
Contracting Parties

Third Session

WORKING PARTY 2 ON ARTICLE XVIII

Draft - First Report.

On Procedure for Notification by Acceding Governments
of existing Non-discriminatory Measures.

The Contracting Parties will recall the discussion at the third meeting of the present Session of the Contracting Parties regarding the establishment of a procedure for the examination of measures notified under paragraph 11 of Article XVIII by acceding governments. Working Party 2 was required by section (b) of its terms of reference to consider this question and to report thereon to the Contracting Parties.

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. It proceeded to consider appropriate dates to be adopted by the Contracting Parties 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 the Working Party can be considered with the proposed Protocol of Accession submitted by Working Party 1.

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 particular items involved, and that in order to facilitate such knowledge, the acceding governments should give notification at as early a date 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 a list of the measures to be notified.

The Working Party has therefore come to the conclusion that it would be desirable that the date for the notification of such measures should be 15 June 1949, in respect of the governments acceding at the end of this session. It will be understood that the proposal is made on the assumption that if the present session of the CONTRACTING PARTIES is extended the proposed date could be subject to alteration by the CONTRACTING PARTIES.

As regards the date on which any non-discriminatory protective measure, to be eligible, must be actually in force, the Working Party felt that it would be impracticable to fix a date which was earlier than the present time. To require such notified measures to be in force on an earlier date would give rise to circumstances in which an acceding government might be required to withdraw measures which it might have introduced since that date. The Working Party therefore proposes that [14] May, 1949, i.e. the date of the present Working Party report, should be adopted.

It is the view of the Working Party that the choice of this date and of the period of a month for the lodging of notifications would not impose any obligations on the acceding governments more onerous than those which applied to the contracting parties at Geneva in 1947.