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SECOND SESSION OF THE PREPARATORY COMMISSION
OF THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT.

TARIFF AGREEMENT COMMITTEE

Summary Record of the 15th Meeting held
on Wednesday, 10 September, 1947, at 2.30
p.m. in the Palais des Nations, Geneva.

CHAIRMAN: Hon. L.D. WILGRESS (Canada).

Establishment of a Legal Drafting Committee

The Committee approved the proposal of the Tariff Negotiations Working Party that a Legal Drafting Committee be established to perform functions similar to those performed by the corresponding committee during the Charter discussions, with the qualification that the major responsibility for securing conformity between the French and English texts should be assumed by the Representatives on the Legal Drafting Committee of the French speaking Delegations. The CHAIRMAN drew the attention of the Legal Drafting Committee to the fact that articles which are common to the Charter and to the General Agreement should not deviate in respect of their texts except to the extent necessary to adapt the text of an article in the Charter to the General Agreement. In accordance with the recommendation of the Working Party, the Committee approved the following nominations to the Legal Drafting Committee:

Dr. Dorn (Cuba) - Chairman
Mr. Catudal (United States)
Baron de Gaffier (Belgium)
M. Royer (France)
Mr. Whittome (United Kingdom)

Article XXVII - Amendments

Mr. DAG (China) raised certain questions concerning the amendment of the schedules and also proposed that amendments

to those Articles in Part I of the Agreement similar to Articles in the Charter should become effective upon acceptance by two-thirds of the contracting parties.

After some discussion the CHAIRMAN ascertained that the Committee was not willing to adopt the proposals of the Delegate of China but was prepared to accept an amendment by the United States Representative whereby the following words would be added at the end of Paragraph 2: "and thereafter for each other contracting party upon acceptance by it."

The Committee adopted a further amendment to this paragraph proposed by Mr. SHACKLE (United Kingdom) to add at the beginning of the paragraph the words "except as otherwise provided for in this Agreement" and to add the word "and" between the first and second sentences of the paragraph. Mr. DAO indicated that the amendments proposed by the United States and United Kingdom Representatives were acceptable to him.

In view of the action taken the previous day whereby Paragraph 1 became a separate article, the Committee adopted the suggestion of the United Kingdom Delegation that, in Paragraph 2, the words "or of Article XXVII", should be added after "of this Article".

The text of Paragraph 2, as amended, was approved and, as a consequence, Paragraph 4 was deleted.

The Committee considered proposals by Mr. ADARKAR (India) for deleting the second sentence of Paragraph 3 or of amplifying the provisions of that paragraph to conform with Paragraph 2 of Article 95. After discussion the Committee adopted, subject to possible drafting improvement by the Legal

Drafting Committee, the following text for the second sentence of Paragraph 3:

"The Committee may decide that any amendment made effective under this Article is of such a nature that any contracting party which has not accepted within a period specified by the Committee shall be free to withdraw from this Agreement or to remain a contracting party only with the consent of the Committee."

Article XXVIII - Withdrawal

At the suggestion of the CHAIRMAN the date of November 1 was changed to January 1, 1951 to conform with Article XXVI.

The Committee agreed to a suggestion by Mr. SHACKLE that the word "one" should be changed to "any" and the words "not less than" preceding "six months" should be deleted.

The Committee agreed that the question of the possible need for cross-references to Articles XXI, XXVII, etc. should be examined by the Legal Drafting Committee, having in mind particularly the corresponding provisions in Paragraph 7 of Article 97 in the Draft Charter.

Dr. AUGENTHALER (Czechoslovakia) withdrew the amendment previously proposed by his Delegation concerning withdrawal, in view of the subsequent clarification of the matter of provisional application.

Article XXIX - Status of Prior International Obligations

Dr. AUGENTHALER withdrew the alternative text previously proposed by his Delegation and suggested instead that the whole of Article XXIX should be deleted. After considerable discussion the Committee agreed to the complete deletion of the Article on the understanding that definitive acceptance of the General Agreement would require a contracting party

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not to allow any prior obligations to stand in the way of carrying out the provisions of the Agreement even though it might be necessary as a consequence to terminate an existing agreement.

The meeting rose at 6.15 p.m.