

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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LIMITED B  
GATT/CP.6/SR.22  
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ORIGINAL: ENGLISH

CONTRACTING PARTIES  
Sixth Session

## SUMMARY RECORD OF THE TWENTY-SECOND MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, October 24, 1951 at 10.30 a.m.

Chairman: Mr. Johan MELANDER (Norway)

- Subjects discussed:
1. Torquay Protocol: Decision to extend time limit for signature
  2. Request by Uruguay for an extension of the date to sign the Ancey and Torquay Protocols
  3. Report of Working Party 3 on Administration of the Agreement
  4. Report of Working Party 1 on the International Chamber of Commerce Resolutions

1. Torquay Protocol: Decision to extend the time limit for signature (GATT/CP.6/45)

The Decision to extend the time limit for signature of the Torquay Protocol was adopted by 31 votes to none.

2. Request by Uruguay for an extension of the date to sign the Ancey and Torquay Protocols (GATT/CP.6/46)

The request by Uruguay for an extension of the time limit for signature of the Ancey and Torquay Protocols was agreed, and the formal Decision was adopted by 31 votes to none.

3. Report of Working Party 3 on Administration of the Agreement (GATT/CP.6/41)

Mr. SUETENS (Belgium) introduced the report and drew attention to various points contained therein. The Working Party had agreed that provision should be made to deal with urgent cases arising between sessions and that the work of the regular sessions could be shortened and facilitated if more extensive preparation were undertaken in advance. As an example of the need for the former, he mentioned the Schuman Plan which would certainly come before the Contracting Parties before the Seventh Session, and where there would be the need for immediate action. The Working Party proposed that an ad hoc

committee for agenda and intersessional business be established. When other matters arose between sessions they should be dealt with either in accordance with the intersessional procedures already established, or the committee should appoint a working party to investigate and report to the Seventh Session. With regard to the arrangements envisaged for the Secretariat, he stressed the importance of cooperation between contracting parties and the Executive Secretary in order to assist the latter in carrying out his duties. Finally, he wished to emphasize that this committee was thought of as an experiment, and that at the Seventh Session the arrangements should be reviewed in the light of the experience gained.

Dr. BOTHA (South Africa) thanked the Chairman of the Working Party and also the delegations of Canada, the United States and others who had supported the original plan for a standing committee and had since accepted this less comprehensive proposal in the spirit of cooperation.

Mr. COUILLARD (Canada) said that his delegation was prepared to accept the report in its present form but hoped that the Contracting Parties at their Seventh Session would consider the possibility of strengthening the committee provided for in the report and particularly of coordinating the various types of intersessional procedures at present in existence.

Mr. TAUBER (Czechoslovakia) said that he continued to feel that an intersessional committee as envisaged in the report would serve no useful purpose. In fact, he did not understand how it was possible to weaken the Secretariat, which would be the effect of the creation of the committee, and, at the same time to argue for increasing the staff of the Secretariat, as was proposed at meetings of the Budget Working Party. He opposed the creation of the committee.

Mr. HASNIE (Pakistan) said that he had been among those who opposed setting up an intersessional committee in the fear that to establish such a procedure while the Agreement was still in the course of expansion might only serve to weaken it. However, the fact that the powers of the proposed committee were strictly limited in the new proposal had completely reassured him. The committee would partially relieve the Secretariat of some of its duties while in no way diminishing its work. He was glad to see that the Working Party had taken into account the interests of the various groups of countries among the contracting parties.

The report was then discussed paragraph by paragraph. In Section B - "The Secretariat" an amendment was made to the last sentence of the first paragraph at the suggestion of Dr. Hagemann (Germany) (see document GATT/CP.6/41/Corr.1).

The entire report was then adopted subject to the reservation of Czechoslovakia.

The CHAIRMAN stated that he would propose the composition of the intersessional committee at a later meeting.

4. Report of Working Party 1 on the International Chamber of Commerce Resolutions (GATT/CP.6/36)

Mr. ASHFORD (United Kingdom), Chairman of the Working Party, introduced the report and explained that the Working Party had examined with care and in detail the three Resolutions of the International Chamber of Commerce which had been referred to it. The length of its work was not due to any major division in the views of the Working Party but rather to the technical nature of the subject and the precise drafting required. He referred to the three annexes to the report. The Draft Convention on Samples represented an up-to-date version of the 1935 draft convention. It included certain provisions not included in the original convention, the most important being the exemption from import licensing. It also excluded the question of tourist literature which had been in the original convention as this was considered to be covered sufficiently by international instruments established since that time. The Working Party suggested that all contracting parties study the Draft Convention closely before the Seventh Session and submit to the Secretariat any comments for circulation. The contracting parties were also asked to furnish details concerning their existing concessions on samples and the extent to which they would be prepared to modify their present treatment. The report also contained two sets of recommendations, one on documentary requirements on the import of goods and one on consular formalities. The Working Party thought that these should also be considered by contracting parties in the interval before the Seventh Session.

