

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/35

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Special Distribution

Multilateral Trade Negotiations

Group "Non-Tariff Measures"

MEETING OF JULY 1977

Chairman's Summing-up and Record of Decisions

1. Group "Non-Tariff Measures" met on 21 and 28 July 1977.
2. It invited the Secretary-General of UNCTAD or his representative to attend the session of the Group as an observer. It noted the communications from the chairmen of other Groups or Sub-Groups referred to in MTN/NTM/W/107. The Group's particular attention was drawn to paragraph 8 of the summing-up by the Chairman of Group "Tropical Products" of the Group's meeting in May (MTN/TP/11).

Anti-dumping

3. In accordance with the decision which it had taken at its last meeting (MTN/NTM/32, paragraph 4), the Group discussed substantive problems which delegations of developing countries considered to exist in this field, and the specific difficulties or considerations which they wished to see taken into account. A number of suggestions were put forward to deal with these matters. The Group agreed to continue discussion of these matters at its next meeting.

Establishment of a second list of non-tariff measures

(a) Variable levies, minimum import prices or non-tariff charges on imports

4. The Group's previous discussions on this matter were recalled (MTN/NTM/32, paragraph 3 and MTN/NTM/26, paragraphs 2-3, etc.). The Group noted that the countries making the proposal for setting up a sub-group did not, in the light of developments, intend to press it forward at this time. In this connexion the Group took note of the statement by the representative of Australia in MTN/NTM/W/109.

(b) Anti-dumping

5. The Group noted the discussion which had taken place on anti-dumping at the present meeting and the fact that this discussion would be continued at its next meeting (paragraph 3 above). It accordingly agreed to revert to the proposal for the establishment of a Sub-Group "Anti-Dumping" (MTN/NTM/26, paragraph 4 and MTN/NTM/32, paragraph 4) at its next meeting.

Licensing procedures

6. Reference was made to the proposal included in MTN/NTM/W/73/Rev.1/Add.1 to include export licensing procedures into the work of the Sub-Group "Quantitative Restrictions". The Group noted the divergence of views which existed with respect to this proposal.

Procedures for the negotiations

7. (a) The Group had before it a proposal by the United States (MTN/NTM/W/108). After considerable discussion, the Group agreed on the decisions set out in the Annex.

(b) To facilitate the implementation of these decisions, the secretariat, as heretofore, will, upon request, prepare documentation for the developing countries concerning non-tariff barriers of particular interest for these countries.

(c) The Group will keep under review the progress made in the negotiations on non-tariff measures and take such action as may be needed to achieve the objectives of the negotiations, in particular with respect to the trade of developing countries. The Group will meet as necessary, and would report periodically to the Trade Negotiations Committee.

8. There was no agreement as to if and where export measures by developing countries should be discussed.

9. It was agreed that the date of the next meeting of the Group would be fixed by the Chairman in consultation with delegations.

ANNEX

Decision by Group "Non-Tariff Measures"

Group "Non-Tariff Measures" agreed to pursue the negotiations in the following manner, account being taken of co-ordinated progress in the negotiations as a whole and also of progress in other parts of the negotiations.

General procedures

1. Participants in the Multilateral Trade Negotiations will submit lists of requests regarding any non-tariff measures by 1 November 1977, it being understood that request lists may be modified or additional lists be submitted as the negotiations proceed.
2. The requests should indicate specific non-tariff measures including, where possible, the products to which they apply, on which the participant concerned wishes to secure concessions and commitments and the nature of the concessions or commitments being sought. A suggested pro-forma would be made available by the secretariat.
3. The request lists would be submitted to the participants concerned either directly or through the secretariat. In either case, copies of the lists would be filed simultaneously with the secretariat which would circulate such lists to all participants in the negotiations, subject to requirements of confidentiality.
4. The Group expressed the hope that delegations would exercise restraint in making requests on measures with respect to which multilateral solutions were being sought in the Sub-Groups.
5. Group "Non-Tariff Measures" accepts 15 January 1978 for the submission of offers and agrees that a maximum effort should be made by all participants in this regard.
6. Work will continue in the existing Sub-Groups on the drafting of general codes or other solutions that will deal with the non-tariff measures being considered in these Sub-Groups. Beginning in September, the Sub-Groups should meet at the earliest possible date and remain at the call of their chairmen with the objective of setting out by the end of the year key issues needing further negotiation in general codes or other solutions. The Group "Non-Tariff Measures" agreed that a maximum effort should be made by all participants in this regard.

