

RESTRICTED

GATT/1/SR.14
23 March 1948

ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE
FIRST SESSION OF THE CONTRACTING PARTIES

SUMMARY RECORD OF FOURTEENTH MEETING

Held at the Capitolio, Havana, Cuba,
on 20 March 1948 at 8.30 p.m.

DECISION CONCERNING THE FORMATION OF A CUSTOMS UNION BETWEEN FRANCE AND ITALY (Reference GATT/1/49)

Mr. ROYER (France) proposed the following alterations in the text:

- (i) the preamble of paragraph 1 to be deleted.
- (ii) in the second line of paragraph 2, read "one of the parties not a contracting party proposes....".
- (iii) in the third line of paragraph 2 read "Article II of the General Agreement on Tariffs and Trade, the procedure.....", and in line four of paragraph 2, read "Article XXVIII of that Agreement shall apply".
- (iv) in paragraph 4 (a) (i) read "XX and XXI of the General Agreement from Tariffs and Trade)".

Mr. GUERRA (Cuba) proposed that the words "on Tariffs and Trade" be inserted after the word "Agreement", in paragraph 5.

Mr. COOMBS (Australia) said that the concurrence of his delegation in the approval of the documents was subject to confirmation by his government.

The document was approved.

Mr. ROYER (France) thanked the contracting parties for a decision which was especially felicitous in that the preliminary protocol of the customs union between France and Italy had been signed the same day.

PROTOCOL (Reference GATT/1/46)

Mr. LEDDY (United States) proposed that a comma should be inserted before the word "which" in line four, that the comma in line five be deleted and that the words "Having approved" in the first line of paragraph 2 should be capitalized. Document GATT/1/28 should be made to conform with the latest text of the Article and the addendum to paragraph 5 (a) agreed on at a previous meeting should be included.

/It was agreed

It was agreed on the suggestion of Mr. SHACKLE (United Kingdom) to delete the square brackets in the second sentence of the fifth paragraph and also to delete the word "texts" in this sentence and in all similar contexts. It was also agreed that the phrase in paragraph 6 should be amended to read "the respective representatives duly authorized" in the same sentence and in all similar contexts. It was further agreed that the year should be printed in figures.

The Protocol was approved.

REVISION OF DRAFT PROTOCOL CONTAINED IN DOCUMENT GATT/1/28 MODIFYING CERTAIN GENERAL PROVISIONS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE (Reference GATT/1/47/Rev.1)

It was agreed on the proposal of Mr. SHACKLE (United Kingdom) to replace the phrase "the general provisions" in paragraph 3 and in the title by the words "certain provisions".

Sections I, II, III and IV were approved.

Mr. LEDDY (United States) proposed that the words "of the General Agreement on Tariffs and Trade" in lines two and three be deleted, and that the fourth line be amended to read "of the General Agreement on Tariffs and Trade".

Mr. GUERRA (Cuba) pointed out that his delegation had at the previous meeting reserved its position on this protocol on account of this paragraph.

He agreed after some discussion that if the end of the fourth line were amended to read "on the fifteenth day of April, 1948", this reservation could be withdrawn. This proposal was adopted.

It was agreed that the words "on Tariffs and Trade" should be inserted in the third line of the second paragraph.

Discussion of the new Article XXIV was re-opened. Mr. COOMBS (Australia) said that he had recommended that his Government should sign the Protocol in its present form. He found, however, the wording of sub-paragraph (b) to be obscure.

After some debate on this last point it was agreed that the present wording should stand but that legal advice should be obtained.

The Protocol was approved.

REVISION OF THE DRAFT SPECIAL PROTOCOL CONTAINED IN DOCUMENT GATT/1/21 MODIFYING ARTICLE XIV OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE (Reference GATT/1/27/Rev.1)

It was agreed that in the fifth and sixth lines on page 1 the words "hereinafter referred to as the General Agreement" should be deleted and that the phrase "General Agreement on Tariffs and Trade" should be printed in full wherever appropriate.

/It was also agreed

It was also agreed that the following words should be inserted at the bottom of page 4 "II The following Interpretative Note shall be inserted in Annex I", and that the following words should be inserted at the top of page 5; "III the following Annex shall be added to the General Agreement on Tariffs and Trade". Sections II and III of the document therefore become Sections IV and V.

Mr. LEDDY (United States) wished to insert a new Section VI to the effect that the provisions of the Article and the Annex attached to it should not apply until 1 January 1949, and to say in Section III that the modifications provided for in the Protocol should become an integral part of the General Agreement on the day on which the Protocol shall have been signed by all of the contracting parties to the Agreement.

