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SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE
UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT

Corrigendum to Summary Record of Tenth Meeting of Commission A
(E/PC/T/A/SR/10)

The following should be substituted for the remarks made on
Page 10 by the Delegate of Belgium:

Mr. FORTHOMME (Belgium): Mr. President. It may be that I speak out of turn, but I think the time may have come to explain the reasons for our Amendment. This amendment was submitted with many doubts and after many hesitations, because we were in principle in favour of the general rule provided in Article 15, and therefore we were reluctant to go in any way against that rule. We found reason for doing so in the idea of economy in the means of protection. They should be proportionate to the end to be attained and seemed to us that the exception we propose would lead in many cases to less damage to the various interests of both exporting and importing countries than the application of measures now permissible.

In order to limit the exceptions to the general principle, we tried to find effective criteria. We found, however, that it was difficult to find such concrete criteria which would be applicable to all possible cases, and therefore we adopted two criteria both flexible and so to speak psychological to restrict the exception. First we laid down that the measure of exception should be less restrictive than other measures permissible under the Charter. We dropped the idea that existing restrictions were to be permitted to continue as a purely arbitrary criterion. Secondly, we proposed that negotiation should be the test whether measures under the exception are more or less restrictive. If the interested parties agree by negotiation then the permitted exception must be less restrictive than other measures. If no agreement is impossible then there is a strong possibility that the measure is more restrictive than other restrictions.