

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED  
LIMITED C  
GATT/CP.5/42  
11 December 1950  
ORIGINAL: ENGLISH

CONTRACTING PARTIES  
Fifth Session

## Report of Working Party "H" on the Review of Import Restrictions

### A. THE QUESTIONNAIRE

1. The Working Party has prepared for consideration by the Contracting Parties the questionnaire contained in the Annex to this Report. This is intended to solicit information from contracting parties concerning their balance-of-payments import restrictions to enable the Contracting Parties to conduct the review of import restrictions, as required by Article XII:4(b), and to make the second report on the discriminatory application of restrictions, required by Article XIV:1(g).
2. In preparing the questionnaire, the Working Party has used as a basis the draft prepared by the Secretariat (GATT/CP.5/5) and has taken into account the suggestions put forward in the course of the discussion in the meetings of the Contracting Parties (GATT/CP.5/SR.11 and 12). The questions as now drafted are intended to secure only factual information and do not require contracting parties to give appraisals of the results achieved by their restrictions or to include forecasts of changes in policy. The Working Party believes that the information which contracting parties are asked to furnish is the minimum which will be required at the Sixth Session if the Contracting Parties are to carry out a satisfactory review of the restrictions in force.

### B. SUGGESTIONS TO FACILITATE THE ARTICLE XII REVIEW

3. In addition to the preparation of the questionnaire, the Working Party was asked to put forward suggestions to facilitate the review of restrictions and the writing of the second report on discrimination. Under this head, the following suggestions are made:
  - (i) In order that the representatives of contracting parties may come to the Sixth Session prepared to participate in the work on this subject, it is essential that copies of the replies to the questionnaire should be distributed before the Session opens. Therefore, contracting parties should be asked to supply fifty copies of their replies in either English or French. At least three copies should be sent to the Secretariat by airmail, but the others could follow by surface mail if despatched with the least possible delay. (A contracting party which is situated a long distance from Geneva might, in addition, wish to submit copies direct to other nearby contracting parties).
  - (ii) In order to facilitate the work of the Contracting Parties in undertaking their review of restrictions and the writing of their report on discrimination, the Secretariat might be instructed to study the replies received and to prepare, in advance of the Session, such material as may be considered likely to be of assistance to the Contracting Parties, such material also to be distributed, if possible, before the opening of the Session.

- (iii) In order that copies of the replies may be distributed and that the Secretariat may have time to prepare material, it is proposed that replies should reach the Secretariat not less than three months before the opening of the Sixth Session, or by April 30, 1951, whichever is the later. As the date for the next Session has not yet been fixed, the date for submission of the replies will be determined by the Secretariat when issuing the questionnaire after the close of the present Session. Contracting parties might be asked especially to adhere to this time-table in view of the fact that they are likely to have four to six months in which to prepare their replies.

#### C. REVIEW OF OTHER IMPORT RESTRICTIONS

4. Finally, the Working Party was asked to make proposals regarding the collection of information on the application of quantitative import restrictions under provisions of the General Agreement other than Article XII. The Working Party considers that the collection of such information would be useful at this time, and therefore recommends that the Executive Secretary be authorized to invite contracting parties to submit statements describing each such individual measure of restriction, the products to which it is applied and the methods of restriction, and including relevant statistics of trade in the products concerned. In addition, contracting parties might be asked to furnish, whenever possible, a copy of each of the laws, regulations, and decrees authorizing or enforcing the measures described in the statements submitted.

5. If this recommendation is approved, it is suggested that the Executive Secretary might be instructed to ask for the submission of replies not later than three months before the opening of the Sixth Session, and for sufficient copies for distribution to other contracting parties. Further, the Executive Secretary might be instructed to study the statements received and to submit these to contracting parties, together with such material as he considers likely to be of interest to them.

ANNEX

QUESTIONNAIRE

for

THE REVIEW OF IMPORT RESTRICTIONS APPLIED UNDER ARTICLE XII

and

THE SECOND REPORT ON THE DISCRIMINATORY APPLICATION OF RESTRICTIONS  
UNDER THE TRANSITIONAL PERIOD ARRANGEMENTS OF ARTICLE XIV

General Notes

1. This questionnaire need be answered only by contracting parties which are applying import restrictions under the provisions of Article XII. Those contracting parties which are not applying such restrictions need only notify that fact.
2. In answering this questionnaire, contracting parties need not repeat information furnished in response to the questionnaire of October 1949 (GATT/CF/39) but should give references to the relevant sections of their replies.
3. The term "import restrictions" is meant to include restrictions made effective, either directly or indirectly, through state-trading operations; and the expression "state-trading operations" is meant to include the operations of enterprises wherever located to which the contracting party has granted, formally or in effect, exclusive or special privileges.
4. In answering this questionnaire, contracting parties should furnish information and data in respect of restrictions applied to merchandise imported into their non-metropolitan territories to which the General Agreement applies.
5. The replies to this questionnaire should be accompanied by copies of all laws, decrees, etc., not previously furnished to the Secretariat, which have provided for the establishment, maintenance and administration of the restrictions (including samples of public notices issued in compliance with paragraphs 3(b) and 3(c) of Article XIII) and copies of all bilateral agreements (not including state-trading contracts) directly affecting the importation of restricted products in 1950 and 1951.
6. When this questionnaire is issued the Executive Secretary will ask contracting parties to submit their replies not later than three months before the opening of the Sixth Session but not earlier than April 30, 1951.

