

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED
LIMITED B
GATT/CP.4/ 16
25 February 1950
ORIGINAL: ENGLISH.

CONTRACTING PARTIES
Fourth Session

PROVISIONS OF THE AGREEMENT WHICH CONTEMPLATE
SUBMISSION OF INFORMATION TO THE CONTRACTING PARTIES

Note by the Executive Secretary

At the second meeting of this Session, the CONTRACTING PARTIES requested the Secretariat to prepare a list of the provisions of the Agreement which require individual contracting parties to submit information to the CONTRACTING PARTIES.

The following is a review of the provisions of the agreement which in one way or another involve the submission of information to the CONTRACTING PARTIES:

(a) Information to be furnished regularly:

Annex J, paragraph 2: This appears to be the only provision in the Agreement where regular submission of information is required. The character of the requirement has been pointed out and discussed in the memorandum submitted by the United States (GATT/CP.4/15).

(b) Information required if and when specific action is taken by a contracting party:

The following provisions of the Agreement require the submission of information specifically when or before a certain action is taken:

(i) Article XVI: Subsidies. A contracting party which grants or maintains any subsidy, including any form of income or price support, which operates directly or indirectly to increase exports of any product from, or to reduce imports of any product into, its territory, is required to notify the CONTRACTING PARTIES of the extent and nature of the subsidization, of the estimated effect of the subsidization on the quantity of the affected product or products imported into or exported from its territory and of the circumstances making the subsidization necessary.

(ii) Article XIX: Emergency Action on Imports of Particular Products. Paragraph 2 requires a contracting party to give prior notice to the CONTRACTING PARTIES of any decision to suspend an obligation or to withdraw or modify a concession under the provisions of paragraph 1.

(iii) Article XXIV: Customs Unions and Free Trade Areas. A contracting party deciding to enter into a customs union or free trade area, or an interim agreement leading to the formation of such a union or area, is required to notify the CONTRACTING PARTIES (sub-paragraph (a)). Similarly, a contracting party making a substantial change in the plan or schedule included in such an interim agreement is required to advise the CONTRACTING PARTIES.

(c) Information which may be requested by the Contracting Parties

In certain articles of the Agreement, it is expressly provided that the CONTRACTING PARTIES may request from contracting parties reports on steps taken by them in pursuance of the provisions of a certain article or information which is necessary for carrying out a certain action by the CONTRACTING PARTIES.

(i) Article VII: Valuation for Customs Purposes.

The CONTRACTING PARTIES may request contracting parties to submit reports on steps taken by them in pursuance of the provisions of this Article:

(ii) Annex J: Under paragraph 2 of this Annex the CONTRACTING PARTIES may request a contracting party taking action under paragraph 1 to provide relevant information regarding such action:

On the other hand the CONTRACTING PARTIES are required by the provisions of the Agreement to take certain action at certain prescribed times or under certain prescribed conditions. In taking such action, it may be thought advisable for the CONTRACTING PARTIES to request information from individual contracting parties, although there is no explicit provision in the Agreement obliging the individual contracting parties to supply such information. The following are among such provisions:

(i) Article XII: Restrictions to Safeguard the Balance of Payments: Under paragraph 4 (b) the CONTRACTING PARTIES are required to review all restrictions applied under Article XII not later than January 1, 1951, and under paragraph 5 the CONTRACTING PARTIES are required to initiate discussions in the event that there exists a persistent and widespread application of restrictions under this Article:

(ii) Article XIV: Exceptions to the Rule of Non-Discrimination: Under paragraph 1 (g) the CONTRACTING PARTIES are required to report not later than March 1, 1950 and in each year thereafter on any action still being taken by the contracting parties under subparagraphs (b) and (c) or under Annex J: