

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

C/W/385/Add.1

28 May 1982

Limited Distribution

COUNCIL

NOTIFICATION AND SURVEILLANCE

Addendum

At the meeting of the Council on 31 March 1982 the Chairman recalled that in November 1981 it had been agreed that it would be helpful if delegations were to reflect on the comments made by the Director-General at that meeting and on the questions raised in the discussion, so that they could comment on the issues related to this subject. Those comments and questions are contained in the Minutes of the November 1981 meeting (C/M/153).

In this context, a communication received from the delegation of Canada is reproduced hereunder.

Any further communications from delegations will be circulated as additional addenda to the present document.

List of illustrative questions on notification and surveillance

1. What is the legal basis for notification?
What legal or practical purpose is served by it?
2. Is notification related directly to a specific change in an import régime (or proposed change) e.g. Article II, XII, XVIII, XIX, XXVIII, Framework Declaration, or more generally in support of transparency of the system, e.g. Article X, XVI, XVII, and licensing notifications?
3. What has been the record of contracting parties as regards both kinds of reporting requirement?
4. Are considerations which prompted establishment of the reporting requirement still valid?
If not, why not?
Should the requirement be reconsidered?
Are questionnaires on which certain notifications are based (e.g. Articles XVI and XVII) and licensing, unduly complex, detailed, or repetitive, and if so, should they be revised?

./.

5. Are the original objectives of notification requirements being met?
Are notifications comprehensive enough?
Is there duplication or overlap, e.g. with respect to licensing and import restrictions?
6. Are notifications required from some contracting parties (waivers, Article XXIV) being made in timely and useful fashion?
Similarly, this question could be posed as regards the operation of the surveillance and dispute settlement mechanisms.
7. Two years following adoption of the Framework Declaration, what has been the contracting parties' experience in the operation of GATT dispute settlement mechanism?
Has there been more frequent recourse?
Why?
What have been the results of recourse to panels?
Is the overall effect of the dispute settlement mechanism such that it engenders growing confidence within the international trade policy community (at business, official, and political levels) in GATT as an effective tool to manage trade issues?
If not, why not?
To what extent are any perceived weaknesses in the system amenable to procedural solutions?

More specifically:

8. Is the panel procedure, from request to panel report, taking too long?
Should consideration be given to establishing understandings in this regard?
9. Is sufficient use being made of senior trade representatives from capitals and other sources of expertise, to serve on panels, a practice envisaged in the Framework Declaration?
Could the use of such resources be helpful in speeding the work of panels?
10. What is the rôle of the secretariat in the panel deliberations?
Is something further to Item 6(IV) in the annex to the Framework Declaration required to clarify the rôle of the secretariat, particularly in its capacity as guardian of the General Agreement?
11. Should there be an understanding as regards Council adoption of report?