

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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CONTRACTING PARTIES
Fifty-First Session

SUMMARY RECORD OF MEETING

**Held at the International Conference Centre, Geneva,
on Tuesday, 12 December 1995, at 10.15 a.m.**

Chairman: Mr. Mounir Zahran (Egypt)

Subjects discussed:

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On opening the Session, the CHAIRMAN noted that this would be the final Session of the CONTRACTING PARTIES to the GATT.

Adoption of the Agenda

The CHAIRMAN noted that the Provisional Agenda was contained in L/7650.

The Agenda was adopted (L/7653).

Order of Business

The CHAIRMAN drew attention to the Proposed Order of Business circulated in W.51/1 which provided an outline of the organization of work during the Session. He proposed beginning with the presentation of reports, followed by consideration of the report of the Council and finally the general statements by contracting parties.

The CONTRACTING PARTIES approved the Order of Business as proposed in W.51/1.

Presentation of reports

Presenting the report of the Council (L/7651), its Chairman, Mr. W. Armstrong (New Zealand), said it was clear that with the entry into force on 1 January 1995 of the broader and more strengthened

multilateral trading system embodied in the Agreement Establishing the World Trade Organization, the forum to which governments brought their problems and took up issues arising from the day-to-day handling of their trade policies had shifted from the Council of the GATT 1947 to the General Council of the WTO. The range and the importance of the Council's activities during this year of transitory coexistence between the GATT 1947 and the WTO had therefore also been correspondingly reduced as governments concentrated on bringing into effective implementation the new multilateral trading system. As contracting parties would have noted from the report, the Council had held two regular meetings and six special meetings since the Fiftieth Session. The second regular meeting of the Council had been held only the day before, and for this reason an addendum to the report would be prepared by the Secretariat to reflect the proceedings of that meeting. At that meeting, the Council had again considered the dispute settlement matters considered at its meeting in May, and had noted that the positions of delegations on these matters remained unchanged. The Council had also heard from delegations on the non-implementation of a panel report that had been previously adopted but not fully implemented. Finally, the Council had considered several routine matters before it, which included reports from the Committees on Balance-of-Payments Restrictions, and Budget, Finance and Administration, as well as a report from the United States on the operation of the Caribbean Basin Economic Recovery Act in 1993 and 1994.

Presenting an oral report on the work of the Committee on Trade and Development, its Chairman, Mr. H. Siraj (Malaysia), noted that the Committee would become the Committee on Trade and Development under the WTO. The GATT Committee had not met in formal session in 1995, but the WTO Committee had held four meetings during the year. Since the report on this Committee would be presented to the WTO General Council, he briefly outlined the work of the GATT Committee on Trade and Development. Until the late sixties, the strong link between trade and development was not recognized. Though development was the issue of Article XVIII of the General Agreement it fell short of providing for an integrated approach to trade and development in the GATT system. However, with the establishment in November 1964 of the Committee on Trade and Development and the adoption in February 1965 of Part IV of the GATT the situation had changed. For about fifteen years the Committee had monitored the implementation of Part IV of the GATT, including the important concept of non-reciprocity. It had played an important rôle in recognition being given within the GATT to the Generalized System of Preferences negotiated in the UNCTAD. The "Enabling Clause"¹ adopted on the completion of the Tokyo Round in 1979 had since been presented as a major element of the special and differential treatment provided by the GATT system to developing countries and the mandate of the Committee had been enlarged to also review the implementation of this Clause. The Sub-Committee on Trade of Least-Development Countries established at about the same time, had aimed to give special attention to their particular situation. The completion of the Uruguay Round had brought many improvements to the multilateral trading system. One of the main achievements had been the integration of developing countries into the multilateral rules-based system of the GATT and its successor, the WTO. Developing-country participation in these negotiations had been substantially different to that in the previous Rounds; while continuing to seek special and differential treatment, the main emphasis had been on obtaining better market access for products of their trade interest. In this regard, they had recognized that this required better access to their own markets, though not necessarily on a reciprocal basis. A main activity of the Committee during the Round had been to provide a forum for continuous monitoring of the progress in the negotiations. The increased discipline brought under the Uruguay Round to international trade required efforts by all and posed a great challenge to the international community, which required a coherent reply from all countries and various international organizations to ensure real progress. He stressed the difficult situation of the least-developed countries, and believed their integration into the globalized economy should be placed high on the future agenda. A major task of the WTO Committee on Trade and Development would be to ensure that the efforts of developing countries would come to fruition.

¹Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (BISD26S/203).

The CHAIRMAN then drew attention to the following reports of the Committees and Councils charged with the implementation of the MTN Agreements and Arrangements: Committee on Trade in Civil Aircraft (L/7655), Committee on Technical Barriers to Trade (L/7646), Committee on Import Licensing (L/7644), International Dairy Products Council (L/7657), International Meat Council (L/7658), Committee on Government Procurement (L/7647), Committee on Anti-Dumping Practices (L/7654), Committee on Subsidies and Countervailing Measures (L/7652) and Committee on Customs Valuation (L/7648).

The CONTRACTING PARTIES took note of the reports of the Committee and Councils charged with the implementation of the MTN Agreements and Arrangements, and of the statements.

Report of the Council (L/7651)

The CHAIRMAN referred to the report of the Council of Representatives on its work since the Fiftieth Session. He noted that the Council at its last meeting held on 11 December had agreed to authorize the Secretariat to incorporate as an addendum to this report, following its adoption by the CONTRACTING PARTIES, a description of the proceedings of that meeting.

Point 5. Recourse to Articles XXII and XXIII

Sub-point 5(a). European Economic Community

- (i) Member States' import régimes for bananas
- (ii) Import régime for bananas

Sub-point 5(b). United States

- (i) Restrictions on imports of tuna - Recourse by the European Community and the Netherlands

Mr. Kenyon (Australia) regretted that it had not been possible for the Council to adopt the panel reports on the régimes on bananas in the European Communities and the second panel report on imports of tuna into the United States, and that the scope for their adoption had rapidly diminished. However, despite the fact that these reports might not be adopted, they should be published in the BISD series. He recalled that the first report on tuna² had been published in the BISD series despite the fact that it had not been adopted. The publication of these reports, the contents of which were already largely in the public domain, would not affect the status of these reports, but rather would be a move in the direction of transparency in relation to significant panel reports in the history of GATT.

Mr. Jansen (European Communities) said that it was not possible to change a standing policy in the GATT, according to which unadopted panel reports could not be derestricted nor published in the BISD series. Panel reports which had not been adopted by the CONTRACTING PARTIES had no standing in GATT law. He noted that the report of the first panel on tuna had been published after the parties to the dispute had agreed to its derestriction. The Community, as a party to the panel reports under discussion, could not agree to their derestriction nor to Australia's proposal, in the absence of the adoption of these reports.

The CONTRACTING PARTIES took note of the statements and adopted the report of the Council (L/7651).

²United States - Restrictions on imports of tuna - Recourse by Mexico (BISD 39S/155).

Activities of GATT

The following general statements were made:

Mr. R. Ruggiero PRESS/35
Director-General to the CONTRACTING PARTIES to the GATT

Mr. K. Kesavapany SR.51/ST/1
Ambassador, Permanent Representative of Singapore
Chairman of the WTO General Council

Mr. S. Harbinson SR.51/ST/2
Permanent Representative of Hong Kong

Chairman's concluding address

The CHAIRMAN made a concluding address (PRESS/36).

Closure of the Session

The Session closed at 12 noon.