Special procedures for negotiations between developed and developing countries on non-tariff measures

7. Taking into account the relevant provisions of the Tokyo Declaration, Group "Non-Tariff Measures" agreed that the procedure applicable to developing countries in the negotiations on non-tariff measures would be as follows:

- (a) Individual developing countries or groups of developing countries will submit lists of initial requests for any non-tariff concessions and commitments to developed countries by 1 November 1977 if possible, on a product-by-product or line-item basis, including requests for concessions and commitments on measures on which solutions are being sought on a multilateral basis, with a copy to the secretariat. All measures considered to be non-tariff measures by the requesting developing countries including those for which multilateral solutions are being considered may be included in the initial request lists. Requests may be modified or requests for additional concessions and commitments submitted as the negotiations proceed.
- (b) The non-tariff measures requests submitted by developing countries in the tropical products negotiations which are still pending or which were not fully met, will be considered as having been resubmitted by interested developing countries following a communication to that effect sent to the developed country concerned by 1 November if possible, with a copy to the secretariat. Requests on tropical products will not lose their special and priority character.
- (c) Developed countries wishing to do so will submit to developing country participants indicative lists of non-tariff measures of their export interests in the markets of the developing countries concerned, by 1 November 1977, it being understood that indicative lists may be modified or additional lists submitted as the negotiations proceed.
- (d) Copies of the request or indicative lists referred to in paragraphs (a), (b) and (c) above, together with lists of requests by developed countries addressed to other developed countries will be circulated by the secretariat to all participants in the negotiations to ensure transparency of negotiations in this field, subject to requirements of confidentiality.
- (e) Arrangements will be made for bilateral and plurilateral consultations and negotiations with respect to the requests lists between participants making requests and those to which requests are addressed. The indicative lists may also be subject to consultations among the participants concerned.
- (f) In keeping with the procedures for the submission of offers under the general procedures, priority and special attention will be given in presenting offers, to the requests submitted by developing countries especially when such requests relate to products of which developing countries are individually or jointly principal or substantial suppliers, with a view to ensuring substantial benefits for the international trade of developing countries.

(g) Having regard to developments in the negotiations as a whole, within a reasonable period of time after the offers are presented by developed countries, developing countries in a position to do so will indicate on a provisional basis their contributions to the negotiations. Such contributions will be finalized not on a sectoral basis but in the light of the additional benefits they receive from the negotiations as a whole.

8. (a) The application of differential measures for developing countries in ways which will provide special and more favourable treatment for these countries, where feasible and appropriate in the non-tariff negotiations, will be reverted to at the next meeting of the Group, on the basis of proposals put forward by interested participants with the objective of reaching understandings on these issues sufficiently in advance of the date for submission of offers to enable developed countries to apply them in the formulation of their offers.

(b) In developing multilateral solutions within their respective areas of work, the Sub-Groups should identify specific ways for providing differential and more favourable treatment for developing countries, where feasible and appropriate, with the objective of reaching an understanding on these issues before the end of the year.

(c) In the application of differential measures for developing countries, the particular situation and problems of the least developed among the developing countries shall receive special attention and treatment in accordance with the provisions of the Tokyo Declaration including its paragraph 6.

(d) Developing countries stressed that their acceptance of the programme of work was conditional to satisfactory agreements in respect of special procedures and special and differential measures applicable to them.