

THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE C ON GENERAL COMMERCIAL PROVISIONS
(ARTICLES 32 - 39)

NOTES ON SIXTEENTH MEETING

Held on 16 January 1948, at 6.00 p.m. in Conference Room A

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

ARTICLE 33 - ANTI-DUMPING AND COUNTERVAILING DUTIES

The representative of Australia introduced the second report of the Working Party I, (G.C.P/W.P/9) which consists of the representatives of Australia, Brazil, Cuba, Lebanon, Netherlands, United Kingdom and the United States and explained the changes which appear in the second report as affecting the first report No. 2836 of 7 January.

Paragraph 1

The new wording of this paragraph as given in G.C.P/W.P/9 was unanimously accepted by the Sub-Committee.

The Sub-Committee unanimously agreed to incorporate the Note on Hidden Dumping in the form stated in White Paper 2836 of 7 January.

Paragraph 2

This paragraph was unanimously approved as set out in Annex to G.C.P/W.P/9.

The Sub-Committee unanimously approved the Note to paragraph 2 as given in G.C.P/W.P/9, page 2, paragraph 4, which relates to the collection of bonds and/or cash deposits pending determination of the "margin of dumping" in cases of suspected or apparent dumping.

Paragraphs 3, 4 and 5 of the Geneva text, now renumbered 4, 5 and 6, were unanimously approved. In lines 7 and 8 of paragraph 5 the words "to prevent or" were deleted and the word "to" was placed between "materially" and "retard" in line 8.

Paragraph 6 - Geneva Draft - and Note

The Sub-Committee agreed to delete paragraph 6 and the Note to this paragraph as stated in the Geneva Draft. The representative of Argentina, although not opposed to the deletion of paragraph 6, reaffirmed his proposal
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to replace the paragraph by the text given in G.C.P/W.P/9, page 2.

The Sub-Committee discussed the proposal of the Philippine delegation (Item 25) to rearrange the order of the paragraphs of Article 33. In view of the changes to the Geneva Draft, proposed by this Report of the Working Party, it was decided that the present order of the paragraphs was perhaps the most satisfactory one.

The representative of the United States proposed and the Sub-Committee agreed to publish as an official document both white papers No. 2836 of 7 January and G.C.P/W.P/9 of 15 January, containing the Reports of the Working Party on paragraphs 1 and 2 of Article 33.

ARTICLE 35 - FORMALITIES CONNECTED WITH IMPORTATION AND EXPORTATION

The CHAIRMAN stated that agreement was reached between the representatives of Peru and of the International Monetary Fund on the amendment to the Note to paragraph 5 of the Geneva Draft which will be published in due course for consideration by the Sub-Committee.

ARTICLE 38 - INFORMATION, STATISTICS AND TRADE TERMINOLOGY

The CHAIRMAN stated that the new redraft of the Norwegian proposal to amend this Article has been published as an official paper, and will be discussed at the next meeting.

ARTICLE 39 - BOYCOTS

The representative of the United States, after reviewing the changes successively made in this Article as compared with the form in which it was initially presented in the United States proposals, stated that the Article in its present form was entirely ineffective and should not be incorporated in the Charter. He therefore proposed the deletion of this Article.

After having taken the sense of the Sub-Committee, the CHAIRMAN stated that the deletion of Article 39 was unanimously approved.

NOTES:

- (i) In document E/CONF.2/C.3/W.13, paragraph 6 on page 2 should read:

"The representative of Brazil dealing with the reservation of his delegation (Item 47) stated that if the content of the Note to paragraph 5 of Article 35 of the Geneva Draft (Item 44) was to be retained, his delegation would withdraw its reservation. The CHAIRMAN proposed and the Sub-Committee agreed to retain this Note."

- (ii) In document E/CONF.2/C.3/W.15, page 2, the third sentence of paragraph 3 should read:

"The representatives of Cuba and the United States suggested that it should be made sufficiently clear.....".