

RESTRICTED  
LIMITED B  
GATT/CP.2/42  
13 September 1948  
ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS & TRADE

Contracting Parties

Second Session

REPORT OF THE LEGAL WORKING PARTY UPON THE  
DECISIONS TAKEN BY THE CONTRACTING PARTIES  
PURSUANT TO THE REPORT OF THE WORKING PARTY  
ON ARTICLE XVIII

The Legal Working Party recommends that the following amendments should be made in the Decisions taken by the CONTRACTING PARTIES pursuant to the Report of Working Party 5 on Article XVIII (Document GATT/CP.2/38):-

- 1) Consolidate the first two paragraphs of the preamble of Decisions I and II (page 13) to read as follows:-

"The CONTRACTING PARTIES exercising their power of waiver under paragraph 5 of Article XXV of the General Agreement on Tariffs and Trade."

- 2) Amend the first paragraph of the preamble of Decision III (page 14) in the same way.

- 3) Amend the second paragraph of the preamble of Decision III to read:-

"HAVING noted that decisions under the provisions of paragraph 6 of Article XVIII of the Agreement concerning measures notified by the Governments of Cuba and the Netherlands (the latter in respect of the Netherlands Indies) shall be given...."

- 4) Amend the third paragraph of the preamble of Decision III to read:-

"HAVING noted that the next session of the CONTRACTING PARTIES is not scheduled to be held...."

- 5) Amend the word "shall" in the operative part of Decision III to read: "may".

The Legal Working Party recommend that there should be inserted in the Report of Working Party 5 a statement that it follows from Decision III that the Governments of Cuba and the Netherlands are permitted to maintain the measures to which that Decision refers until a decision regarding them is taken by the CONTRACTING PARTIES.

The Delegation of the United States reserved the right to introduce further drafting amendments to the Decisions in the meeting of the CONTRACTING PARTIES should it see fit to do so.