Mr. ROYER (France) suspected that if this change was made, and if all the contracting parties signed at an early date nobody would have the right to discriminate for a certain period.

Mr. LEDDY (United States) therefore withdrew his proposed new Section VI and suggested that Section I might be amended to read: "On and after January 1, 1949, Article XIV....."

Mr. ROYER (France) agreed with this suggestion and proposed that a sentence should be inserted in Section III to the effect that the Protocol should come into force when all the contracting parties had signed it.

After further discussion, Mr. LEDDY (United States) proposed the following form of words "This Protocol shall enter into force on the day on which it has been signed on behalf of the Government who at the time are contracting parties to the General Agreement on Tariffs and Trade".

On the proposal of Mr. COOMBS (Australia) it was agreed to insert the words "of signature" after the word "time" in the first line of the second paragraph.

The Protocol was approved.

The CHAIRMAN announced that the texts of the five documents mentioned above would be circulated on the twenty-second of March in a form ready for signature, and that comments on typographical errors should be submitted not later than 6.00 p.m. on that day.

RESOLUTION (Reference GATT/1/39/Rev.1)

This Resolution was approved without change.

REQUEST BY THE DELEGATION OF PERU REGARDING DOCUMENTATION (Reference GATT/1/22)

Mr. ROYER (France), Mr. LOPES-RODRIGUES (Brazil) and Mr. SHACKLE (United Kingdom) thought that the information asked for was far too

/comprehensive

comprehensive to be included in the GATT documentation and could in any case be found elsewhere.

The SECRETARY said that much of the information could be supplied upon request from the files of the United Nations.

It was agreed that no steps could be taken to meet the specific Peruvian request, although the information could be made available from other sources.
ACTION UNDER PARAGRAPH 6, ARTICLE XVIII (Reference GATT/1/20)

Mr. GUERRA (Cuba) wished to have stated in the record of this meeting that the problem confronted by the industries which were the subject of the application of the transitional measures provided for in Article XVIII of the General Agreement on Tariffs and Trade was of a very great importance to Cuba. The Cuban delegate wished to record the announcement of the determination of his Government to avail itself, in due opportunity, of all the possibilities within the provisions of the General Agreement to make possible the reasonable but adequate protection of these industries, and that his Government very definitely expected that when these matters come up, perhaps at the next Session of the Contracting Parties, the need and possible ways of meeting their problem will be considered and recognized in the light not only of the provisions of the General Agreement on Tariffs and Trade but also of the new provisions contained in the Havana Charter, and particularly of the spirit of Article 13 of said Charter.

After a short exchange of views, it was agreed that consideration of this matter should be deferred until the Second Session.

PROVISIONAL APPLICATION OF THE AGREEMENT

In reply to a request made at a previous meeting, Mr. LACARTE (Deputy Executive Secretary) announced that word had been received from Lake Success to the effect that the United Kingdom and the Netherlands had notified the application of the Protocol of Provisional Application in respect of their overseas territories.

SECRETARIAL ARRANGEMENTS FOR THE CONTRACTING PARTIES.

Mr. SHACKLE (United Kingdom) proposed that the secretarial services should be furnished by the Interim Commission, that communications should be addressed to: "The Department of Economic Affairs, United Nations, Geneva, Switzerland", and that the Chairman should have the responsibility for convening meetings.

The first and third proposals were approved but on the suggestion of Mr. COOMBS (Australia), supported by Mr. LAMSVELT (Netherlands) it was agreed that communications should be addressed to "The Chairman of the Contracting Parties to the General Agreement on Tariffs and Trade, c/o The Executive Secretary, Interim Commission of the ITO".

/DATE OF

DATE OF THE SECOND SESSION

The CHAIRMAN pointed out that the Executive Committee of the Interim Commission had taken no final decision on its next meeting but had taken note of the agreement reached by the contracting parties at their last meeting as to the date of the next meeting of the contracting parties.

It was agreed that the date should be left to the discretion of the Chairman.

The CHAIRMAN proposed and the contracting parties concurred in a vote of thanks to the Government of Cuba for authorizing the First Session of the contracting parties to take place in the Capitol at Havana.

Mr. LACARTE (Deputy Executive Secretary) stated that the delegations of Australia, Burma, China, Cuba, France, Syria, the Union of South Africa and the United States did not yet possess the proper credentials to enable them to sign the Protocols on Wednesday, 24 March.

It was agreed that the Protocol on Rectifications (document GATT/1/37) should be brought into conformity with the other Protocols as regards its general form and presentation.

The meeting rose at 11.45 p.m.
