

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIMITED B
GATT/CP.6/41
22 October 1951
ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

REPORT OF WORKING PARTY 3 ON THE CONTINUING ADMINISTRATION OF THE AGREEMENT

The Working Party had the following terms of reference:

"To consider problems connected with the administration of the General Agreement in the light of the discussions in plenary sessions of the Contracting Parties on Item 6 of the Agenda and to submit appropriate recommendations for consideration by the Contracting Parties."

It was evident from the discussions both in the Contracting Parties and the Working Party that there was not a sufficient measure of agreement on the establishment of a Standing Committee to justify proceeding with that suggestion at the present time. There was, however, general agreement that in order effectively to administer the Agreement, provision should be made to deal with cases requiring urgent action between sessions. There was also general agreement that the work of the regular sessions could be facilitated and shortened if more extensive preparation of items on the agenda were undertaken in advance of the sessions. In these circumstances, the Working Party submits the following recommendations for consideration by the Contracting Parties.

A. Ad hoc Committee for Agenda and Intersessional Business

1. As an experimental arrangement to operate between the Sixth and Seventh Sessions, the Contracting Parties should establish an ad hoc committee for Agenda and Intersessional Business. The Committee should be presided over by the Chairman of the Contracting Parties. If the Chairman were not available to preside at any meeting, the Committee would elect a chairman for that meeting.

2. Functions of the Committee

The functions of the Committee should be as follows:

(a) Preparation of Agenda of the Seventh Session

The Committee should meet four to six weeks before the opening of the Seventh Session to consider what matters are likely to arise at that session and examine the adequacy of the documentation available. It should also meet at, or shortly before, the opening of the Seventh Session, to consider the provisional agenda and make recommendations to the Contracting Parties, in the light of the documentation submitted, as to the order of business.

(b) Urgent Intersessional Business

The Committee should meet as necessary to consider urgent matters, arising between the Sixth and Seventh Sessions and not foreseen by the Contracting Parties at the Sixth Session, which

- (i) a contracting party (or parties) raising the matter requests be so dealt with, or
- (ii) require, prima facie, to be dealt with in accordance with intersessional procedures.

3. Procedure

In respect of matters not provided for in paragraphs 4 and 5 below, and which in the opinion of the Committee required intersessional action, the Committee should establish a working party consisting of some or all of its members, together with the countries directly concerned, any countries which claim a substantial interest in the matter and wish to be represented on the Working Party, and any other countries which the Committee might consider it necessary to invite and which were willing to serve. The Working Party should examine all the relevant facts and views and submit a report thereon to the Seventh Session of the Contracting Parties. If, however, a matter were of sufficient urgency, the Committee or the Working Party might request the convening of a Special Session, in accordance with the Rules of Procedure, to consider its report.

4. In respect of any matter relating to the application of Articles XII to XV of the Agreement, which in the view of the Committee required intersessional action, the Committee would make appropriate arrangements for consideration of the matter in accordance with the intersessional procedures adopted at the Third Session of the Contracting Parties, (GATT/CP.3/50/Rev. 1, and GATT/CP.3/60/Rev. 1). The Working Party, however, felt that it would be desirable that these procedures be reviewed and if necessary brought up to date. The Working Party felt that it would be appropriate to request the Chairman of the Contracting Parties to entrust this task to Working Party 6 on Balance-of-Payments Restrictions.

5. Matters relating to Article XVIII of the Agreement should continue to be referred direct to the Intersessional Working Party appointed at the Third Session (GATT/CP.3/60/Rev. 1 and SR.40). In view of subsequent changes in the composition of the Contracting Parties the Working Party considered that the composition of the

Intersessional Working Party might be revised as follows:-

Chairman: Mr. C. L. Howitt (Australia)

Australia	Netherlands
Canada	Pakistan
Cuba	Peru
Denmark	Turkey
France	United Kingdom
India	United States

If any one or more of the countries nominated find it impossible to participate in any meeting of the Working Party, the Chairman of the Contracting Parties should be authorized to nominate another country or countries to take its or their place. In so doing he should bear in mind the need of preserving the representative character of the Working Party.

6. Meetings of the Committee

The Committee should meet in Geneva on the call of the Executive Secretary. Contracting parties, not members of the Committee or of an intersessional working party would, in accordance with the practice of the Contracting Parties, be entitled to be represented by observers at meetings of the Committee or of a working party.

7. General

The above suggestions relate only to urgent matters arising between sessions and which have not been specifically provided for at the time when the Contracting Parties are in session. If, in the course of the Session, however, it comes to the notice of the Contracting Parties that a matter will arise between sessions requiring action before the next regular session, the Contracting Parties will undoubtedly take action to provide the necessary arrangements for dealing with the matter.

B. The Secretariat

The Working Party considered that it was difficult to consider more permanent arrangements for the Secretariat until such time as the Contracting Parties are in a position to accept permanent arrangements for the continuing administration of the General Agreement. It therefore recommends that the Contracting Parties decide that the usual functions of a secretariat continue to be carried out, pending further consideration at a later session, by the Executive Secretary of the Interim Commission for the International Trade Organisation. Such functions would include examining proposals submitted for the agenda of the Contracting Parties, consulting contracting parties concerned and submitting reports to the Contracting Parties. The Working Party further recommends that contracting parties should make appropriate arrangements to facilitate the

task of the Secretariat. Governments which are at a considerable distance from the headquarters of the Secretariat might consider the desirability of designating a representative, stationed near the headquarters of the Secretariat, who would, subject to instructions by his government, be able to discuss with the Secretariat points arising in the preparation of such reports. If this procedure were not convenient or appropriate in particular cases, the governments concerned might inform the Secretariat of such other arrangements as they may be able to make to ensure close liaison, exchange of information and speedy communication between themselves and the Secretariat.

As regards the personnel of the Secretariat, the Working Party recommends that the Budget for 1952 should be drawn up with sufficient flexibility to enable the Executive Secretary, should he deem it necessary, to appoint an additional high level official to assist him in the discharge of his responsibilities.

C. Cooperation with the United Nations and avoidance of duplication of work

The Working Party received the proposal made by the delegation of the United States (GATT/CP.6/13/Add. 1) regarding cooperation with the United Nations and avoidance of duplication of work. The Working Party considered that it would be desirable to explore further, between the Sixth and Seventh Sessions, the question whether there was a need for more clearly defined arrangements between the Contracting Parties and the Economic and Social Council to facilitate communication between the two bodies and to avoid unnecessary duplication of work in the field of international trade policy. The Working Party therefore recommends that the Contracting Parties instruct the Executive Secretary to consult with the Secretary-General of the United Nations on this subject and report to the Seventh Session.

D. Headquarters of the Secretariat

In view of the interim nature of the recommendations under Sections A and B of this Report, the Working Party did not feel that it would be useful to consider the question of a permanent headquarters for the Secretariat. It accordingly confined its consideration of this question to the years 1952 and 1953. It recommends that the Secretariat be instructed to make arrangements for this period in Geneva.

The Working Party was informed that there might be difficulties in accommodating the Secretariat in the Palais des Nations during this period and that it might therefore be necessary for the Secretariat to arrange for office space elsewhere than in the Palais. If this should prove to be necessary, it would involve a certain capital expenditure for office furniture and other equipment. The Working Party was informed by the Executive Secretary that he considered that it would be possible to meet these costs without any increase in the total contributions which have been recommended for 1952. The Working Party recommends that the Executive Secretary be authorized to incur such expenditures as may be necessary for this purpose within the limits of the appropriations authorized for the budget year 1952.