

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

W. 7/51
30 October 1952

Special Distribution

Original: English

WORKING PARTY 4 ON EUROPEAN COAL AND STEEL COMMUNITY

Note by the United Kingdom Delegation

The United Kingdom Delegation was invited at the meeting of the Working Party on 23 October to set out in writing the proposals made orally at that meeting regarding the provisions to be inserted in the draft waiver concerning export duties and concerning discrimination in the application of import and export restrictions.

As regards export duties and other charges imposed on or in connection with exportation, the suggestion of the United Kingdom is that the waiver should contain some reference to the export duties, and other charges imposed on or in connection with exportation, of the member States being harmonised upon a basis which shall not be higher or more restrictive than the general incidence of the duties and charges now applicable in the member States.

This might be achieved by the replacement of paragraph 7 of the preamble in the United States draft (W.7/49) by the following paragraph (or by the addition to paragraph 1 of Section II of a proviso to the same effect):

"that the member States propose not to impose export duties and other trade regulations applicable to coal and steel products destined for the territories of the other contracting parties to the General Agreement, except upon a basis which shall not be higher or more restrictive than the general incidence of the duties and regulations of commerce now applicable".

As regards discrimination in the application of import and export restrictions, the proposals of the United Kingdom Delegation might be met by replacing paragraph 2 of Section III of the United States draft by the following paragraphs, to paragraph 4 of which attention is particularly directed.

"2. If at any time the Government of a member State considers that in order to permit it to fulfil its obligations under the Treaty constituting the European Coal and Steel Community and the related Convention containing the Transitional Provisions it requires a waiver, additional to those set out in paragraphs 1 to 6 of Section II of this Decision, from any provisions of the General Agreement and the CONTRACTING PARTIES are not in session, the Government concerned may lay its request before the Ad Hoc Committee on Agenda and Intersessional Business which, within 2 weeks of the receipt of the request, shall meet to consider the request and to make a recommendation thereon to the CONTRACTING PARTIES.

"3. If a contracting party requests that the application of the present Decision shall be reviewed or that a proposal for the amendment of any of the waivers in paragraphs 1 to 6 of Section II of the Decision shall be considered and the CONTRACTING PARTIES are not in session, the Ad Hoc Committee on Agenda and Intersessional Business shall, within 2 weeks of the receipt of the request, meet to review the application of the Decision or to consider the proposal for the amendment of any of the waivers in paragraphs 1 to 6 of Section II of the Decision, and to make a recommendation thereon to the CONTRACTING PARTIES.

"4. If a contracting party represents to the CONTRACTING PARTIES or, if the CONTRACTING PARTIES are not in session, to the Ad Hoc Committee on Agenda and Intersessional Business, that restrictions imposed by the Government of any of the member States on the importation or exportation of coal and steel from or to the territory of any other contracting party not being a member State, have been substantially intensified in comparison with the restrictions in force at the date of this waiver in such a way as to cause unnecessary damage to the commercial or economic interests of that other contracting party, the Government imposing the restrictions shall enter into consultation with the CONTRACTING PARTIES or, if the CONTRACTING PARTIES are not in session, with the Committee regarding the restrictions. The CONTRACTING PARTIES shall have power to prescribe limitations, and the Committee power to recommend to the CONTRACTING PARTIES the prescription of limitations, to the restrictions.

"5. The CONTRACTING PARTIES shall, if the Chairman of the CONTRACTING PARTIES considers that any recommendation made by the Committee pursuant to paragraphs 2, 3 and 4 above is not suitable for decision by the CONTRACTING PARTIES by means of a postal or telegraphic ballot, hold a special session in order to decide upon any recommendation made by the Committee pursuant to those paragraphs."