Mr. RENEMENCIOGLU (Turkey) welcomed the suggestion that the Draft Convention be submitted to governments as it was certainly a document requiring study by competent authorities. Although not wishing to enter into a discussion of the Draft Convention at the present meeting he would like the contracting parties to bear in mind certain considerations. He referred particularly to the Annex to Article II. The report stated that, if the Annex were included, each country would favour the inclusion of its own products in the list. He could not agree with this reasoning. However, if the Annex were included, as an elaboration of the rule contained in Article II, he considered that the categories should be more general. The present list was quite extensive with regard to manufactured products but did not include raw materials. This seemed a serious omission as it was quite as necessary to have samples of raw materials. He asked the contracting parties to consider this matter before the Seventh Session and stated that if it were decided to maintain the Annex, Turkey would submit proposals for elaborating the list.

Mr. LECUYER (France) thought the Turkish delegate's remarks showed how difficult the Working Party's task had been and how wise it was to ask governments to consider and comment on the draft texts. This work was of a special importance because it was the first time the Contracting Parties had directly intervened in the question of customs formalities. In so doing they were carrying out the obligations of Article VIII of the Agreement. This was a particularly difficult task in view of the widely different practices - and practices often of very long standing - in the various countries. He congratulated the Chairman of the Working Party on his competent direction of the work and thought that the Contracting Parties should also thank the International Chamber of Commerce both for their assistance in the work itself and for having been in some sense the originators.

Mr. BURGESS (United Kingdom) said that his delegation welcomed the Draft Convention on Samples and thought it would facilitate the flow of trade. Many countries already granted liberal customs treatment to samples but to conventionalize such treatment would be a great advantage. The Draft Convention was a marked improvement on the 1935 Convention. His Government intended to give careful study to the text and he would only say at this stage that his delegation was in agreement with others who thought that the Annex to Article II weakened the Article. No list could be exhaustive and to include a list at all was unwise. The recommendations on documentary requirements and consular formalities were also very useful and, in fact, since the contracting parties were committed to reduce such procedural complexities, it seemed to him that the recommendations should be adopted at the present session rather than be submitted to governments for consideration as suggested in the Report. The recommendations were neither mandatory nor very far reaching. If, however, it appeared that this would cause difficulties for some contracting parties at the present time, he would not press the matter to a vote. He did wish to state, however, that if these recommendations were submitted to governments for consideration in the interval, his delegation intended to make proposals that would considerably strengthen the standards set up for consular formalities.

The Draft Convention was then taken up article by article. Articles I to VII were approved.

Article VIII. Mr. DI NOLA (Italy) considered the Convention should be drafted in a liberal spirit and should not create difficulties in the administration of customs formalities. The original convention contained a clause which excluded from arbitration procedure the findings of customs officials. Its omission from the new draft would, in his view, make it more difficult for governments to accept the latter. The types of merchandise which could be called samples of negligible value were so varied that they must be decided upon by customs officials; if it were possible to submit complaints on such items to arbitration customs procedure would become very complicated.

Mr. ASHFORD (Chairman of the Working Party) explained that the Working Party had carefully considered the view of the representative of Italy. The corresponding article in the 1935 convention contained an exception for the decision of customs officials on samples of no commercial value. The Working Party had felt however that any dispute on this matter should fall under the arbitration provisions of Article VIII and that no questions should be excluded. Furthermore, he would point out that Article VIII referred to disputes between governments and not to disputes between the individual trader and the customs authority in a particular country. It was apparent that only after many complaints by individual customs authorities was there the likelihood that such a dispute would be taken up by the government of the individual trader.

M. CASSIERS (Belgium) suggested that paragraphs 2 and 3 might be rearranged and agreed that this drafting question could be considered by governments in the interval.

Mr. DI NOIA (Italy) said the matter could be discussed in detail later. He would point out that if the Annex to Article II containing the list of samples were included there was even more reason for adopting his suggestion.

The remainder of the Draft Convention was agreed and also the Annexes B and C containing the draft recommendations on documentary requirements for the importation of goods and on consular formalities. The report itself was then taken up and it was agreed that the entire report, including the draft recommendations, should be sent to the International Chamber of Commerce as well as the Draft Convention on Samples.

The CHAIRMAN asked whether there was any support for the United Kingdom proposal that Parts II and III (recommendations on documentary requirements and on consular formalities) be adopted at this session.

Mr. PEREZ CISNEROS (Cuba), Mr. VALLADAO (Brazil) and Mr. MATHUR (India) said that their delegations were not in a position to adopt these proposals and preferred to submit them to their Governments for consideration.

Mr. BURGESS (United Kingdom) said that in these circumstances he would not press his proposal.

Mr. TAUBER (Czechoslovakia) explained that he continued to believe that the Draft Convention submitted was not within the scope of the Agreement and he could not therefore agree to it. In his opinion it favoured the more developed countries at the expense of the so-called economically underdeveloped countries and he did not think that it served any useful purpose.

Mr. AHMAD (Pakistan) said that he had stated at the original meeting that the 1935 convention favoured the more developed countries. However, he considered that the draft convention served a useful purpose and his Government was prepared to give it careful consideration.

The report was adopted subject to the reservation of the delegate of Czechoslovakia.

It was agreed that the report be derestricted at the close of the session.

The CHAIRMAN thanked the Working Party and particularly its Chairman, Mr. Ashford, for the excellent work that had been done on this very complicated and technical subject.

The meeting rose at 1.00 p.m.