

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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ARTICLE XXXV REVIEW

Terms of Reference for Working Party

The Special Group appointed by the Council to consider the scope and timing of the review of the operation of Article XXXV in relation to Japan proposes that the Council should recommend to the CONTRACTING PARTIES that a working party be established to carry out the review and that this working party be given the following terms of reference:

1. Against the background of a report by the Executive Secretary on the origins of Article XXXV and a factual account of its application in the case of Japan, to review under paragraph 2 of the Article as requested by the Government of Japan, the operation of the Article in this case, with particular reference to:
 - (a) the existing trade relationships between Japan and each of the countries which have invoked Article XXXV;
 - (b) the effects of the invocation of Article XXXV on Japan's trade and the repercussions on the trade of other contracting parties;
 - (c) the widespread invocation of Article XXXV vis-à-vis Japan by governments acceding to the GATT under Article XXVI:5(c) and Article XXXIII.
2. To submit a report on this review together with any proposals the working party may wish to put forward as to recommendations that might appropriately be made by the CONTRACTING PARTIES pursuant to paragraph 2 of Article XXXV.