

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED
LIC/W/10
14 January 1981
Special Distribution

Committee on Import Licensing

DRAFT MINUTES OF THE MEETING HELD ON 12 DECEMBER 1980

Chairman: Mr. T. Kawamura

1. The Committee on Import Licensing held its third meeting on 12 December 1980.
2. The agenda for the meeting was as follows:

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3. In opening the meeting, the Chairman welcomed on behalf of the Committee, four contracting parties that had recently signed the Agreement on Import Licensing Procedures: Czechoslovakia, India, Romania and Yugoslavia.

4. The status of acceptances of the Agreement on Import Licensing Procedures was circulated in document LIC/W/3/Rev.1.

A. Requests for Observer Status

5. The Chairman stated that, after informal consultations, he believed there was a consensus for granting observer status to Mexico, Thailand and Venezuela. It was so decided.

6. The representative of the United States said that they reserved the right to review the question of observer status of any non-contracting parties at a future date if necessary.

B. Procedures for accession of non-contracting parties

7. The Chairman recalled the discussion on this item at the previous meeting of the Committee and drew attention to a draft proposal (annexed) by the secretariat along the lines of the procedures adopted by the Committee on Technical Barriers to Trade.

8. After an exchange of views on this proposal the Committee agreed to revert to the question at its next meeting and that, pending the adoption of formal procedures for accession of non-contracting parties, any non-contracting party which wished to accede to the Agreement under Article 5.1(c) would indicate this fact in a letter addressed to the Chairman of the Committee, a copy of which would also be sent to the GATT secretariat.

C. Organization of review under Article 5.5

D. Information available on Import Licensing

9. The Chairman drew the attention of the Committee to LIC/W/8 and LIC/W/8/Add.1, a secretariat proposal on the organization of reviews and information required, and LIC/W/6 and Addenda 1-19, containing the information at present available, and suggested that due to the interrelated nature of the two items they could be usefully discussed together.

10. The representative of Japan stated that it was the view of his delegation that the information required under the Agreement on Import Licensing should be collected on the basis of LIC/W/6 and Addenda 1-19. The Committee could then proceed to examine on an item-by-item basis whether the requirements of the Agreement were being met. He drew the attention of the Committee to similar procedures that had been adopted in the Committee on Technical Barriers to Trade.

11. The representative of the United States stated that the organization of reviews and the collection of information was an interrelated exercise. His delegation felt that there should be a meeting of the Committee early next year to examine whether the information available to the Committee provided a factual basis for the Review. This examination could be on a signatory-by-signatory basis. The Committee could then conduct the Review of the Agreement, on an item-by-item basis at a second meeting.

12. The representative of the European Economic Community stated that they agreed with the secretariat proposal to hold an annual review before the next session of the CONTRACTING PARTIES. Their delegation could accept the suggestion by the delegation of the United States to have a meeting early next year in preparation for the annual review. Their delegation however, wanted clarification of the term "systematic and regular examination of information" used in the secretariat paper. It was their opinion that while a review was a clear obligation contained in the Agreement on Import Licensing, the systematic and regular examination of information was not. They would suggest an ad hoc and practical approach to the examination of information.

13. The representative of Norway stated that the secretariat proposals relating to the systematic and regular examination of information went

too far in relation to what was agreed at the last meeting. He further stated that the term "best efforts used in relation to supplying the full text of relevant law and regulation in a GATT language was stretching the obligation of the Agreement too far.

14. The representatives of Sweden, Austria and Finland also stated that translation of laws and regulations into a GATT language was onerous and in their view not an obligation required by the Agreement.

15. The Chairman stated that it was his view that no obligations which went beyond the requirements of the Agreement would be required. The secretariat paper contained proposals, in response to a request by the Committee at its last meeting.

16. The representative of New Zealand stated that in their view at the next meeting early next year, signatories could raise questions on licensing procedures adopted by other signatories. He further stated that in the interests of efficiency it would be useful if delegations who had detailed questions on other signatories' procedures notified the signatories of such questions well in advance of the meeting.

17. The representative of Canada stated that they could agree to the suggestion to hold one meeting early next year to examine information available and another later in the year to conduct the Review. He further stated that the information relating to Canada contained in the secretariat document LIC/W/6/Add.4 was seriously out-of-date and incorrect. Canada would very shortly be providing an updated response to the GATT questionnaire on licensing (L/3515).

18. The representative of Austria stated that additional information on Import Licensing procedures would be supplied before the end of 1980.

19. The representative of Australia said that a revised and consolidated response to the GATT Questionnaire on Licensing would be sent to the secretariat shortly. Australia would also supply information under the requirements of the Agreement relating to Publication and Public Notice, very soon.

20. The representative of the United Kingdom speaking on behalf of Hong Kong informed the Committee that under the procedures adopted by the Committee on Import Licensing Hong Kong had supplied information on an automatic licensing system for textiles (LIC/1/Add.14). Hong Kong had also provided an updated answer to the GATT Questionnaire on Licensing. Information in accordance with procedures adopted by the Committee on Import Licensing was now under preparation and would be sent to the secretariat shortly.

21. In reply to a question by the representative of the European Economic Community for clarification of the term "in principle" contained with reference to the public notice of quotas in COM.IND/W/55/Add.11/Corr.3 - COM.AG/W/72/Add.11/Corr.3, the representative of Japan stated that the question would be transmitted to Tokyo and a reply sent to the delegation of the European Economic Community.

22. In conclusion, the Committee agreed that the first Review of the Agreement under Article 5.5 would take place shortly before the next session of the CONTRACTING PARTIES. The Committee also agreed that in the first review particular attention should be given to the following main points:

1. Information

- 1.1 Publication

- 1.2 Public Notice

- 1.3 Notifications relating to the relevant laws and regulations
2. Administration of automatic licensing
3. Administration of non-automatic licensing
4. Any particular problems of developing countries
5. Consultation and dispute settlement
6. Final provisions

The Committee also agreed that it would meet early next year with a view to establishing a factual basis for such a review. At this meeting the Committee would have before it document LIC/W/6 and Addenda containing information available to the secretariat as of 24 October 1980 plus any further information received and a paper by the secretariat on items 4, 5 and 6 of the Review.

E. Election of Officers for 1981

23. The Committee elected Mr. R. Trioli (Italy) as Chairman and Mr. A. Jara (Chile) as Vice-Chairman for 1981.

F. Date of next meeting

24. The Committee decided to hold its fourth meeting on 6 and 7 April 1981. The agenda for this meeting would be drawn up by the Chairman in consultation with delegations and would include

- (1) Procedures for Accession of Non-Contracting Parties, and
- (2) The Establishment of a Factual Base for the Annual Review.

ANNEX

PROCEDURES FOR ACCESSION OF NON-CONTRACTING PARTIES
TO THE AGREEMENT ON IMPORT LICENSING PROCEDURES

The Committee

1. Notes the provisions of Article 5.1(c) of the Agreement and the statement on this subject accepted by the Trade Negotiations Committee at its meeting of April 1979 (MTN/P/5, paragraphs 2, 4 and 9),
2. Agrees that any non-contracting party which wished to accede to the Agreement under Article 5.1(c) would indicate this fact in a letter addressed to the Chairman of the Committee, a copy of which would also be sent to the GATT secretariat,
3. Agrees that requests for accession of such governments would be considered on a case-by-case basis,
4. Agrees that documents LIC/W/2 and LIC/W/4 could be taken into account in any such consideration,