

GENERAL AGREEMENT ON
TARIFFS AND TRADE

GATT
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1960-61 TARIFF CONFERENCE
Tariff Negotiations Committee

PROCEEDINGS OF THE FOURTEENTH MEETING IN ORDINARY SESSION

Held at the Palais des Nations, Geneva,
on Wednesday, 6 December 1961, at 10 a.m.

Chairman: Mr. E. Wyndham White

Subjects discussed: 1. Report of the Working Party on Accession (TN.60/17)
2. Report of the Legal Drafting Group (TN.60/16)
3. Other business

1. Report of the Working Party on Accession (TN.60/17)

The Tariff Negotiations Committee adopted the report of the Working Party on Accession.

2. Report of the Legal Drafting Group (TN.60/16)

The Chairman of the Legal Drafting Group, Mr. R. Denman (United Kingdom), introduced the report of the Group.

Referring to the proposal of the Group to incorporate the provisions in respect of accession in separate Protocols, the Chairman of the Tariff Negotiations Committee said that it seemed reasonable that the accession of Israel and Portugal which had completed - or almost completed - their negotiations should not be unduly delayed by the fact that the Tariff Conference had not finished its work as foreseen. In reply to questions from some delegations he stressed that the acceding governments did only become contracting parties on the thirtieth day following the day upon which they had accepted the Protocol on Accession.

(a) The Final Act

The representative of India referred to the reservation in respect of the special relationship between Portugal and some of its overseas provinces that his delegation had made in the Working Party on Accession. He said that it would therefore be necessary for India to make a reservation in respect of the Protocol on the Accession of Portugal if a reference to this instrument were maintained in the Final Act when it was opened for signature.

The Chairman pointed out that the approval of the text did not in any way commit India and that an explanatory statement could be affixed to the signature.

The Draft Final Act was adopted.

(b) The Protocol Embodying the Results of the 1960/61 Tariff Conference

The Chairman said that the Draft Protocol followed closely the models used at past negotiations.

The Committee adopted the Draft Protocol and decided to submit it to the CONTRACTING PARTIES for approval.

(c) The Protocol for the Accession of Israel and the Decision Agreeing to the Accession of Israel

The Committee adopted the Draft Protocol and the Draft Decision and decided to submit them to the CONTRACTING PARTIES for approval.

(d) The Protocol for the Accession of Portugal and the Decision Agreeing to the Accession of Portugal

The representative of Australia with reference to Portugal's accession to GATT said that Australia certainly wanted to see as many countries as possible in GATT but it was necessary to avoid any misunderstandings and to be clear about the conditions on which a country acceded to the General Agreement. This was the first time since 1955 that governments would be acceding to GATT under Article XXXIII. Since 1955 the agricultural problem had been taken up for a thorough examination in GATT and great efforts were being made to increase GATT's efficiency in this field.

It had appeared during the examination in Committee II that certain aspects of Portugal's agricultural import policy were not completely in accordance with the rules of GATT. It was clear that Portugal's import régime for agricultural products did not give the opportunity for access to the Portuguese market that Portugal would get in the markets of other countries by virtue of membership of GATT. The Protocol dealt almost exclusively with tariff measures and did not take into account the observations made in Committee II and in the Working Party on Accession. It was true that the Portuguese representative had stated in the Working Party that upon the accession of his Government to GATT, Portuguese trade regulations would be brought into line with the provisions of the General Agreement. The representative of Australia doubted, however, whether it would be possible to modify to the extent necessary Portugal's import régime on agricultural products by the date Portugal became a contracting party. He suggested that a provision might be inserted in the protocol which would assist Portugal in moving towards the situation which its representative had promised.

The representative of New Zealand said that his Government had not yet had the opportunity to study fully the questions raised by the Australian representative, but he wanted to stress the seriousness of the problem. His

delegation would come back to the question when it was discussed in the CONTRACTING PARTIES.

The representative of Portugal said that the trade policy of his country had been discussed and examined very thoroughly within GATT. Portugal had submitted all information with utter frankness. He thought that the undertaking of his country to apply fully the GATT rules would meet all reasonable requirements and that no special conditions should be necessary. To accept such conditions would furthermore be very difficult for his Government.

The representative of the United Kingdom considered it a fundamental principle that countries who were invited to accede should do so on the basis of the rules which were applicable to all contracting parties. More stringent rules for acceding governments would be unfair. Accession to the General Agreement was a serious matter and he wished to endorse the statements which had stressed its importance. He wished to point out that, however serious a matter accession might be, the failure to accept a country into the GATT would be even more serious. To those who felt that they were being rushed he would point out that the question of Portugal's accession had been before the Committee for months.

The Chairman asked whether a reaffirmation before the CONTRACTING PARTIES of the statement made in the Working Party on Accession by the representative of Portugal would meet the requirements of Australia and New Zealand.

The representative of Australia said that this would be valuable although it was not quite what his delegation would have wished.

The representative of Canada also stressed the value of such a reaffirmation and asked that the Report of the Working Party on Accession be put before the CONTRACTING PARTIES.

The representative of Portugal confirmed his willingness to repeat his statement before the CONTRACTING PARTIES.

The Chairman confirmed that the Report of the Working Party on Accession would be put before the CONTRACTING PARTIES.

The Committee adopted the Draft Protocol and the Draft Decision and decided to submit them to the CONTRACTING PARTIES for approval.

(e) Procedure for the accession of Israel and Portugal

The Chairman recalled that Israel had already concluded its negotiations and that Portugal's negotiations would probably be completed within forty-eight hours. The results had been tabled with the secretariat and could be examined there by interested contracting parties. Under these circumstances it seemed reasonable to him to report the state of affairs to the CONTRACTING PARTIES and recommend that they should take the necessary steps for the accession of Israel and Portugal on the basis of the results of the completed negotiations.

The Committee decided to recommend that the CONTRACTING PARTIES take action under Article XXXIII with respect to Israel and Portugal.

3. Other business

The Chairman said that the Dillon negotiations had clearly reached a point of decision. No resolutions could bring the end nearer. It was a matter of the utmost importance that the opportunity for substantial tariff reductions should not be lost.