

Contracting Parties

Third Session

FIRST REPORT OF WORKING PARTY ON ARTICLE XVIII

Notification by Acceding Governments of Measures
under Paragraph 11 of Article XVIII.

1. Working Party 2 is required by section (b) of its terms of reference to consider the question of procedure for the notification of measures by acceding governments under paragraph 11 of Article XVIII and their examination. In view of the approaching conclusion of the work of Working Party 1 on Accession in drafting an instrument of accession, the Working Party, before considering the whole question of the procedure, directed its attention to the dates specified in paragraph 11 of Article XVIII in respect of measures to be notified by the acceding governments. The present report is submitted to the Contracting Parties so that the proposals of this Working Party can be considered with the proposed Protocol of Accession submitted by Working Party 1.
2. The Working Party is of the opinion that such measures should be notified by the acceding governments before the end of this session so that contracting parties and acceding governments will have knowledge of the measures existing. The acceding governments should therefore give notification as soon as possible before the conclusion of the session. On the other hand, it is also the view of the Working Party that sufficient time should be provided to enable the acceding governments to prepare lists of the measures to be notified. The Working Party has therefore come to the conclusion that it would be desirable that the last date for the notification of such measures should be 15 June 1949,

in respect of the governments acceding at the end of this session.

3. As regards the date on which any non-discriminatory measures should be in force, to be eligible for the purposes of paragraph 11, the Working Party felt that an early date might eliminate the possibility of some measures having been introduced in order to benefit by the provisions of that paragraph. However, the Working Party also felt that it would not be desirable to fix a date earlier than the present time or the opening of the present session since to do so would require acceding governments to undertake obligations in respect of a preceding date and perhaps prior to the commencement of negotiations. Any interval between the date on which the measures are in force for the purposes of paragraph 11 and the date of notification would give rise to the difficulty that an acceding government might be placed in the position of having to withdraw measures introduced between the two dates. On the whole, therefore, it was felt that the interval should be as short as possible and the Working Party, accordingly, proposes that 14 May 1949, i.e. the date of the present report of the Working Party, should be adopted.

4. The Working Party proposes to prepare for circulation to acceding governments a statement that may serve as a guide to them in deciding which measures are appropriate for notification under paragraph 11 of Article XVIII. The Working Party would also be available to supply to the acceding governments any supplementary information regarding the eligibility of their particular measures for notification under that paragraph.

5. In accordance with its terms of reference this Working Party will in due course consider the question of procedure for the examination of measures notified under paragraph 11 of Article XVIII by acceding governments.