

THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE C ON GENERAL COMMERCIAL PROVISIONS

(ARTICLES 32 - 39)

NOTES ON THIRTEENTH MEETING

Held on 12 January 1948, at 3.00 p.m. in Conference Room B

Chairman: Mr. C. E. MORTON (Australia)

ARTICLE 33

1. The Sub-Committee continued its discussion on the Report of Working Party I, composed of the representatives of Cuba, Lebanon, United States and the United Kingdom, as given in White Paper 2836 of 7 January, the amended draft proposed by the Netherlands, the drafts of paragraph 6 proposed by Argentina and Brazil, and an amendment to the Brazilian draft proposed by the representative of Pakistan.

The representative of the Union of South Africa supported the draft proposed by Working Party I.

The CHAIRMAN proposed, and the Sub-Committee approved, reference of all the above-mentioned amendments to the Working Party I as originally constituted, enlarged by the addition of the representatives of Brazil and the Netherlands, with the representative of Australia acting as Chairman.

ARTICLE 34

2. The Sub-Committee discussed the report submitted by the delegation of the United States on paragraph 5 (G.C.P./W.P.3), in which he suggested the deletion of sub-paragraph 5 (d), and submitted the text of an explanatory Note to be appended to paragraph 5. The representative of the United States explained that the deletion of sub-paragraph 5 (d) was proposed with some misgivings, and that his alternative proposal was to retain this sub-paragraph as a new paragraph 6. The representatives of New Zealand and the United Kingdom supported this latter suggestion.

The CHAIRMAN requested the representative of the United States to reconsider this subject in the light of the original amendment of Uruguay (Item 36) and the discussion in the Sub-Committee.

/ARTICLE 35

ARTICLE 35

3. The Sub-Committee considered the proposal of the delegation of Uruguay (Item 45) for a new paragraph dealing with the action which should be taken in respect of customs offences for which the statutory penalty is a monetary one only.

The general sense of the Sub-Committee was that this was a matter of purely domestic concern and was in most cases satisfactorily dealt with in national legislation. The representative of Uruguay withdrew his proposal.

4. The Sub-Committee discussed the proposal of Afghanistan (Item 46) regarding improvement of transport facilities. The Sub-Committee was generally in sympathy with this amendment but was of the opinion that such matters should be dealt with by bilateral negotiation between countries concerned. It was further considered that the amendment related more closely to Article 32, if in fact its purpose is not already covered under Article 69.

The CHAIRMAN proposed, and the Sub-Committee agreed to establish a Working Party (No. IV) composed of the representatives of Afghanistan, France, Lebanon, Pakistan, United Kingdom and the United States, with the representative of Australia acting as Chairman to consider whether there was any need to include in the Charter the content of the Afghanistan proposal and if so, whether its proper place was in Article 69 or Article 32.

5. The Sub-Committee decided to recommend that the Geneva Note to paragraph 5 (Item 44) be retained.

6. The representative of Brazil withdrew his reservation (Item 47) and requested that it be recorded in the Report of the Sub-Committee that this withdrawal was made on the understanding that charges connected with exchange control may be maintained under terms and conditions approved by the International Monetary Fund (White Paper 2030 - 22 December 1947).

ARTICLE 36

7. The Sub-Committee discussed the proposal of the delegation of Cuba (E/CONF.2/C.3/6 - Item 3). The representative of France, supported by the representative of the United Kingdom, expressed the view that the Cuban amendment was related to Tariff Classification, and not to Marks of Origin.

The CHAIRMAN proposed, and the Sub-Committee agreed, to constitute a Working Party (No. V) composed of the representatives of Cuba, France, United Kingdom and the United States, to consider what action should be taken regarding the Cuban proposal.

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