

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED  
LIMITED B  
GATT/CP. 5/SR. 5  
7 November 1950

CONTRACTING PARTIES  
Fifth Session.

ORIGINAL: ENGLISH

## SUMMARY RECORD OF THE FIFTH MEETING

Held at the Marine Spa, Torquay, on  
Monday, 6 November, at 10.30 a.m.

Chairman: Hon. L. D. WILGRESS (Canada)

- Subjects discussed:
1. French Export Restrictions on Hides and Skins
  2. Status of Protocols (GATT/CP. 5/15)
  3. Draft Agreement on the Importation of Insecticides (GATT/CP/79)

### 1. French Export Restrictions on Hides and Skins

Mr. BROWN (United States) apologised for the fact that, though the item had been proposed by the United States, no paper had been submitted to the Contracting Parties. The reason was that they were not yet in a position to know all the facts, pending the conclusion - expected within the next few days - of consultations with French officials, which were taking place in Washington. He therefore suggested deferring the discussion, and M. LECUYER (France) supported his proposal.

The Contracting Parties agreed to defer the question to a later stage in their deliberations.

### 2. Status of Protocols (GATT/CP. 5/15)

The CHAIRMAN referred to the important aim of achieving a uniform text for the General Agreement which, at the Fourth Session, had induced the Contracting Parties to pass a resolution recommending the signature or acceptance of all outstanding protocols.

As regarded Protocol No. 2 (special protocol relating to Article XXIV) he was happy to report that the New Zealand Government was taking steps toward its acceptance. The Australian Delegation had also advised that their Government was taking similar action.

Mr. TONKIN (Australia) stated that on 12 October he had received a communication from Canberra advising that his Government had approved a recommendation that the protocol be accepted. He had no further news.

Mr. de CASTRO MENEZES (Brazil) informed the Chairman that steps had been taken by his Government for deposit of an instrument of acceptance. He also announced that the Annex Protocol had passed the Chamber of Deputies and was now before the Senate.

Mr. U SAU OHN TIN (Burma) referring to Protocol No. 2 and also to Protocol No. 7 (Protocol Modifying Article XXVI) regretted he had not yet received instructions in reply to requests addressed to his Government both by his delegation and by their Embassy in London. He hoped to have such instructions before the end of the Session.

Mr. OLDINI (Chile) referring to Protocol No. 7, said that when his Government had secured the ratification of the Protocol of Provisional Application they had asked for powers to deal with such matters as acceptance of amendments to the General Agreement. Unfortunately, the extent of the powers granted them would not enable them to accept the protocols in question. On the other hand, the load of work on their parliament had been so great that there had been no opportunity to submit the protocols for approval, but he assured the contracting parties that they would do so as soon as it was possible. What he had said of Protocol 7 applied to all other protocols which were as yet unsigned by Chile.

The CHAIRMAN expressed his satisfaction with the considerable progress that had been made and, with regard to the difficulties of Chile and Burma, he understood that the Legal Working Party was at present considering a provision which would, if accepted, solve the problem.

Sir Stephen HOLMES (United Kingdom) wished to reinforce the recommendations of the Chairman because, speaking for his own Government, they had been somewhat embarrassed by the absence of a clear text. They had published for their own purposes a text of the Agreement which did not exactly correspond with the text proposed by the Secretariat, and though he assumed that the text prepared by the Secretariat was the correct one, the discrepancy clearly illustrated the difficulties arising from the fact that signatures to protocols were still outstanding.

Dr. BYSTRICKY (Czechoslovakia) pointing out that delays were not always caused by contracting parties themselves, said that the signature of certain protocols by Czechoslovakia had been delayed by the fact that the Legal Department of the United Nations had refused to accept an instrument of acceptance by Czechoslovakia containing a reservation of the right of subsequent ratification. He felt that countries should be left free to sign protocols in a manner corresponding to their legal codes.

M. ROYER (Deputy Executive Secretary) replied that similar cases to that mentioned by Czechoslovakia had been found, and that, after discussion, a formula of acceptance had been arrived at, which provided safeguards for the contracting parties concerned and was acceptable to the Legal Department of the United Nations. The essence of the formula was that a Government would accept a protocol in its capacity of a contracting party to the General Agreement. In other words, the Government, acting under the Protocol of Provisional Application, would in effect reserve the rights of its Legislature.

Mr. OLDINI (Chile) pointed out that in his case there were no formal difficulties, and that if the formula alluded to by the Chairman were approved by the Contracting Parties, there would be no further difficulties as far as he was concerned.

Dr. KARTADJOEMENA (Indonesia) stated that all legislative measures had been initiated for the acceptance of Protocol No. 7 and that, despite the delay which had ensued, he was confident the matter would soon be dealt with by his Government.

M. LECUYER (France) asked for distribution of the formula mentioned by M. Royer and was assured by the Chairman that this would be done.

3. Draft Agreement on the Importation of Insecticides (GATT/CP/79)

The CHAIRMAN distributed a letter addressed to him by the Acting Director-General of the World Health Organization, pointing out that the draft agreement thereto was being submitted to the Contracting Parties for the advice of their trade experts towards shaping it into a sound and workable instrument of international trade.