QUESTION 1 - CHANGES IN POLICY SINCE 1948

Describe the extent and nature of changes of policy since January 1, 1948, which have affected the intensity of the import restrictions and their impact on other countries.

QUESTION 2 - THE TECHNIQUE OF RESTRICTION

Describe the methods employed in applying the restrictions (other than those made effective either directly or indirectly through state-trading operations) and the groups of products subject to each method, using the following classification:

- (i) import licences without the fixing of quotas;
- (ii) the fixing of global quotas;
- (iii) the allotment of shares in quotas to countries of supply, either by unilateral action, special arrangement or negotiation;
- (iv) prohibitions;
- (v) other techniques, including barter and compensation arrangements.

Supply statistical and other data for the three years 1948 to 1950 to indicate as clearly as possible the total value and the percentage of total imports which is free of restriction or subject to open general licence, and the total values and the percentages imported under the various methods of restriction described above and in answer to Question 3.

QUESTION 3 - STATE-TRADING

For restriction of imports made effective either directly or indirectly through the activities of the state or of enterprises to which exclusive or special privileges have been granted, name the products so restricted and indicate the manner of restriction (using the classification suggested in question 2 so far as possible), the scope of the restrictions and the administrative procedures employed.

QUESTION 4 - BASIS OF RESTRICTION

Where the allotment of shares in quotas is based upon "previous representative periods", state the period or periods selected and give, by products or by groups of products, the basis used for the choice.

QUESTION 5 - INTERNAL DISTRIBUTION OF LICENCES

Describe the administrative arrangements for the distribution of licences among importers insofar as these may affect the interests of supplying countries.

QUESTION 6 - TOKEN IMPORTS

Describe any system of token imports for products which would otherwise be excluded from entering the market by the operation of the restrictions, and state the products covered.

QUESTION 7 - POLICY OF DISCRIMINATION

If restrictions are not administered in accordance with the rule of non-discrimination in Article XIII, describe the policy pursued at the present

title, with relevant references to classifications of products and of supplying countries. Indicate whether discrimination is pursuant to the provisions of sub-paras. (b) and (c) of para.1 of Article XIV or to the provisions of Annex J. Trade statistics for 1948-50 should be supplied to indicate the effects of the restrictions on imports from various countries and currency areas.

QUESTION 8 - IMPLEMENTATION OF POLICY OF DISCRIMINATION

Describe the implementation of the policies discussed in question 7 in terms of the various methods of restriction indicated in answer to Questions 2 and 3.

QUESTION 9 - CONSIDERATIONS AFFECTING SOURCE OF IMPORTS

Contracting Parties applying restrictions with discrimination are asked to describe the various considerations which are taken into account in determining the source of imports. Contracting parties operating under Annex J are asked to describe the implementation of (i) and (ii) of paragraph 1(a) of the Annex, giving illustrative examples with regard to (i) in relation to products represented in the table in Question 13.

QUESTION 10 - BILATERAL AGREEMENTS

Describe any commitments, other than state-trading commitments, in respect of importation of goods subject to import restriction assumed in bilateral agreements with other countries, whether or not contracting parties. Include statistics of the volume and value of imports in 1948 to 1950 by country of origin for the principal products and groups of other products covered by such commitments.

QUESTION 11 - PROGRAMMES FOR 1951

Describe the policy and programme for 1951 in relation to the main currency areas and the various methods of import restriction.

QUESTION 12 - INCIDENTAL PROTECTIVE EFFECTS OF RESTRICTIONS

Describe any steps taken to minimize the incidental protective effects of the restrictions. (Note the recommendations contained in paragraphs 18 and 19 of GATT/CP.4/33).

QUESTION 13 - INFORMATION RELATING TO CERTAIN PRODUCTS

Complete as fully as possible a table in the attached form for a number of items representing a cross-section of imported products. It is suggested that the items selected will not be adequately representative unless they account for at least 30 per cent of the imports of raw materials, semi-stuffs and manufactured products, calculated separately, and include a representative sample of products subject to restriction. Where it would be helpful to an understanding of the information furnished, the table should be supplemented by footnotes. (Contracting parties which replied to the 1949 questionnaire (GATT/CP/39) should, as far as possible, select the same items as on that occasion).

INFORMATION RELATIVE TO CERTAIN PRODUCTS

<u>Tariff No.</u>	<u>Brief Description of the Product</u>	<u>Value of Imports in 1950 or latest available</u>	<u>Whether subject to restriction: (Yes or No)</u>	<u>If subject to one or more bilateral agreements in 1951, name the countries</u>	<u>Method of Restriction by Countries, related to your answers to Questions 2 and 3</u> 1950 Method of Restriction of Country 1951 Method of Restriction of Country	<u>Import programme (Global or by Countries, as available)</u> 1950 Quantity or Value 1951 Quantity or Value