariat

The secretariat arrangements will depend on whatever decision is taken by the CONTRACTING PARTIES regarding a secretariat.

2. Observers

It will be noted that provision is made in these rules for the attendance of countries which are not contracting parties and for intergovernmental organizations, only on the invitation of the Committee. The Rules of Procedure of the CONTRACTING PARTIES provide an open invitation for observers representing countries which signed the Final Act at Havana but which have not subsequently become contracting parties. It has been the practice of the CONTRACTING PARTIES to regard rule 8 as applying to meetings of working parties except where the working parties were of an exceptionally confidential nature. It is thought appropriate in the case of the Standing Committee to depart from the rules of the CONTRACTING PARTIES in this respect, particularly since the reports of the Standing Committee will be discussed at regular sessions of the CONTRACTING PARTIES which any non-contracting party would have the opportunity to attend in the capacity of observer.

3. Quorum

The Secretariat was instructed to consider whether a quorum of two-thirds would be appropriate for the Standing Committee. On balance the Secretariat considers that this would be a desirable requirement. The Standing Committee, as envisaged in the Report of Working Party I of the Fifth Session is in the nature of a Working Party of the Contracting Parties. It has been the practice of the Contracting Parties in setting up working parties to arrive at a balanced composition as well as representation of the interests directly affected. This has had the desirable result that all points of view have been carefully examined by the Working Party before its recommendations have come up for discussion in the plenary sessions. As a corollary it has been the practice of Working Parties to arrange their meetings at times when all the members can be in attendance.

The membership of the Standing Committee will of course be wider than that of a normal Working Party because of the diversity of questions which may be referred to it. Accordingly a somewhat more flexible procedure would be appropriate in the case of the Standing Committee. The requirement of a two-thirds quorum appears to the Secretariat to be the best means of securing the desired results, i.e. to ensure that in any meeting of the Standing Committee there should be, as in the case of a Working Party set up during a Session of the Contracting Parties, representation not only of contracting parties directly concerned but also a balanced cross section of the Contracting Parties as a whole. It is not thought that such a requirement would cause difficulties in convening meetings of the Standing Committee. If it should in practice do so, the matter could be reconsidered by the Contracting Parties in the light of experience.