M. ROYER (Deputy Executive Secretary) recalling a request which the Contracting Parties had received at Annecy from the Director-General of UNESCO and to which they had responded by successfully elaborating a draft which was subsequently submitted by UNESCO to the acceptance of governments, said that once again their help was requested by a specialized agency of the United Nations: the World Health Organization. The Secretariat of the World Health Organization felt that the draft raised some technical questions on which customs experts assembled at Torquay could give valuable advice; that consultation would involve no further responsibility for the contracting parties and would in no way prejudice the attitude of the individual governments towards the proposed agreement which was drafted under the sole responsibility of the World Health Organization.

Mr. DI NOLA (Italy) agreed that the project before them should be examined by experts, but it was not only Customs experts who were required. Many questions had to be investigated: there was the determination as to which insects were dangerous to human health; there was the fact that not only insects but other animals, for instance mice, were harmful. Investigation was also needed into the scope of the draft which appeared too vast. There were references to the exemption of duties for "raw materials" without further definition, and to "apparatus for the application of insecticides". Without a very careful examination, the document would risk having to face very strong opposition.

He had to ask himself what was the proposed aim of the convention. The undertaking not to put customs duties or other charges etc. on the importation of insecticides, raw materials, equipment for the manufacture or processing, and apparatus for the application of such insecticides and raw materials did not appear to be at all necessary for national health organisations. The only field in which it would appear to serve a purpose was in the more restricted domain of private imports.

Mr. MELANDER (Norway) said his delegation had no objection to the draft agreement before them.

Dr. BYSTRICKY (Czechoslovakia) expressed his agreement with the representative of Italy.

Mr. de CASTRO MENEZES (Brazil) supported the proposal, with the proviso that its terms should not conflict with Paragraph 8 (a) of Article III of the Agreement.

Sir Stephen HOLMES (United Kingdom) expressed sympathy with the remarks of the representatives of Italy and Czechoslovakia. He thought that before embarking upon a course which would make heavy calls on their time, the

contracting parties should ask themselves whether an international agreement of this kind were really necessary.

Mr. ARGYROPOULOS (Greece) associated himself with previous speakers and submitted that in view of the difficulties of determining which insects were more harmful and which insecticides more useful in different latitudes, and in view of the fact that each government should know best what measures were more apt to safeguard public health within its frontiers, the initiative had better be left to the individual governments.

Mr. BROWN (United States) thought the discussion was going beyond the matter in point. They had before them a formal request for technical advice on a matter within the competence of the Contracting Parties. Whether this was or was not the best way to protect public health was a matter for the World Health Organization to decide. Any technical advice which could be given would be helpful. Whether or not the draft convention conformed to the resolution was not for them to decide. His customs experts had examined the questions raised by the representative of Italy and were of the opinion that they could administer some such agreement if the U.S.A. were to become a party to it. Other countries might have difficulties, but they should put forward suggestions within their field of competence as delegations of contracting parties to the Agreement.

Mr. MACFARLANE (Southern Rhodesia) expressed his agreement with Mr. Brown's remarks but thought that their customs policy would be dictated essentially by the requirements of their public health authorities, whether or not there was an international convention of the kind proposed.

M. LECUYER (France) while agreeing with previous speakers on many points they had raised, thought that the contracting parties should give a helping hand to the World Health Organization and try to clear up at least those technical questions which came under the competence of the contracting parties.

Mr. SVEINBJÖRNSSON (Denmark) said that despite his earlier misgivings, he agreed with the United States' representative that the contracting parties should examine the draft and provide advice. He had no objections to the setting up of a working party and took it that it would be generally understood that the contracting parties, in giving advice, were in no way committing individual contracting parties to the approval of the convention.

Sir Stephen HOLMES (United Kingdom) said that the convention had been spoken of loosely as coming from the World Health Organization. In actual fact, the resolution by W.H.O. did not suggest that there should be a convention of this kind. The request originated from the Acting Director-General of W.H.O. His delegation would feel more at ease if the request had been based on a resolution of W.H.O. directed towards the drafting of an international agreement. He pointed to the vagueness of the terms of the agreement and quoted as an example the term "apparatus for the application of insecticides" which might include very different products, ranging from a spoon to a plane.

Mr. BROWN (United States) on the last point raised by Sir Stephen, said that it was exactly such questions of technical customs' definition of products which the Director-General of W.H.O. requested from them, and that it was their duty, as experts, to supply such technical advice or information.

Mr. JAYASURIYA (Ceylon) wished to express his full sympathy with any collective effort designed to combat disease. Speaking for his country, they would have some difficulty in granting duty exemptions to certain products, at least those which were domestically manufactured, and which were protected by tariffs. They must not, however, lose sight of the humanitarian objective of W.H.O., and instead of discussing which was the best method of achieving this objective they should try to find the means of eliminating any difficulties they had in their tariffs and leave it to W.H.O. to decide on the best course to take.

Mr. REISMAN (Canada) expressed his satisfaction with the previous remarks which had helped to raise the level of the discussion. He considered it would be presumptuous and unco-operative not to provide the help which had been requested. He thought contracting parties could look upon the project before them as a useful educational campaign to show how the cost of certain products could be reduced by international co-operation. He also felt that specialists sometimes lost sight of other than technical aspects of their work and that the convention might help national health organizations in dealing with customs departments. Above all, it should not be forgotten that one of the main objectives of the GATT was to eliminate barriers to trade.

The meeting was adjourned at 1 p.m.

